

SUPREME COURT OF OHIO

Cleveland Bar Ass'n v. Judge

94 Ohio St. 3d 331 (Ohio 2002) · Decided February 20, 2002

SUMMARY

The Supreme Court of Ohio indefinitely suspended attorney Thomas J. Judge for neglecting two clients' disability-benefit matters, failing to pursue their claims, and failing to cooperate with the disciplinary investigation. The court adopted the board's findings and recommendation and taxed costs to the respondent.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Moyer, C.J.; Douglas, J.; Resnick, J.; F.E. Sweeney, J.; Pfeifer, J.; Cook, J.; Lundberg Stratton, J.
JURISDICTION	Ohio
DECIDED	February 20, 2002
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding initiated by the Cleveland Bar Association. After Judge failed to answer the disciplinary complaint, the matter was referred for default proceedings; the master commissioner recommended indefinite suspension, and the Board of Commissioners on Grievances and Discipline adopted that recommendation.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Ohio
PARTIES	Cleveland Bar Association v. Thomas J. Judge

TOPICS

administrative law

remedies

PRACTICE AREAS

attorney discipline

professional responsibility

legal malpractice and client representation

QUESTIONS PRESENTED

1. Whether Judge's neglect of two clients' disability-benefit matters and failure to cooperate with the disciplinary investigation violated the cited disciplinary rules.
2. What sanction was appropriate for the violations.

HOLDINGS

1. Judge's conduct violated DR 1-102(A)(6), DR 6-101(A)(2), DR 6-101(A)(3), DR 7-101(A)(1), DR 7-101(A)(2), DR 7-101(A)(3), Gov.Bar R. V(4)(G), and Gov.Bar R. V(6)(A)(1).
2. An indefinite suspension from the practice of law is appropriate where neglect of legal matters is coupled with failure to cooperate in the ensuing disciplinary investigation, particularly when the neglect prejudices the clients' interests.

KEY QUOTATIONS

“Neglect of legal matters and a failure to cooperate in the ensuing disciplinary investigation generally warrant an indefinite suspension from the practice of law in Ohio.” (at 332)

*“The sanction of an indefinite suspension from the practice of law “is especially fitting * * * where neglect of a legal matter is coupled with a failure to cooperate in the ensuing disciplinary investigation.”” (at 332)*

“Respondent is hereby indefinitely suspended from the practice of law in Ohio. Costs are taxed to respondent.” (at 333)

FACTUAL BACKGROUND

Thomas J. Judge neglected two clients' disability-benefit matters. He failed to pursue one client's Social Security claim beyond filing an unsuccessful request for reconsideration and failed to appeal, while he took no timely action on another client's employer-sponsored long-term-disability claim, causing the claim to be denied as untimely and benefits to cease. Judge also failed to respond to the Cleveland Bar Association's investigative inquiries.

PROCEDURAL HISTORY

The Cleveland Bar Association filed a disciplinary complaint on August 14, 2000, alleging multiple violations arising from Judge's neglect of two clients' disability claims and failure to cooperate with the disciplinary investigation. Judge failed to answer, resulting in default proceedings before a master commissioner. The master commissioner recommended indefinite suspension, the Board adopted the findings and recommendation, and the Supreme Court of Ohio adopted them and imposed the sanction.

DISPOSITION

other

CASES CITED

- Akron Bar Assn. v. Snyder, 87 Ohio St. 3d 211, 718 N.E.2d 1271 (1999)

- Disciplinary Counsel v. Henderson, 87 Ohio St. 3d 219, 718 N.E.2d 1277 (1999)
- Warren Cty. Bar Assn. v. Lieser, 79 Ohio St. 3d 488, 683 N.E.2d 1148 (1997)
- Disciplinary Counsel v. Boylan, 85 Ohio St. 3d 115, 707 N.E.2d 465 (1999)
- In re Comm. on Continuing Legal Edn., 73 Ohio St. 3d 1401, 651 N.E.2d 1300 (1995)

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