

SUPREME COURT OF OHIO

In re Resignation of Elsass

2018-Ohio-783 (Ohio 2018) · No. 2018-0266 · Decided March 5, 2018

SUMMARY

The Supreme Court of Ohio accepted Tobias Harold Elsass's resignation from the practice of law as a resignation with disciplinary action pending under Gov.Bar R. VI(11)(C). The order withdrew his privileges to practice law, struck his name from the roll of attorneys, and imposed related client-notification, property-delivery, reimbursement, and compliance obligations.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Chief Justice O'Connor; Justice O'Donnell; Justice Kennedy; Justice French; Justice Fischer; Justice DeWine; Justice DeGenaro
JURISDICTION	Ohio
DECIDED	March 5, 2018
DOCKET	2018-0266
DISPOSITION	other
PROCEDURAL POSTURE	Attorney Tobias Harold Elsass submitted an application for retirement or resignation under Gov.Bar R. VI(11), which was referred to disciplinary counsel for review. The Supreme Court of Ohio considered disciplinary counsel's report and accepted the resignation as a resignation with disciplinary action pending.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion; precedential value is limited to the order and governing attorney-resignation procedure.

TOPICS

administrative law

civil procedure

PRACTICE AREAS

attorney discipline

legal ethics

professional responsibility

QUESTIONS PRESENTED

1. Whether the Supreme Court of Ohio should accept Elsass's application for resignation under Gov.Bar R. VI(11) while disciplinary action was pending.
2. What restrictions and compliance obligations should accompany acceptance of the resignation.

HOLDINGS

1. Under Gov.Bar R. VI(11)(C), the court accepted Elsass's resignation as a resignation with disciplinary action pending.
2. Upon acceptance of the resignation, Elsass's rights and privileges to practice law in Ohio were withdrawn, and he was prohibited from practicing law or holding himself out as an attorney.
3. Elsass was required to surrender his certificate of admission, have his name stricken from the roll of attorneys, reimburse eligible Lawyers' Fund for Client Protection awards, notify clients and opposing parties, handle client property and unearned fees, file a compliance affidavit, and satisfy related employment and recordkeeping restrictions.

KEY QUOTATIONS

“On consideration thereof, it is ordered by the court that pursuant to Gov.Bar R. VI(11)(C), the resignation as an attorney and counselor at law is accepted as a resignation with disciplinary action pending.” (¶ 2)

“It is further ordered that respondent shall surrender respondent’s certificate of admission to practice to the clerk of the court on or before 30 days from the date of this order and that respondent’s name be stricken from the roll of attorneys maintained by this court.” (¶ 7)

FACTUAL BACKGROUND

Tobias Harold Elsass was admitted to practice law in Ohio in 1980 and had a last known business address in Columbus. He submitted an application for retirement or resignation while disciplinary action was pending. Disciplinary counsel submitted a report to the Supreme Court of Ohio, which then accepted the resignation under Gov.Bar R. VI(11)(C).

PROCEDURAL HISTORY

Elsass applied for retirement or resignation from the Ohio bar. The application was referred to disciplinary counsel, whose report was filed with the Supreme Court of Ohio under seal. The court accepted the resignation and entered consequential restrictions and compliance requirements.

DISPOSITION

other