

THE OFFICE OF DISCIPLINARY COUNSEL



# 2020 ANNUAL REPORT

## Office of Disciplinary Counsel



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# A MESSAGE FROM DISCIPLINARY COUNSEL

Dear Chief Justice O'Connor and Honorable Justices of the Supreme Court:

Under Rule V, Section 4(D) of the Supreme Court Rules for the Government of the Bar of Ohio, I respectfully submit the Office of Disciplinary Counsel's 2020 Annual Report.

The year 2020 presented unprecedented challenges. The COVID-19 pandemic wreaked havoc on agencies around the world and, we too, felt its devastating impact. But like so many other organizations and individuals across the globe, we met the challenges head-on and persevered. Following the Court's lead, our office immediately shifted to a rotating, skeleton work crew, while the great majority of our team worked remotely from their homes. Our years-long investment in a "paperless office" proved beneficial, as it allowed for a more efficient transition to a remote work environment.

Despite the pandemic, we spent much of 2020 compiling a diversified team of dedicated and highly skilled professionals who are committed to assisting the Office of Disciplinary Counsel fulfill its mission. We added seven new team members – four lawyers, one receptionist, one administrative officer, and one paralegal. By December 2020, the Office of Disciplinary Counsel was fully staffed, and we look forward to a productive 2021.

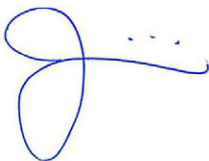
During 2020, the Office of Disciplinary Counsel filed 35 complaints that were certified by the Ohio Board of Professional Conduct, the same number we filed in 2019. We also filed one complaint with the Board on the Unauthorized Practice of Law, two fewer than we filed in 2019. The Office of Disciplinary Counsel also received 51 applications for retirement or resignations with disciplinary action pending, 37 of which were resolved by year's end. We disposed of 1,993 grievances during 2020, compared to 2,366 in 2019. At the end of 2020, the office had 637 cases under investigation.

Additionally, to further implement the Court's amendment to former Gov.Bar R. V(5)(D)(1)(e), the Office of Disciplinary Counsel continued to present training programs for bar counsel and volunteer certified grievance committee members.

On June 25, 2020, we relocated our office from the Civic Center Drive location to floor 15 of the Capitol Square Building at 65 E. State Street in Columbus. Our new 10,738 square-foot office is across from the statehouse and just blocks from the Court. We designed the space to streamline workflow and enhance collaboration throughout the office. With a continued focus on the health and safety of our staff, we hope to significantly increase our onsite staff by the third quarter of 2021 as vaccinations increase.

The Office of Disciplinary Counsel's 29-member team is committed to its mission of protecting the public by ensuring that Ohio's lawyers and judicial officers perform their duties competently and ethically. Our team strives to conduct our business with integrity, respect, and fairness.

Sincerely,



JOSEPH M. CALIGIURI  
Disciplinary Counsel





Joseph Caligiuri, Disciplinary Counsel, presents a case during oral arguments before the justices of the Supreme Court of Ohio.

## OFFICE OF DISCIPLINARY COUNSEL (ODC)

The Supreme Court of Ohio established the position of Disciplinary Counsel and the Office of Disciplinary Counsel (“ODC”). The duties and responsibilities of the Disciplinary Counsel and of the Office of Disciplinary Counsel are set forth in Gov. Bar R. V(4)(A). Under that rule, Disciplinary Counsel is authorized to investigate allegations of misconduct, mental illness, or substance abuse by lawyers and judges under the Ohio Rules of Professional Conduct, the Code of Judicial Conduct, and the rules governing the unauthorized practice of law (“UPL”).

Disciplinary Counsel also has the authority, among other things, to:

- (a) Initiate complaints with the Ohio Board of Professional Conduct (the Board) based upon its investigations;
- (b) Certify bar counsel designated by certified grievance committees;
- (c) Review the dismissals of grievances by certified grievance committees for abuse of discretion or error of law;
- (d) Develop and offer an education curriculum for bar counsel and certified grievance committee members;
- (e) Review and approve the employment of suspended or disqualified lawyers; and
- (f) Investigate the applications of Ohio lawyers to retire or resign from the practice of law and file a sealed report with the Supreme Court recommending whether the application should be granted and, if so, whether it should be approved by the Court as a retirement or as a resignation with disciplinary action pending.

## STAFF OVERVIEW

The 29-person staff of the Office of Disciplinary Counsel is comprised of the following positions, including the incumbents in those positions during 2020:

### DISCIPLINARY COUNSEL

Joseph M. Caligiuri

### CHIEF ASSISTANT DISCIPLINARY COUNSEL

Donald M. Scheetz

*Promoted effective March 2, 2020*

### SENIOR ASSISTANT DISCIPLINARY COUNSEL

Amy C. Stone

Donald M. Scheetz

*Through March 1, 2020*

### ASSISTANT DISCIPLINARY COUNSEL

Karen H. Osmond

Michelle R. Bowman

Audrey E. Varwig

Lia J. Meehan

Adam P. Bessler

Matthew A. Kanai

*Commenced employment effective June 1, 2020*

Kelli C. Schmidt

*Commenced employment effective June 15, 2020*

Martha S. Asseff

*Commenced employment effective July 6, 2020*

Michelle A. Hall

*Commenced employment effective Nov. 9, 2020*

Jennifer A. Bondurant

*Resigned employment effective March 27, 2020*

Stacy Solochek Beckman<sup>1</sup>

*Resigned employment effective June 5, 2020*

### SPECIAL ASSISTANT DISCIPLINARY COUNSEL

Lori J. Brown<sup>2</sup>

### ADMINISTRATIVE OFFICER

Jennifer Dennis

*Resigned employment effective May 15, 2020*

Candie Gutierrez

*Commenced employment effective Aug. 10, 2020*

### EXECUTIVE ASSISTANT/ LEGAL RESEARCH ANALYST

Cassandra Kilgore

### LEGAL RESEARCH ANALYSTS

Paula Adams

Linda Gilbert

Brent Small

### LITIGATION PARALEGAL

Phoebe Heffron

*Commenced employment effective Dec. 14, 2020*

### INVESTIGATORS

Charles Bower

Donald Holtz

### ADMINISTRATIVE ASSISTANT

Laura Johnston

### LEGAL/ADMINISTRATIVE SECRETARIES:

Karen Loy

Lori Luttrell

Christine McKrimmon

Katherine Stillman

### RECEPTIONIST

Elizabeth Reynolds

*Resigned employment effective Jan. 3, 2020*

Sukia Neal

*Commenced employment effective July 27, 2020*

### CLERICAL SUPPORT STAFF:

Thern Osborne

### IT LIAISON/CLERICAL SUPPORT STAFF:

Sam Simms

*Promoted effective Aug. 10, 2020*

ODC also contracts with one part-time field investigator who provides investigative services as needed in southwestern Ohio.

