

SUPREME COURT OF OHIO

Trumbull Cty. Bar Assn. v. Costanzo

105 Ohio St. 3d 1565 (Ohio 2005) · Decided May 26, 2005

SUMMARY

The Supreme Court of Ohio imposed an interim remedial suspension on Maridee L. Costanzo based on allegations that her conduct posed a substantial threat of serious harm to clients and the public. The order prohibited her from practicing law and imposed related client-notification, property-return, fee-refund, continuing-education, and reinstatement requirements.

CASE DETAILS

COURT	Supreme Court of Ohio
JURISDICTION	Ohio
DECIDED	May 26, 2005
DISPOSITION	other
PROCEDURAL POSTURE	The relator bar association moved for an interim remedial suspension of the respondent attorney during pending disciplinary proceedings.
PRECEDENTIAL VALUE	Published Supreme Court of Ohio disciplinary order
PARTIES	Trumbull County Bar Association v. Maridee L. Costanzo

TOPICS

administrative procedure act administrative law remedies equitable relief

PRACTICE AREAS

legal ethics and attorney discipline administrative law remedies

QUESTIONS PRESENTED

- Whether an interim remedial suspension should be imposed under Gov.Bar R. V(5a) based on allegations that the respondent attorney posed a substantial threat of serious harm to clients and the public.
- What ancillary obligations should govern the respondent's suspension, client protection, continuing legal education, reimbursement obligations, and potential reinstatement.

HOLDINGS

1. The court ordered an immediate interim remedial suspension of Maridee L. Costanzo from the practice of law pending final disposition of disciplinary proceedings.
2. The respondent was prohibited from practicing law or performing legal services, required to complete specified continuing-legal-education credits, reimburse qualifying Clients' Security Fund awards, notify clients and opposing parties, transfer client property, refund unearned fees, account for trust property, and satisfy specified requirements before reinstatement.

KEY QUOTATIONS

“Upon consideration thereof and pursuant to Gov.Bar R. V(5a)(B), it is ordered and decreed that an interim remedial suspension be immediately entered against Maridee L. Costanzo” (105 Ohio St. 3d at 1565)

“IT IS FURTHER ORDERED that 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 this and all other orders issued by this court; (3) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio; and (4) this court orders respondent reinstated.” (105 Ohio St. 3d at 1565)

FACTUAL BACKGROUND

The relator alleged that Maridee L. Costanzo committed numerous violations of Ohio's Code of Professional Responsibility and posed a substantial threat of serious harm to her clients and the public. Based on those allegations, the Supreme Court of Ohio entered an immediate interim remedial suspension and imposed requirements concerning client notification, transfer of files, fee refunds, trust-accounting, continuing legal education, reimbursement to the Clients' Security Fund, and reinstatement.

PROCEDURAL HISTORY

On May 9, 2005, the Trumbull County Bar Association filed a motion under Gov.Bar R. V(5a)(A)(1)(b), alleging that Costanzo had committed numerous professional-conduct violations and posed a substantial threat of serious harm to clients and the public. The Supreme Court of Ohio granted the motion and entered an immediate interim remedial suspension pending final disposition of the disciplinary proceedings.

DISPOSITION

other

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