



Ohio Board of Professional Conduct



2019

ANNUAL REPORT



Dear Chief Justice and Justices OF THE SUPREME COURT OF OHIO:

On behalf of the commissioners and staff, I present the 2019 Annual Report of the Board of Professional Conduct. The report summarizes the activities of the Board in 2019 and provides an accounting of the funds allocated to the Board in fiscal year 2019.

In 2019, the Board disposed of 69 cases, including the certification of 53 individual reports and recommendations to the Supreme Court. The Board conducted 49 evidentiary hearings, spanning 53 days. The hearings included a two-day hearing at the University of Toledo Law School that afforded students the opportunity to learn more about the disciplinary process and observe a disciplinary hearing. In January, the Board unveiled its e-Filing portal that facilitates the filing, docketing, and distribution of pleadings in disciplinary matters. By the end of the year, more than 630 documents were accepted for electronic filing, greatly reducing the cost of disciplinary proceedings and bringing greater efficiency to the Board's case processing.

The Board continued its commitment to fostering a greater understanding of and compliance with professional ethics standards through multiple education presentations, the issuance of advisory opinions and staff letters, and responding to telephone and email inquiries from lawyers, judges, and judicial candidates. The online case docket continued to draw more than 3,000 individual page views per week. The Board's efforts to enhance public access to disciplinary proceedings prompted one national commentator to cite Ohio as "the model jurisdiction for disciplinary transparency."

The 28 volunteer commissioners and four-member staff recognize the significant responsibility delegated by the Supreme Court and strive each day to execute these obligations with diligence, efficiency, and fairness. We submit this report as a brief overview of our work in 2019 and with a continued commitment to our duties on behalf of the Court, our profession, and the citizens of our great state.

Respectfully submitted,

RICHARD A. DOVE

DIRECTOR, OHIO BOARD OF PROFESSIONAL CONDUCT

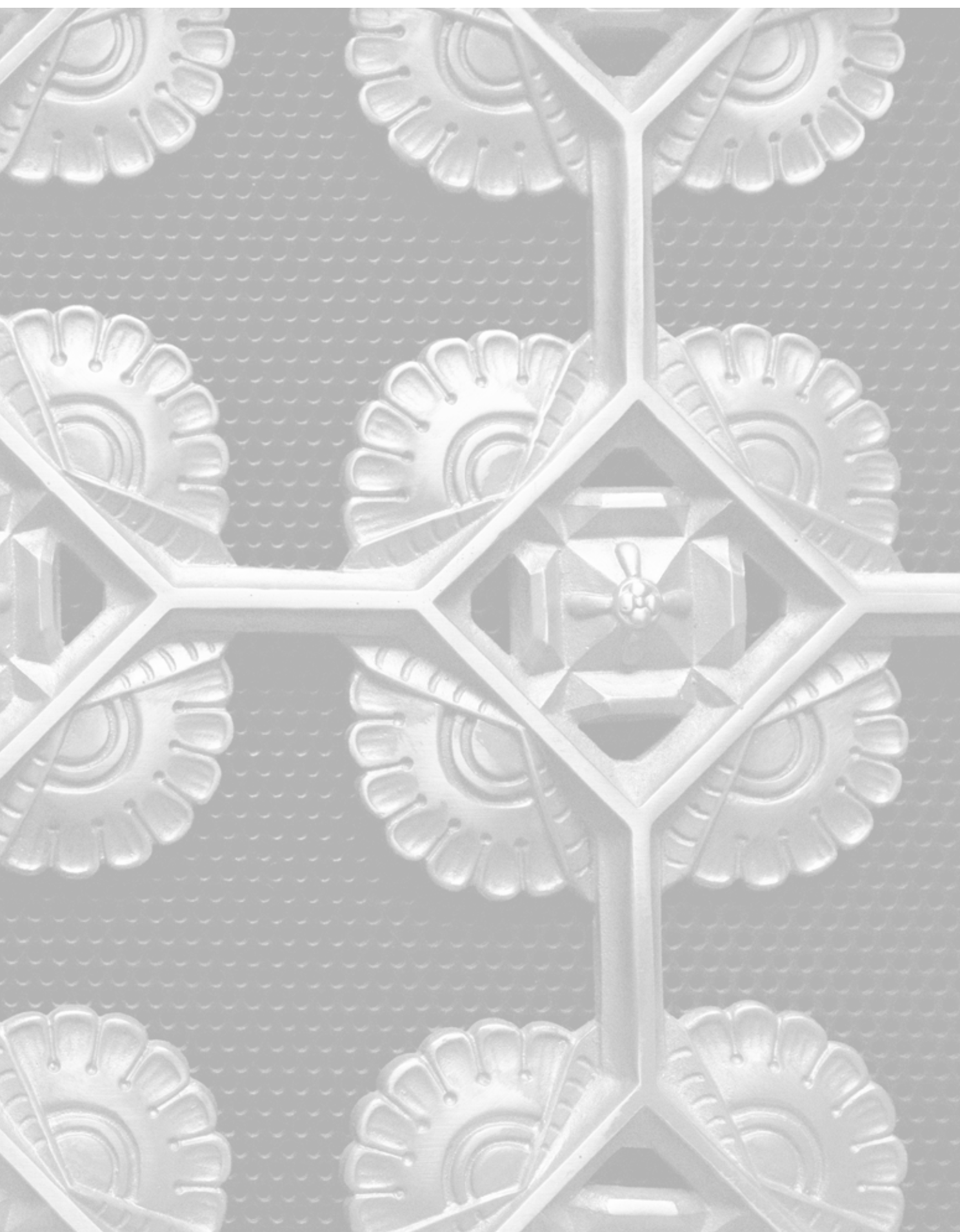


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Commissioners

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.



PICTURED:

Seated: Hon. John W. Wise, Chair, Patricia A. Wise, Vice-Chair

Row One (L-R): Kristi R. McAnaul, Counsel; Richard A. Dove, Director; Faith Long, Case Management Clerk, D. Allan Asbury, Senior Counsel

Row Two (L-R): David W. Hardymon, Lori A. Herf, Teri R. Daniel, Hon. Adolfo A. Tornichio, Peggy J. Schmitz, Hon. Rocky A. Coss

Row Three (L-R): Hon. D. Chris Cook, Dr. John R. Carle, Thomas M. Green, Tad A. Herold, James D. Caruso, Frank C. Woodside III, William H. Douglass, Tim L. Collins

Row Four (L-R): George Brinkman, Hon. Joseph Gibson (ret.), Patrick M. McLaughlin, David L. Dingwell, Hon. John R. Willamowski, Hon. William A. Klatt, Robert B. Fitzgerald

Not Pictured: Lisa A. Eliason, Lindsay Ford Ellis, M. Lynn Lampe, Carolyn A. Taggart, Adrian D. Thompson

COMMISSIONERS



CHAIRMAN

HON. JOHN W. WISE served as chair of the Board in 2019. His Board service commenced in 2013, and he previously chaired a Probable Cause Panel. Judge Wise has served on the Fifth District Court of Appeals since

1995, was a trial judge for five years, and was a private practitioner for 10 years.



