

BEFORE THE BOARD OF COMMISSIONERS
ON GRIEVANCES AND DISCIPLINE OF
THE SUPREME COURT OF OHIO

FILED

AUG 08 2014

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against

Henry Roosevelt Freeman
786 Premiera Drive
Tallmadge, OH 44278

No. 14 - 058 - 3

Attorney Registration No. (0022713)

Respondent,

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

Relator.

COMPLAINT AND CERTIFICATE

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

RECEIVED

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BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

Now comes the relator and alleges that Henry Roosevelt Freeman, duly admitted to the practice of law in the state of Ohio is guilty of the following misconduct:

1. Respondent, Henry Roosevelt Freeman, was admitted to the practice of law in the state of Ohio on November 6, 1981. Respondent is subject to the Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.
2. On August 13, 2008, the Supreme Court suspended respondent from the practice of law for one year with six months stayed for violating the rules governing IOLTAs and failing to cooperate with the disciplinary investigation. *Disciplinary Counsel v. Freeman*, 119 Ohio St.3d 330, 2008-Ohio-3836, 894 N.E.2d 31.
3. On November 3, 2009, the Supreme Court suspended respondent from the practice of law for failing to register, *11/04/2009 Administrative Actions*, 2009-Ohio-5786.

4. On August 24, 2010, the Supreme Court indefinitely suspended respondent from the practice of law for practicing while under suspension. *Disciplinary Counsel v. Freeman*, 126 Ohio St.3d 389, 2010-Ohio-3824, 934 N.E.2d 328. Respondent remains under suspension.

PRACTICING WHILE UNDER SUSPENSION

ESTATE OF FRANCES NORMA REEVES

5. Respondent's relative, Frances Norma Reeves, passed away in August 2011, and respondent's daughter was named a co-executor of her estate.
6. On March 28, 2012, the executors applied to probate her will in the Cuyahoga County Probate Court; however, they could not locate the original will, 2012 EST 177366.
7. In order to help expedite the probate process, respondent drafted a letter to each person who witnessed the signing of the will. Respondent also drafted an affidavit for each witness and enclosed it with the letter.
8. Respondent's letterhead indicated that he was an attorney, and, in the body of the letter, he misrepresented that he had been retained to represent the estate.
9. On July 19, 2012, the letters and affidavits were filed and made a part of the court record in the estate case.

JOHN AND TINA SMITH

10. Respondent met John and Tina Smith through a local pinochle club.
11. In the summer of 2012, and while respondent was under suspension, he prepared wills, several survivorship deeds, and a power of attorney for John and Tina Smith.
12. Respondent charged \$50 for each will and \$75 for each deed.
13. On August 22, 2012, respondent deposited the wills with the Cuyahoga County Probate Court, 2012 WIL 181619 and 2012 WIL 181618.

14. The Smiths believed that respondent was a licensed attorney.

GUARDIANSHIP OF WILLIE JENNINGS

15. Patricia Jennings was the guardian for her mother, Willie Jennings.

16. During his suspension, respondent prepared the final accounting for the guardianship and notarized Jennings's signature.

17. Respondent's notary stamp indicated that he was an attorney.

18. On April 18, 2013, respondent filed the final accounting with the Cuyahoga County Probate Court, 2012 GRD 45849.

19. Respondent charged \$300 to complete the final accounting.

GUARDIANSHIP OF EFFIE JOHNSON

20. Debra Johnson was the guardian for her mother, Effie Johnson.

21. During his suspension, Respondent prepared the final accounting for the guardianship, which was filed on June 30, 2011, and charged between \$300-\$450.

VIOLATIONS

22. Respondent's conduct violates Prof. Cond. R. 5.5(a) [A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction] and 8.4(c) [a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation].

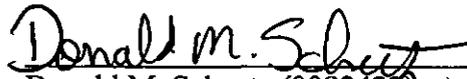
23. Additionally, respondent continuing to practice while under suspension for exactly the same misconduct is particularly egregious so as to violate 8.4(h) [a lawyer shall not engage in any other conduct that adversely reflects on the lawyer's fitness to practice law].

CONCLUSION

Wherefore, pursuant to Gov. Bar R. V, the Code of Professional Responsibility and 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

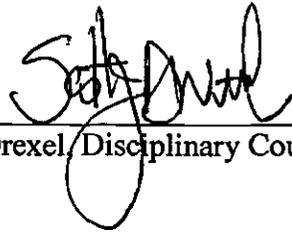


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CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Donald M. Scheetz 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: July 21, 2014



Scott J. Drexel, Disciplinary Counsel

Gov. Bar R. V, § 4(I) Requirements for Filing a Complaint.

(1) Definition. "Complaint" means a formal written allegation of misconduct or mental illness of a person designated as the respondent.

(7) Complaint Filed by Certified Grievance Committee. Six copies of all complaints shall be filed with the Secretary of the Board. Complaints filed by a Certified Grievance Committee shall be filed in the name of the committee as relator. The complaint shall not be accepted for filing unless signed by one or more attorneys admitted to the practice of law in Ohio, who shall be counsel for the relator. The complaint shall be accompanied by a written certification, signed by the president, secretary, or chair of the Certified Grievance Committee, that the counsel are authorized to represent the relator in the action and have accepted the responsibility of prosecuting the complaint to conclusion. The certification shall constitute the authorization of the counsel to represent the relator in the action as fully and completely as if designated and appointed by order of the Supreme Court with all the privileges and immunities of an officer of the Supreme Court. The complaint also may be signed by the grievant.

(8) Complaint Filed by Disciplinary Counsel. Six copies of all complaints shall be filed with the Secretary of the Board. Complaints filed by the Disciplinary Counsel shall be filed in the name of the Disciplinary Counsel as relator.

(9) Service. Upon the filing of a complaint with the Secretary of the Board, the relator shall forward a copy of the complaint to the Disciplinary Counsel, the Certified Grievance Committee of the Ohio State Bar Association, the local bar association, and any Certified Grievance Committee serving the county or counties in which the respondent resides and maintains an office and for the county from which the complaint arose.