

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Disciplinary Counsel v. Romer*, Slip Opinion No. 2023-Ohio-3099.]

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SLIP OPINION NO. 2023-OHIO-3099

DISCIPLINARY COUNSEL v. ROMER.

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Attorneys—Misconduct—Violations of the Rules of Professional Conduct, including committing an illegal act that reflects adversely on lawyer’s honesty or trustworthiness and engaging in conduct that adversely reflects on lawyer’s fitness to practice law—Indefinite suspension, with no credit for time served under interim felony suspension.

(No. 2023-0469—Submitted May 2, 2023—Decided September 6, 2023.)

ON CERTIFIED REPORT by the Board of Professional Conduct of the Supreme Court, No. 2022-035.

Per Curiam.

{¶ 1} Respondent, Shawn Alexander Romer, of Independence, Ohio, Attorney Registration No. 0084251, was admitted to the practice of law in Ohio in

2008. On March 7, 2022, we suspended his license on an interim basis following his felony conviction on one count of attempted corrupting another with drugs, and that suspension remains in effect. *See In re Romer*, 168 Ohio St.3d 1203, 2022-Ohio-641, 195 N.E.3d 1058.

{¶ 2} In an August 2022 complaint, relator, disciplinary counsel, charged Romer with professional misconduct arising from his substance abuse, his felony conviction, and a related misdemeanor conviction on a single count of soliciting. Romer waived a probable-cause determination and, in his answer, admitted many of relator’s factual allegations and all the alleged rule violations. The parties also jointly submitted comprehensive stipulations and proposed that Romer be indefinitely suspended from the practice of law with no credit for the time served under his interim suspension.

{¶ 3} After conducting a hearing, a panel of the Board of Professional Conduct issued a report finding that Romer had committed the alleged rule violations and recommended that we adopt the parties’ proposed sanction. The board adopted the panel’s report and recommendation. We adopt the board’s findings of misconduct and indefinitely suspend Romer from the practice of law with no credit for the time served under his interim suspension.

MISCONDUCT

{¶ 4} Romer has had a long-term substance-abuse problem. On three occasions between 2011 and 2017, he was charged with operating a vehicle while under the influence of alcohol or a drug of abuse (“OVI”) and other related offenses. The first two times, he was convicted of lesser offenses; however, in 2017, he was convicted of OVI. That same year, as the result of a separate incident, he was also convicted of disorderly conduct due to intoxication.

{¶ 5} Around September 2017, Romer voluntarily began a treatment program for alcohol addiction and entered into a contract with the Ohio Lawyers Assistance Program (“OLAP”). He maintained his sobriety and complied with his

OLAP contract until the summer of 2019 when he relapsed and resumed drinking heavily and using cocaine.

{¶ 6} Through his cocaine use, Romer met a man who called himself “Seven,” who was later identified as Reuben Rankin. Romer began purchasing cocaine from Rankin, who sent a 15-year-old girl, “A.L.,” to deliver the cocaine to Romer’s residence. That arrangement continued for several months, during which Rankin offered to arrange for Romer to meet women for sex and Romer consistently denied those offers. Rankin did not inform Romer that Rankin was trafficking the women.

{¶ 7} On the evening of September 27, 2019, Romer purchased cocaine from Rankin, which was delivered by A.L. Romer used the cocaine, and around 8:00 a.m. the next morning, he contacted Rankin to purchase more. As part of the purchase, Rankin offered to arrange for an unnamed female to perform oral sex on Romer, and Romer accepted the offer. Rankin sent A.L. to Romer’s home to deliver the cocaine and perform the sex act. Romer neither sought out nor desired to have sexual contact with a minor. He asked A.L. her age, and she told him that she was 19 years old.

{¶ 8} Romer and A.L. watched pornography and took a shower together. A.L. also touched Romer’s genital area inside and outside of his pants. However, Romer was unable to be aroused because of his excessive alcohol and drug use the previous night. Romer and A.L. also used cocaine together. Although Romer denied that he pressured A.L. to use cocaine, he stipulated that if she were called to testify, she would state that she was hesitant to use the cocaine but felt pressured to do so.

{¶ 9} While A.L. was still at Romer’s residence, Rankin attempted to extort additional money from Romer through A.L. Rankin had A.L. tell Romer that she was only 15 years old and threaten to report Romer for criminal activity if he did

not pay additional money to Rankin. Romer paid an additional \$200 and A.L. left his residence.

{¶ 10} Later that day, A.L. was involved in a traffic accident. As a result of police involvement in the accident, A.L. was identified as a missing juvenile and was recovered by the Cuyahoga Regional Human Trafficking Task Force. During a forensic interview, A.L. disclosed that she had been trafficked by Rankin and reported the arrangement that Rankin had made with Romer.

{¶ 11} Rankin was later charged with multiple federal crimes. In January 2022, Romer testified against Rankin on behalf of the federal government. Later that year, Rankin was convicted on all charges.

{¶ 12} In summer 2020, Romer relapsed and began drinking again. Following a conviction for disorderly conduct based on his intoxication, he completed two inpatient treatment programs. He remained sober from October 2020 until December 2021, when he learned that because of his conduct with A.L., he would be charged with a felony and his law license would be suspended.

{¶ 13} In January 2022, Romer pleaded guilty to a third-degree felony count of attempted corrupting another with drugs and a first-degree misdemeanor count of soliciting. He also commenced an inpatient sober-living program and has been sober since January 10, 2022.

