

SUPREME COURT OF OHIO

Disciplinary Counsel v. Walkden

116 Ohio St. 3d 1214, 2007-Ohio-7183 (Ohio 2007) · No. 2007-2053 · Decided December 27, 2007

SUMMARY

The Supreme Court of Ohio imposed reciprocal discipline on John Louis Walkden based on a five-year disbarment order from the Supreme Court of Florida. The court indefinitely suspended Walkden from practicing law in Ohio, subject to conditions including Florida reinstatement, continuing legal education, client-protection fund reimbursement, and compliance with Ohio reinstatement requirements.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Moyer, C.J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.; Lanzinger, J.; Cupp, J.
JURISDICTION	Ohio
DECIDED	December 27, 2007
DOCKET	2007-2053
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding initiated upon the certified order of the Supreme Court of Florida disbarring respondent for five years.
PRECEDENTIAL VALUE	Published Ohio Supreme Court disciplinary order; establishes and applies reciprocal-discipline consequences under the Ohio Rules for the Government of the Bar.

TOPICS

appellate procedure

administrative law

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. What reciprocal discipline should the Supreme Court of Ohio impose after receiving a certified Florida disciplinary order disbaring the respondent for five years?
2. What conditions should govern the respondent's suspension and any future reinstatement to the practice of law in Ohio?

HOLDINGS

1. Pursuant to Gov.Bar R. V(11)(F)(4), the respondent must be indefinitely suspended from the practice of law in Ohio, may not petition for reinstatement for five years, and may not seek reinstatement until reinstated to practice law in Florida.
2. The respondent must cease practicing law, comply with continuing-legal-education and Clients' Security Fund reimbursement requirements, satisfy Ohio reinstatement rules and the order's other conditions, demonstrate reinstatement in Florida, and obtain an order of reinstatement from the Supreme Court of Ohio before practicing in Ohio.

KEY QUOTATIONS

“It is ordered and adjudged by this court that pursuant to Gov.Bar R. V(11)(F)(4), respondent, John Louis Walkden, Attorney Registration No. 0055041, last known business address in Toledo, Ohio, be indefinitely suspended.” (¶ 3)

“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 Florida, (4) respondent complies with this and all other orders issued by this court, and (5) this court orders respondent reinstated.” (¶ 9)

FACTUAL BACKGROUND

The Supreme Court of Florida entered an order disbaring John Louis Walkden for five years. Ohio Disciplinary Counsel submitted a certified copy of that order to the Supreme Court of Ohio under Ohio's reciprocal-discipline provisions. Walkden did not respond to Ohio's show-cause order.

PROCEDURAL HISTORY

Disciplinary Counsel filed a certified copy of the Supreme Court of Florida's February 22, 2007 order disbaring John Louis Walkden for five years. The Supreme Court of Ohio ordered Walkden to show cause why identical or comparable discipline should not be imposed, but he filed no response. The Ohio Supreme Court then imposed an indefinite suspension with conditions governing reinstatement and compliance.

DISPOSITION

other

CASES CITED

- The Florida Bar v. John Louis Walkden, 950 So. 2d 407 (Fla. 2006)

OPINION

PER CURIAM.

[Cite as Disciplinary Counsel v. Walkden, 116 Ohio St. 3d 1214, 2007-Ohio-7183.] DISCIPLINARY COUNSEL v. WALKDEN. [Cite as Disciplinary Counsel v. Walkden, 116 Ohio St. 3d 1214, 2007-Ohio-7183.] Attorneys at law – Reciprocal discipline from the Supreme Court of Florida – Public reprimand – Gov.Bar R. V(11)(F)(4). (No. 2007-2053 – Submitted December 20, 2007 – Decided December 27, 2007.)

ON CERTIFIED ORDER of the Supreme Court of Florida, No. SC06-323 _____
{¶ 1} This cause is pending before the Supreme Court of Ohio in accordance with the reciprocal discipline provisions of Gov.Bar R. V(11)(F). {¶ 2} On November 5, 2007, relator, Disciplinary Counsel, filed with this court a certified copy of an order of the Supreme Court of Florida entered February 22, 2007, in The Florida Bar v. John Louis Walkden, 950 So.

2d 407, in Case No. SC06-323, disbaring respondent for a period of five years. On November 21, 2007, this court ordered respondent to show cause why identical or comparable discipline should not be imposed in this state. Respondent filed no response to the show cause order. This cause was considered by the court and on consideration thereof, {¶ 3} It is ordered and adjudged by this court that pursuant to Gov.Bar R. V(11)(F)(4), respondent, John Louis Walkden, Attorney Registration No. 0055041, last known business address in Toledo, Ohio, be indefinitely suspended.

It is further ordered that respondent may not petition for reinstatement to the practice of law in Ohio within five years of the date of this order and until such time as respondent is reinstated to the practice of law in the state of Florida. 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 or advise or prepare legal instruments for others or in any manner perform such services. {¶ 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 pursuant to Gov.Bar R. X(3)(G), 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(3)(G), respondent shall complete one credit hour of instruction related to professional conduct required by Gov.Bar R. X(3)(A)(1) for each six months, or portion of six months, of the suspension. {¶ 8}

It is further ordered, sua sponte, by the court that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against the respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F).

It is further ordered, sua sponte, by the court that if, after the date of this order, the Clients' Security Fund awards any amount against the respondent pursuant to Gov.Bar R. VIII(7)(F), the respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such 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 2 January Term, 2007 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 Florida, (4) respondent complies with this and all other orders issued by this court, and (5) this court orders respondent reinstated. {¶ 10} It is further ordered that on or before 30 days from the date of this order, respondent shall: {¶ 11} 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 his place; {¶ 12} 2.

Regardless of any fees or expenses due respondent, 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; {¶ 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 in pending litigation or, in the absence of counsel, the adverse parties, 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 the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing 3 SUPREME COURT OF OHIO proof of service of notices required herein, and setting forth the address where the affiant may receive communications; and {¶ 17} 7.

Retain and maintain a record of the various steps taken by respondent pursuant to this order. {¶ 18} It is further ordered that until such time as respondent fully complies with this order, respondent shall keep the Clerk and the Disciplinary Counsel advised of any change of address where respondent may receive communications. {¶ 19} It is further ordered, sua sponte, 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. {¶ 20} It is further ordered, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the Office of Attorney Services. {¶ 21} It is further ordered that the Clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.

MOYER, C.J., and PFEIFER, LUNDBERG STRATTON, O'CONNOR, O'DONNELL, LANZINGER, and CUPP, JJ., concur. _____ 4