

OPINIONS OF THE SUPREME COURT OF OHIO

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Office of Disciplinary Counsel v. Schumann.

[Cite as Disciplinary Counsel v. Schumann (1994), Ohio St.3d .]

Attorneys at law -- Misconduct -- Public reprimand -- Conduct involving dishonesty, fraud, deceit, or misrepresentation.

(No. 94-1813 -- Submitted October 24, 1994 -- Decided December 7, 1994.)

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 94-10.

By a complaint filed on February 22, 1994, relator, the Office of Disciplinary Counsel, charged that respondent, William Manning Schumann of Westerville, Ohio, Attorney Registration No. 0017238, had signed a client's name to an affidavit, notarized the purported signature of that client, and then filed the notarized affidavit in the case of Keeling v. Keeling, case No. 80DR-07-2286, Franklin County Court of Common Pleas, Domestic Relations Division, and that he had thereby violated DR 1-102(A)(3) (illegal conduct involving moral turpitude); 1-102(A)(4) (conduct involving dishonesty, fraud, deceit, or misrepresentation); 1-102(A)(5) (conduct prejudicial to the administration of justice); and 1-102(A)(6) (conduct that adversely reflects on his fitness to practice law). Respondent was served with the complaint, and filed an answer admitting the facts from the complaint, but affirmatively stating that he had signed the affidavit with the prior knowledge and consent of his client, and denying that his conduct constituted a violation of any Disciplinary Rule.

The matter was heard by a panel of the Board of Commissioners on Grievances and Discipline of the Supreme Court on June 27, 1994. The record from the hearing reflects that respondent has an active general practice in Westerville, Ohio. Respondent was engaged by Arlene Keeling on November 21, 1990, for the purpose of obtaining an increase in child support and/or spousal support.

During the representation of Keeling, respondent signed Keeling's name on an affidavit of expenses, notarized the signature, and filed the affidavit in the Franklin County Court of Common Pleas. Sometime following respondent's actions,

Keeling terminated the legal representation, and proceeded to represent herself.

Based on the evidence at the hearing, the panel found a violation of DR 1-102(A)(4). It then recommended that respondent be publicly reprimanded. The board adopted the panel's findings and its recommendation, and also recommended that the costs be taxed to respondent.

Geoffrey Stern, Disciplinary Counsel, and Harald F. Craig III, Assistant Disciplinary Counsel, for relator.
William M. Schumann, pro se.

Per Curiam. Having thoroughly reviewed the record, we agree with the board's findings of misconduct and its recommendation. Accordingly, respondent is hereby publicly reprimanded. Costs taxed to respondent.

Judgment accordingly.

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