

## The Cleveland Metropolitan Bar Association's Response to Yesterday's Events

Dear Fellow Member of the Cleveland Metropolitan Bar Association:

### **The CMBA Response**

Some of you may be wondering whether the CMBA has responded to yesterday's events which, sadly, included the arrests of two sitting Common Pleas Court Judges. The answer is yes, and I want to inform you as to what we did and why we did it. In so doing, I am both mindful and respectful of the fact that this e-mail is being sent to many of our members with first-hand involvement in the county scandal, including prosecutors, judges, defense lawyers, witnesses and, in a few cases, lawyers and judges who have been indicted.

Given the importance to our judges and our lawyers, it was my view that the bar should respond in a situation of this magnitude. This response was designed to reassure both our legal community and the broader community of the overall integrity and stability of our legal system. I was in contact yesterday with Common Pleas Court Administrative and Presiding Judge Nancy Fuerst, both via telephone and e-mail, to discuss the situation and to offer the CMBA's support. I had a similar conversation with Judge Sean Gallagher, Administrative Judge of the Eighth District Court of Appeals. I remain confident that things are under control at the courthouse.

I also conferred with others within our bar's leadership (including our Executive Committee). We carefully considered our options and then determined what our bar association's response should be. The centerpiece of that response is a public statement, released late yesterday afternoon to the media by our communications office. Here is a link to that response: [http://www.clemetrobar.org/News\\_and\\_Special\\_Events/CMBA\\_responds\\_to\\_Corruption\\_Scandal/](http://www.clemetrobar.org/News_and_Special_Events/CMBA_responds_to_Corruption_Scandal/). As some of you know by now, this release has received considerable media attention, including some partial quotes in this morning's Plain Dealer.

The purpose of the bar's response was as follows:

- Make clear that, notwithstanding yesterday's events, our legal community has continued confidence in our legal system and those who serve it, including our judges. This, of course, is consistent with our duties as lawyers under the Ohio Rules of Professional Conduct;
- Acknowledge that, while the allegations leading to the indictments are troubling, both judges are entitled to the presumption of innocence under our law;
- Assure the community that judges are not above the law, and if they are found guilty of crimes, they will be treated like other criminals; and
- Make clear that our disciplinary system, governing the conduct of lawyers and judges, is designed to address situations like this one and also is prepared to address any ethics complaints relating to attorneys or judges. In this regard, I spoke yesterday with Jonathan E. Coughlan, Chief Disciplinary Counsel in the Office of Disciplinary Counsel for the Supreme Court of Ohio, to update him on the current situation and our bar's response.

Finally, some of you may have seen the Letter to the Editor in today's P.D., co-authored by me and our Executive Director, David Watson. If not, here is the link: [http://blog.cleveland.com/letters/2010/09/the\\_legal\\_profession\\_polices\\_i.html](http://blog.cleveland.com/letters/2010/09/the_legal_profession_polices_i.html). This letter was written and

submitted to The Plain Dealer last week in response to the earlier Russo indictment, and not in response to yesterday's events.

If you have any questions or comments about this, please feel free to contact me by phone, (216) 583-7002, or by e-mail at [mungar@ulmer.com](mailto:mungar@ulmer.com)

### **Last Week's Justice Sotomayor Event**

On the opposite end of the spectrum, and on a far more pleasant note, I want to congratulate Colleen Cotter, Judge Burt Griffin and all of our friends at The Legal Aid Society of Cleveland on their tremendous program last week featuring Justice Sonia Sotomayor. For those who may have missed it, it was unquestionably one of the best events in years from the legal community perspective. The [Plain Dealer article](#) from last Saturday does a good job of capturing Friday evening's sell-out, attended by nearly 1,300 people.

By packing a lot into the tight schedule (coordinated deftly by the folks at Legal Aid), Justice Sotomayor was able to touch nearly every aspect of our local legal community. Last Thursday, I had the privilege to be part of the small, official greeting party that welcomed Justice Sotomayor to Cleveland. I explained that I was there in my representative capacity, extending a warm welcome to this outstanding law town on behalf of the 5,000+ members of this venerable bar association.

Next, on a beautiful late summer afternoon, the Justice was off to a warm greeting and reception from Dean Rawson, CWRU President Snyder and the law students at Case Western Reserve University School of Law, with whom she then had a very lively Q&A session. The next day, Friday, she was greeted with a similarly warm reception from Dean Crocker and an equally spirited conversation with the law students at the Cleveland-Marshall College of Law. She was likewise warmly received at Friday's meeting with our federal judges, led by Chief Judge Solomon Oliver. Friday morning she attended a breakfast reception at Legal Aid, hosted by the Hispanic Roundtable. Those who were lucky enough to get a ticket to Friday's event know that Judge Oliver made all of us proud with his inspired introduction of the Justice.

Rest assured that we did our best to represent our bar association well. We presented Justice Sotomayor with a CMBA Proclamation that reads, in part, as follows: "BE IT PROCLAIMED the Cleveland Metropolitan Bar Association, in representation of its more than 5,000 members, extends its warmest welcome and expresses its sincere honor and appreciation of Justice Sotomayor's visit to Cleveland, Ohio, and her remarks at The Legal Aid Society of Cleveland's Annual Report to the Community, "The Presence of Justice," on the Tenth Day of September in the year 2010."

Of course, to top off what was already an over-the-top event, following the formal program on Friday night there was some truly excellent entertainment and dancing (including an onstage performance from the Justice herself!), courtesy of our legal community's very own -- and enormously talented -- *No Name Band*.

All in all, it was a banner couple of days for Cleveland's legal community. The Justice's visit was uplifting and gave us the opportunity to shine by displaying some of the best attributes of this diverse and deeply talented legal community. We can all be proud of that fact. Frankly, given recent events, the Justice Sotomayor visit couldn't have happened at a better time.

My guess is, while Justice Sotomayor may soon forget about the proclamation document, I don't think she'll soon forget her visit to Cleveland. I believe our city made a very positive impression on her, and *vice versa*.

Once again, congratulations to all who were part of this, with special thanks to Colleen Cotter, Dean Rawson, Dean Crocker, Chief Judge Oliver, Judge Griffin and many others (far-too-many-to-name-here) for their efforts in making this happen.

Sincerely,