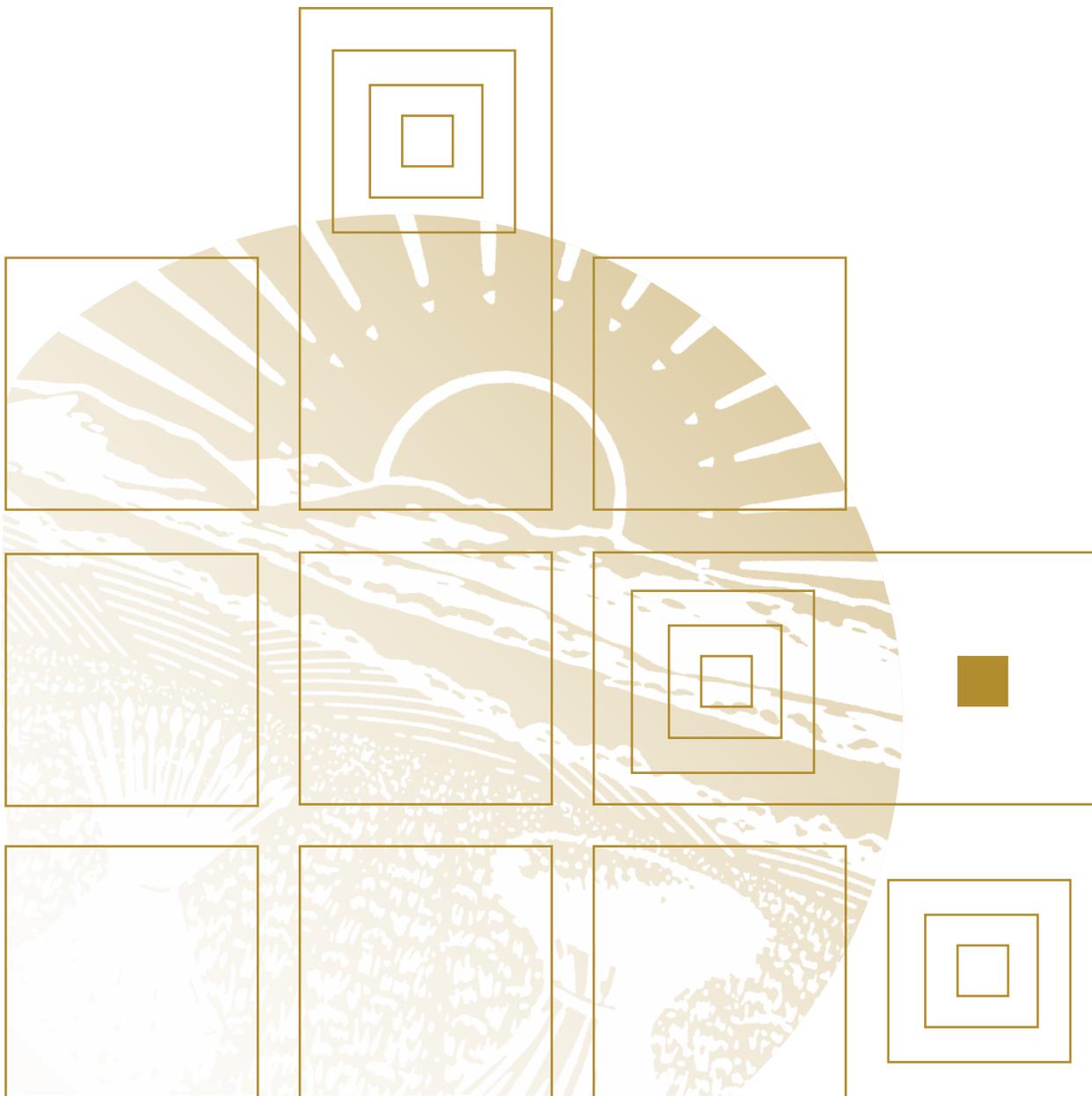


BOARD OF PROFESSIONAL CONDUCT  
THE SUPREME COURT *of* OHIO

Disciplinary Handbook: Volume X  
2016



# DISCIPLINARY HANDBOOK: VOLUME X

[CASES FROM 2016; CURRENT THROUGH DECEMBER 30, 2016]

## BOARD OF PROFESSIONAL CONDUCT

Links within this document lead either to publications on the Supreme Court's website or to other pages within this document. Links in the Table of Cases will direct the user to the corresponding Case Summary; links within the Case Summaries will direct the user to the Index. Links within the Index will direct the user back to the Case Summaries. This document is also fully searchable (hit Ctrl+F, type in the exact term or phrase, and then hit Enter).

The case summaries were prepared by Board staff and may not reflect all aspects of a case in their entirety. The summaries are meant to assist the reader by providing a brief overview of the misconduct committed by the attorney, the rules violated, and the sanction imposed. The summaries should be a beginning point that ends with reading the actual court opinion.



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3/8/2016.

## CASE SUMMARIES

*Azman, Cleveland Metro. Bar Assn. v.*  
[Slip Opinion No. 2016-Ohio-3393](#). Decided 6/15/2016.

**OVERVIEW:** Respondent received a one-year suspension, with six months stayed for altering, destroying, or concealing material having potential evidentiary value, engaging in conduct that is prejudicial to the administration of justice, conduct involving dishonesty, fraud, deceit, or misrepresentation, and knowingly making a false statement of material fact in connection with a disciplinary matter.

**PROCEDURE:** The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors. After a hearing, the panel recommended a one-year suspension, with six months stayed. The Board adopted the panel's report in its entirety.

**FINDINGS:** Respondent was admitted to the practice of law in 2011, but he has been registered as inactive since 2015. Respondent worked as an associate attorney for a law firm from March 2012 to August 2013. During his employment, Respondent had learned the login credentials, including passwords, for the firm email accounts. After Respondent was terminated, he began accessing those email accounts without authorization. Over the following two-and-a-half weeks, he accessed the accounts at least 20 times. Respondent logged into the law firm's email accounts and deleted the communications between him and Piscitelli from both Piscitelli's and the other employee's accounts. Respondent also deleted other emails he had sent after his termination. The following day, Piscitelli discovered that the emails were deleted, and members of the firm contacted police, who traced the unauthorized access to an IP address registered at Respondent's residence. During a deposition, Respondent denied that he had purposely deleted any law firm emails. Respondent admitted at his disciplinary hearing that he had also deleted emails while he had access to the accounts.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a one-year suspension, with six months stayed on the condition that he commit no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Engel* (2012); *Robinson* (2010)

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**Rules Violated:** Prof.Cond.R. [3.4\(a\)](#), [8.1\(a\)](#), [8.4\(c\)](#), [8.4\(d\)](#)

**Aggravation/ Mitigation:** **A-** (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (6) (false or deceptive practices during investigation); **M-** (1) (no prior discipline), (4) (cooperative attitude)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">One-year suspension</a> , with six months stayed on conditions			

*Balalowski, Columbus Bar Assn. v.*  
[145 Ohio St.3d 121, 2016-Ohio-86](#). Decided 1/14/2016.

**OVERVIEW:** Respondent received a two-year suspension, with one year stayed for failing to act with reasonable diligence.

**PROCEDURE:** The parties submitted an amended consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a two-year suspension, with the second year stayed. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent failed to provide competent representation, failed to keep his clients reasonably informed about the status of their legal matters, and failed to promptly deliver client funds arising out of six separate client matters.

**SANCTION:** The Court accepted the agreement and imposed the recommended sanction on conditions that Respondent not engage in any further misconduct; provide proof, upon applying for reinstatement, that he has complied with any applicable OLAP requirements; and upon reinstatement, serve a one-year term of monitored probation.

**CASE AUTHORITY FOR SANCTION:** *Stewart* (2013); *Folwell* (2011)

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**Rules Violated:** Prof.Cond.R. [1.1](#), [1.3](#), [1.4](#), [1.15\(d\)](#)

**Aggravation/ Mitigation:** A- (3) (pattern of misconduct), (4) (multiple offenses); M- (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (full and free disclosure), (5) (good character), (7) (chemical/mental illness)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> YES	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> Two-year suspension, with one year stayed on conditions			

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*Ball, Cincinnati Bar Assn. v.*

[Slip Opinion No. 2016-Ohio-785](#). Decided 3/3/2016.

**OVERVIEW:** Respondent received an indefinite suspension for violating multiple Rules of Professional Conduct arising out of his convictions for operating a vehicle while intoxicated, disorderly conduct, as well as subsequent false statements of material fact to Relator’s investigator, overdrawing his client trust account, and practicing law while his license was inactive.

**PROCEDURE:** The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, but did not agree to a recommended sanction. The panel issued a report adopting the parties’ stipulations with one exception, it declined to find that Respondent’s alcohol addiction qualified as a mitigating factor. The panel recommended that Respondent be indefinitely suspended. The Board adopted the panel’s report in its entirety. Respondent objected to the Board report, challenging the Board’s failure to accord any mitigating effect to his diagnosed alcohol dependency and disputing the Board’s recommended sanction.

**FINDINGS:** Respondent has had multiple encounters with law enforcement as a result of his alcohol use, including an August 2000 charge for underage consumption, a December 2003 charge of public intoxication that was later dismissed, and an April 2007 open-container violation. Respondent also had a history of OVI offenses dating back to 2002 when he was twice charged with OVI, the second offense occurring while his driver’s license was under suspension. Respondent was arrested and charged in May 2007 with OVI and possession of drug paraphernalia and an unloaded firearm after leaving a Cincinnati Reds game. Respondent participated in OLAP following his 2007 arrest, but approximately nine months after his arrest he began drinking again and failed to complete his contract. In June 2013, Respondent entered into a second OLAP contract, a five-year recovery contract, after his 2012 OVI, but has failed to comply with its terms. His last OLAP contract was on December 2, 2013.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, overruled Respondent’s objections, and imposed an indefinite suspension on conditions to successfully complete an OLAP approved substance abuse treatment programs and comply with the terms of his OLAP contract. Upon reinstatement, Respondent shall be required to complete six hours of CLE related to law-office management and accounting.

**CASE AUTHORITY FOR SANCTION:** *Zimmer* (2013); *Larkin* (2011)

**DISSENT:** Justices Pfeifer and Kennedy dissented and would have imposed a two-year suspension, with six months stayed on conditions.

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**Rules Violated:** Prof.Cond.R. [5.5\(a\)](#), [8.1\(a\)](#), [8.4\(b\)](#), [8.4\(d\)](#), [8.4\(h\)](#)

**Aggravation/ Mitigation:** A- (d) (multiple offenses), (f) (false or deceptive practices during investigation); M- (a) (no prior discipline), (d) (cooperative attitude), (e) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> YES	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> Indefinite suspension			

*Bartels, Disciplinary Counsel v.*  
[Slip Opinion No. 2016-Ohio-3333](#). Decided 6/14/2016.

**OVERVIEW:** Respondent received a one-year suspension, with six months stayed for soliciting or engaging in sexual activity with a client.

**PROCEDURE:** The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and recommended a one-year suspension stayed in its entirety. The Board amended the recommended sanction and instead recommended a one-year suspension, with six months stayed. Respondent objected to the Board's recommendation and Relator has agreed with her arguments. The Court overruled Respondent's objections.

