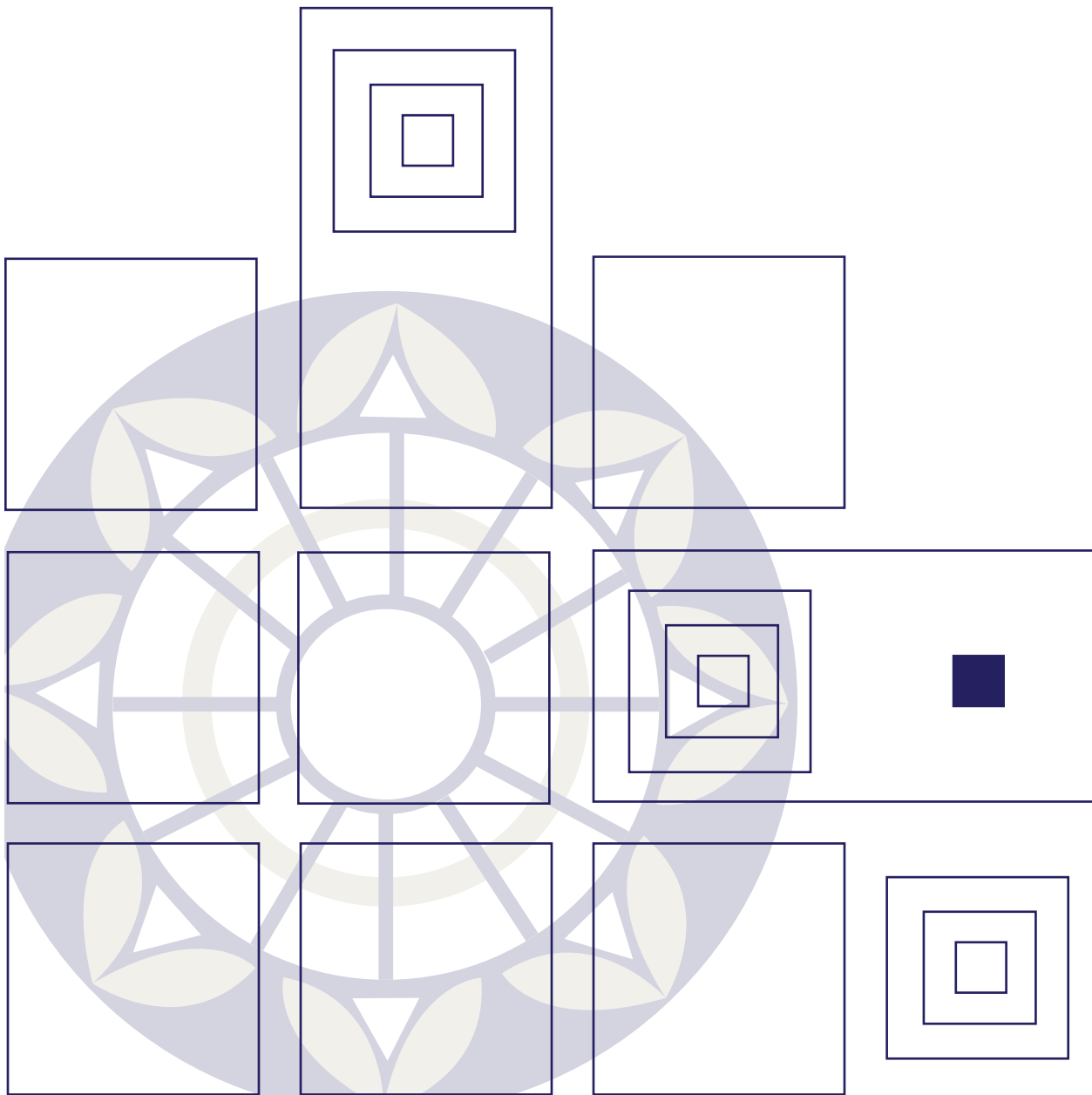




Ohio Board of Professional Conduct

DISCIPLINARY HANDBOOK: Volume XIII
2019



DISCIPLINARY HANDBOOK: VOLUME XIII

[CASES FROM 2019; CURRENT THROUGH DECEMBER 31, 2019]

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

Austin, Cleveland Metro. Bar Assn. v.
2019-Ohio-3325. Decided 8/21/2019

Case Summary

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 1.4(a)(4), 1.4(c), 1.5(a), 1.15(d), 3.3(a)(1), 5.5(a), 7.1, 8.4(c), 8.4(d), 8.1(b), GBR V(9)(G), GBR VI
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), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Woodley (2012); Higgins (2008); Mitchell (2010).
Cited By	

OVERVIEW: Respondent was indefinitely suspended for misconduct for neglecting two client matters, failing to cooperate in a disciplinary investigation, practicing while under suspension, and other rule violations.

PROCEDURE: The Board recommended that the Court adopt the proposed sanction of the parties of an indefinite suspension.

FINDINGS: Respondent was retained by a client to assist him with a post decree filing. Respondent failed to return messages, file any document in court, and the client requested a refund of his retainer but the Respondent failed to

reply, ultimately returning the unearned portion of the retainer ten months after her termination. In a second count, Respondent was hired to represent the defendants in an employment-discrimination case. After settlement, Respondent failed to finalize a settlement entry and was ordered to appear in a show-cause hearing. Respondent failed to appear and was held in contempt. In another count, Respondent was retained to represent a client in a domestic-violence action against her husband. Respondent met with the client and collected fees, but failed to inform the client that he had received an interim default suspension. Respondent appeared at a hearing, and signed an agreed entry as “Pro Se, Attorney for Petitioner.” She later sent the client an invoice charging her for the services she had performed during her suspension. In a fourth count Respondent was charged with a variety of misconduct that occurred during her suspension including making false statements about having a “boss”, implying to courts that she was filing a petition to address her suspension, and referencing herself as a guardian ad litem without referencing her suspension. Other counts included failure to notify clients of her lack of malpractice insurance and using the address of a UPS store as her business address.

SANCTION: The Court adopted the board’s recommended sanction of an indefinite suspension with partial credit for time served and ordered her to make restitution in the amount of \$1,000 or reimburse LFCP, undergo an assessment by OLAP, and comply with recommendations made from that assessment. Chief Justice O’Connor and Justice Fischer would not grant credit for time served.

Sanction	One-year suspension, six months stayed
Court Modified Sanction	No
Rules Violated	1.4(a)(1), 1.4(a)(3), 1.4(c), 1.5(b), 1.8(f), 5.4(a), 5.5(a), GBR V(23)(C)
Aggravation/ Mitigation	A- (4) (multiple offenses), (7) (refusal to acknowledge wrongdoing), (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	Patterson (2009); Willard (2009)
Cited By	

OVERVIEW: Respondent received a one-year suspension, six months stayed for failing to register his association with a suspended lawyer, failing to keep his clients reasonably informed, failing to obtain his clients' informed consent, failing to make required disclosures to clients, and improperly shared legal fees with a non-lawyer.

PROCEDURE: The Board adopted the panel's findings, conclusions, and recommended sanction. Neither party filed objections.

FINDINGS: Respondent was hired shortly after passing the bar exam by suspended lawyer Rodger Moore as a contractor for Moore Business Advisory Group. Respondent's office included signage of "Law Offices of Andrew Green and Rodger Moore" and not the advisory

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group. Respondent later filed a membership application with the Cincinnati Bar Association and indicated that he worked for "The Moore Law Firm." Despite knowing that Moore was under suspension, Respondent failed to register the relationship with the Office of Disciplinary Counsel. Respondent identified himself on 35 court filings and multiple e-mails to opposing counsel as working for "The Moore Law Firm" or the "Law Offices of Rodger Moore." The majority of Respondent's legal work consisted of collection work for PHI Air Medical, LLC. Moore directly participated in litigating at least some of the PHI Air cases including participating in telephone conferences with opposing counsel and a case-management conference with a court, in which Respondent referred to Moore as his supervisor. Respondent failed to directly interact with PHI Air and did not seek the client's informed consent when required or keep the client reasonably informed. Moore also participated and represented a client during a damages hearing that Respondent was serving as lead counsel. Respondent received a set salary through payments the clients made directly to Moore, but never discussed legal fees with the clients or with Moore. Only Moore handled the fee relationships with clients.

SANCTION: The Court adopted the Board's findings of fact, conclusions of law, and recommended sanction of a one-year suspension, with six months stayed on conditions that he complete a minimum of six hours of CLE on the topic of legal ethics in addition to the requirements in Gov.Bar R. X and serve a two-year term of monitored probation upon reinstatement.

**CONCURRING IN PART AND
DISSENTING IN PART:** Justices Kennedy and DeWine.

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	8.4(b) , 8.4(c)
Aggravation/Mitigation	A-(2) (dishonest or selfish motive) (4) (multiple offenses), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (3)(restitution or rectified consequences), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Bennett (2010); Wagner (2013); Helbley (2014); Doumbas (2017)
Cited By	

OVERVIEW: Respondent was indefinitely suspended for misconduct based on the facts that led to his felony conviction for conspiracy, making false statements relating to a healthcare benefit program, and healthcare fraud.

PROCEDURE: The Board recommended that the Court adopt the proposed sanction of the parties of an indefinite suspension with credit for time served.

FINDINGS: Respondent served as general counsel and chief compliance officer for Wellcare Health Plans, Inc., which was one of Florida’s largest providers of managed healthcare services. In March, 2011, Respondent and four co-defendants were named in an 11-count

indictment charging Respondent with one count of conspiracy, four counts of making false statements relating to a healthcare-benefit program, and four counts of health care fraud. In January 2012, the Securities and Exchange Commission (“SEC”) filed a separate civil complaint against Respondent and two other Wellcare executives. Respondent plead guilty to one count of making a false statement relating to a healthcare-benefit program in violation of federal law. He admitted that he knowingly and willfully caused one of Wellcare’s subsidiaries to submit a false worksheet to the Florida agency administering the state’s Medicaid program resulting in a loss to the state of \$4,489,303. He was sentenced to six months of incarceration in federal prison and to a three-year term of supervised release, including 12 months of home confinement, and a \$50,000 fine. In the civil action he agreed to pay \$3.5 million in disgorgement and prejudgment interest and a \$1 million civil penalty for violating securities law.

SANCTION: The Court adopted the Board’s recommended sanction of an indefinite suspension and accepted the Board’s recommendation to grant credit for the time he served under his interim felony suspension. As a condition, the Court required Respondent to complete or be released from his three-year term of supervised release before petitioning for reinstatement.

CONCURRING AND DISSENTING IN PART: Chief Justice O’Connor and Justices Kennedy and Fischer would not give credit for time served.

Sanction	Two-year suspension, one year stayed
Court Modified Sanction	No
Rules Violated	1.8(c), 8.1(b), 8.4(c), 8.4(h)
Aggravation/Mitigation	A-(2) (dishonest or selfish motive),(5) (lack of cooperation), (6) (false or deceptive practices during investigation), (7) (refusal to acknowledge wrongdoing); M- (1) (no prior discipline), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Cook (2002); Kelleher (2004); Theofilos (1988)
Cited By	

OVERVIEW: Respondent was suspended for two years with one year stayed for misconduct related to designating his wife and his sons' Boy Scout Troop as contingent beneficiaries.

PROCEDURE: The Board issued a report finding Respondent committed four of the five alleged violations.

FINDINGS: Respondent agreed to represent a couple with regard to their estate-planning needs. In October 2013, the clients designated their church as the contingent beneficiary of an annuity contract. But on December 21, 2013 they signed a change-of-beneficiary form that designated Respondent's wife and his sons' Boy Scout troop as contingent beneficiaries of the annuity. The form identified Respondent's wife by her maiden name, though she had not used it for nearly 20

years. The next day, the clients executed wills with Respondent and his wife serving as witnesses. In October 2015, a financial services group sent the clients a letter advising them that they had not designated a primary beneficiary for the annuity. A friend who helped care for the clients saw the letter and attached a copy to a grievance filed with relator. In response to a letter of inquiry, Respondent did not acknowledge that he was involved in changing the beneficiary designation and stated that neither his wife nor the Boy Scout troop could be named as a beneficiary. When the relator's committee showed Respondent a copy of the change-of-beneficiary form, he expressed his surprise that his wife's maiden name, address, birthdate, and complete Social Security number and the Boy Scout troop number had been handwritten on the form. He testified that he had no explanation of how that had happened and did not recognize the handwriting as his own. At hearing he testified that he had virtually no recollection of the events surrounding the completion of the form – even though he recalled the events surrounding the contemporaneous execution of the clients' wills.

