



Ohio Board of Professional Conduct



2020 ANNUAL REPORT



Dear Chief Justice and Justices

OF THE SUPREME COURT OF OHIO:

On behalf of the commissioners and staff, I present the 2020 Annual Report of the Board of Professional Conduct. The report summarizes the activities of the Board in 2020 and provides an accounting of the funds allocated to the Board in fiscal year 2020.

Like other entities, public and private, the Board faced numerous challenges precipitated by the COVID-19 pandemic. I am pleased to report that the commissioners and staff confronted and overcame these challenges with a negligible impact on the work of the Board. In the spring, the Board quickly instituted a remote platform for conducting meetings and hearings and implemented procedures to ensure the ability of parties to fairly present cases to hearing panels. In April, we became the first state disciplinary board to conduct a remote evidentiary hearing and, by year end, the Board conducted 31 panel hearings using this technology. Many other jurisdictions have relied on Ohio's procedures as a template for conducting virtual hearings.

The move to remote panel hearings and work-from-home arrangements for the staff was facilitated by the incorporation, in recent years, of technology in all aspects of the Board's work. Chief among these advances was the implementation of e-Filing in 2019. The e-Filing portal allowed parties to file in excess of 1,000 pleadings and do so in a timely, cost-effective fashion, notwithstanding the pandemic. Parties and panel members could view orders and pleadings via the Board's online docket that has been in place since mid-2017.

These and other efforts allowed the Board to dispose of more cases than in 2019 and end the year with a current docket. Of the 50 cases pending on Dec. 31, 42 were opened or reopened in 2020. Efforts to promote compliance with Ohio's legal ethics standards continued in the form of 25 education presentations, issuance of 12 advisory opinions, and response to more than 1,000 telephone calls and emails. The Board also published its fifth ethics guide, addressing the subject of limited-scope representation.

I have had the privilege of serving as director of the Board of Professional Conduct since 2011. In that time, the volunteer commissioners have made significant strides to ensure the fairness and efficiency of Ohio's disciplinary process. Faced with unprecedented challenges in 2020, the commissioners and staff once again satisfied their obligations to the Supreme Court, legal profession, and citizens of Ohio and are prepared to meet new and different challenges presented in 2021.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Richard A. Dove".

RICHARD A. DOVE
DIRECTOR, OHIO BOARD OF PROFESSIONAL CONDUCT

Table of Contents

| | |
|-------------------------------------|----|
| Commissioners | 4 |
| Staff | 7 |
| Responsibilities | 8 |
| 2020 Overview | 9 |
| Adjudicatory Responsibilities | 10 |
| Budget | 12 |
| Education and Outreach | 14 |
| Financial Disclosure | 16 |
| Conclusion | 16 |

APPENDICES

| | |
|---|----|
| A: Board Case Disposition Index | 18 |
| B: Certified Grievance Committee Reimbursements | 23 |

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.

COMMISSIONERS



CHAIRMAN

HON. JOHN W. WISE

served his second term as chair of the Board in 2020. His Board service commenced in 2013 and he previously

chaired a Probable Cause Panel. Judge 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.



VICE-CHAIRMAN

PATRICIA A. WISE

was reelected as vice-chair of the Board in 2020 and has served as a commissioner since 2014. During her tenure, she

has chaired the Budget and Personnel Committee and, in 2019, chaired the search committee charged with selecting a new Disciplinary Counsel for the state of Ohio. Commissioner Wise is a partner with the Toledo firm of Spengler & Nathanson, where her practice focuses on labor and employment law.

George Brinkman is a first-term commissioner who serves as one of four public members of the Board. He is a member of the Budget and Personnel Committee. Commissioner Brinkman is a retired independent insurance adjuster and resides in Cincinnati.

Dr. John R. Carle is a retired dentist from Sylvania and has served as a commissioner since 2015. He is a member of the Budget and Personnel Committee.

James D. Caruso has represented the Sixth District since 2016. 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. He is a member of the Advisory Opinion Committee and serves on a Probable Cause Panel.

Elizabeth E. Cary joined the Board in 2020 as an attorney representative of the Tenth District. Commissioner Cary is a lawyer in Columbus.

Tim L. Collins is a partner with the Cleveland firm of Thrasher, Dinsmore & Dolan. He has served on the Board since 2015 and chairs one of the two Probable Cause Panels.

Hon. D. Chris Cook is a first-term commissioner and judge on the Lorain County Court of Common Pleas. Prior to his election as a judge, he served as bar counsel for the Lorain County Bar Association. He is a member of the Budget and Personnel Committee.

Hon. Rocky Coss has served as a commissioner since 2016 and is a member of the Budget and Personnel Committee. 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.

Teri R. Daniel is an assistant prosecutor in Lake County. Commissioner Daniel was appointed to the Board in 2018 and is a member of the Advisory Opinion Committee and an alternate Probable Cause Panel member.

David L. Dingwell is serving his third term on the Board. Commissioner Dingwell chaired the Board from 2017-2018 and is a member of one of the Board's Probable Cause Panels. He is a partner in the Canton law firm of Tzangas, Plakas & Mannos.

William H. Douglass is a second-term member of the Board and is a businessman, real estate agent, and franchisee from Ashtabula County. He serves on the Budget and Personnel Committee.

Robert B. Fitzgerald is a third-term commissioner and a partner in the Lima law firm of Fitzgerald, Reese & Van Dyne. He chairs the Board's Advisory Opinion Committee.

Hon. Joseph Gibson is serving his third full term on the Board, having served as an attorney-commissioner in the late 1990s and early 2000s. Judge Gibson is retired from the Lake County Court of Common Pleas and sits as a retired judge by assignment of the chief justice. Judge Gibson is a member of the Rules Committee.

