

SUPREME COURT OF OHIO

Cleveland Metro. Bar Assn. v. Downing

2021 Ohio 2280 (Ohio 2021) · No. 2020-1281 · Decided July 2, 2021

SUMMARY

The Supreme Court of Ohio indefinitely suspended Michael John Downing from the practice of law after considering a certification of default and receiving no objections to converting his interim default suspension. The order imposes restrictions on legal practice, continuing-education and client-protection reimbursement obligations, reinstatement conditions, and notice and compliance requirements.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Maureen O'Connor, C.J.; Maureen O'Connor, J.; Jennifer Brunner, J.; Patrick F. Fischer, J.; Pat DeWine, J.; Michael P. Donnelly, J.; Melody J. Stewart, J.; Sharon L. Kennedy, J.
JURISDICTION	Ohio
DECIDED	July 2, 2021
DOCKET	2020-1281
DISPOSITION	other
PROCEDURAL POSTURE	The Board of Professional Conduct filed a certification of default against respondent attorney Michael John Downing. After imposing an interim default suspension and receiving no objections to an order to show cause, the Supreme Court of Ohio converted the interim suspension into an indefinite suspension.
PRECEDENTIAL VALUE	Published opinion

TOPICS

default

civil procedure

PRACTICE AREAS

professional responsibility

attorney discipline

QUESTIONS PRESENTED

1. Whether the court should convert respondent's interim default suspension into an indefinite suspension after the Board of Professional Conduct certified a default and no objections were filed.
2. What conditions and obligations should govern respondent during the indefinite suspension and any future reinstatement.

HOLDINGS

1. Pursuant to Gov.Bar R. V(14)(E)(1), respondent must be indefinitely suspended from the practice of law after the certification of default and the absence of objections to conversion of the interim suspension.
2. During the indefinite suspension, respondent must cease practicing law, comply with specified client-protection, continuing-legal-education, reimbursement, notice, recordkeeping, and address-reporting obligations, and may not be reinstated unless the stated reinstatement requirements are satisfied and the court orders reinstatement.

KEY QUOTATIONS

“respondent, Michael John Downing, Attorney Registration No. 0022944, last known address in Cleveland, Ohio, is indefinitely suspended from the practice of law.” (¶ 2)

“respondent shall not be reinstated to the practice of law in Ohio until (1) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar of Ohio, (2) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio, (3) respondent complies with this and all other orders of the court, and (4) this court orders respondent reinstated.” (¶ 9)

FACTUAL BACKGROUND

The Board of Professional Conduct certified respondent Michael John Downing's default in a disciplinary matter. The Supreme Court of Ohio imposed an interim default suspension, and no objections were filed to converting that suspension into an indefinite suspension. The court then imposed the indefinite suspension and specified conditions governing respondent's practice, reinstatement, client notification, property and fee handling, continuing legal education, and reimbursement obligations.

PROCEDURAL HISTORY

The Board of Professional Conduct filed a certification of default on October 22, 2020. The Supreme Court imposed an interim default suspension on November 16, 2020, ordered the parties to show cause why it should not be converted into an indefinite suspension, received no objections, and entered the indefinite suspension order.

DISPOSITION

other