SANCTION: The Court adopted the Board's findings of fact, conclusions of law, and recommended sanction of a two-year suspension, with one year stayed on condition that he engage in no further misconduct.

Sanction	One-year suspension, six months stayed
Court Modified Sanction	Yes
Rules Violated	Jud.Cond.R. 1.2, 2.2 2.8(B), 2.9(A), 3.11(C)(3), Prof.Cond.R. 8.4(b)
Aggravation/ Mitigation	A-(2) (dishonest or selfish motive) (4) (multiple offenses); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	Yes
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	O’Neill (2004)
Cited By	

OVERVIEW: Respondent was suspended for one year with six months stayed for committing an illegal act that reflects adversely on the lawyer’s honesty and trustworthiness, failing to act in a manner that promotes public confidence in the judiciary, failure to uphold the law, and ex parte communications.

PROCEDURE: The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors. The Board adopted the panel’s findings of fact, conclusions of law, and recommended sanction of a one-year suspension, with six months stayed with no credit for time served.

FINDINGS: Respondent was suspended on an interim basis based on felony counts that were later reduced to misdemeanors. His criminal convictions stems from his failure to accurately

report on his annual financial-disclosure statements his interest in Whiteacre North, LLC, whose sole asset was an office building in Lorain, Ohio that had several tenant-lawyers who regularly appeared before Respondent in Lorain County Common Pleas Court. In a separate count Respondent wrote a letter on official court stationery to three state representatives regarding his views on certain proposed legislation. A target of the letter was a former judge on the Ninth District Court of Appeals. During a court proceeding he referred to Caucasian defendants as “crackers” and African American or Latino defendants as “homeboys.” He also had an exchange with a defendant that suggested he would have paid to have him beaten before he sentenced him to three years in prison. In a colloquy with another defendant he suggested that a better outcome would be to have a deputy sheriff shoot him. In another count Respondent engaged in an improper ex parte communication with a defendant after the defendant asked if he could withdraw his plea. In a final count he acquitted a defendant on a rape charge because he refused to recognize established case law and attempted to act as a translator for a defendant who spoke Spanish despite a law that requires the court to appoint a qualified interpreter.

SANCTION: The Court imposed a one-year suspension, with six months stayed on condition that he not engage in further misconduct. Justices French, DeWine, Donnelly, and Stewart concurred on granting Respondent credit for time served. Chief Justice O’Connor and Justice Fischer would not grant credit for time served.

DISSENTING: Justice Kennedy dissented and would have imposed a two-year suspension with one year stayed.

Sanction	Two-year suspension, one year stayed
Court Modified Sanction	No
Rules Violated	1.1, 1.3, 1.4(a)(3), 1.4(a)(4), 1.15(c), 3.3(a), 8.1(a), 8.1(b), 8.4(c), GBR V(9)(G)
Aggravation/Mitigation	A-(2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses),(5) (lack of cooperation), (6) (false or deceptive practices during investigation), (7) (refusal to acknowledge wrongdoing), (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	No
Prior Discipline	No
Case Authority	Talikka (2013); Folwell (2011); Stewart (2013)
Cited By	

OVERVIEW: Respondent was suspended for two years, with one year stayed for failing to provide competent representation, failing to act with reasonable diligence, failing to communicate with clients, and making a false statement of material fact to a court and the Board.

PROCEDURE: The Board issued a report finding Respondent committed 19 rule violations and recommended the dismissal of eight

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violations. No objections were filed.

FINDINGS: Respondent agreed to represent an incarcerated client based on an affidavit presented by an eyewitness that he had been pressured to give false testimony. More than three years later, Respondent filed a petition for postconviction relief which was declined. In another matter he filed an emergency motion to modify an elderly defendant’s prison sentence that was procedurally improper. The motion offered little medical evidence, new argument, or legal authority and was dismissed. In a separate count Respondent filed an untimely appeal of a client’s convictions and sentence without an accompanying motion for leave to file a delayed appeal. The client complained that it took months for the Respondent to respond to his requests and a year to provided requested copies of transcripts. Respondent agreed to a partial refund of his fee. In another count, Respondent dismissed a direct appeal of a client’s conviction based on an associate’s erroneous research and later admitted his error to the client’s family.

SANCTION: The Court imposed a two-year suspension with one year stayed on conditions that he make restitution, submit to an evaluation by OLAP, demonstrate he has complied with any treatment or counseling recommendations arising from his OLAP contract, completed six hours of CLE focused on law-office management, and serve a one-year term of monitored probation.

DISSENTING IN PART AND CONCURRING PART: Justices Kennedy and DeWine.

NOT PARTICIPATING: Justices Donnelly and Stewart.

Sanction	One-year stayed suspension
Court Modified Sanction	No
Rules Violated	1.2(a), 1.4(a)(3), 1.5(c)(2), 1.5(e), 1.6(a), 8.4(c)
Aggravation/Mitigation	A- (4) (multiple offenses); M- (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Holmes and Kerr (2018); Heben (2017); Niermeyer (2008), Gibson (2011)
Cited By	

OVERVIEW: Respondent received a one-year fully stayed suspension for failing to reasonably communicate with two personal-injury clients, failing to disclose his fee-sharing arrangement with attorneys outside of his firm, and forging a client’s signature.

PROCEDURE: The parties entered into stipulations of fact, disputed one alleged rule violation, and the relator agreed to dismiss two other violations. Based on the stipulations, the Board recommended a 12-month, all stayed suspension.

FINDINGS: Respondent was referred a case from a law firm involving a client’s fall on loose carpet in the common area of her apartment building. The client signed a fee agreement to pay a contingency fee of 33.3 % if her case settled

before trial. The agreement provided that “Donahay Law Office” is co-counsel in the case. Respondent never informed the client in writing that each lawyer was assuming joint responsibility for the representation or the division of fees would correspond to the proportion of the services each lawyer performed. In negotiating his clients’ claim, he made a settlement demand without the client’s consent. As part of the settlement Respondent signed his client’s name, his own name as a witness, and directed his secretary to notarize the client’s signature without the client’s knowledge. In a second matter, Respondent accepted a referral from another firm. The client signed an agreement that provided that the client agreed that the law firm would serve as co-counsel. After investigating the case, Respondent concluded that settlement was unlikely and transferred the client’s case to lawyer Sanford Meizlish without the client’s knowledge or consent. Meizlish contacted the client to schedule an appointment and also indicated that he would need her to advance \$750 for the costs of litigation if she wanted him to represent her. In March 2015, he informed the client that he was closing the file. The client later contacted Respondent who initially agreed to continue to represent her, but later informed her that he was taking no further action in the case.

SANCTION: The Court imposed a one-year stayed suspension on the conditions that Respondent commit no further misconduct and pay the costs of the proceeding.

NOT PARTICIPATING: Justice DeWine

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	1.15(a)(5), 5.3(b), DR 9-102(B)(3), DR 1-102(A)(6)
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), (6) (other penalties/sanctions)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Ponder (2007), 375 S.C. 525
Cited By	

from his client trust account and operating account. He filed a police report which led to the Ohio Attorney General's office conducting a forensic audit of the accounts. It was determined that between 2003 and 2012, Silva had embezzled \$185,365.75 from Respondent, including \$59,417.75 that should have been deposited in his client trust account. Silva pleaded guilty to aggravated theft by deception and tampering with records. During the disciplinary proceedings, Respondent admitted that when Silva worked for him he regularly reviewed the bank statements for his client trust account but never conducted a monthly reconciliation of the account by comparing the client ledgers with the client-trust-account registers and bank statements.

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

OVERVIEW: Respondent received a public reprimand for failing to perform required monthly reconciliations of his client trust account and adequately supervise his staff.

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

FINDINGS: Respondent employed Jayne Silva as secretary, bookkeeper, and office manager. In 2003, she began stealing from Respondent's bankruptcy law practice by recording client payments for fees and court costs in a client ledger, but converting the funds for her own use. In 2012, Silva left Respondent's office to pursue other employment, and in 2014, he decided to merge his law practice with another attorney's. In preparing to close his solo practice, he audited his books and discovered that money was missing

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	1.1, 1.2(a),1.3, 1.4(a)(3), 1.4(a)(4), 1.5(c)(1),1.15(c), 1.16(e), 8.1(a), 8.1(b), 8.4(c), 8.4(d), 8.4(h), GBR V(9)(G)
Aggravation/ Mitigation	A - (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses),(5) (lack of cooperation), (6) (false or deceptive practices during investigation), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim), (9) (no restitution); M- (1) (no prior discipline)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	DiMartino (2016); Hoskins (2016); Johnson (2017)
Cited By	

OVERVIEW: Respondent was indefinitely suspended for multiple violations arising from his representation of four client matters.

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

FINDINGS: Respondent was paid a flat fee to represent a client in a breach of contract action, but failed to respond to the plaintiff’s motion for summary judgment. The client learned of the judgment from a change in his credit score.

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Respondent produced a fraudulent document to substantiate a previous false statement to Relator concerning his malpractice insurance. He also did not refund an unearned flat fee. In another count, Respondent did not return calls from a client he agreed to represent in an automobile accident and was eventually terminated. He did not have a contingent fee agreement with the client, but attempted to settle the matter with the insurance company based on his attorney’s lien. Despite his termination he filed a lawsuit against the defendants without his client’s knowledge or consent. In a third count, Respondent agreed to file suit on behalf of clients regarding a gas company’s lease on property they owned. The clients learned from the clerk’s office that no complaint had been filed. Respondent gave the clients a complaint that they filed on their own. At a hearing the trial judge instructed Respondent to file a pretrial statement, but he never complied. The panel found his testimony denying he was ever ordered to file a pretrial statement to be blatantly false. Respondent ignored several inquiries from the clients’ son and eventually learned that the court had dismissed the case and that a counterclaim had been filed against them. He did not return any portion of his fee to the clients. In a final count, Respondent agreed to represent two clients in a modification or recession of an oil and gas lease on their property. He filed suit, but the court stayed the action pending arbitration as required by the terms of the lease. A court of appeals determined that most of the client’s arguments were meritless. Respondent failed to convey a settlement offer to his clients and the case was eventually dismissed for want of prosecution.

SANCTION: The Court adopted the Board’s findings of fact, conclusions of law, and recommended sanction of an indefinite suspension and ordered restitution. As a condition of reinstatement, Respondent is required to provide proof of an OLAP evaluation and any treatment.

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	1.1, 1.3, 1.4(c), 1.16(c), 1.16(d), 3.4(c), and 8.4(d)
Aggravation/Mitigation	A-(1) (prior discipline, (4) (multiple offenses); M- (2) (no dishonest or selfish motive), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	Yes
Case Authority	Nelson (2015); Godles (2010)
Cited By	

appeared. Respondent did not appear at a subsequent status conference but had informed the client that he had moved out of state, would not appear at the status conference, and was unable to continue representation. Respondent never notified the court or the prosecutor of his intention to withdraw from the case. In his response to a letter of inquiry, Respondent admitted that he had failed to inform his client that he did not carry professional-liability insurance.

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

OVERVIEW: Respondent received a public reprimand for failing to competently represent a client, act with reasonable diligence, failing to inform a client that he did not maintain professional-liability insurance, withdrawing from representation without leave of court, and engaging in conduct prejudicial to the administration of justice.

PROCEDURE: The panel and Board recommended the Court's adoption of the parties' consent-to-discipline agreement

FINDINGS: Respondent was assigned to represent a client by the National Freedom Project ("NFP"). NFP was paid \$3,500 by the client, but Respondent did not receive any money from either the client or NFP for his representation. On the day of his client's arraignment, Respondent was late to court. When he arrived, the judge told him that he could not appear on his client's behalf because he was not currently registered due to the fact he owed a \$50 late-registration fee. The judge continued the arraignment to a later date, at which Respondent

Sanction	Two-year suspension, with one year stayed; disbarment
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 1.4(a)(4), 1.5(a), 1.6(a), 1.15(a), 1.15(c), 1.16(d), 1.16(e), 5.5(a), 8.4(c), former GBR V(8)(G), V(8)(G)(1)(a), GBR V(23)(A)(1), V(23)(F)
Aggravation/ Mitigation	A- (1) (prior discipline), (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (6) (false or deceptive practices during investigation), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim), (9) (no restitution); M- (1) (no prior discipline)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Fletcher (2013); Rothermel (2007); Talikka (2013)
Cited By	

OVERVIEW: Respondent Dougherty received a two-year suspension with one year stayed for assisting in the unauthorized practice of law and other misconduct. Respondent Cicero was disbarred.

