

## SUPREME COURT OF OHIO

### Warren Cty. Bar Assn. v. Moorman

2020 Ohio 2696 (Ohio 2020) · No. 2020-0461 · Decided April 29, 2020

#### SUMMARY

The Supreme Court of Ohio entered an interim default suspension against Gabriel Phillip Moorman after he failed to answer a formal disciplinary complaint. The order imposed practice restrictions, continuing-legal-education requirements, client-notification duties, and conditions for reinstatement.

#### CASE DETAILS

|                       |                                                                                             |
|-----------------------|---------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Ohio                                                                       |
| WRITING FOR THE COURT | O'Connor, C.J.; Kennedy, J.; French, J.; Fischer, J.; DeWine, J.; Donnelly, J.; Stewart, J. |
| JURISDICTION          | Ohio                                                                                        |
| DECIDED               | April 29, 2020                                                                              |
| DOCKET                | 2020-0461                                                                                   |
| DISPOSITION           | other                                                                                       |
| PROCEDURAL POSTURE    | On certification of default in an attorney-discipline proceeding.                           |
| PRECEDENTIAL VALUE    | Published Supreme Court of Ohio opinion and order                                           |

#### TOPICS

default remedies civil procedure

#### PRACTICE AREAS

attorney discipline professional responsibility civil procedure remedies

#### QUESTIONS PRESENTED

1. Whether the Supreme Court of Ohio should enter an interim default suspension after the Board of Professional Conduct certified that respondent failed to answer a formal complaint and respondent filed no response.
2. What conditions and professional obligations should accompany the interim default suspension.

#### HOLDINGS

1. When the Board of Professional Conduct certifies a respondent's default for failure to answer a formal complaint and the respondent does not respond, the Supreme Court of Ohio may immediately enter an interim default suspension pursuant to Gov.Bar R. V(14)(B)(1).
2. An attorney subject to the interim default suspension must immediately cease practicing law, comply with specified client and court-notification duties, satisfy continuing-legal-education and reimbursement obligations, and may not be reinstated until the stated reinstatement requirements are met and the court orders reinstatement.

#### KEY QUOTATIONS

*“Upon consideration thereof and pursuant to Gov.Bar R. V(14)(B)(1), it is ordered and decreed that an interim default suspension is immediately entered against Gabriel Phillip Moorman” (¶ 2)*

*“respondent shall not be reinstated to the practice of law in Ohio until (1) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar of Ohio, (2) respondent complies with this and all other orders issued by this court, (3) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio, and (4) this court orders respondent reinstated.” (¶ 8)*

#### FACTUAL BACKGROUND

The Board of Professional Conduct alleged that Gabriel Phillip Moorman failed to file an answer to a formal disciplinary complaint. Moorman did not file a response to the certification of default. Based on the certification and the governing disciplinary rules, the Supreme Court ordered an immediate interim suspension from the practice of law.

#### PROCEDURAL HISTORY

The Board of Professional Conduct filed a certification of default alleging that respondent Gabriel Phillip Moorman failed to answer a formal complaint pending before the board. Moorman did not respond. The Supreme Court of Ohio entered an interim default suspension and imposed related professional, continuing-legal-education, client-notification, reimbursement, and reinstatement requirements.

#### DISPOSITION

other

#### OPINION

PER CURIAM.

[Cite as Warren Cty. Bar Assn. v. Moorman, \_\_\_ Ohio St.3d \_\_\_, 2020-Ohio-2696.] WARREN COUNTY BAR ASSOCIATION v. MOORMAN. [Cite as Warren Cty. Bar Assn. v. Moorman, \_\_\_ Ohio St.3d \_\_\_, 2020-Ohio-2696.] (No. 2020-0461—Submitted April 3, 2020—Decided April 29, 2020.) ON CERTIFICATION OF DEFAULT. \_\_\_\_\_ {¶ 1} On April 3, 2020,

and pursuant to Gov.Bar R. V(14)(A), the Board of Professional Conduct filed with this court a certification of default, alleging that respondent, Gabriel Phillip Moorman, failed to file an answer to a formal complaint pending before the board.

