



Ohio Board of Professional Conduct

2017 ANNUAL REPORT





Dear Chief Justice and Justices

OF THE SUPREME COURT OF OHIO:

On behalf of the commissioners and staff of the Board of Professional Conduct, I present the 2017 Annual Report of the Board of Professional Conduct. The report summarizes the activities of the board in 2017 and provides an accounting of the funds allocated to the board in fiscal year 2017.

In 2017, the board entered its seventh decade of service to the Supreme Court and citizens of Ohio. In addition to efficiently and impartially executing its adjudicatory functions, the board continued its outreach efforts by participating in 41 education seminars, issuing eight advisory opinions and three ethics guides, and responding to more than 2,000 compliance inquiries from lawyers, judges, and judicial candidates. In the spring, the board unveiled a redesigned website and, in July, became the first disciplinary board in the United States to offer online access to disciplinary case information and documents. The availability of the online docket was recognized by one legal ethics commentator as “set[ting] the new standard for disciplinary systems everywhere.” By year-end, the online docket was receiving more than 1,000 page views per week.

The commissioners and staff appreciate the responsibilities the Supreme Court has entrusted to the Board of Professional Conduct. The volunteer commissioners provide a significant service to the Court, legal profession, and citizens of Ohio, and do so with a sincere devotion to the task. This report is a brief reflection of our efforts in the past year and a promise of our continued commitment to ensure the proper and consistent application of professional conduct standards in our great state.

RICHARD A. DOVE
DIRECTOR, OHIO BOARD OF PROFESSIONAL CONDUCT

Commissioners

The board consists of 28 volunteer commissioners who are appointed by the Supreme Court from the 12 appellate districts in Ohio. The membership includes: four nonlawyer professionals, seven trial and appellate judges, and 17 lawyers from a wide range of practice backgrounds. Each commissioner devotes approximately 30 days per year to his or her board responsibilities, in addition to other professional and personal obligations.



CHAIRMAN

David L. Dingwell was elected to serve as board chairman in 2017. He is serving his second term on the board and previously chaired one of the board's two Probable Cause Panels. Chairman Dingwell is a partner in the Canton law firm of Tzangas, Plakas & Mannos.



VICE-CHAIRMAN

Sanford E. Watson was elected vice-chairman in 2017, and has served on the board since 2011. He is partner with the Cleveland firm of Tucker Ellis and formerly served as public safety director for Cleveland.

Judge Pamela A. Barker completed her first term as a judge-commissioner from the Eighth District and has been a member of the Cuyahoga County Court of Common Pleas since 2011.

Dr. John R. Carle is a dentist from Sylvania and has served since 2015 as one of four public members of the board.

James D. Caruso is a first-term commissioner representing the Sixth District. While in private practice, Commissioner Caruso devoted a portion of his practice to professional ethics and also served as general counsel for the Diocese of Toledo.

Tim L. Collins is serving his first term on the board and is a partner with the Cleveland firm of Collins & Scanlon where he heads the firm's litigation group.

Patrick M. Condon was appointed to fill an unexpired term in April. Commissioner Condon is an assistant prosecuting attorney in Lake County.

Judge Rocky Coss was appointed in 2016 to fill an unexpired term. Judge Coss has served on the Highland County Court of Common Pleas since 2008, and before taking the bench, he served six terms as



the prosecuting attorney for Highland County.

Jeff Davis was reappointed in 2017 as a public member and is government relations director for the Ohio Provider Resource Association and a Grove City councilman.

William H. Douglass is a first-term commissioner and is a businessman, real estate agent,

and franchisee from Ashtabula County.

Lisa A. Eliason was reappointed in 2017 as a lawyer member from the Fourth District and chaired one of two Probable Cause Panels. Commissioner Eliason is the law director for the city of Athens.

Robert B. Fitzgerald is a second-term commissioner and a

PICTURED

Front Row (L-R): David L. Dingwell (chairman) and Sanford E. Watson (vice-chairman)

Middle Row (L-R): Hon. Pamela A. Barker, Lindsay Ford Ellis, Peggy J. Schmitz, David W. Hardymon, Patricia A. Wise, Teresa Sherald, Frank C. Woodside III, Carolyn A. Taggart, Lisa A. Eliason, and Hon. Rocky Coss

Third Row (L-R): James D. Caruso, Hon. Joseph Gibson, Keith A. Sommer, Patrick J. Condon, Hon. John W. Wise, Patrick M. McLaughlin, Hon. William A. Klatt, Dr. John R. Carle, William H. Douglass, and Tim L. Collins

Not Pictured: Hon. C. Ashley Pike, Jeff M. Davis, Robert B. Fitzgerald, Hon. John R. Willamowski, and M. Lynn Lampe

COMMISSIONERS

partner in the Lima law firm of Fitzgerald, Reese & Van Dyne.

Lindsay Ford Ellis was appointed to the board in 2017 and serves as senior associate counsel for the Central Ohio Transit Authority in Columbus.

Judge Joseph Gibson was reappointed to the board in 2017, having served as an attorney-commissioner more than 15 years ago. Judge Gibson is retired from the Lake County Court of Common Pleas and sits as a retired judge by assignment of the chief justice.

David W. Hardymon is a retired partner with the Columbus firm of Vorys, Sater, Seymour & Pease and is serving his first term on the board.

Hon. William A. Klatt was reappointed to the board in 2017 and has been a judge on the Tenth District Court of Appeals since 2002.

M. Lynn Lampe joined the board in 2017. She manages the Lampe Law Office, a domestic relations and probate law firm in West Chester.

Patrick M. McLaughlin was appointed to the board in 2017. Commissioner McLaughlin practiced with McLaughlin Law, focusing on civil litigation and criminal defense, and formerly served as a U.S. attorney for the Northern District of Ohio.

Judge C. Ashley Pike completed his second term on the Board and chaired the Advisory Opinion Committee. Judge Pike has served on the Columbiana County Court of Common Pleas since 1991.

