

**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. VI, Sections 1 through 14) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

December 22, 2014	Published for public comment
October 13, 2015	Final adoption by conference
December 1, 2015	Effective date of amendments

SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO

RULE VI. REGISTRATION OF ATTORNEYS

Section 1. Definition.

As used in this rule, “tribunal” means a court, legislative body, administrative agency, or other body acting in an adjudicative capacity.

Section 2. Active Attorney Registration.

Except as provided in Section 3 of this rule, each attorney admitted to the practice of law in Ohio shall register with the Office of Attorney Services of the Supreme Court on or before the first day of September in each odd-numbered year by filing a certificate of registration furnished by the office and paying a registration fee of three hundred fifty dollars. An attorney who registers and pays the fee shall be granted active status.

Section 3. Newly-Admitted Attorney Registration.

(A) Admittance during first twelve months of registration period

Each attorney admitted to the practice of law in Ohio during the first twelve months of a biennial registration period shall register with the Office of Attorney Services on or before the thirtieth day from the date of admission by filing a certificate of registration furnished by the office and, if registering for active status, paying a registration fee of three hundred fifty dollars.

(B) Admittance during second twelve months of registration period

Each attorney admitted to the practice of law in Ohio during the second twelve months of a biennial registration period, but prior to the first day of May of an odd-numbered year, shall register with the Office of Attorney Services on or before the thirtieth day from the date of admission by filing a certificate of registration furnished by the office and, if registering for active status, paying a registration fee of one hundred seventy-five dollars.

(C) Admittance on or after first day of May of odd-numbered year

Each attorney admitted to the practice of law in Ohio on or after the first day of May of an odd-numbered year shall register with the Office of Attorney Services on or before the thirtieth day from the date of admission by filing a certificate of registration furnished by the office, but shall not be required to pay a registration fee.

Section 4. Obligations of Attorney.

(A) Registration requirements

Each attorney admitted to the practice of law in Ohio or registered for corporate status shall keep informed of the registration requirements, deadlines, and fees. An attorney's failure to receive notice that a registration and fee are due or notice of noncompliance shall not affect any action taken under this rule.

(B) Contact information

Each attorney admitted to the practice of law in Ohio or registered for corporate status shall provide the Office of Attorney Services with the attorney's current residence address, office address, office telephone number, and office or residence e-mail address and shall notify the office of any change in the information recorded on the certificate of registration pursuant to Section 2 or 3 of this rule.

(C) Demographic information

For the purpose of compiling demographic data regarding attorneys registered in Ohio, each attorney admitted to the practice of law in Ohio or registered for corporate status shall provide the Office of Attorney Services with additional identifying information, including gender, race, and ethnicity, for the attorney's registration record in the manner required by the office.

(D) Interest-bearing trust account information

(1) For the purpose of compiling information regarding interest-bearing trust accounts established pursuant to R.C. 3953.231 or 4705.09, each attorney shall provide the following information on the certificate of registration filed with the Office of Attorney Services pursuant to Section 2 or 3 of this rule:

(a) The number of each trust or escrow account established by the attorney and the name and location of the financial institution with which each account is established;

(b) If the attorney is affiliated with a law firm, legal professional association, corporation, legal clinic, limited liability company, or limited liability partnership or owns, operates, or owns an interest in a business that provides a law-related

service, the number of each trust or escrow account established by the attorney and the name and location of the financial institution with which each account is established;

(c) If the attorney is not required to maintain an interest-bearing trust or escrow account, information as to the basis for the exemption.

(2) The Office of Attorney Services shall forward the information received pursuant to division (D)(1) of this section to the Ohio Legal Assistance Foundation, which shall maintain the information consistent with R.C. 4705.10(B) and the rules of the foundation.

Section 5. Inactive Attorney Registration.

(A) Registration

An attorney who is admitted to the practice of law in Ohio may change the attorney's status to inactive by registering as such in a manner authorized by the Office of Attorney Services.

(B) Scope of practice

Until the attorney requests and is granted reinstatement of active status pursuant to Section 2 of this rule, an inactive attorney shall not do any of the following:

- (1) Practice law in Ohio;
- (2) Hold the attorney's self out as authorized to practice law in Ohio;
- (3) Hold nonfederal judicial office in Ohio;
- (4) Occupy a nonfederal position in Ohio in which the attorney is called upon to give legal advice or counsel; to examine a law; or to pass upon the legal effect of any act, document, or law;
- (5) Be employed in the Ohio judicial system in a position required to be held by an attorney;
- (6) Practice before any nonfederal court or agency in Ohio on behalf of any person except the attorney's self.

