

THE SUPREME COURT of OHIO



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 for your consideration the 2015 Annual Report of the Board of Professional Conduct of the Supreme Court of Ohio.

In 2015, the board disposed of 102 cases, including the filing of 61 case reports and recommendations with the Supreme Court. The board received 85 new case filings and referrals from the Supreme Court, and ended the year with 59 active cases pending on its docket, a reduction of 19.2 percent from the previous year.

The board issued two formal advisory opinions in 2015, including an opinion addressing the ethical obligations of judges in performing same-sex marriages that was featured prominently in national publications. The legal staff of the board made presentations at 26 education seminars, authored 19 staff letters, and responded to approximately 2,000 telephone and email inquiries from lawyers, judges, and judicial candidates. For the first time since 2012, the board conducted a hearing at an Ohio law school where law students had the opportunity to supplement their classroom experiences by observing a disciplinary proceeding.

Commissioners and staff are committed to performing our responsibilities to the Supreme Court, legal profession, and the public in a prompt, fair, and cost-efficient manner. The following report is a reflection of our commitment.

Sincerely,

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.



PAUL M. DE MARCO, CHAIRMAN

Mr. De Marco was chosen by his colleagues to serve as chairman of the Board of Professional Conduct in 2015. He served two terms as vice-chairman and chaired the Disciplinary Counsel Search Committee and Advisory Opinion Committee. Chairman De Marco is a founding member of the Cincinnati firm of Markovits, Stock & De Marco.



WILLIAM J. NOVAK, VICE-CHAIRMAN

Mr. Novak served in 2015 as vice-chairman of the Board and also chaired one of the board's two Probable Cause Panels. Vice-chairman Novak is the managing partner of the Novak Pavlik Law Firm in Cleveland.



Hon. Pamela A. Barker was appointed to the board in 2015 as a judge-member from the Eighth District. Judge Barker has been a member of the Cuyahoga County Court of Common Pleas since 2011.

Alvin R. Bell is a 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.

Dr. John R. Carle is a dentist from Sylvania. Dr. Carle was appointed in 2015 as one of four public members of the board.

Tim L. Collins was appointed to the board in 2015 as a representative of the Eighth District. Commissioner Collins is a partner with the Cleveland firm of Collins & Scanlon, where he heads the firm's litigation group.

Jeff Davis is serving his first term as a public member from Columbus and is a member of the Budget and Personnel Committee. Commissioner Davis is government relations director for the Ohio Provider Resource Association and a councilman in Grove City.

McKenzie K. Davis is a lawyer specializing in government relations with the Success Group in Columbus. Commissioner Davis is serving his third term on the board and 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 was reappointed to a second term on the board and chaired one of the two probable cause panels.

William H. Douglass was appointed in 2015 as one of the board's four public members. Commissioner Douglass is a businessman, real estate agent, and franchisee from Ashtabula County.



Seated (from left): Paul M. De Marco, chair, and William J. Novak, vice-chair.

First Row: Michele Pennington, Heidi Wagner Dorn, Richard A. Dove, Patricia A. Wise, Hon. Pamela A. Barker, Hon. Karen D. Lawson, David W. Hardymon, Lisa A. Eliason, Faith Long, and Sharon L. Harwood.

Second Row: William H. Douglass, Tim L. Collins, David E. Tschantz, Keith A. Sommer, Dr. John R. Carle, Hon. Robert P. Ringland, Alvin R. Bell, and Charles J. Faruki.

Third Row: D. Allan Asbury, Robert B. Fitzgerald, Roger S. Gates, Sanford E. Watson II, McKenzie K. Davis, Hon. William A. Klatt, Lawrence A. Sutter III, Hon. John R. Willamowski, and Hon. John W. Wise.

Not Pictured: Jeff M. Davis, David L. Dingwell, Lawrence R. Elleman, and Hon. C. Ashley Pike.

Lisa A. Eliason is serving her first term as a lawyer member from the Fourth District and was a member of the Advisory Opinion Committee. Commissioner Eliason is the law director for the city of Athens.

Lawrence R. Elleman is a retired partner with the Cincinnati law firm of Dinsmore & Shohl. A former chairman in 2012, Commissioner Elleman is serving his third term on the board and chaired the Rules Committee.

Charles J. Faruki joined the board in 2015 as a representative of the Second District. Commissioner Faruki is a founding member of the Dayton law firm of Faruki,

Ireland & Cox, where his practice focuses on business litigation.

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

David W. Hardymon is a retired partner with the Columbus firm of Vorys, Sater, Seymour & Pease. Commissioner Hardymon joined the board in 2015.

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 is serving his first term as a judge-member from Franklin County and served on the Advisory Opinion Committee. Judge Klatt has been a judge on the Tenth District Court of Appeals since 2002.

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

BOARD MEMBERS, CONTINUED

Hon. Ashley C. Pike was reappointed to a second term on the board and was a member of the Advisory Opinion Committee. Judge Pike has served on the Columbiana County Court of Common Pleas since 1991.

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

Lawrence A. Sutter III is a partner in the Cleveland firm of Sutter O'Connell. A resident of Portage County, Commissioner Sutter was a member of a probable cause panel.

Keith A. Sommer is a sole practitioner in Martins Ferry. Commissioner Sommer is in his third term on the board and was a member of the Rules Committee.

David E. Tschantz is an insurance executive in Wooster and has been a board member since 2007, serving as chairman from 2013-2014. Commissioner Tschantz was a member of a probable cause panel.

