



# Ohio Board of Professional Conduct

2023

Annual Report





# Dear Chief Justice and Justices *of the Supreme Court of Ohio:*

On behalf of the commissioners and staff, I present the 2023 Annual Report of the Board of Professional Conduct. The report summarizes the activities of the Board in the past calendar year and provides an accounting of the funds allocated to the Board in fiscal year 2023.

The 2023 Annual Report includes the following items of note:

- Receipt of 45 new matters for adjudication and the disposition of 41 cases. The Board had 34 cases pending as of December 31, 17 of which were filed in the last three months of the year.
- Issuance of 13 advisory opinions, including seven opinions that addressed new questions and six opinions that replaced previously issued opinions.
- Reappointment of Joseph M. Caligiuri to a second term as Disciplinary Counsel.
- A continuing shift of discipline-related activity from certified grievance committees to the Office of Disciplinary Counsel. Although grievance committee investigation and prosecution activity has declined significantly in the past five years, the reimbursements to certified grievance committees authorized by Gov. Bar R. V have increased, reaching a record total of more than \$1.93 million in fiscal year 2023.
- A continued emphasis on education and outreach efforts, with the legal staff serving as presenters at 35 continuing education activities, and collaboration in the development of the Proactive Management-Based Regulation program adopted by the Supreme Court in March.

The 2023 annual report summarizes the work of the 28 volunteer commissioners and the Board's four-person staff to promote and enforce the high standards of professional ethics established by the Supreme Court. Commissioners and staff are honored with the opportunity to serve the Supreme Court, legal profession, and citizens of Ohio.

Richard A. Dove  
*Director, Ohio Board Of Professional Conduct*



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# Commissioners

The Board consists of 28 volunteer commissioners who are appointed by the Supreme Court from the 12 appellate districts in Ohio. The membership includes four nonlawyer professionals, seven trial and appellate judges, and 17 lawyers from a wide range of practice backgrounds. Each commissioner devotes approximately 30 days per year to his or her board responsibilities, in addition to other professional and personal obligations.



**Left to Right:** Aletha Carver, Esq., Kenneth Peller, Esq., Hon. Candace Crouse, Daniel Parker, Esq., Richard Dove, Esq. (Director), Margaret Murray, Esq., George Brinkman, Hon. Adolfo Tornichio, Hon. Chris Cook, Frank Woodside, Esq., Vito Abruzzino, Esq., David Hardyman, Esq., Carolyn Taggart, Esq., William Douglass, Frank DeSantis, Esq., Lori Herf, Tim Collins, Esq., Kurt Kaufman, Esq., Teri Daniel, Esq., Hon. Rocky Coss, Matthew Kemp, Esq., Elizabeth Cary, Esq., Patrick McLaughlin, Esq., Hon. Deborah Turner, Allan Asbury, Esq. (Senior Counsel), Kristi McAnaul, Esq. (Counsel).

*Not Pictured:* Hon. Kevin Braig, Dr. John Carle, Thomas Green, Esq., Hon. Eugene Lucci, Peggy Schmitz, Esq., and Faith Long (Case Management Clerk).



### Chair

Hon. D. Chris Cook (pictured left) served as chair of the Board in 2023. He is a judge on the Lorain County Court of Common Pleas, and previously served as bar counsel for the Lorain County Bar Association. He joined the Board in 2018.

### Vice-Chair

Patrick M. McLaughlin (pictured right) served as Board vice-chair in 2023. Commissioner McLaughlin was first appointed to the Board in 2017 and previously served as a United States Attorney for the Northern District of Ohio. He is a member of the Rules Committee and one of the Probable Cause Panels.

## Commissioners

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Vito J. Abruzzino was appointed to a vacancy in 2022 as an attorney-commissioner from the Seventh District and serves on the Rules Committee. Commissioner Abruzzino is the prosecuting attorney for Columbiana County.

Hon. Kevin P. Braig joined the Board in 2023. He has served as a judge of the Logan County Court of Common Pleas since 2019.

George Brinkman was appointed in 2019, serves as one of four public members of the Board, and is a member of the Budget and Personnel Committee. Commissioner Brinkman is a retired independent insurance adjuster and resides in Cincinnati.

Dr. John R. Carle is a retired dentist from Sylvania and has served as a commissioner since 2015. He is a member of the Budget and Personnel Committee.

Aletha M. Carver is a mediation attorney with the Fifth District Court of Appeals in Canton who was appointed to the Board in 2021. She is a member of the Rules Committee.

Elizabeth E. Cary joined the Board in 2020 and is a litigation associate with Bailey Cavalieri in Columbus. She is a member of the Budget and Personnel Committee.

Tim L. Collins is a partner with the Cleveland firm of Thrasher, Dinsmore & Dolan. He has served on the Board since 2015 and chairs one of the two Probable Cause Panels.

Hon. Rocky A. Coss was first appointed to the Board in 2016 and chairs the Budget and Personnel Committee. Judge Coss has served on the Highland County Court of Common Pleas since 2008, and before taking the bench, he served six terms as the prosecuting attorney for Highland County.

Hon. Candace C. Crouse is a judge on the First District Court of Appeals in Cincinnati and previously had a litigation practice focused on immigration, domestic relations, personal injury, and constitutional law. Judge Crouse was appointed in 2021 and serves on the Advisory Opinion Committee.

