



Office of Disciplinary Counsel

2023 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 2023 Annual Report.

From a human resource perspective, 2023 proved to be a challenging year. While we welcomed six new employees—four assistant disciplinary counsel, a paralegal, and a receptionist—we lost seven to opportunities with other state agencies. While our newest team members have acclimated well to their positions and will undoubtedly excel in the years to come, replacing the four departing attorneys along with their 32 years of combined investigative and prosecutorial experience, impacted our progress in 2023.

In addition to the staff changes, one of our long-time employees experienced a medical emergency while in the office this past summer. During this harrowing event, our team pulled together in a collective effort to save our colleague's life. Administrative Assistant Laura Johnston immediately called 911, and Administrative Assistant Katie Sturges, who was five months pregnant, administered life-saving CPR until the paramedics arrived. The rest of the staff contributed to the effort by coordinating with building security, locating essential equipment, shielding the area for privacy protection, contacting the family, and, later that evening, keeping vigil at the hospital. After days of uncertainty, our colleague regained consciousness and—just a few months later—returned to her full-time position. While this frightening and traumatic event produced much anxiety and fear, it also epitomized the human spirit and the power of teamwork. Chief Justice Kennedy and Administrative Director Horner personally delivered a Special Commendation to Katie and also sent a heartfelt letter of gratitude to the first responders from the Columbus Division of Fire for their life-saving efforts. Since the event, our entire staff has been certified in first aid and CPR through the training generously offered by the court.

From a programming standpoint, 2023 saw the court adopt our newest initiative—Proactive Management-Based Regulation (“PMBR”), an interactive, online program designed to assist the solo and small firm practitioner with the challenges associated with running a law practice in a professional and ethical manner. Beginning with the 2025 registration biennium, lawyers who do not possess professional liability insurance will be required to complete the free, CLE-accredited PMBR curriculum before registering. With its adoption, Ohio becomes just the second state in the nation to adopt a mandatory PMBR program.

With the pandemic firmly in the rear-view mirror, we saw a 14% increase in grievances. During 2023, we received 2,961 grievances, which surpassed our pre-COVID numbers. Of those grievances, 778 involved allegations against judges and judicial officers, a 12% increase from 2022, and a 31% increase from 2021. Between grievances dismissed at the intake level and cases dismissed after investigation, we disposed of 2,497 grievances during 2023, compared to 2,324 in 2022. At the end of 2023, the Office of Disciplinary Counsel had 1,080 grievance files pending at various stages of review.



During 2023, the Office of Disciplinary Counsel filed 28 complaints with the Board of Professional Conduct, compared to 37 in 2022. All 28 complaints involved lawyer misconduct, while none involved judicial misconduct. We participated in 17 hearings before the Board and eight oral arguments before the court. The Office of Disciplinary Counsel also filed 59 sealed reports in cases in which lawyers applied to retire or resign from the practice of law. During 2023, the court accepted 49 applications as retirements and 11 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. In 2023, ODC staff participated in 62 presentations to members of the bench and bar. Moreover, 39 attorneys and four paralegals completed our IOLTA School in 2023—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. An additional 77 lawyers and five non-lawyers 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 do not warrant formal discipline.

The Office of Disciplinary Counsel executed its education curriculum for bar counsel of Ohio’s 31 certified grievance committees through three-hour education sessions in Cincinnati, Toledo, Columbus, and Cleveland and another separate and distinct 3.5-hour seminar in Columbus. We continued to expand and improve our 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. Finally, led by our senior assistant disciplinary counsel, we have initiated monthly Zoom meetings for interested bar counsel. During these one-hour sessions, bar counsel discuss issues affecting the certified grievance committees and best practices in disciplinary investigations and prosecutions.

The Office of Disciplinary Counsel’s 28-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

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Disciplinary Counsel
of the
Supreme Court of Ohio





Office of Disciplinary Counsel ("ODC")

The Supreme Court of Ohio established the position of disciplinary counsel and the Office of Disciplinary Counsel ("ODC"). 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) assist attorneys in developing ethical infrastructures by designing and offering a free, interactive Proactive Management-Based Regulation curriculum, effective Jan. 1, 2025; (f) review and approve the employment of suspended or disqualified lawyers; and (g) 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 28-person staff of the Office of Disciplinary Counsel is comprised of the following positions, including the incumbents in those positions, during 2023:

DISCIPLINARY COUNSEL

Joseph Caligiuri

CHIEF ASSISTANT DISCIPLINARY COUNSEL

Michelle Hall

SENIOR ASSISTANT DISCIPLINARY COUNSEL

Matthew Kanai

Promoted Sept. 24, 2023

Karen Osmond

Amy Stone

ASSISTANT DISCIPLINARY COUNSEL

Martha Asseff

Adam Bessler

Resigned effective March 10, 2023

Michelle Bowman

Resigned effective Sept. 23, 2023

Matthew Kanai

Through Sept. 23, 2023

Lia Meehan

Resigned effective July 1, 2023

Kelli Murphy

FKA Kelli Schmidt

Benjamin Nelson

Commenced effective April 17, 2023

Marley Nelson

Commenced effective Nov. 6, 2023

Ryan Sander

Commenced effective Aug. 7, 2023

Donald Scheetz

Resigned effective Sept. 8, 2023

Audrey Varwig

Melanie Williamson

Commenced effective Nov. 6, 2023

SPECIAL ASSISTANT DISCIPLINARY COUNSEL

Lori J. Brown*

ADMINISTRATIVE OFFICER

Candie Gutierrez

EXECUTIVE ASSISTANT/ LEGAL RESEARCH ANALYST

Cassandra Kilgore

LEGAL RESEARCH ANALYSTS

Paula Adams

Linda Gilbert

Resigned effective Feb. 8, 2023

Tarik Jackson

Commenced effective May 8, 2023

Brent Small

LITIGATION PARALEGAL

Phoebe Heffron

INVESTIGATORS

Donald Holtz

Patrick McDonald

ADMINISTRATIVE ASSISTANTS

Gabrielle Hughes

Laura Johnston

Lori Luttrell

Christine McKrimmon

Katherine Sturges

FKA Katherine Stillman

RECEPTIONIST

Leah Edwards

Through Sept. 10, 2023

Mandisa Mack

Commenced effective Oct. 23, 2023

CLERICAL SUPPORT STAFF

Leah Edwards

Promoted on Sept. 11, 2023

Thern Osborne

Resigned effective March 10, 2023

IT LIAISON/CLERICAL SUPPORT STAFF

Samuel Simms

Resigned effective Aug. 25, 2023

* Ms. Brown was a part-time independent contractor; however, she no longer serves in that role.



New staff joined the ODC team in 2023. From left: Ryan Sander, Melanie Williamson, Mandisa Mack, Marley Nelson, Tarik Jackson, and Benjamin Nelson.

Significant Office Developments

A. ODC Staff Members

As stated above, in 2023, ODC saw seven employees leave for other state agencies. Throughout the year, we hired six new team members, all of whom have positively impacted the office. To conserve resources, we elected not to fill the IT liaison/clerical support staff position. Staff retention remains a critical component to the success of the office; consequently, we strive to promote a vibrant, diverse, and professional work culture.

Benjamin Nelson joined the office on April 17, 2023, as an assistant disciplinary counsel. Prior to joining the office, Ben was a civil litigation attorney at Hrabcak & Company, LPA. He has over 12 years of litigation experience in private practice. Ben is a graduate of Miami University where he majored in Finance with a minor in Applied Ethics. He attended law school at the Cleveland-Marshall College of Law.

Tarik Jackson joined the office on May 8, 2023, as a legal research analyst. Tarik has worked with the Supreme Court of Ohio since 2006, first for Bar Admissions and most recently as a CLE specialist in the Office of Attorney Services.

Tarik graduated from Columbus State University with an Associate Degree in Paralegal Studies.

Ryan Sander joined the office on Aug. 7, 2023, as an assistant disciplinary counsel. With a civil litigation background in family law and a commitment to public service, Ryan's passion for ethics comes from mentoring newer attorneys and learning from more experienced attorneys. He also serves on the executive committee of the Ohio State Bar Association Family Law Committee. Ryan earned his J.D. from Capital University Law School and a B.S. from Florida State University.

Mandisa Mack joined the office on Oct. 23, 2023, as our receptionist. Prior to joining the office, Mandisa was employed for six years as an administrative assistant with several employers, including Franklin County Domestic Relations and Juvenile Court and most recently, Nationwide Children's Hospital. Mandisa is a graduate of Columbus State where she earned an Associate of Applied Science Degree in Criminal Justice.



Marley Nelson joined the office on Nov. 6, 2023, as an assistant disciplinary counsel. Prior to joining the office, Marley was employed with the Office of the Ohio Public Defender as an assistant public defender. Marley received her law degree from the University of Illinois College of Law where she participated in numerous trial and appellate competitions and graduated *Cum Laude*. Her undergraduate degree is from Beloit College where she majored in Creative Writing and Education.

Melanie Williamson joined the office on Nov. 6, 2023, as an assistant disciplinary counsel. Prior to joining the office, Melanie was managing partner at Fishel Downey Albrecht & Riepenhoff, LLP. The focus of Melanie's practice was civil litigation with an emphasis on civil rights litigation. Melanie has appeared before the United States Court of Appeals for the Sixth Circuit, federal district courts, state courts of appeals, trial courts, and administrative agencies. Melanie is a graduate of The Ohio State University where she earned a Bachelor's Degree in English, *Summa Cum Laude*. Melanie received her J.D. from Capital University, *Magna Cum Laude*.

In September 2023, we promoted Matt Kanai to senior assistant disciplinary counsel. Since

joining the office, Matt has brought sound judgment and strong advocacy skills to the position, and has handled several high-profile cases.

Also, in September, we promoted Leah Edwards to staff assistant after having served as our receptionist. Leah has a wonderful work ethic and strives to learn new tasks to support her colleagues while ensuring our abandoned files are properly inventoried and stored.

B. Educational Outreach

In disciplinary counsel's view, educating Ohio lawyers and judicial officers 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 2023, ODC conducted four three-hour education sessions for Ohio's bar counsel. ODC held sessions in Cincinnati, Toledo, Columbus, and Cleveland. All but four bar counsel completed the three hours of education.* Former Special Assistant Disciplinary Counsel Lori Brown, Chief Assistant Disciplinary Counsel Michelle Hall, and the undersigned developed the curriculum. The curriculum included two segments. The first segment focused on the practical application of Gov.Bar R. V(6), specifically, the duties and responsibilities of bar counsel in hearings before the Board. The second segment focused on a series of hypotheticals designed to simulate situations that bar counsel will encounter as they prosecute attorneys and judicial officials in Ohio. 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 4.9 out of 5.0.