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

Hon. John R. Willamowski serves on the Third District Court of Appeals and previously served five terms in the Ohio House of Representatives. Judge Willamowski is in his second 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, was 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 was appointed to the board in 2014 as a lawyer member from Toledo and served on the Budget and Personnel Committee. Commissioner Wise is a partner with the firm of Niehaus, Wise & Kalas, where her practice focuses on labor and employment law.

FORMER COMMISSIONERS

Several former commissioners lent invaluable experience and service to the board by completing cases in 2015 that were assigned to them prior to the expiration of their terms of office.

Robert Gresham, John Polito, Steve Rodeheffer, Teresa Sherald, Patrick Sink, Janica Pierce Tucker, and Judge Beth Whitmore completed hearings in several cases and presented reports to the board in 2015.

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

Richard A. Dove has served as secretary and director of the board since July 2011 and is the board's chief legal, administrative, and fiscal officer. Prior to joining the board, he was a member of the administrative staff of the Supreme Court for more than 22 years, the last four of which were as assistant administrative director. 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 2015, he began a one-year term as president of the National Council of Lawyer Disciplinary Boards and has been a member of the NCLDB board of directors since 2012. Mr. Dove is a graduate of Wittenberg University and Capital University Law School and is admitted to practice in Ohio, the United States District Court for the Southern District of Ohio, and the United States Supreme Court.

D. ALLAN ASBURY | SENIOR COUNSEL

D. Allan Asbury joined the staff in 2014 after more than nine years on the administrative staff of the Supreme Court. Before joining the Supreme Court staff, Mr. Asbury served 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 leading the board's education efforts. Mr. Asbury received his undergraduate and law degrees from Capital University. He is admitted to practice in Ohio and the United States District Court for the Southern District of Ohio. In 2015, Mr. Asbury was admitted to the bar of the United States Supreme Court.

HEIDI WAGNER DORN | COUNSEL

Heidi Wagner Dorn joined the board staff in 2014 after serving more than three years as an Assistant Attorney General for the state of Ohio. Ms. Dorn's legal 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, presents at education seminars, 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 United States District Court for the Southern District of Ohio, and is an accredited attorney with the Department of Veterans Affairs. In 2015, Ms. Dorn was admitted to the bar of the United States Supreme Court.

MICHELE L. PENNINGTON | DEPUTY CLERK

Michele Pennington is responsible for processing case filings, maintaining the board's 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

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



BOARD RESPONSIBILITIES

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 from throughout the state who are appointed by the Supreme Court. The membership includes four nonlawyer professionals, seven trial and appellate judges, and 17 lawyers from a wide range of practice backgrounds. The board was renamed as the Board of Professional Conduct in 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 to be reinstated to the practice of law following indefinite or impairment 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 charting 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 responds 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. There are two probable cause panels that 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.

2015 OVERVIEW

he Board of Professional Conduct disposed of 102 cases in 2015 and placed another eight cases on inactive status due to the imposition by the Supreme Court of an interim default suspension. After experiencing a near-record number of new filings in 2014, the board saw a decline in 2015 when 77 new cases were opened. Eight additional matters were referred to the board for adjudication, bringing to 85 the total number of new and reopened cases. The number of pending cases at the end of 2015 was 59, a 12-month decrease of 19.2 percent.

The board continued its efforts to enhance the understanding of and compliance with professional ethics requirements. The legal staff made 26 education presentations to lawyers, judges, judicial candidates, and law students. The board published two formal advisory opinions and responded to 19 other opinion requests 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 its careful stewardship of funds allocated to its internal operations. Although the total operations expenditures increased by 9.9 percent in fiscal year 2015, this increase was largely attributable to the costs incurred in a single judicial discipline case that was heard throughout 2015. Aside from the costs of that proceeding, operating expenditures rose by a modest 1.8 percent due to increased personnel costs.

In addition to their adjudicatory responsibilities, commissioners were active with committee responsibilities. The Rules Committee finalized its consideration of amendments to the Rules of Professional Conduct and proposed a new procedural regulation that was approved by the board. The Budget and Personnel Committee considered and approved a proposed budget for fiscal years 2016 and 2017, and conducted the annual performance review of Disciplinary Counsel. The Advisory Opinion Committee met bimonthly to review advisory opinion requests and responses to those requests. The two probable cause panels met monthly to review new complaints and investigatory materials.



ADJUDICATORY RESPONSIBILITIES

he board received 85 matters for adjudication in 2015, a decrease of 22.3 percent from the previous year. There were 77 new formal complaints certified to the board, two of which alleged misconduct on the part of current or former judges. The Supreme Court remanded three cases to the Board for further proceedings and forwarded four petitions from lawyers who were seeking reinstatement to the practice of law. The board also received one probation revocation petition alleging the failure of a lawyer to abide by the conditions of his Court-imposed probation.

Three-commissioner hearing panels conducted formal hearings in 48 cases, spanning a total of 76 hearing days. The board conducted six bimonthly meetings to consider reports from hearing panels and to review and approve recommendations from Board committees.

The board disposed of 102 cases, or 21.4 percent more than 2014. Page 11 of this report contains a table of case dispositions by type, and *Appendix B* is a complete list of 2015 board case dispositions.

As of Dec. 31, 2015, the board had 59 active cases pending on its docket. Thirteen of the pending cases have been heard and are awaiting panel reports, and 17 are scheduled for hearing. Five cases have been assigned to panels and are awaiting hearing dates, 16 cases are awaiting answers, and three cases involve respondents who are in default for failing to answer the complaint. Five cases are stayed due to pending criminal proceedings involving the respondent (see "Cases Pending" table on p. 11).

