

SUPREME COURT OF OHIO

Cincinnati Bar Assn. v. Harwood

125 Ohio St. 3d 31, 2010-Ohio-1466 (Ohio 2010) · No. 2009-2277 · Decided April 7, 2010

SUMMARY

The Supreme Court of Ohio accepted a consent-to-discipline agreement finding that Christopher S. Harwood violated professional-conduct rules while representing clients referred by foreclosure companies. The misconduct included failing to exercise independent professional judgment, assisting the unauthorized practice of law, sharing legal fees with nonlawyers, and failing to disclose the absence of professional-liability insurance. The court imposed a six-month suspension, stayed in full on the condition that Harwood commit no further misconduct.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Moyer, C.J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.; Lanzinger, J.; Cupp, J.
JURISDICTION	Ohio
DECIDED	April 7, 2010
DOCKET	2009-2277
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding on a certified report of the Board of Commissioners on Grievances and Discipline based on the parties' consent-to-discipline agreement.
STANDARD OF REVIEW	The court independently reviewed and accepted the stipulated misconduct and recommended sanction; no separate standard of review was expressly stated.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Ohio; precedential as to the court's disciplinary disposition and discussion of professional-conduct violations.
PARTIES	Cincinnati Bar Association v. Christopher S. Harwood

TOPICS

[foreclosure](#)[consumer protection](#)[real estate](#)[insurance](#)

PRACTICE AREAS

legal ethics and attorney discipline

professional responsibility

foreclosure-related legal services

consumer protection

QUESTIONS PRESENTED

1. Whether Harwood committed professional misconduct by failing to exercise independent professional judgment, provide competent and diligent representation, communicate required information, comply with restrictions on fee sharing, and avoid assisting the unauthorized practice of law.
2. Whether a six-month suspension stayed in its entirety on the condition of no further misconduct was an appropriate sanction.

HOLDINGS

1. Harwood's conduct violated Prof.Cond.R. 1.1, 1.3, 1.4(c), 5.4(a), and 5.5(a), and the court accepted the Board's findings of misconduct.
2. A six-month suspension from the practice of law, with the entire suspension stayed on the condition that Harwood commit no further misconduct, was an appropriate sanction.

KEY QUOTATIONS

“Together, these failings signal the surrender of an attorney’s ability to exercise independent professional judgment on a client’s behalf and manifest an overarching breach of the lawyer’s duty of loyalty to the client.”
(¶ 13)

“Respondent is hereby suspended from the practice of law in Ohio for six months, with the entire period stayed on the condition that he commit no further misconduct.” (¶ 15)

FACTUAL BACKGROUND

Harwood practiced as a sole practitioner without professional-liability insurance from August 2008 through January 2009 and did not inform his clients of that fact. He accepted referrals of more than 50 foreclosure clients from nonlawyer foreclosure companies, followed company-prescribed procedures, and generally received only \$100 per referred matter. His representation commonly consisted of sending status letters and pleadings, with little or no opposition to summary-judgment motions when clients did not respond, while the nonlawyer companies handled lender negotiations. He ended the relationship in January 2009 and sought to withdraw from the pending matters.

PROCEDURAL HISTORY

The Cincinnati Bar Association filed a disciplinary complaint against Harwood. After initially denying misconduct, Harwood and the relator entered into a consent-to-discipline agreement stipulating to the facts, violations, and proposed sanction. The Board of Commissioners on Grievances and Discipline accepted the agreement and recommended a six-month suspension stayed in its entirety, which the Supreme Court of Ohio accepted.

DISPOSITION

other

CASES CITED

- Geauga Cty. Bar Assn. v. Patterson, 124 Ohio St.3d 93, 2009-Ohio-6166, 919 N.E.2d 206
- Disciplinary Counsel v. Willard, 123 Ohio St.3d 15, 2009-Ohio-3629, 913 N.E.2d 960
- Mahoning Cty. Bar Assn. v. Palombaro, 121 Ohio St.3d 351, 2009-Ohio-1223, 904 N.E.2d 529
- Cincinnati Bar Assn. v. Mullaney, 119 Ohio St.3d 412, 2008-Ohio-4541, 894 N.E.2d 1210

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