

BEFORE THE BOARD OF COMMISSIONERS
ON
GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO

In re: : 13-0231

Complaint against : Case No. 12-059

David Dean Evans : Findings of Fact,
Attorney Reg. No. 0002043 : Conclusions of Law, and
Respondent : Recommendation of the
Ohio State Bar Association : Board of Commissioners on
Relator : Grievances and Discipline of
the Supreme Court of Ohio

FILED
FEB 04 2013
CLERK OF COURT
SUPREME COURT OF OHIO

OVERVIEW

{¶1} This matter was submitted as a fully stipulated case to the hearing panel consisting of Judge Beth Whitmore, David Dingwell, and David E. Tschantz, chair, all of whom are duly qualified members of the Board. None of the panel members resides in the appellate district from which the complaint originated. Respondent appeared by and through his counsel, George D. Jonson and Lisa M. Zaring. Relator appeared by and through its counsel, Eugene P. Whetzel, Edward M. Smith, and Jason M. Dolin.

{¶2} The parties have waived a formal hearing on this matter.

{¶3} Respondent was charged in the complaint with the following violations: Jud. Cond. R. 2.11 [disqualification]; Gov. Bar R. V, Section 11(E) [proceedings and documents relating to review and investigation of grievances shall be private]; and Jud. Cond. R. 1.2 [promoting confidence in the judiciary].

{¶7} Respondent stipulated, and the panel finds, that he violated Jud. Cond. R. 2.11 and Gov. Bar R. V, Section 11(E).

{¶8} The parties have stipulated that the alleged violation of Jud. Cond. R. 1.2 should be dismissed and the panel so recommends.

{¶9} The parties have stipulated that one aggravating factor and multiple mitigating factors are present.

{¶10} The parties have agreed that a sanction of a six-month suspension, all stayed, is appropriate. The panel unanimously agrees and recommends that the Board recommend imposition of this sanction to the Supreme Court of Ohio.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

{¶11} The findings of fact are contained in the stipulations filed with the Board.

{¶12} The stipulations of violations of Jud. Cond. R. 2.11 and Gov. Bar R. V, Section 11(E), and the stipulated dismissal of a violation of Jud. Cond. R. 1.2, are contained in the stipulations filed with the Board.

{¶13} The panel finds, by clear and convincing evidence based on the findings of fact, that Respondent violated Jud. Cond. R. 2.11 and Gov. Bar R. V, Section 11(E), and recommends dismissal of the alleged violation of Jud. Cond. R. 1.2.

MITIGATION, AGGRAVATION, AND SANCTION

{¶14} With regard to the factors in aggravation that may be considered in favor of more severe sanctions for professional misconduct listed in BCGD Proc. Reg. 10(B)(1), the panel finds by clear and convincing evidence, based on the language contained in the stipulations, that Respondent engaged in the aggravating factor of multiple offenses when he

filed his statement concerning his inquiry about Attorney Bright to the Office of Disciplinary Counsel in 63 cases then pending before the court.

{¶15} With regard to the factors in mitigation that may be considered in favor of less severe sanctions for professional misconduct listed in BCGD Proc. Reg. 10(B)(2), the panel finds by clear and convincing evidence, based on the stipulations, that the mitigating factors of no prior disciplinary record, lack of selfish or dishonest motive, full and free disclosure, cooperative attitude, and Respondent's good character and excellent reputation in his community are present in this matter.

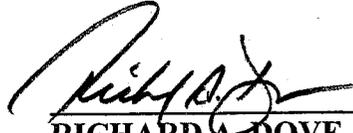
{¶17} The panel reviewed the parties' jointly recommended sanction in light of the findings of fact, conclusions of law, factors in mitigation and aggravation, and precedent established by the Supreme Court of Ohio.

{¶18} The panel unanimously recommends acceptance by the Board of the agreed sanction of a suspension of Respondent for six months from the practice of law, with the entire suspension stayed on the condition that he commits no further misconduct.

BOARD RECOMMENDATION

Pursuant to Gov. Bar R. V, Section 6, the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio considered this matter on February 1, 2013. The Board adopted the Findings of Fact, Conclusions of Law, and Recommendation of the panel and recommends that Respondent, David Dean Evans, be suspended from the practice of law for six months, with the entire suspension stayed on the condition that he commit no further misconduct. The Board further recommends that the costs of these proceedings be taxed to Respondent in any disciplinary order entered, so that execution may issue.

**Pursuant to the order of the Board of Commissioners on
Grievances and Discipline of the Supreme Court of Ohio,
I hereby certify the foregoing Findings of Fact, Conclusions
of Law, and Recommendation as those of the Board.**



RICHARD A. DOVE, Secretary