

## MARY L. CIBELLA BIOGRAPHY

Mary L. Cibella maintains a private practice in Cleveland, Ohio concentrating in the area of professional responsibility (disciplinary matters - initial inquiry/investigation, formal proceedings, reinstatement cases and grievances; ethics advisory opinions; legal malpractice defense; and pre-admission licensure representation of law students). She is also *Of Counsel* to the law firm of McGinty Hilow & Spellacy Co., L.P.A.. She received a B.S. in Education from Kent State University and a J.D. from Cleveland-Marshall College of Law.

Ms. Cibella was Counsel for the Cleveland Bar Association from 1984 to November 1994. In her capacity as Bar Association Counsel she investigated and prosecuted disciplinary cases for the Certified Grievance Committee, researched ethical dilemmas faced by lawyers for the Professional Ethics Committee, advised and counseled the Joint Bar Admissions Committee, and investigated and prosecuted matters dealing with the Unauthorized Practice of Law.

She is a Life Member of The Judicial Conference for the Eighth Judicial District, a Fellow of the Ohio State Bar Foundation; 2009 recipient of the Nettie Cronise Lutes Award from the Ohio State Bar Association's Section on Women in the Profession; A member of: the Cleveland Metropolitan Bar Association, currently serving on its Ethics and Professionalism Committee, Judicial Election Monitoring Committee and formerly serving on its Alternative Dispute Resolution Committee (Chair, 96-97 and 97-98 Committee years); the Ohio State Bar Association, District 12 delegate to Council of Delegates (95-98, 98-00, 00-02, 03-04, 04-06, 06-08, 08-10, 10-12), formerly serving on its the CLE Advisory Committee (July 1, 2001- June 30, 2004); the National Organization of Bar Counsel (former member of Long Range Planning Committee and Continuing Legal Education Committee); Association of Professional Responsibility Lawyers; Cleveland-Marshall Law Alumni Association; Cuyahoga County Chapter, Kent State Alumni Association (Board member); Member, Kent State University, College and Graduate School of Education, Health & Human Services Advisory Council (formerly serving on the EHHS Development Council); a Former Member of: the former Cuyahoga County Bar Association, serving on its Appellate Law Committee; serving on its Ethics Committee (Chair, 95-96 Committee year) and Law Day Committee (Chair, 96-97 Committee year); the former Citizens League of Greater Cleveland; and Substance Abuse Initiative of Greater Cleveland, serving on its Board of Trustees (95-February 03), President (March 2001-February 2003), Assistant Secretary (97-98) and Secretary (98-00) and on the Development Committee (Chair, 98-01) (Co-Chair, 96-97), and Red Ribbon Committee (Chair, 95; member 94-96).

Ms. Cibella is a frequent lecturer on ethics, discipline and law office management.

Updated January 2010

# 2011 Ethics and Discipline Presentation

by Mary L. Cibella, Esq.

Ottawa County Bar Association Seminar

Friday, June 17, 2011

## Outline

### I 2011 Advisory Opinions by the Board of Commissioners on Grievances and Discipline

A. Bd. Op. 2011-1

### II 2010 Advisory Opinions by the Board of Commissioners on Grievances and Discipline

B. Bd. Op. 2010-1

C. Bd. Op. 2010-2

D. Bd. Op. 2010-3

E. Bd. Op. 2010-4

F. Bd. Op. 2010-5

G. Bd. Op. 2010-6

H. Bd. Op. 2010-7

### II 2009 Advisory Opinions by the Board of Commissioners on Grievances and Discipline

A. Bd. Op. 2009-1

B. Bd. Op. 2009-2

C. Bd. Op. 2009-3

D. Bd. Op. 2009-4

E. Bd. Op. 2009-5

F. Bd. Op. 2009-6

G. Bd. Op. 2009-7

H. Bd. Op. 2009-8

Rule Change Effective January 1, 2010

### III Recent Disciplinary Cases

#### A. Trust Accounts

*Disciplinary Counsel v. Riek*, 125 Ohio St.3d 46, 2010-Ohio-1556;

*Disciplinary Counsel v. Maley*, 119 Ohio St.3d 217, 2008-Ohio-3923;

*Disciplinary Counsel v. Fletcher*, 122 Ohio St.3d 390, 2009-Ohio-3480;

*Disciplinary Counsel v. Crosby*, 2009-Ohio-6763;

