

SUPREME COURT OF OHIO

Cincinnati Bar Assn. v. Sigalov

133 Ohio St. 3d 1, 2012-Ohio-3868 (Ohio 2012) · No. 2011-0120 · Decided August 28, 2012

SUMMARY

The Supreme Court of Ohio reviewed disciplinary proceedings against attorney Vlad Sigalov arising from his representation of clients in personal-injury and immigration matters. The court adopted findings that he committed numerous violations involving incompetence, neglect, misrepresentation, unauthorized settlements, and damage to clients, and ordered disbarment. The court also addressed due-process limits on using uncharged alleged dishonesty in disciplinary proceedings.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; O'Connor, C.J.; Pfeifer, J.; Lundberg Stratton, J.; O'Donnell, J.; Lanzinger, J.; Cupp, J.; McGee Brown, J.
JURISDICTION	Ohio
DECIDED	August 28, 2012
DOCKET	2011-0120
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding on a certified report from the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio.
STANDARD OF REVIEW	The Supreme Court of Ohio independently reviewed the disciplinary record, adopted the board's findings when supported by clear and convincing evidence, and determined the appropriate sanction by weighing ethical duties, aggravating and mitigating factors, and sanctions imposed in comparable cases.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Ohio.
PARTIES	Cincinnati Bar Association v. Vlad Sigalov

TOPICS

[immigration](#)[removal proceedings](#)[administrative law](#)[agency adjudication](#)[remedies](#)

PRACTICE AREAS

legal ethics and attorney discipline

immigration law

personal injury

QUESTIONS PRESENTED

1. Whether the record supported the panel's and board's findings that Sigalov violated the cited Rules of Professional Conduct and former Code of Professional Responsibility provisions.
2. Whether considering evidence that Sigalov fabricated a letter and submitted false evidence violated his procedural due-process right to notice of the disciplinary charges.
3. Whether the nature, scope, duration, and aggravating factors of Sigalov's misconduct warranted permanent disbarment.

HOLDINGS

1. The court adopted the panel's and board's findings that Sigalov committed numerous violations involving incompetence, lack of diligence, failure to communicate, unauthorized or improper handling of client matters and fees, dishonesty, neglect, and client prejudice.
2. A disciplinary charge under Prof.Cond.R. 8.4(c) based on an attorney's dishonest statements to the panel or relator cannot be imposed unless the complaint provided notice of that charge before the proceedings commenced.
3. Permanent disbarment was warranted because the scope and magnitude of Sigalov's misconduct, including fraud, gross neglect, duplicity, incompetence, and exploitation of clients, demonstrated that nothing less would protect the public and maintain the integrity of the legal profession.

KEY QUOTATIONS

"The charge must be known before the proceedings commence. They become a trap when, after they are underway, the charges are amended on the basis of testimony of the accused." (at 10-11)

"The primary purpose of the disciplinary process in Ohio is to "protect clients and the public, to ensure the administration of justice, and to maintain the integrity of the legal profession."" (at 23)

"The scope and magnitude of Sigalov's misconduct, encompassing fraud, gross neglect, duplicity, incompetence, and the fleecing of clients, are truly egregious." (at 23)

FACTUAL BACKGROUND

Sigalov was a sole practitioner handling personal-injury, immigration, and criminal matters, with a large volume of clients and substantial fee revenues. The disciplinary record showed repeated neglect, incompetence, unauthorized settlement activity, excessive or improperly handled fees, dishonesty, forged or false documents, and failures to protect client interests. His immigration misconduct included filing fatally defective motions to reopen, failing to pursue asylum claims adequately, misleading clients about filings and hearings, and causing clients to face detention or removal-related consequences.

PROCEDURAL HISTORY

The Cincinnati Bar Association filed a second amended disciplinary complaint alleging seven counts of misconduct involving five personal-injury clients and three immigration clients. After hearings, a panel and the Board of Commissioners on Grievances and Discipline found numerous violations by clear and convincing evidence and recommended disbarment. The Supreme Court of Ohio adopted the findings, conclusions, and recommended sanction.

DISPOSITION

other

CASES CITED

- In re Ruffalo, 390 U.S. 544, 550-552, 88 S. Ct. 1222, 20 L. Ed. 2d 117 (1968)
- In re Oliver, 333 U.S. 257, 273, 68 S. Ct. 499, 92 L. Ed. 682 (1948)
- Disciplinary Counsel v. Simecek, 83 Ohio St. 3d 320, 322, 699 N.E.2d 933 (1998)
- State ex rel. Essig v. Blackwell, 103 Ohio St. 3d 481, 2004-Ohio-5586, 817 N.E.2d 5, ¶ 34
- State ex rel. DeBrosse v. Cool, 87 Ohio St. 3d 1, 7, 716 N.E.2d 1114 (1999)
- Disciplinary Counsel v. Gittinger, 125 Ohio St. 3d 467, 2010-Ohio-1830, 929 N.E.2d 410
- Cleveland Metro. Bar Assn. v. Nance, 124 Ohio St. 3d 57, 2009-Ohio-5957, 918 N.E.2d 1000
- People v. Beasley, 241 P.3d 548, 553 (Colo. 2010)
- Flowers v. Bd. of Professional Responsibility, 314 S.W.3d 882, 899 (Tenn. 2010)
- Aris v. Mukasey, 517 F.3d 595, 600 (2d Cir. 2008)
- Stark Cty. Bar Assn. v. Buttacavoli, 96 Ohio St. 3d 424, 2002-Ohio-4743, 775 N.E.2d 818, ¶ 16
- Disciplinary Counsel v. Broeren, 115 Ohio St. 3d 473, 2007-Ohio-5251, 875 N.E.2d 935, ¶ 21
- Ohio State Bar Assn. v. Peskin, 125 Ohio St. 3d 244, 2010-Ohio-1811, 927 N.E.2d 598, ¶ 11
- Disciplinary Counsel v. Hunter, 106 Ohio St. 3d 418, 2005-Ohio-5411, 835 N.E.2d 707, ¶ 32
- Disciplinary Counsel v. O'Neill, 103 Ohio St. 3d 204, 2004-Ohio-4704, 815 N.E.2d 286, ¶ 53