



THE SUPREME COURT *of* OHIO

2014 ANNUAL REPORT BOARD OF PROFESSIONAL CONDUCT



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Dear Chief Justice O'Connor and Justices of the Supreme Court:

Pursuant to Rule V of the Supreme Court Rules for the Government of the Bar of Ohio, I respectfully submit the 2014 Annual Report of the Board of Professional Conduct of the Supreme Court of Ohio.

In 2014, the board disposed of 84 cases, including 53 case reports filed with the Supreme Court. The board received a total of 109 new cases and referrals from the Supreme Court, and ended 2014 with 73 active cases pending on its docket.

The board issued four formal advisory opinions, and the board's legal staff authored 11 staff letters, responded to approximately 2,000 telephone and email inquiries from lawyers, judges, and judicial candidates, and made 25 presentations at continuing education seminars and to other groups.

The board achieved a 15 percent reduction in internal operating expenses compared to the previous fiscal year. Since fiscal year 2011, the board has reduced its operating expenses by 31.8 percent, or more than \$287,000.

The board completed a two-year review of the rules and regulations governing the disciplinary process and presented its final recommendations to the Supreme Court in August. Following approval of these amendments in November, the board undertook a comprehensive effort to educate interested parties about the content of these amendments and to alter its processes in advance of the Jan. 1, 2015 effective date.

Board commissioners and staff work each day to perform the duties entrusted to us by the Supreme Court in a prompt, fair, and efficient manner and to honorably serve the public and legal profession. This report reflects the manner in which we executed our responsibilities in 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Dove". The signature is fluid and cursive, with a large, stylized initial "R".

Richard A. Dove, Esq.
Director

BOARD MEMBERS

The board consists of 28 commissioners who are appointed by the Supreme Court from throughout the state. The membership includes nonlawyer professionals, trial and appellate judges, and lawyers who are sole practitioners, members of law firms, or in public service.



CHAIRMAN

David E. Tschantz served a second term as chairman in 2014. Chairman Tschantz is an insurance executive in Wooster and has been a board member since 2007.



VICE-CHAIRMAN

Paul M. De Marco served his second term as vice-chairman and also chaired the Advisory Opinion Committee. Vice-Chairman De Marco is a founding member of the Cincinnati firm of Markovits, Stock & De Marco.

ROW 1 (L to R): D. Allan Asbury, *Senior Counsel*; Faith Long, *Administrative Secretary*; Richard A. Dove, *Director*; Heidi Wagner Dorn, *Counsel*; Patricia A. Wise; Janica Pierce Tucker; David E. Tschantz, *Chair*; Paul M. De Marco, *Vice-Chair*; Teresa Sherald; Hon. Karen Lawson; Michele Pennington, *Deputy Clerk*; and Hon. Matthew McFarland.

ROW 2 (L to R): Lisa A. Eliason; Hon. John Willamowski; Keith Sommer; Alvin R. Bell; Hon. Robert Ringland; Hon. John Wise; Patrick L. Sink; Hon. Ashley Pike.

ROW 3 (L to R): Robert B. Fitzgerald; Robert L. Gresham; Roger S. Gates; Hon. William Klatt; McKenzie K. Davis; David L. Dingwell; Lawrence A. Sutter III; Sanford Watson; and William J. Novak.

NOT PICTURED: Jeff Davis; Lawrence R. Elleman; Sharon L. Harwood; and John A. Polito.



Alvin R. Bell is retired educator from Findlay. Commissioner Bell has served as a public member of the board since 2007 and served on one of the two probable cause panels.

Jeff Davis was appointed to the board in 2014 as a public member from Columbus. Commissioner Davis is government relations director for the Ohio Provider Resource Association.

McKenzie K. Davis is a Columbus lawyer specializing in government relations. Commissioner Davis served on the Budget and Personnel Committee and as an alternate member of a probable cause panel.

David L. Dingwell is a partner in the Canton law firm of Tzangas, Plakas & Mannos. Commissioner Dingwell completed his first term on the board and chaired a probable cause panel.

Lisa A. Eliason was appointed to the board as a lawyer member from the Fourth Appellate District. Commissioner Eliason is the chief city prosecutor in Athens.

Lawrence R. Elleman is a retired partner with the Cincinnati law firm of Dinsmore & Shohl. A former board chairman, Commissioner Elleman is serving his third term on the board and chaired the Rules Committee.



Robert B. Fitzgerald is a partner in the Lima law firm of Fitzgerald, Reese & Van Dyne. Commissioner Fitzgerald was appointed to the board in 2013 and served on the Advisory Opinion Committee.

Roger S. Gates is assistant prosecuting attorney in Butler County. Commissioner Gates is serving his third term on the board and was a member of the Rules Committee.

Robert L. Gresham was appointed to a three-year term in 2012 and served on the Advisory Opinion Committee. Commissioner Gresham is a lawyer in the Dayton office of Freund, Freeze & Arnold.

Sharon L. Harwood is a lawyer with the Fisher-Titus Medical Center in Norwalk. Commissioner Harwood is serving her second term on the board and was a member of a probable cause panel.

Hon. William A. Klatt was appointed to the board as a judge member from Franklin County. He has been a judge on the Tenth District Court of Appeals since 2002.

Hon. Karen Lawson was appointed to the board in 2014, and she has served on the Lake County Court of Common Pleas, Juvenile Division since 2009.

Hon. Matthew McFarland is a judge on the Fourth District Court of Appeals and is serving his first term on the board. Judge McFarland is a member of the Advisory Opinion Committee.

William J. Novak is the managing partner of the Cleveland firm of Novak, Pavlik & Deliberato. Commissioner Novak is serving his third term on the board.

Hon. Ashley Pike was appointed to the board in 2012 and was a member of the Advisory Opinion Committee. Judge Pike has served on the Columbiana County Court of Common Pleas since 1991.

John A. Polito is a Cleveland lawyer, who has been a member of the board since 2010 and chaired one of the probable cause panels.

Hon. Robert Ringland was a trial judge in Clermont County for 32 years and has served on the Twelfth District Court of Appeals since 2009. Judge Ringland chaired the Budget and Personnel Committee.

Teresa Sherald is the president and CEO of Diversity Search Group. Commissioner Sherald is in her first term on the board and served on the Budget and Personnel Committee.

Patrick L. Sink is a former law enforcement officer and is the business manager for Local 18 of the International Union of Operating Engineers in Cleveland. Commissioner Sink has served on the board since 2006 and was a member of the Rules Committee.

Lawrence A. Sutter III is a lawyer with the Cleveland firm of Sutter O'Connell. Commissioner Sutter was a member of a probable cause panel.

Keith Sommer is a sole practitioner in Martins Ferry. Commissioner Sommer has served two terms on the board and was a member of the Rules Committee.

Janica Pierce Tucker is a labor and employment law attorney in the Columbus firm of Taft, Stettinius & Hollister. Commissioner Pierce Tucker completed her second term on the board and served on a probable cause panel.

Sanford Watson is a partner with the Cleveland firm of Tucker, Ellis and formerly served as public safety director for the city of Cleveland. Commissioner Watson served on the Advisory Opinion Committee and has been a commissioner since 2011.

