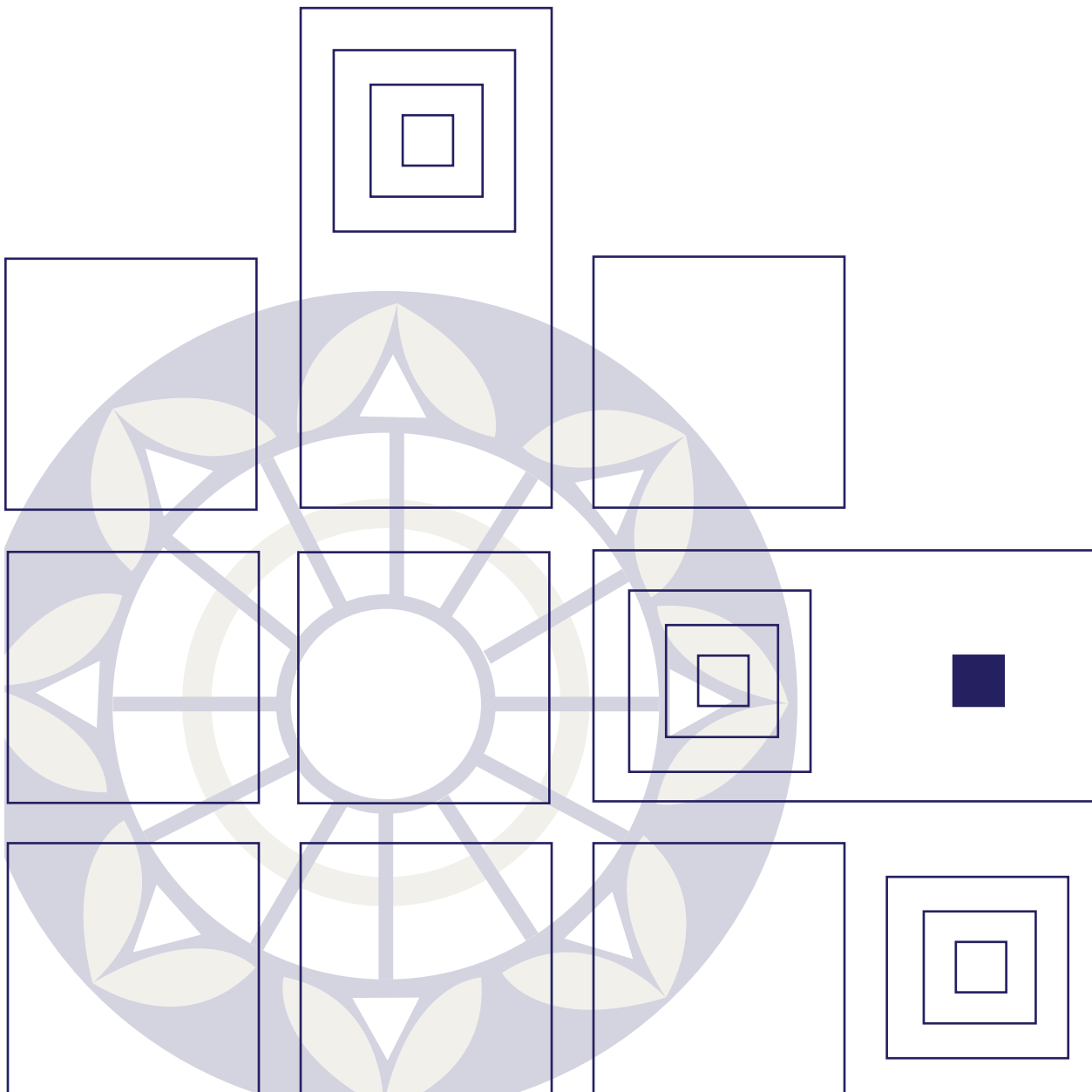




Ohio Board of Professional Conduct

DISCIPLINARY HANDBOOK: Volume XI **2018**



DISCIPLINARY HANDBOOK: VOLUME XI

[CASES FROM 2018; CURRENT THROUGH DECEMBER 31, 2018]

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

Atway, Mahoning Cty. Bar Assn. v.
[2018-Ohio-10](#). Decided 01/03/2018.

Case Summary

Sanction	Two-year suspension, no credit for time served.
Court Modified Sanction	Yes
Rules Violated	4.4 , 8.4(b) , 8.4(d)
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)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Cohen (2015); Doumbas (2017); Pappas (2014); Mahin (2016)
Cited By	

OVERVIEW: Respondent was suspended for two years based on a felony conviction for conspiring to prevent another from exercising a legal right, using means to embarrass or harass a third person, committing an illegal act, and engaging in conduct prejudicial to the administration of justice.

PROCEDURE: Respondent was suspended on an interim basis after his felony conviction. The Board adopted a recommendation from the panel that he be suspended for two years, with credit for time served under the interim felony suspension. Neither party objected to the Board's recommendation.

FINDINGS: Respondent represented a client charged with asking an associate to fire gunshots into a home where a rival was allegedly present. Simultaneously, federal authorities were commencing an investigation of a large marijuana-growing operation in the client's home. Respondent agreed to represent the client in the federal matter, while Respondent's partner represented the client on the state shooting charges. Eventually, Respondent negotiated a plea agreement of a six-month sentence, but the client asked Respondent to find a way to avoid any prison time. The client also asked Respondent to negotiate a monetary settlement in the state criminal matter with his rival. Later, the client contacted the FBI to suggest that Respondent and his rival were attempting to extort money from him. The FBI recorded dozens of conversations between Respondent, his client, and the rival. Respondent was initially charged with violating the Hobbs Act, obstruction of justice, making a false statement to law enforcement and two other offenses. A mistrial was declared, and Respondent negotiated an agreement to plead guilty to a lesser charge in exchange for the federal government dismissing the original indictment. He was fined \$2,000, placed on probation for three years, with four months under house arrest.

SANCTION: The Court adopted the Board's findings of fact, conclusions of law, and underlying sanction of a two-year suspension, but refused to give Respondent credit for time served.

DISSENT: Justices French, O'Neill, and DeWine would have granted credit for time served.

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	1.1 , 1.8(a) , 1.4(c) , 1.4(c)(1) , 4.2
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	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Bhatt (2012); Freedman (2011); Godles (2010)
Cited By	

OVERVIEW: Respondent received a public reprimand for failing to provide competent representation to a client, failing to inform clients he does not maintain professional-liability insurance, entering into a business transaction with a client without advising the client to obtain independent legal counsel, and communicating about the subject of the lawyer's representation with a person the lawyer knows to be represented by another lawyer.

PROCEDURE: The board adopted the panel's findings of fact and conclusions of law. Neither party objected to the board's report and recommendation.

FINDINGS: Respondent promoted his law practice as being capable of providing legal representation in matters that included business formation and intellectual-property matters. A client hired Respondent to form a corporation to protect, finance, and commercialize certain medical intellectual property that he created.

Respondent submitted initial articles of incorporation for the client's company to the Secretary of State. Respondent became a founding member of the company as well as the statutory agent, and provided legal services to the client and the company. He was issued shares of common stock in the company formation. Respondent was appointed as the chief legal officer of the company and responsible for all of the usual and customary services rendered by an attorney in that role. Although the company attempted to comply with Ohio's required corporate formalities, Respondent did not fulfill all of its statutory obligations. Only one set of meeting minutes were created, no stock-subscription agreements were prepared, or stock certificates created. Respondent testified that he had never organized a corporate structure for anyone other than himself, and entered an area of law that he knew nothing about and in which he was not competent to practice. In other counts he negotiated a stock-swap agreement with a terminated director knowing he was represented by counsel, entered into an agreement to become an employee of the company without advising his clients of the desirability of seeking the advice of independent counsel, and failed to notify new and existing clients that his professional-malpractice coverage had lapsed.

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

CONCURRING IN PART AND DISSENTING IN PART: Justices Fischer, DeGenaro, and Chief Justice O'Connor.

Sanction	Two-year suspension, one year stayed.
Court Modified Sanction	No
Rules Violated	1.8(j), 8.1(a), 8.4(c), 8.4(d), 8.4(h)
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), (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	Fowerbaugh (1995); Gildee (2012); Moore (2015)
Cited By	

OVERVIEW: Respondent was suspended for two years with one year stayed for engaging in sexual activity with a client and lying about the conduct during the investigation.

PROCEDURE: The parties submitted joint stipulations in which Respondent admitted to most of the misconduct. The panel and Board found that Respondent committed all of the stipulated misconduct and recommended adoption of the stipulated sanction.

FINDINGS: Respondent was retained by a client to represent her in a child-visitation proceeding with whom he developed a personal relationship prior to the termination of the

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representation. They exchanged texts and Facebook messages of a sexual nature along with explicit photographs, which they agreed in advance they would delete after receiving. Respondent also admitted that he had a lunch date with his client during which he kissed her and touched her breast. During a second representation he kissed her during a meeting, but the client stopped him and insisted that they prepare for her case. After attending a hearing, Respondent and the client entered a courthouse conference room to wait for the magistrate to complete final orders. The conference room video camera transmitted a live feed showing the client's hand under Respondent's coat where she fondled him and rubbed his penis for eight minutes. The sheriff's office interviewed the client about the matter, after which she called and arranged to meet with Respondent. Approximately one month later, Respondent sent a letter self-reporting the allegations against him to the Columbus Bar Association, but affirmatively misrepresented the extent of his relationship, the nature of the conduct in the conference room, and denied he had engaged in any misconduct. During a deposition conducted by relator, he affirmatively misrepresented facts regarding several issues, which he later submitted an errata sheet to clarify his testimony. During the hearing he was evasive and argumentative, and admitted that he was "struggling with denial."

SANCTION: The Court adopted the Board's findings of fact, conclusions of law, and underlying sanction of a two-year suspension, with one year stayed on conditions that he engage in no further misconduct, remain in compliance with his OLAP contract and any extensions, and serve a one-year period of monitored probation.

NOT PARTICIPATING: Justice DeGenaro

Sanction	One-year suspension
Court Modified Sanction	Yes
Rules Violated	1.1, 1.4(a)(3), 1.5(d)(3), 8.4(c)
Aggravation/Mitigation	A- (1) prior discipline, (4) (multiple offenses), (8) (harm to vulnerable victim); 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	Vardiman (2016); Lieberman (1955); Dan (2012)
Cited By	

OVERVIEW: Respondent was suspended for one year for failing to provide competent representation to a client, failing to keep the client reasonably informed about the status of a matter, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

PROCEDURE: The panel issued a report finding four violations, but recommended the dismissal of three other violations. The Board adopted the panel's recommendation of a six-month suspension. No objections were filed.

FINDINGS: Respondent was retained by a client convicted of two counts of attempted murder and four counts of felonious assault and sentenced to 25 years in prison. When the conviction was affirmed, the client had 45 days to perfect his appeal to the Supreme Court of Ohio. The client's mother asked Respondent to

represent him in the appeal. Respondent agreed to undertake the representation for \$5,000. He was paid half of the amount up front and treated it as a flat fee earned upon receipt without notifying the client that he may be entitled to a refund. Respondent was under the mistaken belief that his representation would not commence until he was paid the agreed retainer in full. Respondent's legal strategy was to pursue this client's state remedies before filing a petition for habeas corpus in federal court. But Respondent did not have an adequate understanding of the legal requirement that prisoners exhaust all state court claims before raising claims in federal court. Instead of filing an appeal to the Supreme Court of Ohio, he considered filing a petition for post-conviction relief in state court. After he received additional payments towards the retainer, he initiated his representation by filing a perfunctory one-page motion for a delayed appeal in the Supreme Court. The attached affidavit was misleading and intentionally omitted relevant information. He maintained during the panel hearing that the motion was a pro forma filing intended to exhaust state court remedies before filing a petition to vacate the sentence in state court. After the motion for delayed appeal was overruled, he wrote the client to inform him that his representation had concluded. The client retained new counsel who alleged Respondent's ineffective assistance of counsel constituted good cause for the filing of a second motion for delayed appeal to the Supreme Court of Ohio and later a *habeas corpus* petition in the Federal District Court. Both the motion and the petition were denied.

SANCTION: The Court imposed a one-year suspension.

DISSENT: Justices Kennedy, French, and DeWine would suspend Respondent for six months.

Sanction	Six-month stayed suspension
Court Modified Sanction	No
Rules Violated	DR 1-102(A)(4), DR 1-102(A)(5), 8.4(c) , 8.4(d)
Aggravation/Mitigation	A- (3) (pattern of misconduct), (4) (multiple offenses); 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	Roberts (2008); Trivers (2009)
Cited By	

and falsely represented that the documents had been personally acknowledged before him. After the law firm discovery, Respondent resigned from the firm and self-reported his actions.

SANCTION: The Court adopted the consent-to-discipline agreement and suspended Respondent for six months, with the entire suspension stayed on condition that he engage in no further misconduct.

OVERVIEW: Respondent received a six-month stayed suspension for improperly notarizing client signatures on multiple legal documents.

PROCEDURE: The parties entered into a consent-to-discipline agreement stipulating to four rule violations. The Board recommended adoption of the agreement in its entirety.

FINDINGS: Respondent's law firm conducted an unrelated review of his client files. During the review, the law firm discovered that over a seven-year period, Respondent had engaged in at least eight incidents of false notarization and/or backdating of clients' legal documents. In one instance, he witnessed his clients sign a warranty deed and then notarized their signatures, but he dated the document to coincide with the property's transfer date. He falsely attested to the date that his clients had signed and acknowledged their signatures before him. In another matter he notarized signatures of clients returned by mail

Sanction	One-year stayed suspension
Court Modified Sanction	No
Rules Violated	3.3(a)(1), 8.4(b)
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)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	DeMarco (2015); Niermeyer (2008)
Cited By	

OVERVIEW: Respondent received a one-year stayed suspension for making a false statement of fact or law to a tribunal and committing an illegal act reflecting adversely on a lawyer's honesty or trustworthiness in connection with the representation of a client.

