

SUPREME COURT OF OHIO

Disciplinary Counsel v. Flom

102 Ohio St. 3d 1226 (Ohio 2004) · Decided May 27, 2004

SUMMARY

The Supreme Court of Ohio imposed an indefinite suspension on Jack Terry Flom under the state's reciprocal-discipline provisions after receiving a certified order that the Supreme Court of South Carolina had disbarred him. The order also imposed continuing legal education, client-notification, reimbursement, and reinstatement requirements.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Moyer, C.J.; Resnick, J.; F.E. Sweeney, J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.
JURISDICTION	Ohio
DECIDED	May 27, 2004
DISPOSITION	other
PROCEDURAL POSTURE	Reciprocal attorney-discipline proceeding initiated after Disciplinary Counsel filed a certified copy of a South Carolina Supreme Court order disbarring respondent. Respondent did not respond to the Ohio Supreme Court's show-cause order.
PRECEDENTIAL VALUE	published
PARTIES	Disciplinary Counsel v. Jack Terry Flom

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

attorney discipline

professional responsibility

reciprocal discipline

QUESTIONS PRESENTED

- Whether the Supreme Court of Ohio should impose identical or comparable discipline under the reciprocal-discipline provisions of Gov.Bar R. V(11)(F) after respondent was disbarred in South Carolina and failed to respond to the show-cause order.

HOLDINGS

1. Upon receipt of a certified order showing that respondent had been disbarred in South Carolina and in the absence of a response to the show-cause order, the Supreme Court of Ohio imposed reciprocal discipline by indefinitely suspending respondent from the practice of law in Ohio.
2. Respondent may not petition for reinstatement in Ohio until reinstated in South Carolina and must satisfy Ohio reinstatement requirements, comply with the court's orders, complete specified continuing-legal-education obligations, and fulfill client-notification, property-return, accounting, reimbursement, and filing duties.

FACTUAL BACKGROUND

The Supreme Court of South Carolina entered an order disbarring respondent Jack Terry Flom. Disciplinary Counsel filed a certified copy of that order with the Supreme Court of Ohio pursuant to Ohio's reciprocal-discipline rule. Flom did not respond to the Ohio court's show-cause order.

PROCEDURAL HISTORY

The Supreme Court of South Carolina disbarred Jack Terry Flom on October 27, 2003. Disciplinary Counsel filed a certified copy of that order in the Supreme Court of Ohio under the reciprocal-discipline provisions of Gov.Bar R. V(11)(F). After the Ohio court ordered respondent to show cause why identical or comparable discipline should not be imposed, respondent filed no response. The Ohio Supreme Court then indefinitely suspended respondent and imposed related conditions and obligations.

DISPOSITION

other

CASES CITED

- In re Flom, 356 S.C. 246, 588 S.E.2d 593 (2003)

OPINION

PER CURIAM.

{¶ 1} This cause is pending before the Supreme Court of Ohio in accordance with the reciprocal discipline provisions of Gov.Bar R. V(11)(F). {¶ 2} On April 7, 2004, relator, Disciplinary Counsel, filed with this court a certified copy of an order of the Supreme Court of South Carolina entered October 27, 2003, in In re Flom (2003), 356 S.C. 246, 588 S.E.2d 593, disbarring respondent.

On April 15, 2004, this court ordered respondent to show cause why identical or comparable discipline should not be imposed in this state. Respondent filed no response to the show-cause order. This cause was considered by the court, and on consideration thereof, {¶ 3} IT IS ORDERED AND ADJUDGED by this court that pursuant to Gov.Bar R. V(11)(F)(4), respondent,

Jack Terry Flom, Attorney Registration No. 0033673, last known business address in Myrtle Beach, South Carolina, be indefinitely suspended and respondent may not petition for reinstatement to the practice of law in Ohio until such time as respondent is reinstated to the practice of law in the state of South Carolina. {¶ 4} IT IS FURTHER ORDERED that respondent immediately cease and desist from the practice of law in any form and is hereby 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 respondent is hereby forbidden to counsel or advise or prepare legal instruments for others or in any manner perform such services. {¶ 6} IT IS FURTHER ORDERED that respondent is hereby 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. {¶ 7} IT IS FURTHER ORDERED that, pursuant to Gov.Bar R. X(3)(G), respondent shall complete one credit hour of continuing legal education for each *1227month, 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(3)(G), respondent shall complete one credit hour of the instruction related to professional conduct required by Gov.Bar R. X(3)(A)(1), for each six months, or portion of six months, of the suspension. {¶ 8} IT IS FURTHER ORDERED, sua sponte, by the court, that within 90 days of the date of this order, respondent shall reimburse any amounts that have been awarded against the respondent by the Clients' Security Fund pursuant to Gov.Bar R. VIII(7)(F).

It is further ordered, sua sponte, by the court that if, after the date of this order, the Clients' Security Fund awards any amount against the respondent pursuant to Gov.Bar R. VIII(7)(F), the respondent shall reimburse that, amount to the Clients' Security Fund within 90 days of the notice of such award. {¶ 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 the Supreme Court Rules for the Government of the Bar of Ohio; (3) respondent files evidence with the Clerk of this court and with Disciplinary Counsel demonstrating his reinstatement to the practice of law in South Carolina; (4) respondent complies with this and all other orders issued by this court; and (5) this court orders respondent reinstated. {¶ 10} IT IS FURTHER ORDERED that on or before 30 days from the date of this order, respondent shall: {¶ 11} 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 his place; {¶ 12} 2.

Regardless of any fees or expenses due respondent, 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; {¶ 13} 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 the possession or control of respondent; {¶ 14} 4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties, of respondent's disqualification to act as an attorney after the effective date of this order, and file a notice of disqualification of *1228respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files; {¶ 15} 5.

Send all notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent; {¶ 16} 6. File with the Clerk of this court and the Disciplinary Counsel of the Supreme Court an affidavit showing compliance with this order, showing proof of service of notices required herein, and setting forth the address where the affiant may receive communications; and {¶ 17} 7.

Retain and maintain a record of the various steps taken by respondent pursuant to this order. {¶ 18} IT IS FURTHER ORDERED that until such time as respondent fully complies with this order, respondent shall keep the Clerk and the Disciplinary Counsel advised of any change of address where respondent may receive communications. {¶ 19} IT IS FURTHER ORDERED, sua sponte, 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. {¶ 20} IT IS FURTHER ORDERED, sua sponte, that service shall be deemed made on respondent by sending this order, and all other orders in this case, by certified mail to the most recent address respondent has given to the Attorney Registration Section. {¶ 21} IT IS FURTHER ORDERED that the Clerk of this court issue certified copies of this order as provided for in Gov.Bar R. V(8)(D)(1), that publication be made as provided for in Gov.Bar R. V(8)(D)(2), and that respondent bear the costs of publication.

Moyer, C.J., Resnick, F.E. Sweeney, Pfeifer, Lundberg Stratton, O'Connor and O'Donnell, JJ., concur.