

SUPREME COURT OF OHIO

In re Resignation of Gray

123 Ohio St. 3d 1217, 2009-Ohio-6413 (2009) · No. 2009-1836 · Decided November 19, 2009

SUMMARY

The Supreme Court of Ohio accepted James Edward Gray’s resignation from the practice of law while disciplinary action was pending under Gov.Bar R. VI(6)(C). The order withdrew his practice privileges, required surrender of his certificate of admission, imposed client-notification and property-return obligations, and required reimbursement of certain Clients’ Security Fund awards. The supplied document title references Pollard, but the opinion text identifies the matter as In re Resignation of Gray.

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	November 19, 2009
DOCKET	2009-1836
DISPOSITION	other
PROCEDURAL POSTURE	James Edward Gray applied for retirement or resignation under Gov.Bar R. VI(6) while disciplinary action was pending. The Supreme Court of Ohio considered the disciplinary counsel's sealed report and entered an order accepting the resignation with discipline pending.
PRECEDENTIAL VALUE	published disciplinary order with limited value beyond the application of Gov.Bar R. VI(6)

TOPICS

civil procedure

appellate procedure

PRACTICE AREAS

attorney discipline

legal ethics

QUESTIONS PRESENTED

1. Whether Gray's application for resignation should be accepted under Gov.Bar R. VI(6)(C) as a resignation with disciplinary action pending.
2. What restrictions, duties, and conditions should accompany acceptance of the resignation.

HOLDINGS

1. The Supreme Court of Ohio accepted Gray'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 Upon acceptance of the resignation, Gray's rights and privileges to practice law in Ohio were withdrawn, his name was stricken from the roll of attorneys, and he was required to comply with specified client-notification, property-transfer, fee-refund, recordkeeping, and other obligations.

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that from and after this date all rights and privileges extended to respondent to practice law in the state of Ohio be withdrawn” (¶ 3)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

James Edward Gray was an Ohio attorney admitted to practice in 1974. He submitted an application to resign or retire while disciplinary proceedings were pending, and Disciplinary Counsel filed a sealed report for the court's consideration.

PROCEDURAL HISTORY

Gray submitted an application for retirement or resignation pursuant to 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 imposed the specified conditions and post-resignation obligations.

DISPOSITION

other