

SUPREME COURT OF OHIO

Disciplinary Counsel v. Taubman

136 Ohio St. 3d 312, 2013-Ohio-3704 (2013) · No. 2012-1715 · Decided September 3, 2013

SUMMARY

The Supreme Court of Ohio adopted a consent-to-discipline agreement involving an attorney who negligently withdrew settlement proceeds held in a client guardianship account for personal use. The court found violations of Ohio Professional Conduct Rules 1.15(a) and 8.4(h). It imposed a six-month suspension, stayed in full on the condition that the attorney commit no further misconduct.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Maureen O'Connor, C.J.; Paul E. Pfeifer, J.; Terrence O'Donnell, J.; Evelyn Lundberg Stratton, J.; Lanzinger, J.; Judith L. French, J.; William M. O'Neill, J.
JURISDICTION	Ohio
DECIDED	September 3, 2013
DOCKET	2012-1715
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding on a certified report from the Board of Commissioners on Grievances and Discipline based on the parties' consent-to-discipline agreement.
PRECEDENTIAL VALUE	Published Ohio Supreme Court disciplinary decision; precedential as to the court's adjudication and sanction of the stipulated misconduct.

TOPICS

guardianships

guardianship accounting

remedies

PRACTICE AREAS

legal ethics and professional responsibility

attorney discipline

guardianships

trust accounts

QUESTIONS PRESENTED

1. Whether Taubman's negligent withdrawal of settlement proceeds held in a client guardianship account violated Prof.Cond.R. 1.15(a) and 8.4(h).

2. Whether the parties' consent-to-discipline agreement imposing a six-month suspension stayed in its entirety on the condition of no further misconduct should be adopted.

HOLDINGS

1. Taubman's negligent withdrawal of settlement proceeds held in a client guardianship account for his personal use violated Prof.Cond.R. 1.15(a) and 8.4(h).
2. A six-month suspension from the practice of law, stayed in its entirety on the condition that Taubman commit no further misconduct, is the appropriate sanction.

KEY QUOTATIONS

"We agree that Taubman violated Prof.Cond.R. 1.15(a) and 8.4(h) and, as stated in the parties' agreement and as indicated by the cited precedent, that this conduct warrants a stayed six-month suspension." (¶ 5)

"Accordingly, Taubman is hereby suspended from the practice of law in Ohio for six months, with the entire suspension stayed on the condition that he commit no further misconduct." (¶ 6)

FACTUAL BACKGROUND

Taubman negligently withdrew settlement proceeds held in a client guardianship account for his personal use. He stipulated that the conduct violated Ohio Rules of Professional Conduct 1.15(a) and 8.4(h). The parties stipulated that there were no aggravating factors and identified several mitigating factors, including Taubman's lack of a prior disciplinary record, cooperation, disclosure, good character, and effort to rectify the misconduct.

PROCEDURAL HISTORY

Disciplinary counsel charged Taubman with professional misconduct after he negligently withdrew settlement proceeds held in a client guardianship account for personal use. The parties stipulated to the facts, violations, mitigating factors, and a six-month suspension stayed on conditions. The Supreme Court initially remanded the matter because Taubman's affidavit did not comply with the applicable procedural rule; after a supplemental affidavit, the board again recommended adoption of the agreement, which the court accepted.

DISPOSITION

other

CASES CITED

- Disciplinary Counsel v. Vivyan, 125 Ohio St. 3d 12, 2010-Ohio-650, 925 N.E.2d 947