

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

In re:

Complaint against

Case No. 2025-011

**Arica Lynn Underwood
Attorney Reg. No. 0067664**

**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. Andrew J. King, Lori A. Herf, and Hon. Eugene A. Lucci, chair, pursuant to a consent-to-discipline agreement filed on October 24, 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.

{¶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 an eighteen-month suspension, fully stayed.

Background

{¶3} Respondent was admitted to the practice of law in Ohio on May 12, 1997, and is subject to the Ohio Rules of Professional Conduct and the Supreme Court Rules for the Government of the Bar of Ohio. On July 18, 2013, the Supreme Court of Ohio suspended Respondent from the practice of law for one year, with the entire suspension stayed, on condition that she engage in no further misconduct and complete at least six hours of continuing legal education in law-office management. *Disciplinary Counsel v. Underwood*, 2013-Ohio-3118.

Count I—The Cross Matter

{¶4} Dearies Cross was charged with multiple drug-trafficking felonies in June 2020. Respondent was retained in June 2021 for a flat fee of \$15,000. Cross pleaded guilty to two first-degree felonies in March 2023 and was sentenced to 12 to 15 years in prison. Respondent filed a notice of appeal but repeatedly failed to comply with appellate court orders regarding the docket statement and transcript filing. Despite Cross being found indigent, Respondent failed to request transcripts at state expense and incorrectly claimed Cross had not paid for them. The appellate court dismissed Cross's appeal in January 2024 due to Respondent's failure to submit necessary transcripts. Cross successfully moved to reopen his appeal with new counsel, who raised an assignment of error that Respondent had failed to identify. The appellate court ultimately reversed and remanded for resentencing in March 2025.

{¶5} The parties have stipulated, and the Respondent has admitted, that his conduct outlined in Count I violated the following Rules of Professional Conduct:

- Prof. Cond. R. 1.3 — failure to act with reasonable diligence and promptness;
- Prof. Cond. R. 1.4(a)(3) — failure to keep client reasonably informed about status;
- Prof. Cond. R. 3.4(c) — knowingly disobeying tribunal obligations; and
- Prof. Cond. R. 8.4(d) — conduct prejudicial to the administration of justice.

Count II—The Yancey Matter

{¶6} Respondent represented Eryn Yancey in a custody matter. The trial court issued its decision on November 17, 2023, granting the father's motion to relocate out of state with the children and denying Yancey's motion to change custody. Respondent filed the notice of appeal on December 22, 2023, five days after the thirty-day deadline expired. Additionally, Respondent failed to redact juvenile names from court filings as required and failed to file a required docket

statement. The appellate court dismissed the appeal on January 31, 2024, for lack of jurisdiction due to the untimely filing.

{¶7} The parties have stipulated, and the Respondent has admitted, that his conduct outlined in Count II violated the following Rules of Professional Conduct:

- Prof. Cond. R. 1.3 — failure to act with reasonable diligence and promptness;
- Prof. Cond. R. 3.4(c) — knowingly disobeying tribunal obligations; and
- Prof. Cond. R. 8.4(d) — conduct prejudicial to the administration of justice.

Count III—The J.S. Matter

{¶8} Respondent was retained to represent a juvenile client, J.S., in delinquency proceedings for a flat fee of \$3,500. Respondent failed to deposit any portion of the fee into her IOLTA and failed to advise the client in writing about potential refund entitlement as required. In handling the appeal, Respondent repeatedly failed to comply with court orders regarding redaction of the juvenile's name and filing of transcripts, requiring multiple show-cause orders before achieving compliance. The appellate court ultimately affirmed the trial court's adjudication in May 2024.

{¶9} The parties have stipulated, and the Respondent has admitted, that his conduct outlined in Count III violated the following Rules of Professional Conduct:

- Prof. Cond. R. 1.5(d)(3) — failure to provide the required refund disclosure; and
- Prof. Cond. R. 3.4(c) — knowingly disobeying tribunal obligations.

AGGRAVATION, MITIGATION, AND SANCTION

{¶10} 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

{¶11} The panel concurs in the parties' stipulation as to the following aggravating factors: (a) a prior disciplinary offense; (b) a pattern of misconduct; and (c) multiple offenses.

Mitigating Factors

{¶12} The panel concurs in the parties' stipulation as to the following mitigating factors: (a) absence of a dishonest or selfish motive; (b) full and free disclosure to the Board and a cooperative attitude toward the proceedings; (c) character or reputation; and (d) the existence of a disorder, including: (i) diagnosis of Major Depressive Disorder and Posttraumatic Stress Disorder by a qualified health care professional; (ii) determination that the disorder contributed to cause the misconduct; (iii) sustained period of successful treatment since July 2024; and (iv) prognosis from a qualified health care professional that the attorney is able to return to competent, ethical professional practice under specified conditions.

Sanction

{¶13} The parties have proposed imposition of an eighteen-month suspension, fully stayed, as the sanction in this matter. The panel reviewed comparable cases involving attorneys who failed to diligently handle client matters and disobeyed tribunal rules.

{¶14} In *Disciplinary Counsel v. Schnittke*, 2017-Ohio-9206, an attorney failed to properly handle three criminal appeals, resulting in their dismissal. With no prior discipline but a pattern of misconduct, the court imposed a six-month stayed suspension. In *Disciplinary Counsel v. Valenti*, 2021-Ohio-1373, an attorney repeatedly failed to meet appellate deadlines and comply with court

orders in three matters. With no prior discipline, the court imposed a six-month stayed suspension with CLE requirements.

{¶15} Most instructive is *Cleveland Metro. Bar Assn. v. Berk*, 2012-Ohio-2167, where an attorney with prior discipline for similar neglect failed to attend court conferences, resulting in dismissal of client cases. The court imposed an eighteen-month suspension, fully stayed, with probation conditions, finding that despite the prior discipline and pattern of misconduct, an actual suspension was not necessary to protect the public given the attorney's acceptance of responsibility and excellent character outside the misconduct.

{¶16} The panel finds the present case comparable to *Berk*, with the additional significant mitigating factor of Respondent's mental health diagnosis. Respondent's psychologist reports that clinical symptoms of Major Depressive Disorder, including executive dysfunction and difficulty concentrating, directly caused challenges with time management and work completion. Respondent has engaged in weekly therapy since July 2024 and has developed skills to manage her symptoms.

{¶17} The panel finds the cases cited above support imposition of an eighteen-month suspension, fully stayed, in this matter. Accordingly, the panel recommends acceptance of the consent-to-discipline agreement and imposition of an eighteen-month suspension, fully stayed, on condition that Respondent commit no further acts of misconduct, maintain mental health treatment as directed by her psychologist, enter into and abide by the terms of an OLAP contract, and complete six hours of continuing legal education with a focus on IOLTA management.

BOARD RECOMMENDATION

Pursuant to Gov.Bar R. V(12), the Board of Professional Conduct considered this matter on December 12, 2025. The Board voted to accept the agreement entered into by relator and Respondent and recommends that that Respondent, Arica Lynn Underwood, be suspended from the practice of law in Ohio for eighteen months, with the suspension stayed in its entirety and on the conditions that Respondent (1) Respondent commits no further acts of misconduct; (2) maintains mental health treatment as directed by her psychologist; (3) enters into and abide by the terms of an OLAP contract; and (4) completes six hours of continuing legal education with a focus on IOLTA management. 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 findings of fact, conclusions of law, and recommendation as that of the Board.



ELIZABETH T. SMITH, Director