

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

In re:

Case No. 2015-060

Complaint against

**Dennis Armand DiMartino
Attorney Reg. No. 0039270**

**Findings of Fact,
Conclusions of Law, and
Recommendation of the
Board of Professional Conduct
of the Supreme Court of Ohio**

Respondent

Mahoning County Bar Association

Relator

OVERVIEW

{¶1} This matter was heard on February 9, 2016 in Columbus before a panel consisting Paul M. DeMarco, David W. Hardyman, and Lisa A. Eliason, chair. None of the panel members resides in the district from which the complaint arose or served as a member of the probable cause panel that reviewed the complaint pursuant to Gov. Bar R. V, Section 11.

{¶2} Respondent was present at the hearing, represented by John B. Juhasz, Jr. David Comstock, Jr. appeared on behalf of Relator.

{¶3} On November 9, 2015, Relator filed a one-count complaint against Respondent alleging six violations of the Ohio Rules of Professional Conduct and one violation of Gov. Bar R. V, Section 9(G) regarding Respondent's representation of George Michael Joseph relative to an effort to secure personal property Joseph believed was being wrongfully withheld by his ex-girlfriend at her residence and Respondent's failure to respond to Relator's investigation. In the one-count complaint, Relator set forth Respondent's three prior disciplinary matters and the disciplinary matter then pending before the Supreme Court of Ohio. Relator's Ex. 1-4.

{¶4} On December 2, 2015, Respondent filed a timely answer.

{¶5} The parties filed agreed stipulations of fact and an agreed stipulation of sanction whereby “The parties jointly recommend that the Respondent be suspended from the practice of law indefinitely, but that the suspension be served concurrently with the indefinite suspension in Case No. 2014-2250.” February 3, 2016 Stipulation 7.

{¶6} Relator believed the stipulations, along with exhibits attached to the complaint, were sufficient to establish the rule violations. Respondent had no objection. Relator had no further evidence. Hearing Tr. 9.

{¶7} The sole witness to testify was Respondent. Ten character letters, Exhibits A-J, were presented by Respondent and, without objection, admitted into evidence. Hearing Tr. 47.

{¶8} At the conclusion of the hearing, the panel chair left the record open until February 23, 2016 for additional character letters. Those additional letters were filed on February 23, 2016 as Exhibits K and L. It was agreed the parties would file a stipulated brief on the issue of sanction on or before March 21, 2016.

{¶9} On February 17, 2016, the Supreme Court of Ohio indefinitely suspended Respondent from the practice of law in Ohio in *Mahoning Cty. Bar Assn. v. DiMartino*, Slip Opinion No. 2016-Ohio-536.

{¶10} Through the stipulations and exhibits, Relator has proven the following violations as set forth in the complaint:

- *Prof. Cond. R. 1.3* [diligence]. Respondent accepted \$1,800 from Joseph to retrieve Joseph’s personal property from an ex-girlfriend and never filed the action.
- *Prof. Cond. R. 1.4(a)(3)* [failure to keep the client reasonably informed about the status of a matter]. Joseph called Respondent on numerous occasions without a response and went to his office numerous times and was told Respondent was not in.

- *Prof. Cond. R. 1.4(a)(4)* [failure to comply as soon as practicable with reasonable request for information from the client]. Joseph called Respondent and demanded return of his money, but had no response. Joseph needed the money to hire another attorney to file the action.
- *Prof. Cond. R. 1.15(a)* [failure to maintain a record of all funds for an IOLTA, to maintain a copy of any fee agreement, to identify client funds, and to perform monthly reconciliation of the IOLTA]. Respondent failed to have a fee agreement reduced to writing. Respondent never provided his IOLTA records in regard to the transaction and admitted the fee went into his business account.
- *Gov. Bar R. V, Section 9(G)* [failure to cooperate]. After Joseph filed a grievance with Relator, multiple requests were made to Respondent for a response and then specifically a response was requested by March 5, 2015 and April 16, 2015. Respondent finally responded on June 4, 2015.

{¶11} In the complaint, Relator alleged violations of Prof. Cond. R. 1.4(a)(2) and Prof. Cond. R. 1.5(b). The parties did not stipulate to these violations, and Relator did not present evidence at the hearing.

