

SUPREME COURT OF OHIO

Mahoning Cty. Bar Assn. v. Fagnano

138 Ohio St. 3d 1280, 2014-Ohio-914 (Ohio 2014) · No. 2013-0812 · Decided March 17, 2014

SUMMARY

The document is an Ohio Supreme Court order in Mahoning County Bar Association v. Fagnano, issued on certification of default. The court indefinitely suspended Frank Nicholas Fagnano from the practice of law and imposed related compliance, continuing-education, client-notification, reimbursement, and reinstatement requirements.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Maureen O'Connor, Chief Justice; Paul E. Pfeifer, Justice; Terrence O'Donnell, Justice; Lanzinger, Justice; Judith L. French, Justice; Sharon L. Kennedy, Justice; William M. O'Neill, Justice
JURISDICTION	Ohio
DECIDED	March 17, 2014
DOCKET	2013-0812
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding on the Board of Commissioners on Grievances and Discipline's certification of respondent's default.
PRECEDENTIAL VALUE	Published disciplinary order with binding effect as to the respondent and the imposed disciplinary requirements; no broad substantive precedent announced.
PARTIES	Mahoning County Bar Association v. Frank Nicholas Fagnano

TOPICS

administrative law

agency adjudication

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether the respondent's interim default-judgment suspension should be converted into an indefinite suspension after the Board certified his default and he filed no objections.
2. What conditions and obligations should accompany the respondent's indefinite suspension from the practice of law.

HOLDINGS

1. Upon certification of respondent's default and the absence of objections, the court indefinitely suspended respondent from the practice of law pursuant to Gov.Bar R. V(6a)(E)(1).
2. The respondent must cease practicing law, comply with client-notification and property-delivery requirements, satisfy continuing-legal-education and Clients' Security Fund reimbursement obligations, and meet the specified requirements before seeking reinstatement.

KEY QUOTATIONS

“On consideration thereof, it is ordered and adjudged by this court that pursuant to Gov.Bar R. V(6a)(E)(1), respondent, Frank Nicholas Fagnano, Attorney Registration No. 0081516, last known business address in Boardman, Ohio, is indefinitely suspended from the practice of law.” (§ 2)

“It is further ordered that respondent shall not be reinstated to the practice of law in Ohio until (1) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar of Ohio, (2) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio, (3) respondent complies with this and all other orders of the court, and (4) this court orders respondent reinstated.” (§ 9)

FACTUAL BACKGROUND

The Board of Commissioners on Grievances and Discipline certified respondent Frank Nicholas Fagnano's default to the Supreme Court of Ohio. The court had imposed an interim default-judgment suspension on July 8, 2013, and directed Fagnano to show cause why the suspension should not become indefinite. Fagnano filed no objections.

PROCEDURAL HISTORY

The Board filed a certification of default with the Supreme Court of Ohio. The court had previously imposed an interim default-judgment suspension and ordered respondent to show cause why it should not be converted into an indefinite suspension. Respondent filed no objections, and the court converted the interim suspension into an indefinite suspension and imposed related obligations.

DISPOSITION

other