

**Disciplinary Counsel**  
THE SUPREME COURT OF OHIO



DISCIPLINARY COUNSEL  
JOSEPH M. CALIGIURI

CHIEF ASSISTANT  
DISCIPLINARY COUNSEL  
DONALD M. SCHEETZ

SENIOR ASSISTANT  
DISCIPLINARY COUNSEL  
AMY C. STONE

ASSISTANT DISCIPLINARY COUNSEL  
KAREN H. OSMOND  
MICHELLE R. BOWMAN  
AUDREY E. VARWIG  
LIA J. MEEHAN  
ADAM P. BESSLER  
MATTHEW A. KANAI  
KELLI C. SCHMIDT  
MARTHA S. ASSEFF  
MICHELLE A. HALL

SPECIAL ASSISTANT DISCIPLINARY COUNSEL  
LORI J. BROWN

September 13, 2021

PERSONAL AND CONFIDENTIAL

Ms. Teri R. Garko (#W084-180)  
ORW  
1479 Collins Avenue  
Marysville, Ohio 43040

Re: Sean Buchanan, Esq.  
Our File No. C1-1250

Dear Ms. Garko:

Sean Buchanan responded to your allegations. We are providing you a copy and an opportunity to submit additional information supporting your grievance. Because our authority is limited to investigating alleged violations of the Ohio Rules of Professional Conduct, please limit your reply to issues about ethics.

If you choose to reply to Sean Buchanan's response, you must do so in writing. If we do not receive your reply by September 27, 2021, we will base our decision on the information received thus far. Please submit your written response, along with any supporting documentation, via USPS mail to my attention at 65 East State Street, Suite 1510, Columbus, Ohio 43215.

Thank you for your ongoing cooperation with our investigation.

Sincerely,

Kelli C. Schmidt  
Assistant Disciplinary Counsel

KCS/ksl  
Enclosure

# SLATER & ZURZ LLP

Attorneys & Counselors at Law

www.slaterzurz.com

Sean C. Buchanan

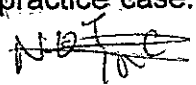
sbuchanan@slaterzurz.com

September 10, 2021

Ohio Supreme Court  
Disciplinary Counsel  
65 e. State Street, Suite 1510  
Columbus, OH 43215

RE: Garko Grievance  
Your File No. C1-1250

To Whom it May Concern:

I represented Terri Garko in the Court of Claims regarding claims of abuse against the Ohio Department of Corrections. She initially raised a myriad of claims, but during the initial litigation the nature of the claims shifted constantly, and we filed a voluntary dismissal to attempt to sort through what did, and did not have merit. This was necessary as, after filing, she insisted that it was possibly a medical malpractice case. We filed a 41a and then obtained her medical records (see Exhibit "A"). 

The June 3, 2020 letter to Ms. Garko lays this out to her (See Exhibit "B"). Specifically, it states there might be merit to an injury claim between June 11 and June 17, as well as a possible First Amendment mail issue, as she alleged she was being denied mail based on political content. The case was then refiled based on her agreement with the direction of the litigation.

I then obtained discovery from ODRC and reviewed it and provided Terri with the correspondence dated January 15, 2021 (See Exhibit "C"). It both specifically lays out what, in my view, could have been a viable claim and what was not. It is also when I indicated to her that she was leaving inappropriate messages as she directed sexual communications to myself, my paralegal, and our intake coordinator. This was in addition to an extraordinary large amount of letters most of which did not deal with issues relevant to her case.

Terri then once again attempted to change the nature of the claims, to which I responded February 8, 2021 (See Exhibit "D").

I responded again on February 24, 2021 (See Exhibit "E"). That letter specifically indicates that the sole issue remaining that I viewed as a realistic and supportable claim was an injury between June 11 and June 19.

Terri then indicated to me via phone that nothing occurred on those dates and I sent the March 3, 2021 letter withdrawing from the case (See Exhibit "F"). During this time, I could not respond to discovery as Ms. Garko's answers were shifting continuously and did not line up with previous statements regarding her case.

I filed an Amended Motion to Withdraw on March 17 (See Exhibit "G") and that was granted (See Magistrate's Order as Exhibit "H"). Due to her harassing communications and ever shifting view of the facts and allegations, continuing in representation was impossible. In that motion I asked that she be granted time to respond to the motion to compel and to hire new counsel. The court granted her additional time to respond and work through discovery issues as well as to hire new counsel.

~~I sent the final bill to Ms. Garko and her trustee, but it did contain an error in the rate as~~ had the previous bill. It was billed at \$125 and should have been billed at \$100. This is the March 3, 2021 bill she attached to her grievance (See Exhibit "I").

Ms. Garko told me of that error and a corrected bill was sent promptly giving her credit as shown in the bill that she attaches from March 23 to her grievance (See Exhibit "J").

She then requested all of the material we had, which had not yet been sent because substantial portions of the material were marked counsel only. I had already reached out to the Ohio Attorney General's Office as shown by the March 2, 2021 email correspondence which is attached to determine what could be provided after the court approved my request to withdraw (See Exhibit "K"). NOT enclosed

My response to her is the June 21, 2021 letter which is attached (See Exhibit "L"). I inadvertently did not retain the signed version of this correspondence, but Ms. Garko filed it with her August 2<sup>nd</sup> letter to the court of claims (See Exhibit "M"). This particular letter shows her view of this case is inappropriate and irrational. As an aside the "fake case number" was the original case that was voluntarily dismissed (See again Exhibit "A" Notice of Dismissal).

I have not sent any subsequent correspondence to Ms. Garko. However, she has continued to send irrational and occasionally threatening letters to my office. She has also

called and impersonated other clients in an attempt to speak with different people in my office. Unfortunately, due to the sheer volume of correspondence Ms. Garko has sent my office, I cannot easily find specific letters within the time frame of the response to this, but I can provide additional letters from her if necessary. A review of the court of claims docket will also show she frequently sends conspiratorial and irrational letters to the court as well.

As for the specific issues she raised, the correspondence shows I did substantial work evaluating this case and pursuing the claims that I viewed that potentially had merit. She was also informed at every stage of the litigation the specific claims I was pursuing. She is correct that there was an error that resulted in a \$370 overpayment, but she was given credit for that as reflected in the materials she herself filed with the Court of Claims. Lastly, I have done multiple cases of this type and every single case other than this was pursued to its conclusion; this is the only civil rights case I have ever withdrawn from due to client conflicts. Doing civil rights and criminal defense I have represented many difficult clients and I understand that comes with the territory, but Ms. Garko was an extraordinarily difficult client even just within the context of clients already in prison. This is shown by her terrible prison conduct record, which includes 14 assault and harassment convictions during her incarceration (See Exhibit "N").

Sincerely,



Sean C. Buchanan

SCB/skz  
Enclosures