

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

April 24, 2003

MERIT DECISIONS WITHOUT OPINIONS

2003-0273. Watterson v. Stark Cty. Bar Assn.

On March 4, 2003, movant, Timothy M. Watterson, filed an Amended Motion to Remove the Stark County Bar Association as Relator, the Chair, Stay Deposition and Continue Hearing. On February 20, 2003, the Board of Commissioners on Grievances and Discipline of the Supreme Court filed a motion for leave to intervene. Upon consideration thereof,

IT IS ORDERED by this court that the motions be, and hereby are, denied. It is further ordered by this court, sua sponte, that this matter be dismissed for want of authority.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Cook, Lundberg Stratton and O'Connor, JJ., concur.

MOTION AND PROCEDURAL RULINGS

1991-2137. State v. Campbell.

By entry filed March 14, 2003, this court ordered that appellant's sentence be carried into execution on Wednesday, the 14th day of May, 2003. In order to facilitate this court's timely consideration of any matters relating to the execution of appellant's sentence,

IT IS ORDERED by the court that the Chief Justice may suspend application of any provisions of the Rules of Practice of the Supreme Court, including, but not limited to, the filing requirements imposed by S.Ct.Prac.R. XIV(1).

IT IS FURTHER ORDERED by the court that service of documents as required by S.Ct.Prac.R. XIV(2) shall be personal or by facsimile transmission.

IT IS FURTHER ORDERED by the court that counsel of record for the parties shall supply this court with a copy of any document relating to this matter that is filed in, or issued by, any other court in this state or any federal court, as well as any commutation, pardon, or warrant of reprieve issued by the Governor. A copy of the document shall be delivered to the Office of the Clerk as soon as possible, either personally or by facsimile transmission.

DISCIPLINARY CASES

1994-1375. Cincinnati Bar Assn. v. Wolosin.

On March 22, 1995, this court suspended respondent for a period of two years, stayed the suspension, and placed respondent on probation. On April 4, 1997, the court revoked respondent's probation and reinstated his original two-year suspension. The court further ordered respondent to pay board costs in the amount of \$1,154.73 plus interest at a rate of 10 percent per annum to begin accruing 90 days from the date of the order. The court further ordered respondent to bear the cost of publication as provided in Gov.Bar R. V(8)(D)(2). On January 15, 1998, respondent was notified of publication costs in the amount of \$134.66 plus interest at a rate of 10 percent per annum to begin accruing 90 days from the date of the notification. On October 12, 1998, respondent was found in contempt for failure to comply with the court's order of April 4, 1997. On February 28, 2003, the court ordered respondent to show cause why he should not be held in contempt for failing to pay publication costs in the amount of \$134.66, plus accrued interest. On March 7, 2003, the court was notified that respondent died on January 18, 2002. Accordingly,

IT IS ORDERED by the court, sua sponte, that the estate of respondent pay outstanding board costs in the amount of \$1,154.73, plus accrued interest, and publication costs in the amount of \$134.66, plus accrued interest.

1998-1742. Cincinnati Bar Assn. v. Wolosin.

On January 20, 1999, this court disbarred respondent and ordered him to pay board costs in the amount of \$657.39 plus interest at a rate of 10 percent per annum to begin accruing 90 days from the date of the order. The court's order of January 20, 1999, further ordered respondent to bear the costs of publication as provided in Gov.Bar R. V(8)(D)(2). On January 27, 2000, respondent was notified of publication costs in the amount of \$114.84 plus interest at a rate of 10 percent per annum to begin accruing 90 days from the date of the notification. On February 28, 2003, the court ordered respondent to show cause why he should not be held in contempt for failing to pay board and publication costs. On March 7, 2003, the court was notified that respondent died on January 18, 2002. Accordingly,

IT IS ORDERED by the court, sua sponte, that the estate of respondent pay outstanding board costs in the amount of \$657.39, plus accrued interest, and publication costs in the amount of \$114.84, plus accrued interest.

1999-0157. Cincinnati Bar Assn. v. Bailey.

