



LAKE LEGAL VIEWS

Regard for the Public Welfare is the Highest Law

VOLUME 81, NO. 302

LAKE COUNTY BAR ASSOCIATION

SEPTEMBER 2026

PRESIDENT'S PROCLAMATION

Christopher Tucci, Esq.
LCBA President 2026 - 2027

Trust Your Gut

Our profession is built on cold logic and hard evidence. Moreover, as lawyers we're trained to be prepared and adhere to precedent--for damn good reason. But what about "following your gut" when choosing a particular course of action? I respectfully submit that following your gut is equally as important in our profession.

As a lawyer, following your gut might sound as dangerous as Maverick in Top Gun; however, the practice of law is practiced with human beings— judges, jurors, witnesses, opposing counsel, and clients--and following your gut instinct is often what wins those folks over in the courtroom or at the negotiating table.

So, what is a "gut instinct?" A gut instinct is an ultra-fast pattern recognition built from years of practice. Our human brain constantly logs body language cues, tone shifts, procedural nuances, and micro-expressions without your conscious awareness. For example, during cross-examination you rarely have time to pause and weigh every variable. When a sudden urge tells you not to ask a follow-up question, or to push the witness harder on a specific line of questioning, that is your subconscious processing a subtle contradiction in the witness's demeanor long before your conscious mind can articulate it. Trusting that "sudden urge" may lead to a successful cross-examination.

Following your gut is in no way a substitute for thorough case preparation. Our guts are only as smart as the experiences we feed into it. In other words, an unprepared lawyer's "instinct" is usually just a guess. The most effective legal minds treat intuition and analysis as dual, working systems: rigorous preparation creates the data baseline, and gut instinct helps you navigate the human variables in real time.

Over the years, I've learned to follow my gut.

15 YOA Agnes was on probation to juvenile court for an unruly offense. An unruly offense is based on violations of home/school rules; curfew; or school truancy. During the first couple months of Agnes' probation, she had several probation violations over a short period of time; specifically, testing positive for drugs, leaving home without permission, and unexcused school tardies/absences.

One of Agnes' violations I still remember several years later. Specifically, Agnes left home without permission, was gone overnight, and she was reported as a missing person to law enforcement. As a result, under the circumstances, I issued a warrant for her arrest.

A short time after the warrant was issued, Agnes was arrested. At her detention hearing the day following her arrest, I had two choices: release her to her mother ("Tootie") or grant temporary custody to the Lake County Department of Job and Family Services ("Department"). Keeping Agnes over 24 hours in a detention center is not an option on an unruly offense.

At Agnes' detention hearing, I listened to all parties' recommendations including Tootie, who wanted Agnes released to her custody, and the probation officer, who argued Agnes was not safe to go home and should be in the temporary custody of the Department.

During the hearing, I noticed Tootie's voice trembled when she spoke about her live-in boyfriend, but at the same time, she defended her boyfriend's alleged verbally abusive behavior. I also noticed Agnes look down when Tootie spoke about the boyfriend. Juvenile law favors release of a juvenile to a parent or custodian.

At the conclusion of the hearing, my gut told me to grant the Department temporary custody of Agnes, and I did just that. My gut told me something was not right at Agnes' house, and Agnes' temporary removal from the home was in her best interest. Obviously, Tootie was not happy with my decision and may have had some choice words for me.

A day or two following the hearing, a probation officer approached me and asked if I had seen the local news. Apparently, Tootie's boyfriend had barricaded himself and Tootie inside their home at gunpoint. Thankfully, law enforcement was able to diffuse the situation and no one was hurt. I can only imagine what would've happened if Agnes was home at the time.



7:55 AM – 8:00 AM	Introduction	Judge Joseph Gibson, Retired
8:00 AM – 9:00 AM	Civil Law Update Civil Damages Caps	Judge Patrick J. Condon Jordan D. Lebovitz, Esq.
9:00 AM – 10:00 AM	Criminal Law Update	Judge Vincent A. Culotta
10:00 AM – 10:15 AM	Break	
10:15 AM – 11:15 AM	14 th Amendment, Trump v. Barbara 609 U.S. ----, 146, S.Ct. 2438 (2026)	Judge John P. O'Donnell
11:15 AM – 12:15 PM	Marijuana: Effects, Impairment, and Enforcement	Judge Jeffrey W. Ruple Michelle Bestic, Pharma.D Akron Children's Hospital Lt. Nathan Davis, OSP
12:15 PM – 1:15 PM	Lunch	
1:15 PM – 2:45 PM	Introduction to AI	Ben Neslon, Esq.
2:45 – 3:00 PM	Break	
3:00 – 4:00 PM	Judicial Panel	Judge Colleen A. Falkowski Judge Mark J. Bartolotta Judge Michael DeLeone
4:00 – 5:00 PM	Ethics & Professionalism	Judge Joe Gibson, Retired Matthew Lallo, Esq. Ann Bergen, Esq. Kimberly Baioni, Esq.

CLE Hours Approved: General: 6.50; Attorney Professional Conduct: 1.00; Total: 7.50

LCBA Members: \$125.00 (including breakfast & lunch) IF paid before 10/6/25; Thereafter: \$145.00

Non-Members: \$165.00 (including breakfast & lunch) IF paid before 10/6/25; Thereafter: \$195.00
Name: _____

Email: _____

Pay by written check addressed to Lake County Bar Association or online via LCBA Payment Portal
www.lakecountyohiobar.com

LCBA Contact | heikki.talikka@lakecountyohio.gov | 440-350-5800



JUDGE'S CORNER



The Eyes of Dr. T.J. Eckleburg
Judge John P. O'Donnell

The Great Gatsby, F. Scott Fitzgerald (1925)

Chapter 2: "But above the grey land and the spasms of bleak dust which drift endlessly over it, you perceive, after a moment, the eyes of Dr. T.J. Eckleburg. The eyes of Dr. T.J. Eckleburg are blue and gigantic – their retinas are one yard high. They look out of no face, but, instead, from a pair of enormous yellow spectacles which pass over a nonexistent nose. Evidently some wild wag of an occultist set them there to fatten his practice in the borough of Queens, and then sank down himself into eternal blindness or forgot them and moved away. But his eyes, dimmed a little by many paintless days under sun and rain, brood on over the solemn dumping ground."

