

1 Akron Bar Association v. Greene et al.

2 [Cite as Akron Bar Assn. v. Greene (1997), _____Ohio St.3d_____.]

3 *Attorneys at law -- Individual not authorized to practice law in Ohio*
4 *who drafts pleadings for “clients” and appears in court on their*
5 *behalf is engaging in the unauthorized practice of law.*

6 (No. 96-1162 - Submitted September 10, 1996 - - Decided January
7 22, 1997.)

8 On Certified Report by the Board of Commissioners on the

9 Unauthorized Practice of Law of the Supreme Court, No. UPL-95-4.

10 The Akron Bar Association (“relator”) charged in a complaint that
11 Raymond E. Greene, Sr., and R.E.G. Enterprises, Inc., a corporation formed
12 by Greene (“respondents”), had engaged in the unauthorized practice of law.

13 The complaint was referred to the Board of Commissioners on the

14 Unauthorized Practice of Law of the Supreme Court (“board”).

15 Respondents failed to answer the complaint; however, on October 27, 1995

16 Greene informed relator by letter that he had not presented himself as an

17 attorney and would no longer perform “acts that are questionable.” Relator

18 then filed a motion for default.

1 The board considered the motion and found that on February 17,
2 1995, Raymond E. Greene, Sr., who is not authorized to practice law in
3 Ohio, and R.E.G. Enterprises, Inc., a corporation formed by Greene, drafted
4 and filed a complaint for divorce on behalf of Doretha Driggs in the Summit
5 County Domestic Relations Court. The complaint was signed by “Raymond
6 E. Greene, Sr., Paralegal for Doretha Driggs.” A summons issued in that
7 divorce case identified Greene as the “plaintiff’s attorney.” On May 5,
8 1995, when Greene appeared in court on behalf of Driggs, the trial court
9 dismissed the case for failure of the plaintiff or an attorney to sign the
10 complaint.

11 The board found that respondents had engaged in the unauthorized
12 practice of law and recommended that an order issue prohibiting
13 respondents from such activity in the future and for costs and expenses
14 incurred in the action.

15 After the matter was referred to us, relator informed the court that
16 despite Greene’s letter of October 27, 1995 and despite this pending
17 proceeding, respondents had prepared and filed in the Summit County
18 Common Pleas Court an answer and counterclaim on behalf of Deborah

1 Christian. Paragraph one of the answer and counterclaim stated, “Now
2 comes the Defendant, by and through the Power of Attorney granted to her
3 attorney-in-fact, R. Edinborough Greene, for her answer, and his answer to
4 the Complaint with their counter complaint and states as follows.” The
5 document bore a signature line for “Deborah Price Christian, *pro se*[,] R.
6 Edinborough Greene, Paralegal, Power of Attorney for both.” The trial
7 judge, upon determining that Greene was not an attorney, ejected him from
8 court and admonished him for his conduct. Relator further informed this
9 court that R.E.G. Enterprises, Inc. was not and never has been a corporation
10 in good standing in the state of Ohio.

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12 *Greg A. Manes and Frank E. Steel, for relator.*

13

14 *Per Curiam.* The practice of law includes the conduct of litigation
15 and those activities which are incidental to appearances in court. We held
16 in *Land Title Abstract & Trust Co. v. Dworken* (1934), 129 Ohio St. 23, 1
17 O.O. 313, 193 N.E. 650, paragraph one of the syllabus, “The practice of law
18 * * * embraces the preparation of pleadings and other papers incident to

1 actions and special proceedings and the management of such actions and
2 proceedings on behalf of clients before judges and courts * * *.” Further,
3 we held in that case that the practice of law also “includes legal advice and
4 counsel, and the preparation of legal instruments and contracts by which
5 legal rights are secured* * *.” *Id.* at 28, 1 O.O. at 315, 193 N.E. at 652.
6 Finally, we said, “It seems too obvious to permit any discussion that a
7 corporation may not be authorized to practice law.” *Id.*, 129 Ohio St. at 29,
8 1 O.O. at 315, 193 N.E. at 653.

9 Respondents not only prepared pleadings for Driggs, but also
10 appeared in court for her. According to relator, respondents continued to
11 draft pleadings for “clients” and appear in court on their behalf despite
12 representations that they would desist. There is no question that
13 respondents are attempting to practice law.

14 R.C. 4705.01 provides in part that “[n]o person shall be permitted to
15 practice as an attorney and counselor at law * * * unless he has been
16 admitted to the bar by order of the supreme court in compliance with its
17 prescribed and published rules.” Gov.Bar R. VII (2)(A) provides that “[t]he
18 unauthorized practice of law is the rendering of legal services for another by

1 any person not admitted to practice in Ohio * * * and not granted active
2 status * * *.” Respondents are not attorneys and they have not been
3 admitted to practice in Ohio.

4 We find that respondents by their actions are engaging in the
5 unauthorized practice of law and further that respondents have failed to deal
6 honorably and forthrightly with investigating counsel. Pursuant to Gov.Bar
7 R. VII (19)(D), we hereby enjoin each and both respondents from any
8 further activity involving the counseling of persons with respect to their
9 legal rights, the preparation of legal instruments and documents to secure
10 legal rights of any person, the preparation, signing or filing of pleadings or
11 other papers on behalf of persons incident to actions in courts or other
12 tribunals in the state of Ohio, and the appearance of respondents on behalf
13 of any other persons in any court or tribunal in the state of Ohio.

14 All costs and expenses of this action are taxed to the respondents
15 jointly and severally.

16 *Judgment accordingly.*

17 MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK
18 and STRATTON, JJ., concur.