Ohio Board of Professional Conduct

2021 ANNUAL REPORT

Dear Chief Justice and Justices

OF THE SUPREME COURT OF OHIO:

On behalf of the commissioners and staff, I present the 2021 Annual Report of the Board of Professional Conduct. The report summarizes the activities of the Board in the past year and provides an accounting of the funds allocated to the Board in fiscal year 2021.

The Board's experience with implementing a remote hearing platform in 2020 allowed it to continue the prompt and fair disposition of cases into the first half of 2021. The Board conducted 20 remote hearings through June, before resuming in-person hearings in August. In 2021, 34 disciplinary hearings were conducted over 37 days. The Board disposed of 69 cases, reducing its pending caseload by nearly half.

The hearings conducted in 2021 included five judicial discipline cases, each of which involved allegations of serious misconduct. In three cases, the Board recommended actual suspensions for sitting judges, the first such recommendations since 2009. Two cases produced a recommended sanction of a stayed suspension. Four new judicial misconduct cases were filed in December and will be heard in 2022. The total of nine judicial-misconduct cases continued a three-year trend in which such cases have increased in both number and seriousness of the misconduct.

The Board's education and outreach efforts returned to pre-pandemic levels in 2021. Included among the staff's 34 continuing education presentations were the inaugural ethics "boot camps" conducted in June and September. The "boot camp" seminars were attended by 681 laywers new to or seeking to enter private practice. The Board's website was updated to include answers to frequently asked lawyer-ethics questions, including topics such as client files, fees, advertising, and practice in Ohio by out-of-state lawyers.

The 2021 Annual Report is a summary of the efforts of the 28 volunteer commissioners and the Board's four-person staff to promote and enforce the high standards of professional ethics promulgated by the Supreme Court of Ohio. As we reflect on the past year, we look forward to addressing the issues and challenges presented in 2022.

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.

Caption

CHAIR

PATRICIA A. WISE was elected as chair of the Board in 2021, following two years as vice-chair. During her eight-year tenure, she has chaired the Budget and Personnel Committee and 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.

VICE-CHAIR

HON. D. CHRIS COOK was elected to serve as vice-chair of the Board in 2021. 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 is a member of the Budget and Personnel Committee.

COMMISSIONERS

GEORGE BRINKMAN is a first-term commissioner serving as one of four public members of the Board. He is a member of the Budget and Personnel Committee. Commissioner Brinkman is a retired independent insurance adjuster and resides in Cincinnati.

NICOLAS T. AMATO was appointed as a lawyer-commissioner in 2021. He is a partner in the Amato Law Office in Wellsville.

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.

ALETHA M. CARVER is a mediation attorney with the Fifth District Court of Appeals in Canton who was appointed to the Board in 2021. Her experience includes private practice with a Canton firm, service as a probate court magistrate, and service as a judicial staff attorney.

ELIZABETH E. CARY joined the Board in 2020. A Columbus-based attorney, 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 COSS has served as a commissioner since 2016 and is chair 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, served six terms as the Highland County prosecuting attorney.

HON. CANDACE C. CROUSE joined the Board in 2021. She is a judge on the First District Court of Appeals in Cincinnati and previously had an extensive litigation practice focused on immigration, domestic relations, personal injury, and constitutional law.

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.

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.

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.

HON. JOSEPH GIBSON is serving his third 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 Chief Justice Maureen O'Connor. Judge Gibson is a member of the Rules 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 second term on the Board. He is a member of 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 with the Columbus firm of Baker Hostetler.

HON. WILLIAM A. KLATT is serving his third term on the Board. He 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.

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 and an alternate Probable Cause Panel member.

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.

COMMISSIONERS

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.

ADRIAN D. THOMPSON was appointed to the Board in 2019 as an attorney-commissioner from Cleveland and serves on the Advisory Opinion Committee. He is a partner with Taft, Stettinius & Hollister.

HON. ADOLFO TORNICHIO was appointed to the Board in 2019 and serves on the Rules Committee. He is a judge on the Greene County Court of Common Pleas.

