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

BOARD OF PROFESSIONAL CONDUCT  
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In re:

Complaint against

John P. Weber, Esq.  
Attorney Registration No. (0076164)

3760 State Route 350  
Lebanon, OH 45036

And

8050 Hosbrook Road, Suite #111  
Cincinnati, OH 45236

Respondent,

CINCINNATI BAR ASSOCIATION  
225 East Sixth St., 2<sup>nd</sup> Floor  
Cincinnati, OH 45202

Relator.

No. 16 - 057

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

Now comes Relator and alleges that John P. Weber, an Attorney at Law duly admitted to the practice of law in the State of Ohio on September 9, 2003, is guilty of the following misconduct:

Background

1. Respondent was suspended from December 10, 2015, until January 20, 2016, pursuant to an order by the Supreme Court Commission on Continuing Legal Education for failing to comply with continuing legal education requirements.
2. In 2008, Respondent moved from his residence at 8434 Winding Trail Place, Mason, Ohio.

3. From 2008 until 2011, Respondent resided at 7968 Hunters Knoll Court in Montgomery, Ohio.
4. From 2011 until 2014, Respondent resided at 348 Countryside Drive, Lebanon, Ohio.
5. On January 3, 2014, Respondent moved to a home at 3760 State Route 350, Lebanon, Ohio, and continues to reside at this residence.
6. Nevertheless, in May 2015, Respondent filed a Continuing Legal Education Late Compliance Reporting Form with the Office of Attorney Services of the Supreme Court of Ohio pursuant to a CLE deficiency. On this Form, Respondent listed his Montgomery address (7968 Hunters Knoll Court), from which he moved in 2011, as being his current address.
7. The Order from the Supreme Court of Ohio of December 10, 2015, which immediately suspended Respondent from the practice of law, was sent to his address of record. Due to Respondent's failure to provide the Office of Attorney Services with his current residence address, the order was sent to the Montgomery address (7968 Hunters Knoll Court). That failure contributed to the following additional misconduct.

#### Count I

8. On January 6, 2016, while Respondent was suspended from the practice of law in Ohio, Respondent represented a defendant at sentencing in the case of *State of Ohio v. Shaborn Cobb*, No. B 1504916, in the Hamilton County Court of Common Pleas.
9. On January 8, 2016, while Respondent was suspended from the practice of law in Ohio, Respondent filed an Entry Extending Time Provisions in the case of *State of Ohio v. Tim Neubacher*, No. C/15/TRC/28205, in the Hamilton County Municipal Court.

10. "Misconduct" is defined in Gov. Bar R. V §35 (J) to include disobedience of the Rules for the Government of the Bar.
11. Failure to receive timely notice of a suspension due to failure to inform the Court of a change of address does not excuse violation of a suspension order. *Office of Disciplinary Counsel v. Bancsi*, 79 Ohio St. 3d 392 (1997) (imposing one-year suspension, with six months stayed, for continuing to practice law while under suspension where notice of the suspension was not received).
12. By reason of the foregoing, Respondent has violated his oath of office and the following Rules:
  - a. Gov. Bar R. VI §4(B) by failing to provide his current address to the Office of Attorney Services;
  - b. Gov. Bar R. VII §2(A)(3)(d) by practicing law in Ohio while on suspension;
  - c. Gov. Bar R. VII §2(A)(4) by holding himself out as authorized to practice law in Ohio by filing an entry with the court; and
  - d. Prof. Cond. R. 5.5(a) by practicing law in violation of the regulation of the legal profession.

#### Count II

13. Respondent admitted during a deposition in July 2016, that from June 2014 until present, he did not have malpractice insurance.
14. Respondent further admitted that, during that time, he failed to inform his clients that he did not maintain professional liability insurance and failed to provide his clients with a written notice regarding his lack of professional liability insurance.

15. By reason of the foregoing, Respondent has violated his oath of office and the Rules of Professional Conduct, specifically:

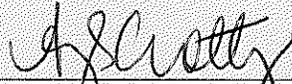
- a. Prof. Cond. R. 1.4(c) by failing to notify clients of his lack of professional liability insurance.

WHEREFORE, Relator alleges that Respondent is chargeable with misconduct as an attorney at law, which misconduct has brought disrepute to the legal profession, and, by reason thereof, Relator requests that Respondent be disciplined pursuant to Rule V of the Rules for the Government of the Bar of Ohio.

Respectfully submitted,

CINCINNATI BAR ASSOCIATION

  
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Rosemary D. Welsh (0064790)  
301 E. Fourth St., Suite 3500  
Cincinnati, OH 45202  
513-723-4487  
[rdwelsh@vorys.com](mailto:rdwelsh@vorys.com)  
*EWP #0019701  
per authority*

  
\_\_\_\_\_  
Amy S. Crotty (0073418)  
301 E. Fourth St.  
Ste. 3300  
Cincinnati, OH 45202  
513-369-4907  
[acrotty@fbtlaw.com](mailto:acrotty@fbtlaw.com)

  
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Edwin W. Patterson, III (0019701)  
General Counsel  
Cincinnati Bar Association  
225 East Sixth St., 2<sup>nd</sup> Floor  
Cincinnati, OH 45202  
513-699-1403  
[ewpatterson@cincybar.org](mailto:ewpatterson@cincybar.org)

## CERTIFICATE

The undersigned, Chairman of the Grievance Committee of the Cincinnati Bar Association, hereby certifies that Edwin W. Patterson, III, Amy S. Crotty, and Rosemary D. Welsh 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: September 29, 2016



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Grievance Committee Chair

### **Gov. Bar R. V, Section 10 *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.

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(7) Complaint filed by Certified Grievance Committee. Six copies of all complaints shall be filed with the Director 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 Director 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 Director 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.