*Toledo Bar Assn. v. Weisberg*, 124 Ohio St.3d 274, 2010-Ohio-142

#### B. Fees

*Cuyahoga Cty. Bar Assn. v. Cook*, 121 Ohio St.3d 9, 2009-Ohio-259

- C. **Client Files**  
*Lake Cty. Bar Assn. v. Kubyn*, 121 Ohio St.3d 321, 2009-Ohio-1154
- D. **Client Authorization Needed/Settlements**  
*Disciplinary Counsel v. Horton*, 124 Ohio St.3d 343, 2010-Ohio-579
- F. **Sexual Contact with Clients and Other**  
*Cleveland Metropolitan Bar Association v. Lockshin*, 125 Ohio St.3d 529,  
2010-Ohio-2207
- G. *Disciplinary Counsel v. Noel*, 126 Ohio St.3d 56, 2010-Ohio-2714
- H. *Disciplinary Counsel v. Robinson*, \_\_\_ Ohio St.3d \_\_\_\_, 2010-Ohio-3829

**IV 2008 Board of Commissioners Opinions**

**V. Writings**

- I. Preferred Writings
- II. Required Writings

**VI. Record Retention Requirements**

**VII. Conflicts of Interests**

**VIII. Required Disclosures - Confidential Information**

**IX. Duties of Partners/Supervisory Attorneys/Subordinates**

**X. 2007 Board of Commissioners Opinions**

**XI. Selected Cases**

**2011 Professionalism Presentation**

By Mary L. Cibella, Esq.

Ottawa County Bar Association Seminar

June 17, 2011

**Outline**

- I Historical Background**
- II Rationale for Adoptions**
- III A Lawyer's Creed and A Lawyer's Aspirational Ideals**
- IV A Judicial Creed**
- IV Hypotheticals - Five Cases**

**MARY L. CIBELLA**  
Attorney and Counselor at Law  
614 West Superior Avenue - Suite 1300  
Cleveland, Ohio 44113  
Telephone: (216) 344-9220  
Facsimile: (216) 664-6999

*Of Counsel to*  
McGinty Hilow & Spellacy Co., L.P.A.

**Pre-Legal Education:**

B.S. in Education, Kent State University, 1980

**Legal Education:**

J.D., Cleveland-Marshall College of Law, 1983

**Professional Licenses and Certificates:**

Comprehensive Social Studies Certification,  
State of Ohio, 1980

Bar of the State of Ohio, Registration No. 0019011, 1984

U.S. District Court, Northern District of Ohio, 1999

**Legal Employment:**

Mary L. Cibella, Attorney and Counselor at Law  
*Of Counsel to:* McGinty Hilow & Spellacy Co. L.P.A.  
614 West Superior Avenue Suite 1300  
Cleveland, Ohio 44113  
216-344-9220  
Facsimile: 216-664-6999

**November 15, 1994 to the present**

Private practice of law concentrating in Professional Responsibility, including, disciplinary defense (initial inquiry/investigation, formal proceedings, reinstatement cases) and grievances; Ethics advisory opinions; legal malpractice defense; pre-admission licensure representation of law students; unauthorized practice of law.

Cleveland Bar Association  
113 St. Clair Ave., N.E.  
Cleveland, Ohio 44114-1253  
(216) 696-3525  
Facsimile (216) 696-2413

**May 1985 to November 1, 1994**

**Counsel:** Manage Counsel's Department staff and all Counsel's Department activities and responsibilities; Screen, investigate, and evaluate professional misconduct of lawyers and judges; Advise and administer Certified Grievance Committee investigations and docket; Advise

and coordinate Trial Committees; Research and advise lawyers on matters of professional ethics; Advise and administer Professional Ethics Committee research and docket; Advise, administer, and coordinate Judicial Selection Committee activities, i.e., scheduling, interviews, bar polls, printing; Advise and coordinate Judicial Campaign Fund Committee activities; Screen, investigate, and evaluate alleged Unauthorized Practice of Law violations; Advise and administer Unauthorized Practice of Law Committee investigations and docket; Screen, investigate and evaluate fee dispute matters; Advise Fee Dispute Committee and administer Fee Dispute Arbitration Program; Advise Law-Related Education Committee and coordinate its projects; Advise Commission on Women in the Law Committee and coordinate its projects; Advise Joint Bar Admissions Committee, Appeals Subcommittee and Counsel for Joint Bar Admissions Committee; Advise Law School Liaison Committee and coordinate its projects, such as the Placement Assistance Manual; Supervise and coordinate printing of Lawyers' Desk Book & Roster; Advise and assist Alternative Dispute Resolution Committee; Administer Early Neutral Evaluation Program; Supervise and coordinate Lawyer Referral Service; Supervise and coordinate Mentor Programs and Mentor Committee. When requested: negotiate leases, contracts, review insurance policies and other matters affecting the Association; such other duties as requested by the Board of Trustees and the Executive Director.

