

ORIGINAL

IN THE SUPREME COURT OF OHIO

Lorain County Bar Association, :
 Relator, : CASE NO: 2014-1516
 v. :
 Rami Majed Awadallah, :
 Respondent. :

RESPONDENT'S MOTION FOR LEAVE
 TO ANSWER RELATOR'S CERTIFIED COMPLAINT AND
 REQUEST TO TERMINATE INTERIM DEFAULT SUSPENSION

TIMOTHY T. BRICK (0040526)
Counsel of Record
KEVIN R. MARCHAZA (0087965)
Gallagher Sharp
 Sixth Floor – Bulkley Building
 1501 Euclid Avenue
 Cleveland, OH 44115
 (216) 241-5310 (Telephone)
 (216) 241-1608 (Facsimile)
 Email: tbrick@gallaghersharp.com
kmarchaza@gallaghersharp.com

Counsel for Respondent

D. CHRIS COOK (0061073)
 The Commons
 520 Broadway, Third Floor
 Lorain, Ohio 44052
 (440) 246-2665
 Email: cooklaw@centurytel.net
Counsel for Relator

RICHARD A. DOVE (0020256)
 Secretary, Board of Commissioners on
 Grievances and Discipline
 65 South Front Street,
 Fifth Floor
 Columbus, Ohio 43215
 (614) 387-9370
 Email: rick.dove@sc.ohio.gov

RECEIVED
 OCT 20 2014
 CLERK OF COURT
 SUPREME COURT OF OHIO

FILED
 OCT 20 2014
 CLERK OF COURT
 SUPREME COURT OF OHIO

BRIEF IN SUPPORT

Respondent Rami Majed Awadallah, through undersigned counsel, and, pursuant to Rule 6a(C) of the Rules for Government of the Bar, respectfully moves this Honorable Court for leave to file the attached Answer to Relator's Certified Complaint and further requests that the Court remand the matter to the Board so that it may be resolved on its merits. (*See* attached Answer of Respondent to Certified Complaint identified as Exhibit "A"). Respondent further requests that the Court terminate the interim default suspension imposed upon Respondent on October 9, 2014 so that Respondent may continue to represent his clients throughout the proceedings.

Under Gov. Bar R. V(6a)(C), a respondent may, within 180 days of the date of the Court's entry of an interim default judgment suspension, file a motion for leave to file an answer to a certified complaint. The respondent may also include within the motion for leave a request to terminate the interim default suspension for good cause. *Id.*

There is no question that Respondent has failed, among other things, to answer the Certified Complaint, respond to the notice of intent to certify default, and respond to the Court's Order to Show Cause. There is nothing to justify or excuse the neglect Respondent has demonstrated thus far, and he apologizes to this Court, the Board, and Relator for his inaction in these proceedings. Despite the many missteps made by Respondent in the present proceedings, he should not be precluded from causing this matter to be remanded to the Board for resolution upon its merits (as opposed to being remanded for permanent disbarment proceedings as Relator has requested). To effectuate that process, Respondent has attached his Answer to Relator's Certified Complaint. (*See* Exh. "A").

Until recently, Respondent was without legal representation in this matter. Indeed, Respondent formally retained¹ undersigned counsel to represent him on October 8, 2014, at which time counsel first learned of the Show Cause order and that the time period in which to respond to it had already expired. Before counsel could file a response to the Show Cause order on behalf of Respondent, the Court entered its October 9, 2014 Order imposing an interim default suspension against Respondent.

Yesterday, October 16, 2014, undersigned counsel informed Relator's counsel of its intention to file the instant motion and assure counsel that Respondent obtained representation and intends to remand this matter to the Board for resolution upon its merits. Shortly thereafter, undersigned counsel received a service copy of Relator's Motion to Remand to Board for Default Proceedings, pursuant to Gov. Bar R. V(6a)(D) ("Relator's Motion"). In its Motion, Relator requests that the matter be remanded to the Board so that permanent disbarment proceedings may be initiated. Relator also refers to various alleged misconduct by Respondent, none of which have been proven by clear and convincing evidence. Because Relator has failed to meet its burden required of it by the Rules for Government of the Bar, and now that Respondent has submitted his Answer to the Certified Complaint, permanent disbarment is not warranted and Relator's Motion should be denied.