PROCEDURE: The parties entered into comprehensive factual stipulations, and the matter proceeded to hearing. The Board adopted the panel's report and recommended sanction. No party objected to the Board's recommendation.

FINDINGS: Respondent and a partner ([Atway](#)) represented a client charged with asking an associate to fire gunshots into a home where a rival was allegedly present. After the shooting, the police investigated the client's home and found a large marijuana-growing operation. Respondent represented the client in the state case involving the shooting, while his partner represented the client in the federal case related

to the marijuana operation. Respondent's partner eventually negotiated a plea agreement below the mandatory five-year prison sentence, but the client asked Respondent's partner to find a way to avoid any prison time. The client also asked Respondent and his partner to negotiate a civil monetary settlement with his rival to guarantee that the rival would not appear at his sentencing hearings. Later, the client contacted the FBI to suggest that Respondent, his partner and his rival were attempting to extort money from him by leading him to believe if he did not pay the rival a settlement amount, the rival would offer damaging information at the sentencing. The FBI recorded dozens of conversations between the lawyers, their client, and the rival. Respondent was charged with conspiracy to violate the Hobbs Act, obstruction of justice, making a false statement to law enforcement, and other offenses. After a mistrial, Respondent agreed to plead guilty to a new count of misbehavior in the presence of the court for making two incomplete and misleading statements during his trial. The original indictment was dismissed. He was sentenced to two years of probation and imposed a \$2,500 fine. The court terminated his probation prior to the decision in this case and removed compliance with probation as a condition.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a one-year suspension stayed in its entirety on conditions that Respondent commit no further misconduct.

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

OVERVIEW: Respondent was placed on an impairment suspension and registration status changed to inactive for the duration of the suspension.

PROCEDURE: The Board filed a final report recommending pursuant to Gov.Bar R. V(15) Respondent be placed on an impairment suspension and that his registration status be changed to inactive for the duration of the suspension.

Sanction	Indefinite suspension with no credit for time served
Court Modified Sanction	No
Rules Violated	1.1, 1.3, 1.4(a)(1), 1.4(a)(4), 1.4(c), 1.15(a), 1.16(d), 3.3(a)(1), 8.4(c), 8.4(d), 8.4(h), 8.1(b), GBR V(9)(G)
Aggravation/Mitigation	A- (3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation), (7) (refusal to acknowledge wrongdoing), (9) (no restitution); M-(1) (no prior discipline)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Marrelli (2015); Bednarski (2017)
Cited By	

OVERVIEW: Respondent received an indefinite suspension for making a false statement to a tribunal and engaging in conduct prejudicial to the administration of justice and involving dishonesty, fraud, deceit, or misrepresentation, failing to provide competent representation and act with reasonable diligence, and refusing to assist in a disciplinary proceeding.

PROCEDURE: The Court imposed an interim default suspension after Respondent failed to answer the complaint or respond to a show-cause order. After Respondent responded to an order to show cause, the matter was remanded to the Board for consideration of mitigation evidence only.

FINDINGS: Respondent failed to participate in a judgment-debtor examination in municipal court after a summary judgment was granted in favor of one of her creditors. She was held in contempt and jailed. After her release, she filed an affidavit of disqualification against the judge that was denied. When a bailiff served Respondent with an order to show cause why she should not be held in contempt, she blocked the path of the bailiff's vehicle. Local police responded and arrested her. From there, she called 9-1-1 to report that she had been kidnapped. She was charged with obstruction of justice. She eventually completed the debtor's exam and her criminal charges. During the representation of a client in a contract dispute, Respondent failed to keep the client informed about the status of her case, failed to respond to discovery requests, failed to respond to the client's communications, and failed to respond to a motion for summary judgment which the court granted. She also failed to refund fees for an amended complaint she never filed, nor placed the fee in her trust account, and also failed to inform the client that her malpractice insurance had lapsed. In addition, Respondent overdrew her client trust account multiple times and failed to respond to Relator's requests for information and did not appear for her deposition.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and recommended sanction of an indefinite suspension. In addition to the suspension, the Court imposed conditions that she provide proof that she refunded her client, be evaluated by a qualified health-care professional for the existence of mental, substance-use, or nonsubstance-related disorders, comply with treatment, and be able to return to the competent, ethical, and professional practice of law.

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	1.3 , 1.4(a)(3) , 1.4(a)(4) , 1.15(c) , 1.16(d) , 1.16(e) , 8.4(d) , 8.4(h)
Aggravation/Mitigation	A- (3) (pattern of misconduct), (4) (multiple offenses), (8) (harm to vulnerable victim); M- (4) (cooperative attitude), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Lemieux (2014); Lawson (2008); McCorkle (2005)
Cited By	

OVERVIEW: Respondent received an indefinite suspension for misconduct based on his convictions for driving under the influence and violating a civil protection order; and misconduct related to keeping clients reasonably informed about the status of their cases and refunding unearned fees upon termination of representation.

PROCEDURE: The Court issued an interim remedial suspension pending final disposition of the disciplinary proceeding. The parties entered into stipulations of fact, misconduct, and aggravating and mitigating factors. The Board adopted the recommendation of the panel. No objections were filed.

FINDINGS: In June 2015, Respondent failed to appear in municipal court on behalf of clients and subsequently pleaded guilty to contempt charges. In July, 2015, he was pulled over and charged with OVI and two counts of improperly handling

a firearm in a motor vehicle. He later pleaded guilty to an amended OVI charger, 180 days in jail with credit for time served, probation, and monitoring. Despite a domestic-violence CPO, Respondent had an altercation with his estranged wife. After an altercation with his wife and family that resulted in his arrest for assault, violating a protective order, and obstructing official business. Before his incarceration in October 2015, he had eight separate clients pay flat fees ranging from \$1,500 to \$3,500 to represent them in pending criminal cases. However, Respondent failed to inform his clients of his incarceration, did not return phone calls, turn over a file, and missed scheduled hearings resulting in warrants for his clients' arrest. At the time of the hearing he had not refunded unearned fees to four of his clients. Following his incarceration, he failed to timely file appellate briefs or respond to show-cause orders in two cases. In March 2017, Respondent was arrested and charged with disorderly conduct/public intoxication. He pleaded guilty to an amended charge, but failed to notify his probation officer of the arrest. He was returned to the county detention center, his probation revoked, and a remaining 389 days of previously suspended sentences were imposed. Between his periods of incarceration he accepted thousands of dollars in flat-fee payments from ten separate, additional clients. He failed to perform the work, spent the fees on his own business and personal expenses, and failed to refund any of the unearned fees.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and recommended sanction of an indefinite suspension. The Court conditioned reinstatement on successful completion of OLAP contract, a prognosis from a qualified chemical-dependency professional, and if applicable, a qualified mental-health professional stating that he is capable of returning to the practice of law and full restitution to all affected clients.

Sanction	Six-month stayed suspension
Court Modified Sanction	No
Rules Violated	1.3, 1.4(c), 1.15(a), 1.15(a)(1), 8.1(b)
Aggravation/Mitigation	A- (4) (multiple offenses),(5) (lack of cooperation) M- (1)(no prior discipline), (2)(no selfish or dishonest motive), (5)(good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Hooks (2014); Malvasi (2015); Shuler (2011)
Cited By	

OVERVIEW: Respondent received a six-month stayed suspension of failing to provide competent representation to a client, act with reasonable diligence, notify the client that she did not carry malpractice insurance, deposit a client's unearned fee into a client trust account, retain a copy of the executed fee contract, and cooperate in the disciplinary investigation.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction with one additional condition of a one-year term of monitored probation. The Court adopted the Board's recommendation.

FINDINGS: Respondent maintained a private practice in addition to working for the Lucas County Public Defender's Office. In December 2014, she was retained by a client to defend him against criminal charges that included rape. He agreed to pay Respondent a fee of \$5,000 in two installments and an additional fee of \$3,500 for a

private investigator. The case proceeded to trial. Following his conviction, the client filed a grievance against Respondent alleging that she provided ineffective assistance of counsel. The client testified that Respondent did not adequately prepare him for trial, met with her on eight or ten occasions, never hired a private investigator and waited until the day before trial to subpoena his witnesses, which she made him serve. In support of his motion for post-conviction relief, Respondent in her affidavit and her testimony before the panel admitted that she had not adequately prepared to defend her client. She acknowledged that she did not present any rebuttal evidence at a pretrial hearing regarding the admissibility of statements made by a deceased declarant because she was not aware that she would have the opportunity to do so; waited until five days before trial to mail subpoenas to the sheriff's department with instructions to serve; failed to subpoena several police officers and children-services investigators; and failed to disclose crucial witnesses. She also testified that she employed another lawyer for the limited purposes of objecting to evidence at trial. But even with the assistance, she admitted that she failed to effectively cross-examine and impeach the state's witnesses.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and recommended sanction of a six-month stayed suspension on conditions that she submit to an OLAP assessment, establish and use a client trust account, acquire professional-liability insurance or notify clients as required by Prof.Cond.R. 1.4(c), complete twelve hours of CLE in the area of criminal-trial practice and six hours in the area of law-office management, serve a one-year term of monitored probation, and engage in no further misconduct. Justice Kennedy would not have ordered Respondent to submit to an OLAP evaluation.

Sanction	Six-month stayed suspension.
Court Modified Sanction	No
Rules Violated	8.4(c), Jud.Cond.R. 1.2
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),(5)(good character), (6)(other penalties/sanctions)
Criminal Conduct	No
Public Official	Yes
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Elum (2012); Kramer (2016)
Cited By	

OVERVIEW: Respondent received a six-month suspension, all stayed for failing to accurately report his work hours and leave on his timecard while serving as a magistrate.

PROCEDURE: The panel adopted the parties' stipulations of fact and misconduct and the recommended sanction of six months stayed. The board adopted the panel's report and recommendation in its entirety.

FINDINGS: Respondent was required to work eight hours per day, 40 hours per week as a magistrate in the Cuyahoga County Juvenile Court. If he worked less than eight hours a day, he was required to use his accrued leave time to make up the difference. Respondent requested to work from 7:30 a.m. to 3:30 p.m. pursuant to a flexible-schedule policy. The juvenile court

audited the biweekly time cards Respondent submitted from March 15-September 2, 2016. When compared to his employee-identification-keycard swipes and video footage from courthouse security cameras, it was revealed that he had falsely entered his start or end times on his timecard on 90 of the 122 work days during that period and received \$5,051.04 in pay for 121.8 hours that he had not worked. After an internal disciplinary hearing, Respondent was found to have violated seven workplace rules prohibiting (1) falsification of documents, (2) dishonesty and misrepresentation, (3) misuse or theft of county property, (4) conduct unbecoming, (5) job abandonment, (6) leaving one's work area without permission, and (7) other acts of misfeasance, malfeasance, or nonfeasance. He resigned from his employment and made restitution.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and recommended a sanction of a stayed six-month term suspension.

CONCURRING: Justice Kennedy concurred in judgment only.

Sanction	Two-year suspension, eighteen months stayed on conditions.
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 1.4(a)(4), 1.16(e), 8.1(b), GBR V(9)(G)
Aggravation/Mitigation	A-(1)(prior discipline), (4) (multiple offenses), (5) (lack of cooperation); M- (2) (no dishonest or selfish motive),(4) (cooperative attitude), (5) (good character), (7) (mental illness)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	DiAlbert (2008); Bansci (2014); Reed (2016), Hallquist (2011)
Cited By	

OVERVIEW: Respondent received a two-year suspension, with eighteen months stayed on conditions for failure to act with reasonable diligence in representing a client, failure to keep a client reasonably informed, failure to refund any unearned fees upon withdrawal, and a failure to cooperate with a disciplinary investigation.

PROCEDURE: The parties entered into stipulations and the matter proceeded to hearing. The Board adopted the panel's report and recommended sanction.

FINDINGS: Respondent represented a client in a consumer-debt action. He sent letters to the creditor's counsel, but did not respond to his

client's multiple efforts to reach him or take any other action to settle her debt before a grievance was filed. After receiving Relator's letter of inquiry, he promised that he would contact his client. He informed Relator of his sporadic contact with the client, but later learned that the client had settled the matter herself. He later did not respond to requests from Relator that he submit proof that he had honored a promise to pay the balance of the client's retainer until he was served with a subpoena for his deposition. The parties stipulated that Respondent refunded \$50 of the client's \$500 retainer. The Court overruled an objection made by Respondent and found that the Board did not abuse its discretion by overruling his motion to supplement his post-hearing brief.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a two-year suspension with eighteen months stayed on conditions of two years of monitored probation on reinstatement, during which he must comply with the recommendations of his treating physician, provide proof from a qualified healthcare professional that he can return to the competent and ethical practice of law, comply with any OLAP contract, and work with a monitoring attorney approved by the relator.

CONCURRING IN PART AND DISSENTING IN PART: Justice Kennedy.

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	1.3,1.4(a)(2),1.4(a)(3), 1.4(a)(4), 1.15(c)
Aggravation/ Mitigation	A- None; M- (1)(no prior discipline), (2)(no selfish or dishonest motive), (3)(restitution or rectified consequences), (4)(cooperative attitude),(5)(good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Harsey (2015); Rucker (2012); Dundon (2011)
Cited By	

retainer. When Respondent refund the retainer, he discovered that he had mistakenly deposited the retainer check into his operating account.

SANCTION: The Court adopted the parties' consent-to-discipline agreement and imposed a public reprimand.

NOT PARTICIPATING: Justice DeWine.

OVERVIEW: Respondent received a public reprimand for failing to reasonably communicate with a client and failing to deposit the client's retainer into his client trust account.

PROCEDURE: The panel recommended the adoption of the parties' consent-to-discipline agreement.

