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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**
**Aaron Ronald Scheeler, Esq.**
**4650 Beard Road**
**Sunbury, OH 43074**

**Attorney Registration No. (0081555)**

**Respondent,**

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

**Relator.**

**No.** 14-066

**COMPLAINT AND CERTIFICATE**

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

FILED
SEP 12 2014
BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

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

1. Respondent, Aaron Ronald Scheeler, was admitted to the practice of law in the state of Ohio on December 29, 2006. 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. On October 21, 2013, the Supreme Court of Ohio suspended respondent's license to practice law based upon respondent being in default of a child support order.

3. On November 1, 2013, respondent was also suspended for failing to register, and on December 31, 2013, respondent was CLE suspended.

4. Respondent's license to practice law in Ohio remains under suspension.

## COUNT ONE

The Jane Doe Matter

5. On or about February 4, 2012, Jane Doe retained respondent to represent her in a divorce action against her husband, C.C.

6. Respondent never advised Jane Doe that he did not maintain professional malpractice insurance.

7. Jane Doe has four children, and for years, had suffered physical and mental abuse by her husband.

8. During the first month of representation, respondent explained to Jane Doe that he sympathized with her as he too was going through a divorce, encouraged Jane Doe to reveal everything about herself, and told her that he should know more about her than her best friend.

9. On several occasions, respondent commented about Jane Doe's breasts, but then would act embarrassed and apologize profusely.

10. On Saturday, May 5, 2012, C.C. told Jane Doe that he intended to move back into the marital home, which caused Jane Doe to panic and become distraught.

11. Jane Doe immediately contacted respondent via text and informed him of C.C.'s threat to return to the home. Respondent assured Jane Doe that he would file for exclusive possession of the home on Monday morning. Respondent then asked if he could buy Jane Doe a drink later that evening.

12. After drinks, respondent drove to his office where he and Jane Doe engaged in consensual sexual intercourse.

13. Immediately thereafter, respondent told Jane Doe that she had to be quiet about the relationship, that he could lose his law license, and that the affair could influence her case, especially the custody of her children.

14. The sexual relationship between respondent and Jane Doe continued throughout the representation.

15. In June 2012, Jane Doe informed respondent that she could no longer handle the emotional stress of working with respondent. Respondent persuaded Jane Doe to remain with him as her lawyer, stating that the divorce would soon be over, that no other lawyer would care about her case like he did, and that it would be very expensive to bring another lawyer up to speed.

16. Due to her inability to afford another lawyer, Jane Doe remained with respondent.

17. On July 3, 2012—the day of the Rule 75 hearing—C.C.'s lawyer advised respondent that C.C. wished to reconcile with Jane Doe. Respondent took Jane Doe outside behind the courthouse, chastised Jane Doe, and accused her of sleeping with C.C. Respondent then proceeded to represent Jane Doe at the hearing.

18. During July 2012, Jane Doe demanded that respondent settle the divorce, as C.C.'s employer had given him two weeks off to complete the divorce. Respondent told Jane Doe that if she could assist him with clerical work in the office, respondent would be able to prepare a settlement offer in her divorce case.

19. Although Jane Doe had no legal training, she copied and scanned privileged documents from other clients' cases, proofread and edited other clients' briefs, and researched legal issues pertaining to one of respondent's criminal clients.

20. Despite performing these tasks, respondent never completed the settlement offer.

21. On January 29, 2013—the day before trial—respondent asked Jane Doe to meet him at his mother's house. While there, respondent told Jane Doe that he would refund all her money (over $5,000) and surrender his law license if Jane Doe refrained from filing an ethics complaint against respondent.

22. Due to a sudden death in opposing counsel's family, the court continued the January 30, 2013 trial to May 22, 2013.

23. Weeks passed and respondent failed to refund Jane Doe's money; consequently, she was unable to hire another attorney.

24. On March 1, 2013, Jane Doe sent the following text message to respondent:

> If you had the decency to be honest back in May or June or even July—before I paid you another $3500—I could have retained someone else and at least been spared some of this. I hate you so much

25. On March 3, 2013, Jane Doe sent the following text message to respondent:

> You promised me over 5 weeks ago that you would give me my money back and surrender your license. You said you just needed a little time to get the money together, that your parents were in Key West and you had to see about cashing out some 529's or something. You have had more than a little time now and have yet to indicate when exactly I can expect it. You have hurt me so much and I will never trust you, I just need to be able to hire someone else and put this behind me. And I need to know that if I just walk away from this, that you aren't going to be in a position to do this to yet another vulnerable woman ever again. I have a moral obligation to see that you're stopped before I can put this whole devastating ordeal behind me.

