

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

RECEIVED

SEP 16 2014

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against:

JONATHAN CHARLES SCHIRG, ESQ.
[0086652]
1711 Jupiter Avenue
Hilliard, OH 43026

Respondent,

by

COLUMBUS BAR ASSOCIATION
175 South Third Street, S-1100
Columbus, OH 43215

Relator,

14 - 072

Case No. _____

FILED

OCT 06 2014

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

COMPLAINT

- 1) The Supreme Court of Ohio admitted respondent Jonathan Charles Schirg, Esq. (0086652) to the practice of law in Ohio in November 2010.
- 2) From March 2011 to August 2012, respondent practiced law in Ohio under the name and auspices of a Wisconsin law firm, Davis & Gelshenen, LLP., (the "firm") with principal offices at 735 Water Street, Suite 1440, Milwaukee WI 53202.
- 3) Daniel S. Davis (Wisconsin Bar Registration 1023958) and John J. Gelshenen (Wisconsin Bar Registration 10022951) were and are the principals and sole partners of the firm.
- 4) Neither Davis, nor Gelshenen, nor any member of the firm in Wisconsin is admitted to practice law in Ohio.

- 5) In March 2011, the firm hired respondent as a salaried lawyer to handle firm cases in Ohio.
- 6) Before affiliating with the firm, respondent had limited practice experience.
- 7) Respondent was never a partner of the firm and did not otherwise participate in firm management.
- 8) The firm, with the knowledge and acquiescence of respondent, maintained a group of “offices” in five cities in Ohio, which were essentially nothing more than mail-drop locations.
- 9) These “offices,” with the knowledge and acquiescence of respondent, were unstaffed by any firm employee and only rarely, if ever, visited by respondent who generally met with clients in their homes or at some other locale.
- 10) The firm, during this period, with the knowledge and acquiescence of respondent, did not indicate in its literature or on its websites that these Ohio “offices” were available “by appointment only.”
- 11) The firm, with the knowledge and acquiescence of respondent, also established local phone numbers in eight Ohio cities, all of which connected directly to the firm’s Wisconsin offices.
- 12) The firm, with the knowledge and acquiescence of respondent, advertised its services in Ohio by postcards, letters, and website messages to potential personal injury clients, whose identities it obtained from police accident reports and other public documents.
- 13) The firm, with the knowledge and acquiescence of respondent, designed these Ohio solicitations, which included the firm’s Ohio “office” locations and phone numbers, to suggest to prospective clients that the firm had actual law offices in Ohio when it did not.

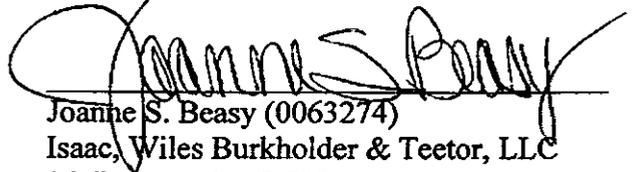
- 14) By listing in its advertising multiple office locations in Ohio (that were in fact leased offices used on an "as needed" basis and not staffed by any firm employees), providing telephone numbers across the state (that were simply transfer points to a Wisconsin number), noting that the firm was "EXPERIENCED. TRUSTED. RECOMMENDED" and had served "Thousands of people," securing them "Millions of Dollars," (which were not Ohio-based figures) the firm, with the knowledge and acquiescence of the respondent, created the false impression that it had a sizeable operation in Ohio, not one new lawyer working out of his home with some support in Wisconsin.
- 15) The firm's advertisements in Ohio, with the knowledge and acquiescence of respondent, contained false, misleading, or non-verifiable claims regarding its success in past cases without inclusion of background information necessary to assess the circumstances leading to those results and without a disclaimer advising that such results may not be achieved in other legal matters.
- 16) The firm's advertisements in Ohio, with the knowledge and acquiescence of respondent, contained false and misleading claims regarding the professional accreditation and recognition of firm lawyers.
- 17) The firm did not include in its Ohio advertisements information about the jurisdictional limitations of law licenses of the partners or associates of the firm.
- 18) The firm, with the knowledge and acquiescence of respondent, distributed advertisements in Ohio purportedly or actually signed by Respondent.
- 19) The firm's advertisements sent to Ohio residents, with the knowledge and acquiescence of respondent did not include the identity and address of a lawyer responsible for the content of the advertisement.

