

SUPREME COURT OF OHIO

In re Resignation of Lynch

2018-Ohio-4671 (Ohio 2018) · No. 2018-1484 · Decided November 22, 2018

SUMMARY

The Supreme Court of Ohio accepted David Marlborough Lynch's resignation from the practice of law as a resignation with disciplinary action pending under Gov.Bar R. VI(11)(C). The order withdraws his authority to practice law, strikes his name from the roll of attorneys, and imposes related client-notification, property-return, fee-refund, recordkeeping, and reimbursement obligations.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Maureen O'Connor, Chief Justice; Terrence O'Donnell, Justice; Maureen O'Connor, Justice; William M. O'Neill, Justice; R. Patrick DeWine, Justice; Mary DeGenaro, Justice
JURISDICTION	Ohio
DECIDED	November 22, 2018
DOCKET	2018-1484
DISPOSITION	other
PROCEDURAL POSTURE	Attorney submitted an application for retirement or resignation while disciplinary action was pending; the Supreme Court of Ohio considered disciplinary counsel's report and entered an order accepting the resignation with discipline pending.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion

TOPICS

appellate procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether the Supreme Court of Ohio should accept Lynch's application for resignation under Gov.Bar R. VI(11) as a resignation with disciplinary action pending.

2. What restrictions and compliance obligations follow from acceptance of an attorney's resignation with disciplinary action pending.

HOLDINGS

1. Pursuant to Gov.Bar R. VI(11)(C), the court accepted Lynch's resignation as an attorney and counselor at law with disciplinary action pending.
2. Upon acceptance of the resignation, Lynch's rights and privileges to practice law in Ohio were withdrawn, his name was ordered stricken from the roll of attorneys, and he was prohibited from practicing law or holding himself out as authorized to practice.
3. Lynch was required to comply with specified post-resignation obligations, including notifying clients and opposing parties, transferring client papers and property, refunding unearned fees, accounting for trust property, filing proof of compliance, surrendering registration materials, and reimbursing qualifying Lawyers' Fund for Client Protection awards.

KEY QUOTATIONS

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

“all rights and privileges extended to respondent to practice law in the state of Ohio be withdrawn” (§ 3)

FACTUAL BACKGROUND

David Marlborough Lynch was admitted to practice law in Ohio in 1982 and submitted an application for retirement or resignation under Gov.Bar R. VI(11). Disciplinary counsel filed a report with the Supreme Court of Ohio, and the court accepted Lynch's resignation with disciplinary action pending. The order withdrew his authority to practice law and imposed obligations concerning client notification, transfer of client property, fees and trust funds, court filings, registration materials, and possible Lawyers' Fund for Client Protection reimbursements.

PROCEDURAL HISTORY

David Marlborough Lynch submitted an application for retirement or resignation under Gov.Bar R. VI(11). The application was referred to disciplinary counsel, whose sealed report was filed with the Supreme Court of Ohio. The court accepted Lynch's resignation with disciplinary action pending and imposed the associated practice, notice, surrender, reimbursement, and compliance requirements.

DISPOSITION

other