PROCEDURE: The Board adopted the panel’s recommended sanctions. Only Respondent Dougherty filed objections.

FINDINGS: Respondent Dougherty was

retained by a client to represent her in two civil matters. He deposited her payment in his personal account and in one case negotiated a settlement without client consent. The same client met with Respondents Dougherty and Cicero – who was under a prior disciplinary suspension, concerning her cases. Cicero was introduced to the client as Dougherty’s partner. Dougherty never provided the client with an itemized fee statement. In another matter, Respondents met with prospective clients at the “Chris Cicero Law Building” in which Cicero did most of the talking and gave his analysis and opinion. Neither Respondent notified the clients about Cicero’s suspension. In a third count, a former client was arrested for OVI and met Cicero in his office who indicated the charges would be “thrown out” and quoted a legal fee of \$1,800. On a second arrest for OVI, Cicero answered her call and advised her to refuse a blood test before handing the call to Dougherty. In another count, a client met with the Respondents to discuss his pending criminal cases. Cicero quoted a flat fee for the representation and did not notify the client of his suspension. The fee was not designated as “nonrefundable”, and Dougherty placed the funds in his operating account. In a later motion to withdraw as counsel, Dougherty stated that he was firing his client and divulged confidential information. In a final count, Cicero assisted Dougherty in preparing a defense in a murder case and communicated with Dougherty via text during the trial.

SANCTION: The Court suspended Respondent Dougherty for two years, with the second year stayed on conditions that he provide proof of restitution, refrain from any further misconduct, pay half the costs of the proceedings and serve a two-year period of monitored probation and receive a passing score on the MPRE. Respondent Cicero was disbarred and ordered to pay one-half of the costs of the proceeding.

Sanction	One-year stayed suspension
Court Modified Sanction	No
Rules Violated	1.3,1.15(c),1.16(c), 1.16(d)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses); M- (1) (no prior discipline), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Fonda (2014)
Cited By	

collect her fee in small claims, but the action was dismissed without prejudice after the client filed a grievance. In a separate count, Respondent withdrew funds from her IOLTA on four occasions without documentation to justify the payments or before clients were invoiced for services allegedly rendered.

SANCTION: The Court adopted the consent - to-discipline agreement of the parties and suspended Respondent from the practice of law for one year, fully stayed on conditions including serving a one-year term of monitored probation, that she secure the services of an accounting professional throughout the term of probation and directs the accounting professional to cooperate with the monitor appointed by relator, and engages in no further misconduct.

OVERVIEW: Respondent received a one-year stayed suspension on conditions for misconduct that included neglect of a client's matter, failure to protect the client's interests during withdrawal, and IOLTA issues.

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

FINDINGS: Respondent was retained by a client to represent her in a post-decree custody matter. Respondent untimely filed a motion for attorney fees and shared parenting plan. Following a dispute over fees, Respondent threatened to withdraw from representation. Respondent later failed to attend a scheduled hearing on the motion for attorney fees and the motion was dismissed for failure to prosecute. The client contacted Respondent on several occasions to obtain her file that was not returned for several months. After Respondent was granted permission to withdraw, she attempted to

Sanction	One-year stayed suspension
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 8.4(c)
Aggravation/Mitigation	A- (4) (multiple offenses), (8) (harm to vulnerable victim); M- (1) (no prior discipline),(4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Pfundstein (2010); Crosser (2016); Miller (2017)
Cited By	

OVERVIEW: Respondent received a stayed one-year suspension after he neglected a client matter and then lied to his client in an effort to conceal his neglect.

PROCEDURE: The Board issued findings of fact, conclusions of law, and a recommended sanction of a one-year stayed suspension.

FINDINGS: Respondent was retained by Euclid Beach, L.P., a Cleveland mobile-home park to contest the taxable value of its property for tax year 2012. Although Respondent prepared and signed a complaint, he failed to file it by the March 31, 2013 statutory deadline. Despite his neglect, he wrote an email to the client implying that he had filed the complaint and that he would inform the client when a hearing was scheduled. On March 3, 2014, Respondent wrote his client and indicated he needed to refile the tax appeal by a March 31, 2014 deadline, but failed to do so in a timely manner. Respondent was notified that his complaint was received after the statutory

deadline. The client later filed a malpractice action against Respondent. In his defense, Respondent took the position that he had no duty to file the complaints because the client had not paid his retainer nor submitted a requested appraisal of the property and other documents to him. Respondent later acknowledged this his position was incorrect and he agreed to a June 2015 entry of judgment in favor of the client in the amount of \$95,000. By the date of his disciplinary hearing, he had paid approximately \$40,000 toward the judgment. He agreed as part of the disciplinary sanction to pay the entire judgment within two years of the Court's final order.

SANCTION: The Court suspended Respondent for one year fully stayed, on conditions that he submit proof to relator that he satisfied the stipulated judgment within two years of the Court's disciplinary order and refrain from future misconduct.

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	1.4(a)(3), 1.5(c)(1)
Aggravation/Mitigation	A- (4) (multiple offenses); M- (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Adusei (2013); Ernst (2018)
Cited By	

Respondents conceded that they relied on Crosser to communicate with the client and never had any communication with her. The client did not learn that her case was time-barred until one month after the retained counsel presented oral argument at her appeal.

SANCTION: The Court adopted the consent - to-discipline agreement of the parties and publicly reprimanded Respondents.

OVERVIEW: Respondents received a public reprimand for misconduct stemming from the representation of one client.

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

FINDINGS: Respondents were retained as co-counsel in a case handled by attorney Joan Crosser. Crosser was originally retained to represent a client in a personal-injury and wrongful death case in 2012. The original complaint was dismissed without prejudice for want of prosecution. A second complaint was filed, but was dismissed on the grounds that the statute of limitations had expired and the complaint had not been refiled within the statutory period. After Crosser missed the deadline, Field and Weiss agreed to serve as co-counsel in the case but did not reduce their contingent-fee agreement to writing. Crosser retained counsel to appeal the dismissal, and Respondents paid one-half of the retainer.

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(4)
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	Nelson (2015); Mickens (2016)
Cited By	

fees. Respondent returned the file to the client, but did not include an itemized bill or a refund of unearned fees. On March 29, 2018, Respondent refunded \$3,500 to the client.

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

NOT PARTICIPATING: Justice DeWine

OVERVIEW: Respondent received a public reprimand for failing to competently represent a client and responding to the client's reasonable requests for information.

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

FINDINGS: Respondent was retained by a client to represent her in connection with the termination of her marriage. The client tendered \$3,500 that Respondent indicated would cover the entire cost of the dissolution or divorce. In December, 2016 the client dropped off her husband's financial records and paperwork and was told by Respondent that he would be ready to file the case after the first of the year. As of April, 2017, Respondent had not prepared any documents for dissolution or divorce, and the client consequently terminated Respondent as her lawyer. She requested the return of her file, an itemized bill, and the return of any unearned legal

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	1.1, 1.3, 1.4(a), 1.4(b), 1.5(b)
Aggravation/Mitigation	A-(4) (multiple offenses); M- (1) (no prior discipline), (2) (no dishonest or selfish motive) (3)(restitution or rectified consequences), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Domis (2019) Flessa (2019); Harsey (2015)
Cited By	

her behalf, but a few months later he revealed that he had not filed the case. He complied with her request to return the \$300.00. Several months later, the client’s lender filed a foreclosure action against her. She was able to resolve the case, but only after incurring an additional \$7,600 in fees, costs, and interest as a result of Respondent’s neglect.

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

OVERVIEW: Respondent received a public reprimand for multiple ethical violations related to his representation of one client.

PROCEDURE: The Board recommended the Court adopt a consent-to-discipline agreement in entirety.

FINDINGS: Respondent agreed to represent a client in a dispute with her lender regarding her mortgage escrow account. Respondent did not communicate to the client the nature and scope of his representation or the basis or rate of fee. He told the client to stop paying her mortgage, but did not advise her regarding the potential consequences of the course of action. After several months, the client stopped by his office on multiple occasions but Respondent was not there and did not return her telephone calls. Later, the client paid Respondent \$300 to file an action on

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	8.4(d)
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	Fink (2011); Smith (2016)
Cited By	

inflammatory things about her past and expressed concern that the information might be used against her in the pending litigation. On March 15, 2017, the trial court granted Ms. Krenn's motion. Respondent appealed the judgment. While the appeal was pending, the trial court issued an order suspending Mr. Krenn's parenting time. Respondent moved to vacate the ruling, but the court of appeals denied Respondents' motion and later affirmed the disqualification entry. On October 19, 2017, Respondent withdrew from the case.

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

NOT PARTICIPATING: Justice Donnelly

OVERVIEW: Respondent received a public reprimand for engaging in conduct that was prejudicial to the administration of justice.

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

FINDINGS: Respondent agreed to represent Rainie Krenn, the wife of his longtime friend and former client Tim Krenn, in a child-support and visitation matter involving Ms. Krenn's daughter from a previous relationship. Mr. Krenn agreed to adopt the child, and Respondent represented the couple in the stepparent-adoption proceeding. The Krenns divorced in 2015, but Respondent did not participate in the proceedings. In January 2017, Ms. Krenn initiated post decree proceedings seeking to have Mr. Krenn cited for contempt and to enforce the parenting-time and child-support orders. Mr. Krenn retained Respondent to represent him in the proceedings. Ms. Krenn sought the disqualification of Respondent and testified that when he was representing her, she told him personal, and

Sanction	One-year suspension, six months stayed
Court Modified Sanction	No
Rules Violated	1.5(a), 1.5(d)(3), 8.1(a), 8.1(b)
Aggravation/ Mitigation	A-(6) (false or deceptive practices during investigation); M- (1) (no prior discipline), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Maney (2017); Smith (2017)
Cited By	

indicated that the authors were aware of the circumstances that had led to the disciplinary investigation. He later acknowledged that some of the authors were not aware of the grievance against him or the purpose for which he had intended to use their letters.

SANCTION: The Court adopted the parties' consent-to-discipline agreement and suspended Respondent for one year, with the final six months of the suspension stayed on the conditions that he refund \$4,750 to his client within 60 days and refrain from any further misconduct.

OVERVIEW: Respondent received a one-year suspension with six months stayed for misconduct related to a client matter and providing false evidence during the ensuing disciplinary investigation.

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

FINDINGS: Respondent agreed to represent a client in a criminal matter for a \$15,000 flat fee, of which the client paid \$9,500. Respondent failed to advise the client if he did not complete the representation, the client might be entitled to a refund of all or a portion of the flat fee as required by Prof.Cond.R. 1.5(d)(3). Respondent later withdrew from the representation and failed to refund any of the client's fee. During the investigation, Respondent produced a copy of a purported engagement letter, which he claimed that he had given to the client in compliance with Prof.Cond.R 1.5(d)(3). Respondent submitted 28 "letters of support" from various individuals, including judges and other lawyers. He initially

Sanction	Two-year suspension, 18 months stayed
Court Modified Sanction	No
Rules Violated	1.1, 1.3, 1.4(a)(3), 1.16(e), 8.4(c), 8.4(d), 8.4(h)
Aggravation/Mitigation	A-(2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses),(7) (refusal to acknowledge wrongdoing), (9) (no restitution); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Gill (2013); Wineman (2009); Scurry (2007)
Cited By	

OVERVIEW: Respondent received a two-year suspension with eighteen months stayed based on multiple violations arising from his convictions of two alcohol-related offenses while driving under suspension and the neglect or incompetence in handling two client matters.

PROCEDURE: The Board accepted the panel’s findings of fact, conclusions of law, and recommended sanction but also recommended that he be required to serve 18 months of monitored probation.

