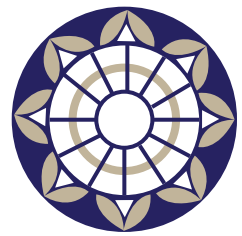




Ohio Board of Professional Conduct

Disciplinary Handbook

VOLUME XVI



2022



DISCIPLINARY HANDBOOK: VOLUME XVI

[CASES FROM 2022; CURRENT THROUGH DECEMBER 31, 2022]

OHIO BOARD OF PROFESSIONAL CONDUCT

Links within this document lead either to publications on the Supreme Court of Ohio's website or to other pages within this document. Links in the Table of Cases will direct the user to the corresponding Case Summary; links within the Case Summaries will direct the user to the Index. Links within the Index will direct the user back to the Case Summaries. This document is also fully searchable (hit Ctrl+F, type in the exact term or phrase, and then hit Enter).

The case summaries were prepared by Board staff and may not reflect all aspects of a case in their entirety. The summaries are meant to assist the reader by providing a brief overview of the misconduct committed by the attorney, the rules violated, and the sanction imposed. The summaries should be a beginning point that ends with reading the actual court opinion.



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CASE SUMMARIES

Arkow, Stark Cty. Bar Assn. v.
 2022-Ohio-3209. Decided 9/15/2022

Case Summary

Sanction	Two-year suspension, one year stayed
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 1.4(a)(4), 8.1(a), 8.4(c)
Aggravation/Mitigation	A- (1) (prior discipline), (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (6) (false or deceptive practices during investigation); M- (3)(restitution or rectified consequences), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	
Cited By	

prepare the order. Later, Respondent sent the client an email with the false statement that he had not heard from QDRO and suspected the delay was due to the COVID-19 pandemic. The statement was false because Respondent had never transmitted the information to QDRO Group. He also falsely assured the client that he had been checking on the status every few weeks and that QDRO Group was short-staffed. After the client notified Respondent she would be filing a grievance, he sent an email falsely stating that he had submitted the documents, had called QDRO Group, and that it indicated he would hear from them shortly. Later, Respondent sent a letter to the company with backdated documents and copied his clients. When deposed, Respondent admitted that he had not timely transmitted his client’s payments and documents to QDRO Group. In a second matter involving a QDRO, Respondent never submitted paperwork on behalf of the client. After several inquiries from the client over a period of eight months, Respondent falsely informed her that he should have something for her to “sign next week.”

SANCTION: The Court adopted the Board’s findings of fact and conclusions of law, and suspended Respondent for two years, with one year stayed on conditions that he engage in no further misconduct, continue to engage in regular mental-health treatment as recommended by his therapist. Additional conditions included eight additional CLE hours focused on QDROs, ethics, and law-office management, an opinion from a qualified healthcare professional that he can return to the competent, ethical, and professional practice of law. Upon reinstatement, Respondent was required to serve one year of monitored probation.

OVERVIEW: Respondent received a two-year suspension with one year stayed for neglecting two client matters, failing to reasonably communicate with clients about the status of matters, and making false statements of material fact to Relator.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended a sanction of a two-year suspension, with the second year stayed, and one year of monitored probation upon reinstatement.

FINDINGS: Respondent was retained to represent a client in a divorce. He was paid an additional fee of \$400 to obtain a QDRO. The fee included the cost of hiring QDRO Group to

Sanction	Six-month, stayed suspension
Court Modified Sanction	No
Rules Violated	8.4(d), GBR IV (2)
Aggravation/Mitigation	A- (1) (prior discipline), (3) (pattern of misconduct), (4) (multiple offenses), (7) (refusal to acknowledge wrongdoing); M- (2) (no dishonest or selfish motive), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	
Cited By	

OVERVIEW: Respondent received a six-month stayed suspension arising from her outburst directed at a judge during a bar association event and incidents related to her alleged alcohol use.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended sanction of a six-month, stayed suspension.

FINDINGS: Respondent attended an annual bar association holiday event in December 2018. During the presentation of a “mock award” to a sitting judge, she loudly and rudely interrupted the presentation and called the judge a “piece of shit,” “asshole,” and a “motherfucker.” Respondent had consumed alcohol at the event and appeared to be intoxicated. Over a nine-year period, Respondent had engaged in several incidents of improper conduct while under the influence of alcohol that were prejudicial to the

administration of justice, including falsely reporting to the sheriff’s office that her husband had stolen her vehicle, reporting that her son had stolen her iPad, even though he had permission to use the device, and conducting a home visit as a GAL after consuming a glass of wine. Respondent was cited for disorderly conduct for the iPad incident, but the charge was later dismissed.

SANCTION: The Court adopted the Board’s findings of fact and conclusions of law, and suspended Respondent for six-months, stayed, on conditions that she engage in no further misconduct, submit to a substance-use assessment conducted by OLAP, and comply with any recommendations from the assessment.

CONCURRING IN PART AND DISSENTING IN PART: Justice Kennedy, joined by Justice DeWine, except for paragraphs 85 and 86.

CONCURRING IN JUDGMENT ONLY: Justice DeWine joined by Justice Kennedy.

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	8.4(h)
Aggravation/Mitigation	A- (1) (prior discipline), (2) (dishonest or selfish motive), (3) (pattern of misconduct); M- (4) (cooperative attitude), (6) (other penalties/sanctions), (7) (mental illness)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Linnen (2006)
Cited By	

OVERVIEW: Respondent was indefinitely suspended after convictions on three counts of public indecency. Respondent was under an interim suspension related to the same misconduct.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of an indefinite suspension.

FINDINGS: Respondent was convicted of three counts of public indecency in September 2020. The same misconduct had been the subject of a prior disciplinary case that resulted in a two-year, stayed suspension. Respondent admitted that during the first seven months of the prior suspension he was charged with three additional incidents of public indecency for driving nude and exposing himself to motorists – twice while masturbating. He was found guilty of all three charges. His sentences included fines, partially or suspended jail terms, and terms of probation. Respondent also admitted that he had engaged in

other similar incidents of public indecency but was not apprehended. At the disciplinary hearing, Respondent testified that he intends to complete the full two years of an outpatient treatment program but recognized that his mental-health disorders will likely persist throughout his life.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law, and indefinitely suspended Respondent from the practice of law. In addition to the conditions imposed in *Blauvelt I*, 2020-Ohio-3325, Respondent was required to demonstrate his abstinence from alcohol use and submit proof that he is in full compliance with the treatment plan prescribed by his mental-health practitioners and the Butler County Area III Court. Upon reinstatement, Respondent was required to serve a period of monitored probation.

NOT PARTICIPATING: Justice Kennedy

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	1.4(c) , 3.4(c) , 5.5(a) , 8.4(c) , 8.1(b) , GBR V(9)(G)
Aggravation/Mitigation	A- (3) (pattern of misconduct), (4) (multiple offenses),(5) (lack of cooperation), (6) (false or deceptive practices during investigation); M- (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Eisler (2015)
Cited By	

five months. In appearances at four hearings, he failed to notify the court of his suspension. In a subsequent case, he filed a notice of appearance, but later moved to withdraw and advised the court of his suspension. After Relator filed its disciplinary complaint, Respondent continued to represent a client in common pleas court until a little over a month before his disciplinary hearing.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law, and indefinitely suspended Respondent from the practice of law. Reinstatement was conditioned on submission of proof that he has undergone an OLAP evaluation and complied with any recommendations for counseling and/or other mental-health treatment.

OVERVIEW: Respondent was indefinitely suspended after continuing to practice law after receiving attorney-registration and CLE suspensions.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of an indefinite suspension. No objections were filed.

