

# DISCIPLINARY HANDBOOK: VOLUME IX

[CASES FROM 2015; CURRENT THROUGH DECEMBER 31, 2015]

## BOARD OF PROFESSIONAL CONDUCT

Links within this document lead either to publications on the Supreme Court's website or to other pages within this document. Links in the Table of Cases will direct the user to the corresponding Case Summary; links within the Case Summaries will direct the user to the Index. Links within the Index will direct the user back to the Case Summaries. This document is also fully searchable (hit Ctrl+F, type in the exact term or phrase, and then hit Enter).

The case summaries were prepared by Board staff and may not reflect all aspects of a case in their entirety. The summaries are meant to assist the reader by providing a brief overview of the misconduct committed by the attorney, the rules violated, and the sanction imposed. The summaries should be a beginning point that ends with reading the actual court opinion.



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## CASE SUMMARIES

**Bauer, Mahoning Cty. Bar Assn. v.**  
[143 Ohio St.3d 519, 2015-Ohio-3653](#). Decided 9/10/2015.

**OVERVIEW:** Respondent received a public reprimand for failing to disclose in writing to the client the terms of any division of fees between lawyers who are not in the same firm and failed to set forth a contingent-fee agreement in writing signed by the client.

**PROCEDURE:** The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and jointly recommended a one-year suspension stayed in its entirety. The panel granted the parties' joint motion to waive the hearing and adopted their stipulation. However, the panel rejected their agreed sanction and recommended a public reprimand. The Board adopted the panel's report in its entirety.

**FINDINGS:** A friend of Respondent contacted him to ask whether he knew any attorneys who handled medical-malpractice cases. Respondent recommended another attorney, who eventually entered into a written contingent-fee agreement and obtained a substantial jury verdict in their favor. Although Respondent had not entered into a written fee agreement with the clients, he filed suit against the attorney who represented them in the malpractice action, claiming that he was entitled to share in the attorney fees earned in their case. The court dismissed the case, and the matter was ultimately arbitrated by the Ohio State Bar Association, which ruled against Respondent.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Schiff* (2014); *Adusei* (2013); *Seibel* (2012)

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**Rules Violated:** Prof.Cond.R. [1.5\(c\)](#), [1.5\(e\)](#), [1.5\(f\)](#); DR 2-107(A)(2)

**Aggravation/ Mitigation:** A- None; M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

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*Belinger, Cleveland Metro. Bar Assn. v.*  
[144 Ohio St.3d 150, 2015-Ohio-4436](#). Decided 10/28/2015.

**OVERVIEW:** Respondent received a one-year suspension, with six months stayed for failing to inform a client of any decision or circumstance to which the client’s informed consent is required, failing to keep the client reasonably informed, failing to comply with reasonable requests for information from the client, and failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

**PROCEDURE:** The panel adopted the parties’ stipulated facts and misconduct, and recommended a public reprimand. The Board adopted the panel’s findings of fact, conclusions of law, and most, but not all, of its findings in aggravation and mitigation. The Board rejected the panel’s recommended sanction and recommended a one-year suspension, with six months stayed on conditions.

**FINDINGS:** Respondent’s cousin is the sole surviving beneficiary of a living trust that Respondent created for his aunt and uncle. Respondent served as the trustee for the trust and was vested with broad discretion to manage trust assets. Respondent made bridge loans secured with real estate and short-term mortgages as investment tools for the trust and was paid for his services.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, and imposed the recommended sanction.

**CASE AUTHORITY FOR SANCTION:** *Rozanc* (2009)

**DISSENT:** Chief Justice O’Connor and Justice French dissented and would not stay any portion of the suspension.

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**Rules Violated:** Prof.Cond.R. [1.4\(a\)](#), [1.4\(b\)](#)

**Aggravation/ Mitigation:** **A-** [\(b\)](#) (dishonest or selfish motive); **M-** [\(a\)](#) (no prior discipline), [\(c\)](#) (restitution or rectified consequences), [\(d\)](#) (cooperative attitude)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> <a href="#">YES</a>	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">One-year suspension</a> , with six months stayed on conditions			

*Biviano, Trumbull Cty. Bar Assn. v.*  
[Slip Opinion No. 2015-Ohio-4308](#). Decided 10/21/2015.

**OVERVIEW:** Respondent received a public reprimand for failing to promptly return the unearned portion of his retainer.

**PROCEDURE:** The panel adopted the parties’ stipulated facts and misconduct, and recommended a public reprimand. The Board adopted the panel’s report in its entirety.

**FINDINGS:** Respondent was retained to represent a client in a child custody matter. Respondent sent his client a letter stating that he understood she had reconciled with the child’s father and requested documentation from her so he could close her file. The client responded to Respondent advising him to close his file and return the unearned portion of her retainer. The client emailed Respondent several additional times requesting the unearned portion of her retainer. The client filed a grievance against Respondent. Respondent provided an itemized account of his billing and returned the unearned portion of her retainer.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Kuby* (2009)

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**Rules Violated:** Prof.Cond.R. [1.16\(e\)](#)

**Aggravation/ Mitigation:** A- None; M- (1) (no prior discipline), (2) (no dishonest or selfish motive), (3) (restitution or rectified consequences), (4) (cooperative attitude), (5) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

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*Bodor, Trumbull Cty. Bar Assn. v.*  
[143 Ohio St.3d 505, 2015-Ohio-3634](#). Decided 9/9/2015.

**OVERVIEW:** Respondent received a public reprimand for failing to promptly refund any unearned fees upon his withdrawal from employment.

**PROCEDURE:** The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and jointly recommended a public reprimand. The Board adopted the panel’s report in its entirety.

**FINDINGS:** Respondent was retained to file a Chapter 13 bankruptcy. The client signed a fee agreement agreeing to pay \$3,000. The client contacted Respondent’s office on numerous occasions to provide information relevant to his bankruptcy, but he did not provide all of the information necessary to prepare and file the bankruptcy petition. The client scheduled a time to meet with Respondent on March 14, 2012 to clarify what was required to move forward with his bankruptcy, but on March 9, 2012 Respondent sent him a letter terminating his representation and canceling the appointment. Respondent failed to provide his client with an accounting of what he paid and failed to promptly refund any unearned portion of the fee.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Kubyn* (2009)

**Rules Violated:** Prof.Cond.R. [1.16\(c\)](#)

**Aggravation/ Mitigation:** A- None; M- (1) (no prior discipline), (2) (no dishonest or selfish motive), (3) (restitution or rectified consequences), (4) (cooperative attitude), (5) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

*Brown, Cleveland Metro. Bar Assn. v.*  
[142 Ohio St.3d 459, 2015-Ohio-2344](#). Decided 6/17/2015.

**OVERVIEW:** Respondent received disbarment for practicing law while under suspension and failing to cooperate in the disciplinary investigation.

**PROCEDURE:** On January 8, 2014, the Court imposed an interim default suspension for Respondent's failure to answer an eight-count complaint. Relator timely moved the Court to remand the case to the Board in order to pursue Respondent's permanent disbarment. Relator then moved for default, and the matter was referred to a master commissioner for disposition. The master commissioner submitted the findings of fact, conclusions of law, and recommended permanent disbarment. The Board adopted the findings of fact, conclusions of law, and recommended sanction.

**FINDINGS:** Respondent was indefinitely suspended on October 13, 2011 based on his neglect of three separate client matters. From January through August 2012, Respondent continued to practice law while his law license was indefinitely suspended. Respondent filed notices of appearances and various motions in four cases pending in various common pleas courts and actually appeared before the courts to represent clients.

**SANCTION:** The Court adopted the Board's findings of fact, conclusions of law, and imposed disbarment.

**CASE AUTHORITY FOR SANCTION:** *Fletcher* (2013)

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**Rules Violated:** Prof.Cond.R. [1.3](#), [1.5\(a\)](#), [5.5\(a\)](#), [8.1\(b\)](#), [8.4\(d\)](#), [8.4\(h\)](#); Gov.Bar R. [V\(4\)\(G\)](#)

**Aggravation/ Mitigation:** **A-** (a) (prior discipline), (c) (pattern of misconduct), (d) (multiple offenses), (e) (lack of cooperation), (h) (harm to vulnerable victim); **M-** None

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> YES	<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES	
<b>Sanction:</b> <a href="#">Disbarment</a>			

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*Broyles, Disciplinary Counsel v.*  
[Slip Opinion No. 2015-Ohio-4442](#). Decided 10/29/2015.

**OVERVIEW:** Respondent received a public reprimand for representing a new client in the same matter as a former client when the new client’s interests are adverse to the former client’s.

**PROCEDURE:** The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a public reprimand. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent represented a bank at a default hearing in a foreclosure case and obtained a judgment against the owner. Approximately nine months later, Respondent was retained by the owners to defend them in the foreclosure action filed by the bank. Respondent filed a motion for relief from judgment and other pleadings in the case, arguing that the default judgment he had previously obtained against the owner should be vacated. The bank did not give informed consent to allow Respondent to represent the owner.

**SANCTION:** The Court accepted the agreement and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Psenicka* (1991); *Leiken* (2014)

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**Rules Violated:** Prof.Cond.R. [1.9](#)

**Aggravation/ Mitigation:** A- None; M- [\(1\)](#) (no prior discipline), [\(4\)](#) (full and free disclosure)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> <a href="#">YES</a>	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

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*Bunstine, Disciplinary Counsel v.*  
 144 Ohio St.3d 115, 2015-Ohio-3729. Decided 9/16/2015

**OVERVIEW:** Respondent received a six-month suspension with no credit for time served under his prior suspension for failing to cooperate in the ensuing disciplinary investigation.

**PROCEDURE:** Since 2012, the Court disciplined Respondent twice for engaging in professional misconduct including a stayed six-month suspension for dishonest conduct in a criminal case and then imposing a one-year suspension, with six months conditionally stayed after Respondent made a sexually suggestive request of a client. In Count One of Relator’s complaint, Respondent was charged with a number of violations arising from his alleged representation of a client in a criminal matter and in Count Two, with failing to cooperate in the disciplinary investigation. The panel overruled Respondent’s motion to dismiss the complaint, but unanimously dismissed the charges as to four of the alleged rule violations. The panel recommended a two-year suspension, with 18 months stayed, with no credit for time served under the prior suspension. The Board adopted the panel’s findings of fact and conclusions of law, but unanimously recommended an indefinite suspension. Respondent objected and argued that the record did not support the Board’s findings of fact and misconduct and that the entire complaint should be dismissed because Relator failed to afford him due process.

**FINDINGS:** Respondent failed to provide competent representation to a client, made a false statement to a tribunal, engaged in dishonesty, fraud, deceit, or misrepresentation, and engaged in conduct prejudicial to the administration of justice.

**SANCTION:** The Court sustained Respondent’s objections as to Count One of Relator’s complaint and dismissed that count in its entirety. The Court overruled the remaining objections and adopted the Board’s findings of fact and misconduct with respect to Count Two of the complaint and imposed a six-month suspension with no credit for time served under his prior suspension.

**CASE AUTHORITY FOR SANCTION:** *Jaffe* (2009)

**DISSENT:** Justice O’Neill dissented and would have imposed a public reprimand. Justice Lanzinger dissented and would have imposed an indefinite suspension.

**Rules Violated:** Prof.Cond.R. [8.1\(b\)](#); Gov.Bar R. [V\(4\)\(G\)](#)

**Aggravation/ Mitigation:** A- [\(a\)](#) (prior discipline), [\(c\)](#) (pattern of misconduct), [\(e\)](#) (lack of cooperation), [\(g\)](#) (refusal to acknowledge wrongdoing); M- None

<b>Court Modified Sanction:</b> <a href="#">YES</a>		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> <a href="#">YES</a>	
<b>Sanction:</b> <a href="#">Six-month suspension with no credit for time served under his prior suspension</a>			

*Calabrese, Disciplinary Counsel v.*  
[Slip Opinion No. 2015-Ohio-2073](#). Decided 6/3/2015.

