

For the question you were assigned, do the following:

1. Review the facts of the situation(s) assigned to you. If there is more than one, answer for each question.
2. Identify any ethical violations.
3. Identify any professional problems.
4. Then discuss and determine what should be done next, (i.e. report the violation, tell a supervisor, talk to the person involved).

Question #1

A caseworker and the caseworker's spouse send a letter to a judge on behalf of a person convicted of multiple rapes:

Honorable Judge Olmedo,

My name is caseworker, I am an cps caseworker, business owner, and most importantly a parent. I met Danny Masterson when I was 20 years old in 1998. He instantly became a friend, dedicated co-worker, and role model to me. And has remained as such for 25 years.

As a friend, Danny has been nothing but a positive influence on me. He's an extraordinarily honest and intentional human being. Over the 25-year relationship I don't ever recall him lying to me. He's taught me about being direct and confronting issues in life and relationships head-on, resolving them, and moving forward.

Danny is a person that is consistently there for you when you need him. We've traveled together, raised our daughters together, and shared countless family moments. Not only is he a good friend to me, I've witnessed him to be a good friend to others and the kind of brother others would be lucky to have.

As a role model, Danny has consistently been an excellent one. I attribute not falling into a life of drugs directly to Danny. Any time that we were to meet someone or interact with someone who was on drugs, or did drugs, he made it clear that that wouldn't be a good person to be friends with. And for me, that was an implication that if I were to do drugs, he wouldn't want to be friends with me, which is something I never would want to risk or jeopardize.

I am grateful to him for that positive peer pressure. He also set an extraordinary standard around how you treat other people. There was an incident where we were at a pizza parlor and a belligerent man entered who was berating his girlfriend. We had never met or seen these people before, but Danny was the first person to jump to the defense of this girl. It was an incident he didn't have to get involved in but proactively chose to because the way this man was behaving was not right.

He has always treated people with decency, equality, and generosity. After 9-11, Danny was a huge advocate for support of the firefighters affected by the event, rallying his friends and co-workers to pitch in however they could. Danny had his daughter a year before I had mine. He set a standard of being a hands-on dad. We have spent countless hours together with our kids and he is among the few people that I would trust to be alone with my son and daughter. He's also a dedicated and loyal husband with an unwavering commitment to his wife.

We have spent hundreds of hours working together. Danny takes his job seriously. He is kind, courteous, and hard-working. He treated everyone from the parents to the children to the support workers to the foster parents as equals. He showed up on time all the time and always pulled his weight. We have also traveled around the world together promoting our work. I never saw my friend be anything other than the guy I have described.

While I'm aware that the judgment has been cast as guilty on two counts of rape by force and the victims have a great desire for justice. I hope that my testament to his character is taken into consideration in sentencing. I do not believe he is an ongoing harm to society and having his daughter raised without a present father would be a tertiary injustice in and of itself. Thank you for taking the time to read this.

Spouse's Character Letter

To the Honorable Judge Olmedo,

I am writing this character letter on behalf of my dear friend, Danny Masterson, with whom I have had the privilege of sharing a significant part of my life. My name is caseworker spouse, and I am an housewife, and I believe it is essential to share the remarkable influence Danny has had on my life and the lives of others.

I first met Danny during our time working together Children Services, and from the very beginning, I could sense his innate goodness and genuine nature. Throughout our time together, Danny has proven to be an amazing friend, confidant, and, above all, an outstanding older brother figure to me. His caring nature and ability to offer guidance have been instrumental in my growth both personally and professionally.

One of the most remarkable aspects of Danny's character is his unwavering commitment to discouraging the use of drugs. His influence on me in this regard has been invaluable. Where the pressures and temptations of substance use can be overwhelming, Danny played a pivotal role in guiding me away from such destructive paths. His dedication to avoiding all substances has inspired not only me but also countless others in our circle. Danny's steadfastness in promoting a drug-free lifestyle has been a guiding light in my journey through the entertainment world and has helped me prioritize my well-being and focus on making responsible choices. His genuine concern for those around him and his commitment to leading by example make him an outstanding role model and friend.

Danny's role as a husband and father to his daughter has been nothing short of extraordinary. Witnessing his interactions with his daughter has been heartwarming and enlightening. He prioritizes his family, education, and happiness above all else, demonstrating his unwavering commitment to being a loving and responsible parent. As a father, he leads by example, instilling in her values that reflect integrity, compassion, and respect for others.

Moreover, Danny has consistently displayed a profound sense of responsibility and care for those around him. He demonstrates grace and empathy in every situation, be it within social work or in our personal lives. His steady support and understanding presence make him a reliable source of guidance and comfort for all of us.

