

SUPREME COURT OF OHIO

Disciplinary Counsel v. Watson

107 Ohio St. 3d 182 (Ohio 2005) · Decided December 7, 2005

SUMMARY

The Ohio Supreme Court reviewed disciplinary charges against attorney Michael Troy Watson arising from misconduct involving multiple clients, including neglect, misrepresentation, mishandling of client funds and files, unauthorized practice during suspension, and failure to cooperate with the disciplinary investigation. The court adopted the board's recommendation and permanently disbarred Watson from practicing law in Ohio, taxing costs to him.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Moyer, C.J.; Resnick, J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.; Lanzinger, J.
JURISDICTION	Ohio
DECIDED	December 7, 2005
DISPOSITION	other
PROCEDURAL POSTURE	Disciplinary Counsel brought an amended thirteen-count disciplinary complaint against an Ohio attorney. A panel of the Board of Commissioners on Grievances and Discipline found misconduct and recommended permanent disbarment; the board adopted the panel's report. The Supreme Court of Ohio reviewed respondent's objections and the board's recommendation.
STANDARD OF REVIEW	The Supreme Court of Ohio independently reviewed the disciplinary record, accepted the panel's and board's credibility determinations, and determined whether the violations and recommended sanction were supported by the evidence.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Disciplinary Counsel v. Michael Troy Watson

TOPICS

agency adjudication

judicial review of agency action

administrative law

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether the evidence established that respondent committed the charged violations of the Ohio Disciplinary Rules and Supreme Court Rules for the Government of the Bar.
2. Whether permanent disbarment was warranted in light of respondent's extensive misconduct, prior discipline, dishonesty, lack of cooperation, and repeated practice during suspension.

HOLDINGS

1. The evidence established by clear and convincing evidence that respondent committed the cited violations of the Disciplinary Rules and Gov.Bar R. V(4)(G) and V(8)(E).
2. Permanent disbarment from the practice of law in Ohio was warranted.

KEY QUOTATIONS

“These ethical improprieties, respondent’s significant record of professional discipline, and repeated violations of the court-ordered suspension of his license are ample reason for the recommendation to disbar.”
(190)

“Respondent is therefore permanently disbarred from the practice of law in Ohio.” (190)

FACTUAL BACKGROUND

Respondent had previously been suspended from practicing law in Ohio but continued to provide or offer legal services during the suspension. In representing eight clients, he repeatedly neglected cases, failed to appear or respond to discovery, dismissed matters without client knowledge or consent, retained unearned fees, failed to return files and funds, and made false statements to clients and disciplinary authorities. He also failed to cooperate with the disciplinary investigation and had not made restitution.

PROCEDURAL HISTORY

The disciplinary panel found numerous violations arising from respondent's representation of eight clients, including neglect, misrepresentation, mishandling of fees and files, unauthorized practice during suspension, and failure to cooperate with the investigation. The board adopted the panel's findings and recommended permanent disbarment. The Supreme Court of Ohio accepted the board's credibility determinations, found the violations established by clear and convincing evidence, and permanently disbarred respondent.

DISPOSITION

other

CASES CITED

- Disciplinary Counsel v. Watson, 95 Ohio St. 3d 364, 2002-Ohio-2222, 768 N.E.2d 617

- Disciplinary Counsel v. Watson, 98 Ohio St. 3d 181, 2002-Ohio-7088, 781 N.E.2d 212
- Cleveland Bar Assn. v. Glatki, 88 Ohio St. 3d 381, 726 N.E.2d 993 (2000)

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