FINDINGS: After receiving a notice of suspension in 2019, Respondent represented a client in a contempt hearing in municipal court, appeared as counsel at a hearing in common pleas court, and filed a motion in a case before the judge prohibited his participation upon learning of his suspension. After receiving notice of a CLE suspension, Respondent was contacted by Relator concerning a grievance alleging that he had been practicing law while under suspension. Despite the new suspension and an investigation by Relator, Respondent continued to practice for

Sanction	Two-year suspension
Court Modified Sanction	No
Rules Violated	1.1, 1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.7(a)(2), 1.9(c)(1), 1.16(e), 3.3(a)(1), 5.3(a), 8.4(b), 8.4(c), 8.4(d), 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (6) (false or deceptive practices during investigation), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim), (9) (no restitution); M- (1) (no prior discipline)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Dougherty (2019); Cheselka (2019); Yoder (2020); Detweiler (2013)
Cited By	

OVERVIEW: Respondent received a two-year suspension for misconduct that arose from his representation of three clients, his representation of his wife in a civil-stalking-protection-order, and his sexual relationship with one of the clients.

PROCEDURE: The Board adopted the panel’s findings of fact and conclusions of law, but recommended Respondent be suspended for two years, unstayed, and be required to petition for reinstatement.

FINDINGS: Respondent represented a client, Foster, in a federal lawsuit after concluding a divorce case on her behalf. He filed a motion to withdraw, filed a reply instanter to a counterclaim, and falsely stated that the client had signed the document and filed it pro se. Respondent commenced a sexual relationship with the client before he was retained. She later began to work in his law office without training or instruction about the ethical obligations of lawyers. Respondent ended the relationship with Foster and later reported break-ins of his office. At one point, Respondent threatened the client indicating that he had the capacity to be a killer in order to intimidate and frighten Foster. Later, Respondent’s wife filed a petition for a CSPO against Foster. Respondent used information that he had gained when representing Foster to her disadvantage in the CSPO hearing. His representation of his wife was limited by his former representation of Foster and his own personal interests. The Court ordered restitution in another client matter where his final accounting was not credible, and he had not prepared a bill upon the client’s termination of the representation. Respondent’s appointment to represent a defendant in an appeal of a conviction resulted in the dismissal of the appeal after he failed to file a response with the court upon its request demonstrating how all counts and specifications had been resolved by the trial court in order to determine jurisdiction.

SANCTION: The Court adopted the Board’s findings of fact and conclusions of law, and suspended Respondent for two years. The Court ordered restitution in the amount of \$7,860 to one client within 60 days, required Respondent to petition for reinstatement, and complete six hours of CLE focused on sexual harassment and employee management in addition to the requirements of Gov.Bar. R. X.

Sanction	Indefinite suspension
Court Modified Sanction	Yes
Rules Violated	8.4(c), 8.4(d), JCR 1.2, 2.2, 2.5(B), 2.8(A), 2.8(B), 2.9(A), 2.11(A)(1), 2.11(A)(2)(d)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	Yes
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Parker (2007); O’Neill (2004); Medley (2004)
Cited By	

OVERVIEW: Respondent received an indefinite suspension and was suspended from judicial office without pay for the duration of the suspension for multiple violations of the Code of Judicial Conduct and the Rules of Professional Conduct.

PROCEDURE: The Board adopted the panel’s findings of fact and conclusions of law, and recommended sanction of a two-year suspension. The Board further recommended that Respondent be suspended without pay for the duration of the suspension.

FINDINGS: Respondent refused to follow an administrative order issued by her administrative

and presiding judge to delay cases due to the COVID pandemic. She issued capias warrants and issued bonds for defendants who did not appear in court. She later denied to the press that she had issued any warrants. Respondent also stipulated that in 34 cases she had engaged in *ex parte* communication, improper pleading with defendants, and made arbitrary rulings, sometimes without the prosecutor present. In some cases she unilaterally amended charges and issued journal entries that falsely attributed the amendment to the prosecutor. She failed to follow a local court rule for the setting of ability-to-pay hearings, resulting in capias warrants to issue – thereby ensuring that defendants would be arrested and held on bonds. Respondent did not maintain the requisite decorum and demeanor in her courtroom, including her own courtroom attire, and often treated courtroom participants and staff inappropriately. She held a defendant in contempt when she had not engaged in conduct that was an immediate threat to the administration of justice and placed her in the holding cell for several hours. In one instance, she engaged in dialogue with defendants about accepting kickbacks on fines or arranging “hookups” for herself and her staff.

SANCTION: The Court adopted the Board’s findings of fact and conclusions of law, but indefinitely suspended her without pay for the duration of her disciplinary suspension. The Court conditioned her reinstatement on the submission of a report from a qualified healthcare professional stating that she is able to return to the competent, ethical, and professional practice of law and proof of compliance with her 2021 OLAP contract.

CONCURRING IN PART AND DISSENTING IN PART: Justice Kennedy joined by Justice DeWine

Sanction	Two-year suspension, one year stayed
Court Modified Sanction	No
Rules Violated	1.8(j), 8.4(c), 8.1(a)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation), (6) (false or deceptive practices during investigation), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Benbow (2018)
Cited By	

OVERVIEW: Respondent received a two-year stayed suspension with the second year stayed for engaging in sexual activity with a client and for conduct involving dishonesty, fraud, deceit, or misrepresentation.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended sanction of a two-year suspension with one year stayed.

FINDINGS: Respondent’s client disclosed to his firm that he had engaged in a sexual relationship with her prior to withdrawing from her divorce case. Respondent initially denied

engaging in any misconduct but acknowledged at his hearing of sending “wildly inappropriate” sexual text messages and emails to the client. The panel found Respondent was untruthful about the existence of any inappropriate sexual relationship with the client during Relator’s investigation and that he lied in his deposition testimony. Respondent initially denied that an email address that bore his full name belonged to him and also denied using the account to exchange emails with the client. Respondent admitted at hearing that it was possible that he had sent the emails to the client from the email address. The panel also found that Respondent’s phone records corroborated the client’s testimony and proved that he did not testify truthfully at the hearing. The phone records established that Respondent was in the same small town as the client on the night that she testified that she and Respondent had engaged in sexual intercourse. Respondent also testified that he was entirely responsible for the text messages sent to the client, occasionally stated that he did not dispute the text messages were from him, but more often than not equivocated, stating that he could not say “for sure.”

SANCTION: The Court adopted the Board’s findings of fact and conclusions of law, and suspended Respondent for two years, with the second year stayed on the conditions that he commit no further misconduct, complete six hours of CLE focused on appropriate behavior and boundaries with clients in addition to the requirements of Gov.Bar R. X.

CONCURRING IN JUDGMENT ONLY:
Justice Kennedy

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	1.5(c)(2), 1.15(a), 1.15(d), 1.15(e), 8.1(a), 8.4(b), 8.4(c)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (6) (false or deceptive practices during investigation), (9) (no restitution); M- (1) (no prior discipline), (3)(restitution or rectified consequences),(6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Miller (2010); Maybaum (2006)
Cited By	

OVERVIEW: Respondent received an indefinite suspension for failing to safeguard a client’s settlement funds, making false statements about the status of the funds, dishonest conduct during the ensuing disciplinary proceedings, and his misdemeanor theft conviction.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended sanction of an indefinite suspension.

