

SUPREME COURT OF OHIO

Disciplinary Counsel v. Trainor

126 Ohio St. 3d 1249, 2010-Ohio-5102 · No. 2010-1441 · Decided October 1, 2010

SUMMARY

The Supreme Court of Ohio imposed reciprocal discipline on Robert N. Trainor based on a disciplinary suspension entered by the Supreme Court of Kentucky. The court ordered a 30-day suspension, stayed on conditions including no further misconduct and completion of the Kentucky Bar Association Ethics and Professionalism Enhancement Program.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Maureen O'Connor, C.J.; Pfeifer, J.; Lundberg Stratton, J.; O'Donnell, J.; Lanzinger, J.; Cupp, J.; Brown, J.
JURISDICTION	Ohio
DECIDED	October 1, 2010
DOCKET	2010-1441
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding initiated after the Supreme Court of Ohio received a certified order from the Supreme Court of Kentucky imposing a stayed 30-day suspension on Trainor.
PRECEDENTIAL VALUE	Published Ohio Supreme Court disciplinary order
PARTIES	Disciplinary Counsel v. Robert N. Trainor

TOPICS

appellate procedure

PRACTICE AREAS

legal ethics and attorney discipline

professional responsibility

reciprocal discipline

QUESTIONS PRESENTED

1. Whether the Supreme Court of Ohio should impose identical or comparable discipline under Ohio's reciprocal-discipline rule after the Supreme Court of Kentucky sanctioned Trainor.

HOLDINGS

1. Pursuant to Gov.Bar R. V(11)(F)(4), Trainor was suspended from the practice of law in Ohio for 30 days, with the suspension stayed on conditions requiring compliance with the Kentucky order, no further misconduct, and completion of the Kentucky Bar Association Ethics and Professionalism Enhancement Program.
2. Trainor must reimburse, within 90 days, any amounts awarded against him by the Clients' Security Fund, including any award made after the date of the Ohio order.

FACTUAL BACKGROUND

The Supreme Court of Kentucky entered an order suspending Robert N. Trainor from practice for 30 days, with the suspension stayed subject to specified conditions. Disciplinary Counsel filed a certified copy of that order in Ohio, and Trainor failed to notify the Ohio Supreme Court of the Kentucky sanction or respond to the Ohio court's show-cause order.

PROCEDURAL HISTORY

The Supreme Court of Kentucky suspended Trainor for 30 days, stayed on conditions including no further disciplinary charges during a one-year period and completion of the Kentucky Bar Association Ethics and Professionalism Enhancement Program. Disciplinary Counsel filed a certified copy of the Kentucky order with the Supreme Court of Ohio, which ordered Trainor to show cause why identical or comparable discipline should not be imposed; Trainor did not respond. The Ohio Supreme Court then imposed reciprocal discipline.

DISPOSITION

other

CASES CITED

- Trainor v. Kentucky Bar Assn., 311 S.W.3d 719 (Ky. 2010)

OPINION

PER CURIAM.

[Cite as Disciplinary Counsel v. Trainor, 126 Ohio St. 3d 1249, 2010-Ohio-5102.]
DISCIPLINARY COUNSEL v. TRAINOR. [Cite as Disciplinary Counsel v. Trainor, 126 Ohio St. 3d 1249, 2010-Ohio-5102.] Attorneys at law — Reciprocal discipline from the Supreme Court of Kentucky — 30-day stayed suspension — Gov.Bar R. V(11)(F)(4). (No. 2010-1441 — Submitted September 24, 2010 — Decided October 1, 2010.)

ON CERTIFIED ORDER of the Supreme Court of Kentucky, No. 2010-SC-000201-KB.
_____ {¶ 1} This cause is pending before the Supreme Court of Ohio in accordance with the reciprocal discipline provisions of Gov.Bar R. V(11)(F). {¶ 2} On August 12, 2010, relator, Disciplinary Counsel, filed with this court a certified copy of an order of the

Supreme Court of Kentucky entered May 20, 2010, in *Trainor v. Kentucky Bar Assn.*, in case No. 2010-SC-000201-KB, 311 S.W.3d 719, suspending respondent for a period of 30 days, stayed provided that he incur no other disciplinary charges during a one-year period and that he attend the entire Kentucky Bar Association Ethics and Professionalism Enhancement Program.

On August 26, 2010, this court ordered respondent to show cause why identical or comparable discipline should not be imposed in this state. Respondent failed to notify this court of the disciplinary sanction imposed upon him by the Supreme Court of Kentucky. This cause was considered by the court and on consideration thereof, {¶ 3} It is ordered and adjudged by this court that pursuant to Gov.Bar R. V(11)(F)(4), respondent, Robert N. Trainor, Attorney Registration No. 0012089, last known business address in Covington, Kentucky, is suspended for a period of 30 days, stayed on the conditions that respondent comply with the requirements SUPREME COURT OF OHIO set forth in the May 20, 2010 opinion and order of the Supreme Court of Kentucky to commit no further misconduct and attend the entire Kentucky Bar Association Ethics and Professionalism Enhancement Program. {¶ 4} It is further ordered, sua sponte, by the court that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F).

It is further ordered, sua sponte, by the court that if, after the date of this order, the Clients' Security Fund awards any amount against respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award. {¶ 5} 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. {¶ 6} 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 Office of Attorney Services. {¶ 7} 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.

BROWN, C.J., and PFEIFER, LUNDBERG STRATTON, O'CONNOR, O'DONNELL, LANZINGER, and CUPP, JJ., concur. _____ 2