

# Office of Disciplinary Counsel



## 2021 ANNUAL REPORT



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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 2021 Annual Report.

In so many ways, 2021 seemed much like 2020. As COVID-19 continued to ravage the world, we, like so many entities, adapted to the new normal – social distancing, mask mandates, home offices, Zoom meetings and hearings, and quarantines, all while maintaining our commitment to protecting the public from lawyers and judicial officials whose conduct runs afoul of our ethics rules.

Throughout much of the year, we followed the court's lead and employed a hybrid work schedule allowing staff to rotate between working at home and working in the office. As the Delta variant began to recede, Omicron sent us back to reality in an instant. But with our paperless infrastructure in place, coupled with the availability of vaccines and boosters, we were able to collectively navigate Omicron more effectively and with less disruption to our work regimen. Through communication, education, and incentives, we obtained a 90% vaccination rate within the office.

Despite the ebbs and flows of the pandemic, we experienced stability within our team. After hiring seven new employees in 2020, the Office of Disciplinary Counsel was fully staffed throughout 2021 with no turnover. Despite the challenges of onboarding staff during the pandemic, our newest team members have acclimated well to the nature of our work.

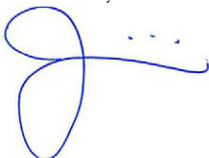
During 2021, the Office of Disciplinary Counsel filed 27 complaints with the Board of Professional Conduct. Of the 27 complaints, 21 involved lawyer misconduct, while six involved judicial misconduct. We participated in 18 hearings before the Board and nine oral arguments before the Court. The Office of Disciplinary Counsel also filed 35 sealed reports in cases in which lawyers applied to retire or resign from the practice of law. We disposed of 2,015 grievances during 2021, compared to 1,993 in 2020. At the end of 2021, the Office of Disciplinary Counsel had 845 cases under investigation.

In addition to the investigation and prosecution of disciplinary matters, the Office of Disciplinary Counsel continued its efforts to educate members of the bench and bar on matters of ethics and professionalism. In 2021, we launched an IOLTA School – a 3.5-hour, CLE-accredited, interactive program designed to improve compliance with lawyers' accounting and record-keeping responsibilities under the Ohio Rules of Professional Conduct. Similarly, we launched a free, one-hour, virtual CLE on trust accounting.

The Office of Disciplinary Counsel conducted four half-day education sessions in Akron, Toledo, Cincinnati, and Columbus for bar counsel across the state. We also designed and launched the Bar Counsel Forum, a secure, online platform for bar counsel and Office of Disciplinary Counsel lawyers and paralegals to share ideas and seek guidance on common issues among our agencies, as well as unique topics that arise. Finally, we created and published the first two volumes of Raising the Bar, our quarterly newsletter for bar counsel of Ohio's 32 certified grievance committees.

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. We strive to conduct our business consistent with our office's core principles: integrity, respect, and fairness.

Sincerely,



JOSEPH M. CALIGIURI  
Disciplinary Counsel







Lia Meehan, assistant disciplinary counsel, presented a case during oral arguments before the justices of the Supreme Court of Ohio on Nov. 9, 2021.

## OFFICE OF DISCIPLINARY COUNSEL (ODC)

The Supreme Court of Ohio established the position of disciplinary counsel and the Office of Disciplinary Counsel (ODC). Gov.Bar R. V(4) (A) sets forth ODC's duties and responsibilities. That rule authorizes disciplinary counsel to investigate allegations of misconduct, mental illness, disorders, or substance abuse by lawyers and judicial officers 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 Board of Professional Conduct (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 who wish to retire or resign from the practice of law. In such instances, disciplinary counsel prepares and files a sealed report with the Supreme Court recommending whether the Court should grant the application and, if so, whether the Court should approve it as a retirement or 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 2021:

