

SUPREME COURT OF OHIO

Akron Bar Ass'n v. Williams

104 Ohio St. 3d 317 (2004) · Decided December 15, 2004

SUMMARY

The Ohio Supreme Court addressed professional misconduct arising from an attorney’s sexual relationship with a vulnerable client involved in custody and criminal traffic matters, along with the attorney’s subsequent deception under oath. The court imposed a two-year suspension from practice, staying the final 18 months on the condition that the attorney complete a professional counseling program concerning the attorney-client relationship.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per curiam; Moyer, C.J.; Resnick, J.; F.E. Sweeney, J.; Pfeifer, J.; O'Connor, J.; Lundberg Stratton, J.; O'Donnell, J.
JURISDICTION	Ohio
DECIDED	December 15, 2004
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding brought by the Akron Bar Association before the Supreme Court of Ohio after a panel and the Board of Commissioners on Grievances and Discipline found misconduct and recommended a two-year suspension with the final eighteen months stayed.
STANDARD OF REVIEW	The Supreme Court of Ohio reviewed the board's findings and recommended sanction and determined the appropriate discipline.
PRECEDENTIAL VALUE	Published and precedential Supreme Court of Ohio decision
PARTIES	Akron Bar Association v. Douglas R. Williams

TOPICS

- family law
- remedies

PRACTICE AREAS

- legal ethics
- attorney discipline
- family law

QUESTIONS PRESENTED

1. Whether Williams violated DR 1-102(A)(4) and DR 1-102(A)(6) by engaging in a sexual relationship with a vulnerable client and then lying about the relationship.
2. What sanction was appropriate for the misconduct, including whether the suspension should be stayed in part.

HOLDINGS

1. Williams violated DR 1-102(A)(4), which prohibits fraud, deceit, dishonesty, or misrepresentation, and DR 1-102(A)(6), which prohibits conduct adversely reflecting on an attorney's fitness to practice law, by exploiting a vulnerable client through a sexual relationship and deceiving disciplinary authorities about it.
2. A two-year suspension from the practice of law was appropriate, with the final eighteen months stayed on the condition that Williams complete a professional counseling program concerning the ethical proprieties of the attorney-client relationship.

KEY QUOTATIONS

“By making unsolicited sexual advances to a client, an attorney perverts the very essence of the lawyer-client relationship.” (¶ 13)

“Respondent is suspended from the practice of law in Ohio for two years; however, the last 18 months of this suspension are stayed on the condition that respondent complete a professional counseling program committed to the ethical proprieties of the attorney-client relationship.” (¶ 16)

FACTUAL BACKGROUND

Williams represented a woman in a domestic-relations custody case and also defended her in municipal criminal matters while engaging in a sexual relationship with her. The client was vulnerable because she faced possible loss of custody, had financial difficulties, struggled with drug use, and was receiving counseling after a suicide attempt. Williams initially denied the relationship under oath and continued lying about it for approximately two years before admitting the conduct shortly before the disciplinary hearing.

PROCEDURAL HISTORY

The Akron Bar Association charged Williams with violations of the Ohio Code of Professional Responsibility. A hearing panel found misconduct and recommended a sanction, and the Board of Commissioners on Grievances and Discipline adopted the findings while recommending a two-year suspension with the last eighteen months stayed on a counseling condition. The Supreme Court of Ohio independently reviewed the matter, agreed with the violations and adopted the board's recommended sanction.

DISPOSITION

other

CASES CITED

- Disciplinary Counsel v. Moore, 101 Ohio St. 3d 261, 2004-Ohio-734, 804 N.E.2d 423, ¶ 15
- In re Disciplinary Proceedings Against Gibson, 124 Wis. 2d 466, 474-475, 369 N.W.2d 695 (1985)
- Disciplinary Counsel v. Hutchins, 102 Ohio St. 3d 97, 2004-Ohio-1805, 807 N.E.2d 303, ¶¶ 32-33
- Disciplinary Counsel v. Fowerbaugh, 74 Ohio St. 3d 187, 658 N.E.2d 237, syllabus

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