

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

September 22, 2011

[Cite as *09/22/2011 Case Announcements*, 2011-Ohio-4776.]

MERIT DECISIONS WITH OPINIONS

2011-0379. Disciplinary Counsel v. Ranke, Slip Opinion No. 2011-Ohio-4730.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 10-053. Carolyn Kaye Ranke of Cleveland, Ohio, Attorney Registration No. 0043735, is indefinitely suspended from the practice of law in Ohio.

O'Connor, C.J., and Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

2011-0496. State v. Goodson, Slip Opinion No. 2011-Ohio-4729.

Cuyahoga App. No. 94954, 2011-Ohio-722.

On Motion for Reconsideration. The discretionary appeal is accepted. The cause is remanded to the court of appeals for application of our decision in *State v. Johnson*, 128 Ohio St.3d 153, 2010-Ohio-6314, 942 N.E.2d 1061.

Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

O'Connor, C.J., and Pfeifer, J., dissent.

2011-0676. State ex rel. Richardson v. Suster, Slip Opinion No. 2011-Ohio-4728.

Cuyahoga App. No. 95579, 2011-Ohio-1753. Judgment affirmed.

O'Connor, C.J., and Pfeifer, Lundberg Stratton, O'Donnell, Lanzinger, Cupp, and McGee Brown, JJ., concur.

2011-0706. Geauga Cty. Bar Assn. v. Corrigan, Slip Opinion No. 2011-Ohio-4731.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 10-034. James G. Corrigan of Shaker Heights, Ohio, Attorney Registration No. 0029130, is suspended from the practice of law in Ohio for a period of six months, all stayed on the condition.

O'Connor, C.J., and Pfeifer, Lundberg Stratton, Lanzinger, Cupp, and McGee Brown, JJ., concur.

O'Donnell, J., dissents and would impose a public reprimand.

MOTION AND PROCEDURAL RULINGS

2009-0273. State v. Mentser.

Warren App. No. CA2008-06-075 and CA2008-06-076. This cause is pending before the court as an appeal from the Court of Appeals for Warren County. Upon further review, it is ordered by the court that the parties shall file briefs to clarify the exact date on which the offenses of which appellant was convicted occurred and whether the offenses occurred prior to the enactment of S.B. 10. Appellant shall file his brief clarifying the exact date of the offense within ten days of the date of this entry and appellee may file a brief within ten days after the filing of appellant's brief.

2011-0033. State v. Johnson.

Butler App. No. CA2009-12-307, 190 Ohio App.3d 750, 2010-Ohio-5808. This cause is pending before the court as an appeal from the Court of Appeals for Butler County. Upon consideration of appellant's motion to extend time for oral argument scheduled for October 19, 2011, it is ordered by the court that the motion is denied.

2011-1399. Boylen v. Ohio Dept. of Rehab. & Corr.

Richland App. No. 11CA16, 2011-Ohio-2987. This cause is pending before the court as an appeal from the Court of Appeals for Richland County. Upon consideration of appellees' motion to strike appellant's notice of appeal and memorandum in support of jurisdiction, it is ordered by the court that the motion is denied and appellees' memorandum in response is due within 30 days of the date of this entry.

DISCIPLINARY CASES

2005-0398. Disciplinary Counsel v. Watson.

On December 7, 2005, this court permanently disbarred respondent, Michael Troy Watson. On April 3, 2006, relator, Disciplinary Counsel, filed a motion for an

order to appear and show cause, requesting the court to issue an order directing respondent to appear and show cause why he should not be found in contempt for continuing to practice law in violation of the court's December 7, 2005 order. On May 11, 2006, this court granted that motion and ordered respondent to file a written response on or before May 31, 2006. Respondent did not file a response, and the court ordered respondent to appear before the court on August 8, 2006. Respondent appeared as ordered.

On August 21, 2006, the court issued an order remanding this case to the Board of Commissioners on Grievances and Discipline to appoint a master commissioner to hear the matter. On April 19, 2007, the board filed findings of fact with the court.

On May 10, 2007, the court found respondent in contempt for engaging in the practice of law after he was disbarred on December 7, 2005; ordered respondent sentenced to 90 days in jail, with the jail time suspended on the condition that respondent commit no further contempt of the December 7, 2005 order of disbarment; fined respondent \$10,000, with \$9,500 of that fine suspended on condition that respondent commit no further acts constituting the unauthorized practice of law; and ordered respondent to pay the remaining \$500 balance of the fine. Respondent failed to pay the fine, and the matter was referred to the Office of the Attorney General for collection.

