

FILED

OCT 14 2014

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

William Emerson Reed, Esq.
2321 Kragel Road
Richmond, OH 43944

No. 14-077-0

Attorney Registration No. (0016332)

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.

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

1. Respondent, William Emerson Reed, was admitted to the practice of law in the state of Ohio on April 30, 1976. Since February 10, 2011, respondent has been listed as inactive by Attorney Registration.
2. At all times relevant to the following allegations, respondent was subject to the Code of Professional Responsibility, the Rules of Professional Conduct, and the Rules for the Government of the Bar of Ohio.
3. At all times relevant to this proceeding, respondent was the fiduciary for the Estate of Joanne Wise ("Wise Estate"), Jefferson County Probate Court, Case No. 2007-ES-357.

4. At all times relevant to this proceeding, respondent was the attorney for the Estate of Thomas O. Maxwell ("Maxwell Estate"), Jefferson County Probate Court, Case No. 2008-ES-391.
5. On October 22, 2008, respondent wrote a check to Chase Bank drawn on the Wise Estate for \$1,697.80. Respondent used the funds to pay his personal home equity line of credit.
6. On November 25, 2008, respondent wrote a check to Chase Bank drawn on the Wise Estate for \$2,125.27. Respondent used the funds to pay his personal home equity line of credit.
7. As of January 23, 2009, there was \$116,093.64 left in the Maxwell Estate account. On the same day, respondent wrote a check for \$116,093.64 drawn on the Maxwell Estate, and deposited the funds into his IOLTA account, thereby closing the estate account.
8. Over the next several months, respondent misappropriated the monies from the Maxwell Estate for his own personal use.
9. On April 22, 2010, a Complaint for Citation to Appear for Examination Concerning Assets of the Estate and for Conversion was filed on behalf of the Maxwell Estate.
10. On June 7, 2010, in order to conceal his misappropriation from the Maxwell Estate, respondent wrote a check from the Wise Estate made payable to William E. Reed, II Co. LPA for \$116,093.64. This check was deposited into respondent's IOLTA account. On the same day, respondent wrote a check drawn on his IOLTA account to Francesca Carinci for \$116,093.64 with the memo line notation of "Maxwell, Thos." Ms. Carinci turned the funds over to the Maxwell Estate.

11. On November 23, 2010, in order to conceal his misappropriation from the Wise Estate, respondent deposited an \$117,000 check from Sam Davis, respondent's father-in-law, into his operating account.
12. On November 24, 2010, respondent wrote a check from his operating account for \$117,000 and deposited it into the Trust for John David MacConnell, which was established as part of the Wise Estate.
13. Per the Jefferson County Probate Court, respondent was authorized to receive \$16,054.54 in fees from the Wise Estate; however, respondent collected \$55,806.19 in fees from the Wise Estate.
14. In total, respondent misappropriated \$43,574.72 from the Wise Estate that has not been repaid.
15. Respondent's conduct violates the Ohio Rules of Professional Conduct: Prof. Cond. R. 1.5(a) [a lawyer shall not charge or collect an illegal or clearly excessive fee]; Prof. Cond. R. 8.4(b) [a lawyer shall not commit an illegal act that reflects adversely on the lawyer's honesty or trustworthiness]; Prof. Cond. R. 8.4(c) [a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation]; and Rule 8.4(d) [a lawyer shall not engage in conduct that is prejudicial to the administration of justice].

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.

Scott J. Drexel (0091467)
Disciplinary Counsel

Catherine M. Russo (0077791)
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CERTIFICATE

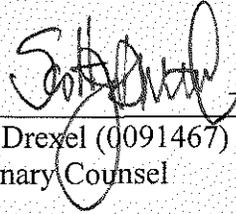
The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Catherine M. Russo is duly authorized to represent relator in the premises and has accepted the responsibility of prosecuting the complaint to its conclusion. After investigation, relator believes reasonable cause exists to warrant a hearing on such complaint.

Dated: October 14, 2014

Scott J. Drexel, Disciplinary Counsel

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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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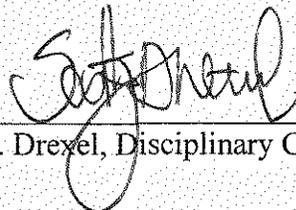


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CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Catherine M. Russo 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: October 14, 2014



Scott J. Drexel, Disciplinary Counsel

Gov. Bar R. V, § 4(I) Requirements for Filing a Complaint.

(1) Definition. "Complaint" means a formal written allegation of misconduct or mental illness of a person designated as the respondent.

* * *

(7) Complaint Filed by Certified Grievance Committee. Six copies of all complaints shall be filed with the Secretary of the Board. Complaints filed by a Certified Grievance Committee shall be filed in the name of the committee as relator. The complaint shall not be accepted for filing unless signed by one or more attorneys admitted to the practice of law in Ohio, who shall be counsel for the relator. The complaint shall be accompanied by a written certification, signed by the president, secretary, or chair of the Certified Grievance Committee, that the counsel are authorized to represent the relator in the action and have accepted the responsibility of prosecuting the complaint to conclusion. The certification shall constitute the authorization of the counsel to represent the relator in the action as fully and completely as if designated and appointed by order of the Supreme Court with all the privileges and immunities of an officer of the Supreme Court. The complaint also may be signed by the grievant.

(8) Complaint Filed by Disciplinary Counsel. Six copies of all complaints shall be filed with the Secretary of the Board. Complaints filed by the Disciplinary Counsel shall be filed in the name of the Disciplinary Counsel as relator.

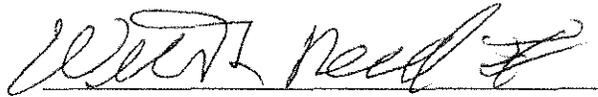
(9) Service. Upon the filing of a complaint with the Secretary of the Board, the relator shall forward a copy of the complaint to the Disciplinary Counsel, the Certified Grievance Committee of the Ohio State Bar Association, the local bar association, and any Certified Grievance Committee serving the county or counties in which the respondent resides and maintains an office and for the county from which the complaint arose.

Waiver of Probable Cause

The Office of Disciplinary Counsel has informed me of its intent to file a formal complaint at the October 24, 2014, meeting of the Board of Commissioners on Grievances and Discipline. Under Gov. Bar R.V, Section 6(D)(1), I understand that the Board must make a finding of probable cause before certifying the complaint.

I hereby waive probable cause and accept certification.

Signed on this 30th day of September, 2014



William Emerson Reed

Attorney Registration No. 0016332