

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

TRUMBULL COUNTY BAR ASSOCIATION, :

Relator, :

v. :

LEGAL AID STATE SERVICES INC., :
a.k.a. LEGAL AIDE STATE SERVICES INC., :

Respondent. :

05-1939

Case No. UPL 04-06

FINAL REPORT

FILED

OCT 17 2005

MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

I. PROCEDURAL BACKGROUND

1. Relator filed its verified Complaint on November 8, 2004 alleging Respondent, an out-of-state corporation employing paralegals, engaged in the unauthorized practice of law by preparing legal documents (adoption petitions for two minor children) which were intended to be filed in the Trumbull County Probate Court. The Relator further alleged the Respondent operated a website to promote their service that advertised it “prepares documents according to the standards required by the specific court involved.”.

2. Respondent was duly served with the Complaint and Notice on January 3, 2005.

3. A hearing panel consisting of Commissioners Frank R. DeSantis, Kenneth Kraus, and John A. Polito, Chair was appointed pursuant to Gov. Bar R. VII, §7(A)(1).

4. Respondent failed to file an answer or otherwise plead in response to the Complaint.

5. On March 24, 2005, Relator filed a Motion for Default pursuant to Rule VII, §7(B) which was overruled by the Panel on May 10, 2005.

6. On June 6, 2005, Relator filed a Supplemental Motion for Default addressing certain issues that were deficient in the initial Motion for Default.

7. Respondent did not respond to either Motion for Default, which were mailed to the last known address where the Respondent accepted the original Complaint.

8. The Panel unanimously voted to grant the Supplemental Motion for Default finding that the Respondent engaged in the unauthorized practice of law by preparing two petitions for adoption which were intended to be filed in the Trumbull County Probate Court.

9. Relator specifically requested that no civil penalties be imposed against Respondent. (See Relator's Supplemental Motion for Default, June 6, 2005).

II. FINDINGS OF FACT

1. The Respondent corporation performed legal document preparation services for two "clients" a married couple seeking to have the husband adopt the wife's two minor children.

2. The Respondent required a fee of \$251 to prepare the requisite adoption petitions which were completed and returned to the "clients".

3. The clients' licensed attorney, Teresa Rice Daugherty, upon learning of the activity of the Respondent, successfully stopped payment of the funds charged to her clients' bank debit card. (See Client Affidavit, May 24, 2005, Relator's Supplemental Motion for Default).

III. 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. Respondent Legal Aide Services engaged in the unauthorized practice of law by preparing legal documents and/or completing forms for another with the intent they would be filed in Probate Court. *Cleveland Bar Ass'n v. Coats* (2003), 98 Ohio St.3d 413, 2003-Ohio-1496; *Columbus Bar Assn. v. Smith* (2002), 96 Ohio St.3d 156, 2002-Ohio-3607; *Geauga County Bar Ass'n v. Canfield* (2001), 92 Ohio St. 3d 15, 748 N.E.2d 23.

IV. PANEL RECOMMENDATIONS

The Panel unanimously recommends the following:

1. Respondent be found to have engaged in the unauthorized practice of law by preparing legal documents (two adoption petitions) which were intended to be filed in Trumbull County Probate Court;
2. The full Board recommends that the Supreme Court of Ohio issue an order prohibiting the Respondent from engaging in the unauthorized practice of law in the future;
3. No civil penalties be imposed upon Respondent for the reasons that:

A). Relator did not request the imposition of civil penalties in its statement of relief (*see* Gov. Bar R. VII, §7(B)(5)), and moreover, specifically recommended to the panel that no civil penalty be imposed. *See Cleveland Bar Assn. v. McKissic* (2005), 106 Ohio St.3d 106, 2005-Ohio-3954, at ¶4;

B). Evidence of Respondent's conduct was isolated to one known instance in which adoption petitions were simultaneously prepared on behalf of two siblings, (Gov. Bar R. VII, §8(B)(2));

C). No obvious harm was caused to the parties and the fees charged were returned by the bank due to the timely intervention by Attorney Daugherty, (Gov. Bar R. VII, §8(B)(4));

D). No evidence of flagrancy or repeated offenses was presented by the Relator, (Gov. Bar R. VII, §8(B)(2),(3).

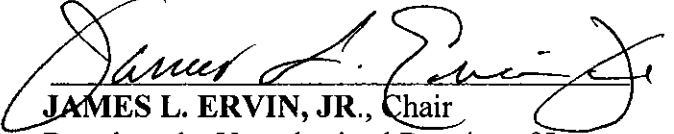
4. Any orders or Final Report issued by the Board in this case omit references to identifying information regarding the adoption petitions to preserve the confidentiality required under R.C. §3107.17 and Rule 55 of the Rules of Superintendence.

V. BOARD RECOMMENDATIONS

Pursuant to Gov. Bar R. VII, §7(F) the Board on the Unauthorized Practice of Law of the Supreme Court of Ohio considered this matter on September 28, 2005. The Board adopted the findings, conclusions of law, and recommendations of the Panel. Specifically, and as provided herein, the Board adopts the Panel's recommendation that the Court issue an Order that the Respondent has engaged in the unauthorized practice of law; and that the Court issue an Order enjoining the Respondent from engaging in the unauthorized practice of law in the future.

STATEMENT OF COSTS

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


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"

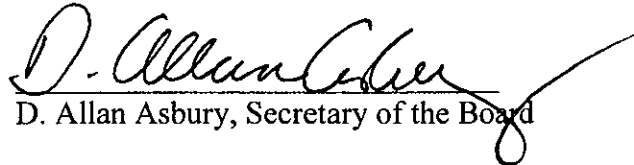
STATEMENT OF COSTS

Legal Aid State Services, Inc., a/k/a Legal Aide State Services, Inc.
Case No. UPL 04-06

To date, no expenses have been incurred.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Final Report was served by certified mail upon the following this 17th day of OCTOBER, 2005: Trumbull County Bar Association, 120 High Street, PO Box 4222, Warren, OH 44482; Robert F. Burkey, Esq., 200 Chestnut Avenue NE, Warren, OH 44483; Richard L. Magill, Esq., 54 Westchester Drive, PO Box 4144, Youngstown, OH 44515; Legal Aid State Services, Inc., a.k.a. Legal Aide State Services, Inc., c/o Kevin Anderson, Director of Operations, 4040 West Pioneer Avenue, Ste. 206, Las Vegas, NV 89102, 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