On April 16, 2003, respondent appeared before the court pursuant to an order to show cause why he should not be held in contempt for failure to comply with this court's orders of September 20, 2000, and June 26, 2001, to wit, failure to pay a \$500 sanction on or before October 20, 2000, and failure to reimburse the Cincinnati Bar Association \$375 for attorney fees on or before July 25, 2001. Upon consideration thereof,

IT IS ORDERED by the court that respondent, Donald L. Bailey, having failed to show cause why he should not be held in contempt for failing to comply, is hereby held in contempt.

IT IS FURTHER ORDERED that respondent shall be incarcerated in the Franklin County Jail for a period of ten days; however, jail time shall be suspended provided respondent purges himself of contempt by paying, within three days from the date of this order, a fine of \$500 to the Supreme Court of Ohio; by reimbursing, within three days from the date of this order, attorney fees of \$375 to the Cincinnati Bar Association; and by producing, at the office of counsel for relator within 30 days from the date of this order, the documents requested in the subpoena duces tecum issued by the Board of Commissioners on the Unauthorized Practice of Law.

The court, sua sponte, takes notice that on April 16, 2003, respondent complied with the court's order to pay the fine of \$500 to the Supreme Court of Ohio.

IT IS FURTHER ORDERED that relator, Cincinnati Bar Association, shall file a notice, within 40 days of the date of this order, informing this court whether or not respondent has reimbursed the Cincinnati Bar Association \$375 for attorney fees and whether respondent has fully complied with the subpoena duces tecum.

IT IS FURTHER ORDERED that should respondent, Donald L. Bailey, fail to comply with this order, he shall be incarcerated in the Franklin County Jail for a period of no less than 10 days and as long thereafter as he shall fail to purge himself of the contempt of this court.

2002-0677. Columbus Bar Assn. v. Moushey.

On October 2, 2002, this court indefinitely suspended respondent, Michael Lee Moushey, Attorney Registration No. 0033805, last known business address in Columbus, Ohio. On March 20, 2003, relator, Columbus Bar Association, filed a motion for order to show cause why respondent should not be held in contempt for

failing to obey this court's October 2, 2002 order by continuing to engage in the practice of law. Upon consideration thereof,

IT IS ORDERED by this court that the motion be and is hereby granted to the extent that respondent show cause by filing a written response with the Clerk of this court on or before 20 days from the date of this order why respondent should not be held in contempt.

IT IS FURTHER ORDERED, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

2003-0329. Stark Cty. Bar Assn. v. Watterson.

On February 14, 2003, relator, Stark County Bar Association, filed a Motion for Order to Respondent to Appear and Show Cause Why He Should Not be Held in Contempt for Failure to Comply with a Subpoena Duces Tecum Issued by the Board of Commissioners on Grievances and Discipline. Upon consideration thereof,

IT IS ORDERED by this court that the motion be and is hereby granted to the extent that respondent show cause by filing a written response with the Clerk of this court on or before 20 days from the date of this order why respondent should not be held in contempt.

IT IS FURTHER ORDERED, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

2003-0481. In re Lowden.

On March 13, 2003, and pursuant to Gov.Bar R. V(5)(A), the Secretary of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio submitted to this court a certified copy of a determination of default of a child support order by Jeffrey T. Lowden, a.k.a. Jeffrey Theodore Lowden, an attorney licensed to practice law in the state of Ohio.

Upon consideration thereof and pursuant to Gov.Bar R. V(5)(A)(4), it is ordered and decreed that Jeffrey T. Lowden, a.k.a. Jeffrey Theodore Lowden, Attorney Registration No. 0071548, last known business address in Toledo, Ohio, be, and hereby is, suspended from the practice of law for an interim period, effective as of the date of this entry.

IT IS FURTHER ORDERED that this matter be, and is hereby, referred to the Disciplinary Counsel for investigation and commencement of disciplinary proceedings.

IT IS FURTHER ORDERED that Jeffrey T. Lowden, a.k.a. Jeffrey Theodore Lowden, immediately cease and desist from the practice of law in any form and is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency, or other public authority.

IT IS FURTHER ORDERED that, effective immediately, he be forbidden to counsel or advise, or prepare legal instruments for others or in any manner perform legal services for others.

IT IS FURTHER ORDERED that he is hereby divested of each, any, and all of the rights, privileges, and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio.

