Supreme Court of Ohio Clerk of Court - Filed January 06, 2016 - Case No. 2015-2009

IN THE SUPREME COURT OF OHIO

In Re:

Complaint against Tasso Paris
Attorney Reg. No. 0038609
Respondent

Cleveland Metropolitan Bar Association
Relator

Case No. 2015-2009

Respondent's Opposition To the Recommendation of Board of Professional Conduct of the Supreme Court of Ohio

Respondent Tasso Paris does hereby take exception to Recommendations of the Board of Professional Conduct as set forth in its filing of December 11, 2015. Respondent objects to the finding of facts, conclusions of law and recommended sanction.

Respondent respectfully requests this Honorable Court to follow the recommendations of the Relator.

Respondent makes this request for the following reasons:

1. The Relator and his staff engaged in a lengthy investigation of this matter before filing the complaint. The Respondent did the same upon receipt of the complaint. Following the investigations, the parties engaged in discovery.

2. Following discovery the parties were both prepared for trial and both were certain that the trial would be long and bitter.

3. Attorneys for the parties met to set the ground rules for the anticipated trial. At this meeting were Thomas Paris and Thomas Anastas. Thomas Paris brought his son, attorney John Paris, for this meeting, as John would be the conducting the actual trial since attorney Thomas Paris no longer did trial work due to advancing age.

4. At this meeting, the party sought to see what matters were in dispute and what could be stipulated. After some discussion, Relator suggested that perhaps trial could be avoided and the matter submitted to the Board on stipulations. The Relator and Respondent finally agreed on the stipulations with the recommendation that a suspended sentence would be recommended by

Relator.

5. In the course of the discussions between attorneys for the parties, Relator was asked if his recommendation would be accepted by the Board and he indicated that in the vast majority of cases recommendations of the Relator were acceptable.

6. Because of the foregoing, Respondent and Relator felt that a fair and reasonable outcome would be had and a long drawn out battle would be avoided. Parties agreed that no witnesses would be called and no cross-examinations would be had. Both parties adhered to this.

7. In addition to the foregoing, Respondent takes issue with paragraphs 27, 36, 40 - 41. These paragraphs contend that (a) there was no evidence to assure the panel that respondent's conduct was an isolated incident, (b) this charge involved multiple violations and (c) respondent did not acknowledge the inappropriateness of his conduct.

With regard to the about item (a), respondent testified that he has been a lawyer for 28 years - since 1987 - without any blemish whatsoever on his record, and also that complainant has referred one of her friends to his office.

With regard to item (b), the multiple charges the panel refers to are the two charges that remained after Relator dismissed two.

With regard to item (c), the fact that Respondent signed the stipulation and acknowledged that his conduct may have been mistakenly taken by Complaintant is certainly sufficient evidence of acceptance of responsibility.

8. In addition to the forgoing, counsel would like to point out that the panel did a thorough examination of both the complaintant and the Relator. Neither attorney cross-examined either of the witnesses with keeping with the understanding between them reached at the time of the stipulations finally agreed to. Counsel believes that the recommendation made by the Relator was made after a full review of all the facts uncovered by prolonged investigation and was in addition to the explanations

which each of the parties made to each other. Recommendation of the Relator was voluntary made by it, and while appreciated by the Respondent, it had not been demanded by him. The full nature of Respondent's, Tasso Paris's, feelings is set forth in the attached affidavit which is made a part of this presentation.

The Respondent respectfully requests this court to reject the recommendation of the panel and to adopt the recommendations of the Relator.

Respectfully Submitted,

Thomas Paris (0009074)
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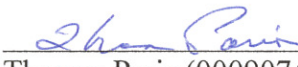
CERTIFICATE OF SERVICE

The forgoing was filed electronically with the Supreme Court of Ohio efiling site and sent via email to Thomas Anastos at tanastos@ulmer.com, attorney for Relator and Heather Zirke at hzirke@clemetrobar.org on this 6th day of January, 2016.



