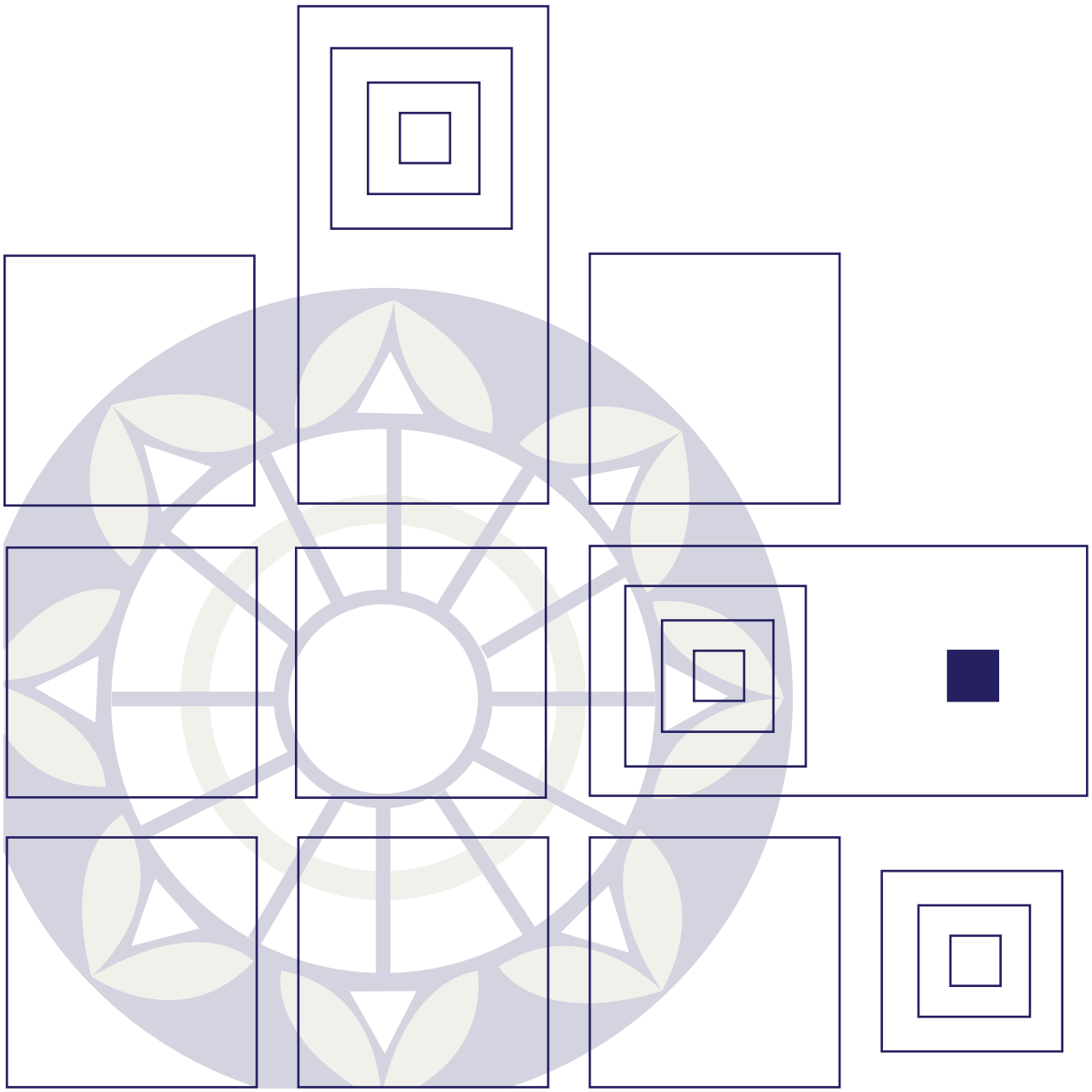
Ohio Board of Professional Conduct

Disciplinary Handbook: Volume X

2016



DISCIPLINARY HANDBOOK: VOLUME X

[CASES FROM 2016; CURRENT THROUGH DECEMBER 30, 2016]

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

***Ames**, Disciplinary Counsel v.*
Slip Opinion No. 2016-Ohio-7830. Decided 11/22/2016.

OVERVIEW: Respondent received a two-year suspension, with the final six months stayed with credit for time served under his interim felony suspension for his felony conviction.

PROCEDURE: The Court imposed an interim felony suspension based on Respondent's felony conviction. The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a two-year suspension, with six months stayed with credit for time served under the interim felony suspension. The Board recommended that the agreement be accepted.

FINDINGS: Respondent admitted that as executor of his brother's estate, he misappropriated $8,140.39 from his two nieces' shares of the estate proceeds. Respondent also admitted that in a filing in probate court, he falsely represented that he had his nieces' consent to distribute additional funds to himself.

SANCTION: The Court accepted the agreement and imposed the recommended sanction on conditions. Respondent's stayed suspension and his reinstatement are conditioned on his compliance with the restitution order entered in his criminal case and on his committing no further misconduct.

CASE AUTHORITY FOR SANCTION: *Kraemer* (2010); *Mahin* (2016)

DISSENT: Chief Justice O'Connor and Justices O'Donnell and Kennedy dissented and would remand the cause to the Board to reconsider the decision to grant Respondent credit for time served under the interim felony suspension.

Rules Violated: Prof.Cond.R. 8.4(b), 8.4(c), 8.4(d)

Aggravation/ Mitigation: A-(2) (dishonest or selfish motive), (4) (multiple offenses); **M-** (1) (no prior discipline), (4) (cooperative attitude), (6) (other penalties/sanctions)

Court Modified Sanction: NO	**Criminal Conduct:** YES	
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Two-year suspension, with final six months stayed on conditions		

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***Azman**, Cleveland Metro. Bar Assn. v.*
147 Ohio St.3d 379, 2016-Ohio-3393. Decided 6/15/2016.

OVERVIEW: Respondent received a one-year suspension, with six months stayed for altering, destroying, or concealing material having potential evidentiary value, engaging in conduct that is prejudicial to the administration of justice, conduct involving dishonesty, fraud, deceit, or misrepresentation, and knowingly making a false statement of material fact in connection with a disciplinary matter.

PROCEDURE: The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors. After a hearing, the panel recommended a one-year suspension, with six months stayed. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent was admitted to the practice of law in 2011, but he has been registered as inactive since 2015. Respondent worked as an associate attorney for a law firm from March 2012 to August 2013. During his employment, Respondent had learned the login credentials, including passwords, for the firm email accounts. After Respondent was terminated, he began accessing those email accounts without authorization. Over the following two-and-a-half weeks, he accessed the accounts at least 20 times. Respondent logged into the law firm's email accounts and deleted the communications between him and Piscitelli from both Piscitelli's and the other employee's accounts. Respondent also deleted other emails he had sent after his termination. The following day, Piscitelli discovered that the emails were deleted, and members of the firm contacted police, who traced the unauthorized access to an IP address registered at Respondent's residence. During a deposition, Respondent denied that he had purposely deleted any law firm emails. Respondent admitted at his disciplinary hearing that he had also deleted emails while he had access to the accounts.

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

CASE AUTHORITY FOR SANCTION: *Engel* (2012); *Robinson* (2010)

Rules Violated: Prof.Cond.R. 3.4(a), 8.1(a), 8.4(c), 8.4(d)

Aggravation/ Mitigation: A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (6) (false or deceptive practices during investigation); **M-** (1) (no prior discipline), (4) (cooperative attitude)

Court Modified Sanction: NO		**Criminal Conduct:** NO
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: One-year suspension, with six months stayed on conditions		

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***Balaloski**, Columbus Bar Assn. v.*
145 Ohio St.3d 121, 2016-Ohio-86. Decided 1/14/2016.

OVERVIEW: Respondent received a two-year suspension, with one year stayed for failing to act with reasonable diligence.

PROCEDURE: The parties submitted an amended consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a two-year suspension, with the second year stayed. The Board recommended that the agreement be accepted.

FINDINGS: Respondent failed to provide competent representation, failed to keep his clients reasonably informed about the status of their legal matters, and failed to promptly deliver client funds arising out of six separate client matters.

SANCTION: The Court accepted the agreement and imposed the recommended sanction on conditions that Respondent not engage in any further misconduct; provide proof, upon applying for reinstatement, that he has complied with any applicable OLAP requirements; and upon reinstatement, serve a one-year term of monitored probation.

CASE AUTHORITY FOR SANCTION: *Stewart* (2013); *Folwell* (2011)

Rules Violated: Prof.Cond.R. 1.1, 1.3, 1.4, 1.15(d)

Aggravation/ Mitigation: A- (3) (pattern of misconduct), (4) (multiple offenses); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (full and free disclosure), (5) (good character), (7) (chemical/mental illness)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Two-year suspension, with one year stayed on conditions		

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***Ball**, Cincinnati Bar Assn. v.*
146 Ohio St.3d 382, 2016-Ohio-785. Decided 3/3/2016.

OVERVIEW: Respondent received an indefinite suspension for violating multiple Rules of Professional Conduct arising out of his convictions for operating a vehicle while intoxicated, disorderly conduct, as well as subsequent false statements of material fact to Relator's investigator, overdrawing his client trust account, and practicing law while his license was inactive.

PROCEDURE: The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, but did not agree to a recommended sanction. The panel issued a report adopting the parties' stipulations with one exception, it declined to find that Respondent's alcohol addiction qualified as a mitigating factor. The panel recommended that Respondent be indefinitely suspended. The Board adopted the panel's report in its entirety. Respondent objected to the Board report, challenging the Board's failure to accord any mitigating effect to his diagnosed alcohol dependency and disputing the Board's recommended sanction.

FINDINGS: Respondent had multiple encounters with law enforcement as a result of his alcohol use, including an August 2000 charge for underage consumption, a December 2003 charge of public intoxication that was later dismissed, and an April 2007 open-container violation. Respondent also had a history of OVI offenses dating back to 2002 when he was twice charged with OVI, the second offense occurring while his driver's license was under suspension. Respondent was arrested and charged in May 2007 with OVI and possession of drug paraphernalia and an unloaded firearm after leaving a Cincinnati Reds game. Respondent participated in OLAP following his 2007 arrest, but approximately nine months after his arrest he began drinking again and failed to complete his contract. In June 2013, Respondent entered into a second OLAP contract, a five-year recovery contract, after his 2012 OVI, but failed to comply with its terms. His last OLAP contract was on December 2, 2013.

SANCTION: The Court adopted the Board's findings of fact and misconduct, overruled Respondent's objections, and imposed an indefinite suspension on conditions to successfully complete an OLAP approved substance abuse treatment programs and comply with the terms of his OLAP contract. Upon reinstatement, Respondent was required to complete six hours of CLE related to law-office management and accounting.

CASE AUTHORITY FOR SANCTION: *Zimmer* (2013); *Larkin* (2011)

DISSENT: Justices Pfeifer and Kennedy dissented and would have imposed a two-year suspension, with six months stayed on conditions.

Rules Violated: Prof.Cond.R. 5.5(a), 8.1(a), 8.4(b), 8.4(d), 8.4(h)

Aggravation/ Mitigation: A- (d) (multiple offenses), (f) (false or deceptive practices during investigation); **M-** (a) (no prior discipline), (d) (cooperative attitude), (e) (good character)

Court Modified Sanction: NO		**Criminal Conduct:** YES
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Indefinite suspension		

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***Barborak**, Columbiana Cty. Bar Assn. v.*
Slip Opinion No. 2016-Ohio-8167. Decided 12/19/2016.

OVERVIEW: Respondent was disbarred for failing to hold funds belonging to a client in a client trust account separate from the lawyer's own property and to maintain certain records regarding the funds held in that account, knowingly making a false statement of fact or law to a tribunal, knowingly offering evidence that the lawyer knows to be false, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, conduct that is prejudicial to the administration of justice, and conduct that adversely reflected on the lawyer's fitness to practice law.

PROCEDURE: The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and recommended a two-year suspension. The panel adopted the stipulations, but recommended an indefinite suspension. The Board adopted the panel report in its entirety. Respondent objected to the Board's finding and consideration of a discrepancy between her hearing testimony and a statement her counsel made during a posthearing telephone conference with the panel chair as additional evidence of her pattern of dishonesty. The Court overruled Respondent's objection.

FINDINGS: At various times beginning in 2006 through 2015, Respondent was entrusted with four unrelated probate matters and served as either a court-appointed fiduciary or counsel for a court-appointed fiduciary. Respondent began to misappropriate significant sums of money belonging to three probate estates and a testamentary trust by withdrawing the money and issuing checks from her client trust account and several other accounts without authorization. Respondent used those funds not only to pay herself and her personal and business expenses, but also to make disbursements on behalf of other clients, including other estates. Respondent did not maintain adequate records regarding the funds she held and disbursed on behalf of her clients, nor did she timely file required accounts with the probate courts overseeing the matters. The few reports Respondent actually filed were replete with false statements designed to mislead and misinform the probate courts. Respondent altered 18 months of bank records by adding $82,000 or $103,000 to the actual balance of each statement to make it appear that the funds entrusted to her remained in her client trust account. Respondent submitted those records to the probate court with the intent to mislead and misinform the court.

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

CASE AUTHORITY FOR SANCTION: *Gerren* (2004); *McElroy* (2014); *Leksan* (2013); *Rozanc* (2012); *Smithern* (2010); *Bandman* (2010)

Rules Violated: Prof.Cond.R. 1.15(a), 3.3(a)(1), 3.3(a)(3), 8.4(a), 8.4(c), 8.4(d), 8.4(h)

Aggravation/ Mitigation: A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses); **M-** (1) (no prior discipline), (5) (good character)

Court Modified Sanction: YES	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Disbarment		

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***Bartels**, Disciplinary Counsel v.*
Slip Opinion No. 2016-Ohio-3333. Decided 6/14/2016.

OVERVIEW: Respondent received a one-year suspension, with six months stayed for soliciting or engaging in sexual activity with a client.

PROCEDURE: The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and recommended a one-year suspension stayed in its entirety. The Board amended the recommended sanction and instead recommended a one-year suspension, with six months stayed. Respondent objected to the Board's recommendation and Relator agreed with her arguments. The Court overruled Respondent's objections.

FINDINGS: In 2010, Respondent received a public reprimand for engaging in a sexual relationship with a client. Respondent was retained to represent a client in a divorce proceeding. The divorce was finalized by court entry in July 2013. However, commencing in late February or early March 2013, Respondent and her client began exchanging multiple text messages with each other that were sexually oriented. The messages continued for approximately one month and were mutual and reciprocal in their sexual content, but Respondent and her client did not actually engage in sexual intercourse with each other.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a one-year suspension, with six months stayed on conditions that Respondent complete an additional six hours of CLE on professional conduct and professionalism focused on proper communications and interactions with clients, commit no further misconduct, pay all costs, and upon reinstatement, serve a one-year period of monitored probation.

CASE AUTHORITY FOR SANCTION: *Detweiler* (2013); *Mismas* (2014); *Booher* (1996)

DISSENT: Justices Kennedy and French dissented and would follow the recommendation of the panel and impose a suspension of one year fully stayed.

Rules Violated: Prof.Cond.R. 1.8(j)

Aggravation/ Mitigation: A- (1) (prior discipline); **M-** (4) (cooperative attitude), (5) (good character)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** YES
Sanction: One-year suspension, with six months stayed on conditions		

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***Bennett**, Disciplinary Counsel v.*
146 Ohio St.3d 237, 2016-Ohio-3045. Decided 5/19/2016.

OVERVIEW: Respondent received a one-year stayed suspension for neglecting client matters, misusing his client trust account, and failing to cooperate in the disciplinary investigation.

PROCEDURE: The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and recommended a one-year suspension, fully stayed. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent was retained to represent a client in a marital dissolution or divorce proceeding. During the meeting with the client, they discussed the documents needed for a dissolution, the issues that were most important, and what she had hoped to achieve. After the meeting, the client decided to retain a different attorney. Less than four weeks later, the client's husband retained Respondent to represent him in the same matter. However, Respondent failed to inform him that he had previously met with his wife. Respondent did not discuss the potential conflict of interest with neither one or obtain written waivers. In another case, Respondent was retained to represent a client in several domestic relations matters. The client requested that Respondent immediately file a divorce complaint. Although, Respondent completed other legal work for the client, he failed to initiate the divorce proceeding. Also, Respondent was retained to represent a client in a foreclosure action. The clients advised Respondent they needed to be set up on a payment plan or a deferred due date to pay the past-due taxes. However, Respondent stopped speaking to the clients and failed to respond to the client's telephone calls seeking information about their case. Relator also received notice that Respondent had overdrawn his client trust account. Relator sent Respondent three letters requesting information about the overdraft and records for his client trust account. Respondent failed to respond to any of the letters. Respondent admitted that he had made personal purchases from his client trust account, that he had not maintained a general ledger for the account or individual client ledgers, and that he had failed to perform monthly reconciliations of the account.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a one-year suspension stayed in its entirety on conditions.

CASE AUTHORITY FOR SANCTION: *Brueggeman* (2010); *Oberholtzer* (2013)

DISSENT: Chief Justice O'Connor and Justice Lanzinger dissented and would have imposed an 18-month suspension, with 12 months stayed on conditions.

Rules Violated: Prof.Cond.R. 1.3, 1.4(a)(3), 1.4(a)(4), 1.15(a), 1.15(a)(2), 1.15(a)(3), 1.15(a)(5), 1.16(c), 1.18(c), 4.2, 8.1(b), 8.4(d); Gov.Bar R. V9(G)

Aggravation/ Mitigation: A- (4) (multiple offenses); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: One-year suspension stayed in its entirety on conditions		

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***Beranek**, Medina Cty. Bar Assn. v.*
Slip Opinion No. 2016-Ohio-5595. Decided 9/1/2016.

OVERVIEW: Respondent received a public reprimand for failing to comply as soon as practicable with reasonable requests for information from a client and failing to inform the client that he does not maintain professional liability insurance.

PROCEDURE: The panel rejected the parties' timely consent-to-discipline agreement because of the pendency of an evaluation of Respondent by OLAP. The panel considered the matter on the parties' stipulations, which had been supplemented with Respondent's mental-health contract and a brief report from OLAP. The panel adopted the parties' stipulations and recommended a public reprimand. The Board adopted the panel's report in its entirety.

FINDINGS: In 2011, Respondent was suspended for three days for attorney registration. Respondent was retained to represent a client in a collection effort related to a partnership dispute. Respondent filed suit against several defendants, including two companies in which the clients had an ownership interest. The two companies filed bankruptcy before the clients' matter could be tried. Respondent represented the clients' interests in the bankruptcy proceedings, but after meeting with them he refused to respond to their numerous attempts to contact him. The bankruptcy proceedings moved forward in Respondent's absence, and the clients received settlement checks from the respective trustees. Eventually, the clients noticed that their collection case had been closed. During Respondent's representation of his clients, he left the firm in which he had been practicing and became a solo practitioner. Respondent was unable to afford professional liability insurance at that time and did not inform his clients that he had allowed his coverage to lapse.

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

CASE AUTHORITY FOR SANCTION: *Bhatt* (2012); *Freedman* (2011); *Smith* (2015)

Rules Violated: Prof.Cond.R. 1.4(a)(4), 1.4(c)

Aggravation/ Mitigation: A- (1) (prior discipline); **M-** (2) (no dishonest or selfish motive), (4) (cooperative attitude)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** YES
Sanction: Public Reprimand		

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***Bond**, Geauga Cty. Bar Assn. v.*
146 Ohio St.3d 97. 2016-Ohio-1587. Decided 4/20/2016.

OVERVIEW: Respondent received a public reprimand for violating or attempting to violate the Ohio Rules of Professional Conduct by attempting to violate Prof. Cond. R. 1.8(e).

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

FINDINGS: Respondent provided financial assistance to a man whom he believed to be a client, but who was actually a thief impersonating a prospective client.

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

CASE AUTHORITY FOR SANCTION: *Nusbaum* (2001); *Mineff* (1995)

DISSENT: Justice O'Neill dissented and would have dismissed the complaint.

Rules Violated: Prof.Cond.R. 8.4(a)

Aggravation/ Mitigation: A- None; **M-** (1) (no prior discipline), (4) (cooperative attitude), (5) (good character)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Public Reprimand		

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***Brockler**, Disciplinary Counsel v.*
145 Ohio St.3d 270, 2016-Ohio-657. Decided 2/25/2016.

OVERVIEW: Respondent received a one-year stayed suspension for engaging in conduct that is prejudicial to the administration of justice and conduct involving dishonesty, fraud, deceit, or misrepresentation.