Respondent further asks the Court to find that there exists "good cause" to terminate the interim default suspension. *See* Gov. Bar R. V(6a)(C). Respondent does not attempt to excuse or justify his inaction – he only wishes to demonstrate, although long-overdue, why it is imperative that he regain the privilege to practice law and continue representing his clients.

¹ As a result of Respondent's failure to timely notify his insurance carrier about the present matter, Respondent forfeited his right to receive coverage for his defense in this matter.

Shortly after the Complaint became certified in this case, Respondent's relationship with his previous employer terminated and he began representing clients as a solo practitioner. Faced with the numerous allegations in the Certified Complaint and trying to maintain his solo practice, Respondent admits he became overwhelmed. Regrettably, Respondent never sought counsel nor informed his professional liability insurance carrier of the present matter. Instead, Respondent focused his attention on serving his clients and, against his better judgment, neglected this matter although completely aware of the inevitable consequences that awaited him.

Despite his shortcomings exhibited thus far in these proceedings, Respondent should be permitted to continue practicing law until he is found by clear and convincing evidence to have engaged in misconduct warranting suspension. The main reason for this is because Respondent's clients value and rely upon him. The Certified Complaint alleges facts relative to Respondent's dealings with a company during a brief period of time in his career, but it is, by no means, a representative depiction of who Respondent is as an attorney. Most importantly, the Complaint fails to illustrate Respondent's devotion toward representing members of his community. As a Palestinian attorney with the ability to speak fluently in both Arabic and English, Respondent is a commodity within the Arabic-speaking community. Respondent's clients depend greatly on his services and will certainly suffer hardship in the wake of his recently imposed interim suspension from the practice of law – a hardship that Respondent admits he caused through his neglect of the current proceedings.

Respondent does not contend that his interim suspension is unwarranted. To the contrary, he understands the consequences for his inaction, and he accepts full responsibility for his failures to respond to the Court's, Board's, and Relator's efforts in prosecuting this matter. However, given that the primary purpose behind attorney discipline is to protect the public,

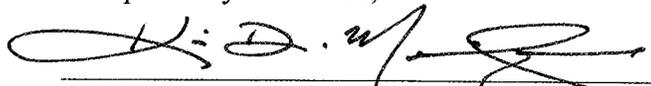
Respondent implores the Court to allow him to continue to represent those clients who depend on his legal services. *See Disciplinary Counsel v. Troller*, 138 Ohio St. 3d 307, 311, 2014-Ohio-60, 6 N.E.3d 1138. Given the time sensitivity and current status of this case, Respondent believed it to be prudent to file the current Motion and Answer as soon as possible, but if necessary to establish the requisite good cause, Respondent will supplement this motion with testimonials of his clients demonstrating their trust for him as well as the value that they place within Respondent as their attorney.

Respondent, now being represented by counsel, believes that he can continue to represent his clients competently while fully cooperating with the Court, the Board, and Relator in this case. Respondent requests that the Court allow him the opportunity to continue representing his clients throughout the duration of these proceedings while he addresses the merits of the Certified Complaint.

CONCLUSION

For the above reasons, Respondent Rami Majed Awadallah respectfully requests that this Court grant him leave to file the attached Answer of Respondent to the Certified Complaint, remand this matter to the Board for resolution upon its merits, deny Relator's Motion, and terminate the interim default suspension imposed against Respondent on October 9, 2014.