The board places a pending case on inactive status when the respondent's default is certified to the Supreme Court and an interim default suspension is imposed pursuant to Gov.Bar R. V, Section 14. The case remains inactive until the Supreme Court remands the matter for adjudication upon motion of a party or imposes an indefinite suspension. Eight cases were pending on inactive status at the end of 2015.

2015 CASE DISPOSITIONS

- 61 Reports certified to the Supreme Court
 - 44 Submitted following a hearing or waiver of a hearing
 - 12 Submitted upon recommendation to accept consent to discipline agreement
 - 5 Submitted upon consideration of a petition for reinstatement to the practice of law
- 15 Dismissals due to Supreme Court acceptance of respondent's resignation from the practice of law with disciplinary action pending
- 18 Dismissals following Supreme Court's imposition of an indefinite suspension against respondent in default
- 6 Dismissals upon motion of relator or upon joint application of parties
- Dismissal upon hearing panel finding that respondent did not engage in misconduct as alleged in complaint
- Dismissal resulting from consolidation of two pending cases

102 TOTAL DISPOSITIONS

CASES PENDING DEC. 31, 2015 13 Heard and awaiting panel reports 17 Scheduled for hearing 5 Assigned to hearing panels and await scheduling 16 Awaiting answers 3 Respondents in default 5 Stayed due to pending criminal proceedings involving respondent

TOTAL PENDING ACTIVE CASES

59



BOARD BUDGET

The Supreme Court is responsible for providing funds to support the activities of the board. The board derives its funding entirely from Attorney Services Fund allocations made by the Supreme Court. The Attorney Services Fund consists primarily of the biennial registration fees paid by Ohio lawyers. No state general revenue funds are expended in direct support of the operation of the board. The board's budget consists of two primary components — the operations budget and the reimbursement budget.

OPERATIONS BUDGET

The Operations Budget funds the costs associated with day-to-day functions of the Board of Professional Conduct, including staff salaries and benefits, telephone, postage, supplies, and equipment, expenses associated with board hearings and meetings, per diems paid to commissioners, and travel reimbursements to commissioners and staff.

In fiscal year 2015 [July 1, 2014 through June 30, 2015], the total Operations Budget expenditures of \$676,394 represented 7.4 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 \$1,914,883 and represented 20.1 percent of the total Attorney Services Fund expenditures.

For the first time in four years, operations expenditures in fiscal year 2015 increased. Notwithstanding a 9.9-percent increase in fiscal year 2015, the board has reduced its operating costs by 8.8 percent since 2011.

Much of the increase in expenditures was attributable to costs incurred by the board in connection with a single judicial discipline proceeding that was tried throughout 2015 and remained pending at the end of the year. Costs incurred by the board in connection with that case during fiscal year 2015 totaled nearly \$50,000. Aside from the costs of that hearing,



operations expenses rose by 1.8 percent due to a slight increase in personnel expenses.

The board continued to achieve reductions in nonpersonnel operations expenses. Telephone-related expenditures were reduced by nearly one-third, and postage costs declined by 13.7 percent.

REIMBURSEMENT BUDGET

The Reimbursement Budget is used to compensate the 33 certified grievance committees for expenses incurred in performing their disciplinary 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 and receive reimbursement on a quarterly or annual basis for ten 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 2015, the board paid a total of \$1,914,883 to reimburse certified grievance committees, a 5.3 percent increase over fiscal year 2014. In the past four years, reimbursements to certified grievance committees have increased by 11.2 percent.

Appendix C includes information regarding the board's annual operating expenditures for fiscal years 2013-2015, budget allocations for fiscal year 2016, and an accounting of fiscal year 2015 expenditures.



EDUCATION & OUTREACH

n important responsibility of the board is assisting judges and lawyers in understanding and complying with the ethical standards governing their work. The board addresses this responsibility by responding to inquiries from lawyers, judges, and judicial candidates and participating in education activities throughout Ohio.

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 board's 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 counsel, in consultation with the board's 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 issued by the board are published on the board's website and distributed to an array of legal and professional organizations within and outside Ohio.

The board issued two advisory opinions in 2015:

Advisory Opinion 2015-1 addresses the ethical obligations and considerations for judges in connection with the performance of same-sex marriages. This opinion was requested following the United States Supreme Court decision in Obergefell v. Hodges, decided on June 26. The opinion analyzes a judge's ethical obligations under the Judicial Oath of Office, six provisions of the Code of Judicial Conduct, and one provision of the Rules of Professional Conduct. Advisory Opinion 2015-1 was featured prominently in national judicial ethics publications and discussed at several continuing education seminars.

Advisory Opinion 2015-2 outlines what conduct is permissible when a lawyer presents a legal information seminar to an audience of prospective clients. Although the presenting lawyer may provide brochures and other information near the exit of the seminar, the lawyer must avoid meeting with prospective clients at the seminar.

In 2015, the Advisory Opinion Committee and staff undertook a procedure to review the 391 advisory opinions that have been issued since 1986. Many of the opinions provide interpretations of former provisions of the Code of Professional Responsibility or Code of Judicial Conduct, and the advice may be dated or difficult to reconcile with current professional ethics rules. Working with the committee, the staff has identified a series of opinions to update, and the board anticipates the release of several reissued opinions in 2016.

STAFF LETTERS

When a request does not satisfy the criteria for issuance of a formal advisory opinion, the board may direct the staff to respond via letter. Staff letters are most often used when the response is dictated by case law or prior board opinions, 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 office. Nineteen staff letters were authored and issued in 2015.