### DISCIPLINARY COUNSEL

Joseph M. Caligiuri

### CHIEF ASSISTANT DISCIPLINARY COUNSEL

Donald M. Scheetz

### SENIOR ASSISTANT DISCIPLINARY COUNSEL

Amy C. Stone

### ASSISTANT DISCIPLINARY COUNSEL

Martha S. Asseff

Adam P. Bessler

Michelle R. Bowman

Michelle A. Hall

Matthew A. Kanai

Lia J. Meehan

Karen H. Osmond

Kelli C. Schmidt

Audrey E. Varwig

### SPECIAL ASSISTANT DISCIPLINARY COUNSEL

Lori J. Brown<sup>1</sup>

### ADMINISTRATIVE OFFICER

Candie Gutierrez

### EXECUTIVE ASSISTANT/ LEGAL RESEARCH ANALYST

Cassandra Kilgore

### LEGAL RESEARCH ANALYSTS

Paula Adams

Linda Gilbert

Brent Small

### LITIGATION PARALEGAL

Phoebe Heffron

### INVESTIGATORS

Charles Bower

Donald Holtz

### ADMINISTRATIVE ASSISTANTS

Laura Johnston

Christine McKrimmon

### LEGAL/ADMINISTRATIVE SECRETARIES:

Karen Loy

Lori Luttrell

Katherine Stillman

### RECEPTIONIST

Sukia Neal

### CLERICAL SUPPORT STAFF:

Thern Osborne

### IT LIAISON/CLERICAL SUPPORT STAFF:

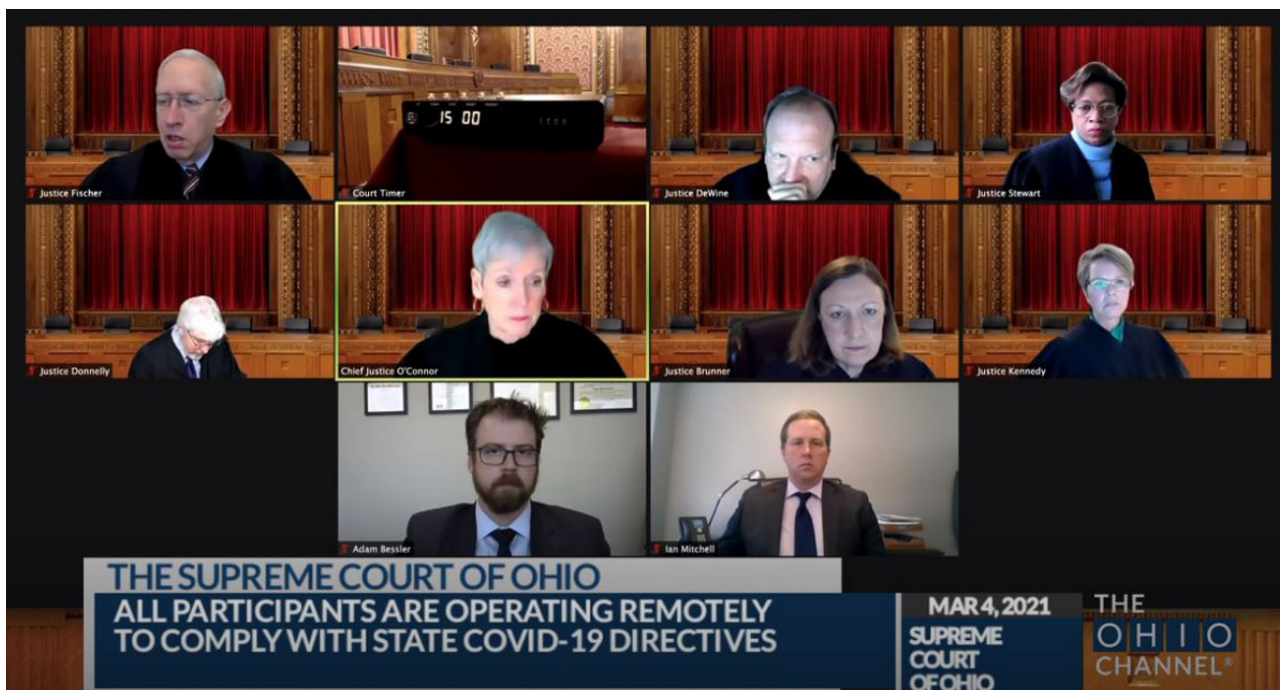
Samuel Simms

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

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<sup>1</sup> Brown is a part-time independent contractor.





The *ODC v. Barbera* oral argument took place on Zoom and was broadcast live on March 4, 2021.

## SIGNIFICANT OFFICE DEVELOPMENTS

### ***A. ODC Staff Members***

As stated in the disciplinary counsel's message, ODC did not hire any new employees during 2021, nor did we lose any team members to other opportunities. Staff retention is critical to the success of the office, especially during the COVID-era when training and development present far greater challenges. With a growing continuity amongst our team members, we expect a robust 2022.

Karen Osmond, one of our more seasoned team members, was awarded one of the Supreme Court's 2020 Professional Excellence Awards for her outstanding work in effectuating our move to our current location at 65 E. State St., all while maintaining her workload as an assistant disciplinary counsel.

### ***B. 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" a lawyer or judicial official, but instead, to protect the public and the legal profession. Disciplinary counsel believes there are many circumstances in which education can be just 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 2021, ODC conducted four half-day education sessions for Ohio's bar counsel. ODC held sessions in Akron, Toledo, Cincinnati, and Columbus. All but one bar counsel completed the 3.5 hours of education. Special Assistant Disciplinary Counsel Lori Brown, Chief Assistant Disciplinary Counsel Don Scheetz, and the undersigned developed the curriculum, with input from Richard Dove, director of

the Ohio Board of Professional Conduct. The curriculum included sessions on complaint-drafting, charging decisions, cross-examination techniques and strategies, and a Q&A session with veteran members of the Board of Professional Conduct. One challenge associated with educating bar counsel is a wide disparity in experience. Judging from the evaluations, however, the education program proved beneficial to attendees. In rating the “overall quality of the program,” we received an average score of 4.87 on a scale of 1 to 5.

In addition to the bar counsel education sessions conducted throughout Ohio in 2021, ODC also presented its annual Bar Counsel Seminar via Zoom. The 3.5-hour program focused on recent disciplinary decisions, unique issues that arise during disciplinary hearings, and a new approach to allegations of prosecutorial misconduct. Finally, the undersigned and Don Scheetz participated in the planning and presentation of the annual Miller-Becker Seminar, which was held virtually due to the pandemic.

ODC staff also presented at 43 meetings and events. The undersigned participated in 23 speaking engagements, while Don Scheetz participated in 11, and presented to the court’s externs. Several assistant disciplinary counsel presented on lawyer and judicial ethics both at the state level and nationally.

At the national level, the undersigned served his second year of a three-year term as 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. Don Scheetz was elected secretary of the National Organization of Bar Counsel, founded in 1965 to enhance the professionalism and effectiveness of lawyer disciplinary agencies in the United States, Canada, and the United Kingdom. Finally, Don Scheetz co-taught Professional Responsibility as an adjunct professor at the Ohio State University Moritz College of Law.

Internationally, the undersigned and Richard Dove designed and presented a two-day training program to members of

the Republic of Albania’s Appeal Chamber via Zoom. The program was aimed at assisting members of the Appeal Chamber in the performance of their adjudicative responsibilities by strengthening their understanding of and commitment to the essential principles of ethics for judicial officers and prosecutors. The program addressed due process in disciplinary matters, factors to consider when imposing sanctions, personal misconduct of judges and prosecutors, and an overview of Ohio’s disciplinary system.

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 his chief assistant. During 2021, assistant disciplinary counsel handled 537 ethics inquiries from Ohio lawyers, while disciplinary counsel and the chief assistant handled 196 inquiries from judicial officers and candidates.