FINDINGS: Respondent was retained to represent a client in a personal-injury claim. The client began chiropractic treatment for his injuries and agreed his treatment totaling \$8,835 would be paid from any settlement proceeds. The tortfeasor’s insurance company settled the claim

for \$14,000 with a check jointly payable to the client and Respondent. The client wrote a check for \$12,000 payable to Respondent with the understanding he would take his contingency fee, attempt to negotiate the balance due with the chiropractor, and return any remaining funds to the client. Respondent deposited the check in his personal bank account since he did not maintain an IOLTA and did not prepare a closing statement. Respondent proceeded to misappropriate the funds earmarked for the chiropractor, made some payments from another account to his clients, but failed to pay the chiropractor. The chiropractor sent Respondent multiple letters demanding payment in full – which Respondent ignored. Two years later, the chiropractor notified the client that his debt had been sent to collection. When the client inquired, Respondent stated that he wondered “why this suddenly came up years later.” He asked for the documentation from the collection agency and offered to “figure this out with them.” In the ensuing communications with his client and the client’s spouse Respondent made several false statements. He later admitted that he had attempted to convince his client that he had paid the chiropractor even though he had misappropriated the funds. Respondent later pleaded guilty to a misdemeanor offense of theft and remaining felony charges of forgery, passing bad checks, and theft were dismissed.

SANCTION: The Court adopted the Board’s findings of fact and conclusions of law, indefinitely suspended Respondent, and ordered restitution in the amount of \$8,835 to the client’s chiropractor. In addition to the requirements in Gov.Bar R. V(25), the Court ordered reinstatement conditioned upon proof that he submitted to an OLAP evaluation, is in compliance with treatment recommendations, and work for a period of time upon reinstatement with a monitoring attorney.

Sanction	One-year, stayed suspension
Court Modified Sanction	No
Rules Violated	1.1, 1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 3.3(a)(1), 3.3(a)(3), 8.4(b), 8.4(d), 8.1(b), GBR V(9)(G)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation); M- (1) (no prior discipline)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: Respondent received a one-year stayed suspension for misconduct related to the representation of two clients, including failing to provide competent representation, failing to act with reasonable diligence, failing to keep a client reasonably informed about the status of a matter, and falsely notarizing affidavits filed with a court.

PROCEDURE: The panel issued a report finding Respondent committed the stipulated misconduct, with the exception of three violations it dismissed based on insufficient evidence. The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction. No objections were filed.

FINDINGS: Respondent filed a dissolution for a client one year after he was retained. The case was dismissed because Respondent failed to file additional financial documents. Respondent initially assured the client that he would get the

case reinstated. Thereafter, Respondent stopped taking telephone calls from the client. He eventually told the client that he had mailed the documents to refile the case. When the client contacted the court two weeks later, she was informed that no additional paperwork had been filed. When contacted by the client, he again promised that the paperwork would be filed. In a second count, Respondent admitted that he forged and falsely notarized the signatures of the client and her husband on their financial-disclosure affidavits filed with the court. During the pending of the disciplinary case, Relator received a grievance from a former client of Respondent. After requesting and receiving an extension of time, Respondent did not timely submit a response to the letter of inquiry. A subpoena duces tecum was later issued for additional information, but Respondent never complied with the subpoena. The former client had retained Respondent to represent him in a child-custody matter to modify a parenting agreement. After an agreement was reached, Respondent agreed to prepare the proper entry. The client was never informed about the details of the agreement, an entry was never filed, and Respondent ceased communicating with the client.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law, and recommended sanction of a one-year suspension, stayed in its entirety on conditions that Respondent make restitution of \$1,500 to one client, complete a one-year term of monitored probation focused on office practices and procedures in monitoring client deadlines, timely handling of client matters, and the establishment of office practices in dealing with clients, and refrain from further misconduct.

CONCURRING IN JUDGMENT ONLY:
Justice Kennedy

Sanction	One-year, stayed suspension
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(4), 1.16(d), 8.1(b), 8.4(c)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (4) (multiple offenses), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: Respondent neglected a client's matter, failed to comply with reasonable requests for information, falsely communicated with his client about filing a claim with his malpractice carrier, and failed to cooperate in the ensuing disciplinary investigation.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of a one-year stayed suspension. No objections were filed.

FINDINGS: Respondent was retained by a couple to assist in obtaining long-term-care Medicaid for the husband's nursing-home expenses. Respondent submitted an application to the Ohio Department of Job and Family Services (ODJFS), but the application was initially denied based on the untimely filing of income information. Respondent informed the nursing home that the client's monthly income was

around \$3,000 and erroneously stated that it was under the Medicaid income threshold. ODJFS required additional information, which Respondent did not submit. Nor did Respondent take any steps to open a qualified-income trust on the clients' behalf. The nursing home staff eventually assisted in helping establish a qualified-income trust. Due to Respondent's failure to recognize the need for and to timely establish a qualified-income trust, the client incurred over \$87,000 in nursing home expenses that would have been covered by Medicaid. Respondent did not return his clients' requested paperwork for nearly two years. The clients retained counsel to file a legal-malpractice claim against Respondent. Respondent falsely implied to plaintiff's counsel that he had submitted a claim with his insurance carrier. A default judgment entry was filed and the former clients were awarded \$87,000 in damages and \$21,750 in attorney fees.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law, and recommended sanction of a one-year suspension, stayed in its entirety on conditions that he commit no further misconduct, pay the balance of the judgment entered against him within 30 days, and submit to an OLAP evaluation. If deemed necessary by OLAP, the stay was also conditioned on entering into an OLAP contract for a duration to be determined by OLAP and compliance with all treatment recommendations.

CONCURRING IN JUDGMENT ONLY:
Justice DeWine

DISSENTING: Justice Kennedy

Sanction	Two-year suspension
Court Modified Sanction	No
Rules Violated	8.4(b), 8.4(c)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct); M- (1) (no prior discipline), (3)(restitution or rectified consequences), (4) (cooperative attitude), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

money toward reinstating his policy. The bureau calculated that a balance of \$936,335 was owed. He appealed the restitution amount, but the court of appeals affirmed the trial court's judgment.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law, and suspended Respondent for two years, with no credit for time served under his interim felony suspension. The Court conditioned his reinstatement upon providing proof of his substantial, continuing efforts to pay the restitution owed as part of his criminal sentence, in addition to meeting the requirements of Gov.Bar R.V(24).

OVERVIEW: Respondent received a two-year suspension for misconduct related to workers' compensation fraud.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of a two-year suspension. No objections were filed.

FINDINGS: Respondent entered a guilty plea to a charge of workers' compensation fraud by failing to secure or maintain workers' compensation coverage from March 17 to June 30, 2017. The court ordered him to pay \$965,235 in restitution and sentenced him to five years of community control.

Respondent was the president and sole operator of AM Team, Inc. In 2018, BWC agents provided him with his workers' compensation balance, two payroll "true-up reports," and instructions for a reinstatement payment pan. He returned the true-up reports but failed to pay any

Sanction	Two-year, stayed suspension
Court Modified Sanction	No
Rules Violated	1.4(a)(3), 3.4(d)
Aggravation/Mitigation	A- (1) (prior discipline), (3) (pattern of misconduct), (8) (harm to vulnerable victim); M- (2) (no dishonest or selfish motive)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	
Cited By	

OVERVIEW: Respondent received a two-year stayed suspension for failing to reasonably communicate with a client and failing to make a diligent effort to comply with discovery requests.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of a two-year, stayed suspension.

FINDINGS: Respondent represented a client in a dispute with the client's insurance carrier after his home was damaged by fire. After a complaint was filed, discovery requests and a notice of deposition were sent to Respondent. He then filed a motion for protective order claiming harassment and that his client had already been questioned under oath regarding his claim. The insurer's counsel later contacted Respondent to inform him that the discovery responses were overdue. Respondent replied that he did not recall receiving the requests. After a second deadline had passed, the insurer's counsel filed a motion to compel discovery. At a hearing on the matter,

Respondent indicated he would immediately provide responses to the first set of interrogatories but would send a verification page at a later time. The insurer's counsel received no responses to further inquiries about the status of verification page or the outstanding discovery responses. Counsel for the insurer later sent an IRS form to Respondent to obtain access to the insured's tax records but received no response. After additional discovery was propounded without a timely response, a second motion to compel discovery was filed, but Respondent did not respond to the motion. The court granted the motion and indicated its intention to grant sanctions against Respondent, up to and including, dismissal of the complaint with prejudice. The insurer later filed a motion for discovery sanctions, dismissal of the complaint, and an award of reasonable attorney fees which the court granted. Respondent's client was not made aware of many important facts regarding his case, including a deposition date, the insured's second motion to compel, a motion for summary judgment that was untimely filed, and that his insurer was not provided a verification page for his signature related to a first set of interrogatories.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law, and suspended Respondent for two years, all stayed.

