Supreme Court of Ohio Clerk of Court - Filed January 27, 2015 - Case No. 2014-1555

IN THE SUPREME COURT OF OHIO

In re:	:	
Application of	:	Case No. 2014-1555
Joseph V. Libretti, Jr.	:	

ANSWER BRIEF OF
APPLICANT JOSEPH V. LIBRETTI, JR.

Deborah Zaccaro Hoffman (0071599)
Law Office of Deborah Zaccaro Hoffman
The Jefferson Centre Building
5001 Mayfield Road, Suite 201
Lyndhurst, Ohio 44124
(216) 381-3400 (o) / (216) 381-3865 (f)
dzh@dzh-law.com (e)
Counsel for Amici Curiae Citizens' Institute For Law and Public Policy and CURE-Ohio

Cleveland Metropolitan Bar Association
Bar Admissions Committee
One Cleveland Center
1375 East 9th Street, Floor 2
Cleveland, OH 44114-1785

Paul G. Crist (0011894)
2233 Wellington Circle
Hudson, Ohio 44236
pgcrist@yahoo.com
Counsel for Cleveland Metropolitan Bar Association (CMBA)

Rob Wall (0082356), Staff Attorney
Ohio Justice and Policy Center
215 East Ninth Street, Suite 601
Cincinnati, Ohio 45202
Counsel for Amicus Curiae Ohio Justice and Policy Center

Upon further reflection and consideration of the arguments advanced by CMBA, Joe concedes that he requires more time to demonstrate he possesses the necessary requirements to become a full-fledged member of the Ohio bar. He desires to commit and re-commit himself, with the guidance of those who have extended themselves so far on his behalf, to learn and to practice the appropriate level of candor and judgment expected of a full-fledged member of the Ohio bar and to complete his transition back into the community.

Joe acknowledges that at the time of the November 15, 2013 hearing before the Board, he was not as open and candid as the Board needed him to be. He acknowledges that he became defensive and argumentative under cross-examination instead of displaying the necessary transparency expected in the professional context. He acknowledges that he should have volunteered more information regarding his business activities at the initial Admissions Committee interview as well as at the Board hearing, and believes that doing so would have prevented the course of events that has ultimately and unfortunately led to the hearing before this Court. Joe acknowledges again that he should have listed his involvement with Spice on his initial Application to Register As A Candidate, as well as his request for immunity even if the Application did not explicitly call for it. He acknowledges that his decision to associate with William Breeden in 2010 and all its resulting sequelae was an exercise in poor judgment, and realizes that his fate rests entirely in the hands of the justices of this Court of final resort in the State of Ohio.

Joe would only humbly request the possibility of being able to re-apply to register as a candidate for admission at some future date, yet to be determined, so he can continue to develop and demonstrate his character and fitness, and that the Court therefore not impose a permanent ban on his reapplication. As previously indicated in his Motion to Withdraw filed February 2,

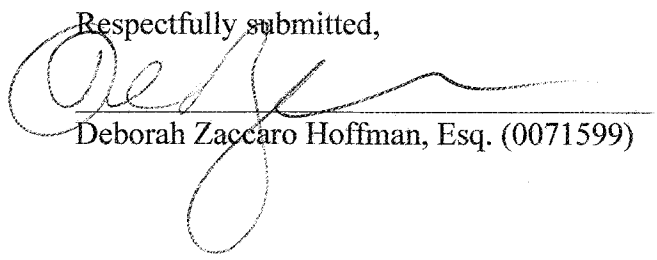
2014, he will obtain additional education in legal ethics and has requested additional speaking engagements with SporTech, the anti-drug and health awareness organization on whose behalf he previously spoke regarding recreational and prescription medications based on his experience. Although Joe's Application to Register As A Candidate has not been approved, in the interests of continued transparency he is preparing an additional Supplement with updates regarding business and litigation matters that will be provided to the Board shortly and supplemented to this Court. Further, a Notice of Dismissal of pending litigation is attached (Ex. A).

Lastly, in support of Joe's request and the interest of judicial economy, which would otherwise require a separate Motion to Supplement the Record, he submits the exhibits he provided at the hearing in the form of recommendation letters, which were omitted when the record was transmitted to this Court (Ex. B). These include a letter from the prosecutor in his 1992 criminal case and letters from many of those who have worked with him in the last few years and who have seen the progress he has made. An additional letter of support is submitted from Emily Hensley, who has been kind enough to waive confidentiality regarding her history of addiction and the effects of the drug trade on her life in support of Joe's efforts at redemption (Ex. C).

Joe respectfully requests the Court consider the information and exhibits and the arguments advanced by amici herein as evidence of his transitional character development. He is grateful to this Court and to the friends and supporters who have volunteered their time in supporting and guiding his efforts to become a licensed attorney.

Joe thanks the Court for its time.

Respectfully submitted,



Deborah Zaccaro Hoffman, Esq. (0071599)

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JOSEPH V. LIBRETTI, JR.,

Appellant,

-vs- Case No. 14-3266

STEVEN WOODSON,
IN HIS INDIVIDUAL CAPACITY,

Appellee.

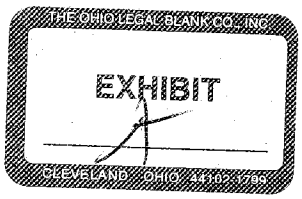
APPELLANT'S MOTION FOR VOLUNTARY DISMISSAL

The Appellant respectfully moves the court to dismiss this appeal pursuant to 42(b), Federal Rules of Appellate Procedure.

Respectfully submitted,

/s/ C. Timothy Murphy III
C. Timothy Murphy III, Esq.(0091128)
Murphy's Law, LLC
5247 Wilson Mills Road# 211
Cleveland, Ohio 44143
Phone:(440)941-3846
Fax:(440)290-4243
murphy@murphyslawllc.com

Counsel for Appellant



CERTIFICATE OF SERVICE

A copy of this document was filed electronically with the U.S. Court of Appeals for the Sixth Circuit on this 5th day of December, 2014. Service will be undertaken through the Court's electronic filing system.

/s/ C. Timothy Murphy III

C. Timothy Murphy III, Esq. (0091128)
Counsel for Appellant

LIBERTY & JUSTICE FOR ALL

GAY WOODHOUSE LAW OFFICE, P.C.

Gay Woodhouse
gay@woodhouselaw.com

Lori L. Brand – Associate*
gaywoodhouselaw2@aol.com

211 West 19th Street, Suite 308
Cheyenne, Wyoming 82001

307-432-9399
307-432-7522 (Fax)

*Also licensed in Colorado

April 13, 2005

Joseph V. Libretti
#04705-091
FCI Phoenix
Federal Correctional Institution
37910 North 45th Avenue
Phoenix, AZ 85086

EXHIBIT D

Dear Mr. Libretti:

I have been thinking about you over the years and even more so recently because I know that you will be released next year. My career has changed a great deal over the years and I am now working as a criminal defense attorney. My attitude about the long sentences which are being imposed on people who have been convicted of drug crimes has changed dramatically over the past several years. I have seen the disparate treatment of people who are convicted of drug offenses as opposed to huge financial crimes and other crimes. There is a marked difference between sentences for cases involving marijuana and those of methamphetamine or crack cocaine. The addition of any type of gun used or not really used in the drug trade also adds on significant mandatory minimum sentences, as you well know.

Now that I'm on the other side and I see the gung ho prosecutors always trying to get the absolute maximum sentence, I have a completely different perspective on it than I had when I was handling your case back in 1990 and 1991. I now see that a much shorter sentence would have the effect of deterring people and keeping the public safe. I also see that when people are addicted to these illegal substances (I know that you were not), no amount of prison time will help them if they don't get into a treatment program and learn how to live life without those substances. Of course, Congress has other ideas and their legitimate concerns about how to fight the drug war has been largely superficially fulfilled by keeping the federal prison population at record levels without confronting head on the underlying issues of finding ways to deal with the root causes of the drug problem in America.

THE OHIO LEGAL BLANK CO., INC.
EXHIBIT B

Leaving the philosophical discussion aside, I will tell you that I was extremely impressed by you as a young man. You were very ambitious, extremely bright and a true entrepreneur. Even at the time I was working on your case, I thought that you could have been a millionaire with your talent and hard work alone even at your young age no matter what course you decided to follow. I know from seeing your legal briefs and arguments that you have done on your behalf that you would have been an excellent attorney. You probably know more law and are a better legal researcher and writer than a lot of attorneys in the field.

In any event, I know that you will be released in a relatively short period of time. I have every confidence that you can continue using your considerable talents to make a good life for yourself and it is my sincere hope that you will be able to do so. I believe that the length of your sentence makes it much more difficult than it would have been had you been subject to a more reasonable sentence. I imagine, too, that your bitterness and hatred of the system no doubt has only grown over these many years. I cannot blame you for that at all. In fact, being on the defense side of the system, I can see the oppressive impersonal way the government deals with human beings and I cringe to think that at one time I was convinced this was the best and only way to deal with these problems.

It is my great hope that you will be able to put aside your bitterness and hatred of the system that has imprisoned you for so long and really accomplish great things in your life. I am sure this will be difficult, but I know that it is very hard for anyone to move forward when we are chained to the past by our own anger and hatred. I sincerely want to see you move forward and have a decent, productive and rewarding life in every possible way.

