

THE SUPREME COURT *of* OHIO



COMMISSION
ON CONTINUING
LEGAL EDUCATION

2020
ANNUAL REPORT

MAY 2021

THE SUPREME COURT *of* OHIO

Commission on Continuing Legal Education 2020 ANNUAL REPORT

Maureen O'Connor

CHIEF JUSTICE

Sharon L. Kennedy

Judith L. French

Justice until Jan. 1, 2021

Patrick F. Fischer

R. Patrick DeWine

Michael P. Donnelly

Melody J. Stewart

Jennifer Brunner

Justice beginning Jan. 2, 2021

JUSTICES

Jeffrey C. Hagler

ADMINISTRATIVE DIRECTOR UNTIL MAY 1, 2021

Stephanie E. Hess

INTERIM ADMINISTRATIVE DIRECTOR BEGINNING MAY 2, 2021



DEAR CHIEF JUSTICE AND JUSTICES OF THE SUPREME COURT OF OHIO,

On behalf of the commissioners, I present the 2020 Annual Report of the Commission on Continuing Legal Education. The report includes a detailed review of the administration of continuing legal education requirements for attorneys and judges pursuant to Gov.Bar R. X of the Supreme Court Rules for the Government of the Bar of Ohio, and Gov.Jud. R. IV of the Rules for the Government of the Judiciary of Ohio for calendar year 2020.

Under the authority of the Supreme Court, the Commission on Continuing Legal Education administers the continuing legal education rules of Gov.Bar R. X and Jud.R. IV. The purpose of the rules is to maintain and improve the quality of legal and judicial services in Ohio by requiring continuing legal education for Ohio attorneys and regulating the provision of continuing legal education to Ohio judicial officers.

Respectfully submitted,

GINA WHITE PALMER, ESQ.

Director, Attorney Services Division
Secretary to the Commission on Continuing Legal Education

COMMISSION

The Commission is composed of 19 members appointed by the Supreme Court, including 12 attorneys licensed to practice law in Ohio, representing each appellate district; one dean or member of a law faculty engaged in full-time legal education in an Ohio law school; five judges; and one non-attorney. Commission members are appointed by Supreme Court justices to three-year terms and are limited to two consecutive terms. Commissioners serve as volunteers and are not compensated.

CHAIRPERSON

Sky Pettey was elected to serve as the Commission chairperson in 2020. He is serving his second term on the Commission and previously chaired the Commission in 2019. Pettey is with the Athens law firm of Lavelle & Associates.

VICE-CHAIRPERSON

Tabitha Justice was elected to serve as vice-chairperson in 2019 and 2020, and has served on the Commission since 2015. Justice is with the Dayton firm Subash, Wildermuth & Justice.

DIRECTOR AND STAFF

Gina White Palmer, Director of the Attorney Services Division, serves as Secretary to the Commission. Pursuant to CLE Reg. 201, the action of the Secretary shall constitute the action of the Commission, unless and until the Commission determines otherwise. The Secretary takes initial action on all applications for accreditation, maintains CLE records of all attorneys, judges, and magistrates. Further, the Secretary has the authority to review and decide requests for exemption from the CLE requirements. The staff of the Office of Attorney Services consist of 10 full-time positions who assist the Commission in executing the administration of continuing legal education requirements.

