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BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

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BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

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

In Re

Complaint Against

JEFFREY JAMES WEBER (0062235)
24676 Surrey Circle
Westlake, OH 44145

Respondent,

v.

CLEVELAND METROPOLITAN
BAR ASSOCIATION
1301 E. Ninth Street, Second Level
Cleveland, Ohio 44114,

Relator.

NO. _____

14 - 047 - 2

**COMPLAINT
AND
CERTIFICATE**

(Rule V of the Supreme Court rules for
the Government of the Bar of Ohio)

Relator Cleveland Metropolitan Bar Association alleges that Respondent Jeffrey James Weber, an Attorney at Law, duly admitted to the practice of law in the State of Ohio on November 8, 1993, and under an Attorney Registration suspension since November 1, 2013, is guilty of the following misconduct:

COUNT I – John H. Mayles

1. In March 2011, Respondent was engaged by Mr. John H. Mayles to file a civil action against Mr. Mayles’s former employer, LT Enterprises, Inc. (“LT”).

2. Mayles had been offered a severance package by LT prior to his termination that would have paid him \$100,000.

3. Respondent filed a complaint against LT in the Butler County Court of Common Pleas on behalf of Mayles seeking damages for LT's breach of Mayles's employment and severance agreements.

4. LT filed for bankruptcy in July 2011 in the Southern District of Ohio so Respondent filed a Proof of Claim on behalf of Mayles in the bankruptcy court.

5. After the Proof of Claim was filed, Respondent stopped responding to telephone calls from Mayles.

6. Respondent also failed to respond to LT's Objection to the Proof of Claim causing the bankruptcy court to enter an Order Sustaining Debtors Objection to Proof of Claim of John Mayles on August 9, 2012.

7. Mayles terminated Respondent's representation and requested a refund of all fees he had paid – \$2,800.00. Respondent has not refunded any part of the fees.

8. After terminating Respondent, Mayles sent an email to the bankruptcy judge and asked the court to reconsider the sustaining of LT's Objection.

9. The email was treated as a Motion to Vacate and after a telephonic status conference on March 20, 2013, the motion was denied.

COUNT II – Katherine Cherney

10. In August 2012, Respondent was engaged by Ms. Katherine Cherney and seven other former teachers ("Plaintiffs") of Remington College ("Remington") who believed they had FLSA wage and hour claims involving overtime against Remington.

11. On December 6, 2012, Respondent filed a complaint against Remington on behalf of Plaintiffs in the Cuyahoga County Court of Common Pleas seeking unpaid overtime compensation, other compensatory damages and attorney's fees.

12. On December 21, 2012, counsel for Remington sent a letter to Respondent asking him to dismiss the lawsuit because Plaintiffs were not owed any unpaid overtime since they were exempt from FLSA overtime requirements.

13. Respondent did not respond to the letter and the case was removed to federal court in January 2013.

14. Remington filed a Motion to Dismiss that was granted on March 20, 2013, and Plaintiffs were ordered to pay costs and attorney fees based on the frivolous nature of the claims.

15. Respondent did not inform Plaintiffs that their claims were invalid or that their case had been dismissed.

16. Respondent did not respond to repeated telephone calls or emails from Plaintiffs seeking information about their case.

17. In or about October 2013, Respondent was diagnosed with a mental health disorder and entered into a contract with the Ohio Lawyers' Assistance Program. Respondent has been compliant with OLAP's recommendations for his treatment.

**RESPONDENT VIOLATED THE RULES OF PROFESSIONAL
CONDUCT**

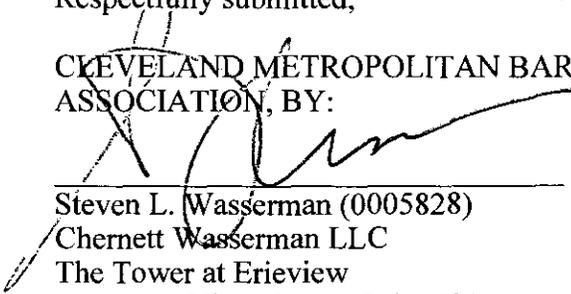
18. Respondent's conduct as described above amounts to violations of the following provisions of the Rules of Professional Conduct:

- a. Prof. Cond. R. 1.3 – Neglect of a legal matter; and
- b. Prof. Cond. R. 1.4(a)(3) – Failure to keep the client reasonably informed about the status of the matter.

WHEREFORE, Relator requests that Respondent be found to be in violation of the provisions cited and that an appropriate sanction be imposed.

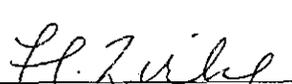
Respectfully submitted,

CLEVELAND METROPOLITAN BAR
ASSOCIATION, BY:



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CERTIFICATE

The undersigned, **DARRELL A. CLAY, CHAIRPERSON**, of the **CLEVELAND METROPOLITAN BAR ASSOCIATION'S CERTIFIED GRIEVANCE COMMITTEE**, hereby certifies that **STEVEN L. WASSERMAN and HEATHER M. ZIRKE** 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: _____

May 16, 2014

DARRELL A. CLAY, CHAIRPERSON
Certified Grievance Committee

**(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.