Sincerely,

GAY WOODHOUSE LAW OFFICE, P.C.

Gay Woodhouse

Gay Woodhouse

June 4, 2013

To: James N. Kline, Esq.
Warren Rosman, Esq.

Re: Application of Joseph Libretti

Dear Sirs:

I am writing to recommend Mr. Joseph Libretti for admission to the Bar.

Mr. Libretti has been a student of mine at Cleveland-Marshall College of Law. He was in my Legal Profession (Ethics) class this past fall semester and was, by far, the outstanding student among the 54 who took the course. He exhibited consistent diligence and understanding, not only of the often conflicting intricacies and specific requirements of the Model Rules and Ohio Rules of Professional Conduct, but also of the areas of discretion within those rules that call for an attorney to exercise judgment consistent with the highest levels of professionalism.

Mr. Libretti has been open with me and with others regarding his background, including the activity that led to his criminal conviction and imprisonment. I have had numerous conversations with him and believe he is determined that no such activity will ever be a part of his life again. I also believe he is fully capable of ensuring that it does not.

I am a current member and former Chair of the Grievance Committee of the Cleveland Metropolitan Bar Association, and a prior member and Chair of the Ohio Supreme Court Commission on Professionalism. I care very much about our profession and consider close examination of all those who seek to become part of it both appropriate and necessary. I would not write this letter were I not convinced that Mr. Libretti is worthy of our trust. I recommend him most highly.

Sincerely,

Stephen R. Lazarus

Stephen R. Lazarus
Associate Professor of Law

CM LAW

2121 EUCLID AVENUE, LB 138 | CLEVELAND, OHIO 44115-2214
PH: 216.687.2344 · FX: 216.687.6881
WWW.LAW.CSUOHIO.EDU

EXHIBIT
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ENERGY TRANSPORTATION INC.

P.O. Box 2848 • Casper, WY 82602 • 800-544-9458 • 307-266-4299 • Fax 307-266-1452

May 22, 2013

To Whom It May Concern:

I met Mr. Joseph Libretti in May of 2008. He had applied for a position in our company, Energy Transportation Inc. The previous year, 2007, we had generated gross revenues of $37,000,000.00, operating in the crane and rigging and heavy haul trucking industry. Our bookkeeper, of 13 years, was retiring and the person who we had trained for the position had backed out days before she was to start. We were in the midst of starting a $24,000,000.00 project, adding to payroll an additional 250 employees and purchasing an additional $20,000,000.00 in equipment. We had no bookkeeper. I requested Joe come to work for us and head up the bookkeeping dept. He reminded me of his past, as well as his absence from the industry, and was unsure of his ability to succeed. I reminded him of riding a bicycle as a child, as well as his consideration of doing something that would place him back where he had been. He decided to take on the responsibility and he committed to do his best.

Together we ramped the business up to speed with Joe managing the finances of what turned out to be the best year in the company's history, generating $62,000,000.00 in revenue, and a significant profit margin. A new bookkeeper came on line in August, but Joe continued to handle the majority of the load. His work ethic was unquestionable. Although accounting came in at 8:00 AM, Joe was here daily at 6:00 AM with the rest of field management and crews. We never once asked him to come in that early, he just took it upon himself to be available and do whatever he felt necessary to help make the company succeed on a daily basis. The new bookkeeper developed family problems and left our employment in December of that year. Again, Joe stepped up and ran the show.

As the nation's economy had started into a tailspin, our workload dropped off significantly in 2009. With considerable assets on the books and no revenue to offset debt service, Joe and I had to come up with a plan for significant equipment liquidation without cutting too deep to jeopardize our base book of business. Joseph was invaluable in planning this task as well as the follow thru to make it happen. From projected income statements and balance sheets, Joe worked diligently to develop a business plan that fit the times. We worked our plan and succeeded to not only survive but prosper in what has been described as the most difficult economic times in three

EXHIBIT 2

generations. It is conditions like these that bring out character in an individual. Without a doubt, Mr. Libretti has character. He was invaluable in the process of survival.

Joe requested we release him to enable him to pursue his legal career. He felt he would be a greater asset to us with his degree. Reluctantly, we agreed. Whatever Mr. Libretti did to side track his life, he more than redeemed himself with our organization. I trusted him with the responsibility of handling millions of dollars daily. Throughout his service with our company, he never once did anything to jeopardize his credibility.

In closing, I consider Mr. Libretti a trusted friend, and more important, business associate. In my mind, Mr. Libretti is honest, trustworthy, and has as strong of work ethic as anyone I have been associated with through my 30 years in business. He is welcome to return to Energy Transportation Inc at any time. We look forward to the day he is ready. I strongly recommend him for any position he is requesting.

Dan McGlade, President

Energy Transportation Inc

ROBERT KNECHT SCHMIDT

B.S., M.S., Reg. U.S. Pat. Agent No. 65,458
1721 Fulton Road
Cleveland OH 44113
(216) 534-1721
robertks@gmail.com

To the evaluators of character and fitness for the Ohio Bar:

Since I met Joseph Libretti on the day we both started law school in August 2010, he has become a friend, valued study partner, and trusted confidant. Prior to beginning law school, I had trained as an engineer and became a registered U.S. patent agent, in which capacity I assist inventors, as a legal representative, in obtaining patents on inventions. During my academic pursuits in engineering school, I was selected for the engineering honors societies Tau Beta Pi and Eta Kappa Nu, whose members are chosen on the basis not just of scholastic standing, but character and leadership, placing special emphasis in honesty and integrity in academic and professional work. In my capacity as a patent practitioner, I treat as solemn not just my duties of care, confidentiality, and loyalty in working with my clients, but also my special duties of candor and good faith in dealing with the Patent Office under Patent Rule 56, which include the duty to disclose to the Patent Office all information known to me to be material to patentability in each case I am associated with, to help ensure that no patent is granted inequitably. In my personal life, too—interactions with friends and neighbors which on occasion give rise to dispute—I have always sought justice and fairness. I mention all of this only to point out that I take matters of personal integrity and character seriously in all spheres of life. More, I thought, than anyone I knew—until I came to know Joe.

Simply, Joe is a man of superlative character. I am able to say this earnestly, in spite of his complicated past, because I have come to know Joe well by his habits and his philosophy. His first priorities have always been his law studies and his work in his law clinic, in which realms he exhibits prodigious discipline and stamina, never failing to be fully prepared for a class, routinely working for 16-plus-hour stretches when exams approach or an assignment is due, at times making himself a fixture of the law library. Though his efforts and accomplishments have aroused envy on the part of some of our law school colleagues, that has never kept Joe from placing others above himself, reaching out to classmates to help them make the grade. Joe possesses uncannily even-keeled senses for loyalty and fairness; never have I heard him criticize another *ad hominem*, nor can I envision him falling prey to a temptation to gossip. I know him to be concerned, caring, accountable, faithful, and honest.

Confronted with absurdity or injustice, Joe stays positive. His ethic is one of soft-spoken, patient progress. In his studies and writings, Joe seeks always not just the right answer, but to know what is right, in any given set of circumstances. The questions he asks of our professors seem designed not just to help us learn the law, but to learn how the law serves the ideals of justice and liberty, or how it might be perfected toward those aims.

Although I realized Joe was a unique and intellectually talented person when I first met him, my admiration for his commitment to ideals of integrity and faith in the legal system has grown as I have come to know him. I have observed both his natural successes and his struggles over obstacles, including an unjust incarceration that interrupted his first year of law school, and would have devastated any ordinary person, but which only a person like Joe could turn into a triumph through his perseverance. I believe in Joe Libretti. He is not merely of the requisite character and fitness to practice as an attorney: he would do credit to the profession, and he would raise the bar, as he has done for myself and so many others during his time at Cleveland–Marshall College of Law.

If I can be of further service in your evaluation of Joe's character and fitness, please do not hesitate to contact me.

Yours sincerely,

Robert Knecht Schmidt 2013-06-04

Robert Knecht Schmidt
J.D./M.B.A. candidate, May 2014, Cleveland–Marshall College of Law and Monte Ahuja College of Business, CSU
Registered U.S. Patent Agent No. 65,458

EXHIBIT
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CLEVELAND-MARSHALL COLLEGE OF LAW

OFFICE OF THE DEAN

June 5, 2013

Office of Bar Admissions
Supreme Court of Ohio
65 South Front Street, 5th Floor
Columbus, Ohio 43215-3431

Dear Office of Bar Admissions:

I am writing this letter to accompany the Legal Intern Certificate that I signed for Joseph Libretti. I felt compelled to provide an explanation for my signing of this certificate in light of Mr. Libretti's past criminal record. My knowledge of his past does not cause me to doubt Mr. Libretti's character and fitness to practice law. While here at Cleveland-Marshall College of Law, Mr. Libretti has proven himself to be an ethical and hard-working person. While his criminal record on its own may raise questions about his character, Mr. Libretti has since convinced me that he has overcome his past and now has the ability to serve effectively and ethically as an attorney. Mr. Libretti has been an outstanding student who ranks near the top of his class. He has also integrated well into the fabric of the law school and has gained the respect of students and faculty. For these reasons, I signed the attached certificate and support his request to practice as a legal intern.

If you would like to discuss this matter further, please feel free to contact me at (216) 687-2300.

