

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

IN THE MATTER OF:

JAVIER HORACIO ARMENGAU
Ohio Atty. Reg. No. 0069776
RESPONDENT

WESTERN DIVISION
FILED
JUL 14 2014
CLERK OF COURT
SUPREME COURT OF OHIO

2014-0997

Case No.: 1:14-MC-041
Chief Judge Susan J. Dlott

ORDER

On June 16, 2014, and pursuant to Rule V (5)(a)(A)(1)(b), relator, Columbus Bar Association, filed a motion for immediate interim remedial suspension pursuant to Gov.Bar R. V(5a), alleging that respondent, **Javier Horacio Armengau**, has engaged in conduct that violated the Ohio Rules of Professional Conduct and poses a substantial threat of serious harm to the public.

On July 8, 2014, and pursuant to Gov. Bar R. V(5a)(B) of the Supreme Court Rules for the Government of the Bar of Ohio, an interim remedial suspension was entered against **Javier Horacio Armengau**, an attorney licensed to practice law in the State of Ohio.

IT IS THEREFORE ORDERED that pursuant to Rule I of the Model Federal Rules of Disciplinary Enforcement, adopted by this Court on February 1, 1979, respondent is immediately suspended from the practice of law in this court for an interim period. Respondent is hereby ordered to cease and desist from the practice of law in any form and is forbidden to appear on behalf of another before this court.

IT IS FURTHER ORDERED that respondent is forbidden to counsel, advise, or prepare legal instruments for others or in any manner perform services of any kind for others which would constitute the practice of law in this court. Respondent is also forbidden to hold himself out to another or to the public as being authorized to perform legal services, and respondent is hereby divested of each and all of the rights, privileges and prerogatives customarily accorded to a member in good standing of the Bar of this court.

IT IS FURTHER ORDERED that within 30 days from the date of filing of this order, the respondent shall:

1. Notify all clients being represented in pending matters in this court and any co-counsel of respondent's suspension and consequent disqualification to act as an attorney after the effective date of this order, and, in the absence of co-counsel, also notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in respondent's place;

I certify that this is a true and correct copy of the original filed in my office on 7-9-2014
JOHN P. NEWMAN, CLERK
Date: 7-9-2014

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JUL 14 2014
CLERK OF COURT
SUPREME COURT OF OHIO

2. Regardless of any fees or expenses due respondent, deliver to all clients being represented in pending matters in this court any papers or other property pertaining to the clients, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property;

3. Regarding any actions pending in this court, refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in possession or control of respondent;

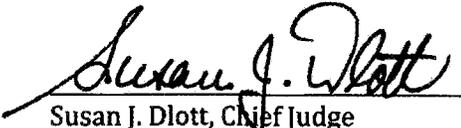
4. Notify opposing counsel in pending litigation in this court, in the absence of counsel, the adverse parties, of respondent's disqualification to act as an attorney after the effective date of this order;

5. All notices required by this order shall be by certified mail and shall contain a return address where communications may thereafter be directed to respondent;

6. File with the Clerk of this court an affidavit showing compliance with this order and proof of service of notices required therein. Such affidavit shall set forth the address where the affiant may receive communications and the Clerk shall be kept advised of any change of address;

7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

IT IS FURTHER ORDERED that the Clerk of this court shall cause a copy of this order to be served on said respondent, by certified mail, return receipt requested, at **Javier H. Armengau LPA, 857 South High Street, Columbus, Ohio 43206** and issue certified copies of this order to the Disciplinary Counsel of the Supreme Court of Ohio, to the Clerks of the Supreme Court of the United States and the United States Court of Appeals for the Sixth Circuit, to the National Discipline Data Bank, to the United States Bankruptcy Court for the Southern District of Ohio, and to be published to this courts official website.


Susan J. Dlott, Chief Judge
United States District Court
Southern District of Ohio

FILED

JUL 08 2014

CLERK OF COURT
SUPREME COURT OF OHIO

The Supreme Court of Ohio

Columbus Bar Association,
Relator,
v.
Javier Horacio Armengau,
Respondent.

