

SUPREME COURT OF OHIO

In re Resignation of Payne

126 Ohio St. 3d 1246, 2010-Ohio-5105 (Ohio 2010) · No. 2010-1508 · Decided September 24, 2010

SUMMARY

The Supreme Court of Ohio accepted Kevin Francis Payne's resignation from the practice of law with disciplinary action pending under Gov. Bar R. VI(6)(C). The order withdrew his law-practice privileges, required surrender of his certificate of admission, imposed client-notification and compliance obligations, and directed that his name be stricken from the roll of attorneys.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Chief Justice Brown; Justice Pfeifer; Justice Lundberg Stratton; Justice O'Connor; Justice O'Donnell; Justice Lanzinger; Justice Cupp
JURISDICTION	Ohio
DECIDED	September 24, 2010
DOCKET	2010-1508
DISPOSITION	other
PROCEDURAL POSTURE	An attorney applied for retirement or resignation under Gov.Bar R. VI(6) while disciplinary action was pending. The Supreme Court of Ohio considered the application and disciplinary counsel's report and entered an order accepting the resignation with disciplinary action pending.
PRECEDENTIAL VALUE	Published Ohio Supreme Court disciplinary order; precedential value is limited to the application of the governing attorney-discipline rules and the specific obligations imposed.

TOPICS

appellate procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether Payne's application for resignation should be accepted under Gov.Bar R. VI(6)(C) as a resignation with disciplinary action pending.
2. What restrictions and compliance obligations should accompany acceptance of the resignation.

HOLDINGS

1. The court accepted Payne's resignation as an attorney and counselor at law with disciplinary action pending pursuant to Gov.Bar R. VI(6)(C).
2. Upon acceptance of the resignation, Payne's rights and privileges to practice law in Ohio were withdrawn, his name was ordered stricken from the roll of attorneys, and he was required to comply with specified restrictions, client-protection obligations, and filing and notice requirements.

FACTUAL BACKGROUND

Kevin Francis Payne was an Ohio attorney admitted to practice in 1981. He submitted an application for retirement or resignation while disciplinary action was pending, and Disciplinary Counsel filed a report under seal after referral of the application.

PROCEDURAL HISTORY

Kevin Francis Payne 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 under seal; the Supreme Court of Ohio then accepted the resignation with disciplinary action pending and imposed related restrictions and compliance obligations.

DISPOSITION

other

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