

OPINIONS OF THE SUPREME COURT OF OHIO

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Portsmouth Bar and Library Association v. Stevenson.

[Cite as Portsmouth Bar & Library Assn. v. Stevenson (1994), Ohio St.3d .]

Attorneys at law -- Misconduct -- Public reprimand -- Engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.

(No. 93-2562 -- Submitted February 1, 1994 -- Decided April 20, 1994.)

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 92-63.

On December 7, 1992, relator, Portsmouth Bar & Library Association, filed a two-count complaint charging respondent, John R. Stevenson of West Portsmouth, Ohio, Attorney Registration No. 0023998, with one violation of DR 6-101 (incompetently handling a legal matter) and one violation of DR 1-102(A)(4) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation). Relator subsequently dismissed the count charging violation of DR 6-101; respondent admitted violating DR 1-102(A)(4). A panel of the Board of Commissioners on Grievances and Discipline of the Supreme Court held a hearing on this matter on November 12, 1993.

Respondent, who was admitted to the Bar in 1981 and spent most of his career as an assistant county prosecutor in Portsmouth, resigned from this position in 1988 to enter private practice. In this practice, respondent was hired by Ralph Mosley to represent Mosley for injuries Mosley sustained in an accident occurring in the Portsmouth Municipal Court Building. Mosley, who had been disabled for some time before the accident due to job-related injuries, was injured when handicapped rails, with which he attempted to brace himself, collapsed. Mosley's medical bills to the date of the panel's hearing totaled approximately \$30,000.

Respondent performed minimal work on Mosley's claim, although he continually corresponded with Mosley. In any event, respondent failed to timely file the complaint within the statute of limitations, but told Mosley that he had filed a complaint and that the case was proceeding well. Respondent also informed Mosley that the city had agreed to pay all of

Mosley's medical bills, which was not true. Eventually, in October 1991, respondent advised Mosley that he had failed to sue within the statute of limitations. Nevertheless, respondent agreed to pay Mosley \$150,000 for respondent's negligence and paid Mosley an initial \$5,000. Respondent agreed to pay monthly installments of \$1,500 until he paid off the balance.

Respondent failed to pay any further amounts. Mosley retained another attorney and obtained a judgment against respondent for \$145,000. Respondent then filed for bankruptcy and included Mosley's claim, although respondent had agreed in the settlement agreement that he would not discharge the debt in bankruptcy. Mosley filed a complaint in the bankruptcy action and received \$15,000. He will receive approximately \$12,000 more when the bankruptcy is closed.

The panel concluded that Stevenson violated DR 1-102(A)(4) and recommended that he receive a public reprimand. The board adopted the findings of fact, conclusions of law, and recommendation of the panel.

Kimble, Stevens, Young, Clark, Spears & Rodeheffer and Jack D. Young, for relator.

John R. Stevenson, pro se.

Per Curiam. After reviewing the record, we agree with the board's findings and recommendations. Consequently, we publicly reprimand respondent and tax costs to him.

Judgment accordingly.

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

Moyer, C.J., dissents and would suspend respondent from the practice of law for six months.