

ORIGINAL

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

03-07-030

CASE NO. UPL 03-07

DISCIPLINARY COUNSEL,)
Relator,)
)
v.)
)
CHARLES D. COTTON,)
a.k.a. PRINCE CHARLES COTTEN,)
Respondent.)

FINAL REPORT

This matter came before the Board of Commissioners on the Unauthorized Practice of Law (hereinafter referred to as "Board") on January 21, 2004, upon the Complaint of the Relator. The Respondent did not appear in person or through counsel although his deposition was taken and introduced as "Exhibit 1." A transcript of the proceedings was filed with the Board.

Relator alleged that during the years 2001 and 2002, Respondent, while incarcerated at the London Ohio Correctional Institute, prepared, drafted, and revised legal papers for other inmates and that those papers were eventually filed with the Clerk of the Supreme Court of Ohio. Robert Vaughn, Case Management Counsel with the Clerk's office of the Supreme Court of Ohio, testified and identified various exhibits which were representative of the legal papers in issue (Transcript pp. 10-20).

Relator further alleged that two letters were sent to Respondent from the Office of Disciplinary Counsel requesting that Respondent cease and desist from the unauthorized practice of law, but Respondent refused to comply. Relator produced 42 exhibits which were admitted into evidence by the Board.

Respondent testified by deposition that he was not guilty of the unauthorized practice of law as he was merely providing assistance to illiterate inmates by typing, correcting errors, and referring them to court cases.

FINDINGS OF FACT

1. Relator, Disciplinary Counsel, is duly authorized to investigate activities which may constitute the unauthorized practice of law within the State of Ohio. (Gov. Bar R. VII, Section 5(A)).
2. Respondent is not licensed to practice law in Ohio (Exhibit 1, p. 16 l. 6).
3. Respondent is incarcerated at the London Ohio Correctional Institute as a result of conviction for aggravated murder with specifications. (Exhibit 1, pp. 10-11. See also *State v. Cotton*, 56 Ohio St. 2d 8).
4. Respondent drafted, revised, and prepared various legal papers for the benefit of other inmates. (Exhibits 6-42).

CONCLUSIONS OF LAW

1. The Supreme Court of Ohio has original jurisdiction regarding 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, 10 O. O. 95, 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 in Ohio. (Gov. Bar R. VII, Section 2(A)).
3. The practice of law includes conduct of cases in court, preparation of legal pleadings and other papers and the management of actions and proceedings on

behalf of clients before judges and courts. *Richland County Bar Association v. Clapp* (1998) 84 Ohio St. 3d 276, 703 N.E. 2d 771; *Akron Bar Association v. Greene* (1997) 77 Ohio St. 3d 279, 673 N.E. 2d 1307; *Cincinnati Bar Association v. Estep* (1995) 74 Ohio St. 3d 172; *Land Title Abstract and Trust Co. v. Dworken* (1934), 129 Ohio St. 23, 1 O. O. 313, 193 N.E. 650.

4. Respondent engaged in the unauthorized practice of law by preparing legal papers on behalf of other inmates as referred to in Exhibits 3-42.

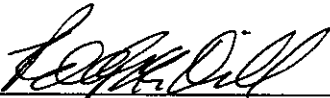
RECOMMENDATIONS

The Board recommends that the Supreme Court of Ohio issue an order finding that Respondent has engaged in the unauthorized practice of law.

The Board further recommends that the Supreme Court of Ohio issue further orders prohibiting Respondent from engaging in the unauthorized practice of law in the future.

STATEMENT OF COSTS

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



RALPH 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

Disciplinary Counsel v. Charles Cotton, a.k.a. Prince Charles Cotten,
Case No. UPL 03-07

Armstrong & Okey, Inc.	
1/21/04 Hearing and Transcript	\$160.50
Michael J. Corrigan, Commissioner	
Expenses – 1/21/04 Hearing	62.12
John Polito, Commissioner	
Expenses – 1/21/04 Hearing	<u>55.00</u>
TOTAL	\$277.62

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 13th day of July, 2004: Office of Disciplinary Counsel, 250 Civic Center Drive, Ste. 325, Columbus, OH 43215; Jonathan E. Coughlan, Disciplinary Counsel, Office of Disciplinary Counsel, 250 Civic Center Drive, Ste. 325, Columbus, OH 43215; Robert R. Berger, Assistant Disciplinary Counsel, Office of Disciplinary Counsel, 250 Civic Center Drive, Ste. 325, Columbus, OH 43215; Charles D. Cotton, a.k.a. Prince Charles Cotten, Inmate No. 146-490, London Correctional Institute, PO Box 69, London, OH 43140; Ohio State Bar Association, Unauthorized Practice of Law Committee, 1700 Lake Shore Drive, Columbus, OH 43204.


Susan B. Christoff, Secretary to the Board