### ***C. Proactive Management-Based Regulation (PMBR)***

In 2021, disciplinary counsel formed an exploratory committee to assess the feasibility of implementing PMBR strategies for Ohio’s lawyers. PMBR generally refers to regulatory programs aimed at assisting lawyers in improving the delivery of legal services while helping them prevent misconduct and malpractice. Our PMBR committee consists of six members: the undersigned, Assistant Disciplinary Counsel Michelle Hall, Alvin Mathews (private practice), Kristi McAnaul (counsel to the Board of Professional Conduct), Heather Zirke (general counsel, Cleveland Metropolitan Bar Association)<sup>2</sup>, and Edwin Patterson (former general counsel to the Cincinnati Bar Association).

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<sup>2</sup> Heather Zirke resigned as General Counsel effective 12/31/21. She remains a member of the committee but is now in private practice.

The committee met in September, October, and December 2021.

In 2021, the committee studied PMBR programs from other jurisdictions, identified at-risk populations, and discussed preparing a proposal to present to the Court for consideration in 2022. The committee plans to host members of the Illinois Attorney Registration and Disciplinary Commission during the first quarter of 2022. The committee additionally intends to meet monthly in 2022 with the goal of moving the project to the proposal stage.

#### ***D. Website Upgrades***

In September 2020, we launched our redesigned website. The website, which can be accessed at [www.odc.ohio.gov](http://www.odc.ohio.gov) using a browser other than Internet Explorer, contains an Online Grievance Portal, which allows 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.

In 2021, we continued our efforts to enhance the Online Grievance Portal; however, as described below, that project will not be completed until 2022. We successfully launched the Bar Counsel Forum, which allows bar counsel access to a members only, secure platform where they can interact with ODC lawyers and paralegals, share ideas, and obtain guidance. The Bar Counsel Forum has enhanced the transmission of relevant information and boosted camaraderie amongst ODC and bar counsel. One seasoned bar counsel posted, “This forum is very, very useful and I am grateful for it.”

#### ***E. Document Management***

The case management committee remained active throughout 2021, continuing its work to automate office processes and procedures in furtherance of the paperless office environment and enhance the case management (CM) application functions. This included troubleshooting an ongoing

timing error affecting data flow. The committee updated the CM app’s code to adapt to a change in server protocol, and the committee also troubleshot the new build before rolling it out to the office. The committee’s focus then turned to developing the online grievance form.

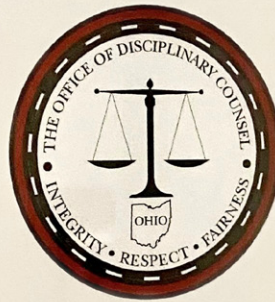
The committee made significant progress on the fully electronic online grievance form. This project, which we expect to complete in 2022, entails four facets: 1) infrastructure, 2) public interface, 3) intake interface, and 4) evidentiary record. We accomplished advancements in three quarters of the facets. The infrastructure for a fully electronic grievance that is integrated with the CM app is nearly complete.

In the meantime, the CM app was programmed to tag and track grievances submitted online by capturing the source. (In 2021, approximately 15% of attorney and judge grievances were submitted through the online portal. We expect the fully electronic form to significantly increase that percentage.) The CM app now successfully incorporates data from attorney registration into the online grievance form, and can also validate external email addresses from online grievance submissions to achieve goals of minimizing duplicate grievances and increasing email communication with grievants.

We are making necessary adjustments to the public interface to allow data to be saved at multiple points before the grievant completes and submits the online form to our office. These adjustments, along with the recent change in server protocol, extended the duration of the project. The committee has been designing and testing the public interface on a weekly basis to improve the look, ease of use, and data functions. The committee determined the elements of the intake interface, which will be created next. The committee also has considered the elements of the fourth facet of the project: the evidentiary record. Once completed, the fully electronic online grievance form will greatly increase efficiency for the intake department.



**TRUST ACCOUNTING 101  
OFFICE OF DISCIPLINARY COUNSEL  
NOVEMBER 3, 2021**



The committee continues to transform the CM app's functions to facilitate changing processes and procedures, increase efficiency, and enhance docketing. The adjustments the committee made due to recent rule changes for extensions of time were successful. In 2021, the committee adjusted the flow of UPL cases that disciplinary counsel approved for investigation and retirement/resignation cases that disciplinary counsel approved for sealed reports. The committee also added an identifier for attorneys with corporate registration status, and made improvements to the user interface to accommodate the increased use of email and to support collaboration and peer review in the remote environment. In addition, the committee made visual changes to keep the age of investigations at the forefront so the investigating attorney can more effectively manage their dockets.

The committee continues to assist with office statistics for reporting purposes. The statistics the CM app generates for quarterly reporting were successfully updated to reflect rule changes. The committee added a data field so that Board cases involving

judges are more easily identifiable and searchable for statistical purposes. In addition, the committee programmed the CM app to allow for searching by topic.

The committee monitors the CM app daily to adjust for human error and identify and solve problems early and efficiently. It also responds to and troubleshoots user issues. The committee met with the intake department to minimize input errors by clarifying procedures and changing settings to ensure data accuracy. The committee continues to serve as a resource for all staff regarding CM, Adobe, and other computer issues.

***F. IOLTA/Client Trust Accounting School***

Through ODC's investigations of IOLTA overdrafts and speaking engagements throughout Ohio, it is apparent that many Ohio lawyers are unfamiliar with their IOLTA record-keeping responsibilities under Prof.Cond.R. 1.15 and their obligations when handling client funds. To address these deficiencies, in 2021, ODC staff, in conjunction with the Judicial College, produced a one-hour video on

trust accounting. Special thanks to Senior Assistant Disciplinary Counsel Amy Stone and Legal Research Analysts Brent Small, Linda Gilbert, and Paula Adams for their on-screen appearances. Sam Campbell at the Judicial College provided invaluable expertise in producing the video.