Case No. 2014-0997

ORDER

On June 16, 2014, and pursuant to Gov.Bar R. V(5a)(A)(1)(b), relator, Columbus Bar Association, filed with this court a motion for immediate interim remedial suspension pursuant to Gov.Bar R. V(5a), alleging that respondent, Javier Horacio Armengau, has engaged in conduct that violates the Ohio Rules of Professional Conduct and poses a substantial threat of serious harm to the public. Respondent filed a response, and this matter was considered by the court.

Upon consideration thereof and pursuant to Gov.Bar R. V(5a)(B), it is ordered and decreed that an interim remedial suspension is immediately entered against Javier Horacio Armengau, Attorney Registration No. 0069776, last known business address in Columbus, Ohio, and that the suspension be effective as of the date of this entry, pending final disposition of disciplinary proceedings predicated on the conduct threatening the serious harm. It is further ordered pursuant to Gov.Bar R. V(8)(F) that within 10 days of the date of this order, relator shall appoint an attorney to inventory the files of respondent and take action, including action set forth in Gov.Bar R. V(8)(E), as is necessary to protect the interest of the clients of respondent.

It is further ordered that respondent immediately cease and desist from the practice of law in any form and that respondent is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency, or other public authority.

It is further ordered that effective immediately, respondent is forbidden to counsel, advise, or prepare legal instruments for others or in any manner perform legal services for others.

It is further ordered that respondent is hereby divested of each, any, and all of the rights, privileges, and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio.

It is further ordered that before entering into an employment, contractual, or consulting relationship with any attorney or law firm, respondent shall verify that the attorney or law firm has complied with the registration requirements of Gov.Bar R. V(8)(G)(3). If employed pursuant to Gov.Bar R. V(8)(G), respondent shall refrain from direct client contact except as provided in Gov.Bar R. V(8)(G)(1) and from receiving, disbursing, or otherwise handling any client trust funds or property.

It is further ordered that pursuant to Gov.Bar R. X(13), respondent shall complete one credit hour of continuing legal education for each month, or portion of a month, of the suspension. As part of the total credit hours of continuing legal education required by Gov.Bar R. X(13), respondent shall complete one credit hour of instruction related to professional conduct required by Gov.Bar R. X(3)(B) for each six months, or portion of six months, of the suspension.

It is further ordered that respondent shall not be reinstated to the practice of law in Ohio until (1) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar of Ohio, (2) respondent complies with this and all other orders issued by this court, (3) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio, and (4) this court orders respondent reinstated.

It is further ordered by the court that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F). It is further ordered by the court that if after the date of this order the Clients' Security Fund awards any amount against respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of that award.

It is further ordered that on or before 30 days from the date of this order, respondent shall do the following:

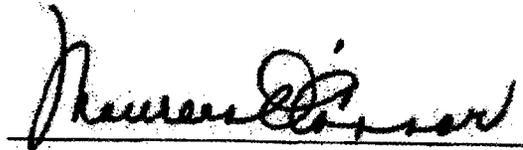
1. Notify all clients being represented in pending matters and any co-counsel of respondent's suspension and consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in respondent's place;
2. Regardless of any fees or expenses due, deliver to all clients being represented in pending matters any papers or other property pertaining to the client or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property;
3. Refund any part of any fees or expenses paid in advance that are unearned or not paid and account for any trust money or property in his possession or control;
4. Notify opposing counsel or, in the absence of counsel, the adverse parties in pending litigation of his disqualification to act as an attorney after the effective date of this order and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files;
5. Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent;
6. File with the clerk of this court and disciplinary counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of the notices required herein, and setting forth the address where respondent may receive communications; and
7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

It is further ordered that respondent shall keep the clerk, the Columbus Bar Association, and disciplinary counsel advised of any change of address where respondent may receive communications.

It is further ordered that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings. All case documents are subject to Sup.R. 44 through 47, which govern access to court records.

It is further ordered that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the Office of Attorney Services.

It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.

A handwritten signature in black ink, appearing to read "Maureen O'Connor", written over a horizontal line.

Maureen O'Connor
Chief Justice