

SUPREME COURT OF OHIO

In re Bereday

2017-Ohio-8676 (Ohio 2017) · No. 2017-1627 · Decided November 27, 2017

SUMMARY

The Supreme Court of Ohio imposed an interim suspension from the practice of law on Thaddeus Matthew Bereday after receiving a certified judgment entry of his felony conviction. The court referred the matter for disciplinary investigation and imposed related obligations concerning cessation of legal practice, continuing legal education, client notification, and reinstatement.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Maureen O'Connor, C.J.; Terrence O'Donnell, J.; Maureen O'Connor, J.; Lynn W. Kennedy, J.; Judy French, J.; William M. O'Neill, J.; Patrick F. Fischer, J.; Pat DeWine, J.
JURISDICTION	Ohio
DECIDED	November 27, 2017
DOCKET	2017-1627
DISPOSITION	other
PROCEDURAL POSTURE	The director of the Board of Professional Conduct filed a certified copy of respondent's felony-conviction judgment entry with the Supreme Court of Ohio under Gov.Bar R. V(18).
PRECEDENTIAL VALUE	Published Supreme Court of Ohio per curiam disciplinary order

TOPICS

administrative law

agency adjudication

PRACTICE AREAS

legal ethics and attorney discipline

professional licensing

QUESTIONS PRESENTED

- Whether the Supreme Court of Ohio should impose an interim suspension upon receipt of a certified entry of the respondent attorney's felony conviction under Gov.Bar R. V(18).

2. What practice restrictions and compliance obligations should accompany the interim suspension.

HOLDINGS

1. Upon receipt of the certified judgment entry of Bereday's felony conviction, the court suspended him from the practice of law for an interim period effective immediately.
2. During the interim suspension, Bereday was ordered to cease practicing law, was barred from representing others or performing legal services, and was subject to the specified employment, continuing-legal-education, reinstatement, client-notification, property-transfer, refund, filing, and recordkeeping requirements.

KEY QUOTATIONS

“it is ordered and decreed that Thaddeus Matthew Bereday, Attorney Registration No. 0061991, last known business address in Tampa, Florida, is suspended from the practice of law for an interim period, effective as of the date of this entry.” (¶ 2)

“It is further ordered that this matter is referred to disciplinary counsel for investigation and the commencement of disciplinary proceedings.” (¶ 3)

FACTUAL BACKGROUND

Thaddeus Matthew Bereday was an attorney licensed to practice law in Ohio. The director of the Board of Professional Conduct filed a certified judgment entry reflecting Bereday's felony conviction. The Supreme Court acted on that certified filing under the Ohio Rules for the Government of the Bar.

PROCEDURAL HISTORY

On November 16, 2017, the director of the Board of Professional Conduct certified and filed a judgment entry showing that Thaddeus Matthew Bereday, an Ohio-licensed attorney, had been convicted of a felony. The Supreme Court of Ohio entered an interim suspension, referred the matter to disciplinary counsel for investigation and disciplinary proceedings, and imposed related practice restrictions and compliance obligations.

DISPOSITION

other

REMAND INSTRUCTIONS

The matter was referred to disciplinary counsel for investigation and commencement of disciplinary proceedings.

OPINION

PER CURIAM.

[Cite as In re Bereday, 2017-Ohio-8676.] IN RE BEREDAY. [Cite as In re Bereday, ___ Ohio St.3d ___, 2017-Ohio-6876.] (No. 2017-1627—Submitted November 16, 2017—Decided November 27, 2017.) ON CERTIFIED ENTRY OF FELONY CONVICTION. _____ {¶ 1} On November 16, 2017, and pursuant to Gov.Bar R. V(18), the director of the Board of Professional Conduct filed with the Supreme Court a certified copy of a judgment entry of a felony conviction against Thaddeus Matthew Bereday, an attorney licensed to practice law in the state of Ohio. {¶ 2} Upon consideration thereof and pursuant to Gov.Bar R. V(18)(A)(4), it is ordered and decreed that Thaddeus Matthew Bereday, Attorney Registration No. 0061991, last known business address in Tampa, Florida, is suspended from the practice of law for an interim period, effective as of the date of this entry. {¶ 3} It is further ordered that this matter is referred to disciplinary counsel for investigation and the commencement of disciplinary proceedings. {¶ 4} It is further ordered that respondent immediately cease and desist from the practice of law in any form and that respondent is forbidden to appear on behalf of another before any court, judge, commission, board, administrative agency, or other public authority. {¶ 5} It is further ordered that effective immediately, respondent is forbidden to counsel, advise, or prepare legal instruments for others or in any manner perform legal services for others. {¶ 6} It is further ordered that respondent is divested of each, any, and all of the rights, privileges, and prerogatives customarily accorded to a member in good standing of the legal profession of Ohio. SUPREME COURT OF OHIO {¶ 7} 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 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. {¶ 8} 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. {¶ 9} It is further ordered that respondent shall not be reinstated to the practice of law in Ohio until (1) respondent complies with the requirements for reinstatement set forth in the Supreme Court Rules for the Government of the Bar of Ohio, (2) respondent complies with this and all other orders issued by this court, (3) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio, and (4) this court orders respondent reinstated. {¶ 10} It is further ordered by the court that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded by the Lawyers' Fund for Client Protection pursuant to Gov.Bar R. VIII(7)(F).

It is further ordered by the court that if after the date of this order, the Lawyers' Fund for Client Protection awards any amount against respondent pursuant to Gov.Bar R. VIII(7)(F), respondent shall reimburse that amount to the Lawyers' Fund for Client Protection within 90 days of the notice of that award. {¶ 11} It is further ordered that on or before 30 days from the date of this order, respondent shall do the following: 2 January Term, 2017 {¶ 12} 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 service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in respondent's place; {¶ 13} 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 where the papers or other property may be obtained, calling attention to any urgency for obtaining such papers or other property; {¶ 14} 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; {¶ 15} 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; {¶ 16} 5.

Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent; {¶ 17} 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 affiant may receive communications; and {¶ 18} 7.

Retain and maintain a record of the various steps taken by respondent pursuant to this order. 3 SUPREME COURT OF OHIO {¶ 19} It is further ordered that respondent shall keep the clerk and disciplinary counsel advised of any change of address where respondent may receive communications. {¶ 20} 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. {¶ 21} It is further ordered that service shall be deemed made on respondent by sending this order, and all other orders in this case, to respondent's last known address. {¶ 22} 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 O'DONNELL, KENNEDY, FRENCH, O'NEILL, FISCHER, and DEWINE, JJ., concur. _____ 4