

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

RECEIVED

JUN 23 2017

In re:

Complaint against

BOARD OF PROFESSIONAL CONDUCT

Raymond Leland Eichenberger III
7544 Slate Ridge Boulevard
Reynoldsburg, Ohio 43068

No. 17-032

Attorney Registration No. (0022464)

COMPLAINT AND CERTIFICATE

Respondent,

(Rule V of the Supreme Court Rules for
the Government of the Bar of Ohio.)

Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411

FILED

JUN 29 2017

Relator.

BOARD OF PROFESSIONAL CONDUCT

Now comes the relator and alleges that Raymond Leland Eichenberger III, an Attorney at Law, duly admitted to the practice of law in the State of Ohio, is guilty of the following misconduct:

1. Respondent, Raymond Leland Eichenberger III, was admitted to the practice of law in the State of Ohio on November 7, 1980. Respondent is subject to the Ohio Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.
2. On June 14, 2016, respondent was suspended from the practice of law for a period of two years with the second year stayed on conditions. *Disciplinary Counsel v. Eichenberger*, 146 Ohio St.3d 302, 2016-Ohio-3332, 55 N.E.3d 1100.
3. Respondent has remained under suspension at all times since June 14, 2016.

Count I

The Phillips' Matter

4. In January 2015, Candise Michel-Phillips ("Phillips") hired respondent to handle a Medicaid application for her husband.
5. Respondent had previously done estate planning work for Phillips and her husband.
6. On January 30, 2015, although Phillips did not sign a fee agreement with respondent, she paid respondent what he described as a "retainer", in the amount of \$500.
7. On May 26, 2015, at respondent's request, Phillips paid a second \$500 "retainer" to respondent, via personal check.
8. On July 17, 2015, respondent sent a letter to Phillips stating that "after the lengthy conference with the Medicaid office, I calculated that your second retainer with me has been expended." He requested that she "replenish the retainer with another \$500 deposit." Respondent explained that "I find my clients would rather keep their bills current as we go along, rather than receiving a larger than expected bill at the conclusion of a matter."
9. On July 28, 2015, Phillips paid a third \$500 "retainer" to respondent, via personal check.
10. Each time Phillips paid respondent's requested \$500 "retainer", she requested an itemized billing statement from respondent. However, each time, respondent failed to provide Phillips with an itemized accounting of the funds she had paid to him and the work he had performed on her behalf.
11. On May 16, 2016, respondent sent a letter to Phillips requesting an additional \$1,000 "retainer". He told Phillips that "as a result of all of the work I accomplished on your behalf in the past two weeks...I have once again reviewed my time records spent on your

matter to date”. He further said “the fees that you owe to me on the Medicaid matter have far exceeded the retainers that you have paid to me up to this point...as a result, I would ask you to mail me an additional retainer check in the amount of \$1,000. Hopefully, Medicaid will render a decision to us within the next month and the matter will then be concluded.”

12. In this same letter, respondent told Phillips that “I have always found that my clients would rather pay their fees to me as we proceed...rather than be presented with a large and unexpected bill at the conclusion of a case”.
13. On May 20, 2016, Phillips told respondent that she could not pay the entire \$1,000 at that time, but she requested that respondent provide her with an itemized billing statement. Despite Phillips’ request, respondent failed to provide her with an itemized billing statement.
14. On May 25, 2016, respondent sent a letter to Phillips stating that “the retainer request was not asking for money to secure further work, but to attempt to secure a partial payment for my work already accomplished on your behalf.”
15. Respondent then told Phillips that he *could* send her an itemized bill, but, much to the Phillips’ surprise, he said the amount would exceed \$6,000.
16. Nevertheless, respondent continued to request that Phillips pay the \$1,000 payment in full, or in payments of \$200 until paid in full.
17. On June 3, 2016, Phillips paid respondent \$500 via personal check. She told respondent that she hoped to pay the additional \$500 in a couple of weeks.
18. As previously stated in ¶2 of this complaint, respondent was suspended from the practice of law on June 14, 2016.