{¶11} In the parties' joint brief filed on March 25, 2016, the parties recommended that Respondent be suspended from the practice of law indefinitely, but the suspension be served concurrently with the indefinite suspension in *Mahoning Cty. Bar Assn. v. DiMartino*, Slip Opinion No. 2016-Ohio-536. The parties state this is a punishment that probably exceeds the rule violations in this particular case. Joint Brief at 4. The parties recommended Respondent satisfy certain conditions for reinstatement, complete treatment, and maintain his OLAP obligations. *Id.* at 5.

{¶12} Based upon the parties' joint stipulations, evidence presented by way of exhibits and testimony, case precedent established by the Supreme Court of Ohio, aggravating and mitigating factors, and recommendations of Relator, the panel recommends an indefinite suspension from the practice of law and that Respondent not be eligible to petition for reinstatement for a minimum of two years after the issuance of the disciplinary order in this case. Further, the panel recommends that any future reinstatement be conditioned on Respondent's

compliance with the conditions imposed by the Court in *Mahoning Cty. Bar Assn. v. DiMartino*, Slip Opinion No. 2016-Ohio-536, submission of proof that he has continued to complete treatment as recommended by a qualified health care professional and has complied with his OLAP contract (referenced in the parties' joint brief), and has completed appropriate continuing legal education courses in law-office management, specifically in the area of client trust accounts.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

{¶13} Respondent was admitted to the practice of law in the state of Ohio on November 16, 1987 and is subject to the Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio. Stipulation 2.

{¶14} At the time of this hearing, Respondent was a sole practitioner with the bulk of his practice in criminal defense from traffic tickets to death penalty cases in state and federal court. Hearing Tr. 9. Respondent also represented clients on personal injury cases and some civil litigation. Hearing Tr. 10. At the time of the hearing, Respondent had approximately 90 clients pending. Hearing Tr. 41.

{¶15} On or about June 1, 2014, Joseph contacted Respondent seeking legal representation in an effort to obtain items of personal property, which Joseph alleged were worth in excess of \$200,000, and to which he alleged he owned but believed were being wrongfully withheld by his ex-girlfriend, Kristen Peterson, at her residence. Stipulation 5.

{¶16} Joseph had just ended a personal relationship with Peterson around that time. Stipulation 6.

{¶17} On or about June 1, 2014, Joseph hired Respondent to represent him in this matter and to secure possession of the above property by institution of legal proceedings against Peterson. Stipulation 7.

{¶18} For purposes of retaining Respondent to represent him in these proceedings, Joseph secured a loan from his new girlfriend Cynthia Bella, in the amount of \$1,700 by way of a check. Joint Ex. 1; Stipulation 8.

{¶19} Joseph paid Respondent the \$1,700 plus an additional \$100 of Joseph's own money, and Joseph hired Respondent to represent him in these matters. Stipulation 9.

{¶20} Respondent promised Joseph that he was going to file the necessary court pleadings the next day. Stipulation 10.

{¶21} Approximately one week later, Joseph contacted Respondent and received no answer. Stipulation 11.

{¶22} Joseph left messages asking Respondent to call him back. Respondent never returned his phone calls. Stipulation 12.

{¶23} Over the course of the next few months, Joseph visited Respondent's office on numerous occasions and was told that Respondent was not in his office. Stipulation 13.

{¶24} After a number of unreturned calls, on or about November 1, 2014, Joseph left a message for Respondent to refund his money so that he could hire another attorney. Stipulation 14.

{¶25} Joseph could not afford to hire another attorney without a refund. Stipulation 15.

{¶26} Joseph did not receive a return phone call from Respondent. Stipulation 16.

{¶27} At the time that he entered an attorney-client relationship with Respondent, Joseph provided Respondent with paperwork including demand letters for his property, proof of ownership, titles, and registration materials for all of the vehicles, including the motorcycles. Stipulation 17.

{¶28} There was no fee agreement reduced to writing. Stipulation 18.

{¶29} No legal proceedings were ever instituted by Respondent on behalf of Joseph. Stipulation 19.

{¶30} Respondent performed no legal services on behalf of Joseph. Stipulation 20.

{¶31} On or about November 18, 2014, Joseph filed a grievance against Respondent with Relator. Stipulation 21.

