Before The Supreme Court of Ohio

Lorain County Bar Association Legal Ethics and Grievance Committee Relator vs. James L. Lindon, Esq. Respondent	Case: 2019-0216 Respondent's Objections to Findings of Fact, Conclusions of Law and Recommendation of The Board of Professional Conduct and Brief in Support 35104 Saddle Creek Avon, Ohio 44011 (440) 333-0011 phone GodlessGovernment@gmail.com

RESPONDENT'S OBJECTIONS TO THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION OF THE BOARD OF PROFESSIONAL CONDUCT AND BRIEF IN SUPPORT

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Now comes Respondent, pro se, and pursuant to law hereby respectfully objects as follows. It is in no way the intent of Respondent to be argumentative or disrespectful in offering these observations.

The Board's recommendations are directed to a June 2016 conviction for theft of five (5) tablets of hydrocodone in June 2015. Respondent asserts the Board's recommendations are unconstitutional, inconsistent with case precedents, and unjust as excessive.

I. Unconstitutional Trial and Appeal Tax and Establishment of Religion

A. Trial and Appeal Tax

"To punish a person because he has done what the law plainly allows him to do is a due process violation of the most basic sort …." Bordenkircher v. Hayes, 434 U.S. 357, 363, 98 S.Ct. 663, 54 L.Ed.2d 604 (1978), citing North Carolina v. Pearce, 395 U.S. 711, 738, 89 S.Ct. 2072, 23 L.Ed.2d 656 (1969) (Black, J., concurring in part and dissenting in

part). The case at bar does not involve threats nor negative impact following such threats. It does involve denying credit for time served, though not time served incarcerated.

The underlying principle is whether Respondent should be prejudiced due to delay in the disciplinary process when the delay is caused by pursuit of a successful appeal. The Board recommends Respondent be given no credit for the interim suspension beginning June 30, 2016. Most of the interim suspension was consumed by the appeal. Because of the appeal, the disciplinary process could not begin. Without the appeal, the disciplinary process would almost certainly have started and ended by now, even with no credit for time served for the interim suspension. Consider the concept "credit for time delayed" if you will, though it can be remedied by giving credit for time served.

An interim suspension was imposed on June 30, 2016 pursuant to Gov. Bar R. V, Section 18(A)(4). Time for hearing was delayed during the time pending for appeal from September 1, 2016 until at least June 4, 2018 pursuant to Gov. Bar R. V, Section 18(C). This delay represents 641 days. The table below provides selected dates for the appeal (CA-16-104902) and trial court (CR-16-604473-A) processes and the amount of delay in the disciplinary process. The disciplinary hearing was held on December 11, 2018.

Date	Days	Details CA-16-104902
09/01/2016	0	Notice Of Appeal, Journal Entry, 9(B) Praecipe, Docketing Statement (Reg) Filed And Sent To The Court Of Appeals With A Copy Of The Docket Sheet. The Court Of Appeals Number Assigned Is Ca-16-104902.
09/09/2016	8	Record On Appeal, Pagination Sheet And Criminal File Sent To The Court Of Appeals. 104902
06/22/2017	294	Reversed And Remanded.>Larry A. Jones, Sr., J., Mary Eileen Kilbane, P.J., And Mary J. Boyle, J., Concur. Notice Issued.
08/21/2017	354	Captioned Case Being Remanded To The Court Of Common Pleas By Order Of The United States District Court; This Matter Is Hereby Returned To The Docket Of Judge Shirley Strickland Saffold (318) For Further Proceedings According To Law. Administrative Judge John J. Russo This Entry Taken By Judge John J Russo. 08/21/2017 Cpjr1 08/21/2017 14:55:51
05/02/2018	608	Hearing on Motion to Suppress CR-16-604473-A
06/04/2018	641	Findings Of Fact And Conclusion Order And Journal O.S.J. 06/04/2018 cpamf 06/04/2018 14:41:09

All or a substantial part of these 641 days of delay in the disciplinary process are the result of a violation of Respondent's due process constitutional rights in the criminal matter. See CA-16-104902. Put another way, all other things being equal, had Respondent received minimal Due Process in the criminal case, his disciplinary hearing would have been held much earlier than it was - 641 days. This is beyond reasonable dispute. Even if a two-year suspension had been imposed, the entire disciplinary matter would have been over by now.