**February 1985 to May 1985**

**Acting Counsel:** Duties the same as those listed above for Counsel

**January 1984 to February 1985**

**Assistant to Acting Counsel:** Duties the same as those listed above for Counsel

**Professional Association Activities:**

Cleveland Metropolitan Bar Association - member:

Ethics and Professionalism Committee, Judicial Election Monitoring Committee

Cleveland Bar Association (Association dissolved 2008) - member:

Ethics and Professionalism Committee,

Judicial Election Monitoring Committee; former member, Alternative Dispute Resolution Committee (Chair, 1996-97 and 1997-98)

Cuyahoga County Bar Association (Association dissolved 2008) - member:

Appellate Law Committee; former member: Ethics Committee (Chair, 1995-96);

Law Day Committee (Chair, 1996-97)

The Judicial Conference of the Eighth Judicial District, Life Member

Ohio State Bar Foundation, Fellows Class 2008

Ohio State Bar Association, Council of Delegates from District 12; 95-96,96-98,99-00,00-02,02-04,04-06,06-08, 08-10

former member CLE Advisory Committee(7/1/2001- 6/30/2004)

National Organization of Bar Counsel -- past member

Long Range Planning Committee and Continuing Legal Education Committee

Association of Professional Responsibility Lawyers

Cleveland-Marshall College of Law Alumni Association

2002 Bench-Bar Conference (Supreme Court & Ohio State Bar Assoc.), delegate  
1997 Bench-Bar Conference (Supreme Court & Ohio State Bar Assoc.), delegate  
1996 Bench-Bar Conference (Supreme Court & Ohio State Bar Assoc.), delegate  
Women's Law Caucus -- former member; President, 1982-83  
National Association of Bar Executives, former member

**Teaching/Seminar Presentations:**

Lecturer, on various ethics, discipline, professionalism and substance abuse topics at seminars sponsored by:

ABA Senior Lawyers Section (2003)  
ABA Section of Business Law (2007, 2000)  
Ashtabula County Bar Association (2010, 2009, 2008, 2007, 2006, 2005, 2004, 2003, 1999 and 1998)  
Baker & Hostetler (2001, 2000 and 1999)  
Board of Commissioners on Grievances and Discipline  
Center for Family Advocacy (2009)  
Cleveland Academy of Civil Trial Attorneys (1999)  
Cleveland-Marshall Law Alumni Association (2010, 2009, 2007, 2006, 2002, 1999 and 1994)  
Cleveland Metropolitan Bar Association (2010, 2008)  
Cleveland Bar Association (2001, 1998 and earlier years)  
Cohen & Company (2010)  
Cuyahoga County Bar Association (2007, 2004, 2000, 1998 and earlier years)  
Cuyahoga County Criminal Defense Lawyers Association (2010)  
David M. Myers College (2003, 2002, 2000 and some earlier years)  
Federal Bar Association (1996)  
Federal Trade Commission/Better Business Bureau (2006)  
Geauga County Bar Association (2001 and 1998)  
Get Your Hours, LLC (2010, 2009, 2008, 2007, 2006, 2005, 2004, 2003, 2002)  
Lorman Education Services (2003, 2002 and earlier years)  
National City Bank (2008)  
National Business Institute "NBI" (2007, 2006, 2003, 2002 and earlier years)  
Ohio Academy of Trial Lawyers (1997)  
Ohio CLE Institute (2000, 1999 and earlier years)  
Ohio State Bar Association CLE (2010, 2009, 2008, 2007, 2006, 2005, 2004, 2003, 2001 and earlier years)  
Office of Medicare Hearings and Appeals (2009, 2008)  
Parma Bar Association (2002, 2001, 1998)  
Reminger & Reminger Co L.P.A. (2010, 2008, 2007, 2006, 2005, 2004, 2003, 2002 and an earlier year)  
Roderick, Myers & Linton, LLP (1998)  
Stark County Bar Association (2007, 2001, and some earlier years)  
U.S. Attorneys Office, Northern District of Ohio (2010, 1999)  
WILMIC and Wisconsin Bar Association (1998)

