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

MAY 29 2015

In re:

BOARD OF PROFESSIONAL CONDUCT

Complaint against

Linda Louise Kendrick, Esq.  
Attorney Registration No. (0078797)  
79 N. Sandusky Street  
Delaware, OH 43015,

No. 15 - 038

Respondent,

COMPLAINT AND CERTIFICATE

v.

(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,

FILED

JUN 12 2015

Relator.

BOARD OF PROFESSIONAL CONDUCT

Now comes the relator and alleges that Linda Louise Kendrick, an attorney-at-law duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

1. Respondent, Linda Louise Kendrick, was admitted to the practice of law in the state of Ohio on May 9, 2005. 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. Respondent has not been previously disciplined.
3. From at least August 2011 through the present time, respondent maintained an IOLTA at Park National Bank, account no. xxxx91.

COUNT I

4. On September 22, 2011, Christopher and Lisa Holmberg met with respondent regarding a bankruptcy matter. Respondent informed them that the bankruptcy would cost \$900 –

\$601 for legal fees and \$299 for filing fees. The Holmbergs signed a fee agreement with respondent and paid her an initial \$25 at that time.

5. Over the next two years, Mr. and Mrs. Holmberg made small payments towards the \$900. Respondent did not deposit these funds into her Park National IOLTA.
6. By November 2013, the Holmbergs had paid the majority of the fee and completed paying the filing fee the following month. As such, respondent prepared the documents necessary to initiate the bankruptcy for them.
7. Because Mr. and Mrs. Holmberg decided that they did not want to keep their house, which was in foreclosure, respondent determined that it would be wiser to wait until after the home was auctioned rather than file for bankruptcy immediately, thereby exposing the Holmbergs to possible liability relating to the home. The home was sold, and the sale was confirmed on January 28, 2014.
8. In March, respondent discovered that the Holmbergs' required bankruptcy counseling certificate had expired. Respondent advised Mr. and Mrs. Holmberg to retake the course, at respondent's expense. The Holmbergs completed the necessary course on April 9, 2014 and demanded that respondent file their bankruptcy at that time.
9. On April 8, 2014, respondent filed an emergency bankruptcy petition for another client, Wanda Anderson, whose home was scheduled for foreclosure the following day.
10. Because Ms. Anderson did not have the funds necessary to pay the filing fee in advance, respondent filed the bankruptcy petition along with an application to pay the filing fee in installments, which the bankruptcy court had recently begun allowing. The court granted the application to pay the fee in installments.

11. Unfortunately, as a result of an issue with the electronic filing system, respondent was required to pay the full filing fee for Ms. Anderson in order to gain access to the electronic filing site.
12. Because respondent did not have money to pay Ms. Anderson's filing fee, respondent used the funds previously paid to her by the Holmbergs to pay Anderson's filing fee and submitted an application to pay the Holmbergs' filing fee in installments, which was granted by the court.
13. Knowing that the Holmbergs would receive notice of the installment payments, respondent contacted them and informed them that she had made a mistake in filing another client's bankruptcy petition, but assured them that the payments would be taken care of.
14. The first installment was paid on the Holmbergs' case on May 12, 2014.
15. When respondent did not timely pay the second installment on the Holmbergs' case, on June 10, 2014, the court sent her a notice regarding the past due payment.
16. Due to unforeseen circumstances, respondent did not look at the notice until sometime thereafter. When she did, she immediately sent the next installment to the court, but it did not arrive at the court until June 25, 2014.
17. On June 25, 2014, the court dismissed the Holmbergs' bankruptcy for failing to timely pay the installment fee. When respondent received notice of the dismissal, she filed a motion to reinstate the debtors, which the court granted.
18. Thereafter, respondent paid the remaining filing fee installments.
19. Respondent's conduct as alleged in Count I violated the Ohio Rules of Professional Conduct, specifically, Rule 1.15 (a) [a lawyer shall hold funds of clients separate from the lawyer's own property in an interest-bearing account designated as an IOLTA

account]; and, Rule 8.4 (c) [it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation].