**OVERVIEW:** Respondent received disbarment for his felony convictions.

**PROCEDURE:** The Court imposed an interim felony suspension based on Respondent's felony convictions. The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, as well as 14 stipulated exhibits. Based on the stipulations and Respondent's testimony, the panel recommended permanent disbarment. The Board adopted the panel's report in its entirety. Respondent filed objections to the Board's characterization of certain facts and recommended sanction. The Court overruled Respondent's objections and agreed with the Board that the facts of the case warranted permanent disbarment.

**FINDINGS:** Respondent was charged with multiple violations of the disciplinary rules of the former Code of Professional Responsibility and Rules of Professional Conduct for misconduct stemming from his conviction of 18 federal felony counts involving conspiracy, mail fraud, and bribery, and nine state felony counts involving engaging in a pattern of corrupt activity, theft, and bribery.

**SANCTION:** The Court adopted the Board's findings of fact, conclusions of law, and imposed disbarment.

**CASE AUTHORITY FOR SANCTION:** *Phillips* (2006); *Stern* (2005); *Gallagher* (1998)

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**Rules Violated:** Prof.Cond.R. [1.7\(a\)\(1\)](#), [8.4\(b\)](#), [8.4\(c\)](#), [8.4\(d\)](#), [8.4\(h\)](#); DR 1-102(A)(3), 1-102(A)(4), 1-102(A)(5), 1-102(A)(6), 5-101(A)(1)

**Aggravation/ Mitigation:** **A-** [\(b\)](#) (dishonest or selfish motive), [\(c\)](#) (pattern of misconduct), [\(d\)](#) (multiple offenses), [\(h\)](#) (harm to vulnerable victim); **M-** [\(a\)](#) (no prior discipline), [\(c\)](#) (restitution or rectified consequences), [\(d\)](#) (full and free disclosure), [\(e\)](#) (good character), [\(f\)](#) (other penalties/sanctions)

<b>Court Modified Sanction:</b> NO	<b>Criminal Conduct:</b> YES	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO
<b>Sanction:</b> <a href="#">Disbarment</a>		

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*Cohen, Disciplinary Counsel v.*  
[142 Ohio St.3d 471, 2015-Ohio-2020](#). Decided 5/28/2015.

**OVERVIEW:** Respondent received an indefinite suspension for misconduct stemming from his felony convictions.

**PROCEDURE:** The Court imposed an interim felony suspension based on Respondent's felony convictions for obstruction of justice and tampering with evidence. The parties waived a formal hearing and submitted stipulations, rule violations, and recommended sanction. Based on the parties' stipulations, the Board recommended an indefinite suspension with credit for time served under the interim felony suspension. The Court adopted the Board's findings of fact, conclusions of law, and recommended sanction, but declined to grant Respondent any credit for time served under the interim felony suspension.

**FINDINGS:** Respondent represented a client charged with murder, he talked to a prosecution witness about purchasing bus fare to travel out of state, and then paid money to the witness.

**SANCTION:** The Court adopted the Board's findings of fact, conclusions of law, and imposed an indefinite suspension with no credit for time served under the interim felony suspension.

**CASE AUTHORITY FOR SANCTION:** *McCafferty* (2014); *Phillips* (2006); *Freedman* (1990); *Jurek* (1991); *Young* (2004); *Allen* (2002)

**DISSENT:** Justices Lanzinger and O'Neill dissented and would have granted credit for time served.

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**Rules Violated:** Prof.Cond.R. [8.4\(b\)](#), [8.4\(c\)](#), [8.4\(d\)](#)

**Aggravation/ Mitigation:** A- None; M- [\(a\)](#) (no prior discipline), [\(d\)](#) (full and free disclosure), [\(e\)](#) (good character), [\(f\)](#) (other penalties/sanctions)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> <a href="#">YES</a>	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Indefinite</a> suspension with no credit for time served under the interim felony suspension			

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*Coleman, Disciplinary Counsel v.*  
[144 Ohio St.3d 35, 2015-Ohio-2489](#). Decided 6/25/2015.

**OVERVIEW:** Respondent received a two-year suspension, with 18 months stayed for failing to hold the property of clients in an interest-bearing client trust account, failing to maintain a record for each client, failing to perform a monthly reconciliation of the funds held in the trust account, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

**PROCEDURE:** The parties submitted stipulations of fact, rule violations, aggravating and mitigating factors, and exhibits. After a hearing, the panel accepted the stipulations and recommended a two-year suspension, with 18 months stayed. The Board adopted the panel's findings of fact and conclusions of law, but recommended a two-year suspension all stayed in its entirety.

**FINDINGS:** Respondent was previously suspended for his failure to register, but was reinstated the next day. Respondent was hired to represent a client in a civil matter. Respondent received \$18,000 from the client to purchase stocks at his direction. Respondent deposited the check into his personal account. Respondent discovered that his client was incarcerated and he would need to establish a trust before he could set up the online trading account to facilitate the client's desired investments. While Respondent worked on the trust, he began to misappropriate the funds. After Respondent deposited fees from his court-appointed work to restore the misappropriated funds, he transferred the entire \$18,000 to a newly established trust account, but he again began misappropriating the funds. The client had trouble communicating with Respondent and noticed that his requested disbursements were made with money orders and cashier's checks rather than checks drawn on Respondent's client trust account. The client requested that Respondent return his money. Respondent delivered a check to the client's criminal attorney and requested that he not cash the check until there were sufficient funds in the account. Respondent was never able to deposit sufficient funds to cover the check and the check was never cashed. Respondent made periodic payments to the client.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, but imposed a two-year suspension, with 18 months stayed on conditions that he work with a law-practice monitor and engage in no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Edwards* (2012); *Simon-Seymour* (2012)

**DISSENT:** Justices Pfeifer and O'Neill dissented and would have imposed a suspension of two years with the entire term stayed.

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**Rules Violated:** Prof.Cond.R. [1.15\(a\)](#), [1.15\(a\)\(2\)](#), [1.15\(a\)\(3\)](#), [1.15\(a\)\(5\)](#), [8.4\(c\)](#)

**Aggravation/ Mitigation:** **A**-(a) (prior discipline), (b) (dishonest or selfish motive), (h) (harm to vulnerable victim); **M**- (d) (cooperative attitude), (e) (good character)

<b>Court Modified Sanction:</b> YES		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES	
<b>Sanction:</b> Two-year suspension, with 18 months stayed			

*Costabile, Disciplinary Counsel v.*  
[143 Ohio St.3d 331, 2015-Ohio-2082](#). Decided 6/4/2015.

**OVERVIEW:** Respondent received a public reprimand for engaging in conduct that adversely reflected on his fitness to practice law.

**PROCEDURE:** The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a public reprimand. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent was the former mayor and safety director of Mayfield Heights, was convicted of violating Ohio public-official financial disclosure laws by failing to include on a 2005 financial disclosure statement \$100,000 that he received from Hidden Woods, LLC, and by failing to include on a 2010 financial disclosure statement the amount of income he received from Seagull Development Corporation.

**SANCTION:** The Court accepted the agreement and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Taft* (2006); *Gwinn* (2014)

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**Rules Violated:** Prof.Cond.R. [8.4\(h\)](#)

**Aggravation/ Mitigation:** **A**-None; **M**- [\(a\)](#) (no prior discipline), [\(d\)](#) (full and free disclosure), [\(e\)](#) (good character), [\(f\)](#) (other penalties/sanctions)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> <a href="#">YES</a>	<b>Public Official:</b> <a href="#">YES</a>	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

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*Davies, Lake Cty. Bar Assn. v.*  
[Slip Opinion No. 2015-Ohio-4904](#). Decided 12/1/2015.

**OVERVIEW:** Respondent was disbarred for misappropriating client funds, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, failing to provide competent representation, failing to cooperate with the disciplinary investigation, charging an excessive fee, and engaging in conduct that adversely reflects on his fitness to practice law.

**PROCEDURE:** The parties submitted stipulations of fact and misconduct. Based on the parties’ stipulations and evidence presented at the hearing, the panel recommended an indefinite suspension. The Board adopted the panel’s findings of misconduct, but increased the recommended sanction to disbarment. Respondent objected to the recommended sanction based on his undiagnosed depression that was recognized after the misconduct had occurred and that he alleges contributed to his misconduct.

**FINDINGS:** Respondent settled a personal-injury case without his clients’ authorization and never distributed the funds, failed to competently represent another client in a dental-malpractice case, and failed to disclose a conflict of interest and committed other ethical violations in the process of representing a client in the administration of an estate.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, overruled Respondent’s objections, and imposed permanent disbarment.

**CASE AUTHORITY FOR SANCTION:** *Dixon* (2002); *Kafantaris* (2009); *Saunders* (2012)

**DISSENT:** Justices Kennedy, French, and O’Neill dissented and would have imposed an indefinite suspension.

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**Rules Violated:** Prof.Cond.R. [1.1](#), [1.2\(a\)](#), [1.3](#), [1.4\(a\)\(3\)](#), [1.5\(a\)](#), [1.7\(b\)](#), [1.8\(a\)\(2\)](#), [1.15](#), [8.4\(b\)](#), [8.4\(c\)](#), [8.4\(d\)](#), [8.4\(h\)](#); Gov.Bar R. [V\(9\)\(G\)](#)

**Aggravation/ Mitigation:** **A-**([b](#)) (dishonest or selfish motive), ([c](#)) (pattern of misconduct), ([d](#)) (multiple offenses), ([e](#)) (lack of cooperation), ([g](#)) (refusal to acknowledge wrongdoing), ([h](#)) (harm to vulnerable victim), ([i](#)) (no restitution); **M-** ([a](#)) (no prior discipline), ([e](#)) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Disbarment</a>			

*DeLoach, Akron Bar Assn. v.*  
[143 Ohio St.3d 39, 2015-Ohio-494](#). Decided 2/19/2015.

**OVERVIEW:** Respondent received a two-year suspension, with the second year stayed for failing to act with reasonable diligence, failing to timely return unearned portion of the retainer, failing to deposit the retainer in client trust account, and failing to maintain proper records regarding client funds.

**PROCEDURE:** The parties submitted stipulations of fact and misconduct and jointly recommended a one-year stayed suspension. After a hearing, the panel dismissed one charge of the complaint and recommended a two-year stayed suspension. The Board adopted the panel’s report in its entirety.

**FINDINGS:** Respondent was previously suspended in 2010 for failing to comply with the CLE requirements. In 2011, Respondent received a stayed six-month suspension for engaging in dishonest conduct. Also in October 2012, Respondent received a public reprimand for failing to properly notify the clients that she lacked professional-liability insurance. After accepting a \$7,000 retainer, Respondent unsuccessfully attempted to obtain a trial transcript and public records regarding her client’s case. Respondent did not file a motion for resentencing, one of her stated goals of the representation and the first step in the process of obtaining a release from prison, until May 2010, two years after she was retained. Respondent’s motion was only three pages long and failed to file a brief in reply to the state’s ten-page memorandum in opposition. After approximately nine months, the trial court had yet ruled on Respondent’s motion for resentencing. Respondent told her client that she would update and resubmit the brief, but consequently failed to file anything additional with the court.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, but concluded that Respondent serve an actual suspension from the practice of law. The Court imposed a two-year suspension, with the second year stayed on conditions that she commit no further misconduct, she complete 12 hours of CLE, upon reinstatement and for the remainder of her term suspension, she submit to monitored probation.