VICE-CHAIRMAN

PATRICIA A. WISE was elected as vice-chair of the Board in 2019 and has served as a commissioner since 2014. During her tenure, she has chaired the Budget and Personnel Committee and, in

2019, chaired the search committee charged with selecting a new Disciplinary Counsel for the state of Ohio. Commissioner Wise is a partner with the Toledo firm of Spengler & Nathanson where her practice focuses on labor and employment law.

George Brinkman was appointed to the Board in 2019 and serves as one of four public members of the Board. 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.

James D. Caruso has represented the Sixth District since 2016. While in private practice, Commissioner Caruso devoted a portion of his practice to professional ethics and also served as general counsel for the Diocese of Toledo. He is a member of the Advisory Opinion Committee and serves on a Probable Cause Panel.

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 two Probable Cause Panels.

Hon. D. Chris Cook is a first-term commissioner and judge on the Lorain County Court of Common Pleas. Prior to his election as a judge, he served as bar counsel for the Lorain County Bar Association. He is a member of the Budget and Personnel Committee.

Hon. Rocky A. Coss has served as a commissioner since 2016 and is a member of 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.

Teri R. Daniel is an assistant prosecutor in Lake County. Commissioner Daniel was appointed to the Board in 2018 and is a member of the Advisory Opinion Committee.

David L. Dingwell is serving his third term on the Board. Commissioner Dingwell served as chair of the Board from 2017-2018 and is a member of one of the Board's Probable Cause Panels. He is a partner in the Canton law firm of Tzangas, Plakas & Mannos.

William H. Douglass is a second-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.

Lisa A. Eliason is a two-term commissioner and chairs one of two Probable Cause Panels. Commissioner Eliason is the law director for the City of Athens.

Robert B. Fitzgerald is a third-term commissioner and a partner in the Lima law firm of Fitzgerald, Reese & Van Dyne. He chairs the Board's Advisory Opinion Committee.

Lindsay Ford Ellis is a first-term commissioner and serves as assistant general counsel for OhioHealth in Columbus. She is a member of the Advisory Opinion Committee.

Hon. Joseph Gibson (Ret.) is serving his second full term on the Board, having served as an attorney-commissioner in the late 1990s and early 2000s. Judge Gibson is retired from the Lake County Court of Common Pleas and sits as a retired judge by assignment of the chief justice.

COMMISSIONERS

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

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

Lori A. Herf was appointed a public member of the Board in 2019. She is senior government affairs advisor with the Columbus firm of Baker Hostetler.

Tad A. Herold practices in Columbiana County. Commissioner Herold was appointed to the Board in 2018 and is a member of the Rules Committee.

Hon. William A. Klatt is serving his second term on the Board and has been a judge on the Tenth District Court of Appeals since 2002. Judge Klatt is a member of the Advisory Opinion Committee and an alternate Probable Cause Panel member.

M. Lynn Lampe is a first-term commissioner. She manages the Lampe Law Office, a domestic relations and probate law firm in West Chester. Commissioner Lampe serves on the Advisory Opinion Committee.

Patrick M. McLaughlin has served as commissioner since 2017. He practiced with McLaughlin Law, focusing on civil litigation and criminal defense, and formerly served as a United States Attorney for the Northern District of Ohio. 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 the Budget and Personnel Committee and as an alternate Probable Cause Panel member.

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.

Adrian D. Thompson was appointed to the Board on 2019 as an attorney-commissioner from Cleveland. He is a partner with Taft, Stettinius & Hollister.

Hon. Adolfo A. Tornichio was appointed to the Board in 2019. He is a juvenile court judge in Greene County.

Hon. John R. Willamowski serves on the Third District Court of Appeals and previously served five terms in the Ohio House of Representatives. Judge Willamowski is in his third term on the Board and chairs the Rules 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 is a Probable Cause Panel member.

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

Dove was appointed director of the Board in 2011 and is the Board's chief legal, administrative, and fiscal officer. Prior to joining the Board, he was a member of the administrative staff of the Supreme Court for more than 22 years, the last four of which were as assistant administrative director. Dove is recognized in Ohio and nationally for his work in the area of judicial ethics, with a focus on judicial campaign conduct. He is a past president and board member of the National Council of Lawyer Disciplinary Boards. In 2019, he was selected as the Distinguished Alumnus of the Year by the Capital University Law School. 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

McAnaul joined the staff as counsel to the Board in 2018. McAnaul assists commissioners with 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, 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 magna cum laude 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, 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. 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. In 2019, Asbury achieved the designation of certified court manager through a program sponsored by the Institute for Court Management and the Ohio Judicial College.

Faith Long

CASE MANAGEMENT CLERK

Long was promoted to case management clerk in 2018. She 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.

Responsibilities

The Board of Professional is the second oldest board created by the Supreme Court to assist the Supreme Court in executing its plenary and constitutional responsibilities 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 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.

The Board derives its legal 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 seek to be reinstated to the practice of law following indefinite or impairment suspensions and conducts hearings in expedited judicial campaign misconduct cases.

In any one case, 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 competing interests of protecting the public, sanctioning a lawyer who has strayed from his or her professional obligations, and charting a path by which a suspended lawyer 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

Commissioners are assigned to one of five standing committees or panels that facilitate the adjudicatory and administrative responsibilities of the board.

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.
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67 Opened/
Reopened
Cases

49 Formal
Disciplinary
Hearings

31
Education
Presentations

12
Advisory
Opinions

2019 Overview

The Board opened or reopened 67 cases, disposed of 69 cases, and placed 10 cases in inactive status. As of December 31, there were 36 cases on the active case docket, 31 of which were filed in 2019.

Board panels conducted 49 formal disciplinary hearings in 2019, spanning 53 hearing days. A two-day hearing was conducted in November at the University of Toledo Law School.