Respectfully submitted,



TIMOTHY T. BRICK (0040526)

KEVIN R. MARCCHAZA (0087965)

Gallagher Sharp

Sixth Floor -- Bulkley Building

1501 Euclid Avenue

Cleveland, OH 44115

(216) 241-5310 (Telephone)

(216) 241-1608 (Facsimile)

Email: tbrick@gallaghersharp.com

Counsel for Respondent

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing was served via e-mail and ordinary mail on this 17th day of October, 2014, to:

D. CHRIS COOK (0061073)
The Commons
520 Broadway, Third Floor
Lorain, Ohio 44052
(440) 246-2665
Email: cooklaw@centurytel.net

Counsel for Relator

RICHARD A. DOVE (0020256)
Secretary, Board of Commissioners on
Grievances and Discipline
65 South Front Street,
Fifth Floor
Columbus, Ohio 43215
(614) 387-9370
Email: rick.dove@sc.ohio.gov



TIMOTHY T. BRICK (0040526)
KEVIN R. MARCHAZA (0087965)
Counsel for Respondent

**BEFORE THE BOARD OF COMMISSIONERS
ON GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO**

<i>In re:</i>)	CASE NO. 14-039
)	
LORAIN COUNTY BAR ASSOCIATION)	
LEGAL ETHICS AND GRIEVANCE)	ANSWER OF RESPONDENT TO
COMMITTEE)	CERTIFIED COMPLAINT
)	
Relator,)	
v.)	
)	
RAMI M. AWADALLAH, ESQ.)	
)	
Respondent.)	

Respondent, Rami M. Awadallah, hereby responds to the Certified Complaint as follow:

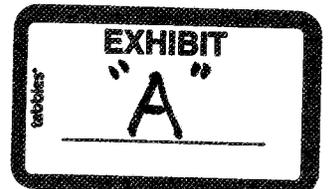
1-3. Respondent admits the allegations contained in Paragraphs 1 through 3 of the Certified Complaint.

4. Respondent denies the allegations contained in Paragraph 4 of the Certified Complaint and more accurately states that his current status as an attorney in the State of Ohio is still "Active" as indicated on the Court's website, but Respondent is currently serving an interim default suspension imposed by the Court in this matter.

5-12. Respondent admits the allegations contained in Paragraphs 5-12 of the Certified Complaint.

13. Respondent denies, as stated, the allegations contained in Paragraph 13 of the Certified Complaint.

14-15. Respondent denies for want of knowledge the allegations contained in Paragraphs 14 through 15 of the Certified Complaint.



16-17. Without intending to deny that Attorney Meckler sent Respondent a letter, Respondent denies for want of knowledge the allegations contained in Paragraphs 16 through 17 of the Certified Complaint.

18. Respondent denies for want of knowledge the allegations contained in Paragraph 18 of the Certified Complaint.

19-20. Without intending to deny that Attorney Meckler sent a copy of Attorney Kilroy's letter to Respondent, Respondent denies for want of knowledge the allegations contained in Paragraphs 19 through 20 of the Certified Complaint.

21-22. Respondent denies for want of knowledge the allegations contained in Paragraphs 21 through 22 of the Certified Complaint.

23-24. Without intending to deny that Attorney Meckler sent copies of Attorney Kilroy's letters to Respondent, Respondent denies for want of knowledge the allegations contained in Paragraphs 23 through 24 of the Certified Complaint.

25-28. Respondent denies for want of knowledge the allegations contained in Paragraphs 25 through 28 of the Certified Complaint.

29-30. Without intending to deny that Attorney Meckler sent copies of Attorney Kilroy's letters to Respondent, Respondent denies for want of knowledge the allegations contained in Paragraphs 29 through 30 of the Certified Complaint.

31. Respondent denies for want of knowledge the allegations contained in Paragraph 31 of the Certified Complaint.

32-33. Without intending to deny that Attorney Meckler sent a copy of Attorney Kilroy's letter to Respondent, Respondent denies for want of knowledge the allegations contained in Paragraphs 32 through 33 of the Certified Complaint.

34-35 Without intending to deny that Attorney Meckler sent information to Respondent, Respondent denies for want of knowledge the allegations contained in Paragraphs 34 through 35 of the Certified Complaint.

36-37. Respondent denies for want of knowledge the allegations contained in Paragraphs 36 through 37 of the Certified Complaint.

38. Respondent admits to not responding to all inquiries during the investigation, but denies as stated the allegations contained in Paragraph 38 of the Complaint.