A few months ago, retired Judge David Fuhry (Geauga County Common Pleas Court) gave me a two page letter detailing a series of observations made by a retired litigator who served on the jury of an eight day aggravated murder trial in Cuyahoga County. The letter set forth some "random thoughts" of this attorney-juror designed to inform litigators of the views of jurors, and how to avoid common pitfalls.

The jury spends as much time sitting around in the back as they do in the courtroom and they don't know why, and it is frustrating to them.

The jury does not care about the lawyer's personal life and does not think anecdotes, quips or vignettes in voir dire are charming or useful to the process because the jurors are not interested, at all, in the lawyers. They see that stuff as an attempt by the lawyers to ingratiate themselves with the jurors, and the jurors want to keep the lawyer at more than arm's length. Just be a professional and a real person, that's what they want to see.

At the end of the case most jurors still did not know the names of the lawyers. The judge, yes. The bailiff, absolutely.

Talk a lot less and get to the point a lot quicker – from the juror's perspective there's so much wasted time in every aspect of the case.

The number of witnesses and amount of evidence is immaterial, just like it says in the jury instructions.

Show them everything possible through demonstrative evidence, power point, whatever. Think of the difference between attending a lecture and watching a movie.

Prepare the witnesses and have them ready to go – we were not a happy group when one of the witnesses was downstairs having a smoke when she was called, and we had to take about a 45-minute break to get everything back together.

Always remember, that, to the jury, the judge is always right, even if the judge is wrong. The relationship between the judge and jury and the judge and lawyers is very different, which is obvious, but you can really feel it.

Remember that the jury is collectively always looking at what is happening in the courtroom, and always observing everyone and everything in the courtroom – and they talk about it.

The jury cares about the evidence and wants to know what happened and really wants to do what it believes is the right thing.

If the jury thinks you are hiding something or being dishonest, you are done. This includes your witnesses. You are your witnesses.

The jurors are listening, and they talk to each other in deliberations. Saying the same thing over and over and over and over is not necessary; they know a good point when they hear it. If they don't, you don't want them on the jury.

The observations made by this juror are consistent with those I have heard from jurors in the 90 plus jury trials I have presided over in the past 11 years. Most jurors walk in on a Monday morning trying to figure out how to get excused. By the end of the trial, the jurors almost universally are happy to have served and a vast majority want to serve again.

The juror watches everything that goes on in the courtroom – from the judge, to the lawyers, to the clients, to the witnesses, to the spectators in the gallery; they are keenly aware of all verbal and non-verbal communications. Things that may seem irrelevant and inconsequential to the litigators, are not necessarily looked at the same way by the jurors.

So let this be a warning, beware the eyes of Dr. T.J. Eckleburg!



an LCBA Podcast

Exhibit 1 – Pilot Episode w/ LCBA President Lydia Gross

Exhibit 2 w/ Magistrate Jeff Black

Exhibit 3 – Family Law w/ Anna Parise & Darya Klammer

Exhibit 4 w/ Magistrate Lisa Montoni Garvin

Exhibit 5 w/ Clerk Carl DiFranco

Exhibit 6 – The Fairway and the Courtroom

Exhibit 7 w/ Nick Weiss – Are More Cases Going To Trial?

 Exhibit 8 w/ Eric Cherry – Beyond the Final Decree

Tap to Listen



SPONSORING A HOLE:

Acacia Title Agency
Adventure Subaru
Brad Wolfe Law, LLC.
Brennan's Fish House
Cardinal Credit Union
Carrabine & Reardon Co., LPA
Carver Financial Services
Conway Land Title Co.
Dan F. Ponstingle
Darko Industries
Dworken & Bernstein
Elevated Wealth Solutions

Emerald Dental
Family First Cleaners
Fossil Creek Winery
Fred's Appliance Servicers
Global Real Estate
Hanahan & Hinton
Jeff Black
JEMM Construction
Joe Hada & Jeff Kakish
Judge Robert J. Patton
Judge Vincent Culotta
Mason Mechanical

McDowell Real Estate
Metro Appraisal
Monarch Sani Services
NRS Injury Law
Paninis Willoughby
Redhawk Grille
Reminger Co., LPA
Rogers Law Group
Sleggs, Danzinger, & Gill
SOL Willoughby
Sunray Window Films
Urankar Law, LLC.
USA Management & Development

FOR GENEROUS DONATIONS WE WISH TO THANK:

Bob Leach
Carver Financial
Crowley's Dive Bar
Darko, Inc.
Don Mause, Esq.
Dworken & Bernstein
Emerald Dental Care

Fiona's Coffee Bar
Green Ridge GC
Guido's Pizzeria
Jan Bell
Jeff Black
Jimmy Hanlin
John Rogers Law Group

Jo-Rae Sales
Judge Mark Bartolotta
Lake Metroparks
Madison Country Club
Mark Zicarelli
Metro Appraisal Group
Nora's Public House Bar

Petti's Pizza
Quail Hollow CC
Ric Selby
St. Denis Golf Club
Wild Goose Bar/Restaurant
World Wines & Liquor

FOR SPONSORING ACTIVITIES AT THE OUTING, WE WISH TO THANK:

Acacia Title Agency
Elevated Wealth Solutions
Emerald Dental Care

Family First Cleaners
Fossil Creek Winery
Global Real Estate

Joe Hada & Jeff Kakish
McDowell Real Estate
Metro Appraisal Group

NRS Injury Law
Sunray Window Films

FOR SPONSORING THE RAFFLE GRAND PRIZE

Carver Financial Group

FOR SPONSORING BREAKFAST

Adventure Subaru

FOR SPONSORING LUNCH AT THE TURN

Benjamin L. Aveni, Esq., Acacia Title Agency, LLC

FOR SPONSORING LUNCH ON HOLE #1

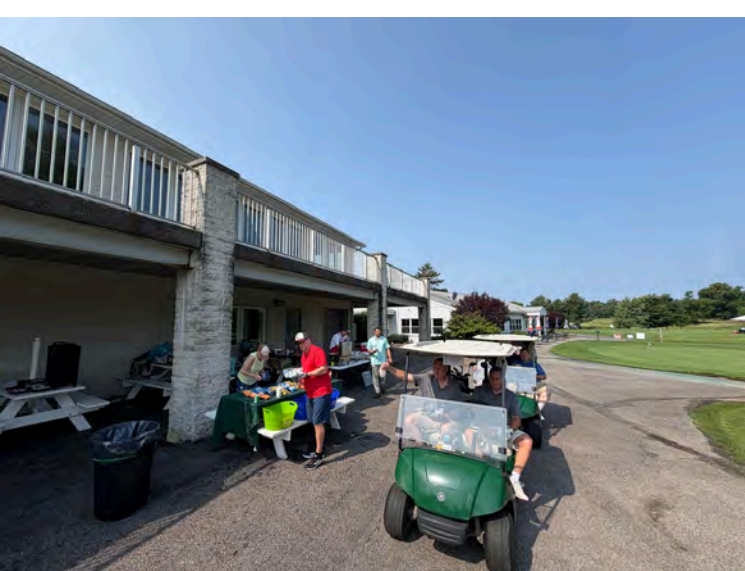
NRS Injury Law

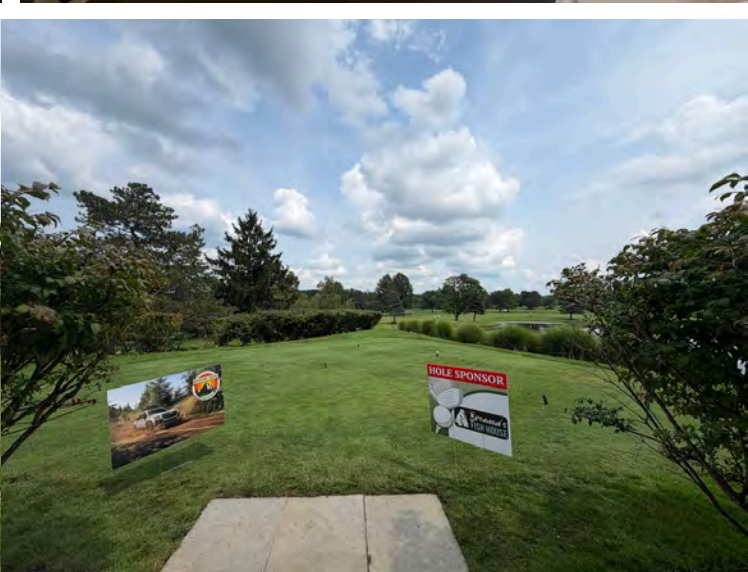
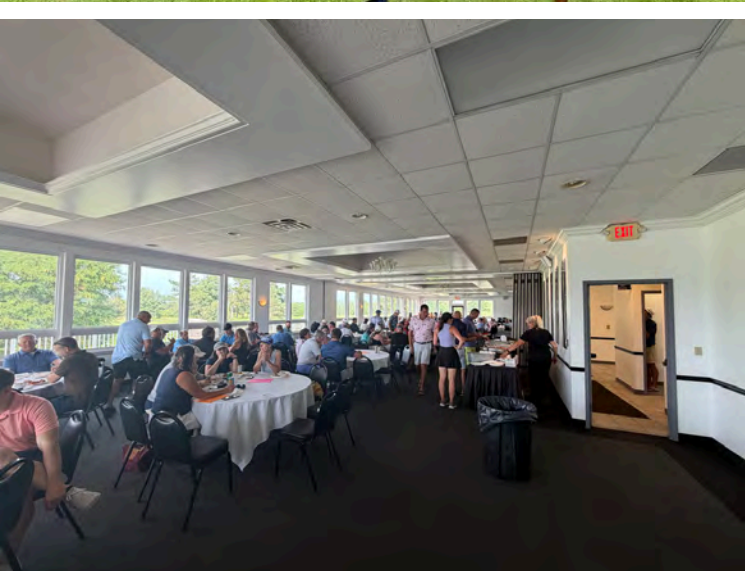
FOR SPONSORING THE HOLE-IN-ONE CONTEST

JEMM Construction









Use the Tool, Keep the Duty

Drawing the Ethical Line for Professional AI Use

Judge Eugene A. Lucci — Eleventh District Court of Appeals of Ohio

The author served as a commissioner of the Ohio Board of Professional Conduct through December 31, 2025. The views expressed are the author's own and are not those of the court or of the Board.

Ask a room of lawyers at an LCBA function whether they use generative artificial intelligence, and you will get two answers, both delivered with conviction. A few will say they use it every day. More will say — with a certain note of virtue — that they would never let it near their practice. What almost nobody says is the answer that actually decides the ethics: *it depends entirely on what you asked it to do, and on what you did afterward.*

That second answer, abstinence as ethics, is where I think a good many careful lawyers have gone wrong. It treats artificial intelligence as a contaminant rather than a tool, and it quietly swaps a question about conduct for a question about pedigree. The result is a lawyer who feels scrupulous while leaving the real risks — fabricated authority, breached confidences, unexamined judgment — entirely unaddressed.

The shortest correction I can offer is this: **AI may replace effort. It may not replace accountability.** The useful question is never whether a machine was in the room. It is what the machine did, what the lawyer was obliged to do, and who stands behind the result.

If that sounds permissive, take it up with our own regulator. The Ohio Board of Professional Conduct's April 2026 Ethics Guide states that "[t]he Ohio Rules of Professional Conduct do not prohibit lawyers from using artificial intelligence tools to assist them in providing legal services to clients," while cautioning that the tools must be used consistently with existing ethical obligations.¹ The American Bar Association landed in the same place: Formal Opinion 512 does not declare generative AI off limits, but applies the familiar duties — competence, confidentiality, communication, supervision, meritorious advocacy, candor, and reasonable fees — to lawyers who use it.²

Nothing in that inquiry is new. Only the tool is.

AI Can Replace Effort Without Replacing Responsibility

Professionals have always used tools and other people to extend their capabilities. Lawyers use associates, paralegals, investigators, research services, form books, spell-checkers, citation software, and electronic databases; physicians use laboratories, imaging systems, and diagnostic aids; engineers use modeling software. Generative AI is far more capable than most of those tools, but capability alone does not tell us whether its use is proper.