**CASE AUTHORITY FOR SANCTION:** None cited.

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**Rules Violated:** Prof.Cond.R. [1.3](#), [1.5\(a\)](#), [1.15\(a\)\(2\)](#), [1.15\(c\)](#)

**Aggravation/ Mitigation:** A- [\(a\)](#) (prior discipline), [\(d\)](#) (multiple offenses), [\(i\)](#) (no restitution); M- [\(b\)](#) (no dishonest or selfish motive), [\(d\)](#) (cooperative attitude), [\(e\)](#) (good character)

<b>Court Modified Sanction:</b> YES		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES	
<b>Sanction:</b> Two-year suspension, with the second year stayed on conditions			

*DeMarco, Toledo Bar Assn. v.*

144 Ohio St.3d 248, 2015-Ohio-4549. Decided 11/5/2015.

**OVERVIEW:** Respondent received a one-year suspension, with six months stayed for making a false statement of fact to a tribunal and failing to correct the false statement previously made to a tribunal, offering evidence the he knew to be false, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

**PROCEDURE:** The parties submitted stipulations of fact and misconduct and jointly recommended a one-year suspension, with six months stayed. Based on the parties' stipulations and evidence presented at the hearing, the panel recommended a one-year suspension, with six months stayed. The Board adopted the panel's findings of misconduct but increased the recommended sanction to a one-year suspension. Respondent objected to the recommended sanction arguing that a fully stayed suspension is warranted.

**FINDINGS:** Respondent was representing a client in a civil suit, entered into an agreement with defense counsel authorizing a computer expert to search the defendants' electronic devices pursuant to a strict discovery protocol. Relevant documents were to be delivered to the trial judge for an in-camera inspection to determine what documents may be turned over to Respondent. The expert searched the computers of one of the defendants and placed the results of his search on a disc. The expert gave the disc to Respondent, who reviewed it and determined that none of the documents would be useful for his case. Respondent never submitted the disc to the trial judge. At a pretrial conference, defense counsel asked Respondent about the results of the computer search, and Respondent indicated that there was nothing of value in the documents. Respondent denied having possession of the disc containing the documents. After the conference, Respondent telephoned the expert and left a voicemail essentially admitting that he had lied to the court about having the disc. Respondent then returned the disc to the expert. Respondent repeated multiple times, both in the judge's chambers and in open court, that he had never received the disc and that he had not reviewed the documents on the disc. The expert, however, then played Respondent's voicemail for the judge.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, but agreed with the panel that a one-year suspension, with six months stayed on conditions that he commits no further misconduct is the appropriate sanction.

**CASE AUTHORITY FOR SANCTION:** *Cameron* (2011); *Fowerbaugh* (1995); *Miller* (2012); *Stafford* (2012)

**DISSENT:** Chief Justice O'Connor dissented and would have imposed a one-year suspension.

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**Rules Violated:** Prof.Cond.R. [3.3\(a\)\(1\)](#), [3.3\(a\)\(3\)](#), [8.4\(c\)](#)

**Aggravation/ Mitigation:** **A-(b)** (dishonest or selfish motive); **M-** **(a)** (no prior discipline), **(d)** (cooperative attitude), **(e)** (good character)

<b>Court Modified Sanction:</b> YES		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> One-year suspension, with six months stayed on conditions			

*Eisler, Disciplinary Counsel v.*  
[143 Ohio St.3d 51, 2015-Ohio-967](#). Decided 3/18/2015.

**OVERVIEW:** Respondent received a two-year suspension, with the second year stayed for appearing and presenting oral argument on behalf of an appellant before the Ninth District Court of Appeals while under suspension.

**PROCEDURE:** The parties submitted an amended consent-to-discipline agreement that the panel rejected. The parties submitted stipulations of fact and misconduct and moved to waive the panel hearing. The panel chair denied the motion and a hearing was held even though Respondent did not appear. The Board adopted the panel’s report in its entirety.

**FINDINGS:** Between 2005 and 2009, Respondent was suspended and reinstated for failure to register. Respondent’s license to practice law was later suspended on November 13, 2012 for his failure to comply with the CLE requirements. That suspension remained in effect, and on September 1, 2013 Respondent registered his license as inactive. Respondent received notice of his CLE suspension on November 20, 2012. Respondent presented oral argument on behalf of a client in the Ninth District Court of Appeals on November 27, 2012, and made no mention of the fact that his license was under suspension. Opposing counsel informed the court of Respondent’s suspension. Respondent had the opportunity to address the court and disclose the fact that he had been suspended, but chose to present the oral argument. Upon learning of Respondent’s suspension, the court denied him the opportunity to present a rebuttal argument on behalf of his client and reported his misconduct to Disciplinary Counsel.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, and imposed a two-year suspension, with the second year stayed on conditions that he engage in no further misconduct and satisfy all requirements to be reinstated to active status.

**CASE AUTHORITY FOR SANCTION:** *Koury* (1997); *Bancsi* (1997); *Freeman* (2010); *Higgins* (2008); *Crandall* (2003); *Barron* (1999)

**Rules Violated:** Prof.Cond.R. [5.5\(a\)](#), [8.4\(d\)](#)

**Aggravation/ Mitigation:** **A-(a)** (prior discipline), **(b)** (dishonest or selfish motive), **(e)** (lack of cooperation); **M-** None

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> <b>YES</b>	
<b>Sanction:</b> <b>Two-year</b> suspension, with the second year stayed on conditions			

*Gerchak, Mahoning Cty. Bar Assn. v.*  
[144 Ohio St.3d 138, 2015-Ohio-4305](#). Decided 10/20/2015.

**OVERVIEW:** Respondent received a two-year suspension all stayed for failing to communicate the nature and scope of the representation and the basis or rate of the fee and expenses, failing to deposit legal fees and expenses in a client trust account, and failing to hold property of clients in an interest-bearing client trust account separate from his own property.

**PROCEDURE:** The parties submitted stipulations of fact and misconduct and jointly recommended a two-year stayed suspension. The Board adopted the panel’s report in its entirety.

**FINDINGS:** Respondent was previously suspended in 2007 for failing to comply with the CLE requirements. In 2011, Respondent received a one-year stayed suspension for violating Prof. Cond. R. 8.4(c) and Prof. Cond. R. 8.4(d). Respondent was retained to represent a client in a matter in which he was charged with four counts of assaulting a police officer. Later, his client sought to have his conviction expunged or sealed, but Respondent advised him that his sole avenue of recourse was a gubernatorial pardon. Respondent gave his client a form to obtain fingerprints for a criminal-history check and instructions to collect information to pursue the pardon. Respondent’s client never returned the fingerprint card. Respondent was paid \$750 to pursue the pardon, but Respondent did not deposit the funds in his client trust account. Several years later, the same client retained Respondent to represent him regarding charges of OVI. Because Respondent did not pursue the pardon matter, Respondent agreed that the previously paid \$750 would be applied to the representation regarding the OVI arrest. The client made multiple additional payments, bringing the final total to \$1,400. Respondent did not have a written fee agreement for the OVI case, nor did he provide a monthly statement detailing the time spent, funds disbursed, or funds remaining.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, and imposed a two-year suspension all stayed on conditions that he submit to a two-year period of probation, during which he shall work with a monitoring attorney, annually complete a minimum of three hours of continuing legal education on law-office management, and commit no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Tomer* (2013); *Dockry* (2012); *Doellman* (2010)

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**Rules Violated:** Prof.Cond.R. [1.5\(b\)](#), [1.15\(a\)](#), [1.15\(c\)](#)

**Aggravation/ Mitigation:** A- (1) (prior discipline); M- (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES	
<b>Sanction:</b> Two-year suspension stayed in its entirety on conditions			

*Gorby, Disciplinary Counsel v.*  
 142 Ohio St.3d 35, 2015-Ohio-476. Decided 2/10/2015.

**OVERVIEW:** Respondent was suspended for one year stayed arising from her alleged misappropriation of funds belonging to her sister and brother-in-law, who were her clients.

**PROCEDURE:** The parties submitted joint stipulations of fact, misconduct, and aggravating and mitigating factors. The Board adopted the panel’s findings of fact, conclusions of law, and recommended a one-year suspension stayed in its entirety. Relator objected to the aggravating and mitigating factors found by the Board.

**FINDINGS:** In April 2011, Respondent’s sister contacted her regarding a foreclosure action filed against her and her husband. Although, Respondent did not normally handle civil matters, she agreed to represent them in the foreclosure action at no charge. There was no written fee agreement and Respondent failed to advise her clients that she did not carry professional liability insurance. Respondent filed an answer and counterclaim against the lender in the foreclosure action and continued to actively represent her clients in the matter until the court issued a judgment against them in May 2012. In connection with the representation, Respondent agreed to receive payments from her clients and hold the funds in trust until they save enough money to stop the foreclosure. Having limited her practice, Respondent did not maintain a client trust account, so she deposited the money she received into her business checking account. Respondent deposited a total of \$6,400 from the clients and \$4,600.78 of her personal funds into her business checking account. Respondent began writing checks from the account to cover personal and business expenses unrelated to their foreclosure. By November 2012, the clients had divorced and the brother-in-law filed for bankruptcy. Respondent received a letter from the brother-in-law’s bankruptcy trustee requesting that one-half of the entrusted funds be disbursed to him.

**SANCTION:** The Court overruled Relator’s objections and adopted the Board’s findings of fact, conclusions of law, and imposed a one-year suspension, all stayed on the conditions that Respondent engage in no further misconduct and submit to a one-year period of monitored probation.

**CASE AUTHORITY FOR SANCTION:** *Dixon* (2002); *Hoppel* (2011); *Burchinal* (2012)

**Rules Violated:** Prof.Cond.R. 1.4(c), 1.15(a), 8.4(c)

**Aggravation/ Mitigation:** **A-** (b) (dishonest or selfish motive), (c) (pattern of misconduct); **M-** (a) (no prior discipline), (c) (restitution or rectified consequences), (d) (cooperative attitude)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> One-year suspension stayed in its entirety on conditions			

*Grossman, Disciplinary Counsel v.*  
 143 Ohio St.3d 302, 2015-Ohio-2340. Decided 6/23/2015.

**OVERVIEW:** Respondent received an indefinite suspension for his felony conviction.

**PROCEDURE:** The Court imposed an interim felony suspension based on Respondent's felony conviction. Respondent also was suspended in 2013, for failing to register for the 2013-2015 biennium. Based on the parties' stipulations, the Board recommended an indefinite suspension with an additional recommendation that Respondent should be required to wait until after he has completed his term of probation in his criminal case to petition for reinstatement.

**FINDINGS:** Respondent pled guilty to one count of receipt of visual depictions of child pornography. In addition to the child pornography conviction, Respondent admitted that he had communicated online with an undercover police officer who posed as the father of an 11-year-old girl and they discussed various sex acts that involved the fictitious girl before Respondent went to a prearranged location expecting to meet her.

**SANCTION:** The Court adopted the Board's report in its entirety and imposed an indefinite suspension with the condition that Respondent shall not be permitted to petition for reinstatement until he has completed the term of probation imposed for his criminal offense.

**CASE AUTHORITY FOR SANCTION:** *Goldblatt* (2008); *Ridenbaugh* (2009); *Linnen* (2006)

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**Rules Violated:** Prof.Cond.R. 8.4(h)

**Aggravation/ Mitigation:** **A-** (a) (prior discipline), (b) (dishonest or selfish motive), (c) (pattern of misconduct), (h) (harm to vulnerable victim); **M-** (d) (full and free disclosure), (f) (other penalties/sanctions)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> YES	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES	
<b>Sanction:</b> Indefinite suspension			

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*Grubb, Disciplinary Counsel v.*  
[142 Ohio St.3d 521, 2015-Ohio-1349](#). Decided 4/8/2015.