In 2021, the Supreme Court's Commission on Continuing Legal Education approved the IOLTA video for one hour of self-study. Thereafter, ODC launched the free, one-hour, virtual self-study IOLTA course via its website. By year's end, 85 individuals had taken the course. More information on the one-hour course is found at [www.odc.ohio.gov/ta101online](http://www.odc.ohio.gov/ta101online).

On Nov. 3, 2021, ODC held the inaugural session of its newly developed IOLTA School. Led by Assistant Disciplinary Counsels Karen Osmond and Michelle Bowman, "Trust Accounting 101: Basic Management Skills and Best Practices" is a CLE-approved, 3.5-hour course that takes a deep dive into the particulars of handling client funds. Using vignettes developed for ODC's virtual self-study IOLTA course, the seminar focused on compliance with the Rules of Professional Conduct, different types of fees and how to account for them, creating compliant ledgers, and effectively performing a monthly reconciliation.

With four additional IOLTA School sessions planned for 2022, ODC will seek approval from the Board and the Court to require attorneys who have been sanctioned for trust account violations to complete the IOLTA school as a condition of a stayed suspension or as a prerequisite to reinstatement.

### ***G. Abandoned Attorney Files***

Under Gov.Bar R. V(26), when a lawyer abandons client files, and there is no qualified person to assume responsibility, ODC may take possession of the files. When ODC receives abandoned files, ODC staff must inventory them and take necessary action to protect the clients.

In 2021, Senior Assistant Disciplinary Counsel Amy Stone addressed 23 telephone inquiries regarding the disposition of deceased attorneys' files. ODC took

possession of 20 boxes of files containing approximately 500 client files from four lawyers. Upon receipt of the abandoned files, ODC's personnel began inventorying the files and made efforts to locate and contact the lawyers' former clients to determine whether they wanted ODC to forward the files or destroy them.

Under the rule, ODC may destroy abandoned client files after seven years, provided ODC inventoried the files and made reasonable efforts to locate the former clients. During the second quarter of 2021, disciplinary counsel designed a new approach aimed at reducing the rising costs associated with the offsite storage of abandoned files and ODC began converting all paper files to digital media, including those currently stored offsite. Once converted, ODC destroys the paper files; however, ODC will preserve documents of legal significance, such as original deeds and wills, to comply with the rule.

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

In April 2019, ODC, under the direction of Senior Assistant Disciplinary Counsel Amy 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 consists of probate practitioners, bar counsel, probate judges, and vendors who regularly dispose of abandoned client files, as well as representatives from the Ohio Bar Liability Insurance Company, the Ohio Bankers' League, and the Board of Professional Conduct.

During 2021, the group continued its work on the Proposed Standard Probate Form 13.11 – Application to Disburse Attorney Decedent's Trust Account. Historically, it has been difficult to gain access to a deceased attorney's trust account. While some banks accept a probate court order or a letter of appointment issued by ODC, there is little consistency. Form 13.11 would provide the applicant – an Ohio-licensed attorney – with a probate court order to access the deceased lawyer's IOLTA to distribute funds according to



Ohio law. Upon receipt of the order, the applicant must notify ODC so it can ensure accountability.

Later in the year, ODC submitted Form 13.11 for review by the Ohio Association of Probate Judges. After further discussion, the association notified ODC that it would seek approval of Form 13.11 as a standard probate form. We expect a decision in 2022. Throughout 2021, the Franklin County Probate Court used the form under local rule on a trial basis and has not reported any problems to ODC.

As a member of the Will Storage Committee, a subcommittee of the Ohio State Bar Association's Estate Planning Trust and Probate Section, Amy Stone assisted in creating proposed standard probate form 13.12. The checkbox form would be filed with the local probate court either under a deceased attorney's estate number or on the court's miscellaneous docket, disclosing the location of a deceased or retired attorney's wills. The Will Storage Committee hopes to have this form approved by the Ohio Supreme Court in 2022 and will continue meeting to discuss other ideas to ease the burdens associated with locating the wills of a deceased or retired attorney.

Early in 2021, the workgroup completed a tri-fold brochure, which can be accessed on the ODC website. The brochure provides practical advice on handling client files for the current practitioner, for those winding down a practice, and for family members and colleagues of a deceased lawyer. The brochure contains information on IOLTAs and contact information for ODC, the Board of Professional Conduct, the major metropolitan bar associations, and malpractice insurers.

Chief Justice O'Connor approved the brochure's content, and in the second quarter, the Office of Attorney Services included the brochure in the packets distributed to newly licensed lawyers. ODC also mailed 50 brochures to bar counsel for the 32 certified grievance committees. A special thanks to the Office of Public Information for their assistance with the design and printing.

### ***I. Reduction in Backlog***

As of June 30, 2019, 260 cases were in backlog – i.e., investigations that have been pending for more than 150 days. 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 now enter “backlog” status when they reach 270 days, which, given the complexity of many ODC cases, represents a more realistic time frame to conduct a thorough investigation. The chart on page 9 illustrates ODC's commitment to and success in reducing the backlog.

