#### PMBR FAQs

#### What is PMBR?

PMBR stands for "Proactive Management-Based Regulation." The Office of Disciplinary Counsel's free, online, on-demand PMBR course will assist solo and small firm attorneys in developing ethical infrastructures to improve the delivery of legal services and client relations and assist in preventing violations of the Ohio Rules of Professional Conduct.

### What are the PMBR requirements?

Beginning with the 2025-2027 registration biennium, attorneys who are engaged in the private practice of law (as defined in <u>Gov.Bar R. VI(1)(B)</u>) must either maintain professional liability insurance or complete the PMBR course.

## Where can I find the PMBR rule language?

The Supreme Court's amendments to Gov.Bar R. V and Gov.Bar R. VI may be found at the following link:

https://www.supremecourt.ohio.gov/ruleamendments/documents/PMBR%20(As%20Adopted).pdf

# When did the PMBR requirements go into effect?

The effective date for PMBR is January 1, 2025. Beginning with the 2025-2027 registration biennium, attorneys who are engaged in the private practice of law (as defined in <u>Gov.Bar R. VI(1)(B)</u>) must either maintain professional liability insurance or complete the PMBR course.

### Am I required to complete the PMBR course for the 2025-2027 registration biennium?

Only attorneys who are engaged in the private practice of law (as defined in <u>Gov.Bar R. VI(1)(B)</u>) and do not have professional liability insurance are required to complete the PMBR course.

#### What will happen if I fail to comply with the PMBR requirements?

Attorneys who are deemed required to comply with the PMBR requirements and fail to do so will not be able to complete registration for the corresponding biennium and will be summarily suspended from the practice of law.

### What if my only clients are family members?

Attorneys who only perform legal work for family members are "engaged in the private practice of law" for purposes of Gov.Bar R. VI(1)(B)(5). Accordingly, these attorneys must satisfy the PMBR requirements.

# What if I work as in-house counsel but am not registered as a corporate counsel attorney?

Attorneys registered as active who are "employed by an organizational client or governmental entity" and "[do] not represent clients outside that capacity" are not "engaged in the private practice of law" and, therefore, not subject to the PMBR requirements. See <u>Gov.Bar R. VI(1)(B)(2)</u>.

# What if I am a full-time judge or magistrate?

Full-time judges and magistrates are not "engaged in the private practice of law" and, therefore, are not subject to the PMBR requirements. See <u>Gov.Bar R. VI(1)(B)(2)</u>.

# What if I am a part-time judge or magistrate who maintains a private law practice on the side?

Part-time judges and magistrates who also represent clients in their own practice are "engaged in the private practice of law" for purposes of <u>Gov.Bar R. VI(1)(B)(5)</u>. Accordingly, these attorneys must satisfy the PMBR requirements if they do not have professional liability insurance.

### If I register as active, but no longer practice law, do the PMBR requirements apply?

Only active attorneys who are "engaged in the private practice of law" and do not have professional liability insurance must satisfy the PMBR requirements. Under <u>Gov.Bar R. VI(1)(B)(5)</u>, attorneys who are "no longer practicing law in any capacity" are not "engaged in the private practice of law." Active attorneys who no longer practice law in any capacity are not subject to the PMBR requirements.

### If I purchase professional liability insurance, must I still complete the PMBR course?

No. An attorney who purchases professional liability insurance does not have to complete the PMBR course; however, the attorney must provide proof of insurance to the Attorney Services Section if the insurance is purchased after the registration deadline.

# If I purchase professional liability insurance prior to the November 2, 2025 registration deadline, do I still have to submit proof of insurance to the Attorney Services Section?

No. If you purchase professional liability insurance prior to the November 2, 2025 registration deadline and update your status in the <u>Attorney Portal</u> to reflect you have professional liability insurance, you do not have to provide proof of insurance.

# What happens if I purchase liability insurance or complete the course after September 1, 2025, but before the registration deadline of November 2, 2025?

If you fail to complete the course or purchase professional liability insurance before September 1, 2025, you will be subject to a \$100 late fee.

# How do I update my status if I purchase professional liability insurance prior to the November 2, 2025 registration deadline?

To update your status in the Attorney Portal, log in to your <u>Attorney Portal</u> and click Attorney Registration in the red ribbon across the top of the screen, and then click Proactive Management-Based Regulation. You will click the acknowledgment button and then click "Yes" for the first question and then answer the following questions to reflect your circumstances.

# What happens if I do not complete the PMBR course or purchase professional liability insurance before November 2, 2025?

If you do not complete the PMBR course or purchase professional liability insurance on or before November 2, 2025, you will not be permitted to register and will be summarily suspended from the practice of law under <u>Gov.Bar R. VI(10)(B)(1)</u>.

# If I purchase professional liability insurance after the registration deadline, how do I report this and to whom?

If an attorney purchases professional liability insurance after the November 2, 2025 registration deadline, the attorney must submit proof of insurance, including the name of the insurer, the policy number, and the amount and dates of coverage, to the Attorney Services Section when requesting reinstatement to the practice of law in Ohio.

#### Can I change my answers to the PMBR questions in the Attorney Portal?

Yes. To update your status in the Attorney Portal, log in to your <u>Attorney Portal</u> and click Attorney Registration in the red ribbon across the top of the screen, and then click Proactive Management-Based Regulation. You will click the acknowledgment button and then answer the questions to reflect your circumstances.

#### When will the PMBR course be available?

As of April 1, 2025, the 2025 PMBR course is available on-demand on the OhioCourtEDU platform. For step-by-step instructions on how to create an account, log in, and complete the course, contact the Office of Disciplinary Counsel at <a href="mailto:PMBR@odc.ohio.gov">PMBR@odc.ohio.gov</a>.

### How long is the PMBR course?

The PMBR course will take approximately 3.5 hours to complete. The PMBR course is self-paced and interactive, so the duration may vary.

# Can I use my phone or tablet to take the PMBR course?

No. Based upon initial user feedback, we recommend taking the PMBR course on a laptop or desktop computer. Phones and tablets may present connectivity issues.

### Will I have to take the entire course at one time?

No. The PMBR course is an on-demand, self-paced course. Attorneys can start and stop and return where they left off. To avoid technological issues, stop at the end of a section and exit the course or progress may be lost.

### Will I receive CLE credit for completing the PMBR course?

Yes. The PMBR course has been approved for 3.5 CLE hours. To receive credit, users must complete the evaluation at the end of the course.

#### How often will I have to take the PMBR course?

For every registration biennium beginning with 2025-2027, attorneys who are engaged in the private practice of law (as defined in <u>Gov.Bar R. VI(1)(B)</u>) must either maintain professional liability insurance or complete the PMBR course.

### When will the next PMBR course be available?

Future biennium PMBR courses will become available in the first half of the first calendar year of each subsequent biennium.

#### How much will the PMBR course cost?

The PMBR course is free for all attorneys admitted to the practice of law in Ohio.

## Will the PMBR course be available for all attorneys?

Yes. All attorneys admitted to the practice of law in Ohio will be able to take the PMBR course for CLE credit.

# What if I have additional questions regarding PMBR?

Please direct all PMBR inquiries to the Office of Disciplinary Counsel via email to: <a href="mailto:PMBR@odc.ohio.gov">PMBR@odc.ohio.gov</a> or via phone at: (614) 387-9700.