SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO

Rule

I Admission to the practice of law
II Limited practice of law by a legal intern
III Legal Professional Associations Authorized to Practice Law
IV Professional responsibility
V Disciplinary procedure
VI Registration of attorneys
VII Unauthorized practice of law
VIII Lawyers' Fund for Client Protection of the Supreme Court of Ohio
IX Temporary certification for practice in legal services, public defender, and law school programs
X Continuing legal education
XI Limited practice of law by foreign legal consultants
XII Pro hac vice admission
XIII [Reserved]
XIV Certification of attorneys as specialists
XV Supreme Court Commission on Professionalism
XVI Supreme Court Committee for Lawyer Referral and Information Services
XVII [Reserved]
XX Title and effective dates

APPENDICES

Appendix I:	Attorney Continuing Legal Education Regulations
Appendix II:	Procedural Regulations of the Board of Professional Conduct of the Supreme Court
Appendix III:	Rules of the Ohio Board of Bar Examiners
Appendix IV:	Standards for Accreditation of Specialty Certification Programs for Lawyers
Appendix V:	Statement on Professionalism
Appendix VI:	Fields of Law Subject to Specialization Designation
Appendix VII:	Lawyer Referral and Information Services Regulations *(Repealed Effective April 30, 2007)*
Appendix VIII:	Regulations Governing Procedure On Complaints and Hearings Before the Board on the Unauthorized Practice of Law

RULE I. ADMISSION TO THE PRACTICE OF LAW

Section 1. General Requirements.

To be admitted to the practice of law in Ohio, an applicant shall satisfy all of the following requirements:

(A) Be at least twenty-one years of age;

(B) Have earned a bachelor's degree from an accredited college or university;

(C) Have earned a J.D. or an L.L.B. degree from a law school that was approved by the American Bar Association at the time the degree was earned or, if not located in the United States, from a law school evaluated and approved in accordance with Sections 2(C), 10(C)(12), or 11(B)(7) of this rule;

(D) Prior to taking the Ohio bar examination, being admitted without examination pursuant to Section 10 of this rule, or being admitted by transferred Uniform Bar Examination (UBE) score pursuant to Section 11 of this rule, have demonstrated that the applicant possesses the requisite character, fitness, and moral qualifications for admission to the practice of law and have been approved as to character, fitness, and moral qualifications under procedures provided in this rule;

(E) Have passed the Ohio bar examination or been admitted by transferred UBE score pursuant to Section 11 of this rule, passed the Ohio Law Component, and passed the Multistate Professional Responsibility Examination (MPRE), or have been approved for admission without examination pursuant to Section 10 of this rule;

(F) Have taken the oath of office as provided in Section 9 of this rule.

Section 2. Preliminary Registration Requirements.

(A) Every applicant who intends to take the Ohio bar examination shall file with the Office of Bar Admissions of the Supreme Court an Application to Register as a Candidate for Admission to the Practice of Law in Ohio. The applicant shall file the registration application by the fifteenth day of November in the applicant's second year of law school.

(B) The registration application shall be on forms furnished by the Office of Bar Admissions and shall include all of the following:

(1) A certificate from the dean of the law school the applicant is attending, certifying that the applicant has begun the study of law;

(2) A properly authenticated transcript of college credits showing the applicant has earned a bachelor's degree in compliance with Section 1(B) of this rule or a certificate from the

dean of the law school the applicant is attending, certifying that the applicant is participating in a three-plus-three program;

(3) Fingerprint identification taken by a sheriff, deputy sheriff, municipal police officer, or state highway patrol officer;

(4) A registration fee of seventy-five dollars;

(5) A fee in the amount charged by the National Conference of Bar Examiners (NCBE) for its character investigation and report;

(6) A typed and completed character questionnaire, in duplicate, in the form prescribed by the Board of Commissioners on Character and Fitness;

(7) Authorization and release forms in the number required by the Office of Bar Admissions.

(C) If an applicant's undergraduate or legal education was not received in the United States, an additional fee of one hundred fifty dollars shall accompany the application for the evaluation of the applicant's education. The Supreme Court shall review the applicant's education and determine whether the education is equivalent to the education required of applicants educated in the United States. In order to receive a review of education received outside of the United States, an applicant must submit the following documents with the registration application:

(1) If an applicant's undergraduate education was not received in the United States, the applicant must submit an education evaluation completed by an education evaluation service approved by the Court. The applicant's education evaluation from an education evaluation service must show that the applicant has completed at least three years of fulltime post-secondary education in order for the Court to find undergraduate educational equivalence. The Court may find undergraduate equivalence where an applicant's education evaluation shows that the applicant has completed at least two years of fulltime post-secondary education, provided the applicant also submits an educational evaluation showing that the applicant's secondary education included study equivalent to one year of undergraduate study. The registration application shall be processed while the applicant's undergraduate education is evaluated by the Court.

(2) If an applicant's legal education was not received in the United States, the applicant must submit an education evaluation completed by an education evaluation service approved by the Court and a properly authenticated transcript showing successful completion of thirty credit hours of courses taken at a law school approved by the American Bar Association. Twenty of the thirty hours of coursework must be chosen from a list of courses specified by the Court; the remaining ten hours of coursework do not have to be chosen from the list of courses. The thirty hours of coursework must be completed within a period not greater than forty-eight calendar months. The applicant's education evaluation from an education evaluation service must show that the applicant has completed at least three years of fulltime post-secondary formal legal education and received a law degree in order for the Court to find legal educational equivalence. The registration application shall not be processed until the applicant's legal education is approved by the Court.

(D) If an applicant does not file a complete registration application on or before the fifteenth day of November in the applicant's second year of law school, the applicant shall pay an additional late fee of two hundred dollars.

(E) An applicant may not apply to take the February Ohio bar examination unless the applicant has filed a complete registration application by the fifteenth day of August immediately preceding the February examination. An applicant may not apply to take the July Ohio bar examination unless the applicant has filed a complete registration application by the fifteenth day of January immediately preceding the July examination.

(F) Until admitted to the practice of law in Ohio, the applicant is under a continuing duty to update the information contained in the registration application, including the character questionnaire, and to report promptly to the Office of Bar Admissions all changes or additions to information in the application.

(G) Unless the Board of Commissioners on Character and Fitness grants an extension to the applicant, a registration application shall be deemed withdrawn, and the applicant shall no longer be considered a candidate for admission, if either of the following occurs:

(1) The applicant fails to take the Ohio bar examination within four years after filing the registration application;

(2) The applicant takes but fails the Ohio bar examination and does not retake one of the four immediately ensuing bar examinations.

Section 3. Application for Ohio Bar Examination; Updating Character and Fitness Information after the Examination.

(A) An applicant who has filed a registration application pursuant to Section 2 of this rule and who seeks to take the Ohio bar examination shall file with the Office of Bar Admissions of the Supreme Court an Application to Take the Bar Examination. An application to take the February examination shall be filed by the first day of November immediately preceding the examination. An application to take the July examination shall be filed by the first day of April immediately preceding the examination.

(B) The examination application shall be on forms furnished by the Office of Bar Admissions and shall include all of the following:

(1) An affidavit that the applicant has read and studied the Rules for the Government of the Bar of Ohio, the Ohio Rules of Professional Conduct, and the Code of Judicial Conduct adopted by the Court;

(2) An affidavit that the applicant has not engaged in the unauthorized practice of law;

(3) A certificate signed by the dean or associate dean of the applicant's law school certifying that the signatory does not have knowledge of any information that would cause signatory to doubt the applicant's character, fitness, and moral qualifications to practice law;

(4) A typed and completed supplemental character questionnaire, in duplicate, in the form prescribed by the Board of Commissioners on Character and Fitness, updating the information on the applicant's character, fitness, and moral qualifications furnished on the applicant's registration application pursuant to Section 2 of this rule;

(5) A fee in the amount charged by the NCBE for the UBE components;

(6) A fee of three hundred thirty dollars if the examination application is filed on or before the dates set forth in division (A) of this section. The fee shall be four hundred thirty dollars if either of the following applies:

(a) An examination application for the February examination is filed after the first day of November but on or before the tenth day of December;

(b) An examination application for the July examination is filed after the first day of April but on or before the tenth day of May.

(C) The Office of Bar Admissions shall refer the examination application to the regional or local bar association admissions committee in accordance with Section 13 of this rule. The admissions committee shall review the examination application, conduct further investigation and interviews under Section 13 of this rule if appropriate or necessary, and report its final recommendation regarding the applicant's character, fitness, and moral qualifications to the Board of Commissioners on Character and Fitness on a form prescribed by the Board. The Board shall make a final determination regarding the applicant's character, fitness, and moral qualifications to practice.

(D) Notwithstanding an applicant's timely filing of an Application to Register as a Candidate for Admission to the Practice of Law and an Application to Take the Bar Examination, an applicant may not take the Ohio bar examination unless the Board of Commissioners on Character and Fitness has issued a final approval of the applicant's character, fitness, and moral qualifications at least three weeks prior to the examination.

(E) At least thirty days before the date fixed for the examination, the applicant shall submit all of the following:

(1) A certificate signed by the dean or associate dean of the applicant's law school certifying that the applicant has received a law degree, has sufficient knowledge and ability to discharge the duties of an attorney at law, and has successfully completed a course of not fewer than ten classroom hours of instruction in legal ethics;

(2) A certificate from a law school or a continuing legal education sponsor, certifying that the applicant has received at least one hour of instruction on substance abuse, including

causes, prevention, detection, and treatment alternatives. Substance abuse instruction that is provided by a continuing legal education sponsor qualifies under this section only if it has been accredited by the Commission on Continuing Legal Education as an approved activity under Gov. Bar R. X.

(3) A properly authenticated transcript of college credits showing the applicant has earned a bachelor's degree in compliance with Section 1(B) of this rule if the applicant earned the bachelor's degree through a three-plus-three program.

(F) The applicant is under a continuing duty to update the information contained in the examination application, including the supplemental character questionnaire, and to report promptly to the Office of Bar Admissions all changes or additions to information in the application that occur prior to the applicant's admission to practice.

(G) If an applicant passes the Ohio bar examination but is not admitted to practice within twelve months following that bar examination, the applicant shall file another supplemental character questionnaire with the Office of Bar Admissions. The supplemental character questionnaire shall supplement the information on the applicant's character, fitness, and moral qualifications furnished in the applicant's examination application. The Office of Bar Admissions shall refer the supplemental character questionnaire to a regional or local bar association admissions committee in accordance with Section 13 of this rule. The admissions committee shall review the supplemental character questionnaire, conduct further investigation and interviews pursuant to Section 13 of this rule, if appropriate and necessary, and report to the Board its recommendation regarding the applicant's character, fitness, and moral qualifications to practice law. The applicant shall not be admitted to the practice of law unless the Board reissues a final approval of the applicant's character, fitness, and moral qualifications no fewer than six months before the applicant's admission.

(H) As used in this rule:

(1) "Accredited college or university" means a college or university approved by one of the following accrediting associations or, if not located in the United States or Canada, a college or university evaluated and approved in accordance with Sections 2(C), 10(C)(12), or 11(B)(7) of this rule: Middle States Association of Colleges and Schools/Commission on Higher Education; New England Association of Schools and Colleges--Commission on Institutions of Higher Education; North Central Association of Colleges and Schools; Northwest Association of Schools and Colleges; Southern Association of Colleges and Schools--Commission on Colleges; Western Association of Schools and Colleges--Accrediting Commission for Senior Colleges--Association of Universities and Colleges of Canada.

(2) "Three-plus-three program" means an education program requiring six years of full-time study through which an individual earns a bachelor's degree from an accredited college or university while simultaneously earning a J.D. or an L.L.B. degree from a law school approved by the American Bar Association at the time the J.D. or L.L.B. degree is earned.

Section 4. Bar Examiners; Readers.

(A) The Board of Bar Examiners shall be appointed by the Court and shall consist of eighteen members of the bar of Ohio in good standing. The term of office of each bar examiner shall be five years, beginning the first day of April immediately following the appointment. Vacancies for any cause shall be filled by appointment by the Court for the unexpired term. Each year, the Court shall designate one bar examiner as Chair of the Board and one bar examiner as Vice-Chair of the Board. The Director of Attorney Services or the Director's designee shall serve as secretary of the Board.

(B) The Board shall be responsible for examination of applicants for admission to the practice of law in Ohio. Subject to the Court's approval, the Board may promulgate rules and adopt procedures to aid in the administration and conduct of the examination, which may include resolution of allegations related to testing irregularities.

(C)(1) A bar examiner shall devote the time necessary to perform the duties of the office.

(2) A bar examiner shall be conscientious, studious, thorough, and diligent in considering, developing, and implementing sound testing and grading procedures; in preparing the Ohio Law Component and in seeking to improve the administration of the examination, including resolution of allegations related to testing irregularities.

(3) A bar examiner shall be just and impartial in performing the duties of the office.

(4) A bar examiner should not have adverse interests, conflicting duties, or inconsistent obligations that will in any way interfere or appear to interfere with the proper administration of the bar examiner's duties. A bar examiner shall not participate directly or indirectly in courses for the preparation of applicants for bar admission or act as a trustee, administrator, professor, adjunct professor, or instructor for a law school or for a university of which a law school is a part, or with which a law school is affiliated. The conduct of a bar examiner shall be such that there may be no suspicion that the bar examiner's judgment may be swayed by improper considerations.

(D) The Court will select readers to assist with grading the written portion of the Ohio bar examination. Readers shall be members of the bar of Ohio in good standing and satisfy the same standards of conduct as those required of bar examiners, to the extent those standards are applicable to readers. Readers shall not be related by blood, marriage, adoption, or domestic partnership to the bar examiner with whom they are assigned to grade. The Board shall train and supervise the readers.

Section 5. Ohio Bar Examination.

(A) Two Ohio bar examinations shall be held each year in Ohio, one commencing in February and one commencing in July. The examinations shall be the UBE prepared by the NCBE and shall be scheduled consistent with the dates designated by the NCBE for administration of the UBE. The UBE shall consist of the Multistate Essay Examination (MEE), two Multistate Performance Test (MPT) items, and the Multistate Bar Examination (MBE), which are

administered in four half-day sessions over a period of two days. The UBE covers such subjects and skills as published by the NCBE on its website.

(B)(1) The MBE shall be graded by the NCBE or its agent. An applicant's MBE scaled score shall be used in computing the applicant's Ohio bar examination score.

(2) All answers to the written portion of the examination, which shall consist of both the MEE and the MPT, shall be graded under the direction of the Board of Bar Examiners. The Board shall adopt rules and policies for grading that are consistent with the sound testing practices followed by all jurisdictions that administer the UBE. The rules shall include a provision for the NCBE to covert the raw scores on the written portion of an examination to the MBE scale by the methodology used for UBE jurisdictions. The rules also shall include a provision for regrading of the written portion of the examination, prior to announcement of examination results, for any applicant whose total examination score after scaling falls within two points below the minimum passing score.

(3) In calculating UBE total scores, the MEE shall be weighted thirty percent, the MPT shall be weighted twenty percent, and the MBE shall be weighted fifty percent. Subject to the Court's approval, the Board shall determine and publish the total score necessary to pass the examination.

(4) Except where a mathematical or clerical error has been made, scores determined in accordance with this section and Board rules shall be final and shall not be subject to appeal.

(C) To earn a portable UBE score that is transferable to other UBE jurisdictions, persons taking the Ohio bar examination shall sit for and take all components of the bar examination in a single administration.

(D) Within a reasonable time following the announcement of examination results, the Board may publish the MEE and MPT used on the examination. The Board may publish a selection of applicant answers to the written portion of the examination. For a reasonable fee, applicants who did not pass the examination may obtain copies of their answers to the written portion of the examination. All other examination and Board materials shall not be considered public information.

(E)(1) Information regarding whether an applicant has taken or passed a particular bar examination shall be public information. Except as provided in division (E)(2) of this section, an applicant's bar examination scores shall not be public information.

(2) The applicant's raw bar examination score shall be provided to the NCBE to calculate scaled scores. Upon request by an applicant, the NCBE will certify and transfer the applicant's scaled written score, scaled MBE score, and total UBE score to other UBE jurisdictions. The NCBE may also release to an applicant, upon request by the applicant, the applicant's scaled MBE score, scaled written score, and total UBE score.

Section 6. Multistate Professional Responsibility Examination.

(A) Before being admitted to the practice of law in Ohio by examination or by transferred UBE score, an applicant shall take and pass the MPRE prepared and administered by the NCBE. An applicant may take the MPRE at any time before or after taking the bar examination.

(B) An applicant shall make arrangements for taking the MPRE directly with the NCBE and shall pay the fee for the MPRE to the NCBE.

(C) Subject to the Court's approval, the Board of Bar Examiners shall determine and publish the scaled score necessary to pass the MPRE.

Section 7. Ohio Law Component.

(A) Before being admitted to the practice of law in Ohio by examination or by transferred UBE score, an applicant shall take and pass the Ohio Law Component prepared and maintained by the Board of Bar Examiners. If applying to transfer a UBE score, an applicant may take the Ohio Law Component any time after the acceptance of the application by the Office of Bar Admissions. If applying by examination, an applicant may take the Ohio Law Component at any time after the applicant completes the final day of the Ohio bar examination.

(B) Subject to the Court's approval, the Board shall determine and publish the score necessary to pass the Ohio Law Component.

(C) An applicant shall pay any fee associated with the Ohio Law Component.

Section 8. Application for Reexamination.

(A) An applicant who has failed and seeks to retake an Ohio bar examination shall file with the Office of Bar Admissions an Application for Reexamination. A reexamination application for the February examination shall be filed by the first day of November immediately preceding the examination. A reexamination application for the July examination shall be filed by the first day of April immediately preceding the examination. The secretary of the Board of Bar Examiners may set a later filing deadline for applicants for reexamination who have taken a bar examination, the results of which have not been released prior to the filing deadlines established in this division.

(B) The reexamination application shall be on forms furnished by the Office of Bar Admissions and shall include all of the following:

(1) An affidavit that the applicant has not engaged in the unauthorized practice of law;

(2) A typed and completed supplemental reexamination character questionnaire, in duplicate, in the form prescribed by the Board of Commissioners on Character and Fitness,

updating the previously furnished information on the applicant's character, fitness, and moral qualifications;

(3) A fee in the amount charged by the NCBE for the UBE components;

(4) A fee of three hundred thirty dollars if the reexamination application is filed on or before the dates set forth in division (A) of this section or any later filing deadline set by the secretary of the Board of Bar Examiners. The fee shall be four hundred thirty dollars if either of the following applies:

(a) A reexamination application for the February examination is filed after the first day of November or any later filing deadline set by the secretary of the Board of Bar Examiners, but on or before the tenth day of December;

(b) A reexamination application for the July examination is filed after the first day of April but on or before the tenth day of May.

(C) The Office of Bar Admissions shall refer the reexamination application to the regional or local bar association admissions committee in accordance with Section 13 of this rule. The admissions committee shall review the reexamination application, conduct further investigation and interviews under Section 13 of this rule if appropriate or necessary, and report its recommendation regarding the applicant's character, fitness, and moral qualifications to the Board on a form prescribed by the Board.

(D) Notwithstanding an applicant's timely filing of a reexamination application, an applicant may not take an Ohio bar examination unless the Board reissues a final approval of the applicant's character, fitness, and moral qualifications at least three weeks prior to the examination.

(E) Applicants for reexamination shall be admitted to the February examination only, provided, however, that applicants for reexamination may be admitted to the July examination if the physical limitations of the examination hall permit after all applicants for examination have been admitted. If all applicants for reexamination cannot be admitted to the July examination because of the physical limitations of the examination hall, the reexamination applicants shall be admitted in the order in which their reexamination applications were received by the Office of Bar Admissions.

(F) The applicant is under a continuing duty to update the information contained in the reexamination application, including the supplemental reexamination character questionnaire, and to report promptly to the Office of Bar Admissions all changes or additions to the information in the application that occur prior to the applicant's admission to practice.

Section 9. Induction to the Bar.

(A) Each applicant accepted for admission to the practice of law in Ohio shall take the following oath of office:

I, _____, hereby (swear or affirm) that I will support the Constitution and the laws of the United States and the Constitution and the laws of Ohio, and I will abide by the Ohio Rules of Professional Conduct.

In my capacity as an attorney and officer of the Court, I will conduct myself with dignity and civility and show respect toward judges, court staff, clients, fellow professionals, and all other persons.

I will honestly, faithfully, and competently discharge the duties of an attorney at law. (So help me God.)

(B) An applicant's statement of the oath shall indicate that the applicant either swears or affirms to be bound by the oath.

(C) Following administration of the oath, the Court shall present the applicant with a certificate of admission. A duplicate certificate shall not be issued by the Court unless the original certificate is lost or destroyed. A replacement certificate may be issued to a licensed attorney who has had a legal change of name.

(D) The oath for successful bar examination applicants shall be administered by a state or federal judge. In no event shall the oath of office of an applicant occur prior to the bar admissions ceremony that the applicant qualified to attend. If the applicant does not attend the bar admissions ceremony, an affidavit for administration of the oath, in a form prepared by the Office of Bar Admissions, shall be executed and returned to the Office of Bar Admissions.

Section 10. 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 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 within the past five years of applying for admission without 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 satisfies the general admission requirements of Section 1(A) to (C) of this rule;

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

(B) For purposes of this section, "practice of law" shall mean any one or more of the following:

(1) Private practice as a sole practitioner or for a law firm, legal services office, legal clinic, or similar entity, provided such practice was performed in a jurisdiction in which the applicant was admitted or in a jurisdiction that affirmatively permitted such practice by a lawyer not admitted to practice in that jurisdiction;

(2) Practice as an attorney for a corporation, partnership, trust, individual, or other entity, provided such practice was performed in a jurisdiction in which the applicant was admitted or in a jurisdiction that affirmatively permitted such practice by a lawyer not admitted to practice in that jurisdiction and involved the primary duties of furnishing legal counsel, drafting legal documents and pleadings, interpreting and giving advice regarding the law, or preparing, trying, or presenting cases before courts, tribunals, executive departments, administrative bureaus, or agencies;

(3) Practice as an attorney for the federal government, a branch of the United States military, or a state or local government with the same primary duties as described in division (B)(2) of this section;

(4) Employment as a judge, magistrate, referee, or similar official for the federal or a state or local government, provided that such employment is available only to attorneys;

(5) Fulltime employment as a teacher of law at a law school approved by the American Bar Association.

(C) An applicant for admission to the practice of law in Ohio without examination shall file with the Office of Bar Admissions an Application for Admission to the Practice of Law Without Examination. The application shall include all of the following:

(1) An affidavit stating all of the following:

(a) That the applicant has not engaged in the unauthorized practice of law;

(b) That the applicant has studied the Rules for the Government of the Bar of Ohio, the Ohio Rules of Professional Conduct, and the Code of Judicial Conduct, all as adopted by the Court;

(c) That the applicant is a citizen or a resident alien of the United States;

(2) A certificate of good standing from each jurisdiction in which the applicant is admitted to practice law, dated no earlier than sixty days prior to the submission of the application;

(3) An affidavit that demonstrates that the applicant has complied with division (A)(2) of this section and that includes a description of the applicant's practice of law, the dates of such practice, and, if applicable, a description of the applicant's employment subsequent to ceasing such practice;

(4) To confirm that the applicant has engaged in the full-time active practice of law for at least five full years out of the last ten years prior to the applicant's submission of the application, an affidavit from the applicant's employer or employers verifying the applicant's full-time practice of law or, if the applicant has been self-employed, an affidavit from an attorney who is a member of the bar in the jurisdiction in which the applicant practiced and who knows the applicant, verifying the applicant's full-time practice of law. For purposes of this section, judicial law clerks, provided they are admitted to practice law in another jurisdiction and are working full-time, are engaged in the active practice of law.

(5) To confirm that the applicant's practice was performed in a jurisdiction that affirmatively permitted such practice by a lawyer not admitted to practice in that jurisdiction, if applicable, a rule, statute, or other authority verifying that the applicant's practice was lawful at the time the practice occurred;

(6) Such other evidence, as may be reasonably requested by the Court, demonstrating that the applicant has met the requirements of division (A) of this section;

(7) A certificate by an attorney admitted to the practice of law in Ohio and duly registered pursuant to Gov. Bar R. VI, who may present the applicant to the Court pursuant to division (G) of this section, stating that the applicant is of good moral character and recommending the applicant for admission to the practice of law in Ohio without examination;

(8) Fingerprint identification taken by a sheriff, deputy sheriff, municipal police officer, or state highway patrol officer;

(9) A questionnaire, typed and in duplicate, for use by the NCBE, the Board of Commissioners on Character and Fitness, and the regional or local bar association admissions committee in conducting a character investigation of the applicant;

(10) A fee of one thousand five hundred dollars;

(11) A fee in the amount charged by the NCBE for its character investigation and report;

(12) Certificates or official transcripts evidencing compliance with Section 1(B) and (C) of this rule. If the applicant's undergraduate or legal education was not received in the United States, a one hundred fifty dollar fee shall accompany the application for evaluation of the applicant's legal education. If the applicant's legal education was not received in the United States, the application shall not be processed until the applicant's legal education is approved by the Court.

(D) The Office of Bar Admissions shall refer the application and the report of the NCBE to the regional or local bar association admissions committee in accordance with Section 13 of this rule unless certain criteria are met, as established by the Board of Commissioners on Character and Fitness. The applicant shall be reviewed and approved as to character, fitness, and moral qualifications in accordance with the procedures provided in Sections 13, if applicable and 14 of this rule.

(E) The applicant is under a continuing duty to update the information contained in the application, including the character questionnaire, and to report promptly to the Office of Bar Admissions all changes or additions to information in the application that occur prior to the applicant's admission to practice.

(F)(1) The Court shall review the application and in its sole discretion shall approve or disapprove the application. In reaching its decision, the Court shall consider both of the following:

(a) Whether the applicant has met the requirements of division (A) of this section;

(b) Whether the applicant's past practice of law is of such character, description and recency as shall satisfy the Court that the applicant currently possesses the legal skills deemed adequate for admission to the practice of law in Ohio without examination.

(2) The Office of Bar Admissions shall notify the applicant of the Court's determination.

(G)(1) An applicant who has been approved for admission under this section may be presented to the Court in regular session by an attorney at law of this State, or may appear before and take an oath of office administered by an active Ohio judge or a justice from the highest court in a jurisdiction in which the applicant is admitted.

(2) Upon approval of the applicant for admission under this Section, the Office of Bar Admissions shall schedule the presentation before the Court or provide the applicant an affidavit for administration of the oath before an eligible judge or justice. Should the applicant choose to be presented to the Court, it shall be the applicant's responsibility to notify the presenting attorney. The presentation shall be allotted two minutes and the applicant and the presenting attorney shall appear in person. The applicant shall be administered the oath of office following the presentation.

(3) An application for admission without examination shall be considered withdrawn if the applicant does not take the oath of office within twelve months after the Court's approval of the application.

(H) An applicant under this section shall not engage in the practice of law in Ohio prior to the presentation of the applicant to the Court pursuant to division (G) of this section. This division does not apply to participation by an attorney not yet admitted to practice in Ohio in a cause being litigated in Ohio when such participation is with leave of the judge hearing such cause.

Section 11. Admission by Transferred UBE Score.

(A) An applicant may apply for admission to the practice of law in Ohio by filing an Application to Transfer UBE score if all of the following apply:

(1) The applicant earned an UBE score that meets or exceeds the minimum score required by the Board of Bar Examiners, subject to approval by the Court;

(2) The qualifying UBE score was earned in an administration of the UBE that occurred within five years of the date of the applicant's submission of an application pursuant to division (B) of this section, but no earlier than the date of the February 2016 administration of the UBE.

(3) The applicant has taken the MPRE prepared and administered by the NCBE and earned the scaled score required by the Board, subject to approval by the Court;

(4) The applicant has met all requirements of Section 1 of this rule, including successful completion of the Ohio Law Component.

(B) An applicant under this section shall file with the Office of Bar Admissions an Application for Admission to the Practice of Law by Transferred UBE Score. The application shall include all of the following:

(1) An affidavit stating both of the following:

(a) That the applicant has not engaged in the unauthorized practice of law;

(b) That the applicant has studied the Rules for the Government of the Bar of Ohio, the Ohio Rules of Professional Conduct, and the Code of Judicial Conduct.

(2) A certificate of good standing from each jurisdiction, if any, in which the applicant is admitted to practice law, dated no earlier than sixty days prior to the submission of the application;

(3) Fingerprint identification taken by a sheriff, deputy sheriff, municipal police officer, or state highway patrol officer;

(4) A questionnaire provided for use by the NCBE, the Board of Commissioners on Character and Fitness, and the regional or local bar association admissions committee in accordance with NCBE and the Office of Bar Admissions' policies in conducting a character investigation of the applicant;

(5) A seven hundred and fifty dollar fee;

(6) A fee in the amount charged by the NCBE for its character investigation and report;

(7) Certificates or official transcripts evidencing compliance with Section 1(B) and (C) of this rule. If the applicant's undergraduate or legal education was not received in the United States, a one hundred and fifty dollar fee shall accompany the application for evaluation of the applicant's foreign education. If the applicant's legal education was not received in the United States, the application shall not be processed until the applicant's legal education is approved by the Court.

(C) The Office of Bar Admissions shall refer the application and the report of the NCBE to the regional or local bar association admissions committee in accordance with Sections 12 and 13 of this rule. The applicant shall be reviewed and approved as to character, fitness, and moral qualifications in accordance with the procedures provided in Sections 12 and 13 of this rule.

(D) An applicant under this section shall be under a continuing duty to update the information contained in the application, including the character questionnaire, and to report promptly to the Office of Bar Admissions all changes or additions to information in the application that occur prior to the applicant's admission to practice.

(E) An applicant under this section shall successfully complete the Ohio Law Component within the timeframe required by the Board.

(F) An applicant under this section who has been approved for admission under this section shall be administered the oath of office pursuant to Section 9 of this rule.

(G) An applicant under this section shall be considered withdrawn if the applicant does not take the oath of office within twelve months after being approved for admission to the practice of law in Ohio.

(H) An applicant under this section shall not engage in the practice of law in Ohio prior to approval by the Court and administration of the oath pursuant to Section 9 of this rule. This division does not apply to applicants whose practice is affirmatively permitted by Ohio law, including those who have been approved for practice pending admission pursuant to Section 19 of this rule.

Section 12. Board of Commissioners on Character and Fitness.

(A)(1)(a) The Board of Commissioners on Character and Fitness shall be appointed by the Court and shall consist of twelve attorneys admitted to the practice of law in Ohio, one from each appellate district.

(b) The term of office of each commissioner shall be three years. A commissioner shall be eligible for reappointment, but shall not serve more than three consecutive full terms. A commissioner shall be eligible for reappointment after serving three consecutive full terms, but

only upon at least a one-year break in service. Appointments to fill a vacancy shall not constitute a full term. A commissioner serving on the Board on January 1, 2017, shall continue to serve on the Board until the expiration of the term of office to which the commissioner was appointed and, upon expiration of the term, may be reappointed for an additional three-year term if the commissioner has not served on the Board for more than six years.

(c) Vacancies for any cause shall be filled by appointment by the Court for the unexpired term.

(2) Any commissioner whose term has expired and who has an uncompleted assignment as a member of a panel may continue to serve for the purpose of the assignment until it is concluded before the Board. The secretary of the Board may replace the retiring panel member with any other commissioner, provided that an evidentiary hearing has not occurred. If the retiring commissioner continues to serve on the panel, the successor commissioner shall take no part in the proceedings of the Board concerning the uncompleted assignment.

(3) Each year, the Court shall designate one commissioner as chair of the Board. The Director of Attorney Services, or the director's designee, shall serve as the secretary of the Board. The chair and the secretary may execute documents on behalf of the Board and the panels.

(B) The Board shall do all of the following:

(1) Meet annually and at other times as called by the secretary or the chair of the Board;

(2) Supervise and direct the regional or local bar association admissions committees in the investigation of the character, fitness, and moral qualifications of applicants for admission to the practice of law. In furtherance of this duty, the Board may do any of the following:

(a) Subject to the approval of the Court, establish rules of procedure;

(b) Subject to the approval of the Court, promulgate standards of conduct for applicants;

(c) Develop forms to be used by applicants and admissions committees, provided questions asked of and information requested from applicants shall be subject to review by the Court;

(d) Require that standard background checks of all applicants be made;

(e) At any time prior to an applicant's admission to the practice of law, investigate *sua sponte* the character, fitness, and moral qualifications of the applicant;

(f) Appoint special investigators;

(g) Refer any matter to a regional or local bar association admissions committee with directions for further investigation by that committee with a report to be made to the Board.

(3) Hear all appeals by applicants from recommendations of regional or local bar association admissions committees.

(4) Approve applicants who possess the requisite character, fitness, and moral qualifications for admission.

(5) Submit recommendations to the Court as to the disapproval of applicants by the Board in accordance with Section 14 of this rule, or the approval of applicants who must be reviewed by the Court under Section 13(D)(5)(b) of this rule.

(6) Investigate any matter brought to the attention of the Board after an applicant has been admitted to the practice of law and alleging that the applicant made a materially false statement in, or deliberately failed to disclose any material fact in connection with, the applicant's application for admission to the practice of law.

Section 13. Character Investigation by Admissions Committees.

(A) The president of each local bar association shall appoint an admissions committee, provided, however, that the local bar association permits the membership of any attorney practicing within the geographic area intended to be served by that association without reference to the attorney's area of practice, special interest, or other criteria. Local bar associations may join together on a regional basis to create a regional admissions committee. Each admissions committee shall consist of three or more members, each of whom shall serve without compensation for a term of three years. One-third of the admissions committee members' terms shall expire each year. Each admissions committee shall file with the Office of Bar Admissions the following information, updated as necessary:

(1) The names, addresses, telephone numbers, and terms of all members of the admissions committee;

(2) Designation of chair of the admissions committee;

(3) The name, address, and telephone number of the admissions committee representative who shall be responsible for receipt of material forwarded by the Office of Bar Admissions under division (C) of this section.

(B) The admissions committee shall investigate the character, fitness, and moral qualifications of applicants for admission to the practice of law in the State, report its findings and recommendations to the Board of Commissioners on Character and Fitness, and obtain and offer such information as pertains to the character, fitness, and moral qualifications of the applicants at hearings conducted by the Board's duly designated panels pursuant to this rule.

(C)(1) Upon receipt of an applicant's complete Application to Register as a Candidate for Admission to the Practice of Law filed under Section 2 of this rule, Application for Admission by Transferred UBE Score pursuant to Section 11 of this rule, or, if applicable, Application for

Admission to the Practice of Law Without Examination filed under Section 10 of this rule, the Office of Bar Admissions shall forward one copy of the applicant's character questionnaire to the NCBE for a character investigation and report. Upon receipt of this report, the Office of Bar Admissions shall forward the report and the applicant's character questionnaire to one of the following admissions committees:

(a) An admissions committee of the county in which the applicant claims permanent residence, if the applicant is a resident of Ohio;

(b) An admissions committee in the county in which the applicant is enrolled in law school;

(c) An admissions committee in the county in which the applicant intends to practice law;

(d) Such other admissions committee as the Office of Bar Admissions deems appropriate.

(2) Within thirty-five days after the admissions committee's receipt of the applicant's character questionnaire and the report of the NCBE, the admissions committee shall review the character questionnaire and the report, schedule an interview, and notify the applicant, in writing, of the date and place of the interview. The notice shall inform the applicant that the applicant's failure to cooperate in completing the interview may be grounds for disapproval of the application.

(3) At least two members of the admissions committee shall jointly conduct a personal interview of the applicant and record the results on a form prescribed by the Board. During the interview of the applicant, the admissions committee shall inquire of the applicant whether any answer on the character questionnaire should be changed or supplemented because of events occurring after the date on which the character questionnaire was originally signed by the applicant and notarized. A member of an admissions committee shall not interview an applicant or otherwise participate in an admissions committee's investigation or recommendation of an applicant if it is reasonable to expect that the member's judgment will be, or could be, affected by such member's own financial, business, property, or personal interest or other conflict of interest.

(4) The admissions committee shall ascertain, from the character questionnaire, the report of the NCBE, and the interview, whether the applicant possesses the requisite character, fitness, and moral qualifications for admission to the practice of law. If the admissions committee deems it necessary or appropriate under the circumstances, it shall conduct further investigation of the applicant before ascertaining the applicant's character, fitness, and moral qualifications.

(D)(1) The applicant has the burden to prove by clear and convincing evidence that the applicant possesses the requisite character, fitness, and moral qualifications for admission to the practice of law. An applicant's failure to provide requested information, including information regarding expungements and juvenile court proceedings, or otherwise to cooperate in proceedings before the admissions committee may be grounds for a recommendation of disapproval.

(2) The admissions committee shall determine an applicant's character, fitness, and moral qualifications in accordance with all of the following:

(a) The provisions of this rule;

(b) The applicable decisions of the Supreme Court of the United States;

(c) The applicable decisions of the Supreme Court of Ohio;

(d) Any standards of conduct promulgated by the Board and approved by the Court under Section 12(B)(2)(b) of this rule.

(3) An applicant may be approved for admission if the applicant's record of conduct justifies the trust of clients, adversaries, courts, and others with respect to the professional duties owed to them and demonstrates that the applicant satisfies the essential eligibility requirements for the practice of law as defined by the Board. A record manifesting a significant deficiency in the honesty, trustworthiness, diligence, or reliability of an applicant may constitute a basis for disapproval of the applicant. Factors to be considered carefully by the admissions committee before making a recommendation about an applicant's character, fitness, and moral qualifications shall include, but are not limited to, all of the following:

(a) Commission or conviction of a crime, subject to division (D)(5) of this section;

(b) Evidence of an existing and untreated chemical (drug or alcohol) dependency;

(c) Commission of an act constituting the unauthorized practice of law;

(d) Violation of the honor code of the applicant's law school or any other academic misconduct;

(e) Evidence of mental or psychological disorder that in any way affects or, if untreated, could affect the applicant's ability to practice law in a competent and professional manner;

(f) A pattern of disregard of the laws of this state, another state, or the United States;

(g) Failure to provide complete and accurate information concerning the applicant's past;

(h) False statements, including omissions;

(i) Acts involving dishonesty, fraud, deceit, or misrepresentation;

(j) Abuse of legal process;

(k) Neglect of financial responsibilities;

(l) Neglect of professional obligations;

(m) Violation of an order of a court;

(n) Denial of admission to the bar in another jurisdiction on character and fitness grounds;

(o) Disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction.

(4) The admissions committee shall determine whether the present character, fitness, and moral qualifications of an applicant qualify the applicant for admission to the practice of law. In making this determination, the following factors shall be considered in assigning weight and significance to the applicant's prior conduct:

(a) Age of the applicant at the time of the conduct;

(b) Recency of the conduct;

(c) Reliability of the information concerning the conduct;

(d) Seriousness of the conduct;

(e) Factors underlying the conduct;

(f) Cumulative effect of the conduct;

(g) Evidence of rehabilitation;

(h) Positive social contributions of the applicant since the conduct;

(i) Candor of the applicant in the admissions process;

(j) Materiality of any omissions or misrepresentations.

(5)(a) If an applicant has been convicted of a felony under the laws of this state, the laws of the United States, or the laws of another state or territory of the United States, or adjudicated a delinquent child for conduct that, if committed by an adult, would be such a felony, the applicant shall undergo a review by the Board of Commissioners on Character and Fitness in accordance with Section 14 of this rule. In addition to considering the factors listed in (D)(3) of this section, the Board shall consider the following:

(i) The amount of time that has passed since the applicant was convicted of the felony, but in no event may an applicant be approved before being released from parole, probation,

community control, post-release control, or prison if no post-release control or parole was maintained;

(ii) If the applicant was convicted in this state, whether the rights and privileges of the applicant that were forfeited by conviction have been restored by operation of law, expungement, or pardon under the laws of Ohio; or, if the applicant was convicted under the laws of the United States or the laws of another state or territory, whether the applicant would be eligible to have his rights and privileges restored under the laws of Ohio if convicted in this state for the same offense;

(iii) Whether the applicant is disqualified by law from holding an office of public trust;

(iv) How an approval of the applicant would impact the public's perception of, or confidence in, the legal profession.

(b) If the applicant's conviction or delinquency adjudication was for aggravated murder, murder, or any first or second degree felony under Ohio law, and the Board votes to approve the applicant in accordance with this section and Section 14 of this rule, the Board shall make a final report, with its findings of fact and recommendation of approval, for the Supreme Court's review. The Board shall file the report and the record with the Clerk of the Supreme Court. Consistent with the procedures established in Section 14(F) and (G) of this rule, the Court will review the applicant and make the final determination on whether the applicant shall be approved for admission.

(6) In determining an applicant's character, fitness, and moral qualifications for the practice of law, the admissions committee shall not consider factors that do not directly bear a reasonable relationship to the practice of law, including but not limited to the following impermissible factors:

(a) Age, sex, race, color, national origin, or religion of the applicant;

(b) Disability of the applicant, provided that the applicant, though disabled, is able to satisfy the essential eligibility requirements for the practice of law.

(E) After reviewing the character questionnaire and the report of the NCBE, interviewing the applicant, and conducting any further investigation, the admissions committee shall file with the Office of Bar Admissions a written report with its recommendations on a form prescribed by the Board.

(F)(1) An admissions committee recommendation other than an unqualified approval shall be deemed a recommendation that the applicant not be admitted to the practice of law, in which case the written report shall enumerate the specific reasons for such recommendation with relation to the standards set forth in divisions (D)(3) and (4) of this section, and the matter shall proceed as provided in Section 14 of this rule.

(2) An admissions committee recommendation of unqualified approval shall be submitted to the Board, and the Board shall determine whether the applicant has the requisite

character, fitness, and moral qualifications for admission to the practice of law. The Office of Bar Admissions shall notify the applicant in writing of the Board's determination.

(G) An admissions committee may establish bylaws or procedures, not inconsistent with this rule, for the conduct of its proceedings. The functions of an admissions committee under this rule may be delegated to a subcommittee or subcommittees thereof.

Section 14. Appeal to Board of Commissioners on Character and Fitness.

(A) If an admissions committee makes a recommendation other than an unqualified approval, or if the Board of Commissioners on Character and Fitness is required to review the applicant pursuant to Section 13(D)(5)(a) of this rule, the Office of Bar Admissions shall forward a copy of the report required under Section 13(E) of this rule by certified mail to the applicant, and the applicant may file a written notice of appeal with the secretary of the Board. The report shall be sent by certified mail to the address listed on the application or as supplemented by the applicant. If the certified mail is returned as unclaimed, refused, or otherwise undeliverable, the Office of Bar Admissions shall send the report to the applicant by regular mail.

(B) The applicant's notice of appeal shall be filed within thirty days of the applicant's receipt, by certified mail, of the admissions committee report or within thirty days of the date the Office of Bar Admissions mailed the report to the applicant by ordinary mail if the certified mail was returned as unclaimed, refused, or otherwise undeliverable. The applicant shall serve a copy of the notice of appeal on the admissions committee. If the applicant files a timely notice of appeal, the admissions committee shall appoint counsel to represent it before the Board and notify the applicant and the secretary of the name and address of counsel. If the applicant does not file a timely notice of appeal, the application shall be considered withdrawn.

(C)(1) Upon receipt of a notice of appeal that has been timely filed, the secretary shall, by entry, appoint a panel consisting of three commissioners and designate one of them chair of the panel. No commissioner appointed to the panel shall be from the appellate district in which the admissions committee that made the recommendation is located. Except with the consent of the applicant, a commissioner shall not sit as a member of a hearing panel or otherwise participate in the Board's investigation or recommendation of an applicant if it is reasonable to expect that the commissioner's judgment will be, or could be, affected by such commissioner's financial, business, property, or personal interest. The secretary shall serve a copy of the entry appointing the panel on the applicant, the admissions committee, and all counsel of record.

(2) After reasonable written notice to the applicant, and the admissions committee, and all counsel of record, the panel shall conduct a hearing at a place designated by the panel chair and otherwise inquire into the character, fitness, and moral qualifications of the applicant. At such hearing, the admissions committee and the applicant shall offer such information as bears upon the character, fitness, and moral qualifications of the applicant. The applicant shall be entitled to be represented by counsel of the applicant's choice, at the applicant's expense.

(3) The panel may take and hear testimony in person or by deposition, administer oaths, and compel by subpoena the attendance of witnesses and the production of books, papers,

documents, records, and materials. The panel shall report its findings, together with the stenographic record of the proceedings, to the Board for its consideration and decision.

(4) The chair of the Board, the chair of the panel, and the secretary of the Board shall have authority to issue subpoenas, which shall be issued in the name and under the Seal of the Supreme Court and signed by the chair of the Board, the chair of the panel, or the secretary of the Board. In order to preserve confidentiality consistent with Section 15 of this rule, subpoenas shall bear the case number but not the name of the applicant. The party calling or subpoenaing a witness shall inform the witness of the purpose of the hearing and of the confidentiality provisions of this rule. All witnesses, whether or not subpoenaed, are bound by the confidentiality provisions of this rule. The refusal or neglect of the person subpoenaed or called as a witness to obey a subpoena, attend the hearing, be sworn or affirm, answer any proper question, or abide by the confidentiality provisions of this rule shall be deemed to be contempt of the Supreme Court and may be punished accordingly.

(5) All relevant evidence as determined by the panel shall be considered by the panel. The parties and their counsel shall cooperate with the panel and shall not keep relevant information from the panel.

(6) The burden of proof in such hearings shall be on the applicant to establish by clear and convincing evidence the applicant's present character, fitness, and moral qualifications for admission to the practice of law in Ohio. An applicant's failure to provide requested information, including information regarding expungements and juvenile court proceedings, or otherwise to cooperate in proceedings before the Board may be grounds for a recommendation of disapproval.

(7) The hearing may be waived upon agreement of the parties and the panel, and the Board or panel may proceed with its own investigation of the applicant, and base its recommendation on the results.

(8) The Board may remand any matter on appeal to a local or regional admissions committee with directions for further investigation by that committee with a report to the Board.

(D) An applicant reviewed by the Board will be approved only if the applicant receives a vote in favor of approval from not fewer than seven commissioners. If the applicant is approved by such vote, the Board shall forthwith notify the applicant, the admissions committee, and all counsel of record.

(E) If the applicant is not approved, the Board shall make a final report of the proceedings, with its findings of fact and recommendation, and shall file its report and the record with the Clerk of the Supreme Court. The Board shall recommend that the applicant not be permitted to reapply for admission to the practice of law or that the applicant be permitted to re-apply only after a specified period of time.

(F)(1) On the filing of the Board's report and record with the Clerk of the Supreme Court, the Court shall issue an order to show cause why the report should not be confirmed and why the Board's recommendation should not be adopted. The Clerk shall send a copy of the show cause

order and a copy of the Board's report, by both ordinary and certified mail, to the applicant at the address listed in the application or as supplemented by the applicant, to the admissions committee, and to all counsel of record.

(2) Within thirty days after issuance of the show cause order, the applicant and the admissions committee may file objections to the findings or recommendation of the Board. The objections shall be accompanied by the original and eighteen copies of a brief in support of the objections.

(3) The original and eighteen copies of an answer brief may be filed within fifteen days after the objections have been filed with the Clerk.

(4) Unless clearly inapplicable, the Rules of Practice of the Supreme Court of Ohio shall apply to proceedings filed in the Supreme Court under this division. Service of briefs and other documents shall be made upon the applicant, the admissions committee, and all counsel of record.

(G) After a hearing on objections or if objections are not filed within the prescribed time, the Court shall enter such order as it may find proper. Upon the entry of any order pursuant to this rule, the Clerk shall send by ordinary mail certified copies of the order to the applicant at the address listed in the application or as supplemented by the applicant, to the admissions committee, and to all counsel of record.

Section 15. Confidentiality of Character and Fitness Matters.

(A) All information, proceedings, or documents relating to the character and fitness investigation of an applicant for admission, including all character questionnaires submitted pursuant to this rule, shall be confidential, and no person shall disclose any information, proceedings and documents except for any of the following purposes:

(1) To further any character and fitness investigation of the applicant under this rule;

(2) In connection with investigations of the applicant under Gov. Bar R. V;

(3) Pursuant to a written release of the applicant in connection with the applicant's application for admission to the practice of law in another jurisdiction;

(4) To file a final report with the Court pursuant to Sections 13(E) or 14(E) of this rule;

(5) Pursuant to divisions (C) and (D) of this section.

(B) This section applies to members, employees, and agents of the Supreme Court; members, employees, and agents of the Board of Commissioners on Character and Fitness; members and employees of local and regional admissions committees and the employees of the members of such committees; employees of local or regional bar associations; court reporters

retained for character and fitness hearings or proceedings; witnesses; and attorneys representing applicants.

(C) A record filed with the Clerk of the Supreme Court pursuant to Section 12(E) of this rule shall be filed under seal. After sixty days, the record shall become public unless the Supreme Court, on motion by the applicant or *sua sponte*, orders that the record or portions of the record remain confidential.

(D) Information or documents otherwise confidential pursuant to division (A) of this section may be released to an appropriate governing board, law enforcement agency, or other authority having jurisdiction to investigate a violation of a rule of the Supreme Court or of a state or federal statute, if all of the following apply:

(1) During the course of the character and fitness investigation of an applicant under this rule, an attorney who is licensed to practice law in Ohio learns of a violation of a rule of the Supreme Court or of a state or federal statute;

(2) The attorney obtains the consent of the Board to release the otherwise confidential information or documents in order to report the violation to the appropriate governing board, law enforcement agency, or other authority having jurisdiction to investigate the violation;

(3) The attorney reveals only such information or documents as are necessary for the authority to investigate the violation.

(E) The failure of any person to abide by these confidentiality provisions and any confidentiality procedures established by the Board shall be deemed to be contempt of the Supreme Court and may be punished accordingly.

Section 16. Admissions Fees.

(A) The fees collected under this rule, the fees charged and collected by the Court for admissions-related services, and the fees collected under Rules II, IX, XI, and XII of the Supreme Court Rules for the Government of the Bar shall be deposited in the Attorney Services Fund. All application fees assessed under this rule and Gov. Bar R. II, IX, XI, and XII shall be nonrefundable and payable to the Supreme Court of Ohio in the methods specified by the Director of Attorney Services.

(B) Parties shall bear their own costs in proceedings brought under Section 14 of this rule before the Board of Commissioners on Character and Fitness and the Court.

Section 17. Publication of List of Applicants for Admission.

At least twice yearly, the Court shall publish in the *Ohio Official Reports Advance Sheets* a list of the names, cities, and counties or states of residence of those persons who have applied for admission to the practice of law by Ohio Bar Examination since the list was last published.

The Court shall distribute copies of the list to all regional and local bar association admissions committees.

Section 18. Military Spouse Attorneys Admission.

(A) An applicant may apply for temporary admission to the practice of law in Ohio as a military spouse attorney pursuant to division (B) of this section if all of the following concerning the applicant apply:

(1) Is present in Ohio as the spouse of an active service member of the United States armed forces assigned to a military installation within the state;

(2) Has earned a bachelor's degree from an accredited college or university or, if not located in the United States, from a college or university evaluated and approved in accordance with division (B)(3) of this section;

(3) Has earned a J.D. or an L.L.B. degree from a law school that was approved by the American Bar Association at the time the degree was earned or, if not located in the United States, from a law school evaluated and approved in accordance with division (B)(3) of this section;

(4) Has not taken and failed an Ohio bar examination;

(5) Is not admitted to the practice of law in this state;

(6) Has not engaged in the unauthorized practice of law;

(7) Is a citizen or a resident alien of the United States;

(8) 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;

(9) Is in good standing in all jurisdictions in which the applicant is admitted to the practice of law;

(10) Is not currently subject to discipline or the subject of a pending disciplinary matter in any jurisdiction in which the applicant is admitted to the practice of law;

(11) Has not resigned from the practice of law with discipline pending in any jurisdiction;

(12) Has not voluntarily or involuntarily relinquished a license to practice law in any jurisdiction in order to avoid discipline or as a result of discipline imposed by a relevant authority;

(13) Has not been disciplined for professional misconduct within the past ten years or been disbarred by any jurisdiction.

(B) An applicant for temporary admission to the practice of law in Ohio as a military spouse attorney shall file an application with the Office of Bar Admissions. The application shall be on a form furnished by the office and include all of the following:

(1) An affidavit from the applicant stating all of the following:

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

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

(c) The applicant has read, is familiar with, and agrees to be bound by the Rules for the Government of the Bar of Ohio and the Ohio Rules of Professional Conduct and to submit to the jurisdiction of the Supreme Court for disciplinary purposes pursuant to Gov. Bar R. V.

(2) A copy of the United States Military Orders of the spouse of the applicant, establishing that the spouse is in Ohio due to military orders;

(3) Certificates or official transcripts evidencing compliance with division (A)(2) and (3) of this section. If the applicant's undergraduate or legal education was not received in the United States, a one hundred fifty dollar fee shall accompany the application for evaluation of the applicant's education. If the applicant's undergraduate or legal education was not received in the United States, the application shall not be processed until the applicant's education is approved by the Court.

(4) A certificate from the admissions authority in the jurisdiction from which the applicant seeks admission, demonstrating that the applicant has taken and passed a bar examination and has been admitted to the practice of law in that jurisdiction;

(5) A certificate of good standing from each jurisdiction in which the applicant is admitted to practice law, dated no earlier than sixty days prior to the submission of the application;

(6) A questionnaire, typed and in duplicate, for use by the NCBE and the Board of Commissioners on Character and Fitness in conducting a character investigation and report of the applicant;

(7) A fee in the amount charged by the NCBE for conducting a character investigation and report of the applicant;

(8) A nonrefundable application fee of seventy-five dollars.

(C) Upon filing a completed application that demonstrates the applicant's eligibility under this section, the Office of Bar Admissions shall issue the applicant a provisional temporary admission to the practice of law in Ohio as a military spouse attorney. The provisional temporary admission to the practice of law shall expire upon the approval or disapproval of the applicant.

(D) Upon receipt of the character report of the applicant by the NCBE, the Office of Bar Admissions shall submit the report and the application to the Board of Commissioners on Character and Fitness, which shall review the report and the application. The Board may request additional information or materials from the applicant and may conduct a personal interview to determine the applicant's character, fitness, and moral qualifications to practice law. The Board may recommend that the applicant be approved as possessing the requisite character, fitness, and moral qualifications for admission or may submit a recommendation to the Court as to the disapproval of the applicant in accordance with Section 14 of this rule.

(E) Both of the following shall apply to a military spouse attorney temporarily licensed to practice law in Ohio pursuant to this section:

(1) The attorney shall be entitled to all privileges, rights, and benefits and subject to all duties, obligations, and responsibilities of active members of the bar of this jurisdiction, including but not limited to compliance with the continuing legal education requirements of Gov. Bar R. X and biennial registration and payment of the registration fee pursuant to Gov. Bar R. VI, Section 2;

(2) The attorney shall be subject to the jurisdiction of the Board of Professional Conduct and agencies of this jurisdiction with respect to the laws and rules of this jurisdiction governing the conduct and discipline of attorneys, to the same extent as members of the bar of this jurisdiction.

(F)(1) The authority of a military spouse attorney temporarily licensed to practice law in Ohio pursuant to this section shall automatically terminate upon the occurrence of any of the following:

(a) The spouse of the attorney is no longer an active member of the United States armed forces;

(b) The attorney is no longer married to the spouse who is an active member of the United States armed forces;

(c) A change in the military orders of the spouse reflecting a permanent change of station to a military installation other than Ohio, except that if the spouse has been assigned to an unaccompanied or remote assignment with no dependents authorized, the attorney shall maintain military spouse attorney status until the spouse is assigned to a location with dependents authorized;

(d) The attorney is admitted to the practice of law in this state pursuant to any other rule of the Supreme Court;

(e) The attorney is suspended or disbarred in any jurisdiction in which the attorney is admitted to the practice of law.

(2) Within sixty days of the occurrence of any event listed in division (F)(1) of this section, the attorney shall notify the Office of Bar Admissions of the event in writing.

Section 19. Practice Pending Admission during the Admission to the Practice of Law Process.

(A)(1) An applicant who has completed and filed with the Office of Bar Admissions one of the following applications for the admission to the practice of law may file with the Office an Application to Practice Pending Admission during the admission process pursuant to division (A)(4) of this section:

(a) An Application to Register as a Candidate for Admission pursuant to Section 2 of this rule;

(b) An Application for Admission to the Practice of Law without Examination pursuant to Section 10 of this rule;

(c) An Application to Transfer UBE Score pursuant to Section 11 of this rule.

(2) Upon acceptance of the Application to Practice Pending Admission, the applicant may provide legal services in Ohio for no more than three hundred sixty-five days from the acceptance of the Application to Practice Pending Admission, unless that time period is extended by the Office of Bar Admissions, provided that the applicant meets all the following requirements:

(a) Is not disbarred or suspended from the practice of law or has not resigned from the practice of law with disciplinary action pending in any jurisdiction and is not subject to a pending formal disciplinary proceeding in any jurisdiction;

(b) Is admitted as an attorney at law in the highest court of another state or in the District of Columbia, is on active attorney status in at least one jurisdiction, and is in good standing in each jurisdiction in which the applicant is admitted to practice law;

(c) Has not previously been denied admission to practice in Ohio or failed the Ohio bar examination in the past five years;

(d) Submits within ninety days of providing legal services in Ohio a complete application for admission to practice law in accordance with this rule and on forms furnished by the Office of Bar Admissions. An applicant who submits a completed application after the ninety days may petition the Office of Bar Admissions to waive this provision for good cause;

(e) Reasonably expects to fulfill all of the requirements for admission to the practice of law pursuant to this rule;

(f) Associates with an active Ohio lawyer who is admitted to practice in Ohio, is in good standing, and has agreed to associate with the applicant, unless the applicant files an affidavit on a form furnished by the Office of Bar Admissions affirming that during the application process

the applicant will only practice the law of the jurisdiction in which the applicant is already admitted;

(g) Submits to the Office of Bar Admissions an affidavit attesting that the applicant has read and agrees to be bound by the Ohio Rules of Professional Conduct.

(B) Upon accepting an Application for Practice Pending Admission, the Office of Bar Admissions shall forward the application to the Office of Attorney Services, which shall issue the applicant an Ohio attorney registration number and designate the applicant as "Practice Pending Admission." The Office of Attorney Services shall notify the Office of Disciplinary Counsel that the applicant has been granted the status of "Practice Pending Admission."

(C) The applicant shall immediately notify the Office of Disciplinary Counsel and the Office of Bar Admissions if the applicant becomes subject to criminal charges or becomes subject to a disciplinary investigation or disciplinary sanction in any jurisdiction at any time during the practice authorized by this rule. This information shall be considered when determining whether to approve the applicant's application for admission to the practice of law.

(D) The authority of an applicant to practice law pursuant to this section shall terminate immediately upon the occurrence of any of the following:

(1) The time period authorized by division (A)(2) of this section has expired and no extension has been granted;

(2) The applicant withdraws the applicant's application for admission to the practice of law;

(3) The Application for Admission to the Practice of Law without Examination is disapproved, the Application to Transfer UBE Score is denied, or the applicant fails the Ohio bar examination;

(4) If required pursuant to division (A)(2)(f) of this section, the applicant fails to remain associated with an active Ohio attorney in good standing;

[Effective: February 28, 1972; amended effective October 30, 1972; November 27, 1972; March 19, 1973; November 12, 1973; March 1, 1974; July 8, 1974; April 26, 1976; January 24, 1977; March 9, 1977; August 1, 1977; January 1, 1982; March 9, 1983; July 1, 1983; May 7, 1984; May 28, 1984; December 31, 1984; April 1, 1987; May 6, 1987; January 1, 1989; July 1, 1989; January 1, 1991; February 1, 1991; October 1, 1991; February 1, 1992; May 1, 1992; July 1, 1992; August 1, 1992; January 1, 1993; September 15, 1993; January 1, 1995; May 1, 1997; August 3, 1998; June 1, 2000; October 1, 2000; February 1, 2003; October 1, 2003; February 1, 2007; May 1, 2007; October 1, 2007; January 1, 2008; February 1, 2009; August 1, 2010; January 1, 2013; January 1, 2014, July 1, 2014; January 1, 2015; January 1, 2017; July 1, 2017; September 2, 2019; June 1, 2020.]

RULE II. LIMITED PRACTICE OF LAW BY A LEGAL INTERN

Section 1. Definitions.

As used in this rule:

(A) "Legal intern" means a person who holds a valid legal intern certificate issued pursuant to this rule.

(B) "Supervising attorney" means an attorney who satisfies all of the following:

(1) Has been admitted to practice law in Ohio pursuant to Gov. Bar R. I or has been temporarily certified to practice law in Ohio pursuant to Gov. Bar R. IX;

(2) Is in good standing in each jurisdiction in which the attorney is admitted to practice law;

(3) Is either employed by or associated with a law school clinic, legal aid bureau, public defender's office, or other legal services organization that provides legal assistance primarily to financially needy individuals, or is responsible for handling civil cases or prosecuting criminal cases for the state of Ohio or a municipal corporation.

Section 2. Eligibility.

To be eligible for a legal intern certificate, an applicant shall satisfy all of the following:

(A) Be enrolled in a law school approved by the American Bar Association;

(B) Have received at least two-thirds of the total hourly academic credits required for graduation;

(C) Be approved for a legal intern certificate by the dean of the law school in which the applicant is enrolled;

(D) Have read and agreed to be bound by this rule, Gov. Bar R. IV, and the Ohio Rules of Professional Conduct as adopted by the Supreme Court.