In addition to the bar counsel education sessions conducted throughout Ohio in 2023, ODC also presented its annual Bar Counsel Seminar on Oct. 19, 2023. The 3.5-hour program included four substantive topics:

- Recent Decisions;
- Cyber Threat Awareness and Creative Strategies for Managing Risk;
- Exercising Discretion; and
- Discussion with the Board on Probable Cause and Summaries of Investigation.

This year, Mark Lanterman, a certified forensic cybersecurity expert and member of the Minnesota Lawyers Professional Responsibility Board, led a segment on digital evidence, cybersecurity, and computer forensics as they relate to disciplinary proceedings. On Oct. 20, 2023, 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 appellate advocacy, a respondents' counsel roundtable, sanction determination, a PMBR update, and case trends.

ODC staff presented at 62 meetings and events. The undersigned participated in 29 speaking engagements, while Chief Assistant Michelle Hall participated in 10. Senior Assistant Disciplinary Counsel Karen Osmond 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 continued to serve as an emeritus board member and immediate past 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. Don Holtz continued his service on the AJDC board as the sole non-lawyer member. At its July 2023 board meeting in Washington, D.C., the AJDC Board of Directors approved Michelle Hall to serve a three-year term on the board. At the July 2023 Annual Meeting and Conference in Washington, D.C., several ODC employees presented on judicial ethics and investigations. Assistant Disciplinary Counsel Kelli Murphy presented on recent judicial decisions, Don Holtz presented on interview techniques in cases dealing with mental impairment, and the undersigned presented on sanctions in judicial disciplinary cases.

With his departure from the office, former Assistant Disciplinary Counsel Don Scheetz resigned 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 serves on the NOBC's Diversity, Equity, and Inclusion Committee, and is Chair of the Webinar Committee. At its August 2023 Annual Meeting and Conference in Minneapolis, Karen Osmond presented on new lawyer outreach and preventing misconduct, and Don Scheetz presented on impairment cases. In October 2023, Assistant Disciplinary

*Three bar counsel missed the education due to emergency medical or personal issues. The other resigned his position as bar counsel after not attending the education program.

Counsel Kelli Murphy presented a webinar for NOBC on social media and data collection. Finally, the undersigned and Don Scheetz co-taught Professional Responsibility as adjunct professors at the 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 2023, assistant disciplinary counsel handled 512 ethics inquiries from Ohio lawyers, while disciplinary counsel and the chief assistant handled 232 inquiries from judicial officers and candidates.

C. Proactive Management-Based Regulation ("PMBR")

As previously stated, the court adopted our PMBR proposal at its Mar. 2, 2023 administrative conference. Ohio becomes the second state in the nation to adopt a mandatory PMBR program. Special thanks to members of the PMBR Committee for their enthusiasm, ideas, and collaboration. The 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). With an effective date of Jan. 1, 2025, the PMBR Committee will seek to expand its membership, work with the court’s information technology department and office of attorney services to ensure a timely and smooth launch, and begin developing the course content. In furtherance of this important project, ODC sought and received \$40,000 in funding from the court to hire a part-time PMBR program manager. During Q4, ODC selected Elisabeth Duesler as our PMBR program manager. Elisabeth began employment on a part-time basis in January 2024. To date, Elisabeth has met with several constituents and stakeholders and has begun developing a framework to ensure a smooth and timely delivery.

D. Document Management

The Case Management Committee (“the committee”), under the direction of Assistant Disciplinary Counsel Audrey Varwig, remained active throughout 2023, meeting 43 times. The committee continued its work to automate office processes and procedures in furtherance of the paperless office environment and enhance the Case Management (“CM”) application functions.

During 2023, the committee continued to focus on the electronic online attorney and judge grievance form project. The committee, in conjunction with the software engineer, Gregory Pruden, enhanced the project by:

- Building a custom app to modernize the infrastructure, providing a more connected, digitally efficient platform and resolving lingering integration issues;
- Working with the court’s information technology department to ensure the new infrastructure was properly configured;
- Adjusting the code to allow the form’s functions to execute in a new environment, including uploading files, sending email, and accessing registration information;
- Updating the previously written code due to changing the new application programming interface;
- Performing extensive testing of formatting and layout for the user interface to ensure it functions across various devices in the new environment, and testing the object-oriented programming to confirm it performs correctly, including directing the user to the appropriate section of the form and ensuring all required information is entered before the user can move on to the next section;
- Adding code to avoid cache problems and errors that may occur when data is not saved, and accommodate cookies;
- Creating a self-sustaining system from scratch, building an outside database, and implementing a new front-end framework so that the user interface is as fast, easy, and responsive;



Assistant Disciplinary Counsel Martha Asseff presenting an argument before the Supreme Court of Ohio in May of 2023.

- Improving the interface to allow a user to view information that has been entered, add to it, edit it, and save it before moving on to the next section;
- Building a structure to display multiple witnesses in a user-friendly format, and building a similar structure for uploading relevant documents and evidence that will allow the user to view files that have been uploaded and delete any accidental uploads before final submission; and
- Adding security features for validating email addresses to prevent sham submissions.

