

SUPREME COURT OF OHIO

Cleveland Metropolitan Bar Ass'n v. Jaffe

121 Ohio St. 3d 260 (2009) · Decided February 26, 2009

SUMMARY

The Ohio Supreme Court held that David I. Jaffe violated Gov.Bar R. V(4)(G) by failing to cooperate with an investigation of a disciplinary grievance. Accepting the board's recommendation, the court suspended Jaffe from the practice of law for six months and taxed the proceeding's costs to him.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Moyer, C.J.; Pfeifer; Lundberg Stratton; O'Connor; O'Donnell; Lanzinger; Cupp
JURISDICTION	Ohio
DECIDED	February 26, 2009
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding arising from a grievance investigation; the Board of Commissioners on Grievances and Discipline recommended a six-month suspension, which the Supreme Court of Ohio reviewed and accepted.
PRECEDENTIAL VALUE	Published and precedential opinion of the Supreme Court of Ohio
PARTIES	Cleveland Metropolitan Bar Association v. David I. Jaffe

TOPICS

agency adjudication

administrative law

judicial review of agency action

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether Jaffe violated Gov.Bar R. V(4)(G) by failing to cooperate in the investigation of a grievance.
2. Whether a six-month suspension from the practice of law was the appropriate sanction.

HOLDINGS

1. Jaffe committed professional misconduct by failing to cooperate in the investigation of the grievance, in violation of Gov.Bar R. V(4)(G).
2. A six-month suspension from the practice of law in Ohio was warranted, and the costs of the proceedings were properly taxed to Jaffe.

KEY QUOTATIONS

“We agree that respondent committed professional misconduct as found by the board and accept the recommendation of a six-month suspension.” (¶ 1)

“Respondent is therefore suspended from the practice of law in Ohio for six months. Costs are taxed to respondent.” (¶ 8)

FACTUAL BACKGROUND

The Cleveland Metropolitan Bar Association notified Jaffe of a grievance and directed him to respond within fourteen days. Jaffe acknowledged the notice, falsely stated that he had mailed a response, and then failed to respond despite further demands and attempted contacts. He initially missed a scheduled deposition but later attended and admitted the allegations. Jaffe had a prior disciplinary violation resulting in a two-year suspension with the second year stayed on conditions.

PROCEDURAL HISTORY

Michael Garland filed a grievance against Jaffe with the Cleveland Metropolitan Bar Association. After Jaffe failed to cooperate with the investigation, the bar association filed a disciplinary complaint. Jaffe later admitted the allegations at a deposition, and the parties submitted stipulated facts, exhibits, aggravating and mitigating factors, and an agreed sanction to a panel. The panel and board recommended a six-month suspension, and the Supreme Court of Ohio adopted that recommendation.

DISPOSITION

other

CASES CITED

- Disciplinary Counsel v. Jaffe, 102 Ohio St. 3d 273, 2004-Ohio-2685, 809 N.E.2d 1122