COMPLIANCE AND TRAINING

In addition to written advice, the legal staff of the board are regular presenters at professional education seminars and devote a significant portion of each day to responding to telephone and email inquiries from lawyers, judges, and judicial candidates.

The board continued its cosponsorship of the Miller-Becker Seminar held in October each year. This seminar 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. 23 seminar featured presentations regarding disciplinary case procedures and case law developments, and three panel presentations on fee agreements, the duty of lawyers to cooperate with disciplinary investigations, and the representation of respondents in disciplinary cases. Approximately 170 individuals attended the seminar, and another 30 lawyers attended a March 6 replay of the October 2014 seminar.

Board staff participated in 26 professional education offerings in 2015. Among these presentations were programs for public practice attorneys, judicial candidate seminars, judicial education seminars, new judge orientation presentations, and several presentations designed for specific professional organizations and audiences.

The board's legal staff also respond to written and telephone questions from

lawyers, judges, and judicial candidates regarding compliance with the Rules of Professional Conduct and Code of Judicial Conduct. Legal 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 cases pending before the board.





LAW SCHOOL HEARING-OCT. 9

On Oct. 9, the board conducted a disciplinary hearing at Capital University Law School (pictured above). The hearing, which was the first held at a law school since 2012, involved a lawyer who was charged with violating core duties of diligence, competence, and fairness in the representation of a personal injury client. Students had the opportunity to observe the presentation of testimony and other evidence, ask questions of the participants and staff present at the hearing, and gain insight as to the application of ethics rules.

RULES COMMITTEE

Acting on recommendations initiated by the Rules Committee in late 2015, the Supreme Court approved a series of amendments to the Rules of Professional Conduct. The amendments, which are based on revisions to the Model Rules of Professional Conduct that were adopted by the American Bar Association, became effective April 1, 2015.

The Rules Committee also proposed an amendment to the board's Procedural Regulations governing the process for biennially recertifying grievance committees. Following a public comment period, this regulation was adopted by the board and goes into effect on Jan. 1, 2016.

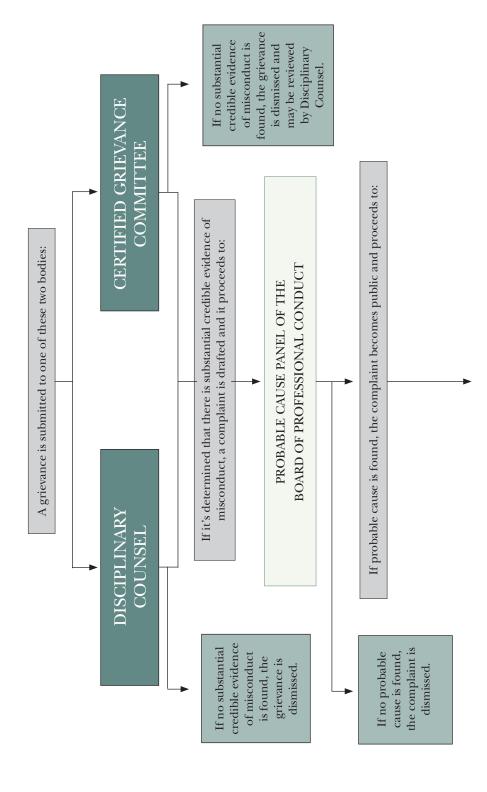
CONCLUSION

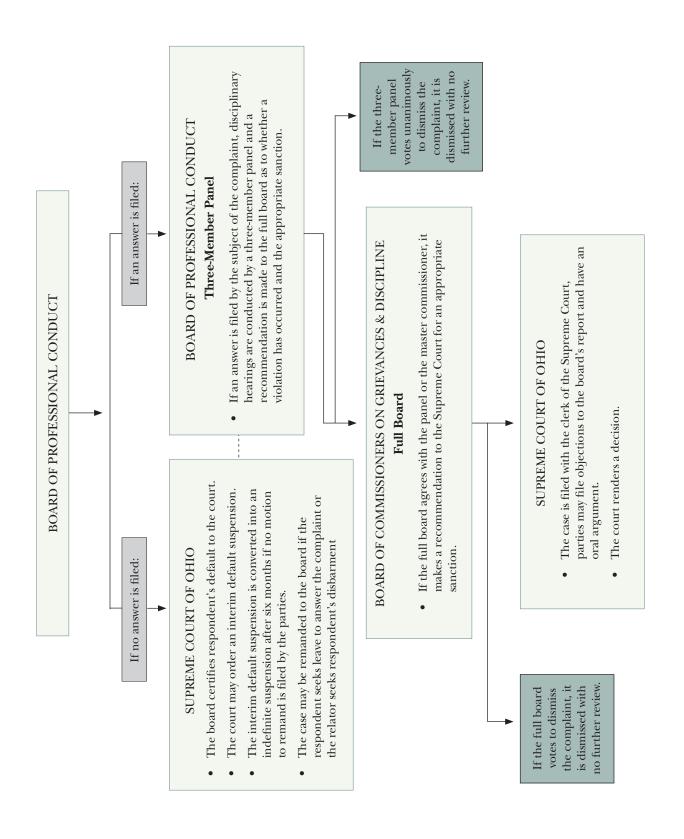
In 2015, the Board of Professional Conduct fulfilled its responsibilities by continuing to fairly and promptly adjudicate disciplinary cases and enhancing compliance with standards of professional ethics. The proper execution of these responsibilities is essential to ensuring that the public maintains trust and confidence in the legal profession and judiciary. The members and staff of the board work each day in furtherance of this principle.