Section 3. Application.

An applicant for a legal intern certificate shall file an application with the Office of Bar Admissions of the Supreme Court. The application shall be on forms provided by the Office of Bar Admissions and shall include all of the following:

(A) A certificate from the dean of the law school in which the applicant is enrolled, certifying both of the following:

(1) That the applicant satisfies Sections 2(A) and (B) of this rule and has met all of the academic and ethical standards of the law school;

(2) That the dean does not have knowledge of any information that would cause the dean to doubt the applicant's character, fitness, and moral qualifications to practice law;

(B) A certificate from the applicant's supervising attorney, certifying that the supervising attorney will perform all duties required pursuant to Section 7 of this rule;

(C) A written oath, signed by the applicant, swearing or affirming that the applicant has read and agrees to be bound by this rule, Gov. Bar R. IV, and the Ohio Rules of Professional Conduct as adopted by the Supreme Court;

(D) A fee of twenty-five dollars;

(E) Any other information considered necessary or appropriate by the Office of Bar Admissions.

Section 4. Issuance and Duration of Certificate.

(A) The Office of Bar Admissions shall issue a legal intern certificate to an applicant who satisfies Sections 2 and 3 of this rule. Unless revoked earlier pursuant to division (B) of this section, the legal intern certificate shall automatically expire upon the occurrence of one of the following:

(1) On the date, prior to graduation, the legal intern is no longer enrolled in a law school approved by the American Bar Association;

(2) On the date the legal intern graduates from law school, if the legal intern has not applied to take the first Ohio bar examination following graduation;

(3) On the Monday after distribution of the results of the first Ohio bar examination following the legal intern's graduation from law school. If the legal intern passes that bar examination, the legal intern's certificate shall continue in effect until the legal intern is admitted to the practice of law in Ohio so long as the legal intern is admitted to practice within twelve months following that bar examination. If the legal intern is not admitted to the practice of law in Ohio within twelve months following that bar examination, the legal intern certificate shall automatically expire.

(B) A legal intern certificate may be revoked, prior to its expiration and without hearing or statement of cause, by either of the following:

(1) The Supreme Court, *sua sponte,* on notification to the legal intern, the legal intern's supervising attorney, and the dean of the law school in which the legal intern is enrolled;

(2) The dean of the law school in which the legal intern is enrolled, on written notification to the Office of Bar Admissions and to the intern. The dean promptly shall revoke the

legal intern's certificate if the legal intern ceases to meet all of the academic and ethical standards of the law school.

(C) Upon revocation of a legal intern certificate, the legal intern promptly shall return the certificate to the Office of Bar Admissions.

(D) A legal intern certificate that expires or is revoked shall not be renewed or reissued.

Section 5. Scope of Authority.

(A) A legal intern may represent either of the following:

(1) Any person who qualifies for legal services at a law school clinic, legal aid bureau, public defender's office, or other legal services organization that provides legal assistance primarily to financially needy individuals, provided the person obtaining legal assistance from the legal intern consents in writing to the legal intern's representation;

(2) The state of Ohio or any municipal corporation, with the consent of the official charged with the responsibility of handling or prosecuting the matters or cases that are referred to the legal intern.

(B) Any entity supervising a legal intern pursuant to Section 5(A) must provide professional liability insurance coverage for the legal intern.

(C) A legal intern may provide representation in civil and administrative actions, misdemeanor and felony cases, or juvenile matters, including those juvenile matters involving an alleged offense that would be a felony if committed by an adult.

(D) When a legal intern prepares and signs, in whole or in part, any correspondence, legal documents, pleadings, or other papers, the legal intern's signature shall be followed by the designation “legal intern.”

(E) A legal intern shall not appear before any court or administrative board or agency in the absence of a supervising attorney, unless the supervising attorney and the client consent in writing or on the record, and the absence of the supervising attorney is approved by the judge, referee, magistrate, or hearing officer hearing the matter. In the representation of a criminal defendant charged with a felony of the fourth or fifth degree or a juvenile charged with an offense that would be a felony of the fourth or fifth degree if committed by an adult, the supervising attorney shall be present throughout all court proceedings. In the representation of a criminal defendant charged with a felony of the first, second, or third degree or a juvenile charged with an offense that would be a felony of the first, second, or third degree if committed by an adult, the supervising attorney shall act as co-counsel throughout all court proceedings.

(F) The communications of the client to the legal intern shall be privileged under the same rules that govern the attorney-client privilege.

Section 6. Compensation.

A legal intern shall not ask for or receive any compensation or remuneration of any kind from a financially needy client on whose behalf services are rendered. However, the law school clinic, legal aid bureau, public defender's office, or other legal services organization may be awarded attorney fees for services rendered by the legal intern consistent with the Ohio Rules of Professional Conduct and as provided by law. A law school clinic, legal aid bureau, public defender's office, or other legal services organization, the state, or any municipal corporation may pay compensation to the legal intern.

Section 7. Duties of Supervising Attorney.

(A) A supervising attorney shall assume professional responsibility for each case, client, or matter assigned to the legal intern by that supervising attorney. The supervising attorney shall read and cosign all correspondence, legal documents, pleadings, and other papers prepared, in whole or in part, by the intern relating to any matter assigned to the legal intern by that supervising attorney. In any matter before a court or administrative board or agency in which a legal intern participates upon assignment by the supervising attorney, the supervising attorney shall ensure that the judge, referee, magistrate, or hearing officer is informed of the legal intern's status as a legal intern and shall be present with the legal intern in court or before the administrative board or agency, except as provided by Section 5(E) of this rule.

(B) The supervising attorney shall provide the legal intern with the opportunity to engage in and observe the practice of law, shall discuss and counsel the intern regarding matters of professional responsibility that arise, and shall train and supervise the legal intern on matters assigned to the intern by that supervising attorney to the extent necessary to properly protect the interests of the client and to properly advance and promote the intern's training.

(C) The supervising attorney shall cooperate with the legal intern's law school on any reporting or evaluation requirements regarding an award of academic credit to the legal intern.

[Effective: February 28, 1972; amended effective February 12, 1973; January 1, 1979; July 1, 1983; January 1, 1992; October 1, 2000; February 1, 2007; May 1, 2007; August 1, 2009.]

RULE III. LEGAL PROFESSIONAL ASSOCIATIONS AUTHORIZED TO PRACTICE LAW

Section 1. Firm Organization

An attorney who is otherwise authorized to practice as an active attorney under Gov. Bar R. VI may practice law in Ohio, to the same extent as individuals and groups of individuals, through a legal professional association, corporation, or legal clinic, formed under Chapters 1701. or 1785. or licensed under Chapter 1703. of the Revised Code, a limited liability company, formed or registered under Chapter 1705. of the Revised Code, or a limited liability partnership, registered under former Chapter 1775. or Chapter 1776. of the Revised Code.

Section 2. Name

The name of a legal professional association, corporation, legal clinic, limited liability company, or limited liability partnership shall comply with Rule 7.5 of the Ohio Rules of Professional Conduct. The name of a legal professional association or legal clinic shall end with the legend, "Co., LPA" or shall have immediately below it, in legible form, the words "A Legal Professional Association." The name of a corporation, limited liability company, or limited liability partnership shall include a descriptive designation as required under sections 1701.05(A), 1705.05(A), or 1776.82, respectively, of the Revised Code.

Section 3. Ethics and Discipline

(A) Participation in a legal professional association, corporation, legal clinic, limited liability company, or limited liability partnership shall not relieve an attorney of or diminish any obligation under the Ohio Rules of Professional Conduct or under these rules.

(B) An attorney shall not use a legal professional association, corporation, legal clinic, limited liability company, or limited liability partnership to share legal fees with a person not authorized to practice law in Ohio or elsewhere, except as permitted by Rule 5.4 of the Ohio Rules of Professional Conduct. An attorney shall not participate in a legal professional association, corporation, legal clinic, limited liability company, or limited liability partnership in which a member, partner, or other equity holder is a person not authorized to practice law in Ohio or elsewhere, except as permitted by Rule 5.4 of the Ohio Rules of Professional Conduct.

(C) An attorney shall not use a legal professional association, corporation, legal clinic, limited liability company, or limited liability partnership to attempt to limit liability for his or her personal malpractice in violation of Rule 1.8 of the Ohio Rules of Professional Conduct.

(D) A legal professional association, corporation, legal clinic, limited liability company, or limited liability partnership in which an attorney is an officer, director, agent, employee, manager, member, partner, or equity holder shall be considered the attorney's firm for purposes of the Ohio Rules of Professional Conduct and these rules.

Section 4. Financial Responsibility

(A) A legal professional association, corporation, legal clinic, limited liability company, or limited liability partnership shall maintain adequate professional liability insurance or other form of adequate financial responsibility for any liability of the firm arising from acts or omissions in the rendering of legal services by an officer, director, agent, employee, manager, member, partner, or equity holder.

(1) "Adequate professional liability insurance" means one or more policies of attorneys' professional liability insurance that insure the legal professional association, corporation, legal clinic, limited liability company, or limited liability partnership both:

(a) In an amount for each claim, in excess of any deductible, of at least fifty thousand dollars multiplied by the number of attorneys practicing with the firm; and

(b) An amount of one hundred thousand dollars for all claims during the policy year, multiplied by the number of attorneys practicing with the firm. No firm shall be required to carry insurance of more than five million dollars per claim, in excess of any deductible, or more than ten million dollars for all claims during the policy year, in excess of any deductible.

(2) "Other form of adequate financial responsibility" means funds, in an amount not less than the amount of professional liability insurance applicable to a firm under Section 4(A)(1) of this rule for all claims during the policy year, available to satisfy any liability of the firm arising from acts or omissions in the rendering of legal services by an officer, director, agent, employee, manager, member, partner, or equity holder. The funds shall be available in the form of a deposit in trust of cash, bank certificate of deposit, or United States Treasury obligation, a bank letter of credit, or a surety bond.

(B) Each member, partner, or other equity holder of a legal professional association, corporation, legal clinic, limited liability company, or limited liability partnership shall be jointly and severally liable for any liability of the firm based upon a claim arising from acts or omissions in the rendering of legal services while he or she was a member, partner, or equity holder, in an amount not to exceed the aggregate of both of the following:

(1) The per claim amount of professional liability insurance applicable to the firm under this rule, but only to the extent that the firm fails to have the professional liability insurance or other form of adequate financial responsibility required by this rule;

(2) The deductible amount of the professional liability insurance applicable to the claim.

The joint and several liability of the member, partner, or other equity holder shall be reduced to the extent that the liability of the firm has been satisfied by the assets of the firm.

(C) Each officer, director, agent, employee, manager, member, partner or equity holder of a legal professional association, corporation, legal clinic, limited liability company, or limited

liability partnership shall be liable for his or her own acts or omissions as provided by law, without prejudice to any contractual or other right that the person may be entitled to assert against a firm, an insurance carrier, or other third party.

[Effective: February 28, 1972; amended effective June 11, 1979; March 30, 1980; July 1, 1983; January 1, 1993; November 1, 1995; February 1, 2007; January 1, 2012.]

RULE IV. Professional Responsibility.

Section 1. Applicability.

The Ohio Rules of Professional Conduct, effective February 1, 2007, as amended, shall be binding upon all persons admitted to practice law in Ohio. The willful breach of the Rules shall be punished by reprimand, suspension, disbarment, or probation as provided in Gov. Bar R. V.

Section 2. Duty of Lawyers.

It is the duty of the lawyer to maintain a respectful attitude toward the courts, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges and Justices, not being wholly free to defend themselves, are peculiarly entitled to receive the support of lawyers against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a judicial officer, it is the right and duty of the lawyer to submit a grievance to proper authorities. These charges should be encouraged and the person making them should be protected.

[Effective: February 28, 1972; amended effective July 15, 1974; July 1, 1983; January 1, 1993; February 1, 2007.]

RULE V. DISCIPLINARY PROCEDURE

Section 1. Board of Professional Conduct of the Supreme Court.

(A) Composition. There shall be a Board of Professional Conduct of the Supreme Court consisting of twenty-eight commissioners as follows: seventeen attorneys admitted to the practice of law in Ohio, seven active or voluntarily retired judges of the state of Ohio or judges retired pursuant to Article IV, Section 6 of the Ohio Constitution, and four nonattorney commissioners.

(B) Distribution. The attorney commissioners shall be appointed from Ohio appellate districts as follows: First District, two commissioners; Second District, one commissioner; Third District, one commissioner; Fourth District, one commissioner; Fifth District, one commissioner; Sixth District, two commissioners; Seventh District, one commissioner; Eighth District, three commissioners; Ninth District, one commissioner; Tenth District, two commissioners; Eleventh District, one commissioner; and Twelfth District, one commissioner. The active and retired judge commissioners shall be appointed at-large from separate appellate districts, and the nonattorney commissioners shall be appointed at-large from separate appellate districts.

(C) Term of Office. The term of office of each commissioner of the Board shall be three years, beginning on the first day of January next following the commissioner's appointment. Any commissioner whose term has expired and who has an uncompleted assignment as a member of a panel may continue to serve for the purpose of the assignment until it is concluded before the Board. The successor commissioner shall take no part in the proceedings of the Board concerning the assignment.

(D) Appointments. The Chief Justice and Justices of the Supreme Court each shall appoint commissioners. Appointments to terms commencing the first day of January of any year shall be made prior to the first day of December of the preceding year. Vacancies for any cause shall be filled for the unexpired term by the justice who appointed the person causing the vacancy or by the successor of that justice. A commissioner appointed to a term of fewer than three years may be reappointed to not more than three, three-year terms. No person may be appointed to more than three, three-year terms on the Board. Three-year terms served prior to April 1, 2008 shall be included when determining whether a person is eligible for appointment or reappointment to the Board.

(E) Chair and Vice-chair. The Board shall each year elect a judge or attorney commissioner as chair and vice-chair. The chair and vice-chair shall serve in that capacity for a maximum of two years. The chair and vice-chair may execute entries on behalf of the Board and panels of the Board. In the absence or incapacity of the chair, the vice-chair shall perform the duties of the chair.

(F) Meetings. The Board shall meet in Columbus at least six times each year. The chair or vice-chair may call additional meetings of the Board when necessary.

(G) Campaign Contributions. Commissioners and employees of the Board, disciplinary counsel, or employees of the Office of Disciplinary Counsel shall not make any contribution to, or for the benefit of, or take part in the campaign of, or campaign for or against, any judicial candidate in this state. A commissioner who is a candidate for election or reelection to a judicial office may contribute to, may make a contribution for the benefit of, or take part in his or her own campaign.

(H) Confidentiality; Oath of Office. No commissioner, Board-appointed master, or employee of the Board shall disclose to any person any proceedings, documents, or deliberations of the Board or a Board committee. This rule shall not apply to an individual commissioner's personal opinion relating to matters of staffing or operational issues, which, at the commissioner's option, may be discussed with a justice upon the justice's request. Prior to taking office, each commissioner, Board-appointed master, and employee of the Board shall swear or affirm that he or she will abide by these rules.

Section 2. Jurisdiction and Powers of the Board.

(A) Exclusive Jurisdiction. Except as otherwise expressly provided in rules adopted by the Supreme Court, all grievances involving alleged misconduct by judicial officers or attorneys, proceedings with regard to the alleged mental illness, alcohol and other drug abuse, or disorder of a judicial officer or attorney, proceedings for the discipline of judicial officers, attorneys, persons under suspension or on probation, and proceedings for the reinstatement to the practice of law shall be brought, conducted, and disposed of in accordance with the provisions of this rule. The Board shall have authority to certify, recertify, and decertify grievance committees in accordance with Section 5 of this rule.

(B) Hearing Authority. The Board shall receive evidence, preserve the record, make findings, and submit recommendations to the Supreme Court as follows:

(1) Concerning complaints of misconduct that are alleged to have been committed by a judicial officer, an attorney, a person under suspension from the practice of law or a person on probation;

(2) Concerning the mental illness, alcohol and other drug abuse, or disorder of any judicial officer or attorney;

(3) Relating to petitions for reinstatement as an attorney;

(4) Upon reference by the Supreme Court of conduct by a judicial officer or an attorney affecting any proceeding under this rule, where the acts allegedly constitute a contempt of the Supreme Court or a breach of these rules but did not take place in the presence of the Supreme Court or a member of the Supreme Court, whether by willful disobedience of any order or judgment of the Supreme Court or the Board, by interference with any officer of the Supreme Court in the prosecution of any duty, or otherwise. This rule shall not limit or affect the plenary power of the Supreme Court to impose punishment for either contempt or breach of these rules

committed in its presence, or the plenary power of any other court for contempt committed in its presence.

(C) Subpoenas. Upon application of a special investigator, respondent, or authorized representative of the relator, the Board may issue subpoenas and cause testimony to be taken under oath before disciplinary counsel, a certified grievance committee, hearing panel, or the Board. Each subpoena shall be issued in the name and under the seal of the Supreme Court and shall be signed by the director, Board chair, Board vice-chair, or chair of a hearing panel and served as provided by the Rules of Civil Procedure. Witness fees and mileage shall be as provided in R.C. 2335.06. The refusal or neglect of a person subpoenaed as a witness to obey a subpoena, attend, be sworn or affirm, or to answer any proper question shall be considered a contempt of the Supreme Court and punishable accordingly.

(D) Advisory Opinions. The Board may issue nonbinding advisory opinions in response to prospective or hypothetical questions directed to the Board regarding the application of the Supreme Court Rules for the Government of the Bar of Ohio, the Supreme Court Rules for the Government of the Judiciary of Ohio, the Ohio Rules of Professional Conduct, the Code of Judicial Conduct, or the Attorney's Oath of Office.

(E) Regulations. The Board shall have authority to adopt regulations consistent with this rule. Proposed regulations and amendments to existing regulations shall be published for comment prior to adoption in a manner consistent with rule amendments proposed by the Supreme Court, and adopted regulations shall be published in the same manner as rules adopted by the Supreme Court. The regulations shall include the following provisions:

(1) Procedures for regularly reviewing the performance of certified grievance committees, identifying certified grievance committees that are not in compliance with the standards set forth in this rule, and for decertifying a certified grievance committee that fails to improve its performance after being notified of noncompliance;

(2) Time guidelines for the processing of disciplinary cases pending before the Board and panels of the Board;

(3) Procedures for the issuance of advisory opinions.

Section 3. Director of the Board.

(A) Director. The Board shall appoint a director of the Board. The director shall be an attorney admitted to the practice of law in Ohio, shall be appointed by a majority of the Board, and shall serve at the pleasure of the Board. The position of director shall be a fulltime position. Neither the director nor any other employee of the Board shall be employed by any trial or appellate court.

(B) Responsibilities. The director shall have the following responsibilities:

(1) Serve as the chief legal, administrative, and fiscal officer of the Board;

(2) Schedule all meetings of the Board and its committees and all hearings of Board panels;

(3) Maintain a docket of each complaint and of all proceedings on each complaint, which shall be retained permanently as a part of the records of the Board;

(4) Execute entries on behalf of the Board and its hearing panels and execute entries for extensions of time where appropriate;

(5) Issue subpoenas pursuant to Section 2(C) of this rule;

(6) Employ such personnel as are reasonably necessary to discharge the responsibilities set forth in this rule and shall establish the salaries of personnel, subject to approval by the Board;

(7) Maintain the records for the receipt and expenditure of money, and prepare financial reports and budgets as required by the Supreme Court Rules for the Government of the Bar of Ohio and the Supreme Court Rules for the Government of the Judiciary of Ohio;

(8) File with the Supreme Court annually a report of the activities and expenses of the Board;

(9) Take all necessary steps to see that office facilities, furnishings, stationery, equipment, and office supplies are available as needed;

(10) Assist the Board in preparing advisory opinions pursuant to Section 2(D) of this rule;

(11) Take any other action consistent with the director's position as chief legal, administrative, and fiscal officer that is not otherwise inconsistent with the Supreme Court Rules for the Government of the Bar of Ohio and the Supreme Court Rules for the Government of the Judiciary of Ohio.

Section 4. Office of Disciplinary Counsel.

(A) Disciplinary Counsel. With the approval of the Supreme Court, the Board, by majority vote, shall appoint a disciplinary counsel who shall perform all of the following duties:

(1) Investigate allegations of misconduct by judicial officers or attorneys and allegations of mental illness, alcohol and other drug abuse, or disorder affecting judicial officers or attorneys;

(2) Initiate and prosecute complaints as a result of investigations under the provisions of this rule;

(3) Certify bar counsel designated by certified grievance committees pursuant to Section 6 of this rule;

(4) Comply with the record retention standards set forth in Section 5 of this rule;

(5) In consultation with the Board, representatives of the certified grievance committees, and others, develop and offer an education curriculum for bar counsel and certified grievance committee members, including an orientation program for newly appointed certified grievance committee members.

(B) Appointment; In-term Removal. Disciplinary counsel shall be appointed for a term of two years, ending October 26, 2019, and may be removed in-term only for just cause. For the term commencing October 27, 2019 and each term thereafter, disciplinary counsel shall be appointed for a term of four years and may be removed in-term only for just cause. In-term removal for just cause shall be instituted by the filing, with the Chief Justice, of a written petition by the chair, acting by authority of a two-thirds vote of the Board. Upon receipt of the petition, the Chief Justice shall cause it to be served on disciplinary counsel for response. Thereafter, the Chief Justice shall schedule a hearing before the Supreme Court, which shall determine whether there is just cause for the removal of disciplinary counsel. Disciplinary counsel shall be removed upon the affirmative vote of five or more members of the Supreme Court.

(C) Assistants; Staff. Disciplinary counsel may appoint assistants as necessary who shall be attorneys admitted to the practice of law in Ohio and who shall not engage in the private practice of law while serving in that capacity. Disciplinary counsel shall appoint staff as required to satisfactorily fulfill the duties of the Office of Disciplinary Counsel. Disciplinary counsel shall retain one or more investigators who may be assigned by disciplinary counsel to assist certified grievance committees in the investigation of grievances. Employees of the Office of Disciplinary Counsel shall serve at the pleasure of disciplinary counsel.

(D) Compensation; Supplies; Annual Report. The compensation of disciplinary counsel shall be fixed by the Supreme Court. The compensation of personnel employed by the Office of Disciplinary Counsel, including any assistant disciplinary counsel, shall be fixed by disciplinary counsel with the approval of the Supreme Court. The Supreme Court shall provide office facilities, furnishings, stationery, equipment, and office supplies for the Office of Disciplinary Counsel. Disciplinary counsel shall file annually with the Supreme Court and the Board a report of the activities and expenses of the office.

(E) Quarterly Report. By the fifteenth day of January, April, July, and October of each year, disciplinary counsel shall file with the Supreme Court and the Board a report of the number of grievances made to the Office of Disciplinary Counsel during the preceding quarter. The report shall be on a form prescribed by the Board and shall specify the types of grievances filed and state the number of grievances filed, the number pending in each prescribed category and the number terminated by action of the Office of Disciplinary Counsel during the reporting period.

(F) Confidentiality; Oath of Office. No employee of the Office of Disciplinary Counsel shall disclose to any person any proceedings, documents, or deliberations of the Office of

Disciplinary Counsel. Prior to taking office, Disciplinary Counsel and each employee of the Office of Disciplinary Counsel shall swear or affirm that he or she will abide by these rules.

Section 5. Certified Grievance Committees.

(A) Certified Grievance Committees. A certified grievance committee shall be an organized committee of the Ohio State Bar Association or of one or more local bar associations in Ohio that permits the membership of any attorney practicing within the geographic area served by that association without reference to the attorney's area of practice, special interest, or other criteria. There shall be only one certified grievance committee in each county. Two or more bar associations may establish a joint certified grievance committee in accordance with the procedure outlined in division (C) of this section.

(B) Board Certification. Upon application by a bar association or bar associations and satisfaction of the standards set forth in division (D) of this section, the Board may certify a grievance committee to investigate allegations of misconduct by judicial officers or attorneys and mental illness, alcohol and other drug abuse, or disorder affecting judicial officers or attorneys and initiate and prosecute complaints as a result of investigations under the provisions of this rule. A certified grievance committee shall have authority to investigate a grievance filed against an attorney who resides or maintains an office in the geographic area served by the committee or where the misconduct alleged in the grievance occurred within the geographic area served by the committee. Except for a grievance that is referred by the director or Office of Disciplinary Counsel due to a conflict of interest, a certified grievance committee shall not have the authority to investigate allegations of misconduct against any of the following:

(1) An attorney who is an officer of the bar association that established the certified grievance committee or a member of the certified grievance committee;

(2) A judicial officer, except that the certified grievance committee of the Ohio State Bar Association may investigate allegations of misconduct against a judicial officer.

(C)(1) Joint Committees. A bar association seeking to establish a grievance committee or the bar associations seeking to establish a joint grievance committee shall file a petition with the Board seeking approval to establish a certified grievance committee or joint certified grievance committee. The petition shall include all of the following:

(a) The name of the bar association or bar associations seeking to form a grievance committee or joint grievance committee;

(b) The names of the chair and other members of the grievance committee, provided the membership of a joint grievance committee shall be in proportion to the number of attorneys employed in the geographic area served by each bar association establishing the joint committee;

(c) The name of the lawyer who will serve as bar counsel to the grievance committee;

(d) In the case of a petition to form a joint grievance committee, a copy of the written agreement between or among the sponsoring bar associations that establishes and governs the operation of the grievance committee;

(e) Any other information the Board considers necessary to evaluate the petition.

(2) Upon receipt of a completed petition, the Board promptly shall determine whether the proposed grievance committee satisfies the requirements to establish a grievance committee and the standards set forth in division (D) of this section. Upon determination that the grievance committee satisfies these requirements and standards and upon certification of bar counsel as required by Section 6 of this rule, the Board shall certify the grievance committee as eligible to accept and investigate grievances and file and prosecute formal complaints as set forth in this rule.

(D)(1) Standards for Certified Grievance Committees. To obtain and retain certification, each grievance committee shall satisfy all of the following standards:

(a) *Membership and term limits.* Consist of no fewer than fifteen persons, including a chair who shall not serve as chair for more than two consecutive years. A majority of the members of the certified grievance committee shall consist of attorneys admitted to the practice of law in Ohio, and at least three members or ten percent of the certified grievance committee, whichever is greater, shall consist of persons who are not admitted to the practice of law in Ohio or any other state. Not more than twenty percent of the committee or five members, whichever is less, shall consist of attorneys who practice in the same firm, as defined in Prof. Cond. R. 1.0, or governmental office.

(i) Each bar association responsible for appointing members to its certified grievance committee shall adopt and implement procedures that provide for the appointment of certified grievance committee members to specific terms of office, with the length of such terms to be determined by the appointing authority and subject to the ten-year limitation on consecutive service set forth in division (D)(1)(a)(ii) of this section. The expiration dates of the initial terms of office shall be established to ensure that the terms of members expire in different years.

(ii) Beginning January 1, 2016, no member of a certified grievance committee shall serve or have served on the committee for more than ten consecutive years. A member's tenure on a certified grievance committee prior to January 1, 2016 shall be considered for purposes of determining the member's consecutive service on the certified grievance committee. A member who served on the committee for ten consecutive years may be reappointed to the committee if two or more years have elapsed since the conclusion of the member's prior service.

(b) *Meetings.* Meet at least once every third month.

(c) *Office.* Maintain a fulltime, permanent office that is open during regular business hours, has a listed telephone number, and is staffed by a minimum of one fulltime employee to process grievances received by the certified grievance committee and assist with other work of the certified grievance committee. A joint certified grievance committee shall designate a single office within the geographical region served by the joint committee, and the fulltime employee

designated to assist the committee may be employed jointly by the bar associations that have established the joint committee.

(d) *Bar counsel.* Designate bar counsel, who shall be certified by disciplinary counsel pursuant to Section 6 of this rule, to supervise the receipt and investigation of grievances, the prosecution of formal complaints, and perform such other duties required by this rule. Bar counsel may be a volunteer or be paid for services related to disciplinary activities by or through the certified grievance committee. Bar counsel shall devote the time necessary to performing the duties set forth in this rule, including but not limited to assisting in the intake and investigation of grievances, prosecuting formal complaints, advising the certified grievance committee on matters of professional conduct and disciplinary procedures, and participating in educational activities related to professional conduct and disciplinary procedures. Annually, bar counsel shall be required to complete a minimum of three hours of training offered or approved by disciplinary counsel in one or more of the following subject-matter areas:

(i) Legal ethics;

(ii) Judicial ethics;

(iii) Execution of the responsibilities outlined in this rule for the review and investigation of grievances and the preparation and prosecution of formal complaints.

(e) *Training for volunteer lawyers and bar counsel*. On or after January 1, 2016, any bar counsel or volunteer grievance committee member who is designated trial counsel of record in a case prosecuted before the Board shall attend and complete a training program that is offered or approved by disciplinary counsel and that relates to the preparation and prosecution of formal complaints. Bar counsel and volunteer grievance committee members shall be required to satisfy this training requirement a minimum of once every two calendar years. Any hours of training completed by bar counsel to satisfy this requirement may be applied to satisfying the three-hour annual training requirement set forth in division (D)(1)(d) of this section.

(f) *Files and records.* Maintain files and records of proceedings, in paper or electronic format and in accordance with the following schedule:

(i) Records of the proceedings of the certified grievance committee and files related to any matter in which the committee filed a formal complaint shall be retained permanently;

(ii) Files related to any matter in which the committee initiated an investigation shall be retained for ten years;

(iii) Files related to any matter that the committee dismissed without investigation shall be retained for two years.

(g) *Funding.* Be sufficiently funded by the sponsoring bar association or associations to perform the duties imposed by these rules.

(h) *Written procedures.* Establish and file with the Board written procedures for the processing of grievances. The written procedures shall provide a method for notifying potential grievants that they have the option to file a grievance with the Office of Disciplinary Counsel rather than with the certified grievance committee.

(i) *Quarterly reports.* File quarterly reports with the Board on the form and by the dates prescribed in Section 4 of this rule. Each certified grievance committee shall include in the report the results of cases referred to the Board-approved alternative dispute resolution methods along with recommendations for further action, including discontinuance or amendment of alternative dispute resolution procedures.

(2) Continuing education. A certified grievance committee shall encourage each committee member, in the member's first full calendar year of service and each calendar year thereafter, to complete a minimum of one continuing education program or activity offered or approved by disciplinary counsel in one or more of the following subject-matter areas:

(a) Legal ethics;

(b) Judicial ethics;

(c) Execution of the responsibilities outlined in this rule for the review and investigation of grievances and the preparation and prosecution of formal complaints.

(3) Web Site. A certified grievance committee shall maintain an Internet site that includes the address and telephone number of its office and a description of its duties and responsibilities.

(E)(1) Annual Report and Biennial Recertification. On or before the first day of March, each certified grievance committee shall file with the Board a report of its activity in the preceding calendar year. The annual report shall be submitted on behalf of the certified grievance committee by the committee chair and bar counsel, and shall include all of the following:

(a) A current roster of all members of the certified grievance committee that identifies the committee chair, the nonattorney members of the committee, the tenure of each member's service on the committee, and the expiration date of each committee member's term;

(b) Information indicating compliance by bar counsel and volunteer grievance committee members with the education requirements set forth in division (D)(1)(d) and (D)(1)(e) of this section.

(c) Other information considered necessary by the Board to ascertain the certified grievance committee's compliance with the standards set forth in division (D) of this section.

(2) Based on the content of the annual reports for the two preceding years and other relevant information that may be available to the Board, the Board, on or before May 1, 2014 and every two years thereafter, shall do one of the following:

(a) Recertify the grievance committee;

(b) Notify the certified grievance committee of its noncompliance with specific minimum standards applicable to the operation of a certified grievance committee, the steps the certified grievance committee is required to take to remedy noncompliance, and the time in which the certified grievance committee must remedy noncompliance;

(c) Initiate decertification proceedings pursuant to division (F) of this section.

(F)(1) Decertification. The Board may decertify a certified grievance committee at the request of one or more of its sponsoring local bar associations or *sua sponte*. If the committee fails to adhere to the standards set forth in division (D) and (E) of this section and regulations adopted by the Board, if bar counsel fails to comply with the education requirements set forth in division (D)(1)(d) of this section, or if the committee substantially fails to perform the obligations set forth in these rules, the director may issue to the chair of the certified grievance committee and president of the sponsoring bar association an order to show cause why the grievance committee should not be decertified by the Board for the reasons set forth in the order. The Board shall hold a hearing before three commissioners, chosen by lot, who do not reside in the same appellate district where the certified grievance committee is located. If the panel of commissioners recommends decertification, it shall issue findings setting forth all of the following:

(a) The reasons for decertification;

(b) All of the certified grievance committee's pending matters;

(c) Any special circumstances by reason of which the committee should not be required to discharge its remaining responsibilities in any or all pending matters.

(2) The Board shall review the report and findings of the panel recommending decertification and, by majority vote, may decertify the committee. In the absence of special circumstances, the Board shall not decertify a certified grievance committee, either at the request of a sponsoring bar association or *sua sponte*, before the committee has discharged to the Board's satisfaction the committee's remaining responsibilities in its then-pending matters.

(G) Alternative Dispute Resolution. A certified grievance committee may adopt and utilize written procedures for handling allegations of client dissatisfaction that do not constitute disciplinary violations, to include mediation, office practice monitoring, and other alternative dispute resolution methods. Only alternative dispute resolution procedures developed by the Board shall be used by certified grievance committees. The procedures shall provide that mediators and facilitators shall not be members of or subject to the jurisdiction of the certified grievance committee.

(H) Confidentiality; Oath of Office. No employee, appointee, or member of a certified grievance committee shall disclose to any person any proceedings, documents, or deliberations of the committee. Prior to taking office, bar counsel and each employee, appointee,

or member of a certified grievance committee shall swear or affirm that he or she will abide by these rules.

Section 6. Bar Counsel.

(A)(1) Certification of Bar Counsel. Disciplinary counsel shall certify bar counsel. With the prior approval of the Board, disciplinary counsel shall promulgate and make available to the certified grievance committees and bar counsel the criteria that will be used in certifying. The criteria for certification shall include, but not be limited to, all of the following:

(a) Legal experience, including substantive areas of practice and trial experience;

(b) Any experience as a member of a certified grievance committee;

(c) Experience in reviewing and investigating grievances or prosecuting formal complaints, or both, including but not limited to the approximate number of grievances reviewed and investigated, the number of cases presented to hearing panels of the Board, and the number of disciplinary hearings before the Supreme Court;

(d) References from at least three persons in the legal community who attest to the applicant's high ethical standards, professionalism, and integrity.

(2) Decertification. Disciplinary counsel may decertify bar counsel for failing to competently and diligently perform the duties set forth in Gov. Bar R. V, failing to comply with the education requirements set forth in Section 5 of this rule, or for other good cause shown. Before decertifying bar counsel, disciplinary counsel shall provide to bar counsel and the chair of the certified grievance committee that employs or retains bar counsel written notice proposing the decertification of bar counsel and shall afford bar counsel a reasonable opportunity to respond to the proposed decertification.

Section 7. Funding; Reimbursements to Certified Grievance Committees.

(A) Funding and Budgets. The Supreme Court shall allocate funds for the operation of the Board and the Office of Disciplinary Counsel and development and distribution of materials describing the disciplinary process from the Attorney Services Fund.

(B) Budget. At the request of the administrative director of the Supreme Court, the Board and the Office of Disciplinary Counsel shall prepare and submit a proposed annual or biennial budget for approval by the Supreme Court.

(C) Reimbursement for Expenses. The Board may reimburse certified grievance committees for expenses incurred by the committees in performing the obligations imposed on them by these rules. Any reimbursements authorized by the Board shall be paid from moneys allocated by the Court for that purpose from the Attorney Services Fund. Reimbursement is not permitted for costs associated with compliance with the standards contained in Section 5(D) of this rule, except for the costs listed in division (C)(2) of this section.

(1) Reimbursement of Direct Expenses. A certified grievance committee may be reimbursed for direct expenses incurred in performing the obligations imposed by this rule. Reimbursement shall be limited to costs for depositions, transcripts, copies of documents, necessary travel expenses for witnesses and volunteer attorneys, witness fees, costs of subpoenas and the service of subpoenas, and compensation of investigators and expert witnesses authorized in advance by the Board. There shall be no reimbursement for the costs of the time of other bar association personnel or attorneys in discharging these obligations. Reimbursement shall be made upon submission to the director of the Board of proof of expenditures. Upon approval by the Board, reimbursement shall be made from the Attorney Services Fund.

(2) Annual Reimbursement of Indirect Expenses. A certified grievance committee may apply to the Board prior to the first day of February each year for partial reimbursement of other expenses necessarily and reasonably incurred during the preceding calendar year in performing its obligations under these rules. The Board shall establish criteria for determining whether expenses under divisions (C)(2) and (3) of this section are necessary and reasonable. The Board shall deny reimbursement for any expense for which a certified grievance committee seeks reimbursement on or after the first day of March of the year immediately following the calendar year in which the expense was incurred. Expenses eligible for reimbursement are those specifically relating to professional conduct enforcement and include all of the following:

(a) The personnel costs for the portion of an employee's work that is dedicated to this area;

(b) The costs of bar counsel who is retained pursuant to written agreement with or employed by the certified grievance committee;

(c) Postal and delivery charges;

(d) Long distance telephone charges;

(e) Local telephone charges and other appropriate line charges including, but not limited to, per call charges;

(f) The cost of dedicated telephone lines;

(g) Subscriptions to professional journals, law books, and other legal research services and materials related to professional conduct;

(h) Organizational dues and educational expenses relating to professional conduct enforcement;

(i) All costs of defending grievance and disciplinary-related law suits and that portion of professional liability insurance premiums directly attributable to the operation of the committees in performing their obligations under this rule;

(j) The percentage of rent, insurance premiums not reimbursed pursuant to division (C)(2)(i) of this section, supplies and equipment, accounting costs, occupancy, utilities, office expenses, repair and maintenance, and other overhead expenses directly attributable to the operation of the committees in performing their obligations under this rule, as determined by the Board and provided that no certified grievance committee shall be reimbursed in excess of thirty thousand dollars per calendar year for such expenses. Reimbursement shall not be made for the costs of the time of other bar association personnel, volunteer attorneys, depreciation, or amortization. No expense reimbursed under division (C)(1) of this section is eligible for reimbursement under division (C)(2) of this section.

(3) Quarterly Reimbursement of Certain Indirect Expenses. In addition to applying annually for reimbursement pursuant to division (C)(2) of this section, a certified grievance committee may apply quarterly to the Board for reimbursement of the expenses set forth in divisions (C)(2)(a) and (b) of this section that were necessarily and reasonably incurred during the preceding calendar quarter. Quarterly reimbursement shall be submitted in accordance with the following schedule:

Reimbursement for the months of:	**Due by:**
January, February, and March	May 1
April, May, and June	August 1
July, August, and September	November 1
October, November, and December	February 1 (with annual reimbursement request)

Any expense that is eligible for quarterly reimbursement, but that is not submitted on a quarterly reimbursement application, shall be submitted no later than the appropriate annual reimbursement application pursuant to division (C)(2) of this section and shall be denied by the Board if not timely submitted. The application for quarterly reimbursement shall include an affidavit with documentation demonstrating that the certified grievance committee incurred the expenses set forth in divisions (C)(2)(a) and (b) of this section.

(D) Audit. Expenses incurred by certified grievance committees and reimbursed under division (C) of this section may be audited at the discretion of the Board or the Supreme Court. The costs of any audit shall be paid from the Attorney Services Fund.

(E) Availability of Funds. Reimbursement under division (C) of this section is subject to the availability of moneys in the Attorney Services Fund.

Section 8. Public Access to Disciplinary Documents and Proceedings.

(A)(1) Proceedings Prior to Probable Cause. Prior to a determination of probable cause by the Board, all proceedings, documents, and deliberations relating to review, investigation, and consideration of grievances shall be confidential except as follows:

(a) Where the respondent expressly and voluntarily waives confidentiality of the proceedings. A waiver of confidentiality does not entitle the respondent or any other person access to documents or deliberations expressly designated as confidential under this section.

(b) Where the proceedings reveal reasonable cause to believe that respondent is or may be addicted to alcohol or other chemicals, is abusing the use of alcohol or other chemicals, or may be experiencing a disorder that is substantially impairing the respondent's ability to practice law, the information giving rise to this belief shall be communicated to a committee or subcommittee of a bar association, or to an executive officer or employee of a nonprofit corporation established by a bar association, designed to assist lawyers with disorders.

(c) Where, in the course of an investigation by the Office of Disciplinary Counsel or a certified grievance committee, it is found that a person involved in the investigation may have violated federal or state criminal statutes, the entity conducting the investigation shall notify the appropriate law enforcement agency, prosecutorial authority, or regulatory agency of the alleged criminal violation and may provide the agency or authority with information concerning the criminal violation.

(2) The Office of Disciplinary Counsel and a certified grievance committee may share information with each other or with the disciplinary authority of another state or federal jurisdiction regarding the review, investigation and consideration of a grievance.

(3) Except as otherwise provided in division (A) of this section, all investigatory materials prepared in connection with an investigation conducted pursuant to Section 9 of this rule or submitted with a complaint filed pursuant to Section 10 of this rule shall be confidential prior to certification of a formal complaint pursuant to Section 11 of this rule. The materials shall remain confidential if the complaint is dismissed pursuant to Section 11.

(B) Proceedings Subsequent to Probable Cause. From the time a complaint has been certified to the Board by a probable cause panel, the complaint and all subsequent proceedings conducted and documents filed in connection with the complaint shall be public except as follows:

(1) Deliberations by the Board or a hearing panel of the Board shall be confidential.

(2) The report and recommendations of a hearing panel of the Board shall be confidential until the report of the full Board is filed with the Supreme Court. If the case is dismissed either by the hearing panel or the Board pursuant to Section 12(G) or (H) of this rule, any report of the hearing panel shall be public upon the filing of an order of dismissal. The report and recommendation of the Board shall be confidential until the report is filed with the Supreme Court.

(3) The summary of investigation prepared by the relator shall be confidential as work-product of the relator. All other investigatory materials and any attachments prepared in connection with an investigation conducted pursuant to Section 9 of this rule or submitted with a complaint filed pursuant to Section 10 of this rule shall be discoverable as provided in the Ohio Rules of Civil Procedure.

(4) The Board-approved ADR process shall be confidential, and any knowledge obtained by a mediator or facilitator shall be privileged for all purposes under Rule 8.3 of the Ohio Rules of Professional Conduct, provided the knowledge was obtained while the mediator or facilitator was acting as a mediator or facilitator.

(C) Restricted Access to Case Documents. A party to a matter pending before the Board may file a motion requesting that the Board restrict public access to all or a portion of a document filed with the Board. Additionally, the chair of a hearing panel or a master may request that the Board restrict public access to all or a portion of a document filed with the Board. In considering the motion or request, the Board chair shall apply the standards set forth in Sup. R. 45(E). If the Board chair finds that public access to a document should be restricted, the order shall direct the use of the least restrictive means available, including but not limited to redaction of the information rather than limiting access to the entire document.

(D) Personal Identifiers. A party to a matter pending before the Board shall be responsible for omitting personal identifiers from a case document filed with the Board, consistent with Sup. R. 45(D). As used in this rule, "personal identifiers" and "case document" shall have the same meaning as in Sup. R. 44.

(E) Response to Grievance. Notwithstanding the other provisions of this rule, the respondent's reply to the grievance, made during the course of an investigation by the Office of Disciplinary Counsel or a certified grievance committee, shall be furnished to the grievant without waiving any other right to confidentiality provided by this rule. If the respondent specifically requests, in writing, to the Office of Disciplinary Counsel or certified grievance committee that the reply not be furnished to the grievant, the Office of Disciplinary Counsel or certified grievance committee shall not furnish the reply to the grievant. Release to the grievant of the respondent's reply is, nevertheless, encouraged and consistent with the liberal construction of this rule for the protection of the public.

(F) Administrative and Financial Records. Except as otherwise provided in this section or in rules adopted by the Supreme Court, documents and records pertaining to the administration and finances of the Board and the Office of Disciplinary Counsel, including budgets, reports, and records of income and expenditures, shall be made available, upon request, as provided in Sup. R. 45.

Section 9. Filing and Investigation of Grievances.

(A) Referral by Board. The Board may refer to a certified grievance committee or the Office of Disciplinary Counsel any matter filed with it for investigation as provided in this section.

(B) Referral by Certified Grievance Committee. If a certified grievance committee determines in the course of a disciplinary investigation that the matters of alleged misconduct under investigation are sufficiently serious and complex as to require the assistance of the Office of Disciplinary Counsel, the chair of the certified grievance committee may direct a written request for assistance to the Disciplinary Counsel. The Office of Disciplinary Counsel shall review and may investigate all matters contained in the request and report the results of the investigation to the committee that requested it.

(C) Power and Duty to Investigate; Dismissal without Investigation.

(1) The Office of Disciplinary Counsel or a certified grievance committee shall review and may investigate a grievance that alleges facts that, if substantiated, would constitute misconduct by a judicial officer or attorney or that alleges facts that, if substantiated, would indicate that a judicial officer or attorney is mentally ill, is suffering from alcohol and other drug abuse, or is suffering from a disorder. The Office of Disciplinary Counsel and a certified grievance committee shall review and may investigate any matter filed with it or that comes to its attention and may file a complaint pursuant to this rule in cases where it finds probable cause to believe that misconduct has occurred or that a condition of mental illness, alcohol and other drug abuse, or disorder exists.

(2) A grievance may be dismissed without investigation if the grievance and any supporting material do not contain an allegation of misconduct, mental illness, alcohol and other drug abuse, or disorder on the part of a judicial officer or attorney. A certified grievance committee shall not dismiss a grievance without investigation unless bar counsel has reviewed the grievance.

(D) Time for Investigation. The investigation of grievances by Office of Disciplinary Counsel or a certified grievance committee shall be concluded within sixty days from the date of the receipt of the grievance. A decision as to the disposition of the grievance shall be made within thirty days after conclusion of the investigation.

(1) Extensions of Time. Extensions of time for completion of the investigation may be granted by the director of the Board. The Office of Disciplinary Counsel or a certified grievance committee shall submit a written request for an extension. Investigations for which an extension is granted shall be completed within one hundred fifty days from the date of receipt of the grievance. Time may be extended when all parties voluntarily enter into an alternative dispute resolution method for resolving fee disputes sponsored by the Ohio State Bar Association or a local bar association.

(2) Extension Limits. The director of the Board may extend time limits beyond one hundred fifty days from the date of filing in the event of pending litigation, appeals, unusually complex investigations, including the investigation of multiple grievances, time delays in obtaining evidence or testimony of witnesses, or for other good cause shown. A request for an extension of time beyond one hundred fifty days shall be in writing and include the reason for the extension request. If an investigation is not completed within one hundred fifty days from the date of filing the grievance or a good cause extension of that time, the director may refer the matter either to a geographically appropriate certified grievance committee or the Office of Disciplinary

Counsel. The investigation shall be completed within sixty days after referral. No investigation shall be extended beyond one year from the date of the filing of the grievance.

(3) Time Limits not Jurisdictional. Time limits set forth in this rule are not jurisdictional. No grievance filed shall be dismissed unless it appears that there has been an unreasonable delay and that the rights of the respondent to have a fair hearing have been violated. Investigations that extend beyond one year from the date of filing are prima facie evidence of unreasonable delay.

(E) Retaining Outside Experts. If a particular investigation may benefit from the services of an independent investigator, auditor, examiner, assessor, or other expert, a certified grievance committee may submit a written request to the director for permission to retain the services of the outside expert. The written request shall include a general statement of the purpose for which the request is being made and an estimate of the fees and costs expected to be incurred. The outside expert may be retained upon receipt of written approval of the director.

(F) Cooperation with Lawyers' Fund for Client Protection. Upon the receipt of any grievance presenting facts that may be the basis for an award from the Lawyers' Fund for Client Protection under Gov. Bar R. VIII, the Office of Disciplinary Counsel or a certified grievance committee shall notify the grievant of the potential right to an award from the fund and provide the grievant with the forms necessary to initiate a claim with the fund. The Office of Disciplinary Counsel, a certified grievance committee, and the Board shall provide the Board of Commissioners of the Lawyers' Fund for Client Protection with findings from investigations, grievances, or any other records it requests in connection with an investigation under Gov. Bar R. VIII. The transmittal of confidential information may be delayed pending the termination of the disciplinary investigation or proceedings.

(G) Duty to Cooperate. The Board, Disciplinary Counsel, and president, secretary, or chair of a certified grievance committee may call upon any judicial officer or attorney to assist in an investigation or testify in a hearing before the Board or a panel for which provision is made in this rule, including mediation and alternative dispute resolution procedures, as to any matter that he or she would not be bound to claim privilege as an attorney at law. No attorney, and no judicial officer, except as provided in Rule 3.3 of the Code of Judicial Conduct, shall neglect or refuse to assist or testify in an investigation or hearing.

(H) Referral of Procedural Questions to Board. In the course of an investigation, the chair of a certified grievance committee, bar counsel, or Disciplinary Counsel may direct a written inquiry regarding a procedural question to the director of the Board. Upon receipt of a written inquiry, the director shall consult with the chair of the Board and respond to the inquiry.

Section 10. Requirements for Filing a Complaint.

(A) Notice of Intent to File. No investigation conducted by the Office of Disciplinary Counsel or a certified grievance committee shall be completed, and no complaint shall be filed with the Board, without first giving the judicial officer or attorney who is the subject of the grievance or investigation notice of each allegation and the opportunity to respond to each

allegation. The Office of Disciplinary Counsel or a certified grievance committee shall provide the judicial officer or attorney with a minimum of fourteen days to respond to the allegations.

(B) Majority Vote Required. No complaint shall be filed by a certified grievance committee with the Board unless a majority of a quorum of that committee determines the complaint is warranted.

(C) Notice of Intent not to File. If, upon review or investigation of a grievance, a certified grievance committee or the Office of Disciplinary Counsel determines that the filing of a complaint with the Board is not warranted, the grievant and the judicial officer or attorney shall be notified in writing of that determination, with a statement of the reasons that a complaint was not filed with the Board. The written notice provided by a certified grievance committee shall advise the grievant of the right to have the committee's determination reviewed pursuant to division (D) of this section and the steps to obtain such review. Upon request, a certified grievance committee or the Office of Disciplinary Counsel shall provide the judicial officer or attorney with a copy of the grievance.

(D) Appeal. A grievant who is dissatisfied with a determination by a certified grievance committee not to file a complaint may secure a review of the determination by filing a written request with the director of the Board within fourteen days after the grievant is notified of the determination. The director shall refer the request for review to the Office of Disciplinary Counsel or, in the case of a conflict, to another certified grievance committee. The review shall be considered promptly by the Office of Disciplinary Counsel or certified grievance committee, a decision made within thirty days, and the grievant notified. The standard of review for an appeal shall be abuse of discretion or error of law. Extensions of time for completion of the review may be granted by the director, upon written request and for good cause shown. No further review or appeal by a grievant shall be authorized. If the original determination is not affirmed, any further proceedings shall be handled by the Office of Disciplinary Counsel or certified grievance committee.

(E)(1) Content of the Complaint. A complaint filed with the Board shall be filed in the name of either disciplinary counsel or the bar association that sponsors the certified grievance committee, as relator. The complaint shall include all of the following:

(a) Allegations of specific misconduct including citations to the rules allegedly violated by the respondent, provided that neither the panel nor the Board shall be limited to the citation to the disciplinary rule in finding violations based on all the evidence if the respondent has fair notice of the charged misconduct;

(b) If applicable, an allegation of the nature and amount of restitution that may be owed by the respondent or a statement that the relator cannot make a good faith allegation without engaging in further discovery;

(c) A list of any discipline or suspensions previously imposed against the respondent and the nature of the prior discipline or suspension;

(d) The respondent's attorney registration number and his or her last known address;

(e) The signatures of one or more attorneys admitted to the practice of law in Ohio, who shall be counsel for the relator and, where applicable, by bar counsel;

(f) A written certification, signed by disciplinary counsel or the president or chair of the certified grievance committee, that the counsel are authorized to represent the relator in the action and have accepted the responsibility of prosecuting the complaint to conclusion. The certification shall constitute the authorization of the counsel to represent the relator in the action as fully and completely as if designated and appointed by order of the Supreme Court with all the privileges and immunities of an officer of the Supreme Court.

(2) The complaint shall not include any documents, exhibits, or other attachments unless specifically required by Civ. R. 10.

(F) Materials Submitted with the Complaint. The relator shall submit with the complaint sufficient investigatory materials to demonstrate probable cause. The materials shall include any response submitted by or on behalf of the respondent to the notice of intent to file provided by the relator pursuant to Section 10(A) and an affidavit from bar counsel or other appropriate representative of the relator documenting relator's contacts with or attempts to contact the respondent prior to filing the complaint. The materials may include investigation reports, summaries, depositions, statements, and any other relevant material.

Section 11. Probable Cause Determinations; Certification and Service of Complaints.

(A) Probable Cause Panels. The Board shall establish two probable cause panels to review each complaint filed with the Board. The chair of the Board shall designate three commissioners to serve on each panel and shall designate one attorney or judge commissioner as chair. Each panel shall meet in person or by teleconference pursuant to a schedule established by the director of the Board. Except as provided in division (B) of this section, the director shall assign each complaint and the investigatory materials to a probable cause panel for review. Upon review solely of the complaint and any materials submitted with the complaint pursuant to Section 10 of this rule, the probable cause panel shall make an independent determination of whether probable cause exists for the filing of a complaint. The panel shall issue an order certifying the complaint, in whole or in part, to the Board or dismissing the complaint and investigation in its entirety.

(B) Waiver of Probable Cause. If the respondent has expressly waived, in writing, his or her right to an independent determination of probable cause by the Board, the director shall immediately certify the complaint to the Board and send a copy of the complaint to the Office of Disciplinary Counsel or the appropriate certified grievance committee and by certified mail to the respondent.

(C) Service, and Publication of Certified Complaint; Notice of Dismissal. The director shall take the following action based on the order of the probable cause panel:

(1) If the panel certifies the complaint in its entirety, the director shall serve the complaint on the respondent via certified mail and send a copy to the relator.

(2) If the panel certifies the complaint in part, the director shall instruct the relator to prepare and submit a new complaint that conforms to the order of the probable cause panel. Upon receipt of the new complaint, the director shall serve the complaint on the respondent via certified mail and send a copy to the relator.

(3) If the panel dismisses the complaint for want of probable cause, the director shall provide the relator and respondent with notice of dismissal. The notice shall advise the relator of its ability to appeal the dismissal to the full Board.

(4) Upon certification to the Board, the director shall publish or post a copy of each complaint on the Board's web page.

(D) Appeal of Dismissal. Within seven days of receipt of the decision of the probable cause panel to dismiss the complaint in its entirety, the Office of Disciplinary Counsel or certified grievance committee may appeal the decision to the full Board by filing a written appeal with the director of the Board. Upon review solely of the complaint and any materials submitted with the complaint pursuant to Section 10 of this rule, the Board shall make an independent determination as to whether probable cause exists for the filing of a complaint. The Board shall issue an order certifying or dismissing the complaint and notify the relator and respondent of its decision as set forth in division (C) of this section. There shall be no appeal from the decision of the Board.

(E) Retention and Destruction of Probable Cause Materials. The director shall retain the complaint, summary of investigation, and attached investigatory materials until such time as a probable cause panel makes a final determination regarding certification of the complaint, until the time for appealing a dismissal of the complaint has expired, or until the Board issues an order regarding any appeal of a dismissal, whichever is later. After a final determination regarding probable cause has been made by a panel or the Board, the director shall dispose of all documents and investigatory materials, other than the formal complaint certified to the Board.

Section 12. Proceedings Before the Board on Certified Complaints.

(A) Manner of Discipline. Any judicial officer or attorney found guilty of misconduct shall be disciplined as follows:

(1) Disbarment from the practice of law;

(2) Suspension from the practice of law for an indefinite period subject to reinstatement as provided in Section 25 of this rule;

(3) Suspension from the practice of law for a period of six months to two years subject to a stay in whole or in part;

(4) Probation for a period of time upon conditions as the Supreme Court determines, but only in conjunction with a suspension ordered pursuant to division (A)(3) of this section;

(5) Public reprimand.

(B) Disbarment or Resignation. A person who is disbarred, who has resigned with discipline pending, or, who has retired from the practice of law on or after September 1, 2007 shall not be readmitted to the practice of law in Ohio.

(C) Appointment of Hearing Panel. After the respondent has filed an answer or the time for filing an answer has elapsed, the director shall appoint a hearing panel consisting of three commissioners chosen by lot from commissioners who did not serve on the probable cause panel. The director shall designate one attorney or judge commissioner to serve as chair of the panel. No member of the hearing panel shall be a resident of the appellate district from which the complaint originated. Not more than one nonattorney shall serve on any hearing panel. A majority of the panel shall constitute a quorum. The panel chair shall rule on all motions and interlocutory matters. No ruling by the panel chair on a motion or interlocutory matter may be appealed other than in response to a show cause order issued by the Supreme Court.

(D) Notice to Respondent upon Filing of the Complaint. The director of the Board shall send a copy of the complaint by certified mail to the respondent with a notice requiring the respondent to file, within twenty days after the mailing of the notice, six copies of his or her answer and serve copies of the answer on counsel of record named in the complaint. Extensions of time for the filing of the answer may be granted by the director for good cause shown.

(E) Amendments to the Complaint. The relator may file an amended complaint, without filing a motion for leave to amend, prior to the filing of an answer by the respondent. After an answer has been filed, the relator may file an amended complaint only upon leave of the panel chair or the written consent of the respondent. The panel chair may grant the motion for leave to amend for good cause shown. The amended complaint shall be filed and served as set forth in this rule. The amended complaint shall not be subject to probable cause review.

(F) Hearing. Upon reasonable notice and at a time and location set by the panel chair pursuant to the regulations of the Board, the panel shall hold a formal hearing on the complaint. Requests for continuances may be granted by the panel chair for good cause shown. All hearings shall be recorded by a court reporter provided by the Board and a transcript filed with the director.

(G) Authority of Hearing Panel; Dismissal. If, at the end of the evidence presented by the relator or of all evidence, a unanimous hearing panel finds that the evidence is insufficient to support a charge or count of misconduct, the panel may order on the record or in its report that the complaint or count be dismissed. If a unanimous hearing panel dismisses a complaint in its entirety, the director shall send a dismissal entry to the relator, respondent, and all counsel of record.

(H) Referral by Panel. In the alternative, if the hearing panel determines that findings of fact and recommendations for dismissal should be referred to the Board for review and action

by the full Board, the panel may submit its findings of fact to the Board and may recommend dismissal in the same manner as provided in this rule with respect to public reprimand, probation, suspension, or disbarment. If the Board dismisses a complaint in its entirety, the director shall send a dismissal entry to relator, respondent, and counsel of record.

(I) Public Reprimand, Probation, Suspension, or Disbarment; Duty of Hearing Panel. If the hearing panel determines, by clear and convincing evidence, that respondent is guilty of misconduct and that a public reprimand, suspension for a period of six months to two years, probation, suspension for an indefinite period, or disbarment is merited, the hearing panel shall submit a report of its findings of fact, conclusions of law, and recommended sanction to the director. If applicable, the panel shall include in its report any conditions of probation, a stayed suspension, or reinstatement to the practice of law. Such conditions may include a requirement that the respondent or petitioner take and receive a passing score on the Multistate Professional Responsibility Examination.

(J) Review by Entire Board. After review, the Board may refer the matter to the hearing panel for further hearing, order a further hearing before the Board, or proceed on the report of the prior proceedings before the hearing panel. After the final review, the Board may dismiss the complaint or find that the respondent is guilty of misconduct. If the complaint is dismissed, the dismissal shall be reported to the director of the Board, who shall notify the same persons and organizations that would have received notice if the complaint had been dismissed by the hearing panel.

(K) Public Reprimand; Probation, Suspension, or Disbarment; Duty of Board after Review. If the Board determines that a public reprimand, suspension for a period of six months to two years, probation, suspension for an indefinite period, or disbarment is merited, the Board shall file a certified report of its proceedings, including its findings of fact, conclusions of law, and recommended sanction, with the clerk of the Supreme Court. The report shall include the record of proceedings before the Board, a transcript of testimony taken, if any, and an itemized statement of the actual and necessary expenses incurred in connection with the proceedings. The Board forthwith shall notify the respondent and all counsel of record of the action, enclosing with the notice a copy of the Board's report and a copy of the statement of the actual and necessary expenses incurred.

Section 13. Aggravating and Mitigating Factors.

(A) In General. Each disciplinary case involves unique facts and circumstances. In striving for fair disciplinary standards, the Board shall give consideration to specific professional misconduct and to the existence of aggravating or mitigating factors. In determining the appropriate sanction, the Board shall consider all relevant factors, precedent established by the Supreme Court of Ohio, and the aggravating and mitigating factors set forth in this section.

(B) Aggravation. The following shall not control the discretion of the Board, but may be considered in favor of recommending a more severe sanction:

(1) Prior disciplinary offenses;

(2) A dishonest or selfish motive;

(3) A pattern of misconduct;

(4) Multiple offenses;

(5) A lack of cooperation in the disciplinary process;

(6) The submission of false evidence, false statements, or other deceptive practices during the disciplinary process;

(7) A refusal to acknowledge wrongful nature of conduct;

(8) The vulnerability of and resulting harm to victims of the misconduct;

(9) A failure to make restitution.