39. Respondent denies for want of knowledge the allegations contained in Paragraph 39 of the Certified Complaint.

40. Respondent denies for want of knowledge the allegations contained in Paragraph 40 of the Certified Complaint.

41-43. Without intending to deny that a Notice of Intent to File with a Certified Copy of a Complaint and Investigative Summary with Exhibits in Support and any drafts were served upon Respondent, Respondent denies for want of knowledge the allegations contained in Paragraphs 41 through 43 of the Certified Complaint.

44. Respondent admits that he never attended the meeting of The Committee.

45. Respondent admits that he has never produced professional liability insurance for the periods of representation at issue and affirmatively states that he did, in fact, possess professional liability insurance at all times relevant to the Certified Complaint.

FACTUAL ALLEGATIONS I
(ATTORNEY JOHN P. KILROY GRIEVANCE)

46. Respondent incorporates and restates his responses to the allegations above.

47. Respondent admits the allegations contained in Paragraph 47 of the Certified Complaint.

48. Respondent denies for want of knowledge the allegations contained in Paragraph 48 of the Certified Complaint.

49. Without intending to deny that Respondent filed a complaint, Respondent denies as stated the allegations contained in Paragraph 49 of the Certified Complaint.

50. Respondent denies the allegations contained in Paragraph 50 of the Certified Complaint.

51-53. Respondent denies the allegations contained in Paragraphs 51-53 to the extent that they are inconsistent with the Reply and further answers by stating that the Reply speaks for itself.

54. Without intending to deny that Respondent filed a complaint, Respondent denies as stated the allegations contained in Paragraph 54 of the Certified Complaint.

55. Respondent admits that he did not appear at the scheduled hearing before the LCBR on Moore's Complaint, and affirmatively states that he believed the hearing had been properly waived.

56. Without intending to deny that the complaint had been dismissed, Respondent denies as stated the allegations contained in Paragraph 56 of the Certified Complaint.

57. Respondent denies the allegations contained in Paragraph 57 of the Certified Complaint and affirmatively states that Tax Compliance Services filed the notice of appeal without Respondent's knowledge or authorization.

58. Respondent denies the allegations contained in Paragraph 58 of the Certified Complaint.

59. Respondent admits the allegations contained in Paragraph 59 of the Certified Complaint and affirmatively states that he was not aware that an appeal had been filed.

60-62. Respondent denies for want of knowledge the allegations contained in Paragraphs 60 through 62 of the Certified Complaint.

63. Respondent admits the allegations contained in Paragraph 63 of the Certified Complaint.

64. Respondent denies for want of knowledge the allegations contained in Paragraph 64 of the Certified Complaint.

65. Respondent admits that he filed complaints on behalf of the individuals identified in Paragraph 65(A)-(I) and further admits that he did not appear at their respective scheduled hearings before the LCBR.

66. Respondent admits the allegations contained in Paragraph 66 of the Certified Complaint and affirmatively states that Respondent believed the hearings had been properly waived.

67. Without intending to deny that the LCBR denied the requested valuations, Respondent denies, as stated, the allegations contained in Paragraph 67 of the Complaint.

68. Respondent admits that he, personally, did not obtain the individuals' informed consent to waive the hearings nor did he inform them of the potential adverse consequences of failing to appear at said hearings

69. Respondent admits that he filed complaints on behalf of the individuals identified in Paragraph 69(A)-(F) and further admits that he did not appear at their respective scheduled hearings before the LCBR.

70. Respondent admits the allegations contained in Paragraph 70 of the Certified Complaint and affirmatively states that Respondent believed that the hearings had been properly waived.

71. Respondent admits that he did not appear at nine hearings on the May 6, 2013 docket of LCBR. Further answering, Respondent believed that the hearings were properly waived.

72. Respondent denies for want of knowledge that the property owners appeared at three of the hearings on the May 6, 2013 LCBR docket and admits the remaining allegations contained in Paragraph 72 of the Certified Complaint.

73. Respondent denies for want of knowledge the allegations contained in Paragraph 73 of the Certified Complaint.

74. Respondent admits the allegations contained in Paragraph 74 of the Certified Complaint.

75. Respondent admits that he did not appear at the scheduled hearing before the LCBR and affirmatively states that he believed that the hearing had been properly waived.