**FINDINGS:** In 2010, Respondent received a public reprimand for engaging in a sexual relationship with a client. Respondent was retained to represent a client in a divorce proceeding. The divorce was finalized by court entry in July 2013. However, commencing in late February or early March 2013, Respondent and her client began exchanging multiple text messages with each other that were sexually oriented. The messages continued for approximately one month and were mutual and reciprocal in their sexual content, but Respondent and her client did not actually engage in sexual intercourse with each other.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a one-year suspension, with six months stayed on conditions that Respondent complete an additional six hours of CLE on professional conduct and professionalism focused on proper communications and interactions with clients, commit no further misconduct, pay all costs, and upon reinstatement, serve a one-year period of monitored probation.

**CASE AUTHORITY FOR SANCTION:** *Detweiler* (2013); *Mismas* (2014); *Booher* (1996)

**DISSENT:** Justices Kennedy and French dissented and would follow the recommendation of the panel and impose a suspension of one year fully stayed.

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**Rules Violated:** Prof.Cond.R. [1.8\(j\)](#)

**Aggravation/ Mitigation:** A- (1) (prior discipline); M- (4) (cooperative attitude), (5) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES	
<b>Sanction:</b> <a href="#">One-year suspension</a> , with six months stayed on conditions			

*Bennett, Disciplinary Counsel v.*  
[146 Ohio St.3d 237, 2016-Ohio-3045](#). Decided 5/19/2016.

**OVERVIEW:** Respondent received a one-year stayed suspension for neglecting client matters, misusing his client trust account, and failing to cooperate in the disciplinary investigation.

**PROCEDURE:** The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and recommended a one-year suspension, fully stayed. The Board adopted the panel's report in its entirety.

**FINDINGS:** Respondent was retained to represent a client in a marital dissolution or divorce proceeding. During the meeting with the client, they discussed the documents needed for a dissolution, the issues that were most important, and what she had hoped to achieve. After the meeting, the client decided to retain a different attorney. Less than four weeks later, the client's husband retained Respondent to represent him in the same matter. However, Respondent failed to inform him that he had previously met with his wife. Respondent did not discuss the potential conflict of interest with neither one or obtain written waivers. In another case, Respondent was retained to represent a client in several domestic relations matters. The client requested that Respondent immediately file a divorce complaint. Although, Respondent completed other legal work for the client, he failed to initiate the divorce proceeding. Also, Respondent was retained to represent a client in a foreclosure action. The clients advised Respondent they needed to be set up on a payment plan or a deferred due date to pay the past-due taxes. However, Respondent stopped speaking to the clients and failed to respond to the client's telephone calls seeking information about their case. Relator also received notice that Respondent had overdrawn his client trust account. Relator sent Respondent three letters requesting information about the overdraft and records for his client trust account. Respondent failed to respond to any of the letters. Respondent admitted that he had made personal purchases from his client trust account, that he had not maintained a general ledger for the account or individual client ledgers, and that he had failed to perform monthly reconciliations of the account.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a one-year suspension stayed in its entirety on conditions.

**CASE AUTHORITY FOR SANCTION:** *Brueggeman* (2010); *Oberholtzer* (2013)

**DISSENT:** Chief Justice O'Connor and Justice Lanzinger dissented and would have imposed an 18-month suspension, with 12 months stayed on conditions.

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**Rules Violated:** Prof.Cond.R. [1.3](#), [1.4\(a\)\(3\)](#), [1.4\(a\)\(4\)](#), [1.15\(a\)](#), [1.15\(a\)\(2\)](#), [1.15\(a\)\(3\)](#), [1.15\(a\)\(5\)](#), [1.16\(c\)](#), [1.18\(c\)](#), [4.2](#), [8.1\(b\)](#), [8.4\(d\)](#); Gov.Bar R. [V9\(G\)](#)

**Aggravation/ Mitigation:** **A-** (4) (multiple offenses); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO		<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO
<b>Sanction:</b> <a href="#">One-year suspension stayed in its entirety on conditions</a>			

*Bond, Geauga Cty. Bar Assn. v.*  
[146 Ohio St.3d 97. 2016-Ohio-1587](#). Decided 4/20/2016.

**OVERVIEW:** Respondent received a public reprimand for violating or attempting to violate the Ohio Rules of Professional Conduct by attempting to violate Prof. Cond. R. 1.8(e).

**PROCEDURE:** The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and jointly recommended a public reprimand. The panel granted the parties’ motion to waive hearing. The Board adopted the panel’s report in its entirety.

**FINDINGS:** Respondent provided financial assistance to a man whom he believed to be a client, but who was actually a thief impersonating a prospective client.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Nusbaum* (2001); *Mineff* (1995)

**DISSENT:** Justice O’Neill dissented and would have dismissed the complaint.

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**Rules Violated:** Prof.Cond.R. [8.4\(a\)](#)

**Aggravation/ Mitigation:** A- None; M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

*Brockler, Disciplinary Counsel v.*  
[145 Ohio St.3d 270, 2016-Ohio-657](#). Decided 2/25/2016.

**OVERVIEW:** Respondent received a one-year stayed suspension for engaging in conduct that is prejudicial to the administration of justice and conduct involving dishonesty, fraud, deceit, or misrepresentation.

**PROCEDURE:** The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and jointly recommended a one-year suspension, fully stayed. The Board adopted the panel's report in its entirety.

**FINDINGS:** Respondent engaged in professional misconduct while he served as the assistant Cuyahoga County prosecutor assigned to a murder case. While investigating the murder, Respondent created a fictitious Facebook account and used it to contact the alibi witnesses. Police officers monitoring the Facebook accounts recorded the chats between Respondent and the alibi witnesses. Respondent waited several weeks to inform other prosecutors that he used the Facebook accounts to contact the alibi witnesses. His employment was terminated for his unethical conduct, creating false evidence and lying.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a one-year suspension stayed in its entirety.

**CASE AUTHORITY FOR SANCTION:** *Karris* (2011); *Fowerbaugh* (1995); *Potter* (2010); *Niermeyer* (2008)

**DISSENT:** Chief Justice O'Connor and Justices Lanzinger and O'Donnell dissented and would have imposed an indefinite suspension.

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**Rules Violated:** Prof.Cond.R. [8.4\(c\)](#), [8.4\(d\)](#)

**Aggravation/ Mitigation:** **A-** (4) (multiple offenses); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> YES	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">One-year suspension stayed in its entirety</a>			

*Camboni, Disciplinary Counsel v.*  
[Slip Opinion No. 2016-Ohio-653](#). Decided 2/25/2016.

**OVERVIEW:** Respondent received a one-year stayed suspension for knowingly disobeying an obligation under the rules of a tribunal.

**PROCEDURE:** The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and jointly recommended a six-month suspension, fully stayed. The panel granted the parties' motion to waive the hearing and adopted their stipulations, misconduct, and aggravating and mitigating factors, but noted that Respondent had committed another misdemeanor offense and pleaded guilty to the charge while the disciplinary action was pending. The panel recommended a one-year suspension stayed in its entirety. The Board adopted the panel's report in its entirety.

**FINDINGS:** Respondent and his former girlfriend were traveling in a vehicle and began arguing. The dispute escalated and the woman wanted to exit the vehicle, but Respondent did not stop until they arrived at Respondent's residence, where they continued arguing. A neighbor called the police and the woman fled the scene, but when contacted by the police, she alleged that Respondent had attacked her. Respondent was charged with several misdemeanor offenses. Respondent was arrested and was released on his own recognizance, but he was prohibited from having any contact with the victim of his alleged crimes. The state later moved to revoke his bond for having had contact with the victim, but a judge of the Ashland County Court of Common Pleas denied the motion and informed Respondent that further contact with the victim would not be tolerated. Several months later, the judge granted the state's second motion for revocation of Respondent's bond, based on his continued contact with the victim. The day after his bond was revoked, Respondent entered an Alford plea to a misdemeanor count of assault. Respondent was sentenced to six months in jail and ordered to pay a fine plus court costs.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a one-year suspension, fully stayed on conditions that he engage in no further misconduct and remain in full compliance with his OLAP contract.

**CASE AUTHORITY FOR SANCTION:** *Rohrer* (2009); *Brightbill* (1990); *Hillis* (2014)

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**Rules Violated:** Prof.Cond.R. [3.4\(c\)](#)

**Aggravation/ Mitigation:** A-None; M- (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (6) (other penalties/sanctions)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> YES	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> One-year suspension stayed in its entirety on conditions			

*Cannata and Phillips, Disciplinary Counsel v.*  
[Slip Opinion No. 2016-Ohio-3027](#). Decided 5/18/2016.

**OVERVIEW:** Respondents Cannata and Phillips received a six-month stayed suspension for violating the Rules of Professional Conduct.

**PROCEDURE:** The parties submitted a consent-to-discipline agreement, but the panel rejected the agreement in order to obtain clarification of certain issues. The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and jointly recommended a six-month suspension, fully stayed for both Respondents. The Board adopted the panel's report in its entirety.

**FINDINGS:** A co-counsel arrangement between both Respondents, which included the representation of limited liability companies in which Respondent Cannata was a member, created conflicts of interest and falsely created the impression that the two attorneys were practicing law in a partnership.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a six-month suspension stayed in its entirety on condition that they engage in no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Wick* (2007); *Reid* (2004); *Dettinger* (2009); *McNamee* (2008); *Henderson* (2002); *Conese* (2004); *Schiff* (2014)

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**Rules Violated:** Prof.Cond.R. [1.7\(a\)\(2\)](#), [1.7\(c\)\(1\)](#), [7.5\(d\)](#), [8.4\(h\)](#)

**Aggravation/ Mitigation:** **A-** (4) (multiple offenses); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> Six-month suspension stayed in its entirety on condition			

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*Corner, Disciplinary Counsel & Columbus Bar Assn. v. 145 Ohio St.3d 192, 2016-Ohio-359.* Decided 2/3/2016.

**OVERVIEW:** Respondent received a two-year suspension, with the second year stayed for failing to act with reasonable diligence, failing to provide competent representation, failing to timely return unearned portion of the retainer, failing to deposit the retainer in a client trust account, failing to maintain proper records regarding client funds, and engaging in conduct that is prejudicial to the administration of justice.

**PROCEDURE:** The panel adopted the parties' stipulated facts and misconduct, dismissed several alleged violations, and recommended a two-year suspension, with the second year stayed. The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction. After the Board report was filed with the Court, the Court granted Relator's motion to remand the matter to the Board to address the issue of restitution. On remand, the panel issued a supplemental report stating that it had erroneously found that Respondent had committed the violations alleged in Count Three of Relator's complaint when it should have dismissed it based on the insufficiency of the evidence. The Board adopted the supplemental report. Relator filed objections and argued that the Board exceeded the scope of the Court's remand order when it recommended the dismissal of Count Three and that Respondent's conduct warranted a two-year actual suspension.

**FINDINGS:** Respondent mishandled and failed to keep required records of the client funds entrusted to her, shared fees with another lawyer without making required disclosures to her client; and engaged in dishonesty, fraud, deceit, or misrepresentation. Respondent was under the mistaken impression that the bank account in which she held client funds was an IOLTA account. Respondent did not treat that account as a client trust account; instead, she deposited earned fees into the account, thereby commingling personal and client funds, and used it to pay her personal and business expenses.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, overruled Relator's objections, and imposed a two-year suspension, with the second year stayed on conditions that Respondent engage in no further misconduct, continue to participate in appropriate mental-health treatment, and remain in full compliance with her OLAP contract.

