

SUPREME COURT OF OHIO

Ohio State Bar Association v. Immigration Associates, L.L.C.

Ohio State Bar Ass'n v. Immigration Assoc., L.L.C., 132 Ohio St. 3d 476, 2012-Ohio-3304 (2012) · No. 2011-2194 · Decided July 24, 2012

SUMMARY

The Ohio Supreme Court approved a consent decree enjoining Immigration Associates, L.L.C., Barbara Abbitt, and Gerald Abbitt from engaging in the unauthorized practice of law. The respondents were specifically prohibited from preparing or marketing immigration forms and documents, rendering advice concerning such forms, and representing themselves as knowledgeable in immigration law; no civil penalty was imposed.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Chief Justice O'Connor; Justice Pfeifer; Justice Lundberg Stratton; Justice O'Donnell; Justice Lanzinger; Justice Cupp; Justice McGee Brown
JURISDICTION	Ohio
DECIDED	July 24, 2012
DOCKET	2011-2194
DISPOSITION	approved
PROCEDURAL POSTURE	The Ohio State Bar Association sought approval of a proposed consent decree recommended by the Board on the Unauthorized Practice of Law.
PRECEDENTIAL VALUE	published precedential opinion

TOPICS

[immigration](#) [remedies](#) [equitable relief](#)

PRACTICE AREAS

[unauthorized practice of law](#) [immigration law](#) [professional discipline](#) [remedies](#)

QUESTIONS PRESENTED

1. Whether the Supreme Court of Ohio should approve the proposed consent decree addressing respondents' unauthorized practice of law.
2. Whether respondents should be enjoined from marketing, selling, or preparing immigration forms and from rendering advice concerning immigration forms, applications, or petitions.

HOLDINGS

1. The Supreme Court of Ohio accepted the Board on the Unauthorized Practice of Law's recommendation and approved the parties' proposed consent decree.
2. Respondents were enjoined from activities constituting the unauthorized practice of law, including marketing, selling, or preparing immigration forms, applications, petitions, and supporting forms, and rendering advice concerning those documents.

FACTUAL BACKGROUND

Immigration Associates, L.L.C., operated an Ohio business that advertised assistance with immigration forms and related services. Its individual respondents were not attorneys and the business did not regularly employ an attorney. The respondents prepared an application for United States citizenship for a client for a fee, and the application allegedly contained multiple errors; the respondents also routinely prepared forms for submission to USCIS and the Department of State.

PROCEDURAL HISTORY

The Board on the Unauthorized Practice of Law issued a final report recommending approval of the parties' proposed consent decree. The Supreme Court of Ohio accepted the recommendation, approved the decree, enjoined respondents from specified unauthorized-practice activities, and taxed costs to respondents.

DISPOSITION

approved

OPINION

Ohio State Bar Ass'n v. Immigration Associates, L.L.C.

2012 Ohio 3304

PER CURIAM.

[Cite as Ohio State Bar Assn. v. Immigration Assoc., L.L.C., 132 Ohio St.3d 476, 2012-Ohio-3304.] OHIO STATE BAR ASSOCIATION v. IMMIGRATION ASSOCIATES, L.L.C. ET AL. [Cite as Ohio State Bar Assn. v. Immigration Assoc., L.L.C., 132 Ohio St.3d 476, 2012-Ohio-3304.] Unauthorized practice of law—Consent decree—Respondents enjoined from all activities constituting the unauthorized practice of law, including assisting others in preparation of documents relating to the immigration process. (No. 2011-2194—Submitted January 18, 2012—Decided July 24, 2012.) ON FINAL REPORT by the Board on the Unauthorized Practice of Law,

No. UPL 10-05. _____ Per Curiam. {¶ 1} Pursuant to Gov.Bar R. VII(5b), the Board on the Unauthorized Practice of Law has recommended our approval of a consent decree proposed by relator, Ohio State Bar Association, and respondents Immigration Associates, L.L.C., Barbara Abbitt, and Gerald Abbitt. We accept the board's recommendation and approve the proposed consent decree submitted by the parties as follows: {¶ 2} 1. Respondent Immigration Associates, L.L.C., was a limited- liability company organized according to the laws of Ohio and did business at 37 West Broad Street, Columbus, Franklin County, Ohio 43215. Barbara Abbitt was the sole employee of Immigration Associates. Pursuant to the articles of organization filed with the Ohio secretary of state, the individual members of Immigration Associates included Gerald Abbitt and Matthew Abbitt. {¶ 3} 2. Elizabeth Harris was a member of Immigration Associates but was not named in the articles of organization.

