

SUPREME COURT OF OHIO

In re Lowden

98 Ohio St. 3d 1547 (Ohio 2003) · Decided April 24, 2003

SUMMARY

The Supreme Court of Ohio imposed an interim suspension on Jeffrey T. Lowden from the practice of law based on a certified determination that he was in default under a child support order. The court referred the matter for disciplinary investigation and specified conditions for reinstatement, including resolution of the child-support default and a further court order.

CASE DETAILS

COURT	Supreme Court of Ohio
JURISDICTION	Ohio
DECIDED	April 24, 2003
DISPOSITION	other
PROCEDURAL POSTURE	The Secretary of the Board of Commissioners on Grievances and Discipline submitted a certified determination that Jeffrey T. Lowden was in default under a child support order. The Supreme Court of Ohio imposed an interim suspension under Gov.Bar R. V(5)(A) and referred the matter for investigation and disciplinary proceedings.
PRECEDENTIAL VALUE	Published per curiam disciplinary order

TOPICS

child support family law procedure family law

PRACTICE AREAS

attorney discipline child support professional licensing

QUESTIONS PRESENTED

- Whether a certified determination of an attorney's default under a child support order warranted an interim suspension under Gov.Bar R. V(5)(A).
- What conditions had to be satisfied before the respondent could be reinstated to the practice of law.

HOLDINGS

1. Upon receipt of the certified determination of Lowden's default under a child support order, the Supreme Court of Ohio suspended him from the practice of law for an interim period pursuant to Gov.Bar R. V(5)(A)(4).
2. Lowden could not be reinstated until the Board filed the specified documentation establishing that the child-support default had been reversed, resolved, or was being addressed through an applicable withholding or deduction notice or a new or modified support order, and the Supreme Court separately ordered reinstatement.

KEY QUOTATIONS

“Upon consideration thereof and pursuant to Gov.Bar R. V(5)(A)(4), it is ordered and decreed that Jeffrey T. Lowden, a.k.a. Jeffrey Theodore Lowden, Attorney Registration No. 0071548, last known business address in Toledo, Ohio, be, and hereby is, suspended from the practice of law for an interim period, effective as of the date of this entry.” (1547)

“IT IS FURTHER ORDERED that respondent shall not be reinstated to the practice of law until (1) the Board of Commissioners on Grievances and Discipline files in accordance with Gov.Bar R. V(5)(D)(1)(b) with the Supreme Court a certified copy of a judgment entry reversing the determination of default under a child support order, or it files in accordance with Gov.Bar R. V(5)(D)(1)(c) with the Supreme Court a notice from a court or child support enforcement agency that respondent is no longer in default under a child support order or is subject to a withholding or deduction notice or a new or modified child support order to collect current support or any arrearage due under the child support order that was in default and is complying with that notice or order, and (2) this court orders respondent reinstated to the practice of law.” (1548)

FACTUAL BACKGROUND

Jeffrey T. Lowden, also known as Jeffrey Theodore Lowden, was an attorney licensed to practice in Ohio. The Board's Secretary certified to the Supreme Court of Ohio a determination that Lowden was in default under a child support order. The court relied on that certified determination to suspend him from practicing law on an interim basis.

PROCEDURAL HISTORY

On March 13, 2003, the Secretary of the Board submitted to the Supreme Court of Ohio a certified copy of a determination of Lowden's default under a child support order. The court entered an interim suspension, referred the matter to Disciplinary Counsel for investigation and disciplinary proceedings, and conditioned reinstatement on specified proof that the child-support default had been reversed, resolved, or was being addressed through an applicable withholding or deduction notice or support order.

DISPOSITION

other

REMAND INSTRUCTIONS

The matter was referred to Disciplinary Counsel for investigation and commencement of disciplinary proceedings.

OPINION

PER CURIAM.

On March 13, 2003, and pursuant to Gov.Bar R. V(5)(A), the Secretary of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio submitted to this court a certified copy of a determination of default of a child support order by Jeffrey T. Lowden, a.k.a. Jeffrey Theodore Lowden, an attorney licensed to practice law in the state of Ohio.

Upon consideration thereof and pursuant to Gov.Bar R. V(5)(A)(4), it is ordered and decreed that Jeffrey T. Lowden, a.k.a. Jeffrey Theodore Lowden, Attorney Registration No. 0071548, last known business address in Toledo, Ohio, be, and hereby is, suspended from the practice of law for an interim period, effective as of the date of this entry. IT IS FURTHER ORDERED that this matter be, and is hereby, referred to the Disciplinary Counsel for investigation and commencement of disciplinary proceedings.

IT IS FURTHER ORDERED that Jeffrey T. Lowden, a.k.a. Jeffrey Theodore Lowden, immediately cease and desist from the practice of law in any form and is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency, or other public authority. IT IS FURTHER ORDERED that, effective immediately, he be forbidden to counsel or advise, or prepare legal instruments for others or in any manner perform legal services for others.

IT IS FURTHER ORDERED that he is hereby divested of each, any, and all of the rights, privileges, and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio. IT IS FURTHER ORDERED that respondent shall not be reinstated to the practice of law until (1) the Board of Commissioners on Grievances and Discipline files in accordance with Gov.Bar R. V(5)(D)(1)(b) with the Supreme Court a certified copy of a judgment entry reversing the determination of default under a child support order, or it files in accordance with Gov.Bar R. V(5)(D)(1)(c) with the Supreme Court a notice from a court or child support enforcement agency that respondent is no longer in default under a child support order or is subject to a withholding or deduction notice or a new or modified child support order to collect current support or any arrearage due under the child *1548support order that was in default and is complying with that notice or order, and (2) this court orders respondent reinstated to the practice of law.

IT IS FURTHER ORDERED that respondent shall keep the Clerk and the Disciplinary Counsel advised of any change of address where respondent may receive communications. IT IS FURTHER ORDERED, sua sponte, that all documents filed with this court in this case shall meet

the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

IT IS FURTHER ORDERED, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the Attorney Registration Office. IT IS FURTHER ORDERED that the Clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.