## COUNT II

20. On or about September 8, 2014, Dorothy Ballard and her daughter, Christy, retained respondent to represent Dorothy in a civil matter that was already pending in the Delaware County Municipal Court. *Dorothy Ballard v. Amy Dawson-Smith*, Case No. 2014 CVF 1016. On or about September 10, 2014, Christy paid respondent \$500 as advance attorney fees. Respondent did not deposit Christy's payment into her Park National IOLTA.
21. On September 24, 2014, the court issued an order requiring the parties to show cause by October 30, 2014 why they had not submitted a mediation report by the previously ordered deadline and ordered them to appear on October 30 at 1:00 PM.
22. On September 28, 2014, Christy emailed respondent, indicating "I assume you have received the fee agreement and our payment. Could you please notify the court you will be representing us. I don't want to be in a situation where we look as though we are avoiding mediation." Respondent did not reply to Christy's email.
23. Respondent filed a Notice of Appearance in the case on October 16, 2014. Respondent emailed Christy after she filed the Notice of Appearance. She indicated that she had made contact with opposing counsel in an effort to have the mediation scheduled and that respondent would be in touch with Christy again soon.
24. Respondent did not appear at the hearing on October 30, 2014.
25. On November 3, 2014, the magistrate issued an order to show cause why the case should not be dismissed for failure to prosecute. A response to the show cause order was due on

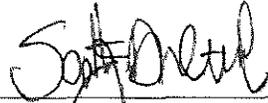
November 18, 2014. Respondent did not reply to the show cause order nor did she contact Dorothy or Christy to discuss the order with them.

26. On November 6, 2014, Christy emailed respondent regarding respondent's failure to appear at the October 30 hearing. Respondent never replied to Christy's email.
27. On November 21, 2014, Dorothy Ballard's action was dismissed by the court with prejudice. Respondent did not contact Dorothy or Christy to discuss the court's dismissal order with them.
28. On December 3, 2014, respondent emailed Christy and apologized for the circumstance that she had put their case in. Respondent indicated that she would be reviewing the case over the next few days to determine the status of the claim, would return the fees to them as soon as she had them available and, if she could not salvage the case, would make sure they received a satisfactory settlement of their claim.
29. On December 29, 2014, Christy emailed respondent, having not heard from her since earlier that month. Christy noted that they had not yet received the return of their legal fees and also asked for an update as to what, if anything, was going on with the case. Respondent did not reply to Christy's email.
30. To date, respondent has not returned any funds to Dorothy or Christy, has not made any effort to reinstate the civil suit and has not otherwise settled the matter with them. Respondent has had no further communication with Dorothy or Christy.
31. Because respondent did not earn any portion of the fee paid to her by Dorothy and Christy, she owes them restitution in the amount of \$500.
32. Respondent's conduct as alleged in Count II violated the Ohio Rules of Professional Conduct, specifically, 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 state 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 1.15 (a) [a lawyer shall hold funds of clients separate from the lawyer's own property in an interest-bearing account designated as an IOLTA account]; Rule 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]; and, Rule 8.4 (d) [it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration to practice law].

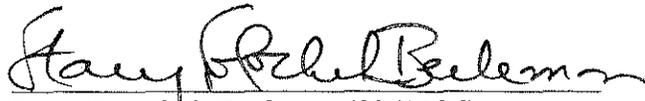
### CONCLUSION

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



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Scott J. Drexel (0091467)  
Disciplinary Counsel  
*Relator*



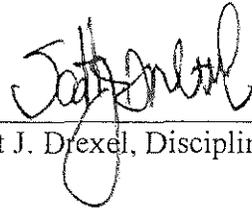
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**CERTIFICATE**

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Stacy Solochek Beckman 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 29, 2015



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Scott J. Drexel, Disciplinary Counsel