PROCEDURE: The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and jointly recommended a one-year suspension, fully stayed. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent engaged in professional misconduct while he served as the assistant Cuyahoga County prosecutor assigned to a murder case. While investigating the murder, Respondent created a fictitious Facebook account and used it to contact the alibi witnesses. Police officers monitoring the Facebook accounts recorded the chats between Respondent and the alibi witnesses. Respondent waited several weeks to inform other prosecutors that he used the Facebook accounts to contact the alibi witnesses. His employment was terminated for his unethical conduct, creating false evidence and lying.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a one-year suspension stayed in its entirety.

CASE AUTHORITY FOR SANCTION: *Karris* (2011); *Fowerbaugh* (1995); *Potter* (2010); *Niermeyer* (2008)

DISSENT: Chief Justice O'Connor and Justices Lanzinger and O'Donnell dissented and would have imposed an indefinite suspension.

Rules Violated: Prof.Cond.R. 8.4(c), 8.4(d)

Aggravation/ Mitigation: A- (4) (multiple offenses); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** YES	**Prior Discipline:** NO
Sanction: One-year suspension stayed in its entirety		

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***Camboni**, Disciplinary Counsel v.*
Slip Opinion No. 2016-Ohio-653. Decided 2/25/2016.

OVERVIEW: Respondent received a one-year stayed suspension for knowingly disobeying an obligation under the rules of a tribunal.

PROCEDURE: The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and jointly recommended a six-month suspension, fully stayed. The panel granted the parties' motion to waive the hearing and adopted their stipulations, misconduct, and aggravating and mitigating factors, but noted that Respondent had committed another misdemeanor offense and pleaded guilty to the charge while the disciplinary action was pending. The panel recommended a one-year suspension stayed in its entirety. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent and his former girlfriend were traveling in a vehicle and began arguing. The dispute escalated and the woman wanted to exit the vehicle, but Respondent did not stop until they arrived at Respondent's residence, where they continued arguing. A neighbor called the police and the woman fled the scene, but when contacted by the police, she alleged that Respondent had attacked her. Respondent was charged with several misdemeanor offenses. Respondent was arrested and was released on his own recognizance, but he was prohibited from having any contact with the victim of his alleged crimes. The state later moved to revoke his bond for having had contact with the victim, but a judge of the Ashland County Court of Common Pleas denied the motion and informed Respondent that further contact with the victim would not be tolerated. Several months later, the judge granted the state's second motion for revocation of Respondent's bond, based on his continued contact with the victim. The day after his bond was revoked, Respondent entered an Alford plea to a misdemeanor count of assault. Respondent was sentenced to six months in jail and ordered to pay a fine plus court costs.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a one-year suspension, fully stayed on conditions that he engage in no further misconduct and remain in full compliance with his OLAP contract.

CASE AUTHORITY FOR SANCTION: *Rohrer* (2009); *Brightbill* (1990); *Hillis* (2014)

Rules Violated: Prof.Cond.R. 3.4(c)

Aggravation/ Mitigation: A-None; **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (6) (other penalties/sanctions)

Court Modified Sanction: NO	**Criminal Conduct:** YES	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: One-year suspension stayed in its entirety on conditions		

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***Cannata and Phillips**, Disciplinary Counsel v.*
Slip Opinion No. 2016-Ohio-3027. Decided 5/18/2016.

OVERVIEW: Respondents Cannata and Phillips received a six-month stayed suspension for violating the Rules of Professional Conduct.

PROCEDURE: The parties submitted a consent-to-discipline agreement that was rejected by the panel. The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and jointly recommended a six-month suspension, fully stayed for both Respondents. The Board adopted the panel's report in its entirety.

FINDINGS: A co-counsel arrangement between both Respondents, which included the representation of limited liability companies in which Respondent Cannata was a member, created conflicts of interest and falsely created the impression that the two attorneys were practicing law in a partnership.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a six-month suspension stayed in its entirety on condition that they engage in no further misconduct.

CASE AUTHORITY FOR SANCTION: *Wick* (2007); *Reid* (2004); *Dettinger* (2009); *McNamee* (2008); *Henderson* (2002); *Conese* (2004); *Schiff* (2014)

Rules Violated: Prof.Cond.R. 1.7(a)(2), 1.7(c)(1), 7.5(d), 8.4(h)

Aggravation/ Mitigation: A- (4) (multiple offenses); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Six-month suspension stayed in its entirety on condition		

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***Champion**, Disciplinary Counsel v.*
147 Ohio St.3d 425, 2016-Ohio-8023. Decided 12/8/2016.

OVERVIEW: Respondent received a one-year stayed suspension for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

PROCEDURE: The parties submitted stipulations of fact, misconduct, aggravating and mitigating factors, and jointly recommended a one-year suspension, fully stayed. The panel granted the parties' joint motion to waive the hearing and have the matter decided on the stipulations. The Board adopted the panel's report in its entirety.

FINDINGS: The city of Akron filed a civil action against Respondent for the collection of $544.36 in delinquent municipal income taxes plus interest and costs. Respondent repeatedly made false statements claiming that he had paid the taxes and submitted to the city a fraudulent copy of a canceled check that purported to show partial payment of the taxes he owed.

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

CASE AUTHORITY FOR SANCTION: *Fowerbaugh* (1995); *Cameron* (2011); *Stubbs* (2006); *Niermeyer* (2008)

DISSENT: Justice O'Neill dissented and would remand the cause to the Board to consider increasing the severity of the sanction imposed on Respondent.

Rules Violated: Prof.Cond.R. 8.4(c)

Aggravation/ Mitigation: A- (2) (dishonest or selfish motive); **M-** (1) (no prior discipline), (4) (cooperative attitude), (5) (good character)

Court Modified Sanction: NO		**Criminal Conduct:** NO
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: One-year suspension stayed in its entirety on condition		

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***Clifton**, Warren Cty. Bar Assn. v.*
147 Ohio St.3d 399, 2016-Ohio-5587. Decided 9/1/2016.

OVERVIEW: Respondent received a public reprimand for knowingly making a false statement of fact or law to a tribunal and conduct involving dishonesty, fraud, deceit, or misrepresentation.

PROCEDURE: The parties entered into stipulations of fact, misconduct, and mitigation. Relator withdrew its charges as to four alleged rule violations, and the parties jointly recommended a public reprimand. The panel adopted the parties' stipulations and recommended sanction. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent altered a client's will after it was executed, but before it was filed with the probate court. Respondent inadvertently failed to list the client's daughter as one of his children. The altered will was attached to the application and filed in the probate court. Nothing in the filing disclosed to the court Respondent's alteration of the will.

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

CASE AUTHORITY FOR SANCTION: *Craig* (2012); *Mezacapa* (2004); *Wilson* (2014)

Rules Violated: Prof.Cond.R. 3.3(a)(1), 8.4(c)

Aggravation/ Mitigation: A- None; **M-** (1) (no prior discipline), (3) (restitution or rectified consequences), (4) (cooperative attitude), (5) (good character)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Public Reprimand		

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***Corner**, Disciplinary Counsel & Columbus Bar Assn. v.*
145 Ohio St.3d 192, 2016-Ohio-359. Decided 2/3/2016.

OVERVIEW: Respondent received a two-year suspension, with the second year stayed for failing to act with reasonable diligence, failing to provide competent representation, failing to timely return unearned portion of the retainer, failing to deposit the retainer in a client trust account, failing to maintain proper records regarding client funds, and engaging in conduct that is prejudicial to the administration of justice.

PROCEDURE: The panel adopted the parties' stipulated facts and misconduct, dismissed several alleged violations, and recommended a two-year suspension, with the second year stayed. The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction. After the Board report was filed with the Court, the Court granted Relator's motion to remand the matter to the Board to address the issue of restitution. On remand, the panel issued a supplemental report stating that it had erroneously found that Respondent had committed the violations alleged in Count Three of Relator's complaint when it should have dismissed it based on the insufficiency of the evidence. The Board adopted the supplemental report. Relator filed objections and argued that the Board exceeded the scope of the Court's remand order when it recommended the dismissal of Count Three and that Respondent's conduct warranted a two-year actual suspension.

FINDINGS: Respondent mishandled and failed to keep required records of the client funds entrusted to her, shared fees with another lawyer without making required disclosures to her client; and engaged in dishonesty, fraud, deceit, or misrepresentation. Respondent was under the mistaken impression that the bank account in which she held client funds was an IOLTA account. Respondent did not treat that account as a client trust account; instead, she deposited earned fees into the account, thereby commingling personal and client funds, and used it to pay her personal and business expenses.

SANCTION: The Court adopted the Board's findings of fact and misconduct, overruled Relator's objections, and imposed a two-year suspension, with the second year stayed on conditions that Respondent engage in no further misconduct, continue to participate in appropriate mental-health treatment, and remain in full compliance with her OLAP contract.

CASE AUTHORITY FOR SANCTION: *Talikka* (2013); *Folwell* (2011)

DISSENT: Justice Lanzinger dissented and would impose an indefinite suspension.

Rules Violated: Prof.Cond.R. 1.1, 1.3, 1.5(e), 1.15(a), 1.15(a)(2), 1.15(a)(3), 1.15(a)(5), 1.15(c), 1.15(d), 8.4(d)

Aggravation/ Mitigation: A- (c) (pattern of misconduct), (d) (multiple offenses); **M-** (a) (no prior discipline), (d) (cooperative attitude)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Two-year suspension, with the second year stayed on conditions		

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***Crosser**, Toledo Bar Assn. v.*
Slip Opinion No. 2016-Ohio-8257. Decided 12/21/2016.

OVERVIEW: Respondent received a one-year stayed suspension for failing to act with reasonable diligence in representing a client, failing to keep the client informed about the status of the matter, failing to deliver papers and property to the client, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

PROCEDURE: The parties entered into stipulations of fact and rule violations. The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of a one-year stayed suspension.

FINDINGS: Respondent was retained to file a change-of-custody motion against her client's former wife. The client emailed Respondent on three different dates requesting an update on his motion. Respondent; however, failed to respond and never filed the motion. Respondent made a series of misrepresentations to her client to hide her neglect.

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

CASE AUTHORITY FOR SANCTION: *Fumich* (2007)

Rules Violated: Prof.Cond.R. 1.3, 1.4(a)(3), 1.16(d), 8.4(c)

Aggravation/ Mitigation: A- (1) (prior discipline); **M-**(3) (restitution or rectified consequences), (4) (cooperative attitude), (5) (good character)

Court Modified Sanction: NO		**Criminal Conduct:** NO
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: One-year suspension stayed in its entirety on condition		

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***DiMartino**, Mahoning Cty. Bar Assn. v.*
Slip Opinion No. 2016-Ohio-536. Decided 2/17/2016.

OVERVIEW: Respondent received an indefinite suspension for failing to act with reasonable diligence in representing a client, failing to inform the client of any circumstances with respect to which the client's informed consent is required, failing to communicate the nature and scope of the representation and the basis or rate of the fee and expenses, failing to set forth a contingent-fee agreement in writing signed by the client, failing to hold property of clients in an interest bearing client trust account, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

PROCEDURE: Respondent has been disciplined in three previous cases. In 1994, Respondent received a stayed six-month suspension because he failed to respond to a client's inquires, failed to provide that client with a settlement statement, and failed to forwarded the clients' portion of settlement proceeds. In 2007, he received a stayed one-year suspension for neglecting a client matter. In 2010, the Court determined that Respondent violated the conditions by engaging in dishonest conduct during his stayed suspension. Specifically, when applying for a marriage license in North Carolina, he falsely represented that he was not married, despite the fact that his Ohio divorce case was still pending. The Court reinstated the one-year suspension from the 2007 case and also suspended him concurrently for six months for his dishonest conduct. Respondent was reinstated in both cases. The Board adopted the panel's report and recommended an indefinite suspension.

FINDINGS: Respondent was charged with misconduct similar to that in his previous disciplinary cases, including client neglect, failing to account for settlement funds, and dishonesty.

SANCTION: The Court adopted the Board's report in its entirety and imposed an indefinite suspension and ordered Respondent to make restitution in the amount of $4,600 to his clients within 60 days of the Court's order. Further reinstatement was conditioned on Respondent's submission of proof that he had undergone a mental-health evaluation, had a plan of treatment, and completed appropriate CLE courses in law-office management, specifically in the area of client trust accounts.

CASE AUTHORITY FOR SANCTION: *Braun* (2012); *Scacchetti* (2012); *Mathewson* (2007)

Rules Violated: Prof.Cond.R. 1.3, 1.4(a)(1), 1.4(a)(3), 1.4(a)(4), 1.5(b), 1.5(c), 1.15(a), 8.4(c)

Aggravation/ Mitigation: A- (1) (prior discipline), (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation), (9) (no restitution); **M-** None

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** YES
Sanction: Indefinite suspension		

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***DiMartino**, Mahoning Cty. Bar Assn. v.*
Slip Opinion No. 2016-Ohio-5665. Decided 9/7/2016.

OVERVIEW: Respondent received an indefinite suspension for failing to act with reasonable diligence in representing a client, failing to keep his client informed about the status of the matter, failing to comply with requests for information from the client, failing to hold property of clients in a client trust account, and failing to cooperate with the disciplinary investigation.

PROCEDURE: This is Respondent's fifth discipline case before the Court. In 1994, Respondent received a stayed six-month suspension because he failed to respond to a client's inquires, failed to provide that client with a settlement statement, and failed to forwarded the clients' portion of settlement proceeds. In 2007, he received a stayed one-year suspension for neglecting a client matter. In 2010, the Court determined that Respondent violated the conditions by engaging in dishonest conduct during his stayed suspension. Specifically, when applying for a marriage license in North Carolina, he falsely represented that he was not married, despite the fact that his Ohio divorce case was still pending. The Court reinstated the one-year suspension from the 2007 case and also suspended him concurrently for six months for his dishonest conduct. In February 2016, Respondent received an indefinite suspension for neglecting two client matters, misusing his client trust account, engaging in dishonest conduct toward a client, failing to communicate to a client and the basis of his fees, and failing to cooperate in the disciplinary investigation. Respondent stipulated to most of the charged misconduct, and the parties jointly recommended an indefinite suspension that would run concurrently with the indefinite suspension imposed in February 2016. The Board recommended that the Court impose a separate indefinite suspension that would prevent Respondent from petitioning for reinstatement for at least two years from the date of the disciplinary order.

FINDINGS: While Respondent's fourth disciplinary case was pending before the Court, Relator charged Respondent with neglecting another client matter and failing to cooperate in the ensuing disciplinary investigation.

SANCTION: The Court adopted the Board's report and imposed an indefinite suspension. Respondent was not eligible to petition for reinstatement until a minimum of two years after the issuance of the Court's order. Future reinstatement was conditioned on Respondent's compliance with the conditions imposed in February 2016, submission of proof that he continued his treatment as recommended by a qualified health-care professional and complied with his contract with OLAP, and submission of proof that he completed appropriate CLE courses in law-office management, specifically in the area of client trust accounts.

CASE AUTHORITY FOR SANCTION: *Lawson* (2008)

DISSENT: Justice Lanzinger dissented and would permanently disbar Respondent.

Rules Violated: Prof.Cond.R. 1.3, 1.4(a)(3), 1.4(a)(4), 1.15(a); Gov.Bar R. V(9)(G)

Aggravation/ Mitigation: A- (1) (prior discipline), (5) (lack of cooperation); **M-** (2) (no dishonest or selfish motive), (3) (restitution or rectified consequences), (5) (good character), (7) (chemical/mental illness)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** YES
Sanction: Indefinite suspension		

***Eichenberger**, Disciplinary Counsel v.*
146 Ohio St.3d 302, 2016-Ohio-3332. Decided 6/14/2016.

OVERVIEW: Respondent received a two-year suspension, with one year stayed for failing to hold funds belonging to a client or third party in a client trust account separate from his own property, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, engaging in conduct that is prejudicial to the administration of justice, and failing to respond to a demand for information by a disciplinary authority.

PROCEDURE: The parties entered into stipulations of fact and mitigation and submitted 27 stipulated exhibits. Based on the stipulations and Respondent's testimony, the panel recommended a two-year suspension, with one year stayed. The Board adopted the panel's findings of fact, misconduct, and aggravating and mitigating factors, but recommended a sanction of a two-year suspension. Respondent objected to the Board's findings of fact and misconduct and recommended sanction.

FINDINGS: Respondent improperly used his client trust accounts for personal and non-client related business expenses, engaging in more than 200 improper transactions. Respondent refused to provide copies of his client trust account records during both the investigative and litigation phases, even after the panel chair ordered him to produce information and recommended that the Court find him in contempt for his failure to produce the requested documentation. In addition, Respondent repeatedly made material misrepresentations in his correspondence with Relator in a deceptive and willful effort to conceal the irregularities in his client trust accounts. Respondent also altered bank statements that he provided to Relator by intentionally and deceptively redacting incriminating information in an effort to conceal transactions that he knew were inappropriate. Even after the redaction came to light, Respondent took no action to rectify the situation and showed no remorse for his intentional and willful alteration of records.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and overruled Respondent objections. Nonetheless, the Court concluded that a two-year suspension, with one year stayed, as recommended by the panel, was the appropriate sanction on the condition that he engage in no further misconduct.

CASE AUTHORITY FOR SANCTION: *Dockry* (2012); *Riek* (2010); *Gruttadaurio* (2013)

DISSENT: Chief Justice O'Connor and Justice Lanzinger dissented and would not stay any portion of the suspension imposed.

Rules Violated: Prof.Cond.R. 1.15(a), 8.1(b), 8.4(c), 8.4(d); Gov.Bar R. V(4)(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); **M-** (1) (no prior discipline)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Two-year suspension, with one year stayed on conditions		

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***Elum**, Disciplinary Counsel v.*
Slip Opinion No. 2016-Ohio-8256. Decided 12/21/2016.

OVERVIEW: Respondent received a one-year stayed suspension for failing to act in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and to avoid impropriety and the appearance of impropriety, engaging in conduct that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality, conduct that would appear to a reasonable person to be coercive, and conduct that is prejudicial to the administration of justice.

PROCEDURE: Respondent was previously suspended for a stayed six-months for injecting himself into an internal police department investigation, using vulgar and intemperate language toward a probationer in his courtroom, and conducting that individual's probation review without the presence of his counsel or the prosecutor. The parties submitted stipulations of fact, misconduct, and jointly recommended a six-month suspension, fully stayed. The Board adopted the panel's report and recommended a one-year suspension, fully stayed.

FINDINGS: Respondent has been a judge in the Massillon Municipal Court since 1996. Respondent was charged with judicial and professional misconduct for appearing to advocate on behalf of a tenant in a landlord-tenant dispute.

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

CASE AUTHORITY FOR SANCTION: *Hoague* (2000); *Gaul* (2010)

DISSENT: Justice Lanzinger dissented and would have imposed a one-year suspension, with six months stayed.

Rules Violated: Jud.Cond.R. 1.2, 3.1(C), 3.1(D); Prof.Cond.R. 8.4(d)

Aggravation/ Mitigation: A-(1) (prior discipline); **M-**(2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** YES	**Prior Discipline:** YES
Sanction: One-year suspension stayed in its entirety on conditions		

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***Fernandez**, Cincinnati Bar Assn. v.*
Slip Opinion No. 2016-Ohio-5586. Decided 9/1/2016.

OVERVIEW: Respondent received a public reprimand for failing to reasonably consult with his client about how he planned to achieve the client's objectives and failing to deprive the client of information necessary to make informed decisions about the representation.

PROCEDURE: The parties submitted stipulations of fact and heard testimony from Respondent and one additional witness. The panel recommended a public reprimand and the Board adopted the panel's report in its entirety. Relator objected to the panel's dismissal of four additional alleged violations, most of which focused on Respondent's relationship with an out-of-state company that provided paralegal and paraprofessional services to his firm.

FINDINGS: Respondent had a business relationship with a California company that described itself as providing integrated support systems to attorneys with a focus on back-office paralegal and paraprofessional services. The company also assisted Respondent with what it classified as "non-formal debt resolution." Respondent undertook the representation of a client in the settlement of her outstanding debts. At the beginning of the representation, the client received a packet from the California company titled Non-Formal Debt Resolution Instructions that included a letter on Respondent's letterhead over his signature. Although the letterhead bore Respondent's former home address and telephone number in Cincinnati, it also included the California company's telephone number and directed the client to reply to the address in California. After the client returned the paperwork, the California company sent letters to her creditors on Respondent's letterhead over his electronic signature. During the first several months of the representation, the client communicated only with the California company. Her first communication with Respondent occurred when she sought to terminate his representation and obtain a refund of the fees she had paid.

