

JUN 20 2012

The Supreme Court of Ohio

Case No. 2011-0284
Case No. 2011-1755CLERK OF COURT
SUPREME COURT OF OHIODisciplinary Counsel,
Relator,

v.

James Jonathan Whitfield,
Respondent.ON CERTIFIED REPORT BY THE
BOARD OF COMMISSIONERS ON
GRIEVANCES AND DISCIPLINE OF
THE SUPREME COURT

ORDER

On May 24, 2010, in *In re: James Jonathan Whitfield*, Case No. 2010-0694, respondent, James Jonathan Whitfield, was suspended on an interim basis pursuant to Gov.Bar R. V(5). Pursuant to this court's order, respondent was required to file with the clerk of this court an affidavit showing compliance with the order, showing proof of service of all notices required by the order, and setting forth the address where respondent would receive communications. Respondent did not file an affidavit of compliance.

On February 17, 2011, the Board of Commissioners on Grievances and Discipline filed a final report in the office of the clerk of this court in Case No. 2011-0284 pursuant to BCGD Proc. Reg. 11(D), in which it accepted the agreement entered into by the relator, Disciplinary Counsel, and respondent. The agreement set forth the misconduct and the agreed, recommended sanction of a one year suspension with six months stayed and with credit for time served under the interim suspension. The board recommended that the agreement be accepted. On March 31, 2011, the court rejected the recommended sanction and remanded this case to board for further proceedings.

The board filed its final report in this court in Case No. 2011-1755 on October 14, 2011, recommending that pursuant to Rule V(6)(B)(3) of the Supreme Court Rules for the Government of the Bar of Ohio respondent be suspended from the practice of law for a period of two years with credit for time served under his interim suspension imposed on May 24, 2010, in Case No. 2010-0694. Respondent filed no objections to said final report. The court, sua sponte, consolidated Case No. 2011-0284 and Case No. 2011-1755 for disposition, and this cause was considered by the court.

On consideration thereof, it is ordered and adjudged by this court that Case No. 2010-0694 is dismissed and, that pursuant to Gov.Bar R. V(6)(B)(3) and consistent with the opinion rendered herein, respondent, James Jonathan Whitfield, Attorney Registration Number 0080720, last known business address in Covington, Kentucky, is suspended from the practice of law for a period of two years with credit for time served under the interim felony suspension imposed on May 24, 2010, conditioned upon: (1) the extension of his Ohio Lawyers Assistance Program contract for two years from the date of this order; and (2) continued compliance with the treatment recommendations of his mental-health professionals.

It is further ordered that respondent immediately cease and desist from the practice of law in any form and is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency or other public authority.

It is further ordered that respondent is hereby forbidden to counsel or advise or prepare legal instruments for others or in any manner perform such services.

It is further ordered that respondent is hereby divested of each, any, and all of the rights, privileges and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio.

It is further ordered that before entering into an employment, contractual, or consulting relationship with any attorney or law firm, respondent shall verify that the attorney or law firm has complied with the registration requirements of Gov.Bar R. V(8)(G)(3). If employed pursuant to Gov.Bar R. V(8)(G), respondent shall refrain from direct client contact except as provided in Gov.Bar R. V(8)(G)(1), and from receiving, disbursing, or otherwise handling any client trust funds or property.

It is further ordered that respondent be taxed the costs of these proceedings in the amount of \$1557.11, which costs shall be payable to this court by cashier's check or money order on or before 90 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 90 days from the date of this order, interest at the rate of 10% per annum shall accrue as of 90 days from the date of this order and the matter may be referred to the Attorney General for collection. It is further ordered that respondent may not apply for reinstatement until costs and all accrued interest, are paid in full.

It is further ordered, sua sponte, by the court, that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F). It is further ordered, sua sponte, by the court that if, after the date of this order, the Clients' Security Fund awards any amount against respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

It is further ordered that, pursuant to Gov.Bar R. X(3)(G), respondent shall complete one credit hour of continuing legal education for each month, or portion of a month, of the suspension. As part of the total credit hours of continuing legal education required by Gov.Bar R. X(3)(G), respondent shall complete one credit hour of instruction related to professional conduct required by Gov.Bar R. X(3)(A)(1), for each six months, or portion of six months, of the suspension.

It is further ordered that respondent shall not be reinstated to the practice of law in Ohio until (1) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar of Ohio; (2) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio; (3) respondent complies with this and all other orders of the court; and (4) this court orders respondent reinstated.

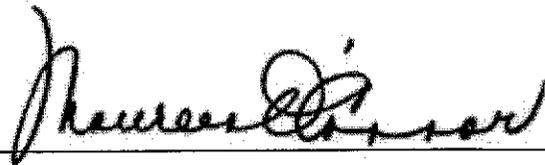
It is further ordered that on or before 30 days from the date of this order, respondent shall:

1. Notify all clients being represented in pending matters and any co-counsel of respondent's suspension and consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in respondent's place;
2. Regardless of any fees or expenses due respondent, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property;
3. Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in the possession or control of respondent;
4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties, of respondent's disqualification to act as an attorney after the effective date of this order, and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files;
5. Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent;
6. File with the clerk of this court and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the respondent may receive communications; and
7. Retain and maintain a record of the various steps taken by respondent pursuant to this order.

It is further ordered that respondent shall keep the clerk and the Disciplinary Counsel advised of any change of address where respondent may receive communications.

It is further ordered, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, to respondent's last known address.

It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.

A handwritten signature in black ink, appearing to read "Maureen O'Connor", written over a horizontal line.

Maureen O'Connor
Chief Justice