

Office of Disciplinary Counsel

2022 Annual Report



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A message from

Disciplinary Counsel

Dear Chief Justice Kennedy 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 2022 Annual Report.

Thankful for the consistent decline of the COVID-19 virus, the Office of Disciplinary Counsel welcomed 2022 as an opportunity to renew a collaborative, team-oriented working environment, expand our commitment to educating the bench and bar, and further the goal of public protection within the disciplinary system.

In 2022, we continued to employ a hybrid work model with employees working four days in the office and one day remotely. The undersigned, along with chief assistant disciplinary counsel Michelle Hall, worked exclusively in the office, as did our receptionist. The Office of Disciplinary Counsel lost two employees - an investigator and an administrative assistant - to opportunities with other state agencies. We filled both positions and hired a new receptionist. Our newest employees have acclimated well to the unique demands of professional discipline.

As the pandemic waned and court operations stabilized, grievances increased. During 2022, we received 2,591 grievances, which correlates to our pre-COVID statistics. Of those grievances, 692 involved allegations against judges and judicial officers, a 16% increase from 2021, and a 36% increase from 2020. Between grievances dismissed at the intake level and cases dismissed after investigation, we disposed of 2,324 grievances during 2022, compared to 2,015 in 2021. At the end of 2022, the Office of Disciplinary Counsel had 939 grievance files pending at various stages of review.

During 2022, the Office of Disciplinary Counsel filed 37 complaints with the Ohio Board of Professional Conduct,¹ compared to 27 in 2021. Of the 37 complaints, 34 involved lawyer misconduct, while three involved judicial misconduct. We participated in 24 hearings before the Board and one oral argument before the court. The Office of Disciplinary Counsel also filed 46 sealed reports in cases in which lawyers applied to retire or resign from the practice of law. During 2022, the court accepted 30 applications as retirements and 13 as resignations with disciplinary action pending.

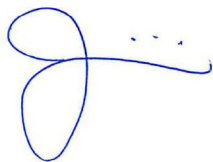
In addition to the investigation and prosecution of disciplinary matters as mandated by the court in Gov.Bar R. V, the Office of Disciplinary Counsel continued its proactive efforts to educate lawyers, judges, and judicial officers on ethics, professionalism, and the disciplinary process.

¹ The Office of Disciplinary Counsel replaced the Dayton Bar Association as counsel of record in one case.

In 2022, ODC staff participated in 50 presentations to members of the bench and bar. Moreover, since launching our IOLTA School—a 3.5-hour, CLE-accredited, interactive program designed to improve compliance with a lawyer’s accounting and record-keeping responsibilities under the Ohio Rules of Professional Conduct, 34 attorneys and three paralegals have completed the course. Moreover, 111 lawyers and 44 non-lawyers have completed the Office of Disciplinary Counsel’s free, one-hour, online, and CLE-accredited video, Trust Accounting 101. We have begun utilizing these IOLTA courses as additional tools in cases that fail to warrant formal discipline.

The Office of Disciplinary Counsel executed its education curriculum for bar counsel through four half-day education sessions in Toledo, Cincinnati, Columbus, and Akron. We continued to expand and improve our newly created Bar Counsel Forum, a secure, online platform for bar counsel and the Office of Disciplinary Counsel lawyers and paralegals to network and share ideas, seek guidance on novel issues, and develop consistent disciplinary procedures. And we published four volumes of *Raising the Bar*, our quarterly newsletter for bar counsel of Ohio’s 31 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, judges, and judicial officers perform their duties competently and ethically. We strive to conduct our business consistent with the core principles stated on the Office of Disciplinary Counsel seal: Integrity, Respect, and Fairness.



Joseph M. Caligiuri
Disciplinary Counsel



The ODC office is located in downtown Columbus at 65 East State Street, Suite 1510, Columbus, Ohio 43215.

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 2022:

DISCIPLINARY COUNSEL Joseph M. Caligiuri	SPECIAL ASSISTANT DISCIPLINARY COUNSEL Lori J. Brown ²	ADMINISTRATIVE ASSISTANTS Laura Johnston Christine McKrimmon
CHIEF ASSISTANT DISCIPLINARY COUNSEL Michelle A. Hall <i>Promoted effective Feb. 14, 2022</i> Donald M. Scheetz <i>Through Feb. 13, 2022</i>	ADMINISTRATIVE OFFICER Candie Gutierrez	ADMINISTRATIVE SECRETARIES/ASSISTANTS <i>Title changed to Administrative Assistants July 4, 2022</i> Gabrielle Hughes <i>Commenced employment effective Dec. 19, 2022</i>
SENIOR ASSISTANT DISCIPLINARY COUNSEL Karen H. Osmond <i>Promoted effective July 1, 2022</i> Donald M. Scheetz <i>Reassigned effective Feb. 14, 2022</i> Amy C. Stone	EXECUTIVE ASSISTANT/ LEGAL RESEARCH ANALYST Cassandra Kilgore	LEGAL RESEARCH ANALYSTS Paula Adams Linda Gilbert Brent Small
ASSISTANT DISCIPLINARY COUNSEL Martha S. Asseff Adam P. Bessler Michelle R. Bowman Michelle A. Hall <i>Through Feb. 13, 2022</i> Matthew A. Kanai Lia J. Meehan Karen H. Osmond <i>Through June 30, 2022</i> Kelli C. Schmidt Audrey E. Varwig	LITIGATION PARALEGAL Phoebe Heffron	RECEPTIONIST Leah Edwards <i>Commenced employment effective Nov. 7, 2022</i> Sukia Neal <i>Last day of employment: Aug. 23, 2022</i>
	INVESTIGATORS Charles Bower <i>Resigned employment effective Sept. 9, 2022</i> Donald Holtz Patrick McDonald <i>Commenced employment effective Nov. 28, 2022</i>	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.

