



Ohio Board of Professional Conduct

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

FROM: Rick Dove

DATE: February 2020

RE: Bimonthly Update

February Board Meeting

The Board of Professional Conduct met on February 7 and approved [eight case reports](#). These reports were filed with the Supreme Court on February 10.

The Board has 33 pending cases. Seven cases have been heard and are awaiting reports, and 11 cases are scheduled for hearing.

Advisory Opinions

On February 7, the Board approved two advisory opinions. [Advisory Opinion 2020-1](#) addresses the ethical implications of noncomplete clauses in attorney employment contracts. [Advisory Opinion 2020-2](#) replaces former Advisory Opinion 1988-30 and offers advice to a lawyer who is preparing a deed for a client based on instructions from a third party.

Board Appointments

Three new attorney commissioners were appointed in December and January. Joining the Board are Commissioners Elizabeth Cary (10th District), Danielle Parker (4th District), and Ken Peller (12th District).

2019 Annual Report

The Board released its [2019 Annual Report](#) the week of February 10. The report contains a recap of the Board's case terminations, advisory opinions, and other activities in 2019.

Probable Cause Schedule and Filing Requirements

The next two probable cause deadlines are February 21 and March 20. Please submit your probable cause materials in advance of these deadlines to ensure timely consideration by the Board panels.

Bar counsel are asked to review the filing requirements set forth in BPC Proc. Reg. 3(B). When new complaints are submitted to the Board for probable cause review, you need to provide only one item in paper format—a signed copy of the complaint. **All** other materials, including the summary of investigation and exhibits, must be submitted in electronic format (flash drive or disc) only. If the respondent waives an independent probable cause determination, the relator needs to file just one copy of the complaint and the signed waiver.

CGC Reporting and Recertification

The Board will consider the biennial recertification of grievance committees at its April 3 meeting. One element of the recertification process is compliance with the quarterly statistical reporting and annual reporting requirements set forth in Gov. Bar R. V, Section 5(D) and (E). These reporting requirements are summarized on the [Relator/Respondent's Counsel](#) page of the Board's web site.

As of mid-February, several certified grievance committees have not filed quarterly statistical reports for one or more quarters in calendar year 2019. The chairs and bar counsel for those committees have been contacted directly. All CGCs are reminded that the 2019 annual reports are due on or before March 1. Committees that are delinquent in their quarterly or annual reporting requirements will be considered for decertification when the Board meets in April.

Proposed Amendments to Gov. Bar R. V and Gov. Jud. R. II

In September 2019, the Supreme Court received a report from the Task Force to Review the Ohio Disciplinary System. The Task Force recommended several amendments to Gov. Bar R. V and Gov. Jud. R. II.

In late January, the Supreme Court approved the [publication of proposed amendments](#) consistent with several of the Task Force recommendations. The proposed amendments were announced on February 13, and the Court will accept public comments through March 26. You may use the link to access the proposed amendments and also obtain information for submitting written comments on the proposed amendments.