Peggy J. Schmitz joined the Board in 2016 as an attorney-commissioner from Wayne County. Commissioner Schmitz is a member of the Wooster firm of Critchfield, Critchfield & Johnston, where her practice focuses on labor and employment law.

Teresa Sherald is serving her second term as one of four nonattorney commissioners. Commissioner Sherald is the CEO for the Diversity Search Group in Columbus.

Keith A. Sommer is a sole practitioner in Martins Ferry and completed his third and final term on the board.

Carolyn A. Taggart was appointed to the board in 2017. Ms. Taggart is litigation attorney in the Cincinnati office of Porter Wright and previously served as chair of the Cincinnati Bar Association's certified grievance committee.

Judge John R. Willamowski serves on the Third District Court of Appeals and previously served five terms in the Ohio House of Representatives. Judge Willamowski is in his second term on the board and chaired the Rules Committee.

FORMER COMMISSIONERS

The following former commissioners continued to serve the board by completing pending case assignments or accepting appointments to review judicial campaign conduct grievances in 2017.

◆ ◆ ◆
McKenzie Davis, Paul De Marco, Roger Gates, Sharon Harwood, Hon. Karen Lawson, William Novak, and David Tschantz completed hearings in cases and presented reports to the board in 2017.

◆ ◆ ◆
Bernard Bauer, Hon. Thomas Bryant, Lawrence Elleman, and Jean McQuillan were assigned to review judicial campaign complaints to determine the existence of probable cause. Former Commissioner Bauer also was appointed as a master pursuant to board regulation and presented two reports for the board's consideration.

IN MEMORIAM

LAWRENCE A. SUTTER III (1963-2017)

The Board of Professional Conduct joined countless others in mourning the death our friend and colleague, Commissioner Lawrence A. Sutter III, who passed away on March 6 at the age of 53.

Larry Sutter was a skilled trial lawyer who found the proper balance between tenacity and professionalism. He founded his own law firm in 2002 and built it into one of the most successful firms in Cleveland. Although deeply dedicated to his family, his friends, and the practice of law, Larry found time to mentor other lawyers and contribute to his community. He coached the Akron Law School advocacy team to four national and 19 regional championships and devoted his time to numerous community causes.

Larry brought his passion for the law and professionalism to his work on the board. He took a careful and thoughtful approach to the cases he was assigned and offered unique perspectives on cases coming before the board. In keeping with his personality, Larry's views were delivered directly and often with the keen sense of humor he possessed.

Larry is survived by his wife, Hon. Paula C. Giulitto, his extended family, and countless friends and colleagues.

We join them in fondly remembering Larry.



Judge John W. Wise has served on the Fifth District Court of Appeals since 1995, was a trial judge for five years, and was a private practitioner for 10 years. Judge Wise has been a commissioner since 2013 and chaired a Probable Cause Panel.

Patricia A. Wise was reappointed to her second term on the board in 2017 and chaired the Budget and Personnel Committee. Commissioner Wise is a partner with the Toledo firm of Spengler and Nathanson, where her practice focuses on labor and employment law.

Frank C. Woodside III was appointed to the board in 2016 as a lawyer member from Cincinnati. He is of counsel with Dinsmore & Shohl and a licensed physician.



Hon. Eric Blaine was named to a vacancy on the board but resigned shortly after his selection to accept an appointment to the Montgomery County Court of Common Pleas.



BOARD STAFF

(L to R) Heidi Wagner Dorn,
Faith Long, D. Allan Asbury,
and Richard A. Dove (seated).

Board Staff

The board staff consists of four full-time positions. The director is the board's chief legal, administrative, and fiscal officer and is appointed by and serves at the pleasure of the board. The director is responsible for employing staff to assist the board in executing its responsibilities. Staff positions include senior counsel, counsel, and administrative secretary.

Richard A. Dove

DIRECTOR OF THE BOARD

Mr. Dove has served as secretary and director of the board since July 2011 and is the board's chief legal, administrative, and fiscal officer. Prior to joining the board, he was a member of the Ohio Supreme Court administrative staff for more than 22 years, the last four of which were as assistant administrative director. Mr. Dove is recognized in Ohio and nationally for his work in the area of judicial ethics, with a focus on judicial campaign conduct. He is a past president of the National Council of Lawyer Disciplinary Boards and has been a member of the NCLDB board of directors since 2012. Mr. Dove is a graduate of Wittenberg University and Capital University Law School and is admitted to practice in Ohio, the United States District Court for the Southern District of Ohio, and the United States Supreme Court.

D. Allan Asbury

SENIOR COUNSEL

Since joining the staff in September 2014, Mr. Asbury's work has focused on researching and drafting advisory opinions and ethics guides, providing ethics advice to Ohio judges, lawyers, and judicial candidates, and leading the board's education efforts. His extensive legal experience includes more than nine years on the administrative staff of the Supreme Court and 12 years as an associate counsel and senior employment and labor counsel for a regional transit authority in Central Ohio. Mr. Asbury received his undergraduate and law degrees from Capital University, and he is admitted to practice in Ohio, the United States District Court for the Southern District of Ohio, and the United States Supreme Court.

Heidi Wagner Dorn

COUNSEL

Ms. Dorn has served as counsel to the board since February 2014. Ms. Dorn assists commissioners with their case-related responsibilities, provides ethics advice to Ohio judges, lawyers, and judicial candidates, presents at education seminars, and assists in the preparation of advisory opinions and ethics guides. She previously served for three years as an assistant Ohio attorney general, was engaged in private practice for three years, and served three years as a magistrate and staff attorney for the Delaware County Court of Common Pleas. Ms. Dorn is a graduate of the University of Dayton and Capital University Law School, and she is admitted to practice in Ohio, Michigan, and the United States District Court for the Southern District of Ohio, and the United States Supreme Court.

