

THE SUPREME COURT OF OHIO

LORAIN COUNTY BAR ASSOCIATION : CASE NO. 2016-1148

Relator, : MOTION TO STAY GOV. BAR

v. : R. V §17(D) PROCEEDINGS AND

PATRICK. C. MACKIN : REMAND THIS MATTER TO THE

Respondent. : BOARD

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Now comes Relator, Lorain County Bar Association, by and through the undersigned Bar Counsel, and hereby respectfully moves this Honorable Court to stay its Gov. Bar R. V §17(D) proceedings prior to entering a disciplinary order and to remand this matter to the Board of Professional Conduct for further proceedings.

For cause, Relator states that after a hearing held on May 26, 2016 a Board Panel issued Findings of Fact and Conclusions of Law outlining its determination that Respondent engaged in professional misconduct, by clear and convincing evidence, and recommended that Respondent receive a one-year suspension from the practice of law, with the entire suspension stayed on conditions, for his pattern of ethical misconduct in mishandling a number of matters in the Lorain County Court of Common Pleas, Probate Division.

**FILED**

OCT 12 2016

CLERK OF COURT  
SUPREME COURT OF OHIO

On August 5, 2016 the Board adopted the findings of fact and conclusions of law of the Panel. Following discussion, however, the Board voted to modify the sanction recommended by the Panel. The Board recommended that Respondent be suspended from the practice of law in Ohio for six months after which he be required to petition for reinstatement upon certain conditions.

The conditions for reinstatement outlined by the Board reflect its concern that Respondent may suffer from mental health issues. Accordingly, prior to reinstatement the Board recommended that Respondent be required to contact OLAP for an evaluation and provide a prognosis from a qualified health care professional indicating that he is able to return to the competent, ethical professional practice of law.

On August 31, 2016 Respondent filed Objections to the Report and Recommendation of the Board and urged this Court to adopt the sanction of a one-year suspension, all stayed on conditions, which had been recommended by both Relator and the panel and stipulated to by Respondent.

On September 2, 2016 Relator filed its Reply. In its Reply, Relator indicated that although it would typically support Respondent's position and move the Court to impose the sanction stipulated to and agreed upon between the parties, upon further reflection of Respondent's unlikelihood for future compliance and consideration of certain intervening matters, Relator concurred with the Board's recommendation that Respondent serve an actual suspension.

As of the filing of this Motion, this matter is pending oral argument on the Objections.

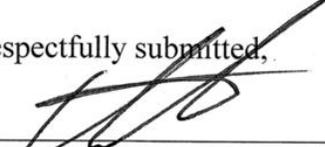
Since the panel hearing on this matter, Respondent has become the subject of three additional grievances which raise serious concerns regarding Respondent's continued abilities and fitness to practice law in the State of Ohio.

In light of these developments, Relator submits that it is in Respondent's best interest that this Court both remand this matter to the Board for further proceedings and immediately suspend Respondent's license to practice law on an immediate interim remedial basis.

Relator is filing a Motion for Immediate Interim Remedial Suspension concurrently hereto requesting such relief.

**WHEREFORE**, Relator hereby requests that this Honorable Court stay its consideration of the matter submitted; give full consideration to Relator's concurrently filed Motion for Immediate Interim Remedial Suspension, and; remand this matter to the Board for further proceedings.

Respectfully submitted,



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**PROOF OF SERVICE**

This is to certify that a copy of the foregoing Motion was sent to the following *via* Regular

U.S. Mail this 12<sup>th</sup> day of October, 2016:

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