The staff of the Board made 31 education presentations to lawyers, judges, judicial candidates, law students, and members of the public. The Board expanded its efforts to offer written guidance to the bench and bar through the issuance of 12 advisory opinions and 26 staff opinion letters. The legal staff responded to an estimated 2,000 telephone and email inquiries

from lawyers, judges, and judicial candidates who sought information regarding compliance with the Rules of Professional Conduct and Code of Judicial Conduct.

Following the unveiling of its online case docket in mid-2017, the Board launched its e-Filing portal in January. The e-Filing portal allows parties to electronically file pleadings, thus reducing costs, facilitating the maintenance of case documents, and expediting the distribution of those documents to hearing panel members.

Adjudicatory Responsibilities

The Board received 67 matters for adjudication, including 63 new complaints, three remands from the Supreme Court, and one reinstatement petition referred by the Supreme Court.

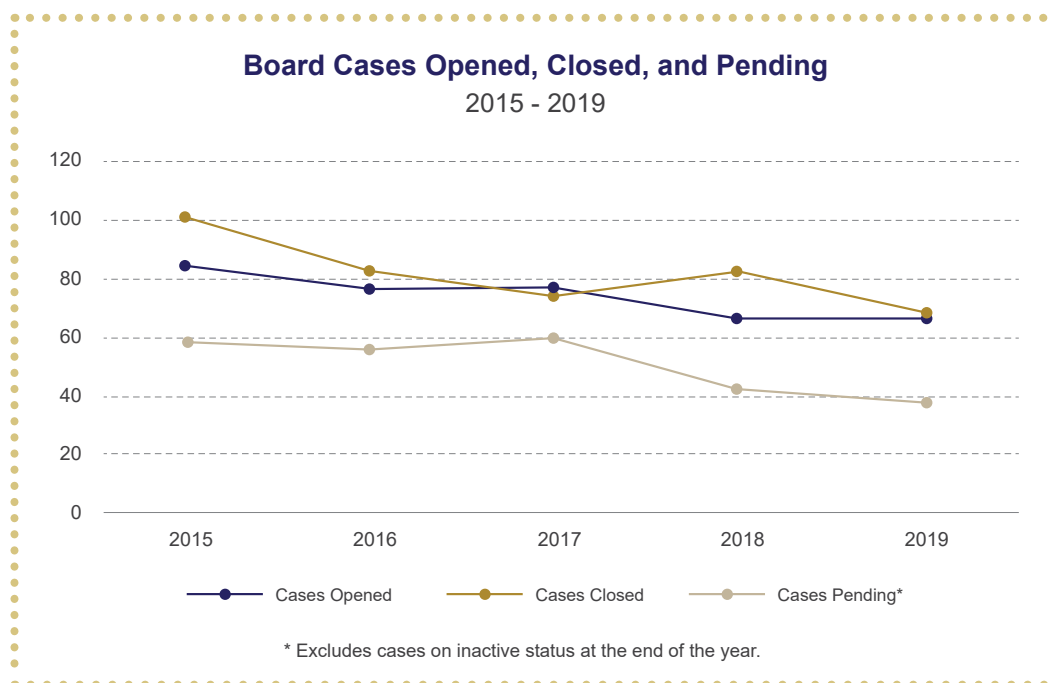
Three-commissioner hearing panels conducted formal hearings in 49 cases, spanning 53 hearing days. The Board held six bimonthly meetings, including a two-day meeting in December, to consider reports from hearing panels and to review recommendations from Board committees. The standing committees of the Board met in person or via teleconference on multiple occasions throughout the year. The Search Committee charged with identifying and recommending the appointment of a new disciplinary counsel met on three occasions in June and July.

The Board ended the year with 36 cases pending on its docket. Seven pending cases were heard and will be presented to the Board in early 2020, and an additional 14 cases are scheduled for hearing. Two cases await scheduling, and five additional cases are awaiting answers from the respondent. There are two cases in which the respondent is in default for failing to file a timely answer to the complaint, and five cases are stayed due to pending criminal proceedings involving the respondent.

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. Ten cases were in inactive status at the end of 2019.

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 15 felony convictions to the Supreme Court in 2019.



2019 CASE DISPOSITIONS*

Cases certified to the Supreme Court following a hearing, waiver of hearing, or recommendation to accept a consent to discipline agreement	53
Dismissals due to the Supreme Court's acceptance of the respondent's resignation from the practice of law with disciplinary action pending	4
Dismissals following the Supreme Court's imposition of an indefinite suspension against a respondent who was in default	6
Dismissal due to the death of the respondent	1
Dismissal on the merits, following a hearing	1
Dismissal upon application of the relator	1
Dismissal upon motion of the respondent	1
Dismissal due to the respondent's disbarment in an unrelated case	1
Consolidation of two pending cases	1
Total case dispositions	69

CASES CERTIFIED TO THE SUPREME COURT

Reports from the Board following a hearing or waiver of a hearing	46
Submitted upon the Board's recommendation to accept a consent-to-discipline agreement	6
Submitted upon consideration of a petition for reinstatement to the practice of law	1
Total case certifications	53

**Appendix A contains a list of Board case dispositions in 2019.*



Budget

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.

In fiscal year 2019 [July 1, 2018 through June 30, 2019], the Board expended a total of \$739,263 to support its day-to-day operations. This amount represented 7.7 percent of the total annual expenditures from the Supreme Court Attorney Services Fund. In that same period, payments to 19 certified grievance committees from the Reimbursement Budget totaled \$1,815,161, an amount that equals 18.9 percent of the total Attorney Services Fund expenditures.

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 miscellaneous office expenses, such as software licensing and maintenance, telephone, postage, supplies, and equipment.

Operations expenditures increased by 5.7 percent in fiscal year 2019, due primarily to the fact that all four staff positions were filled for the entire fiscal year. The increase in personnel expenditures was partially offset by modest

reductions in office operations expenditures. The Board's total operations expenditures have increased by just 9.3 percent in the past five years.

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 10 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.

In fiscal year 2019, the reimbursements to certified grievance committees totaled \$1,815,161. This figure included \$17,499 in reimbursements for file inventories conducted on behalf of deceased or disabled attorneys in Cuyahoga, Franklin, and Montgomery counties.

