

SUPREME COURT OF OHIO

Cleveland Metropolitan Bar Association v. Thomas

Cleveland Metro. Bar Assn. v. Thomas, 2019-Ohio-612 (Ohio 2019) · No. 2017-1730 · Decided February 21, 2019

SUMMARY

The Supreme Court of Ohio found attorney Sam Thomas III in contempt for failing to pay \$3.37 in board costs required by a prior suspension order. The court revoked the stay of his one-year suspension and suspended him from practicing law until he paid the costs, satisfied reinstatement requirements, and was reinstated by the court. The order also imposed continuing legal education, client-notification, and other compliance obligations.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Maureen O'Connor, Chief Justice; Maureen O'Connor, C.J.; Maureen K. O'Connor; Maureen O'Connor; Judith L. French; William M. O'Neill; Patrick F. Fischer; Pat DeWine; Michael P. Donnelly; Melody J. Stewart
JURISDICTION	Ohio
DECIDED	February 21, 2019
DOCKET	2017-1730
DISPOSITION	other
PROCEDURAL POSTURE	On order to show cause in attorney-discipline proceedings. The court considered whether respondent should be held in contempt and whether the stay of his prior suspension should be revoked for failure to pay ordered board costs.
PRECEDENTIAL VALUE	Published Supreme Court of Ohio attorney-discipline order; binding as to the respondent and its stated disciplinary disposition.
PARTIES	Cleveland Metropolitan Bar Association v. Sam Thomas III

TOPICS

[contempt](#)[remedies](#)[civil procedure](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether respondent should be found in contempt for failing to comply with the court's prior suspension order requiring payment of board costs.
2. Whether the stay of respondent's suspension should be revoked because of that noncompliance.
3. What conditions should govern respondent's suspension, reinstatement, client notifications, and compliance obligations.

HOLDINGS

1. Respondent was found in contempt for failing to pay the \$3.37 in board costs ordered in the court's August 16, 2018 suspension order.
2. The previously imposed stay of respondent's one-year suspension was revoked, and respondent was suspended from the practice of law until he paid the board costs and any interest, applied for reinstatement, and was granted reinstatement by the court.
3. Respondent may not be reinstated until he pays the board costs and accrued interest, satisfies the applicable reinstatement and bar-governance requirements, complies with the court's orders, and receives an order of reinstatement from the court.

KEY QUOTATIONS

“Upon consideration thereof, it is ordered and adjudged by this court that respondent, Sam Thomas III, Attorney Registration No. 0067848, last known address in Euclid, Ohio, is found in contempt for failure to comply with the court’s August 16, 2018 suspension order.” (¶ 2)

“It is further ordered that the previously imposed stay of the suspension is revoked and that respondent is suspended from the practice of law until respondent pays board costs in the amount of \$3.37 and any interest due, has applied for reinstatement, and has been granted reinstatement by this court.” (¶ 3)

FACTUAL BACKGROUND

Respondent Sam Thomas III was subject to a one-year suspension from the practice of law, stayed on conditions, and was ordered to pay \$3.37 in board costs. He failed to pay the ordered costs. After receiving an order to show cause, he did not file a response.

PROCEDURAL HISTORY

On August 16, 2018, the Supreme Court of Ohio suspended respondent from practicing law for one year, stayed the suspension in its entirety subject to conditions, and ordered him to pay \$3.37 in board costs. After respondent failed to pay the costs, the court issued an order to show cause on January 11, 2019. Respondent filed no response, and the court found him in contempt, revoked the stay, and imposed conditions governing suspension and reinstatement.

DISPOSITION

OPINION

PER CURIAM.

[Cite as Cleveland Metro. Bar Assn. v. Thomas, ___ Ohio St.3d ___, 2018-Ohio-612.] CLEVELAND METROPOLITAN BAR ASSOCIATION v. THOMAS. [Cite as Cleveland Metro. Bar Assn. v. Thomas, ___ Ohio St.3d ___, 2018-Ohio-612.] (No. 2017-1730—Submitted January 11, 2019—Decided February 21, 2019.) ON ORDER TO SHOW CAUSE _____ {¶ 1} On August 16, 2018, this court suspended respondent, Sam Thomas III, from the practice of law for a period of one year, with the entire suspension stayed on conditions, and ordered respondent to pay board costs in the amount of \$3.37.

