

SUPREME COURT OF OHIO

Ohio State Bar Assn. v. Cleminshaw

137 Ohio St. 3d 576, 2013-Ohio-5200 (2013) · No. 2013-1346 · Decided December 5, 2013

SUMMARY

The Supreme Court of Ohio approved a consent decree concerning John D. Cleminshaw's unauthorized practice of law while questioning a witness at a Wayne County Board of Revision hearing. The court enjoined him from examining witnesses or otherwise participating in such hearings in a manner constituting the unauthorized practice of law, while permitting him to attend as a consultant and advise board panel members. No civil penalty or costs were imposed.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	O'Connor, C.J.; Pfeifer, J.; O'Donnell, J.; Lanzinger, J.; Kennedy, J.; French, J.; O'Neill, J.
JURISDICTION	Ohio
DECIDED	December 5, 2013
DOCKET	2013-1346
DISPOSITION	approved
PROCEDURAL POSTURE	Original proceeding on the final report of the Board on the Unauthorized Practice of Law, arising from a proposed consent decree between the Ohio State Bar Association and John D. Cleminshaw.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Ohio State Bar Association v. John D. Cleminshaw

TOPICS

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PRACTICE AREAS

[unauthorized practice of law](#) [administrative law](#) [professional discipline](#) [real estate](#)

QUESTIONS PRESENTED

1. Whether the Supreme Court of Ohio should approve the proposed consent decree concerning Cleminshaw's unauthorized practice of law.
2. Whether Cleminshaw's questioning of a witness during a county board of revision hearing constituted the unauthorized practice of law and should be enjoined.

HOLDINGS

1. The court approved the proposed consent decree and enjoined Cleminshaw from examining witnesses or otherwise participating in a county board of revision hearing through conduct constituting the unauthorized practice of law.
2. An individual who is not authorized to practice law may not examine witnesses or otherwise participate in a county board of revision hearing through conduct constituting the practice of law.

KEY QUOTATIONS

“Respondent admits that his conduct constituted the unauthorized practice of law;” (¶ 1)

“Respondent shall not examine witnesses or otherwise participate in a County Board of Revision hearing through any conduct that would constitute the unauthorized practice of law;” (¶ 1)

FACTUAL BACKGROUND

John D. Cleminshaw was not an attorney admitted or otherwise authorized to practice law in Ohio. While retained as a consultant real estate appraiser by the Wayne County Board of Revision, he questioned or cross-examined Robert D. Mellinger, a witness appearing before the board. Cleminshaw admitted that this conduct constituted the unauthorized practice of law, ceased the conduct, cooperated with the investigation, and agreed not to engage in similar conduct in the future.

PROCEDURAL HISTORY

The Board on the Unauthorized Practice of Law recommended that the Supreme Court of Ohio approve a consent decree proposed by the parties. The court accepted the recommendation, approved the decree, enjoined the respondent from examining witnesses or otherwise participating in county board of revision hearings through conduct constituting the unauthorized practice of law, and imposed no civil penalty or costs.

DISPOSITION

approved