BUDGET AND EXPENDITURES

(FY 2017 – 2020)

	FY 2017 (Actual)	FY 2018 (Actual)	FY 2019 (Actual)	FY 2020 (Budgeted)
Board Operations	\$ 686,475	\$ 699,445	\$ 739,263	\$831,000
Grievance Committee Reimbursements*	\$1,923,718	\$1,852,671	\$1,815,161	\$1,950,000

*Appendix B lists reimbursements to individual certified grievance committees in FY 2019.

OPERATIONS BUDGET AND EXPENDITURES

FY 2019 (JULY 1, 2018 – JUNE 30, 2019)

	ALLOCATED	SPENT
TOTAL BOARD PERSONNEL	\$ 588,787	\$ 558,238
TOTAL NONPAYROLL PERSONAL SERVICES	\$ 40,000	\$ 18,193
Commissioner Per Diems	\$ 40,000	\$ 18,193
TOTAL MAINTENANCE	\$ 221,000	\$ 162,832
Telephone	\$ 2,000	\$ 1,771
Postage	\$ 5,000	\$ 1,987
Maintenance and Repair	\$ 2,000	\$ 0
Supplies and Materials	\$ 6,000	\$ 1,324
Books and Subscriptions	\$ 1,000	\$ 0
Commissioner Travel Reimbursement	\$ 70,000	\$ 55,147
Hearing Expenses	\$ 90,000	\$ 67,664
Miscellaneous Expenses	\$ 45,000	\$ 34,939
TOTAL EQUIPMENT	\$ 15,000	\$ 0
GRAND TOTAL	\$ 864,787	\$ 739,263

Education and Outreach

The Board continued its education and outreach activities in 2019.

ADVISORY OPINIONS – ADDRESSING NEW REQUESTS AND UPDATING PRIOR OPINIONS

In 2019, the Board issued 12 formal advisory opinions. Five opinions addressed questions of first impression in Ohio:

- *Advisory Opinion 2019-3* holds that a lawyer may not represent a municipality in real estate transactions while another lawyer in the same firm represents clients who are being investigated or prosecuted by the same municipality.
- *Advisory Opinion 2019-4* advises that a lawyer may not enter into a settlement agreement on behalf of a client if that agreement contains a direct or indirect restriction on the lawyer's ability to practice law, such as the future representation or solicitation of individuals who may have similar claims against a defendant who is party to the settlement agreement.
- *Advisory Opinion 2019-5* identifies conflicts that arise when a part-time law director engages in the private practice and addresses the imputation of such conflicts to other lawyers who practice in the same law firm as the part-time law director.
- *Advisory Opinion 2019-9* addresses conflicts of interest that may arise when a county prosecutor is statutorily obligated to represent public entities who are adverse to each other and identifies situations in which the conflict may be ameliorated through the use of effective screens.
- *Advisory Opinion 2019-12* concludes that a probate court magistrate may not simultaneously serve as an eldercare coordinator appointed by the probate court.

In 2016, the Board began a project to update and replace advisory opinions issued under the former Code of Professional Responsibility or prior versions of the Code of Judicial Conduct. The Board has reissued 22 opinions that replace 25 outdated opinions. Seven reissued opinions were approved by the Board in 2019, including opinions that outline a lawyer's ethical obligations to return a former client's file (*Advisory Opinion 2019-6*), the limitations on a lawyer donating legal services that will be auctioned for charity (*Advisory Opinion 2019-7*), and the restrictions on acceptance of referral fees from a financial services group (*Advisory Opinion 2019-10*).



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 web site 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. Twenty-six staff opinion letters were issued in 2019.

EDUCATION AND COMPLIANCE ACTIVITIES

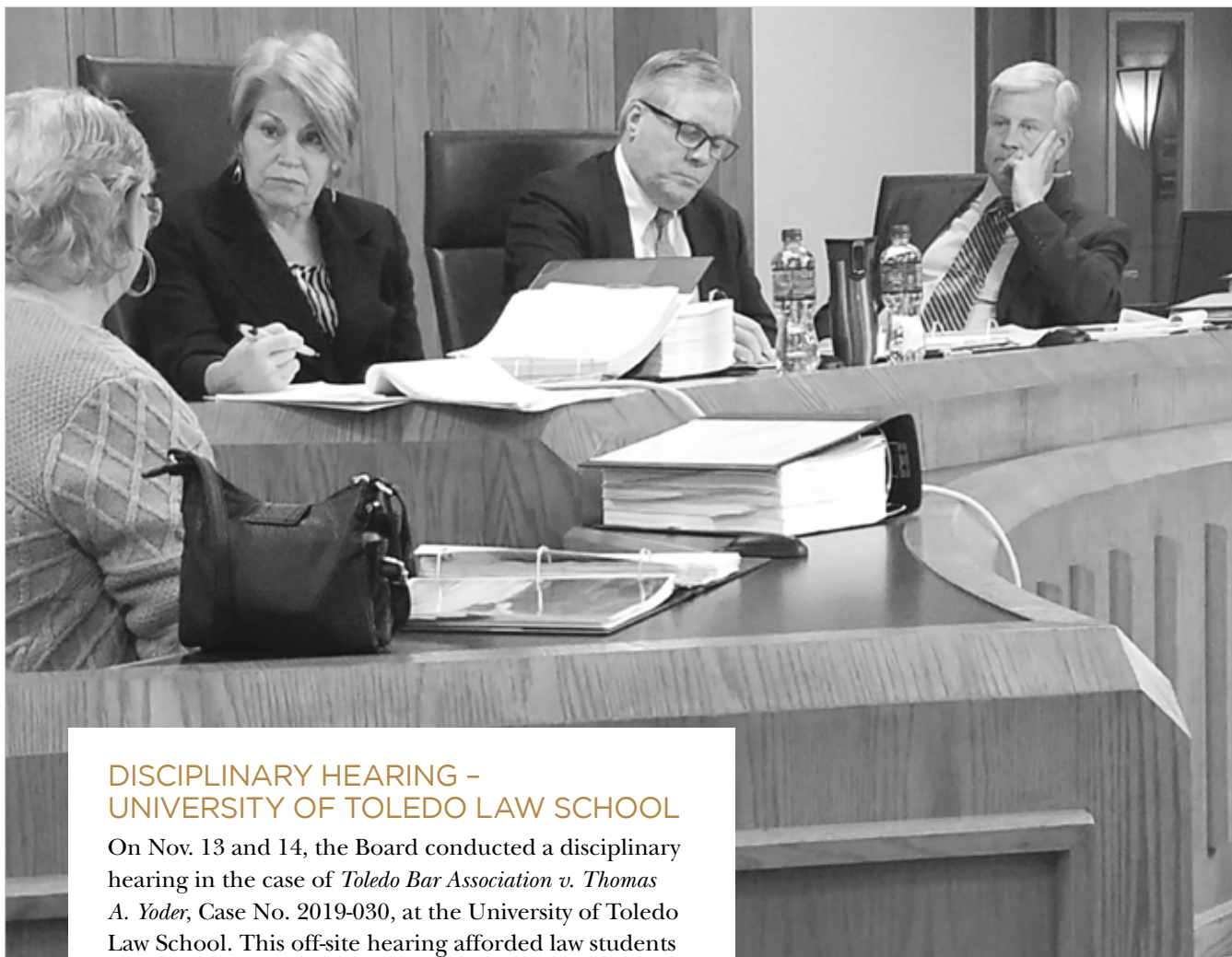
The legal staff of the Board are frequent presenters at professional education seminars throughout Ohio and devote a significant portion of each day to responding to telephone and email inquiries from lawyers, judges, and judicial candidates.