Example Rewind: Conviction for theft of five (5) tablets of hydrocodone June 30, 2016; Immediate Interim Suspension; No appeal; Disciplinary hearing six (6) months later; suspension two years beginning December 2016; Matter completed December 2018. This assumes the disciplinary hearing would have taken six months to be accomplished, more than it did. Even with no time stayed from the two-year suspension, the disciplinary case could have been over by **December 2018**. Other procedural periods could be added or subtracted, but the basic premise is presented.

Example Rewind: Same as above. With a two-year suspension and one year stayed, as the Board now recommends, the Respondent could have been able to resume the practice of law in **December 2017**.

As it stands now given what the Board recommends, Respondent cannot hope to resume the practice of law until about **May 2020** with the disciplinary case extending until **May 2021**. Query whether filing an appeal should have this affect. Query further whether this amount of time is proportional for a conviction based on five (5) tablets of hydrocodone.

This amounts to nearly four years of actual removal from practice and five years of suspension. This delay is a manifest injustice based on Respondent's filing of an appeal – and winning the appeal because his constitutional rights were violated by the trial court.

Prolongation of an interim suspension which is not caused by a Respondent and not based on the underlying facts which give rise to the interim suspension, should be presumed to be unjust and almost certainly is unjust. Such prolongations do not serve, and cannot

serve, any legitimate purpose to either punish the attorney or protect the public. Delays based on successful appeals, especially those directed to basic constitutional fairness such as a refusal to conduct a basic pretrial suppression hearing, are clearly not occasioned by a Respondent.

These 641 days should not be charged against Respondent. Respondent should be given credit for these 641 days. These 641 days were ultimately occasioned by the State of Ohio to the detriment of Respondent. This is in no way an attack on the disciplinary process – it is a simple statement of the history of this matter.

At the very least, the delay between the reversal of Judge Saffold by the Court of Appeals on June 22, 2017 and the findings of fact produced on June 4, 2018 should be credited to Respondent. This represents an additional 347 days of delay in the disciplinary process. There is no reasonable argument that the public is otherwise more protected than if Respondent had been treated fairly in the criminal matter. "[T]he primary purpose of disciplinary sanctions is not to punish the offender, but to protect the public." Disciplinary Counsel v. O'Neill, 103 Ohio St.3d 204, 2004-Ohio-4704, 815 N.E.2d 286, ¶ 53.

In all available case law research, Respondent does not find any case where an attorney's discipline has been prolonged as a direct and proximate result of having his constitutional rights violated in a criminal trial - as decided by an appellate court. No matter how wrong Respondent's conduct was, his sanction should not be worsened by a mistake of the trial court. This mistake was identified by the Court of Appeals in CA-16-104902.

B. Establishment of Religion

The Establishment Clause of the First Amendment dictates that "Congress shall make no law respecting an establishment of religion." U.S. Const. amend. I, cl. 1. The Establishment Clause means at least that "[n]either a state nor the Federal Government.... can force nor influence a person to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs." Everson v. Board of Education of Ewing Township, 330 U.S. 1, 15-16, 67 S.Ct. 504, 91 L.Ed. 711 (1947).

The Board recommends that Respondent re-engage with OLAP with a two-year drug-related contract. This is both unlawful and a recipe for disaster. It's important we remind ourselves exactly what the two-year drug-related contract with OLAP entails, and why it's a problem. The transcript of the hearing with the Board shows that Respondent is an atheist (which is true) and that this fact was disclosed to the Board and to OLAP when Respondent was initially part of the OLAP program until November 2016. It is clear to Respondent that his atheism was an operative motivation in his dismissal from the OLAP program in November 2016. Here are some extracts from his OLAP contract:

6. Actively participate in a 12-Step Self Help Program including, at a minimum, the following:
   a. Identify an AA/NA/CA/SAA (12-Step) Home Group and attend its weekly meetings, as well as at least 2 other AA/NA meetings per week. (Total: 3 per week)
   b. Identify and enlist the aid of a 12-Step sponsor within two weeks of the date of this Contract and give my sponsor permission to disclose appropriate information as requested by OLAP.
   c. Progress satisfactorily through the AA *Big Book* and the AA *12 Steps and 12 Traditions* or the NA *Basic Text,* the NA *It Works: How and Why*, CA *Basic Text*, *Hope & Courage.*
   d. Prepare for and complete the 12-Step Program within the time frame recommended by my sponsor.

We see from paragraph six (6) that Respondent needed to attend AA (Alcoholics Anonymous) 12-Step Meetings, progress through the AA Big Book, and complete the 12-Step Program. While the Board would now excuse Respondent from the meetings, Respondent would still need to engage the other parts of the 12-Step Program. More on the 12-Step Program later.