In addition, the committee completed several other projects in 2023. Due to security upgrades, the committee worked with the engineer to obtain trusted status for the program's certificate. It also worked with the engineer to create additional settings in the CM app to preserve the integrity of computer-generated deadlines and to ensure that the process and procedure for felony conviction cases are executed correctly. Additionally, Microsoft Word bookmarks for document templates used in the CM app were added and corrected, and the accuracy and integrity of CM data were

addressed by communicating with staff to ensure they enter and update data correctly. The committee also updated the CM app to reflect changes in office personnel and trained new employees on usage. Further, the committee resolved an issue related to the office's email settings causing sent emails to be quarantined in spam and junk folders.

The software engineer was utilized to respond to a voluminous public records request and assisted with facilitating data entry for the ongoing abandoned files storage project. The engineer also performed the following work on the CM app: the Notes field was expanded to accommodate widespread usage of that feature; the spell check program was updated; cases were reassigned in bulk due to personnel changes; and an additional data entry safeguard was added to prevent user error.

Throughout the year, the committee troubleshoots and resolves user issues as they arise; serves 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 Virtual Self-Study

Through ODC's investigations of IOLTA overdrafts and speaking engagements throughout the state of 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 in 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.

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 2023, 77 lawyers and five non-lawyers, such as law students, paralegals, and office personnel, completed the course.

F. IOLTA Client Trust Accounting School

ODC held four in-person sessions of its IOLTA School in 2023: two in Columbus, one in Akron, and one in Cincinnati. Led by Senior Assistant Disciplinary Counsel Karen Osmond, "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, and creating compliant ledgers. Additionally, through step-by-step instructions, ODC's IOLTA School conducts real-time demonstrations of how to effectively perform monthly reconciliations and handle different complications that can arise.

ODC received positive feedback from attendees, such as:

- "Terrific presentation";
- "Very informative and helpful for future practice";
- "Will use especially when doing reconciliation";

- "Should be required for all attorneys";
- "Much better than I anticipated based upon a difficult subject matter";
- "Very informative regarding record keeping";
- "Loved that it was interactive";
- "Exceed[ed] expectations";
- "Best and most helpful seminar ever! So practical";
- "A lot of information, covered well"; and
- "It's definitely worth keeping the materials for specific references as a refresher when a novel situation arises."

Recognizing that many Ohio practitioners utilize the services of paralegals or legal assistants to assist with trust account management, ODC continued to offer 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 80 attorneys have attended ODC's IOLTA School, and eight paralegals or legal assistants have taken the course. ODC is continually looking for ways to improve the IOLTA School, including, but not limited to, expanding the presentation locations to reach practitioners who may benefit from attendance. ODC will hold four sessions in 2024, and is excited to host visitors from the New York City Bar Association and the West Virginia Office of Lawyer Disciplinary Counsel at its February 2024 session, both of whom are looking to model ODC's IOLTA School in their jurisdictions.

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.

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.



An in-person IOLTA School session in Columbus.

In 2023, Senior Assistant Disciplinary Counsel Amy Stone addressed 21 telephone inquiries regarding the disposition of deceased attorneys' files, and the undersigned addressed two inquiries. ODC took possession of 114 boxes of files containing approximately 2,280 client files from two lawyers, and one box 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. Later in the year, 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.

Throughout 2023, ODC continued the process of converting all paper files to digital media, including those files that are currently stored offsite.

Given the increasing costs of obtaining, inventorying, returning, and storing abandoned files, ODC plans to propose a rule change, which, if adopted, would allow for the destruction of abandoned files seven years after publishing the receipt of an attorney's files on our website. ODC hopes to submit a revised proposal to the Board in 2024.

In 2023, ODC issued five 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. ODC also issued 11 similar letters to general counsel & COO of the Ohio Access to Justice Foundation ("OAJF") to enable OAJF access to dormant deceased attorney IOLTAs for the purpose of closing those accounts.

In 2022, Amy Stone joined the Will Storage Committee (“committee”) of the Ohio State Bar Association’s Estate Planning, Trust & Probate Law Section. The committee’s primary task was to devise a method of notifying the public of the location of wills drafted by an attorney when that attorney dies or retires. In 2023, the committee’s proposed Standard Probate Form 13.12 was submitted to and approved by the forms committee of the Ohio Association of Probate Judges. It will go before the board of that organization for approval before submission to the court. If approved, the form – a notice document – will be filed with the probate court in the county where the attorney practiced. It will allow the filer to list the location of the wills. A copy of the form with an attached list of testators is simultaneously filed with ODC, which will post the lawyer’s name and the location of the wills on its website. ODC will use the confidential testator list to connect testators to wills.

H. Miscellaneous Administrative Matters

Office Matters

Throughout ODC’s staffing changes in 2023, Administrative Officer Candie Gutierrez focused on job descriptions, job postings, vetting candidates, and scheduling interviews.

In 2023, Candie completed the training and testing to receive the SHRM Workplace Mental Health Ally certification and the SHRM People Manager Qualification. Candie is focused on completing the SHRM HR certification training with the hopes of taking the exam in late 2024.

In Q4, Candie became the co-chair of the court’s Employee Events Committee (“EEC”). Senior Assistant Disciplinary Counsel Karen Osmond also serves on the EEC.

Records Vendor

During Q3, Candie completed the transfer of records from ODC’s previous vendor to the new vendor. Candie spent approximately 12 hours per week ensuring all records were transferred accurately. Approximately 3,400 boxes and over 16,200 records were inventoried during this project.