Faith Long

ADMINISTRATIVE SECRETARY

Ms. Long provides clerical support to the board staff, including the review and processing of case filings, preparation of materials for review by the board's probable cause panels, preparation of subpoenas, and monitoring compliance with financial disclosure requirements by more than 1,800 judges, magistrates, and judicial candidates.

Responsibilities

The Supreme Court established the Board of Commissioners on Grievances & Discipline in 1957 to assist the Supreme Court in executing its plenary and constitutional responsibilities to regulate the practice of law in Ohio. It was renamed the Board of Professional Conduct in 2014.

The board derives its legal authority from Rule V of the Supreme Court Rules for the Government of the Bar of Ohio and Rules II and III of the Supreme Court Rules for the Government of the Judiciary of Ohio. The board's primary responsibility is adjudicating allegations of professional misconduct on the part of lawyers and judges and making recommendations to the Supreme Court regarding the appropriate sanction to be imposed when a lawyer or judge is found to have engaged in professional misconduct.

The board also considers petitions from lawyers seeking reinstatement to the practice of law following indefinite or impairment suspensions and conducts proceedings in expedited judicial campaign misconduct cases. In any one case, commissioners are asked to make factual findings, reach legal conclusions, and evaluate expert testimony from medical professionals and treatment providers. In crafting

the appropriate sanction to be recommended to the Supreme Court, commissioners must balance the competing interests of protecting the public, sanctioning a lawyer who has strayed from his or her professional obligations, and charting a path by which a suspended lawyer may return to the competent, ethical, and professional practice of law.

The board also plays a significant role in promoting and enhancing compliance with the standards of professional ethics by members of the Ohio Bench and Bar. The board has authority to issue nonbinding advisory opinions regarding prospective or hypothetical application of the rules governing the professional conduct of lawyers and judges. The board's legal staff make regular presentations at bar and judicial association meetings and continuing education seminars and responds daily to telephone and email inquiries from lawyers, judges, judicial candidates, the media, and members of the public.

COMMITTEES & PANELS

Commissioners are assigned to one of five standing committees or panels that facilitate the adjudicatory and administrative responsibilities of the board.

Two Probable Cause Panels

Review the sufficiency of formal misconduct allegations and certify new complaints to the board.

Advisory Opinion Committee

Considers requests for written advice on application of professional conduct standards and reviews draft advisory opinions prior to their presentation to the full Board.

Rules Committee

Considers and recommends proposed amendments to rules governing disciplinary procedures and the conduct of Ohio lawyers and judges.

Budget and Personnel Committee

Approves an annual budget to fund the operation of the board and provide reimbursements to certified grievance committees and reviews the performance of disciplinary counsel and the director.

2017 Overview



In 2017, the board opened or reopened 78 cases, disposed of 75 cases, and placed four cases in inactive status. As of Dec. 31, there were 60 cases on the active docket.

The board efficiently managed the funds allocated to its operation by limiting increased operations expenditures to 0.5 percent, including a 12.3 percent reduction in nonpersonnel operating expenses.

Board staff continued robust education and compliance efforts by making 41 education presentations to lawyers, judges, judicial candidates, law students, and members of the public.

The board continued its efforts to offer written guidance to the bench and bar through the issuance of advisory opinions and the preparation of three ethics guides. Legal staff responded to approximately 2,000 telephone and email inquiries from lawyers, judges, and judicial candidates who sought information regarding compliance with the Rules of Professional Conduct and Code of Judicial Conduct.

Continuing its efforts to enhance public understanding of the disciplinary process, the board unveiled a redesigned website in May and, in July, provided online access to its docket and case filings. The latter initiative made Ohio the first jurisdiction to provide dedicated, electronic access to disciplinary case information and pleadings.

CASES

75 Case Dispositions

BUDGET

12.3% Reduction in nonpersonnel operating expenses

EDUCATION

41 Education Presentations

TECHNOLOGY

1 Redesigned Website + Online Docket

Adjudicatory Responsibilities

The board received 78 matters for adjudication, including 71 new complaints, six reinstatement petitions from the Supreme Court, and one reopened previously consolidated case.

Three-commissioner hearing panels conducted formal hearings in 48 cases, spanning 54 hearing days, an increase in hearing activity of 54 percent from the preceding year. The board conducted six bimonthly meetings, including a two-day meeting in December, to consider reports from hearing panels and to review and approve recommendations from board committees. The standing committees of the board met in person or via teleconference on multiple occasions throughout the year.

The board disposed of 75 cases and ended the year with 60 cases pending on its docket (see tables on p. 13).

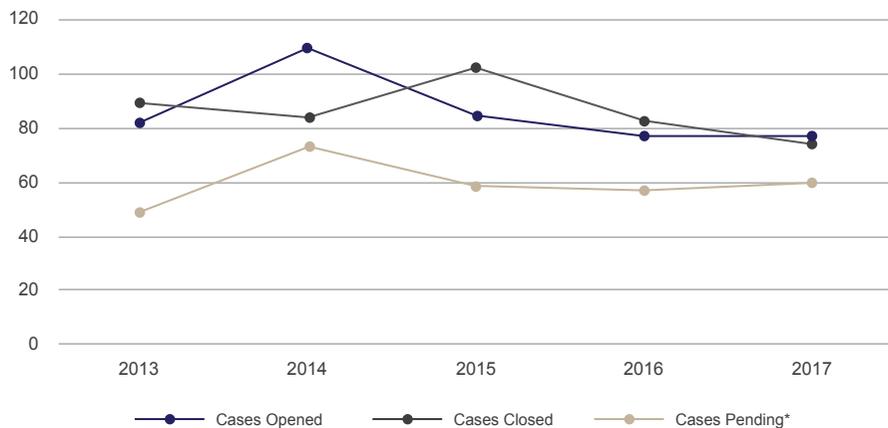
The board places a pending case on inactive status when the respondent's default is certified to the Supreme Court and an interim default

suspension is imposed pursuant to Gov.Bar R. V, Section 14. The case remains inactive until the Supreme Court remands the matter for adjudication upon motion of a party or imposes an indefinite suspension. Four cases were in inactive status at the end of 2017.

