

SUPREME COURT OF OHIO

Toledo Bar Assn. v. Farah

136 Ohio St. 3d 295, 2013-Ohio-3680 · No. 2012-2119 · Decided August 28, 2013

SUMMARY

The Supreme Court of Ohio indefinitely suspended Asad Sadallah Farah from practicing law for neglecting a client matter and failing to cooperate with a disciplinary investigation. The court ordered the suspension to run consecutively to a previously imposed one-year suspension and taxed costs to Farah.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; O'Connor, C.J.; Pfeifer, J.; O'Donnell, J.; Lanzinger, J.; Kennedy, J.; French, J.; O'Neill, J.
JURISDICTION	Ohio
DECIDED	August 28, 2013
DOCKET	2012-2119
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding on a certified report from the Board of Commissioners on Grievances and Discipline. After Farah failed to answer the disciplinary complaint, the relator moved for default, and a master commissioner and the board found misconduct and recommended an indefinite suspension.
STANDARD OF REVIEW	The Supreme Court of Ohio independently reviews and adopts the board's findings of fact, conclusions of law, and recommended sanction in attorney-discipline proceedings; misconduct must be established by clear and convincing evidence.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Ohio
PARTIES	Toledo Bar Association, relator v. Asad Sadallah Farah, respondent

TOPICS

default judgment

sanctions

civil procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether Farah committed professional misconduct by failing to competently and diligently handle Nelson's legal matter, keep her informed, and respond to reasonable requests for information.
2. Whether Farah violated his disciplinary obligations by knowingly failing to respond to a demand for information during the investigation and by failing to cooperate with the disciplinary investigation.
3. Whether an indefinite suspension, consecutive to Farah's previously imposed one-year suspension, was the appropriate sanction.

HOLDINGS

1. Farah violated Prof.Cond. R. 1.1, 1.3, 1.4(a)(3), and 1.4(a)(4) by failing to competently and diligently handle Nelson's matter, failing to file the required judgment entry, and failing to keep Nelson reasonably informed or respond to her requests for information.
2. Farah violated Prof.Cond. R. 8.1(b) and Gov.Bar R. V(4)(G) by failing to respond to demands for information during the disciplinary investigation and failing to cooperate with the investigation and proceeding.
3. An indefinite suspension from the practice of law in Ohio was appropriate, and it must run consecutively to Farah's previously imposed one-year suspension.

KEY QUOTATIONS

"We adopt the board's findings of fact, misconduct, and recommended sanction." (¶ 5)

"Accordingly, Asad Sadallah Farah is indefinitely suspended from the practice of law in Ohio. This suspension shall run consecutively to the one-year suspension imposed by this court in Toledo Bar Assn. v. Farah, 134 Ohio St.3d 1479, 2013-Ohio-798, 984 N.E.2d 24." (¶ 15)

FACTUAL BACKGROUND

Karen Lynn Nelson retained Farah and paid him \$1,500 to assist in reinstating her visitation rights with her granddaughter. Although Farah filed a show-cause motion and attended a pretrial hearing, he failed to submit the consent judgment entry required after the parties settled, resulting in dismissal of the matter and requiring Nelson to retain new counsel and begin again. Farah also failed to respond to repeated inquiries concerning Nelson's grievance and did not answer or otherwise respond to the disciplinary complaint.

PROCEDURAL HISTORY

The Toledo Bar Association charged Farah with neglecting a client's legal matter and failing to cooperate with the resulting disciplinary investigation. Service by certified mail was unsuccessful, so service was made on the clerk of the Supreme Court under Gov.Bar R. V(11)(B); Farah did not answer or appear. The master commissioner found the violations by clear and convincing evidence and recommended an indefinite suspension,

which the board adopted. The Supreme Court of Ohio adopted the board's findings and imposed the recommended sanction consecutively to a previously imposed one-year suspension.

DISPOSITION

other

CASES CITED

- Toledo Bar Assn. v. Farah, 125 Ohio St. 3d 455, 2010-Ohio-2116, 928 N.E.2d 1097
- In re Attorney Registration Suspension of Farah, 130 Ohio St. 3d 1420, 2011-Ohio-5627, 956 N.E.2d 310
- Toledo Bar Assn. v. Farah, 134 Ohio St. 3d 1479, 2013-Ohio-798, 984 N.E.2d 24
- Stark Cty. Bar Assn. v. Buttacavoli, 96 Ohio St. 3d 424, 2002-Ohio-4743, 775 N.E.2d 818, ¶ 16
- Disciplinary Counsel v. Broeren, 115 Ohio St. 3d 473, 2007-Ohio-5251, 875 N.E.2d 935, ¶ 21
- Akron Bar Assn. v. Snyder, 87 Ohio St. 3d 211, 718 N.E.2d 1271 (1999)
- Disciplinary Counsel v. Boykin, 82 Ohio St. 3d 100, 694 N.E.2d 899 (1998)