The Board staff made 31 education presentations in 2019, the majority of which were to audiences of judges and attorneys. Staff also continued regular presentations at annual orientation sessions for new judges and magistrates, and at education programs mandated

for all candidates for judicial office. The staff spoke to law students at Capital, Case Western Reserve, Dayton, and Toledo law schools.

The Board continued its co-sponsorship of the Miller-Becker Seminar held in October each year. This seminar is hosted for the benefit of the employees and volunteers of the local bar association grievance committees, the Office of Disciplinary Counsel, and other professional responsibility lawyers. The October 25 seminar featured presentations on law office technology and ethics, investigation techniques, and case-law updates.

The Board's legal staff also responds to written and telephone questions from lawyers, judges, and judicial candidates regarding compliance with the Rules of Professional Conduct and Code of Judicial Conduct. Each year, the legal staff receives and responds to an estimated 2,000 telephone inquiries and email requests for advice. Some inquiries are easily resolved, while others require research and documentation. 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.



DISCIPLINARY HEARING – UNIVERSITY OF TOLEDO LAW SCHOOL

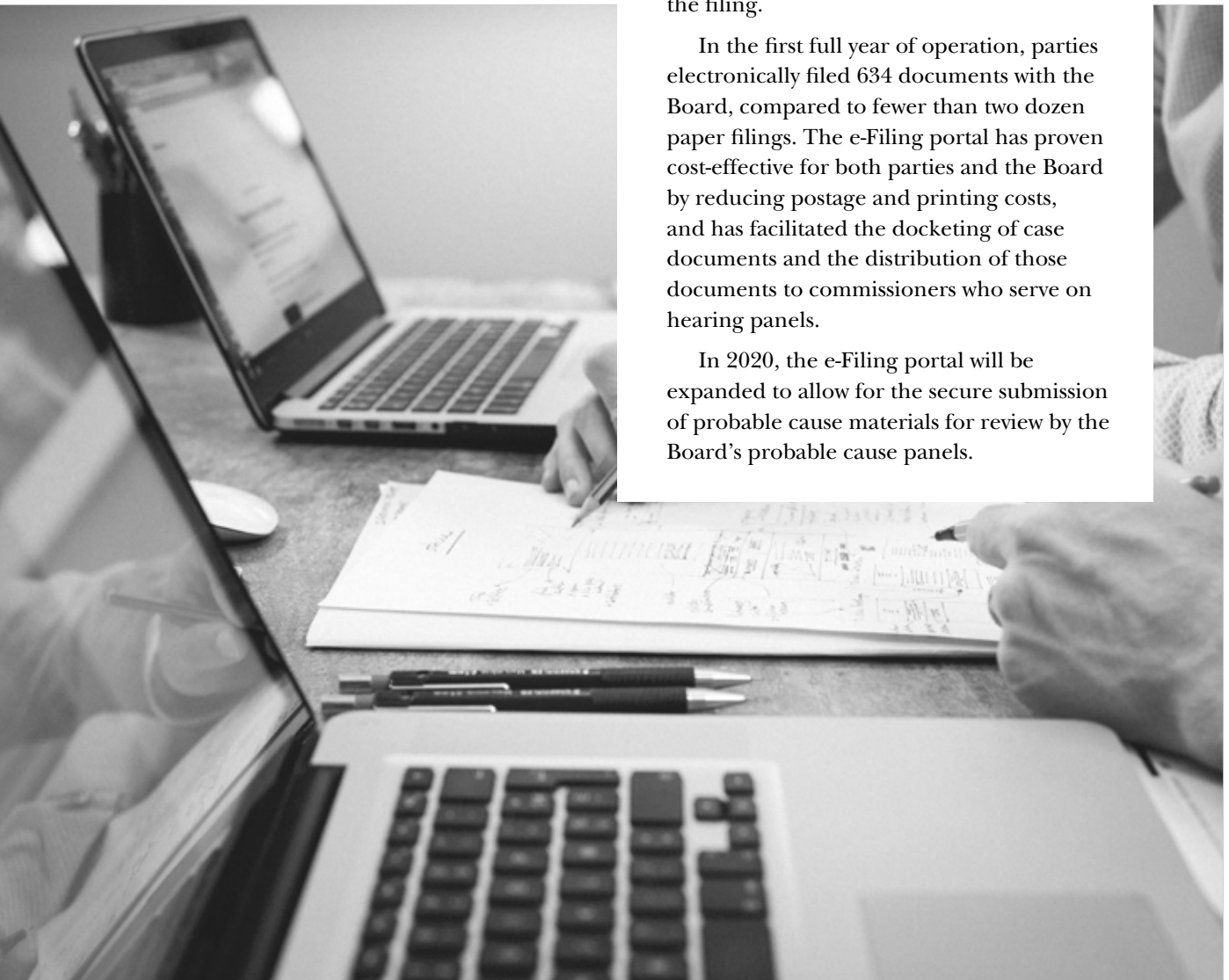
On Nov. 13 and 14, the Board conducted a disciplinary hearing in the case of *Toledo Bar Association v. Thomas A. Yoder*, Case No. 2019-030, at the University of Toledo Law School. This off-site hearing afforded law students the opportunity to observe a disciplinary hearing, including opening and closing statements and the examination of witnesses by counsel. The day prior to the hearing, students enrolled in the law school's professional responsibility class received insights from the director of the Board about Ohio's disciplinary process and an overview of recent disciplinary decisions from the Supreme Court. This was the first disciplinary hearing held at an Ohio law school since 2015, and the first held at a law school outside Franklin County.