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

CASE AUTHORITY FOR SANCTION: *McGee* (2015); *Godles* (2010); *Bhatt* (2012)

Rules Violated: Prof.Cond.R. 1.4(a)(2), 1.4(b)

Aggravation/ Mitigation: A-(5) (lack of cooperation), (7) (refusal to acknowledge wrongdoing); **M-** (1) (no prior discipline)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Public Reprimand		

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***Frenden**, Cleveland Metro. Bar Assn. v.*
Slip Opinion No. 2016-Ohio-7198. Decided 10/6/2016.

OVERVIEW: Respondent was disbarred for failing to provide competent representation to a client, failing to keep a client reasonably informed about the status of a legal matter, failing to obtain informed consent to settle a case, and engaging in sexual activity with a client when a consensual sexual relationship did not exist prior to the client-lawyer relationship.

PROCEDURE: The panel issued a report finding that Respondent had engaged in all the charged misconduct and recommended an indefinite suspension. The Board adopted the panel's findings of fact and misconduct, but recommended that Respondent be permanently disbarred.

FINDINGS: Respondent neglected legal matters of his clients, failed to provide them with competent representation, settled their personal-injury case without proper preparation or client authorization and for far less than their estimated worth, forged the client's signature on a medical release, unreasonably delayed the distribution of the settlement proceeds to one client, and entirely failed to distribute any settlement proceeds to another. Respondent also failed to advise his clients that his professional liability insurance had been cancelled, thus depriving them of a significant avenue for recourse. Respondent also engaged in a sexual relationship with a client, threatened to turn the client's children over to Children and Family Services if she did not give him more money, arranged for his secretary to take physical custody of the client's children, and then failed to withdraw from the representation when the client sought to have the children returned to her.

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

CASE AUTHORITY FOR SANCTION: *Hines* (2012); *Kodish* (2006); *Davies* (2015); *Longino* (2011)

DISSENT: Justices O'Donnell and Kennedy dissented and would have imposed an indefinite suspension.

Rules Violated: Prof.Cond.R. 1.1, 1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.4(c), 1.5(c)(1), 1.7(a)(2), 1.8(j), 1.15(a), 1.15(d), 8.4(d), 8.4(h)

Aggravation/ Mitigation: A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation), (6) (false or deceptive practices during investigation), (8) (harm to vulnerable client), (9) (no restitution); **M-** (1) (no prior discipline)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Disbarment		

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***Glaser**, Cincinnati Bar Assn. v.*
146 Ohio St.3d 102, 2016-Ohio-3052. Decided 5/19/2016.

OVERVIEW: Respondent received a six-month stayed suspension for committing an illegal act that reflected adversely on the lawyer's honesty and trustworthiness.

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

FINDINGS: Respondent was convicted of attempting to permit drug abuse in her home, a first-degree misdemeanor.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a six-month suspension stayed in its entirety on conditions that Respondent submit to an assessment for domestic abuse by a professional affiliated with the OLAP program or by another qualified professional and comply with any recommendations, submit to monitoring by an attorney, and refrain from any further misconduct.

CASE AUTHORITY FOR SANCTION: *Grisby* (2011); *Grubb* (2015); *Carroll* (2005)

Rules Violated: Prof.Cond.R. 8.4(b)

Aggravation/ Mitigation: A-None; **M-** (1) (no prior discipline),(4) (cooperative attitude), (5) (good character)

Court Modified Sanction: NO	**Criminal Conduct:** YES	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Six-month suspension stayed in its entirety on conditions		

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***Guinn**, Disciplinary Counsel v.*
Slip Opinion No. 2016-Ohio-3351. Decided 6/14/2016.

OVERVIEW: Respondent received a two-year stayed suspension for failing to provide competent representation, act with reasonable diligence and reasonably communicate with his clients, charging an excessive fee, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, initiating a proceeding that is unsupported by law and fact, and engaging in conduct that is prejudicial to the administration of justice.

PROCEDURE: The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors. The panel recommended a two-year suspension, fully stayed. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent was charged with professional misconduct for neglecting two client matters, misrepresenting the status of a case to a client, filing a frivolous lawsuit, and failing to properly inform his clients that he lacked professional liability insurance.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a two-year suspension, fully stayed on conditions that Respondent serve a two-year period of monitored probation, within 90 days of the Court's disciplinary order pay restitution in the amount of $1,000 to his client, and extend the term of his OLAP contract to coincide with the term of his monitored probation and follow all recommendations of his counselor and OLAP.

CASE AUTHORITY FOR SANCTION: *Hillburn* (2012); *Pfundstein* (2010)

Rules Violated: Prof.Cond.R. 1.1, 1.3, 1.4, 1.4 (c), 1.5(a), 3.1, 8.4(c), 8.4(d)

Aggravation/ Mitigation: A-(3) (pattern of misconduct); **M-** (1) (no prior discipline), (2) (no dishonest of selfish motive), (4) (cooperative attitude)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Two-year suspension stayed in its entirety on conditions		

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***Hanni**, Mahoning Cty. Bar Assn. v.*
146 Ohio St.3d 492, 2016-Ohio-1174. Decided 3/24/2016.

OVERVIEW: Respondent received a one-year stayed suspension for neglecting a client matter, failing to keep them reasonably informed about the matter, and conduct that was prejudicial to the administration of justice.

PROCEDURE: In 2010, Respondent was suspended for six months, fully stayed for neglecting a client matter and making certain unsubstainted allegations of ethical misconduct against the incumbent county prosecutor. The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors, and jointly recommended a one-year suspension stayed in its entirety. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent neglected a single matter by seeking to continue two custody hearings without giving adequate notice to her clients and the court. Rather than delay the matter a second time, her clients elected to forego legal representation and proceeded pro se.

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

CASE AUTHORITY FOR SANCTION: *Berk* (2012); *Oberholtzer* (2013); *Malvasi* (2015); *Hooks* (2014); *Raso* (2011); *Broeren* (2007)

DISSENT: Chief Justice O'Connor and Justice Pfeifer dissented and would have imposed a suspension of one year with no portion stayed.

Rules Violated: Prof.Cond.R. 1.3, 1.4(a)(3), 8.4(d)

Aggravation/ Mitigation: **A**-(1) (prior discipline); **M**-(2) (no dishonest or selfish motive), (3) (restitution or rectified consequences), (4) (cooperative attitude), (5) (good character)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** YES
Sanction: One-year suspension stayed in its entirety on conditions		

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***Hauck**, Cincinnati Bar Assn. v.*
Slip Opinion No. 2016-Ohio-7826. Decided 11/22/2016.

OVERVIEW: Respondent received a two-year suspension, with the second year stayed for failing to provide competent representation, practicing law in violation of the regulation of the legal profession in Ohio, committing an illegal act that reflects adversely on his honesty or trustworthiness, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, and engaging in conduct that is prejudicial to the administration of justice.

PROCEDURE: Respondent was previously suspended for 12 months, with six months stayed on conditions for failing to maintain client funds in an interest-bearing trust account separate from his own funds, failing to maintain adequate records of client funds in his possession, failing to notify his clients that he did not carry malpractice insurance, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. Respondent was found in contempt of the Court's order and the Court lifted the stay and required him to serve the full 12-month suspension. Respondent was also suspended for failing to timely register for the 2011-2013 biennium. Respondent has been reinstated. After a two-day hearing, the panel found that Respondent committed all the charged misconduct and recommended a 12-month suspension. The Board adopted the panel's findings of fact and conclusions of law, but believing that a longer period of actual suspension is necessary to protect the public, the Board recommended an indefinite suspension. Respondent objected to the Board's findings of fact, misconduct, and recommended sanction.

FINDINGS: Respondent sent a letter on behalf of an alleged client to the client's mother and stepfather in violation of a civil protection order. The CPO prohibited his client from having any contact with his parents, including contact through another person. As a result of Respondent's conduct, his client was arrested, pleaded guilty to a second-degree misdemeanor charge of attempting to violate the terms of the CPO, and was sentenced to 90 days in jail.

SANCTION: The Court overruled Respondent's objections to the Board's findings of fact and misconduct and adopted the Board's findings. The Court sustained Respondent's objection to the Board's recommended sanction in part. The Court imposed a two-year suspension, with the second year stayed on conditions that he submit to a mental-health evaluation conducted by OLAP, comply with any and all treatment recommendations resulting from that evaluation, serve a one-year period of monitored probation, make full restitution, and engage in no further misconduct. In addition, Respondent was required to petition for reinstatement.

CASE AUTHORITY FOR SANCTION: *Markovich* (2008); *Osborne* (1991)

Rules Violated: Prof.Cond.R. 1.1, 5.5(a), 8.4(b), 8.4(c), 8.4(d)

Aggravation/ Mitigation: A- (1) (prior discipline), (4) (multiple offenses), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim); **M-** (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character)

Court Modified Sanction: YES	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** YES
Sanction: Two-year suspension, with the second year stayed on conditions		

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***Hillman**, Disciplinary Counsel v.*
145 Ohio St.3d 489, 2016-Ohio-1172. Decided 3/24/2016.

OVERVIEW: Respondent received a one-year stayed suspension for engaging in conduct that adversely reflected on his fitness to practice law.

PROCEDURE: In 2009, and again in 2011, Respondent was suspended for his failure to timely register as an attorney for the 2009-2011 and 2011-2013 bienniums. The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a one-year suspension stayed in its entirety. The Board recommended that the agreement be accepted, but the Court rejected the recommended sanction and remanded the matter to the Board for further proceedings. On remand, based on the parties' stipulations and evidence presented at the hearing, the panel recommended a one-year suspension, fully stayed. The Board adopted the findings of the panel.

FINDINGS: Respondent was convicted of a misdemeanor offense of willful failure to file a federal personal income tax return for 2011, and he acknowledged in his plea agreement that he also had not timely filed his 2009 and 2010 federal income tax returns. Respondent was sentenced to five years of probation with six months of house arrest.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a one-year suspension stayed in its entirety on conditions that he make all payments on his back taxes as required by the Internal Revenue Service, timely pay his current taxes, complete a class in law-office management within one year after the issuance of the order, and engage in no further misconduct.

CASE AUTHORITY FOR SANCTION: *Ezzone* (2004); *Veneziano* (2008)

Rules Violated: Prof.Cond.R. 8.4(h)

Aggravation/ Mitigation: A- (1) (prior discipline); **M-** (4) (full and free disclosure), (5) (good character), (6) (other penalties/sanctions)

Court Modified Sanction: NO		**Criminal Conduct:** YES
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** YES
Sanction: One-year suspension stayed in its entirety on conditions		

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***Hoskins**, Cincinnati Bar Assn. v.*
Slip Opinion No. 2016-Ohio-4576. Decided 6/28/2016.

OVERVIEW: Respondent received an indefinite suspension for violating multiple Rules of Professional Conduct.

PROCEDURE: During the pendency of this disciplinary action, the Supreme Court of Kentucky suspended Respondent for 60 days. The Court imposed a reciprocal discipline suspending Respondent for 60 days and conditioned his reinstatement on several factors, including his reinstatement to the practice of law in Kentucky. That suspension remains in effect. The parties submitted stipulations of fact and exhibits, and the panel conducted a two-day hearing. In 2014, a second complaint was filed in this case. After an additional day of hearing in February 2015, the panel recommended an indefinite suspension. The Board adopted the panel's report in its entirety. Respondent objected to the Board's report, challenging some of the Board's findings of fact and misconduct while admitting others and arguing that his conduct warrants a fully stayed 12-month suspension.

FINDINGS: Respondent represented a client in a bankruptcy proceeding. Respondent filed deficient bankruptcy petitions and failed to obtain the client's consent before moving to withdraw the motion to reopen the Chapter 13 bankruptcy proceeding. Respondent also failed to adequately advise his client about certain bankruptcy requirements. Respondent represented another client in a dissolution. Respondent drafted a separation agreement providing that "legal counsel for the Wife should draft the QDRO's necessary to divide the marital retirement assets." Respondent also failed to prepare the QDRO and failed to respond to the client's numerous requests that he do so. Respondent represented a client in a garnishment proceeding. Respondent failed to attend a hearing due to an alleged scheduling conflict in Indiana. The judge continued the hearing, but requested documentation of Respondent's scheduling conflict. Respondent had received, but not read, an email notifying him that the hearing in Indiana had been postponed, but Respondent did not inform the judge of these facts when he provided the requested documentation. Respondent also represented another client to dissolve a marriage for a $1,000 retainer plus $275 for court costs. Before Respondent completed the necessary documents, his client discharged him and requested a billing statement and a refund of any unearned fees. Respondent did not provide the requested accounting or refund nor did he respond to a later request for a full refund. At his July 2014 disciplinary hearing, Respondent delivered a $1,500 refund check to the client. The check was not drawn on a client trust account. Respondent also represented another client in a person-injury matter. Respondent failed to communicate and the client terminated his representation and requested but never received her file. Respondent contracted to accept the referral of Social Security disability cases from a limited-liability company in Massachusetts that describes itself as a national disability advocacy group. Respondent paid the company half of the 25 percent contingency fee he receives in the cases it referred to him.

SANCTION: The Court overruled Respondent's objections and adopted the Board's findings of fact and misconduct, and imposed an indefinite suspension on conditions for reinstatement.

CASE AUTHORITY FOR SANCTION: *Pryatel* (2013); *Lord* (2006)

DISSENT: Chief Justice O'Connor and Justices O'Donnell and Lanzinger dissented and would disbar Respondent.

Rules Violated: Prof.Cond.R. 1.1, 1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.4(b), 1.5(c)(1), 1.15(a), 1.15(c), 1.15(d), 5.4(a), 7.1, 7.2(b)(3), 7.5(d), 8.1(a), 8.1(b), 8.4(c)

Aggravation/ Mitigation: A- (1) (prior discipline), (4) (multiple offenses), (5) (lack of cooperation), (6) (false or deceptive practices during investigation), (7) (refusal to acknowledge wrongdoing), (9) (no restitution); **M-** None

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** YES
Sanction: Indefinite suspension		

***Jackson**, Disciplinary Counsel v.*
146 Ohio St.3d 341, 2016-Ohio-1599. Decided 4/21/2016.

OVERVIEW: Respondent received a two-year suspension for violating multiple rule violations.

PROCEDURE: The parties submitted an amended consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a two-year suspension. The Board recommended that the agreement be accepted.

FINDINGS: Respondent's misconduct occurred within a few months after he began employment with a law firm. Prior to joining the law firm, Respondent was a sole practitioner. After the law firm hired Respondent as an associate to handle bankruptcy and probate matters, Respondent agreed to close his two other offices and to split equally with the firm all fees for work he performed. Approximately five months after Respondent began working for the law firm it discovered that Respondent had not closed his other offices and that he was not sharing fees for court-appointed work and other work that he had performed. As a result of Respondent's failure to share the fees with the law firm, criminal charges were brought against him. During the investigation into the unshared fees, the law firm also determined that Respondent had failed to competently complete work he had been hired to perform in six bankruptcy matters. The remaining charges against Respondent arose out of four other separate client matters as well as issues with his client trust account. The charges against Respondent included depositing his deceased wife's Ohio Bureau of Workers' Compensation checks into his IOLTA instead of claiming them as assets of her estate, failing to provide competent representation to a client and attempting to settle with that client after she filed a grievance, attempting to initiate a sexual relationship with a client, and engaging in sexual relationship with another client.

SANCTION: The Court accepted the agreement and imposed a two-year suspension, with reinstatement conditioned on restitution and serve a two-year period of monitored probation.

CASE AUTHORITY FOR SANCTION: *Swift* (2014); *Kraemer* (2010); *Gonzalez* (2014); *DeGidio* (2013); *Cantrell* (2010); *Troxell* (2011); *Weiss* (2012)

Rules Violated: Prof.Cond.R. 1.1, 1.3, 1.5(a), 1.5(c)(1), 1.5(d)(3), 1.8(h), 1.8(j), 1.15(a)(2), 1.15(a)(3), 1.15(a)(4), 1.15(a)(5), 1.15(b), 1.15(c), 1.15(d), 1.16(d), 8.1(b), 8.4(b), 8.4(c), 8.4(d), 8.4(h); Gov.Bar R. V(4)(G)

Aggravation/ Mitigation: A- (2) (dishonest or selfish motive), (3) (pattern of misconduct), (9) (no restitution); **M-** (1) (no prior discipline), (4) (full and free disclosure)

Court Modified Sanction: NO	**Criminal Conduct:** YES	
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Two-year suspension on conditions		

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***Joltin**, Disciplinary Counsel v.*
Slip Opinion No. 2016-Ohio-8168. Decided 12/19/2016.

OVERVIEW: Respondent received a two-year suspension, with one year stayed for failing to keep a client reasonably informed about the status of the matter, failing to promptly deliver funds that a client is entitled to receive, failing to cooperate in a disciplinary investigation, failing to properly maintain and use a client trust account, failing to act with reasonable diligence in representing a client, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

PROCEDURE: The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors. Relator argued that Respondent's misconduct warranted an indefinite suspension and Respondent argued for a fully stayed suspension. The panel recommended a two-year suspension, with the final 18 months stayed. The Board adopted the panel's report in its entirety. Relator objected to the Board's recommended sanction and urged the Court to impose a two-year suspension with no stay. The Court sustained Relator's objection in part and overruled it in part.

FINDINGS: Respondent was charged with multiple violations arising largely from the financial mismanagement of his practice. Respondent commingled personal and client funds, misappropriated client funds, failed to promptly deliver funds that clients or third persons were entitled to receive, misled a client about the reason he was unable to promptly deliver the client funds, and failed to maintain any records regarding his client trust account for several years.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a two-year suspension, with the second year stayed on conditions that he serve a one-year period of monitored probation, complete three hours of CLE addressing trust-accounting maintenance, remain in full compliance with his existing OLAP contract, follow all treatment recommendations, and commit no further misconduct.

CASE AUTHORITY FOR SANCTION: *Coleman* (2015); *McCauley* (2007); *Crosby* (2009); *Rothermel* (2004)

DISSENT: Justice Lanzinger dissented and would have imposed an indefinite suspension.

Rules Violated: Prof.Cond.R. 1.3, 1.4(a)(3), 1.15(a)(2), 1.15(a)(3), 1.15(a)(4), 1.15(a)(5), 1.15(b), 1.15(c), 1.15(d), 1.16(d), 1.16(e), 8.1(b), 8.4(c); Gov.Bar R. V9(G)

Aggravation/ Mitigation: A-(2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation); **M-** (1) (no prior discipline), (5) (good character)

Court Modified Sanction: YES	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Two-year suspension, with one year stayed on conditions		

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***Kendrick**, Disciplinary Counsel v.*
147 Ohio St.3d 395, 2016-Ohio-5600. Decided 9/1/2016.

OVERVIEW: Respondent received a one-year stayed suspension for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, conduct prejudicial to the administration of justice, failing to hold the property of clients in an interest bearing client trust account, failing to act with reasonable diligence in representing a client, failing to keep the client reasonably informed, failing to comply with reasonable requests for information from the client, and failing to promptly refund any unearned fees.

PROCEDURE: The parties submitted stipulations of fact, misconduct, aggravating and mitigating factors, and jointly recommended a one-year stayed suspension. The panel granted the parties' motion to waive the hearing. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent was retained to handle a bankruptcy filing. Respondent failed to deposit the clients' payments into her client trust account and used the client's funds to pay another client's filing fee. As a result of Respondent's neglect, the client's bankruptcy filing was dismissed, though Respondent was able to get the case reinstated. Respondent was also retained to represent a client in a pending civil matter and paid a $500 retainer, which Respondent did not deposit into her client trust account. Respondent failed to file a mediation report as required by the court and did not appear at the mediation hearing. Respondent also failed to communicate with her client. The case was dismissed due to Respondent's neglect. Respondent later refunded the client's $500 retainer and agreed to pay the client $2,000 over a period of approximately five months to compensate her for any damages caused by the dismissal of her case.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a one-year stayed suspension on conditions that she serve a one-year period of monitored probation, submit to a psychological assessment conducted by OLAP and comply with all recommendations, continue to participate in mental-health counseling, pay her client $2,000 as previously agreed, and engage no further misconduct.