CONCURRING WITH A SEPARATE OPINION: Justice Kennedy

CONCURRING IN PART AND DISSENTING IN PART Justice Fischer joined by Chief Justice O'Connor

Sanction	Two-year suspension
Court Modified Sanction	No
Rules Violated	8.4(h)
Aggravation/Mitigation	A- none; M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions), (7) (mental illness)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Blauvelt (2020)
Cited By	

OVERVIEW: Respondent received a two-year suspension for conduct arising from his armed confrontation with a tenant and a social-media post disparaging the judge who arraigned him on criminal charges.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommendation of a two-year suspension with credit for time served under Respondent's felony suspension.

FINDINGS: Respondent rented out several units on property he owned. His son managed the rentals. Respondent was diagnosed with bipolar disorder and testified that he had refused to take any medication between 2001-2019. During the summer of 2019 he met Jason Pelfrey while working in one of his garages on the property and was informed that he was renting an apartment from Respondent's son. In October 2019, Respondent noticed that someone had accessed a building on the property without authorization. He retrieved a 12-gauge shotgun and began shouting for anyone present to identify themselves. He recognized everyone he met as a

current tenant until he encountered Pelfrey. He demanded that Pelfrey identify himself, accused him of breaking into buildings, not paying rent, and told him to leave the premises. Pelfrey refused to leave and locked himself in his apartment. Respondent later grabbed a baseball bat and shattered a sliding glass door to the apartment. He was arrested and posted bond. He was later indicted on two first-degree felony counts of aggravated burglary with firearm specifications and a first-degree misdemeanor count of aggravated menacing. Several months later he posted a derogatory message on Facebook about the judge who arraigned him and blamed him for the criminal charges that were pending. He failed to appear for a hearing and a warrant was issued for his arrest. After being transferred and involuntarily held at a behavioral healthcare facility, he underwent treatment to restore his competency. He later pleaded guilty to one third-degree felony count of burglary and a first-degree misdemeanor charge of aggravated menacing. He was sentenced to three years of intensive community control and ordered to remain in counseling and take his prescribed medication.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law, and suspended Respondent for two years with credit for time served under his interim felony suspension. Reinstatement was conditioned on proof that (1) he is in full compliance with the conditions of his community control imposed in the criminal case, (2) has submitted to a full psychological assessment conducted by OLAP and complied with all recommendation, (3) has entered into an OLAP contract, and (4) submitted an opinion from his treating psychiatrist stating that he is able to return to the competent, ethical, and professional practice of law.

Sanction	Six-month, stayed suspension
Court Modified Sanction	No
Rules Violated	1.1, 8.4(c), 8.4(d)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (4) (multiple offenses); M- (1) (no prior discipline), (3) (restitution or rectified consequences), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Stubbs (2006); Champion (2016)
Cited By	

OVERVIEW: Respondent received a fully stayed six-month suspension for misconduct arising from the false representation of the purchase price of a vehicle on the title paperwork and failing to adequately review a partial estate account before filing.

PROCEDURE: The Board adopted the parties' consent-to-discipline agreement and recommended adoption by the Court.

FINDINGS: Respondent's spouse, Diana Jancura, applied to administer an estate in Cuyahoga County. Diana's application was approved by the probate court. In October 2019, Diana wrote and cashed a \$5,200 check, payable to cash, from the estate. She then purchased a cashier's check in the same amount, payable to James Kepler. Diana gave the cashier's check to Respondent and told him the funds were attorney fees from an estate client. Respondent used the funds to purchase an automobile. When Respondent transferred the automobile's title, he

falsely represented the purchase price to avoid payment of sales tax. Respondent filed a notice of appearance as Diana's attorney in administration of the same estate. Diana provided Respondent with a partial fiduciary account that contained a false entry that the \$5,200 payment to Kepler was a "decendent debt-work - performed prior to death." Respondent signed and filed the partial account without reviewing the document. A relative of two minor beneficiaries of the estate became suspicious about the expenses Diana assessed and hired a lawyer, James Arnold, to review the records. Arnold asked Diana to account for expenses. Her written response falsely described the payment to Kepler. Diana asked Respondent to also sign the response, which he did without reviewing or verifying the contents. Arnold later deposed Diana who admitted to falsifying the \$5,200 claim. Respondent's actions contributed to a 12-month delay in administering the estate. He made restitution to the Bureau of Motor Vehicles by paying the balance of the sales tax due on the original purchase of the automobile.

SANCTION: The Supreme Court adopted the parties' consent-to-discipline agreement, suspended Respondent for six-months, fully stayed on the condition that he commit no further misconduct.

Sanction	Two-year suspension, one year stayed
Court Modified Sanction	No
Rules Violated	3.3(a)(1), 3.4(b), 4.1(a), 8.4(a), 8.4(c), 8.4(d)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (3) (restitution or rectified consequences), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: Respondent received a two-year suspension with the second year stayed for fraudulently misappropriating funds from the probate estate of a family member and engaging in a pattern of deceit and dishonesty to conceal her theft.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommendation of a two-year suspension, with one year stayed.

FINDINGS: Respondent created a revocable trust for her cousin (and his wife) who died two years later. Respondent revised the trust to designate the widow's mother as successor trustee and revised her will to name her mother as guardian of minor children. Respondent was retained to represent the grandmother as trustee

and guardian. The paternal grandmother of the minor children, Respondent's aunt, died, making the children the sole heirs to her estate. Respondent applied to administer her aunt's estate. Based on the value of the estate, Respondent would have been entitled to approximately \$6,000 in fiduciary fees and another \$6,000 in attorney fees, but a local rule would have capped all fees incurred to \$9,000. Respondent made a distribution to the heirs and a distribution of \$10,000 to her firm for legal fees related to her representation of the guardian of the children. Later, she issued a \$5,200 check, payable to cash from the estate account, cashed the check, and used the proceeds to purchase a cashier's check payable to James Keplar to purchase a 2003 BMW. Additional withdrawals amounted to \$27,200 for Respondent's fees. In a later motion for attorney fees, Respondent filed a partial fiduciary account that included a false entry to conceal her \$5,200 misappropriation. The entry stated the amount was paid for work performed for the decedent prior to death. A lawyer was retained by the guardian/trustee to review the estate's record who then requested an accounting of numerous expenses, including the payment to Keplar. Respondent sent a letter to the lawyer knowing the content was false and in response to a request for additional information, provided two fabricated receipts. The guardian/trustee filed a motion seeking Respondent's removal as administrator of the estate and an order refunding fees. Respondent withdrew as administrator, repaid the misappropriated \$5,200, \$12,000 in fees for the administration of the estate, and \$10,000 in fees for work related to the guardianship and trust.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law, and recommended sanction of a two-year suspension, with one year stayed. As an additional condition of reinstatement, Respondent was required to submit proof of compliance with her September, 2021 OLAP contract.

