

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

FILED

NOV 25 2014

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against

James Christopher Zury, Esq.  
758 Olde Mill Drive  
Westerville, OH 43082

14 - 096

No. \_\_\_\_\_

Attorney Registration No. (0065389)

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

Relator.

Now comes the relator and alleges that James Christopher Zury, an Attorney at Law, duly admitted to the practice of law in the state of Ohio is guilty of the following misconduct:

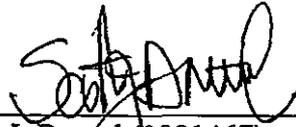
1. Respondent, James Christopher Zury, was admitted to the practice of law in the state of Ohio on November 13, 1995. Respondent is subject to the Code of Professional Responsibility, Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.
2. Respondent was employed as a Regional Staff Attorney by American Family Insurance from approximately August 13, 2010 to March 29, 2013. His responsibilities in the in-house legal department included representing American Family and its insureds in civil litigation in Ohio. Accordingly, Respondent represented American Family in disputes

regarding payment for repairs and/or labor charged by Three-C Body Shops, Inc. (“Three-C”).

3. Prior to June 2012, respondent settled a case in which Three-C promised to pay American Family \$8,540.54.
4. Damon Eugene (“Chip”) Wetterauer, Jr. represented Three-C at the time that the settlement was entered into by the parties. Mr. Wetterauer died on August 22, 2012.
5. Respondent did not obtain a written agreement memorializing the settlement.
6. On or about June 20, 2012, Mr. Wetterauer personally delivered a check issued by Three-C in the amount of \$1,750.00 to respondent. The check was issued on June 20, 2012. Respondent endorsed the check and misappropriated the funds for his own use.
7. Several months after receiving the check, and a few weeks after terminating his employment with American Family, respondent delivered a certified check in the amount of \$1,750.00 issued from his own funds to American Family.
8. Respondent’s supervisor, Martin Hulthen, called respondent to inquire about the certified check delivered by respondent. In an attempt to conceal the misappropriation, respondent told Hulthen that Mr. Wetterauer’s widow delivered \$1750.00 in cash to respondent’s home to satisfy the above-referenced settlement.
9. Mr. Wetterauer’s widow denied providing any cash payment to respondent. The explanation respondent provided to Hulthen was not true.
10. Respondent’s conduct violates Prof. Cond. R. 1.15 (e) (A lawyer shall promptly deliver funds or other property to a client or third party) and Prof. Cond. R. 8.4(c) (A lawyer shall not engage in conduct involving fraud, dishonesty, deceit or misrepresentation).

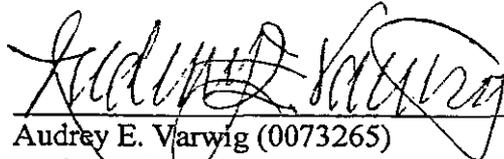
## CONCLUSION

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.



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Scott J. Drexel (0091467)  
Disciplinary Counsel



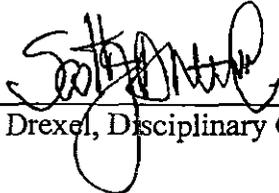
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Audrey E. Varwig (0073265)  
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A.Varwig@sc.ohio.gov

## CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Audrey E. Varwig 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: November 25, 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.

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(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.

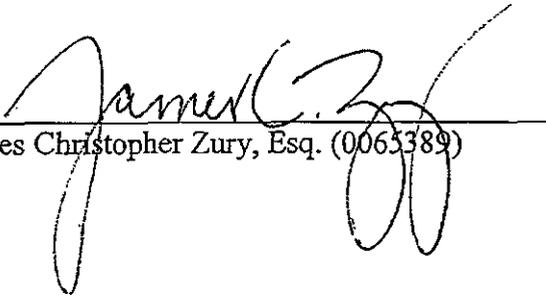
(8) Complaint Filed by Disciplinary Counsel. Six copies of all complaints shall be filed with the Secretary of the Board. Complaints filed by the Disciplinary Counsel shall be filed in the name of the Disciplinary Counsel as relator.

(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.

**WAIVER OF PROBABLE CAUSE DETERMINATION**

I, James Christopher Zury, have reviewed the draft complaint and waive review of the complaint by a probable cause panel pursuant to Gov. Bar R. V, Section 6(D)(1).

SIGNED on this 25<sup>TH</sup> day of November, 2014.

  
James Christopher Zury, Esq. (0063389)

**FILED**

**NOV 25 2014**

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