

FILED

DEC - 8 1998

**BEFORE THE HEARING BOARD
OF THE
ATTORNEY REGISTRATION
AND DISCIPLINARY COMMISSION**

**ATTY REG & DISC COMM
CHICAGO**

In the Matter of:

PAUL MICHAEL MISCH,

Attorney-Respondent,

No. 3122441.

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Commission No. 98 CH

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COMPLAINT

Mary Robinson, Administrator of the Attorney Registration and Disciplinary Commission, by her attorneys, Alix E. Armstead and Peter L. Rotskoff, pursuant to Supreme Court Rule 753(b), complains of Respondent, Paul Michael Misch, who was licensed to practice law in the State of Illinois on November 3, 1978, and alleges that Respondent has engaged in the following conduct which tends to defeat the administration of justice or which brings the courts, or the legal profession into disrepute:

BACKGROUND

1. From 1989 through 1993, Respondent was employed by the law firm of Sindell, Rubenstein, Einbund, Pavlik, Novak, and Celebrezze (hereinafter "Sindell Law Firm") in Cleveland, Ohio.

2. As part of his employment duties with the Sindell Law Firm, Respondent provided legal advice and counseled Sindell Law Firm clients. On its billing statements to clients, the Sindell Law Firm designated Respondent as "Federal Court Counsel", and billed Respondent's time at \$160.00 per hour.

3. Respondent was admitted to practice law in the Federal District Court, Division of Ohio.

4. At no time has Respondent been admitted to practice law in the State of Ohio.

5. On February 18, 1996, the Cleveland Bar Association filed a complaint charging that Respondent had engaged in the unauthorized practice of law in the State of Ohio. The matter was heard by the Board of Commissioners on the Unauthorized Practice of Law of the Supreme Court of Ohio (hereinafter "the Board"), who found that Respondent engaged in the unauthorized practice of law in the State of Ohio, from 1989 to 1993. The Supreme Court of Ohio adopted the Board's findings on June 24, 1998. *Cleveland Bar Association v. Misch*, (1998) __, Ohio St.3d __, Case No. 97-2501.

COUNT I

(Representation of Best Country Meats)

1.-5. The Administrator realleges paragraphs one through five above.

6. Between 1989 and 1993, Respondent undertook the representation of Best Country Meats ("Best"), a meat processing business operating in Cleveland, Ohio.

7. On December 21, 1990, Respondent prepared and filed a financing application with the Cuyahoga County, Ohio, Department of Development on behalf of Best. Respondent signed the application as "General Counsel to Firm" for Best.

8. On December 21, 1990, Respondent signed and filed an "Information Record" with the Ohio Department of Development, Division of Economic Development Financing, on behalf of Best. Respondent signed the documents as "General Counsel" for Best.

9. At no time prior to or during Respondent's representation of Best did he disclose

to Best, the Cuyahoga County, Ohio, Department of Development, or the Ohio Department of Development, Division of Economic Development Financing that he was not licensed to practice law in the State of Ohio.

10. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. practicing law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction in violation of Rule 5.5(a) of the Illinois Rules of Professional Conduct;
- b. conduct prejudicial to the administration of justice in violation of Rule 8.4(a)(5) of the Illinois Rules of Professional Conduct; and
- c. conduct which tends to defeat the administration of justice or which brings the courts or the legal profession into disrepute in violation of Supreme Court Rule 771.

COUNT II

(Representation of Elizabeth D. Kasper)

1.-9. The Administrator realleges paragraphs one through nine of Count I, above.

10. On or about April 12, 1991, Respondent represented Elizabeth D. Kasper ("Kasper") as buyer in the sale of residential property located at 137 South Main Street, Hudson, Ohio.

11. As part of his representation, Respondent reviewed various documents related to the closing, appeared as counsel on behalf of Kasper at the closing, and signed an escrow agreement as "Attorney".

12. At no time did Respondent inform Kasper, or any of the parties associated with the closing, that he was not admitted to practice law in the State of Ohio.

13. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. practicing law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction in violation of Rule 5.5(a) of the Illinois Rules of Professional Conduct;
- b. conduct prejudicial to the administration of justice in violation of Rule 8.4(a)(5) of the Illinois Rules of Professional Conduct; and
- c. conduct which tends to defeat the administration of justice or which brings the courts or the legal profession into disrepute in violation of Supreme Court Rule 771.

COUNT III

(Representation of Manfredi Motor Transit Company)

1.-12. The Administrator repeats and realleges paragraphs one through eleven, above.

13. In July 1990, Respondent undertook the representation of Manfredi Motor Transit Company ("Manfredi"), a common carrier doing business in Newbury, Ohio.

14. From July 1990 through June 1991, Respondent provided state tax advice to Manfredi personnel, and appeared before the Ohio Department of Taxation as counsel for Manfredi.

15. At no time did Respondent inform Manfredi or the Ohio Department of Taxation that he was not admitted to practice law in the State of Ohio.

16. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. practicing law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction in violation of

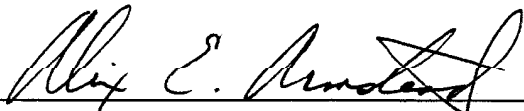
Rule 5.5(a) of the Illinois Rules of Professional Conduct;


- b. conduct prejudicial to the administration of justice in violation of Rule 8.4(a)(5) of the Illinois Rules of Professional Conduct; and
- c. conduct which tends to defeat the administration of justice or which brings the courts or the legal profession into disrepute in violation of Supreme Court Rule 771.

WHEREFORE, the Administrator requests that this case be assigned to a panel of the Hearing Board, that a hearing be conducted, that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Mary Robinson, Administrator
Attorney Registration and
Disciplinary Commission

By: 
Counsel for the Administrator

By: 
Counsel for the Administrator

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