



Ohio Board of Professional Conduct

TO: Certified Grievance Committees

FROM: Rick Dove, Director

DATE: November 2024

RE: Board Policy Regarding Indirect Expense Reimbursements to Certified Grievance Committees

On October 4, 2024, the Board of Professional Conduct unanimously adopted a policy governing the reimbursement for certain indirect expenses claimed by certified grievance committees. The policy, attached as Appendix A, applies to indirect expenses incurred on or after January 1, 2025. In early 2025, the Board will publish new quarterly expense reimbursement forms and instructions that will be applicable to reimbursements claimed for January-March 2025 (due on or before May 1, 2025) and subsequent quarters. For annual reimbursement requests due on or before February 1, 2025, grievance committees are directed to use the forms and instructions currently available from the [Board's website](#).

General Provisions

The reimbursement policy applies to indirect expense reimbursements only and primarily to reimbursements claimed for employed personnel. The policy does not impact on direct expense reimbursements (expenses incurred in connection with a specific investigation or prosecution) or to reimbursements requested for volunteer or contract bar counsel who provide and/or bill for services on an hourly or "as-needed" basis.

Grievance committees are reminded that they may seek reimbursement from the Board for only those expenses incurred in connection with Gov. Bar R. V activities. Grievance committee and bar association personnel who work on other regulatory matters such as character and fitness or unauthorized practice of law may not seek reimbursement from the Board for time devoted to those activities. Any improper billing that is substantiated by the Board will result in denial of expense reimbursements and initiation of decertification proceedings.

Indirect expense reimbursement requests must be accompanied by an affidavit, the form of which is provided on the Board's website. The affidavit must be executed by a bar association officer or employee (1) who has personal knowledge of the costs for which reimbursement is being sought and (2) whose compensation is not included within the reimbursement request. Beginning with the annual reimbursement requests filed in 2025, Board will no longer accept affidavits executed by bar counsel or other personnel whose compensation is reimbursed in whole or in part by the Board.

A grievance committees that is noncompliant with requirements of Gov. Bar R. V or the requirements of this reimbursement policy will not be eligible to receive indirect expense reimbursements. At a minimum, this means that the grievance committee must be current with its submission of annual reports, quarterly statistical reports, and job descriptions, if required.

Job Descriptions (Part A)

On or before February 1, 2025, a certified grievance committee must provide the Board with job descriptions for employed personnel. The job description requirements are as follows:

- Submit a job description for each employee for whom compensation reimbursement is requested from the Board. This includes bar counsel, assistant bar counsel (if any), paralegals, and other support staff (except IT and accounting staff; see below) who devote time to Gov. Bar R. V matters.
- The job description must include the employee's title and list the duties normally assigned to the individual employee, including (1) those duties related to Gov. Bar R. V responsibilities and (2) other duties, unrelated to Gov. Bar R. V, that the employee normally is assigned by the bar association, including any regulatory responsibilities, unrelated to Gov. Bar R. V, such as character and fitness and unauthorized practice of law.

A grievance committee must provide the Board with an updated job description when an employee's duties are altered and the alteration significantly increases or decreases the time spent by that employee on Gov. Bar R. V responsibilities. The updated position description must be filed within 30 days after the employee's duties are altered and no later than the next quarterly reimbursement request.

Job descriptions should be submitted to the Board via email at BOCfilings@bpc.ohio.gov. Please do not send these directly to individual Board staff.

Personnel Cost Reimbursements (Part B)

The Board-approved reimbursement policy contains several provisions relative to reimbursements for employed personnel costs. These costs make up more than 60 percent of the total reimbursements paid by the Board of Professional Conduct each fiscal year.

Caps on Personnel Reimbursements

Beginning in FY 2025 (ending June 30, 2025) and continuing in ensuing fiscal years, each grievance committee who employs bar counsel and other personnel will be subject to a cap on total personnel reimbursements. The cap is calculated by determining the personnel expense reimbursements paid to each grievance committee in state FY 2023 (the last six months of 2022 and the first six months of 2023), reduced by reimbursements that were provided in that same time frame for IT and accounting staff (see below).

The caps applicable to each grievance committee are attached as Appendix B. The caps for individual grievance committees may not impact future personnel reimbursements depending on applicability of other provisions of Part B of the reimbursement policy.

