

1 Office of Disciplinary Counsel v. Pansiera.

2 [Cite as *Disciplinary Counsel v. Pansiera* (1996)_____Ohio St.3d_____.]

3 *Attorneys at law -- Misconduct -- Indefinite suspension -- Conviction*
4 *of corrupting a minor.*

5 (No. 96-921 -- Submitted October 8, 1996 -- Decided February 19,

6 1997.)

7 ON CERTIFIED REPORT by the Board of Commissioners on Grievances

8 and Discipline of the Supreme Court, No. 95-36.

9 On April 10, 1995, the Office of Disciplinary Counsel of the

10 Supreme Court of Ohio, relator, filed a complaint charging Terry Alan

11 Pansiera of Hamilton County, Ohio, Attorney Registration No. 0017819,

12 respondent, with a violation of DR 1-102(A)(3) (engaging in illegal

13 conduct involving moral turpitude) and 1-102(A)(6) (engaging in conduct

14 that adversely reflects on his fitness to practice law). The charges were

15 based on respondent's conviction in common pleas court after a plea of

16 "guilty" to seven counts of corrupting a minor in violation of R.C. 2907.04.

17 On several occasions in 1993 and 1994, respondent "*** engage[d] in

18 sexual conduct with another, who is not the spouse of the offender, when

1 the offender knows such other person is thirteen years of age or older but
2 less than sixteen years of age, or the offender is reckless in that regard.”
3 R.C. 2907.04, 143 Ohio Laws, Part II, 2049, 2053. The acts of sexual
4 conduct forming the basis of respondent’s conviction normally occurred in
5 connection with meetings or activities of Alcoholics Anonymous, where
6 respondent became a friend of the child-victim. On February 8, 1995,
7 respondent was sentenced to two years in prison, and on March 8, 1995,
8 pursuant to Gov.Bar R. V(5)(A)(2) and (3), we suspended respondent from
9 the practice of law for an indefinite period. *In re Pansiera* (1995), 71 Ohio
10 St.3d 1489, 646 N.E. 2d 465.

11 After respondent filed an answer and waived a hearing on this matter,
12 both relator and respondent filed briefs recommending appropriate
13 sanctions. A panel of the Board of Commissioners on Grievances and
14 Discipline of the Supreme Court (“board”) found that respondent had
15 violated DR 1-102(A)(3) and 1-102(A)(6) and recommended that
16 respondent be indefinitely suspended from the practice of law. The board
17 adopted the panel’s findings, conclusions, and recommendation.

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1 *Geoffrey Stern*, Disciplinary Counsel, and *Sally Ann Steuk*, Assistant
2 Disciplinary Counsel, for relator.

3 *Terry Alan Pansiera*, *pro se*.

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5 *Per Curiam*. In *Disciplinary Counsel v. McCrae* (1996), 75 Ohio

6 St.3d 511, 664 N.E.2d 523, we considered an attorney’s conviction for

7 conduct not directly relating to the practice of law and pointed out that the

8 Ethical Considerations adopted as a part of our Code of Professional

9 Responsibility state that a lawyer “should refrain from all illegal and

10 morally reprehensible conduct. Because of his position in society, even

11 minor violations of law by a lawyer may tend to lessen public confidence in

12 the legal profession.” EC 1-5.

13 While respondent in this case had no lawyer-client relationship with

14 the child-victim, by virtue of his seniority, his status as a professional

15 person, and his friendship with the child-victim in a substance-abuse

16 rehabilitative program, respondent was in a position of dominance and the

17 child-victim was in a position of vulnerability. Respondent had a moral

1 duty, a legal duty, and a duty as a representative of his profession not to
2 exploit that situation .

3 In *Disciplinary Counsel v. Randall* (1989), 43 Ohio St.3d 149, 539
4 N.E.2d 160, a case involving a conviction of an attorney for gross sexual
5 imposition, we found that indefinite suspension was an appropriate
6 sanction. Adopting the findings and recommendation of the board, we so
7 find in this case. Respondent is indefinitely suspended from the practice of
8 law in Ohio. Costs taxed to respondent.

9 *Judgment accordingly*

10 MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK
11 and LUNDBERG STRATTON, JJ., concur.

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