

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

FILED
SEP 03 2014
BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

In re:

Complaint against

Shawn Patrick Hooks, Esq.
Deal & Hooks, LLC
131 N. Ludlow St.
Ste. 630
Dayton, OH 45402

No. 14 - 064

Attorney Registration No. (0079100)

Respondent,

COMPLAINT AND CERTIFICATE

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

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

RECEIVED

AUG 13 2014

Relator.

BOARD OF COMMISSIONERS
ON GRIEVANCES & DISCIPLINE

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

1. Respondent, Shawn Patrick Hooks, was admitted to the practice of law in the state of Ohio on November 7, 2005.
2. On June 19, 2014, respondent received a 6-month stayed suspension. *Dayton Bar Assn v. Hooks*, Slip Opinion No. 2014-Ohio-2596.
3. At all times relevant to the following allegations, respondent was subject to the Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.

COUNT ONE

Gregory Priest, Jr.

4. On June 23, 2010, Gregory Priest, Jr. was convicted of having a weapon while under disability and failure to comply with an order of a police officer. On August 24, 2010, Priest was sentenced to 10 years in prison. Priest's conviction was affirmed on appeal. *State of Ohio v. Gregory Priest, Jr.*, 2nd Dist. No. CA 24225 (September 16, 2011).
5. On April 21, 2011, Priest filed a Motion for Post-Conviction Relief in the Montgomery County Court of Common Pleas. On September 16, 2011, Judge Dankof denied this motion. *State of Ohio v. Gregory Priest, Jr.*, Montgomery County Court of Common Pleas, Case No. 2009 CR 3231/1.
6. In late 2011, Priest retained respondent to file additional post-conviction motions.
7. Priest paid respondent \$2,500 of a \$3,000 flat fee, in addition to \$447.08 in court costs.
8. On October 14, 2011, respondent filed a notice of appeal of the trial court's denial of Priest's Motion for Post-Conviction Relief. *State of Ohio v. Gregory Priest, Jr.*, 2nd Dist. No. CA 24854.
9. On October 31, 2011, respondent filed a motion to reopen the direct appeal of the underlying criminal case, asserting ineffective assistance of Priest's appellate counsel for failing to raise issues with respect to the trial court's abuse of discretion in sentencing. This motion was denied. *State of Ohio v. Gregory Priest, Jr.*, 2nd Dist. No. CA 24225 (April 6, 2012).
10. On May 21, 2012, respondent appealed the decision of the 2nd District Court of Appeals in case number CA 24225 to the Supreme Court; however, the Court declined jurisdiction. *7/25/2012 Case Announcements*, 2012-Ohio-3334.

11. On January 11, 2012, the 2nd District Court of Appeals issued a Show Cause Order in case number CA 24854, stating that Priest had 14 days to file the record in the appeal of the trial court's denial of his Motion for Post-Conviction Relief or the case would be dismissed. See ¶8 above.
12. Respondent failed to respond to the show cause order; therefore, on February 14, 2012, the Court dismissed the appeal for failure to prosecute. The Court sent copies of the show cause order and dismissal entry to respondent.
13. Having not heard from respondent, in or around June 2012, Priest researched the status of his appeal in case number CA 24854 and discovered the appeal was dismissed for failure to prosecute. Priest contacted respondent to discuss this issue.
14. On August 1, 2012, respondent filed a motion to reopen the appeal in case number CA 24854 pursuant to App.R. 26(B), claiming that the appeal was not timely filed due to a clerical error.
15. On September 7, 2012, the Court denied respondent's motion to reopen the appeal in case number CA 24854 stating that App.R. 26(B) applied only to direct appeals, not subsequent post-conviction proceedings.
16. Respondent's conduct in Count One violates the Ohio Rules of Professional Conduct and the Supreme Court Rules for the Government of the Bar of Ohio: Rule 1.3 [a lawyer shall act with reasonable diligence and promptness in representing a client]; and Rule 1.4(a)(3) [a lawyer shall keep the client reasonably informed about the status of the matter].

COUNT TWO

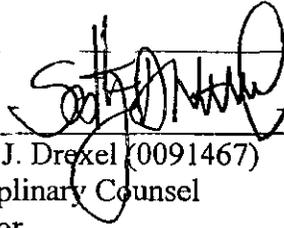
Failure to Cooperate

17. On August 22, 2013, Priest filed a grievance with relator.
18. On September 19, 2013, via certified mail, relator sent respondent a Letter of Inquiry regarding the Priest grievance. On October 4, 2013, respondent provided a response to relator.
19. On October 7, 2013, relator sent respondent a letter requesting additional information. Respondent's response was to be postmarked no later than October 22, 2013. However, respondent did not provide a timely response.
20. On October 29, 2013, via certified mail, relator sent another letter to respondent seeking a response to the October 7, 2013 letter.
21. On November 13, 2013, respondent sent a letter indicating that he would have a response to relator by November 25, 2013; however, respondent failed to reply.
22. On December 10, 11, and 12, 2013, a representative of relator's office left telephone messages for respondent asking him to provide the additional information that relator requested. Respondent did not respond to relator's messages.
23. On December 19, 2013, relator's investigator personally served respondent with a subpoena for a deposition on January 15, 2014. Respondent appeared for the deposition.
24. On January 29, 2014, relator sent an email to respondent requesting follow-up information from the deposition. Respondent did not respond to relator's email.
25. On February 18, 2014, relator's investigator served a letter requesting additional information on respondent's law partner, Christopher Deal, at respondent's office location.

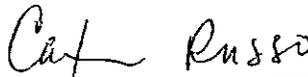
26. On March 4, 2014, respondent replied to relator's February 18, 2014 letter.
27. On March 6, 2014, and April 4, 2014, a representative of relator's office left telephone messages for respondent asking him to call relator because his letter did not address all of the information relator requested and informing him that relator had additional questions. Respondent did not respond to relator's messages.
28. Respondent's conduct in Count Two violates the Ohio Rules of Professional Conduct and the Supreme Court Rules for the Government of the Bar of Ohio: Rule 8.1(b) [prohibiting a lawyer from knowingly failing to respond to a demand for information from a disciplinary authority]; and Gov. Bar R. V(4)(G) [requiring a lawyer to cooperate with a disciplinary investigation].

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.



Scott J. Drexel (0091467)
Disciplinary Counsel
Relator

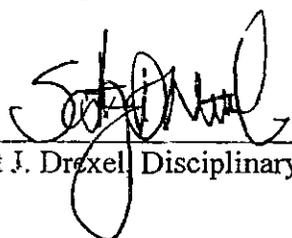


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Counsel for Relator

CERTIFICATE

The undersigned, Scott J. Drexei, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Catherine M. Russo 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: August 13, 2014



Scott J. Drexei, 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.