

SUPREME COURT OF OHIO

In re Mitchell

119 Ohio St. 3d 38 (Ohio 2008) · Decided July 3, 2008

SUMMARY

The Ohio Supreme Court reviewed the disapproval of Geoffrey Christopher Mitchell’s application to take the Ohio bar examination based on his repeated, unsupported accusations and legal claims arising from litigation over his termination as a physician. The court accepted the recommendation but permitted him to apply for the February 2009 examination after completing a legal ethics and professionalism course at an ABA-accredited law school.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Moyer, C.J.; Pfeifer; Lundberg Stratton; O'Connor; O'Donnell; Lanzinger; Cupp
JURISDICTION	Ohio
DECIDED	July 3, 2008
DISPOSITION	disapproved
PROCEDURAL POSTURE	The Columbus Bar Association's admissions committee recommended disapproval of Mitchell's application to take the Ohio bar examination. A panel of the Board of Commissioners on Character and Fitness adopted that recommendation while permitting him to reapply after additional ethics instruction, and the board adopted the panel's findings and recommendation. The Supreme Court of Ohio reviewed the board's recommendation after the parties waived objections and jointly requested adoption.
STANDARD OF REVIEW	The Supreme Court of Ohio independently reviewed the board's findings and recommendation concerning the applicant's character, fitness, and moral qualifications; the parties jointly requested adoption of the board's report.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Ohio; precedential
PARTIES	Geoffrey Christopher Mitchell, M.D. v. Columbus Bar Association

TOPICS

administrative law

civil procedure

employment law

PRACTICE AREAS

bar admission

character and fitness

professional responsibility

employment law

QUESTIONS PRESENTED

1. Whether Mitchell possessed the character, fitness, and moral qualifications required to be permitted to take the Ohio bar examination.
2. Whether Mitchell's repeated unsupported accusations, unwarranted legal claims, and abuse of the legal process demonstrated a lack of the good judgment required for admission.
3. Whether Mitchell should be allowed to reapply for the bar examination after completing a legal ethics and professionalism course.

HOLDINGS

1. Mitchell's repeated unwarranted attacks against opposing counsel and unfounded contentions in the underlying litigation demonstrated a significant lack of the good judgment necessary to practice law, warranting disapproval of his application at that time.
2. Although the application was disapproved, Mitchell was an acceptable risk for reapplication and could apply to take the February 2009 bar examination after completing a legal ethics and professionalism course at an ABA-accredited law school.

KEY QUOTATIONS

"An applicant's tendency to abuse the legal process is one of the factors upon which we may rely in disapproving his or her qualifications for taking the bar examination." (42)

"We accept the board's recommendation to disapprove. The applicant may apply to take the February 2009 bar examination, providing he first completes a legal ethics and professionalism course at an ABA-accredited law school." (43)

FACTUAL BACKGROUND

Mitchell, a physician and law student, was dismissed from his emergency-room practice after allegedly disclosing confidential patient information, although he believed the discharge resulted from his complaints about patient care. He sued the physicians' group, hospital entities, and others, asserting that his termination violated public policy, but the defendants obtained summary judgment and prevailed on appeal. Proceeding pro se after his counsel withdrew, Mitchell repeatedly accused opposing counsel and others of fraud and unethical conduct, contacted governmental agencies, and attempted to connect his employment litigation to unrelated criminal misconduct involving a former MedPartners chairman.

PROCEDURAL HISTORY

Mitchell applied to take the July 2007 Ohio bar examination. After reviewing allegations concerning his conduct in litigation arising from his termination as a hospital emergency-room physician, the admissions committee recommended disapproval. The board found that he had engaged in repeated, unwarranted attacks and unsupported allegations against opposing counsel and others, but recommended that he be allowed to reapply for the February 2009 examination after completing further ethics instruction. The Supreme Court accepted the recommendation and entered judgment accordingly.

DISPOSITION

disapproved

CASES CITED

- In re Application of Keita, 74 Ohio St. 3d 46, 47, 656 N.E.2d 620 (1995)