



# Ohio Board of Professional Conduct

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

**FROM: Rick Dove**

**DATE: April 2020**

**RE: Bimonthly Update**

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## **April Board Meeting**

The Board of Professional Conduct met on April 3 and approved [five case reports](#). These reports were filed with the Supreme Court the afternoon of April 3.

The Board has 39 pending cases, 14 of which have been opened this year. Two expedited judicial campaign complaints have been filed and disposed of this year.

The Board also approved the recertification of all grievance committees for a two-year period commencing May 1, 2020. Recertification information will be sent to grievance committees later this month.

## **Advisory Opinion**

The Board issued [Advisory Opinion 2020-3](#), addressing the obligations of a lawyer who is aware that a prospective client has engaged in fraudulent conduct. The opinion replaces former Advisory Opinion 1990-7.

## **COVID-19**

Like each of you, the Board and its staff are adjusting to new work arrangements prompted by the public health emergency. Staff of the Board is working remotely. Office presence is limited to a handful of hours each week to process regular mail, update case files, and send certified mail. With one exception, hearings scheduled for late March and April have been rescheduled for later

in the year. The Board plans conduct remote hearings in two cases that are fully stipulated and involve testimony from the respondent only. Remote hearing arrangements may be considered for other scheduled cases, where appropriate.

To provide clarity regarding the work of the Board, relators, and respondents, the Board chair issued a [blanket order](#) on April 2, and the staff issued a [FAQ document](#) regarding case and administrative deadlines. These documents are available on the [relator/respondents page](#) of the website. Parties are encouraged to review these documents and other communications from the Board regarding case and administrative filing requirements.

### **Administrative Submissions by Certified Grievance Committees**

As the Board continues to reduce its reliance on paper, I ask that certified grievance committees and staff review and adjust their procedures for submitting administrative documents to the Board. Specifically, please consider the following:

- Most administrative documents, such as quarterly statistical reports, direct expense reimbursement requests, investigation extension requests, and grievance referrals can be sent via email to [BOCfilings@bpc.ohio.gov](mailto:BOCfilings@bpc.ohio.gov). Please do not submit these documents directly to a staff member's email unless asked to do so.
- Documents submitted by email should **not** be resent by mail.
- If you send documents via email, please make sure the contents are legible. This is particularly important with regard to attachments to grievances and receipts to support reimbursement requests.
- For documents submitted by means other than email, please do **not** incur the additional and unnecessary expense of certified or express mail. Beginning in FY 2021, the Board will no longer reimburse grievance committees for routine mail that is sent via certified or express mail.
- Consider including more than one piece of correspondence in a single envelope. On a recent day, we received from the same grievance committee five separate pieces of mail, each of which included a one-page letter.
- Grievance committees are not required to notify the Board of investigation dismissals. If your committee continues to send this correspondence, please refrain from doing so.

Thank you for your consideration of these matters.

Thanks to everyone for your continued work, and stay safe.