

SUPREME COURT OF OHIO

Mahoning County Bar Association v. Cochran

Mahoning County Bar Association v. Cochran., 2018 Ohio 4 (Ohio 2018) · No. 2017-1080 · Decided January 2, 2018

SUMMARY

The Supreme Court of Ohio adopts findings that attorney Scott Robert Cochran violated professional-conduct rules by making incomplete and misleading statements to a federal tribunal and committing an illegal act reflecting adversely on his honesty or trustworthiness. The court imposes a one-year suspension from the practice of law, entirely stayed on the condition that Cochran commit no further misconduct.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Maureen O'Connor, Chief Justice; Terrence O'Donnell, Justice; J. William McGee, Justice; Pat DeWine, Justice; William M. O'Neill, Justice; R. Patrick DeWine, Justice
JURISDICTION	Ohio
DECIDED	January 2, 2018
DOCKET	2017-1080
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding on a certified report from the Board of Professional Conduct of the Supreme Court of Ohio. The relator charged respondent with professional misconduct arising from his federal criminal conviction. Neither party objected to the board's findings or recommended sanction.
STANDARD OF REVIEW	The Supreme Court of Ohio independently reviewed the record and adopted the board's findings and recommended sanction.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Ohio; binding precedent on the stated professional-conduct violations and sanction analysis.

TOPICS

remedies

criminal procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether Cochran's incomplete and misleading statements during his federal criminal trial violated Prof.Cond.R. 3.3(a)(1).
2. Whether Cochran's federal offense constituted an illegal act reflecting adversely on his honesty or trustworthiness in violation of Prof.Cond.R. 8.4(b).
3. What professional-discipline sanction was appropriate in light of the misconduct, aggravating and mitigating factors, and comparable precedent.

HOLDINGS

1. Cochran violated Prof.Cond.R. 3.3(a)(1) by making incomplete and misleading statements of material fact to the federal court and failing to provide complete information concerning his presence during a relevant conversation.
2. Cochran violated Prof.Cond.R. 8.4(b) by committing an illegal act that reflected adversely on his honesty or trustworthiness.
3. A one-year suspension from the practice of law, stayed in its entirety on the condition that Cochran commit no further misconduct, was the appropriate sanction; if he violates the condition, the stay will be lifted and he will serve the full suspension.

KEY QUOTATIONS

“Accordingly, we hereby suspend Cochran from the practice of law in Ohio for one year, with the entire suspension stayed on the condition that he commit no further misconduct.” (§ 17)

FACTUAL BACKGROUND

While representing Charles Muth in state criminal proceedings, Cochran became involved in discussions concerning a proposed settlement with the victim of a shooting and whether the victim would appear at Muth's federal sentencing. Cochran was later charged federally with several offenses and ultimately pleaded guilty to misbehavior in the presence of the court after admitting that he made two incomplete and misleading statements during his trial. The federal court treated the offense as a misdemeanor, sentenced him to two years of probation and a \$2,500 fine, and later terminated his probation.

PROCEDURAL HISTORY

The Mahoning County Bar Association charged Scott Robert Cochran with violations of the Ohio professional-conduct rules after he pleaded guilty in federal court to misbehavior in the presence of the court under 18 U.S.C. § 401(1). The parties stipulated to facts, and a three-member panel of the Board of Professional Conduct found some of the charged misconduct and recommended a one-year suspension stayed in full on conditions. The Supreme Court of Ohio adopted the findings and sanction, modifying the condition concerning federal probation because that probation had terminated.

DISPOSITION

other

CASES CITED

- Toledo Bar Assn. v. DeMarco, 144 Ohio St. 3d 248, 2015-Ohio-4549, 41 N.E.3d 1237
- Disciplinary Counsel v. Niermeyer, 119 Ohio St. 3d 99, 2008-Ohio-3824, 892 N.E.2d 434

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