Sanction	Eighteen-month, stayed suspension
Court Modified Sanction	Yes
Rules Violated	1.3, 1.4(a)(2), 1.14(a), 1.16(d), 5.3, 8.4(c)
Aggravation/Mitigation	A- (3) (pattern of misconduct), (4) (multiple offenses), (8) (harm to vulnerable victim); M- (1) (no prior discipline),(4) (cooperative attitude), (6) (other penalties/sanctions)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: Respondent received an eighteen-month suspension, fully stayed, for seven rule violations stemming from the representation of a married couple in an estate-planning matter including failure to reasonably communicate with clients, neglecting the matter, falsely notarizing estate-planning documents, instructing his employee to falsely indicate she had witnessed signatures, and failing to promptly deliver the client file at termination.

PROCEDURE: The Board adopted the panel’s findings of fact and conclusions of law and recommended sanction of a stayed one-year suspension and a condition of restitution. No objections were filed.

FINDINGS: Frank Balcar’s wife Lenore and daughter Karen met with Respondent after Frank suffered a stroke. Respondent told them that he could create an irrevocable trust, apply for

Medicaid on Frank’s behalf and protect their assets. However, Respondent did not advise Karen of the Medicaid “lookback” or “penalty” period of 16 months, other than to say the period was “very short.” Karen paid Respondent \$7,500 but did not enter into a written fee agreement. Respondent drafted an irrevocable trust, wills, durable powers of attorney, and other estate planning documents. One of Respondent’s staff members met with Frank at a nursing home and had him sign the power of attorney. At no time did Respondent explain to Lenore the purpose of the estate-planning documents or ascertain if Frank had the capacity to or wanted to sign the documents. Respondent later directed his assistant, who was not an Ohio notary, to meet with Frank to sign some documents. Respondent later backdated and falsely notarized the documents. The Ohio Department of Job and Family Services later determined that the application filed for Medicaid on Frank’s behalf was incomplete. Frank died without qualifying or receiving Medicaid benefits. Later, two sons of Frank and Lenore learned about the irrevocable trust and hired counsel. A complaint was later filed against Karen in probate court alleging she used undue influence, coercion, or other means to persuade Frank and Lenore to revise their estate plan. Karen filed a legal-malpractice action against Respondent and was awarded compensatory and punitive damages. The matter was appealed, and the parties eventually settled.

SANCTION: The Supreme Court adopted the Board’s findings of fact, conclusions of law, and suspended Respondent for eighteen months, stayed in its entirety on the conditions that he commit no further misconduct and make restitution of \$7,500 to Karen Balcar.

CONCURRING IN JUDGMENT ONLY: Justices DeWine and Stewart

DISSENTING: Justice Kennedy

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	JCR 2.2, 2.9(C), 2.11(A)(1),
Aggravation/Mitigation	A- (4) (multiple offenses); M- (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	Yes
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: Respondent was publicly reprimanded for independently investigating facts, failing to recuse, and failing to perform the duties of judicial office fairly and impartially.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommendation of a public reprimand.

FINDINGS: A member of Respondent's staff was contacted by a school resource officer concerning the well-being of children in custody of D.M. The staff member visited the home with a Scioto County Children Services Board ("SCCSB") caseworker and found that the water in D.M.'s home had been shut off, the toilet was overflowing, there were no beds, the refrigerator did not work, and the floor was littered with dog feces. The staff member informed Respondent of his observations. SCCSB made an initial decision not to remove the children from the home. Respondent later contacted the SCCSB caseworker. The next day, accompanied by law-enforcement officers, Respondent conducted his

own investigation of the residence. He confirmed the same conditions his staff member had observed in addition to other problems. After the investigation, Respondent issued an entry finding that the children in D.M.'s home were in imminent danger and ordered children's services to place the children in its temporary custody and investigate the matter. A hearing was scheduled for three days later but was not held because SCCSB had not completed its investigation. After a new complaint was filed by SCCSB, Respondent issued an ex parte order giving SCCSB custody of the children. At the probable-cause hearing, Respondent never informed the parties that he had visited D.M.'s residence but did mention the conditions of the home. Respondent admitted at hearing that he should not have independently investigated the facts in the matter and should have recused himself from the case.

SANCTION: The Supreme Court adopted the Board's findings of fact, conclusions of law, and recommendation of a public reprimand.

CONCURRING: Chief Justice O'Connor

Sanction	Court dismissal
Court Modified Sanction	Yes
Rules Violated	-
Aggravation/ Mitigation	
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: The Court dismissed the case. Respondent was originally charged with Prof.Cond.R. 8.4(c) for notarizing unsigned powers of attorney, one of which was later signed outside of Respondent’s presence.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended sanction of a public reprimand.

FINDINGS: The Court found that Respondent had always intended that the clients’ estate-planning documents would be executed in his presence and that the conduct did not amount to a willful breach of the rules. Citing Prof.Cond.R., *Preamble*, and Gov.Bar R. IV(1).

SANCTION: The Court dismissed the case.

CONCURRING: Chief Justice O’Connor and Justice DeWine.

CONCURRING IN SEPARATE OPINION: Justice Kennedy joined by Justice DeWine.

CONCURRING IN JUDGMENT ONLY: Justice Stewart

DISSENTING: Justices Brunner, Fischer, and Donnelly

Sanction	Six-month, stayed suspension
Court Modified Sanction	No
Rules Violated	1.8(j)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Hines (2012); Fortado (2020)
Cited By	

Respondent for six months, fully stayed.

DISSENTING: Justice Kennedy would have remanded the case.

OVERVIEW: Respondent received a fully stayed six-month suspension for engaging in sexual activity with a client when no previous consensual sexual relationship existed.

PROCEDURE: The Board adopted the parties' consent-to-discipline agreement and recommended adoption by the Court.

FINDINGS: Respondent was retained to represent a client in a divorce action. Both she and the client met and spoke on several occasions about the pending divorce. During some of the conversations personal matters were discussed. In October 2019, Respondent and her client exchanged intimate text messages and engaged in sexual intercourse. Two days after the sexual encounter, the client and his wife had a verbal and physical altercation. Later that day, the client was found deceased in the marital residence, and his death was determined to be a suicide.

SANCTION: The Court adopted the parties' consent-to-discipline agreement, and suspended

Sanction	Court dismissal
Court Modified Sanction	Yes
Rules Violated	-
Aggravation/Mitigation	
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: The Court dismissed the case *sua sponte*. Respondent was originally charged with Prof.Cond.R. 1.15(e) and 8.4(c) for misconduct arising from the representation of a client in a personal injury claim and his failure to pay creditors entitled to certain settlement funds.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of a public reprimand.

SANCTION: The Court dismissed the case *sua sponte*.

DISSENTING: Chief Justice O'Connor would have adopted the sanction recommended by the Board.

Sanction	Two-year suspension, one year stayed
Court Modified Sanction	No
Rules Violated	1.15(a), 1.15(c), 3.3(a)(1), 8.4(c)
Aggravation/Mitigation	A- (1) (prior discipline), (3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation),(7) (refusal to acknowledge wrongdoing); M- (2) (no dishonest or selfish motive), (3)(restitution or rectified consequences)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	
Cited By	

OVERVIEW: Respondent was suspended for two years, with one year stayed for depositing client funds into an improper account and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of a two-year suspension, with one year stayed.

FINDINGS: After Respondent was reinstated to the practice of law in July 2018, he contacted Relator about its Modest Means Program, a referral service intended to provide affordable legal representation. Lawyers participating in the program agree to accept a \$500 retainer and to bill

clients at a rate of \$75 per hour. Respondent accepted 18 referrals with the program. In April 2020, Relator served Respondent with a notice advising him of the belief that he had violated the terms of his monitored probation and IOLTA rules. After a meeting with the ethics committee to explain his conduct, Respondent filed an application with the Supreme Court to terminate his probation. During the hearing, Respondent maintained that he believed that the retainers in the Modest Means Program were earned upon receipt, and thus he did not deposit the retainers in his IOLTA. He also claimed that he used a fee agreement that designated the funds as earned upon receipt. When Relator requested production of all of Respondent's fee agreements, he first claimed that they had been misplaced following his evacuation of his law office in downtown Cleveland in May 2020. The Board dismissed the allegations concerning the production of the fee agreements but found that the allegations constituted aggravating factors.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law, and suspended Respondent for two years, with one year stayed on conditions that he commit no further misconduct. Upon reinstatement, Respondent was required to serve a two-year period of monitored probation and submit all fee agreements and client-trust account records to his monitoring attorney on a monthly basis.

