

ORIGINAL

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

THE OHIO STATE BAR ASSOCIATION,	:	
	:	
Relator,	:	
	:	
v.	:	Case No. UPL 02-09
	:	
ROBERT KOLODNER, et al.,	:	
	:	
Respondents.	:	<u>FINAL REPORT</u>

This matter came before the Board of Commissioners on the Unauthorized Practice of Law ("Board") on the Relator's Complaint filed on November 5, 2002; Respondents' Answer filed on January 13, 2003; and the Stipulated Waiver of Hearing and Agreed Stipulations filed by Relator and Respondents on August 29, 2003.

The Board has agreed to the Waiver of Hearing and has accepted the Agreed Stipulations as its record in this matter. Based upon those Stipulations, the Board enters the following findings and recommendations:

FINDINGS OF FACT

1. Relator, Ohio State Bar Association, is duly authorized to investigate activities and to initiate complaints to prevent the unauthorized practice of law within the State of Ohio (Gov. Bar R. VII, Sections 4 and 5).
2. Respondent Robert Kolodner is a resident of the State of Florida.
3. Respondent Kolodner had conducted business in the State of Ohio through Abraham & Christensen, Inc., which changed its name to Solomon & Forbes, Inc., both of which

were closely held corporations owned by Respondent. In 1999, Respondent sold Solomon & Forbes, Inc. and no longer has any control over it or its predecessors.

4. In November 1999, Respondent Kolodner formed the corporation known as Jacobs & Mathews, Inc., and Respondent Kolodner is the sole shareholder and president of that company, which continues to conduct business at this time.

5. Respondent Kolodner is not, and has never been, an attorney licensed or admitted to practice law in the State of Ohio or any other state or jurisdiction within the United States of America.

6. During the years 1997 to the date of the Complaint, Respondent Kolodner, individually and doing business as Abraham & Christensen, Inc., Solomon & Forbes, Inc., or Jacobs & Mathews Inc., rendered legal services to Ohio residents within the State of Ohio for a fee. Specific examples are contained in paragraphs 8 a. through 8 k. of the Agreed Stipulations.

7. All of the examples demonstrated that, for a fee, Respondent Kolodner engaged in debt negotiations, including the drafting and reviewing of settlement agreements between his Ohio debtor clients and their creditors.

8. Respondent Kolodner admits that he engaged in the unauthorized practice of law while acting individually or as president of and/or doing business as Abraham & Christensen, Inc., Solomon & Forbes, Inc. and/or Jacobs & Mathews, Inc. in conducting the business referred to in paragraphs 6 and 7, *supra*.

9. Respondent Kolodner admits that prior to this action, he was prosecuted and has served a one-year probation in the State of Florida after he entered into a consent decree and injunction in which he acknowledged that the services he was performing for his debtor-clients in Florida constituted the unauthorized practice of law in that state.

10. Respondent Kolodner and his businesses no longer conduct the above-described services in Florida, and Respondents ceased doing business in Ohio on or about July 30, 2003 in regard to advising, counseling, and/or negotiating debts on behalf of debtors within the State of Ohio.

11. Relator and Respondents waived notice and hearing pursuant to Gov. Bar. R. VII, Section 7 (c), and they have agreed that the Board may proceed under Section 8 of that Rule.

### 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 representation by a non-attorney of businesses and individuals in the advising, counseling, and/or negotiating the resolutions of their debts with creditors or creditors' counsel constitutes the unauthorized practice of law. *Cincinnati Bar Assn. v. Telford* (1999), 85 Ohio St. 3d 111; *Cincinnati Bar Assn. v. Cromwell* (1998), 82 Ohio St. 3d 255.

4. Respondents have admitted, and the Board so finds, that they have engaged in the unauthorized practice of law in the State of Ohio.

## RECOMMENDATION

The Board accepts the Stipulated Order presented by Relator and Respondents, and recommends that the Supreme Court of Ohio issue an Order which enjoins and restrains Respondents from the unauthorized practice of law as follows:

A. Respondent will not represent debtors in Ohio by advising, counseling, and/or negotiating resolution of their debts with creditors or creditors' counsel;

B. Unless Respondent becomes an attorney at law licensed to practice law in Ohio, Respondent will not provide legal advice to any person in Ohio, including, but not limited to, advice regarding a person's rights as a debtor or as a defendant in a lawsuit or regarding the terms and conditions of a settlement of any dispute.

C. Respondent Kolodner agrees that he and his companies have ceased and will not re-engage in the conduct referenced herein, in the State of Ohio, to wit:

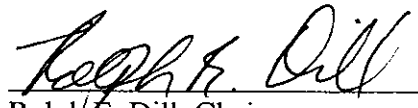
- i. Respondent will not hold himself out to be an attorney admitted to practice law;
- ii. In the event that any person incorrectly addresses him, by correspondence or otherwise, as being an attorney, by "Esquire" or otherwise, Respondent will immediately correct any such person, clarifying to them that he is not an attorney admitted to practice law;
- iii. In all correspondence, letterheads, forms, or written communication used by Respondent for business purposes, Respondent will not in any way convey the impression that he is an attorney and that any name that he is doing business under is not a law firm. In all correspondence, letterheads, forms, or written communication used by Respondent for his business purposes, Respondent will clearly and conspicuously state that he is not an attorney, that his business is not a law firm, and that he cannot provide any legal advice, including advice about a person's rights as a debtor or as a defendant in a lawsuit, or about the terms and conditions of settlement of any dispute;
- iv. Respondent will notify in writing, at Respondent's expense, all parties that have been represented by Respondent in Ohio since Respondent began doing business as Jacobs & Mathews, Inc. Such notification shall include

a copy of the findings of the Board of Commissioners on the Unauthorized Practice of Law of the Supreme Court of Ohio, as well as the final determination rendered by the Supreme Court of Ohio with regards to this case. A copy of all such notices shall be forwarded to Relator's counsel.

D. Because Respondent had been ordered to cease and desist from his unauthorized practice of law in the State of Florida prior to his commencement of the same conduct in the State of Ohio, and because Respondent continued his unauthorized practice of law in the State of Ohio for over six months after being served with Relator's Complaint, the Board recommends that a fine in the amount of \$1,000 be entered against Respondent pursuant to Gov. Bar. R. VII(19)(D)(1)(c). (See *Toledo Bar Assn. v. Chelsea Title Agency of Dayton, Inc.* (2003), 100 Ohio St. 3d 356, 2003-Ohio-6453.)

#### **STATEMENT OF COSTS**

Attached as Exhibit A is a statement of costs and expenses incurred to date by the Board and the Relator in this matter.

  
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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 02-09

*The Ohio State Bar Association, Relator v. Robert Kolodner, et al., Respondents*

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 2/14 day of September, 2004.

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Susan B. Christoff, Secretary to the Board