FINDINGS: Respondent was appointed to represent a client on five felony charges. The client noticed Respondent smelled of alcohol and

was slurring his words on the day of his jury trial. The judge removed Respondent from the case and continued the client’s jury trial. When Respondent left the courthouse, law-enforcement officers responded to a report of Respondent in the driver’s seat of his car and observed signs of intoxication. He was arrested and charged with a physical-control violation and his driving privileges were revoked. At his hearing court personnel noticed that he again smelled of alcohol. Following the hearing, he left the courthouse, got into his car, and drove out of the parking lot where he was charged with an OVI and driving under suspension. Respondent agreed to represent a client in a small-claims matter for a flat fee plus the filing fee. Despite assurances that he would file the complaint and attend the trial, he failed to appear. In another matter, he agreed to file an eviction action for a company to evict tenants. Neither the parties nor Respondent appeared at a February hearing and the case was dismissed with costs to be paid by his client. Based on his own error in writing a check for the filing fees his client was also ordered to pay the delinquent filing fee. He failed to communicate with his client that he missed the hearing or that the case had been dismissed.

SANCTION: The Court adopted the Board’s recommended sanction of a two-year suspension with 18 months stayed on conditions that he engage in no further misconduct, that he complete an OLAP assessment, make restitution to his client. As a condition of reinstatement, he was required to submit proof that he complied with his court ordered probation, abstain from alcohol, and comply with any OLAP contract, pay costs, and serve 18 months of monitored probation.

CONCURRING: Chief Justice O’Connor, Justices French and Donnelly; Justice Fischer concurs with an opinion, Justice Stewart concurs with judgment only.

CONCURRING IN PART AND DISSENTING IN PART: Justices Kennedy and DeWine

Sanction	Two-year stayed suspension
Court Modified Sanction	Yes
Rules Violated	1.5(a), 1.7(a)(2), 1.16(a)(3), 3.1, 3.3(a)(1), 4.2, 4.4
Aggravation/Mitigation	A-(2) (dishonest or selfish motive), (4) (multiple offenses), (7) (refusal to acknowledge wrongdoing), (9) (no restitution); M- (1) (no prior discipline), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

OVERVIEW: Respondent received a two-year stayed suspension for misconduct related to the representation of a single client in several legal matters.

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

FINDINGS: Respondent represented a family friend who had been diagnosed with dementia and was living in a specialized care facility. The client and his wife informed Respondent that they wanted to end their marriage and Respondent had previously drafted the estate plan of the client and his wife. Respondent advised that he would not be able to represent either of them in an adversarial proceeding. The client was later arrested and charged with domestic violence and assault following an altercation with his wife and was eventually placed on probation. Respondent

represented the client in the criminal case and shortly thereafter drafted a general and durable power of attorney that named him as attorney-in-fact. In communications with his client's wife's lawyer, he proposed an equal split in marital assets, but requested a \$50,000 advance against his client's share to pay his legal fees. A friend of the client placed him on a plane to Colorado where his daughter resided and Respondent's representation was later terminated. Despite the termination, Respondent continued to negotiate with his client's wife's lawyer on a global settlement of the divorce, which included payment of Respondent's fees and return of his client's Olympic ring, which he claimed was being held as collateral for his fees. When the effort was unsuccessful, Respondent filed a petition for declaratory judgment against the client, his clients' daughter and friend, and the trustee of the Harper Family Trust Agreement. The declaratory judgment also stated civil claims for tortious interference, undue influence, and sought an award of spousal support to include his fees. He also filed a notice in the probate court claiming the former client's daughter had engaged in the unauthorized practice of law by assisting the client in the revocation of his power of attorney. Respondent dismissed his petition and at a status conference falsely informed the court that his former client had been kidnapped. He later asked his former client and wife for a fair payment for the services he rendered.

SANCTION: The Court suspended Respondent from the practice of law for two years, with the entire suspension stayed on the condition that he engage in no further misconduct, and required him to serve a two-year period of monitored probation.

CONCURRING: Justice DeWine concurring in judgment only.

DISSENTING: Justice Stewart joined in a dissent with Justice Kennedy and would order restitution to third parties. Justice Fischer dissented in a separate opinion.

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	8.4(b), 8.4(h), Jud.Cond.R. 1.2, 1.3, 2.3(B), 4.4(B)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (6) (false or deceptive practices during investigation), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	Yes
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	
Cited By	

ten days, undergo a drug and alcohol assessment and complete follow-up treatment, pay restitution to the Mid-Ohio Foodbank in the amount of \$2,065, complete 100 hours of community service, verify that he attended at least one AA meeting per week, and stay involved with the program. In addition, he violated other conduct rules by allowing his judicial staff to work on his judicial campaign during work hours and at public expense, using county resources for his judicial campaign, directing his judicial staff to be involved in the receipt, handling and delivery of campaign contributions. Respondent admitted that he told his court staff, “If you want to work on [the campaign], you want to volunteer, that’s great, you know I would appreciate it.” In another count, Respondent was charged with directing inappropriate sexual comments and conduct to members of his staff from the summer of 2013 until the autumn of 2014. He engaged in sexual conduct with one former intern and allowed his friends to touch and grope her inappropriately at his insistence. The same intern stated that Respondent got angry on one occasion when she objected to his sexual statements and she worried it would affect her job.

OVERVIEW: Respondent received an indefinite suspension for criminal convictions related to his failure to complete an accurate campaign statement, allowing staff to work on his judicial campaign, and inappropriate sexual conduct.

PROCEDURE: The Board adopted the panels’ findings of fact and conclusions of law, but disagreed with the recommended sanction.

FINDINGS: Respondent served as a common pleas judge during the period of misconduct. He pleaded guilty to three misdemeanor counts for failing to file complete and accurate campaign statements. Respondent was sentenced to serve

SANCTION: The Court adopted the Board’s recommended sanction of an indefinite suspension and conditioned his reinstatement on his continued participation in AA, submission to a new OLAP evaluation and compliance with any treatment, not contacting the former employees and interns who testified in the proceedings, and payment of the costs of the proceedings.

Sanction	Six-month stayed suspension
Court Modified Sanction	No
Rules Violated	1.15(a), 1.15(c), 1.15(d), 1.4(c), 1.5(c)(2)
Aggravation/Mitigation	A- (3) (pattern of misconduct), (4) (multiple offenses); M- (1) (no prior discipline), (3)(restitution or rectified consequences), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Keating (2018); Gregory (2012)
Cited By	

OVERVIEW: Respondent received a six-month stayed suspension for violating IOLTA rules, failing to inform a client that he did not carry malpractice insurance, failing to prepare a closing statement in a contingent-fee agreement, and failing to notify a third party of receipt of funds.

PROCEDURE: The parties originally entered into a consent-to-discipline agreement that included a public reprimand that was rejected by the Court and remanded to the Board. Two cases filed by Relator against Respondent were consolidated.

FINDINGS: Respondent was retained to review a case file of an incarcerated client and paid \$2500. After his review, he notified the client's mother that there were no grounds for appeal and that the only option was to file a state-court

habeas corpus petition. After receiving an additional amount to perform more research, he did not deposit the fee in his IOLTA nor maintain detailed records of disbursement of the funds after the representation was terminated. Respondent never filed a pleading on the client's behalf, nor could he produce any documentation concerning the representation. In other matters, he entered into contingent-fee agreements with two clients and was on notice that a chiropractor clinic was to be paid out of the respective settlements. After Respondent settled the two cases he deposited the amounts into his client trust account. After the settlements, he received a call from the clinic inquiring when it would be paid. Respondent was unable to furnish evidence that the clinic had been paid for one client's treatment. The clinic later filed a grievance against Respondent.

SANCTION: The Court agreed with the Board's recommended sanction of six months all stayed. He was also ordered to complete three hours of continuing legal education in law office management and three hours of CLE in client-trust-account management within 120 days of the disciplinary order and to commit no further misconduct. Chief Justice O'Connor would not have stayed the suspension.

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); M- (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions), (8) (other rehabilitation)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Kellogg (2010)
Cited By	

OVERVIEW: Respondent was indefinitely suspended for misconduct stemming from felony convictions for money laundering and attempted money laundering.

PROCEDURE: The parties entered into stipulations of fact, misconduct, and aggravating and mitigating factors. The Board issued a report recommending Respondent be indefinitely suspended.

FINDINGS: Respondent engaged in a recorded conversation with a confidential informant for the FBI. Respondent told the informant, posing as a drug dealer, that he would form a corporation for the purpose of laundering the money derived from the informant's profits in the drug trade. Respondent later accepted \$20,000 in marked bills from the informant and told the informant he would deposit the money into his client trust account in amounts less than \$10,000 to avoid federal currency-reporting requirements. Respondent never incorporated the proposed shell company or deposited the \$20,000 in his client trust account. Over several weeks he

complied with the informant's multiple requests for cash. He eventually returned the entire \$20,000 and wrote and delivered two \$2,000 checks to the informant from his personal account. One check made payable to the shell corporation was never cashed. The informant later absconded with the \$20,000 and one check for \$2,000 from Respondent's personal checking account. Respondent was charged with one count of attempted money laundering for accepting \$20,000 that had been represented to be the proceeds of drug trafficking and two counts of money laundering for issuing the two \$2,000 checks. He served 22 months of a 44-month prison sentence.

SANCTION: The Court adopted the Board's recommended sanction and indefinitely suspended Respondent from the practice of law with no credit for time served. In addition to the requirements set forth in Gov.Bar R. V(25), upon petitioning the court for reinstatement, Respondent is required to demonstrate he has completed the term of supervised release imposed in his underlying criminal case.

Sanction	One-year stayed suspension
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 1.4(a)(4), 1.15(d), 1.16(d),1.16(e),8.4(d)
Aggravation/Mitigation	A-(1) (prior discipline),(3) (pattern of misconduct),(4) (multiple offenses), (9) (no restitution); M- (2) (no dishonest or selfish motive), (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Yakubek (2015)
Cited By	

appear for scheduled court hearings, and in one case resulted in her client representing herself pro se. Respondent also failed to provide her clients with a requested itemized statement of legal services, failed to turn over client files after terminating representation, and failed to refund unearned fees to one client after termination of representation.

SANCTION: The Court adopted the Board’s findings of fact, conclusions of law, and recommended sanction on conditions that Respondent provide proof of restitution to one client for unearned fees, submit to an OLAP evaluation, serve a two-year period of monitored probation, and engage in no further misconduct.

OVERVIEW: Respondent received a one-year stayed suspension for failing to act with reasonable diligence in the representation of a client, failing to keep a client reasonably informed, and failing to provide clients with a requested itemized statement of legal services.

PROCEDURE: A panel found Respondent had engaged in most of the conduct stipulated by the parties, and recommended a one-year stayed suspension that the Board adopted.

FINDINGS: Respondent represented a client in divorce and child-support proceedings in early 2015. When the court issued its final judgment entry, the client noticed several errors including that the child support was in an amount less than what the parties had agreed to. Respondent failed to respond to the client’s inquiries and never filed a motion to attempt to correct the errors identified by the client. Respondent was also found to have committed additional rule violations by failing to

Sanction	Two-year suspension, one year stayed
Court Modified Sanction	No
Rules Violated	8.4(b), 8.4(c)
Aggravation/Mitigation	A-(2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses),(7) (refusal to acknowledge wrongdoing); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Ezzone (2004); Lawrence (2016); Jacobs (2014)
Cited By	

OVERVIEW: Respondent received a two-year suspension with credit for time served for misconduct related to his felony conviction of filing a false tax return.

PROCEDURE: A panel found Respondent had engaged in most of the conduct stipulated by the parties, and recommended a one-year stayed suspension that the Board adopted.

FINDINGS: Respondent opened a solo practice in June 2008. In 2010, after receiving reports that Respondent's wife had been making large cash deposits and withdrawals at a bank, the IRS launched an investigation. In March 2015, Respondent was indicted on three counts of filing false tax returns for underreporting his income on his 2008, 2009, and 2010 tax returns. In August,

2017, Respondent pleaded guilty to filing a false income tax return. The court found Respondent guilty, dismissed the remaining charges, and sentenced him to one year of probation. The court ordered him to pay \$42,472.58 to the IRS. He paid the unpaid-taxes amount at the time of his sentencing.