Time Records

Grievance committees that are requesting quarterly reimbursement for employed personnel must provide time records showing the time spent during that quarter by each employee on Gov. Bar R. V duties. At this time, the Board is not requiring hourly or case-specific records; however, enough detail should be provided to allow the Board to verify the time spent by each employee on Gov. Bar R. V matters in relation to other job responsibilities.

One method of complying with this requirement is to list each employee's job responsibilities, as contained in the employee's job description, and a corresponding percentage of time or number of hours spent on those responsibilities. Based on the time records provided with the initial reimbursement requests, the Board may prescribe a form at a later date to facilitate uniform reporting of time.

Employee Benefits

Reimbursement for employee benefits will be limited to the lesser of the percentage of benefits paid to Disciplinary Counsel employees or the actual cost of the benefits to the sponsoring bar association, whichever is less. This percentage is determined by the total cost of employee benefits (e.g., health insurance, insurance, retirement contributions, etc.) divided by the total compensation (salary and benefits) paid. The benefit percentage paid by Disciplinary Counsel in FY 2024 was 43 percent, thus any grievance committee whose employee benefit percentage exceeds that amount will see a reduction in its reimbursement for personnel costs.

Bar Counsel & General Counsel

In some instances, bar counsel is also designated or serves as general counsel for the sponsoring bar association. The following provisions are applicable in such a situation:

- If bar counsel serves primarily as bar counsel but also holds the title of or performs duties as general counsel for the sponsoring bar association, reimbursement for Gov. Bar R. V responsibilities will be limited to the lesser of 75 percent of total compensation or actual time spent as reflected by the time records provided with each quarterly reimbursement request.
- If an individual serves primarily as general counsel for the bar association and spends minimal time on Gov. Bar R. V responsibilities, reimbursement for the time that person devotes to Gov. Bar R. V duties will not exceed the hourly rate of compensation paid to that grievance committee's bar counsel.

Bar Counsel

The Board's reimbursement policy provides for reimbursement for only one employed bar counsel. If a grievance committee has more than one employed individual designated as bar counsel, full reimbursement, subject to other limitations in the policy, will be provided only for the individual who is listed as lead counsel and fulfills the duties set forth in Gov. Bar R. V, Section 6(C)(5) in Board prosecutions. The other individual designated as bar counsel will be considered assistant bar counsel.

Assistant bar counsel, whether designated as such by title or this policy, shall be reimbursed at the lesser of his or her compensation or 75 percent of the compensation paid to that grievance committee's bar counsel.

Other Indirect Expense Reimbursements (Part C)

The Board adopted one new policy and one clarification regarding other indirect expense reimbursements that are reimbursed on an annual basis:

- The cost of time devoted by information technology and accounting staff to Gov. Bar R. V related duties will now be considered overhead cost and reimbursable on an annual basis pursuant to Gov. Bar R. V, Section 7(C)(2)(j). These expenses will no longer be reimbursed on a quarterly basis beginning with the reimbursement due on or before May 1, 2025. Reimbursement for IT and accounting expenses for calendar year 2025 should be claimed as overhead on the annual reimbursement submitted in early 2026.
- Reimbursement for education and training, including CLE courses, will be limited to that portion relative to ethics and discipline. If a grievance committee seeks reimbursement for such an expense, a course program or agenda must be included in the annual reimbursement documentation provided to the Board.

Specific questions regarding application of the reimbursement policy may be sent to BOCfilings@bpc.ohio.gov. In lieu of responding to individual questions, questions and answers may be posted periodically on the relator/respondents' counsel page on Board's website.

Attachments (2)



Ohio Board of Professional Conduct

CERTIFIED GRIEVANCE COMMITTEE REIMBURSEMENT POLICY

Pursuant to Gov. Bar R. V, Section 7(C)(2), the Board of Professional Conduct hereby adopts t this policy for reimbursement of indirect expenses to certified grievance committees. The policy shall apply to reimbursement for indirect expenses incurred on or after January 1, 2025 and shall remain in effect until modified or withdrawn by the Board.

A. Job Descriptions

1. With the reimbursement request that is due on or before February 1, 2025, each certified grievance committee shall file with the Board a job description for each employed bar association personnel, including employed bar counsel, for whom it intends to seek reimbursement. Each job description shall set forth the duties performed by the employee on professional conduct matters under Gov. Bar R. V and all other duties performed for the sponsoring bar association. If the job description is revised, the revised description shall be filed with the Board with the immediately ensuing quarterly reimbursement request.