Hon. John Willamowski serves on the Third District Court of Appeals. He completed his first term on the board and was a member of the Rules Committee.

Hon. John W. Wise has served on the Fifth District Court of Appeals since 1995, served as a trial judge for five years, and was a private practitioner for 10 years. Judge Wise has been a commissioner since 2012 and served on the Budget and Personnel Committee.

Patricia A. Wise is a partner with the firm of Niehaus, Wise & Kalas where her practice focuses on labor and employment law.

FORMER COMMISSIONERS

Former commissioners lend invaluable experience and service to the board by completing cases assigned to them prior to the expiration of their terms of office, assisting the board in considering default judgment matters, and reviewing and adjudicating expedited judicial campaign matters. The board recognizes the continuing contributions of the following former commissioners in 2014:

Martha Butler Clark, Judge Otho Eyster, Judge Lee Hildebrandt, Steve Rodeheffer, and Judge Beth Whitmore completed hearings in several cases and presented reports to the board in 2014.

Bernard Bauer served as a master commissioner to rule on a default judgment motion and also chaired a panel to conduct probable cause reviews of judicial campaign grievances.

Judge Thomas Bryant and Jean McQuillan conducted probable cause reviews of judicial campaign grievances.

BOARD STAFF

The board staff consists of four full-time positions and one part-time position. The director is the board's chief legal, administrative, and fiscal officer and is appointed by and serves at the pleasure of the board. The director is responsible for employing staff to assist the board in executing its responsibilities. Staff positions include a senior counsel, a part-time counsel, deputy clerk, and administrative secretary.

Richard A. Dove | Director of the Board

Mr. Dove was named the third full-time secretary and director in 2011 and is the board's chief legal, administrative, and fiscal officer. Prior to joining the board, he served for more than 22 years on the administrative staff of the Supreme Court. Mr. Dove is recognized in Ohio and nationally for his work in the area of judicial ethics, with a focus on judicial campaign conduct. In 2014, he was elected as president-elect of the National Council of Lawyer Disciplinary Boards, and he serves on the NCLDB board of directors. In 2014, Mr. Dove received the Ohio Center for Law-Related Education Founders' Award in recognition of his more than 20 years of volunteer participation in the field of law-related education. Mr. Dove is a graduate of Wittenberg University and Capital University Law School and is admitted to practice in Ohio, the U.S. District Court for the Southern District of Ohio, and the U.S. Supreme Court.

Michelle A. Hall | Senior Counsel (January-May)

Ms. Hall served as senior counsel to the board from June 2011 through May 2014. Ms. Hall's professional career includes assignments as attorney services counsel and secretary to the Board on the Unauthorized Practice of Law, an administrative hearing examiner, and assistant attorney general for the state of Ohio. During her three-year tenure with the board, Ms. Hall significantly enhanced education and compliance efforts and served as liaison to the Advisory Opinion Committee.

D. Allan Asbury | Senior Counsel (September-December)

Mr. Asbury joined the board staff in September after more than nine years on the administrative staff of the Supreme Court, the last five of which he served as administrative counsel in the Office of the Administrative Director. Mr. Asbury's experience includes 12 years as an associate counsel and senior employment and labor counsel for a regional transit authority. Mr. Asbury's primary duties include researching and drafting advisory

opinions, providing ethics advice to Ohio judges, lawyers, and judicial candidates, and assisting in the board's ethics education efforts. Mr. Asbury received his undergraduate and law degrees from Capital University. He is admitted to practice in Ohio and the U.S. District Court for the Southern District of Ohio.

Heidi Wagner Dorn | Counsel

Ms. Dorn joined the board staff in February after serving more than three years as an assistant attorney general for the state of Ohio. Ms. Dorn's experience includes three years in private practice and three years as a magistrate and staff attorney for the Delaware County Court of Common Pleas. Ms. Dorn conducts legal research for commissioners, provides ethics advice to Ohio judges, lawyers, and judicial candidates, and assists in the review and preparation of advisory opinions. Ms. Dorn is a graduate of the University of Dayton and Capital University Law School. She is admitted to practice in Ohio, Michigan, and the U.S. District Court for the Southern District of Ohio, and is an accredited attorney with the Department of Veterans Affairs.

Michele L. Pennington | Deputy Clerk

Ms. Pennington is responsible for processing case filings, maintaining the case docket and files, assisting commissioners in scheduling hearings, and assisting in the preparation of board meeting agendas, meeting materials, and minutes. She also provides fiscal support services, including the processing and payment of all invoices and reimbursement requests from commissioners and certified grievance committees and preparing monthly budget reports.

Faith Long | Administrative Secretary

Ms. Long provides clerical support to the board staff, prepares materials for review by the probable cause panels, prepares subpoenas, and maintains records of more than 1,800 financial disclosure statements filed annually by judges, magistrates, and judicial candidates.



RESPONSIBILITIES OF THE BOARD

In 1957, the Supreme Court established the Board of Commissioners on Grievances & Discipline to assist the Supreme Court in executing its plenary and constitutional responsibilities to regulate the practice of law in Ohio.

The board consists of 28 commissioners who are appointed by the Supreme Court from throughout the state. The membership includes nonlawyer professionals, trial and appellate judges, and lawyers who are sole practitioners, members of law firms, or in public service. The Supreme Court redesignated the board as the Board of Professional Conduct in late 2014.

The board derives its legal authority from Rule V of the Supreme Court Rules for the Government of the Bar of Ohio and Rules II and III of the Supreme Court Rules for the Government of the Judiciary of Ohio. The board's primary responsibility is to adjudicate allegations of professional misconduct on the part of lawyers and judges and make recommendations to the Supreme Court regarding the appropriate sanction to be imposed when a lawyer

or judge is found to have engaged in professional misconduct. The board also considers petitions from lawyers who are seeking reinstatement to the practice of law following indefinite or mental illness suspensions. In any one case, commissioners are asked to make factual findings, reach legal conclusions, and evaluate expert testimony from medical professionals and treatment providers. In crafting the appropriate sanction to be recommended to the Supreme Court, commissioners must often balance the competing interests of protecting the public, sanctioning a lawyer who has strayed from his or her professional obligations, and providing a path by which a suspended lawyer may return to the competent, ethical, and professional practice of law.

A flowchart that outlines the disciplinary process appears in *Appendix A* of this report.

The board also plays a significant role in promoting and enhancing compliance with the standards of professional ethics by members of the Ohio Bench and Bar. The board has authority to issue nonbinding advisory opinions regarding prospective or hypothetical application of the rules

governing the professional conduct of lawyers and judges. Board staff regularly make presentations at bar and judicial association meetings and continuing education seminars and respond daily to telephone and email inquiries from lawyers, judges, judicial candidates, the media, and members of the public.

Commissioners are assigned to one of five standing committees or panels that facilitate the adjudicatory and administrative responsibilities of the board. Two **probable cause panels** are responsible for reviewing the sufficiency of formal misconduct allegations and certifying new complaints to the board. The **Advisory Opinion Committee** considers requests for written advice on application of professional conduct standards and reviews draft advisory opinions prior to their presentation to the full board. The **Rules Committee** reviews and recommends proposed amendments to rules governing disciplinary procedures and the conduct of Ohio lawyers and judges. The **Budget and Personnel Committee** adopts an annual budget to fund the operation of the board and provide reimbursements to certified grievance committees and periodically reviews the performance of disciplinary counsel and the director.

