

IN THE SUPREME COURT OF OHIO

DISCIPLINARY COUNSEL, : CASE NO. 2014-1905  
: Relator, :  
: v. :  
ANGELA ROCHELLE STOKES, :  
: Respondent. :

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RELATOR'S MEMORANDUM IN OPPOSITION TO RESPONDENT'S MOTION FOR  
LEAVE TO FILE MOTION FOR MODIFICATION  
OF DECEMBER 18, 2014 ORDER OF SUSPENSION

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<b>DISCIPLINARY COUNSEL,</b>	:	
	:	<b>CASE NO.: 2014-1905</b>
Relator,	:	
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	:	<b>LEAVE TO FILE MOTION</b>
	:	<b>FOR MODIFICATION OF</b>
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**Introduction**

This Court should deny Respondent’s *Motion For Leave To File Motion For Modification Of December 18, 2014 Order of Suspension* (“Motion for Leave”), as it is contrary to Gov. Bar R. V(19)(C)(1) and lacks merit.

**Argument**

Gov. Bar R. V(19)(C)(1) states in relevant part,

The respondent may request dissolution or modification of the order of suspension by filing a motion with the Supreme Court. The motion shall be filed within 30 days of entry of the order imposing the suspension, unless the respondent first obtains leave of the Supreme Court to file a motion beyond that time. The motion shall include a statement and all available evidence as to why the respondent no longer poses a substantial threat of serious harm to the public.

On December 18, 2014, this Court issued an interim remedial suspension against the respondent, unanimously determining that she posed a substantial threat of serious harm to the public. On

January 20, 2015, respondent filed a “Motion for Dissolution or Modification of Order of Suspension Under Gov. Bar R. V(19)(C)(1)<sup>1</sup>,” (“Motion for Dissolution”), which this Court denied on February 6, 2015. The rule provides for *one* challenge to an interim remedial suspension—either within 30 days, or if later than 30 days, only upon leave. Because respondent already filed her Motion for Dissolution within 30 days, she is procedurally barred from filing a *second* motion under Gov. Bar. R. V(19)(C)(1). To allow respondent leave to file a *second* motion for dissolution or modification would subject every interim suspension order to constant attack throughout a disciplinary proceeding.

In its Order suspending respondent on an interim basis, this Court specially stated that, “\* \* \* the suspension be effective as of the date of this entry, pending *final* disposition of disciplinary proceedings predicated on the conduct threatening the serious harm.” (Emphasis Added). This Court expressed its intention that the suspension remain in effect until the disciplinary proceedings are concluded, unless respondent could show—within 30 days—that she no longer posed a substantial threat of serious harm to the public. To that end, respondent filed her 196-page Motion for Dissolution of the interim remedial suspension arguing that she “never” posed a substantial threat of serious harm to the public. This Court denied respondent’s motion, thereby precluding her from subsequently challenging the interim suspension order.

Furthermore, respondent’s Motion for Leave provides no legitimate basis for this Court to even consider modifying its interim suspension order. Rather than explaining why she no longer poses a substantial threat of serious harm to the public, respondent continues in her unsuccessful efforts to discredit Judge Adrine, further illustrating her inability to accept responsibility for her misconduct. Respondent’s argument that relator’s Motion for Immediate

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<sup>1</sup> Respondent’s Motion for Dissolution or Modification of Order of Suspension states it was filed under Gov. Bar. R. V(5a)(C)(1); however, as of January 1, 2015, the correct rule is Gov. Bar R. V(19)(C)(1).

Interim Remedial Suspension was “largely premised on the Affidavit of Ronald B. Adrine” is simply not accurate. As relator explained in its Memorandum in Opposition to Respondent’s Motion to Dissolve the Interim Remedial Suspension Order of December 18, 2014, Judge Adrine’s affidavit was a minor part of relator’s motion. Moreover, it is improper for respondent to ask this Court to usurp the panel’s authority by making credibility determinations in the midst of a pending disciplinary proceeding.

Respondent further alleges that “substantial allegations of the Amended Complaint have been withdrawn,” thus asserting that the interim suspension is no longer warranted. Respondent is again mischaracterizing the state of relator’s case. Just after the hearing began, relator withdrew nine *factual* paragraphs from the 344-paragraph, eight-count complaint. After relator withdrew the nine paragraphs, the complaint still consisted of 335 paragraphs and eight counts supporting all the charged rule violations. Even respondent’s counsel, Paul Daiker, understood the minimal impact of relator’s actions: “We had discussions yesterday, Mr. Caligiuri and myself, with regard to some of the paragraphs as well as some of the evidence; and we believe that we’ve come to an agreement that will help streamline things a little bit here—for the panel.” (Trial Tr. pg. 2101, lines 11-17, attached as App. 1).