Teri R. Daniel is an assistant prosecutor in Lake County. Commissioner Daniel was appointed to the Board in 2018 and is a member of one of the Probable Cause Panels.

Frank R. DeSantis was appointed as an attorney-commissioner from the Eighth District in 2022. Commissioner DeSantis is a retired partner in the Cleveland office of Thompson Hine and is a member of the Advisory Opinion Committee.

William H. Douglass is a third-term member of the Board and is a businessman, real estate agent, and franchisee from Ashtabula County. He serves on the Budget and Personnel Committee.

Thomas M. Green is a partner with the Dayton law firm of Green & Green. He joined the Board in 2018 and chairs the Rules Committee.

David W. Hardymon is a retired partner with the Columbus firm of Vorys, Sater, Seymour & Pease and is serving his third term on the Board. He chairs the Advisory Opinion Committee.

Lori A. Herf was appointed as a public member of the Board in 2019 and serves on the Rules Committee. She is senior government affairs advisor in the Columbus office of Baker Hostetler.

Kurt A. Kaufman was appointed to the Board in 2023. He is a solo practitioner in Lima.

Matthew T. Kemp is a partner in the Toledo office of Shumaker, Loop & Kendrick. Commissioner Kemp was appointed in mid-2022 to fill a vacancy on the Board and serves on the Advisory Opinion Committee.

Hon. Eugene A. Lucci was appointed to the Board in 2023. Commissioner Lucci was elected to the Eleventh District Court of Appeals in 2022 after serving for 22 years as a common pleas judge in Lake County.

Margaret M. Murray joined the Board in 2023 and is a member of the Sandusky firm of Murray and Murray. She formerly served on the grievance committees of the Ohio State and Erie-Huron County Bar Associations.

Danielle M. Parker joined the Board in 2020 as a representative of the Fourth District. Commissioner Parker is an assistant prosecuting attorney in Scioto County and serves on the Advisory Opinion Committee.

Kenneth E. Peller was appointed as a commissioner in 2020, representing the Twelfth District. Before joining the Board, Commissioner Peller served as bar counsel for the Warren County Bar Association. He is a member of the Rules Committee.

Peggy J. Schmitz joined the Board in 2016 as an attorney-commissioner from Wayne County. Commissioner Schmitz is of counsel with Critchfield, Critchfield & Johnston where her practice focuses on labor and employment law. She serves on one of the Probable Cause Panels.

Carolyn A. Taggart has served on the Board since 2017. Commissioner Taggart is a litigation attorney in the Cincinnati office of Porter Wright and previously served as chair of the Cincinnati Bar Association's certified grievance committee. She serves on one of the Probable Cause Panels.

Hon. Adolfo A. Tornichio was appointed to the Board in 2019 and serves on the Rules Committee. He is a judge of the Greene County Court of Common Pleas.

Hon. Deborah M. Turner has served on the Cuyahoga County Court of Common Pleas since 2019. Judge Turner joined the Board in 2022 and is a member of the Budget and Personnel Committee.

Frank C. Woodside III was appointed to the Board in 2016 as a lawyer member from Cincinnati. He is of counsel with Dinsmore & Shohl and a licensed physician. Commissioner Woodside chairs a Probable Cause Panel.

# Board Staff

The Board staff consists of four full-time positions. The director is the Board's chief legal, administrative, and fiscal officer and is appointed by and serves at the pleasure of the Board. The director is responsible for employing staff to assist the Board in executing its responsibilities. Staff positions include senior counsel, counsel, and case management clerk.

## Richard A. Dove

### DIRECTOR OF THE BOARD

Mr. Dove has served as director of the Board since 2011 and is the Board's chief legal, administrative, and fiscal officer. Mr. Dove is recognized in Ohio and nationally for his work in the area of judicial ethics, with a focus on judicial campaign conduct. In 2021, he authored an article on Ohio's judicial campaign conduct rules that was published in *The Judges' Journal*. He is a past president and board member of the National Council of Lawyer Disciplinary Boards and the Ohio Center for Law-Related Education, and his public service has been recognized by the Columbus Bar Association and Capital University Law School. Mr. Dove is a graduate of Wittenberg University and Capital University Law School and is admitted to practice in Ohio, the United States District Court for the Southern District of Ohio, and the United States Supreme Court.

## Kristi R. McAnaul

### COUNSEL

Ms. McAnaul has served as counsel to the Board since 2018. Ms. McAnaul assists commissioners with their case-related responsibilities, provides ethics advice to Ohio judges, lawyers, and judicial candidates, presents at education seminars, and assists in the preparation of advisory opinions and ethics guides. Prior to joining the Board, Ms. McAnaul served as staff attorney with the Ohio Department of Education, Office of Professional Conduct, and worked in private practice for more than nine years in the areas of juvenile and domestic relations law. She received her undergraduate degree from Oakland University and is a graduate of Capital University Law School where she was a member and research editor of the law review.

