

SUPREME COURT OF OHIO

In re Resignation of Zaremsky

109 Ohio St. 3d 1225 (Ohio 2006) · Decided May 30, 2006

SUMMARY

The Supreme Court of Ohio accepted Michael Lee Zaremsky’s resignation from the practice of law while disciplinary action was pending. The order withdrew his practice privileges, struck his name from the roll of attorneys, and imposed obligations concerning client notification, property, fees, records, and potential reimbursement to the Clients’ Security Fund.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Moyer, C.J.; Resnick, J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.; Lanzinger, J.
JURISDICTION	Ohio
DECIDED	May 30, 2006
DISPOSITION	approved
PROCEDURAL POSTURE	The Supreme Court of Ohio considered respondent Michael Lee Zaremsky's affidavit of resignation and waiver submitted under the Ohio disciplinary rules while disciplinary proceedings were pending.
PRECEDENTIAL VALUE	Published opinion

TOPICS

- civil procedure
- waiver

PRACTICE AREAS

- attorney discipline
- professional responsibility
- legal ethics

QUESTIONS PRESENTED

- Whether Zaremsky's resignation from the practice of law should be accepted under Gov.Bar R. V(11)(G) while disciplinary action was pending.
- What restrictions and compliance obligations should accompany acceptance of the resignation.

HOLDINGS

1. The court accepted Zaremsky's resignation as an attorney and counselor at law with disciplinary action pending pursuant to Gov.Bar R. V(11)(G)(3).
2. Upon acceptance of the resignation, Zaremsky's rights and privileges to practice law in Ohio were withdrawn, and he was prohibited from holding himself out as an attorney or performing services requiring a licensed Ohio attorney.
3. Zaremsky was required to surrender his certificate of admission, have his name removed from the roll of attorneys, reimburse qualifying Clients' Security Fund awards, notify clients and opposing parties, transfer client property, account for trust property, refund unearned fees, file proof of compliance, and maintain related records.

FACTUAL BACKGROUND

Michael Lee Zaremsky was an Ohio attorney admitted to practice in 1978. He submitted an affidavit resigning from the practice of law and waiving related proceedings while disciplinary action was pending. After Disciplinary Counsel filed its report, the Supreme Court of Ohio accepted the resignation and ordered that Zaremsky's authority to practice law be withdrawn.

PROCEDURAL HISTORY

Zaremsky submitted an Affidavit of Resignation and Waiver on November 9, 2005. The affidavit was referred to Disciplinary Counsel, which filed a report under seal on May 6, 2006. The Supreme Court of Ohio then accepted the resignation with disciplinary action pending and imposed related practice restrictions and compliance obligations.

DISPOSITION

approved