

ANATOMY OF A CROOKED LAWYER DAVID ROMAINE PHEILS, JR. PERRYSBURG, OHIO

The following undisputed facts, all of which are supported by Court records prove that attorney David R. Pheils, Jr. is the most corrupt person to have ever practiced law in Ohio over the past 25 years. Pheils is on the left in this picture and his partner Marshall Wisniewski who is equally dishonest is to the right.

Pheils' well-documented misconduct involves multiple instances of (a) perjury, (b) theft of client funds, (c) subornation of perjury, (d) assault of ex-clients, and (e) fabrication of false claims.

It should be noted that my problems with Pheils began in 1987 when my wife was involved in a life-threatening auto accident in Michigan, which left her permanently disabled. I hired Pheils to investigate the cause of the accident. When he discovered that Michigan was a No-Fault State and that Nationwide Ins. Co. had to pay my wife's medical bills until she died (estimated to be \$4 to \$5 million over her lifetime) he embarked on a scheme to unjustly enrich himself at my wife's expense.

After I discovered Pheils' partner was stealing money from my wife's medical account by forging her name to checks payable to his firm, I fired him. He then sued my wife and me claiming he was entitled to 30% of payments for her medical bills until she died.

Below you will find two (2) instances involving Pheils' egregious misconduct. The first deals with Felony Grand Theft of \$4,000 against a disabled person, which is a 4th degree felony in Ohio, and the second involves another Felony Grand Theft against a disabled person in the amount of \$11,000.

The first case is now under investigation by the Ohio State Bar Assn pursuant to a disciplinary complaint I filed. The second case is being submitted to the same investigators as a supplemental complaint. After reviewing the facts below I believe you will conclude by casting your vote that, Pheils should (a) be permanently disbarred and (b) criminally prosecuted for his felonious conduct.

Felony Grand Theft No. 1

1. At **9:46 am on Mar. 29, 1994**, Judge James Bates of Toledo imposed a **sanction of \$500** against me "only" for filing motions in Case 88-0289, which was captioned "David R. Pheils, Jr. vs. Ok Sun Palmer (my wife), et al.
2. On **Apr. 8, 1994**, Pheils filed a Certificate of Judgment Lien and demanded 10% interest beginning at **9:46 am on Mar. 29, 1994**.

3. On **Apr. 8, 1994**, Pheils filed a Certificate of Judgment and falsely advised (perpetrated a fraud) the Clerk of Court to include \$1,956.42 in Court costs in addition to the \$500 sanction.
4. **Judgment Lien No: JL94-2088** was assigned to the judgment by the Clerk.
5. On May 16, 1994, I filed a Writ of Mandamus with the Court of Appeals in Toledo regarding Judges Bates' **Mar. 29, 1994 order and \$500 sanction.**
6. On July 16, 1994, the Court of Appeals ruled in my favor and stated:

We find no adequate remedy at law in this case because relator (me) should not be subject to fine and imprisonment for filing documents relating to his valid interest in the case.

The Clerk of the Lucas County Court of Appeals is ordered to issue a writ ordering respondent, the Honorable Judge James D. Bates, to accept and consider motions filed by relator, David D. Palmer, which relate solely to the return of seized funds in which he has an ownership interest, without subjecting him to possible fines or imprisonment.

7. In early Aug. 1994, Judge Bates withdrew from the case and shortly thereafter retired Judge Richard B. McQuade, Jr. was assigned to replace him.
8. Judge McQuade then scheduled a hearing for **Aug. 31, 1994** at 10:00 am.
9. At the hearing, I asked McQuade to vacate the \$500 sanction because of the Appeals Court decision, which he granted and he then ordered Pheils to remove any liens he had previously filed.
10. At 9:42 am on **Aug. 31, 1994**, McQuade filed a Judgment stating: "Ordered that **David Palmer's motion for relief from judgment is sustained.**"
11. On Sept. 6, 1994, Pheils' then-partner Dale Crandall prepared a "Release of Judgment Lien," (under oath) which stated:

A. On **Mar. 29, 1994**, judgment was recovered by David R. Pheils, Jr. against defendant David Palmer, in Case No. 88-0289, in the amount of **\$500.**

B. Whereas, Pheils filed a Certificate of Judgment as a lien with this Court at **2:47 pm on the 8th day of April, 1994**, which was docketed and entered by the Clerk at **JL94-2099. (False, docketed as JL94-2088)**

C. Whereas, David Palmer has been relieved by Judgment dated **Aug. 31, 1994.**

D. Therefore, the Clerk of this Court and the Lucas County Recorder are hereby authorized and directed to cancel, release and discharge the same (lien).