2 Brown is a part-time independent contractor.



From left, new staff joined the ODC team in 2022: Leah Edwards, Gabrielle Hughes, and Patrick McDonald. Right: Cassandra Kilgore, executive assistant and legal research analyst, was awarded one of the Court's 2021 Professional Excellence Awards.

Significant Office Developments

A. ODC Staff Members

As stated above, ODC saw three employees depart during 2022. Toward the end of the year, ODC hired three new team members, all of whom have positively impacted the office. Staff retention remains a critical component to the success of the office, consequently, we strive to promote a vibrant and professional work culture.

Leah Edwards joined the office on Nov. 7, 2022, as ODC's receptionist. Before joining the office, Edwards was employed at the City of Columbus in the Housing Division as an office support clerk reviewing the tax abatement incentive applications, and Title First Agency as an accounting clerk assisting the accounting department. She has over 10 years of customer service experience at Rack Room Shoes and is an active member of the Kentucky National Guard, serving as an automated logistics specialist. Edwards is a graduate of National College where she earned an associate degree in Business Administration and Accounting.

Patrick McDonald joined the office on Nov. 28, 2022, as an investigator, having previously served as a Security Contractor at the Ohio

Statehouse from 2016 to 2022. McDonald retired after more than 30 years of service as the investigations supervisor in the Ohio State Highway Patrol's Office of Investigative Services at the Jackson District Headquarters. McDonald attended the University of Rio Grande and is a graduate of the Ohio State Highway Patrol Academy.

Gabrielle Hughes joined the office on Dec. 19, 2022, as an administrative assistant. Prior to joining the office, Hughes was employed at Lazzaro Luka Law Offices and Nager, Romaine, & Schneiberg as a paralegal. Hughes is a graduate of Ohio University, where she earned a bachelor's degree in Political Science and a master's degree in Law, Justice, and Culture.

Cassandra Kilgore, executive assistant and legal research analyst, was awarded one of the Court's 2021 Professional Excellence Awards for her tenacious work ethic, positive attitude, and overall commitment to ODC's mission.

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 the lawyer or judicial official but instead, to protect the public and the legal profession. Disciplinary counsel believes that 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 judicial officials on issues relating to legal and judicial ethics and the requirements of the Rules of Professional Conduct and the Code of Judicial Conduct.

In 2022, ODC conducted four half-day education sessions for Ohio's bar counsel. ODC held sessions in Toledo, Cincinnati, Columbus, and Akron. All but two bar counsel completed the 3.5 hours of education. Special assistant disciplinary counsel Lori Brown, chief assistant disciplinary counsel Michelle Hall, and the undersigned developed the curriculum, with valuable input from Richard Dove, the director of the Ohio Board of Professional Conduct ("Board"). The curriculum focused on case preparation, case presentation, and perspectives from the Board. One of the challenges associated with educating bar counsel is that there exists a wide disparity in experience. Judging from the evaluations, however, the education program proved beneficial to the attendees. In rating the "overall quality of the program," we received an average score of 4.95 on a scale of 1-to-5.

In addition to the bar counsel education sessions conducted throughout Ohio in 2022, ODC also presented its annual Bar Counsel Seminar on Oct. 20, 2022. The 3.5-hour program included five substantive topics:

1. Confidentiality under Gov.Bar R. V(8);
2. Navigating Sealed Records in a Disciplinary Case;
3. An Update on PMBR;
4. Recent Decisions; and,
5. Probable Cause Determinations/ Summaries of Investigation (Richard Dove and Frank Woodside III).

This year, Ann Yackshaw, senior assistant attorney general in the Constitutional Law Office, participated in the panel discussion on the use of sealed records in disciplinary proceedings.

On Oct. 21, 2022, ODC participated with the Board in presenting the annual Miller-Becker Seminar at the Ohio State Bar Association. This collaborative effort between the Board, ODC, and respondents' counsel, featured a simulated investigation, hearing, and panel deliberation.

ODC staff also presented at 50 meetings and events. The undersigned participated in 24 speaking engagements, while Michelle Hall participated in nine. Senior assistant disciplinary counsel Don Scheetz also 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 completed his third and final year as President of the Association of Judicial Disciplinary Counsel ("AJDC"), a national organization aimed at promoting judicial integrity and independence by improving the effectiveness of state judicial disciplinary organizations. As the undersigned transitioned from president to emeritus status, the membership was at an all-time high of 167 members. One of the main responsibilities as president is to plan and lead the Annual Meeting and Conference. During the undersigned's final year, a record number of attendees (110) registered to attend the annual conference on July 27-29, 2022, in Washington, D.C. Topics included recent case decisions, digital evidence, effectively cross-examining expert witnesses, and social media. Several ODC attendees presented at the conference, including the undersigned, Michelle Hall, Don Scheetz, assistant disciplinary counsel Kelli Schmidt, and investigator Don Holtz. Don Holtz serves on the AJDC Board as the sole non-lawyer member. Assistant disciplinary counsel Michelle Bowman also serves on the AJDC's Newsletter Committee.

Don Scheetz serves as Secretary of the National Organization of Bar Counsel ("NOBC"), founded in 1965 to enhance the



professionalism and effectiveness of lawyer disciplinary agencies in the United States, Canada, and the United Kingdom. Senior assistant disciplinary counsel Karen Osmond also serves on the NOBC's Diversity, Equity, and Inclusion Committee, and is chair of the Webinar Committee. Finally, the undersigned and Don Scheetz co-taught Professional Responsibility as adjunct professors at the Ohio State University Moritz College of Law.

