

SUPREME COURT OF OHIO

In re Resignation of Brumbaugh

99 Ohio St. 3d 1222 (Ohio 2003) · Decided June 16, 2003

SUMMARY

The Supreme Court of Ohio accepted Philip James Brumbaugh’s resignation as an attorney with disciplinary action pending. The order canceled his certificate of admission, removed his name from the roll of attorneys, prohibited him from practicing law, and imposed related client-notification, property-return, fee-refund, and compliance obligations.

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	June 16, 2003
DISPOSITION	other
PROCEDURAL POSTURE	The respondent attorney submitted an affidavit of resignation and authorization and release pursuant to Gov.Bar R. V(11)(G)(1). Disciplinary Counsel referred the materials and filed its report under seal, after which the Supreme Court of Ohio entered an order accepting the resignation with disciplinary action pending.
PRECEDENTIAL VALUE	Published disciplinary order

TOPICS

administrative law

agency adjudication

PRACTICE AREAS

attorney discipline

legal ethics

professional responsibility

QUESTIONS PRESENTED

- Whether the Supreme Court of Ohio should accept Brumbaugh’s resignation under Gov.Bar R. V(11)(G) with disciplinary action pending.
- What restrictions and compliance obligations should accompany acceptance of the resignation.

HOLDINGS

1. The court accepted Philip James Brumbaugh's resignation as an attorney and counselor at law with disciplinary action pending pursuant to Gov.Bar R. V(11)(G)(3).
2. Upon acceptance of the resignation, Brumbaugh's certificate of admission was canceled, his name was stricken from the roll of Ohio attorneys, and his rights and privileges to practice law in Ohio were withdrawn.
3. Brumbaugh was required to surrender his certificates and registration card, notify clients and opposing parties, transfer client papers and property, refund unearned fees, account for trust property, file compliance affidavits, maintain records, and comply with related notice and address requirements.

KEY QUOTATIONS

"IT IS ORDERED by the court that pursuant to Gov.Bar R. V(11)(G)(3), Philip James Brumbaugh's resignation as an attorney and counselor at law be accepted as a resignation with disciplinary action pending." (99 Ohio St. 3d 1223)

"It is further ordered that his certificate of admission to the bar of Ohio be, and the same hereby is, canceled and that the name of Philip James Brumbaugh be stricken from the roll of attorneys of this court." (99 Ohio St. 3d 1223)

"IT IS FURTHER ORDERED AND ADJUDGED that from and after this date all rights and privileges extended to Philip James Brumbaugh to practice law in the state of Ohio be withdrawn" (99 Ohio St. 3d 1223)

FACTUAL BACKGROUND

Philip James Brumbaugh was admitted to the Ohio bar on May 9, 1980 and was an active attorney at the time of the proceeding. On May 2, 2003, he submitted an affidavit of resignation and authorization and release under the Ohio disciplinary rules. Disciplinary Counsel filed a report with the Supreme Court of Ohio, which accepted the resignation with disciplinary action pending.

PROCEDURAL HISTORY

On May 2, 2003, Philip James Brumbaugh submitted an affidavit of resignation. The affidavit was referred to Disciplinary Counsel, which filed its report with the Supreme Court of Ohio on May 15, 2003. The court then accepted Brumbaugh's resignation with disciplinary action pending and imposed related practice restrictions and compliance obligations.

DISPOSITION

other