



NIEKAMP, WEISENSELL, MUTERSBAUGH & MASTRANTONIO, LLP

CARMEN V. ROBERTO

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October 12, 2018

Attorney William Chris
Interim Law Director
City of Green Law Department
Central Administration Building
1755 Town Park Boulevard
Uniontown, OH 44685

Re: Charter Amendment to Elect Green Law Director

Dear Attorney Chris:

As the former appointed City Law Director of Cuyahoga Falls, Akron Bar Association President, and Ohio State Bar President, several attorneys, and citizens, and many friends and neighbors have asked my view re the Charter Amendment, as have you and my ward councilman. I have lived in Green for about 25 years, sat on the Planning Commission, and was a member of the team that originally drew up the long-range zoning plan for Green. I have been involved in several charter reviews (including Summit County's latest a few years ago) and constitutional reviews and amendments. I am a lifelong Democrat and at one time was quite active in politics, over a few decades ago. As you know, I have sued and represented cities/townships/villages and governmental officers. I have defended several government officials in criminal and civil matters as well. I enclose a bio sheet should you care to read it.

I oppose the Charter Amendment for numerous reasons which follow:

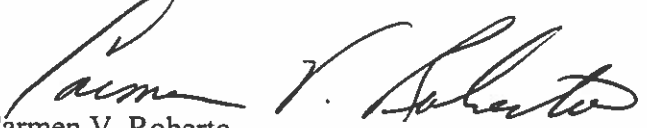
1. Charters should (and routinely are in Ohio) be publicly and openly reviewed for additions, corrections, or changes every several years. Green does such. Alterations should be reviewed after lengthy public input and debate, and changes should occur only to correct manifest problems and not because there is a one or two issue uproar of moment at the time – such uproars fade and disappear, and new ones occur. And while we all believe ourselves the most intelligent and practical person in the municipality, I like to think, as Ben Franklin noted, that the drafters of our current charter had some brains also and good reason for what they drafted.
2. The current proposal, upon a cursory reading, is unintelligible, illogical, and I cannot make sense as to how it will work in real life.

3. In our county, I believe governmental bodies with appointed Law Directors, whether by Council or the Mayor work best. The addition of another locally elected official, the campaign, yard signs, etc. frightens me. Electing a Law Director gives no group or person control of that party. After all, the true client is the city and citizens, not the mayor, council, or a group, but the entire citizenship.
4. Overriding the Law Director's job are the Ohio Rules of Professional Conduct (legal ethics). No Law Director with sense will ignore such and face possible disbarment to appease a mayor, councilperson, or citizen.
5. An appointed Law Director is more than a lawyer to the city. He or she is a cabinet member, a confidante, a tempering factor when political issues ignite, a city spokesperson on difficult issues, etc.
6. Making the Law Director a city resident limits the pool and potentially leads to a name-recognition popularity contest in an election. I have fielded complaints in my Bar Association roles for 45 years over our manner of electing judges in Ohio, and which I could change that. There are instances when politicizing legal positions leads to disastrous results, as we all saw recently.
7. The term limit suggestion mortifies me. Assume the city has a multi-million-dollar suit in court (I have been in suits lasting eight years and longer). The term ends. Does the old attorney stay on or new Law Director take over? If the new, how does that person catch up? Will the judge continue hearing dates? No two lawyers proceed the same. As a rule, I take over no cases other lawyers started, with few exceptions. Some procedure, or deposition, or interrogatory, or suggested compromise, etc. I would have employed invariably was not.
8. The Ohio Revised Code has several statutes re Law Directors, almost all override municipal charters/ordinances. Those are usually reviewed by Charter Review Commissions.
9. The Law Director job is complex. Many Green Law Directors have asked me or others for legal advice on complex issues. Would they if they thought I might run against them?
10. I think the average time a person stays in his house is seven to nine years. So those affected today may not be there tomorrow.
11. We elect the Mayor – if we don't like the Law Director, we can vote the Mayor's opponent. Odd though that some Law Directors have served more than one Mayor, isn't it?

Attorney William Chris
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These are my main concerns. I am happy to answer specific questions. I do not know the current Mayor, by the way, and these views are my own, as all lawyers in Ohio will presume. Please circulate this to the appropriate parties.

Very truly yours,


Carmen V. Roberto

CVR:dw
Enc.

Neighborhood: Hudson / Top Lawyer

akronlife

magazine

2014

Lawyer of the Year

Walking the Talk:

Carmen V. Roberto

Lawyer of the Year in Criminal Defense



Cool Jobs

Akron Film + Pixel
Turns on The Nightlight

Concours d'Elegance
comes to Stan Hywet

Carmen V. Roberto, Esq.
President, Ohio State Bar Association
2010 - 2011

Carmen Roberto

LAWYER OF THE YEAR 2014

Walking the Talk

■ If you've met attorney Carmen Roberto, you're not surprised that he was named to the 2014 Best Lawyers in America list. He lives by this two-part mantra: Always be nice, and work hard and seek excellence no matter what you do.

"As I've aged, I attribute most of my success to that," he says.

After graduating in 1970 from The University of Connecticut and in 1973 from The University of Akron School of Law, Roberto entered the United States Army and worked as a finance officer during the Vietnam War. When he returned to Ohio, he served the city of Cuyahoga Falls as assistant prosecutor, assistant law director and law director.

In 1982, he joined a law firm which eventually became Vasko, Roberto and Evans and later joined the office of Bernlohr Wertz, now known as Niekamp, Weisensell, Mutersbaugh and Mastrantonio, LLP.

Roberto has handled zoning and administrative cases before federal, state and local agencies, such as the Ohio EPA, Ohio Engineer's Board, Atomic Energy Commission, Federal Energy Regulatory Commission, and various zoning boards and planning commissions. He's licensed pro hac vice, on a case-by-case basis, to handle cases in several other U.S. states.

"I am old school and have always believed that being a great lawyer involves extensive community and Bar Association involvement as well as courtroom competence," he says.

Roberto spends two-thirds of his time in his law practice representing both individuals and businesses in the investigative stage at the federal level and individuals charged with drunk driving.

In addition to practicing law, Roberto taught a trial tactics course at The University of Akron and has presented seminars on trial practice and criminal matters. His articles have been published in national journals, and he wrote, "A Trial Handbook for Municipal Prosecutors" and a chapter in the book, "Trial Briefs."

He also owns and operates Roberto ADR Services LLC and has been involved in mediating settlements in multi-million dollar cases. He's been hired by national insurance companies and virtually every major firm in Akron.

"I'm terribly humbled, flattered, proud, unbelieving and grateful for this selection [in Best Lawyers 2014,]" he says. "We have several top-notch defense lawyers in Akron, and the community is extremely lucky therefore. Many are more deserving of this honor than I."



Honors and Memberships

- Licensed to practice in Ohio, U.S. District Court for the Northern District of Ohio, U.S. Sixth Circuit Court of Appeals and U.S. Supreme Court
- President of the Ohio State Bar Association (2010 and 2011), Ohio Metropolitan Bar Consortium and Akron Bar Association (1995 and 1996)
- Member, American Bar Association's House of Delegates, ACA and OSBA Council of Delegates
- Board member, Ohio Bar Liability Insurance Company, Ohio Public Defender's Commission, Ohio Legal Assistance Foundation, Ohio Lawyer's Assistance Program, The University of Akron Law School Advisory Council, Summit County Charter Review Commission and Ohio State Bar Foundation's Marketing Task Force
- 2002 Outstanding Alumni, University of Akron Law School