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 2022, assistant disciplinary counsel handled 572 ethics inquiries from Ohio lawyers, while disciplinary counsel and the chief assistant handled 211 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 Proactive Management-Based Regulation 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, chief assistant disciplinary counsel Michelle Hall, Alvin Mathews (private practice), Kristi McAnaul (counsel to the Board), Heather Zirke (solo practitioner), and Edwin Patterson (former general counsel to the Cincinnati Bar Association). The committee met in January, February, March, June, and October 2022.

During the third quarter of 2022, the PMBR exploratory committee completed a final draft of a rule amendment, which would require lawyers in private practice to disclose on their attorney registration form whether they carry professional liability insurance. If passed, beginning with the 2025 registration biennium, lawyers who do not have insurance will be required to complete an online

program focused on the ethical operation of a law practice or obtain malpractice insurance before being able to register. The undersigned and Michelle Hall met with the Office of Information Technology and the Office of Attorney Services to ensure a workable timeline and compatibility with the court's IT infrastructure.

On Nov. 15, 2022, the undersigned and Michelle Hall presented the committee's proposal to the justices during administrative conference. With a few minor edits, the justices approved the proposal for public comment through Jan. 12, 2023.

D. Document Management

The Case Management Committee ("the committee"), under the direction of assistant disciplinary counsel Audrey Varwig, remained active throughout 2022, continuing its work to automate office processes and procedures in furtherance of the paperless office environment and enhance the Case Management ("CM") application functions.

During 2022, the committee's focus remained on developing the fully electronic online grievance form project. This project entails four facets: 1) infrastructure; 2) public interface; 3) intake interface; and 4) evidentiary record. Throughout 2022, the committee refined each of the four facets of the project, and all four facets of the project have been advanced. The first facet, the infrastructure, was refined to prevent changes to data after the form is electronically signed and submitted. The committee plans to add helpful information to users who attempt to reuse a form or fail to complete a submission. The committee also continues to improve the second facet of the project, the public interface, to ensure that it is user-friendly. For example, the interface will be programmed to display the names of witnesses whose contact information has been entered and saved. The committee is repeatedly testing to anticipate and proactively address data entry errors by improving the form's design and adding error messages. The third facet, the intake interface, was improved to avoid creating duplicate contact information for parties in the CM app. It was also altered so that incomplete

data can be accessed and reviewed but will not impede the processing of completed and submitted forms. The committee continues to test the accuracy and functionality of the intake interface as the public interface is constantly modified. The fourth facet of the project, the evidentiary record, continues to be tested for accuracy. The design was improved to ensure that it displays the data entered logically yet efficiently. To accomplish this goal, the committee considered the need for the record to be verified by grievants and relied upon by decision-makers.

Although ODC had hoped to complete the fully electronic grievance form project in 2022, the committee made significant progress, and we expect to complete the project in 2023. The project experienced a significant delay due to a directory issue causing the need to move thousands of files and map their new location to improve the app's speed. The repair was a significant task but was completed without any work interruption. A second delay occurred when the court launched a new website that necessitated the repair of incompatible links. The committee successfully tackled these setbacks while still making advancements toward the completion of the electronic grievance form project.

On a daily basis, the committee monitors the CM app to adjust for human factors and identify and solve problems early and efficiently. It also responds to and troubleshoots user issues. The committee continues to serve as a resource for all staff regarding CM, Adobe, and other computer issues and serves as a resource for best practices for data entry and accuracy, docket management, workflow, and statistics.

E. IOLTA/Client Trust Accounting School

Through ODC's investigations of IOLTA overdrafts and speaking engagements throughout the state of Ohio, it became apparent that many Ohio lawyers are unfamiliar with their IOLTA record-keeping responsibilities under Prof.Cond.R. 1.15 and their obligations in handling client funds. To address these deficiencies, in 2021,



An in-person IOLTA School session in Columbus.

ODC staff, in conjunction with the Judicial College, produced a one-hour video on trust accounting.

ODC launched the free, one-hour, virtual self-study IOLTA course via its website, which the CLE commission approved for one hour of self-study. More information on the one-hour course can be found at odc.ohio.gov/ta101online. By the end of 2022, 111 lawyers and 44 non-lawyers, such as law students, paralegals, and office personnel, completed the course.

In addition to the one-hour online video, ODC developed and launched its IOLTA School in 2021. In 2022, ODC held one virtual session and three in-person sessions of its IOLTA School. Led by senior assistant disciplinary counsel Karen Osmond and assistant disciplinary counsel 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 focuses 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.

In 2022, ODC received positive feedback from attendees, such as:

- “This was worth the drive from Cincinnati to attend in person;”
- “This should be mandatory for all lawyers;”
- “Very informative and helpful for future practice;” and
- “Will use especially when doing reconciliation.”

During the first quarter of 2022, with permission from the Commission on Professionalism, Bradley Martinez from the Office of Attorney Services sent a mass email regarding the IOLTA School to approximately 1,200 lawyers participating in the lawyer-to-lawyer mentoring program. Also, during the first quarter, ODC sent a letter to all respondents’ counsel listed in our case management system introducing the self-study course and the 3.5-hour IOLTA School. We advised counsel that our office may elect to condition resolution of certain IOLTA

investigations on completion of one or both courses. We also sent a letter to the Professional Responsibility professors at Ohio's nine law schools announcing the video as a teaching tool they could share with their students.

