**PROPOSED AMENDMENTS TO THE SUPREME COURT**

**RULES FOR THE GOVERNMENT OF THE BAR OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until August 7, 2012 on the following proposed amendments to the Rules for the Government of the Bar of Ohio (Gov.Bar R. I, V, VI, X, XII, XX and Appendix I).

Comments on the proposed amendments should be submitted in writing to: Susan Christoff, Director, Attorney Services Division, 5th Floor, 65 South Front Street, Columbus, Ohio  43215-3431, or susan.christoff@sc.ohio.gov not later than August 7, 2012.  If your comment refers to a specific provision of the proposed amendments, please use the line numbers that appear along the left margin.  Please include your full name and mailing address in any comments submitted by e-mail. Please submit comments via regular mail or e-email, not both.

Several changes are being proposed for review and comment. A summary of some of the changes follows:

Key to Proposed Amendment:

1. Original language of the rule appears as regular typescript.

2. Language to be deleted appears ~~thus~~.

3. Language to be added appears thus.

**SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO**

**RULE I. ADMISSION TO THE PRACTICE OF LAW**

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 **Section 9. Admission Without Examination.**

(A) An applicant may apply for admission to the practice of law in Ohio without examination if all of the following apply:

(1) The applicant has taken and passed a bar examination and has been admitted as an attorney at law in the highest court of another state or in the District of Columbia, which jurisdiction shall be considered the jurisdiction from which the applicant seeks admission;

(2) The applicant has engaged in the practice of law, provided, however, that the practice of law:

(a) Was engaged in subsequent to the applicant’s admission as an attorney at law in another jurisdiction;

(b) Occurred for at least five full years out of the last ten years prior to the applicant’s submission of an application pursuant to division (C) of this section; and

(c) Was engaged in on a fulltime basis;

(3) The applicant has not taken and failed an Ohio bar examination;

(4) The applicant has not engaged in the unauthorized practice of law;

(5) The applicant is a citizen or a resident alien of the United States;

(6) The applicant intends to engage in the practice of law in Ohio actively on a continuing basis;

(7) The applicant satisfies the general admission requirements of Section 1(A) to (C) of this rule;

 (8) If applicable, the applicant has registered pursuant to Gov. Bar R. VI, Section ~~4~~ 3.

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**RULE V. DISCIPLINARY PROCEDURE**

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**NOTE:** Gov. Bar R. V, Section 11(G) [Resignation from the Practice of Law] is repealed in its entirety, effective September 1, 2007. The provisions of former Gov. Bar R. V, Section 11(G) have been replaced by Gov. Bar R. VI, Section ~~6~~ 7 [Retirement or Resignation from the Practice of Law], effective September 1, 2007.

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 **RULE VI. REGISTRATION OF ATTORNEYS**

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**Section 4. Military Legal Assistance Attorney Registration.**