Danny Masterson's warmth, humor, and positive outlook on life have been a driving force in shaping my character and the way I approach life's challenges. His unwavering commitment to being an exceptional older brother figure has had a transformative impact on my life, instilling in me a sense of self-belief and encouraging me to aim for greatness, but all while maintaining a sense of humility.

[illegible]

Question #2

On January 15, 2018, caseworker had a text exchange with Quenton, a minor:

Minor *Hey whennu come to the school today can u bring me \$3-5 for pop at school so i can flush my system (10:45:05am)*

Minor *Ppease n thank u (10:59:23am)*

Minor *What time r u gonna come to school? (2:38:24pm)*

Caseworker *Hey, you don't flush your system with pop (3:13:42pm)*

Minor *Mountain dew makes me piss like a race horse (3:28:44pm)*

Caseworker *I'm bringing you this crazy thing called water (3:29:24pm)*

Caseworker *Am I supposed to be bringing you any pills (3:29:45pm)*

Minor *LO n if u want (3:33:20)*

Caseworker *Oh my God you have to tell me if I need to bring anything besides water?*

Did you have any at home or did you not (3:33:46pm)

Wait so no (3:33:48pm)

Minor *I didnt have any at home (3:37:33pm)*

N sorry i was taking a quiz (3:37:50pm)

Caseworker *So do you want me to bring any or not (3:43:03pm)*

Like I need to know now or I'm not bringing any (3:43:24pm)

Minor *Dont worry about the pill (3:58:59pm)*

Caseworker *Okay well I'm on my way there (3:59:33)*

Minor *Ok (3:59:41pm)*

On November 28, 2018, police responded to Caseworker's house. They heard a male and female yelling at each other. A threat of violence was made so the police knocked on the door. When asked, Caseworker said there was no one in the house. She continued to lie until officers searched the house and found the male. In the house was an adult male named Quenton. He had a warrant, was searched and found with meth. He stated to police that he was living with Caseworker for several weeks, that he hid because he thought the police were Spouse and "that's what he gets for messing with a married woman." Police made a report to CSB because Caseworker's 2 children were in the home when the incident occurred.

[illegible]

Question #3

Griff Nowicki is an attorney registered in the State of Ohio. In 2018, Nowicki's law firm hired Sondra Clark as an administrative assistant. In August 2018, Nowicki agreed to represent Clark and her husband, pro bono, in a civil lawsuit that was filed against them in *Grimes v. Byrd, Montgomery* C.P. No. 2018 CV 02340. Nowicki filed an answer to the complaint in that case on August 11, 2018. That December, Clark's husband left Clark but Nowicki continued to represent both Clark and her husband in the Grimes case.

In April 2019, Nowicki and Clark commenced a sexual relationship. Within a few months, they were living together. About the time that Nowicki and Clark began living together, Clark's husband learned of the relationship and was thereafter charged with two counts of telephone harassment—one in which Clark was the alleged victim and the other in which Nowicki was the alleged victim. Clark and one of her children obtained protection orders against her husband, and in July 2019, her husband was charged with violating a protection order.

On August 6, Nowicki filed a motion to withdraw from his representation of Clark's husband in the Grimes matter. In that motion, Nowicki claimed that he had a conflict of interest because he and Clark were the alleged victims in her husband's criminal cases. Nowicki did not disclose in the motion his sexual relationship with Clark or cite it as a basis for his withdrawal.

On August 7—before the trial court granted his motion to withdraw as counsel for Clark's husband in the Grimes matter—Nowicki filed a complaint for divorce on Clark's behalf. About two weeks later, the Grimes matter was dismissed without prejudice, and there is no indication in the record that it was ever refiled. Nowicki represented Clark through the conclusion of her divorce proceedings in October 2019. Nowicki and Clark were married in 2020.

For the sake of this question, assume that Nowicki is on the appointed list to be the GAL for children in juvenile court.

Question #4

From 1985 to 2013, O'Diam practiced estate-planning, trust, and probate law as a majority shareholder of O'Diam, Stecker & Sove Law Group, Inc. His daughter, Brittany O'Diam, joined the firm after she was admitted to the practice of law in 2010. Following O'Diam's appointment to the bench, his former law firm reorganized. The shareholders of the firm entered into a redemption agreement to purchase O'Diam's shares in the firm and made regular payments to him until March 2021. Brittany remained at the firm and became a shareholder.