Recognizing that many Ohio practitioners utilize the services of paralegals or legal assistants to assist with trust account management, ODC opened registration for its IOLTA School to paralegals or legal assistants so long as they attend with an attorney.

Since ODC's first IOLTA School session in November 2021, over 40 attorneys have completed the course; however, to reach more practitioners, ODC plans to conduct two of the four sessions scheduled in 2023 at offsite locations in alternating metropolitan areas.

ODC plans to 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 in cases involving trust account violations.

F. 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 2022, senior assistant disciplinary counsel Amy Stone addressed 41 telephone inquiries regarding the disposition of deceased attorneys' files. ODC took possession of 96 boxes of files containing approximately 1,920 client files from four lawyers, and 12 boxes of wills from one retiring attorney. 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 has inventoried the files and made reasonable efforts to locate the former clients. In 2021,

disciplinary counsel designed a new approach aimed at reducing the rising costs associated with the offsite storage of abandoned files, and 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. Throughout 2022, ODC continued the process of converting all paper files to digital media, including those files that are currently stored offsite.

In 2022, ODC issued four Gov.Bar R. V(26) appointment letters to attorneys. These letters give the appointee access to a deceased attorney's IOLTA to perform an accounting, distribute remaining funds, and close the account. They are also used to appoint attorneys to inventory and return a decedent's files to the rightful owners.

G. 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 Ohio Board of Professional Conduct.

In addition to the [brochure](#) that ODC created in 2021, Amy Stone, Kristi McAnaul from the Board, and Minerva Elizaga, assistant director for the Lawyers' Fund for Client Protection, worked with the Office of Public Information to create a single-page handout on the disciplinary system. Designed primarily with new lawyers in mind, this quick-access document contains brief descriptions of each office and their duties, followed by their contact information. Amy Stone, Kristi McAnaul, and Minerva Elizaga hosted a table at the November 2022 swearing-in ceremony and distributed this handout, the brochure on client files and IOLTAs, and a flyer on the IOLTA School to new lawyers.



During the third quarter of 2022, the court proposed [Standard Probate Form 13.11](#), which was created by the workgroup on the subject of abandoned files and IOLTAs, for public comment. The Ohio Access to Justice Foundation raised concerns regarding making IOLTA numbers public and requiring the applicant who receives a deceased attorney's IOLTA funds to deposit those funds into an IOLTA or IOTA. ODC made updates to the form to accommodate the comments and worked with the General Counsel's office to resubmit the updated form for the court's approval.

ODC is pleased to report that the court adopted Standard Probate Form 13.11 during the fourth quarter. The form became effective on Jan. 1, 2023.

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 court in 2023 and will continue meeting to discuss other ideas to ease the burdens associated with locating the wills of a deceased or retired attorney.

H. Miscellaneous Administrative Matters

Office Matters

During the second quarter of 2022, administrative officer Candie Gutierrez focused on transitioning the office from the older G2 computers to the more efficient Zbook laptops. By year's end, the transition for the entire office was complete.

In the third quarter, Gutierrez completed the training provided by DAS to meet the competency requirements to become a certified State of Ohio EEO/DEI Professional. Also, in the fourth quarter, Gutierrez began coursework for two SHRM certifications, the People Manager Certification and the Inclusive Workplace Culture Certification. The certifications will be complete in early 2023.

Records Vendor

During the second quarter of 2022, Gutierrez began negotiating a buyout from ODC's current records storage company to a new vendor. The change in vendors would reduce ODC's monthly storage expenses and provide a more streamlined search database along with a dedicated representative. During the third quarter, ODC finalized negotiations with the new records vendor, Access. Gutierrez also negotiated a buyout with ODC's former vendor, VRC. During the fourth quarter, Gutierrez, along with staff assistants Sam Simms and Thern Osborne, began the process of ODC's record migration from VRC to Access. At the end of 2022, they had entered approximately 4,300 records. ODC anticipates this project will be completed in March 2023. ODC continues to research strategies to more effectively manage our file storage.

Audit

From April 2022 through July 2022, Gutierrez worked with the Ohio Auditor's Office on the biannual audit, which examines ODC's inventory and non-payroll items. The Auditor's report did not identify any matters that required reporting in the *Government Auditing Standards* report.

Disciplinary History Requests

In 2022, administrative assistant Christine McKrimmon processed 329 requests from lawyers and judges to provide disciplinary history reports to various entities such as out-of-state licensing agencies, malpractice carriers, nominating committees, and government agencies.

Bar Counsel

Under Gov.Bar R. V(6)(A)(1), disciplinary counsel certified the following lawyers as bar counsel:

- Holly Wolf, Columbus Bar Association, May 10, 2022;
- Margaret Mattimoe Sturgeon, Toledo Bar Association, May 31, 2022;
- Joseph Dawson, Toledo Bar Association (Assistant Bar Counsel), June 16, 2022; and,

- Paul Roderer Jr., Dayton Bar Association, Oct. 6, 2022.

Under Gov.Bar R. V(6)(B), disciplinary counsel may decertify bar counsel for failing to diligently and competently perform the duties as enumerated in Gov.Bar R. V or for other good cause shown. On June 16, 2022, disciplinary counsel decertified John Donovan as bar counsel for the Northwest Ohio Bar Association Certified Grievance Committee. On June 22, 2022, the court accepted Donovan's resignation with disciplinary action pending.

On Feb. 28, 2022, Ronald Slipski resigned as bar counsel for the Mahoning County Bar Association Certified Grievance Committee after having served in that role for over 20 years.

