

SUPREME COURT OF OHIO

Cleveland Bar Ass'n v. Washington

107 Ohio St. 3d 90 (Ohio 2005) · Decided November 23, 2005

SUMMARY

The Supreme Court of Ohio held that Nathaniel Washington engaged in the unauthorized practice of law by providing legal advice and preparing domestic-relations pleadings without authorization to practice law in Ohio. The court adopted the findings and conclusions of the Board on the Unauthorized Practice of Law and enjoined Washington from further engaging in such conduct, taxing costs to him.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Moyer, C.J.; Resnick, J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.; Lanzinger, J.
JURISDICTION	Ohio
DECIDED	November 23, 2005
DISPOSITION	other
PROCEDURAL POSTURE	The Cleveland Bar Association initiated an unauthorized-practice-of-law proceeding against Nathaniel Washington. After the Board on the Unauthorized Practice of Law made findings and recommended an injunction, the matter was submitted to the Supreme Court of Ohio under its original jurisdiction.
PRECEDENTIAL VALUE	precedential
PARTIES	Cleveland Bar Association v. Nathaniel Washington

TOPICS

- family law procedure
- divorce
- dissolution of marriage
- remedies
- constitutional law

PRACTICE AREAS

- unauthorized practice of law
- family law

QUESTIONS PRESENTED

1. Whether an unlicensed person who provides legal advice and prepares pleadings and other court documents for clients engages in the unauthorized practice of law under Ohio law.
2. Whether Washington should be enjoined from further conduct constituting the unauthorized practice of law.

HOLDINGS

1. Washington engaged in the unauthorized practice of law by providing legal advice and preparing legal documents for others without being licensed or otherwise authorized to practice law in Ohio.
2. Washington should be enjoined from further actions constituting the unauthorized practice of law.

KEY QUOTATIONS

“The unauthorized practice of law occurs when a person not licensed or otherwise permitted to practice law in Ohio renders legal services on another’s behalf.” (¶ 6)

“Respondent’s legal advice and preparation of legal documents constitute the unauthorized practice of law.” (¶ 7)

FACTUAL BACKGROUND

Nathaniel Washington was not licensed or otherwise authorized to practice law in Ohio. While operating as Your Legal Assistant, he advised clients about the difference between divorce and dissolution, gathered information from them, and used that information to prepare pleadings and other documents for filing in domestic-relations proceedings. He charged at least \$402 for preparing a dissolution petition for one client and ceased assisting others after being notified of the bar association's claims.

PROCEDURAL HISTORY

The Cleveland Bar Association charged Washington and Christine Kovach with engaging in the unauthorized practice of law in the Cuyahoga County Court of Common Pleas, Domestic Relations Division. The charge against Kovach was dismissed for lack of evidence. The Board on the Unauthorized Practice of Law found that Washington had engaged in the unauthorized practice of law and recommended that he be enjoined. The Supreme Court of Ohio adopted the board's findings and conclusions, imposed an injunction, and taxed costs to Washington.

DISPOSITION

other

CASES CITED

- Richland Cty. Bar Assn. v. Clapp, 84 Ohio St. 3d 276, 278, 703 N.E.2d 771 (1998)
- Cleveland Bar Assn. v. Coats, 98 Ohio St. 3d 413, 2003-Ohio-1496, 786 N.E.2d 449, ¶ 3

OPINION

PER CURIAM.

Per Curiam. *91{¶ 1} On November 3, 2003, relator, Cleveland Bar Association, charged that respondent, Nathaniel Washington, and Christine Kovach had engaged in the unauthorized practice of law by counseling clients and preparing and filing legal documents in the Cuyahoga County Court of Common Pleas, Domestic Relations Division.

The charge against Kovach was dismissed for lack of evidence. The Board on the Unauthorized Practice of Law considered the cause and, based on the parties' exhibits and testimony, made findings of fact, conclusions of law, and a recommendation. {¶ 2} Respondent is not and never has been an attorney admitted to the practice of law, granted active status, or certified to practice law in the state of Ohio pursuant to Gov.Bar R. I, II, VI, IX, or XI.

Yet while doing business as Your Legal Assistant, respondent gave legal advice on several occasions to Kenneth Williams and Marselle Williams, separately and collectively, on the difference between a divorce and a dissolution. Respondent also gathered information from the Williamses that he used to draft their court pleadings and other documents for filing in the domestic relations court.

These pleadings were captioned In re Marriage of Williams, case No. D282513 in the Cuyahoga County Common Pleas Court, Division of Domestic Relations. {¶ 3} Respondent also met with Karra Kitchen, formerly Karra Vasquez, on several occasions over the course of a year and gave her advice on the difference between divorce and dissolution. Respondent also gathered information from Kitchen that he used to prepare her petition for dissolution.

These pleadings were captioned In re Marriage of Vasquez, ease No. DR02-286590 in the Cuyahoga County Common Pleas Court, Division of Domestic Relations. Respondent charged at least \$402 for his services to Kitchen. {¶ 4} Respondent testified that upon being notified of relator's claims against him, he immediately ceased attempting to assist others in their legal pursuits. {¶ 5} The board concluded that respondent's actions constituted the unauthorized practice of law and recommended that we enjoin respondent from engaging in the unauthorized practice of law in the future. {¶ 6} We adopt the board's findings and conclusions that respondent engaged in the unauthorized practice of law.

Section 2(B)(1)(g), Article IV of the Ohio Constitution confers on this court original jurisdiction over all matters related to the practice of law. The unauthorized practice of law occurs when a person not licensed or otherwise permitted to practice law in Ohio renders legal services on another's behalf. Gov.Bar R. VII(2)(A). Legal services include preparing pleadings and other papers for filing in court without the supervision of an attorney licensed in Ohio. Richland Cty.

Bar Assn. v. Clapp (1998), 84 Ohio St.3d 276, 278, 703 N.E.2d 771; Cleveland Bar Assn. v. Coats, 98 Ohio St.3d 413, 2003-Ohio-1496, 786 N.E.2d 449, ¶ 3. Russell A. Moorhead and William

Doslak, for relator. Nathaniel Washington, pro se. {¶ 7} Respondent's legal advice and preparation of legal documents constitute the unauthorized practice of law. Respondent is hereby enjoined from further actions constituting the unauthorized practice of law.

Costs are taxed to respondent. Judgment accordingly. Moyer, C.J., Resnick, Pfeifer, Lundberg Stratton, O'Connor, O'Donnell and Lanzinger, JJ., concur.