Disciplinary History Requests

In 2023, Administrative Assistant Christine McKrimmon processed 300 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:

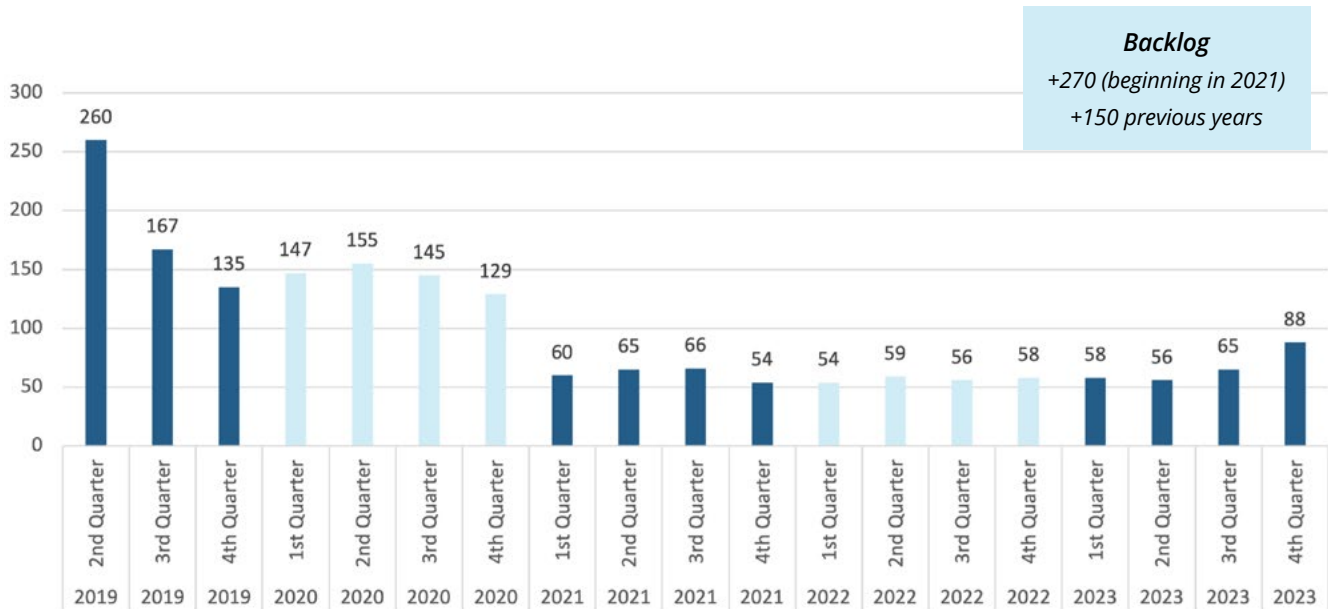
- Joseph Galea, Erie-Huron-Ottawa Joint Certified Grievance Committee (Assistant Bar Counsel), May 5, 2023;
- Robert Trujillo, Scioto County Bar Association, May 5, 2023; and,
- Angela Richardson, Akron Bar Association, Oct. 18, 2023.

In April, we were saddened by the passing of Wayne Rice, General Counsel to the Akron Bar Association. In October, Joe Dawson resigned as assistant bar counsel for the Toledo Bar Association after having previously served as its bar counsel for several years. At the end of the year, Nicholas Smith resigned as bar counsel for the Erie-Huron-Ottawa Joint Certified Grievance Committee. And finally, John Gamble stepped down as bar counsel for the Columbiana County Bar Association.

I. Commitment to Reducing 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. In Q4, we experienced a jump in our backlog; however, the undersigned believes that this

ODC Backlog Statistics



uncharacteristic increase resulted from the impact that the medical emergency had on the intake unit, coupled with the staff changes. As our newly hired staff acclimate to the volume and complexity of cases, the undersigned is confident that we can effectively reduce the backlog during 2024. The above chart illustrates ODC’s commitment to and success in reducing the backlog.

Grievances and Other Matters

In 2023, ODC received 3,310 new matters. This figure reflects 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 UPL Board;
- h. Child support suspensions;
- i. Reciprocal discipline matters; and
- j. Retirements and resignations.

Of the 3,310 matters received, 2,183 represented grievances filed with ODC against lawyers and 778 against judicial officers. In 2023, we dismissed 1,510 grievances at the intake stage or after an initial review. Of those, 944 were against lawyers and 542 were against judicial officers. For administrative reasons such as conflicts, ODC transferred 107 grievances to local bar associations for investigation and 48 grievances to the Board for reassignment. Under Gov.Jud.R. II, Section (2) (B), ODC did not forward any grievances to the chief judge of the Courts of Appeals. For a detailed analysis of grievances received in 2023, and opened for investigation, please refer to Table 2 (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 (p. 21) represents the geographic distribution of the grievances filed with ODC in 2023, organized by Ohio county based upon the location of the respondent lawyers’ principal Ohio law offices.

At the beginning of 2023, ODC had 939 grievances pending. As of Dec. 31, 2023, there were 1,080 grievances pending or under investigation.

Formal Complaints and Dispositions

In 2023, ODC filed 28 formal complaints with the Board, a decrease of nine from 2022. This figure represented 65 percent of all the formal disciplinary complaints certified by the Board in 2023. Of the 28 complaints, none alleged judicial misconduct, while all 28 alleged attorney misconduct.