CASE AUTHORITY FOR SANCTION: *Walker* (2015); *DePasquale* (1995); *Doellman* (2010)

Rules Violated: Prof.Cond.R. 1.3, 1.4(a)(3), 1.4(a)(4), 1.15(a), 1.16(e), 8.4(c), 8.4(d)

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), (7) (chemical/mental illness)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: One-year suspension stayed in its entirety on conditions		

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***King**, Cleveland Metro. Bar Assn. v.*
Slip Opinion No. 2016-Ohio-8255. Decided 12/21/2016.

OVERVIEW: Respondent received a six-month stayed suspension for failing to inform his clients that he did not carry professional liability insurance, failing to provide competent representation, and failing to cooperate in the disciplinary investigation.

PROCEDURE: While this case was pending, Respondent was suspended on an interim felony suspension for money laundering and attempted money laundering. The parties submitted stipulations of fact, misconduct, aggravating and mitigating factors, and jointly recommended a six-month stayed suspension. The panel adopted the parties' stipulations and recommended sanction. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent failed to inform his clients in separate writings, signed by them, that he did not carry professional liability insurance. Respondent failed to comply with Relator's investigation and failed to respond to a demand for information by Relator during the investigation.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a six-month stayed suspension on conditions that he remain in full compliance with his OLAP contract, complete six hours of CLE in law-office-practice management, serve a six-month period of monitored probation, and engage in no further misconduct.

CASE AUTHORITY FOR SANCTION: *Roy* (2015); *Nelson* (2015); *Gorby* (2015); *Binger* (2015)

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

Rules Violated: Prof.Cond.R. 1.4(c), 8.1(b); Gov.Bar R. V(9)(G)

Aggravation/ Mitigation: A- (4) (multiple offenses), (5) (lack of cooperation); **M-** (1) (no prior discipline)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Six-month suspension stayed in its entirety on conditions		

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***Kramer**, Disciplinary Counsel v.*
Slip Opinion No. 2016-Ohio-5734. Decided 9/13/2016.

OVERVIEW: Respondent received a one-year stayed suspension for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation and conduct prejudicial to the administration of justice.

PROCEDURE: The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of a one-year stayed suspension. Relator objected to the Board's recommended sanction and requested an actual suspension of one year. Respondent requested that any suspension be stayed in its entirety and that the Court consider addressing issues not addressed in prior disciplinary decisions.

FINDINGS: Respondent was appointed as a hearing officer at the county's board of revision. After Respondent had been employed for approximately one year as a board of revision hearing officer, his supervisor, who was responsible for approving Respondent's timesheets, was replaced. Respondent's new supervisor requested that the Cuyahoga County inspector general audit her department based on concerns that her predecessor was too lax and had allowed time theft. The audit revealed that Respondent misreported his time. Specifically, the report revealed 129 discrepancies between Respondent's parking garage activity and the times he had reported on his timesheets.

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

CASE AUTHORITY FOR SANCTION: *Potter* (2010); *Niermeyer* (2008)

DISSENT: Justices Kennedy, O'Donnell, and Pfeifer dissented and would overrule the recommendation of the Board, and grant Respondent's motion to dismiss this action.

Rules Violated: Prof.Cond.R. 8.4(c), 8.4(d)

Aggravation/ Mitigation: A-(2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (7) (refusal to acknowledge wrongdoing); **M-** (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** YES	**Prior Discipline:** NO
Sanction: One-year suspension stayed in its entirety on condition		

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***Lawrence**, Disciplinary Counsel v.*
147 Ohio St.3d 1227, 2016-Ohio-4605. Decided 6/30/2016.

OVERVIEW: Respondent received a two-year suspension for his felony conviction.

PROCEDURE: The Court imposed an interim felony suspension based on Respondent's felony conviction. The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a two-year suspension with credit for time served under the interim felony suspension. The Board recommended that the agreement be accepted.

FINDINGS: Respondent knowingly underreported income from various businesses that he owned in whole or in part for the 2004, 2005, and 2006 tax years. Some of the unreported income came from businesses that were tangentially related to his practice of law including rental income that he received from other attorneys. Respondent was convicted of three counts of filing false tax returns and was sentenced to 27 months of incarceration on each count to be served concurrently, followed by a one-year term of supervised release.

SANCTION: The Court accepted the agreement and imposed the recommended sanction.

CASE AUTHORITY FOR SANCTION: *Jacobs* (2014)

DISSENT: Chief Justice O'Connor and Justices O'Donnell and Kennedy dissented and would remand the cause to the Board to reconsider the grant of credit for time served under the interim felony suspension.

Rules Violated: DR 1-102(A)(3), 1-102(A)(4)

Aggravation/ Mitigation: A-(3) (pattern of misconduct); **M-** (1) (no prior discipline), (3) (restitution or rectified consequences), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)

Court Modified Sanction: NO		**Criminal Conduct:** YES
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Two-year suspension with credit for time served under the interim felony suspension		

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***Lee**, Disciplinary Counsel v.*
Slip Opinion No. 2016-Ohio-85. Decided 1/14/2016.

OVERVIEW: Respondent received an indefinite suspension for violating the Kentucky Rules of Professional Conduct, the Ohio Rules of Professional Conduct, and the Rules for the Government of the Bar of Ohio.

PROCEDURE: Respondent had been suspended four times for his failure to register as an attorney and once for his failure to comply with CLE requirements. Respondent had failed to rectify the conditions underlying his CLE and fourth attorney registration suspensions. Respondent had been suspended from the practice of law in Ohio continuously since December 17, 2010. The Board adopted the panel's report with minor modifications and agreed that an indefinite suspension is the appropriate sanction for Respondent's misconduct. Respondent objected to the Board's findings that he was not immune from discipline, an attorney-client relationship arose between him and the union member, and that he failed to cooperate in Relator's investigation. The Court overruled Respondent's objections and adopted the Board's findings of fact and conclusions of law.

FINDINGS: Respondent was on a regular retainer with the FEA and received a fixed monthly fee to handle disciplinary matters involving members of the FEA's collective-bargaining unit which more than 50 percent of those matters involved teacher discipline. In early 2007, Respondent was contacted by a teacher to inquire about the possibility of filing a grievance in connection with an investigation by the school district that had been pending against her at the time of her resignation. Respondent abandoned the client and her legal matters, failed to act with reasonable diligence or promptness, failed to keep his client informed, ignored reasonable requests for information, and failed to turn over her file when she retained new counsel.

SANCTION: The Court adopted the Board's report in its entirety and imposed an indefinite suspension.

CASE AUTHORITY FOR SANCTION: *Mathewson* (2007); *Meade* (2010); *Bogdanski* (2013)

Rules Violated: Prof.Cond.R. 8.1(b); Gov.Bar R. V4(G); KY Prof.Cond.R. 1.3, 1.4(a)(3), 1.4(a)(4), 1.16(d), 5.5(a), 8.4(c)

Aggravation/ Mitigation: A- (b) (dishonest or selfish motive), (c) (pattern of misconduct), (d) (multiple offenses); (e) (lack of cooperation), (g) (refusal to acknowledge wrongdoing), (h) (harm to vulnerable victim); **M-** (a) (no prior discipline), (e) (good character)

Court Modified Sanction: NO		**Criminal Conduct:** NO
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** YES
Sanction: Indefinite suspension		

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***Mahin**, Disciplinary Counsel v.*
147 Ohio St.3d 1266, 2016-Ohio-7717. Decided 6/14/2016.

OVERVIEW: Respondent received a two-year suspension, with one year stayed for his felony conviction.

PROCEDURE: The Court imposed an interim felony suspension based on Respondent's felony conviction. The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a two-year suspension, with one year stayed. The Board recommended that the agreement be accepted.

FINDINGS: Respondent admitted that between February 2013 and June 2013 he converted $15,261.97 of law firm funds for his own personal use. Respondent also admitted that in February 2013, he fraudulently endorsed a client's name on a $270.96 settlement check then deposited those proceeds into his personal account. Respondent also admitted that in July 2014 he signed a settlement document as a witness to a client's signature without assurance from the client that it was his signature.

SANCTION: The Court accepted the agreement and imposed the recommended sanction on conditions that Respondent continue psychological counseling, comply with his OLAP contract, submit to law practice management counseling, including counseling on client trust accounts, serve a two-year period of monitored probation upon his reinstatement, and refrain from any further misconduct. Credit was given for time served.

CASE AUTHORITY FOR SANCTION: *Kraemer* (2010)

DISSENT: Chief Justice O'Connor and Justice O'Donnell dissented and would remand the cause to the Board to reconsider the decision to grant Respondent credit for time served under the interim felony suspension.

Rules Violated: Prof.Cond.R. 8.4(b), 8.4(c), 8.4(d)

Aggravation/ Mitigation: A-(2) (dishonest or selfish motive), (4) (multiple offenses); **M-** (1) (no prior discipline), (3) (restitution or rectified consequences), (7) (chemical/mental illness)

Court Modified Sanction: NO		**Criminal Conduct:** YES
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Two-year suspension, with one year stayed on conditions		

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***Martinez**, Disciplinary Counsel v.*
146 Ohio St.3d 212, 2016-Ohio-2709. Decided 4/28/2016.

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

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

FINDINGS: Respondent participated in the attempted bribery of one of his clients.

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

CASE AUTHORITY FOR SANCTION: *Grubb* (2015)

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

Rules Violated: Prof.Cond.R. 8.4(b), 8.4(c), 8.4(d)

Aggravation/ Mitigation: A- None; **M-** (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)

Court Modified Sanction: NO	**Criminal Conduct:** YES	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Six-month suspension stayed in its entirety on condition		

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***Masek**, Trumbull Cty. Bar Assn. v.*
Slip Opinion No. 2016-Ohio-3350. Decided 6/14/2016.

OVERVIEW: Respondent received a public reprimand for not taking steps to protect a client's interest at termination of the representation.

PROCEDURE: The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a public reprimand. The Board recommended that the agreement be accepted.

FINDINGS: Respondent was retained by a client to handle a wrongful termination of employment case. After filing a lawsuit against the client's former employer, Respondent made a $7,000 settlement demand. A disagreement subsequently arose between Respondent and his client as to whether Respondent had authority to settle the client's case for only a monetary settlement instead of also demanding that the client return to his job. After the client rejected the monetary offer, the former employer made a motion to the court to enforce the settlement that Respondent had tendered. During a hearing on the motion, Respondent requested, and was allowed, to withdraw as the client's attorney.

SANCTION: The Court accepted the agreement and imposed a public reprimand.

CASE AUTHORITY FOR SANCTION: *Leneghan* (2008); *Ballou* (2006); *Kubyn* (2009); *Smith* (2015)

DISSENT: Justice O'Neill dissented and would have dismissed the case.

Rules Violated: Prof.Cond.R. 1.16(d)

Aggravation/ Mitigation: A- None; **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (full and free disclosure)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Public Reprimand		

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***McCord**, Columbus Bar Assn. v.*
Slip Opinion No. 2016-Ohio-3298. Decided 6/8/2016.

OVERVIEW: Respondent received a one-year stayed suspension for failing to deposit client funds into a client trust account, failing to inform the client that he did not maintain professional liability insurance, and committing an illegal act that reflected adversely on his honesty and trustworthiness.

PROCEDURE: In 2005, Respondent was suspended for his failure to timely register for the 2005-2007 biennium. Also, in November 2004, the Court imposed an interim default suspension on Respondent for failing to answer the certified complaint. The Court granted Respondent's motion for leave to answer the complaint, agreed to terminate the interim default suspension, and remanded the case to the Board for further proceedings. The panel conducted a hearing and found that Respondent engaged in some, but not all, of the misconduct charged in Relator's complaint and recommended a one-year suspension all stayed. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent was convicted of a misdemeanor offense of willful failure to file a return, supply information, or pay income taxes for the calendar years 2006 through 2010. Respondent was sentenced to 60 days in jail, one year of supervised release, and ordered to pay restitution. Respondent admitted that he closed his client trust account and that he deposited unearned client funds into his business account and failed to inform clients that he did not maintain professional liability insurance.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a one-year stayed suspension on conditions that he comply with all requirements of the Internal Revenue Service for payment, timely pay his current tax obligations, complete a two-year term of probation, during which he must complete a least six hours of CLE courses in law-office management, and engage in no further misconduct.

CASE AUTHORITY FOR SANCTION: *Veneziano* (2008); *Ezzone* (2004); *Hillman* (2016)

Rules Violated: Prof.Cond.R. 1.15(a), 1.4(c), 8.4(b)

Aggravation/ Mitigation: A- (1) (prior discipline), (4) (multiple offenses); **M-** (3) (restitution or rectified consequences), (4) (full and free disclosure), (6) (other penalties/sanctions)

Court Modified Sanction: NO	**Criminal Conduct:** YES	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** YES
Sanction: One-year suspension stayed in its entirety on conditions		

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***Mickens**, Disciplinary Counsel v.*
Slip Opinion No. 2016-Ohio-8022. Decided 12/8/2016.

OVERVIEW: Respondent received a public reprimand for failing to keep the client reasonably informed about the status of a matter, failing to inform the client that he did not maintain professional liability insurance, and failing to act with reasonable diligence in representing a client.

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

FINDINGS: Respondent neglected a probate matter, failed to communicate with the fiduciary for the probate estate, and failed to advise his clients that he did not carry malpractice insurance.

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

CASE AUTHORITY FOR SANCTION: *Ryan* (2015); *Freedman* (2011); *Johnson* (2009)

DISSENT: Chief Justice O'Connor and Justice O'Donnell dissented and would remand the case to the Board to consider increasing the severity of the sanction imposed upon Respondent.

Rules Violated: Prof.Cond.R. 1.3, 1.4(a)(3), 1.4(c)

Aggravation/ Mitigation: A- (4) (multiple offenses); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Public Reprimand		

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***Owen**, Ohio State Bar Assn. v.*
145 Ohio St.3d 315, 2016-Ohio-864. Decided 3/9/2016.

OVERVIEW: Respondent received a public reprimand for failing to inform his clients that his law firm did not maintain professional liability insurance.

PROCEDURE: After the hearing, the panel unanimously dismissed all of the charged rule violations except one: Prof. Cond. R. 1.4(c). The Board adopted the panel's findings of fact and misconduct and recommended a public reprimand.

FINDINGS: Respondent was employed as the managing attorney in the Moraine, Ohio office of an out-of-state law firm, he provided clients with a firm-generated document listing several disclaimers including that the law firm did not maintain outside malpractice insurance. The notice; however, was not on a separate form; it cited the former version of the applicable rule, DR 1-104; and it did not use the language prescribed in Prof. Cond. R. 1.4(c).

SANCTION: The Court adopted the Board's report in its entirety and imposed a public reprimand.

CASE AUTHORITY FOR SANCTION: *Roy* (2015); *DeLoach* (2012)

Rules Violated: Prof.Cond.R. 1.4(c)

Aggravation/ Mitigation: A- (4) (multiple offenses), (7) (refusal to acknowledge of wrongdoing); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Public Reprimand		

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***Paris**, Cleveland Metro. Bar Assn. v.*
Slip Opinion No. 2016-Ohio-5581. Decided 8/31/2016.

OVERVIEW: Respondent received a six-month stayed suspension for soliciting or engaging in sexual activity with a client and failing to act with reasonable diligence.

PROCEDURE: The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors and jointly recommended a six-month suspension stayed in its entirety. The panel conducted a hearing at which it admitted stipulations submitted by the parties and heard testimony from Respondent and the affected client. The panel largely adopted the stipulations, but noted that Respondent's testimony contradicted some of the stipulations. The panel therefore rejected the recommended sanction and recommended that Respondent serve a six-month suspension. The Board adopted the panel's report in its entirety. Respondent objected to the Board's finding of an additional aggravating factor to which the parties had not stipulated. Respondent also argued that the parties' comprehensive stipulations and the limited nature of the testimony given before the panel, the Court should reject the sanction recommended by the panel. The Court declined to find aggravating factors based on conducting testimony offered outside the stipulations.

FINDINGS: Respondent was retained to defend a client in the Cleveland Municipal Court against charges of driving under the influence and driving under suspension. The client's fiancé paid Respondent $1,000. Respondent, during the course of his representation, he asked his client to go out with him several times and invited her to his house to join him in his hot tub on more than one occasion. The client was afraid to do anything about his conduct out of fear that it would affect his representation. The conduct made the client uncomfortable, but that she never told him that she would not go out with him. Instead, she attempted to avoid the issue. Respondent failed to attend the sentencing hearing and he also failed to notify his client of his absence and to request that another attorney attend the hearing on his behalf.

SANCTION: The Court adopted the Board's findings of fact and misconduct, but sustained Respondent's objections, and imposed a six-month stayed suspension on conditions that he make full restitution of $1,000 to the affected client and engage in no further misconduct.

CASE AUTHORITY FOR SANCTION: *Hubbell* (2015); *Quatman* (2006); *Fowerbaugh* (1995); *Kinney* (2000); *Miller* (2011); *Engler* (2006); *Sturgeon* (2006); *Bunstine* (2013); *Burkholder* (2006); *Freeman* (2005)

DISSENT: Chief Justice O'Connor and Justices Lanzinger and O'Neill dissented and would have imposed the recommended sanction of a six-month suspension.

Rules Violated: Prof.Cond.R. 1.3, 1.8(j)

Aggravation/ Mitigation: A-(2) (dishonest or selfish motive), (4) (multiple offenses), (8) (harm to vulnerable victim); **M-** (1) (no prior discipline), (4) (cooperative attitude)

Court Modified Sanction: YES		**Criminal Conduct:** NO
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Six-month suspension stayed in its entirety on conditions		

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***Pryatel**, Cleveland Metro. Bar Assn. v.*
Slip Opinion No. 2016-Ohio-865. Decided 3/9/2016.

OVERVIEW: Respondent was disbarred for practicing law while under suspension.

PROCEDURE: In April 2013, the Court suspended Respondent indefinitely, *inter alia*, misappropriating settlement funds from an imprisoned client, making a false statement to a court, misusing his client trust account, charging an illegal or clearly excessive fee, and neglecting a client matter. Based on the evidence presented at the hearing, the panel recommended disbarment. The Board adopted the panel's findings and recommendation. Respondent objected, challenging both the Board's findings of misconduct and the recommended sanction.

FINDINGS: Respondent was paid to represent a client in three court proceedings after he was suspended in 2013. First, Respondent appeared with his client at a probation violation hearing in Cleveland Municipal Court. Second, Respondent appeared with the client in an arraignment on unrelated charges in the Rocky River Municipal Court. Third, Respondent appeared again with the client at a pretrial in the Rocky River Municipal Court. Throughout the disciplinary process, Respondent maintained that he had not represented his client after his suspension. At Respondent's deposition, he testified that he had not appeared with his client at the probation violation hearing, that he informed his client and his family members that he had been suspended, that he was not paid for any legal work performed after his suspension, and that he did not stand before the bench with his client or address the judge during the pretrial in Rocky River Municipal Court. All of these statements were later contradicted by testimonial, video, audio, and documentary evidence presented at the disciplinary hearing.

SANCTION: The Court adopted the Board's findings of fact and misconduct, overruled Respondent's objections, and imposed permanent disbarment.

CASE AUTHORITY FOR SANCTION: *Sabroff* (2009); *Caywood* (1996); *Brown* (2015)

DISSENT: Justices Pfeifer, Kennedy, and French dissented and would impose an indefinite suspension.

Rules Violated: Prof.Cond.R. 5.5(a), 8.1(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), (5) (lack of cooperation), (6) (false or deceptive practices during investigation), (7) (refusal to acknowledge wrongdoing); **M-** None

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** YES
Sanction: Disbarment		

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***Reed**, Columbus Bar Assn. v.*
145 Ohio St.3d 464, 2016-Ohio-834. Decided 3/8/2016.

OVERVIEW: Respondent received a two-year suspension, with 18 months stayed for failing to provide competent representation to a client, failing to keep the client reasonably informed, failing to comply with reasonable requests for information from the client, failing to act with reasonable diligence, failing to respond to a demand for information by a disciplinary authority, failing to cooperate in a certified grievance committee's fee dispute resolution procedures, and engaging in conduct that adversely reflected on his fitness to practice law.

PROCEDURE: In 2000, Respondent was previously suspended for six months stayed in its entirety for neglecting a client matter. In 2006 and 2015, Respondent was suspended for noncompliance with his continuing legal education requirements. The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors. The panel found that Respondent had engaged in most of the charged misconduct, dismissed some of the charges, and recommended a two-year suspension, with six months stayed. The Board adopted the panel's report in its entirety. Respondent filed objections to some of the Board's findings and to its recommendation, arguing that his suspension should be fully stayed.

