



5. Upon receiving his license to practice law in May 2011, respondent was hired to work as a lawyer at the Christensen firm.

## COMPLAINT

6. On November 6, 2010, Anthony Vera was at his place of work and was instructing another employee about the operation of a floor scrubber manufactured by Tennant Company.
7. According to Vera, on November 6, 2010, the floor scrubber lurched backward and crushed him against the wall causing serious and permanent injuries.
8. In November 2010 and shortly after he was injured, Vera filed a claim with the Ohio Bureau of Workers' Compensation.
9. On April 21, 2011, Anthony Vera hired the Christensen firm to represent him in a products liability matter alleging, *inter alia*, that the floor scrubber was defective.
10. First as a law clerk and then as a lawyer, respondent was involved in Vera's representation from the first intake interview through the conclusion of the matter.
11. Before the Vera matter, respondent had never handled a products liability case.
12. At the time he was providing legal services to Vera, respondent was periodically under the supervision of Ohio-licensed lawyers Chanda Higgins (nka Chanda Brown) and Michael D. Christensen.
13. At all times that Vera was a client of the Christensen firm, respondent was considered lead counsel on his case.

14. Respondent drafted a complaint on Vera's behalf and filed the lawsuit in the Franklin County Court of Common Pleas on November 6, 2012, to wit, *Vera v. Tennant Company et al.*, Case No. 12-CV-013960.
15. Respondent is the only attorney whose name appears on the complaint as counsel for Vera.
16. Although respondent knew that an expert would be required to support Vera's claim that the floor scrubber was defective, he did not know how to find or hire an expert.
17. Respondent did not ask any of the other attorneys at the Christensen firm for assistance in finding or hiring an expert witness.
18. Tennant Company served discovery requests upon respondent on behalf of Vera in May 2013.
19. Respondent did not respond to the defendant's discovery requests and a motion to compel was filed on August 9, 2013.
20. The motion to compel was granted on August 27, 2013.
21. Respondent did not respond to the court's August 27, 2013 order to respond to the discovery requests.
22. On September 12, 2013, Tennant Company filed a motion to dismiss *Vera v. Tennant Company*.
23. In order to avoid a court-ordered dismissal of the case, respondent filed a Civ.R. 41(A) voluntary dismissal on September 30, 2013.

24. Prior to November 27, 2013, respondent obtained a copy of the expert's report that Vera obtained in connection with his workers' compensation claim.
25. On November 27, 2013, respondent wrote a letter to the expert who investigated the accident during Vera's related worker's compensation claim.
26. Respondent did not receive a reply to his November 27, 2013 letter to the expert.
27. Other than the November 27, 2013 letter, respondent made no further efforts to locate or hire an expert.
28. Notably, in his report, the expert placed responsibility for the accident and Vera's injuries on the fact that Vera's employer required him to park the scrubber in a certain way and concluded that there was no product defect.
29. Respondent refiled Vera's case on September 30, 2014, *Vera v. Tennant Company*, Case No. 14-CV-010135.
30. During the intervening year, respondent had not gathered any additional information regarding Vera's case against Tennant Company.
31. After the case was refiled, the defendant again asked for discovery from respondent.
32. Again, respondent did not respond to the defendant's discovery requests and another motion to compel was filed on May 5, 2015.
33. Respondent did not respond to the May 5, 2015 motion to compel.
34. On May 21, 2015, the court ordered respondent to respond to the discovery requests within 14 days.
35. Respondent did not respond to the court's order to respond to discovery.

36. On June 9, 2015, Tennant Company filed a motion for sanctions requesting that, as a penalty, the case be dismissed with prejudice.
37. Respondent did not respond to the motion for sanctions.
38. The sanction request was granted and Vera's case was dismissed with prejudice on July 8, 2015.
39. During the course of representing Vera, respondent did not communicate with him about failing to respond to discovery requests; about failing to respond to the motions to compel; about failing to respond to court-ordered discovery; about failing to hire an expert; about the fact that the case had been dismissed; and/or about the fact that respondent's failures could provide a cause of action for legal malpractice.
40. In and around September 2015, Vera tried to obtain information about his case from respondent and the Christensen firm.
41. Vera visited the Christensen firm's office; however, he was unable to speak with respondent and was told that someone would contact him.
42. On or about December 7, 2015, Vera terminated his attorney-client relationship with respondent and hired Attorney Craig S. Tuttle.
43. On January 21, 2016, through Tuttle, Vera filed a complaint against respondent and the Christensen firm claiming legal malpractice and spoliation, *Vera v. Kluesener et al.*, Case No. 16-CV-000670.
44. Vera's malpractice case against respondent was settled and dismissed on or about February 10, 2016.

45. As set forth herein, respondent's conduct in representing Anthony Vera violates the Ohio Rules of Professional Conduct:

- a. Prof.Cond. R. 1.1 (A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation);
- b. Prof.Cond.R. 1.3 (A lawyer shall act with reasonable diligence and promptness in representing a client);
- c. Prof.Cond.R. 1.4(a)(3) (A lawyer shall keep the client reasonably informed about the status of the matter);
- d. Prof.Cond.R. 1.16(d) (As part of the termination of representation, a lawyer shall take steps, to the extent reasonably practicable, to protect a client's interest); and,
- e. Prof.Cond.R. 3.4(d) (A lawyer shall not fail to make a reasonably diligent effort to comply with a legally proper discovery request by an opposing party);

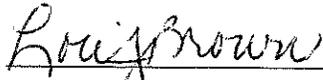
### CONCLUSION

**WHEREFORE**, relator submits that respondent, Jeffrey T. Kluesener, should be found in violation of these Ohio Rules of Professional Conduct and be sanctioned appropriately.

Respectfully submitted,

*R. L. Evans (by LB 0040142)*

R. Leland Evans (0006833)  
Dickie, McCamey & Chilcote, P.C.  
250 Civic Center Drive, Suite 280  
Columbus, OH 43215-  
(614) 258-5718  
[Revans@dmclaw.com](mailto:Revans@dmclaw.com)



Lori J. Brown (0040142)  
Columbus Bar Association  
175 South Third Street, Suite 1100  
Columbus, Ohio 43215  
(614) 340-2053 / (614) 221-4850 (fax)  
[lori@cbalaw.org](mailto:lori@cbalaw.org) (e-mail)



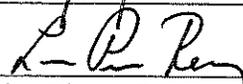
A. Alysha Clous (0070627)  
Columbus Bar Association  
175 South Third Street, Suite 1100  
Columbus, Ohio 43215  
(614) 340-2034 / (614) 221-4850 (fax)  
[alysha@cbalaw.org](mailto:alysha@cbalaw.org) (e-mail)

**COUNSEL FOR RELATOR**

**CERTIFICATE**

The undersigned Chairperson of the Certified Grievance Committee of the Columbus Bar Association hereby certifies that R. Leland Evans, Esq., Lori J. Brown, Esq., and A. Alysha Clous, Esq., are duly authorized to represent Relator in the premises and have accepted the responsibility of prosecuting this complaint to its conclusion. After investigation, Relator believes reasonable cause exists to warrant a hearing on such complaint.

Dated: 8/17/16

Signed: 

Lisa Pierce Reisz, Esq., Chairperson  
Certified Grievance Committee, Columbus  
Bar Association