We see from paragraph nine (9) that Respondent needed to pay OLAP some amount of money monthly for two years.

9. I agree to pay OLAP ~~$50.00~~/ $100.00/ ~~$200.00~~ monthly administration fee and forward payment to OLAP by the fifth day of each month.

We see from paragraph sixteen (16) that Respondent needed to attend the annual OLAP Seminar Retreat unless excused at the sole discretion of OLAP.

16. Attend the annual Seminar Retreat of OLAP unless excused.

AA meetings are a required staple of the OLAP program. The only question is how many meetings lawyers are forced to attend. AA meetings and materials are replete with references to "God" and "higher power" and like terms.

AA 12-step program meetings routinely include prayers, such as recitations of "OUR FATHER" from the christian bible and the "SERENITY PRAYER" shown below:

Our Father which art in heaven, Hallowed be thy name. Thy kingdom come, Thy will be done in earth, as it is in heaven. Give us this day our daily bread. And forgive us our debts, as we forgive our debtors. And lead us not into temptation but deliver us from evil: For thine is the kingdom, and the power, and the glory, forever. Amen.[1]

Serenity Prayer God grant me the serenity to accept the things I cannot change; courage to change the things I can; and wisdom to know the difference.

[1] Matthew 6:9-13 King James Version (KJV)

The twelve (12) steps of the AA 12-step program are reproduced below:

1. We admitted we were powerless over alcohol - that our lives had become unmanageable.
2. Came to believe that a **Power** greater than ourselves could restore us to sanity.
3. Made a decision to turn our will and our lives over to the care of **God** as we understood **Him**.
4. Made a searching and fearless moral inventory of ourselves.
5. Admitted to **God**, to ourselves, and to another human being the exact nature of our wrongs.
6. Were entirely ready to have **God** remove all these defects of character.
7. Humbly asked **Him** to remove our shortcomings.
8. Made a list of all persons we had harmed, and became willing to make amends to them all.
9. Made direct amends to such people wherever possible, except when to do so would injure them or others.
10. Continued to take personal inventory and when we were wrong promptly admitted it.
11. Sought through prayer and meditation to improve our conscious contact with **God** as we understood **Him**, praying only for knowledge of **His** will for us and the power to carry that out.
12. Having had a spiritual awakening as the result of these steps, we tried to carry this message to alcoholics, and to practice these principles in all our affairs.

A straightforward reading of the of the AA 12-step program shows that one or more steps are based on the monotheistic idea of a single god or supreme being. Remarkably, in dealing with OLAP in the past, OLAP representatives continually denied (and still do) that their program has anything whatsoever to do with god(s). Talk about denial.

To achieve its purposes, OLAP and the AA 12-step program provides written materials including a central publication known as the "Big Book." Chapter four (4) of the Big Book "We Agnostics" includes declarations which are antithetical to atheism (and human reason in general), such as shown in these excerpts:

If that be the case, you may be suffering from an illness which only a spiritual experience will conquer.

To one who feels he is an atheist or agnostic such an experience seems impossible, but to continue as he is means disaster, especially if he is an alcoholic of the hopeless variety. To be doomed to an alcoholic death or to live on a spiritual basis are not always easy alternatives to face.

a. alcoholism is an illness which only a "spiritual experience will conquer" [page 44]

b. an alcoholic can either live on a "spiritual basis" or be "doomed to an alcoholic death" [page 44]

Well, that's exactly what this book is about. Its main object is to enable you to find a Power greater than yourself which will solve your problem. That means we have written a book which we believe to be spiritual as well as moral. And it means, of course, that we are going to talk about God.

c. recovery from alcoholism requires belief in a god [page 45]

We found that as soon as we were able to lay aside prejudice and express even a willingness to believe in a Power greater than ourselves, we commenced to get results, even though it was impossible for any of us to fully define or comprehend that Power, which is God.

d. recovery from alcoholism requires belief in a "Power greater than ourselves" and "that Power, which is God" [page 46]

We read wordy books and indulge in windy arguments, thinking we believe this universe needs no God to explain it. Were our contentions true, it would follow that life originated out of nothing, means nothing, and proceeds nowhere.

e. knowing or believing that the universe needs no god to explain it is no more than a "windy argument" [page 49]

f. knowing or believing that the universe needs no god to explain it will lead to the conclusion that "life originated out of nothing, means nothing, and proceeds nowhere" [page 49]

Instead of regarding ourselves as intelligent agents, spearheads of God's ever advancing Creation, we agnostics and atheists chose to believe that our human intelligence was the last word, the alpha and the omega, the beginning and end of all. Rather vain of us, wasn't it?

g. people are spearheads of god's ever advancing creation [page 49]

Did we not have confidence in our ability to think? What was that but a sort of faith? Yes, we had been faithful, abjectly faithful to the God of Reason.

h. being confident in human reasoning is itself no more than a "sort of faith" [page 54]

These silly religious assertions have been refuted many times. The writers of the AA Big Book appear to believe in the fairy tale of god's "ever advancing creation," Adam and Eve. And this is required by OLAP for adults as part of treatment for a medical condition. And this is recommended by the Board. One can only hope the Board did not know of the contents of the AA Big Book.

