

SUPREME COURT OF OHIO

Disciplinary Counsel v. Jones

138 Ohio St. 3d 330, 2014-Ohio-809 (Ohio 2014) · No. 2013-0611 · Decided March 12, 2014

SUMMARY

The Supreme Court of Ohio held that Thomas Jones Jr., who was not licensed to practice law, engaged in the unauthorized practice of law by preparing quitclaim deeds for property sellers. The court enjoined him from future unauthorized practice, including preparing legal papers for others, but declined to impose the recommended \$10,000 civil penalty because he committed relatively few acts and did not charge a fee.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; O'Connor, C.J.; Pfeifer; O'Donnell; Lanzinger; Kennedy; French; O'Neill
JURISDICTION	Ohio
DECIDED	March 12, 2014
DOCKET	2013-0611
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Ohio reviewed the final report and recommendation of the Board on the Unauthorized Practice of Law after the board granted relator's motion for default judgment and recommended an injunction and a \$10,000 civil penalty.
PRECEDENTIAL VALUE	published precedential opinion

TOPICS

deeds real estate injunctions remedies civil procedure

PRACTICE AREAS

unauthorized practice of law professional discipline real estate transactions

QUESTIONS PRESENTED

1. Whether an unlicensed person who prepares quitclaim deeds for another person engages in the unauthorized practice of law.

2. Whether Jones should be enjoined from further unauthorized practice of law.
3. Whether a civil penalty should be imposed for Jones's unauthorized practice.

HOLDINGS

1. An unlicensed person engages in the unauthorized practice of law by preparing legal documents, including deeds conveying real property, on behalf of another person.
2. Jones must be enjoined from engaging in the unauthorized practice of law, including attempts to prepare legal papers on behalf of any entity other than himself.
3. A civil penalty was not appropriate under the circumstances because Jones engaged in relatively few acts of unauthorized practice and did not charge a fee.

KEY QUOTATIONS

“We have previously said that “the practice of law embraces the preparation of legal documents on another’s behalf, including deeds which convey real property.”” (¶ 9)

“Thomas Jones Jr. is enjoined from engaging in the unauthorized practice of law, including all attempts to prepare legal papers on behalf of any entity other than himself.” (¶ 11)

FACTUAL BACKGROUND

Jones, who was not licensed to practice law in Ohio, prepared quitclaim deeds transferring four Cleveland-area properties from two homeowners to Jones and his business partner, disbarred attorney Michael Troy Watson. The properties were transferred for approximately \$100 each, and the deeds were filed with the county recorder. Jones asserted that he could prepare the deeds because he was a party to the transactions, but the court found that he prepared the deeds on behalf of the sellers.

PROCEDURAL HISTORY

Disciplinary counsel filed a complaint alleging that Thomas Jones Jr., who was not licensed to practice law in Ohio, prepared and filed deeds and court pleadings. Jones filed motions to dismiss but never filed an answer. The hearing panel granted default judgment, and the board found unauthorized practice of law and recommended an injunction and a \$10,000 civil penalty. The Supreme Court of Ohio accepted the finding and injunction but declined to impose the civil penalty.

DISPOSITION

other

CASES CITED

- Disciplinary Counsel v. Watson, 107 Ohio St. 3d 182, 2005-Ohio-6178, 837 N.E.2d 764
- Cleveland Metro. Bar Assn. v. Davie, 133 Ohio St. 3d 202, 2012-Ohio-4328, 977 N.E.2d 606, ¶ 18
- Geauga Cty. Bar Assn. v. Haig, 129 Ohio St. 3d 601, 2011-Ohio-4271, 955 N.E.2d 352, ¶ 2

- Disciplinary Counsel v. Casey, 138 Ohio St. 3d 38, 2013-Ohio-5284, 3 N.E.3d 168, ¶ 9
- Disciplinary Counsel v. Doan, 77 Ohio St. 3d 236, 237, 673 N.E.2d 1272 (1997)
- Land Title Abstract & Trust Co. v. Dworken, 129 Ohio St. 23, 193 N.E. 650 (1934)
- Dayton Bar Assn. v. Addison, 107 Ohio St. 3d 153, 2005-Ohio-6044, 837 N.E.2d 367, ¶ 11
- Toledo Bar Assn. v. Chelsea Title Agency of Dayton, Inc., 100 Ohio St. 3d 356, 2003-Ohio-6453, 800 N.E.2d 29, ¶ 7
- Kennedy at 117