Respondent has not paid board costs in the amount of \$3.37 as ordered by the court. On January 11, 2019, this court issued an order to show cause why respondent should not be found in contempt and the stay of his suspension revoked for failure to pay board costs in the amount of \$3.37. Respondent did not file a response to the show-cause order. {¶ 2} Upon consideration thereof, it is ordered and adjudged by this court that respondent, Sam Thomas III, Attorney Registration No. 0067848, last known address in Euclid, Ohio, is found in contempt for failure to comply with the court's August 16, 2018 suspension order. {¶ 3} It is further ordered that the previously imposed stay of the suspension is revoked and that respondent is suspended from the practice of law until respondent pays board costs in the amount of \$3.37 and any interest due, has applied for reinstatement, and has been granted reinstatement by this court. {¶ 4} It is further ordered that before entering into an employment, contractual, or consulting relationship with any attorney or law firm, respondent shall verify that the attorney or law firm has complied with the registration SUPREME COURT OF OHIO requirements of Gov.Bar R. V(23)(C).

If employed pursuant to Gov.Bar R. V(23), respondent shall refrain from direct client contact except as provided in Gov.Bar R. V(23)(A)(1) and from receiving, disbursing, or otherwise handling any client trust funds or property. {¶ 5} It is further ordered that pursuant to Gov.Bar R. X(13), respondent shall complete one credit hour of continuing legal education for each month, or portion of a month, of the suspension.

As part of the total credit hours of continuing legal education required by Gov.Bar R. X(13), respondent shall complete one credit hour of instruction related to professional conduct required by Gov.Bar R. X(3)(B) for each six months, or portion of six months, of the suspension. {¶ 6} It is further ordered that respondent shall not be reinstated to the practice of law in Ohio until (1) respondent pays the board costs, including any and all accrued interest, (2) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government

of the Bar of Ohio, (3) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio, (4) respondent complies with this and all other orders of the court, and (5) this court orders respondent reinstated. {¶ 7} It is further ordered that respondent shall immediately do the following: {¶ 8} 1.

Notify all clients being represented in pending matters and any co-counsel of respondent's suspension and consequent disqualification to act as an attorney after the effective date of this order and, in the absence of co-counsel, also notify the clients to seek legal services elsewhere, calling attention to any urgency in seeking the substitution of another attorney in respondent's place; {¶ 9} 2.

Regardless of any fees or expenses due, deliver to all clients being represented in pending matters any papers or other property pertaining to the client or notify the clients or co-counsel, if any, of a suitable time and place 2 January Term, 2019 where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property; {¶ 10} 3.

Refund any part of any fees or expenses paid in advance that are unearned or not paid and account for any trust money or property in respondent's possession or control; {¶ 11} 4. Notify opposing counsel or, in the absence of counsel, the adverse parties in pending litigation of respondent's disqualification to act as an attorney after the effective date of this order and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files; {¶ 12} 5.

Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent; {¶ 13} 6. File with the clerk of this court and disciplinary counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of the notices required herein, and setting forth the address where the respondent may receive communications; and {¶ 14} 7.

Retain and maintain a record of the various steps taken by respondent pursuant to this order. {¶ 15} It is further ordered that respondent shall keep the clerk, the Cleveland Metropolitan Bar Association, and disciplinary counsel advised of any change of address where respondent may receive communications. {¶ 16} It is further ordered that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

All case documents are subject to Sup.R. 44 through 47, which govern access to court records. 3 SUPREME COURT OF OHIO {¶ 17} It is further ordered that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to respondent's last known address. {¶ 18} It is further ordered that the clerk of this court issue certified copies of

this order as provided for in Gov.Bar R. V(17)(D)(1) and that publication be made as provided for in Gov.Bar R. V(17)(D)(2).

O'CONNOR, C.J., and KENNEDY, FRENCH, FISCHER, DEWINE, DONNELLY, and STEWART, JJ., concur. _____ 4