

SUPREME COURT OF OHIO

Disciplinary Counsel v. Stern

106 Ohio St. 3d 266 (2005) · Decided September 28, 2005

SUMMARY

The Supreme Court of Ohio reviewed disciplinary charges against Ira Sidney Stern arising from four federal felony convictions involving drug distribution, arson-related property damage, bank fraud, and money laundering. The court found violations of Ohio disciplinary rules concerning illegal conduct involving moral turpitude, dishonesty, and conduct adversely reflecting on fitness to practice law. It permanently disbarred Stern and taxed costs to him.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Moyer, C.J.; Resnick, J.; Pfeifer, J.; Lundberg Stratton, J.; O’Connor, J.; O’Donnell, J.; Lanzinger, J.
JURISDICTION	Ohio
DECIDED	September 28, 2005
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding arising from relator’s default motion after respondent failed to answer a professional-misconduct complaint.
STANDARD OF REVIEW	The Supreme Court of Ohio reviewed the disciplinary record and determined whether respondent committed the charged misconduct and whether the recommended sanction was appropriate.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Disciplinary Counsel v. Ira Sidney Stern

TOPICS

- remedies
- administrative law

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility

QUESTIONS PRESENTED

1. Whether respondent committed professional misconduct by engaging in illegal conduct involving moral turpitude, dishonesty, fraud, deceit, or misrepresentation, and conduct adversely reflecting on his fitness to practice law.
2. Whether permanent disbarment was the appropriate sanction for the misconduct resulting in felony convictions.

HOLDINGS

1. Respondent committed misconduct violating DR 1-102(A)(3), DR 1-102(A)(4), and DR 1-102(A)(6).
2. Permanent disbarment is the appropriate sanction for respondent's criminal misconduct resulting in felony convictions.

KEY QUOTATIONS

“Permanent disbarment is an appropriate sanction for conduct that violates DR 1-102 and results in a felony conviction.” (268)

FACTUAL BACKGROUND

Respondent pleaded guilty in federal court to conspiracy to distribute heroin, maliciously damaging a building by fire, bank fraud, and money laundering. The offenses arose from purchasing heroin for resale and arranging for rental property to be damaged or destroyed by fire, obtaining insurance proceeds, and forging signatures on checks to retain the proceeds. He received prison sentences and supervised release and had no prior disciplinary record.

PROCEDURAL HISTORY

The Supreme Court of Ohio had previously imposed an interim suspension after receiving notice of respondent's felony conviction. Disciplinary Counsel then charged respondent with violating three disciplinary rules. Respondent did not answer, the master commissioner granted relator's motion for default, and the Board of Commissioners on Grievances and Discipline adopted findings of misconduct and recommended permanent disbarment. The Supreme Court independently reviewed the matter and imposed permanent disbarment.

DISPOSITION

other

CASES CITED

- In re Stern, 101 Ohio St. 3d 1495, 2004-Ohio-1482, 805 N.E.2d 1133
- Disciplinary Counsel v. Gallagher, 82 Ohio St. 3d 51, 52, 693 N.E.2d 1078 (1998)