IT IS FURTHER ORDERED that respondent shall not be reinstated to the practice of law until (1) the Board of Commissioners on Grievances and Discipline files in accordance with Gov.Bar R. V(5)(D)(1)(b) with the Supreme Court a certified copy of a judgment entry reversing the determination of default under a child support order, or it files in accordance with Gov.Bar R. V(5)(D)(1)(c) with the Supreme Court a notice from a court or child support enforcement agency that respondent is no longer in default under a child support order or is subject to a withholding or deduction notice or a new or modified child support order to collect current support or any arrearage due under the child support order that was in default and is complying with that notice or order, and (2) this court orders respondent reinstated to the practice of law.

IT IS FURTHER ORDERED that respondent shall keep the Clerk and the Disciplinary Counsel advised of any change of address where respondent may receive communications.

IT IS FURTHER ORDERED, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

IT IS FURTHER ORDERED, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the Attorney Registration Office.

IT IS FURTHER ORDERED that the Clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.

MISCELLANEOUS ORDERS

2002-2114. In re Judicial Campaign Complaint Against Per Due.

BEFORE THE COMMISSION OF FIVE JUDGES
APPOINTED BY
THE SUPREME COURT OF OHIO

OPINION

This matter came to be reviewed by a commission of five judges appointed by the Supreme Court of Ohio pursuant to Rule II, Section 5(E)(1) of the Rules for the Government of the Judiciary of Ohio and Section 2701.11 of the Revised Code. The commission members are: Judge Deborah A. Alspach (Marion County Domestic Relations Court), Chair; Judge Jeffrey E. Froelich (Montgomery County Common Pleas Court); Judge Joseph M. Houser (Mahoning County Court No. 2); Judge Kathleen Ann Sutula (Cuyahoga County Common Pleas Court); and Judge Michael J. Voris (Clermont County Domestic Relations Court). Keith Bartlett, Director of the Legal and Research Support Division, was appointed by the Court as Secretary to the Commission.

Complainant Alfred Mackey is a judge of the Ashtabula County Court of Common Pleas and was a candidate for reelection in the November 2002 election. Respondent, David Per Due, was complainant's opponent in that election.

The facts of this matter are no longer at issue. Complainant filed four separate grievances with the Board of Commissioners on Grievances and Discipline alleging violations of various provisions of the Code of Judicial Conduct relative to judicial campaign practices. Following a review by a probable cause panel of the Board pursuant to Gov. Jud. R. II, Section 5(C)(1)(a) and based on instructions from that panel, the Secretary of the Board filed four formal complaints against the respondent. The complaints are detailed in the hearing panel's report, which is attached to this opinion as Appendix A, and may be summarized as follows:

B.C.G.D. Case No. 02-J-04 Respondent identified himself in campaign literature after the primary as a "conservative Republican" in violation of Canon 7(B)(3)(c). (After the primary election, a judicial candidate may identify himself only *in person* as a member of a political party.)

B.C.G.D. Case No. 02-J-06 Respondent distributed literature that contained misleading information concerning Judge Mackey's actions in the case of *State of Ohio v. O'Drayer Jones*. The literature erroneously implied that Jones murdered a police officer while on probation to Judge Mackey. Since Respondent knew that implication was not correct, the distribution of the literature was a violation of Canon 7(E)(1). (A candidate shall not knowingly distribute information "that would be deceiving or misleading to a reasonable person.")

B.C.G.D. Case No. 02-J-07 Count One charged that in a newspaper article respondent characterized certain financial contributions made to his opponent's campaign as "despicable" and said those contributors were "trying to buy a judgeship," in violation of Canon 7(B)(1). ("A judge or judicial candidate shall maintain the dignity appropriate to judicial office.") Count Two of this complaint concerned a disputed endorsement of respondent by a congressman but a majority of the panel held that a violation had not been proved by clear and convincing evidence.

B.C.G.D. Case No. 02-J-08. Respondent's campaign committee broadcast a radio advertisement that said "Don't let the lawyers inside and outside of Ashtabula County buy the Ashtabula County judgeship" and implied that judicial decisions by his opponent were for sale by stating that "I was always told justice was blind, not green." This was alleged to be a violation of Canons 7(B)(1), 7(B)(2)(f), and 7(E)(1).

