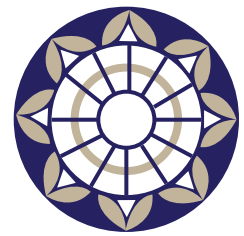




Ohio Board of Professional Conduct

Disciplinary Handbook

VOLUME XVII



2023



DISCIPLINARY HANDBOOK: VOLUME XVII

[CASES FROM 2023; CURRENT THROUGH DECEMBER 31, 2023]

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

Bennett, Disciplinary Counsel v.
 2023-Ohio-4752. Decided 12/29/2023

Case Summary

Sanction	Two-year stayed suspension
Court Modified Sanction	Yes
Rules Violated	8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (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	
Cited By	

OVERVIEW: Respondent received a two-year suspension, all stayed, for misconduct related to his sexual harassment of an intern.

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

FINDINGS: Respondent was employed as an Assistant United States Attorney. J.S. a 24-year-old law student began an internship with the USAO in 2027. J.S became acquainted with Respondent during her first year of interning. During that time period she believed that Respondent tried to look up her skirt, had been “looking at [her] butt, and that Respondent had made sexually inappropriate comments about her. Respondent asked about J.S.’s sex life, suggested that he be her sexual partner, offered to buy her clothing, and asked her to send him nude photographs. In one encounter, Respondent

reached across her body as if he was going to retrieve a book and touched her breasts with the back of his hand, while making and holding eye contact. After Respondent began contacting J.S. through various social media platforms and texting, J.S. blocked his messages. When J.S. sought advice about continued employment at USOA or letters of reference from Respondent to obtain a clerkship, Respondent replied with questions that had sexual overtones about what he would receive in return. J.S. informed a colleague about her interactions with Bennett and the Office of Inspector General of USDOJ began an investigation. After the investigation was completed, and his termination was recommended, Respondent resigned from the USAO.

SANCTION: The Supreme Court adopted the Board’s findings of fact and conclusions of law but imposed a stayed two-year suspension on conditions that Respondent engage in no further misconduct, that he continue with his current course of mental-health counseling, that he report to OLAP and comply with its recommendations in the event his treating professional determines his counseling is complete before he has fully served the suspension.

CONCURRING IN PART AND DISSENTING IN PART: Chief Justice Kennedy and Justice Deters would have imposed a one-year suspension with six months stayed on conditions.

NOT PARTICIPATING: Justice Brunner

Sanction	One-year suspension, six months stayed
Court Modified Sanction	Yes
Rules Violated	8.4(h)
Aggravation/ Mitigation	A- (3) (pattern of misconduct); 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	Linnen (2006); Blauvelt (2020)
Cited By	

OVERVIEW: Respondent received a one-year suspension with six months stayed for misconduct stemming from misdemeanor convictions for disorderly conduct and littering.

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

FINDINGS: Respondent was appointed to represent a defendant indicted in Guernsey County Court of Common Pleas for several offenses, including aggravated murder with a specification that the victim was under the age of 13, making it a capital offense. A victim advocate from Haven of Hope attended the defendant's arraignment. Before a pretrial hearing in the case, Respondent deposited his feces into an empty Pringles can and drove 20 minutes from his home and arrived at an alley next to the parking lot of the victim-advocacy center. He threw the can containing his feces into the lot and then drove to the courthouse for the pretrial. The chief executive officer of Haven of Hope witnessed

Respondent throw the can out of his vehicle, approached the item and discovered that it was a Pringles can containing what appeared to be human feces. She later attended the pre-hearing and filed a report with the police department. Respondent was charged with and pleaded guilty to minor-misdemeanor charges of disorderly conduct and litter and paid \$248 in fines and costs. During his disciplinary hearing, Respondent testified that he had engaged in similar misconduct on at least ten other occasions that year and that he randomly chose the locations where he deposited the Pringles cans containing feces. He denied having any knowledge that the parking lot in question belonged to Have of Hope.

SANCTION: The Supreme Court adopted the Board's findings of fact and conclusions of law but imposed a one-year suspension with six months stayed on condition that Respondent engage in no further misconduct.

CONCURRING IN JUDGMENT ONLY:
Justice DeWine

CONCURRING IN PART AND DISSENTING IN PART: Justice Fischer would have imposed a two-year suspension, all stayed, with two years of probation.

NOT PARTICIPATING: Justice Brunner

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	1.4(a)(1), 1.4(a)(3), 1.4(b), 1.7(a)(2), 1.8(f), 1.8(g)
Aggravation/ Mitigation	A- (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	Yes
Prior Discipline	No
Case Authority	Schwartz (1996); Mazer (1999); Reid (2004); Tolliver (1992)
Cited By	

OVERVIEW: Respondent was publicly reprimanded for failing to properly inform his client of a decision requiring informed consent and about the legal status of a matter, the existence of a material limitation conflict, improper acceptance of compensation from someone other than the client and making aggregate settlement claims involving two or more clients without written informed consent.

