

FILED

DEC 01 2015

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

In re:

Complaint against

Thomas Patrick Maney Jr., Esq.  
Maney Law Office  
7100 Huntley Road, Suite 202  
Columbus, OH 43229

15 - 074

No. \_\_\_\_\_

Attorney Registration No. (0029042)

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 Thomas Patrick Maney, 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 Patrick Maney, was admitted to the practice of law in the state of Ohio on May 9, 1983. 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. In October 2013, Patrick Baker hired respondent to handle a collection lawsuit filed against him by Discover Bank in the Franklin County Municipal Court entitled *Discover Bank v. Baker*, Case No. 2013-CVF-030216.
3. Respondent filed an answer to the complaint on behalf of Baker on October 23, 2013.

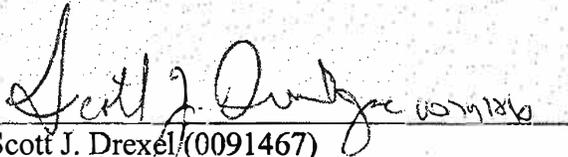
4. On November 1, 2013, respondent was served by Discover Bank's counsel with discovery requests, i.e., interrogatories and requests for production of documents.
5. Respondent did not provide a copy of the discovery requests to Baker; nor did respondent provide a response to the discovery requests to Discover Bank's counsel.
6. Although respondent attended a pre-trial hearing on behalf of Baker in December 2013, he failed to appear for the Court's next scheduled pre-trial on April 10, 2014.
7. On May 23, 2014, Discover Bank's counsel filed a Motion for Summary Judgment (MSJ) against Baker in the *Discover Bank v. Baker* action.
8. Although respondent was served with the MSJ, he failed to notify Baker of the MSJ. Furthermore, respondent failed to file with the Court any response to the MSJ.
9. On June 12, 2014, the Court granted Discover Bank's MSJ and rendered a monetary judgment against Baker in the amount of \$3,061.35, plus court costs.
10. Respondent failed to notify Baker of the judgment that had been entered against him.
11. Baker only learned of the judgment on July 21, 2014 when he called and spoke with respondent.
12. Baker thereafter filed a grievance complaining about respondent's neglect of his legal matters.
13. In response to relator's letter of inquiry (LOI) concerning Baker's grievance, respondent told relator that he had sent letters to Baker informing him of the status of his case, that he had provided Baker with the discovery requests from Discover Bank and that he had requested Baker's response on numerous occasions during the pendency of Baker's lawsuit but that he received no response from Baker.

14. Although respondent provided relator, in response to relator's LOI, with copies of the letters that he had purportedly sent to Baker on October 23, 2013, November 4, 2013, December 4, 2013, January 14, 2014, and May 27, 2014, those letters were never sent by respondent to Baker.
15. Respondent fabricated the letters to Baker and provided them to relator in response to relator's investigation of the Baker grievance in an effort to conceal his neglect and abandonment of Baker's interests in the *Discover Bank v. Baker* action.
16. Additionally, in his response to relator's LOI and to further perpetuate his fabricated account of events, respondent falsely informed relator that, when Baker did not respond to his letters, he should have withdrawn from his representation but it was his hope that Baker would finally contact him and answer the discovery requests so that respondent would have sufficient information to oppose the MSJ.
17. By the foregoing conduct, respondent violated the following provisions of the Ohio Rules of Professional Conduct:
  - (a) By neglecting to respond to discovery requests and to the MSJ and by failing to attend the April 10, 2014 pre-trial on behalf of his client in *Discover Bank v. Baker*, respondent violated Prof. Cond. R. 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client];
  - (b) By failing to provide Baker with copies of discovery requests that required his timely response, by failing to notify Baker of the MSJ and by failing to inform Baker in a timely manner that a judgment had been rendered against him in *Discover Bank v. Baker*, respondent violated Prof. Cond. R. 1.4(a)(3) [A lawyer shall keep the client reasonably informed about the status of the matter];

- (c) By falsely representing to relator in connection with a disciplinary investigation that he sent letters to Baker relating to the discovery requests and the MSJ but that Baker failed to respond to his requests for information, respondent violated Prof. Cond. R. 8.1(a) [a lawyer shall not knowingly make a false statement of material fact in connection with a disciplinary matter];
- (d) By fabricating letters purportedly sent to Baker and providing those letters to relator in an effort to conceal his misconduct during the disciplinary investigation, respondent violated Prof. Cond. R. 8.4(c) [a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation]; and,
- (e) By failing to act with diligence and promptness when representing his client, resulting in the granting of an unopposed motion for summary judgment, respondent deprived Baker of an opportunity of a trial on the merits, thereby violating Prof. Cond. R. 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 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

Michelle R. Bowman (0074233)  
Assistant Disciplinary Counsel  
250 Civic Center Drive, Suite 325  
Columbus, Ohio 43215-7411  
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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: December 1, 2015

Scott J. Drexel 0074786  
Scott J. Drexel, Disciplinary Counsel

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7100 Huntley Road, Suite 202  
Columbus, OH 43229

BOARD OF PROFESSIONAL CONDUCT

Attorney Reg. No. 0029042

Case No. B4-1784

Respondent,

WAIVER OF DETERMINATION  
OF PROBABLE CAUSE

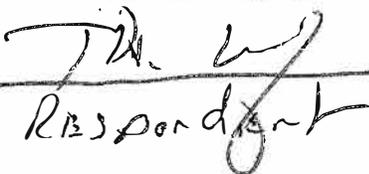
(Rule V(11)(B) of the Supreme Court  
Rules for the Government of the Bar  
of Ohio)

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, **Thomas Patrick Maney** by and through his attorney, **William Craig Mann**, 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: 11-23, 2015

  
11-23-15  
Respondent

By:   
William Craig Mann (0029042)  
Attorney for Respondent  
Thomas Patrick Maney