19. On June 20, 2016, Phillips sent an email to respondent stating “I was sorry to read about your suspension in the newspaper...” and requested that respondent return their trust files.
20. On June 23, 2016, respondent replied to Phillips’ June 20, 2016 email, stating that he would contact her the next week to make arrangements for her to pick up their trust files, but respondent failed to acknowledge Phillips’ statement about his license suspension.
21. On July 8, 2016, Phillips went to respondent’s office and retrieved her trust documents. During this visit, respondent failed to inform Phillips about his suspension, either verbally or in writing.
22. In its June 14, 2016 Order suspending respondent from the practice of law in *Disciplinary Counsel v. Raymond Leland Eichenberger III*, Case No. 2015-1315, the Court stated, in relevant part, that:

It is further ordered that on or before 30 days from the date of this order, respondent shall do the following:

Notify all clients being represented in pending matters and any co-counsel of respondent’s suspension and consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal services elsewhere, calling attention to any urgency in seeking the substitution of another attorney in respondent’s place;

Notify opposing counsel or, in the absence of counsel, the adverse parties in pending litigation of respondent’s disqualification to act as an attorney after the effective date of this order and file a notice of disqualification of respondent with the court or agency before which the litigation is pending; and

Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent.

23. Despite the June 14, 2016 Order, respondent failed to provide Phillips with any notice of his suspension, either by certified mail or otherwise.

• **Unauthorized Practice of Law**

24. Despite respondent's suspension from the practice of law effective June 14, 2016, he continued to send letters to Phillips on his "Raymond L. Eichenberger, Attorney at Law" letterhead **after** his suspension.
25. On July 27, 2016, respondent sent a letter to Phillips reminding her that she still owed him the last \$500 of the \$1,000 retainer that he requested in May 2016. He requested payment by July 29, 2016.
26. On August 11, 2016, respondent sent correspondence to Phillips reminding her that she still owed him \$500. However, he said, in part, "if you're not going to cooperate with me, I have no other choice than to prepare a final bill for you... The amount of the final bill, according to my rough calculations, would exceed \$6,000."
27. On August 16, 2016, Phillips sent correspondence to respondent stating, in part, that "you should have been providing me with an itemized accounting... you can't all of a sudden tell someone they owe you \$6,000. I didn't agree to this and you know I can't afford this. I don't appreciate you bullying me."
28. On August 20, 2016, respondent emailed Phillips in response to her August 16th correspondence, stating, "had you sent me the \$500 without all of this fuss, I would have considered it the conclusion of the matter."
29. On August 22, 2016, Phillips emailed respondent stating that "if you are saying \$500 is needed as the final payment and this issue will be closed, I will send it."
30. On August 25, 2016, respondent sent Phillips an itemized bill for \$7,680 for his services rendered in regard to the Medicaid matter.

31. In his invoice, respondent calculated this total figure based on 38.4 hours of legal work at his hourly rate of \$200. According to respondent, he subtracted the \$2,000 in retainers that Phillips had paid to date, leaving a subtotal due of \$5,680.
32. However, respondent stated that he gave Phillips a “substantial arbitrary reduction” in the amount of \$3,680, leaving her with a \$2,000 balance due.
33. In this same letter, respondent told Phillips that “if the bill is not paid in full by August 31, the reduction will be withdrawn, and the full amount of the bill would be due.”
34. Respondent’s itemized bill reflected numerous entries for legal work that he claimed to have performed after June 14, 2016, the effective date of his suspension, as follows:
 - a. June 22, 2016 (email from/to client) @ .2 billable hours;
 - b. July 7, 2016 (email from/to client) @ .2 billable hours;
 - c. July 8, 2016 (conference with client) @ .2 billable hours;
 - d. July 25, 2016 (letter to client) @ .4 billable hours;
 - e. August 10, 2016 (letter to client) @ .4 billable hours; and
 - f. August 19, 2016 (review note from client; email client) @ .2 billable hours.
35. On August 29, 2016, Phillips sent respondent correspondence stating, in part, “since you will not honor your offer of \$500 as final payment, I’m going to have to hold you to the \$2,000 in retainers that you have already received...Had you kept me abreast of how the retainers were being spent, I would never have agreed to proceed with you”. Phillips also stated that “after more than 1 year and \$2,000 in retainers paid, the Medicaid petition is at square one. You have not reported any progress...I fail to see the great amount of work you completed.”

