

BEFORE THE BOARD OF PROFESSIONAL CONDUCT  
OF THE SUPREME COURT OF OHIO

<b>Dayton Bar Association</b>	:	Case No. 2013-1982
Relator.	:	
v.	:	<u>REPLY TO ORDER TO SHOW CAUSE</u>
<b>John Joseph Scaccia</b>	:	
Respondent.	:	

Respondent hereby replies to this Court's Order to Show Cause issued August 6, 2015 by attaching his Affidavit of Compliance and attached materials.



**FILED**  
AUG 24 2015  
CLERK OF COURT  
SUPREME COURT OF OHIO

David P. Williamson (0032614)  
Bieser, Greer & Landis, LLP  
400 PNC Center  
6 North Main Street  
Dayton, OH 45402-1908  
Tel: (937) 223-3277  
Fax: (937) 223-6339  
E-mail: [dpw@bgllaw.com](mailto:dpw@bgllaw.com)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing was served by regular U.S. Mail this 21st day of **August, 2015**, on the Brian D. Weaver, Attorney for Relator, at 5822 Jennysim Place, Dayton, OH 45415.

BIESER, GREER & LANDIS LLP



David P. Williamson (0032614)

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SUPREME COURT OF OHIO

**THE SUPREME COURT OF OHIO**

Dayton Bar Association, : Case No. 2013-1982  
Relator, : (Practice of Law Case)  
v. :  
John Joseph Scaccia, : **AFFIDAVIT OF COMPLIANCE**  
Respondent. :  
:

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This matter comes before the Court upon an Order to Show cause issued August 6, 2015. Respondent had timely complied with this Court's Order of October 2, 2014, but failed to take note of the requirement of timely filing the Affidavit of Compliance. Respondent hereby submits the Affidavit, admittedly late, and prays that the Court accept same and not find him in contempt.

STATE OF OHIO

MONTGOMERY COUNTY

John J. Scaccia, being duly sworn, states that he is over 18 years of age, was admitted to the practice of law in Ohio in 1983 (Registration No. 022217), is competent to testify to the

matters herein, and has personal knowledge of the facts contained in this Affidavit of Compliance. Affiant further states:

1. On October 2, 2014, the Ohio Supreme Court suspended my license to practice law in Ohio for a period of one year, with six months stayed on conditions.
2. Prior to my suspension, I had employed an associate attorney, John C. Cunningham (Registration No. 0082475). Mr. Cunningham served as co-counsel on a number of cases pending at the time of my suspension, as did other outside counsel.
3. Immediately upon learning of my suspension, I began to take steps to notify clients involved in matters that were currently pending about my suspension.
4. Certified letters were sent out within 30 days, copies of which are attached hereto as Exhibit A. To the best of my knowledge, all clients in then pending matters were notified, although there may have been one or two dormant cases that were not then pending that I did not immediately make such notification.
5. Clients that decided to continue with outside co-counsel or to seek new counsel had their files, papers, or other property returned to them or forwarded to new counsel. For those clients who continued with Mr. Cunningham, the files continued to be maintained in the office under Mr. Cunningham's control. Mr. Cunningham has since left my employ and has taken the case files with him for those clients who stayed with him.
6. Within 30 days of my suspension, it was my understanding that all clients were either represented by counsel or had elected to proceed *pro se*.

7. I refunded any fees or expenses to clients that were paid in advance and not earned at the time of my suspension.
8. To the best of my recollection, I contacted by telephone and spoke personally with all opposing counsel and likewise notified court staff in pending matters of the fact of my suspension. Due to personal health issues, including suffering from exhaustion, I failed to notify all counsel/courts in writing by certified mail. However, it is my understanding that all counsel and courts were aware of my suspension and my disqualification from practicing law in those then pending matters.
9. On December 2, 2014 I received a parallel suspension of my Federal license to practice, and filed an Affidavit of Compliance with the Federal Court, attached hereto as Exhibit B.
10. Prior to the Show Cause Order, my counsel had furnished counsel for Relator a list of the Mound clients and the status of payments made to each client and the balance of Restitution owed to each Mound client. Through inadvertence, a copy was not sent to this Court, but is now attached hereto as Exhibit C.
11. Prior to the Show Cause Order I surrendered my attorney registration card to my counsel. It is attached hereto.
12. I have paid the court costs of this action in the amount of \$6,381.56.

Further Affiant sayeth naught.

  
John J. Scaccia

Sworn to in my presence and subscribed before me this 26<sup>th</sup> day of August, 2015.

**DAVID P. WILLIAMSON, Attorney at Law**  
Notary Public, State of Ohio  
My Commission has no expiration date  
Section 147.03 O. B. B.



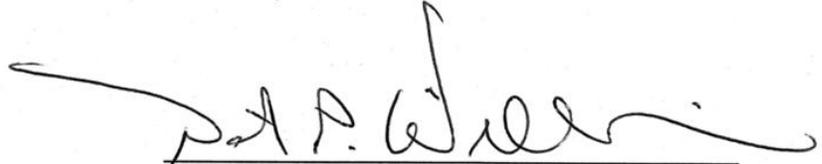
David P. Williamson

### CERTIFICATE OF SERVICE

I do hereby certify that a true and accurate copy of the foregoing was served by regular U.S. Mail this 26<sup>th</sup> day of August, 2015, upon the following:

Brian D. Weaver (0020326)  
5822 Jennysim Place  
Dayton, OH 45415  
Tel: (937) 278-9077  
E-mail: [Bweaver005@woh.rr.com](mailto:Bweaver005@woh.rr.com)  
Attorney for Relator,  
Dayton Bar Association

BIESER, GREER & LANDIS LLP



David P. Williamson (0032614)