2014 OVERVIEW

The Board of Professional Conduct carried out its primary responsibility of adjudicating disciplinary cases by disposing of 84 cases and placing another 11 cases on inactive status due to the certification of the respondent's default to the Ohio Supreme Court. The board saw a significant increase in new filings in 2014, opening 104 new cases, receiving two reinstatement petitions from the Supreme Court, and receiving three additional cases to adjudicate upon remand from the court. Due largely to the receipt and certification of 26 new complaints in December, the active pending caseload grew from 50 at the end of 2013 to 73 at the end of 2014.

The board continued its efforts to enhance the understanding of and compliance with professional ethics requirements by participating in 25 legal education seminars, issuing four formal advisory opinions, and responding to 11 other inquiries via staff letter. The legal staff of the board responded to approximately 2,000 telephone and email inquiries from lawyers, judges, and judicial candidates who sought information regarding compliance with the Rules of Professional Conduct and Code of Judicial Conduct.

The board continued to increase efficiencies in its operations and reduce expenditures. In fiscal year 2014, operations cost declined by 15 percent, or \$108,698. In the past four years, the adjusted operational expenditures have declined by 31.8 percent, or more than \$287,000. These reductions have been achieved through the reorganization of staffing responsibilities, reducing the costs of meetings, and making better and more efficient use of technology.

In addition to their adjudicatory responsibilities, commissioners were active with committee responsibilities. The Rules Committee finalized its work on a comprehensive review of Gov.Bar R. V and the board's regulations (*see page 15*), and the proposed amendments were approved by the Supreme Court in November. The Budget and Personnel Committee considered and approved a proposed budget for fiscal year 2015, and conducted annual reviews of disciplinary counsel and the board director. The Advisory Opinion Committee reviewed several requests for opinions and approved the issuance of four formal opinions and 11 staff letters. The probable cause panels met monthly to review 110 complaints and investigatory materials and certified 103 new cases to the board for adjudication.



ADJUDICATORY RESPONSIBILITIES

The board received 109 matters for adjudication in 2014, an increase of 32.9 percent from the preceding year. There were 104 new formal complaints certified to the board, including two complaints alleging misconduct on the part of sitting judges. In addition, the Supreme Court remanded three cases to the board for adjudication and forwarded two petitions from lawyers who were seeking reinstatement to the practice of law.

The three-commissioner hearing panels conducted 45 hearings, and those hearings spanned 51 days. The board met on six occasions to consider reports from hearing panels and to review and approve recommendations from board committees.

The board disposed of 84 cases (*see 2014 Case Dispositions table to right*) in 2014. A detailed list of all 84 cases disposed of by the board is located in *Appendix B* of this report.

As of Dec. 31, there were 73 active cases pending on the docket, 26 of which were filed and certified in the last month of the year.

The board places a pending case on inactive status when the respondent's default is certified to the Supreme Court and an interim default suspension is imposed pursuant to Gov.Bar R. V, Section 6a. The case remains inactive until the Supreme Court remands the matter for adjudication upon motion of a party or imposes an indefinite suspension. Eleven cases were pending on inactive status at the end of 2014.

2014 CASE DISPOSITIONS

53 Reports certified to the Supreme Court

41 Submitted following a hearing or waiver of a hearing

8 Submitted upon recommendation to accept consent to discipline agreement

3 Submitted upon consideration of a petition for reinstatement to the practice of law

1 Submitted following board's consideration of a motion for default disbarment pursuant to Gov.Bar R. V, Section 6a(F)

14 Dismissals due to Supreme Court acceptance of respondent's resignation from the practice of law with disciplinary action pending

12 Dismissals following Supreme Court's imposition of an indefinite suspension against respondent in default

4 Dismissals as a result of consolidating multiple cases involving the same respondent

1 Dismissal upon application of a certified grievance committee

84 TOTAL DISPOSITIONS

CASES PENDING DEC. 31, 2014

12 To be submitted to the board in early 2015

17 Scheduled for hearing

9 Assigned to hearing panels and await scheduling

24 Awaiting answers

8 Respondents in default

3 Stayed due to pending criminal proceedings involving respondent

73 TOTAL PENDING ACTIVE CASES

BUDGET & AUDIT

The Supreme Court is responsible for providing funds to support the activities of the board. The board receives its funding entirely from allocations made by the Supreme Court from the Attorney Services Fund, which consists primarily of the biennial registration fees paid by Ohio lawyers. No state general revenue funds are expended to directly support the operation of the board.

The board's budget consists of two primary components:

Operations Budget

This funds the Board of Professional Conduct, including salaries and benefits for personnel, telephone, postage, supplies and equipment, expenses associated with hearings and meetings, per diems paid to commissioners, and travel reimbursements to commissioners and staff.

Reimbursement Budget

This compensates 33 certified grievance committees for expenses incurred in performing their responsibilities under Gov.Bar R. V. Committees are reimbursed throughout the year for any expenses incurred in connection with a specific disciplinary investigation or prosecution. Committees may request reimbursement on a quarterly or annual basis for 10 separate categories of indirect expenses, including personnel costs, costs of bar counsel, postage, telephone, books and subscriptions, equipment, and a portion of overhead expenses attributable to performance of disciplinary activities.

In fiscal year 2014, the total Operations Budget expenditures of \$615,450 represented 7.1 percent of the total annual expenditures from the Supreme Court Attorney Services Fund. For that same period, payments to certified grievance committees from the Reimbursement Budget totaled \$1,818,764 and represented 21.0 percent of the total Attorney Services Fund expenditures.

Operations expenditures in fiscal year 2014 were reduced by 15 percent from the previous year due largely to the following:

- A 12.3 percent reduction in personnel expenses due to the elimination of a full-time staff position and temporary vacancies in two positions;
- An 18.7 percent reduction in telephone expenses, largely due to the Supreme Court's switch to a new VoIP phone system;
- A 12.7 percent reduction in postage expenses;
- A 26.6 percent reduction in office supplies and materials.

For the third consecutive year, the board achieved reductions in its operational expenditures. Since fiscal year 2011, the total adjusted operating expenses declined by 31.8 percent, or more than \$287,000.

Appendix C includes information regarding the board's annual operating expenditures for fiscal years 2012-2014, the budget allocations for fiscal year 2015, and an accounting of the fiscal year 2014 expenditures.

The auditor of state conducted a biennial audit of the board's expenditures and procedures in the spring and summer of 2014. The final audit report, which was issued in August, contained no findings or management recommendations.

EDUCATION & OUTREACH

Advisory Opinions

Rule V of the Supreme Court Rules for the Government of the Bar of Ohio authorizes the Board of Professional Conduct to issue nonbinding advisory opinions that address prospective or hypothetical questions involving application of the Supreme Court Rules for the Government of the Bar of Ohio, Supreme Court Rules for the Government of the Judiciary of Ohio, Ohio Rules of Professional Conduct, Ohio Code of Judicial Conduct, and the Attorney

Oath of Office. The Revised Code also provides authority for the board to issue advisory opinions regarding application of the Ohio Ethics Law to judicial branch officers.