FELONY CERTIFICATIONS

When a lawyer is convicted of a felony offense under state or federal law and upon receipt of a court order, the board is required to certify the conviction to the Supreme Court. The Supreme Court then imposes an interim felony suspension against the lawyer that remains in effect throughout the pendency of disciplinary proceedings. The board certified nine felony convictions to the Supreme Court in 2017.

Board Cases Opened, Closed, and Pending
2013–2017



* Excludes cases on inactive status at the end of the year.

2017 CASE DISPOSITIONS *

Cases certified to the Supreme Court	52
Submitted following a hearing or waiver of a hearing	41
Submitted upon recommendation to accept consent to discipline agreement	7
Submitted upon consideration of a petition for reinstatement to the practice of law	4
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Dismissals due to Supreme Court acceptance of respondent's resignation from the practice of law, with disciplinary action pending	8
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Dismissals following the Supreme Court's imposition of an indefinite suspension against a respondent in default	5
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Miscellaneous dismissals	5
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Dismissals on the merits, following a hearing	4
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Consolidation of two pending cases	1
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Total Case Dispositions	75

**Appendix A (p.21) of this report is a list of board case dispositions in 2017.*

CASES PENDING AS OF DEC. 31, 2017

Submitted to panels for decision after Nov. 1 and presented to the board in early 2018	10
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Scheduled for hearing within first six months of 2018	23
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Await scheduling	6
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Await answers from respondent	9
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Respondent in default for failing to file timely answer to complaint	5
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Stayed due to pending criminal proceedings involving respondent or respondent's pending resignation from the practice of law	7
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Total Cases Pending	60



Budget

The Board of Professional Conduct receives two annual budgetary allocations from the Supreme Court Attorney Services Fund, a fund that consists primarily of the biennial registration fees paid by Ohio lawyers. No state general revenue funds are expended in direct support of the operation of the board.

In fiscal year 2017 [July 1, 2016 through June 30, 2017], the board expended a total of \$686,475 to support its day-to-day operations. This amount represented 7.7 percent of the total annual expenditures from the Supreme Court Attorney Services Fund. In that same period, payments to certified grievance committees from the Reimbursement Budget totaled \$1,923,718, an amount that equaled 21.5 percent of the total Attorney Services Fund expenditures.

OPERATIONS BUDGET

The Operations Budget funds the costs associated with day-to-day functions of the Board of Professional Conduct, including staff salaries and benefits, expenses associated with hearings and meetings, commissioner per diems, and travel reimbursements to commissioners and staff, and miscellaneous office expenses such as telephone, postage, supplies, and equipment.

Operations expenditures increased by just 0.5 percent in fiscal year 2017. Personnel expenses increased by 5.7 percent; however, nonpersonnel expenditures were reduced by 12.3 percent. In the past five years, total operating costs have been reduced by 5.2 percent.

REIMBURSEMENT BUDGET

The Reimbursement Budget is used to compensate the 32 certified grievance committees for expenses incurred in performing their disciplinary responsibilities under Gov.Bar R. V. Committees are reimbursed throughout the year for direct expenses incurred in connection with a specific disciplinary investigation or prosecution. Committees may request and receive reimbursement on a quarterly or annual basis for 10 separate categories of indirect expenses, including personnel costs, costs of bar counsel, postage, telephone, books and subscriptions, equipment, and a portion of overhead expenses attributable to performance of disciplinary activities.

In fiscal year 2017, the total reimbursements to certified grievance committees reached a record \$1,923,718. This figure included a record \$52,922 in reimbursements for file inventories conducted on behalf of deceased or disabled attorneys in Cuyahoga, Lorain, and Montgomery counties (*See Appendix B, p. 27*).

BUDGET AND EXPENDITURES
(2015 – 2018)

	FY 2015 (Actual)	FY 2016 (Actual)	FY 2017 (Actual)	FY 2018 (Budgeted)
Board Operations	\$ 676,394	\$ 682,474	\$ 686,475	\$ 842,000
Grievance Committee Reimbursements*	\$ 1,914,883	\$ 1,810,419	\$ 1,923,718	\$ 1,950,000

* Appendix B (p. 27) includes information regarding payments to certified grievance committees.

OPERATIONS BUDGET AND EXPENDITURES
FY 2017 (July 1, 2016 to June 30, 2017)

	ALLOCATED	SPENT
TOTAL STAFF SALARIES AND BENEFITS	\$ 547,222	\$ 509,874
Commissioner Per Diems	\$ 40,000	\$ 16,375
TOTAL MAINTENANCE	\$ 243,000	\$ 140,225
Telephone	\$ 2,000	\$ 1,214
Postage	\$ 8,000	\$ 2,984
Maintenance and Repair	\$ 2,000	\$ 0
Supplies and Materials	\$ 10,000	\$ 3,067
Books, Subscriptions	\$ 1,000	\$ 520
Commissioner Travel Reimbursement	\$ 70,000	\$ 41,299
Hearing Expenses	\$ 100,000	\$ 49,636
Miscellaneous Expenses	\$ 50,000	\$ 41,506
TOTAL EQUIPMENT	\$ 15,000	\$ 0
GRAND TOTAL	\$ 845,222	\$ 686,475

Education and Outreach

The board continued to enhance education and outreach activities in 2017.



ADVISORY OPINIONS

In 2017, the board issued eight advisory opinions that addressed prospective or hypothetical questions involving application of the Ohio Rules of Professional Conduct, Ohio Code of Judicial Conduct, or Ohio Ethics Law.