Sincerely yours,

Mark J. Sundahl
Associate Dean for Administration

Enclosure

CM LAW

2121 EUCLID AVENUE, LB 138 : CLEVELAND, OHIO 44115-2214
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EXHIBIT
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Date: June 5, 2013

To : Character and Fitness Committee Members of the Ohio State Bar

From: Malcolm MacLeod Chandler

Subj: Mr. Joseph V. Libretti, Jr.

Dear Committee Members,

I am writing this letter on behalf of my friend and fellow law student, Mr. Joe Libretti, in hopes that you will find him of good character and fit to become an attorney in the State of Ohio. Please let me begin by telling you a little bit about myself, so that my words will carry their intended conviction. I am a combat veteran with over twenty-five service connected decorations. My twenty-some years of government service include sixteen years as a Federal Agent. During that service, I have been assigned to protective details for three Presidents and the Justices of the United States Supreme Court. I am a highly skilled investigator and have been recognized as an expert witness in Federal Court. I have recruited and handled numerous confidential informants during these investigations. I have received advanced training as an interrogator through the Reid School. I have completed seven undercover narcotics smuggling operations, one of which required me to live with two members of the Cali Cartel for two weeks. I suffered debilitating injuries during a high-speed boat chase / shootout with twelve narco-terrorists in 2003, for which I have been undergoing vocational rehabilitation at Cleveland-Marshall College of Law since 2009. I believe that my life's experiences and professional training have enabled me to be an excellent judge of character.

I have come to know Joe through my law school and social experiences since he started there in 2010. I had heard the rumors at school about Joe's prior convictions. A number of students avoided Joe for this reason. I had observed him at school as a "loner," keeping to himself, with no apparent friends or associates.

Being more familiar with our criminal justice system than most of my fellow students, my experience told me that if I believed in that system, I must also believe that convicted persons could be rehabilitated and given a second chance. In some strange way I felt a kinship with Joe, we were both middle-aged men seeking to rehabilitate our vocations. So, when I found myself sitting next to Joe in my Legal Profession class (ethics and responsibilities) and he asked if he could study with our

EXHIBIT
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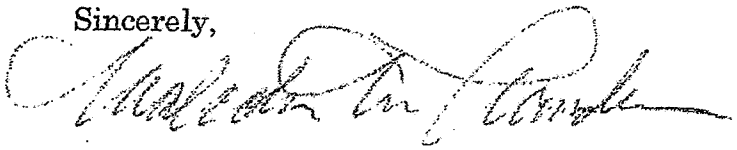
group, we befriended him by saying yes. Joe contributed greatly to our study group. He exhibited a high degree of ethical reasoning to derive at the proper conclusions. I wasn't surprised when he later told me how well he did on the MPRE. Joe also helped explain some of the finer points of the Model Rules of Professional Conduct to other study group members. He always showed a mastery of this subject in his arguments, and a deep respect for the legal profession.

I also spent a summer semester working with Joe in the Fair Housing Law Clinic. Joe was a tremendous asset. He showed a sincere desire to help our clients in their causes. He worked well with other team members preparing court documents and legal research. Joe's people skills are superlative. Joe is normally pretty reserved and quiet. Many of our clients would wait to call us at the last minute, just days before they had to appear in court or be evicted. Joe had a calming influence on them and the ability to get the necessary facts from them so we could prepare their cases. After a few successful court cases, the word got out and people would call and ask for Joe by name.

These experiences with Joe lead me to recommend him to my neighbor and friend, attorney Tony Vegh. Tony had asked me to help him with one of his cases as a legal intern. I knew that I would be unable to devote the time necessary, so I told Tony about Joe. Tony later interviewed Joe and hired him as a law clerk at Vecchio & Vegh, Tony's law firm. Tony thanked me for recommending Joe.

I've never known Joe to go to bars or clubs. Joe has attended dinners and social functions at my house with area professors, Cleveland Clinic executives, and other friends of mine. Joe Libretti remains a welcome guest in my home. I consider Joe Libretti to be a true and loyal friend of mine. He has told me of his past and expressed his sincere remorse for his prior actions. It takes a person of extremely high character to even admit their wrongs, let alone to persevere to a higher calling as Joe has in the face of this adversity. I give him all due credit for his strength and tenacity during the process of his rehabilitation. I believe that Joe will make a fine officer of the court and reflect highly upon anyone willing to give him a second chance, as I am.

Sincerely,



Malcolm MacLeod Chandler

June 5, 2013

James N. Kline
Ulmer & Berne LLP
Suite 1100
1660 West 2d Street
Cleveland, OH 44113

Warren Rosman
Weston Hurd LLP
Suite 1300
1301 East 9th Street
Cleveland, OH 44113

Re: Joseph V. Libretti

Gentlemen:

I have known Joseph V. Libretti since he was a first year student in my Torts course. On the basis of his outstanding performance in that class I hired Mr. Libretti as a research assistant. Again his performance was outstanding.

I am aware of Mr. Libretti's criminal history. I have no desire to attempt to excuse or minimize that history. It is however, entirely inconsistent with my experience with Mr. Libretti. The Joseph Libretti today, the Joseph Libretti I have come to know very well, is extremely competent, hard working, conscientious, honest and truthful. In summary, my experience is that Joseph V. Libretti has the character and fitness required for admission to the practice of law in the State of Ohio.

Please do not hesitate to contact me at 216.687.2263 or stephen.gard@law.csuohio.edu if you have any questions.

Sincerely,

Stephen W. Gard

Stephen W. Gard
Professor of Law

EXHIBIT
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(440) 967-4620 (HOME)

FROM THE DESK OF
DANIEL DROPKO

(440) 985-8365 (MOBILE)

September 26, 2013

To Whom it May Concern:

I am writing to endorse Mr. Joseph Libretti's candidacy for membership in the Ohio Bar. I first met Mr. Libretti during his first year of law school at Cleveland-Marshall College of Law. At that time (I am now retired) I was manager of the Academic Excellence Program. Prior to that, I had been an Assistant Public Defender for 13 years in Jacksonville, Florida.

My responsibilities in the Academic Excellence Program included academic counseling for at-risk law students. Typically, however, many excellent students would seek my advice from time to time. These were students, like Mr. Libretti, who probably did not need my assistance, and would have had successful law school careers using their own intellectual abilities. These very good students, however, knew the value of utilizing all the resources available to them in pursuing their academic careers. That is at least part of the reason they were so successful.

My meetings with Mr. Libretti were always a pleasure. He has great insight and imagination when thinking about legal issues. He always asked good questions, and his practice exams were uniformly good, requiring only a minimum of critical comment.

His excellent academic record speaks for itself. Beyond that, my conversations with him showed him to be highly committed to the study of law and the pursuit of justice. His enthusiasm for the law was always evident. He was also open and candid with me about his own history, which he offered freely, and not as a result of any probing or questioning on my part.

Based on my knowledge and my impressions of Mr. Libretti I believe he has the requisite character and fitness to practice law in Ohio. I make this recommendation enthusiastically and without reservation.

If you have further questions, my contact information is included below. Thank you.

Sincerely yours,

Daniel Dropko

Daniel Dropko (Ohio Bar Number 0075817)

Email: pldorado@centurytel.net

781 BLISSFUL RD.
VERMILION, OHIO 44089

EXHIBIT
tabbies
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From: John F. Greene, Assistant Public Defender
To: Ohio State Bar Admissions Committee
Re: Recommendation of Joseph V. Libretti, Jr. for Admission to the Ohio State Bar
Date: September 27, 2013

To the Admissions Committee,

Please accept this letter as a recommendation that Joseph V. Libretti be allowed to join us as a member of the Ohio Bar. I have been a member of the Ohio Bar since 1985 and an Assistant Public Defender in Cuyahoga County since 1989. I can attest that Joe has brought a unique zeal and passion for justice on behalf of our clients since working at our office. He has always conducted himself in a professional manner and exhibited the highest of ethical standards.

I am well aware of Joe's 1992 conviction. I assume it's the catalyst for the manner in which he assists our clients, wherein he shows patience, understanding, and persistence unlike younger or less experienced clerks in our office.

Joe specifically worked on three cases with me. In one case, he doggedly pursued an expungement on behalf of our client and presented himself quite professionally in Court. I am confident that other of my colleagues would also support Joe's admission to the bar. Please accept this letter as an indication of my support for Joe's admission. And feel free to contact me at anytime.

Sincerely,

John F. Greene
Assistant Public Defender
216-443-8382

EXHIBIT
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CUYAHOGA COUNTY PUBLIC DEFENDER

Robert L. Tobik
Public Defender

September 30, 2013

Ohio Supreme Court
Office of Bar Admissions
Board of Commissioners on Character and Fitness
65 South Front Street, 5th floor
Columbus, Ohio 43215

Re: *Application of* *JOSEPH V. LIBRETTI*

I have been a licensed attorney in the state of Ohio since 1991, and am employed in the Felony Division of the Cuyahoga County Public Defender Office. Over the years I have had the opportunity to supervise a great many law clerks. Joe Libretti stands out among that list due to his commitment to justice, his diligence, his intellect, his reliability, and his unwavering commitment to the rule of law.

I am writing to endorse Joe Libretti's petition to sit for the Ohio Bar.

