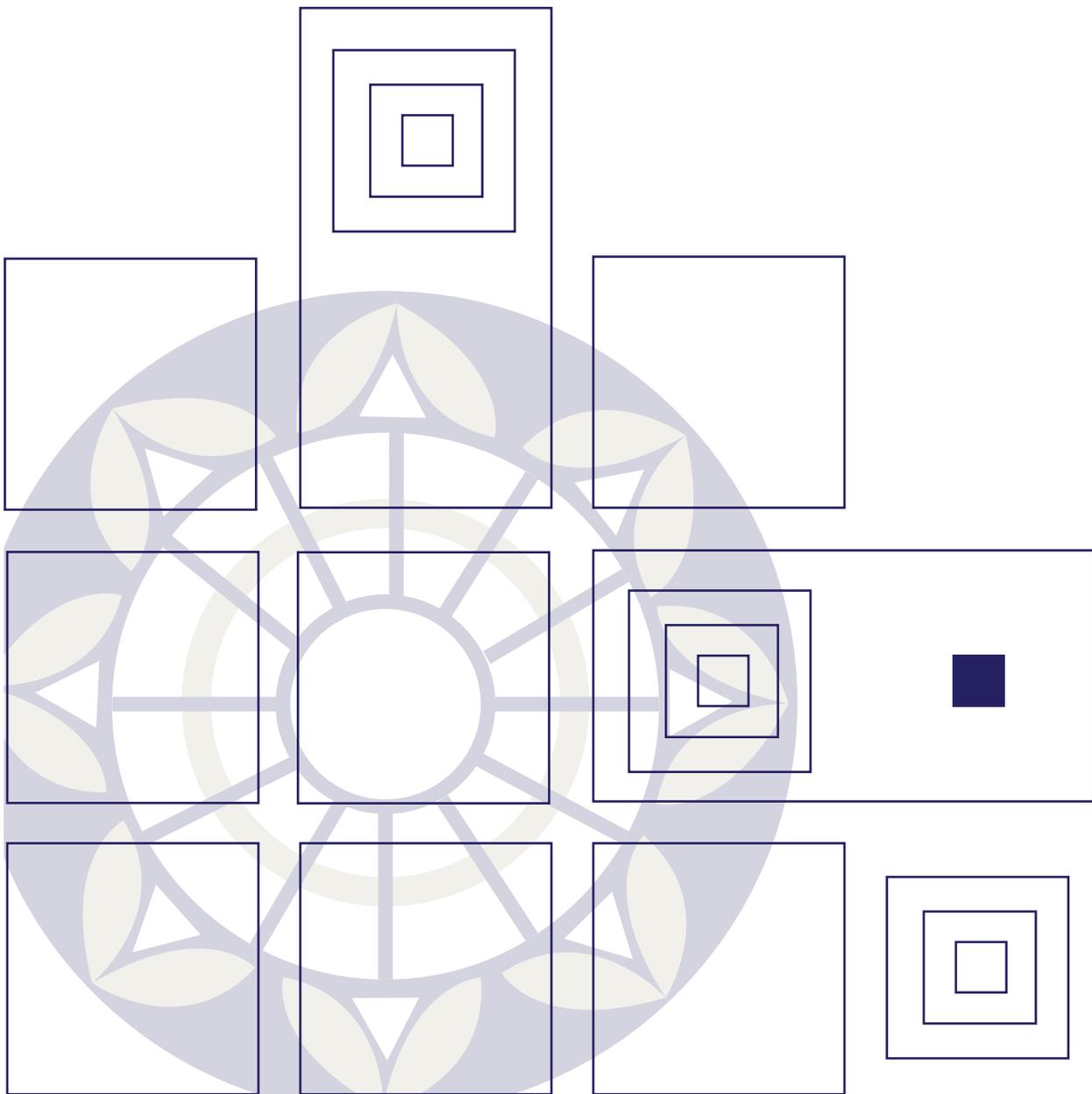




Ohio Board of Professional Conduct

Disciplinary HANDBOOK: Volume XII, 2017



DISCIPLINARY HANDBOOK: VOLUME XI

[CASES FROM 2017; CURRENT THROUGH DECEMBER 31, 2017]

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

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Case Summary

Sanction	Disbarment
Court Modified Sanction	No
Rules Violated	8.4(b), 8.4(c), 8.4(h)
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	Yes
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	Yes
Case Authority	Marrelli (2015); Stern (2005); Zaccagnini (2011); Ritson (2010); Henry (2010); Weaver (2004); Agopian (2006)
Cited By	

OVERVIEW: Respondent was disbarred for his federal felony conviction based on his participation in bribery and kickback scheme. Respondent was charged with multiple violations of the Rules of Professional Conduct including engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation and engaging in conduct that adversely reflected on his fitness to practice law.

PROCEDURE: Respondent's license was subject to several ongoing suspensions. In 2014, the Court suspended Respondent's license on an interim felony suspension for his involvement in a bribery and kickback scheme at the office of the treasurer of the state of Ohio. In a separate

disciplinary proceeding, the Court imposed an interim default suspension in January 2015 due to Respondent's failure to answer the complaint charging him with professional misconduct in numerous client matters unrelated to his federal conviction. In August 2015, the Court ordered that the suspension be converted into an indefinite suspension after Respondent failed to respond to an order to show cause. Relator timely moved to remand the case to the Board for the purpose of seeking Respondent's permanent disbarment. The Court granted Relator's request in August 2016. In November 2015, the Court also suspended Respondent for failing to register for the 2015-2017 biennium.

FINDINGS: Respondent's license was subject to several ongoing suspensions. In 2014, the Court suspended Respondent's license on an interim felony suspension for his involvement in a bribery and kickback scheme at the office of the treasurer of the state of Ohio. In a separate disciplinary proceeding, the Court imposed an interim default suspension in January 2015 due to Respondent's failure to answer the complaint charging him with professional misconduct in numerous client matters unrelated to his federal conviction. In August 2015, the Court ordered that the suspension be converted into an indefinite suspension after Respondent failed to respond to an order to show cause. Relator timely moved to remand the case to the Board for the purpose of seeking Respondent's permanent disbarment. The Court granted Relator's request in August 2016. In November 2015, the Court also suspended Respondent for failing to register for the 2015-2017 biennium.

SANCTION: The Court adopted the Board's findings of fact and imposed permanent disbarment.

Sanction	One-year 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), 8.1(b); GBR V(4)(G)
Aggravation/Mitigation	A-(3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation); M-(1) (no prior discipline), (2) (no dishonest or selfish motive), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Daniell (2014), Eynon (2013), Simon (2011)
Cited By	

OVERVIEW: Respondent received a one-year stayed suspension for failing to hold client’s property in an interest bearing client trust account, failing to maintain records regarding funds held in a client trust account and certain bank records as well as to perform and retain a monthly reconciliation of the account, and failing to cooperate in a disciplinary investigation.

PROCEDURE: The panel adopted the parties’ stipulations of fact and misconduct and recommended a one-year suspension stayed in its entirety. The Board adopted the panel’s report and recommended sanction.

FINDINGS: Respondent’s bank notified Relator that Respondent had overdrawn his client trust account. Relator initiated an investigation but

dismissed the matter with a warning to Respondent and advised him to comply with the disciplinary rules. Relator received a second notice that Respondent had overdrawn his client trust account. Respondent fundamentally misunderstood the purpose of a client trust account and therefore had misused his. Respondent believed that all money coming into his law practice had to be “washed” through his client trust account, so he deposited all the money he received from the clients into that account, even money that he had already earned, which resulted in his commingling his earned fees with client funds. Respondent admitted that his account and recordkeeping practices were “poor and disorganized,” that he had not always performed the required monthly reconciliations of his client trust account, he had not maintained the records for his trust account including individual client ledgers, deposit receipts, canceled checks, and monthly reconciliation ledgers that the disciplinary rules require him to retain. Respondent also failed to cooperate in the disciplinary investigation.

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 he comply with his OLAP contract, continue his therapy, comply with all therapy recommendations, complete at least three hours of CLE on accounting practices for client trust accounts, comply with all the requirements for client trust accounts, submit to monitored probation, and commit no further misconduct.

Sanction	Two-year suspension, with six months stayed with no credit for time served
Court Modified Sanction	No
Rules Violated	1.1, 1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.4(c), 1.5(d)(3), 1.15(c)
Aggravation/Mitigation	A-(3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation), (8) (harm to vulnerable victim), (9) (no restitution); M-(1) (no prior discipline), (2) (no dishonest or selfish motive)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Stewart (2013); Williams (2011); Marinelli (2015); Talikka (2013)
Cited By	

OVERVIEW: Respondent received a two-year suspension, with the final six months stayed with no credit for time served under her interim default suspension for failing to provide competent representation and failing to deposit advanced legal fees into a client trust account.

PROCEDURE: The Court imposed an interim default suspension based on Respondent’s failure to answer the complaint or respond to a show-cause order. After Respondent responded, the Court remanded the matter to the Board for consideration of mitigation evidence only. The panel recommended a two-year suspension, with

the final six months stayed with no credit for time served under the interim default suspension on conditions. The Board adopted the panel’s findings of fact and conclusions of law, but recommended additional conditions of the stay.

FINDINGS: Respondent was retained to represent a client in an appeal of a criminal conviction and paid her a flat fee. Respondent did not maintain a client trust account, did not enter into a written fee agreement, and did not notify the client in writing that she may be entitled to a refund of all or part of the fee. Respondent also failed to have her client sign an acknowledgment that she did not carry professional liability insurance. After entering an appearance on behalf of her client, Respondent did not respond to the client’s numerous attempts to contact her. Respondent also failed to file a brief on her client’s behalf and the appeal was dismissed for lack of prosecution. Respondent was also retained by another client to defend her against a felony charge and a misdemeanor charge. Respondent successfully defended the misdemeanor charge, but due to a breakdown of communication before a jury trial on the felony charge, she informed the client that she was preparing a motion to withdraw from the case. Respondent never moved the court to permit her to withdraw from the representation.

