

SUPREME COURT OF OHIO

Columbus Bar Ass'n v. Foster

92 Ohio St. 3d 411 (Ohio 2001) · Decided July 18, 2001

SUMMARY

The Ohio Supreme Court reviewed disciplinary charges against attorney Thomas Joseph Foster arising primarily from his handling of bankruptcy matters. The court adopted findings that Foster engaged in dishonesty, neglect, incompetence, failure to communicate, and conduct prejudicial to the administration of justice. Foster was indefinitely suspended from practicing law, with full restitution to former clients required before seeking reinstatement.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Moyer, C.J.; Douglas; Resnick; F.E. Sweeney; Pfeifer; Cook; Lundberg Stratton
JURISDICTION	Ohio
DECIDED	July 18, 2001
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding arising from a default on disciplinary charges concerning respondent's handling of bankruptcy matters.
STANDARD OF REVIEW	The Supreme Court of Ohio reviewed the disciplinary record and adopted the board's findings and conclusions.
PRECEDENTIAL VALUE	Published Ohio Supreme Court disciplinary opinion
PARTIES	Columbus Bar Association v. Thomas Joseph Foster

TOPICS

bankruptcy

bankruptcy disclosure requirements

PRACTICE AREAS

legal ethics and professional responsibility

attorney discipline

bankruptcy

QUESTIONS PRESENTED

1. Whether Foster's pattern of neglect, inattention, inadequate communication, misrepresentation, and failure to competently handle bankruptcy matters violated the specified Ohio Disciplinary Rules.
2. What sanction was appropriate for Foster's disciplinary violations.

HOLDINGS

1. Foster's conduct violated DR 1-102(A)(4), DR 1-102(A)(5), DR 1-102(A)(6), DR 6-101(A)(1), DR 6-101(A)(3), DR 7-101(A)(1), and DR 7-101(A)(3).
2. Foster was indefinitely suspended from the practice of law in Ohio, and full and complete restitution to former clients for payments made and services not received was made a prerequisite to any application for reinstatement.

KEY QUOTATIONS

"We have reviewed the record and adopt the findings and conclusions of the board." (at 412)

"Respondent is indefinitely suspended from the practice of law in Ohio. Full and complete restitution to respondent's former clients for payments made and services not received is a prerequisite to the filing of any application for reinstatement." (at 412)

FACTUAL BACKGROUND

Foster represented clients in personal bankruptcy matters and accepted fees but repeatedly failed to communicate with clients, timely file petitions and required schedules, attend required meetings, and provide services required by bankruptcy-court rules. In one matter, he falsely represented that a bankruptcy petition had been filed, and the client's case was later dismissed with prejudice. From March 1998 through October 1999, Foster filed seventeen bankruptcy cases, with widespread untimely or missing documents and four dismissals.

PROCEDURAL HISTORY

The Columbus Bar Association filed a disciplinary complaint against Foster. After Foster failed to answer, a board member ruled on the relator's motion for default, adopted findings that Foster violated multiple Disciplinary Rules, and recommended indefinite suspension conditioned on restitution. The Board of Commissioners on Grievances and Discipline adopted those findings and recommendation, and the Supreme Court of Ohio reviewed and adopted them.

DISPOSITION

other

CASES CITED

- Dayton Bar Assn. v. Andrews, 79 Ohio St. 3d 109, 112, 679 N.E.2d 1093, 1095 (1997)
- Columbus Bar Assn. v. Flanagan, 77 Ohio St. 3d 381, 383, 674 N.E.2d 681, 683 (1997)
- Cincinnati Bar Assn. v. Wolosin, 84 Ohio St. 3d 401, 704 N.E.2d 566 (1999)
- Disciplinary Counsel v. Dahling, 90 Ohio St. 3d 246, 737 N.E.2d 25 (2000)