## D. Allan Asbury

### SENIOR COUNSEL

Since joining the staff in 2014, Mr. Asbury's work has focused on researching and drafting advisory opinions and ethics guides, providing ethics advice to Ohio judges, lawyers, and judicial candidates, and leading the Board's education efforts. His extensive legal experience includes more than nine years on the administrative staff of the Supreme Court and 12 years as an associate counsel and senior employment and labor counsel for a regional transit authority in Central Ohio. Mr. Asbury received his undergraduate and law degrees from Capital University, and he is admitted to practice in Ohio, the United States District Court for the Southern District of Ohio, and the United States Supreme Court. Mr. Asbury is a certified court manager through a program sponsored by the Institute for Court Management and the Ohio Judicial College.

## Faith Long

### CASE MANAGEMENT CLERK

Ms. Long joined the staff in 2008 and has served as case management clerk since 2018. Ms. Long is responsible for the review, docketing, and distribution of case filings, maintenance of case files, preparation of materials for review by the Board's probable cause panels, scheduling hearings, and monitoring compliance with financial disclosure requirements by more than 1,800 judges, magistrates, and judicial candidates. She also is responsible for processing reimbursement requests from commissioners, vendors, and certified grievance committees.



# Responsibilities

The Board of Professional is the second oldest board created to assist the Supreme Court in executing its plenary and constitutional authority to regulate the practice of law in Ohio. The Supreme Court established the Board of Commissioners on Grievances and Discipline in 1957 and renamed it as the Board of Professional Conduct in 2014.

The Board consists of 28 volunteer commissioners who are appointed by the Supreme Court. The membership includes four nonlawyers who represent the public, seven trial and appellate judges, and 17 lawyers from varying practice backgrounds. Each commissioner devotes approximately 30 days per year to his or her Board responsibilities, in addition to other professional and personal obligations.

The Board derives its authority from Rule V of the Supreme Court Rules for the Government of the Bar of Ohio and Rules II and III of the Supreme Court Rules for the Government of the Judiciary of Ohio. The primary responsibility of the Board is to adjudicate allegations of professional misconduct on the part of lawyers and judges and make recommendations to the Supreme Court regarding the appropriate sanction to be imposed when a lawyer or judge is found to have engaged in professional misconduct. The Board also considers petitions from lawyers who are seeking to be reinstated to the practice of law following indefinite or impairment suspensions and conducts hearings in expedited judicial campaign misconduct cases. Commissioners are asked to make factual

findings, reach legal conclusions, and evaluate expert testimony from medical professionals and treatment providers. In crafting the appropriate sanction to be recommended to the Supreme Court, commissioners must balance the competing interests of protecting the public, sanctioning a lawyer or judge who has strayed from his or her professional obligations, and charting a path by which a suspended lawyer or judge may return to the competent, ethical, and professional practice of law.

The Board also plays a significant role in promoting and enhancing compliance with the standards of professional ethics by members of the Ohio Bench and Bar. The Board has authority to issue nonbinding advisory opinions regarding prospective or hypothetical application of the rules governing the professional conduct of lawyers and judges. The legal staff of the Board makes numerous presentations each year at bar and judicial association meetings and continuing education seminars and responds daily to telephone and email inquiries from lawyers, judges, judicial candidates, the media, and members of the public.

## Committees & Panels

The Board has established five standing committees or panels that facilitate the performance of its adjudicatory and administrative responsibilities.

### Two Probable Cause Panels

*Responsible for reviewing the sufficiency of formal misconduct allegations and certifying new complaints to the Board.*

### Advisory Opinion Committee

*Considers requests for written advice on application of professional conduct standards and reviews draft advisory opinions prior to their presentation to the full Board.*

### Rules Committee

*Considers and recommends proposed amendments to rules governing disciplinary procedures and the conduct of Ohio lawyers and judges.*

### Budget and Personnel Committee

*Approves an annual budget to fund the operation of the Board, provides reimbursements to certified grievance committees, and reviews the performance of disciplinary counsel and the director.*

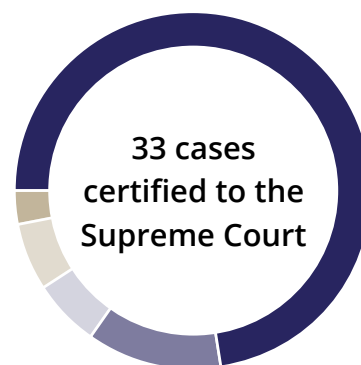
# Adjudicatory Responsibilities

The Board received 45 new complaints for adjudication in 2023.

Three-commissioner panels conducted 24 formal hearings, spanning 26 hearing days. The Board held six bimonthly meetings to consider reports from hearing panels and review recommendations from Board committees. The standing committees of the Board met in person or via teleconference on multiple occasions throughout the year.

The Board ended the year with 34 pending cases, 17 of which were filed in the last quarter of the year. Six cases are awaiting reports, 16 cases are scheduled for hearing in early 2024, and six cases are awaiting answers. The remaining cases are stayed due to pending resignations, criminal proceedings involving the respondent, or medical reasons.

The Board places a pending case on inactive status when the respondent's default is certified to the Supreme Court and an interim default suspension is imposed pursuant to Gov. Bar R. V, Section 14. The case remains inactive until the Supreme Court remands the matter for adjudication upon motion of a party or imposes an indefinite suspension. Four cases were in inactive status at the end of 2023.