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

FINDINGS: Respondent was retained by a trucking company (Western Express) to represent it and one of its drivers (McNeill) relative to any claims arising out of a motor vehicle accident. Respondent did not represent McNeill relative to his claim for bodily injury and failed to provide him with a Statement of Insured Client's Rights

as required by Prof.Cond.R. 1.8(f). The other driver in the accident (Ahmed) filed a lawsuit against Western Express and McNeill. McNeill hired Christina Pendleton to represent him with regard to the liability injury claim. Respondent failed to advise McNeill that pursuant to Federal Rules of Civil Procedure, McNeill had to pursue a counterclaim in the Ahmed lawsuit. Ahmed presented a \$5 million settlement demand and Respondent agreed to a \$500,000 settlement on behalf of Western Reserve and McNeill that included a provision that neither would bring claims against Ahmed, including McNeill's bodily injury claim. Respondent failed to inform McNeill or his lawyer that the settlement barred McNeill's client's bodily injury claims. A stipulated dismissal was filed in which all the parties' claims were dismissed with prejudice. Respondent neither requested or obtained McNeill's written, informed consent to the aggregate settlement agreement nor permission to dismiss McNeill's bodily injury claims with prejudice. In response to an inquiry from McNeill's lawyer, Respondent indicated that he did not hear from McNeill or an Ohio lawyer about the pursuit of McNeill's bodily injury claims after Respondent notified McNeill that he could not represent him relative to those claims.

SANCTION: The Supreme Court adopted the parties' consent-to-discipline agreement and publicly reprimanded Respondent. The Court ordered that Respondent reimburse the Lawyer's Fund for Client Protection within 90 days for any award made against Respondent.

Sanction	Eighteen-month suspension with twelve months stayed
Court Modified Sanction	No
Rules Violated	1.3,1.4(a)(2),1.4(a)(3), 1.4(a)(4)
Aggravation/Mitigation	A- (1) (prior discipline), (3) (pattern of misconduct), (8) (harm to vulnerable victim); M- (2) (no dishonest or selfish motive), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Engel (2018)
Cited By	

OVERVIEW: Respondent received an eighteen-month suspension with twelve months stayed for neglecting a client's matter over nine years, failing to reasonably communicate with the client, and failing to comply with an order of the Supreme Court.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended a sanction of an eighteen-month suspension with twelve months stayed.

FINDINGS: Respondent represented a client in a domestic-relations case. The court issued an agreed judgment entry ordering the former husband to execute a QDRO to be prepared by Respondent. Respondent did not take the necessary action to finalize the QDRO for more than eight years despite frequent inquiries from the client. The QDRO resulted in a transfer of funds from the pension in the amount of \$19,427 to the client based on a court order issued nine

years earlier. Respondent admitted at hearing that he had hardly returned the client's phone calls and he had seldom received substantive responses to the emails she sent him.

SANCTION: The Supreme Court adopted the Board's findings of fact and conclusions of law and imposed an eighteen-month suspension with twelve months stayed. As an additional requirement of reinstatement the Court required Respondent to submit proof that he completed three hours of CLE focused on law-office management in addition to the requirements of Gov.Bar R. X. Respondent was ordered to serve a one-year period of probation upon reinstatement.

CONCURRING IN PART AND DISSENTING IN PART: Chief Justice Kennedy

CONCURRING IN PART AND DISSENTING IN PART: Justices Fischer and Deters

NOT PARTICIPATING: Justice Brunner

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	3.3(a)(1)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive); M-(1) (no prior discipline), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Moore (2017); Wilson (2014); Bryant (2021)
Cited By	

OVERVIEW: Respondent received a public reprimand for falsely notarizing a name-change application he filed with a probate court.

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

FINDINGS: Respondent agreed to assist his two daughters in changing the last name of Respondent's minor granddaughter, K.J. Courtney Bush is the mother of K.J. and Caroline Bush had legal custody of K.J. Respondent prepared a name-change application and hearing notice on behalf of Caroline. Caroline signed the application and notice. Later, Caroline signed an affidavit affirming that she was the applicant, had custody of K.J., and that K.J.'s mother consented to the name change. Respondent's law partner notarized the affidavit. Because Respondent was uncertain whether Courtney would appear for the hearing, he prepared a consent-to-name-change form that waived notice of the hearing. He signed Courtneys' name, without indicating the signature was not Courtney's, falsely notarized

the document, and filed the same with the probate court. The parties, Respondent, and the magistrate met prior to the hearing at which time the magistrate learned that Courtney disagreed with changing K.J.'s last name. Courtney informed the magistrate that she did not sign the consent form but had authorized Respondent to sign her name to the form. The magistrate continued the hearing and filed a grievance against Respondent. Respondent later filed a motion to withdraw the name-change application. Respondent's partner filed an amended name-change application that was granted.

SANCTION: The Supreme Court adopted the parties' consent-to-discipline agreement, and publicly reprimanded Respondent. The Court ordered that Respondent reimburse the Lawyer's Fund for Client Protection within 90 days for any award made against Respondent.

Sanction	Two-year suspension with one year stayed
Court Modified Sanction	Yes
Rules Violated	1.15(a), 8.4(c), 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (4) (multiple offenses), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Russ (2023)
Cited By	

OVERVIEW: Respondent received a two-year suspension with one year stayed for ethical violations arising from conduct during the representation of an incarcerated client who sought judicial release. The misconduct included the mishandling of advance fees, sexual misconduct with the mother of the client’s child, and the making of false statements to law enforcement.