Joe has assisted me on several felony cases. He has attended pre-trial hearings, trials, sentencing hearings, client interviews, *in camera* meetings with judges and prosecutors, and defense strategy sessions. Throughout he has demonstrated the highest level of professionalism and decorum.

I would like to share a specific example. Several months ago I asked Joe to prepare a brief in opposition to the state's request to join two separate indictments in a single trial. Our client was charged with two unrelated sex offenses alleged to have occurred over a two-year period. Joe crafted a brief that was extraordinary in detail and cogent in analysis. We won the issue due to his work. His writing is absolutely top notch.

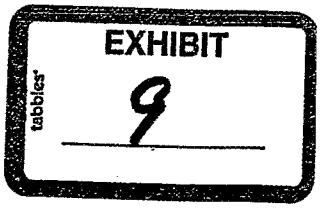
Joe has made me aware of his 1992 criminal conviction and circumstances surrounding those events. I believe that Joe's situation, having served prison time for criminal conduct, provides him with unique compassion and insight into the persons we represent.

Joe has the dedication, sound judgment, and trustworthiness to make him an asset to the Ohio Bar.

Regards,

Christopher S. Maher

310 Lakeside Suite 400 Cleveland, OH 44113
(216) 443-7223 Felony (216) 443-7583 Appeals
FAX (216) 443-3632



To: The State Bar Board of Examiners
From: Elizabeth Bonham
Date: 10 October, 2013
Re: The Character and Fitness of Joeseph Libretti

When I met Joe, he was *that* guy in my first year legal writing class. I remember sitting there trying to block out a painful introduction to the IRAC paradigm. On the other side of the front row, he was raising his hand every five seconds to clarify the particulars of Bluebook rule eight-million-and-four. In a roomful of young students, fresh from the Bachelors of English program at Case Western Reserve, this person was apparently committed to learning the law, sincerely and with perfection. Ugh. *That* guy.

Now, more than a year later, I have learned to admire Joe's commitment to excellence in school, at work, and in his life. I strive to model it. I consider Joe a friend, a mentor, and—I hope—a future colleague. But that depends on the judgment of this board.

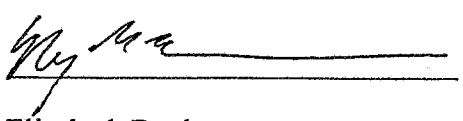
Top grades, law review, and an excellent rapport with the faculty may not, on their own, attest to Joe Libretti's soundness of character and his fitness to practice law. Neither, maybe, does the successful balance he maintains between a full academic load and criminal defense work. Maybe his accomplishments don't stand alone. Maybe we should consider the ethics that underpin his pursuits.

Honesty. The first time Joe bought me an after-class coffee, straight out the gate he told me the history of his felony conviction.
Openness. During that first discussion, he welcomed my questions. In fact, his willingness to share his story with me was my first exposure to the importance of criminal justice in the context of my legal education. He introduced me to a passion for defense work.
Respect. As willing as he was to share himself with me, Joe was equally ready to listen to my story and accept me where I was. It has, and still does, affirmed and supported my journey through law school.
Integrity. Joe's straightforwardness inspires trust immediately. I would challenge anyone to have one conversation with him and doubt his virtue by the end of it.
Passion. As I've known Joe, his drive to help people and serve his community becomes clearer to me with each anecdote of clients he's helped defend.
Devotion. Joe has spent years mastering the law. If I have questions, he can answer them better than most of my professors.
Consistency. As clear as each these qualities was on our first meeting, I am even more convinced of them now.

Reflecting on these impressions, I am hard-pressed to think of someone with superior spirit or ability, were I in need of advocacy myself.

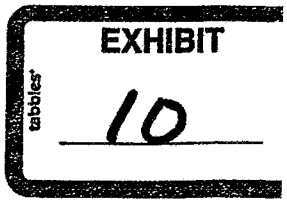
I can find no reason to concern myself with Joe's past choices, beyond the extent to which they have informed the character of the fine man I know today. Someday soon, I hope to become a member of the Ohio bar. I have met no man yet with whom I would rather share that distinguished accomplishment—no man who better deserves it—than Joe Libretti.

Thank you for your consideration.



Elizabeth Bonham

J.D. candidate, 2016
Cleveland-Marshall College of Law



5 June 2013

Cleveland Metropolitan Bar Association
Bar Admissions Committee
1301 East Ninth Street, Second Level
Cleveland, Ohio 44114-1253

Re: Character & Fitness Recommendation for Joseph Libretti

To the Bar Admissions Committee:

I write this letter to express my strong belief that Joseph Libretti has the requisite character and fitness for admission to the Ohio bar. I know Mr. Libretti because he is enrolled as a student at Cleveland-Marshall College of Law, where I have been teaching for 18 years. Mr. Libretti has taken three different courses with me — Civil Procedure I, Civil Procedure II, and Evidence — and he has performed brilliantly in each of them. What impresses me, even beyond his exceptional intelligence, is the honesty, the humility, and the integrity he has shown in all of his dealings with me over a three-year period. I have come to know him much better than I normally get to know my students, we've carried on many discussions about appropriate and inappropriate conduct by lawyers, and I am convinced that he has the requisite moral compass to practice law honorably. I trust him so completely that I wouldn't hesitate to hire him as my own attorney.

I say all of this while fully aware that Mr. Libretti has a criminal conviction in his past. That conviction took place long before he entered my classroom — and it does not negate the trust and confidence he has inspired in me, day after day, after years of interaction.

If I can answer any questions about my experience with Mr. Libretti, please call me at (216) 687-5282. My e-mail address is kevin.oneill@law.csuohio.edu.

Very truly yours,

Kevin Francis O'Neill
Associate Professor of Law

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CLEVELAND-MARSHALL COLLEGE OF LAW
CIVIL LITIGATION CLINIC

Kenneth J. Kowalski, Esq.
Doron M. Kalir, Esq.
Jean R. Packard, Office Manager

2121 Euclid Avenue, LB 138
Cleveland, Ohio 44115-2214
Telephone: (216) 687-3947
Fax: (216)687-9297

May 30, 2013

Character and Fitness Admissions Committee
Cleveland Metropolitan Bar Association
1301 East 9th Street, Second Level
Cleveland, OH 44114-1253

Re: Joseph Libretti

Dear Character and Fitness Committee Members:

I write to ask that the Committee approves Mr. Joseph Libretti's application. Here are my reasons:

1. Mr. Libretti has been my student at the Civil Litigation Clinic during Spring Semester 2013.
2. Throughout the semester, Mr. Libretti has demonstrated exceptional dedication and devotion to his clients. In many instances he was the last person at the Clinic, working late hours to ensure his clients' interests are best served.
3. In one such case, Mr. Libretti was the direct reason for a swift victory: after receiving a letter from the Clinic, the Plaintiff in that case – a national debt-collecting agency – waived its claim against Mr. Libretti's client for collection of several thousand dollars. For that victory, Mr. Libretti was featured on the Law School website as a prime example of how the Civil Litigation Clinic students assist the Cleveland community, in particular those who could not afford legal advice.
4. Other than his stellar performance in the Clinic, for which he was awarded with an "A" grade, Mr. Libretti has proven to be an honest, hard-working, and dedicated student. I could always rely on him to be there, perform his tasks, and report accurately to me. I knew that he would always try his best to assist his clients. Just as an example, this morning a I had a hearing at the Cleveland Municipal Court; although Mr. Libretti is no longer a student of the Clinic, and although the semester has ended weeks ago and now he is working full-time for the

EXHIBIT
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Public Defender, Mr. Libretti showed up for the hearing, on time and prepared. That is but one example of his dedication to his clients.

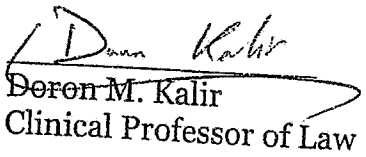
5. I am fully aware of Mr. Libretti's past. In fact, prior to arriving at the Clinic I looked closely into his history and consulted with several colleagues about including him at the Clinic. At the end, we were all unanimous in our decision to accept Mr. Libretti into the Clinic and, as the examples above well demonstrate, we never regretted our decision.

6. Further, I am of the opinion that once a person has fully paid his or her debt to society – and Mr. Libretti has paid dearly for his past actions – they should receive a meaningful and honest opportunity to redeem themselves. I could not think of a better avenue for Mr. Libretti than to become an attorney who could assist others who are in the same position he was once been, but no longer.

In light of these reasons, I would urge the Admissions Committee to APPROVE Mr. Libretti's application for the Committee of Character and Fitness.

Please do not hesitate contacting me should you require additional information regarding Mr. Libretti.

Sincerely,



Doron M. Kalir
Clinical Professor of Law

Robert N. Schmidt
17012 Clemente Court
Fort Myers, FL 33908

May 29, 2013

To whom it may concern:

Subject: Letter of Recommendation for Joseph Libretti for the Ohio Bar

Dear Sirs:

As a professional engineer, attorney, patent attorney, and as an entrepreneur, I understand professionalism and what it takes to practice in multiple professions. I have known Joseph Libretti for about three years. He has been a friend of my son through law school.

It would be logical knowing Joe's background to be skeptical. If I did not know Joe, I would be too. However, after scores of prolonged conversations with him, and understanding the details of his numerous encounters with law officials, I feel comfortable recommending him as a person whom I could trust as a law practitioner.

