

**BEFORE THE BOARD OF PROFESSIONAL CONDUCT  
OF THE SUPREME COURT OF OHIO**

**In re:**

**Complaint against**

**Case No. 2025-005**

**William Anthony Paxton  
Attorney Reg. No. 0041392**

**Report and Recommendation  
of the Board of Professional  
Conduct**

**Respondent**

**Disciplinary Counsel**

**Relator**

**DISCIPLINE BY CONSENT**

{¶1} This matter was submitted to a hearing panel consisting of Hon. Rocky A. Coss, Lori A. Herf, and panel chair Pablo A. Castro pursuant to a consent-to-discipline agreement filed on August 26, 2025. No member of the hearing panel resides in the appellate district from which the complaint arose or served on the probable cause panel that certified the complaint to the Board. Respondent waived an independent determination of probable cause by a Board panel.

{¶2} The hearing panel finds that this agreement was filed on a timely basis and conforms to the requirements of Gov.Bar R. V(16). The panel recommends acceptance of the agreement including the recommended sanction of a one-year suspension, stayed in its entirety on the conditions set below.

**Background**

{¶3} Respondent was admitted to the practice of law in Ohio on May 8, 1989 and is subject to the Ohio Rules of Professional Conduct and the Supreme Court Rules for the Government of the Bar of Ohio. Since April 21, 2022, Respondent's license to practice law has been registered as inactive. Respondent has no prior discipline.

{¶4} During 2019 and 2020, approximately 80 percent of the Respondent's practice was devoted to representing juveniles in delinquency and contempt proceedings, or serving as court-appointed counsel or guardian ad litem in abuse, neglect, and dependency matters before the Summit County Juvenile Court. The remaining 20 percent consisted of a general private practice.

{¶5} At all times relevant to this complaint, Respondent was compensated at the following hourly rates for court-appointed work: \$40 (out-of-court) and \$50 (in-court). (*See, e.g.*, Joint Ex. 3 at 4, 12, and 17.)

{¶6} In order to receive payment for cases on which the Respondent served as court-appointed counsel or court-appointed guardian ad litem, he was required to submit a standardized fee-application form entitled Motion, Entry and Certification for Appointed Counsel Fees, created by the Ohio Public Defender Commission. (Joint Ex. 4.)

{¶7} The fee-application form contained spaces for the client's name, the assigned case number, the charged offense, the assigned judge, the in-court and out-of-court hours spent on the case, the total fees requested, and the total fees authorized by the appointing judge. (Joint Ex. 4.)

{¶8} The Office of the Ohio Public Defender (OPD) establishes a maximum allowable fee, or a "cap rate," for court-appointed counsel. This cap may be exceeded if the appointed attorney submits a motion for extraordinary fees. The specific cap rate depends on both the type of case and the county of filing.<sup>1</sup>

{¶9} Respondent filed motions for extraordinary fees in multiple complex court-appointed cases he handled. (*See, e.g.*, Joint Ex. 3 at 9, 33, and 62.)

{¶10} The first page of each standardized fee-application form contains the following certification:

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<sup>1</sup>OPD publishes the current "cap" rates at <https://opd.ohio.gov/county-resources/county-rate-cap-maps>.

The undersigned, having been appointed counsel for the party represented, moves this Court for an order approving payment of fees and expenses as indicated in the itemized attachment herein. I certify that I have received no compensation in connection with providing representation in this case other than that described in this motion or which has been approved by the Court in a previous motion, nor have any fees and expenses in this motion been duplicated on any other motion. I, or an attorney under my supervision, have performed all legal services itemized in this motion. (Joint Ex. 4).

{¶11} The standardized fee-application form required Respondent to sign his name below the certification and provide his address and attorney registration number. (Joint Ex. 4.)

{¶12} The fee-application form contained the following certification: "I hereby certify that the following time was expended in representation of the defendant/party represented." The form included space for Respondent to list the date of service and the in-court and out-of-court hours that Respondent spent on the case. (Joint Ex. 4.)

{¶13} In 2019 and 2020, Respondent utilized OPD's time-tracking forms to record hours spent on court-appointed assignments. Respondent would prepare and submit billing statements upon the issuance of a journal entry following a hearing. Billing periods covered spans of 90 days. (Joint Ex. 5 at 2-3.)

{¶14} Respondent did not keep contemporaneous records or notes of the time that he spent working on his appointed cases, despite completing standardized fee-application forms certifying the time spent on court-appointed cases.