<sup>1</sup> Beckman was part-time and worked a four-day weekly schedule.

<sup>2</sup> Brown is a part-time independent contractor.





ODC moved to a new office during the summer of 2020.

## SIGNIFICANT OFFICE DEVELOPMENTS

### *A. New ODC Staff Members*

Assistant disciplinary counsel Matt Kanai joined the office on June 1, 2020, filling the vacancy created by Don Scheetz's promotion. Matt previously held several senior positions with the Ohio Attorney General's Office, including section chief of the Crime Victims' Services Unit, general counsel for law enforcement, and unit coordinator for the capitol crimes section.

Assistant disciplinary counsel Kelli Schmidt joined the office on June 15, 2020. Kelli had spent the past five years at the Kane County, Illinois, State's Attorney's Office, where she served as a felony prosecutor, specializing in aggravated domestic violence and white-collar crime. In 2019, Kelli first-chaired 33 jury trials to verdict.

Assistant disciplinary counsel Martha Asseff joined the office on July 6, 2020. For the past three years, Martha served as attorney services counsel at the Supreme Court of Ohio, and as secretary to the

Board on Professionalism. Before joining the court, Martha spent 12 years in private practice as a civil litigator, most recently with Dinsmore and Shohl.

Sukia Neal joined the office on July 27, 2020, as our receptionist. Before joining the office, Sukia served as an administrator at the Columbus Humanities and Arts and Technology Academy.

Assistant disciplinary counsel Michelle Hall joined the office on Nov. 9, 2020. Michelle previously served as senior counsel to the Board of Professional Conduct for three years. Michelle also served as attorney services counsel, secretary to the Board on the Unauthorized Practice of Law, and staff counsel to the Court.

Candie Gutierrez joined the office on Aug. 10, 2020, as administrative officer. Candie brings a wealth of office management and human resource experience to the office, having spent the past six years at Top Golf and the Hollywood Casino, respectively. Candie supervises the administrative assistants, support staff, and receptionist.

Phoebe Heffron joined the office on Dec. 14, 2020, as our first litigation paralegal – a position dedicated to judicial disciplinary cases. Phoebe, a former high-school English and Language Arts teacher, spent the last six years working as a paralegal in the employment and workers’ compensation areas.

### ***B. Continuing ODC Training Program for Bar Counsel and Members of Certified Grievance Committees Designated as Trial Counsel of Record***

Effective Jan. 1, 2015, the Supreme Court adopted former Gov.Bar R. V(5) (D) (1) (e), which provides that, on or after Jan. 1, 2016, any bar counsel or volunteer certified grievance committee member who is designated as trial counsel of record in a case prosecuted before the Board of Professional Conduct (“Board”) must have attended and completed a training program offered by Disciplinary Counsel relating to the preparation and prosecution of formal complaints. Since 2015, ODC conducted 33 training sessions throughout the state, not including the annual bar counsel seminar.

During 2020, ODC conducted one in-person, and two “live” remote training programs for bar counsel and members of certified grievance committees throughout Ohio. The three-hour “What Happens Next” program identified and illustrated appropriate responses to challenging situations arising during the investigation and prosecution of a disciplinary matter. ODC developed the program materials, which included relevant decisions, rule citations, sample pleadings, templates, and participant evaluations.

On average, 15 bar counsel and certified grievance committee members attended each training session in 2020. Not surprisingly, the number of attendees dipped from the previous year. With the challenges presented by COVID-19, ODC and the Board permitted counsel of record to use attendance at the annual Miller-Becker Seminar to fulfill the training requirement.

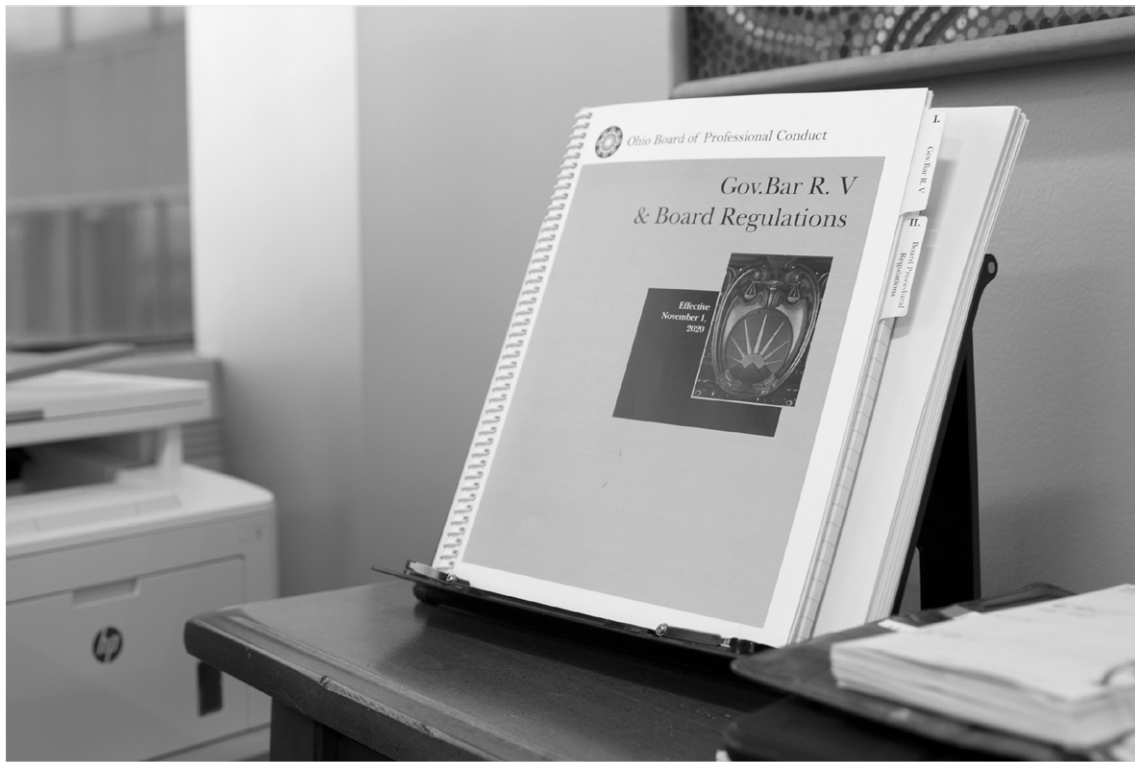
The data from the evaluation forms confirms the outstanding quality of the instruction and programming, and that the attendees value the training. Moving forward, in compliance with the newly adopted rules, ODC, in conjunction with the Board, will enhance the training program to focus on bar counsel. By the year’s end, ODC met with the director of the Board to identify training topics and teaching methods. ODC assured bar counsel that the ODC will remain available to assist with training members of the certified grievance committees.