SANCTION: The Court adopted the Board’s findings of fact and misconduct, and imposed a two-year suspension, with six months stayed on the conditions that she schedule an assessment with OLAP within 30 days of the Court’s order, pay \$100 per month to Relator, who will forward the money to her former client, complete 12 hours of CLE related to law-office management, and commit no further misconduct.

DISSENT: Justice O’Neill dissented and would have granted Respondent credit for time served under her interim default suspension.

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	1.2(a), 1.4(a)(1), 1.4(c).
Aggravation/Mitigation	A-None; M-(1) (no prior discipline), (2) (no dishonest or selfish motive), (3) (restitution or rectified consequences), (4) (cooperative attitude) (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Godles (2010); Johnson (2009)
Cited By	

SANCTION: The Court adopted the Board's findings of fact and misconduct and publicly reprimanded Respondent.

OVERVIEW: Respondent received a public reprimand after he settled a client's eviction case without the client's consent.

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

FINDINGS: Respondent represented a client and his property-management company in two eviction cases involving former tenants. Respondent testified during a fee-dispute case that he thought he had authority from his client to settle the cases. After he settled the two matters, his client refused to sign the check because his damages exceeded the settlement amount. The court found that Respondent had breached his contract by settling the cases without consent and owed his client \$3,067 minus \$1,000 in attorney fees for his work. To resolve all their claims, the client accepted the \$2,507 settlement check as satisfaction of judgment.

Sanction	Disbarment
Court Modified Sanction	No
Rules Violated	1.4(a)(3), 1.15(d), 1.5(a), 1.16(e), 3.4(c), 5.5(a), 5.5(b)(2), 8.1(b), 8.4(c), 8.4(d), 8.4(h), GBR V(9)(G), GBR VI(1)(D)
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) Brown (2015)
Cited By	

FINDINGS: In one count, Respondent accepted a \$200 retainer and court costs from a client in a divorce matter. Respondent filed the divorce compliant nine days after he was suspended from the practice of law. The client was later informed that Respondent had been suspended from the practice of law and that there were errors in the documents filed on her behalf and the check used to pay the filing fee had been returned for insufficient funds. The client corrected the defective statements and paid the filing fee. Respondent did not refund any money to the client. In a second count, Respondent was accepted a retainer and signed a fee agreement in a child custody case with a client five months after he had been suspended. He later failed to appear at a hearing at which the client was informed that Respondent had been suspended. Respondent never returned any portion of the client's retainer. During the investigation, Respondent never responded to frequent letters served either personally or at the home of the Respondent. He also never responded to the notice of intent.

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

OVERVIEW: Respondent was permanently disbarred for continuing to practice law while his license was suspended, failing to refund unearned retainers, and failing to cooperate in the disciplinary investigation.

PROCEDURE: The Court granted Relator's motion to remand the proceeding to the board. Respondent's license had been suspended since January, 2015 under three interim default suspensions which were converted into indefinite suspensions. Respondent failed to answer a total of five formal disciplinary complaints. The Board adopted the findings of fact and conclusions of law of a master to permanently disbar the Respondent.

Sanction	Two-year suspension stayed in its entirety on conditions
Court Modified Sanction	Yes
Rules Violated	7.1, 7.5(a), 7.5(c)
Aggravation/Mitigation	A-(1) (prior discipline), (2) (dishonest or selfish motive), (4) (multiple offenses), (7) (refusal to acknowledge wrongdoing); M- (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Baker (2004)
Cited By	

OVERVIEW: Respondent received a two-year suspension, with the entire suspension stayed on conditions for advertising his law practice with the name of a sitting Supreme Court Justice.

PROCEDURE: Respondent was previously suspended indefinitely in November, 2000 and reinstated in November, 2006. He was also suspended on three separate occasions for attorney registration deficiencies. Based on Relator's complaint filed in 2015, the panel recommended a six-month, fully stayed suspension. The Board adopted the panel's findings of fact and conclusions of law, but recommended additional conditions. The Court issued a two-year suspension, fully stayed, which it later revoked.

FINDINGS: Respondent practiced law with

William M. O'Neill until 1997 as O'Neill & Brown Law Office. In 2015, Respondent began to use the old firm name with Justice O'Neill's consent in a sign installed outside of his office and on business cards. Relator began to investigate allegations arising from the firm name in July, 2015. After he advised Justice O'Neill of the pending investigation, the justice instructed him to remove his name from the sign. An amended complaint alleged that the Respondent continued to use the business cards and firm sign with the old firm name after he testified that he had ceased engaging in the misconduct.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a two-year suspension, all stayed on conditions that he remove any reference to the name of Justice O'Neill in the firm name and that his firm was established in 1981, destroy all business cards bearing the name of the law firm, refrain from advertising the prior firm name, and engage in no more professional misconduct.

DISSENT: Justice O'Donnell dissented based on the appearance of impropriety that was created by the use of the firm name and would have imposed an indefinite suspension. Chief Justice O'Connor and Justice Fischer concurred with the dissent.

Sanction	Indefinite suspension, no credit for time served
Court Modified Sanction	No
Rules Violated	1.4(a)(3), 1.4(a)(4), 1.5(a), 1.8(a), 8.4(b)
Aggravation/Mitigation	A-(2) (dishonest or selfish motive), (4) (multiple offenses), (8) (harm to vulnerable victim) M-(1) (no prior discipline), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Peterson (2012); Harris (2002)
Cited By	

OVERVIEW: The Court imposed an indefinite suspension, with no credit for time served for retaining and misappropriating the proceeds from the sale of a client's real property.

PROCEDURE: The Court imposed an interim felony suspension after the Respondent's conviction for unauthorized use of his client's property. The panel recommended a two-year suspension with one year stayed. The Board recommended an indefinite suspension with no credit for time served.

FINDINGS: Respondent was retained by a client after she was arrested for running a marijuana-growing operation in the basement of her own. She agreed to allow the Respondent to sell a 22-acre parcel of farmland to pay for her representation. The Respondent and client agreed to a flat fee for each stage of the representation. A plea agreement was entered into and the client pled guilty to a third-degree

felony. Prior to entering the transaction, the Respondent failed to comply with the professional-conduct rule designed to protect a client against overreaching by the lawyer. After the Respondent sold the property, he failed to communicate the fact to the client. Respondent also told the client that she was not entitled to any portion of the sales proceeds because he had accepted the land as a flat fee for representing her. An investigation of Respondent by the Ohio Bureau of Criminal Investigation led to his guilty plea to one count of unauthorized use of property, a fourth-degree felony. Eventually, the client filed a civil suit for malpractice and other claims, but it was dismissed as time-barred. In 2016, Respondent agreed to pay the client \$97,767.02 to settle the matter.

SANCTION: The Court adopted the Board's findings of fact and conclusions of law finding Respondent's conduct was tantamount to theft warranted an indefinite suspension. The Court imposed an additional condition that Respondent could not petition for reinstatement until he completed his community-control sanction as part of his criminal conviction.

Sanction	Two-year suspension, with eighteen months stayed on conditions.
Court Modified Sanction	No
Rules Violated	3.3(a), 8.4(b),8.4(c), 8.4(d), 1.5(d)(3)
Aggravation/Mitigation	A--(1) (prior discipline),(3) (pattern of misconduct), (4) (multiple offenses), (9) (no restitution); M-(4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	DeMarco (2015); Farrell (2008)
Cited By	

failure to disclose induced the agency to find that to qualify his clients for Medicaid benefits. When the agency discovered the transfers, it resulted in an overpayment to both clients. Respondent later pled guilty to a misdemeanor charge of falsification with the purpose of securing a benefit administered by a government agency. He was ordered to serve a 180-day suspended sentence and pay a fine

SANCTION: The Court adopted the Board’s sanction recommendation of a two-year suspension, with eighteen months stayed on conditions that he engage in no further misconduct and make restitution to the two clients.

OVERVIEW: Respondent received a two-year suspension, with the final eighteen months stayed for not revealing to Medicaid the transfer of a life estate interest by clients prior to applying for benefits. Respondent pled guilty to a first-degree misdemeanor charge of falsification.

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

FINDINGS: Respondent provided financial planning advice to elderly client with the purpose of ensuring their eligibility to receive long-term care benefits under Medicaid. He assisted two clients in gifting a life estate interest in real property to family. In both matters, Respondent failed to disclose the transfer of assets occurring in the last five years as required by law. The

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 1.8(h)(2)
Aggravation/Mitigation	A- None; M-(1) (no prior discipline), (2) (no dishonest or selfish motive), (3) (restitution or rectified consequences), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Bernard (2003); Nelson (2015); Sweeney (2016); Smith (2015); Dundon (2011)
Cited By	

without a written agreement and the notification to seek independent counsel before settling a possible legal malpractice claim. During representation of the daughter, the Respondent did not attend two pretrial conferences, and the judge in the case ordered him to show cause for his absences. The judge ordered Respondent to withdraw from the case, but instead Respondent voluntarily dismissed the case. After an order to show cause for contempt was issued, the Respondent finally withdrew from the case. The client obtained new counsel.

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

OVERVIEW: Respondent received a public reprimand for failing to file a timely complaint in one matter, and failed to participate and comply with a court order to withdraw in another matter.

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 public reprimand. The Board recommended that the agreement be accepted.

FINDINGS: Respondent was hired by a mother and her minor daughter to represent them in personal-injury matters following an automobile accident. Respondent had limited contact with the clients and failed to file the mother's claim before the expiration of the statute of limitations. Respondent offered the client to settle her claims

Sanction	Six-month suspension stayed in its entirety on conditions
Court Modified Sanction	No
Rules Violated	1.3
Aggravation/Mitigation	A (8) (harm to vulnerable victim); M-(1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (full and free disclosure), (7) (chemical/mental illness)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	Yes
Case Authority	Hook (2014); Shuler (2011)
Cited By	

compliance with his four-year OLAP contract, follow the treatment recommendations of his counselor regarding his participation in AA, and engage in no further misconduct.

