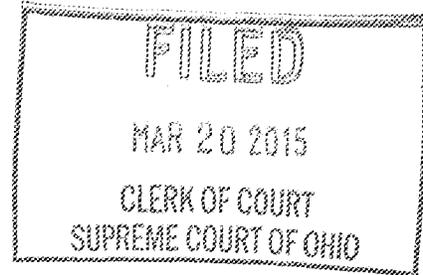


ORIGINAL

IN THE SUPREME COURT OF OHIO

CLEVELAND METROPOLITAN BAR)
ASSOCIATION CERTIFIED GRIEVANCE)
COMMITTEE)
))
Relator)
))
-v-s-)
))
TEDDY SLIWINSKI)
))
Respondent)

CASE NO. 2015-439



RESPONDENT'S RESPONSE TO RELATOR'S EMERGENCY MOTION
FOR INTERIM REMEDIAL SUSPENSION

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IN THE SUPREME COURT OF OHIO

CLEVELAND METROPOLITAN BAR) CASE NO. 2015-439
ASSOCIATION CERTIFIED GRIEVANCE)
COMMITTEE)
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Relator)
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-vs-)
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TEDDY SLIWINSKI)
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Respondent)

RESPONDENT'S RESPONSE TO RELATOR'S EMERGENCY MOTION
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INTRODUCTION

This Complaint arose out of a NSF IOLTA account check for \$160.00 on March 28, 2014. The Cleveland Bar Association assigned the case to an attorney to investigate. The underlying facts are simply this; a settlement check from a Defendant payable to Respondent and the client, Karen Styler, was deposited at Key Bank IOLTA \$1300.00 was available immediately from the check until it otherwise cleared. Respondent's fee was \$1500.00 and a check was written. The Defendant, however, put a stop pay on the check, hence it did not clear, explaining the NSF transaction. The check was re-issued and paid out to fees, costs and the client.

Ten months after this initial inquiry, the matter was reassigned to Atty. Matthew Besser who foraged through the IOLTA looking for whatever it may lead to. His assertion and conclusion, some of which are factual, most of which are baseless will be addressed.

His primary assertion is the ACT Trust. It is in fact the Atwood Conservation Trust, a separate entity. The land was originally owned by Respondent and his wife and sold to Thomas

Sable at which time, the ACT was created. As part of the transaction, Respondent retained a lifetime benefit to access the property and then for his children. Tom Sable was the Trustee and when he decided to withdraw as Trustee, he named Lori Mayer, Respondent's daughter, who grew up on the land as a suitable Trustee.

The land adjoins the Muskingham Oil Conservation Districts 2,500 acres and will therefore remain a conservation sanctuary. This was a personal sale, a negotiated arms length transaction and not at all a client matter.

Respondent has practiced law since 1976, 38 years and but for the IOLTA violation in April of 2011, has never been otherwise disciplined by this court. Respondent committed his practice after the bar to his old neighborhood of Slavic Village where he is a true general practitioner handling divorce, civil, probate, real estate, felonies and is capital case approved. For 19 years, Respondent represented the interests of citizens in Poland on behalf of the Polish People's Republic Consulate for New York in the Ohio District. Respondent is and has been deeply committed to his clients and his community. Fully 30% of his practice is pro bono, as the clients cannot afford it otherwise.

It is Respondent's contention that the investigation has a practice limited to employment law and has no concept of what a general practice entails. We are attorneys, counselors, social workers, friends and sometimes the last and only friend. We routinely take on clients who cannot go elsewhere at \$350.00 an hour and usually have meager ability to pay.

Respondent's reputation in the larger greater Cleveland bar and bench is impeccable. Respondent has represented at least two sitting judges. Respondent's practice runs the gambit of legal matters, taking him to London and Poland to successfully litigate matters. Respondent has volunteered at an advanced trial advocacy two week program at Cleveland State University Law

School for over 14 years and is a lecturer at the program. Respondent believes that the investigation has absolutely no concept of the responsibility and duties of a general practitioner as his practice is limited to employment law and a lecturer on "How to Lose your Ticket".

NOTICE TO RESPONDENT

Relator's motion was received Wednesday, March 18, 2015 and Respondent was only given 1-1/2 days to respond. Relator has had this matter for nearly a year raising the issue of due process on this extreme request.

The Respondent did comply with the court's original monitoring order and paid the costs to the Supreme Court over \$3,000.00. He did not file for removal of the probation.

RESPONSE

Respondent cooperated fully with both investigators. It is clear the investigator had a preconceived notion to find something. His inquiries into client privileged matters resulted in the loss of clients to avoid a conflict by the client's request. For the short time allowed to respond, Respondent's wishes to convey to the court that there is no need for a drastic remedy as no one is in danger of harm and a full hearing properly vetted will show the errors in the investigator's allegations.

Dispensing first with the Fleet Foundation Harmonia Chopin Society, Thomas Sabylar notation found on the "Organization Chart" attached to Relator's brief. Thomas Sabylar, went on line and created these entities by himself and put Respondent down as statutory agent. That's it. Somehow the investigator sees this as notorious and it appears on an "organization chart". There are no ethical violations.

Next, Walter Bednarsz. Over the years on three separate occasions, he has lent money, has always been paid and with above market interest. In fact, at one time, I had to represent him to collect money he lent to another attorney. These were personal loans and are not an attorney client ethical violation.