FINDINGS: Respondent was retained by a client to settle his son's estate and was paid a retainer of \$2,500. After learning the decedent had a life insurance policy, the client asked Respondent to establish a trust to preserve the proceeds for his granddaughter. However, Respondent took no action to file a claim for the insurance proceeds and took little action to settle the estate. Over a four-year period, Respondent attempted to inquire with Respondent about the status of the estate. The client terminated the representation and demanded a refund of his

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	1.3 , 1.4(a)(2) , 1.4(b) , 1.15(a) , 1.15(d) , 2.1 , 8.1(b)
Aggravation/Mitigation	A-(1)(prior discipline), (2) (dishonest or selfish motive), (3) (pattern of misconduct),(4) (multiple offenses), (5) (lack of cooperation), (8) (harm to vulnerable victim); M- None
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Moran (2009); DiMartino (2016); Golden (2002)
Cited By	

OVERVIEW: Respondent received an indefinite suspension arising from his neglect of three client matters, his retention of fees paid by the clients, the overdraft of his client trust account and failure to respond to the ensuing disciplinary investigations.

PROCEDURE: The Board adopted the panel's findings and recommended sanction after considering the submitted stipulations of fact, misconduct, aggravating and mitigating factors, and Respondent's testimony.

FINDINGS: Respondent retained Morgan Drexen, Inc., a defunct California company that provided paralegal and paraprofessional services for his law practice. Respondent stipulated the company assisted him in performing "non-formal debt resolution" for his clients. After filing for bankruptcy, the company sent letters to four of

Respondent's clients indicating that the law firm they hired would continue to represent them and the lawyers of the firm were responsible for their accounts and holding money in trust. After the letter was transmitted, Respondent failed to respond to his clients efforts to communicate with him via voicemail. During the course of the representation Respondent never performed any legal services for the clients, failed to tell one client he was ineligible for bankruptcy, and did not refund any fees to his clients. Respondent's testimony at the hearing revealed that he never reviewed his banking records and had completely abdicated his duty to safeguard the client funds entrusted to his care through his arrangement with Morgan Drexen, Inc.

SANCTION: The Court adopted the Board's findings of fact and misconduct and recommendation of an indefinite suspension. The court conditioned reinstatement on proof of restitution, completion of 12 hours of continuing legal education on law office and client trust-account management, submission to an evaluation by a qualified healthcare professional to investigate the possible existence of a disorder, and providing evidence that he has not engaged in further misconduct. Upon reinstatement, the Court ordered Respondent to serve a two-year term of monitored probation.

DISSENT: Justices Kennedy, O'Donnell, and DeWine would have imposed a one-year suspension.

Sanction	One-year stayed suspension
Court Modified Sanction	No
Rules Violated	1.5(c)(2), 1.8(e), 1.15(a), 1.15(a)(2), 1.15(a)(5)
Aggravation/Mitigation	A-(1) (prior discipline); M-(2) (no dishonest or selfish motive), (3)(restitution or rectified consequences), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Royer (2012); Tomer (2103); Thompson (2014)
Cited By	

addition, in two separate cases, he admitted to withdrawing funds from his IOLTA to pay himself for work before he deposited settlement proceeds into the account. In another count, he admitted to making a personal loan of \$300.00 to a client.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and recommended sanction of a one-year, fully stayed suspension. In addition to the suspension, the Court imposed conditions that he (1) serve a two-year term of monitored probation that includes oversight of his office management and IOLTA recordkeeping procedures, (2) complete a minimum of six hours of CLE in law-practice management and IOLTA, and (3) engage in no further misconduct.

NOT PARTICIPATING: Justice DeGenaro

OVERVIEW: Respondent received a one-year stayed suspension for failing to properly safeguard client funds in a client trust account.

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

FINDINGS: Respondent disbursed settlement proceeds to two clients from his IOLTA. He also disbursed \$5,747.56 in proceeds to pay his fees and reimburse himself for expenses he advanced. Several days later, Respondent withdrew an identical amount, causing a negative balance in the account and an overdraft. In response to a letter of inquiry, Respondent acknowledged that he had mistakenly paid himself twice. Respondent also admitted that he did not maintain separate ledger sheets for clients, failed to consistently maintain and have his clients sign, disbursement sheets and closing statements. In

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Sanction	Eighteen-month stayed suspension
Court Modified Sanction	No
Rules Violated	1.4(a)(4), 1.15(a), 1.15(c), 1.15(a)(2), 1.15(a)(3), 1.16(d), 1.16(e)
Aggravation/Mitigation	A-(2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses); M-(1) (no prior discipline), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Barbera (2017)
Cited By	

SANCTION: The Court adopted the parties' consent-to-discipline agreement and imposed an eighteen –month suspension, stayed on conditions that she comply with an OLAP contract, complete at least six hours of CLE focused on law-office management, the proper use of a client trust account, and the proper maintenance of client-trust records, complete an 18-month period of monitored probation with a focus on law-office management and compliance with client-trust-account requirements, and engage in no further misconduct.

NOT PARTICIPATING: Justice DeWine

OVERVIEW: Respondent received an eighteen-month suspension, all stayed for failure to use and maintain her client trust account, reasonably communicate with a client, protect the interests of clients at the termination of representation, and promptly refund an unearned fee.

PROCEDURE: A panel recommended the adoption of the parties' consent-to-discipline agreement.

FINDINGS: Respondent received more than \$180,000 in client funds between January 2013 and March 2017 but did not deposit them into her client trust account and violated several rules. Respondent also failed to respond to one client's messages stating that she no longer wanted to proceed with her divorce, but waited nearly two years to refund the unearned portion of the client's retainer. She also failed to return original client documents.

Sanction	Six-month suspension, fully stayed on conditions.
Court Modified Sanction	No
Rules Violated	8.1(b), GBR V(9)(G)
Aggravation/Mitigation	A- (5) (lack of cooperation) M-(1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Corrigan (2011); Walton (2016)
Cited By	

diagnosed with adjustment disorder with anxiety and later appeared for a deposition.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and recommended a sanction of a fully stayed six-month suspension on conditions that he submit to a mental-health evaluation by OLAP, comply with any treatment recommendations, and engage in no further misconduct.

OVERVIEW: Respondent received a fully stayed six-month suspension for failing to respond to a subpoena for his deposition and failing to timely and adequately respond to a request for information from Relator after his IOLTA was overdrawn.

PROCEDURE: The parties stipulated to the charged misconduct and the Court adopted the Board's findings of misconduct and recommended sanction.

FINDINGS: After Respondent's IOLTA was overdrawn due to the theft and fraudulent issuance of his IOLTA checks by a third party, he timely responded to Relator's letter of inquiry, but failed to include most of the information requested. He later advised Relator he would provide additional information within ten days, but he failed to do so. He also failed to respond to multiple voicemail messages left by Relator and a subsequent letter. Respondent failed to appear at two depositions after being properly served. Several months later, Respondent was

Sanction	Two-year suspension, one year stayed.
Court Modified Sanction	No
Rules Violated	1.15(a), 1.15(a)(2), 1.15(a)(3), 1.15(a)(4), 1.15(a)(5), 8.4(c), 8.4(d), 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive),(4) (multiple offenses); M-(1) (no prior discipline), (3)(restitution or rectified consequences),(4) (cooperative attitude), (7) (mental illness)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Fowerbaugh (1995)
Cited By	

OVERVIEW: Respondent received a two-year suspension, with one year stayed for misappropriating funds in violation of an agreed court order, engaging in a pattern of dishonesty and misrepresentation to conceal his misappropriation, and failing to maintain required records regarding his trust account.

PROCEDURE: The parties entered into some stipulations. After the hearing, the panel found that Respondent had engaged in the stipulated misconduct and dismissed the remaining allegations. The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction.

FINDINGS: Respondent was retained by a client on a contingent-fee basis to assist in the

recovery of \$51,032.37 in unclaimed funds from the State of Ohio. The source of the unclaimed funds was an insurance claim that preceded the client's 2010 discharge of his debts in bankruptcy. Respondent notified the bankruptcy trustee of the claim and the trustee moved to intervene in the declaratory judgment action Respondent filed to recover the unclaimed funds. In addition, the trustee reopened the bankruptcy case alleging the funds belonged in the bankruptcy estate. Eventually, the parties signed an agreed order in the bankruptcy court, in which Respondent agreed to accept the unclaimed funds, hold them in his client trust account, and deliver those funds determined to be part of the estate. Respondent deposited the unclaimed funds in his client trust account and began to disburse amounts without the bankruptcy court's approval. A second complaint was filed in the bankruptcy court by the trustee to determine the estate's interest in the unclaimed funds and a portion was returned to the client. Respondent moved to close the case and claimed he was entitled to an hourly calculation of his fee. However, the court held that all remaining funds were the property of the estate. By the time Respondent appealed the bankruptcy case to the Sixth Circuit, he had misappropriated more than \$49,000. Respondent was later held in contempt by the bankruptcy court for not providing the funds or the location of the funds.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and recommended a sanction of a two-year suspension with one year stayed on conditions that he comply with his OLAP contract, make full restitution to the bankruptcy trustee, pay any monetary sanctions imposed by the bankruptcy court, and engage in no further misconduct. The Court also ordered Respondent to serve a one year period of monitored probation upon reinstatement with a focus on proper use of his client trust account.

Sanction	Disbarment
Court Modified Sanction	No
Rules Violated	1.3 , 1.4(a)(1) , 1.4(a)(3) , 1.4(a)(4) , 1.5(c)(2) , 1.6(a) , 1.15(a) , 1.15(a)(2) , 8.1(a) , 8.1(b) , 8.4(c)
Aggravation/Mitigation	A- (1) (prior discipline), (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), (9) (no restitution); M-(5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Freeman (2011)
Cited By	

OVERVIEW: Respondent was disbarred for misappropriation of client funds, disclosure of client information, failure to communicate with clients, and his dishonesty and failure to respond to demands for information during the disciplinary investigation.

PROCEDURE: The parties entered into stipulations of fact and some misconduct. The panel found that Respondent had committed all but two of the alleged rule violations. The Board adopted the panel's report and recommendation. No objections were filed.

FINDINGS: Respondent was charged with 28 violations in a five count complaint. He represented a client in a workers' compensation matter. Respondent did not inform his client of a receipt of a settlement check that he cashed and misappropriated the funds. He lied about circumstances during his deposition, but admitted to the misappropriation at the hearing. Respondent later attempted to convince his client to withdraw the grievance. In a second count also involving a workers' compensation claim he also cashed a settlement check without immediately transferring the funds to the client. He did not return numerous calls from his client regarding the settlement check. During his representation of another client in a divorce matter he deposited a \$500 advance for expenses and deposited funds into a prepaid-debit-card account instead of a client-trust account. In another matter he was retained to replace a client's court-appointed counsel in a criminal case. The case was scheduled for trial, but Respondent had a conflict. The court appointed attorney filed a grievance after they discovered that Respondent had visited her client in jail on several occasions without her knowledge or consent during her representation. In the last count, Respondent settled a personal injury claim on behalf of a client, but rather than deposit the check in his trust account, he cashed the check and only gave a partial sum to the client. He testified that he retained the rest of the funds in a safe in his mother's house, but the funds were never found by Relator's investigators. Overall, Respondent admitted that he kept his clients' money "because [he] needed it" and used it to cover his personal expenses.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and recommended sanction of disbarment. The Court ordered Respondent to make restitution to three clients and a law firm.

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	Jud.Cond.R. 1.2, 2.11(A)(7)(b)
Aggravation/Mitigation	A- (4) (multiple offenses),(8) (harm to vulnerable victim); 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	Oldfield (2014); Goldie (2008); Vukelic (2004)
Cited By	

OVERVIEW: Respondent, a juvenile magistrate, was publicly reprimanded for failing to recuse herself from proceedings in which her impartiality may be questioned.

PROCEDURE: The Board adopted the panel's recommendation of a public reprimand. Neither party objected to the Board's recommendation, findings of fact, and conclusions of law.

FINDINGS: Prior to becoming magistrate, Respondent served for nine years as an attorney for Franklin County Children Services. Less than six months into her new position as magistrate, she presided over three cases in which she had previously participated personally and substantially as a lawyer for the agency. In one case, she had represented children services for over two-years in proceedings involving a mother with chronic drug-dependency issues, arguing positions adverse to the mother in eight hearings. Children Services suspected the same mother was

again using drugs, and sought a temporary order of protective supervision. A magistrate scheduled to preside over the hearing requested Respondent to cover for him because of a conflict of interest. Respondent agreed to hear the matter despite her prior involvement in the case. Respondent recognized the mother when she arrived at the hearing. At the mother's request, Respondent appointed an attorney who was not present at the hearing. Respondent advised the mother that if she wanted the attorney present, she could request a continuance after the parties had an opportunity to state their requests for temporary orders. But after hearing from attorneys, Respondent failed to give the mother an opportunity to request a continuance or respond to the arguments in favor of temporary orders. Respondent then issued a temporary order placing custody of the one-year-old child with children services. Two weeks later, another magistrate vacated Respondent's order and reunited the mother and child. Respondent acknowledged at hearing that she should not have presided over the preliminary hearing and two other cases in which she had participated personally and substantially as an attorney for children services. While she disclosed to counsel and parties her involvement in matters, she failed to follow the waiver procedures set forth in Jud.Cond.R. 2.11(C).

SANCTION: The Court adopted the Board's findings of fact and misconduct, and recommended sanction of public reprimand.

NOT PARTICIPATING: Justice DeWine

Sanction	Six-month stayed suspension
Court Modified Sanction	No
Rules Violated	1.6(a), 8.4(h)
Aggravation/Mitigation	A- (3)(pattern of misconduct); 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	Psenicka (1991); Yurich (1997).
Cited By	

OVERVIEW: Respondents were suspended for six months, all stayed for revealing information related to the separate representation of several clients.

PROCEDURE: Respondents submitted consent-to-discipline agreements that recommended a six-month stayed suspension. The Board recommended that the Court adopt the agreements.

FINDINGS: In their respective consent-to-discipline agreements, Respondents stipulated that they primarily represented school districts in their respective law practices and commenced a personal relationship in 2015. Between January 2015 and November 2016, they exchanged a dozen e-mails in which they revealed client information to each other, including information protected by the work-product doctrine or the attorney-client privilege, although they were not employed by the same law firm and did not jointly represent any clients. In general, Kerr forwarded to Holmes e-mails from her clients requesting legal documents. In response, Holmes

forwarded to Kerr e-mails that he had exchanged with his clients which included similar documents he had prepared for them. In June 2016, Holmes' law firm discovered that he had disclosed confidential client information to Kerr and, as a result, removed him from the firm. Kerr admitted to the partners of her firm that she and Holmes had exchanged client information and that he had completed some of her work. Despite the relator's investigation, Respondents continued the same pattern of misconduct.