{¶15} When completing fee-application forms, Respondent would recreate the time he spent on an appointed case by reviewing the docket, pleadings, and hearing notices from the case, as well as emails, phone call logs, and text messages. He would then estimate the time he spent on each particular task and the date the task was performed. Respondent states, "[he] focused on recording the activity performed more than the specific date." (Joint Ex. 5 at 2.)

{¶16} Respondent failed to keep accurate or contemporaneous time records, resulting in his filing of several incorrect certified fee forms with excessive hours on multiple days.

{¶17} In early 2020, Summit County identified appointed counsel who appeared to have billed more hours and were compensated much more than other appointed counsel. Summit County contacted OPD, which advised auditing the billing for the identified appointed counsel. (Joint Ex. 3.)

{¶18} As a result, Summit County and OPD discovered that Respondent had submitted certified fee-application forms for two days on which Respondent billed more than 24 hours in a day:

- May 1, 2019 (25 hours);<sup>2</sup> and
- July 1, 2019 (26.7 hours). (Joint Exs. 6-9.)<sup>3</sup>

{¶19} The audit of 2019 submissions revealed that Respondent submitted certified fee-application forms, asserting that he had worked between 20 to 24 hours on the following eight dates:

- March 11, 2019 (20 hours);
- March 13, 2019 (20 hours);
- April 1, 2019 (20.5 hours);
- April 12, 2019 (21.3 hours);
- July 11, 2019 (22.7 hours);
- August 22, 2019 (22.9 hours);
- September 1, 2019 (20.6 hours - Sunday);
- November 1, 2019 (21.4 hours). (Joint Exs. 6-9.)

The 2019 audit also revealed that Respondent submitted certified fee-application forms, certifying that he had worked between 16 to 20 hours on the following eighteen dates:

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<sup>2</sup> In Respondent's letter to Relator dated August 26, 2021, Respondent admits he was on vacation on May 1, 2019.

<sup>3</sup> Joint Exhibit 6 contains Respondent's total daily hours billed, in which 16 or more hours were billed in a day, sorted chronologically. Joint Exhibit 7 contains Respondent's total daily hours billed, in which 16 or more hours were billed in a day, sorted by hours billed. Joint Exhibit 8 contains Respondent's detailed billing information, in which 16 or more hours were billed in a day, with cross-referencing to where in the Respondent's standardized fee-applications each time entry is specifically located. Joint Exhibit 9 is the Summit County and OPD Audit of Respondent's Fee Applications for High Billing Days in 2019-2020.

- January 15, 2019 (17.4 hours);
- March 1, 2019 (19.3 hours);
- May 13, 2019 (16 hours);
- June 11, 2019 (19 hours);
- June 24, 2019 (16.5 hours);
- July 3, 2019 (17.2 hours);
- August 5, 2019 (16.4 hours);
- September 3, 2019 (19.7 hours);
- September 12, 2019 (16.2 hours);
- November 5, 2019 (16.4 hours);
- December 12, 2019 (18.2 hours);
- December 27, 2019 (19.9 hours);
- January 3, 2020 (19.5 hours);
- February 13, 2020 (18.8 hours);
- February 18, 2020 (19 hours);
- February 28, 2020 (16.2 hours);
- April 7, 2020 (16 hours); and
- May 5, 2020 (18.8 hours). (Exs. 6-9.)

{¶21} The 2019 audit also determined that Respondent had submitted two bills for each case, resulting in duplicate billing due to the double submission of identical certified fee application forms in the following three cases:

- DN 18010102;
- DN 18020136; and
- LC 1407130. (Ex. 3 at 115-157.)<sup>4</sup>

{¶22} Former State Public Defender, Timothy Young, subsequently filed a grievance against Respondent based on the multiple days Respondent billed over 24 hours, numerous days Respondent billed between 16 and 24 hours, and Respondent's duplicate billing on 3 cases. (Joint Ex. 3.)

{¶23} In the course of Relator's investigation, Respondent acknowledged that certain billings were incorrect and confirmed the instances of duplicate billing as referenced

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<sup>4</sup> A detailed review of the duplicative submissions can be found as follows: DN 18010102, see Joint Ex. 3 at 115-127; DN 18020136, see Joint Ex. 3 at 128-140; and LC 1407130, see Joint Ex. 3 at 141-157.

in ¶21 (Joint Ex. 5).

{¶24} Respondent acknowledged and admitted that on the days listed above in ¶¶18, 19, and 20, he submitted multiple certified fee-application forms to Summit County/the State of Ohio that did not accurately reflect the days upon which he rendered services.