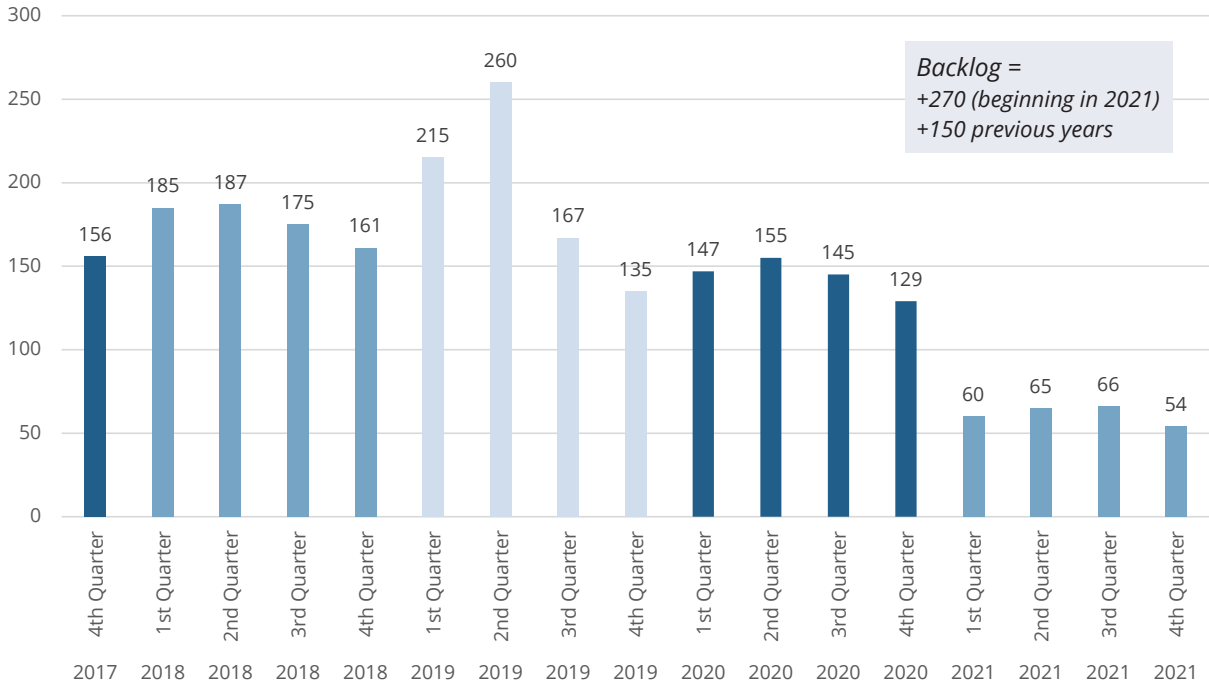
## **GRIEVANCES AND OTHER MATTERS**

In 2021, ODC received 2,657 new matters. This figure includes all relevant categories, including:

- (a) grievances against lawyers;
- (b) grievances against judges and magistrates;
- (c) grievances against justices;
- (d) appeals from dismissals by certified grievance committees;
- (e) felony convictions;
- (f) grievances alleging UPL;
- (g) cases before the Board of Professional Conduct and the Supreme Court's Board on the Unauthorized Practice of Law;
- (h) child support suspensions;
- (i) reciprocal discipline matters; and,
- (j) retirements and resignations.

Of the 2,657 matters received, 1,832 represented grievances filed with ODC against lawyers and 594 grievances filed against judicial officers. In 2021, we dismissed 1,231 grievances at the intake stage or after an initial review. Of those, 806 were against lawyers and 403 were against judicial officers. For administrative reasons,

ODC BACKLOG STATISTICS



ODC transferred 94 grievances to local bar associations for investigation and 43 grievances to the Board for reassignment.

Under Gov.Jud.R. II, Section (2) (B), ODC forward two grievances to the chief judge of the Courts of Appeals. ODC opened the remaining 1,287 grievances for investigation. For a detailed analysis of grievances received in 2021, and opened for investigation, refer to Table 2 (p. 15). The data identifies the alleged primary violation and 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 2021, organized by Ohio county based upon the location of the respondent lawyers’ principal Ohio law offices.

At the beginning of 2021, ODC had 637 grievances pending. As of Dec. 31, 2021, there were 845 grievances pending or under investigation.

FORMAL COMPLAINTS AND DISPOSITIONS

In 2021, ODC filed 27 formal complaints with the Board of Professional Conduct, down eight from 2020. This figure represented 69% of all the formal disciplinary complaints certified by the Board in 2021. Of the 27 complaints, six alleged judicial misconduct and 21 alleged attorney misconduct.

In 2021, the Board or the Court disposed of 26 cases that previously were filed with the Board. The Court imposed final discipline in 23 cases in 2021. In addition, six cases were closed following acceptance of the lawyer’s resignation. In 2021, four cases were converted to an indefinite suspension following the entry of an interim default suspension due to the lawyer’s failure to participate in the Board proceedings.

## APPEALS FROM CERTIFIED GRIEVANCE COMMITTEE DISMISSALS

In Ohio, both ODC and its 32 certified grievance committees 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 to appeal that dismissal to the director of the Board, who then refers the request for review to ODC. ODC may open a new case and conduct a separate investigation.

In 2021, ODC received 79 appeals, an increase of one from 2020. During the year, ODC closed 90 appeals. As of Dec. 31, 2021, 19 appeals remained pending.

## UNAUTHORIZED PRACTICE OF LAW (UPL)

ODC also receives grievances against individuals or organizations that are not authorized to practice 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 was never 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.

ODC received 56 UPL grievances in 2021, an increase of four from 2020. During 2021, ODC closed 40 UPL grievances after investigation. As of Dec. 31, 2021, 57 UPL investigations were pending. In 2021, ODC did not file any complaints with the UPL Board or conduct any trials 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 has been sanctioned by another state, the attorney is required to notify ODC and the clerk of the Ohio Supreme Court. 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)). In 2021, ODC received four reciprocal discipline matters and closed seven such matters. The Court sanctioned four lawyers on reciprocal complaints in 2021 (see Table 3 on p. 16 for sanction and original state jurisdiction).

## CHILD SUPPORT

If an Ohio lawyer, judicial officer, or justice 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)(A)(1)(b) to pursue an interim suspension. In 2021, ODC filed one child support matter. There were no child support matters pending at the close of the year.

