

OPINIONS OF THE SUPREME COURT OF OHIO

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Cleveland Bar Assn. v. Danner.

[Cite as Cleveland Bar Association v. Danner (1994), Ohio St. 3d .]

Attorneys at law -- Misconduct -- Indefinite suspension -- Neglecting an entrusted legal matter -- Intentionally failing to carry out contract of employment -- Neglecting or refusing to assist or testify in an investigation or hearing.

(No. 93-2174 -- Submitted January 5, 1994 -- Decided , 1994.

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 93-33.

On June 21, 1993, relator, Cleveland Bar Association, filed a two-count complaint against respondent, Herbert A. Danner, last known residence in Casper, Wyoming, Attorney Registration No. 0025433, with the Board of Commissioners on Grievances and Discipline of the Supreme Court ("board"). Count I alleged that respondent had failed to file a mechanic's lien for Robert Greenwald after having accepted a seventy-five dollar fee to do so, that Greenwald eventually obtained a one thousand dollar default judgment against respondent in the Cleveland Heights Municipal Court based on the failure to file the lien, that respondent did not appear at the referee's hearing in the case or file timely objections to the referee's report, that respondent had moved to Casper, Wyoming, and that respondent's conduct violated DR 6-101(A)(3) (neglecting an entrusted legal matter) and 7-101(A)(2) (intentionally failing to carry out a contract of employment). Count II alleged that respondent had failed to respond to formal inquiries made by relator and to the complaint, thereby violating former Gov. Bar R. V 5(a) (now Section 4 [G]) (neglecting or refusing to assist or testify in an investigation or hearing).

On September 27, 1993, relator moved for a default judgment before a panel of the board because respondent had not answered the complaint. The panel granted the motion, found that respondent had committed the violations alleged, and recommended that he be indefinitely suspended from the practice of law. The board adopted the findings and recommendation of

the panel and further recommended that costs of the proceedings be taxed to respondent.

Robert S. Belovich, Gerald M. Ozan and Paul Morrison, for relator.

Per Curiam. We concur in the findings and recommendation of the board. Respondent, Herbert A. Danner, is hereby indefinitely suspended from the practice of law in Ohio. Costs taxed to respondent.

Judgment accordingly.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.