

**OTHER FAILURES IN SETTLEMENT, DISCOVERY,  
CIVIL PROCEDURAL RULES,  
AND COMMUNICATION WITH CLIENT**

1. Fleisher failed to consolidate the multiplicity of actions and try to settle them all. Fleisher only wanted to settle one case, but it was under unreasonable terms. Also, it would not have helped unless all duplicated claims, including the Federal Claims, were resolved at the same time. He did not understand the effect of duplicate claims.
  
2. Hadassah had a separate civil claim against Schwartz. Fleisher failed to join the new Trustees in that case before Common Pleas, Judge Myers. Trustees were holding the funds and were indispensable parties. Rule 19 allows necessary and indispensable parties to be joined by the insistence of another party. Schwartz needed to claim that the new Trustees had made false statements about the Trust funds to the government and other tribunals. Trustees were holding the funds that the government claimed did not exist. Full accountings were needed. Instead, for lack of discovery of the facts and failure to join third parties, Schwartz was entirely blamed for unsupported and unsubstantiated claims of the Trustees who encouraged Schwartz's prosecution for their own selfish purposes. Fleisher ignored the numerous requests of Schwartz to have the Court consider the involvement of the subsequent Trustees and require accountings.
  
3. Fleisher failed to properly respond to a Motion for Contempt filed against Schwartz in Probate Court for failure to respond to interrogatories. It should have been a Motion to Compel. Fleisher had unprofessionally not responded to the discovery. Instead of opposing the Motion for Contempt as improper in accord with the Civil Rules, Fleisher constructed a lengthy factual answer to the Motion.

4. Fleisher failed to promptly respond to a Motion by Hadassah for attorney fees and punitive damages. When the IOLTA account was seized leaving no more money to be earned, Fleisher withdrew from the case without asking for a continuance to permit Schwartz to file *pro se*. Fleisher left Schwartz with only a week to respond to the motion. Schwartz, under restrictions, personally requested and received an extension to file while in prison. Without Fleisher's help, Schwartz responded *pro se* and prevailed. Hadassah's request for attorneys fees and punitive damages were denied.
5. Once Schwartz was incarcerated, Fleisher's communication with Schwartz broke down. Fleisher's submissions were not timely, they were only submitted to Schwartz, if at all, after they were filed and, thus, without the benefit of Schwartz's knowledge, communication, and input. This lack of communication left Schwartz with no opportunity to question or advise changes. It left Schwartz to suffer the consequences of Fleisher's limited abilities.
6. Fleisher failed to respond to Schwartz's limited phone calls once he was incarcerated. Fleisher was still being paid from the IOLTA account. Fleisher often would not take Schwartz's calls to avoid admitting that the work that he had promised to do was not done. Fleisher's "Failure of Communication" caused Schwartz to be uninformed.