

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

**RECEIVED**

*In re:*

*Complaint against:*

**Edward G. Kramer (0024873)  
FCI Elkton  
8730 Scroggs Road  
Lisbon, OH 44432  
Inmate Registration # 59100-060**

***RESPONDENT***

**Cleveland Metropolitan Bar Association  
1375 East Ninth Street, Floor Two  
Cleveland, OH 44114**

***RELATOR***

**15 - 0 0 1** ~~DEC 15~~ 2014

Case No.

BOARD OF COMMISSIONERS  
ON GRIEVANCES & DISCIPLINE

**FILED**

**JAN 20 2015**

BOARD OF PROFESSIONAL CONDUCT

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**COMPLAINT AND CERTIFICATE (RULE V OF THE SUPREME COURT RULES  
FOR THE GOVERNMENT OF THE BAR OF OHIO)**

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Attorneys for Relator  
CLEVELAND METROPOLITAN BAR  
ASSOCIATION

Now comes the Relator, Cleveland Metropolitan Bar Association, and alleges that Edward G. Kramer, an Attorney at Law, duly licensed and admitted to the practice of law in the State of Ohio, is guilty of the following misconduct:

### **BACKGROUND**

1. Edward G. Kramer, Ohio Supreme Court Attorney Registration Number 0024873 (“Respondent”), was admitted to the practice of law in Ohio on November 7, 1975, and is subject to the Supreme Court Rules for the Government of the Bar of Ohio and the Rules of Professional Conduct.

### **Conviction for Tax-Related Felonies**

2. Respondent was the co-founder, chief counsel, and director of The Housing Advocates, Inc., a not-for-profit housing organization operating in Cleveland, Ohio for over thirty years. Respondent also maintained a private law practice.

3. On May 22, 2013, Respondent was charged by Information with ten (10) counts of tax-related felonies in the United States District Court for the Northern District of Ohio.

United States of America v. Kramer, N.D. Ohio No. 1:13-cr-00257-SL (Sept. 12, 2013).

4. Respondent was responsible for collecting, accounting for, and paying over quarterly to the Internal Revenue Service (“IRS”) income and Federal Insurance Contributions Act (“FICA”) taxes on behalf of The Housing Advocates, Inc. According to the Information, the Housing Advocates, Inc. withheld taxes from the wages of its employees from January 2009 until September 2010. Respondent, however, willfully failed to pay over approximately \$80,000 of these taxes to the IRS.

5. In addition, Respondent underreported his income by \$79,262.00 in 2007 and \$101,571.00 in 2008. The understatement of income consisted of unreported payments from his

private law practice and accounts for Respondent's benefit from The Housing Advocates, Inc. Respondent also failed to file income tax returns for the calendar years 2009 and 2010, despite the fact that Respondent had taxable income of \$149,884.00 in 2009 and \$270,687.00 in 2010.

6. All told, Respondent sought to avoid paying taxes on approximately \$500,000 of income from 2007 to 2010.

7. On June 13, 2013, Respondent entered into a plea agreement. Respondent pleaded guilty to two (2) counts of Filing a False Income Tax Return under 26 U.S.C. § 7206(1), two (2) counts of Attempt to Evade or Defeat Tax under 26 U.S.C. § 7201, and six (6) counts of Willful Failure to Collect or Pay Over Tax under 26 U.S.C. § 7202.

8. On September 12, 2013, the court sentenced Respondent for his crimes. The court sentenced Respondent to serve twelve (12) months and one day in prison on each of the ten (10) counts, all such terms to run concurrently. The court ordered Respondent to pay \$237,047.24 in restitution to the IRS and a special assessment of \$1,000.00. The court ordered Respondent to remain on supervised release for a term of three (3) years upon his release from prison.

9. On December 9, 2013, the Supreme Court of Ohio suspended Respondent "from the practice of law for an interim period." In re: Kramer, No. 2013-1906, 2013-Ohio-5356, ¶ 2. The Supreme Court of Ohio ordered that the matter be given to Relator "for investigation and the commencement of disciplinary proceedings." Id. at ¶ 3.