**OVERVIEW:** Respondent received a six-month stayed suspension for a conviction of a misdemeanor to commit workers' compensation fraud.

**PROCEDURE:** The parties submitted stipulations of fact and misconduct and jointly recommended a six-month stayed suspension. The Board adopted the panel's report in its entirety.

**FINDINGS:** Respondent was convicted of complicity to commit workers' compensation fraud. Respondent violated Ohio workers' compensation law by employing the client while the client was receiving temporary-total-disability benefits. Respondent further failed to monitor the time periods in which the client was receiving benefits.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed the recommended sanction.

**CASE AUTHORITY FOR SANCTION:** *Grisby* (2011); *Carroll* (2005); *Stubbs* (2006)

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**Rules Violated:** Prof.Cond.R. [8.4\(b\)](#), [8.4\(d\)](#)

**Aggravation/ Mitigation:** A-None; M- (a) (no prior discipline), (c) (restitution or rectified consequences), (d) (cooperative attitude), (e) (good character), (f) (other penalties/sanction)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> YES	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Six-month</a> suspension stayed in its entirety on conditions			

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*Harsey, Akron Bar Assn. v.*  
[142 Ohio St.3d 97, 2015-Ohio-965](#). Decided 3/17/2015.

**OVERVIEW:** Respondent received a public reprimand for failing to act with reasonable diligence in representing a client, failing to reasonably consult with the client and keeping the client informed, and failing to deposit advanced legal fees and expenses into a client trust account.

**PROCEDURE:** The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a public reprimand. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent neglected a client's criminal appeal, failed to adequately explain his fee to another client, and also failed to deposit unearned fees into his client trust account.

**SANCTION:** The Court accepted the agreement and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Dundon* (2011); *Hetzer* (2013); *Rucker* (2012)

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**Rules Violated:** Prof.Cond.R. [1.3](#), [1.4\(a\)\(2\)](#), [1.4\(a\)\(3\)](#), [1.4\(a\)\(4\)](#), [1.5\(b\)](#), [1.15\(c\)](#)

**Aggravation/ Mitigation:** A- [\(d\)](#) (multiple offenses); M- [\(a\)](#) (no prior discipline), [\(b\)](#) (no dishonest or selfish motive), [\(d\)](#) (full and free disclosure), [\(h\)](#) (other rehabilitation)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> <a href="#">YES</a>	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

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*Haynes, Cleveland Metro. Bar Assn. v.*  
[143 Ohio St.3d 528, 2015-Ohio-3706](#). Decided 9/16/2015.

**OVERVIEW:** Respondent received a two-year suspension, with six months stayed for misconduct stemming from her felony convictions.

**PROCEDURE:** The Court imposed an interim felony suspension based on Respondent’s felony convictions for receiving stolen property. The Court imposed an additional suspension based on Respondent’s failure to register for the 2013-2015 biennium. The parties submitted stipulations of fact, misconduct, aggravating and mitigating factors, and jointly recommended a two-year suspension, with six months stayed on conditions, with credit for the time served under her interim felony suspension. The panel adopted the parties’ stipulations and recommended sanction. The Court adopted the Board’s findings of fact, conclusions of law, and recommended sanction, but declined to grant Respondent any credit for time served under the interim felony suspension.

**FINDINGS:** A 41-count indictment issued in 2011 alleged that Respondent, her husband, and ten other people had engaged in a pattern of stealing merchandise from big-box retailers, returning the stolen merchandise to obtain cash refunds in the form of merchandise cards, using a cell phone registered to Respondent to check balances on the merchandise cards, and using an eBay account registered to Respondent to sell the merchandise cards.

**SANCTION:** The Court adopted the Board’s findings of fact, conclusions of law, and imposed a two-year suspension, with six months stayed on condition that she engage in no further misconduct, with no credit for time served under the interim felony suspension.

**CASE AUTHORITY FOR SANCTION:** *Grisby* (2011); *Kraemer* (2010); *Carter* (2007)

**DISSENT:** Justices Lanzinger and O’Neill dissented and would have granted credit for time served.

**Rules Violated:** Prof.Cond.R. [8.4\(b\)](#), [8.4\(c\)](#), [8.4\(h\)](#)

**Aggravation/ Mitigation:** **A-** (1) (prior discipline), (2) (dishonest or selfish motive); **M-** (3) (restitution ore rectified consequences), (4) (cooperative attitude), (6) (other penalties/sanctions), (8) (other rehabilitation)

<b>Court Modified Sanction:</b> <a href="#">YES</a>		<b>Criminal Conduct:</b> <a href="#">YES</a>	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES	
<b>Sanction:</b> Two-year suspension, with six months stayed, with no credit for time served under the interim felony suspension			

*Hubbell, Disciplinary Counsel v.*  
[Slip Opinion No. 2015-Ohio-3426](#). Decided 8/27/2015.

**OVERVIEW:** Respondent received a six-month suspension stayed in its entirety for engaging in sexual activity with a client.

**PROCEDURE:** The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a six-month suspension stayed in its entirety. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent attempted to initiate a romantic relationship with a client he was representing pro bono in a custody dispute.

**SANCTION:** The Court accepted the agreement and imposed a six-month suspension stayed in its entirety on condition that he commit no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Burkholder* (2014); *Hines* (2012)

**Rules Violated:** Prof.Cond.R. [1.8\(j\)](#)

**Aggravation/ Mitigation:** A-None; M- (1) (no prior discipline), (4) (full and free disclosure), (5) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> YES	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> Six-month suspension stayed in its entirety on conditions			

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*Hurley, Cleveland Metro. Bar Assn. v.*  
[143 Ohio St.3d 69, 2015-Ohio-1568](#). Decided 4/29/2015.

**OVERVIEW:** Respondent received a two-year suspension based on his felony convictions for unauthorized use of the Ohio Law Enforcement Gateway (“OHLEG”) while he was employed by the Cuyahoga County Prosecutor’s office.

**PROCEDURE:** The Court imposed an interim felony suspension based on Respondent’s felony convictions for unauthorized use of property and two misdemeanor convictions for menacing and harassing his ex-wife. Respondent also was suspended in 2013 for failing to register for the 2013-2015 biennium. Based on the parties’ stipulations, the Board recommended a two-year suspension, with conditions on reinstatement, but granted credit for the time that he served under his interim felony suspension. The Court adopted the Board’s misconduct findings and recommended sanction, but declined to grant Respondent any credit for time served under the interim felony suspension.

**FINDINGS:** Respondent worked for the Cuyahoga County Prosecutor’s office and had access to OHLEG, a secure electronic information network that provides Ohio law-enforcement agencies with data on criminal histories and a myriad of other records. Respondent accessed OHLEG between 30 and 40 times to obtain information about his ex-wife and children, despite knowing that OHLEG could not be used for personal reasons. In addition, he made harassing phone calls to his ex-wife and threatened her with physical harm.

**SANCTION:** The Court adopted the Board’s findings of fact, conclusions of law, and imposed a two-year suspension with no credit for time served under the interim felony suspension with conditions for reinstatement. Upon reinstatement, Respondent is required to serve a two-year period of probation to monitor his continued compliance with OLAP’s requirements.

**CASE AUTHORITY FOR SANCTION:** *Whitfield* (2012); *Engel* (2012)

**DISSENT:** Justices Pfeifer, Lanzinger, and O’Neill dissented and would have granted credit for time served.

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**Rules Violated:** Prof.Cond.R. [8.4\(b\)](#), [8.4\(c\)](#)

**Aggravation/ Mitigation:** **A-** [\(b\)](#) (dishonest or selfish motive); **M-** [\(d\)](#) (full and free disclosure), [\(f\)](#) (other penalties/sanctions)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> <a href="#">YES</a>	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Two-year suspension with no credit for time served under the interim felony suspension</a>			

*Malvasi, Mahoning Cty. Bar Assn. v.*  
[143 Ohio St.3d 140, 2015-Ohio-2361](#). Decided 6/18/2015.

**OVERVIEW:** Respondent received a six-month stayed suspension for failing to act with reasonable diligence in representing a client, failing to keep the client informed and complying with reasonable requests for information from the client, and failing to deposit legal fees and expenses into a client trust account.

**PROCEDURE:** The parties waived a formal hearing and submitted stipulations of fact and misconduct, and jointly recommended a six-month stayed suspension. The Board adopted the panel's report in its entirety.

**FINDINGS:** Respondent was retained to represent a client in an action against the seller of their home and the real estate agent involved in the transaction. The client paid Respondent a \$2,500 retainer, but he failed to deposit the money into his client trust account. Respondent informed the client that he would first attempt to settle the matter, but if settlement failed, he would file a lawsuit. Over the next 11 months, however, Respondent failed to contact the potential defendants about settlement or file a complaint, and he had little contact with the client. Respondent never filed the complaint, subsequently refunded the retainer, and sent the client a letter apologizing for the delay in their case.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed the recommended sanction.

**CASE AUTHORITY FOR SANCTION:** *Hooks* (2014); *Sherman* (2004); *Sebree* (2002)

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**Rules Violated:** Prof.Cond.R. [1.3](#), [1.4\(a\)\(3\)](#), [1.4\(a\)\(4\)](#), [1.15\(c\)](#)

**Aggravation/ Mitigation:** A-None; M- (a) (no prior discipline), (b) (no dishonest or selfish motive), (c) (restitution or rectified consequences), (d) (cooperative attitude), (e) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Six-month</a> suspension stayed in its entirety on conditions			

*Marinelli, Stark Cty. Bar Assn. v.*  
[Slip Opinion No. 2015-Ohio-2570](#). Decided 7/1/2015.

**OVERVIEW:** Respondent received a two-year suspension, with one year stayed for violating more than 95 Professional Conduct Rules.

**PROCEDURE:** The parties submitted stipulations of fact, rule violations, aggravating and mitigating factors, and exhibits. As part of the stipulation agreement, Relator agreed to withdraw more than 60 alleged rule violations. After a hearing, the panel dismissed more than 90 alleged violations not supported by the evidence and recommended a two-year suspension, with one year stayed on conditions. The Board adopted the panel’s report in its entirety.

**FINDINGS:** All of the 23 counts charged in the complaint involved clients who retained Respondent to handle their personal bankruptcy matters. Regarding the clients in 20 of the counts, Respondent did not file a bankruptcy petition on the client’s behalf. In many of the cases, the clients had made payments toward the quoted retainer and filing fee. Some of the clients had paid the fees in full and provided all of the information necessary for Respondent to prepare their bankruptcy petitions. Respondent stopped communicating with clients, going to her law office, and paying her office rent. At the hearing, Respondent produced cashier’s checks made payable to each of the 20 clients she had received payments from, but never filed a bankruptcy petition. The checks were distributed to the clients after the hearing and constituted a full refund of all payments received from them.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct and imposed a two-year suspension, with one-year stayed on conditions including compliance with an OLAP contract.

**CASE AUTHORITY FOR SANCTION:** *Pritchard* (2012); *Stoll* (2010); *Travis* (2004)

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**Rules Violated:** Prof.Cond.R. [1.1](#), [1.3](#), [1.4\(a\)\(3\)](#), [1.4\(a\)\(4\)](#), [1.15\(d\)](#), [8.1\(b\)](#)

**Aggravation/ Mitigation:** **A-** (c) (pattern of misconduct), (d) (multiple offenses), (e) (lack of cooperation), (h) (harm to vulnerable victim); **M-** (a) (no prior discipline), (b) (no dishonest or selfish motive), (e) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Two-year suspension</a> , with one year stayed on conditions			

*Marrelli, Mahoning Cty. Bar Assn. v.*  
[144 Ohio St.3d 253, 2015-Ohio-4614](#). Decided 11/10/2015.