HON. JOHN W. WISE served as Board chair in 2019 and 2020. Judge Wise has served on the Fifth District Court of Appeals since 1995, was a trial judge for five years, and a private practitioner for 10 years.

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.

The Board also recognizes the continued service of former Commissioners LISA ELIASON, DAVID DINGWELL, TAD HEROLD, and HON. JOHN WILLAMOWSKI, whose panel assignments continued into 2021.

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 has served as director of the Board since 2011 and is the Board's chief legal, administrative, and fiscal officer. 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. His public service has been recognized by the Columbus Bar Association and 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 has served as counsel to the Board since 2018. 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, 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 is admitted to practice in Ohio, the United States District Court for the Southern District of Ohio, and the United States Supreme Court. 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

Long joined the staff in 2008 and was promoted to case management clerk in 2018. 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.

Responsibilities

The Board of Professional Conduct 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 a wide range of practice backgrounds. Each commissioner devotes approximately 30 days per year to their Board responsibilities.

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 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, 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 44 matters for adjudication, including 39 new complaints, four reinstatement petitions referred by the Supreme Court, and one probation revocation petition.

Three-commissioner panels conducted formal hearings in 34 cases, spanning 37 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 via teleconference on multiple occasions throughout the year.

The Board ended the year with 28 cases pending on its docket. Five pending cases are awaiting reports and nine cases are scheduled for hearing. The remaining cases are stayed, awaiting answers or hearing dates.

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. Two cases were in inactive status at the end of 2021.

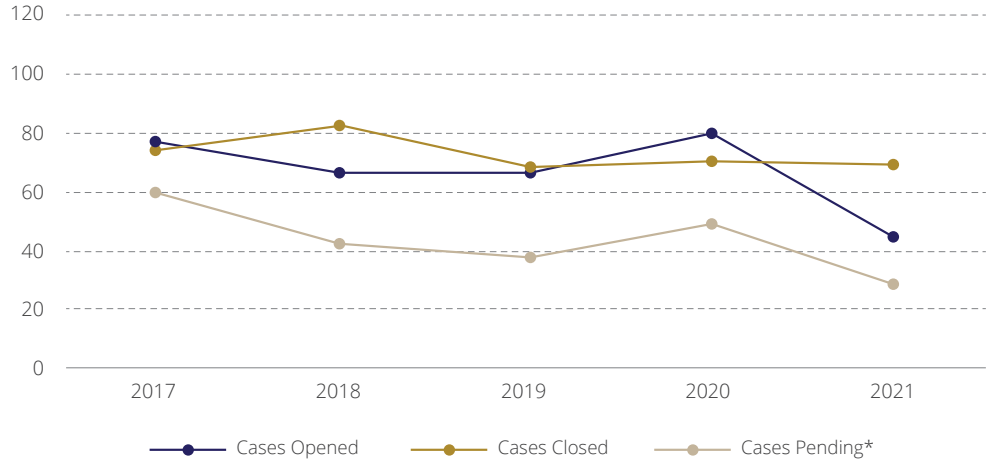
FELONY CERTIFICATIONS

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 three felony convictions to the Supreme Court in 2021.

2021 CASE DISPOSITIONS

Cases certified to the Supreme Court following a hearing, waiver of hearing, or recommendation to accept a consent-to-discipline agreement	46
Dismissals due to the Supreme Court's acceptance of the respondent's resignation from the practice of law with disciplinary action pending	9
Dismissals following the Supreme Court's imposition of an indefinite suspension against a respondent who was in default	7
Dismissals on the merits, following a hearing	3
Dismissal upon application of the relator	1
Dismissal of a reinstatement matter upon motion of the petitioner	1
Dismissal of probation revocation petition upon application of the relator	1
Dismissal due to case consolidation	1
Total Case Dispositions	69