10. Respondent currently is serving his prison sentence at Federal Correctional Institution ("FCI"), Elkton in Lisbon, Ohio. Respondent is scheduled to be released from FCI Elkton on January 28, 2015.

11. Pursuant to the Supreme Court Rules for the Government of the Bar of Ohio, Relator tried to solicit Respondent's required cooperation with its investigation of his misconduct. To date, Respondent has failed to respond to Relator's inquiries or requests for information or cooperation.

**Ruthhella White**

12. Ms. White is a disabled, wheel-chair bound resident of Washington state. Ms. White—while a resident of Ohio—was sued for eviction in a landlord-tenant dispute. Niederst Mgt., Ltd. v. White, Cuyahoga C.P. No. CV-10-739901 (July 23, 2013). In July 2010, Ms. White hired Respondent to represent her in the case, including in a counterclaim for discrimination.

13. Ms. White and Respondent did not enter into a written fee agreement. On information and belief, Respondent entered into a verbal contingency fee agreement with Ms. White.

14. Ms. White paid \$1,000.00 of her rent to Respondent. Respondent never returned the rent to Ms. White.

15. Throughout his representation of Ms. White, Respondent failed to communicate with Ms. White and return her telephone calls, faxes or email messages inquiring into the status of the case.

16. Respondent's lack of diligence and responsiveness cost Ms. White her legal claims. On May 30, 2013, the court ordered that the deposition of Ms. White had to be taken within a specified time period. Ms. White—who voluntarily had vacated her apartment and had moved out of Ohio—traveled at great expense and inconvenience to attend the deposition. Respondent, however, failed to arrange Ms. White's deposition. The deposition was canceled

and never rescheduled in part because of Respondent's lack of responsiveness. The court dismissed Ms. White's discrimination counterclaim for failure to comply with its discovery order. The court ordered Ms. White to pay court costs of \$301.98.

17. Respondent and Ms. White never formally terminated their attorney-client relationship. Yet, Ms. White learned about Respondent's conviction for tax-related felonies, and she requested the return of her rent and files. Respondent has failed to respond to any of Ms. White's requests. Respondent has not returned her rent or files.

18. Ms. White filed a grievance against Respondent with Relator on October 2, 2013, detailing Respondent's alleged misconduct.

19. Pursuant to the Supreme Court Rules for the Government of the Bar of Ohio, Relator tried to solicit Respondent's required cooperation with its investigation of his alleged misconduct. To date, Respondent has failed to respond to Relator's inquiries or requests for information or cooperation.

### **COUNT I – TAX-RELATED FELONIES**

20. Respondent's conviction for tax-related felonies described above violate the following provisions of the Ohio Rules of Professional Conduct:

**Rule 8.4(b):** It is "professional misconduct" for a lawyer to "commit an *illegal* act that reflects adversely on the lawyer's honesty or trustworthiness."

**Rule 8.4(c):** It is "professional misconduct" for a lawyer to "engage in conduct involving dishonesty, *fraud*, deceit, or misrepresentation."

**Rule 8.4(h):** It is "professional misconduct" for a lawyer to "engage in any other conduct that adversely reflects on the lawyer's fitness to practice law."

**COUNT II – PROFESSIONAL MISCONDUCT IN THE  
REPRESENTATION OF RUTHHELLA WHITE**

21. Respondent's actions and omissions relating to his representation of Ms. White described above violate the following provisions of the Ohio Rules of Professional Conduct:

**Rule 1.3:** "A lawyer shall act with *reasonable* diligence and promptness in representing a client."

**Rule 1.4(a)(3):** A lawyer shall "keep the client *reasonably* informed about the status of the matter."

**Rule 1.4(a)(4):** A lawyer shall "comply as soon as practicable with *reasonable* requests for information from the client."

**Rule 1.5(c)(1):** "Each contingent fee agreement shall be in a writing signed by the client and the lawyer and shall state the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial, or appeal; litigation and other expenses to be deducted from the recovery; and whether such expenses are to be deducted before or after the contingent fee is calculated. The agreement shall clearly notify the client of any expenses for which the client will be liable whether or not the client is the prevailing party."

