



Ohio Board of Professional Conduct

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

FROM: Rick Dove

DATE: February 2021

RE: Bimonthly Update

February Board Meeting

The Board of Professional Conduct held its initial meeting of the year on February 12. The Board approved [12 case reports](#) that were filed with the Supreme Court the afternoon of February 12.

The Board has 36 pending cases, seven of which have been heard and 22 that are scheduled for hearing. Since January 1, just two new cases have been opened, and one reinstatement petition was referred to the Board.

Advisory Opinion

The Board approved [Adv. Op. 2021-1](#) regarding judicial service on certain nonprofit boards. The opinion is an update of Adv. Op. 1991-11, which was withdrawn.

Board Appointments and Reappointments

The following commissioners have been reappointed to new, three-year terms commencing January 1, 2021: Thomas Green, Judge Adolfo Tornichio, Dr. John Carle, Tim Collins, Dave Hardyman, and William Douglas.

The Supreme Court appointed three new commissioners to terms commencing January 1, 2021: Nicholas Amato (7th District); Aletha Carver (5th District); and Judge Candace Crouse (1st

District). The new commissioners participated in orientation earlier this month and attended the February 12 Board meeting.

The close of 2020 marked the conclusion of Board service for Commissioners David Dingwell, Tad Herold, and Judge John Willamowski. Each has pending panel assignments that they will complete later this year. I thank each departing commissioner for his volunteer service and contributions to Ohio's disciplinary system.

2020 Annual Report

In early February, the Board released its [2020 Annual Report](#). The report summarizes the Board's work last year and highlights the shift of hearings to a video teleconference platform due to COVID-19.

Probable Cause Deadlines

The next two deadlines for the submission of probable cause materials are February 26 and March 26. As a reminder, probable cause materials should continue to be submitted by email only to BOCfilings@bpc.ohio.gov. If your submissions include items other than PDF documents, such as audio or video recordings, please contact the staff of the Board at that address to arrange for the submission of those items.

Quarterly Statistical Reports

As mentioned in the December report, Gov. Bar R. V now contains a 270-day guideline for the completion of grievance investigations. The Board is in the process of revising the quarterly statistical report forms and will post those on the website later this month or in early March. Please share this information with staff who prepare the quarterly reports.

Annual Report Reminder

Certified grievance committees are reminded that 2020 annual reports are due by March 1. Please note that the reporting requirements have changed due to the Gov. Bar R. V amendments that became effective on November 1, 2020. The Board has published an updated summary of the [required content](#) of these reports on its website. Also note that the annual reports must now be submitted **via email only**. Please do **not** send your report via regular mail or via both email and regular mail.

Submission of Electronic Exhibits

Due to the shift to remote hearings, hearing panels are relying largely on the electronic copies of exhibits filed by the parties. I have received comments from commissioners regarding the utility of electronic exhibits submitted in certain cases. I ask that parties consider these comments when preparing exhibits for presentation to hearing panels:

- *Submission of exhibits*—the Board strongly prefers that a party’s hearing exhibits, or any joint exhibits, be filed in a single document containing all exhibits. Unless the number of exhibits results in a document that is too large to e-File, please file a single document containing all exhibits presented for the panel’s consideration.

- *Bookmarking exhibits*—much like you would use tabs or dividers in exhibit notebooks, please bookmark your electronic exhibits. Adobe Acrobat includes a feature that allows documents to be bookmarked (*e.g.*, Exhibit 1, Exhibit 2, etc.) and that creates an index of the entire document. An example is provided below, with the bookmark index displayed in the left margin. If you do not have an Adobe Acrobat Pro license or comparable product, please consider obtaining one.

- *Page-numbering*—please use Bates-stamp numbering or some other numbering system for ease in referencing specific pages of exhibits, particularly if an exhibit is lengthy. For example, an exhibit used at a recent hearing consisted of dozens of pages of text messages. The pages of this exhibit were not numbered, and it proved difficult to navigate to specific pages and text messages during the hearing.

The Board will be amending its Procedural Regulations later this year, and many of these suggestions may be included in a revised regulation.