{¶ 14} Romer was sentenced to 36 months in prison followed by a discretionary period of postrelease control of up to two years. He entered prison on February 22, 2022. Romer's prison records document his participation in multiple programs, including some focused on criminal attitudes, behavioral patterns, family and social support, substance abuse, and mental health, and his regular attendance at Alcoholics Anonymous and Narcotics Anonymous meetings.

{¶ 15} On this evidence, the parties stipulated that Romer's conduct violated Prof.Cond.R. 8.4(b) (prohibiting a lawyer from committing an illegal act that reflects adversely on the lawyer's honesty or trustworthiness) and 8.4(h)

(prohibiting a lawyer from engaging in conduct that adversely reflects on the lawyer's fitness to practice law). The board found that those violations had been proven by clear and convincing evidence and made a separate finding that Romer's criminal convictions were sufficiently egregious to support the Prof.Cond.R. 8.4(h) violation. *See Disciplinary Counsel v. Bricker*, 137 Ohio St.3d 35, 2013-Ohio-3998, 997 N.E.2d 500, ¶ 21. We adopt the board's findings of misconduct.

RECOMMENDED SANCTION

{¶ 16} When imposing sanctions for attorney misconduct, we consider all relevant factors, including the ethical duties that the lawyer violated, the aggravating and mitigating factors listed in Gov.Bar R. V(13), and the sanctions imposed in similar cases.

{¶ 17} The parties stipulated and the board found that two aggravating factors are present in this case: Romer acted with a dishonest or selfish motive, and a vulnerable victim suffered harm as result of Romer's misconduct. *See* Gov.Bar R. V(13)(B)(2) and (8). As for mitigating factors, the parties stipulated and the board agreed that Romer had a clean disciplinary record and that he had made full and free disclosure to the board and exhibited a cooperative attitude toward the disciplinary proceedings, submitted evidence of his good character and reputation, had other penalties or sanctions imposed for his misconduct, and engaged in other interim rehabilitation. *See* Gov.Bar R. V(13)(C)(1), (4), (5), (6), and (8).

{¶ 18} The parties jointly recommended that Romer be indefinitely suspended for his misconduct with no credit for the time served under his interim suspension. After considering several cases cited by the parties, the board agreed that the parties' proposed sanction is the appropriate sanction in this case.

{¶ 19} "When a lawyer engages in or attempts to engage in sexually motivated conduct with an underage victim, an indefinite suspension of the lawyer's license to practice is appropriate." *Disciplinary Counsel v. Goldblatt*, 118 Ohio St.3d 310, 2008-Ohio-2458, 888 N.E.2d 1091, ¶ 18. In *Goldblatt*, an attorney

attempted to arrange a sexual encounter with an undercover FBI agent whom he believed to be an underage girl. *Id.* at ¶ 6. We indefinitely suspended him from the practice of law and afforded him no credit for the time served under his interim suspension. *Id.* at ¶ 30. We have imposed that sanction in a number of cases in which the misconduct consisted of sexual offenses involving minors. *See, e.g., Disciplinary Counsel v. Cosgrove*, 165 Ohio St.3d 280, 2021-Ohio-2188, 178 N.E.3d 481, ¶ 3-5 (attorney participated in an online chat and arranged to meet a person he believed to be a 15-year-old girl for sexual activity); *Disciplinary Counsel v. Schwarz*, 160 Ohio St.3d 194, 2020-Ohio-1542, 155 N.E.3d 830, ¶ 2-3, 6 (attorney exchanged sexually-charged text messages with and solicited an undercover officer posing as a 15-year-old boy); *Dayton Bar Assn. v. Greenberg*, 135 Ohio St.3d 430, 2013-Ohio-1723, 988 N.E.2d 559, ¶ 2-4 (attorney convicted on federal charges of possessing child pornography and transmitting obscene material to minors); *Disciplinary Counsel v. Andrews*, 124 Ohio St.3d 523, 2010-Ohio-931, 924 N.E.2d 829, ¶ 2, 12 (attorney solicited sexual activity in online conversations with adult posing as a 13-year-old girl). When an attorney has committed sex crimes, an indefinite suspension protects the public, deters other attorneys from engaging in similar wrongdoing, and preserves the public's trust in the legal profession; it also leaves open the possibility that the attorney may one day be rehabilitated and able to resume the competent, ethical, and professional practice of law. *See, e.g., Disciplinary Counsel v. Grossman*, 143 Ohio St.3d 302, 2015-Ohio-2340, 37 N.E.3d 155, ¶ 12.

{¶ 20} Although Romer's cooperation with federal authorities enabled him to secure a plea to offenses that do not reflect the fact that his conduct included sexual contact with a minor, he does not dispute that he engaged in such conduct. Based on the facts of this case, the aggravating and mitigating factors present, and our precedent, we find that an indefinite suspension with no credit for the time

served under his interim suspension is the appropriate sanction for Romer's misconduct.

CONCLUSION

{¶ 21} Accordingly, Shawn Alexander Romer is indefinitely suspended from the practice of law in Ohio with no credit for the time served under his interim felony suspension. Costs are taxed to Romer.

Judgment accordingly.

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

Joseph M. Caligiuri, Disciplinary Counsel, and Karen H. Osmond, Assistant Disciplinary Counsel, for relator.

Dunson Law, L.L.C., and Joseph P. Dunson, for respondent.