**CASE AUTHORITY FOR SANCTION:** *Talikka* (2013); *Folwell* (2011)

**DISSENT:** Justice Lanzinger dissented and would impose an indefinite suspension.

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**Rules Violated:** Prof.Cond.R. [1.1](#), [1.3](#), [1.5\(e\)](#), [1.15\(a\)](#), [1.15\(a\)\(2\)](#), [1.15\(a\)\(3\)](#), [1.15\(a\)\(5\)](#), [1.15\(c\)](#), [1.15\(d\)](#), [8.4\(d\)](#)

**Aggravation/ Mitigation:** **A-** ([c](#)) (pattern of misconduct), ([d](#)) (multiple offenses); **M-** ([a](#)) (no prior discipline), ([d](#)) (cooperative attitude)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> <a href="#">YES</a>	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Two-year suspension, with the second year stayed on conditions</a>			

*DiMartino, Mahoning Cty. Bar Assn. v.*  
[Slip Opinion No. 2016-Ohio-536](#). Decided 2/17/2016.

**OVERVIEW:** Respondent received an indefinite suspension for failing to act with reasonable diligence in representing a client, failing to inform the client of any circumstances with respect to which the client's informed consent is required, failing to communicate the nature and scope of the representation and the basis or rate of the fee and expenses, failing to set forth a contingent-fee agreement in writing signed by the client, failing to hold property of clients in an interest bearing client trust account, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

**PROCEDURE:** Respondent has been disciplined in three previous cases. In 1994, Respondent received a stayed six-month suspension because he failed to respond to a client's inquires, failed to provide that client with a settlement statement, and failed to forwarded the clients' portion of settlement proceeds. In 2007, he received a stayed one-year suspension for neglecting a client matter. In 2010, the Court determined that Respondent violated the conditions by engaging in dishonest conduct during his stayed suspension. Specifically, when applying for a marriage license in North Carolina, he falsely represented that he was not married, despite the fact that his Ohio divorce case was still pending. The Court reinstated the one-year suspension from the 2007 case and also suspended him concurrently for six months for his dishonest conduct. Respondent was reinstated in both cases. The Board adopted the panel's report and recommended an indefinite suspension.

**FINDINGS:** Respondent was charged with misconduct similar to that in his previous disciplinary cases, including client neglect, failing to account for settlement funds, and dishonesty.

**SANCTION:** The Court adopted the Board's report in its entirety and imposed an indefinite suspension and ordered Respondent to make restitution in the amount of \$4,600 to his clients within 60 days of the Court's order. Any further reinstatement is conditioned on Respondent's submission of proof that he has undergone a mental-health evaluation, has a plan of treatment, and has completed appropriate CLE courses in law-office management, specifically in the area of client trust accounts.

**CASE AUTHORITY FOR SANCTION:** *Braun* (2012); *Scacchetti* (2012); *Mathewson* (2007)

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**Rules Violated:** Prof.Cond.R. 1.3, 1.4(a)(1), 1.4(a)(3), 1.4(a)(4), 1.5(b), 1.5(c), 1.15(a), 8.4(c)

**Aggravation/ Mitigation:** A- (1) (prior discipline), (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation), (9) (no restitution); M- None

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES	
<b>Sanction:</b> Indefinite suspension			

*Eichenberger, Disciplinary Counsel v. Slip Opinion No. 2016-Ohio-3332*. Decided 6/14/2016.

**OVERVIEW:** Respondent received a two-year suspension, with the second year stayed for failing to hold funds belonging to a client or third party in a client trust account separate from his own property, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, engaging in conduct that is prejudicial to the administration of justice, and failing to respond to a demand for information by a disciplinary authority.

**PROCEDURE:** The parties entered into stipulations of fact and mitigation and submitted 27 stipulated exhibits. Based on the stipulations and Respondent's testimony, the panel recommended a two-year suspension, with one year stayed. The Board adopted the panel's findings of fact, misconduct, and aggravating and mitigating factors, but recommended a sanction of a two-year suspension. Respondent objected to the Board's findings of fact and misconduct and recommended sanction.

**FINDINGS:** Respondent improperly used his client trust accounts for personal and non-client related business expenses, engaging in more than 200 improper transactions. Respondent refused to provide copies of his client trust account records during both the investigative and litigation phases, even after the panel chair ordered him to produce information and recommended that the Court find him in contempt for his failure to produce the requested documentation. In addition, Respondent repeatedly made material misrepresentation in his correspondence with Relator in a deceptive and willful effort to conceal the irregularities in his client trust accounts. Respondent also altered bank statements that he provided to Relator by intentionally and deceptively redacting incriminating information in an effort to conceal transactions that he knew were inappropriate. Even after the redaction came to light, Respondent took no action to rectify the situation and showed no remorse for his intentional and willful alteration of records.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and overruled Respondent objections. Nonetheless, the Court concludes that a two-year suspension, with one year stayed, as recommended by the panel, is the appropriate sanction on the condition that he engage in no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Dockry* (2012); *Riek* (2010); *Gruttadaurio* (2013)

**DISSENT:** Chief Justice O'Connor and Justice Lanzinger dissented and would not stay any portion of the suspension imposed.

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**Rules Violated:** Prof.Cond.R. [1.15\(a\)](#), [8.1\(b\)](#), [8.4\(c\)](#), [8.4\(d\)](#); Gov.Bar R. [V\(4\)\(G\)](#)

**Aggravation/ Mitigation:** **A-** (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation), (6) (false or deceptive practices during investigation); **M-** (1) (no prior discipline)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Two-year suspension, with the second year stayed on conditions</a>			

*Glaser, Cincinnati Bar Assn. v.*

[146 Ohio St.3d 102, 2016-Ohio-3052](#). Decided 5/19/2016.

**OVERVIEW:** Respondent received a six-month stayed suspension for committing an illegal act that reflected adversely on the lawyer's honesty and trustworthiness.

**PROCEDURE:** The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and jointly recommended a six-month suspension, fully stayed. The Board adopted the panel's report in its entirety.

**FINDINGS:** Respondent was convicted of attempting to permit drug abuse in her home, a first-degree misdemeanor.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a six-month suspension stayed in its entirety on conditions that Respondent submit to an assessment for domestic abuse by a professional affiliated with the OLAP program or by another qualified professional and comply with any recommendations, submit to monitoring by an attorney, and refrain from any further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Grisby* (2011); *Grubb* (2015); *Carroll* (2005)

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**Rules Violated:** Prof.Cond.R. [8.4\(b\)](#)

**Aggravation/ Mitigation:** A-None; M- (1) (no prior discipline),(4) (cooperative attitude), (5) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> <a href="#">YES</a>	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Six-month suspension stayed in its entirety on conditions</a>			

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*Guinn, Disciplinary Counsel v.*  
[Slip Opinion No. 2016-Ohio-3351](#). Decided 6/14/2016.

**OVERVIEW:** Respondent received a two-year stayed suspension for failing to provide competent representation, act with reasonable diligence and reasonably communicate with his clients, charging an excessive fee, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, initiating a proceeding that is unsupported by law and fact, and engaging in conduct that is prejudicial to the administration of justice.

**PROCEDURE:** The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors. The panel recommended a two-year suspension, fully stayed. The Board adopted the panel's report in its entirety.

**FINDINGS:** Respondent was charged with professional misconduct for neglecting two client matters, misrepresenting the status of a case to a client, filing a frivolous lawsuit, and failing to properly inform his clients that he lacked professional liability insurance.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a two-year suspension, fully stayed on conditions that Respondent serve a two-year period of monitored probation, within 90 days of the Court's disciplinary order pay restitution in the amount of \$1,000 to his client, and extend the term of his OLAP contract to coincide with the term of his monitored probation and follow all recommendations of his counselor and OLAP.

**CASE AUTHORITY FOR SANCTION:** *Hillburn* (2012); *Pfundstein* (2010)

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**Rules Violated:** Prof.Cond.R. [1.1](#), [1.3](#), [1.4](#), [1.4 \(c\)](#), [1.5\(a\)](#), [3.1](#), [8.4\(c\)](#), [8.4\(d\)](#)

**Aggravation/ Mitigation:** **A-**([3](#)) (pattern of misconduct); **M-** ([1](#)) (no prior discipline), ([2](#)) (no dishonest of selfish motive), ([4](#)) (cooperative attitude)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Two-year suspension stayed in its entirety on conditions</a>			

*Hanni, Mahoning Cty. Bar Assn. v.*  
[146 Ohio St.3d 492, 2016-Ohio-1174](#). Decided 3/24/2016.

**OVERVIEW:** Respondent received a one-year stayed suspension for neglecting a client matter, failing to keep them reasonably informed about the matter, and conduct that was prejudicial to the administration of justice.

**PROCEDURE:** In 2010, Respondent was suspended for six months, fully stayed for neglecting a client matter and making certain unsubstantiated allegations of ethical misconduct against the incumbent county prosecutor. The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and jointly recommended a one-year suspension stayed in its entirety. The Board adopted the panel's report in its entirety.

**FINDINGS:** Respondent neglected a single matter by seeking to continue two custody hearings without giving adequate notice to her clients and the court. Rather than delay the matter a second time, her clients elected to forego legal representation and proceeded pro se.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a one-year suspension, fully stayed on conditions that she serve one year of monitored probation, complete six hours of CLE in law-office operation and management, and engage in no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Berk* (2012); *Oberholtzer* (2013); *Malvasi* (2015); *Hooks* (2014); *Raso* (2011); *Broeren* (2007)

**DISSENT:** Chief Justice O'Connor and Justice Pfeifer dissented and would have imposed a suspension of one year with no portion stayed.

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**Rules Violated:** Prof.Cond.R. [1.3](#), [1.4\(a\)\(3\)](#), [8.4\(d\)](#)

**Aggravation/ Mitigation:** **A**-(1) (prior discipline); **M**-(2) (no dishonest or selfish motive), (3) (restitution or rectified consequences), (4) (cooperative attitude), (5) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES	
<b>Sanction:</b> <a href="#">One-year</a> suspension stayed in its entirety on conditions			

*Hillman, Disciplinary Counsel v.*  
[145 Ohio St.3d 489, 2016-Ohio-1172](#). Decided 3/24/2016.

**OVERVIEW:** Respondent received a one-year stayed suspension for engaging in conduct that adversely reflected on his fitness to practice law.

**PROCEDURE:** In 2009, and again in 2011, Respondent was suspended for his failure to timely register as an attorney for the 2009-2011 and 2011-2013 bienniums. The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a one-year suspension stayed in its entirety. The Board recommended that the agreement be accepted, but the Court rejected the recommended sanction and remanded the matter to the Board for further proceedings. On remand, based on the parties' stipulations and evidence presented at the hearing, the panel recommended a one-year suspension, fully stayed. The Board adopted the findings of the panel.