## RESIGNATIONS AND RETIREMENTS

Lawyers may apply 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. The application contains 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 is currently the subject of any disciplinary investigations or proceedings, or whether the lawyer is currently on a disciplinary suspension or probation. In each case, ODC prepares a sealed report to the Supreme Court recommending that the Court accept, deny, or delay the application. If ODC recommends acceptance of the application, it also recommends whether the Court should classify it as a retirement or a resignation “with disciplinary action pending.” (See Gov.Bar R. VI(11)).

In 2021, ODC received 38 retirement or resignation applications. During the year, the Court accepted 12 resignations with disciplinary action pending and 35 retirements. (See Table 3, on p. 17). The Court did not deny any application for retirement/resignation.

## INTERIM SUSPENSIONS

In 2021, the Court imposed 10 interim suspensions – three for felony convictions, four for default, one for child support, and two for interim remedial. There were no interim mental health suspensions.

## HEARINGS AND ORAL ARGUMENTS

In 2021, ODC attorneys appeared in 18 hearings before the Board, 12 of which were held virtually, including one reinstatement hearing; and six of which were held in-person, including one reinstatement hearing.

As of Dec. 31, 2021, there were 22 cases awaiting hearing dates. As of Dec. 31, 2021, there was one UPL case awaiting a hearing date. ODC attorneys participated in nine oral arguments before the Supreme Court in 2021, four of which were held virtually. At the year’s end, three cases were awaiting objection and eight cases were pending final court decision.

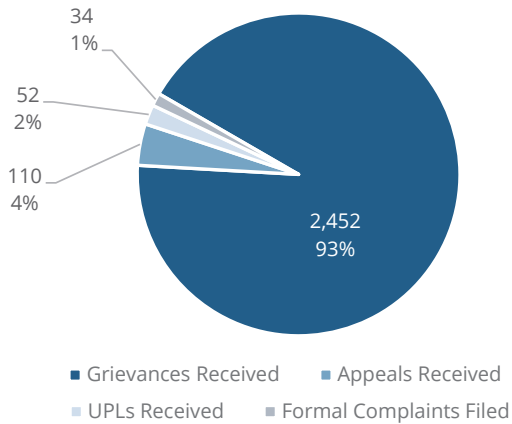




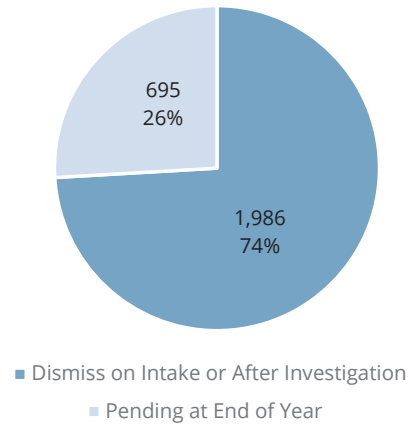
- TABLE 1 -  
FIVE-YEAR CASE COMPARISON (2017-2021)

	2017	2018	2019	2020	2021
DISPOSITION OF GRIEVANCES					
Dismissed on Intake or After Investigation	1,154	2,401	2,366	1,993	2,015
Pending at End of Year	626	642	724	637	845
CASELOAD COMPARISON					
Grievances Received	2,598	2,693	2,531	2,013	2,426
Appeals Received	150	110	134	78	79
UPLs Received	55	45	54	52	56
Formal Complaints Filed	34	40	35	35	27

CASELOAD COMPARISON:  
FIVE-YEAR AVERAGE



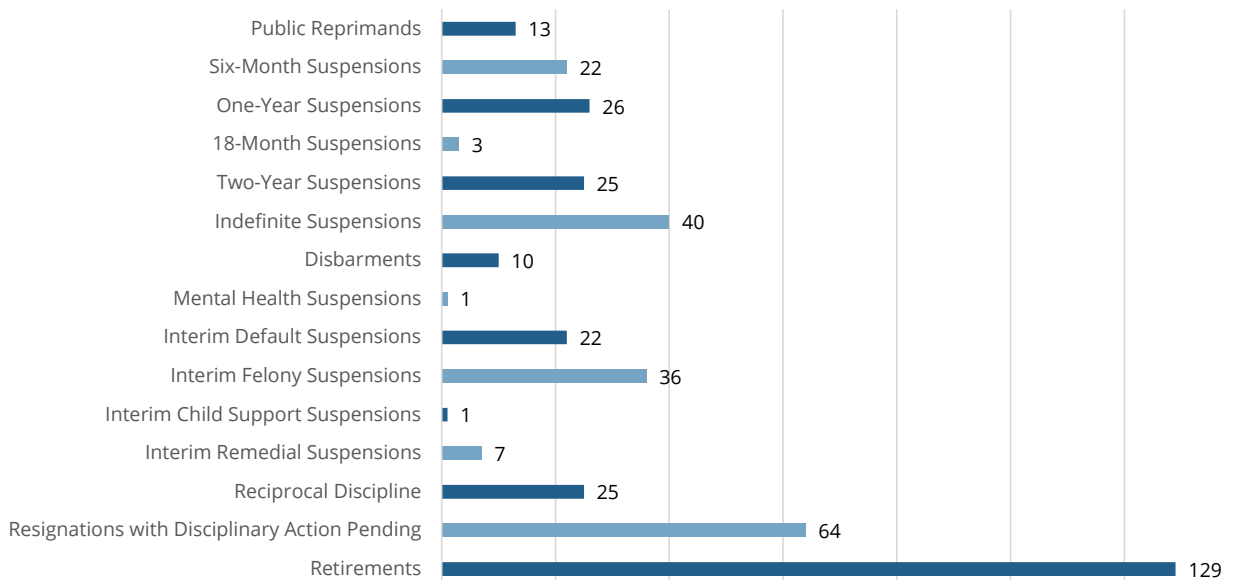
DISPOSITION OF GRIEVANCES:  
FIVE-YEAR AVERAGE



- TABLE 1 -  
FIVE-YEAR CASE COMPARISON (2017-2021)