(C) Obligation to provide and update contact information

An inactive attorney is not required to file a biennial certificate of registration pursuant to Section 2 of this rule, but shall keep the Office of Attorney Services apprised of the attorney's current residence address, office address, office telephone number, and office or residence e-mail address, and notify the office of any change in the information provided on the most recent certificate of registration filed by the attorney pursuant to Section 2 or 3 of this rule.

(D) Law firm letterhead

A law firm may include the name of an inactive attorney on its letterhead if the name was included prior to the time the attorney registered for inactive status, provided the attorney is not suspended from the practice of law and the letterhead includes a designation that the attorney is “inactive.” An inactive attorney shall not be listed as “of counsel” or otherwise be represented as being able to engage in the practice of law.

Section 6. Corporate Counsel Attorney Registration.

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

(B) Biennial registration

An attorney registered for corporate counsel status under this section shall register biennially with the Office of Attorney Services of the Supreme Court pursuant to the requirements of Section 2 of this rule.

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

Section 7. Military Legal Assistance Attorney Registration.

(A) Registration

An attorney who is admitted to the practice of law and maintains active status in at least one United States jurisdiction other than Ohio; is employed by, serving in, or assigned to the armed forces at a military installation in Ohio as an attorney; and is otherwise authorized to provide legal assistance pursuant to 10 U.S.C. 1044 may apply for military legal assistance attorney registration by submitting to the Office of Attorney Services all of the following:

- (1) A completed application on a form prescribed by the Office of Attorney Services;
- (2) A certificate of admission and good standing from each of the United States jurisdictions in which the attorney is admitted to practice law;
- (3) An affidavit from the commanding officer, staff judge advocate, or chief legal officer of the military installation in Ohio where the attorney is employed, serving, or assigned attesting to the fact that the attorney is employed, serving, or assigned as an attorney to provide legal services exclusively for the military and that the nature of the attorney’s employment, service, or assignment conforms to the requirements of this section.

(B) Scope of practice

(1) An attorney registered as a military legal assistance attorney under this section is authorized to represent military personnel in enlisted grades E-1 through E-4 and their dependents who are eligible for legal assistance under 10 U.S.C. 1044 in civil judicial and administrative proceedings before Ohio tribunals while the attorney is employed, serving, or assigned within Ohio, to the extent such representation is permitted by the commanding officer, supervisory staff judge advocate, or chief legal officer of the military installation.

(2) The practice of an attorney registered as a military legal assistance attorney under this section shall be subject to the limitations and restrictions of 10 U.S.C. 1044 and the regulations of that attorney's military service and limited to the military clients' personal civil legal matters. The attorney shall not demand or receive any compensation from military clients other than the usual military pay to which the attorney is entitled.

(3) An attorney registered as a military legal assistance attorney under this section shall not do any of the following:

(a) Unless granted permission to appear pro hac vice, practice before any Ohio tribunal, except on behalf of the attorney's self and military clients eligible for legal assistance under 10 U.S.C. 1044 and this section;

(b) Offer to provide legal services in Ohio to any person other than as authorized by the attorney's military service and this section;

(c) Render legal services for any person in Ohio other than as authorized by the attorney's military service and this section;

(d) Hold the attorney's self out as authorized to provide legal services in Ohio to any person other than as authorized by the attorney's military service and this section.

(C) Application of rules

An attorney registered as a military legal assistance attorney under this section shall be subject to all rules and requirements governing the practice of law in Ohio, including the Ohio Rules of Professional Conduct, provided the attorney shall not be required to pay registration fees pursuant to Section 2 of this rule. The attorney shall use as the attorney's address of record the military address in Ohio of the commanding officer, staff judge advocate, or chief legal officer who filed the affidavit on the attorney's behalf pursuant to division (A)(3) of this section.

(D) Designation in pleadings

An attorney registered as a military legal assistance attorney under this section shall, in all pleadings filed by the attorney, cite this section and include the name, complete address,

and telephone number of the military legal office representing the military client and the name, grade, branch of the armed forces, and the military legal assistance attorney registration number of the attorney.

(E) Obligation to report

An attorney registered as a military legal assistance attorney under this section shall within ten days report to the Office of Attorney Services of any of the following:

- (1) Any change in the attorney's employment, service, or assignment that was the basis for the attorney's registration as a military legal assistance attorney;
- (2) Any change in the attorney's licensure status in another jurisdiction, including the attorney's resignation from the practice of law;
- (3) The imposition of any disciplinary finding or sanction in any United States jurisdiction other than Ohio where the attorney has been admitted to the practice of law.