***Of the 33 cases certified to the Supreme Court:***

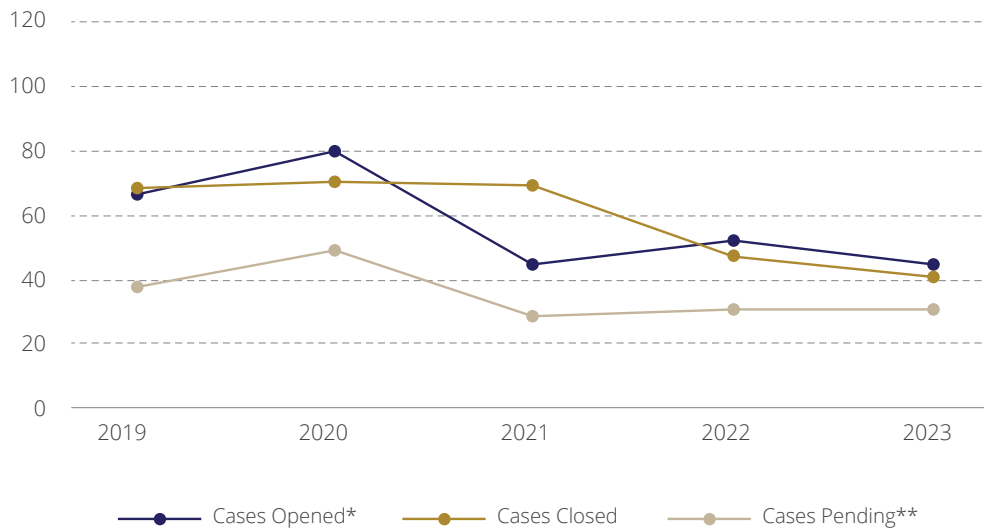
- 24 were reports from the Board following a hearing.
- 4 contained a Board recommendation to accept a consent-to-discipline agreement.
- 2 recommended imposition of an impairment suspension.
- 2 recommendations of disbarment for lawyers who failed to respond to disciplinary complaints.
- 1 submitted upon consideration of a petition for reinstatement to the practice of law.

## 2023 Case Dispositions

Cases certified to the Supreme Court following a hearing, waiver of hearing, or recommendation to accept a consent-to-discipline agreement.	<b>33</b>
Dismissals due to the Supreme Court's acceptance of the respondent's resignation from the practice of law with disciplinary action pending.	<b>5</b>
Dismissals following the Supreme Court's imposition of an indefinite suspension against a respondent who was in default.	<b>2</b>
Dismissals on the merits, following a hearing.	<b>1</b>
<b>Total Case Dispositions</b>	<b>41</b>

*Appendix A contains a list of Board case dispositions in 2023.*

## Board Cases Opened, Closed, and Pending, 2019-2023



\* Includes new complaints and cases remanded by the Supreme Court.

\*\* Excludes cases on inactive status at the end of the year.

### Felony Certifications

When a lawyer is convicted of a felony offense under state or federal law and upon receipt of a court order, the Board is required to certify the conviction to the Supreme Court. The Supreme Court then imposes an interim felony suspension against the lawyer that remains in effect throughout the pendency of disciplinary proceedings. The Board certified 12 felony convictions to the Supreme Court in 2023.

### Judicial Discipline Cases

Among the most significant matters that come before the Board are complaints alleging misconduct by judicial officers. Because of the position of authority and trust attendant to judicial office, violations of professional ethics by judges and magistrates are considered especially serious and sanctions are recommended and imposed accordingly.

The Board adjudicated three judicial misconduct cases in 2023, continued one pending matter, and opened one new case. Board panels will conduct hearings in the two pending matters in February and March 2024. The Supreme Court decided two judicial misconduct cases, and two additional cases are pending before the Court.

### Reappointment of Disciplinary Counsel

One of the most important tasks delegated to the Board is the appointment of Disciplinary Counsel. Disciplinary Counsel oversees a staff of 26 lawyers, paralegals, investigators, and support staff, conducts more than 2,000 disciplinary investigations annually, and provides training to the bar counsel who work with local certified grievance committees. The Board appoints Disciplinary Counsel to a four-year term, with the appointment subject to approval of the Supreme Court.

Incumbent Disciplinary Counsel, Joseph M. Caligiuri was appointed to his initial four-year term in 2019 and sought reappointment in 2023. An ad hoc committee, chaired by Commissioner Rocky Coss, conducted a detailed review of Mr. Caligiuri's performance as Disciplinary Counsel and issued a report and recommendation to the full Board. In June, the Board unanimously reappointed Mr. Caligiuri to a second, four-year term, and communicated its decision in a 24-page report to the Supreme Court. The Court approved the Board's reappointment decision in August, and Mr. Caligiuri commenced his second term as Disciplinary Counsel on October 27.



## 2023 Judicial Misconduct Adjudications

### Supreme Court Decisions

*Disciplinary Counsel v. Tracie M. Hunter, 2023-Ohio-4168 (decided November 21)*

Adopting the April 7 report and recommendation from the Board of Professional Conduct, the Supreme Court imposed an indefinite suspension against a former Hamilton County judge. The respondent was convicted of a felony for having an unlawful interest in a public contract, arising from her intervention in a termination proceeding involving her brother who was an employee of the respondent's court.

