

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

**CLEVELAND BAR ASSOCIATION,**

Relator,

v.

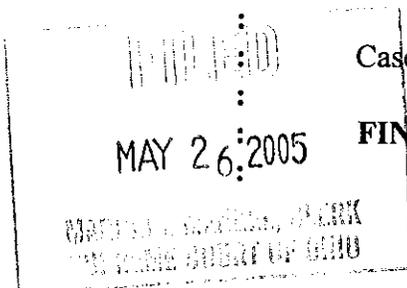
**PARA-LEGALS, INC., et. al.,**

Respondents.

**Sup. Ct. Case No. 04-2145**

Case No. UPL 03-12

**FINAL REPORT ON REMAND**



This matter came before the Board of Commissioners on the Unauthorized Practice of Law (hereinafter referred to as "Board") upon the Complaint of the Relator filed November 3, 2003. The Respondents were duly served with a copy of the Complaint and Notice of Hearing. On April 13, 2004, Relator filed its Motion for Default as Respondents failed to answer or otherwise appear in response to the Complaint. On September 10, 2004, the Board granted Relator's Motion for Default.

Relator based its case upon the Complaint and the affidavits of Judge Raymond L. Pianka, John L. Gagne, Valerie Brandenburg, John A. Hallbauer and Russell A. Moorhead.

The Board's findings of fact, conclusions of law, and recommendation were filed with the Supreme Court on December 29, 2004. In Case No. 04-2145, on February 25, 2005, the Supreme Court remanded the cause and ordered the Board to supplement the reasons for its recommendation. Upon further consideration, the Board has supplemented the reasoning for its original recommendation which remains unchanged.

## FINDINGS OF FACT

1. Relator Cleveland Bar Association is duly authorized to investigate activities and initiate complaints which may constitute the unauthorized practice of law within the State of Ohio (Gov. Bar R. VII, Sections 4 and 5).
2. Respondents Jay LeVert and Leah Hampton have not been admitted to the practice of law in Ohio (Certifications of Richard A. Dove, Director of Attorney Services of The Supreme Court of Ohio, filed April 13, 2004).
3. Respondent Para-Legals, Inc. is an Ohio corporation whose Articles of Incorporation include a purpose to operate a business providing legal research, document preparation and ancillary services to law firms, individual attorneys and the general public (Relator's Exhibit A to Complaint).
4. Respondents Para-Legals, Inc. and Jay LeVert entered into a Power of Attorney to represent CSI Merchant.Com Inc., a Florida corporation, in a small claims case filed in the Elyria Ohio Municipal Court (Gagne Affidavit, Exhibit A, to Relator's Motion for Default).
5. Respondent Leah Hampton assisted with the preparation of legal documents including a Petition for Dissolution of Marriage and Marital Settlement Agreement in the case of Clare Gray and Van Gray filed in the Cuyahoga County Domestic Relations Court under Case No. DR-03 291617 (Bradenburg Affidavit, Exhibit C, to Relator's Motion for Default).

## 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. Respondents Para-Legals, Inc. and Jay LeVert have engaged in the unauthorized practice of law by entering into a Power of Attorney to represent CSI Merchant.Com Inc. in a lawsuit filed in the Elyria Municipal Court under Case No. 02 CUI 02062. Disciplinary Counsel v. Coleman (2000) 88 Ohio St. 155.
5. Respondent Leah Hampton engaged in the unauthorized practice of law by preparing legal documents filed in the Cuyahoga County Domestic Relations Court under Case No. DR-03 291617 regarding the Dissolution of Marriage involving Clare Gray and Van Gray. Columbus Bar Association v. Purnell (2002) 94 Ohio St. 3d 126; Lorain County Bar Association v. Kennedy (2002) 95 Ohio St. 3d 116; Cleveland Bar Association v. Coats (2003) 98 Ohio St. 3d 413.

### **RECOMMENDATIONS**

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

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

The evidence revealed two separate instances of the unauthorized practice of law by

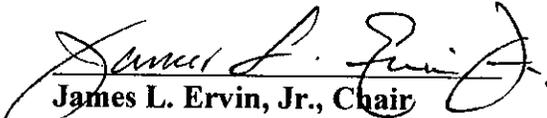
Respondents for which Para-Legals, Inc. was paid \$200.00 and \$240.00 respectively (¶s 5 and 6 of Exhibit D and ¶s 8 and 11 of Exhibit A attached to Relator's Motion for Default).

Additionally, it appears that as of March 3, 2004 (four months after the Complaint was filed) an internet Yellow Pages search of Ohio did not reveal a listing for Para-Legals, Inc. (¶s 6 and 7 of Exhibit E attached to Relator's Motion for Default).

In applying the factors enumerated in Gov. Bar R. VII §8(D) to the circumstances of this cause, the Board recommends that no civil penalty be imposed upon the Respondents. This evidence introduced by the Relator revealed only two instances in which the unauthorized practice of law was committed through the preparation of pleadings. Furthermore, since the company had ceased to advertise as "Paralegals, Inc." at the onset of this case, the ongoing use of the name to solicit future and unsuspecting clients is presumably thwarted. It is the opinion of the Board that these isolated instances do not reveal a pattern of conduct that warrants the imposition of a penalty and that only an injunction against the corporation and individual respondents as stated above should issue.

#### **STATEMENT OF COSTS**

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

  
**James L. Ervin, Jr., Chair**  
Board on the Unauthorized Practice of Law

**BOARD ON THE UNAUTHORIZED PRACTICE OF LAW  
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Exhibit "A"

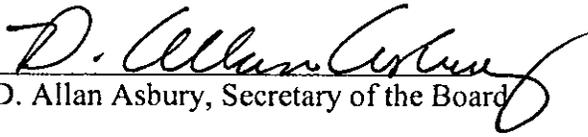
**STATEMENT OF COSTS**

*Cleveland Bar Association v. Para-Legals, Inc., et. al.,*  
Case No. UPL 03-12

Reimbursement to Cleveland Bar Association	\$395.00
<b>TOTAL</b>	<b>\$395.00</b>

## CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Final Report was served by certified mail upon the following this 26<sup>th</sup> day of MAY, 2005: Cleveland Bar Association, 1301 E. Ninth Street, Second Level, Cleveland, OH 44114; John Hallbauer, Esq., Buckley King, 1400 Bank One Center, Cleveland, OH 44114; Para-Legals, Inc., Suite B, 4425 Mayfield-Building, South Euclid, OH 44121; Jay LeVert, 4425 Mayfield-Building, South Euclid, OH 44121; Leah Hampton, 4425 Mayfield-Building, South Euclid, OH 44121; 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.

  
D. Allan Asbury, Secretary of the Board