The Board convened a three-member hearing panel, which conducted a hearing on the four formal complaints on November 25, 2002. The hearing panel dismissed Case Number 02-J-08, finding that the complainant did not, by clear and convincing evidence, establish a violation of the Code of Judicial Conduct, and issued a separate entry of dismissal. However, on December 10, 2002, the hearing panel issued its findings of fact, conclusions of law, and recommendations, wherein the panel found, by clear and convincing evidence, violations in the other three cases. In Case No. 02-J-04, the panel found that respondent knowingly violated Canon 7(B)(3)(c). In Case No. 02-J-06, the panel found that respondent knowingly violated Canon 7(E)(1), and also concluded that "Respondent failed to demonstrate genuine remorse for this violation." As to Case No. 02-J-07, the panel found that respondent knowingly violated Canon 7(B)(1), but also found that complainant did not establish that Respondent knowingly violated Canons 7(B)(2)(f) and 7(E)(1).

As a sanction for these violations, the hearing panel recommended that respondent be publicly reprimanded and pay all costs of the proceedings.

On February 6, 2003, the Supreme Court appointed this five-judge commission to review the report of the hearing panel pursuant to Gov. Jud. R. II, Section 5(E)(1). The commission was provided with the record certified by the Board, a copy of the Board's record in the three cases in which a violation was found (02-J-04, 02-J-06, and 02-J-07), a transcript of the November 25, 2002 proceeding before the hearing panel, and exhibits presented at the hearing.

The commission was also provided a copy of the opinion in Case No. 02-1745, *In re Judicial Campaign Complaint Against David Per Due* ("Per Due I"), filed October 28, 2002. That case involved the same parties and the same election, but different facts and a different five-judge commission. That commission found that respondent Per Due violated Canon 7(B)(5) by failing to complete a two-hour course on judicial campaign practices, finance, and ethics as least one year prior to or thirty days after respondent's candidacy was certified by the Ashtabula County Board of Elections. For that violation, the commission imposed a fine of \$100.00, with the fine suspended, and costs.

On February 7, 2003, the parties were sent a letter by the Secretary of the Commission asking if they would object to or otherwise contest the findings and recommendations of the hearing panel, which both parties answered in the negative. Thereafter, the commission met by telephone conference on February 11, February 19, and March 26, 2003.

Pursuant to Gov. Jud. R. II, Section 5(E)(1), the five-judge commission is required to review independently the report of the hearing panel and ascertain whether clear and convincing evidence exists to support a determination that respondent violated the Code of Judicial Conduct. Having reviewed the entire record, the commission hereby affirms and adopts the findings of fact and conclusions of law set forth in the hearing panel's report, and finds by clear and convincing evidence that respondent violated the provisions of the Code of Judicial Conduct as set forth in that report.

The commission also is required to independently review the recommended sanction and determine if it is appropriate for the violations that are found. Upon examination of the recommended sanctions, the Commission noted several findings contained in the Panel's report.

In B.C.G.D. Case No. 02-J-06, the Hearing Panel found respondent's conduct "particularly egregious in light of the fact that Respondent thoroughly reviewed the criminal file before he created and participated in distributing the misleading document." The panel further concluded that respondent failed to demonstrate genuine remorse for this violation.

In B.C.G.D Case No. 02-J-07, the panel found that respondent's accusation that petitioner's campaign was trying to "buy a judgeship" fell below the standards of dignity appropriate for judicial office. The panel made note that this was especially true in light of the fact that respondent stated that he held petitioner in high regard and never believed that Judge Mackey could be bought.

The Commission concurs with these findings. The Commission finds, however, that the recommended sanctions fail to apply sufficient weight to the violations given their egregious nature.

The purpose of sanctions is to inform other judicial candidates of the seriousness of such violations and to deter future similar misconduct. A sanction that may result in effective deterrence best serves the public interest and the profession. Therefore, we find it necessary to modify the sanction recommended by the panel.

Unlike other judicial or attorney disciplinary proceedings in which the alleged violations of the Code of Judicial Conduct and Code of Professional Responsibility are brought and prosecuted by the Disciplinary Counsel or local certified grievance committees, the complainant is charged with prosecuting a judicial campaign grievance filed pursuant to Gov. Jud. R. II, Section 5. In so doing, the complainant is serving the public interest in ensuring the dignified and appropriate conduct of judicial elections in Ohio. * * * We further find that an award of these expenses to be in furtherance of the public interest and within the inherent authority of a commission charged with imposing disciplinary sanctions to craft a sanction that is

appropriate under the circumstances. *In re: Judicial Campaign Complaint Against Lee Hildebrandt, Jr.* (1997), 82 Ohio Misc.2d 1, 1997 Ohio Misc. LEXIS 252.