B. Personnel Cost Reimbursement for Employed Personnel

1. Reimbursement to a certified grievance committee for personnel costs of employed bar association personnel shall not exceed the amount reimbursed to the committee for the fiscal year that ended June 30, 2023.
2. Each quarterly reimbursement request shall include a record of the actual time spent on professional conduct matters under Gov. Bar R. V for bar counsel and other bar association personnel for whom reimbursement is sought.
3. Reimbursement for employee benefits shall be limited to the percentage paid for the same or similar benefits for employees of the Office of Disciplinary Counsel or the actual cost to the sponsoring bar association, whichever is less.
4. Quarterly reimbursement for the personnel costs of an employed bar counsel who also serves as general counsel for the sponsoring bar association shall be limited to 75 percent of bar counsel's total compensation or actual time spent, whichever is less. Requests for quarterly reimbursements for personnel costs of bar counsel who serves as general counsel shall include a record of the time spent on both general counsel and bar counsel duties.
5. If a certified grievance committee employs more than one individual who is designated or enters appearances as bar counsel, reimbursement shall be allowed only for that bar counsel who was listed as lead counsel and fulfilled the duties of Gov. Bar. R. Section 6(C)(5) in prosecutions before Board hearing panels during that quarter. Other bar counsel shall be considered assistant bar counsel. Any individual designated as

assistant bar counsel or considered bar counsel pursuant to this policy shall be eligible for personnel cost reimbursement not to exceed the compensation paid to employed assistant bar counsel or 75 percent of bar counsel's compensation, whichever is less.

6. If a sponsoring bar association employs both a general counsel and bar counsel, quarterly personnel cost reimbursement for the time spent by the general counsel for duties related to disciplinary matters under Gov. Bar R. V shall not exceed the rate of compensation paid to bar counsel for that quarter.

C. Other Indirect Expense Reimbursements

1. There shall be no quarterly personnel cost reimbursement for financial officers, accountants, or other employees who perform duties involving the finances of the sponsoring bar association or for any employee performing information technology duties. These duties are considered overhead expenses and shall be submitted for reimbursement annually under Gov. Bar. R. V, Section 7(C)(2)(j), subject to the \$30,000 annual cap contained in that rule.
2. Reimbursement for educational expenses for training or continuing legal education shall be limited to the cost of that portion of the program dedicated to investigation and prosecution of disciplinary matters under Gov. Bar. R. V.

D. Authority of Director

1. The director shall reduce or deny any reimbursement request for personnel costs that exceeds the amounts allowable under this policy. The director may issue instructions to implement this policy and facilitate the submission of reimbursement requests.

CAPS ON PERSONNEL REIMBURSEMENTS

The following are the caps on future fiscal year personnel reimbursements for those grievance committees with employed bar counsel and other personnel, rounded to the nearest dollar. The adjustments to FY 2023 personnel reimbursements reflect reductions for any reimbursements provided for IT and accounting staff in FY 2023 as those reimbursements are now considered overhead expenses per the Board's Reimbursement Policy.

Akron

Total FY 2023 Personnel Reimbursement	\$136,071
Adjustment (if applicable)	\$18,634
Cap on Future Annual Personnel Reimbursement	\$117,437

Cincinnati

Total FY 2023 Personnel Reimbursement	\$220,130
Adjustment (if applicable)	\$18,025
Cap on Future Annual Personnel Reimbursement	\$202,105

Cleveland Metro

Total FY 2023 Personnel Reimbursement	\$183,520
Adjustment (if applicable)	\$3,435
Cap on Future Annual Personnel Reimbursement	\$180,085

Columbus

Total FY 2023 Personnel Reimbursement	\$299,820
Adjustment (if applicable)	n/a
Cap on Future Annual Personnel Reimbursement	\$299,820

Ohio State

Total FY 2023 Personnel Reimbursement	\$207,426
Adjustment (if applicable)	n/a
Cap on Future Annual Personnel Reimbursement	\$207,426

Toledo

Total FY 2023 Personnel Reimbursement	\$151,617
Adjustment (if applicable)	\$8,801
Cap on Future Annual Personnel Reimbursement	\$142,816