

1 Office of Disciplinary Counsel v. Ginsberg.

2 [Cite as *Disciplinary Counsel v. Ginsberg* (1997), _____ Ohio

3 St.3d_____.]

4 (No. 96-2477 -- Submitted January 22, 1997 -- Decided April 30, 1997.)

5 On Certified Report by the Board of Commissioners on Grievances

6 and Discipline of the Supreme Court, No. 96-23.

7 On February 13, 1996, relator, Office of Disciplinary Counsel, filed a

8 complaint alleging that respondent, Melvin R. Ginsberg of Cleveland, Ohio,

9 Attorney Registration No. 0027592, had pled guilty in federal district court

10 and was convicted of conspiracy to impede the collection of income taxes.

11 Relator charged that this felony conviction establishes that respondent had

12 violated DR 1-102(A)(3) (illegal conduct involving moral turpitude), 1-

13 102(A)(4) (conduct involving dishonesty, fraud, deceit, and

14 misrepresentation), and 1-102(A)(6) (conduct adversely reflecting on his

15 fitness to practice law). In March 1996, pursuant to Gov.Bar R. V(5)(A)(3),

16 we issued an order indefinitely suspending respondent from the practice of

17 law in Ohio. *In re Ginsberg* (1996), 75 Ohio St.3d 1414, 661 N.E.2d 762.

1 On July 1, 1996, a hearing was held before a panel of the Board of
2 Commissioners on Grievances and Discipline of the Supreme Court
3 (“board”), which found that respondent began to practice law in 1977 by
4 opening two legal clinics which catered to the middle-class working
5 individual. Prior to his conviction, respondent had an impeccable reputation
6 in the community and primarily handled real estate, probate, domestic
7 relations, bankruptcy, and small commercial business matters. The panel
8 found that in 1988, after being contacted by an attorney friend, respondent
9 agreed to represent Reuben Sturman in real estate, trust, and corporate areas
10 of the law, believing this representation would provide an opportunity for
11 him to move to a more “glamorous” legal practice. Respondent was aware at
12 the time that he undertook this representation that Sturman was involved in
13 several controversies with the Internal Revenue Service.

14 Respondent’s work for Sturman consisted primarily in representing
15 Gemstone, Inc., a company controlled by Sturman, in the acquisition of real
16 estate, the management of commercial properties, and the filing, although
17 not the preparation, of its federal tax returns. Some of respondent’s
18 services, particularly those involving negotiations with Swiss and

1 Panamanian attorneys, offshore trusts, and the transfers of real estate to and
2 from Gemstone, were based on information supplied by others working with
3 Sturman, which respondent, being inexperienced in the legal areas involved,
4 did not question. Ultimately, the Internal Revenue Service filed charges
5 against several persons connected with Sturman and Gemstone for
6 conspiracy to evade taxes. Respondent was among those charged.

7 From the inception of the federal investigation in September 1993,
8 respondent recognized his wrongdoing and cooperated with prosecutors in
9 their efforts to obtain convictions against the conspirators. Respondent was
10 indicted in January 1995 and pled guilty in September of that year.

11 Although respondent was convicted on the basis of his guilty plea, both the
12 prosecuting attorney and a treasury agent praised his cooperation and his
13 remorse. The penalty imposed by the federal court, three years of probation,
14 including six months of home confinement, three hundred hours of
15 community service, and no fine, was the least severe penalty that could be
16 imposed for the crime charged.

17 The panel concluded that respondent's actions had violated DR 1-
18 102(A)(4) and (6), and recommended that the respondent be indefinitely

1 suspended from the practice of law with no credit for time served. The
2 board adopted the findings and conclusions of the panel, but also found a
3 violation of DR 1-102(A)(3) (illegal conduct involving moral turpitude).
4 The board recommended an indefinite suspension with no credit for time
5 served.

6 _____
7 *Geoffrey Stern*, Disciplinary Counsel, and *Alvin E. Mathews*,
8 Assistant Disciplinary Counsel, for relator.

9 *Charles W. Kettlewell*, for respondent.

10 _____
11 *Per Curiam*. Upon review of the record, we adopt the findings,
12 conclusions and recommendations of the board. For violations of Section
13 371, Title 18, U.S. Code, we have previously imposed an indefinite
14 suspension from the practice of law. *Disciplinary Counsel v. Felman*
15 (1995), 72 Ohio St.3d 483, 650 N.E.2d 1358. Here, the record demonstrates
16 that respondent had an excellent reputation prior to his felony conviction,
17 that he worked with prosecutors and the IRS to unravel a complicated tax
18 conspiracy, and that he has shown remorse for his actions. Nevertheless,

