

SUPREME COURT OF OHIO

Disciplinary Counsel v. Phillips

108 Ohio St. 3d 331 (Ohio 2006) · Decided March 22, 2006

SUMMARY

The Ohio Supreme Court permanently disbarred Aaron LaBracc Phillips after finding that, while serving as a county prosecutor, he accepted a bribe, attempted to influence criminal cases, and committed related felony offenses. The court concluded that the seriousness of his misconduct and its harm to public confidence outweighed mitigating factors, including substance-abuse treatment and cooperation with disciplinary proceedings.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Moyer, C.J.; Resnick, J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.; Lanzinger, J.
JURISDICTION	Ohio
DECIDED	March 22, 2006
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding before the Supreme Court of Ohio on respondent's objections to the Board of Commissioners on Grievances and Discipline's recommendation of permanent disbarment.
STANDARD OF REVIEW	The Supreme Court of Ohio independently reviewed the board's report, the parties' written and oral arguments, and the recommended sanction.
PRECEDENTIAL VALUE	Published, precedential decision of the Supreme Court of Ohio
PARTIES	Disciplinary Counsel v. Aaron LaBracc Phillips

TOPICS

- administrative law
- criminal procedure

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility
- criminal justice

QUESTIONS PRESENTED

1. Whether respondent violated the charged provisions of Ohio's Code of Professional Responsibility.
2. Whether permanent disbarment was the appropriate sanction despite respondent's mitigating evidence, including chemical dependency, cooperation, acceptance of responsibility, and the absence of a prior disciplinary violation.

HOLDINGS

1. Respondent violated all of the disciplinary provisions identified in the board's report, including rules prohibiting illegal conduct involving moral turpitude, dishonesty, conduct prejudicial to the administration of justice, false statements, other illegal conduct, improper communications with represented parties, accepting bribes as a public official, and representing an ability to improperly influence a tribunal or public official.
2. Permanent disbarment is the appropriate sanction for respondent's egregious misconduct committed while serving as a prosecutor and abusing a position of public trust.

KEY QUOTATIONS

"Where those whose job it is to enforce the law break it instead, the public rightfully questions whether the system itself is worthy of respect." (333)

"His misconduct has been too harmful to the public and to the administration of justice for him to remain a member of the legal profession in Ohio." (333)

FACTUAL BACKGROUND

Phillips served as an assistant prosecuting attorney in Cuyahoga County while developing significant alcohol and drug dependencies. During his tenure, he accepted a \$2,000 bribe from a criminal defendant and promised to speak to a judge about the defendant's case; he also told another represented defendant that he could fix the case for payment. He pleaded guilty to multiple felony offenses, including bribery, attempted obstruction of justice, attempted bribery, theft in office, drug possession, possession of criminal tools, and attempted tampering with evidence.

PROCEDURAL HISTORY

The Disciplinary Counsel filed a complaint alleging multiple violations of Ohio's Code of Professional Responsibility. After a hearing, a panel found violations and recommended permanent disbarment; the full board adopted that recommendation. The Supreme Court of Ohio reviewed respondent's objections, agreed with the violations and sanction, and permanently disbarred respondent.

DISPOSITION

other

CASES CITED

- In re Phillips, 100 Ohio St. 3d 1493, 2003-Ohio-6184, 799 N.E.2d 176
- Disciplinary Counsel v. Melamed, 62 Ohio St. 3d 187, 580 N.E.2d 1077 (1991)
- Disciplinary Counsel v. Gorman, 43 Ohio St. 3d 166, 539 N.E.2d 1120 (1989)
- Disciplinary Counsel v. Stern, 106 Ohio St. 3d 266, 2005-Ohio-4804, 834 N.E.2d 351
- Disciplinary Counsel v. Ulinski, 106 Ohio St. 3d 53, 2005-Ohio-3673, 831 N.E.2d 425
- Disciplinary Counsel v. Bein, 105 Ohio St. 3d 62, 2004-Ohio-7012, 822 N.E.2d 358
- In re Hughes, 640 N.E.2d 1065, 1067 (Ind. 1994)

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