**FINDINGS:** Respondent was convicted of a misdemeanor offense of willful failure to file a federal personal income tax return for 2011, and he acknowledged in his plea agreement that he also had not timely filed his 2009 and 2010 federal income tax returns. Respondent was sentenced to five years of probation with six months of house arrest.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a one-year suspension stayed in its entirety on conditions that he make all payments on his back taxes as required by the Internal Revenue Service, timely pay his current taxes, complete a class in law-office management within one year after the issuance of the order, and engage in no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Ezzone* (2004); *Veneziano* (2008)

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**Rules Violated:** Prof.Cond.R. [8.4\(h\)](#)

**Aggravation/ Mitigation:** A- (1) (prior discipline); M- (4) (full and free disclosure), (5) (good character), (6) (other penalties/sanctions)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> YES	
<b>Procedure/ Process Issues:</b> YES	<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES	
<b>Sanction:</b> One-year suspension stayed in its entirety on conditions			

*Hoskins, Cincinnati Bar Assn. v.*  
[Slip Opinion No. 2016-Ohio-4576](#). Decided 6/28/2016.

**OVERVIEW:** Respondent received an indefinite suspension for violating multiple Rules of Professional Conduct.

**PROCEDURE:** During the pendency of this disciplinary action, the Supreme Court of Kentucky suspended Respondent for 60 days. The Court imposed a reciprocal discipline suspending Respondent for 60 days and conditioned his reinstatement on several factors, including his reinstatement to the practice of law in Kentucky. That suspension remains in effect. The parties submitted stipulations of fact and exhibits, and the panel conducted a two-day hearing. In 2014, a second complaint was filed in this case. After an additional day of hearing in February 2015, the panel recommended an indefinite suspension. The Board adopted the panel's report in its entirety. Respondent objected to the Board's report, challenging some of the Board's findings of fact and misconduct while admitting others and arguing that his conduct warrants a fully stayed 12-month suspension.

**FINDINGS:** Respondent represented a client in a bankruptcy proceeding. Respondent filed deficient bankruptcy petitions and failed to obtain the client's consent before moving to withdraw the motion to reopen the Chapter 13 bankruptcy proceeding. Respondent also failed to adequately advise his client about certain bankruptcy requirements. Respondent represented another client in a dissolution. Respondent drafted a separation agreement providing that "legal counsel for the Wife should draft the QDRO's necessary to divide the marital retirement assets." Respondent also failed to prepare the QDRO and failed to respond to the client's numerous requests that he do so. Respondent represented a client in a garnishment proceeding. Respondent failed to attend a hearing due to an alleged scheduling conflict in Indiana. The judge continued the hearing, but requested documentation of Respondent's scheduling conflict. Respondent had received, but not read, an email notifying him that the hearing in Indiana had been postponed, but Respondent did not inform the judge of these facts when he provided the requested documentation. Respondent also represented another client to dissolve a marriage and paid Respondent a \$1,000 retainer plus \$275 for court costs. Before Respondent completed the necessary documents, his client discharged him and requested a billing statement and a refund of any unearned fees. Respondent did not provide the requested accounting or refund nor did he respond to a later request for a full refund. At his July 2014 disciplinary hearing, Respondent delivered a \$1,500 refund check to the client. The check was not drawn on a client trust account. Respondent also represented another client in a person-injury matter. Respondent failed to communicate and the client terminated his representation and requested but never received her file. Respondent contracted to accept the referral of Social Security disability cases from a limited-liability company in Massachusetts that describes itself as a national disability advocacy group. Respondent pays the company half of the 25 percent contingency fee he receives in the cases it refers to him.

**SANCTION:** The Court overruled Respondent's objections and adopted the Board's findings of fact and misconduct, and imposed an indefinite suspension on conditions for reinstatement.

**CASE AUTHORITY FOR SANCTION:** *Pryatel* (2013); *Lord* (2006)

**DISSENT:** Chief Justice O'Connor and Justices O'Donnell and Lanzinger dissented and would disbar Respondent.

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**Rules Violated:** Prof.Cond.R. 1.1, 1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.4(b), 1.5(c)(1), 1.15(a), 1.15(c), 1.15(d), 5.4(a), 7.1, 7.2(b)(3), 7.5(d), 8.1(a), 8.1(b), 8.4(c)

**Aggravation/ Mitigation:** **A-** (1) (prior discipline), (4) (multiple offenses), (5) (lack of cooperation), (6) (false or deceptive practices during investigation), (7) (refusal to acknowledge wrongdoing), (9) (no restitution); **M-** None

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES	
<b>Sanction:</b> Indefinite suspension			

*Jackson, Disciplinary Counsel v.*  
[Slip Opinion No. 2016-Ohio-1599](#). Decided 4/21/2016.

**OVERVIEW:** Respondent received a two-year suspension for violating multiple rule violations.

**PROCEDURE:** The parties submitted an amended consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a two-year suspension. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent's misconduct occurred within a few months after he began employment with a law firm. Prior to joining the law firm, Respondent was a sole practitioner. After the law firm hired Respondent as an associate to handle bankruptcy and probate matters, Respondent agreed to close his two other offices and to split equally with the firm all fees for work he performed. Approximately five months after Respondent began working for the law firm it discovered that Respondent had not closed his other offices and that he was not sharing fees for court-appointed work and other work that he had performed. As a result of Respondent's failure to share the fees with the law firm, criminal charges were brought against him. During the investigation into the unshared fees, the law firm also determined that Respondent had failed to competently complete work he had been hired to perform in six bankruptcy matters. The remaining charges against Respondent arose out of four other separate client matters as well as issues with his client trust account. The charges against Respondent included depositing his deceased wife's Ohio Bureau of Workers' Compensation checks into his IOLTA instead of claiming them as assets of her estate, failing to provide competent representation to a client and attempting to settle with that client after she filed a grievance, attempting to initiate a sexual relationship with a client, and engaging in sexual relationship with another client.

**SANCTION:** The Court accepted the agreement and imposed a two-year suspension, with reinstatement conditioned on restitution and serve a two-year period of monitored probation.

**CASE AUTHORITY FOR SANCTION:** *Swift* (2014); *Kraemer* (2010); *Gonzalez* (2014); *DeGidio* (2013); *Cantrell* (2010); *Troxell* (2011); *Weiss* (2012)

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**Rules Violated:** Prof.Cond.R. [1.1](#), [1.3](#), [1.5\(a\)](#), [1.5\(c\)\(1\)](#), [1.5\(d\)\(3\)](#), [1.8\(h\)](#), [1.8\(j\)](#), [1.15\(a\)\(2\)](#), [1.15\(a\)\(3\)](#), [1.15\(a\)\(4\)](#), [1.15\(a\)\(5\)](#), [1.15\(b\)](#), [1.15\(c\)](#), [1.15\(d\)](#), [1.16\(d\)](#), [8.1\(b\)](#), [8.4\(b\)](#), [8.4\(c\)](#), [8.4\(d\)](#), [8.4\(h\)](#); Gov.Bar R. [V\(4\)\(G\)](#)

**Aggravation/ Mitigation:** **A-** [\(2\)](#) (dishonest or selfish motive), [\(3\)](#) (pattern of misconduct), [\(9\)](#) (no restitution); **M-** [\(1\)](#) (no prior discipline), [\(4\)](#) (full and free disclosure)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> YES	
<b>Procedure/ Process Issues:</b> YES	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> Two-year suspension on conditions			

*Lawrence, Disciplinary Counsel v.*  
[Slip Opinion No. 2016-Ohio-4605](#). Decided 6/30/2016.

**OVERVIEW:** Respondent received a two-year suspension for his felony conviction.

**PROCEDURE:** The Court imposed an interim felony suspension based on Respondent's felony conviction. The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a two-year suspension with credit for time served under the interim felony suspension. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent knowingly underreported income from various businesses that he owned in whole or in part for the 2004, 2005, and 2006 tax years. Some of the unreported income came from businesses that were tangentially related to his practice of law including rental income that he received from other attorneys. Respondent was convicted of three counts of filing false tax returns and was sentenced to 27 months of incarceration on each count to be served concurrently, followed by a one-year term of supervised release.

**SANCTION:** The Court accepted the agreement and imposed the recommended sanction.

**CASE AUTHORITY FOR SANCTION:** *Jacobs* (2014)

**DISSENT:** Chief Justice O'Connor and Justices O'Donnell and Kennedy dissented and would remand the cause to the Board to reconsider the grant of credit for time served under the interim felony suspension.

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**Rules Violated:** DR 1-102(A)(3), 1-102(A)(4)

**Aggravation/ Mitigation:** **A-**(3) (pattern of misconduct); **M-** (1) (no prior discipline), (3) (restitution or rectified consequences), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> YES	
<b>Procedure/ Process Issues:</b> YES	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> Two-year suspension, with credit for time served under the interim felony suspension			

*Lee, Disciplinary Counsel v.*

[Slip Opinion No. 2016-Ohio-85](#). Decided 1/14/2016.

**OVERVIEW:** Respondent received an indefinite suspension for violating the Kentucky Rules of Professional Conduct, the Ohio Rules of Professional Conduct, and the Rules for the Government of the Bar of Ohio.

**PROCEDURE:** Respondent has been suspended four times for his failure to register as an attorney and once for his failure to comply with CLE requirements. Respondent has failed to rectify the conditions underlying his CLE and fourth attorney registration suspensions. Respondent has been suspended from the practice of law in Ohio continuously since December 17, 2010. The Board adopted the panel's report with minor modifications and agreed that an indefinite suspension is the appropriate sanction for Respondent's misconduct. Respondent objected to the Board's findings that he is not immune from discipline, an attorney-client relationship arose between him and the union member, and that he failed to cooperate in Relator's investigation. The Court overruled Respondent's objections and adopted the Board's findings of fact and conclusions of law.

**FINDINGS:** Respondent was on a regular retainer with the FEA and received a fixed monthly fee to handle disciplinary matters involving members of the FEA's collective-bargaining unit which more than 50 percent of those matters involved teacher discipline. In early 2007, Respondent was contacted by a teacher to inquire about the possibility of filing a grievance in connection with an investigation by the school district that had been pending against her at the time of her resignation. Respondent abandoned the client and her legal matters, failed to act with reasonable diligence or promptness, failed to keep his client informed, ignored reasonable requests for information, and failed to turn over her file when she retained new counsel.

**SANCTION:** The Court adopted the Board's report in its entirety and imposed an indefinite suspension.

**CASE AUTHORITY FOR SANCTION:** *Mathewson* (2007); *Meade* (2010); *Bogdanski* (2013)

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**Rules Violated:** Prof.Cond.R. [8.1\(b\)](#); Gov.Bar R. [V4\(G\)](#); KY Prof.Cond.R. 1.3, 1.4(a)(3), 1.4(a)(4), 1.16(d), 5.5(a), 8.4(c)

**Aggravation/ Mitigation:** A- [\(b\)](#) (dishonest or selfish motive), [\(c\)](#) (pattern of misconduct), [\(d\)](#) (multiple offenses); [\(e\)](#) (lack of cooperation), [\(g\)](#) (refusal to acknowledge wrongdoing), [\(h\)](#) (harm to vulnerable victim); M- [\(a\)](#) (no prior discipline), [\(e\)](#) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> <a href="#">YES</a>	
<b>Sanction:</b> <a href="#">Indefinite</a> suspension			

*Mahin, Disciplinary Counsel v.*  
[Slip Opinion No. 2016-Ohio-3336](#). Decided 6/14/2016.

**OVERVIEW:** Respondent received a two-year suspension, with one year stayed for his felony conviction.

**PROCEDURE:** The Court imposed an interim felony suspension based on Respondent's felony conviction. The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a two-year suspension, with one year stayed. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent admitted that between February 2013 and June 2013 he converted \$15,261.97 of law firm funds for his own personal use. Respondent also admitted that in February 2013, he fraudulently endorsed a client's name on a \$270.96 settlement check then deposited those proceeds into his personal account. Respondent also admitted that in July 2014 he signed a settlement document as a witness to a client's signature without assurance from the client that it was his signature.