- 20) Some of the firm's advertisements, with the knowledge and acquiescence of respondent, contained a promise that clients of the firm were "guaranteed to speak to a partner in the firm." Yet, for Ohio clients, this happened seldom if ever.
- 21) The firm, with the knowledge and acquiescence of respondent, sent advertisements to Ohio resident accident victims which did not include a disclosure of how the firm became aware of the identity and specific legal need of the addressees.
- 22) Respondent knew or should have known that solicitations the firm made in Ohio were in violation of the Ohio Rules of Professional Conduct.
- 23) When potential clients from Ohio called or wrote to the firm using the Ohio phone numbers and "office" locations in its advertisements, these communications went directly to the Wisconsin office.
- 24) Non-lawyer personnel at the home office, with the knowledge and acquiescence of respondent, received intake information from the caller and discussed the nature of their legal issues with them.
- 25) The non-lawyer staff then forwarded the intake information to respondent.
- 26) Respondent was directed by the firm to contact the prospective client and get further information about their legal matter from them and have them sign a firm contingent fee contract.
- 27) Respondent sent the contracts and case information to the firm's home office where firm paralegal employees gathered records, prepared necessary documents, and took steps to initiate and pursue claims for the clients.
- 28) It was respondent's responsibility to handle calls from Ohio clients who had retained the firm regarding the progress of their cases.
- 29) By these acts and failures to act, respondent violated the following provisions of the Ohio Rules of Professional Conduct:

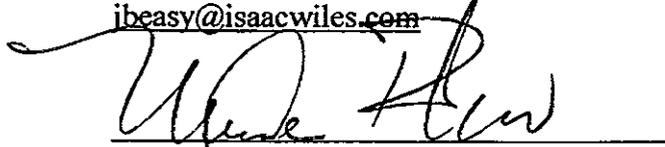
- ORPC 5.2: [violating the Ohio Rules of Professional Conduct notwithstanding that the lawyer acted at the direction of another lawyer.];
- ORPC 7.1: [making or using a false, misleading, or non-verifiable, communication about the lawyer or the lawyer's services];
- ORPC 7.2(c): [transmitting a solicitation without including the name and office address of a lawyer or firm responsible for its content];
- ORPC 7.3(c)(1): [failing to disclose the manner in which the lawyer became aware of the identity and specific legal need of the addressee];
- ORC 8.4(h) [engaging in conduct adversely reflecting on fitness to practice].

Relator asks that the Respondent be found to have violated the Ohio Rules of Professional Conduct and that he be sanctioned appropriately.

Respectfully submitted,



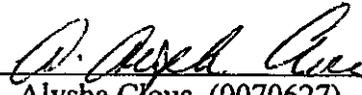
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A. Alysha Clous (0070627)
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Phone: (614) 304-2034 / (614) 221-4850
alysha@cbalaw.org

COUNSEL FOR RELATOR

CERTIFICATE

The undersigned Chair of the Certified Grievance Committee of the Columbus Bar Association hereby certifies that Joanne S. Beasy, Esq., Michael Romanello, Esq., Bruce A. Campbell, Esq. and A. Alysha Clous, Esq., are duly authorized to represent Relator in the premises and have 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:

7/9/14

Signed:

John Marrafft, Esq.

