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BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

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

In re:)
)
 COMPLAINT AGAINST)
)
 HEIDI HANNI)
 Atty Reg. No. 0074801)
 1714 Boardman-Poland Road,)
 Suite 11)
 Youngstown, Ohio 44514)
)
 Respondent)
)
 MAHONING COUNTY BAR)
 ASSOCIATION)
 114 E. Front Street, Suite 100)
 Youngstown, Ohio 44503)
)
 Relator)

CASE NO. 14-086

COMPLAINT

(Rule V Section 4 of the
Supreme Court Rules for the
Government of the Bar
of Ohio)

Relator, Mahoning County Bar Association, for its causes of action against Respondent, Heidi Hanni, says:

I. Parties

1. Relator is a local bar association which maintains a certified grievance committee pursuant to Gov. Bar R. V, Section 3.

2. Respondent is an attorney at law and is duly licensed to practice law in the State of Ohio. Her bar registration number is 0074801.

3. Respondent's last known business address is 1714 Boardman-Poland Road, Suite 11, Youngstown, Ohio, 44514.

II. Factual Background

4. Donald and Diane Goodwin are the grandparents of Leon R. Daugherty, a handicapped child. They were in a custody fight in Columbiana County before Magistrate Troy Barnett in Case No. 21330155.

5. The Goodwins telephoned Respondent on August 1, 2013. At that time, they were at Akron Children's Hospital (Boardman campus) with their grandson. Respondent's secretary went to the hospital on her behalf and accepted a \$500.00 retainer.

6. The Goodwins scheduled an appointment with Respondent on September 3, 2013 at her office. Respondent did not appear for the meeting. Mr. Goodwin is employed by the East Liverpool Board of Education, and had to take time off from work without pay to attend the meeting.

7. On October 30, 2013, there was a status conference with Magistrate Barnett. Respondent appeared for this conference.

8. On November 4, 2013, January 20, 2014 and February 11, 2014, the Goodwins scheduled appointments with Respondent at her office. Respondent failed to appear for these meetings. Again, Mr. Goodwin took time off from work without pay.

9. A hearing was scheduled in the case for February 13, 2014.

10. Respondent then prepared and filed a motion for a continuance indicating she was out of town with her daughter in Columbus due to the passing of her mother.

11. The motion was not received by the court until February 13, 2014. Everyone was present in the courtroom, with the exception of the Respondent.

12. Upon speaking to Respondent's office, the clerk learned that Respondent's mother passed approximately 30 days prior to the filing of the motion.

13. The court initially denied the motion and when the clerk contacted Respondent's office to advise her that the motion was going to be denied based upon the distance of time since the death of Respondent's mother, Respondent's office advised that Respondent was in Columbus and would not be attending the hearing. The court then reluctantly granted the motion.

14. However, in a judgment entry that went out of February 14, 2014, the court specifically indicated no further continuances would be granted.

15. The merit hearing was reset with Respondent's office for March 18, 2014 at 9:00 a.m.

16. On March 17, 2014, Respondent contacted the Clerk's Office, indicating that she was preparing for a murder trial, and asked if the court would grant her a continuance of the March 18, 2014 hearing. The court advised that it would not continue the matter again and the continuance would be denied if it was filed.

17. Respondent then called back to the court indicating that she had someone to cover for her, but there was a conflict. Respondent asked whether the continuance would be granted due to the conflict. The court again reiterated the previous order and indicated that no continuance would be granted.

18. Respondent then contacted the court a third time on March 17, 2014 indicating that she had the flu and would not be able to handle the case. The court again advised the Clerk's Office again that the case would not be continued.

19. On the morning of March 18, 2014, Respondent faxed a motion to the court to continue which indicated that Respondent was battling a severe bronchial infection and had an appointment to see her doctor on March 18, 2014 at 8:30 a.m.

20. Respondent attached an old copy of a Poland Medical Center doctor's excuse indicating that she was excused for March 11 and 12. The excuse also stated that Respondent should be able to return to work on March 13. The court noted that the date of the hearing was March 18 – five days after the excuse expired.

21. The court advised the clerk's office to contact Respondent's office and to notify her that the continuance was denied and the matter was going to start promptly at 9:00 a.m.