1996 EATON Lawyers Conference  
National Education Network (1996)  
Kopperman & Wolf Co., Certified Public Accountants (1995)  
CIGNA Financial Services, Inc. (1995 and 1994)  
Lecturer, Cleveland-Marshall College of Law, Professional Responsibility Class,  
Spring 2006 and Summer 2006  
Lecturer, Ohio Ethics Law and ethical issues facing Domestic Relations Judges,  
Seminar (1995) sponsored by the Ohio Judicial College  
Lecturer, The Lawyer Grievance Process-- a 1995 Perspective, sponsored by The  
University of Akron School of Law, Joseph G. Miller Institute of Professional  
Responsibility, Board of Commissioners on Grievances and Discipline  
Lecturer, The Lawyer Grievance Process -- a 1999 Perspective, sponsored by The  
University of Akron School of Law, Joseph G. Miller Institute of Professional  
Responsibility, the Board of Commissioners on Grievances and Discipline and the  
Ohio State Bar Association

**Publications:**

"Contingent fee contracts --Is there anything left?", *Ohio Lawyer*, January/February 1996,  
Volume 10, No.1  
"Lawyers Have Rules Too", *Legal News for Young Americans*, May 1996, Volume 1, No.  
1  
"Amendments to Disciplinary Rules On Advertising and Lawyer Referral Services", *Law  
and Fact*, March/April 1997, Volume 72, No.2  
"Ethical Dilemmas in Litigation: Finding Your Way Through", *Cleveland Bar Journal*,  
November 1997, Volume 69, No. 1  
"New CLE Requirement Affects All Lawyers Gov. Bar R. X, Section 3 is Amended",  
*Law and Fact*, July/August 1998, Volume 73, No. 4  
"Legal Malpractice: What You Don't Know Can Hurt You", *Cleveland Bar Journal*,  
March 2003, Volume 74, No. 5  
"Ohio Rule of Professional Conduct 1.7 Conflicts of Interest: Current Clients", *Cleveland  
Bar Association Website*, 2007  
"Identifying and Assisting the Impaired Lawyer, A Necessary Duty", *Cleveland  
Metropolitan Bar Journal*, March 2011, Volume 3, No.8

**Awards**

Ohio State Bar Association, Women in the Profession Section,  
Nettie Cronise Lutes Award, 2009  
Legal Aid Society of Cleveland, Trustee Award, 2004

**Community Activities:**

Kent State University  
- Member, EHHS Advisory Council (2009 to the present)  
- former Director, Cuyahoga County Alumni Chapter

- Member, EHHS Development Council (term ended 2008)
- Citizens League of Greater Cleveland
- member, 2003, 2000 & 1999 Candidates Committee
- Substance Abuse Initiative of Greater Cleveland
- President, elected March 2001, served until February 2003
  - Member, 1994 Red Ribbon Committee;
  - Chair, 1995 Red Ribbon Committee;
  - Member, 1996 Red Ribbon Committee;
  - Member of Board of Trustees, 1995-96, 96-97, 97-98, 99-00
  - Co-Chair, Development Committee, 96-97, 97-98
  - Chair, Development Committee, 99-00
  - Assistant Secretary, 96-97,97-98, 99-00

As amended March 2011

# **PROFESSIONALISM IN OHIO**

**Ottawa County Bar Association  
Friday, June 17, 2011**

**Presented by**

**Mary L. Cibella, Esq.  
*Of Counsel to McGinty Hilow & Spellacy, Co., L.P.A.***

Mary L. Cibella, Esq.  
614 West Superior Avenue Suite 1300  
Cleveland, Ohio 44113  
216-344-9220

## **PROFESSIONALISM IN OHIO**

Effective February 3, 1997 The Supreme Court of Ohio adopted *A Lawyer's Creed* and *A Lawyer's Aspirational Ideals*. The full text of the *Creed* and the *Aspirational Ideals* are attached hereto as Exhibits.