Consider a lawyer preparing for a complex commercial deposition. She gives an appropriately secured AI system thousands of pages of discovery and asks it to prepare a chronology, identify places where the witness's emails appear inconsistent with the contract documents, and suggest subjects for examination. The lawyer then returns to the source material, verifies the suggested inconsistencies, discards several that are meaningless, and develops her own examination.

What is the ethical problem?

There may be none. In fact, the AI may have enabled the lawyer to identify something that a tired human reader might have missed. The professional service was not the mechanical act of reading every page without technological assistance. It was understanding the evidence, exercising judgment, preparing competently, and representing the client.

Now change one fact. The system reports that an email contains a damaging admission. The lawyer never checks the email and confronts the witness with a quotation the model invented.

The technology did not change. *The lawyer's conduct did.*

The distinction is verification and responsibility. The Board's guidance puts the same point in operational terms: a lawyer "should never rely solely on the output of an AI tool without independently verifying it against the original source materials."³

The same principle applies to drafting. Asking AI to prepare a first version of a routine letter, summarize a contract, identify ambiguity in a proposed settlement agreement, improve awkward prose, suggest alternative headings, or locate inconsistencies is not intrinsically unethical. But submitting an AI-generated assertion without determining whether it is accurate may violate duties that existed long before anyone had heard of ChatGPT.

This is why "AI-generated" is often an ethically unhelpful label. It describes something about the means of production without telling us whether the resulting conduct was proper.

Assistance and Substitution Are Different Things

A physician whose clinical system flags a drug interaction, and who then investigates it, confirms its significance, discusses it with the patient, and adjusts treatment, has been assisted; the AI contributed to the decision, but the physician made it. The clinician who lets an automated system recommend medication changes and transmits them without meaningful review has done something else. The objection is not that a machine supplied information. It is that professional judgment was surrendered where judgment was required — which is why the American Medical Association speaks of "*augmented intelligence*."⁴ Engineering is the same. Software that catches an inconsistent load assumption is a useful tool; an engineer who seals calculations he never independently evaluated has certified without doing the work that certification represents.

AI may appropriately augment expertise. It should not become a device for pretending expertise was exercised when it was not. Ohio's rule is to the same effect: a lawyer's independent professional judgment "should never be delegated to AI and always remains the responsibility of the lawyer."⁵

The Human-Assistant Test

There is a useful test for many AI questions: *replace the AI with a human assistant and ask whether the underlying conduct would still be proper.*

Suppose a lawyer gives highly confidential merger information to a stranger with no obligation to protect it. That would present an obvious confidentiality problem. Feeding the same information into an external AI service without understanding its privacy, retention, or data-use protections does not become acceptable merely because no human face appears on the other side of the transaction. Prof.Cond.R. 1.6 requires reasonable efforts to prevent unauthorized

disclosure, and the Board specifically warns that some AI platforms — particularly free or public versions — do not treat user prompts or generated results as confidential, and that some vendors’ terms permit the provider to use and disclose submitted information.⁶

Suppose a junior associate researches a proposition and gives a partner a case citation. The partner blindly files a brief containing the citation without reading the decision. If the case does not exist or does not support the proposition, “the associate gave it to me” is not much of an excuse. “ChatGPT gave it to me” is no better.

But the human-assistant analogy has limits. AI can hallucinate with remarkable confidence; operate at industrial scale; retain or expose information in ways users may not understand; reproduce biases hidden in its training or design; generate synthetic identities and evidence; and produce vast quantities of plausible material almost instantaneously. These characteristics justify AI-specific safeguards.

Still, the rule should normally target the *risk* — confidentiality, fabrication, bias, deception, lack of verification — not AI participation in the abstract.

A More Useful Ethics Framework

Rather than asking whether AI was involved, we can ask six questions:

1. *Was AI permitted for this particular task?* A contract, court rule, standing order, employer policy, or other requirement may expressly limit its use.
2. *Was protected information safeguarded?* Confidentiality, privilege, privacy, trade secrets, sealed information, and protected personal data do not lose their protection when entered into a prompt.
3. *Did a competent human meaningfully review and verify the output?* The more consequential the decision, the more rigorous the review should be.
4. *Was the nature of the assistance misrepresented?* Nondisclosure is not necessarily deception when disclosure is not required. An affirmative false representation is different.
5. *Did AI assist professional judgment or replace a judgment that the human was required to make?*
6. *Who accepts responsibility for the final product or decision?*

These questions produce more useful answers than a binary declaration that something was either “human-generated” or “AI-generated.”

They also distinguish three concepts that are too often collapsed. Some AI uses are *actually prohibited*, because they violate a law, rule, professional obligation, contractual promise, confidentiality requirement, or explicit policy. Others may be *ethically improper* even if no enactment contains the words “artificial intelligence”; a lawyer who knowingly relies upon an unreliable system in a matter involving substantial risk may behave irresponsibly in the absence of any AI-specific rule. Still others are merely *controversial but permissible*. A lawyer may use AI to make prose more concise. A consultant may have it suggest alternative presentations of an

analysis. Someone may dislike those practices without being able to identify a legal or ethical duty they violate.

Disapproval is not the same thing as prohibition.

Abstinence Is Not a Safe Harbor

There is a caution on the other side of this ledger, and it is one I rarely hear discussed. The duty of technological competence runs in both directions. Prof.Cond.R. 1.1, cmt. [8] requires a lawyer to keep abreast of the benefits *and* the risks of relevant technology. Benefits are half of that sentence.