Of the paragraphs that relator withdrew, two dealt with respondent’s use of the court’s financial resources. The remaining seven paragraphs dealt with the Project Hope program. Withdrawing those seven paragraphs was more form over substance, as the parties stipulated that relator would still call the witnesses associated with Project Hope to testify about their experiences in respondent’s courtroom. (Trial Tr. pp. 2103-2107, attached as App. 2). Again, relator’s withdrawal of the nine paragraphs had no impact on any of the charged rule violations

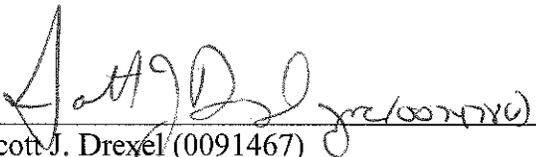
in the eight-count complaint and should have no bearing on this Court's interim suspension order.

Nothing that has transpired in this case to date could lead this Court to believe that respondent no longer poses a substantial threat of serious harm to the public. In fact, despite the explicit requirement in Gov. Bar R. V(19)(C)(1), respondent has failed to present any evidence suggesting that she no longer poses a substantial threat of serious harm to the public. She continues to deny all wrongdoing and, instead of accepting responsibility for her actions, she continues to cast aspersions upon others in an attempt to deflect blame. Respondent has failed to meet the standard for dissolution or modification of the order and her Motion for Leave indicates she never will.

### CONCLUSION

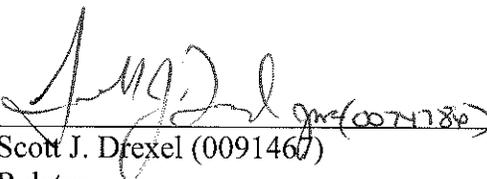
On February 6, 2015, this Court denied Respondent's Motion for Dissolution, which was filed under Gov. Bar R. V(19)(C)(1); consequently, respondent is procedurally barred from challenging the Court's interim remedial suspension order. Accordingly, this Court should deny respondent's Motion for Leave.

Respectfully submitted,

  
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Relator

**CERTIFICATE OF SERVICE**

A copy of the foregoing *Relator's Memorandum in Opposition to Respondent's Motion for Leave to File for Modification of December 18, 2014 Order of Suspension* has been served upon respondent's counsel, Larry W. Zukerman, Esq. ([lwz@duiohio.com](mailto:lwz@duiohio.com)), Paul B. Daiker, Esq. ([pbd@duiohio.com](mailto:pbd@duiohio.com)), Richard C. Alkire ([rick@alkirelawyer.com](mailto:rick@alkirelawyer.com)), and Dean Nieding ([d\\_nieding@earthlink.net](mailto:d_nieding@earthlink.net)), on this 25th day of August 2015, via electronic mail.

  
\_\_\_\_\_  
Scott J. Drexel (0091467)  
Relator

## Appendix 1

## P R O C E E D I N G S

COMMISSIONER RODEHEFFER: Welcome back, everybody. It's 9:30. This will be a continuation of the hearing, case style Office of Disciplinary Counsel versus Judge Angela Rochelle Stokes.

And, Mr. Daiker, you had something for the panel's attention?

MR. DAIKER: Yes, thank you, your Honor.

We had discussions yesterday, Mr. Caligiuri and myself, with regard to some of the paragraphs as well as some of the evidence; and we believe that we've come to an agreement that will help streamline things a little bit here --

COMMISSIONER RODEHEFFER: Okay.

MR. DAIKER: -- for the panel.

And I'll place it on the record; and Mr. Caligiuri, you can let me know if there's anything that's not accurate.

But it's my understanding that Relator is no longer going to be attacking or going after project -- the Project HOPE allegations contained in the complaint. They -- Relator is no longer going

## Appendix 2

1 HOPE?

2 MR. CALIGIURI: Correct.

3 COMMISSIONER RODEHEFFER: Okay. But then  
4 we go on to Bobby Williams and --

5 MR. CALIGIURI: (Indicates affirmatively.)

6 COMMISSIONER RODEHEFFER: Okay. Very  
7 good.

8 MR. DAIKER: In addition, there's the last  
9 sentence of Paragraph 11 will be deleted. It begins  
10 with -- they will strike the whole Paragraph 11.

11 COMMISSIONER RODEHEFFER: Okay.

12 MR. DAIKER: We are in agreement that  
13 Relator is free to call -- is still calling Sharon  
14 Dennis, Karen Stanton, as well as Shirlee Moss  
15 and/or Angela Beckwith to testify about their  
16 experiences in Judge Stokes' courtroom; but we have  
17 an agreement that there will be no line of  
18 questioning with regard to them concerning Project  
19 HOPE in general or it being flawed or too religious  
20 or ineffective as a whole. Did I say Karen Stanton?

