

SUPREME COURT OF OHIO

Disciplinary Counsel v. Ford

Disciplinary Counsel v. Ford (Slip Opinion), 2020 Ohio 998 (Ohio 2020) · No. 2019-1367 · Decided March 19, 2020

SUMMARY

The Supreme Court of Ohio held that Elizabeth Lorraine Ford committed multiple violations of the Ohio Rules of Professional Conduct and the Rules for the Government of the Bar, including neglect, failure to communicate, mishandling client funds, dishonesty, and failure to cooperate with disciplinary investigations. The court indefinitely suspended Ford from practicing law in Ohio and imposed additional conditions for reinstatement, including an Ohio Lawyers Assistance Program evaluation and compliance with any resulting treatment recommendations.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Maureen O'Connor, C.J.; Judith L. French, J.; Terrence O'Donnell, J.; Patrick F. Fischer, J.; Pat DeWine, J.; Mary DeGenaro Donnelly, J.; Jennifer Brunner Stewart, J.; Patricia Ann Blackmon Kennedy, J.
JURISDICTION	Ohio
DECIDED	March 19, 2020
DOCKET	2019-1367
DISPOSITION	other
PROCEDURAL POSTURE	On a certified report from the Board of Professional Conduct of the Supreme Court of Ohio concerning attorney misconduct.
STANDARD OF REVIEW	The Supreme Court of Ohio independently reviews the board's findings and determines the appropriate sanction for attorney misconduct, considering the ethical duties violated, aggravating and mitigating factors, and sanctions imposed in comparable cases.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Disciplinary Counsel v. Elizabeth Lorraine Ford

TOPICS

PRACTICE AREAS

legal ethics and professional responsibility

attorney discipline

bar admission and reinstatement

QUESTIONS PRESENTED

1. Whether Ford committed the stipulated violations of the Ohio Rules of Professional Conduct and the Rules for the Government of the Bar.
2. What sanction was appropriate for Ford's neglect, failure to communicate, mishandling of client funds, failure to cooperate with disciplinary investigations, and dishonest conduct.
3. Whether Ford's reinstatement should be conditioned on evaluation, treatment or counseling, sustained successful treatment if recommended, and a healthcare professional's prognosis that she could return to competent, ethical, and professional practice.

HOLDINGS

1. Ford violated Prof.Cond.R. 1.3, 1.4(a)(4), 1.14(a)(4), 1.15(a), 1.15(c), 1.16(d), 8.1(b), and 8.4(c), as well as Gov.Bar R. V(9)(G), through neglect, inadequate communication, failure to safeguard client funds, failure to deliver client property, dishonesty, and failure to cooperate with disciplinary investigations.
2. An indefinite suspension from the practice of law in Ohio was the appropriate sanction for Ford's misconduct.
3. In addition to the requirements of Gov. Bar R. V(25), Ford's reinstatement must be conditioned on an OLAP evaluation, compliance with resulting treatment or counseling recommendations, a sustained period of successful treatment or counseling if recommended, and a prognosis from a qualified healthcare professional that she can return to competent, ethical, and professional practice.

KEY QUOTATIONS

“Moreover, when these infractions are coupled with dishonesty in any form, an indefinite suspension is all but guaranteed.” (§ 27)

“Accordingly, Elizabeth Lorraine Ford is indefinitely suspended from the practice of law in Ohio.” (§ 29)

FACTUAL BACKGROUND

Ford represented four clients in domestic-relations matters and failed to communicate with them, neglected or delayed legal work, failed to maintain a client trust account, and converted or mishandled client funds. She also failed to cooperate with disciplinary investigations, failed to appear for a deposition, and made false or misleading statements concerning client funds and restitution. Ford had a prior disciplinary record and was subject to a separate suspension for failing to register for the 2019/2021 biennium.

PROCEDURAL HISTORY

Disciplinary Counsel filed a formal complaint charging Ford with professional misconduct in her representation of four clients. The parties stipulated to facts, misconduct, and aggravating and mitigating factors, and the matter proceeded to a hearing before a board panel. The Board of Professional Conduct found misconduct, including dishonest conduct during the disciplinary proceeding, and recommended an indefinite suspension. No objections were filed, and the Supreme Court of Ohio adopted the board's findings and sanction recommendation.

DISPOSITION

other

CASES CITED

- In re Attorney Registration Suspension of Ford, 107 Ohio St. 3d 1431, 2005-Ohio-6408, 838 N.E.2d 671
- In re Reinstatement of Ford, 113 Ohio St. 3d 1425, 2007-Ohio-1313, 863 N.E.2d 644
- In re Attorney Registration Suspension of Ford, 157 Ohio St. 3d 1472, 2019-Ohio-4529, 134 N.E.3d 183
- Disciplinary Counsel v. Hoff, 124 Ohio St. 3d 269, 2010-Ohio-136, 921 N.E.2d 636, ¶ 10
- Disciplinary Counsel v. Mathewson, 113 Ohio St. 3d 365, 2007-Ohio-2076, 865 N.E.2d 891, ¶ 19
- Disciplinary Counsel v. Golden, 97 Ohio St. 3d 230, 2002-Ohio-5934, 778 N.E.2d 564, ¶ 23