In 2023, the Board or the court disposed of 22 cases that had previously been filed with the Board. The court imposed final discipline in 21 cases in 2023. In addition, four cases were closed following acceptance of the lawyer's resignation. In 2023, one case was 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 2023, ODC received 97 appeals, an increase of one from 2022. During the year, ODC closed 93 appeals. As of Dec. 31, 2023, 28 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 72 UPL grievances in 2023, an increase of 10 from 2022. During 2023, ODC closed 55 UPL grievances after investigation. As of Dec. 31, 2023, 86 UPL investigations were pending. In 2023, ODC did not file any complaints with the UPL Board or conduct any hearings 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 2023, ODC received four reciprocal discipline matters and closed three such matters. The court sanctioned two lawyers on reciprocal complaints in 2023 (see Table 3 on p. 18-19 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 2023, 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.



Senior Assistant Disciplinary Counsel Matthew Kanai presenting an argument before the Supreme Court of Ohio in June of 2023.

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 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 2023, ODC received 69 retirement or resignation applications. During the year, the court accepted 11 resignations with disciplinary action pending and 49 retirements. (See Table 3 on p. 18-19). The court did not deny any application for retirement/resignation.

Interim Suspensions

In 2023, the court imposed 14 interim suspensions – nine felony convictions, three default, one interim remedial suspension, and one mental health.

Hearings and Oral Arguments

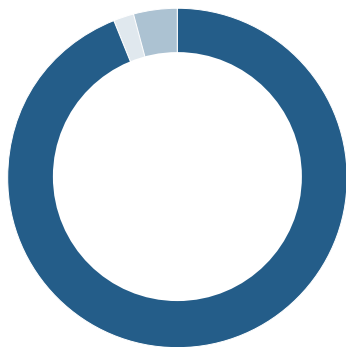
In 2023, ODC attorneys appeared in 17 hearings before the Board. As of Dec. 31, 2023, there were 19 cases awaiting hearing dates and three cases awaiting a Board report. As of Dec. 31, 2023, no cases were pending before the UPL Board. ODC attorneys argued eight cases before the Supreme Court in 2023. At the year’s end, 15 cases were pending final court decision.



- TABLE 1 -
Five-Year Case Comparison (2019-2023)

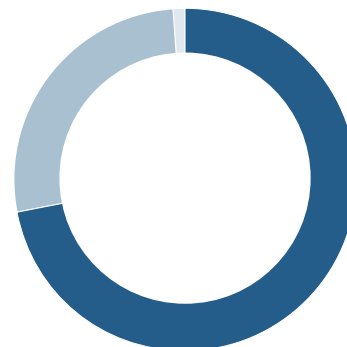
DISPOSITION OF GRIEVANCES	2019	2020	2021	2022	2023
Dismissed on Intake or After Investigation	2,366	1,993	2,015	2,324	2,497
Pending at End of Year	724	637	845	939	1,080
Formal Complaints Filed	35	35	27	37	28
CASELOAD COMPARISON					
Grievances Received	2,531	2,013	2,426	2,591	2,961
Appeals Received	134	78	79	96	97
UPLs Received	54	52	56	62	72

**Caseload Comparison:
Five-Year Average**



- Grievances Received: 2,504 (94%)
- Appeals Received: 97 (4%)
- UPLs Received: 59 (2%)

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



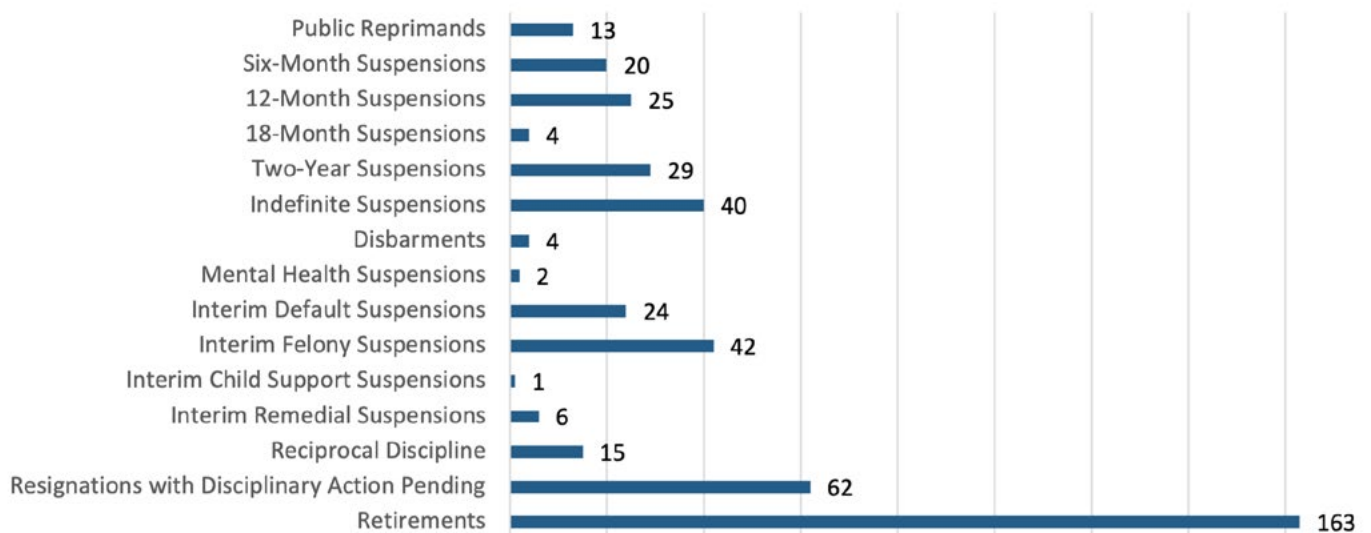
- Dismiss on Intake or After Investigation: 2,239 (72%)
- Pending at End of Year: 845 (27%)
- Formal Complaints Filed: 37 (1%)