**Rule 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. The steps include giving due notice to the client, allowing *reasonable* time for employment of other counsel, delivering to the client all papers and property to which the client is entitled, and complying with applicable laws and rules. Client papers and property shall be promptly delivered to the client. 'Client papers and property' may include correspondence, pleadings, deposition transcripts, exhibits, physical evidence, expert reports, and other items *reasonably* necessary to the client's representation."

**COUNT III – FAILURE TO COOPERATE**

22. Respondent has failed to cooperate or provide information in connection with Relator's investigation of these matters. That failure constitutes a separate violation of the Ohio

Rules of Professional Conduct and the Supreme Court Rules for the Government of the Bar of  
Ohio:

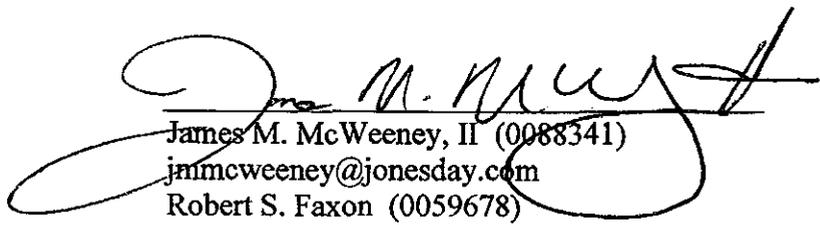
**Rule 8.1(b):** In connection with “a disciplinary matter, a lawyer shall not do any of the following: (b) in response to a demand for information from an admissions or disciplinary authority, fail to disclose a material fact or *knowingly* fail to respond.”

**Gov. Bar R. V,  
Section 4(G):** **Duty to Cooperate.** The Board, the Disciplinary Counsel, and president, secretary, or chair of a certified grievance committee may call upon any justice, judge, or attorney to assist in an investigation. . . . No attorney, and no justice or judge, except as provided in Rule 3.3 of the Code of Judicial Conduct, shall neglect or refuse to assist or testify in an investigation or hearing.

WHEREFORE, Relator prays that Respondent be permanently disbarred from the practice of law for his misconduct.

Dated: December 10, 2014

Respectfully submitted,



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CLEVELAND METROPOLITAN BAR

ASSOCIATION

**CERTIFICATE**

The undersigned **COLIN R. JENNINGS, CHAIRPERSON** of the **CLEVELAND METROPOLITAN BAR ASSOCIATION'S CERTIFIED GRIEVANCE COMMITTEE** hereby certifies that **JAMES M. McWEENEY, II** and **ROBERT S. FAXON** are duly authorized to represent Relator in the premises and have 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: 12/12/19

  
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COLIN R. JENNINGS, CHAIRPERSON

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

(4) (I) (8) The Complaint; Where Filed; By Whom Signed. A complaint shall mean a formal written complaint alleging misconduct or mental illness of one who shall be designated as the Respondent. Six (6) copies of all such complaints shall be filed in the office of the Secretary of the Board. Complaints filed by a Certified Grievance Committee shall not be accepted for filing unless signed by one or more members of the Bar of Ohio in good standing, who shall be counsel for the Relator, and supported by a certificate in writing signed by the President, Secretary or Chairman of the Certified Grievance Committee, which Certified Grievance Committee shall be deemed the Relator, certifying that said counsel are duly authorized to represent said Relator in the premises and have accepted the responsibility of prosecuting the complaint to conclusion. It shall constitute the authorization of such counsel to represent said Relator in the premises as fully and completely as if designated and appointed by order of the Supreme Court of Ohio with all the privileges and immunities of an officer of such Court. The complaint may also, but need not, be signed by the person aggrieved.

Complaints filed by the Disciplinary Counsel shall be filed in the name of Disciplinary Counsel as Relator.

Upon the filing of a complaint with the Secretary of the Board, Relator shall forward a copy thereof to Disciplinary Counsel, to the Certified Grievance Committee of the Ohio State Bar Association, to the local bar association and to any Certified Grievance Committee serving the county or counties in which the Respondent resides and maintains his office and for the county from which the complaint arose.