

SUPREME COURT OF OHIO

Disciplinary Counsel v. Barnes

126 Ohio St. 3d 1203, 2010-Ohio-3400 (Ohio 2010) · No. 2010-0754 · Decided June 22, 2010

SUMMARY

The Supreme Court of Ohio imposed reciprocal discipline on Donald Henry Barnes based on his indefinite suspension by the Supreme Judicial Court of Massachusetts. The court indefinitely suspended Barnes from practicing law in Ohio, subject to reinstatement conditions including reinstatement in Massachusetts and compliance with Ohio bar rules.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Brown, C.J.; Pfeifer; Lundberg Stratton; O'Connor; O'Donnell; Lanzinger; Cupp
JURISDICTION	Ohio
DECIDED	June 22, 2010
DOCKET	2010-0754
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding initiated on a certified order from the Supreme Judicial Court for Suffolk County, Massachusetts.
STANDARD OF REVIEW	Reciprocal-discipline review under Gov.Bar R. V(11)(F); the opinion applies the rule to the certified foreign disciplinary order.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion; precedential.
PARTIES	Disciplinary Counsel v. Donald Henry Barnes

TOPICS

appellate procedure

remedies

PRACTICE AREAS

legal ethics

attorney discipline

reciprocal discipline

QUESTIONS PRESENTED

1. Whether Ohio should impose identical or comparable discipline under its reciprocal-discipline rule after a Massachusetts court indefinitely suspended Barnes and Barnes failed to respond to the Ohio show-cause order.
2. What conditions and related obligations should govern Barnes's indefinite suspension and any future reinstatement in Ohio.

HOLDINGS

1. Under Gov.Bar R. V(11)(F)(4), the Supreme Court of Ohio imposed an indefinite suspension from the practice of law in Ohio based on the certified Massachusetts order indefinitely suspending Barnes.
2. Barnes may not petition for reinstatement in Ohio until at least five years after the Ohio order and may not be reinstated unless he is reinstated in Massachusetts and satisfies the Ohio rules and the conditions imposed by the order.

KEY QUOTATIONS

“respondent, Donald Henry Barnes, Attorney Registration No. 0053330, last known address in Cleveland, Ohio, be indefinitely suspended from the practice of law in Ohio.” (§ 3)

“Respondent may not petition for reinstatement until the expiration of at least five years from the date of this order and will not be reinstated to the practice of law in Ohio until such time as respondent is reinstated to the practice of law in the Commonwealth of Massachusetts.” (§ 3)

FACTUAL BACKGROUND

The Supreme Judicial Court for Suffolk County, Massachusetts, entered an order on January 5, 2010, indefinitely suspending Donald Henry Barnes. Disciplinary Counsel filed the certified order in Ohio, and Barnes neither notified the Ohio Clerk within the required 30 days nor responded to Ohio's show-cause order.

PROCEDURAL HISTORY

The Disciplinary Counsel filed a certified copy of a Massachusetts order indefinitely suspending Barnes from the practice of law. After Barnes failed to notify the Ohio clerk of the discipline and did not respond to Ohio's show-cause order, the Supreme Court of Ohio imposed identical or comparable reciprocal discipline.

DISPOSITION

other

CASES CITED

- In re Barnes, case No. BD-2009-123