

CINCINNATI BAR ASSOCIATION v. ROEMER.

[Cite as *Cincinnati Bar Assn. v. Roemer*, 1999-Ohio-481.]

Attorneys at law—Misconduct—Indefinite suspension—Neglect of clients’ interests—Failing to promptly return unearned retainers—Failing to cooperate in disciplinary investigation—Failing to keep Attorney Registration Office apprised of current residence and office addresses.

(No. 98-1794—Submitted October 28, 1998—Decided January 13, 1999.)

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

{¶ 1} In 1994, respondent, Douglas A. Roemer of Charlotte, North Carolina, Attorney Registration No. 0064106, was admitted to the practice of law in Ohio. On December 8, 1997, relator, Cincinnati Bar Association, filed a two-count complaint charging that respondent accepted retainers from clients in 1996 but failed either to perform the necessary work or to return or account for the retainers. Relator further charged that respondent did not cooperate in the investigation of these clients’ grievances. Respondent submitted a letter in response to the complaint in which he stated that in January 1997, he quit practicing law because of his frustration “with the profession itself, the clients, and many of [his] counterparts.” Respondent also stated that while he may never practice law in Ohio again, he still valued his membership in the Ohio Bar. Respondent waived his right to a hearing, and the parties submitted the matter on joint stipulations of fact to a panel of the Board of Commissioners on Grievances and Discipline of the Supreme Court (“board”).

{¶ 2} The panel found that in August 1996, respondent worked at the law office of T. Jeffrey Corcoran & Associates. On August 30, 1996, Shirley M. Stull

employed respondent to represent her in a bankruptcy matter and paid him \$200 of a quoted total fee of \$450. Stull later paid respondent an additional \$175. After being unable to contact respondent by telephone for several months, Stull reached respondent at his home in January 1997. Respondent, who had left his employment with the law office, informed Stull that he was unable to represent her in the bankruptcy matter because he had never been admitted to practice in the federal court and was unable to obtain a *pro hac vice* admission. Respondent promised but failed to refund \$325 of the retainer to Stull.

{¶ 3} In addition, the panel found that in July 1996, respondent represented Rachel Knepp in an action against Knepp's employer. Respondent later requested and received \$300 from Knepp that he stated was for six hours of work. In November 1996, respondent advised Knepp by letter that he was withdrawing from the case because he lacked sufficient experience to handle it. After several unsuccessful attempts to contact respondent to request that he return her documents, she eventually reached him at his North Carolina address after the post office provided her with the forwarding address. In October 1997, respondent returned Knepp's documents to her. Respondent, however, did not account for or return the \$300 retainer fee he had received from Knepp.

{¶ 4} The panel also found that relator made several unsuccessful attempts to contact respondent concerning these grievances because respondent had failed to notify the Attorney Registration Office of the Supreme Court of his change of address. When relator finally contacted respondent at his North Carolina address, respondent failed to provide written responses to the grievances in a timely fashion as he had twice assured relator.

{¶ 5} In mitigation, respondent stated in his response to the complaint that he would gladly return any money to his clients and that his failure to do so resulted from poor record keeping.

{¶ 6} The panel concluded that by his conduct, respondent committed two violations of DR 6-101(A)(1) (handling a legal matter which he knows or should know that he is not competent to handle), two violations of DR 6-101(A)(3) (neglecting a legal matter entrusted to him), two violations of DR 7-101(A)(1) (failing to seek the lawful objectives of his client), two violations of DR 9-102(B)(3) (failing to render appropriate accounts to his client), two violations of DR 9-102(B)(4) (failing to promptly pay or deliver to his client, as requested, funds or properties in his possession which his client is entitled to receive), a violation of Gov.Bar R. V(4)(G) (failing to cooperate in a disciplinary investigation), and a violation of Gov.Bar R. VI(1)(D) (failing to keep the Attorney Registration Office apprised of his current residence and office addresses). The panel recommended that respondent be indefinitely suspended from the practice of law and that his readmission be conditioned upon his making full restitution to Stull and Knepp.

{¶ 7} The board adopted the findings, conclusions, and recommendation of the panel.

Anita S. Cross and James J. Condit, for relator.

Douglas A. Roemer, pro se.

Per Curiam.

{¶ 8} We adopt the findings, conclusions, and recommendation of the board. Respondent's neglect of his clients' interests, his failure to promptly return unearned retainers, and his disregard of the disciplinary investigation warrant an indefinite suspension from the practice of law in Ohio. Cf. *Disciplinary Counsel v. Boykin* (1998), 82 Ohio St.3d 100, 694 N.E.2d 899; *Mahoning Cty. Bar Assn. v. Daniels* (1998), 82 Ohio St.3d 5, 693 N.E.2d 764. Respondent is hereby indefinitely suspended from the practice of law in Ohio with his reinstatement

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conditioned upon his making full restitution with interest at the judgment rate to Stull and Knepp of the retainers he received. Costs are taxed to respondent.

Judgment accordingly.

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