

FILED

JUN 15 2016

BEFORE THE BOARD OF PROFESSIONAL CONDUCT
OF
THE SUPREME COURT OF OHIO

BOARD OF PROFESSIONAL CONDUCT

In re:

Complaint against

Paul Lawrence Wallace, Esq.
5700 Clover Lane
Westerville, OH 43081

No. 16 - 022

Attorney Registration No. (0010369)

COMPLAINT AND CERTIFICATE

Respondent,

(Rule V of the Supreme Court Rules for
the Government of the Bar of Ohio.)

Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411

Relator.

Now comes the relator and alleges that Paul Lawrence Wallace, an Attorney at Law, duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

1. Respondent, Paul Lawrence Wallace, was admitted to the practice of law in the state of Ohio on November 7, 1980. Respondent is subject to the Code of Professional Responsibility, the Rules of Professional Conduct and the Rules for the Government of the Bar of Ohio.

Previous Discipline

2. On May 31, 2000, the Supreme Court of Ohio suspended respondent for six months. *Disciplinary Counsel v. Wallace*, 89 Ohio St.3d 113, 2000-Ohio-120. Respondent was reinstated on March 6, 2002.

3. On March 26, 2014, the Supreme Court of Ohio suspended respondent for two years with one year stayed. Respondent has not applied for readmission and remains under suspension. *Disciplinary Counsel v. Wallace*, 138 Ohio St.3d 350, 2014-Ohio-1128.

COUNT ONE

The Hursh Estate

4. Since 2008, respondent had been representing William Hursh (“William”) and his business, Hursh Container.
5. William died on December 3, 2010.
6. Shortly thereafter, Hursh’s surviving spouse, Beverly Hursh (“Beverly”), retained respondent to handle William’s estate.
7. On January 11, 2011, respondent filed an Application to Probate Will in the Champaign County Court, Case no. 2011 ES 2. Beverly was appointed as executrix of the estate.
8. On September 16, 2011, nine months after opening the Hursh Estate, respondent and Beverly executed a fee agreement whereby Beverly agreed to pay \$200 per hour in return for respondent’s legal services in the Hursh Estate case.
9. Respondent’s fee agreement stated:

Client agrees that Attorney may retain co-counsel, and Attorney agrees that Client will be consulted concerning co-counsel and any fee arrangement with co-counsel prior to retention of or consultation with co-counsel by Attorney.
10. The Hursh Estate consisted of real estate and approximately 12 vintage automobiles, totaling approximately \$245,000.
11. Due to a partition action on the real estate, the estate remained open for quite some time.
12. On March 26, 2014, respondent’s license to practice law was suspended for two years, with one year stayed for conduct unrelated to the Hursh Estate. (See ¶ 3)

13. Respondent failed to advise Beverly that his license was suspended and that he could no longer represent her as fiduciary for the estate.
14. On September 19, 2014, despite being under suspension, respondent filed an Application for Certificate of Transfer in the Champaign County Court in order to transfer the real estate into Beverly's name.
15. Respondent listed Beverly as the applicant and surviving spouse, then forged her signature over both designations.
16. On December 17, 2014, Judge Gilbert issued a citation based on respondent's failure to file an accounting. The citation required respondent and Beverly's appearance on February 11, 2015.
17. On February 11, 2015, respondent appeared along with Attorney Sam Law, who rented office space in respondent's building. Beverly also appeared.
18. For the first time, respondent informed Beverly that his license to practice law had been suspended.
19. At the hearing, Judge Gilbert questioned respondent about his ability to practice law. Respondent confirmed that his license was under suspension, but that Law had assumed representation of the Hursh estate. Law confirmed that he represented the estate.
20. Respondent had never advised Beverly that Law was representing the estate, nor did Beverly, as the executrix, ever consent to Law's representation.
21. Prior to the February 11, 2015 hearing, Beverly had never met or heard of Law, nor has she heard from him since that day.
22. Judge Gilbert allowed Law to represent the estate, but since the real estate still had not been transferred, Judge Gilbert refused to approve the final accounting.

23. On February 16, 2015, respondent forged Beverly's signature on several documents that were filed in the Champaign County Probate and Family Courts, including a Certificate of Estate Tax Payment and a Certificate Regarding Estate Recovery Program.
24. On February 26, 2015, Law ostensibly filed the Fiduciary's Account in the Champaign County Probate Court; however, respondent forged Beverly's signature as the fiduciary and also signed his own name as "attorney" for the estate on the Certificate of Service of Account to Heirs or Beneficiaries.
25. On April 10, 2015, Judge Gilbert issued an entry approving the final account and closing the estate.
26. Respondent's conduct as alleged herein violates:
 - Prof. Cond. R. 1.4(a)(1) [A lawyer shall promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required] and Prof. Cond. R. 1.4(b) [A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation] by not consulting with Beverly about his license suspension or his unilateral decision to turn representation of the Hursh Estate over to another lawyer;
 - Prof. Cond. R. 1.6(a) [A lawyer shall not reveal information relating to the representation of a client, unless the client gives informed consent] for turning the Hursh Estate file and representation over to Attorney Law without Beverly's knowledge or consent;

- Prof. Cond. R. 5.5(a) [A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so] for practicing law while under suspension; and,
- Prof. Cond. R. 8.4(c) [A lawyer shall not engage in conduct involving fraud, dishonesty, deceit, or misrepresentation] by representing to the probate and family courts that Beverly had signed various documents when, in fact, respondent had forged Beverly's signature.

CONCLUSION

Wherefore, pursuant to Gov. Bar R. V, the Code of Professional Responsibility and the Rules of Professional Conduct, relator alleges that respondent is chargeable with misconduct; therefore, relator requests that respondent be disciplined pursuant to Rule V of the Rules of the Government of the Bar of Ohio.



Scott J. Drexel (0091467)
Disciplinary Counsel

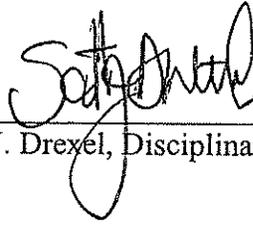


Joseph M. Caligiuri (0074786)
Chief Assistant Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411
614.461.0256
614.461.7205 – fax
Joseph.Caligiuri@sc.ohio.gov

CERTIFICATE

The undersigned, Scott J. Drexel, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Joseph M. Caligiuri is duly authorized to represent relator in the premises and has accepted the responsibility of prosecuting the complaint to its conclusion. After investigation, relator believes reasonable cause exists to warrant a hearing on such complaint.

Dated: June 15, 2016



Scott J. Drexel, Disciplinary Counsel