(F) Termination of registration

The limited authority to practice law of an attorney registered as a military legal assistance attorney under this section shall automatically terminate upon the occurrence of any of the following:

- (1) The attorney is no longer employed by, serving in, or assigned to the military installation in Ohio from which the affidavit required by division (A)(3) of this section was filed;
- (2) The attorney is admitted to the practice of law in Ohio pursuant to Gov.Bar R. I;
- (3) The attorney ceases to maintain active status in at least one United States jurisdiction other than Ohio;
- (4) The attorney fails to maintain current good standing in any United States jurisdiction other than Ohio in which the attorney is admitted to the practice of law;
- (5) The attorney is suspended or disbarred for disciplinary reasons in any United States jurisdiction other than Ohio or by any federal court or agency in which the attorney has been admitted to the practice of law;
- (6) The attorney fails to comply with any provision of this section.

Section 8. Exemptions.

The following persons are exempt from the requirements of this rule:

- (A) A person certified to practice law temporarily in Ohio under Gov.Bar R. IX;
- (B) A foreign legal consultant registered under Gov.Bar R. XI.

Section 9. Failure to Register; Late Registration Fee; Summary Suspension; Reinstatement.

(A) Late fee

An attorney who fails to file a certificate of registration and pay a fee as required by this rule on or before the date on which it becomes due, but does so within sixty days of that date, shall be assessed a late registration fee of fifty dollars. The late registration fee shall be in addition to the applicable registration fee.

(B) Suspension from the practice of law

An attorney who fails to file a certificate of registration and pay the fees required by this rule either on a timely basis or within the late registration period provided for in division (A) of this section shall be notified of apparent noncompliance by the Office of Attorney Services. The office shall send the notice of apparent noncompliance by regular mail to the attorney at the most recent address provided by the attorney to the office. The notice shall inform the attorney that the attorney will be summarily suspended from the practice of law in Ohio and not entitled to practice law in Ohio unless, on or before the date and in the manner set forth in the notice, the attorney either files evidence of compliance with the requirements of this rule or comes into compliance. If the attorney does not file evidence of compliance or come into compliance on or before the date set forth in the notice, the attorney shall be summarily suspended from the practice of law in Ohio. The office shall record the suspension on the roll of attorneys and send notice of the suspension by certified mail to the attorney at the most recent address provided by the attorney to the office. The Supreme Court Reporter shall publish notice of the suspension in the *Ohio Official Reports* and the *Ohio State Bar Association Report*.

(C) Prohibited activities by suspended attorney

An attorney who is summarily suspended pursuant to division (B) of this section shall not do any of the following:

- (1) Practice law in Ohio;
- (2) Hold the attorney's self out as authorized to practice law in Ohio;
- (3) Hold nonfederal judicial office in Ohio;
- (4) Occupy a nonfederal position in Ohio in which the attorney is called upon to give legal advice or counsel or to examine the law or pass upon the legal effect of any act, document, or law;

(5) Be employed in the Ohio judicial system in a position required to be held by an attorney;

(6) Practice before any nonfederal court or agency in this state on behalf of any person except the attorney's self.

(D) Reinstatement

An attorney who is summarily suspended pursuant to division (B) of this section may be reinstated to the practice of law by applying for reinstatement with the Office of Attorney Services, complying with the requirements of Section 2 of this rule, including payment of the applicable registration fee, and paying a reinstatement fee of three hundred dollars. The office shall send notice of reinstatement to an attorney who meets the conditions for reinstatement and shall record the reinstatement on the roll of attorneys. The Supreme Court Reporter shall publish notice of the reinstatement in the *Ohio Official Reports* and the *Ohio State Bar Association Report*.

Section 10. Retirement or Resignation from the Practice of Law.

(A) Application to retire or resign

An attorney who wishes to retire or resign from the practice of law in Ohio shall file an application with the Office of Attorney Services. The application shall be on a form furnished by the office and contain both of the following:

(1) A notarized affidavit setting forth the attorney's full name, attorney registration number, date of birth, mailing address, and all other jurisdictions and registration numbers under which the attorney practices. The affidavit shall state all of the following:

(a) The attorney wishes to retire or resign from the practice of law in Ohio;

(b) The attorney fully understands that the retirement or resignation completely divests the attorney of the privilege of engaging in the practice of law, and of each, any, and all of the rights, privileges, and prerogatives appurtenant to the office of attorney and counselor at law;

(c) The attorney fully understands that the retirement or resignation is unconditional, final, and irrevocable.