(C) Mitigation. The following shall not control the discretion of the Board, but may be considered in favor of recommending a less severe sanction:

(1) The absence of a prior disciplinary record;

(2) The absence of a dishonest or selfish motive;

(3) A timely, good faith effort to make restitution or to rectify consequences of misconduct;

(4) Full and free disclosure to the Board or cooperative attitude toward proceedings;

(5) Character or reputation;

(6) Imposition of other penalties or sanctions;

(7) Existence of a disorder when there has been all of the following:

(a) A diagnosis of a disorder by a qualified health care professional or qualified chemical dependency professional;

(b) A determination that the disorder contributed to cause the misconduct;

(c) In the case of mental disorder, a sustained period of successful treatment or in the case of substance use disorder or nonsubstance-related disorder, a certification of successful completion of an approved treatment program;

(d) A prognosis from a qualified health care professional or qualified chemical dependency professional that the attorney will be able to return to competent, ethical professional practice under specified conditions.

(8) Other interim rehabilitation.

Section 14. Default; Interim Default Suspension.

(A) Certification of Default. If the respondent has not filed an answer to a complaint on or before the answer date set forth in the notice to the respondent of the filing of the complaint or any extension of the answer date, the director of the Board shall provide the relator and respondent, in writing, a notice of intent to certify respondent's default to the Supreme Court. The certification of default shall be filed thirty days after the notice of intent to certify unless the respondent files an answer prior to expiration of the thirty-day period. The certification shall include a copy of the formal complaint pending before the Board and either a certificate indicating that the complaint has been served on the respondent or a certificate indicating that the complaint has been served on the clerk of the Supreme Court pursuant to Section 27 of this rule.

(B)(1) Entry of Interim Default Suspension. Upon receipt of the certification, the Supreme Court shall issue the respondent an order to show cause why an interim default suspension shall not be entered. Notice of the order to show cause shall be served by the clerk of the Supreme Court as set forth in Section 17 of this rule, and any response to the order and answer briefs may be filed as set forth in Section 17 of this rule. Upon receipt of a response or expiration of the time for objections, the Court may enter an order it considers appropriate, including an order immediately suspending the respondent from the practice of law. Upon entry of an order suspending the respondent pursuant to this section, the clerk of the Supreme Court shall mail certified copies of the order as provided in Section 17 of this rule.

(2) If the relator determines that the respondent owes restitution to clients or third parties as a result of the misconduct alleged in the formal complaint, the relator shall file a notice of restitution owed with the Supreme Court. The notice of restitution owed shall be filed within one hundred and eighty days of the date of the entry of an interim default suspension and shall be accompanied by sworn or certified documentary prima facie evidence in support of the claim of restitution. If relator files a motion to initiate default proceedings pursuant to division (D) of this section, the relator shall allege any claim of restitution owed in its motion and present evidence to the Board on remand in support of that claim.

(C) Motion for Leave to Answer. Within one hundred eighty days of the date of the entry of an interim default judgment suspension, the respondent may file a motion with the Supreme Court for leave to file an answer to the complaint pending before the Board. The motion shall include a copy of the respondent's answer as an attachment. The motion may include a request from the respondent to terminate the interim default suspension for good cause shown. Upon receipt of the motion and any response from the relator, the Court may grant the motion and remand the matter to the Board for further proceedings under Section 12 of this rule. The order remanding the matter to the Board shall indicate that the interim default judgment suspension

either remains in place while proceedings are pending before the Board or is terminated for good cause shown.

(D) Motion to Initiate Default Proceedings. Within one hundred eighty days of the date of the entry of an interim default judgment suspension, the relator may file a motion with the Supreme Court to have the case remanded to the Board for the purpose of seeking the permanent disbarment of the respondent. Upon receipt of the motion, the Court may grant the motion and remand the matter to the Board for default proceedings pursuant to division (F) of this section. The order remanding the matter to the Board shall indicate that the interim default judgment suspension remains in place while proceedings are pending before the Board.

(E)(1) Indefinite Suspension; Restitution. If the respondent has not filed a timely motion for leave to answer pursuant to division (C) of this section or if the relator has not filed a timely motion to initiate disbarment proceedings pursuant to division (D) of this section, the Court shall issue the respondent an order to show cause why the interim default judgment suspension should not be converted into an indefinite suspension. If the relator has filed a notice and supporting evidence pursuant to division (B)(2) of this section, the order shall also direct the respondent to show cause why the respondent should not be ordered to pay restitution in accordance with relator's notice and evidence. Notice of the order to show cause shall be served by the clerk of the Supreme Court as set forth in Section 17 of this rule, and any response to the order and answer briefs may be filed as set forth in Section 17 of this rule. Upon receipt of a response or expiration of the time for objections, the Court may enter an order it considers appropriate, including an order immediately converting the interim default suspension into an indefinite suspension and ordering the payment of restitution.

(2) Further proceedings to terminate the indefinite suspension and reinstate the respondent to the practice of law shall be conducted pursuant to Section 25 of this rule, except that the respondent may file a petition for reinstatement no earlier than two years after the date of the entry of the interim default judgment suspension pursuant to division (B)(1) of this section.

(F) Default Proceeding. Within thirty days of the issuance of a remand order pursuant to division (D) of this section, the relator shall file a motion for default with the Board. Prior to filing a motion for default, relator shall make reasonable efforts to contact the respondent.

(1) Motion. A motion for default shall contain all of the following:

(a) An affidavit from bar counsel or other appropriate representative of the relator documenting the efforts made to contact the respondent and the result;

(b) Sworn or certified documentary prima facie evidence in support of the allegations made;

(c) The recommendation of the relator that the respondent should be disbarred based on the misconduct alleged in the complaint and case law in support of the recommendation;

(d) A statement of any aggravating or mitigating factors of which the relator is aware;

(e) A certificate of service of the motion on respondent at the address shown for the respondent on the records of the Supreme Court and at the last address known to the relator, if different.

(2)(a) Disposition. The director of the Board shall refer the motion for default to a judge or attorney commissioner or Board-appointed master who shall rule on the motion. A commissioner or master appointed to rule on the motion for default shall rule on all motions and interlocutory matters, and no ruling by the commissioner or master on a motion or interlocutory matter may be appealed prior to entry of the final order. If a motion for default is granted, the commissioner or master shall prepare a certified report for review by the Board. After review, the Board shall file a final certified report in accordance with Section 12(K) of this rule finding one of the following:

(i) That the relator has failed to establish the allegations of the complaint by clear and convincing evidence and recommending that the complaint be dismissed and that the Court enter an order terminating the interim default judgment suspension;

(ii) That there is clear and convincing evidence to establish that respondent is guilty of misconduct and recommending the respondent be indefinitely suspended from the practice of law, subject to reinstatement as provided in Section 25 of this rule;

(iii) That there is clear and convincing evidence to establish that respondent is guilty of misconduct and recommending the respondent be disbarred.

(b) If the Supreme Court grants a motion for leave to answer and remands the matter to the Board pursuant to division (C) of this section, the chair of the Board shall set aside a default entry and order a panel hearing at any time before the report and recommendation of the Board are certified to the Supreme Court.

(G) Duty of Relator. The relator shall have a continuing duty to preserve evidence necessary to establish the misconduct alleged in the complaint filed with the Board.

Section 15. Impairment Suspension; Termination of Suspension.

(A) Suspension Based on Adjudication of Mental Illness.

(1) After an answer has been filed or the time for filing an answer has elapsed, the Board forthwith shall certify a complaint to the Supreme Court if the complaint, answer, or other subsequent pleading alleges mental illness that substantially impairs the ability of the respondent to practice law and is supported by a certified copy of a journal entry of a court of competent jurisdiction adjudicating mental illness.

(2) Upon receipt of a certified complaint pursuant to division (A)(1) of this section, the Supreme Court may suspend the respondent from the practice of law.

(B) Suspension Based on Order of Treatment for Alcohol and Other Drug Abuse.

(1) After an answer has been filed or the time for filing an answer has elapsed, the Board forthwith shall certify a complaint to the Supreme Court if the complaint, answer, or subsequent pleading alleges the existence of alcohol or other drug abuse that substantially impairs the ability of the respondent to practice law and is supported by a certified copy of a journal entry of a court of competent jurisdiction issued pursuant to R.C. 5119.93.

(2) Upon receipt of a certified complaint pursuant to division (B)(1) of this section, the Supreme Court may suspend the respondent from the practice of law.

(C) Impairment Suspension Based on Examination and Finding.

(1) The Board or hearing panel, on its own motion or motion of either party, may order a medical, psychological, or psychiatric examination of the respondent if any of the following applies:

(a) The complaint, answer, or any subsequent pleading alleges an existing mental illness, alcohol and other drug abuse, or disorder that substantially impairs the ability of the respondent to practice law but is unsupported by a journal entry of a court of competent jurisdiction;

(b) Mental illness, alcohol and other drug abuse, or disorder that substantially impairs the ability of the respondent to practice law otherwise is placed in issue.

(2) The medical, psychological, or psychiatric examination of respondent shall be conducted by one or more physicians or psychologists designated by the Board or hearing panel. The findings of the physician or psychologist shall be presented to the Board or hearing panel as evidence and made available to both parties. The parties shall have an opportunity to file objections to the findings, and the hearing panel may conduct a hearing on the objections. After a hearing or if no objections are filed, the hearing panel shall prepare and submit a report and recommendation with the Board. The report may include a recommendation that the respondent be placed on an impairment suspension.

(3) If, after reviewing the report of the hearing panel, the Board concludes the record establishes that the respondent suffers from mental illness, alcohol and other drug abuse, or a disorder that substantially impairs the ability of the respondent to practice law, the Board shall prepare and certify a report and the record of the proceedings to the Supreme Court. The Board report shall be a matter of public record and shall be docketed by the clerk, but the report shall not be published or posted on the Supreme Court's web site. The Supreme Court may suspend the respondent from the practice of law and order the respondent's registration status changed to inactive. If the Court orders a impairment suspension under this section, further proceedings before the Board on any misconduct alleged in the formal complaint shall be stayed until such time as the respondent applies to the Board to have the impairment suspension terminated and a hearing panel determines that the application should be granted.

(D) Duty of Clerk on Entering Order. Upon the entry of a suspension order under this section, the clerk of the Supreme Court shall mail certified copies of the order as provided in Section 17 of this rule. A copy of the order shall be provided to the Office of Attorney Services, and the registration status of respondent shall be designated as "ineligible." The order shall be a matter of public record and shall be docketed by the clerk, but the order shall not be published or posted on the Supreme Court's web site.

(E) Termination. A suspension under this section may be terminated on application of the respondent to the Board and a showing of removal of the cause for the suspension. The director of the Board shall assign the application to a hearing panel. If the hearing panel finds by clear and convincing evidence that the suspension should be terminated and if the adjudication of a complaint alleging misconduct has been stayed as a result of the imposition of the suspension, the hearing panel shall conduct proceedings on the complaint in accordance with in Section 12 of this rule. The hearing panel shall prepare a written report of its findings and a recommendation with regard to the termination of the suspension and the disposition of any misconduct alleged in the formal complaint, including a recommended sanction for the misconduct that is found. The report of the hearing panel shall be submitted to the Board, and the report of the Board and the record of the proceedings shall be certified to the Supreme Court.

Section 16. Consent to Discipline.

(A) Content of Agreement. The relator and respondent may enter into a written agreement wherein the respondent admits to alleged misconduct and the relator and respondent agree upon a sanction, other than an indefinite suspension or disbarment, to be imposed for that misconduct. The written agreement may be entered into after a complaint is certified by the Board, but no later than sixty days after appointment of a hearing panel. For good cause shown, the chair of the hearing panel or the Board chair may extend the time for the parties to file a written agreement by an additional thirty days. The written agreement shall be signed by the respondent, respondent's counsel, if the respondent is represented by counsel, and relator, and shall include all of the following:

(1) An admission by the respondent, conditioned upon acceptance of the agreement by the Board, that the respondent committed the misconduct listed in the agreement;

(2) The sanction agreed upon by the relator and respondent for the misconduct admitted by the respondent and any case law that supports the agreed sanction;

(3) Any aggravating and mitigating factors, including but not limited to those listed in Section 13, that are applicable to the misconduct and agreed sanction;

(4) An affidavit of the respondent that includes all of the following statements:

(a) That the respondent admits to having committed the misconduct listed in the agreement, that grounds exist for imposition of a sanction against the respondent for the misconduct, and that the agreement sets forth all grounds for discipline currently pending before the Board;

(b) That the respondent admits to the truth of the material facts relevant to the misconduct listed in the agreement;

(c) That the respondent agrees to the sanction to be recommended to the Board;

(d) That the respondent's admissions and agreement are freely and voluntarily given, without coercion or duress, and that the respondent is fully aware of the implications of the admissions and agreement on his or her ability to practice law in Ohio.

(e) That the respondent understands that the Supreme Court of Ohio has the final authority to determine the appropriate sanction for the misconduct admitted by the respondent.

(B) Filing and Consideration of the Agreement. The agreement shall be filed with the director of the Board and submitted to the hearing panel or a master. Relator and respondent may file a brief in support of the agreement. If the hearing panel, by majority vote, or master recommends acceptance of the agreement and concurs in the agreed sanction, the matter shall be scheduled for consideration by the Board. If the agreement is not accepted by the hearing panel or master, the matter shall be set for hearing.

(C) Board Consideration of the Agreement. If the agreement is submitted to the Board, the Board, by majority vote, may accept or reject the agreement. If the Board accepts the agreement, the agreement shall form the basis for the certified report submitted to the Supreme Court. If the Board rejects the agreement, the matter shall be returned to the hearing panel and set for a hearing.

(D) Rejected Agreement Not Admissible. If the agreement is not accepted by the hearing panel, the Board, or the Supreme Court, the agreement shall not be admissible or otherwise used in subsequent disciplinary proceedings.

Section 17. Supreme Court Review of Certified Report; Orders; Costs; Publication.

(A) Show Cause Order. Upon receipt of a final report of the Board, the Supreme Court shall issue the respondent an order to show cause why the report of the Board shall not be confirmed and a disciplinary order entered. Notice of the order to show cause shall be served by the clerk of the Supreme Court on the respondent and all counsel of record personally or by certified mail. The clerk shall not issue a show cause order upon receipt of a report recommending the acceptance of a consent to discipline agreement.

(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 a disciplinary 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 director of the Board and all counsel of record. Objections and briefs shall be filed in the number and form required by the Rules of Practice of the Supreme Court of Ohio.

(C) Answer Briefs. Answer briefs and proof of service shall be filed within fifteen days after briefs in support of objections have been filed. All briefs shall be filed in the number and form required by the Rules of Practice of the Supreme Court of Ohio.

(D) Supreme Court Proceedings. After consideration of a matter submitted to it, the Supreme Court shall enter an order as it finds proper. If the Court rejects a consent to discipline agreement submitted pursuant to Section 16 of this rule, the Court shall remand the matter to the Board for further proceedings. Unless otherwise ordered by the Court, any disciplinary order or order accepting resignation shall be effective on the date that the order is announced. The order may provide for reimbursement of costs and expenses certified by the Board. An order imposing a suspension for an indefinite period or for a period of six months to two years may allow full or partial credit for any period of suspension imposed under Section 18 of this rule.

(1) Notice. Upon the entry of any disciplinary order pursuant to this rule or the acceptance of a resignation from the practice of law, the clerk of the Supreme Court shall mail certified copies of the entry or acceptance to counsel of record, to the Board, to respondent at his or her last known address, to the Office of Disciplinary Counsel, to the certified grievance committee for and the local bar association of the county or counties in which the respondent resides and maintains an office and the county or counties from which the complaint arose, to the Ohio State Bar Association, to the administrative judge of the court of common pleas for each county in which the respondent resides or maintains an office, and to the chief judges of the United States District Courts in Ohio, the United States Court of Appeals for the Sixth Circuit, to the disciplinary authority of any other jurisdiction in which the respondent is known to be admitted, and to the Supreme Court of the United States.

(2) Publication. Except as provided in Section 15 of this rule, the Supreme Court Reporter shall publish any disciplinary order or acceptance of a resignation from the practice of law entered by the Supreme Court under this rule in the *Ohio Official Reports*. The publication shall include the citation of the case in which the disciplinary order or the acceptance of a resignation was issued.

Section 18. Interim Suspension for a Felony Conviction or Default Under a Child Support Order.

(A)(1) Interim Suspension. A judicial officer or an attorney admitted to the practice of law in Ohio shall be subject to an interim suspension under either of the following circumstances:

(a) The judicial officer or attorney is convicted in Ohio of a felony or of an equivalent offense under the laws of any other state or federal jurisdiction;

(b) A final and enforceable determination has been made pursuant to Chapter 3123. of the Revised Code that the judicial officer or attorney is in default under a child support order.

(2) A certified copy of the entry of conviction of a judicial officer or an attorney of a felony offense shall be transmitted within ten days of the date of the entry by the judge entering the judgment to the director of the Board and to the Office of Disciplinary Counsel or the president, secretary, or chair of the geographically appropriate certified grievance committee. A certified copy of the court or child support enforcement agency determination that a judicial officer or attorney is in default under a child support order shall be transmitted as provided in R.C. 4705.021.

(3) Upon receipt from any source of a certified copy of the entry of conviction or of the determination of default under a child support order, the director promptly shall submit the entry or determination to the Supreme Court. The entry shall be submitted whether the conviction resulted from a plea of guilty or nolo contendere, from a verdict after trial, or otherwise and regardless of the pendency of an appeal.

(4) The Supreme Court may enter an order as it considers appropriate, including an order immediately suspending the judicial officer or attorney from the practice of law pending further proceedings pursuant to these rules.

(B) Conclusive Evidence. A certified copy of the entry of conviction of an offense or of a determination of default under a child support order shall be conclusive evidence of the commission of that offense or of the default in any disciplinary proceedings instituted against a judicial officer or an attorney based upon the conviction or default.

(C) Time for Hearing. Any disciplinary proceeding instituted against a judicial officer or an attorney based on a conviction of an offense or on default under a child support order shall not be brought to hearing until all direct appeals from the conviction or proceedings directly related to the default determination are concluded.

(D)(1) Reinstatement. A judicial officer or an attorney suspended under this rule or Rule II of the Supreme Court Rules for the Government of the Judiciary of Ohio shall be reinstated by the Supreme Court upon the filing with and submission to the Supreme Court by the director of any of the following:

(a) A certified copy of an entry reversing the conviction of the offense;

(b) A certified copy of an entry reversing the determination of default under a child support order;

(c) A notice from a court or child support enforcement agency that the judicial officer or attorney is no longer in default under a child support order or is subject to a withholding or deduction notice or a new or modified child support order to collect current support or any arrearage due under the child support order that was in default and is complying with that notice or order.

(2) Reinstatement shall not terminate any pending disciplinary proceeding.

(E) Duty of Clerk on Entering Order. Upon the entry of an order suspending or reinstating a judicial officer or an attorney pursuant to this section, the clerk of the Supreme Court shall mail certified copies of the order as provided in Section 17 of this rule.

Section 19. Interim Remedial Suspension.

(A)(1) Motion; Response. Upon receipt of substantial, credible evidence demonstrating that a judicial officer or attorney has committed a violation of the Code of Judicial Conduct or Ohio Rules of Professional Conduct and poses a substantial threat of serious harm to the public, the Office of Disciplinary Counsel or appropriate certified grievance committee shall do both of the following:

(a) Prior to filing a motion for an interim remedial suspension, make a reasonable attempt to provide the judicial officer or attorney with notice, which may include notice by telephone, that a motion requesting an order for an interim remedial suspension will be filed with the Supreme Court.

(b) File a motion with the Supreme Court requesting that the Court order an interim remedial suspension. The Office of Disciplinary Counsel or appropriate certified grievance committee shall include, in its motion, proposed findings of fact, proposed conclusions of law, and other information in support of the requested order. Evidence relevant to the requested order shall be attached to or filed with the motion. The motion may include a request for an immediate, interim remedial suspension pursuant to the Rules of Practice of the Supreme Court of Ohio. The motion shall include a certificate detailing the attempts made by the relator to provide advance notice to the respondent of the relator's intent to file the motion. The motion also shall include a certificate of service on the respondent at the most recent address provided by the respondent to the Office of Attorney Services and at the last address of the respondent known to the relator, if different.

(2) After the filing of a motion for an interim remedial suspension, the respondent may file a memorandum opposing the motion in accordance with the Rules of Practice of the Supreme Court of Ohio. The respondent shall attach to or file with the memorandum any rebuttal evidence.

(B) Order. Upon consideration of the motion and any memorandum opposing the motion, the Supreme Court may enter an interim remedial order immediately suspending the respondent, pending final disposition of disciplinary proceedings predicated on the conduct threatening the serious harm or may order other action as the Court considers appropriate. If requested by the relator, the Supreme Court may order an immediate interim remedial suspension, prior to receipt of a memorandum opposing the relator's motion, pursuant to the Rules of Practice of the Supreme Court of Ohio. If an order is entered pursuant to this division, an attorney may be appointed pursuant to Section 26 of this rule to protect the interest of the suspended attorney's clients.

(C)(1) Motion for Dissolution or Modification of the Suspension. The respondent may request dissolution or modification of the order of suspension by filing a motion with the Supreme Court. The motion shall be filed within thirty days of entry of the order imposing the suspension,

unless the respondent first obtains leave of the Supreme Court to file a motion beyond that time. The motion shall include a statement and all available evidence as to why the respondent no longer poses a substantial threat of serious harm to the public. A copy of the motion shall be served by the respondent on the relator. The relator shall have ten days from the date the motion is filed to file a response to the motion. The Supreme Court promptly shall review the motion after a response has been filed or after the time for filing a response has passed.

(2) In addition to the motion allowed by division (C)(1) of this section, the respondent may file a motion requesting dissolution of the interim remedial suspension order, alleging that one hundred eighty days have elapsed since the entry of the order and the relator has failed to file with the Board a formal complaint predicated on the conduct that was the basis of the order. A copy of the motion shall be served by the respondent on the relator. The relator shall have ten days from the date the motion is filed to file a response to the motion. The Supreme Court promptly shall review the motion after a response has been filed or after the time for filing a response has passed.

(D) Procedure. The Rules of Practice of the Supreme Court of Ohio shall apply to interim remedial suspension proceedings filed pursuant to this section.

(E) Duty of Clerk on Entering Order. Upon the entry of an order suspending or reinstating the respondent pursuant to this section, the clerk of the Supreme Court shall mail certified copies of the order as provided in Section 17 of this rule.

Section 20. Reciprocal Discipline.

(A) Notification of Disciplinary Action. Within thirty days of the issuance of a disciplinary order in another jurisdiction, an attorney admitted to the practice of law in Ohio shall provide written notification to the Office of Disciplinary Counsel and the clerk of the Supreme Court of the action. Upon receiving notice from the attorney or another party that an attorney admitted to the practice of law in Ohio has been subjected to discipline in another jurisdiction, the Office of Disciplinary Counsel shall obtain a certified copy of the disciplinary order and file the copy with the clerk of the Supreme Court.

(B)(1) Show Cause Order. Upon receipt of a certified copy of an order demonstrating that an attorney admitted to the practice of law in Ohio has been subjected to discipline in another jurisdiction, the Supreme Court shall issue a notice directed to the attorney containing both of the following:

(a) A copy of the order from the other jurisdiction;

(b) An order directing that the attorney notify the Supreme Court, within twenty days from the service of notice, of any claim by the attorney predicated upon the grounds set forth in division (C)(1) of this section that the imposition of the identical or comparable discipline in Ohio would be unwarranted and the reasons for that claim.

(2) If the attorney files a response to a show cause order, Office of Disciplinary Counsel or a certified grievance committee may file a reply to the response within fifteen days.

(C) Disposition.

(1) After service of the notice issued pursuant to division (B)(1) of this section, the Supreme Court shall impose the identical or comparable discipline imposed in the other jurisdiction, unless the attorney proves either of the following by clear and convincing evidence:

(a) A lack of jurisdiction or fraud in the other jurisdiction's disciplinary proceeding;

(b) That the misconduct established warrants substantially different discipline in Ohio.

(2) Reciprocal discipline may be imposed even if the term of the attorney's discipline in the other jurisdiction has expired. In determining whether to impose reciprocal discipline after the attorney's discipline in the other jurisdiction has expired, the Supreme Court may consider whether the attorney provided timely written notification pursuant to division (A) of this section and, if the attorney delayed in providing written notification, whether the delay in notification was caused by factors beyond the attorney's control.

(3) Reciprocal discipline shall be effective on the date it is announced by the Supreme Court.

(D) Res Judicata. In all other respects, a final adjudication in another jurisdiction that an attorney has been subjected to discipline shall establish conclusively the misconduct for purposes of a disciplinary proceeding in Ohio.

(E) Enhancement of Sanction. If an attorney fails to report to the Office of Disciplinary Counsel and to the clerk of the Supreme Court that he or she has been subjected to discipline in another jurisdiction, the Supreme Court may enhance the sanction that it would have imposed had the attorney complied with division (A) of this section.

(F) Court Discretion. The Supreme Court may make its determination under this section from the pleadings filed, or may permit or require briefs or a hearing or both.

Section 21. Probation Procedures.

(A) Supervision. If the disciplinary order entered by the Supreme Court imposes a term of probation, the relator shall do all of the following:

(1) Supervise the term and conditions of probation;

(2) Maintain the probation file;

(3) Appoint, in any manner it considers appropriate, one or more monitoring attorneys who are admitted to the practice of law in Ohio and in good standing and are not members of a

certified grievance committee or counsel for the relator and select one or more replacement monitoring attorneys, if necessary;

(4) Receive reports from the monitoring attorneys;

(5) Investigate reports of probation violations.

(6) If the probation involves recovery from a disorder, select as one of the monitoring attorneys a person designated by a committee or subcommittee of a bar association, or by a non-profit corporation established by a bar association, designed to assist lawyers with disorders, which person shall satisfy the requirements of division (A)(3) of this section and who shall monitor compliance with only that portion of the term of probation involving recovery from a disorder.

(B) Monitoring. The monitoring attorney shall, with respect to those aspects of the terms of probation assigned to that attorney, do all of the following:

(1) Monitor compliance by the respondent with the conditions of probation imposed by the Supreme Court;

(2) File with the relator, at least quarterly or as otherwise determined by the relator, written, certified reports regarding the status of the respondent and compliance with the conditions of probation;

(3) Immediately report to the relator any violations by the respondent of the conditions of probation.

(C) Duties of Respondent. The respondent shall do all of the following:

(1) Have a personal meeting with the monitoring attorneys at least once each month during the first year of probation, and at least quarterly thereafter, unless the monitoring attorneys require more frequent meetings;

(2) Provide the monitoring attorneys with a written release or waiver, on a form approved by the Board, for use in verifying compliance regarding medical, psychological, or other treatment and attendance at self-help programs;

(3) Cooperate fully with the efforts of each monitoring attorney to monitor the respondent's compliance.

(D) Termination of Probation. At the expiration of the probation period, the respondent shall apply for termination of probation. The application shall be in writing and filed with the clerk of the Supreme Court. The application shall indicate the date probation was ordered, include an affidavit by respondent stating that the respondent has complied with the conditions of probation, indicate whether any formal disciplinary proceedings are pending against the respondent, and request termination of probation. The Supreme Court shall order the termination of probation if all costs of the proceedings as ordered by the Supreme Court have been paid, the

respondent has complied with the conditions of probation, and no formal disciplinary proceedings are pending against the respondent. The clerk of the Supreme Court shall provide notice of the termination of probation to all persons and organizations who received copies of the disciplinary order pursuant to Section 17 of this rule.

(E) Violation of Probation; Authority and Duty of Relator. The relator immediately shall investigate any report of a violation of the conditions of probation by the respondent. If it finds probable cause to believe that a significant or continuing violation of the conditions of probation has occurred, it shall notify the respondent of the report of probation violation and provide an opportunity to respond to the report. Thereafter, if warranted, the relator shall file a petition for the revocation of probation, reinstatement of any stayed suspension, and citation for contempt with the director of the Board within thirty days after its receipt of the report, in the same manner as provided in Section 10 of this rule. If, upon investigation of a report of a violation of probation, the relator determines that the filing of a petition for revocation of probation with the director of the Board is not warranted, the person reporting the alleged violation of probation shall be notified in writing of that determination.

(F) Duty of the Board upon Filing of Petition. Upon receipt of a petition for revocation of probation, the director of the Board shall send a copy of the petition by certified mail to the respondent with a notice requiring the respondent to file, within ten days after the mailing of the notice, six copies of the respondent's answer and serve copies on counsel of record. Extensions of time for the filing of the answer may be granted by the director of the Board for good cause shown.

(G) Hearing by Panel; Motion for Default.

(1) After the respondent has filed an answer, a formal hearing shall be held by a panel of three commissioners appointed in the same manner as provided in Section 12 of this rule. The panel shall conduct a hearing only on the issue of probation violation within thirty days after the answer date set forth in the notice to the respondent of the filing of the petition or any extension of the answer date.

(2) If no answer has been filed by the respondent within ten days after the answer date set forth in the notice to the respondent of the filing of the petition or any extension of the answer date, relator shall file a motion for default in accordance with Section 14 of this rule. If a motion for default is granted, the panel forthwith shall make its certified report to the Supreme Court, pursuant to division (H) of this section.

(H) Certification of Panel Report. If the panel determines by clear and convincing evidence that the respondent is guilty of a significant or continuing violation of the conditions of probation, the panel shall make a certified report of the proceedings before it, including findings of fact and recommendations, and shall file the report, together with the transcript of testimony taken or, in the case of a default, the documentary evidence received, and an itemized statement of the actual and necessary expenses incurred in connection with the proceedings, with the clerk of the Supreme Court. The panel promptly shall notify the respondent and all counsel of record of its action, enclosing with the notice a copy of the findings of fact and recommendations and a

copy of the statement of the actual and necessary expenses incurred. If the panel finds that the evidence is insufficient to support a charge of a violation of probation, the panel shall order that the petition for revocation of probation be dismissed. The panel shall report its action to the director of the Board who shall give written notice of the action taken to those persons and organizations identified in Section 12 of this rule.

(I) Reinstatement of Stayed Suspension. On the filing of the final certified report by the panel, the Supreme Court may issue to the respondent an order reinstating any period of suspension previously stayed by the Supreme Court, pending the entry of a final order by the Supreme Court. Notice of an order reinstating any period of suspension previously stayed shall be served personally or by certified mail by the clerk of the Supreme Court on the respondent and all counsel of record.

(J) Show Cause Order; Objections; Answer Briefs. On the filing of the final certified report of the panel, the Supreme Court shall issue to the respondent an order to show cause in accordance with Section 17 of this rule. Any response or objections to the order to show cause, and any answer briefs, shall be filed in accordance with Section 17 of this rule.

(K) Review by Court. After a hearing on objections, or if objections are not filed within the prescribed time, the Supreme Court shall enter an order as it finds proper in accordance with Section 17 of this rule. If the Supreme Court finds that the respondent has not violated the conditions of probation, the Supreme Court shall issue an order that does all of the following:

(1) Dismisses the matter;

(2) Reinstates the respondent to the practice of law, if the Supreme Court suspended the respondent pursuant to division (I) of this section;

(3) Reinstates any remaining period of probation, subject to any full or partial credit allowed by the Supreme Court for any period of suspension imposed under division (I) of this section.

(L) Reimbursement of Expenses. A monitoring attorney may be reimbursed from the Attorney Services Fund for direct expenses incurred by the monitoring attorney in performing the obligations imposed on the monitoring attorney by this section. Reimbursement shall be limited to necessary costs for copies of documents, travel expenses, postage, and long distance telephone charges. No reimbursement shall be allowed for the cost of the time of the monitoring attorney or other personnel in discharging these obligations. Reimbursement shall be made on submission to the director of the Board of proof of expenditures.

Section 22. Duties of a Disbarred or Suspended Attorney.

(A) Content of Supreme Court Order. In its order disbarring or suspending an attorney or in any order pertaining to the resignation of an attorney, the Supreme Court shall include a time limit, not to exceed thirty days, within which the disqualified attorney shall do all of the following:

(1) Notify all clients being represented in pending matters and any co-counsel of his or her disbarment, suspension, or resignation and consequent disqualification to act as an attorney after the effective date of the order, and, in the absence of co-counsel, notify the clients to seek legal service elsewhere, calling attention to any urgency in seeking the substitution of another attorney in his or her place;

(2) Regardless of any fees or expenses due the attorney, deliver to all clients being represented in pending matters any papers or other property pertaining to the client, or notify the clients or co-counsel, if any, of a suitable time and place where the papers or other property may be obtained, calling attention to any urgency for obtaining the papers or other property;

(3) Refund any part of any fees or expenses paid in advance that are unearned or not paid and account for any trust money or property in his or her possession or control;

(4) Notify opposing counsel or, in the absence of counsel, the adverse parties in pending litigation, of his or her disqualification or resignation to act as an attorney after the effective date of the disqualification order and file a notice of disqualification of counsel with the court or agency before which the litigation is pending for inclusion in the respective file or files.

(B) Disqualified Attorney Address. All notices required by a disciplinary order of the Supreme Court shall be sent by certified mail and contain a return address where communications may be directed to the disqualified attorney.

(C) Affidavit. Within the time limit prescribed by the Supreme Court, the disqualified attorney shall file with the clerk of the Supreme Court and the Office of Disciplinary Counsel an affidavit showing compliance with the order entered pursuant to this rule and proof of service of notices required by the order. The affidavit also shall set forth the address where the affiant may receive communications and the disqualified attorney shall inform the clerk and the Office of Disciplinary Counsel of any subsequent change in address.

(D) Proof of Compliance. A disqualified attorney shall maintain a record of the various steps taken pursuant to the order entered by the Supreme Court so that, in any subsequent proceeding, proof of compliance with the order will be available for receipt in evidence.

Section 23. Employment of a Disqualified or Suspended Attorney.

(A) General Prohibitions. A disqualified or suspended attorney shall not do either of the following:

(1) Have any direct client contact, other than serving as an observer in any meeting, hearing or interaction between an attorney and a client;

(2) Receive, disburse, or otherwise handle client trust funds or property.

(B) Prohibited Relationships. On or after September 1, 2008, a disqualified attorney shall not enter into an employment, contractual, or consulting relationship with an attorney or law firm with which the disqualified attorney was associated as a partner, shareholder, member, or employee at the time the attorney engaged in misconduct that resulted in his or her disqualification from the practice of law.

(C) Registration of Relationship. An attorney or law firm seeking to enter into an employment, contractual, or consulting relationship with a disqualified or suspended attorney shall register the employment, contractual, or consulting relationship with the Office of Disciplinary Counsel. The registration shall be on a form provided by the Office of Disciplinary Counsel and shall include all of the following:

(1) The name of and contact information for the disqualified or suspended attorney;

(2) The name of and contact information for the attorney or law firm seeking to enter into the relationship with the disqualified or suspended attorney;

(3) The name of and contact information for the attorney responsible for directly supervising the disqualified or suspended attorney, if different than the attorney identified in division (C)(2) of this section;

(4) The capacity in which the disqualified or suspended attorney will be employed, including a description of duties to be performed or services to be provided;

(5) An affidavit executed by either the attorney filing the registration or the supervising attorney indicating that the attorney has read the Supreme Court's order disbarring, accepting the resignation of, or suspending the attorney to be employed and understands the limitations contained in that order;

(6) Any other information considered necessary by the Office of Disciplinary Counsel.

(D) Written Acknowledgement. Upon receipt of a completed registration form, the Office of Disciplinary Counsel shall send a written acknowledgement to the attorney or law firm that filed the registration form and any supervising attorney identified on the form. Upon receipt of the written acknowledgement, the employment, contractual, or consulting relationship may commence.

(E) Amendments to Registration. An attorney who registers the employment of a disqualified or suspended attorney shall file an amended registration form with the Office of Disciplinary Counsel when there is any material change in the information provided on a prior registration form and shall notify the Office of Disciplinary Counsel upon termination of the employment, contractual, or consulting relationship.

(F) Notice to Clients. If a disqualified or suspended attorney will perform work or provide services in connection with any client matter, the employing attorney or law firm shall inform the client of the status of the disqualified or suspended attorney. The notice shall be in

writing and provided to the client before the disqualified or suspended attorney performs any work or provides any services in connection with the client matter.

Section 24. Reinstatement Proceedings; Term or Interim Suspension.

(A) Application for Reinstatement. Upon the dissolution of an interim remedial suspension imposed pursuant to Section 19 of this rule or expiration of a suspension for a period of six months to two years, including any period that the order of the Supreme Court has allowed as a credit for a suspension imposed under Section 18 of this rule, the respondent may apply for reinstatement to the practice of law.

(B) Contents of Application. The application shall be in writing and filed with the clerk of the Supreme Court with the number of copies required by the Rules of Practice of the Supreme Court of Ohio. The application shall include the date the suspension was ordered and a request for reinstatement. The application shall be accompanied by an affidavit executed by the respondent indicating all of the following:

(1) Whether any formal disciplinary proceedings are pending against the respondent;

(2) Whether the respondent has completed a term of probation, community control, intervention in lieu of conviction, or any sanction imposed as part of a sentence for a felony conviction;

(3) Whether the respondent has complied with the continuing legal education requirements of Gov. Bar R. X.

(C) Requisites for Reinstatement. The Supreme Court shall order the respondent reinstated if all of the following conditions are satisfied:

(1) All costs of the proceedings as ordered by the Supreme Court have been paid;

(2) The respondent has complied with the order of suspension;

(3) The respondent has complied with the continuing legal education requirements of Gov. Bar R. X;

(4) No formal disciplinary proceedings are pending against the respondent;

(5) The respondent has completed a term of probation, community control, intervention in lieu of conviction, or any sanction imposed as part of a sentence for a felony conviction.

(D) Reinstatement Prior to Completion of Probation or Other Sanction. Notwithstanding the requirement of division (C)(5) of this section, the respondent may apply for reinstatement prior to completing a term of probation, community control, intervention in lieu of conviction, or sanction imposed as part of a sentence for a felony conviction if the disciplinary order issued pursuant to Section 17 authorizes such an application. If an application is authorized,

the application shall be in the form and content specified in division (A) of this section and shall include an affidavit from the trial judge, dated not more than thirty days prior to the date the application is filed, as evidence that the respondent is in compliance with the terms and conditions of probation, community control, intervention in lieu of conviction, or sanction imposed as part of a sentence for a felony conviction.

(E) Notice. The clerk of the Supreme Court shall provide notice of the reinstatement to all persons or organizations who received copies of the Supreme Court disciplinary order of suspension pursuant to Section 17 of this rule.

Section 25. Reinstatement Proceedings; Indefinite Suspension.

(A) Petition for Reinstatement. No petition for reinstatement to the practice of law may be filed or entertained by the Supreme Court within two years of either of the following:

(1) The entry of an order suspending the petitioner from the practice of law for an indefinite period, including any period that the order of the Supreme Court imposing the suspension has allowed as a credit for a suspension imposed under Section 18 of this rule;

(2) The denial of a petition for reinstatement to the practice of law filed by the petitioner.

(B) Contents of Petition for Reinstatement. Except as provided in division (A) of this section, a person who has been suspended from the practice of law for an indefinite period and who wishes to be reinstated may file with the clerk of the Supreme Court a verified petition and the number of copies of the petition as required by the Rules of Practice of the Supreme Court of Ohio. The petition shall include all of the following:

(1) The date on which the suspension was ordered and, if there was a reported opinion, a citation to the opinion;

(2) The dates on which all prior petitions for reinstatement were filed and denied or granted;

(3) The names of all persons and organizations, except the petitioner and the Board, who were or would be entitled under this rule to receive from the clerk of the Supreme Court certified copies of the disciplinary order of the Supreme Court against petitioner resulting in his or her suspension, the name of the bar association of the county or counties in which he or she resides at the time of the filing of the petition and of each county in which he or she proposes to maintain an office if reinstated, and the Ohio State Bar Association;

(4) An affidavit executed by the petitioner indicating whether the petitioner has any formal disciplinary proceedings pending, has complied with the continuing legal education requirements of Gov. Bar R. X, and has completed a term of probation, community control, intervention in lieu of conviction, or any sanction imposed as part of a sentence for a felony conviction;

(5) The facts upon which the petitioner relies to establish by clear and convincing evidence that he or she possesses all the mental, educational, and moral qualifications that were required of an applicant for admission to the practice of law in Ohio at the time of his or her original admission and that he or she is now a proper person to be readmitted to the practice of law in Ohio, notwithstanding the previous disciplinary action.

(C) Costs to be Deposited with Petition for Reinstatement. A petition for reinstatement shall be accompanied by a deposit, in an amount fixed by the clerk, for probable costs and expenses to be incurred in connection with the proceedings. The costs shall include any amounts unpaid under any prior order of the Supreme Court and any amounts owed to the Lawyers' Fund for Client Protection for reimbursement of an award made pursuant to Gov. Bar R. VIII as the result of petitioner's misconduct.

(D)(1) Requisites for Reinstatement. The petitioner shall not be reinstated unless he or she establishes all of the following by clear and convincing evidence to the satisfaction of the panel hearing the petition for reinstatement:

(a) That the petitioner has made appropriate restitution to the persons who were harmed by his or her misconduct;

(b) That the petitioner possesses all of the mental, educational, and moral qualifications that were required of an applicant for admission to the practice of law in Ohio at the time of his or her original admission;

(c) That the petitioner has complied with the order of suspension;

(d) That the petitioner has complied with the continuing legal education requirements of Gov. Bar R. X;

(e) That the petitioner has completed a term of probation, community control, intervention in lieu of conviction, or any sanction imposed as part of a sentence for a felony conviction;

(f) That the petitioner is now a proper person to be readmitted to the practice of law in Ohio, notwithstanding the previous disciplinary action.

(2) Notwithstanding provisions of this section to the contrary, the petitioner may file and the Board may consider a reinstatement petition from a petitioner prior to completing a term of probation, community control, intervention in lieu of conviction, or any sanction imposed as part of a sentence for a felony conviction. In addition to the requirements of division (B) of this section, the reinstatement petition shall include an affidavit from the trial judge, dated not more than thirty days prior to the date the petition is filed, as evidence that the respondent is in compliance with the terms and conditions of probation, community control, intervention in lieu of conviction, or sanction imposed as part of a sentence for a felony conviction and shall include the facts upon which the petitioner relies to establish by clear and convincing evidence that the

petitioner should be reinstated to the practice of law in Ohio while subject to a term of probation, community control, intervention in lieu of conviction, or sanction imposed as part of a sentence for a felony conviction. The Board shall not recommend reinstatement of the petitioner unless it finds by clear and convincing evidence that good cause exists for waiving the reinstatement requirement of division (D)(1)(e) of this section and details that finding in its final report.

(E) Petition for Reinstatement Referred to Board. Unless denied forthwith for insufficiency in form or substance, the clerk shall forward five copies of the petition to the director of the Board. The Board shall conduct a hearing or hearings and take and report evidence relevant to the rehabilitation of the petitioner and his or her possession of all the mental, educational, and moral qualifications required of an applicant for admission to the practice of law in Ohio at the time of his or her original admission.

(F) Hearing of Petition; Appeal.

(1) Appointment of Panel. The director, by lot, shall appoint a hearing panel of three commissioners, none of whom shall be a resident of the appellate district in which the petitioner resides or of the appellate district in which the petitioner resided at the time of suspension. The director shall appoint an attorney or judge commissioner as chair of the panel, and the panel shall conduct a hearing on the petition.

(2) Notice; Hearing. The Board shall provide reasonable notice of any hearing to the petitioner or counsel for the petitioner and to all persons or organizations referred to in division (B)(3) of this section. Hearings shall be public and any interested person, member of the bar, and the Office of Disciplinary Counsel may appear before the hearing panel in support of or opposition to the petition.

(3) Referral to Disciplinary Counsel. If a certified grievance committee of a bar association referred to in division (B)(3) of this section determines that matters relating to petitioner's qualifications for reinstatement are sufficiently serious and complex as to require the assistance of Office of Disciplinary Counsel, the chair of the committee shall direct a written request for assistance to the Office of Disciplinary Counsel. The Office of Disciplinary Counsel shall investigate all referred matters and report the results of the investigation to the committee that requested it.

(4) Panel Report. The hearing panel shall make and certify a report to the Board of the proceedings before it, including its findings of fact and recommendations. All proceedings before the panel and the Board, whenever appropriate, shall be governed by the provisions of this rule governing disciplinary proceedings, including proceedings in the Supreme Court for an issuance of an order to show cause why the final report of the Board should not be confirmed.

(5) Conditional Grant; Denial; Appeal. The Board may recommend that the petitioner be required to take and pass a regular bar examination of the Supreme Court as a condition to readmission. If the final report recommends denial of the petition, the petitioner shall have twenty days from receipt of notice of the date of filing the report to file objections and a brief in support of the objections.

(6) Grant of Petition; Appeal. If the final report recommends granting the petition, any person or organization referred to in division (B)(3) of this section shall have twenty days from the receipt of notice of filing of the report to file objections to the recommendations and a brief in support of the objections. The Supreme Court shall enter an appropriate order that may include provisions for reimbursement of the costs and expenses incurred in connection with the proceedings. The order of reinstatement may be subject to conditions the Supreme Court considers appropriate including, but not limited to, requiring the petitioner to serve a period of probation under Section 21 of this rule on conditions the Supreme Court determines and requiring the petitioner to subsequently take and pass a regular bar examination of the Supreme Court and take the oath of office.

Section 26. Appointed Attorney to Inventory Files.

(A) Appointment. When an attorney dies, is suspended pursuant to Section 15 of this rule, fails to comply with Section 22 of this rule, or otherwise abandons his or her client files and no partner, executor, or other responsible party capable of conducting the attorney's affairs is available and willing to assume appropriate responsibility, disciplinary counsel or the chair of a certified grievance committee may appoint one or more attorneys to inventory the files of an attorney and take action, including the actions set forth in Section 22, as is necessary to protect the interest of clients of the attorney. An attorney is considered to have abandoned client files if the attorney has had no contact with the files or has not responded to inquiries about the files and either is incapacitated, has disappeared and, through reasonable efforts, cannot be found or contacted, or has been deported.

(B) Request for Appointment. Prior to making an appointment pursuant to division (A) of this section, the chair of a certified grievance committee shall submit a written request to the director of the Board for approval of the appointment and the fees to be charged by the appointed attorney. The appointed attorney shall submit an invoice, signed by the chair of the certified grievance committee, to the director of the Board for payment of fees. Upon receipt of a proper invoice, the director shall pay the fees from the Attorney Services Fund.

(C) Recovery of Costs. If the attorney whose files are inventoried has been disciplined or has resigned with discipline pending, the director or disciplinary counsel may certify the fees and expenses incurred in connection with the inventory to the Supreme Court and request that the Court issue an order directing the attorney to repay the fees and expenses incurred. If the attorney whose files are inventoried has died, the director or disciplinary counsel may file a claim, with the assistance of the Attorney General, against the estate of the deceased attorney to recover the fees and expenses incurred in connection with the inventory. Any moneys repaid or recovered pursuant to this division shall be deposited in the Attorney Services Fund.

(D) Confidentiality; Disqualification. Except as necessary to carry out the order of appointment by disciplinary counsel or chair of a certified grievance committee, the appointed attorney or attorneys shall not disclose any information contained in inventoried files without the written consent of the client to whom the files relate. An appointed attorney may not represent that client.

(E) Destruction of Inventoried Files. Seven years after completing an inventory of abandoned files, the Office of Disciplinary Counsel or a certified grievance committee may destroy abandoned files other than original legal documents such as deeds or unprobated wills. Before destroying any abandoned files, the Office of Disciplinary Counsel or a certified grievance committee shall make a reasonable effort to return files to the clients. File destruction shall be conducted in a manner that protects client confidentiality.

Section 27. Applicability of Rules; Special Service; Construction of Rule.

(A) Applicability of Rules. The Board and hearing panels shall follow the Ohio Rules of Civil Procedure and the Ohio Rules of Evidence wherever practicable unless a specific provision of this rule or Board hearing procedures and guidelines provides otherwise.

(B) Clerk is Agent for Service of Notices on Nonresident Judicial Officer or Attorney. Any nonresident of this state, having been admitted as an attorney by the rules of the Supreme Court, or any resident of this state, having been admitted as an attorney by the rules of the Supreme Court, who subsequently becomes a nonresident or conceals his or her whereabouts, by such admission to the practice of law within this state makes the clerk of the Supreme Court his or her agent for the service of any notice provided for in any proceeding instituted against such judicial officer or attorney, pursuant to this rule.

(C) Rule to be Liberally Construed. The process and procedure under this rule and regulations approved by the Supreme Court shall be as summary as reasonably may be. Amendments to any notice, answer, objections, report, or order to show cause may be made at any time prior to final order of the Supreme Court. The party affected by an amendment shall be given reasonable opportunity to meet any new matter presented. No investigation or procedure shall be held to be invalid by reason of any nonprejudicial irregularity or for any error not resulting in a miscarriage of justice. This rule and regulations relating to investigation and proceedings involving complaints of misconduct and petitions for reinstatement shall be construed liberally for the protection of the public, the courts, and the legal profession and shall apply to all pending investigations and complaints so far as may be practicable and to all future investigations, complaints, and petitions whether the conduct involved occurred prior or subsequent to the amendment of this rule. To the extent that application of this amended rule to pending proceedings may not be practicable, the regulations in force at the time this amended rule became effective shall continue to apply.

Sections 28-34. RESERVED

Section 35. Definitions.

As used in this rule:

(A) "Alcohol and other drug abuse" has the same meaning as in R.C. 5119.90 [Involuntary Treatment].

(B) "Approved treatment program" means a chemical dependency treatment program approved by a state agency, Ohio Lawyers Assistance Program, or other appropriate authority.

(C) "Complaint" means a formal written allegation of misconduct, mental illness, mental disorder, substance use disorder, or nonsubstance-related disorder of a person designated as the respondent.

(D) "Confidential" acknowledges the oath of office of Sections 1, 4, and 5 of this rule, the necessity of confidentiality of all proceedings, documents, and deliberations of a certified grievance committee, the Office of Disciplinary Counsel, and the Board and its hearing panels.

(E) "Disorder" means a mental disorder, substance use disorder, or nonsubstance-related disorder.

(F) "Disqualified attorney" means a former attorney who has been disbarred or who has resigned with discipline pending.

(G) "Judicial officer" means any person who is subject to the Code of Judicial Conduct as set forth in the Application section of that code.

(H) "Mental disorder," "substance use disorder," and "nonsubstance-related disorder" have the same meanings as in the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.

(I) "Mental illness" has the same meaning as in R.C. 5122.01(A) [Mental Illness Adjudication].

(J) "Misconduct" means any violation by a judicial officer or an attorney of any provision of the oath of office taken upon admission to the practice of law in this state or any violation of the Ohio Rules of Professional Conduct or the Code of Judicial Conduct, disobedience of these rules or of the terms of an order imposing probation or a suspension from the practice of law, or the commission of an illegal act or conviction of a crime that reflects adversely on the lawyers' honesty or trustworthiness.

(K) "Probable cause" means there is substantial, credible evidence that misconduct has been committed.

(L) "Qualified health care professional" means an individual who is licensed, certified, or otherwise authorized or permitted by law to provide diagnoses and treatment of disorders and who is acting within the scope of his or her practice;

(M) "Qualified chemical dependency professional" means an individual who is licensed, certified, or otherwise authorized or permitted by law to provide diagnoses and treatment of substance use disorders and is acting within the scope of his or her practice.

[Rule V amended effective October 1, 1986; September 1, 1987; January 1, 1988; March 16, 1988; July 27, 1988; January 1, 1989; October, 11, 1989; November 8, 1989; December 5, 1989; September 1, 1990; July 1, 1992; September 1, 1995; November 1, 1995; July 1, 1996; September 1, 1996; April 21, 1997; October 1, 1997; November 3, 1997; January 20, 1998; November 2, 1998; September 1, 1999; May 8, 2000; May 1, 2001; February 1, 2003; January 12, 2004; February 1, 2007; September 1, 2007; January 1, 2008; April 1, 2008; January 1, 2012; August 1, 2012; January 1. 2013; January 1, 2015; March 1, 2017; November 1, 2018; March 5, 2019.]

RULE VI. REGISTRATION OF ATTORNEYS

Section 1. Definition.

As used in this rule, "tribunal" means a court, legislative body, administrative agency, or other body acting in an adjudicative capacity.

Section 2. Active Attorney Registration.

(A) Except as provided in Section 3 of this rule, each attorney admitted to the practice of law in Ohio shall register with the Office of Attorney Services of the Supreme Court on or before the first day of September in each odd-numbered year by filing a certificate of registration furnished by the office and, except as provided in Section 8(J) of this rule, paying a registration fee of three hundred fifty dollars. An attorney who registers and pays the fee shall be granted active status.

(B) The certificate of registration shall provide for a voluntary fee of $50 for deposit into the Attorney Services Fund and use to fund civil legal aid services for low-income or disadvantaged populations in Ohio.

Section 3. Newly-Admitted Attorney Registration.

(A) Admittance during first twelve months of registration period

Each attorney admitted to the practice of law in Ohio during the first twelve months of a biennial registration period shall register with the Office of Attorney Services on or before the thirtieth day from the date of admission by filing a certificate of registration furnished by the office and, if registering for active status, paying a registration fee of three hundred fifty dollars.

(B) Admittance during second twelve months of registration period

Each attorney admitted to the practice of law in Ohio during the second twelve months of a biennial registration period, but prior to the first day of May of an odd-numbered year, shall register with the Office of Attorney Services on or before the thirtieth day from the date of admission by filing a certificate of registration furnished by the office and, if registering for active status, paying a registration fee of one hundred seventy-five dollars.

(C) Admittance on or after first day of May of odd-numbered year

Each attorney admitted to the practice of law in Ohio on or after the first day of May of an odd-numbered year shall register with the Office of Attorney Services on or before the thirtieth day from the date of admission by filing a certificate of registration furnished by the office, but shall not be required to pay a registration fee.

Section 4. Obligations of Attorney.

(A) Registration requirements

Each attorney admitted to the practice of law in Ohio or registered for corporate status shall keep informed of the registration requirements, deadlines, and fees. An attorney's failure to receive notice that a registration and fee are due or notice of noncompliance shall not affect any action taken under this rule.

(B) Contact information

Each attorney admitted to the practice of law in Ohio or registered for corporate status shall provide the Office of Attorney Services with the attorney's current residence address, office address, office telephone number, and office or residence e-mail address and shall notify the office of any change in the information recorded on the certificate of registration pursuant to Section 2 or 3 of this rule.

(C) Demographic information

For the purpose of compiling demographic data regarding attorneys registered in Ohio, each attorney admitted to the practice of law in Ohio or registered for corporate status shall provide the Office of Attorney Services with additional identifying information, including gender, race, and ethnicity, for the attorney's registration record in the manner required by the office.

(D) Interest-bearing trust account information

(1) For the purpose of compiling information regarding interest-bearing trust accounts established pursuant to R.C. 3953.231 or 4705.09, each attorney shall provide the following information on the certificate of registration filed with the Office of Attorney Services pursuant to Section 2 or 3 of this rule:

(a) The number of each trust or escrow account established by the attorney and the name and location of the financial institution with which each account is established;

(b) If the attorney is affiliated with a law firm, legal professional association, corporation, legal clinic, limited liability company, or limited liability partnership or owns, operates, or owns an interest in a business that provides a law-related service, the number of each trust or escrow account established by the attorney and the name and location of the financial institution with which each account is established;

(c) If the attorney is not required to maintain an interest-bearing trust or escrow account, information as to the basis for the exemption.

(2) The Office of Attorney Services shall forward the information received pursuant to division (D)(1) of this section to the Ohio Access to Justice Foundation, which shall maintain the information consistent with R.C. 4705.10(B) and the rules of the foundation.

Section 5. Inactive Attorney Registration.

(A) Registration

An attorney who is admitted to the practice of law in Ohio may change the attorney's status to inactive by registering as such in a manner authorized by the Office of Attorney Services.

(B) Scope of practice

Until the attorney requests and is granted reinstatement of active status pursuant to Section 2 of this rule, an inactive attorney shall not do any of the following:

(1) Practice law in Ohio;

(2) Hold the attorney's self out as authorized to practice law in Ohio;

(3) Hold nonfederal judicial office in Ohio;

(4) Occupy a nonfederal position in Ohio in which the attorney is called upon to give legal advice or counsel; to examine a law; or to pass upon the legal effect of any act, document, or law;

(5) Be employed in the Ohio judicial system in a position required to be held by an attorney;

(6) Practice before any nonfederal court or agency in Ohio on behalf of any person except the attorney's self.

(C) Obligation to provide and update contact information

An inactive attorney is not required to file a biennial certificate of registration pursuant to Section 2 of this rule, but shall keep the Office of Attorney Services apprised of the attorney's current residence address, office address, office telephone number, and office or residence e-mail address, and notify the office of any change in the information provided on the most recent certificate of registration filed by the attorney pursuant to Section 2 or 3 of this rule.

(D) Law firm letterhead

A law firm may include the name of an inactive attorney on its letterhead if the name was included prior to the time the attorney registered for inactive status, provided the attorney is not suspended from the practice of law and the letterhead includes a designation that the

attorney is "inactive." An inactive attorney shall not be listed as "of counsel" or otherwise be represented as being able to engage in the practice of law.

Section 6. Corporate Counsel Attorney Registration.

(A) Definitions

As used in this section:

(1) "Pro bono legal service" means legal service provided either to a person of limited means or to a charitable organization.

(2) "Qualified employer" means a nongovernmental employer whose business is lawful and consists of activities other than the practice of law or the provision of legal services. "Qualified employer" shall include the employing entity or its organizational affiliates, including entities that control, are controlled by, or are under common control with the employer and the employees, officers, and directors of such entities.

(B) Registration requirement

(1) An attorney who is admitted to the practice of law in another state, the District of Columbia, or a territory of the United States, but not admitted in Ohio, who commences employment as an attorney in Ohio for a qualified employer, and who has a systematic and continuous presence in Ohio as permitted pursuant to Prof.Cond.R. 5.5(d)(1) shall register for corporate counsel status pursuant to division (C) of this section.

(2) An attorney who is admitted to the practice of law in another state, the District of Columbia, or a territory of the United States, but not in Ohio, and who is employed by, associated with, or a partner in a law firm shall not be eligible to register for corporate counsel status pursuant to division (C) of this section. Until the attorney is admitted to the practice of law in Ohio or affirmatively authorized to practice law in Ohio pursuant to a Supreme Court rule or order, the attorney may not practice law in Ohio, hold the attorney's self out as authorized to practice law in Ohio, or practice before any nonfederal court or agency in Ohio on behalf of any person except the attorney's self, unless granted leave by the court or agency. The law firm may include the name of the attorney on its letterhead only if the letterhead includes a designation that the attorney is not admitted in Ohio.

(C) Registration application

An attorney who is required to register for corporate counsel status registration pursuant to division (B)(1) of this section shall file all of the following with the Office of Attorney Services:

(1) An application on a form provided by the office;

(2) A non-refundable application fee of $500;

(3) The certificate of registration required for attorneys pursuant to this rule for the current biennium and each biennia during which the applicant is employed by a qualified employer;

(4) The fee required for Ohio attorneys registering for active status pursuant to Section 2 this rule;

(5) A certificate of good standing, dated no more than sixty days prior to the submission of the application, from each jurisdiction in which the applicant is admitted to the practice of law, including verification the applicant is active and eligible to practice in at least one jurisdiction;

(6) An affidavit from the applicant's qualified employer that does all of the following:

(a) Certifies that it meets the definition of a qualified employer as defined in division (A)(2) of this section;

(b) Attests to the applicant's employment as an attorney by the employer;

(c) Attests that the employment conforms to the requirements of this section;

(d) Confirms the date of commencement of the attorney's employment;

(e) Attests the employer is aware the attorney is not admitted to the practice of law in Ohio.

(7) Any other documents or information as deemed necessary by the office to determine eligibility to register for corporate counsel status pursuant to this section.

(D) Biennial registration

An attorney registered for corporate counsel status under this section shall register biennially with the Office of Attorney Services of the Supreme Court pursuant to this rule and shall be subject to all registration requirements for attorneys, including late registration, suspension, and reinstatement.

(E) Failure to register

An attorney who is admitted to the practice of law in another state, the District of Columbia, or a territory of the United States, but not in Ohio, and who performs legal services in Ohio for a qualified employer, but fails to file an application for corporate counsel status under

this section within one hundred eighty days of commencing employment as an attorney for the qualified employer in compliance with this section or does not qualify to register under this section, shall be referred for investigation of the unauthorized practice of law under Gov. Bar R. VII and, at the discretion of the Chief Justice, may be precluded from applying for admission without examination under Gov. Bar R. I. An attorney who registers within one hundred eighty days of commencing employment pursuant to this section shall not be deemed to have engaged in the unauthorized practice of law pursuant to Gov.Bar R. VII.

(F) Scope of practice

(1) An attorney who is registered for corporate counsel status under this section may perform legal services for the qualified employer, but only on matters directly related to the attorney's work for the qualified employer and only to the extent consistent with Prof.Cond.R. 1.7.