12. When I received Crandall's "Release of Judgment Lien," I rightfully believed the matter was over. Unfortunately, the facts below prove that I was mistaken.
13. On Feb. 26, 1998, Pheils filed a "Complaint (lawsuit) for Lien Foreclosure" against my wife's home. In his lawsuit, Pheils stated as follows:

1. Ok Sun Palmer is the owner of the property (home) described in the attached Preliminary Judicial Report.
2. Pheils is the creditor of a judgment lien for **\$500**, plus costs of \$1,971.41 with 10% interest from **March 29, 1994**, recorded on **April 8, 1994**.
3. Such lien is unpaid and Pheils is entitled to sale of the subject property (home) and application of the proceeds there from to Pheils' lien as first priority.

When I received a copy of Pheils' Feb. 26 foreclosure lawsuit containing the false claim regarding the "vacated \$500 sanction, I became enraged. It was now obvious that he was willing to engage in felonious criminal conduct to illegally enrich himself.

It wasn't until sometime in 2001 that, I finally figured out that Pheils had changed the Judgment Lien number of **JL94-2088** to **JL94-2099** when he filed his "Release of Judgment Lien" on Sept. 6, 1994.

On June 21, 2002, I went to the Courthouse and obtained a copy of **JL94-2099**. It involved a judgment in favor of MasterCard of Minneapolis for monies owed on a credit card. (See Pheils' Fabricated Defenses below)

I subsequently filed a lawsuit against Pheils for "abuse of process" for prosecuting a claim that was both false and a total fabrication. My claim went to trial before Judge Everett Krueger in Delaware, Ohio in May 2004. During the trial Judge Krueger made the following rulings, which are excerpted from a transcript I paid for.

- The abuse of process re: the \$500 is a claim to be prosecuted by Mrs. Palmer.
- Pheils had no lawful right to place a lien on Mrs. Palmer's residence to collect on a \$500 sanction that was imposed against Mr. Palmer only.
- Judge Bates' March 29, 1994 Judgment Entry sanctioning Mr. Palmer for \$500 does not mention and/or order the payment of any court costs.
- Pheils' argument that he could foreclose on Mrs. Palmer's home on a debt allegedly owed by Mr. Palmer only because Mr. Palmer had dower rights is both erroneous and contrary to Ohio law.

Based on Judge Krueger's rulings, I filed a complaint against Pheils that was then assigned to the Ohio State Bar Association. The lead investigator regarding this pending complaint is:

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During the May 2004 trial, I discovered that Pheils had collected \$4,150 on the vacated \$500 sanction against my wife. In fact, when Judge Krueger queried Pheils about the

matter, he laughingly stated “I’ve already collected.” And Pheils did so “after” Judge Krueger ruled that he had no lawful right to so act.

Denial of Copy of Pheils’ Response

I requested a copy of Pheils’ response to this complaint; however, my request was denied. The Ohio Supreme Court allows lawyers to “conceal” their response from a complainant, which is not the case in Michigan, Tennessee and other states that believe “due process” requires them to so act. Of course the “search for the truth” is meaningless when a complainant is denied a copy of the lawyer’s answer. Moreover, “due process” is nonexistent in Ohio in regards to prosecuting attorney complaints.

Pheils’ Fabricated Defenses

Pheils put forth the following false and/or fabricated facts in various court papers as to the Grand Theft as set forth above, which I’m sure he foisted upon Mr. Mueller and the Ohio State Bar Association investigators.

- I reviewed the Court file in Case 88-0289 and no Judgment exists wherein Judge Bates’ **\$500** sanction order of **9:46 am on Mar. 29, 1994** was ever vacated. (Judge McQuade’s **Aug. 29, 1994 Judgment Entry** proves he’s a liar)
- Judgment **Lien No. 94-2099** represented “another” judgment I had against Palmer. (Court records prove it involved Ms. Mendoza and MasterCard)
- I had a legal right to collect from the forced sale of Mrs. Palmer’s home because Mr. Palmer had dower rights. (This falsehood was debunked by Judge Krueger in May 2004 when he ruled that this was untrue and contrary to Ohio law)

In July 1999, I presented the Clerk of Court with a copy of Judge McQuade’s Aug. 29, 1994 Judgment Entry, a copy of Judge Bates’ Mar. 29, 1994 Order re: the \$500 sanction, and Pheils’ Sept. 6, 1994 “Release of Judgment Lien.” Based on a review of these two court documents, the Clerk immediately prepared a release of Pheils’ sham lien against my wife and me.