Thomas M. Green is a partner with the Dayton law firm of Green & Green. He joined the Board in 2018 and is a member of the Rules Committee.

David W. Hardymon is a retired partner with the Columbus firm of Vorys, Sater, Seymour & Pease and is serving his second term on the Board. He is a member of the Advisory Opinion Committee.

Lori A. Herf was appointed as a public member of the Board in 2019 and serves on the Rules Committee. She is senior government affairs advisor with the Columbus firm of Baker Hostetler.

Tad A. Herold practices in Columbiana County. Commissioner Herold was appointed to the Board in 2018 and is a member of the Rules Committee.

Hon. William A. Klatt is serving his second term on the Board and has been a judge on the Tenth District Court of Appeals since 2002. Judge Klatt is a member of the Advisory Opinion Committee and an alternate Probable Cause Panel member.

Patrick M. McLaughlin has served as commissioner since 2017. He practiced with McLaughlin Law, focusing on civil litigation and criminal defense, and formerly served as a United States Attorney for the Northern District of Ohio. He is a member of the Rules Committee and an alternate Probable Cause Panel member.

Danielle M. Parker joined the Board as a representative of the Fourth District. Commissioner Parker is an assistant prosecuting attorney in Scioto County.

Kenneth E. Peller was appointed as a commissioner in 2020, representing the Twelfth District. Before joining the Board, Commissioner Peller served as bar counsel for the Warren County Bar Association.

Peggy J. Schmitz joined the Board in 2016 as an attorney-commissioner from Wayne County. Commissioner Schmitz is of counsel with Critchfield, Critchfield & Johnston, where her practice focuses on labor and employment law. She serves on the Budget and Personnel Committee and as an alternate Probable Cause Panel member.

Carolyn A. Taggart has served on the Board since 2017. Commissioner Taggart is a litigation attorney in the Cincinnati office of Porter Wright and previously served as chair of the Cincinnati Bar Association's certified grievance committee. She serves on one of the Probable Cause Panels.

Adrian D. Thompson was appointed to the Board on 2019 as an attorney-commissioner from Cleveland and serves on the Advisory Opinion Committee. He is a partner with Taft, Stettinius & Hollister.

Hon. Adolfo Tornichio was appointed to the Board in 2019 and serves on the Rules Committee. He is a juvenile court judge in Greene County.

Hon. 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 third term on the Board and chairs the Rules Committee.

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. Commissioner Woodside is a Probable Cause Panel member.

The Board also recognizes the continued service of former Commissioners **Lisa Eliason**, **Lynn Lampe**, and **Lindsay Ford Ellis**, whose panel assignments continued into 2020.



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 case management clerk.

Richard A. Dove

DIRECTOR OF THE BOARD

Dove has served as director of the Board since 2011 and is the Board's chief legal, administrative, and fiscal officer. Prior to joining the Board, he was a member of the administrative staff of the Supreme Court for more than 22 years, the last four of which were as assistant administrative director. 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 and board member of the National Council of Lawyer Disciplinary Boards and the Ohio Center for Law-Related Education. In 2019, he was selected as the Distinguished Alumnus of the Year by the Capital University Law School. 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.

Kristi R. McAnaul

COUNSEL

McAnaul joined the staff as counsel to the Board in 2018. McAnaul assists commissioners with 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. Prior to joining the Board, McAnaul served as staff attorney with the Ohio Department of Education, Office of Professional Conduct, and worked in private practice for more than nine years in the areas of juvenile and domestic relations law. She received her undergraduate degree from Oakland University and is a magna cum laude graduate of Capital University Law School, where she was a member and research editor of the law review.

D. Allan Asbury

SENIOR COUNSEL

Since joining the staff in 2014, 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. 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. In 2019, Asbury achieved the designation of certified court manager through a program sponsored by the Institute for Court Management and the Ohio Judicial College.

Faith Long

CASE MANAGEMENT CLERK

Long was promoted to case management clerk in 2018. She is responsible for the review, docketing, and distribution of case filings, maintenance of case files, preparation of materials for review by the Board's probable cause panels, scheduling hearings, and monitoring compliance with financial disclosure requirements by more than 1,800 judges, magistrates, and judicial candidates.

Responsibilities

The Ohio Board of Professional Conduct is the second oldest board created to assist the Supreme Court in executing its plenary and constitutional authority to regulate the practice of law in Ohio. The Supreme Court established the Board of Commissioners on Grievances and Discipline in 1957 and renamed it as the Board of Professional Conduct in 2014.

The Board consists of 28 volunteer commissioners who are appointed by the Supreme Court. The membership includes four nonlawyers who represent the public, 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.

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 primary responsibility of the Board is to adjudicate allegations of professional misconduct on the part of lawyers and judges and make 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 who seek to be reinstated to the practice of law following indefinite or impairment suspensions, and conducts hearings 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 competing interests of protecting the public, sanctioning a lawyer who 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 legal staff of the Board makes numerous presentations each year 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

Responsible for reviewing the sufficiency of formal misconduct allegations and certifying new complaints to the Board.