BOARD CASES OPENED, CLOSED, AND PENDING: 2017-2021*



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

CASES CERTIFIED TO THE SUPREME COURT

Reports from the Board following a hearing or waiver of a hearing	**34**
Submitted upon the Board's recommendation to accept a consent-to-discipline agreement	**7**
Submitted upon consideration of a petition for reinstatement to the practice of law	**5**
Total Case Certifications	**46**

**Appendix A contains a list of Board case dispositions in 2021.*

JUDICIAL DISCIPLINE CASES
A CONCERNING TREND CONTINUES

Cases involving judicial misconduct continued to trend upward in 2021. The Board recommended discipline for five sitting judges in 2021, and four new judicial misconduct complaints were filed in December. By comparison, there were six judicial misconduct cases heard by the Board in 2020, and five in 2019.

Judicial misconduct cases have increased, not only in number, but also in the severity of misconduct involved and disciplinary sanctions recommended to the Supreme Court. For the first time since 2009, the Board recommended the imposition of actual suspensions for three siting judges, with the suspensions ranging from six months to two years. The respondent-judges admitted to abusing their judicial authority, and the Board concluded that actual suspensions were warranted due to the harm caused to individual litigants and the public's perception of the judiciary. The Board also recommended imposition of stayed six-month suspensions for two judges who violated judicial conduct rules by misusing social media.

2021 JUDICIAL MISCONDUCT ADJUDICATIONS

Disciplinary Counsel v. Hon. Bruce Winters, 2021-Ohio-2753

The Board recommended and the Supreme Court imposed a six-month stayed suspension for an Ottawa County common pleas judge who engaged in *ex parte* communications with a litigant via social media. The communications occurred over a six-month period, involving multiple pending cases.

Disciplinary Counsel v. Hon. Theodore Berry, 2021-Ohio-3894

The Board recommended and the Supreme Court imposed a six-month stayed suspension for a Hamilton County municipal court judge who sent multiple, inappropriate Facebook messages to a court employee. Some of the messages were partisan in nature, and others contained vulgar and sexually explicit content.

Disciplinary Counsel v. Hon. Mark Repp, 2021-Ohio-3923

The Board recommended and the Supreme Court imposed a one-year suspension for a Seneca County municipal judge who abused his contempt authority by jailing a courtroom spectator who refused to undergo a drug test ordered by the judge. During a court proceeding, the judge addressed the spectator from the bench on several occasions, although the spectator did nothing to warrant the judge's attention.

Disciplinary Counsel v. Hon. Thomas O'Diam, Supreme Court, Case No. 2021-0971

The Board recommended a six-month suspension for a Greene County common pleas judge who conducted a status conference during which he engaged in undignified and discourteous treatment of a beneficiary of an estate. He further allowed his daughter, the lawyer representing the executrix of the estate, to treat the beneficiary in a similar manner. The respondent-judge filed objections to the recommended sanction, and the case was argued before the Supreme Court in November.

Disciplinary Counsel v. Hon. Pinkey Carr, Supreme Court, Case No. 2021-1518

The Board recommended a two-year suspension for a Cleveland Municipal Court judge for multiple acts of misconduct that occurred over a two-year period. The misconduct included (1) conducting court proceedings contrary to a COVID-related order issued by the administrative judge, issuing capiases for persons who failed to appear, and making false statements about her conduct; (2) engaging in *ex parte* communications and making arbitrary case dispositions; (3) routinely and improperly using capiases and bonds to compel payment of fines and costs; (4) routinely conducting court proceedings with lack of decorum and dignity; and (5) abusing her contempt authority and failing to disqualify herself from contempt proceedings. The parties have until early 2022 to object to the Board's report and recommendation.

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 Board's operation.

In fiscal year 2021 [July 1, 2020 through June 30, 2021], the Board expended $650,702 to support its day-to-day operations. This amount represented 6.8% 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 $1,846,915, an amount equaling 19.2% of the total Attorney Services Fund expenditures.

Fiscal year 2021 expenditures by the Board are detailed on the following page. Appendix B details the fiscal year 2021 reimbursements paid to individual certified grievance committees.

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.