ADDRESSING NEW REQUESTS

Three of the opinions addressed new questions:

Advisory Opinion 2017-5 addresses the ethical obligations of lawyers who operate a virtual law office. Recognizing that some lawyers choose to practice law in something other than a traditional brick and mortar office, the opinion concludes that an Ohio lawyer may maintain a virtual law office through which many client communications are conducted electronically. The opinion states that the operation of a virtual law office does not relieve a lawyer from

compliance with the Rules of Professional Conduct, including maintaining competence regarding technology used in the operation of the office and maintaining proper and secure communications with clients.

Advisory Opinion 2017-6 identifies limitations under the Ohio Ethics Law and Ohio Code of Judicial Conduct on the ability of a court to employ a person who is simultaneously employed by a nonprofit entity that has a contract with the court. The opinion specifically addresses a court's proposed employment of a drug court coordinator when the prospective employee is also employed by a drug treatment center that contracts with the court to provide programming and counseling services through the court's probation department. The opinion concludes that the dual employment is prohibited under the Ohio Ethics Law and conflicts with principles of judicial independence, integrity, and impartiality set forth in the Code of Judicial Conduct.

UPDATED ADVISORY OPINIONS

Opinion	Issue Addressed	Replaces
2017-1	Advertisement of contingent fee arrangements.	1998-9
2017-2	Obligation of a judge to report misconduct of a lawyer or another judge.	1989-32
2017-3	Solicitation of prospective clients via email.	2004-1
2017-4	Limitations under the Ohio Ethics Law and Rules of Professional Conduct on the ability of a former magistrate to undertake legal representation of a client in a matter over which the magistrate presided.	2005-5
2017-8	Judicial participation in community parades.	1993-9

Advisory Opinion 2017-7 concludes that a court may establish and fund a self-help center to provide limited legal assistance to self-represented litigants and may appoint and compensate lawyers who provide these limited services. The opinion recognizes that a self-help clinic, operated in a manner consistent with principles of fairness and impartiality, can facilitate the timely and effective administration of justice.

UPDATING PRIOR OPINIONS

The board continued a project launched in 2016 to update and replace advisory opinions issued under the former Code of Professional Responsibility or prior versions of the Code of Judicial Conduct. After issuing seven updated opinions in 2016, the board issued five replacement opinions in 2017 (see table above).

ADVISORY OPINION GUIDELINES

The board's regulations set forth guidelines that govern the board's consideration of advisory opinion requests. These guidelines provide that a request should:

- 1 Pose a question of broad interest or importance to the Ohio Bar or Judiciary;
- 2 Not involve the proposed conduct of someone other than the person requesting the opinion;
- 3 Not involve completed conduct, questions of law, questions pending before a court, questions that are too broad, questions that lack sufficient information, or questions of narrow interest.

Advisory opinions are published on the board's website and distributed to an array of legal and professional organizations within and outside Ohio.

STAFF LETTERS

When a request for written advice does not satisfy the criteria for issuance of a formal advisory opinion, the board may direct staff to respond via letter. Staff letters are most often used when the response is dictated by Supreme Court case law or prior opinions of the board, or where advice is sought on a narrow issue of concern to the requesting party. Staff letters are not published, but are maintained in the board office. Seventeen staff letters were issued in 2017.

ETHICS GUIDES

In 2016, the board’s legal staff issued the first in a series of ethics guides that address issues of concern to a broad segment of the Ohio bench and bar. The ethics guides compile, in a single document, standards set forth in professional conduct rules, advice from advisory opinions, and best practices relative to the practice of law.

The initial ethics guide addressed the subject of client file retention. In 2017, the staff issued

three additional ethics guides. The *Ethics Guide on Succession Planning*, issued in March, identifies the benefits and core elements of a succession plan for lawyers in private practice. This guide encourages lawyers to plan for their unexpected departure from the practice due to death, disability, or discipline, and the institution of steps to ensure proper attention to client matters under such a scenario.

Two ethics guides were issued in December, both of which addressed the transition to new employment. The *Ethics Guide on Switching Firms* provides guidance to lawyers who are changing law firms. The guide identifies the steps a lawyer should take to make the transition smooth and professional, with a focus on the lawyer’s obligations to his or her clients. The *Ethics Guide on Transition from the Practice of Law to the Bench* addresses the unique ethical obligations for a lawyer who is elected or appointed to judicial office.

EDUCATION AND COMPLIANCE ACTIVITIES

The board’s legal staff are regular presenters at professional education seminars throughout Ohio and devote a significant portion of each day to responding to telephone and email inquiries from lawyers, judges, and judicial candidates.

Staff made 41 education presentations, the majority of which were to audiences of judges, magistrates, and attorneys. Staff also spoke to law students at four Ohio law schools and presented at five judicial candidate training sessions.

The board continued its co-sponsorship of the Miller-Becker Seminar held in October each year. This seminar is hosted for the benefit of the employees and volunteers of the local bar association grievance committees, the Office of Disciplinary Counsel, and other professional responsibility lawyers. The Oct. 20 seminar featured a presentation on proactive, management-based regulation of the practice of



PICTURED LEFT: In 2017, the board issued three new ethics guides, addressing issues of succession planning, switching law firms, and transitioning from the bar to the bench.

law, proper use of monitoring and probation in the disciplinary process, and best practices in conducting investigations of misconduct.

The legal staff also responds to written and telephone questions from lawyers, judges, and judicial candidates regarding compliance with the Rules of Professional Conduct and Code of Judicial Conduct. Each year, the legal staff receive and respond to approximately 2,000 telephone inquiries and email requests for advice. Some inquiries are easily resolved, while others require research and documentation. Staff also responded to public inquiries regarding the disciplinary process and inquiries from attorneys, the public, and media regarding cases pending before the board.

Case Processing Standards

As part of its continuing effort to streamline case processing procedures, the board amended its regulations to provide for the issuance of a uniform prehearing scheduling order. The regulation establishes a series of deadlines, based on the date of the disciplinary hearing, by which parties must complete discovery, exchange exhibits, and file prehearing documents with the board. The regulation brings more standardization to the scheduling process and will help ensure that parties are prepared for scheduled disciplinary hearings. The amended regulation takes effect Jan. 1, 2018.

