

**FAILURE TO PARTICIPATE IN GRIEVANCE MATTERS  
RELATING TO THE SUPREME COURT DISBARMENT**

**PART ONE: UNSENT DOCUMENTS**

Fleisher held himself out to Schwartz to be experienced and able to help Schwartz with any and all Bar Grievance procedures.

In fact, OBLIC would have done this for Schwartz had Fleisher timely informed them.

Following the conviction of Schwartz, The Supreme Court of Ohio suspended Schwartz's license to practice law pending a Disciplinary Hearing. Schwartz was in Federal Prison Camp and unable to be directly involved without help of counsel.

Schwartz told Fleisher to send important documents to the Disciplinary Panel to show that there was no loss to any victims and to include the hired law firm in the facts.

Fleisher told Schwartz that he had sent those important documents supporting Schwartz's testimony. Fleisher blatantly lied to Schwartz! Schwartz learned, much later, from the Committee's Disciplinary Counsel, that Fleisher failed to send any of those documents to the Committee. Schwartz did not realize this until The Supreme Court issued a disbarment.

The Disciplinary Counsel, in a letter of January 4, 2013 sent to Schwartz at the prison, confirmed that Fleisher failed to send them any of the very important exhibits to support his case with the Bar. (Exhibit M)

Because Schwartz was at prison camp, he was unable to appear or review what Fleisher sent to the Committee or the Court. The Committee, therefore, could not consider Schwartz's documents.

In spite of the lack of the documents, the first Disciplinary Panel heard testimony and recommended only suspension until the victim's claim was resolved.

The Supreme Court, upon review and without the important unsubmitted documents, did not follow the Panel's recommendation of mere "suspension until restitution was resolved." Instead, the Court ordered permanent disbarment.

It is probable that had Fleisher submitted the requested documents, The Supreme Court would have seen the documentation that led to the Panel's recommendation of mere suspension until restitution was resolved. Schwartz's license to practice would have been saved because the restitution to the claimed victim is fully resolved and satisfied.

### **PART TWO: LATE AFFIDAVIT – ORDER TO SHOW CAUSE**

Also, Fleisher by another misfeasance with the Bar, caused irreparable harm to Schwartz when he failed to timely file an Affidavit with the Supreme Court of Ohio to show that Schwartz had professionally wound down his practice.

That Affidavit had a deadline. Schwartz had timely prepared the Affidavit himself. Fleisher insisted that Schwartz send his Affidavit to Fleisher, so Fleisher could submit it (and charge for it). It was due in 30 days. Fleisher re-wrote the same words and returned it to Schwartz to sign. Schwartz returned it to Fleisher the same day. Fleisher ignored it for a time and then he went on vacation.

When Fleisher returned from his vacation, it was too late to timely file. The Supreme Court had issued an Order to Show Cause, holding Schwartz in Contempt of Court for being late with that Affidavit. Fleisher did not let Schwartz see a copy of the Order to Show Cause or explain to him why he had been late.

The Order to Show Cause against Schwartz was issued because of the late Affidavit the absence of which showed lack of cooperation. It no doubt negatively influenced the Supreme Court that ordered permanently disbarment of Schwartz, rather than follow the Committee's original recommendation of conditional suspension until restitution was paid.



Schwartz lost any possibility to practice law because of Fleisher's fatal lack of diligence to follow the Rules and Orders of the Bar:

Violation of **RULE 1.3: DILIGENCE**. **A lawyer shall act with reasonable diligence and promptness in representing a client.** Fleisher's failure to tell Schwartz that due to Fleisher's delay an Order to Show Cause was issued.

Violation of **RULE 1.4: COMMUNICATION**. Fleisher was not competent to aid Schwartz in Bar matters and failed to tell Schwartz of his lack of ability.

Violation of **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."

These two items, **PART ONE: UNSENT DOCUMENTS AND PART TWO: LATE AFFIDAVIT - ORDER TO SHOW CAUSE** could only have had a negative influence to contribute to the disbarment of Schwartz. It is reasonable to conclude that had Fleisher not committed these two severely unethical violations, Schwartz would now be able to practice law as recommended by the Committee.