Chair of the Certified Grievance Committee

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

Section (11)

(11) *The complaint; Where Filed; By Whom Signed.* A complaint shall mean a formal written complaint alleging misconduct or mental illness of one who shall be designated as the Respondent. Six (6) copies of all such complaints shall be filed in the office of the Secretary of the Board. Complaints filed by a Certified Grievance Committee shall not be accepted for filing unless signed by one or more members of the Bar of Ohio in good standing, who shall be counsel for the Relator, and supported by a certificate in writing signed by the President, Secretary or Chairman of the Certified Grievance Committee, which Certified Grievance Committee shall be deemed the Relator, certifying that said counsel are duly authorized to represent said Relator in the premises and have accepted the responsibility of prosecuting the complaint to conclusion. It shall constitute the authorization of such counsel to represent said Relator in the premises as fully and completely as if designated and appointed by order of the Supreme Court of Ohio with all the privileges and immunities of an offices of such Court. The complaint may also, but need not, be signed by the person aggrieved.

Complaints filed by the Disciplinary Counsel shall be filed in the name of Disciplinary Counsel as Relator.

Upon the filing of a complaint with the Secretary of the Board, Relator shall forward a copy thereof to Disciplinary Counsel, to the Certified Grievance Committee of the Ohio State Bar Association, to the local bar association and to any Certified Grievance Committee serving the county of counties in which the Respondent resides and maintains his office and for the county from which the complaint arose.

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BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

In re: :
:
Complaint against: :
SEAN CHRISTOPHER MOWERY, ESQ. :
[0085886] :
Davis & Gelshenen, LLC :
20 South Third Street, S-210 :
Columbus, OH 43215 :

Case No. 14 - 072 

Respondent, :
:
by :
:
COLUMBUS BAR ASSOCIATION :
175 South Third Street, S-1100 :
Columbus, OH 43215 :

Relator, :

FILED
OCT 06 2014
BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

COMPLAINT

- 1) The Supreme Court of Ohio admitted respondent Sean Christopher Mowery (0085886) to the practice of law in Ohio in May 2010.
- 2) From September 4, 2012 to the present, respondent has practiced law in Ohio under the name and auspices of a Wisconsin law firm, Davis & Gelshenen, LLP. (the "firm") with principal offices at 735 Water Street, Suite 1440, Milwaukee WI 53202.
- 3) Daniel S. Davis (Wisconsin Bar Registration 1023958) and John J. Gelshenen (Wisconsin Bar Registration 10022951) were and are the principals and sole partners of the firm.
- 4) Neither Davis, nor Gelshenen, nor any member of the firm in Wisconsin is admitted to practice law in Ohio.
- 5) In September 2012, the firm hired respondent as a salaried lawyer to handle firm cases in Ohio.
- 6) Before affiliating with the firm, respondent had limited practice experience.

- 7) Respondent was never a partner of the firm and did not otherwise participate in firm management.
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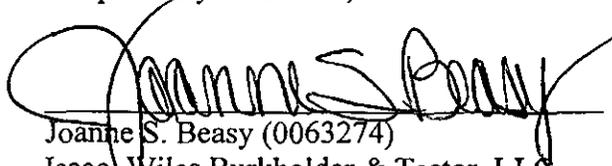
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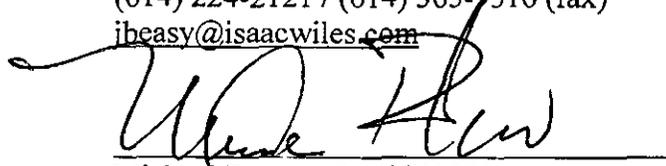
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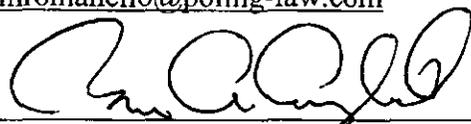
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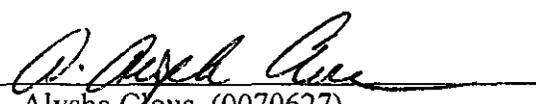
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Dated: 9/19/14

Signed: John C. Hartrant

John C. Hartrant, Esq.

Chair of the Certified Grievance Committee

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