SANCTION: The Court adopted the Board's findings of fact, conclusions of law, and recommended sanction of a two-year suspension, with one year stayed on conditions that he commit no further misconduct, demonstrate his compliance with the restitution order in the underlying criminal case at the time of his reinstatement, and remain in compliance with that order during the stay. Upon reinstatement, he was ordered to serve a one-year period of monitored probation to be focused on his operating and client-trust accounts and his compliance with applicable tax laws and regulations. Chief Justice O'Connor and Justice Fischer would not grant credit for time served.

CONCURRING IN PART AND DISSENTING IN PART: Justices Kennedy and DeWine

Sanction	One-year stayed suspension
Court Modified Sanction	No
Rules Violated	1.2(c), 1.3, 1.4(b), 1.4(a)(3), 1.4(c), 1.15(c), 8.1(b), 8.4(c), 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); M- (4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	Yes
Case Authority	Fumich (2007); Crosser (2016)
Cited By	

OVERVIEW: Respondent received a one-year stayed suspension for neglect of a client’s matter, failure to limit the scope of a client’s representation, failure to communicate, failure to deposit an unearned fee, and failure to cooperate in the ensuing discipline investigation.

PROCEDURE: Respondent answered the complaint after imposition of an interim default suspension. On remand, the parties entered into stipulations of fact and misconduct. No objections were filed.

FINDINGS: Respondent agreed to assist a client in a commercial-eviction action filed against the client. There was no agreement between Respondent and the client regarding the scope of the representation or Respondent’s compensation. A motion for default judgment was filed against the client. Respondent however

did not file any answer or other responsive pleadings or appear at the motion hearing. When his client inquired about whether they had missed a court date, Respondent replied, “No. You didn’t need to be there. Everything is fine.” Respondent filed a late answer on his client’s behalf, but the trial court later journalized an entry stating that it had entered a \$14,000 default judgment against his client. When confronted, Respondent informed his client that “There’s more than what the docket states. The case is still going on and I have been negotiating with [the plaintiff’s] attorney to settle the money and car issues.” Unable to negotiate a settlement, Respondent filed a motion for relief from judgment that was later denied. Respondent failed to inform his client of his right to appeal.

SANCTION: The Court adopted the Board’s findings of fact, conclusions of law, and recommended sanction of a one-year stayed suspension on conditions that he complete six hours of CLE in law-office management in addition to the requirements of Gov.Bar R. X, one year of monitored probation, and engage in no further misconduct. Chief Justice O’Connor and Justice Kennedy would have suspended Respondent for one year with six months stayed on conditions.

NOT PARTICIPATING: Justice Donnelly

Sanction	Six-month suspension
Court Modified Sanction	No
Rules Violated	8.4(d), Jud.Cond.R. 1.2, 1.3, 2.2, 2.3(A), 2.9(A)
Aggravation/Mitigation	A- (1) prior discipline, (4) (multiple offenses); M- (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	Yes
Procedure/Process Issues	Yes
Prior Discipline	Yes
Case Authority	Hale (2014); Hoague (2000)
Cited By	

OVERVIEW: Respondent received a six-month suspension for failing to respect and comply with the law and acting in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

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

FINDINGS: Respondent was a Scioto County Common Pleas judge when his daughter was stopped by the highway patrol for speeding and for having expired tags. When the officer approached the vehicle, the daughter stated that her father was "Judge Marshall." The daughter proceeded to call her father and asked the officer to talk to Respondent. In the telephone conversation, Respondent disputed the assertion that the tags were expired and asked if the officer was going to give his daughter a ticket. Several days later, Respondent sent a letter to a judge in the Scioto County Common Pleas court on court letterhead identifying himself as the residential

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parent of his daughter for purposes of ensuring the matter was not transferred to Jackson County, the address listed on his daughter's driver's license. After the case was assigned, Respondent attempted to engage the prosecutor in his daughter's traffic case. At the arraignment hearing, Respondent told the magistrate that "the trooper was rude to him" and that he "wanted to get the trooper in trouble." During a pretrial conference, the magistrate indicated to the bailiff that she would only allow counsel in the courtroom. Despite her instructions, Respondent approached the bailiff and said "I'm her father and I'm an attorney, and I'm coming in" while pushing the bailiff's arm out of the way. Respondent told the prosecutor that "[b]ack when there was a professional courtesy [his] daughter would not have received a ticket." During a suppression hearing on a matter in his courtroom, Respondent interrupted a direct examination and began questioning the witness about the calibration of his speedometer and the condition of the tuning forks that were used to check the calibration. He later made derogatory comments to counsel about the highway patrol. During the final adjudicatory hearing involving his daughter, he directed the highway patrolman to not ask questions, and took the stand as an expert witness on radar readings. The magistrate did not issue a decision from the bench and in the interim Respondent called the magistrate to ask her whether she had ever had an expert testify about radar. The magistrate did not answer his question. The phone call concluded when Respondent hung up after stating that the magistrate could not make a finding and was questioning his credibility. At a case disposition hearing Respondent reiterated that he always required a radar expert to make a finding as a municipal court judge.

SANCTION: The Court adopted the consent-to-discipline agreement and suspended Respondent for six months.

NOT PARTICIPATING: Justice DeWine

Sanction	One-year suspension, six months stayed
Court Modified Sanction	No
Rules Violated	1.8(j), 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (4) (multiple offenses), (7) (refusal to acknowledge wrongdoing),(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	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Sleibi (2015); Jacob (2017)
Cited By	

soliciting charge in exchange for dismissal of the remaining charges. He claimed that he did not know the woman he met was a prostitute. Despite his guilty plea and the trial court's finding that the record contained strong evidence of guilt, Respondent maintained that he was innocent, that the detective was seeking retribution for "tough" cross-examinations in other cases, and that the woman was a confidential informant for local police. In a second count, Respondent agreed to take a client's case and commenced a sexual relationship with the client on multiple occasions. He also exchanged more than 300 sexually explicit text messages. After the divorce became final, the client asked Respondent to address unresolved property and financial issues with her ex-husband. In the following months Respondent and client exchanged more than 1,400 text messages about post decree issues and other personal matters. Many of the text messages contained sexually explicit language and innuendos. Although Respondent sent his client an invoice, she never paid him, and he has stipulated he will not attempt to collect the fees.

OVERVIEW: Respondent received a one-year suspension with six months stayed for two violations of the Rules of Professional Conduct arising from his criminal conviction for solicitation of prostitution and his sexual relationship with a client.

PROCEDURE: The Board adopted the panel's recommendation of a one-year suspension with the final six months stayed on conditions.

FINDINGS: Respondent responded to a Craigslist advertisement posted by a woman and engaged in sexual activity with her on several occasions. Local law-enforcement discovered Respondent's conduct in a sting operation and charged him with several misdemeanor counts including soliciting sexual activity for hire. Respondent entered an *Alford* plea to the

SANCTION: The Court adopted the Board's findings of fact, conclusions of law and recommended sanction with conditions that he engage in no further misconduct, submit to an OLAP evaluation, authorize OLAP to disclose the results of the evaluation to the relator and if OLAP determines the treatment is necessary, enter into an OLAP contract.

Sanction	One-year stayed suspension
Court Modified Sanction	No
Rules Violated	8.4(b), 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive); M- (1) (no prior discipline), (4) (cooperative attitude), (6) (other penalties/sanctions), (7) (mental illness)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Salters (2016); Landis (2010)
Cited By	

OVERVIEW: Respondent received a one-year stayed suspension for leaving the scene of an accident involving an injury.

PROCEDURE: The parties entered into stipulations of fact, misconduct, and aggravating and mitigating factors and agreed upon a one-year suspension.

FINDINGS: Respondent was involved in a two-car crash in Fredericksburg, Virginia on April 29, 2017. He failed to yield the right-of-way and collided with another car. The driver and passenger in the other vehicle were transported to the hospital. Respondent's car was significantly damaged causing his airbags to deploy and he left the scene of the accident. Respondent was apprehended a short time later and cooperated with the investigation. He admitted that he had consumed six beers that evening. A BAC test showed that his blood-alcohol content was 0.12. Respondent was charged in Virginia with leaving the scene of an accident involving injury or death, a fifth-degree felony, and driving while

intoxicated, a first-degree misdemeanor. He was sentenced to three years in prison for the felony and 60 days in jail for the misdemeanor but the court suspended both terms and placed him on supervised probation for five years. He was ordered to complete the Virginia Alcohol Safety Action Program, pay a fine and court costs, comply with all terms of his probation, and remain on good behavior.

SANCTION: The Court adopted the Board's findings of fact, conclusions of law and recommended sanction of a one-year suspension stayed in its entirety on the conditions that he successfully complete the five-year term of probation imposed in his criminal case, continue to actively participate in his substance-abuse recovery and treatment as recommended by a qualified chemical-dependency professional, remain drug-and alcohol-free, and commit no further misconduct.

Sanction	Disbarment
Court Modified Sanction	No
Rules Violated	1.5(a), 8.4(c), 8.4(d)
Aggravation/Mitigation	A- (1) (prior discipline), (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (8) (harm to vulnerable victim); M- none
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Nyce (2018)
Cited By	

OVERVIEW: Respondent was disbarred for charging a client a clearly excessive fee, engaging in dishonest conduct in his efforts to collect the fee, and engaging in conduct prejudicial to the administration of justice.

PROCEDURE: The Board adopted the panel’s recommendation of disbarment. During the pendency of the matter the Court imposed an interim default suspension on Respondent after he failed to answer a separate disciplinary complaint. Before the Board issued its report and recommendation Respondent applied to retire or resign from the practice of law, but the Court denied his application.

FINDINGS: Relator charged Respondent with multiple rule violations stemming from his efforts to collect a clearly excessive fee for representation he indicated he would handle for free. However, less than four weeks after representation commenced, Respondent sent his client an invoice for \$9,500 under the theory that he intended to seek an award of legal fees from

her spouse in the divorce proceedings. Later, Respondent emailed the client an \$11,000 promissory note and requested that she sign it, which she agreed to do because she was desperate to maintain his representation. One day after Respondent was suspended from the practice of law in *Cincinnati Bar Assn. v. Moore*, 2015-Ohio-2488, Respondent admitted to his client on the way to a hearing that he had been suspended and did not know if he would be able to represent her, “but we’re going to try.” Respondent was instructed to leave the courtroom by the presiding magistrate. Respondent suggested that Andrew Green, an attorney with whom he shared office space, could assume Marshall’s representation of the client. Green testified that he did not provide a fee agreement with the client and believed that Respondent would pay him for his services. After the representation ended, Green filed a breach-of-contract action on behalf of Respondent against the client. The complaint made false allegations based on information from Respondent about the billing rates for the original services and the failure of the client to respond to requests for payment. The trial court dismissed the complaint.

SANCTION: The Court adopted the Board’s recommended sanction of permanent disbarment.

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

OVERVIEW: Respondent received a public reprimand for failing to act with reasonable diligence and keep a client reasonably informed about the status of a matter.

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

FINDINGS: Respondent was retained by a client to negotiate with a collection agency because the agency had stopped accepting her student-loan payments. Respondent quoted a flat fee of \$300 to research her situation. His research revealed no pending lawsuits against the client in county or municipal court, but he was unaware that four lawsuits were pending in another county due to the fact the client's sister had cosigned the delinquent loans. The client sent emails to Respondent with attachments that were never reviewed, including an email about a notice of default judgment being granted. A subsequent email from the client included an attached document entitled "Notice of Court Proceeding to

Collet Debt." Over the next two months, the client called Respondent's cell phone and work phone and left messages that were not returned. After the client's paycheck was garnished, she emailed Respondent but also received no response. She eventually contacted another lawyer who had initially referred her to Respondent and asked him to reach out to him. Respondent eventually responded by email and acknowledged one of the four cases pending in common pleas court and advised the client of some possible defenses that might be available to have the judgment set aside and that the filing of a Chapter 13 bankruptcy would stop the garnishment.

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

Sanction	One-year stayed suspension
Court Modified Sanction	No
Rules Violated	1.1, 1.3, 1.4(a)(3), 1.4(a)(4), 1.15(a), 1.15(d)
Aggravation/Mitigation	A- (1) (prior discipline),(4) (multiple offenses), (8) (harm to vulnerable victim), (9) (no restitution); M- (2) (no dishonest or selfish motive),(4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Fonda (2014); Simmonds (2016); Yakubek (2015); McNeal (2017); Hanni (2016)
Cited By	

OVERVIEW: Respondent received a one-year stayed suspension for failing to notify a client about received funds and deposit the funds in his client trust account, failing to respond to a client’s reasonable requests for information, and failing to keep a client reasonably informed about the status of his legal matter.