Sanction	One-year suspension, six months stayed
Court Modified Sanction	No
Rules Violated	1.8(j), 3.3(a), 4.1(a), 8.4(c), 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: Respondent was suspended for one year with six months stayed for engaging in sexual activity with a client, making a false statement to a court, making a false statement in the course of representing a client, engaging in conduct that adversely reflects the lawyer's fitness to practice law and in conduct involving dishonest, fraud, deceit or misrepresentation

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of a one-year suspension, with six months stayed. No objections were filed.

FINDINGS: Respondent engaged in a sexual relationship with a divorce client for two years. The spouse's counsel asked Respondent if he was having an affair with his client, which he denied. He later told his client that he had lied to opposing counsel and withdrew from the case. When Respondent was campaigning as a judicial candidate he attempted to reconcile with his ex-wife. He did not tell her that he was dating the client and did not want the information to become public knowledge. Later, the client's husband, D.P., a police officer, confronted Respondent.

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Respondent's ex-wife found a flirtatious text message on Respondent's cell phone from his client and confronted him. He denied a physical relationship but said that the client's ex-husband had accused him of having an affair. Respondent's ex-wife reached out to the D.P. to obtain more information about the alleged affair. Prior to the meeting, a man approached her and said that he knew her and her husband. Later, she received an envelope in her mailbox, containing a letter purportedly written by the client that detailed the affair, a photo of Respondent and the client at a reception table, and a picture of a man and woman engaging in sexual intercourse. Suspecting a connection between the man and D.P., Respondent's ex-wife suggested a meeting between her, Respondent, D.P., and the police chief. During the meeting, Respondent misrepresented the nature of his relationship with the client. Respondent and his ex-wife both filed written personnel complaints against D.P., who was eventually cleared of any wrongdoing. Misdemeanor counts of falsification and making false alarms were filed and later dismissed against Respondent. Respondent's ex-wife pleaded guilty to an amended charge of disorderly conduct, a minor misdemeanor. Respondent later petitioned to seal the record in his dismissed case. When cross-examined, Respondent testified that he did not lie to the police chief. The court denied the petition, noting that Respondent had admitted to lying to the police during the hearing and that the statute of limitations for the dismissed charges had not elapsed.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law, and suspended Respondent for one year, with six months stayed on condition that he commit no further misconduct and continue to participate in mental-health counseling.

Sanction	Six-month, stayed suspension
Court Modified Sanction	Yes
Rules Violated	JCR 2.8(B)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	Yes
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Hoague (2000); Elum (2012)
Cited By	

OVERVIEW: Respondent received a fully stayed six-month suspension for failing to be patient, dignified, or courteous to a witness and failing to require similar conduct of a lawyer subject to the judge's direction and control.

PROCEDURE: The panel recommended a six-month, stayed suspension. The Board adopted the panel's findings of fact, conclusions of law, but recommended a sanction of a six-month suspension.

FINDINGS: The executor of an estate retained Respondent's daughter, Brittany, to represent her in the estate's administration. After the application to probate the will was filed, Brittany filed several waivers of disqualification signed by the beneficiaries of the estate. The waivers disclosed Respondent's familial relationship with Brittany and his position as a former shareholder and creditor of Brittany's law firm. One beneficiary, Buccalo, attended a public meeting

of the county board of commissioners and stated his belief that Respondent should recuse himself from cases in which his family represents parties. He wanted to ensure that the commissioners were aware of Respondent's practice. Upon learning about Buccalo's appearance at the meeting, Respondent scheduled a status conference and required all beneficiaries to attend. At the hearing he played a recording of Buccalo's comments, then proceeded to cross-examine Buccalo for almost an hour on issues related to the waiver and his comments to the commissioners. Respondent informed Buccalo of confrontations he had had over the years with the county commissioners and characterized Buccalo's comments as "slander." Respondent later permitted Brittany to question Buccalo and make statements for more than 15 minutes. Respondent did not curtail Brittany's questioning. In closing, Respondent berated Buccalo by stating that his comments at the board of commissioners meeting was intended to slander and disparage him and his daughter. Respondent then announced his formal recusal from the case. His notice of recusal indicated that Buccalo had raised concerns about the integrity and ethics of the probate court "without any basis in law or fact."

SANCTION: The Court adopted the Board's findings of fact and conclusions of law, and suspended Respondent for six-months, stayed on conditions that he commit no further misconduct and complete six hours of continuing judicial education focused on judicial demeanor, civility, and professionalism.

CONCURRING IN PART AND DISSENTING IN PART: Chief Justice O'Connor and Justice Brunner

Sanction	One-year, stayed suspension
Court Modified Sanction	No
Rules Violated	1.4(a)(4), 1.15(a), 1.15(a)(2), 1.15(a)(3), 1.15(a)(5), 1.15(c), 1.16(e), 8.4(c)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive); M-(1) (no prior discipline), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Dockry (2012); Gorby (2015); Glitzenstein (2018)
Cited By	

OVERVIEW: Respondent received a fully stayed one-year suspension for failing to withdraw earned fees from her IOLTA, not maintaining IOLTA records for seven years, failing to refund unearned fees, and misappropriating client funds.

PROCEDURE: The Board adopted the parties' consent-to-discipline agreement and recommended adoption by the Court.

FINDINGS: A client retained Respondent to represent her in a legal matter involving the school district that her son attended. The client paid a \$2,700 retainer to Respondent. Respondent invoiced the client for legal fees rendered and deducted the amount from her IOLTA. After deducting the amounts, her invoice showed an incorrect balance. A separate invoice requested payment of a new retainer of \$2,250 of which Respondent deposited only \$2,219.46. A later

invoice also showed an incorrect retainer balance. The client received a letter from Respondent asking whether she wanted to close her file and have the balance of the retainer returned. The client left a voicemail message indicating that Respondent should hold the balance of the retainer. Respondent eventually misappropriated the balance of the client's retainer through 14 separate withdrawals and one bank service charge. Several years later, the client telephoned Respondent to terminate the representation and request a refund of the retainer balance. Respondent said she would research the retainer refund, but never contacted the client and did not return multiple calls. In a subsequent phone call, Respondent told the client that she had already refunded the balance. The client asked another lawyer to assist in securing the refund from the client. Three years after she requested the first refund, the client received a check from Respondent's counsel in an amount less than the actual balance. Respondent eventually paid the additional amount. Respondent failed to maintain records of her client's funds for seven years after termination, failed to maintain required client ledgers, or perform monthly reconciliation of her IOLTA.

SANCTION: The Supreme Court adopted the parties' consent-to-discipline agreement and suspended Respondent for one year, fully stayed.

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 1.4(a)(4), 1.16(d), 1.16(e), 8.1(b), GBR V(9)(G)
Aggravation/Mitigation	A- none; M- (1) (no prior discipline), (2) (no dishonest or selfish motive), (3)(restitution or rectified consequences), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: Respondent received a public reprimand for failing to keep a client reasonably informed about the status of a matter, failing to promptly deliver client papers and a refund of an unearned fee, failing to act with reasonable diligence, and failing to cooperate in a disciplinary investigation.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of a public reprimand.