Financial Disclosure

Ohio law and the Code of Judicial Conduct require each judge, magistrate, and candidate for judicial office to file an annual financial disclosure statement with the Board of Professional Conduct. The board receives and retains more than 1,800 statements each year. The board requires all filers to submit financial disclosure statements electronically, through a portal developed in cooperation with the Ohio Ethics Commission.



Technology

The board undertook two initiatives that enhance public understanding of access to the disciplinary process and increase the transparency of the disciplinary proceedings.

REDESIGNED WEBSITE

In May, the board unveiled a redesigned web site—www.bpc.ohio.gov—which streamlines user access to a broad range of disciplinary-related information. Since going live, the home page has received more than 2,000 hits per month, with users most frequently accessing pages related to advisory opinions and the disciplinary process.

ONLINE DOCKET

In July, the board expanded its web presence by launching its online case docket, which provides real-time access to case-related information, including pleadings and other documents filed in pending disciplinary cases. With this innovation, Ohio became the first jurisdiction to offer dedicated online, electronic access to information about disciplinary cases that are awaiting adjudication. The docket was recognized in Ohio and nationally. In a November article titled “Ohio Tops in Bar Discipline Transparency,” a noted legal ethics commentator observed that “the web page of the Ohio Board of Professional Conduct provides the most comprehensive easy access to information about pending cases of any court or bar.”

“OHIO’S RECENT IMPROVEMENTS
SET THE NEW STANDARD
FOR DISCIPLINARY SYSTEMS
EVERYWHERE.”

— *Legal Profession Blog* | Nov. 29, 2017



Conclusion

The accomplishments outlined in this annual report reflect the dedication of the commissioners and staff to execute fairly and efficiently the tasks assigned to the board by the Supreme Court. Commissioners and staff recognize the significant responsibility with which they are entrusted and perform their duties with the degree of devotion and professionalism expected by the Supreme Court, the legal profession, and the citizens of Ohio.



APPENDICES

APPENDIX A
BOARD CASE DISPOSITION INDEX

Case Name & Number	County	Board Disposition Type	Board Disposition or Recommendation	Supreme Court Disposition or Status
Columbus Bar Assn. v. David G. Simonette 16-009	Franklin	Dismissal (resignation)	N/A	Resignation accepted; 2017-Ohio-173
Stark Cty. Bar Assn. v. Glen F. Buttacavoli 16-013	Stark	Hearing	Two-year suspension, 18 months stayed	Two-year suspension, 18 months stayed, 2017-8857
Disciplinary Counsel v. Patricia A. Pickrel 16-024	Montgomery	Stipulations, hearing waived	Two-year suspension, one year stayed	Two-year suspension, one year stayed; 2017-Ohio-6872
Lorain Cty. Bar Assn. v. Anisa A. Williamson 16-031	Hamilton	Hearing	Public reprimand	Public reprimand; 2017-Ohio-6963
Columbus Bar Assn. v. Jeffrey T. Kluesener 16-036	Franklin	Consent to discipline	Six-month suspension, stayed	Six-month suspension, stayed; 2017-Ohio-4417
Cleveland Metro. Bar Assn. v. Michael W. Callahan 16-046	Cuyahoga	Consent to discipline	Public reprimand	Public reprimand; 2017-Ohio-5700
Lorain Cty. Bar Assn. v. Patrick C. Mackin 15-041	Lorain	Dismissal (resignation)	N/A	Resignation accepted; 2017-Ohio-524
Disciplinary Counsel v. Christopher J. Goldthorpe 16-077	Franklin	Dismissal (resignation)	N/A	Resignation accepted; 2017-Ohio-525
Lorain Cty. Bar Assn. v. Ken Jones 16-040	Out-of-State	Dismissal (other)	N/A	Dismissed by Supreme Court; 2017-Ohio-528
Lorain Cty. Bar Assn. v. Heather B. Wilsey 16-032	Lorain	Dismissal (death of respondent)	N/A	N/A
Mahoning Cty. Bar Assn. v. Charles W. Theisler 05-012	Mahoning	Reinstatement	Recommend reinstatement	Reinstatement granted, 2017-Ohio-4204
Columbus Bar Assn. v. Earl D. McNeal 16-017	Franklin	Hearing	One-year suspension, stayed	One-year suspension, stayed, 2017-Ohio-8775
Trumbull Cty. Bar Assn. v. Joseph T. Dull 16-027	Trumbull	Hearing	One-year suspension, six months stayed	Two-year suspension, one year stayed, 2017-Ohio-8774
Disciplinary Counsel v. Brian A. Maciak 16-035	Out-of-state	Hearing	Two-year suspension, stayed	Pending, 2017-0492
Disciplinary Counsel v. Gigi H. Fuhry 16-060	Summit	Consent to discipline	Two-year suspension, six months stayed	Two-year suspension, six months stayed, 2017-Ohio-8813