OVERVIEW: Respondent received a six-month stayed suspension for failing to act with reasonable diligence in representing a client.

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 six-month stayed suspension. The Board recommended that the agreement be accepted.

FINDINGS: Respondent was charged with professional misconduct for neglecting a single client matter. Respondent, despite receiving \$5,000 for appellate representation in a child-custody matter, failed to file his client's notice of appeal, which deprived his client of the ability to exercise her appellate rights.

SANCTION: The Court accepted the agreement and imposed a six-month suspension stayed in its entirety on conditions that he remain in

Sanction	One-year suspension, fully stayed on condition.
Court Modified Sanction	Yes
Rules Violated	1.4(a)(3), 1.4(a)(4), 8.1(a)
Aggravation/Mitigation	A-(1) (prior discipline), (4) (multiple offenses), (7) (refusal to acknowledge wrongdoing); M-None.
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Wexler (2014), DeLoach (2011), Tomer (2013)
Cited By	

OVERVIEW: Respondent received a one-year, fully stayed suspension for failing to adequately communicate a legal strategy to a client and falsely testified at his disciplinary hearing.

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

FINDINGS: Respondent was retained by a grandmother to seek custody of a great-grandchild in a pending paternity case. Approximately one month later, another grandparent filed a motion to intervene in the pending case, filed a motion for legal custody, and was designated temporary residential parent and legal custodian. Respondent did not submit a response on behalf of his parent. Over the next several weeks, Respondent never returned his client's calls and the client learned through a clerk's office that nothing had been filed in the

case and subsequently terminated Respondent's services. Respondent claimed that he decided it was in his client's best interest to refrain from intervening until the other grandmother had intervened, that service was perfected on the child's mother. The client testified that Respondent had never informed her of his legal strategy. Respondent later sent the client a refund of \$300 against the \$1000 retainer the client had paid. The Board determined Respondent had made multiple false statements during the investigation and hearing.

SANCTION: The Court accepted the Board's findings of fact and conclusions of law, but imposed a one-year fully stayed suspension on condition that he engage in no further misconduct.

DISSENT: Chief Justice O'Connor, and Justices O'Donnell and Fischer dissented and would have stayed six months of the suspension.

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	1.5(b), 1.8, 3.1, 3.3(a)(1), 3.4(c), 8.4(c), 8.4(d)
Aggravation/Mitigation	A-(2) (dishonest or selfish motive), (4) (multiple offenses), (6) (false or deceptive practices during investigation), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim); M-(1) (no prior discipline), (6) (other penalties/sanctions)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Herzog (1999); Batt (1997); Frost (2009); Wrentmore (2013); Cooke (2006); Shaw (2010); Fowerbaugh (1995)
Cited By	

misrepresentation. Respondent made knowingly false statements of fact and law to multiple tribunals. Respondent knowingly disobeyed his obligations under the rules of multiple Ohio courts and prejudiced the administration of justice in multiple cases. Furthermore, Respondent continued to engage in dishonest conduct throughout the disciplinary proceeding.

SANCTION: The Court adopted the Board’s findings of fact and misconduct and imposed an indefinite suspension.

DISSENT: Justices Kennedy, French, and O’Neill dissented and would have suspended Respondent for 24 months with six months stayed.

OVERVIEW: Respondent received an indefinite suspension for multiple violations of the Rules of Professional Conduct in four separate legal matters.

PROCEDURE: The panel adopted the parties’ stipulations of fact and misconduct and recommended an indefinite suspension. The Board adopted the panel’s report and recommended sanction.

FINDINGS: Respondent’s misconduct involves multiple instances of dishonesty, fraud, deceit, or

Sanction	Indefinite suspension with credit for time served under interim felony suspension
Court Modified Sanction	No
Rules Violated	8.4(b), 8.4(d)
Aggravation/Mitigation	A-(7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (4) (cooperative attitude), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Gittinger (2010); Blaszak (2004); Kraemer (2010)
Cited By	

OVERVIEW: Respondent received an indefinite suspension with credit for time served under his interim felony suspension for his felony convictions.

PROCEDURE: The Court imposed an interim felony suspension based on Respondent's felony convictions. The parties submitted joint stipulations, misconduct, aggravating and mitigating factors, and jointly recommended an indefinite suspension, but disagreed as to whether he should receive credit for time served under the interim felony suspension. After hearing testimony from Respondent and a character witness, the panel adopted the parties' stipulations and recommended sanction with credit for time served. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent was convicted of two felony counts of bribery arising from his representation of a client in a criminal proceeding.

SANCTION: The Court adopted the Board's findings of fact and imposed the recommended sanction of an indefinite suspension with credit for time served under his interim felony suspension.

DISSENT: Chief Justice O'Connor and Justices O'Donnell and Kennedy dissented and would not grant Respondent credit for time served under his interim felony suspension.

Sanction	Two-year suspension, with second year stayed on conditions.
Court Modified Sanction	Yes
Rules Violated	1.4(c), 1.15(a), 1.15(a)(2), 8.4(c).
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (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	Claflin (2005) Belock (1998) Gildee (2012)
Cited By	

Over the next several years, the client requested money from the client trust account to make purchases. The Respondent informed the client that he had used the money for his own personal use.

SANCTION: The Court agreed with the Board that neither disbarment nor an indefinite suspension was warranted, but due to the misappropriation of a significant sum of money, a two-year suspension with one year stayed was appropriate. The Court imposed conditions on Respondent to complete a CLE course regarding compliance with the client trust account rules and to commit no further misconduct.

OVERVIEW: Respondent received two-year suspension with second year stayed for misappropriating funds he failed to invest for a client.

PROCEDURE: The Board recommended a one year suspension, with six months stayed on conditions. Neither party objected to the board's report and recommendation.

FINDINGS: Respondent created an investment trust for a client. Several years later, the client gave Respondent two checks totaling \$45,000 and instructed him to invest the money in a mutual fund. Respondent failed to do so, and deposited the money in his client trust account.

Sanction	Two-year suspension, with six months stayed.
Court Modified Sanction	No
Rules Violated	5.5(a), 5.5(b)(2), 8.1(a), 8.4(c), GBR VI(10)(C)(1)
Aggravation/Mitigation	A-(1) (prior discipline), (2) (dishonest or selfish motive), (4) (multiple offenses), (6) (false or deceptive practices during investigation)M-(4) (cooperative attitude), (6) (other penalties/sanctions),
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	Yes
Case Authority	Troller (2014)
Cited By	

disciplinary history on a securities application with FINRA. Respondent’s employer confronted her about her status when she failed to ask for reimbursement of her attorney-registration fee in 2015. Upon her admission that she was under suspension her employment was terminated.

SANCTION: The Court adopted the parties’ consent-to-discipline agreement based on the Board’s recommendation.

OVERVIEW: Respondent received a two-year suspension, with the final six months stayed for practicing under a CLE suspension and misrepresenting her disciplinary history on securities application.

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 six-month stayed suspension. The Board recommended that the agreement be accepted.

FINDINGS: Respondent was employed as counsel and director of institutional compliance by an Akron securities firm. She was required to be licensed in good standing with at least one jurisdiction. When she was hired, she was under a CLE suspension and falsely attested to her

Sanction	Disbarment
Court Modified Sanction	Yes
Rules Violated	1.1, 1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), 1.4(b), 1.15(c), 1.16(e), 8.1(b), 8.4(d); GBR V(9)(G), GBR V(8)(E)(1)(a)
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), (9) (no restitution); M-None
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	Yes
Case Authority	Boggs (2011); Bogdanski (2013); DiMartino (2016); Agopian (2006); Frazier (2006); Moushey (2004); Henry (2010)
Cited By	

Board issued a report finding that Respondent had engaged in most of the charged misconduct and recommended an indefinite suspension.

FINDINGS: This is Respondent’s third discipline case before the Court. In October 2012, the Court suspended Respondent for one year, but stayed the suspension on conditions for neglecting 12 bankruptcy matters and one small claims action. Less than two years later, the Court found that Respondent had committed misconduct in connection with four client matters, including incompetently handling and neglecting clients’ cases, failing to maintain records for his client trust account, improperly communicating with an opposing party, failing to cooperate in a disciplinary investigation, and refusing to pay a fee-dispute arbitration award of \$2,500, which resulted in a default judgment against him. Some of the misconduct occurred during the period of the 2012 stayed suspension. The Court suspended him for two years, with six months stayed on conditions, including that he submit proof that he had paid the default judgment. However, Respondent did not comply with the Court’s order and the suspension remains in effect. This case, also involves neglecting clients, failing to cooperate in the disciplinary investigation, failing to notify his clients of his suspension, failing to return advances and unearned fees. Respondent has a history of misconduct, including a pattern of not simply neglecting clients, but abandoning them. Respondent also has a history of not complying with orders of the Supreme Court of Ohio and ignoring the requirements associated with the disciplinary process.

OVERVIEW: Respondent received disbarment for multiple violations of the Professional Conduct Rules, including neglecting client matters, engaging in conduct that is prejudicial to the administration of justice, failing to return unearned fees, and failing to cooperate in the disciplinary investigation.

PROCEDURE: The Court imposed an interim default suspension based on Respondent’s failure to answer the complaint. Respondent later moved for leave to answer Relator’s amended complaint and the Court granted his motion and remanded the matter to the Board. After a hearing, the

SANCTION: The Court adopted the Board’s findings of fact and misconduct, but imposed disbarment.

DISSENT: Justices Kennedy, French, and O’Neill dissented and would have indefinitely suspended the Respondent and deny credit for time served under any other suspension.

Sanction	One-year suspension, fully stayed on condition.
Court Modified Sanction	Yes
Rules Violated	1.6(a)
Aggravation/Mitigation	A-(2) (dishonest or selfish motive), (7) (refusal to acknowledge wrongdoing); 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	Holder (2004); Fowerbaugh (1995); Miller (2017)
Cited By	

OVERVIEW: Respondent one-year suspension fully stayed for revealing confidential client information without informed consent.