26. In the weeks leading up to a March 26, 2013 contempt hearing[1], Jane Doe told respondent that she could not handle the stress of him representing her and asked that respondent seek a continuance. Respondent refused, telling Jane Doe that she had no choice but to attend the hearing with respondent as her attorney.

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[1] C.C. had stopped paying the mortgage; consequently, respondent filed for contempt, which was heard on March 26, 2013.

27. Respondent appeared on Jane Doe's behalf at the contempt hearing; however, within a few days, Jane Doe felt she was having a nervous breakdown. Jane Doe texted respondent asking if he could check her into the hospital.

28. Respondent did not reply, but sent an e-mail to Jane Doe on March 27, 2013 stating that he was closing his office in three days and would no longer represent Jane Doe

29. Jane Doe replied asking if respondent would send a settlement offer to C.C.'s lawyer.

30. On April 2, 2013, respondent e-mailed Jane Doe stating, "Yes—I will help you finish the case." Respondent never sent the settlement offer.

31. On April 5, 2013, Jane Doe e-mailed respondent asking if she should file objections to the magistrate's decision on the contempt motion, given that it failed to include attorney fees and was silent regarding the impending foreclosure. Jane Doe had until April 10, 2014 to file objections.

32. Respondent failed to respond; consequently, Jane Doe lost the ability to file objections.

33. On or about April 11, 2013, Jane Doe retained Attorney Anna Bates to take over the representation. That same day, Bates left a voicemail message for respondent requesting Jane Doe's file; however, respondent failed to return the call or provide the file, despite the fact that the trial was scheduled for May 22, 2013.

34. On or about April 18, 2013, Bates called respondent and again requested that he deliver Jane Doe's file to her office. Respondent indicated that he would provide the file, but he failed to do so.

35. On April 23, 2013, Jane Doe e-mailed respondent requesting that he provide Bates with Jane Doe's file. Respondent acknowledged the email. The following day, respondent

provided Bates with an invitation via Dropbox to "share" Jane Doe's file; however, the Dropbox file only contained Jane Doe's financial records.

36. On April 25, 2013, Bates contacted respondent by phone and again demanded the entire physical file; however, respondent failed to provide the file.

37. On April 30, 2013, Bates contacted respondent and demanded he provide the file by May 1, 2013.

38. On May 2, 2013, respondent delivered the file to Bates' office; however, the file was incomplete and unorganized. Bates then requested, and was granted, a continuance of the May 22, 2013 trial date.

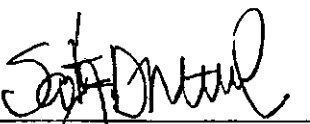
39. Respondent's conduct in Count One violates:

- Prof. Cond. R. 1.4(a)(3) [A lawyer shall keep the client reasonably informed about the status of a matter];
- 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. 1.4(c) [A lawyer shall inform the client at the time of the client's engagement or at any time subsequent to the engagement if the lawyer does not maintain professional liability insurance];
- Prof. Cond. R. 1.7(a)(2) [A lawyer's acceptance or continuation of representation of a client creates a conflict of interest if there is a substantial risk that the lawyer's ability to consider, recommend, or carry out an appropriate course of action for that client will be materially limited by the lawyer's own personal interests];

- Prof. Cond. R. 1.16(d) [As part of the termination process, a lawyer shall take steps, to the extent reasonably practicable, to protect the client's interests. The steps include giving due notice to the client, allowing sufficient time for employment of other counsel, and promptly delivering to the client all papers and property to which the client is entitled];
- Prof. Cond. R. 1.8(j) [A lawyer shall not solicit or engage in sexual activity with a client unless the sexual relationship existed between them when the client-lawyer relationship commenced];
- In promising to refund fees and surrender his license in exchange for Jane Doe's foregoing the filing of an ethics complaint and in allowing Jane Doe access to other clients' privileged information, respondent violated Prof. Cond. R. 8.4(h) [A lawyer shall not engage in conduct that adversely reflects on the lawyer's fitness 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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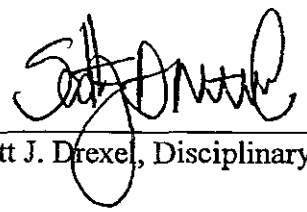
## CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Joseph M. Caligiuri 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: September 11, 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 against me with the Board of Commissioners on Grievances and Discipline on Friday, September 12, 2014. 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.

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Signed on this 16th day of September, 2014.

Aaron Ronald Scheeler (0081555)