

# SUPREME COURT OF OHIO

## Disciplinary Counsel v. Kraemer

126 Ohio St. 3d 1238, 2010-Ohio-4679 (Ohio 2010) · No. 2009-2336 · Decided September 2, 2010

### SUMMARY

The Supreme Court of Ohio reinstated Bradley M. Kraemer to the practice of law after finding substantial compliance with a prior suspension order and applicable bar rules. Reinstatement was conditioned on continued mental health counseling and two years of monitored probation, with the remaining suspension to be served if the conditions were violated.

### CASE DETAILS

|                       |                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Ohio                                                                                                                 |
| WRITING FOR THE COURT | Chief Justice Brown; Justice Pfeifer; Justice Lundberg Stratton; Justice O'Connor; Justice O'Donnell; Justice Lanzinger; Justice Cupp |
| JURISDICTION          | Ohio                                                                                                                                  |
| DECIDED               | September 2, 2010                                                                                                                     |
| DOCKET                | 2009-2336                                                                                                                             |
| DISPOSITION           | other                                                                                                                                 |
| PROCEDURAL POSTURE    | Application for reinstatement to the practice of law following a disciplinary suspension.                                             |
| PRECEDENTIAL VALUE    | Published opinion of the Supreme Court of Ohio; precedential value not otherwise specified in the opinion.                            |

### TOPICS

administrative law

### PRACTICE AREAS

legal ethics

attorney discipline

bar reinstatement

### QUESTIONS PRESENTED

- Whether Kraemer had substantially complied with the prior suspension order and applicable bar rules so as to warrant reinstatement.
- What conditions should govern Kraemer's reinstatement and probation.

## HOLDINGS

1. Because Kraemer substantially complied with the prior suspension order and the applicable bar rule, he was reinstated to the practice of law in Ohio.
2. Reinstatement was conditioned on continued participation in mental-health counseling and completion of a two-year period of probation monitored by relator; failure to satisfy the conditions would lift the stay and require service of the remaining one-year suspension.

## KEY QUOTATIONS

*“It is ordered by this court that respondent is reinstated to the practice of law in the state of Ohio upon the conditions that he continue to participate in mental health counseling and complete a two-year period of probation monitored by relator.” (¶ 3)*

*“It is further ordered that respondent's probation shall not be terminated until (1) respondent files an application for termination of probation in compliance with Gov.Bar R. V(9)(D), (2) respondent complies with this and all other orders issued by this court, (3) respondent complies with the Rules for the Government of the Bar of Ohio, (4) relator files with the Clerk of this court a report indicating that respondent has complied with the terms of the probation, and (5) this court orders that the probation be terminated.” (¶ 5)*

## FACTUAL BACKGROUND

Bradley M. Kraemer was subject to a two-year suspension from the practice of law, with one year stayed and credit for one year of interim suspension. He applied for reinstatement, and the court found that he had substantially complied with the prior suspension order and the applicable provisions of the Rules for the Government of the Bar of Ohio.

## PROCEDURAL HISTORY

The Supreme Court of Ohio had previously suspended respondent Bradley M. Kraemer for two years, with one year stayed, and credited him with one year of interim suspension. Upon Kraemer's application for reinstatement, the court found substantial compliance with its prior order and the applicable bar rule, and ordered reinstatement subject to counseling and probation conditions.

## DISPOSITION

other

## CASES CITED

- Disciplinary Counsel v. Kraemer, 126 Ohio St. 3d 163, 2010-Ohio-3300, 931 N.E.2d 571

## OPINION

PER CURIAM.

[Cite as Disciplinary Counsel v. Kraemer, 126 Ohio St. 3d 1238, 2010-Ohio-4679.] DISCIPLINARY COUNSEL v. KRAEMER. [Cite as Disciplinary Counsel v. Kraemer, 126 Ohio St. 3d 1238, 2010-Ohio-4679.] (No. 2009-2336 — Submitted August 26, 2010 — Decided September 2, 2010.) ON APPLICATION FOR REINSTATEMENT. \_\_\_\_\_ {¶ 1} This cause came on for further consideration upon the filing of an application for reinstatement by respondent, Bradley M. Kraemer, Attorney Registration No. 0070329, last known business address in Hamilton, Ohio. {¶ 2} The court coming now to consider its order of July 21, 2010, wherein the court, pursuant to Gov.Bar R. V(6)(B)(3), suspended respondent for a period of two years with one year stayed and with credit for one year of respondent's interim suspension, finds that respondent has substantially complied with that order and with the provisions of Gov.Bar R. V(10)(A).

Therefore, {¶ 3} It is ordered by this court that respondent is reinstated to the practice of law in the state of Ohio upon the conditions that he continue to participate in mental health counseling and complete a two-year period of probation monitored by relator. If respondent fails to meet these conditions, the stay will be lifted, and he will serve the remaining one year as an actual suspension from the practice of law. {¶ 4} It is further ordered that on or before 30 days from the date of this order, relator shall file with the Clerk of this court the name of the attorney who will serve as respondent's monitor, in accordance with Gov.Bar R. V(9).

It is further ordered that at the end of respondent's probationary period, relator shall file with the Clerk of this court a report indicating whether respondent complied with the terms of the probation. SUPREME COURT OF OHIO {¶ 5} It is further ordered that at the end of the probationary period respondent may apply for termination of probation as provided in Gov.Bar R. V(9).

It is further ordered that respondent's probation shall not be terminated until (1) respondent files an application for termination of probation in compliance with Gov.Bar R. V(9)(D), (2) respondent complies with this and all other orders issued by this court, (3) respondent complies with the Rules for the Government of the Bar of Ohio, (4) relator files with the Clerk of this court a report indicating that respondent has complied with the terms of the probation, and (5) this court orders that the probation be terminated. {¶ 6} 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. {¶ 7} For earlier case, see Disciplinary Counsel v. Kraemer, 126 Ohio St.3d 163, 2010-Ohio-3300, 931 N.E.2d 571.

BROWN, C.J., and PFEIFER, LUNDBERG STRATTON, O'CONNOR, O'DONNELL, LANZINGER, and CUPP, JJ., concur. \_\_\_\_\_ 2