FINDINGS: Respondent was retained to represent a client in matters related to a fraud perpetrated against the client and in a pending lawsuit in common pleas court. The client paid a fee deposit of \$2,500 and later made an additional payment of \$1,000. The matter was dismissed with prejudice. The client was also being pursued by a bank for unpaid credit-card debt the client said he did not owe. Respondent promised, but

failed, to send a response to the bank. The client left numerous messages for the Respondent at his place of employment on his cellphone, and through social media, but received no response. Respondent billed his client for only \$820 but did not refund the remaining \$2,680 of the client's fee or return his file until a grievance was filed. During Relator's investigation, Respondent did not respond to three letters of inquiry. After contacted by Relator's investigator, Respondent stated he would write a response by a date certain but failed to do so.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law and issued a public reprimand.

CONCURRING IN PART, DISSENTING IN PART: Chief Justice O'Connor and Justices Fischer and Stewart concurred in the finding of a violation but dissented as to sanction and would have imposed a six-month, all stayed suspension with monitoring for one year.

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	1.2(a), 1.3, 1.4(a)(3), 1.4(a)(4), 1.4(c), 1.15(a), 1.15(a)(2), 1.15(a)(3), 1.15(a)(5), 1.15(b), 1.15(c), 1.16(d), 1.16(e), 8.4(c)
Aggravation/ Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Gruttadaurio (2013); Petracci (2021)
Cited By	

OVERVIEW: Respondent received an indefinite suspension for misconduct arising from six client matters including the mishandling of her IOLTA, neglect, failure to communicate, making false statements about the status of matters, failing to return property and unearned fees, and failing to notify clients that she did not carry professional-liability insurance.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended sanction of an indefinite suspension. No objections were filed.

FINDINGS: Respondent represented a client seeking to terminate the spousal-support obligation in his divorce decree. After paying a

retainer, Respondent did not respond to multiple inquiries, blamed missing a scheduled telephone call on unforeseen medical issues, and did not attend a final hearing because she was double-booked. Respondent dismissed the motion, and never refiled. After termination of her services by the client, Respondent did not promptly return the file or retainer. In another matter, Respondent negotiated a plea agreement and later applied for expungement but withdrew the application without notifying her client and never responded to the client’s inquiries about the status of the matter. When representing a client in a divorce, she gave false assurances that documents concerning an agreement between the client and her husband would be forthcoming. The client later terminated the representation, but Respondent did not file a notice of withdrawal or return the client file. In the representation of two clients seeking a step-parent adoption, she cancelled scheduled meetings, failed to send documents for client review, and stopped responding to all communications from the clients. One client later discovered after several months that the adoption petitions were never filed. In another divorce matter, Respondent’s inaction resulted in the complaint being dismissed. She did not refile the complaint or inform her client of the same. After receiving overdraw notices from the bank, Relator’s investigation determined irregularities with Respondent’s IOLTA, including the commingling of personal client funds and improperly paying personal and business expenses from her IOLTA. She also failed to maintain separate client ledgers, maintain a general ledger, and reconcile the account on a monthly basis.

SANCTION: The Court adopted the Board’s findings of fact and conclusions of law and imposed an indefinite suspension and ordered restitution to one client. As a condition of reinstatement, the Court ordered her to submit proof of compliance with 2021 OLAP contract.

Sanction	Two-year suspension, six months stayed
Court Modified Sanction	No
Rules Violated	1.1, 1.3, 1.4(b), 1.4(c), 3.3(a), 3.4(c), 1.15(c), 1.16(d), 1.16(e), 8.4(c), 8.4(d)
Aggravation/Mitigation	A- (1) (prior discipline), (3) (pattern of misconduct), (4) (multiple offenses), (8) (harm to vulnerable victim), (9) (no restitution); M- (2) (no dishonest or selfish motive), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Large (2012); Marshall (2007)
Cited By	

OVERVIEW: Respondent received a two-year suspension with six months stayed for fifteen ethical violations arising from four separate client matters.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended sanction of two years, with six months stayed.

FINDINGS: In one count, Respondent represented a client in multiple criminal cases. He presented her with a standard plea-in-absentia form to change her pleas in several cases, but she did not sign the document. Respondent later signed his client’s name and notarized it. The client testified that she did not give Respondent

permission to sign the document for her. In another count, Respondent was hired by a fiduciary to file a civil action to recover property that had been misappropriated. He did not file the complaint for 10 months, and before he could file a motion for default, his license was suspended. Respondent transferred the client’s file, but a new lawyer never entered an appearance, and the case was dismissed without prejudice. The client did not pursue her case through another lawyer, and she never recovered the estate’s property. Her client fees were not refunded prior to the disciplinary hearing. In a third count, Respondent was retained in a personal-injury matter and continued the representation until he was suspended, of which he failed to properly notify his client. A fourth count alleged Respondent had filed complaints in three matters for a client, which he filed several years after the statutes of limitation had commenced and more than four years after he was retained. One case against Cleveland State University was not filed in the proper court. Respondent voluntarily dismissed all three complaints. He did not complete his representation in any case and did not refund any portion of the \$4,960 his client had paid to him.

SANCTION: The Supreme Court adopted the Board’s findings of fact and conclusions of law, and suspended Respondent for two years with six months stayed on conditions that he (1) complete three hours of CLE focused on client-trust-account management and at least six hours of CLE focused on law-office management within 90 days of the Court’s order, in addition to the requirements under Gov.Bar R. X, (2) make restitution to the Cuyahoga County Court of Common Pleas for the costs assessed in *Huffman v. Greater Cleveland Regional Transit Authority*, and (3) upon reinstatement work with a monitoring attorney for a period of one year. Chief Justice O’Connor and Justices Fischer and Brunner would impose an additional 12-month suspension.

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.15(c), 1.16(d), 1.16(e), 3.4(c), 3.4(d), 8.1(b), 8.4(c), 8.4(d)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses),(5) (lack of cooperation),(8) (harm to vulnerable victim), (9) (no restitution); M- (1) (no prior discipline)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: Respondent received an indefinite suspension for failing to refund unearned fees, failing to respond to a demand for information by a disciplinary authority, failing to act with reasonable diligence in six client matters, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended sanction of an indefinite suspension. Respondent did not attend the scheduled hearing.

FINDINGS: In several counts, Respondent represented clients, accepted retainers that he did not deposit in his IOLTA, and performed little or no work. He communicated periodically, but not

consistently with clients. He ceased all communications with some clients and failed to respond to requests that he refund unearned retainers. In a separate matter, Respondent represented a client in a civil matter regarding vehicle repairs. Respondent failed to attend a scheduled case management conference and the case was dismissed without prejudice. When the case was refiled, Respondent did not respond to discovery requests or attend a noticed deposition with his client. After defense counsel filed a second motion to dismiss, Respondent filed a notice of voluntary dismissal without his client’s knowledge or consent. The client later filed a legal-malpractice complaint against Respondent and obtained a default judgment for \$42,790.82.

SANCTION: The Supreme Court adopted the Board’s findings of fact and conclusions of law, and indefinitely suspended Respondent. Respondent was ordered to make restitution within 90 days to five clients and complete 12 hours of additional CLE with an emphasis on law-office management and client-trust-account management. Upon reinstatement, Respondent was ordered to work with a monitoring attorney to ensure compliance with rules related to maintaining communication with clients, completing tasks for clients in a diligent and competent manner, and proper handling of client funds.