The board's regulations set forth guidelines that govern the consideration of advisory opinion requests. These guidelines provide that a request:

- Should pose a question of broad interest or importance to the Ohio Bar or Judiciary;
- Should not involve the proposed conduct of someone other than the person requesting the opinion;
- Should not involve completed conduct, questions of law, questions pending before a court, questions that are too broad, questions that lack sufficient information, or questions of narrow interest.

Written requests are reviewed initially by the senior counsel, in consultation with the Advisory Opinion Committee. The committee may accept or decline a request or direct staff to respond via a staff letter. If the committee accepts a request, counsel is directed to research the issue or issues presented and prepare a draft opinion. That opinion is submitted to the committee for review and approval, and the committee then submits a recommended opinion to the Board for its consideration and issuance.

Advisory opinions are published on the board's website and distributed to an array of legal and professional organizations within and outside Ohio. Since the board was first given authority to provide advisory opinions in 1986, 389 opinions have been issued.

When a request does not satisfy the criteria for issuance of a formal advisory opinion, the board may provide a response via a staff letter. Staff letters are most often used when the response is dictated by case law or prior opinions of the board, or where advice is sought on a narrow issue of concern to the requesting

party. Staff letters are not published, but are maintained in the board offices. The board issued 11 staff letters in 2014.

2014 ADVISORY OPINIONS

- 1 Advisory Opinion 2014-1 articulates standards regarding judicial disqualification when counsel in a pending matter is a participant in a judge's current election campaign. The opinion withdraws former Advisory Opinion 92-009.
- 2 Advisory Opinion 2014-2 addresses the imputation of conflicts when a parttime prosecutor also practices in a law firm and that firm is engaged in the representation of criminal defendants. The opinion withdraws, in part, Advisory Opinion 88-008.
- 3 Advisory Opinion 2014-3 concludes there is no inherent conflict of interest under Prof. Cond. R. 1.7(c) when a lawyer executes a confession of judgment for a cognovit note. The opinion withdraws Advisory Opinion 93-003.
- 4 Advisory Opinion 2014-4 states that it is permissible for two law firms to enter into an "of counsel" relationship, provided both firms comply with the Ohio Rules of Professional Conduct.

Compliance and Training

Board staff engage in ongoing activities that are intended to promote a greater understanding of and adherence to standards of professional ethics by Ohio lawyers and judges. These activities consist primarily of making presentations at continuing education seminars and meetings of bar and judicial associations and responding to written and telephone inquiries.

In 2014, the board continued its co-sponsorship of the annual Miller-Becker Seminar, which is hosted for the benefit of the employees and volunteers of the local bar association grievance committees, the Office of Disciplinary Counsel, and other professional responsibility



lawyers. The Oct. 24 seminar featured an overview of the amendments to Gov. Bar R. V; a simulated panel deliberation and board discussion of a pending case; and three panel presentations addressing IOLTA requirements, the investigation and prosecution of specific, recurring rule violations, and the consideration of specific aggravating and mitigation factors. Approximately 160 individuals attended the seminar, and another 40 lawyers attended the March 1 replay of the 2013 seminar that focused on age-related impairments and their impact on the legal profession.

Board staff participated in 25 professional education offerings in 2014. Among these presentations were three programs designed for public practice attorneys, five judicial candidate seminars, and two presentations at new judge orientation programs sponsored by the Ohio Judicial College.

The board's legal staff also responded to written and telephone questions from lawyers, judges, and judicial candidates regarding compliance with the Rules of Professional Conduct and Code of Judicial Conduct. Staff received and responded to approximately 2,000 telephone inquiries and email requests for advice. Some inquiries are easily resolved, while others require research and documentation. Staff also responded to public inquiries regarding the disciplinary process and inquiries from attorneys, the public, and media regarding pending cases before the board.

TECHNOLOGY

Board staff continue to incorporate technology into all aspects of their work, resulting in increased operational efficiency and enhanced service to commissioners, litigants, and the public. The board partnered with the Ohio Ethics Commission to offer judges, magistrates, and judicial candidates a portal through which annual financial disclosure statements could be filed electronically. The online filing portal was

made available in 2014, and two-thirds of the judicial branch filers submitted their statements in electronic format. In addition to the convenience for filers, the online filing system facilitates the board's ability to track compliance with the annual filing requirement, and allows the staff to respond more timely to public records requests. By partnering with the Ohio Ethics Commission, the board was able to share in the cost of developing and maintaining the system and was able to offer the online filing option at less than half the cost of developing a stand-alone filing system.

A new telephone conference call provider was identified in 2014. The use of the service is projected to reduce conference call costs by more than 60 percent.

At the end of the year, board staff were finalizing a plan to replace the electronic docket with a multi-faceted case management system. In addition to enhancing many internal case management functions, the new system will provide online access to the board's active case docket and related case filings, and eventually facilitate the electronic filing of case documents.

RECERTIFICATION OF GRIEVANCE COMMITTEES

Gov.Bar R. V was amended in 2011 to require grievance committees to be recertified by the board on a biennial basis. The initial biennial recertifications were required to be made by May 1, 2014.

At its April meeting, the board approved the recertification of 28 grievance committees. The recertification of five committees was deferred pending the submission by those committees of additional information to demonstrate compliance with the minimum standards set forth in Gov.Bar R. V. Four of these committees provided the required information and were recertified in June. A decertification proceeding was initiated against a fifth committee, but that proceeding was terminated after that

committee came into compliance with the Gov. Bar R. V standards and was recertified in October.

RULES COMMITTEE

Amendments to
Gov. Bar R. V and Regulations

The Rules Committee completed a two-year project to review and update Gov. Bar R. V and the board's procedural regulations by presenting initial recommendations to the Supreme Court in February and final recommendations, following a public comment period, in August. The Supreme Court gave final approval to the proposed amendments in November with an effective date of Jan. 1, 2015.

In addition to clarifying and modernizing case-related procedures, the board is proposing several significant changes to Gov.Bar R. V (*see box at right*).

In November, the board distributed information about these rule changes to the Office of Disciplinary Counsel, certified grievance committees, and respondents' counsel. Informational materials also were posted on the board's Web page.

Amendments to the Rules
of Professional Conduct

The Rules Committee completed its review of recent amendments to the Model Rules of Professional Conduct adopted by the American Bar Association and transmitted its recommendations to the Supreme Court in August. The proposed amendments to the Ohio Rules of Professional Conduct were published for comment in September. Following a review of 16 public comments, the Rules Committee presented revised proposed amendments to the board in December, and the board approved the submission of these revisions to the court for consideration in early 2015.