36. On September 6, 2016, respondent sent another letter to Phillips on his business letterhead identifying himself as “Attorney at Law”. He said that because she failed to pay him the \$2,000 that he demanded, he rescinded his “fee reduction” and, therefore, she owes the full amount of his bill. In this letter to Phillips, respondent stated “finally, you are advised that I will submit the total amount of bill for collection and will also reserve the right to file suit against you”.
37. Subsequently, Phillips filed a grievance with relator’s office.
38. On November 23, 2016, relator sent to respondent a Letter of Inquiry relating to Phillips’ grievance.
39. On December 7, 2016, respondent replied to the Phillips grievance, but he failed to provide complete responses to relator’s requests for information.
40. Specifically, respondent failed to produce any documents or any response relating to relator’s request for (a) all correspondence between him and Phillips, (b) his individual ledger relating to Phillips’ representation, and (c) the bank account information into which he deposited Phillips’ payments for his legal services.
41. Respondent’s conduct, as alleged in Count I of the Complaint in this matter, violates the following provisions of the Ohio Rules of Professional Conduct:
 - a) By continuing to perform legal services on behalf of his client following the commencement of his suspension on June 14, 2016, respondent violated Prof. Cond. R. 5.5(a) [a lawyer shall not practice law in violation of the regulation of the legal profession in that jurisdiction].
 - b) By failing to inform his clients, Mr. and Mrs. Phillips, of his suspension and continuing to send correspondence to Phillips on his “Attorney at Law” letterhead,

respondent violated Prof. Cond. R. 5.5(b) [a lawyer who is not admitted to practice law in this jurisdiction shall not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction].

- c) By failing to comply with the terms of the Court's suspension order, i.e., failing to notify his client of his suspension and continuing to perform legal services, respondent violated Prof. Cond. R. 3.4(c) [a lawyer shall not knowingly disobey an obligation under the rules of a tribunal].
- d) By failing to timely provide his client with an accounting despite multiple requests, respondent violated Prof. Cond. R. 1.15(d) [upon request by the client, the lawyer shall promptly render a full accounting regarding funds received from, or on behalf of, the client].
- e) By engaging in threatening and extortionate conduct toward his clients relating to their fees, respondent violated Prof. Cond. R. 8.4(h) [a lawyer shall not engage in any other conduct that adversely reflects on the lawyer's fitness to practice law].
- f) By charging and attempting to collect legal fees for services performed after his suspension, respondent violated Prof. Cond. R. 1.5(a) [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee].
- g) By failing to provide requested information and documentation in response to relator's Letter of Inquiry, respondent violated Prof. Cond. R. 8.1(b) [a lawyer shall not knowingly fail to respond to a demand for information from an admissions or disciplinary authority].

COUNT II

The Franklin County Court of Appeals (Tenth District)

42. Relator incorporates paragraphs 1-41 as if fully rewritten.
43. On February 5, 2016, respondent filed a Notice of Appeal in the Franklin County Court of Appeals on behalf of his client, Douglas Six, in a case entitled *Douglas A. Six v. Gahanna Trailer Services, et. al.*, Case No. 16-AP-000091.
44. On June 7, 2016, respondent filed in the Ohio Supreme Court an Affidavit of Disqualification relating to Judge Timothy Horton of the Tenth District Court of Appeals. *Douglas A. Six v. Gahanna Trailer Services, et. al.*, Supreme Court Case No. 16-AP-043.
45. On June 21, 2016, the Supreme Court issued its Judgment Entry dismissing respondent's affidavit of disqualification. In its Judgment Entry, the court stated, in relevant part,

First, since Eichenberger filed his affidavit of disqualification, this court suspended his law license for two years, with the second year stayed, and his reinstatement to the practice of law is subject to condition. See *Disciplinary Counsel v. Eichenberger*, Slip Opinion No. 2016-Ohio-3332. Eichenberger's affidavit of disqualification is based primarily on Judge Horton's alleged *personal* bias against Eichenberger – not plaintiff-appellant. However, as of June 14, 2016, Eichenberger is prohibited from appearing on behalf of any client before any court in this state for at least one year. Thus, because Eichenberger can no longer serve as counsel in the underlying case, there is no reason to decide his claim of judicial bias.