### **I. HISTORICAL BACKGROUND**

On August 24, 1989 Chief Justice Moyer announced the formation of the Supreme Court Committee to Study Creeds of Professionalism. In December 1990, the Committee delivered its final Report to Chief Justice Moyer. The Report contained nine (9) specific Recommendations. The nine Recommendations were:

- 1) establish a permanent Professionalism Commission, whose first task should be to review the report and draft a comprehensive Creed of Professionalism;
- 2) amend Gov. Bar R. I to require Applicants for Admission to the Bar to study the Creed of Professionalism and to include the Creed as part of the Bar Exam;
- 3) amend Gov. Bar R. X to include professionalism as part of the legal and professional ethics continuing legal education component;
- 4) mandate the multi-state professional responsibility examination (MPRE) as a prerequisite for admission to the Bar in Ohio;
- 5) encourage Judges to take a more active role in policing unprofessional conduct;

- 6) direct the Rules Advisory Committee to examine discovery and recommend amendments to the Rules of Civil Procedure to reduce discovery abuses;
- 7) conduct further study of the advisability of amending Rule 11 to conform to Federal Civil Rule 11;
- 8) conduct further study on the establishment of local peer review committees to monitor lawyer conduct that is considered unprofessional;
- 9) examine the establishment of mandatory Mentoring programs for new attorneys, including the imposition of a clinical or internship requirement for all law students.

## II. RATIONALE FOR ADOPTION

The Supreme Court's rationale for adoption of the *Creed* and the *Aspirational Ideals* is set forth in the *Statement on Professionalism*. The Court indicated that it was concerned about trends that emphasize commercialism in the practice of law and de-emphasize the historical heritage of the practice of law, *i.e.*, "the practice of law is a learned profession to be conducted with dignity, integrity and honor as a high calling dedicated to the service of clients and the public good." *See, Supreme Court January 24, 1997 Press Release.*

## III. A LAWYER'S CREED AND A LAWYER'S ASPIRATIONAL IDEALS

For the full text of the *Creed*, the *Aspirational Ideals* and the *Judicial Creed* see attached Exhibits.

## IV A JUDICIAL CREED

On July 9, 2001, The Supreme Court of Ohio issued a "Statement on Judicial Professionalism" and issued *A Judicial Creed*. A full text of both are attached as Exhibits.

## HYPOTHETICALS

### CASE ONE

New Associate, newly admitted to practice law in Ohio comes to you to discuss New Lawyer Training as required by The Supreme Court of Ohio. New Associate is interested in participating in the Supreme Court's Lawyer to Lawyer Mentoring Program. The New Associate asks if you are willing to become the New Associate's Mentor through the Supreme Court's Lawyer to Lawyer Mentoring Program.

#### Questions:

- What are the criteria/qualifications for becoming a Mentor?
- What are the requirements of the Lawyer to Lawyer Mentoring Program?
- What are the benefits of the Lawyer to Lawyer Mentoring Program?
- What provisions of The Lawyer's Creed apply?
- What provisions of The Lawyer's Aspirational Ideals apply?

### CASE TWO

Attorney deposited personal funds into his IOLTA trust account. Attorney regularly paid personal and business debts from his IOLTA trust account. Some of the monies that Attorney deposited into his IOLTA trust account were Attorney's gambling winnings.

Attorney failed to disburse earned legal fees from his IOLTA account, in an attempt to conceal these assets from the Internal Revenue Service.

You are Attorney's friend. Attorney comes to you and confides in you what he has done. What do you do to help your friend?

#### Questions:

- What if anything can OLAP do to assist Attorney? Who should contact OLAP?
- What Rules of Professional Conduct, if any, did Attorney violate?
- What provisions of The Lawyer's Aspirational Ideals provide guidance?

### CASE THREE

Client was one of three defendants in a murder prosecution. Attorney represented Client. Attorney made inappropriate, loud and rude statements that impugned the integrity of a prospective juror during voir dire. Judge cautioned Attorney.

Attorney spoke loudly at sidebar, requiring Judge to conduct the sidebars in chamber.

Attorney also argued with Judge about the Judge's rulings on evidentiary matters. Judge continued to warn Attorney that such behaviors would not be tolerated.

Attorney made inappropriate facial expressions and disrespectful comments in front of the jury.

Attorney also exhibited other erratic and aggressive behavior and an inability to focus, making rambling accusations against witnesses.

