

REPORT OF COUNCIL OF DELEGATES

The Council of Delegates met on Friday, April 27, 2018, at the Ohio State Bar Association Headquarters, Columbus, Ohio, to consider reports and recommendations of OSBA committees and sections that had been submitted for consideration to the Council of Delegates.

OSBA President Randall M. Comer called the meeting to order at 1:00 PM. Secretary/Executive Director Mary Amos Augsburger reported that a quorum was present.

Awards

Business commenced with the presentation of several awards to deserving attorneys. President Comer presented the Eugene R. Weir Award for Ethics and Professionalism to Daniel Cook of Lorain County. Ohio State Bar Association (OSBA) Women in the Profession Section members Lindsay Ford Ellis and Melissa Wilburn presented the Nettie Cronise Lutes Award to former Ohio Attorney General Betty Montgomery. Ohio Legal Assistance Foundation (OLAF) President David Kutik presented the OLAF Presidential Award for Pro Bono Service to Perry County Judges Luann Cooperrider and Dean Wilson. Finally, OSBA Executive Director Mary Amos Augsburger presented the OSBA's Lawyer-Legislator Distinguished Service Award to Senate President Larry Obhof.

State of the Bar

President Comer used his last report before the Council of Delegates to highlight progress on several initiatives, including:

- Implementation of several recommendations of the Futures Commission Report;
- An increase of \$25 million in funding for the Legal Services Corporation in the most recent budget approved by Congress;
- Continued advocacy at the federal level to support the Public Service Loan Forgiveness program;
- A \$40,000 grant by the Ohio State Bar Foundation to support the OSBA Rural Practice Initiative;
- Advocacy at the Ohio Supreme Court CLE Commission for several rule changes, including allowing for shorter segments, reinstatement of the substance abuse training requirement, as well as increased technology training;
- The submission of comments in support of proposed amendments to the Ohio Code of Judicial Conduct that would clarify when a judge formally becomes a candidate; and
- Continued work with the metropolitan and county bar associations and state legislators on notary public modernization legislation.

Looking to the future, Comer outlined continued challenges facing the Ohio State Bar Association (and all associations) regarding membership and revenue. He called for bold changes to ensure the Association can be more nimble in continuing to respond to the needs of Ohio lawyers, including

looking at the Association's governance structure and reviewing all programs and services with a critical eye to ensure the OSBA's offerings remain relevant for today's attorneys. In that vein, he announced a new approach to the OSBA annual meeting and convention, which, has seen a decline in attendance over many years. Starting next year, the annual meeting will be held in conjunction with the spring Council of Delegates meeting and there will be a new solo, small firm and general practitioners institute next June. Together, these will take the place of the August convention starting in 2019, allowing the Association to conduct its formal business while offering quality CLE opportunities for the membership.

Report of Executive Director

CEO and Executive Director Mary Amos Augsburger provided an update on the Association's strategic initiatives, including development of a new digital engagement platform and implementation of the new dues model adopted by the Council at its special meeting in October. These are prime examples of how the OSBA is a leader among bar associations in responding to the changing needs of its membership. She explained that with Baby Boomers beginning to retire and fewer young people going to law school and passing the bar, the reality is there will be a smaller pool of attorneys from which to recruit. However, the OSBA continues to draw a high percentage of Ohio lawyers. She urged members of the Council of Delegates to continue to be ambassadors for the OSBA and to assist in its recruitment efforts.

Report of the Real Property Law Section Council

Real Property Law Section Council member Sheila Nolan Gartland, Esq. presented a proposal to modify the Ohio Standards of Title Examination by reinstating and substantially revising Standard 2.2 with respect to the number of years to be searched in connection with issuance of an Opinion of Title; an addition to Standard 3.5 to address conveyances by LLCs; and amendments to Standards 3.6, 3.8, 3.9, 3.10, 3.11, 3.14, and 3.17 dealing with recital of marital status in conveyances, variance of name in conveyances, conveyances pursuant to powers of attorney, conveyances by executor or other fiduciary, conveyances from a corporation, the effect of a subsequent conveyance of fee simple to the mortgagee on the effectiveness of the subject mortgage, and whether heirs or devisees in the decedent's estate have not yet closed.

The proposal was adopted without amendments.

Report of the Corporation Law Committee

Corporation Law Committee Chair Jeffrey R. Wahl, Esq. presented a proposal that would amend O.R.C. §1702.01 et seq. to update O.R.C. Chapter 1702, primarily to reflect many of the changes that have been made to O.R.C. Chapter 1701 over the past few years.

The proposal was adopted without amendments.

Report of the Corporation Law Committee

Corporation Law Committee member Sergey Vernyuk, Esq. presented a proposal to amend O.R.C. §1745.05(M)(5) to permit those religious organizations that are currently excluded from the coverage of Chapter 1745 to elect to be covered by Chapter 1745.

The proposal was adopted without amendments.

Report of the Estate Planning, Trust and Probate Law Section

Estate Planning, Trust and Probate Law Section Chair Patricia D. Laub presented a proposal to amend Section 5815.16 of the Ohio Revised Code by adding a new Section (C) to make clear that a communication between a lawyer and a client acting as a fiduciary is privileged and protected from disclosure to third parties to whom the fiduciary owes fiduciary duties to the same extent as if the client were not acting as a fiduciary.

The proposal was adopted without amendments.

Report of the Military and Veterans Affairs Committee

Military and Veterans Affairs Committee member E. Jane Taylor, Esq. presented a proposal to amend Section 4507.03 of the Ohio Revised Code (O.R.C.) adding an active duty member of the Armed Forces stationed in Ohio exemption from O.R.C. Chapters 4506 and 4507.

The proposal was adopted without amendments.

Report of the Military and Veterans Affairs Committee

Military and Veterans Affairs Committee member E. Jane Taylor, Esq. presented a proposal to amend Section 5923.05 of the Ohio Revised Code by adding a clarification to the phrase “without loss of pay” for paid military leave to that chapter, modeled on previous Ohio case law and Ohio Attorney General Opinions.

The proposal was adopted without amendments.

Report of the Taxation Law Committee

Taxation Law Committee Chair Richard B. Fry III presented a proposal to amend RC 5717.04 to ensure practitioners before the Board of Tax Appeals know the proper court of appeals to appeal to and to clarify that appealing to an inappropriate court is not a jurisdictional defect.

There being no further business the Council of Delegates adjourned at 3:14 PM.

Respectfully submitted,

Todd Book