



Ohio Board of Professional Conduct

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TO: Disciplinary Counsel, Bar Counsel, Certified Grievance Committees, and Respondents' Counsel

FROM: Rick Dove

DATE: June 2021

RE: Bimonthly Update

June Board Meeting

The Board of Professional Conduct met on June 11. The Board approved [ten case reports](#) that were filed with the Supreme Court. The Board's next meeting is set for August 6.

The Board has just 28 pending cases, four of which have been heard. The Board has opened 15 new cases thus far in 2021, compared to 28 cases at the same point last year.

Advisory Opinions

The Board approved two advisory opinions on June 11. [Adv. Op. 2021-4](#) addresses the practice of using online, keyword advertising that involves the purchase of another law firm's name. [Adv. Op. 2021-5](#) advises that a lawyer may not advertise an area of specialization where that field of law has not been certified as a specialty by the Supreme Court.

Miller-Becker Seminar—October 29, 2021

The 2021 Miller-Becker Seminar will be held on Friday, October 29. Due to a scheduling mix-up, this date is a week later than the date announced during the 2020 seminar. The October 29 seminar will be conducted in person at the OSBA headquarters with videos made available at a later date.

The planning committee has identified topics that include a follow-up on last year's presentation regarding impaired lawyers, a presentation from a Supreme Court justice on effective

oral argument presentations, a roundtable discussion on effective case preparation and presentation to the Board, a segment on dealing unrepresented respondents, and a caselaw update. A more detailed agenda will be announced in July.

Probable Cause Deadlines

The next two deadlines for the submission of probable cause materials are June 25 and July 23. Please submit your materials in accordance with these deadlines.

Resumption of In-Person Hearings

This week, the Chief Justice announced a return-to-work schedule for Supreme Court staff and a reopening of the Moyer Judicial Center for outside meetings and events. Staff will return to work on a phased-in basis, beginning July 12, with all staff expected to be back to work by September 7. Effective July 12, the Moyer Judicial Center will again be open to meetings and events. Masks will be required for any staff and visitors who are not vaccinated. During the past year, the Court has upgraded air filtering and ventilation systems, and new cleaning protocols have been put in place for offices and public areas.

With the building restrictions lifted, the Board intends to resume in-person meetings and hearings, commencing in August (there are no hearings scheduled for July). At its June 11 meeting, the Board discussed the resumption of in-person hearings and how technology, such as Zoom, would be incorporated in the protocols for scheduling and conducting hearings. Although scheduling guidelines are in progress, parties can expect that most panel hearings will be scheduled and conducted in person, with the use of video teleconference technology being reserved for brief, uncontested hearings where there is no testimony anticipated from nonparty witnesses.

As many of you know from pre-COVID hearings, the presentation of remote witness testimony at an in person hearing is constrained presently by the technology available in the Moyer Judicial Center hearing rooms. Prior to the COVID shutdown and again last month, Joe Caligiuri and I initiated discussions with Supreme Court staff about technology upgrades in Hearing Rooms 104 and 106. We are awaiting options from the Court's IT and facilities staff. Although the aesthetics of these hearing rooms somewhat limits our options, I am confident that we will be able to accomplish some upgrades that will facilitate the presentation of testimony and other evidence in Board hearings. I will keep you advised of our progress.