*Disciplinary Counsel v. Daniel Gaul, 2023-Ohio-4751 (decided December 29)*

In December 2022, Board recommended a one-year suspension for a Cuyahoga County judge based on findings that the judge committed 31 ethical violations in eight separate cases. The Supreme Court agreed with the Board's findings as to 29 rule violations and imposed the recommended sanction of a one-year license suspension and a corresponding suspension from the bench without pay.

### Board Adjudications

*Disciplinary Counsel v. Jason D. Warner, pending, Supreme Court Case No. 2023-0180*

In a report issued February 3, the Board recommended an indefinite suspension for a former Marion County judge. The respondent was convicted of two felonies arising from his involvement in a motor vehicle accident from which he and his wife drove away. The respondent objected to the Board's findings of misconduct and recommended sanction, and the matter was argued before the Supreme Court on May 18.

*Disciplinary Counsel v. Hon. Kim R. Hoover, pending, Supreme Court Case No. 2023-0188*

The Board recommended a two-year suspension for a Summit County judge arising from the judge's improper use of threats of incarceration to coerce payment of fines and court costs. Although the respondent-judge stipulated to a portion of the alleged misconduct, he objected to certain findings of the Board and to the recommended sanction. The case was argued before the Supreme Court on May 17.

### Cases Pending Before the Board

*Disciplinary Counsel v. Hon. Timothy J. Grendell, Board Case No. 2022-045*

A Geauga County judge is charged with multiple rule violations in a four-count complaint. The case is scheduled for six days of hearing in February 2024.

*Ohio State Bar Association v. Hon. Ralph E. Winkler, Board Case No. 2023-032*

A Hamilton County judge is charged with misconduct arising from online comments made regarding a court proceeding. The case is scheduled for hearing in March 2024.

# Budget and Expenditures

The Board of Professional Conduct receives two annual budgetary allocations from the Supreme Court Attorney Services Fund, a fund that consists primarily of the biennial registration fees paid by Ohio lawyers and cost reimbursements assessed against disciplined attorneys. No state general revenue funds are expended in direct support of the operation of the Board.

## Operations Budget

The Operations Budget funds the costs associated with day-to-day functions of the Board of Professional Conduct, including staff salaries and benefits, expenses associated with Board hearings and meetings, commissioner per diems, travel reimbursements to commissioners and staff, and routine office expenses such as software licensing and maintenance, telephone, postage, and supplies.

In fiscal year 2023 [July 1, 2022 through June 30, 2023], the Board expended \$748,976 to support its operations. This amount represented 7.1 percent of the total annual expenditures from the Supreme Court Attorney Services Fund.

## Reimbursement Budget

The Reimbursement Budget is used to compensate certified grievance committees for expenses incurred in performing their disciplinary responsibilities under Gov. Bar R. V. Committees are reimbursed throughout the year for direct expenses

incurred in connection with a specific disciplinary investigation or prosecution. Committees may request and receive reimbursement on a quarterly or annual basis for ten separate categories of indirect expenses including personnel costs, costs of bar counsel, postage, telephone, books and subscriptions, equipment, and a portion of overhead expenses attributable to performance of disciplinary activities.

Reimbursements to certified grievance committees in fiscal year 2023 totaled \$1,936,729, the highest total in any previous fiscal year. The reimbursements paid to certified grievance committees in fiscal year 2023 represent 18.3 percent of total Attorney Services Fund expenditures. Although a substantial sum is expended to reimburse certified grievance committees, the committees are handling a declining percentage of grievance investigations and have participated in just ten Board hearings in the past two years.

## Budget and Expenditures

(FY 2021 – 2024)

	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Budgeted)
Board Operations	\$650,702	\$694,015	\$748,976	\$917,469
Grievance Committee Reimbursements*	\$1,849,915	\$1,925,054	\$1,936,729	\$2,000,000

\*Appendix B lists reimbursements to individual certified grievance committees.

## Operations Budget and Expenditures

FY 2021 (JULY 1, 2022 – JUNE 30, 2023)

	Allocated	Spent
Staff Salaries and Benefits	\$ 661,506	\$ 623,394
Commissioner Per Diems	\$ 30,000	\$ 6,338
Maintenance	\$ 203,000	\$ 90,327
Telephone	\$ 3,000	\$ 1,341
Postage	\$ 2,000	\$ 676
Supplies and Materials	\$ 2,000	\$ 439
Books and Subscriptions	\$ 1,000	\$ 0
Commissioner Travel Reimbursement	\$ 70,000	\$ 33,962
Hearing Expenses	\$ 85,000	\$ 54,852
Miscellaneous Expenses	\$ 40,000	\$ 27,974
<b>Grand Total</b>	<b>\$ 894,506</b>	<b>\$ 748,976</b>

# Education and Outreach

The Board continued its professional education and outreach efforts in 2023, including making 35 education presentations during the year.

## Advisory Opinions: Addressing New Requests and Updating Prior Opinions

The Board is authorized to issue advisory opinions involving prospective or hypothetical questions that arise under the Rules of Professional Conduct, Code of Judicial Conduct, and Rules for the Government of the Bar and Judiciary. Advisory opinion requests are reviewed by a Board committee, and the committee presents draft opinions to the full Board for review and approval.