ADVISORY OPINION COMMITTEE

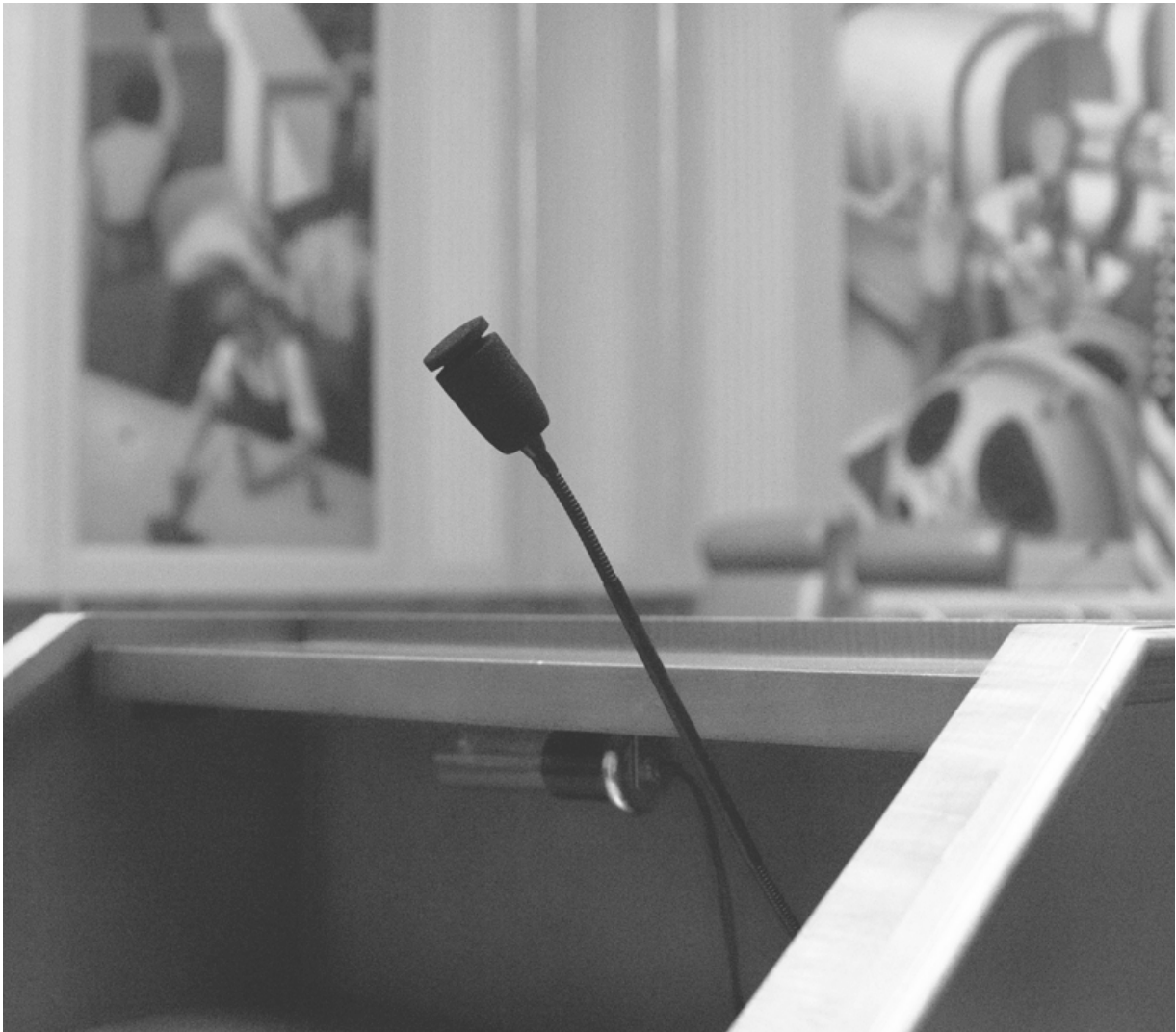
Considers requests for written advice on application of professional conduct standards and reviews draft advisory opinions prior to their presentation to the full Board.

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, provides reimbursements to certified grievance committees, and reviews the performance of disciplinary counsel and the director.



2020 Overview

The Board opened or reopened 81 cases, disposed of 71 cases, and placed six cases in inactive status. As of Dec. 31, there were 50 cases on the active case docket, 42 of which were opened or reopened in 2020.

Board panels conducted 45 formal disciplinary hearings, spanning 52 hearing days.

The Board reacted to the COVID-19 pandemic by quickly pivoting to using technology to conduct remote disciplinary hearings. Remote hearings in two judicial discipline cases were conducted in April and May, and a total of 31 remote hearings were conducted during the last nine months of the year.

The staff of the Board made 25 education presentations to lawyers, judges, judicial

candidates, and members of the public. The Board offered written guidance to the bench and bar through the issuance of 12 advisory opinions and 18 staff opinion letters. The legal staff responded to 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. The Board also issued its fifth ethics guide, addressing the subject of limited-scope representation, (see p. 15 for more information).

Adjudicatory Responsibilities

The Board received 81 matters for adjudication, including 72 new complaints, four remands from the Supreme Court, and five reinstatement petitions referred by the Supreme Court.

Three-commissioner panels conducted formal hearings in 45 cases, spanning 52 hearing days. The Board held six bimonthly meetings to consider reports from hearing panels and review recommendations from Board committees. The standing committees of the Board met via teleconference on multiple occasions throughout the year.

The Board ended the year with 50 cases pending on its docket. Eleven pending cases were heard in late 2020 and will be presented to the Board in early 2021, and 21 cases are scheduled for hearing. The remaining cases are stayed, awaiting answers, or awaiting hearing dates.

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. Six cases were in inactive status at the end of 2020.