(2) An attorney registered under this section shall not do either of the following:

(a) Appear before a court or any other tribunal in Ohio on behalf of the attorney's employer or any person except for the lawyer's self, except if granted leave by the court or tribunal as provided in Gov. Bar R. XII;

(b) Offer or provide legal services or advice to any person other than as described in division (F)(1) of this section, or hold the attorney's self out as being authorized to practice law in Ohio other than as described in division (F)(1) of this section.

(G) Pro bono legal service

Notwithstanding division (F) of this section, an attorney registered for corporate counsel status under this section may provide pro bono legal service if the legal service is assigned, verified, and reported to the Commission on Continuing Legal Education by any of the following:

(1) An organization receiving funding for pro bono programs or services from the Legal Services Corporation or the Ohio Access to Justice Foundation;

(2) A metropolitan or county bar association;

(3) The Ohio State Bar Association;

(4) The Ohio Access to Justice Foundation;

(5) Any other organization recognized by the Commission pursuant to Gov. Bar R. X, Sec. (5)(H).

(H) Application of rules

(1) An attorney registered for corporate counsel status 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.

(2) Upon admission to the practice of law in Ohio pursuant to Gov. Bar R. I, an attorney registered for corporate counsel shall not be subject to the requirements of this section.

(I) New lawyers training and continuing legal education requirements

An attorney registered for corporate counsel status under this section shall comply with the new lawyers training and continuing legal education requirements of Gov. Bar R. X.

(J) Obligation to provide and update contact information

An attorney registered for corporate counsel status under this section shall provide the Office of Attorney Services with the attorney's current residence address, office address, office telephone number, and office or residence e-mail address and shall notify the office of any change in the information recorded on the certificate of registration pursuant to division (C) of this section.

(K) Obligation to report

An attorney registered for corporate counsel status under this section shall notify the Office of Attorney Services within ten days of any of the following:

(1) Termination of the attorney's employment that was the basis for the attorney's registration as corporate counsel;

(2) Any change in the attorney's license status in another jurisdiction, including the attorney's resignation from the practice of law;

(3) The imposition of any disciplinary finding or sanction in any state, the District of Columbia, or a territory of the United States where the attorney has been admitted to the practice of law.

(L) Termination of registration

The limited authority to practice law of an attorney registered for corporate counsel status under this section shall automatically terminate upon the occurrence of any of the following:

(1) The employment that was the basis for the attorney's registration for corporate counsel terminates;

(2) The attorney ceases to maintain active status in at least one other state or the District of Columbia or a territory of the United States;

(3) The attorney fails to maintain current good standing in at least one other state or the District of Columbia or a territory of the United States in which the attorney is admitted to the practice of law;

(4) The attorney is suspended or disbarred for disciplinary reasons in any state, the District of Columbia, or a territory of the United States or by any federal court or agency in which the attorney has been admitted to the practice of law.

(M) Reinstatement of registration

An attorney registered for corporate counsel status under this section whose registration is terminated pursuant to division (L) of this section may reapply for such status by submitting an application pursuant to division (C) of this section.

Section 7. Military Legal Assistance Attorney Registration.

(A) Registration

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 forces 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 by submitting to the Office of Attorney Services all of the following:

(1) A completed application on a form prescribed by the Office of Attorney Services;

(2) A certificate of admission and good standing from each of the United States jurisdictions in which the attorney is admitted to practice law;

(3) 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 this section.

(B) Scope of practice

(1) An attorney registered as a military legal assistance attorney under this section 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.

(2) 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.

(3) An attorney registered as a military legal assistance attorney under this section shall not do any of the following:

(a) 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;

(b) Offer to provide legal services in Ohio to any person other than as authorized by the attorney's military service and this section;

(c) Render legal services for any person in Ohio other than as authorized by the attorney's military service and this section;

(d) 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.

(C) Application of rules

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 2 of this rule. 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 (A)(3) of this section.

(D) Designation in pleadings

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, branch of the armed forces, and the military legal assistance attorney registration number of the attorney.

(E) Obligation to report

An attorney registered as a military legal assistance attorney under this section shall within ten days report to the Office of Attorney Services of any of the following:

(1) Any change in the attorney's employment, service, or assignment that was the basis for the attorney's registration as a military legal assistance attorney;

(2) Any change in the attorney's licensure status in another jurisdiction, including the attorney's resignation from the practice of law;

(3) The imposition of any disciplinary finding or sanction in any United States jurisdiction other than Ohio where the attorney has been admitted to the practice of law.

(F) Termination of registration

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:

(1) The attorney is no longer employed by, serving in, or assigned to the military installation in Ohio from which the affidavit required by division (A)(3) of this section was filed;

(2) The attorney is admitted to the practice of law in Ohio pursuant to Gov. Bar R. I;

(3) The attorney ceases to maintain active status in at least one United States jurisdiction other than Ohio;

(4) 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;

(5) 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;

(6) The attorney fails to comply with any provision of this section.

Section 8. Emeritus Pro Bono Attorney Registration.

(A) Definition

As used in this section:

(1) "Pro bono organization" means a law school clinic, legal aid, public defender's office, or legal services organization listed in or recognized pursuant to Gov. Bar R. X, Section 5(H).

(2) "Supervising attorney" means an attorney who satisfies all of the following requirements:

(a) Is admitted to the practice of law in Ohio pursuant to Gov. Bar R. I or is temporarily certified to practice law in Ohio pursuant to Gov. Bar R. IX;

(b) Is in good standing in each jurisdiction in which the attorney is admitted to the practice of law;

(c) Is employed by or associated with a pro bono organization.

(B) Eligibility

An attorney who satisfies all of the following requirements may register for emeritus pro bono attorney status pursuant to Section 8(C) of this rule:

(1) Is admitted to the practice of law in Ohio;

(2) Has been engaged in the practice of law, as defined in Gov. Bar R. I, Section 10(B), for a minimum of fifteen years;

(3) Is in good standing with the Supreme Court;

(4) Has not resigned from the practice of law in Ohio, resigned from the practice of law in Ohio with discipline pending, or permanently retired from the practice of law in Ohio;

(5) Has not voluntarily or involuntarily relinquished the attorney's license to practice law in another jurisdiction in order to avoid discipline or as a result of discipline imposed by a relevant authority;

(6) Has not been disciplined for professional misconduct within the past ten years or been disbarred by another jurisdiction.

(C) Registration application

(1) An attorney registering for emeritus pro bono attorney status shall file an application with the Office of Attorney Services of the Supreme Court. The application shall be on a form provided by the office and shall include all of the following:

(a) Certification the attorney satisfies the requirements of Section 8(B) of this rule;

(b) Certification from a pro bono organization verifying the attorney is associated with the organization;

(c) Any other information considered necessary or appropriate by the Office of Attorney Services;

(d) A non-refundable and non-transferable fee of seventy-five dollars.

(2) The Office of Attorney Services shall grant the attorney emeritus pro bono attorney status if the attorney satisfies the requirements of Sections 8(B) and (C)(1) of this rule.

(D) Scope of authority

(1) An emeritus pro bono attorney, in association with the pro bono organization with which the attorney is associated, may do any of the following:

(a) Appear before any court or administrative board or agency on behalf of a client of the organization, provided the person on whose behalf the attorney is appearing has consented in writing and the attorney's supervising attorney has given written approval for the representation. The written consent and approval shall be filed in the record of each matter and shall be brought to the attention of a judge of the court or the presiding officer of the administrative tribunal.

(b) Provide routine legal services without the supervision of the attorney's supervising attorney with the approval of the organization, in its sole discretion;

(c) Engage in activities necessary for any legal matter in which the attorney is involved pursuant to Section 8(D)(1)(a) and (b) of this rule.

(2) The pro bono organization supervising an emeritus pro bono attorney pursuant to Section 8(D)(1) of this rule shall provide professional liability insurance coverage for the attorney.

(E) Continuing legal education

An emeritus pro bono attorney shall comply with the continuing legal education requirements for attorneys on active status pursuant to Gov. Bar R. X, Section 3.

(F) Compensation

(1) Subject to Section 8(F)(2) and (3) of this rule, an emeritus pro bono attorney shall not ask for or receive any compensation or remuneration of any kind for legal services rendered pursuant to Section 8 of this rule.

(2) A pro bono organization may receive attorney fees for services rendered by an emeritus pro bono attorney consistent with the Ohio Rules of Professional Conduct and as provided by law.

(3) A pro bono organization may reimburse an emeritus pro bono attorney for expenses incurred in connection with services rendered.

(G) Biennial registration

An emeritus pro bono attorney shall register with the Office of Attorney Services on or before the first day of September in each odd-numbered year by filing a certificate of registration furnished by the office and paying a registration fee of seventy-five dollars.

(H) Change in pro bono organization association

(1) An emeritus pro bono attorney who ends an association with a pro bono organization or establishes an association with a new pro bono organization shall notify the Office of Attorney Services, in a manner authorized by the office, within thirty days of the change.

(2) If an emeritus pro bono attorney ends an association with a pro bono organization, the attorney's supervising attorney shall immediately file a notice of such in the official file of each matter pending before a court or tribunal in which the emeritus pro bono attorney entered an appearance.

(I) Duration of emeritus pro bono attorney status

(1) Unless revoked earlier pursuant to Section 8(I)(2) of this rule, the emeritus pro bono attorney status shall automatically expire upon the occurrence of any of the following:

(a) The attorney provides notice to the Office of Attorney Services, in a manner authorized by the office, that the attorney is withdrawing from emeritus pro bono attorney status;

(b) The attorney ceases to be associated with any pro bono organization on record with the Office of Attorney Services;

(c) The attorney obtains active attorney status pursuant to Section 2 of this rule or inactive attorney status pursuant to Section 5 of this rule.

(2) The Supreme Court, *sua sponte,* may revoke an emeritus pro bono attorney status without hearing or statement of cause by providing written notification to the attorney, the attorney's supervising attorney, and the pro bono organization with which the attorney is associated.

(3) Upon expiration or revocation of an emeritus pro bono attorney's registration pursuant to Section 8(I)(1) or (2) of this rule, each of the following shall occur:

(a) The attorney's supervising attorney shall immediately file a notice of such in the official file of each matter pending before a court or tribunal in which the emeritus pro bono attorney entered an appearance;

(b) The attorney shall file for either active attorney status pursuant to Section 2 of this rule or inactive attorney status pursuant to Section 5 of this rule.

(J) Active attorney registration fee

An emeritus pro bono attorney who requests and is granted reinstatement of active status pursuant to Section 2 of this rule during a biennial registration period shall pay a registration fee of two hundred and seventy five dollars.

Section 9. Exemptions.

The following persons are exempt from the requirements of this rule:

(A) A person certified to practice law temporarily in Ohio under Gov. Bar R. IX;

(B) A foreign legal consultant registered under Gov. Bar R. XI.

Section 10. Failure to Register; Late Registration Fee; Summary Suspension; Reinstatement.

(A) Late fee

An attorney who fails to file a certificate of registration and pay a fee as required by this rule on or before the date on which it becomes due, but does so within sixty days of that date, shall be assessed a late registration fee of fifty dollars. The late registration fee shall be in addition to the applicable registration fee.

(B) Suspension from the practice of law

An attorney who fails to file a certificate of registration and pay the fees required by this rule either on a timely basis or within the late registration period provided for in division (A) of this section shall be notified of apparent noncompliance by the Office of Attorney Services. The office shall send the notice of apparent noncompliance by regular mail to the attorney at the most recent address provided by the attorney to the office. The notice shall inform the attorney that the attorney will be summarily suspended from the practice of law in Ohio and not entitled to practice law in Ohio unless, on or before the date and in the manner set forth in the notice, the attorney either files evidence of compliance with the requirements of this rule or comes into compliance. If the attorney does not file evidence of compliance or come into compliance on or before the date set forth in the notice, the

attorney shall be summarily suspended from the practice of law in Ohio. The office shall record the suspension on the roll of attorneys and send notice of the suspension by certified mail to the attorney at the most recent address provided by the attorney to the office. The Supreme Court Reporter shall publish notice of the suspension in the *Ohio Official Reports* and the *Ohio State Bar Association Report*.

(C) Prohibited activities by suspended attorney

An attorney who is summarily suspended pursuant to division (B) of this section shall not do any of the following:

(1) Practice law in Ohio;

(2) Hold the attorney's self out as authorized to practice law in Ohio;

(3) Hold nonfederal judicial office in Ohio;

(4) Occupy a nonfederal position in Ohio in which the attorney is called upon to give legal advice or counsel or to examine the law or pass upon the legal effect of any act, document, or law;

(5) Be employed in the Ohio judicial system in a position required to be held by an attorney;

(6) Practice before any nonfederal court or agency in this state on behalf of any person except the attorney's self.

(D) Reinstatement

An attorney who is summarily suspended pursuant to division (B) of this section may be reinstated to the practice of law by applying for reinstatement with the Office of Attorney Services, complying with the requirements of Section 2 of this rule, including payment of the applicable registration fee, and paying a reinstatement fee of three hundred dollars. The office shall send notice of reinstatement to an attorney who meets the conditions for reinstatement and shall record the reinstatement on the roll of attorneys. The Supreme Court Reporter shall publish notice of the reinstatement in the *Ohio Official Reports* and the *Ohio State Bar Association Report*.

Section 11. Retirement or Resignation from the Practice of Law.

(A) Application to retire or resign

An attorney who wishes to retire or resign from the practice of law in Ohio shall file an application with the Office of Attorney Services. The application shall be on a form furnished by the office and contain both of the following:

(1) A notarized affidavit setting forth the attorney's full name, attorney registration number, date of birth, mailing address, and all other jurisdictions and registration numbers under which the attorney practices. The affidavit shall state all of the following:

(a) The attorney wishes to retire or resign from the practice of law in Ohio;

(b) The attorney fully understands that the retirement or resignation completely divests the attorney of the privilege of engaging in the practice of law, and of each, any, and all of the rights, privileges, and prerogatives appurtenant to the office of attorney and counselor at law;

(c) The attorney fully understands that the retirement or resignation is unconditional, final, and irrevocable.

(2) A written waiver allowing Disciplinary Counsel to review all proceedings and documents relating to review and investigation of grievances made against the attorney under the Rules for the Government of the Bar of Ohio and the Rules for the Government of the Judiciary of Ohio and to disclose to the Supreme Court any information it deems appropriate, including, but not limited to, information that otherwise would be private pursuant to Gov. Bar R. V.

(B) Investigation by Disciplinary Counsel

The Office of Attorney Services shall refer an application received pursuant to division (A) of this section to Disciplinary Counsel. Upon receipt of the referral, Disciplinary Counsel shall determine whether any disciplinary proceedings are pending against the attorney. After completing this inquiry, Disciplinary Counsel shall submit to the office a confidential report, under seal, recommending whether the application should be accepted, denied, or delayed. If Disciplinary Counsel recommends that the application be accepted, the report shall indicate whether the attorney should be designated as "retired" or designated as "resigned with disciplinary action pending." If Disciplinary Counsel recommends that the application be denied or delayed, the report shall provide reasons for the recommendation. Upon receipt of the report from Disciplinary Counsel, the office shall file the application and the report with the Clerk of the Supreme Court.

(C) Order for Retirement, Resignation with Discipline Pending, or the Denial or Deferral of the Application.

Upon receipt and consideration of an application filed pursuant to division (B) of this section, the Supreme Court shall enter an order it deems appropriate. The Clerk of the Supreme Court shall serve a copy of an order of retirement or a denial or deferment of an application on the attorney. The Clerk shall serve copies of an order of resignation with discipline pending as provided in Gov. Bar R. V, Section 17(D)(1).

(D) Law firm letterhead for retired attorney

A retired attorney may be designated as "retired" on law firm letterhead if the attorney's name was included on the letterhead prior to the time that the attorney's retirement was accepted by the Supreme Court. A retired attorney shall not be listed as "of counsel" or otherwise be represented as able to engage in the practice of law in Ohio.

Section 12. Suspended Attorneys.

(A) "Suspended" status

The registration status of an attorney who is suspended from the practice of law in Ohio pursuant to the following rules shall be designated as "suspended":

(1) Gov. Bar R. V, except as provided in Gov. Bar R. V, Section 15(D);

(2) Gov. Bar R. VI;

(3) Gov. Bar R. X.

(B) "Ineligible" status

The registration status of an attorney who is suspended from the practice of law in Ohio pursuant to Gov. Bar R. V, Section 15(D) shall be designated as "ineligible," unless the attorney is subject to any other suspension listed in division (A) of this section.

Section 13. Signing of Notices and Orders.

The Director of Attorney Services shall have authority to sign notices and orders issued in accordance with this rule.

Section 14. Attorney Services Fund.

(A) Collection and use of fees

Except as otherwise provided in these rules, all fees collected pursuant to these rules shall be deposited in the Attorney Services Fund. Moneys in the fund shall be used for the following purposes:

(1) The investigation of complaints of alleged misconduct pursuant to Gov. Bar R. V or Gov. Jud.R. II and the investigation of the alleged unauthorized practice of law pursuant to Gov. Bar R. VII;

(2) To support the activities of the Lawyers' Fund for Client Protection established under Gov. Bar R. VIII;

(3) To support the activities of the Commission on Continuing Legal Education pursuant to Gov. Bar R. X;

(4) For matters approved by the Court and relating to the admission of applicants to the practice of law or relating to the certification of Foreign Legal Consultants and for the administration and operation of all of the following:

(a) The Board of Bar Examiners;

(b) The Board of Commissioners on Character and Fitness, including the fees and expenses of special investigators appointed by the Board under Gov. Bar R. I, Sec. 12(B)(2)(f);

(c) The admissions committees, provided, however, that such use of the funds shall be limited to reimbursing admissions committees for costs incurred in conducting investigations under Gov. Bar R. I, Sec. 13.

(5) Any other purposes considered necessary by the Supreme Court for the government of the bar and of the judiciary of Ohio;

(6) To support any other activities related to the administration of justice considered necessary by the Supreme Court.

(B) Transfer of funds to Treasurer of State

In addition to the purposes set forth in division (A) of this section, moneys in the Attorney Services Fund may be transferred to the credit of the Supreme Court Attorney Services Fund in the state treasury. Investment earnings on moneys transferred to the Supreme Court Attorney Services Fund in the state treasury shall be credited to that fund.

(C) Annual Report

On or before the first day of November each year, the Administrative Director of the Supreme Court shall prepare and publish a report on the activity of the Attorney Services Fund.

Section 15. Certificates of Good Standing.

(A) Authority

Pursuant to the requirements of this section, the Office of Attorney Services may issue the following certificates of good standing for attorneys admitted to the practice of law in Ohio:

(1) A standard certificate of good standing, which shall include the attorney's full name, attorney registration number, and current registration status;

(2) A certificate of good standing with disciplinary information, which shall include the attorney's full name; attorney registration number; current registration status; and a summary of any administrative actions, including sanctions and suspensions, and disciplinary information or, if applicable, a statement the attorney has not been subject to any administrative actions or discipline by the Supreme Court.

(B) Request for certificate

Any person may request the Office of Attorney Services issue either a standard certificate of good standing or a certificate of good standing with disciplinary information for an attorney who is admitted to the practice of law in Ohio by submitting to the office both of the following:

(1) A request on a form provided by the office;

(2) A nonrefundable fee of ten dollars for a request for a standard certificate of good standing or twenty-five dollars for a request for a certificate of good standing with disciplinary information.

(C) Review of Supreme Court records

(1) Upon receipt of a request pursuant to division (B) of this rule, the Director of Attorney Services shall review the records of the Supreme Court and determine whether the attorney is in good standing. The determination of the director shall be final.

(2) The attorney shall be in good standing if all of the following requirements are met:

(a) The attorney is in compliance with the attorney registration requirements of Gov. Bar R. VI;

(b) The attorney is in compliance with the continuing legal education requirements of Gov. Bar R. X;

(c) The attorney is not subject to discipline by order of the Supreme Court pursuant to Gov. Bar R. V, excluding an order of public reprimand, and has no outstanding fees or restitution ordered by the Court or payable to the Court.

(3) The attorney shall not be in good standing if any of the following apply:

(a) The attorney is not registered with the Office of Attorney Services by September 1 of every odd-numbered year or within thirty days of admission to the practice of law in Ohio in compliance with the attorney registration requirements of Gov. Bar R. VI;

(b) The attorney is not in compliance with the continuing legal education requirements of Gov. Bar R. X;

(c) The attorney is subject to an order of suspension pursuant to Gov. Bar R. V, including any suspension that has been stayed, in whole or in part;

(d) The attorney is subject to an order of probation pursuant to Gov. Bar R. V, including any probation that has not been terminated by order of the court;

(e) The attorney is subject to an order of suspension pursuant to Gov. Bar R. VI;

(f) The attorney is subject to an order of sanction or order of suspension pursuant to Gov. Bar R. X;

(g) The attorney has any outstanding sanctions or fees due to the Supreme Court, including but not limited to costs imposed under Gov. Bar R. V, sanctions or fees due under Gov. Bar VI or X, or unreimbursed amounts due to the Lawyers' Fund for Client Protection;

(h) The attorney is disbarred, retired, or resigned with disciplinary action pending.

(D) Issuance of certificate

Upon a determination by the Director of Attorney Services that an attorney is in good standing pursuant to division (C) of this section, the Office of Attorney Services shall issue the standard certificate of good standing or certificate of good standing with disciplinary information, as requested. The certificate shall include the seal of the Supreme Court.

Section 16. Public Access to Records.

(A) General

Except for residence addresses, residence telephone numbers, e-mail addresses, and social security numbers, information maintained by the Office of Attorney Services, provided by the office to another office of the Supreme Court, or provided by the office to the Ohio Access to Justice Foundation pursuant Section 4(D)(2) of this rule shall be available for public access pursuant to Sup. R. 44 through 47.

(B) Residence address

If the attorney has not provided a valid office address, the attorney's residential address shall be considered available for public access pursuant to Sup. R. 44 through 47.

(C) Use of e-mail addresses

Offices of the Supreme Court may use e-mail addresses maintained by the Office of Attorney Services to advise attorneys of matters related to the practice of law.

[Not analogous to former Rule VI, effective February 28, 1972; amended effective January 1, 1981; November 17, 1982; July 1, 1983; May 13, 1985, July 1, 1986; January 1, 1989; July 1, 1991; September 1, 1991; January 1, 1992; July 1, 1992; July 1, 1993; January 1, 1995; July 1, 1995; November 1, 1995; July 1, 1997; July 1, 1999; November 28, 2000; June 1, 2002; August 19, 2002; November 1, 2002; July 1, 2003; July 1, 2005, September 1, 2005; July 1, 2007; September 1, 2007; January 1, 2008; May 1, 2009; September 1, 2010; January 1, 2012; January 1, 2013; November 1, 2013; January 1, 2015; April 1, 2015; December 1, 2015; July 1, 2016; September 15, 2016; November 1, 2017; November 1, 2018; July 1, 2019; February 1, 2020; June 1, 2020.]

RULE VII. UNAUTHORIZED PRACTICE OF LAW

Section 1. Board on the Unauthorized Practice of Law.

(A) There shall be a Board on the Unauthorized Practice of Law of the Supreme Court consisting of thirteen commissioners appointed by the Court. Eleven commissioners shall be attorneys admitted to the practice of law in Ohio and two commissioners shall be persons not admitted to the practice of law in any state. The term of office of each commissioner shall be three years, beginning on the first day of January next following the commissioner's appointment. Appointments to terms commencing on the first day of January of any year shall be made prior to the first day of December of the preceding year. A commissioner whose term has expired and who has an uncompleted assignment as a commissioner shall continue to serve for the purpose of that assignment until the assignment is concluded before the Board, and the successor commissioner shall take no part in the proceedings of the Board concerning the assignment. No commissioner shall be appointed for more than two consecutive three-year terms. Vacancies for any cause shall be filled for the unexpired term by the Justice who appointed the commissioner causing the vacancy or by the successor of that Justice. A commissioner appointed to a term of fewer than three years to fill a vacancy may be reappointed to not more than two consecutive three-year terms.

(B) The Board shall each year elect an attorney commissioner as chair and vice-chair. A commissioner may be reelected as chair, but shall not serve as chair for more than two consecutive one-year terms. A commissioner may be reelected as vice-chair, but shall not serve as vice-chair for more than two consecutive one-year terms. The Administrative Director or his or her designee shall serve as the Secretary of the Board. The chair, vice-chair, or the Secretary may execute administrative documents on behalf of the Board. The Secretary may execute any other documents at the direction of the chair or vice-chair.

(C) Commissioners shall be reimbursed for expenses incurred in the performance of their official duties. Reimbursement shall be paid from the Attorney Services Fund.

(D) Initial appointments for terms beginning January 1, 2005, shall be as follows:

(1) One attorney and one nonattorney shall be appointed for terms ending December 31, 2005. Commissioners appointed pursuant to this division shall be eligible for reappointment to two consecutive three-year terms.

(2) Two attorneys shall be appointed for terms ending December 31, 2006. Commissioners appointed pursuant to this division shall be eligible for reappointment to two consecutive three-year terms.

(3) One attorney shall be appointed for a term ending December 31, 2007. A commissioner appointed pursuant to this division shall be eligible for reappointment to one three-year term.

(4) Thereafter, appointments shall be made pursuant to division (A) of this section.

(E) For the initial appointment beginning January 1, 2011, one nonattorney shall be appointed for a term ending December 31, 2013. A commissioner appointed pursuant to this division shall be eligible for reappointment to one three-year term.

Section 2. Jurisdiction of Board.

(A) The unauthorized practice of law is:

(1) The rendering of legal services for another by any person not admitted to practice in Ohio under Rule I of the Supreme Court Rules for the Government of the Bar unless the person is:

(a) Certified as a legal intern under Gov. Bar R. II and rendering legal services in compliance with that rule;

(b) Granted corporate status under Gov. Bar R. VI and rendering legal services in compliance with that rule;

(c) Certified to temporarily practice law in legal services, public defender, and law school programs under Gov. Bar R. IX and rendering legal services in compliance with that rule;

(d) Registered as a foreign legal consultant under Gov. Bar R. XI and rendering legal services in compliance with that rule;

(e) Granted permission to appear pro hac vice by a tribunal in a proceeding in accordance with Gov. Bar R. XII and rendering legal services in that proceeding;

(f) Rendering legal services in accordance with Rule 5.5 of the Ohio Rules of Professional Conduct (titled "Unauthorized practice of law; multijurisdictional practice of law").

(2) The rendering of legal services for another by any person:

(a) Disbarred from the practice of law in Ohio under Gov. Bar R. V;

(b) Designated as resigned or resigned with disciplinary action pending under former Gov. Bar R. V (prior to September 1, 2007);

(c) Designated as retired or resigned with disciplinary action pending under Gov. Bar R. VI.

(3) The rendering of legal services for another by any person admitted to the practice of law in Ohio under Gov. Bar R. I while the person is:

(a) Suspended from the practice of law under Gov. Bar R. V;

(b) Registered as an inactive attorney under Gov. Bar R. VI;

(c) Summarily suspended from the practice of law under Gov. Bar R. VI for failure to register;

(d) Suspended from the practice of law under Gov. Bar R. X for failure to satisfy continuing legal education requirements;

(e) Registered as retired under former Gov. Bar R. VI (prior to September 1, 2007).

(4) Holding out to the public or otherwise representing oneself as authorized to practice law in Ohio by a person not authorized to practice law by the Supreme Court Rules for the Government of the Bar or Prof. Cond. R. 5.5.

For purposes of this section, "holding out" includes conduct prohibited by divisions (A)(1) and (2) and (B)(1) of section 4705.07 of the Revised Code.

(B) The Board shall receive evidence, preserve the record, make findings, and submit recommendations concerning complaints of unauthorized practice of law except for complaints against persons listed in division (A)(3) of this section, which shall be filed in accordance with the disciplinary procedure set forth in Gov. Bar R. V.

(C) The Board may issue informal, nonbinding advisory opinions to any regularly organized bar association in this state, Disciplinary Counsel, or the Attorney General in response to prospective or hypothetical questions of public or great general interest regarding the application of this rule and the unauthorized practice of law. The Board shall not issue advisory opinions in response to requests concerning a question that is pending before a court or a question of interest only to the person initiating the request. All requests for advisory opinions shall be submitted, in writing, to the Secretary with information and details sufficient to enable adequate consideration and determination of eligibility under this rule.

The Secretary shall acknowledge the receipt of each request for an advisory opinion and forward copies of each request to the Board. The Board shall select those requests that shall receive an advisory opinion. The Board may decline to issue an advisory opinion and the Secretary promptly shall notify the requesting party. An advisory opinion approved by the Board shall be issued to the requesting party over the signature of the Secretary.

Advisory opinions shall be public and distributed by the Board.

(D) *Referral of Procedural Questions to Board*. In the course of an investigation, the chair of the unauthorized practice of law committee of a bar association, Disciplinary Counsel, or the Attorney General may direct a written inquiry regarding a procedural question to the Board

chair or vice-chair. The inquiry shall be sent to the Secretary. The chair or vice-chair and the Secretary shall consult and direct a response.

Section 3. Referral for Investigation.

The Board may refer to the unauthorized practice of law committee of the appropriate bar association, Disciplinary Counsel, or the Attorney General any matters coming to its attention for investigation as provided in this rule.

Section 4. Application of Rule.

(A) All proceedings arising out of complaints of the unauthorized practice of law shall be brought, conducted, and disposed of in accordance with the provisions of this rule except for complaints against persons listed in Section 2(A)(3) of this rule, which shall be filed in accordance with the disciplinary procedure set forth in Gov. Bar R. V. A bar association that permits the membership of any attorney practicing within the geographic area served by that association without reference to the attorney's area of practice, special interest, or other criteria and that satisfies other criteria that may be established by Board regulations may establish an unauthorized practice of law committee. Members of bar association unauthorized practice of law committees shall be attorneys admitted to the practice of law in Ohio. Unauthorized practice of law committees, Disciplinary Counsel, and the Attorney General may share information with each other regarding investigations and prosecutions. This information shall be confidential and not subject to discovery or subpoena. Unauthorized practice of law committees may conduct joint investigations and prosecutions of unauthorized practice of law matters with each other, Disciplinary Counsel, and the Attorney General.

(B) The unauthorized practice of law committee of a bar association or Disciplinary Counsel shall investigate any matter referred to it or that comes to its attention and may file a complaint pursuant to this rule. The Attorney General may also file a complaint pursuant to this rule. The Board, Disciplinary Counsel, the president, secretary, or chair of the unauthorized practice of law committee of a bar association, and the Attorney General may call upon an attorney or judge in Ohio to assist in any investigation or to testify in any hearing before the Board as to any matter as to which he or she would not be bound to claim privilege as an attorney. No attorney or judge shall neglect or refuse to assist in any investigation or to testify.

(C) By the thirty-first day of January of each year, each bar association, Disciplinary Counsel, and the Attorney General shall file with the Board, on a form provided by the Board, a report of its activity on unauthorized practice of law complaints, investigations, and other matters requested by the Board. The report shall include all activity for the preceding calendar year.

(D) For complaints filed more than sixty days prior to the close of the report period on which a disposition has not been made, the report shall include an expected date of disposition and a statement of the reasons why the investigation has not been concluded.

Section 5. The Complaint; Where Filed; By Whom Signed.

(A) A complaint shall be a formal written complaint alleging the unauthorized practice of law by one who shall be designated as the respondent. The original complaint shall be filed in the office of the Secretary and shall be accompanied by thirteen copies plus two copies for each respondent named in the complaint. A complaint shall not be accepted for filing unless it is signed by one or more attorneys admitted to the practice of law in Ohio who shall be counsel for the relator. The complaint shall be accompanied by a certificate in writing signed by the president, secretary or chair of the unauthorized practice of law committee of any regularly organized bar association, Disciplinary Counsel, or the Attorney General, who shall be the relator, certifying that counsel are authorized to represent relator and have accepted the responsibility of prosecuting the complaint to conclusion. The certification shall constitute a representation that, after investigation, relator believes probable cause exists to warrant a hearing on the complaint and shall constitute the authorization of counsel to represent relator in the action as fully and completely as if designated by order of the Supreme Court with all the privileges and immunities of an officer of the Court. The Attorney General may serve as co-relator with any regularly organized bar association or Disciplinary Counsel.

(B) Upon the filing of a complaint with the Secretary, the relator shall forward a copy of the complaint to Disciplinary Counsel, the unauthorized practice of law committee of the Ohio State Bar Association, and any local bar association serving the county or counties from which the complaint emanated, except that the relator need not forward a copy of the complaint to itself.

Section 5a. Interim Cease and Desist Order

(A)(1) Upon receipt of substantial, credible evidence demonstrating that an individual or entity has engaged in the unauthorized practice of law and poses a substantial threat of serious harm to the public, Disciplinary Counsel, the unauthorized practice of law committee of any regularly organized bar association, or the Attorney General, which shall be referred to as the relator, shall do both of the following:

(a) Prior to filing a motion for an interim cease and desist order, make a reasonable attempt to provide the individual or entity, who shall be referred to as respondent, with notice, which may include notice by telephone, that a motion requesting an interim order that the respondent cease and desist engaging in the unauthorized practice of law will be filed with the Supreme Court and the Board.

(b) Simultaneously file a motion with the Supreme Court and the Board requesting that the Court order respondent to immediately cease and desist engaging in the unauthorized practice of law. The relator shall include, in its motion, proposed findings of fact, proposed conclusions of law, and other information in support of the requested order. Evidence relevant to the requested order shall be attached to or filed with the motion. The motion shall include a certificate detailing the attempts made by relator to provide advance notice to the respondent of relator's intent to file the motion. The motion also shall include a certificate of service on the respondent at the most recent address of the respondent known to the relator. Upon the filing of a motion with the Court and the Board, proceedings before

the Court shall be automatically stayed and the matter shall be deemed to have been referred by the Court to the Board for application of this rule.

(2) After the filing of a motion for an interim cease and desist order the respondent may file a memorandum opposing the motion in accordance with Rule XIV of the Rules of Practice of the Supreme Court of Ohio. The respondent shall attach or file with the memorandum any rebuttal evidence and simultaneously file a copy with the Board. If a memorandum in opposition to the motion is not filed, the stay of proceedings before the Supreme Court shall be automatically lifted and the Court shall rule on the motion pursuant to division (C) of this section.

(B) Upon the filing of a memorandum opposing the motion for an interim cease and desist order, the Board chair or the chair's designee ("commissioner") shall set the matter for hearing within seven days. A designee shall be an attorney member of the Board. Upon review of the filings of the parties, the commissioner will determine whether an oral argument or an evidentiary hearing shall be held based upon the existence of any genuine issue of material fact. Within seven days after the close of hearing, the commissioner shall file a report, including the transcript of hearing and the record, with the Supreme Court recommending whether or not an interim cease and desist order should be issued. Upon the filing of the commissioner's report, the stay of Supreme Court proceedings shall be automatically lifted.

(C) Upon consideration of the commissioner's report required by division (B) of this section, or if no memorandum in opposition is filed, the Supreme Court may enter an order that the respondent cease and desist engaging in the unauthorized practice of law, pending final disposition of proceedings before the Board, predicated on the conduct posing a substantial threat of serious harm to the public, or may order other action as the Court considers appropriate.

(D)(1) The respondent may request dissolution or modification of the cease and desist order by filing a motion with the Supreme Court. The motion shall be filed within thirty days of entry of the cease and desist order, unless the respondent first obtains leave of the Supreme Court to file a motion beyond that time. The motion shall include a statement and all available evidence as to why the respondent no longer poses a substantial threat of serious harm to the public. A copy of the motion shall be served by the respondent on the relator. The relator shall have ten days from the date the motion is filed to file a response to the motion. The Supreme Court promptly shall review the motion after a response has been filed or after the time for filing a response has passed.

(2) In addition to the motion allowed by division (D)(1) of this section, the respondent may file a motion requesting dissolution of the interim cease and desist order, alleging that one hundred eighty days have elapsed since the entry of the order and the relator has failed to file with the Board a formal complaint predicated on the conduct that was the basis of the order. A copy of the motion shall be served by the respondent on the relator. The relator shall have ten days from the date the motion is filed to file a response to the motion. The Supreme Court promptly shall review the motion after a response has been filed or after the time for filing a response has passed.

(E) The Rules of Practice of the Supreme Court of Ohio shall apply to interim cease and desist proceedings filed pursuant to this section.

(F) Upon the entry of an interim cease and desist order or an entry of dissolution or modification of such order, the Clerk of the Supreme Court shall mail certified copies of the order as provided in Section 19(E) of this rule.

Section 5b. Settlement of Complaints; Consent Decrees

(A) As used in this section:

(1) A "settlement agreement" is a voluntary written agreement entered into between the parties without the continuing jurisdiction of the Board or the Supreme Court.

(2) A "consent decree" is a voluntary written agreement entered into between the parties, approved by the Board, and approved and ordered by the Supreme Court. The consent decree is the final judgment of the Supreme Court and is enforceable through contempt proceedings before the Court.

(3) A "proposed resolution" is a proposed settlement agreement or a proposed consent decree.

(B) The proposed resolution of a complaint filed pursuant to Section 5 of this rule, prior to adjudication by the Board, shall not be permitted without the prior review of the Board, the Supreme Court, or both. Parties contemplating the proposed resolution of a complaint shall file a motion to approve settlement agreement or motion to approve consent decree, whichever is applicable, with the Secretary. The motion shall be accompanied by:

(1) A proposed settlement agreement or a proposed consent decree that is signed by the respondent, respondent's counsel, if the respondent is represented by counsel, and the relator and contains a stipulation of facts and waiver of notice and hearing as stated in Section 7(H) of this rule;

(2) A memorandum in support of the proposed resolution that demonstrates the resolution complies with the factors set forth in division (C) of this section and makes a recommendation concerning civil penalties based upon the factors set forth in Section 8(B) of this rule and Regulation 400(F) of the Regulations Governing Procedure on Complaints and Hearings Before the Board on the Unauthorized Practice of Law;

(3) An itemized statement of the relator's costs or a statement that no costs have been incurred.

The voluntary dismissal of a complaint filed pursuant to Civ. R. 41(A) in conjunction with a proposed resolution is subject to the requirements of this section.

(C) The Board shall determine whether a proposed resolution shall be considered and approved by either the Board or the Supreme Court based on the following factors:

(1) The extent the proposed resolution:

(a) Protects the public from future harm and remedies any substantial injury;

(b) Resolves material allegations of the unauthorized practice of law;

(c) Contains an admission by the respondent to material allegations of the unauthorized practice of law as stated in the complaint and a statement that the admitted conduct constitutes the unauthorized practice of law;

(d) Involves public policy issues or encroaches upon the jurisdiction of the Supreme Court to regulate the practice of law;

(e) Contains an agreement by the respondent to cease and desist the alleged activities;

(f) Furthers the stated purposes of this rule;

(g) Designates whether civil penalties are to be imposed in accordance with Section 8 of this rule;

(h) Assigns the party responsible for costs, if any.

(2) The extent the motion to approve settlement agreement or consent decree and any accompanying documents comply with the requirements of division (B) of this section;

(3) Any other relevant factors.

(D) *Review by the Board*

(1) Upon receipt of a proposed resolution, the Board chair shall direct the assigned hearing panel to prepare a written report setting forth its recommendation for the acceptance or rejection of the proposed resolution. The Board shall vote to accept or reject the proposed resolution. Upon a majority vote to accept a settlement agreement, an order shall be issued by the Board chair or vice-chair dismissing the complaint. Upon a majority vote to accept a consent decree, the Board shall prepare and file a final report with the Supreme Court in accordance with division (E)(1) of this section.

(2) The refiling of a complaint previously resolved as a settlement agreement pursuant to this section shall reference the prior settlement agreement, and proceed only on the issue of the unauthorized practice of law. The case shall be presented on the merits and any previous admissions made by the respondent to allegations of conduct may be offered into evidence.

(E) *Review by the Court*

(1) After approving a proposed consent decree, the Board shall file an original and twelve copies of a final report and the proposed consent decree with the Clerk of the Supreme Court. A copy of the report shall be served upon all parties and counsel of record. Neither party shall be permitted to file an objection to the final report.

(2) A consent decree may be approved or rejected by the Supreme Court. If a consent decree is approved, the Court shall issue the appropriate order.

(3) A motion to show cause alleging a violation of a consent decree and any memorandum in opposition shall be filed with both the Supreme Court and the Board. The Board, upon receipt of the motion and memorandum in opposition, by panel assignment shall conduct either an evidentiary hearing or oral argument hearing on the motion, and by a majority vote of the Board submit a final report to the Court with findings of fact, conclusions of law, and recommendations on the issue of whether the consent decree was violated. Neither party shall be permitted to file objections to the Board's report without leave of Court.

(F) *Rejection of a Proposed Resolution*

(1) A complaint will proceed on the merits pursuant to this rule if a proposed resolution is rejected by either the Board or the Supreme Court. Upon rejection by the Board, an order shall be issued rejecting the proposed resolution and remanding the matter to the hearing panel for further proceedings. Upon rejection by the Court, an order shall be issued remanding the matter to the Board with or without instructions.

(2) A rejected proposed resolution shall not be admissible or otherwise used in a subsequent proceeding before the Board.

(3) No objections or other appeal may be filed with the Supreme Court upon a rejection by the Board of a proposed resolution.

(4) Any panel member initially considering a proposed resolution and voting with the Board on the rejection of the proposed resolution may proceed to hear the original complaint.

(G) The parties may consult with the Board through the Secretary concerning the terms of a proposed resolution.

(H) All settlement agreements approved by the Board and all consent decrees approved by the Supreme Court shall be recorded for reference by the Board, bar association unauthorized practice of law committees, and Disciplinary Counsel.

(I) This section shall not apply to the resolution of matters considered by an unauthorized practice of law committee, Disciplinary Counsel, or the Attorney General before a complaint is filed pursuant to Section 5 of this rule.

Section 6. Duty of the Board Upon Filing of the Complaint; Notice to Respondent.

The Secretary shall send a copy of the complaint by certified mail to respondent at the address indicated on the complaint with a notice of the right to file, within twenty days after the mailing of the notice, an original and thirteen copies of an answer and to serve copies of the answer upon counsel of record named in the complaint. Extensions of time may be granted, for good cause shown, by the Secretary.

Section 7. Proceedings of the Board after Filing of the Complaint.

(A) *Hearing Panel*.

(1) After respondent's answer has been filed, or the time for filing an answer has elapsed, the Secretary shall appoint a hearing panel consisting of three commissioners chosen by lot. At least two members of the hearing panel shall be attorney commissioners. The Secretary shall designate one of the commissioners chair of the panel, except that a nonattorney commissioner shall not be chair of the panel. The Secretary shall serve a copy of the entry appointing the panel on the respondent, relator, and all counsel of record.

(2) A majority of the panel shall constitute a quorum. The panel chair shall rule on all motions and interlocutory matters. The panel chair shall have a transcript of the testimony taken at the hearing, and the cost of the transcript shall be paid from the Attorney Services Fund and taxed as costs.

(3) Upon reasonable notice and at a time and location set by the panel chair, the panel shall hold a formal hearing. Requests for continuances may be granted by the panel chair for good cause. The panel may take and hear testimony in person or by deposition, administer oaths, and compel by subpoena the attendance of witnesses and the production of books, papers, documents, records, and materials.

(B) *Motion for Default*. If no answer has been filed within twenty days of the answer date set forth in the notice to respondent of the filing of the complaint, or any extension of the answer date, relator shall file a motion for default. Prior to filing, relator shall make reasonable efforts to contact respondent.

A motion for default shall contain at least all of the following:

(1) A statement of the effort made to contact respondent and the result;

(2) Sworn or certified documentary *prima facie* evidence in support of the allegations of the complaint;

(3) Citations of any authorities relied upon by relator;

(4) A statement of any mitigating factors or exculpatory evidence of which relator is aware;

(5) A statement of the relief sought by relator;

(6) A certificate of service of the motion on respondent at the address stated on the complaint and at the last known address, if different.

The hearing panel appointed pursuant to division (A) of this section shall rule on the motion for default. If the motion for default is granted by the panel, the panel shall prepare a report for review by the Board pursuant to division (E) of this section. If the motion is denied, the hearing panel shall proceed with a formal hearing pursuant to division (A) of this section.

The Board chair or vice-chair may set aside a default entry, for good cause shown, and order a hearing before the hearing panel at any time before the Board renders its decision pursuant to division (F) of this section.

(C) *Authority of Hearing Panel; Dismissal*. If at the end of evidence presented by relator or of all evidence, the hearing panel unanimously finds that the evidence is insufficient to support a charge or count of unauthorized practice of law, or the parties agree that the charge or count should be dismissed, the panel may order that the complaint or count be dismissed. The panel chair shall give written notice of the action taken to the Board, the respondent, the relator, all counsel of record, Disciplinary Counsel, the unauthorized practice of law committee of the Ohio State Bar Association, and the bar association serving the county or counties from which the complaint emanated.

(D) *Referral by the Panel.* If the hearing panel is not unanimous in its finding that the evidence is insufficient to support a charge or count of unauthorized practice of law, the panel may refer its findings of fact and recommendations for dismissal to the Board for review and action by the full Board. The panel shall submit to the Board its findings of fact and recommendation of dismissal in the same manner as provided in this rule with respect to a finding of unauthorized practice of law pursuant to division (E) of this section.

(E) *Finding of Unauthorized Practice of Law; Duty of Hearing Panel.* If the hearing panel determines, by a preponderance of the evidence, that respondent has engaged in the unauthorized practice of law, the hearing panel shall file its report of the proceedings, findings of facts and recommendations with the Secretary for review by the Board. The report shall include the transcript of testimony taken and an itemized statement of the actual and necessary expenses incurred in connection with the proceedings.

(F) *Review by Entire Board.* After review, the Board may refer the matter to the hearing panel for further hearing or proceed on the report of the prior proceedings before the hearing panel. After the final review, the Board may dismiss the complaint or find that the respondent has engaged in the unauthorized practice of law. If the complaint is dismissed, the dismissal shall be reported to the Secretary, who shall notify the same persons and organizations that would have received notice if the complaint had been dismissed by the hearing panel.

(G) *Finding of Unauthorized Practice of Law; Duty of Board.* If the Board determines, by a preponderance of the evidence, that the respondent has engaged in the unauthorized practice of law, the Board shall file the original and twelve copies of its final report with the Clerk of the Supreme Court, and serve a copy of the final report upon all parties and counsel of record, Disciplinary Counsel, the unauthorized practice of law committee of the Ohio State Bar Association, and the bar association of the county or counties from which the complaint emanated. The final report shall include the Board's findings, recommendations, a transcript of testimony, if any, an itemized statement of costs, recommendation for civil penalties, if any, and a certificate of service listing the names and addresses of all parties and counsel of record.

(H) *Hearing on Stipulated Facts.* A stipulation of facts and waiver of notice and hearing, mutually agreed and executed by relator and respondent, or counsel, may be filed with the Board prior to the date set for formal hearing. If a stipulation and waiver are filed, the parties are not required to appear before the hearing panel for a formal hearing, and the hearing panel shall render its decision based upon the pleadings, stipulation, and other evidence admitted.

The stipulation of facts must contain sufficient information to demonstrate the specific activities in which the respondent is alleged to have engaged and to enable the Board to determine whether respondent has engaged in the unauthorized practice of law.

The waiver of notice and hearing shall specifically state that the parties waive the right to notice of and appearance at the formal hearing before the hearing panel.

Section 8. Costs; Civil Penalties.

(A) *Costs*. As used in Section 7(G) of this rule, "costs" includes both of the following:

(1) The expenses of relator, as described in Section 9 of this rule, that have been reimbursed by the Board;

(2) The direct expenses incurred by the hearing panel and the Board, including, but not limited to, the expense of a court reporter and transcript of any hearing before the hearing panel.

"Costs" shall not include attorney's fees incurred by the relator.

(B) *Civil Penalties*. The Board may recommend and the Supreme Court may impose civil penalties in an amount up to ten thousand dollars per offense. Any penalty shall be based on the following factors:

(1) The degree of cooperation provided by the respondent in the investigation;

(2) The number of occasions that unauthorized practice of law was committed;

(3) The flagrancy of the violation;

(4) Harm to third parties arising from the offense;

(5) Any other relevant factors.

Section 9. Expenses.

(A) *Reimbursement of Direct Expenses*. A bar association and the Attorney General may be reimbursed for direct expenses incurred in performing the obligations imposed by this rule. Reimbursement shall be limited to costs for depositions, transcripts, copies of documents, necessary travel expenses for witnesses and volunteer attorneys, witness fees, subpoenas, the service of subpoenas, postal and delivery charges, long distance telephone charges, and compensation of investigators and expert witnesses authorized in advance by the Board. There shall be no reimbursement for the costs of the time of other bar association or Attorney General personnel or attorneys in discharging these obligations.

An application for reimbursement of expenses, together with proof of the expenditures, shall be filed with the Secretary. Upon approval by the Board, reimbursement shall be made from the Attorney Services Fund.

(B) *Annual Reimbursement of Indirect Expenses*. A bar association may apply to the Board prior to the first day of February each year for partial reimbursement of other expenses necessarily and reasonably incurred during the preceding calendar year in performing their obligations under this rule. The Board, by regulation, shall establish criteria for determining whether expenses under this section are necessary and reasonable. The Board shall deny reimbursement for any expense for which a bar association seeks reimbursement on or after the first day of May of the year immediately following the calendar year in which the expense was incurred. Expenses eligible for reimbursement are those specifically related to unauthorized practice of law matters and include the following:

(1) The personnel costs for the portion of an employee's work that is dedicated to this area;

(2) The costs of bar counsel retained pursuant to a written agreement with the unauthorized practice of law committee;

(3) Postal and delivery charges;

(4) Long distance telephone charges;

(5) Local telephone charges and other appropriate line charges included, but not limited to, per call charges;

(6) The costs of dedicated telephone lines;

(7) Subscription to professional journals, law books, and other legal research services and materials related to unauthorized practice of law;

(8) Organizational dues and educational expenses related to unauthorized practice of law;

(9) All costs of defending a lawsuit relating to unauthorized practice of law and that portion of professional liability insurance premiums directly attributable to the operation of the committees in performing their obligations under this rule;

(10) The percentage of rent, insurance premiums not reimbursed pursuant to division (B)(9) of this section, supplies and equipment, accounting costs, occupancy, utilities, office expenses, repair and maintenance, and other overhead expenses directly attributable to the operation of the committees in performing their obligations under this rule, as determined by the Board and provided that no bar association shall be reimbursed in excess of three thousand five hundred dollars per calendar year for such expenses. Reimbursement shall not be made for the costs of the time of other bar association personnel, volunteer attorneys, depreciation, or amortization. No bar association shall apply for reimbursement or be entitled to reimbursement for expenses that are reimbursed pursuant to Gov. Bar R. V, Section 7.

(C) *Quarterly Reimbursement of Certain Indirect Expenses*. In addition to applying annually for reimbursement pursuant to division (B) of this section, a bar association may apply quarterly to the Board for reimbursement of the expenses set forth in divisions (B)(1) and (2) of this section that were necessarily and reasonably incurred during the preceding calendar quarter. Quarterly reimbursement shall be submitted in accordance with the following schedule:

Reimbursement for the months of:	**Due by:**
January, February, and March	May 1
April, May, and June	August 1
July, August, and September	November 1
October, November, and December	February 1 (with annual reimbursement request)

Any expense that is eligible for quarterly reimbursement, but that is not submitted on a quarterly reimbursement application, shall be submitted no later than the appropriate annual reimbursement application pursuant to division (B) of this section and shall be denied by the Board if not timely submitted. The application for quarterly reimbursement shall include an affidavit with documentation demonstrating that the unauthorized practice of law committee incurred the expenses set forth in divisions (B)(1) and (2) of this section.

(D) *Audit*. Expenses incurred by bar associations and reimbursed under divisions (A), (B), and (C) of this section may be audited at the discretion of the Board or the Supreme Court and paid out of the Attorney Services Fund.

(E) *Availability of Funds*. Reimbursement under divisions (A), (B), and (C) of this section is subject to the availability of moneys in the Attorney Services Fund.

Section 10. Manner of Service.

Whenever provision is made for the service of any complaint, notice, order, or other document upon a respondent or relator in connection with any proceeding under this rule, service may be made upon counsel of record for the party personally or by certified mail.

If service of any document by certified mail is refused or unclaimed, the Secretary may make service by ordinary mail evidenced by a certificate of mailing. Service shall be considered complete when the fact of mailing is entered in the record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery.

Section 11. Quorum of Board.

A majority of the commissioners shall constitute a quorum for all purposes and the action of a majority of those present comprising such quorum shall be the action of the Board.

Section 12. Power to Issue Subpoenas.

In order to facilitate any investigation and proceeding under this rule, upon application by Disciplinary Counsel, the unauthorized practice of law committee of any regularly organized bar association, respondent, relator, or the Attorney General, the Secretary, the Board chair or vice-chair, and the hearing panel chair may issue subpoenas and cause testimony to be taken under oath before Disciplinary Counsel, the unauthorized practice of law committee of any regularly organized bar association, the Attorney General, a Board hearing panel, or the Board. All subpoenas shall be issued in the name and under the seal of the Supreme Court and shall be signed by the Secretary, the Board chair or vice-chair, or the hearing panel chair and served as provided by the Rules of Civil Procedure. Fees and costs of all subpoenas shall be provided from the Attorney Services Fund and taxed as costs.

The refusal or neglect of a person subpoenaed or called as a witness to obey a subpoena, to attend, to be sworn or to affirm, or to answer any proper question shall be deemed to be contempt of the Supreme Court and may be punished accordingly.

Section 13. Depositions.

The Secretary, the Board chair or vice-chair, and the hearing panel chair may order testimony of any person to be taken by deposition within or without this state in the manner prescribed for the taking of depositions in civil actions, and such depositions may be used to the same extent as permitted in civil actions.

Section 14. Conduct of Hearing.

The hearing panel shall follow the Rules of Civil Procedure and Rules of Evidence wherever practicable, unless a provision of this rule or Board hearing procedures and guidelines provide otherwise. The panel chair shall rule on evidentiary matters. All evidence shall be taken

in the presence of the hearing panel and the parties except where a party is absent, is in default, or has waived the right to be present. The hearing panel shall receive evidence by sworn testimony and may receive additional evidence as it determines proper. Any documentary evidence to be offered shall be served upon the adverse parties or their counsel and the hearing panel at least thirty days before the hearing, unless the parties or their counsel otherwise agree or the hearing panel otherwise orders. All evidence received shall be given the weight the hearing panel determines it is entitled after consideration of objections.

Section 15. Records.

The Secretary shall maintain permanent public records of all matters processed by the Board and the disposition of those matters.

Section 16. Board May Prescribe Regulations.

Subject to the prior approval of the Supreme Court, the Board may adopt regulations not inconsistent with this rule.

Section 17. Rules to Be Liberally Construed.

Amendments to any complaint, notice, answer, objections, or report may be made at any time prior to final order of the Board. The party affected by the amendment shall be given reasonable opportunity to meet any new matter presented by the amendment. This rule and regulations relating to investigations and proceedings involving complaints of unauthorized practice of law shall be liberally construed for the protection of the public, the courts, and the legal profession and shall apply to all pending investigations and complaints so far as may be practicable, and to all future investigations and complaints whether the conduct involved occurred prior or subsequent to the enactment or amendment of this rule.

Section 18. Records and Proceedings Public.

All records, documents, proceedings, and hearings of the Board relating to investigations and complaints pursuant to this rule shall be public, except that deliberations by a hearing panel and the Board shall not be public.

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

(A) *Show Cause Order*. After the filing of a final report of the Board, the Supreme Court shall issue to respondent an order to show cause why the report of the Board shall not be confirmed and an appropriate order granted. Notice of the order to show cause shall be served by the Clerk of the Supreme Court on all parties and counsel of record by certified mail at the address provided in the Board's report.

(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.

(C) *Answer Briefs*. Answer briefs and proof of service shall be filed within fifteen days after briefs in support of objections have been filed. All 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.

(D) *Supreme Court Proceedings.*

(1) After a hearing on objections, or if objections are not filed within the prescribed time, the Supreme Court shall enter an order as it finds proper. If the Supreme Court finds that respondent's conduct constituted the unauthorized practice of law, the Court shall issue an order that does one or more of the following:

(a) Prohibits the respondent from engaging in any such conduct in the future;

(b) Requires the respondent to reimburse the costs and expenses incurred by the Board and the relator pursuant to this rule;

(c) Imposes a civil penalty on the respondent. The civil penalty may be imposed regardless of whether the Board recommended imposition of the penalty pursuant to Section 8(B) of this rule and may be imposed for an amount greater or less than the amount recommended by the Board, but not to exceed ten thousand dollars per offense.

(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 8.

(E) *Notice*. Upon the entry of any order pursuant to this rule, the Clerk of the Supreme Court shall mail certified copies of the entry to all parties and counsel of record, the Board, Disciplinary Counsel, and the Ohio State Bar Association.

(F) *Publication*. The Supreme Court reporter shall publish any order entered by the Supreme Court under this rule in the *Ohio Official Reports*, the *Ohio State Bar Association Report*, and in a publication, if any, of the local bar association in the county in which the complaint arose. The publication shall include the citation of the case in which the order was issued. Publication also shall be made in a local newspaper having the largest general circulation in the county in which the complaint arose. The publication shall be in the form of a paid legal advertisement, in a style and size commensurate with legal advertisements, and shall be published three times within the thirty days following the order of the Supreme Court. Publication fees shall be assessed against the respondent as part of the costs.

[Not analogous to former Rule VII, effective October 20, 1975; amended effective April 13, 1977; November 6, 1978; April 25, 1983; July 1, 1983; November 30, 1983; June 6, 1988; January 1, 1989; January 1, 1990; January 1, 1992; January 1, 1993; January 1, 1995; June 16, 2003; January 1, 2005; November 1, 2007; January 1, 2008; September 1, 2008; September 1, 2010; January 1, 2011; January 1, 2013; January 1, 2015.]

RULE VIII. LAWYERS' FUND FOR CLIENT PROTECTION OF THE SUPREME COURT OF OHIO.

Section 1. Establishment of Fund.

(A) There shall be a Lawyers' Fund for Client Protection of the Supreme Court of Ohio consisting of amounts transferred to the fund pursuant to this rule and any other funds received in pursuance of the fund's objectives. The purpose of the fund is to aid in ameliorating the losses caused to clients and others by defalcating members of the bar acting as attorney or fiduciary, and this rule shall be liberally construed to effectuate that purpose. No claimant or other person shall have any legal interest in the fund or right to receive any portion of the fund, except for discretionary disbursements directed by the Board of Commissioners of the Lawyers' Fund for Client Protection of the Supreme Court of Ohio, all payments from the fund being a matter of grace and not right.

(B) The Supreme Court shall provide appropriate and necessary funding for the support of the Lawyers' Fund for Client Protection from the Attorney Registration Fund. The Clerk of the Supreme Court of Ohio shall transfer funds to the Lawyers' Fund for Client Protection at the direction of the Court.

Section 2. Board of Commissioners of the Lawyers' Fund for Client Protection of the Supreme Court of Ohio; Administrator; Chair.

(A) Creation; Members. There is hereby created a Board of Commissioners of the Lawyers' Fund for Client Protection of the Supreme Court of Ohio consisting of seven members appointed by the Supreme Court, at least one of whom shall be a person not admitted to the practice of law in Ohio or any other state. The Court shall designate one member as chair and one member as vice-chair, who shall hold such office for the length of their term. All terms shall be for a period of three years commencing on the first day of January. No member shall serve more than two consecutive three-year terms. The Board shall have its principal office in Columbus.

(B) Administrator. There shall be an Administrator of the Board of Commissioners of the Lawyers' Fund for Client Protection. The Court shall appoint and fix the salary of the Administrator. If the Administrator is an attorney admitted to practice in Ohio, the Administrator shall not engage in the private practice of law while serving in that capacity. The Administrator shall be the secretary to the Board. The Administrator shall appoint, with the approval of the Court, staff as required to satisfactorily perform the duties imposed by this rule. The Court shall fix the compensation of personnel employed by the Administrator.

(C) Powers of the Board. The Board shall do all of the following:

(1) Investigate applications by claimants for disbursement from the fund;

(2) Conduct hearings relative to claims;

(3) Authorize and establish the amount of disbursements from the fund in accordance with this rule;

(4) Adopt rules of procedure and prescribe forms not inconsistent with this rule.

(D) Powers of the chair.

(1) The chair of the Board shall be the trustee of the fund and shall hold, manage, disburse, and invest the fund, or any portion of the fund, in a manner consistent with the effective administration of this rule. All investments shall be made by the chair upon the approval of a majority of the Board. Investments shall be limited to short-term insured obligations of the United States government, deposits at interest in federally insured banks or federally insured savings and loan institutions located in the state of Ohio, and in no-front-end-load money market mutual funds consisting exclusively of direct obligations of the United States Treasury, and repurchase agreements relating to direct Treasury obligations, with the interest or other income on investments becoming part of the fund. Annually and at additional times as the Supreme Court may order, the chair shall file with the Supreme Court a written report reviewing in detail the administration of the fund during the year. The fund shall be audited biennially by the Auditor of State at the same time as the Supreme Court's regular biennial audit. The Supreme Court may order an additional audit at any time, certified by a certified public accountant licensed to practice in Ohio. Audit reports shall be filed with the Board, which shall send a copy to the Supreme Court. The report shall be open to public inspection at the offices of the Board.