SANCTIONS ISSUED (SEE TABLE 3 ON P. 16 FOR DETAILS)	2017	2018	2019	2020	2021
Public Reprimands	2	1	4	5	1
Six-Month Suspensions	3	5	1	8	5
One-Year Suspensions	5	3	10	5	3
18-Month Suspensions	1	0	0	0	2
Two-Year Suspensions	3	7	7	5	3
Indefinite Suspensions	6	7	7	13	7
Disbarments	4	2	1	1	2
Mental Health Suspensions	0	0	0	1	0
Interim Default Suspensions	3	5	6	4	4
Interim Felony Suspensions	6	5	14	8	3
Interim Child Support Suspensions	0	0	0	0	1
Interim Remedial Suspensions	2	1	0	2	2
Reciprocal Disciplines	4	10	4	3	4
Resignations with Disciplinary Action Pending	12	14	12	14	12
Retirements	24	21	29	20	35

#### SANCTIONS AND DISPOSITIONS ISSUED: FIVE-YEAR TOTAL



- TABLE 2 -  
GRIEVANCES RECEIVED AND OPENED FOR INVESTIGATION  
A FIVE-YEAR COMPARISON (2017-2021)

ALLEGED PRIMARY VIOLATION	2017	2018	2019	2020	2021
Neglect/Failure to Protect Client Interests	255	248	245	192	258
Failure to Account or Turn Over Funds	23	18	21	11	22
Improper Withdrawal/ Refusal to Withdraw	16	21	13	15	16
Excessive Fees	69	67	80	60	75
Personal Misconduct	51	67	75	66	53
Misrepresentation/False Statements/ Concealment	17	53	37	34	58
Criminal Conviction	17	10	27	8	5
Failure to File Income Tax Returns	0	0	0	1	0
Commingling of Funds	0	0	0	0	2
Conversion	30	15	21	16	20
Embezzlement	2	3	8	8	6
Failure to Maintain Funds in Trust	182	246	216	125	160
Breach of Client Confidence	6	8	15	9	11
Conflict of Lawyer's Interest	29	21	12	8	4
Conflict of Client's Interest	36	40	53	46	47
Communication with Adverse Party Represented by Counsel	10	6	5	7	12
Trial Misconduct	112	91	89	88	145
Failure to Register	1	0	4	2	3
Practicing While Under Suspension	9	1	9	4	4
Assisting in the Unauthorized Practice of Law	4	2	20	0	5
Advertising/Solicitation	20	13	21	4	8
Judicial Misconduct	98	107	100	146	170
Mental Illness	2	1	1	0	0
Substance Abuse	8	9	5	4	4
Other	0	1	1	1	0
<b>TOTAL</b>	<b>1,010</b>	<b>1,048</b>	<b>1,078</b>	<b>855</b>	<b>1,088</b>

- TABLE 3 -

SANCTIONS AND DISPOSITIONS ISSUED IN 2021 BY THE SUPREME COURT OF OHIO  
PURSUANT TO CASES FILED BY DISCIPLINARY COUNSEL

1

PUBLIC REPRIMAND

Matthew Bryant

2020-1510

5

SIX-MONTH SUSPENSIONS

STAYED – SIX MONTHS

Lawrence Spoljaric

2020-1517

Kimberly Valenti

2020-1519

Matthew Simpson

2021-0439

Bruce Winters

2021-0442

Theodore Berry

2021-0747

3

12-MONTH SUSPENSIONS

ACTUAL

Mark Repp

2021-0757

STAYED – 12 MONTHS

Katharina Devanney

2021-0209

Robert Weber

2021-0762

2

18-MONTH SUSPENSIONS

ACTUAL

Lisa Pertee

2021-0765

STAYED – 12 MONTHS

Richard Barbera

2020-1199

3

TWO-YEAR SUSPENSIONS

ACTUAL

Timothy Dougherty

2020-1514

STAYED – 12 MONTHS

Sean Porter

2021-0754

STAYED – 18 MONTHS

Clinton Wilcoxson

2021-0764

7

INDEFINITE SUSPENSIONS

Jennifer Petracci

2020-0974

Michael Cosgrove

2021-0208

Elizabeth Ford

2021-0441

CONVERTED FROM INTERIM DEFAULT SUSPENSION

Gabriel Moorman

2020-0935

Adam Searl

2020-1410

Robert Qucsai III

2021-0032

John Gold

2021-0167

2

DISBARMENTS

Anthony Polizzi Jr.

2020-0740

Christopher Burchinal

2020-1206

0

MENTAL HEALTH SUSPENSIONS

4

INTERIM DEFAULT SUSPENSIONS

Robert Qucsai III

2021-0032

John Gold

2021-0167

Marcelle Anthony

2021-0851

Kevin Rumes

2021-1251

3

INTERIM FELONY SUSPENSIONS

George Bower

2021-0278

Brian Wiggins

2021-0280

Jason Warner

2021-0315

1

INTERIM CHILD SUPPORT SUSPENSIONS

Timothy Jarabek

2021-1086

2

INTERIM REMEDIAL SUSPENSIONS

Michael Mearan

2021-0147

Aaron Hartley

2021-1326

4

RECIPROCAL DISCIPLINE

James Armstrong

2021-0260

90-Day Suspension (Arizona)

Margot Tillman-Fleet

2021-0733

Indefinite Suspension (Louisiana)

Michael Ruffenach

2021-0810

Indefinite Suspension (Minnesota)

Amanda Andrews

2021-1220

Interim Default Suspension (Michigan)