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

FINDINGS: Respondent was retained to seek judicial release on a client’s behalf. Respondent met with the client’s mother and J.G., the mother of the client’s child. A flat fee agreement of \$500 was executed. The fee was never deposited into Respondent’s client trust account. Respondent filed the motions for judicial release in two cases. One motion was granted, but the motions were not ripe for consideration in a second case. An additional fee was paid by the client’s mother to

refile the motions. After receiving payment, Respondent texted J.G. and asked her to come to his office. During the meeting, Respondent and J.G. discussed the chances of the motions being granted. After reading the motion, he asked J.G. whether he could have his reward. He put his hands on her head and shoved her head into his genitals. J.G. performed fellatio on Respondent who tried to pull her onto the desk by her pants. She stopped at some point, told Respondent “I can’t do this anymore,” and walked out of the office. Respondent used his cellphone to take two pictures of J.G. before she left the office. The encounter was audio recorded by J.G. The motions were refiled but denied a second time. He agreed the motions were premature and agreed to refile them at no charge. During a subsequent police investigation into his conduct with J.G. Respondent lied, denied that he had any sexual contact with J.G., and claimed that she had made advances. He later admitted that J.G. had performed fellatio but said that she did it of her own accord and that the conduct was consensual.

SANCTION: The Court adopted the Board’s findings of fact and conclusions of law, but suspended Respondent for two years with one year stated on the condition that he commit no further misconduct. In addition to the requirements of reinstatement, Respondent was required to provide proof that he had completed six hours of CLE on professionalism and appropriate client relationships, three hours of which must include sexual-harassment training.

CONCURRING IN PART AND DISSENTING IN PART: Justice Deters and Justice Fischer

Sanction	Two-year suspension with 18 months stayed
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.15(a), 1.15(b), 1.15(c), 1.15(d), 8.1(b)
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)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Engel (2018)
Cited By	

OVERVIEW: Respondent received a two-year suspension with eighteen months stayed for neglecting a single client’s matter, failing to communicate with the client, and failing to maintain advance fees and court costs in his IOLTA. He failed to properly manage his IOLTA and failed to cooperate in the disciplinary investigation.

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

FINDINGS: Respondent was retained to represent a couple in their efforts to adopt two children. He was paid a flat fee plus a filing fee. Respondent deposited the \$1000 flat fee in his IOLTA and wrote himself a \$1,000 check from the account after completing only 1.2 hours of

work for the clients. Respondent filed the petitions for adoption but failed to file the children’s birth certificates as required. After the filing, Respondent failed to perform any work for several months. When a hearing was scheduled, Respondent informed the clients that the hearing would be postponed because there were some jobs and family services forms that needed to be completed by the clients, but later failed to send the clients the required paperwork. He failed to respond to the clients’ several emails. An email from the client terminated the representation and requested a copy of the file, an itemized billing statement, and a refund of any unearned fees. A new lawyer noted that several documents were missing from the client file that were still needed for the final hearing. In a separate count, Respondent stipulated that he made more than 100 personal payments or withdrawals totaling more than \$5,500 from his IOLTA. During the investigation, Respondent failed to properly respond to questions from Relator, failed to respond to voicemails, and did not respond to a certified letter. He failed to appear for a deposition where his attendance was requested by letter and subpoena. He admitted at hearing that he knew Relator was investigating him and that he did not read all the emails sent to him by Relator.

SANCTION: The Court adopted the Board’s findings of fact and conclusions of law, and suspended Respondent for two years with eighteen months stayed, ordered that he pay restitution as a condition of reinstatement, complete three hours of CLE on law-office management in addition to the requirements of Gov.Bar R. X(2), submit to an OLAP evaluation, and comply with all treatment recommendations. Respondent was also required to serve an 18-month period of monitored probation.

CONCURRING IN PART AND DISSENTING IN PART: Justice Fischer and Justice Brunner.

Sanction	Six-month suspension
Court Modified Sanction	No
Rules Violated	1.5(a), 1.7(a)(2), 3.3(a)(1), 8.4(c), 8.4(d)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (4) (multiple offenses), (7) (refusal to acknowledge wrongdoing); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Spinazze (2020)
Cited By	

OVERVIEW: Respondent was suspended for six months for misconduct related to his role as an administrator of a probate estate. He engaged in dishonest misconduct prejudicial to the administration of justice.

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

FINDINGS: Respondent was asked by a "finder" registered with the Division of Unclaimed Funds to assist him with a probate estate. The estate had unclaimed funds valued at \$42,834.85. Respondent agreed to open the estate, determined there were no known next of kin, and was appointed as administrator of the estate. While Respondent and the firm began to perform work, Respondent made adjustments to

the hourly rates that increased the firm's bill to \$34,050. Respondent filed an application to pay attorney fees, signed the application as administrator, filled in the notary jurat, and signed it without being notarized. He also signed an associate's name as the attorney for the estate on the proposed judgment entry, acknowledging the facts in the application were true. A final fiduciary's account and certification was also filed, and Respondent again signed the associate's name. Respondent did not have authority to sign the associate's name on the probate court filings. The associate had previously opposed the inflated fee application. Respondent was later terminated by his law firm. The probate court determined that Respondent knowingly, intentionally, and retroactively inflated his attorney fees in an amount equal to the estate proceeds and signed the associate's name without his authority. The probate court found that the attorney fees were not reasonable or appropriate and "grossly exceed" the guidelines in the local rules of court. Respondent's law firm later determined that the estate had a next of kin who received the estate's remaining assets.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law, and suspended Respondent for six months.

