

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

FILED

JAN 20 2015

BOARD OF PROFESSIONAL CONDUCT

In re:

Complaint against:

Tasso Paris (Reg No. 0038609)

(Name of Attorney)

12910 Taft Avenue, 2nd Floor

Cleveland, OH 44108

(Address)

RESPONDENT

Cleveland Metropolitan Bar Association
(Name of Bar Association or Disciplinary Counsel)

1375 E. Ninth Street, Floor 2

Cleveland, OH 44114

(Address)

RELATOR

No. 15 - 005

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 Relator, Cleveland Metropolitan Bar Association, and alleges that Respondent, Tasso Paris, an Attorney-at-Law, duly licensed and admitted to the practice of law in the State of Ohio, is guilty of the following misconduct:

1. Tasso Paris, Ohio Supreme Court Attorney Registration Number 0038609 ("Respondent"), was admitted to the practice of law in Ohio on November 16, 1987, and as such is subject to the Supreme Court Rules for the Government of the Bar of Ohio and the Ohio Rules of Professional Conduct.

2. On March 17, 2013, Ms. Jennifer Cook was in an automobile accident. She was operating a vehicle and making a left turn onto a street from the parking lot of a bar when she was struck by an oncoming vehicle.

3. Immediately following the accident, Ms. Cook contacted the police. When the police arrived, they arrested her for Operating a Vehicle While Intoxicated; Failure to Pay Full Attention; and Driving Under a Suspended License (the "criminal proceeding").

4. The next day, Ms. Cook contacted Respondent to represent her in the criminal proceeding. Respondent had represented Ms. Cook in a previous matter regarding a worker's compensation claim and car accident.

5. Respondent agreed to represent Ms. Cook in the criminal proceeding and entered his appearance on Ms. Cook's behalf on March 21, 2013.

6. At her initial meeting with Respondent, Ms. Cook paid him his requested fee of One Thousand Dollars (\$1,000.00) for handling the criminal proceeding. Ms. Cook's boyfriend, Joe Ingle, was present at this meeting. Respondent called Ms. Cook his "beautiful Irish girl" and told her that he would be able to resolve the criminal proceeding with a fine and no time in jail.

7. Soon after this initial meeting, Respondent called Ms. Cook and asked her how serious her relationship with Mr. Ingle was. She cautiously responded, "pretty serious." Respondent asked her if he could take her to dinner. Concerned that he would not work on her case if she flat out refused this invitation, she said, "maybe, when all of this is over."

8. During Respondent's representation of Ms. Cook, he repeatedly referred to Ms. Cook as "my sexy Irish girl."

9. Several times, Respondent asked Ms. Cook about getting her in his hot tub. Mr. Ingle and Ms. Cook's friend, Brenda Cooper, heard Respondent's requests about getting Ms.

Cook in his hot tub. In fact, on one occasion, Mr. Ingle heard Respondent say to Ms. Cook: "When am I going to get you in my hot tub? I'm trying to get you in my hot tub." Ms. Cook continued gently declining his inappropriate offers, hoping he would represent her as she hired him to do.

10. Ms. Cook perceived Respondent's conduct in, among other things, calling her his "sexy Irish girl," asking her out to dinner, and inviting her to join him in his hot tub, as inappropriate sexual advances.

11. During Respondent's representation of Ms. Cook, her case was continued six times, five of which were requested by the defense. Judge Groves, who was presiding over the case, thought that six continuances were considerably more than she normally allows. Ms. Cook was concerned that Respondent was purposefully delaying the proceedings.

12. While the criminal proceeding was pending, Ms. Cook was ordered to attend Alcoholics' Anonymous meetings. During one meeting, the counselor wrongly accused Ms. Cook of mixing Vicodin and alcohol. Upset and concerned it would affect her case, Ms. Cook contacted Respondent. Again, he asked her to dinner. Frustrated, she cursed Respondent, yelling: "I don't want to go to f***ing dinner. I want you to take care of this. I paid you the f***ing money and I want you to take care of it."

13. Following Ms. Cook's categorical rejection, Respondent stopped soliciting sexual activity from her. Then, however, he failed to reasonably defend her case as he was required to do. He no longer promised that he could resolve her case with only a fine. Instead, his new recommendation was that she plead guilty to the driving-under-suspension charge, which carried a ten-day jail term.

14. Respondent failed to attend one of the pretrial conferences before Judge Groves and, without informing Ms. Cook that he was going to do so, instead sent his father (also a practicing lawyer) to attend on his behalf. This made Ms. Cook nervous because Respondent's father was not familiar with her case.

15. On August 6, 2013, Ms. Cook appeared in court prepared to go to trial. She had several witnesses with her (including the bartender, a witness to the car accident, and Ms. Cook's mother and sister, who were at the bar with her on the night she was arrested), who could testify to the fact that she was not intoxicated on the evening she was arrested.

16. Instead of trying the case, Respondent urged Ms. Cook to plead guilty. Against her better judgment, she pled guilty.

17. On August 29, 2013, Ms. Cook appeared for her sentencing hearing. Respondent failed to appear, did not tell her he was not going to be there, and sent no one in his place. When asked by the Court if she expected Respondent to appear, Ms. Cook responded as follows:

No. I've had a problem with him. He's been doing nothing but trying to get in my pants. I paid him \$1,000 and he's doing nothing but messing with me. So - -

18. Judge Groves immediately vacated Ms. Cook's guilty plea, told her to report Respondent to the bar association, and recused herself from the case.

