

SUPREME COURT OF OHIO

Disciplinary Counsel v. Fusco

2025-Ohio-5397 (Ohio 2025) · No. 2024-1404 · Decided December 5, 2025

SUMMARY

The Supreme Court of Ohio held that Anthony James Fusco violated Ohio Rules of Professional Conduct 8.4(b), 8.4(c), and 8.4(h) by submitting falsely inflated medical bills in hundreds of client matters to increase his law-firm bonuses. The court imposed an indefinite suspension from the practice of law and denied credit for time served under his interim felony suspension.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Chief Justice Kennedy; Justice Fischer; Justice Leland; Justice Hawkins; Justice Shanahan; Justice Dewine; Justice Deters
JURISDICTION	Supreme Court of Ohio
DECIDED	December 5, 2025
DOCKET	2024-1404
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding on a certified report from the Board of Professional Conduct of the Supreme Court of Ohio.
STANDARD OF REVIEW	The Supreme Court of Ohio independently reviewed the record and applicable precedent, including the ethical duties violated, aggravating and mitigating factors, and sanctions imposed in similar cases.
PRECEDENTIAL VALUE	Published and precedential Supreme Court of Ohio opinion
PARTIES	Disciplinary Counsel v. Anthony James Fusco

TOPICS

- insurance
- remedies

PRACTICE AREAS

- legal ethics
- attorney discipline
- insurance fraud
- professional misconduct

QUESTIONS PRESENTED

1. What sanction is appropriate for Fusco's violations of Prof.Cond.R. 8.4(b), 8.4(c), and 8.4(h)?
2. Whether Fusco should receive credit for time served under his interim felony suspension.
3. What factors govern whether credit should be granted for time served under an interim felony suspension?

HOLDINGS

1. Fusco violated Prof.Cond.R. 8.4(b), 8.4(c), and 8.4(h) by engaging in criminal insurance fraud and conduct involving dishonesty, fraud, deceit, or misrepresentation that adversely reflected on his fitness to practice law.
2. An indefinite suspension from the practice of law is warranted for Fusco's fraudulent financial scheme.
3. Fusco receives no credit for time served under his interim felony suspension.

KEY QUOTATIONS

“Instead, our precedent establishes that Fusco’s fraudulent scheme of falsely inflating \$859,464.44 worth of clients’ medical bills to increase the amount he received in bonuses warrants an indefinite suspension from the practice of law with no credit for time served under his interim felony suspension.” (¶ 4)

“Rather, each disciplinary case is unique, and we must look to the totality of the circumstances to determine whether credit is appropriate.” (¶ 63)

“Accordingly, Anthony James Fusco is indefinitely suspended from the practice of law in Ohio with no credit for time served under his September 21, 2022 interim felony suspension.” (¶ 66)

FACTUAL BACKGROUND

Fusco, an Ohio attorney employed by a personal-injury law firm, submitted falsely inflated medical bills in 399 client cases involving 62 insurers and third-party claim administrators. The scheme lasted more than two and a half years and involved \$859,464.44 in inflated bills, increasing the fees generated by the firm and contributing to \$118,046.05 in bonuses paid to Fusco. After an insurer reported the conduct, Fusco pleaded guilty to third-degree felony insurance fraud and received an 18-month prison sentence, serving approximately 40 days before judicial release.

PROCEDURAL HISTORY

After Fusco was convicted of third-degree felony insurance fraud and placed under an interim felony suspension, disciplinary counsel filed a complaint alleging violations of three Ohio Rules of Professional Conduct. Fusco and disciplinary counsel stipulated to the misconduct and proposed a two-year suspension, while the Board of Professional Conduct recommended a one-year suspension without credit for time served. The Supreme Court of Ohio adopted the findings of misconduct but imposed an indefinite suspension without credit for time served.

DISPOSITION

other

CASES CITED

- In re Fusco, 2022-Ohio-3300
- Disciplinary Counsel v. Bricker, 2013-Ohio-3998, ¶ 21
- Disciplinary Counsel v. Nowicki, 2023-Ohio-3079, ¶ 35
- Disciplinary Counsel v. Bereday, 2019-Ohio-1895, ¶ 11
- Disciplinary Counsel v. Kraemer, 2010-Ohio-3300
- Disciplinary Counsel v. Gittinger, 2010-Ohio-1830
- Disciplinary Counsel v. George, 2020-Ohio-2902
- Cleveland Metro. Bar Assn. v. King, 2019-Ohio-4715
- Disciplinary Counsel v. Muntean, 2010-Ohio-6133
- Disciplinary Counsel v. Fitz, 2022-Ohio-3108
- Mahoning Cty. Bar Assn. v. Rohrbaugh, 2024-Ohio-5127, ¶ 19
- Disciplinary Counsel v. Romer, 2023-Ohio-3099
- Disciplinary Counsel v. Robinson, 2024-Ohio-1657
- Disciplinary Counsel v. Marshall, 2018-Ohio-4174
- Stark Cty. Bar Assn. v. Buttacavoli, 2002-Ohio-4743, ¶ 16
- State ex rel. Ohio Bur. of Workers' Comp. v. O'Donnell, 2023-Ohio-428, ¶ 20
- Epic Sys. Corp. v. Lewis, 584 U.S. 497, 510 (2018)