

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