

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

|                                   |   |                                 |
|-----------------------------------|---|---------------------------------|
| <b>IN THE MATTER OF:</b>          | : |                                 |
|                                   | : |                                 |
| <b>DEREK A. FARMER (#0071654)</b> | : | <b>Case No. 1:06mc85</b>        |
|                                   | : |                                 |
|                                   | : | <b>JUDGE ALGENON L. MARBLEY</b> |

**OPINION AND ORDER**

**I. INTRODUCTION**

This matter is before the Court on the Motion for Readmission to the Bar by Respondent Derek A. Farmer. For the reasons set forth below, this Court **GRANTS** Respondent’s Motion, and **ORDERS** Respondent be **REINSTATED**.

**II. BACKGROUND**

On November 1, 2006, the Ohio Supreme Court, pursuant to Gov. Bar R. V(6)(B)(3), suspended Respondent for a period of two years with one year on stayed conditions. Respondent was charged with two counts of misconduct. The first involved Respondent’s representation of Charles Martin, at the behest of various members of Martin’s family. The details of this representation are set forth in *Columbus Bar Assn. v. Farmer*, 855 N.E.2d 462, 465-70 (Ohio 2006). The second involved Respondent’s representation of Searcy Rutledge, Jr., in post-conviction proceedings. The details of this representation are set forth in *Farmer*, 855 N.E.2d at 470-71.

Pursuant to the Model Rules of Disciplinary Enforcement, as adopted by this Court, this Court “shall impose the identical discipline [imposed by the Ohio Supreme Court] unless the respondent-attorney demonstrates” certain conditions. *See* Rule II(D). On November 16, 2006, this Court issued an Order directing Respondent to show cause, if he has any, as to why this

Court should not impose a similar suspension from the practice of law. After various conferences and filings, and with the receipt of two and a half banker's boxes composing the full record before the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio, the matter became ripe on April 12, 2007. The matter was under consideration when it became moot by the Respondent's reinstatement in the Ohio state courts on April 1, 2008.<sup>1</sup>

Respondent has been the subject of a suspension for more than three months in the state courts and a de facto suspension in this Court during the pending of his challenge. Therefore, Respondent is subject to the provisions of Local Rule VII(A)-(F). On June 24, 2008, Respondent moved for re-admission to the Bar of the United States District Court for the Southern District of Ohio.

### **III. LAW AND ANALYSIS**

Pursuant to Local Rule VII(C):

Petitions for reinstatement by a disbarred or suspended attorney under this Rule shall be filed with the Chief Judge of this Court. Upon receipt of the petition, the Chief Judge shall promptly refer the petition to counsel and shall assign the matter for prompt hearing before one or more Judges of this Court. . . . The Judge or Judges assigned to the matter shall within 30 days after referral schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to practice law before this Court and that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive to the public interest.

The reinstatement hearing was originally slated for February 2, 2009. Jonathan E. Coughlan, Disciplinary Counsel of the Supreme Court of Ohio, was appointed to serve as counsel for this Court in conducting the reinstatement hearing. Respondent was represented by David Carr Greer. Both attorneys Coughlan and Greer informed the Court that they did not believe a

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<sup>1</sup>Respondent was thereby placed on monitored probation for a period of one year.

hearing was necessary, and that reinstatement court be decided solely on the papers. Attorney Cougland indicated to this Court that the reinstatement was unopposed. The hearing was thereby cancelled, with the matter to be decided solely on the papers.

Respondent indicates in his Response in Support of Motion for Readmission:

The State disciplinary proceedings . . . taught Mr. Farmer a significant and positive lesson. He understands that a lawyer must not only dedicate himself to the rights of his clients. He must also document his efforts with written fee agreements and contemporaneous time records. The decision in his disciplinary cases is equally important to the bar in general in making it clear that while the disciplinary rules do not mandate record-keeping as an ethical issue, good record-keeping may be essential to a lawyer's defense when ethical issues are asserted.

Based on the evidence in the record, this Court finds that Respondent has shown by clear and convincing evidence that he has the moral qualifications, competency, and learning in the law required for admission to practice law before this Court. This Court also finds that Respondent's resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive to the public interest.

#### **IV. CONCLUSION**

Because this Court finds Respondent fit to resume practice of law, Respondent's Motion for Reinstatement is **GRANTED** and Respondent is thereby **REINSTATED**.

**IT IS SO ORDERED.**

s/ Algenon L. Marbley  
**ALGENON L. MARBLEY**  
**UNITED STATES DISTRICT JUDGE**

**Dated: April 10, 2009**