In 2023, the Board issued 13 formal advisory opinions, seven of which addressed new or novel issues:

- *Advisory Opinion 2023-3* holds that mayor's court magistrate is not a judicial officer who is subject to the Code of Judicial Conduct.
- *Advisory Opinion 2023-4* addresses a lawyer's confidentiality obligations when the lawyer receives a subpoena for a former client's file.
- *Advisory Opinion 2023-7* advises that a lawyer may not solicit a former client for representation after the former client has retained a new lawyer in a matter.

- *Advisory Opinion 2023-8* states that a law firm may not require a departing lawyer to reimburse the lawyer's former law firm for advertising costs.
- *Advisory Opinion 2023-11* holds that a lawyer may not pay a nonlawyer employee a bonus based solely on the employee receiving a positive, online review.
- *Advisory Opinion 2023-12* addresses the permissible basis for calculating a charging lien in a contingent fee agreement.
- *Advisory Opinion 2023-13* advises that a lawyer may not offer or accept a settlement agreement that precludes a lawyer from disclosing information contained in a publicly accessible government record.

Since 2016, the Board has reviewed and updated advisory opinions that were issued under the former Code of Professional Responsibility or prior versions of the Code of Judicial Conduct. Six reissued opinions were adopted in 2023, replacing seven outdated opinions.

## Advisory Opinion Guidelines

The Board's regulations set forth guidelines that govern the Board's consideration of advisory opinion requests. These guidelines provide that a request:

- 1 Should pose a question of broad interest or importance to the Ohio bar or judiciary;
- 2 Should not involve the proposed conduct of someone other than the person requesting the opinion;
- 3 Should not involve completed conduct, questions of law, questions pending before a court, questions that are too broad, questions that lack sufficient information, or questions of narrow interest.

Advisory opinions issued by the Board are published on the Board's website and distributed to an array of legal and professional organizations within and outside Ohio.

## Staff Opinion Letters

When a request for written advice does not satisfy the criteria for issuance of a formal advisory opinion, the Board may direct the staff to respond via letter. Staff opinion letters are most often used when the response is dictated by Supreme Court case law or prior opinions of the Board, or where advice is sought on a narrow issue of concern to the requesting party. Staff opinion letters are not published but are maintained in the Board office. The staff authored 29 opinion letters in 2023.

## Ethics “Boot Camp”

In 2021, the Board of Professional Conduct launched its Ethics “Boot Camp” for lawyers who are five to ten years post-bar admission. Each “Boot Camp” includes modules on client-lawyer relationships, fee agreements and trust account requirements, conflicts of interest, law office management, and corporate counsel obligations. “Boot Camps” are offered at no cost to attendees and provide attendees with the opportunity to ask questions of the staff of the Board and the Office of Disciplinary Counsel.

Two “Boot Camps” were presented in 2023 with more than 500 attendees. Since inception of the “Boot Camp,” a total of 1,650 lawyers have participated in this training opportunity.

## Education and Compliance Activities

The legal staff of the Board are frequent presenters at professional education seminars throughout Ohio and devote a significant portion of each day to responding to telephone and email inquiries from lawyers, judges, and judicial candidates.

The Board staff made 35 education presentations in 2023, primarily to audiences of judicial officers, attorneys, and judicial candidates. Staff also continued regular presentations at annual orientation sessions for new judges and magistrates, education programs mandated for all candidates for judicial office, and programs designed specifically for public practice attorneys.

The Board continued its co-sponsorship of the annual Miller-Becker Seminar that is hosted for the benefit of persons who are involved in Ohio’s disciplinary process. The October 20 seminar was attended by 160 individuals and featured presentations on oral argument preparation, issues faced by attorneys who represent respondents, an interactive sanction discussion, and an update on disciplinary case trends.

Each year, the Board’s legal staff assists lawyers, judges, and judicial candidates who have questions regarding compliance with the Rules of Professional Conduct, Code of Judicial Conduct, or Ohio Ethics Law. Staff responded to an estimated 1,500 telephone, mail, and email inquiries. The staff also responded to public inquiries regarding the disciplinary process and inquiries from attorneys, the public, and media regarding cases pending before the Board.

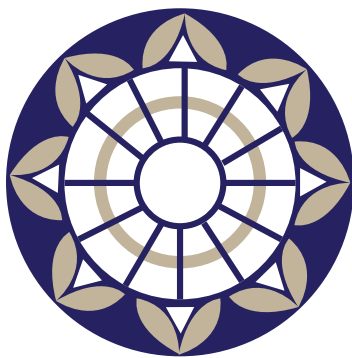
## Financial Disclosure

Ohio law and the Code of Judicial Conduct require each judge, magistrate, and candidate for judicial office to file an annual financial disclosure statement with the Board of Professional Conduct. The Board received 1,881 statements through an online filing portal maintained in cooperation with the Ohio Ethics Commission.

## Conclusion

The commissioners and staff of the Board of Professional Conduct perform a vital role in assisting the Supreme Court of Ohio in its constitutional responsibility to regulate the practice of law. The activities and accomplishments detailed in this report reflect the diligence and devotion with which commissioners and staff approach their duties on behalf of the Supreme Court, legal profession, and citizens of Ohio.





