

SUPREME COURT OF OHIO

Disciplinary Counsel v. Thompson

139 Ohio St. 3d 452, 2014-Ohio-2482 (2014) · No. 2013-1262 · Decided June 12, 2014

SUMMARY

The Supreme Court of Ohio suspended Harold Lee Thompson from practicing law for two years, with the final 18 months stayed subject to monitored probation and no further misconduct. The court found that Thompson improperly used his client trust account for personal and business expenses, failed to timely withdraw earned fees, and misappropriated client funds.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Maureen O'Connor, Chief Justice; Paul E. Pfeifer, Justice; Terrence O'Donnell, Justice; Evelyn Lundberg Stratton Lanzinger, Justice; Judith L. French, Justice
JURISDICTION	Ohio
DECIDED	June 12, 2014
DOCKET	2013-1262
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding arising from a certified report of the Board of Commissioners on Grievances and Discipline concerning stipulated misconduct and a recommended sanction.
STANDARD OF REVIEW	The Supreme Court of Ohio independently reviewed the record and adopted the board's findings of fact and conclusions of law.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Ohio
PARTIES	Disciplinary Counsel v. Harold Lee Thompson

TOPICS

trust administration trustee duties breach of trust trusts

PRACTICE AREAS

legal ethics attorney discipline trust-account management

QUESTIONS PRESENTED

1. Whether Thompson violated the Ohio Rules of Professional Conduct by using a client trust account for personal and business expenses.
2. Whether Thompson violated the Ohio Rules of Professional Conduct by failing to timely withdraw earned fees and maintain required trust-account records.
3. Whether Thompson violated the Ohio Rules of Professional Conduct by misappropriating client funds.
4. What sanction was appropriate in light of Thompson's misconduct and the aggravating and mitigating factors.

HOLDINGS

1. Thompson violated Prof.Cond.R. 1.15(a) by failing to keep client property separate from his own property and violated Prof.Cond.R. 8.4(h) by engaging in conduct adversely reflecting on his fitness to practice law.
2. Thompson violated Prof.Cond.R. 1.15(a), 1.15(a)(2), 1.15(a)(3), and 8.4(h) by failing to promptly withdraw earned fees, commingling personal and client funds, and failing to maintain required accounting records.
3. Thompson violated Prof.Cond.R. 8.4(b), 8.4(c), 8.4(d), and 8.4(h) by allowing the client trust-account balance to fall below funds owed to A.G. and thereby misappropriating at least \$22,443.53.
4. A two-year suspension from the practice of law, with the final 18 months stayed subject to 18 months of monitored probation and no further misconduct, was the appropriate sanction.

KEY QUOTATIONS

“Having considered Thompson’s misconduct, the aggravating and mitigating factors present, and the sanctions we have imposed for comparable misconduct, we agree that a two-year suspension with 18 months stayed on conditions, including an 18-month period of monitored probation, is the appropriate sanction in this case.” (¶ 18)

“Accordingly, Harold Lee Thompson is suspended from the practice of law in Ohio for two years. The last 18 months of that suspension, however, will be stayed on the conditions that upon reinstatement to the practice of law, he serve an 18-month period of monitored probation in accordance with Gov.Bar R. V(9) and engage in no further misconduct.” (¶ 19)

FACTUAL BACKGROUND

From December 2010 through April 2012, Thompson used his client trust account for personal and law-office expenses, issued numerous checks to himself, and deposited personal funds into the account. In eight contingency-fee matters, he failed to promptly withdraw earned fees and failed to maintain adequate accounting records, resulting in commingling and overdrafts. In one matter, the account balance fell below funds owed to client A.G., resulting in stipulated misappropriation of at least \$22,443.53 before Thompson restored and distributed the \$29,000 owed to A.G. Thompson had previously been publicly reprimanded for similar trust-account misconduct.

PROCEDURAL HISTORY

Disciplinary counsel filed a three-count complaint alleging that Thompson misused his client trust account, failed to timely withdraw earned fees, and misappropriated client funds. The parties stipulated to facts, misconduct, aggravating and mitigating factors, and a proposed sanction. A panel made findings and recommended adoption of the stipulated sanction, and the board adopted the panel's report in its entirety. The Supreme Court of Ohio reviewed the record, adopted the findings and conclusions, and imposed a two-year suspension with the final 18 months stayed subject to monitored probation and no further misconduct.

DISPOSITION

other

CASES CITED

- Columbus Bar Assn. v. Thompson, 69 Ohio St. 2d 667, 433 N.E.2d 602 (1982)
- Stark Cty. Bar Assn. v. Buttacavoli, 96 Ohio St. 3d 424, 2002-Ohio-4743, 775 N.E.2d 818, ¶ 16
- Disciplinary Counsel v. Broeren, 115 Ohio St. 3d 473, 2007-Ohio-5251, 875 N.E.2d 935, ¶ 21
- Disciplinary Counsel v. Riek, 125 Ohio St. 3d 46, 2010-Ohio-1556, 925 N.E.2d 980

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