

OTHER ACTS OF UNETHICAL MISCONDUCT NOT RELATED TO CRIMINAL REPRESENTATION

This sub-section of the Grievance primarily deals with Fleisher's violations of the Code of Professional Responsibility and Disciplinary Rules that are not directly related to the Federal Criminal Matter and irrespective of any pleas, admissions, Federal Court procedures, and the unfortunate results in that Court. It is respectfully requested that these additional acts be seriously considered independently and in addition to the Federal Criminal Court Matters.

Lack of Competency

Fleisher misrepresented his ability to provide competent representation.

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.

Fleisher held himself out to provide Schwartz with all needed expert counseling and full legal representation. He did not have the legal knowledge, skill, thoroughness and preparation reasonably necessary for this claimed representation:

- i. Federal White Collar Criminal Defense,
- ii. Post Conviction Remedies,
- iii. Criminal and Civil Litigation,
- iv. Asset Management,
- v. Criminal Forfeiture,
- vi. Estate and Trust Law,
- vii. Probate Administration in Hamilton County,
- viii. All Ohio Civil and Criminal Litigation,
- ix. Federal Estate and Ohio Estate Tax,
- x. Personal and Estate Income Tax,
- xi. Ohio and Federal Income and Estate Tax,
- xii. Ohio Grievance and Disciplinary Defense.

Fleisher did not have those competent abilities, experience and skills to apply the required legal knowledge, skill, thoroughness, preparation and diligence reasonably necessary for representing Schwartz; which resulted in substantial damage.

Fleisher not only proved to be fatally deficient in the areas mentioned above, but he also failed to use Schwartz's deposited funds, in excess of \$600,000.00, to procure and employ needed experts in areas in which Fleisher was deficient.

Fleisher's office was in Dayton. Fleisher promised to make as many trips to Cincinnati as needed. His representation was to be all-inclusive in exchange for the sizable deposit by Schwartz. The money was to be used as required in the most effective and economical manner, not just to pay Fleisher.

Fleisher refused to use the funds in the deposited IOLTA account to seek the help from or employ other expert counsel. Fleisher refused to share his retainer. Without knowledge and experience, he permitted many actions against Schwartz to be improperly handled, ignored, or unopposed. Experts were badly needed to engage in Schwartz's needed representation.

Schwartz, having turned all of his own money over to Fleisher had no additional funds to aid in hiring experts. Schwartz needed experts, but Fleisher adamantly refused to involve anyone else. Fleisher claimed expertise, but was inexperienced and unschooled.

Fleisher was inexperienced in civil litigation. Schwartz was required to respond to numerous civil legal proceedings including claims, actions, and petitions related to probate. Schwartz also needed asset management. He was sued by the new Trustees, and by Hadassah. Schwartz suffered garnishments, seizures, executions, and other civil and Probate Actions.