CONCURRING IN PART AND DISSENTING IN PART: Justice Fischer and Justice Brunner would have imposed a one-year suspension with six months conditionally stayed

Sanction	One-year suspension
Court Modified Sanction	No
Rules Violated	JCR 1.2, 1.3, 2.2, 2.3(B), 2.6(B), 2.8(B), 2.11(A), 2.11(A)(1), Prof.Cond.R. 8.4(d)
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- (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	Yes
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Parker (2007); O’Neill (2004); Bachman (2020)
Cited By	

OVERVIEW: Respondent was suspended for one year for misconduct over a five-year period that involved coercing pleas, aggressive questioning of a criminal defendant, abuse of the prestige of office, refusing to grant release from confinement, and disregarding appellate-court orders.

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

FINDINGS: Respondent served as a common pleas judge. Eight separate counts of misconduct were alleged. In the Heard matter, Respondent’s misconduct involved coercing a no-contest plea by predetermining sentences and telling the

defendant that the trial would begin immediately if the offer was not accepted. Neither the prosecutor nor defense counsel participated in the discussion of the plea offer. In the W.S. count, Respondent during a bench trial asked 85 questions, many of which were not related to the defendant’s felonious-assault charge. In the Callahan matter the defendant had been acquitted of all but one of 16 counts. During the sentencing hearing Respondent implied that the defendant had “beat the rap” regarding a murder charge, called him a “brother”, a “murderer”, and a “remorseless predator.” In the Collins matter, involving a protective order, Respondent implied that a police sergeant was using his girlfriend to harass his estranged wife and used a demeaning label to describe the girlfriend. In the Viola matter, Respondent abused the prestige of office by writing a letter to Viola, a former state defendant serving 12.5 years in federal prison, that was forwarded to officials in Viola’s quest to overturn his federal conviction. In the Jackson matter, Respondent stipulated that he made legal errors extending the defendant’s incarceration. In the Smiley matter, Respondent misused his contempt authority based on his continued interaction with a defendant at an arraignment hearing after bond was set. In the Byas matter, Respondent acknowledged he predetermined that a defendant had violated his community control. He also conceded that his statements on the record gave rise to an implication that he coerced a settlement in the matter.

SANCTION: The Court adopted the Board’s findings of fact and conclusions of law, and suspended Respondent accompanied by an immediate suspension from judicial office without pay.

CONCURRING IN PART AND DISSENTING IN PART: Justice Fischer
NOT PARTICIPATING: Justice Brunner

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	JCR 1.1, 1.2, 1.3, 2.4(B), 3.5
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (7) (refusal to acknowledge wrongdoing); M- (1) (no prior discipline), (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	Yes
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

unsuccessful.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law, and indefinitely suspended Respondent with credit for the time she served under an interim felony suspension imposed in 2014.

CONCURRING IN PART AND DISSENTING IN PART: Justice Fischer joined by Judge Ronald C. Lewis (Second District Court of Appeals) and would not have given Respondent credit for time served.

NOT PARTICIPATING: Justice Brunner

OVERVIEW: Respondent was indefinitely suspended for misconduct stemming from her felony conviction for having an unlawful interest in a public contract.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended a sanction of an indefinite suspension with credit for time served.

FINDINGS: While serving as a juvenile judge, Respondent requested documents, incident reports, and investigatory materials from court administration related to an incident involving her brother, a juvenile correction officer. Once in possession of the documents, Respondent provided them to her brother. Respondent was later convicted of a fourth-degree felony offense of having an unlawful interest in a public contract under R.C. 2921.42(A)(1). She was sentenced to six months in jail followed by one year of nonreporting probation. Respondent filed various state appeals and federal habeas corpus actions to overturn her conviction which were ultimately

Sanction	One-year stayed suspension
Court Modified Sanction	No
Rules Violated	8.4(c)
Aggravation/ Mitigation	A- (3) (pattern of misconduct); M- (1) (no prior discipline), (3) (restitution or rectified consequences),(4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Apopian (2006)
Cited By	

worked more than 24 hours a day on three dates, 20-24 hours in a day on thirteen dates, and between 16-20 hours a day on twenty-two dates. Other discrepancies were found including that he had spent 14.1 hours in court in Hamilton County when the court was open to the public for only eight hours a day. He also certified that he had spent the same amount of time in court for each of several clients, regardless of the nature of the charges or any overlap in court appearances. Respondent voluntarily refund \$6,430 to Hamilton County, representing a refunded of all hours that he had billed in excess of 16 hours in a day between January 2, 2019 and December 19, 2020.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law, and suspended Respondent for one year stayed on the condition that he commit no further misconduct.

OVERVIEW: Respondent received a one year stayed suspension for submitting inaccurate fee applications for legal services as court-appointed counsel.

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

FINDINGS: Respondent's practice consisted of primarily court-appointed representation of defendants for which he submitted a standardized fee application that he signed certifying that the time on the application was expended in representation of a defendant. Respondent did not use a time-management system nor maintain any contemporaneous records of time spent on cases. Instead, he would attempt to "re-create" the time he spent and estimate the date each task was performed. An audit conducted by the Ohio Public Defender revealed that he had submitted fee-application forms that certified that he

Sanction	One-year stayed suspension
Court Modified Sanction	Yes
Rules Violated	1.7(a)(2), 1.8(j)
Aggravation/Mitigation	A- (1) (prior discipline), (2) (dishonest or selfish motive); M- (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Fortado (2020); Siewert (2011)
Cited By	

SANCTION: The Court adopted the Board’s findings of fact and conclusions of law, and suspended Respondent for one year, fully stayed on conditions that he commit no further misconduct and complete three hours of CLE focused on professional conduct in addition to the requirements of Gov.Bar R. X.