### ***C. Supreme Court Disciplinary System Task Force***

In June 2018, Chief Justice Maureen O’Connor commissioned a task force to undertake an analysis of Ohio’s disciplinary system. Paul DeMarco Esq., the former chair of the Board, was appointed as chair. The undersigned was designated as the Office of Disciplinary Counsel’s representative on the task force and also served on two of the task force’s subcommittees.

The task force focused on three areas: (1) examining how to strengthen the disciplinary system to provide for more timely resolution of complaints and allegations against judicial officers and attorneys; (2) determining whether to bifurcate into separate systems for attorneys and judicial officers; and (3) offering any other recommendations to further the public’s trust and confidence in the bar and judiciary. To address these specific areas, the task force formed three workgroups – Structural Improvements and Time, Justice Disciplinary System, and Public Confidence.

DeMarco presented the task force report to the court in 2019. After revisions and time for public comment, the court adopted many of the proposed amendments, which took effect Nov. 1, 2020. The new rules require investigations to be completed within 270 days, which presents a more realistic time frame for conducting a thorough investigation. At the 270-day mark, relators must provide notice of an extension request to the respondent. As under the previous rule, investigations extending



beyond one year constitute prima facie evidence of unreasonable delay.

In an effort to address lawyer well-being, ODC and all certified grievance committees are now required to include information from the Ohio Lawyers Assistance Program (“OLAP”) with all notices of intent to file formal charges. The goal is to provide struggling lawyers and judicial officers the opportunity to engage with OLAP at an earlier time.

The new rules require bar counsel for the certified grievance committees to serve as lead counsel in the cases they file with the Board and to obtain, annually, six hours of training offered or approved by ODC. With the change in training requirements, ODC began developing a new program in conjunction and consultation with the Board. ODC intends to offer the training beginning in the summer of 2021.

The new rules allow the parties to waive objection at the Supreme Court level, and also provide for the submission of a no-objection brief by either party.

#### ***D. Educational Outreach***

In Disciplinary Counsel’s view, educating Ohio lawyers and judges about the requirements and obligations imposed by the Rules of Professional Conduct and the Code of Judicial Conduct is an important and valuable part of ODC’s work. The primary purpose of lawyer and judicial disciplinary proceedings is not to “punish” the lawyer or judge but, instead, to protect the public and the legal profession. Disciplinary Counsel believes there are many circumstances in which education can be as effective as a disciplinary prosecution in preventing future misconduct.

Therefore, ODC attempts to accommodate all requests for a member of the office to address groups of lawyers and judges on issues relating to legal and judicial ethics and the requirements of the Rules of Professional Conduct and the Code of Judicial Conduct.

In addition to the three bar counsel and certified grievance committee training sessions conducted throughout Ohio in 2020, ODC also presented a three-hour



The redesigned ODC website home page.

seminar for bar counsel and participated in the planning and presentation of the annual Miller-Becker Seminar, which was held virtually due to the pandemic.

Further, ODC lawyers presented at 25 meetings and events. The undersigned participated in 16 speaking engagements, while chief assistant, Don Scheetz, participated in four speaking engagements, and also presented to the court's externs. Assistant disciplinary counsel combined for five other presentations involving lawyer and judicial ethics at the state level and nationally. The undersigned and chief assistant, Don Scheetz, taught Professional Responsibility as Adjunct Professors at The Ohio State University Moritz College of Law. The undersigned also served as the president of the Association of Judicial Disciplinary Counsel, a national organization aimed at promoting judicial integrity and independence by improving the effectiveness of state judicial disciplinary organizations. The president serves a three-year term.

In an effort to prevent misconduct from occurring, ODC answers ethics inquiries from lawyers and judicial officers daily,

providing ethical guidance and resource information. Assistant disciplinary counsel provide telephonic guidance to lawyers on a rotating basis, with each lawyer having "ethics duty" approximately three times per month. In 2020, ODC unveiled a dedicated "ethics hotline" for judges and magistrates. The dedicated line connects judges and magistrates directly to the Disciplinary Counsel or the chief assistant. During 2020, assistant disciplinary counsel handled 505 ethics inquiries from Ohio lawyers, while Disciplinary Counsel and the chief assistant handled 155 inquiries from judicial officers and candidates.

#### ***E. Website Redesign***

As stated in last year's annual report, ODC formed an internal committee in November 2019 to develop a user-friendly and comprehensive website aimed at increasing the transparency of our disciplinary process, improving the dissemination of relevant information, allowing greater access to our services, and improving the public's perception of Ohio's disciplinary system. In July 2020, our information technology liaison, Sam Simms, completed the website



design, which launched on Sept. 29, 2020, The new site, which can be found at [odc.ohio.gov](http://odc.ohio.gov) contains an online grievance portal, allowing an individual to submit a grievance electronically in one of eight languages. The site also contains a robust FAQ section, and relevant information for attorneys and judicial officers, including a link to recent decisions, sample IOLTA documents, forms, information on abandoned client files, and related agencies.

The site received recognition from the [Legal Profession Blog](#), which concluded, “Since Ohio is already the most accessible jurisdiction for bar discipline information, their efforts to improve show a uniquely public-friendly approach to regulation.”

In 2021, ODC hopes to add two features to the site. First, ODC intends to enhance the online grievance portal to present additional end-user options and synchronize with our current case management system. Second, ODC wants to launch an online forum for bar counsel. The forum will require login credentials and provide an opportunity for bar counsel and members of ODC to interact and share information in a secure, but informal manner.

#### ***F. Document Management***

In the fall of 2016, ODC formed an internal committee, led by assistant disciplinary counsel Audrey Varwig, to formulate and implement a plan to modify the ODC’s case management software and internal processes to support a “paperless” system utilizing Adobe Acrobat Professional software. During the initial phase, the Case Management Committee analyzed the workflow throughout the Intake process, which uncovered inefficiencies, inconsistencies, and disorganization that have now been eliminated. By January 2019, ODC completed the initial phase by automating the intake process.

The Case Management Committee remained active throughout 2020 by automating office processes and procedures in furtherance of the paperless office environment and improving the functioning of the case management application.

In addition to regular troubleshooting and monitoring, the committee worked on several projects. First, it continues to work on an electronic grievance. The development of the electronic grievance includes integrating attorney registration data, the case management application, and email, with the goals of minimizing duplication and data entry, improving accuracy, and ensuring security. A temporary online portal for uploading grievance forms was created while the development of the electronic grievance continues.

Second, the committee reviewed changes in ODC processes and procedures, and adjusted the application accordingly. The pandemic resulted in increased use of email and uploading documents electronically. The committee added a function to ease uploading to promote completeness and organization of investigative files in electronic format. In addition, the application was programmed to allow for the creation of .PDF documents, facilitating the use of forms during investigations and litigation.

Third, the committee responded to several changes in the past year. All new employees were added as users and trained on using the case management application. After the office move, the application was updated to reflect new contact information. With the amendments to the Rules for the Government of the Bar, the committee updated the application functions and user interface to address the timing changes for extensions to complete investigations.