76. Respondent denies the allegations contained in Paragraph 76 of the Certified Complaint.

77. Respondent denies the allegations contained in Paragraph 77 of the Certified Complaint.

78-79. Respondent admits the allegations contained in Paragraphs 78 through 79 of the Certified Complaint.

80. Respondent admits that he did not appear at the scheduled hearing before LCBR for Pedraza's case and affirmatively states that he believed that the hearing had been properly waived.

81. Respondent denies the allegations contained in Paragraph 81 of the Certified Complaint.

82. Respondent admits the allegations contained in Paragraph 82 of the Certified Complaint.

83. Respondent denies for want of knowledge the allegations contained in Paragraph 83 of the Certified Complaint.

84. Respondent denies the allegations contained in Paragraph 84 of the Certified Complaint.

85. Respondent admits that he filed numerous complaints with the LCBR in 2012 and 2013 and further admits that he did not appear at a single hearing for any of them. Further answering, Respondent believed that the hearings had been properly waived.

86. Respondent admits the allegations contained in Paragraph 86 of the Certified Complaint.

87-89. Respondent denies for want of knowledge the allegations contained in Paragraphs 87 through 89 of the Certified Complaint.

90-91. Without intending to deny that Respondent filed four complaints against the Valuation of Real Property for individual property owners or that hearings were scheduled, Respondent denies as stated the allegations contained in Paragraphs 90-91 of the Certified Complaint.

92-93. Respondent denies for want of knowledge the allegations contained in Paragraphs 92 through 93 of the Certified Complaint.

94-95. Respondent denies the allegations contained in Paragraphs 94-95 to the extent that they are inconsistent with the OBTA docket and further answers by stating that the docket speaks for itself.

96-100. Respondent denies for want of knowledge the allegations contained in Paragraphs 96 through 100 of the Certified Complaint.

101. Respondent denies the allegations contained in Paragraph 101 to the extent that they are inconsistent with the OBTA docket and further answers by stating that the docket speaks for itself.

102. Respondent admits the allegations contained in Paragraph 102 of the Certified Complaint.

103. Respondent denies for want of knowledge the allegations contained in Paragraph 103 of the Certified Complaint.

104. Respondent denies the allegations contained in Paragraph 104 to the extent that they are inconsistent with the OBTA's order and further answers by stating that the order speaks for itself.

105. Respondent admits that he never advised any of his clients that he did not carry professional liability insurance and further answers that he did carry professional liability insurance at all times relevant to the Certified Complaint.

FACTUAL ALLEGATIONS I

(SIMONSON INVESTMENTS, INC. GRIEVANCE)

106. Respondent incorporates and restates his responses to the allegations above.

107-118. Respondent denies for want of knowledge the allegations contained in Paragraphs 107 through 118 of the Certified Complaint.

119. Respondent denies the allegations contained in Paragraph 119 to the extent that they are inconsistent with the LCBR docket and further answers by stating that the docket speaks for itself.

120-126. Respondent denies for want of knowledge the allegations contained in Paragraphs 120 through 126 of the Certified Complaint.

127. Respondent denies the allegations contained in Paragraph 127 to the extent that they are inconsistent with the OBTA docket and further answers by stating that the docket speaks for itself.

128. Respondent denies the allegations contained in Paragraph 128 to the extent that they are inconsistent with the OBTA's order and further answers by stating that the order speaks for itself.

129. Respondent admits that he never advised any of his clients that he did not carry professional liability insurance and further answers that he did carry professional liability insurance at all times relevant to the Certified Complaint.

COUNT ONE
(ORPC 1.3 – *DILIGENCE*)

130. Respondent incorporates and restates his responses to the allegations above.

131-134. Respondent denies the allegations contained in Paragraphs 131 through 134 of the Certified Complaint.

COUNT TWO
(ORPC 1.4(a)(1-4) – *COMMUNICATION: INFORMED IN GENERAL*)

135. Respondent incorporates and restates his responses to the allegations above.

136-137. Respondent denies the allegations contained in Paragraphs 136 through 137 of the Certified Complaint.