After its second telephone conference, the commission issued an order allowing the parties to file written briefs and reply briefs solely on the question of whether a fine, payment of the complainant's attorney fees and expenses, or other sanctions should be imposed. The complainant filed a brief; the respondent did not.¹

Considering all of the evidence before us, including, as did the hearing panel, respondent's earlier campaign violation in Case No. 02-1745 and precedent established by other judicial campaign cases, we find that an award of attorney fees is appropriate in this case.

Appended to complainant's brief were invoices submitted by his counsel that showed attorney fees totaling \$1,720.00 and expenses totaling \$281.50.² After considering all of the evidence and the factors contained in Disciplinary Rule 2-106(B), we find these fees and expenses to be reasonable.

Accordingly, it is the unanimous conclusion of the judicial commission that the respondent, David Per Due, be publicly reprimanded, that he pay the complainant's attorney fees of \$1,720.00 and expenses of \$281.50, and that he pay the costs of these proceedings.

The Secretary shall issue a statement of costs before this commission and instructions regarding the payment of those costs, costs certified by the Board of Commissioners on Grievances and Discipline, and attorney fees and expenses. Payment of all costs and monetary sanctions shall be made by August 1, 2003. This order shall be published by the Supreme Court Reporter of Decisions in the manner prescribed by Rule V, Section 8(D)(2) of the Rules for the Government of the Bar of Ohio.

So Ordered.

Judge Deborah A. Alspach, Chair

Judge Jeffrey E. Froelich

Judge Joseph M. Houser

¹ Respondent did not file a brief or a reply brief. Instead, he sent a letter directly to the chair of this commission, in which he asked that attorney fees not be imposed against him. We note this with concern, in that by sending this letter, respondent contravened the Supreme Court's Order of February 6, 2003, which stated that all pleadings and documents were to be filed with the Clerk of the Supreme Court and service upon the Commission was to be made by serving the Secretary. Such a communication was not an appropriate response to an order of this commission.

² We note that complainant's counsel, Timothy Bojanowski, substantially reduced his fee as a professional courtesy pursuant to Ethical Consideration 2-17 of the Code of Professional Responsibility.

Judge Kathleen Ann Sutula

Judge Michael J. Voris

2002-2114. In re Judicial Campaign Complaint Against Per Due.

**BEFORE THE COMMISSION OF FIVE JUDGES
APPOINTED BY
THE SUPREME COURT OF OHIO**

**STATEMENT OF COSTS
AND INSTRUCTIONS REGARDING PAYMENT**

The following is a statement of the expenses incurred by the Board of Commissioners on Grievances and Discipline, certified by the Secretary of the Board on December 10, 2002, and of the costs incurred by the Commission of five judges appointed by the Supreme Court pursuant to Rule II, Section 5 of the Supreme Court Rules for the Government of the Judiciary of Ohio to review the report of the Board's Hearing Panel in the above-captioned case. This statement of costs is entered pursuant to the opinion of the Commission of five judges issued in this case.

Board Expenses	\$1,641.34
Commission Costs (Express Mail)	<u>\$ 78.30</u>
	\$1,719.64

The Commission's opinion also ordered the respondent to pay the complainant's attorney fees and expenses, and directed the Secretary of the Commission to provide instructions to the respondent regarding the payment of these sums. The respondent is hereby instructed as follows:

1. To pay costs totaling \$1,719.64 to the Supreme Court by certified check or money order on or before August 1, 2003; and
2. To pay attorney fees and expenses totaling \$2,001.50 to the complainant by certified check or money order on or before August 1, 2003 and file certification of payment with the Clerk of the Supreme Court.

If these costs, fees, and expenses are not paid in full on or before the required dates, interest at the rate of ten percent per annum shall accrue on the balance of unpaid sanctions, the matter will be referred to the office of the Attorney General for collection, and the respondent will be found in contempt, which may subject the respondent to further disciplinary action by the Commission or the Supreme Court.