**SANCTION:** The Court accepted the agreement and imposed the recommended sanction on conditions that Respondent continue psychological counseling, comply with his OLAP contract, submit to law practice management counseling, including counseling on client trust accounts, serve a two-year period of monitored probation upon his reinstatement, and refrain from any further misconduct. Credit was given for time served.

**CASE AUTHORITY FOR SANCTION:** *Kraemer* (2010)

**DISSENT:** Chief Justice O'Connor and Justice O'Donnell dissented and would remand the cause to the Board to reconsider the decision to grant Respondent credit for time served under the interim felony suspension.

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**Rules Violated:** Prof.Cond.R. [8.4\(b\)](#), [8.4\(c\)](#), [8.4\(d\)](#)

**Aggravation/ Mitigation:** **A-**(2) (dishonest or selfish motive), (4) (multiple offenses); **M-** (1) (no prior discipline), (3) (restitution or rectified consequences), (7) (chemical/mental illness)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> YES	
<b>Procedure/ Process Issues:</b> YES	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> Two-year suspension, with one year stayed on conditions			

*Martinez, Disciplinary Counsel v.*  
[146 Ohio St.3d 212, 2016-Ohio-2709](#). Decided 4/28/2016.

**OVERVIEW:** Respondent received a six-month stayed suspension for committing an illegal act that reflected adversely on his honesty and trustworthiness, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, and conduct that is prejudicial to the administration of justice.

**PROCEDURE:** The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and jointly recommended a six-month suspension, fully stayed. The Board adopted the panel's report in its entirety.

**FINDINGS:** Respondent participated in the attempted bribery of one of his clients.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a six-month suspension, fully stayed on condition that he engage in no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Grubb* (2015)

**DISSENT:** Chief Justice O'Connor and Justices O'Donnell and French dissented and would not stay any portion of the suspension.

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**Rules Violated:** Prof.Cond.R. [8.4\(b\)](#), [8.4\(c\)](#), [8.4\(d\)](#)

**Aggravation/ Mitigation:** A- None; M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> YES	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> Six-month suspension stayed in its entirety on condition			

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*Masek, Trumbull Cty. Bar Assn. v.*  
[Slip Opinion No. 2016-Ohio-3350](#). Decided 6/14/2016.

**OVERVIEW:** Respondent received a public reprimand for not taking steps to protect a client’s interest at termination of the representation.

**PROCEDURE:** The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a public reprimand. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent was retained by a client to handle a wrongful termination of employment case. After filing a lawsuit against the client’s former employer, Respondent made a \$7,000 settlement demand. A disagreement subsequently arose between Respondent and his client as to whether Respondent had authority to settle the client’s case for only a monetary settlement instead of also demanding that the client return to his job. After the client rejected the monetary offer, the former employer made a motion to the court to enforce the settlement that Respondent had tendered. During a hearing on the motion, Respondent requested, and was allowed, to withdraw as the client’s attorney.

**SANCTION:** The Court accepted the agreement and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Leneghan* (2008); *Ballou* (2006); *Kubyn* (2009); *Smith* (2015)

**DISSENT:** Justice O’Neill dissented and would have dismissed the cause.

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**Rules Violated:** Prof.Cond.R. [1.16\(d\)](#)

**Aggravation/ Mitigation:** A- None; M- (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (full and free disclosure)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> <a href="#">YES</a>	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

*McCord, Columbus Bar Assn. v. Slip Opinion No. 2016-Ohio-3298*. Decided 6/8/2016.

**OVERVIEW:** Respondent received a one-year stayed suspension for failing to deposit client funds into a client trust account, failing to inform the client that he did not maintain professional liability insurance, and committing an illegal act that reflected adversely on his honesty and trustworthiness.

**PROCEDURE:** In 2005, Respondent was suspended for his failure to timely register for the 2005-2007 biennium. Also, in November 2004, the Court imposed an interim default suspension on Respondent for failing to answer the certified complaint. The Court granted Respondent's motion for leave to answer the complaint, agreed to terminate the interim default suspension, and remanded the case to the Board for further proceedings. The panel conducted a hearing and found that Respondent engaged in some, but not all, of the misconduct charged in Relator's complaint and recommended a one-year suspension all stayed. The Board adopted the panel's report in its entirety.

**FINDINGS:** Respondent was convicted of a misdemeanor offense of willful failure to file a return, supply information, or pay income taxes for the calendar years 2006 through 2010. Respondent was sentenced to 60 days in jail, one year of supervised release, and ordered to pay restitution. Respondent admitted that he closed his client trust account and that he deposited unearned client funds into his business account and failed to inform clients that Respondent did not maintain professional liability insurance.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a one-year stayed suspension on conditions that he comply with all requirements of the Internal Revenue Service for payment, timely pay his current tax obligations, complete a two-year term of probation, during which he must complete a least six hours of CLE courses in law-office management, and engage in no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Veneziano* (2008); *Ezzone* (2004); *Hillman* (2016)

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**Rules Violated:** Prof.Cond.R. [1.15\(a\)](#), [1.4\(c\)](#), [8.4\(b\)](#)

**Aggravation/ Mitigation:** A- (1) (prior discipline), (4) (multiple offenses); M- (3) (restitution or rectified consequences), (4) (full and free disclosure), (6) (other penalties/sanctions)

<b>Court Modified Sanction:</b> NO	<b>Criminal Conduct:</b> YES	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES
<b>Sanction:</b> One-year suspension stayed in its entirety on conditions		

*Owen, Ohio State Bar Assn. v.*

[145 Ohio St.3d 315, 2016-Ohio-864](#). Decided 3/9/2016.

**OVERVIEW:** Respondent received a public reprimand for failing to inform his clients that his law firm did not maintain professional liability insurance.

**PROCEDURE:** After the hearing, the panel unanimously dismissed all of the charged rule violations except one: Prof. Cond. R. 1.4(c). The Board adopted the panel's findings of fact and misconduct and recommended a public reprimand.

**FINDINGS:** Respondent was employed as the managing attorney in the Moraine, Ohio office of an out-of-state law firm, he provided clients with a firm-generated document listing several disclaimers including that the law firm did not maintain outside malpractice insurance. The notice; however, was not on a separate form; it cited the former version of the applicable rule, DR 1-104; and it did not use the language prescribed in Prof. Cond. R. 1.4(c).

**SANCTION:** The Court adopted the Board's report in its entirety and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Roy* (2015); *DeLoach* (2012)

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**Rules Violated:** Prof.Cond.R. [1.4\(c\)](#)

**Aggravation/ Mitigation:** **A-** (4) (multiple offenses), (7) (refusal to acknowledge of wrongdoing); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

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*Pryatel, Cleveland Metro. Bar Assn. v.*  
[Slip Opinion No. 2016-Ohio-865](#). Decided 3/9/2016.

**OVERVIEW:** Respondent was disbarred for practicing law while under suspension.

**PROCEDURE:** In April 2013, the Court suspended Respondent indefinitely, *inter alia*, misappropriating settlement funds from an imprisoned client, making a false statement to a court, misusing his client trust account, charging an illegal or clearly excessive fee, and neglecting a client matter. Based on the evidence presented at the hearing, the panel recommended disbarment. The Board adopted the panel’s findings and recommendation. Respondent objected, challenging both the Board’s findings of misconduct and the recommended sanction.

**FINDINGS:** Respondent was paid to represent a client in three court proceedings after he was suspended in 2013. First, Respondent appeared with his client at a probation violation hearing in Cleveland Municipal Court. Second, Respondent appeared with the client in an arraignment on unrelated charges in the Rocky River Municipal Court. Third, Respondent appeared again with the client at a pretrial in the Rocky River Municipal Court. Throughout the disciplinary process, Respondent maintained that he had not represented his client after his suspension. At Respondent’s deposition, he testified that he had not appeared with his client at the probation violation hearing, that he informed his client and his family members that he had been suspended, that he was not paid for any legal work performed after his suspension, and that he did not stand before the bench with his client or address the judge during the pretrial in Rocky River Municipal Court. All of these statements were later contradicted by testimonial, video, audio, and documentary evidence presented at the disciplinary hearing.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, overruled Respondent’s objections, and imposed permanent disbarment.

**CASE AUTHORITY FOR SANCTION:** *Sabroff* (2009); *Caywood* (1996); *Brown* (2015)

**DISSENT:** Justices Pfeifer, Kennedy, and French dissented and would impose an indefinite suspension.

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**Rules Violated:** Prof.Cond.R. [5.5\(a\)](#), [8.1\(a\)](#), [8.4\(c\)](#), [8.4\(d\)](#)

**Aggravation/ Mitigation:** **A-** (1) (prior discipline), (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation), (6) (false or deceptive practices during investigation), (7) (refusal to acknowledge wrongdoing); **M-** None

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES	
<b>Sanction:</b> <a href="#">Disbarment</a>			

*Reed, Columbus Bar Assn. v.*

145 Ohio St.3d 464, 2016-Ohio-834. Decided 3/8/2016.

**OVERVIEW:** Respondent received a two-year suspension, with 18 months stayed for failing to provide competent representation to a client, failing to keep the client reasonably informed, failing to comply with reasonable requests for information from the client, failing to act with reasonable diligence, failing to respond to a demand for information by a disciplinary authority, failing to cooperate in a certified grievance committee's fee dispute resolution procedures, and engaging in conduct that adversely reflected on his fitness to practice law.

**PROCEDURE:** In 2000, Respondent was previously suspended for six months stayed in its entirety for neglecting a client matter. In 2006 and 2015, Respondent was suspended for noncompliance with his continuing legal education requirements. The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors. The panel found that Respondent had engaged in most of the charged misconduct, dismissed some of the charges, and recommended a two-year suspension, with six months stayed. The Board adopted the panel's report in its entirety. Respondent filed objections to some of the Board's findings and to its recommendation, arguing that his suspension should be fully stayed.

**FINDINGS:** First, a client paid Respondent to file an Ohio divorce case on her behalf. After accepting the money, Respondent had no further contact with the client, despite her repeated attempts to communicate with him. Nor did Respondent file the divorce complaint, which resulted in her being forced to litigate the divorce in West Virginia, where her husband had later filed suit. The client filed a grievance against Respondent, but he failed to respond to two letters of inquiry and failed to comply with a subpoena. In the second matter, Respondent and a former client arbitrated a fee dispute. In January 2013, the arbitrator required Respondent to refund \$1,125 to his former client within ten days of receiving the notice of the arbitration award. However, Respondent failed to timely refund the money, and after eight months, the former client was forced to hire counsel to secure his money. Fourteen months after the arbitration award, Respondent paid his former client's attorney \$1,400, from which he only received \$1,011.85. The third matter involved another case of client neglect. Respondent was paid \$1,000 to file a motion for judicial release and to represent his client at any ensuing hearing. Respondent did not contact his client at the prison, conduct any work on the case, nor respond to multiple communications from his client's father seeking information about the matter.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, overruled Respondent's objections, and imposed a two-year suspension, with 18 months stayed on the conditions that he make restitution to the three clients, or if applicable, the Lawyers' Fund for Client Protection, before the end of the stayed period of his suspension, enter into and comply with an OLAP contract, and commit no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Large* (2012); *Harvey* (2014)

**DISSENT:** Justices Lanzinger and O'Neill dissented and would have imposed a two-year suspension, with six months stayed on conditions.