22. The clerk contacted Respondent's office at approximately 8:30 a.m. and advised that the hearing was going forward and the continuance was denied. The Respondent never contacted the court. Respondent also failed to appear to represent the clients.

23. The hearing went forward as scheduled. The court then brought all of the parties in and indicated that it was going to remove Respondent from the case but that the court would grant a continuance for the grandparents for whom Respondent represented if they wished to hire other counsel.

24. The Goodwins indicated they wanted the hearing over and they would waive representation of counsel.

25. The court then gave the Goodwins the opportunity to read the guardian ad litem's report and brought them back to the courtroom after approximately 20 minutes. The court again asked the Goodwins on the record if they wanted to proceed forward or if they would like a

continuance. Both Goodwins indicated they wanted to have the case heard and would agree to waive representation by counsel.

26. Ultimately, the Goodwins were successful in the case, and were able to maintain custody of their grandchild.

27. Following the hearing, the magistrate investigated the Respondent's "flu excuse." He determined that the excuse was outdated by at least five days. As a result of his investigation, the magistrate filed a grievance against the Respondent in Columbiana County.

28. The matter was eventually investigated by the Mahoning County Bar Association Certified Grievance Committee. Charles Dunlap was assigned as the investigator. As part of his investigation, he contacted Attorney Doug King, who acknowledged that Respondent did contact his firm on the morning of March 17, 2014 to represent the Goodwins. A member of the firm, Attorney James Hartford, was conflicted in this case. In addition, they were not aware that it was a full day trial.

29. The investigator further determined that the Goodwins paid Respondent \$2,968.00 for her services. Respondent refunded \$500.00 on March 31, 2014. The investigator determined that Respondent filed two motions and appeared in the case on one occasion.

III. Misconduct

30. Respondent's conduct set forth in paragraphs 1 through 29 violates Ohio Rule of Professional Conduct 1.3 (a lawyer shall act with reasonable diligence and promptness in representing a client).

31. Respondent's conduct set forth in paragraphs 1 through 29 violates Ohio Rule of Professional Conduct 1.4(a)(3) (a lawyer shall keep the client reasonably informed about the status of the matter).

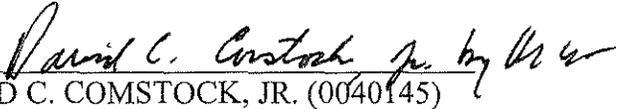
32. Respondent's conduct set forth in paragraphs 1 through 29 violates Ohio Rule of Professional Conduct 1.5(a) (a lawyer shall not make an agreement for, charge or collect an illegal or clearly excessive fee).

33. Respondent's conduct set forth in paragraphs 1 through 29 violates Ohio Rule of Professional Conduct Rule 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation).

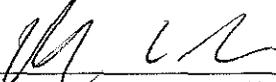
WHEREFORE, pursuant to Rule V of the Rules for the Government of the Bar of Ohio, and the Code of Professional Conduct, Relator alleges that Respondent is chargeable with misconduct; therefore, Relator requests that Respondent be disciplined pursuant to Rule V of the Rules for the Government of the Bar of Ohio.

MAHONING COUNTY BAR ASSOCIATION

By:



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CERTIFICATE OF SERVICE

Pursuant to Gov. Bar R. V, Section 5, I certify that a copy of the foregoing complaint has been mailed by U.S. regular mail on this 18th day of December, 2014, to:

Heidi Hanni, Esq.
1714 Boardman-Poland Road, Suite 11
Youngstown, Ohio 44514

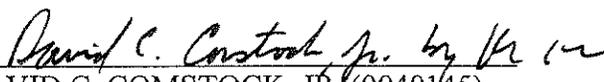
Office of Disciplinary Counsel
Bicentennial Plaza One
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-5454

**The Certified Grievance Committee
of the Ohio State Bar Association**
65 South Front Street, 5th Floor
Columbus, Ohio 43215

Mahoning County Bar Association
114 East Front Street
Youngstown, Ohio 44503

MAHONING COUNTY BAR ASSOCIATION

By



DAVID C. COMSTOCK, JR. (0040145)
Bar Counsel



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