



Ohio Board of Professional Conduct

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

FROM: Rick Dove

DATE: December 2022

RE: Bimonthly Update

December Board Meeting

The Board of Professional Conduct conducted its final meeting of 2023 on December 9. The Board approved [seven case reports](#) that were filed with the Supreme Court.

The Board has 27 pending cases, six of which are awaiting reports and ten of which are scheduled for hearing. The remaining cases are stayed, in the process of being scheduled, or awaiting answers. Twenty-one of the 27 pending cases have been filed by the Office of Disciplinary Counsel.

Advisory Opinions

The Board approved two advisory opinions on December 9:

- [Adv. Op. 2022-12](#)—addresses the propriety of a prosecutor drafting and revising judgment entries at the request of a judge.
- [Adv. Op. 2022-13](#)—discusses the ability of an out-of-state attorney to conduct a deposition in Ohio and the delegation of deposition responsibilities to a paralegal. This opinion replaces former Adv. Op. 2002-4.

Proposed Amendments to Procedural Regulations

Also on December 9, the Board approved a recommendation from the Rules Committee to update the Board's Procedural Regulations. Pursuant to Gov. Bar R. V, the [proposed amendments](#)

are published for comment on the Board's website. Interested parties may submit written comments on the proposed regulations prior to January 20, 2023.

Probable Cause Deadlines

The [2023 probable cause schedule](#) is posted on the Board's website. The initial deadline in the new year is January 6. Relators who have signed probable cause waivers from respondents may file those complaints at any time.

Board Membership

Three commissioners—Patty Wise, Judge Joe Gibson, and Judge Bill Klatt—are completing their Board service at the end of this year. The Supreme Court has filled two of the three impending vacancies. Margaret Murray from Sandusky has been appointed as an attorney-commissioner from the Sixth District, and Judge Gene Lucci has been appointed to one of the judge-commissioner positions. Judge Lucci currently serves on the Lake County Court of Common Pleas but was elected to the Eleventh District Court of Appeals for a term beginning in January.

Board Chair and Vice-Chair

The Board selected Judge Chris Cook to serve as Board chair in 2023. Judge Cook is completing his second term as vice-chair this month. Patrick McLaughlin, an attorney-commissioner from Cuyahoga and Geauga counties, was elected vice-chair.

New Ethics Guide

The Board released a [new ethics guide](#) this month that focuses on the obligations of attorneys who practice in a corporate setting. This is the second ethics guide issued by the Board this year and the seventh guide overall. All [ethics guides](#) are available via the Board's website.

Proactive Management-Based Regulation

Last month, the Supreme Court approved for public comment a series of proposed amendments that would create a [Proactive Management-Based Regulation program](#) in Ohio. The proposed program would include additional education obligations on attorneys who most often are involved in the disciplinary process with the intent of raising awareness of their ethical obligations to clients.

The Board recently voted unanimously to endorse the PMBR proposal and submit a comment letter to the Supreme Court in support of the program. I encourage grievance committees and respondents' counsel to review the proposed amendments and express your support for the program in the form of a comment letter to the Court.

The Board appreciates Joe Caligiuri's leadership in bringing the PMBR program forward and the work of the PMBR committee in developing the proposed amendments.

Happy Holidays

On behalf of the staff and commissioners of the Board of Professional Conduct, Happy Holidays to all and best wishes for the new year.