Reduction in Backlog

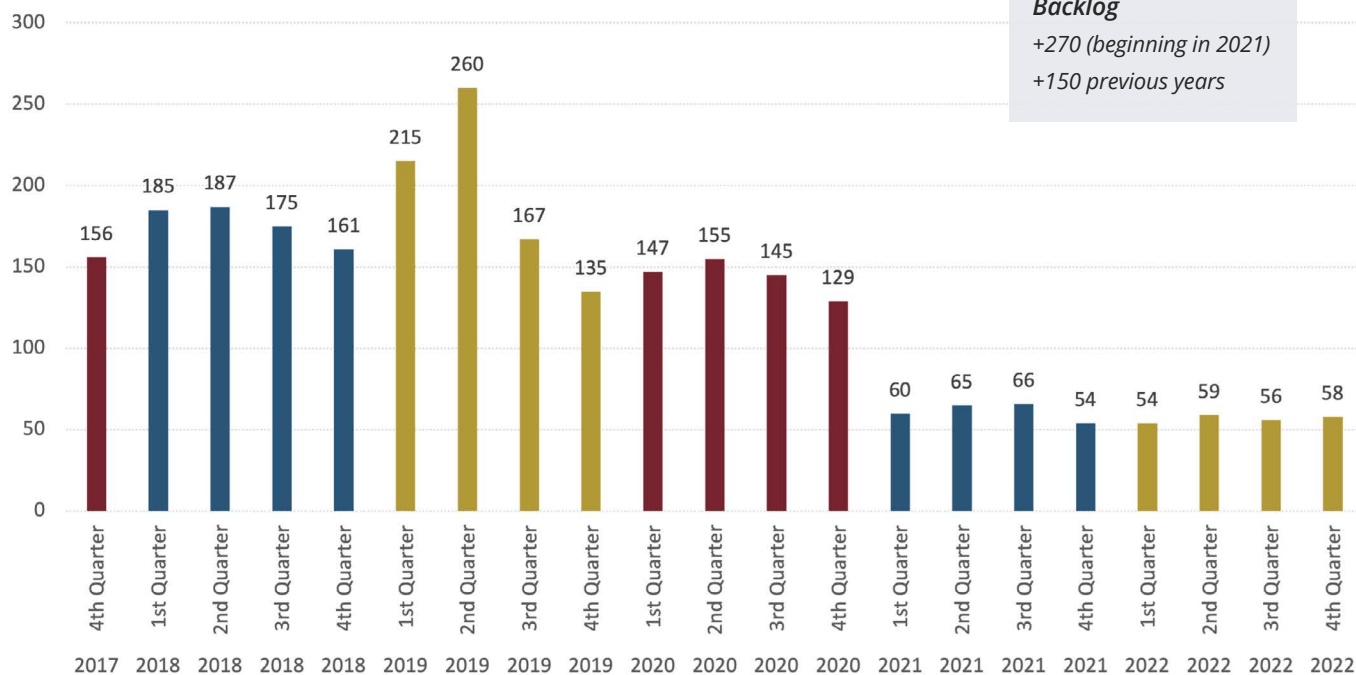
As of June 30, 2019, 260 cases were in backlog, i.e., investigations that have been pending for more than 150 days. Beginning in August 2019, the undersigned implemented a process to reduce the number of cases in backlog. Through one-on-one case evaluation conferences, coupled with increased accountability 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 of ODC's cases, represents a more realistic time frame to conduct a thorough investigation. The chart on p. 11 illustrates ODC's commitment to and success in reducing the backlog.

Grievances and Other Matters

In 2022, ODC received 2,936 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;

ODC Backlog Statistics



Backlog
 +270 (beginning in 2021)
 +150 previous years

- e. felony convictions;
- f. grievances alleging UPL;
- g. cases before the Ohio Board of Professional Conduct and the UPL Board;
- h. child support suspensions;
- i. reciprocal discipline matters; and,
- j. retirements and resignations.

Of the 2,936 matters received, 1,899 represented grievances filed with ODC against lawyers and 692 against judicial officers. In 2022, we dismissed 1,389 grievances at the intake stage or after an initial review. Of those, 871 were against lawyers and 487 were against judicial officers. For administrative reasons, ODC transferred 81 grievances to local bar associations for investigation and 59 grievances to the Board for reassignment. Under Gov. Jud.R. II, Section (2)(B), ODC forwarded three grievances to the chief judge of the Courts of Appeals. For a detailed analysis of grievances received in 2022, and opened for investigation, please refer to Table 2 (*see p. 17*). 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 (*see p. 21*) represents the geographic distribution of the grievances filed with ODC in 2022, organized by Ohio county based upon the location of the respondent lawyers' principal Ohio law offices.

At the beginning of 2022, ODC had 845 grievances pending. As of Dec. 31, 2022, there were 939 grievances pending or under investigation.

Formal Complaints and Dispositions

In 2022, ODC filed 37 formal complaints with the Board, an increase of 10 from 2021. This figure represented 79 percent of all the formal disciplinary complaints certified by the Board in 2022. Of the 37 complaints, three alleged judicial misconduct and 34 alleged attorney misconduct.

In 2022, the Board or the court disposed of 27 cases that had previously been filed with the Board. The court imposed final discipline in 24 cases in 2022. In addition, eight cases were

closed following acceptance of the lawyer's resignation. In 2022, five 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 31 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 is authorized to open a new case and to conduct a separate investigation.

In 2022, ODC received 96 appeals, an increase of 17 from 2021. During the year, ODC closed 109 appeals. As of Dec. 31, 2022, 16 appeals remained pending.

