

SUPREME COURT OF OHIO

Disciplinary Counsel v. Zigan

118 Ohio St. 3d 180 (2008) · Decided May 1, 2008

SUMMARY

The Ohio Supreme Court reviewed disciplinary charges against attorney Steven Earl Zigan involving conversion of employer and client funds, forged documents, neglect of client matters, and failure to cooperate with the investigation. The court adopted the findings of misconduct and permanently disbarred Zigan, taxing costs to him.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Moyer, C.J.; Pfeifer; Lundberg Stratton; O'Connor; O'Donnell; Lanzinger; Cupp
JURISDICTION	Ohio
DECIDED	May 1, 2008
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding initiated by disciplinary counsel and reviewed by the Supreme Court of Ohio after the Board of Commissioners on Grievances and Discipline recommended permanent disbarment. Respondent did not object to the board's findings or recommendation.
PRECEDENTIAL VALUE	published precedential opinion

TOPICS

administrative law agency adjudication judicial review of agency action

PRACTICE AREAS

legal ethics attorney discipline professional responsibility

QUESTIONS PRESENTED

- Whether respondent committed the ethical violations found by the Board of Commissioners on Grievances and Discipline.

2. Whether permanent disbarment was the appropriate sanction for respondent's repeated conversion of funds, dishonesty, neglect and abandonment of client matters, and failure to cooperate with the disciplinary investigation.

HOLDINGS

1. The court adopted the board's findings and held that respondent violated DR 1-102(A)(4), DR 1-102(A)(5), DR 1-102(A)(6), DR 6-101(A)(3), DR 7-101(A)(1), DR 7-101(A)(2), DR 9-102(A), DR 9-102(B)(4), and Gov.Bar R. V(4)(G) in the counts specified by the court.
2. Permanent disbarment was the appropriate sanction for respondent's repeated conversion of funds, failure to perform legal work, deception, abandonment of client matters, failure to cooperate with the disciplinary process, and prior disciplinary record.

KEY QUOTATIONS

“In light of the evidence and respondent’s lack of credibility, we adopt all of the board’s findings of misconduct.” (¶ 22)

“We agree that permanent disbarment is the appropriate sanction.” (¶ 25)

“Respondent is hereby permanently disbarred from the practice of law in Ohio.” (¶ 26)

FACTUAL BACKGROUND

Steven Earl Zigan accepted retainers and fees from several clients but failed to perform promised legal services, failed to return unearned fees, and used client or employer funds for his own purposes. He deposited checks belonging to his law firm into his personal account, retained property tendered as payment, failed to account for settlement proceeds, and used forged or false documents to conceal his conduct. He also failed to provide a handwriting sample requested during the disciplinary investigation and had previously been suspended for failing to comply with attorney-registration requirements.

PROCEDURAL HISTORY

The Board of Commissioners on Grievances and Discipline found that respondent committed multiple violations involving conversion of employer and client funds, dishonesty, neglect, abandonment of client matters, commingling, and failure to cooperate with the disciplinary investigation. The board recommended permanent disbarment. The Supreme Court of Ohio adopted the board's findings and imposed permanent disbarment.

DISPOSITION

other

CASES CITED

- Stark Cty. Bar Assn. v. Ake, 111 Ohio St. 3d 266, 2006-Ohio-5704, 855 N.E.2d 1206, ¶ 44
- Columbus Bar Assn. v. Moushey, 104 Ohio St. 3d 427, 2004-Ohio-6897, 819 N.E.2d 1112, ¶ 16

- Cincinnati Bar Assn. v. Weaver, 102 Ohio St. 3d 264, 2004-Ohio-2683, 809 N.E.2d 1113, ¶ 15
- Medina Cty. Bar Assn. v. Wootton, 110 Ohio St. 3d 179, 2006-Ohio-4094, 852 N.E.2d 175, ¶ 10

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