

ORIGINAL

BEFORE THE BOARD OF COMMISSIONERS ON
THE UNAUTHORIZED PRACTICE OF LAW **ON COMPUTER - RAN**
OF THE SUPREME COURT OF OHIO

CLEVELAND BAR ASSOCIATION,
Relator,

v.

ALAN G. PEARLMAN,
Respondent.

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Case No. UPL 02-05

FINAL REPORT

This matter came before the Board of Commissioners on the Unauthorized Practice of Law ("Board") on Relator's Complaint filed on July 12, 2002; Amended Complaint And Certificate filed on September 23, 2002; and the Answer To Amended Complaint filed on October 28, 2002.

The Board has agreed to the waiver of hearing and has accepted stipulations of the parties ("Stipulations") as its record in this matter. Based upon the Stipulations, the Board enters the following finding and recommendations:

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. Respondent Alan G. Pearlman (Respondent") is an individual who lives and works in Cuyahoga County, Ohio.

4. The Respondent is not now, and never has been, an attorney admitted to practice, granted active status, or certified to practice law in the State of Ohio pursuant to Rule I, II, VI, IX or XI of the Ohio Supreme Court's Rules for the government of the Bar.

5. Respondent's current sole occupation is the management of apartment buildings owned by limited liability companies that he controls and in which his wife has a minority interest.

6. Roosevelt Investments Ltd. ("Roosevelt") and Boulevard Investments, Ltd. ("Boulevard") are Ohio limited liability companies formed on August 14, 1995. Respondent is managing member and owner of 99 percent interest in both Roosevelt and Boulevard and Respondent's wife is the other member, owning one percent interest. Prior to this, the buildings were owned by general partnerships of Respondent and his wife.

7. Respondent has filed at least thirteen (13) complaints on behalf of Roosevelt or Boulevard in the Small Claims Division of Cleveland Heights Municipal Court, copies of which are attached as Exhibits 1-13 to the Stipulations. He has prepared and signed the Complaints, and appeared on behalf of Roosevelt or Boulevard seeking damages from tenants or former tenants.

8. Respondent has never held himself out as an attorney nor has he filed complaints on behalf of any person or entity other than entities he controls or a partnership of which he and his wife were general partners.

9. Respondent's filing of complaints for rent in the Small Claims Division of the Cleveland Heights Municipal Court was consistent with practices approved by the Small Claims Division of the Cleveland Heights Municipal Court.

10. The Clerk of the Small Claims Division of the Cleveland Heights Municipal

Court has supplied forms for filing complaints for rent, has notarized Respondent's signature, and has accepted the complaints for filing, pursuant to the Ohio Revised Code.

11. Magistrates of the Small Claims Division of the Cleveland Heights Municipal Court have not permitted Respondent to engage in cross-examination, but have permitted Respondent to testify as an agent of Boulevard or Roosevelt.

12. Respondent contends that his filings in the Small Claims Division of the Cleveland Heights Municipal court are authorized by Ohio R.C. .§ 1925.17.

13. By agreement, Relator and Respondent have dismissed Relator's Complaint and/or Amended Complaint to the extent that the Complaint and/or Amended Complaint concerns Respondent's filing in the Cleveland Heights Municipal Court (general division) and Small Claims Court on behalf of no longer existing general partnerships without prejudice as to Mr. Pearlman and to that extent only.

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 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)).

3. The preparing and signing of pleadings and appearance in Municipal Court are the practice of law. *Cleveland Bar Association v. Picklo* (2002), 96 Ohio St.3d 195.

4. In exercising its authority, the Ohio Supreme Court has said that “the practice of law includes appearing in court on another’s behalf and conducting another’s case in Court.” Id. at 196-197.

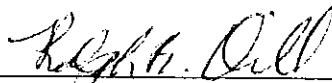
5. It has been stipulated that Respondent prepared and signed pleadings for Roosevelt and Boulevard and has appeared in the Cleveland Municipal Court on their behalf.

6. Accordingly, the Board finds that Respondent has thereby 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, including but not limited to the drafting and signing of pleadings and the representation of entities other than himself before the courts of Ohio. The Board does not recommend any sanctions beyond that which are set forth above.

FOR THE BOARD OF COMMISSIONERS ON
THE UNAUTHORIZED PRACTICE OF LAW



Ralph E. Dill, Chair

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

STATEMENT OF COSTS


Case No. UPL 02-05

Cleveland Bar Association, Relator, v. Alan G. Pearlman, Respondent

To date, no expenses have been incurred.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Report was served by certified mail upon the following this 17th day of September, 2004: Cleveland Bar Association, 1301 E. Ninth Street, Second Level, Cleveland, OH 44114-1253; Michael P. Harvey, Esq., Michael P. Harvey Co., LPA, 311 Northcliff Drive, Rocky River, OH 44116-1344; John A. Hallbauer, Esq., Buckley King & Bluso, 1400 Bank One Center, 600 Superior Avenue East, Cleveland, OH 44114-2652; Alan G. Pearlman, Roosevelt Investments Ltd., PO Box 221139, Beachwood, OH 44122; Alan G. Pearlman, Roosevelt Management Company, PO Box 221139, Beachwood, OH 44122; Alan G. Pearlman, Boulevard Investment Management Company, 23200 Chagrin Blvd., Ste 160, Beachwood, OH 44122; Deborah A. Coleman, Esq., Hahn Loeser Parks, 3300 BP Tower, 200 Public Square, Cleveland, OH 44114-2301; 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, Secretary to the Board