Operations expenditures decreased by 9.9% in fiscal year 2021, due largely to the shift of hearings and Board meetings to a virtual format. The Board achieved additional cost savings by implementing a new Supreme Court rule permitting the email service of complaints and hearing notices, thus reducing the costs of certified mail service.

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 2021, the reimbursements to certified grievance committees totaled $1,846,915. The reduction from the fiscal year 2020 total of $1,930,332 is attributable to a significant decline in grievance activity in 2020 and the Board's use of technology to conduct remote hearings.

BUDGET AND EXPENDITURES

(FY 2019 – 2022)

	FY 2019 (Actual)	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Budgeted)
Board Operations	$739,263	$712,319	$650,702	$863,000
Grievance Committee Reimbursements*	$1,815,161	$1,930,332	$1,846,915	$2,000,000

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

OPERATIONS BUDGET AND EXPENDITURES

FY 2020 (JULY 1, 2020 – JUNE 30, 2021)

	ALLOCATED	SPENT
TOTAL BOARD PERSONNEL	$ 595,000	$ 558,665
TOTAL NONPAYROLL PERSONAL SERVICES	$ 30,000	$ 4,043
Commissioner Per Diems	$ 30,000	$ 4,043
TOTAL MAINTENANCE	$ 205,000	$ 87,994
Telephone	$ 2,000	$ 2,477
Postage	$ 4,000	$ 722
Supplies and Materials	$ 3,000	$ 463
Books and Subscriptions	$ 1,000	$ 896
Commissioner Travel Reimbursement	$ 70,000	$ 2,958
Hearing Expenses	$ 85,000	$ 57,287
Miscellaneous Expenses	$ 40,000	$ 23,191
GRAND TOTAL	**$ 830,000**	**$ 650,702**

Education and Outreach

The Board's education and outreach activities returned to pre-pandemic levels in 2021, although many education offerings were conducted in a remote-learning format.

ADVISORY OPINIONS: ADDRESSING NEW REQUESTS AND UPDATING PRIOR OPINIONS

The Board issued 12 formal advisory opinions, four of which addressed new or novel issues:

- *Advisory Opinion 2020-3* holds that a lawyer may not serve as an advocate and a necessary witness in an arbitration. However, a lawyer may serve in both roles if the lawyer is the sole shareholder of a closely held corporation.
- *Advisory Opinion 2020-4* advises that a lawyer or law firm may not purchase the name of another lawyer or law firm for use in competitive keyword online advertising.
- *Advisory Opinion 2020-5* concludes that a lawyer may state or imply that the lawyer is a specialist in a field of law only if the field of law has been certified as an area of lawyer specialization by the Supreme Court.
- *Advisory Opinion 2020-8* advises that a judge presiding over a specialized docket may participate in a not-for-profit documentary film featuring court proceedings and interviews with the judge and court staff.

The Board regularly reviews and updates advisory opinions issued under the former Code of Professional Responsibility or prior versions of the Code of Judicial Conduct. Eight refreshed opinions were issued in 2021. Since 2016, the Board has reissued 38 opinions to replace 47 outdated opinions.

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 22 opinion letters in 2021.

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.

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 34 education presentations in 2021, primarily to audiences of judicial officers, attorneys, and judicial candidates. 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 majority of the Board's education programs were offered using interactive video technology or prerecorded presentations with a live question and answer component.

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 29 seminar was presented via real-time video, with over 270 persons attending the full-day seminar. The seminar featured presentations on working with unrepresented respondents, tips for practicing before the Board and Supreme Court, and the role of the Ohio Lawyers' Assistance Program in the disciplinary process.

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. In 2021, 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.

ETHICS "BOOT CAMP"

The Board offered its inaugural Ethics "Boot Camp" in conjunction with the Office of Disciplinary Counsel. The "Boot Camp" is a half-day course designed for lawyers with fewer than 10 years of practice experience. Individual course modules focus on areas that frequently are the subject of professional misconduct investigations and complaints, such as lawyer-client relationships, conflicts of interest, fees, and law office management. The interactive course explains application of the Ohio Rules of Professional Conduct through case law, hypothetical questions, and best practices, and includes question-and-answer sessions to assist lawyers in avoiding potential professional ethics violations.