APPENDIX A
BOARD CASE DISPOSITION INDEX

Case Name & Number	County	Board Disposition Type	Board Disposition or Recommendation	Supreme Court Disposition or Status
Disciplinary Counsel v. Samuel R. Smith II 16-068	Cuyahoga	Consent to discipline	18-month suspension, 12 months stayed	18-month suspension, 12 months stayed, 2017-Ohio-8821
Columbus Bar Assn. v. Joseph D. Reed 16-028	Franklin	Dismissal (resignation)	N/A	Resignation accepted, 2017-Ohio-1344
Disciplinary Counsel v. Jeffrey S. Brumbaugh 16-025	Miami	Dismissal (default)	N/A	Indefinite suspension, 2017-Ohio-2977
Disciplinary Counsel v. Ernest A. Eynon II 16-028	Hamilton	Dismissal (resignation)	N/A	Resignation accepted, 2017-Ohio-2745
Disciplinary Counsel v. Christopher T. Cicero 17-007	Franklin	Dismissal (consolidation)	N/A	N/A
Disciplinary Counsel v. Robert H. Hoskins 16-058	Hamilton	Dismissal (other)	N/A	Case dismissed following respondent's disbarment in Supreme Court Case No. 2016-1496
Columbus Bar Assn. v. Eric L. LaFayette 15-052	Franklin	Hearing	Six-month suspension, stayed	Six-month suspension, stayed; 2017-Ohio-9205
Disciplinary Counsel v. Christopher R. Bucio 15-053	Miami	Hearing	Indefinite suspension	Indefinite suspension, 2017-Ohio-8709
Disciplinary Counsel v. Steven P. Schnittke 15-075	Perry	Hearing	Six-month suspension, stayed	Six-month suspension, stayed; 2017-Ohio-9206
Dayton Bar Assn. v. Derrick A. Strahorn 16-029	Montgomery	Hearing	Six-month suspension, stayed	Six-month suspension, stayed; 2017-Ohio-9204
Ohio State Bar Assn. v. Lance T. Mason 16-037	Cuyahoga	Hearing	Disbarment	Indefinite suspension, 2017-Ohio-9215
Cincinnati Bar Assn. v. William D. Bell 16-056	Hamilton	Hearing	Public reprimand	Public reprimand; 2017-Ohio-9088
Disciplinary Counsel v. Cynthia A. Williams 16-070	Highland	Hearing	Public reprimand	Public reprimand; 2017-Ohio-9100
Cleveland Metro. Bar Assn. v. Rosel C. Hurley, III 17-001	Cuyahoga	Hearing	Disbarment	Pending, 2017-0798
Disciplinary Counsel v. Quentin M. Derryberry, II 15-033	Auglaize	Hearing	One-year suspension, six months stayed	One-year suspension, stayed, 2017-Ohio-8767

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Case Name & Number	County	Board Disposition Type	Board Disposition or Recommendation	Supreme Court Disposition or Status
Columbus Bar Assn. v. Knisley F. Nyce 16-007	Franklin	Hearing	Disbarment	Pending, 2017-1078
Disciplinary Counsel v. Michelle L. DeMasi 16-014	Out-of-state	Hearing	Indefinite suspension	Pending, 2016-0994
Disciplinary Counsel v. Andrew M. Engel 16-030	Montgomery	Hearing	Two-year suspension, 18 months stayed	Pending, 2017-1087
Disciplinary Counsel v. Michael J. Goebel 16-054	Summit	Stipulations, hearing waived	Six-month suspension, stayed	Pending, 2017-1083
Cincinnati Bar Assn. v. John P. Weber 16-057	Hamilton	Hearing	Two-year suspension, one year stayed	Two-year suspension, one-year stayed; 2017-Ohio-9243
Mahoning Cty. Bar Assn. v. Scott R. Cochran 16-052	Mahoning	Hearing	One-year suspension, stayed	Pending, 2017-1080
Mahoning Cty. Bar Assn. v. Neal G. Atway 16-064	Mahoning	Hearing	Two-year suspension	Pending, 2017-1082
Disciplinary Counsel v. Robert K. Leonard 16-066	Allen	Hearing	Indefinite suspension	Dismissed following acceptance of resignation with discipline pending in Case No. 2017-1659
Disciplinary Counsel v. John E. Patterson 16-073	Franklin	Dismissal after hearing	N/A	N/A
Disciplinary Counsel v. Paul A. Mancino, Jr. 16-074	Cuyahoga	Hearing	Public reprimand	Pending, 2017-1079
Disciplinary Counsel v. Timothy E. Bellew 16-019	Trumbull	Motion for default disbarment	Disbarment	Disbarment; 2017-Ohio-9203
Lorain Cty. Bar Assn. v. Mark R. Provenza 14-078	Lorain	Dismissal (resignation)	N/A	Resignation accepted; 2017-Ohio-7471
Disciplinary Counsel v. David A. Niehaus 16-059	Out-of-state	Dismissal (default)	N/A	Indefinite suspension; 2017-Ohio-7684
Warren Cty. Bar Assn. v. Jeffrey C. Meadows 17-005	Warren	Dismissal after hearing	N/A	N/A
Lorain Cty. Bar Assn. v. Kenneth J. Lewis 16-033	Lorain	Hearing	Two-year suspension, six months stayed	Pending, 2017-1419

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BOARD CASE DISPOSITION INDEX

Case Name & Number	County	Board Disposition Type	Board Disposition or Recommendation	Supreme Court Disposition or Status
Cincinnati Bar Assn. v. Justin E. Fernandez 16-041	Hamilton	Hearing	Indefinite suspension	Pending, 2017-1409
Disciplinary Counsel v. John W. Gold 16-069	Medina	Hearing	Two-year suspension, one year stayed	Pending, 2017-1411
Disciplinary Counsel v. Rufus Sims 16-072	Cuyahoga	Dismissal after hearing	N/A	N/A
Cleveland Metro. Bar Assn. v. James A. Gay 17-003	Cuyahoga	Stipulations, hearing waived	One-year suspension, stayed	Pending, 2017-1413
Cleveland Metro. Bar Assn. v. Debbie K. Horton 17-011	Cuyahoga	Hearing	Two-year suspension, one year stayed	Pending, 2017-1416
Columbus Bar Assn. v. John J. Okuley 17-017	Franklin	Hearing	Two-year suspension, one year stayed	Pending, 2017-1417
Disciplinary Counsel v. William S. Slavens 90-063	Jackson	Reinstatement	Recommend reinstatement	Reinstatement granted; 2017-Ohio-8741
Disciplinary Counsel v. Raymond L. Eichenberger III 17-032	Franklin	Dismissal (resignation)	N/A	Resignation accepted; 2017-Ohio-8295
Cincinnati Bar Assn. v. Neal Allen May 16-063	Hamilton	Dismissal (default)	N/A	Indefinite suspension, 2017-Ohio-8294
In re Judicial Campaign Complaint against W. Mona' Scott 17-051	Cuyahoga	Dismissal (other)	N/A	N/A
In re Judicial Campaign Complaint against James E. Sherron 17-052	Butler	Hearing	\$800 fine and costs	\$800 fine and costs; 2017-Ohio-8468
Disciplinary Counsel v. Andrea L. Reino 17-037	Hamilton	Dismissal (resignation)	N/A	Resignation accepted, 2017-Ohio-8743
Mahoning Cty. Bar Assn. v. Mark I. Verkhlin 16-062	Mahoning	Dismissal (default)	N/A	Indefinite suspension; 2017-Ohio-8751
Disciplinary Counsel v. Harry E. Jackson 14-024	Summit	Dismissal (default)	N/A	Indefinite suspension; 2017-Ohio-8752