The Clerk didn’t call Pheils for confirmation and she didn’t call Judge Bates or Judge McQuade. She merely read the same documents that are now in the possession of Mr. Mueller and the Ohio State Bar Association investigators. Need I say more?

Felony Grand Theft No. 2

On Dec. 17, 1997, Pheils filed a Motion in Lucas County Case No. 88-0289 demanding \$11,029,30 in Costs he claimed to have incurred in said case. On Dec. 19, 1997, Pheils collected by seizing the money from an account in my wife’s name.

Under Ohio law, the only costs of litigation that can legally be collected is for (a) deposition transcripts if used at trial, (b) witness fees for attending witnesses and (c) costs of trial transcripts used in the appellate process.

The following details the fabricated costs contained in Pheils Dec. 17, 1997 Motion.

1. \$200 to partner Michael Portnoy to mail subpoena to Pheils' personal psychologist.
2. \$200 witness fee to Pheils' personal psychologist who never testified at trial
3. \$125 to Pheils' partner Thomas Kurt to mail a subpoena to Columbus.
4. \$3,374.28 to Michael Mullins as an investigator to (a) write down license numbers of friends visiting my home, (b) follow my wife to church, and (c) follow her to therapy.
5. \$2,476.30 to Gaines Reporting for deposition transcripts in Case 95-1150 - not Case 88-0289. (Pheils was paid by his insurer for these costs)
6. \$371.25 to State Savings, Huntington Nat'l and Charter One Banks in Columbus to obtain private banking records of my daughters Angela and Michelle who were never involved in this litigation.
7. \$250 to Title Agency for report on wife's home in Case 95-1150 – not Case 88-0289.
8. \$575.90 in deposition costs of ex-son-in-law who never testified at the trial.
9. \$15.00 witness fee to Dr. Ann Kragt; my wife's doctor in an attempt to invade her privacy. The subpoena was quashed by the court – the Doctor never testified.
10. \$330 in filing fees in Case 95-1150 and 91-CV-502– not Case 88-0289.
11. \$1,087 to John Stoepler for mediation services – totally illegal.
12. \$96 in witness fees for persons that never appeared or testified.
13. \$1.00 for garnishment fee in Bowling Green, Ohio case – not Case 88-0289.

CONCLUSION

The above is only an example of the outrageous frauds that Pheils has engaged in over the past 25 or more years. In an effort at brevity, I offer the following examples:

1. Collected \$500 in fees for “not” attending two Court hearings in Toledo
2. Collected \$400 in fees by claiming he was in his office in Ohio when in fact he was in San Francisco attending a “penile transplant seminar.”
3. Collected \$11,000 in fees to prepare a 3-page generic answer to lawsuit by claiming it took 88.8 hours to do what 1st year law student could do in 30 minutes or less.
4. Blocked neighbor's drainage pipe with trash to force flooding of back yard and then sued neighbor for \$300,000 in damages to his yard and home.
5. Kept \$1500 paid by client for expert witness even though expert was never hired.
6. Collected \$150 by claiming he spent 1.0 hours reading a one-paragraph court order changing the date of an upcoming hearing. (Laughed about it while testifying)
7. Billed 10 hours to travel from Toledo to Akron and back when actual time is 5 hrs.
8. Billed and collected about \$1000 by claiming it took 1.1 hrs. to travel to and from Court when sworn testimony of ex-partner proves it took .6 hours.
9. Collected over \$14,000 in fees pursuing claims that an Ohio Court ruled were unlawful under Ohio law when dismissing his claims.
10. Sued to collect filing fees in Appeal Courts when he lost the appeals and the Court ordered that he pay the costs.
11. Inflated hourly rate to \$140 when suing ex-clients when it was \$100.
12. Sued to collect \$300 for photographing minors, which is illegal in Ohio.

13. Sued for \$4,000 (\$120-page) to have secretary do transcription from a tape he recorded.
14. Sued to collect \$750 (5.0 hours) to attend a conference lasting 10 minutes.

I could go on, but what's the point? If you don't now believe that Pheils is in fact the biggest crook to have ever practiced law in Ohio, then you'll never be convinced. Moreover, if Mr. Mueller and the Ohio State Bar Association rule that Pheils' conduct is acceptable, then we must assume that they engage in the same type of behavior.

AFTER THE OHIO BAR ASSOCIATION AND MR. MUELLER ISSUE THEIR RULING ON MY DISCIPLINARY COMPLAINT, I WILL POST IT. SO, REMEMBER TO RETURN TO DISCOVER IF OHIO IS MORE CONCERNED ABOUT PROTECTING CROOKED LAWYERS OR THEIR PERMANENTLY DISABLED VICTIMS!