PROCEDURE: Based on the parties’ stipulations, the Board recommended findings of fact, conclusions of law, and a recommended sanction to the Court.

FINDINGS: Respondent was retained to pursue claims stemming from an automobile accident. After executing a written contingent-fee contract, Respondent spoke with a representative of the other driver’s insurance company. No settlement

demand was made. Seven months after retaining Respondent, the client received a letter from the insurance company informing her that her medical insurer had made a subrogation demand and her claim remained unresolved because the company had not received any medical bills or records to support her injury claim. Respondent filed a complaint one day after the statute of limitations expired and the case was dismissed. In another matter, Respondent probated the wills of two decedents, husband and wife, following their respective deaths. The couple’s son retained Respondent to collect and distribute funds that were expected to be received on behalf of the estate from the settlement of certain products-liability litigation. Respondent acknowledged in his fee agreement that reopening of the estate may be required to distribute the fees. In May 2016, Respondent received a check payable to the estate, but did not deposit the check into his client trust account or the estate account nor inform his client. The client learned through other means that the case had settled and Respondent promised to negotiate the settlement check and forward the client’s share of the proceeds. The check remained in his possession at the time of hearing and he had not contacted the client nor petitioned the court to distribute the proceeds.

SANCTION: The Court adopted the recommended sanction and suspended Respondent for one year, fully stayed on the conditions that he engage in no further misconduct, make restitution of \$7,000 to one client, provide another client a valid check for the share of the products-liability settlement, and submit to evaluations conducted by his primary-care physician to determine the cause of his short-term memory issues and their effect on his physical ability and mental competence to engage in the active practice of law and submit proof of compliance to Relator.

Sanction	Two-year suspension
Court Modified Sanction	No
Rules Violated	1.2(d)(1), 8.4(b), 8.4(c)
Aggravation/Mitigation	A-(3) (pattern of misconduct); M- (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Jacobs (2014); Lawrence (2016)
Cited By	

OVERVIEW: Respondent received a two-year suspension for conduct stemming from his attempt to evade and defeat the payment of federal taxes.

PROCEDURE: The parties stipulated to the charged misconduct. The Board issued a report finding that Respondent had engaged in the alleged misconduct and recommended that the Court adopt the parties' proposed sanction of a two-year suspension with credit for time served under the felony suspension.

FINDINGS: Respondent was charged with one count of violating 26 USC §7201 and 18 USC §2 for willfully aiding and abetting clients in their attempt to evade the payment of their federal taxes. In 2009, Respondent began representing a couple in a tax dispute with the IRS. In July 2013, the husband gave Respondent \$117,882.42 representing proceeds from the sale of real property which Respondent placed in his IOLTA. In August, 2013, Respondent placed another

check in the amount of \$79,051 that his client had received for an insurance claim on his home. Over the following year, Respondent wrote or caused to be written 29 checks from his IOLTA – ranging in amounts from \$3,000 to \$7,500 made payable to the wife. A jury found Respondent guilty and in June 2018 he was sentenced to three years of probation and ordered to pay \$196,934.21 in restitution to the IRS, a \$10,000 fine, and a \$100 assessment, all of which Respondent paid within three months after his sentencing. Respondent stipulated that he had aided and abetted the couple in tax evasion because he knew they owed past-due taxes, he did not provide any legal services for the funds that they had delivered to him, and he closed his eyes to what was obvious. He admitted his actions were “absolutely 100 percent wrong.”

SANCTION: The Court adopted the recommended sanction of a two-year suspension, with credit for time served. Chief Justice O'Connor and Justices Kennedy and Fischer would not grant credit for time served.

Sanction	Six-months stayed suspension
Court Modified Sanction	No
Rules Violated	8.4(b)
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), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Glaser (2016); Grubb (2015)
Cited By	

OVERVIEW: Respondent received a six-month stayed suspension for misconduct arising from her misdemeanor conviction for promoting contraband at a detention center.

PROCEDURE: The parties entered into stipulations. The Board recommended a six-month suspension stayed in its entirety.

FINDINGS: Respondent was in a romantic relationship with an inmate incarcerated at a Campbell County, Kentucky jail for a parole violation. Respondent visited the inmate twice a week. Respondent made her first professional visit to the inmate while he was housed in the restricted-custody section of the jail. She had never been to the restricted-custody section and was not aware of the facility’s rules, including that money could only be given to a prisoner through a guard. During the visit, the inmate asked Respondent whether she could give him

some cash to purchase some items from the facility’s vending machines. The inmate asked that she pass the money to him under the table because it would take several days before he received it. Video surveillance showed Respondent passing something to the inmate under the table. After a search of the prisoner, the guards found smokeless tobacco, but not the cash that Respondent alleged she had given to him. Respondent was later detained at the jail several days later and was charged with a violation of Ky.Rev.Stat.Ann. §520.00(1)(a), which provides that “[a] person is guilty of promoting contraband in the second degree when he knowingly introduces contraband into a detention facility or a penitentiary.” Respondent pleaded guilty to the charged offense and was sentenced to 180 days in jail, which was discharged for two years on conditions that she commit no other offense, have no further contact with the county jail, and pay costs and fees. She self-reported her conviction to the relator and the Kentucky disciplinary authority.

SANCTION: The Court adopted Board’s findings of fact, conclusions of law, and recommended a sanction of a six-month suspension, all stayed on the condition that she engage in no further misconduct.

Sanction	Two-year suspension
Court Modified Sanction	No
Rules Violated	1.1, 1.2(a), 1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.16(b)(1), 8.1(b)
Aggravation/Mitigation	A- (1) (prior discipline), (4) (multiple offenses), (8) (harm to vulnerable victim); M- none
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	
Cited By	

OVERVIEW: Respondent was suspended for two years for failing to provide competent representation to a client, failing to abide by the client's decision to settle a matter, failing to keep the client reasonably informed about the status of a matter, and neglect.

PROCEDURE: The Board accepted the parties' stipulations of fact and misconduct, but recommended a more severe sanction of a two-year suspension.

FINDINGS: Respondent represented a husband and wife in a personal-injury action and filed a complaint against the tortfeasor and the provider of their uninsured coverage. Respondent was served with discovery requests from both defendants but failed to respond to the requests or to subsequent inquiries. After orders to compel were obtained by defendants, Respondent dismissed the couple's complaint without their knowledge or consent. One year later, he refiled the complaint but never submitted settlement materials to either defendant. He did not seek to

obtain service on the alleged tortfeasor. After an order to compel discovery was issued, Respondent did not respond to the discovery by the court-ordered deadline. Later, the carrier offered to settle the case, but Respondent did not respond to the offer for some time. He later made a counter-offer without the knowledge or consent of his clients and without obtaining an expert opinion as to which of their medical conditions were directly related to the accident. The clients learned the case had been settled through their chiropractor billing office. Although Respondent knew the insurance carrier would not pay settlement monies until he resolved all medical-insurance-lien claims, he never completed the work. As of the date of the filing of agreed stipulations, the clients' matter remained unresolved. Respondent did not respond to letters of inquiry from Relator, refused to meet with relator unless he was subpoenaed, and did not produce any files related to his clients because he guessed they were destroyed in an office flood or a bonfire when he destroyed many of his closed case files.

SANCTION: The Court adopted the Board's findings of fact, conclusions of law and recommended sanction of two years to be served concurrently with his previous suspension imposed in 2016. The sanction included the condition that he submit proof that he had completed six hours of CLE in law office management in addition to the requirements set forth in Gov.Bar R. X, and that he had complied with all conditions imposed in his 2016 case. Upon reinstatement, a monitoring attorney will be appointed by Relator for a period of two years.

Sanction	Two-year suspension, eighteen months stayed
Court Modified Sanction	No
Rules Violated	8.4(c), 8.4(h)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3)(pattern of misconduct), and (4)(multiple offenses); M-(1) (no prior discipline), (3) (restitution), (4) (full and free disclosure and cooperative attitude), and (5)(good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Pickrel (2017); Mahin (2016); Kraemer (2010)
Cited By	

OVERVIEW: Respondent received a two-year suspension, with eighteen months stayed for purposely underpaying a former colleague pursuant to their fee-sharing arrangement.

PROCEDURE: The Board accepted Respondent’s stipulated misconduct and recommended that he be suspended for two years with eighteen months stayed on conditions.

FINDINGS: In 2013, after working as an independent contractor for a firm for approximately three years, Respondent informed the firm he intended to leave to create a new law firm. Respondent and the firm thereafter discussed how to divide their pending caseload. They agreed Respondent would take more than 100 pending client matters and that in exchange he would pay his prior firm a certain percentage

of the fee he received in each of those cases. The percentage varied depending on whether the prior firm had initiated the representation and how much work seemed to remain on each case. In 13 of the client matters transferred to Respondent he purposely underpaid the prior firm the amount to which it was entitled. Additionally, Respondent failed to inform the prior firm about eight settlements altogether. To conceal his actions, Respondent created false settlement-disbursement sheets and forged client signatures on the falsified sheets. This misconduct went on for approximately two years. After Respondent was confronted by the prior firm, he acknowledged he had been underpaying the firm and hired an accounting firm to audit the cases subject to the fee-sharing arrangement. Respondent then paid restitution to his prior firm and, in conjunction with his new firm, an additional \$100,000 to settle any civil claims.

SANCTION: The Court adopted the Board’s recommended sanction of a two-year suspension, with eighteen months stayed on the conditions that Respondent remain compliant with his three-year OLAP contract, remain in counseling with his treating psychologist and follow all recommendations of the psychologist, and refrain from any further misconduct.

CONCURS IN PART AND DISSENTS IN PART: Chief Justice O’Connor would impose a two-year suspension with twelve months stayed on conditions.

NOT PARTICIPATING: Justice Donnelly

Sanction	Public reprimand
Court Modified Sanction	No
Rules Violated	Jud.Cond.R. 1.2, 2.11(A), Prof.Cond.R. 1.16(d)
Aggravation/Mitigation	A- (4) (multiple offenses); M- (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	Yes
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Oldfield (2014), Medley (2001), Masek (2016)
Cited By	

OVERVIEW: Respondent received a public reprimand for failing to recuse from cases in which a judge's impartiality could reasonably be questioned.

PROCEDURE: The panel and Board recommended a public reprimand.

FINDINGS: Respondent was appointed to the Mahoning County Probate Court in July 2014 and elected to a full term in November 2014. The complaint alleged that Respondent presided over numerous cases in which he had previously served as attorney of record and failed to timely notify multiple clients that he was terminating his representation following his appointment. In 2012, Respondent represented a client in her capacity as the executor of her aunt's probate estate. After inventory and distribution, a remainder beneficiary was to receive two timeshares and a cash distribution. Later, the client informed Respondent that she had used the

estate funds for her own benefit. Respondent sent a letter to her client to reimburse the estate funds, which she did not do. In July 2014, Respondent informed the client that he could no longer act as counsel to due to his appointment to the bench. In February 2016, a deputy clerk issued citations to the client to appear and show cause why he had failed to timely file a status report in the case. A magistrate recommended that the court order the client's new attorney to file an application for delayed distribution with a proposed promissory note and mortgage on the client's property. On April 5, 2016, Respondent adopted the magistrate's decision in its entirety. At the disciplinary hearing, Respondent admitted that when the case came before him that he was aware that he had previously represented the client in the matter. Relator and Respondent identified approximately 170 additional cases in which Respondent served as counsel of record and took some action after becoming judge. Three of the cases involved Respondent's approval of a magistrate's decision. While Respondent notified a number of active clients that he was terminating his representation, he remained attorney of record in a large number of open, but dormant estates and guardianships. He did not timely notify those clients of his termination of representation. He also failed to provide written notice of the sale of his interest in his law firm to the firm's clients.

SANCTION: The Court adopted the Board's recommended sanction of a public reprimand.

NOT PARTICIPATING: Justice DeWine

Sanction	One-year stayed suspension
Court Modified Sanction	No
Rules Violated	Jud.Cond.R. 1.2, 2.2, 2.9(A)
Aggravation/Mitigation	A- (1) (prior discipline),(4) (multiple offenses); M- (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	Yes
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Elum (2016)
Cited By	

OVERVIEW: Respondent received a one-year stayed suspension for failing to act in a manner that promotes public confidence in the judiciary, failing to uphold and apply the law, failing to perform all duties of judicial office fairly and impartially, and engaging in ex parte communication.