Unauthorized Practice of Law

ODC also receives grievances against individuals or organizations that are 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 was never admitted to the practice of law in any jurisdiction. Businesses or other entities offering legal services without the authority to do so are also subject to ODC's investigative powers.

ODC received 62 UPL grievances in 2022, an increase of six from 2021. During 2022, ODC closed 52 UPL grievances after investigation. As of Dec. 31, 2022, 65 UPL investigations were pending. In 2022, 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 has been received, the court may impose a sanction upon the lawyer with either identical or comparable discipline (*see* Gov.Bar R. V(20)). In 2022, ODC received four reciprocal discipline matters and closed three such matters. The court sanctioned two lawyers on reciprocal complaints in 2022 (*see* Table 3 on p. 18 for sanction and original state jurisdiction).

Child Support

If an Ohio lawyer, justice, or judicial officer has been 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 2022, ODC did not file any child support matters, and 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.



Disciplinary counsel Joseph Caligiuri and assistant disciplinary counsel Audrey Varwig appeared in a reinstatement hearing before the Board.

In each case, ODC prepares a sealed report to the 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 2022, ODC received 44 retirement or resignation applications. During the year, the court accepted 13 resignations with disciplinary action pending and 30 retirements. (*see* Table 3, on p. 18). The court did not deny any application for retirement/resignation.

Interim Suspensions

In 2022, the court imposed 16 interim suspensions – eight for felony convictions, seven for default, and one for interim remedial. There were no interim mental health suspensions.

Hearings and Oral Arguments

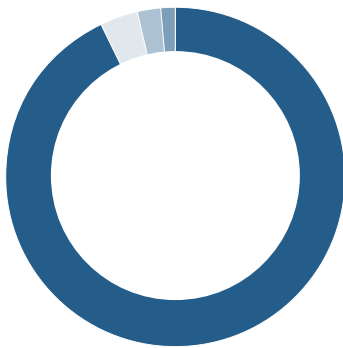
In 2022, ODC attorneys appeared in 24 hearings before the Board, including two reinstatement hearings. In the reinstatement cases, the Board adopted ODC’s position and recommended the court deny reinstatement in one case (*Delay*, Supreme Court Case No. 2018-1743) while the other reinstatement case (*Horton*, Supreme Court Case No. 2018-1746) remained pending at the year’s end. The Board dismissed four cases: *Swencki*, Board Case No. 2021-029 (court dismissal upon death of respondent); *Browne*, Board Case No. 2021-036 (panel dismissal); *Grubb*, Board Case No. 2022-020 (panel dismissal); and *Schiering*, Board Case No. 2022-013 (panel dismissal upon relator’s motion). As of Dec. 31, 2022, there were 20 cases awaiting hearing dates and six cases awaiting a Board report. As of Dec. 31, 2022, no cases were pending before the UPL Board. The undersigned argued one case before the Supreme Court in 2022 (*Carr*, Supreme Court Case No. 2021-1518). At the year’s end, four cases were awaiting objection, one case was pending oral argument, and four cases were pending final court decision.



- TABLE 1 -
Five-Year Case Comparison (2018-2022)

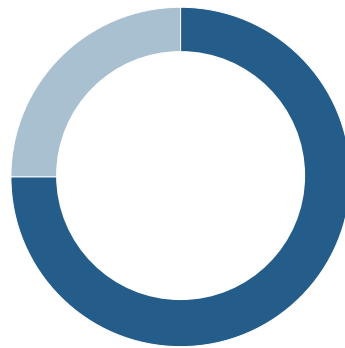
	2018	2019	2020	2021	2022
DISPOSITION OF GRIEVANCES					
Dismissed on Intake or After Investigation	2,401	2,366	1,993	2,015	2,324
Pending at End of Year	642	724	637	845	939
CASELOAD COMPARISON					
Grievances Received	2,693	2,531	2,013	2,426	2,591
Appeals Received	110	134	78	79	96
UPLs Received	45	54	52	56	62
Formal Complaints Filed	40	35	35	27	37

**Caseload Comparison:
Five-Year Average**



- Grievances Received: 2,451 (93%)
- Appeals Received: 99 (4%)
- UPLs Received: 54 (2%)
- Formal Complaints Filed: 35 (1%)

**Disposition of Grievances:
Five-Year Average**



- Dismiss on Intake or After Investigation: 2,220 (75%)
- Pending at End of Year: 757 (25%)

- TABLE 1 -

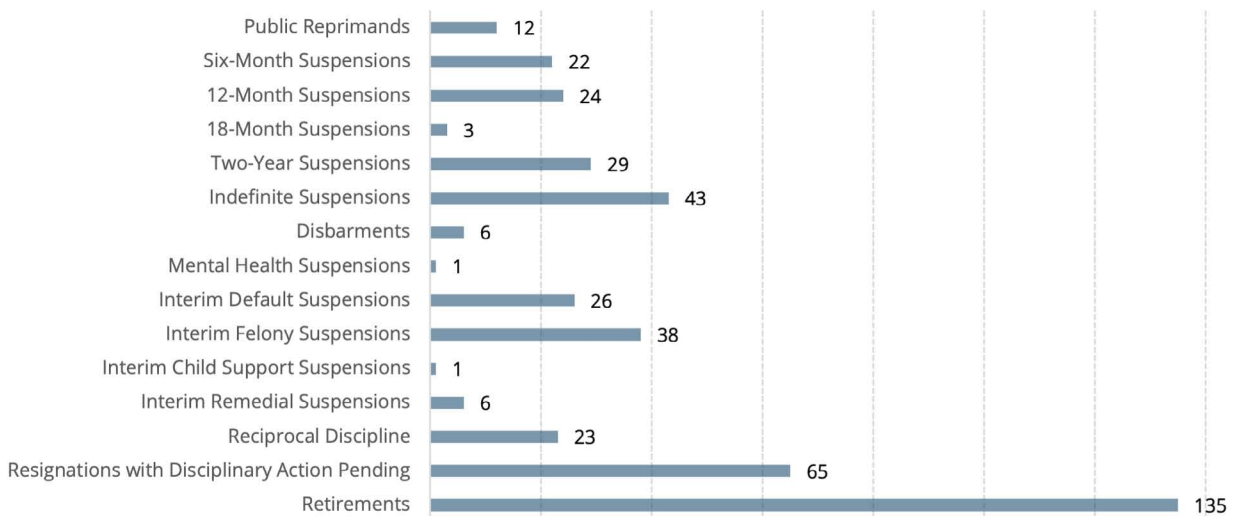
Five-Year Case Comparison (2018-2022)

