

OPINIONS OF THE SUPREME COURT OF OHIO

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Cleveland Bar Association v. Jones.

[Cite as Cleveland Bar Assn. v. Jones (1993), Ohio St.3d .

Attorneys at law -- Misconduct -- Suspended one-year suspension with conditions -- Neglecting an entrusted legal matter -- Failing to carry out contract for professional services. (No. 93-1773 -- Submitted October 12, 1993 -- Decided December 29, 1993.)

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court, No. 92-65.

In a complaint filed December 7, 1992, relator, Cleveland Bar Association, charged respondent, Willie K. Jones of Cleveland, Attorney Registration No. 0031440, with two counts each of having violated DR 6-101(A)(3) (neglecting an entrusted legal matter) and 7-101(A)(2) (failing to carry out contract for professional services). Respondent failed to answer, and relator moved for default in accordance with former Gov.Bar R. V(13)(B) (now V[6][F]). A panel of the Board of Commissioners on Grievances and Discipline of the Supreme Court ("board") granted the motion, but also conducted a hearing to consider the degree of discipline to impose. Respondent appeared at that proceeding.

Evidence submitted in support of the motion for default and at the hearing established that Henry L. Talbert had retained respondent to evict a tenant in August 1989. Respondent quoted a fee of \$100 plus court costs, and Talbert paid \$35 specifically for the filing of a three-day notice of eviction with the Housing Division of the Cleveland Municipal Court. Respondent never filed the notice or performed any other service for Talbert.

Evidence also established that Carolyn D. Little retained respondent in May 1989 to represent her in a consumer dispute over an automobile and to defend her against efforts to repossess the car. Respondent quoted a fee of \$800, and Little paid respondent \$400, with the remaining \$400 to be paid upon resolution of these matters. Little attempted to contact respondent during the next two months without success. In August 1989, respondent represented that he would file a

complaint for the consumer dispute, but he never did. Thereafter, a complaint was filed against Little by the bank that had loaned her the money to buy the car. Respondent failed to answer this complaint, and a default judgment was entered against Little. Little asked respondent twice to refund the \$400 she had paid him, but respondent refused to repay more than \$300.

Based on the foregoing, the panel found that respondent had violated the Disciplinary Rules as charged in both counts of the complaint. Respondent, a forty-four-year-old sole-practitioner whose sight impairment apparently prevents him from reading without someone's assistance, offered little evidence to explain his misconduct. Respondent also seemed to have no appreciation for the seriousness of the disciplinary proceedings or the panel's findings.

The panel recommended that respondent be suspended from the practice of law for one year, but that this period be suspended on the following conditions:

"1. Respondent [shall] actively seek and establish a relationship with an attorney, or in an office where other attorneys are practicing (private or government), where he will receive counsel[ing], monitoring, and advice; this is to be accomplished within three months of the date of the suspension.

"2. The Cleveland Bar Association [shall] appoint a monitor forthwith to oversee the proposed change in the method by which the Respondent practices law.

"3. [If], [a]t the end of the three month[] period[,] an association as contemplated above has not been established to the satisfaction of the monitor, the balance of the suspension from the practice of law * * * will be imposed."

The board adopted the panel's findings and its recommendation.

Richard R. Endress, Paul C. Morrision and James F. Sexton,
for relator.

Willie K. Jones, pro se.

Per Curiam. We agree with and adopt the board's findings and recommendation. Respondent is ordered suspended from the practice of law in Ohio for one year, but the suspension period is suspended on the above conditions set forth by the board. Costs taxed to respondent.

Judgment accordingly.

Moyer, C.J., A.W. Sweeney, Douglas, Wright and Resnick,
JJ., concur.

F.E. Sweeney, J., dissents and would suspend respondent for one year without probation.

Pfeifer, J., dissents and would publicly reprimand respondent.