TECHNOLOGY - E-FILING

In January, the Board concluded a three-year technology upgrade by launching its e-Filing portal. The portal allows parties in disciplinary cases to submit pleadings and other documents to the Board in electronic format. Each electronic submission is reviewed by a staff member of the Board before it is filed. A document accepted for filing is automatically docketed in the Board's case management system, and the filing party receives notice of the filing.

In the first full year of operation, parties electronically filed 634 documents with the Board, compared to fewer than two dozen paper filings. The e-Filing portal has proven cost-effective for both parties and the Board by reducing postage and printing costs, and has facilitated the docketing of case documents and the distribution of those documents to commissioners who serve on hearing panels.

In 2020, the e-Filing portal will be expanded to allow for the secure submission of probable cause materials for review by the Board's probable cause panels.



Disciplinary Counsel Search Committee

Gov.Bar R. V vests the Board with the responsibility of appointing a disciplinary counsel for the state of Ohio, with the appointment subject to approval by the Supreme Court. Disciplinary counsel is appointed to a four-year term.

In March, the Board announced it would conduct a national search for disciplinary counsel to replace Scott Drexel, who declined to seek reappointment. Board chair, Judge John W. Wise, appointed a seven-member search committee that was chaired by Patricia A. Wise, vice-chair of the Board. The search committee reviewed 18 applications and conducted initial interviews with six candidates in June. Three of the six candidates were invited to participate in more extensive interviews in July.

At its August meeting, the full Board considered a report and recommendation of the search committee and voted unanimously to appoint Joseph M. Caligiuri as disciplinary counsel. The Supreme Court approved Caligiuri's appointment in September, and he commenced his duties on Oct. 27. Caligiuri has worked in the Office of Disciplinary Counsel since 2002 and served as chief assistant since 2012. He became the seventh full-time disciplinary counsel since the position was established by the Supreme Court in 1977.



Joseph M. Caligiuri

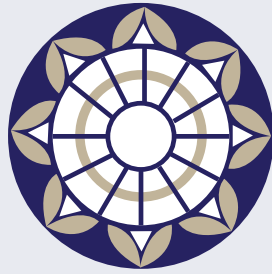
Financial Disclosure

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 receives and retains more than 1,800 statements each year. The Board requires all filers to submit their financial disclosure statements electronically, through a portal developed in cooperation with the Ohio Ethics Commission.

Conclusion

The accomplishments outlined in this annual report reflect the dedication of the commissioners and staff to execute fairly and efficiently the tasks assigned by the Supreme Court. Commissioners and staff recognize the significant responsibility with which they are entrusted and perform their duties with the degree of devotion and professionalism expected by the Supreme Court, the legal profession, and the citizens of Ohio.





Appendices

APPENDIX A
2019 BOARD CASE DISPOSITION INDEX

Case Name and Numbers	County	Board Disposition Type	Board Disposition or Recommendation	Supreme Court Disposition or Status ¹
<i>Disciplinary Counsel v. Daniel L. Bennett</i> , 18-005	Clark	Dismissal (default)	N/A	Indefinite suspension, 2019-Ohio-118
<i>Lorain Cty. Bar Assn. v. James L. Lindon</i> , 16-038	Lorain	Hearing	Two-year suspension, one year stayed	Pending, Case No. 2019-0216
<i>Disciplinary Counsel v. Beverly J. Corner</i> , 17-063	Franklin	Hearing	One-year suspension, stayed	Pending, Case No. 2019-0215
<i>Columbus Bar Assn. v. Lawrence E. Winkfield</i> , 18-016	Franklin	Hearing	Two-year suspension, 18 months stayed	Indefinite suspension, 2019-Ohio-4532
<i>Cincinnati Bar Association v. Michael J. Begovic</i> , 18-023	Hamilton	Hearing	One-year suspension, six months stayed	One-year suspension, six months stayed, 2019-Ohio-4531
<i>Disciplinary Counsel v. Scott A. Rumizen</i> , 18-027	Cuyahoga	Hearing	Two-year suspension, 18 months stayed	Two-year suspension, 18 months stayed, 2019-Ohio-2519
<i>Columbus Bar Assn. v. Natalie J. Bahan</i> , 18-030	Logan	Hearing	Six-month suspension, stayed	Pending, Case No. 2019-0219
<i>Toledo Bar Assn. v. John J. Manore III</i> , 18-035	Lucas	Hearing	Two-year suspension, one year stayed	Two-year suspension, one year stayed, 2019-Ohio-3846
<i>Disciplinary Counsel v. David A. Campbell, Liana R. Hollingsworth, & Gregory C. Scheiderer</i> , 18-063	Cuyahoga	Dismissal upon application of relator	N/A	N/A
<i>Disciplinary Counsel v. Michael P. Meehan</i> , 18-065	Cuyahoga	Dismissal (resignation)	N/A	Resignation with discipline pending, 2019-Ohio-1230
<i>Columbus Bar Assn. v. Javier H. Armengau</i> , 14-087	Franklin	Hearing	Disbarment	Pending, Case No. 2019-0500
<i>Columbus Bar Assn. v. Christopher W. Striff, Jr.</i> , 17-019	Franklin	Hearing	Indefinite suspension	Indefinite suspension, 2019-Ohio-5285
<i>Cincinnati Bar Assn. v. Kory A. Jackson</i> , 17-034	Hamilton	Hearing	Six-month suspension, stayed	Six-month suspension, stayed, 2019-Ohio-4203
<i>Cleveland Metro. Bar Assn. v. Rebecca J. Austin</i> , 17-067	Cuyahoga	Hearing	Indefinite suspension	Indefinite suspension, 2019-Ohio-3325
<i>Disciplinary Counsel v. Keith A. Vanderburg</i> , 18-056	Cuyahoga	Consent to discipline	One-year suspension, stayed	One-year suspension, stayed, 2019-Ohio-4227
<i>Mahoning Cty. Bar Assn. v. Carol C. Wagner</i> , 19-011	Mahoning	Dismissal (consolidation)	N/A	N/A

¹ As of December 31, 2019.

