

SUPREME COURT OF OHIO

Trumbull Cty. Bar Assn. v. Lutseck

2020 Ohio 4837 (Ohio 2020) · No. 2020-0163 · Decided October 9, 2020

SUMMARY

The Supreme Court of Ohio indefinitely suspended John Patrick Lutseck from the practice of law following a certification of default by the Board of Professional Conduct. The order imposes conditions concerning cessation of legal practice, continuing legal education, client protection reimbursement, reinstatement, and notification of clients and courts.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Maureen O'Connor, Chief Justice; Maureen O'Connor; Maureen O'Connor, C.J.; E. J. K. Kennedy, J.; Judith L. French, J.; William M. Fischer, J.; Pat DeWine, J.; Michael P. Donnelly, J.; Melody J. Stewart, J.
JURISDICTION	Ohio
DECIDED	October 9, 2020
DOCKET	2020-0163
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding before the Supreme Court of Ohio on the Board of Professional Conduct's certification of respondent's default.
PRECEDENTIAL VALUE	published

TOPICS

appellate procedure

remedies

equitable relief

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether the respondent's interim default suspension should be converted into an indefinite suspension after certification of default and the absence of objections.

2. What conditions and post-suspension obligations should govern the respondent's indefinite suspension.

HOLDINGS

1. Pursuant to Gov.Bar R. V(14)(E)(1), the respondent is indefinitely suspended from the practice of law in Ohio.
2. The respondent must immediately cease practicing law, comply with specified client-notification and property-delivery obligations, satisfy continuing-legal-education and Lawyers' Fund for Client Protection reimbursement requirements, and may not be reinstated until the applicable reinstatement requirements are met and the Supreme Court orders reinstatement.

KEY QUOTATIONS

“It is ordered and adjudged by this court that pursuant to Gov.Bar R. V(14)(E)(1), respondent, John Patrick Lutseck, Attorney Registration No. 0003696, last known address in Vienna, Ohio, is indefinitely suspended from the practice of law.” (¶ 2)

FACTUAL BACKGROUND

The Board of Professional Conduct certified that respondent John Patrick Lutseck was in default in the attorney-discipline proceeding. After the court imposed an interim default suspension, no party objected to converting that suspension into an indefinite suspension. The court therefore entered an order indefinitely suspending Lutseck from the practice of law and prescribing reinstatement, continuing-education, client-protection-fund, client-notification, and other compliance requirements.

PROCEDURAL HISTORY

The Board of Professional Conduct filed a certification of default on January 31, 2020. The Supreme Court imposed an interim default suspension on February 26, 2020, ordered the parties to show cause why it should not be converted into an indefinite suspension, and received no objections. The court then converted the interim suspension into an indefinite suspension and imposed related conditions.

DISPOSITION

other

OPINION

PER CURIAM.

[Cite as Trumbull Cty. Bar Assn. v. Lutseck, ___ Ohio St.3d ___, 2020-Ohio-4837.] TRUMBULL COUNTY BAR ASSOCIATION v. LUTSECK. [Cite as Trumbull Cty. Bar Assn. v. Lutseck, ___ Ohio St.3d ___, 2020-Ohio-4837.] (No. 2020-0163—Submitted October 6, 2020—Decided October 9, 2020.) ON CERTIFICATION OF DEFAULT. _____ {¶ 1} The Board of Professional Conduct filed a certification of default in the office of the clerk of this court on January 31, 2020.

On February 26, 2020, this court imposed an interim default suspension upon respondent, John Patrick Lutseck, pursuant to Gov.Bar R. V(14)(B)(1). The parties were ordered to show cause why the interim default suspension should not be converted into an indefinite suspension. No objections were filed, and this cause was considered by the court. {¶ 2} On consideration thereof, it is ordered and adjudged by this court that pursuant to Gov.Bar R. V(14)(E)(1), respondent, John Patrick Lutseck, Attorney Registration No. 0003696, last known address in Vienna, Ohio, is indefinitely suspended from the practice of law. {¶ 3} It is further ordered that respondent immediately cease and desist from the practice of law in any form and that respondent 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 respondent is hereby 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 by the court that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against respondent 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. {¶ 9} 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 the Supreme Court Rules for the Government of the Bar of Ohio, (3) respondent complies with this and all other orders of the court, and (4) this court orders respondent reinstated. {¶ 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 cocounsel of respondent's suspension and consequent disqualification to act as an attorney after the effective date of this order and, in the absence of cocounsel, 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 cocounsel, 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 the possession or control of respondent; {¶ 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 the 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 Trumbull County Bar Association, and disciplinary counsel advised of any change of address where respondent may receive communications. {¶ 19} It is further ordered that service shall be deemed made on respondent by sending this order, and all other orders in this case, to respondent's last known address. {¶ 20} 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