In January 2018, Carolee Buccalo ("Carolee") died. When Carolee died, she had custody of her granddaughter, who is a minor. Susie, a sister of Carolee, filed to get custody of Carolee. In May 2018, Brittany filed an complaint for custody in Greene County. In the complaint, Brittany stated she was representing Susie as well as seven other family members in the complaint for custody. Brittany also filed seven waivers of disqualification signed by the family including three signed by Carolee's son Grant David Buccalo ("Buccalo") in his personal capacity, as an executor, and as a guardian for one of his brothers. Those waivers disclosed O'Diam's familial relationship to Brittany and his position as a former shareholder and creditor of Brittany's law firm, and they stated that those circumstances may disqualify O'Diam from presiding over the case in which an attorney from his former firm represented the executor. They also acknowledged that while those circumstances might lead someone to question O'Diam's impartiality, the signatories trusted that O'Diam would act impartially and fairly.

On May 26, 2019, Buccalo attended a public meeting of the Greene County Board of Commissioners and expressed his belief that O'Diam should recuse himself from cases in which O'Diam's family members represent parties. He further stated, "Justice depends on the appearance as well as the reality of fairness in all things. Otherwise, it erodes public confidence in the legal system." Buccalo added that when people leave the courtroom, they need to feel that they "got a fair shake" and that the system "wasn't rigged." Buccalo spoke for approximately two and a half minutes on this issue and stated that he merely wanted to ensure that the commissioners were aware of O'Diam's practice. He did not specifically mention his niece's case, nor did he express any concern regarding his own involvement with O'Diam, though he stated that he planned to file a grievance with relator before he moved on to an unrelated topic. The commissioners did not comment on those concerns.

O'Diam's chief deputy clerk informed the judge of Buccalo's statements to the commissioners, and O'Diam obtained a video recording of that commissioners' meeting. He also spoke with Brittany, scheduled a status conference in Susie's case, and ordered the relatives, including Buccalo, to appear. The scheduling order cautioned, "Failure to attend this Status Conference will be deemed contempt of court." O'Diam discussed the purpose of the status conference with Brittany, but he did not share that information with Buccalo or inform him that he would be called to testify under oath.

O'Diam's Questioning of Buccalo

On June 6, 2019, O'Diam presided over the status conference. O'Diam thanked the relatives "for showing up on such short notice," explained that a "very disturbing incident

[had] taken place with the case,” and stated that he needed to get it resolved that day. He then played the recording of Buccalo’s comments at the commissioners’ meeting.

After the recording was played, O’Diam called Buccalo to the stand, placed him under oath, and informed him that any false statements he made would constitute perjury. He then examined Buccalo for nearly an hour on issues related to Buccalo’s waiver of disqualification and comments to the commissioners. During that questioning, O’Diam presented six documents as exhibits, including Buccalo’s waivers of disqualification, several custody documents, the minutes of the commissioners’ meeting, and a copy of Jud.Cond.R. 2.11 (governing a judge’s duty to disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned unless the parties and lawyers in the case have agreed on the record that the judge should not be disqualified). Buccalo became emotional as O’Diam continued to question him.

When O’Diam asked Buccalo if he believed that the commissioners were “over” his court, Buccalo testified, “I think they have some influence. I might be wrong on that.” O’Diam replied, “You are.” He then asked Buccalo whether he had ever read the Ohio Constitution and the United States Constitution and whether he was aware of the concept that the three branches of government are independent of each other.

O’Diam also questioned Buccalo about how he was able to comment on the court and “trash” O’Diam to the commissioners, given that the topic did not pertain to any item on the commissioners’ meeting agenda. Buccalo explained that he had contacted the commissioners’ office before the meeting and was told that they would give him time to speak on the issue. O’Diam responded, “So the board of commissioners knew what the topic was going to be * * * even though they’re well aware that they have nothing to do on the authority of a court.” O’Diam further stated, “So this—this topic that you spoke on had nothing to do with any prior event between the court and the board of commissioners. It was a public forum in which you could go make your argument without my knowledge, without me being there. Seems to me it was basically a free shot.” Buccalo replied, “Oh, no. I didn’t look at it that way,” and O’Diam replied, “I do.”

O’Diam told Buccalo that he and the commissioners had had a “runin” before and that they “almost went to blows” over the commissioners’ attempt to interfere with the administration of his court. He then stated, “I would have thought that they would have known the second you started talking about something like that, they would have shut you down,” before informing Buccalo, “I will take care of that myself because I’m going to address the commissioners.”

After reading Jud.Cond.R. 2.11(C) (addressing the ability of parties and their lawyers to waive a judge’s disqualification in some circumstances) into the record, O’Diam stated that the rules permitted him to preside over the estate based on the waivers signed by the beneficiaries. He then stated, “And yet you feel it necessary to go to a county commission meeting and say just the opposite, that I’m doing things wrong and it’s not proper.” O’Diam asked Buccalo whether he had contacted the clerk’s office about withdrawing his waiver before speaking at the commissioners’ meeting. Buccalo answered that he had not and reiterated that it was an “emotional time” for him. O’Diam then asked whether Buccalo had ever called him to express concern about the waiver of disqualification and stated, “I’ve got a phone. Anybody can call me. They call me all the time.” Buccalo responded, “It would never have dawned on me to call you.” At one

point, Buccalo stated, “I would hope you don’t take [my going to the board of commissioners] personally, I don’t see it personally.” O’Diam, however, replied, “Oh, I see this as very personal.”