46. On June 21, 2016, the issuance date of its Judgment Entry, the Supreme Court sent copies of the aforementioned Entry to the parties, including respondent, via regular U.S. mail. Respondent's mailing address as identified on his pleadings filed with the court was 7544 Slate Ridge Blvd., Reynoldsburg, Ohio 43068.
47. As of July 13, 2016, respondent had not provided any notice of his suspension and subsequent disqualification to the appellate court; as a result, respondent remained as attorney of record in the *Six* matter.

48. On July 13, 2016, the Tenth District Court of Appeals issued its notice to respondent that *Douglas A. Six v. Gahanna Trailer Services, et. al.*, Case No. 16-AP-000091, had been scheduled for oral argument on August 17, 2016.

• **Unauthorized Practice of Law**

49. On July 28, 2016, more than six weeks after the Supreme Court of Ohio suspended respondent from the practice of law, respondent sent a letter to Judge Gary Tyack, Administrative Judge, Franklin County Court of Appeals.

50. In the letter, written on his business letterhead identifying himself as “Attorney at Law,” respondent advised the court that he was counsel for the plaintiff/appellant Douglas Six in the matter of *Six v. Gahanna Trailer*, Case No. 16-AP-000091; however, respondent stated “this will serve as my required notice by the Supreme Court of Ohio that my law license has recently been suspended for a minimum term of one (1) year.” Respondent further requested that the court continue the oral argument until Six could obtain other counsel.

51. Upon receiving respondent’s letter, the Court Administrator for the Tenth District Court of Appeals, Douglas Eaton, attempted to contact respondent by telephone. In light of the pending oral argument and respondent’s suspension rendering Six without counsel, Eaton left two voicemail messages for respondent requesting contact information for his former client, Douglas Six.

52. Respondent did not return Eaton’s telephone calls; however, on August 8, 2016, respondent sent a letter to Eaton, again on his business letterhead, noting “Attorney at Law”, stating, in part, that “Mr. Six has no desire to waive oral argument... he has no intention of waiving oral argument in this case voluntarily because your office is unduly

and unnecessarily forcing him to do so.” He further stated “I am actively trying to assist my client in retaining new counsel in order that he is not prejudiced by this unfortunate situation.”

53. In the *Six* matter, opposing counsel waived oral argument. On August 17, 2016, Six did not appear for the oral argument, nor did any other counsel appear on his behalf.
54. As previously stated in ¶22 of this complaint, the Supreme Court’s Order required respondent to provide certified mail notice to his pending clients, opposing counsel, and the court and to provide such notices within 30 days of his suspension. Respondent failed to comply with the Court’s June 14, 2016 Order.
55. Despite respondent’s assertions to Eaton in his August 8th letter, respondent failed to inform Six, verbally or in writing, of his disqualification to act as his attorney as a result of his suspension, nor did respondent notify Six to seek other legal counsel for the pending appeal and oral argument in his appellate matter.
56. In fact, Six learned of respondent’s suspension and the August 17, 2016 oral argument when he received a copy of the Journal Entry from the Franklin County Court of Appeals. Six did not receive this information until shortly after the August 17th oral argument date had already passed.
57. Despite the court’s suspension order, respondent failed to provide any notice whatsoever of his suspension or disqualification to opposing counsel in the *Douglas Six v. Gahanna Trailer Services, et. al.* matter.
58. Respondent’s conduct, as alleged in Count II of the Complaint in this matter, violates the following provisions of the Ohio Rules of Professional Conduct:

- a) By continuing to send correspondence to the court, acting on behalf of his client, on his "Attorney at Law" letterhead after his suspension, respondent violated Prof. Cond. R. 5.5(b) [a lawyer who is not admitted to practice law in this jurisdiction shall not hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction].
- b) By failing to comply with the terms of the Court's suspension order, i.e., failing to timely notify his client, opposing counsel, or the Court of his suspension and continuing to advocate to the Appellate Court on behalf of his client, respondent violated Prof. Cond. R. 3.4(c) [a lawyer shall not knowingly disobey an obligation under the rules of a tribunal].

