

SUPREME COURT OF OHIO

In re Resignation of Evans

101 Ohio St. 3d 1228 (Ohio 2004) · Decided January 28, 2004

SUMMARY

The Supreme Court of Ohio accepted Jonathan Paul Evans's resignation from the practice of law with disciplinary action pending. The order withdrew his right to practice, required removal of his name from the roll of attorneys, and imposed client-notification, file-transfer, refund, compliance, and potential Clients' Security Fund reimbursement obligations.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Moyer, C.J.; Resnick, J.; F.E. Sweeney, J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.
JURISDICTION	Ohio
DECIDED	January 28, 2004
DISPOSITION	other
PROCEDURAL POSTURE	The respondent attorney submitted an affidavit of resignation and waiver pursuant to Gov.Bar R. V(11)(G)(1). After Disciplinary Counsel filed a report under seal, the Supreme Court of Ohio accepted the resignation with disciplinary action pending.
PRECEDENTIAL VALUE	Published Ohio Supreme Court disciplinary order; binding as to the disposition and orders entered against the respondent.

TOPICS

civil procedure

sanctions

PRACTICE AREAS

attorney discipline

legal ethics

professional responsibility

QUESTIONS PRESENTED

- Whether Evans's resignation from the practice of law should be accepted as a resignation with disciplinary action pending.
- What conditions and practice restrictions should accompany acceptance of the resignation.

HOLDINGS

1. The court accepted Evans's resignation as a resignation with disciplinary action pending pursuant to Gov.Bar R. V(11)(G)(3).
2. Upon acceptance of the resignation, Evans's rights and privileges to practice law in Ohio were withdrawn, his name was ordered stricken from the roll of attorneys, and he was prohibited from practicing law or holding himself out as an authorized Ohio attorney.
3. The court required Evans to reimburse qualifying Clients' Security Fund awards, notify clients and opposing parties, transfer client papers and property, refund unearned fees, account for trust property, file compliance documentation, and comply with related recordkeeping and address requirements.

FACTUAL BACKGROUND

Jonathan Paul Evans was an Ohio attorney admitted to practice in 1994. He submitted an affidavit resigning from the practice of law and waiving proceedings under the applicable disciplinary rule. Disciplinary Counsel reviewed the submission and filed a report with the Supreme Court of Ohio.

PROCEDURAL HISTORY

Jonathan Paul Evans submitted an Affidavit of Resignation and Waiver on November 14, 2003. The affidavit was referred to Disciplinary Counsel, who filed a report with the court on December 9, 2003. The Supreme Court of Ohio then entered an order accepting the resignation with disciplinary action pending and imposing related practice, notice, reimbursement, and compliance requirements.

DISPOSITION

other