**OVERVIEW:** Respondent received an indefinite suspension for violating five Rules of Professional Conduct and two Rules for the Government of the Bar of Ohio.

**PROCEDURE:** Respondent was previously suspended in 1999 for her failure to comply with continuing legal education requirements. Respondent did not answer the complaint and the Board certified her default to the Court on August 2013. The Court imposed an interim default suspension on September 2013. After Respondent responded to the order to show cause why her interim default suspension should not be converted to an indefinite suspension, the Court remanded the case to the Board for consideration of mitigation evidence only. The Board adopted the panel’s findings of fact, conclusions of law, and recommended an indefinite suspension, with credit for time served under the interim default suspension imposed on September 23, 2013.

**FINDINGS:** Respondent’s conduct arises from the brief representation of a single client. Respondent collected an illegal or clearly excessive fee, failed to give the client proper notice prior to the division of legal fees, failed to hold the property of the client in a client trust account, failed to respond to demand for information during a disciplinary investigation, engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation, refused to assist in a disciplinary investigation, and failed to keep Office of Attorney Services apprised of her residence and office addresses.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, and imposed an indefinite suspension, with credit for time served under the interim default suspension.

**CASE AUTHORITY FOR SANCTION:** None

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**Rules Violated:** Prof.Cond.R. [1.5\(a\)](#), [1.5\(e\)\(2\)](#), [1.15\(a\)](#), [8.1\(b\)](#), [8.4\(c\)](#); Gov.Bar R. [V\(4\)\(G\)](#), [VI\(1\)\(D\)](#)

**Aggravation/ Mitigation:** A-None; M- [\(2\)](#) (no dishonest or selfish motive)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> <a href="#">YES</a>	<b>Public Official:</b> NO	<b>Prior Discipline:</b> <a href="#">YES</a>	
<b>Sanction:</b> <a href="#">Indefinite</a> suspension with credit for timed served under the interim default suspension			

*Marshall, Disciplinary Counsel v.*  
[143 Ohio St.3d 62, 2015-Ohio-1187](#). Decided 4/1/2015.

**OVERVIEW:** Respondent received a public reprimand for driving while intoxicated.

**PROCEDURE:** The panel adopted the parties' stipulated facts, misconduct, and recommended a public reprimand. The Board adopted the panel's findings of fact, misconduct, and recommended sanction.

**FINDINGS:** Respondent, a county court judge, was involved in a one-car accident in which he struck an embankment and flipped his vehicle. Respondent was later arrested and charged with operating a motor vehicle while intoxicated.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Resnick* (2005); *Connor* (2004); *Bowling* (2010)

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**Rules Violated:** Jud.Cond.R. [1.1](#), [1.2](#)

**Aggravation/ Mitigation:** A-None; M- (a) (no prior discipline), (b) (no dishonest or selfish motive), (c) (restitution or rectified consequences), (d) (cooperative attitude), (e) (good character), (f) (other penalties/sanctions)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> YES	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

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*McGee, Butler Cty. Bar Assn. v.*  
[142 Ohio St.3d 111, 2015-Ohio-973](#). Decided 3/18/2015.

**OVERVIEW:** Respondent received a public reprimand for failing to abide by the client’s decisions concerning the objectives of representation, consult with the client as to the means by which the objectives are to be pursued, failing to keep the client informed, and explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

**PROCEDURE:** The parties submitted an amended consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating factors, as well as a sanction of a public reprimand. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent neglected a client’s personal-injury matter, failed to reasonably communicate with the client, and voluntarily dismissed the case without the client’s knowledge or consent.

**SANCTION:** The Court accepted the agreement and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Godles* (2010); *Dundon* (2011); *Freedman* (2011); *Bhatt* (2012)

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**Rules Violated:** Prof.Cond.R. [1.2](#), [1.4](#), [1.4\(a\)\(2\)](#), [1.4\(a\)\(3\)](#), [1.4\(b\)](#)

**Aggravation/ Mitigation:** A- None; M- [\(a\)](#) (no prior discipline), [\(b\)](#) (no dishonest or selfish motive), [\(d\)](#) (full and free disclosure), [\(e\)](#) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> <a href="#">YES</a>	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

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*Meyer, Disciplinary Counsel v.*  
[142 Ohio St.3d 448, 2015-Ohio-493](#). Decided 2/19/2015.

**OVERVIEW:** Respondent received an indefinite suspension for continuing to engage in the practice of law while her licenses was under suspension and by failing to respond to Relator’s demand for information regarding her conduct.

**PROCEDURE:** After Respondent failed to file an answer to the complaint, the Board certified her default to the Court, and on February 14, 2013, the Court imposed an interim default suspension. On August 26, 2013, the Court granted Respondent’s motion for leave to answer and remanded the case to the Board. The panel adopted the parties’ stipulated facts and misconduct, and recommended an indefinite suspension. The Board adopted the panel’s findings of fact, misconduct, and recommended sanction.

**FINDINGS:** In January 2009, the Supreme Court of Kentucky suspended Respondent for her failure to pay bar dues and her failure to comply with Ohio CLE requirements. Respondent was likewise suspended and fined by this Court for her failure to comply with the CLE requirements. In March 2012, the Supreme Court of Kentucky suspended Respondent for 61 days based on findings that she violated the Kentucky Rules by failing to abide by the terms of her prior suspension order, engaging in the practice of law while under suspension, and failing to respond during the resulting disciplinary investigation. This Court issued a reciprocal-discipline order stating that Respondent would not be reinstated to the practice of law until she was reinstated in Kentucky. On November 29, 2012, the Court suspended Respondent for an additional 18 months, with six months stayed based on findings that she continued to engage in the practice of law in Ohio during her CLE suspension, made false and misleading statements during the investigation, and failed to notify the Office of Attorney Services that she had changed her last name. In October 2012, Relator filed a complaint alleging that Respondent failed to comply with the terms of the Court’s suspension order by failing, in two pending cases, to timely notify the court and opposing counsel of her suspension and by participating in a case-management conference on behalf of her client.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, and imposed an indefinite suspension on conditions.

**CASE AUTHORITY FOR SANCTION:** *Freeman* (2010); *Winkfield* (2006); *Winkfield* (2001); *Jackson* (1999)

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**Rules Violated:** Prof.Cond.R. [1.16\(a\)\(1\)](#), [3.4\(c\)](#), [5.5\(a\)](#), [8.1\(b\)](#), [8.4\(d\)](#)

**Aggravation/ Mitigation:** A- (a) (prior discipline), (b) (dishonest or selfish motive), (e) (lack of cooperation); M- None

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES	
<b>Sanction:</b> Indefinite suspension			

*Moore, Cincinnati Bar Assn. v.*  
[Slip Opinion No. 2015-Ohio-2488](#). Decided 6/25/2015.

**OVERVIEW:** Respondent received a two-year suspension, with the second year stayed for engaging in illegal conduct involving moral turpitude, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, making a false statement of material fact in connection with a disciplinary matter, committing an illegal act that reflects adversely on his honesty and trustworthiness, and neglecting or refusing to assist in a disciplinary investigation.

**PROCEDURE:** The panel adopted the parties' stipulated facts and misconduct, and recommended a two-year suspension, with one year stayed. The Board adopted the panel's report in its entirety.

**FINDINGS:** Respondent engaged in seven incidents of shoplifting wine; one in 2001 and six over a period of several months in 2012. Respondent misled Relator by making false statements while he self-reported the 2012 misdemeanor charge for one shoplifting incident.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a two-year suspension, with one year stayed on conditions that he comply with the terms of his contract with OLAP, provide Relator and OLAP with evidence of regular counseling visits with his psychologist and periodic reports from that psychologist, and commit no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Lockhart* (1998); *Fidler* (1998)

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**Rules Violated:** Prof.Cond.R. [8.1\(a\)](#), [8.4\(b\)](#), [8.4\(c\)](#); DR 1-102(A)(3), 1-102(A)(4); Gov.Bar R. [V\(4\)\(G\)](#)

**Aggravation/ Mitigation:** A-(b) (dishonest or selfish motive), (c) (pattern of misconduct), (d) (multiple offenses), (e) (lack of cooperation), (f) (false or deceptive practices during investigation), (i) (no restitution); M- (a) (no prior discipline), (e) (good character), (f) (other penalties/sanctions)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> Two-years suspension, with one year stayed on conditions			

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*Nelson, Lorain Cty. Bar Assn. v.*  
[Slip Opinion No. 2015-Ohio-4337](#). Decided 10/22/2015.

**OVERVIEW:** Respondent received a public reprimand for failing to provide competent representation, failing to act with reasonable diligence, failing to inform the client of decisions that require the client's informed consent, failing to keep the client informed about the status of matter to reasonable requests for information from the client, failing to inform the client if the lawyer does not maintain professional liability insurance, failing to deliver the client papers and property, and failing to respond to a demand for information by a disciplinary authority during an investigation.

**PROCEDURE:** The panel adopted the parties' stipulated facts and misconduct, and recommended a public reprimand. The Board adopted the panel's report in its entirety.

**FINDINGS:** Respondent was retained to pursue a personal injury claim. Although, Respondent met with the client twice to discuss the claim, he failed to respond to multiple email and telephone messages. Respondent filed a complaint without notifying his client and during the pendency of the matter, failed to conduct any discovery or respond to the defendant's discovery request. Respondent eventually dismissed the lawsuit without knowledge or consent of the client because he did not timely refile the complaint. The client lost the ability to pursue her claims. Respondent failed to inform his client in writing that during the course of his representation his malpractice insurance had lapsed. After their attorney-client relationship ended, Respondent failed to return the case file.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Godles* (2010); *Boulger* (2000)

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**Rules Violated:** Prof.Cond.R. [1.1](#), [1.3](#), [1.4\(a\)\(1\)](#), [1.4\(a\)\(2\)](#), [1.4\(a\)\(3\)](#), [1.4\(a\)\(4\)](#), [1.4\(c\)](#), [1.16\(d\)](#), [8.1\(b\)](#); Gov.Bar R. [V\(4\)\(G\)](#)

**Aggravation/ Mitigation:** **A-** [\(5\)](#) (lack of cooperation), [\(8\)](#) (harm to vulnerable victim); **M-** [\(1\)](#) (no prior discipline), [\(2\)](#) (no dishonest or selfish motive)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

*Phillabaum, Disciplinary Counsel v.*  
[Slip Opinion No. 2015-Ohio-4346](#). Decided 10/27/2015.

**OVERVIEW:** Respondent received a one-year suspension by causing gun specifications that were not presented to the grand jury to be included in a criminal indictment, knowingly making a false statement of fact to a tribunal, engaging in dishonesty, fraud, deceit, or misrepresentation, and prejudicing the administration of justice which adversely reflected on his fitness to practice law.

**PROCEDURE:** The panel adopted the parties' stipulated facts, mitigation, stipulated exhibits, and recommended a one-year suspension with six months stayed on condition that he commit no further misconduct. The Board adopted the panel's report in its entirety.

**FINDINGS** Respondent signed two separate criminal indictments containing charges that he knew had not been presented to the grand jury. In 2012, Respondent plead guilty to a single count of dereliction of duty, a second-degree misdemeanor arising from his misconduct.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, but rejected the Board's recommendation and imposed a one-year suspension.

**CASE AUTHORITY FOR SANCTION:** *Wilson* (2014); *Swift* (2014); *Harmon* (2014); *Cicero* (2014)

**DISSENT:** Justices Pfeifer and French dissented and would have imposed a one-year suspension with six months stayed.

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**Rules Violated:** Prof.Cond.R. [3.3\(a\)\(1\)](#), [8.4\(c\)](#), [8.4\(d\)](#), [8.4\(h\)](#)

**Aggravation/ Mitigation:** **A-** None; **M-** (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)

<b>Court Modified Sanction:</b> <a href="#">YES</a>		<b>Criminal Conduct:</b> <a href="#">YES</a>	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> <a href="#">YES</a>	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">One-year suspension</a>			

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*Quinn, Disciplinary Counsel v.*  
[Slip Opinion No. 2015-Ohio-3687](#). Decided 9/16/2015.

