

OPINIONS OF THE SUPREME COURT OF OHIO

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Office of Disciplinary Counsel v. Carter.

[Cite as Disciplinary Counsel v. Carter (1994), Ohio St.3d .]
Attorneys at law -- Misconduct -- Suspended two-year suspension and attorney placed on probation for two years with conditions -- Engaging in illegal conduct involving moral turpitude -- Engaging in conduct that adversely reflects on fitness to practice law -- Enlisting aid of a stranger to purchase crack cocaine for personal use.

(No. 93-2177 -- Submitted January 26, 1994 -- Decided March 30, 1994.)

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 92-52.

In a complaint filed October 19, 1992, respondent, Fred Carter, Jr. of Columbus, Ohio, Attorney Registration No. 0034366, was charged by relator, Office of Disciplinary Counsel, with violations of DR 1-102(A)(3) (engaging in illegal conduct involving moral turpitude) and 1-102(A)(6) (engaging in conduct that adversely reflects on one's fitness to practice law).

On June 25, 1993, a panel of the Board of Commissioners on Grievances and Discipline of the Supreme Court ("board") conducted a hearing on the complaint at which the parties presented stipulations of fact and testimony in mitigation.

The record shows that respondent, on April 11, 1992, enlisted the aid of a stranger to purchase crack cocaine for respondent's use. Shortly after the purchase was made, the police stopped respondent's auto and seized the cocaine, which respondent had thrown from the car window. The Franklin County Grand Jury returned an indictment against respondent for drug abuse in violation of R.C. 2925.11, a felony of the fourth degree.

The Franklin County Court of Common Pleas stayed criminal proceedings and on July 17, 1992 granted respondent's request for treatment in lieu of conviction, pursuant to R.C. 2951.041. Respondent is currently enrolled in a two-year treatment intervention program for alcohol and substance abuse, and attends weekly meetings of Alcoholics Anonymous.

In mitigation, several character witnesses testified that respondent was a loyal, responsible, trustworthy and competent individual and would recommend him to others as an attorney or

employee. Further, respondent's Alcoholics Anonymous sponsor testified that respondent has a positive attitude toward overcoming his chemical dependency and has a high probability of recovery.

The panel found that respondent had violated DR 1-102(A)(3) and 1-102(A)(6), and recommended that he be suspended from the practice of law for a period a two years. The panel further recommended that the sanction be suspended and that respondent be placed on probation, to be monitored by the Columbus Bar Association, for two years on the following conditions: During the period of probation respondent (1) remain alcohol and drug free, (2) submit to random testing for substance and alcohol abuse, and (3) continue his attendance and work in Alcoholics Anonymous. The board adopted the findings of fact, conclusions of law, and recommendation of the panel.

Geoffrey Stern, Disciplinary Counsel, and Dianna L. Chesley, Assistant Disciplinary Counsel, for relator.

Crabbe, Brown, Jones, Potts & Schmidt and Larry H. James, for respondent.

Per Curiam. We agree that respondent committed the disciplinary violations found by the board. We also agree with the board's recommendation. Accordingly, respondent is hereby suspended from the practice of law in Ohio for a period of two years. The sanction is suspended and respondent is placed on probation for two years, under the conditions recommended by the board. If respondent violates any of those conditions during the probationary period, the two-year term of suspension will be automatically imposed. Costs taxed to respondent.

Judgment accordingly.

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

Wright, J., not participating.