BY ORDER OF THE COMMISSION.

Keith Bartlett
Secretary to the Commission

In re Report of the Commission :
on Continuing Legal Education :

Albert Ross Fingerman : E N T R Y
(#0002327), :
Respondent. :

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education ("commission") pursuant to Gov.Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys, including the above-named respondent, for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the 2000-2001 reporting period.

On January 27, 2003, this court entered an order adopting the commission's recommendation related to the 2000-2001 reporting period imposing a sanction fee upon the respondent.

On March 24, 2003, the commission filed a motion to vacate, requesting that the order of January 27, 2003, pertaining to the above-named respondent, be vacated. Upon consideration thereof,

IT IS ORDERED by the court that the motion to vacate be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that the order of January 27, 2003, pertaining to respondent, is hereby vacated, and this cause is dismissed.

In re Report of the Commission
on Continuing Legal Education.

Laura M. Franze : O R D E R
(#0026632), :
Respondent. :

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education (the "commission") pursuant to Gov.Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys, including the above-named respondent, for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the 2000-2001 reporting period.

On November 6, 2002, pursuant to Gov.Bar R. X(6)(B)(1), this court issued to the respondent an order to show cause why the recommended sanction should not be adopted by the court and an order so entered against the respondent. Respondent filed objections to the commission's recommendation. On March 11, 2003, this court entered an order against respondent adopting the recommendation that respondent pay a sanction in the amount of \$430.00 for failure to comply with Gov.Bar R. X during the 2000-2001 reporting period. On March 20, 2003, the commission filed a motion to modify the recommended sanction, requesting that the court modify its order to a monetary sanction of \$250.00. On consideration thereof,

IT IS ORDERED by the court that the motion to modify of the commission be granted. On or before 30 days from the date of this order, respondent shall pay to the Commission on Continuing Legal Education, by certified check or money order, the imposed sanction in the total amount of \$250.00.

IT IS FURTHER ORDERED that the Clerk of the court shall record the respondent's status on the roll of attorneys as "NOT IN GOOD STANDING" until such time as the respondent has complied with this order but that this order shall not be considered a disciplinary order pursuant to Gov.Bar R. V or Gov.Bar R. X(6)(H).

IT IS FURTHER ORDERED that the Commission on Continuing Legal Education shall notify the Clerk of this court when payment of the imposed sanction has been made by respondent.

In re Report of the Commission :
on Continuing Legal Education :

Herman John Guckenberger : E N T R Y
(#0002140), :
Respondent. :

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education ("commission") pursuant to Gov.Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of

sanctions against certain attorneys, including the above-named respondent, for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the 2000-2001 reporting period.

On January 27, 2003, this court entered an order adopting the commission's recommendation related to the 2000-2001 reporting period imposing a sanction fee upon the respondent.

On March 24, 2003, the commission filed a motion to vacate, requesting that the order of January 27, 2003, pertaining to the above-named respondent, be vacated. Upon consideration thereof,

IT IS ORDERED by the court that the motion to vacate be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that the order of January 27, 2003, pertaining to respondent, is hereby vacated, and this cause is dismissed.

In re Report of the Commission :
on Continuing Legal Education :

Edward Paul Lonjak : E N T R Y
(#0036916), :
Respondent. :

This matter originated in this court on the filing of a report by the Commission on Continuing Legal Education ("commission") pursuant to Gov.Bar R. X(6)(A)(1)(b) and (A)(2)(d). The commission recommended the imposition of sanctions against certain attorneys, including the above-named respondent, for failure to comply with the provisions of Gov.Bar R. X, Attorney Continuing Legal Education, for the 2000-2001 reporting period.

On January 27, 2003, this court entered an order adopting the commission's recommendation related to the 2000-2001 reporting period imposing a sanction fee upon the respondent.

On March 24, 2003, the commission filed a motion to vacate, requesting that the order of January 27, 2003, pertaining to the above-named respondent, be vacated due to the fact that respondent is now deceased. Upon consideration thereof,

IT IS ORDERED by the court that the motion to vacate be, and hereby is, granted.

IT IS FURTHER ORDERED by the court that the order of January 27, 2003, pertaining to respondent, is hereby vacated, and this cause is dismissed.