

SUPREME COURT OF OHIO

Stark County Bar Association v. Kelley

Stark Cty. Bar Assn. v. Kelley, 2021-Ohio-770 (Ohio 2021) · No. 2020-0970 · Decided March 16, 2021

SUMMARY

The Supreme Court of Ohio found that Paul Michael Kelley committed multiple violations of the Ohio Rules of Professional Conduct after neglecting and abandoning 15 clients during substance-abuse and mental-health difficulties. The court imposed a two-year suspension from practice, stayed in its entirety subject to conditions involving treatment compliance, continuing legal education, monitored probation, and no further misconduct.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; O'Connor, C.J.; Fischer, J.; DeWine, J.; Donnelly, J.; Stewart, J.; Kennedy, J.; Brunner, J.
JURISDICTION	Ohio
DECIDED	March 16, 2021
DOCKET	2020-0970
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding on a certified report from the Board of Professional Conduct of the Supreme Court of Ohio.
STANDARD OF REVIEW	The Supreme Court of Ohio independently reviewed the record and relevant precedent in determining the appropriate disciplinary sanction.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion
PARTIES	Stark County Bar Association v. Paul Michael Kelley

TOPICS

administrative law agency adjudication remedies

PRACTICE AREAS

legal ethics attorney discipline professional responsibility

QUESTIONS PRESENTED

1. Whether Kelley committed the charged violations of the Ohio Rules of Professional Conduct by neglecting, failing to communicate with, and abandoning clients and by failing to properly safeguard client files.
2. What sanction was appropriate in light of the misconduct, aggravating and mitigating factors, and comparable attorney-discipline cases.

HOLDINGS

1. Kelley violated Prof.Cond.R. 1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.16(b)(1), 1.16(c), 1.16(d)(3), 1.15(a), and 1.6(c), as charged and amended by the court's limitation of certain findings to one affected client.
2. A two-year suspension from the practice of law, stayed in its entirety subject to specified conditions, was the appropriate sanction.

KEY QUOTATIONS

“Accordingly, Paul Michael Kelley is suspended from the practice of law for two years, with the entire suspension stayed on the conditions that he (1) remains in compliance with the terms of his January 27, 2018 OLAP contract and enters into an additional two-year contract upon the issuance of the final order in this case, (2) completes three hours of continuing legal education focused on law-office management, in addition to the requirements of Gov.Bar R. X, (3) serves a two-year period of monitored probation in accordance with Gov.Bar R. V(21), with monitoring focused on law-office management and compliance with his OLAP contract, and (4) engages in no further misconduct.” (¶ 19)

FACTUAL BACKGROUND

Kelley represented at least 15 clients in pending domestic-relations and criminal matters when, after hospitalization for mental-health and substance-abuse issues, he stopped practicing, missed at least one hearing, failed to communicate with clients, and did not obtain required court approval to withdraw or make reasonable efforts to protect their interests. A colleague and other attorneys recovered and transferred client files, while additional files were later discovered abandoned in the trunk of a car. Kelley admitted abandoning the 15 clients, and the court found violations of multiple Ohio Rules of Professional Conduct.

PROCEDURAL HISTORY

The Stark County Bar Association filed a disciplinary complaint alleging that Kelley neglected and abandoned multiple clients, failed to communicate, and improperly withdrew from representation. The parties stipulated to facts and most misconduct; a three-member panel conducted a hearing, dismissed some charges, and recommended a two-year conditionally stayed suspension. The Board of Professional Conduct adopted the panel's findings and recommendation, and the Supreme Court of Ohio independently reviewed and adopted the amended findings and sanction.

DISPOSITION

other

CASES CITED

- Columbus Bar Assn. v. Allerdine, 123 Ohio St.3d 382, 2009-Ohio-5589, 916 N.E.2d 808
- Columbus Bar Assn. v. Bulson, 160 Ohio St.3d 208, 2020-Ohio-3001, 155 N.E.3d 843

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