

ORIGINAL

IN THE SUPRME COURT OF OHIO

DISCIPLINARY COUNSEL, : CASE NO. 2012-2070
 Relator, :
 -vs- :
 JOSEPH PATRICK O'MALLEY, ESQ., :
 Respondent. :

PETITION FOR REINSTATEMENT TO THE PRACTICE OF LAW

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Counsel for Respondent

Counsel for Relator

FILED
 JAN 27 2018
 CLERK OF COURT
 SUPREME COURT OF OHIO

PETITION FOR REINSTATEMENT

Now comes Respondent, Joseph Patrick O'Malley, through counsel, and pursuant to Gov. Bar R.V(25), who hereby respectfully petitions the Court for his reinstatement to the practice of law on the grounds that the Respondent is now a proper person to be readmitted to the practice of law in Ohio, notwithstanding the previous disciplinary action. In support, Joseph Patrick O'Malley represents the following:

- (1). On October 17, 2013, this Court entered an Order indefinitely suspending Respondent from the practice of law in Ohio, but allowing Respondent to petition for reinstatement if he satisfied all aspects of his federal sentence, including completing his supervised release. The Opinion was reported in *Disciplinary Counsel v. O'Malley*, 137 Ohio St. 3d 161, 2013-Ohio-4566.
- (2). There have been no prior Petitions for Reinstatement filed with the Court.
- (3). The names of all persons and organizations, except the Petitioner and the Board, who were or would be entitled under the Rule to receive from the Clerk of the Supreme Court certified copies of the Disciplinary Order of the Supreme Court against Petitioner resulting in his suspension are:

SCOTT DREXEL, Disciplinary Counsel, Office of Disciplinary Counsel, 250 Civic Center Drive, Suite 325, Columbus, Ohio 43215

JOSEPH CALIGIURI, Chief Assistant Disciplinary Counsel, Counsel of Record, 250 Civic Center Drive, Suite 325, Columbus, Ohio 43215

THE OHIO STATE BAR ASSOCIATION, P.O. Box 16562, 1700 Lakeshore Drive, Columbus, Ohio 43216

THE CLEVELAND METROPOLITAN BAR ASSOCIATION, 1375 East 9th Street, Floor 2, Cleveland, Ohio 44114

(4).

AFFIDAVIT

STATE OF OHIO

COUNTY OF CUYAHOGA

Before me, a Notary in and for said state, personally came Joseph Patrick O'Malley, being duly sworn, deposes and says:

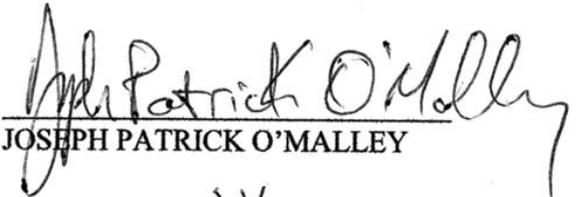
1. I am the Respondent in the above matter and competent to testify in Court regarding the above matter.
2. On October 17, 2013, this Court entered an Order that the Petitioner;
“... is hereby indefinitely suspended from the practice of law in Ohio. He shall not be permitted to petition for reinstatement unless he has satisfied all aspects of his federal sentence, including completing his supervised release.” *O'Malley*, 2013-Ohio-4566, ¶19.
3. I have satisfied all aspects of my federal sentence having successfully completed the terms of my probation and conditions imposed by the federal court, and that court has granted termination of my supervision by the U.S. District Court, Northern District of Ohio. (See Exhibit A attached: Notice of Discharge/Northern District of Ohio, United States District Court, Northern District of Ohio, Docket No.: 1:10CR00171-001 (March 4, 2014)).
4. There are no current formal or informal disciplinary proceedings against me. I am unaware of any un-pursued grievable offenses against me or that could be brought against me.
5. I am unaware of any prior pursued or un-pursued grievable offenses against me or that could have been brought against me other than the above captioned matter.
6. I have complied with all applicable duties of a Suspended Attorney as set forth in Gov. Bar R.V(E) and Gov. Bar R.V(G) and have not engaged in the unauthorized practice of law.
7. I have complied with the continuing legal education requirements of Gov. Bar R.X and have completed the CLE requirements as follows:
 - A. 53 total CLE hours completed since August 2011:

1. Professional Conduct credit hours since it has been bundled – 8.5 hours;
2. Professional Conduct credit hours prior to it being bundled:
 - a. Ethic hours – 9.25
 - b. Substance Abuse hours – 1.5
 - c. Professionalism hours – 1.0
3. General credit hours- 32.75.
8. I have paid all costs of the proceedings as ordered by this Court, and both court costs and publication costs have been paid in full.
9. I have fully complied with the Supreme Court's Order of Suspension.
10. I have met all the applicable requirements of Gov. R.I Section, *General Requirements*, having been admitted to the bar in 1992.
11. The facts upon which I rely to establish by clear and convincing evidence that I possess all the mental, educational, and moral qualifications that were required of an applicant for admission to the practice of law in Ohio at the time of my original admission and that I now am a proper person to be readmitted to the practice of law in Ohio, notwithstanding the previous disciplinary action, include the following:
 - a. I am raising two teenage children: a daughter, age 18, who is a Freshman at John Carroll University, and a son, age 15, who is a Freshman at St. Ignatius High School.
 - b. I am a homeowner and own real estate other than my home.
 - c. I do not have any drug or alcohol dependencies. I have an excellent driving record. I have no mental or physical disabilities.

d. Except for the underlying charge(s), I believe I have always exercised good judgment in my personal and professional affairs, and I have conducted myself with a high degree of honesty, integrity, and trust worthiness with respect to my professional relationships and legal obligations.

12. I swear and affirm that I will support the Constitution and the laws of the United States and the Constitution and the laws of Ohio, and I will abide by the Ohio Rules of Professional Conduct. If reinstated as an attorney, as an officer of the court, I will conduct myself with dignity and civility and show respect for judges, court staff, clients, fellow professionals, and all other persons. I will honestly, faithfully, and completely discharge the duties of an attorney at law.

Further Affiant Sayeth Naught.


JOSEPH PATRICK O'MALLEY

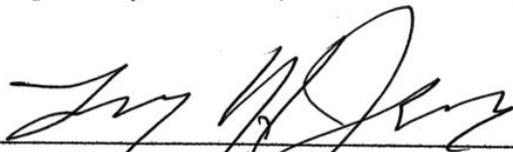
Sworn to, signed and acknowledge before me at Cleveland, Ohio on January ²⁴, 2016.


NOTARY

For the foregoing reasons, Respondent Joseph Patrick O'Malley respectfully petitions this Court to reinstate his law license, or in the alternative, refer this petition for a fully hearing to the Board.

Brian A. Cook, Atty.
Notary Public, State of Ohio
My Commission Has No Expiration Date
§147.03 O.R.C.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Larry H. James", written over a horizontal line.

Larry H. James (0021773)

Daniel J. Hurley (0034499)

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Counsel for Respondent



**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
Pretrial Services and Probation Office**

Burton Maroney
Chief Pretrial Services and Probation Officer

801 West Superior Avenue, Suite 3-100
Cleveland, OH 44113-1850

FAX 216.357.7350

March 4, 2014

Mr. Joseph P. O'Malley
3408 Balsam Drive
Westlake, Ohio 44145

**Notice of Discharge/Northern District of Ohio
(District of Supervision)**

Name: O'MALLEY, Joseph P.

Docket: 1:10CR00171-001

Date of Sentence Imposed: 03/02/2012

Date Sentence Expired: 03/01/2014

Inasmuch as you have successfully completed the terms of your Probation and Conditions. You are hereby granted Termination of your Supervision by the U.S. District Court, Northern District of Ohio.

Sincerely,

/s/ Megan Greszler

Megan Greszler
U.S. Probation Officer
216.357.7346

MG/kjs
cc: file