CLE COMMISSION ROSTER FOR 2020

SKY PETTEY, ESQ., CHAIR
Lavelle & Associates
4th District

JOHN HUFFMAN, ESQ.
Huffman, Kelley Brock & Gottschalk LLC
3rd District

TABITHA JUSTICE, ESQ., VICE-CHAIR
Subash, Wildermuth & Justice
2nd District

MICHAEL KIRBY, ESQ.
Kirby & Kirby Ltd.
6th District

DOUGLAS BLOOM, ESQ.
Bloom Law Group, LLC
8th District

HON. MICHAEL KRUMHOLTZ
Montgomery County Common Pleas Court
Judge

HON. LAUREL BEATTY BLUNT
Tenth District Court of Appeals
Judge

ROBERT MANN, ESQ.**
Mann & Carducci Co., LPA
5th District

JULIE COHARA
Director of Degree Programs
Ohio University
Non-Attorney Member

HON. MICHAEL OSTER, JR.
Butler County Common Pleas Court
Judge

HON. MARISA CORNACHIO
Willoughby Municipal Court
Judge

STEPHEN PRONAI, ESQ.
Madison County Prosecuting Attorney
12th District

RICHARD DANA, JR., ESQ.
Richard L. Dana, Esq.
11th District

PATRICIA WAGNER, ESQ.
Youngstown State University
7th District

HON. WILLIAM DAWSON
East Cleveland Municipal Court
Judge

KARIN WIEST, ESQ.
Wayne County CASA/GAL Program
9th District

PROFESSOR TERRI ENNS
The Ohio State University
Moritz College of Law
Law School Faculty

KEVIN WILLIAMS, ESQ.*
Law Office of William A. Morse
10th District

BARBARA HOWARD, ESQ.
Barbara J. Howard Co., LPA
1st District

* 2021 CHAIR ELECT

** 2021 VICE-CHAIR ELECT

OFFICE OF ATTORNEY SERVICES STAFF

GINA WHITE PALMER, ESQ.
Director, Attorney Services Division

MINERVA ELIZAGA, ESQ.
Assistant Director, Attorney Services

BRADLEY MARTINEZ, ESQ.
Attorney Services Counsel

TAMMY WHITE
Attorney Services Manager

SHANNON SCHEID
Administrative Assistant

DENISE SPENCER
CLE Specialist

TARIK JACKSON
CLE Specialist

LORI GILBERT
Attorney Services Specialist

PENNY MARCHAL
Attorney Services Specialist

KIRSTYN PODOJAK
Attorney Services Specialist

NIKO JACKSON
Attorney Services Specialist

RESPONSE TO COVID-19 PANDEMIC

In light of the circumstances created by the COVID-19 pandemic, the Commission closely monitored the CLE requirements for attorneys and judges in 2020, and developed new processes to accommodate the rapid effects of the pandemic as the nation faced shutting down and offices transitioned to working remotely.

WAIVER OF FEES AND EXTENSION OF CLE DEADLINES

The Supreme Court adopted the Commission's recommendations and the following changes were made in response to the COVID-19 pandemic.

- March 9, 2020: Waiver of late applications fees for sponsors and attorney late credits fees.
- March 24, 2020:
 1. Extension of the CLE late compliance deadline by 90 days to June 29, 2020, to permit attorneys and judges to cure their hour deficiencies for the 2018-2019 compliance period ending Dec. 31, 2019;
 2. Waiver of the self-study caps to allow all attorneys and judges to complete all hour deficiencies by any type of Ohio approved self-study (online) course;
 3. Extension of the late compliance deadline for newly admitted attorneys to comply with the new-lawyers-training requirements for the 2018-2019 compliance period to Sept. 10, 2020, to avoid suspension from the practice of law.
- May 21, 2020:
 1. Waiver of self-study caps for judges, magistrates, and attorneys with a Dec. 31, 2020 CLE deadline,
 2. The Court further ordered the waiver of the \$25 application filing fee established by Gov.Bar R. X, Appendix I, Regs. 405(A) and 409.1(B) for all CLE programs that address the COVID-19 pandemic.
- July 22, 2020: Approval to allow attorneys to earn up to four hours of general CLE for training and service as a poll worker in Ohio on General Election Day, Tuesday, Nov. 3, 2020. (*Service as a poll worker for the May 4, 2021 primary election was also approved for CLE credit.*)
- Oct. 16, 2020: Waiver of self-study caps for judges, magistrates, and attorneys with last names beginning with A through L for the 2020-2021 compliance period ending Dec. 31, 2021.

