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BEFORE THE BOARD OF PROFESSIONAL CONDUCT
OF
THE SUPREME COURT OF OHIO

JUL 24 2015

BOARD OF PROFESSIONAL CONDUCT

In re:

Complaint against

Rasheed Asani Simmonds, Esq.
Managing Member
Rasheed Asani Simmonds LLC
119 East Court Street, Suite 302
Cincinnati, OH 45202

No. 15 - 047

Attorney Registration No. (0067797)

Respondent,

COMPLAINT AND CERTIFICATE

(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.

FILED

AUG 07 2015

BOARD OF PROFESSIONAL CONDUCT

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

1. Respondent, Rasheed Asani Simmonds, was admitted to the practice of law in the state of Ohio on May 12, 1997. Respondent is subject to the Ohio Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.

COUNT ONE

2. On May 18, 2012, Mary Baskin retained respondent to draft, file, and pursue a discrimination charge with the EEOC against her former employer.
3. Baskin paid respondent \$1,500.
4. On July 26, 2012, Baskin emailed respondent seeking an update on her case.

5. On July 30, 2012, respondent replied to Baskin, stating "Hello. In the next day or so, you will receive my draft of the EEOC charge....By the end of the week, I will have you come in to sign the original for filing."
6. Respondent failed to draft and forward the EEOC charge.
7. On November 26, 2012, Baskin emailed respondent for an update. Respondent failed to respond.
8. Baskin continued to contact respondent, emailing him on February 20, 2013 and on January 2, 2014. Respondent failed to respond.
9. On May 12, 2014, Baskin emailed respondent again.
10. On May 14, 2014, respondent responded to Baskin stating that he would contact her to set up a meeting. Respondent did not contact her as promised.
11. Respondent failed to draft and file Baskin's complaint within the statute of limitations.
12. Respondent has failed to refund any portion of the \$1,500 paid to him by Baskin.
13. Respondent's conduct, as alleged in Count One, violates the following provisions of the Ohio Rules of Professional Conduct: Prof. Cond. R. 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; and Prof. Cond. R. 1.4(a)(4) [A lawyer shall comply as soon as practicable with reasonable requests for information from a client].

COUNT TWO

14. On June 10, 2014, Dawn Jones retained respondent to represent her in an employment matter.
15. Respondent and Jones executed a fee agreement in which Jones agreed to pay both a contingency fee and an "upfront, flat fee of \$1,750."

16. Jones paid \$975 in installments. Rather than deposit these funds into his IOLTA, respondent treated this fee as earned upon receipt.
17. Respondent neither advised Jones that the flat fee would be treated as earned upon receipt, nor advised her of the potential for a refund pursuant to Prof. Cond. R. 1.5(d).
18. Respondent met with Jones in order to gather information for her claim, and Jones continued to make installment payments toward respondent's fee.
19. After making two payments in July 2014, Jones contacted respondent because she was concerned that there had been no progress on her case. Respondent spoke with Jones and stated that she should give him some time and that he would have a draft of her complaint ready in a couple of weeks.
20. Jones emailed respondent again on August 20, 2014 about the status of her case. Respondent responded that he would expedite her complaint.
21. When respondent failed to contact her, Jones emailed respondent in September 2014 asking about a refund and whether he would be entitled to a fee if she pursued her complaint pro se. Respondent indicated that he would refund her fee.
22. Jones filed an EEOC complaint herself in September 2014. Within two weeks, the matter was resolved to her satisfaction.
23. Respondent failed to refund the money as promised, and Jones called him several times around Christmas 2014 in order to secure at least a partial refund. Respondent failed to respond to Jones' messages.
24. To date, respondent has not refunded her fee and owes Jones \$975 in restitution.
25. Respondent's conduct, as alleged in Count Two, violates the following provisions of the Ohio Rules of Professional Conduct: Prof. Cond. R. 1.3 [A lawyer shall act with

reasonable diligence and promptness in representing a client]; Prof. Cond. R. 1.4(a)(4) [A lawyer shall comply as soon as practicable with reasonable requests for information from a client]; Prof. Cond. R. 1.5(d)(3) [A lawyer shall not charge a fee denominated as “earned upon receipt” unless the client is simultaneously advised in *writing* that if the lawyer does not complete the representation for any reason, the client may be entitled to a refund]; and Prof. Cond. R. 1.16(e) [A lawyer who withdraws from employment shall refund promptly any part of a fee paid in advance that has not been earned].

COUNT THREE

26. In early 2013, respondent began representing Tonya Bowman. Bowman was pursuing a civil claim against a doctor and his medical group.
27. The medical group settled the matter prior to trial for \$45,000, and respondent successfully tried the doctor. Bowman was awarded \$125,000 in damages against the doctor.
28. The medical group paid \$30,000 immediately and agreed to pay the balance of the settlement with ten monthly payments of \$1,500.
29. The medical group almost immediately began paying late, and in December 2013, respondent filed a motion to enforce the settlement.
30. Bowman received partial payments in December 2013 and in March 2014 but has not received any further payments since March 2014.
31. Bowman has tried to contact respondent on numerous occasions, including a certified letter in August 2014, requesting an update on the settlement payments, an accounting, receipts demonstrating all payments he has received, and an update regarding how he

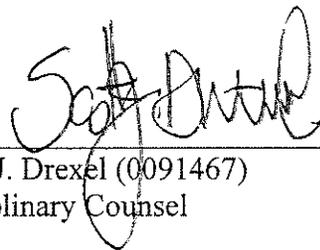
planned to proceed with collecting on her judgment against the doctor. Respondent has failed to respond to Bowman.

32. Although the settlement payments ceased and his motion to enforce the settlement was eventually granted, respondent has failed to take any further action on Bowman's behalf to collect on her judgments.

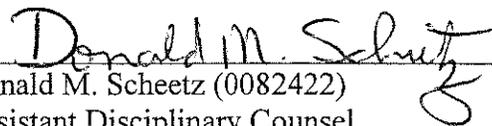
33. Respondent's conduct, as alleged in Count Three, violates the following provisions of the Ohio Rules of Professional Conduct: Prof. Cond. R. 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client]; and Prof. Cond. R. 1.4(a)(4) [A lawyer shall comply as soon as practicable with reasonable requests for information from a client].

CONCLUSION

Wherefore, pursuant to Gov. Bar R. V, the Code of Professional Responsibility and the 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.



Scott J. Drexel (0091467)
Disciplinary Counsel

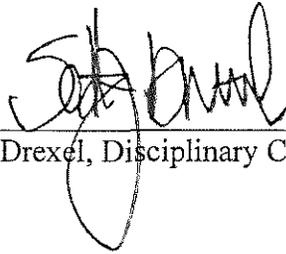


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CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Donald M. Scheetz 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: July 24, 2015



Scott J. Drexel, Disciplinary Counsel