SANCTION: The Court adopted the parties' consent-to-discipline agreements.

NOT PARTICIPATING: Justice DeWine

Sanction	Two-year suspension, one year stayed on conditions.
Court Modified Sanction	No
Rules Violated	1.4(c), 1.5(c)(1), 1.5(e)(2), 1.15(d), 1.15(a)(2), 1.15(a)(3), 1.15(a)(4), 1.15(a)(5), 1.16(c)
Aggravation/Mitigation	A- (1) (prior discipline), (3)(pattern of misconduct), (4) (multiple offenses) M-(4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Royer (2012); Tomer (2013); Corner (2016)
Cited By	

OVERVIEW: Respondent received a two-year suspension, one year stayed for settling clients' personal-injury claims and endorsing settlement checks without the clients' authority and converting the settlement proceeds to her own use.

PROCEDURE: The parties submitted joint stipulations of fact and aggravating and mitigating factors and Respondent admitted to some of the charged misconduct. The Court adopted the Board's findings of misconduct and recommended sanction.

FINDINGS: Respondent represented a client and her daughter in a personal-injury case. Respondent and the client entered into a standard contingent-fee agreement which provided for a

fee of 33.3 percent of the amount recovered if settlement occurred before suit. Respondent did not countersign the contract. Respondent filed the case in 2014, voluntarily dismissed it in 2015, then refiled it in 2016. A final pretrial conference, the client agreed to settle her claim for \$100,000 and her daughter's claim for \$25,000. Because the daughter was a minor, an application for probate-court approval of the settlement was filed. During the hearing, the magistrate indicated that the attorney fees for a minors' claim were limited to one-third of the settlement. He awarded the mother \$7,000 from her daughter's settlement for loss of service which Respondent felt was intended for the mother to pay the remainder of her fee. Respondent and her client met at a public library to sign the settlement checks. A verbal altercation ensued over Respondent's fees and a fee discount and the police were called. Respondent ceased contact with her client, but failed to file a written motion for withdrawal. In her grievance, the grievant claimed she had not received the amount awarded by the probate court. Respondent claimed that a check had been mailed. Five months after the grievance was filed, Respondent issued a new check and stopped payment on the previous check.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and recommended sanction of a two-year suspension with one year stayed. As a condition of restatement, Respondent was required to complete 12 hours of CLE addressing law-office management, with three hours focused on client-trust-account-related instruction. Additionally, Respondent was ordered to serve a one-year period of monitored probation.

NOT PARTICIPATING: Justice DeGenaro

Sanction	Indefinite suspension
Court Modified Sanction	Yes
Rules Violated	5.5(a) , 5.5(b)(2) , 7.1 , 8.4(c)
Aggravation/Mitigation	A-(1) (prior discipline), (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim); M- (3) (restitution or rectified consequences), (4) (cooperative attitude), (7) (mental illness)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Mitchell (2010)
Cited By	

OVERVIEW: Respondent was indefinitely suspended for practicing under suspension, engaging in misleading communications and dishonesty, fraud, deceit, and misrepresentation.

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

FINDINGS: Respondent perceived that he was unable to find employment after a previous suspension due to his race and prior felony convictions. In response, he sent "demand letters" to at least 20 internet job posting that included language disqualifying applicants who had criminal backgrounds. He warned in his letter that blanket exclusion of job applicants with

felony convictions violated federal law. In each letter, Respondent included a proposed settlement offer of to avoid filing a complaint with the EEOC if the employer would agree to pay \$50,000. The letters included the name of Respondent's former law firm. Under the signature of the letters, he typed his name and "J.D., Esquire." He later admitted that he had no "client" but was acting solely on his behalf. The Board concluded that Respondent had misrepresented his status as an Ohio lawyer in an attempt to mislead and intimidate small businesses into paying him money. One recipient of a letter testified that he signed the agreement and issued a check to the law firm.

SANCTION: The Court rejected the Board's recommendation of disbarment and imposed an indefinite suspension with conditions for reinstatement to submit to a mental health evaluation with OLAP, maintain and comply with his OLAP contract, and comply with all recommendations of OLAP and his treating professionals.

DISSENT: Chief Justice O'Connor and Justice O'Donnell dissented and would have disbarred the Respondent.

Sanction	Two-year suspension, eighteen months stayed.
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(1), 1.4(a)(2), 1.4(b), 1.15(a), 1.15(b), 1.15(c), 8.1(a), 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), (8) (harm to vulnerable victim); M-(1) (no prior discipline), (3) (restitution or rectified consequences), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Keller (2006); Riek (2010)
Cited By	

OVERVIEW: Respondent was suspended for two years, with eighteen months stayed for violating ten professional-conduct rules, neglecting a client's immigration matter, failing to reasonably communicate with the client, and failing to maintain client funds separate from his own property.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended a sanction of a two-year suspension with 18 months stayed on conditions.

FINDINGS: Respondent represented a Bulgarian dancer who had obtained permission to enter the United States on an O-1B visa. Soon after the client arrived, she was offered employment with the owner of dance studio in California. The client asked

Respondent to help transfer her visa from another studio sponsor to the California studio. Respondent indicated that the client could begin working in the California studio once a new petition was filed. After three months, Respondent falsely responded to inquiries from the client about the status of the petition. In the interim, the original studio requested that the I-129 petition it had filed be revoked. Between December 2015 and April 2016, the client and her employer made numerous requests for proof that the petition had been filed. At one point, the employer demanded that Respondent provide the receipt number for the petition. Respondent then filed the petition the next day and signed the employer's name in two places without authority. Respondent emailed the receipt number to the client and employer, and the next day the employer received a request for additional evidence from immigration. Without conferring with his client, he changed the immigration classification on behalf of his client. Eventually, the client retained new counsel, but had to leave the country in order to activate her new O-1B visa status. Between June 2015 and May 2016, Respondent used his client trust account to pay both personal and business expenses even though he maintained an operating account.

SANCTION: The Court imposed a suspension of two years with 18 months stayed on conditions that he enter into an OLAP contract and comply with the treatment recommendations and engage in no further misconduct.

CONCURRING: Justices Fischer and DeGenaro concur but would require practice monitoring as a condition.

DISSENT: Justices O'Donnell and Kennedy.

Sanction	Six-month stayed suspension.
Court Modified Sanction	No
Rules Violated	1.4(c), 1.4(c)(1), 1.5(c)(1), 1.15(a)(3), 1.15(a)(5), 1.15(d)
Aggravation/Mitigation	A- (4) (multiple offenses); M -(1)(no prior discipline), (2)(no selfish or dishonest motive), (3) (restitution or rectified consequences), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Fletcher (2009); Peden (2008); Bricker (2013)
Cited By	

OVERVIEW: Respondent received a six-month, fully stayed suspension for failing to maintain proper client-trust account records, failing to properly identify and remit payment for medical treatment provided to three personal-injury clients, and failing to inform clients that he did not maintain professional malpractice insurance.

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

FINDINGS: Respondent's firm was retained by three separate clients to pursue automobile-related personal-injury claims. In all three cases, the firm agreed to pay a chiropractor for treatment. All three cases had settled out of court, and the chiropractor was owed approximately \$4,175. A grievance was filed by the chiropractor after failure of the firm to pay, despite claims that

checks were issued. Respondent eventually paid the chiropractor in full for the services at issue. Respondent was previously an associate in another firm that he eventually purchased from the owner. In 2008, Respondent and the owner began noticing certain accounting discrepancies, which led them to believe that their accounting firm was stealing money from their client trust account. Over the course of three years, the firm opened additional IOLTAs, but left funds in the accounts because they could not identify the owners of the funds. Respondent eventually hired an accountant to conduct an analysis of all accounts and concluded that the leftover funds in the IOLTA were most likely profits of Respondent's firm. None of the funds were claimed by third parties. Respondent stipulated that he failed to inform new clients that he did not have professional-liability insurance or retain signed acknowledgements from his clients.

SANCTION: The Court adopted the Board's recommendation and imposed a six-month stayed suspension on conditions that he serve a two-year period of monitored probation, employ an individual with accounting expertise to ensure proper management of his IOLTA, complete three hours of CLE related exclusively to client-trust - account management during his suspension and probation, and engage in no further misconduct.

Sanction	Disbarment
Court Modified Sanction	No
Rules Violated	1.3 , 1.4(a) , 1.4(a)(1) , 1.4(a)(2) , 1.4(a)(3) , 1.4(a)(4) , 3.1
Aggravation/Mitigation	A -(1) (prior discipline), (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim); M - none
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Harvey (2017)
Cited By	

OVERVIEW: Respondent was permanently disbarred after his third disciplinary proceeding that involved multiple instances of neglect and failure to communicate with two clients.

PROCEDURE: The Court adopted the findings of misconduct and recommended sanction of disbarment by the Board.

FINDINGS: In one count Respondent was retained by a couple to assist them in collecting funds loaned to another couple. Respondent entered an appearance in a case the clients had already filed and obtained a continuance of a scheduled hearing. Respondent moved to continue the date of the hearing due to a conflict in another court. He never informed his clients who drove six hours round trip to attend the hearing. Respondent later missed a third scheduled hearing date forcing his clients to present their case pro se. Respondent filed a

notice of withdrawal following the missed hearing date. In a second count, Respondent represented a client in two proceedings related to a challenge of his residency before the board of elections. After filing a civil complaint on behalf of his client, Respondent both failed to issue discovery and respond to discovery, and did not file a response to a motion for summary judgment. He then voluntarily dismissed the lawsuit without client consent. Respondent later refiled the complaint without client consent and admitted that he did not investigate any factual bases to support the claims. Respondent again failed to respond to discovery requests and requests for admission that were later deemed admitted. Respondent advised his client to dismiss the suit and failed to respond to a motion for sanctions or appear at the hearing. Respondent and his client were held jointly liable for over \$14,000 in sanctions representing attorney fees and expenses incurred by the defendants.

SANCTION: The Court adopted the Board's recommendation of disbarment and ordered Respondent to make restitution of \$2,500 to his client in the second count and reimburse any sums he was required to pay as a sanction in the underlying litigation.

DISSENT: Justices Kennedy, French and DeWine dissented and would have imposed an indefinite suspension.

Sanction	One-year suspension, six months stayed.
Court Modified Sanction	Yes
Rules Violated	1.3, 1.8(j), 1.15(c), 1.16(e)
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	Owen (2014)
Cited By	

OVERVIEW: Respondent received a one-year suspension, six months stayed for failing to deposit a retainer into his client trust account, failing to perform contracted legal work, and engaging in a sexual relationship with a client during representation.

PROCEDURE: The Board adopted the panel's report and recommendation. No objections were filed by either party.

FINDINGS: Respondent was retained by a husband and wife to file a Chapter 7 bankruptcy petition on their behalf. They paid him \$1,850 in advance. Respondent deposited the funds into his operating account instead of his client trust account. The wife inquired about the status of the matter on numerous occasions, and in October 2015, Respondent indicated the case had been filed. However, in December 2015, he informed the wife that he had waited to file the bankruptcy because of a change in the law and informed her

that she and her husband would need to sign new forms. Respondent never filed the bankruptcy petition and creditors filed collection action against them, repossessed a car, and foreclosed on their home. In late December 2015 or January 2016, Leon and the wife began exchanging e-mails of a personal nature that progressed to sexting. They later engaged in consensual sexual activity including intercourse. The husband discovered the affair and Respondent immediately withdrew from further representation of the couple, but did not refund their retainer or filing fee.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law, but imposed a sanction of one year with six months stayed on the conditions that he engage in no further misconduct and pay the costs of the proceeding.

DISSENT: Justices O'Donnell and DeWine would have adopted the recommendation of the Board.

Sanction	Two-year suspension, six months stayed.
Court Modified Sanction	No
Rules Violated	8.4(b), 8.4(c), 8.4(d)
Aggravation/Mitigation	A-(1) (prior discipline) and (2) (dishonest or selfish motive); M-(5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	DeMartino (2016); Marshall (2007)
Cited By	

OVERVIEW: Respondent received a two-year suspension, with the final six months stayed for committing an illegal act that reflected adversely on his honesty or trustworthiness, for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, and engaging in conduct that is prejudicial to the administration of justice.

PROCEDURE: The parties entered into stipulations regarding some, but not all, of the charged misconduct. The matter proceeded to a hearing where the panel found that Respondent engaged in the stipulated misconduct and dismissed the other counts against him. The Board adopted the panel's report. Neither party objected to the Board's report.

FINDINGS: Respondent and another attorney, Heather Wilsey, left a bar together. Ms. Wilsey operated and subsequently lost control of Respondent's vehicle. The vehicle struck a utility pole and crossed over to the other side of the street, rendering the vehicle inoperable. Two police officers testified at the disciplinary hearing

that Respondent told them that an unknown African-American man was driving at the time of the accident. Respondent admitted he did this to protect Ms. Wilsey, whom he recently began dating, because she was driving at the time of the accident. Nevertheless, Respondent admitted that on the day following the accident, he submitted a written statement to the police that he had given his keys to an unknown man who agreed to drive him and Ms. Wilsey home, and this man crashed his vehicle. Respondent was arrested for obstructing official business. During the pendency of the criminal case and disciplinary investigation, Respondent and Ms. Wilsey were involved in another incident. Respondent was charged with OVI and did not voluntarily disclose the second incident to Relator during the disciplinary investigation. On the obstructing official business charge, Respondent entered a no-contest plea and was found guilty. Respondent was sentenced to 90 days in jail with 80 days suspended, one-year of probation, and a \$750 fine. On the OVI charge, Respondent entered a no-contest plea and was found guilty. Respondent's driver's license was suspended and he was fined. Ms. Wilsey was charged in a separate disciplinary action, however it was dismissed after she died of an apparent drug overdose.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a two-year suspension, with the final six months stayed on conditions that Respondent 1) comply with all terms of his OLAP contract and any extension of that contract; 2) continue attending AA meetings and stay in regular contact with his sponsor; and 3) refrain from further misconduct.

