

SUPREME COURT OF OHIO

Disciplinary Counsel v. Dickinson

2016-Ohio-5343 (Ohio 2016) · No. 2016-0973 · Decided August 12, 2016

SUMMARY

The Supreme Court of Ohio imposed reciprocal discipline on Steven Lee Dickinson based on a certified order from the Supreme Court of California. The court suspended Dickinson from practicing law in Ohio for two years, with 22 months stayed, subject to reinstatement and compliance conditions.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Maureen O'Connor, C.J.; Pfeifer, J.; O'Donnell, J.; Lanzinger, J.; Kennedy, J.; French, J.; O'Neill, J.
JURISDICTION	Ohio
DECIDED	August 12, 2016
DOCKET	2016-0973
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding initiated after Disciplinary Counsel filed a certified copy of a California Supreme Court disciplinary order.
PRECEDENTIAL VALUE	Published Ohio Supreme Court disciplinary order; reciprocal-discipline decision.
PARTIES	Disciplinary Counsel v. Steven Lee Dickinson

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether Ohio should impose identical or comparable discipline under its reciprocal-discipline rule after receiving a certified copy of a California attorney-discipline order.

HOLDINGS

1. Under Gov.Bar R. V(20)(B), the Supreme Court of Ohio imposed reciprocal discipline consisting of a two-year suspension from the practice of law, with 22 months stayed, and conditioned reinstatement in Ohio on Dickinson's reinstatement in California and compliance with Ohio's reinstatement requirements.

FACTUAL BACKGROUND

The Supreme Court of California entered a disciplinary order against Steven Lee Dickinson on April 28, 2016. That order imposed a two-year suspension from the practice of law, stayed the suspension, and placed Dickinson on two years of probation subject to a 60-day suspension. After receiving a certified copy of the California order, the Supreme Court of Ohio initiated reciprocal-discipline proceedings and received no objections from Dickinson.

PROCEDURAL HISTORY

The Supreme Court of California suspended Dickinson from practicing law for two years, stayed all but the first 60 days, and placed him on two years of probation. Disciplinary Counsel filed the certified California order in the Supreme Court of Ohio under the reciprocal-discipline provisions of Gov.Bar R. V(20). The Ohio Supreme Court ordered Dickinson to show cause why identical or comparable discipline should not be imposed; no objections were filed, and the court imposed reciprocal discipline.

DISPOSITION

other

CASES CITED

- In re Steven Lee Dickinson on Discipline, No. S231746 (Cal. Apr. 28, 2016)

OPINION

PER CURIAM.

[Cite as Disciplinary Counsel v. Dickinson, ___ Ohio St.3d ___, 2016-Ohio-5343.] DISCIPLINARY COUNSEL v. DICKINSON. [Cite as Disciplinary Counsel v. Dickinson, ___ Ohio St.3d ___, 2016-Ohio-5343.] (No. 2016-0973—Submitted August 9, 2016—Decided August 12, 2016.) ON CERTIFIED ORDER OF THE SUPREME COURT OF CALIFORNIA, CASE NO. S231746. _____ {¶ 1} This cause is pending before the Supreme Court of Ohio in accordance with the reciprocal-discipline provisions of Gov.Bar R. V(20). {¶ 2} On July 1, 2016, relator, disciplinary counsel, filed with this court a certified copy of an order of the Supreme Court of California entered April 28, 2016, in In re Steven Lee Dickinson on Discipline, in case No. S231746, suspending respondent from the practice of law for a period of two years, staying the suspension, and placing respondent on probation for two years under the condition that he serve a suspension from the practice of law for the first 60 days of the probation.

On July 11, 2016, this court ordered respondent to show cause why identical or comparable discipline should not be imposed in this state. No objections to said final report were filed, and this cause was considered by the court. {¶ 3} On consideration thereof, it is ordered and adjudged by this court that, pursuant to Gov.Bar R. V(20)(B), respondent, Steven Lee Dickinson, Attorney Registration No. 0025415, last known business address in Irvine, California, is suspended from the practice of law for a period of two years with 22 months stayed.

It is further ordered that respondent will not be reinstated to the practice of law in Ohio until such time as respondent is reinstated to the practice of law in the state of California. SUPREME COURT OF OHIO {¶ 4} It is further ordered that respondent immediately cease and desist from the practice of law in any form and is forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency, or other public authority. {¶ 5} It is further ordered that respondent is forbidden to counsel, advise, or prepare legal instruments for others or in any manner perform legal services for others. {¶ 6} It is further ordered that respondent is 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. {¶ 7} 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. {¶ 8} 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. {¶ 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 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 2 January Term, 2016 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 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 files evidence with the clerk of this court and with disciplinary counsel demonstrating his reinstatement to the practice of law in California, (4) respondent complies with this and all other orders issued by this court, and (5) this court orders respondent reinstated. {¶ 11} It is further ordered that on or before 30 days from the date of this order, respondent shall do the following: {¶ 12} 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 service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in respondent's place; {¶ 13} 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; {¶ 14} 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; 3 SUPREME COURT OF OHIO {¶ 15} 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; {¶ 16} 5.

Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent; {¶ 17} 6. File with the clerk of this court and the disciplinary counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the affiant may receive communications; and {¶ 18} 7.

Retain and maintain a record of the various steps taken by respondent pursuant to this order. {¶ 19} It is further ordered that until such time as respondent fully complies with this order, respondent shall keep the clerk and disciplinary counsel advised of any change of address where respondent may receive communications. {¶ 20} 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. {¶ 21} 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. {¶ 22} 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).

4 January Term, 2016 O'CONNOR, C.J., and PFEIFER, O'DONNELL, LANZINGER, KENNEDY, FRENCH, and O'NEILL, JJ., concur. _____ 5