PROPOSED CHANGES TO GOV.BAR R. V

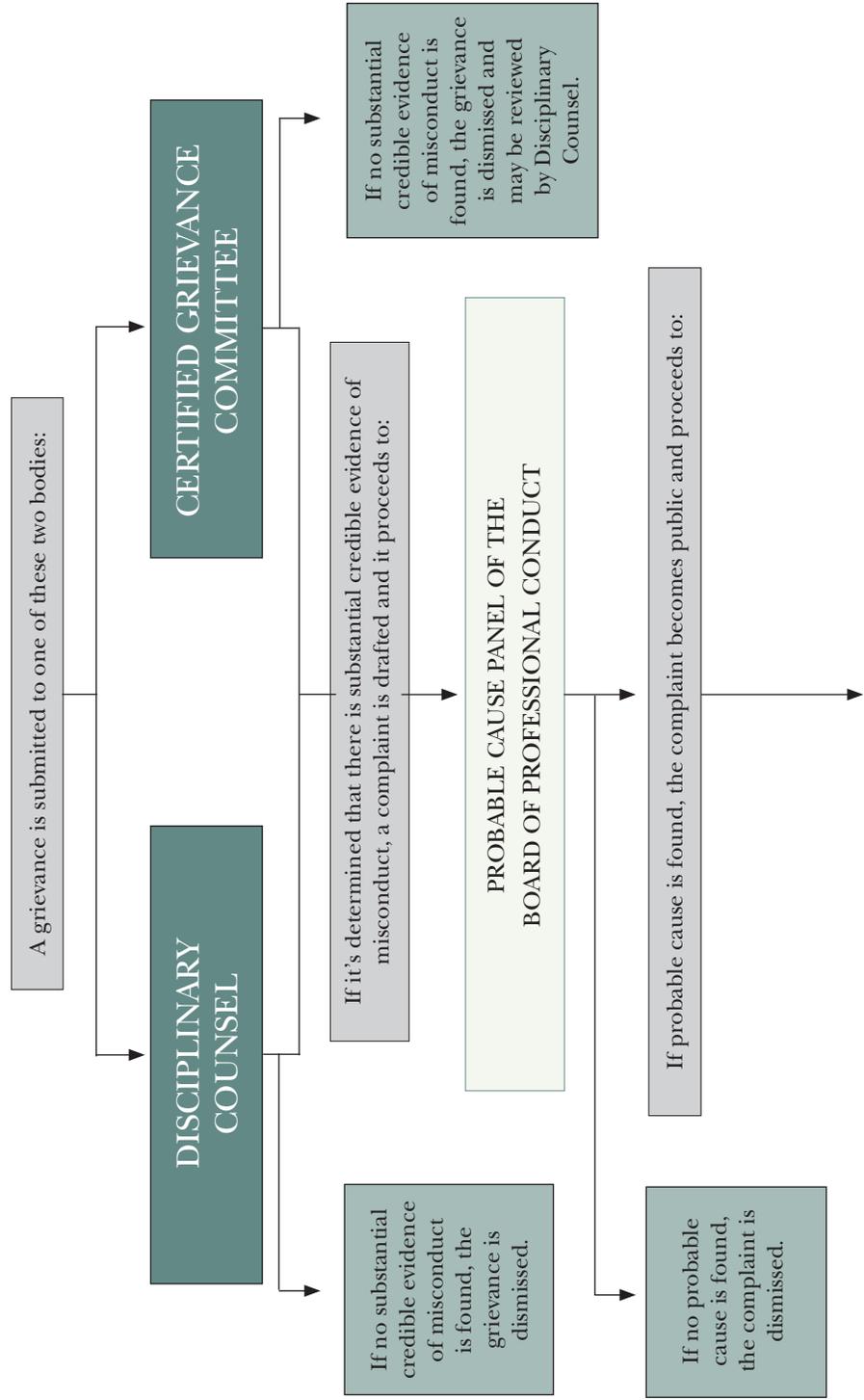
- 1 Updating the terminology relative to mental illness, mental disorders, and substance use disorders to reflect current, accepted medical standards;
- 2 Allowing for the imposition of an interim suspension where a lawyer or judge is suffering from a medically recognized disorder that substantially impairs the performance of professional duties;
- 3 Adopting a single standard of "confidential" as that term applies to the investigation of grievances;
- 4 Applying the standards of public access for disciplinary case documents that are applicable to the case documents of trial and appellate courts;
- 5 Expanding the ability of Disciplinary Counsel or a certified grievance committee to conduct an inventory of the files possessed by a deceased, disabled, disappeared, or disciplined lawyer in order to protect the clients of that lawyer, and allowing the costs of such inventory to be recovered from the lawyer or his or her estate;
- 6 Reorganizing Gov.Bar R. V in a more user-friendly format, and moving several substantive provisions from the regulations to the rule;
- 7 Redesignating the board as the Board of Professional Conduct and changing the title of the secretary to director.