Whatever else it might be doing, OLAP is shamelessly promoting a religious agenda. Can. It. Be. Any. Clearer?

The Board's recommendation would also require Respondent to fund OLAP's *de facto* religious program with a monthly administrative fee payment – as shown in paragraph nine. This forced payment is as highly offensive to an Atheist as it should be to a devout

9. I agree to pay OLAP ~~$50.00~~/ $100.00/ ~~$200.00~~ monthly administration fee and forward payment to OLAP by the fifth day of each month.

Catholic being forced to support the local Jehovah's Witness, Scientology, Hindu, or Islamic groups' activities every month. It is also unconstitutional. Respondent is being told he can only be a lawyer if he pays money to a group that advocates a religious dogma that is clearly at odds with his views. The religious dogma is offensive nonsense. Respondent objects. No person should be forced to support a group that advocates a religious dogma that person disagrees with – not even a soulless godless heathen like Respondent.

This forced monetary support of religion has been specifically rejected and should be rejected again. Everson v. Board of Ed. of Ewing TP., (1947) 330 US 1, 67 S.Ct. 504, 91 L.Ed. 711. Everson speaks with contempt against "government-sponsored churches whose ministers preached inflammatory sermons designed to strengthen and consolidate the established faith by generating a burning hatred against dissenters." Everson 330 US 1 at 10. There can be little doubt that OLAP with the AA 12-step program consolidates the god-believers against atheists in the same way. Respondent is precisely a case-in-point. The Establishment Clause also prevents any part of the government from "participating in the affairs of any religious organizations or groups and vice versa." Torcaso v. Watkins, (1961) 367 U.S. 488, 493-494, 81 S.Ct. 1680, 1682-1683, 6 L.Ed.2d 982. Expropriating the Ohio Supreme Court as a taxing authority for OLAP is a mixing of government and religious dogma of the worst kind.

In further evaluating the court-ordered and thus government-forced funds paid by Respondent to OLAP under the Establishment Clause, we consider a three-prong test. Lemon v. Kurtzman, 403 U.S. 602 (1971). Under Lemon, to withstand First Amendment scrutiny, the money that the Board would require Respondent to pay (1) must be driven in part by a secular purpose; and (2) must have a primary effect that neither advances nor inhibits religion; and (3) must not excessively entangle church and State. The government action violates the Establishment Clause if the challenged activity fails any one of the Lemon factors. Here, it fails all three.

Does OLAP monitoring of participation in the 12-step program and requiring the AA 12-step program have some secular purpose in view of the Board's recommendation? No. The Board recommended Respondent not be required to participate in 12-step meetings. Since there would be no benefit at all to be gained from the 12-step meetings in as much as Respondent would not be attending them, there could be no secular purpose in requiring Respondent to pay OLAP. For the second prong, the primary effect of forcing Respondent to pay OLAP money every month would clearly advance religious beliefs that Respondent finds objectionable.

For the third prong, there would be no way of segregating Respondent's money spent by OLAP on non-religious activities (if there are any) from the money OLAP uses to promote its religious message. Respondent's money would be paid to OLAP and compelled as a result of an Order of The Supreme Court of Ohio. That money would be comingled with other funds of OLAP. That money would support OLAP's religious message and agenda. Let there be no mistake about that religious message. There are as many gods in the twelve (12) steps employed by OLAP as there are in the ten (10) commandments employed by Judaism or Christianity. Any attempt to segregate Respondent's money from OLAP's general funds would involve an excessive accounting entanglement.

The problem with OLAP under consideration here is not only the "higher power" per se. The problem with OLAP is its dogged insistence on faith. OLAP requires a continual acknowledgment and communication with one or more gods that do not exist. OLAP requires college educated adults to evince a belief in imaginary entities. That's bad.

