

OFFICE OF DISCIPLINARY COUNSEL v. BUTLER.

[Cite as *Disciplinary Counsel v. Butler* (1999), \_\_\_ Ohio St.3d \_\_\_.]

*Attorneys at law — Misconduct — Public reprimand — Withdrawing from employment without taking reasonable steps to avoid foreseeable prejudice to rights of client.*

(No. 98-2212 — Submitted December 16, 1998 — Decided March 3, 1999.)

ON CERTIFIED REPORT by the Board of Commissioners on Grievances and  
Discipline of the Supreme Court, No. 98-6.

In July 1995, Anna R. Waddell hired respondent, Jackie L. Butler, now residing in Indianapolis, Indiana, Attorney Registration No. 0039012, to represent her in a divorce proceeding in Ohio. At the final hearing in November 1995, counsel to Waddell's former spouse read into the record an agreement that was to be incorporated into the final decree. The agreement, as read into the record, was approved by Waddell.

In January 1996, respondent wrote to Waddell, stating that she was resigning from the law firm in which she had practiced and that, if Waddell consented, respondent would arrange for another attorney from the firm to take over representation of Waddell. However, respondent never arranged for other counsel and never specifically told Waddell that she was withdrawing.

In February 1996, respondent filed a motion with the court to withdraw as Waddell's counsel, serving a copy on opposing counsel but not on Waddell. Respondent's motion cited deterioration of the attorney-client relationship, Waddell's failure to contact respondent with respect to the final decree, and Waddell's failure to pay respondent. On February 23, 1996, the day after the court entered an order approving respondent's withdrawal as counsel, it entered a judgment entry and decree of divorce that varied from the proposed judgment

entry previously read into the record and agreed to by Waddell and her former spouse. Respondent and counsel for Waddell's former spouse agreed that it was a matter of mutual mistake that the proposed agreement previously read into the record was in error.

Waddell hired another attorney to represent her with respect to the final decree, but the court denied the new counsel's motion for relief from judgment. That denial was affirmed on appeal. Waddell then filed a grievance against respondent with the Dayton Bar Association. The bar association filed a complaint charging, among other things, that respondent's conduct violated DR 2-110(A)(2) (a lawyer shall not withdraw from employment unless he or she has taken reasonable steps to avoid foreseeable prejudice to his or her client, including giving notice and allowing time for employment of other counsel). Subsequently, relator, Disciplinary Counsel, was substituted for the bar association as relator.

After respondent answered, the matter was submitted on stipulated facts to a panel of the Board of Commissioners on Grievances and Discipline of the Supreme Court ("board"). The panel concluded that respondent had violated the Disciplinary Rule as charged and recommended that respondent be publicly reprimanded. The board adopted the findings, conclusions, and recommendation of the panel.

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*Jonathan E. Coughlan*, Disciplinary Counsel, and *John K. McManus*, Assistant Disciplinary Counsel, for relator.

*Kegler, Brown, Hill & Ritter* and *Geoffrey Stern*, for respondent.

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*Per Curiam.* We adopt the board's findings, conclusions, and recommendation. Respondent is hereby publicly reprimanded. Costs are taxed to respondent.

*Judgment accordingly.*

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK and LUNDBERG STRATTON, JJ., concur.