Respondent did not file a response. {¶ 2} Upon consideration thereof and pursuant to Gov.Bar R. V(14)(B)(1), it is ordered and decreed that an interim default suspension is immediately entered against Gabriel Phillip Moorman, Attorney Registration No. 0086717, last known business address in Lebanon, Ohio, and that the suspension is effective as of the date of this entry. {¶ 3} It is further ordered that respondent immediately cease and desist from the practice of law in any form and that he is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency, or other public authority. {¶ 4} It is further ordered that effective immediately, respondent is forbidden to counsel, advise, or prepare legal instruments for others or in any manner perform legal services for others. {¶ 5} It is further ordered that respondent is hereby divested of each, any, and all of the rights, privileges, and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio. SUPREME COURT OF OHIO {¶ 6} It is further ordered that before entering into an employment, contractual, or consulting relationship with any attorney or law firm, respondent shall verify that the attorney or law firm has complied with the registration requirements of Gov.Bar R. V(23)(C).

If employed pursuant to Gov.Bar R. V(23), respondent shall refrain from direct client contact except as provided in Gov.Bar R. V(23)(A)(1) and from receiving, disbursing, or otherwise handling any client trust funds or property. {¶ 7} It is further ordered that pursuant to Gov.Bar R. X(13), respondent shall complete one credit hour of continuing legal education for each month, or portion of a month, of the suspension.

As part of the total credit hours of continuing legal education required by Gov.Bar R. X(13), respondent shall complete one credit hour of instruction related to professional conduct required by Gov.Bar R. X(3)(B) for each six months, or portion of six months, of the suspension. {¶ 8} It is further ordered that respondent shall not be reinstated to the practice of law in Ohio until (1) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar of Ohio, (2) respondent complies with this and all other orders issued by this court, (3) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio, and (4) this court orders respondent reinstated. {¶ 9} It is further ordered by the court that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded by the Lawyers' Fund for Client Protection pursuant to Gov.Bar R. VIII(7)(F).

It is further ordered by the court that if after the date of this order the Lawyers' Fund for Client Protection awards any amount against respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Lawyers' Fund for Client Protection within 90 days of the

notice of that award. {¶ 10} It is further ordered that on or before 30 days from the date of this order, respondent shall do the following: 2 January Term, 2020 {¶ 11} 1.

Notify all clients being represented in pending matters and any co-counsel of respondent's suspension and consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal services elsewhere, calling attention to any urgency in seeking the substitution of another attorney in respondent's place; {¶ 12} 2.

Regardless of any fees or expenses due, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property; {¶ 13} 3.

Refund any part of any fees or expenses paid in advance that are unearned or not paid and account for any trust money or property in his possession or control; {¶ 14} 4. Notify opposing counsel or, in the absence of counsel, the adverse parties in pending litigation of respondent's disqualification to act as an attorney after the effective date of this order and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files; {¶ 15} 5.

Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent; {¶ 16} 6. File with the clerk of this court and disciplinary counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of the notices required herein, and setting forth the address where respondent may receive communications; and {¶ 17} 7.

Retain and maintain a record of the various steps taken by respondent pursuant to this order. 3 SUPREME COURT OF OHIO {¶ 18} It is further ordered that respondent shall keep the clerk, the Warren County Bar Association, and disciplinary counsel advised of any change of address where respondent may receive communications. {¶ 19} It is further ordered that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

All case documents are subject to Sup.R. 44 through 47, which govern access to court records. {¶ 20} It is further ordered that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the Office of Attorney Services. {¶ 21} It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(17)(D)(1) and that publication be made as provided for in Gov.Bar R. V(17)(D)(2).

O’CONNOR, C.J., and KENNEDY, FRENCH, FISCHER, DEWINE, DONNELLY, and STEWART, JJ., concur. \_\_\_\_\_ 4

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