Really bad. OLAP ejects people from its program who will not indulge this fantasy. At a most vulnerable point in their lives, these lawyers do not need mandatory fairyland. They need science-based solutions that have been shown to be effective. Where OLAP employs science-based solutions, it should be applauded and supported. Where not, it should be resisted. Reliance on the supernatural (whatever that is) for results in the material world (a.k.a. reality) fails one hundred percent of the time. Nothing fails like prayer. Prayer has been studied.[2] Turns out, it does not seem to help. In fact, with the Benson cardiac bypass study the group of patients who knew they were receiving intercessory prayer was associated with a **higher** incidence of **complications**. Let that sink in for a moment and consider the implications for the lawyers forced to interact with OLAP. Prayer = worse. Worse.

OLAP is not the only option for monitoring. It is not an appropriate option in any case for any attorney, for the reasons stated. Particularly when dealing with persons who do not wish to include religious silliness in their lives, OLAP has shown itself to be entirely incompetent. OLAP uses one and only one tool – Alcoholics Anonymous[3]. Another problem with OLAP would include that Respondent and OLAP are currently involved in litigation. As a result, Respondent is only able to communicate with OLAP via its attorney James O'Connor at Reminger 101 West Prospect Avenue, Suite 1400 Cleveland, OH 44115.

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[2] Benson H, et al. Study of the Therapeutic Effects of Intercessory Prayer (STEP) in cardiac bypass patients: A multicenter randomized trial of uncertainty and certainty of receiving intercessory prayer. Am Heart J. 2006;151(4):934–42.

[3] "Programs such as AA and NA are 'fundamentally religious.'" Neasman v. Swarthout, 2012 U.S. Dist. LEXIS 130292, *19 n.2 (E.D. Cal. Sept. 12, 2012) (citing Turner v. Hickman, 342 F. Supp. 2d 887 (E.D. Cal. 2004), at 896-97)

II. Precedents

Differences between the case at bar and the following precedents suggest Respondent should receive credit for the interim suspension served.

A. The Board's recommendation for Respondent is the same as that for Akron Bar Assn. v. Thomas (1999), 84 Ohio St.3d 395. Respondent's sanction should be less. Attorney Thomas was convicted of the federal offense of intent to distribute cocaine. With respect to Mr. Thomas, his action was not a one-time incident. The Thomas decision mentions felony cocaine use beginning in the mid-1980's and ending with intent to distribute cocaine and conspiracy to distribute cocaine in 1995 and 1996. His sanction was a two-year suspension with **one year stayed** for conduct that was no doubt continuous or substantially continuous spanning a ten-year period.

B. Granting credit for time served during felony suspension is proper where a case involves significant mitigating evidence including attestations to the respondent's good reputation in the community, remorse and acceptance of responsibility, and the misconduct appears to be a one-time, never to be repeated event. Disciplinary Counsel v. Gittinger, 125 Ohio St.3d 467, 2010-Ohio-1830. All these factors are present in the case at bar. Gittinger involved between $400,000 and $1,000,000 in federal bank fraud and money laundering - yet **credit for time served** during felony suspension was deemed proper.

C. One case that may be instructive is that of Attorney Eric Wrage. Disciplinary Counsel v. Wrage, 139 Ohio St.3d 152, 2014-Ohio-807. Despite several

differences between the two cases, Attorney Wrage received the same sanction for time to return to law practice being proposed by the Board for Respondent. Wrage involved a conviction for aggravated menacing in 2006, default on child support in 2009, various contempt orders for child support default, failure to cooperate in the investigation, a DUI conviction in 2009, and a DUI conviction in 2012, and a probation violation in 2013. The Wrage decision reported several stays in jail and prison over an extended period. Respondent offers the case of Mr. Wrage with compassion yet suggests different sanctions should be employed.

In discussing that Mr. Wrage would be given no credit for time served in his interim suspension, it was mentioned that time was needed to "ensure that his underlying alcohol dependency does not negatively affect his clients." Unlike Mr. Wrage, the Board noted that Responded had 36 urine tests - zero positive. Nowhere in Wrage does it mention that Mr. Wrage had the positive mitigating factors presented to the Board by Respondent. Is there really no difference between the two cases in terms of how quickly the two attorneys should return to the practice of law? None?

D. In 2017 the Board recommended a former Judge be disbarred after an extremely violent case of repeatedly striking his spouse in the head, hitting her head against the dashboard and window of car, and biting her face. Ohio State Bar Assn. v. Mason, 152 Ohio St.3d 228, 2017-Ohio-9215. Mr. Mason pled guilty to attempted felonious assault and domestic violence. He was sentenced to 24 months in prison with additional conditions. Rather than disbarment, Mason was

granted indefinite suspension. His indefinite suspension was imposed without credit for time served. Respondent's case stands in contrast and should be given credit for time served.