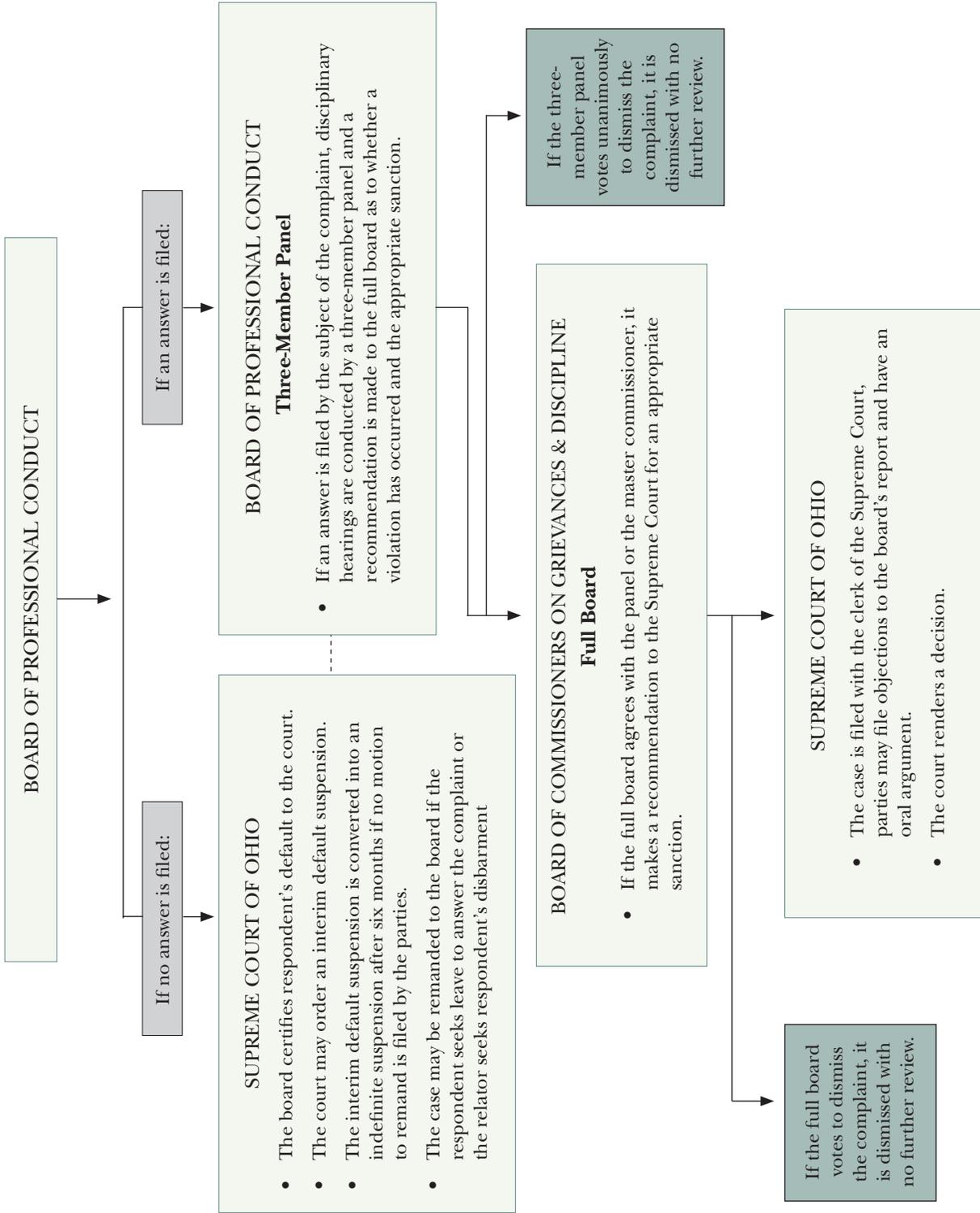
CONCLUSION

As reflected in this annual report, the commissioners and staff of the Board of Professional Conduct addressed the responsibilities delegated by the Supreme Court in a prompt, fair, and efficient manner. Each day, we strive to achieve the high standards of professionalism expected of individuals who are entrusted with the responsibility of regulating the conduct of members of the legal profession.

DISCIPLINARY PROCESS

A grievance against a judge or attorney may be submitted to the Disciplinary Counsel or a certified grievance committee of a local bar association. If either of those bodies determines that there exists substantial credible evidence of professional misconduct, a formal complaint is drafted. It then moves to a probable cause panel of the Board of Professional Conduct, which determines if there is probable cause. If the panel determines that there is probable cause, the formal complaint becomes public and is filed with the Board of Professional Conduct. Hearings are then conducted by the board and if it finds a violation, a recommendation is made to the Supreme Court of Ohio. The Supreme Court of Ohio makes the final decision as to findings of misconduct and issues an appropriate sanction.





Appendix B | 2014 CASE DISPOSITIONS

CASE NAME & BOARD CASE NUMBER	RESPONDENT'S COUNTY	BOARD RECOMMENDATION OR DISPOSITION	SUPREME COURT DISPOSITION
<i>Disciplinary Counsel v. Scott C. Smith, 11-072</i>	Cuyahoga	Indefinite suspension	Pending; Case No. 2014-0197
<i>Disciplinary Counsel v. Douglas A. Milhoan, 12-040</i>	Stark	One-year suspension, stayed	Two-year suspension, stayed; 2014-Ohio-5459
<i>Mahoning Cty. Bar Assn. v. William C. Helbley, 12-054</i>	Mahoning	Indefinite suspension	Indefinite suspension; 2014-Ohio-5064
<i>Cleveland Metro. Bar Assn. v. Joseph Bancsi, 12-091</i>	Cuyahoga	Two-year suspension, six months stayed	Two-year suspension, 18 months stayed; 2014-Ohio-5255
<i>Disciplinary Counsel v. Nathan Clinard, 13-003</i>	Shelby	Dismissal (default)	Indefinite suspension (default); 2014-Ohio-574
<i>Columbus Bar Assn. v. Beverly J. Corner, 14-022</i>	Franklin	Consolidated with board Case No. 13-059	N/A
<i>Allen Cty. Bar Assn. v. Andrew J. Van Horn, 13-067</i>	Allen	Dismissed; resignation with discipline pending	Accepted resignation with discipline pending; Case No. 2014-0236
<i>Cleveland Metro. Bar Assn. v. David A. Lawrence, 14-011</i>	Cuyahoga	Dismissed; resignation with discipline pending	Accepted resignation with discipline pending; Case No. 2014-0179
<i>Mahoning Cty. Bar Assn. v. Frank N. Fagnano, 13-009</i>	Mahoning	Dismissal (default)	Indefinite suspension (default); 2014-Ohio-914
<i>Trumbull Cty. Bar Assn. v. Michael D. Joseph, 13-011</i>	Trumbull	Dismissal (default)	Indefinite suspension (default); 2014-Ohio-915
<i>Cincinnati Bar Assn. v. Harold Kevin Garrison, 13-016</i>	Hamilton	Dismissed; resignation with discipline pending	Accepted resignation with discipline pending; Case No. 2014-0253
<i>Dayton Bar Assn. v. Scott M. Calaway, 13-021</i>	Montgomery	Dismissal (default)	Indefinite suspension (default); 2014-Ohio-1096
<i>Columbus Bar Assn. v. Lawrence E. Winkfield, 02-030</i>	Franklin	Recommend reinstatement	Reinstated to practice; Case Nos. 2000-1138 and 2005-1115
<i>Cincinnati Bar Assn. v. Robert C. Schwieterman, 04-034</i>	Hamilton	Recommend reinstatement	Reinstated to practice; Case No. 2006-2308
<i>Disciplinary Counsel v. Jesslyn C. Wilson, 13-018</i>	Cuyahoga	Public reprimand	Public reprimand; 2014-Ohio-5487
<i>Medina Co. Bar Assn. v. Steven R. Malynn, 13-020</i>	Medina	Indefinite suspension	Indefinite suspension; 2014-Ohio-5261
<i>Disciplinary Counsel v. Magistrate Stephen E. Weithman, 13-022</i>	Delaware	One-year suspension, six months stayed	Pending; Case No. 2014-0544
<i>Akron Bar Assn. v. Jana B. DeLoach, 13-034</i>	Summit	Two-year suspension, stayed	Pending; Case No. 2014-0547
<i>Disciplinary Counsel v. Jennifer A. Gorby, 13-043</i>	Columbiana	One-year suspension, stayed	Pending; Case No. 2014-0541
<i>Disciplinary Counsel v. Jeffrey J. Wilcox, 13-046</i>	Out of State	One-year suspension	One-year suspension; 2014-Ohio-5264
<i>Cleveland Metro. Bar Assn. v. Robert S. Leiken, 14-015</i>	Cuyahoga	Public reprimand (consent to discipline)	Public reprimand; 2014-Ohio-5220

