BEFORE THE BOARD OF COMMISSIONERS ON
THE UNAUTHORIZED PRACTICE OF LAW
OF THE SUPREME COURT OF OHIO

CLEVELAND BAR ASSOCIATION, Relator,	:	
v.	:	Case No. UPL 02-07
JANET BARON, Respondent.	:	

On October 4, 2002, the Cleveland Bar Association, relator, filed a complaint with the Board of Commissioners on the Unauthorized Practice of Law ("Board") against respondent Janet Baron pursuant to Gov. Bar R. VII, Section 5. The complaint alleges that respondent assisted individuals in preparing bankruptcy materials for filing in United States Bankruptcy Court. Respondent did not file an answer to the complaint. The Board set the matter for hearing on May 21, 2003.

On May 12, 2003, relator filed a motion for default judgment and/or summary judgment. On July 22, 2003, the Board granted the motion for default and, *sua sponte*, ordered relator to submit sworn or certified documentary prima facie evidence in support of the allegations in the complaint. On August 6, 2003, relator filed its submission of sworn or certified documentary evidence.

The Board considered this matter in accordance with Gov. Bar R. VII, Sec. 8. See, Gov. Bar R. VII, Sec. 7(B).

FINDINGS OF FACT

1. Relator, the Cleveland Bar Association, ("Relator"), is a Bar Association located in Cuyahoga County, Ohio.

2. Relator, through its Unauthorized Practice of Law Committee, is authorized by Rule VII of the Ohio Supreme Court's Rules for the Government of the Bar to file a Complaint with the Board regarding the unauthorized practice of law.

3. The Respondent is not now, and never has been, an attorney admitted to practice law in Ohio under Gov. Bar R. I, or certified under Rules II, IX, or XI of the Supreme Court Rules for the Government of the Bar.

4. On February 28, 2002, in *In re Jean Yvonne Flemister*, Case No. 01-19228, United States Bankruptcy Judge Pat E. Morgenstern-Clarren, United States Bankruptcy Court, Northern District of Ohio, Eastern Division, entered a Notice and Order to Janet Baron Regarding Hearing to Show Cause Under 11 U.S.C. §§ 110 and 105. The Notice stated that on February 26, 2002, debtor Jean Yvonne Flemister, appeared in Bankruptcy Court, alleging that respondent had agreed to assist debtor with debtor's bankruptcy case. The debtor alleged that she had paid respondent $150 in cash for this service and that respondent prepared a Chapter 7 petition and related documents. Debtor also alleged that respondent had advised her to convert her Chapter 7 petition to a Chapter 13 when debtor stated she did not want to lose her home. Respondent provided debtor with schedules and a plan to be filed in the Chapter 13. Debtor further alleged that respondent had performed similar services for others including debtor's daughter-in-law and debtor's friend.

5. Based on the allegations made by debtor, Bankruptcy Judge Morgenstern-Clarren ordered respondent to appear before her on March 12, 2002, to show cause why the matter should not be referred to the United States Trustee or other appropriate authorities. Respondent did not appear at the show cause hearing and was found to be in default.

6. On June 17, 2002, the Bankruptcy court granted a motion filed by the United States Trustee asking that respondent disgorge any fees she received in connection with Case No. 01-19228, and that respondent be fined for violating the requirements of 11 U.S.C. § 110(b) and (c).

CONCLUSIONS OF LAW

1. The Supreme Court of Ohio has original jurisdiction regarding the admission to the practice of law, the discipline of persons so admitted, and all other matters relating to the practice of law. Section 2(B)(1)(g), Article IV, Ohio Constitution; *Royal Indemnity Co. v. J.C. Penney Co.* (1986), 27 Ohio St.3d 31, 501 N.E.2d 617; *Judd v. City Trust & Savings Bank* (1937), 133 Ohio St. 81, 12 N.E.2d 288.

2. The Board has jurisdiction over persons engaging in the unauthorized practice of law in a federal court. See, *Mahoning County Bar Association v. Rector* (1992), 62 Ohio Misc.2d 564, 567-568; *Mahoning County Bar Association v. Harpman* (1993), 62 Ohio Misc.2d 573, 575. See, also, *Sperry v. Florida ex rel. Florida Bar* (1963), 373 U.S. 379, and *In re Cowgill* (1973), 37 Ohio App.2d 121.

3. The unauthorized practice of law consists of rendering legal services for another by any person not admitted to practice law in Ohio. (Gov. Bar R. VII, Section 2(A)).

4. The preparing and signing of pleadings for filing in court and the rendering of legal advice to others is the practice of law. See, *Land Title & Trust Co. v. Dworken* (1934), 120 Ohio St. 23. ("The practice of law is not limited to the conduct of cases in Court. It 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, and in addition, conveyancing, the preparation of legal instruments of all kinds, and in general all advice to clients and all action taken for them in matters connected with the law.")

6. Accordingly, the Board finds that respondent has engaged in the unauthorized practice of law.

RECOMMENDATION

The Board recommends that Respondent be enjoined from engaging in any further acts of unauthorized practice of law. The Board further recommends that respondent be taxed the costs of this matter.

STATEMENT OF COSTS

Attached as Exhibit A is a statement of costs incurred to date by the Board and relator.

Ralph E. Dill, Chair
Board of Commissioners on the
Unauthorized Practice of Law

BOARD OF COMMISSIONERS ON THE UNAUTHORIZED PRACTICE OF LAW OF THE SUPREME COURT OF OHIO

STATEMENT OF COSTS

Case No. UPL 02-07
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To date, no expenses have been incurred.

EXHIBIT A

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Report was served by certified mail upon the following this 30th day of December, 2004: Cleveland Bar Association, 1301 E. Ninth Street, Second Level, Cleveland, OH 44114; Michael P. Harvey, Esq., Michael P. Harvey Co., LPA, 311 Northcliff Drive, Rocky River, OH 44116; Janet Baron, 14090 Superior Avenue, Apt. #3, East Cleveland, OH 44118; Office of Disciplinary Counsel, 250 Civic Center Drive, Ste. 325, Columbus, OH 43215; Ohio State Bar Association, Unauthorized Practice of Law Committee, 1700 Lake Shore Drive, Columbus, OH 43204.

Susan B. Christoff

Susan B. Christoff, Secretary to the Board