CONCURS IN JUDGMENT ONLY: Justice French

NOT PARTICIPATING: Justice DeGenaro

Sanction	One-year suspension, six months stayed.
Court Modified Sanction	Yes
Rules Violated	DR 1-102(A)(4), 8.4(b)
Aggravation/Mitigation	A- (4) (multiple offenses); M-(1)(no prior discipline), (2)(no selfish or dishonest motive), (4)(cooperative attitude), (5)(good character), (6)(other penalties/sanctions)
Criminal Conduct	Yes
Public Official	Yes
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	DeMarco (2015)
Cited By	

OVERVIEW: Respondent received a one-year suspension, with six-months stayed for conduct stemming from his criminal convictions after pleading guilty to unlawful use of a telecommunications device, one count of attempted disclosure of confidential information acquired in the course of public duties, and two counts of making false statements in an official proceeding.

PROCEDURE: The parties submitted stipulations and sought to dismiss six of the eight violations alleged in the complaint. The panel recommended and the Board adopted a recommendation Respondent be publicly reprimanded.

FINDINGS: Respondent was elected to the Mahoning County Board of Commissioners. At the time the county department on job and family services had been leasing offices from the Ohio Valley Mall Company for approximately 18 years. The commissioners had begun discussing moving the agency when the lease expired and

purchasing the Oakhill Renaissance Center from the Southside Community Development Corporation that had filed for bankruptcy. When the property was offered for sale by the trustee, Respondent and other officials filed objections in bankruptcy to the proposed purchase by the county. The objections were overruled and the commissioners voted to buy the property. Two lawsuits were filed by Ohio Valley against the county seeking to rescind the sale and recover \$1,000,000 in breach of contract damages. Prior to this period of time Respondent had faxed a copy of the county's offer to purchase Oakhill to counsel for Ohio Valley. A local newspaper began to run articles suggesting Respondent and other officials had engaged in unethical conduct while opposing the county's acquisition of Oakhill. Later Respondent was indicted with others in Cuyahoga County on 73 counts. Respondent pled guilty to four misdemeanors and all remaining counts pertaining to him were dismissed.

SANCTION: The Court imposed a one-year suspension with six months stayed on the condition Respondent engage in no further misconduct.

NOT PARTICIPATING: Justices DeGenaro and Fischer

Sanction	Two-year suspension, fully stayed.
Court Modified Sanction	No
Rules Violated	5.5(a), 8.4(h)
Aggravation/Mitigation	A-(1) (prior discipline); M- (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Good (2007); Simmons (2008); Troller (2014)
Cited By	

OVERVIEW: Respondent was suspended for two years, fully stayed for practicing law in a jurisdiction in violation of the regulations of the jurisdiction and engaging in conduct that adversely reflected on the lawyer’s fitness to practice law.

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

FINDINGS: Respondent served in a variety of positions, including general counsel, for the Florida based TBC Corporation. In February, 2015, Respondent received a letter from the unauthorized practice division of the Florida Bar concerning a complaint filed by a former employee of his employer. The UPL division counsel informed Respondent that he needed to be a member of the Florida Bar or certified as authorized house counsel. At the UPL counsel’s

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insistence, Respondent deleted the title of general counsel from his biography on TBC’s website and submitted an application for authorized house counsel. Relator’s investigation noted that Respondent had been ineligible to practice law in Ohio since December 2011 due to various CLE suspensions. Respondent did not believe that his activities constituted the practice of law or that serving as general counsel violated the Florida rules governing UPL. Respondent testified at hearing that he did not remember receiving written notices of his CLE noncompliance or suspension, and denied having accessed his attorney information on the Ohio office of attorney services web portal or having called the office about his CLE compliance. Ultimately, the panel found that Respondent was “cavalier, inattentive, negligent, and foolish” with regard to his obligations under both the Ohio and Florida rules of professional conduct.

SANCTION: The Court adopted the Board’s findings of fact and misconduct, and recommended sanction of a fully stayed, two-year suspension on conditions that he remain in full compliance with his CLE and attorney-registration obligations and engage in no further misconduct.

CONCURRING: Chief Justice O’Connor

Sanction	Disbarment
Court Modified Sanction	No
Rules Violated	1.3 , 1.5(a) , 3.4(a) , 3.4(b) , 3.4(c) , 1.7(a)(2) , 8.4(c) , 8.4(d) , 8.1(b) , and GBR V(9)(G)
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	Dixon (2002); Sanz (2011)
Cited By	

OVERVIEW: Respondent was disbarred for failing to act with reasonable diligence in representing his client, disobeying an obligation under the rules of a tribunal, and failing to cooperate in the disciplinary investigation stemming from conduct while serving as a guardian of client's property and trustee of an inter vivos trust.

PROCEDURE: The parties submitted stipulated facts and exhibits. The parties jointly recommended that Respondent be disbarred for the alleged violations. The panel issued a report that recommended disbarment and that Respondent be ordered to make restitution. The Board adopted the report in its entirety.

FINDINGS: Respondent drafted a revocable living trust for his client that included a [Table of Cases](#) [Index](#)

distribution of property to two charities. In 2010, the Delaware Court of Chancery adjudicated the client incompetent and appointed Respondent as guardian of property. The court authorized Respondent to transfer and administer assets in the trust and ordered him to file an inventory within 30 days. Later in 2010, Respondent executed an amendment to the trust that added his adult children as successor trustees and deleted the provision for distribution of assets to the charities. Upon his client's death, a final account was filed and the guardianship was terminated. The chancery court's order had set the fee for Respondent's services at 1 percent of the value of the trust assets the following year, and only authorized payment to a special law firm. Yet, Respondent paid himself \$148,839 in trustee fees, paid himself legal fees without court approval, and transferred \$682,821.05 in additional funds from the trust's account to his personal accounts. In 2014, the charities filed a complaint to compel Respondent to furnish a report pursuant to R.C. 5808.13(C). The court granted a motion for default judgment, found Respondent in contempt and appointed an accounting firm to submit a forensic accounting of the trust for the period of 2008-2014. The report found that in addition to the legal fees and trustee fees, Respondent had withdrawn \$514,000 from various trust accounts and \$890,000 more that remained unaccounted for. The Board concluded that in addition to the legal and trustee fees, Respondent had received an additional \$168,321.05 that he had not reimbursed.

SANCTION: The Court adopted the Board's findings of fact and misconduct. The Court found that the facts warranted permanent disbarment. The Court ordered restitution in the amount of \$312,899.47 to banks, beneficiary charities, and the forensic accounting firm.

NOT PARTICIPATING: Justice DeGenaro

Sanction	Court dismissal
Court Modified Sanction	Yes
Rules Violated	-
Aggravation/Mitigation	-
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Wiest (2016); Hale (2014)
Cited By	

relationship existed, the Court dismissed all violations found by the Board.

CONCURRING: Chief Justice O'Connor, and Justices Fischer and O'Donnell.

OVERVIEW: The Court dismissed the complaint against Respondent with prejudice.

PROCEDURE: The Board recommended a public reprimand against Respondent after dismissing five alleged rule violations based on the insufficiency of evidence. On objections filed by Respondent, the Court dismissed the remaining rule violations found by the panel because it did not find that an attorney-client relationship existed. The panel's unanimous dismissal of some rule violations precluded review by the Board or Court.

FINDINGS: The Board's recommendation included conclusions of fact and law that Respondent had been approached by a third party to pay him a \$1,000 flat fee and the costs of an appeal on behalf of a client. Relying on the word of the third party, Respondent filed a notice of appeal and brief on the client's behalf. He later orally argued the case in the court of appeals, which affirmed the client's conviction and sentence. The client testified at hearing that he was unaware of Respondent's representation of him. The Board recognized that the testimony and an accompanying affidavit "could arguably support a dismissal" of two violations it found on the ground that no attorney-client relationship existed. Finding that no attorney-client

Sanction	Indefinite 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), (4) (multiple offenses); M- (1) (no prior discipline), (3)(restitution), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Bennett (2010); Wagner (2013); Helbley (2014)
Cited By	

and economically disadvantaged individuals and service-disabled veterans. Respondent entered into a plea agreement and pled guilty to one count of attempt and conspiracy to commit wire fraud. Respondent's underlying misconduct involved the creation of companies that qualified for the grant program because of the disadvantaged individuals chosen to run them, but the companies were actually run by others who did not meet the grant requirements.

SANCTION: The Court imposed an indefinite suspension with no credit for time served while under an interim felony suspension.

OVERVIEW: Respondent was indefinitely suspended with no credit for time for misconduct stemming from his felony conviction for an attempt and conspiracy to commit wire fraud.

PROCEDURE: After an independent review of the record, the Court adopted the Board's findings of misconduct and recommended sanction. No objections were filed by either party.

FINDINGS: Respondent was a defendant to a 12-count indictment alleging that he and others had conspired to defraud the federal government out of over \$140 million in federal-agency contracts and payments. Between February 2003 and October 2014, Respondent and others falsified information enabling four businesses to qualify for federal programs intended to assist small businesses owned and operated by socially

Sanction	Six-month stayed suspension
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), and 1.4(c)
Aggravation/Mitigation	A- (1) (prior discipline), (2) (dishonest or selfish motive); M-(4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	Yes
Case Authority	Kluesener (2017); Simon (2016)
Cited By	

OVERVIEW: Respondent received a six-month suspension, stayed on conditions for accepting a retainer from a client to pursue an insurance claim and neglecting to do so.

PROCEDURE: The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a six-month suspension, stayed on conditions. The Board recommended that the agreement be accepted.

FINDINGS: In December 2003, a client retained Respondent to pursue an insurance claim arising from a structural fire. The client provided Respondent with all the paperwork he received from the insurance company and paid Respondent a \$500.00 retainer plus a \$300.00 filing fee. Thereafter, Respondent failed to return his client's calls. In 2016, during a chance meeting at a local courthouse, the client asked

Respondent about the status of his case. Respondent told the client he would look into it, but the client never heard from Respondent again. Respondent never resolved the matter with the insurance company, nor did he ever file a complaint on the client's behalf. Respondent admitted he did not carry malpractice insurance during the representation and had no recollection of having informed his client of that fact.

SANCTION: The Court accepted the agreement and imposed the recommended sanction on conditions. Respondent's entire suspension was stayed on the conditions that he pay restitution to his client within sixty days of the order, complete six hours of continuing legal education in law-office management in addition to the requirements of Gov.Bar R. X, serve one year of monitored probation, and engage in no additional misconduct.

NOT PARTICIPATING: Justice DeGenaro

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	1.5(a) , 1.5(b) , 1.5(e)
Aggravation/Mitigation	A- none; M- (1)(no prior discipline), (2)(no selfish or dishonest motive), (3)(restitution or rectified consequences), (4)(cooperative attitude),(5)(good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Adusei (2013); Martorana (2013)
Cited By	

Without his client's consent, Respondent asked another lawyer with little criminal law experience to draft a motion in the doctor's case. Although he reviewed and approved the motion, he did not sign it, but accepted a \$17,500 fee for the work. The motion was fundamentally flawed and the court overruled the motion.

SANCTION: The Court adopted the parties' consent-to-discipline agreement and imposed a public reprimand.

NOT PARTICIPATING: Justice DeWine

OVERVIEW: Respondent received a public reprimand for collecting an excessive fee, failing to establish the basis for the rate of the fee, and sharing a fee with another lawyer without client consent and proportional to the work performed.

PROCEDURE: The parties submitted a consent-to-discipline agreement and the panel and Board recommended adoption.

FINDINGS: Respondent was retained by a doctor to take legal action to change the effect of his conviction after pleading guilty to a misdemeanor count of workers' compensation fraud. Respondent discussed his fees with the client, but he never established a specific fee amount or provided the client with a written fee agreement. He accepted a check for \$25,000 from the doctor and deposited it into his client trust account. Respondent then sent \$12,500 of the fee to another lawyer retained by the client to defend against related professional misconduct charges that were pending before the medical board.

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	1.3 , 1.4(a)(3) , 3.3(a)(1) , 3.4(b) , 3.4(c) , 3.4(d) , 4.1(a) , 8.4(c) , 8.4(d)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (7) (refusal to acknowledge wrongdoing); M- (1) (no prior discipline)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Gruttadaurio (2013) ; Donchatz (2017)
Cited By	

OVERVIEW: Respondent received an indefinite suspension for failing to act with reasonable diligence and promptness, failing to keep a client informed about the status of a legal matter, failing to comply with discovery requests, making false statements to opposing counsel and a tribunal, and counseling a client to give false deposition testimony.

PROCEDURE: The Board adopted the panel's report and recommendation in its entirety. Respondent objected to the Board's report.

FINDINGS: In March 2015, a client retained Respondent to represent him in an employment-discrimination action against the client's former employer. After a complaint was filed in state court, the employer's counsel caused the matter to be removed to federal court. Respondent was later served with discovery requests, and Respondent requested additional time. A

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deposition was rescheduled for November 6, 2015. The employer's counsel traveled from Boston to Cleveland for the deposition, but neither Respondent nor his client appeared. A motion to compel was filed by the employer's counsel and was granted. Respondent later filed responses to discovery that were neither verified nor notarized. During preparation for his deposition, Respondent indicated to his client that he played games in an effort to delay the discovery process, inconvenience opposing counsel, and make her look bad in front of the court. He also told his client that he lied to opposing counsel and the magistrate about these matters and also asked his client to answer "yes" if he were asked during the deposition whether Respondent had told him about the scheduled depositions. Respondent's client recorded his conversations with the Respondent and the recording revealed Respondent disparaging opposing counsel as well as statements that contradicted his testimony at hearing.

SANCTION: The Court imposed an indefinite suspension.