- TABLE 3 -

SANCTIONS AND DISPOSITIONS ISSUED IN 2021 BY THE SUPREME COURT OF OHIO  
PURSUANT TO CASES FILED BY DISCIPLINARY COUNSEL

12 RESIGNATIONS WITH  
DISCIPLINARY ACTION PENDING

Diane Vettori	2020-1524
Thomas McGuire	2020-1527
Lawrence Winkfield	2020-1528
Brian Wiggins	2020-1531
Lee Koogler	2020-1579
Michael Cheselka Jr.	2020-1586
Addison Bare	2021-0239
John Lutseck	2021-0348
Richard Federle Jr.	2021-0552
Roland Kauffman	2021-0553
George Bower	2021-0559
Richard Crosby III	2021-1120

35 RETIREMENTS

Richard Morrison	2020-1587
Charles Tyburski	2020-1588
James Marlow	2020-1589
Earl Sheehan	2020-1590
Robert Skinner	2020-1592
James Daniels	2020-1593
Vaughn Hoblet	2021-0137
Donald Schweller	2021-0139
William Mikesell	2021-0140
Kathleen Midian	2021-0200
Robert Laufman	2021-0555
John Neville	2021-0556
Clint McBee	2021-0557
John Dean	2021-0560
Paul Harper	2021-0616
James Schneider	2021-0617
Thomas Utaski	2021-0619
Jonathan Marshall	2021-0620
John Kissh Jr.	2021-0621
Edward Zaleski	2021-0699
Ruey Hodapp Jr.	2021-0826
Robert Sterling	2021-0862
James Addison Jr.	2021-1063

Bernard Wright Jr.	2021-1121
Keith Sommer	2021-1195
John Dobyns	2021-1404
Richard Hennig	2021-1405
Gary Dicker	2021-1406
Joseph Jordan	2021-1407
Lawrence Hosey	2021-1444
James Gay	2021-1459
Kerry Volsky	2021-1460
Richard Mickley	2021-1598
Ronald Kahn	2021-1599
Dorothy Hatch	2021-1600

1 REINSTATEMENTS

Michael Marshall	2018-0809
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3 UNAUTHORIZED PRACTICE OF LAW

Erica Schwab	2020-0987
Eric Deters	2020-1497
Nordic Title Agency	2021-0246



- TABLE 4 -  
STATUS OF FORMAL MATTERS PENDING  
AS OF DEC. 31, 2021

Reinstatements	0
<hr/> BEFORE THE PROBABLE CAUSE PANEL <hr/>	
Awaiting Certification to Board	0
Appeal of Panel Dismissal to Full Board	0
 BEFORE THE BOARD OF PROFESSIONAL CONDUCT <hr/>	
Awaiting Hearing	22
Awaiting Board Report	0
 BEFORE THE BOARD ON THE UNAUTHORIZED PRACTICE OF LAW	
Awaiting Hearing	1
Awaiting Board Report	0
 BEFORE THE SUPREME COURT OF OHIO <hr/>	
Awaiting Objections	3
Awaiting Oral Argument	0
Awaiting Supreme Court Decision	8
<hr/> <b>TOTAL PENDING</b>	<hr/> <b>34</b>

- TABLE 5 -

# MATTERS RECEIVED IN 2021

BASED ON COUNTY OF RESPONDENT'S PRINCIPAL OHIO OFFICE LOCATION

Adams	8	Hamilton	131	Noble	0
Allen	10	Hancock	8	Ottawa	11
Ashland	1	Hardin	3	Paulding	1
Ashtabula	12	Harrison	6	Perry	4
Athens	7	Henry	3	Pickaway	0
Auglaize	3	Highland	12	Pike	1
Belmont	0	Hocking	10	Portage	22
Brown	4	Holmes	1	Preble	1
Butler	26	Huron	3	Putnam	5
Carroll	8	Jackson	6	Richland	25
Champaign	0	Jefferson	3	Ross	5
Clark	15	Knox	0	Sandusky	9
Clermont	23	Lake	34	Scioto	18
Clinton	6	Lawrence	0	Seneca	11
Columbiana	10	Licking	9	Shelby	0
Coshocton	4	Logan	1	Stark	41
Crawford	18	Lorain	49	Summit	83
Cuyahoga	290	Lucas	44	Trumbull	7
Darke	0	Madison	0	Tuscarawas	5
Defiance	4	Mahoning	50	Union	9
Delaware	39	Marion	0	Van Wert	2
Erie	14	Medina	12	Vinton	2
Fairfield	2	Meigs	3	Warren	14
Fayette	2	Mercer	0	Washington	3
Franklin	249	Miami	10	Wayne	10
Fulton	0	Monroe	6	Williams	0
Gallia	0	Montgomery	62	Wood	12
Geauga	8	Morgan	0	Wyandot	1
Greene	6	Morrow	3		
Guernsey	3	Muskingum	17	<b>TOTAL</b>	<b>1,560</b>

- TABLE 6 -  
**OPERATIONAL EXPENSES FOR 2021-2022 BUDGET**  
 (EXPENDITURES AS OF DEC. 31, 2021)

CATEGORY	2021-2022 BUDGET		EXPENSES BYTD <sup>2</sup>	% BUDGET SPENT
Payroll	\$	3,024,959	\$ 1,548,390	51%
Operating Expenses	\$	462,000	\$ 208,648	45%
Purchased Services	\$	105,000	\$ 36,576	35%
Travel	\$	60,000	\$ 1,908	3%
Furniture, Equipment & Vehicle	\$	15,000	\$ 0	0%
Hospitality Hosting	\$	2,500	\$ 45	2%
<b>TOTAL</b>	<b>\$</b>	<b>3,669,459</b>	<b>\$ 1,795,567</b>	<b>49%</b>

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<sup>2</sup> Budget Year to Date (i.e., July 1, 2021 through Dec. 31, 2021)



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