Count III

The U.S. Bankruptcy Court (Southern District of Ohio)

59. Relator incorporates paragraphs 1-58 as if fully rewritten.
60. On May 26, 2016, respondent filed a Motion for Relief from Stay in the United States Bankruptcy Court (Southern District) on behalf of his clients, Bruce Hieber and Milford Ave. Properties, LLC. in the case entitled *In re: Carita Lesean Ingram*, Case No. 16-52914. Ingram was a tenant of respondent's clients.
61. The Court scheduled a hearing for July 5, 2016.

• Unauthorized Practice of Law

62. On July 5, 2016, three weeks after the Supreme Court of Ohio suspended respondent's license, respondent appeared on behalf of his clients before Judge John E. Hoffman, Jr. in the United States Bankruptcy Court for the Southern District of Ohio in Case No. 16-52914.

63. As a result of the July 5, 2016 hearing, the court stated that it would, upon submission of an order, grant the Motion for Relief from Stay with a stipulation agreed to by Milford.
64. The court requested that respondent submit an entry reflecting the court's ruling.
65. Thereafter, respondent drafted a proposed entry. Then, on July 8 and July 25, 2016, respondent uploaded his proposed entry granting his client's motion through the United States Bankruptcy Court's electronic filing system. The court rejected both filings because of various deficiencies and non-compliance with the Local Bankruptcy Rules.
66. On July 27, 2016, approximately six weeks after the Supreme Court of Ohio suspended respondent, he prepared and uploaded a third proposed entry granting his client's motion. Although this entry was not returned to respondent, the court had substantive concerns regarding its content.
67. On August 2, 2016, Judge Hoffman's Law Clerk, Laura F. Atack, called respondent and left a voicemail message stating that the court would like to schedule a telephone conference to discuss his proposed entry.
68. Respondent did not return Atack's telephone call; however, on August 8, 2016, nearly eight weeks after the Supreme Court of Ohio suspended respondent, he emailed Atack.
69. In the email, respondent continued to refer to "his clients" and their interests; however, respondent did not inform Atack of his license suspension.
70. On August 9, 2016, Atack and respondent corresponded via email. Notwithstanding respondent's filing of deficient orders, he stated to Atack, "this matter has become prohibitively expensive for my clients" and "this should have been a simple matter to attend to."

71. Based, in part, on respondent's unprofessional tone during his email discussions with Atack, the court scheduled a formal telephone conference for August 11, 2016 and issued an Order requiring respondent's participation.
72. In the interim, the court learned of respondent's June 14, 2016 suspension, as indicated in ¶2 of this complaint.
73. During the telephone conference with Judge Hoffman, respondent was not forthcoming and failed to inform the judge of his suspension; however, Judge Hoffman told respondent that he had recently learned that respondent had been suspended since June 14, 2016.
74. Respondent replied "I have not received notice of that, Judge".
75. Judge Hoffman asked respondent "you have not received notice that you've been suspended from practice by order dated June 14, 2016?" Respondent replied "No, I have not. They have never served it on me, Judge."
76. Judge Hoffman found respondent's explanations "to be very difficult to believe."
77. Judge Hoffman asked respondent "so are you telling me that you're finding out from me for the first time that you were suspended from practice? This is the first notice you received?" Respondent replied "No. I was saying that when I appeared before you on the 5th and up until that time, until now, I have not received service of any order from them."
78. However, respondent told Judge Hoffman that he probably received some notice of his suspension from some other source but that he didn't recall when or how he received such notice.