**OVERVIEW:** Respondent received a six-month suspension for neglecting a client matter, mishandling client funds, failing to respond to a demand for information from a disciplinary authority, and engaging in conduct that was prejudicial to the administration of justice.

**PROCEDURE:** The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, along with 50 stipulated exhibits. After Respondent’s testimony at the hearing, the panel unanimously dismissed two allegations of violations. The panel adopted the parties remaining stipulations and recommended a six-month suspension stayed in its entirety. The Board adopted the panel’s report and recommendation.

**FINDINGS:** Respondent delayed in depositing a check intended to cover the client’s filing fee and transcript expense, misappropriated those funds after he obtained a declaration that the client was indigent, failed to file an appellate brief, failed to promptly refund the client his money, and failed to cooperate in the ensuing disciplinary investigation.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, but imposed a six-month suspension. Upon Respondent’s reinstatement to the practice of law, Respondent was ordered to serve one year of monitored probation focused primarily on his law-office management and compliance with client-trust account regulations.

**CASE AUTHORITY FOR SANCTION:** *Peden* (2008)

**DISSENT:** Justices Pfiefer and O’Neill dissented and would have stayed the entire term of Respondent’s six-month suspension.

**Rules Violated:** Prof.Cond.R. [1.15\(c\)](#), [1.15\(d\)](#), [8.1\(b\)](#)

**Aggravation/ Mitigation:** **A-** (d) (multiple offenses), (e) (lack of cooperation); **M-** (a) (no prior discipline), (b) (no dishonest or selfish motive), (c) (restitution or rectified consequences), (d) (cooperative attitude)

<b>Court Modified Sanction:</b> YES		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> Six-month suspension			

*Rammelsberg, Disciplinary Counsel v.*  
[143 Ohio St.3d 381, 2015-Ohio-2024](#). Decided 5/28/2015.

**OVERVIEW:** Respondent received an indefinite suspension for overdrawing her client trust account on two separate occasions, not fully cooperating with the investigation, and knowingly making a false statement during the investigation.

**PROCEDURE:** Respondent was previously suspended in 2005 for her failure to register. Respondent has been registered as an inactive attorney since 2013. Respondent did not answer the complaint and the Board certified her default to the Court in February 2013. The Court imposed an interim default suspension on March 22, 2013 and Respondent objected to the order. The Court remanded the case to the Board for further proceedings. On remand, the parties submitted joint stipulations, violations, aggravating and mitigating factors, and a recommended sanction. The Board adopted the panel's findings of fact, conclusions of law, and recommended an indefinite suspension with credit for time served under the interim default suspension with conditions for reinstatement.

**FINDINGS:** Relator received two notices stating that Respondent's client trust account contained insufficient funds. Respondent did not respond to Relator's initial letters, and when she finally did respond, she falsely stated that she closed one of her two client trust accounts and that money orders she had deposited into her account to cover a check had not yet cleared her account. The only records produced by Respondent were a single noncompliant client ledger, a firm journal with entries, and a disbursement sheet on which the purported recipient's signature had been forged. Respondent also failed to appear for depositions scheduled by Relator and although Respondent appeared for a third scheduled deposition, she failed to produce the documents that Relator had requested regarding her management of trust assets worth approximately \$100,000.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed an indefinite suspension, but with no credit for time served under the interim default suspension, and conditioned her reinstatement on her compliance with Relator's requests for the production of documents and information and her full compliance with any treatment recommendations made by OLAP, her therapist, or any other mental-health professionals.

**CASE AUTHORITY FOR SANCTION:** *Alsfelder* (2014); *Bogdanski* (2013); *Lemieux* (2014); *Weiss* (2012); *Scacchetti* (2012); *Wrentmore* (2013); *Peden* (2012)

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**Rules Violated:** Prof.Cond.R. [1.15\(a\)\(2\)](#), [1.15\(a\)\(3\)](#), [8.1\(a\)](#), [8.1\(b\)](#), [8.4\(c\)](#); Gov.Bar R. [V\(4\)\(G\)](#)

**Aggravation/ Mitigation:** A- (a) (prior discipline), (d) (multiple offenses), (e) (lack of cooperation); M- (e) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> YES	<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES	
<b>Sanction:</b> Indefinite suspension with no credit for timed served under the interim default suspension			

*Rosen, Disciplinary Counsel v.*  
[144 Ohio St.3d 113, 2015-Ohio-3420](#). Decided 8/26/2015.

**OVERVIEW:** Respondent received a public reprimand for engaging in conduct that adversely reflected on her fitness to practice law.

**PROCEDURE:** The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a public reprimand. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent was an assistant attorney general in the Ohio Attorney General’s Office serving as general counsel for the Ohio Law Enforcement Gateway (OHLEG). Respondent improperly accessed the OHLEG system to seek information about four individuals that either she or her friends were dating.

**SANCTION:** The Court accepted the agreement and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Mecklenborg* (2014)

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**Rules Violated:** Prof.Cond.R. [8.4\(h\)](#)

**Aggravation/ Mitigation:** A-None; M- [\(a\)](#) (no prior discipline), [\(d\)](#) (full and free disclosure)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> <a href="#">YES</a>	<b>Public Official:</b> <a href="#">YES</a>	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

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*Roy, Columbus Bar Assn. v.*  
[143 Ohio St.3d 60, 2015-Ohio-1190](#). Decided 4/1/2015.

**OVERVIEW:** Respondent received a public reprimand for failing to inform her client that she did not maintain professional liability insurance.

**PROCEDURE:** After the hearing at which Respondent, her former client, and counsel for the opposing party in the underlying litigation testified, the panel unanimously dismissed multiple alleged violations of Relator’s complaint. The panel recommended a public reprimand. The Board adopted the panel’s report in its entirety.

**FINDINGS:** Respondent was retained to represent a client in a pending divorce. More than two years after the client’s divorce was final, the client filed a grievance against Respondent alleging that she had failed to resolve several issues with respect to her divorce proceedings. During the investigation, Relator determined that Respondent did not carry professional liability insurance while she represented the client and failed to obtain a signed acknowledgment of the notice.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *DeLoach* (2012)

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**Rules Violated:** Prof.Cond.R. [1.4\(c\)](#)

**Aggravation/ Mitigation:** A- None; M- (a) (no prior discipline), (b) (no dishonest or selfish motive), (d) (cooperative attitude), (e) (good character), (h) (other rehabilitation)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

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*Ryan, Columbus Bar Assn. v.*  
[143 Ohio St.3d 73, 2015-Ohio-2069](#). Decided 6/2/2015.

**OVERVIEW:** Respondent received a public reprimand for failing to act with reasonable diligence in representing a client and for failing to communicate with a client.

**PROCEDURE:** The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a public reprimand. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent, in two separate client matters, was difficult to contact, took over two months to file custody papers with the court, even though she represented to a client that the papers had been filed, and failed to timely file a qualified domestic-relations order.

**SANCTION:** The Court accepted the agreement and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Bhatt* (2012); *Freedman* (2011)

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**Rules Violated:** Prof.Cond.R. [1.3](#), [1.4](#)

**Aggravation/ Mitigation:** A- (c) (pattern of misconduct), (d) (multiple offenses); M- (a) (no prior discipline), (b) (no dishonest or selfish motive), (d) (full and free disclosure), (e) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> YES	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

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*Salerno, Ohio State Bar Assn. v.*  
[142 Ohio St.3d 95, 2015-Ohio-791](#). Decided 3/11/2015.

**OVERVIEW:** Respondent received a public reprimand for criticizing jurors for a verdict other than in a court order or opinion.

**PROCEDURE:** The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a public reprimand. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent, a municipal court judge, made comments to a jury and members of the public gallery after the jury returned a not-guilty verdict in a criminal case. During the discussion, Respondent told the jurors that in her opinion, they had reached the wrong verdict, and she disclosed that the defendant had additional criminal charges pending against him, though that information had not been admitted into evidence because it was more prejudicial than probative of the issues in the trial.

**SANCTION:** The Court accepted the agreement and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Stuard* (2009); *Goldie* (2005); *Kubilus* (2003)

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**Rules Violated:** Jud.Cond.R. [1.2](#), [2.8\(C\)](#)

**Aggravation/ Mitigation:** A- [\(h\)](#) (harm to vulnerable victim); M- [\(a\)](#) (no prior discipline), [\(b\)](#) (no dishonest or selfish motive), [\(d\)](#) (full and free disclosure), [\(e\)](#) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> <a href="#">YES</a>	<b>Public Official:</b> <a href="#">YES</a>	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

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*Scaccia, Dayton Bar Assn. v.*  
[143 Ohio St.3d 144, 2015-Ohio-2487](#). Decided 6/25/2015.

**OVERVIEW:** Respondent received a one-year suspension, with six months stayed to run concurrently with the sanction imposed. Respondent failed to maintain records of trust account funds disbursed on behalf of a client, failed to promptly distribute all portions of the client funds, failed to inform the client in writing that he did not maintain professional liability insurance, failed to deposit client funds in a client trust account, and failed to communicate effectively with the client.

**PROCEDURE:** The panel adopted the parties' stipulated facts and misconduct, and recommended a one-year suspension, with six months stayed with the suspension to run concurrently with the sanction imposed in 2014. The Board adopted the panel's report in its entirety.

**FINDINGS:** In October 2014, Respondent was suspended for one year, with six months stayed. The Court conditioned his reinstatement on the payment of restitution, and ordered that within 90 days of the order, Respondent submit a completed list and detailed accounting of all clients to whom he owed restitution. Although over eight months had passed since the order, Respondent had not submitted the required list. Respondent was retained to represent a client in a personal-injury matter pursuant to a contingent fee arrangement. Respondent resolved the claims, received settlement proceeds, deposited the funds in his client trust account then provided his client with a written breakdown of the purported distributions. In disbursing the settlement proceeds, Respondent issued trust-account checks to his law firm for fees, to his client for her share of the settlement, and to two medical providers. During this time period, Respondent's trust account did not consistently contain sufficient funds to cover the balance owed to the remaining medical-care provider, and became overdrawn. Respondent was also retained to represent a client in a pending criminal investigation and received a retainer fee of \$1,500. However, Respondent failed to deposit the check into his client trust account and failed to provide a written notice of his lack to carry professional liability insurance.

**SANCTION:** The Court adopted the Board's findings of fact and conclusion, and imposed a one-year suspension, with six months stayed on conditions that Respondent complete 12 hours of continuing legal education, submit to monitored probation, and commit no further misconduct. Respondent's suspension and conditions were to run concurrently to the sanction imposed in 2014.

**CASE AUTHORITY FOR SANCTION:** *Royer* (2012); *Dockry* (2012); *Young* (2007); *Snyder* (1999)

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**Rules Violated:** Prof.Cond.R. [1.4\(c\)](#), [1.5\(b\)](#), [1.15\(a\)](#), [1.15\(c\)](#), [1.15\(e\)](#)

**Aggravation/ Mitigation:** **A-**(a) (prior discipline), (d) (multiple offenses); **M-** (b) (no dishonest or selfish motive), (d) (cooperative attitude), (e) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> YES	
<b>Sanction:</b> <a href="#">One-year suspension</a> , with six months stayed on conditions			

*Schwartz, Disciplinary Counsel v.*  
[Slip Opinion No. 2015-Ohio-4946](#). Decided 12/3/2015.