DISCIPLINARY PROCESS

professional misconduct, a formal complaint is drafted. It then moves to a probable cause panel of the Board of Professional grievance against a judge or attorney may be submitted to the Disciplinary Counsel or a certified grievance committee as a local bar association. If either of those bodies determines that there exists substantial credible evidence of 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 Conduct, which determines if there is probable cause. If the panel determines that there is probable cause, the formal the final decision as to findings of misconduct and issues an appropriate sanction.





CASE NAME & BOARD CASE NUMBER	RESPONDENT'S COUNTY	BOARD RECOMMENDATION OR DISPOSITION	SUPREME COURT DISPOSITION OR STATUS
Disciplinary Counsel v. Gerald W. Phillips, 14-105	Lorain	Consolidated with Board Case No. 14-091	N/A
Disciplinary Counsel v. Regina L. Hilburn, 13-068	Franklin	Dismissed (default)	Indefinite suspension (default); 2015-Ohio-202
Warren Cty. Bar Assn. v. Kevin W. Thornton, 14-008	Warren	Dismissed (default)	Indefinite suspension (default); 2015-Ohio-204
Columbus Bar Assn. v. Luis D. Delos Santos, 14-010	Franklin	Dismissed (default)	Indefinite suspension (default); 2015-Ohio-205
Disciplinary Counsel v. Gary J. Boecker, 14-110	Summit	Dismissed (resignation)	Accepted resignation with discipline pending; 2015-Ohio-487
Mahoning Cty. Bar Assn. v. Deneen M. Marrelli, 13-035	Mahoning	Indefinite suspension	Indefinite suspension; 2015-Ohio-4614
Cincinnati Bar Assn. v. Stephen J. Ball, 14-001	Hamilton	Indefinite suspension	Pending; Case No. 2015-0286
Lorain Cty. Bar Assn. v. Kenneth A. Nelson, II, 14-003	Lorain	Public reprimand	Public reprimand; 2015-Ohio-4337
Disciplinary Counsel v. Ronald J. Denicola, 14-007	Hamilton	Dismissed (resignation)	Accepted resignation with discipline pending; 2015-Ohio-4359
Disciplinary Counsel v. Jason R. Phillabaum, 14-021	Butler	One-year suspension, six months stayed	One-year suspension; 2015-Ohio-4346
Cleveland Metro. Bar Assn. v. Dawn T. Haynes, 14-025	Cuyahoga	Two-year suspension, six months stayed	Two-year suspension, six months stayed; 2015-Ohio-3706
Cleveland Metro. Bar Assn. v. Robert J. Belinger, 14-028	Cuyahoga	One-year suspension, six months stayed	One-year suspension, six months stayed; 2015-Ohio-4436
Disciplinary Counsel v. Aaron J. Brockler, 14-030	Cuyahoga	One-year suspension, stayed	Pending; Case No. 2015-0280
Disciplinary Counsel v. Orlando J. Williams, 14-043	Hamilton	Indefinite suspension	Pending; Case No. 2015-0293
Trumbull Cty. Bar Assn. v. William R. Biviano, 14-044	Trumbull	Public reprimand	Public reprimand; 2015-Ohio-4308
Trumbull Cty. Bar Assn. v. Csaba A. Bodor, 14-048	Trumbull	Public reprimand	Public reprimand; 2015-Ohio-3634
Mahoning Cty. Bar Assn. v. Roger R. Bauer, 14-056	Mahoning	Public reprimand	Public reprimand; 2015-Ohio-3653
Mahoning Cty. Bar Assn. v. David J. Gerchak, 14-061	Mahoning	Two-year suspension, stayed	Two-year suspension, stayed; 2015-Ohio-4305
Disciplinary Counsel v. Erin G. Rosen, 14-073	Warren	Public reprimand	Public reprimand; 2015-Ohio-3420

CASE NAME & BOARD CASE NUMBER	RESPONDENT'S COUNTY	BOARD RECOMMENDATION OR DISPOSITION	SUPREME COURT DISPOSITION OR STATUS
Stark Cty. Bar Assn. v. Celeste M. DeHoff, 14-016	Stark	Dismissed (default)	Indefinite suspension (default); 2015-Ohio-964
Disciplinary Counsel v. John C. Henck, 14-031	Cuyahoga	Dismissed (default)	Indefinite suspension (default); 2015-Ohio-936
Cleveland Metro. Bar Assn. v. Paul M. Kaufman, 15-008	Cuyahoga	Dismissed (resignation)	Accepted resignation with discipline pending; 2015-Ohio-1261
Cleveland Metro. Bar Assn. v. Francis E. Sweeney, Jr., 14-026	Cuyahoga	Six-month suspension, stayed	Pending; Case No. 2015-0591
Warren Cty. Bar Assn. and Cincinnati Bar Assn. v. Edwin L. Vardiman, Jr., 14-027	Hamilton	One-year suspension, six months stayed	Pending; Case No. 2015-0589
Columbus Bar Assn. v. Joseph D. Reed, 14-050	Franklin	Two-year suspension, six months stayed	Pending; Case No. 2015-0587
Columbus Bar Assn. v. David C. Watson, Jr., 14-063	Franklin	Indefinite suspension	Indefinite suspension; 2015-Ohio-4613
Disciplinary Counsel v. Steven E. Hillman, 14-088	Franklin	One-year suspension, stayed	Pending; Case No. 2015-0594
Disciplinary Counsel v. Bradley F. Hubbell, 14-099	Lucas	Six-month suspension, stayed	Six-month suspension, stayed; 2015-Ohio-3426
Disciplinary Counsel v. Bruce M. Broyles, 14-106	Mahoning	Public reprimand	Public reprimand; 2015-Ohio-4442
Disciplinary Counsel v. Joel D. Joseph, 14-082	Out of state	Recommend denial of reinstatement	Reinstatement denied; 2015-Ohio-2804
Akron Bar Assn. v. Jana B. DeLoach, 14-084	Summit	Dismissed (resignation)	Accepted resignation with discipline pending; 2015-Ohio-1810
Ohio State Bar Assn. v. Kenneth A. Schuman, 15-026	Cuyahoga	Dismissed (resignation)	Accepted resignation with discipline pending; 2015-Ohio-1811
Cleveland Metro. Bar Assn. v. Jeffery J. Weber, 14-047	Cuyahoga	Dismissed (default)	Indefinite suspension (default); 2015-Ohio-1809
Disciplinary Counsel v. Kevin Purcell, 15-020	Cuyahoga	Dismissed (resignation)	Accepted resignation with discipline pending; 2015-Ohio-2031
Columbus Bar Assn. v. Paul S. Kormanik, 15-024	Franklin	Dismissed (resignation)	Accepted resignation with discipline pending; 2015-Ohio-2032
Disciplinary Counsel v. Aristotle Matsa, 13-072	Franklin	Dismissed (default)	Indefinite suspension (default); 2015-Ohio-2027
Cincinnati Bar Assn. v. Robert H. Hoskins, 14-014	Hamilton	Indefinite suspension	Pending; Case No. 2015-1003