{¶32} Relator assigned an investigator to Joseph's grievance. Stipulation 22. Multiple requests were made to Respondent for a response to Joseph's grievance. No response was provided by Respondent. Stipulation 23. As a result, Relator's investigator again requested a response on March 5, 2015 and April 16, 2015. Stipulation 24. On June 4, 2015, Relator's investigator finally received a response from Respondent. The response was a letter dated June 4, 2015. Joint Ex. 2; Stipulation 25.

{¶33} Respondent acknowledged that he was retained to perform the legal services described above. Stipulation 26. Respondent acknowledged his failure to provide the requested services. Stipulation 27. Respondent offered to reimburse the monies to Joseph. Stipulation 28.

{¶34} On the date the investigator was scheduled to submit his report to Relator, Respondent left a check in the amount of \$1,700 drawn on his IOLTA at Relator's office. The check was made payable to "Michael George" and indicated that it was a refund of the retainer plus the filing fee. Joint Ex. 3; Stipulation 29. Respondent testified at the hearing he mistakenly wrote the check to Michael George when the name was George Michael Joseph. Hearing Tr. 37.

{¶35} Relator's investigator then spoke with Respondent and asked for the additional \$100 which was deposited with Respondent. Relator's investigator also requested Respondent's IOLTA records with regard to this transaction. Stipulation 30. On or about June 24, 2015, Respondent delivered to Relator's investigator's office \$1,800 in cash. Stipulation 31. Relator's

investigator disbursed the \$1,800 to Joseph the next day and secured a signed receipt for the same. Joint Ex. 4; Stipulation 32.

{¶36} Respondent never provided his IOLTA records with regard to the transaction. Stipulation 33. Respondent never explained how, on one occasion, he could draw a check on his IOLTA for \$1,700 representing the moneys received from Joseph (which was never cashed) and subsequently provide \$1,800 in cash. Stipulation 34. Respondent has failed to provide any records to demonstrate that the original \$1,800 was deposited in the IOLTA and/or the source of the \$1,800 cash which was ultimately paid to Joseph. Stipulation 35. The IOLTA records of Respondent for July 2014 do not reflect a \$1,800 deposit on behalf of Joseph. Stipulation 36. Respondent testified at the hearing the fee paid by Joseph went into his general business account. Hearing Tr. 38.

{¶37} Based upon the stipulations, testimony, and exhibits, the panel concludes that Relator has proven, by clear and convincing evidence, that Respondent's conduct in representing Joseph violated Prof. Cond. R. 1.3, Prof. Cond. R. 1.4(a)(3), Prof. Cond. R. 1.4(a)(4), and Prof. Cond. R. 1.15(a), and that his failure to respond to Relator violated Gov. Bar R. V, Section 9(G). Relator failed to prove by clear and convincing evidence the alleged violations of Prof. Cond. R. 1.4(a)(2) and Prof. Cond. R. 1.5(b). The panel dismisses those alleged violations.

MITIGATION, AGGRAVATION, AND SANCTION

{¶38} At Respondent's prior hearing, an opportunity was given by the panel for Respondent to present character letters, but none were presented. Hearing Tr. 30.

Mitigating Factors

{¶39} The parties stipulated to and the panel finds the following mitigating factors.

{¶40} There is an absence of a dishonest or selfish motive.

{¶41} Respondent has made restitution in full in the amount of \$1,800 to Joseph. Stipulations 31, 32.

{¶42} Respondent testified he has been married and divorced twice, has no children, and is currently in a relationship. Hearing Tr. 11. Respondent admits he suffers from character defects and is currently in counseling with psychologists as well as participating in a men's spiritual group. Hearing Tr. 14. Respondent explained that he was in a depressed state feeling overwhelmed and along with an attitude of not worrying about his client's complaints, didn't worry and didn't care. Hearing Tr. 16. Respondent is involved with Dr. Esperan for stress, depression, and anger. Hearing Tr. 18. Respondent counseled with Dr. Lewellyn who referred him to Dr. Delliquadri who prescribed Effexor as an antidepressant. Hearing Tr. 19. Respondent does not now feel overwhelmed or afraid. Hearing Tr. 20. Respondent is currently involved with all of these professionals. Hearing Tr. 24. In terms of his mental health, Respondent believes he is the healthiest he has ever been. Hearing Tr. 26. At the previous hearing on May 14, 2015 in the previous case, Respondent had only been treating with Dr. Lewellyn for approximately two months. Hearing Tr. 29, 34. At the previous hearing in the previous case, the panel did not have any evidence of mental health to consider. Hearing Tr. 29. The previous panel allowed time after the hearing to submit documents, but nothing was submitted. Hearing Tr. 30. The previous panel had no mitigating evidence to consider. *Id.*