- TABLE 1 -
Five-Year Case Comparison (2019-2023)

SANCTIONS AND DISPOSITIONS ISSUED

(SEE TABLE 3 ON P. 18 FOR DETAILS)	2019	2020	2021	2022	2023
Public Reprimands	4	5	1	1	2
Six-Month Suspensions	1	8	5	3	3
12-Month Suspensions	10	5	3	3	4
18-Month Suspensions	0	0	2	1	1
Two-Year Suspensions	7	5	3	7	7
Indefinite Suspensions	7	13	7	9	4
Disbarments	1	1	2	0	0
Mental Health Suspensions	0	1	0	0	1
Interim Default Suspensions	6	4	4	7	3
Interim Felony Suspensions	14	8	3	8	9
Interim Child Support Suspensions	0	0	1	0	0
Interim Remedial Suspensions	0	2	2	1	1
Reciprocal Discipline	4	3	4	2	2
Resignations with Disciplinary Action Pending	12	14	12	13	11
Retirements	29	20	35	30	49

Sanctions and Dispositions Issued: Five-Year Total



- TABLE 2 -
Grievances Received and Opened for Investigation
 Five-Year Comparison (2019-2023)

ALLEGED PRIMARY VIOLATION	2019	2020	2021	2022	2023
Neglect/Failure to Protect Client Interests	245	192	258	281	314
Failure to Account or Turn Over Funds	21	11	22	30	0
Improper Withdrawal/Refusal to Withdraw	13	15	16	32	25
Excessive Fees	80	60	75	64	78
Personal Misconduct	75	66	53	55	41
Misrepresentation/False Statements/Concealment	37	34	58	81	103
Criminal Conviction	27	8	5	8	7
Failure to File Income Tax Returns	0	1	0	0	0
Commingling of Funds	0	0	2	0	1
Conversion	21	16	20	24	24
Embezzlement	8	8	6	3	8
Failure to Maintain Funds in Trust	216	125	160	126	149
Breach of Client Confidence	15	9	11	10	13
Conflict of Lawyer's Interest	12	8	4	8	17
Conflict of Client's Interest	53	46	47	49	57
Communication with Adverse Party Represented by Counsel	5	7	12	6	7
Trial Misconduct	89	88	145	129	111
Failure to Register	4	2	3	1	1
Practicing While Under Suspension	9	4	4	8	7
Assisting in the Unauthorized Practice of Law	20	0	5	2	1
Advertising/Solicitation	21	4	8	14	11
Judicial Misconduct	100	146	170	138	134
Mental Illness	1	0	0	5	4
Substance Abuse	5	4	4	3	3
Other	1	1	0	1	0
TOTAL	1,078	855	1,088	1,078	1,116

- TABLE 3 -

Sanctions and Dispositions Issued In 2023 by the Supreme Court of Ohio

Pursuant to Cases Filed by Disciplinary Counsel

Public Reprimands: 2

Robert Buchbinder 2023-1273
Joseph Bush III 2023-1275

Six-Month Suspensions: 3

Actual
Albert Purola 2022-0350
John Estadt 2023-0177
Stayed – Six Months
Brittany O’Diam 2022-0953

12-Month Suspensions: 4

Actual
Daniel Gaul 2022-1515
Judicial Discipline
Stayed – Six Months
Jack Blakeslee 2023-0741
Stayed – 12 Months
Griff Nowicki 2022-1253
Hugh McCloskey Jr. 2023-0475

18-Month Suspensions: 1

Stayed – 12 Months
Brent Stobbs 2022-1511

Two-Year Suspensions : 7

Stayed – 12 Months
Andrew Russ 2022-1512
Gregory Carter 2023-0169
Omar Shaaban 2023-0179
Stayed – 18 Months
Ric Daniell 2023-0468
Theodore Scribner 2023-0473
Stayed – Two Years
Mark Bennett 2023-0471
William Price II 2023-0980

Indefinite Suspensions: 4

Ryan Reed 2022-0955
Shawn Romer 2023-0469
Tracie Hunter 2023-0472
Judicial Discipline

Converted from Interim Default Suspension
Steven Moody 2022-0940

Disbarments: 0

Mental Health Suspensions: 1

James Watson 2023-0170

Interim Default Suspensions: 3

Amanda Andrews 2023-0974
Steven Fannin 2023-1400
Gregory Port 2023-1512

Interim Felony Suspensions: 9

Christopher Alexander 2023-0006
James Robinson 2023-0036
Gary Vick Jr. 2023-0141
Austin Buttars 2023-0284
Jessica Walker 2023-0290
William McClain 2023-0346
Walter Boyuk 2023-0386
Dorothea Kingsbury 2023-0395
Anthony Kohler 2023-1550

Interim Child Support Suspensions: 0

Interim Remedial Suspensions: 1

Eric Norton 2023-0648

Reciprocal Discipline: 2

Robert Poole 2023-0626
Disbarment (Kentucky)
Amy Crossin 2023-1178
30-day Suspension (Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security)

