

## **AMENDMENTS TO THE SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO**

The following amendments to the Supreme Court Rules for the Government of the Bar of Ohio (Gov. Bar R. V, VI, and VIII) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

September 9, 2014	Final adoption by conference
January 1, 2015	Effective date of amendments

### **SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO**

#### **RULE V. DISCIPLINARY PROCEDURE**

**[Existing language unaffected by the amendments is omitted to conserve space]**

##### **Section 4. Investigation and Filing of Complaints.**

**[Existing language unaffected by the amendments is omitted to conserve space]**

**(F) Cooperation with Lawyer's Fund for Client Protection of the Supreme Court of Ohio.** Upon the receipt of any grievance presenting facts that may be the basis for an award from the Lawyer's Fund for Client Protection of the Supreme Court of Ohio under Gov. Bar R. VIII, the Disciplinary Counsel or a certified grievance committee shall notify the grievant of the potential right to an award from the Fund and provide the grievant with the forms necessary to initiate a claim with the Lawyer's Fund for Client Protection. The Disciplinary Counsel, a certified grievance committee, and the Board shall provide the Board of Commissioners of the Lawyer's Fund for Client Protection of the Supreme Court of Ohio with findings from investigations, grievances, or any other records it requests in connection with an investigation under Gov. Bar R. VIII. The transmittal of confidential information may be delayed pending the termination of the disciplinary investigation or proceedings.

**[Existing language unaffected by the amendments is omitted to conserve space]**

##### **Section 10. Reinstatement Proceedings.**

**[Existing language unaffected by the amendments is omitted to conserve space]**

**(D) Costs to be Deposited with Petition for Reinstatement.** A petition for reinstatement shall be accompanied by a deposit, in an amount fixed by the Clerk, for probable costs and expenses to be incurred in connection with the proceedings. The costs shall include any amounts unpaid under any prior order of the Supreme Court and any amounts owed to the

Lawyer's Fund for Client Protection of the Supreme Court of Ohio for reimbursement of an award made pursuant to Gov. Bar R. VIII as the result of petitioner's misconduct.

**[Existing language unaffected by the amendments is omitted to conserve space]**

[Rule V amended effective October 1, 1986; September 1, 1987; January 1, 1988; March 16, 1988; July 27, 1988; January 1, 1989; October, 11, 1989; November 8, 1989; December 5, 1989; September 1, 1990; July 1, 1992; September 1, 1995; November 1, 1995; July 1, 1996; September 1, 1996; April 21, 1997; October 1, 1997; November 3, 1997; January 20, 1998; November 2, 1998; September 1, 1999; May 8, 2000; May 1, 2001; February 1, 2003; January 12, 2004; February 1, 2007; September 1, 2007; January 1, 2008; April 1, 2008; January 1, 2012; August 1, 2012; January 1, 2013; January 1, 2015.]

## **RULE VI. REGISTRATION OF ATTORNEYS**

**[Existing language unaffected by the amendments is omitted to conserve space]**

### **Section 8. Attorney Services Fund.**

(A) Except as otherwise provided in the Rules for the Government of the Bar of Ohio, all fees collected pursuant to the Rules for the Government of the Bar of Ohio shall be deposited in the Attorney Services Fund. Moneys in the fund shall be used for the following purposes:

(1) The investigation of complaints of alleged misconduct pursuant to Gov. Bar R. V or Rule II of the Supreme Court Rules for the Government of the Judiciary of Ohio and the investigation of the alleged unauthorized practice of law pursuant to Gov. Bar R. VII;

(2) To support the activities of the Lawyer's Fund for Client Protection of the Supreme Court of Ohio established under Gov. Bar R. VIII;

**[Existing language unaffected by the amendments is omitted to conserve space]**

[Not analogous to former Rule VI, effective February 28, 1972; amended effective January 1, 1981; November 17, 1982; July 1, 1983; May 13, 1985, July 1, 1986; January 1, 1989; July 1, 1991; September 1, 1991; January 1, 1992; July 1, 1992; July 1, 1993; January 1, 1995; July 1, 1995; November 1, 1995; July 1, 1997; July 1, 1999; November 28, 2000; June 1, 2002; August 19, 2002; November 1, 2002; July 1, 2003; July 1, 2005, September 1, 2005; July 1, 2007; September 1, 2007; January 1, 2008; May 1, 2009; September 1, 2010; January 1, 2012; January 1, 2013; November 1, 2013; January 1, 2015.]

**RULE VIII. LAWYER'S FUND FOR CLIENT PROTECTION OF THE SUPREME COURT OF OHIO.**

**Section 1. Establishment of Fund.**

(A) There shall be a Lawyer's Fund for Client Protection of the Supreme Court of Ohio consisting of amounts transferred to the fund pursuant to this rule and any other funds received in pursuance of the fund's objectives. The purpose of the fund is to aid in ameliorating the losses caused to clients and others by defalcating members of the bar acting as attorney or fiduciary, and this rule shall be liberally construed to effectuate that purpose. No claimant or other person shall have any legal interest in the fund or right to receive any portion of the fund, except for discretionary disbursements directed by the Board of Commissioners of the Lawyer's Fund for Client Protection of the Supreme Court of Ohio, all payments from the fund being a matter of grace and not right.

(B) The Supreme Court shall provide appropriate and necessary funding for the support of the Lawyer's Fund for Client Protection from the Attorney Registration Fund. The Clerk of the Supreme Court of Ohio shall transfer funds to the Lawyer's Fund for Client Protection at the direction of the Court.

**Section 2. Board of Commissioners of the Lawyer's Fund for Client Protection of the Supreme Court of Ohio; Administrator; Chair.**

(A) **Creation; Members.** There is hereby created a Board of Commissioners of the Lawyer's Fund for Client Protection of the Supreme Court of Ohio consisting of seven members appointed by the Supreme Court, at least one of whom shall be a person not admitted to the practice of law in Ohio or any other state. The Court shall designate one member as chair and one member as vice-chair, who shall hold such office for the length of their term. All terms shall be for a period of three years commencing on the first day of January. No member shall serve more than two consecutive three-year terms. The Board shall have its principal office in Columbus.

(B) **Administrator.** There shall be an Administrator of the Board of Commissioners of the Lawyer's Fund for Client Protection. The Court shall appoint and fix the salary of the Administrator. If the Administrator is an attorney admitted to practice in Ohio, the Administrator shall not engage in the private practice of law while serving in that capacity. The Administrator shall be the secretary to the Board. The Administrator shall appoint, with the approval of the Court, staff as required to satisfactorily perform the duties imposed by this rule. The Court shall fix the compensation of personnel employed by the Administrator.

**[Existing language unaffected by the amendments is omitted to conserve space]**

[Not analogous to former Rule VIII, effective January 1, 1976; amended effective June 15, 1981; November 17, 1982; July 1, 1983; May 13, 1985; July 29, 1987; October 1,

1989; January 1, 1990; January 1, 1993; December 1, 1996; October 20, 1997; April 13, 1998; August 1, 2003; January 1, 2015.]

## **RULE XX. TITLE AND EFFECTIVE DATES**

**[Existing language unaffected by the amendments is omitted to conserve space]**

### **Section 2. Effective Dates.**

**[Existing language unaffected by the amendments is omitted to conserve space]**

(TTTT) The amendments to Gov.Bar R. V, Section 4 and 10; Gov.Bar R. VI, Section 8; and Gov.Bar R. VIII, Sections 1 and 2, adopted by the Supreme Court on September 9, 2014, shall take effect on January 1, 2015.