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**Rules Violated:** Prof.Cond.R. 1.1, 1.3, 1.4(a)(3), 1.4(a)(4), 8.1(b), 8.4(h); Gov.Bar R. V(4)(G)

**Aggravation/ Mitigation:** A-(1) (prior discipline), (2) (dishonest of selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation), (8) (harm to vulnerable victim), (9) (no restitution); M- None

<b>Court Modified Sanction:</b> YES		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO		<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES
<b>Sanction:</b> Two-year suspension, with 18 months stayed on conditions			

*Robertson, Cincinnati Bar Assn. v.*  
[145 Ohio St.3d 302, 2016-Ohio-654](#). Decided 2/25/2016.

**OVERVIEW:** Respondent received a six-month stayed suspension for accepting or continuing representation of a client if a conflict of interest would be created, unless the affected client gives informed consent in writing, knowingly disobeying an obligation under the rules of a tribunal, and engaging in conduct that is prejudicial to the administration of justice.

**PROCEDURE:** The parties submitted stipulations and jointly recommended a six-month suspension stayed in its entirety. The Board adopted the panel's report in its entirety.

**FINDINGS:** Respondent was retained by a client to represent her as the executor of her father's estate. Three of the client's siblings and seven of the decedent's grandchildren, who were also beneficiaries of the estate, attempted to remove Respondent's client as executor and filed objections to the estate inventory. Upon request, Respondent also agreed to defend her and her husband against her family members' objections and attempt to remove her as executor. Respondent failed to explain to his clients that his representation of her and her husband in their personal capacities created a conflict of interest. The family members eventually withdrew their request and due to the extensive litigation, Respondent filed applications with the court for partial payment of attorney fees. Notwithstanding the local rule and the court's order, Respondent asked his client for payment of his fees, with the understanding that the estate would eventually reimburse her when it was terminated. Between March and July 2013, she paid \$17,820 to Respondent and \$5,500 to an attorney who had assisted Respondent. In October 2013, the court awarded Respondent only \$14,000 in fees for activities conducted on behalf of the estate. Prior to filing the final account, Respondent endorsed an estate check for \$14,000 and then delivered those funds to his client. When Respondent filed the final account, he did not report that his client had paid \$23,320 in attorney fees and, instead, reported that only \$14,000 in attorney fees had been paid.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a six-month suspension stayed in its entirety on conditions.

**CASE AUTHORITY FOR SANCTION:** *Parisi* (2012); *Dettinger* (2009)

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**Rules Violated:** Prof.Cond.R. [1.7\(b\)](#), [3.4\(c\)](#), [8.4\(d\)](#)

**Aggravation/ Mitigation:** A-None; M- (1) (no prior discipline), (3) (restitution or rectified consequences), (4) (cooperative attitude)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> Six-month suspension stayed in its entirety on conditions			

*Roseman, Columbus Bar Assn. v.*  
[Slip Opinion No. 2016-Ohio-5085](#). Decided 7/26/2016.

**OVERVIEW:** Respondent received a one-year suspension, with six months stayed for failing to inform his client of a decision that required the client's consent, failing to keep the client reasonably informed about the status of the case, and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

**PROCEDURE:** The Board adopted the panel's findings and recommended sanction of a one-year suspension, with six months stayed on conditions.

**FINDINGS:** Respondent waited to the last day of the expiration of the two-year statute of limitations to file a lawsuit on behalf of his client. Respondent then failed to respond to an insurance company about the extent of his client's injuries and did not respond to discovery requests for records. Respondent then dismissed the lawsuit, without prejudice, with plans to refile the action, but failed to refile within the one-year deadline.

**SANCTION:** The Court adopted the Board's report in its entirety and imposed a one-year suspension, with six months stayed on conditions that he commit no further misconduct and upon reinstatement, submit to a one-year period of probation during which he must cooperate and work with a monitor assigned by Relator. Additionally, Respondent's reinstatement is conditioned on his resolving the \$135,000 judgment that was imposed against him.

**CASE AUTHORITY FOR SANCTION:** *Potter* (2010); *Rohrer* (2009); *Stollings* (2006); *Keller* (2006)

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**Rules Violated:** Prof.Cond.R. [1.1](#), [1.3](#), [1.4\(a\)\(1\)](#), [1.4\(a\)\(2\)](#), [1.4\(a\)\(3\)](#), [1.4\(a\)\(4\)](#), [8.4\(c\)](#)

**Aggravation/ Mitigation:** **A-** (2) (dishonest or selfish motive); **M-** (1) (no prior discipline), (4) (cooperative attitude)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">One-year suspension</a> , with six months stayed on conditions			

*Rosenfield, Disciplinary Counsel v.*  
[Slip Opinion No. 2016-Ohio-1583](#). Decided 4/20/2016.

**OVERVIEW:** Respondent received an indefinite suspension for his felony convictions.

**PROCEDURE:** The Court imposed an interim felony suspension based on Respondent's felony convictions. The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors. The panel adopted the parties' stipulations and recommended an indefinite suspension with credit for time served under the interim felony suspension. The panel granted the parties' motion to waive the hearing. The Board adopted the panel's findings of fact and misconduct, aggravating and mitigating factors, and recommended sanction, but with no credit for time served under the interim felony suspension.

**FINDINGS:** Respondent pled guilty for failing to collect, account for, and pay federal income and FICA taxes for the employees of his law firm from October 2006 through March 2011. Respondent stipulated that from at least 1998 through 2011, he failed to file any type of corporate or business income tax return and did not include a Schedule C on his own personal income tax return to report the continued existence, income, and expenses on the law firm.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct and imposed an indefinite suspension with no credit for time served under the interim felony suspension with reinstatement conditioned upon his compliance with the terms of his criminal probation and the terms of a payment plan approved by the IRS for his restitution. Upon reinstatement, Respondent to serve a three-year period of monitored probation to ensure that he complies with the restitution plan and properly files and pays all employment and unemployment taxes for his practice.

**CASE AUTHORITY FOR SANCTION:** *Smith* (2011)

**DISSENT:** Justice O'Neill dissented and would grant credit for time served under the interim felony suspension.

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**Rules Violated:** Prof.Cond.R. [8.4\(b\)](#), [8.4\(c\)](#), [8.4\(d\)](#); DR 1-102(A)(3), 1-102(A)(4), 1-102(A)(5)

**Aggravation/ Mitigation:** **A-**(2) (dishonest or selfish motive), (3) (pattern of misconduct); **M-** (1) (no prior discipline), (3) (restitution or rectified consequences), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> YES	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> Indefinite suspension with no credit for time served under the interim felony suspension			

*Salters, Disciplinary Counsel v.*

[146 Ohio St.3d 1, 2016-Ohio-1505](#). Decided 4/13/2016.

**OVERVIEW:** Respondent received a one-year stayed suspension for engaging in conduct that adversely reflected on his fitness to practice law.

**PROCEDURE:** The Court imposed an interim felony suspension based on Respondent's felony conviction. The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a one-year suspension, fully stayed. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent was charged with trespassing in a habitation, operating a motor vehicle while intoxicated, and child endangering. Respondent received a suspended 15-month prison sentence and placed on community control for three years for the trespassing charge, was ordered to serve a 30-day jail sentence for the drunk driving charge, and received a suspended five-month jail sentence for the child endangering charge.

**SANCTION:** The Court accepted the agreement and imposed a one-year suspension, fully stayed with no credit for the interim felony suspension imposed on April 18, 2014 on conditions that Respondent successfully complete the term of probation ordered by the trial court in his criminal case, fully comply with the four-year OLAP contract, remain alcohol and drug free, and engage in no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Landis* (2010)

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**Rules Violated:** Prof.Cond.R. [8.4\(h\)](#)

**Aggravation/ Mitigation:** A- None; M- (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (full and free disclosure), (6) (other penalties/sanctions), (8) (other rehabilitation)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> YES	
<b>Procedure/ Process Issues:</b> YES	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> One-year suspension stayed in its entirety on conditions			

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*Scaccia, Dayton Bar Assn. v.*

[Slip Opinion No. 2016-Ohio-3299](#). Decided 6/8/2016.

**OVERVIEW:** Respondent received an 18-month suspension, with six months stayed for failing to provide competent representation, failing to act with reasonable diligence, knowingly disobeying an obligation under the rules of a tribunal, and failing to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party.

**PROCEDURE:** This is the third disciplinary case that the Court has decided against Respondent over the past two years. In 2014, the Court found that Respondent had failed to competently manage a case, charged an improper court fee, and failed to properly deposit funds into and maintain records for his client trust account. The Court suspended his license for one year with six months stayed, but conditioned his reinstatement on the payment of restitution to a number of former clients. In 2016, during oral argument in the present matter, Respondent’s counsel indicated that Respondent had not yet completed making restitution to his former clients. Therefore, Respondent’s first suspension remains in effect. In 2015, the Court found that Respondent had again violated the rules regulating client trust accounts and that he had also failed to properly prepare a client statement in a contingent-fee case and failed to properly communicate the scope of his representation. Based on the misconduct, the Court imposed another one-year suspension, with six months stayed on conditions and allowed his suspensions to run concurrently. In the current case, the Board recommended an additional 18-month suspension, with the final six months stayed. Respondent objected to the Board’s misconduct and the recommended sanction, arguing that any new suspension should run concurrently with his previous suspension. The Court overruled Respondent’s objections.

**FINDINGS:** Respondent filed an administrative appeal in the Van Wert County Court of Common Pleas on behalf of a client who had been denied certain workers’ compensation benefits. Respondent failed to timely respond to discovery requests from the defendant or to respond to the defendant’s motion to compel and for sanctions. Respondent did not appear for the hearing on the defendant’s motion to compel. The court ordered that Respondent respond to the defendant’s discovery request within five days or face dismissal of the complaint. The judge ordered that Respondent or his client pay sanctions in the amount of \$2,669.04 by a certain date and to reimburse the defendant for its expenses in having to bring the motion to compel. Respondent failed to pay the court ordered sanctions by the deadline. Respondent sent the defendant’s counsel several emails attempting to respond to her discovery requests. The court later found the responses were incomplete and therefore dismissed the case. Respondent and the defendant’s counsel agreed to a payment plan, but after rendering two late checks, Respondent stopped making the scheduled payments.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, and imposed an 18-month suspension, with the final six months stayed on conditions.

**CASE AUTHORITY FOR SANCTION:** *DeLoach* (2015); *Trivers* (2012); *Royer* (2012)

**DISSENT:** Chief Justice O’Connor and Justices O’Donnell and Lanzinger dissented and would not stay any portion of the 18-month suspension imposed and would order that the suspension be served consecutively to Respondent’s suspensions in other cases.

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**Rules Violated:** Prof.Cond.R. [1.1](#), [1.3](#), [3.4\(c\)](#), [3.4\(d\)](#)

**Aggravation/ Mitigation:** **A-** (1) (prior discipline), (4) (multiple offenses), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim), (9) (no restitution); **M-** (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO		<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES
<b>Sanction:</b> One-year suspension, with the final six months stayed on conditions			

*Simon, Disciplinary Counsel v.*  
[146 Ohio St.3d 44, 2016-Ohio-535](#). Decided 2/17/2016.

