Supreme Court of Ohio Clerk of Court - Filed January 29, 2015 - Case No. 2014-1896

**IN THE SUPREME COURT OF OHIO**

**In re:**

**Complaint against** **Case No. 2014-1896**

**LUMUMBA TOURE' MCCORD**

**Respondent**

**COLUMBUS BAR ASSOCIATION**

**Relator**

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# MOTION FOR LEAVE TO ANSWER AND TO TERMINATE THE INTERIM DEFAULT SUSPENSION FOR GOOD CAUSE SHOWN

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**IN THE SUPREME COURT OF OHIO**

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**LUMUMBA TOURE' MCCORD**

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**MOTION FOR LEAVE TO ANSWER AND TO TERMINATE THE INTERIM SUSPENSION ORDER FOR GOOD CAUSE SHOWN**

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Now comes the Respondent, Lumumba Toure' McCord, by and through his legal counsel, and requests leave to file his answer instanter to the complaint pending before the Board pursuant to Rule V, Section 14(C) of the Supreme Court Rules of the Government of the Bar of Ohio. Attached is the Respondent's Answer as Exhibit A. Respondent also requests a termination of the interim default suspension for good cause as explained in the Memorandum in Support of this Motion.

Respectfully submitted,

Eric W. Brehm
(0074115)
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Columbus, OH 43215
(614) 519-4984
brehmlaw@gmail.com

## MEMORANDUM IN SUPPORT

On September 3, a formal complaint was certified to the Supreme Court of Ohio's Board of Commissioners on Grievances and Discipline in the Matter of *Columbus Bar Association v. Lumumba Toure' McCord,* Board Case No. 2014-062. The Columbus Bar Association mailed a certified letter to Mr. McCord at the address listed in the attorney registration records maintained by the Supreme Court of Ohio, Office of Attorney Services. On September 1, 2014, however, in compliance with his plea agreement to a misdemeanor charge of willful failure to file a return, supply information or pay income taxes, Mr. McCord had reported to the minimum security federal institution to begin serving his sixty (60) day sentence. Mr. McCord left the facility on October 30, 2014. (Exhibit B)

The return receipt shows that someone other than Mr. McCord signed for the original September 3, 2014, letter from the Columbus Bar Association. (Exhibit C). Although a subsequent letter was sent by the Columbus Bar Association on October 1, 2014, Mr. McCord had not yet returned. (Exhibit B) The Columbus Bar Association certified Mr. McCord's default on November 3, 2014 to the Supreme Court of Ohio. On December 10, 2014, the Supreme Court of Ohio issued an interim default suspension against Mr. McCord. Mr. McCord received notice of the interim default suspension via certified mail in December 2014.

Within the prescribed one hundred and eighty days, Mr. McCord is requesting that the Supreme Court accept the Answer attached hereto as Exhibit A and remand this matter to the Columbus Bar Association for resolution pursuant to Rule V, Section 14(C) of the Supreme Court Rules of the Government of the Bar of Ohio. Mr. McCord also requests that the interim suspension be terminated for the following good cause.

Mr. McCord did not timely respond to the initial formal complaint of the Columbus Bar Association as a result of his inability to access his records or the transcript of the deposition, and inability to meaningfully work with his legal counsel on a response. It should also be noted that in May 2014, Mr. McCord appeared for and was deposed by the bar counsel and cooperated with the investigation between the deposition and September 1, 2014. During September 1, 2014 through October 30, 2015, Mr. McCord assumed that conversations were on-going with his previous counsel and the Columbus Bar Association on his behalf. Therefore, Mr. McCord did not take direct action on the letter.

The original three grievances brought by clients were dismissed by the Columbus Bar Association after the May 2, 2014 depositions. (Exhibit C, Complaint paragraph 4) There are no actual incidents of client grievances or harm arising from the remaining alleged violations of the Ohio Rules of Professional Conduct. Therefore, there is no danger to the public if the interim suspension prohibiting Mr. McCord from practicing law is terminated.

## CONCLUSION

Mr. McCord respectfully requests, through his counsel, that he be granted leave to file the attached Answer to the Complaint and that the interim suspension of his license to practice law in the State of Ohio be terminated for good cause shown. Further, the Respondent requests that the matter be remanded to the Columbus Bar Association for further proceedings.

Respectfully submitted,

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604 E. Rich St.
Columbus, OH 43215
(614) 519-4984
brehmlaw@gmail.com

**AFFIDAVIT OF RESPONDENT, LUMUMBA TOURE' McCORD**

STATE OF OHIO :
: SS
COUNTY OF FRANKLIN :

Now comes Respondent, Lumumba Toure' McCord, being first duly cautioned and sworn according to law, deposes and says under oath that the facts set forth in the foregoing Motion for Leave to Answer and Request to lift Interim Suspension are true and accurate to the best of his knowledge.