Of particular interest to the investigation is Edward Cook. An elder law attorney (Sandra Buzney) created the Power of Attorney naming Dolores Kuchnicki (his sister) and Respondent as alternate. This was no known or agreed to by Respondent when created. When Dolores Kuchnicki became ill and ultimately died, Respondent was placed into this position only to find Edward Cook in his home, filthy, covered in feces and urine, 95 degree weather with no air conditioning and locked windows. His caretaker, a long haired homeless male was using his debit card, drove his car and had an accident and used Cook's name resulting in a judgment against Edward Cook for \$16,000.00. Respondent fired the caretaker and after he refused to leave, called the Newburgh Heights Police Dept., who despite the recorded Power of Attorney, ordered Respondent off the property and forced an eviction action of the caretaker. County Protective Services was also notified. Respondent had an ambulance come and remove Mr. Cook (a Korean war veteran) to the hospital. He was there for two weeks. Respondent then had to find a caretaker. Respondent's wife, a registered nurse with extreme elder care experience assisted in caring and having others care for him until Respondent could get him into the Veteran's Home. He did not have a DD2-14 and the army responded they were lost in a flood.

Respondent was able to track a program in Ohio that gave returning Vets \$200.00 and obtained a DD-214 from them to get him on the list for the Veteran Home. Meanwhile, suitable care, maintenance and support was being provided by the registered nurse, caregivers with minimal assets. The Veteran's Hospital refused to accept Mr. Cook so he was placed temporary

in an assisted living facility. Due to his increasing care needs, he was removed and again placed in a nursing home after Respondent had him for four (4) days at a hotel, he then went to the Veteran's Home three months' later. To cover these expenses into the future for a caretaker, an agreement was funded by a lien on his house (as is the Ohio Passport Program). There was no other way to rescue this man. He ultimately was accepted to the Veteran's Home, gained 80 lbs. and Respondent and his wife who is a registered nurse are kept fully informed of his health, changes in treatment, etc., purchasing of clothing, fund his VA treasury account for incidentals all over the years. The \$800.00 withdrawn, of which \$300.00 was returned was well earned. His nursing bills are always paid, yes, sometimes late due to his real estate continued maintenance problems and the mortgage payment. The investigator was given the bank statements showing the deposit of the \$300.00 refund to Mr. Cook. There is no ethical violation in these activities. Even as I write this response, I received a telephone call from the Veteran's Home to deal with a current bedsore for Edward Cook.

Then the investigator looks up an old Probate file on Marcella Kasper. Likewise Irene Sliwinski, R.N. was hired by Mrs. Kasper's sister, Eleanor Dickens to care for her sister and not to go to a nursing home. They wanted to age in place at home. There is a caretaker agreement signed by Marcella Kasper. Eventually, Eleanor Dickens went to visit her nieces and died while there, leaving the full care of Marcella and her wishes to die at home, with Irene who nursed her for nearly nine years. Marcella was on Job and Family Services due to her negligible income. Her only way to pay forward was to again lien her house just as the State of Ohio does in their Passport Program. Irene and several others assisted in the care of Marcella to the extreme that she had to be there 24 hours, 7 days a week for the last four months of her life, with county

hospice care who has all these documents recording the excellent care for Marcella. Irene was never paid in full for her services and advances (diapers, food, shoes) due to the eventual sale for less than the services provided, as long as she was able to, Marcella receded all the invoices while she could. This was not a violation of any rule as claimed but an extra ordinary effort to allow Marcella to stay at home and Respondent added \$1200.00 of his own funds to pay for her funeral, not otherwise covered by her prepaid funeral. Again, not an ethical violation.

The investigator then questions money paid to Irene Sliwinski, Respondent's wife. She was paid as a nurse consultant for review of personal injury medical files and was appropriately paid. These are not fee splits but earned income. This is not a violation of ethical rules.

CONCLUSION

This is a most serious remedy that relators request. Respondent is seven (7) months from retirement from practice of law in October of 2015. Relator has had this investigation for a year now and moves the court to suspend him with a very short period of time to respond. Relator has no consideration of its impact on the 2-3 dozen active pending cases of Respondent's clients set for hearings, jury trials, pretrials, discovery, etc. that will adversely effect all those clients who cannot afford substitute counsel and who have the utmost trust and confidence for over 38 years in Respondent's ability to do the best legal work for them. Then there are the courts who schedule matters and will now all have to be reset for alternate counsel. This is not in the best interest of our bar.

Respondent therefore asks the court to deny this extreme remedy and allow the Relator and Respondent to agree to facts, resolve disputed facts, enter into stipulations and conclude this matter with proper due process and not endanger the remaining clients whose matters will be set into turmoil by an immediate suspension.

Respectfully submitted,


s/ Teddy Sliwinski

Teddy Sliwinski (Reg. No. 0024901)

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Respondent

CERTIFICATE OF SERVICE

A copy of the foregoing Respondent's Response to Relator's Emergency Motion for Interim Remedial Suspension has been served upon the following by regular U.S. Mail, postage prepaid this 20th day of March, 2015:

Emily R. Grannis
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Attorney for Relator
Cleveland Metropolitan Bar Association
Certified Grievance Committee



TEDDY SLIWINSKI #0024901
Respondent