79. Respondent also told Judge Hoffman that he had not informed his client of his suspension from the practice of law.
80. After the telephone conference, the court issued an order in Case No. 16-52914 providing notice of respondent's June 14, 2016 suspension from the practice of law and sent a copy to Milford Ave. Properties, c/o Bruce Hieber.
81. In its order, the court said that if Milford wished to proceed with the motion, it shall retain an attorney who shall enter an appearance no later than August 31, 2016. Otherwise, the court will deny the motion for want of prosecution.
82. As previously stated in ¶22 of this complaint, the Supreme Court's Order required respondent to provide certified mail notice to his pending clients, opposing counsel, and the court and to provide such notices within 30 days of his suspension. Respondent failed to comply with the Court's June 14, 2016 Order.
83. On August 15, 2016, nearly nine weeks after the Supreme Court of Ohio suspended respondent and after the telephone conference with Judge Hoffman, respondent sent a letter to Bruce Hieber, on his letterhead identifying himself as "Raymond L. Eichenberger, Attorney at Law", telling him that he had received word from the Judge in the Carita Ingram bankruptcy case that the Judge will not approve the entry giving Hieber relief from stay unless minor changes to the entry are made. Respondent further stated "unfortunately, I have had my law license temporarily suspended, and the Judge will not permit me to change the entry now on your behalf."
84. In respondent's August 15th letter to Hieber, he enclosed a copy of the entry he drafted on Hieber's behalf after his suspension became effective and advised him that he could 1) refile the entry himself, or 2) hire another attorney to take care of the minor changes.

85. Shortly after the July 5, 2016 hearing before Judge Hoffman, respondent sent a letter to Hieber, again on his letterhead, enclosing an invoice for his legal services performed. This invoice was dated July 8, 2016. The invoice indicated a balance due to respondent in the amount of \$1,396. On July 28, 2016, Hieber paid the invoice in full, via personal check made payable to respondent.
86. Despite respondent's suspension from the practice of law on June 14, 2016, respondent's invoice reflected the following legal services amounting to 4.5 billable hours at respondent's hourly rate of \$200, that he performed **after** the effective date of his suspension:
- a. June 20, 2016 (research bankruptcy court rules) @ .3 billable hours;
 - b. June 22, 2016 (email from/to client) @ .2 billable hours;
 - c. June 27, 2016 (prepare for conference with client) @ .3 billable hours;
 - d. June 27, 2016 (conference with client re: prepare for hearing) @ .3 billable hours;
 - e. July 1, 2016 (email client re: Ingram failure to attend Meeting of Creditors) @ .1 billable hours;
 - f. July 2, 2016 (email from client) @ .1 billable hours;
 - g. July 5, 2016 (prepare for hearing and review motion and file) @ .3 billable hours;
 - h. July 5, 2016 (attend and represent client at bankruptcy court hearing) @ 1.5 billable hours;
 - i. July 5, 2016 (draft judgment entry lifting automatic stay) @ .5 billable hours;
 - j. July 5, 2016 (letter to Ingram conveying judgment entry) @ .4 billable hours; and
 - k. July 8, 2016 (file judgment entry with bankruptcy court) @ .5 billable hours.

87. Respondent's conduct, as alleged in Count III of the Complaint in this matter, violates the following provisions of the Ohio Rules of Professional Conduct:

- a) By continuing to perform legal services and appear in Court on behalf of his client after the effective date of his suspension, respondent violated Prof. Cond. R. 5.5(a) [a lawyer shall not practice law in violation of the regulation of the legal profession in that jurisdiction].
- b) By failing to comply with the terms of the Court's suspension order, i.e., failing to timely notify his client of his suspension and continuing to perform legal services after the effective date of his suspension, respondent violated Prof. Cond. R. 3.4(c) [a lawyer shall not knowingly disobey an obligation under the rules of a tribunal].
- c) By charging and collecting fees for legal services performed after the effective date of his suspension, respondent violated Prof. Cond. R. 1.5(a) [a lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee].
- d) By failing to notify the court of his disqualification to act as an attorney and being evasive and dishonest with the Court when questioned about the status of his license to practice law, respondent violated Prof. Cond. R. 8.4(h) [a lawyer shall not engage in any other conduct that adversely reflects on his fitness to practice law].