I own a number of companies in Cleveland, one of which is engaged in munitions development. I have previously worked in chemical defense, and have a few patents in that area. My army career gave me a stint at being a post security officer for a number of installations in Europe. So this, along with a prior secret security clearance, gives me some background in US security interests. With the broadening of powers under the Patriot Act and other legislation, I am reminded almost daily as I read the papers where our law enforcement agencies are taking the nation. I constantly refer back to the paraphrased derivatives of Ben Franklin stating "Any society that would give up a little liberty to gain a little security will deserve neither and lose both." I am also reminded of the Nazi Putsch, Kristallnacht, and the "First they came…" poem by Martin Niemoeller. If they ever come after me, I want Joe as my attorney.

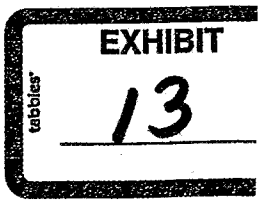
As a board member of the National Small Business Association, and as the Co-Chairman of the Small Business Technology Council in Washington DC, I am in frequent dialog about our inspectors general, and their overzealous attacks on small businesses. Obtaining a "bounty" on soft targets is a *modus operandi* for our government agencies. Again, we need a guy with a white hat who shoots silver bullets to defend us. Joe is one such person.

I am very concerned about our loss of liberty in America. For this reason, I believe we need to have an entire new battalion of attorneys who are willing to fight for our individual liberties and push back on our "overreaction" on security and over-enforcement of nebulous regulations. Joe is that kind of guy. He has proven that he can perform on the firing line. He has won over 100 cases already, assisting his friends, and for himself, fighting for those same individual freedoms that have allowed this country to become great. We need Joe to have a license to fight for our freedoms and rights.

I highly recommend that you allow him to practice law in Ohio. Anyone of us may need him some day.

Sincerely,

Robert N. Schmidt
216-374-7237
rschmidt@CleveMed.com



Professional Engineer (Ohio, 40821); Attorney-At-Law (Ohio, 0002719); Patent Attorney (USPTO, 30889)

Orbital Research Inc.; Cleveland Medical Devices Inc.; NeuroWave Systems Inc.; Flocel Inc.; Great Lakes NeuroTechnologies Inc.

Vecchio & Vegh LLC

Attorneys & Counselors At Law

Robert J. Vecchio
Robert J. Vecchio Co., L.P.A.
Also Admitted in Florida*
rjvecchio@vecchio-vegh.com

Anthony J. Vegh
tvegh@vecchio-vegh.com

June 4, 2013

Susan Audey, Esq.
Bar Admissions Committee
1301 East 9th Street, 2nd Level
Cleveland, OH 44114

RE: Joe Libretti

Dear Ms. Audey:

I am sending this letter on behalf of Joe Libretti, who I understand is scheduled for a character and fitness interview on June 6th.

I have known Joe for approximately one year. I have hired him on numerous occasions to do research and writing for me on a wide variety of legal issues, mostly civil. Joe does top-notch work. I have found him to be thorough, prompt and conscientious. His age and level of maturity separates him from any other law student who has done work for me in the last 30 years.

I would have no hesitancy in offering Joe a position with our firm if we had a need for a full-time employee. His prior conviction and incarceration is of no significance to me. Based upon my experiences with him and his outstanding success in law school, Joe has been fully rehabilitated. He is going to be a very good attorney with a lot to offer to the community.

Respectfully yours,

Robert J. Vecchio

RJV/lmb

720 Leader Building
526 Superior Avenue, East
Cleveland, Ohio 44114-1401
Phone: (216) 566-1424
Fax: (216) 566-1468

Mansfield Office:
44 Park Avenue, West
Mansfield, Ohio 44902
Phone: (419) 522-1130

EXHIBIT
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Vecchio & Vegh LLC

Attorneys & Counselors At Law

Robert J. Vecchio
Robert J. Vecchio Co., L.P.A.
Also Admitted in Florida*
rjvecchio@vecchio-vegh.com

Anthony J. Vegh
tvegh@vecchio-vegh.com

June 4, 2013

Susan Audey, Esq.
Cleveland Metropolitan Bar Association
1301 East 9th Street, 2nd Level
Cleveland, OH 44114

RE: Joseph Libretti

Dear Ms. Audey:

Last Spring, Magistrate Judge White assigned me to represent the lead defendant in the "Bridge Bombing" case. I quickly realized I needed a law clerk to visit with my client (who was incarcerated) and assist him in reviewing video of his meetings with the government's confidential informant. I contacted the CSU law school and they sent Joe to interview with me for the job.

Joe let me know immediately that he was a convicted felon and gave me his background. I appreciated his candor. His writing samples he showed were impressive. I decided to give him a shot. The facility holding my client would not permit Joe to visit him due to his felony conviction, so I asked Joe if he would be willing to assist me in writing and research assignments for the case. He said yes.

I gave Joe several assignments throughout the case and his work was always superlative. He was always willing to meet with me and discuss issues. I found his insight impressive for a law student. He sent me fee bills for all his work and they were detailed and of law firm quality. After the case was completed, I continued to give Joe work and still do so.

In summary, I've found Joe to be a serious-minded, hard working law clerk. He grasps complex issues quickly. His written work is top notch, on time, and requires minimal editing. For all these reasons, I recommend that Joe be given the opportunity to practice law here in Ohio.

Sincerely Yours,

Anthony J. Vegh

AJV/av

720 Leader Building
526 Superior Avenue, East
Cleveland, Ohio 44114-1401
Phone: (216) 566-1424
Fax: (216) 566-1468

Mansfield Office:
44 Park Avenue, West
Mansfield, Ohio 44902
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EXHIBIT
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CIVIL LITIGATION CLINIC
CLEVELAND-MARSHALL COLLEGE OF LAW

Kenneth J. Kowalski, Esq.
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Jean R. Packard, Office Manager

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Telephone: (216) 687-3947
Fax: (216)687-9297

May 30, 2013

Warren Rossman
James N. Kline
Character and Fitness Admissions Committee
Cleveland Metropolitan Bar Association
1301 East 9th Street, Second Level
Cleveland, OH 44114-1253

Re: Joseph Libretti

Gentlemen:

I am writing to recommend Joseph Libretti as a candidate for the Ohio Bar. I know Joe as a student in two of my courses at Cleveland-Marshall College of Law. I believe he will be a fine attorney who will serve his clients very well.

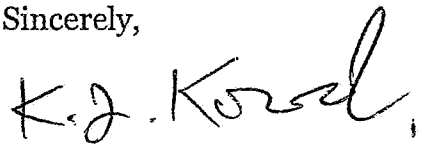
Joe took my intense, two-week Trial Advocacy course last summer. He worked very hard and impressed me and a number of the attorneys who help out in the course with his interest, talent, and attitude. He was very appreciative of suggestions and critiques of his simulation performances and demonstrated a desire to learn and improve his skills. He was one of the stars of the course.

This past fall, Joe was also enrolled in the Civil Litigation Clinic which I co-teach with Prof. Doron Kalir. Again, Joe was an enthusiastic student, who went well beyond the minimum course work requirements to provide his low-income clients first-rate representation. He spent quite a lot of time in the Clinic working on his case assignments. I have enjoyed my discussions with Joe on any number of topics, especially regarding possible approaches to the issues in his cases. He is a very thoughtful individual.

I am aware of Joe's pre-law school background and believe that he has truly reformed. Observing his work on behalf of clients in the Clinic, I have no doubt that if he were to become a member of Ohio's Bar, he would diligently, skillfully and honestly represent clients.

For these reasons, I urge the Committee to recommend Joe Libretti as a candidate for the Ohio Bar.

Sincerely,



Kenneth J. Kowalski
Clinical Professor of Law

September 5, 2013

Ohio State Bar Admissions Committee
Office of Bar Admissions
65 South Front Street
Columbus, Ohio 43215

RE: Recommendation of Joseph V. Libretti, Jr. for admission to the Ohio State Bar

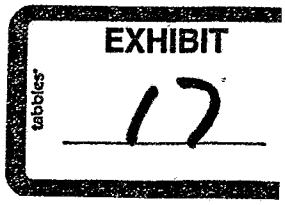
Dear Committee Members:

I am an attorney with the Cuyahoga County Public Defender's Office and have known and worked with Joseph V. Libretti, Jr. since May 2013. Our office hired Joe as a law clerk, and I have personally worked with him on three cases.

In working with Joe, I have been impressed by his commitment to our clients and the excellent quality of his work. He has diligently completed every assignment he has been given. He is a professional, and his performance has comported with the high ethical standards that our profession demands.

In addition, Joe has a passion and respect for the law and for citizens' constitutional rights that is particularly remarkable. Joe has spoken very candidly with me about his 1992 criminal conviction. And, I truly believe that his experience with the justice system as a criminal defendant contributes to his level of compassion for our clients.