FELONY CERTIFICATIONS

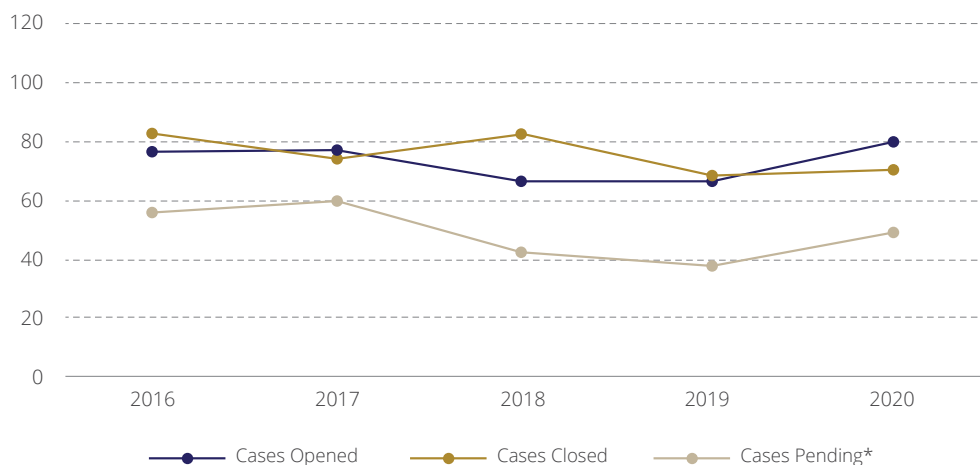
When a lawyer is convicted of a felony offense under state or federal law and upon receipt of a court order, the Board is required to certify the conviction to the Supreme Court. The Supreme Court then imposes an interim felony suspension against the lawyer that remains in effect throughout the pendency of disciplinary proceedings. The Board certified eight felony convictions to the Supreme Court in 2020.

ADDRESSING THE COVID-19 PANDEMIC – VIDEO DISCIPLINARY HEARINGS

Due to public health orders and other restrictions related to the COVID-19 pandemic, the Board was compelled to continue several hearings scheduled for early spring. By mid-April, the Board implemented a remote video platform through which disciplinary hearings could be conducted in a safe and fair manner. On April 24, a Board hearing panel conducted a virtual hearing in a judicial discipline case, thus becoming the first jurisdiction to employ virtual-meeting technology in an evidentiary hearing.

During the last nine months of the year, Board hearing panels conducted remote video hearings in a total of 31 cases spanning 37 hearing days. By quickly pivoting to a remote hearing platform and implementing procedures to facilitate the fair and complete presentation of evidence, the Board experienced a negligible disruption in the consideration and disposition of cases and maintained a current case docket throughout 2020 and into 2021.

BOARD CASES OPENED, CLOSED, AND PENDING: 2016-2020



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

2020 CASE DISPOSITIONS*

| | |
|--|-----------|
| Cases certified to the Supreme Court following a hearing, waiver of hearing, or recommendation to accept a consent-to-discipline agreement | 48 |
| Dismissals following the Supreme Court's imposition of an indefinite suspension against a respondent who was in default | 11 |
| Dismissals due to the Supreme Court's acceptance of the respondent's resignation from the practice of law with disciplinary action pending | 7 |
| Dismissals on the merits, following a hearing | 2 |
| Dismissal of a reinstatement matter upon motion of the petitioner | 1 |
| Dismissal of an impairment suspension matter upon application of the respondent | 1 |
| Dismissal upon application of the relator | 1 |
| Total Case Dispositions | 71 |

CASES CERTIFIED TO THE SUPREME COURT

| | |
|---|-----------|
| Reports from the Board following a hearing or waiver of a hearing | 34 |
| Submitted upon the Board's recommendation to accept a consent-to-discipline agreement | 12 |
| Submitted upon consideration of a petition for reinstatement to the practice of law | 1 |
| Submitted upon recommendation that the respondent be placed on an impairment suspension | 1 |
| Total Case Certifications | 48 |

*Appendix A contains a list of Board case dispositions in 2020.

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 and cost reimbursements assessed against disciplined attorneys. No state general revenue funds are expended in direct support of the operation of the Board.

In fiscal year 2020 [July 1, 2019 through June 30, 2020], the Board expended a total of \$712,319 to support its day-to-day operations. This amount represented 6.7 percent of the total annual expenditures from the Supreme Court Attorney Services Fund. In that same period, payments to 19 certified grievance committees from the Reimbursement Budget totaled \$1,930,332, an amount that equals 18.1 percent of the total Attorney Services Fund expenditures.

Appendix B includes details regarding fiscal year 2020 expenditures by the Board and reimbursements paid to individual certified grievance committees.

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 Board hearings and meetings, commissioner per diems, travel reimbursements to commissioners and staff, and miscellaneous office expenses, such as software licensing and maintenance, telephone, postage, supplies, and equipment.

Operations expenditures decreased by 3.6 percent in fiscal year 2020, primarily due to the shift to remote hearings in the last quarter of 2020. The Board's total operations expenditures have increased by just 4.4 percent in the past five years.

REIMBURSEMENT BUDGET

The Reimbursement Budget is used to compensate 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 2020, the reimbursements to certified grievance committees totaled \$1,930,332. This figure represents a 6.3-percent increase over similar expenditures in fiscal year 2019.

BUDGET AND EXPENDITURES

(FY 2018 – 2021)

| | FY 2018 (Actual) | FY 2019 (Actual) | FY 2020 (Actual) | FY 2021 (Budgeted) |
|-------------------------------------|---------------------|---------------------|---------------------|-----------------------|
| Board Operations | \$ 699,445 | \$ 739,263 | \$ 712,319 | \$ 830,000 |
| Grievance Committee Reimbursements* | \$ 1,852,671 | \$ 1,815,161 | \$ 1,930,332 | \$ 1,950,000 |

*Appendix B lists reimbursements to individual certified grievance committees in FY 2020.