{¶43} In Respondent's Exhibit A, a letter dated February 5, 2016, Dr. Ronald J. Lewellyn, Northeast Ohio Psychological Consultants, Ltd., stated that Respondent entered treatment on February 12, 2015 and, "It is my opinion that Mr. DiMartino's grievances and allegations of professional misconduct are directly related to his mental disorders." According to Dr. Lewellyn, "He needs to continue being compliant and accountable in taking his medication and following

through with therapy goals and recommendations.” Dr. Lewellyn believes “Attorney DiMartino will be able to return to his legal practice and adhere to professional standard of conduct.”

{¶44} In Respondent’s Exhibit B, a letter dated February 3, 2016, Judge Lou A. D’Apolito stated, “I do not believe that Attorney Dimartino [sic] would intentionally or fraudulently harm a client or fail to perform his professional responsibilities to his clients.”

{¶45} In Respondent’s Exhibit C, a letter dated February 2, 2016, Attorney James Vitullo stated, “Although Dennis is a fantastic lawyer, he struck me as being in the second group, overwhelmed with work and responsibility.”

{¶46} In Respondent’s Exhibit D, a letter dated February 5, 2016, Attorney Patricia A. Morris stated, “It is truly unfortunate that his depression has interfered with this otherwise outstanding individual. I believe that it would be more prudent and beneficial to all, to oversee his compliance with proper medical care and treatment.”

{¶47} In Respondent’s Exhibit E, a letter dated February 4, 2015, Attorney Gerald G. Simmons stated, “On balance, considering the depression Mr. DiMartino has suffered from, and keeping in mind the many aspects of his nature and the talent and dedication I have witnessed in his professional life, I do not hesitate to recommend him to this Board and to assert that with help Dennis will once again serve his clients and profession well.”

{¶48} In Respondent’s Exhibit F, a letter dated February 3, 2016, Attorney Edward J. Hartwig stated, “I am aware of the specific circumstances that had led to this current situation; however, my past experiences with Attorney DiMartino is that he is a good person, both professionally and personally, and I would consider him a good friend and a trustworthy colleague.”

{¶49} In Respondent's Exhibit G, a letter dated February 4, 2016, Attorney James Vivo stated, "After my many years of association with Attorney Dennis A. DiMartino I remain confident in stating that he is a good and competent lawyer, a valuable member of the legal community and a good friend."

{¶50} In Respondent's Exhibit H, a letter dated February 2, 2016, Attorney James C. Connell stated, "I have always sensed that Dennis has a strong sense of duty to both his clients and the justice system. I know Dennis to possess a great deal of integrity and he constantly strives to do all that he can to help those that are in need."

{¶51} In Respondent's Exhibit I, a letter dated February 3, 2016, Attorney Matthew H. Gambrel stated, "Attorney DiMartino's skill as a lawyer goes beyond his technical grasp of legal procedure. Attorney DiMartino has a talent for relating to people and is very adept at negotiating with opposing counsel."

{¶52} In Respondent's Exhibit J, a three page letter dated February 8, 2016, Attorney Steven M. Goldberg stated, "I have known Attorney Dennis DiMartino for more than a quarter of a century and I am familiar with the allegations against him. It is my intention to describe Dennis' positive character traits as an outstanding criminal defense attorney." He went on to write, "In my professional opinion, Dennis is one of liberty's last champions."

{¶53} In Respondent's Exhibit K, a letter dated February 9, 2016, Judge Diane Vettori stated, "I have personally been acquainted with Attorney DiMartino for over 26 years. During that period of time, I have found him to be a true student of the law and command great respect for our profession always demonstrating tremendous respect for the Court and all personnel."

{¶54} In Respondent's Exhibit L, a letter dated February 8, 2016, Judge Philip M. Vigorito stated, "In both circumstances, when I had observed Attorney DiMartino as an Attorney

and now a Judge, he has consistently appeared very professional and diligent in respect to the handling of his client's needs. He has always been competent, respectful and prepared for the case at hand and to be honest, in this court."