DISSENT: Justices French and DeWine would have suspended Respondent for two years.

Sanction	Disbarment
Court Modified Sanction	No
Rules Violated	1.4(c) , 1.4(c)(1) , 1.15(a) , 1.15(a)(1) , 1.15(a)(2) , 1.15(a)(3) , 1.15(a)(4) , 1.15(a)(5) , 1.15(b) , 1.15(d) , 1.16(c) , 4.2 , 8.1(a) , 8.1(b) , 8.4(c) , 8.4(h) , Gov.Bar R. V(9)(G)
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); M-(1) (no prior discipline)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Watson (2002) ; Hoskins (2017) ; Harvey (2017) ; Roland (2016)
Cited By	

OVERVIEW: Respondent was permanently disbarred for failing to advise clients that he did not maintain professional liability insurance, failing to maintain records documenting funds held in client trust accounts, and making false statements of material fact in conjunction with a disciplinary investigation.

PROCEDURE: The Board adopted the findings of fact and conclusions of law and recommended

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sanction of the panel.

FINDINGS: In one count, Respondent was retained by a company in an action brought by a tenant of a commercial rental property. After the client did not prevail, another lawyer was hired to handle the appeal. During the lawyer's investigation of the matter, he discovered that the client had property-liability insurance that would have covered the liability, but that Respondent had never advised the client to file a claim. When the lawyer asked about Respondent's malpractice insurance, he failed to respond to the inquiry. The evidence at hearing showed that Respondent had never advised his client of his lack of malpractice insurance. In an unrelated count, Respondent failed to produce copies of fee agreements, client ledgers, bank statements, and reconciliations for his IOLTA. In a count related to the IOLTA, Respondent transferred funds from his mother's assets to his IOLTA, then later transferred the same funds into a closed probate estate for which he was the executor, deposited \$200,000 into a CD in his name, and used remaining funds to pay for a condominium held in the name of his wife and son. According to Respondent, funds in his IOLTA were held for nine individuals he identified as private clients, but for whom he was not providing legal services. Respondent failed to cooperate throughout the investigation, the discovery process, and proceedings. He sought to conceal evidence, gave false and evasive testimony, and used several means to attempt to derail the disciplinary process.

SANCTION: The Court adopted the Board's recommendation of a permanent disbarment.

DISSENT: Justices Kennedy, French, and O'Neill would have imposed an indefinite suspension.

Sanction	One-year suspension, six months stayed.
Court Modified Sanction	Yes
Rules Violated	3.1, 3.3(a)(1), 3.3(a)(3), 3.4(a), 3.4(c), 8.1(a) 8.4(c), 8.4(d), 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (6) (false or deceptive practices during investigation); M-(1) (no prior discipline), (5)(good character),(6)(other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Azman (2016)
Cited By	

OVERVIEW: Respondent received a one-year suspension, with six months stayed for violating professional conduct rules for behavior both during and after an incident involving his motor vehicle and a bicyclist.

PROCEDURE: A panel found that Respondent had engaged in most of the charged misconduct and recommended that he serve a one-year suspension with six months stayed on conditions. The Board adopted the findings of misconduct, but increased the sanction to a two-year suspension with one year conditionally stayed.

FINDINGS: In one count, Respondent was driving on a residential street when a bicycle decided to bypass a lineup of cars including Respondent's. Respondent testified that the bicyclist had smacked or hit his car. Believing

the bicyclist may have damaged the vehicle, he followed him in an effort to stop him. Respondent then deliberately drove his vehicle in front of the bicyclist and stopped suddenly, causing the bicyclist to strike the rear of Respondent's car. A witness began recording Respondent with his mobile phone. Respondent asked him to stop, but when the witness refused, the situation escalated into a physical altercation. The witnesses' phone was dropped and stomped on by Respondent. Respondent stated to a police officer that the bicyclist had purposefully run into his vehicle and that he took the witnesses' phone for evidence. Respondent was charged with criminal damaging, a second-degree misdemeanor, for shattering the witnesses' cell phone. Respondent entered a no-contest plea, and after a finding of guilty, the court imposed a suspended 90-day jail sentence, ordered restitution in the amount of \$950, ordered a \$100 fine, and placed him on community control. The Court adopted the Board's finding that during the disciplinary investigation Respondent's deposition testimony was "clearly false and contradicted the testimony of all witnesses at the scene, as well as the video recording, and the recording of [the bicyclist's] 9-1-1 call." In a civil suit brought by the witness involved in the physical altercation, the Court adopted findings that Respondent's answer and counterclaim were untruthful.

SANCTION: The Court adopted the Board's findings of fact and misconduct, but agreed with the panel in imposing a one-year suspension with six months stayed on condition that Respondent maintain compliance with his OLAP contract and engage in no further misconduct.

Sanction	Six-month stayed suspension
Court Modified Sanction	Yes
Rules Violated	8.1(b), 8.2(a), GBR V(8)(A)(1), GBR V(9)(G)
Aggravation/Mitigation	A- None; M-(1) (no prior discipline)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Miller (2017)
Cited By	

OVERVIEW: Respondent received a six-month stayed suspension for making improper statements impugning the integrity of judicial officers, breaching the confidentiality of the disciplinary-grievance process, and other professional misconduct.

PROCEDURE: A panel dismissed one alleged rule violation, but found all remaining charged misconduct, and recommend a one-year suspension, with six months stayed on conditions. The Board adopted the recommendation of the panel, but proposed different conditions.

FINDINGS: A court of appeals determined that Respondent had not timely sought to revive a client's dormant judgment. The court determined that an objection to a bankruptcy filing on behalf of the creditor was not an attempt to execute the underlying judgment. After the court of appeals decision, the defendant filed a civil complaint against Respondent and his client for malicious civil prosecution, third-party legal malpractice, and other torts in their efforts to revive the judgment. In a joint answer, Respondent made several critical statements about the appellate judges. In addition, Respondent filed a disciplinary complaint and referenced the

complaint in a brief in opposition to a motion to disqualify Respondent as serving as his client's lawyer. The disciplinary complaint further criticized the appellate judges and suggested their decision was the result of undue influence and corruption. During the disciplinary investigation of Respondent he refused to answer Relator's inquiries about whether he carried malpractice insurance, claiming that Relator lacked jurisdiction to inquire into that subject. Respondent's refusal to respond to discovery requests about the malpractice insurance resulted in the Supreme Court holding him in contempt.

SANCTION: The Court imposed a fully stayed six-month suspension on condition that Respondent undergo an OLAP evaluation.

CONCURRING IN PART, DISSENTING IN PART: Justices Kennedy, French, and DeWine would not require Respondent to submit to an evaluation by OLAP.

DISSENT: Chief Justice O'Connor and Justice DeGenaro would impose a suspension of one year with six months stayed on conditions.

Sanction	One-year stayed suspension
Court Modified Sanction	Yes
Rules Violated	8.4(c), 8.4(d), 8.4(h)
Aggravation/Mitigation	A- (4) (multiple offenses),(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	Cochran (2018)
Cited By	

OVERVIEW: Respondent received a one-year stayed suspension, for misconduct related to his efforts to purge a client's contempt for failure to pay court-ordered spousal support and obtain the client's release from jail.

PROCEDURE: A panel recommended Respondent be suspended from the practice of law for six months, which the Board adopted.

FINDINGS: Respondent represented a husband in a divorce proceeding. The husband was ordered to pay \$8,000 a month for 144 months in spousal support. The wife filed a motion alleging the husband was in contempt for court for failure to pay spousal support and had accumulated an arrearage of \$26,378.71. A magistrate later found that the client was \$60,861.47 in arrears. The judge adopted the magistrate's findings and ordered the client's former employer to submit a QDRO allocating \$62,078.69 from the client's retirement plan to his wife. The judge also found the client in contempt for failure to pay spousal support and ordered him to serve 30 days in jail but gave him an opportunity to purge his

contempt by bringing all arrearages current within 30 days. In July, 2016, the client was found in contempt again, and given an opportunity to purge his contempt by paying his \$58,242.93 spousal-support arrearage in full. The client told Respondent that his wife would wire funds into Respondent's trust account. Respondent then went to his bank and drew a counter check from his client trust account for the arrearage and later presented the counter check to the Delaware County CSEA. With the receipt he was able secure his client's release from jail. The client's wife never wired the funds to the client trust account, but did overnight a check payable to Respondent. Respondent issued a stop-payment order on the previous counter check, and took the new check to CSEA. CSEA would not accept the replacement check because it was not payable directly to the agency. The client's ex-wife filed a motion to impose the 30-day jail sentence ordered by the judge for the client's failure to comply with the court's order to pay the arrearage. After a contempt hearing, the court ordered Respondent's client be remanded to jail.

SANCTION: The Court imposed a one-year stayed suspension on conditions that he complete a two-hour CLE course focused on client-trust-account management and serve a one-year period of monitored probation.

DISSENT: Justices Kennedy and French would have imposed a six-month suspension.

Sanction	Two-year suspension
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 1.4(a)(4), 1.4(c), 1.5(d)(3), 1.15(a), 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)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: Respondent received a two-year suspension for ethical violations involving eight separate clients.

PROCEDURE: The Board accepted the panel's findings of misconduct, but increased the recommended sanction to a two-year suspension.

FINDINGS: In two counts, Respondent admitted that she did not maintain a client trust account when she represented the grievants and therefore never deposited advanced fees or retainers in a trust account. She also admitted to not obtaining written acknowledgements from two client regarding her lack or lapse of malpractice insurance. In a separate count, Respondent was retained to represent a client in several disputes with his ex-girlfriend. She failed to file a counterclaim or cross-claim in of the client's matters, claiming she had not received timely notice. The court scheduled and

Respondent moved for a continuance and filed a supplement motion stating that she had "ceased the practice of law." However, Respondent later admitted that when she filed the continuance, she had continued to represent existing clients. Respondent never informed her client about the continuance, and failed to return the clients file and property. In another count, Respondent obtained a continuance of a divorce case, but failed to inform the client who drove from Texas to Akron only to learn the trial had been continued. In a separate count, Respondent was paid a retainer to represent a client in a divorce case. Respondent filed the complaint, but filed a motion to waive the filing fees based on the client's income level. The motion was denied, and the complaint was dismissed for failure to timely pay the filing fee. A partial refund of the retainer was allegedly issued by Respondent, but the client testified it was never received. In two other counts, Respondent did not deposit advanced fees or inform clients about the lack of malpractice insurance.

SANCTION: The Court imposed a two-year suspension and ordered Respondent to make restitution in the amount of \$625 to one client. Respondent was also required to complete ten hours of CLE related to client communication and law-office management. Upon reinstatement, Respondent was required to submit to a two-year period of monitored probation.

Justices French and Dewine would have suspended Respondent for one year, but otherwise join the opinion and sanction imposed.

DISSENT: Justice Kennedy would adopt the sanction recommended by the panel.

Sanction	Six-month suspension
Court Modified Sanction	No
Rules Violated	1.5(c)(1), 1.5(c)(2), 1.15(b), 1.15(d), 8.4(c)
Aggravation/Mitigation	A-(1)(prior discipline), (2) (dishonest or selfish motive), (3) (pattern of misconduct),(4) (multiple offenses);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	Manning (2008); Gerren (2004); Bubna (2007); Johnson (2012)
Cited By	

OVERVIEW: Respondent received a six-month suspension for multiple acts of misconduct for failure to enter into written contingent-fee agreements with two clients, failure to have the clients sign closing statements, failure to disburse funds to the clients, and misappropriation.

PROCEDURE: The panel accepted the parties stipulations and agreed sanction. The Board adopted the recommendation of the panel.

FINDINGS: In 2011 and early 2012, Respondent represented Private Wealth Consultants (PWC) in a civil matter against Derick Gant and Gant Investment Advisors, LLC. In January 2012, Gant agreed to pay PWC

\$28,000 in instalments of an initial \$10,000 and \$500 each month thereafter. All payments were to be made through Respondent. PWC agreed to pay Respondent 50 percent of any proceeds that he collected. Over time, Respondent collected the funds and placed them in his client trust account, distributing some to his client, but also withdrawing his earned fees without the client signing a closing statement. When his client inquired as to the status of the settlement, he replied that he would setup with the client at a later date. Respondent also misappropriated the remaining client funds by writing multiple checks to himself, his firm, and his wife for personal and business expenses. Eventually, his trust account became overdrawn and relator received notice regarding the overdraft. In another matter, Respondent agreed to collect the judgment for client in exchange for one-third of any proceeds collected. Respondent received garnishment payments from the judgment debtor's employer, but failed to notify his client or disburse any proceeds to him. Respondent placed the garnishment payments into his client trust account, withdrew his earned fee without the client signing a closing statement, and misappropriated the payments by writing multiple checks to himself, his firm, and his wife for personal and business expenses causing the account to become overdrawn.

SANCTION: The Court imposed a six-month suspension.

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	1.7(a) , 1.7(b) , 1.7(c)(2) , 4.2
Aggravation/ Mitigation	A- none; M-(1)(no prior discipline), (2)(no selfish or dishonest motive), (3)(restitution or rectified consequences), (4)(cooperative attitude), (5)(good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Reid (2004); Leiken (2014); Wick (2007); Sartini & Tarighati (2007); Mansour-Ismail (1999)
Cited By	

Collins to Hemmert. Both clients signed an agreement waiving any conflict of interest and Respondent prepared the deed. However, Respondent made no effort to determine whether Hemmert was still represented by other counsel or obtain consent from the attorney before drafting the documents. Later, Collins directed Respondent to settle all claims against him only through a consent entry, which resulted in the court concluding the deed transferring the property to Hemmert was void. Respondent never consulted with nor advised Hemmert about the consent entry.

SANCTION: The Court adopted the parties' consent-to-discipline agreement and imposed a public reprimand.

OVERVIEW: Respondent received a public reprimand for representing two clients with conflicting interests.

PROCEDURE: The panel recommended adoption of the parties' consent-to-discipline agreement.