Consider the analogy of electronic mail, once it was well established rather than novel. A lawyer who insisted on drafting a formal letter, printing it, affixing postage, driving it to the post office, arranging for a return receipt, and waiting days for delivery — and who billed the client for all of it — when a single email would have accomplished the same purpose, was not being careful. That lawyer was charging the client for the cost of his own refusal to learn. Prof.Cond.R. 1.5(a) prohibits a clearly excessive fee, and the first factor in the analysis is the time and labor *required*. Time that was not required is difficult to defend. The Board’s guidance quotes the settled principle: where the basis for billing has been agreed to, “the economies associated with the result must inure to the benefit of the client.”⁷

I would not overstate this. Ohio, unlike the Model Rules, retains the “clearly excessive” standard — a fee is clearly excessive only when a lawyer of ordinary prudence would be left with a definite and firm conviction that it exceeds a reasonable fee — and no Ohio authority has held that declining to use AI produces such a fee. There are also legitimate reasons to decline: the Board is explicit that lawyers are not required to use AI; a client may ask that these tools not be used in the matter, and that request should be respected; confidentiality may counsel against a particular platform; and the Board observes that general-purpose legal research remains a poor use case at present. The exposure is greatest where a lawyer bills hours for work the lawyer’s own lack of skill made slow, and in flat-fee arrangements, which must still be reasonable when the underlying labor has collapsed.

The narrower point is enough. A lawyer may decline these tools for considered reasons of confidentiality, reliability, or client instruction. Fear, ignorance, and uncertainty are not among them, and they are not a professional position. Refusing to learn what a tool does is itself a competence question — and eventually, a fee question.

Where the Real Exposure Lies

For Ohio lawyers the concrete risk is not that someone will discover you used a tool. It is fabrication that no one checked. Lawyers in other jurisdictions have been sanctioned and disciplined for filing fictitious citations and propositions of law — and, as of March 2026, so has a lawyer here. *State v. Coleman*, 2026-Ohio-965 (11th Dist.), is the first reported Ohio decision sanctioning a licensed attorney for AI-related misconduct in a court filing; the Supreme Court of Ohio has allowed the appeal, 2026-Ohio-2745.⁸ The ethical hooks are familiar ones: a knowingly false statement of law implicates Prof.Cond.R. 3.3(a), and fabricated citations may also implicate Prof.Cond.R. 8.4(c) and 8.4(d); reliance on a hallucinated citation, argument, or proposition to

support a claim or defense may render it frivolous under Prof.Cond.R. 3.1.⁹ If you later learn that a filing contains such an error, tell the court and opposing counsel immediately.

Two practical points follow. First, verification is a duty of competence and diligence under Prof.Cond.R. 1.1 and 1.3 — cross-check citations, quotations, holdings, and propositions against the original sources, and apply the same discipline when AI is used to *summarize* pleadings, briefs, or transcripts. Second, check the local rules. Prof.Cond.R. 3.4 requires compliance with court orders, and Ohio courts have begun adopting AI provisions. This court has published for comment a local rule requiring every filing to certify that its citations exist, its quotations are accurate, and its record assertions are supported; the text is in your packet. At the trial level, one common pleas judge requires counsel to certify that no filing will be drafted by generative AI, or that any AI-drafted language — including quotations, citations, paraphrased assertions, and legal analysis — will be checked for accuracy by a human being using print reporters or traditional databases before submission.¹⁰

Supervisors have their own exposure. Prof.Cond.R. 5.1 and 5.3 require lawyers with managerial authority to make reasonable efforts to ensure that firm lawyers and nonlawyer assistants conform to the Rules — which in practice means firm policies, training, and supervision covering AI use, and extends to outside vendors.¹¹

The Best Objection

The strongest argument against everything above deserves a hearing. My framework assumes that effort and judgment are separable — that AI can absorb the labor while the professional retains the judgment. Sometimes they are not separable. The effort of reading the record is not merely an input to judgment; it is substantially how judgment is formed. A lawyer who reads a summary and then “verifies” it has not done the same cognitive work as the lawyer who read the file. There is also a well-documented tendency toward automation bias and automation-related complacency: users can over-rely on automated output and inadequately monitor or independently verify it, which is a genuine argument that a rule keyed to verification will underdeter.¹²

I think the answer is not to abandon the distinction but to give it a limit. Some tasks are *constitutive* of the professional role rather than merely effortful, and for those, delegation is improper no matter how careful the after-the-fact review. Identifying which tasks those are is the real work — and it is a far more productive inquiry than asking whether a machine touched the document.

Technology Changes Faster Than Duties

Attempts to write ethics rules around particular models, or particular percentages of AI-generated language, are likely to age badly. Today’s generative systems will look primitive in a few years. The line between “AI tool” and ordinary software may itself become difficult to draw as generative capabilities are absorbed into word processors, research platforms, cameras, accounting software, and operating systems.

The durable rule is therefore not “AI shall not be used.” It is much closer to this:

Use the tool if the task permits it. Understand enough about the tool to use it competently. Protect information entrusted to you. Verify what needs verification. Do not misrepresent what you did. Do not delegate a judgment that the law or your profession requires you to make. And accept responsibility for the result.

That approach is neither pro-AI nor anti-AI. It is pro-accountability.

And professional accountability, unlike technology, is not new.

A Quick Ohio Checklist

Prof.Cond.R. 1.1 & cmt. [8] — Competence. Keep abreast of the benefits and risks of relevant technology; verify AI output against original sources.

Prof.Cond.R. 1.4 — Communication. AI use may warrant disclosure to the client where it materially affects how the representation is conducted or the work product is produced; always answer a client’s direct question about it.

Prof.Cond.R. 1.5 — Fees. Bill only for time actually spent, not the time the task would have taken without AI; economies gained must inure to the client. The duty runs both ways — billing for labor made unnecessary by available tools invites its own scrutiny. Ordinary AI tool costs are usually overhead.

Prof.Cond.R. 1.6 — Confidentiality. Make reasonable efforts to prevent unauthorized disclosure; review vendor terms; anonymize; consider informed consent.

Prof.Cond.R. 2.1 — Independent Judgment. Judgment may not be delegated to a tool.

Prof.Cond.R. 3.1, 3.3, 8.4(c)–(d) — Frivolous Filings and Candor. Fabricated citations, quotations, or propositions of law may implicate all of these; correct errors promptly.

Prof.Cond.R. 3.4 — Compliance with Court Rules. Check local rules and standing orders on AI use and disclosure.

Prof.Cond.R. 5.1 & 5.3 — Supervision. Make reasonable efforts to ensure that subordinate lawyers, staff, and vendors comply.