PROCEDURE: The Board adopted the panel's recommended sanction with the added requirement that she complete a minimum of six hours of CLE in judicial ethics.

FINDINGS: Respondent presided over a criminal matter with two co-defendants. The prosecutor set the bond for one defendant at \$75,000. Later that day, the second co-defendant's bond was set for \$350,000. The second co-defendant retained a private lawyer after arraignment who contacted Respondent's bailiff and asked if the bond for his client could be set at the same amount as his client's co-defendant. The bailiff forwarded the text communication to Respondent who lowered the amount of the bail based on the ex parte

communication. Respondent never informed the prosecutor about the communication or that she had reduced the bond. Respondent testified at her disciplinary hearing that she did not consider the text messages improper because they came through her bailiff. In another count, Respondent presided over a case with a pro se defendant charged with making an improper turn. The defendant also had an outstanding warrant for a separate traffic case. The prosecutor offered to dismiss the prior traffic case if the defendant agreed to plead guilty in the improper-turn case. The offer was rejected and Respondent found the defendant guilty of making an improper turn. During sentencing, Respondent asked the prosecutor to drop the charges on the prior traffic case. When the prosecutor refused, Respondent changed her ruling to not guilty in the improper turn case. Respondent explained that she was frustrated with the prosecutor when he refused her proposed resolution.

SANCTION: The Court adopted the Board's recommended sanction on the condition that Respondent complete a minimum of six hours of CLE focused on judicial ethics that includes training related to proper judicial demeanor, civility, and professionalism, in addition to the CLE requirements of Gov.Bar R. X and Gov.Jud.R. IV and engage in no further misconduct.

NOT PARTICIPATING: Justice DeWine

Sanction	One-year stayed suspension
Court Modified Sanction	Yes
Rules Violated	8.4(b), 8.4(c)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive); M- (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Nass (1992)
Cited By	

obstructing official business. He pleaded guilty to a third-degree misdemeanor count of criminal mischief. He received a suspended ten-day jail sentence and was ordered to pay a fine of \$185.00.

SANCTION: The Court imposed a one-year suspension, all stayed on condition that he not engage in further misconduct.

OVERVIEW: Respondent received a one-year stayed suspension for engaging in dishonesty, fraud, deceit, or misrepresentation as well as illegal acts that adversely reflected on his honesty and trustworthiness.

PROCEDURE: The parties entered into stipulations of fact, misconduct, and aggravating and mitigating factors. The Board recommended Respondent be suspended from the practice of law for six months, all stayed on conditions.

FINDINGS: Respondent stole multiple items from a Walmart store by duplicating UPC labels for low-cost items and affixing them to more expensive items that he purchased through self-checkout. He paid a total of \$27.35 for items that had an actual value of \$367.21. After he was approached by a store asset-protection associate he was tasered by a police officer outside of the store. After a search it was discovered that he had 100 additional UPC labels. Respondent was charged with misdemeanor counts of theft by deception, possession of criminal tools, and

Sanction	One-year stayed suspension
Court Modified Sanction	No
Rules Violated	1.3, 8.1(b), GBR V(9)(G)
Aggravation/Mitigation	A- (4) (multiple offenses); M- (1) (no prior discipline), (2) (no dishonest or selfish motive),(4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Farah (2010)
Cited By	

OVERVIEW: Respondent received a one-year stayed suspension for misconduct arising from her neglect of a legal matter and her failure to reasonably communicate with her clients in that matter.

PROCEDURE: The Board accepted the parties' consent-to-discipline agreement.

FINDINGS: A couple retained Respondent to ensure that their son could remain in their home in the event that they needed to be placed in a nursing home. Respondent suggested that she prepare a quitclaim deed to grant a life estate to their son and indicated that this would allow him to remain in the home for his lifetime. Respondent drafted a quitclaim deed but it incorrectly identified the son as the homeowner and the clients as the recipients of the life estate. Respondent corrected the errors and the deed was signed. The clients paid Respondent \$178 to prepare and record the deed but the deed was never recorded. After the grievance was filed Relator sent letters of inquiry and a subpoena for

Respondent to appear for a deposition. In her response to the grievance, Respondent stated that the clients had paid her just \$150, that she was willing to refund the fee, and offered to record the quitclaim deed or return it to the clients. The clients conveyed that they wished to have the deed recorded. A subsequent letter to Respondent from the Relator about the legal basis for drafting a quitclaim deed went unanswered. Respondent sent an e-mail to Relator that she would record the deed. However, she never recorded the deed as promised and failed to respond to any of relator's additional communications until sometime after the Board certified the complaint.

SANCTION: The Court accepted the parties' consent-to-discipline agreement on conditions that she participate in a one-year mentoring program, submit to an evaluation by OLAP, comply with any recommendations resulting from that evaluation, and refrain from further misconduct.

DISSENT: Justice Kennedy would remand the cause to the Board.

Sanction	Indefinite suspension
Court Modified Sanction	Yes
Rules Violated	1.5(a), 1.9(c)(1), 1.9(c)(2), 8.4(h)
Aggravation/Mitigation	A- (1) (prior discipline), (2) (dishonest or selfish motive), (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	
Cited By	

OVERVIEW: Respondent was indefinitely suspended for charging an excessive fee, threatening to disclose confidential information to compel payment of the fee, and disclosing the information to the potential detriment of the former client.

PROCEDURE: A panel of the Board recommended a two-year suspension with the second year stayed. The Board recommended a two-year suspension.

FINDINGS: Respondent represented a client in an examination under oath (“EUO”) after he filed an insurance claim due to a fire at a residence. Respondent conducted an intake interview at no charge to the client. He quoted a fee of \$385.00 an hour and anticipated a bill in the range of \$2,300. After the EUO, Respondent sent a bill for \$4,350 with terms indicating a 1.5% interest rate for late payment. The client in response stated that he would pay only \$3,300 in \$500 monthly installments. Respondent rejected the proposed terms and threatened to place a lien on his client’s

property. In January 2016, Respondent filed suit for the remainder of his fees. In his letter to opposing counsel, Respondent threatened to disclose confidential information that was conveyed to him during the underlying representation, specifically that the client indicated that the residence was used primarily for his business. In one of the briefs filed in his lawsuit, Respondent stated that that the client conducted a significant amount of business out of the premises, but during the EUO claimed that he conducted no business from the location. The court found Respondent’s fee reasonable, but found it unreasonable to charge the client for the initial interview and for preparing an email to the client regarding his fee agreement.

SANCTION: The Court adopted the Board’s findings of fact and misconduct, but increased the sanction to an indefinite suspension.

DISSENT: Justices French and Wise (sitting for Justice Donnelly) dissented from the majority on sanction and would have imposed a two-year suspension.

Sanction	Two-year stayed suspension
Court Modified Sanction	No
Rules Violated	1.15(a), 1.15(a)(2), 8.1(b), GBR V(9)(G)
Aggravation/Mitigation	A- (1) (prior discipline); M- (2) (no dishonest or selfish motive),(4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Turner (2014)
Cited By	

OVERVIEW: Respondent received a two-year suspension, stayed on conditions for misusing his client trust account and failing to cooperate in the ensuing disciplinary investigation.

PROCEDURE: The Board recommended a two-year suspension stayed in its entirety on several conditions. No objections were filed.

FINDINGS: Respondent used his client trust account as a personal and law-firm operating account and commingled personal, business, and client funds in the account. He made payments for personal and business expenses, such as office rent, and an automobile loan, cellphone service and frequently withdrew cash from the account. In November 2016, Respondent's bank notified Relator that he overdraw his client trust account. In December 2016, he overdraw the account again. The Relator sent a letter requesting that he explain the initial overdraft and provide individual client ledgers for clients with funds in the account. In February 2017, Respondent submitted a response, but failed to submit any client ledgers. Over the next several months, Relator made repeated requests for the ledgers to

Respondent and his counsel that were ignored. Another overdraft of the trust account occurred in November, 2017.

SANCTION: The Court adopted the Board's recommended sanction of a two-year suspension all stayed on the conditions that Respondent (1) complete a minimum of three hours of CLE focused on client-trust-account management and a minimum of three hours of CLE focused on law-office management, in addition to the CLE requirements in Gov.Bar R. X, serve a one-year term of monitored probation during the first year of his stayed suspicion, refrain from further misconduct, and pay the costs of the proceedings.

DISSENTING IN PART AND CONCURRING IN PART: Justice Kennedy and Justice DeWine.

Sanction	Indefinite suspension
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 1.4(a)(4), 3.3(a)(1), 3.4(c), 8.1(b), 8.4(b), 8.4(c), 8.4(d), GBR V(9)(G)
Aggravation/Mitigation	A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (8) (harm to vulnerable victim); M- (1) (no prior discipline), (4) (cooperative attitude), (6) (other penalties/sanctions), (7) (mental illness)
Criminal Conduct	Yes
Public Official	No
Procedure/Process Issues	No
Prior Discipline	No
Case Authority	Land (2014); Peterson (2012)
Cited By	

OVERVIEW: Respondent was indefinitely suspended for committing an illegal act that reflects adversely on the attorney’s honesty or trustworthiness, engaging in conduct that is prejudicial to the administration of justice and making a false statement of fact to a tribunal.

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

FINDINGS: Counts one through three of the amended complaint relate to the representation of three separate bankruptcy clients. Respondent filed Chapter 13 petitions on behalf of all three and received the \$310 filing fee from each client which he petitioned the court to pay in installments, but later failed to make the

payments. In all three cases, the clients ultimately hired new counsel. On October 6, 2016, the bankruptcy court suspended Respondent from practicing before the court. In two other counts, Respondent accepted filing fees on behalf of two clients, but then failed to file the petitions. In another count, Respondent was paid incrementally through monthly checks issued by the court-appointed trustee and altered the checks to reflect a larger amount. Due to a “positive pay” system between the bank and court, the bank refused to honor the altered checks. Respondent ultimately pled guilty to two fifth-degree felony counts of forgery. Respondent was ordered to make restitution to the checking cashing companies he used. Respondent was also charged with burglary and theft for stealing property valued at between \$1,000 and \$7,5000 from an occupied structure. He entered a guilty plea to a lesser included offense, a third-degree felony. He was ordered to make restitution. Respondent failed to respond to requests from Relator for responsive information.

SANCTION: The Court adopted the Board’s recommended sanction of an indefinite suspension with no credit for time served. He was ordered within 90 days of the disciplinary order to make restitution to the Lawyers’ Fund for Client Protection, restitution to several clients, and to provide proof upon reinstatement that he has remained in compliance with his OLAP contract, continued to participate in substance-abuse counseling, committed no further misconduct, complied with the terms of his criminal probation, and completed 12 hours of CLE in law-office management, in addition to the requirements set forth in Gov.Bar R. X.

Sanction	One-year stayed suspension
Court Modified Sanction	No
Rules Violated	8.4(c)
Aggravation/Mitigation	A- (3)(pattern of misconduct); M- (1) (no prior discipline), (3)(restitution or rectified consequences), (4) (cooperative attitude), (5) (good character)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	No
Case Authority	Grigsby (2011); Markijohn (2003)
Cited By	

balance. Respondent failed to reimburse the law firm for the purchases resulting in his conversion of \$28,184.81 from the firm. After Respondent was confronted, he admitted to the misconduct and fully reimbursed the law firm the next day. The parties stipulated that none of the firm's clients were harmed by Respondent's actions and he remained a partner in the firm.

SANCTION: The Court adopted the parties' consent-to-discipline agreement and accepted the Board's recommended sanction. Respondent was suspended from the practice of law for one year, with the entire suspension stayed on the conditions that he engage in no further misconduct and pay the cost of the Board's proceedings.

DISSENT: Justice Kennedy would have remanded the case to the Board.

OVERVIEW: Respondent was suspended for one year, all stayed for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation by converting funds from his law firm.