19. After her plea was vacated, Ms. Cook obtained a public defender to represent her. The public defender was able to negotiate the same plea that Respondent had promised Ms. Cook from the very beginning, before she had turned down his advances: a small fine of \$250 and no jail sentence.

20. When Ms. Cook obtained the public defender and terminated Respondent's representation of her, Ms. Cook requested her file from Respondent. In turn, Respondent

provided the file to Ms. Cook, but did not include a key piece of evidence that was important to having the charges against Ms. Cook reduced—confirmation that her license in fact had not been suspended.

21. Judge Groves forwarded to the Certified Grievance Committee of the Cleveland Metropolitan Bar Association (“Grievance Committee”) the transcript of the proceedings that occurred on August 29, 2013 when Ms. Cook said that Respondent had “been doing nothing but trying to get in [her] pants.”

22. Bar counsel for Relator contacted Ms. Cook to obtain more information about Respondent’s unethical conduct.

23. Ms. Cook revealed to bar counsel that the public defender had also told her to file a grievance against Respondent. Ms. Cook hesitated to do so because she was afraid Respondent would retaliate against her by contacting a lawyer or judge, resulting in additional legal problems for Ms. Cook.

24. Bar counsel assured Ms. Cook that Respondent would not intimidate or retaliate against her.

25. On or about March 17, 2014, Ms. Cook submitted a formal grievance about Respondent’s unethical conduct to the Grievance Committee.

COUNT 1: SOLICITATION OF CLIENT FOR SEXUAL ACTIVITY

26. A consensual sexual relationship did not exist between Respondent and Ms. Cook when the attorney-client relationship between them commenced or at any time thereafter.

27. On multiple occasions, Respondent ignored the merits and substance of Ms. Cook’s criminal proceeding and, instead, asked Ms. Cook to dinner and to join him in his hot tub.

28. The above-described conduct of Respondent was intended to solicit sexual activity from Ms. Cook, and Ms. Cook perceived it to be Respondent soliciting sexual activity from her.

29. Respondent's solicitation for sexual activity of Ms. Cook violated Ohio Rule 1.8(j) of Professional Conduct, which states:

A lawyer shall not solicit or engage in sexual activity with a client unless a consensual relationship existed between them when the client-lawyer relationship commenced.

COUNT 2: FAILURE TO COMPETENTLY REPRESENT CLIENT

30. After Ms. Cook continually rebuffed Respondent's solicitations for sexual activity, Respondent failed to competently represent her. He did not make his best effort to obtain a reasonable plea bargain for her, instead forcing her to accept a jail sentence, and failed to appear at two hearings.

31. Respondent's failure to competently represent Ms. Cook violated Ohio Rule 1.1 of Professional Conduct, which states:

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation *reasonably* necessary for the representation.

COUNT 3: FAILURE TO ACT WITH REASONABLE DILIGENCE

32. Respondent's failure to appear at two hearings and obtain the best possible outcome for his client also demonstrate that he failed to act with reasonable diligence.

33. Respondent's failure to act with reasonable diligence violated Ohio Rule 1.3 of Professional Conduct, which states:

A lawyer shall act with *reasonable* diligence and promptness in representing a client.

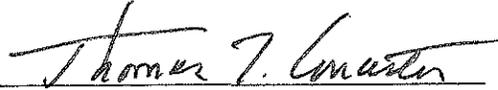
COUNT 4: FAILURE TO DELIVER ENTIRE FILE TO CLIENT
UPON TERMINATION OF REPRESENTATION

34. Respondent failed to include a key piece of evidence when he provided Ms. Cook with her client file, in violation of Ohio Rule 1.16(d) of Professional Conduct, which states:

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.

WHEREFORE, Relator prays that Respondent be appropriately disciplined for his misconduct.

Respectfully submitted,



Thomas L. Anastos (0043545)
Elise Balkin Ice (0083417)
Ulmer & Berne LLP
1660 W. 2nd Street, Suite 1100
Cleveland, OH 44113
Tel: (216) 583-7000
Fax: (216) 583-7001
tanastos@ulmer.com
eice@ulmer.com

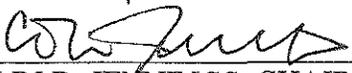


Heather M. Zirke (0074994)
Assistant Counsel
Cleveland Metropolitan Bar Association
1375 East Ninth Street – Floor 2
Cleveland, OH 44114-1785
216.696.3525, ext. 4006
Tel: 216.539.5971
Fax: 216.696.2413
hzirke@clemetrobar.org

CERTIFICATE

The undersigned **COLIN R. JENNINGS, CHAIRPERSON** of the **CLEVELAND METROPOLITAN BAR ASSOCIATION'S CERTIFIED GRIEVANCE COMMITTEE** hereby certifies that **THOMAS L. ANASTOS** and **ELISE BALKIN ICE** 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: 12/12/14



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.