Fourth, the committee also performed an audit of the statistics generated by the case management application to ensure the accuracy of the dashboard and reports. The application was updated to ease data mining capabilities as ODC advances.

Lastly, the committee continued improving the application’s calendaring functions, which are used to ensure that deadlines are met, and investigations and litigation proceed in a timely manner.

### ***G. IOLTA/Client Trust Accounting School***

Through ODC's investigations of IOLTA overdrafts and speaking engagements throughout the state, it is apparent many Ohio lawyers are not familiar with their IOLTA record-keeping requirements under Prof.Cond.R. 1.15(a). It also appears many lawyers are unsure of their obligations in handling advanced attorney fees and costs under Prof.Cond.R. 1.5 and 1.15.

In 2019, under the direction of senior assistant disciplinary counsel Amy C. Stone, along with assistance from the Judicial College, ODC produced a 30-minute instructional video regarding the proper management of an IOLTA. ODC intended to release the video in 2019, however, ODC opted to incorporate portions of the video into a more advanced video production in conjunction with the upcoming IOLTA/Client Trust Accounting School program.

The Ohio Channel agreed to film the project. Pandemic restrictions on in-person contact, however, resulted in several dates being scheduled then canceled. ODC ultimately decided to record the video via Zoom with a testing component being added post-production. ODC reworked the script to depict a lawyer working remotely. The video, through 27 vignettes, depicts a new, solo-practitioner meeting with clients with diverse legal needs and various fee arrangements. The lawyer makes mistakes in setting up her accounts and in depositing and disbursing funds from her IOLTA. She is then depicted correcting her errors.

Toward the end of 2020, ODC obtained approval for one hour of CLE credit. The Zoom recording was scheduled for February 2021. Judicial College staff will edit the video, and insert the test questions required for CLE credit along with other interactive features. ODC and the Judicial College anticipate an April 2021 availability for the completed course.

If the Trust Accounting School is as successful as ODC expects, ODC will seek approval from the Board and the Court to require completion of the course as a condition in cases involving trust-account violations.

### ***H. Abandoned Attorney Files***

Under Gov.Bar R. V(26), when a lawyer dies, is suspended, or disbarred, or otherwise abandons client files, and there is no partner, executor, or other responsible party who is available and willing to assume responsibility, ODC may take possession of the lawyer's files, inventory them, and take action as necessary to protect the interests of the lawyer's clients.

In 2020, ODC took possession of approximately 14 boxes of files from two lawyers. Although the number of client files contained in each box varies, there is an average of 35 client files per 2.5 cubic-foot box. During 2020, ODC took possession of approximately 490 client files.

Upon receipt of the abandoned files, ODC's personnel took inventory of the files and made efforts to locate and contact the lawyers' former clients to determine whether the clients wanted ODC to forward the file to them or to destroy the file.

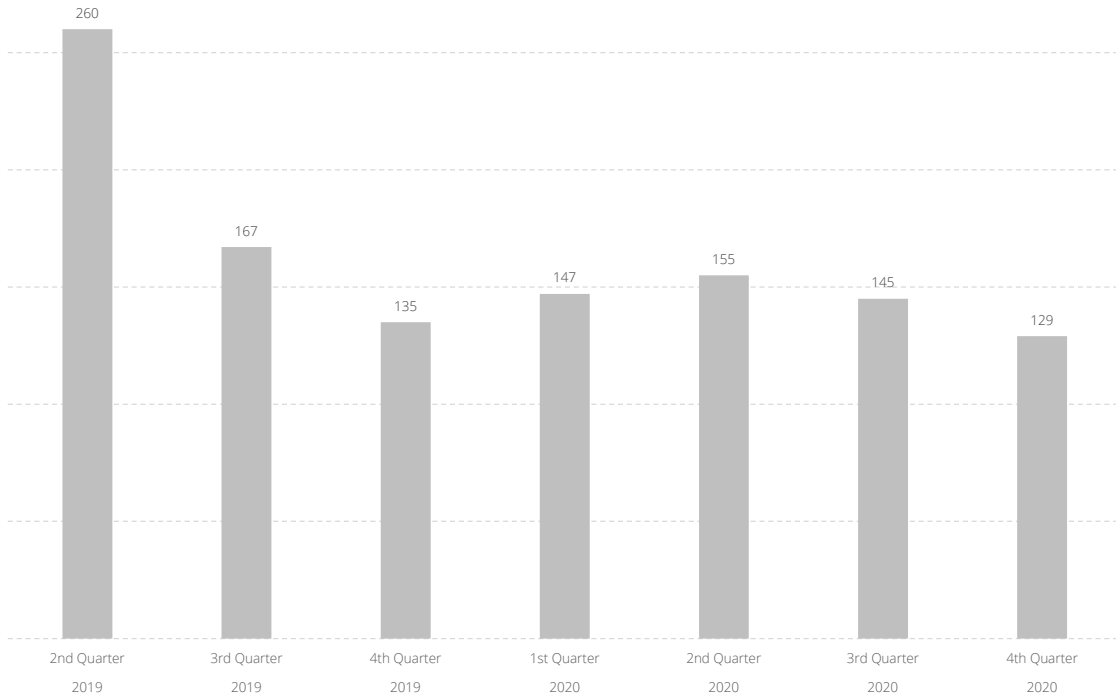
Additionally, Gov.Bar R. V(26) permits ODC to destroy abandoned client files after seven years, provided ODC has an inventory of the abandoned files and made reasonable efforts to locate and contact the lawyers' former clients. As of the date of the filing of this annual report, ODC did not have any client files eligible for destruction.

In June of 2020, when ODC moved locations, ODC transferred 908 boxes (approximately 31,780 client files) to an offsite-storage facility. ODC will recall these boxes to perform an inventory, notification, and return effort before they are returned to storage for seven years before destruction as required under the current rule.

### ***I. Abandoned File/IOLTA Workgroup***

In April 2019, ODC, under the direction of senior assistant disciplinary counsel Amy C. Stone, formed a workgroup to develop a uniform approach to handling client files and IOLTAs upon the death, disability, disappearance, deportation, or discipline of an attorney. The workgroup consisted of probate practitioners, bar counsel, probate judges, individuals who regularly contract to dispose of abandoned client files, and

## ODC BACKLOG STATISTICS



representatives from the Ohio Bar Liability Insurance Company, the Ohio Bankers’ League, and the Board. During 2020, the workgroup met once remotely and exchanged copious emails. The workgroup also developed an informational brochure. With the Office of Public Information’s assistance, the workgroup completed the brochure and submitted it to the chief justice for her review and approval. Chief Justice O’Connor approved the brochure for distribution to the bar of Ohio in Jan. 2021. In cooperation with the Office of Attorney Services, print copies will be distributed in May 2021 to new admittees to the bar. The brochure also will be disseminated as part of the 2021 attorney registration materials. Additionally, print copies will be distributed to the local bar associations for distribution at their discretion.