(2) The chair and vice-chair of the Board shall file a bond annually with the Supreme Court in an amount fixed by the Supreme Court.

(3) The chair of the Board shall have the power and duty to render decisions on procedural matters presented by the Board and call additional meetings of the Board when necessary.

(4) The vice-chair of the Board shall exercise the duties of the chair during any absence or incapacity of the chair.

(E) Meetings. The Board shall meet at least two times a year, in Columbus and at other times and locations as the chair designates.

(F) Expenses. Expenses for the operation of the Board as authorized by this rule shall be paid from the fund, including bond premiums, the cost of audits, personnel, office space, supplies, equipment, travel, and other expenses of Board members.

Section 3. Eligible Claims.

For purposes of this rule, an eligible claim shall be one for the reimbursement of losses of money, property, or other things of value that meet all of the following requirements:

(A) The loss was caused by the dishonest conduct of an attorney admitted to the practice of law in Ohio when acting in any of the following capacities:

(1) As an attorney;

(2) In a fiduciary capacity customary to the practice of law;

(3) As an escrow agent or other fiduciary, having been designated as an escrow agent of fiduciary by a client in the matter or a court of this state in which the loss arose or having been selected as a result of a client-attorney relationship.

(B) The conduct was engaged in while the attorney was admitted to the practice of law in Ohio and acting in his capacity as an attorney admitted to the practice of law in Ohio, or in any capacity described in division (A) of this section.

(C) On or after the effective date of this rule, the attorney been disbarred, suspended, or publicly reprimanded, has resigned, or has been convicted of embezzlement or misappropriation of money or other property and the claim is presented within one year of the occurrence or discovery of the applicable event. The taking of any affirmative action by the claimant against the attorney within the one-year period shall toll the time for filing a claim under this rule until the termination of that proceeding. In the event disciplinary or criminal proceedings, or both, can not be prosecuted because the attorney can not be located or is deceased, the Board may consider a timely application if the claimant has complied with the other conditions of this rule.

(D) The claim is not covered by any insurance or by any fidelity or similar bond or fund, whether of the attorney, claimant, or otherwise.

(E) The claim is made directly by or on behalf of the injured client or his personal representative or, if a corporation, by or on behalf of itself or its successors in interest.

(F) The loss was not incurred by any of the following:

(1) The spouse, children, parents, grandparents or siblings, partner, associate, employee, or employer of the attorney, or a business entity controlled by the attorney. The Board may, in its discretion, recognize such a claim in cases of extreme hardship or special or unusual circumstances.

(2) An insurer, surety or bonding agency or company, or any entity controlled by any of the foregoing;

(3) Any governmental unit.

(G) A payment from the fund, by way of subrogation or otherwise, will not benefit any entity specified in division (F) of this section.

Section 4. Dishonest Conduct.

For purposes of this rule, dishonest conduct consists of wrongful acts or omissions by an attorney in the nature of defalcation or embezzlement of money, or the wrongful taking or conversion of money, property, or other things of value.

Section 5. Maximum Recovery.

The Board shall determine the maximum amount of reimbursement to be awarded to a claimant. No award shall exceed seventy-five thousand dollars.

Section 6. Conditions of Payment; Attorney Fees.

(A) As a condition to payment, the claimant shall execute any interest, take any action, or enter into any agreements as the Board requires, including assignments, subrogation agreements, trust agreements, and promises to cooperate with the Board in prosecuting claims or charges against any person. Any amounts recovered by the Board through an action shall be deposited with the fund.

(B) No attorney fees may be paid from the proceeds of an award made to a claimant under authority of this rule. The Board may allow an award of attorney fees to be paid out of the fund if it determines that the attorney's services were necessary to prosecute a claim under this rule and upon other conditions as the Board may direct.

Section 7. Claims Procedure.

(A) Forms. The Board shall provide forms for the presentation of claims to Disciplinary Counsel, all bar associations, and to any other person upon request. The Board shall create a complaint form for the use of claimants that shall include, but not be limited to the name and address of the claimant, the name and last known address of the attorney against whom the claim is made, the date of the alleged wrongful act, a clear and simple statement describing the wrongful act, the amount of the claimed loss, and a statement as to whether other affirmative action has been taken as described in Section 3(C) of this rule. A claim shall be considered as filed on the date the Board receives written notification of the claim, even in the absence of the prescribed form. However, completion of the formal application may subsequently be required by the Board.

(B) Notice. Upon receipt of a claim against an attorney, the secretary of the Board shall notify the attorney by certified mail, when possible, of the fact of its filing. All parties shall be notified of any action taken by the Board with respect to a claim.

(C) Investigation; Cooperation With Disciplinary Counsel and Local Bar Associations.

(1) The Board shall investigate or cause to be investigated all claims received under this rule.

(2) At the request of the Board, Disciplinary Counsel and local bar associations authorized to investigate attorney discipline complaints under Gov. Bar R. V shall make available to the Board all reports of investigations and records of formal proceedings in their possession with respect to any attorney whose conduct is alleged to amount to dishonest conduct under this rule. Where the information sought is the subject of a pending investigation or disciplinary proceeding required by Gov. Bar R. V to be confidential, disclosure shall not be required until the termination of the investigation or disciplinary proceeding, or both.

(3) Where the Board receives a claim that is ineligible because disciplinary proceedings have not been undertaken, the Board shall hold the claim in abeyance, forward a copy of the claim to Disciplinary Counsel for further action, and advise the claimant that these procedures have been undertaken and that disciplinary action is a prerequisite to eligibility under this rule. If filed within the time limits prescribed in Section 3(C) of the rule, the claim shall be considered timely regardless of the time it is held in abeyance pending the outcome of disciplinary proceedings. Disciplinary Counsel shall advise the Board as to the disposition of the complaint.

(D) Hearings; Subpoenas.

The Board may conduct hearings for the purpose of resolving factual issues. Upon determining that any person is a material witness to the determination of a claim made against the fund, the Board, chair, or vice-chair shall have authority to issue a subpoena requiring the person to appear and testify or produce records before the Board. All subpoenas shall be issued in the name and under the Seal of the Supreme Court, signed by the chair, vice-chair, or Administrator, and served as provided by law.

(E) Confidentiality.

All claims filed under this rule and all records obtained by the Board pursuant to this rule shall be confidential. If an award is made under this rule, the award, the name of the claimant, the name of the attorney, and the nature of the claim may be disclosed.

(F) Consideration of Claims.

The Board, in its sole discretion, but on the affirmative vote of at least four members, shall determine the eligible claims that merit reimbursement from the fund and the amount, time, manner, conditions, and order of payments of reimbursement. No award may include interest from the date of the award. In making each determination, the Board shall consider, among other factors set forth in this rule, all of the following:

(1) The amounts available and likely to become available to the fund for the payment of claims and the size and number of claims that are likely to be presented;

(2) The amount of the claimant's loss as compared with the amount of losses sustained by other eligible claimants;

(3) The degree of hardship suffered by the claimant as a result of the loss;

(4) The degree of negligence, if any, of the claimant that may have contributed to the loss.

(5) Any special or unusual circumstances.

To preserve the fund, the board may adopt rules implementing a sliding scale whereby eligible claims are compensable at fixed percentages of the total loss but not to exceed the maximum award allowed by this rule.

The determination of the Board shall be final.

[Not analogous to former Rule VIII, effective January 1, 1976; amended effective June 15, 1981; November 17, 1982; July 1, 1983; May 13, 1985; July 29, 1987; October 1, 1989; January 1, 1990; January 1, 1993; December 1, 1996; October 20, 1997; April 13, 1998; August 1, 2003; January 1, 2015.]

RULE IX. TEMPORARY CERTIFICATION FOR PRACTICE IN LEGAL SERVICES, PUBLIC DEFENDER, AND LAW SCHOOL PROGRAMS

Section 1. Eligibility.

A person not admitted to the practice of law in Ohio may become certified to temporarily practice law in this state if that person satisfies all of the following:

(A) The person has earned a degree from a law school that is accredited by the American Bar Association;

(B) The person has taken and passed a bar examination, and has been admitted and is in good standing as an attorney at law in the highest court of another state, the District of Columbia, or a territory of the United States;

(C) The person has not taken and failed the Ohio bar examination;

(D) The person has not had an application for admission in Ohio denied on character and fitness grounds pursuant to Gov. Bar R. I;

(E) The person is employed by or associated with a legal services or public defender program that provides legal services solely to indigent clients, or is employed as a supervising attorney in a criminal or poverty law and litigation program administered by an Ohio law school that is accredited by the American Bar Association. For purposes of this rule, legal services program shall mean any organization that receives financial assistance from the state public defender pursuant to section 120.53 of the Revised Code.

Section 2. Application.

An applicant for certification under this rule shall file with the Office of Bar Admissions of the Supreme Court an Application for Temporary Certification. The application shall be on forms furnished by the Office of Bar Admissions and shall include all of the following:

(A) A certificate from the applicant's law school certifying that the applicant has received a law degree;

(B) A certificate of admission as an attorney at law from another state, the District of Columbia, or a territory of the United States;

(C) A certificate of good standing from each jurisdiction in which the applicant is admitted to practice law;

(D) An affidavit that the applicant has read, is familiar with, and agrees to be bound by the Ohio Code of Professional Responsibility and to submit to the jurisdiction of the Supreme Court for disciplinary purposes pursuant to Gov. Bar R. V;

(E) An affidavit from the director of the legal services or public defender program or the dean of the law school where the applicant is employed or associated certifying all of the following:

(1) That the applicant is employed by or associated with the legal services, public defender, or law school program;

(2) That the director or law school dean has no knowledge of information that would cause him or her to doubt the applicant's character, fitness, or moral qualifications to practice law or the applicant's ability to discharge the duties of an attorney at law;

(3) That the director or law school dean will notify the Office of Bar Admissions in writing immediately upon termination of the applicant's employment or association with the legal services, public defender, or law school program;

(F) A questionnaire, in duplicate, for use by the National Conference of Bar Examiners and the Board of Commissioners on Character and Fitness in conducting a character investigation of the applicant;

(G) A fee in the amount charged by the National Conference of Bar Examiners for its report;

(H) A fee of three hundred dollars. Fees paid under this rule may be applied toward the fees for admission under Gov. Bar R. I.

Section 3. Certification.

Upon filing of a completed application that demonstrates the applicant's eligibility under this rule, the Office of Bar Admissions shall issue a temporary certificate to the applicant. The certificate shall be subject to the limitations imposed by Sections 4 and 5 of this rule and shall authorize the practice of law in Ohio only to the extent that practice is engaged in by the applicant as an employee or associate of a legal services, public defender, or law school program.

Section 4. Review by the Board of Commissioners on Character and Fitness.

The Office of Bar Admissions shall forward the applicant's questionnaire to the National Conference of Bar Examiners. Upon receipt of a report from the National Conference of Bar Examiners, the Office of Bar Admissions shall submit the report and the application to the Board of Commissioners on Character and Fitness, which shall review the report and the application. The Board may request additional information or materials from the applicant and may conduct a personal interview to determine the applicant's character, fitness, and moral qualifications to practice law. The Board shall recommend that the applicant's temporary certificate either be approved or revoked. If the Board recommends revocation of the certificate, it shall file a report of its recommendation and the basis for its recommendation with the Office of Bar Admissions, who immediately shall revoke the certificate and send a copy of the report and recommendation to

the applicant. An applicant whose certificate is revoked shall be entitled to review by the Supreme Court pursuant to Gov. Bar R. I, Section 13(F).

Section 5. Duration and Renewal of the Certificate.

(A) A certificate issued pursuant to this rule shall expire one year from the date of issuance unless, prior to the date of expiration, one of the following events occurs, in which case the certificate shall expire on the date the event occurs:

(1) The applicant is admitted to the bar of Ohio;

(2) The applicant is denied admission to the practice of law under Gov. Bar R. I;

(3) The applicant receives a failing score on the Ohio bar examination;

(4) The applicant's employment or association with the legal services, public defender, or law school program is terminated and, within thirty days of the date of the notice provided for in Section 2(E)(3) of this rule, the director of a legal services or public defender program or law school dean fails to notify the Office of Bar Admissions that the applicant has become employed by or associated with another legal services, public defender, or law school program in this state.

(B) A certificate issued pursuant to this rule may be renewed once for a period of one year from the date on which the certificate would have expired. An applicant may obtain renewal by filing an application for renewal and both of the following with the Office of Bar Admissions:

(1) An affidavit from the director of the legal services or public defender program or the dean of the law school where the applicant is employed or associated certifying the applicant's continued employment or association with the legal services, public defender, or law school program;

(2) An affidavit from the applicant stating that the applicant has not engaged in the practice of law in Ohio outside the scope of employment or association with the legal services, public defender, or law school program where the applicant is employed or associated.

(C) An applicant who is granted temporary certification under this rule is subject to all provisions of the Ohio Code of Professional Responsibility and submits to the jurisdiction of the Supreme Court for disciplinary purposes under Gov. Bar R. V. The Supreme Court, on its own initiative and at any time, may revoke a temporary certificate for disciplinary or other reasons.

[Not analogous to former Rule IX, effective January 1, 1981; amended effective July 2, 1990; July 2, 1991; October 1, 2000; October 1, 2003; February 1, 2007; May 1, 2007; January 1, 2008; June 1, 2020.]

The Supreme Court, on June 4, 1991, amended Section 5 of this rule, effective July 2, 1991, but did not modify the repeal provision of Section 7. The Supreme Court Reporter has advised

that the June 4 order supersedes the repeal provision of Section 7 and that Rule IX remains in effect.

RULE X. CONTINUING LEGAL EDUCATION

Section 1. Purpose; Construction.

(A) The purpose of this rule is to maintain and improve the quality of legal and judicial services in Ohio by requiring continuing legal education for Ohio attorneys and regulating the provision of continuing legal education to Ohio judges.

(B) This rule and regulations adopted under authority of this rule by the Supreme Court Commission on Continuing Legal Education shall be construed liberally to accomplish the purpose of this rule.

(C) As used in this rule, "judge" includes the Chief Justice and Justices of the Supreme Court.

Section 2. Supreme Court Commission on Continuing Legal Education.

(A)(1) There is hereby created the Supreme Court Commission on Continuing Legal Education, consisting of nineteen members appointed by the Supreme Court, as follows:

(a) Twelve attorneys licensed to practice law in Ohio, one from each appellate district;

(b) One dean or member of a law faculty engaged in full-time legal education in an Ohio law school;

(c) Five judges;

(d) One member who shall not be an attorney.

(2) Terms of office shall be three years. Members shall be eligible for reappointment, but shall not serve more than two full terms. A member appointed to fill a vacancy occurring prior to the expiration of the term shall hold office for the remainder of the unexpired term. If an attorney member no longer resides or practices in the district from which the attorney is appointed, if the educator or dean member is no longer engaged in full-time legal education in an Ohio law school, or if a judge member leaves office, the member shall be disqualified and a vacancy shall occur.

(3) Each year, the Commission shall elect a chair, a vice-chair, and other officers as are necessary. The Commission shall meet at the call of the chair or upon written request of a majority of the members. A majority of the members duly appointed and qualified constitutes a quorum. No action shall be taken by the Commission without the concurrence of a majority of the members constituting a quorum at that meeting.

(4) Members shall serve without compensation, but shall be reimbursed for expenses incurred in the performance of their official duties.

(B)(1) The Commission shall administer the continuing legal education requirements of this rule and Rule IV of the Rules for the Government of the Judiciary of Ohio, including promulgating regulations and performing other administrative functions necessary to carry out the duties of the Commission.

(2) The Director of Attorney Services or the Director's designee shall serve as Secretary of the Commission.

(3) The Commission shall accredit continuing legal education programs, activities, and sponsors and establish procedures for accreditation. The Commission, by regulation, may assess reasonable application fees for accreditation, sponsors that submit a program or activity for accreditation, or both.

(4) The Commission shall accredit mayor's court continuing education courses and sponsors pursuant to the Mayor's Court Education and Procedure Rules and establish procedures for accreditation.

(5) The Commission shall establish procedures for awarding credits toward the completion of the continuing legal education requirements of this rule and Gov. Jud. R. IV.

(6) The Commission shall endeavor to make accredited programs and activities on a variety of subjects available at a reasonable cost to attorneys and judges in all areas of the state.

(7) The Commission shall not sponsor programs and activities for continuing legal education.

(8) The Commission shall report, at least annually, to the Supreme Court concerning the activities of the Commission and the status of continuing legal education in the state.

(C) Commission operations shall be funded by the Attorney Services Fund established pursuant to Gov. Bar R. VI. All fees collected pursuant to this rule shall be deposited in the Attorney Services Fund.

(D) At the request of the Administrative Director of the Supreme Court, the Secretary of the Commission shall prepare and submit a proposed budget for approval by the Supreme Court.

(E) Records of the Commission shall be public records.

Section 3. Continuing Legal Education Requirements for Attorneys.

(A) *Total credit hours.* 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 6 shall complete a minimum of twenty-four credit hours of continuing legal education for each biennial compliance period.

(B) *Professional conduct credit hours.* As part of the minimum twenty-four credit hours of continuing legal education required by division (A) of this section, an attorney shall complete a minimum of two and one-half credit hours of instruction on one or any combination of the following professional conduct topics:

(1) Legal ethics, which shall include instruction on the Ohio Rules of Professional Conduct;

(2) Professionalism, which shall include instruction on the role of attorneys in promoting ethics and professionalism among attorneys by facilitating compliance with the requirements of the Ohio Rules of Professional Conduct, "A Lawyer's Creed," "A Lawyer's Aspirational Ideals," and the "Statement Regarding the Provision of Pro Bono Legal Services by Ohio Lawyers" adopted by the Supreme Court;

(3) Alcoholism, substance abuse, or mental health issues, which shall include instruction on any of their causes, prevention, detection, and treatment alternatives, as applicable;

(4) Access to justice and fairness in the courts and how these issues impact public trust and confidence in the judicial system and the perception of justice in Ohio, which shall include instruction on one or any combination of the following topics:

(a) Interacting with self-represented litigants;

(b) Encouraging pro bono representation;

(c) Accommodating language interpretation;

(d) Assuring fairness in matters of race, ethnicity, foreign origin, religion, gender, sexual orientation, disability, socio-economic status, or other relevant topics.

(C) *Single or multiple programs or activities.* The instruction related to professional conduct required by division (B) 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 that division.

Section 4. Biennial Compliance Periods.

An attorney whose last name begins with a letter from A through L shall complete the number of continuing legal education credit hours required by Section 3 of this rule on or before December 31st of each odd-numbered year. An attorney whose last name begins with a letter from M through Z shall complete the number of continuing legal education credit hours required by Section 3 of this rule on or before December 31st of each even-numbered year. If the name of an attorney changes after the attorney is admitted to the practice of law or registers for corporate status pursuant to Gov. Bar R. VI, Section 6, the attorney shall remain in the same alphabetical grouping for purposes of meeting the requirements of this section.

Section 5. Allowance of Credit Hours.

(A) *Amount of credit hours*. Sixty minutes of actual instruction or other approved activity shall constitute one credit hour. Thirty minutes of actual instruction or other approved activity shall constitute one-half credit hour.

(B) *Continuing legal education teaching credit.* The Supreme Court Commission on Continuing Legal Education may allow up to three credit hours to an instructor for each credit hour taught in an approved continuing legal education program or activity the first time the program or activity is presented by that instructor, two credit hours for each credit hour taught as part of a panel presentation in an approved program or activity the first time the program or activity is presented by that instructor, and one credit hour for each credit hour taught in subsequent presentations of the same program or activity by that instructor, with a maximum of one-half the required credit hours for teaching during the biennial compliance period.

(C) *Law school teaching credit.*

(1) As used in this section, "semester hour" means the number of academic credit hours received by a student for successfully completing a specific higher education course.

(2) The Commission may allow three credit hours for each semester hour of a course taught by an adjunct or part-time professor at a law school accredited by the American Bar Association the first time the course is taught by that professor and one-half credit hour for each semester hour the course is subsequently taught by that professor.

(3) The Commission may allow one-half credit hour for each semester hour taught by a full-time professor at a law school accredited by the American Bar Association.

(4) Prorated credit may be granted for quarter or trimester hours.

(D) *Publication of article or book credit*. The Commission may allow up to twelve credit hours for the publication of an article or book personally authored by the applicant, with a maximum of twelve credit hours for publications during a biennial compliance period.

(E) *Self-study credit*.

(1) The Commission may allow up to twelve credit hours for approved self-study during a biennial compliance period.

(2) The Commission may allow up to twenty-four credit hours for approved live webinar self-study activities during a biennial compliance period.

(F) *Law school course credit*. The Commission may allow three credit hours for each semester hour of a course taken at a law school accredited by the American Bar Association. Prorated credit may be granted for quarter or trimester hours.

(G) *Mayor's court education credit*. The Commission may allow one credit hour for every two credit hours of accredited mayor's court education completed by an attorney for the purpose of serving as a mayor's court magistrate pursuant to section 1905.05 of the Revised Code.

(H) *Pro bono credit*.

(1) As used in this rule, "pro bono legal service" means legal service provided either to a person of limited means or to a charitable organization.

(2) The Commission may allow one credit hour for every six hours of pro bono legal service performed, with a maximum of six credit hours for service performed during a biennial compliance period, provided the legal service is assigned, verified, and reported to the Commission by any of the following:

(a) An organization receiving funding for pro bono programs or services from the Legal Services Corporation or the Ohio Access to Justice Foundation;

(b) A metropolitan or county bar association;

(c) The Ohio State Bar Association;

(d) The Ohio Access to Justice Foundation;

(e) Any other organization recognized by the Commission as providing pro bono programs or services in Ohio.

Section 6. Standards for Granting Credit Hours.

In establishing standards for the granting of credit hours for continuing legal education programs or activities, the Supreme Court Commission on Continuing Legal Education shall consider all of the following:

(A) The program or activity shall have significant intellectual or practical content and the primary objective shall be to improve the participant's professional competence as an attorney or judge;

(B) A program or activity for attorneys shall be an organized program of learning dealing with matters directly related to the practice of law, professional responsibility or ethical obligations, law office economics, or similar subjects that promotes the purposes of this rule. A program or activity for judges shall be an organized program of learning dealing with matters directly related to the law or judicial administration that promotes the purposes of Gov. Jud. R. IV.

(C) The program or activity may consist of live instruction or other methods as approved in advance by the Commission, including the use of self-study materials, and that are prepared and conducted by an individual or a group qualified by practical or academic experience;

(D) The program or activity shall be presented in a setting physically suited to the educational activity of the program or activity;

(E) The program or activity should include thorough, high-quality written materials.

Section 7. Proration of Credit Hours.

(A) *Attorney who becomes subject to rule during biennial compliance period.* An attorney who becomes subject to this rule during a biennial compliance period may have the continuing legal education requirements under Section 3 of this rule prorated by the Supreme Court Commission on Continuing Legal Education pursuant to CLE Regulation 305 for the biennial compliance period in which the attorney is subject to this rule.

(B) *Former inactive or retired attorney.* Upon registration as active, an attorney who was registered as inactive pursuant to Gov. Bar R. VI, Section 5 or as retired pursuant to former Gov. Bar R. VI, Section 3 may have the attorney's continuing legal education requirements under Section 3 of this rule prorated pursuant to CLE Regulation 305 for the biennial compliance period in which the attorney registers as active.

(C) *Attorney with military exemption.* An attorney who is granted a military exemption pursuant to Section 12(A)(1) of this rule and whose exemption is terminated may have the attorney's continuing legal education requirements under Section 3 of this rule prorated pursuant to CLE Regulation 305 for the prorated period in which the exemption ends.

(D) *Attorney exempt from rule for more than two years.* An attorney who was exempt for more than two years from the requirements of this rule pursuant to Section 12(A) of this rule may have the attorney's continuing legal education requirements prorated pursuant to CLE Regulation 305 for the biennial compliance period in which the exemption ends.

Section 8. Carryover of Credit Hours.

If the Supreme Court Commission on Continuing Legal Education determines that an attorney has timely completed in a biennial compliance period more than the number of continuing legal education credit hours required by Section 3 of this rule, the Commission may apply a maximum of twelve general credit hours to the next biennial compliance period.

Section 9. Newly-Admitted and Corporate Registered Attorneys.

(A) *Exemption from continuing legal education requirements.* An attorney newly admitted to the practice of law or registered for corporate status under Gov. Bar R. VI, Section 6 shall be exempt from the continuing legal educational requirements of Section 3 of this rule during the attorney's first biennial compliance period, provided that if the attorney is admitted to the practice of law or registered for corporate status during the second year of the attorney's biennial compliance period, the attorney shall be exempt during the biennial compliance period that follows the attorney's year of admission or year of initial corporate registration. However, the attorney

shall complete the New Lawyers Training instruction in accordance with Section 14 of this rule by the deadline set forth in this division.

(B) *Exemption from New Lawyers Training*. The following newly admitted attorneys shall be exempt from the New Lawyers Training instruction requirements of Section 14 of this rule, but shall otherwise comply with the applicable requirements of this rule:

(1) An attorney registered as inactive pursuant to Gov. Bar R. VI, Section 5;

(2) An attorney admitted to the practice of law in Ohio pursuant to Gov. Bar R. I, Section 10;

(3) An attorney temporarily admitted to the practice of law in Ohio pursuant to Gov. Bar R. I, Section 18.

(C) *Attorney previously registered as inactive*. If an attorney has been exempt from the continuing legal educational requirements of Section 3 of this rule because the attorney has been registered as inactive and subsequently registers as active, the attorney shall complete the New Lawyers Training instruction in accordance with Section 14 of this rule by the end of the biennial compliance period in which active status is reinstated or, if the attorney's exemption ends on or after July 1st of the second year of the attorney's biennial compliance period, by the end of the next biennial compliance period.

(D) *Termination of exemption*. If an attorney has been granted an exemption by the Supreme Court Commission on Continuing Legal Education pursuant to Section 12(A) of this rule, which exempts the attorney from completing the New Lawyers Training instruction in accordance with Section 14 of this rule, and the exemption is subsequently terminated, the attorney shall complete the New Lawyers Training instruction by the end of the biennial compliance period in which the exemption is terminated or, if the exemption ends on or after July 1st of the second year of the attorney's biennial compliance period, by the end of the next biennial compliance period.

Section 10. Magistrates.

(A) *Definition*. As used in this section, "magistrate" means an attorney appointed by a court pursuant to App.R. 34, Crim.R. 19, Civ.R. 53, Juv.R. 40, or Traf.R. 14.

(B)(1) *Orientation program.* An attorney who, after January 1, 2019, is appointed as a new magistrate and has not completed the Magistrate Orientation Program for that jurisdiction shall, within twelve months of the appointment, complete the program.

(2) The Magistrate Orientation Program shall be developed and accredited by the Supreme Court Judicial College and consist of the following two parts:

(a) Part I, which shall consist of a general and specific curriculum applicable to the jurisdictions of the attendees. The Judicial College shall conduct Part I at least one time each year.

(b) Part II, which shall be the Judicial College Mentor Program. Part II shall pair a new magistrate with an experienced magistrate-mentor within the same subject area jurisdiction. Each magistrate required to participate in Part II shall have regular contact with the mentoring magistrate for a minimum of one year.

(3) A sitting magistrate who changes jurisdictions shall complete only the portions of Part I that are specifically designed for the new jurisdiction.

(4) The Judicial College shall not charge tuition for participation in Part I.

(5) For good cause, the executive committee of the Judicial College Board of Trustees may delay or excuse completion of the Magistrate Orientation Program.

(C)(1) *Credit hours.* Each magistrate shall complete a minimum of forty credit hours of continuing legal education for each biennial compliance period on subjects devoted to the law and court administration.

(2) As part of the minimum forty credit hours of continuing legal education required by division (C)(1) of this section, each magistrate shall complete a minimum of ten credit hours of instruction offered by the Judicial College.

(3) As part of the minimum ten credit hours of Judicial College instruction required by division (C)(2) of this section, each magistrate shall complete a minimum of three credit hours of instruction offered by the Judicial College on one or any combination of the following four conduct topics:

(a) Ethics, which shall include instruction on one or any combination of the Ohio Code of Judicial Conduct, the Ohio Rules of Professional Conduct, the Judicial Creed, and Ohio ethics laws;

(b) Professionalism, which shall include instruction on one or both of the following topics:

(i) The role of magistrates in promoting ethics and professionalism within the judicial system;

(ii) The role of magistrates in promoting ethics and professionalism among attorneys by facilitating compliance with the requirements of the Ohio Rules of Professional Conduct, "A Lawyer's Creed," "A Lawyer's Aspirational Ideals," and the "Statement Regarding the Provision of Pro Bono Legal Services by Ohio Lawyers" adopted by the Supreme Court.

(c) Alcoholism, substance abuse, or mental health issues, which shall include instruction on any of their causes, prevention, detection, and treatment alternatives, as applicable;

(d) Access to justice and fairness in the courts and how these issues impact public trust and confidence in the judicial system and the perception of justice in Ohio, which shall include instruction on one or any combination of the following topics:

(i) Interacting with self-represented litigants;

(ii) Encouraging pro bono representation;

(iii) Accommodating language interpretation;

(iv) Assuring fairness in matters of race, ethnicity, foreign origin, religion, gender, sexual orientation, disability, socio-economic status, or other relevant topics.

(4) The Judicial College instruction related to conduct required by division (C)(3) 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 that division.

(D) *Registration*. Each magistrate shall register annually with the Secretary of the Supreme Court Commission on Continuing Legal Education in a manner authorized by the Commission.

Section 11. Acting Judges.

(A) *Definition*. As used in this section, an "acting judge" means a person appointed by a judge of a municipal or county court pursuant to sections 1901.121 or 1907.141 of the Revised Code.

(B) *Credit hours*. As part of the continuing legal education requirements of this rule, an acting judge shall complete a minimum of ten credit hours of continuing legal education instruction for each biennial compliance period that are offered by the Supreme Court of Ohio Judicial College that do not consist solely of the classroom instruction on professional conduct required by Section 3(B) of this rule.

(C) *Registration*. Each acting judge shall register annually with the Secretary of the Supreme Court Commission on Continuing Legal Education in a manner authorized by the Commission.

(D) *Emergency appointment*. Divisions (B) and (C) of this section shall not apply to an acting judge appointed due to both of the following reasons:

(1) An event or circumstance that is unforeseen and requires the appointing judge to be away from the court, including but not limited to a family illness or death;

(2) No acting judge who is registered pursuant to division (C) of this section is available or the application for a visiting judge or retired judge sitting by assignment of the Chief Justice of the Supreme Court would be impracticable.

(E) *Length of emergency appointment*. The appointment of an acting judge to whom division (D) of this section applies shall last no longer than twenty-four hours or until the conclusion of the next day the court regularly is open if the appointment is made on a weekend, holiday, or other day on which the court is not open.

Section 12. Exemptions.

(A) *Exemption by Commission*. Upon approval by the Supreme Court Commission on Continuing Legal Education, the following attorneys may be exempted from the requirements of Section 3 of this rule:

(1) An attorney on full-time military duty who does not engage in the private practice of law in Ohio;

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

(3) 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.

(B) *Substitute program or activity.* An attorney who, because of a permanent physical disability or other compelling reason, has difficulty attending programs or activities may request, and the Commission may grant, approval of a substitute program or activity.

(C) *Temporary certified attorney, foreign legal consultant, or pro hac vice admitted attorney.* A person certified to practice law temporarily pursuant to Gov. Bar R. IX, a foreign legal consultant registered pursuant to Gov. Bar R. XI, or an attorney registered with the Office of Attorney Services for pro hac vice admission pursuant to Gov. Bar R. XII shall be exempt from the requirements of this rule.

(D) *Federal judges and magistrate judges.* The following attorneys are exempt from the requirements of this rule while in office:

(1) United States judges appointed to office for life pursuant to Article III of the United States Constitution;

(2) United States bankruptcy judges;

(3) United States magistrate judges.

(E) *Inactive and retired attorneys.* An attorney registered as inactive pursuant to Gov. Bar R. VI, Section 5 or as retired pursuant to former Gov. Bar R. VI, Section 3 shall be exempt from the requirements of this rule.

Section 13. Disciplined Attorneys.

An attorney against whom a definite or an indefinite suspension is imposed pursuant to Gov. Bar R. V shall complete one credit hour of continuing legal education for each month, or portion of a month, of the suspension. As part of the total credit hours of continuing legal education required under this section, the attorney shall complete one credit hour of the instruction related to professional conduct required by Section 3(B) of this rule for each six months, or portion of six months, of the suspension.

Section 14. New Lawyers Training.

(A) *Requirement.*

(1) Each attorney newly admitted to the practice of law or registered for corporate status under Gov. Bar R. VI, Section 5 shall complete a minimum of twelve credit hours of New Lawyers Training instruction in the time frame set forth in Section 9(A) of this rule. The twelve credit hours of instruction shall include both of the following:

(a) Three credit hours of instruction in professionalism, law office management, and client fund management consisting of sixty minutes of instruction on topics related to professional conduct, professional relationships, obligations of attorneys, or aspirational ideals of the profession; sixty minutes of instruction on topics related to fundamental law office management practices; and sixty minutes of instruction on topics related to client fund management;

(b) Nine credit hours of instruction in one or more substantive law topics that focus on handling legal matters in specific practice areas.

(2) An attorney newly admitted to the practice of law or registered for corporate status under Gov. Bar R. VI, Section 5 may satisfy the New Lawyers Training instruction requirement of division (A)(1) of this section by participating in and successfully completing the Supreme Court Lawyer to Lawyer Mentoring Program, provided the attorney also completes three credit hours of instruction on professionalism, law office management, and client fund management as required in division (A)(1)(a) of this section.

(B) *Approval of activity.* To be approved by the Supreme Court Commission on Continuing Legal Education as a New Lawyers Training activity, the activity shall satisfy the following standards, together with any other standards as established by regulation of the Commission:

(1) The activity shall consist of live instruction in a setting physically suited to the educational activity of the program;

(2) The activity shall be a minimum of thirty minutes in length;

(3) The activity shall include thorough, high-quality, written materials that emphasize and include checklists of procedures to follow, practical instructions, and forms with guidance as to how they should be completed and when they should be used.

(C) *Carryover hours.* An attorney subject to Section 9(A) of this rule who completes more than the number of New Lawyers Training credit hours required under division (A)(1) of this section may be awarded a maximum of twelve general credit hours to the next biennial compliance period.

(D) *Awarding of general credit hours.* The Commission may award one-half credit hour of continuing legal education for every thirty minutes of New Lawyers Training instruction completed by an attorney not subject to Section 9(A) of this rule.

Section 15. Accreditation of Programs and Activities.

(A) *Accreditation procedures.* The Supreme Court Commission on Continuing Legal Education shall establish and publish written procedures for accreditation of continuing legal education programs and activities.

(B) *Accreditation term.* The Commission may establish the term for which the accreditation of a continuing legal education program or activity is effective. The Commission may renew accreditation of a program or activity.

(C) *Application decision.* The Commission shall render a decision on an application for accreditation of a continuing legal education program or activity within forty-five days after the date the Commission receives a completed application.

(D) *Prior approval.* The Commission may require prior approval of a continuing legal education program or activity.

(E) *Accreditation of out-of-state or national program or activity.* The Commission may accredit continuing legal education programs and activities of other states or national or state legal organizations.

(F) *Automatic accreditation.* The Commission may grant automatic accreditation for continuing legal education programs and activities offered by established sponsors, provided that the Commission shall monitor those programs and activities.

(G) *Notice and explanation of denial.* The Commission shall notify a continuing legal education program or activity sponsor if accreditation is not granted and explain the reasons for denial.

(H) *Calendar of programs and activities.* The Commission shall maintain a calendar of accredited continuing legal education programs and activities and shall make the calendar available on a regular basis.

(I) *Political involvement.* The Commission shall not accredit a continuing legal education program or activity, any proceeds from which are to be used to support a political party, political action committee, campaign committee of a candidate for public office, or candidate for public office.

Section 16. Evaluation of Programs and Activities.

(A) *Procedures for evaluation.* The Supreme Court Commission on Continuing Legal Education shall establish procedures for evaluating continuing legal education programs and activities offered under this rule.

(B) *Commission attendance at program or activity.* Commission representatives may attend any continuing legal education program or activity without notice or fee to evaluate the program or activity. No credit hours shall be awarded for attendance to evaluate a program or activity.

(C) *Revocation of accreditation.* The Commission may revoke accreditation for failure to comply with the requirements of this rule, regulations adopted pursuant to this rule, or for other good cause shown. An attorney or judge who attends an accredited continuing legal education program or activity for which accreditation is later revoked shall receive credit, provided the attendance occurred prior to notice of revocation.

Section 17. Sanctions for Failure to Comply.

(A) *Continuing legal education requirements.* An attorney, magistrate, or acting judge who fails to satisfy the applicable requirements of this rule, except for failure to complete the New Lawyers Training instruction as required by Section 14 of this rule, or a full-time judge, part-time judge, or retired judge who fails to satisfy the applicable mandatory continuing legal education requirements of this rule or Gov. Jud. R. IV shall be subject to one or both of the following sanctions:

(1) A monetary penalty;

(2) Suspension from the practice of law.

(B) *New Lawyers Training requirements.* An attorney who is required to complete the New Lawyers Training instruction as required by Section 14 of this rule and who, without good cause, fails to complete the requirements shall be suspended from the practice of law.

(C) *Sanctions.* When imposing a sanction for professional misconduct pursuant to Gov. Bar R. V, a monetary penalty imposed under this section shall not be considered as prior discipline but a suspension shall be considered as prior discipline.

Section 18. Enforcement Procedures.

(A) *Late compliance.* An attorney or judge who fails to meet the applicable requirements of this rule or Gov. Jud. R. IV, but does so within ninety days of the deadline set forth in Section 4 of this rule, shall be assessed a late fee in accordance with the late fee schedule in CLE Regulation 503.

(B) *Failure to comply.* An attorney or judge who fails to meet the applicable requirements of this rule or Gov. Jud. R. IV shall be notified of the apparent noncompliance by the Supreme Court Commission on Continuing Legal Education. The Commission shall send notice of the apparent noncompliance by regular mail to the attorney or judge at the most recent address provided by the attorney or judge to the Office of Attorney Services. The notice shall inform the attorney or judge that the attorney or judge will be subject to one or both of the sanctions set forth in Section 17 of this rule unless, on or before the date set forth in the notice, the attorney or judge either files evidence of compliance with the applicable requirements of this rule or Gov. Jud. R. IV or comes into compliance. The attorney or judge shall come into compliance by taking sufficient credit hours to meet the requirements and paying the late fee set forth in CLE Regulation 503 by the date set forth in the notice of apparent noncompliance. If the attorney or judge does not file evidence of compliance or come into compliance on or before the date set forth in the notice, the attorney or judge shall be subject to sanction as set forth in Section 17 of this rule. The Commission shall send the sanction order by certified mail to the attorney or judge at the most recent address provided by the attorney or judge to the Office of Attorney Services. The Supreme Court Reporter shall publish notice of the Commission's sanction orders in the *Ohio Official Reports* and the *Ohio State Bar Association Report*.

Section 19. Reinstatement.

(A) *Application.* An attorney or judge who is suspended under this rule may be reinstated to the practice of law by applying for reinstatement with the Supreme Court Commission on Continuing Legal Education. The application for reinstatement shall be in a manner authorized by the Commission and accompanied by evidence that the attorney or judge has satisfied the deficiency that was the cause of the suspension under this rule, a reinstatement fee of three hundred dollars, and payment of all fees assessed for noncompliance with this rule.

(B) *Order and notice.* Upon receipt of a completed application for reinstatement and verification that the attorney has fulfilled the registration requirements of Gov. Bar R. VI, the Secretary shall issue an order of reinstatement and send notice of the reinstatement to the attorney.

(C) *Publication.* Any sanction or reinstatement ordered by the Commission pursuant to this rule shall be published by the Supreme Court Reporter in the *Ohio Official Reports* and the *Ohio State Bar Association Report*. Certified copies of any sanction or reinstatement order entered by the Commission pursuant to this rule shall be sent to those persons or organizations named in Gov. Bar R. V, Section 17(D)(1).

Section 20. Effective Date.

(A) The effective date of this rule shall be July 1, 1988, except Section 3, which is effective January 1, 1989.

(B)(1) The amendments to Section 3 of this rule, adopted by the Supreme Court of Ohio on June 28, 1989, shall be effective on July 1, 1989.

(2) The amendments to Section 6 of this rule, adopted by the Supreme Court of Ohio on November 22, 1989, shall be effective on December 15, 1989.

(3) The amendments to Section 3 of this rule, adopted by the Supreme Court of Ohio on May 8, 1990, shall be effective on May 28, 1990.

(4) The amendments to Section 3 of this rule, adopted by the Supreme Court of Ohio on July 19, 1990, shall be effective on September 1, 1990 and shall apply to definite and indefinite suspensions imposed on or after that effective date.

(5) The amendments to Sections 3 and 4 of this rule, adopted by the Supreme Court of Ohio on October 16, 1990 and December 11, 1990, shall be effective January 1, 1991 and shall apply to all programs and activities conducted on or after that effective date.

(6) The amendments to Section 2 of this rule, adopted by the Supreme Court of Ohio on February 5, 1991, shall be effective on February 18, 1991.

(7) The amendments to Section 3 of this rule, adopted by the Supreme Court of Ohio on June 4, 1991, shall take effect on September 1, 1991.

(8) The amendments to Sections 1 to 7 of this rule, adopted by the Supreme Court of Ohio on October 8, 1991, shall take effect on January 1, 1992.

(C) The amendments to this rule adopted by the Supreme Court of Ohio on December 14, 1993 shall take effect on January 1, 1994.

(D) The amendments to Section 4 of this rule, adopted by the Supreme Court of Ohio on October 12, 1994, shall take effect on January 1, 1995.

(E) The amendments to Section 3 of this rule, adopted by the Supreme Court of Ohio on July 12, 1995, shall take effect on January 1, 1996.

(F) The amendments to Section 3 of this rule, adopted by the Supreme Court of Ohio on October 20, 1997, shall take effect on January 1, 1998.

(G) The amendments to Section 3 of this rule, adopted by the Supreme Court of Ohio on September 28, 1998, shall be effective on November 1, 1998.

(H) The amendments to Section 4 of this rule, adopted by the Supreme Court of Ohio on September 21, 1999, shall take effect on January 1, 2000.

(I) The amendment to Section 2 of this rule, adopted by the Supreme Court of Ohio on April 10, 2000, shall take effect on May 8, 2000.

(J) The amendments to Sections 3 (C)(2), 3 (H), and Section 5 of this Rule, adopted by the Supreme Court of Ohio on November 28, 2000 shall be effective on July 1, 2001.

(K) The amendments to Sections 2 and 3 of this rule, adopted by the Supreme Court of Ohio on December 11, 2001, shall take effect on January 21, 2002.

(L) The amendments to Section 3 (B)(2) and Section 4 (B)(1) of this rule, adopted by the Supreme Court of Ohio on April 22, 2002, shall be effective on July 1, 2002.

(M) The amendments to Section 3 (B)(2), Section 4 (A)(4) and Section 6 (C) of this rule, adopted by the Supreme Court of Ohio on July 20, 2004, shall be effective on September 1, 2004.

(N) The amendments to Section 6 (A)(1)(a) of this rule, adopted by the Supreme Court of Ohio on October 11, 2005, shall be effective on November 7, 2005.

(O) The amendments to this rule, adopted by the Supreme Court of Ohio on September 11, 2007, shall be effective on November 1, 2007, and shall apply to the 2008 reporting period and subsequent reporting periods, except that former sections 5, 6, 7, and 8 shall govern sanctions and enforcement procedures for the 2007 reporting period.

(P) The amendments to this rule adopted by the Supreme Court of Ohio on June 24, 2008, shall be effective November 1, 2008, and shall apply to attorneys admitted to the practice of law and attorneys initially registered for corporate status pursuant to Gov. Bar R. VI, Sec. 3, on or after November 1, 2008. These amendments shall not apply to attorneys registered for corporate status pursuant to Gov. Bar R. VI, Sec. 3, prior to November 1, 2008, who are subsequently admitted to the practice of law on or after November 1, 2008. Attorneys admitted to the practice of law or registered for corporate status prior to November 1, 2008, shall comply with former Sec. 3 of this rule.

(Q) The amendment to Section 3(H)(2) of this rule, adopted by the Supreme Court of Ohio on November 1, 2011, shall be effective December 1, 2011.

(R) The amendments to Section 3 of this rule, adopted by the Supreme Court of Ohio on September 11, 2012, shall be effective January 1, 2013.

(S) The amendments to Sections 3 through 20 of this rule, adopted by the Supreme Court of Ohio on October 23, 2012, shall be effective January 1, 2014, and apply to the biennial compliance period ending on December 31, 2014, and all subsequent biennial compliance

periods. Former Sections 3 through 8 of this rule shall apply to the biennial compliance period ending on December 31, 2013, and all prior biennial compliance periods.

(T) The amendments to Sections 17 and 19 of this rule, adopted by the Supreme Court of Ohio on October 21, 2014, shall be effective January 1, 2015.

(U) The amendments to Section 9 of this rule, adopted by the Supreme Court of Ohio on May 2, 2017, shall be effective July 1, 2017.

(V) The amendments to Sections 3 through 5, 7, 9, 11, 12, and 14 of this rule, adopted by the Supreme Court of Ohio on October 17, 2017, shall be effective November 1, 2017.

(W) The amendments to Section 10 of this rule, adopted by the Supreme Court of Ohio on April 24, 2018, shall be effective January 1, 2019.

(X) The amendments to Sections 5 and 14 of this rule, adopted by the Supreme Court of Ohio on January 29, 2019, shall be effective July 1, 2019.

(Z) The amendments to Section 9 of this rule, adopted by the Supreme Court of Ohio on April 7, 2020, shall be effective June 1, 2020.

[Effective: July 1, 1988 and January 1, 1989; amended effective January 1, 1989; July 1, 1989; December 15, 1989; May 28, 1990; September 1, 1990; January 1, 1991; February 18, 1991; September 1, 1991; January 1, 1992; July 1, 1992; January 1, 1994; January 1, 1995; January 1, 1996; January 1, 1998; November 1, 1998; January 1, 2000; May 8, 2000; July 1, 2001; January 21, 2002; July 1, 2002, September 1, 2004, November 7, 2005; November 1, 2007; November 1, 2008; December 1, 2011; January 1, 2014; January 1, 2015; July 1, 2017; November 1, 2017; January 1, 2019; July 1, 2019; February 1, 2020; June 1, 2020.]

RULE XI. LIMITED PRACTICE OF LAW BY FOREIGN LEGAL CONSULTANTS

Section 1. General Requirements.

A "Foreign Legal Consultant" is a person who satisfied all of the following criteria:

(A) Has been admitted to the practice of law in a foreign country or political subdivision thereof as an attorney or counselor of law or the equivalent of that country and has been in good standing as an attorney or counselor of law or the equivalent in such foreign country for at least four of the six years immediately preceding the person's application for a Certificate of Registration as described in Section 2 of this rule;

(B) Possesses the character, fitness, and moral qualifications requisite for a member of the Bar of Ohio;

(C) Possesses the requisite documentation evidencing compliance with the immigration laws of the United States;

(D) Intends to practice as a Foreign Legal Consultant in the State of Ohio and to maintain an office in the state for such practice;

(E) Is at least twenty-one years of age;

(F) Obtains a Certificate of Registration as a Foreign Legal Consultant from the Supreme Court pursuant to the requirements set forth in this rule.

Section 2. Application Procedure.

(A) An applicant for a Certificate of Registration as a Foreign Legal Consultant shall file all of the following with the Office of Bar Admissions of the Supreme Court:

(1) A completed application and a character questionnaire on forms furnished by the Office of Bar Admissions, accompanied by a nonrefundable fee of five hundred fifty dollars;

(2) A certificate from the authority in such foreign country having final jurisdiction over admission to the practice of law or professional discipline, certifying as to the applicant's admission to practice and the date thereof, and as to the good standing of such attorney or counselor of law or the equivalent, together with an authenticated English translation of such certificate if it is not in English;

(3) A letter of recommendation from one of the members or a responsible official of the executive body of the authority having final jurisdiction over admission to the practice of law or professional discipline, or from one of the judges of the highest law court of original jurisdiction of the foreign country, together with an authenticated English translation if it is not in English;

(4) Letters of recommendation from at least two attorneys or counselors of law or the equivalent admitted to and practicing in such foreign country, setting forth the length of time, when, and under what circumstances they have known the applicant, and their appraisal of the applicant's character, fitness, and moral qualifications, together with an authenticated English translation if it is not in English;

(5) A letter of recommendation from at least one attorney who is licensed to practice law in the State of Ohio, who is not registered as a Foreign Legal Consultant under this Rule, setting forth the length of time, when, and under what circumstances he or she has known the applicant, and his or her appraisal of the applicant's character, fitness, and moral qualifications;

(6) A copy or summary of the law and customs of the foreign country that describes the opportunity afforded to members of the Bar of Ohio to establish offices for the giving of legal advice to clients in such foreign country, together with an authenticated English translation if it is not in English;

(7) Such other evidence as to the applicant's education, professional qualifications, character, fitness, and moral qualifications as the Supreme Court may require.

(B) When the applicant has filed the documents required by division (A) of this section, the Office of Bar Admissions shall forward a copy of the documents to the admissions committee in the county where the applicant resides or intends to practice as a Foreign Legal Consultant, or to such other admissions committee as the Office of Bar Admissions deems appropriate, in accordance with Gov. Bar R. I, Section 12. The admissions committee shall conduct an investigation of the applicant's character, fitness, and moral qualifications for registration as a Foreign Legal Consultant. In conducting its investigation, the admissions committee shall follow the standards and procedures required by Gov. Bar R. I, Section 12, except that a personal interview of the applicant shall not be required. The admissions committee shall report its recommendation in writing to the Office of Bar Admissions on a form prescribed by the Office. Any recommendation other than an unqualified approval shall be deemed a recommendation that the applicant not be issued a Certificate of Registration. An appeal from such recommendation may be taken as provided in Gov. Bar R. I, Section 13.

(C) The Supreme Court shall determine from the documents filed under division (A) of this section, the report of the admissions committee and, in those instances where it is submitted, the report and recommendation of the Board of Commissioners on Character and Fitness, whether the applicant shall be issued a Certificate of Registration as a Foreign Legal Consultant. The Office of Bar Admissions shall notify the applicant concerning the acceptance or rejection of the application.

Section 3. Hardship Waiver.

Upon a showing that strict compliance with the provisions of Section 2(A)(2), (A)(3), or (A)(4) of this rule would cause the applicant unnecessary hardship, or upon a showing of exceptional professional qualifications to practice law as a Foreign Legal Consultant, the Supreme

Court may waive or vary the application of such provisions and permit the applicant to make such other showing as is satisfactory to the Supreme Court.

Section 4. Reciprocity.

In considering whether to issue a Certificate of Registration under this rule, the Supreme Court may consider whether a member of the Bar of Ohio would have a reasonable and practical opportunity to establish an office in the applicant's country or jurisdiction of admission for the giving of legal advice to clients. Any member of the Bar of Ohio who is seeking or has sought to establish an office in that country or jurisdiction may request the Supreme Court to consider the matter, or the Supreme Court may do so on its own initiative.

Section 5. Scope of Practice.

A person registered as a Foreign Legal Consultant by the Supreme Court may render legal services in this state subject to the limitation that such person shall not do any of the following:

(A) Appear for a person other than himself or herself as attorney in any court, before any magistrate, referee, or other judicial officer, or before any administrative agency in this state, or prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any such court, before any such magistrate, referee, or other judicial officer, or before any such administrative agency in this state;

(B) Prepare any of the following:

(1) Any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real property, or statement of opinion as to the legal effect or sufficiency thereof, located in the United States;

(2) Any will or trust instrument affecting the disposition on death of any property located in the United States or owned by a resident thereof;

(3) Any instrument relating to the administration of a decedent's estate in the United States; or

(4) Any instrument with respect to marital rights, relations, or duties of a resident of the United States, or the custody or care of the children of such a resident;

(C) Otherwise render professional legal advice to or perform legal service for any person, firm, corporation, or other legal entity on the law of the State of Ohio, or the United States of America, or any other state or territory thereof, including the District of Columbia, except on the basis of advice from a person acting as counsel to such Foreign Legal Consultant (and not in his or her official capacity as a public employee) duly qualified and entitled (other than by virtue of having been licensed as a Foreign Legal Consultant under this Rule) to practice law in such jurisdiction who has been consulted in the particular matter at hand and has been identified to the client by name;

(D) In any way hold himself or herself out as a member of the Bar of Ohio.

Section 6. Title.

A person registered as a Foreign Legal Consultant shall not use any title other than "Foreign Legal Consultant" and shall include the name of the foreign country in which he or she is admitted to practice law. A Foreign Legal Consultant may also add his or her authorized title and firm name used in the foreign country.

Section 7. Disciplinary Provisions.

(A) Each registered Foreign Legal Consultant shall do all of the following:

(1) Be subject to regulation by the Supreme Court, and to reprimand, suspension, or revocation of his or her Certificate of Registration in accordance with the Ohio Rules of Professional Conduct set forth in Gov. Bar R. IV and with the disciplinary procedural rules applicable to members of the Bar of Ohio set forth in Gov. Bar R. V;

(2) Provide the Office of Bar Admissions with evidence of professional liability insurance or other proof of financial responsibility, in such amount as the Supreme Court may prescribe, to ensure the Foreign Legal Consultant's proper professional conduct and responsibility;

(3) Execute and file all of the following with the Office of Bar Admissions, in such form and manner as the Office may prescribe:

(a) An oath attesting that such Foreign Legal Consultant will abide by the rules and regulations applicable to such Foreign Legal Consultant;

(b) A document setting forth the Foreign Legal Consultant's address in the State of Ohio and designating the Director of Bar Admissions of the Supreme Court as agent upon whom process may be served, with like effect as if served personally upon the Foreign Legal Consultant, in any action or proceeding thereafter brought against the Foreign Legal Consultant arising out of or based upon any legal services rendered or offered to be rendered by the Foreign Legal Consultant within or to residents of the State of Ohio;

(c) The Foreign Legal Consultant's commitment to notify the Office of Bar Admissions of any resignation or revocation of the Foreign Legal Consultant's admission to practice in the foreign country of admission, of any censure, suspension, or expulsion in respect to such admission, or of any change of address within the State of Ohio.

(B) Service of process on the Director of Bar Admissions, pursuant to the designation required by division (A)(3)(b) of this section, shall be made by personally delivering to and leaving with the Director of Bar Admissions at his or her office, duplicate copies of such process together with a fee of ten dollars. Service of process shall be complete when the Director of Bar Admissions has been so served. The Director of Bar Admissions shall promptly send one of such copies to the

Foreign Legal Consultant to whom the process is directed, by certified mail, return receipt requested, addressed to such Foreign Legal Consultant at the address specified by him or her.

(C) Insofar as applicable and not inconsistent with this rule, Gov. Bar R. IV and V shall apply to registered Foreign Legal Consultants. For the purpose of applying Gov. Bar R. IV and V, the terms "attorney," "attorney and counselor at law," "member of the Bar of Ohio," or other such designation in those rules shall be deemed to include registered Foreign Legal Consultants.

Section 8. Annual Renewal.

The Certificate of Registration as a Foreign Legal Consultant shall be valid for one year, unless suspended or revoked, and may be renewed upon the filing of an annual request with the Office of Bar Admissions. The annual request shall be on a form furnished by the Office of Bar Admissions and shall be accompanied by payment of an annual renewal fee of two hundred dollars and such evidence as the Supreme Court shall deem necessary to demonstrate that all requirements for the issuance of an original certificate continue to be met.

[Effective: January 1, 1989; amended effective October 1, 2000; October 1, 2003; February 1, 2007; May 1, 2007; June 1, 2020.]

RULE XII. PRO HAC VICE ADMISSION

Section 1. Definitions

As used in this rule:

(A) *Tribunal*: A tribunal is defined as a court, legislative body, administrative agency, or other body acting in an adjudicative capacity. A legislative body, administrative agency, or other body acts in an adjudicative capacity when a neutral official, after the presentation of evidence or legal argument by a party or parties, will render a binding legal judgment directly affecting a party's interests in a particular matter.

(B) *Proceeding*: A proceeding is defined as an adjudicative matter pending before a tribunal.

Section 2. Requirements for Permission to Appear Pro Hac Vice

(A) A tribunal of this state may grant permission to appear pro hac vice to an attorney who is admitted to practice in the highest court of a state, commonwealth, territory, or possession of the United States or the District of Columbia, or who is admitted to practice in the courts of a foreign state and is in good standing to appear pro hac vice in a proceeding.

(1) An attorney is eligible to be granted permission to appear pro hac vice pursuant to this rule if any of the following apply:

(a) The attorney neither resides in nor is regularly employed at an office in this state;

(b) The attorney is registered for corporate status in this state pursuant to Gov. Bar R. VI, Section 3;

(c) The attorney resides in this state but lawfully practices from offices in one or more other states;

(d) The attorney maintains an office or other systematic and continuous presence in this state pursuant to Prof.Cond.R. 5.5(d)(2);

(e) The attorney has permanently relocated to this state in the last 120 days and is currently an applicant pending admission under Gov. Bar R. I.

(2) A tribunal shall not grant permission to appear pro hac vice to an attorney who has taken and failed the Ohio bar examination, been denied admission without examination, or had an application for admission in this state denied on character and fitness grounds pursuant to Gov. Bar R. I within the last five years.

(3) Prior to being granted permission to appear pro hac vice by a tribunal, the attorney shall have applied for registration with the Supreme Court Office of Attorney Services, paid an registration fee of $300.00, and been issued a certificate of pro hac vice registration. The application for registration shall include the following information:

(a) The attorney's residential address, office address, and the name and address of the attorney's law firm or employer, if applicable;

(b) The jurisdictions in which the attorney has ever been licensed to practice law, including the dates of admission to practice, resignation, or retirement, and any attorney registration numbers;

(c) An affidavit stating that the attorney has never been disbarred and whether the attorney is currently under suspension or has resigned with discipline pending in any jurisdiction the attorney has ever been admitted;

(d) A statement the attorney satisfies the requirements in Section 2(A)(1) and (2) of this rule;

(e) A statement that the attorney will comply with the applicable statutes, law and procedural rules of this state and the rules, policies, and procedures of the tribunal before which the attorney seeks to practice and will be familiar with and comply with the Ohio Rules of Professional Conduct and the Rules for the Government of the Bar.

(4) Of the $300 pro hac vice registration fee collected pursuant to Section 2(A)(3) of this rule, $150 shall be deposited into the Attorney Services Fund for use to fund civil legal aid services for low-income or disadvantaged populations in Ohio.

(5) An attorney representing an amicus curiae in support of an indigent defendant in a criminal matter may file with the Office of Attorney Services an application for a waiver of the pro hac vice registration fee. The waiver shall not apply to other proceedings in which the attorney seeks permission to appear pro hac vice.

(6) An attorney who has been granted permission to appear pro hac vice may participate in no more than three proceedings under this rule in the same calendar year the application is filed. In the event a proceeding continues to the next or subsequent calendar years, the proceeding will not count toward the annual limitation. An appeal from a trial court or court of appeals, an appeal of an administrative agency order or ruling, a transfer of an action to a court of competent jurisdiction, or the consolidation of two or more cases, where the attorney participated in the initial proceeding, shall not be counted toward the annual limitation. Participation for the first time by an attorney at any stage during a proceeding shall count toward the annual limitation.

(7) The attorney may file a motion for permission to appear pro hac vice accompanied by a copy of the certificate of pro hac vice registration furnished by the Office of Attorney Services, and includes the following information:

(a) The attorney's residential address, office address, and the name and address of the attorney's law firm or employer, if applicable;

(b) The jurisdictions in which the attorney has ever been licensed to practice law, including the dates of admission to practice, resignation, or retirement, and any attorney registration numbers;

(c) An affidavit stating that the attorney has never been disbarred and whether the attorney is currently under suspension or has resigned with discipline pending in any jurisdiction the attorney has ever been admitted;

(d) A statement that the attorney has not been granted permission to appear pro hac vice in more than three proceedings before Ohio tribunals in the current calendar year pursuant to Section 2(A)(6)(a) of this rule;

(e) The name and attorney registration number of an active Ohio attorney, in good standing, who has agreed to associate with the attorney.

(B) An attorney granted permission to appear pro hac vice in a pending proceeding shall inform each tribunal in which the attorney has been granted permission to appear of any disciplinary action taken against the attorney since the date permission was granted.

(C) Any party to a proceeding may object to the motion of an attorney in a manner and method prescribed by the tribunal.

(D) A motion to be granted permission to appear pro hac vice filed with a tribunal shall be served by the filing attorney on all known parties and attorneys of record.

(E) A tribunal may order a hearing on a motion to appear pro hac vice and enter an order granting or denying the motion.

Section 3. Leave to File a Motion Instanter

An attorney may file a motion to be granted permission to appear pro hac vice instanter with a tribunal if the attorney has previously filed an application with the Office of Attorney Services and the attorney is required to appear in a proceeding fewer than five business days from the date of filing the application. The attorney shall attach a time stamped copy of the application to the motion to be granted permission to appear pro hac vice instanter.