¹ Ohio Bd. of Prof. Conduct, *Artificial Intelligence for Lawyers and Judicial Officers* (Ohio Ethics Guide, Apr. 2026), at 1, https://www.bpc.ohio.gov/_files/ugd/c6a571_4e12e5f9a0104eaebe9351007c899b4f.pdf (last visited Aug. 20, 2026). Ethics Guides provide nonbinding advice from Board staff and do not reflect the views of the Board, its commissioners, or the Supreme Court of Ohio.

² ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, *Generative Artificial Intelligence Tools* (July 29, 2024), https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/ethics-opinions/aba-formal-opinion-512.pdf (last visited Aug. 20, 2026).

³ Ohio Ethics Guide, *supra* note 1, at 2.

⁴ American Medical Association, *Augmented Intelligence in Medicine*, <https://www.ama-assn.org/practice-management/digital-health/augmented-intelligence-medicine> (last visited Aug. 20, 2026).

⁵ Ohio Ethics Guide, *supra* note 1, at 5 (discussing Prof.Cond.R. 2.1).

⁶ *Id.* at 3 (discussing Prof.Cond.R. 1.6 and cmts. [18]–[19]).

⁷ Ohio Ethics Guide, *supra* note 1, at 5–6 (quoting ABA Formal Op. 93-379 and discussing Prof.Cond.R. 1.5(a)); *see also* Prof.Cond.R. 1.5(a) (a fee is clearly excessive when a lawyer of ordinary prudence would be left with a definite and firm conviction that the fee is in excess of a reasonable fee).

⁸ *See Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443 (S.D.N.Y. 2023) (sanctions); *People v. Crabill*, No. 23PDJ067, 2023 WL 8111898, at *1 (Colo. O.P.D.J. Nov. 22, 2023) (discipline); *Park v. Kim*, 91 F.4th 610, 615 (2d Cir. 2024).

⁹ Ohio Ethics Guide, *supra* note 1, at 6.

¹⁰ *Id.* at 7 & n.7 (quoting a Cuyahoga County Court of Common Pleas certification requirement).

¹¹ *Id.* at 7 (discussing Prof.Cond.R. 5.1, 5.3, and 1.6).

¹² Kate Goddard, Abdul Roudsari & Jeremy C. Wyatt, *Automation Bias: A Systematic Review of Frequency, Effect Mediators, and Mitigators*, 19 J. Am. Med. Informatics Ass'n 121, 121 (2012), <https://doi.org/10.1136/amiajnl-2011-000089>; Christopher D. Wickens et al., *Complacency and Automation Bias in the Use of Imperfect Automation*, 57 Hum. Factors 728 (2015), <https://doi.org/10.1177/0018720815581940>.



LAKE COUNTY BAR ASSOCIATION
CLE
CONTINUING LEGAL EDUCATION

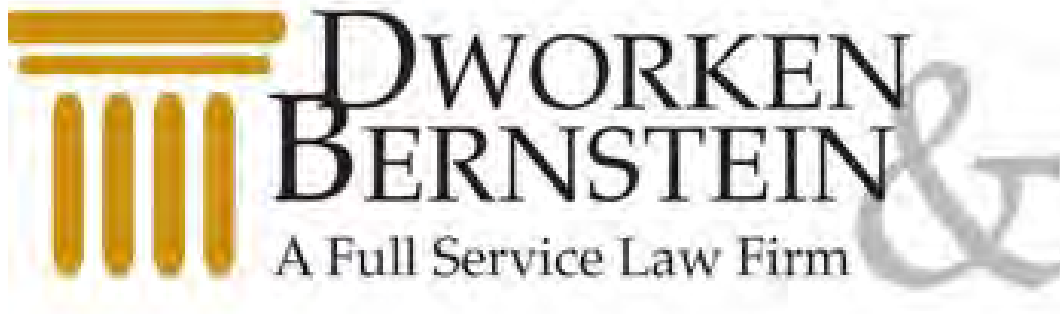
Remain current, satisfy your credit requirements, and strengthen your practice through Continuing Legal Education designed to support your professional workflow.

Wednesday, September 30th @ 12pm
CLE - Immigration Law Considerations
for Criminal Defense Attorneys
w/ Patrick Espinosa

Thursday, October 15th
2026 Common Pleas Seminar

Thursday, October 29th
Probate CLE

UPCOMING LCBA EVENTS



An established Northeast Ohio law firm in Lake County with offices in Painesville and Cleveland seeks a motivated, self-starting associate attorney at least one to five years' experience in domestic relations, in Cuyahoga, Geauga and Lake counties. Successful candidate will possess solid domestic and family law knowledge, have actual trial experience, strong communication and people skills, and be able to independently manage a significant existing case load. Excellent benefits package and work environment with salary commensurate with experience.

Send resume and writing sample to: Kristy Keeper, Office Manager, Dworken & Bernstein, Co., LPA, 60 South Park Place, Painesville, Ohio 44077 or email to: kkeeper@dworkenlaw.com. No phone calls. An Equal Opportunity Employer.

The Lake County Public Defender's Office, located in Painesville, Ohio, has an immediate opening for a full-time attorney to represent clients in its misdemeanor division. Yearly salary starts at \$75,000, commensurate with experience.

Assistant Lake County Public Defender - Misdemeanor Division

Job responsibilities include representing indigent clients in misdemeanor criminal cases at all stages of the criminal process, including arraignments, discovery, motion hearings, pleas, trials, sentencings and post-sentencing hearings; conducting client interviews and gather relevant information for case preparation; reviewing discovery and conducting investigations in conjunction with staff investigator; researching and analyzing legal issues related to assigned cases; drafting legal documents for court filings; negotiating plea agreements with prosecutors when appropriate; advocating for clients' rights and best interests throughout the legal process; and working collaboratively with other members of the defense team, including investigators, paralegals, social workers, law clerks and legal interns.

Experience and Skills: Juris Doctor (J.D.) degree from an accredited law school; licensed to practice law in Ohio; strong written and verbal communication skills; legal research, writing and oral advocacy skills; ability to work independently and manage a caseload effectively; commitment to providing quality legal representation to underprivileged individuals; knowledge of criminal law and procedures, evidence and professional responsibility and ethics; and excellent judgment and interpersonal skills with the ability to communicate and work effectively with clients, office personnel, court personnel, prosecutors, law enforcement, probation officers, social workers and the general public.