OPERATIONS BUDGET AND EXPENDITURES

FY 2019 (JULY 1, 2019 – JUNE 30, 2020)

| | ALLOCATED | SPENT |
|---|-------------------|----------------------|
| TOTAL BOARD PERSONNEL | \$ 570,000 | \$ 556,776.72 |
| TOTAL NONPAYROLL PERSONAL SERVICES | \$ 30,000 | \$ 14,072.50 |
| Commissioner Per Diems | \$ 30,000 | \$ 14,072.50 |
| TOTAL MAINTENANCE | \$ 216,000 | \$ 141,469.42 |
| Telephone | \$ 2,000 | \$ 1,865.46 |
| Postage | \$ 4,000 | \$ 1,696.91 |
| Supplies and Materials | \$ 4,000 | \$ 1,806.23 |
| Books and Subscriptions | \$ 1,000 | \$ 0 |
| Commissioner Travel Reimbursement | \$ 70,000 | \$ 41,147.45 |
| Hearing Expenses | \$ 90,000 | \$ 60,872.26 |
| Miscellaneous Expenses | \$ 45,000 | \$ 34,081.11 |
| TOTAL EQUIPMENT | \$ 15,000 | \$ 0 |
| GRAND TOTAL | \$ 831,000 | \$ 712,318.64 |

Education and Outreach

The Board continued its education and outreach activities in 2020, although on a slightly smaller scale and in different formats due to COVID-19.

ADVISORY OPINIONS: ADDRESSING NEW REQUESTS AND UPDATING PRIOR OPINIONS

In 2020, the Board issued 12 formal advisory opinions. Four opinions addressed questions of first impression in Ohio:

- *Advisory Opinion 2020-1* concludes that the prohibition in the Rules of Professional Conduct against restrictions on a lawyer's ability to practice prevents an in-house corporate counsel from agreeing to an employment contract that includes a noncompete clause.
- *Advisory Opinion 2020-10* advises a law firm regarding concurrent representation of adverse clients.
- *Advisory Opinion 2020-11* analyzes a question posed under a 2020 amendment to the Ohio Rules of Professional Conduct that permits the use of trade names by Ohio lawyers and law firms.
- *Advisory Opinion 2020-12* addresses the use of service marks by Ohio law firms.

The Board regularly reviews and updates advisory opinions issued under the former Code of Professional Responsibility or prior versions of the Code of Judicial Conduct. Since 2016, the Board has reissued 30 opinions to replace 33 outdated opinions.

Eight reissued opinions were approved by the Board in 2020, including opinions that outline a lawyer's ethical obligations when a client admits he or she previously engaged in fraudulent conduct (*Advisory Opinion 2020-3*), advise lawyers about dual representation of clients in separate and unrelated matters (*Advisory Opinion 2020-4*), address a law firm's use of the name of a retired or inactive lawyer (*Advisory Opinion 2020-7*), and discuss the permissibility of providing financial planning services through a law firm (*Advisory Opinion 2020-8*).

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:

- 1 Should pose a question of broad interest or importance to the Ohio bar or judiciary;
- 2 Should not involve the proposed conduct of someone other than the person requesting the opinion;
- 3 Should 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 issued by the Board are published on the Board's website and distributed to an array of legal and professional organizations within and outside Ohio.

NEW ETHICS GUIDE: LIMITED SCOPE REPRESENTATION

In 2016, the Board began issuing written advice on ethics issues frequently directed to the Board. The first ethics guide addressed client file retention issues, and subsequent ethics guides have addressed succession planning, switching firms, and transitioning from the practice of law to the bench.

In March, the Board issued its fifth ethics guide on the subject of limited scope representation. Since adoption of the Rules of Professional Conduct in 2007, Ohio lawyers have been permitted to engage in limited scope representation, such as the preparation of pleadings for a client without representing that client in court. The parameters of limited scope representation is a subject of frequent inquiry from lawyers and judges. The latest ethics guide notes the requirements associated with limited scope representation and identifies several best practices for lawyers who enter into agreements to provide limited legal services to clients.

STAFF OPINION LETTERS

When a request for written advice does not satisfy the criteria for issuance of a formal advisory opinion, the Board may direct the staff to respond via letter. Staff opinion letters most often are 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 opinion letters are not published, but are maintained in the Board office. Eighteen staff opinion letters were issued in 2020.

EDUCATION AND COMPLIANCE ACTIVITIES

The legal staff of the Board are frequent 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.

The Board staff made 25 education presentations in 2020, the majority of which were to audiences of judges and attorneys. Staff also continued regular presentations at annual orientation sessions for new judges and magistrates, and at education programs mandated for all candidates for judicial office. The majority of 2020 education programs were provided using interactive video technology or prerecorded presentations with a live question-and-answer component.

The Board continued its co-sponsorship of the annual Miller-Becker Seminar that is hosted for the benefit of persons who are involved in Ohio's disciplinary process. The Oct. 23 seminar was presented via real-time video, and more than 260 people attended the all-day seminar. The seminar featured presentations on cognitive impairment, use of stipulations in disciplinary proceedings, and a caselaw update.

The Board's 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. In 2020, staff responded to more than 1,000 telephone inquiries and email requests for advice. The staff also responded to public inquiries regarding the disciplinary process and inquiries from attorneys, the public, and media regarding cases pending before the Board.

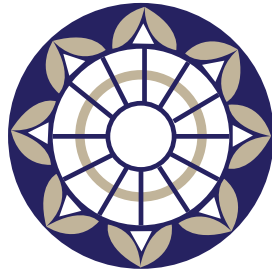


Financial Disclosure

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 their financial disclosure statements electronically, through a portal developed in cooperation with the Ohio Ethics Commission.