21 COMMISSIONER RODEHEFFER: (Indicates  
22 affirmatively.)

23 MR. DAIKER: In addition, Relator will  
24 still be permitted to introduce Exhibit No. 134,

1 which is a letter from Jerry Krakowski to  
2 Judge Stokes; however, there was an attachment to it  
3 that will not be introduced and no -- and there  
4 isn't going to be any testimony concerning the  
5 content of the attachment.

6 COMMISSIONER RODEHEFFER: Okay. Is that  
7 all?

8 MR. DAIKER: Yes.

9 COMMISSIONER RODEHEFFER: Let me make sure  
10 I've understood them. What I get from this, I  
11 guess, stipulation is that as a general proposition,  
12 the allegations regarding Project HOPE are being  
13 withdrawn?

14 MR. CALIGIURI: Correct.

15 COMMISSIONER RODEHEFFER: I suspect there  
16 will be references, although not derogatory  
17 references, about the project simply because it was  
18 a part of Judge Stokes' docket; but any allegations  
19 of misconduct arising out of that project are being  
20 withdrawn.

21 MR. CALIGIURI: Correct.

22 COMMISSIONER RODEHEFFER: And we get to  
23 the specifics that Paragraphs 221 to 227 are to be  
24 dismissed or otherwise withdrawn, the last sentence

1 of Paragraph 11 is going to be deleted.

2 MR. CALIGIURI: Paragraph 11 in its  
3 entirety.

4 COMMISSIONER RODEHEFFER: Okay. I thought  
5 it was just the last sentence, okay. So  
6 Paragraph 11 in its entirety is to be deleted.

7 MR. CALIGIURI: Right.

8 COMMISSIONER RODEHEFFER: The expert  
9 witnesses that we have previously discussed  
10 regarding Project HOPE will not be called.

11 MR. CALIGIURI: Correct.

12 COMMISSIONER RODEHEFFER: And then  
13 exceptions to that will be you're still going to be  
14 free to call Sharon Dennis, Shirlee Moss -- who is  
15 the third individual?

16 MR. CALIGIURI: Karen Stanton and Jenny --  
17 Angela Beckwith.

18 COMMISSIONER RODEHEFFER: Angela Beckwith.  
19 Tammy Stanton?

20 MR. CALIGIURI: Karen Stanton.

21 COMMISSIONER RINGLAND: Moss, Beckwith,  
22 Stanton. Who else?

23 MR. CALIGIURI: Shirlee Moss and Dennis.

24 COMMISSIONER RODEHEFFER: So Sharon

1 Dennis, Shirlee Moss, Angela Beckwith, Karen  
2 Stanton?

3 MR. CALIGIURI: Yes.

4 COMMISSIONER RODEHEFFER: I assume those  
5 are people that had some role with Project HOPE.

6 MR. CALIGIURI: Yes. Karen Stanton was  
7 the Project HOPE probation officer. She would fall  
8 under court personnel. Then Shirlee Moss was  
9 Judge Stokes' personal bailiff, and then the two  
10 other women are defendants that participated in the  
11 Project HOPE docket.

12 COMMISSIONER RODEHEFFER: I'm not sure.  
13 What is Exhibit 134?

14 MR. CALIGIURI: It's a letter from Jerry  
15 Krakowski who is the head of the probation  
16 department to Judge Stokes regarding Project HOPE.

17 COMMISSIONER RODEHEFFER: Okay. So that  
18 letter is still going to be -- we can reference it  
19 and maybe introduce it under the appropriate  
20 circumstances, but the attachment is what is being  
21 redacted or excluded?

22 MR. CALIGIURI: Correct.

23 MR. DAIKER: Correct.

24 COMMISSIONER RODEHEFFER: Okay. Does that

1 pretty much do it?

2 MR. CALIGIURI: Yes.

3 COMMISSIONER RODEHEFFER: Okay.

4 MR. CALIGIURI: Just one other thing to  
5 put on the record. With regard to the witnesses in  
6 that portion of the complaint, we're going to call  
7 them in relation to other aspects of the complaint.  
8 For instance, Karen Stanton.

9 COMMISSIONER RODEHEFFER: I'm sure Shirlee  
10 Moss will be here.

11 MR. CALIGIURI: Right.

12 COMMISSIONER RODEHEFFER: I understood  
13 that.

14 MR. DAIKER: And just with Exhibit 134,  
15 there's not going to be any testimony concerning the  
16 attachment. The attachment is not coming in or the  
17 testimony concerning it.

18 COMMISSIONER RODEHEFFER: Sure. I think I  
19 understand that.

20 Okay. Anything else?

21 MR. CALIGIURI: No.

22 COMMISSIONER RODEHEFFER: That's the best  
23 you could do? That's fine.

24 All right. Well, we have Judge Adrine out