APPENDIX A
2019 BOARD CASE DISPOSITION INDEX

Case Name and Numbers	County	Board Disposition Type	Board Disposition or Recommendation	Supreme Court Disposition or Status ¹
<i>Disciplinary Counsel v. Mark A. Thomas</i> , 18-032	Belmont	Dismissal (resignation)	N/A	Resignation with discipline pending, 2019-Ohio-1759
<i>Disciplinary Counsel v. Paula E. Camino</i> , 18-036	Cuyahoga	Dismissal (default)	N/A	Indefinite suspension, 2019-Ohio-2054
<i>Dayton Bar Assn. v. David L. Williams</i> , 18-034	Montgomery	Dismissal (default)	N/A	Indefinite suspension, 2019-Ohio-2057
<i>Cincinnati Bar Assn. v. Rodger W. Moore</i> , 18-055	Hamilton	Dismissal (other)	N/A	Case dismissed due to respondent's disbarment in Supreme Court Case No. 2018-1758
<i>Disciplinary Counsel v. Sanjay K. Bhatt</i> , 18-062	Franklin	Dismissal on the merits	N/A	N/A
<i>Cincinnati Bar Assn. v. Virginia M. Riggs-Horton</i> , 18-044	Hamilton	Hearing	Six-month suspension, stayed	Six-month suspension, stayed, 2019-Ohio-4739
<i>Disciplinary Counsel v. Phillip D. Lehmkuhl</i> , 18-045	Knox	Hearing	Two-year suspension	Dismissed due to death of respondent
<i>Disciplinary Counsel v. Christopher P. Mitchell</i> , 18-048	Out-of-state	Hearing	One-year suspension, stayed	One-year suspension, stayed, 2019-Ohio-5218
<i>Toledo Bar Assn. v. Jerry J. Bishop II</i> , 18-054	Lucas	Hearing	Two-year suspension, one year stayed	Two-year suspension, one year stayed, 2019-Ohio-5288
<i>Akron Bar Assn. v. Gregory T. Plesich</i> , 18-057	Summit	Hearing	Two-year suspension	Two-year suspension, 2019-Ohio-4843
<i>Disciplinary Counsel v. Carol B. Adelstein</i> , 18-058	Cuyahoga	Hearing	One-year suspension, six months stayed	Pending, Case No. 2019-0801
<i>Disciplinary Counsel v. Derek J. Walden</i> , 18-059	Franklin	Hearing	Two-year suspension, 18 months stayed	Two-year suspension, 18 months stayed, 2019-Ohio-5287
<i>Akron Bar Assn. v. Matthew Fortado</i> , 18-061	Summit	Hearing	One-year suspension, six months stayed	Pending, Case No. 2019-0805
<i>Disciplinary Counsel v. Vincent G. Farris</i> , 18-064	Cuyahoga	Hearing	One-year suspension, stayed	One-year suspension, stayed, 2019-Ohio-4810
<i>Disciplinary Counsel v. Mark D. Amaddio and John J. Wargo, Jr.</i> , 18-068	Cuyahoga	Hearing	Six-month suspension, stayed for each respondent	Pending, Case No. 2019-0809
<i>Columbus Bar Assn. v. Michael D. Christensen and Jeffrey T. Kluesener</i> , 18-070	Franklin	Consent to discipline	Public reprimand (Christensen), one-year suspension, stayed (Kluesener)	Pending, Case No. 2019-0802

APPENDIX A
2019 BOARD CASE DISPOSITION INDEX

Case Name and Numbers	County	Board Disposition Type	Board Disposition or Recommendation	Supreme Court Disposition or Status ¹
<i>Lorain Cty. Bar Assn. v. Samir G. Hadeed</i> , 19-002	Lorain	Consent to discipline	One-year suspension, six months stayed	One-year suspension, six months stayed, 2019-Ohio-4537
<i>Disciplinary Counsel v. Marc G. Doumbas</i> , 14-018	Cuyahoga	Reinstatement	Grant reinstatement	Reinstatement granted, 2019-Ohio-3206
<i>Disciplinary Counsel v. Jerry S. Packard</i> , 19-018	Wayne	Dismissal (resignation)	N/A	Resignation with discipline pending, 2019-Ohio-2400
<i>Cincinnati Bar Assn. v. Andrew T. Burgess</i> , 19-026	Hamilton	Dismissal (other)	Complaint dismissed without prejudice to refile	N/A
<i>Mahoning Cty. Bar Assn. v. Martin E. Yavorcik</i> , 17-016	Mahoning	Hearing	Two-year suspension, six months stayed	Pending, Case No. 2019-1086
<i>Disciplinary Counsel v. Terrence K. Scott</i> , 18-021	Franklin	Hearing	Six-month suspension, stayed	One-year suspension, stayed, 2019-Ohio-5194
<i>Disciplinary Counsel v. John I. Peters</i> , 18-042	Fairfield	Hearing	One-year suspension, stayed	One-year suspension, stayed, 2019-Ohio-5219
<i>Cleveland Metro. Bar Assn. v. Mark Mariotti</i> , 18-043	Cuyahoga	Hearing	One-year suspension, stayed	One-year suspension, stayed, 2019-Ohio-5191
<i>Disciplinary Counsel v. Anthony P. Spinazze</i> , 18-060	Wood	Hearing	Six-month suspension	Pending, Case No. 2019-1075
<i>Disciplinary Counsel v. Matthew G. Bruce</i> , 18-071	Butler	Hearing	One-year suspension, stayed	Pending, Case No. 2019-1076
<i>Disciplinary Counsel v. Robert Goldberger</i> , 19-019	Richland	Consent to discipline	Public reprimand	Public reprimand, 2019-Ohio-4844
<i>Toledo Bar Assn. v. Peter F. Field & Dan M. Weiss</i> , 19-020	Wood	Consent to discipline	Public reprimand for each respondent	Public reprimand for each respondent, 2019-Ohio-4845
<i>Disciplinary Counsel v. Michael A. Prisley</i> , 19-007	Franklin	Dismissal (death of respondent)	N/A	N/A
<i>Disciplinary Counsel v. Jeffrey S. Newberry</i> , 19-037	Hamilton	Dismissal (resignation)	N/A	Resignation with discipline pending, 2019-Ohio-3746
<i>Cleveland Metro. Bar Assn. v. Michael B. Aten, Jr.</i> , 18-047	Cuyahoga	Dismissal (default)	N/A	Indefinite suspension, 2019-Ohio-3747
<i>Columbus Bar Assn. v. Douglas W. Bulson, Jr.</i> , 18-025	Franklin	Hearing	18-month suspension, stayed	Pending, 2019-1373
<i>Mahoning Cty. Bar Assn. v. Andrew W. Rauzan & Carol C. Wagner</i> , 18-040	Mahoning	Hearing	Six-month suspension, stayed (Rauzan); public reprimand (Wagner)	Pending, 2019-1374

¹ As of December 31, 2019.