Conclusion

The accomplishments outlined in this annual report reflect the dedication of the commissioners and staff to fairly and efficiently execute the tasks assigned 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
2020 BOARD CASE DISPOSITION INDEX

| Case Name and Numbers | County | Board Disposition Type | Board Disposition or Recommendation | Supreme Court Disposition or Status ¹ |
|--|----------|-------------------------|---------------------------------------|--|
| Disciplinary Counsel v. Brian F. McNamee, 19-008 | Cuyahoga | Dismissal (default) | n/a | Indefinite suspension, 2020-Ohio-88 |
| Lorain Cty. Bar Assn. v. Jeffrey H. Weir II, 18-069 | Lorain | Hearing | Indefinite suspension | Indefinite suspension, 2020-Ohio-3324 |
| Disciplinary Counsel v. Byron D. Corley, 19-006 | Richland | Hearing | Two-year suspension, 18 months stayed | Two-year suspension, 18 months stayed, 2020-Ohio-3303 |
| Disciplinary Counsel v. Jason A. Sarver, 19-025 | Franklin | Hearing | Disbarment | Permanent disbarment, 2020-Ohio-5478 |
| Butler Cty. Bar Assn. v. Scott N. Blauvelt, 19-028 | Butler | Hearing | Two-year suspension, stayed | Two-year suspension, stayed, 2020-Ohio-3325 |
| Toledo Bar Assn. v. Thomas A. Yoder, 19-030 | Lucas | Hearing | Two-year suspension, one year stayed | Two-year suspension, six months stayed, 2020-Ohio-4775 |
| Disciplinary Counsel v. David K. Connors, 19-040 | Franklin | Hearing | Indefinite suspension | Indefinite suspension, 2020-Ohio-3339 |
| Disciplinary Counsel v. Hon. Alfonso J. Gonzalez, 19-058 | Lucas | Hearing | Public reprimand | Public reprimand, 2020-Ohio-3259 |
| Disciplinary Counsel v. Christine L. Falconer, 19-054 | Carroll | Consent to discipline | Six-month suspension, stayed | Six-month suspension, stayed, 2020-Ohio-1194 |
| Disciplinary Counsel v. Joan P., Selby, 19-047 | Stark | Dismissal (resignation) | n/a | Resignation accepted, 2020-Ohio-747 |
| In re Judicial Campaign Complaint Against Rambo, 20-006 | Geauga | Dismissal on merits | n/a | n/a |
| In re Judicial Campaign Complaint Against Falter, 20-012 | Hamilton | Hearing | Public reprimand and fine | Pending, Case No. 2020-0407 |
| Cincinnati Bar Assn. v. John E. Mahin, 19-004 | Hamilton | Hearing | Two-year suspension, one year stayed | Two-year suspension, one year stayed, 2020-Ohio-4098 |
| Disciplinary Counsel v. Joan J. Thomas, 19-039 | Cuyahoga | Hearing | Public reprimand | Public reprimand, 2020-Ohio-5582 |
| Disciplinary Counsel v. Hon. Monica E. Hawkins, 19-043 | Franklin | Hearing | Public reprimand | Public reprimand, 2020-Ohio-4023 |
| Cincinnati Bar Assn. v. Jamie L. Turner, 19-045 | Hamilton | Hearing | One-year suspension, stayed | One-year suspension, stayed, 2020-Ohio-4030 |

¹ As of December 31, 2020.

APPENDIX A
2020 BOARD CASE DISPOSITION INDEX

| Case Name and Numbers | County | Board Disposition Type | Board Disposition or Recommendation | Supreme Court Disposition or Status ¹ |
|--|----------|-------------------------|--|--|
| Disciplinary Counsel v. John B. Gibbons & James A. Jenkins, 19-051 | Cuyahoga | Consent to discipline | Six-month suspension, stayed (Gibbons); public reprimand (Jenkins) | Six-month suspension, stayed (Gibbons); public reprimand (Jenkins), 2020-Ohio-3108 |
| Cleveland Metro. Bar Assn. v. John L. Lemieux, 11-095 | Cuyahoga | Dismissal (other) | Dismissed; petition withdrawn by petitioner | n/a |
| Disciplinary Counsel v. Paula E. Camino, 19-034 | Cuyahoga | Dismissal (default) | n/a | Indefinite suspension, 2020-Ohio-2751 |
| Disciplinary Counsel v. Hon. Michael R. Goulding, 20-007 | Lucas | Hearing | Six-month suspension, stayed | Six-month suspension, stayed, 2020-Ohio-4588 |
| Disciplinary Counsel v. Michael Louis Bachman, 19-061 | Hamilton | Hearing | Six-month suspension, stayed | Six-month suspension, 2020-Ohio-6732 |
| Disciplinary Counsel v. Anthony J. Polizzi Jr., 19-014 | Lake | Hearing | Permanent disbarment | Pending, Case No. 2020-0740 |
| Cleveland Metro. Bar Assn. v. Michael A. Heller, 19-041 | Cuyahoga | Hearing | One-year suspension, six months stayed | Pending, Case No. 2020-0742 |
| Disciplinary Counsel v. Loretta A. Riddle, 19-038 | Erie | Hearing | Six-month suspension, stayed | Six-month suspension, stayed, 2020-Ohio-4961 |
| Columbus Bar Assn. v. Michael D. Christensen, 20-002 | Franklin | Consent to discipline | Six-month suspension, stayed | Six-month suspension, stayed, 2020-Ohio-3882 |
| Stark Cty. Bar Assn. v. Bobbie L. Marsh, 20-001 | Stark | Consent to discipline | Six-month suspension, stayed | Six-month suspension, stayed, 2020-Ohio-3882 |
| Mahoning Cty. Bar Assn. v. Jan R. Mostov, 20-004 | Mahoning | Consent to discipline | Public reprimand | Public reprimand, 2020-Ohio-3882 |
| Disciplinary Counsel v. Leslie Holden, 18-026 | Butler | Dismissal (resignation) | n/a | Resignation accepted, 2020-Ohio-3401 |
| Trumbull Cty. Bar Assn. v. John P. Lutseck, 19-046 | Trumbull | Dismissal (default) | n/a | Indefinite suspension, 2020-Ohio-3689 |
| Disciplinary Counsel v. Joni E. Turner, 19-044 | Butler | Dismissal (default) | n/a | Indefinite suspension, 2020-Ohio-3689 |
| Cleveland Metro. Bar Assn. v. Deborah A. Smith, 19-050 | Summit | Dismissal (default) | n/a | Indefinite suspension, 2020-Ohio-3829 |
| Disciplinary Counsel v. Michael B. Aten, 19-053 | Cuyahoga | Dismissal (default) | n/a | Indefinite suspension, 2020-Ohio-3829 |