Thomas Paris (0009074)

STATE OF OHIO)
) SS. AFFIDAVIT
COUNTY OF CUYAHOGA)

Affiant , being duly sworn and cautioned pursuant to law deposes and states as follows:

1. Affiant Tasso Paris is the Respondent before the Board of Commissioners on Grievances and Discipline of The Supreme Court of Ohio, Case Number 2015-005;

2. Affiant further states that I was completely open and honest with the Board of Grievances at the hearing dated September 30th, 2015;

3. That further, I have absolute remorse that any individual would for any reason feel that I do not have their best interests at heart with regard to any entrusted legal issue;

4. That in the Cleveland Municipal Court matter involving Complainant Jennifer Cook, I absolutely did not then, and do not now believe that a trial was in my client's best interest. She had refused all field sobriety tests. She told the police officer that until her lawyer was present, she would refuse to blow. All this after causing an accident by going over 2 lanes of traffic and entering into oncoming traffic while exiting an Irish bar on St. Patrick's Day. And more importantly, she was an individual with an Irish sounding name who also appears extremely Irish. I took the time to review the video and saw all parties concerned including the other individuals involved in the accident. I went to many, many hearings and felt I received a good result for my client. Moreover this was her 3rd OVI charge and at least her 2nd potential conviction. My client further had prior driving under suspension convictions;

5. Affiant further states that the information contained in paragraph 4 is not intended to impugn the credibility of the Complainant, but rather to point out that this was not an easy case to obtain a dismissal on an OVI charge;

6. Affiant further states that I had no idea that I was to present mitigation evidence and was specifically told not to present any evidence contained in the Stipulations, and that mitigation

was part of the Stipulations. Moreover, Respondent was prohibited from contesting or discussing anything in detail at the hearing of September 30, 2015;

7. Affiant was further presented with Stipulations and an Agreement that he believed was a resolution of the matter. That further, as a Civil Attorney, when Stipulations and an Agreement are made, I have never been involved in a scenario where that Agreement was not followed. That allowing Complainant to go into very odd testimony, heresy in nature, concerning conversations with her boyfriend, Affiant simply does not believe was fair. However, it is known and acknowledged here that Affiant's client did not feel she had a trustful relationship with her attorney, and for that feeling to ever be present in any of Affiant's clients is very distressing to affiant. Affiant feels true remorse for this;

8. Affiant further states that I waived my right to present testimony that would have been exculpatory in nature, as I was advised by both of my attorneys that an agreement had been reached, which unfortunately required signing Stipulations in order to obtain a stay of a six month suspension. I have now learned that my understanding was in error. Notwithstanding what is contained in this paragraph, I still have compassion for the Complainant and feel remorse that she felt her case was not being handled properly or that Affiant was coming on to her;

9. Affiant further states that I was not given an opportunity to speak directly to Complainant as Complainant left after giving her statement;

10. Affiant further states that, had I been given the opportunity, I would have been more than happy to look Complainant in the eye, or at least in her general direction and apologize for making her feel uncomfortable or for saying anything regarding taking her out to dinner. I would have apologized for mentioning any reference to a hot-tub. That further, this apology would have been sincere and from the heart;

11. Affiant further states that I have never been through anything like this before and that further, this was a first impression matter for my counsel, those being my father Thomas Paris and my brother, John Paris;

12. Affiant further states that I have been representing clients of both genders since November of 1987 and have never been disciplined for any misconduct;

13. Affiant further states that I believe I am thought of very highly by all of my clients, save Complainant, as being a caring, hard working, and diligent lawyer who truly and deeply cares about his clients;

14. Affiant further states that I care about my clients deeply, not only their case, but how they are doing in an overall way. I have true affection for the individuals I represent. Even when I do not particularly like a client, which is rare, I always practice with my clients' best interests at heart;

15. Affiant further states that asking out in any manner the Complainant was absolutely wrong and should not have happened. Affiant states with absolute certainty that conduct of this type or any other conduct which is considered inappropriate by the Code of Ethics will never happen again;

16. I am sorry for any perceived and/or actual misconduct. I am a decent, caring man and a hard working attorney. I pray that the agreed sanction of a six month stayed suspension be adopted and Ordered into execution.

FURTHER AFFIANT SAYETH NAUGHT.

TASSO PARIS

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE this 6 day of January, 2016.

NOTARY PUBLIC

THOMAS PARIS, Attorney
NOTARY PUBLIC - STATE OF OHIO
My Commission has no expiration date.
Section 147.03 R.C.