CONCURRING IN PART AND DISSENTING IN PART: Chief Justice Kennedy, Justice Fischer, and Justice Brunner.

OVERVIEW: Respondent received a one-year fully stayed suspension for commencing a sexual relationship with his client while the client was married to another client.

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

FINDINGS: Respondent agreed to represent a husband and wife, pro bono, in a civil lawsuit. Shortly before the representation the wife had become employed by Respondent. Later, Respondent and the wife commenced a sexual relationship and began to live together. The husband learned of the relationship and was later charged with two counts of telephone harassment. Respondent then filed a motion to withdraw from representing the husband in the civil matter. He cited a conflict of interest as a reason for the withdrawal but did not disclose in his motion his sexual relationship with the wife. Before the trial court granted the motion, Respondent filed a complaint for divorce on the wife’s behalf.

Sanction	Six-month, stayed suspension
Court Modified Sanction	No
Rules Violated	4.4(a), 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (7) (refusal to acknowledge wrongdoing),(8) (harm to vulnerable victim); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: Respondent received a six-month, stayed suspension for embarrassing, harassing, and burdening a third person and for engaging in conduct that adversely reflects on a lawyer’s fitness to practice law.

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

FINDINGS: Respondent is the daughter of the county probate judge and was retained to represent an executor in the administration of an estate. Due to the familial relationship, Respondent’s paralegal sent waivers to each beneficiary of the estate. One beneficiary, David Buccalo signed the wavier, but later appeared at a public meeting of the county board of

commissioners stating that the judge should recuse himself in matters involving his daughter. The judge learned of the comments, informed his daughter of the comments, and raised concerns about the validity of the waivers. He ordered a status conference of all parties. Respondent indicated in an email to another lawyer that she was not pleased that her ethics were being maligned and that Buccalo had attempted to make her family look bad. At the status hearing, the judge played a recording of Buccalo’s comments, called him to the stand, and placed him under oath. He examined Buccalo for nearly an hour and allowed Respondent to question Buccalo without restriction and at times assisted her. The judge recused himself from the case at the conclusion of the status conference. Buccalo testified that he felt he was being “berated and beaten up” and “humiliated” and that Respondent’s tone and demeanor was aggressive, mean, angry, and demeaning. When the estate was closed, Buccalo failed to deposit two distribution checks that were issued to him and a brother for whom he served as guardian. In copying the magistrate handling the guardianship, Respondent alleged in a letter to coguardians that Buccalo was financially abusive to a ward of the court, breached his fiduciary duties, and ignored his duties as a trustee. The letter triggered a criminal investigation, although Respondent did not believe Buccalo had engaged in criminal conduct.

SANCTION: The Court adopted the Board’s findings of fact and conclusions of law, and suspended Respondent for six months, fully stayed, on condition that she commit no further misconduct.

Sanction	Two-year, stayed suspension
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 1.4(a)(4), 3.3(a)(1), 8.4(d)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (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	
Cited By	

OVERVIEW: Respondent received a two-year, stayed suspension for neglecting his representation of clients in litigation, failing to communicate with the clients, and lying to a tribunal.

PROCEDURE: The Board adopted the parties' consent-to-discipline agreement and recommended adoption by the court. One panel member filed a dissenting opinion to the panel report.

FINDINGS: Respondent was retained to represent clients in business litigation. The clients were the principals and sole employees of O'Connell Medical Industries (OMI). OMI entered into an agreement with Animal Reference Pathology, LLC (ARP) which ARP terminated based on poor performance. Respondent filed a four-count complaint on behalf of his clients.

Respondent failed to reply to discovery requests and emails from defense counsel and failed to appear for a status teleconference. In a subsequent status conference, Respondent was ordered to submit a settlement demand to defendants by a date certain but did not comply with the order. He later failed to file a response to a motion for summary judgment and never informed his clients about the pending motion. In a later status conference, Respondent falsely represented that he could no longer reach his clients, although he had communicated with them in the month prior. The court granted the motion for summary judgment and later granted a motion for attorney fees and costs. Respondent did not reply to text messages from one client inquiring about the status of the case nor about a notice one client received regarding a judgment debtor exam.

SANCTION: The Supreme Court adopted the parties' consent-to-discipline agreement, and suspended Respondent for two years with the suspension stayed on the condition that Respondent engages in no further misconduct and ordered him to reimburse within 90 days of the order the Lawyers' Fund for Client Protection for any amounts that had been awarded against Respondent.

Sanction	Six-month suspension
Court Modified Sanction	No
Rules Violated	1.5(a), 1.15(a), 1.15(a)(2), 1.15(a)(3), 1.15(a)(5), 1.15(c), 1.16(e), 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim), (9) (no restitution); M- none
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Summers (2012)
Cited By	

OVERVIEW: Respondent received a six-month suspension for charging a client an excessive fee and misusing his client trust account.