APPENDIX A
2020 BOARD CASE DISPOSITION INDEX

| Case Name and Numbers | County | Board Disposition Type | Board Disposition or Recommendation | Supreme Court Disposition or Status ¹ |
|--|------------|------------------------|--|--|
| Cincinnati Bar Assn. v. Rodger W. Moore, 13-015 | Hamilton | Hearing | Board reports findings and conclusions to Supreme Court re: relator's second motion for contempt | Relator's contempt motion denied, 2020-Ohio-4408 |
| Disciplinary Counsel v. Christopher R. Bucio, 15-053 | Champaign | Reinstatement | Recommend reinstatement | Reinstatement granted, 2020-Ohio-4842 |
| Columbus Bar Assn. v. Addison T. Bare, 19-013 | Franklin | Hearing | Six-month suspension, stayed | Pending, Case No. 2019-0553 |
| Stark Cty. Bar Assn. v. Paul M. Kelley, 19-056 | Stark | Hearing | Two-year suspension, stayed | Pending, Case No. 2020-970 |
| Disciplinary Counsel v. Jennifer D. Petracci, 19-060 | Wayne | Hearing | Indefinite suspension | Pending, Case No. 2020-0974 |
| Lorain Cty. Bar Assn. v. Kenneth J. Lewis, 20-009 | Lorain | Hearing | Two-year suspension | Pending, Case No. 2020-0971 |
| Disciplinary Counsel v. Lisa A. Grego, 18-046 | Lucas | Dismissal (other) | Dismissed upon application of relator | n/a |
| Dayton Bar Assn. v. Derrick A. Strahorn, 19-057 | Montgomery | Dismissal (default) | n/a | Indefinite suspension, 2020-Ohio-4408 |
| Disciplinary Counsel v. Beth A. Judge, 19-055 | Summit | Dismissal (default) | n/a | Indefinite suspension, 2020-Ohio-4408 |
| Lorain Cty. Bar Assn. v. Christina N. Vagotis, 20-016 | Lorain | Hearing | Public reprimand | Pending, Case No. 2020-1193 |
| Lorain Cty. Bar Assn. v. James L. Lindon, 16-038 | Lorain | Hearing | Indefinite suspension | Pending, Case No. 2019-0216 |
| Disciplinary Counsel v. Jonea M. Shade, 20-015 | Licking | Impairment suspension | Impairment suspension | Pending, Case No. 2020-1194 |
| Disciplinary Counsel v. Jerome R. Doute, 20-019 | Allen | Consent to discipline | Six-month suspension, stayed | Six-month suspension stayed, 2020-Ohio-5332 |
| Disciplinary Counsel v. Richard Barbera, 19-052 | Medina | Hearing | 18-month suspension, 12 months stayed | Pending, Case No. 2020-1199 |
| Columbus Bar Assn. v. Lawrence E. Winkfield, 19-042 | Franklin | Hearing | Disbarment | Pending, Case No. 2020-1205 |
| Disciplinary Counsel v. Christopher J. Burchinal, 18-049 | Delaware | Hearing | Disbarment | Pending, Case No. 2020-1206 |
| Trumbull Cty. Bar Assn. v. John P. Lutseck, 19-063 | Trumbull | Dismissal (default) | n/a | Indefinite suspension, 2020-Ohio-4842 |

¹ As of December 31, 2020.