Brittany’s Questioning of Buccalo

After questioning Buccalo for almost one hour, O’Diam allowed Brittany to question Buccalo and make statements on the record without any restrictions for more than 15 minutes. Brittany asked a couple of questions about the waiver of disqualification and then said, “[D]o you expect that I should have known that you had an issue even though I received a signed waiver from you?” Buccalo attempted to explain his concerns and stated, “I’m not trying to argue with you.” To which Brittany replied, “I am.” Brittany then examined Buccalo regarding conversations that she had had with his attorney—even though Buccalo had not been present during those conversations—and presented her personal notes memorializing one of those conversations as an exhibit.

O’Diam did not curtail Brittany’s questioning of Buccalo in any way; rather, he assisted her in questioning Buccalo. And when Buccalo asked for a glass of water, O’Diam replied, “I don’t have any water.” He never offered Buccalo a break or made any attempt to obtain water for him.

After advising Buccalo that several forms that he had signed and delivered to her office were no longer valid, Brittany told him that she felt that the only appropriate way to communicate with him was under oath right then. She explained that his concerns could have been addressed much more efficiently if he had raised them in a timely manner. She closed her questioning by informing Buccalo, “You have cost this estate an extensive amount of money, an extensive amount of heartache and an extensive amount of stress that was all completely unnecessary had you just proceeded like an adult.” Buccalo stated, “And I have no response to that,” to which Brittany replied, “No you do not. It was not a question. * * * It was a statement,” and then claimed, “This is not an adversarial proceeding.”

Question #5

You have been forced to use social media to provide services and communicate with children and families. You contact children, parents, foster parents, and relatives involved in your cases using text messages, messenger, email, Facetime and Zoom. You frequently visit their Facebook and Instagram sites. You have set up a real and fake accounts and receive information about the parties from various electronic sources. You use internet searches to investigate and verify information about the parties.

You also use these same platforms to discuss your job. The connections you make with fellow professionals has helped you do your job better. Finally, you also communicate with your family and friends over the same platforms.

In certain instances, you asked parties to show you their social media sites so that you can assist them. For example, if a parent has expressed that they will harm themselves, you will check their social media sites for a greater understanding of the issue. You will also look at a parent's phone as you help them apply for services using their phones.

Because of your caseload, you have not had time to investigate all of the tech pitfalls of these social media services, but you seem to be able to communicate more with the families you are serving. You sometimes feel like you are also providing tech support along with support for your families.

Question #6

On December 23, 2015, Shirley Caseworker began working with Client A. Shirley worked with Client A between December 2015 and February 2018. In 2016, Shirley began a personal relationship with Client A. Shirley:

- 1) Brought Client A to Licensee's church. They frequently attended church together and sat together.
- 2) Regularly provided transportation to Client A.
- 3) Called Client A "a sister in Christ" and "soul sister" and told her she loved her.
- 4) Engaged in social and recreational activities, including grocery shopping and eating meals together.
- 5) Went to Client A's home frequently and was given a key to be used at Client A's request to provide assistance when Client A was away from home.
- 6) Shared personal details with Client A and gave Client A gifts.

In early January 2018, Client A missed an appointment with Shirley. Shirley went to Client A's home to check on her. Client A disclosed to Shirley that she had attempted suicide the night before. Shirley did not inform anyone of the attempt.

In late January 2018, Shirley took Client A shopping for Client A to purchase a dress. Shirley also went to lunch with her. At the lunch, Client A complained of knee pain. Shirley gave Client A three tramadol tablets that had been prescribed for Shirley. Soon after this incident, Client A exhibited violent behavior was civilly committed.

In February 2018, Shirley terminated services with Client A. But, Shirley continued to communicate with Client A by phone and text message. In April 2018, Shirley sent Client A an email expressing empathy to Client A regarding the termination, wishing Client A continued religious growth, and expressing love for her. A few days after sending the email, Shirley went to Client A's home. Shirley said Client A had asked Shirley to return an item that had been left at Shirley's office. In August 2018, Shirley met with Client A in her office at the request of Client A.

In December 2018, Shirley received two emails from Client A. Shirley did not respond.

Question #7

Advertise women's empowerment

Stop a fight

Racism

Reporting abuse