SANCTIONS ISSUED

(SEE TABLE 3 ON P. 18 FOR DETAILS)

	2018	2019	2020	2021	2022
Public Reprimands	1	4	5	1	1
Six-Month Suspensions	5	1	8	5	3
12-Month Suspensions	3	10	5	3	3
18-Month Suspensions	0	0	0	2	1
Two-Year Suspensions	7	7	5	3	7
Indefinite Suspensions	7	7	13	7	9
Disbarments	2	1	1	2	0
Mental Health Suspensions	0	0	1	0	0
Interim Default Suspensions	5	6	4	4	7
Interim Felony Suspensions	5	14	8	3	8
Interim Child Support Suspensions	0	0	0	1	0
Interim Remedial Suspensions	1	0	2	2	1
Reciprocal Discipline	10	4	3	4	2
Resignations with Disciplinary Action Pending	14	12	14	12	13
Retirements	21	29	20	35	30

Sanctions and Dispositions Issued: Five-Year Total



- TABLE 2 -

Grievances Received and Opened for Investigation

A Five-Year Comparison (2018-2022)

ALLEGED PRIMARY VIOLATION	2018	2019	2020	2021	2022
Neglect/Failure to Protect Client Interests	248	245	192	258	281
Failure to Account or Turn Over Funds	18	21	11	22	30
Improper Withdrawal/Refusal to Withdraw	21	13	15	16	32
Excessive Fees	67	80	60	75	64
Personal Misconduct	67	75	66	53	55
Misrepresentation/False Statements/Concealment	53	37	34	58	81
Criminal Conviction	10	27	8	5	8
Failure to File Income Tax Returns	0	0	1	0	0
Commingling of Funds	0	0	0	2	0
Conversion	15	21	16	20	24
Embezzlement	3	8	8	6	3
Failure to Maintain Funds in Trust	246	216	125	160	126
Breach of Client Confidence	8	15	9	11	10
Conflict of Lawyer's Interest	21	12	8	4	8
Conflict of Client's Interest	40	53	46	47	49
Communication with Adverse Party Represented by Counsel	6	5	7	12	6
Trial Misconduct	91	89	88	145	129
Failure to Register	0	4	2	3	1
Practicing While Under Suspension	1	9	4	4	8
Assisting in the Unauthorized Practice of Law	2	20	0	5	2
Advertising/Solicitation	13	21	4	8	14
Judicial Misconduct	107	100	146	170	138
Mental Illness	1	1	0	0	5
Substance Abuse	9	5	4	4	3
Other	1	1	1	0	1
TOTAL	1,048	1,078	855	1,088	1,078

- TABLE 3 -

Sanctions and Dispositions Issued In 2022 by the Supreme Court of Ohio
Pursuant to Cases Filed by Disciplinary Counsel

Public Reprimand: 1

Richard Lemons 2022-0713
Judicial Discipline

Six-Month Suspensions: 3

Stayed – Six Months

Thomas O’Diam 2021-0971
Judicial Discipline

Jessica Mager 2022-0154

Scott Jancura 2022-0365

12-Month Suspensions: 3

Stayed – Six Months

Michael Noble 2021-1519

Stayed – 12 Months

Donald Ferfolia Jr. 2022-0715

Joyce Plummer 2022-1254

18-Month Suspensions: 1

Stayed – 18 Months

Timothy Jarvis 2022-0366

Two-Year Suspensions : 7

Actual

Robert Hoover 2021-1517

Lisa Wells 2022-0362

Robert Fitz 2022-0363

Stayed – 6 Months

Samuel Smith II 2021-0448

Stayed – 12 Months

Kevin Cox 2021-0975

Diana Jancura 2022-0367

Stayed – Two Years

Steven Hillman 2021-0443

Indefinite Suspensions: 9

Stephen Darling 2021-1232

Gary Vick Jr. 2021-1515

Pinkey Carr 2021-1518
Judicial Discipline

Marianne Sharp 2022-0712

Converted from Interim Default Suspension

Marcelle Anthony 2021-0851

Kevin Rumes 2021-1251

Robert Owens 2022-0128

Andrew Simmons 2022-0535

Michael Duff 2022-0563

Disbarments: 0

Mental Health Suspensions: 0

Interim Default Suspensions: 7

Robert Owens 2022-0128

Albert Purola 2022-0350

Andrew Simmons 2022-0535

Michael Duff 2022-0563

Gary Vick Jr. 2022-0939

Steven Moody 2022-0940

Dennis Adams 2022-1256

Interim Felony Suspensions: 8

Robert Poole 2022-0127

Shawn Romer 2022-0230

Amber Goodman 2022-0611

Joseph Bell 2022-0660

James Corcoran 2022-0778

Timothy Nolan 2022-1048

Anthony Fusco 2022-1142

Amanda Andrews 2022-1350

- TABLE 3 -

Sanctions and Dispositions Issued In 2022 by the Supreme Court of Ohio
Pursuant to Cases Filed by Disciplinary Counsel

