

IN THE SUPREME COURT OF OHIO

Columbus Bar Association,
Relator,

v.

Joseph Dues Reed,
Respondent.

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Case No 2015-0587

RELATOR’S MOTION TO STRIKE RESPONDENT’S
OBJECTIONS TO THE FINDING OF FACT, CONCLUSIONS OF LAW,
AND RECOMMENDATIONS OF THE BOARD OF PROFESSIONAL CONDUCT
OF THE SUPREME COURT OF OHIO

Now comes Relator and, pursuant to S.Ct.Pract.R. 3.11(E), moves the Court to strike Respondent’s Objections to the Finding of Fact, Conclusions of Law, and Recommendations of the Board of Professional Conduct of the Supreme Court of Ohio.

This Motion is based upon Respondent’s false Certificate of Service attached to his filed Objections and his failure to timely serve any of Relator’s counsel with a copy of his Objections. The motion is supported by affidavits of Relator’s Counsel.

The time table of events in this case relevant to this Motion is as follows:

- 1) April 13, 2015, the Board filed its Findings with this Court;
- 2) April 17, 2015, the Court issued a Show Cause Order giving the parties twenty days to file Objections.
- 3) May 7, 2015 (20 days after the Court’s Show Cause Order), Respondent filed his Objections with a Certificate of Service signed by Respondent saying:
 “A true copy of the Objections was served upon the office of Relator by hand this 8th day of May, 2015.” It is not clear how Respondent could certify on May 7th an event that he alleged to have happened on May 8th.



- 4) On or about May 26, 2015, Relator examined this Court's docket and learned, for the first time, that Respondent had filed Objections, having never served or notified any Relator's counsel of this filing.
- 5) From May 26, 2015 to the present, Relator made numerous - but unsuccessful - attempts to reach Respondent to discuss this alleged service.

Obviously, Relator's fifteen-day window, under Gov. Bar R. V (17(C), for filing an Answer Brief had elapsed well before Relator's independent discovery of the Respondent's filing. Thus, any attempt to secure an extension of the filing date under S.Ct.Prac.R. 3.03(B) was precluded.

Gov.Bar Rule V Section 8(B) sets forth the duties of a party filing objections to Findings of the Board I in a disciplinary case. It specifically commands that "[T]he objections shall be accompanied by a brief in support of the objections and proof of service of copies of the objections and brief on the Director of the Board *and all counsel of record* [emphasis supplied]. Moreover, S.Ct.Prac.R.3.11(B)(1)(a) provides in relevant part that ". . . when a party or an amicus curiae files any document with the Clerk of the Supreme Court, that party or amicus curiae shall also serve a copy of the document on all parties to the case. Service to a party represented by counsel shall be made on counsel of record." These things, Respondent clearly did not do.

Upon learning of the filing, Relator's counsel made numerous attempts to contact Respondent to determine what had happened. Relator attempted to reach Respondent through an office phone number listed on a business card he had provided to Relator; however, that phone was disconnected. Relator then sent several fax messages to the fax number Respondent listed on

his objections. Those messages, were confirmed as delivered but not responded to by Respondent. In them Relator indicated exactly why Relator needed to talk to Respondent and made clear that Relator would have filed a brief in response to the objections if it had the opportunity to do so.

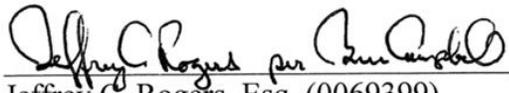
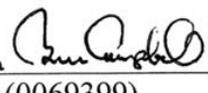
Next Relator hand delivered a message to Respondent's office address. Respondent was not present, but the secretary offered to put it on his office chair. The same secretary later confirmed to Relator that she had left the message for Respondent and that, in fact, he had received it. Still having heard nothing from Respondent, Relator was able to find a cell phone number for him and left a voicemail asking him to return the call; he did not.

In one final attempt to reach Respondent, Relator's counsel went to his home. The door was not answered, but a neighbor confirmed that Respondent does live there. Relator's counsel then left an envelope containing copies of the messages previously sent to him by other means and attached the envelope conspicuously to the front door handle. These facts are attested to in the attached Affidavit of Relator's Bar Counsel, Bruce A. Campbell.

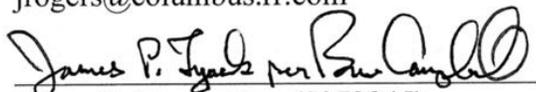
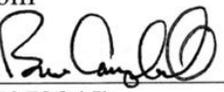
It is apparent to Relator that Respondent cannot be unaware of these attempts to reach him for an explanation regarding this service issue, but that he is, for whatever reason, evading Relator and unwilling to provide any proof of the claimed service.

Relator urges this Court to strike these Objections and to consider the Findings of the Board as filed.

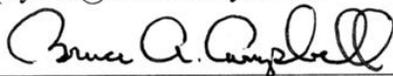
Respectfully submitted,

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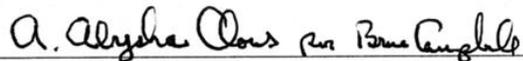
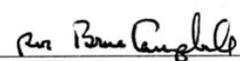
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COUNSEL FOR RELATOR

CERTIFICATE OF SERVICE

The undersigned counsel for Relator certifies that on the 11th day of June, 2015, he served a true copy of this Motion to Strike on Respondent, Joseph D. Reed, Esq. (0025938) by hand delivery to his office address at 713 South Front Street, Columbus, OH 43206.



Bruce A. Campbell (0010802)