CASE NAME & BOARD CASE NUMBER	RESPONDENT'S COUNTY	BOARD RECOMMENDATION OR DISPOSITION	SUPREME COURT DISPOSITION OR STATUS
Cleveland Metro. Bar Assn. v. Mark R. Pryatel, 14-037	Cuyahoga	Disbarment	Pending; Case No. 2015-1005
Disciplinary Counsel v. James W. Thomas, Jr., 14-081	Preble	Indefinite suspension	Pending; Case No. 2015-1001
Disciplinary Counsel v. Gerald W. Salters, 14-090	Franklin	One-year suspension, stayed	Pending; Case No. 2015-1000
Columbus Bar Assn. v. Daniel K. Balaloski, 14-102	Franklin	Two-year suspension, one year stayed	Pending; Case No. 2015-1002
Disciplinary Counsel v. Jesse Jackson, Jr., 14-107	Butler	Two-year suspension	Pending; Case No. 2015-1004
Disciplinary Counsel v. Fred P. Schwartz, 15-009	Cuyahoga	Public reprimand	Public reprimand; 2015-Ohio-4946
Lorain Cty. Bar Assn. & Cleveland Metro. Bar Assn. v. Rami M. Awadallah, 14-039	Lorain	Dismissed (resignation)	Accepted resignation with discipline pending; 2015-Ohio-2329
Disciplinary Counsel v. Lynn A. Lape, 15-032	Hamilton	Dismissed (resignation)	Accepted resignation with discipline pending; 2015-Ohio-2693
Cleveland Metro. Bar Assn. v. Hon. Katarina V. Cook, 14-029	Summit	Dismissal on merits	N/A
Toledo Bar Assn. v. Darrell M. Crosgrove, 09-033	Lucas	Dismissed (resignation)	Resignation with discipline pending; 2015-Ohio-2778
Disciplinary Counsel v. Henry R. Freeman, 14-058	Summit	Dismissed (default)	Indefinite suspension (default); 2015-Ohio-2777
Cleveland Metro. Bar Assn. v. Gary R. Axner, 14-055	Cuyahoga	Dismissed (default)	Indefinite suspension (default); 2015-Ohio-2776
Disciplinary Counsel v. Jonathan C. Schirg and Sean C. Mowery, 14-072	Franklin	Voluntarily dismissed by relator	N/A
Disciplinary Counsel v. Michael McCord, 03-073	Franklin	Recommend reinstatement	Reinstatement granted; 2015-Ohio-3910
Mahoning Cty. Bar Assn. v. Dennis A. DiMartino, 14-080	Mahoning	Indefinite suspension	Pending; Case No. 2014-2250
Disciplinary Counsel v. Raymond L. Eichenberger, III, 14-045	Franklin	Two-year suspension	Pending; Case No. 2015-1315
Cincinnati Bar Assn. v. David F. Robertson, Jr., 14-068	Hamilton	Six-month suspension, stayed	Pending; Case No. 2015-1312
Ohio State Bar Assn. v. Christopher S. Owen, 14-089	Montgomery	Public reprimand	Pending; Case No. 2015-1317
Disciplinary Counsel v. Sam P. Cannata and Gerald W. Phillips, 14-091	Cuyahoga	Six-month suspension, stayed, for each respondent	Pending; Case No. 2015-1316