Lumumba Toure' McCord
Respondent

Sworn to and before me subscribed in my presence this 28th day of January, 2015.

Notary Public

SUZANNE E. KELLY
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03

## CERTIFICATE OF SERVICE

A copy of the foregoing Answer was served January 29, 2015, via regular U.S. Mail upon:

Richard A. Dove , #0020256
Secretary
Supreme Court of Ohio
Board of Commissioners on Grievances and Discipline
65 S. Front St., 5th Floor,
Columbus, OH 43215-3431
(614) 387-9370/ Fax: (614) 387-9379

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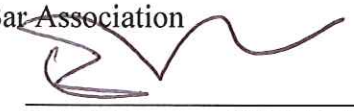

Eric W. Brehm (0074115)
Counsel for Respondent, Lumumba Toure' McCord

CASE NO 2014-1896 EXHIBIT A

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

**In re:**

**Complaint against** **Case No. 2014-1896**

**LUMUMBA TOURE' MCCORD**

**Respondent**

**COLUMBUS BAR ASSOCIATION**

**Relator**

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**ANSWER OF RESPONDENT LUMUMBA TOURE' McCORD**

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(614) 340-2053/ Fax: (614) 221-4850
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**THE SUPREME COURT OF OHIO**

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**Respondent**

**COLUMBUS BAR ASSOCIATION**

**Relator**

## ANSWER TO COMPLAINT AND CERTIFICATE, RULE V. OF THE SUPREME COURT RULES FOR THE GOVERNANCE OF THE BAR

### COUNT 1

1. Respondent is without knowledge regarding paragraphs 1 and 2, and therefore denies these allegations.

2. Respondent admits that he appeared at the May 2, 2014, deposition and responded to Relator's inquiries.

3. Respondent admits that grievances were dismissed as stated in paragraph 4.

4. Respondent admits that he used an IOLTA account for personal injury cases and that he has not handled a personal injury case since 2010 as stated in paragraph 5.

5. Respondent denies the allegations in paragraphs 6, 7, 8, and 9.

### COUNT 2

6. Respondent admits the allegations in paragraphs 10 and 11

7. Respondent denies the allegations in paragraph 12

**COUNT 3**

8. Respondent admits the allegations in paragraphs 13, 14, 15, 16, 17, and 18.

9. Respondent denies the allegations in paragraph 19.

Further, Respondent sayeth naught. WHEREFORE, the Respondent requests that all allegations against him be dismissed as without merit.

Respectfully submitted,

Eric W. Brehm #0074115
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Columbus, OH 43215
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E-mail: brehmlaw@gmail.com
COUNSEL FOR RESPONDENT,
LUMUMBA TOURE' MCCORD

**AFFIDAVIT OF RESPONDENT, LUMUMBA TOURE' McCORD**

STATE OF OHIO :
: SS
COUNTY OF FRANKLIN :

Now comes Respondent, Lumumba Toure' McCord, being first duly cautioned and sworn according to law, deposes and says under oath that the facts set forth in the foregoing ANSWER are true and accurate to the best of his knowledge.

Lumumba Toure' McCord
Respondent

Sworn to and before me subscribed in my presence this 28th day of January, 20 15.

Notary Public

SUZANNE E. KELLY
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03

Case No. 2014-1896 Exhibit B



# Find an inmate.

Locate the whereabouts of a federal inmate incarcerated from 1982 to the present.

**Find By Number** **Find By Name**

| First | Middle | Last | Race | Age | Sex |
|---|---|---|---|---|---|
| LUMUMBA | T | MCCORD | Black | | |

**1** Result for search **LUMUMBA T MCCORD**, Race: **Black**

Clear Form Search

## LUMUMBA TOURE MCCORD

Register Number: 71040-061

Age: 43
Race: Black
Sex: Male

Released On: 10/30/2014

Related Links

Call or email
Send mail/package
Send money
Visit
Voice a concern

About the inmate locator & record availability

Exhibit C

Case No. 2014-1896

2. Article Number

7160 3901 9849 1364 8805

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

1. Article Addressed to:

Lumumba Toure' McCord
McCord Legal Services
844 S. Front St.
Columbus, OH 43206

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) P HAGER

B. Date of Delivery 9/6

C. Signature

X P Hager ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

**Reference Information**

14-062 McCord Pc materials

Boc/g&d

PS Form 3811, January 2005 Domestic Return Receipt

**ATTACHMENT B**