CASE NAME & BOARD CASE NUMBER	RESPONDENT'S COUNTY	BOARD RECOMMENDATION OR DISPOSITION	SUPREME COURT DISPOSITION
<i>Disciplinary Counsel v. William M. Adams, 14-012</i>	Knox	Dismissed; resignation with discipline pending	Accepted resignation with discipline pending; Case No. 2014-0333
<i>Medina Cty. Bar Assn. v. Bradley J. Barmen, 13-019</i>	Medina	Dismissal (other)	N/A
<i>Disciplinary Counsel v. Patrick R. Thesing, 13-069</i>	Out of State	Dismissed; resignation with discipline pending	Accepted resignation with discipline pending; Case No. 2014-0007
<i>Disciplinary Counsel v. Scott Pullins, 09-022</i>	Knox	Recommend reinstatement	Reinstated to practice; Case No. 2010-0851
<i>Disciplinary Counsel v. Rebecca C. Meyer, 12-080</i>	Brown	Indefinite suspension	Pending; Case No. 2014-0968
<i>Disciplinary Counsel v. Judge Harland H. Hale, 13-032</i>	Franklin	Six-month suspension	Six-month suspension; 2014-Ohio-5053
<i>Disciplinary Counsel v. Jason D. Seabury, 13-033</i>	Franklin	Two-year suspension, one year stayed	Dismissed due to resignation with discipline pending; Case No. 2014-1353
<i>Stark Co. Bar Assn. v. Deborah M. Marinelli, 13-040</i>	Stark	Two-year suspension, one year stayed	Pending; Case No. 2014-0971
<i>Disciplinary Counsel v. David C. Eisler, 13-048</i>	Out of State	Two-year suspension, one year stayed	Pending; Case No. 2014-0970
<i>Akron Bar Assn. v. Eric J. Harsey, 13-066</i>	Summit	Public reprimand (consent to discipline)	Pending; Case No. 2014-0961
<i>Disciplinary Counsel v. Carol J. Hampton, 13-017</i>	Lawrence	Dismissed; resignation with discipline pending	Accepted resignation with discipline pending; Case No. 2014-0773
<i>Disciplinary Counsel v. William B. Feldman, 14-041</i>	Franklin	Dismissed; resignation with discipline pending	Accepted resignation with discipline pending; Case No. 2014-0979
<i>Disciplinary Counsel v. Robert C. Cordrick, 13-047</i>	Marion	Dismissal (default)	Indefinite suspension (default); 2014-Ohio-2955
<i>Cleveland Metro. Bar Assn. v. Howard F. Schuman, 14-051</i>	Cuyahoga	Dismissed; resignation with discipline pending	Accepted resignation with discipline pending; Case No. 2014-1029
<i>Trumbull Cty. Bar Assn. v. Toni A. Marcheskie, 13-026</i>	Trumbull	Dismissed; resignation with discipline pending	Accepted resignation with discipline pending; Case No. 2014-1045
<i>Disciplinary Counsel v. Scott M. Calaway, 13-044</i>	Montgomery	Dismissal (default)	Indefinite suspension (default); 2014-Ohio-3129
<i>Trumbull Co. Bar Assn. v. Nancy E. Yakubek, 13-007</i>	Trumbull	One-year suspension, stayed	Pending; Case No. 2014-1379
<i>Disciplinary Counsel v. Edward R. Bunstine, 13-028</i>	Ross	Indefinite suspension	Pending; Case No. 2014-1392
<i>Akron Bar Assn. v. Larry D. Shenise, 13-037</i>	Summit	Two-year suspension, stayed	Pending; Case No. 2014-1388
<i>Columbus Bar Assn. v. Cynthia M. Roy, 13-045</i>	Franklin	Public reprimand	Pending; Case No. 2014-1381
<i>Cleveland Metro. Bar Assn. v. Jalal T. Sleibi, 13-050</i>	Cuyahoga	Two-year suspension, one year stayed	Pending; Case No. 2014-1394

Appendix B | 2014 CASE DISPOSITIONS

CASE NAME & BOARD CASE NUMBER	RESPONDENT'S COUNTY	BOARD RECOMMENDATION OR DISPOSITION	SUPREME COURT DISPOSITION
<i>Disciplinary Counsel v. Judge William T. Marshall, 13-055</i>	Scioto	Public reprimand	Pending; Case No. 2014-1383
<i>Disciplinary Counsel & Columbus Bar Assn. v. Beverly J. Corner, 13-059</i>	Franklin	Two-year suspension, one year stayed	Pending; Case No. 2014-1404
<i>Cleveland Metro. Bar Assn. v. Edward J. Mamone & Nancy A. Zoller, 13-060</i>	Cuyahoga	Six-month suspension, stayed (Mamone); one-year suspension, stayed (Zoller)	Pending; Case No. 2014-1389
<i>Disciplinary Counsel v. Anthony O. Calabrese III, 13-070</i>	Cuyahoga	Disbarment	Pending; Case No. 2014-1390
<i>Disciplinary Counsel v. Natalie F. Grubb, 13-073</i>	Medina	Six-month suspension, stayed	Pending; Case No. 2014-1391
<i>Butler Cty. Bar Assn. v. Gary A. McGee, 14-006</i>	Butler	Public reprimand (consent to discipline)	Pending; Case No. 2014-1376
<i>Cleveland Metro. Bar Assn. v. Daniel Glen Walker, 14-035</i>	Cuyahoga	One-year suspension, stayed (consent to discipline)	Pending; Case No. 2014-1382
<i>Ohio St. Bar Assn. v. Judge Amelia A. Salerno, 14-040</i>	Franklin	Public reprimand (consent to discipline)	Pending; Case No. 2014-1380
<i>Disciplinary Counsel v. Derek W. Marsteller, 13-053</i>	Out of State	Dismissal (default)	Indefinite suspension (default); 2014-Ohio-3796
<i>Cincinnati Bar Assn. v. Ronald E. Seibel, 13-042</i>	Hamilton	Dismissal (default)	Indefinite suspension (default); 2014-Ohio-3795
<i>Disciplinary Counsel v. Sharri U. Rammelsberg, 12-093</i>	Hamilton	Indefinite suspension	Pending; Case No. 2013-0312
<i>Lake Cty. Bar Assn. v. David H. Davies, 13-005</i>	Lake	Disbarment	Pending; Case No. 2014-1735
<i>Cincinnati Bar Assn. v. Rodger W. Moore, 13-015</i>	Hamilton	Two-year suspension, one year stayed	Pending; Case No. 2014-1737
<i>Disciplinary Counsel v. Raymond T. Lee III, 13-036</i>	Hamilton	Indefinite suspension	Pending; Case No. 2014-1744
<i>Cleveland Metro. Bar Assn. v. Shawn J. Brown, 13-049</i>	Cuyahoga	Disbarment (on relator's motion for default disbarment)	Pending; Case No. 2013-1885
<i>Cleveland Metro. Bar Assn. v. Rosel C. Hurley III, 13-052</i>	Cuyahoga	Two-year suspension	Pending; Case No. 2014-1736
<i>Columbus Bar Assn. v. Gloria L. Smith, 13-061</i>	Franklin	Public reprimand	Pending; Case No. 2014-1741
<i>Toledo Bar Assn. v. Robert P. DeMarco, 14-009</i>	Lucas	One-year suspension	Pending; Case No. 2014-1738
<i>Disciplinary Counsel v. Gregory A. Cohen, 14-032</i>	Hamilton	Indefinite suspension	Pending; Case No. 2014-1740
<i>Disciplinary Counsel v. Gregory S. Costabile, 14-033</i>	Cuyahoga	Public reprimand (consent to discipline)	Pending; Case No. 2014-1743
<i>Columbus Bar Assn. v. Corinne N. Ryan, 14-042</i>	Franklin	Public reprimand (consent to discipline)	Pending; Case No. 2014-1742

