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BOARD OF PROFESSIONAL CONDUCT

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

In re:)
Complaint against)
Thomas C. Brown (# 0024054))
196 S. Broadway)
Geneva, Ohio 44041)
Respondent,)
The Certified Grievance Committee of the)
Ashtabula County Bar Association)
P.O. Box 409)
Jefferson, Ohio 44047,)
Relator.)

No: 15 - 063

FILED

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BOARD OF PROFESSIONAL CONDUCT

COMPLAINT AND CERTIFICATE

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

NOW COMES Relator the Certified Grievance Committee of the Ashtabula County Bar Association ("Relator") and alleges that Thomas C. Brown, an Attorney at Law, duly admitted to the practice of law in the State of Ohio, is guilty of the following misconduct:

1. Respondent, Thomas Christopher Brown ("Respondent"), was admitted to the practice of law in the State of Ohio on November 6, 1981. Respondent is subject to the Ohio Rules of Professional Conduct and the Rules of the Government of the Bar of the State of Ohio.

2. On October 26, 1999, the Supreme Court of Ohio issued an interim remedial suspension of Respondent's license to practice law. On November 1, 2000, Respondent was suspended indefinitely from the practice of law. As noted in Office of Disciplinary Counsel v. Brown, 90 Ohio St. 3d 273, 2000 Ohio 82, Respondent was suspended from the practice of law for engaging in conduct summarized as: Attorneys at law — Misconduct — Indefinite suspension

with credit for time served under interim remedial suspension — Engaging in conduct prejudicial to the administration of justice — Engaging in conduct adversely reflecting on fitness to practice law — Neglecting an entrusted legal matter — Neglecting or refusing to assist or testify in a disciplinary investigation or hearing — Failing to maintain a respectful attitude toward the court — Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation — Accepting multiple employment where professional judgment on behalf of client will be or is likely to be adversely affected.

3. On November 27, 2006, Respondent was reinstated to the practice of law.

4. On November 3, 2009, Respondent was subject to an attorney registration suspension.

5. On November 10, 2009, Respondent was reinstated from his attorney registration suspension.

6. Respondent is currently admitted to the state bar of, and eligible to practice law in, the State of Ohio.

COUNT ONE

The “O’Neill & Brown Law Office”

7. Upon information and belief, beginning in July 2015, Respondent began distributing a business card in which he identifies himself as a lawyer with the law firm of the “O’Neill & Brown Law Office.”

8. The card identifies Respondent as “Thomas C. Brown, Attorney at Law” and lists a gmail address – tomcbrown1969@gmail.com – where he can be contacted.

9. The card lists 196 S. Broadway, Geneva, Ohio 44041, as his operating address.

10. Respondent also advertises the “O’Neill & Brown Law Office” outside the 196 S. Broadway address.

11. Mr. Brown’s business card indicates that the “O’Neill & Brown Law Office” was established in 1981.

12. Neither the Lake nor Ashtabula County Bar Associations list any attorney with the last name “O’Neill” on their present roster of attorneys.

13. Upon information and belief, between 1981 and 1984, Respondent practiced law alongside Justice William O’Neill (#0024031), a current member of the Supreme Court of Ohio, at both 185 Water Street and 29 West Main Street, in Geneva, Ohio.

14. During this period of time, Respondent and Justice O’Neill advertised themselves – on letterhead - as both the “O’Neill and Brown Law Office” and “William M. O’Neill Thomas C. Brown, Attorneys at Law.”

15. In 1984, Justice O’Neill began serving as an Assistant Attorney General for the State of Ohio. He served in this capacity between 1984 and 1996. During this 12 year period, Justice O’Neill indicated he worked part time in his role as an Assistant Attorney General with the State of Ohio, while continuing to maintain a private, part time presence at the Geneva offices described in the foregoing paragraph.

16. Between 1997 and 2007, Justice O’Neill served on the bench of the Eleventh District Court of Appeals. He and Mr. Brown did not practice together during that period of time.

17. In 1999, Mr. Brown was suspended from the practice of law, a suspension that lasted until 2006.

18. On November 27, 2006, Respondent was re-admitted to the practice of law in Ohio. From the date of his re-admission until the spring of 2015, he practiced as an associate attorney with Attorney Kenneth Piper, who maintained an office in Geneva and then Ashtabula, Ohio.

19. Respondent's employment with Attorney Piper ended in the spring of 2015, when Attorney Piper sold his law practice to Attorney Pamela Kurt.

20. Shortly thereafter, Respondent sought to re-establish the "O'Neill Brown Law Office" in Geneva, Ohio. Justice O'Neill continues to serve on the bench of the Ohio Supreme Court. His term is set to expire on January 1, 2019. He is not presently performing any work with Respondent.

21. Further, at no point in time between 1997 and 2015 – a period of 18 years - did Mr. Brown and Justice O'Neill practice law together – at any Geneva, Ohio address or at any other office.

22. On September 16, 2015, upon learning of Relator's investigation of his use of his business cards, Mr. Brown indicated his intention to halt his use of the business card and remove the sign outside his practice. To date, the sign in front of his office has not been removed.

23. Respondent's conduct in Count One violates:

- **Rule 7.1 – Communications Concerning a Lawyer's Services** – "A lawyer shall not make or use a false, misleading or nonverifiable communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law or omits a fact necessary to make the statement considered as a whole not materially misleading."
- **Rule 7.5(a) – Firm Names and Letterheads** – "A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1. A lawyer in private practice shall not practice under a trade name, a name that is misleading as to the identity of the lawyer or lawyers practicing under the

name, or a firm name containing names other than those of one or more of the lawyers in the firm . . .”

- **Rule 7.5(c) – Firm Names and Letterheads** – “The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.”

CONCLUSION

Wherefore, pursuant to Gov. Bar R. V and the Ohio 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 Supreme Court Rules for the Government of the Bar of Ohio.

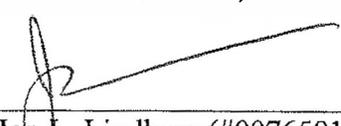


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CERTIFICATE

The undersigned, Jon L. Lindberg, Bar Counsel for the Ashtabula County Bar Association, hereby certifies that he 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 27, 2015



Jon L. Lindberg (#0076591)