CASE NAME & BOARD CASE NUMBER	RESPONDENT'S COUNTY	BOARD RECOMMENDATION OR DISPOSITION	SUPREME COURT DISPOSITION OR STATUS
Disciplinary Counsel v. Timothy W. Camboni, 15-011	Ashland	One-year suspension, stayed	Pending; Case No. 2015-1314
Disciplinary Counsel v. Mohammed N. Alo, 14-071	Franklin	Dismissed (default)	Indefinite suspension (default); 2015-Ohio-3275
Disciplinary Counsel v. Gregory K. Klima, 14-059	Cuyahoga	Dismissed (default)	Indefinite suspension (default); 2015-Ohio-3275
Disciplinary Counsel v. Eric L. Sanders, 14-108	Hardin	Dismissed (resignation)	Accepted resignation with discipline pending; 2015-Ohio-3270
Erie-Huron Cty. Bar Assns. v. Roger S. Stark, 15-017	Erie	Dismissed (resignation)	Accepted resignation with discipline pending; 2015-Ohio-3271
Cleveland Metro. Bar Assn. v. Edward G. Kramer, 15-001	Cuyahoga	Dismissed (resignation)	Accepted resignation with discipline pending; 2015-Ohio-3272
Northwest Ohio Bar Assn. v. Kurt W. Sahloff, 15-028	Putnam	Voluntarily dismissed by relator	N/A
Columbus Bar Assn. v. Robert Karl, Isaac Schulz, and Marvin Karp, 14-004	Franklin & Cuyahoga	Voluntarily dismissed by relator	N/A
Trumbull Cty. Bar Assn. v. Timothy E. Bellew, 14-057	Trumbull	Dismissed (default)	Indefinite suspension (default); 2015- Ohio-3700
Disciplinary Counsel v. Wayne D. Miller, 09-050	Union	Dismissed upon parties' motion to withdraw petition for reinstatement	N/A
Disciplinary Counsel v. Shawn P. Hooks, 14-064	Montgomery	Dismissed (default)	Indefinite suspension (default); 2015- Ohio-3922
Disciplinary Counsel v. Mattheuw W. Oberholtzer, 14-075	Stark	Dismissed (default)	Indefinite suspension (default); 2015- Ohio-3922
Lorain Cty. Bar Assn. v. Mark R. Provenza, 14-078	Lorain	One-year suspension, six months stayed	Pending; Case No. 2015-0060
Mahoning Cty. Bar Assn. v. Heidi A. Hanni, 14-086	Mahoning	One-year suspension, stayed	Pending; Case No. 2015-1630
Disciplinary Counsel v. N. Shannon Bartels, 14-097	Allen	One year suspension, six months stayed	Pending; Case No. 2015-1638
Disciplinary Counsel v. Hector G. Martinez, 14-109	Cuyahoga	Six-month suspension, stayed	Pending; Case No. 2015-1633
Disciplinary Counsel v. Ronald L. Rosenfield, 14-111	Out of state	Indefinite suspension	Pending; Case No. 2015-1635
Dayton Bar Assn. v. John J. Scaccia, 15-006	Montgomery	Eighteen-month suspension, six months stayed	Pending; Case No. 2015-1628
Erie-Huron Cty. Bar Assns. v. Charles R. Smith, III, 15-012	Out of state	Indefinite suspension	Pending; Case No. 2015-1632

CASE NAME & BOARD CASE NUMBER	RESPONDENT'S COUNTY	BOARD RECOMMENDATION OR DISPOSITION	SUPREME COURT DISPOSITION OR STATUS
Geauga Cty. Bar Assn. v. Daniel E. Bond, 15-014	Geauga	Public reprimand	Pending; Case No. 2015-1636
Disciplinary Counsel v. Kierra L. Smith, 15-023	Madison	Public reprimand	Pending; Case No. 2015-1639
Disciplinary Counsel v. John E. Mahin, 15-036	Hamilton	Two-year suspension, one year stayed	Pending; Case No. 2015-1641
Disciplinary Counsel v. Meredith L. Lawrence, 15-048	Out of state	Two-year suspension	Pending; Case No. 2015-1640
Disciplinary Counsel v. Percy Squire, 09-023	Franklin	Recommend denial of reinstatement	Reinstatement granted; 2015-Ohio-5058
Disciplinary Counsel v. William S. Medley, 10-024	Galia	Recommend reinstatement	Reinstatement granted; 2015-Ohio-5008
Disciplinary Counsel v. Carolyn K. Ranke, 10-053	Cuyahoga	Recommend reinstatement	Reinstatement Granted; 2015-Ohio-4799
Lorain Cty. Bar Assn. v. Bonita Hurst, 10-026	Lorain	Application withdrawn by applicant	N/A
Disciplinary Counsel v. Terence J. Fairfax, 15-050	Summit	Dismissed (resignation)	Accepted resignation with discipline pending; 2015-Ohio-4362
Disciplinary Counsel v. Ronald Robinson, 14-083	Cuyahoga	Dismissed (default)	Indefinite suspension (default); 2015-Ohio-4363
Columbus Bar Assn. v. Roger Warner, 14-093	Franklin	Voluntarily dismissed by relator	N/A
Cleveland Metro. Bar Assn. v. Teddy Sliwinski, 15-025	Cuyahoga	Dismissed (resignation)	Accepted resignation with discipline pending; 2015-Ohio-4568
Disciplinary Counsel v. James C. Zury, 14-096	Delaware	Dismissed (default)	Indefinite suspension (default); 2015-Ohio-4793
Disciplinary Counsel v. Joseph R. Compoli, Jr., 14-103	Cuyahoga	Dismissed (default)	Indefinite suspension (default); 2015-Ohio-4795
Dayton Bar Assn. v. Thomas P. Liptock, 15-002	Montgomery	Dismissed (default)	Indefinite suspension (default); 2015-Ohio-4794
Columbus Bar Assn. v. Lumumba T. McCord, 14-062	Franklin	One-year suspension, stayed	Pending; Case No. 2014-1896
Mahoning Cty. Bar Assn. v. Brandon L. Azman, 14-092	Mahoning	One-year suspension, six months stayed	Pending; Case No. 2015-2007
Cincinnati Bar Assn. v. Angela J. Glaser, 14-101	Hamilton	Six-month suspension, stayed	Pending; Case No. 2015-2008