Sanction	One-year suspension, stayed
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(2), 1.4(a)(3), 1.5(c)(2), 1.15(a)(2), 1.15(a)(5), 1.15(d)
Aggravation/Mitigation	A- (3) (pattern of misconduct), (4) (multiple offenses); M- (1) (no prior discipline), (2) (no dishonest or selfish motive), (3)(restitution or rectified consequences), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Yakubek (2015); Peters (2019)
Cited By	

OVERVIEW: Respondent received a one-year, stayed suspension for neglecting and failing to reasonably communicate with clients, failing to prepare closing statements, failing to pay clients' medical bills from settlement proceeds, and failing to maintain the requisite client-trust-account records.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of one-year, stayed suspension.

FINDINGS: In two counts, Respondent settled a personal injury matter for one client and signed a letter of protection with a medical provider.

When the matter was settled, Respondent failed to prepare a closing statement detailing the distribution of the proceeds and did not timely satisfy the medical provider's lien. He stipulated that he failed to satisfy a similar lien for another client. In other counts, Respondent agreed to represent four clients in personal-injury matters. He admitted that he failed to act with reasonable diligence on behalf of the clients and failed to reasonably communicate with them. For one client he failed to file a complaint before the statute of limitations. Two other client's cases were dismissed after he failed to perfect service. On behalf of another client, he rejected a settlement offer, but never filed a lawsuit. Respondent informed the client that the statute of limitations had elapsed and paid her \$5,000. In a separate count, Respondent admitted that he failed to maintain proper client-trust-account records for each client and perform monthly reconciliations.

SANCTION: The Supreme Court adopted the Board's findings of fact and conclusions of law, and suspended Respondent for one year, all stayed on conditions that he complete six hours of CLE focused on law-office and client-trust - account management, in addition to the requirements of Gov.Bar R. X, serve a one-year term of monitored probation focused on law-office and client -trust-account management, and commit no further misconduct.

NOT PARTICIPATING: Justice Donnelly

Sanction	Two-year suspension
Court Modified Sanction	No
Rules Violated	8.4(h)
Aggravation/Mitigation	A- none; M- (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions), (7) (mental illness)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Hoover (2022)
Cited By	

OVERVIEW: Respondent received a two-year suspension with credit for time served for misconduct arising from her felony convictions for possession of drugs and a misdemeanor OVI conviction.

PROCEDURE: The Board adopted the parties' consent-to-discipline agreement and recommended adoption by the Court.

FINDINGS: Respondent was arrested for a traffic stop and charged with an OVI. A search incident to the arrest uncovered a bag of pills determined to be an assortment of amphetamines and oxycodone. She was indicted on four counts of aggravated possession of drugs, fifth-degree felonies, and one count of OVI, a first-degree misdemeanor. She pled guilty to the OVI charge and the court granted her motion for intervention in lieu of conviction and ordered the felony charges held open pending a successful period of rehabilitation. One of the terms set by the court was compliance with a chemical dependency contract which Respondent had entered into with

OLAP. During a seven-month period after beginning the period of rehabilitation, Respondent failed to comply with the terms of her supervision, produced one positive drug test during random screening, failed to appear at scheduled violation hearings, and failed to submit to random drug tests. The court conducted an evidentiary hearing and found Respondent had violated the terms of her supervision, revoked her intervention in lieu of conviction, and accepted her guilty pleas to the four felony counts of aggravated possession of drugs. Her sentence consisted of three years of community control, 60 hours of community service, and additional sanctions.

SANCTION: The Supreme Court adopted the parties' consent-to-discipline agreement and suspended Respondent for two years with credit for time served under an interim felony suspension. As an additional condition of reinstatement, the Respondent was required to provide proof of compliance with or completion of the five-year OLAP contract entered into in August 2021.

Sanction	One-year suspension, six months stayed
Court Modified Sanction	No
Rules Violated	1.2(e), 3.1, 8.4(a), 8.4(d)
Aggravation/Mitigation	A- (3) (pattern of misconduct), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Wise (2006)
Cited By	

OVERVIEW: Respondent received a one-year suspension, with six months stayed for misconduct related to his filing of a motion in a civil case requesting the court refer his opposing counsel to OLAP.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of a one-year suspension, with six months stayed.

FINDINGS: Respondent was retained by a client to challenge the validity of a second durable power of attorney signed by Respondent's friend and former colleague naming other family members as agents and co-trustees. A lawsuit was eventually filed and lawyer Roger Synenberg entered an appearance on behalf of the defendants. A settlement was entered into and the court awaited the filing of a dismissal entry. Synenberg later began to

question whether Respondent's client was competent to sign the agreement and the court directed Respondent to obtain a medical professional's opinion of the client's competency. Synenberg later indicated that his clients did not intend to drop the issue. Respondent then filed a motion alleging that Synenberg's performance and fitness as a lawyer were impaired by a mental or emotional condition as demonstrated by certain acts allegedly undertaken by Synenberg. Some of the statements were false and defamatory statements or clear misrepresentations. The motion recommended that the court refer Synenberg to OLAP. During the hearing, Respondent insisted that if the defendants signed a stipulated dismissal order without further examination of his client's competency, then the presiding judge would not have to act on his motion. He stated that if the dismissal order was not signed, then he desired to present his motion regarding Synenberg.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law, and suspended Respondent for one year with six months stayed on conditions that he engage in no further misconduct and pay the costs of the proceedings.

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Effective January 1, 2015)

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 Bahan (4/14/2022)
 Blauvelt (6/23/2022)
 Hillman (2/17/2022)
 Nelson (4/21/2022)
 Smith (3/23/2022)

(2) (dishonest or selfish motive)

Arkow (9/15/2022)
 Blauvelt (6/23/2022)
 Buzzelli (7/20/2022)
 Carr (10/18/2022)
 Cox (3/22/2022)
 Darling (3/24/2022)
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 O'Diam (4/28/2022)
 Plummer (11/29/2022)
 Sharp (10/19/2022)
 Vick (7/27/2022)

(3) (pattern of misconduct)

Arkow (9/15/2022)
 Bahan (4/14/2022)
 Blauvelt (6/23/2022)
 Brooks (10/20/2022)
 Buzzelli (7/20/2022)
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(4) (multiple offenses)

Arkow (9/15/2022)
 Bahan (4/14/2022)
 Brooks (10/20/2022)
 Buzzelli (7/20/2022)
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(5) (lack of cooperation)

Brooks (10/20/2022)
 Cox (3/22/2022)
 Davis (4/20/2022)
 Nelson (4/21/2022)
 Vick (7/27/2022)

(6) (false or deceptive practices during investigation)

Arkow (9/15/2022)
 Brooks (10/20/2022)
 Buzzelli (7/20/2022)
 Cox (3/22/2022)
 Darling (3/24/2022)

(7) (refusal to acknowledge wrongdoing)

Bahan (4/14/2022)
 Buzzelli (7/20/2022)
 Cox (3/22/2022)
 Nelson (4/21/2022)
 Whipple (2/24/2022)

(8) (harm to vulnerable victim)

[Buzzelli \(7/20/2022\)](#)
[Carr \(10/18/2022\)](#)
[Cox \(3/22/2022\)](#)
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(9) (no restitution)

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[Watson \(6/30/2022\)](#)
[Wells \(5/24/2022\)](#)
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(2) (no dishonest or selfish motive)

[Bahan \(4/14/2022\)](#)
[Hillman \(2/17/2022\)](#)
[Lemons \(10/13/2022\)](#)
[Nelson \(4/21/2022\)](#)
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[Smith \(3/23/2022\)](#)

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(3) (restitution or rectified consequences)

[Arkow \(9/15/2022\)](#)
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[Fitz \(9/8/2022\)](#)
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[Nelson \(4/21/2022\)](#)
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(4) (full and free disclosure)

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[Bahan \(4/14/2022\)](#)
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(5) (good character)

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(6) (other penalties / sanctions)

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[Darling \(3/24/2022\)](#)

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(7) (chemical/ mental illness)

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Ohio Board of Professional Conduct

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