



Ohio Board of Professional Conduct

65 SOUTH FRONT STREET, 5TH FLOOR, COLUMBUS, OH 43215-3431

Telephone: 614.387.9370 Fax: 614.387.9379

www.bpc.ohio.gov

HON. D. CHRIS COOK

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RICHARD A. DOVE

DIRECTOR

D. ALLAN ASBURY

SENIOR COUNSEL

KRISTI R. McANAU

COUNSEL

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

FROM: Rick Dove

DATE: February 2023

RE: Bimonthly Update

February Board Meeting

The Board of Professional Conduct conducted its initial meeting of 2023 on February 3. The Board approved [seven case reports](#) that were filed with the Supreme Court.

The Board has 23 pending cases, five of which are awaiting reports and ten of which are scheduled for hearing. With the exception of three cases, each pending case was filed in 2022. The Board has received no new complaints thus far in 2023.

Advisory Opinions

The Board approved two advisory opinions on February 3:

- [Adv. Op. 2023-1](#)—addresses the propriety of a judge soliciting donations for a specialized docket program. This opinion replaces Adv. Op. 2004-13.
- [Adv. Op. 2023-2](#)—discusses the ability of a legal aid attorney to engage in the in-person solicitation of potential clients. This opinion replaces former Adv. Op. 1988-3 and 1990-11.

Amendments to Procedural Regulations

In December 2022, the Board published for comment a series of proposed amendments to the Board's Procedural Regulations. No comments were received regarding the proposed amendments, and the amendments were approved at the February 3 meeting as previously

published. The amendments carry an effective date of March 1, 2023 and will be posted on the websites of the Supreme Court and Board on that date.

Board Membership

Four new commissioners have been sworn in this year. The new commissioners are attorneys Kurt Kaufman (Third District) and Margaret Murray (Sixth District) and Judges Kevin Braig (Third District) and Eugene Lucci (Eleventh District).

A complete list of commissioners is available from the [About the Board](#) page of the Board's website.

Miller-Becker Materials and Videos

The materials and videos from the [October 2022 Miller-Becker Seminar](#) were posted on the Board's website in early January. The videos and accompanying materials are excellent training tools for new grievance committee members and others who have not had the opportunity to participate in or observe the various stages of a disciplinary investigation or prosecution. The videos and materials do not qualify for self-study CLE credit.

2022 Annual Report; Case Handbook

The Board's [2022 Annual Report](#) was released to the Supreme Court and Board last Friday. Also available from the website is the [2022 case handbook](#). This handbook includes summaries of and links to each disciplinary opinion issued by the Supreme Court last year, including cases in which the Court issued an order accepting a consent-to-discipline agreement. The website includes handbooks dating back to 2008, and each contains a useful index that groups cases by rule violations, aggravating/mitigating factors, and other categories.

Hearing Room Renovations

Later this month, Hearing Rooms 104 and 106 at the Moyer Judicial Center will undergo renovations to add several technological tools to facilitate the presentation of evidence at panel hearings. Joe Caligiuri and I initiated discussion with Supreme Court staff regarding these upgrades in February 2020, and the encountered many delays due to Covid shutdowns, staffing changes at the Supreme Court, and the inability to obtain certain hardware that will be installed in the hearing rooms.

Each hearing participant will have access to an i-Pad type monitor on which exhibits and videos may be displayed. Cameras will be installed in each hearing room to facilitate the presentation of remote testimony on those limited occasions in which such testimony is permitted by the panel chair. There will be upgrades to the microphones and sound system in each hearing room to replace the equipment that was installed during the renovation of the Moyer Judicial Center 20 years ago. The podiums in each hearing room will be replaced to accommodate the use of laptops, and each podium will be relocated to eliminate the blocked views in each hearing room.

The witness stand in Hearing Room 106 will be modified to accommodate a monitor and provide more room for exhibit notebooks.

Assuming no further delays, the renovations should be completed prior to the hearings that are scheduled for the second week of March. More information will be provided after the equipment is installed and available for use.