On May 4, 2011, relator filed a motion for an order to appear and show cause, asking the court to once again hold respondent in contempt for failing to comply with the court's December 7, 2005, and May 10, 2007 orders; requesting that the respondent be ordered to serve the stayed 90 day jail sentence; and requesting that respondent be ordered to pay the entire \$10,000 fine. Respondent was ordered to appear before the court on September 7, 2011, which he did.

Upon consideration thereof, it is ordered by this court that respondent is found to be in contempt of this court and has engaged in the unauthorized practice of law. It is further ordered that respondent shall not engage in the practice of law in Ohio, which includes, but is not limited to, the preparation and signing of pleadings, deeds, motions, and any other documents on behalf of another. It is further ordered that if respondent fails to comply with this order and all other orders issued by the court in this case, the court may take further action against him.

2009-1542. Allen County Bar Assn. v. Schramski.

This cause came on for further consideration upon the August 15, 2011 filing by relator of a motion to enforce the court's order and to impose sanctions. On September 2, 2011, respondent filed a motion to strike the motion to impose sanctions, or alternatively, remand to the board.

Upon consideration thereof, it is ordered by the court that relator's motion to enforce the court's order is granted in part, relator's motion to impose sanctions is denied, and respondent's motion to strike, or in the alternative, the motion to remand, is denied in part and granted in part. This matter is hereby remanded to the Board of Commissioners on Grievances and Discipline for a hearing on whether respondent has complied with this court's order requiring an audit of respondent's IOLTA account and to resolve any issues regarding the proper scope of said audit.

2010-1460. Cleveland Metro. Bar Assn. v. Gresley.

This cause came on for further consideration upon the filing by relator, Cleveland Metropolitan Bar Association, of a motion for an order to appear and show cause. Respondent, Frank X. Gresley, was ordered to respond in writing to relator's motion. Respondent did not file a response and was thereafter ordered to appear before the court on September 7, 2011. Respondent appeared before the court.

Upon consideration thereof, it is ordered by this court that on or before 90 days from the date of this order, respondent shall fully comply with the conditions of the December 22, 2010 suspension order, to wit: (1) make a full accounting to the affected clients for the fees paid to him, (2) make full restitution to the affected clients for unearned fees, or at a minimum, enter into a reasonable payment plan and begin making payments, and, (3) return to his clients all files and other materials to which they are entitled. It is further ordered that respondent shall meet with the monitoring attorney, Suzana K. Koch, in order to work on compliance with this order and the court's December 22, 2010 suspension order.

2011-0625. Cincinnati Bar Association v. Alsfelder.

This cause came on for further consideration pursuant to movant's filing on July 15, 2011, of a motion for imposition of sanctions for respondent's failure to comply with the court's May 19, 2011 order. On July 28, 2011, respondent filed a motion to strike movant's motion for imposition of sanctions.

Upon consideration thereof, it is ordered by the court that the motion to impose sanctions is granted. Robert F. Alsfelder Jr., Attorney Registration No. 0014829, last known business address in Cincinnati, Ohio, is hereby suspended from the practice of law in Ohio until proof is filed with this court that respondent has obeyed the May 19, 2011 order of this court and has complied with the subpoena duces tecum issued by the Board of Commissioners on Grievances and Discipline.

It is further ordered that respondent's motion to strike is denied.

MEDIATION REFERRALS

The following cases have been referred to mediation pursuant to S.Ct.Prac.R. 17.1(A):

2011-1483. Strothers v. Mayor of E. Cleveland.

Cuyahoga App. No. 96147, 2011-Ohio-3694.

2011-1502. State ex rel. Houston v. Mental Health Millcreek Children's Psych Hosp.

Franklin App. No. 10AP-571, 2011-Ohio-3594.

2011-1505. State ex rel. Jackson v. Indus. Comm.

Franklin App. No. 10AP-465, 2011-Ohio-3605.

2011-1531. Columbus City School Dist. Bd. of Edn. v. Franklin Cty. Bd. of Revision.

Board of Tax Appeals, No. 2008-A-947.