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

In re:)
)
 COMPLAINT AGAINST)
)
 SCOTT COCHRAN)
 Atty Reg. No. 0065497)
 19 East Front Street)
 Youngstown, OH 44503)
)
 Respondent)
)
 MAHONING COUNTY BAR)
 ASSOCIATION)
 114 E. Front Street, Suite 100)
 Youngstown, Ohio 44503)
)
 Relator)

CASE NO.

16 - 052 - 3

FILED

NOV 04 2016

COMPLAINT

BOARD OF PROFESSIONAL CONDUCT

(Rule V Section 4 of the Supreme Court Rules for the Government of the Bar of Ohio)

Relator, Mahoning County Bar Association, for its causes of action against Respondent, Scott Cochran, says:

I. Parties

1. Relator is a local bar association which maintains a certified grievance committee pursuant to Gov. Bar R. V, Section 3.
2. Respondent is an attorney at law and is duly licensed to practice law in the State of Ohio. His bar registration number is 0065497.
3. Respondent's last known business address is 19 East Front Street, Youngstown, Ohio 44503.

II. Factual Background

4. On February 25, 2014, an indictment was filed by the United States of America, through the office of the U.S. Attorney, naming Respondent in five of the six counts of the Indictment (there were two other defendants named).

5. The Respondent pled not guilty to all five counts and lengthy discovery by both parties ensued.

6. On March 12, 2015, the case against Respondent was tried to a jury before Judge Solomon Oliver, Jr. in the United States District Court, Northern District of Ohio in Cleveland.

7. After numerous witnesses testified and the parties rested, Judge Oliver declared a mistrial on March 23, 2015.

8. On April 2, 2015, Respondent filed a motion for acquittal.

9. On August 12, 2015, Judge Oliver granted in part and denied in part Respondent's motion for acquittal.

10. The court acquitted Respondent on Count III for conspiracy to obstruct justice and Count IV for obstruction of justice. Counts I, II and VI remained against Respondent.

11. On October 1, 2015, the United States indicated to Judge Oliver that it wished to retry the remaining counts in the indictment and the parties agreed that the trial would likely take three weeks. A jury trial was scheduled for November 16, 2015.

12. On October 6, 2015, a supplemental information was filed by the United States as to Respondent. The allegations set forth in the supplemental information are incorporated into this complaint as though fully rewritten herein.

13. The “supplemental information” is not an indictment because it was not returned by the grand jury. A supplemental information is used when a party has agreed to waive presentment of the case to the grand jury.

14. On October 15, 2015, an arraignment was held. Respondent entered a plea of guilty as to Count II of the supplemental information, a violation of 18 U.S.C. §401 (misbehavior in the presence of court as to obstruct the administration of justice).

15. At the arraignment, Respondent admitted that he entered into a conspiracy to injure, oppress, threaten, intimidate in the presence of the United States District Court for the Northern District of Ohio; that Respondent intended to deprive the victim of that right; and that one or more intended victims was present in any state, territory or district of the United States.

16. On January 19, 2016, a sentencing hearing was held before Judge Oliver. Counts I, II, and VI of the original Indictment were dismissed upon motion of the government.

17. Respondent was found guilty by the court.

18. Under federal law, the offense (18 U.S.C. §401(a)) is unclassified, meaning that it is neither a misdemeanor nor a felony. In an unclassified offense, the sentencing judge has discretion to treat the offense for sentencing purposes either as a misdemeanor or a felony.

19. The court treated the offense as a Class B misdemeanor (petty offense). Respondent was sentenced to probation for a period of two years and fined \$2,500.00.

III. Misconduct

20. The conduct of the Respondent set forth above violates Rule 3.3 of the Code of Professional Conduct (Candor towards the Tribunal) which prohibits a lawyer from (1) making a false statement of fact or law to the tribunal or failing to correct a false statement of material fact

or law previously made to the tribunal by the lawyer; *** (3) offering evidence that the lawyer knows to be false.

21. The conduct of the Respondent set forth above violates Rule 8.4(B) of the Code of Professional Conduct (committing an illegal act that reflects adversely on the lawyer's honesty or trustworthiness).

22. The conduct of the Respondent set forth above violates Rule 8.4(C) of the Code of Professional Conduct (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation).

23. The conduct of the Respondent set forth above violates Rule 8.4(D) of the Code of Professional Conduct (engaging in conduct that is prejudicial to the administration of justice).

WHEREFORE, pursuant to Rule V of the Rules for the Government of the Bar of Ohio, and the Code 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 for the Government of the Bar of Ohio.

MAHONING COUNTY BAR ASSOCIATION

By:



DAVID C. COMSTOCK, JR. (0040145)
Bar Counsel
4137 Boardman-Canfield Road, Suite 101
Canfield, Ohio 44406
(330) 286-3701



J. MICHAEL THOMPSON (0077478)
Bar Counsel
6 Federal Plaza Central, Suite 1300
Youngstown, OH 44503
(330) 744-1148

CERTIFICATE OF SERVICE

Pursuant to Gov. Bar R. V, Section 5, I certify that a copy of the foregoing complaint has been mailed by U.S. regular mail on this 28th day of February 2016, to:

Scott Cochran, Esq.
19 East Front Street
Youngstown, OH 44503

John B. Juhasz, Esq.
7081 West Blvd., Suite 4
Youngstown, OH 44512

Office of Disciplinary Counsel
Bicentennial Plaza One
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-5454

**The Certified Grievance Committee
of the Ohio State Bar Association**
65 South Front Street, 5th Floor
Columbus, Ohio 43215

Mahoning County Bar Association
114 East Front Street
Youngstown, Ohio 44503

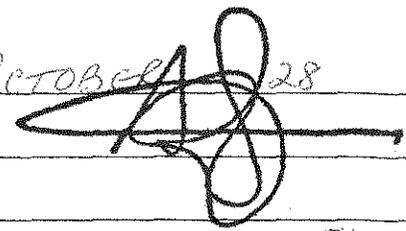
MAHONING COUNTY BAR ASSOCIATION

By 

DAVID C. COMSTOCK, JR. (0040145)
Bar Counsel

CERTIFICATE

The undersigned Michael D. Harlan, Esq., Chairperson
(President, Secretary, Chairman of the Grievance Committee or Disciplinary Counsel)
of the Mahoning County Bar Association
hereby certifies that David C. Comstock, Jr., Esq.
is (is or are) duly authorized to
represent Relator in the premises and has (has or 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 OCTOBER 28, 20 16

(Title)

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

Section (4)

(4) (I) (8) *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 officer 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 or counties in which the Respondent resides and maintains his office and for the county from which the complaint arose.