**OVERVIEW:** Respondent received a six-month stayed suspension for failing to communicate with his clients.

**PROCEDURE:** In 2011, Respondent was suspended for one year fully stayed for commingling personal and client funds in his client account and failing to cooperate in the ensuing disciplinary investigation. The panel adopted the parties' stipulated facts and exhibits. The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of a two-year suspension, with 18 months stayed. Respondent objected to the findings of fact and recommended sanction, arguing that Relator failed to establish the alleged misconduct by clear and convincing evidence and that his stipulated misconduct warranted, at most, a fully stayed suspension.

**FINDINGS:** Respondent failed to keep two clients reasonably informed about the status of their legal matters, failed to obtain their informed consent about certain aspects of their legal matters, neglected client's matter, and failed to advise the other client that he did not carry malpractice insurance.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a six-month suspension stayed in its entirety on condition that he commit no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Godles* (2010); *Turner* (2014); *Malynn* (2012); *Harvey* (2014)

**DISSENT:** Chief Justice O'Connor and Justices O'Donnell and Lanzinger dissented and would suspend Respondent for two-years, with 18 months stayed.

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**Rules Violated:** Prof.Cond.R. [1.3](#), [1.4\(a\)\(1\)](#), [1.4\(a\)\(3\)](#), [1.4\(b\)](#), [1.4\(c\)](#)

**Aggravation/ Mitigation:** **A-** ([a](#)) (prior discipline), ([d](#)) (multiple offenses), ([g](#)) (refusal to acknowledge wrongdoing); **M-** ([b](#)) (no dishonest or selfish motive), ([e](#)) (good character)

<b>Court Modified Sanction:</b> <a href="#">YES</a>		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> <a href="#">YES</a>	
<b>Sanction:</b> <a href="#">Six-month suspension stayed in its entirety on conditions</a>			

*Smith, Erie-Huron Cty. Bar Assn. v.*  
[Slip Opinion No. 2016-Ohio-881](#). Decided 3/10/2016.

**OVERVIEW:** Respondent received an indefinite suspension for failing to act with reasonable diligence in representing a client, failing to hold property of clients in a client trust account, failing to deposit advanced legal fees and expenses into a client trust account to be withdrawn only as fees are earned or expenses incurred, failing to promptly refund any unearned fee, and failing to notify his clients that he lacked professional liability insurance.

**PROCEDURE:** Based on the parties' stipulations and the evidence presented at the hearing, the panel recommended an indefinite suspension. The Board adopted the panel's report in its entirety.

**FINDINGS:** Respondent spent most of his legal career working for other entities. Respondent opened a solo law practice, focusing primarily in bankruptcy law. However, his deteriorating physical health had caused him to close down his practice. Many of Respondent's clients had paid in advance for legal fees and court costs, but Respondent was unable to complete the work or immediately refund their money.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed an indefinite suspension with conditions on reinstatement.

**CASE AUTHORITY FOR SANCTION:** *Britt* (2012)

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**Rules Violated:** Prof.Cond.R. [1.3](#), [1.4\(c\)](#), [1.15\(a\)](#), [1.15\(c\)](#), [1.16\(e\)](#)

**Aggravation/ Mitigation:** **A-**([3](#)) (pattern of misconduct), ([4](#)) (multiple offenses), ([8](#)) (harm to vulnerable victim), ([9](#)) (no restitution); **M-** ([1](#)) (no prior discipline), ([4](#)) (cooperative attitude)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Indefinite</a> suspension			

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*Smith, Disciplinary Counsel v.*  
[146 Ohio St.3d 209, 2016-Ohio-1584](#). Decided 4/20/2016.

**OVERVIEW:** Respondent received a public reprimand for withdrawing from representation without taking reasonably practicable steps to protect her client's interest and failing to cooperate in the disciplinary investigation.

**PROCEDURE:** The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a public reprimand. The parties submitted a supplemental agreement with stipulations and documents demonstrating that the work Respondent performed on behalf of the client exhausted the retainer and that no restitution warranted. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent received two notices regarding a hearing scheduled in a client's custody matter. She did not appear at the hearing or contact the court in advance of that hearing regarding her inability to appear. The court issued an order for Respondent to show cause why she should not be held in contempt for her failure to appear at the custody hearing. After a hearing on the matter, the court issued an entry ordering Respondent to move for leave to withdraw as counsel, provide her client with a full accounting for all fees and expenses incurred in her representation, refund any unearned portion of the client's fee within 14 days, and provide the client with a complete copy of her file within 14 days. The court further ordered Respondent to file a notice of her compliance within 30 days. More than 30 days later, Respondent moved to withdraw as counsel for the client. In Respondent's motion, she stated that she had complied with the terms of the court's order. Respondent's motion stated that a copy of her accounting and a certified receipt documenting her transmittal of the client's file were attached, but were not. The court left a telephone message for Respondent asking her to submit the documents, but she did not respond.

**SANCTION:** The Court accepted the agreement and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Leneghan* (2008); *Ballou* (2006)

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**Rules Violated:** Prof.Cond.R. [1.4\(a\)\(3\)](#), [1.16\(c\)](#), [1.16\(d\)](#), [3.4\(c\)](#), [8.1\(b\)](#), [8.4\(d\)](#); Gov.Bar R. [V\(4\)\(G\)](#)

**Aggravation/ Mitigation:** **A-** (4) (multiple offenses), (5) (lack of cooperation); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (full and free disclosure), (5) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> YES	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

*Sweeney, Cleveland Metro. Bar Assn. v.*  
[Slip Opinion No. 2016-Ohio-469](#). Decided 2/11/2016.

**OVERVIEW:** Respondent received a public reprimand for neglecting a client matter, failing to communicate with the clients, failing to effectuate his withdrawal from representation with minimal adverse effects on the clients, and failing to take reasonable steps to protect his clients' interests when terminating the attorney-client relationship.

**PROCEDURE:** The panel recommended that a fully stayed six-month suspension was the appropriate sanction for Respondent's misconduct. The Board adopted the panel report in its entirety.

**FINDINGS:** Respondent was retained to represent a client and the client's minor daughter, who were injured in an automobile accident in Florida. Respondent performed substantial work, but was unable to settle the matter so he referred his clients to a Florida attorney. The Florida law firm filed a lawsuit and remained counsel until the firm withdrew due to a conflict of interest. The clients were then referred to another law firm in Florida. Three months later, the firm withdrew because of the client's failure to cooperate. Following the withdraw, the client contacted Respondent and he resumed his efforts to settle the case from Ohio. Respondent and his client communicated through text messages. The client faxed legal documents to Respondent, including the defendant's motion to dismiss the case, based on the clients' failure to respond to discovery requests and proposals for settlement. A hearing on the motion to dismiss was set, but Respondent texted his client and stated that the client did not need to attend the hearing. The motion to dismiss was granted. The relationship changed between Respondent and his client. Respondent had become actively involved in his client's case and took several concrete actions on the client's behalf. Also, Respondent gave his client flawed advice not to attend the dismissal hearing, failed to arrange for an attorney to attend the dismissal hearing, and failed to apprise his client that they could petition the court for reconsideration or appeal the dismissal.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, but rejected the recommended sanction, and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Fonda* (2014); *Hooks* (2014); *Freedman* (2011); *Smith* (2015); *Ryan* (2015)

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**Rules Violated:** Prof.Cond.R. [1.3](#), [1.4\(a\)](#), [1.16\(b\)\(1\)](#), [1.16\(d\)](#)

**Aggravation/ Mitigation:** **A**-(4) (multiple offenses), (8) (harm to vulnerable client); **M**- (1) (no prior discipline), (4) (full and free disclosure), (5) (good character)

<b>Court Modified Sanction:</b> <a href="#">YES</a>		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> <a href="#">YES</a>		<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

*Terry, Disciplinary Counsel v.*  
[Slip Opinion No. 2016-Ohio-563](#). Decided 2/25/2016.

**OVERVIEW:** Respondent was disbarred for his felony convictions.

**PROCEDURE:** The Court imposed an interim felony suspension based on Respondent's felony convictions. The Court also imposed a separate suspension for Respondent's failure to register as an attorney for the 2013-2015 biennium. The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors. The panel adopted the parties' stipulations and recommended an indefinite suspension. Noting that the sentencing judge found that Respondent had committed perjury at his criminal trial and that his conduct had been egregious violation of the public's trust and confidence in the judiciary, the Board recommended permanent disbarment. Respondent objected to the Board's recommended sanction and urged the Court to indefinitely suspend him for his misconduct.

**FINDINGS:** Respondent was appointed by the governor to fill a vacancy on the Cuyahoga County Court of Common Pleas in April 2007. On June 13, 2011, Respondent was convicted in federal court of one-count of conspiracy to commit mail fraud and two counts of honest-services mail fraud in connection with his judicial duties. Respondent was providing judicial favors in exchange for contributions to his 2008 election campaign. Respondent was sentenced to a term of 63 months in prison on each of his three convictions, to be served concurrently, and was ordered to serve two years of supervised release and to perform 250 hours of community service on his release from prison.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, overruled Respondent's objections, and permanently disbarred Respondent from the practice of law in Ohio.

**CASE AUTHORITY FOR SANCTION:** *O'Neill* (2004); *McCafferty* (2014)

**DISSENT:** Justice O'Neill dissented and would have imposed an indefinite suspension.

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**Rules Violated:** Prof.Cond.R. [8.4\(d\)](#), [8.4\(h\)](#); Canon [1](#), [2](#), [3\(B\)\(7\)](#), [3\(E\)](#), [4](#)

**Aggravation/ Mitigation:** **A-(b)** (dishonest or selfish motive); **M-** (**a**) (no prior discipline), (**d**) (cooperative attitude), (**e**) (good character), (**f**) (other penalties/sanctions)

<b>Court Modified Sanction:</b> NO	<b>Criminal Conduct:</b> YES	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> YES	<b>Prior Discipline:</b> YES
<b>Sanction:</b> <a href="#">Disbarment</a>		

*Thomas, Disciplinary Counsel v.*  
[Slip Opinion No. 2016-Ohio-1582](#). Decided 4/20/2016.

**OVERVIEW:** Respondent received an indefinite suspension for his felony convictions.

**PROCEDURE:** The Court imposed an interim felony suspension based on Respondent's felony convictions. The Court also imposed a separate suspension for Respondent's failure to register as an attorney for the 2015-2016 biennium during the pendency of this action. The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors. The panel adopted the parties' stipulations and recommended an indefinite suspension with credit for time served under the interim felony suspension. The panel granted the parties' motion to waive the hearing. The Board adopted the panel's findings of fact and misconduct, aggravating and mitigating factors, and sanction, with some modification to the requirement for restitution. The Court remanded the matter to the Board for additional consideration of the recommended conditions for Respondent's reinstatement. The Board issued a revised recommendation regarding Respondent's restitution obligation.

**FINDINGS:** Respondent pled no contest to the charges, which arose out of his theft of funds from four individuals for whom he served as a court-appointed guardian and his subsequent attempts to conceal the thefts by filing false inventories with the probate court. Respondent was sentenced to a four-and-one-half year prison term and ordered to make restitution of \$208,095.15.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct and its recommended sanction, as amended by the Board's supplemental report and recommendation, but did not credit Respondent for the time served under his interim felony suspension. Respondent's reinstatement is conditioned upon his completion of his period of incarceration, payment of restitution, compliance with all terms and conditions of his criminal probation, successful completion of an OLAP approved substance abuse and addiction treatment program, execution of an OLAP contract for a term to be determined by OLAP, and full compliance with all treatment recommendations of OLAP and his treating professionals.

