

# SUPREME COURT OF OHIO

## Disciplinary Counsel v. Roderick

116 Ohio St. 3d 1405 (Ohio 2007) · Decided November 20, 2007

### SUMMARY

The Supreme Court of Ohio entered an interim remedial suspension against Richard Clement Roderick Jr. based on alleged professional-conduct violations and a substantial threat of serious harm to clients and the public. The order immediately prohibited him from practicing law, imposed continuing legal education and reimbursement obligations, and established notice, client-protection, and compliance requirements pending final disciplinary proceedings.

### CASE DETAILS

|                    |                                                                                                                                                      |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | Supreme Court of Ohio                                                                                                                                |
| JURISDICTION       | Ohio                                                                                                                                                 |
| DECIDED            | November 20, 2007                                                                                                                                    |
| DISPOSITION        | other                                                                                                                                                |
| PROCEDURAL POSTURE | The Disciplinary Counsel filed an unopposed motion for an interim remedial suspension in the Supreme Court of Ohio's attorney-discipline proceeding. |
| PRECEDENTIAL VALUE | Published per curiam interim disciplinary order; limited precedential value beyond the suspension and conditions imposed.                            |

### TOPICS

administrative law remedies restitution accounting

### PRACTICE AREAS

attorney discipline professional responsibility remedies

### QUESTIONS PRESENTED

1. Whether the Supreme Court of Ohio should impose an immediate interim remedial suspension based on the Disciplinary Counsel's allegations that respondent violated professional-responsibility rules and posed a substantial threat of serious harm.
2. What interim obligations should accompany the suspension, including client notification, transfer of client property, fee refunds, trust-accounting, notice to opposing parties, and reimbursement of Clients'

Security Fund awards.

## HOLDINGS

1. The court granted the Disciplinary Counsel's unopposed motion and immediately suspended Roderick from the practice of law pending final disposition of disciplinary proceedings based on the alleged conduct threatening serious harm.
2. The suspended attorney was required to cease all legal practice and comply with specified reinstatement, continuing-legal-education, client-notification, client-property, fee-refund, trust-accounting, notice, recordkeeping, filing, and Clients' Security Fund reimbursement requirements.

## 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 respondent and that the suspension be effective as of the date of this entry, pending final disposition of disciplinary proceedings predicated on the conduct threatening the serious harm.”* (116 Ohio St. 3d at 1405-06)

*“It is further ordered that respondent immediately cease and desist from the practice of law in any form and is hereby forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency, or other public authority.”* (116 Ohio St. 3d at 1406)

## FACTUAL BACKGROUND

The Disciplinary Counsel alleged that Richard Clement Roderick Jr. had committed numerous violations of the Code of Professional Responsibility and posed a substantial threat of serious harm to his clients and the public. Roderick had a last known business address in Gallipolis, Ohio and did not respond to the motion. The court's order did not adjudicate the underlying disciplinary allegations.

## PROCEDURAL HISTORY

On October 24, 2007, the Disciplinary Counsel moved for an interim remedial suspension under Gov. Bar R. V(5a), alleging numerous professional-responsibility violations and a substantial threat of serious harm to clients and the public. Roderick filed no response. The Supreme Court of Ohio granted the motion and imposed an immediate suspension pending final disposition of disciplinary proceedings.

## DISPOSITION

other

## OPINION

### PER CURIAM.

On October 24, 2007, and pursuant to Gov.Bar R. V(5a)(A)(l)(b), relator, Disciplinary Counsel, filed with this court a motion for interim remedial suspension pursuant to Gov.Bar R. V(5a),

alleging that respondent, Richard Clement Roderick Jr., Attorney Registration No. 0025098, last known business address in Gallipolis, Ohio, has committed numerous violations of the Code of Professional Responsibility and that he poses a substantial threat of serious harm to his clients and the public.

Respondent has not filed a response. 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 respondent and that the suspension be effective as of the date of this entry, pending final disposition of disciplinary proceedings predicated on the conduct threatening the serious harm.

It is further ordered that respondent immediately cease and desist from the practice of law in any form and is hereby 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, he be 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 he is hereby 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 pursuant to Gov.Bar R. X(3)(G), respondent shall complete one credit hour of continuing legal education for each month, or portion of a month, of the suspension.

As part of the total credit hours of continuing legal education required by Gov.Bar R. X(3)(G), respondent shall complete one credit hour of instruction related to professional conduct required by Gov.Bar R. X(3)(A)(1) for each six months, or portion of six months, of the suspension. 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.

It is further ordered, sua sponte, by the court that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F). It is further ordered, sua sponte, by the court that if, after the date of this order, the Clients' Security Fund awards any amount against the respondent pursuant to Gov.Bar R. VIII(7)(F), the respondent shall reimburse that amount to the Clients' Security Fund within 90 days of the notice of such award.

It is further ordered that on or before 30 days from the date of this order, respondent shall: 1. Notify all clients being represented in pending matters and any co-counsel of respondent's suspension and consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal service elsewhere,

calling attention to any urgency in seeking the substitution of another attorney in respondent's place; 2.

Regardless of any fees or expenses due, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property; 3.

Refund any part of any fees or expenses paid in advance that are unearned or not paid, and account for any trust money or property in his possession or control; 4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of his disqualification to act as an attorney after the effective date of this order, and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files; 5.

Send all such notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent; 6. File with the Clerk of this court and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the affiant may receive communications; and 7.

Retain and maintain a record of the various steps taken by respondent pursuant to this order. 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. \*1407It 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 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 Office of Attorney Services. 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.