

SUPREME COURT OF OHIO

In re Resignation of Dunn

2019-Ohio-1633 (Ohio 2019) · No. 2019-0449 · Decided May 2, 2019

SUMMARY

The Supreme Court of Ohio accepted Marcus David Dunn’s resignation from the practice of law with disciplinary action pending under Gov.Bar R. VI(11)(C). The order withdrew his practice privileges, struck his name from the roll of attorneys, and imposed related notice, reimbursement, recordkeeping, and compliance obligations.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per curiam; Maureen O'Connor, Chief Justice; Maureen O'Connor, C.J.; Eileen T. Kennedy, J.; Jennifer Brunner French, J.; Patrick F. Fischer, J.; Pat DeWine, J.; Michael P. Donnelly, J.; Melody J. Stewart, J.
JURISDICTION	Ohio
DECIDED	May 2, 2019
DOCKET	2019-0449
DISPOSITION	other
PROCEDURAL POSTURE	Marcus David Dunn submitted an application for retirement or resignation under Gov.Bar R. VI(11). The application was referred to disciplinary counsel, whose report was filed with the Supreme Court of Ohio under seal. The court accepted Dunn's resignation with disciplinary action pending and imposed the conditions stated in its order.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Ohio; the order is principally case-specific and disciplinary in nature.

TOPICS

appellate procedure

PRACTICE AREAS

legal ethics and attorney discipline

professional responsibility

attorney resignation

QUESTIONS PRESENTED

1. Whether Dunn's application for retirement or resignation should be accepted under Gov.Bar R. VI(11) while disciplinary action was pending.
2. What restrictions and compliance obligations should accompany acceptance of the resignation.

HOLDINGS

1. The Supreme Court of Ohio accepted Dunn's resignation as an attorney and counselor at law with disciplinary action pending pursuant to Gov.Bar R. VI(11)(C).
2. Upon acceptance of the resignation, Dunn's rights and privileges to practice law in Ohio were withdrawn, he was prohibited from holding himself out as authorized to practice or rendering legal services, and his name was to be stricken from the roll of attorneys after surrender of his certificate of admission.
3. Dunn was required to comply with specified obligations concerning employment with attorneys or law firms, reimbursement to the Lawyers' Fund for Client Protection, client and opposing-party notices, delivery of client property, refunds and trust accounting, filing an affidavit of compliance, record retention, and address updates.

KEY QUOTATIONS

“the resignation as an attorney and counselor at law is accepted as a resignation with disciplinary action pending.” (¶ 2)

“from and after this date all rights and privileges extended to respondent to practice law in the state of Ohio be withdrawn” (¶ 3)

“respondent shall 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.” (¶ 7)

FACTUAL BACKGROUND

Marcus David Dunn was admitted to practice law in Ohio on May 16, 1994 and had a last known business address in Bexley, Ohio. He submitted an application for retirement or resignation while disciplinary action was pending. The application was referred to disciplinary counsel, and disciplinary counsel's report was filed with the Supreme Court of Ohio on March 26, 2019.

PROCEDURAL HISTORY

Dunn, an Ohio attorney, applied for retirement or resignation. After referral to disciplinary counsel and filing of disciplinary counsel's report, the Supreme Court of Ohio acted on the application and entered an order accepting the resignation with discipline pending.

DISPOSITION

other

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