PROCEDURE: The panel dismissed all charges against the Respondent except a finding of 1.6(a). The panel recommended a one year suspension with six months stayed. The Board adopted the panel's report.

FINDINGS: Respondent represented a client during the initial stages of her divorce case. Several years into the case, the client again requested Heben's services. The client paid a retainer, but two weeks later she terminated his

legal services. Respondent subsequently moved to withdraw as counsel, and submitted an affidavit stating his reasons for the withdrawal. In the affidavit, he recounted communications he had with his client about the scope of his representation, compensation, her refusal to pay his agreed-upon fees, and legal advice he had given her. He also described his client's discharge of him as "retaliatory" and was based on his advice to her about "potentially illegal actions" she wanted to undertake concerning her ex-husband. Upon the client's motion, the affidavit was stricken from the record in the case. The judge indicated in his order that the disclosure of attorney-client communications in the affidavit were inappropriate and unnecessary for purposes of seeking withdrawal.

SANCTION: The Court adopted the Board's findings of fact and misconduct, but imposed a fully stayed one-year suspension on condition that Respondent engage in no further misconduct.

DISSENT: Chief Justice O'Connor and Justice Fischer dissented and would suspend respondent for one year with six months stayed.

Sanction	Disbarment
Court Modified Sanction	No
Rules Violated	1.4(a)(3) , 1.4(a)(4) , 3.3(a)(1) , 3.4(c) , 4.1(a) , 5.5(a) , 1.16(d) , 1.16(e) , 8.1(b) , 8.4(c) , 8.4(d) , 8.4(h) ; GBR_V(9)(G)
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); M-(6) (other penalties/sanctions)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Fletcher (2013) ; Sabroff (2009) ; Frazier (2006) ; Allison (2003) ; Pryatel (2016) ; Brown (2015) ; Cicirella (2012)
Cited By	

OVERVIEW Respondent was disbarred for violating multiple violations of the Rules of Professional Conduct in the course of representing six separate clients.

PROCEDURE: On February 19, 2015, the Supreme Court of Kentucky suspended Respondent’s license to practice law in that state

for 60 days. The Court imposed reciprocal discipline on April 23, 2015 suspending Respondent for 60 days, and the Court conditioned his reinstatement on several factors, including his reinstatement in Kentucky. The Ohio suspension remains in effect. On June 28, 2016, during the pendency of this action, the Court indefinitely suspended Respondent in another disciplinary action upon finding that he engaged in a disturbing pattern of neglect and an ongoing failure to comply with established rules and procedures, a flagrant disobedience of court orders, and a propensity to engage in dishonesty when his actions are questioned. The Court also found Respondent in contempt on the April 23, 2015 reciprocal discipline order and fined him \$600 for continuing to practice law in three cases while his license was under suspension. Respondent did not appear at the panel hearing for the present matter. The Board issued a report finding that Respondent committed multiple violations and recommended permanent disbarment.

FINDINGS: Respondent knowingly continued to practice law while his license was suspended, impersonated a former colleague in dealings with opposing counsel and the courts of this state, lied to his clients about the status of his license to practice law, and failed to respond to Relator’s demands for information.

SANCTION: The Court adopted the Board’s findings of fact and imposed the recommended sanction of permanent disbarment and ordered Respondent to make restitution of \$1,500 no later than 90 days from the date of the order.

Sanction	Two-year suspension, with the second year stayed on condition
Court Modified Sanction	No
Rules Violated	8.4(b), 8.4(c), 8.4(d), 8.4(h); Jud.Cond.R. 1.2
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), (3) (restitution or rectified consequences), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions), (8) (other rehabilitation)
Criminal Conduct	No
Public Official	Yes
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Hale (2014); Medley (2004); Squire (2007); Connor (2004)
Cited By	

conduct that adversely reflects on the his fitness to practice law.

PROCEDURE: Respondent stipulated to most, but not all, of the allegations against him. The Board adopted the panel’s findings of fact and conclusions of law, and recommended a two-year suspension, with the second year stayed on condition.

FINDINGS: Respondent’s misconduct arises from his activities that led to his criminal convictions while serving as a judge for the Bedford Municipal Court. Respondent was found guilty of soliciting prostitution and falsifying a court record.

SANCTION: The Court adopted the Board’s findings of fact and misconduct, and imposed a two-year suspension with the second year stayed on condition that he commit no further misconduct.

DISSENT: Chief Justice O’Connor and Justice French dissented and would not stay any portion of the suspension.

OVERVIEW: Respondent received a two-year suspension, with the second year stayed for failing to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and to avoid impropriety and the appearance of impropriety, committing an illegal act that reflects adversely on the his honesty or trustworthiness, engaging in conduct that is prejudicial to the administration of justice, and

Sanction	Indefinite suspension with no credit for time served.
Court Modified Sanction	No
Rules Violated	1.3, 1.5(c)(2), 1.5(e), 1.15(a)(1), 1.15(a)(2), 1.15(a)(3), 1.15(a)(4), 1.15(a)(5), 1.15(c), 1.15(d), 1.5(d)(3), 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.4(c), 1.16(d), 1.16(e), 8.1, 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-None
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	DiMartino (2016); Gottehrer (2010); Hoskins (2016)
Cited By	

OVERVIEW: Respondent received an indefinite suspension for violating rules relating to client trust accounts, division of fees with lawyers not in the same firm, failing to act with reasonable diligence, and failing to cooperate in a disciplinary investigation.

PROCEDURE: The Court imposed an interim default suspension based on Respondent's failure to answer the complaint. The case was remanded to the Board for further proceedings. After Respondent obtained counsel, and responded to a default motion in another matter, the Board

consolidated the two matters.

FINDINGS: In regard to one client, the Respondent asked another lawyer to serve as co-counsel in a personal-injury case without the written consent of the client. Respondent did not advise the client that he did not carry malpractice insurance. He also could not produce or refused to produce receipts, cancelled checks, deposit slips, ledgers or file materials related to the handling of the client's funds. After the matter was settled, two different settlement/disbursement sheets were produced, but the Respondent was never able to account for \$12,500 of funds related to the original settlement. In another matter, Respondent was retained to represent a client in a pending divorce matter. He was paid a flat fee, but requested additional funds to conduct a deposition that was never held. After opposing counsel agreed to prepare the final divorce decree, he did not respond to the client's inquiries. Upon receipt of a draft decree, the client found numerous errors and declined to sign it. The client later discovered that the final decree had been filed and adopted by the court without her knowledge or consent. In two separate matters, Respondent failed to file original documents requested by the client in a divorce action, and failed to file a motion for leave to plead an answer to a foreclosure complaint, resulting in a decree of foreclosure being issued. In response to charges filed in an amended complaint, Respondent stipulated that he had accepted payments for his retainer and courts costs from 14 clients, but often failed to file prepared documents in court.

SANCTION: The Court adopted the Board's sanction recommendation, findings of fact, but dismissed 8.4(c) and 1.1 violations. The Respondent was also ordered to make restitution and submit to a mental-health evaluation with OLAP.

Sanction	Six-month suspension stayed in its entirety on conditions
Court Modified Sanction	No
Rules Violated	1.1, 1.3, 1.4(a)(3), 1.16(d), 3.4(d)
Aggravation/Mitigation	A-None; M-(1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (full and free disclosure), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Sebree (2002); Hooks (2014); Fonda (2014)
Cited By	

Respondent did not communicate with his client about his failure to hire an expert, his failure to respond to the discovery requests, the dismissal of the complaint, or the fact that Respondent's failures could provide a cause of action for legal malpractice.

SANCTION: The Court accepted the agreement and imposed a six-month suspension stayed in its entirety on conditions that he engage in no further misconduct.

OVERVIEW: Respondent received a six-month stayed suspension for failing to provide competent representation, failing to act with reasonable diligence, failing to keep the client reasonably informed about the status of a matter, failing to withdraw from representation to take steps reasonably practicable to protect the client's interest, and failing to make a reasonably diligent effort to comply with a legally proper discovery request by an opposing party.

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 six-month stayed suspension. The Board recommended that the agreement be accepted.

FINDINGS: Respondent's misconduct arises from his neglect of a single client matter.

Sanction	Six-month suspension stayed in its entirety on condition.
Court Modified Sanction	No
Rules Violated	1.1, 1.3, 3.1, 1.4(c), DR 6-101(A)(1)
Aggravation/Mitigation	A-(4) (multiple offenses); M-(1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (full and free disclosure), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Bhatt (2012), Thomas (2010), Sherman (2010)
Cited By	

OVERVIEW: Respondent received a six-month stayed suspension for failing to act diligently and competently, and failing to inform his clients of the lack of liability insurance.

PROCEDURE: The Court remanded the Board’s recommended sanction on a previously filed consent-to-discipline agreement. On remand, Relator amended the complaint. Respondent stipulated to most of the charged conduct in the amended complaint. After a hearing, the Board issued a report finding that Respondent had engaged in the stipulated misconduct. No objections were filed.

FINDINGS: In one count Respondent was hired to handle an immigration petition on behalf of a client who had entered without authorization. Prior to the representation, Respondent had not handled similar matters. After the petition for

classification as an alien relative was approved, he was required to return to Honduras for consulate process. However, the client declined to return and Respondent was unsure of the next steps. Eventually the petition was canceled. Subsequent efforts to apply for a green card, or temporary protected status failed due to inaction by Respondent, or mistakes made during the application process. Eventually, deportation proceedings were initiated, but another petition to classify the client as an alien relative was granted. In a second count, Respondent was hired by a client, whose home was the subject of a foreclosure proceeding. After Respondent met with the client, she had failed to sign relevant documents in the case. Respondent was later notified that the filings were incomplete and included errors. An amended filing did not include appropriate signatures and Respondent was late to the first creditor’s meeting. The court eventually issued a discharge to the client. In neither matter did Respondent notify his clients that his malpractice insurance had lapsed prior to his representation.