The workgroup is also developing a standard probate form to assist estate representatives and probate judges with the challenges associated with a deceased attorney’s IOLTA. Former Judge Robert Montgomery of the Franklin County Probate Court used the form under local

rule on a “trial” basis. His successor, Judge Jeffrey Mackey, continues to use the form. To date, ODC has not received any report of problems associated with the use of the form. ODC will work with the probate judges’ associations to gain widespread approval for the form, and also hopes to request formal approval in 2021.

### ***J. Reduction in Backlog***

As of June 30, 2019, the number of cases in backlog – i.e., investigations in excess of 150 days – was 260. Beginning in August 2019, the undersigned implemented a process to reduce the number of cases in backlog. Through one-on-one case evaluation conferences, coupled with increased accountability metrics, ODC reduced the backlog to a more manageable number. With the adoption of the amendments to the Rules for the Government of the Bar, cases will not enter “backlog” status until they reach 270 days, which, given the complexity of many of our cases, represents a more realistic time frame to conduct a thorough investigation.

## GRIEVANCES AND OTHER MATTERS

In 2020, the Office of Disciplinary Counsel received 2,329 new matters. This figure includes all relevant categories, such as grievances filed against lawyers, judges, magistrates and justices, appeals from dismissals by the certified grievance committees, felony convictions, board cases, UPL investigations, UPL board cases, child support, contempt, reciprocal discipline, retirements and resignations. Of that total, 1,504 represented grievances filed with ODC against lawyers and 509 grievances originally filed against judicial officers.

Additionally, 1,173 grievances were dismissed at intake or after initial review, of which 774 were against lawyers and 353 were against judicial officers. For administrative reasons, 58 grievances initially received by ODC were transferred to local bar associations for investigation. For the same reason, another 27 grievances were forwarded to the Board for reassignment. No grievances were forwarded for Gov. Jud.R. II, Section (2)(B) investigations. The remaining 1,071 grievances were opened for investigation. For a detailed analysis of grievances received in 2020 and opened for investigation, refer to Table 2 (p. 15). The data identifies the alleged primary violation and also includes data from the previous four calendar years to assist in tracking grievances and reporting trends in the state. Table 5 (p. 19) represents the geographic distribution of the grievances filed with ODC in 2020, organized by Ohio county based upon the location of the respondent lawyers' principal Ohio law offices.

At the beginning of 2020, 724 grievances were pending with ODC. As of Dec. 31, 2020, there were 637 grievances pending or under investigation.

## FORMAL COMPLAINTS AND DISPOSITIONS

In 2020, ODC filed 35 formal complaints that were certified with the Board of Professional Conduct, four of which alleged judicial misconduct. This figure represented 50% of all formal disciplinary complaints

certified by the Board in 2020.

In 2020, the Board or the Supreme Court disposed of 38 cases that previously were filed with the Board. The Supreme Court imposed final discipline in 38 cases in 2020. In addition, six cases were closed following acceptance of the lawyer's resignation. In 2020, five cases were converted to an indefinite suspension following the entry of an interim default suspension due to the lawyers' failure to participate in the Board proceedings.

## APPEALS FROM CERTIFIED GRIEVANCE COMMITTEE DISMISSALS

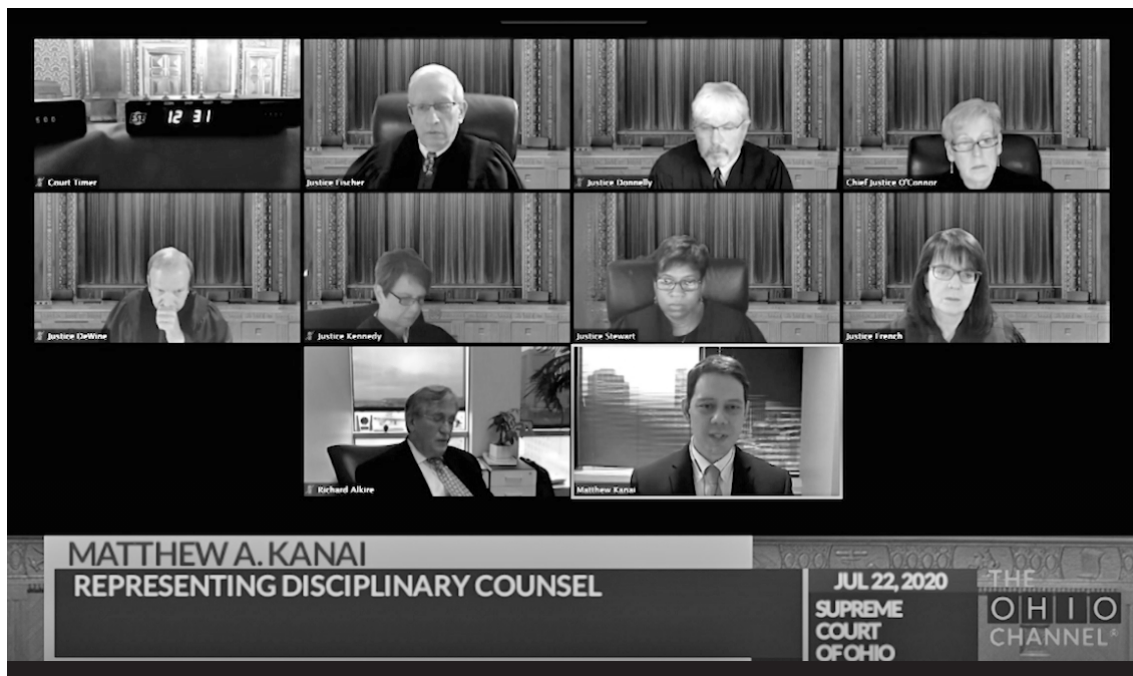
In Ohio, both ODC and its 32 certified grievance committees (which are associated with local bar associations across the state) are authorized to receive, investigate, and prosecute grievances against Ohio lawyers. If a grievance is initially submitted to and dismissed by any of the certified grievance committees, the grievant has 14 days within which to appeal that dismissal to the director of the Board, who then refers the request for review to ODC. ODC is authorized to open a new case and to conduct a separate investigation.

In 2020, ODC received 78 appeals, a decrease of 56 from 2019. During the year, ODC closed 83 appeals. As of Dec. 31, 2020, 20 appeals were pending.

## UNAUTHORIZED PRACTICE OF LAW (UPL)

ODC also receives grievances against an individual or organization that is not authorized to engage in the practice of law in Ohio (see Gov.Bar R. VII). The respondent may be a former lawyer who is no longer licensed under Ohio rules, a lawyer licensed in another jurisdiction but not in Ohio, or someone who never was admitted to the practice of law in any jurisdiction. Businesses or other entities offering legal services without the authority to do so also are subject to ODC's investigative powers.