**CASE AUTHORITY FOR SANCTION:** *Zapor* (2010); *Anthony* (2013)

**DISSENT:** Chief Justice O'Connor and Justices Lanzinger and O'Neill dissented and would permanently disbar Respondent.

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**Rules Violated:** Prof.Cond.R. [3.3\(a\)\(1\)](#), [3.3\(a\)\(3\)](#), [8.4\(b\)](#), [8.4\(c\)](#), [8.4\(d\)](#)

**Aggravation/ Mitigation:** **A-**(2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (8) (harmful to vulnerable victim); **M-** (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)

<b>Court Modified Sanction:</b> YES		<b>Criminal Conduct:</b> YES	
<b>Procedure/ Process Issues:</b> YES		<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO
<b>Sanction:</b> Indefinite suspension with no credit for time served under the interim felony suspension			

*Vardiman, Warren Cty. Bar Assn. & Cincinnati Bar Assn. v.*  
 146 Ohio St.3d 23, 2016-Ohio-352. Decided 2/3/2016.

**OVERVIEW:** Respondent received a one-year suspension, with six months stayed for knowingly making a false statement to a tribunal, offering evidence that he knew to be false, and engaging in conduct that is prejudicial to the administration of justice.

**PROCEDURE:** Respondent was previously suspended for failing to register for the 2007-2009 biennium. Before the hearing in this matter, Respondent filed admissions of fact to the complaint and admitted that his conduct constituted one or more violations of the Ohio Rules of Professional Conduct. The Board adopted the panel's findings of fact and misconduct and also found that Respondent's misconduct was sufficiently egregious to warrant finding a separate violation of Prof. Cond. R. 8.4(h).

**FINDINGS:** Respondent improperly signed the name of the opposing party in a custody matter, who was not represented by counsel, to four separate documents and then filed those documents in juvenile court. Respondent also engaged in additional misconduct in the execution of a will and power of attorney that he prepared for a client by signing as a witness and then falsely signing the name of a second witness to both documents.

**SANCTION:** The Court adopted the Board's report in its entirety and imposed a one-year suspension, with six months stayed on the conditions that he comply with the terms of his OLAP contract, maintain appropriate medical and psychological treatment, submit quarterly reports documenting his compliance, and engage in no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Bogdanski* (2013); *Farrell* (2008); *Shaffer* (2003); *Herman* (2003); *Speros* (1995)

**DISSENT:** Chief Justice O'Connor and Justices O'Donnell and O'Neill dissented and would not stay any portion of the suspension.

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**Rules Violated:** Prof.Cond.R. 3.3(a)(1), 3.3(a)(3), 4.3, 8.4(b), 8.4(c), 8.4(d), 8.4(h)

**Aggravation/ Mitigation:** A- None; M- (1) (no prior discipline), (4) (full and free disclosure), (5) (good character), (7) (chemical/mental illness)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES	
<b>Sanction:</b> One-year suspension, with six months stayed on conditions			

*Williams, Disciplinary Counsel v.*  
[145 Ohio St.3d 308, 2016-Ohio-827](#). Decided 3/8/2016.

**OVERVIEW:** Respondent received a two-year suspension, with 18 months stayed for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, conduct that is prejudicial to the administration of justice, failing to act with reasonable diligence in representing a client, requiring a judge or magistrate to avoid impropriety and the appearance of impropriety and to act at all times in a manner that promotes public confidence in the integrity, impartiality, and independence of the judiciary, and requiring a judge or magistrate to disqualify himself from any proceeding in which the impartiality of the judge or magistrate might be reasonably questioned.

**PROCEDURE:** The parties submitted stipulations of fact, violations, aggravating and mitigating factors, and exhibits and jointly recommended a two-year suspension, with one year stayed. The Board adopted the panel's findings of fact and conclusions of law, but recommended an indefinite suspension. Respondent objected and argued that his conduct did not warrant an indefinite suspension and urged the Court to adopt the parties' stipulated sanction of a two-year suspension, with one year stayed on conditions. Relator joined Respondent in requesting that the Court reject the Board's recommendation and at a minimum suspend Respondent for two years, with one year stayed on conditions.

**FINDINGS:** Respondent's misconduct arises from his sexual relationship with a party in an eviction action over which he presided as a magistrate at the Akron Municipal Court, his falsification of a loan application for the purchase of a motor vehicle, and his misappropriation of wrongful death proceeds that were intended to finance an annuity for the benefit of a decedent's minor children.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, but sustained Respondent's objection, and imposed a sanction of a two-year suspension, with 18 months stayed on conditions that he remain in full compliance with his OLAP contract, continue to participate in mental-health counseling for his PTSD, engage in no further misconduct, make full restitution to the children plus the interest they would have earned if he had timely purchased an annuity for their benefit as ordered by the probate court, and satisfactorily complete an 18-month period of monitored probation.

**CASE AUTHORITY FOR SANCTION:** *Simon-Seymour* (2012); *King* (2012); *Blair* (2011); *Oldfield* (2014); *Vukelic* (2004)

**DISSENT:** Justices O'Donnell and Lanzinger dissented and would have imposed a two-year suspension without any stay.

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**Rules Violated:** Prof.Cond.R. [1.3](#), [8.4\(c\)](#), [8.4\(d\)](#); Jud.Cond.R. [1.2](#), [2.11\(A\)](#)

**Aggravation/ Mitigation:** **A-**(b) (dishonest or selfish motive), (d) (multiple offenses); **M-** (a) (no prior discipline), (c) (restitution or rectified consequences), (d) (cooperative attitude), (e) (good character)

<b>Court Modified Sanction:</b> YES		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> YES	<b>Public Official:</b> YES	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> Two-year suspension, with 18 months stayed in its entirety on conditions			

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#### CJC Canon 3(C)(1) (diligently discharging administrative responsibilities without bias or prejudice; maintaining professional competence in judicial administration)

#### CJC Canon 3(C)(2) (requiring staff, court officials, and others observe standards of fidelity and diligence that apply to the judge)

#### CJC Canon 3(E)(1) (disqualifying judge when the judge's impartiality might be questioned)

- [Terry \(2/25/2016\)](#)
- CJC Canon 4 (avoiding impropriety and the appearance of impropriety)**  
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- CJC Canon 4(A) (allowing relationships to influence conduct or judgment; lending prestige of office to advance interests of judge or others; testifying voluntarily as character witness)**
- CJC Canon 4(F) (practicing law)**
- Jud.Cond.R. 1.1 (compliance with the law)**
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- Jud.Cond.R. 1.3 (avoiding abuse of the prestige of judicial office)**
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- Jud.Cond.R. 2.5 (competence, diligence, and cooperation)**
- Jud.Cond.R. 2.5(A) (perform judicial and administrative duties competently and diligently)**
- Jud.Cond.R. 2.6 (ensuring the right to be heard)**
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DR 7-105(A) (threatening criminal prosecution to obtain an advantage in a civil matter)

DR 7-106(A) (disregarding ruling of a tribunal)

DR 7-106(B)(7) (intentionally or habitually violating any established rule of procedure)

DR 7-106(C)(1) (making statements unsupported by evidence)

DR 7-106(C)(2) (questions with no reasonable basis to believe are relevant and are intended to degrade a someone)

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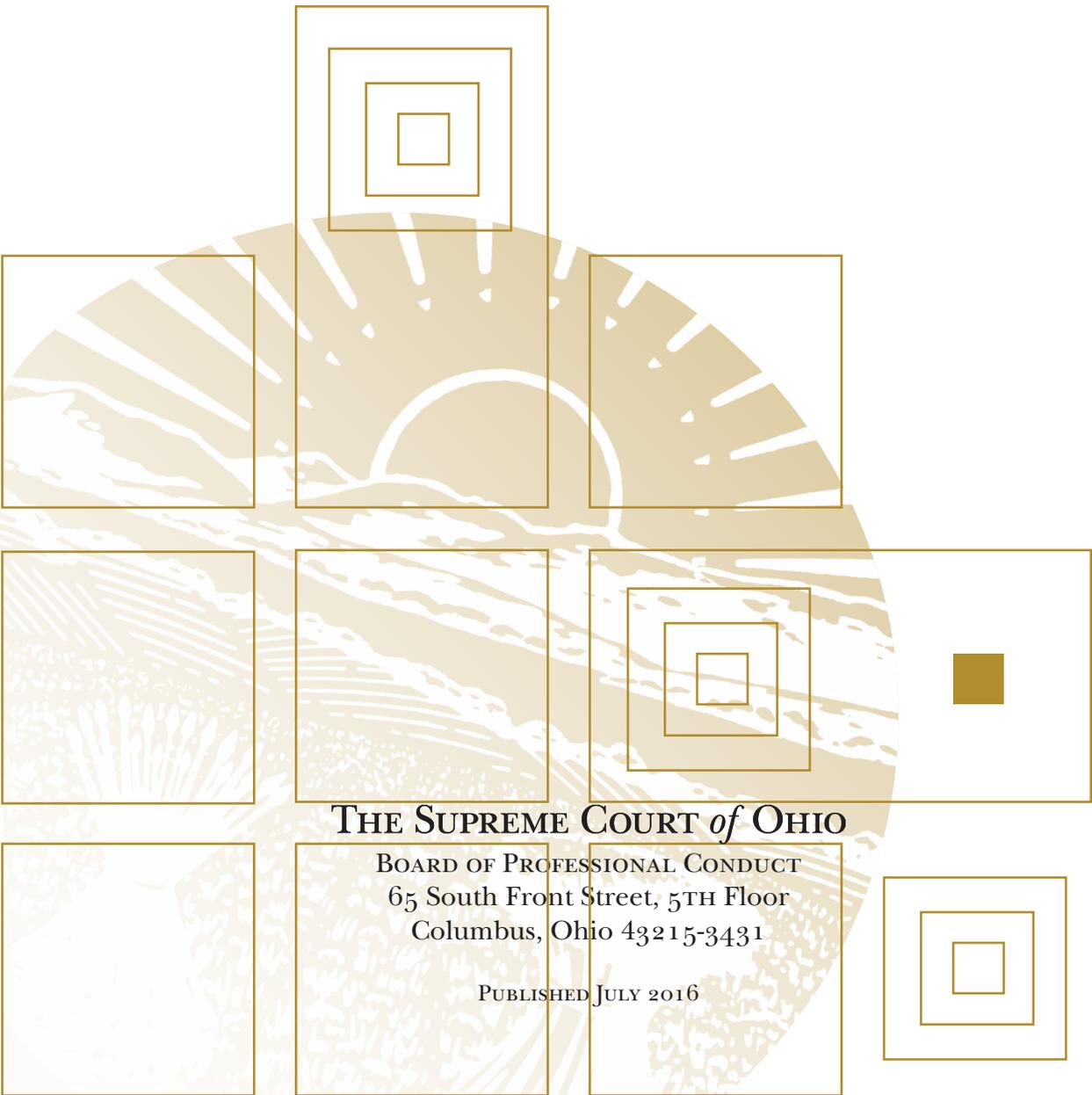
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**THE SUPREME COURT *of* OHIO**

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