**OVERVIEW:** Respondent received a public reprimand for failing to promptly deliver papers and property of the client when withdrawing from representation, failing to keep the client reasonably informed about the status of the matter, failing to provide competent representation, and engaging in conduct that a lawyer's continued representation of a client creates a conflict of interest if there is a substantial risk that the lawyer's ability to represent the client will be materially limited by the lawyer's responsibilities to another client.

**PROCEDURE:** The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a public reprimand. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent represented three limited-liability companies as well as one of the owners of the companies, Eli Mann. In August 2011, JHB Hotel, LLC, entered into an agreement to purchase the companies from Mann and the other owners. Respondent represented Mann in the negotiation of the agreement. Mann subsequently sued JHB Hotel for failing to comply with the terms of the agreement. Counsel for JHB requested that Respondent, who was not representing Mann in the JHB Hotel litigation, provide the case files relating to Respondent's previous representation of the companies. Despite several requests for the files, Respondent did not provide them to JHB Hotel. Following the execution of the purchase agreement by JHB Hotel, Respondent continued to represent the limited-liability companies, as well as Mann, in a lawsuit. While under the terms of the agreement, Mann was permitted to continue to attempt to negotiate a resolution of the dispute on behalf of the companies. Respondent did not obtain the informed consent of JHB Hotel prior to continuing his representation of the companies. Also, without the knowledge of or authority from JHB Hotel, Respondent entered an appearance on behalf of the companies in a case that arose out of a dispute regarding a consulting agreement. However, at the direction of Mann, Respondent did not file an appellate brief. Respondent did not advise or communicate with JHB Hotel about the litigation, the judgment awarded against the companies, or the appellate court's decision to dismiss the appeal for failure to file an appellate brief.

**SANCTION:** The Court accepted the agreement and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Mangan* (2009); *Ita* (2008); *McGee* (2015); *Smith* (2015)

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**Rules Violated:** Prof.Cond.R. [1.1](#), [1.4\(a\)\(3\)](#), [1.7\(a\)\(2\)](#), [1.16\(d\)](#)

**Aggravation/ Mitigation:** **A-** (4) (multiple offenses); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (full and free disclosure), (5) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> YES	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

*Shenise, Akron Bar Assn. v.*  
[143 Ohio St.3d 134, 2015-Ohio-1548](#). Decided 4/29/2015.

**OVERVIEW:** Respondent received a public reprimand for failing to inform his clients that he did not maintain professional liability insurance, failing to provide competent representation, and knowingly disobeying an obligation under the rule of a tribunal.

**PROCEDURE:** After the hearing at which nine witnesses, including Respondent testified, the panel issued a report making findings of fact and misconduct, and recommended a two-year suspension all stayed. The Board adopted the panel’s findings of fact, conclusions of law, and recommended sanction. Respondent objected and argued that the recommended sanction was too harsh.

**FINDINGS:** Respondent failed to advise two clients that he did not carry professional liability insurance. In one count, he failed to respond to a motion, deposition notice, and subsequent motion to compel discovery, and failed to advise his clients that they were required to make themselves available for deposition and produce certain documents. When Respondent’s clients failed to appear at a later contempt hearing, bench warrants were issued and one client was arrested.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, but sustained Respondent’s objection in part, dismissed the alleged violation of Prof. Cond. R. 3.5(a), and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Bhatt* (2012); *Freedman* (2011); *Dundon* (2011)

**DISSENT:** Chief Justice O’Connor and Justice Lanzinger dissented and would have suspended Respondent for two years, all stayed.

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**Rules Violated:** Prof.Cond.R. [1.1](#), [1.2](#), [1.3](#), [1.4\(a\)\(1\)](#), [1.4\(a\)\(3\)](#), [1.4\(b\)](#), [3.4\(c\)](#)

**Aggravation/ Mitigation:** A- [\(c\)](#) (pattern of misconduct), [\(g\)](#) (refusal to acknowledge wrongdoing), [\(h\)](#) (harm to vulnerable victim); M- [\(a\)](#) (no prior discipline), [\(b\)](#) (no dishonest or selfish motive), [\(d\)](#) (cooperative attitude), [\(e\)](#) (good character)

<b>Court Modified Sanction:</b> <a href="#">YES</a>		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

*Shirer, Medina Cty. Bar Assn. v.*  
[143 Ohio St.3d 415, 2015-Ohio-3289](#). Decided 8/19/2015.

**OVERVIEW:** Respondent received a public reprimand for neglecting an entrusted legal matter.

**PROCEDURE:** The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a public reprimand. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent was retained by a client to obtain the dissolution of her marriage. Respondent failed to file an agreed qualified domestic-relations order (QDRO) with the court and with the entity that administered the pension. Respondent's client had to retain a new attorney to file the QDRO and to represent her when her former husband disputed that some of the retirement benefits existed at the time of the divorce.

**SANCTION:** The Court accepted the agreement and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** None

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**Rules Violated:** DR 6-101(A)(3)

**Aggravation/ Mitigation:** A-None; M- (a) (no prior discipline), (b) (no dishonest or selfish motive), (c) (restitution or rectified consequences), (d) (full and free disclosure), (e) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> YES	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

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*Sleibi, Cleveland Metro. Bar Assn.*  
[Slip Opinion No. 2015-Ohio-2724](#). Decided 7/7/2015.

**OVERVIEW:** Respondent received a two-year suspension, with six months stayed for engaging in conduct that adversely reflected on his fitness to practice law.

**PROCEDURE:** The parties submitted stipulations of fact, rule violations, aggravating and mitigating factors, but did not agree on a sanction. The panel accepted the stipulations and recommended a two-year suspension, with one year stayed. The Board adopted the panel's report in its entirety. Relator filed objections seeking a sanction of an indefinite suspension.

**FINDINGS:** Respondent engaged in sexual activity with four of his clients and sent sexually explicit, lewd messages to at least three of them. A sexual relationship did not exist with any of the four clients when the attorney-client relationship began.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, but imposed a two-year suspension, with six months stayed on conditions that Respondent 1) continue to comply with this treatment plan as specified by his therapist or a similar professional counselor approved by OLAP; 2) fully comply with this current OLAP contact and, upon its expiration, execute a new contract if recommended by his therapist or OLAP; 3) attend six hours of tutorial or continuing education that addresses ethical boundary dilemmas for professionals as recommended or approved by his therapist; and 4) commit no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Booher* (1996); *Kodish* (2006); *Moore* (2004); *Sturgeon* (2006); *Detweiler* (2013)

**DISSENT:** Chief Justice O'Connor and Justices French and Lanzinger dissented and would have indefinitely suspended the Respondent.

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**Rules Violated:** Prof.Cond.R. [1.8\(j\)](#), [8.4\(h\)](#)

**Aggravation/ Mitigation:** A- ([b](#)) (dishonest or selfish motive), ([c](#)) (pattern of misconduct), ([d](#)) (multiple offenses), ([h](#)) (harm to vulnerable victim); M- ([a](#)) (no prior discipline), ([d](#)) (cooperative attitude), ([e](#)) (good character), ([g](#)) (chemical/mental illness)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> Two-year suspension, with six months stayed on conditions			

*Smith, Columbus Bar Assn. v.*  
[143 Ohio St.3d 436, 2015-Ohio-2000](#). Decided 5/27/2015.

**OVERVIEW:** Respondent received a public reprimand for failing to act with reasonable diligence, failing to communicate with the client, and failing to take reasonable steps to protect the client's interest upon Respondent's withdrawal from the representation.

**PROCEDURE:** The panel adopted the parties' stipulated facts and misconduct, and recommended a public reprimand. The Board adopted the panel's report in its entirety.

**FINDINGS:** Respondent failed to fulfill her obligations as counsel in the representation of two brothers in their respective habeas corpus cases. Respondent promised to meet with the brothers to discuss their case, but failed to do so. One of the brothers had filed a pro se petition for a writ of habeas corpus before Respondent was hired, and the federal district court granted Respondent an extension of time to file a responsive pleading. Respondent filed the response one day late and failed to present all of the client's claims. Respondent did not timely inform her client of the magistrate's report and recommendation that concluded that the habeas corpus petition should be denied and that the judge should not grant a certificate of appealability. Respondent obtained her client's authorization to appeal the ruling and filed a notice of appeal. Respondent did not respond to the client's inquires regarding the status of the appeal or his requests for a copy of the certificate. Respondent moved to withdraw as counsel, but failed to send her client a copy of the motion or take any steps to protect his interests upon filing her motion.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed a public reprimand.

**CASE AUTHORITY FOR SANCTION:** *Adusei* (2013); *Hetzer* (2013); *Dundon* (2011); *Kubyn* (2009)

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**Rules Violated:** Prof.Cond.R. [1.3](#), [1.4\(a\)\(2\)](#), [1.4\(a\)\(3\)](#), [1.4\(a\)\(4\)](#), [1.16\(d\)](#)

**Aggravation/ Mitigation:** A-None; M- (a) (no prior discipline), (b) (no dishonest or selfish motive), (d) (cooperative attitude), (e) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Public Reprimand</a>			

*Walker, Cleveland Metro. Bar Assn. v.*  
 142 Ohio St.3d 452, 2015-Ohio-733. Decided 3/4/2015.

**OVERVIEW:** Respondent was suspended for one year stayed for failing to inform a client of a decision with respect to which the client’s informed consent was required, withdrawing funds from his client trust account for personal and business use, and failing to keep complete records of client funds held in his client trust account.

**PROCEDURE:** The parties submitted an amended consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating factors, as well as a sanction of a one-year stayed suspension. The Board recommended that the agreement be accepted.

**FINDINGS:** Respondent represented a client in two personal injury matters; a slip-and-fall and an automobile accident. Respondent took no action in the slip-and-fall matter and waited approximately 20 months to advise her that he would no longer handle her claim. Respondent also misinformed the client about the applicable statute of limitations, leading her to believe that she did not have time to pursue the claim before the statute of limitations expired. Although Respondent filed a complaint with respect to the automobile accident, he failed to perfect service on the defendant, and the case was dismissed without prejudice for failure to prosecute.

**SANCTION:** The Court accepted the agreement and imposed a one-year stayed suspension on condition that he commits no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Murraine* (2011); *Johnston* (2009); *Royer* (2012); *Malynn* (2012)

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**Rules Violated:** Prof.Cond.R. 1.4(a)(1), 1.15(a), 1.15(a)(2), 1.15(a)(5), 1.15(d)

**Aggravation/ Mitigation:** A- None; M- (a) (no prior discipline), (b) (no dishonest or selfish motive), (d) (full and free disclosure), (e) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> YES	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> One-year suspension stayed in its entirety on condition			

*Ward, Disciplinary Counsel v.*  
[143 Ohio St.3d 23, 2015-Ohio-237](#). Decided 1/29/2015.

**OVERVIEW:** Respondent was suspended for one year for accepting employment in which his exercise of professional judgment on behalf of the client was affected by his own interests, using a client's confidence or secrets to the client's disadvantage, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, and failing to hold the client's property separate from his own property.

**PROCEDURE:** After a hearing, the panel found that this misconduct adversely reflected on Respondent's fitness to practice law, recommended that six other alleged violations be dismissed due to the insufficiency of the evidence, and recommended that Respondent be suspended for one year. The Board adopted the panel's report in its entirety.

**FINDINGS:** Respondent accepted employment from a client whose interests were substantially related to and directly adverse to those of a long-term client of his law firm. Respondent used the confidences and secrets of his firm's long-term client for the benefit of others and to his client's detriment, and placed funds belonging to a second client in his personal investment account.

**SANCTION:** The Court adopted the Board's findings of fact, conclusions of law, but instead of dismissing six of the alleged violations as recommended by the Board, the Court dismissed only five. The Court imposed a one-year suspension from the practice of law.

