

**CITATIONS FOR VIOLATIONS OF
RULES OF PROFESSIONAL CONDUCT**

The above Statement of Facts relate to some of Fleisher's numerous violations of the following excerpts from The Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

RULE 1.1: COMPETENCE

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

**RULE 1.2: SCOPE OF REPRESENTATION AND
ALLOCATION OF AUTHORITY BETWEEN CLIENT
AND LAWYER**

(a) [A] lawyer shall abide by a client's decisions concerning the objectives of representation and, ... shall consult with the client as to the means by which they are to be pursued.... In a criminal case, the lawyer shall abide by the client's decision as to a plea to be entered,... and whether the client will testify.

(c) A lawyer may limit the scope of a new or existing representation if the limitation is reasonable under the circumstances and communicated to the client, preferably in writing.

RULE 1.3: DILIGENCE

A lawyer shall act with reasonable diligence and promptness in representing a client.

RULE 1.4: COMMUNICATION

(a) A lawyer shall do all of the following:

(1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required by these rules;

(2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;

(3) keep the client reasonably informed about the status of the matter;

(4) comply as soon as practicable with reasonable requests for information from the client.

RULE 1.5: FEES AND EXPENSES

(a) A lawyer shall not make an agreement for, charge, or collect an illegal or clearly excessive fee. A fee is clearly excessive when, after a review of the facts, a lawyer of ordinary prudence would be left with a definite and firm conviction that the fee is in excess of a reasonable fee. The factors to be considered in determining the reasonableness of a fee include the following:

(1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

(3) the fee customarily charged in the locality for similar legal services;

(4) the amount involved and the results obtained;

(5) the time limitations imposed by the client or by the circumstances;

(7) the experience, reputation, and ability of the lawyer or lawyers performing the services;

RULE 1.6: CONFIDENTIALITY OF INFORMATION

(a) A lawyer shall not reveal information relating to the representation of a client, including information protected by the attorney-client privilege under applicable law, unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted by division (b) or required by division (c) of this rule.

RULE 1.7: CONFLICT OF INTEREST:

(a) A lawyer's acceptance or continuation of representation of a client creates a conflict of interest if either of the following applies:

(2) there is a substantial risk that the lawyer's ability to consider, recommend, or carry out an appropriate course of action for that client will be materially limited ... by the lawyer's own personal interests.

RULE 3.3: CANDOR TOWARD THE TRIBUNAL

(a) A lawyer shall not knowingly do any of the following:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

RULE 3.4 (C): A LAWYER SHALL NOT KNOWINGLY DISOBEY AN OBLIGATION UNDER THE RULES OF A TRIBUNAL.

RULE 8.4: MISCONDUCT

It is professional misconduct for a lawyer to do any of the following:

Rule 8.4(C) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

RULE 8.4(H) ENGAGE IN ANY OTHER CONDUCT THAT ADVERSELY REFLECTS ON A LAWYER'S FITNESS TO PRACTICE LAW.

This presentation was originally presented to the Cincinnati Bar Association which refused to review the case, because "it did not appear to be within the jurisdiction of the Grievance Committee of the Cincinnati Bar Association." Therefore, since it was never considered on the facts and rules, due to lack of jurisdiction, the grievance is submitted here as an initial presentation.