E. The Court in Mason noted that **credit for time served** was granted for many cases involving lawyers guilty of serious violent felonies. The underlying theme in the cases discussed in Mason seemed to be that the cases were not premeditated or part of a prolonged pattern of behavior. Respondent's case also was not premeditated or part of a prolonged pattern of behavior and should be granted credit for time served. Respondent's case did not involve hitting another man at a bar with a glass bottle. Disciplinary Counsel v. Whitfield, 132 Ohio St.3d 284, 2012-Ohio-2708, 971 N.E.2d 915. Whitfield received **credit for time served**. Respondent's case did not involve striking someone with a baseball bat. Columbus Bar Assn. v. Harris, 1 Ohio St.3d 33, 437 N.E.2d 596 (1982). In Mason, Attorney Harris reportedly received **credit for time served**.

F. In a case of possession of crack cocaine, an attorney was prevented from practicing law for **seven (7) months**. Ohio State Bar Assn. v. Peskin, 125 Ohio St.3d 244, 2010-Ohio-181. His sanction was a two-year suspension with 18 months stayed. Attorney Peskin also is noted to have clashed with OLAP over the notion of its higher power. Since the year 2010, OLAP has made no progress with the lawyers of the State of Ohio in its religious rigidity.

G. In a case involving cocaine use for twenty years, including accepting cocaine as payment for legal services, and failure to file federal income tax returns for five

years, Attorney Lazzaro was suspended for one year with **all the time stayed**. Cuyahoga Cty. Bar Assn. v. Lazzaro, 98 Ohio St.3d 509, 2003-Ohio-2150.

H. In a companion case to Lazzaro above, attorney Lazzaro was convicted for possession of cocaine. Cuyahoga Cty. Bar Assn. v. Lazzaro, 106 Ohio St.3d 379, 2005-Ohio-5321. This second case appears to have started before the first case was completed. His sanction was a two-year suspension with one year stayed. The same sanction. Respondent does not take any pleasure in the struggle of another member of the bar. Is the case of Respondent really deserving of a sanction no different than the cases of attorney Lazzaro? Is the public in the same degree of danger?

III. Other Details

At the December 11, 2018 hearing, Respondent offered both live witnesses (Spanish speaking via interpreter) and several letters from people who have known Respondent for many years. All these attested to Respondent's character and good reputation in the community. Mr. Pallens testified in person via interpreter as to his weekly observations of Respondent over more than two years. Mr. Audias Yanez Cruz also testified in person via interpreter as to his weekly observations of Respondent over more than two years. Mr. Yanez Cruz testified as to changes in attitude he observed over that period – something that will not be observed in a single hearing in front of a panel. Respondent would have very much liked to have seen the Board give more weight to the testimony of Mr. Pallens and Mr. Yanez Cruz.

There is no ongoing pattern of violence or criminal conduct or client harm or mishandling of client funds in the case at bar. The prior discipline was disorderly conduct about ten years ago. It was reciprocal from Michigan and was not even required to be reported in Ohio at the time. Respondent does not, has not, and will not practice law in Michigan or have any clients from Michigan. This is not to minimize, it is offered for comparison to other cases.

Suggestions

- A monitor can be appointed from the Lorain County Bar Association to communicate with the Court.
- Respondent has established a counseling relationship with the counseling practice of Innovative Counseling Inc., 37303 Harvest Dr. Avon, Ohio 44011. This is a group practice about one mile from residence of Respondent. Respondent has verified that Innovative Counseling does not discriminate based on religious affiliation.
- Drug screens are not needed. If Respondent had any kind of drug problem that could affect clients (or anybody else), that would have shown up in the last thirty-three months and didn't. There is no reason to believe that two additional years of drug screens will accomplish anything. However, if Respondent is required to submit to drug screens, that can be arranged. OLAP is not needed for that.

Conclusion

Dear Reader, eventually all our graves will go unattended. We will be forgotten sooner than we ever imagined. Yes, even you. Respondent would like to continue to help the disadvantaged Spanish-speaking population of the City of Lorain. At 56 years of age,

Respondent has about ten years to do so in the practice of law. The Court can deny one or all ten.