FINDINGS: First, a client paid Respondent to file an Ohio divorce case on her behalf. After accepting the money, Respondent had no further contact with the client, despite her repeated attempts to communicate with him. Nor did Respondent file the divorce complaint, which resulted in her being forced to litigate the divorce in West Virginia, where her husband had later filed suit. The client filed a grievance against Respondent, but he failed to respond to two letters of inquiry and failed to comply with a subpoena. In the second matter, Respondent and a former client arbitrated a fee dispute. In January 2013, the arbitrator required Respondent to refund $1,125 to his former client within ten days of receiving the notice of the arbitration award. However, Respondent failed to timely refund the money, and after eight months, the former client was forced to hire counsel to secure his money. Fourteen months after the arbitration award, Respondent paid his former client's attorney $1,400, from which he only received $1,011.85. The third matter involved another case of client neglect. Respondent was paid $1,000 to file a motion for judicial release and to represent his client at any ensuing hearing. Respondent did not contact his client at the prison, conduct any work on the case, nor respond to multiple communications from his client's father seeking information about the matter.

SANCTION: The Court adopted the Board's findings of fact and misconduct, overruled Respondent's objections, and imposed a two-year suspension, with 18 months stayed on the conditions that he make restitution to the three clients, or if applicable, the Lawyers' Fund for Client Protection, before the end of the stayed period of his suspension, enter into and comply with an OLAP contract, and commit no further misconduct.

CASE AUTHORITY FOR SANCTION: *Large* (2012); *Harvey* (2014)

DISSENT: Justices Lanzinger and O'Neill dissented and would have imposed a two-year suspension, with six months stayed on conditions.

Rules Violated: Prof.Cond.R. 1.1, 1.3, 1.4(a)(3), 1.4(a)(4), 8.1(b), 8.4(h); Gov.Bar R. V(4)(G)

Aggravation/ Mitigation: A-(1) (prior discipline), (2) (dishonest of selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation), (8) (harm to vulnerable victim), (9) (no restitution); **M-** None

Court Modified Sanction: YES		**Criminal Conduct:** NO
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** YES
Sanction: Two-year suspension, with 18 months stayed on conditions		

***Robertson**, Cincinnati Bar Assn. v.*
145 Ohio St.3d 302, 2016-Ohio-654. Decided 2/25/2016.

OVERVIEW: Respondent received a six-month stayed suspension for accepting or continuing representation of a client if a conflict of interest would be created, unless the affected client gives informed consent in writing, knowingly disobeying an obligation under the rules of a tribunal, and engaging in conduct that is prejudicial to the administration of justice.

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

FINDINGS: Respondent was retained by a client to represent her as the executor of her father's estate. Three of the client's siblings and seven of the decedent's grandchildren, who were also beneficiaries of the estate, attempted to remove Respondent's client as executor and filed objections to the estate inventory. Upon request, Respondent also agreed to defend her and her husband against her family members' objections and attempt to remove her as executor. Respondent failed to explain to his clients that his representation of her and her husband in their personal capacities created a conflict of interest. The family members eventually withdrew their request and due to the extensive litigation, Respondent filed applications with the court for partial payment of attorney fees. Notwithstanding the local rule and the court's order, Respondent asked his client for payment of his fees, with the understanding that the estate would eventually reimburse her when it was terminated. Between March and July 2013, she paid $17,820 to Respondent and $5,500 to an attorney who had assisted Respondent. In October 2013, the court awarded Respondent only $14,000 in fees for activities conducted on behalf of the estate. Prior to filing the final account, Respondent endorsed an estate check for $14,000 and then delivered those funds to his client. When Respondent filed the final account, he did not report that his client had paid $23,320 in attorney fees and, instead, reported that only $14,000 in attorney fees had been paid.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a six-month suspension stayed in its entirety on conditions.

CASE AUTHORITY FOR SANCTION: *Parisi* (2012); *Dettinger* (2009)

Rules Violated: Prof.Cond.R. 1.7(b), 3.4(c), 8.4(d)

Aggravation/ Mitigation: A-None; **M**- (1) (no prior discipline), (3) (restitution or rectified consequences), (4) (cooperative attitude)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Six-month suspension stayed in its entirety on conditions		

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***Roland**, Trumbull Cty. Bar Assn. v.*
Slip Opinion No. 2016-Ohio-5579. Decided 8/31/2016.

OVERVIEW: Respondent was disbarred for counseling a client to engage, or assist a client, in conduct that the lawyer knows is illegal or fraudulent, failing to hold property of clients in a client trust account, failing to hold funds in which two or more persons claim an interest to hold those funds in his client trust account until the dispute is resolved, failing to act with reasonable diligence, failing to deposit advance legal fees and expenses into an client trust account, failing to keep the client reasonably informed, charging or collecting an illegal or clearly excessive fee, knowingly failing to respond to a demand for information by a disciplinary authority, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

PROCEDURE: In 2015, the Court suspended Respondent's license for his failure to register for the 2015-2017 biennium. Also, the Court found Respondent in contempt for his failure to comply with the panel chairperson's order to produce discovery responses. Respondent did not attend the hearing. Based on the facts deemed admitted, Relator's exhibits, and testimony from the former husband from whom Respondent helped his client conceal marital assets, the panel found that Respondent committed most, but not all, of the charged misconduct and recommended permanent disbarment. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent participated in a scheme to conceal more than $850,000 of a client's marital assets from the client's husband before and during the client's divorce proceeding. Respondent failed to advise his clients that he did not maintain professional liability insurance. Respondent answered the complaint, largely denying the allegations against him, but did not otherwise participate in the disciplinary proceedings.

SANCTION: The Court adopted the Board's findings of fact, misconduct, and aggravating and mitigating factors, and imposed permanent disbarment.

CASE AUTHORITY FOR SANCTION: *Oberholtzer* (2013); *Crosby* (2012); *Tomson* (2013); *Hoff* (2010); *Judge* (2002); *Freeman* (2011)

Rules Violated: Prof.Cond.R. 1.2(d), 1.3, 1.4(a)(3), 1.5(a), 1.15(a), 1.15(c), 1.15(e), 8.1(b), 8.4(c), 8.4(d)

Aggravation/ Mitigation: A-(2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (5) (lack of cooperation), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim), (9) (no restitution); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** YES
Sanction: Disbarment		

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***Roseman**, Columbus Bar Assn. v.*
Slip Opinion No. 2016-Ohio-5085. Decided 7/26/2016.

OVERVIEW: Respondent received a one-year suspension, with six months stayed for failing to inform his client of a decision that required the client's consent, failing to keep the client reasonably informed about the status of the case, and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

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

FINDINGS: Respondent waited until the last day of the expiration of the two-year statute of limitations to file a lawsuit on behalf of his client. Respondent then failed to respond to an insurance company about the extent of his client's injuries and did not respond to discovery requests for records. Respondent then dismissed the lawsuit, without prejudice, with plans to refile the action, but failed to refile within the one-year deadline.

SANCTION: The Court adopted the Board's report in its entirety and imposed a one-year suspension, with six months stayed on conditions that he commit no further misconduct and upon reinstatement, submit to a one-year period of probation during which he must cooperate and work with a monitor assigned by Relator. Additionally, Respondent's reinstatement was conditioned on resolving the $135,000 judgment that was imposed against him.

CASE AUTHORITY FOR SANCTION: *Potter* (2010); *Rohrer* (2009); *Stollings* (2006); *Keller* (2006); *Johnson* (2009)

Rules Violated: Prof.Cond.R. 1.1, 1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 8.4(c)

Aggravation/ Mitigation: A- (2) (dishonest or selfish motive); **M-** (1) (no prior discipline), (4) (cooperative attitude)

Court Modified Sanction: NO		**Criminal Conduct:** NO
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: One-year suspension, with six months stayed on conditions		

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***Rosenfield**, Disciplinary Counsel v.*
Slip Opinion No. 2016-Ohio-1583. Decided 4/20/2016.

OVERVIEW: Respondent received an indefinite suspension for his felony convictions.

PROCEDURE: The Court imposed an interim felony suspension based on Respondent's felony convictions. The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors. The panel adopted the parties' stipulations and recommended an indefinite suspension with credit for time served under the interim felony suspension. The panel granted the parties' motion to waive the hearing. The Board adopted the panel's findings of fact and misconduct, aggravating and mitigating factors, and recommended sanction, but with no credit for time served under the interim felony suspension.

FINDINGS: Respondent pled guilty for failing to collect, account for, and pay federal income and FICA taxes for the employees of his law firm from October 2006 through March 2011. Respondent stipulated that from at least 1998 through 2011, he failed to file any type of corporate or business income tax return and did not include a Schedule C on his own personal income tax return to report the continued existence, income, and expenses on the law firm.

SANCTION: The Court adopted the Board's findings of fact and misconduct and imposed an indefinite suspension with no credit for time served under the interim felony suspension with reinstatement conditioned upon his compliance with the terms of his criminal probation and the terms of a payment plan approved by the IRS for his restitution. Upon reinstatement, Respondent was ordered to serve a three-year period of monitored probation to ensure that he complies with the restitution plan and properly files and pays all employment and unemployment taxes for his practice.

CASE AUTHORITY FOR SANCTION: *Smith* (2011)

DISSENT: Justice O'Neill dissented and would grant credit for time served under the interim felony suspension.

Rules Violated: Prof.Cond.R. 8.4(b), 8.4(c), 8.4(d); DR 1-102(A)(3), 1-102(A)(4), 1-102(A)(5)

Aggravation/ Mitigation: A-(2) (dishonest or selfish motive), (3) (pattern of misconduct); **M-** (1) (no prior discipline), (3) (restitution or rectified consequences), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)

Court Modified Sanction: NO	**Criminal Conduct:** YES	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Indefinite suspension with no credit for time served under the interim felony suspension		

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***Salters**, Disciplinary Counsel v.*
146 Ohio St.3d 1, 2016-Ohio-1505. Decided 4/13/2016.

OVERVIEW: Respondent received a one-year stayed suspension for engaging in conduct that adversely reflected on his fitness to practice law.

PROCEDURE: The Court imposed an interim felony suspension based on Respondent's felony conviction. The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a one-year suspension, fully stayed. The Board recommended that the agreement be accepted.

FINDINGS: Respondent was charged with trespassing in a habitation, operating a motor vehicle while intoxicated, and child endangering. Respondent received a suspended 15-month prison sentence and placed on community control for three years for the trespassing charge, was ordered to serve a 30-day jail sentence for the drunk driving charge, and received a suspended five-month jail sentence for the child endangering charge.

SANCTION: The Court accepted the agreement and imposed a one-year suspension, fully stayed with no credit for the interim felony suspension imposed on April 18, 2014 on conditions that Respondent successfully complete the term of probation ordered by the trial court in his criminal case, fully comply with the four-year OLAP contract, remain alcohol and drug free, and engage in no further misconduct.

CASE AUTHORITY FOR SANCTION: *Landis* (2010)

Rules Violated: Prof.Cond.R. 8.4(h)

Aggravation/ Mitigation: A- None; **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (full and free disclosure), (6) (other penalties/sanctions), (8) (other rehabilitation)

Court Modified Sanction: NO	**Criminal Conduct:** YES	
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** NO
Sanction: One-year suspension stayed in its entirety on conditions		

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***Scaccia**, Dayton Bar Assn. v.*
Slip Opinion No. 2016-Ohio-3299. Decided 6/8/2016.

OVERVIEW: Respondent received an 18-month suspension, with six months stayed for failing to provide competent representation, failing to act with reasonable diligence, knowingly disobeying an obligation under the rules of a tribunal, and failing to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party.

PROCEDURE: This is the third disciplinary case that the Court has decided against Respondent over the past two years. In 2014, the Court found that Respondent had failed to competently manage a case, charged an improper court fee, and failed to properly deposit funds into and maintain records for his client trust account. The Court suspended his license for one year, with six months stayed, but conditioned his reinstatement on the payment of restitution to a number of former clients. In 2016, during oral argument in the present matter, Respondent's counsel indicated that Respondent had not yet completed making restitution to his former clients. Therefore, Respondent's first suspension remains in effect. In 2015, the Court found that Respondent had again violated the rules regulating client trust accounts and that he had also failed to properly prepare a client statement in a contingent-fee case and failed to properly communicate the scope of his representation. Based on the misconduct, the Court imposed another one-year suspension, with six months stayed on conditions and allowed his suspensions to run concurrently. In the current case, the Board recommended an additional 18-month suspension, with the final six months stayed. Respondent objected to the Board's misconduct and the recommended sanction, arguing that any new suspension should run concurrently with his previous suspension. The Court overruled Respondent's objections.

FINDINGS: Respondent filed an administrative appeal in the Van Wert County Court of Common Pleas on behalf of a client who had been denied certain workers' compensation benefits. Respondent failed to timely respond to discovery requests from the defendant or to respond to the defendant's motion to compel and for sanctions. Respondent did not appear for the hearing on the defendant's motion to compel. The court ordered that Respondent respond to the defendant's discovery request within five days or face dismissal of the complaint. The judge ordered that Respondent or his client pay sanctions in the amount of $2,669.04 by a date certain and reimburse the defendant for its expenses in having to bring the motion to compel. Respondent failed to pay the court ordered sanctions by the deadline. Respondent sent the defendant's counsel several emails attempting to respond to her discovery requests. The court later found the responses were incomplete and therefore dismissed the case. Respondent and the defendant's counsel agreed to a payment plan, but after rendering two late checks, Respondent stopped making the scheduled payments.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed an 18-month suspension, with the final six months stayed on conditions.

CASE AUTHORITY FOR SANCTION: *DeLoach* (2015); *Trivers* (2012); *Royer* (2012)

DISSENT: Chief Justice O'Connor and Justices O'Donnell and Lanzinger dissented and would not stay any portion of the 18-month suspension imposed and would order that the suspension be served consecutively to Respondent's suspensions in the other cases.

Rules Violated: Prof.Cond.R. 1.1, 1.3, 3.4(c), 3.4(d)

Aggravation/ Mitigation: A- (1) (prior discipline), (4) (multiple offenses), (7) (refusal to acknowledge wrongdoing), (8) (harm to vulnerable victim), (9) (no restitution); **M-** (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** YES
Sanction: Eighteen-month suspension, with six months stayed on conditions		

***Simmonds**, Disciplinary Counsel v.*
Slip Opinion No. 2016-Ohio-5599. Decided 9/1/2016.

OVERVIEW: Respondent received a one-year stayed suspension for failing to act with reasonable diligence in representing a client, failing to comply as soon as practicable with reasonable requests for information from a client, and charging a fee denominated as "earned upon receipt" or in similar terms without simultaneously advising the client in writing that the client may be entitled to a refund of all or part of the fee.

PROCEDURE: The parties submitted stipulations of fact, rule violations, and jointly recommended a one-year stayed suspension. The panel granted the parties' motion to waive the hearing. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent was paid $1,500 to file a charge of discrimination against his client's former employer. About two months later, the client emailed Respondent seeking an update on her case. In response, Respondent wrote that he would send her a draft of the EEOC charge, but he failed to draft or forward the document. Four months later, the client again emailed Respondent requesting information about her case. Respondent; however, failed to respond. Two years after she retained Respondent, the client contacted Respondent, and he told her that he would set up a meeting. Respondent later admitted that he failed to file his client's complaint within the applicable statute of limitations. Respondent also failed to refund any portion of her $1,500 retainer. Respondent was also retained to represent a client in an employment matter, and the client signed a fee agreement in which she agreed to pay both a contingency fee and an upfront, flat fee of $1,750. Respondent did not advise his client that if he did not complete his representation, she might be entitled to a refund of all or part of the upfront, flat fee. The client paid $975 toward the flat fee. About a month after engaging Respondent, she sought an update on her case. Respondent told her that he would have a draft complaint ready within a couple of weeks. However, after another month during which Respondent failed to contact his client, she asked him about a refund and about pursuing her case pro se. Respondent agreed to refund her fee, but he failed to do so.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a one-year stayed suspension on conditions.

CASE AUTHORITY FOR SANCTION: *Fonda* (2014); *Yakubek* (2015)

Rules Violated: Prof.Cond.R. 1.3, 1.4(a)(4), 1.5(d)(3)

Aggravation/ Mitigation: A- (4) (multiple offenses), (8) (harm to vulnerable victim), (9) (no restitution); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: One-year suspension stayed in its entirety on conditions		

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***Simon**, Disciplinary Counsel v.*
146 Ohio St.3d 44, 2016-Ohio-535. Decided 2/17/2016.

OVERVIEW: Respondent received a six-month stayed suspension for failing to communicate with his clients.

PROCEDURE: In 2011, Respondent was suspended for one year fully stayed for commingling personal and client funds in his client account and failing to cooperate in the ensuing disciplinary investigation. The panel adopted the parties' stipulated facts and exhibits. The Board adopted the panel's findings of fact, conclusions of law, and recommended sanction of a two-year suspension, with 18 months stayed. Respondent objected to the findings of fact and recommended sanction, arguing that Relator failed to establish the alleged misconduct by clear and convincing evidence and that his stipulated misconduct warranted, at most, a fully stayed suspension.

FINDINGS: Respondent failed to keep two clients reasonably informed about the status of their legal matters, failed to obtain their informed consent about certain aspects of their legal matters, neglected client's matter, and failed to advise the other client that he did not carry malpractice insurance.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed a six-month suspension stayed in its entirety on condition that he commit no further misconduct.

CASE AUTHORITY FOR SANCTION: *Godles* (2010); *Turner* (2014); *Malynn* (2012); *Harvey* (2014)

DISSENT: Chief Justice O'Connor and Justices O'Donnell and Lanzinger dissented and would suspend Respondent for two-years, with 18 months stayed.

Rules Violated: Prof.Cond.R. 1.3, 1.4(a)(1), 1.4(a)(3), 1.4(b), 1.4(c)

Aggravation/ Mitigation: A- (a) (prior discipline), (d) (multiple offenses), (g) (refusal to acknowledge wrongdoing); **M-** (b) (no dishonest or selfish motive), (e) (good character)

Court Modified Sanction: YES		**Criminal Conduct:** NO
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** YES
Sanction: Six-month suspension stayed in its entirety on conditions		

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***Smith**, Erie-Huron Cty. Bar Assn. v.*
146 Ohio St.3d 390, 2016-Ohio-881. Decided 3/10/2016.

OVERVIEW: Respondent received an indefinite suspension for failing to act with reasonable diligence in representing a client, failing to hold property of clients in a client trust account, failing to deposit advanced legal fees and expenses into a client trust account to be withdrawn only as fees are earned or expenses incurred, failing to promptly refund any unearned fee, and failing to notify his clients that he lacked professional liability insurance.

PROCEDURE: Based on the parties' stipulations and the evidence presented at the hearing, the panel recommended an indefinite suspension. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent spent most of his legal career working for other entities. Respondent opened a solo law practice, focusing primarily in bankruptcy law. However, his deteriorating physical health had caused him to close down his practice. Many of Respondent's clients had paid in advance for legal fees and court costs, but Respondent was unable to complete the work or immediately refund their money.

SANCTION: The Court adopted the Board's findings of fact and misconduct, and imposed an indefinite suspension with conditions on reinstatement.

CASE AUTHORITY FOR SANCTION: *Britt* (2012)

Rules Violated: Prof.Cond.R. 1.3, 1.4(c), 1.15(a), 1.15(c), 1.16(e)

Aggravation/ Mitigation: A-(3) (pattern of misconduct), (4) (multiple offenses), (8) (harm to vulnerable victim), (9) (no restitution); **M-** (1) (no prior discipline), (4) (cooperative attitude)

Court Modified Sanction: NO		**Criminal Conduct:** NO
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Indefinite suspension		

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***Smith**, Disciplinary Counsel v.*
146 Ohio St.3d 209, 2016-Ohio-1584. Decided 4/20/2016.

OVERVIEW: Respondent received a public reprimand for withdrawing from representation without taking reasonably practicable steps to protect her client's interest and failing to cooperate in the disciplinary investigation.

PROCEDURE: The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a public reprimand. The parties submitted a supplemental agreement with stipulations and documents demonstrating that the work Respondent performed on behalf of the client exhausted the retainer and that no restitution warranted. The Board recommended that the agreement be accepted.