The Board offered "Boot Camps" in June and September via an online-learning format. A total of 681 lawyers attended the two sessions.

PUBLICATION

The Board's director authored "Judicial Campaign Education and Enforcement: Ohio's Quarter Century of Experience," that appeared in the Fall 2021 issue of the American Bar Association's *The Judges' Journal*. The article contains an overview of Ohio's judicial campaign conduct regulations and the decisions in which judicial candidates have been sanctioned for campaign misconduct.

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

2021 BOARD CASE DISPOSITION INDEX

Case Name and Number	County	Board Disposition Type	Board Disposition or Recommendation	Supreme Court Disposition or Status
Disciplinary Counsel v. Diane S. Vettori, 20-008	Mahoning	Dismissal (resignation)	N/A	Resignation accepted, 2021-Ohio-139
Disciplinary Counsel v. Lee D. Koogler, 20-026	Highland	Dismissal (resignation)	N/A	Resignation accepted, 2021-Ohio-139
Lorain Cty. Bar Assn. v. Thomas J. McGuire, 20-029	Lorain	Dismissal (resignation)	N/A	Resignation accepted, 2021-Ohio-139
Mahoning Cty. Bar Assn. v. Brian P. Kish, 10-020	Mahoning	Reinstatement	Grant reinstatement	Reinstatement granted, 2021-Ohio-1170
Cleveland Metro. Bar Assn. v. Rosel C. Hurley III, 17-002	Cuyahoga	Reinstatement	Grant reinstatement	Reinstatement granted, 2021-Ohio-1348
Columbus Bar Assn. v. John J. Okuley, 19-029	Franklin	Hearing	Permanent disbarment	Permanent disbarment, 2021-Ohio-3225
Cincinnati Bar Assn. v. Jack I. Brand, 19-035	Hamilton	Hearing	Public reprimand	Public reprimand, 2021-Ohio-2122
Cincinnati Bar Assn. v. Andrew T. Burgess, 19-049	Hamilton	Hearing	One-year suspension, stayed	One-year suspension, stayed, 2021-Ohio-2187
Columbus Bar Assn. v. Natalie J. Bahan, 19-065	Logan	Hearing	Six-month suspension, stayed	Pending, Case No. 2021-0224
Cleveland Metro. Bar Assn. v. Douglas P. Whipple, 20-013	Cuyahoga	Hearing	One-year suspension, six months stayed	Pending, Case No. 2021-0229
Cincinnati Bar Assn. v. Edward T. Kathman, 20-022	Hamilton	Hearing	One-year suspension, six months stayed	One-year suspension, six months stayed, 2021-Ohio-2189
Lorain Cty. Bar Assn. v. Jeanette M. Robinson, 20-028	Lorain	Hearing	Two-year suspension, one year stayed	Two-year suspension, one year stayed, 2021-Ohio-2123
Columbus Bar Assn. v. Suzanne K. Sabol, 2020-037	Franklin	Hearing	Six-month suspension, stayed	Six-month suspension, stayed, 2021-Ohio-2059
Disciplinary Counsel v. Michael F. Cosgrove, 20-044	Cuyahoga	Hearing	Indefinite suspension	Indefinite suspension, 2021-Ohio-2188
Disciplinary Counsel v. Katharina E. Devanney, 20-056	Medina	Consent-to-discipline	One-year suspension, stayed	One-year suspension, stayed, 2021-Ohio-1201
Columbus Bar Assn. v. Phillip D. Worthington, 20-024	Franklin	Dismissal (default)	N/A	Indefinite default suspension, 2021-Ohio-668
Disciplinary Counsel v. Gabriel P. Moorman, 20-025	Warren	Dismissal (default)	N/A	Indefinite default suspension, 2021-Ohio-1172
Trumbull Cty. Bar Assn. v. John P. Lutseck, 20-030	Trumbull	Dismissal (resignation)	N/A	Resignation accepted, 2021-Ohio-1173
Cleveland Metro. Bar Assn. v. Rebecca A. Rea, 94-037	Cuyahoga	Reinstatement	Grant reinstatement	Reinstatement granted, 2021-Ohio-2088
Disciplinary Counsel v. Samuel R. Smith II, 19-015	Cuyahoga	Hearing	Two-year suspension, six months stayed	Pending, Case No. 2021-0448
Disciplinary Counsel v. Steven E. Hillman, 20-042	Franklin	Hearing	Two-year suspension, stayed	Pending, Case No. 2021-0443
Columbus Bar Assn. v. Michelle L. Polly-Murphy, 20-047	Franklin	Hearing	One-year suspension, stayed	One-year suspension, stayed, 2021-Ohio-3302
Disciplinary Counsel v. Hon. Bruce A. Winters, 20-053	Ottawa	Hearing	Six-month suspension, stayed	Six-month suspension, stayed, 2021-Ohio-2753