PROCEDURE: Respondent failed to answer the complaint and an interim default suspension was imposed. Respondent filed objections and the matter was remanded to the Board for consideration of mitigation evidence only. The Board adopted the panel’s findings of fact, conclusions of law, and recommended sanction of a six-month suspension. Respondent did not attend the hearing.

FINDINGS: Respondent agreed to represent a client in an assault case for a flat fee of \$10,000 and deposited only \$7,950 in his trust account without performing any work in the case.

Respondent also agreed to represent the client in a second criminal matter, but only for the purpose of filing a motion to suppress. He deposited some of the requested fee in his trust account. All fees were paid by a third party. Respondent was discharged by the third party two months later and refused to refund any of the advanced legal fees and indicated the party should use the Supreme Court fee dispute process as her remedy. Respondent did not document tasks he performed for the client although he completed some work including meeting with the client six times in jail for approximately five hours. He never interviewed witnesses, requested additional discovery, or engaged in investigative activities. He never filed the motion to suppress in the drug case. Between October 21 and December 2, 2020, Respondent withdrew funds from his trust account on 28 occasions to pay for personal expenses. Within 49 days of the representation of the client he had essentially paid himself the full \$12,500 fee. He maintained no client ledger nor performed a monthly reconciliation of the trust account. During the same time period, Respondent’s housekeeper stole five of his client-trust-account checks, forged his name, and withdrew \$830 from the account causing an overdraft. Respondent later transferred money into the account to make the balance current and closed the account. Respondent failed to report the \$12,500 in cash received for fees to the I.R.S. as required by federal law.

SANCTION: The Supreme Court adopted the Board’s findings of fact and conclusions of law, and suspended Respondent for six months; upon registration for active status, the interim default suspension is to be converted into six-month suspension. The Court required proof of reimbursement to LFCP for the amount awarded to the client and the third-party payor.

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 1.4(a)(4), 1.15(c), 1.16(e), 3.3(a)(1), 8.4(b), 8.4(d), 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (4) (multiple offenses), (8) (harm to vulnerable victim), (9)(no restitution); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions), (8) (other rehabilitation)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: Respondent was indefinitely suspended for 16 ethical violations related to two criminal convictions and the representation of three clients.

PROCEDURE: Respondent was suspended on an interim basis following a conviction on multiple felony counts. The Board adopted the panel’s findings of fact, conclusions of law, and recommended a sanction of an indefinite suspension with credit for 18 months of time served under the interim felony suspension.

FINDINGS: Respondent pleaded guilty to amended counts of attempted burglary (a third-degree felony), trespassing in a habitation (a fourth-degree felony), domestic violence, attempted failure to comply with an order of an officer, and OVI and was sentenced to 24 months

and 18 months in prison to be served concurrently. In a second count, Relator alleged Respondent was paid \$7,000 to represent a client in a criminal matter but did not deposit the payment in his trust account. He did not inform his client of a plea offer. He also did not appear for a pretrial conference for another client because he was “passed-out drunk” but falsely informed the judge he did not attend because he did not have his client’s file. In other counts, Respondent was paid a flat fee to represent a client in a divorce action and a related CPO proceeding, did not properly deposit the fee, did not respond to inquiries from the client and failed to attend a hearing resulting in the case being dismissed. Respondent was terminated by the client and waited almost a year to refund the client’s retainer. Respondent was retained by a foster parent pursuing an adoption of four children on a child-endangering charge. He did not respond to email inquiries about the case, gave cursory answers when he did reply, and met with her for approximately five minutes before a pretrial where she entered a no-contest plea and was found guilty. Learning that the conviction would disqualify her from serving as a foster parent, the client made numerous failed attempts to communicate with Respondent. The client terminated Respondent who withdrew from the case three weeks later. The court granted the client’s motion to withdraw her plea, but she entered another no-contest plea.

SANCTION: The Supreme Court adopted the Board’s findings of fact and conclusions of law, and indefinitely suspended Respondent with 18 months credit for time served, ordered restitution to two clients, and conditioned reinstatement on completing terms of postrelease control, proof of compliance with an OLAP contract, continued participation in AA, continued treatment with a medical provider, and a letter from the provider stating that he is able to return to the competent, ethical and professional practice of law.

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	8.4(b) , 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions), (8) (other rehabilitation)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Goldblatt (2008); Cosgrove (2021); Schwarz (2020); Greenberg (2013)
Cited By	

perform a sex act on Respondent, which he accepted. Rankin sent A.L. to deliver the cocaine and perform the sex act. When Respondent asked her age, A.L. falsely told him she was 19 years old. Respondent and the 15-year-old used cocaine together, watched pornography, and took a shower together. Rankin later attempted to extort additional money from Respondent after he was informed about her true age. A.L. was involved in a traffic accident later the same day. She was identified as a missing juvenile and recovered by the regional human trafficking task force. She disclosed that she had been trafficked by Rankin and reported the arrangement he made with Respondent. Respondent later testified against Rankin. Respondent was sentenced to 36 months based on his convictions.

SANCTION: The Supreme Court adopted the Board’s findings of fact and conclusions of law and recommended sanction and indefinitely suspended Respondent with no credit for time served under his felony suspension.

OVERVIEW: Respondent was indefinitely suspended for misconduct stemming from convictions for a third-degree felony count of corrupting another with drugs and a first-degree misdemeanor count of soliciting.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended a sanction of an indefinite suspension with no credit for the time served under the interim felony suspension.