SANCTION: The Court adopted the Board’s recommendation of a six-month suspension stayed in its entirety on condition that he engage in no further misconduct.

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	8.4(b), 8.4(c), 8.4(h)
Aggravation/Mitigation	A-(2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation), (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	Hiltbrand (2006); Zimmer (2013)
Cited By	

findings of fact and misconduct, and imposed an indefinite suspension with reinstatement conditioned upon proof that Respondent completed a domestic-abuse assessment conducted by OLAP or an otherwise qualified professional and that she has complied with any recommendations, complied with an established substance-abuse treatment program, and received a prognosis from a qualified health-care professional that she is capable of returning to the competent, ethical, and professional practice of law under specified conditions.

OVERVIEW: Respondent received an indefinite suspension for engaging in conduct that reflected adversely on her honesty or trustworthiness, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, and engaging in conduct that reflected adversely on her fitness to practice law.

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

FINDINGS: Over a two-year period, Respondent violated the Rules of Professional Conduct by engaging in multiple serious criminal violations, including disorderly conduct arising from a domestic situation, endangering her children, leaving the scene of an accident, falsification, and driving while impaired.

SANCTION: The Court adopted the Board's

Sanction	Disbarment
Court Modified Sanction	No
Rules Violated	1.15(a), 1.15(a)(2), 1.15(d), 8.4(c), 8.4(h)
Aggravation/Mitigation	A-(4) (multiple offenses), (8) (harm to vulnerable victim),(9) (no restitution); M-(1) (no prior discipline), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Leksan (2013); Becker (2014); Roland (2016); Belock (1998)
Cited By	

\$3.80 in one case to \$201,048. She used the misappropriated funds to pay liens in unrelated cases, her own personal professional benefit, and office-related expenses. In another matter, she failed to withdraw the total amount of her earned attorney fees which resulted in a commingling of personal and client funds. The Board, in making its recommendation to disbar, found no reason to deviate from the presumptive sanction. It found that she was “not contrite” at her disciplinary hearing, and that portions of her testimony as “disingenuous, misleading, and manipulative.”

SANCTION: The Court adopted the Board’s findings of fact and imposed the recommended sanction of disbarment.

OVERVIEW: Respondent was disbarred for misappropriating over \$363,000 in settlement funds related to several client matters and failing to maintain adequate records for her client trust accounts.

PROCEDURE: Respondent stipulated to the charged misconduct, and the Board issued a report and recommendation adopting the stipulations and recommending disbarment. No party objected to the board’s report and recommendation.

FINDINGS: In twenty-two separate client matters, the Respondent deposited settlement funds into her trust account, paid out her fees and her clients’ share, but wrongfully withheld all portions of the remaining settlement amounts that should have been paid to lienholders, co-counsel, or held pending discovery of additional liens. The amounts she misappropriated ranged from

Sanction	One-year stayed suspension on conditions.
Court Modified Sanction	No
Rules Violated	1.3,1.4(a)(3), 1.4(a)(4)
Aggravation/Mitigation	A-(1) (prior discipline); 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	Reed (2016); Hanni (2016); Malvasi (2015)
Cited By	

OVERVIEW: Respondent received a one-year stayed suspension for failure to act with reasonable diligence in representing his client, failing to keep the client reasonably informed about the status of the case and respond to reasonable requests for information.

PROCEDURE: The Respondent stipulated to some, but not all the charges of misconduct. A panel found that he engaged in the stipulated misconduct, but dismissed all other allegations. The Board issued a report adopting the panel's findings and recommended sanction. Neither party objected to the Board's report.

FINDINGS: Respondent was retained to represent a couple to investigate a water-drainage problem in their back yard that involved the builder of their home. Respondent sent one letter to the homebuilder to inform them of the drainage problem, but he received no response. He

conducted no further investigation and had no contact with the clients for several months. After additional efforts to contact the Respondent failed, the clients filed a grievance, at which time he sent a second letter to the homebuilder and met with the clients. He did not perform any additional work. During the proceedings, the Respondent admitted that he never checked the home warranty or homeowners' insurance to see if the drainage issue was covered, and that he never made contact with anyone at the homebuilder who had authority to discuss his client's issue. He also admitted that he never filed a complaint on behalf of his clients. He refunded a \$400 retainer to the clients before hearing.

SANCTION: The Court adopted the Board's report and recommendation and imposed a one-year suspension, fully stayed on conditions that he complete six hours of CLE on law-office management in each of the next three years and engage in no further misconduct.

DISSENT: Chief Justice O'Connor would have stayed six months of the respondent's suspension.

Sanction	One-year suspension, six months stayed on conditions.
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 8.1(a), 8.4(c), 8.4(d)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation), (6) (false or deceptive practices during investigation); 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	Broeren (2007); Derivan (1998)
Cited By	

the Respondent falsely stated that he had informed his client of the status of the case, given him the discovery requests, but never received a response. Respondent later admitted that he had fabricated the letters to his client in an effort to conceal his neglect and abandonment of his client's interests and had put his file on a shelf and forgotten about it.

SANCTION: The Court adopted the findings of facts and misconduct agreed with the recommended sanction of a one-year suspension with six months stayed on conditions he remain in compliance with his OLAP contract and engage in no further misconduct.

DISSENT: Justice O'Neill dissented without comment.

OVERVIEW: Respondent was suspended for one year with six month stayed on conditions.

PROCEDURE: The Board adopted the panel's findings and recommendations based on stipulations and hearing testimony. Respondent objected to the Board's report based on due process grounds.

FINDINGS: Respondent was retained to represent a client in a collection action filed against him in municipal court. Respondent answered the complaint, but did not respond to plaintiff's discovery requests or a motion for summary judgment or forward the documents to his client. The court entered judgment against the client. In response to an inquiry form the Relator,

Sanction	Indefinite suspension with no credit for time served under interim felony suspension
Court Modified Sanction	No
Rules Violated	8.4(b), 8.4(h)
Aggravation/Mitigation	A-(4) (multiple offenses); M-(1) (no prior discipline), (4) (cooperative attitude), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Grossman (2015); Ballato (2014); Butler (2011)
Cited By	

sanction of an indefinite suspension with no credit for time served under his interim felony suspension.

DISSENT: Justice O'Donnell dissented and would disbar Respondent.

OVERVIEW: Respondent received an indefinite suspension with no credit for time served under his interim felony suspension for his felony convictions.

PROCEDURE: The Court imposed an interim felony suspension based on Respondent's felony convictions. The parties submitted stipulations, misconduct, and aggravating and mitigating factors. The panel adopted the parties' stipulations and recommended an indefinite suspension with no credit for time served under his interim felony suspension. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent was convicted of multiple felony counts of pandering sexually oriented material involving a minor.

SANCTION: The Court adopted the Board's findings of fact and imposed the recommended

Sanction	Indefinite suspension with no credit for time served under interim felony suspension
Court Modified Sanction	No
Rules Violated	Jud.Cond.R. 1.2
Aggravation/Mitigation	A-(8) (harm to vulnerable victim); M-(1) (no prior discipline), (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	McCafferty (2014); Katalinas (2000); Whitfield (2012); Goodall (2004); Harris (1982)
Cited By	

window of the passenger door, and bit her face. Respondent's wife attempted to escape the moving vehicle. When the vehicle stopped at a red light, she opened the door and fell to the ground. Respondent exited the vehicle and began to strike his wife as she lay on the ground. He then returned to the vehicle and drove away, leaving his wife behind. Upon arriving at his home, he called his sister to pick up his children because he intended to shoot himself. He was later arrested. As a result of the attack, Respondent's wife sustained severe physical harm to her head, face, and neck, including an orbital blowout fracture under her left eye.

SANCTION: The Court adopted the Board's findings of fact, but imposed an indefinite suspension with no credit for time served instead of the Board's recommendation of disbarment. Conditions for reinstatement included a mental-health reevaluation conducted by OLAP and a report that he is able to return to the competent, ethical, and professional practice of law, enter into an OLAP contract, and comply with all recommendations of OLAP and his treating professionals.

OVERVIEW: Respondent, a sitting judge, was indefinitely suspended after pleading guilty to attempted felonious assault and domestic violence involving his estranged wife.

PROCEDURE: The Court imposed an interim felony suspension based on Respondent's felony conviction. Based on the stipulations and evidence presented at hearing, the panel found that Respondent had committed the charged violates. The Board adopted the panel's recommendation of disbarment.

FINDINGS: While traveling in a vehicle with his estranged wife and two children, Respondent became upset during a discussion and began assaulting his wife. He struck her in the head, hit her head against the armrest, dashboard, and the

Sanction	One-year suspension stayed in its entirety on conditions
Court Modified Sanction	No
Rules Violated	1.1, 1.3, 8.4(b), 8.4(c), 8.4(d)
Aggravation/Mitigation	A-(2) (dishonest or selfish motive); M-(1) (no prior discipline), (3) (restitution or rectified consequences), (4) (full and free disclosure), (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Fowerbaugh (1995); Shaffer (2003); Kinney (2000); Fumich (2007)
Cited By	

OVERVIEW: Respondent received a one-year stayed suspension for failing to act with reasonable diligence, failing to provide competent representation, committing an illegal act that reflects adversely on his honesty or trustworthiness, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, and conduct that is prejudicial to the administration of justice.

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 one-year stayed suspension. The Board recommended that the agreement be accepted.