APPENDIX A

2021 BOARD CASE DISPOSITION INDEX

Case Name and Number	County	Board Disposition Type	Board Disposition or Recommendation	Supreme Court Disposition or Status
Disciplinary Counsel v. Elizabeth L. Ford, 20-058	Hamilton	Hearing	Indefinite suspension	Indefinite suspension, 2021-Ohio-3661
Cleveland Metro. Bar Assn. v. Anthony Baker, 20-064	Cuyahoga	Consent-to-discipline	Public reprimand	Public reprimand, 2021-Ohio-1896
Cleveland Metro. Bar Assn. v. David S. Grendel, 20-067	Cuyahoga	Consent-to-discipline	Public reprimand	Public reprimand, 2021-Ohio-1896
Disciplinary Counsel v. Matthew D. Simpson, 20-069	Medina	Consent-to-discipline	Six-month suspension, stayed	Six-month suspension, stayed, 2021-Ohio-1896
Disciplinary Counsel v. Brian M. Wiggins, 20-033	Greene	Dismissal (resignation)	N/A	Resignation accepted, 2021-Ohio-1349
Disciplinary Counsel v. Adam D. Searl, 20-059	Huron	Dismissal (default)	N/A	Indefinite default suspension, 2021-Ohio-1531
Butler Cty. Bar Assn. v. Scott N. Blauvelt, 19-028	Butler	Dismissal (petition withdrawn)	N/A	N/A
Disciplinary Counsel v. Hon. Theodore N. Berry, 21-005	Hamilton	Hearing	Six-month suspension, stayed	Six-month suspension, stayed, 2021-Ohio-3864
Columbus Bar Assn. v. Eric Alan Jones, 20-041	Franklin	Hearing	Six-month suspension, stayed	Six-month suspension, stayed, 2021-Ohio-4070
Toledo Bar Assn. v. Stephen D. Long, 19-036	Lucas	Stipulations (hearing waived)	Indefinite suspension	Indefinite suspension, 2021-Ohio-3967
Disciplinary Counsel v. Sean R. Porter, 20-068	Cuyahoga	Hearing	Two-year suspension, one year stayed	Two-year suspension, one year stayed 2021-Ohio-4352
Disciplinary Counsel v. Hon. Mark E. Repp, 20-070	Seneca	Hearing	One-year suspension	One-year suspension, 2021-Ohio-3923
Lorain Cty. Bar Assn. v. Kenneth A. Nelson II, 20-055	Lorain	Hearing	Two-year suspension, one year stayed	Pending, Case No. 2021-0759
Disciplinary Counsel v. Robert M. Weber Jr., 20-075	Cuyahoga	Hearing	One-year suspension, stayed	One-year suspension, stayed, 2021-Ohio-3907
Cincinnati Bar Assn. v. Nancy H. Ludwig, 20-040	Hamilton	Hearing	Two-year suspension	Two-year suspension, 2021-Ohio-3971
Disciplinary Counsel v. C. Ralph Wilcoxson II, 20-049	Montgomery	Hearing	Two-year suspension, 18 months stayed	Two-year suspension, 18 months stayed, 2021-Ohio-3964
Disciplinary Counsel v. Lisa M. Pertee, 2021-002	Delaware	Consent-to-discipline	18-month suspension	18-month suspension, 2021-Ohio-2615
Disciplinary Counsel v. Robert J. Qucsai III, 20-072	Butler	Dismissal (default)	N/A	Indefinite default suspension, 2021-Ohio-2088
Cleveland Metro. Bar Assn. v. Esmeralda Fleming, 20-074	Cuyahoga	Dismissal (default)	N/A	Indefinite default suspension, 2021-Ohio-2088
Disciplinary Counsel v. Roland B. Kauffman, 20-071	Stark	Dismissal (resignation)	N/A	Resignation accepted, 2021-Ohio-2088
Disciplinary Counsel v. George K. Bower, 21-009	Wayne	Dismissal (resignation)	N/A	Resignation accepted, 2021-Ohio-2088
Cleveland Metro. Bar Assn. v. Michael J. Downing, 20-048	Cuyahoga	Dismissal (default)	N/A	Indefinite default suspension, 2021-Ohio-2281
Disciplinary Counsel v. Richard L. Federle Jr., 20-063	Clinton	Dismissal (resignation)	N/A	Resignation accepted, 2021-Ohio-2399