One case in particular stands out. Our office had received a letter from an inmate who, as a result of complicated sentencing issues involving four separate cases, had not received 111 days of jail-time credit. Although the law was somewhat ambiguous in this area, Joe took up this prisoner's cause, advocated for him within the office, and then crafted a well-researched, persuasive brief arguing, among other things, that the improper



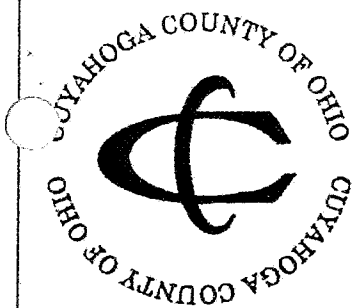
calculation of jail credit constituted a violation of the inmate's Equal Protection rights. Had it not been for Joe's strong sense of justice and his diligent efforts this man would have remained unjustly incarcerated for an extra 111 days, his constitutional rights being violated.

I am aware that Joe's admission to the Bar is a unique situation, but Joe is a unique case. In my opinion, it would be fundamentally unfair to deny Joe the opportunity take the Bar exam and to practice law in Ohio due to his past transgressions. Not allowing Joe to practice law would be a disservice to the legal community, and to those members of the public who require legal services. If allowed to seek admission to the Ohio Bar, I am confident that Joe will make a positive contribution to our profession.

I strongly support Joe's admission to the Bar. Please feel free to contact me at (216) 513-0868 if I can be of any further assistance.

Sincerely,

Cullen Sweeney
Ohio Sup. Ct. #0077187



CUYAHOGA COUNTY PUBLIC DEFENDER

Robert L. Tobik
Public Defender

October 18, 2013

To: Board of Commissioners on Character and Fitness of the Supreme Court of Ohio

Joseph Libretti has contacted me to write a letter of reference in support of his application to sit for the Ohio bar examination. I am aware that his application is at risk due to his prior felony conviction.

I have worked for the Cuyahoga County Public Defender's Office as an Assistant Public Defender since January of 2003 in both the Juvenile and Felony Divisions. I have had the opportunity to work with many law students in that capacity. Mr. Libretti began working at the Cuyahoga County Public Defender's Office, Felony Division in May 2013. Mr. Libretti disclosed to me his history from the beginning. My initial reservations were very soon overcome by the integrity Mr. Libretti consistently displayed.

Mr. Libretti handled numerous assignments for me during his employment at the Public Defender's Office. He completed research and writing assignments, interviewed clients, filed motions and briefs, attended court hearings, and drafted and argued suppression motions. I found his work to be exceptional. We worked closely together and discussed details of each case and the appropriate course of action in representing each client. I often requested that he be assigned to more detailed or difficult matters knowing that I could rely on the quality of his work. Mr. Libretti always took time to research issues and sought out senior attorneys to discuss his thoughts and concerns. I am consistently impressed with Mr. Libretti's ease of communicating with other professionals and clients. I found Mr. Libretti to be incredibly intelligent and compassionate.

I believe with hard work and dedication people have the ability to turn their lives around and make a better future for them. The best days at my job are the days I see people complete drug treatment, get their records expunged, or be reunified with their children. Mr. Libretti is a success story and his success should not stop here. He has taken what he learned during his incarceration and made it an asset he can use to help others. I can say without reservation that I believe Mr. Libretti respects the law and will be an ethical attorney. Mr. Libretti will be an asset to the legal profession.

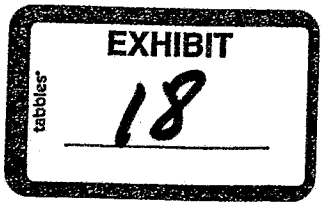
It has been a pleasure to write this letter on behalf of Joseph Libretti.

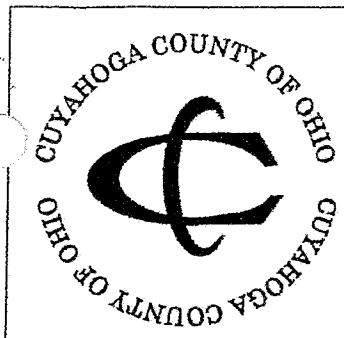
Very truly yours,

Linda Hricko

Linda L. Hricko, Esq.
Assistant Public Defender
(216) 443-8377

310 Lakeside Avenue, Cleveland, OH 44113
(216) 443-7223 Felony (216) 443-7583 Appeals
FAX (216) 443-3632





CUYAHOGA COUNTY PUBLIC DEFENDER

Robert L. Tobik, Esq.
Chief Public Defender

October 21, 2013

To Whom It May Concern:

I am writing this letter on behalf of Joseph Libretti, with regards to his application to sit for the Ohio Bar Examination. I am aware that his character and fitness is under review due to his prior felony conviction. It is without hesitation, however, that I lend my support to his review.

I have worked as an Assistant Public Defender since 2010. In this role I have developed a sincere belief in rehabilitation. Mr. Libretti exemplifies the idea that one should not be judged for life based upon a scarred past. His desire to enter the legal profession, alone, demonstrates that he aspires to much greater things going forward. I also see a great amount of dedication to his work, and to the justice system as a whole, on a daily basis. He is a conscientious, diligent worker, who goes above and beyond for every client he helps in our office.

Aside from the content of his character, Mr. Libretti has an unquestionable aptitude for the legal profession. I am sure the Committee is well aware of his success in law school. This success extends to his work at this office as well. While I understand his academic qualifications are not what brings about this review, I also feel it cannot go unsaid that preventing such a talented legal mind from entering our profession would be a shame. Undoubtedly, Mr. Libretti would be a valuable asset to the legal profession in Ohio.

Very truly yours,

Sheila C Downs

Sheila Downs, Esq.
Assistant Public Defender
310 Lakeside, Suite 400
Cleveland, OH 44113
216-443-3676

310 Lakeside Ave. Suite 400, Cleveland, OH 44113
(216) 443-7223 Felony (216) 443-7583 Appeals
FAX (216) 443-3632

CUYAHOGA COUNTY PUBLIC DEFENDER

Robert L. Tobik
Public Defender

September 30, 2013

Ohio Supreme Court
Office of Bar Admissions
Board of Commissioners on Character and Fitness
65 South Front Street, 5th floor
Columbus, Ohio 43215

Re: *Application of* *JOSEPH V. LIBRETTI*

I have been a licensed attorney in the state of Ohio since 1991, and am employed in the Felony Division of the Cuyahoga County Public Defender Office. Over the years I have had the opportunity to supervise a great many law clerks. Joe Libretti stands out among that list due to his commitment to justice, his diligence, his intellect, his reliability, and his unwavering commitment to the rule of law.

I am writing to endorse Joe Libretti's petition to sit for the Ohio Bar.

Joe has assisted me on several felony cases. He has attended pre-trial hearings, trials, sentencing hearings, client interviews, *in camera* meetings with judges and prosecutors, and defense strategy sessions. Throughout he has demonstrated the highest level of professionalism and decorum.

I would like to share a specific example. Several months ago I asked Joe to prepare a brief in opposition to the state's request to join two separate indictments in a single trial. Our client was charged with two unrelated sex offenses alleged to have occurred over a two-year period. Joe crafted a brief that was extraordinary in detail and cogent in analysis. We won the issue due to his work. His writing is absolutely top notch.

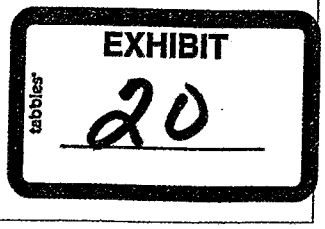
Joe has made me aware of his 1992 criminal conviction and circumstances surrounding those events. I believe that Joe's situation, having served prison time for criminal conduct, provides him with unique compassion and insight into the persons we represent.

Joe has the dedication, sound judgment, and trustworthiness to make him an asset to the Ohio Bar.

Regards,

Christopher S. Maher

310 Lakeside Suite 400 Cleveland, OH 44113
(216) 443-7223 Felony (216) 443-7583 Appeals
FAX (216) 443-3632



SporTech℠

NATIONALLY-RECOGNIZED SUBSTANCE ABUSE PREVENTION PRGRAMMING

14394 Washington Boulevard
Suite 400
University Heights, Ohio 44118

Writer's email and phone:
ari@sport-tech.org
216.571.1641

November 4, 2013
Via Personal Delivery

Board of Commissioners on Character and Fitness
c/o Supreme Court of Ohio
65 S. Front Street
Columbus, Ohio 44215

Re: Joseph Libretti

Dear Commissioners:

I wish to provide a personal character reference for Joseph Libretti. As founder of SporTech, Inc., I have developed and presented various anti-drug and health awareness programming to over 300,000 people throughout the United States and Europe since 1993. I met Joseph after following his legal case with immense interest. Joseph has spoken to me at length about his history, and he genuinely regrets his previous poor decisions and has never made any excuses regarding his circumstances.

In the time I have known Joseph, he has shown himself to be extremely civic minded and charitable with his time and spirit to the community. For example, Joseph recently spoke with me about the epidemic concerning recreational drugs and prescription medications at various presentations with audiences that included students, parents, and corporate executives. He was honest and sincere about his background, contrite and remorseful about his past dealings, and exudes a passion to educate others about the dangers associated with illegal drugs.

Moreover, he is eager to speak at future events including those geared toward young students and susceptible teenagers. Joseph's participation has been voluntary and he has neither requested nor received any remuneration.

It is my sincere hope that these, as well as Joseph Libretti's other positive attributes, will be taken into consideration.

