

SUPREME COURT OF OHIO

Disciplinary Counsel v. Schnittke

Disciplinary Counsel v. Schnittke., 2017 Ohio 9206 (Ohio 2017) · No. 2016-0861 · Decided December 28, 2017

SUMMARY

The Supreme Court of Ohio held that Steven Powell Schnittke committed professional misconduct by neglecting three appointed criminal appeals, failing to keep clients reasonably informed, and engaging in conduct prejudicial to the administration of justice. The court imposed a six-month suspension, stayed in full on the condition that he commit no further misconduct.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Maureen O'Connor, Chief Justice; Terrence O'Donnell, Justice; Judith Ann Lanzinger Kennedy, Justice; Eileen T. Gallagher French, Justice; William M. O'Neill, Justice; Patrick F. Fischer, Justice; Patrick DeWine, Justice
JURISDICTION	Ohio
DECIDED	December 28, 2017
DOCKET	2016-0861
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Ohio reviewed a certified report of the Board of Professional Conduct concerning stipulated attorney misconduct and the recommended sanction.
STANDARD OF REVIEW	The Supreme Court independently reviewed the record and adopted the board's findings of fact and conclusions of law.
PRECEDENTIAL VALUE	Published Supreme Court of Ohio opinion; precedential.
PARTIES	Disciplinary Counsel v. Steven Powell Schnittke

TOPICS

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PRACTICE AREAS

[attorney discipline](#) [legal ethics](#) [professional responsibility](#) [appellate representation](#)

QUESTIONS PRESENTED

1. Whether Schnittke's conduct violated the applicable attorney-discipline rules, including rules prohibiting neglect, lack of reasonable diligence, failure to keep clients informed, failure to respond to reasonable requests for information, and conduct prejudicial to the administration of justice.
2. What sanction was appropriate for Schnittke's stipulated misconduct in light of the aggravating and mitigating factors and sanctions imposed in comparable cases.

HOLDINGS

1. Schnittke's conduct violated DR 6-101(A)(3), Prof.Cond.R. 1.3, Prof.Cond.R. 1.4(a)(3), Prof.Cond.R. 1.4(a)(4), and Prof.Cond.R. 8.4(d).
2. A six-month suspension from the practice of law, fully stayed on the condition that Schnittke engage in no further misconduct, was the appropriate sanction.

KEY QUOTATIONS

“We adopt the board’s findings of fact and conclusions of law and suspend Schnittke from the practice of law for six months, all stayed on the condition that he engage in no further misconduct.” (¶ 3)

“If Schnittke fails to comply with the condition of the stay, the stay will be lifted and he will serve the full six-month suspension.” (¶ 12)

FACTUAL BACKGROUND

Schnittke was appointed appellate counsel for three defendants in criminal appeals arising in 2005, 2007, and 2012. He failed to perform the required appellate work, including filing briefs, and each appeal was dismissed for want of prosecution. He also failed to withdraw from the representations, failed to submit applications for fees, and did not adequately respond to or inform the clients. One client reopened his appeal and filed a brief pro se, but Schnittke did not follow through on promised research and assistance.

PROCEDURAL HISTORY

Disciplinary counsel charged Schnittke with multiple ethical violations arising from his failure to prosecute three criminal appeals and to communicate adequately with the affected clients. The parties stipulated to facts, misconduct, aggravating factors, and mitigating factors, and jointly recommended a six-month suspension stayed in full. The hearing panel and board initially recommended a public reprimand, but the Supreme Court remanded the matter for further proceedings and consideration of a more severe sanction. On remand, after additional character evidence and testimony, the panel and board recommended a six-month suspension stayed in full, which the Supreme Court adopted.

DISPOSITION

other

CASES CITED

- Disciplinary Counsel v. Schnittke, 147 Ohio St. 3d 1461, 2016-Ohio-8162, 65 N.E.3d 767
- Dayton Bar Assn. v. Sebree, 96 Ohio St. 3d 50, 2002-Ohio-2987, 770 N.E.2d 1009
- Disciplinary Counsel v. Harp, 91 Ohio St. 3d 385, 745 N.E.2d 1032 (2001)

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