

SUPREME COURT OF OHIO

In re Application of Washington

2018-Ohio-12 (Ohio 2018) · No. 2017-1137 · Decided January 3, 2018

SUMMARY

The Supreme Court of Ohio disapproved Brianna Lynn Washington’s pending application for admission to practice law after finding inaccurate reporting of work hours during an internship and a failure to cooperate with the character-and-fitness investigation. The court permitted her to reapply and seek admission to the July 2018 bar examination, subject to a complete character-and-fitness investigation.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Maureen O'Connor, Chief Justice; Maureen O'Connor; Terrence O'Donnell; Lynn W. O'Neill; Judith L. French; William M. O'Neill; Patrick F. Fischer; Pat DeWine
JURISDICTION	Ohio
DECIDED	January 3, 2018
DOCKET	2017-1137
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Ohio reviewed a report and recommendation from the Board of Commissioners on Character and Fitness concerning Washington's pending application to register as a candidate for admission to the practice of law.
STANDARD OF REVIEW	The court independently reviewed the board's report and the record and agreed with the board's findings and recommendation.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion
PARTIES	Brianna Lynn Washington v. Columbus Bar Association

TOPICS

administrative law

appellate procedure

judicial review of agency action

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Washington demonstrated by clear and convincing evidence that she possessed the requisite character, fitness, and moral qualifications for admission to the practice of law in Ohio.
2. Whether inaccurate reporting of internship hours and failure to cooperate with the character-and-fitness investigation warranted disapproval of her pending application.
3. Whether Washington should be permitted to reapply and seek admission to a future Ohio bar examination.

HOLDINGS

1. Washington failed to prove by clear and convincing evidence that she possessed the requisite character, fitness, and moral qualifications for admission to the Ohio bar at that time.
2. Washington's failure to appear at the second hearing and failure to respond to the panel's repeated efforts to contact her constituted sufficient grounds for disapproving her application.
3. Although the pending application was disapproved, Washington was permitted to file a new application and apply to take the July 2018 bar examination, subject to a complete character-and-fitness investigation and renewed proof of her qualifications.

KEY QUOTATIONS

“An applicant to the Ohio bar must prove by clear and convincing evidence that he or she “possesses the requisite character, fitness, and moral qualifications for admission to the practice of law.”” (¶ 7)

“Washington’s failure to appear is itself sufficient grounds for disproving her application.” (¶ 8)

“Upon reapplication, Washington will be required to undergo a complete character-and-fitness investigation, including an investigation and report by the National Conference of Bar Examiners, and demonstrate that she possesses the requisite character, fitness, and moral qualifications for admission to the practice of law in Ohio.” (¶ 9)

FACTUAL BACKGROUND

Washington inaccurately recorded work hours on timesheets during an internship with the Ohio Department of Administrative Services. Supervisors testified that on four occasions her recorded times differed from the times they observed her arriving or leaving, while Washington had previously testified that the inaccurate recordkeeping occurred on two occasions. After the first hearing, Washington failed to respond to five attempts to contact her and did not appear at the second hearing.

PROCEDURAL HISTORY

Washington applied for registration in November 2015. An admissions committee initially recommended approval, but the Board of Commissioners on Character and Fitness initiated an investigation after learning that Washington had been dismissed from an internship for discrepancies in her timesheets. After a second hearing, at

which Washington did not appear or respond to communications, the panel recommended disapproval with permission to reapply. The board adopted that recommendation, and the Supreme Court of Ohio approved it.

DISPOSITION

other

CASES CITED

- In re Application of Myers, 147 Ohio St. 3d 32, 2016-Ohio-2812, 59 N.E.3d 1266

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