

SUPREME COURT OF OHIO

Akron Bar Ass'n v. Wittbrod

124 Ohio St. 3d 1465 (Ohio 2010) · Decided February 3, 2010

SUMMARY

The Supreme Court of Ohio found attorney Harry J. Wittbrod in contempt after he failed to appear and failed to pay disciplinary board costs. The court revoked the stay of his prior six-month suspension and imposed requirements concerning cessation of practice, client notifications, continuing legal education, reimbursement obligations, and reinstatement.

CASE DETAILS

COURT	Supreme Court of Ohio
JURISDICTION	Ohio
DECIDED	February 3, 2010
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline contempt proceeding initiated by the Akron Bar Association's motion for an order to show cause after respondent failed to pay disciplinary costs and failed to appear before the Supreme Court of Ohio.
PRECEDENTIAL VALUE	Published disciplinary order; binding as to the court's contempt and suspension disposition and its stated compliance requirements.
PARTIES	Akron Bar Association v. Harry J. Wittbrod

TOPICS

contempt sanctions remedies civil procedure

PRACTICE AREAS

attorney discipline professional responsibility contempt remedies

QUESTIONS PRESENTED

1. Whether Wittbrod should be found in contempt for failing to comply with the court's prior disciplinary order and failing to appear for the show-cause proceeding.
2. Whether the stay of Wittbrod's six-month suspension should be revoked and the full suspension imposed.

3. What conditions and compliance obligations should govern Wittbrod during the suspension and before reinstatement.

HOLDINGS

1. Wittbrod was found in contempt for failing to comply with the court's prior order and failing to appear as ordered.
2. The stay of Wittbrod's six-month suspension was revoked, and he was required to serve the entire six-month suspension.
3. Wittbrod was prohibited from practicing law or performing legal services during the suspension and could not be reinstated until satisfying the specified reinstatement, rule-compliance, and court-order requirements.

KEY QUOTATIONS

"Therefore, It is ordered that respondent is found in contempt." (124 Ohio St. 3d at 1465)

"It is further ordered and adjudged by this court that the stay of the suspension is hereby revoked and respondent, Harry J. Wittbrod, Attorney Registration No. 0066021, last known business address in Cuyahoga Falls, Ohio, shall serve the entire six-month suspension imposed in the court's order of July 28, 2009." (124 Ohio St. 3d at 1465)

FACTUAL BACKGROUND

The Supreme Court of Ohio had previously imposed a stayed six-month suspension and one year of monitored probation on Harry J. Wittbrod, conditioned on compliance with the court's order, and ordered him to pay \$1,319.66 in costs. The costs remained unpaid, and Wittbrod failed to appear after the court ordered him to show cause why he should not be held in contempt.

PROCEDURAL HISTORY

On July 28, 2009, the Supreme Court of Ohio suspended Wittbrod from practicing law for six months, stayed the suspension, placed him on monitored probation, and ordered him to pay costs. After Wittbrod failed to pay the costs and did not appear for a scheduled show-cause proceeding, the court found him in contempt, revoked the stay, and ordered him to serve the entire suspension subject to continuing conditions.

DISPOSITION

other