Judge continued to warn Attorney. At one point, Attorney took out money and credit cards and threw them on the bench, and told Judge, "Go ahead and fine me."

Attorney's actions occurred in multiple cases before 2 different judges.

### **Questions:**

What do the Lawyer's Creed and Lawyer's Aspirational Ideals set forth as guidelines for attorney behavior?

If Judge believes attorney is suffering from some mental disorder, what options are available to Judge?

What Rules of Professional Conduct, if any, did Attorney violate?

### **CASE FOUR**

During the pendency of a criminal case, the counsel for the Defendant and the Court had this exchange:

Court: This Court has been very, very fair.

Counsel: That's a bunch of bunk, and you know it. Don't hand me that stuff.

Court: This Court has been most fair with you and has bent over backwards to be fair to you.

Counsel: That's a goddamned lie.

Court: Mr. Attorney, this Court has been most fair and unbiased and unprejudiced.

Counsel: I want the Court of Appeals to look at the Shanghai job that is being done in this . . .

Counsel: Let the record reflect that the Judge is an unmitigated liar, unmitigated, unequivocal liar.

There were other exchanges between Counsel for the Defendant and the Court. In some of those exchanges, the Counsel for the Defendant used profanity and vulgarities.

The Judge in this same criminal case also used vulgarities and profanities on the record.

**Questions:**

What provisions of the Judicial Creed apply to the Judge's conduct?

Have Judge's been disciplined for inappropriate conduct in their courtrooms?

**CASE FIVE**

Counsel for a Defendant in a traffic case filed an appeal to the Court of Appeals. In the brief filed in the Court of Appeals. When the Court of Appeals affirmed the conviction, Counsel for the Defendant filed a Motion for Reconsideration or, in the alternative, certification of the case as a conflict to the Supreme Court.

In the Motion for Reconsideration or certification, Counsel for the Defendant wrote that the Court of Appeals Opinion was "result driven" and that "any fair-minded judge" would have been "ashamed to attach his/her name to it" and further stated that the Court of Appeals Panel did not give "a damn about how wrong, disingenuous, and biased its opinion is". Counsel for the Defendant also wrote that "honesty and truth damned" and that the panel's "desire to be tough on crime blind[ed] it to the basis law and fairness"

Counsel for the Defendant also posed these questions: "Why does the panel only apply the law as a hammer to crush citizens and not as a shield to protect their basic rights?" "Is having a prosecutorial bent [so] hard to let go of that truth must be case aside to achieve a particular result?" "Wouldn't it be nice if this panel had the basic decency and honesty to write and acknowledge these simple unquestionable truths in its opinion? Would writing an opinion that actually reflected the truth be that hard? Must this panel's desire to achieve a particular result upholding a wrongful conviction of a man who was unquestionably guilty of an uncharged offense — necessarily justify its own corruption of the law and trust? Doesn't an oath uphold and follow the law mean anything to this panel?"

**Questions:**

What provisions of the Lawyer's Creed apply to this situation?

What provisions of the Lawyer's Aspirational Ideals apply to this situation?

Do the Appellate Court Judges have any obligation to "turn-in" the Counsel for the Defendant?

## **APPENDIX V: STATEMENT ON PROFESSIONALISM**

Issued by the Supreme Court of Ohio

On February 3, 1997

The Court created the Supreme Court Commission on Professionalism in order to address its concerns that trends were developing among lawyers in Ohio and elsewhere which emphasize commercialism in the practice of law and de-emphasize our historical heritage that the practice is a learned profession to be conducted with dignity, integrity and honor as a high calling dedicated to the service of clients and the public good. These trends have been evidenced by an emphasis on financial rewards, a diminishing of courtesy and civility among lawyers in their dealings with each other, a reduction in respect for the judiciary and our system of justice and a lessening of regard for others and commitment to the public good.

As professionals, we need to strive to meet lofty goals and ideals in order to achieve the highest standards of a learned profession. To this end, the Court issues A Lawyer's Creed and A Lawyer's Aspirational Ideals which have been adopted and recommended for the Court's issuance by the Supreme Court Commission on Professionalism. In so doing, it is not the Court's intention to regulate or to provide additional bases for discipline, but rather to facilitate the promotion of professionalism among Ohio's lawyers, judges and legal educators. It is the Court's hope that these individuals, their professional associations, law firms, and educational institutions will utilize the Creed and the Aspirational Ideals as guidelines for this purpose.