COUNT THREE
(ORPC 1.4(c) – *COMMUNICATION: INSURANCE*)

138. Respondent incorporates and restates his responses to the allegations above.

139. Respondent admits the allegations contained in Paragraph 139 of the Certified Complaint.

140-141. Respondent denies the allegations contained in Paragraphs 140 through 141 of the Certified Complaint.

COUNT FOUR
(ORPC 5.4(a) – *PROFESSIONAL INDEPENDENCE OF A LAWYER*)

142. Respondent incorporates and restates his responses to the allegations above.

143-145. Respondent denies the allegations contained in Paragraphs 143 through 145 of the Certified Complaint.

COUNT FIVE
(ORPC 5.7(b) – *RESPONSIBILITIES REGARDING LAW-RELATED SERVICES*)

146. Respondent incorporates and restates his responses to the allegations above.

147-148. Respondent denies the allegations contained in Paragraphs 147 through 148 of the Certified Complaint.

COUNT SIX
(ORPC 8.1(b) & GOV. BAR R. V§(G) – *DUTY TO COOPERATE*)

149. Respondent incorporates and restates his responses to the allegations above.

150-152. Respondent admits that he has failed to respond to numerous efforts by the Board and Relator to prosecute this matter, but until a complete investigation of this matter can be completed, Respondent denies the allegations contained in Paragraphs 150 through 152 of the Certified Complaint.

COUNT SEVEN
(ORPC 8.4(c) – *MISCONDUCT*: DISHONESTY, FRAUD, DECEIT, OR
MISREPRESENTATION)

153. Respondent incorporates and restates his responses to the allegations above.

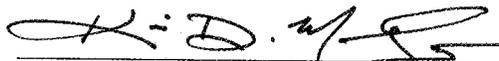
154-156. Respondent denies the allegations contained in Paragraphs 154 through 156 of the Certified Complaint.

COUNT EIGHT
(ORPC 8.4(d) – *MISCONDUCT*: CONDUCT PREJUDICIAL TO THE ADMINISTRATION
OF JUSTICE)

157. Respondent incorporates and restates his responses to the allegations above.

158-159. Respondent denies the allegations contained in Paragraphs 158 through 159 of the Certified Complaint.

Respectfully submitted,



TIMOTHY T. BRICK (0040526)

KEVIN R. MARCHAZA (0087965)

Gallagher Sharp

Sixth Floor – Bulkley Building

1501 Euclid Avenue

Cleveland, OH 44115

(216) 241-5310 (Telephone)

(216) 241-1608 (Facsimile)

Email: tbrick@gallaghersharp.com

kmarchaza@gallaghersharp.com

Counsel for Respondent

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing was served on the following via e-mail and ordinary mail this 17th day of October, 2014, to:

D. Chris Cook, Esq.
The Commons
520 Broadway, Third Floor
Lorain, Ohio 44052
(440) 246-2665
Email: cooklaw@centurytel.net

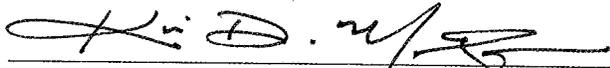
Counsel for Relator

Scott Drexel, Esq.
Supreme Court of Ohio
Office of Disciplinary Counsel
250 Civic Center Drive, #325
Columbus, OH 433215-7411

Jeannie Motylewski, Exec. Director
Lorain County Bar Association
627 Broad Street
Elyria, OH 44035

Richard A. Dove, Esq.
Secretary, Board of Commissioners on
Grievances and Discipline
65 South Front Street,
Fifth Floor
Columbus, Ohio 43215
(614) 387-9370
Email: rick.dove@sc.ohio.gov

Eugene P. Whetzel, Esq.
Ohio State Bar Association
Certified Grievance Committee
1700 Lakeshore Drive
Columbus, OH 43204



TIMOTHY T. BRICK (0040526)
KEVIN R. MARCENZA (0087965)
Counsel for Respondent