FINDINGS: Respondent received two notices regarding a hearing scheduled in a client's custody matter. She did not appear at the hearing or contact the court in advance of that hearing regarding her inability to appear. The court issued an order for Respondent to show cause why she should not be held in contempt for her failure to appear at the custody hearing. After a hearing on the matter, the court issued an entry ordering Respondent to move for leave to withdraw as counsel, provide her client with a full accounting for all fees and expenses incurred in her representation, refund any unearned portion of the client's fee within 14 days, and provide the client with a complete copy of her file within 14 days. The court further ordered Respondent to file a notice of her compliance within 30 days. More than 30 days later, Respondent moved to withdraw as counsel for the client. In Respondent's motion, she stated that she had complied with the terms of the court's order. Respondent's motion stated that a copy of her accounting and a certified receipt documenting her transmittal of the client's file were attached, but were not. The court left a telephone message for Respondent asking her to submit the documents, but she did not respond.

SANCTION: The Court accepted the agreement and imposed a public reprimand.

CASE AUTHORITY FOR SANCTION: *Leneghan* (2008); *Ballou* (2006)

Rules Violated: Prof.Cond.R. 1.4(a)(3), 1.16(c), 1.16(d), 3.4(c), 8.1(b), 8.4(d); Gov.Bar R. V(4)(G)

Aggravation/ Mitigation: A- (4) (multiple offenses), (5) (lack of cooperation); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (full and free disclosure), (5) (good character)

Court Modified Sanction: NO		**Criminal Conduct:** NO
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Public Reprimand		

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***Smith**, Lorain Cty. Bar Assn. v.*
147 Ohio St.3d 419, 2016-Ohio-7469. Decided 10/27/2016.

OVERVIEW: Respondent received a public reprimand for failing to deposit advance legal fees and expenses into a client trust account, failing to hold client funds in a client trust account separate from his own property, and to maintain certain records regarding the funds held in that account and certain bank records, as well as perform and retain monthly reconciliation of the account.

PROCEDURE: Based on the parties' stipulations and the evidence presented at the hearing, the panel recommended a public reprimand. The Board adopted the panel's report in its entirety.

FINDINGS: Respondent's conduct arose from his representation of a single client by charging a clearly excessive fee, failing to deposit the fee into his client trust account, failing to advise his client that he might be entitled to a refund of all or part of the fee if it was not earned, failing to maintain required trust-account records, and representing to the client that he could improperly influence government officials to achieve a favorable resolution of the client's criminal matter.

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

CASE AUTHORITY FOR SANCTION: *White* (2013); *Rucker* (2012)

Rules Violated: Prof.Cond.R. 1.5(d)(3), 1.15(a)(1), 1.15(a)(2), 1.15(a)(3), 1.15(a)(4), 1.15(a)(5), 1.15(c)

Aggravation/ Mitigation: A- (4) (multiple offenses); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Public Reprimand		

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***Snavely**, Geauga Cty. Bar Assn. v.*
Slip Opinion No. 2016-Ohio-7829. Decided 11/22/2016.

OVERVIEW: Respondent received a two-year suspension, with the final 18 months stayed for her felony conviction and her actions in two client matters.

PROCEDURE: The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a two-year suspension, with the final 18 months stayed on conditions. The Board recommended that the agreement be accepted.

FINDINGS: Respondent was hired to defend a client in a criminal case and later paid her a retainer. At that time; however, Respondent did not maintain a client trust account or know how to properly use one. Nor did Respondent have professional liability insurance or obtain written notification from her client. Respondent was also retained to defend another client in a criminal case, but Respondent failed to notify the client that she lacked malpractice insurance. The client's mother paid Respondent a portion of an agreed-upon flat fee, but Respondent failed to deposit the money into a client trust account. Respondent was also involved in an incident that led to the filing of criminal drug charges against her. Respondent was admitted to an inpatient treatment program for heroin addiction, and after completing the inpatient program, she underwent several weeks of intensive outpatient treatment. Respondent pled guilty to a fifth-degree felony for heroin possession. The trial judge granted intervention in lieu of conviction. Respondent also forged a client's signature on a legal-malpractice-waiver form. As a result, Respondent was charged with forgery. Respondent ultimately pled guilty to a first-degree misdemeanor for attempted forgery and served three days in jail.

SANCTION: The Court accepted the agreement and imposed the recommended sanction on conditions that she continue to comply with her OLAP contract and refrain from engaging in any further misconduct.

CASE AUTHORITY FOR SANCTION: *Shousher* (2007); *Hoppel* (2011); *Washington* (2006)

DISSENT: Justices O'Donnell and Kennedy dissented and would remand the cause to the Board to determine whether Respondent committed the attempted forgery offense before attaining sobriety and whether she cooperated with the disciplinary investigation and to consider whether a more severe sanction is warranted.

Rules Violated: Prof.Cond.R. 1.4(c), 1.5(d)(3), 1.15(a), 1.15(c), 1.15(e), 1.16(a), 8.4(b), 8.4(h)

Aggravation/ Mitigation: A-(2) (dishonest or selfish motive); **M-** (1) (no prior discipline), (3) (restitution or rectified consequences), (5) (good character), (6) (other penalties/sanctions), (7) (chemical/mental illness), (8) (other rehabilitation)

Court Modified Sanction: NO	**Criminal Conduct:** YES	
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Two-year suspension, with final 18 months stayed on conditions		

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***Sweeney**, Cleveland Metro. Bar Assn. v.*
146 Ohio St.3d 335, 2016-Ohio-469. Decided 2/11/2016.

OVERVIEW: Respondent received a public reprimand for neglecting a client matter, failing to communicate with the clients, failing to effectuate his withdrawal from representation with minimal adverse effects on the clients, and failing to take reasonable steps to protect his clients' interests when terminating the attorney-client relationship.

PROCEDURE: The panel recommended that a fully stayed six-month suspension was the appropriate sanction for Respondent's misconduct. The Board adopted the panel report in its entirety.

FINDINGS: Respondent was retained to represent a client and the client's minor daughter, who were injured in an automobile accident in Florida. Respondent performed substantial work, but was unable to settle the matter so he referred his clients to a Florida attorney. The Florida law firm filed a lawsuit and remained counsel until the firm withdrew due to a conflict of interest. The clients were then referred to another law firm in Florida. Three months later, the firm withdrew because of the client's failure to cooperate. Following the withdraw, the client contacted Respondent and he resumed his efforts to settle the case from Ohio. Respondent and his client communicated through text messages. The client faxed legal documents to Respondent, including the defendant's motion to dismiss the case, based on the clients' failure to respond to discovery requests and proposals for settlement. A hearing on the motion to dismiss was set, but Respondent texted his client and stated that the client did not need to attend the hearing. The motion to dismiss was granted. The relationship changed between Respondent and his client. Respondent had become actively involved in his client's case and took several concrete actions on the client's behalf. Also, Respondent gave his client flawed advice not to attend the dismissal hearing, failed to arrange for an attorney to attend the dismissal hearing, and failed to apprise his client that they could petition the court for reconsideration or appeal the dismissal.

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

CASE AUTHORITY FOR SANCTION: *Fonda* (2014); *Hooks* (2014); *Freedman* (2011); *Smith* (2015); *Ryan* (2015)

Rules Violated: Prof.Cond.R. 1.3, 1.4(a), 1.16(b)(1), 1.16(d)

Aggravation/ Mitigation: A-(4) (multiple offenses), (8) (harm to vulnerable client); **M-** (1) (no prior discipline), (4) (full and free disclosure), (5) (good character)

Court Modified Sanction: YES	**Criminal Conduct:** NO	
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Public Reprimand		

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***Tamburrino**, Disciplinary Counsel v.*
Slip Opinion No. 2016-Ohio-8014. Decided 12/7/2016.

OVERVIEW: Respondent received a one-year suspension, with six months stayed for failing to act in a manner consistent with the independence, integrity, and impartiality of the judiciary and knowingly or with reckless disregard disseminate false information concerning an opponent.

PROCEDURE: The panel recommended a six-month suspension stayed on conditions. The Board adopted the panel's findings of fact and conclusions of law, but determined that the recommended sanction would not adequately demonstrate to other judicial candidates the seriousness of the violations or deter similar future misconduct. The Board noted that not only were there blatant falsehoods in the commercials, but that Respondent refused to acknowledge any inappropriateness of the content. The Board also warned of the chilling affect that such advertisements could have on judicial independence and the ability of a judge to freely express views in court opinions. In light of these considerations, the Board increased the recommended sanction to a suspension of a full year, with six months stayed. Respondent objected to the Board's findings and recommendation.

FINDINGS: Respondent ran for judicial office against incumbent Judge Timothy Cannon for a seat on the Eleventh District Court of Appeals. In the last days and weeks before the election, Respondent's campaign broadcasted two negative campaign advertisements against Judge Cannon.

SANCTION: The Court overruled Respondent's objections, adopted the Board's findings of fact and misconduct, and imposed a one-year suspension, with six months stayed on conditions that he commit no further misconduct and attend a six-hour CLE course regarding judicial campaigns.

CASE AUTHORITY FOR SANCTION: *Character* (2011)

DISSENT: Justice French dissented and would have dismissed the charges against Respondent.

Rules Violated: Jud.Cond.R. 4.2(A)(1), 4.3(A)

Aggravation/ Mitigation: A-(4) (multiple offenses), (7) (refusal to acknowledge wrongdoing); **M-** (1) (no prior discipline), (4) (full and free disclosure)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: One-year suspension, with six months stayed on conditions		

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***Terry**, Disciplinary Counsel v.*
147 Ohio St.3d 169, 2016-Ohio-563. Decided 2/25/2016.

OVERVIEW: Respondent was disbarred for his felony convictions.

PROCEDURE: The Court imposed an interim felony suspension based on Respondent's felony convictions. The Court also imposed a separate suspension for Respondent's failure to register as an attorney for the 2013-2015 biennium. The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors. The panel adopted the parties' stipulations and recommended an indefinite suspension. Noting that the sentencing judge found that Respondent had committed perjury at his criminal trial and that his conduct had been egregious violation of the public's trust and confidence in the judiciary, the Board recommended permanent disbarment. Respondent objected to the Board's recommended sanction and urged the Court to indefinitely suspend him for his misconduct.

FINDINGS: Respondent was appointed by the governor to fill a vacancy on the Cuyahoga County Court of Common Pleas in April 2007. On June 13, 2011, Respondent was convicted in federal court of one-count of conspiracy to commit mail fraud and two counts of honest-services mail fraud in connection with his judicial duties. Respondent was providing judicial favors in exchange for contributions to his 2008 election campaign. Respondent was sentenced to a term of 63 months in prison on each of his three convictions, to be served concurrently, and was ordered to serve two years of supervised release and to perform 250 hours of community service on his release from prison.

SANCTION: The Court adopted the Board's findings of fact and misconduct, overruled Respondent's objections, and permanently disbarred Respondent from the practice of law in Ohio.

CASE AUTHORITY FOR SANCTION: *O'Neill* (2004); *McCafferty* (2014)

DISSENT: Justice O'Neill dissented and would have imposed an indefinite suspension.

Rules Violated: Prof.Cond.R. 8.4(d), 8.4(h); Canon 1, 2, 3(B)(7), 3(E), 4

Aggravation/ Mitigation: A-(b) (dishonest or selfish motive); **M-** (a) (no prior discipline), (d) (cooperative attitude), (e) (good character), (f) (other penalties/sanctions)

Court Modified Sanction: NO		**Criminal Conduct:** YES
Procedure/ Process Issues: NO	**Public Official:** YES	**Prior Discipline:** YES
Sanction: Disbarment		

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***Thomas**, Disciplinary Counsel v.*
146 Ohio St.3d 429, 2016-Ohio-1582. Decided 4/20/2016.

OVERVIEW: Respondent received an indefinite suspension for his felony convictions.

PROCEDURE: The Court imposed an interim felony suspension based on Respondent's felony convictions. The Court also imposed a separate suspension for Respondent's failure to register as an attorney for the 2015-2016 biennium during the pendency of this action. The parties submitted stipulations of fact, misconduct, and aggravating and mitigating factors. The panel adopted the parties' stipulations and recommended an indefinite suspension with credit for time served under the interim felony suspension. The panel granted the parties' motion to waive the hearing. The Board adopted the panel's findings of fact and misconduct, aggravating and mitigating factors, and sanction, with some modification to the requirement for restitution. The Court remanded the matter to the Board for additional consideration of the recommended conditions for Respondent's reinstatement. The Board issued a revised recommendation regarding Respondent's restitution obligation.

FINDINGS: Respondent pled no contest to the charges, which arose out of his theft of funds from four individuals for whom he served as a court-appointed guardian and his subsequent attempts to conceal the thefts by filing false inventories with the probate court. Respondent was sentenced to a four-and-one-half year prison term and ordered to make restitution of $208,095.15.

SANCTION: The Court adopted the Board's findings of fact and misconduct and its recommended sanction, as amended by the Board's supplemental report and recommendation, but did not credit Respondent for the time served under his interim felony suspension. Respondent's reinstatement is conditioned upon his completion of his period of incarceration, payment of restitution, compliance with all terms and conditions of his criminal probation, successful completion of an OLAP approved substance abuse and addiction treatment program, execution of an OLAP contract for a term to be determined by OLAP, and full compliance with all treatment recommendations of OLAP and his treating professionals.

CASE AUTHORITY FOR SANCTION: *Zapor* (2010); *Anthony* (2013)

DISSENT: Chief Justice O'Connor and Justices Lanzinger and O'Neill dissented and would permanently disbar Respondent.

Rules Violated: Prof.Cond.R. 3.3(a)(1), 3.3(a)(3), 8.4(b), 8.4(c), 8.4(d)

Aggravation/ Mitigation: A-(2) (dishonest or selfish motive), (3) (pattern of misconduct), (4) (multiple offenses), (8) (harmful to vulnerable victim); **M-** (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/sanctions)

Court Modified Sanction: YES	**Criminal Conduct:** YES	
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Indefinite suspension with no credit for time served under the interim felony suspension		

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***Truax**, Disciplinary Counsel v.*
Slip Opinion No. 2016-Ohio-7334. Decided 10/18/2016.

OVERVIEW: Respondent received a six-month suspension stayed for failing to deposit advance legal fees and expenses into a client trust account.

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

FINDINGS: Respondent deposited a client's retainer into his trust account and withdrew $1,452.50 in unearned legal fees for his own personal use.

SANCTION: The Court accepted the agreement and imposed the recommended sanction on condition that Respondent not engage in any further misconduct.

CASE AUTHORITY FOR SANCTION: *Vivyan* (2010)

Rules Violated: Prof.Cond.R. 1.15(c)

Aggravation/ Mitigation: A- None; **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (3) (restitution or rectified consequences), (4) (full and free disclosure)

Court Modified Sanction: NO		**Criminal Conduct:** NO
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Six-month suspension stayed in its entirety on condition		

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***Vardiman**, Warren Cty. Bar Assn. & Cincinnati Bar Assn. v.*
146 Ohio St.3d 23, 2016-Ohio-352. Decided 2/3/2016.

OVERVIEW: Respondent received a one-year suspension, with six months stayed for knowingly making a false statement to a tribunal, offering evidence that he knew to be false, and engaging in conduct that is prejudicial to the administration of justice.

PROCEDURE: Respondent was previously suspended for failing to register for the 2007-2009 biennium. Before the hearing in this matter, Respondent filed admissions of fact to the complaint and admitted that his conduct constituted one or more violations of the Ohio Rules of Professional Conduct. The Board adopted the panel's findings of fact and misconduct and also found that Respondent's misconduct was sufficiently egregious to warrant finding a separate violation of Prof. Cond. R. 8.4(h).

FINDINGS: Respondent improperly signed the name of the opposing party in a custody matter, who was not represented by counsel, to four separate documents and then filed those documents in juvenile court. Respondent also engaged in additional misconduct in the execution of a will and power of attorney that he prepared for a client by signing as a witness and then falsely signing the name of a second witness to both documents.

SANCTION: The Court adopted the Board's report in its entirety and imposed a one-year suspension, with six months stayed on the conditions that he comply with the terms of his OLAP contract, maintain appropriate medical and psychological treatment, submit quarterly reports documenting his compliance, and engage in no further misconduct.

CASE AUTHORITY FOR SANCTION: *Bogdanski* (2013); *Farrell* (2008); *Shaffer* (2003); *Herman* (2003); *Speros* (1995)

DISSENT: Chief Justice O'Connor and Justices O'Donnell and O'Neill dissented and would not stay any portion of the suspension.

Rules Violated: Prof.Cond.R. 3.3(a)(1), 3.3(a)(3), 4.3, 8.4(b), 8.4(c), 8.4(d), 8.4(h)

Aggravation/ Mitigation: A- None; **M-** (1) (no prior discipline), (4) (full and free disclosure), (5) (good character), (7) (chemical/mental illness)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** YES
Sanction: One-year suspension, with six months stayed on conditions		

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***Walton**, Disciplinary Counsel v.*
Slip Opinion No. 2016-Ohio-7468. Decided 10/27/2016.

OVERVIEW: Respondent received a six-month suspension stayed for failing to respond to a demand for information by a disciplinary authority during an investigation and neglecting or refusing to assist in a disciplinary investigation.

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

FINDINGS: Respondent failed to respond to two letters of inquiry and a subpoena compelling his appearance at a deposition seeking his explanation for two overdrafts of his client trust account.

SANCTION: The Court accepted the agreement and imposed the recommended sanction on conditions that Respondent not engage in any further misconduct and comply with his OLAP contract.

CASE AUTHORITY FOR SANCTION: *Paterson* (2003); *James* (2006)

Rules Violated: Prof.Cond.R. 8.1(b); Gov.Bar R. V(9)(G)

Aggravation/ Mitigation: A- (5) (lack of cooperation); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (full and free disclosure), (5) (good character)

Court Modified Sanction: NO	**Criminal Conduct:** NO	
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Six-month suspension stayed in its entirety on conditions		

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***Warren**, Disciplinary Counsel v.*
147 Ohio St.3d 406, 2016-Ohio-7333. Decided 10/18/2016.

OVERVIEW: Respondent received a two-year suspension for his felony conviction.

PROCEDURE: The Court imposed an interim felony suspension based on Respondent's felony conviction. The parties submitted a consent-to-discipline agreement, stipulating to the facts in the complaint, disciplinary violations, and mitigating and aggravating factors, as well as a sanction of a two-year suspension with no credit for time served under the interim felony suspension. The Board recommended that the agreement be accepted.

FINDINGS: Respondent was found guilty of sexual battery and was sentenced to 30 months of community control, was ordered to stay away from the victim, complete a sex-offender treatment program, and pay a $2,500 fine plus court costs.

SANCTION: The Court accepted the agreement and imposed the recommended sanction and upon submitting an application for reinstatement, Respondent shall be required to demonstrate that he fully complied with the terms of his criminal sentence, including all terms of his community control.

CASE AUTHORITY FOR SANCTION: *Petroff* (1999); *Pappas* (2014); *Haynes* (2015); *Goldblatt* (2008); *Greenberg* (2013)

DISSENT: Justice O'Donnell dissented and would remand the cause to the Board for consideration of an indefinite suspension or disbarment. Justice O'Neill dissented and would grant Respondent for time served under the interim felony suspension.

Rules Violated: Prof.Cond.R. 8.4(b)

Aggravation/ Mitigation: A-(2) (dishonest or selfish motive); **M-** (1) (no prior discipline), (4) (cooperative attitude), (5) (good character), (6) (other penalties/consequences)

Court Modified Sanction: NO		**Criminal Conduct:** YES
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Two-year suspension with no credit for time served under the interim felony suspension		

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***Wiest**, Cincinnati Bar Assn. v.*
Slip Opinion No. 2016-Ohio-8166. Decided 12/19/2016.

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

PROCEDURE: Based on the parties' stipulations, and the testimonial and documentary evidence, the panel dismissed violations of Prof. Cond. R. 1.6(a) and Prof. Cond. R. 1.8(b). The panel and the Board both found by clear and convincing evidence that Respondent violated Prof. Cond. R. 8.4(b) and Prof. Cond. R. 8.4(c). Respondent and Relator raised multiple objections to the Board's findings of fact and misconduct and Respondent objected to the Board's recommended sanction of a two-year suspension, with the final 18 months stayed. The Court sustained Respondent's first objection and dismissed the violation of Prof. Cond. R. 8.4(b) on due-process grounds and overruled the parties' remaining objections.

FINDINGS: Respondent was employed by Thompson Hine and throughout the course of his employment performed environmental due-diligence services for firm client Stanley Works, later known as Stanley Black and Decker, a publicly traded company. The services were typically related to Stanley's proposed mergers, acquisitions, or divestitures. Respondent used confidential information he obtained during the course and scope of representing Stanley in his personal purchase of 35,000 shares of InfoLogix, Inc., a company that Stanley sought to acquire.