Aggravating Factors

{¶55} The parties stipulated to and the panel finds the following aggravating factors.

{¶56} This is Respondent's fifth incident of discipline with the Supreme Court of Ohio.

{¶57} The Supreme Court of Ohio has disciplined Respondent in four previous cases. In the 1994 case of *Mahoning Cty. Bar Assn. v. DiMartino*, 71 Ohio St.3d 95, 1994-Ohio-281, Respondent received a stayed six-month suspension because he failed to respond to a client's inquiries, failed to provide the client with a settlement statement, and failed to forward the client's portion of settlement proceeds.

{¶58} In the 2007 case of *Mahoning Cty. Bar Assn. v. DiMartino*, 114 Ohio St.3d 174, 2007-Ohio-3605, Respondent received a one-year suspension, stayed on conditions, for neglecting a client matter.

{¶59} In the 2010 case of *Mahoning Cty. Bar Assn. v. DiMartino*, 124 Ohio St.3d 360, 2010-Ohio-247, Respondent was found to have violated the conditions in the 2007 case by engaging in dishonest conduct during the 2007 stayed suspension when he applied for a marriage license in North Carolina and falsely represented he was not married although his Ohio divorce case was still pending. In the 2010 case, Respondent was suspended for one year, resulting from the previously stayed suspension imposed in the 2007 case, and a concurrent six-month suspension for dishonest conduct. Respondent was reinstated from these suspensions in 2011.

{¶60} The case of *Mahoning Cty. Bar Assn. v. DiMartino*, Slip Opinion No. 2016-Ohio-536 was pending at the time of the hearing in this case. In the Court's February 17, 2016 opinion,

Respondent was indefinitely suspended for client neglect, failing to account for settlement funds, and dishonesty.

{¶61} Respondent initially failed to cooperate in the disciplinary process; however, Respondent subsequently admitted virtually all facts in his answer to the complaint and has cooperated since the filing of the complaint.

Sanction

{¶62} The parties have stipulated to the sanction of an indefinite suspension to run concurrently with the indefinite suspension imposed by the Court in *Mahoning Cty. Bar Assn. v. DiMartino*, Slip Opinion No. 2016-Ohio-536.

{¶63} When imposing a sanction, several factors are considered including the duties violated, the actual injury caused, the attorney's mental state, the existence of aggravating or mitigating circumstances, and sanctions imposed in similar cases. *Stark Cty. Bar Assn. v. Buttacavoli*, 96 Ohio St.3d 424, 2002-Ohio-4743, ¶16. In Ohio, the primary purpose of the disciplinary process is not to punish the offender, but to protect the public. *Disciplinary Counsel v. O'Neill*, 103 Ohio St.3d 204, 2004-Ohio-4704. The Court has consistently stated each case presents unique facts and circumstances and all relevant factors should be considered in determining the appropriate sanction. *Disciplinary Counsel v. Streeter*, 138 Ohio St.3d 513, 2014-Ohio-1051; *Disciplinary Counsel v. Oberholtzer*, 136 Ohio St.3d 314, 2013-Ohio-3706; *Disciplinary Counsel v. Doellman*, 127 Ohio St.3d 411, 2010-Ohio-5990.

{¶64} In *Cleveland Metro. Bar Assn. v. Wrentmore*, 138 Ohio St.3d 16, 2013-Ohio-5041, the Court imposed an indefinite suspension on an attorney who mishandled client funds, failed to pay for five continuing legal education seminars, and committed violations of Prof. Cond. R.

1.15(a), Prof. Cond. R. 1.15(d), Prof. Cond. R. 8.1(a), Prof. Cond. R. 8.4(b), Prof. Cond. R. 8.4(c), and Prof. Cond. R. 8.4(h).

{¶65} In *Cleveland Bar Assn. v. Kodish*, 110 Ohio St.3d 162, 2006-Ohio-4090, the Court indefinitely suspended an attorney from the practice of law who neglected her clients' bankruptcy case, persisted in representing bankruptcy clients with competing interests and without the requisite notice to the bankruptcy court, had an affair with a client's representative during bankruptcy proceedings, failed to properly maintain funds in her client trust account, refused to account for a bankruptcy client's fee, negotiated with a bankruptcy client to limit her liability for professional misconduct, and ignored Disciplinary Counsel's disciplinary inquires.

