

SUPREME COURT OF OHIO

Office of Disciplinary Counsel v. Shrode

95 Ohio St. 3d 137 (Ohio 2002) · Decided May 1, 2002

SUMMARY

The Ohio Supreme Court held that a nonlawyer engaged in the unauthorized practice of law by filing pleadings on behalf of a corporation in a foreclosure action. The court rejected the respondent's reliance on his status as a statutory agent and enjoined him from further activities constituting the practice of law in Ohio.

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	May 1, 2002
DISPOSITION	other
PROCEDURAL POSTURE	Original disciplinary proceeding before the Supreme Court of Ohio on review of the Board of Commissioners on the Unauthorized Practice of Law's findings and recommendation.
STANDARD OF REVIEW	The court reviewed the record and accepted the board's factual findings.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion; precedential.

TOPICS

pleadings corporate law civil procedure administrative law

PRACTICE AREAS

unauthorized practice of law legal ethics and attorney discipline corporate representation

QUESTIONS PRESENTED

- Whether an unlicensed individual engages in the practice of law by preparing and filing pleadings on behalf of a corporation in court.

2. Whether a person's status as a statutory agent under R.C. 1701.07 authorizes that person to file pleadings on behalf of a corporation.
3. Whether the respondent should be enjoined from further activities constituting the practice of law in Ohio.

HOLDINGS

1. Preparing and filing pleadings in court on behalf of another constitutes the practice of law.
2. A corporation may not maintain an action through an officer or other representative who is not a licensed attorney; only an attorney may file pleadings on behalf of the corporation.
3. A person's status as a statutory agent under R.C. 1701.07 does not authorize that person to file pleadings on behalf of a corporation.

KEY QUOTATIONS

*“The practice of law * * * embraces the preparation of pleadings and other papers incident to actions and special proceedings and the management of such actions and proceedings on behalf of clients before judges and courts.” (138)*

“Thus, by filing those pleadings, respondent was engaging in the unauthorized practice of law.” (139)

FACTUAL BACKGROUND

John C. Shrode, who was not licensed to practice law in Ohio, filed an answer and a motion on behalf of Court Street Properties, Ltd., in a foreclosure action in the Seneca County Court of Common Pleas. He signed the filings as the corporation's statutory agent. The Board of Commissioners on the Unauthorized Practice of Law found that these filings constituted the unauthorized practice of law and recommended an injunction.

PROCEDURAL HISTORY

The Office of Disciplinary Counsel investigated respondent's filing of pleadings on behalf of a corporation in a foreclosure action. It filed a complaint before the Board of Commissioners on the Unauthorized Practice of Law, and after respondent failed to file an answer with the board, the relator moved for default. The board found that respondent had engaged in the unauthorized practice of law and recommended that he be enjoined from further such activity. The Supreme Court of Ohio accepted the board's factual findings and recommendation.

DISPOSITION

other

CASES CITED

- Land Title Abstract & Trust Co. v. Dworken, 129 Ohio St. 23, 193 N.E. 650 (1934)
- Union Sav. Assn. v. Home Owners Aid, Inc., 23 Ohio St. 2d 60, 262 N.E.2d 558 (1970)
- Disciplinary Counsel v. Lawlor, 92 Ohio St. 3d 406, 750 N.E.2d 1107 (2001)

