

1 Cuyahoga County Bar Association v. Hunsinger.

2 [Cite as *Cuyahoga Cty. Bar Assn. v. Hunsinger* (1997), \_\_\_\_ Ohio

3 St.3d\_\_\_\_\_.]

4 *Attorneys at law -- Misconduct -- Indefinite suspension -- Deceiving*  
5 *client by falsely informing client that divorce case had been*  
6 *filed and giving client counterfeit "divorce decree" --*  
7 *Misdemeanor conviction for attempted drug abuse -- Failure to*  
8 *file since 1991 certificate of registration with Clerk of the*  
9 *Supreme Court of Ohio -- Failure to meet continuing legal*  
10 *education requirements.*

11 (No. 96-1541 -- Submitted September 10, 1996 -- Decided January  
12 15, 1997.)

13 ON CERTIFIED REPORT by the Board of Commissioners on Grievances  
14 and Discipline of the Supreme Court, No. 95-87.

15 On December 4, 1995, the Cuyahoga County Bar Association  
16 ("relator") filed a complaint charging that Benjamin J. Hunsinger of  
17 Cleveland, Ohio, Attorney Registration No. 0034041 ("respondent"), had  
18 violated, *inter alia*, DR 1-102(A)(4) (engaging in conduct involving  
19 dishonesty, fraud, deceit, or misrepresentation), 1-102(A)(6) (engaging in  
20 conduct that adversely reflects on fitness to practice law), 6-101(A)(3)

1 (neglect of an entrusted legal matter), and 7-102(A)(5)(knowingly making a  
2 false statement of fact) in his representation of John Stewart Murray. In  
3 1992, respondent, after receiving a filing fee, falsely represented to Murray  
4 that he had filed a divorce proceeding on Murray's behalf. Respondent then  
5 gave Murray a counterfeit "divorce decree" which, in reality, was a  
6 document with the same case number as Murray's previously dismissed  
7 divorce proceeding and a forgery of the judge's name. Thereafter, in order  
8 to aid Murray in obtaining real estate financing, respondent represented to a  
9 mortgage financing company in Atlanta, Georgia, that Murray's divorce  
10 proceedings would be finalized in three to five weeks. Respondent later  
11 apologized to Murray, returned the filing fee to him, and testified in a later  
12 divorce proceeding brought by Murray that he had a drug problem, had  
13 falsified the court order, and had lied to Murray.

14 The relator also charged that respondent had violated DR 1-102(A)(6)  
15 (engaging in conduct that adversely reflects on his fitness to practice law) as  
16 a result of his misdemeanor conviction in August 1993 in the common pleas  
17 court of attempted drug abuse.

1           Finally, the relator charged that respondent had not filed a certificate  
2 of registration with the Clerk of the Supreme Court of Ohio since 1991 in  
3 violation of Gov.Bar R. VI(1)(A) and failed to meet the continuing legal  
4 education requirements of Gov.Bar R. X and had so engaged in the  
5 unauthorized practice of law in violation of Gov.Bar R. VII(2)(A) and DR  
6 3-101(B).

7           Respondent failed to answer the complaint, and the relator moved for  
8 default on April 4, 1996. A panel of the Board of Commissioners on  
9 Grievances and Discipline of the Supreme Court of Ohio (“board”)  
10 determined that a hearing was unnecessary, issued findings of fact and  
11 conclusions of law, and recommended that respondent be indefinitely  
12 suspended. On June 14, 1996, the board found the facts to be as stated  
13 herein, found that the above Disciplinary Rules and Rules for the  
14 Government of the Bar had been violated, and recommended that  
15 respondent be indefinitely suspended from the practice of law.

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17           *Charles S. Rawlings, Mary Ann Rini and Brian M. Urban*, for relator.

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1           *Per Curiam.* We adopt the findings of fact of the board and find that  
2 respondent violated DR 1-102(A)(4), 6-101(A)(3), and 7-102(A)(5) in his  
3 representation of John Stewart Murray. Further we conclude that  
4 respondent engaged in conduct that adversely reflects on his fitness to  
5 practice law in violation of DR 1-102(A)(6) by reason of his conviction for  
6 attempted drug abuse, by his undertaking to represent Murray when he had  
7 failed to comply with the registration requirements of Gov.Bar RVI, and by  
8 his failing to meet the continuing legal education requirements of Gov.Bar  
9 R. X.

10           In *Disciplinary Counsel v. Fowerbaugh* (1995), 74 Ohio St.3d 187,  
11 658 N.E.2d 237, an attorney falsely told the client he had filed a case,  
12 misrepresented to his client the status of the purportedly filed case, and then  
13 counterfeited documents in the fictitious case. In *Fowerbaugh*, under facts  
14 similar to these, we expressed our growing concern with the number of  
15 discipline matters in which members of the bar of Ohio have deceived their  
16 clients or a court and said: “Respect for our profession is diminished with  
17 every deceitful act of a lawyer. We cannot expect citizens to trust that  
18 lawyers are honest if we have not yet sanctioned those who are not. \* \* \*

1 When an attorney engages in a course of conduct resulting in a finding that  
2 the attorney has violated DR 1-102(A)(4), the attorney will be actually  
3 suspended from the practice of law for an appropriate period of time.” *Id.* at  
4 190, 658 N.E.2d at 239-240.

5 By our order of August 11, 1995, respondent was suspended from the  
6 practice of law pursuant to Gov.Bar R. X, and his “name stricken from the  
7 roll of attorneys maintained by this court,” for his failure to pay a previous  
8 court-ordered sanction for noncompliance with continuing legal education  
9 requirements in a previous reporting period in addition to noncompliance in  
10 the 1992-1993 reporting period.

11 Respondent has demonstrated not only his lack of respect for his  
12 clients, but his lack of respect for his profession and the orders of this court.

13 We hereby suspend respondent indefinitely from the practice of law in  
14 Ohio. Costs taxed to respondent.

15 *Judgment accordingly.*

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

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