# Appendices



APPENDIX A  
2023 Board Case Disposition Index

Case Name and Number	County	Board Disposition Type	Board Disposition or Recommendation	Supreme Court Disposition or Status
<i>Disciplinary Counsel v. Adam C. Stone, 2022-042</i>	Crawford	Dismissal (resignation)	n/a	Resignation accepted, 2023-Ohio-129
<i>Disciplinary Counsel v. Steven J. Moody, 2022-025</i>	Cuyahoga	Dismissal (default)	n/a	Indefinite default suspension, 2023-Ohio-131
<i>Disciplinary Counsel v. Timothy S. Horton, 2018-010</i>	Franklin	Reinstatement	Grant reinstatement	Reinstatement granted, 2023-Ohio-1001
<i>Disciplinary Counsel v. Hon. Kim R. Hoover, 2021-034</i>	Summit	Hearing	Two-year suspension	Pending, Case No. 2023-0188
<i>Disciplinary Counsel v. John R. Estadt, 2022-014</i>	Harrison	Hearing	Six-month suspension	Six-month suspension, 2023-Ohio-2347
<i>Disciplinary Counsel v. James E. Watson, 2022-017</i>	Franklin	Impairment suspension	Impairment suspension	Impairment suspension imposed
<i>Disciplinary Counsel v. Jason Daniel Warner, 2022-021</i>	Marion	Hearing	Indefinite suspension	Pending, Case No. 2023-0180
<i>Disciplinary Counsel v. Omar F. Shaaban, 2022-026</i>	Lucas	Hearing	Two-year suspension, one year stayed	Two-year suspension, one year stayed, 2023-Ohio-3671
<i>Disciplinary Counsel v. Gregory E. Carter, 2022-027</i>	Licking	Hearing	Six-month suspension	Two-year suspension, one year stayed, 2023-Ohio-3992
<i>Cleveland Metro. Bar Assn. v. Esmeralda Fleming, 2022-036</i>	Cuyahoga	Dismissal (default)	n/a	Indefinite default suspension, 2023-Ohio-1005
<i>Mahoning Cty. Bar Assn. v. Krishna James, 2022-018</i>	Mahoning	Impairment suspension	Impairment suspension	Impairment suspension imposed
<i>Columbus Bar Assn. v. Douglas W. Bulson, Jr., 2022-032</i>	Franklin	Hearing	Eighteen-month suspension, 12 months stayed	Eighteen-month suspension, 12 months stayed, 2023-Ohio-4258
<i>Disciplinary Counsel v. Theodore F. Scribner, 2022-033</i>	Summit	Hearing	Two-year suspension, 18 months stayed	Two-year suspension, 18 months stayed, 2023-Ohio-4017
<i>Disciplinary Counsel v. Mark S. Bennett, 2022-034</i>	Cuyahoga	Hearing	Six-month suspension	Two-year suspension, stayed, 2023-Ohio-4752
<i>Disciplinary Counsel v. Shawn A. Romer, 2022-035</i>	Cuyahoga	Hearing	Indefinite suspension	Indefinite suspension, 2023-Ohio-3099
<i>Disciplinary Counsel v. Tracie M. Hunter, 2022-037</i>	Hamilton	Hearing	Indefinite suspension	Indefinite suspension, 2023-Ohio-4068
<i>Disciplinary Counsel v. Hugh P. McCloskey, Jr., 2022-038</i>	Hamilton	Hearing	One-year suspension, stayed	One-year suspension, stayed, 2023-Ohio-3447
<i>Disciplinary Counsel v. Ric Daniell, 2022-041</i>	Franklin	Hearing	Two-year suspension, 18 months stayed	Two-year suspension, 18 months stayed, 2023-Ohio-3383
<i>Disciplinary Counsel v. Gary A. Vick, Jr., 2022-024</i>	Cuyahoga	Default	Permanent disbarment	Pending, Case No. 2022-0939
<i>Disciplinary Counsel v. Dennis L. Adams, 2022-039</i>	Butler	Default	Permanent disbarment	Pending, Case No. 2022-1256
<i>Disciplinary Counsel v. Amber R. Goodman, 2022-040</i>	Allen	Hearing	Indefinite suspension	Pending, Case No. 2023-0740
<i>Disciplinary Counsel v. Joseph M. Bell, 2022-043</i>	Trumbull	Hearing	Eighteen-month suspension	Pending, Case No. 2023-0739
<i>Disciplinary Counsel v. Jack A. Blakeslee, 2022-046</i>	Noble	Hearing	Public reprimand	One-year suspension, six months stayed, 2023-Ohio-4202
<i>Disciplinary Counsel v. John Taylor, 2022-048</i>	Cuyahoga	Hearing	Six-month suspension stayed	Pending, Case No. 2023-0743

