

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