

**DISCIPLINARY COUNSEL v. HORTON.**

[Cite as *Disciplinary Counsel v. Horton*, \_\_\_ Ohio St.3d \_\_\_, 2023-Ohio-1001.]

(No. 2018-1746—Submitted March 21, 2023—Decided March 29, 2023.)

ON PETITION FOR REINSTATEMENT.

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{¶ 1} This cause came on for further consideration upon the filing on August 30, 2022, of a petition for reinstatement by respondent, Timothy Solomon Horton, Attorney Registration No. 0065934. In accordance with Gov.Bar R. V(25)(E), respondent's petition for reinstatement was referred to the Board of Professional Conduct. The board filed its final report in this court on February 3, 2023, recommending that respondent's petition for reinstatement be granted subject to conditions. No objections to said final report were filed, and this cause was considered by the court.

{¶ 2} Upon consideration thereof, it is ordered by this court that the petition for reinstatement of respondent is conditionally granted. Respondent, Timothy Solomon Horton, last known address in Lewis Center, Ohio, will be reinstated to the practice of law in Ohio upon the following conditions: (1) he shall continue to participate in Alcoholics Anonymous meetings; (2) he shall continue counseling with Eric Currence, Ph.D. on an as-needed basis; (3) prior to reinstatement, he shall provide proof that he has taken and passed the Multi-State Professional Responsibility Exam (MPRE); and (4) he shall provide proof to relator that he has completed three additional hours of continuing legal education on sexual harassment.

{¶ 3} It is further ordered by the court that respondent be taxed the costs of these proceedings in the amount of \$2,136.62, less the deposit of \$500, for a total balance due of \$1,636.62 payable, by cashier's check or money order, by

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respondent on or before 90 days from the date of this order. If costs are not paid on or before 90 days from the date of this order, interest at the rate of ten percent per annum will accrue until costs are paid in full. It is further ordered that if costs are not paid in full on or before 90 days from the date of this order, the matter may be referred to the attorney general for collection and respondent may be found in contempt and suspended until all costs and accrued interest are paid in full. It is further ordered that respondent is liable for all collections costs pursuant to R.C. 131.02 if the debt is certified to the attorney general for collection.

{¶ 4} It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(17)(E)(1) and that publication be made as provided for in Gov.Bar R. V(17)(E)(2).

{¶ 5} For earlier case, see *Disciplinary Counsel v. Horton*, 158 Ohio St.3d 76, 2019-Ohio-4139, 140 N.E.3d 561.

KENNEDY, C.J., and DEWINE, DONNELLY, STEWART, BRUNNER, and DETERS, JJ., concur.

FISCHER, J., concurring in part and dissenting in part, with an opinion.

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**FISCHER, J., concurring in part and dissenting in part.**

{¶ 6} I concur in part and dissent in part. I concur in the court's decision to grant respondent Timothy Horton's petition for reinstatement, but in order to protect the citizens of Ohio in futuro, I would grant the petition subject to the following conditions: (1) Horton shall continue to participate in Alcoholics Anonymous meetings, at least weekly if not more often than weekly; (2) he shall continue counseling with Eric Currence, Ph.D., on a regular basis; (3) prior to reinstatement, he shall provide proof that he has taken and passed the Multistate Professional Responsibility Exam (MPRE); and (4) he shall provide proof to relator, disciplinary counsel, that he has completed three additional hours of continuing legal education ("CLE") on sexual harassment, and over the following

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three years, he shall complete three hours of CLE on sexual harassment each year and report the same to relator.

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