Pay: The salary varies depending upon the number of years of experience as a criminal defense attorney, but the minimum starting salary is \$75,000.

Work Hours: Normally 8 a.m. to 4:30 p.m., Monday - Friday, but longer hours may be required with evening or weekend work depending upon status of cases.

Benefits: Retirement through Ohio Public Employees Retirement System; Health Insurance (includes medical, dental and eye); Employee Assistance Program; Life Insurance, Paid Time Off via Vacation, Sick, Personal Days and Federal and State Holidays, Continuing Education Credits; and Loan Forgiveness.

Please submit cover letters and resumes to Chief Assistant Lake County Public Defender Concetta F. Rogazione via email at concetta.rogazione@lakecountyohio.gov or call the office at 440-350-3200 for more information.

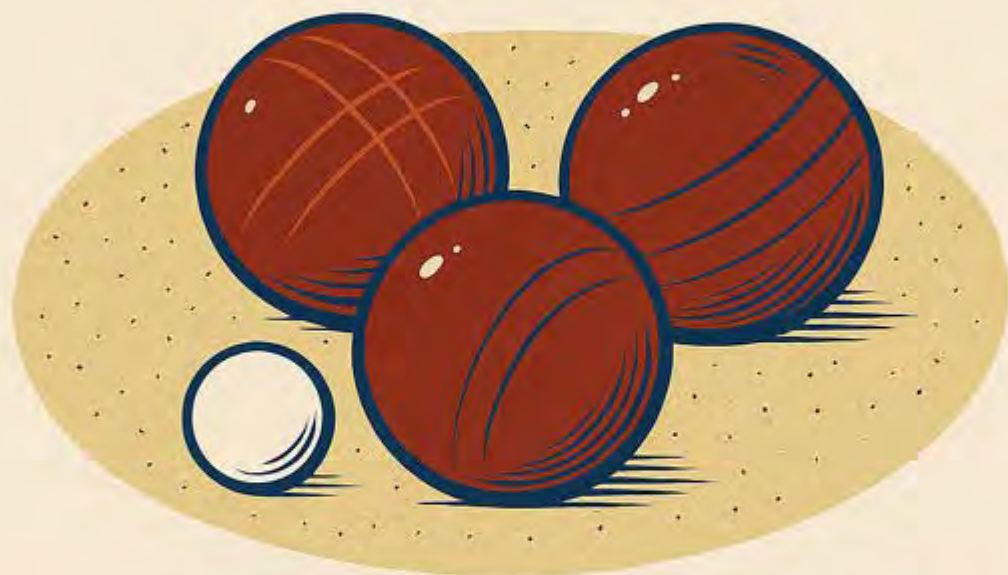
September Birthdays



Jenny Azouri	2
Christine Tibaldi	3
Michael Judy	4
John Lobur	9
Eric Amery	10
Robert Boyd	12
Lynne Yohe	12
Honorable Francine Bruening	13
James Richlak	13
Concetta Rogazione	17
Michelle Gerred	18
Kimberly Baioni	22
Michael Germano	24
Matthew Lallo	28

Welcome
to our
New Members

LCBA BOCCE BALL NIGHT



**CLUB MOLISANI CHARITIES
29101 EUCLID AVE.
WICKLIFFE, OH 44092**

OCTOBER 22, 2026 • 5PM–8PM

**COST: FREE FOR LCBA MEMBERS
RSVP TO LCBA OFFICE.
MORE DETAILS TO FOLLOW.**

SETTLEMENT WEEK



MEDIATOR VOLUNTEER FORM

Monday, November 30, 2026 through Friday, December 4, 2026
LAKE COUNTY COMMON PLEAS COURT

I would like to serve as a mediator on the following dates:

	Whole Day	A.M. Only (9:00-10:30; 10:30-Noon)	P.M. Only (1:00-2:30; 2:30-4)
Mon., Nov. 30, 2026	()	()	()
Tues., Dec. 1, 2026	()	()	()
Wed., Dec. 2, 2026	()	()	()
Thu., Dec. 3, 2026	()	()	()
Fri., Dec. 4, 2026	()	()	()

I would prefer to mediate the following types of cases: (check all that apply)

() Personal Injury () Workers' Compensation () Other
() Real Estate () Business Litigation _____

NAME (print): _____

EMPLOYER: _____

ADDRESS: _____

PHONE NO.: _____

FAX NO.: _____

E-MAIL ADDRESS: _____

Please return this form by November 3, 2026 to:

Magistrate Christopher Tucci
53 East Erie Street
Painesville, OH, 44077
Phone: 440-350-3139
Facsimile: 440-350-2724
E-mail: ctucci@lakecountyohio.gov

NOTICE OF VACANCY

801 West Superior Avenue
Cleveland, Ohio 44113
www.ohnd.uscourts.gov



The U.S. District Court for the Northern District of Ohio currently holds court in Cleveland, Akron, Toledo, and Youngstown and serves the 6 million citizens of the 40 most northern counties in the state. It is among the 17 largest U.S. district courts.

HOW TO APPLY

Applicants may apply by submitting ONE PDF document to apply@ohnd.uscourts.gov containing the following:

- Cover Letter
- Resume
- Three professional references with contact information
- Two writing samples; each no more than 15 pages (please do not submit law review articles)
- Application for Federal Judicial Branch Employment found [HERE](#)

ALL DOCUMENTS MUST BE PROVIDED TO BE CONSIDERED FOR THIS POSITION

TERM LAW CLERK TO U.S. DISTRICT JUDGE VACANCY #26-35

Duty Station: Cleveland, Ohio **Posted:** August 20, 2026
Status: Full-time Temporary **Closing Date:** Open Until Filled
Classification: JSP 12 – JSP 13 **Salary Range:** \$93,461 - \$111,138

Compensation will be set based on the experience and qualifications of the successful candidate subject to the policies and guidelines set forth in the Judiciary Salary Plan.