The number of UPL grievances received in 2020 totaled 52, a decrease of two from last year. During the year, ODC closed 51 UPL grievances after investigation. As of Dec. 31, 2020, 31 UPL investigations were pending. In 2020, ODC filed one formal complaint with the UPL Board and conducted one trial before a panel of the UPL Board.

## RECIPROCAL DISCIPLINE

Lawyers may be licensed to practice law in multiple state jurisdictions. When a lawyer admitted to the practice of law in Ohio is sanctioned by another state, the attorney is required to notify both ODC and the clerk of the Supreme Court of Ohio. In addition, ODC frequently learns of the imposition of discipline in another jurisdiction from the disciplinary agency itself. Once a certified copy of the original disciplinary order is received, the court may impose a sanction upon the lawyer with either identical or comparable discipline (see Gov.Bar R. V(20)). ODC received seven reciprocal discipline matters and closed four such matters in 2020. The court sanctioned three lawyers on reciprocal complaints in 2020 (see Table 3 on p. 16 for sanction and original state jurisdiction).

## CHILD SUPPORT

If an Ohio lawyer, justice, or judicial officer is found, in a final and enforceable determination, to be in default of a child-support order, ODC is authorized under Gov.Bar R. V(18) to pursue an interim suspension. In 2020, ODC did not file any child-support matters, nor were any pending at the close of the year.

## RESIGNATIONS AND RETIREMENTS

Lawyers may submit an application to the Court to resign or retire from the practice of law. Once approved, the retirement or resignation is final and irrevocable, and the lawyer is ineligible from seeking readmission or reinstatement to the practice of law in the future. The application contains both an affidavit and written waiver permitting Disciplinary Counsel to conduct a review of the application to determine whether it should be granted and, if so, whether it should be classified as a retirement or a resignation with disciplinary action pending.

During the investigation, ODC seeks to determine whether the applicant currently is the subject of any disciplinary investigation(s) or proceeding(s), or

whether the lawyer currently is on a disciplinary suspension or probation. If disciplinary action is pending or the lawyer currently is under a disciplinary suspension or probation, then ODC prepares a sealed report to the Supreme Court indicating that the applicant may resign, but the resignation may only be approved with the designation “with Disciplinary Action Pending.”

Applicants for retirement or resignation who have no pending disciplinary investigations or proceedings are permitted to retire from the practice of law (for details, see Gov.Bar R. VI(11)).

In 2020, ODC received 51 retirement or resignation applications. In 2020, the Court accepted 14 resignations with disciplinary action pending and 20 retirements. (See Table 3, on p. 16). Additionally, the Court denied three applications for retirement/resignation.

## INTERIM SUSPENSIONS

In 2020, the Supreme Court imposed 14 interim suspensions – eight for felony convictions, four for default, and two for interim remedial. There were no interim mental-health suspensions.

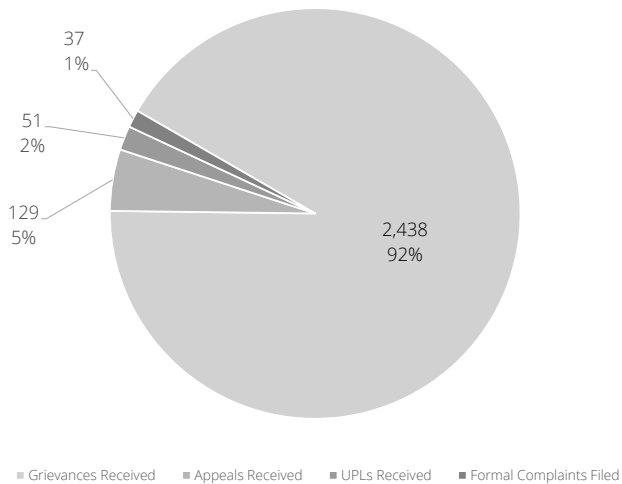
## HEARINGS AND ORAL ARGUMENTS

In 2020, ODC attorneys appeared in 14 hearings before the Board, 10 of which were held virtually, including one virtual reinstatement hearing. As of Dec. 31, 2020, there were 21 cases awaiting hearing dates and four cases awaiting a Board report. Additionally, ODC attorneys appeared in one in-person hearing before the Board on the Unauthorized Practice of Law. As of Dec. 31, 2020, there were two UPL cases awaiting hearing dates. ODC attorneys participated in five oral arguments before the Supreme Court of Ohio in 2020, four of which were held virtually. At the year’s end, one case was awaiting objection, four cases were pending oral argument before the Court, and eight cases were pending final Court decision.

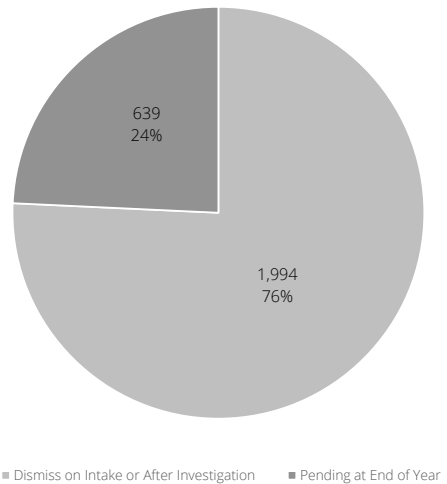
- TABLE 1 -  
FIVE-YEAR CASE COMPARISON (2016-2020)

	2016	2017	2018	2019	2020
<b>DISPOSITION OF GRIEVANCES</b>					
Dismissed on Intake or After Investigation	2,054	1,154	2,401	2,366	1,993
Pending at End of Year	564	626	642	724	637
<b>CASELOAD COMPARISON</b>					
Grievances Received	2,356	2,598	2,693	2,531	2,013
Appeals Received	171	150	110	134	78
UPLs Received	47	55	45	54	52
Formal Complaints Filed	39	34	40	35	35

