

SUPREME COURT OF OHIO

Cleveland Bar Ass'n v. Reed

94 Ohio St. 3d 139 (Ohio 2002) · Decided January 16, 2002

SUMMARY

The Ohio Supreme Court held that Tyrone E. Reed aided Cornell Moore in the unauthorized practice of law by associating Moore with Reed's law office, advertising Moore as an associate, and sharing legal fees with him. The court adopted the disciplinary board's findings and publicly reprimanded Reed, taxing costs to him.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Moyer, C.J.; Douglas, J.; Resnick, J.; F.E. Sweeney, J.; Pfeifer, J.; Cook, J.; Lundberg Stratton, J.
JURISDICTION	Ohio
DECIDED	January 16, 2002
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding initiated by the Cleveland Bar Association against Tyrone E. Reed for allegedly aiding Cornell Moore in the unauthorized practice of law. After a hearing, a panel of the Board of Commissioners on Grievances and Discipline found violations, recommended a public reprimand, and the board adopted that recommendation. The Supreme Court of Ohio reviewed the record and adopted the board's findings, conclusions, and recommendation.
STANDARD OF REVIEW	Review of the record and adoption of the board's findings, conclusions, and recommendation.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion; binding precedent in Ohio to the extent of its legal rules.

TOPICS

administrative law agency adjudication judicial review of agency action

PRACTICE AREAS

legal ethics attorney discipline unauthorized practice of law

QUESTIONS PRESENTED

1. Whether Reed aided Moore in the unauthorized practice of law.
2. Whether Reed improperly shared legal fees with a nonlawyer.
3. Whether Reed engaged in conduct prejudicial to the administration of justice.
4. What disciplinary sanction was appropriate in light of the violations and mitigating circumstances.

HOLDINGS

1. Reed violated DR 3-101(A) by aiding Moore in the unauthorized practice of law, DR 3-102 by sharing legal fees with a nonlawyer, and DR 1-102(A)(5) by engaging in conduct prejudicial to the administration of justice.
2. A public reprimand was the appropriate sanction.

FACTUAL BACKGROUND

Tyrone E. Reed leased office space to Cornell Moore, a Pennsylvania lawyer who was not authorized to practice law in Ohio. Moore negotiated with insurance companies and settled personal-injury cases from Reed's office, while Reed listed Moore on his letterhead and in a Yellow Pages advertisement in a manner suggesting that Moore was associated with Reed's law practice. Reed also split legal fees with Moore on cases Moore referred to him, although Reed later terminated the relationship after discovering a potential ethical problem.

PROCEDURAL HISTORY

The Cleveland Bar Association filed its complaint on August 14, 2000. The matter was referred to a panel of the Board of Commissioners on Grievances and Discipline, which found that Reed aided Moore's unauthorized practice of law, shared legal fees with a nonlawyer, and engaged in conduct prejudicial to the administration of justice. The board adopted the panel's recommendation of a public reprimand, and the Supreme Court of Ohio affirmed the board's findings and imposed the reprimand.

DISPOSITION

other

CASES CITED

- Cleveland Bar Assn. v. Moore, 87 Ohio St. 3d 583, 722 N.E.2d 514 (2000)

OPINION

PER CURIAM.

Per Curiam.

On January 19, 2000, we determined that Cornell Moore, a lawyer in good standing in the state of Pennsylvania, had engaged in the unauthorized practice of law in Ohio by advising Ohio clients on

personal injury matters, entering into contingency fee agreements with them, negotiating on their behalf with insurance companies, and agreeing to settlements for them. *Cleveland Bar Assn. v. Moore* (2000), 87 Ohio St.3d 583, 722 N.E.2d 514. We enjoined Moore from the further practice of law in Ohio.

Now, based upon a complaint filed by relator, Cleveland Bar Association, on August 14, 2000, we are called upon to determine whether respondent, Tyrone E. Reed of Cleveland, Ohio, Attorney Registration No. 0030839, aided Moore in the unauthorized practice of law. Respondent answered, and the matter was referred to a panel of the Board of Commissioners on Grievances and Discipline (“board”).

Based upon testimony introduced at the hearing, the panel found that in 1994, respondent leased office space to Moore. While working out of that office space, Moore negotiated with insurance companies and settled some cases on a contingency fee basis. Cases that he could not settle, Moore referred to respondent for litigation. At the beginning of his tenancy in respondent’s offices, Moore produced letters from the Cleveland Bar Association and the Office of the Disciplinary Counsel of the Supreme Court of Ohio stating that Moore’s activity did not constitute the unauthorized practice of law.

But respondent went further than merely leasing space to Moore. He listed Moore on his letterhead captioned “Tyrone E. Reed & Associates” as “Cornell Moore (Lie. in PA Only).” On his own initiative, respondent placed an advertisement in the telephone Yellow Pages that read¹: “Reed, Tyrone E. & Associates/ Bankruptcy / Criminal / Divorce & Family Law / Personal Injury / For Consultation Call / Tyrone E. Reed / Nicole C. Longino / Cornell Moore,” followed by Reed’s office address and phone number, creating the impression that Moore was an attorney associated with respondent. And respondent split his legal fees with Moore on cases referred to him by Moore.

The panel concluded that respondent’s conduct violated DR 3-101(A) (a lawyer shall not aid a nonlawyer in the unauthorized practice of law), 3-102 (a lawyer or *141law firm shall not share legal fees with a nonlawyer), and 1-102(A)(5) (a lawyer shall not engage in conduct prejudicial to the administration of justice). In mitigation, the panel found that respondent had relied on the letters from the bar association and Disciplinary Counsel and did not believe that he was engaging in unethical behavior. The panel received testimony and letters to the effect that respondent was an attorney of the utmost integrity and professionalism and noted that in 1998, when he discovered that there might be an ethical problem in his association with Moore, he terminated all relationship with Moore.

Bruce P. Mandel and Pamela E. Loesel, for relator.

Richard S. Koblentz and Craig J. Morice, for respondent.

The panel recommended that respondent receive a public reprimand. The board adopted the findings, conclusions, and recommendation of the panel.

On review of the record, we adopt the findings, conclusions, and recommendation of the board. Respondent is hereby publicly reprimanded. Costs are taxed to respondent.

Judgment accordingly.

Moyer, C.J., Douglas, Resnick, F.E. Sweeney, Pfeifer, Cook and Lundberg Stratton, JJ., concur.

. The advertisement was one column wide, two inches high. The slash marks herein indicate line breaks in the advertisement.