FINDINGS: Respondent purchased cocaine from Reuben Rankin who used a 15-year-old girl (A.L.) to deliver the cocaine to Respondent. Occasionally, Rankin offered to arrange for women to meet Respondent for sex, which he consistently denied. During a subsequent purchase of cocaine, Rankin offered a female to

Sanction	Two-year suspension, one year stayed
Court Modified Sanction	No
Rules Violated	1.8(j), 8.1(a),8.4(d), 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (6) (false or deceptive practices during investigation), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (4) (cooperative attitude), (6) (other penalties/sanctions)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Cox (2022); Benbow (2018); Porter (2021); Sarver (2018)
Cited By	

OVERVIEW: Respondent was suspended for two years, with one year stayed for making sexual overtures toward a vulnerable client and arriving late or failing to attend hearings on behalf of ten clients.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended a sanction of two years with one year stayed. No objections were filed.

FINDINGS: Respondent was appointed to represent C.L. against allegations that her newborn daughter was an abused, neglected, or

dependent child. Respondent began communicating with her by text message and offered her a job working in his law office. He offered to serve as a father figure but also expressed solicitations of a sexual relationship and indicated that he was sexually attracted to her. He confessed to her that he wanted a young girlfriend about the age of his daughter to share a father/daughter dynamic in and out of the bedroom. C.L. later disclosed Respondent’s sexual advances to a GAL assigned to the case. The GAL filed a grievance. Respondent later alleged that C.L. had initiated the inappropriate communications in an attempt to blackmail or “get leverage” on him. He acknowledged at the hearing that he wanted to hire C.L. to earn her trust and further his efforts to engage in a sexual relationship with her. In a second count, Respondent was 15 to 60 minutes late for six hearings and failed to appear at four hearings. He was consequently removed from the list of attorneys eligible to serve as court-appointed counsel.

SANCTION: The Supreme Court adopted the Board’s findings of fact and conclusions of law and suspended Respondent for two years with one year stayed on condition that he commit no further misconduct. The Court further required upon reinstatement that Respondent comply with his 2022 OLAP contract and any extension thereof, provide proof that he has completed three hours of CLE focused on professionalism in addition to the requirements of Gov.Bar R. X, and obtain an opinion from a qualified healthcare professional stating he is capable of returning to the competent, ethical, and professional practice of law that specifically address his ability to work in a professional and ethical manner with adult and juvenile clients. He was also required to decline court appointed representation of female clients until he obtained the opinion.

Sanction	Two-year suspension, eighteen months stayed
Court Modified Sanction	No
Rules Violated	1.5(c)(1), 1.8(e), 1.15(a)(1), 1.15(a)(2), 1.15(a)(3), 1.15(a)(5), 1.15(b), 1.15(c), 1.15(d), 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), (3)(restitution or rectified consequences), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: Respondent was suspended for two years, with eighteen months stayed for misappropriating funds belonging to nine clients, failing to maintain required records regarding his trust account, and making an improper loan to a client.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended a suspension of two years with eighteen months stayed. No objections were filed.

FINDINGS: Respondent failed to maintain
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monthly reconciliations of his client trust account and withdrew over \$73,000 in cash from the trust account over a period of five years for his own personal or business purposes or to reimburse funds misappropriated from other clients. He did not always disburse clients’ settlement proceeds in accordance with his closing statements. There were additional irregularities with payment of his fees to himself, including withdrawing a fee before a case settled. Relator’s investigation was initiated after Respondent overdrew his client trust account. After reaching a settlement in a case, but before funds were transferred to Respondent or his client, Respondent agreed to advance \$500 of his personal funds to the client.

SANCTION: The Supreme Court adopted the Board’s findings of fact and conclusions of law and suspended Respondent for two years with eighteen months stayed on condition that he commit no further misconduct. Respondent’s reinstatement was conditioned on proof of compliance with his OLAP contract, completion of three hours of CLE focused on client-trust-account management, in addition to the hours required by Gov.Bar R. X. Respondent was required to serve a one-year period of monitored probation focused on law-office and client-trust-account management.

CONCURRING IN PART AND DISSENTING IN PART: Justice Fischer

Sanction	Two-year suspension, one year stayed
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.4(b), 3.1, 3.3(a)(1), 3.4(c), 5.4(a), 5.5(a), 8.4(c), 8.4(d), 8.4(h), 8.1(b)
Aggravation/Mitigation	A- (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 was suspended for two years, with one year stayed for violating multiple professional conduct rules in eight client matters, including neglect, failing to appear for court hearings, and failing to communicate with clients.