COUNT IV

Failure to File Affidavit of Compliance

- 88. Relator incorporates paragraphs 1-87 as if fully rewritten.
- 89. In its June 14, 2016 Order suspending respondent from the practice of law, the court ordered respondent, on or before 30 days from the date of its order, to 1) notify all clients being represented in pending matters and any co-counsel of respondent's suspension, 2)

deliver to all clients being represented in pending matters any papers or property pertaining to the clients, 3) refund any part of fees or expenses paid in advance that are unearned, 4) notify opposing counsel of respondent's disqualification to act as an attorney after June 14, 2016, 5) send all notices required by this order by certified mail, 6) file with the Clerk of Court of the Supreme Court of Ohio and disciplinary counsel an affidavit showing compliance with the order, showing proof of service of the notices required, and setting forth the address where respondent may receive communications, and 7) retain and maintain a record of the various steps taken by respondent pursuant to the order.

90. Respondent did not comply with the Court's June 14, 2016 Order.
91. On September 30, 2016, the Supreme Court issued an Order to Show Cause in *Disciplinary Counsel v. Raymond Leland Eichenberger III*, Case No. 2015-1315, requiring respondent to show cause why he should not be held in contempt for his failure to comply with the Court's June 14, 2016 Order, to wit: his failure to surrender his attorney registration card and his failure to file an affidavit of compliance on or before July 14, 2016.
92. On October 20, 2016, although respondent filed an "Affidavit of Respondent in Compliance", the affidavit failed to demonstrate compliance.
93. In his sworn affidavit dated October 18, 2016, respondent stated, in relevant part, that:

To the best of his ability, all clients of his office with which he has pending matters have been notified of his suspension from the practice of law and steps have been taken by him to attempt to assist those clients to find substitute counsel for any pending court cases;

He did not realize until reviewing the requirements after his receipt of Show Cause Order of this Court that said notification had to be by certified mail; and

He will immediately take steps to again notify the current and pending clients of his office of his suspension by certified mail in order to meet the requirements of the Court, and will file a supplemental affidavit with this Court when certified mail receipts have been returned from the post office.

94. To date, respondent has failed to provide the Ohio Supreme Court or disciplinary counsel with an affidavit showing his compliance, nor has respondent shown proof of service of any of the required notices, pursuant to the June 14, 2016 Order. As stated in Counts I, II, and III of this complaint, respondent failed to provide his clients, opposing counsel, or the courts in which he had pending matters, timely notice of his disqualification of counsel, as required by the Court's June 14, 2016 Order.
95. More than seven months after he filed his "Affidavit of Respondent in Compliance," which failed to meet the court's requirements, respondent still has not filed a Supplemental Affidavit with the Supreme Court, despite stating that he would in his sworn affidavit of October 18, 2016.
96. Respondent's conduct, as alleged in Count IV of the Complaint in this matter, violates the following provisions of the Ohio Rules of Professional Conduct:
 - a) By failing to comply with the terms of the Court's suspension order, respondent violated Prof. Cond. R. 3.4(c) [a lawyer shall not knowingly disobey an obligation under the rules of a tribunal].
 - b) By failing to comply with the terms of the Court's suspension order, respondent violated Gov. Bar R. V (22).
 - c) By falsely representing to the Court in his sworn affidavit that he would comply with the Order and supplement his Affidavit of Compliance, respondent violated Prof. Cond. R. 8.4(c) [a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation].

