

SUPREME COURT OF OHIO

Medina County Bar Association v. Beranek

2016 Ohio 5595 (Ohio 2016) · No. 2016-0262 · Decided September 1, 2016

SUMMARY

The Supreme Court of Ohio publicly reprimanded Steven Bruce Beranek for failing to comply with a client's reasonable requests for information and failing to inform the client that he did not maintain professional liability insurance. The court adopted the findings of the Board of Professional Conduct, found violations of Ohio Prof.Cond.R. 1.4(a)(4) and 1.4(c), and taxed costs to Beranek.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Maureen O'Connor, Chief Justice; William H. Rehnquist Pfeifer; Terrence O'Donnell; Lanzinger; Kennedy; French; O'Neill
JURISDICTION	Ohio
DECIDED	September 1, 2016
DOCKET	2016-0262
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding decided on a certified report from the Board of Professional Conduct of the Supreme Court of Ohio.
PRECEDENTIAL VALUE	Published Ohio Supreme Court attorney-discipline opinion; precedential as to the adopted misconduct findings and sanction determination.
PARTIES	Medina County Bar Association v. Steven Bruce Beranek

TOPICS

administrative law

remedies

PRACTICE AREAS

attorney discipline

professional responsibility

legal ethics

QUESTIONS PRESENTED

1. Whether Beranek violated Prof.Cond.R. 1.4(a)(4) by failing to comply as soon as practicable with the McAlpins' reasonable requests for information.
2. Whether Beranek violated Prof.Cond.R. 1.4(c) by failing to inform the McAlpins that he did not maintain professional-liability insurance.
3. What sanction was appropriate for the stipulated misconduct.

HOLDINGS

1. Beranek violated Prof.Cond.R. 1.4(a)(4) by failing to comply as soon as practicable with the McAlpins' reasonable requests for information and violated Prof.Cond.R. 1.4(c) by failing to inform them that he did not maintain professional-liability insurance.
2. A public reprimand is the appropriate sanction for Beranek's misconduct.

KEY QUOTATIONS

“We adopt the board’s findings of fact and misconduct.” (¶ 6)

“We agree that the misconduct at issue in these cases is comparable to Beranek’s misconduct and that a public reprimand is the appropriate sanction in this case.” (¶ 11)

“Accordingly, Steven Bruce Beranek is publicly reprimanded for his misconduct.” (¶ 12)

FACTUAL BACKGROUND

Beranek represented Stanley and Janine McAlpin in a collection matter and related bankruptcy proceedings. After meeting with the McAlpins on March 21, 2014, he failed to respond to their repeated attempts to contact him, and the bankruptcy proceedings continued without his participation. Beranek also allowed his professional-liability insurance to lapse when he became a solo practitioner but did not inform the McAlpins that he lacked coverage.

PROCEDURAL HISTORY

The Medina County Bar Association charged Beranek with professional misconduct. Beranek admitted the material allegations and stipulated that his conduct violated Prof.Cond.R. 1.4(a)(4) and 1.4(c). A panel rejected the parties' initial consent-to-discipline agreement because an Ohio Lawyers Assistance Program evaluation was pending, but later considered the parties' stipulations and supplemental materials. The panel and Board of Professional Conduct recommended a public reprimand, which the Supreme Court of Ohio adopted.

DISPOSITION

other

CASES CITED

- In re Attorney Registration Suspension of Beranek, 130 Ohio St. 3d 1420, 2011-Ohio-5627, 956 N.E.2d 310
- Columbus Bar Assn. v. Bhatt, 133 Ohio St. 3d 131, 2012-Ohio-4230, 976 N.E.2d 870

- Akron Bar Assn. v. Freedman, 128 Ohio St. 3d 497, 2011-Ohio-1959, 946 N.E.2d 753
- Columbus Bar Assn. v. Smith, 143 Ohio St. 3d 436, 2015-Ohio-2000, 39 N.E.3d 488

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