

SUPREME COURT OF OHIO

Akron Bar Ass'n v. Mudrick

93 Ohio St. 3d 621 (Ohio 2001) · Decided November 21, 2001

SUMMARY

The Ohio Supreme Court reviewed disciplinary violations arising from an attorney's neglect of an estate, failure to administer a tuition trust properly, and failure to cooperate with the disciplinary investigation. The court indefinitely suspended the attorney, retroactive to January 25, 2001, conditioned reinstatement on specified restitution payments with interest, and taxed costs to the respondent.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Moyer, C.J.; Douglas, J.; Resnick, J.; F.E. Sweeney, J.; Pfeifer, J.; Cook, J.; Lundberg Stratton, J.
JURISDICTION	Ohio
DECIDED	November 21, 2001
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney-discipline proceeding initiated by the Akron Bar Association against respondent attorney Robert S. Mudrick.
STANDARD OF REVIEW	The Supreme Court of Ohio reviewed the disciplinary record and adopted the board's findings, conclusions, and recommendations.
PRECEDENTIAL VALUE	Published Ohio Supreme Court disciplinary decision
PARTIES	Akron Bar Association v. Robert S. Mudrick

TOPICS

[estate administration](#)[trust administration](#)[trustee duties](#)[breach of trust](#)[probate](#)

PRACTICE AREAS

[legal ethics](#)[attorney discipline](#)[probate](#)[trust administration](#)

QUESTIONS PRESENTED

1. Whether respondent violated the cited Code of Professional Responsibility provisions and Gov.Bar R. V(4)(G) through neglect of the Palmer estate, failure to carry out professional obligations, prejudice to clients and beneficiaries, failure to maintain and render accounts, improper withdrawal, conduct prejudicial to the administration of justice, and failure to cooperate with the disciplinary investigation.
2. What sanction was appropriate for the proven disciplinary violations.

HOLDINGS

1. The court adopted the board's findings that respondent violated DR 6-101(A)(3), DR 7-101(A)(1), DR 7-101(A)(2), DR 7-101(A)(3), DR 9-102(B)(3), DR 1-102(A)(5), DR 2-110(A)(2), Gov.Bar R. V(4)(G), and DR 1-102(A)(6).
2. Respondent was indefinitely suspended from the practice of law in Ohio, retroactive to January 25, 2001, with any possible reinstatement conditioned on restitution of \$11,869.12 to the Palmer estate and \$8,005 to the Wirz trust, plus interest at the judgment rate from January 25, 2001.

KEY QUOTATIONS

“Respondent is hereby indefinitely suspended from the practice of law in Ohio with the indefinite suspension retroactive to January 25, 2001.” (623)

“A condition of any possible reinstatement is the payment of restitution of \$11,869.12 to the Palmer estate and \$8,005 to the Wirz trust, with interest at the judgment rate from January 25, 2001.” (623)

FACTUAL BACKGROUND

Robert S. Mudrick represented Richard C. Westfall as executor of the estate of Lewis T. Palmer but allowed the estate to remain open for nearly nine years despite repeated probate-court warnings, citations, and a fine. He failed to file an Ohio estate tax return and, after termination, failed to deliver the estate files and records to successor counsel, substantially delaying administration and prejudicing beneficiaries. Mudrick also served as trustee of the Wirz tuition trust, failed to respond to beneficiaries' requests for an accounting, and did not fully cooperate with the bar's investigation.

PROCEDURAL HISTORY

The Akron Bar Association filed a three-count disciplinary complaint. After a hearing, a panel of the Board of Commissioners on Grievances and Discipline found multiple violations based on respondent's stipulations, testimony, and exhibits, and recommended indefinite suspension with restitution. The board adopted the panel's findings and recommendations, and the Supreme Court of Ohio adopted them as well.

DISPOSITION

other

CASES CITED

- In re Mudrick (2001), 91 Ohio St.3d 1422, 741 N.E.2d 147