Section 4. Notice of Permission to Appear Pro Hac Vice

All attorneys granted permission to appear pro hac vice by a tribunal shall file a Notice of Permission to Appear Pro Hac Vice with the Office of Attorney Services within thirty days after a tribunal grants permission to appear in a proceeding. The Notice of Permission to Appear Pro Hac Vice shall include copies of the court or administrative order granting permission. Failure to file the notice within the time specified shall result in automatic exclusion from practice within this state. The Office of Attorney Services shall, by certified mail, notify all tribunals in which the attorney has appeared of the attorney's exclusion.

Section 5. Renewal of Registration

(A) If an attorney continues to appear on the basis of permission to appear pro hac vice in any proceeding pending as of the first day of a new calendar year, the attorney shall pay a renewal fee equal to the registration fee set forth in Section 2(A)(3) of this rule. This renewal fee shall be due within thirty days of the start of that calendar year and shall be tendered to the Office of Attorney Services and accompanied by an updated registration form.

(B) Failure to pay the required renewal fee and file a new registration form within the time specified shall result in automatic exclusion from practice within this state. The Office of Attorney Services shall, by certified mail, notify all tribunals in which the attorney has appeared of the attorney's exclusion. If the proceeding has concluded or if the attorney has withdrawn from the proceeding, the attorney must so notify the Office of Attorney Services by the deadline for renewal of registration.

Section 6. Reinstatement

An attorney automatically excluded from practice in Ohio for failing to file a Notice of Permission to Appear Pro Hac Vice under Section 4 of this rule, or failing to pay a renewal registration fee required under Section 5 of this rule, may file a Petition for Reinstatement with the Office of Attorney Services. The petition shall describe the circumstances that resulted in the automatic exclusion, and a list of all proceedings in which the attorney had been permitted to appear pro hac vice, and shall be accompanied by the appropriate Notice of Permission to Appear Pro Hac Vice if the exclusion is under Section 4 of this rule, or a renewal registration fee if the exclusion is under Section 5 of this rule. The Office of Attorney Services shall inform all tribunals where the attorney appeared by certified mail if the attorney is reinstated.

Section 7. Deposit of Registration Fee

Payment of the registration fee shall be deposited in the Attorney Services Fund established under Gov. Bar R. VI, Sec. 14.

[Effective: January 1, 2011; January 1, 2013; January 1, 2014; July 1, 2016; January 1, 2017; July 1, 2017; July 1, 2019.]

RULE XIII. [RESERVED]

(Former Rule XIII entitled Funds for Dispute Resolution Program was repealed effective October 12, 2004)

RULE XIV. CERTIFICATION OF ATTORNEYS AS SPECIALISTS

Section 1. Purpose.

The purpose of this rule is to enhance public access to appropriate legal services by regulating the certification of lawyers as specialists.

Section 2. Supreme Court Commission on Certification of Attorneys as Specialists; Establishment of the Commission.

(A) Membership.

(1) There is hereby created the Supreme Court Commission on Certification of Attorneys as Specialists, consisting of eighteen members appointed by the Chief Justice and Justices of the Supreme Court, as follows:

(a) Twelve attorneys admitted to the practice of law in Ohio, one from each appellate district. The appellate district of each of the twelve attorneys shall be determined by the location of the attorney's principal office.

(b) Three law faculty members from separate Ohio law schools engaged in full-time legal education;

(c) Two judges;

(d) An attorney admitted to the practice of law in Ohio who is certified as a specialist in an area recognized as a specialty by the Supreme Court.

(2) Members of the Commission serve three-year terms. Members are eligible for reappointment, but shall not serve more than three consecutive terms of three years.

(3) Vacancies on the commission shall be filled in the same manner as provided in division (A)(1) of this section. A member appointed to fill a vacancy occurring prior to the expiration of the term for which the appointee's predecessor was serving holds office for the remainder of the term. If an attorney member no longer has the attorney's principal office in the district from which the attorney was appointed, if a faculty member is no longer engaged in full-time legal education in an Ohio law school, if a judicial member leaves office, or if the attorney member who is certified as a specialist is no longer certified, the member is disqualified and a vacancy occurs.

(4) The Commission shall elect a chair, vice-chair, and other officers. The officers serve for two years and may be reelected, but a member shall not serve as chair or vice-chair for more than three consecutive two year terms.

(5) The Commission shall meet at the call of the chair or upon written request of a majority of the members. A majority of the members constitutes a quorum. No action shall be

taken by the Commission without the concurrence of a majority of the members attending and constituting a quorum at that meeting.

(6) Members serve without compensation, but shall be reimbursed for expenses incurred in the performance of their official duties.

(B) Secretary of the Commission. The Administrative Director of the Supreme Court, or the director's designee, serves as the Secretary of the Commission.

(C) Powers and Duties of the Commission. The Commission shall approve and regulate organizations that certify lawyers practicing in Ohio as specialists and shall do all of the following:

(1) Recommend to the Supreme Court the fields of law subject to specialization designation on the Commission's own motion or on petition of interested parties and on the criteria as it may establish. In identifying a field of law as a specialty area, the Commission shall consider whether all of the following apply:

(a) The public interest would be served;

(b) There is sufficient interest manifested to warrant the designation of a specialty field and the expense of its administration;

(c) Appropriate standards of proficiency can be established for the specialty field;

(d) There is satisfactory evidence of the existence or prospect of an adequate program of continuing legal education in the specialty field;

(e) Designation of the specialty field would fulfill the objectives and further the orderly growth of specialization by lawyers in Ohio.

(2) Approve organizations as qualified to certify lawyers as specialists in a particular field of law and adopt standards that certifying organizations shall satisfy;

(3) Adopt standards that certifying organizations shall establish in certifying attorneys as specialists, in addition to those standards set forth in Section 3 of this rule;

(4) Review and evaluate the programs of certifying organizations to ensure compliance with this rule;

(5) Deny, suspend, or revoke the approval of a certifying organization upon the Commission's determination that the organization has failed to comply with the standards established by this rule and the regulations and standards of the Commission;

(6) Maintain records of attorneys certified as specialists by organizations approved under this rule and report to the Disciplinary Counsel or a Certified Grievance Committee any attorney who the Commission believes has violated this rule;

(7) Cooperate with other organizations, boards, and organizations engaged in the field of attorney specialization;

(8) Enlist the assistance of advisory committees to advise the Commission;

(9) By January 1st of each year, submit a report to the Supreme Court concerning the activities of the Commission and the status of attorney specialization and certification in the state;

(10) Enhance public access to appropriate legal services by informing the general public of the meaning of the certification of an attorney as a specialist;

(11) Subject to the approval of the Supreme Court, adopt regulations reasonably needed to implement this rule that are not inconsistent with this rule.

Section 3. Standards for Approval of Certifying Organizations.

(A) A certifying organization shall be a not-for-profit organization. A majority of the governing board or governing committee of a certifying organization shall include attorneys who, in the judgment of the Commission, are experts in the field of law covered by the specialty and have extensive practice or involvement in the specialty.

(B) The standards for certification of specialists of a certifying organization shall include, as a minimum, the standards required for certification set out in this rule and in the regulations and standards adopted by the Commission. The standards shall provide a reasonable basis for determining that the attorney possesses special competence in a particular field of law as demonstrated by all of the following:

(1) Substantial involvement in the specialty field during the three-year period immediately preceding application to the certifying organization, measured by the type and number of cases or matters handled, the amount of time spent practicing in the specialty field, or other appropriate criteria;

(2) Recommendations from attorneys or judges who are familiar with the competence of the attorney, none of whom are related to, or engaged in legal practice with, the attorney:

(3) Objective evaluation of the attorney's knowledge of the substantive and procedural law in the specialty field, to be determined by examination.

(C) A certifying organization shall investigate recommendations and obtain any data that may be required to ensure the attorney is in compliance with this rule.

(D) A certifying organization shall report to the Commission all attorneys it certifies as specialists under this rule.

(E) Each certifying organization shall submit annually to the Commission reports as the Commission directs to ensure compliance with this rule.

(F) A certifying organization shall cooperate with the Commission and perform other duties as may be required by the Commission.

Section 4. Prerequisites for Certification of Specialists.

To be certified as a specialist, an attorney shall satisfy both of the following requirements:

(A) Be registered as active pursuant to Gov.Bar R. VI;

(B) Be certified by an organization approved by the Commission.

Section 5. Privileges Conferred and Limitations Imposed.

(A) A specialist certified under this rule may communicate the fact that the specialist is certified by the certifying organization as a specialist in the field of law involved. A specialist shall not represent, expressly or impliedly, that the specialist is certified by the Supreme Court or the Commission or by an entity other than the certifying organization. A specialist may represent that the certifying organization is approved by the Commission, but shall not represent that the certifying organization is approved by the Supreme Court.

(B) This rule shall not limit the right of a certified specialist to practice in any field of law.

(C) An attorney shall not be required to be certified as a specialist in order to practice in any field of law.

(D) An attorney may be certified as a specialist in more than one field of law.

Section 6. Minimum Standards for Continued Certification of Specialists.

(A) The period of certification as a specialist shall be set by the certifying organization, but shall be not less than three or more than seven years. During the certification period, the Commission may require directly, or through the certifying organization, evidence from the specialist of continued qualification for certification as a specialist.

(B) Application for and approval of continued certification as a specialist shall be required prior to the end of each certification period. To qualify for continued certification as a specialist, an attorney applicant shall pay the required fee and satisfy the requirements for certification renewal established by the Commission and the certifying organization.

(C) In addition to the requirements of Gov.Bar R. X, a specialist shall complete twelve hours of continuing legal education every two years in each specialty area for which the specialist is certified. Proof of completion shall be submitted in the manner required by Gov.Bar R. X.

(D) The certifying organization may exempt a specialist from the requirements of divisions (B) and (C) of this section in the event of a severe, prolonged illness or disability that prevents the specialist from participating in accredited continuing legal education programs and activities and in the requirements for certification renewal established by the Commission and the certifying organization.

Section 7. Fees; Miscellaneous.

(A) The Commission shall establish and collect reasonable fees from the certifying organizations and certified specialists under this rule.

(B) The Commission shall be funded from the fees established pursuant to division (A) of this section.

(C) At the request of the Administrative Director of the Supreme Court, the Commission shall prepare and submit a proposed annual budget for approval by the Supreme Court.

(D) Records of the Commission shall be available for public access pursuant to Sup. R. 44 through 47.

Section 8. Effective Date.

[Effective: January 1, 1993; amended effective November 17, 1993; May 8, 2000; April 1, 2017.]

RULE XV. SUPREME COURT COMMISSION ON PROFESSIONALISM

Section 1. Creation of Commission; Purpose.

(A) There shall be a Supreme Court Commission on Professionalism, which shall have the duties set forth in this rule.

(B) The Commission is created for the purpose of promoting professionalism among attorneys admitted to the practice of law in Ohio. Professionalism connotes adherence by attorneys in their relations with judges, colleagues, clients, employees, and the public to aspirational standards of conduct. The Commission shall devote its attention to the law as a profession and to maintaining the highest standards of integrity and honor among members of the profession.

Section 2. Membership of the Commission.

(A) The Commission shall consist of fifteen members appointed as follows:

(1) Five judges appointed by the Supreme Court;

(2) Six attorneys admitted to the practice of law in Ohio for at least six years, three of whom shall be appointed by the Ohio Metropolitan Bar Association Consortium and three of whom shall be appointed by the Ohio State Bar Association;

(3) Two law school administrators or faculty, each of whom shall be admitted to the practice of law in Ohio for at least six years and employed full-time by a different law school in Ohio, appointed by the Supreme Court;

(4) Two persons who are not admitted to the practice of law in any state, appointed by the Supreme Court.

(B)(1) Except as provided in division (C) of this section, members of the Commission shall serve three year terms beginning on the first day of January. Members shall be eligible for reappointment, but shall not serve more than two consecutive terms of three years.

(2) Vacancies on the Commission shall be filled in the same manner as original appointments. A member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall hold office for the remainder of the unexpired term. If an attorney member no longer practices in Ohio, if a judge member leaves office, or if a law school administrator or faculty no longer is employed full-time by a law school in Ohio, the member shall be disqualified and a vacancy shall occur.

(3) The Supreme Court shall appoint one member of the Commission as chair and one member as vice-chair. The chair and vice-chair shall serve one year terms and may be reappointed, but shall not serve more than two consecutive terms of one year.

(C) Initial attorney appointments to the Commission after the effective date of this amendment shall be made as follows:

(1) One attorney shall be appointed by the Ohio Metropolitan Bar Association Consortium to a term ending December 31, 2006;

(2) Attorney members serving on the Commission on the effective date of this amendment shall continue to serve on the Commission until the expiration of the term of office to which they were appointed and, upon expiration of their terms, may be reappointed pursuant to division (C)(2) of this rule if otherwise eligible for reappointment. Upon the first expiration of terms of office after the effective date of this amendment, appointments shall be made as follows:

(a) One attorney shall be appointed by the Ohio Metropolitan Bar Association Consortium, and one attorney shall be appointed by the Ohio State Bar Association, each member to serve a term commencing January 1, 2005 and ending December 31, 2007;

(b) One attorney shall be appointed by the Ohio Metropolitan Bar Association Consortium, and one attorney shall be appointed by the Ohio State Bar Association, each member to serve a term commencing January 1, 2006 and ending December 31, 2008;

(c) One attorney shall be appointed by the Ohio State Bar Association to a term commencing January 1, 2007 and ending December 31, 2009.

(3) If an attorney member serving on the Commission on the effective date of this amendment resigns from the Commission prior to the expiration of his or her current term of office, that member's successor shall be appointed to the balance of the unexpired term. Any appointments to fill vacancies under division (C)(3) of this rule shall be alternated by the Ohio Metropolitan Bar Association Consortium and the Ohio State Bar Association, with the Ohio State Bar Association making the first appointment to fill a vacancy.

(D) Members of the Commission shall serve without compensation, but shall be reimbursed for expenses incurred in the performance of their official duties.

Section 3. Duties of the Commission.

(A) The Commission shall do all of the following:

(1) Monitor and coordinate professionalism efforts and activities in Ohio courts, bar associations, and law schools and by other entities;

(2) Monitor professionalism efforts and activities in jurisdictions outside Ohio;

(3) Promote and sponsor state and local activities that emphasize and enhance professionalism;

(4) Develop and make available educational materials and other information for use by judicial organizations, bar associations, law schools, and other entities in emphasizing and enhancing professionalism;

(5) Assist in the development of law school orientation programs, law school curricula, new lawyer training programs, and continuing education programs that emphasize professionalism;

(6) Make recommendations to the Supreme Court, judicial organizations, bar associations, law schools, and other entities on methods by which professionalism can be enhanced;

(7) Oversee and administer a mentoring program for attorneys newly admitted to the practice of law in Ohio as the Commission deems appropriate. This program will be reviewed by the Secretary and the Commission every three years, at which time the Commission will submit a report to the Court providing statistics about program participants, an overview of feedback received from participant evaluations, and an assessment of the program's success.

(B) The Commission shall seek and may accept grants, contributions, and other awards to supplement funding provided by the Supreme Court.

Section 4. Staff and Budget.

In consultation with the administrative director, the Commission may employ staff appropriate to perform the duties of the Commission. On or before the first day of May each year, the Commission shall prepare and submit to the administrative director a proposed budget for the fiscal year that begins on the ensuing first day of July. The budget shall be in the form prescribed by the administrative director, include a narrative of planned activities, and identify additional sources of funding that the Commission intends to pursue to supplement funding being requested from the Supreme Court.

[Effective: September 1, 1992; amended effective September 1, 2004; amended effective November 1, 2008.]

RULE XVI. LAWYER REFERRAL AND INFORMATION SERVICES; LEGAL SERVICES PLANS

Section 1. Requirements for Lawyer Referral and Information Services.

(A) A lawyer referral and information service operating in Ohio shall comply with all of the following:

(1) Operate in the public interest for the purpose of referring prospective clients to lawyers, pro bono and public service programs, and government, consumer, or other agencies who can provide the assistance the clients need in light of their financial circumstance, spoken language, any disability, geographical convenience, and the nature and complexity of their problem;

(2) Call itself a lawyer referral service or a lawyer referral and information service;

(3) Be open to all lawyers who are licensed and admitted to the practice of law in Ohio, who maintain an office in the geographical area to be served by the service, and who meet reasonable, objectively determined experience requirements established by the service, pay the reasonable registration and membership fees established by the service, and maintain in force a policy of errors and omissions insurance in an amount established by the service;

(4) Establish rules that prohibit lawyer members of the service from charging prospective clients to whom a client is referred, fees and or costs that exceed charges the client would have incurred had no lawyer referral service been involved;

(5) Establish procedures to survey periodically clients referred to determine client satisfaction with its operations and to investigate and take appropriate action with respect to client complaints against lawyer members of the service, and the service and its employees;

(6) Establish procedures for admitting, suspending, or removing lawyers from its roll of panelists and promulgate rules that prohibit the making of a fee generating referral to any lawyer who has an ownership interest in, or who operates or is employed by the lawyer referral service, or who is associated with a law firm that has an ownership interest in, or operates or is employed by the lawyer referral service;

(7) Establish subject-matter panels, eligibility for which shall be determined on the basis of experience and other substantial, objectively determinable criteria;

(8) As a condition of participation in the referral service, not place limits on the lawyer's selection of co-counsel to other lawyers listed with the referral service;

(9) Not make a fee-generating referral to any lawyer who has an ownership interest in or who operates or is employed by the lawyer referral service or who is associated with a law firm that has an ownership interest in or operates or is employed by a lawyer referral service;

(B) Ninety days before a new service begins operations, it shall register with the Supreme Court Office of Attorney Services by completing and filing a registration form prescribed by the Office. On or before the first day of March each year, the service shall file an annual report with the Supreme Court Office of Attorney Services. The report shall contain information regarding the activity of the service for the preceding calendar year and shall be filed on a form prescribed by the Office.

(C) A lawyer referral and information service operating in Ohio may require lawyers participating in the service to do one or more of the following:

(1) Pay a fee calculated as a percentage of legal fees earned by any lawyer panelist to whom the lawyer referral service has referred a matter, in addition to payment of a membership or registration fee as provided in division (A)(3) of this section. The income from the percentage fee shall be used only to pay the reasonable operating expenses of the service and to fund public service activities of the service or its sponsoring organization, including the delivery of pro bono public services;

(2) Submit any fee disputes with a referred client to mandatory fee arbitration;

(3) Participate in moderate and no-fee panels and other special panels established by the service that respond to the referral needs of the consumer public, eligibility for which shall be determined on the basis of experience and other substantial objectively determinable criteria.

Section 2. Conditions for Participating in a Lawyer Referral Service.

(A) Each lawyer referral and information service shall include the following provisions in its application or agreement governing participation in the lawyer referral and information service:

(1) Each attorney-member of the service shall maintain professional liability insurance in the minimum amounts of one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate. The service shall require the attorney-member to provide proof of insurance on an annual basis in the form of a copy of the current policy declarations page.

(2) An attorney-member shall be suspended from further participation in the service under any of the following circumstances:

(a) The attorney-member is disbarred or suspended from the practice of law;

(b) Any grievance proceeding against the attorney-member results in a determination of probable cause;

(c) The attorney-member is named in a criminal indictment, information, or complaint that charges a crime involving moral turpitude or dishonesty.

(3) Each attorney-member shall promptly notify the service, in writing, if the attorney-member is not in full compliance with the terms of the service's referral agreement, is notified of a probable cause determination in a grievance proceeding against the attorney-member, is named in a criminal indictment, information, or complaint that charges a crime involving moral turpitude or dishonesty, or if any information in the attorney-member's application to become a member of the service is not true and correct in any respect.

(4) Each attorney-member shall waive the right of confidentiality granted pursuant to Gov. Bar R. V, Section 8 to the extent necessary to permit the service to be informed or inquire as to the existence of any grievance proceeding against the attorney-member that results in a determination of probable cause.

(5) The service and each attorney-member shall agree to participate in arbitration or mediation in an effort to settle fee disputes that may arise between the service and attorney-member, as a result of referrals made by the service to the attorney-member. Division (A)(5) of this section shall not apply to fee disputes between an attorney-member and his or her client.

(B) The requirements set forth in this rule represent minimum standards applicable to each lawyer referral and information service. A service may impose on its attorney-members more restrictive provisions, including, but not limited to any of the following:

(1) Additional grounds for suspension from further participation in the service;

(2) Additional requirements regarding notice of pending grievance proceedings;

(3) The waiver of confidentiality granted pursuant to Gov. Bar R. V, Section 8 prior to a determination of probable cause.

(C) As used in this section, "probable cause" has the same meaning as used in Gov. Bar R. V, Section 35.

Section 3. Disclosure of Information for Reporting Purposes.

Each attorney participating in a lawyer referral service may give written notice to his or her client informing the client that the attorney may be required to disclose to the service that referred the client certain information regarding the client's case. The notice shall describe the information that may be reported, including, but not limited to the current status of the client's case and the amount of the attorney's fee, and indicate that the disclosure is required in order for the service to satisfy its reporting requirements to the Supreme Court Office of Attorney Services. The notice shall be similar in substance to the following:

ACKNOWLEDGEMENT OF UNDERSTANDING

Pursuant to the reporting requirements set forth by the Supreme Court Office of Attorney Services, I understand and acknowledge that (insert Attorney's Name), my attorney, may be required to release and report to (insert name of the Lawyer Referral Service), the lawyer

referral service that recommended my attorney's services to me, pertinent information regarding my case, which may include the current status of my case and the amount of the attorney's fees. I further acknowledge that by signing this document, the disclosure policy applicable to my case has been fully explained to me and that all of my questions have been answered regarding this matter.

_____

Client's Signature

Section 4. Application. Sections 1 to 3 of this rule shall not apply to any of the following:

(A) A plan of prepaid legal services insurance authorized to operate in Ohio or a group or prepaid legal plan, whether operated by a union, trust, mutual benefit or aid association, corporation or other entity or person, that provides unlimited or a specified amount of telephone advice or personal communications at no charge, other than a periodic membership or beneficiary fee, to the members or beneficiaries and furnishes to or pays for legal services for its members or beneficiaries;

(B) Individual, attorney-to-attorney referrals;

(C) Attorneys jointly advertising their services in a manner disclosing that the advertising is solely to solicit clients for themselves;

(D) Any pro bono legal assistance program that does not accept fees from attorneys or clients for referral.

Section 5. Legal Service Plans. Any bona fide organization that recommends, furnishes, or pays for legal services to its members or beneficiaries shall satisfy all of the following:

(A) The organization, including any affiliate, is organized and operated so that no profit is derived by it from the rendition of legal services by lawyers, and that, if the organization is organized for profit, the legal services are not rendered by lawyers employed, directed, supervised, or selected by it except in connection with matters where the organization bears ultimate liability of its member or beneficiary.

(B) Neither the lawyer, the lawyer's partner, associate, or any other lawyer affiliated with the lawyer or the lawyer's firm, nor any nonlawyer, shall have initiated or promoted the organization for the primary purpose of providing financial or other benefit to the lawyer, partner, associate, or affiliated lawyer.

(C) The organization is not operated for the purpose of procuring legal work or financial benefit for any lawyer as a private practitioner outside of the legal services program of the organization.

(D) The member or beneficiary to whom the legal services are furnished, and not the organization, is recognized as the client of the lawyer in the matter.

(E) Any member or beneficiary who is entitled to have legal services furnished or paid for by the organization, if such member or beneficiary so desires, may select counsel other than that furnished, selected, or approved by the organization; provided, however, that the organization shall be under no obligation to pay for the legal services furnished by the attorney selected by the beneficiary unless the terms of the legal services plan specifically provide for payment.

(F) Any member or beneficiary may assert a claim that representation by counsel furnished, selected, or approved by the organization would be unethical, improper, or inadequate under the circumstances of the matter involved. The plan shall provide for adjudication of a claim under division (E) of this section and appropriate relief through substitution of counsel or providing that the beneficiary may select counsel and the organization shall pay for the legal services rendered by selected counsel to the extent that such services are covered under the plan and in an amount equal to the cost that would have been incurred by the plan if the plan had furnished designated counsel.

(G) The lawyer does not know or have cause to know that the organization is in violation of applicable laws, rules of court, and other legal requirements that govern its operations.

(H) The organization has filed with the Supreme Court Office of Attorney Services, on or before the first day of March each year, a report with respect to its legal service plan, if any, showing its terms, its schedule of benefits, its subscription charges, agreements with counsel, and financial results of its legal service activities.

[Effective: April 16, 1996; amended effective February 1, 2007; April 30, 2007; January 1, 2015.]

RULE XVII. [RESERVED]

RULE XX. TITLE AND EFFECTIVE DATES

Section 1. Title.

These rules shall be known as the Supreme Court Rules for the Government of the Bar of Ohio and shall be cited as "Gov. Bar R. _."

Section 2. Effective Dates.

(A) The Supreme Court Rules for the Government of the Bar of Ohio shall take effect on February 28, 1972.

(B) Amendments to the Supreme Court Rules for the Government of the Bar of Ohio shall take effect on January 1, 1983, November 30, 1983, May 7, 1984, May 28, 1984, December 31, 1984, May 13, 1985, January 1, 1986, July 1, 1986, October 1, 1986, April 1, 1987, May 6, 1987, July 29, 1987, September 1, 1987, January 1, 1988, March 16, 1988, June 6, 1988, July 1, 1988, July 27, 1988, January 1, 1989, and July 1, 1989.

(C)(1) Amendments to Gov. Bar R. V(1)(a) shall be effective November 8, 1989.

(2) Amendments to Gov. Bar R. V(3)(d) shall be effective October 11, 1989.

(3) Amendments to Gov. Bar R. V(44) shall be effective December 5, 1989.

(4) Amendments to Gov. Bar R. VII and VIII(8)(d) shall be effective January 1, 1990.

(D) The amendments to Gov. Bar R. IX and XX, adopted by the Supreme Court on May 29, 1990, shall take effect on July 2, 1990.

(E) The amendments to Gov. Bar R. I, Sections 4 and 5, adopted by the Supreme Court on January 22, 1991, shall take effect on February 1, 1991, and shall apply to all bar examinations conducted on or after that effective date.

(F)(1) The amendments to Gov. Bar R. IX and XX, adopted by the Supreme Court on June 4, 1991, shall take effect on July 2, 1991.

(2) The amendments to Gov. Bar R. VI, Section 7, adopted by the Supreme Court on June 4, 1991, shall take effect on July 1, 1991. The amendments to Gov. Bar R. VI, Sections 1 to 6, adopted by the Supreme Court on June 4, 1991, shall take effect on September 1, 1991.

(G) The amendments to Gov. Bar R. I, Section 4, adopted by the Supreme Court on July 17, 1991, shall take effect on October 1, 1991. The amendments to Gov. Bar R. I, Section 5, adopted by the Supreme Court on July 17, 1991, shall take effect on February 1, 1992.

(H) The amendments to Gov. Bar R. V, Section 5, adopted by the Supreme Court on September 24, 1991, shall take effect on November 1, 1991.

(I) The amendments to Gov. Bar R. VI adopted by the Supreme Court on October 8, 1991, shall take effect on January 1, 1992. The amendments to Gov. Bar R. II, Gov. Bar R. VI and Gov. Bar R. VII, adopted by the Supreme Court on December 11, 1991, shall take effect on January 1, 1992.

(J) The amendments to Gov. Bar R. I, Sections 1, 2, 6, and 8, adopted by the Supreme Court on November 8, 1991, shall take effect on May 1, 1992. The amendments to Gov. Bar R. I, Section 3, adopted by the Supreme Court on December 5, 1991, shall take effect on August 1, 1992.

(K) The amendments to Section 11 of Gov. Bar R. I, Gov. Bar R. V, Section 7 of Gov. Bar R. VI, and Section 6 of Gov. Bar R. X adopted by the Supreme Court on May 19, 1992, shall take effect on July 1, 1992.

(L) Gov. Bar R. XV, adopted by the Supreme Court on July 29, 1992, shall take effect on September 1, 1992.

(M) The amendments to Section 9 of Gov. Bar R. I, Gov. Bar R. III, Sections 1 and 2 of Gov. Bar R. IV, and Gov. Bar R. VIII adopted by the Supreme Court on October 20, 1992, shall take effect on January 1, 1993.

(N) The amendments to Gov. Bar R. VI, Section 1, adopted by the Supreme Court of Ohio on April 27, 1993, shall take effect on July 1, 1993.

(O) The amendments to Gov. Bar R. XIV, Section 2, adopted by the Supreme Court of Ohio on November 17, 1993 shall take effect on November 17, 1993.

(P) The amendments to Gov. Bar R. I, adopted by the Supreme Court on November 2, 1994, shall take effect on January 1, 1995, except that amendments to Sections 1 and 6 relating to the Multistate Professional Responsibility Examination shall apply to applicants who take the July 1995 or a subsequent Ohio bar examination.

(Q) The amendments to Gov. Bar R. VII adopted by the Supreme Court of Ohio on August 31, 1994 shall take effect on January 1, 1995.

(R) The amendments to Gov. Bar R. VI, Section 1, adopted by the Supreme Court of Ohio on November 30, 1994, shall take effect on January 1, 1995.

(S) The amendments to Gov. Bar R. VI, Section 1 adopted by the Supreme Court of Ohio on March 22, 1995, shall take effect on July 1, 1995.

(T) The amendments to Gov. Bar R. V., Sections 3(C), 4(G), 4(I), 9(A), (B), and (C), and 11(E) adopted by the Supreme Court of Ohio On June 6, 1995, shall take effect on September 1, 1995.

(U) The amendments to Gov. Bar R. III, Gov Bar R. V, Section 4(I)(2), and Gov. Bar R.VI adopted by the Supreme Court of Ohio on September 26, 1995, shall take effect on November 1, 1995.

(V) The amendment to Gov. Bar R. V, Section 9(G)(1) adopted by the Supreme Court of Ohio on October 24, 1995, shall take effect on December 1, 1995.

(W) Gov. Bar R. XVI, adopted by the Supreme Court of Ohio on April 16, 1996, shall take effect on April 16, 1996.

(X) The amendment to Gov. Bar R. V, Section 4(I), adopted by the Supreme Court of Ohio on May 7, 1996, shall take effect on July 1, 1996.

(Y) The amendment to Gov. Bar R. V, Section 11(E)(3), adopted by the Supreme Court of Ohio on June 25, 1996, shall take effect on September 1, 1996.

(Z) The amendment to Gov. Bar R. VIII, Section 3(F)(1), adopted by the Supreme Court of Ohio on October 8, 1996, shall take effect on December 1, 1996.

(AA) The amendments to Gov. Bar R. I, adopted by the Supreme Court of Ohio on February 18, 1997, shall take effect on May 1, 1997.

(BB) The amendments to Gov. Bar R. VI, Sections 1(A), (B), and 7, adopted by the Supreme Court of Ohio on February 19, 1997 shall take effect on July 1, 1997.

(CC) The amendments to Gov. Bar R. V, Section 5, adopted by the Supreme Court of Ohio on March 19, 1997, shall take effect on April 21, 1997.

(DD) The amendments to Gov. Bar B. V, Section 3(C)(5), adopted by the Supreme Court of Ohio on August 26, 1997, shall take effect on October 1, 1997.

(EE) The amendments to Gov. Bar R. V, Section 11(F), adopted by the Supreme Court of Ohio on October 7, 1997, shall take effect on November 3, 1997.

(FF) The amendment to Gov. Bar R. VIII, Sections 5 and 7(F), adopted by the Supreme Court of Ohio on August 26, 1997, shall take effect on October 20, 1997.

(GG) The amendments to Gov. Bar R. VIII, Section 2, adopted by the Supreme Court of Ohio on March 3, 1998, shall take effect on April 13, 1998.

(HH) The amendments to Gov. Bar R. I, Section. 9, adopted by the Supreme Court on May 26, 1998, shall take effect on August 3, 1998.

(II) The amendments to Gov. Bar R. VIII, Section 1(A), adopted by the Supreme Court of Ohio on August 19, 1998, shall take effect on August 19, 1998.

(JJ) The amendments to Gov. Bar R. V, Sections 8 and 11, adopted by the Supreme Court of Ohio on September 28, 1998, shall take effect on November 2, 1998.

(KK) The amendments to Gov. Bar R. I, Sections 3, 4, 5, and 7, adopted by the Supreme Court of Ohio on March 30, 1999, shall take effect on June 1, 2000.

(LL) The amendments to Gov. Bar R. V, Sections 3, 4, 5, 8 and 11, adopted by the Supreme Court of Ohio April 13, 1999, shall take effect on September 1, 1999.

(MM) The amendments to Gov. Bar R. VI, Section 7, adopted by the Supreme Court of Ohio on June 8, 1999, shall take effect on July 1, 1999.

(NN) The amendments to Gov. Bar R. V, Section 10, adopted by the Supreme Court of Ohio on July 28, 1999, shall take effect on August 30, 1999.

(OO) The amendments to Gov. Bar R. I, Sec. 13 adopted by the Supreme Court on March 7, 2000, shall take effect on June 1, 2000.

(PP) The amendments to Gov. Bar R. V, Section 3, Gov. Bar R. X, Section 2, and Gov. Bar R. XIV, Section 7 adopted by the Supreme Court on April 10, 2000, shall take effect on May 8, 2000.

(QQ) The amendments to Gov. Bar R. I, II, IX, and XI adopted by the Supreme Court on April 10, 2000, shall take effect on October 1, 2000.

(RR) The amendments to Gov. Bar R. VI, adopted by the Supreme Court on November 28, 2000, shall take effect on November 28, 2000.

(SS) The amendments to Gov. Bar R. V, Section 8, adopted by the Supreme Court on March 27, 2001, shall take effect on May 1, 2001.

(TT) The amendments to Gov. Bar R. VI, adopted by the Supreme Court on March 12, 2002 shall take effect on June 1, 2002.

(UU) The amendments to Gov. Bar R. VI, adopted by the Supreme Court on July 24, 2002 shall take effect on August 19, 2002.

(VV) The amendments to Gov. Bar R. XVII, adopted by the Supreme Court on July 24, 2002 shall take effect on August 19, 2002.

(WW) The amendments to Gov. Bar R. VI, adopted by the Supreme Court on August 27, 2002 shall take effect on November 1, 2002.

(XX) The amendments to Gov. Bar R. V, Sections 7 and 11(E), adopted by the Supreme Court on December 4, 2002 shall take effect on February 1, 2003.

(YY) The amendments to Gov. Bar R. I, Sections 10, 11, 12, and 13 adopted by the Supreme Court on November 13, 2002, shall take effect on February 1, 2003.

(ZZ) The amendments to Gov. Bar R. VI adopted by the Supreme Court on May 14, 2003, shall take effect on July 1, 2003.

(AAA) The amendments to Gov. Bar R. VII adopted by the Supreme Court on April 29, 2003, shall take effect on June 16, 2003.

(BBB) The amendments to Gov. Bar R. VIII adopted by the Supreme Court on June 3, 2003, shall be effective and apply to claims filed on or after August 1, 2003.

(CCC) The amendments to Gov. Bar R. I, Sections 2, 3, 7, and 9; Gov. Bar R. IX, Section 2; and Gov. Bar R. XI, Section 2, adopted by the Supreme Court on June 3, 2003, shall take effect on October 1, 2003.

(DDD) The amendments to Gov. Bar R. V, Section 5 and Section 8 adopted by the Supreme Court on January 12, 2004, shall take effect on January 12, 2004.

(EEE) The amendments to Gov. Bar R. XV, adopted by the Supreme Court on July 20, 2004, shall take effect on September 1, 2004.

(FFF) The amendments to Gov. Bar R. VII, adopted by the Supreme Court on August 17, 2004, shall take effect on January 1, 2005.

(GGG) Gov. Bar R. XIII, adopted effective September 3, 1990, was repealed effective October 12, 2004.

(HHH) The amendments to Gov. Bar R. V and VI, adopted by the Supreme Court on February 1, 2005, shall take effect on September 1, 2005.

(III) The amendments to Gov. Bar R. VI, adopted by the Supreme Court on May 10, 2005, shall take effect on July 1, 2005.

(JJJ) The amendments to Gov. Bar R. XVII, adopted by the Supreme Court on November 8, 2005, shall take effect on January 1, 2006.

(KKK) Gov. Bar R. XII, adopted effective June 1, 1990, was repealed effective January 1, 2006.

(LLL) The amendments to Gov. Bar R. I, Sections 3, 8, and 9, Gov. Bar R. II, Sections 2, 3, and 6, Gov. Bar R. III, Sections 2 and 3, Gov. Bar R. IV, Section 1, Gov. Bar R. V, Sections 2, 5a, 6, and 11, Gov. Bar R. IX, Sections 2 and 5, Gov. Bar R. XI, Section 7, and Gov. Bar R. XVI, Sections 1 and 2 adopted by the Supreme Court on January 23, 2007 shall take effect on February 1, 2007.

(MMM) The amendments to Gov. Bar R. XVI adopted by the Supreme Court on April 3, 2007 and the repeal of the Lawyer Referral and Information Services Regulations shall take effect on April 30, 2007.

(NNN) The amendments to Gov. Bar R. I, II, IX, and XI adopted by the Supreme Court on April 3, 2007 shall take effect on May 1, 2007.

(OOO) Amendments to Gov. Bar R. VI, Section 1 are effective July 1, 2007. All other amendments to Gov. Bar R. VI and the repeal of Gov. Bar R. V, Section 11(G) are effective September 1, 2007.

(PPP) The amendments to Gov. Bar R. I, Sections 2, 3, 7, and 9 adopted by the Supreme Court on September 11, 2007 shall take effect on October 1, 2007.

(QQQ) The amendments to Gov. Bar R. VII, Section 5b adopted by the Supreme Court on September 11, 2007 shall take effect on November 1, 2007.

(RRR) The amendments to Gov. Bar R. X adopted by the Supreme Court on September 11, 2007 shall take effect on November 1, 2007.

(SSS) The amendments to Gov. Bar R. I, Sect. 9, VI, Sect. 3(E), and IX, Sect. 6 adopted by the Supreme Court on December 11, 2007 shall take effect on January 1, 2008.

(TTT) The amendments to Gov. Bar R. V, Section 3(D) and Gov. Bar R. VII, Section 9(A) to (E), adopted by the Supreme Court of Ohio on March 11, 2008, shall take effect on January 1, 2008. The amendments shall apply to all reimbursements and reimbursement requests for costs incurred in calendar year 2008 and subsequent calendar years.

(UUU) The amendments to Gov. Bar R. V, Section 1(D) and Board of Commissioners on Grievances and Discipline Regulation 11, adopted by the Supreme Court of Ohio on March 11, 2008, shall take effect on April 1, 2008.

(VVV) The amendments to Gov. Bar R. VII shall take effect on September 1, 2008. The amendments shall apply to a motion for interim cease and desist filed on or after the effective date.

(WWW) The amendments to Gov. Bar R. V, Section 8(G) and (H), adopted by the Supreme Court of Ohio on July 21, 2008, shall take effect on September 1, 2008. An attorney or law firm that has entered into an employment, contractual, or consulting relationship with a disqualified or suspended attorney prior to September 1, 2008 shall register such relationship as provided in Gov. Bar R. V, Section 8(G)(3) no later than November 1, 2008.

(XXX) The amendments to Gov. Bar R. X, Sect. 3 and 8 adopted by the Supreme Court on June 24, 2008 shall take effect on November 1, 2008.

(YYY) The amendments to Gov. Bar R. XV, Section 3 adopted by the Supreme Court on January 15, 2008 shall take effect on November 1, 2008.

(ZZZ) The amendments to Gov. Bar R. I, Section 4 adopted by the Supreme Court on January 20, 2009 shall take effect on February 1, 2009.

(AAAA) The amendments to Gov. Bar R. VI adopted by the Supreme Court on March 9, 2009 shall take effect on May 1, 2009.

(BBBB) The amendments to Gov. Bar R. II, Sections 1, 2, 3, 4, 5, 6, and 7 adopted by the Supreme Court on June 1, 2009 shall take effect on August 1, 2009.

(CCCC) The amendments to Gov. Bar R. I, Section 11 adopted by the Supreme Court on March 31, 2010 shall take effect on May 1, 2010.

(DDDD) The amendments to Gov. Bar R. VI, Section 5(C), adopted by the Supreme Court on July 6, 2010, shall take effect on September 1, 2010.

(EEEE) The amendments to Gov. Bar R. VII, adopted by the Supreme Court on July 6, 2010, shall take effect on September 1, 2010, except Section 2(A)(1)(e), which shall take effect on January 1, 2011.

(FFFF) The amendments to Gov. Bar R. XII, adopted by the Supreme Court on September 1, 2009 shall take effect on January 1, 2011.

(GGGG) The amendments to Gov. Bar R. I, Sections 1 and 2 adopted by the Supreme Court on July 6, 2010, shall take effect on August 1, 2010.

(HHHH) The amendments to Gov. Bar R. V, Section 10 adopted by the Supreme Court on March 3, 2011, shall take effect on April 1, 2011.

(IIII) The amendment to Gov. Bar R. XIV, Appendix VI adopted by the Supreme Court on August 8, 2011, shall take effect on October 1, 2011.

(JJJJ) The amendments to Gov. Bar R. V, Sections 3 and 4 adopted by the Supreme Court on September 20, 2011, shall take effect on January 1, 2012.

(KKKK) The amendments to Gov. Bar R. III, Sections 1-4 and Rule VI, Section 1, adopted by the Supreme Court on December 8, 2011, shall take effect on January 1, 2012.

(LLLL) The amendments to Gov. Bar R. V, Sections 4 and 6 and the repeal of BCGD Proc. Reg. 9(E), adopted by the Supreme Court on May 22, 2012, shall take effect on August 1, 2012. The amendments to Gov. Bar R. V, Sections 4 and 6 shall apply to all complaints filed on or after August 1, 2012. The default provisions contained in former Gov. Bar R. V, Section 6(F) shall apply to complaints certified by the Board prior to August 1, 2012.

(MMMM) Gov. Bar R. XVII, adopted effective August 19, 2002, was repealed effective October 1, 2012.

(NNNN) 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 September 11, 2012, shall take effect on January 1, 2013.

(OOOO) The amendments to Gov. Bar R. I, Sections 9, adopted by the Supreme Court on October 23, 2012, shall take effect on January 1, 2013.

(PPPP) The amendments to Gov. Bar R. VI, Section 3, adopted by the Supreme Court on August 22, 2013, shall take effect on November 1, 2013.

(QQQQ) The amendments to Gov. Bar R. X and Appendix I, adopted by the Supreme Court on October 23, 2012, shall take effect on January 1, 2014.

(RRRR) The amendments to Gov. Bar R. I, Sections 9 and 14 and Gov. Bar R. XII, Sections 2 and 7, adopted by the Supreme Court on July 9, 2013, shall take effect on January 1, 2014.

(SSSS) The amendments to Gov. Bar R. I, Sections 1, 2, and 3, adopted by the Supreme Court on April 29, 2014, shall take effect on July 1, 2014.

(TTTT) The amendments to Gov. Bar R. V, Section 4 and 10; Gov. Bar R. VI, Section 8; and Gov. Bar R. VIII, Sections 1 and 2, adopted by the Supreme Court on September 9, 2014, shall take effect on January 1, 2015.

(UUUU) The amendments to Gov. Bar R. V, VI, VII, X, and XVI and the Procedural Regulations of the Board of Professional Conduct, adopted by the Supreme Court of Ohio on October 21, 2014, shall take effect on January 1, 2015.

(VVVV) The amendments to Gov. Bar R. I, Section 9, adopted by the Supreme Court on November 6, 2014, shall take effect on January 1, 2015.

(WWWW) The amendments to Gov. Bar R. VI, Section 3, adopted by the Supreme Court on February 24, 2015, shall take effect on April 1, 2015.

(XXXX) The amendments to Appendix I, adopted by the Supreme Court on March 24, 2015, shall take effect on May 1, 2015.

(YYYY) The amendments to Gov. Bar R. VI, adopted by the Supreme Court on October 13, 2015, shall take effect on December 1, 2015.

(ZZZZ) The amendments to Appendix VI, adopted by the Supreme Court on February 23, 2016, shall take effect on March 15, 2016.

(AAAAA) The amendments to Gov. Bar R. VI and XII, adopted by the Supreme Court on February 23, 2016, shall take effect on July 1, 2016.

(BBBBB) The amendments to Gov. Bar R. VI, adopted by the Supreme Court on February 23, 2016, shall take effect on September 15, 2016.

(CCCCC) The amendments to Gov. Bar R. I, adopted by the Supreme Court on November 29, 2016, shall take effect on January 1, 2017.

(DDDDD) The amendments to Gov. Bar R. XII, adopted by the Supreme Court on November 29, 2016, shall take effect on January 1, 2017.

(EEEEE) The amendments to Gov. Bar R. V, adopted by the Supreme Court on February 28, 2017, shall take effect on March 1, 2017.

(FFFFF) The amendments to Gov. Bar R. XIV and Appendix IV, adopted by the Supreme Court on February 7, 2017, shall take effect on April 1, 2017.

(GGGGG) The amendments to Gov. Bar R. I, X, and XII, adopted by the Supreme Court on May 2, 2017, shall take effect on July 1, 2017.

(HHHHH) The amendments to Gov. Bar R. VI, Section 6; Gov. Bar R. X, Sections 3 through 5, 7, 9, 11, 12, and 14; and Appendix I, adopted by the Supreme Court on October 17, 2017, shall take effect on November 1, 2017.

(IIIII) The amendments to Appendix I, adopted by the Supreme Court on June 12, 2018, shall take effect on September 1, 2018.

(JJJJJ) The amendments to Gov. Bar R. V, Section 15 and Gov. Bar. R. VI, Sections 11 and 12, adopted by the Supreme Court on September 25, 2018, shall take effect on November 1, 2018.

(KKKKK) The amendments to Gov. Bar. R. VI, Section 11, adopted by the Supreme Court on October 23, 2018, shall take effect on November 1, 2018.

(LLLLL) The amendments to Gov. Bar R. X, Section 10, adopted by the Supreme Court on April 24, 2018, shall take effect on January 1, 2019.

(MMMMM) The amendments to Gov. Bar R. V, Section 4, adopted by the Supreme Court on March 5, 2019, shall take effect on March 5, 2019.

(NNNNN) The amendments to Gov. Bar R. X, Sections 5 and 14, and Appendix I, adopted by the Supreme Court on January 29, 2019, shall be effective July 1, 2019.

(OOOOO) The amendments to Gov. Bar R. I, Section 14; Gov. Bar R. VI, Section 14; and Gov. Bar R. XII, Section 7, adopted by the Supreme Court on May 21, 2019, shall take effect on July 1, 2019.

(PPPPP) The amendments to Gov. Bar R. I, Sections 9, 11, and 17 through 19, adopted by the Supreme Court on June 11, 2019, shall be effective September 2, 2019.

(QQQQQ) The amendments to Gov. Bar R. VI, Sections 4, 6, and 15; Gov. Bar R. X, Section 5; and Appendix I, adopted by the Supreme Court on November 13, 2019, shall be effective February 1, 2020.

(RRRRR) The amendments to Gov. Bar R. VI, Sections 15 and 16, adopted by the Supreme Court on November 13, 2019, shall be effective February 1, 2020.

(SSSSS) The amendments to Gov. Bar R. I, Sections 1 through 19; Gov. Bar R. VI, Sections 8 and 14; Gov. Bar R. IX, Section 4; Gov. Bar R. X, Section 9; Gov. Bar R. XI, Section 2; and Appendix III, adopted by the Supreme Court on April 4, 2020, shall be effective June 1, 2020.

APPENDICES

Appendix I:	**Attorney Continuing Legal Education Regulations**
Appendix II:	**The Rules and Regulations Governing Procedure on Complaints and Hearings Before the Board of Commissioners on Grievances and Discipline of the Supreme Court**
Appendix III:	**Rules of the Ohio Board of Bar Examiners**
Appendix IV:	**Standards for Accreditation of Specialty Certification Programs for Lawyers**
Appendix V:	**Statement on Professionalism**
Appendix VI:	**Fields of Law Subject to Specialization Designation**
Appendix VII:	**Lawyer Referral and Information Services Regulations *(Repealed Effective April 30, 2007)***
Appendix VIII:	**Regulations Governing Procedure On Complaints and Hearings Before the Board on the Unauthorized Practice of Law**

APPENDIX I: ATTORNEY CONTINUING LEGAL EDUCATION REGULATIONS

Regulation 100: Definitions

In these Regulations, the following definitions shall apply:

(A) Approved CLE Activity: a CLE Activity that meets the standards set forth in Regulation 406 and either: (i) has been accredited by the Commission as provided in these Regulations; or (ii) is presented by an Established Sponsor.

(B) Attendee: an Attorney or Judge attending an Approved CLE Activity.

(C) Attorney: a person who is registered under Rule VI of the Supreme Court Rules for the Government of the Bar of Ohio.

(D) CLE Activity: a seminar, institute, course or other educational program of legal education as described in Regulations 401 through 405 and 407 through 412.

(E) CLE Credit: time earned toward meeting the CLE Requirements through participation in Approved CLE Activities that is awarded by the Commission.

(F) CLE Record: the record of CLE Credit maintained by the Commission for each Attorney and Judge that is the basis for enforcement of the CLE Requirements.

(G) CLE Requirements: the educational provisions of Rule X, Section 3 or Rule IV, Section 3, and these Regulations.

(H) Commission: the Supreme Court Commission on Continuing Legal Education.

(I) Compliance: conformity with the CLE Requirements.

(J) Established Sponsor: a person or organization whose entire continuing legal education program has been accredited by the Commission pursuant to Regulation 404 of these Regulations.

(K) Exemption: relief from the duty to meet the CLE Requirements of Rule X granted by the Commission or through the operation of Rule X, Sections 9(A) or (B) or 12 or Rule IV, Section 8. An Exemption specifically requested, if granted, is for a limited time as determined by the Commission.

(L) Good Cause: circumstances not within the reasonable control of the Attorney or Judge and having the effect of preventing, substantially hindering, or delaying Compliance, filing, or payment. Good Cause shall not include mere neglect or inadvertence. Good Cause may be taken into consideration when reviewing an Attorney's or Judge's failure to comply with the CLE Requirements or failure to pay any applicable fee.

(M) Judge: judicial officers subject to the Supreme Court Rules for the Government of the Judiciary. Unless otherwise provided in Rule X or Rule IV, Judge includes those considered full-time, part-time, or retired who are eligible for assignment to active duty.

(N) New Lawyers Training Instruction: an educational course for lawyers newly admitted to the practice of law that satisfies the requirements of Rule X, Section 14 and the requirements of Regulation 414 and is approved by the Commission pursuant to Regulation 414.

(O) Noncompliance: failure to be in Compliance with the CLE Requirements.

(P) Pro bono legal services: the provision of legal service either to a person of limited means or to a charitable organization.

(Q) Professional Conduct Requirement: the professional conduct requirement of Rule X, Section 3(B) and the judicial conduct requirement of Rule IV, Section (3)(C).

(R) Qualified Speaker: Sponsors may utilize videotape, motion picture, audiotape, simultaneous broadcast, computer-based education, or other such systems or devices, provided they meet the applicable standards of Regulation 406. If the faculty members are not available either in person or via live telecommunication, then a Qualified Speaker, familiar with the recorded materials, shall be present to expand upon and provide supplemental commentary and to answer questions posed by Attendees. The Qualified Speaker shall have reviewed the recorded materials in their entirety prior to the replay and shall remain in the room with the Attendees the entire time.

(S) Rule X: Supreme Court Rules for the Government of the Bar, Rule X, Continuing Legal Education for Attorneys.

(T) Rule IV: Supreme Court Rules for the Government of the Judiciary, Rule IV, Continuing Legal Education for Judges.

(U) Secretary: Secretary of the Supreme Court Commission on Continuing Legal Education.

(V) Self-Study Activity: a CLE Activity of individualized learning engaged in by an Attorney or Judge outside of the standard classroom or seminar setting, including but not limited to live interactive educational methods such as a real-time video, teleconference, or webinar. Special methods of instruction pursuant to Regulation 408 using electronic methodology, such as on-demand courses, DVDs, CDs, or MP3s, may be accredited as Self-Study Activities pursuant to Regulation 409.

(W) Semester Hours: the number of academic credit hours received by a student for successfully completing a specific higher education course.

(X) Skills-Based Activity: educational training by doing or performing. In contrast to education based on mastery of written materials, such as statutes and case law, it is education on

how to act or perform. The training teaches Attorneys effective and appropriate behaviors and methods for handling particular problems or situations.

(Y) Special Program: a CLE Activity sponsored by a law firm; a corporation, including a corporate legal department; a governmental agency; a group of Attorneys in public service, for example the Ohio Attorney General's office, a County Prosecuting Attorney's office, a U.S. Attorney's office, a Public Defender's office, a legal department of a State or Federal agency, a legal services program, or a law department of a municipal corporation; or a similar entity primarily for the education of its employees, members, associates, or clients.

(Z) Sponsor: a person or organization that is responsible for the costs associated with conducting or presenting a CLE Activity.

(AA) Transcript: a copy of the CLE Record.

(BB) Electronic Interactive Skill-Based Activity: a CLE Activity of individualized learning engaged in by an Attorney or Judge outside of the standard classroom or seminar setting that utilizes multi-phase internet communications between qualified faculty, as set forth in Regulation 406, and the Attorney or Judge.

Regulation 200: Administration

Regulation 201: Secretary's Determinations and Review

201.1 The Secretary, pursuant to these Regulations, shall initially take action on all applications for accreditation of CLE Activities for CLE Credit, the award of CLE Credit to Attorneys and Judges, and Exemptions. The Secretary shall notify the applicant of the decision on the application within forty-five days after the application is deemed complete. In the case of requests for the award of CLE Credit, the posting of hours to the record of an Attorney pursuant to Regulation 302.4 shall constitute the decision of the Secretary.

201.2 The action of the Secretary shall constitute the action of the Commission unless and until the Commission determines otherwise. At each meeting of the Commission, the Secretary shall report to the Commission all actions taken.

201.3 All actions taken by the Secretary pursuant to these Regulations shall be subject to review and approval, disapproval, or modification by the Commission, *sua sponte*, or upon appeal by any person or entity adversely affected by the decision. The appeal shall be in the manner authorized by the Commission and shall be received by the Commission within thirty days after the Secretary's determination or interpretation appealed from.

201.4 If the Commission finds that the Secretary has incorrectly interpreted or applied Rule X, Rule IV, or these Regulations, the Commission shall take such action as it deems appropriate. In such instance the Commission shall notify the appellant of its decision.

201.5 When any person requests review of any matter within the jurisdiction of the Commission, the Chairman may appoint a committee to consider the appeal. Such committee shall be comprised of a minimum of three members of the Commission who shall hear the issues presented by the appeal and report its findings and recommendations to the Commission. The report of the committee or, if there is no committee appointed, the appeal shall be heard by the Commission at its next regularly scheduled meeting. In either event, the person adversely affected by the determination being appealed may present information relevant to the appeal to the committee or to the Commission, in writing, in person, or both.

Regulation 300: Continuing Legal Education Requirements

Regulation 301: Requests for CLE Credit

301.1 Except as otherwise provided by these Regulations, Rule X, or Rule IV, CLE Credit shall be awarded only for personal attendance at or participation in an Approved CLE Activity, for a minimum of thirty minutes.

301.2 A request for CLE Credit shall be submitted by or on behalf of an Attorney or Judge for each Approved CLE Activity for which credit is sought. The request shall be in a manner authorized by the Commission.

(A) Each request for the award of CLE Credit shall be acknowledged by the Attorney or Judge requesting the credit at the conclusion of the Attorney's or Judge's attendance at or participation in the CLE Activity for which the Attorney or Judge seeks the award of CLE Credit.

(B) Each request for the award of CLE Credit submitted to the Commission by an Attorney or Judge shall include the name, Supreme Court attorney registration number, and any other information requested by the Commission.

Regulation 302: Record of CLE Credit

302.1 The Commission shall maintain a CLE Record for each Attorney and Judge. The CLE Record shall contain all of the following:

(A) Approved CLE Activities for which the Attorney or Judge has been awarded CLE Credit during the Attorney's or Judge's current biennial compliance period;

(B) CLE Credit hours earned to date;

(C) The date on which the Attorney's or Judge's current biennial compliance period ends.

302.2 In any proceeding authorized by the provisions of Rule X, Rule IV, or these Regulations, a Transcript of an Attorney's or Judge's record, when certified as correct by the Secretary, is rebuttably presumed to correctly show the number of CLE Credit hours that have

been awarded by the Commission to the Attorney or Judge during the applicable biennial compliance period.

302.3 The Commission may maintain the information required by Regulation 302.1 in an electronic system of record storage.

302.4 CLE Credits requested by an Attorney or Judge shall be posted by the Commission to the Attorney's or Judge's CLE Record within forty-five days following the submission of the Attorney's or Judge's request for the award and is deemed complete except when either of the following apply:

(A) When the Commission defers the award of CLE Credit pending an investigation of a request for CLE Credit;

(B) When the Commission denies the award of CLE Credit following an investigation of a request for CLE Credit.

302.5 The Secretary shall notify an Attorney or Judge requesting CLE Credit of any decision denying or deferring the award of CLE Credit or granting fewer than the requested number of hours of CLE Credits within thirty days after such determination. Only that number of CLE Credit hours approved by the Commission shall be posted to an Attorney's or Judge's CLE Record.

302.6 In any case in which an Attorney is awarded fewer than the total number of CLE Credit hours requested, the request for credit shall be kept by the Commission for two years following its receipt by the Commission.

Regulation 303: Attorney's and Judge's Review of Transcript

Each Attorney or Judge shall have a continuing obligation to review the Attorney's or Judge's Transcript and inform the Commission if information contained in the CLE Record is inaccurate or if information that should be contained in the record is missing.

Regulation 304: Requests for Exemption From CLE Requirements

304.1 Persons meeting either of 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;

(B) An Attorney or Judge suffering from severe and prolonged illness or disability preventing participation in Approved CLE Activities pursuant to these Regulations.

304.2 The effective date for any Exemption granted under Regulation 304.1 shall be the date the Attorney or Judge submits the request for Exemption, unless another effective date is warranted upon review of the Request.

304.3 An Attorney or Judge may request an Exemption for a period not to exceed one year by submitting a request in which the Attorney or Judge demonstrates special circumstances unique to that Attorney or Judge constituting Good Cause for the grant of the Exemption.

304.4 An Attorney or Judge for whom attendance at CLE activities is difficult because of a permanent physical disability or other compelling reason may request approval of a substitute program by submitting a request specifying the components of the proposed substitute program. A proposed substitute program may include courses of self-study or Special Programs.

304.5 An Attorney or Judge requesting an Exemption under this Regulation from some or all of the CLE Requirements of Rule X shall submit a request in a manner authorized by the Commission within a reasonable time after the basis for the Exemption arises. The request shall describe the facts and circumstances upon which the request is based and, if applicable, the date on which the need for an Exemption will terminate. The Commission may require the Attorney or Judge to submit additional documentation before considering the request.

304.6 Upon receipt of a request for Exemption, the Commission shall consider the request and the facts supporting it and shall notify the Attorney or Judge submitting the request of its decision to grant, deny, or grant with modifications the relief requested.

304.7 Regulation 305 shall apply upon the expiration or termination of any Exemption granted by the Commission or allowed under Rule X or in these Regulations.

Regulation 305: Proration of Credit Hour Requirements

Except as is otherwise provided by Rule X, Section 7 or Rule IV, Section 6, the CLE Requirements for Attorneys or Judges becoming subject thereto after the commencement of a biennial compliance period shall be adjusted as follows:

(A) If the Attorney or Judge becomes subject to Rule X or Rule IV after January 1st of the first year of the biennial compliance period, but before July 1st of the first year of the period, there shall be no reduction in the CLE Requirement;

(B) If the Attorney or Judge becomes subject to the CLE Requirements after July 1st of the first year of the biennial compliance period, but before January 1st of the second year of the Attorney's or Judge's period, the Attorney or Judge shall be required to complete three-quarters of the required CLE Credit hours and the entire Professional Conduct Requirement during the remainder of the period;

(C) If the Attorney or Judge becomes subject to the CLE Requirements after January 1st of the second year of the biennial compliance period, but before July 1st of the second year of the Attorney's or Judge's period, the Attorney or Judge shall complete one-half the required CLE

Credit hours and the entire Professional Conduct Requirement during the remainder of the period. Upon timely application made to the Commission, the Commission may vary the provisions of this paragraph where prejudice would result.

Regulation 306: Attorney Signature

In all cases where the signature of the Attorney or Judge is required under Rule X, Rule IV, or these Regulations, the signature shall constitute verification by the Attorney or Judge that the form has been read by the Attorney or Judge and, to the best of the Attorney's or Judge's knowledge, information, and belief, the form is complete and is accurate. A signature may be any electronic symbol or process that is attached to or associated with a form or other writing required to be submitted under Rule X, Rule IV, or these Regulations and that is intended to express the required verification.

Regulation 400: Hours and Accreditation

Regulation 401: Credit for Teaching

401.1 Continuing Legal Education Teaching Credit

(A) An Attorney or Judge may receive three hours of CLE Credit for each hour taught in an Approved CLE Activity the first time the program is presented by the Attorney or Judge, two hours of CLE Credit for each hour taught as part of a panel presentation the first time the program is presented by the Attorney or Judge, and one hour of CLE Credit for each hour taught during subsequent presentations of the same CLE Activity. An Attorney or Judge may receive a maximum of one-half the required hours of CLE Credit for such teaching during a biennial compliance period. An Attorney or Judge may receive one hour of CLE Credit for each hour of faculty feedback provided through an approved Electronic Interactive Skill-Based Activity.

