

SUPREME COURT OF OHIO

In re Resignation of Tomlan

122 Ohio St. 3d 1228, 2009-Ohio-4046 (Ohio 2009) · No. 2009-1117 · Decided July 31, 2009

SUMMARY

The Supreme Court of Ohio accepted John Richard Tomlan's resignation from the practice of law as a resignation with disciplinary action pending under Gov.Bar R. VI(6)(C). The order withdrew his practice privileges, required surrender of his admission certificate and removal from the roll of attorneys, and imposed client-notification, compliance, and reimbursement obligations.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Moyer, C.J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.; Lanzinger, J.; Cupp, J.
JURISDICTION	Ohio
DECIDED	July 31, 2009
DOCKET	2009-1117
DISPOSITION	other
PROCEDURAL POSTURE	John Richard Tomlan applied for retirement or resignation under Gov.Bar R. VI(6) while disciplinary action was pending. The Supreme Court of Ohio considered Disciplinary Counsel's sealed report and accepted the resignation with disciplinary action pending.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion and order

TOPICS

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QUESTIONS PRESENTED

- Whether Tomlan's application for resignation should be accepted under Gov.Bar R. VI(6)(C) while disciplinary action was pending.

2. What restrictions and compliance obligations should accompany acceptance of the resignation.

HOLDINGS

1. The court accepted Tomlan's resignation as an attorney and counselor at law with disciplinary action pending pursuant to Gov.Bar R. VI(6)(C).
2. Upon acceptance of the resignation, Tomlan's rights and privileges to practice law in Ohio were withdrawn, his name was ordered stricken from the roll of attorneys, and he was subject to specified restrictions, client-notification duties, reimbursement obligations, and filing requirements.

KEY QUOTATIONS

"It is ordered by the court that pursuant to Gov.Bar R. VI(6)(C) the resignation as an attorney and counselor at law is accepted as a resignation with disciplinary action pending." (§ 2)

"It is further ordered and adjudged that from and after this date all rights and privileges extended to respondent to practice law in the state of Ohio be withdrawn" (§ 3)

FACTUAL BACKGROUND

John Richard Tomlan was admitted to practice law in Ohio in 1983 and had a last known business address in St. Clairsville, Ohio. He submitted an application to retire or resign while disciplinary action was pending, and Disciplinary Counsel filed a report with the Supreme Court of Ohio.

PROCEDURAL HISTORY

Tomlan submitted an application for retirement or resignation under Gov.Bar R. VI(6). The application was referred to Disciplinary Counsel, whose report was filed with the Supreme Court of Ohio; the court then accepted the resignation and entered related practice restrictions and compliance requirements.

DISPOSITION

other