

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

October 22, 2025

[Cite as *10/22/2025 Case Announcements* #3, 2025-Ohio-4813.]

MERIT DECISIONS WITHOUT OPINIONS

2025-0979. Cleveland Metro. Bar Assn. v. Saunders.

On certified orders of the New York Supreme Court, Appellate Division, and the Supreme Court of Florida. Sua sponte, cause dismissed.

Kennedy, C.J., and DeWine, Deters, Hawkins, and Shanahan, JJ., concur.

Fischer, J., concurs, with an opinion.

Brunner, J., not participating.

FISCHER, J., concurring.

{¶ 1} Relator, the Cleveland Metropolitan Bar Association, submitted certified copies of disciplinary orders issued by the Supreme Court, Appellate Division, Third Judicial Department of the State of New York and the Supreme Court of Florida for the purpose of instituting reciprocal discipline against respondent, James Dalton Saunders. I agree with the court's decision to dismiss the cause sua sponte. I write separately to highlight the peculiar situation that this case presents and how, under the current Rules for the Government of the Bar, a similar case could undermine our ability to discipline Ohio attorneys for misconduct committed in Ohio.

Background

{¶ 2} In August 2023, Saunders was convicted and sentenced in the Cuyahoga County Court of Common Pleas on two felony counts of illegal voting, in violation of R.C. 3599.12(A)(2). *See State v. Saunders*, Cuyahoga C.P. No. CR-23-680375-A (Aug. 29, 2023). At the time of his convictions, Saunders was licensed to practice law in Ohio, New York, and Florida. On November 20, 2023, the Ohio Board of Professional Conduct notified us of

Saunders's felony convictions. The next day, we imposed an interim suspension from the practice of law under Gov.Bar R. V(18)(A)(4). *See In re Saunders*, 2023-Ohio-4187.

{¶ 3} Following Saunders's criminal convictions, the Attorney Grievance Committee for the Third Judicial Department in New York moved to strike Saunders's name from the roll of attorneys. The Appellate Division for the Third Judicial Department determined that Saunders had been convicted of crimes in Ohio under a substantially similar statute as N.Y.Elec. Law 17-132(3). On July 11, 2024, pursuant to N.Y.Jud. Law 90(4), the New York court entered an order disbaring Saunders, effective as of August 22, 2023, the date he was found guilty in his Ohio criminal case. *See Matter of Saunders*, 229 A.D.3d 939, 940 (2024).

{¶ 4} Similarly, the Florida Bar filed a disciplinary complaint against Saunders after his criminal convictions in Ohio, and a referee was appointed to investigate the matter and recommend an appropriate disciplinary measure. Saunders did not participate in the Florida proceedings. The referee recommended that Saunders be disbarred under Standard 5.1(a)(1) of Florida's Standards for Imposing Lawyer Sanctions ("Disbarment is appropriate when a lawyer . . . is convicted of a felony under applicable law") and Standard 7.1 ("Disbarment is appropriate when a lawyer intentionally engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another and causes serious or potentially serious injury to . . . the public"). The Supreme Court of Florida approved the recommendation and entered an order disbaring Saunders on July 25, 2024. *See Florida Bar v. Saunders*, 2024 WL 3532449 (Fla. Jul. 25, 2024).

Attorney Discipline for Felony Convictions

{¶ 5} When an attorney is convicted in Ohio of a felony offense, the attorney shall be subject to an interim suspension from the practice of law. Gov.Bar R. V(18)(A)(1)(a). However, "[a]ny disciplinary proceeding instituted against . . . an attorney based on a conviction of an offense . . . shall not be brought to hearing *until all direct appeals from the conviction . . . are concluded.*" (Emphasis added.) Gov.Bar R. V(18)(C).

{¶ 6} Saunders's direct appeals in his criminal case are ongoing. Saunders appealed his criminal convictions and sentences to the Eighth District Court of Appeals, which remanded the case "for the limited purpose of resentencing Saunders to community-control sanctions." *State v. Saunders*, 2024-Ohio-4580, ¶ 102 (8th Dist.). We declined to accept jurisdiction over the State's appeal from that decision. *See* 2025-Ohio-231. Saunders has since been resentenced, *see State v.*

Saunders, Cuyahoga C.P. No. CR-23-680375-A (Mar. 4, 2025), and his appeal from that judgment is currently pending before the Eighth District. This means that while Saunders remains indefinitely suspended from the practice of law in Ohio under our interim suspension for his felony convictions, the Office of Disciplinary Counsel cannot yet engage in formal disciplinary proceedings against him.

