

1 Office of Disciplinary Counsel v. Connaughton.

2 [Cite as *Disciplinary Counsel v. Connaughton* (1996), ____ Ohio St.3d

3 ____.]

4 *Attorneys at law -- Misconduct -- Permanent disbarment --*
5 *Misappropriation of client funds -- Neglect of duties as*
6 *executor of an estate -- Ignoring orders of probate court and*
7 *Supreme Court.*

8 (No. 96-431-- Submitted April 15, 1996 -- Decided June 26, 1996.)

9 On Certified Report by the Board of Commissioners on Grievances
10 and Discipline of the Supreme Court, No. 95-43.

11 Between March 8, 1993 and July 26, 1994, respondent, Daniel E.
12 Connaughton of Hamilton, Ohio, Attorney Registration No. 0033821,
13 embezzled approximately \$27,000 while serving as executor of the Estate of
14 Dale B. Cepluch of Butler County. Respondent also caused the estate to
15 incur a tax penalty of \$12,375.70 by failing to file an income tax return and
16 pay the appropriate tax, apparently failed to appear at a hearing to show
17 cause why he should not be removed, and failed to file a timely inventory,
18 timely accounts, and a final accounting after he had been removed as
19 executor. The probate court found respondent in contempt and granted

1 judgment against him, ordering him to pay the estate \$21,962 and to pay the
2 IRS penalty.

3 On November 7, 1994, after respondent pled guilty to felony drug
4 abuse, the court of common pleas fined respondent \$1500 and sentenced
5 him to eighteen months in prison, but stayed imprisonment provided
6 respondent complied with a term of probation of five years. On December
7 1, 1994, we indefinitely suspended respondent from the practice of law.
8 Respondent subsequently failed to file an Affidavit of Compliance as we
9 had ordered and was found to be in contempt.

10 On September 20, 1995, Office of Disciplinary Counsel, relator, filed
11 an amended complaint against respondent alleging that his conviction for
12 drug abuse was evidence that respondent violated DR 1-102(A)(3) (illegal
13 conduct involving moral turpitude) and 1-102(A)(6) (conduct adversely
14 reflecting on his fitness to practice law). As a result of respondent's
15 activities as attorney for the Cephuch Estate, relator also charged respondent
16 with violating DR 9-102(A) (failing to maintain client funds in a separate
17 identifiable account), 1-102(A)(4) (engaging in conduct involving

1 dishonesty, fraud, deceit, and misrepresentation), and 1-102(A)(6)
2 (engaging in conduct that adversely reflects upon his fitness to practice
3 law).

4 A panel of the Board of Commissioners on Grievances and Discipline
5 of the Supreme Court (“board”) sent mailings to three separate addresses to
6 notify respondent of the filing of the complaint, the service of the complaint,
7 and the notice of formal hearing. The postal service returned all documents
8 as undeliverable. Respondent failed to answer and failed to appear at the
9 hearing on the complaint. As a result of a December 21, 1995 hearing, the
10 panel recommended that respondent be indefinitely suspended. The board
11 adopted the panel’s findings, conclusions of law, and recommendation.

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13 *Geoffrey Stern*, Disciplinary Counsel and *Alvin E. Mathews*, Assistant
14 Disciplinary Counsel, for relator.

15 _____
16 *Per Curiam*. We adopt the findings and conclusions of law of the
17 board but disagree with its recommendation. We have

1 consistently held that misappropriation of client funds is an egregious
2 violation of a lawyer's ethical responsibilities and an appropriate sanction
3 for such breach of trust is disbarment. *Greater Cleveland Bar Assn. v.*
4 *McGarry* (1979), 60 Ohio St.2d 168, 14 O.O.3d 406, 398 N.E.2d 560; *Lake*
5 *Cty. Bar Assn. v. Ostrander* (1975), 41 Ohio St.2d 93, 70 O.O.2d 173, 322
6 N.E.2d 653; *Ohio State Bar Assn. v. Weaver* (1975), 41 Ohio St.2d 97, 70
7 O.O.2d 175, 322 N.E.2d 665; *Mahoning Cty. Bar Assn. v. Alexander* (1970),
8 22 Ohio St.2d 22, 51 O.O.2d 40, 257 N.E.2d 369. We continue to adhere to
9 that standard. Moreover, respondent has neglected his duties as executor of
10 an estate and ignored the orders of the probate court and this court.

11 Therefore, we order respondent disbarred from the practice of law in Ohio.

12 Costs taxed to respondent.

13 *Judgment accordingly.*

14 MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK

15 and STRATTON, JJ., concur.

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