SANCTION: The Court found that Respondent's dishonest conduct, his dishonest and selfish motive, his complete disregard for his client, and his complete abdication of his duty to communicate with his client warrant an actual suspension that is greater than the sanction recommended by the Board. The Court imposed a two-year suspension, with the second year stayed on condition that Respondent engage in no further misconduct.

CASE AUTHORITY FOR SANCTION: *Cuckler* (2004); *Cameron* (2011); *Stubbs* (2006); *Carroll* (2005); *Markijohn* (2003); *Kinney* (2000); *Hunter* (2005); *Nothstein* (1986); *Buttacavoli* (2002); *Carlson* (2003)

Rules Violated: Prof.Cond.R. 8.4(c)

Aggravation/ Mitigation: A- (2) (dishonest or selfish motive); **M-** (1) (no prior discipline), (4) (full and free disclosure), (5) (good character), (6) (other penalties/sanctions)

Court Modified Sanction: YES	**Criminal Conduct:** NO	
Procedure/ Process Issues: NO	**Public Official:** NO	**Prior Discipline:** NO
Sanction: Two-year suspension, with the second year stayed on condition		

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***Williams**, Disciplinary Counsel v.*
145 Ohio St.3d 308, 2016-Ohio-827. Decided 3/8/2016.

OVERVIEW: Respondent received a two-year suspension, with 18 months stayed for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, conduct that is prejudicial to the administration of justice, failing to act with reasonable diligence in representing a client, requiring a judge or magistrate to avoid impropriety and the appearance of impropriety and to act at all times in a manner that promotes public confidence in the integrity, impartiality, and independence of the judiciary, and requiring a judge or magistrate to disqualify himself from any proceeding in which the impartiality of the judge or magistrate might be reasonably questioned.

PROCEDURE: The parties submitted stipulations of fact, violations, aggravating and mitigating factors, and exhibits and jointly recommended a two-year suspension, with one year stayed. The Board adopted the panel's findings of fact and conclusions of law, but recommended an indefinite suspension. Respondent objected and argued that his conduct did not warrant an indefinite suspension and urged the Court to adopt the parties' stipulated sanction of a two-year suspension, with one year stayed on conditions. Relator joined Respondent in requesting that the Court reject the Board's recommendation and at a minimum suspend Respondent for two years, with one year stayed on conditions.

FINDINGS: Respondent's misconduct arises from his sexual relationship with a party in an eviction action over which he presided as a magistrate at the Akron Municipal Court, his falsification of a loan application for the purchase of a motor vehicle, and his misappropriation of wrongful death proceeds that were intended to finance an annuity for the benefit of a decedent's minor children.

SANCTION: The Court adopted the Board's findings of fact and misconduct, but sustained Respondent's objection, and imposed a sanction of a two-year suspension, with 18 months stayed on conditions that he remain in full compliance with his OLAP contract, continue to participate in mental-health counseling for his PTSD, engage in no further misconduct, make full restitution to the children plus the interest they would have earned if he had timely purchased an annuity for their benefit as ordered by the probate court, and satisfactorily complete an 18-month period of monitored probation.

CASE AUTHORITY FOR SANCTION: *Simon-Seymour* (2012); *King* (2012); *Blair* (2011); *Oldfield* (2014); *Vukelic* (2004)

DISSENT: Justices O'Donnell and Lanzinger dissented and would have imposed a two-year suspension without any stay.

Rules Violated: Prof.Cond.R. 1.3, 8.4(c), 8.4(d); Jud.Cond.R. 1.2, 2.11(A)

Aggravation/ Mitigation: A-(b) (dishonest or selfish motive), (d) (multiple offenses); **M-** (a) (no prior discipline), (c) (restitution or rectified consequences), (d) (cooperative attitude), (e) (good character)

Court Modified Sanction: YES	**Criminal Conduct:** NO	
Procedure/ Process Issues: YES	**Public Official:** YES	**Prior Discipline:** NO
Sanction: Two-year suspension, with 18 months stayed in its entirety on conditions		

***Zoller and Mamone**, Cleveland Metro. Bar Assn. v.*
Slip Opinion No. 2016-Ohio-7639. Decided 11/8/2016.

OVERVIEW: Both Respondents received a one-year suspension for failing to hold a client's funds in a trust account, failing to maintain a complete record, and perform and retain a monthly reconciliation of a trust account. In addition, Respondent Zoller engaged in misconduct by collecting a clearly excessive fee.

PROCEDURE: The Board found that Respondent Zoller charged a client excessive legal fees and both Respondents had committed other ethical violations in administering an account that the law firm had established to manage their client's funds. The Board recommended that Respondent Zoller be suspended for one year and Respondent Mamone be suspended for six months, with both suspensions stayed. The Board rejected the panel's recommendation that Respondent Zoller be required to make restitution to the estate. This matter was remanded to the Board for further proceedings because the Court disagreed with the Board's recommendation that neither Respondents should be required to make restitution to the estate. On remand, the panel conducted additional proceedings, and the parties entered into stipulations, in which Respondent Zoller agreed to make restitution of $30,466 and Respondent Mamone agreed to make $11,116 in restitution to the estate.

FINDINGS: Respondents Zoller and Mamone were retained to administer an estate. Later the client engaged Respondents to manage the client's money, to pay bills, and to handle other aspects of her financial and personal life. Respondents assumed the responsibilities of operating and maintaining a special account when and agreed to be authorized signatories. Respondents failed to ensure that the account was a separate, interest-bearing trust account for the client's benefit during the six-year period in which substantial client assets passed through it. They also failed to maintain any oversight over the account by failing to accurately record each transaction that affected the account and failing to reconcile the account against the monthly statements issued by the bank. Their abdication of these most basic duties to the client resulted in more than 30 overdrafts of the account and $1,000 in associated bank fees.

SANCTION: The Court adopted the Board's findings of fact and misconduct, its recommendation regarding restitution, but rejected the Board's recommended sanction and imposed a one-year suspension on Respondents. Before seeking reinstatement, Respondent Zoller shall make restitution of $30,466 to the estate and Respondent Mamone shall make restitution of $11,116 to the estate.

CASE AUTHORITY FOR SANCTION: *Parisi* (2012); *Kick* (1986)

DISSENT: Justice Lanzinger dissented and would have imposed a two-year suspension on Respondents. Justices Kennedy and French dissented and would have imposed a one-year suspension for Respondent Zoller and a six-month suspension for Respondent Mamone, with both suspensions fully stayed.

Rules Violated: Prof.Cond.R. 1.5(a), 1.15(a), 1.15(a)(2), 1.15(a)(5)

Aggravation/ Mitigation: A- (4) (multiple offenses), (8) (harm to vulnerable victim); **M-** (1) (no prior discipline), (2) (no dishonest or selfish motive), (4) (cooperative attitude), (5) (good character)

Court Modified Sanction: YES	**Criminal Conduct:** NO	
Procedure/ Process Issues: YES	**Public Official:** NO	**Prior Discipline:** NO
Sanction: One-year suspension on condition		

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Williams (3/8/2016)

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Lee (1/14/2016)

(f) (false or deceptive practices during investigation)
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Lee (1/14/2016)
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Terry (2/25/2016)
Williams (3/8/2016)

(b) (no dishonest or selfish motive)
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(c) (restitution or rectified consequences)
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Beranek (9/1/2016)
Crosser (12/21/2016)
DiMartino (2/17/2016)
DiMartino (9/7/2016)
Elum (12/21/2016)
Hanni (3/24/2016)
Hauck (11/22/2016)
Hillman (3/24/2016)
Hoskins (6/28/2016)
McCord (6/8/2016)
Pryatel (3/9/2016)
Reed (3/8/2016)
Scaccia (6/8/2016)

(2) (dishonest or selfish motive)
Ames (11/22/2016)
Azman (6/15/2016)
Barborak (12/19/2016)
Champion (12/8/2016)
DiMartino (2/17/2016)
Eichenberger (6/14/2016)
Frenden (10/6/2016)
Jackson (4/21/2016)

Joltin (12/19/2016)
Kramer (9/13/2016)
Mahin (06/14/2016)
Paris (8/31/2016)
Pryatel (3/9/2016)
Reed (3/8/2016)
Roland (8/31/2016)
Roseman (7/26/2016)
Rosenfield (4/20/2016)
Snavely (11/22/2016)
Thomas (4/20/2016)
Warren (10/18/2016)
Wiest (12/19/2016)

(3) (pattern of misconduct)
Azman (6/15/2016)
Balaloski (1/14/2016)
Barborak (12/19/2016)
DiMartino (2/17/2016)
Eichenberger (6/14/2016)
Frenden (10/6/2016)
Guinn (6/14/2016)
Jackson (4/21/2016)
Joltin (12/19/2016)
Kramer (9/13/2016)
Lawrence (6/30/2016)
Pryatel (3/9/2016)
Reed (3/8/2016)
Roland (8/31/2016)
Rosenfield (4/20/2016)
Smith (3/10/2016)
Thomas (4/20/2016)

(4) (multiple offenses)
Ames (11/22/2016)
Azman (6/15/2016)
Balaloski (1/14/2016)
Barborak (12/19/2016)
Bennett (5/19/2016)
Brockler (2/25/2016)
Cannata and Phillips (5/18/2016)
DiMartino (2/17/2016)
Eichenberger (6/14/2016)
Frenden (10/6/2016)
Hauck (11/22/2016)
Hoskins (6/28/2016)
Joltin (12/19/2016)
Kendrick (9/1/2016)
King (12/21/2016)
Kramer (9/13/2016)
Mahin (06/14/2016)
McCord (6/8/2016)
Mickens (12/8/2016)
Owen (3/9/2016)
Paris (8/31/2016)
Pryatel (3/9/2016)
Reed (3/8/2016)
Roland (8/31/2016)
Scaccia (6/8/2016)
Simmonds (9/1/2016)
Smith (3/10/2016)
Smith (4/20/2016)
Smith (10/27/2016)
Sweeney (2/11/2016)
Tamburrino (12/7/2016)
Thomas (4/20/2016)
Zoller and Mamone (11/8/2016)

(5) (lack of cooperation)
DiMartino (2/17/2016)
DiMartino (9/7/2016)
Eichenberger (6/14/2016)
Fernandez (9/1/2016)
Frenden (10/6/2016)
Hoskins (6/28/2016)
Joltin (12/19/2016)
King (12/21/2016)
Pryatel (3/9/2016)
Reed (3/8/2016)
Roland (8/31/2016)
Smith (4/20/2016)
Walton (10/27/2016)

(6) (false or deceptive practices during investigation)
Azman (6/15/2016)
Eichenberger (6/14/2016)
Frenden (10/6/2016)
Hoskins (6/28/2016)
Pryatel (3/9/2016)

(7) (refusal to acknowledge wrongdoing)
Fernandez (9/1/2016)
Hauck (11/22/2016)
Hoskins (6/28/2016)
Kramer (9/13/2016)
Owen (3/9/2016)
Pryatel (3/9/2016)
Roland (8/31/2016)
Scaccia (6/8/2016)
Tamburrino (12/7/2016)

(8) (harm to vulnerable victim)
Frenden (10/6/2016)
Hauck (11/22/2016)
Paris (8/31/2016)
Reed (3/8/2016)
Roland (8/31/2016)
Scaccia (6/8/2016)
Simmonds (9/1/2016)
Smith (3/10/2016)
Sweeney (2/11/2016)
Thomas (4/20/2016)
Zoller and Mamone (11/8/2016)

(9) (no restitution)
DiMartino (2/17/2016)
Frenden (10/6/2016)
Hoskins (6/28/2016)
Jackson (4/21/2016)

Reed (3/8/2016)
Roland (8/31/2016)
Scaccia (6/8/2016)
Simmonds (9/1/2016)
Smith (3/10/2016)

Mitigation (Gov. Bar R. V, Section 13(C))

(1) (no prior discipline)

Ames (11/22/2016)
Azman (6/15/2016)
Balaloski (1/14/2016)
Barborak (12/19/2016)
Bennett (5/19/2016)
Bond (4/20/2016)
Brockler (2/25/2016)
Camboni (2/25/2016)
Cannata and Phillips (5/18/2016)
Champion (12/8/2016)
Clifton (9/1/2016)
Eichenberger (6/14/2016)
Fernandez (9/1/2016)
Frenden (10/6/2016)
Glaser (5/19/2016)
Guinn (6/14/2016)
Jackson (4/21/2016)
Joltin (12/19/2016)
Kendrick (9/1/2016)
King (12/21/2016)
Kramer (9/13/2016)
Lawrence (6/30/2016)
Mahin (06/14/2016)
Martinez (4/28/2016)
Masek (6/14/2016)
Mickens (12/8/2016)
Owen (3/9/2016)
Paris (8/31/2016)
Robertson (2/25/2016)
Roland (8/31/2016)
Roseman (7/26/2016)
Rosenfield (4/20/2016)
Salters (4/13/2016)
Simmonds (9/1/2016)
Smith (3/10/2016)
Smith (4/20/2016)
Smith (10/27/2016)
Snavely (11/22/2016)
Sweeney (2/11/2016)
Tamburrino (12/7/2016)
Thomas (4/20/2016)
Truax (10/18/2016)
Vardiman (2/3/2016)
Walton (10/27/2016)
Warren (10/18/2016)
Wiest (12/19/2016)
Zoller and Mamone (11/8/2016)

(2) (no dishonest or selfish motive)

Balaloski (1/14/2016)
Bennett (5/19/2016)
Beranek (9/1/2016)
Brockler (2/25/2016)
Camboni (2/25/2016)
Cannata and Phillips (5/18/2016)
DiMartino (9/7/2016)
Elum (12/21/2016)
Guinn (6/14/2016)
Hanni (3/24/2016)
Hauck (11/22/2016)
Kendrick (9/1/2016)
Masek (6/14/2016)
Mickens (12/8/2016)
Owen (3/9/2016)
Roland (8/31/2016)
Salters (4/13/2016)
Scaccia (6/8/2016)
Simmonds (9/1/2016)
Smith (4/20/2016)
Smith (10/27/2016)
Truax (10/18/2016)
Walton (10/27/2016)
Zoller and Mamone (11/8/2016)

(3) (restitution or rectified consequences)

Clifton (9/1/2016)
Crosser (12/21/2016)
DiMartino (9/7/2016)
Hanni (3/24/2016)
Kendrick (9/1/2016)
Lawrence (6/30/2016)
Mahin (06/14/2016)
McCord (6/8/2016)
Robertson (2/25/2016)
Rosenfield (4/20/2016)
Snavely (11/22/2016)
Truax (10/18/2016)

(4) (full and free disclosure)

Ames (11/22/2016)
Azman (6/15/2016)
Balaloski (1/14/2016)
Bartels (6/14/2016)
Bennett (5/19/2016)
Beranek (9/1/2016)
Bond (4/20/2016)
Brockler (2/25/2016)
Camboni (2/25/2016)
Cannata and Phillips (5/18/2016)
Champion (12/8/2016)
Clifton (9/1/2016)
Crosser (12/21/2016)
Elum (12/21/2016)
Glaser (5/19/2016)
Guinn (6/14/2016)
Hanni (3/24/2016)
Hauck (11/22/2016)
Hillman (3/24/2016)
Jackson (4/21/2016)
Kendrick (9/1/2016)
Kramer (9/13/2016)
Lawrence (6/30/2016)

Martinez (4/28/2016)
Masek (6/14/2016)
McCord (6/8/2016)
Mickens (12/8/2016)
Owen (3/9/2016)
Paris (8/31/2016)
Robertson (2/25/2016)
Roseman (7/26/2016)
Rosenfield (4/20/2016)
Salters (4/13/2016)
Scaccia (6/8/2016)
Smith (3/10/2016)
Smith (4/20/2016)
Smith (10/27/2016)
Sweeney (2/11/2016)
Tamburrino (12/7/2016)
Thomas (4/20/2016)
Truax (10/18/2016)
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Walton (10/27/2016)
Warren (10/18/2016)
Wiest (12/19/2016)
Zoller and Mamone (11/8/2016)

(5) (good character)
Balaloski (1/14/2016)
Barborak (12/19/2016)
Bartels (6/14/2016)
Bond (4/20/2016)
Brockler (2/25/2016)
Cannata and Phillips (5/18/2016)
Champion (12/8/2016)
Clifton (9/1/2016)
Crosser (12/21/2016)
DiMartino (9/7/2016)
Elum (12/21/2016)
Glaser (5/19/2016)
Hanni (3/24/2016)
Hauck (11/22/2016)
Hillman (3/24/2016)
Joltin (12/19/2016)
Kendrick (9/1/2016)
Kramer (9/13/2016)
Lawrence (6/30/2016)
Martinez (4/28/2016)
Mickens (12/8/2016)
Owen (3/9/2016)
Rosenfield (4/20/2016)
Scaccia (6/8/2016)
Smith (4/20/2016)
Smith (10/27/2016)
Snavely (11/22/2016)
Sweeney (2/11/2016)
Thomas (4/20/2016)
Vardiman (2/3/2016)
Walton (10/27/2016)
Warren (10/18/2016)
Wiest (12/19/2016)
Zoller and Mamone (11/8/2016)

(6) (other penalties/ sanctions)
Ames (11/22/2016)
Brockler (2/25/2016)
Camboni (2/25/2016)
Hillman (3/24/2016)
Kramer (9/13/2016)
Lawrence (6/30/2016)
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McCord (6/8/2016)
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Snavely (11/22/2016)
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Warren (10/18/2016)
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Balaloski (1/14/2016)
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Hauck (11/22/2016)
Hoskins (6/28/2016)
Jackson (4/21/2016)
Reed (3/8/2016)
Roseman (7/26/2016)
Scaccia (6/8/2016)

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Corner (2/3/2016)
Crosser (12/21/2016)
DiMartino (2/17/2016)
DiMartino (9/7/2016)
Frenden (10/6/2016)
Guinn (6/14/2016)
Hanni (3/24/2016)
Hoskins (6/28/2016)
Jackson (4/21/2016)
Joltin (12/19/2016)
Kendrick (9/1/2016)
Mickens (12/8/2016)
Paris (8/31/2016)
Reed (3/8/2016)
Roland (8/31/2016)
Roseman (7/26/2016)
Scaccia (6/8/2016)
Simmonds (9/1/2016)
Simon (2/17/2016)
Smith (3/10/2016)
Sweeney (2/11/2016)
Williams (3/8/2016)

Rule 1.4 (communication)
Balaloski (1/14/2016)
Guinn (6/14/2016)
Sweeney (2/11/2016)

Rule 1.4(a)(1) (promptly informing the client of any circumstance with respect to which the client's informed consent is required)
DiMartino (2/17/2016)
Frenden (10/6/2016)
Hoskins (6/28/2016)
Roseman (7/26/2016)
Simon (2/17/2016)

Rule 1.4(a)(2) (reasonably consulting with client about means to accomplish objectives)
Fernandez (9/1/2016)
Frenden (10/6/2016)
Hoskins (6/28/2016)
Roseman (7/26/2016)

Rule 1.4(a)(3) (keeping client reasonably informed about status of matter)
Bennett (5/19/2016)
Crosser (12/21/2016)
DiMartino (2/17/2016)
DiMartino (9/7/2016)
Frenden (10/6/2016)
Hanni (3/24/2016)
Joltin (12/19/2016)
Kendrick (9/1/2016)
Mickens (12/8/2016)
Reed (3/8/2016)
Roland (8/31/2016)
Roseman (7/26/2016)
Simon (2/17/2016)
Smith (4/20/2016)

Rule 1.4(a)(4) (complying as soon as practicable with client's reasonable requests for information)
Bennett (5/19/2016)
Beranek (9/1/2016)
DiMartino (2/17/2016)
DiMartino (9/7/2016)
Frenden (10/6/2016)
Hoskins (6/28/2016)
Kendrick (9/1/2016)
Reed (3/8/2016)
Roseman (7/26/2016)
Simmonds (9/1/2016)

Rule 1.4(a)(5) (consulting with client about limitations when client expects unlawful assistance)

Rule 1.4(b) (explaining matters for clients to make informed decisions)
Fernandez (9/1/2016)
Hoskins (6/28/2016)
Simon (2/17/2016)

Rule 1.4(c) (informing clients if professional-liability insurance is terminated)
Beranek (9/1/2016)
Frenden (10/6/2016)
Guinn (6/14/2016)
King (12/21/2016)
McCord (6/8/2016)
Mickens (12/8/2016)
Owen (3/9/2016)
Simon (2/17/2016)
Smith (3/10/2016)
Snavely (11/22/2016)