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

FINDINGS: In 2012, some lawyers at the Respondent's law firm began representing a client who sold firearms and related products. By June 2014, the client owed the law firm more than \$27,000 for legal services. Respondent knew of the delinquency status since he was the law firm's managing partner. Because Respondent had an interest in firearms, he asked a law firm partner and the originating lawyer on the account to coordinate a purchase for him by credit against the client's outstanding balance. Over a two-year period, Respondent purchased products from the client by applying 13 credits against the client's

Sanction	Six-month stayed suspension
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)
Aggravation/Mitigation	A- (1) prior discipline; M-(3)(restitution or rectified consequences),(4) (cooperative attitude)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	Yes
Prior Discipline	Yes
Case Authority	Kluesener (2017); Mickens (2018)
Cited By	

several years when he met to discuss the case with his client. In October, 2016 Respondent filed a new Chapter 7 bankruptcy petition with virtually identical debts to those scheduled for discharge in the prior Chapter 7 case. A motion to dismiss filed by the trustee was granted by the court.

SANCTION: The Court adopted the parties' consent-to-discipline agreement and imposed a six-month stayed suspension on conditions that he complete six hours of CLE in law-office management, in addition to the requirements of Gov.Bar R. X, and engage in no further misconduct. The Court also imposed one year of monitored probation.

DISSENT: Justice Kennedy dissented and would have remanded the case to the Board.

OVERVIEW: Respondent received a six-month suspension for failing to provide competent representation and keep a client reasonably informed about the status of a matter.

PROCEDURE: The panel and Board adopted the parties' consent-to-discipline agreement.

FINDINGS: Respondent was retained to represent a client in a bankruptcy proceeding. At a meeting of creditors, Respondent disclosed that his client had received a large signing bonus for an oil and gas lease and had gifted various amounts to her family members. The trustee requested more information about the transfers, and ordered Respondent to appear and show cause, but Respondent never provided more information. An adversary complaint was filed against the client, which Respondent did not answer, and a motion for default judgment was eventually granted. The disposition of the case caused the listed debts to become nondischargeable. Respondent did not communicate these developments over the next

Sanction	Two-year suspension with 18 months stayed
Court Modified Sanction	No
Rules Violated	1.3, 1.4(a)(3), 1.4(a)(4), 3.3(a)(1), 8.4(d), 8.1(b), GBR V(9)(G)
Aggravation/Mitigation	A- (1) (prior discipline),(3) (pattern of misconduct),(4) (multiple offenses),(5) (lack of cooperation); M- (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character), (7) (mental illness)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Bansci (2014); Engel (2018); Karp (2018)
Cited By	

cases, motions to compel were filed because Respondent failed to respond to discovery requests. In another case, he failed to respond to a defendant’s motion, failed to comply with the court’s order compelling discovery, and failed to respond to a motion to dismiss the complaint. The case was dismissed without prejudice. At status conferences, Respondent indicated that he had recently located his client, provided incomplete discovery responses, and falsely told the court that his client had not been forthcoming with information. After a new discovery deadline was set, Respondent failed to take any further action on his client’s behalf. The court dismissed the case without prejudice. In the dental-malpractice case, Respondent failed to file an affidavit of merit and the court dismissed the case without prejudice.

SANCTION: The Court suspended Respondent from the practice of law for two years, with 18 months stayed on the condition that he commit no further misconduct. Upon reinstatement Respondent was required to demonstrate that he has completed an OLAP evaluation and complied with all resulting treatment recommendations.

OVERVIEW: Respondent received a two-year suspension with eighteen months stayed for neglecting three client matters, failing to reasonably communicate with the affected clients, making a false statement to the tribunal in one matter, and failing to cooperate in the ensuing disciplinary investigations.

PROCEDURE: The Board adopted most of the parties’ stipulations. No objections were filed.

FINDINGS: Respondent represented two clients in personal-injury claims and another client in a dental-malpractice claim. After he filed complaints on behalf of all three clients, he failed to respond to their calls and emails. In two of the

Sanction	One-year suspension, six months stayed.
Court Modified Sanction	No
Rules Violated	1.1, 1.3, 1.4(a)(3), 1.4(a)(4), 1.4(c), 1.15(d), 1.16(d), 8.1(b), GBR V(9)(G)
Aggravation/ Mitigation	A- (1) prior discipline, (4) (multiple offenses); M- (2) (no dishonest or selfish motive)
Criminal Conduct	No
Public Official	No
Procedure/Process Issues	No
Prior Discipline	Yes
Case Authority	Fonda (2014); Schnittke (2017)
Cited By	

OVERVIEW: Respondent received a one-year suspension with six months stayed for failing to – act with reasonable diligence in representing a client, to keep a client reasonably informed about the status of a matter, cooperate with a disciplinary investigation, and providing competent representation.

PROCEDURE: The Board considered two complaints against Respondent filed by separate Relators. Respondent received an interim suspension while this matter was pending because he had failed to answer a complaint.

FINDINGS: Respondent was retained to assist a client in terminating a land-installment contract. Respondent negotiated a settlement that cancelled the contract and required the sellers to return a portion of his client’s deposit, minus the seller’s costs for repairing any damages to the property. The seller’s counsel sent Respondent a check for \$4,983, but Respondent’s client believed she was entitled to more money and the check was never negotiated. Respondent was

later instructed by his client to accept the money, but believing the check had become stale, Respondent returned the check to seller’s counsel and requested that a new one be issued. A new check was issued, the client sent an email requesting the he forward the check, but Respondent misplaced the check. After several inquiries about the status, Respondent notified his client that he could not locate the check. After the certified grievance committee began to investigate the grievance, Respondent located the check, but the bank refused to honor it. The client never received the money, and Respondent admitted that he had not attempted to pay the client restitution for her financial loss. In the second complaint, Respondent filed a legal-malpractice action against a client’s former attorney, but the complaint was time-barred under the statute of limitations. A notice of appeal filed by Respondent was dismissed as untimely. Respondent admitted that he was unfamiliar with the case law applicable to the statute of limitations for legal-malpractice actions and he had miscalculated the dates for filing a timely appeal.

SANCTION: The Court adopted the Board’s recommended sanction of a one-year suspension with six months stayed on conditions that he provide proof of restitution, complete a CLE course on law-office management in addition to the requirements in Gov.Bar R. X(13), submit to an OLAP assessment and, if necessary, comply with all treatment recommendations, and commit no further misconduct.

**CONCURRING IN PART AND
DISSENTING IN PART:** Justice French

Sanction	Indefinite suspension
Court Modified Sanction	Yes
Rules Violated	1.3, 1.4(a)(3), 1.5(b), 1.5(c)(1), 1.15(a)(2), 1.15(a)(5)
Aggravation/Mitigation	A- (1) (prior discipline), (3) (pattern of misconduct), (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	DiMartino (2016)
Cited By	

OVERVIEW: Respondent was indefinitely suspended for committing professional misconduct in three client matters and for failing to properly manage his client trust account.

PROCEDURE: The Board recommended the dismissal of a majority of the charges for lack of evidence and recommended a two-year suspension with eighteen months stayed.

FINDINGS: Respondent was retained to assist a client in recovering money for his medical bills after he suffered an injury at a motel. Respondent advised the client that he would send a demand letter to the motel’s insurer and file a complaint if necessary. Respondent later failed to respond to his client’s inquires, failed to respond to letters from the medical-billing entity seeking information about his client’s claim, and failed to contact the individual identified as the tortfeasor. In a second count, Respondent was retained to assist a client in recovering money from contractors who had failed to complete work on

his home. Respondent agreed to represent the client on a one-third contingency fee. Respondent later sent a letter asking for the payment of a flat fee. Respondent never filed a complaint for the client. In response to the letter of inquiry, Respondent stated that the client had paid him on a modified contingency basis and that during the representation the contingency fee agreement became a “modified contingency-fee agreement.” At the hearing, Respondent testified that he agreed to represent the client on an hourly basis. In another count, Respondent agreed to represent a client in a pending child-custody case. The client partially paid Respondent a “flat fee.” The investigation revealed that Respondent requested an additional \$1,000 in attorney fees because he felt compelled to quote an additional retainer. Respondent testified that he had initially requested a minimum retainer and that he had charged the client \$200 an hour from the very beginning. In a final count, Respondent acknowledged that he did not maintain separate client ledgers for each client and did not perform monthly reconciliations.

SANCTION: The Court indefinitely suspended Respondent and ordered him to make restitution to one client in the amount of \$278. He was also ordered upon reinstatement to submit proof of a passing score on the MPRE and serve a two-year period of monitored probation.

DISSENT: Justice Kennedy and Justice Fischer writing in two separate dissenting opinions and would have disbarred Respondent. Chief Justice O’Connor concurred with Justice Fischer’s dissent.

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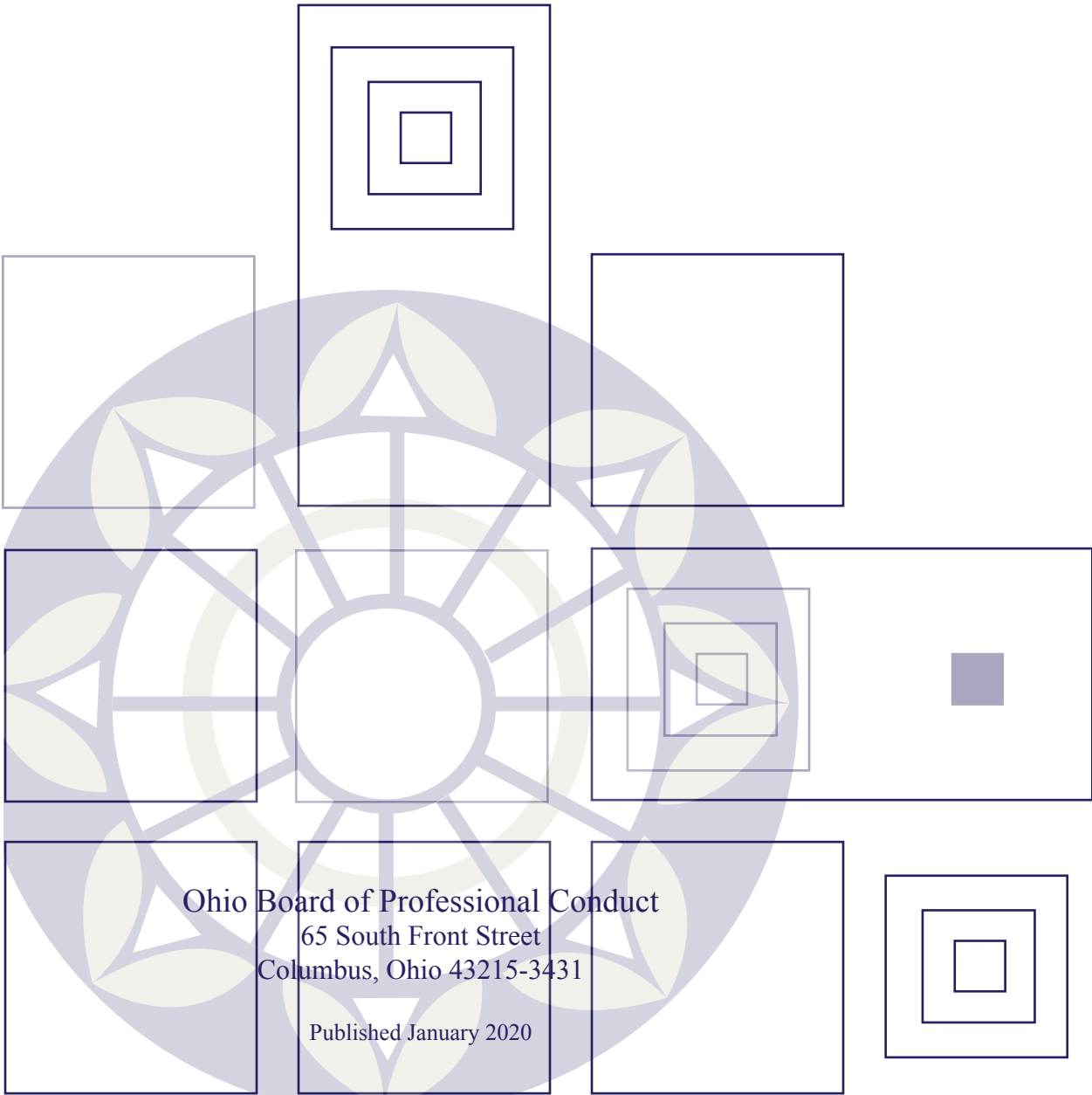
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