APPENDIX A

2021 BOARD CASE DISPOSITION INDEX

Case Name and Number	County	Board Disposition Type	Board Disposition or Recommendation	Supreme Court Disposition or Status
Disciplinary Counsel v. John W. Gold, 20-078	Cuyahoga	Dismissal (default)	N/A	Indefinite default suspension, 2021-Ohio-2417
Disciplinary Counsel v. Michael J. Marshall, 17-042	Jefferson	Reinstatement	Grant reinstatement	Reinstatement granted, 2021-Ohio-3606
Columbus Bar Assn. v. Christian M. Family, 20-076	Franklin	Hearing	18-month suspension, 12 months stayed	18-month suspension, 12 months stayed, 2021-Ohio-4054
Medina Cty. Bar Assn. v. Andrew C. Schriver, 20-079	Medina	Hearing	Public reprimand	Pending, Case No. 2021-0973
Disciplinary Counsel v. Kevin C. Cox, 20-073	Guernsey	Hearing	Two-year suspension, one year stayed	Pending, Case No. 2021-0975
Disciplinary Counsel v. Hon. Thomas M. O'Diam, 21-006	Greene	Hearing	Six-month suspension	Pending, Case No. 2021-0971
Columbus Bar Assn. v. James A. Coutinho, 21-008	Franklin	Dismissal on merits	N/A	N/A
Cincinnati Bar Assn. v. Richard L. Crosby III, 20-065	Hamilton	Dismissal (resignation)	N/A	Resignation accepted, 2021-Ohio-3387
Disciplinary Counsel v. Stephen M. Darling, 20-034	Franklin	Hearing	Indefinite suspension	Pending, Case No. 2021-1232
Medina Cty. Bar Assn. v. Russell A. Buzzelli, 21-001	Medina	Hearing	Two-year suspension	Pending, Case No. 2021-1233
Akron Bar Assn. v. Matthew W. Talley, 21-007	Summit	Consent-to-discipline	One-year suspension, six months stayed	One-year suspension, six months stayed, 2021-Ohio-4033
Cleveland Metro. Bar Assn. v. Justin M. Weatherly, 21-014	Cuyahoga	Consent-to-discipline	Public reprimand	Public reprimand, 2021-Ohio-4033
Columbus Bar Assn. v. Corinne N. Ryan, 21-010	Franklin	Dismissal on merits	N/A	N/A
Toledo Bar Assn. v. Michael D. Portnoy, 21-012	Lucas	Dismissal on merits	N/A	N/A
Cleveland Metro. Bar Assn. v. John L. Lemieux, 11-095	Cuyahoga	Dismissal (petition withdrawn)	N/A	N/A
Disciplinary Counsel v. Scott E. Jancura, 21-025	Lorain	Dismissal (consolidation)	N/A	N/A
Akron Bar Assn. v. Thomas L. Walkley, 21-004	Summit	Dismissal (upon application of relator)	N/A	N/A
Disciplinary Counsel v. Walter D. Hartsock, 00-083	Out-of-state	Reinstatement	Grant reinstatement	Pending, Case No. 2001-1208
Disciplinary Counsel v. Gary A. Vick Jr., 20-050	Cuyahoga	Hearing	Indefinite suspension	Pending, Case No. 2021-1515
Disciplinary Counsel v. Robert T. Hoover, 21-015	Scioto	Hearing	Two-year suspension	Pending, Case No. 2021-1517
Columbus Bar Assn. v. Wesley R. Davis, 21-003	Franklin	Hearing	One-year suspension, stayed	Pending, Case No. 2021-1516
Disciplinary Counsel v. Hon. Pinkey S. Carr, 20-054	Cuyahoga	Hearing	Two-year suspension	Pending, Case No. 2021-1518
Disciplinary Counsel v. Michael A. Noble, 21-017	Portage	Hearing	One-year suspension, six months stayed	Pending, Case No. 2021-1519