Rule 1.5(a) (charging or collecting an illegal or clearly excessive fee)
Guinn (6/14/2016)
Jackson (4/21/2016)
Roland (8/31/2016)
Zoller and Mamone (11/8/2016)

Rule 1.5(b) (communicating to the client the nature and scope of representation and the basis or rate of the fee and expenses)
DiMartino (2/17/2016)

Rule 1.5(c) (contingent fee agreement)
DiMartino (2/17/2016)

Rule 1.5(c)(1) (contingent fee agreement in writing signed by the client)
Frenden (10/6/2016)
Hoskins (6/28/2016)
Jackson (4/21/2016)

Rule 1.5(c)(2) (preparing closing statement in contingent fee matter)

Rule 1.5(d)(3) ("Earned upon Receipt" or "non-refundable" fee)
Jackson (4/21/2016)
Simmonds (9/1/2016)
Smith (10/27/2016)
Snavely (11/22/2016)

Rule 1.5(e) (fee division with lawyers not in the same firm)
Corner (2/3/2016)

Rule 1.5(e)(2) (written consent after full disclosure of the identity of each lawyer)

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

Rule 1.6(a) (revealing information relating to the representation of a client)

Rule 1.7 (conflict of interest- current clients)

Rule 1.7(a)(1) (prohibiting a lawyer from accepting continuing employment if the representation of the client will be directly adverse to another current client)

Rule 1.7(a)(2) (conflict of interest arising from lawyer's responsibilities to another client, a former client, a third person, or lawyer's own personal interests)
Cannata and Phillips (5/18/2016)
Frenden (10/6/2016)

Rule 1.7(b) (accepting/ continuing representation if conflict of interest created, unless conditions met)
Robertson (2/25/2016)

Rule 1.7(c)(1) (even if each affected client consents, the lawyer shall not accept or continue the representation)
Cannata and Phillips (5/18/2016)

Rule 1.8 (conflict of interest, current clients)

Rule 1.8(a) (entering a business transaction with a client)

Rule 1.8(a)(1) (transaction and terms fair and reasonable and fully disclosed to client in writing)

Rule 1.8(a)(2) (advising client in writing of the desirability of seeking and giving reasonable opportunity to seek independent legal counsel)

Rule 1.8(a)(3) (informed consent to the essential terms of a transaction with lawyer)

Rule 1.8(e) (provide financial assistance to a client in connection with pending or contemplated litigation)

Rule 1.8(h) (making an agreement prospectively limiting the lawyer's liability)
Jackson (4/21/2016)

Rule 1.8(h)(1) (making agreement prospectively to limit liability for malpractice or requiring arbitration of a claim)

Rule 1.8(h)(2) (settling a potential claim for professional liability without advising client in writing to seek counsel or obtaining client's informed consent)

Rule 1.8(j) (soliciting or engaging in sexual activity with a client when no previous consensual sexual relationship existed)
Bartels (6/14/2016)
Frenden (10/6/2016)
Jackson (4/21/2016)
Paris (8/31/2016)

Rule 1.9 (duties to former clients)

Rule 1.9(a) (obtain informed consent of a client before representing another in the same or a substantially related matter adversely affecting the client)

Rule 1.9(c)(2) (revealing information relating to the representation of a former client)

Rule 1.15 (safekeeping funds and property)

Rule 1.15(a) (property of clients in an interest-bearing client trust account)
Barborak (12/19/2016)
Bennett (5/19/2016)
Corner (2/3/2016)
DiMartino (2/17/2016)
DiMartino (9/7/2016)
Eichenberger (6/14/2016)
Frenden (10/6/2016)
Hoskins (6/28/2016)
Kendrick (9/1/2016)
McCord (6/8/2016)
Roland (8/31/2016)
Smith (3/10/2016)
Snavely (11/22/2016)
Zoller and Mamone (11/8/2016)

Rule 1.15(a)(1) (holding property of clients or third

persons separate from lawyer's own property; safekeeping funds in separate interest bearing trust account)
Smith (10/27/2016)

Rule 1.15(a)(2) (maintaining a record for each client)
Corner (2/3/2016)
Jackson (4/21/2016)
Joltin (12/19/2016)
Smith (10/27/2016)
Zoller and Mamone (11/8/2016)

Rule 1.15(a)(3) (maintaining a record for each bank account)
Bennett (5/19/2016)
Corner (2/3/2016)
Jackson (4/21/2016)
Joltin (12/19/2016)
Smith (10/27/2016)

Rule 1.15(a)(4) (maintaining bank statements, deposit slips, and cancelled checks)
Jackson (4/21/2016)
Joltin (12/19/2016)
Smith (10/27/2016)

Rule 1.15(a)(5) (performing and maintaining a monthly reconciliation)
Bennett (5/19/2016)
Corner (2/3/2016)
Jackson (4/21/2016)
Joltin (12/19/2016)
Smith (10/27/2016)
Zoller and Mamone (11/8/2016)

Rule 1.15(b) (depositing own funds in client trust account for bank service charges)
Jackson (4/21/2016)
Joltin (12/19/2016)

Rule 1.15(c) (depositing unearned/ advanced fees into a trust account)
Corner (2/3/2016)
Hoskins (6/28/2016)
Jackson (4/21/2016)
Joltin (12/19/2016)
Roland (8/31/2016)
Smith (10/27/2016)
Snavely (11/22/2016)
Truax (10/18/2016)

Rule 1.15(d) (promptly delivering funds or property to client or third party)
Balaloski (1/14/2016)
Corner (2/3/2016)
Frenden (10/6/2016)
Hoskins (6/28/2016)
Jackson (4/21/2016)
Joltin (12/19/2016)

Rule 1.15(e) (improperly holding funds in dispute)
Roland (8/31/2016)
Snavely (11/22/2016)

Rule 1.16(a) (a lawyer shall not represent a client or where representation has commenced, shall withdraw from the representation of a client)
Snavely (11/22/2016)

Rule 1.16(a)(1) (accepting, or failing to withdraw from, representation that will violate the Rules or other law)

Rule 1.16(a)(2) (withdrawing from representation when the lawyer's physical and mental condition materially impairs the lawyer's ability to represent the client)

Rule 1.16(a)(3) (requiring a lawyer not to represent a client after the lawyer has been discharged)

Rule 1.16(b)(1) (permitting a lawyer to withdraw from representation if the withdrawal can be accomplished without material adverse effect on the interests of the client)
Sweeney (2/11/2016)

Rule 1.16(c) (withdrawing from representation in a proceeding without leave of court if required)
Bennett (5/19/2016)
Smith (4/20/2016)

Rule 1.16(d) (taking steps to protect a client's interest as part of termination of representation)
Crosser (12/21/2016)
Jackson (4/21/2016)
Joltin (12/19/2016)
Masek (6/14/2016)
Smith (4/20/2016)
Sweeney (2/11/2016)

Rule 1.16(e) (promptly refunding fee paid in advance that is not earned)
Kendrick (9/1/2016)
Smith (3/10/2016)

Rule 1.18 (using or revealing information learned during discussions with a prospective client)

Rule 1.18(c) (prohibiting a lawyer from representing a client with interests materially adverse to those of a prospective client in the same matter if the lawyer had received information from the prospective client that could be significantly harmful to that person, unless the lawyer obtains informed consent)
Bennett (5/19/2016)

Rule 3.1 (not bringing or defending a proceeding, or asserting or controverting an issue in a proceeding, unless there is a basis in law and fact for doing so that is not frivolous)
Guinn (6/14/2016)

Rule 3.3(a)(1) (knowingly make or fail to correct a false statement of fact to a tribunal)
Barborak (12/19/2016)
Clifton (9/1/2016)
Thomas (4/20/2016)
Vardiman (2/3/2016)

Rule 3.3(a)(3) (knowingly offering false evidence)
Barborak (12/19/2016)
Thomas (4/20/2016)
Vardiman (2/3/2016)

Rule 3.3(d) (ex parte proceeding- requiring lawyer to inform tribunal of all material facts)

Rule 3.4(a) (destroying or concealing a document with evidentiary value)
Azman (6/15/2016)

Rule 3.4(c) (knowingly disobey the rules of a tribunal)
Camboni (2/25/2016)
Robertson (2/25/2016)
Scaccia (6/8/2016)
Smith (4/20/2016)

Rule 3.4(d) (intentionally or habitually failing to make reasonably diligent effort to comply with a legally proper discovery request by opposing party)
Scaccia (6/8/2016)

Rule 3.5(a)(1) (prohibiting a lawyer from seeking to influence a judicial officer, juror, prospective juror, or other official by means prohibited by law)

Rule 3.5(a)(3) (prohibiting a lawyer from communicating ex parte with a judicial officer as to the merits of the case during the proceeding)

Rule 3.5(a)(6) (undignified or discourteous conduct that is degrading to a tribunal)

Rule 4.1 (truthfulness in statements to others)

Rule 4.1(a) (making false statement to third person during representation)

Rule 4.2 (prohibiting a lawyer from communicating about the subject of his representation of a client with a person known to be represented by another lawyer in the matter)
Bennett (5/19/2016)

Rule 4.3 (prohibiting a lawyer from giving legal legal advise to an unrepresented person)
Vardiman (2/3/2016)

Rule 5.1(c)(1) (managing lawyer is responsible for another's violation if managing lawyer orders or ratifies the conduct)

Rule 5.3 (responsibilities regarding nonlawyer assistants)

Rule 5.3(a) (managing lawyer must have measures in effect to assure non-lawyer's conduct is compatible with professional obligations)

Rule 5.3(b) (supervisory lawyer must make reasonable efforts to ensure conduct is compatible with professional obligations)

Rule 5.4(a) (prohibiting lawyer from sharing legal fees with a nonlawyer)
Hoskins (6/28/2016)

Rule 5.4(c) (prohibiting a lawyer from permitting a person pays the lawyer to direct or regulate the lawyers' professional judgment)

Rule 5.5 (unauthorized practice of law; multijurisdictional practice of law)

Rule 5.5(a) (prohibiting a lawyer from practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so)
Ball (3/3/2016)
Hauck (11/22/2016)
Pryatel (3/9/2016)

Rule 5.5(b)(2) (prohibiting a lawyer who is not admitted to practice in this jurisdiction from holding himself out as admitted to practice)

Rule 7.1 (communications concerning a lawyer's services)

Rule 7.2(b) (giving anything of value to a person for recommendation of the lawyer's services)
Hoskins (6/28/2016)

Rule 7.2(b)(3) (the usual charges for a nonprofit or lawyer referral service that complies with Gov. Bar R. XVI)
Hoskins (6/28/2016)

Rule 7.3(c)(3) ("ADVERTISING MATERIAL" OR "ADVERTISEMENT ONLY")

Rule 7.5(a) (practicing under a trade name or a misleading name)

Rule 7.5(d) (stating or implying practice in partnership or other organization)
Cannata and Phillips (5/18/2016)
Hoskins (6/28/2016)

Rule 8.1 (bar admission and disciplinary matters)

Rule 8.1(a) (knowingly making a false statement of material fact in connection with a disciplinary matter)
Azman (6/15/2016)
Ball (3/3/2016)
Hoskins (6/28/2016)
Pryatel (3/9/2016)

Rule 8.1(b) (failing to disclose fact or failing to respond to demand for information from a disciplinary authority)
Bennett (5/19/2016)
Eichenberger (6/14/2016)
Jackson (4/21/2016)
Joltin (12/19/2016)
King (12/21/2016)
Lee (1/14/2016)
Reed (3/8/2016)
Roland (8/31/2016)
Smith (4/20/2016)
Walton (10/27/2016)

Rule 8.2 (judicial officials)

Rule 8.2(a) (false or reckless statements concerning the integrity of a judicial officer)

Rule 8.3(a) (requiring an attorney to report to disciplinary authority violations of the Rules)

Rule 8.4(a) (violating, attempting to violate, knowingly assisting or inducing another to violate the Rules)
Barborak (12/19/2016)

Rule 8.4(b) (committing illegal act that reflects adversely on honesty or trustworthiness)
Ames (11/22/2016)
Ball (3/3/2016)
Glaser (5/19/2016)
Hauck (11/22/2016)
Jackson (4/21/2016)
Mahin (06/14/2016)
Martinez (4/28/2016)
McCord (6/8/2016)
Rosenfield (4/20/2016)
Thomas (4/20/2016)
Snavely (11/22/2016)
Vardiman (2/3/2016)
Warren (10/18/2016)

Rule 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation)
Ames (11/22/2016)
Azman (6/15/2016)
Barborak (12/19/2016)
Brockler (2/25/2016)
Champion (12/8/2016)
Clifton (9/1/2016)
Crosser (12/21/2016)
DiMartino (2/17/2016)
Eichenberger (6/14/2016)
Guinn (6/14/2016)
Hauck (11/22/2016)
Hoskins (6/28/2016)
Jackson (4/21/2016)
Joltin (12/19/2016)
Kendrick (9/1/2016)
Kramer (9/13/2016)
Mahin (06/14/2016)
Martinez (4/28/2016)
Pryatel (3/9/2016)
Roland (8/31/2016)
Roseman (7/26/2016)
Rosenfield (4/20/2016)
Thomas (4/20/2016)
Vardiman (2/3/2016)
Wiest (12/19/2016)
Williams (3/8/2016)

Rule 8.4(d) (conduct prejudicial to the administration of justice)
Ames (11/22/2016)
Azman (6/15/2016)
Ball (3/3/2016)
Barborak (12/19/2016)
Bennett (5/19/2016)
Brockler (2/25/2016)
Corner (2/3/2016)
Eichenberger (6/14/2016)
Elum (12/21/2016)
Frenden (10/6/2016)
Guinn (6/14/2016)
Hanni (3/24/2016)
Hauck (11/22/2016)
Jackson (4/21/2016)
Kendrick (9/1/2016)
Kramer (9/13/2016)
Mahin (06/14/2016)
Martinez (4/28/2016)
Pryatel (3/9/2016)
Robertson (2/25/2016)
Roland (8/31/2016)
Rosenfield (4/20/2016)
Smith (4/20/2016)
Terry (2/25/2016)
Thomas (4/20/2016)

Vardiman (2/3/2016)
Williams (3/8/2016)

Rule 8.4(h) (conduct adversely reflecting on lawyer's fitness to practice)
Ball (3/3/2016)
Barborak (12/19/2016)
Cannata and Phillips (5/18/2016)
Frenden (10/6/2016)
Hillman (3/24/2016)
Jackson (4/21/2016)
Reed (3/8/2016)
Salters (4/13/2016)
Snavely (11/22/2016)
Terry (2/25/2016)
Vardiman (2/3/2016)

Rule 8.5(a) (a lawyer admitted to practice in Ohio is subject to the disciplinary authority of Ohio, regardless of where the conduct occurs)

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

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Disciplinary Rule Violations

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

DR 1-102(A)(3) (engaging in illegal conduct involving moral turpitude)
Lawrence (6/30/2016)
Rosenfield (4/20/2016)

DR 1-102(A)(4) (conduct involving dishonesty, fraud, deceit, or misrepresentation)
Lawrence (6/30/2016)
Rosenfield (4/20/2016)

DR 1-102(A)(5) (conduct prejudicial to the administration of justice)
Rosenfield (4/20/2016)

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

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

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

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

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

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

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

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

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

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

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

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

DR 2-103(C) (requesting a person to promote the use of lawyer's services)

DR 2-106(A) (charging or collecting a clearly excessive or illegal fee)

DR 2-106(B) (fee in excess of reasonable fee)

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

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

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

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

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

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

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

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

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

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

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

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

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

DR 4-101(B)(3) (use a confidence or secret of his client for the advantage of himself or of a third person, unless the client consents after full disclosure)

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

DR 5-101(A)(2) (preparing a will/trust in which the lawyer is named a beneficiary)

DR 5-103(B) (providing financial assistance to client)

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

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

DR 5-105(B) (continuing employment when judgment is likely to be adversely affected by representation of another client)

DR 5-105(C) (representing multiple clients without full disclosure)

DR 6-101 (failing to act competently)

DR 6-101(A)(1) (handling a legal matter not competent to handle)

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

DR 6-101(A)(3) (neglecting an entrusted legal matter)

DR 6-102 (attempt to exonerate self from or limit liability to client for malpractice)
DR 7-101(A)(1) (failing to seek lawful objectives through reasonable means)

DR 7-101(A)(2) (failure to carry out a contract of employment)

DR 7-101(A)(3) (causing prejudice or damage to client)

DR 7-102(A)(1) (taking legal action merely to harass or injure another)

DR 7-102(A)(2) (advancing claim or defense unwarranted under existing law)

DR 7-102(A)(3) (concealing or knowingly failing to disclose what the law requires to be revealed)

DR 7-102(A)(4) (knowingly using perjured testimony or false evidence)

DR 7-102(A)(5) (knowingly making false statements of law or fact)

DR 7-102(A)(6) (knowingly participating in the creation or presentation of false evidence)

DR 7-102(A)(7) (counseling or assisting a client in illegal or fraudulent conduct)

DR 7-102(A)(8) (conduct contrary to a disciplinary rule)

DR 7-103(B) (failing to timely disclose evidence in a criminal trial)

DR 7-105(A) (threatening criminal prosecution to obtain an advantage in a civil matter)

DR 7-106(A) (disregarding ruling of a tribunal)

DR 7-106(B)(7) (intentionally or habitually violating any established rule of procedure)

DR 7-106(C)(1) (making statements unsupported by evidence)

DR 7-106(C)(2) (questions with no reasonable basis to believe are relevant and are intended to degrade a someone)

DR 7-106(C)(4) (asserting personal opinion)

DR 7-106(C)(6) (undignified or discourteous conduct before a tribunal)

DR 7-109(A) (suppressing evidence that attorney or client has a legal obligation to produce)

DR 7-110(B) (communicating as to the merits of a cause with a presiding judge or official on a pending matter)

DR 8-102(B) (making false accusations against a judge or other adjudicatory officers)

DR 9-102 (failing to preserve the identity of a client's funds and property)

DR 9-102(A) (commingling funds)

DR 9-102(A)(2) (failure to maintain a trust account; failure to preserve funds and property)

DR 9-102(B) (failure to identify or keep record of funds)

DR 9-102(B)(1) (failure to promptly notify a client of the receipt of client's funds)

DR 9-102(B)(3) (failure to maintain complete records of all client's property)

DR 9-102(B)(4) (failure to promptly pay or deliver client funds, securities or other property)

DR 9-102(E)(1) (failure to maintain clients' funds in trust account)

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Governing Bar Rule V Violations

Gov. Bar R. I(8)(A) (oath of office)

Gov. Bar R. V(4)(G) (failure to cooperate with disciplinary investigation)

Eichenberger (6/14/2016)
Jackson (4/21/2016)
Lee (1/14/2016)
Reed (3/8/2016)
Smith (4/20/2016)

Gov. Bar R. V(9)(G) (failure to cooperate with disciplinary investigation)

Bennett (5/19/2016)
DiMartino (9/7/2016)
Joltin (12/19/2016)
King (12/21/2016)
Walton (10/27/2016)

Gov. Bar R. V(8)(G)(2) (failure to register a suspended attorney with the Office of Disciplinary Counsel)

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

Gov. Bar R. V(11)(E) (proceedings and documents relating to review and investigation of grievances be private)

Gov. Bar R. VI(1)(D) (an attorney shall keep the Office of Attorney Services apprised of the attorney's current address and phone number)

Gov. Bar R. VI (5)(C)(prohibiting an attorney who has been suspended for a registration violation from practicing law or holding out as authorized to practice law)

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Prior Disciplinary Record

Attorney Registration
Beranek (9/1/2016)
Hauck (11/22/2016)
Hillman (3/24/2016)
McCord (6/8/2016)
Roland (8/31/2016)
Terry (2/25/2016)
Vardiman (2/3/2016)

CLE Suspension

Board Discipline
Bartels (6/14/2016)
DiMartino (2/17/2016)
DiMartino (9/7/2016)
Elum (12/21/2016)
Hanni (3/24/2016)
Hauck (11/22/2016)
Pryatel (3/9/2016)
Reed (3/8/2016)
Scaccia (6/8/2016)
Simon (2/17/2016)

Other
Hoskins (6/28/2016)
Reed (3/8/2016)

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Judges/ Former Judges/ Magistrates
Elum (12/21/2016)
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Public Officials/ Former Public Officials
Brockler (2/25/2016)
Kramer (9/13/2016)

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Criminal Conduct

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