**CASELOAD COMPARISON:  
FIVE-YEAR AVERAGE**



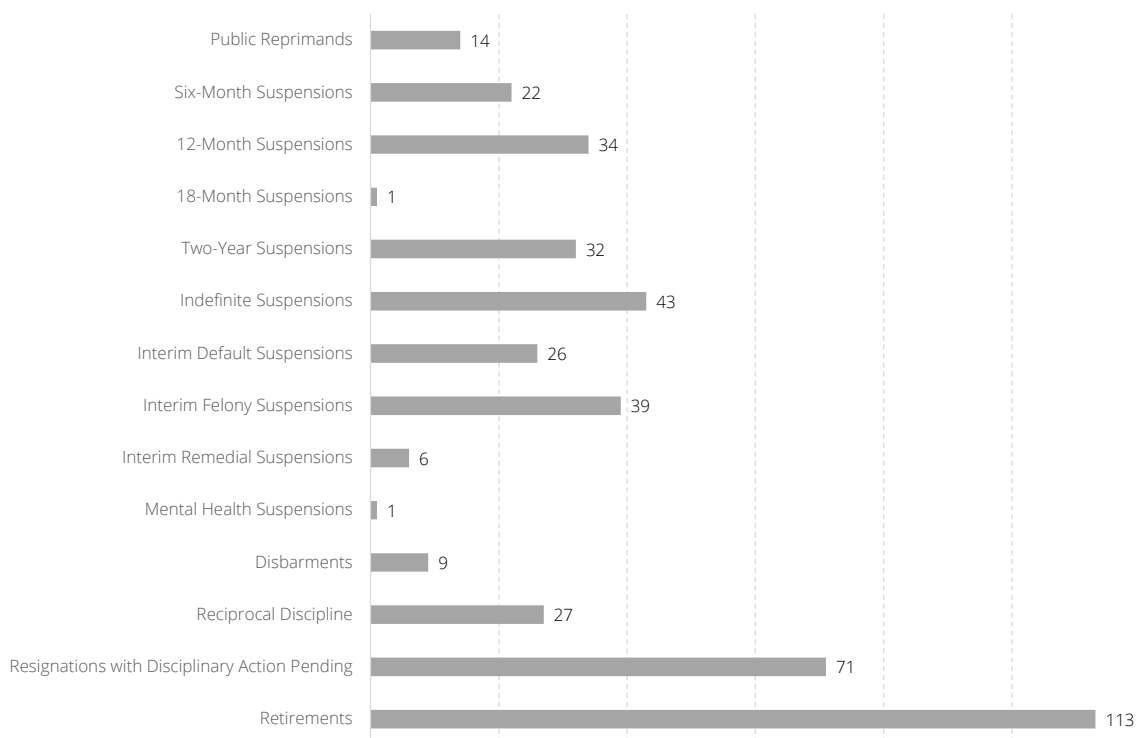
**DISPOSITION OF GRIEVANCES:  
FIVE-YEAR AVERAGE**



- TABLE 1 -  
FIVE-YEAR CASE COMPARISON (2016-2020)

SANCTIONS ISSUED (SEE TABLE 3 ON P. 16 FOR DETAILS)	2016	2017	2018	2019	2020
Public Reprimands	2	2	1	4	5
Six-Month Suspensions	5	3	5	1	8
One-Year Suspensions	11	5	3	10	5
18-Month Suspensions	0	1	0	0	0
Two-Year Suspensions	10	3	7	7	5
Indefinite Suspensions	10	6	7	7	13
Interim Default Suspensions	8	3	5	6	4
Interim Felony Suspensions	6	6	5	14	8
Interim Remedial Suspensions	1	2	1	0	2
Mental Health Suspensions	0	0	0	0	1
Disbarments	1	4	2	1	1
Reciprocal Disciplines	6	4	10	4	3
Resignations with Disciplinary Action Pending	19	12	14	12	14
Retirements	19	24	21	23	20

SANCTIONS AND DISPOSITIONS ISSUED: FIVE-YEAR TOTAL





- TABLE 2 -  
GRIEVANCES RECEIVED AND OPENED FOR INVESTIGATION  
A FIVE-YEAR COMPARISON (2016-2020)

Alleged Primary Violation	2016	2017	2018	2019	2020
Neglect/Failure to Protect Client Interests	262	255	248	245	192
Failure to Account or Turn Over Funds	26	23	18	21	11
Improper Withdrawal/ Refusal to Withdraw	15	16	21	13	15
Excessive Fees	66	69	67	80	60
Personal Misconduct	65	51	67	75	66
Misrepresentation/False Statements/ Concealment	31	17	53	37	34
Criminal Conviction	8	17	10	27	8
Failure to File Income Tax Returns	0	0	0	0	1
Commingling of Funds	0	0	0	0	0
Conversion	17	30	15	21	16
Embezzlement	1	2	3	8	8
Failure to Maintain Funds in Trust	180	182	246	216	125
Breach of Client Confidence	14	6	8	15	9
Conflict of Lawyer's Interest	41	29	21	12	8
Conflict of Client's Interest	53	36	40	53	46
Communication with Adverse Party Represented by Counsel	12	10	6	5	7
Trial Misconduct	101	112	91	89	88
Failure to Register	0	1	0	4	2
Practicing While Under Suspension	10	9	1	9	4
Assisting in the Unauthorized Practice of Law	2	4	2	20	0
Advertising/Solicitation	13	20	13	21	4
Judicial Misconduct	100	98	107	100	146
Mental Illness	2	2	1	1	0
Substance Abuse	1	8	9	5	4
Other	0	0	1	1	1
<b>TOTAL</b>	<b>978</b>	<b>1,010</b>	<b>1,048</b>	<b>1,078</b>	<b>855</b>

- TABLE 3 -

SANCTIONS AND DISPOSITIONS ISSUED IN 2020 BY THE SUPREME COURT OF OHIO  
PURSUANT TO CASES FILED BY DISCIPLINARY COUNSEL

5	PUBLIC REPRIMANDS	CASE NUMBER	13	INDEFINITE SUSPENSIONS
	Rebecca Doherty	2019-1736		William Tinch 2018-1178
	Alfonso Gonzalez	2020-0230		Elizabeth Ford 2019-1367
	Joan Thomas	2020-0467		Jared Wilson 2019-1720
	Monica Hawkins	2020-0468		Austin Buttars 2019-1722
	James Jenkins	2020-0471		Harold Schwarz 2019-1738
8	SIX-MONTH SUSPENSIONS			Marilyn Cramer 2019-1739
	ACTUAL			Mark George 2019-1747
	Anthony Spinazze	2019-1075		David Connors 2020-0217
	Michael Bachman	2020-0739		
	STAYED: SIX MONTHS			CONVERTED FROM INTERIM-DEFAULT SUSPENSION
	Barbara Porzio	2019-1746		Brian McNamee 2019-0569
	Christine Falconer	2020-0227		Paula Camino 2019-1184
	John Gibbons	2020-0471		Joni Turner 2019-1476
	Michael Goulding	2020-0738		Deborah Smith 2019-1612
	Loretta Riddle	2020-0744		Beth Judge 2020-0007
	Jerome Doute	2020-1195		
5	ONE-YEAR SUSPENSIONS		1	DISBARMENTS
	ACTUAL			Jason Sarver 2020-0229
	Mark Amaddio	2019-0809		
	John Wargo	2019-0809	1	MENTAL-HEALTH SUSPENSIONS
	STAYED: ONE YEAR			Jonea Shade 2020-1194
	Beverly Corner	2019-0215		
	Carol Adelstein	2020-0801	5*	INTERIM DEFAULT SUSPENSIONS
	Matthew Bruce	2019-1076		Deborah Smith* 2019-1612
0	18-MONTH SUSPENSIONS			Beth Judge 2020-0007
				Gabriel Moorman 2020-0935
				Brian Wiggins 2020-1039
5	TWO-YEAR SUSPENSIONS			Adam Searl 2020-1410
	ACTUAL			
	Michael Hoague	2019-1371	8	INTERIM FELONY SUSPENSIONS
	Scott Atway	2019-1741		John Ivsan 2020-0068
	STAYED: ONE YEAR			Christopher Burchinal 2020-0307
	Anthony Piazza	2019-1369		Jeffrey Brumbaugh 2020-0311
	STAYED: 18 MONTHS			Lisa Pertee 2020-0365
	Edward Brueggman	2019-1734		Adam Searl 2020-1141
	Byron Corley	2020-0221		Robert Hoover 2020-1184
				Jeanette Robinson 2020-1230
				Ryan Reed 2020-1538

\*One Interim Default Suspension was inadvertently excluded from the 2019 Annual Report.