There is perhaps some benefit to have <u>one</u> Spanish speaking attorney in Lorain County to go to the Lorain County Jail without an interpreter. Respondent's website is in Spanish[4]. Respondent is part of elected leadership of The Coalition for Hispanic/Latino Issues and Progress[5]. Lorain has been devastated by heroin and fentanyl overdose and the aftermath of hurricane Maria in Puerto Rico and sorely needs legal representation by someone who speaks the language[6].

Lorain County[7]

Overall Poverty Rate	12.4%
Child Poverty Rate	21.6%

City of Lorain

Overall Poverty Rate	26.2%
Child Poverty Rate	43.6%

The City of Lorain is reportedly **29.4% Hispanic**, compared to 5.5% for Elyria and 2.3% for Avon (where Respondent resides).[8]

Returning to the practice of law will promote the good. Is a misdemeanor disorderly conduct charge from ten years ago, that did not need to be reported in Ohio, and the current case involving five (5) tablets of hydrocodone, proportional to four years of exclusion from the practice of law? The current nearly three-year penalty is more than enough, particularly when combined with loss of pharmacy license, filing of personal bankruptcy[9], about sixty (60) days in jail, 30-day in-patient programming, more weeks in

[4] www.lorainabogado.com
[5] http://chiplorain.com/leadership/
[6] https://money.cnn.com/2017/10/13/news/economy/puerto-rican-maria-migration-small-towns/index.html
[7] All figures are per the U.S. Census Bureau 2016
[8] https://www.census.gov/quickfacts/fact/table/US/PST045218
[9] Rauser and Associates retained – see letter herein

out-patient programming, months in group meetings, and a complete shutdown of his law practice. Perhaps financial ruin might also be taken into consideration. Included here is a letter from the law firm that is filing personal bankruptcy for Respondent. Below is the Ohio Medicaid renewal reminder. If not currently eligible, Respondent will soon be eligible for food stamps via Supplemental Nutrition Assistance Program (SNAP). Does this matter? The Reader will determine the relevance.

RAUSER AND ASSOCIATES- LEGAL CLINIC LLP
614 West Superior Avenue
Cleveland, OH 44113-1306
216-263-6200
Fax: 216-263-6202