{¶66} In *Dayton Bar Assn. v. Swift*, 142 Ohio St.3d 476, 2014-Ohio-4835, the Court suspended the attorney from the practice of law for two years, with the second year stayed on condition of monitored probation for failing to provide any documentation in support of the hours he billed for court-appointed services and kept no records or other evidence to support his billing. Aggravating factors included the attorney acted with a dishonest or selfish motive, engaged in multiple offenses, and failed to make restitution. Mitigating factors included the attorney did not have a prior disciplinary record, cooperated in the disciplinary proceedings, and presented affidavits of good character from four judges.

{¶67} In *Columbus Bar Assn. v. Balaloski*, 145 Ohio St.3d 121, 2016-Ohio-86, the Court suspended the attorney from the practice of law for two years, with the second year stayed on conditions for failing to provide competent representation, failing to act with reasonable diligence and promptness, failing to keep his clients reasonably informed about the status of their legal matters, failing to promptly deliver to a client funds the client was entitled to receive, and engaging in conduct that adversely reflected on his fitness to practice law. Aggravating factors include a

pattern of misconduct and multiple offenses. Mitigating factors included absence of prior disciplinary record, the absence of a dishonest or selfish motive, acknowledgement that his actions were improper, full and free disclosure to the board and his cooperative attitude toward proceedings, good character and reputation.

{¶68} Respondent violated four Rules of Professional Conduct and Gov. Bar R. V, Section 9(G). There are mitigating factors. Respondent suffers from depression and has been in treatment since the hearing in the previous case. Lawyers and judges sent letters expressing their opinion that Respondent is an excellent attorney. In the previous case, no letters were submitted on Respondent's behalf even though the time was extended for him to do so. In looking at this case in isolation; however, without reference to the prior discipline, Respondent's conduct is far less serious than that found in *Wrentmore* and *Kodish*. However, it is impossible to overlook the fact that Respondent has been disciplined on four previous occasions by the Court and that the instant misconduct took place when Respondent was being investigated and prosecuted for other more serious misconduct. In our minds, these factors, plus the fact that Respondent is now serving an indefinite suspension for other more serious misconduct, transforms this from a case that might otherwise warrant a term suspension, perhaps partially stayed, into one that warrants an indefinite suspension.

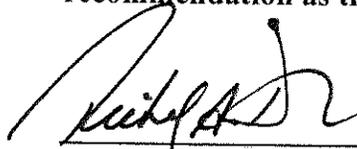
{¶69} Based upon the parties' joint stipulations, evidence presented by way of exhibits and testimony, case precedent established by the Supreme Court of Ohio, aggravating and mitigating factors, and recommendations of Relator, the panel recommends an indefinite suspension from the practice of law and that Respondent not be eligible to petition for reinstatement for a minimum of two years after the issuance of the disciplinary order in this case. Further, the panel recommends that any future reinstatement be conditioned on Respondent's

compliance with the conditions imposed by the Court in *Mahoning Cty. Bar Assn. v. DiMartino*, Slip Opinion No. 2016-Ohio-536, submission of proof that he has continued to complete treatment as recommended by a qualified health care professional and has complied with his OLAP contract (referenced in the parties' joint brief), and has completed appropriate continuing-legal-education courses in law-office management, specifically in the area of client trust accounts.

BOARD RECOMMENDATION

Pursuant to Gov. Bar R. V, Section 12, the Board of Professional Conduct of the Supreme Court of Ohio considered this matter on April 8, 2016. The Board adopted the findings of fact, conclusions of law, and recommendation of the panel and recommends that Respondent, Dennis Armand DiMartino, be indefinitely suspended from the practice of law in Ohio and that he not be eligible to petition for reinstatement pursuant to Gov. Bar R. V, Section 25 for a minimum of two years from the date of the Supreme Court's disciplinary order in this case. The Board further recommends that reinstatement be subject to the conditions set forth in ¶69 of this report and that Respondent be ordered to pay costs of these proceedings.

Pursuant to the order of the Board of Professional Conduct of the Supreme Court of Ohio, I hereby certify the foregoing findings of fact, conclusions of law, and recommendation as those of the Board.



RICHARD A. DOVE, Director