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

CLEVELAND BAR ASSOCIATION,	:	06-1613
Relator,	:	
v.	:	Case No. **UPL 05-03**
LEON BOYD,	:	
Respondent.	:	**FINAL REPORT**

FILED
AUG 28 2006
MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

I. PROCEDURAL BACKGROUND

This matter came before the Board on the Unauthorized Practice of Law ("Board") on Relator's Complaint filed November 16, 2005. While service of the Notice and Complaint on the Respondent Leon Boyd was completed via residence service by the Cuyahoga County Sheriff's Department pursuant to Civ.R. 4.1(B), no Answer was filed.

On February 8, 2006, pursuant to the provisions of Section 7(A)(1) of Rule VII of the Supreme Court Rules for the Government of the Bar, this matter was assigned to the Panel consisting of Commissioners C. Lynne Day, Chair, James E. Young, and Don Hunt.

On May 5, 2006, Relator filed a Motion for Default Judgment With Brief in Support in accordance with Gov.Bar R. VII(7)(B). No response to the Motion was ever filed by Respondent. On July 14, 2006, the Panel granted the Relator's Motion for Default Judgment.

In its Complaint, Relator alleged that Respondent Boyd, though not an attorney-at-law, engaged in the unauthorized practice of law by representing himself as an attorney to at least two (2) individuals, and preparing legal documents which were to be used in court proceedings. In its Motion for Default Judgment, Relator provided evidence to establish a *prima facie* case for

occurrences of the unauthorized practice of law alleged in the Complaint, and further satisfied the requirements of Gov.Bar R. VII(7)(B) for a Motion for Default Judgment.

Included in the Relator's Motion for Default Judgment were the affidavits of counsel for the Relator, attorney/Director of the Legal Department of Cuyahoga County's Domestic Relations Court, and Mozetta Gibson, an individual on whose behalf Respondent provided certain legal services including the preparation of legal documents and the rendering of advice; as well as a copy of certified records from the Director of Attorney Services Division of The Supreme Court of Ohio, and a docket report from the U.S. Bankruptcy Court Northern District of Ohio evidencing the aforesaid individual's reinstatement of her bankruptcy case after the hiring of counsel and subsequent to Respondent's involvement in said bankruptcy matter, which involvement supports the claims against Respondent of the unauthorized practice of law.

II. FINDINGS OF FACT

1. Relator, Cleveland Bar Association, is duly authorized to investigate activities which may constitute the unauthorized practice of law within the State of Ohio. (Gov.Bar R.VII(4)(5)).

2. Respondent, Leon Boyd, is not licensed to practice law in Ohio. (Exhibit B, Relator's Motion for Default Judgment, Certificate of Richard A. Dove, Director of Attorney Services, The Supreme Court of Ohio).

3. Respondent, Leon Boyd, has never been an attorney admitted to practice, granted active status, or certified to practice law in the State of Ohio.

4. On April 5, 2005, an individual named Nawassa Jones was referred to the Director of the Legal Department of the Cuyahoga County's Domestic Relations Court for

failure to bring a proposed judgment entry with her on the date of her final divorce hearing. Ms. Jones related to the Director that her attorney, Respondent Leon Boyd, was going to be meeting her at court. The Director of the Legal Department personally witnessed Respondent handing Ms. Jones a completed proposed judgment entry. The Director approached Respondent who had previously been identified to her by Ms. Jones and asked him about the paper. Respondent indicated that he had done nothing wrong and that he had gotten the paper from the court's internet website. The Director confirmed that there is no such formatted judgment entry at the court's website.

