



Ohio Board of Professional Conduct

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Memorandum

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

From: Elizabeth T. Smith, Director

Date: April 23, 2026

Re: Director's Bi-Monthly Report

Recent Board Action

Cases

On April 10, 2026 the Board of Professional Conduct held its bi-monthly meeting. The Board approved and certified three Consents to Discipline:

- [Disciplinary Counsel v. James Matthew Dawson, Case No. 2026-0454](#)
- [Toledo Bar Association v. Samuel Roy Harden, Case No. 2026-0457](#)
- [Butler County Bar Association v. Karen Ann Rolcik, Case No. 2026-0458](#)

One consent to discipline was rejected by the Board and therefore will proceed to hearing: In re Jason Roger Paul McNeily, Board Case No. 2025-030.

Other Action by the Board

The Board approved the recommendation of the Rules Committee of a **proposed Vexatious Grievant Rule** which has now been submitted to the Chief Legal Office for eventual submission to the Court to be set for a public comment period.

The Board approved a **proposed budget for FY2027** which remains unchanged as previously submitted and proposed except for some internal adjustments for operations. The budget for the Certified Grievance Committees will remain the same for the rest of this biennium. The budget has been submitted to the Court for approval.

The Board approved **the certification of 28 Certified Grievance Committees** and the deferral of two, Portage and Wood County Bar Associations Certified Grievance Committees.

Finally, the Board approved and has issued [Advisory Opinion 2026-01](#) (*Limited Scope Representation Through the Drafting of Pleadings for Pro Se Litigants.*)

Annual Report

The Annual Report for fiscal year 2025 and calendar year 2025 was also presented and is linked [here](#).

Continued Development of Electronic Submissions

As previously reported, forms are online for the electronic submission for timekeeping and reimbursement of expenses. While there were a few glitches, the process seems to be working well and will allow us to better track and analyze expenses. We appreciate the efforts that the CGCs are making to analyze and control their expenses. We understand that most appreciate the online submission process and the ability to submit online all back-up documentation. I cannot emphasize enough we will not reimburse if we do not have back-up documentation as this is also a requirement of both the Fiscal Office here at the Court and the State Auditor. In fact, this is the year that we are being audited by Auditor Faber.

The electronic form for the submission of grievance data is also up and running. To date, we have only received grievance data from 17 out of 30 certified grievance committees. It is absolutely imperative that this data be submitted, even if you have received no grievances this past quarter. If we do not receive a report, we do not know whether you received no grievances or simply failed to report.

You will note that the categories are further delineated in an attempt to track better the grievance process. There will still be some inconsistencies but we believe that the categories will allow a better understanding of the process. We continue to learn that all the CGCs do not process grievances in the same manner and we will continue to work through those differences.

Ongoing Budget Discussions

In preparing the annual report for calendar year 2025, we discovered after we had submitted the grievance data that two of the major CGCs had not submitted data for a few past quarters. The number of grievances filed was reported as being 4306; the more accurate number is 4402. The numbers will be updated on the Board's website.

We appreciate everyone's hard work and patience as we work through budget issues and develop a position that is fair to all, bearing in mind that it is a finite source of revenue from Attorney Registration Fees.

AI Ethics Guide

Soon to be published on our website will be an AI Ethics Guide authored by Deputy Director and Senior Legal Counsel Allan Asbury. With the number of "hallucinations" being reported by courts, it is important that all attorneys are diligent in their research and writing to be truthful to the tribunal.

Ongoing Inquiries and Need for Mentoring

Allan and I field several inquiries a day from attorneys at all stages in the practice. Common questions are those dealing with conflicts of interest and obligations to withdraw from representation. Conflicts of interest questions are never easy and require the attorney to determine whether a prior representation or a current representation creates a situation where there is a substantial risk of a material limitation in the representation of a client. In some instances, generally in multi-lawyer firms, this may also include the consideration of a positional conflict. Please feel free to give us a call to discuss any issue, including inquiries you may be receiving.

As a matter of information, we also have been busy with judicial campaign grievances, which are subject to expedited consideration, in the last several weeks. Only one proceeded to a hearing panel on the merits with the other three being dismissed by the probable cause panels.