

SUPREME COURT OF OHIO

Cleveland Metropolitan Bar Association v. Haynes

143 Ohio St. 3d 528 (Ohio 2015) · No. 2015-0277 · Decided September 16, 2015

SUMMARY

The Supreme Court of Ohio held that Dawn Trinh Haynes violated Prof.Cond.R. 8.4(b), (c), and (h) through conduct resulting in her felony conviction for receiving stolen property. The court imposed a two-year suspension from the practice of law, stayed the final six months on the condition of no further misconduct, and denied credit for time served under her interim felony suspension.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per curiam; Maureen O'Connor, Chief Justice; Paul E. Pfeifer, Justice; Terrence O'Donnell, Justice; Maureen O'Neill, Justice; William M. O'Neill, Justice; Eileen T. Gallagher, Justice; Judith L. French, Justice
JURISDICTION	Ohio
DECIDED	September 16, 2015
DOCKET	2015-0277
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding on a certified report from the Board of Professional Conduct of the Supreme Court of Ohio.
PRECEDENTIAL VALUE	published
PARTIES	Cleveland Metropolitan Bar Association v. Dawn Trinh Haynes

TOPICS

remedies

administrative law

PRACTICE AREAS

legal ethics

attorney discipline

professional misconduct

QUESTIONS PRESENTED

1. What sanction should be imposed for Haynes's violations of Prof.Cond.R. 8.4(b), 8.4(c), and 8.4(h)?
2. Whether Haynes should receive credit for time served under her interim felony suspension.

HOLDINGS

1. Haynes's conduct violated Prof.Cond.R. 8.4(b), 8.4(c), and 8.4(h).
2. A two-year suspension from the practice of law, with the final six months stayed on the condition that Haynes commit no further misconduct, was the appropriate sanction.
3. Haynes was not entitled to credit for time served under her interim felony suspension.

KEY QUOTATIONS

“We also agree that the appropriate sanction for Haynes’s misconduct is a two-year suspension with six months stayed on the condition that she commit no further misconduct. However, we decline to credit Haynes for the time served under her interim suspension.” (¶ 9)

FACTUAL BACKGROUND

Haynes, an Ohio attorney, admitted that she returned merchandise she knew or should have known was stolen and received merchandise cards in exchange. She pleaded guilty to one felony count of receiving stolen property and was sentenced to community control and restitution. The conduct involved a dishonest or selfish motive and resulted in violations of Ohio's professional-conduct rules.

PROCEDURAL HISTORY

The Cleveland Metropolitan Bar Association filed a disciplinary complaint after Haynes pleaded guilty to felony receiving stolen property. The parties stipulated to the facts, misconduct, and aggravating and mitigating factors, and jointly recommended a two-year suspension with the final six months stayed and credit for time served under an interim felony suspension. The Board of Professional Conduct adopted the stipulations and recommendation, but the Supreme Court of Ohio accepted the recommended suspension while denying credit for the interim suspension.

DISPOSITION

other

CASES CITED

- In re Haynes, 135 Ohio St.3d 1308, 2013-Ohio-1851, 988 N.E.2d 568
- In re Attorney Registration Suspension of Haynes, 136 Ohio St.3d 1544, 2013-Ohio-4827, 996 N.E.2d 973
- Stark Cty. Bar Assn. v. Buttacavoli, 96 Ohio St.3d 424, 2002-Ohio-4743, 775 N.E.2d 818, ¶ 16
- Disciplinary Counsel v. Grigsby, 128 Ohio St. 3d 413, 2011-Ohio-1446, 945 N.E.2d 512
- Disciplinary Counsel v. Kraemer, 126 Ohio St. 3d 163, 2010-Ohio-3300, 931 N.E.2d 571
- Akron Bar Assn. v. Carter, 115 Ohio St. 3d 18, 2007-Ohio-4262, 873 N.E.2d 824