APPENDIX A
2019 BOARD CASE DISPOSITION INDEX

Case Name and Numbers	County	Board Disposition Type	Board Disposition or Recommendation	Supreme Court Disposition or Status ¹
<i>Disciplinary Counsel v. Elizabeth L. Ford</i> , 18-064	Hamilton	Hearing	Indefinite suspension	Pending, 2019-1367
<i>Erie-Huron Cty. Bar Assn. v. Kenneth Ronald Bailey & Kenneth Richard Bailey</i> , 19-003	Erie	Hearing	Two-year suspension, one year stayed (K. Ronald Bailey); public reprimand (Kenneth R. Bailey)	Pending, 2019-1363
<i>Disciplinary Counsel v. Anthony M. Piazza</i> , 19-010	Cuyahoga	Hearing	Two-year suspension, one year stayed	Pending, 2019-1369
<i>Disciplinary Counsel v. Michael C. Hoague</i> , 19-017	Delaware	Hearing	Two-year suspension	Pending, 2019-1371
<i>Columbus Bar Assn. v. Christian M. Family</i> , 19-032	Franklin	Consent to discipline	One-year suspension, stayed	One-year suspension, stayed, 2019-Ohio-4840
<i>Disciplinary Counsel v. Gregory J. Wysin</i> , 18-067	Portage	Dismissal (default)	N/A	Indefinite suspension, 2019-Ohio-4453
<i>Trumbull Cty. Bar Assn. v. John P. Lutseck</i> , 19-005	Trumbull	Dismissal (default)	N/A	Indefinite suspension, 2019-Ohio-5155
<i>Disciplinary Counsel v. William M. Tinch</i> , 18-033	Warren	Hearing	Indefinite suspension	Pending, 2018-1178
<i>Disciplinary Counsel v. Jared L. Wilson</i> , 19-009	Geauga	Hearing	Indefinite suspension	Pending, 2019-1720
<i>Lorain Cty. Bar Assn. v. John S. Haynes</i> , 19-001	Lorain	Hearing	Six-month suspension, stayed	Pending, 2019-1721
<i>Disciplinary Counsel v. Austin R. Buttars</i> , 18-031	Franklin	Hearing	Indefinite suspension	Pending, 2019-1722
<i>Disciplinary Counsel v. Edward P. Brueggeman</i> , 19-022	Warren	Hearing	Two-year suspension, six months stayed	Pending, 2019-1734
<i>Disciplinary Counsel v. Hon. Rebecca L. Doherty</i> , 19-024	Portage	Hearing	Public reprimand	Pending, 2019-1736
<i>Disciplinary Counsel v. Harold M. Schwarz</i> , 19-033	Cuyahoga	Hearing	Indefinite suspension	Pending, 2019-1738
<i>Disciplinary Counsel v. Marilyn A. Cramer</i> , 18-038	Cuyahoga	Hearing	Indefinite suspension	Pending, 2019-1739
<i>Disciplinary Counsel v. Scott Atway</i> , 19-023	Franklin	Hearing	Two-year suspension	Pending, 2019-1741
<i>Disciplinary Counsel v. James L. Reinheimer</i> , 19-021	Ottawa	Hearing	Public reprimand	Pending, 2019-1742

APPENDIX A
2019 BOARD CASE DISPOSITION INDEX

Case Name and Numbers	County	Board Disposition Type	Board Disposition or Recommendation	Supreme Court Disposition or Status ¹
<i>Toledo Bar Assn. v. Mark D. Berling</i> , 19-012	Lucas	Hearing	Two-year suspension	Pending, 2019-1743
<i>Disciplinary Counsel v. Barbara Porzio</i> , 19-016	Cuyahoga	Hearing	Six-month suspension, stayed	Pending, 2019-1746
<i>Disciplinary Counsel v. Mark M. George</i> , 19-031	Cuyahoga	Hearing	Indefinite suspension	Pending, 2019-1747

¹ As of December 31, 2019.

DISPOSITIONS BY TYPE

46	Hearing on complaint
1	Reinstatement hearing
0	Hearing waived; submitted on stipulations
6	Consent to discipline
4	Dismissal (resignation)
1	Dismissal (on merits)
6	Dismissal (default)
3	Dismissal (other)
1	Dismissal (death of respondent)
0	Motion for default disbarment
1	Consolidation
69	Total Dispositions

APPENDIX B
CERTIFIED GRIEVANCE COMMITTEE REIMBURSEMENTS

**FISCAL YEAR 2019 TOTAL REIMBURSEMENTS
TO CERTIFIED GRIEVANCE COMMITTEES**

For Disciplinary-Related Expenses and File Inventories

CERTIFIED GRIEVANCE COMMITTEE	REIMBURSEMENT
Akron Bar Association	\$ 164,434.80
Allen County Bar Association	\$ 1,026.42
American Bar Association	\$ 585.00
Ashtabula County Bar Association	\$ 15,959.52
Butler County Bar Association	\$ 3,899.43
Cincinnati Bar Association	\$ 258,874.99
Cleveland Metropolitan Bar Association	\$ 284,246.06
Columbiana County Bar Association	\$ 6,706.60
Columbus Bar Association	\$ 309,181.86
Dayton Bar Association	\$ 177,200.17
Erie-Huron Certified Grievance Committee	\$ 8,010.66
Findlay/Hancock County Bar Association	\$ 8,021.72
Lake County Bar Association	\$ 18,467.95
Lorain County Bar Association	\$ 116,901.56
Mahoning County Bar Association	\$ 117,633.90
Ohio State Bar Association	\$ 80,004.62
Stark County Bar Association	\$ 31,049.30
Toledo Bar Association	\$ 182,180.79
Trumbull County Bar Association	\$ 8,354.82
Warren County Bar Association	\$ 5,371.25
TOTAL	\$ 1,798,111.42

FILE INVENTORY [GOV.BAR R. V, SECTION 8(F)]	REIMBURSEMENT
Cleveland Metropolitan Bar Association	\$ 5,899.78
Columbus Bar Association	\$ 5,116.14
Dayton Bar Association	\$ 6,033.32
TOTAL	\$ 17,049.24

GRAND TOTAL	\$ 1,815,160.66
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