

MILLER-BECKER SEMINAR AGENDA
Friday, October 25, 2024
University of Akron Law School

8:55 a.m.– 9:00 a.m.	Welcome and Announcements
9:00 a.m.–10:15 a.m.	Alternatives to Discipline ➤ Prof. Susan S. Fortney
10:15 a.m.–10:30 a.m.	Break
10:30 a.m.–11:45 a.m.	Ohio’s Alternatives to Discipline—Panel Discussion ➤ Martha S. Asseff ➤ Elisabeth C, Duesler ➤ Prof. Susan S. Fortney ➤ George D. Jonson ➤ Laura Valentino ➤ Michelle A. Hall (Moderator)
11:45 a.m.–12:30 p.m.	Lunch
12:30 p.m.–1:15 p.m.	Attacks on the Judiciary ➤ Teri R. Daniel ➤ Alvin E. Mathews, Jr. ➤ Heather M. Zirke ➤ Kelly E. Heile (Moderator)
1:15 p.m.–1:45 p.m.	Disciplinary Case Update ➤ Richard A. Dove
1:45 p.m.–2:00 p.m.	Break
2:00 p.m.–3:30 p.m.	Ethics and Artificial Intelligence ➤ D. Allan Asbury ➤ Mark Lanterman ➤ Hon. David Hejmanowski
3:30 p.m.–4:30 p.m.	Disciplinary Process Overview (Optional) ➤ Joseph M. Caligiuri ➤ Richard A. Dove
4:30 p.m.	Conclusion

CLE Credit—5.25 for the main program; 6.25 for those attending the optional process overview.

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Alternatives to Discipline—75 minutes

A nationally recognized legal ethics expert will discuss programs and procedures used in the United States as alternatives to traditional lawyer discipline. This presentation will offer perspectives on the effectiveness alternative programs and procedures and how they serve to protect the public.

Ohio's Alternatives to Discipline—75 minutes

A moderated panel explores the techniques employed by Ohio disciplinary authorities to educate attorneys on ethics and address impairment or minor misconduct, including a review of methods created by Supreme Court rules and informal resolutions and techniques. Specific topics include the new Proactive Management-Based Regulation (“PMBR”) program, in which private practice attorneys without malpractice insurance receive free ethics education, alternatives such as IOLTA school and other training tools, fee arbitration, and attorney affidavits. Panelists also discuss the challenges presented when considering the impact of mental illness, drug abuse and dependency, physical conditions, and cognitive decline on an attorney’s ability to participate in the disciplinary process. The presentation further addresses the procedural and evidentiary challenges in impairment and interim remedial suspension cases, including medical and forensic evaluations, and contrasts these cases with standard sanction mitigation scenarios.

Attacks on the Judiciary—45 minutes

In recent times, we have seen a significant increase in criticism of the judiciary. What does that mean for attorneys? This segment will explore the professional obligations and free speech implications for attorneys. We will explore scenarios in which the disciplinary system may be implicated and how to appropriately address judicial misconduct.

Disciplinary Case Update—30 minutes

An overview of recent disciplinary decisions of note, including notable trends in case content and decisions, and a review of Board advisory opinions.

Ethics and Artificial Intelligence—90 minutes

The panel of presenters will review the emerging use of artificial intelligence in the practice of law and by the judiciary. The panel will review the underlying technology and tools that are available now to lawyers, judges and courts, the ethical parameters for the use of the technology and practical limitations, and issues that may arise now and in the future for the legal profession and judiciary as the technology evolves. The panel will use hypotheticals to review some of the ethical issues lawyers and judges may face under the Rules of Professional Conduct and the Code of Judicial Conduct.

Disciplinary Process Overview (Optional)—60 minutes

Disciplinary counsel and the director of the Board of Professional Conduct will provide an overview of Ohio's disciplinary process, including the responsibilities of offices involved in the process, standard of proof, and determining the appropriate sanction for attorney and judge misconduct. This optional presentation is directed primarily at newly appointed grievance committee members and others who are new to the disciplinary process.