

OPINIONS OF THE SUPREME COURT OF OHIO

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Cleveland Bar Association v. Faison.

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

Attorneys at law -- Misconduct -- Indefinite suspension -- Failing to cooperate with investigators on ethical complaints -- Neglecting an entrusted legal matter -- Failing to carry out contract of employment for professional services -- Failing to promptly deliver money owed to client -- Failing to file Certificate of Registration and pay required fee.

(No. 94-1376 -- Submitted September 13, 1994 -- Decided November 9, 1994.)

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 93-54.

In a complaint filed August 18, 1993, relator, Cleveland Bar Association, charged respondent, Jacquelyn J.C. Faison of Cleveland, Ohio, Attorney Registration No. 0036910, with three counts of misconduct alleging numerous disciplinary violations. Respondent failed to file an answer and a panel of the Board of Commissioners on Grievances and Discipline of the Supreme Court ("board") considered the matter on relator's motion for default judgment and supporting affidavits.

As to the first count of the complaint, the panel found that respondent was retained on March 22, 1989 by Katie L. Thompson to represent her in a divorce matter. Thompson paid respondent \$250 for attorney fees and \$60 for filing fees, and on March 23, 1989, respondent filed a divorce complaint on Thompson's behalf. Respondent failed to keep Thompson informed of the status of the divorce action, and an investigator from relator's Certified Grievance Committee subsequently informed Thompson that the case had been dismissed without her consent on September 29, 1989. On four separate occasions, respondent was requested by mail to respond and/or supply information regarding Thompson's allegations, and she never responded. The panel concluded that respondent had violated Gov.Bar R. V(4)(G) (failing to cooperate with investigators on ethical complaints).

As to the second count, the panel found that on January 8,

1989, Betty McNear retained respondent to represent the interests of her minor daughter in the estate of McNear's ex-husband, who was the father of McNear's minor daughter. Respondent advised McNear that the total fee would not exceed \$1,200, based on a quoted rate of \$80 per hour. Following respondent's successful motions to remove a previously appointed fiduciary and have McNear appointed as administrator of the estate, McNear paid respondent a \$500 retainer fee. McNear subsequently paid respondent additional attorney fees of \$175, although respondent failed to timely file documents with the probate court and appeared late and unprepared for a hearing in that court on the estate matter.

On October 17, 1989, respondent informed McNear that because she had accepted a municipal court referee's position, respondent could no longer represent her. Later, respondent advised McNear that she would complete the probate matter for an additional fee of \$670. On March 5, 1990, McNear terminated her employment of respondent in the estate proceeding and requested her daughter's file and an itemized bill for services rendered. Respondent did not comply with McNear's request.

After retaining other counsel to conclude the estate matter, McNear filed a complaint concerning respondent's misconduct with relator. Respondent failed to respond to any of the five requests for information and/or answers to McNear's allegations that were sent to respondent on behalf of relator. The panel concluded that respondent had violated DR 6-101(A) (3) (neglecting a legal matter entrusted to her), 7-101(A) (2) (failing to carry out a contract of employment for professional services), 9-102(B) (4) (failing to promptly deliver money owed to a client), and Gov.Bar R. V(4) (G) (failing to cooperate with investigation on ethical complaint).

As to the third count, the panel found that as of February 17, 1993, respondent had failed to register with the Supreme Court of Ohio's Office of Attorney Registration. Respondent's last date of registration was September 28, 1987. The panel concluded that respondent had violated Gov.Bar R. VI(6) (A) (failing to file a Certificate of Registration and pay required fee).

The panel agreed with relator's recommendation that respondent be indefinitely suspended from the practice of law. The board adopted the findings of fact, conclusions of law, and recommendation of the panel, and further recommended that costs be taxed to respondent.

Ticktin, Baron, Koepper Co., L.P.A., and Engeline Koepper; Michael Wypasek; and Patrick Gannon, for relator.

Per Curiam. We concur in the findings and recommendation of the board. Jacquelyn J.C. Faison is hereby indefinitely suspended from the practice of law. Costs taxed to respondent.

Judgment accordingly.

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