## A LAWYER'S CREED

**To my clients,** I offer loyalty, confidentiality, competence, diligence, and my best judgment. I shall represent you as I should want to be represented and be worthy of your trust. I shall counsel you with respect to alternative methods to resolve disputes. I shall endeavor to achieve your lawful objectives as expeditiously and economically as possible.

**To the opposing parties and their counsel,** I offer fairness, integrity, and civility. I shall not knowingly make misleading or untrue statements of fact or law. I shall endeavor to consult with and cooperate with you in scheduling meetings, depositions, and hearings. I shall avoid excessive and abusive discovery. I shall attempt to resolve differences and, if we fail, I shall strive to make our dispute a dignified one.

**To the courts and other tribunals, and to those who assist them,** I offer respect, candor, and courtesy. Where consistent with my client's interests, I shall communicate with opposing counsel in an effort to avoid or resolve litigation. I shall attempt to agree with other counsel on a voluntary exchange of information and on a plan for discovery. I shall do honor to the search for justice.

**To my colleagues in the practice of law,** I offer concern for your reputation and well-being. I shall extend to you the same courtesy, respect, candor, and dignity that I expect to be extended to me.

**To the profession,** I offer assistance in keeping it a calling in the spirit of public service, and in promoting its understanding and an appreciation for it by the public. I recognize that my actions and demeanor reflect upon our system of justice and our profession, and I shall conduct myself accordingly.

**To the public and our system of justice,** I offer service. I shall devote some of my time and skills to community, governmental and other activities that promote the common good. I shall strive to improve the law and our legal system and to make the law and our legal system available to all.

## A LAWYER'S ASPIRATIONAL IDEALS

As to clients, I shall aspire:

- (a) To expeditious and economical achievement of all client objectives.
- (b) To fully informed client decision-making. I should:
  - (1) Counsel clients about all forms of dispute resolution;
  - (2) Counsel clients about the value of cooperation as a means toward the productive resolution of disputes;
  - (3) Maintain the sympathetic detachment that permits objective and independent advice to clients;
  - (4) Communicate promptly and clearly with clients; and
  - (5) Reach clear agreements with clients concerning the nature of the representation.
- (c) To fair and equitable fee agreements. I should:
  - (1) Discuss alternative methods of charging fees with all clients;
  - (2) Offer fee arrangements that reflect the true value of the services rendered;
  - (3) Reach agreements respecting fees with clients as early in the relationship as possible;
  - (4) Determine the amount of fees by consideration of many factors and not just time spent; and
  - (5) Provide written agreements as to all fee arrangements.
- (d) To comply with the obligations of confidentiality and the avoidance of conflicting loyalties in a manner designed to achieve fidelity to clients.
- (e) To achieve and maintain a high level of competence in my field or fields of practice.

As to opposing parties and their counsel, I shall aspire:

- (a) To cooperate with opposing counsel in a manner consistent with the competent representation of my client. I should:
  - (1) Notify opposing counsel in a timely fashion of any canceled appearance;
  - (2) Grant reasonable requests for extensions or scheduling changes; and
  - (3) Consult with opposing counsel in the scheduling of appearances, meetings, and depositions.
  
- (b) To treat opposing counsel in a manner consistent with his or her professional obligations and consistent with the dignity of the search for justice. I should:
  - (1) Not serve motions or pleadings in such a manner or at such a time as to preclude opportunity for a competent response;
  - (2) Be courteous and civil in all communications;
  - (3) Respond promptly to all requests by opposing counsel;
  - (4) Avoid rudeness and other acts of disrespect in all meetings, including depositions and negotiations;
  - (5) Prepare documents that accurately reflect the agreement of all parties; and
  - (6) Clearly identify all changes made in documents submitted by opposing counsel for review.