TRANSITION TO PAPERLESS PROCESSES

In March 2020, the Commission converted the paper-based, CLE application process to an email application process so that sponsors could continue to apply for accreditation of their activities. Further, the Commission permitted sponsors to convert already approved, in-person CLE activities to online formats, created an email late-compliance process, and worked with the Supreme Court's information technology staff to allow credit card payments for attorney late compliance fees. Prior to the pandemic, all these processes were handled in a paper, mail-in, format with payments only accepted by check or money order. These changes ensured there were ample CLE programs available and allowed staff to review CLE applications remotely.

APPLICATIONS FOR ACCREDITATION FOR CLE ACTIVITIES

Pursuant to Gov.Bar R. X(2)(B)(3), the Commission accredits continuing legal education programs and establishes procedures for accreditation. Although there were virtually no live in-person CLE events after March 2020, the Commission did not see a reduction in the number of applications submitted for CLE accreditation.

In 2020, a total of 25,147 applications for accreditation for continuing legal education activities were received and processed by the Commission. Of this total, 24,500 activities (97%) were granted CLE accreditation. Of the total applications submitted, 480 activities were canceled or the applications were withdrawn, and 18 applications were rejected for being incomplete.

The Secretary of the Commission denied a total of 149 applications that did not meet the requirements for accreditation. Pursuant to Reg. 201.3, an applicant may appeal the Secretary's decision to deny accreditation within 30 days of the decision. The Commission received eight appeals of the Secretary's decision to deny accreditation. The Commission denied all eight appeals and upheld the Secretary's decision to deny accreditation for those activities.

In 2020, the vast majority of CLE was offered through self-study activities. The Commission received 21,338 applications for self-study activities. Of this total, 16,918 applications were for on-demand and live webcast activities, and 4,420 were live-interactive webinars.

2020 CLE ACTIVITIES



The remaining 3,809 applications sought credit for pro bono CLE activities (38), in which attorneys provided pro bono services and received one hour of CLE credit for every six hours of pro bono services provided in Ohio; 107 applications for publishing a book or article related to the practice of law, and 3,666 were in-person CLE activities. Although the Commission approved in-person activities in 2020, many of the activities do not have any attorney credits associated with the activities, and it is presumed that these activities were canceled in light of the pandemic.

EXEMPTIONS FROM CLE REQUIREMENTS

Pursuant to Gov.Bar R. X(12), attorneys and judges who are unable to comply with the CLE requirements due to illness or disability, special circumstances, full-time military, or a life-time appointment as a federal judge or magistrate, may apply for an exemption from the CLE requirements.

In 2020, the Commission received 83 requests for exemptions. Of this total the Commission granted exemptions for illness/disability (26), full-time military duty (36), special circumstances (10), federal judge/magistrate appointment (1) and 10 requests were withdrawn, rejected, or denied. The Commission also granted 30 substitute program exemptions, allowing attorneys who were unable to physically attend in-person CLE activities to complete the CLE requirements through self-study activities.

LATE COMPLIANCE AND SANCTIONS

Gov.Bar R. X(18)(A) provides that an attorney or judge who fails to comply timely with the applicable requirements of Gov.Bar R. X or Gov. Jud. R. IV, but does so within 90 days of the Dec. 31 deadline, shall be assessed a late fee in accordance with CLE Regulation 503.

In response to the pandemic, the Supreme Court extended the late compliance deadlines. Attorneys and judges who did not comply were subject to sanction and/or suspension from the practice of law for noncompliance with the CLE requirements.

- In 2020, 23,121 attorneys and judges with the last names beginning with A-L were required to comply with CLE requirements for the 2018-2019 compliance period ending Dec. 31, 2019. More than 93% of the attorneys and judges (21,591) complied with CLE requirements for the compliance period.
- On Feb. 10, 2020, the Commission issued 1,530 Notices of Apparent Non-Compliance to attorneys and judges who failed to comply with the CLE requirements for the compliance period ending Dec. 31, 2019.
- A total of 824 attorneys and judges submitted a request for late compliance and paid a late compliance fee for the 2018-2019 compliance period by the extended late compliance deadlines.

