

SUPREME COURT OF OHIO

Disciplinary Counsel v. Hartsock

94 Ohio St. 3d 18, 2001-Ohio-6977 (Ohio 2001) · No. 01-1208 · Decided December 19, 2001

SUMMARY

The Ohio Supreme Court indefinitely suspended Walter D. Hartsock from practicing law after his conviction for mail fraud conspiracy arising from kickback arrangements involving insider insurance settlement information. The court adopted findings that his conduct violated multiple provisions of the Code of Professional Responsibility and taxed costs to him.

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	December 19, 2001
DOCKET	01-1208
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding on a certified report from the Board of Commissioners on Grievances and Discipline concerning stipulated findings of professional misconduct and the recommended sanction of indefinite suspension.
STANDARD OF REVIEW	The Supreme Court of Ohio independently reviewed the certified disciplinary record and adopted the board's findings, conclusions, and recommendation.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Office of Disciplinary Counsel v. Walter D. Hartsock

TOPICS

insurance

criminal procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional misconduct

insurance-related fraud

QUESTIONS PRESENTED

1. Whether Hartsock's conduct in providing insider insurance-settlement information in exchange for kickbacks violated the cited provisions of the Ohio Code of Professional Responsibility.
2. What sanction was appropriate for the established misconduct.

HOLDINGS

1. Hartsock's conduct violated DR 1-102(A)(3), DR 1-102(A)(4), DR 1-102(A)(5), and DR 1-102(A)(6), because it involved illegal conduct involving moral turpitude, dishonesty, fraud, deceit or misrepresentation, conduct prejudicial to the administration of justice, and conduct adversely reflecting on his fitness to practice law.
2. The court indefinitely suspended Hartsock from the practice of law in Ohio and taxed costs to him.

KEY QUOTATIONS

“Respondent is hereby indefinitely suspended from the practice of law in Ohio. Costs are taxed to respondent.” (94 Ohio St. 3d at 20)

FACTUAL BACKGROUND

From 1990 through 1999, Walter D. Hartsock, while working as a claims adjuster for Nationwide Insurance Company, provided insider settlement information to attorneys representing plaintiffs with claims against Nationwide. He received kickbacks in connection with at least two settlements, including \$2,500 in one matter and a share of a \$15,000 kickback in another. The use of the United States mail in these schemes resulted in his federal conviction for mail fraud conspiracy.

PROCEDURAL HISTORY

After Hartsock was convicted in federal district court of mail fraud conspiracy arising from kickback schemes involving insider insurance-settlement information, the Supreme Court of Ohio imposed an interim suspension. The Office of Disciplinary Counsel then filed a disciplinary complaint. A panel considered stipulations, exhibits, and federal-court materials, found violations of multiple disciplinary rules, and recommended an indefinite suspension; the board adopted that recommendation, and the Supreme Court of Ohio adopted the board's findings, conclusions, and recommendation.

DISPOSITION

other

CASES CITED

- In re Hartsock, 89 Ohio St. 3d 1418, 729 N.E.2d 388 (2000)
- Disciplinary Counsel v. Dubyak, 92 Ohio St. 3d 18, 748 N.E.2d 26 (2001)
- Disciplinary Counsel v. Gambrel, 94 Ohio St. 3d 10, 759 N.E.2d 771 (2001)
- In re Resignation of Seidita, 90 Ohio St. 3d 1209, 735 N.E.2d 894 (2000)

