

SUPREME COURT OF OHIO

Disciplinary Counsel v. Dragelevich

106 Ohio St. 3d 478 (Ohio 2005) · Decided November 2, 2005

SUMMARY

The Ohio Supreme Court indefinitely suspended J. Walter Dragelevich from practicing law after he pleaded guilty to a federal felony involving odometer alteration. The court found that his conduct violated disciplinary rules prohibiting dishonesty and conduct adversely reflecting on fitness to practice law, and granted credit for the time served under his interim suspension.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Moyer, C.J.; Resnick, J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.; Lanzinger, J.
JURISDICTION	Ohio
DECIDED	November 2, 2005
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding in which the Board of Commissioners on Grievances and Discipline adopted a master commissioner's default findings of misconduct and recommended an indefinite suspension with credit for time served.
PRECEDENTIAL VALUE	Published and precedential Supreme Court of Ohio opinion
PARTIES	Disciplinary Counsel v. J. Walter Dragelevich

TOPICS

administrative law

agency adjudication

PRACTICE AREAS

legal ethics and professional responsibility

attorney discipline

QUESTIONS PRESENTED

- Whether respondent violated DR 1-102(A)(4) and DR 1-102(A)(6) through conduct involving odometer fraud and a resulting federal felony conviction.

2. Whether an indefinite suspension from the practice of law was the appropriate sanction.
3. Whether respondent should receive credit for time served under the interim suspension.

HOLDINGS

1. Respondent violated DR 1-102(A)(4), which prohibits conduct involving dishonesty, fraud, deceit, or misrepresentation, and DR 1-102(A)(6), which prohibits conduct adversely reflecting on a lawyer's fitness to practice law.
2. An indefinite suspension from the practice of law in Ohio was the appropriate sanction for respondent's misconduct.
3. Respondent was entitled to credit for time served after the interim suspension was imposed on September 12, 2003.

FACTUAL BACKGROUND

Dragelevich pleaded guilty in federal court to knowingly causing a vehicle odometer to be altered, changing the displayed mileage from 26,624 miles to 16,651 miles. He received two years of probation, was required to perform 100 hours of community service, and was fined \$5,000. The conduct resulted in an Ohio disciplinary complaint alleging dishonesty and conduct adversely reflecting on his fitness to practice law.

PROCEDURAL HISTORY

The Supreme Court of Ohio imposed an interim suspension on September 12, 2003, after receiving notice of respondent's felony conviction. Disciplinary Counsel later filed a misconduct complaint; service was made on the Clerk of the Supreme Court as respondent's agent after certified-mail service failed. Respondent did not answer, and the master commissioner granted relator's motion for default. The board adopted the findings and recommended an indefinite suspension with credit for time served.

DISPOSITION

other

CASES CITED

- In re Dragelevich, 99 Ohio St. 3d 1552, 2003-Ohio-4827, 795 N.E.2d 688
- Disciplinary Counsel v. Rolla, 95 Ohio St. 3d 27, 765 N.E.2d 316 (2002)
- Cincinnati Bar Assn. v. Holcombe, 93 Ohio St. 3d 141, 753 N.E.2d 176 (2001)