

SUPREME COURT OF OHIO

Mahoning County Bar Ass'n v. Theisler

Mahoning Cty. Bar Ass'n v. Theisler, 125 Ohio St. 3d 144, 2010-Ohio-1472 (2010) · No. 2009-1541 · Decided April 8, 2010

SUMMARY

The Supreme Court of Ohio indefinitely suspended Charles W. Theisler from practicing law after accepting findings that his 98 felony convictions demonstrated conduct involving dishonesty, fraud, deceit, and conduct adversely reflecting on his fitness to practice. The court denied credit for time served under his interim felony suspension and required him to complete probation before applying for readmission. The misconduct arose from his unauthorized medical activities and resulting convictions for drug-related offenses, engaging in a pattern of corrupt activity, and practicing medicine without a certificate.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Moyer, C.J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.; Lanzinger, J.; Cupp, J.
JURISDICTION	Ohio
DECIDED	April 8, 2010
DOCKET	2009-1541
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding on a certified report from the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio.
STANDARD OF REVIEW	The Supreme Court independently determines the appropriate sanction for professional misconduct after reviewing the duties violated, actual or potential injury, the lawyer's mental state, aggravating and mitigating circumstances, and sanctions imposed in similar cases.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Mahoning County Bar Association v. Charles W. Theisler

TOPICS

medical licensing

health law

administrative law

PRACTICE AREAS

legal ethics and attorney discipline

professional licensing

health law

QUESTIONS PRESENTED

1. What sanction should be imposed for an attorney's violations of DR 1-102(A)(4) and (A)(6) arising from 98 felony convictions?
2. Whether the respondent should receive credit for time served under his interim felony suspension.

HOLDINGS

1. An indefinite suspension from the practice of law is warranted for respondent's violations of DR 1-102(A)(4) and (A)(6), given his 98 felony convictions and the aggravating and mitigating circumstances.
2. Respondent is not entitled to credit for time served during the interim felony suspension imposed on October 27, 2005.

KEY QUOTATIONS

"Respondent's 98 felonies, including aggravated trafficking in drugs, illegal processing of drug documents, engaging in a pattern of corrupt activity, and practicing medicine or surgery without a certificate, warrant an indefinite license suspension without credit for time served." (§ 21)

"Respondent is therefore indefinitely suspended from the practice of law in Ohio without credit for time served during the interim felony suspension imposed on October 27, 2005." (§ 22)

FACTUAL BACKGROUND

Charles W. Theisler was an Ohio attorney and chiropractor who worked with physicians at Pain Management Associates and wrote prescriptions for patients on a physician's presigned blank prescription form. He was convicted of 98 of 118 felony counts, including drug trafficking, illegal processing of drug documents, engaging in a pattern of corrupt activity, and practicing medicine without a certificate, and served three years in prison followed by probation. The disciplinary panel and Board found that the convictions established violations involving dishonesty, fraud, deceit, or misrepresentation and conduct adversely reflecting on his fitness to practice law.

PROCEDURAL HISTORY

Following respondent's felony convictions and an interim license suspension, the Mahoning County Bar Association filed an amended disciplinary complaint. A three-member panel found violations of DR 1-102(A)(4) and (A)(6), and the Board adopted the findings and recommended an indefinite suspension without credit for the interim suspension. The Supreme Court of Ohio accepted the Board's recommendation and imposed the sanction.

DISPOSITION

other

CASES CITED

- In re Theisler, 106 Ohio St.3d 1560, 2005-Ohio-5665, 836 N.E.2d 584
- In re Theisler, 110 Ohio St.3d 1483, 2006-Ohio-4877, 854 N.E.2d 210
- State v. Theisler, Trumbull App. No. 2005 T 0106, 2007-Ohio-213, ¶ 127
- State v. Theisler, 114 Ohio St.3d 1412, 2007-Ohio-2632, 867 N.E.2d 845
- State v. Theisler, Trumbull App. No. 2009-T-0003, 2009-Ohio-6862, ¶ 33
- Stark Cty. Bar Assn. v. Buttacavoli, 96 Ohio St.3d 424, 2002-Ohio-4743, 775 N.E.2d 818, ¶ 16
- Lake Cty. Bar Assn. v. Troy, 121 Ohio St.3d 51, 2009-Ohio-502, 901 N.E.2d 809, ¶ 11
- Columbus Bar Assn. v. Linnen, 111 Ohio St.3d 507, 2006-Ohio-5480, 857 N.E.2d 539, ¶ 25
- Disciplinary Counsel v. LoDico, 118 Ohio St.3d 316, 2008-Ohio-2465, 888 N.E.2d 1097
- Disciplinary Counsel v. Margolis, 114 Ohio St.3d 165, 2007-Ohio-3607, 870 N.E.2d 1158