

SUPREME COURT OF OHIO

Akron Bar Ass'n v. Markovich

116 Ohio St. 3d 1496 (Ohio 2008) · Decided January 28, 2008

SUMMARY

The Supreme Court of Ohio entered an interim remedial suspension against attorney Edward P. Markovich upon the Akron Bar Association’s motion and Markovich’s consent. The order immediately barred him from practicing law, imposed continuing legal education and Clients’ Security Fund reimbursement obligations, and established notice, client-file, refund, and compliance requirements pending final disciplinary proceedings.

CASE DETAILS

COURT	Supreme Court of Ohio
JURISDICTION	Ohio
DECIDED	January 28, 2008
DISPOSITION	other
PROCEDURAL POSTURE	The Akron Bar Association filed a motion for interim remedial suspension against an attorney, alleging numerous violations of the Code of Professional Responsibility and that he posed a substantial threat of serious harm to clients and the public. The respondent consented to the suspension, and the Supreme Court of Ohio entered an interim remedial suspension pending final disciplinary proceedings.
PRECEDENTIAL VALUE	Published per curiam attorney-discipline order; establishes and applies the governing interim-suspension and compliance requirements under the Supreme Court Rules for the Government of the Bar of Ohio.
PARTIES	Akron Bar Association v. Edward P. Markovich

TOPICS

sanctions

civil procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether an interim remedial suspension should be entered against Markovich based on the alleged conduct threatening serious harm to clients and the public and his consent to suspension.
2. What obligations and conditions should accompany the interim remedial suspension.

HOLDINGS

1. An interim remedial suspension was immediately entered against Markovich, effective as of the date of the court's entry, pending final disposition of disciplinary proceedings predicated on conduct threatening serious harm.
2. During the interim suspension, Markovich was prohibited from practicing law or performing legal services, was required to complete specified continuing-legal-education credits, and could not be reinstated until he satisfied the applicable reinstatement requirements and obtained an order of reinstatement from the court.

FACTUAL BACKGROUND

The Akron Bar Association alleged that Edward P. Markovich had committed numerous violations of the Code of Professional Responsibility and posed a substantial threat of serious harm to his clients and the public. Markovich consented to an interim suspension. The court therefore entered an immediate suspension and imposed associated obligations concerning cessation of legal practice, client notification, handling of client property and funds, continuing legal education, reimbursement of Clients' Security Fund awards, and reinstatement.

PROCEDURAL HISTORY

On January 14, 2008, the Akron Bar Association filed a motion for interim remedial suspension under Gov.Bar R. V(5a). Markovich filed a response consenting to suspension. The Supreme Court of Ohio granted the motion and imposed an immediate interim remedial suspension pending final disposition of disciplinary proceedings.

DISPOSITION

other

OPINION

PER CURIAM.

On January 14, 2008, and pursuant to Gov.Bar R. V(5a)(A)(1)(b), relator, Akron Bar Association, filed with this court a motion for interim remedial suspension pursuant to Gov.Bar R. V(5a), alleging that respondent, Edward P. Markovich, Attorney Registration No. 0068046, last known business address in Akron, Ohio, has committed numerous violations of the Code of Professional Responsibility and that he poses a substantial threat of serious harm to his clients and the public.

Respondent filed a response consenting to the suspension. Upon consideration thereof and pursuant to Gov.Bar R. V(5a)(B), it is ordered and decreed that an interim remedial suspension is

immediately entered against respondent and that the suspension be effective as of the date of this entry, pending final disposition of disciplinary proceedings predicated on the conduct threatening the serious harm.

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. It is further ordered that effective immediately, he is forbidden to counsel or advise or prepare legal instruments for others or in any manner perform legal services for others.

It is further ordered that he 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. 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 month, 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 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. 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 this and all other orders issued by this court, (3) respondent complies with the Supreme Court Rules for the Government of the Bar of Ohio, and (4) this court orders respondent reinstated.

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 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.

It is further ordered that on or before 30 days from the date of this order, respondent shall: 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 respondent's place; 2.

Regardless of any fees or expenses due, deliver to all clients being represented in pending *1497 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; 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 his possession or control; 4. Notify opposing counsel in pending litigation or, in the absence of counsel, the adverse parties of his disqualification to act as an attorney after the effective date of this order, and file a notice of disqualification of respondent with the court or agency before which the litigation is pending for inclusion in the respective file or files; 5.

Send all such notices required by this order by certified mail with a return address where communications may thereafter be directed to respondent; 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 7.

Retain and maintain a record of the various steps taken by respondent pursuant to this order. It is further ordered that respondent shall keep the Clerk, the Akron Bar Association, and the Disciplinary Counsel advised of any change of address where respondent may receive communications. 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.

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 Office of Attorney Services. 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.