- TABLE 3 -

Sanctions and Dispositions Issued In 2023 by the Supreme Court of Ohio

Pursuant to Cases Filed by Disciplinary Counsel

Resignations with Disciplinary

Action Pending: 11

Adam Stone	2022-1530
James Corcoran.	2022-1531
Kelley Bosecker.	2023-0157
Bradley Keating	2023-0612
Mary Pilla.	2023-0614
Perry Ancona.	2023-0797
Jacqueline O'Brien	2023-1049
Edward Brueggeman.	2023-1356
Donald Cox.	2023-1358
Austin Buttars	2023-1361
Joseph Reinier	2023-1384

Retirements: 49

James Harper	2023-0016
Ralph Streza	2023-0017
Gregory Cribbs.	2023-0030
David Phipps	2023-0064
Donald Klekamp	2023-0065
Patrick Mitchell.	2023-0066
Linda Sheppard.	2023-0142
Gary Weeks	2023-0143
Carol Damrauer-Viren	2023-0189
Oscar Trivers	2023-0225
Enrique Vieira	2023-0274
William Negrelli	2023-0307
Richard Nelson.	2023-0413
Phillip Barrett.	2023-0431
Alfred Mangels.	2023-0498
Ross Wales	2023-0500
James McGrath	2023-0502
Vincent Mauer	2023-0519
Sharon Shanley.	2023-0520
James Foos Jr.	2023-0608
Robert Vegeler	2023-0646
Richard Cohen	2023-0670
Betty Farley	2023-0722

Douglas Trabaris	2023-0798
Lawrence Hutchison	2023-0927
James Blattner	2023-0967
Michael Reed	2023-0968
Kenneth Bailey	2023-1050
Mary Tassi	2023-1051
Mitchell Kaufman	2023-1161
John Bender	2023-1197
Carl Nunziato.	2023-1244
Walter Lytten	2023-1245
Michael Burdge.	2023-1246
Wesley Miller Jr.	2023-1247
Charles Traband Jr..	2023-1248
Barbara Heinzerling	2023-1249
Irwin Dinn	2023-1355
Pierce Cunningham	2023-1357
Rick Marsh	2023-1359
Thomas Mast	2023-1362
William West	2023-1364
Deborah Wood	2023-1423
Douglas Dennis	2023-1424
Sherri Martin	2023-1516
Karen Berkery	2023-1517
James Kareth	2023-1518
Edward Kancler	2023-1532
Joseph Altomare	2023-1613

Reinstatements: 1

Timothy Horton	2018-1746
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Unauthorized Practice of Law: 0

- TABLE 4 -
Status of Formal Matters Pending
 As of Dec. 31, 2023

Reinstatements	0
<hr/>	
Before the Probable Cause Panel	
Awaiting Certification to Board	0
Appeal of Panel Dismissal to Full Board	0
<hr/>	
Before the Board of Professional Conduct	
Awaiting Hearing	19
Awaiting Board Report	3
<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	0
Awaiting Oral Argument	0
Awaiting Supreme Court Decision	15
<hr/>	
TOTAL PENDING	37

- TABLE 5 -

Matters Received in 2023

Based on County of Respondent's Principal Ohio Office Location

Adams	3	Hamilton	144	Noble	0
Allen	11	Hancock	15	Ottawa	33
Ashland	4	Hardin	1	Paulding	0
Ashtabula	15	Harrison	8	Perry	5
Athens	16	Henry	17	Pickaway	10
Auglaize	4	Highland	8	Pike	5
Belmont	2	Hocking	8	Portage	20
Brown	2	Holmes	1	Preble	4
Butler	33	Huron	15	Putnam	3
Carroll	1	Jackson	8	Richland	18
Champaign	0	Jefferson	10	Ross	7
Clark	18	Knox	0	Sandusky	15
Clermont	22	Lake	24	Scioto	12
Clinton	7	Lawrence	0	Seneca	8
Columbiana	10	Licking	16	Shelby	7
Coshocton	2	Logan	5	Stark	69
Crawford	6	Lorain	33	Summit	148
Cuyahoga	311	Lucas	88	Trumbull	21
Darke	4	Madison	3	Tuscarawas	12
Defiance	3	Mahoning	41	Union	28
Delaware	53	Marion	0	Van Wert	1
Erie	30	Medina	11	Vinton	4
Fairfield	6	Meigs	0	Warren	17
Fayette	7	Mercer	0	Washington	3
Franklin	282	Miami	9	Wayne	13
Fulton	0	Monroe	1	Williams	0
Gallia	3	Montgomery	53	Wood	11
Geauga	12	Morgan	0	Wyandot	9
Greene	11	Morrow	7		
Guernsey	13	Muskingum	29	TOTAL	1,929

- TABLE 6 -

Operational Expenses for 2023-2024 Budget

(Expenditures as of Dec. 31, 2023)

CATEGORY	2023-2024 BUDGET	EXPENSES BYTD*	% BUDGET SPENT
Payroll	\$ 3,502,057	1,639,030.17	47%
Operating Expenses	\$ 470,000	\$ 209,301.37	45%
Purchased Services	\$ 107,000	\$ 36,878.93	34%
Travel	\$ 60,000	\$ 31,709.70	53%
Furniture, Equipment, & Vehicle	\$ 15,000	\$ 2,560.00	17%
Hospitality Hosting	\$ 2,000	\$ 222.87	11%
TOTAL	\$ 4,156,057	\$ 1,919,703.04	46%

* Budget Year to Date (i.e., July 1, 2023 through Dec. 31, 2023)

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