To:
Whom It May Concern

Date:
02/14/2019

Pages: 1

From: Rauser & Associates

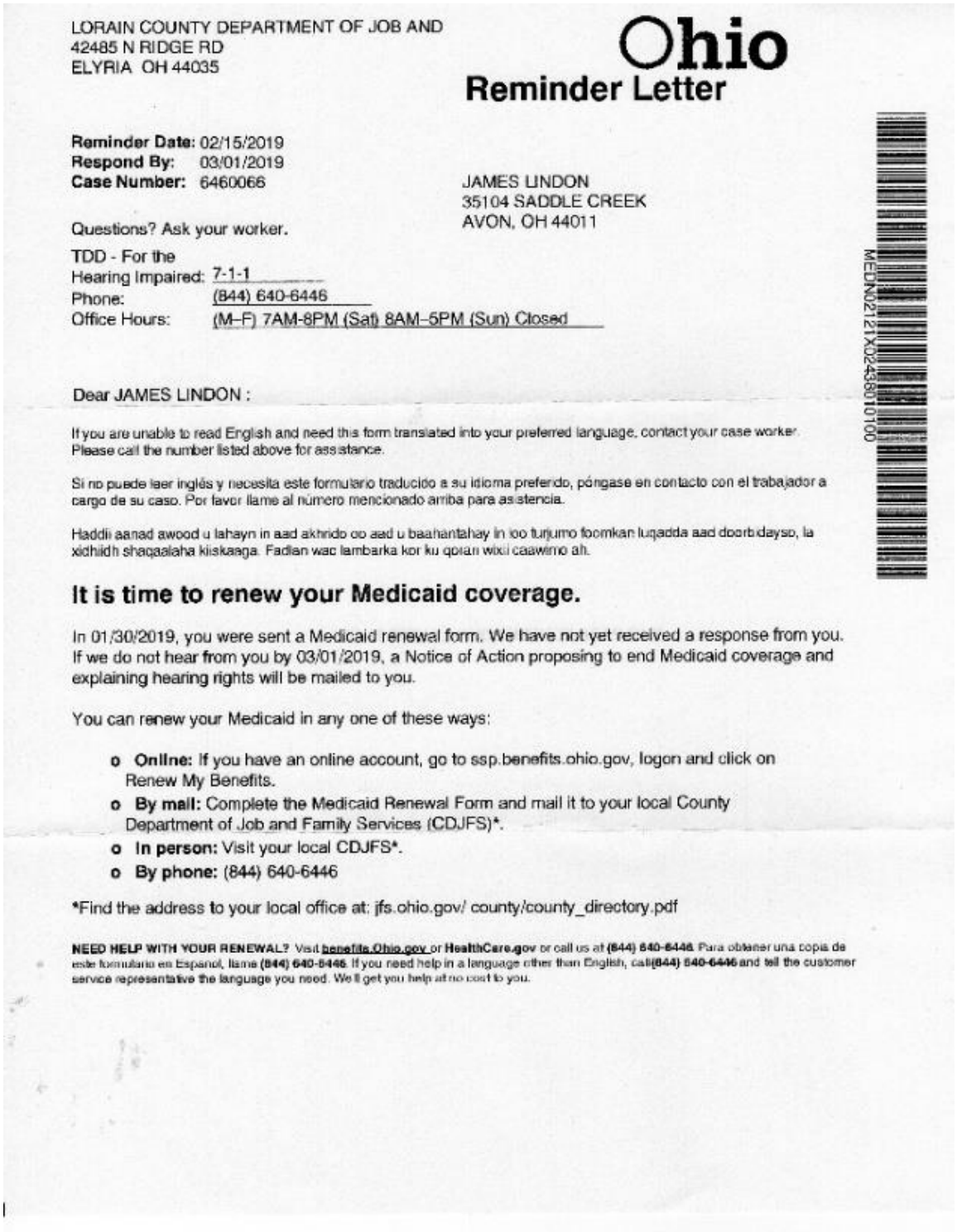
Subject: Letter of Retention

RE: James Lindon
Record Number: 992905

Please be advised that the undersigned has been retained to represent the above mentioned client regarding a Chapter 7 bankruptcy filing. Our office should be contacted with all issues regarding the debt owed by our client. You are no longer permitted to contact my client.

Thank You,
Rauser & Associates

We are a debt relief agency. We help people file for bankruptcy relief under the bankruptcy code.



LORAIN COUNTY DEPARTMENT OF JOB AND
42485 N RIDGE RD
ELYRIA OH 44035

Ohio
Reminder Letter

Reminder Date: 02/15/2019
Respond By: 03/01/2019
Case Number: 6460066

JAMES LINDON
35104 SADDLE CREEK
AVON, OH 44011

Questions? Ask your worker.

TDD - For the
Hearing Impaired: 7-1-1
Phone: (844) 640-6446
Office Hours: (M–F) 7AM-8PM (Sat) 8AM–5PM (Sun) Closed

MEDN02121X0243801010O

Dear JAMES LINDON :

If you are unable to read English and need this form translated into your preferred language, contact your case worker. Please call the number listed above for assistance.

Si no puede leer inglés y necesita este formulario traducido a su idioma preferido, póngase en contacto con el trabajador a cargo de su caso. Por favor llame al número mencionado arriba para asistencia.

Haddii aanad awood u lahayn in aad akhrido oo aad u baahantahay in loo turjumo foomkan luqadda aad doorbidayso, la xidhiidh shaqaalaha kiiskaaga. Fadlan wac lambarka kor ku qoran wixii caawimo ah.

It is time to renew your Medicaid coverage.

In 01/30/2019, you were sent a Medicaid renewal form. We have not yet received a response from you. If we do not hear from you by 03/01/2019, a Notice of Action proposing to end Medicaid coverage and explaining hearing rights will be mailed to you.

You can renew your Medicaid in any one of these ways:

- **Online:** If you have an online account, go to ssp.benefits.ohio.gov, logon and click on Renew My Benefits.
- **By mail:** Complete the Medicaid Renewal Form and mail it to your local County Department of Job and Family Services (CDJFS)*.
- **In person:** Visit your local CDJFS*.
- **By phone:** (844) 640-6446

*Find the address to your local office at: jfs.ohio.gov/ county/county_directory.pdf

NEED HELP WITH YOUR RENEWAL? Visit benefits.Ohio.gov or **HealthCare.gov** or call us at **(844) 640-6446**. Para obtener una copia de este formulario en Espanol, llame **(844) 640-6446**. If you need help in a language other than English, call **(844) 640-6446** and tell the customer service representative the language you need. We'll get you help at no cost to you.

Respectfully submitted,
/s/ James Lindon

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JAMES L. LINDON 0068842
JLindon@LindonLaw.com

CERTIFICATION

This is to certify that a copy of the foregoing was sent on March 1, 2019 to Daniel A. Cook via DCook@WickensLaw.com.

/s/ James Lindon

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JAMES L. LINDON 0068842