APPENDIX A
2020 BOARD CASE DISPOSITION INDEX

| Case Name and Numbers | County | Board Disposition Type | Board Disposition or Recommendation | Supreme Court Disposition or Status ¹ |
|---|--------------|-------------------------|-------------------------------------|--|
| Cleveland Metro. Bar Assn. v. Jason M. Baasten, 19-064 | Cuyahoga | Dismissal (default) | n/a | Indefinite suspension, 2020-Ohio-4842 |
| Disciplinary Counsel v. John D. Moore, 18-002 | Franklin | Dismissal (resignation) | n/a | Resignation accepted, 2020-Ohio-4842 |
| Disciplinary Counsel v. Timothy F. Braun, 20-051 | Sandusky | Dismissal (resignation) | n/a | Resignation accepted, 2020-Ohio-4842 |
| Disciplinary Counsel & Mahoning Cty. Bar Assn. v. Richard Olivito, 06-041 | Jefferson | Dismissal (other) | Dismissed upon motion of respondent | n/a |
| Stark Cty. Bar Assn. v. William R. Sparks, 20-005 | Stark | Dismissal (resignation) | n/a | Resignation accepted, 2020-Ohio-5099 |
| Disciplinary Counsel v. Catherine Adams, 20-052 | Hamilton | Dismissal (resignation) | n/a | Resignation accepted, 2020-Ohio-5349 |
| Lorain Cty. Bar Assn. v. Randolph R. Roth, 20-011 | Lorain | Dismissal on merits | Dismissed | n/a |
| Ohio St. Bar Assn. v. Harvey B. Bruner, 19-048 | Cuyahoga | Hearing | Two-year suspension | Pending, Case No. 2020-1533 |
| Disciplinary Counsel v. Kimberly A. Valenti, 20-010 | Summit | Hearing | Six-month suspension, stayed | Pending, Case No. 2020-1519 |
| Cleveland Metro. Bar Assn. v. John Alex Morton, 20-021 | Cuyahoga | Hearing | One-year suspension, stayed | Pending, Case No. 2020-1520 |
| Disciplinary Counsel v. Timothy R. Dougherty, 20-023 | Out-of-state | Hearing | Two-year suspension | Pending, Case No. 2020-1514 |
| Lorain Cty. Bar Assn. v. David J. Berta, 20-027 | Lorain | Hearing | Public reprimand | Pending, Case No. 2020-1521 |
| Mahoning Cty. Bar Assn. v. Joseph R. Macejko, 20-031 | Mahoning | Hearing | Public reprimand | Pending, Case No. 2020-1513 |
| Cleveland Metro. Bar Assn. v. Marc Ian Strauss, 20-032 | Cuyahoga | Hearing | One-year suspension, stayed | Pending, Case No. 2020-1512 |
| Disciplinary Counsel v. Matthew B. Bryant, 20-035 | Lucas | Consent to discipline | Public reprimand | Pending, Case No. 2020-1510 |
| Warren Cty. Bar Assn. v. Nathan J. Elter, 20-036 | Warren | Consent to discipline | Public reprimand | Pending, Case No. 2020-1518 |
| Columbus Bar Assn. v. Richard F. Chambers II, 20-038 | Franklin | Consent to discipline | One-year suspension, stayed | Pending, Case No. 2020-1515 |

APPENDIX A
2020 BOARD CASE DISPOSITION INDEX

| Case Name and Numbers | County | Board Disposition Type | Board Disposition or Recommendation | Supreme Court Disposition or Status ¹ |
|---|----------|-------------------------|-------------------------------------|--|
| Warren Cty. Bar Assn. v. Christopher M. Alexander, 20-039 | Warren | Consent to discipline | Public reprimand | Pending, Case No. 2020-1508 |
| Columbus Bar Assn. v. Amanda M. Burgess, 20-043 | Franklin | Consent to discipline | Public reprimand | Pending, Case No. 2020-1511 |
| Disciplinary Counsel v. Lawrence J. Spoljaric Jr., 20-057 | Summit | Consent to discipline | Six-month suspension, stayed | Pending, Case No. 2020-1517 |
| Disciplinary Counsel v. Albert A. Palombaro, 20-017 | Mahoning | Dismissal (resignation) | n/a | Resignation accepted, 2020-Ohio-6824 |
| Disciplinary Counsel v. Gabriel P. Moorman, 20-004 | Warren | Dismissal (default) | n/a | Indefinite suspension, 2020-Ohio-6823 |

¹ As of December 31, 2020.

DISPOSITIONS BY TYPE

| | |
|-----------|---------------------------|
| 34 | Hearing on Complaint |
| 1 | Reinstatement Hearing |
| 12 | Consent to Discipline |
| 7 | Dismissal (Resignation) |
| 2 | Dismissal (on Merits) |
| 11 | Dismissal (Default) |
| 3 | Dismissal (Other) |
| 1 | Impairment Suspension |
| 71 | Total Dispositions |

APPENDIX B
CERTIFIED GRIEVANCE COMMITTEE REIMBURSEMENTS

**FISCAL YEAR 2020 TOTAL REIMBURSEMENTS
 TO CERTIFIED GRIEVANCE COMMITTEES**

For Disciplinary-Related Expenses and File Inventories

| CERTIFIED GRIEVANCE COMMITTEE | REIMBURSEMENT |
|--|------------------------|
| Akron Bar Association | \$168,081.91 |
| Allen County Bar Association | \$1,035.50 |
| Ashtabula County Bar Association | \$19,111.66 |
| Butler County Bar Association | \$12,672.59 |
| Cincinnati Bar Association | \$259,385.72 |
| Cleveland Metropolitan Bar Association | \$259,459.27 |
| Columbiana County Bar Association | \$2,277.00 |
| Columbus Bar Association | \$351,649.61 |
| Dayton Bar Association | \$174,568.39 |
| Erie-Huron Certified Grievance Committee | \$22,197.72 |
| Findlay/Hancock County Bar Association | \$8,850.47 |
| Lake County Bar Association | \$18,139.52 |
| Lorain County Bar Association | \$126,362.38 |
| Mahoning County Bar Association | \$118,950.31 |
| Ohio State Bar Association | \$113,393.21 |
| Stark County Bar Association | \$42,006.47 |
| Toledo Bar Association | \$200,468.84 |
| Trumbull County Bar Association | \$9,179.43 |
| Warren County Bar Association | \$6,411.05 |
| TOTAL | \$ 1,914,201.05 |

| FILE INVENTORY [GOV.BAR R. V, SECTION 8(F)] | REIMBURSEMENT |
|--|---------------------|
| Cleveland Metropolitan Bar Association | \$1,328.85 |
| Dayton Bar Association | \$5,833.56 |
| Toledo Bar Association | \$8,969.00 |
| TOTAL | \$ 16,131.41 |

| | |
|--------------------|------------------------|
| GRAND TOTAL | \$ 1,930,332.46 |
|--------------------|------------------------|

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