

SUPREME COURT OF OHIO

Columbus Bar Ass'n v. Dicker

102 Ohio St. 3d 123 (Ohio 2004) · Decided April 28, 2004

SUMMARY

The Ohio Supreme Court publicly reprimanded attorney Gary H. Dicker for failing to maintain complete records of client funds, failing to refund any unearned fee, and providing inaccurate information during a disciplinary investigation. The court adopted the parties' consent-to-discipline agreement and taxed costs to the respondent.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Moyer, C.J.; Resnick, J.; F.E. Sweeney, J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.
JURISDICTION	Ohio
DECIDED	April 28, 2004
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding based on a consent-to-discipline agreement; the Supreme Court of Ohio reviewed the disciplinary board's findings and recommended sanction.
PRECEDENTIAL VALUE	precedential
PARTIES	Columbus Bar Association v. Gary H. Dicker

TOPICS

administrative law

agency adjudication

remedies

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

- Whether Dicker violated the Code of Professional Responsibility and Ohio disciplinary rules by failing to maintain complete records and account for client funds, making a materially inaccurate statement during the disciplinary investigation, and engaging in conduct adversely reflecting on his fitness to practice law.

2. Whether the stipulated sanction of a public reprimand was appropriate.

HOLDINGS

1. The court adopted the disciplinary board's findings that Dicker violated DR 1-102(A)(6), DR 9-102(B)(3), and Gov.Bar R. V(4)(G).
2. A public reprimand was the appropriate sanction for the established violations.

KEY QUOTATIONS

“Accordingly, respondent is hereby publicly reprimanded for having violated DR 1-102(A)(6) and 9-102(B)(3) and Gov.Bar R. V(4)(G).” (124)

FACTUAL BACKGROUND

Dicker was retained to represent a client in a parole-violation case, but he failed to maintain records sufficient to account precisely for the fee he received and did not refund any unearned portion. During the disciplinary investigation, he incorrectly stated that he had consulted the client in jail because he confused that client with another client. He explained the mistake and stipulated that his conduct violated the applicable disciplinary rules.

PROCEDURAL HISTORY

The Columbus Bar Association charged Dicker with violations of the Code of Professional Responsibility. A panel of the Board of Commissioners on Grievances and Discipline considered the parties' consent-to-discipline agreement, found misconduct, and recommended a public reprimand. The board adopted the panel's findings and recommendation, which the Supreme Court of Ohio accepted.

DISPOSITION

other