POSITION OVERVIEW

The U.S. District Court for the Northern District of Ohio is accepting applications for the position of Term Law Clerk to U.S. District Judge Pamela A. Barker, located in Cleveland, Ohio. The ideal start date for this law clerk appointment is January 11, 2027. This position is anticipated to be a one-year term with potential for extension at the discretion of the successful applicant and Judge Barker. **Judge Barker will not consider applicants who are currently in law school.**

DUTIES AND RESPONSIBILITIES

The primary duties of the position include traditional law clerk responsibilities such as researching substantive issues of federal and state law, drafting legal memoranda, opinions, and orders, and attending court proceedings. Additional duties include interacting with chambers' staff, court personnel, litigants and/or the public, and generally providing trusted legal support to the Judge. The selected candidate may perform other duties as assigned. The successful candidate must exhibit the highest standards of excellence and integrity, and display, always and to all persons, a courteous, professional, and cooperative attitude.

QUALIFICATIONS

(Qualifications must be met at the time of application)

For consideration, candidates must be law school graduates from an ABA accredited law school with excellent academic credentials. Candidates also must possess:

- 1) Superior analytical ability and strong research and writing skills. The ability to prepare bench memoranda and draft opinions on complex civil cases is critical to this position. Applicants must have significant research and writing experience, as well as a demonstrated ability to work proficiently and independently on complex matters.
- 2) Proficiency in computer and word processing skills.

JUDICIARY BENEFITS

- Paid Holidays (11)
- Pre-Tax Benefit Programs
- Health Insurance
- Vision Insurance
- Dental Insurance
- Group Life Insurance
- Long-Term Care Insurance
- Commuter Benefits
- Fitness center

CONDITIONS OF EMPLOYMENT

- Applicants must be U.S. citizens or eligible to work without restriction in the United States.
- Completion of FBI background check with law enforcement agencies including fingerprint and criminal records check.
- Employment is considered provisional until the background check is complete.
- Employees of the federal judiciary must adhere to all Judicial Conference regulations, follow the policies in the Guide to Judiciary Policy, and are bound by the Code of Conduct for Judicial Employees.
- Employees are considered "at will".
- Employees are required to use direct deposit for payroll.

QUALIFICATIONS CONTINUED

- 3) Ability to work independently in a production oriented high-volume work environment.
- 4) Membership in a Bar of a state, territorial, or Federal Court of general jurisdiction; and
- 5) At least two years of legal work or experience in a comparable position emphasizing legal writing and research.

PREFERRED QUALIFICATIONS

- Prior federal clerkship

OTHER

Due to the high volume of applications received, the Court will only contact those who will be considered for interviews. Applicants selected for interviews must travel at their own expense and relocation expenses will not be reimbursed. Interviews may take place in-person or via Zoom.

The Court reserves the right to fill more than the advertised number of positions with this announcement, may modify the conditions of this job announcement, or may withdraw the announcement, any of which may occur without prior written or other notice.

PREMIUM OFFICE SUITE

FOR 1–3 PROFESSIONALS | PINECREST EAST | \$1,600/MONTH

Newly built modern office spaces designed for attorneys and/or business professionals who demand professionalism without compromise. Full-length windows flood your offices with natural light- the kind that impresses clients from day one. Each suite includes use of conference rooms for client meetings, support staff stations to streamline your workflow, and heated interior parking for year-round convenience. Move-in ready. Flexible terms. Professional environment.

\$1,600/month — includes conference rooms, dedicated parking, and support staff workspace.

Limited availability-

Schedule Your Private Tour Today

Rob Somogyi | 216-241-9711 x104 | RSOM8@SBCGLOBAL.NET



We are here for you.

You have clarity on your life goals. You know the lifestyle you want to lead and the legacy you want to build. It's our job to get you there.

We offer bespoke financial planning, wealth management, and asset protection.

At Carver Financial Services, your vision lives at the center of everything we do.



CARVER
FINANCIAL
SERVICES

**Your Vision.
Our Priority.**

T: 440 974 0808

7473 Center St. Mentor, OH 44060

CarverFinancialServices@RaymondJames.com

CarverFinancialServices.com

Securities offered through Raymond James Financial Services, Inc. (Member FINRA/SIPC). Investment advisory services are offered through Raymond James Financial Services Advisors, Inc. Carver Financial Services, is not a registered broker/dealer and is independent of Raymond James Financial Services.



UNITED WAY
Lake County

*Lake County Department of
Job & Family Services 23rd Annual*

Chili COOK OFF

Benefiting United Way of Lake County

50/50 RAFFLE! RAFFLE PRIZES!

WEDNESDAY, OCTOBER 28
11:30 AM - 1 PM
177 MAIN ST, PAINESVILLE

ALL LAKE COUNTY EMPLOYEES WELCOME TO JOIN
THE FUN & VOTE FOR YOUR FAVORITE CHILI!
A SUGGESTED GOOD WILL DONATION OF
\$3 OR MORE IS APPRECIATED

MAKE THE BEST CHILI TO WIN \$100 GIFT CARD
& BRAGGING RIGHTS FOR ONE YEAR!

ENTER YOUR CHILI IN THE COOKOFF!

**EMAIL SHAWN.DOUGLAS@JFS.OHIO.GOV
BY 10/20 TO ENTER THE COMPETITION!**

**LEGAL PROCESS &
LOCATOR SERVICES**

Experienced - Attorney Referrals

Daniel F Ponstingle
8373 Mentor Avenue
Mentor, Ohio

(216) 255-3325

Lake Legal Views

Editorial Staff

Editor

Mirela Turc Rudary

Judicial Coordinator

Judge John Trebets

LCBA Executive Director

Heikki Talikka

2025 - 2026 LCBA Executive Board

President

Christopher Tucci

Vice President

Josephine Begin

Treasurer

Beckie Castell

Secretary

Mirela Turc Rudary

Past President

Lydia Gross

Trustee

Sue Seacrist

Trustee

Jessica Wright

Trustee

Stephan Komarjanski

District 18 Board of Governors

Anna M. Parise

Lake County Bar Association

Courthouse West Annex

P.O. Box 490

Painesville, Ohio 44077

(440) 350-5800 or (440) 350-2180