

DISCIPLINARY COUNSEL v. SMITH.

[Cite as *Disciplinary Counsel v. Smith*, 138 Ohio St.3d 1301, 2014-Ohio-1250.]

Attorneys at law—Reciprocal discipline from the Indiana Supreme Court—

Ninety-day suspension, stayed on condition—Gov.Bar R. V(11)(F)(4).

(No. 2014-0116—Submitted March 26, 2014—Decided March 31, 2014.)

ON CERTIFIED ORDER of the Indiana Supreme Court, No. 49S00-1309-DI-592.

{¶ 1} This cause is pending before the Supreme Court of Ohio in accordance with the reciprocal-discipline provisions of Gov.Bar R. V(11)(F).

{¶ 2} On January 23, 2014, relator, disciplinary counsel, filed with this court a certified copy of an order of the Indiana Supreme Court entered October 28, 2013, in *In re Smith*, case No. 49S00-1309-DI-592, suspending respondent from the practice of law for a period of 90 days, all stayed subject to his completion of at least 24 months of probation with monitoring by the Indiana Judges and Lawyers Assistance Program (“JLAP”). On January 28, 2014, this court ordered respondent to show cause why identical or comparable discipline should not be imposed in this state. Respondent filed a response to the show-cause order.

{¶ 3} On consideration thereof, it is ordered and adjudged by this court that, pursuant to Gov.Bar R. V(11)(F)(4), respondent, Jess Monroe Smith III, Attorney Registration No. 0061328, last known business address in Indianapolis, Indiana, is suspended from the practice of law for a period of 90 days, with the entire suspension stayed on the condition that respondent serve a 24-month period of monitored probation. It is further ordered that respondent’s monitored probation will be satisfied by respondent’s compliance with the monitored probation imposed by the state of Indiana. Respondent’s probation will not be

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terminated until such time as respondent's probation has been terminated in the state of Indiana. Respondent is ordered to notify the court when the probation imposed by Indiana has been terminated. It is further ordered that if respondent violates the stay of the suspension, the stay shall be lifted, and respondent shall serve the entire 90-day suspension.

{¶ 4} 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 that award.

{¶ 5} It is further ordered that respondent may not apply for termination of probation in Ohio until (1) respondent complies with the requirements for termination of probation 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 files evidence with the clerk of this court and disciplinary counsel demonstrating his termination of probation in Indiana, (4) respondent complies with this and all other orders issued by this court, and (5) this court orders the probation of respondent terminated.

{¶ 6} It is further ordered that until such time as respondent fully complies with this order, respondent shall keep the clerk and disciplinary counsel advised of any change of address where respondent may receive communications.

{¶ 7} It is further ordered, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

{¶ 8} 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, by certified mail to the most recent address respondent has given to the Office of Attorney Services.

{¶ 9} 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.

O'CONNOR, C.J., and PFEIFER, O'DONNELL, LANZINGER, KENNEDY, FRENCH, and O'NEILL, JJ., concur.