**CASE AUTHORITY FOR SANCTION:** *Cicero* (2012)

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**Rules Violated:** DR 1-102(A)(4), 1-102(A)(6), 4-101(B)(2), 4-101(B)(3), 5-101(A)(1), 9-102(A)

**Aggravation/ Mitigation:** **A-** (b) (dishonest or selfish motive), (d) (multiple offenses), (g) (refusal to acknowledge wrongdoing); **M-** (a) (no prior discipline), (c) (restitution or rectified consequences), (e) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> One-year suspension			

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*Washington, Dayton Bar Assn. v.*  
[Slip Opinion No. 2015-Ohio-2449](#). Decided 6/23/2015.

**OVERVIEW:** Respondent was suspended for six months stayed and ordered to serve one year of monitored probation for failing to act with reasonable diligence, failing to hold funds belonging to a client in a client trust account, failing to maintain a record for the lawyer’s client trust account, and failing to perform and retain a monthly reconciliation of the funds.

**PROCEDURE:** The parties submitted stipulations of fact and misconduct, and recommended that 11 alleged violations be dismissed. The panel accepted the parties’ stipulated findings of fact and recommended that Respondent be suspended for six months stayed in its entirety. The panel also unanimously dismissed 16 additional alleged violations based on the insufficiency of the evidence. The Board adopted the panel’s report in its entirety.

**FINDINGS:** Respondent was retained to represent a client in a personal-injury matter. Respondent settled the matter for \$24,000 with the full consent of the client. Shortly thereafter, Respondent received a \$12,335.72 settlement check and deposited it into her firm’s operating account. At the time the case was settled, the client had separated from her husband, and Respondent agreed to represent her in her divorce with the understanding that she would receive payment for legal fees and expenses though she did not have the client sign a separate fee agreement. Although, Respondent was obligated to satisfy a subrogation lien out of the client’s prior settlement proceeds, Respondent was able to negotiate a settlement that reduced that payment by approximately \$4,000 that satisfied the lien. The client’s divorce was finalized and Respondent issued a \$5,184.30 check drawn on her operating account to the client, but the bank rejected it for insufficient funds. On another matter, Respondent was retained to create a special-needs trust to avoid jeopardizing her client’s governmental benefit since the client was entitled to receive a class-action settlement proceeds of \$125,000 that she did not seek or obtain the court’s approval. Respondent received four settlement checks totaling \$170,982.76 and deposited them into her IOLTA account. The balance of the client trust account fell below the amount of the settlement proceeds she held for her client. Respondent issued a \$75,056.21 check drawn on her trust account. When the client presented the check for payment, the bank dishonored it for insufficient funds.

**SANCTION:** The Court adopted the Board’s findings of fact, conclusions of law, and imposed a six-month suspension stayed in its entirety on condition that Respondent commit no further misconduct and complete a one-year period of monitored probation.

**CASE AUTHORITY FOR SANCTION:** *Hetzer* (2013); *Helbling* (2010); *Royer* (2012); *Tomer* (2013)

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**Rules Violated:** Prof.Cond.R. [1.3](#), [1.15\(a\)\(3\)](#), [1.15\(a\)\(5\)](#)

**Aggravation/ Mitigation:** A- None; M- (a) (no prior discipline), (c) (restitution or rectified consequences), (d) (cooperative attitude), (e) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> Six-month suspension stayed in its entirety on conditions			

*Watson, Columbus Bar Assn. v.*  
[Slip Opinion No. 2015-Ohio-4613](#). Decided 11/10/2015.

**OVERVIEW:** Respondent received an indefinite suspension for failing to deposit retainers in a client trust account and charging a clearly excessive fee.

**PROCEDURE:** The panel adopted the parties' stipulated facts and misconduct, and recommended an indefinite suspension. The Board adopted the panel's report in its entirety.

**FINDINGS:** In 2012, Respondent was suspended for one year, fully stayed on conditions for committing multiple violations of the Rules of Professional Conduct regulating client trust accounts. Respondent completed his OLAP contract in February 2014, but still remains on probation. In September 2014, Relator charged Respondent with additional misconduct involving two client matters for failing to deposit the clients' retainers in his trust account and charging a clearly excessive fee.

**SANCTION:** The Court adopted the Board's findings of fact and misconduct, and imposed an indefinite suspension with reinstatement on conditions.

**CASE AUTHORITY FOR SANCTION:** *Malynn* (2014)

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**Rules Violated:** Prof.Cond.R. [1.5\(a\)](#), [1.15\(a\)](#)

**Aggravation/ Mitigation:** A-([1](#)) (prior discipline), ([2](#)) (dishonest or selfish motive), ([4](#)) (multiple offenses); M- ([3](#)) (restitution or rectified consequences), ([4](#)) (cooperative attitude)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> NO	<b>Prior Discipline:</b> <a href="#">YES</a>	
<b>Sanction:</b> <a href="#">Indefinite</a> Suspension			

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*Weithman, Disciplinary Counsel v.*  
[143 Ohio St.3d 84, 2015-Ohio-482](#). Decided 2/12/2015.

**OVERVIEW:** Respondent received a two-year suspension, fully stayed for engaging in disrespectful and abusive conduct toward litigants and counsel.

**PROCEDURE:** The parties submitted stipulations of fact and misconduct, an agreed sanction of a one-year stayed suspension, and also moved to waive an evidentiary hearing. The panel denied the motion and a hearing was held. The panel adopted the stipulated facts, most of the stipulated violations, and the recommended sanction. The Board adopted the panel’s findings of fact and misconduct, but recommended that Respondent be suspended for one year, with six months stayed.

**FINDINGS:** Respondent served as a magistrate for more than 30 years, most recently in the Delaware County Court of Common Pleas Domestic Relations Division. Respondent exhibited a demeaning attitude toward counsel and litigants in two matters before him and made disparaging remarks regarding the intellect and trial tactics of counsel based on the county in which they often practiced, all of which are “contrary to the core principles of demeanor, integrity, impartiality, and fairness” and “wholly inappropriate for a judicial officer.” Also, Respondent’s ogling of a female litigant who sought redress for her former husband’s alleged posting of her intimate photographs on multiple pornographic websites and his subsequent offer to a bounty to opposing counsel if he could make her cry during cross-examination, going so far as to remove a dollar bill from his wallet and place it on the bench, were also demeaning and degrading to the litigant and to all women.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, but having considered Respondent’s conduct, the aggravating and mitigating factors, and the sanctions they have imposed for comparable violations, the Court imposed a two-year suspension fully stayed on conditions that he commit no further misconduct and remain in full compliance with his OLAP contract.

**CASE AUTHORITY FOR SANCTION:** *Elum* (2012); *Russo* (2010); *Franko* (1958); *McCormack* (2012)

**DISSENT:** Chief Justice O’Connor and Justice Lanzinger dissented and would have suspended Respondent for one year, with six months stayed.

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**Rules Violated:** Jud.Cond.R. [1.2](#), [2.11](#), [2.2](#), [2.8\(B\)](#); Prof.Cond.R. [8.4\(d\)](#); CJC Canon 2, 3(B)(3), 3(B)(4); DR 1-102(A)(5)

**Aggravation/ Mitigation:** A- [\(d\)](#) (multiple offenses); M- [\(a\)](#) (no prior discipline), [\(b\)](#) (no dishonest or selfish motive), [\(d\)](#) (full and free disclosure), [\(e\)](#) (good character)

<b>Court Modified Sanction:</b> <a href="#">YES</a>		<b>Criminal Conduct:</b> NO	
<b>Procedure/ Process Issues:</b> NO	<b>Public Official:</b> <a href="#">YES</a>	<b>Prior Discipline:</b> NO	
<b>Sanction:</b> <a href="#">Two-year suspension stayed in its entirety on condition</a>			

*Yakubek, Trumbull Cty. Bar Assn. v.*  
[142 Ohio St.3d 455, 2015-Ohio-1570](#). Decided 4/29/2015.

**OVERVIEW:** Respondent received a one-year suspension, all stayed for failing to keep clients reasonably informed about the status of their matters.

**PROCEDURE:** The panel adopted the parties’ stipulated facts and misconduct, but rejected the parties’ stipulated sanction of a public reprimand and recommended that Respondent be suspended for one year, all stayed on conditions. The Board adopted the panel’s report in its entirety.

**FINDINGS:** Respondent agreed to handle four bankruptcy matters on behalf of separate clients. Respondent failed to timely submit proof that the clients had completed their required financial-management course, failed to take action to protect a client after a foreclosure action was filed, failed to communicate with the clients about the status of their case, and failed to comply with requests for the return of their paperwork and unearned fees until after a grievance was filed.

**SANCTION:** The Court adopted the Board’s findings of fact and misconduct, and imposed a one-year suspension, all stayed on conditions that Respondent serve a one-year period of monitored probation, attend a continuing-legal-education seminar on law-office and case-file management, and engage in no further misconduct.

**CASE AUTHORITY FOR SANCTION:** *Brueggeman* (2010); *Fonda* (2014); *Brown* (2010)

**Rules Violated:** Prof.Cond.R. [1.3](#), [1.4\(a\)\(2\)](#), [1.4\(a\)\(3\)](#), [1.4\(a\)\(4\)](#)

**Aggravation/ Mitigation:** **A-** (c) (pattern of misconduct), (d) (multiple offenses); **M-** (a) (no prior discipline), (b) (no dishonest or selfish motive), (c) (restitution or rectified consequences), (d) (cooperative attitude), (e) (good character)

<b>Court Modified Sanction:</b> NO		<b>Criminal Conduct:</b> NO	
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**Rule 3.5(a)(3) (prohibiting a lawyer from communicating ex parte with a judicial officer as to the merits of the case during the proceeding)**

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**Rule 4.2 (prohibiting a lawyer from communicating about the subject of his representation of a client with a person known to be represented by another lawyer in the matter)**

**Rule 5.1(c)(1) (managing lawyer is responsible for another's violation if managing lawyer orders or ratifies the conduct)**

**Rule 5.3 (responsibilities regarding nonlawyer assistants)**

**Rule 5.3(a) (managing lawyer must have measures in effect to assure non-lawyer's conduct is compatible with professional obligations)**

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[Brown](#) (6/17/2015)

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**Rule 8.4(b) (committing illegal act that reflects adversely on honesty or trustworthiness)**

[Calabrese](#) (6/3/2015)

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[Weithman](#) (2/12/2015)

**Rule 8.4(h) (conduct adversely reflecting on lawyer's fitness to practice)**

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[Davies](#) (12/1/2015)

[Grossman](#) (6/23/2015)

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**Rule 8.5(a) (a lawyer admitted to practice in Ohio is subject to the disciplinary authority of Ohio, regardless of where the conduct occurs)**

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[Moore](#) (6/25/2015)

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[Weithman](#) (2/12/2015)

**DR 1-102(A)(6) (conduct adversely reflecting on fitness to practice law)**

[Calabrese](#) (6/3/2015)

[Ward](#) (1/29/2015)

**DR 1-103(A) (requiring a lawyer possessing unprivileged knowledge of a violation of DR 1-102 to report the knowledge to a tribunal or other legal authority empowered to investigate)**

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**DR 1-104(A) (informing client of lack of professional malpractice insurance)**

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**DR 2-107(A)(1) (fee division in proportion to services performed)**

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[Bauer](#) (9/10/2015)

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**DR 2-110(B)(2) (representing client when continued employment will result rule violation)**

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**DR 4-101 (failing to preserve the confidences of a client)**

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[Ward](#) (1/29/2015)

**DR 4-101(B)(3) (use a confidence or secret of his client for the advantage of himself or of a third person, unless the client consents after full disclosure)**

[Ward](#) (1/29/2015)

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