FINDINGS: Respondent represented a seller in a real-estate transaction valued at approximately \$2.26 million. Respondent also oversaw the closing of the transaction as the manager of the title company, which was owned by his law firm. Respondent knew that the city would have to approve the legal description for one of the tracts involved in the transaction, but he closed the deal without seeking approval. Respondent submitted the deed-conveyance forms to the appropriate county office, but they were returned with a notation that the legal description of one tract required city approval. Respondent disbursed funds from the transaction to the seller, the real-estate agents, and the county treasurer, but he continued to hold funds owed to the law firm and the title agency. An attorney from Respondent’s firm requested copies of the recorded mortgage to submit with the buyer’s application to transfer a liquor license. Respondent affixed a recording stamp on the first pages of the mortgage and assignment of rents to make it appear as if they had been recorded. The title company sent one of its employees to the courthouse, only to discover that the deed, mortgage, and assignment of rents had never been recorded. And in the title company’s own file, an employee found slips of paper that Respondent had used to alter the documents. Respondent admitted that he had cut the recording information from authentic documents, pasted it onto the document that he should have recorded, and photocopied the altered documents to make them appear authentic. The firm terminated Respondent’s employment.

SANCTION: The Court accepted the agreement and imposed a one-year suspension stayed in its entirety on conditions that he engage in no further misconduct.

DISSENT: Justice O’Donnell dissents and would have remanded the case to the Board to reconsider the sanction to be imposed.

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	3.3(a)(1)
Aggravation/Mitigation	A-None; 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	Mezacapa (2004), Flowers (2014), Wilson (2014)
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OVERVIEW: Respondent received a public reprimand for knowingly making a false statement of fact or law to a tribunal.

PROCEDURE: The parties submitted stipulations of fact, misconduct, and recommended a public reprimand. The panel granted the parties' motion to waive the hearing and adopted the stipulations and recommended sanction. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent signed a client's name to an affidavit without indicating that the signature was not the client's or that she had signed the client's name with the client's authorization, notarizing that signature as the client's, and then filing it in court.

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

Sanction	Two-year suspension, with eighteen months stayed on conditions
Court Modified Sanction	No
Rules Violated	1.4(c), 1.5(d)(3), 1.15(a)(1), 1.15(a)(2), 1.15(a)(3), 1.15(a)(4), 1.15(a)(5), 1.15(c), 1.16(e), 8.1(b), GBR V(9)(G)
Aggravation/Mitigation	A- (1) (prior discipline), (5) (lack of cooperation); M-(2) (no dishonest or selfish motive), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Scaccia (2014); Summers (2012)
Cited By	

OVERVIEW: Respondent was suspended for eighteen months with twelve months stayed for mishandling a client's fee in a criminal matter and failing to cooperate during the investigation.

PROCEDURE: The Board adopted the report and recommendation of the panel.

FINDINGS: Respondent represented a client on a drug-related felony after his girlfriend paid \$10,000 in case to represent him. He testified that he considered the \$10,000 a "flat fee * * * earned on receipt." And placed the funds in a lockbox in his house rather than in this client trust account. He admitted that he failed to advise his client or his girlfriend that if he did not complete the representation, they may be entitled to a refund of all or a portion of the fee and that he lacked

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malpractice insurance. Respondent was terminated after two weeks. He advised his client that he would refund a portion of the \$10,000 fee after he completed a bill. After two months without receiving a refund, the client's girlfriend filed a grievance. After receiving a notice of intent to file a disciplinary complaint, Respondent formally responded to the grievance and submitted an itemized statement of services in the amount of \$6,803.50. At hearing Respondent conceded he did not deposit the fee in his client trust account or comply with the record-keeping requirements for client funds held in trust.

SANCTION: The Court adopted the Board's recommended sanction of a two-year suspension with eighteen months stayed on conditions that he complete at least six hours of CLE on law-office management, and serve a one-year period of monitored probation on trust-account and record-keeping requirements relating to fees and other client materials.

DISSENT: Justice O'Donnell dissented and would have imposed a 24-month suspension, fully stayed.

Sanction	Six-month suspension stayed in its entirety on conditions
Court Modified Sanction	No
Rules Violated	1.1, 1.3
Aggravation/Mitigation	A-(8) (harm to vulnerable victim); 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	Nelson (2015); Dawson (2009); Drain (2008)
Cited By	

OVERVIEW: Respondent received a six-month stayed suspension for failing to provide competent representation and failing to act with reasonable diligence.

PROCEDURE: The parties submitted stipulations of fact, misconduct, and jointly recommended a six-month stayed suspension. The panel adopted the stipulations and recommended sanction. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent's conduct arose from neglect of a client's legal matter, which resulted in a default judgment and the assessment of treble damages against the client.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a six-month stayed suspension on conditions that Respondent make full restitution of \$25,927.56, plus interest, and commit no further misconduct.

Sanction	Two-year suspension, with one year stayed on conditions.
Court Modified Sanction	No
Rules Violated	8.4(c), 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (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	Washington (2006); Markjohn (2003); Grigsby (2011)
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Twice a month, Respondent would send her stated hours of work for the time period. A discrepancy was discovered between the number of hours Respondent reported working the number of hours she had been logged on into the secure website. After a comprehensive audit was performed, it was discovered that she had overbilled the law firm by more than \$87,000. Respondent ultimately admitted to the misconduct and reimbursed the firm for \$87,620.

SANCTION: The Court about the Board's recommended sanction of a two-year suspension, with one year stayed on conditions that she continue to participate in mental health counseling and remain in compliance with her OLAP contract and any extension that is recommended.

OVERVIEW: Respondent received a two-year suspension with one year stayed for overbilling a law firm over a four year period for nonattorney document-review services.

PROCEDURE: The panel granted a joint motion to waive the hearing and adopted the joint stipulations of fact, misconduct, aggravating and mitigating factors, and sanction recommendation. The Board agreed with the panel's findings and recommendations.

FINDINGS: Respondent, an inactive attorney, was contracted to perform nonattorney document-review services during a period of four years. Her work was performed from her home computer when logged into a secure website.

Sanction	Six-month suspension, fully stayed on condition.
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 1.4(a)(4), 8.4(d), DR 6-101(A)(3)
Aggravation/Mitigation	A- (3) (pattern of misconduct), (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	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Sebree (2002); Harp (2001)
Cited By	

of the defendant's sentencing hearing, and advised the client that he saw no basis or an appeal and did no additional work. In the 20007 case, Respondent sent the client two letters, advised the client that he had reviewed the file, but failed to do anything more. In the 2012 case, he failed to respond to the client's letters, and performed no work on the client's behalf. Each of the appeals was dismissed for want of prosecution. Respondent never withdrew from any of the representations and never submitted applications for fees. One client successfully moved the court to reopen the appeal and filed a brief *pro se*. Respondent sent the client a letter regarding a strategy for the appeal and suggested a case on which the client might rely. The letter indicated Respondent would perform research and additional thoughts to assist the client, which he never did.

SANCTION: The Court about the Board's recommended sanction of a six-month suspension, fully stayed, on the condition that he engage in no further misconduct.

OVERVIEW: Respondent received a six-month fully stayed suspension by failing to file briefs in criminal cases in which he was appointed to serve as counsel.

PROCEDURE: The panel granted a motion to waive hearing and adopted the parties' stipulations. The Board adopted the recommended sanction of a public reprimand, but the Court remanded the matter for further proceedings for consideration of a more severe sanction.

FINDINGS: Respondent was appointed to represent three defendants in appeals from their criminal convictions in May 2005, May 2007, and June 2012. In the 2005 case, he filed a notice of appeal, requested and reviewed the transcripts

Sanction	One-year suspension with six months stayed on conditions
Court Modified Sanction	No
Rules Violated	1.5(a), 3.3(a)(1), 8.4(d), 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), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Miller (2012); Rohrer (2009); DeMarco (2015); Vardiman (2016)
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ordered each parent to pay one half of the bill. Two years later, only one parent had paid anything toward the share of the fees. As a result, Respondent filed an action to collect his fees in municipal court. He sought joint and several liability against the parties for an amount based on a rate of \$150 per hour. His complaint did not mention that he had been approved at a rate of \$80, that the parties had already paid \$700 toward an original bill of \$3,416, and that the juvenile court had ordered the parents to split the cost. When a grievance was filed against Respondent, he admitted to seeking fees in an amount and at a rate higher than had been approved by the juvenile court. He also acknowledged that he had omitted material facts in the complaint, filed a misleading affidavit, had used the judicial system to collect an illegal or excessive fee, and despite having had multiple opportunities to notify the court of the true nature of the juvenile court's order, had continued to perpetrate a fraud on the court.

SANCTION: The Court adopted the Board's recommended sanction including conditions that he take actions to have the judgment against the parents set aside and the case dismissed, and complete two CLE course on law-office management.

OVERVIEW: Respondent was suspended for one year, with six months stayed for collecting a clearly excessive fee and knowingly making a false statement to a tribunal in order to collect the fee.

PROCEDURE: Respondent stipulated to the charged misconduct, and the Board issued a report and recommendation. The Respondent objected to the report.

FINDINGS: Respondent was appointed as a guardian ad litem in juvenile court. After completion of his services, Respondent submitted an itemized bill in the amount of \$3,416 based on 42.7 hours of work at \$80 an hour. The court

Sanction	Eighteen-month suspension with twelve months stayed on conditions
Court Modified Sanction	No
Rules Violated	1.3, 1.15(c), 3.3(a), 8.1(a), 8.4(c)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (4) (multiple offenses), (6) (false or deceptive practices during investigation); 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	Markovich (2008) Miller (2012); Kealy (2010); Broeren (2007)
Cited By	

relief. When the petition was denied, Respondent was approached by the client’s mother about appealing the decision. He accepted a flat fee that he deposited into his personal bank account. Despite accepting the fee, Respondent did not file a timely notice of appeal. He later filed a motion for leave to file a delayed appeal that was denied. After a grievance was filed, Respondent included in his response a copy of a draft appellate brief that he had intended to file on his client’s behalf, a copy of a draft motion for a new trial, and an itemized billing statement showing that the drafted the documents on dates before the deadline to file the notice of appeal. The underlying metadata for the appellate brief and new trial motion reflected that the documents were created one day prior to his written response to Relator. He later admitted that he had created the documents in order to submit them with his response.

SANCTION: The Court adopted the parties’ consent-to-discipline agreement.

