

SUPREME COURT OF OHIO

Columbus Bar Assn. v. Dice

120 Ohio St. 3d 455, 2008-Ohio-6787 (Ohio 2008) · No. 2008-1238 · Decided December 30, 2008

SUMMARY

The Supreme Court of Ohio held that Daniel Sean Dice committed professional misconduct by delaying an incarcerated client's federal appeal, failing to appear for another criminal appeal, neglecting client matters, and failing to cooperate with a disciplinary investigation. The court imposed a one-year suspension from the practice of law, stayed as to the final six months on the condition of no further misconduct.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Thomas J. Moyer, C.J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; Lanzinger, J.; Cupp, J.
JURISDICTION	Ohio
DECIDED	December 30, 2008
DOCKET	2008-1238
DISPOSITION	other
PROCEDURAL POSTURE	The Columbus Bar Association brought a disciplinary complaint against Daniel Sean Dice. The matter reached the Supreme Court of Ohio on a certified report from the Board of Commissioners on Grievances and Discipline after Dice stipulated to the charged misconduct and the board adopted the parties' proposed sanction.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Ohio

TOPICS

- appellate procedure
- criminal procedure

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility

QUESTIONS PRESENTED

1. Whether Dice committed the charged professional misconduct by neglecting client matters, failing to prepare adequately, failing to pursue clients' lawful objectives, engaging in conduct prejudicial to the administration of justice or reflecting adversely on his fitness to practice, and failing to cooperate with the disciplinary investigation.
2. Whether a one-year suspension with the final six months stayed on the condition of no further misconduct was an appropriate sanction.

HOLDINGS

1. Dice committed the charged professional misconduct by delaying and neglecting an appellate matter, failing to appear for a criminal-case oral argument, failing to pursue his clients' lawful objectives, engaging in conduct prejudicial to the administration of justice and adversely reflecting on his fitness to practice law, and failing to cooperate with the disciplinary investigation.
2. A one-year suspension from the practice of law, with the final six months stayed on the condition that Dice commit no further professional misconduct, was appropriate; violation of the stay would lift it and require service of the entire one-year suspension.

FACTUAL BACKGROUND

Dice delayed filing an appellate brief for an incarcerated federal criminal defendant for seven months, obtained seven extensions, failed to file the required appendix, rarely responded to the client's correspondence, and ultimately required appointment of new counsel. He also failed to appear for oral argument in another criminal case and did not respond to the bar association's requests during its disciplinary investigation. The parties agreed that a treated mental disability contributed to the ethical lapses.

PROCEDURAL HISTORY

The relator filed a two-count disciplinary complaint alleging neglect and mishandling of client matters and failure to cooperate with the disciplinary investigation. After Dice initially failed to answer and the relator moved for default, Dice stipulated to the misconduct; a panel accepted the stipulations and proposed a one-year suspension with the final six months stayed, and the board adopted that recommendation. The Supreme Court of Ohio agreed with the findings and imposed the recommended sanction.

DISPOSITION

other

CASES CITED

- Disciplinary Counsel v. Shramek, 98 Ohio St. 3d 441, 2003-Ohio-1636, 786 N.E.2d 869