

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

FILED
MAY 19 2015

In re:

BOARD OF PROFESSIONAL CONDUCT

Complaint against

John Edward Mahin, Esq.
6283 Swanbrook Lane
Cincinnati, OH 45233-5204

No. 15 - 036

Attorney Registration No. (0011253)

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 John Edward Mahin, an Attorney at Law, duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

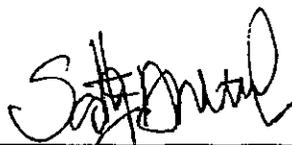
1. Respondent, John Edward Mahin, was admitted to the practice of law in the state of Ohio on November 4, 1977. Respondent is subject to the Code of Professional Responsibility, the Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.
2. On August 7, 2014, respondent was charged by way of Information in the Hamilton County Court of Common Pleas with one felony count of violating O.R.C. 2913.02(A)(3), a fifth degree felony. *State of Ohio v. John Mahin*, Case No. B1401975.
3. The charges against respondent arose from his theft by deception of funds belonging to his former employer, the law firm of Clements, Mahin & Cohen, L.P.A. (firm), in the amount of \$15,261.97. On twelve occasions between February 2013 and June 2013, respondent told eleven separate clients that the firm had erroneously overpaid them with

respect to the amount noted on their respective fee distribution sheets executed by respondent. Respondent asked each client to reimburse the firm for various amounts and to make the check payable to respondent. Respondent then deposited each check into his personal account with the full knowledge and understanding that any legal fees generated actually belonged to the firm.

4. On November 4, 2014, respondent pled guilty to one felony count of Theft (F5), pursuant to O.R.C. 2913.02(A)(3).
5. On December 16, 2014, respondent was sentenced in the Hamilton County Court of Common Pleas to one year of community control, eighty hours of community service, and court costs. The Court also advised the respondent that if he violates the terms and conditions of his community control, then the Court would impose a one-year prison term.
6. Prior to his sentencing hearing, respondent paid full restitution to his former law firm in the amount of \$15,261.97.
7. On January 9, 2015, the Supreme Court of Ohio suspended respondent from the practice of law on an interim basis pursuant to Gov. Bar. R.V (18)(A)(4). *In re: John Edward Mahin*, Case No. 2015-0014.
8. Respondent's conduct violated the Ohio Rules of Professional Conduct, specifically: Rule 8.4 (b) [it is professional misconduct for a lawyer to engage in commit an illegal act that reflects adversely on the lawyer's honesty or trustworthiness; and, Rule 8.4 (c) [it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation].

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

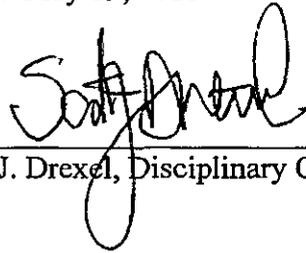


Michelle R. Bowman (0074233)
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CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Michelle R. Bowman 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: May 19, 2015



Scott J. Drexel, Disciplinary Counsel

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BOARD OF PROFESSIONAL CONDUCT

In re:

Complaint against

John Edward Mahin, Esq.
6283 Swanbrook Ln
Cincinnati, OH 45233-5204

Case No. B3-1507

Attorney Reg. No. 0011253

WAIVER OF DETERMINATION
OF PROBABLE CAUSE

Respondent,

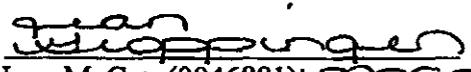
(Rule V(11)(B) of the Supreme Court
Rules for the Government of the Bar
of Ohio)

Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411

Relator.

Pursuant to the provisions of Rule V(11)(B) of the Supreme Court Rules for the Government of the Bar of Ohio, respondent, **John Edward Mahin**, by and through counsel, Jean McCoy, stipulates that there is probable cause for the filing of a Complaint in the above-referenced proceeding and hereby waives the determination of probable cause by a Probable Cause Panel of the Board of Professional Conduct.

Dated: May 15, 2015

By: 
Jean McCoy (0046881) 
Attorney for Respondent
John Edward Mahin