(2) A written waiver allowing Disciplinary Counsel to review all proceedings and documents relating to review and investigation of grievances made against the attorney under the Rules for the Government of the Bar of Ohio and the Rules for the Government of the Judiciary of Ohio and to disclose to the Supreme Court any

information it deems appropriate, including, but not limited to, information that otherwise would be private pursuant to Gov.Bar R. V.

(B) Investigation by Disciplinary Counsel

The Office of Attorney Services shall refer an application received pursuant to division (A) of this section to Disciplinary Counsel. Upon receipt of the referral, Disciplinary Counsel shall determine whether any disciplinary proceedings are pending against the attorney. After completing this inquiry, Disciplinary Counsel shall submit to the office a confidential report, under seal, recommending whether the application should be accepted, denied, or delayed. If Disciplinary Counsel recommends that the application be accepted, the report shall indicate whether the attorney should be designated as “retired” or designated as “resigned with disciplinary action pending.” If Disciplinary Counsel recommends that the application be denied or delayed, the report shall provide reasons for the recommendation. Upon receipt of the report from Disciplinary Counsel, the office shall do one of the following:

- (1) Accept the application and designate the attorney as retired if the report recommends such acceptance and designation;
- (2) File the application and the report with the Clerk of the Supreme Court if the report recommends acceptance of the application with a designation of resigned with discipline pending or the denial or deferral of the application.

(C) Resignation with discipline action pending or denial or deferral of application

Upon receipt and consideration of an application with a designation of “resigned with discipline pending” or the denial or deferral of the application filed pursuant to division (B)(2) of this section, the Supreme Court shall enter an order it deems appropriate. An order accepting an application to resign from the practice of law shall indicate that the attorney be designated as resigned with disciplinary action pending. The Clerk of the Supreme Court shall serve copies of the order as provided in Gov.Bar R. V, Section 17(D)(1).

(D) Law firm letterhead for retired attorney

A retired attorney may be designated as “retired” on law firm letterhead if the attorney’s name was included on the letterhead prior to the time that the attorney’s retirement was accepted by the Supreme Court. A retired attorney shall not be listed as “of counsel” or otherwise be represented as able to engage in the practice of law in Ohio.

Section 11. Suspended Attorneys.

The registration status of an attorney who is suspended from the practice of law in Ohio pursuant to Gov.Bar R. V, Gov.Bar R. VI, or Gov.Bar R. X shall be designated as “suspended.”

Section 12. Signing of Notices and Orders.

The Director of Attorney Services shall have authority to sign notices and orders issued in accordance with this rule.

Section 13. Attorney Services Fund.

(A) Collection and use of fees

Except as otherwise provided in these rules, all fees collected pursuant to these rules 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 Gov.Jud.R. II 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 established under Gov.Bar R. VIII;
- (3) To support the activities of the Commission on Continuing Legal Education pursuant to Gov.Bar R. X;
- (4) Any other purposes considered necessary by the Supreme Court for the government of the bar and of the judiciary of Ohio;
- (5) To support any other activities related to the administration of justice considered necessary by the Supreme Court.

(B) Transfer of funds to Treasurer of State

In addition to the purposes set forth in division (A) of this section, moneys in the Attorney Services Fund may be placed in the custody of the Treasurer of State pursuant to R.C. 113.05(B) or transferred to the credit of the Supreme Court Attorney Services Fund in the state treasury. Investment earnings on moneys placed in the custody of the Treasurer shall be credited to the custodial account and investment earnings on moneys transferred to the Supreme Court Attorney Services Fund in the state treasury shall be credited to that fund.

(C) Annual Report

On or before the first day of November each year, the Administrative Director of the Supreme Court shall prepare and publish a report on the activity of the Attorney Services Fund.

Section 14. Public Access to Records.

(A) General

Except for residence addresses, residence telephone numbers, e-mail addresses, and social security numbers, information maintained by the Office of Attorney Services, provided by the office to another office of the Supreme Court, or provided by the office to the Ohio Legal Assistance Foundation pursuant Section 4(D)(2) of this rule shall be available for public access pursuant to Sup. R. 44 through 47.

(B) Residence address

If the attorney has not provided a valid office address, the attorney's residential address shall be considered available for public access pursuant to Sup. R. 44 through 47.

(C) Use of e-mail addresses

Offices of the Supreme Court may use e-mail addresses maintained by the Office of Attorney Services to advise attorneys of matters related to the practice of law.

[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; April 1, 2015; December 1, 2015.]