Very truly yours,

D. Ari Sherwin
Founder of SporTech, Inc.
State of Ohio Attorney Bar No. 0081739

EXHIBIT
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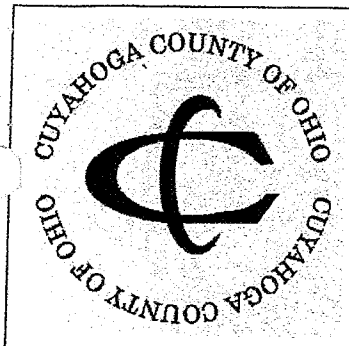


CUYAHOGA COUNTY PUBLIC DEFENDER

Robert L. Tobik
Chief Public Defender

November 7, 2013

Board of Commissioners on Character and Fitness

Dear Board Members:

I am writing on behalf of Joseph Libretti concerning his application to sit for the Ohio Bar Examination.

I met Joseph Libretti when he was a law student in the Trial Advocacy Class at the Cleveland State University Law School. He was prepared, attentive and serious in his approach to learning the skills that would be necessary to properly and vigorously represent clients as a practicing attorney.

I learned of his past incarceration at that time. I felt then, and feel now that he had put all the negatives of that experience behind him, so much so, that I hired him on as a full time law clerk this past summer. Now that the Fall Semester has begun, his hours have been reduced to part-time, so as not to interfere with his school work.

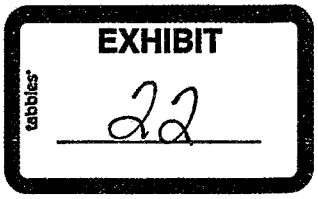
During his tenure here, Joe has done a broad range of assignments. He researched and wrote briefs, memoranda, and motions for various lawyers in our office. He helped clients with various issues, showing care, concern and respect for them.

He also, under the supervision of one of our attorneys, prepared and successfully argued a motion to suppress evidence. His approach to this task was thorough, thoughtful, and studied, coupled with a full appreciation of the importance to and impact on the clients' life.

My opinion is that Joseph Libretti will be an ethical attorney who respects the law and he will be an asset to the legal profession.

Yours truly,

Robert L. Tobik
Chief Public Defender



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TERENCE CHECK | 440.840.7046 |1804 East 23rd St. Walk, Apt. 6209 | Cleveland, Ohio 44114 | t.a.check@cmlaw.csuohio.edu |

Dear Honorable Justices:

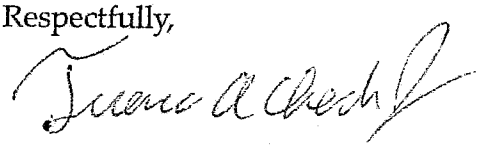
My name is Terence Check, and I am the current Editor-in-Chief of the *Cleveland State Law Review,* the flagship journal of legal scholarship at Cleveland-Marshall College of Law at Cleveland State University, where I am also a third year law student. I am writing to you today in my personal capacity to expound upon the character of Mr. Joseph V. Libretti, a current articles editor on the *Cleveland State Law Review* and fellow colleague.

I have known Mr. Libretti for the past two years. In that time, I have grown to know him as an incredibly insightful, intelligent, and thoughtful law student and classmate. I know that Mr. Libretti has earned several "High A" awards in a wide range of subjects, and while I cannot speak to the rest of Mr. Libretti's academic record, I can say with the utmost confidence that he has excelled academically, showcasing a keen, inquisitive mind and a passion for knowledge.

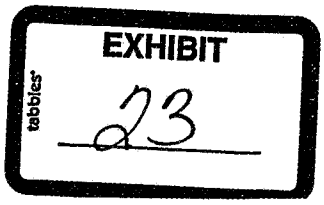
As an articles editor for the *Cleveland State Law Review,* Mr. Libretti has been part of an elite group within law review responsible for reviewing dozens of submissions for placement within our publication. The humble title belies the importance of such a position because reviewing articles and inviting authors to publish their work with us is a challenging, tedious, and time-consuming process. Mr. Libretti has performed exceedingly well as a part of this team, and I know personally that the *Cleveland State Law Review* has become a better journal because of his service.

Thank you for allowing me to write to you this day. Please note that any and all errors, omissions, breaches in protocol or other faults in this writing are mine alone and not Mr. Libretti's. Please do not hesitate to contact me at (440) 840.7046, or at terence.check@cmlaw.csuohio.edu. Thank you for your time and consideration.

Respectfully,



Terence A. Check Jr.



Office of the
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NORTHERN DISTRICT OF OHIO

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United States Courthouse
125 Market Street
Youngstown, Ohio 44503-1780
Phone: 330-746-6399
Fax: 330-746-6391
(By Appointment Only)

December 31, 2013

Re: Letter of Reference for Mr. Joseph Libretti

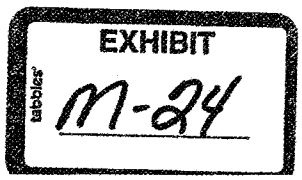
Dear Sir/Madam:

About two years ago, I was called by a private lawyer in Cleveland to see if we could seek appointment to pursue a federal habeas claim for one of his clients who was serving a lengthy sentence in an Ohio prison. We sought and received the appointment, but the federal magistrate eventually denied our claim. We nevertheless felt that justice had not been done. We then turned to the state court system for relief via a motion for early release of our client through post-release control. To assist us in the effort since we normally appear in federal court and not state court, we turned to the Cuyahoga County Public Defender's Office. Joe Libretti was assigned to handle the case, so I speak from first-hand experience when I write this letter of reference for him.

The results speak for themselves here. Judge Nancy Margaret Russo said from the bench that the motion made on behalf of the client was one of the most thorough and carefully prepared requests she had ever seen. Judge Russo granted our motion, and released our client in August. Since that month, she has further permitted our client to travel *to* a prison to give a presentation to inmates there, and also granted permission for our client to travel to Wisconsin and California to visit with family. Simply put, none of this would have happened without Joe's hard work and diligence.

Joe is reminded everyday of his own previous run-in with the law many years ago. At an Inn of Court program I attended three weeks ago, Joe described for the lawyers and judges in attendance his past life and how he has made amends for it. He told us how he will come out of his law school near the very top of his class, and how his experiences working at places like the Cuyahoga County Public Defender's Office will make him a better lawyer. What Joe didn't say but what I already knew was this: His performance on the work he did for our client was first-rate, far better than many other licensed lawyers would have submitted, and the proof is in the results we received in court.

I have no doubt that Joe will be an asset to our profession. I will be proud to have him as a fellow member of our bar. If there should be any doubt whatsoever about Joe's fitness to be



an attorney in our state or anywhere else for that matter, please call me. I will provide you with further reasons why I am taking the time on this last day of the year to make sure a very talented law student in 2013 will be a very talented lawyer of our state in 2014. I can be reached at 216-256-4059 (personal cellphone) or through the main number above if anyone considering Joe's application wishes to speak with me further about him.

Thank you, and best wishes to you for a Happy New Year.

Sincerely,

DENNIS G. TEREZ
Federal Public Defender

January 28, 2014

Todd C. Hicks, Esquire, Chair
Board of Commissioners on Character and Fitness
OHIO SUPREME COURT
65 South Front Street, 5th Floor
Columbus, OH 43215-3431

Re: Joseph V. Libretti, Jr.

Dear Mr. Hicks ~

I have been serving as President of the William K. Thomas Inn of the American Inns of Court which is comprised of roughly eighty judges and lawyers in the Greater Cleveland area. I write to you not in any capacity relating to my Inn, but to inform you and the commission of the extraordinary presentation Joseph Libretti made to our membership in December.

Mr. Libretti made a moving presentation to us about what he did twenty-five years ago and the debt for which he has paid because of his actions. He appeared to me forthright and open about his crime, but, more importantly to me, what he has done since his conviction and incarceration. Mr. Libretti now stands with a handful of students at the top of his law school class and promises to offer the potential of what good lawyers are able to do if he is permitted to sit for the bar and practice.

It may be the decades in practice and my teaching at law schools throughout the country starting over forty years ago that has helped me formulate my instincts, but one develops of sense of what law students and young lawyers can offer our profession and our society. Mr. Libretti might be one of those special exceptions in his acknowledgement of his past, his extraordinary development and his capacity to serve us with honor. That message came across to us with sustained applause I witnessed that night. I joined many of my colleagues that night in their expression of hope and appreciation that Mr. Libretti might be given the opportunity to serve our community as a lawyer.

With warmest regards,

ASF/tmp

8/14/2014

Peter Sayegh Esq.
Sayegh Enterprises Ltd.
1175 Irene Rd.
Lyndhurst OH, 44124

Board of Commissioners on Character and Fitness of the Supreme Court of Ohio
65 South Front Street, 5th Floor
Columbus, Ohio 43215-3431

Dear Sir or Madam:

Hello and my name is Peter Sayegh. I am a newly-minted Ohio attorney who graduated from Cleveland-Marshall College of Law. During law school, I had the pleasure and honor of cultivating a relationship with Joseph V. Libretti, Jr. I am writing in support of Mr. Libretti's admission to the Ohio Bar.

I am aware of Mr. Libretti's criminal history, including his 2011 federal case wherein he was wrongfully accused of a crime and subsequently acquitted. Nevertheless, in the four years that I have known Mr. Libretti he has consistently displayed the highest degree of character, integrity, and ethics that make him fit to be an attorney. What's more, Mr. Libretti has one of the most brilliant legal minds I have ever encountered in my life. That said, I strongly believe that preventing Mr. Libretti from obtaining his law license will deprive society of an asset that comes by only once in a lifetime.