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2021 BOARD CASE DISPOSITION INDEX

DISPOSITIONS BY TYPE	
33	Hearing on Complaint
9	Dismissal (Resignation)
7	Dismissal (Default)
7	Consent to Discipline
5	Reinstatement Hearing
3	Dismissal (on Merits)
3	Dismissal (Other)
1	Consolidation
1	Stipulations (Hearing Waived)
69	Total Dispositions

APPENDIX B

CERTIFIED GRIEVANCE COMMITTEE REIMBURSEMENTS

FISCAL YEAR 2021 TOTAL REIMBURSEMENTS TO CERTIFIED GRIEVANCE COMMITTEES

For Disciplinary-Related Expenses and File Inventories

CERTIFIED GRIEVANCE COMMITTEE	REIMBURSEMENT
Akron Bar Association	$172,490.11
Allen County Bar Association	$1,014.71
Ashtabula County Bar Association	$13,338.21
Butler County Bar Association	$8,040.40
Cincinnati Bar Associaton	$217,744.89
Cleveland Metropolitan Bar Association	$246,871.48
Columbiana County Bar Association	$4,976.40
Columbus Bar Association	$323,332.79
Dayton Bar Association	$161,785.56
Erie-Huron-Ottawa Certified Grievance Committee	$13,177.92
Findlay/Hancock County Bar Association	$9,176.45
Lake County Bar Association	$20,218.35
Lorain County Bar Association	$161,052.27
Mahoning County Bar Association	$101,878.27
Ohio State Bar Association	$131,370.82
Stark County Bar Association	$42,838.43
Toledo Bar Association	$181,504.89
Trumbull County Bar Association	$7,131.19
Warren County Bar Association	$13,096.20
TOTAL	$1,831,039.34

FILE INVENTORY [GOV.BAR R. V, SECTION 8(F)]	REIMBURSEMENT
Erie-Huron-Ottawa Bar Associations	$4,644.30
Mahoning County Bar Association	$3,898.00
Stark County Bar Association	$4,333.80
Toledo Bar Association	$3,000.00
TOTAL	$15,876.10

GRAND TOTAL	**$1,846,915.44**

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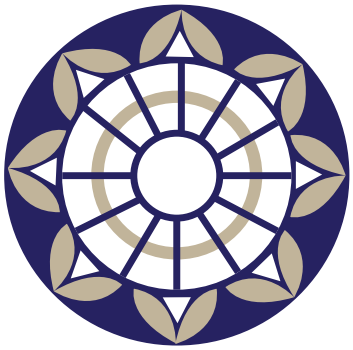

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