FINDINGS: Respondent agreed to represent Althea Hemmert and her ex-husband, Anthony Collins in a tax-foreclosure lawsuit. Respondent later discovered that another attorney had already entered an appearance on Hemmert's behalf and advised Hemmert that he could represent only Collins and not her. Regardless, Respondent met both parties on several occasions, counseled them regarding the case, and regularly communicated with Hemmert. Collins directed Respondent to prepare a deed transferring the property from

Sanction	Two-year suspension, one year stayed.
Court Modified Sanction	Yes
Rules Violated	1.4(c), 1.5(a), 1.5(b), 1.15(a), 1.15(a)(2), 1.15(c), 8.1(b)
Aggravation/Mitigation	A-(1) (prior discipline), (3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation);M-(1) (no prior discipline), (3)(restitution), (5) (good character), (7) (mental illness)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	DeLoach (2015)
Cited By	

OVERVIEW: Respondent received a two-year suspension, with one year stayed for charging an excessive fee, failing to hold client property in an IOLTA, and failing to respond to a request for information from disciplinary counsel.

PROCEDURE: The parties submitted stipulations and jointly recommended that Respondent be suspended from the practice of law for two years with one year of the suspension stayed on conditions. The panel recommended Respondent be indefinitely suspended. The board adopted the panel's report.

FINDINGS: Respondent was retained by a psychiatrist who had been indicted on felony counts of workers'-compensation fraud, theft, and tampering with records. Respondent and the client agreed upon an initial payment of \$30,000

for attorney fees, but did not execute a written fee agreement or discuss the rate, basis or total amount Respondent's fee. Respondent did not keep contemporaneous time records, nor send the client billing statements. He also failed to inform his client that he did not maintain malpractice insurance. Even though Respondent did not request additional fees, the client sent him a total of eight checks for a total compensation of \$107,998.79. Respondent deposited \$50,000 in his IOLTA, \$23,000 into his business account, and endorsed two checks totaling \$25,000 to a local art gallery. Respondent's client pleaded guilty to one misdemeanor count of workers'-compensation fraud, and the remaining charges were dismissed.

SANCTION: The Court adopted the Board's findings of fact and misconduct, but imposed a two-year suspension, with one year stayed on conditions that Respondent pay \$50,000 in restitution within 30 days and engage in no further misconduct.

Sanction	One-year stayed suspension.
Court Modified Sanction	No
Rules Violated	1.3 , 1.15(a) , 1.15(a)(2) , 1.15(a)(5)
Aggravation/Mitigation	A-(1) (prior discipline), (4) (multiple offenses); M-(2) (no dishonest or selfish motive) (3)(restitution), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Crosser (2016); Yakubek (2015); Brown (2010)
Cited By	

OVERVIEW: Respondent received a one-year stayed suspension for neglecting five separate client matters by failing to maintain required trust-account records and failing to adequately protect client funds.

PROCEDURE: The parties submitted stipulations and after a hearing the panel unanimously dismissed several other rule violations and recommended a one-year suspension, fully stayed. The board adopted the panel's report and recommendation in its entirety. No objections were filed.

FINDINGS: In one count Respondent refiled a complaint to collect unpaid commissions against a client's former employer. A mediation failed, and neither Respondent nor her client appeared at a scheduled arbitration hearing. The arbitrator ruled in the employer's favor and denied Respondent's motion for reconsideration. Respondent's client denied receiving any correspondence concerning the adverse decision.

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Respondent also stipulated that during her representation that she failed to maintain a client ledger, perform monthly reconciliations. Respondent's client demanded a refund of fees, but had to obtain a judgment against Respondent in order to collect. In three counts, Respondent neglected the legal matters of two clients. In a foreclosure action filed against a client, she failed to file a timely answer, failed to appear at a default-judgment hearing, and failed to timely appeal the default judgment. She also failed to attend a scheduled mediation session and file a timely answer for another foreclosure client. Respondent also reported that she missed two filing deadlines in other client matters. In a final count, Respondent represented a client in an eviction matter and allowed the client to direct a payday-loan deposit to her client trust account because she did not have a checking account. After allowing the practice to continue, the client trust account became overdrawn.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law, and imposed a one-year suspension, stayed in its entirety on conditions that Respondent complete six hours of CLE on law-office management, serve a one-year period of monitored probation, and engage in no further misconduct.

Sanction	Disbarment
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 1.4(a)(4), 1.5(a), 1.16(e), 8.1(b), 8.4(c), 8.4(d), GBR V(9)(G), GBR VI(4)(B)
Aggravation/Mitigation	A- (1) (prior discipline), (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses),(8) (harm to vulnerable victim), (9) (no restitution); M-None
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	Yes
Case Authority	Henry (2010)
Cited By	

OVERVIEW: Respondent was permanently disbarred for collecting retainers from several clients, failing to perform contracted legal services for those clients, and failing to return any portion of the retainers.

PROCEDURE: The Board considered a new complaint filed by the Relator following an indefinite suspension imposed by the Court for failing to answer a previous complaint. The Respondent failed to answer the complaint and another interim default suspension was imposed by the Court, and the matter was remanded to the Board. The Realtor submitted a motion for default disbarment and the matter was referred to a master appointed by the Board. The Board adopted the master's findings of fact and conclusions of law and agreed that Respondent should be permanently disbarred.

FINDINGS: In three separate counts Respondent was retained to file complaints for divorce by clients. He accepted retainers for attorney fees and costs, but did not perform any of the contracted work. He falsely advised one client that he had filed a complaint for divorce on her behalf. He had little or no communication with the clients. In another count, Respondent was hired to represent a client in a pending criminal and immigration matter. The father of the client advanced \$4,500 in attorney fees. After numerous failed attempts to communicate with Respondent, the father retained another lawyer to represent his son only in the immigration case. Respondent never provided most of the client files to the new lawyer. After the client was found guilty of several offenses in the criminal case, Respondent filed a motion for leave to file a delayed appeal. The motion was granted, but a mailed copy was returned as "attempted-not known" and "unable to forward." The appeal was dismissed for failure to prosecute after Respondent took no further action on behalf of his client and did not refund any portion of the retainer. A final count detailed Respondent's failure to cooperate with Relator. Respondent failed to contact Relator after receiving responses by email. He also failed to provide the Office of Attorney Services with a valid residential or office address.

SANCTION: The Court adopted the Board's recommendation of a permanent disbarment.

NOT PARTICIPATING: Justice DeGenaro

Sanction	Two-year suspension, eighteen months stayed
Court Modified Sanction	Yes
Rules Violated	1.8(j), 8.4(b), 8.4(c), 8.4(d)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (4) (multiple offenses); M-(1)(no prior discipline), (4)(cooperative attitude), (5)(good character),(6)(other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Krieger (2006); Booher (1996); Freeman (2005); Williams (2004)
Cited By	

OVERVIEW: Respondent was suspended for two years with eighteen months stayed for engaging in sexual activity with a client.

PROCEDURE: The Court remanded the matter for additional proceedings after the Board recommended acceptance of a consent-to-discipline agreement. After a hearing, the Board recommended that Respondent be suspended from the practice of law for two years, with the entire suspension stayed on multiple conditions.

FINDINGS: Respondent was contacted by a client to about possible felony charges being brought against her. Respondent met the client a Columbus restaurant, discussed her case, and then had sex with the client in Respondent's vehicle in the parking lot. The client was charged with theft and a warrant was issued for her arrest.

Respondent subsequently instructed her to turn her GPS off on her phone so law enforcement could not track her. The judge in the case appointed Respondent to represent the client. The Respondent and client continued to engage in sexual activity at least seven times over the next four months and trespassed on Respondent's neighbor's property to use a hot tub. Rumors about Respondent's relationship began to spread, but he denied the rumors to the judge presiding over his client's criminal case on two occasions. The sheriff's office began investigating Respondent and promised his client that she would receive a reduced sentence if she disclosed the true nature of her relationship with Respondent. She stated to investigators that Respondent insinuated that he would help with "warrants and cases for sexual favors." Respondent was charged with sexual battery for coercing another to engage in sexual conduct, but the charges were dismissed as part of an agreement under which Respondent pleaded guilty to three misdemeanor counts of criminal trespassing and one misdemeanor count of obstructing official business. Respondent also was required to withdraw his candidacy for county prosecuting attorney.

SANCTION: The Court suspended Respondent for two years, with 18 months stayed on conditions that he comply with his OLAP contract, take the MPRE exam and receive a passing score, complete 12 hours of CLE focused on professional ethics or attorney-client relationships, serve a two-year period of monitored probation, and engage in no further misconduct.

CONCURRING IN PART AND DISSENTING IN PART: Justices Fischer, O'Connor, and DeGenaro.

Sanction	Indefinite suspension with no credit for time served
Court Modified Sanction	No
Rules Violated	8.4(b), 8.4(c)
Aggravation/Mitigation	A- (1) (prior discipline),(4) (multiple offenses); M-(2) (no dishonest or selfish motive), (4)(cooperative attitude), (5)(good character),(6)(other penalties/sanctions)
Criminal Conduct	Yes
Public Official	Yes
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Wagner (2013); Helbley (2014)
Cited By	

OVERVIEW: Respondent received an indefinite suspension for misconduct related to his felony and misdemeanor convictions related to having an unlawful interest in a public contract.

PROCEDURE: The Board adopted the panel's recommendation to impose an indefinite suspension with credit for time served under Respondent's interim felony suspension.

FINDINGS: Respondent was the Mahoning County Auditor and actively opposed the county's efforts to purchase a former hospital, known as Oakhill Renaissance Center. After the purchase was ratified by the county commissioners, Respondent delayed the issuance of a warrant to pay for Oakhill and requested additional information about the purchase and related expenditures. After a mandamus action was filed, Respondent in his capacity as auditor issued a warrant for payment. In October 2007, the county prosecutor filed a complaint with the

Ohio Ethics Commission alleging that Respondent and other county officials had spoken with principals of another real estate property (Ohio Valley) and its owner, and accepted legal advice from the owner regarding the Oakhill matter. An original 73-count indictment in Cuyahoga County charged Respondent and other county officials with felony counts of conspiracy, bribery, tampering with records, perjury, money laundering, soliciting or accepting improper compensation, and unlawful influence of a public official. The indictment alleged that Respondent accepted money or services from the Ohio Valley owner in performing his duties as county auditor, filed false ethics reports, and made false statements under oath. Respondent pleaded guilty to some counts, and the remaining counts were nolle by the prosecution. He was sentenced to one year of community control. Respondent was also indicted by the Mahoning County Grand Jury on 25 felony charges including unauthorized use of government property and four counts of theft of in office. He pleaded guilty to several counts and was sentenced to two years of community control.

SANCTION: Respondent was indefinitely suspended from the practice of law with no credit for time served. The Court imposed conditions that he complete all terms of his probation/community-control, attend AA meetings, and be evaluated by and enter into any contract deemed appropriate by OLAP. Justice French joined the majority but would not require Respondent to submit to an OLAP evaluation and would give credit for time served.

CONCURRING IN PART AND DISSENTING IN PART: Justice Kennedy.

Sanction	One-year suspension, six months stayed.
Court Modified Sanction	Yes
Rules Violated	8.4(h)
Aggravation/Mitigation	A -(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	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Baker (1995); Mismas (2014); Miller (2011)
Cited By	

OVERVIEW: Respondent was suspended for one year, with six months stayed for engaging in conduct that adversely reflects on a lawyer's fitness to practice law by verbally harassing his paralegal for more than two years.

PROCEDURE: The Board found that Respondent had engaged in the alleged misconduct based on the parties' stipulations and Respondent's hearing testimony. The Court adopted the Board's findings of fact and misconduct, but modified the recommended sanction of a fully stayed six-month suspension.

FINDINGS: Respondent began criticizing and verbally harassing his paralegal immediately after she was hired in August 2011. She called her stupid, dumb, fat, "whorey," and a bitch. The paralegal began looking for a new job, but was unsuccessful. During the next two-and-a-half years, she began to record her interactions with Respondent as he continued his verbal insults and harassment. He humiliated her in a meeting in

front of attorneys by criticizing her level of education, sexually harassed her, and remarked that she and another employee should perform a sexual act on him. He also falsely told an African- American client that the paralegal did not like black people, causing her to defend herself in front of the client. The paralegal began to suffer from anxiety, sleep disturbances, depression, and poor body image. She was diagnosed with posttraumatic stress disorder after she left the firm to take a new job in January 2014.

SANCTION: The Court ordered a one-year suspension, with the final six months stayed on condition that he engage in no further misconduct.

DISSENT: Justice French

NOT PARTICIPATING: Justice DeGenaro

Sanction	One-year suspension, six months stayed.
Court Modified Sanction	No
Rules Violated	1.3, 1.5(d)(3)
Aggravation/Mitigation	A - (1) (prior discipline); M-(2) (no dishonest or selfish motive), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	Yes
Case Authority	Simon (2016); Hanni (2016)
Cited By	

OVERVIEW: Respondent was suspended for one year, fully stayed for neglecting a client matter and denominating a fee as “nonrefundable” without advising the client in writing that he or she may be entitled to a refund of all or part of the fee if the lawyer does not complete the representation.

PROCEDURE: The parties entered into a consent-to-discipline agreement that the panel and Board recommended adoption to the Court.

FINDINGS: Respondent represented a married couple in a foreclosure case and filed a brief in opposition to a summary judgment motion six days past the deadline. He later failed to respond to the court’s order to show cause as to why he filed the brief late. The court granted summary judgment against Respondent’s clients. The clients had paid Respondent a flat fee to represent them on appeal. The fee agreement indicated that “no part [of the fee] shall be returned to the Client,” but failed to simultaneously notify the client who signed the fee agreement that she may be entitled to all or part of the fee if he did not complete the representation. The court of appeals

affirmed the trial court’s summary judgment.

SANCTION: The Court ordered a one-year suspension, fully stayed on conditions that he serve a one-year term of monitored probation, complete at least six hours of continuing legal education relating to law-practice management, maintain compliance with his OLAP contract, and engage in no further misconduct.