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

FINDINGS: Respondent entered into an arrangement with Ohio Mortgage Review, a foreclosure defense business, to refer legal clients to Respondent. The business found potential clients through public record searches and entered into written agreements to provide the client with a lawyer. The business paid Respondent from the fees collected. The owner of

the business would also prepare legal documents to be reviewed and signed by Respondent. In several foreclosure matters Respondent failed to file answers for clients, failed to appear for scheduled hearings, and failed to respond to communications from opposing counsel concerning discovery and settlement. Respondent engaged in multiple acts of dishonest conduct including several false statements of fact to a court and false representations to opposing counsel. In four cases, the clients’ loans were foreclosed, and their homes were sold. In another count, a notice of appearance and motion to dismiss were filed on the behalf of a couple. The documents contained Respondent’s signature block, but he denied that he had filed them. He testified at hearing that the business owner had drafted and filed the documents without his knowledge. Respondent failed to appear at a hearing in the couple’s case or respond to their inquiries. Subsequently, a notice of appeal was filed for the couple but, again, Respondent denied filing any documents on their behalf. Respondent admitted that he “rubber stamped” documents prepared by the business and filed under his name and attorney number. Respondent declined to provide any emails he had exchanged with the business owner, never responded to Relator’s reply, and did not comply with a subsequent subpoena. In another count, he was held in contempt for failing to appear for a pretrial hearing in a matter in which he represented a criminal defendant who was eventually arrested on a bench warrant for failure to appear for a plea hearing.

SANCTION: The Supreme Court adopted the Board’s findings of fact and conclusions of law and suspended Respondent for two years with one year stayed on condition that he commit no further misconduct. The Court ordered that upon his reinstatement that he serve an 18-month period of monitored probation focused on general oversight of his practice.

Sanction	Public reprimand
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), 1.15(c)
Aggravation/Mitigation	A- (4) (multiple offenses); M- (1) (no prior discipline), (3)(restitution or rectified consequences),(4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Vagotis (2021); Weatherly (2021); Elter (2020); Goldberger (2019); Harsey (2015); Bhatt (2012)
Cited By	

the client and her husband to gather information and documents and prepare the necessary paperwork. However, Respondent failed to follow up and did not reply to text messages, emails or telephone calls from her client. A new lawyer completed the representation and a refund of fees in the amount of \$1,000 was requested. During the investigation, Respondent refunded the \$1,000 retainer. Respondent was retained in a second matter to assist a client in marrying a prison inmate. The client paid \$900 in three separate transactions. The funds were placed in Respondent’s operating account because he did not maintain a trust account. After Respondent made several telephone calls to determine the requirements for the marriage and receiving conflicting information, he informed the client he could not assist her and agreed to refund the fee. The fee was never refunded. After the grievance was filed, Respondent agreed to make restitution in the amount of \$1,000.

SANCTION: The Supreme Court adopted the parties’ consent-to-discipline agreement, and publicly reprimanded Respondent.

OVERVIEW: Respondent received a public reprimand for accepting a fee without notifying a client of the right to a refund of all or part of the fee, failing to notify clients that he did not maintain professional liability insurance, failing to keep clients reasonably informed about the status of the matter, failing to hold client funds in a trust account, and neglecting clients’ matters.

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

FINDINGS: Respondent was retained to represent a client in the dissolution of her marriage. The client paid a retainer/fixed fee of \$1,750 but was not informed that she may be entitled to a refund. Respondent initially met with

Sanction	Eighteen-month suspension, twelve months stayed
Court Modified Sanction	No
Rules Violated	1.7(c)(2), 3.1, 3.4(d), 3.3(a)(1), 3.5(a)(6), 8.4(c), 8.4(d)
Aggravation/Mitigation	A- (3) (pattern of misconduct), (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	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: Respondent was suspended for eighteen months with twelve months stayed for representing both parties to a civil action, making false statements to a tribunal, filing frivolous motions, and engaging in conduct that was undignified, discourteous, and degrading to a tribunal.

PROCEDURE: The Board adopted the panel’s findings of fact, conclusions of law, and recommended a sanction of an eighteen-month suspension with twelve months stayed. No timely objections were filed.

FINDINGS: Respondent was retained by Judy Davis who sought a declaratory judgment in Hocking County Common Pleas Court that R.C. 5312 did not apply to property that is part of a campground. The defendant’s motion to dismiss was granted because Respondent failed to join all necessary parties. Respondent filed a series of subsequent motions that were all overruled by the

court that found they were filed in bad faith, had no basis in law or fact, and ordered Respondent to pay \$5,812.50 in attorney fees. In a separate count, Respondent was retained by another client seeking declaratory relief about the same campground property. Respondent planned to file a complaint against Davis in Franklin County. The complaint contained false statements and contradicted positions Respondent had made in the Hocking County case. Respondent failed to name all affected parties in the Franklin County case, substituted Davis for them, drafted her answer, filed it, and falsely represented that Davis acted pro se, when Respondent represented her at all times. Franklin County Judge Jodi Thomas testified that Respondent approached her as duty judge, presented her with an unfiled joint motion for declaratory judgment and a proposed entry. Based on his answers to questions about whom he represented, she declined to sign the entry and dismissed the case for lack of subject-matter jurisdiction. Respondent later presented the same motion and entry to another judge, who approved, but later vacated the entry. In a second count, Respondent represented a client charged with receiving stolen property, a gun specification, and aggravated possession of drugs. The judge dismissed a motion to dismiss because Respondent cited no legal authority and used his own version of the facts. During a hearing, Respondent interrupted the judge stating, “You do not understand the argument.” The judge testified Respondent filed a motion to continue that was a for a dilatory purpose and his tone, demeanor, and interruptions were disrespectful.

SANCTION: The Supreme Court adopted the Board’s findings of fact and conclusions of law and suspended Respondent for eighteen months, with twelve months stayed on conditions that he submit proof to relator within 90 days that he has paid the \$5,812.50 in monetary sanctions ordered in the Hocking County Common Pleas case.

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Ohio Board of Professional Conduct

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