1. As used in this section, “tribunal” means a court, legislative body, administrative agency, or other body acting in an adjudicative capacity.
2. An attorney who is admitted to the practice of law and maintains active status in at least one United States jurisdiction other than Ohio; is employed by, serving in, or assigned to the armed services at a military installation in Ohio as an attorney; and is otherwise authorized to provide legal assistance pursuant to 10 U.S.C. 1044 may apply for military legal assistance attorney registration with the Office of Attorney Services. An attorney registered as a military legal assistance attorney is authorized to represent military personnel in enlisted grades E-1 through E-4 and their dependents who are eligible for legal assistance under 10 U.S.C. 1044, in civil judicial and administrative proceedings before Ohio tribunals while the attorney is employed, serving, or assigned within Ohio, to the extent such representation is permitted by the commanding officer, supervisory staff judge advocate, or chief legal officer of the military installation.
3. An attorney applying for military legal assistance registration pursuant to division (B) of this section shall submit each of the following:
4. A completed application on a form prescribed by the Office of Attorney Services;
5. A certificate of admission and good standing from each of the United States jurisdictions in which the attorney is admitted to practice law;
6. An affidavit from the commanding officer, staff judge advocate, or chief legal officer of the military installation in Ohio where the attorney is employed, serving, or assigned attesting to the fact that the attorney is employed, serving, or assigned as an attorney to provide legal services exclusively for the military and that the nature of the attorney’s employment, service, or assignment conforms to the requirements of division (B) of this section.
7. The practice of an attorney registered as a military legal assistance attorney under this section shall be subject to the limitations and restrictions of 10 U.S.C. 1044 and the regulations of that attorney’s military service and limited to the military clients’ personal civil legal matters. The attorney shall not demand or receive any compensation from military clients other than the usual military pay to which the attorney is entitled.
8. An attorney registered as a military legal assistance attorney under this section shall, in all pleadings filed by the attorney, cite this section and include the name, complete address, and telephone number of the military legal office representing the military client and the name, grade, armed service, and the military legal assistance attorney registration number of the attorney.
9. An attorney registered as a military legal assistance attorney under this section shall not do any of the following:
	1. Unless granted permission to appear pro hac vice, practice before any Ohio tribunal, except on behalf of the attorney’s self and military clients eligible for legal assistance under 10 U.S.C. 1044 and this section;
	2. Offer to provide legal services in Ohio to any person other than as authorized by the attorney’s military service and this section;
	3. Render legal services for any person in Ohio other than as authorized by the attorney’s military service and this section;
	4. Hold the attorney’s self out as authorized to provide legal services in Ohio to any person other than as authorized by the attorney’s military service and this section.
10. An attorney registered as a military legal assistance attorney under this section shall be subject to all rules and requirements governing the practice of law in Ohio, including the Ohio Rules of Professional Conduct, provided the attorney shall not be required to pay registration fees pursuant to Section 1 of Gov. Bar R. VI. The attorney shall use as the attorney’s address of record the military address in Ohio of the commanding officer, staff judge advocate, or chief legal officer who filed the affidavit on the attorney’s behalf pursuant to division (C)(3) of this section.
11. An attorney registered as a military legal assistance attorney under this section shall promptly report to the Office of Attorney Services any changes in the attorney’s employment, service, or assignment; any change in the attorney’s licensure status; and the imposition of any disciplinary sanction in any United States jurisdiction other than Ohio where the attorney has been admitted to the practice of law.
12. The limited authority to practice law of an attorney registered as a military legal assistance attorney under this section shall automatically terminate upon the occurrence of any of the following:
13. The attorney is no longer employed, serving, or assigned to the military installation in Ohio from which the affidavit required by division (B)(3) of this section was filed;
14. The attorney is admitted to the practice of law in Ohio pursuant to Gov. Bar R. I;
15. The attorney ceases to maintain active status in at least one United States jurisdiction other than Ohio;
16. The attorney fails to maintain current good standing in any United States jurisdiction other than Ohio in which the attorney is admitted to the practice of law;
17. The attorney is suspended or disbarred for disciplinary reasons in any United States jurisdiction other than Ohio or by any federal court or agency in which the attorney has been admitted to the practice of law;
18. The attorney fails to comply with any provision of this section.

**Section 5. Exemptions.**

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**Section ~~5~~ 6. Failure to Register; Late Registration Fee; Summary Suspension;**

**Reinstatement.**

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**Section ~~6~~ 7. Retirement or Resignation from the Practice of Law.**

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**Section ~~7~~ 8. Attorney Services Fund.**

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**RULE VII. UNAUTHORIZED PRACTICE OF LAW**

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**Section 19. Review by Supreme Court of Ohio; Orders; Costs.**

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(B) *Response to Show Cause Order*. Within twenty days after the issuance of an order to show cause, the respondent or relator may file objections to the findings or recommendations of the Board and to the entry of an order or to the confirmation of the report on which the order to show cause was issued. The objections shall be accompanied by a brief in support of the objections and proof of service of copies of the objections and the brief on the Secretary and all counsel of record. Objections and briefs shall be filed in the number and form required for original actions by the Rules of Practice of the Supreme Court of Ohio, to the extent such rules are applicable.

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(D) *Supreme Court Proceedings.*

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(2) Payment for costs, expenses, sanctions, and penalties imposed under this rule shall be deposited in the Attorney Services Fund established under Gov. Bar R. VI, Section ~~7~~ 8.

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**RULE X. CONTINUING LEGAL EDUCATION**

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**Section 3. Attorney Continuing Legal Education Requirements.**

(A)(1) Each attorney admitted to the practice of law in this state ~~and~~, each attorney registered for corporate status pursuant to Gov. Bar R. VI, Section 3, and each attorney registered as a military legal assistance attorney pursuant to Gov. Bar R. VI, Section 4 shall complete and report, on a form provided by the Commission, at least twenty-four credit hours of continuing legal education for each two-year reporting period. At least two and one-half of the twenty-four credit hours of instruction shall be related to professional conduct and shall include all of the following:

(a) Thirty minutes of instruction on substance abuse, including causes, prevention, detection, and treatment alternatives;

(b) Sixty minutes of instruction related to the Ohio Rules of Professional Conduct;

(c) Sixty minutes of instruction related to professionalism (including A Lawyer’s Creed and A Lawyer’s Aspirational Ideals adopted by the Supreme Court).

