

OFFICE OF DISCIPLINARY COUNSEL v. GUNNOE.

[Cite as *Disciplinary Counsel v. Gunnoe*, 1997-Ohio-170.]

Attorneys at law—Misconduct—Public reprimand—Settling medical malpractice action without client’s express authorization.

(No. 97-435—Submitted April 16, 1997—Decided July 16, 1997.)

ON CERTIFIED REPORT by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 95-35.

{¶ 1} On April 10, 1995, relator, Office of Disciplinary Counsel, filed a complaint charging, *inter alia*, that respondent, Gerald Eugene Gunnoe of Centerville, Ohio, Attorney Registration No. 0003460, violated DR 7-101(A)(3) (prejudicing or damaging a client during the course of representation). After respondent filed an answer, the parties submitted agreed stipulations and a deposition of respondent to a panel of the Board of Commissioners on Grievances and Discipline of the Supreme Court (“board”). On March 20, 1996, the panel heard character witnesses and mitigation evidence.

{¶ 2} The panel found that in June 1988, respondent agreed to represent Mary Johnson in a medical malpractice action. He discussed the potential settlement value with Johnson and, after the statute of limitations had run, accepted a \$7,000 settlement offer from the insurance carrier without Johnson’s express authorization. Thereafter, Johnson, retaining new legal counsel, filed a malpractice claim against respondent, and received a settlement of \$15,000 from respondent’s malpractice carrier. The panel concluded that by settling a case without his client’s express authorization, respondent had violated DR 7-101(A)(3). The panel recommended that the respondent be publicly reprimanded.

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{¶ 3} The board agreed with the findings, conclusion, and recommendation of the panel.

Geoffrey Stern, Disciplinary Counsel, *Cynthia L. Roehl* and *Sally Ann Steuk*,
Assistant Disciplinary Counsel, for relator.

Gerald E. Gunnoe, pro se.

Per Curiam.

{¶ 4} Upon review of the record, we adopt the findings, conclusion, and recommendation of the board. Respondent is hereby publicly reprimanded. Costs are taxed to respondent.

Judgment accordingly.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK and
LUNDBERG STRATTON, JJ., concur.
