

PROPOSED AMENDMENTS TO THE SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO

Comments Requested: The Supreme Court of Ohio will accept public comments until January 7, 2016, on the following proposed amendments to the Supreme Court Rules for the Government of the Bar of Ohio.

Comments on the proposed amendments should be submitted in writing to: Susan Christoff, Director of Attorney Services, Supreme Court of Ohio, 65 South Front Street, 5th Floor, Columbus, Ohio 43215-3431, or Susan.Christoff@sc.ohio.gov not later than January 7, 2016. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendment:

1. Existing language appears in regular type. Example: text
2. Existing language to be deleted appears in strikethrough. Example: ~~text~~
3. New language to be added appears in underline. Example: text

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

2
3 **RULE VI. REGISTRATION OF ATTORNEYS**

4
5 **Section 1. ~~Certificate of Active Attorney Registration and Registration Fee;~~**
6 **~~Active Attorneys.~~**

7
8 [Existing language unaffected by the amendments is omitted to conserve space]

9
10 **Section 2. Emeritus Attorney Registration.**

11
12 **(A) Definition**

13
14 As used in this section, “supervising attorney” means an attorney who satisfies all of the
15 following:

16
17 (1) Is admitted to the practice of law in Ohio pursuant to Gov. Bar R. I or is temporarily
18 certified to practice law in Ohio pursuant to Gov. Bar R. IX;

19
20 (2) Is in good standing in each jurisdiction in which the attorney is admitted to the
21 practice of law;

22
23 (3) Is employed by or associated with a law school clinic, legal aid, approved legal
24 services organization, public defender's office, or other legal services organization that provides
25 legal assistance primarily to financially needy individuals.

26
27 **(B) Eligibility**

28
29 An attorney who satisfies all of the following requirements may register for emeritus
30 attorney status pursuant to Section 2(C) of this rule:

31
32 (1) Is admitted to the practice of law in Ohio;

33
34 (2) Has been engaged in the practice of law, as defined in Gov.Bar R. I, Section 9(B),
35 for a minimum of twenty-five years or a minimum of fifteen years if the attorney is age sixty-five
36 or older on the date of application;

37
38 (3) Is in good standing with the Supreme Court;

39
40 (4) Has not resigned from the practice of law with discipline pending or in order to
41 avoid disciplinary proceedings in any jurisdiction in which the attorney is or has been admitted to
42 practice law;

43
44 (5) Has not been disciplined for professional misconduct within the past ten years by
45 any jurisdiction in which the attorney is or has been admitted to the practice of law.
46
47
48

49 **(C) Application**

50
51 (1) An attorney registering for emeritus attorney status shall file an application with
52 the Office of Attorney Services. The application shall be on a form provided by the office and
53 shall include all of the following:

54
55 (a) Certification the attorney satisfies the requirements of Section 2(B) of this rule;

56
57 (b) A certificate from a law school clinic, legal aid, approved legal services
58 organization, public defender's office, or other legal services organization that provides legal
59 assistance primarily to financially needy individuals certifying that the attorney is associated with
60 the entity;

61
62 (c) Any other information considered necessary or appropriate by the Office of
63 Attorney Services;

64
65 (d) A non-refundable and non-transferable fee of seventy-five dollars.

66
67 (2) The Office of Attorney Services shall grant the attorney emeritus attorney status if
68 the attorney satisfies the requirements of Sections 2(B) and (C)(1) of this rule.

69
70 **(D) Duration of Emeritus Attorney Status**

71
72 (1) Unless revoked earlier pursuant to Section 2(D)(2) of this rule, the emeritus
73 attorney status shall automatically expire upon the occurrence of either of the following:

74
75 (a) The emeritus attorney provides notice to the Office of Attorney Services in a
76 manner authorized by the office that the attorney is withdrawing from emeritus attorney status;

77
78 (b) The emeritus attorney obtains active attorney status pursuant to Section 1 of this
79 rule or inactive attorney status pursuant to Section 3 of this rule.

80
81 (2) The Supreme Court, *sua sponte*, may revoke an emeritus attorney status without
82 hearing or statement of cause by providing written notification to the emeritus attorney, the
83 emeritus attorney's supervising attorney, and the law school clinic, legal aid, approved legal
84 services organization, public defender's office, or other legal services organization with which the
85 emeritus attorney is associated.

86
87 (3) Upon expiration or revocation of an emeritus attorney registration pursuant to
88 Section 2(D)(1) or (2) of this rule, the emeritus attorney's supervising attorney shall immediately
89 file a notice of such in the official file of each matter pending before any court or tribunal in which
90 the emeritus attorney was involved.

91
92 **(E) Scope of Authority**

93
94 (1) An emeritus attorney, in association with the law school clinic, legal aid, approved
95 legal services organization, public defender's office, or other legal services organization that

provides legal assistance primarily to financially needy individuals with whom the attorney is associated, may do any of the following:

(a) Appear before any court or administrative board or agency on behalf of a client of the entity, provided the person on whose behalf the emeritus attorney is appearing has consented in writing and the attorney's supervising attorney has given written approval for the representation. The written consent and approval shall be filed in the record of each case and shall be brought to the attention of a judge of the court or the presiding officer of the administrative tribunal.

(b) Provide routine legal services without the supervision of the attorney's supervising attorney with the approval of the entity, in its sole discretion;

(c) Engage in activities necessary for any legal matter in which the emeritus attorney is involved pursuant to Section 2(E)(1)(a) and (b) of this rule.

(2) The entity supervising an emeritus attorney pursuant to Section 2(E)(1) of this rule shall provide professional liability insurance coverage for the emeritus attorney.

(F) Continuing Legal Education

An emeritus attorney shall comply with the continuing legal education requirements for attorneys on active status pursuant to Gov.Bar R. X, Section 3.

(G) Compensation

(1) Subject to Section 2(G)(2) and (3) of this rule, an emeritus attorney shall not ask for or receive any compensation or remuneration of any kind from a financially needy client on whose behalf services are rendered.

(2) A law school clinic, legal aid, approved legal services organization, public defender's office, or other legal services organization may receive attorney fees for services rendered by an emeritus attorney consistent with the Ohio Rules of Professional Conduct and as provided by law.

(3) A law school clinic, legal aid, approved legal services organization, public defender's office, or other legal services organization may reimburse an emeritus attorney for expenses incurred in connection with services rendered.

Section 3. Inactive Attorneys Attorney Registration.

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

Section 3 4. Corporate Counsel Attorney Registration.

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

Section 4 5. Military Legal Assistance Attorney Registration.

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

Section 5 6. Exemptions.

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

Section 6 7. Failure to Register; Late Registration Fee; Summary Suspension; Reinstatement.

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

Section 7 8. Retirement or Resignation from the Practice of Law.

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

Section 8 9. Attorney Services Fund.

[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; April 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]

(YYYY) The amendments to Rule VI, adopted by the Supreme Court on
 , shall take effect on _____.