CASE NAME & BOARD CASE NUMBER	RESPONDENT'S COUNTY	BOARD RECOMMENDATION OR DISPOSITION	SUPREME COURT DISPOSITION OR STATUS
Disciplinary Counsel v. Roger S. Kramer, 14-104	Cuyahoga	One-year suspension, stayed	Pending; Case No. 2015-2000
Columbus Bar Assn. v. Darwin R. Roseman, 15-003	Franklin	One-year suspension, six months stayed	Pending; Case No. 2015-2012
Cleveland Metro. Bar Assn. v. Tasso Paris, 15-005	Cuyahoga	Six-month suspension	Pending; Case No. 2015-2009
Disciplinary Counsel v. Daniel J. Guinn, 15-018	Tuscarawas	Two-year suspension, stayed	Pending; Case No. 2015-2013
Disciplinary Counsel v. Daniel L. Bennett, 15-027	Champaign	One-year suspension, stayed	Pending; Case No. 2015-2004
Cincinnati Bar Assn. v. Justin E. Fernandez, 15-039	Hamilton	Public reprimand	Pending; Case No. 2015-2001
Trumbull Cty. Bar Assn. v. Raymond J. Masek, 15-045	Trumbull	Public reprimand	Pending; Case No. 2015-2003
Columbus Bar Assn. v. Eric L. LaFayette, 15-052	Franklin	One-year suspension, stayed	Pending; Case No. 2015-2010
Disciplinary Counsel v. Gary N. Bakst, 15-044	Cuyahoga	Dismissed (resignation)	Accepted resignation with discipline pending; 2015-Ohio-5283

BUDGET AND EXPENDITURES (2013 TO 2016)

	FY 2013 (Actual)	FY 2014 (Actual)	FY 2015 (Actual)	FY 2016 (Budgeted)
Board Operations	\$724,148	\$615,450	\$676,394	\$947,081
Grievance Committee Reimbursements	\$1,740,814	\$1,818,764	\$1,914,883	\$1,900,000

OPERATIONS BUDGET AND EXPENDITURES FY 2015 (JULY 1, 2014 TO JUNE 30, 2015)

	ALLOCATED	SPENT
TOTAL CTAFF CALADIES AND DENIFFIES	¢ 467.200	¢ 440.776
TOTAL STAFF SALARIES AND BENEFITS	\$ 463,280	\$ 449,736
TOTAL NONPAYROLL PERSONAL SERVICES	\$ 50,000	\$ 28,375
Commissioner Per Diems	\$ 45,000	\$ 28,375
Temporary Employees	\$ 5,000	\$ 0
TOTAL MAINTENANCE	\$ 241,500	\$ 197,601
Telephone	\$ 3,500	\$ 1,313
Postage	\$ 13,000	\$ 7,444
Maintenance and Repair	\$ 2,000	\$ O
Supplies and Materials	\$ 15,000	\$ 8,924
Books, Subscriptions	\$ 1,000	\$ O
Travel Reimbursement	\$ 72,000	\$ 60,355
Hearing Expenses	\$ 95,000	\$ 85,345
Miscellaneous Expenses	\$ 40,000	\$ 34,220
TOTAL EQUIPMENT	\$ 5,000	\$ 682
GRAND TOTAL	\$ 759,780	\$ 676,394

FISCAL YEAR 2015 TOTAL REIMBURSEMENTS TO CERTIFIED GRIEVANCE COMMITTEES

FOR DISCIPLINARY-RELATED EXPENSES AND FILE INVENTORIES

CERTIFIED GRIEVANCE COMMITTEE	REIMBURSEMENT
Akron Bar Association	\$ 210,559
Allen County Bar Association	\$ 3,373
Ashtabula County Bar Association	\$ 17,364
Butler County Bar Association	\$ 12,932
Cincinnati Bar Association	\$ 246,759
Clermont County Bar Association	\$ 0
Cleveland Metropolitan Bar Association	\$ 319,294
Columbiana County Bar Association	\$ 6,284
Columbus Bar Association	\$ 292,070
Dayton Bar Association	\$ 170,061
Erie-Huron Certified Grievance Committee	\$ 18,633
Findlay/Hancock County Bar Association	\$ 6,715
Lake County Bar Association	\$ 11,756
Lorain County Bar Association	\$ 145,661
Mahoning County Bar Association	\$ 78,470
Medina County Bar Association	\$ 0
Northwest Ohio Grievance Committee	\$ 3,075
Ohio State Bar Association	\$ 88,254
Scioto County Bar Association (Portsmouth)	\$ 626
Stark County Bar Association	\$ 33,922
Toledo Bar Association	\$ 174,678
Trumbull County Bar Association	\$ 27,440
Warren County Bar Association	\$ 22,700
Wayne County Bar Association	\$ O
TOTAL	\$ 1,890,626
FILE INVENTORY	
[GOV. BAR R. V, SECTION 8(F)]	REIMBURSEMENT
Meghan Schane-Rambert (Cleveland Metro Bar)	\$ 10,493
Columbus Bar Association (Dennis McNamara)	\$ 12,226
Richard Reinbold, Jr. (Stark County Bar)	\$ 1,538
GRAND TOTAL	\$ 1,914,883



The Supreme Court of Ohio

Board of Professional Conduct 65 South Front Street Columbus, Ohio 43215-3431