- TABLE 3 -

SANCTIONS AND DISPOSITIONS ISSUED IN 2020 BY THE SUPREME COURT OF OHIO  
PURSUANT TO CASES FILED BY DISCIPLINARY COUNSEL

2	INTERIM REMEDIAL SUSPENSIONS	CASE NUMBER	20	RETIREMENTS	
	Brian Wiggins	2020-0474		John Hanna	2020-0237
	Ryan Reed	2020-0654		Janet Hennig	2020-0238
				Janet Bell	2020-0294
2	RECIPROCAL DISCIPLINE			Elio Zerbini	2020-0667
	John Ivsan	2020-0456		Clarke Owens	2020-0668
	<i>Indefinite Suspension</i>			Harry Carey	2020-0670
	<i>(United States Tax Court)</i>			Glenn Waggoner	2020-0964
	John Faro	2020-1316		Eugene Robinson	2020-0966
	<i>90-Day Suspension (United States Patent</i>			Daniel Mumaw	2020-0967
	<i>and Trademark Office)</i>			Laura Wolf	2020-0969
	James Atkins	2020-1335		Roger Taft	2020-1091
	<i>Nine-Month Suspension (West Virginia)</i>			David Abbuhl	2020-1284
14	RESIGNATIONS WITH DISCIPLINARY ACTION PENDING			Donald Theis	2020-1339
	Lance Mason	2019-1680		Steven Spitler	2020-1340
	Joan Selby	2020-0165		Bruce Croteau	2020-1341
	Donald Leone	2020-0422		Patricia Mezger	2020-1436
	Anthony Piazza	2020-0666		William Leizman	2020-1522
	Jeffrey Brumbaugh	2020-0669		Paul Berkowitz	2020-1523
	Leslie Holden	2020-0693		Alan Doris	2020-1525
	Stephen Ball	2020-1011		Paul Meyers	2020-1526
	Mark Berling	2020-1027	1	REINSTATEMENTS	
	John Moore	2020-1119		Christopher Bucio	2017-0800
	Timothy Braun	2020-1143			
	William Sparks	2020-1185	2	UNAUTHORIZED PRACTICE OF LAW (UPL)	
	Catherine Adams	2020-1289		Melissa Smidt	2019-0827
	Chad Burton	2020-1342		J. Scott Spicer	2020-0034
	Albert Palombaro	2020-1472			

- TABLE 4 -  
STATUS OF FORMAL MATTERS PENDING  
AS OF DEC. 31, 2020

Reinstatements	0
<hr/> BEFORE THE PROBABLE CAUSE PANEL	
Awaiting Certification to Board	0
Appeal of Panel Dismissal to Full Board	0
 BEFORE THE BOARD OF PROFESSIONAL CONDUCT	
<hr/>	
Awaiting Hearing	21
Awaiting Board Report	4
 BEFORE THE BOARD ON THE UNAUTHORIZED PRACTICE OF LAW	
Awaiting Hearing	2
Awaiting Board Report	0
 BEFORE THE SUPREME COURT OF OHIO	
<hr/>	
Awaiting Objections	1
Awaiting Oral Argument	4
Awaiting Supreme Court Decision	8
<hr/>	
<b>TOTAL PENDING</b>	<b>40</b>

- TABLE 5 -

# MATTERS RECEIVED IN 2020

BASED ON COUNTY OF RESPONDENT'S PRINCIPAL OHIO OFFICE LOCATION

Adams	5	Hamilton	159	Noble	0
Allen	19	Hancock	5	Ottawa	11
Ashland	4	Hardin	1	Paulding	0
Ashtabula	16	Harrison	7	Perry	6
Athens	8	Henry	0	Pickaway	6
Auglaize	2	Highland	5	Pike	2
Belmont	6	Hocking	10	Portage	24
Brown	4	Holmes	0	Preble	2
Butler	27	Huron	6	Putnam	5
Carroll	5	Jackson	4	Richland	18
Champaign	1	Jefferson	4	Ross	7
Clark	27	Knox	0	Sandusky	9
Clermont	14	Lake	52	Scioto	33
Clinton	5	Lawrence	2	Seneca	4
Columbiana	14	Licking	18	Shelby	3
Coshocton	3	Logan	5	Stark	58
Crawford	36	Lorain	46	Summit	122
Cuyahoga	331	Lucas	74	Trumbull	11
Darke	3	Madison	2	Tuscarawas	5
Defiance	2	Mahoning	53	Union	18
Delaware	42	Marion	0	Van Wert	4
Erie	12	Medina	7	Vinton	2
Fairfield	10	Meigs	1	Warren	0
Fayette	7	Mercer	0	Washington	9
Franklin	210	Miami	14	Wayne	12
Fulton	0	Monroe	4	Williams	0
Gallia	2	Montgomery	69	Wood	13
Geauga	12	Morgan	2	Wyandot	1
Greene	12	Morrow	4		
Guernsey	6	Muskingum	27	<b>TOTAL</b>	<b>1,811</b>



- TABLE 6 -

**OPERATIONAL EXPENSES FOR 2020-2021 BUDGET**  
(EXPENDITURES AS OF DEC. 31, 2020)

Category	2020-2021 Budget		Expenses BYTD <sup>1</sup>	% Budget Spent
Payroll	\$	2,988,048	\$ 1,333,064.59	45%
Operating Expenses	\$	471,225	\$ 226,168.87	48%
Purchased Services	\$	82,610	\$ 36,863.31	45%
Travel	\$	68,500	\$ 148.75	<1%
Furniture, Equipment & Vehicle	\$	20,000	\$ 111.40	1%
Hospitality Hosting	\$	2,500	\$ 0	0%
<b>TOTAL</b>	<b>\$</b>	<b>3,632,883</b>	<b>\$ 1,596,356.92</b>	<b>44%</b>

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<sup>1</sup> Budget Year to Date (i.e., July 1, 2020 through Dec. 31, 2020)



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