(B) The Attorney or Judge shall submit an application for credit in a manner authorized by the Commission within thirty days after the last presentation of the Approved CLE Activity.

401.2 Law School Teaching Credit

(A) An Attorney or Judge who is an adjunct or part-time professor may receive three credit hours of CLE Credit for each semester hour of a course taught at an ABA-accredited law school the first time the course is taught by that Attorney or Judge and one-half credit hour for each semester hour the course is subsequently taught by that Attorney or Judge. Prorated credit will be granted for quarter or trimester hours.

(B) An Attorney or Judge who is a full-time professor may receive one-half credit hour of CLE Credit for each semester hour of a course taught at an ABA-accredited law school. Prorated credit will be granted for quarter or trimester hours.

(C) An Attorney or Judge shall submit an application for CLE Credit in a manner authorized by the Commission within thirty days after the last day of the course.

(D) An Attorney or Judge shall not receive CLE Credit for hours taught at any other accredited higher education institution.

401.3 Lawyer to Lawyer Mentoring Program Teaching Credit

An Attorney or Judge may receive twelve hours of CLE Credit, including two and one-half hours of instruction related to professional conduct pursuant to Rule X, Section 3(B), by participating as a mentor in the Supreme Court Lawyer to Lawyer Mentoring Program.

Regulation 402: Law School Course Credit

(A) An Attorney or Judge may receive three hours of CLE Credit for each semester hour of a course completed at an ABA-accredited law school. Prorated credit will be granted for quarter or trimester hours.

(B) Taking an examination is not required for CLE Credit. The course may be completed for academic credit or on an audit basis.

(C) An Attorney or Judge shall submit an application for CLE Credit in a manner authorized by the Commission within thirty days after the last day of the course.

Regulation 403: Publication of Article or Book Credit

(A) An Attorney or Judge may receive up to twelve hours of CLE Credit per biennial compliance period for the publication of articles or books authored or prepared by the Attorney or Judge.

(B) The article or book shall concern matters directly related to the practice of law, judicial administration, professional conduct, ethical obligations, law office economics, or other subjects that will maintain and improve the quality of legal services in Ohio.

(C) The article or book shall be intended primarily for reading or use by an Attorney or Judge.

(D) The article or book shall be of substantial or scholarly quality. Insubstantial articles or books, such as self-published materials or blogs, shall not be eligible for credit.

(E) Credit shall not be given for preparation of meeting, seminar, or conference materials for which the Attorney or Judge has received teaching credit pursuant to Regulation 401.1.

(F) The Attorney or Judge shall submit an application in a manner authorized by the Commission within ninety days of publication or by the end of the biennial compliance period, whichever is later. Credit shall be awarded for the year in which the article or book is published.

Regulation 404: Accreditation of Established Sponsors and Established Self-Study Sponsors

404.1(A) The Commission may, upon submission of an application in a manner authorized by the Commission, designate Established Sponsors of CLE Activities.

(B) The Commission may grant to a Sponsor of CLE Activities designation as an Established Sponsor if the Sponsor is not primarily a provider of Special Programs and the Sponsor demonstrates to the Commission, by clear and convincing evidence, that CLE Activities offered by it have consistently met the standards set forth in Regulation 406.

(C) The Commission may grant to a Sponsor of Self-Study Activities designation as an Established Self-Study Sponsor if the Sponsor demonstrates to the Commission, by clear and convincing evidence, that the Self-Study Activities offered by it have consistently met the standards set forth in Regulation 409.

(D) Designation as an Established Sponsor or Established Self-Study Sponsor shall be for a term not to exceed one year and may be renewed by the Commission annually if the Established Sponsor or Established Self-Study Sponsor continues to meet the criteria set forth in these Regulations. Established Sponsor or Established Self-Study Sponsor status may be revoked by the Commission if, upon review of the CLE Activities or Self-Study Activities presented, the Commission determines that the quality of those CLE Activities or Self-Study Activities does not meet the standards set forth in these Regulations; the annual fee has not been paid; or the Commission finds violations of any other applicable Regulations.

(E) CLE Activities presented by Established Sponsors, other than New Lawyers Training courses, and Self-Study Activities presented by Established Self-Study Sponsors shall be deemed to be approved and shall not individually be subject to the approval process set forth in these Regulations. However, individual activities presented by Established Sponsors and Established Self-Study Sponsors may be reviewed and subject to denial if the Secretary determines they do not meet the requirements of Rule X or these Regulations.

(F) Established Sponsors and Established Self-Study Sponsors shall pay the annual fee by March 1st of each year.

(G) An Established Sponsor shall announce each CLE Activity in a manner authorized by the Commission a minimum of thirty days prior to the presentation of the CLE Activity. An Established Self-Study Sponsor shall announce each Self-Study Activity in a manner authorized by the Commission no later than thirty days after the date of initial availability of the Self-Study Activity.

(H) Within thirty days after presentation of a CLE Activity, an Established Sponsor and Established Self-Study Sponsor shall submit to the Commission all requests for CLE Credit in a manner authorized by the Commission. Established Sponsors shall retain attendance records for two years following the presentation of a CLE Activity.

(I) Established Sponsors shall pay fees in connection with their designation as established by the Commission.

(J) Any violations of these Regulations shall subject the Established Sponsor or Established Self-Study Sponsor to late fees established by the Commission or other sanctions as provided in Rule X or these Regulations.

404.2 An ABA-accredited law school acting as a Sponsor of CLE Activities shall be considered an Established Sponsor under this Regulation. The announcement required by Regulation 404.1(G) shall be accompanied by the applicable fee.

Regulation 405: Accreditation of Programs

(A) Any Sponsor who has not been designated as an Established Sponsor may apply to the Commission for accreditation of a CLE Activity in a manner authorized by the Commission. The application for accreditation shall be accompanied by the applicable fee.

(B) Application for accreditation of a CLE Activity shall be submitted a minimum of sixty days prior to the date of presentation of the program.

(C) Any representation that the CLE Activity has been accredited is prohibited until accreditation is granted, unless prior approval is granted by the Commission.

(D) The CLE Activity shall meet the standards set forth in Regulation 406.

(E) Within thirty days after presentation of the CLE Activity, the Sponsor of a CLE Activity approved under this Regulation shall submit to the Commission all requests for CLE Credit in a manner authorized by the Commission. The Sponsor shall retain attendance records for two years following the presentation of the CLE Activity.

(F) Any violations of these Regulations shall subject the Sponsor to late fees established by the Commission or other sanctions as provided in Rule X or these Regulations.

(G)(1) A Sponsor who violates these Regulations two or more times in any six-month period shall be certified to the Commission as a habitual offender.

(2) Upon certification as a habitual offender, any application for accreditation by this Sponsor shall require the approval of the Commission.

(3) Upon demonstration of a commitment to Compliance and application to the Commission, the Sponsor's name will be removed from the habitual offender's status.

Regulation 406: Standards for Accreditation

CLE Activities approved for CLE Credit shall meet the following standards:

(A) The CLE Activity shall have significant intellectual or practical content, the primary objective of which is to improve the participants' professional competence as an Attorney or Judge;

(B) The CLE Activity shall be an organized program of learning dealing with matters directly related to the practice of law, professional conduct or ethical obligations, law office economics, or other subjects that will maintain and improve the quality of legal services in Ohio;

(C) The program leaders or lecturers shall be qualified by education or have the necessary practical skill to conduct the program effectively;

(D) Before or at the time of the CLE Activity, each Attendee shall be provided with course materials in the form of written, electronic, or other format that are of such quality and quantity to indicate that adequate time has been devoted to their preparation and that they will be of value to the participants. Although a Sponsor may provide materials only in electronic format, the Sponsor shall make materials available in written format prior to the activity upon request from an Attendee. Course materials in Power Point or other format shall be subject to the same criteria as other materials.

(E) The CLE Activity shall be presented in a suitable setting, conducive to a good educational environment;

(F) The Sponsor shall submit information concerning the CLE Activity, including the brochure describing the CLE Activity, the names and qualifications of the speakers, the method or manner of presentation of materials, the agenda with a detailed time schedule, and, if requested, a set of the materials;

(G) The Sponsor shall develop and implement methods to evaluate its course offerings to determine their effectiveness and the extent to which they meet the needs of Attorneys and Judges and, upon a request from the Commission, provide course evaluations by Attendees;

(H) Attendance at the CLE Activity shall be open to all Attorneys and Judges and shall consist of a minimum of thirty minutes of uninterrupted instruction. CLE Credit shall not be awarded for breaks or opening or closing remarks. Only time of actual instruction shall count towards credit. Partial hours over the minimum shall be rounded to the nearest one-quarter of an hour and should be expressed as decimals.

(I) The Sponsor shall make reasonable efforts to insure that participating Attorneys or Judges are actively engaged in the CLE Activity. Such reasonable efforts include, but are not limited to, an announcement at the beginning of the program and after all breaks asking participants to turn off phones or electronic devices and to put away newspapers and other materials not related to the CLE Activity.

(J) For an Electronic Interactive Skill-Based Activity, the program faculty shall meet the standards set forth in Regulation 409.3(G) in addition to all requirements set forth in this section.

Regulation 407: Accreditation of Special Programs

407.1(A) A law firm; a corporation, including a corporate legal department; a governmental agency; or a group of Attorneys in public service, for example the Ohio Attorney General's Office, a County Prosecuting Attorney Office, a U.S. Attorney Office, a Public Defender Office, a legal department of a State or Federal agency, a legal services program, or a law department of a municipal corporation, may make application for accreditation of a Special Program pursuant to Regulation 405 and this Regulation 407.1. Sponsors shall submit an application for approval of such Special Program, in a manner authorized by the Commission, a minimum of sixty days prior to the date of presentation.

(B) A Special Program shall meet the standards set forth in Regulation 406.

(C) One or more speakers at a Special Program shall not be a member, partner, associate, client, or employee of the sponsoring organization.

(D) A Special Program shall be open to Attorneys and Judges not associated with the Sponsor, who shall assure that a minimum of one-quarter of the available seating at the Special Program is made available to Attendees not associated with the Sponsor. Skills-Based Activities shall be exempt from this requirement.

(E) If a fee is charged, it shall be reasonably related to the total cost of the Special Program and any fee shall be disclosed on the application.

(F) If confidential information is discussed, a Special Program shall not be eligible for CLE Credit.

(G) The Commission may, upon such terms and conditions as it deems proper, grant a variance from the provisions of this Regulation upon application in support of such variance.

(H) Within thirty days after presentation of a Special Program, the Sponsor shall submit to the Commission requests for CLE Credit of all Attorneys and Judges in attendance in a manner authorized by the Commission. The Sponsor shall retain attendance records for two years following the presentation of the Special Program.

(I) The Sponsor of a Special Program shall advise the Commission within thirty days after the date of the Special Program if any change was made in the program format, subject matter, or speakers, in which event accreditation of the Special Program for CLE Credit may be reconsidered by the Secretary or the Commission.

(J) A Special Program shall be scheduled under circumstances so as to be reasonably free of interruption by unrelated matters.

(K) Any violations of these Regulations shall subject the Sponsor to late fees established by the Commission or other sanctions as provided in Rule X or these Regulations.

407.2(A) Not more than twelve hours of CLE Credit for any biennial compliance period may be earned by an Attorney or Judge for attendance at Special Programs sponsored by an entity with which the Attorney or Judge is associated.

(B) Notwithstanding Regulation 407.2(A), Attorneys in public service, for example the Ohio Attorney General's Office, a County Prosecuting Attorney Office, a U.S. Attorney Office, a Public Defender Office, a legal department of a State or Federal agency, a legal services program, or a law department of a municipal corporation, may obtain up to twenty four hours of CLE Credit for Skills-Based Activities for any biennial compliance period.

407.3 Special Programs sponsored by either the Department of Justice or the Federal Public Defender shall meet the standards of these Regulations, provided that Regulations 407.1(C), 407.1(D), and 407.1(F) shall not apply. Attorneys attending Special Programs sponsored by either the Department of Justice or the Federal Public Defender may obtain up to twenty four hours of CLE Credit for any biennial compliance period for attendance at such programs.

Regulation 408: Sponsors and Special Methods of Instruction

408.1 Sponsors may utilize videotape; motion picture; audiotape; simultaneous broadcast including videoconferencing, teleconferencing, and audio-conferencing; computer-based education; or other such systems or devices, provided they meet all standards of Regulation 406 in addition to the following standards:

(A) There shall be an opportunity for Attendees to ask questions of the program faculty during or immediately following the presentation. Such questions may be asked verbally, via email, or via webcast questioning technology.

(B) If the faculty members are not available, either in person or via live telecommunication during the presentation, or if a Qualified Speaker is not present, then participants shall be provided a methodology to ask questions and receive responses from faculty members within seventy-two hours of the presentation. Records of such questions and responses shall be retained by the Sponsor for one year and provided to the Commission upon request.

(C) If the instruction is based on previously presented materials, the materials shall be current and, in any event, shall have been prepared no earlier than the calendar year immediately preceding the date the application for accreditation is filed.

408.2 The Commission may, upon such terms and conditions as it deems proper, grant a variance from the provisions of this regulation upon application in support of the variance.

408.3 Special methods of instruction that do not meet the provisions of Regulation 408.1 shall be considered a Self-Study Activity and will be approved for credit if they meet the standards set forth in Regulation 409.

Regulation 409: Self-Study

409.1(A) A Self-Study Activity may be approved for CLE Credit if it meets the requirements of this Regulation. The Self-Study Activity shall also meet the standards set forth in Regulation 406 to the extent they are applicable to a program of individualized learning.

(B) Any Sponsor who has not been designated as an Established Self-Study Sponsor shall submit an application for approval in a manner authorized by the Commission no later than thirty days after the date of initial availability of the Self-Study Activity, together with the applicable fee. Only Sponsors may apply for accreditation of Self-Study Activities. Attorneys and Judges may not apply on their own behalf for accreditation of Self-Study Activities.

(C) An application shall contain each of the following:

(1) A description of the subject matter of the Self-Study Activity and method of instruction;

(2) The names and qualifications of the speakers, the agenda with a detailed time schedule and, if requested, a set of the materials;

(3) Information on how and when the Self-Study Activity can be obtained;

(4) The length of the Self-Study Activity and number of credit hours requested;

(5) The date on which the Self-Study Activity was produced.

(D) The Self-Study Activity shall include a minimum of thirty minutes of substantive legal instruction.

(E) The Commission, upon such terms and conditions as it deems proper, may grant a variance from the provisions of Regulation 409.1 upon application in support of the variance.

(F) Within thirty days, the Sponsor shall submit to the Commission in a manner authorized by the Commission a request for CLE Credit for each Attorney or Judge who has successfully completed the Self-Study Activity. The Sponsor shall retain attendance records for two years following the completion of each Self-Study Activity.

(G) The Sponsor shall notify the Commission within thirty days if a material change is made to the Self-Study Activity, including a change in internet service providers. Upon notice of the change, the Secretary or Commission may reconsider accreditation of the Self-Study Activity and shall notify the Sponsor if accreditation of the Self-Study Activity is modified or revoked. An Attorney or Judge who completed a Self-Study Activity for which accreditation is later modified

or revoked shall receive credit that was originally awarded for the Self-Study Activity, provided completion of the Self-Study Activity occurred prior to notice of the modification or revocation.

(H) The Sponsor shall demonstrate it can identify the Attorneys or Judges who engaged in the Self-Study Activity using a minimum of two of the following methods of identification: email address and confidential password combinations, security or challenge questions, image and image phrases authentication, or other methods acceptable to the Commission. For an Electronic Interactive Skill-Based Activity, the Attorney or Judge shall identify himself or herself to the qualified faculty member or Sponsor representative using reliable methods disclosed for approval by the Commission. The Sponsor of an Electronic Interactive Skill-Based Activity shall report completion of the activity by the Attorney or Judge, including the appropriate time for credit hours.

(I) The Sponsor shall certify that the Attorney or Judge who engaged in the Self-Study Activity has obtained the minimum competency and has actively participated in the Self-Study Activity for an amount of time equivalent to the number of CLE Credit hours requested. Participation may be confirmed via polling, verification codes, completion of test questions demonstrating understanding of the material presented, or other methods acceptable to the Commission.

(J) In order to be approved as a live webinar under these Regulations, the Sponsor shall demonstrate to the satisfaction of the Commission that the webinar is sufficiently interactive.

(K) CLE Credit approved under this Regulation is Self-Study Credit.

(L) The Sponsor of a Self-Study Activity shall provide to Attendees of Self-Study Activities mandatory evaluation forms, with evaluation data submitted to the Commission every six months, beginning six months from the date of accreditation of the Self-Study Activity.

(M) The Sponsor of each Self-Study Activity shall inform all Attendees of the twelve hour limitation on Self-Study CLE Credit provided in Rule X, Section 5(E) and Regulation 409.2.

(N) The Sponsor of each Self-Study Activity shall provide a Certificate of Completion for each Attorney or Judge who successfully completes the Self-Study Activity. The Certificate shall include the Ohio Activity Code, the title of the program, the name of the Sponsor, the number and type of CLE Credits earned, and the date upon which the Self-Study Activity was completed by the Attorney or Judge.

(O) The Sponsor shall provide the Self-Study Activity's approval status in Ohio and the name of the Sponsor to participants before they pay for the Self-Study Activity.

(P) Self-study materials shall be current and, in any event, shall have been prepared no earlier than the calendar year immediately preceding the date the application for accreditation is filed.

(Q) Any violation of these Regulations shall subject the Established Sponsor or Sponsor to late fees established by the Commission.

409.2 Except for a substitute CLE program pursuant to Regulation 304.4 and an approved live webinar self-study activity pursuant to Rule X, Section 5(E)(2), no more than twelve hours of CLE Credit for any biennial compliance period may be earned by an Attorney or Judge under this Regulation.

409.3(A) An Electronic Interactive Skill-Based Activity shall be classified as a Self-Study Activity subject to the requirements of Regulation 409.

(B) An Electronic Interactive Skill-Based Activity shall include each element in the following order:

(1) One or more faculty lectures, demonstrations, or other instructional materials;

(2) One or more skill-based performance exercises by the Attorney or Judge;

(3) Faculty feedback for that skill-based performance exercise;

(4) Review of the faculty feedback by the Attorney or Judge.

(C) An Electronic Interactive Skill-Based Activity may permit the Attorney or Judge to engage in internet communications for multi-phase training, at whatever times and places the Attorney or Judge chooses, with intervals between retrieving and studying instructional materials, preparing and transmitting one or more skill-based exercise performances, and receiving and studying responsive faculty critiques.

(D) An Electronic Skill-Based Activity may include more than one exercise, provided the Attorney or Judge shall complete performance of each exercise within a reasonable time, as determined and disclosed ahead of time by the Sponsor, after the Attorney or Judge receives initial instruction materials for that exercise.

(E) Not all phases of an Electronic Interactive Skill-Based Activity can be measured for CLE Credit hours using the methods outlined in Regulation 409(I). The Sponsor shall provide and maintain reliable methods to confirm full participation and compliance by the Attorney or Judge in each phase of the activity and disclose to the Commission for approval the method used. A sponsor of an Electronic Interactive Skill-Based Activity shall preserve for a period of two years all recordings and materials generated by participants in the activity and make them available to the Commission.

(F) The term for accreditation of an Electronic Skill-Based Activity shall be two years, subject to one or more renewals for additional two-year intervals if the Sponsor demonstrates to the Commission the activity's continuing educational value.

(G) The faculty for an Electronic Interactive Skill-Based Activity utilizing a recorded lecture or demonstration shall satisfy the requirements of Regulation 406(C) and (F). Faculty who provide any performance critique shall have one or more of the following qualifications:

(1) At least seven years of active professional experience that includes the skill involved in that exercise;

(2) Specialist certification by an accredited professional organization that includes the skill involved in that exercise;

(3) Faculty service at an American Bar Association accredited law school for one or more courses that covers the skill involved in that exercise;

(4) Faculty service for at least two CLE programs conducted by an Ohio CLE Established Sponsor pursuant to Regulation 406 that covers the skill involved in that exercise;

(5) Previous Ohio CLE Commission faculty approval for the same skill-based program.

(H) Faculty who provide any performance feedback in an Electronic Skill-Based Activity shall complete live or recorded training on providing feedback for the skill-based performance, including general feedback methodology and specific topics that apply to the skill-based performance. The feedback training may be independently certified for CLE Credit if it otherwise complies with the requirements of these regulations.

(I) The Sponsor of an Electronic Interactive Skill-Based Activity shall submit an evaluation questionnaire to each Attorney or Judge who performed an exercise in the activity and shall retain their responses for the CLE Commission's review for two years.

(J) Except as specifically provided in this regulation, an Electronic Interactive Skill-Based Activity shall comply with all other CLE Regulations, including Regulation 409.1(H).

Regulation 410: Post-Program Approval

410.1 An Attendee at or a Sponsor of an out-of-state CLE Activity or an out-of-state New Lawyers Training course may seek post-program approval if such approval is applied for within sixty days after the program is presented. The post-program approval process does not apply to a self-study activity except as described in Regulation 409.

410.2 Such application shall be in a manner authorized by the Commission and shall be accompanied by the applicable fee. The program shall meet the standards set forth in Regulation 406 and, if applicable, Regulation 407.

410.3 Within thirty days of approval of the CLE Activity, the Sponsor shall submit to the Commission requests for CLE Credit of all Attorneys and Judges in attendance in a manner authorized by the Commission.

410.4 Any violation of these Regulations shall subject the Sponsor, Attorney, or Judge to late fees established by the Commission or other sanctions as provided in Rule X or these Regulations.

Regulation 411: Accreditation Procedures

411.1 Applications for accreditation, whether by Sponsors or Attendees, shall be in a manner authorized by the Commission and shall be deemed complete when the application, applicable fee, and all information requested by the Commission are received.

411.2 If a CLE Activity has been accredited, the Sponsor may announce in informational brochures and registration materials: "This program has been approved by the Supreme Court of Ohio Commission on Continuing Legal Education for ___ hours of CLE Credit."

Regulation 412: Monitoring of Programs

The Commission shall have authority to monitor any program for which CLE Credit is to be granted to Attorneys or Judges. Advance notice of such attendance need not be given.

Regulation 413: Accreditation of Out-of-State CLE Programs and Activities

The Commission may accredit programs and activities of other states or national or state legal organizations.

Regulation 414: Accreditation of New Lawyers Training Courses

414.1 A Sponsor may apply for accreditation of a New Lawyers Training course to be presented by the Sponsor in a manner authorized by the Commission. The application for accreditation shall be accompanied by a nonrefundable fee of twenty-five dollars.

414.2 Application for accreditation of a New Lawyers Training course shall be submitted a minimum of thirty days prior to the date of the presentation.

414.3 Within thirty days after presentation of a New Lawyers Training course, the Sponsor shall submit to the Commission requests for CLE Credit of all Attorneys and Judges in attendance in a manner authorized by the Commission. The Sponsor shall retain attendance records for two years following the presentation of the course.

414.4 To be accredited by the Commission, a New Lawyers Training course shall satisfy the requirements of Rule X, Section 14 and comply with the following standards:

(A) The course shall satisfy the standards of Regulation 406 and, if applicable, Regulation 408;

(B) The instruction shall be live, including in-person instruction, live webcast, or live teleconference. Sponsors are encouraged to use a variety of methods of instruction, including lectures, panels, workshops, and other forms of participatory or interactive learning where appropriate.

(C) The course shall be a minimum of thirty minutes in length;

(D) The Sponsor shall assure that a minimum of twenty-five percent of the available seating at the course is made available to Attorneys subject to Rule X, Section 14.

414.5 The Commission may revoke its accreditation of a New Lawyers Training course if it determines that the course is not in Compliance with the requirements of this regulation. Revocation shall not be retroactive, but shall affect only presentations of the program occurring after the effective date of the revocation.

414.6 The Commission shall evaluate Rule X, Section 14 and these Regulations every five years to determine if they effectively regulate the educational training of lawyers newly admitted to the practice of law in Ohio. The first evaluation shall occur five years from the date of adoption of this regulation and every five years thereafter.

Regulation 415: Credit for Pro Bono Legal Service

An Attorney or Judge may receive up to one hour of CLE Credit for each six hours of pro bono legal services performed. An Attorney or Judge may receive a maximum of six hours CLE Credit for such services performed during a biennial compliance period, provided the legal service is assigned, verified, and reported to the Commission by any of the following:

(A) An organization receiving funding for pro bono programs or services from the Legal Services Corporation or the Ohio Access to Justice Foundation;

(B) A metropolitan or county bar association;

(C) The Ohio State Bar Association;

(D) The Ohio Access to Justice Foundation;

(E) Any other organization recognized by the Commission as providing pro bono programs or services in Ohio.

Regulation 500: Sanctions and Enforcement Procedures

Regulation 501: Rule X Provisions

The provisions of Rule X, Sections 17 through 19 shall govern all sanctions and enforcement procedures under these Regulations.

Regulation 502: Commission Not Precluded

502.1 An error or inaccuracy in the CLE Record or any Transcript, or the failure by the Commission to furnish a Transcript to the Attorney or Judge, shall not preclude the Commission

from enforcing Rule X, Rule IV, or these Regulations or from imposing sanctions for Noncompliance, but may be considered in making a determination of Good Cause.

502.2 An Attorney or Judge whose record is not in full Compliance because of failure to inform the Commission of any inaccurate or missing information cannot claim Good Cause that would require the grant of carryover credit.

Regulation 503: Sanctions

503.1(A) If an Attorney, other than with respect to New Lawyers Training requirements, or a Judge, without Good Cause, is not in Compliance, the Commission shall impose the sanctions contained in Rule X, Section 17(A).

(B) The Commission may impose the following monetary penalty sanctions pursuant to Rule X, Section 17(A)(1) for failure to satisfy the CLE Requirements, including any applicable modifications of those requirements contained in Regulation 305:

DEFICIENCY:	RECOMMENDED SANCTION:
Six hours or less	$75
More than six hours but not more than 12 hours	$150
More than twelve hours but not more than eighteen hours	$225
More than eighteen hours	$300

503.2 The sanctions contained in Rule X, Section 17(A) and Regulation 503.1 may be cumulative.

503.3 CLE Credit obtained to make up a deficiency for a prior biennial compliance period shall not be applied to satisfy the CLE Requirement for the period in which the Credit is obtained.

503.4 If an Attorney, without Good Cause, is not in Compliance with Rule X or these Regulations for failure to timely complete the New Lawyers Training requirements, the Commission shall impose the sanction of suspension as provided in Rule X, Section 17(A)(2). However, if prior to the imposition of the sanction of suspension, the Attorney completes the New Lawyers Training requirements, demonstrates to the Commission Compliance with Rule X and these Regulations, and pays a late filing fee of three hundred dollars, the Commission shall not impose the sanction of suspension.

Regulation 504: Enforcement Procedures

504.1 If an Attorney or Judge fails to comply with Rule X, Rule IV, or these Regulations, the Commission shall send the Attorney or Judge a notice of Noncompliance. The notice shall specify the nature of the Noncompliance and state that unless the Attorney or Judge comes into Compliance or files evidence of Compliance that is satisfactory to the Commission by the date set forth in the notice, the Commission shall issue an order imposing a sanction consistent with

Commission regulation. As a condition of acceptance of late Compliance, the applicable fee shall accompany the Attorney's or Judge's report of completion.

504.2 If the Attorney or Judge submits evidence by the date set forth in the notice that establishes timely Compliance or late Compliance, the notice of Noncompliance shall be withdrawn and the Commission shall so advise the Attorney or Judge.

504.3 If the Attorney or Judge does not come into Compliance or file evidence of Compliance that is satisfactory to the Commission by the date set forth in the notice, the Commission shall issue an order imposing a sanction consistent with Commission regulation.

Regulation 900: Fees

901: The Commission shall from time to time establish fees to be charged by the Commission and publish a schedule of such fees. Such fees shall bear a reasonable relation to the actual necessary costs incurred by the Commission in connection with the performance of the duties and responsibilities imposed upon it by Rule X and these Regulations.

Regulation 1000: Effective Date

Regulation 1001: Effective Date of Regulations

1001.1(A) These Regulations shall be effective January 1, 1989.

(B) Regulations 500 and 600, adopted by the Supreme Court on November 22, 1989, shall take effect on December 15, 1989, and shall apply to the 1989 reporting period and subsequent reporting periods.

(C) Regulations 100, 403, 408 and 409, adopted by the Supreme Court on September 21, 1999, shall be effective January 1, 2000;

(D) Miscellaneous, nonsubstantive amendments to these Regulations correspond to amendments to Gov. Bar R. X. and Gov. Jud. R. IV adopted by the Supreme Court between May 8, 1990 and October 20, 1997. These nonsubstantive amendments shall be effective May 29, 2000.

(E) Regulation 409.1(G) and (L) amended to comport with Gov. Bar R. X amendments adopted on September 21, 1999 shall be effective August 7, 2000.

(F) Amendments to Gov. Bar R. X (3), (5) and (9) and to Attorney Continuing Legal Education Regulations 100, 404, 414 and 503 (New Lawyer Training Program) shall be effective July 1, 2001.

(G) Amendments to Regulations 101, 201, 301, 302, 303, 304, 305, 306, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 414, 502, 503, 504, 601, 602, 900, 901 and 1001 adopted by the Supreme Court on April 22, 2002 shall be effective July 1, 2002.

(H) Amendments to Regulations 408, 409 and 1001 adopted by the Supreme Court on July 20, 2004 shall be effective September 1, 2004.

(I) Amendments to Regulations 406 and 409 adopted by the Supreme Court on October 11, 2005 shall be effective on November 7, 2005.

(J) Amendments to Regulations 404 adopted by the Supreme Court on November 29, 2005 shall be effective on December 26, 2005.

(K) Amendments to the Regulations adopted by the Supreme Court on September 11, 2007 shall be effective on November 1, 2007, and shall apply to the 2008 reporting period and subsequent reporting periods, except that former Regulations 500 and 600 shall govern sanctions and enforcement procedures for the 2007 reporting period.

(L) Amendments to the Regulations adopted by the Supreme Court on June 24, 2008, shall be effective November 1, 2008, except that programs offered to satisfy former Gov. Bar R. X, Section 3, shall comply with former Regulation 100(N) and former Regulation 414.

(M) Amendments to the Regulations adopted by the Supreme Court on October 23, 2012, shall be effective January 1, 2014, and apply to the biennial compliance period ending on December 31, 2014, and all subsequent biennial compliance periods. Former Regulations shall apply to the biennial compliance period ending on December 31, 2013, and all prior biennial compliance periods.

(N) Amendments to the Regulations adopted by the Supreme Court on October 17, 2017, shall be effective November 1, 2017.

(O) Amendments to the Regulations adopted by the Supreme Court on June 12, 2018, shall take effect on September 1, 2018.

(P) Amendments to the Regulations adopted by the Supreme Court on January 29, 2019, shall take effect on July 1, 2019.

(Q) Amendments to the Regulations adopted by the Supreme Court on November 13, 2019, shall be effective February 1, 2020.

[Effective: January 1, 1989; amended effective December 15, 1989, May 29, 2000, August 7, 2000; July 1, 2001, July 1, 2002, September 1, 2004, November 7, 2005; December 26, 2005; November 1, 2007; November 2008; January 1, 2013; January 1, 2014; November 1, 2017; September 1, 2018; July 1, 2019; February 1, 2020.]

Schedule of Fees for Sponsors **(Pursuant to Regulation 901)**			
Type of Sponsor/Activity	**Application Fees**	**Late Application Fees**	**Late Submission of Credits** (Late fees are only assessed for credits submitted to the Office of Attorney Services for manual entry. Credits submitted electronically through the Sponsor Portal are not assessed late fees).
Established Sponsors	$400 Annual Fee	$100 Submitted less than 30 days prior to presentation of CLE activity	$100 Submitted more than 30 days after presentation of CLE activity
Established Self-Study Sponsors	$400 Annual Fee	N/A	$100 Submitted more than 30 days after presentation of CLE activity
Established Sponsors - ABA Accredited Law School	$25 per application for activities held in Ohio not to exceed $400 annually	$100 Submitted less than 30 days prior to presentation of CLE activity	$100 Submitted more than 30 days after presentation of CLE activity
New Lawyer Training Programs (NLT) - Ohio Activities	$25 per application (In addition to the annual Established Sponsor fee, if applicable)	$100 Submitted less than 30 days prior to presentation of NLT activity	$100 Submitted more than 30 days after presentation of NLT activity
New Lawyer Training Programs (NLT) - Out-of-State Activities	N/A	N/A	N/A
Special Program - In-House Activity	$25 per application for activities held in Ohio	$100 For Ohio activities, submitted less than 60 days prior to presentation of CLE activity	$100 Submitted more than 30 days after presentation of CLE activity
Sponsor Request - (non-established sponsor) Ohio Program	$25 per application	$100 Submitted less than 60 days prior to presentation of CLE activity	$100 Submitted more than 30 days after presentation of CLE activity
Sponsor Request - Out of State Program	No Application Fee	N/A	N/A
Sponsor Request - Self-Study Accreditation	$25 per application (If Established Sponsor is applying this fee is in addition to the annual fee)	N/A	$100 Submitted more than 30 days after presentation of CLE activity

Schedule of Fees for Attorneys **(Pursuant to Regulation 901)**			
Type of Credit Request	**Application Fees**	**Late Application Fees**	**Late Submission of Credits**
Individual Request for Accreditation for Out-of-State CLE or NLT Activity	N/A	$25 Submitted more than 60 days after presentation of CLE activity	$25 Submitted more than 60 days after presentation of CLE activity
Individual Request for Teaching Credit at an Approved CLE Activity	N/A	N/A	$25 Submitted more than 30 days after presentation of CLE activity
Request for Publication Credit	N/A	$25 Submitted more than 90 days after Publication date	N/A
Request for Credit for Law School Attendance	N/A	N/A	$25 Submitted more than 30 days after last day of law school course
Request for Credit for Law School Instruction	N/A	N/A	$25 Submitted more than 30 days after last day of law school course

(Amended Eff. 11-16-18)

APPENDIX II

PROCEDURAL REGULATIONS OF THE BOARD OF PROFESSIONAL CONDUCT OF THE SUPREME COURT OF OHIO
Effective January 1, 2019

Reg. 1. Pleadings and Motions.

(A) Motions. Within the period of time permitted for an answer to the complaint, the respondent may file any motion appropriate under Civ. R. 12, supported by a brief and affidavits if necessary. A brief and affidavits, if appropriate, in opposition to such motion may be filed within fourteen days after service of such motion, unless a shorter or longer period is ordered by the chair of the Board or a hearing panel. No oral hearing will be granted, and rulings of the Board will be made by the chair or vice-chair of the Board or any commissioner designated by the director of the Board. All motions shall be made in accordance with Gov. Bar R. V and this regulation.

(B) Extensions of time. For good cause, the Board chair, or, after appointment of a panel, the chair or judge or lawyer commissioner appointed to the panel may grant extensions of time for the filing of any pleading, motion, brief or affidavit, either before or after the time permitted for filing. No extension of time may be requested or granted to file a consent to discipline agreement beyond the time set forth in Gov. Bar R. V, Section 16.

(C) Withdrawal of Counsel. Counsel seeking to withdraw from a pending case in which a hearing has been scheduled shall file a motion to withdraw. In the case of counsel for the respondent or petitioner, the motion shall include a certification that a copy of the motion to withdrawal has been provided to the respondent or petitioner and that withdrawing counsel has complied or will comply with the applicable requirements of Prof. Cond. R. 1.16. The panel chair may conduct a hearing or phone conference prior to ruling on the motion.

(D) Proof of Service. Every pleading after the complaint shall show proof of service.

Reg. 2. Miscellaneous Procedures.

(A) Depositions taken in disciplinary proceedings shall be filed with the director as prescribed in Civ. R. 32.

(B) If relator and respondent stipulate to facts, the panel chair or a judge or lawyer commissioner member of the panel may either cancel a hearing and deem the matter submitted in writing or order that a hearing be held with all counsel and the respondent present.

(C) Notwithstanding the agreement of relator and respondent on a stipulated violation or recommended sanction, neither the hearing panel nor the Board is bound by the joint recommendation. The panel retains discretion to make a recommendation to the Board, and the Board retains discretion to make a final recommendation to the Supreme Court on the violation or appropriate sanction.

Reg. 3. Filings; Required Number of Copies; Exhibits; Manner of Service.

(A) All pleadings, motions, briefs, stipulations, consent to discipline agreements, and other documents shall be filed with the director of the Board and contain a certificate of service. The certificate of service shall include a statement that service has been made on the opposing party and the manner of service.

(B) Complaints shall be filed with the Board as required by Gov. Bar R. V. Each new complaint shall be filed with the Board in the following manner:

(1) One original, signed copy of the complaint;

(2) Electronic versions of the complaint, relator's affidavit, investigatory materials, and exhibits. Electronic materials shall be submitted in .pdf format, on a medium approved by the director, and items shall be labeled individually to include the name of the respondent and item being submitted (*e.g.,* JSmithComplaint).

(C) Except as provided in division (D) of this regulation, the original and one copy of all documents shall be filed with the Board.

(D)(1) In lieu of filing documents with the Board pursuant to division (C) of this regulation, a party may file documents with the Board using the e-Filing portal available through *www.bpc.ohio.gov*. A party filing a document through the e-Filing portal shall not tender original or paper copies of a document that is filed electronically.

(2) The director of the Board shall prepare and issue guidelines to effectuate the electronic filing of documents with the Board. The guidelines shall be available through the Board's web site.

(E) A party who files or presents exhibits for use at a hearing shall provide or have available sufficient copies for use at the hearing by the opposing party, witnesses, and the hearing panel.

(F) Whenever provision is made for the service of any notice, order, report, or other paper or copy upon any complainant, relator, respondent, petitioner, or other party, in connection with any proceeding under these rules, service may be made upon counsel of record for such complainant, relator, respondent, petitioner, or other party, either personally or by electronic mail.

(G) The chair of a hearing panel may order the service of documents on the panel by electronic or other alternative means. Any order of the panel chair shall not relieve a party from filing documents with the Board as contained in this regulation.

Reg. 4. Quorum of Panel or Board.

Except as otherwise provided in Gov. Bar R. V, a majority of the Board or a hearing panel shall constitute a quorum for all purposes, and the action of a majority of those present comprising the quorum shall be the action of the Board or a hearing panel

Reg. 5. Manner of Service on Clerk; Record of Service a Public Record.

All notices shall be served by the director of the Board upon the clerk of the Supreme Court by filing with the clerk a true and attested copy of the notice and any accompanying document and by sending to respondent, by certified mail, postage prepaid, return receipt requested, a like, true, and attested copy, with an endorsement thereon of service, upon the clerk of the Supreme Court, addressed to the respondent at the respondent's last known address. The receipt indicating the certified mail number shall be attached to and made a part of the return of service of such notice by the director. The panel or Board or court before which there is pending any proceeding in which notice has been given as provided in this section may order a continuance as is necessary to afford the respondent reasonable opportunity to appear and defend. The clerk of the Supreme Court shall keep a record of the day and hour of service upon the clerk of notice and any accompanying document, which shall be a public record in the office of the clerk.

Reg. 6. Issuance of Subpoenas; Foreign Subpoenas.

(A) Subpoenas. The director shall issue a subpoena, signed but otherwise blank to the special investigator, respondent, or authorized representative of the relator who shall complete it before service. A notice of subpoena is not required to be issued to the respondent unless probable cause has been found. If probable cause is found, any subpoena previously issued during the investigation into the alleged misconduct shall become public and available for disclosure upon request. A motion to quash a subpoena issued under this section shall be filed with the Board. If the motion to quash is filed prior to the appointment of a hearing panel, the motion shall be ruled upon by the chair or vice-chair of the Board. If a hearing panel has been appointed, the motion to quash shall be ruled on by the chair of the hearing panel.

(B)(1) Subpoena pursuant to law of another jurisdiction. A foreign disciplinary authority, pursuant to the law of that jurisdiction and where the issuance of the subpoena has been duly approved, if such approval is required by the law of that jurisdiction, may request issuance of a subpoena for use in an attorney or judicial discipline or impairment proceeding. The director shall issue a subpoena upon such request as provided in this rule.

(2) A subpoena issued pursuant to this rule may be issued to compel the attendance of witnesses and production of documents in the county where the witness resides, is employed, or as otherwise agreed by the witness. Service, enforcement, and challenges to such subpoenas shall be as provided in Gov. Bar R. V and these regulations.

(C) Request for foreign subpoena in aid of proceeding in this jurisdiction. In furtherance of disciplinary or impairment proceedings in this state, a relator or respondent may apply for the issuance of subpoenas in another jurisdiction pursuant to the rules of that jurisdiction. The director may provide assistance to facilitate a request made under this division.

Reg. 7. Board-Appointed Master.

(A) Appointment. The Board may appoint one or more masters to perform duties set forth in Gov. Bar R. V and these regulations. A Board-appointed master shall have formerly served

as a judge or attorney commissioner of the Board and shall be registered as active with the Supreme Court. At the request of a hearing panel chair, a master may assume any or all case management responsibilities occurring after the appointment of a hearing panel and before the formal hearing on the complaint, but shall not exercise adjudicatory powers under Gov. Bar R. V.

(B) Compensation. A Board-appointed master shall be entitled to a per diem and be reimbursed for travel on the same basis as commissioners of the Board.

(C) Proceedings and Powers. The order of reference to a master shall be signed by the chair of a hearing panel. The order of reference may specify or limit the master's powers and may direct the master to report only upon particular issues or to perform particular acts. Unless so specified or limited, the master may perform all of the following:

(1) Assist the parties and counsel in making all discovery disclosures including the use of interrogatories, depositions, and requests for admission;

(2) Conduct pre-trials with counsel and supervise the amendment of pleadings, the use of stipulations between the parties, the preparation of witness lists and exhibits;

(3) Rule on all motions and interlocutory matters, after consultation with the panel chair, that occur after the appointment of a hearing panel and before the formal hearing on the complaint;

(4) Fix a date for the formal hearing before the hearing panel after consultation with the panel chair.

(D) Report. The master shall prepare a written report upon the matters submitted to or considered by the master after consultation with the parties and the panel chair. The master shall serve a copy of the report on each party and file the report with the director. The report shall become the order of the Board unless a party files a written objection to the report within ten days of the filing with the Board. All objections shall be decided by the chair of the hearing panel as set forth in Gov. Bar R. V.

Reg. 8. Time Guidelines for Pending Cases.

(A) Pre-hearing Conference. Within forty days of the appointment of a hearing panel, the panel chair shall conduct a pre-hearing conference with the parties and counsel of record. At the discretion of the panel chair, a pre-hearing conference may be held by telephone, and may be continued from day-to-day. The pre-hearing conference shall be conducted to accomplish the following objectives:

(1) Simplification of the issues;

(2) Determine the necessity for any amendment to the pleadings;

(3) Establish a discovery timetable;

(4) Identify anticipated witnesses and the exchange of reports of anticipated expert witnesses;

(5) Identify and arrange for the exchange of copies of anticipated exhibits;

(6) Discuss the possibility of a consent to discipline agreement, obtaining stipulations of fact, and obtaining stipulations regarding the admissibility of exhibits;

(7) Establish a final hearing date;

(8) Discuss any other matters that may expedite the resolution of the case.

(B) Prehearing Scheduling Order.

(1) Following the prehearing conference, the panel chair shall issue an order as appropriate in the case. Except as otherwise provided in this regulation, an order that establishes a hearing date shall contain deadlines for the completion of prehearing activities and the filing of documents in accordance with the following schedule:

Prehearing activity or filing:	**Standard deadline:**
Exchange and file witness lists	56 days prior to hearing date
Completion of depositions and other discovery	28 days prior to hearing date
Exchange proposed exhibit lists and exhibits	21 days prior to hearing date
Objections to proposed exhibits	14 days prior to hearing date
Response to objections to proposed exhibits	7 days prior to hearing date
File hearing exhibits, witness lists, and stipulations	7 days prior to hearing date

(2) The panel chair may modify the standard deadlines set forth in division (B)(1) of this regulation.

(3) The panel chair may modify the prehearing order *sua sponte* or upon motion of a party for good cause shown.

(C) Hearing Date. The panel chair shall establish a hearing date in consultation with the parties and other panel members. The hearing date shall be no more than one hundred fifty days following the appointment of the panel. Continuances of the hearing date shall not thereafter be granted due to counsel's or respondent's scheduled appearance before any state court or public agency, except the Supreme Court of Ohio or this Board as set forth in Rule 41(B)(2) of the Rules of Superintendence for the Courts of Ohio.

(D) Submission of Panel Reports.

(1) The report of the panel for all hearings not conducted on an expedited basis shall be submitted to the director within forty days of the filing of the transcript for consideration at the

next regularly scheduled meeting of the Board. For good cause shown and at the request of the panel chair, the director may extend the date for the filing of the hearing panel report with the Board.

(2) The panel report should be submitted to the director at least seven days prior to the Board meeting.

(E) Time Guidelines Not Jurisdictional. Failure by the Board to meet the time guidelines set forth in this regulation shall not be grounds for dismissal of the complaint.

Reg. 9. Voluntary Dismissal.

Following the filing of the complaint, the relator may not voluntarily dismiss the complaint without leave of the chair of the hearing panel. A motion to voluntarily dismiss shall be accompanied by a memorandum setting forth the basis for the dismissal and, if required by the panel, be accompanied by supporting affidavits, depositions, or documents. The panel chair may conduct a hearing on the motion to dismiss and may require the testimony of witnesses and production of documents.

Reg. 10-13. [Reserved]

Reg. 14. Biennial Review and Recertification of Certified Grievance Committees.

(A) Biennial Review. In each even-numbered year, the Board of Professional Conduct shall conduct a review of compliance by each certified grievance committee with the requirements of Gov. Bar R. V and this regulation. The Board chair may designate the responsibility for conducting the biennial review to a standing or ad hoc committee of the Board. Any committee designated by the Board chair shall present its recommendations to the Board at a regular or special meeting of the Board, and the Board may accept, reject, or modify the recommendations of the committee.

(B)(1) Standards for Review and Recertification. The director shall prepare a written report for the Board or a committee of the Board that details the compliance by each certified grievance committee with the requirements of Gov. Bar R. V. The report shall include all of the following:

(a) Any specific failure by the certified grievance committee to prosecute in a timely manner a matter pending before the Board to which the certified grievance committee is a party or to respond in a timely manner to any order from the Board, provided that the certified grievance committee has been notified, in writing, of such failure and been provided an opportunity to rectify the failure;

(b) The certified grievance committee's compliance with each of the following requirements set forth in Gov. Bar R. V, Section 5(D) and (E):

(i) Timely filing in each of the two immediately preceding years of a complete annual report of the activity of the certified grievance committee;

(ii) Reporting of compliance by bar counsel and volunteer grievance committee members with the education requirements set forth in Gov. Bar R. V, Section 5(D)(1);

(iii) Compliance with the requirement of Gov. Bar R. V, Section 5(D)(1) to file quarterly case activity reports with the Board, including any issues regarding the timeliness and accuracy of those reports;

(c) Compliance with the minimum standards for each certified grievance committee as established by the Supreme Court in Gov. Bar R. V, Section 5(D);

(d) Any other information considered necessary to enable the Board to ascertain compliance by a certified grievance committee with the standards set forth in Gov. Bar R. V, Section 5.

(2) In any instance in which the director identifies a failure to comply with the aforementioned standards, the director shall detail the efforts made to address noncompliance with the chair or bar counsel for the certified grievance committee.

(C) Request for Information. To facilitate the review and recertification process, the director may request that a certified grievance committee provide additional information to the Board. The Board may consider the failure of a certified grievance committee to respond to a request for additional information in making a determination to recertify the grievance committee.

(D) Recertification. The Board shall recertify each grievance committee that is in substantial compliance with the requirements of Gov. Bar R. V and this regulation. Written notice of recertification shall be provided to the certified grievance committee on or before the first day of June in each even-numbered year.

(E)(1) Deferral of Recertification. Except as otherwise provided in Gov. Bar R. V or division (G) of this regulation, the Board may defer the recertification of a certified grievance committee based on the failure of a certified grievance committee to comply substantially with the requirements of Gov. Bar R. V or these regulations. The Board shall provide written notice to the certified grievance committee of the deferral of recertification. The written notice shall include all of the following:

(a) The specific instance of noncompliance cited by the Board, including reference to applicable rules or regulations;

(b) The steps necessary to remedy each instance of noncompliance, including any deadlines for remedying a particular instance of noncompliance;

(c) A statement that the Board will defer recertification of the certified grievance committee until each instance of noncompliance cited in the notice is addressed to the satisfaction of the Board;

(d) A statement that the Board may initiate proceedings to decertify the grievance committee if it fails to timely rectify the instances of noncompliance cited in the notice.

(2) Conditions of Deferral. The Board may impose any conditions on the deferral of recertification that it deems necessary, including but not limited to denying the request for reimbursement of any indirect expense that is incurred or submitted by the certified grievance committee during the deferral period.

(3) Effect of Deferral. Notwithstanding the Board's deferral of recertification, a certified grievance committee may continue to exercise authority pursuant to Gov. Bar R. V and these regulations. The deferral of recertification shall not be cited as a basis for refusing to cooperate with an investigation or as a defense in any disciplinary proceeding.

(4) Recertification Following Deferral; Conditions. Upon proof that the certified grievance committee has rectified all issues of noncompliance identified in the notice of deferral, the Board may recertify the committee. The Board may impose any conditions on the recertification that it deems necessary to prevent future instances of noncompliance. Written notice of recertification and any conditions imposed by the Board shall be provided to the certified grievance committee.

(F) Decertification. If a certified grievance committee fails to timely address instances of noncompliance identified in the written notice of deferral of recertification, the Board shall initiate decertification proceedings. Decertification proceedings shall be conducted as provided in Gov. Bar R. V, Section 5(F).

(G) Immediate Decertification. If the Board determines that a certified grievance committee has substantially failed to execute its responsibilities pursuant to Gov. Bar R. V or these regulations and that such failure appears to have substantially compromised the investigation or prosecution of one or more disciplinary matters, the Board may by-pass the deferral and notification process and initiate decertification proceedings. Decertification proceedings shall be conducted as provided in Gov. Bar R. V, Section 5(F).

(H) Authority. The failure of the Board to provide timely notice of recertification or decertification shall not deprive a certified grievance committee of the authority to investigate or prosecute disciplinary matters and may not be cited as a basis for refusing to cooperate with an investigation or as a defense in any disciplinary proceeding.

(I) Notice. Any notice required by this regulation to a certified grievance committee shall be provided by regular mail to the president of the sponsoring bar association, chair of the certified grievance committee, and bar counsel. A copy of each notice shall be provided to the Office of Disciplinary Counsel.

Reg. 15. Advisory Opinions.

(A) Advisory Opinion Committee. There shall be an Advisory Opinion Committee that shall be a standing committee of the Board. Each year, the chair of the Board shall appoint five or more commissioners to serve on the committee and shall designate one of the committee members to serve as chair of the committee. A committee member shall serve a one-year term and may be reappointed to the committee. The committee shall meet at the call of the chair and may meet in person or by telephone conference.

(B)(1) Standards for Issuing Advisory Opinions. The Board may issue nonbinding advisory opinions regarding the application of the Supreme Court Rules for the Government of the Bar of Ohio, the Supreme Court Rules for the Government of the Judiciary of Ohio, the Ohio Rules of Professional Conduct, the Code of Judicial Conduct, or the Attorney's Oath of Office. Pursuant to R.C. 102.08, the Board may issue an advisory opinion upon the request of a judicial officer, court employee, or judicial candidate regarding the application of R.C. Chapter 102. or R.C. 2921.42 or 2921.43. The following standards shall govern the issuance of advisory opinions:

(a) The question presented shall be prospective or hypothetical in nature and shall not involve completed conduct or questions pending before a court;

(b) The question presented shall be one of broad interest or importance to the Ohio bar or judiciary;

(c) The question presented shall involve the conduct of the person requesting the opinion.

(2) The committee or Board may decline to issue an opinion regarding a question that does not satisfy the standards set forth in this regulation or that is overly broad, lacks sufficient information, or is of narrow interest. The Board staff shall notify the requester of a decision to decline the issuance of an opinion. If an opinion is not issued, the committee or Board may direct the Board staff to provide guidance in a staff letter. The staff letter may be based upon previous opinions of the Board, the views of the committee or the Board, or other relevant information. A staff letter will contain language to indicate that it is a nonbinding staff letter and not an advisory opinion of the Board.

(C) Procedure for Requesting an Advisory Opinion. A request for an advisory opinion shall be submitted in writing to the director. The Board staff will send the requester a written acknowledgment of the request.

(D) Procedure for Preparing and Issuing Advisory Opinions.

(1) Advisory opinion requests will be researched by the Board staff. If a decision is made to issue an opinion, the Board staff will prepare a draft opinion for review by the Advisory Opinion Committee. A draft opinion will be forwarded to the committee for review prior to the next scheduled committee meeting. The committee will review the draft, make comments or suggestions, and by majority decision approve or disapprove of the draft. The Board staff and

committee will complete the process of researching, drafting, and reviewing an opinion as expeditiously as possible, preferably within two to six months after selection of the request.

(2) Each draft opinion approved by the committee will be sent to commissioners for review prior to a Board meeting and placed on the agenda for consideration at that meeting. Upon review, commissioners may direct comments, suggestions, or objections to the Board staff. The Board may vote to adopt or modify the draft opinion or to return the draft opinion to the committee for further review.

(E) Issuance of Advisory Opinions. A copy of an adopted opinion will be issued to the requester. Issued opinions shall not bear the name of the requester and shall not include the request letter. However, the requester's name and the request letter are not private and shall be made available upon request. Copies of issued opinions will be submitted for publication in the ABA/BNA Lawyers' Manual on Professional Conduct, the Ohio State Bar Association Report, and other publications or electronic communications as the Board deems appropriate. Copies of issued opinions will be forwarded to the Law Library of the Supreme Court of Ohio, county law libraries, Office of Disciplinary Counsel, and local and state bar associations with certified grievance committees. In addition, copies of opinions relating to judges will be forwarded to the Ohio Ethics Commission, Ohio Elections Commission, Ohio Judicial Conference, Ohio Judicial College, Secretary of State of Ohio, and the National Center for State Courts Center for Judicial Ethics.

(F) Maintenance of Advisory Opinions.

(1) Each advisory opinion shall be maintained in the Board's offices and posted on the Board's web page.

(2) An advisory opinion that becomes withdrawn, modified, not current, or affected by other significant changes will be marked with an appropriate designation to indicate the status of the opinion.

(3) The designation "Withdrawn" will be used when an opinion has been withdrawn by majority vote of the Board. The designation indicates that an opinion no longer represents the advice of the Board.

(4) The designation "Modified" will be used when an opinion has been modified by majority vote of the Board. The designation indicates that an opinion has been modified by a subsequent opinion.

(5) The designation "Not Current" will be used at the discretion of the Board's attorney staff to indicate that an opinion is not current in its entirety. The designation that an opinion is no longer current in its entirety may be used to indicate a variety of reasons such as subsequent amendments to rules or statutes, or developments in case law.

(6) The designation "CPR Opinion" will be used when an opinion provides guidance under the Ohio Code of Professional Responsibility that is superseded by the Ohio Rules of

Professional Conduct, effective February 1, 2007. The designation indicates that the opinion provides guidance regarding the Board's advice under the superseded Code.

(7) The designation "Former CJC Opinion" will be used when an opinion provides guidance under the former Ohio Code of Judicial Conduct that is superseded by the Ohio Code of Judicial Conduct, effective March 1, 2009. The designation indicates that the opinion provides guidance regarding the Board's advice under the superseded Code.

(8) Other designations, as needed, may be used by majority vote of the Board

(9) The Advisory Opinion Index will include a status list identifying the opinions and the designations.

Reg. 20. Effective Dates.

(A) The Procedural Regulations of the Board of Professional Conduct take effect January 1, 2015.

(B) New Regulation 14, adopted by the Board of Professional Conduct on October 2, 2015, shall take effect on January 1, 2016.

(C) The amendment to Regulation 8, adopted by the Board of Professional Conduct on October 6, 2017, shall take effect on January 1, 2018.

(D) The amendments to Regulations 3 and 6, adopted by the Board of Professional Conduct on December 7, 2018, shall take effect on January 1, 2019.

APPENDIX III: RULES OF THE OHIO BOARD OF BAR EXAMINERS

RULE I. GRADING OF OHIO BAR EXAMINATION

Section 1. Grading by and Calibration of Bar Examiners and Readers

(A) With the assistance of readers selected by the Court pursuant to Gov. Bar R. I, Sec. 4(D), the Board of Bar Examiners shall grade applicant answers from the written portion of the Ohio bar examination, which shall consist of both the Multistate Essay Examination (MEE) questions and the Multistate Performance Test (MPT) items. Before answers are graded, each bar examiner shall participate in a training and calibration session with those readers who will be assisting the bar examiner in grading answers to the same MEE question or MPT item.

(B) Scores assigned to individual answers on the written portion of the examination may range from zero to six points.

Section 2. Calculation of Scores

(A) Raw scores on the written portion of the examination shall be scaled to the MBE range of scores for that examination using the mean and standard deviation method.

(B) In calculating UBE total scores, the MEE is weighted thirty percent, the MPT is weighted twenty percent, and the MBE is weighted fifty percent.

(C) UBE total scores are reported on a four hundred point scale and are calculated by the National Conference of Bar Examiners.

Section 3. Passing Examination Score

An applicant shall pass the examination if the applicant achieves a two hundred and seventy UBE score or higher.

Section 4. Automatic Regrade of Written Answers

(A) Applicants who achieve total scores two points or less than the minimum passing score shall have their answers to the written portion of the examination regraded. Before the announcement of examination results, the Office of Bar Admissions shall submit the written answers of those applicants, along with a random sampling of answers written by passing applicants, to the bar examiners for regrading. The bar examiners shall not be given the original scores assigned to the answers they receive for regrading.

(B) After regrading, final total scores shall be calculated for those applicants who are entitled to have their written answers regraded. For each applicant entitled to have the applicant's written answers regraded, the applicant's original written raw score shall be averaged with the written raw score assigned to the applicant during regrading. This average score shall be the applicant's final written raw score. The final written raw score shall be scaled and combined with the applicant's MBE scaled score to obtain the applicant's final total score.

RULE II. MULTISTATE PROFESSIONAL RESPONSIBILITY EXAMINATION

A scaled score of at least eighty-five points shall be required to pass the Multistate Professional Responsibility Examination for UBE transfers and applicants who are admitted by Ohio Bar Examination.

RULE III. OHIO LAW COMPONENT

(A) The Ohio Law Component shall be an online, open-book, multiple choice test on outline material drafted by the Board of Bar Examiners. The subject matter of the outline material shall be relevant Ohio-specific topics attorneys licensed in Ohio are reasonably expected to know.

(B) A score of eighty percent shall be required to pass the Ohio Law Component. There shall be no limit on how many times an applicant may take the test to achieve a passing score, provided an applicant shall wait at least twenty-four hours before retaking the test.

(C) The Ohio Law Component outlines shall be made available to the public.

RULE IV. VIOLATION OF EXAMINATION RULES AND IRREGULARITIES

Section 1. Violations

An applicant may be subject to sanctions ranging from public reprimand to disqualification, if the applicant does any of the following:

(A) Gives or receives aid in answering examination questions;

(B) Begins working on an examination segment before time to begin has been called;

(C) Continues working on an examination segment for any period of time after time to stop has been called;

(D) Brings prohibited materials into the examination hall;

(E) Removes testing materials from the examination hall;

(F) Otherwise violates any written or oral examination instructions.

Section 2. Investigation by Board

(A) Upon an allegation of a breach of examination rules or other examination irregularity by an applicant, the Board of Bar Examiners shall provide the applicant an opportunity to submit a written explanation. The Board shall review the allegations and the applicant's written response and take appropriate action, which may include referring the matter to the Board of

Commissioners on Character and Fitness or an evidentiary hearing pursuant to Section 3 of this rule.

(B) Actions taken by the Board shall require agreement by a majority of its members and shall be final and not subject to appeal.

(C) The investigation by the Board shall be confidential and not subject to subpoena. Records of the investigation shall not be subject to public access pursuant to Sup.R. 44 through 47. However, a finding by the Board of irregularity or breach of examination rules shall be made public.

Section 3. Evidentiary hearing

(A) If the Board of Bar Examiners refers a matter to an evidentiary hearing pursuant to Section 2 of this rule, the Chair of the Board shall appoint a three-member panel consisting of Board members to conduct the hearing, and the Office of Bar Admissions shall appoint an active Ohio attorney to present the alleged violations or irregularities to the panel.

(B) The burden of proof in the evidentiary hearing shall be on the Office of Bar Admissions to establish by clear and convincing evidence the applicant breached the examination rules or engaged in other examination irregularity.

(C) An applicant's failure to provide requested information or to cooperate in the proceedings before the panel may be grounds for disqualification of the applicant's bar examination.

(D) A hearing before the panel may be waived upon agreement of the parties and the panel, and the panel may proceed with its own investigation of the allegations and base its recommendation on the results.

(E) Following the evidentiary hearing, the panel shall issue a report and recommendation to the full Board.