(2) The instruction related to professional conduct required by division (A)(1) of this section may be obtained in a single program or activity or in separate programs or activities that include one or more of the subjects set forth in division (A)(1) of this section.

(B)(1) An attorney whose last name begins with a letter from A through L shall report compliance with the requirements of this rule on or before the thirty-first day of January of even-numbered years for the preceding two calendar years. An attorney whose last name begins with a letter from M through Z shall report compliance with the requirements of this rule on or before the thirty-first day of January of odd-numbered years for the preceding two calendar years. If an attorney’s name changes after the attorney is admitted to the practice of law ~~or~~, registers for corporate status pursuant to Gov. Bar R. VI, Section 3, or registers as a military legal assistance attorney pursuant to Gov. Bar R. VI, Section 4, the attorney shall remain in the same alphabetical grouping for purposes of filing all future reports.

(2) If the Commission determines that an attorney has timely completed and timely reported more than the required number of credit hours in a reporting period the Commission may apply a maximum of twelve credit hours to the next reporting period.

(C)(1) If an attorney becomes subject to this rule during a biennial reporting period, the Commission shall adjust the requirements of this rule on a pro rata basis.

(2) An attorney newly admitted to the practice of law or registered for corporate status under Gov. Bar R. VI, Sec. 3, shall be exempt from the educational requirements of division (A) of this section during the lawyer’s first biennial reporting period, except if the attorney is admitted to the practice of law or registered for corporate status during the second year of the attorney’s reporting period, the attorney shall be exempt during the reporting period that follows the attorney’s year of admission or year of initial corporate registration. However, such attorneys shall be required to do both the following:

(a) Complete the New Lawyers Training educational requirements in accordance with division (H) of this section by the deadline set forth in division (C)(2) of this section;

(b) File the report with the Commission required by division (B) of this section.

(3) The following newly admitted attorneys are exempted from the New Lawyers Training educational requirements, but shall otherwise comply with the applicable requirements of this rule:

(a) An attorney registered as inactive pursuant to Gov. Bar R. VI, Section 2;

(b) An attorney admitted to the practice of law in Ohio pursuant to Gov. Bar R. I, Section 9;

(c) An attorney registered as a military legal assistance attorney pursuant to Gov. Bar R. VI, Section 4.

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(F)(1) Upon approval by the Commission, the following attorneys may be exempted from the requirements of division (A) of this section, but shall be required to file the report required by this section:

(a) An attorney on full-time military duty who does not engage in the private practice of law in Ohio, provided the exemption shall not apply to an attorney registered as a military legal assistance attorney pursuant to Gov. Bar R. VI, Section 4;

(b) An attorney suffering from severe, prolonged illness or disability preventing participation in accredited programs and activities for the duration of the illness or disability;

(c) An attorney who has demonstrated special circumstances unique to that attorney and constituting good cause to grant an exemption for a period not to exceed one year and subject to any prorated adjustment of the continuing legal education requirements.

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**~~Gov. Bar R.~~ RULE XII. ~~Pro hac vice admission~~ PRO HAC VICE ADMISSION**

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**Section 7. Attorney Services Fund**

Payment of the annual registration fee shall be deposited in the Attorney Services Fund established under Gov. Bar R. VI, Section ~~7~~ 8.

**RULE XX. TITLE AND EFFECTIVE DATES**

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**Section 2. Effective Dates.**

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 (LLLL) The amendments to Gov. Bar R. I, Section 9; Gov. Bar R. V; Gov. Bar R. VI, Sections 4 through 8; Gov. Bar R. VII, Section 19; Gov. Bar R. X, Section 3; and Gov. Bar R. XII, Section 7, adopted by the Supreme Court on June 6, 2012, shall take effect on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**APPENDIX I: ATTORNEY CONTINUING LEGAL EDUCATION REGULATIONS**

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**Regulation 304: Requests for Exemption From CLE Requirements**

**304.1** Persons meeting the following criteria may request Exemption by the Commission from some or all of the CLE Requirements of Rule X or Rule IV:

(A) An Attorney on full-time military duty who does not engage in the private practice of law in Ohio, provided the exemption shall not apply to an Attorney registered as a military legal assistance attorney pursuant to Gov. Bar R. VI, Section 4;

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**Regulation 1001: Effective Date of Regulations**

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 (M) Amendments to Regulation 304.1, adopted by the Supreme Court on June 6, 2012, shall be effective \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.