As to the courts and other tribunals, and to those who assist them, I shall aspire:

- (a) To represent my clients in a manner consistent with the proper functioning of a fair, efficient, and humane system of justice. I should:
  - (1) Avoid non-essential litigation and non-essential pleading in litigation;
  - (2) Explore the possibilities of settlement of all litigated matters;
  - (3) Seek non-coerced agreement between the parties on procedural and discovery matters;
  - (4) Avoid all delays not dictated by competent representation of a client;

- (5) Prevent misuses of court time by verifying the availability of key participants for scheduled appearances before the court and by being punctual; and
  - (6) Advise clients about the obligations of civility, courtesy, fairness, cooperation, and other proper behavior expected of those who use our system of justice.
- (b) To model for others the respect due to our courts. I should:
- (1) Act with complete honesty;
  - (2) Know court rules and procedures;
  - (3) Give appropriate deference to court rulings;
  - (4) Avoid undue familiarity with members of the judiciary;
  - (5) Avoid unfounded, unsubstantiated, or unjustified public criticism of members of the judiciary;
  - (6) Show respect by attire and demeanor;
  - (7) Assist the judiciary in determining the applicable law; and
  - (8) Give recognition to the judiciary's obligations of informed and impartial decision-making.

**As to my colleagues in the practice of law**, I shall aspire:

- (a) To recognize and develop a professional interdependence for the benefit of our clients and the legal system;
- (b) To defend you against unjust criticism; and
- (c) To offer you assistance with your personal and professional needs.

**As to our profession**, I shall aspire:

- (a) To improve the practice of law. I should:
  - (1) Assist in continuing legal education efforts;
  - (2) Assist in organized bar activities;

- (3) Assist law schools in the education of our future lawyers; and
  - (4) Assist the judiciary in achieving objectives of A Lawyer's Creed and these Aspirational Ideals.
- (b) To promote the understanding of and an appreciation for our profession by the public. I should:
- (1) Use appropriate opportunities, publicly and privately, to comment upon the roles of lawyers in society and government, as well as in our system of justice; and
  - (2) Conduct myself always with an awareness that my actions and demeanor reflect upon our profession.
- (c) To devote some of my time and skills to community, governmental and other activities that promote the common good.

**As to the public and our system of justice, I shall aspire:**

- (a) To consider the effect of my conduct on the image of our system of justice, including the effect of advertising methods.
- (b) To help provide the pro bono representation that is necessary to make our system of justice available to all.
- (c) To support organizations that provide pro bono representation to indigent clients.
- (d) To promote equality for all persons.
- (e) To improve our laws and legal system by, for example:
  - (1) Serving as a public official;
  - (2) Assisting in the education of the public concerning our laws and legal system;
  - (3) Commenting publicly upon our laws; and
  - (4) Using other appropriate methods of effecting positive change in our laws and legal system.

## STATEMENT ON JUDICIAL PROFESSIONALISM

Issued by the Supreme Court of Ohio

On July 9, 2001

The Court created the Supreme Court Commission on Professionalism in order to address its concerns that certain trends were developing among lawyers in Ohio and elsewhere. Those trends fostered commercialism in the practice of law and de-emphasized our historical heritage that the practice is a learned profession to be conducted with dignity, integrity, and honor dedicated to the service of clients and the public good. In order to facilitate the promotion of professionalism among Ohio's lawyers, judges and legal educators, the Court issued its Statement on Professionalism, A Lawyer's Creed, and A Lawyer's Aspirational Ideals on February 3, 1997. In recognition of the unique standards of professionalism required of a judge or a lawyer acting in a judicial capacity, the Court issues A Judicial Creed upon the recommendation of the Supreme Court Commission on Professionalism. It is the Court's goal by adopting this Creed to remind every judge and every lawyer acting in a judicial capacity of the high standards expected of each by the public whom they serve.

### A JUDICIAL CREED

For the purpose of publicly stating my beliefs, convictions, and aspirations as a member of the Judiciary or as a lawyer acting in a judicial capacity in the State of Ohio:

I re-affirm my oath of office and acknowledge my obligations under the Canons of Judicial Ethics.

I recognize my role as a guardian of our system of jurisprudence dedicated to equal justice under law for all persons.

I believe that my role requires scholarship, diligence, personal integrity, and a dedication to the attainment of justice.

I know that I must not only be fair but also give the appearance of being fair.

I recognize that the dignity of my office requires the highest level of judicial demeanor.

I will treat all persons, including litigants, lawyers, witnesses, jurors, judicial colleagues, and court staff with dignity and courtesy and will insist that others do likewise.

I will strive to conduct my judicial responsibilities and obligations in a timely manner and will be respectful of others' time and schedules.

I will aspire every day to make the Court I serve a model of justice and truth