Interim Child Support Suspensions: 0

Interim Remedial Suspensions: 1

Benjamin Dusing 2022-0209

Reciprocal Discipline: 2

Ralph DiLeone 2022-0329
Public Reprimand (North Carolina)

Clara Rogalinski 2022-1327
Public Reprimand (Kentucky)

Resignations with Disciplinary
Action Pending: 13

Steven Druckenmiller 2022-0018

Douglas Tripp 2022-0104

Richard Barbera 2022-0181

Edd Wright 2022-0343

Timothy Dougherty 2022-0419

Steven Okey 2022-0530

John Donovan 2022-0626

Gerald Salmen 2022-0834

Michael Feltis 2022-0906

Robert Owens 2022-1031

Frank Simmons Jr. 2022-1215

Sean Porter 2022-1248

Edward D'Atri 2022-1249

Retirements: 30

Thomas Dewey Jr. 2022-0088

William Fischer 2022-0175

Arnold Shifman 2022-0176

Jonathan Williamson 2022-0193

James Gregg 2022-0224

Robert Haverkamp 2022-0242

Roy Frederick 2022-0473

John Barrington 2022-0474

Robert Begin 2022-0525

Howard Hendershott Jr. 2022-0527

Dennis Niermann 2022-0531

Matthew Cox 2022-0532

Michael Linn 2022-0533

A. Russell Smith 2022-0587

James Rice 2022-0726

Carol Mulac 2022-0727

Jeffrey McCamic 2022-0728

Timothy Mara 2022-0729

Robert Shedlarz 2022-0730

Elizabeth Stanton 2022-0848

James Betts 2022-0891

George Wick 2022-0892

Robert Caspar Jr. 2022-1063

Alan Kaplan 2022-1073

Mark Pantello 2022-1165

Jay Rosenberg 2022-1236

Alan Shankman 2022-1264

John Collier 2022-1461

Louis Henderson 2022-1491

Robert Snyder 2022-1492

Reinstatements: 1

Walter Hartsock 2001-1208

Unauthorized Practice of Law: 0

- TABLE 4 -

Status of Formal Matters Pending

As of Dec. 31, 2022

Reinstatements	1
<hr/>	
Before the Probable Cause Panel	
Awaiting Certification to Board	0
Appeal of Panel Dismissal to Full Board	0
<hr/>	
Before the Ohio Board of Professional Conduct	
Awaiting Hearing	20
Awaiting Board Report	6
<hr/>	
Before the Board on the Unauthorized Practice of Law	
Awaiting Hearing	0
Awaiting Board Report	0
<hr/>	
Before the Supreme Court of Ohio	
Awaiting Objections	4
Awaiting Oral Argument	1
Awaiting Supreme Court Decision	4
<hr/>	
TOTAL PENDING	36

- TABLE 5 -

Matters Received in 2022

Based on County of Respondent's Principal Ohio Office Location

Adams	7	Hamilton	181	Noble	0
Allen	26	Hancock	4	Ottawa	21
Ashland	4	Hardin	2	Paulding	3
Ashtabula	19	Harrison	9	Perry	2
Athens	10	Henry	8	Pickaway	0
Auglaize	7	Highland	4	Pike	3
Belmont	1	Hocking	15	Portage	33
Brown	3	Holmes	0	Preble	7
Butler	25	Huron	11	Putnam	14
Carroll	3	Jackson	7	Richland	31
Champaign	0	Jefferson	2	Ross	9
Clark	25	Knox	1	Sandusky	14
Clermont	24	Lake	50	Scioto	16
Clinton	3	Lawrence	0	Seneca	19
Columbiana	8	Licking	15	Shelby	2
Coshocton	5	Logan	12	Stark	74
Crawford	14	Lorain	47	Summit	140
Cuyahoga	416	Lucas	102	Trumbull	20
Darke	13	Madison	1	Tuscarawas	21
Defiance	3	Mahoning	56	Union	23
Delaware	78	Marion	0	Van Wert	5
Erie	34	Medina	8	Vinton	4
Fairfield	14	Meigs	3	Warren	23
Fayette	3	Mercer	0	Washington	7
Franklin	342	Miami	9	Wayne	19
Fulton	0	Monroe	7	Williams	1
Gallia	3	Montgomery	77	Wood	28
Geauga	13	Morgan	1	Wyandot	8
Greene	10	Morrow	9		
Guernsey	7	Muskingum	44	TOTAL	2,352

- TABLE 6 -

Operational Expenses for 2022-2023 Budget
(Expenditures as of Dec. 31, 2022)

CATEGORY	2022-2023 BUDGET	EXPENSES BYTD ³	% BUDGET SPENT
Payroll	\$ 3,260,351	\$ 1,576,621.33	48%
Operating Expenses	\$ 466,050	\$ 234,793.83	50%
Purchased Services	\$ 102,000	\$ 47,286.46	46%
Travel	\$ 60,000	\$ 24,827.82	41%
Furniture, Equipment, & Vehicle	\$ 15,000	\$ 0	0%
Hospitality Hosting	\$ 2,000	\$ 142.37	7%
TOTAL	\$ 3,905,401	\$ 1,883,671.81	48%

³ Budget Year to Date (i.e., July 1, 2022 through Dec. 31, 2022)

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