

SUPREME COURT OF OHIO

Disciplinary Counsel v. Lorenzon

133 Ohio St. 3d 332, 2012-Ohio-4713 (Ohio 2012) · No. 2011-2184 · Decided October 16, 2012

SUMMARY

The Supreme Court of Ohio held that an attorney violated Prof.Cond.R. 8.4(h) by providing a Florida debt-negotiation law firm with unrestricted use of his electronic signature and Ohio attorney-registration number. The court imposed a six-month suspension, stayed in full on the condition that the attorney commit no further misconduct, and dismissed the remaining allegations.

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	October 16, 2012
DOCKET	2011-2184
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 court independently adopted the board's findings after determining by clear and convincing evidence that Lorenzon violated Prof.Cond.R. 8.4(h).
PRECEDENTIAL VALUE	Published and precedential opinion of the Supreme Court of Ohio
PARTIES	Disciplinary Counsel v. Jason Todd Lorenzon

TOPICS

consumer protection

fair debt collection

contracts

PRACTICE AREAS

attorney discipline

professional responsibility

consumer debt negotiation

QUESTIONS PRESENTED

1. Whether Lorenzon's unrestricted provision of his electronic signature and Ohio attorney-registration number to a third party constituted conduct adversely reflecting on his fitness to practice law in violation of Prof.Cond.R. 8.4(h).
2. What sanction was appropriate for that misconduct in light of the mitigating and aggravating factors.

HOLDINGS

1. An attorney engages in conduct adversely reflecting on fitness to practice law by providing a third party with the attorney's electronic signature and attorney-registration number without retaining adequate restrictions or control over their use.
2. A six-month suspension from the practice of law, stayed in its entirety on the condition that the attorney commit no further misconduct, is an appropriate sanction for the violation under the circumstances.

KEY QUOTATIONS

“Because an attorney’s signature, whether actual or electronic, affixed to a document along with an attorney-registration number reflects personal assent to or approval of a document, the attorney must jealously guard its use to protect innocent third parties as well as the attorney’s own reputation.” (¶ 18)

“Accordingly, Jason Todd Lorenzon is hereby suspended from the practice of law in Ohio for six months, with the entire suspension stayed on the condition that he commit no further misconduct.” (¶ 21)

FACTUAL BACKGROUND

Lorenzon entered an of-counsel agreement with Consumer Law Group, P.A., a Florida firm negotiating consumer debt, under which he received \$1,000 annually and provided the firm with his electronic signature and Ohio attorney-registration number. He understood that he would oversee Ohio client matters, but the agreement did not require him to review each individual contract before his signature was used. The firm used his name, electronic signature, and registration number on multiple Ohio consumer contracts without his knowledge, including a contract that led consumers to sue him and the firm. The court found that he relinquished control over his signature and registration number and thereby exposed consumers and himself to risk.

PROCEDURAL HISTORY

Disciplinary Counsel filed a complaint alleging multiple violations of the Ohio Rules of Professional Conduct arising from Lorenzon's relationship with a Florida debt-negotiation law firm. After a hearing, the panel found only a violation based on Lorenzon's unrestricted provision of his electronic signature and attorney-registration number, recommended a six-month stayed suspension, and recommended dismissal of the remaining allegations. The board adopted the panel's findings and recommendation, and the Supreme Court of Ohio adopted them without objection.

DISPOSITION

other

CASES CITED

- 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
- Columbus Bar Assn. v. Watson, 106 Ohio St. 3d 298, 2005-Ohio-4983, 834 N.E.2d 809, ¶ 4
- Disciplinary Counsel v. Maley, 119 Ohio St. 3d 217, 2008-Ohio-3923, 893 N.E.2d 180, ¶¶ 4, 20-21
- Disciplinary Counsel v. Ball, 67 Ohio St. 3d 401, 404, 618 N.E.2d 159 (1993)

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