

Toledo Bar Association v. Doyle.

[Cite as Toledo Bar Assn. v. Doyle (1993), Ohio
St.3d .]

Attorneys at law -- Misconduct -- Indefinite suspension --
Violating a Disciplinary Rule -- Engaging in conduct
involving dishonesty, fraud, deceit, or misrepresentation
-- Engaging in conduct adversely reflecting on fitness to
practice law -- Failing to register as an attorney with
the Clerk of the Supreme Court.

(No. 93-1740 -- Submitted October 12, 1993 -- Decided
December 8, 1993.)

On Certified Report by the Board of Commissioners on
Grievances and Discipline of the Supreme Court, No. 93-7.

In a complaint filed on December 9, 1992, relator, Toledo
Bar Association, charged respondent, Larry O. Doyle of Toledo,
Ohio, Attorney Registration No. 0033602, with two counts of
disciplinary violations. The first count charged that Doyle
misappropriated approximately \$106,855 while he served as
guardian of an estate and legal counsel for the guardian. The
second count charged that Doyle, despite a requirement to do
so, had failed to renew his Supreme Court registration as an
attorney after August 1991, although he continued to practice
law after that date. In an answer filed April 8, 1993,
respondent admitted the factual allegations of the complaint
and asked for a hearing.

A panel of the Board of Commissioners on Grievances and
Discipline of the Supreme Court held a hearing on June 24,
1993. The complaint, respondent's answer, and stipulations at
the hearing established that from July 11, 1988 until June 29,
1992, respondent served as legal guardian of the person and
estate of James A. Adkins, an incompetent. Respondent also
served as legal counsel for the guardian. During that period,
respondent misappropriated approximately \$106,855 from estate
funds. The panel concluded that respondent had thereby
violated DR 1-102(A)(1) (Disciplinary Rule), 1-102(A)(3) (moral
turpitude), 1-102(A)(4) (dishonesty, fraud, deceit, or
misrepresentation), and 1-102(A)(6) (conduct adversely
reflecting on fitness to practice law).

The complaint, respondent's answer, and stipulations at
the hearing also established that respondent had been
registered as an attorney with the Clerk of the Supreme Court
for the period ending August 31, 1991. However, respondent has
not again registered as an attorney with the clerk up until the
date of that hearing (and indeed still remains unregistered).
The panel concluded that respondent's failure to register
violated DR 3-101(B) (practice of law violating professional
regulations) and Gov. Bar R. VI.

The panel also recognized that on June 5, 1991, respondent
had been publicly reprimanded for removing fifteen traffic
affidavits from the Toledo Municipal Court in an attempt to
avoid disposition of a case by a particular judge. Toledo Bar
Assn. v. Doyle (1991), 60 Ohio St.3d 106, 573 N.E.2d 648.

Respondent was admitted to practice in Ohio in 1980, and
has practiced law as a sole practitioner in Toledo since his
admission. The panel found that in high school, respondent
"began a pattern of alcohol consumption that exacerbated in
college with the addition of cocaine and marijuana." Except

for his first year of law school, respondent "has increasingly become drug and alcohol dependent."

The evidence at the panel hearing established that in September 1992, respondent voluntarily admitted himself into a hospital for alcohol and drug treatment. After discharge from the hospital, he continued to receive outpatient medical treatment for three months. Respondent asserts that he remains involved in Alcoholics Anonymous and Cocaine Anonymous and avoids drugs and alcohol.

Consistent with recommendations from both relator and respondent, the panel recommended that respondent be indefinitely suspended from the practice of law in Ohio. The board adopted the panel's findings of fact and conclusions of law, and concurred in the panel's recommendation.

Joseph L. Wittenberg and John K. Nelson, for relator.
Jerome Phillips, for respondent.

Per Curiam. We agree with the board's findings and recommendation. Accordingly, we order that respondent be suspended indefinitely from the practice of law in Ohio. Costs taxed to respondent.

Judgment accordingly.

A.W. Sweeney, Douglas, Wright, Resnick and F.E. Sweeney, JJ., concur.

Moyer, C.J., and Pfeifer, J., dissent and would disbar respondent.