

SUPREME COURT OF OHIO

In re Resignation of Slagle

121 Ohio St. 3d 1216 (Ohio 2009) · Decided February 25, 2009

SUMMARY

The Supreme Court of Ohio accepted John Wesley Slagle’s resignation from the practice of law as a resignation with disciplinary action pending. The order withdrew his practice privileges, required compliance with client-notification and recordkeeping obligations, and imposed related restrictions and reimbursement duties.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Moyer, C.J.; Pfeifer; Lundberg Stratton; O'Connor; O'Donnell; Lanzinger; Cupp
JURISDICTION	Ohio
DECIDED	February 25, 2009
DISPOSITION	approved
PROCEDURAL POSTURE	The Supreme Court of Ohio considered an attorney’s application to retire or resign under Gov.Bar R. VI(6), following referral of the application to Disciplinary Counsel and submission of Disciplinary Counsel's report.
PRECEDENTIAL VALUE	Published Ohio Supreme Court order concerning acceptance of an attorney resignation with disciplinary action pending.

TOPICS

administrative law

agency adjudication

PRACTICE AREAS

attorney discipline

legal ethics

professional responsibility

QUESTIONS PRESENTED

1. Whether Slagle's application for resignation should be accepted pursuant to Gov.Bar R. VI(6) while disciplinary action was pending.
2. What restrictions and compliance obligations should accompany acceptance of the resignation.

HOLDINGS

1. The court accepted Slagle's resignation as an attorney and counselor at law with disciplinary action pending.
2. Upon acceptance, Slagle's rights and privileges to practice law in Ohio were withdrawn, his name was ordered stricken from the roll of attorneys, and he was prohibited from practicing law or holding himself out as authorized to practice.
3. Slagle was required to comply with specified obligations concerning employment with attorneys or law firms, client and opposing-party notices, delivery of client property, refunds and trust-accounting, filing an affidavit of compliance, surrender of his registration card, address reporting, and reimbursement of Clients' Security Fund awards.

KEY QUOTATIONS

"It is ordered by the court that pursuant to Gov.Bar R. VI(6)(C) the resignation as an attorney and counselor at law is accepted as a resignation with disciplinary action pending." (121 Ohio St. 3d at 1216)

"It is further ordered and adjudged that from and after this date all rights and privileges extended to respondent to practice law in the state of Ohio be withdrawn; that henceforth respondent shall cease to hold himself forth as an attorney authorized to appear in the courts of this state" (121 Ohio St. 3d at 1216-1217)

FACTUAL BACKGROUND

John Wesley Slagle was an Ohio attorney admitted to practice in 1976. He submitted an application for retirement or resignation, and the application was referred to Disciplinary Counsel under the governing bar rule. After receiving Disciplinary Counsel's report, the Supreme Court of Ohio accepted the resignation with disciplinary action pending.

PROCEDURAL HISTORY

John Wesley Slagle submitted an application for retirement or resignation pursuant to Gov.Bar R. VI(6). The application was referred to Disciplinary Counsel, whose report was filed with the Supreme Court of Ohio. The court accepted Slagle's resignation with disciplinary action pending and imposed the stated restrictions and compliance obligations.

DISPOSITION

approved

OPINION

PER CURIAM.

{¶ 1} John Wesley Slagle, Attorney Registration No. 0017551, last known business address in Hillsboro, Ohio, who was admitted to the bar of this state on November 19, 1976, submitted an Application for Retirement or Resignation pursuant to Gov.Bar R. VI(6).

The application was referred to Disciplinary Counsel pursuant to Gov.Bar R. VI(6)(B). On January 28, 2009, the Office of Attorney Services filed Disciplinary Counsel's report, under seal, with this court in accordance with Gov.Bar R. VI(6)(B)(2). Upon consideration thereof, {¶ 2} It is ordered by the court that pursuant to Gov.Bar R. VI(6)(C) the resignation as an attorney and counselor at law is accepted as a resignation with disciplinary action pending. {¶ 3} It is further ordered and adjudged that from and after this date all rights and privileges extended to respondent to practice law in the state of Ohio be withdrawn; that henceforth respondent shall cease to hold himself forth as an attorney authorized to appear in the courts of this state; that respondent shall not attempt, either directly or indirectly, to render services as an attorney or counselor at law to or for any individuals, corporation, or society or in any way perform or seek to perform services for anyone, no matter how constituted, that must, by law, be executed by a duly appointed and qualified attorney within the state of Ohio. {¶ 4} It is further ordered that respondent desist and refrain from the practice of law in any form, either as principal or agent or clerk or employee of another, and hereby is forbidden to appear in the state of Ohio as an attorney and counselor at law before any court, judge, board, commission, or other public authority, and hereby is forbidden to give another an opinion as to the law or its application or advise with relation thereto. {¶ 5} It is further ordered that before entering into an employment, contractual, or consulting relationship with any attorney or law firm, respondent shall *1217verify that the attorney or law firm has complied with the registration requirements of Gov.Bar R. V(8)(G)(3).

If employed pursuant to Gov.Bar R. V(8)(G), respondent shall refrain from direct client contact except as provided in Gov.Bar R. V(8)(G)(1) and from receiving, disbursing, or otherwise handling any client trust funds or property. {¶ 6} It is further ordered that respondent shall not enter into an employment, contractual, or consulting relationship with an attorney or law firm with which respondent was associated as a partner, shareholder, member, or employee at the time respondent engaged in the misconduct that resulted in this acceptance of respondent's resignation with discipline pending. {¶ 7} It is further ordered that respondent surrender respondent's certificate of admission to practice to the Clerk of the court on or before 30 days from the date of this order and that respondent's name be stricken from the roll of attorneys maintained by this court. {¶ 8} 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 the 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. {¶ 9} It is further ordered that on or before 30 days from the date of this order, respondent shall: {¶ 10} 1.

Notify all clients being represented in pending matters and any co-counsel of respondent's resignation and consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in respondent's place; {¶ 11} 2.

Regardless of any fees or expenses due respondent, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property; {¶ 12} 3.

Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in the possession or control of respondent; {¶ 13} 4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of respondent's disqualification to act as an attorney *1218after the effective date of this order, and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files; {¶ 14} 5.

Send all such notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent; {¶ 15} 6. File with the Clerk of this court and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the affiant may receive communications; and {¶ 16} 7.

Retain and maintain a record of the various steps taken by respondent pursuant to this order. {¶ 17} It is further ordered that on or before 30 days from the date of this order, respondent shall surrender the attorney registration card for the 2007/2009 biennium. {¶ 18} It is further ordered that until such time as respondent fully complies with this order, respondent shall keep the Clerk and the Disciplinary Counsel advised of any change of address where respondent may receive communications. {¶ 19} 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. {¶ 20} 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. {¶ 21} 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.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