CONCURRING: Justice Kennedy

NOT PARTICIPATING: Justice DeGenaro

Sanction	Six-months stayed suspension
Court Modified Sanction	No
Rules Violated	1.15(a), 1.15(a)(2), 1.15(a)(3), 1.15(a)(4), 1.15(a)(5), 1.15(b).
Aggravation/Mitigation	A- (3) (pattern of misconduct), (4) (multiple offenses) M-(1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Fletcher (2009)
Cited By	

OVERVIEW: Respondent received a six-month stayed suspension for various client trust account violations.

PROCEDURE: The Board adopted the findings of fact and conclusions of law and recommended sanction of the panel.

FINDINGS: In one count, Relator investigated and ultimately dismissed a grievance filed against Respondent by a former client. However, during the investigation Relator discovered that Respondent had used funds from his client trust account to pay for his malpractice insurance. A subsequent investigation revealed that the client trust account had been used for personal and business purposes. Between January 2013 and September 2015, Respondent wrote almost 200 checks from his client trust account to pay for office rent, utilities for his home, personal-income and real-estate taxes, insurance, attorney-registration fees, judicial-campaign

contributions, and loan payments. On at least 80 occasions he electronically withdrew funds from the account to cover personal expenses. Respondent admitted during the investigation that he had used his client trust account as a “personal bank account and his law office operating account.” At the end of 2014, his client trust account had a balance of \$26,315.68, but only \$14,250 constituted client funds. He also admitted that he had failed to maintain records to document the identity of the funds in the account. In a second count, Respondent accepted a settlement check from a friend and deposited it in his client trust account. He then withdrew \$10,000 in cash from the account and gave the money to the friend along with \$7,000 in personal funds. He later admitted that he should not have deposited the check into his client trust account and that he had not maintained the required records for the money that he had deposited in the account.

SANCTION: The Court adopted the Board’s recommendation and suspended Respondent for six months, fully stayed on conditions that he complete a six-month period of monitored probation, complete six hours of CLE in law-office management and two hours of trust-account management, and commit no further misconduct.

Sanction	Two-year suspension, six months stayed
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 1.4(a)(4), 1.8(j), 1.15(a), 1.15(a)(2), 1.15(a)(3),1.15(a)(4), 1.15(a)(5), 1.15(b), 1.15(c),1.16(e),8.4(c), 8.4(h)
Aggravation/ Mitigation	A- (1) (prior discipline), (2) (dishonest or selfish motive), (4) (multiple offenses), (8) (harm to vulnerable victim), (9) (no restitution); M -(4)(cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	Yes
Case Authority	Kodish (2006); Paris (2016)
Cited By	

OVERVIEW: Respondent received a two-year suspension with six months stayed for neglecting two client matters, engaging in a sexual relationship with a client, and misusing his trust account.

PROCEDURE: The Board adopted the findings of fact and conclusions of law and recommended sanction of the panel.

FINDINGS: In one count, Respondent was paid a flat fee of \$1,000 by Jane Doe to file a motion for judicial release for Lamont Howard. He filed a motion using the exact same documents that were used by a previous attorney which the court had already denied. Jane Doe asked Respondent to separately represent her in a pending civil

matter in small-claims court. After the first appearance, Respondent invited Doe to his home and they had consensual sex. After the court entered a decision in the civil matter, Respondent failed to advise Doe of the ruling. When Respondent was confronted about the fact that he had submitted the same judicial release motion that had been filed before, he offered a refund of \$500 that he never paid. Respondent also stipulated that he failed to deposit Doe's \$1,000 fee into his client trust account and that he used his trust account as a personal account, resulting in the commingling of client and personal funds.

SANCTION: The Court adopted the Board's recommendation and suspended Respondent for two years with six months stayed on the condition that he commit no further misconduct. The Court ordered that prior to reinstatement, Respondent must demonstrate that he has attended 90 consecutive days of AA meetings, entered into an OLAP contract and complied with all contract terms and treatment recommendations, completed 12 hours of CLE related to law-office management, made restitution in the amount of \$1,000 to Jane Doe. It further ordered Respondent upon reinstatement to submit to a two-year period of monitored probation.

CONCURRING: Justice Kennedy concurred in judgment only.

Sanction	Six-months stayed suspension
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 1.16(d), 8.1(b), and 8.4(a).
Aggravation/Mitigation	A- (failed to notify client he did not maintain professional-malpractice insurance); M-(1) (no prior discipline), (2) (no dishonest or selfish motive), (3)(restitution), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Shuler (2011); Hooks (2014); Kluesener (2017)
Cited By	

OVERVIEW: Respondent received a six-month stayed suspension for neglect of a single matter, failure to communicate with a client, failure to deliver a client's file, and failure to cooperate during the investigation.

PROCEDURE: An interim default suspension was imposed after Respondent failed to answer the complaint. The Court granted Respondent's motion for leave to answer and vacate the suspension. Respondent's license to practice law was reinstated without terminating the pending disciplinary proceeding. On remand, the panel and Board adopted the parties' consent-to-discipline agreement.

FINDINGS: Respondent agreed to file a federal employment-discrimination lawsuit on his client's behalf. Respondent agreed to begin work

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once the client paid half of the retainer and full filing fee, which the client failed to pay in full. Respondent filed suit four days after the deadline. The complaint was dismissed by the court as time-barred. Respondent failed to inform the client regarding the status of the case until after it was dismissed. The client retained new counsel and filed a suit in state court, but Respondent failed to provide the client's file. Respondent did not respond to the investigator's repeated request for a meeting and the production of the client's file. Respondent voluntarily appeared before the Relator's grievance committee and admitted that he had failed to properly handle his client's legal matter. Respondent later agreed to partially refund the client's \$500 payment.

SANCTION: The Court adopted the parties' consent-to-discipline agreement and suspended Respondent for six months, all stayed on the condition he engage in no further misconduct.

NOT PARTICIPATING: Justice DeGenaro

Sanction	One-year stayed suspension
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(4), 1.4(c), and 1.5(b)
Aggravation/Mitigation	A- (1) (prior discipline);M- (2) (no dishonest or selfish motive),(acknowledgment of wrongful nature of conduct), (willingness to work with a mentor), (willingness to partially refund the fee)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	Yes
Case Authority	McNeal (2017); Freeman (2011)
Cited By	

filing the application for a historic-preservation tax credit.

SANCTION: The Court adopted the parties' consent-to-discipline agreement and suspended Respondent for one year, all stayed on the conditions that she make restitution within 90 days, complete six hours of CLE in law-practice management, serve a one-year period of monitored probation, engage in no further misconduct.

CONCURRING: Justice O'Donnell

OVERVIEW: Respondent received a one-year stayed suspension for misconduct arising from her neglect and failure to reasonably communicate with a single client.

PROCEDURE: The panel and Board recommend adoption of the parties' consent-to-discipline agreement.

FINDINGS: Respondent was hired by a client to investigate the possibility of her obtaining a historic-preservation tax credit for a building she had purchased. Respondent did not enter into an engagement agreement regarding the nature and scope of the representation or establish the basis or rate of her fee and expenses. Respondent also failed to inform her client that she did not carry professional-liability insurance. Respondent met with the client, but did not complete the work and stopped responding to her client's communications. Eventually, the client contacted another lawyer for assistance with

Sanction	Six-month stayed suspension
Court Modified Sanction	No
Rules Violated	Jud.Cond.R. 1.2, 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), (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	No
Public Official	Yes
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Elum (2012); Kraemer (2016)
Cited By	

OVERVIEW: Respondent received a six-month suspension, all stayed for failing to accurately report his work hours and leave on his timecard while serving as a magistrate.

PROCEDURE: The panel adopted the parties' stipulations of fact and misconduct and the recommended sanction of six-months stayed. The Board adopted the panel's report and recommendation in its entirety.

FINDINGS: Respondent's employer, a juvenile court, audited all timecards submitted by the court's magistrates after receiving a complaint alleging that Respondent had excessive absences from work. The court's investigation showed that Respondent falsely entered his start or end times into his timecard on 99 of 122 work days over a six-month period. He received \$2,155.61 in pay

for 51.98 hours that he did not work. Respondent's time discrepancies ranged from a few minutes to over four hours and inflated his work time by an average of .53 hours per day. He was terminated after a disciplinary hearing found that he violated seven workplace rules including falsification of documents, dishonesty and misrepresentation, theft of county property, conduct unbecoming a court employee, job abandonment, leaving the work area without permission, and other acts of malfeasance, misfeasance, or nonfeasance.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and recommended sanction of a stayed six-month term suspension.

CONCURRING: Justice Kennedy concurred in judgment only.

Sanction	Six-month stayed suspension
Court Modified Sanction	No
Rules Violated	1.5(a) , 1.15(a) , 1.15(a)(2)
Aggravation/Mitigation	A- (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	Carr (2012); Cook (2009); Parisi (2012); Johnson (2009)
Cited By	

OVERVIEW: Respondent received a six-month suspension, all stayed for charging an excessive fee and failing to properly account for the funds held for a client.

PROCEDURE: The panel adopted the recommended sanction of the parties but also recommended Respondent pay restitution. The Board adopted the panel's report in its entirety. No objections were filed.

FINDINGS: Respondent was hired by his uncle to serve as his agent and update his will. His client named Respondent as his attorney-in-fact and requested Respondent's assistance in handling his affairs. Respondent and the client agreed to a \$250 an hour attorney fee. It was understood that Respondent would perform legal and nonlegal services, but a separate hourly rate for nonlegal tasks was not discussed. The client gave Respondent cash that was held in a safe deposit box, but failed to inventory the money or deposit it in his client trust account. Respondent paid his attorney fees from the funds held in the safe account but failed to keep records of the case

received or the amounts disbursed. Respondent received \$16,249 between June 2015 and March 2016 on behalf of his uncle. He never differentiated between legal and nonlegal tasks in his billings to his client. He billed the same rate for law-related tasks such as reviewing contracts for the sale of his client's home, and for nonlegal work like supervising his healthcare, taking the client shopping, and running errands. After the client died, Respondent delivered to the client's two children the property he had in his possession, including \$22,000 in case.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and recommended sanction of a stayed six-month term suspension on conditions that Respondent make restitution in the amount of \$6,249 within 90 days, submit to a six-month period of monitored probation to ensure compliance with the rules regulating client trust accounts, and refrain from any further misconduct.

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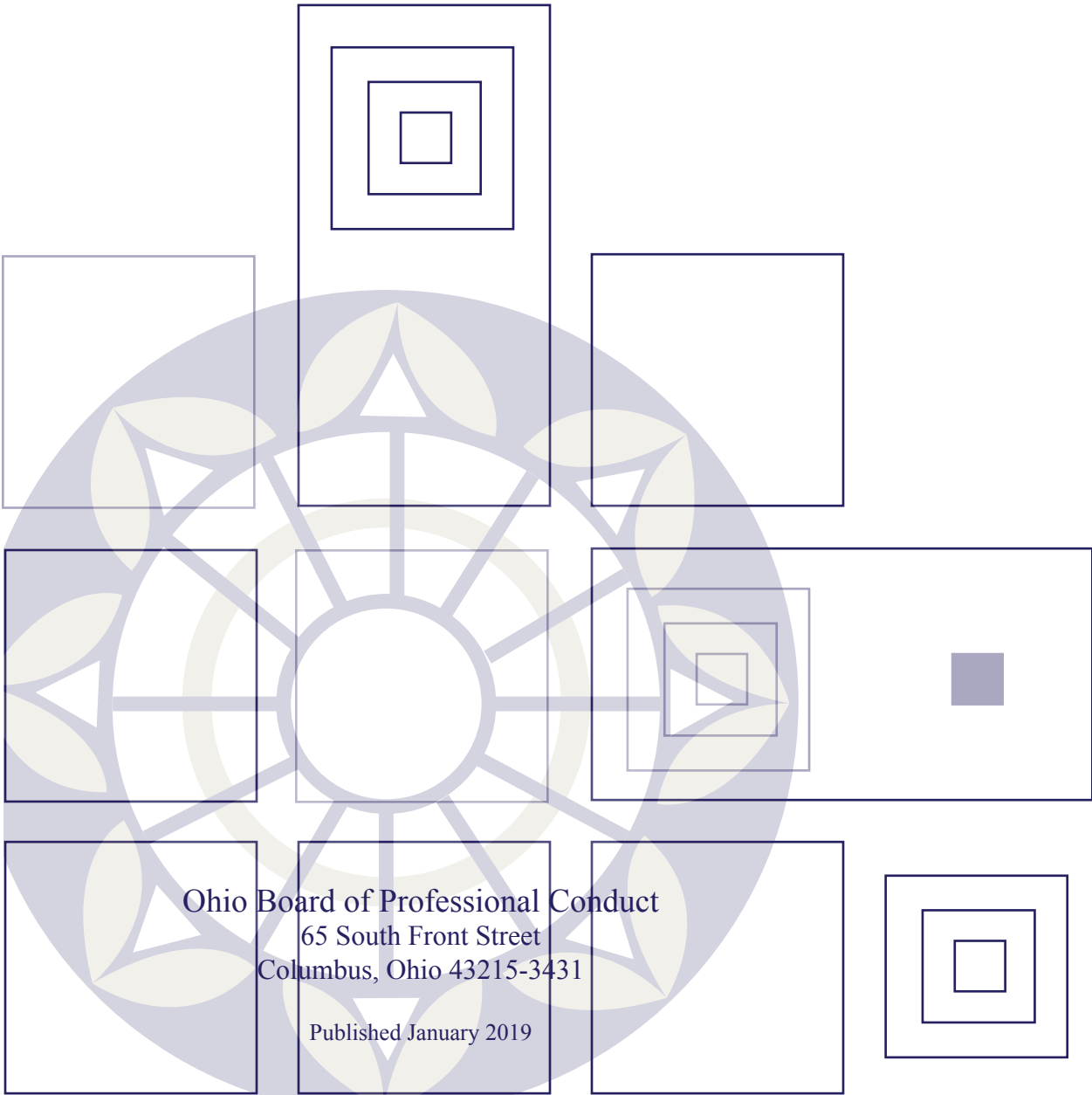
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