It is true that Mr. Libretti has had an unfortunate past. It is also true he has engaged in conduct that some might consider immoral (namely, the selling of a legal product called Spice). His past, however, is not his future. As such, it should not preclude him from taking the Bar Exam. Mr. Libretti is incredibly remorseful and has taken his experience and used it to become a better man. In fact, Mr. Libretti's past has made him a well-spring of legal knowledge and I have no hesitation in relying on him for assistance in my practice. What's more, my hope is that I can bring Mr. Libretti on full-time one day because of his unmatchable competence, ethical conduct, and reputation for honesty.

In analyzing Mr. Libretti's application under the character and fitness factors set forth in Gov. Bar R. I(12)(D)(3), it is incumbent upon the Board to distinguish between legal activities it finds to be questionable and conduct that has an actual nexus with the applicant's fitness or capacity to practice law, as required under both federal and Ohio law. While state bars can require an applicant to meet high standards of moral character before accepting an applicant to the bar, the United States Supreme Court has held that "any qualification must have a rational connection

Sayegh Enterprises, Ltd.

with the applicant's fitness or capacity to practice law."[1] Similarly, Ohio has recognized a distinction between these two issues in the controlling case of *In re Application of Davis*,[2]

> To be admitted to the bar in this state, an applicant must establish that he has the requisite moral character to fulfill the position of trust in which he will be placed by his clients. The focus of inquiry in these matters is directed toward the assimilation and evaluation of that evidence which primarily reflects upon an applicant's ability to function honestly and effectively in the practice of law. Highly probative of an applicant's ability in this regard is his or her performance in past and current professional endeavors, including the applicant's performance in academic pursuits and his ability to function in the work-environment. Less relevant for purposes of these proceedings is the manner in which the applicant conducts personal matters, such as those involving marital or financial relationships, or associations with certain persons or organizations, unless it can be demonstrated that such matters bear substantially upon applicant's ability to execute the professional responsibilities with which he will be charged.

Here, Mr. Libretti's has exhibited nothing short of a remarkable performance in academic and professional endeavors as evidenced by the following: (i) he is ranked first in his class; (ii) he is the recipient of a full merit-based scholarship; and (iii)he has undoubtedly demonstrated the ability to function in the work-environment, both during the period of incarceration and as testified to by a post-incarceration employer, Mr. Dan McGlade, the President of Energy Transportation Inc.

The Ohio Rules of Professional Conduct also shed light on assessing an applicant's character and fitness:

> Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses involving fraud and the offense of willful failure to file an income tax return. However some kinds of offenses carry no such implication. Traditionally, the distinction was drawn in terms of offenses involving "moral turpitude." That concept can be construed to include offenses concerning some matters of personal morality, such as adultery and comparable offenses, that have no specific connection to fitness for the practice of law. Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate a lack of those characteristics relevant to law practice.

Additionally, Ohio Rules for the Government of the Bar provide that:

> In determining an applicant's character, fitness, and moral qualifications for the practice of law, the admissions committee shall not consider factors that do not directly bear a reasonable relationship to the practice of law.[3]

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[1] *Schware v. Bd. of Bar Exam. of State of N.M.*, 353 U.S. 232, 239, 77 S. Ct. 752, 756, 1 L. Ed. 2d 796 (1957).

[2] 61 Ohio St.2d 371, 374, 403 N.E.2d 189, 190 (1980).

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Here, the sale of a ***legal product,*** and, the cessation of that activity upon it's becoming illegal, does not bear a reasonable relationship with the applicant's fitness or capacity to practice law under the standards articulated in *Davis*, *Schware*, the Ohio Rules of Professional Conduct, and the Ohio Rules for the Government of the Bar. Rather, the fact that Mr. Libretti voluntarily ceased his involvement in the sale of the Spice (when it was temporarily scheduled as a Controlled Substance) only reflects positively upon his ability to function honestly and effectively in the practice of law. Specifically, he legally and prudently disposed of the remaining product after obtaining the advice of counsel on the matter.

Similarly, Mr. Libretti's association with the now deceased individual he met at the halfway house (where Mr. Libretti resided pursuant to the terms of his probation) is also not proper justification for denying his application. The Board bears, and has failed to meet, the burden that the association with the deceased bore "substantially upon [Mr. Libretti's] ability to execute the professional responsibilities with which he will be charged."[4]

Assuming arguendo that the sale of legal Spice and contact with a former co-resident of a halfway house did have a rational connection with Mr. Libretti's fitness or capacity to practice law, or, bore substantially upon the his ability to execute his professional responsibilities, it is incumbent upon the Board to consider the Mr. Libretti's moral character as it exists in the present. That is, to assess his character some three years after the cessation of the activity. That said, presuming that the sale of legal Spice evidenced a lack of good moral character, on the part of Mr. Libretti, the absence of good moral character in the past is secondary to the existence of good moral character in the present—the transitional character development in between comprising the process of rehabilitation, or lack thereof.[5] Whether the Applicant is viewed as having not adapted to the unwritten rules of acceptable businesses in the legal community, or as having exercised poor moral judgment more than three years ago, the appropriate outcome is not a permanent ban on taking the Bar exam.

Mr. Libretti has an extraordinary passion and commitment to the practice of law. Denying Mr. Libretti the opportunity to take the Bar Exam would not further any interest in protecting the general public. Rather, it would be a tragedy to society that would deprive future clients of his talents– namely, indigents, *pro bono* beneficiaries, criminal defendants, and the like.

Mr. Libretti has learned from his mistakes and has used that knowledge to benefit the legal community, its lawyers, and its clients. He is making amends for his past. I can assure you that Mr. Libretti respects the law and would be an ethical attorney. In turn, I would respectfully request the Board to grant Mr. Libretti permission to take the Ohio Bar Exam and allow him to fulfill his potential as a productive member of society.

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[3] Ohio Bar. R. 1 (12)(D)(6).
[4] *Davis*, 61 Ohio St.2d at 374, 403 N.E.2d at 190.
[5] *In re Application of Davis*, 38 Ohio St.2d 273, 313 N.E.2d 363 (1974).

Sayegh Enterprises Ltd.

Best Wishes,

Peter Sayegh Esq.
Owner/Attorney
Sayegh Enterprises Ltd.

December 4, 2014

To: The Board of Commissioners on Character and Fitness, Supreme Court of Ohio,

I have known Joseph Victor Libretti since September of 1981, when we started college together as freshmen at the University of Denver in Denver, Colorado. We soon became good friends. He is an extremely intelligent man. He has always been driven and expects nothing less than perfection from himself. We were very young when Joe got involved with the drug trade. At that time, I felt that he looked at drugs as a commodity – only seeing the commerce side of the equation.
Over time, I became a cocaine addict. My life was miserable. When Joe saw what the drugs were doing to me, he refused to provide me with drugs. By 1990, I had moved back to Indiana with my mother and was starting to put my life back together. To my knowledge, Joe was no longer involved in the drug trade although we still stayed in touch. I was quite surprised when he was arrested in 1991 because I was under the impression that he was completely done with that part of his life.

THE OHIO LEGAL BLANK CO., INC.
EXHIBIT
C
CLEVELAND, OHIO 44102-1793

When I would go to the prison to visit Joe, he expressed a great deal of guilt and remorse for my drug addiction. Once again, I was surprised as I had never felt that my addiction was Joe's responsibility or fault in any way. I explained to him that drug addiction as in most addictions is the sole responsibility of the afflicted individual. Would I like to blame someone else? My ex-boyfriend who had introduced me to drugs perhaps? Yes, I would, but I know that there is no one on this earth who can make me neither take drugs nor stop doing them when I was using. I have to be responsible for myself...and I am. I also pointed out to Joe that he would avoid providing drugs to me, even if I begged for them, because of his concern for what was going on with me. He still carries that guilt and remorse even though I have told Joe many times that there is no cause for him to feel that way with me. I was happy to hear that he was aware of the consequences of drugs on people though. He understood (and understands) the harm that may have occurred as a result of his actions. Over the years, we have discussed at length his remorse and guilt for his actions. I don't believe that our friendship would have lasted these 33 years if he was not remorseful, as am I, for the lives that we led back then. We have moved on and made the best of our lives.

While I have a lot of regret for the years that I was addicted, I know it was my own doing. I always offer advice and guidance for friends, relatives and co-workers who have drug problems. Perhaps my struggles have saved people's lives.

Sincerely,

Emily A. (Coolidge) Hensley

Emily A. (Coolidge) Hensley

Emily Hensley
Field and Shop Operations Supervisor
WVS Metering
Off. 602-236-4868
Cell 602-309-4656
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CERTIFICATE OF SERVICE

A true copy of the foregoing has been served by electronic mail (and U.S. mail as to Admissions Committee) this 27th day of January, 2015 upon the following:

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pgcrist@yahoo.com
Counsel for Cleveland Metropolitan Bar Association

Cleveland Metropolitan Bar Association
Bar Admissions Committee
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Fifteen Attorneys And Law Professors in support of Joseph V. Libretti, Jr.

Respectfully submitted,

/s/ Deborah Zaccaro Hoffman
Deborah Zaccaro Hoffman (0071599)