

SUPREME COURT OF OHIO

Cleveland Metropolitan Bar Association v. Lockshin

Cleveland Metro. Bar Ass'n v. Lockshin, 125 Ohio St. 3d 529, 2010-Ohio-2207 (Ohio 2010) · No. 2010-0025 ·

Decided May 25, 2010

SUMMARY

The Supreme Court of Ohio indefinitely suspended Andrew C. Lockshin from practicing law based on multiple instances of inappropriate sexual communications and conduct involving clients, a potential witness, and a law-enforcement officer, as well as failure to timely file a criminal appeal. The court found that his pattern of misconduct, false statements, failure to complete recommended treatment, and ongoing risk of reoffending warranted an indefinite suspension, with reinstatement unavailable for two years.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Pfeifer; Lundberg Stratton; O'Connor; O'Donnell; Lanzinger; Cupp
JURISDICTION	Ohio
DECIDED	May 25, 2010
DOCKET	2010-0025
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Ohio reviewed a certified report from the Board of Commissioners on Grievances and Discipline concerning attorney misconduct. Neither party filed objections to the board's recommendation of an indefinite suspension.
STANDARD OF REVIEW	The court independently reviewed and accepted the board's findings of ethical violations and determined the appropriate sanction, considering the violated duties, sanctions in similar cases, and aggravating and mitigating factors.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Ohio
PARTIES	Cleveland Metropolitan Bar Association v. Andrew C. Lockshin

TOPICS

remedies

appellate procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether respondent committed the charged violations of the Code of Professional Responsibility and Rules of Professional Conduct.
2. What sanction was necessary to protect the public from respondent's repeated professional misconduct and risk of reoffense.

HOLDINGS

1. Respondent violated DR 1-102(A)(6) through inappropriate sexual communications and conduct involving clients, a potential witness, and a law-enforcement officer, and violated Prof.Cond.R. 1.3 and 8.4(d) by failing to timely file a notice of appeal on a client's behalf.
2. An indefinite suspension from the practice of law was necessary to protect the public, and respondent could not petition for reinstatement for two years.

KEY QUOTATIONS

"We are ever mindful that the primary purpose of the disciplinary process is not to punish the offender but to protect the public from lawyers who are unworthy of the trust and confidence essential to the attorney-client relationship." (¶ 42)

"Because respondent has not yet received the treatment necessary to develop a realistic and effective plan to decrease his risk of repeating inappropriate sexual behaviors, he remains at risk to reoffend." (¶ 51)

FACTUAL BACKGROUND

Andrew C. Lockshin engaged in a pattern of inappropriate sexual communications, remarks, and touching involving multiple female clients, a potential witness, and a sheriff's sergeant. His conduct included sexualized communications with a juvenile client, inappropriate touching and invitations to meet in hotels, and requests for sexualized photographs. He also failed to file a timely notice of appeal for a criminal client and failed to complete recommended sex-offender-specific treatment under an OLAP contract.

PROCEDURAL HISTORY

Following grievances concerning respondent's inappropriate sexual communications and conduct and his failure to timely file a criminal appeal, the Cleveland Metropolitan Bar Association filed and amended a disciplinary complaint. After rejecting the parties' agreed stipulations, the hearing panel conducted an evidentiary hearing, found the stipulated violations, and recommended an indefinite suspension. The board adopted the panel's report, and the Supreme Court of Ohio accepted the findings and imposed an indefinite suspension.

DISPOSITION

other

CASES CITED

- 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
- Disciplinary Counsel v. Agopian, 112 Ohio St. 3d 103, 2006-Ohio-6510, 858 N.E.2d 368
- Disciplinary Counsel v. Moore, 101 Ohio St. 3d 261, 2004-Ohio-734, 804 N.E.2d 423
- Toledo Bar Assn. v. Burkholder, 109 Ohio St. 3d 443, 2006-Ohio-2817, 848 N.E.2d 840
- Disciplinary Counsel v. Quatman, 108 Ohio St. 3d 389, 2006-Ohio-1196, 843 N.E.2d 1205
- Disciplinary Counsel v. Freeman, 106 Ohio St. 3d 334, 2005-Ohio-5142, 835 N.E.2d 26
- Disciplinary Counsel v. Sturgeon, 111 Ohio St. 3d 285, 2006-Ohio-5708, 855 N.E.2d 1221

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/ohio-supreme-court-of-ohio/2010/cleveland-metropolitan-bar-association-v-lockshin-9rf35ng0>