

THE SUPREME COURT OF OHIO

In re Application of :
: :
Joseph V. Libretti, Jr. : Case No. 2014-1555
:

**CMBA’S MEMORANDUM IN OPPOSITON TO APPLICANT’S
MOTION FOR RECONSIDERATON**

CMBA respectfully submits that this Court should deny Joseph V. Libretti, Jr.’s Motion for Reconsideration.

Libretti seeks reconsideration on “the sole issue” decided by the Court in its October 22, 2015 decision and order. *In re Application of Libretti*, 2015-OHIO-4338 at ¶2 (Oct. 22, 2015). This Court, however, has made it clear that it “will not ... grant reconsideration when a movant seeks merely to reargue the case at hand. S.Ct.Prac.R. 18.02(B).” *Dublin City Schools Board of Education v. Franklin County Board of Revision*, 139 Ohio St.3d 212, 11 N.E.3rd 222 at ¶9 (Ohio 2014).

While Libretti is unhappy with the result, such provides no basis for re-litigation of an issue fully briefed, argued and decided. Rather, the motion is but another example of a “pattern of repetitive litigation [which] did not reflect a person who has respect for the law” *Libretti*, 2015-OHIO-4338 at ¶13.

This Court, applying established precedent, concluded: “Because we find that Libretti’s ethical infractions are longstanding and so permeate the admissions process that his honesty and integrity are shown to be intrinsically suspect, we conclude that we must permanently deny his application to register as a candidate for admission to the Ohio bar.” *Libretti*, 2015-OHIO-4338 at ¶20.

Libretti does not here dispute these factual findings. Rather, he contends that “glimmer of hope” dicta from *In re Clark*, 135 Ohio St.3d 252, 2013-Ohio-732, 985 N.E.2d 1266, at ¶14 (2013) **requires** a different result. It does not.

Nor should it where, as here, an applicant’s “glimmer of hope” contention ignores his “inherently suspect” character and moral qualifications, his lack of rehabilitation, and his absence of remorse (other than as to consequences to himself). Instead, Libretti relies almost exclusively on the willingness and ability of third parties to monitor and control his future behavior. Libretti’s argument is not new.

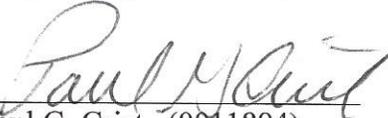
In addition, his “glimmer of hope” argument ignores Libretti’s refusal or inability to comply with “multiple terms of his supervised release” and thus the threat of reimprisonment (*Libretti*, 2015-OHIO-4338 at ¶16), and his refusal or inability to comply with Gov. R. Bar 1 and the guidance of his amici professors and co-workers as evidenced by his conduct which “intentionally concealed and misrepresented [the mistakes he made since his release from prison] during every step of the admissions process.” (*Libretti*, 2015-OHIO-4338 at ¶17).

In sum, the unanimous panel of the Board of Commissioners on Character and Fitness, the Board itself, and this Court – the only ones to have considered the full record – reached a consistent conclusion: Libretti should be “forever barred from reapplying for the privilege of

practicing law in this state.” *In re Application of Libretti*, Order (Oct. 22, 2015). There is no reason to alter that result.

Libretti’s Motion for Reconsideration should be denied.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Paul G. Crist".

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CERTIFICATE OF FILING AND SERVICE

The undersigned certifies that the foregoing CMBA'S MEMORANDUM IN
OPPOSITION TO APPLICANT'S MOTION FOR RECONSIDERATION was e-filed this 10th
day of November, 2015 with:

Office of the Clerk
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65 South Front Street, 8th Floor
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And a copy was emailed and/or mailed this 10th day of November, 2015 to each of the following:

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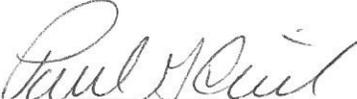
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And a copy was emailed and/or mailed this 10th day of November, 2015 to each of the
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