OVERVIEW: Respondent was suspended for eighteen months, with twelve months stayed for failing to file an appeal on behalf of a client after accepting a flat fee, then later creating documents to demonstrate work he performed after the fact in response to the grievance.

PROCEDURE: The parties filed a consent-to-discipline agreement that both the panel and the Board recommended for adoption.

FINDINGS: Respondent was initially retained to prepare and file a petition for postconviction

Sanction	Two-year suspension
Court Modified Sanction	Yes
Rules Violated	8.4(c), 8.4(h), 1.5(a), DR 1-102(A)(4), 1-102(A)(6), 2-106(A)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim), (9) (no restitution); M-(1) (no prior discipline), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Washington (2006), Swift (2014), Rogers (2007), Pickrel (2017)
Cited By	

OVERVIEW: Respondent was suspended for two years for engaging in unethical and fraudulent billing practices.

PROCEDURE: The Court remanded the cause to allow for additional discovery after the Board had recommended an indefinite suspension and restitution. The Board reaffirmed its original findings and sanction recommendation.

FINDINGS: Respondent was a managing partner of firm prior to his resignation from the firm in a practice group representing nursing homes. After reviewing billing records, another partner discovered irregularities. In 88 cases, the firm identified suspicious entries in each bill and

found that clients were overbilled \$350,000 for legal services. Some of the billing entries had used the same terminology, were entered at the wrong point in the litigation, were clearly excessive for the activity, or used ditto marks on multiple files on the same day for the same activities. Respondent focused at hearing on the electronic billing and document-management programs used by one client. He claimed that due to the need to keep generic billing narratives to avoid the potential for punitive damage awards, others at the firm had little or no access to the billing records. The Board found that his billing practices to be “incredible” because in the firm’s internal investigation his responses were brief and unhelpful and he used client-confidentiality as the basis to hide the billing records. Clients testified that the billing practices were at odds with Respondent’s description and explanation.

SANCTION: The Court imposed a two-year suspension and ordered that Respondent pay restitution in the amount of \$20,796.50 to his former firm.

DISSENT: Justices O’Donnell and Fischer, and Chief Justice O’Connor dissented and would have indefinitely suspended the Respondent.

Sanction	Six-month suspension stayed on conditions.
Court Modified Sanction	No
Rules Violated	1.3, 1.4(c), 1.5(d)(3)
Aggravation/Mitigation	A- None. M-(1) (no prior discipline), (8) (other rehabilitation)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Freedman (2011), Rucker (2012), Simmonds (2016), Sebree (2002)
Cited By	

failed to timely forward the requests to his client and did not respond to a motion to compel discovery. Only after the motion to compel was granted, did Respondent serve responses on opposing counsel. Respondent filed a motion to withdraw after the grievance was filed against him.

SANCTION: The Court imposed a six-month suspension, fully stayed, on conditions that he complete six hours of CLE on law-office-management topics.

OVERVIEW: Respondent was suspended for accepting a nonrefundable retainer without advising a client in writing of the possibility of a refund, failing to act with reasonable diligence, and failing to notify a client he did not have malpractice insurance.

PROCEDURE: A hearing panel recommended Respondent be suspended from the practice of law for six months after it held a hearing and adopted the parties' stipulations of fact and misconduct. The Board adopted the panel's report. No objections were filed.

FINDINGS: Respondent was retained to represent a client in a negligence action. The client paid a \$3,000 retainer and signed a written fee agreement that described the fee as "nonrefundable." However, the client was not informed that he may be entitled to a refund of all or part of the retainer if the representation was not completed. Respondent filed an intervening complaint stemming from negligent repairs made to the client's home. When Respondent received discovery requests from the opposing party, he

Sanction	Two-year suspension with second year stayed on conditions.
Court Modified Sanction	No
Rules Violated	5.5(a), 1.15(a), 1.15(c), 1.4(c), GBR VI(4)(B), GBR VII(2)(A)(3)(d), GBR VII(2)(A)(4), GBR VI(4)(D)
Aggravation/Mitigation	A- (1) (prior discipline), (4) (multiple offenses), (5) (lack of cooperation); M-(2) (no dishonest or selfish motive)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Eisler (2015); Seabrook (2012)
Cited By	

that the trust account had remained open with a running balance. In addition, he also failed to report the existence of the trust account on his registration during the 2015-17 biennium. Despite having an open trust account, the Respondent admitted that he had received flat fees from clients that he represented during his suspension but the records showed that he did not deposit the funds in the trust account.

SANCTION: The Court adopted the recommendation of the Board and imposed a two-year suspension with the second year stayed on conditions that he provide proof to Relator that he properly distributed the remaining funds in the trust account, and that he committed no further misconduct.

DISSENT: Justice O'Donnell dissented and would have imposed a two-year suspension.

OVERVIEW: Respondent received a two-year suspension with one year stayed for practicing law during a CLE suspension and other professional misconduct.

PROCEDURE: Respondent initially participated in the disciplinary process by appearing for a deposition and answering the Complaint, but failed to appear for the disciplinary hearing.

FINDINGS: Respondent was suspended in December, 2015 for failing to complete his required number of CLE hours. During the disciplinary proceedings, Respondent admitted to representing multiple clients in Hamilton County courts during his suspension. Respondent testified during his deposition that he had closed his client trust account, but the evidence showed

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	Jud.Cond.R. 1.3
Aggravation/Mitigation	A- None; M-(1) (no prior discipline), attitude), (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	Reid (1999); Resnick (2005)
Cited By	

She pled no contest to a third degree misdemeanor of reckless operation, to which she was found guilty and sentenced to 30 days in jail with 27 days suspended, placed on two years of community control sanctions, and incurred fines and costs. Respondent also lost her appointment as probate/juvenile magistrate, served a two-week suspension without pay from her position as general-division magistrate, placed on indefinite probation, and had her

SANCTION: The Court issued a public reprimand.

OVERVIEW: Respondent received a public reprimand for abusing the prestige of office to advance her personal interest.

PROCEDURE: The parties entered into various stipulations regarding facts and rules violations. The Board adopted the panel's findings and recommended sanction.

FINDINGS: Respondent was a magistrate in commons pleas court, probate and juvenile division. She was observed by the highway patrol drifting her left toe on the solid white fog line. When asked, she stated that she had two beers. When the trooper began to administer the horizontal gaze nystagmus test, she stated that she was a magistrate. During the field sobriety test, she indicated that she was a judge and that her son was a Secret Service office. When she was informed by the trooper that she had failed the sobriety test, she reiterated that she was a judge, and that she would lose her job. At no time did the trooper solicit information about Respondent's judicial status or ask her information that would disclose her legal status.

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	7.1, 7.3(c)(1), 7.3(d)
Aggravation/Mitigation	A- None. 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	Bradley (1998); Grieselhuber (1997); Snyder (2013)
Cited By	

recommended sanction of a public reprimand.

OVERVIEW: Respondent received a public reprimand for not abiding by the Rules of Professional Conduct concerning lawyer solicitation and advertising.

PROCEDURE: Respondent stipulated to the charged misconduct. Neither party filed objections to the Board's report.

FINDINGS: Respondent, sent a letter to a prospective client informing him that a notice of *lis pendens* had been filed, that a default judgment could be entered resulting in a foreclosure sale. Even though the letter contained the recital "advertising material: the potential client became concerned that he may lose his home. He shared the letter with his attorney and learned that a complaint in foreclosure, not a *lis pendens* action, had been filed against him. Respondent stipulated that the advertisement included material misrepresentations of fact and law in an attempt to market her services, and that she had failed to verify that the information in the letter was correct.

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 Denslow (4/20/2017)
 Donchatz (5/16/2017)
 Doumbas (2/21/2017)
 Dull (12/5/2017)
 Harvey (5/31/2017)
 Hoskins (5/23/2017)
 Johnson (12/20/2017)
 Lindner (6/21/2017)
 Little (7/20/2017)
 Peck (5/30/2017)
 Schuman (12/6/2017)

(9) (no restitution)

Bednarski (2/16/2017)
 Bellew (12/28/2017)
 Buttacavoli (12/7/2017)
 Harvey (5/31/2017)
 Johnson (12/20/2017)
 Little (7/20/2017)

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Barbera (3/15/2017)
 Bednarski (2/16/2017)
 Bell (12/19/2017)
 Bucio (11/29/2017)
 Callahan (7/6/2017)
 Denslow (4/20/2017)
 Donchatz (5/16/2017)
 Doumbas (2/21/2017)
 Dull (12/5/2017)
 Heben (7/27/2017)
 Jacob (5/10/2017)
 Kluesener (6/22/2017)
 LaFayette (12/28/2017)
 Lindner (6/21/2017)
 Little (7/20/2017)
 Maney (12/6/2017)
 Martyniuk (6/26/2017)
 Mason (12/28/2017)
 Miller (5/17/2017)
 Moore (3/15/2017)
 Peck (5/30/2017)

Pickrel (7/20/2017)
 Schuman (12/6/2017)
 Smith (12/6/2017)
 Smith (12/19/2017)
 Strahorn (12/28/2017)
 Williams (12/19/2017)

(2) (no dishonest or selfish motive)

Barbera (3/15/2017)
 Bednarski (2/16/2017)
 Bell (12/19/2017)
 Callahan (7/6/2017)
 Denslow (4/20/2017)
 Kluesener (6/22/2017)
 LaFayette (12/28/2017)
 McNeal (12/5/2017)
 Moore (3/15/2017)
 Nelson (12/7/2017)
 Peck (5/30/2017)
 Weber (12/28/2017)

(3) (restitution or rectified consequences)

Bell (12/19/2017)
 Callahan (7/6/2017)
 Dull (12/5/2017)
 Jacob (5/10/2017)
 Miller (5/17/2017)
 Pickrel (7/20/2017)
 Smith (12/6/2017)

(4) (full and free disclosure)