{¶25} Relator has no reason to believe that Respondent intentionally, dishonestly, deceitfully, or fraudulently overbilled Summit County/the State of Ohio or that he did not perform the services he claimed to have performed.

{¶26} Prior to the filing of the consent-to-discipline agreement, Respondent voluntarily refunded Summit County/the State of Ohio \$4,212 on August 19, 2025, which represents all hours that he billed over 16 hours in a day (i.e., 93.6 hours) and based on the standard established in *Disciplinary Counsel v. McCloskey*, 2023-Ohio-3447. The per-hour rate used to calculate the refund was based on an agreed hybrid rate of Respondent's in-court and out-of-court time at \$45 per hour.

{¶27} Respondent voluntarily made the refund because he acknowledged and admitted that he did not properly track or submit his time before the filing of the grievance, and, because Respondent acknowledged and admitted he improperly billed a public entity for more than 16 hours in a day when he admittedly worked fewer hours. (Joint Exs. 10-12.)

{¶28} Respondent has admitted and acknowledged that he filed certified fee applications that misrepresented the date on which the work he certified was done and that his conduct as outlined above violated the following Rule of Professional misconduct:

- *Prof. Cond. R. 8.4(c)* (prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.)

{¶29} Respondent refunded Summit County the amount of \$4,212 on August 19,

2025.

### **AGGRAVATION, MITIGATION, AND SANCTION**

{¶30} When recommending sanctions for attorney misconduct, the panel must consider all relevant factors, including the ethical duties violated by Respondent, precedent established by the Supreme Court, and the existence of aggravating and mitigating factors. Gov.Bar R. V(13)(A).

#### **Aggravating Factors**

{¶31} The panel concurs in the parties' stipulation as to the following aggravating factors:

- A pattern of misconduct.

#### **Mitigating Factors**

{¶32} The panel concurs in the parties' stipulation as to the following mitigating factors:

- The absence of a prior disciplinary record;
- A timely, good faith effort to make restitution and rectify the consequences of misconduct;
- A cooperative attitude toward disciplinary proceedings; and
- Evidence of good character and reputation.

#### **Sanction**

{¶20} The parties have proposed imposition of a one-year suspension, with one year stayed as the sanction in this matter. In support of the proposed sanction, the parties cite to two cases in which similar respondents were sanctioned. The panel independently considered the following cases in which the Supreme Court imposed a fully stayed one-year suspension:

- *Disciplinary Counsel v. McCloskey*, 2023-Ohio-3447. Respondent received a one-year, fully stayed suspension. He submitted fee applications for court-appointed work in which he claimed to have worked more than 24 hours on three dates, between 20 and 24 hours on 13 dates, and between 16 and 22 hours on 20 dates. He did not use a time-management system and estimated the time he spent on a task and the date he performed it. Respondent was found to have violated Prof.Cond.R. 8.4(c) by his misconduct. Mitigating factors included no prior discipline, timely and good-faith effort to rectify the consequences of misconduct, cooperative attitude, and evidence of good character and reputation. No aggravating factors were found.

- *Disciplinary Counsel v. Agopian*, 2006-Ohio-6510. Respondent was publicly reprimanded for misconduct in connection with fee bills he submitted to a common pleas court for court appointed work. Respondent stipulated that his billing records reflected a pattern of recording the same number of hours to prepare and file motions in cases regardless of the actual time he spent and regardless of whether he actually performed the work on that day. He submitted some fee bills for work performed in excess of 24 hours on three days. No aggravating factors were found by the Board or Court. Mitigating factors included no prior disciplinary record, acceptance of responsibility for his misconduct, cooperation, and evidence of good character and reputation.

{¶33} The panel finds the cases cited above support the imposition of a one-year suspension, stayed in its entirety, in this matter. Accordingly, the panel recommends acceptance of the consent-to-discipline agreement and imposition of a one-year suspension, stayed in its entirety.

#### **BOARD RECOMMENDATION**

Pursuant to Gov.Bar R. V(12), the Board of Professional Conduct considered this matter on August 1, 2025. The Board voted to accept the agreement entered into by Relator and Respondent and recommends that that Respondent, William Anthony Paxton, be suspended for a period of one year, stayed in its entirety. The Board incurred no expenses in the adjudication of this matter.

**Pursuant to the order of the Board of Professional Conduct, I hereby certify the forgoing report and recommendation as that of the Board.**



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**ELIZABETH T. SMITH, Interim Director**