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

**In re:**

**Complaint against**

**Steven Powell Schnittke, Esq.**  
Schnittke & Smith, Attorneys at Law  
114 South High Street  
P.O. Box 536  
New Lexington, OH 43764-0536

Attorney Registration No. (0025537)

**Respondent,**

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

**Relator.**

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

1. Respondent, Steven Powell Schnittke, was admitted to the practice of law in the state of Ohio on November 7, 1975. 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.

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

**COMPLAINT AND CERTIFICATE**

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

FILED

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BOARD OF PROFESSIONAL CONDUCT

## COUNT ONE

### The *Barnett* Matter

2. On June 29, 2012, respondent was appointed by the Perry County Common Pleas Court to represent Jeffrey L. Barnett on a pending appeal captioned *State v. Barnett*, Case No. 12-CA-00010.
3. Respondent did not work on the appeal.
4. Although respondent did not wish to accept the appointment, he did not withdraw from the representation.
5. On August 1, 2012, Barnett's case was dismissed for want of prosecution because an appellant's brief was not filed.
6. Prior to the dismissal of the appeal, respondent failed to contact Barnett regarding the appeal and failed to respond to Mr. Barnett's letters.
7. Barnett learned that the appeal was dismissed when he received a copy of the Judgment Entry from the Clerk of Court.
8. Barnett successfully moved the court to reopen the appeal without the assistance of counsel.
9. On February 27, 2013, Barnett filed a grievance against respondent. After receiving a copy of the grievance, respondent offered to help Barnett with his appeal pro bono.
10. On August 26, 2013, Barnett - without any assistance from respondent - filed his appellate brief *pro se*.
11. On September 3, 2013, respondent sent Barnett a letter regarding the strategy for the appeal. The letter indicated that he would do research and provide additional thoughts to assist Barnett, but he never did.

12. Respondent did not submit an application for fees.
13. Respondent's conduct in Count One violated:
  - Prof. Cond. R. 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client];
  - Prof. Cond. R. 1.4(a)(3) [A lawyer shall keep the client reasonably informed about the status of a matter] and,
  - Prof. Cond. R. 1.4(a)(4) [A lawyer shall comply as soon as practicable with reasonable requests for information from the client];
  - Prof. Cond. R. 6.2 [A lawyer shall not seek to avoid appointment by a court to represent a person except for good cause]; and,
  - Prof. Cond. R. 8.4(d) [A lawyer shall not engage in conduct that is prejudicial to the administration of justice].

## **COUNT TWO**

### **The *Scott* Matter**

14. On May 2, 2007, respondent was appointed by the Perry County Common Pleas Court to represent Dean Scott on a pending appeal captioned *State v. Scott*, Case No. 05-CA-16.
15. Respondent responded to Scott's first correspondence regarding the appeal, but failed to respond to subsequent correspondence from Scott.
16. Respondent did not work on the appeal, nor did he withdraw from the representation.
17. On November 9, 2007, the Fifth District Court of Appeals issued a Judgment Entry requiring the filing of Scott's appeal brief on or before November 30, 2007, or the case would be dismissed for want of prosecution.
18. On January 14, 2008, Scott's case was dismissed for want of prosecution because an appellant's brief was not filed.
19. Respondent did not submit an application for fees.

20. Respondent's conduct in Count Two violates:
- Prof. Cond. R. 1.3 [A lawyer shall act with reasonable diligence and promptness in representing a client];
  - Prof. Cond. R. 1.4(a)(3) [A lawyer shall keep the client reasonably informed about the status of a matter] and,
  - Prof. Cond. R. 8.4(d) [A lawyer shall not engage in conduct that is prejudicial to the administration of justice].

### **COUNT THREE**

#### **The *Blagg* Matter<sup>1</sup>**

21. On May 27, 2005, the Morgan County Common Pleas Court appointed respondent to represent Myron Blagg to appeal his conviction in the case captioned *State v. Blagg*, Case No. CR-04-069.
22. On June 20, 2005 respondent filed a Notice of Appeal and Docketing Statement and the appeal was assigned case number CA-005-013.
23. Two days later, on June 22, 2005, respondent sent a letter to Tahyi Video & Court Reporting requesting the transcript of the sentencing hearing.
24. On July 7, 2005, respondent filed a motion for an order directing that the transcript be prepared at no cost to Blagg. The motion was granted pursuant to an order filed the next day, July 8, 2005.
25. On July 28, 2005, the court issued a notice of transmission of the record.
26. Respondent did no further work on the appeal, nor did he withdraw from the representation.

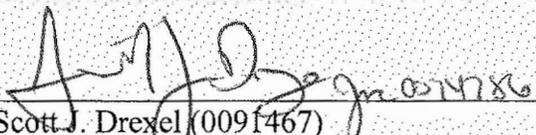
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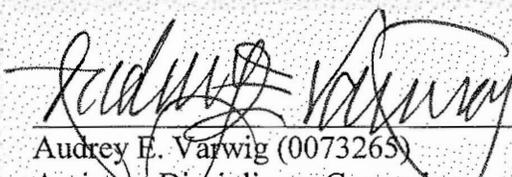
<sup>1</sup> Respondent's conduct in the *Blagg* matter occurred before February 1, 2007; consequently, as it relates to Blagg, respondent was charged under the Code of Professional Responsibility.

27. On November 16, 2005, Blagg's appeal was dismissed for want of prosecution because an appellant's brief was not filed.
28. Respondent never contacted Blagg regarding the appeal until after it was dismissed.
29. Respondent did not submit an application for fees.
30. Respondent's conduct in Count Three violates:
  - DR 6-101(A)(3) [A lawyer shall not neglect a legal matter entrusted to him]; and,
  - DR 1-102(A)(5) [It is professional misconduct for a lawyer to 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.

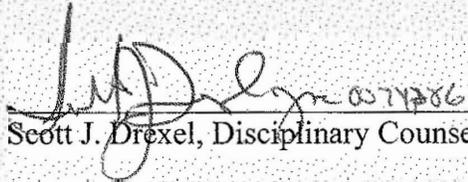
  
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Scott J. Drexel (0091467)  
Disciplinary Counsel  
*Relator*

  
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*Counsel for Relator*

**CERTIFICATE**

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Audrey E. Varwig 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

  
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Scott J. Drexel, Disciplinary Counsel