RULE V. EFFECTIVE DATES

The Rules of the Ohio Board of Bar Examiners approved by the Supreme Court November 2, 1994, shall become effective January 1, 1995. The amendments to the Rules of the Ohio Board of Bar Examiners approved by the Supreme Court June 4, 1996, shall become effective July 1, 1996. The amendments to the Rules of the Ohio Board of Bar Examiners approved by the Supreme Court March 30, 1999, shall become effective June 1, 2000. The amendments to the Rules of the Ohio Board of Bar Examiners approved by the Supreme Court on April 4, 2020, shall become effective June 1, 2020.

APPENDIX IV: STANDARDS FOR ACCREDITATION OF SPECIALTY CERTIFICATION PROGRAMS FOR LAWYERS

POLICY STATEMENT AND DEFINITIONS

ASCP Std. 1: POLICY STATEMENT

1.01. This document establishes standards by which the Supreme Court Commission on Certification of Attorneys as Specialists will accredit specialty certification programs for lawyers in particular fields of law and recommend fields of law for specialization to the Supreme Court. The Standards require that an Accredited Organization demonstrate that lawyers certified by it possess an enhanced level of skill and expertise as well as substantial involvement in the specialty area of certification and also that the Accredited Organization fosters professional development. The Standards also require that the public interest be served by identifying fields of law as specialty areas and that designation of a specialty field will further the orderly growth of specialization by lawyers in Ohio. The Standards are designed to enable the Commission to evaluate thoroughly the objectives, standards, and procedures of Applicants and to facilitate public access to appropriate legal services. The Commission exercises its authority to make, interpret, and apply the Standards as adopted and set forth in these Standards in accordance with Gov.Bar R. XIV. All decisions of the Commission shall be made by majority vote.

ASCP Std. 2: DEFINITIONS

2.01. As used in these Standards:

(A) "Accredited Organization" means an organization that is authorized by the Commission to certify lawyers as specialists.

(B) "Applicant" means an organization that applies to the Commission for accreditation or re-accreditation to certify lawyers as specialists or an organization that applies to the Commission for recommendation that a new area of law be designated as a specialty.

(C) "Commission" means the Supreme Court Commission on Certification of Attorneys as Specialists.

(D) "Review Panel" means three or more members of the Commission designated by the Chair of the Commission to either review the application of an Applicant and make a recommendation to the full Commission concerning the application or review an Accredited Organization and make a recommendation to the full Commission as to whether the authority of the Accredited Organization should be revoked.

(E) "Specialty" means an area of law that has been identified and approved by the Supreme Court in which lawyers may be certified as specialists by an Accredited Organization.

(F) "Standards" means the Commission Standards for Accreditation of Specialty Certification Programs for Lawyers.

STANDARDS FOR ACCREDITATION OF SPECIALTY CERTIFICATION PROGRAMS

ASCP Std. 3: PROCEDURE FOR ACCREDITATION

3.01. Notice of Intent.

(A) Filing of Notice. Before submitting a formal application to the Commission, an Applicant shall file with the Commission a notice of intent to apply for accreditation on a form approved by the Commission and pay a non-refundable pre-application fee. The notice of intent shall specify each specialty for which accreditation is sought. If the proposed specialty has been approved as a specialty by the Supreme Court, the Secretary shall send the Applicant an application form approved by the Commission.

(B) Accreditation in More Than one Specialty Area. An Applicant may seek accreditation to certify lawyers in more than one specialty area. The organization shall be evaluated separately with respect to each specialty program.

3.02. Application for Accreditation.

(A) Filing of Application. An Applicant that has satisfied the notice of intent requirement of Section 3.01 of these Standards may file an application for accreditation with the Commission by completing an application provided by the Commission and paying the required application fee.

(B) Required Supporting Documentation. An application for accreditation shall be accompanied by all of the following documents:

(1) The Applicant's governing documents, including articles of incorporation, bylaws, resolutions, and other documents setting forth the standards, procedures, guidelines, or practices of the Applicant's certification program;

(2) Documents demonstrating the financial stability of the Applicant and, if necessary, any supporting parent organization;

(3) Biographical summaries of members of the governing board or governing committee of the certifying organization, as designated pursuant to Section 4.01(C) of these Standards, including specific information concerning the degree of involvement in the specialty area of persons who review and pass upon lawyers' applications for certification;

(4) Materials furnished to the lawyers seeking certification, including application forms, booklets, or pamphlets describing the certification program, peer reference forms, rules and procedures, and evaluation guides;

(5) Copies of examinations given by the Applicant in the past two years, or in the case of an Applicant with a new certification program, copies of proposed examinations. In those cases in which an Applicant accepts examination by another entity, copies of examinations given by such entity shall be provided. In addition to examinations themselves, the Applicant shall provide evidence of the examination's validity and reliability, an explanation of how the examinations are developed, conducted, and reviewed, and an explanation of the standards employed for grading and evaluating the examinations. The factors used to judge the suitability and rigor of any examination shall include all of the following:

(a) Evidence that the method by which pass/fail levels are established is a true measure of expertise in the specialty area;

(b) Evidence of both reliability and validity for each form of the examination;

(c) Evidence of periodic review of the examination to ensure relevance to knowledge and skills needed in the specialty area as the law and practice methods develop over time;

(d) Evidence that the law of Ohio, when different from the general law, is a part of the examination;

(e) Evidence that effective measures are taken to protect the security of all examinations;

(f) Evidence that the written examination includes professional responsibility and ethics.

3.03. Preliminary Review of Application.

(A) Review by Commission Staff. Upon receipt of an application for accreditation, the Commission's staff shall review materials submitted by the Applicant for conformance with these Standards.

(B) Incomplete Application. If an application is incomplete or if other documents or information are required, the Commission's staff shall notify the Applicant. The Applicant shall comply with the staff request within sixty days from the receipt of the notice or request an extension. If the application is not completed within this period, and if no extension is requested, the application shall be considered lapsed and ineligible for consideration. The staff shall give notice to the Applicant once an application is complete. Withdrawal of an application does not preclude a subsequent application by the Applicant.

3.04. Commission Review of Application.

(A) Evaluation by Review Panel. The Chair of the Commission shall designate a Review Panel of not fewer than three members of the Commission for each completed application. The

application and supporting materials shall be provided to the Review Panel for independent review and consideration. The Review Panel may seek comment and information from whatever sources it deems appropriate, including other lawyers admitted to practice in Ohio and professionals who practice in or are knowledgeable concerning the specialty.

(B) Report. The Review Panel shall prepare a written report to the Commission concerning the application. The written report shall recommend that the application be approved, denied, or deferred and shall state the reasons for the recommendation.

(C) Receipt of Report Required. The Commission shall not approve or deny an application until a written report from the Review Committee for that application has been presented to the Commission.

(D) Materials. In making a final decision regarding an application, the Commission shall consider all materials relating to an application. These materials include the final report of the Review Panel, copies of the application and supporting documents originally submitted by the Applicant, and any further materials the Applicant has submitted for consideration.

(E) Decision. The Commission shall consider applications for accreditation as follows:

(1) If the Commission determines that the Applicant and its application satisfy all criteria required for the certification of specialists in an approved area of specialization, the application shall be approved, and the Applicant shall be designated an Accredited Organization for the specialty.

(2) If the Commission determines that the Applicant or the application do not satisfy all criteria required for the certification of specialists in an approved area of specialization, the application shall be denied.

(3) When an application is denied by the Commission, the Applicant may request reconsideration of the denial within thirty days following its receipt of the Commission's decision. Requests for reconsideration shall be made in writing to the Commission and should demonstrate why the Commission's denial was unreasonable.

(F) Schedule for Review of Application. The Commission shall review and make a decision on an application for accreditation as expeditiously as possible.

(G) Notice of Decision. The Commission shall promptly notify the Applicant in writing of the decision of the Commission regarding an application for accreditation or a request for reconsideration.

3.05. Coordination with the American Bar Association.

(A) Prior Accreditation. The Commission may consider an Applicant's prior approval for accreditation by the American Bar Association.

(B) Applicants. If the specialty certification program of an Applicant has been previously accredited by the American Bar Association and if the requirements of the association are substantially identical to the requirements of the Commission, the Commission may consider the association's accreditation in determining whether the Applicant satisfies these Standards. In those areas where the requirements are not substantially identical, the Applicant shall meet those requirements of the Commission in the same manner as any other Applicant not having received the association's accreditation. The determination of the Commission with respect to "substantially identical" shall be final.

(C) Ohio Law Requirements. Certain specialty areas require substantial expertise in Ohio law as opposed to general national law. If this is the case, the Commission shall provide for additional or separate requirements for Applicants in those specialty areas.

(D) Time Periods for Accreditation and Re-Accreditation. If an Applicant has been granted approval of certain requirements of these Standards based on prior accreditation by the American Bar Association, the period of initial accreditation by the Commission shall be the time remaining in the current period of accreditation by the association.

ASCP Std. 4: CRITERIA FOR ACCREDITATION

4.01. Program Operations. In order to obtain accreditation by the Commission for a specialty certification program, an Applicant shall demonstrate that the program operates in accordance with the following standards:

> **(A) Purpose of Organization.** An Applicant shall demonstrate that its primary purpose includes the identification of lawyers who possess an enhanced level of skill and expertise in the area of law or practice for which specialist certification is being issued. The Applicant also shall show that its certification program develops and improves the professional competence of lawyers. The Applicant shall be a not-for-profit organization.
>
> **(B) Organizational Capabilities.** Any program designed to certify lawyers as specialists shall have a continuing responsibility to those it certifies to maintain the integrity and the value of the specialty designation. An Applicant seeking accreditation shall establish that it possesses and will continue to maintain the governance and organizational structures, a reliable source of adequate financial resources, and the established administrative processes needed to carry out a certification program in an unbiased, professional, and ethically responsible manner. The primary criteria for determining organizational capabilities are the following:
>
> > (1) The existence of management, administrative, and business practices that allow the Applicant to operate its certification program effectively and provide efficient service to lawyers who submit applications for certification. The processes and procedures used in the certification process should include safeguards to ensure unbiased consideration of lawyers seeking certification.

(2) A history of adequate financing during the three years preceding the filing of the application. If the Applicant is newly formed, this criteria shall be applied to a parent or sponsoring organization or to the individual founders, if no founding organization is involved.

(3) The existence of a budget and financial plan for three years following a grant of accreditation should it be made. If an Applicant has previously been accredited and has been in existence for at least five years, the existence of a budget and financial plan for the year following accreditation shall be sufficient.

(4) The presence of persons retained by or on the governing board, evaluation committees, or staff of the organization who are qualified by experience, education, and background to carry out the program of certification, including persons with a background in evaluating the validity and reliability of examinations and experienced practitioners in the areas of law in which the organization conducts certification programs;

(5) The existence of a handbook, guide, or manual that outlines the standards, policies, procedures, guides for self-study, and application procedures.

(C) Governing Committee. An Applicant shall designate a standing committee to implement and supervise each specialty program. The committee for any specialty program need not be a board of trustees or the governing board of the Applicant itself. A majority of the Applicant's committee of the specialty program shall be attorneys who have expertise in the area for which accreditation is sought. By submitting an application, an Applicant represents to the Commission that the majority of the committee consists of attorneys who have expertise in the specialty area, and proof of the qualifications of the committee members shall be submitted as part of any application.

(D) Uniform Applicability of Certification Requirements and Non-Discrimination. An Applicant's documents and records submitted in conjunction with its application for accreditation shall be examined to ensure that the requirements for granting certification are clearly stated and that any applying lawyer who meets the requirements is granted certification, to wit:

(1) The materials published by the Applicant shall not state or imply that membership in, or the completion of education programs offered by, any specific organization are required for certification. This paragraph does not apply to requirements relating to the practice of law that are set out in statutes, rules, and regulations promulgated by the government of the United States, by the government of any state or political subdivision thereof, or by any agency or instrumentality of any of the foregoing.

(2) The description of the program shall indicate that the Applicant does not discriminate against lawyers seeking certification on the basis of race, color, national origin, religion, gender, sexual orientation, disability, or age. Experience

requirements for lawyers seeking certification or recertification that may indirectly have an effect on a particular age group shall be reasonable.

(3) Every Applicant shall develop and administer a full certification program that includes its measurement of extensive practice or involvement, its own peer review, its own written examination, and its requirements regarding education experience, as those criteria are described in these Standards.

(E) Impartial Review. An Applicant shall provide evidence that it maintains and publishes a policy providing an appeal procedure for a lawyer seeking certification to challenge the decision of the persons who review and pass upon the applications of lawyers seeking certification. The policy shall provide a lawyer seeking certification with the opportunity to present the lawyer's appeal to an impartial decision-maker in the event of denial of eligibility or denial of certification. Impartial decision-makers may include persons associated with the Applicant.

(F) Requirements for Recertification. A period of certification shall be not less than three or more than seven years. Lawyers may apply for recertification. Applications for recertification shall satisfy the standards set forth in Section 6 of Gov.Bar R. XIV and shall require, at a minimum, documentation of substantial involvement, compliance with continuing legal education requirements, peer review references, and documentation of good standing.

(G) Continuing Legal Education.

(1) In addition to the requirements of Gov.Bar R. X, a specialist shall complete twelve hours of continuing legal education every two years in each specialty area for which the specialist is certified.

(2) A certifying organization may exempt a lawyer from the requirements of division (G)(1) of this section in the event of a severe, prolonged illness or disability that prevents the specialist from participating in accredited continuing legal education programs and activities and in the requirements for certification renewal established by the Commission and the certifying organization as follows:

(a) Before the deadline for recertification, the lawyer shows, by a preponderance of the evidence and to the satisfaction of the certifying organization, that completing the requirements for recertification presents an extreme hardship and that recertification is significantly more difficult as a result of the severe, prolonged illness or disability;

(b) After the deadline for recertification, the lawyer shows, by a preponderance of the evidence and to the satisfaction of the certifying organization, that completing the requirements for recertification presented an extreme hardship, that recertification was significantly more difficult as a result of the severe, prolonged illness or disability, and that there exists an

adequate explanation as to why the lawyer did not seek exemption prior to the end of the lawyer's certification period.

(3) The duration of an exemption granted pursuant to paragraph (G)(2) of this section shall be dependent upon the severity of the lawyer's illness or disability and may be limited, as determined by the certifying organization.

(4) A certifying organization shall develop standards to assess all exemption requests made pursuant to paragraph (G)(2) of this section and review all requests in accordance with those standards. The standards shall include an appeal procedure for a lawyer requesting an exemption to challenge the decision of the member or members of the certifying organization who reviewed and passed upon the lawyer's request. The appeal procedure shall provide the lawyer requesting the exemption with an opportunity to appeal to a separate, impartial decision-maker in the event of denial of eligibility for or denial of an exemption. The separate, impartial decision-maker may include a person associated with the certifying organization.

(H) Revocation of Certification. The Applicant shall provide in its policies and procedures for the revocation of certification and specialization, including the mandatory requirement that a lawyer who is certified as a specialist shall immediately report the lawyer's disbarment or suspension from the practice of law in any jurisdiction.

4.02. Certification Standards for Lawyers as Specialists.

(A) Substantial Involvement. Because the purpose of accrediting lawyers as specialists is to assist the public in evaluating and selecting lawyers, a lawyer seeking certification shall demonstrate substantial involvement in the specialty area in the representation of clients during the three-year period immediately preceding application to an Accredited Organization. Whether a lawyer has had such substantial involvement during the period in question shall be determined by evaluating all factors, including the type and number of cases or matters in which the lawyer provided representation to clients and the percentage of the lawyer's professional time devoted to the practice of law in the specialty area. At a minimum, however, a lawyer seeking certification shall demonstrate that during the three-year period immediately preceding the lawyer's application the time the lawyer devoted to the presentation of clients in the specialty area during each of the three years was not less than twenty-five percent of the time a typical lawyer devotes to a normal, full-time legal practice. Notwithstanding the foregoing, no sitting, full-time judge, or magistrate shall be eligible to apply for specialty certification.

(B) Peer Review.

(1) A lawyer seeking certification shall submit the names of at least five references from lawyers or judges who are knowledgeable regarding the practice area and are familiar with the competence of the lawyer.

(2) The Accredited Organization shall send the reference forms to potential references.

(3) The reference forms shall inquire into the respondent's area of practice, the respondent's familiarity with both the specialty area and the lawyer seeking certification, and the length of time that the respondent has been practicing law and has known the lawyer seeking certification. The form also shall inquire about the qualifications of the lawyer seeking certification in various aspects of the practice and, as appropriate, the lawyer's dealings with judges and opposing counsel.

(4) The lawyer may not submit as a reference any lawyer or judge who is related to the lawyer seeking certification or currently engaged in legal practice with a lawyer or who has the same employer.

(5) The Accredited Organization may seek and consider other references.

(C) Written Examination. A lawyer seeking certification shall pass a rigorous written examination testing at the highest level the knowledge and skills of the substantive and procedural law in the specialty area.

(D) Educational Experience.

(1) A lawyer seeking certification as a specialist shall complete a minimum of thirty-six hours of continuing legal education in the specialty area in which the lawyer is seeking certification within the three-year period preceding the lawyer's application for certification.

(2) For purposes of this standard, the continuing legal education shall fully comply with Gov.Bar R. X and the CLE Regulations.

(3) A lawyer seeking certification shall provide proof to the certifying organization that the continuing legal education contains sufficient intellectual and practical content so as to increase a lawyer's knowledge and ability in the specialty area chosen.

(E) Good Standing. A lawyer seeking certification shall provide proof of both of the following:

(1) The lawyer is registered for active status pursuant to Gov.Bar R. VI, is in good standing with the Supreme Court, and has no current or pending disciplinary matter in Ohio or another state;

(2)(a) The lawyer is covered by professional liability insurance through an insurance company that is authorized to transact business in Ohio, in an amount not less than five hundred thousand dollars per loss, and that has demonstrated ability to pay all claims that fall within the liability insurance deductible, except that lawyers who meet the following criteria may be exempted from this requirement:

(i) Lawyers who can demonstrate that their employment relationship as a lawyer will fully cover any professional liability claim or provide immunity therefrom;

(ii) Counsel employed by an entity, other than a law firm, whose sole professional practice is for that entity;

(iii) Counsel employed by a governmental entity which would be immune from liability claims.

(b) The lawyer shall notify the Accredited Organization immediately of any cancellation or change in the lawyer's professional liability insurance coverage.

(F) Attorney Acknowledgement. The lawyer shall sign and submit an Attorney Certification and Acknowledgement on a form promulgated by the Commission. Once the lawyer is certified, this form shall be collected annually by the Accredited Organization from the lawyer and shall be stored and maintained by the organization for the length of the lawyer's current certification period.

(G) Specialists Who Become Judges. No sitting, full-time judge or magistrate may represent or hold the judge's or magistrate's self out as a certified specialist nor may any Accrediting Organization represent or hold out a sitting, full-time judge or magistrate as a specialist. When a certified specialist assumes a position of sitting, full-time judge or magistrate, the date on which the specialist's certification would otherwise expire shall be noted by the Accrediting Organization. If the specialist's tenure as a sitting, full-time judge or magistrate concludes before that expiration date, and provided the specialist has in the interim continued to satisfy the continuing legal education requirements of Gov.Bar R. XIV, the judge's or magistrate's certification may resume upon request, subject to any reasonable requirements of the Accrediting Organization, and continue until the next expiration date.

ASCP Std. 5: ACCREDITATION

5.01. Accreditation Period. Any period of accreditation granted pursuant to these Standards and under Gov.Bar R. XIV shall be for a period of five years, unless otherwise determined by the Commission.

5.02. Application to Continue Accreditation. If an Accredited Organization desires to continue its accreditation, the organization shall submit an application to the Commission, on a form approved by the Commission, within six months prior to the termination of the present term of accreditation. This process of continuous accreditation shall be the same as for the initial period as set forth in these Standards.

ASCP Std. 6: REVOCATION OF ACCREDITATION

6.01. Grounds for Revocation of Accreditation. The Commission may revoke an Accredited Organization's accreditation upon a determination that the organization has ceased to exist, has failed to operate its certification program in compliance with these Standards, or has materially changed its structure, operating standards, guidelines, or criteria for certification or recertification.

6.02. Hearing. The Commission, on its own or acting upon a complaint from a third party, may determine that reasonable grounds exist for considering the revocation of accreditation. The Commission shall schedule the matter for deliberation at one of the Commission's regularly scheduled meetings and promptly shall provide the Accredited Organization with written notice of the meeting and an opportunity to be heard at that meeting.

6.03. New Application for Accreditation. An organization whose accreditation has been revoked may reapply for accreditation in accordance with the Commission decision revoking accreditation and as set forth in these Standards and Gov.Bar R. XIV.

6.04. Voluntary Withdrawal from Accredited Status. An Accredited Organization may request that its accreditation be withdrawn by providing written notice to the Secretary of the Commission.

ASCP Std. 7: REPORTING

7.01. By April 1st of each calendar year, an Accredited Organization shall report both of the following in writing to the Commission:

(A) A report describing the current status of each accredited program, including the names, attorney registration numbers, and current addresses of Ohio lawyers certified or recertified as specialists on a form promulgated by the Commission.

(B) Any proposed material changes in the Accredited Organization's structure, operating standards, guidelines, or criteria for certification or recertification, at least sixty days before those changes are to become effective.

ASCP Std. 8: REPRESENTATION OF ACCREDITATION

8.01. An Accredited Organization may hold itself out as "Accredited by the Supreme Court of Ohio Commission on Certification of Attorneys as Specialists to certify lawyers in the Specialty area(s) of _____" under the following conditions:

(A) The Accredited Organization using this announcement or otherwise referring to its accreditation by the Commission shall provide notice to lawyers applying for certification that accreditation by the Commission indicates solely that the Accredited Organization's certification program has met these Standards and Gov.Bar R. XIV;

(B) The Accredited Organization shall not permit certified lawyers to state or imply that they are certified or accredited by the Commission or by the Supreme Court. The certified lawyers may represent that the Accredited Organization is approved by the Commission but not the Supreme Court. Accredited Organizations shall actively enforce this prohibition.

ASCP Std. 9: DISCLOSURE OF INFORMATION

9.01. General. Except as provided in this section, the files, records, and documents submitted by an Applicant as part of the accreditation process shall be available for public access pursuant to Sup.R. 44 through 47.

9.02. Limiting Public Access. An Applicant may request that distribution of its materials by the Commission be limited to those persons who need the information to fulfill obligations specified in these rules. In such cases, the Commission shall take reasonable steps to honor such a request, but the Commission shall not be responsible for disclosure due to circumstances beyond its immediate control.

9.03. Examinations. Actual or proposed written examinations submitted to the Commission shall be kept confidential.

ASCP Std. 10: NON-COMPLIANCE WITH STANDARDS

10.01. An Applicant or an Accredited Organization that does not comply with these standards may be denied accreditation or re-accreditation or may have its accreditation revoked. Non-compliance with these Standards and Rules or deadlines set out in these Standards may delay the disposition of an application for accreditation.

ASCP Std. 11: INDEMNIFICATION AND HOLD HARMLESS

11.01. Accredited Organizations and Applicants shall hold and save the Commission and the Supreme Court, its member volunteers, officers, agents, and employees harmless from liability of any kind, including costs, expenses, and attorney fees, for any suit or damages sustained by any person or property arising out of an Accredited Organization's or Applicant's application for accreditation by the Commission or arising out of any actions of the Accredited Organization or lawyers to whom specialization is granted or denied.

DESIGNATION OF SPECIALTY AREAS

ASCP Std. 12: PROCEDURE FOR REQUESTING SPECIALTY DESIGNATION

12.01. Notice of Intent.

(A) Filing of Notice. An Applicant shall file with the Commission a Notice of Intent to Apply on a form approved by the Commission and pay a non-refundable pre-application fee. The notice shall specify each specialty for which designation is sought.

(B) Definition of Specialty Areas.

(1) An Applicant shall propose to the Commission a specific definition of each specialty in which it seeks accreditation to certify lawyers as specialists.

(2) Each specialty in which certification is offered shall be an area in which significant numbers of lawyers regularly practice. Specialty areas shall be names and described in terms that are understandable to the potential users of legal services and in terms that will not lead to confusion with other specialty areas.

(C) Required Supporting Documents. The Notice of Intent shall be accompanied by the following documents:

(1) A written explanation as to how the proposed specialty area meets the criteria for consideration by the Commission as set forth in Section 2(C)(1) of Gov.Bar R. XIV;

(2) Evidence of an adequate program of continuing legal education in the specialty area;

(3) Criteria for establishing appropriate standards of proficiency in the specialty.

12.02. Review of Application.

(A) Review by Commission Staff.

(1) Upon receipt of a notice of intent to apply, the Commission staff shall review materials submitted by the Applicant for conformance with these Standards. The Commission shall not be bound by any specific schedule in processing a notice.

(2) If the notice is incomplete or if other documents or information are required, the Commission staff shall notify the Applicant. The Applicant shall comply with the staff request within sixty days from the receipt of the notice or request an extension. If the notice is not completed within this period, and if no extension is requested, the notice shall be considered lapsed and ineligible for consideration. The staff shall give notice to the Applicant once a notice is complete and forward the materials to the Commission for consideration.

(B) Review by the Commission.

(1) The Commission shall review and consider the notice and materials and issue its decision in accordance with the process set forth in Section 3.04 of these Standards.

(2) The Commission may modify or reject any proposed definition and shall accept any proposed definition subject to the approval by the Supreme Court. The Commission shall promptly notify the Applicant of its action.

ASCP Std. 13: ADOPTION AND AMENDMENT OF STANDARDS

13.01. Amendments to these Standards become effective upon their adoption by the Commission and approval by the Supreme Court.

APPENDIX V: STATEMENT ON PROFESSIONALISM

Issued by the Supreme Court of Ohio
On February 3, 1997

The Court created the Supreme Court Commission on Professionalism in order to address its concerns that trends were developing among lawyers in Ohio and elsewhere which emphasize commercialism in the practice of law and de-emphasize our historical heritage that the practice is a learned profession to be conducted with dignity, integrity and honor as a high calling dedicated to the service of clients and the public good. These trends have been evidenced by an emphasis on financial rewards, a diminishing of courtesy and civility among lawyers in their dealings with each other, a reduction in respect for the judiciary and our system of justice and a lessening of regard for others and commitment to the public good.

As professionals, we need to strive to meet lofty goals and ideals in order to achieve the highest standards of a learned profession. To this end, the Court issues A Lawyer's Creed and A Lawyer's Aspirational Ideals which have been adopted and recommended for the Court's issuance by the Supreme Court Commission on Professionalism. In so doing, it is not the Court's intention to regulate or to provide additional bases for discipline, but rather to facilitate the promotion of professionalism among Ohio's lawyers, judges and legal educators. It is the Court's hope that these individuals, their professional associations, law firms, and educational institutions will utilize the Creed and the Aspirational Ideals as guidelines for this purpose.

A LAWYER'S CREED

To my clients, I offer loyalty, confidentiality, competence, diligence, and my best judgment. I shall represent you as I should want to be represented and be worthy of your trust. I shall counsel you with respect to alternative methods to resolve disputes. I shall endeavor to achieve your lawful objectives as expeditiously and economically as possible.

To the opposing parties and their counsel, I offer fairness, integrity, and civility. I shall not knowingly make misleading or untrue statements of fact or law. I shall endeavor to consult with and cooperate with you in scheduling meetings, depositions, and hearings. I shall avoid excessive and abusive discovery. I shall attempt to resolve differences and, if we fail, I shall strive to make our dispute a dignified one.

To the courts and other tribunals, and to those who assist them, I offer respect, candor, and courtesy. Where consistent with my client's interests, I shall communicate with opposing counsel in an effort to avoid or resolve litigation. I shall attempt to agree with other counsel on a voluntary exchange of information and on a plan for discovery. I shall do honor to the search for justice.

To my colleagues in the practice of law, I offer concern for your reputation and well-being. I shall extend to you the same courtesy, respect, candor, and dignity that I expect to be extended to me.

To the profession, I offer assistance in keeping it a calling in the spirit of public service, and in promoting its understanding and an appreciation for it by the public. I recognize that my actions and demeanor reflect upon our system of justice and our profession, and I shall conduct myself accordingly.

To the public and our system of justice, I offer service. I shall devote some of my time and skills to community, governmental and other activities that promote the common good. I shall strive to improve the law and our legal system and to make the law and our legal system available to all.

A LAWYER'S ASPIRATIONAL IDEALS

As to clients, I shall aspire:

(a) To expeditious and economical achievement of all client objectives.

(b) To fully informed client decision-making. I should:

(1) Counsel clients about all forms of dispute resolution;

(2) Counsel clients about the value of cooperation as a means toward the productive resolution of disputes;

(3) Maintain the sympathetic detachment that permits objective and independent advice to clients;

(4) Communicate promptly and clearly with clients; and

(5) Reach clear agreements with clients concerning the nature of the representation.

(c) To fair and equitable fee agreements. I should:

(1) Discuss alternative methods of charging fees with all clients;

(2) Offer fee arrangements that reflect the true value of the services rendered;

(3) Reach agreements respecting fees with clients as early in the relationship as possible;

(4) Determine the amount of fees by consideration of many factors and not just time spent; and

(5) Provide written agreements as to all fee arrangements.

(d) To comply with the obligations of confidentiality and the avoidance of conflicting loyalties in a manner designed to achieve fidelity to clients.

(e) To achieve and maintain a high level of competence in my field or fields of practice.

<u>As to opposing parties and their counsel</u>, I shall aspire:

(a) To cooperate with opposing counsel in a manner consistent with the competent representation of my client. I should:

(1) Notify opposing counsel in a timely fashion of any canceled appearance;

(2) Grant reasonable requests for extensions or scheduling changes; and

(3) Consult with opposing counsel in the scheduling of appearances, meetings, and depositions.

(b) To treat opposing counsel in a manner consistent with his or her professional obligations and consistent with the dignity of the search for justice. I should:

(1) Not serve motions or pleadings in such a manner or at such a time as to preclude opportunity for a competent response;

(2) Be courteous and civil in all communications;

(3) Respond promptly to all requests by opposing counsel;

(4) Avoid rudeness and other acts of disrespect in all meetings, including depositions and negotiations;

(5) Prepare documents that accurately reflect the agreement of all parties; and

(6) Clearly identify all changes made in documents submitted by opposing counsel for review.

<u>As to the courts and other tribunals, and to those who assist them</u>, I shall aspire:

(a) To represent my clients in a manner consistent with the proper functioning of a fair, efficient, and humane system of justice. I should:

(1) Avoid non-essential litigation and non-essential pleading in litigation;

(2) Explore the possibilities of settlement of all litigated matters;

(3) Seek non-coerced agreement between the parties on procedural and discovery matters;

(4) Avoid all delays not dictated by competent representation of a client;

(5) Prevent misuses of court time by verifying the availability of key participants for scheduled appearances before the court and by being punctual; and

(6) Advise clients about the obligations of civility, courtesy, fairness, cooperation, and other proper behavior expected of those who use our system of justice.

(b) To model for others the respect due to our courts. I should:

(1) Act with complete honesty;

(2) Know court rules and procedures;

(3) Give appropriate deference to court rulings;

(4) Avoid undue familiarity with members of the judiciary;

(5) Avoid unfounded, unsubstantiated, or unjustified public criticism of members of the judiciary;

(6) Show respect by attire and demeanor;

(7) Assist the judiciary in determining the applicable law; and

(8) Give recognition to the judiciary's obligations of informed and impartial decision-making.

As to my colleagues in the practice of law, I shall aspire:

(a) To recognize and develop a professional interdependence for the benefit of our clients and the legal system;

(b) To defend you against unjust criticism; and

(c) To offer you assistance with your personal and professional needs.

As to our profession, I shall aspire:

(a) To improve the practice of law. I should:

(1) Assist in continuing legal education efforts;

(2) Assist in organized bar activities;

(3) Assist law schools in the education of our future lawyers; and

(4) Assist the judiciary in achieving objectives of A Lawyer's Creed and these Aspirational Ideals.

(b) To promote the understanding of and an appreciation for our profession by the public. I should:

(1) Use appropriate opportunities, publicly and privately, to comment upon the roles of lawyers in society and government, as well as in our system of justice; and

(2) Conduct myself always with an awareness that my actions and demeanor reflect upon our profession.

(c) To devote some of my time and skills to community, governmental and other activities that promote the common good.

As to the public and our system of justice, I shall aspire:

(a) To consider the effect of my conduct on the image of our system of justice, including the effect of advertising methods.

(b) To help provide the pro bono representation that is necessary to make our system of justice available to all.

(c) To support organizations that provide pro bono representation to indigent clients.

(d) To promote equality for all persons.

(e) To improve our laws and legal system by, for example:

(1) Serving as a public official;

(2) Assisting in the education of the public concerning our laws and legal system;

(3) Commenting publicly upon our laws; and

(4) Using other appropriate methods of effecting positive change in our laws and legal system.

STATEMENT ON JUDICIAL PROFESSIONALISM

Issued by the Supreme Court of Ohio
On July 9, 2001

The Court created the Supreme Court Commission on Professionalism in order to address its concerns that certain trends were developing among lawyers in Ohio and elsewhere. Those trends fostered commercialism in the practice of law and de-emphasized our historical heritage that the practice is a learned profession to be conducted with dignity, integrity, and honor dedicated to the service of clients and the public good. In order to facilitate the promotion of professionalism among Ohio's lawyers, judges and legal educators, the Court issued its Statement on Professionalism, A Lawyer's Creed, and A Lawyer's Aspirational Ideals on February 3, 1997. In recognition of the unique standards of professionalism required of a judge or a lawyer acting in a judicial capacity, the Court issues A Judicial Creed upon the recommendation of the Supreme Court Commission on Professionalism. It is the Court's goal by adopting this Creed to remind every judge and every lawyer acting in a judicial capacity of the high standards expected of each by the public whom they serve.

A JUDICIAL CREED

For the purpose of publicly stating my beliefs, convictions, and aspirations as a member of the Judiciary or as a lawyer acting in a judicial capacity in the State of Ohio:

I re-affirm my oath of office and acknowledge my obligations under the Canons of Judicial Ethics.

I recognize my role as a guardian of our system of jurisprudence dedicated to equal justice under law for all persons.

I believe that my role requires scholarship, diligence, personal integrity, and a dedication to the attainment of justice.

I know that I must not only be fair but also give the appearance of being fair.

I recognize that the dignity of my office requires the highest level of judicial demeanor.

I will treat all persons, including litigants, lawyers, witnesses, jurors, judicial colleagues, and court staff with dignity and courtesy and will insist that others do likewise.

I will strive to conduct my judicial responsibilities and obligations in a timely manner and will be respectful of others' time and schedules.

I will aspire every day to make the Court I serve a model of justice and truth.

APPENDIX VI: FIELDS OF LAW SUBJECT TO SPECIALIZATION DESIGNATION

FLS Designation Fields of law subject to specialization designation in Ohio

Effective July 10, 1996, the Supreme Court adopted the following fields of law subject to specialization designation in Ohio pursuant to recommendations of the Commission on Certification of Attorneys as Specialists.

On February 24, 1995, the Commission approved Workers' Compensation in Ohio as a field of law subject to specialization designation in Ohio. The following definition was adopted by the Commission.

"**Workers' Compensation Law in Ohio** is the practice of law that involves employees' rights, employers' defenses, and benefits provided for workplace accidents. The procedural scope of Ohio Workers' Compensation practice includes all activities before the Ohio Industrial Commission and Bureau of Workers' Compensation, as well as jury trials and attendant appellate practice."

On May 26, 1995, the Commission approved Family Relations Law as a field of law subject to specialization designation in Ohio. The following definition was adopted by the Commission.

"**Family Relations Law** is the practice of law that involves counseling clients in the resolution of disputes and with the termination of marriage by divorce, dissolution, or annulment and all related issues, such as legal separation; paternity; child support and the allocation of parental rights and responsibilities; division of property; and spousal support both in alternative dispute resolution processes and in court."

On May 26, 1995, the Commission on Certification of Attorneys as Specialists approved Criminal Law Trial Advocacy as a field of law subject to specialization designation in Ohio. The following definition was adopted by the Commission.

"**Criminal Law Trial Advocacy** is the practice of law that involves the defense and prosecution of misdemeanor and felony crimes in state and federal trial and appellate courts."

On September 22, 1995, the Commission on Certification of Attorneys as Specialists approved Civil Law Trial Advocacy as a field of law subject to specialization designation in Ohio. The following definition was adopted by the Commission.

"**Civil Law Trial Advocacy** is the practice of law that involves litigation of civil controversies in all areas of substantive law before state courts, federal courts, administrative agencies, and arbitrators. In addition to actual pretrial and trial process, "civil law trial advocacy" includes evaluating, managing, and resolving civil controversies prior to the initiation of suit."

On February 23, 1996, the Commission on Certification of Attorneys as Specialists approved Business Bankruptcy Law as a field of law subject to specialization designation in Ohio. The following definition was adopted by the Commission.

"**Business Bankruptcy Law** is the practice of bankruptcy law when the debtor is a corporation, a partnership, an individual currently engaged in business, or an individual formerly engaged in business whose debts are primarily incurred for business purposes; including but not limited to business bankruptcies, reorganizations, liquidations, and the rights, obligations, and remedies of debtors and creditors."

On February 23, 1996, the Commission on Certification of Attorneys as Specialists approved Creditors' Rights/Debt Collection as a field of law subject to specialization designation in Ohio. The following definition was adopted by the Commission.

"**Creditors' Rights/Debt Collection** is the practice of law that involves all aspects of debt collection under state and federal law as it applies to the rights of creditors."

On February 23, 1996, the Commission on Certification of Attorneys as Specialists approved Consumer Bankruptcy Law as a field of law subject to specialization designation in Ohio. The following definition was adopted by the Commission.

"**Consumer Bankruptcy Law** is the practice of bankruptcy law when the debtor is an individual or spouses and where the debts are primarily non-business related. The matters are typically filed under Chapters 7 or 13 of the U.S. Bankruptcy Code."

Effective October 8, 1996, the Supreme Court adopted the following field of law subject to specialization designation in Ohio pursuant to recommendations of the Commission on Certification of Attorneys as Specialists.

On May 24, 1996, the Commission on Certification of Attorneys as Specialists approved Labor and Employment Law as a field of law subject to specialization designation in Ohio. The following definition was adopted by the Commission.

"Labor and Employment Law is the practice of law that involves the relationships among employers, employees, and their labor organizations, except workers' compensation. It includes all aspects of labor relations (private and public sectors), occupational safety and health, employment discrimination, wage and hour, employee benefits and employment-related torts and contracts. It further includes all forms of labor and employment litigation, arbitration, mediation, negotiation and other forms of alternative dispute resolution before all federal, state and local courts, agencies and private tribunals."

Effective August 26, 1997, the Supreme Court adopted the following fields of law subject to specialization designation in Ohio pursuant to recommendations of the Commission on Certification of Attorneys as Specialists.

On September 27, 1996, the Commission on Certification of Attorneys as Specialists approved Estate Planning, Trust and Probate Law as a specialty area in Ohio. The following definition was adopted by the Commission on May 30, 1997.

"**Estate Planning, Trust and Probate Law** is the practice of law that involves analysis and planning for the conservation and disposition of estates during lifetime and at death, preparing legal instruments to effectuate such planning, and counseling fiduciaries, while giving due consideration to the applicable trust, probate, and income, estate, and gift tax laws."

On March 21, 1997, the Commission on Certification of Attorneys as Specialists approved Federal Taxation Law as a specialty area in Ohio. The following definition was adopted by the Commission on May 30, 1997.

"**Federal Taxation Law** is the practice of law in the areas of individual, partnership, corporate, and fiduciary Federal Income Tax, estate and gift tax, tax-exempt organizations, qualified plans and other Federal taxes requiring a substantive and procedural knowledge of the Internal Revenue Code and Regulations, Internal Revenue Service Rulings, and Federal Taxation case law."

On March 21, 1997, the Commission on Certification of Attorneys as Specialists approved Elder Law as a specialty area in Ohio. The following definition was adopted by the Commission on May 30, 1997.

"**Elder Law** is the legal practice of counseling and representing older persons and their representatives about the legal aspects of health and long-term care planning, public benefits, surrogate decision-making, older persons' legal capacity, the conservation, disposition and administration of older persons' estates and the implementation of their decisions concerning such matters, giving due consideration to the applicable tax consequences of the action, or the need for more sophisticated tax expertise."

Effective February 3, 1998, the Supreme Court of Ohio adopted the following fields of law subject to specialization in Ohio pursuant to the recommendation of the Commission on Certification of Attorneys as Specialists.

On October 24, 1997, the Commission on Certification of Attorneys as Specialists approved Business, Commercial and Industrial Real Property Law, and Residential Real Property Law as specialty areas in Ohio. The following definitions were adopted by the Commission.

"**Business, Commercial and Industrial Real Property Law** is the practice of law that involves acquisition, ownership, leasing, management, financing, developing, use, transfer and disposition of investment, business, commercial and industrial real property, including title examination and determination of property rights."

"**Residential Real Property Law** is the practice of law that involves acquisition, ownership, leasing, financing, use, transfer and disposition of residential real property by individuals, including title examination and determination of property rights."

Effective January 24, 2006, the Supreme Court adopted the following fields of law subject to specialization designation in Ohio pursuant to recommendations of the Commission on Certification of Attorneys as Specialists.

On April 1, 2005, the Commission on Certification of Attorneys as Specialists approved Administrative Agency Law as a field of law subject to specialization designation in Ohio. The following definition was adopted by the Commission.

"**Administrative Agency Law** is the practice of law that involves the activities of agencies at the local, state and federal levels, including, but not limited to: licensing, regulation and government benefits. For purposes of this certification, it includes matters involving the Ohio Administrative Procedure Act (RC Chapter 119), local government administrative matters governed by RC Chapter 2506, and proceedings pursuant to the federal Administrative Procedures Act. It also includes, without limitation, the representation of clients before administrative agencies, the practice of law within those agencies, and administrative/judicial proceedings involving those agencies."

On June 24, 2005, the Commission on Certification of Attorneys as Specialists approved Appellate Law as a field of law subject to specialization designation in Ohio. The following definition was adopted by the Commission.

"**Appellate Law** deals primarily with practice before state and federal appellate courts. It is distinct from, although complementary to, trial advocacy. Appellate Law emphasizes critical analysis and written advocacy but includes oral advocacy skills as well. This discipline includes consultation regarding the identification and preservation of error at all stages of litigation, and the analysis of public policy goals and constitutional principles in the highest state and federal courts. Appellate Law embraces actions within the original jurisdiction of appellate courts, as well as those matters within the courts' appellate jurisdiction."

"**Social Security Disability Law** is the practice of law that involves representation of claimants for Social Security disability, survivors' and retirement benefits. Lawyers in this field routinely represent claimants throughout the administrative hearings and appeals process and into the federal courts."

Effective October 1, 2011, the Supreme Court adopted Insurance Coverage Law as a field of law subject to specialization designation in Ohio pursuant to recommendation of the Commission on Certification of Attorneys as Specialists.

On June 24, 2011, the Commission on Certification of Attorneys as Specialists approved Insurance Coverage Law as a field of law subject to specialization designation in Ohio. The following definition was adopted by the Commission.

"**Insurance Coverage Law** is the area of law involving issues between insurers and policy holders concerning the rights and responsibilities that arise under insurance policies."

(Adopted effective: July 10, 1996; amended effective: October 8, 1996; August 26, 1997; February 3, 1998; January 24, 2006; November 1, 2008; October 1, 2011; March 15, 2016.)

APPENDIX VII: LAWYER REFERRAL AND INFORMATION SERVICES REGULATIONS

(Repealed effective April 30, 2007)

APPENDIX VIII: REGULATIONS GOVERNING PROCEDURE ON COMPLAINTS AND HEARINGS BEFORE THE BOARD ON THE UNAUTHORIZED PRACTICE OF LAW

UPL Reg. 100 Title, Authority and Application

(A) These regulations shall be known as the Regulations Governing Procedure on Complaints and Hearings Before the Board on the Unauthorized Practice of Law and shall be cited as "UPL Reg. ___."

(B) The following regulations are adopted by the Board on the Unauthorized Practice of Law pursuant to Gov. Bar R. VII(16) of the Rules for the Government of the Bar of Ohio, with the prior approval of the Supreme Court of Ohio.

(C) Pursuant to Gov. Bar R. VII(14), the Board applies the Ohio Rules of Civil Procedure and Rules of Evidence whenever practicable, unless a provision of Gov. Bar R. VII, these regulations, or Board procedure provide otherwise. Local rules of court are not applicable to matters before the Board.

UPL Reg. 200 Case Management; Practice and Procedure

201 Case Schedule

(A) After assignment of the Hearing Panel, the Secretary of the Board in consultation with the Panel Chair shall issue a case scheduling order to all parties or their counsel as set forth in this regulation. The case schedule shall be served upon the parties no more than seven days after the time to plead or otherwise defend the complaint has elapsed. The case schedule shall at a minimum establish deadlines for certain case events and may be adjusted by the Panel Chair or for good cause shown:

Assignment of Hearing Panel	0
Hearing Date	266 days after assignment
Initial Telephone Status Conference	30 days after assignment
Initial Disclosure of Witnesses	80 days after assignment, or upon request of either party
Discovery Cut-off	60 days before hearing
Pre-Hearing Statement/Briefs	40 days before hearing

(B) At the discretion of the Panel Chair, the following events may also be established:

Dispositive Motion Deadline
Motions on Preliminary or Procedural Issues Deadline
Decisions on Motions
Stipulations of Facts and/or Law
Supplemental Disclosure of Witnesses
Final Pre-Hearing Conference

(C) Any complaint filed by an Unauthorized Practice of Law Committee or the Disciplinary Counsel shall state whether the relator is aware that an underlying complainant or individual is seeking a private remedy pursuant to R.C. 4705.07. Upon receipt of the complaint, the Secretary shall designate the case accordingly and inform the Panel Chair, who will have the discretion to accelerate the case management schedule and hearing date.

202 Motions; Dispositive Motions

(A) Upon the filing of a motion and unless ordered otherwise by the Panel Chair, any memorandum in opposition shall be filed within twenty-one days after the filing of the motion. The response shall be served upon the Secretary and all adverse parties or their counsel. Unless directed otherwise by the Panel Chair, any reply to the memorandum in opposition shall be filed within ten days of the filing of the memorandum in opposition. Three days shall be added to the prescribed time periods when the motion or responsive memoranda are served by mail.

(B) Any motion, including but not limited to a motion for summary judgment, a motion for judgment on the pleadings, and a motion to dismiss, that seeks to determine the merits of any claim or defense as to any or all parties shall be considered a dispositive motion. A voluntary dismissal under Civ. R. 41 is not a dispositive motion for purposes of this regulation. All dispositive motions shall be filed no later than the date specified in the case schedule. Pursuant to Civ. R. 56(A), leave is granted in all cases to file summary judgment motions between the time of service of the complaint and the dispositive motion date, unless the Panel Chair dictates otherwise by setting a different date. If a dispositive motion date was not established in the initial case schedule, leave of the Panel must be obtained pursuant to Civ.R. 56(A). Parties shall file their summary judgment motion at the earliest practical date during the pendency of the case.

(C) The Panel Chair may order the simultaneous filing of motions and memoranda in opposition without provision for reply.

203 Pre-hearing Procedure

203.1 Pre-hearing Statements, Motions, and Briefs

(A) In all cases pending hearing, all parties shall prepare and serve upon the Secretary, with a copy to all opposing counsel, a final pre-hearing statement forty days prior to the assigned hearing date. The final pre-hearing statement shall at a minimum contain:

(1) A brief statement of the facts and identification of claims and defenses;

(2) The factual and legal issues which the cause presents;

(3) For relator, its position on whether the facts and circumstances of the case warrant imposition of a civil penalty and if the relator seeks the imposition of a civil penalty, the relator shall specify the amount of the civil penalty it is requesting and identify the unique facts and circumstances that it believes warrant imposition of the civil penalty requested; and,

(4) For respondent, an indication of whether there is opposition to any request for imposition of a civil penalty and the existence of evidence in mitigation;

(5) The estimated days required for hearing.

(B) Parties shall separately prepare and serve upon the Secretary, with a copy to all opposing counsel, forty days prior to the assigned hearing date:

(1) Stipulations of fact or law, if any;

(2) A listing of all witnesses with a brief summary of expected testimony; a copy of all available opinions of all persons who may be called as expert witnesses;

(3) A listing of all exhibits expected to be offered into evidence, except exhibits to be used only for impeachment, illustration, or rebuttal.

(C) Forty days prior to the hearing date, all other motions (other than dispositive motions), pleadings, filings or hearing briefs intended to be offered at the hearing shall be served upon the Secretary and opposing parties. A response to any motion, brief or other filing shall be served according to UPL Reg. 202(A). The required pre-hearing statement may be included as part of any hearing brief.

(D) All documentary evidence to be offered at hearing shall be served upon the Secretary, adverse parties or their counsel at least thirty days before hearing pursuant to Gov. Bar R. VII(14).

(E) There is reserved to each party, upon application to the Panel and for good cause shown, the right at the hearing to:

(1) offer additional exhibits, file additional pleadings;

(2) supplement the list of witnesses to be called; and,

(3) call such rebuttal witnesses as may be necessary, without prior notice to opposing parties.

204 Certificate of Registration

After filing a complaint alleging the unauthorized practice of law, relator shall produce a Certificate from the Supreme Court of Ohio, Office of Attorney Registration, indicating whether any responsive party to the complaint is not admitted to practice law in the State of Ohio, and serve a copy upon all respondents, counsel of record, and the Secretary of the Board, and the original shall be offered as an exhibit at hearing and filed with the Board by the relator at the conclusion of hearing.

205 Final Pre-hearing Conferences

(A) No later than sixty days before hearing, a party may file a request for a pre-hearing conference with the Panel. The request may be granted by the Panel Chair. The Panel Chair may also establish a pre-hearing conference date consistent with the initial case scheduling order. A pre-hearing conference with the parties shall at a minimum attempt to accomplish the following objectives:

(1) Simplification of the issues;

(2) Necessity of amendment to the pleadings;

(3) Resolution of outstanding discovery issues;

(4) Identification of anticipated witnesses;

(5) The possibility of obtaining:

(i) stipulations of fact or law;

(ii) stipulations of the admissibility of exhibits;

(6) Such other matters as may expedite the hearing;

(7) Confirmation of the final hearing date and venue.

(B) At the discretion of the Panel Chair, a pre-hearing conference may be held by telephone, and may be continued from day to day. Counsel and parties should be prepared to discuss the matters contained in this regulation. At the conclusion of the pre-hearing conference, the Panel Chair may enter an order setting forth the action taken and the agreements reached, which order shall govern the subsequent course of proceedings.

206 Electronic Filing (Reserved)

207 Continuances

(A) The continuance of a hearing date is a matter within the discretion of the Panel for good cause shown. No party shall be granted a continuance of a hearing date without a written motion from the party or counsel stating the reason for the continuance. The motion shall be filed with the Secretary no later than ten days before the date set for hearing. If the motion is not granted by the Panel Chair, the cause shall proceed as originally scheduled.

(B) When a continuance is requested due to the unavailability of a witness at the time scheduled for hearing, the Panel may consider the feasibility of permitting testimony pursuant to Civ.R. 32.

208 Subpoenas and Orders for Testimony

(A) To compel the testimony of a witness at the hearing, requests for the issuance of subpoenas pursuant to Gov. Bar R. VII(12) shall be made in writing and filed with the Secretary no later than ten days before the date on which a complaint has been set for hearing.

(B) To compel the testimony of a witness whose testimony will be offered at the hearing via deposition pursuant to Civ. R. 32, requests for orders for testimony pursuant to Gov. Bar R.VII(13) or the issuance of subpoenas pursuant to Gov. Bar R. VII(12) shall be made in writing and filed with the Secretary no later than thirty days before the date on which a complaint has been set for hearing.

209 Post-hearing Procedure of the Panel and Board

(A) A Panel Report shall be submitted to the Secretary within sixty days of the filing of the transcript for consideration at the next regularly scheduled meeting of the Board. The Secretary, at the request of the Panel Chair, may extend the date for the filing of the Panel Report with the Board.

(B) The Final Report of the Board shall be filed with the Court by the Secretary no later than thirty days after the conclusion of the Board's review, approval and adoption of whole or part of the Panel's report. After consideration by the Board, the Chair may be granted the authority by the Board to prepare and file the Final Report.

(C) Failure by the Board to meet the time guidelines set forth in these regulations shall not be grounds for dismissal of the complaint.

UPL Reg. 300 Regulation for the Issuance of Advisory Opinions

300.1 Procedure for Issuance

(A) Pursuant to Gov. Bar R. VII(2)(C) of the Supreme Court Rules for the Government of the Bar of Ohio, the Board on the Unauthorized Practice of Law may issue informal, non-binding Advisory Opinions in response to prospective or hypothetical questions regarding the

application of the Supreme Court Rules for the Government of the Bar of Ohio regarding the unauthorized practice of law and issues implicated by R.C. 4705.01, 4705.07 and 4705.99. Requests for an Advisory Opinion may be submitted to the Board by Disciplinary Counsel or an Unauthorized Practice of Law Committee of a Local or State Bar Association.

(B) The Chair of the Board shall appoint three or more members of the Board to serve on an Advisory Opinion Subcommittee. The Advisory Opinion Subcommittee is a regular standing subcommittee of the Board. The subcommittee shall meet prior to each regularly scheduled Board meeting. The Chair will appoint one subcommittee member to serve as Chair of the Advisory Opinion Subcommittee. Each subcommittee member shall serve for a period of one year from the date of appointment and shall be eligible for re-appointment by the Chair.

(C) Requests for an Advisory Opinion shall be submitted in writing to the Secretary of the Board on the Unauthorized Practice of Law. The request for Advisory Opinion shall be in writing and state in detail to the extent practicable the operative facts upon which the request for Opinion is based, with information and detail sufficient to enable adequate consideration and determination of eligibility under these regulations. The request shall contain the name and address of the requester. A summary of the rules, opinions, statutes, case law and any other authority which the inquirer has already consulted concerning the questions raised should also be included in the request. A letter acknowledging the receipt of the request will be sent to the requester.

(D) The procedure for review of a request for Advisory Opinion shall be as follows:

(1) The Advisory Opinion Subcommittee shall review all requests for Advisory Opinion submitted by Disciplinary Counsel or an Unauthorized Practice of Law Committee of a Local or State Bar Association.

(2) The Advisory Opinion Subcommittee shall, within its discretion, accept or decline a request for an Advisory Opinion.

(3) In making such determination, the subcommittee shall be governed by Gov. Bar R. VII(2)(C) and respond only to prospective or hypothetical questions of public or great general interest regarding the application of Gov. Bar R. VII and the unauthorized practice of law. The subcommittee shall decline requests that concern a question that is pending before the Court, decided by the Court, or a question of interest only to the person initiating the request. If the subcommittee determines that adequate authority already exists to answer the inquiry posed, the requester will be advised of the applicable authority and no Opinion will be issued.

(4) If any member of the subcommittee requests the declination of the Advisory Opinion be considered by the full Board, such request will be presented to the full Board for consideration at the next business meeting. If the subcommittee unanimously declines a request for Advisory Opinion, such determination shall be final.

(E) The requester of an Advisory Opinion will be notified of the Board's determination to accept or decline a request.

(F) If a request for Advisory Opinion is accepted for consideration, the subcommittee will complete the process of researching, drafting and review as expeditiously as possible, preferably within two to six months after selection of the request. The subcommittee shall be empowered to request and accept the voluntary services of a person licensed to practice law in this state when the subcommittee deems it advisable to receive written or oral advice or assistance in research and analysis regarding the question presented by the requester.

(G) Conflict of Interest. Subcommittee members shall not participate in any matter in which they have either a material pecuniary interest that would be affected by a proposed Advisory Opinion or subcommittee recommendation or any other conflict of interest or an appearance of a conflict of interest that should prevent them from participating. However, no action of the subcommittee will be invalid where full disclosure has been made to the Chair of the Board and the Chair has not decided that the member's participation was improper.

(H) Each draft Opinion approved by majority vote of the subcommittee will be sent to the full Board on the Unauthorized Practice of Law for review approximately two weeks prior to the next Board meeting. Upon review, Board members may direct comments, suggestions, or objections to the Chair of the subcommittee.

(I) If objections are received, the draft Opinion will be placed on the agenda for discussion at the Board meeting. If no objections are received, the draft Opinion will be adopted by a majority vote of the Board at the Board meeting. Minor or non-substantive changes are not considered as objections to a draft Opinion.

(J) A copy of the Adopted Advisory Opinion will be issued to the requester. Copies of the issued Opinions will be submitted for publication in the *ABA/BNA Lawyers Manual on Professional Conduct*, the *Ohio State Bar Association Report*, and other publications or electronic communications as the Board deems appropriate. Copies of issued Opinions will be forwarded to the Law Library of the Supreme Court of Ohio, County Law Libraries, Office of Disciplinary Counsel, Local and State Bar Associations with Unauthorized Practice of Law Committees.

(K) Issued Opinions shall not bear the name of the requester and shall not include the request letter. However, the requester's name and the request letter are not confidential and will be made available to the Bar, Judiciary, or the public upon request.

300.2 Procedure for Maintenance

(A) A copy of each Advisory Opinion will be kept in the Board's offices.

(B) An Advisory Opinion that becomes withdrawn, modified, or not current will be marked with an appropriate designation to indicate the status of the opinion.

(C) The designation "Withdrawn" will be used when an Opinion has been withdrawn by the majority vote the Board. The designation indicates that an Opinion no longer represents the advice of the Board.

(D) The designation "Modified" will be used when an Opinion has been modified by a majority vote of the Board. The designation indicates that an Opinion has been modified by a subsequent Opinion.

(E) The designation "Not Current" will be used at the discretion of the Board to indicate that an Opinion is not current in its entirety. The designation that an Opinion is no longer current in its entirety may be used to indicate a variety of reasons such as subsequent amendments to rules or statutes, or developments in case law.

(F) Other designations, as needed, may be used by majority vote of the Board.

(G) The Advisory Opinion index will include a list identifying the Opinions as "Withdrawn," "Modified," or "Not Current," and other designations as decided by the Board.

UPL Reg. 400 Guidelines for the Imposition of Civil Penalties

(A) Each case of unauthorized practice of law involves unique facts and circumstances.

(B) At the hearing and at the end of its case-in-chief, relator shall set forth its position on the imposition of a civil penalty. Relator shall specify the amount of the civil penalty it is requesting and identify the factors, circumstances, and aggravating factors, if any, that warrant imposition of the requested civil penalty.

(C) At the hearing respondent shall contest any request for imposition of a civil penalty. Evidence that is offered by respondent in mitigation shall be introduced as part of the respondent's case-in-chief.

(D) In determining whether to recommend the imposition of a civil penalty, the Board shall consider all relevant facts and circumstances, as well as precedent established by the Supreme Court of Ohio and the Board.

(E) In each case where the Board finds by a preponderance of the evidence that respondent has engaged in the unauthorized practice of law, the Board shall discuss in its final report to the Supreme Court any of the factors set forth in Gov. Bar R. VII(8)(B):

> "(B) Civil Penalties. The Board may recommend and the Court may impose civil penalties in an amount up to ten thousand dollars per offense. Any penalty shall be based on the following factors:
>
> (1) The degree of cooperation provided by the respondent in the investigation;
>
> (2) The number of occasions that unauthorized practice of law was committed;

(3) The flagrancy of the violation;

(4) Harm to third parties arising from the offense;

(5) Any other relevant factors."

(F) As part of its analysis of "other relevant factors" pursuant to Gov. Bar R.VII(8)(B)(5), the Board may consider:

(1) Whether relator has sought imposition of a civil penalty and, if so, the amount sought.

(2) Whether the imposition of civil penalties would further the purposes of Gov. Bar R. VII.

(3) Aggravation. The following factors may be considered in favor of recommending a more severe penalty:

(a) Whether respondent has previously engaged in the unauthorized practice of law;

(b) Whether respondent has previously been ordered to cease engaging in the unauthorized practice of law;

(c) Whether the respondent had been informed prior to engaging in the unauthorized practice of law that the conduct at issue may constitute an act of the unauthorized practice of law;

(d) Whether respondent has benefited from the unauthorized practice of law and, if so, the extent of any such benefit;

(e) Whether respondent's unauthorized practice of law included an appearance before a court or other tribunal;

(f) Whether respondent's unauthorized practice of law included the preparation of a legal instrument for filing with a court or other governmental entity; and

(g) Whether the respondent has held himself or herself out as being admitted to practice law in the State of Ohio, or whether respondent has allowed others to mistakenly believe that he or she was admitted to practice law in the State of Ohio.

(4) Mitigation. The following factors may be considered in favor of recommending no penalty or a less severe penalty:

(a) Whether respondent has ceased engaging in the conduct under review;

(b) Whether respondent has admitted or stipulated to the conduct under review;

(c) Whether respondent has admitted or stipulated that the conduct under review constitutes the unauthorized practice of law;

(d) Whether respondent has agreed or stipulated to the imposition of an injunction against future unauthorized practice of law;

(e) Whether respondent's conduct resulted from a motive other than dishonesty or personal benefit;

(f) Whether respondent has engaged in a timely good faith effort to make restitution or to rectify the consequences of the unauthorized practice of law; and

(g) Whether respondent has had other penalties imposed for the conduct at issue.

UPL Reg. 500-900 (Reserved)

UPL Reg. 1000 Effective Date

(A) These regulations shall be effective June 1, 2006.