

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

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AUG 07 2014

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against

Lumumba Toure' McCord
McCord Legal Services
844 S. Front St.
Columbus, OH 43206

RESPONDENT

Columbus Bar Association
175 South Third Street, S-1100
Columbus, Ohio 43215

RELATOR

No. 14 - 062

FILED

SEP 03 2014

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

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

Now comes the Relator and alleges that Lumumba Toure' McCord "Respondent" (Sup. Ct. #0066968), an Attorney at Law, duly admitted to the practice of law in this State of Ohio in 1996, is guilty of the following misconduct:

COUNT 1: IOLTA ISSUES

1. Relator received three grievances from respondent's clients each alleging that he had failed to communicate with them and did not diligently pursue their cases
2. Relator tried repeatedly to obtain respondent's voluntary response to the three grievances but received nothing from respondent.
3. Relator then subpoenaed respondent for a deposition on May 2, 2013 at which relator questioned respondent regarding grievances.

4. Based on information supplied by respondent at the deposition, these grievances were ultimately dismissed.

5. During the deposition, respondent testified that he had an Interest on Lawyers Trust Account (“IOLTA”) from 2007 until late 2010, for the personal injury cases he was handling.

6. Respondent admitted, however, that he has not had an IOLTA from 2010 until present, even though he accepted retainers for future work and had client funds to which his clients, were or might, be entitled.

7. Respondent further admitted that he understood that he was required to have an IOLTA, but had failed to give the matter his full attention.

8. Because respondent did not maintain an IOLTA, client funds, such as retainers, were deposited into respondent’s business accounts.

9. Respondent’s knowing acts and failures to act, as set forth above, are in violation of the following provisions of the Ohio Rules of Professional Conduct:

ORPC 1.15(a) [failing to hold client property in a separate IOLTA trust account];

ORPC 8.1(b) [knowingly fail to respond to a demand for information from a disciplinary authority];

ORPC 8.4(h) [engaging in conduct that adversely reflects on fitness to practice].

COUNT 2: MALPRACTICE ISSUES

10. During the same May 2, 2013, deposition with relator, respondent admitted that he did not have malpractice insurance.

11. He also admitted that he did he not notify any client of his lack of malpractice insurance from 2011 until the date of the deposition and did not have any of his clients sign the form prescribed in ORPC 1.4(c) regarding his lack of insurance.

12. Respondent's knowing acts and failures to act, as set forth above, are in violation of the following provisions of the Ohio Rules of Professional Conduct:

ORPC 1.4(c) [malpractice insurance notification];

ORPC 8.4(h) [engaging in conduct that adversely reflects on fitness to practice];

COUNT 3: INCOME TAX ISSUES

13. On March 19, 2013, respondent was charged in a five-count indictment in the United States District Court for the Southern District of Ohio, Eastern Division (#2:13-cr-00059) for violations of 26 USC Sec. 7203, for willfully failing to file income tax returns and pay federal taxes for calendar years 2006, 2007, 2008, 2009 and 2010.

14. On April 11, 2013, respondent consented to be tried before a Magistrate Judge.

15. On August 29, 2013, respondent entered into a plea agreement in which he agreed to pled guilty to a reduced charge of one count of willful failure to file a return, supply information, or pay income taxes, a misdemeanor. On September 11, the change of plea was entered before the Magistrate.

16. On February 21, 2014, based on Respondent's plea, the United States Magistrate Judge sentenced him to 60 days in jail, one (1) year of supervised release, and payment of restitution in the amount of \$98,908.25.

17. On May 31, 2014, respondent filed an appeal of the Magistrate's decision.

18. On June 25, 2014, U.S. District Court Judge George G. Smith affirmed that sentence previously imposed by the Magistrate Judge.

19. Respondent's knowing acts and failures to act, as set forth above, are in violation of the following provisions of the Ohio Rules of Professional Conduct:

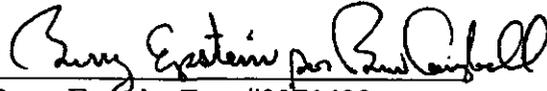
- ORPC 8.4(b) [engaging in an illegal act adversely reflecting on respondent's honesty];
- ORPC 8.4(c) [engaging in conduct involving dishonesty, deceit or misrepresentation
- ORPC 8.4(h) [engaging in conduct that adversely reflects on a lawyer's fitness to practice].

WHEREFORE, Relator prays that respondent be found in violation of disciplinary regulations and sanctioned appropriately.

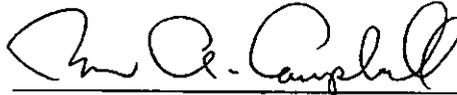
Respectfully submitted,



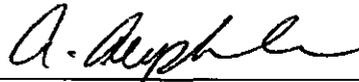
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COUNSEL FOR RELATOR

CERTIFICATE

The undersigned Chair of the Certified Grievance Committee of the Columbus Bar Association hereby certifies that David Bloomfield, Esq., Barry Epstein, Esq., A. Alysha Clous, Esq., and Bruce A. Campbell, 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: 8/4/14
Signed: J. C. Hartranft
John C. Hartranft, 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 or counties in which the Respondent resides and maintains his office and for the county from which the complaint arose.