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{¶ 4} 3. Barbara Abbitt, Gerald Abbitt, and Matthew Abbitt are not and have never been admitted to the practice of law in Ohio or in any other state, and Immigration Associates did not employ any attorney in the regular course of its business. {¶ 5} 4. Matthew and Gerald Abbitt filed a "Registration of Limited Liability Company" and articles of organization to form Immigration Associates on January 21, 2004, for the following purpose: "To assist and represent foreign nationals in the immigration process including work authorization, permanent residence, and obtaining American citizenship." {¶ 6} 5. Immigration Associates maintained an office on the ground floor at 37 West Broad Street, across from the Columbus, Ohio office of the United States Citizenship and Immigration Services ("USCIS") with the display of its name, "Immigration Associates, LLC," and signage that offered its services for "Renewal Green Card/Work Authorization" and "Forms and Assistance," among other services. {¶ 7} 6. In June 2007, David Kalokoh, a citizen of Sierra Leone and a permanent resident of the United States, retained Immigration Associates to assist him with an application for citizenship to be filed with USCIS. {¶ 8} 7. Respondents prepared Kalokoh's application for United States citizenship and Kalokoh paid them a fee for doing so. {¶ 9} 8. Kalokoh submitted the application prepared by respondents to USCIS in June 2007 and later discovered that it contained a number of errors. Kalokoh complained to Barbara Abbitt about the mistakes, and she prepared an explanatory letter to USCIS for him to present at his interview. {¶ 10} 9. At the time the proposed consent decree was submitted, i.e., over four years later, Kalokoh's application for citizenship remained pending. {¶ 11} 10. Immigration Associates and the individual respondents, Barbara and Gerald Abbitt, regularly and routinely offer services to the public that 2 January Term, 2012 include the preparation of forms for submission to USCIS and the Department of State. These forms seek benefits pursuant to the Immigration and Nationality Act, 8 U.S.C. 1101 et seq. {¶ 12} 11. As a result of the activities of the respondents in Ohio, Kalokoh and other unnamed individuals have been subjected to the unauthorized practice of law. {¶ 13} 12. Respondents shall cease all activities that constitute the unauthorized practice of law and shall take the following steps within

the time specified: {¶ 14} A. Respondents shall immediately cease to conduct and market their business to prepare immigration forms, including applications, petitions, and supporting forms. {¶ 15} B. All signs, advertisements, and business cards in or around respondent's premises that advertise any service with regard to the preparation of or assistance with immigration forms, applications, petitions, or supporting documents shall be removed immediately. {¶ 16} C. Neither Immigration Associates, L.L.C., nor the individual respondents shall represent themselves or any current or future business owned by the individual respondents as knowledgeable in immigration law or practice. Respondents shall not advertise or engage in any business in which they prepare immigration forms, including applications, petitions, or supporting forms, for a fee. {¶ 17} D. No civil penalty shall be imposed. {¶ 18} It is hereby ordered: {¶ 19} 13. Respondents are enjoined from all activities that constitute the unauthorized practice of law, including: 3

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{¶ 20} A. The marketing, sale, or preparation of legal documents, including immigration forms, applications, petitions, and supporting forms, by or on behalf of Immigration Associates, L.L.C., or the individual respondents. {¶ 21} B. The rendering of advice regarding immigration forms, applications, or petitions. {¶ 22} 14. Costs of this matter are taxed to respondents pursuant to Gov.Bar R. VII(8)(A). Judgment accordingly.

O'CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O'DONNELL,
LANZINGER, CUPP, and MCGEE BROWN, JJ., concur. _____ Porter, Wright,
Morris & Arthur, L.L.P., and Robert H. Cohen; and Eugene Whetzel, for relator. Bowen & Keck
Law, L.L.C., and Heather L. Keck, for respondents. _____ 4