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Case Name & Number	County	Board Disposition Type	Board Disposition or Recommendation	Supreme Court Disposition or Status
Akron Bar Assn. v. Jeffrey V. Hawkins 17-022	Summit	Dismissal after hearing	N/A	N/A
Disciplinary Counsel v. Gerald T. Noel, Jr. 11-051	Franklin	Reinstatement	Recommend reinstatement	Pending, 2012-0656
Disciplinary Counsel v. Gregory A. Cohen 14-032	Hamilton	Reinstatement	Recommend reinstatement	Pending, 2014-1740
Columbus Bar Assn. v. Neal H. Magee 16-050	Franklin	Hearing	Disbarment	Pending, 2017-1737
Disciplinary Counsel v. Guy D. Rutherford 16-051	Cuyahoga	Motion for default disbarment	Disbarment	Pending, 2017-0010
Columbus Bar Assn. v. Bradley D. Keating 16-071	Franklin	Hearing	Six-month suspension, stayed	Pending, 2017-1740
Akron Bar Assn. v. Jon D. Tucker 17-004	Summit	Hearing	Six-month suspension, stayed	Pending, 2017-1739
Columbus Bar Assn. v. David P. Rieser 17-006	Franklin	Hearing	Indefinite suspension	Pending, 2017-1741
Cleveland Metro. Bar Assn. v. Steven J. Moody 17-008	Cuyahoga	Hearing	Indefinite suspension	Pending, 2017-1738
Mahoning Cty. Bar Assn. v. John A. McNally IV 17-009	Mahoning	Hearing	Public reprimand	Pending, 2017-1743
Dayton Bar Assn. v. Clinton R. Wilcoxson II 17-014	Montgomery	Consent to discipline	Six-month suspension, stayed	Pending, 2017-0663
Disciplinary Counsel v. Brian W. Benbow 17-020	Muskingum	Hearing	Two-year suspension, one year stayed	Pending, 2017-1734
Disciplinary Counsel v. Howard E. Skolnick 17-027	Cuyahoga	Hearing	Six-month suspension, stayed	Pending, 2017-1735
Mahoning Cty. Bar Assn. v. Charles D. Mickens 17-028	Mahoning	Consent to discipline	Six-month suspension, stayed	Pending, 2017-1726

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BOARD CASE DISPOSITION INDEX

Case Name & Number	County	Board Disposition Type	Board Disposition or Recommendation	Supreme Court Disposition or Status
Cleveland Metro. Bar Assn. v. Sam Thomas III 17-038	Cuyahoga	Consent to discipline	One-year suspension, stayed	Pending, 2017-1730
Trumbull Cty. Bar Assn. v. Timothy E. Bellew 16-039	Trumbull	Dismissal (other)	N/A	Case dismissed following respondent's disbarment in Case No. 2016-1082

DISPOSITIONS BY TYPE

36	Hearing on complaint
4	Reinstatement hearing
3	Hearing waived; submitted on stipulations
7	Consent to discipline
4	Dismissal on merits
8	Dismissal (resignation)
5	Dismissal (default)
4	Dismissal (other)
1	Dismissal (death of respondent)
2	Motion for default disbarment
1	Consolidation

75 Total Dispositions

BUDGET

FISCAL YEAR 2017 TOTAL REIMBURSEMENTS TO CERTIFIED GRIEVANCE COMMITTEES

For Disciplinary-Related Expenses and File Inventories

CERTIFIED GRIEVANCE COMMITTEE	REIMBURSEMENT
Akron Bar Association	\$ 175,723.91
Allen County Bar Association	\$ 1,945.32
Ashtabula County Bar Association	\$ 13,904
Butler County Bar Association	\$ 1,906.25
Cincinnati Bar Association	\$ 269,529.05
Cleveland Metropolitan Bar Association	\$ 292,537.55
Columbiana County Bar Association	\$ 6,461.92
Columbus Bar Association	\$ 304,277.31
Dayton Bar Association	\$ 186,547.90
Erie-Huron Certified Grievance Committee	\$ 7,821.97
Geauga County Bar Association	\$ 382.88
Findlay/Hancock County Bar Association	\$ 6,673.29
Lake County Bar Association	\$ 19,661.41
Lorain County Bar Association	\$ 132,074.52
Mahoning County Bar Association	\$ 93,753.80
Ohio State Bar Association	\$ 119,660.84
Stark County Bar Association	\$ 44,518.23
Toledo Bar Association	\$ 174,689.63
Trumbull County Bar Association	\$ 14,889.89
Warren County Bar Association	\$ 2,393.75
Wood County Bar Association	\$ 1,443.03
TOTAL	\$ 1,870,796.45
FILE INVENTORY [GOV. BAR R. V, SECTION 8(F)]	REIMBURSEMENT
Dayton Bar Association	\$ 34,589.27
Lorain County Bar Association	\$ 11,014.55
Cleveland Metropolitan Bar Association	\$ 7,317.83
TOTAL	\$ 52,921.65
GRAND TOTAL	\$ 1,923,718.10

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