- A total of 408 attorneys and judges provided evidence of timely completing the CLE requirements, or changed their attorney registration status that removed the CLE requirements.
- On Oct. 14, 2020, the Commission imposed monetary sanctions against 298 attorneys for noncompliance with the continuing legal education requirements for the 2018-2019 compliance period.
- Of the 298 attorneys, in addition to the monetary sanction, the Commission issued orders suspending 65 attorneys for repeated noncompliance with the provisions of Gov.Bar R. X.
- The Commission also suspended three attorneys from the practice of law for failure to complete the new-lawyers-training requirement as required by Gov.Bar R. X(9)(A) and 14(A), and not filing evidence of compliance or coming into compliance as required by Gov.Bar R. X(18)(A).

CLE FUNDS COLLECTED

Pursuant to Reg. 901 Schedule of Fees for Sponsors and Attorneys, the Commission collects application fees for sponsors applying for CLE accreditation and late fees for attorneys who

did not comply with the CLE deadlines for accreditation or CLE compliance. Sponsors are assessed a \$25 application fee for applying for accreditation for CLE activities, and assessed a \$100 late fee for failure to submit the application timely. Attorneys are assessed a \$25 late fee for failure to timely report credits, or applying for accreditation more than 60 days after attending an out-of-state CLE activity. Attorneys also are assessed late compliance fees and monetary sanctions for failure to comply with the CLE requirements based upon the number of hours deficient, ranging from \$75 to \$300.

In 2020, the Commission collected a total of \$320,170 for sponsor and attorney fees. For complete information regarding the Attorney Services Fund, see the [2020 Attorney Services Fund Annual Report](#).

SPONSOR FEES	\$120,800
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SPONSOR LATE FEES	\$ 48,050
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ATTORNEY LATE COMPLIANCE AND SANCTION FEES	\$131,295
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ATTORNEY LATE APPLICATION AND CREDIT FEES	\$ 20,025

CONCLUSION

The Commission furthers the Supreme Court's responsibility of regulating the practice of law in Ohio by ensuring the bench and bar take the required CLE programs to remain educated and up to date on matters pertaining to the practice of law. In 2020, the Commission quickly responded to the challenges of a worldwide pandemic, which included a transition to paperless office practices. Many of these changes may become permanent as the Commission reviews their efficacy and sustainability.

The Commission continues to conduct a review of the rules and regulations in order ensure its policies are fair, consistently applied, and as efficient as possible.

2020 AT-A-GLANCE

In 2020, the Commission made several recommendations to the Supreme Court and modified processes in 2020, to ensure attorneys and judges were able to comply with the CLE requirements to maintain and improve the quality of legal and judicial services in Ohio.

- Waiver of the late applications fees for sponsors and attorney late credits fees;
- Waiver of late compliance deadlines for M-Z attorneys for the 2018-2019 compliance period;
- Waiver of self-study caps for judges, magistrates and attorneys for the 2019-2020 and the 2020-2021 compliance periods;
- Waiver of the \$25 application fee for all CLE programs that addressed the COVID-19 pandemic;
- Approved up to four hours of CLE for training and working as a precinct election officer on General Election Day, Nov. 3, 2020;
- 1,097 attorneys earned CLE credit for serving as a poll worker on Election Day, Nov. 3, 2020.
- Transitioned the paper CLE application process to an email application process;
- Allowed payment by credit card for attorney late compliance fees for the 2018-2019 biennium;
- Imposed monetary sanctions against 298 attorneys, and suspended 65 attorneys for failure to comply with the CLE requirements;
- Collected a total of \$320,170 in sponsor applications fees and attorney late compliance fees and sanctions.

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