Reciprocal Discipline

{¶ 7} While disciplinary proceedings in Ohio have stalled until Saunders exhausts his direct appeals in the criminal matter, New York and Florida have moved forward with and concluded their own disciplinary proceedings against Saunders. Based on their disciplinary orders, Saunders may be subject to reciprocal discipline under Gov.Bar R. V(20).

{¶ 8} For this court to impose reciprocal discipline on an attorney in Ohio, the Office of Disciplinary Counsel must bring a disciplinary action. *See* Gov.Bar R. V(20)(A). After the attorney has provided written notification of the “issuance of a disciplinary order in another jurisdiction” to the Office of Disciplinary Counsel and the clerk of this court, “the Office of Disciplinary Counsel shall obtain a certified copy of the disciplinary order and file the copy with the clerk of the Supreme Court.” *Id.* In this case, the Cleveland Metropolitan Bar Association, not the Office of Disciplinary Counsel, filed the disciplinary orders from New York and Florida with this court. Therefore, we cannot consider reciprocal discipline under Gov.Bar R. V(20), and the cause must be dismissed.

{¶ 9} However, had the Office of Disciplinary Counsel filed the disciplinary orders from New York and Florida consistent with Gov.Bar R. V(20)(A), this court would have found itself in a peculiar predicament. Once we have received a copy of the certified disciplinary order issued in another jurisdiction, issued a show-cause order, and provided the attorney with an opportunity to file a response to that order, *see* Gov.Bar R. V(20)(B)(1), we “shall impose the identical or comparable discipline imposed in the other jurisdiction,” unless the attorney proves by clear and convincing evidence either “a lack of jurisdiction or fraud in the other jurisdiction’s disciplinary proceedings” or “that the misconduct established warrants substantially different discipline in Ohio,” Gov.Bar R. V(20)(C)(1).

{¶ 10} The imperative “shall” is used throughout the rule governing reciprocal discipline. *See Dorrian v. Scioto Conservancy Dist.*, 27 Ohio St.2d 102, 107 (1971) (“The word ‘shall’ is usually interpreted to make the provision in which it is contained mandatory . . . especially if

frequently repeated”); *see also* Scalia and Garner, *Reading Law: The Interpretation of Legal Texts*, 112-115 (2012) (discussing the mandatory/permissive canon). If the disciplinary orders had been properly filed with this court, then barring any limited exceptions, which seem unlikely to apply here, we would have had no choice but to impose “the identical or comparable discipline imposed in the other jurisdiction[s].” Gov.Bar R. V(20)(C). In this case, reciprocal discipline would have been disbarment to match New York and Florida.

Challenges with Reciprocal Discipline

{¶ 11} As explained, formal disciplinary proceedings in Ohio cannot be instituted against Saunders until he exhausts the direct appeals in his criminal case. *See* Gov.Bar R. V(18)(C). But if this court could be compelled to impose reciprocal discipline before those proceedings even begin, it would effectively mean that other jurisdictions would get to decide the disciplinary sanction imposed on an Ohio attorney for misconduct that took place in Ohio. I am reticent to cede this authority.

{¶ 12} What’s more, if different states imposed different sanctions on an Ohio attorney for misconduct that took place in Ohio, we would have to adopt the harshest sanction imposed because Gov.Bar R. V(20)(C) does not allow us discretion to choose between different sanctions imposed by different jurisdictions. This is especially concerning because different states have different procedures for attorney discipline, as this case demonstrates. While Florida conducted an independent disciplinary investigation into and proceeding concerning Saunders’s misconduct, New York’s discipline of Saunders appears to be based solely on his Ohio criminal convictions. This creates a circular loop in which we would be imposing reciprocal discipline on an attorney because of what is tantamount to another jurisdiction’s imposition of reciprocal discipline. Not only would this undermine our jurisdiction over the “[a]dmission to the practice of law, the discipline of persons so admitted, and all other matters relating to the practice of law,” Ohio Const., art. IV, § 2(B)(1)(g), something unconstitutional in Ohio, it could also implicate due-process issues.

{¶ 13} The situation in which formal disciplinary proceedings against an Ohio attorney for misconduct committed in Ohio could be obviated through the use of reciprocal discipline under Gov.Bar R. V(20) is unlikely to be a common occurrence—but ideally, our Rules for the Government of the Bar would not make it possible.