

Brian F. Toohey

Attorney at Law

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Brian Toohey's law practice focuses on defense of attorney malpractice claims and disciplinary proceedings. He also advises lawyers and law firms on risk management issues. He is a frequent speaker and writer on the subjects of malpractice liability, legal ethics and professionalism.

Brian also offers risk management consulting services to professional liability insurers and brokers. Prior to his December 2012 retirement from international law firm Jones Day, he served as that firm's claims counsel and partner with principal responsibility for professional liability risk management for over 20 years.

During his career at Jones Day, Brian served for a number of years as the head of the firm's insurance coverage practice. Brian's representation of other law firms and lawyers included advising on insurance placement, claims handling, and resolution of coverage disputes.

In addition to his law practice and risk management consulting work, Brian is available to mediate or arbitrate commercial disputes. He has successfully resolved major commercial

disputes through arbitration and mediation. He is certified by Ohio Community Mediation Services and has mediated numerous cases for the Common Pleas Court of Cuyahoga County.

Brian is the Co-Chair of the Multijurisdictional Practice Subcommittee of the Ethics and Professionalism Committee of the American Bar Association's Section of Litigation. He also serves on the Advisory Board of the Miller-Becker Institute for Professional Responsibility.

Brian chaired the Cleveland Bar Association's Ethics and Professionalism Committee during Ohio's transition from a Code state to a Rules state and is editor of the "Ohio Legal Ethics Narrative", available through LexisNexis. He is a member of the ABA (Litigation Section), the New York State Bar Association, the Ohio State Bar Association, and the Cleveland Metropolitan Bar Association. He has been listed in Who's Who in American Law and Ohio Super Lawyers (professional liability).

AREA OF FOCUS

Legal Ethics; Risk Management for Lawyers and Law Firms; Lawyers Professional Liability (defense); Mediation and Alternative Dispute Resolution (ADR); Insurance Coverage Litigation

RECENT PUBLICATIONS

- More Free Advice From the Board, *Bar Journal of the Cleveland Metropolitan Bar Association* (January 2014)
- The Urge to Merge Part 2: After the Handshake, *Beazley Brief* (Issue 33, January 2014)
- The Urge to Merge: Essential Pre-Merger Prep, *Beazley Brief* (Issue 32, October 2013)
- What I Heard at the Symposium on Ethics 20/20 and Uncertain Times, *Bar Journal of the Cleveland Metropolitan Bar Association* (June 2013)
- The ABCs of MJP and UPL, *Bar Journal of the Cleveland Metropolitan Bar Association* (October 2012)
- Principal author of Comments to ABA Commission on Ethics 20/20 on proposed amendment to ABA MR 5.5(d) regarding temporary admission for lawyers previously admitted elsewhere and moving to another jurisdiction (May 2012)
- Case Note, New York's In-State Office Requirement for Nonresident Attorneys May Be Unconstitutional, *Schoenefeld v. New York*, *American Bar Association* (August 2010)
- Principal author of Comments to ABA Commission on Ethics 20/20 Working Groups

proposed amendments to ABA MR 5.5 on admission pro hac vice of foreign lawyers, *American Bar Association* (June 2010)

- Golf, A Mother's Love, And Why You Should Not Have Telephone Sex With Clients, *Bar Journal of the Cleveland Metropolitan Bar Association* (April 2010)
- Safe Harbors Shrinking For Pro Hac Vice Litigators, *American Bar Association* (February 2010)

- Too Many Clients, *Bar Journal of the Cleveland Metropolitan Bar Association* (November 2008)
- Road Work: MJP Five Years Later, *Cleveland Bar Journal* (December 2007)
- Ohio Goes its Own Way on Misconduct Prohibition and Disclosure Obligations, *Cleveland Bar Journal* (March 2007)

EDUCATION

Cornell University (J.D. 1969; Editor-in-Chief, Law Review)

Niagara University (B.S. magna cum laude 1966)

BAR ADMISSIONS

1980 Ohio

1978 New Mexico (inactive)

1969 New York

PRIOR LEGAL EXPERIENCE

Jones Day, Cleveland, OH (Partner 1981-2010; Of Counsel 2011-2012 and 1979-1980)

Felker & McFeeley, Santa Fe, NM (1977-1979)

Cohen Swados, Buffalo, NY (1973-1977)

United States Navy Judge Advocate General's Corps (1970-1973)

White & Case, New York, NY (1969-1970)

COMMUNITY ACTIVITY

Member, Advisory Board, Miller-Becker Center for Professional Responsibility, University of Akron, School of Law

Member, American Bar Association (Past Chair and Current Co-Chair, Multijurisdictional Practice Subcommittee of the Ethics and Professionalism Committee of the Section of Litigation); Ohio State Bar Association; New York State Bar Association and Cleveland

Metropolitan Bar Association (Past Chair and current member, Ethics and Professionalism Committee)

Officer, Catholic War Veterans of the U.S.A., Department of Ohio and Post 1954

Member, Western Reserve Society, Sons of the American Revolution

Former Board Member and Treasurer, Greater Cleveland Interchurch Council