

**TOLEDO BAR ASSOCIATION v. BROGAN-SIZEMORE.**

**[Cite as *Toledo Bar Assn. v. Brogan-Sizemore*, 1998-Ohio-595.]**

*Attorneys at law—Misconduct—Six-month suspension—Neglect of an entrusted legal matter—Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation—Charging and collecting a clearly excessive fee.*

(No. 97-2644—Submitted February 18, 1998—Decided May 13, 1998.)

ON CERTIFIED REPORT by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 97-11.

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{¶ 1} On February 18, 1997, relator, Toledo Bar Association, filed a complaint charging that respondent, Mary Brogan-Sizemore of Allen, Michigan, Attorney Registration No. 0036833, violated several Disciplinary Rules. The complaint alleged that in September 1988, respondent accepted a nonrefundable fee of \$600 and in January 1989, an additional \$1,000 from the parents of Charles J. Swartzmiller, a prisoner, to determine whether Swartzmiller's criminal case warranted the filing of a petition for post-conviction relief. Respondent provided no written fee agreement and did not specify the services that would be provided for the additional \$1,000. After respondent wrote a letter to Swartzmiller in February 1989, indicating that she planned to draft a petition for post-conviction relief, she failed to prepare or file any such petition, and wrote to the parents of Swartzmiller, indicating that she was closing her practice and was returning his file to them. The file was never returned, nor did respondent account for her services. Respondent is currently registered as inactive at the Supreme Court.

{¶ 2} Respondent failed to answer or otherwise respond to the complaint, and relator filed a motion for default judgment. The matter was heard by a panel of the Board of Commissioners on Grievances and Discipline of the Supreme Court

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(“board”), which found the facts as alleged and concluded that respondent had violated DR 6-101(A)(3) (neglecting an entrusted legal matter), 1-102(A)(4) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), and 2-106(A) (charging and collecting a clearly excessive fee). The panel recommended that respondent be suspended from the practice of law for six months. The board adopted the findings, conclusions, and recommendation of the panel.

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*Catherine G. Hoolahan and William C. Eickholt, for relator.*

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***Per Curiam.***

{¶ 3} We adopt the findings and conclusions of the board. Respondent is suspended from the practice of law for six months and ordered to repay the fees received from the parents of Swartzmiller with interest at the statutory rate. Costs taxed to respondent.

*Judgment accordingly.*

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

RESNICK, J., not participating.

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