CASE NAME & BOARD CASE NUMBER	RESPONDENT'S COUNTY	BOARD RECOMMENDATION OR DISPOSITION	SUPREME COURT DISPOSITION
<i>Columbiana Cty. Bar Assn. v. Earl A. Schory II, 13-051</i>	Columbiana	Dismissal (default)	Indefinite suspension (default); 2014-Ohio-4627
<i>Disciplinary Counsel v. Aaron R. Scheeler, 14-066</i>	Delaware	Dismissed; resignation with discipline pending	Accepted resignation with discipline pending; Case No. 2014-1610
<i>Lorain Cty. Bar Assn. v. Michael J. Godles, 13-063</i>	Lorain	Dismissed; resignation with discipline pending	Accepted resignation with discipline pending; Case No. 2014-1618
<i>Trumbull Cty. Bar Assn. v. Robert L. Johnson, 14-046</i>	Trumbull	Consolidated with board Case No. 13-062	N/A
<i>Disciplinary Counsel v. Charles A. Runser, 14-067</i>	Van Wert	Dismissed; resignation with discipline pending	Accepted resignation with discipline pending; Case No. 2014-1752
<i>Trumbull Cty. Bar Assn. v. Ralph A. Zuzolo, Jr., 14-052</i>	Trumbull	Dismissed; resignation with discipline pending	Accepted resignation with discipline pending; Case No. 2014-1753
<i>Disciplinary Counsel v. Mattheuw W. Oberholtzer, 13-058</i>	Carroll	Dismissal (default)	Indefinite suspension (default); 2014-Ohio-4093
<i>Columbus Bar Assn. v. David Householder, 13-056</i>	Franklin	Dismissal (default)	Indefinite suspension (default); 2014-Ohio-4912
<i>Cincinnati Bar Assn. v. Robert H. Hoskins, 14-074</i>	Hamilton	Consolidated with board Case No. 14-014	N/A
<i>Disciplinary Counsel v. William E. Reed II, 14-077</i>	Jefferson	Dismissed; resignation with discipline pending	Accepted resignation with discipline pending; Case No. 2014-1834
<i>Disciplinary Counsel v. Susan M. Bruder, 13-071</i>	Marion	Dismissal (default)	Indefinite suspension (default); 2014-Ohio-5252
<i>Cleveland Metro. Bar Assn. v. Rami M. Awadallah, 14-079</i>	Cuyahoga	Consolidated with board Case No. 14-039	N/A
<i>Disciplinary Counsel v. Judge Steven J. Terry, 12-009</i>	Cuyahoga	Disbarment	Pending; Case No. 2014-2157
<i>Dayton Bar Assn. v. Cheryl R. Washington, 13-065</i>	Montgomery	Six-month suspension, stayed	Pending; Case No. 2014-2160
<i>Mahoning Cty. Bar Assn. v. Maurus G. Malvasi, 14-002</i>	Mahoning	Six-month suspension, stayed	Pending; Case No. 2014-2146
<i>Disciplinary Counsel v. Thomas J. Simon, 14-013</i>	Ashtabula	Two-year suspension, 18 months stayed	Pending; Case No. 2014-2155
<i>Disciplinary Counsel v. Marcus E. Coleman, 14-017</i>	Hamilton	Two-year suspension, stayed	Pending; Case No. 2014-2148
<i>Dayton Bar Assn. v. John J. Scaccia, 14-020</i>	Montgomery	One-year suspension, six months stayed	Pending; Case No. 2014-2143
<i>Disciplinary Counsel v. Jason C. Grossman, 14-023</i>	Franklin	Indefinite suspension	Pending; Case No. 2014-2156
<i>Disciplinary Counsel v. Charles R. Quinn, 14-038</i>	Portage	Six-month suspension, stayed	Pending; Case No. 2014-2159
<i>Medina Cty. Bar Assn. v. Albert D. Shiver, 14-060</i>	Medina	Public reprimand (consent to discipline)	Pending; Case No. 2014-2153

ANNUAL OPERATING EXPENDITURES (2012 TO 2015)

	FY 2012 ¹ (Actual)	FY 2013 (Actual)	FY 2014 (Actual)	FY 2015 (Budgeted)
Board Operations	\$835,360	\$724,148	\$615,450	\$829,780
Grievance Committee Reimbursements	\$1,633,140	\$1,740,814	\$1,818,764	\$1,850,000

OPERATIONS BUDGET AND EXPENDITURES FY 2014
(JULY 1, 2013 TO JUNE 30, 2014)

	ALLOCATED	SPENT
TOTAL STAFF SALARIES AND BENEFITS	\$ 515,574	\$ 436,799
TOTAL NONPAYROLL PERSONAL SERVICES	\$ 50,000	\$ 24,390
Commissioner Per Diems	\$ 45,000	\$ 24,390
Temporary Employees	\$ 5,000	\$ 0
TOTAL MAINTENANCE	\$ 274,000	\$ 153,929
Telephone	\$ 3,500	\$ 1,955
Postage	\$ 13,000	\$ 8,625
Maintenance and Repair	\$ 2,000	\$ 0
Supplies and Materials	\$ 15,000	\$ 7,417
Books, Subscriptions	\$ 1,000	\$ 1,190
Travel Reimbursement	\$ 72,000	\$ 50,335
DC Search Committee	\$ 2,500	\$ 1,196
Hearing Expenses	\$ 125,000	\$ 49,403
Miscellaneous Expenses	\$ 40,000	\$ 33,809
TOTAL EQUIPMENT	\$ 15,000	\$ 332
GRAND TOTAL	\$ 854,574	\$ 615,450

¹ In fiscal year 2012, the expenditures for direct expense reimbursements to certified grievance committees were included in the board's Operations Budget. Those reimbursement expenditures totaled \$93,991 in fiscal year 2012, making the board's adjusted operations expenditures for that year \$741,369.

**FISCAL YEAR 2014 TOTAL REIMBURSEMENTS
TO CERTIFIED GRIEVANCE COMMITTEES
FOR DISCIPLINARY-RELATED EXPENSES AND FILE INVENTORIES**

CERTIFIED GRIEVANCE COMMITTEE	REIMBURSEMENT
Akron Bar Association	\$ 221,654
Allen County Bar Association	\$ 4,280
Ashtabula County Bar Association	\$ 15,984
Butler County Bar Association	\$ 17,927
Cincinnati Bar Association	\$ 238,849
Clermont County Bar Association	\$ 0
Cleveland Metropolitan Bar Association	\$ 303,683
Columbiana County Bar Association	\$ 6,200
Columbus Bar Association	\$ 275,517
Dayton Bar Association	\$ 176,364
Erie-Huron Certified Grievance Committee	\$ 15,479
Findlay/Hancock County Bar Association	\$ 6,658
Lake County Bar Association	\$ 14,185
Lorain County Bar Association	\$ 101,877
Mahoning County Bar Association	\$ 66,835
Medina County Bar Association	\$ 2,068
Ohio State Bar Association	\$ 71,459
Stark County Bar Association	\$ 35,257
Toledo Bar Association	\$ 173,441
Trumbull County Bar Association	\$ 12,688
Warren County Bar Association	\$ 12,061
Wayne County Bar Association	\$ 157
TOTAL	\$ 1,772,623
FILE INVENTORIES	REIMBURSEMENT
Cleveland Metropolitan Bar Association	\$ 46,141
GRAND TOTAL	\$ 1,818,764

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