

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**IN THE MATTER OF:**

**DAVID J. SCACCHETTI  
Ohio Atty. Reg. No. 0014117  
RESPONDENT**

**Case No.: 1:07-MC-029  
Chief Judge Susan J. Dlott**

**ORDER**

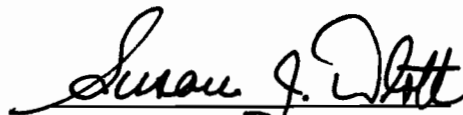
It appearing to the Court that on January 26, 2012, the Supreme Court of Ohio has entered an Order indefinitely suspending Respondent from the practice of law in Ohio pursuant to Gov.Bar R. V(6)(B)(2) of the Supreme Court Rules for the Government of the Bar of Ohio, and in accordance with Rule II of the Model Federal Rules of Disciplinary Enforcement, adopted by this Court on February 1, 1979,

**IT IS ORDERED** that Respondent shall show cause, if any he has, within thirty (30) days after service of this Order, of any claim under the grounds set forth in Section (D) of said Rule II, why this Court should not impose the identical discipline on him heretofore imposed by the Supreme Court of Ohio. Said Respondent is admonished that his failure to show cause within 30 days by a pleading filed with the Clerk of this Court shall be deemed a waiver of his rights in the premises and constitute grounds for this Court to enter the Order prescribed herein.

**IT FURTHER APPEARING** to the Court that Respondent has been forbidden by the Supreme Court of Ohio to appear on behalf of another before any court, judge, commission, board, administrative agency, or other public authority, the said Respondent, until final resolution of this matter in this Court, shall not represent or continue to represent any person in this Court.

**IT IS FURTHER ORDERED** that the Clerk of this Court shall cause a copy of this Order to be served on said Respondent, by certified mail, return receipt requested, at 601 Main Street, Third Floor, Cincinnati, OH 45202, and to be published to this Court's official website.

**IT IS SO ORDERED.**

  
Susan J. Dlott, Chief Judge  
United States District Court  
Southern District of Ohio

FILED

# The Supreme Court of Ohio

JAN 26 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

Disciplinary Counsel,  
Relator, RECEIVED IN THE OFFICE OF  
CHIEF JUDGE SUSAN J. DLOTT

Case No. 2011-1409

v.  
David John Scacchetti,  
Respondent.

JAN 30 2012

ON CERTIFIED REPORT BY THE  
BOARD OF COMMISSIONERS ON  
GRIEVANCES AND DISCIPLINE OF  
THE SUPREME COURT

UNITED STATES DISTRICT COURT

## ORDER

The Board of Commissioners on Grievances and Discipline filed its final report in this court on August 16, 2011, recommending that pursuant to Rule V(6)(B)(2) of the Supreme Court Rules for the Government of the Bar of Ohio respondent, David John Scacchetti, be indefinitely suspended from the practice of law. Respondent filed no objections to said final report, and this cause was considered by the court.

On consideration thereof, it is ordered and adjudged by this court that pursuant to Gov.Bar R. V(6)(B)(2), respondent, David John Scacchetti, Attorney Registration Number 0014117, last known business address in Cincinnati, Ohio, is indefinitely suspended from the practice of law consistent with the opinion rendered herein. It is further ordered that any future reinstatement will be conditioned upon respondent's submission of proof that he has: (1) entered into a minimum two-year Ohio Lawyers Assistance Program (OLAP) contract; (2) is in compliance with all OLAP treatment recommendations; (3) is in compliance with the conditions of his community control; and, (4) has completed at least twelve hours of continuing legal education related to law-practice management.

It is further ordered that respondent immediately cease and desist from the practice of law in any form and is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency or other public authority.

It is further ordered that respondent is hereby forbidden to counsel or advise or prepare legal instruments for others or in any manner perform such services.

It is further ordered that respondent is hereby divested of each, any, and all of the rights, privileges and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio.

It is further ordered that before entering into an employment, contractual, or consulting relationship with any attorney or law firm, respondent shall verify that the attorney or law firm has complied with the registration requirements of Gov.Bar R. V(8)(G)(3). If employed pursuant to Gov.Bar R. V(8)(G), respondent shall refrain from direct client contact except as provided in Gov.Bar R. V(8)(G)(1), and from receiving, disbursing, or otherwise handling any client trust funds or property.

It is further ordered that respondent be taxed the costs of these proceedings in the amount of \$75.31, which costs shall be payable to this court by cashier's check or money order on or before 90 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 90 days from the date of this order, interest at the rate of 10% per annum shall accrue as of 90 days from the date of this order and the matter may be referred to the Attorney General for collection. It is further ordered that respondent may not petition for reinstatement until such time as respondent pays costs in full, including any accrued interest.

It is further ordered that, pursuant to Gov.Bar R. X(3)(G), respondent shall complete one credit hour of continuing legal education for each month, or portion of a month, of the suspension. As part of the total credit hours of continuing legal education required by Gov.Bar R. X(3)(G), respondent shall complete one credit hour of instruction related to professional conduct required by Gov.Bar R. X(3)(A)(1), for each six months, or portion of six months, of the suspension.

It is further ordered, sua sponte, by the court, that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F). It is further ordered, sua sponte, by the court that if, after the date of this order, the Clients' Security Fund awards any amount against respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

It is further ordered that respondent shall not be reinstated to the practice of law in Ohio until (1) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar of Ohio; (2) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio; (3) respondent complies with this and all other orders of the court; and (4) this court orders respondent reinstated.

It is further ordered that on or before 30 days from the date of this order, respondent shall:

1. Notify all clients being represented in pending matters and any co-counsel of respondent's suspension and consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in respondent's place;
2. Regardless of any fees or expenses due respondent, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property;
3. Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in the possession or control of respondent;

4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties, of respondent's disqualification to act as an attorney after the effective date of this order, and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files;
5. Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent;
6. File with the clerk of this court and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the respondent may receive communications; and.
7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

It is further ordered that until such time as respondent fully complies with this order, respondent shall keep the Clerk and the Disciplinary Counsel advised of any change of address where respondent may receive communications.

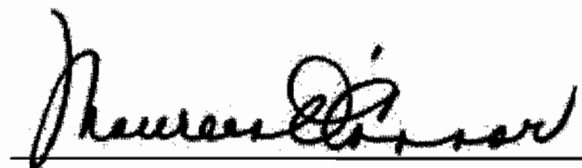
It is further ordered, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, to respondent's last known address.

It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.

I HEREBY CERTIFY that this document is a true and accurate copy of the entry of the Supreme Court of Ohio filed January 26, 2012 in Supreme Court case number 2011-1409

In witness whereof I have hereunto subscribed my name and affixed the seal of the Supreme Court of Ohio on this 26th day of January, 20 12

by Debra L. Roche, Deputy CLERK OF COURT



Maureen O'Connor  
Chief Justice