



# Ohio Board of Professional Conduct

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

**FROM: Rick Dove**

**DATE: October 2021**

**RE: Bimonthly Update**

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## October Board Meeting

The Board of Professional Conduct met on October 1. The Board approved [four case reports](#), including two consent-to-discipline reports. The Board's final meeting of the year is December 10.

The Board has 27 pending cases, including three reinstatement petitions. Although a number of new and reopened cases have been received in the past two months, just 26 new complaints have been filed through September. To date, the Board has disposed of 57 cases, a number that includes dismissals due to default or resignation with discipline pending.

## Advisory Opinions

The Board approved three advisory opinions on October 1. Adv. Op. 2021-8 responds to an inquiry regarding the ability of a judge to appear in a documentary film designed to inform the public about court operations. Adv. Op. 2021-9 addresses the employment of a disqualified or suspended lawyer and withdraws Adv. Op. 2008-7 and 1990-6. Adv. Op. 2021-10 advises lawyers on practicing under a franchised trade name and replaces Adv. Op. 1997-1.

The Board also voted to withdraw three opinions that were obsolete due to changes in the Rules of Professional Conduct, issuance of new advisory opinions, or caselaw from the Supreme Court. The withdrawn opinions are:

- Adv. Op. 1996-9 (inclusion of mandatory arbitration clause in a fee agreement);
- Adv. Op. 1992-19 (purchase of client files and lists); and
- Adv. Op. 2010-1 (use of IP or Intellectual Property in a law firm name).

### **Bar Counsel Responsibilities**

At its October 1 meeting, the Board discussed the hearing-related responsibilities of bar counsel as set forth in Gov. Bar R. V, Section 6(C)(5). Based on that discussion, the Board has modified its standard prehearing scheduling order to reference the requirements of that rule and the Board's expectations regarding bar counsel's compliance with the same.

### **Probable Cause Deadlines**

The final probable cause deadlines for 2021 are October 29 and November 29. Please submit your materials in accordance with these deadlines. New complaints with probable cause waivers may be submitted at any time.

### **Miller-Becker Seminar**

The registration information for the October 29 Miller-Becker Seminar was distributed on September 29, and more than 200 attendees registered within the first 48 hours. As noted in the distribution, this year's seminar will again be offered online.