

AKRON BAR ASSOCIATION v. BODNAR.

[Cite as *Akron Bar Assn. v. Bodnar*, 1999-Ohio-480.]

Attorneys at law—Misconduct—Six-month suspension with entire sanction stayed—Handling a matter attorney knows, or should know, he is not competent to handle—Neglect of an entrusted legal matter.

(No. 98-1311—Submitted August 19, 1998—Decided January 13, 1999.)

ON CERTIFIED REPORT by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 96-87.

{¶ 1} In February 1991, Dr. William D. Boughton and his wife, Bernice, retained respondent, Andrew P. Bodnar, Jr. of Akron, Ohio, Attorney Registration No. 0032329, to prepare living trusts and related documents, including wills, for them. In April 1991, before the completion of the documents, Bernice died unexpectedly, and Dr. Boughton retained respondent to handle her estate.

{¶ 2} Because Bernice's will had not been executed, she died intestate, and among her assets was a parcel of real estate. Respondent, who was unfamiliar with how to transfer real estate from an intestate to a surviving spouse, delayed nearly three years before commencing proceedings in the Summit County Probate Court. During the course of the proceedings, which extended over three years, Dr. Boughton was twice cited for being delinquent in his duties as administrator of his wife's estate. After Dr. Boughton died in January 1996, his daughter learned that the administration of Bernice's estate had not been completed. The daughter then retained other counsel who completed the administration of both estates in November 1997. The daughter also lodged a grievance against respondent with relator, Akron Bar Association. Relator then filed a complaint on October 15, 1996 charging that respondent violated, *inter alia*, DR 6-101(A)(1) (a lawyer shall not

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handle a matter which he knows, or should know, he is not competent to handle) and 6-101(A)(3) (a lawyer shall not neglect a legal matter entrusted to him).

{¶ 3} The matter was heard by a panel of the Board of Commissioners on Grievances and Discipline of the Supreme Court (“board”), which concluded that respondent had violated the above Disciplinary Rules. The panel found in mitigation that respondent had voluntarily discontinued his probate practice and that no financial harm had resulted to any client, nor had respondent received any improper financial gain as a result of his conduct. 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.

David Friedman and J. Bruce Hunsickler, for relator.

Andrew P. Bodnar, Jr., pro se.

Per Curiam.

{¶ 4} We adopt the findings and conclusions of the board. Because respondent has terminated his probate practice and because in this instance his conduct did not result in improper gain to him or financial harm to his client, we impose a lesser sanction than the board recommended. Respondent is hereby suspended from the practice of law for six months with the entire six months stayed. Costs are taxed to respondent.

Judgment accordingly.

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

COOK, J., not participating.