APPENDIX A  
2023 Board Case Disposition Index

Case Name and Number	County	Board Disposition Type	Board Disposition or Recommendation	Supreme Court Disposition or Status
<i>Disciplinary Counsel v. Mary L. Pilla, 2022-052</i>	Cuyahoga	Dismissal (resignation)	n/a	Resignation accepted, 2023-Ohio-2196
<i>In re Judicial Campaign Complaint Against Diana M. Stevenson, 2023-015</i>	Summit	Dismissal (hearing)	n/a	n/a
<i>Toledo Bar Assn. v. Sarah A. Miller Driftmyer, 2022-044</i>	Lucas	Hearing	One-year suspension	Pending, Case No. 2023-0978
<i>Disciplinary Counsel v. Jack H. VanBibber, 2022-050</i>	Marion	Hearing	Two-year suspension, stayed	Pending, Case No. 2023-0979
<i>Disciplinary Counsel v. Lon' Cherie' Billingsley, 2022-051</i>	Cuyahoga	Hearing	Public reprimand	Pending, Case No. 2023-0976
<i>Disciplinary Counsel v. Christopher M. Alexander, 2023-003</i>	Montgomery	Hearing	One-year suspension, stayed	Pending, Case No. 2023-0977
<i>Disciplinary Counsel v. William E. Price II, 2023-004</i>	Franklin	Consent-to-discipline	Two-year suspension, stayed	Two-year suspension, stayed, 2023-Ohio-3328
<i>Disciplinary Counsel v. Daniel E. Perrico, 2023-002</i>	Cuyahoga	Hearing	Two-year suspension, one year stayed	Pending, Case No. 2023-1274
<i>Disciplinary Counsel v. Robert C. Buchbinder, 2023-012</i>	Franklin	Consent-to-discipline	Public reprimand	Public reprimand, 2023-Ohio-4200
<i>Disciplinary Counsel v. Joseph J. Bush III, 2023-014</i>	Mahoning	Consent-to-discipline	Public reprimand	Public reprimand, 2023-Ohio-4200
<i>Disciplinary Counsel v. Jacqueline A. O'Brien, 2023-021</i>	Cuyahoga	Dismissal (resignation)	n/a	Resignation accepted, 2023-Ohio-3922
<i>In re Judicial Campaign Complaint Against Stephanie L. Williams, 2023-030</i>	Guernsey	Hearing	\$1,000 fine and attorney fees	\$1,000 fine and attorney fees, 2023-Ohio-4116
<i>Cleveland Metro. Bar Assn. v. Edward P. Brueggeman, 2023-024</i>	Cuyahoga	Dismissal (resignation)	n/a	Resignation accepted, 2023-Ohio-4151
<i>Disciplinary Counsel v. Austin R. Buttars, 2020-020</i>	Out-of-state	Dismissal (resignation)	n/a	Resignation accepted, 2023-Ohio-4153
<i>Disciplinary Counsel v. Nathaniel E. Wilkinson, 2023-019</i>	Medina	Consent-to-discipline	Public reprimand	Pending, Case No. 2023-1560
<i>Mahoning Cty. Bar Assn. v. Brian J. Macala, 2023-010</i>	Mahoning	Hearing	Public reprimand	Pending, Case No. 2023-1561
<i>Cincinnati Bar Assn. v. David E. Stenson, 2022-047</i>	Montgomery	Hearing	One-year suspension, six months stayed	Pending, Case No. 2023-1562

APPENDIX A  
2023 Board Case Disposition Index

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Dispositions by Type

24	Hearing on Complaint
1	Reinstatement
4	Consent to Discipline
5	Resignation
1	Dismissal (on Merits)
2	Dismissal (Default)
2	Impairment Suspension
2	On Motion for Default Disbarment
41	<b>Total Dispositions</b>

APPENDIX B  
**Certified Grievance Committee Reimbursements**

**Fiscal Year 2023 Total Reimbursements  
to Certified Grievance Committees**

For Disciplinary-Related Expenses and File Inventories

Certified Grievance Committee	Reimbursement	Investigations Conducted	New Complaints Filed
Akron Bar Association	\$171,571.45	8	0
Allen County Bar Association	\$1,210.90	3	0
Ashtabula County Bar Association	\$12,737.37	0	0
Butler County Bar Association	\$7,653.16	2	0
Cincinnati Bar Association	\$267,550.82	62	1
Cleveland Metropolitan Bar Association	\$225,758.85	99	3
Columbiana County Bar Association	\$10,384.51	3	0
Columbus Bar Association	\$369,115.36	66	2
Dayton Bar Association	\$182,065.29	27	0
Erie-Huron-Ottawa Certified Grievance Committee	\$5,143.25	4	0
Findlay/Hancock County Bar Association	\$9,870.41	6	0
Lake County Bar Association	\$29,964.41	3	0
Lorain County Bar Association	\$57,502.41	26	1
Mahoning County Bar Association	\$96,555.01	12	1
Medina County Bar Association	\$219.54	8	0
Ohio State Bar Association	\$224,510.45	186	0
Stark County Bar Association	\$48,268.13	13	1
Toledo Bar Association	\$171,010.08	58	1
Trumbull County Bar Association	\$78.61	4	0
Warren County Bar Association	\$12,140.08	1	0
<b>TOTAL</b>	<b>\$1,903,310.09</b>	<b>591</b>	<b>10</b>

**File Inventory Reimbursements**  
[GOV.BAR R. V, SECTION 8(F)]

	Reimbursement
Akron Bar Association	\$550.00
Dayton Bar Association	\$9,498.75
Erie-Huron-Ottawa Cty. Bar Associations	\$8,517.00
Lorain Cty. Bar Association	\$1,140.94
Clermont Cty. Bar Association	\$2,812.50
Toldeo Bar Association	\$4,410.10
Columbus Bar Association	\$2,900.00
Stark Cty. Bar Association	\$3,589.77
<b>TOTAL</b>	<b>\$33,419.06</b>

**GRAND TOTAL** **\$1,936,729.15**



