

SUPREME COURT OF OHIO

In re McKinney

112 Ohio St. 3d 1473 (Ohio 2007) · Decided February 8, 2007

SUMMARY

The Supreme Court of Ohio imposed an interim suspension on attorney Charles A. McKinney based on a certified determination that he was in default of a child support order. The court referred the matter for disciplinary investigation and specified conditions for reinstatement, including resolution of the child-support default and a further court order.

CASE DETAILS

COURT	Supreme Court of Ohio
JURISDICTION	Ohio
DECIDED	February 8, 2007
DISPOSITION	other
PROCEDURAL POSTURE	The Secretary of the Board of Commissioners on Grievances and Discipline submitted a certified determination that Charles A. McKinney, an Ohio attorney, was in default under a child-support order. The Supreme Court of Ohio acted under Gov.Bar R. V(5)(A) without a merits disciplinary hearing.
PRECEDENTIAL VALUE	Published per curiam disciplinary order; establishes and applies the child-support-default interim-suspension procedure under the Ohio Rules for the Government of the Bar.

TOPICS

child support family law family law procedure

PRACTICE AREAS

legal ethics and attorney discipline child support

QUESTIONS PRESENTED

1. Whether an attorney for whom the Board certified a determination of default under a child-support order should be suspended from the practice of law on an interim basis under Gov.Bar R. V(5)(A).
2. What conditions must be satisfied before the attorney may be reinstated to the practice of law.

HOLDINGS

1. Upon receipt of the Board's certified determination that an attorney is in default under a child-support order, the Supreme Court of Ohio may impose an interim suspension from the practice of law under Gov.Bar R. V(5)(A)(4).
2. An attorney suspended under the child-support-default procedure may not be reinstated unless the Board files the required documentation showing that the default determination has been reversed or that the attorney is no longer in default or is complying with an applicable withholding, deduction, or support order, and the Supreme Court of Ohio orders reinstatement.

KEY QUOTATIONS

“Upon consideration thereof and pursuant to Gov.Bar R. V(5)(A)(4), it is ordered and decreed that Charles A. McKinney, Attorney Registration No. 0039214, last known business address in Dayton, Ohio, is suspended from the practice of law for an interim period, effective as of the date of this entry.” (112 Ohio St. 3d at 1473)

“It is further ordered that respondent shall not be reinstated to the practice of law until (1) the Board of Commissioners on Grievances and Discipline files in accordance with Gov.Bar R. V(5)(D)(l)(b) with the Supreme Court a certified copy of a judgment entry reversing the determination of default under a child support order, or it files in accordance with Gov.Bar R. V(5)(D)(l)(e) with the Supreme Court a notice from a court or child support enforcement agency that respondent is no longer in default under a child support order or is subject to a withholding or deduction notice or a new or modified child support order to collect current support or any arrearage due under the child support order that was in default and is complying with that notice or order, and (2) this court orders respondent reinstated to the practice of law.” (112 Ohio St. 3d at 1473-74)

FACTUAL BACKGROUND

Charles A. McKinney was an attorney licensed to practice law in Ohio. The Board of Commissioners on Grievances and Discipline certified to the Supreme Court of Ohio a determination that McKinney was in default under a child-support order. The court also identified McKinney's last known business address and attorney-registration number in issuing the interim suspension order.

PROCEDURAL HISTORY

On January 5, 2007, the Secretary of the Board submitted the certified default determination to the Supreme Court of Ohio. The court ordered McKinney suspended from practicing law on an interim basis, referred the matter to Disciplinary Counsel for investigation and commencement of disciplinary proceedings, and specified conditions for reinstatement.

DISPOSITION

other

OPINION

PER CURIAM.

On January 5, 2007, and pursuant to Gov.Bar R. V(5)(A), the Secretary of the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio submitted to this court a certified copy of a determination of default of a child support order by Charles A. McKinney, an attorney licensed to practice law in the State of Ohio. Upon consideration thereof and pursuant to Gov.Bar R. V(5)(A)(4), it is ordered and decreed that Charles A. McKinney, Attorney Registration No. 0039214, last known business address in Dayton, Ohio, is suspended from the practice of law for an interim period, effective as of the date of this entry.

It is further ordered that this matter be, and hereby is, referred to the Disciplinary Counsel for investigation and commencement of disciplinary proceedings. It is further ordered that Charles A. McKinney immediately cease and desist from the practice of law in any form and hereby is forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency or other public authority.

It is further ordered that, effective immediately, respondent is forbidden to counsel or advise or prepare legal instruments for others or in any manner perform legal services for others. It is further ordered that respondent is divested of each, any and all of the rights, privileges and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio. It is further ordered that respondent shall not be reinstated to the practice of law until (1) the Board of Commissioners on Grievances and Discipline files in accordance with Gov.Bar R. V(5)(D)(l)(b) with the Supreme Court a certified copy of a judgment entry reversing the determination of default under a child support order, or it files in accordance with Gov.Bar R. V(5)(D)(l)(e) with the Supreme Court a notice from a court or child support enforcement agency that respondent is no longer in default under a child support order or is subject to a withholding or deduction notice or a new or modified child support order to collect current support or any arrearage due under the child support order that was in default and is complying with that notice or order, and (2) this court orders respondent reinstated to the practice of law.

It is further ordered that respondent shall keep the Clerk and the Disciplinary Counsel advised of any change of address where respondent may receive communications. It is further ordered, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including *1474 requirements as to form, number, and timeliness of filings.

It is further ordered, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the attorney registration office. It is further ordered that the Clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.

