

**PROPOSED AMENDMENTS TO THE SUPREME COURT
RULES FOR THE GOVERNMENT OF THE BAR OF OHIO**

Comments Requested: The Supreme Court of Ohio will accept public comments until January 12, 2023, on the following proposed amendments to the Supreme Court Rules for the Government of the Bar of Ohio.

Comments on the proposed amendments should be submitted in writing to: Cassandra Kilgore, Office of Disciplinary Counsel, Supreme Court of Ohio, 65 East State Street, Suite 1510, Columbus, Ohio 43215, or PMBRComments@sc.ohio.gov not later than January 12, 2023. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendment:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO

RULE V. DISCIPLINARY PROCEDURE

[Existing language unaffected by the amendments is omitted to conserve space]

Section 4. Office of Disciplinary Counsel.

[Existing language unaffected by the amendments is omitted to conserve space]

(G) Proactive Management-Based Regulation. Disciplinary counsel shall establish a proactive management-based regulation curriculum to assist attorneys in developing ethical infrastructures to improve the delivery of legal services and client relations and enhance the provision of competent and cost-effective legal services to prevent violations of the Ohio Rules of Professional Conduct. The curriculum may include, but is not limited to, continuing legal education on the ethical operation of a law practice for attorneys without professional liability insurance. All information related to an attorney’s participation in the curriculum shall be confidential, except that disciplinary counsel may report proof of completion and aggregate statistics from the curriculum

RULE VI. REGISTRATION OF ATTORNEYS

Section 1. Definition.

As used in this rule, “tribunal”:

(A) “Tribunal” means a court, legislative body, administrative agency, or other body acting in an adjudicative capacity.

(B) “Attorney engaged in the private practice of law” means any attorney registered as active with the Supreme Court, but does not include an attorney who is any of the following:

(1) Registered as a corporate counsel attorney under Section 6 of this rule;

(2) Employed by an organizational client or governmental entity and who does not represent clients outside that capacity;

(3) Registered as a military legal assistance attorney under Section 7 of this rule;

(4) Registered as an emeritus pro bono attorney under Section 8 of this rule.

[Existing language unaffected by the amendments is omitted to conserve space]

45 **Section 4. Obligations of Attorney.**

46 [Existing language unaffected by the amendments is omitted to conserve space]

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49 **(B) Contact and professional liability insurance information; email service address**

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51 (1) Each attorney admitted to the practice of law in Ohio or registered for corporate
52 status shall provide the Office of Attorney Services with the following information:

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54 (a) The attorney's current residence address, office address, office telephone
55 number, office or residence email address, and email service address ~~and shall~~
56 ~~notify the office of any change in the information recorded on the certificate of~~
57 ~~registration pursuant to Section 2 or 3 of this rule;~~

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59 (b) The name of all other states or territories of the United States in which the
60 attorney is admitted to the practice of law.

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62 (2) If an attorney fails to provide the Office of Attorney Services an email service
63 address, the attorney's office or residence email address shall be deemed to be the
64 attorney's email service address.

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66 (3) Service of any notice to an attorney by email service address pursuant to these rules
67 or the Rules for the Government of the Judiciary of Ohio shall be deemed complete.

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69 (4) Each attorney engaged in the private practice of law shall provide the following
70 information when registering pursuant to Section 2 of this rule:

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72 (a) Whether the attorney has professional liability insurance on the date of
73 registration;

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75 (b) Whether the attorney has a plan to manage the attorney's work or caseload
76 in the event the attorney becomes temporarily or permanently unable to do so.

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78 (5) The attorney shall notify the Office of Attorney Services within thirty days of any
79 change in the attorney's registration information.

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81 [Existing language unaffected by the amendments is omitted to conserve space]

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83 **Section 10. Failure to Register; Late Registration Fee; Summary Suspension;**
84 **Reinstatement.**

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86 **(A) Late fee**

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88 An attorney who fails to file a completed certificate of registration and pay a fee as required
89 by this rule on or before the date on which it becomes due, but does so within sixty days
90 of that date, shall be assessed a late registration fee of fifty dollars. The late registration
91 fee shall be in addition to the applicable registration fee.

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(B) Suspension from the practice of law

(1) An attorney who fails to file a ~~certificate of completed~~ registration and pay the fees required by this rule either on a timely basis or within the late registration period provided for in division (A) of this section, or fails to comply with division (B)(2) of this section, shall be notified of apparent noncompliance by the Office of Attorney Services. The office shall send the notice of apparent noncompliance by regular mail to the attorney at the most recent address provided by the attorney to the office. The notice shall inform the attorney that the attorney will be summarily suspended from the practice of law in Ohio and not entitled to practice law in Ohio unless, on or before the date and in the manner set forth in the notice, the attorney either files evidence of compliance with the requirements of this rule or comes into compliance. If the attorney does not file evidence of compliance or come into compliance on or before the date set forth in the notice, the attorney shall be summarily suspended from the practice of law in Ohio. The office shall record the suspension on the roll of attorneys and send notice of the suspension by certified mail to the attorney at the most recent address provided by the attorney to the office. The Supreme Court Reporter shall publish notice of the suspension in the *Ohio Official Reports* and the *Ohio State Bar Association Report*.

(2)(a) Beginning with the 2025 to 2027 registration biennium, and in each subsequent biennium, an attorney who is engaged in the private practice of law and under Section 4(B)(4)(a) of this rule discloses the attorney does not have professional liability insurance shall not be permitted to register and shall be subject to suspension under division (B)(1) of this section until the attorney either completes the Office of Disciplinary Counsel’s proactive management-based regulation curriculum on the ethical operation of a law practice or obtains professional liability insurance and reports that fact to the Office of Attorney Services.

(b) When reporting the purchase of professional liability insurance to the Office of Attorney Services for reinstatement under Section 10(B)(2)(a) of this rule, the attorney shall provide documentation showing the name of the insurer, the policy number, and the amount and dates of coverage.

(c) An attorney newly admitted to the practice of law shall be exempt from the proactive management-based regulation curriculum requirement of Section 10(B)(2)(a) of this rule for the attorney’s first registration biennium.

[Existing language unaffected by the amendments is omitted to conserve space]