Bell (12/19/2017)
 Brown (7/6/2017)
 Buttacavoli (12/7/2017)
 Callahan (7/6/2017)
 Denslow (4/20/2017)
 Doumbas (2/21/2017)
 Dull (12/5/2017)
 Fuhry (12/6/2017)
 Heben (7/27/2017)
 Jacob (5/10/2017)
 Kluesener (6/22/2017)
 LaFayette (12/28/2017)
 Little (7/20/2017)
 McNeal (12/5/2017)
 Maney (12/6/2017)
 Martyniuk (6/26/2017)
 Mason (12/28/2017)
 Miller (5/17/2017)

Moore (3/15/2017)
 Peck (5/30/2017)
 Pickrel (7/20/2017)
 Schuman (12/6/2017)
 Smith (12/6/2017)
 Williams (12/19/2017)

(5) (good character)

Barbera (3/15/2017)
 Bell (12/19/2017)
 Buttacavoli (12/7/2017)
 Dull (12/5/2017)
 Heben (7/27/2017)
 Jacob (5/10/2017)
 Kluesener (6/22/2017)
 LaFayette (12/28/2017)
 McNeal (12/5/2017)
 Mason (12/28/2017)
 Miller (5/17/2017)
 Moore (3/15/2017)
 Nelson (12/5/2017)
 Smith (12/6/2017)
 Smith (12/19/2017)

(6) (other penalties/ sanctions)

Bucio (11/29/2017)
 Buttacavoli (12/7/2017)
 Donchatz (5/16/2017)
 Doumbas (2/21/2017)
 Fuhry (12/6/2017)
 Hoskins (5/23/2017)
 Jacob (5/10/2017)
 Martyniuk (6/26/2017)
 Mason (12/28/2017)
 Miller (5/17/2017)
 Schuman (12/6/2017)
 Williams (12/19/2017)

(7) (chemical/ mental illness)

Denslow (4/20/2017)
 Pickrel (7/20/2017)

(8) (other rehabilitation)

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 Strahorn (12/28/2017)

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CJC Canon 3(B)(3) (require order and decorum in proceedings)

CJC Canon 3(B)(4) (being patient, dignified, and courteous in court requiring similar conduct of others)

CJC Canon 3(B)(5) (performing duties without bias and prejudice)

CJC Canon 3(B)(7) (engaging in ex parte communication)

CJC Canon 3(B)(8) (disposing of matters, promptly, efficiently, and fairly)

CJC Canon 3(B)(9) (abstaining from public comment about a proceeding)

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Rule 1.5(f) (dispute between lawyers, fees shall be divided in accordance with the mediation or arbitration provided by a local bar association)

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[Smith](#) (12/19/2017)

Rule 8.4(d) (conduct prejudicial to the administration of justice)

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[Harvey](#) (5/31/2017)

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[Jacob](#) (5/10/2017)
[Maney](#) (12/6/2017)
[Miller](#) (5/17/2017)
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[Schuman](#) (12/6/2017)

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[Martyniuk](#) (6/26/2017)
[Mason](#) (12/28/2017)
[Pickrel](#) (7/20/2017)
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Rule 8.5(a) (a lawyer admitted to practice in Ohio is subject to the disciplinary authority of Ohio, regardless of where the conduct occurs)

Rule 8.5(b)(2) (the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied)

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DR 1-102(A)(1) (prohibiting a lawyer from violating a disciplinary rule)

DR 1-102(A)(3) (engaging in illegal conduct involving moral turpitude)

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DR 1-102(A)(5) (conduct prejudicial to the administration of justice)

DR 1-102(A)(6) (conduct adversely reflecting on fitness to practice law)

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DR 1-103(A) (requiring a lawyer possessing unprivileged knowledge of a violation of DR 1-102 to report the knowledge to a tribunal or other legal authority empowered to investigate)

DR 1-104 (informing client of lack of professional malpractice insurance)

DR 1-104(A) (informing client of lack of

professional malpractice insurance)

DR 1-104(B) (maintaining copy of notice)

DR 1-104(C) (notice required unless applicable exception)

DR 2-101(A)(1) (false, fraudulent, misleading, deceptive, self-laudatory, or unfair statements)

DR 2-101(F)(1) (soliciting legal business in person or by telephone)

DR 2-102(B) (practice under a trade name; misleading name)

DR 2-102(C) (improper representation of the existence of partnership)

DR 2-103(A) (recommending employment of self, partner, or associate to non-lawyer without solicitation)

DR 2-103(B) (compensating a person to recommend employment)

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DR 2-106(A) (charging or collecting a clearly excessive or illegal fee)
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DR 2-106(B) (fee in excess of reasonable fee)

DR 2-107(A) (fee division by lawyers not in the same firm)

DR 2-107(A)(1) (fee division in proportion to services performed)

DR 2-107(A)(2) (terms of fee division and identities of lawyers not disclosed in writing)

DR 2-107(A)(3) (total fee is unreasonable)

DR 2-110(A)(2) (withdrawal without steps to avoid foreseeable prejudice to client; failing to return papers)

DR 2-110(A)(3) (failing after withdrawal to promptly refund any unearned fees)

DR 2-110(B)(2) (representing client when continued employment will result rule violation)

DR 3-101(A) (aiding a non-lawyer in the unauthorized practice of law)

DR 3-101(B) (practice of law violating professional regulations)

DR 3-102 (sharing fees with a non-lawyer)

DR 3-103(A) (forming a partnership with a non-lawyer to practice law)

DR 4-101 (failing to preserve the confidences of a client)

DR 4-101(B)(1) (knowingly revealing the secrets or confidences of a client)

DR 4-101(B)(2) (failure to preserve client confidences and secrets)

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DR 5-101(A)(1) (employment when attorney's judgment might be influenced by personal interests)

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DR 5-104(A) (entering into a business transaction with client when interests differ)

DR 5-105(A) (declining employment if judgment is or is likely to be adversely affected)

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DR 6-101(A)(2) (handling a legal matter without adequate preparation)

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Gov. Bar R. V(8)(E) (requiring a suspended lawyer to notify all clients being represented in pending matters of his suspension and consequent disqualification to act as an attorney)

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Gov. Bar R. VII(2)(A)(3(d) (unauthorized practice of law if providing legal services while suspended for failure to satisfy CLE requirements)

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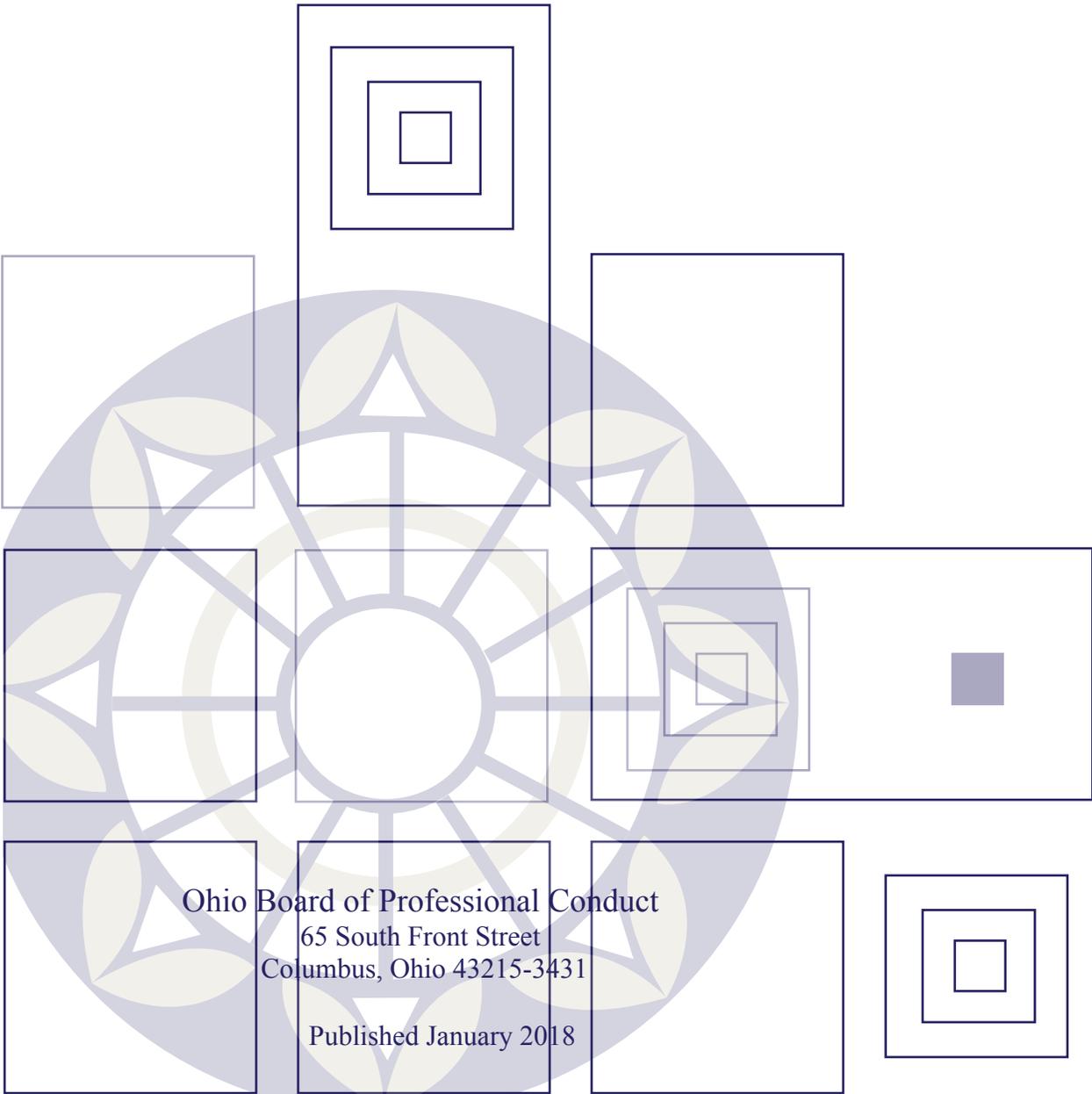
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