COUNT V

Failure to Cooperate

97. Relator incorporates paragraphs 1-96 as if fully rewritten.
98. On April 21, 2017, relator sent to respondent a Letter of Inquiry relating to the allegations in Counts II, III, and IV of this complaint.
99. On May 5, 2017, respondent replied to relator's Letter of Inquiry, stating, in part, "I told you previously in a most recent letter last fall that I intend to formally withdraw from the practice of law. I will be out of town for most of the month of May, but I will do so when I return. As a result, I have no intention to respond to your letter of inquiry."
100. To date, respondent has not provided a response to relator's Letter of Inquiry, nor has he submitted his Affidavit of Resignation to the Office of Attorney Services.
101. Respondent's conduct, as alleged in Count V of the Complaint in this matter, violates the following provisions of the Ohio Rules of Professional Conduct:
- a. By knowingly failing to respond to relator's demands for information in connection with its disciplinary investigation of the allegations in Counts II, III, and IV of this Complaint, respondent violated Prof. Cond. R. 8.1(b).
 - b. By neglecting or refusing to assist in relator's disciplinary investigation of the allegations contained in Counts II, III, and IV of this Complaint, respondent violated Gov. Bar R. V(9)(G).

COUNT VI

The Herb Matter

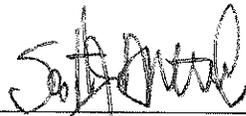
102. Relator incorporates paragraphs 1-101 as if fully rewritten.

103. In January 2011, Steven Herb (“Herb”) hired respondent to handle a civil matter filed in Licking County.
104. Six months later, in July 2011, Herb hired respondent to handle an appellate matter involving Herb’s divorce. Respondent’s representation of Herb’s legal matters ended in or about 2014.
105. On September 16, 2016, Herb sent respondent a letter requesting of the return of his client files by September 30, 2016.
106. Respondent failed to respond to Herb’s letter and failed to make arrangements to provide Herb with his files; consequently, Herb filed a grievance with relator’s office.
107. On November 23, 2016, relator sent respondent a Letter of Inquiry (“LOI”) relating to the Herb grievance.
108. On December 7, 2016, respondent replied to relator’s LOI. In his response, respondent stated that he refused to provide Herb with his files, stating that he had filed a civil lawsuit against Herb in the Franklin County Court of Common Pleas in order to collect fees from respondent’s representation of Herb’s divorce appeal.
109. Respondent claims that Herb owes him more than \$7,000 and that he is asserting his “lawful attorney’s lien” against Herb’s papers and documents until he pays him the money he claims that he is owed.
110. To date, despite Herb’s request, respondent has failed to provide Herb with *any* of his client files.
111. Respondent’s conduct, as alleged in Count VI of the Complaint in this matter, violates the following provisions of the Ohio Rules of Professional Conduct:

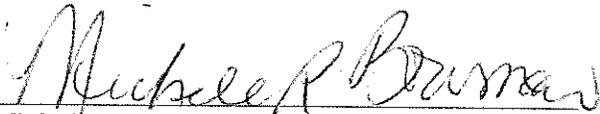
- a) By failing to provide to Herb his client files upon his reasonable request, respondent violated Prof. Cond. R. 1.16(d) [a lawyer shall promptly deliver to the client papers and property].

CONCLUSION

Wherefore, pursuant to Gov. Bar R. V and the Ohio Rules of Professional Conduct, relator alleges that respondent is chargeable with misconduct; therefore, relator requests that respondent be disciplined pursuant to Rule V of the Rules of the Government of the Bar of Ohio.



Scott J. Drexel (0091467)
Disciplinary Counsel

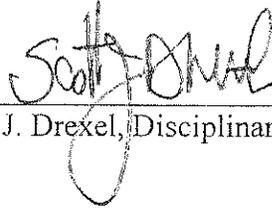


Michelle R. Bowman (0074233)
Assistant Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411
614.461.0256
614.461.7205 – fax
M.Bowman@sc.ohio.gov

CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Michelle R. Bowman is duly authorized to represent relator in the premises and has accepted the responsibility of prosecuting the complaint to its conclusion. After investigation, relator believes reasonable cause exists to warrant a hearing on such complaint.

Dated: June 21, 2017

A handwritten signature in black ink, appearing to read "Scott J. Drexel", is written over a horizontal line. The signature is stylized and cursive.

Scott J. Drexel, Disciplinary Counsel