5. On November 29, 2004, Respondent conducted an interview with Ms. Mozetta Gibson to obtain information from her to prepare forms for the filing of a Chapter 7 bankruptcy case.[1] At that time, Ms. Gibson paid Respondent the first $100.00 of his stated $250.00 fee. Ms. Gibson had initially met Respondent on November 2, 2002, at which time Respondent told Ms. Gibson that he was a retired lawyer who did not have a regular office and that if she wanted him to handle her bankruptcy, she should call the number that he provided to her. Ms. Gibson met with Respondent again on November 31, 2004, to sign the Chapter 7 bankruptcy petition that Respondent prepared for filing. Ms. Gibson again met with Respondent on December 28, 2004, at the BP building in downtown Cleveland where Respondent advised Ms. Gibson of what to say to the Trustee; and Respondent collected the balance of his $250.00 fee from Ms. Gibson. Ms. Gibson's bankruptcy case was dismissed because Respondent never told her the time limits for paying the filing fee to the Court. Ms. Gibson subsequently hired counsel who succeeded in reinstating the bankruptcy case for her.

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[1] The Panel takes notice of 10 U.S.C.§110, which permits non-attorneys to serve as a scrivener in the clerical preparation of certain bankruptcy petition forms. In the case at hand, the Respondent far exceeded the activities permitted by the statute. *See e.g.*, ***In re Moffett***, 263 B.R. 805 (Bankr. D. Ky. 2001).

6. Relator previously investigated other matters, which did not result in Complaints being filed due at least in part, to Respondent's lack of cooperation in discovery efforts by Relator such as occurred in this case.

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 Company v. J.C. Penney Company*** (1986), 27 Ohio St. 3d 31, 501 N.E.2d 617; ***Judd v. City Trust & Saving 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 a person not admitted to practice in Ohio. (Gov.Bar R. VII(2)(A)).

3. The Supreme Court has consistently held that the practice of law not only encompasses the drafting and preparation of pleadings filed in the courts of Ohio, it also includes the preparation of legal documents and instruments upon which legal rights are secured or advanced. ***Akron Bar Association v. Greene*** (1997), 77 Ohio St. 3d 279; ***Land Title Abstract & Trust v. Dworkin*** (1934), 129 Ohio St. 23, 1 O.O. 313, 193 N.E. 650.

4. The unauthorized practice of law also applies to non-lawyer practice in the federal courts. *See* ***Sperry v. Florida ex rel. Florida Bar*** (1963), 373 U.S. 379, 402; 83 S.Ct. 1322, 10 L.Ed.2d 428.

5. An individual who has not been admitted to the Bar in Ohio may not refer to themselves as an attorney nor may an individual tell others that they are an attorney or mislead

others into thinking that they are an attorney when they are not. ***Disciplinary Counsel v. Brown***, 99 Ohio St.3d 114, 2003-Ohio-2568.

6. The Respondent is not an attorney nor has he ever been admitted to practice law in Ohio.

7. The Respondent engaged in the unauthorized practice of law by holding himself out as an attorney, preparing legal documents to be filed with the courts, rendering legal advice, and filing a legal document on behalf of another.

IV. PANEL RECOMMENDATIONS

1. The Panel recommends that the Supreme Court of Ohio issue an Order finding that Respondent has engaged in the unauthorized practice of law.

2. The Panel further recommends that the Supreme Court of Ohio issue a further Order prohibiting Respondent from engaging in the unauthorized practice in the future.

3. The Panel has also considered the appropriateness of the imposition of civil penalties pursuant to Gov.Bar R.VII(8)(B). As found by the Panel, Respondent held himself out as an attorney, prepared legal documents for filing, filed a legal document that he had prepared, and rendered legal advice to persons who were unaware that the documents and legal advice were not being prepared or rendered by an attorney. Gov.Bar R.VII(8)(B)(3).

Respondent prepared legal documents for filing with the court, filed a legal document with the court, held himself out as an attorney, and rendered legal advice to persons who were unaware that he was not a licensed attorney. Respondent was not and never has been licensed to practice law in Ohio, and his actions were detrimental to the persons who relied on his representations, advice, and preparation and filing of legal documents.

Respondent did not cooperate in these proceedings (failed to answer or otherwise defend, failed to respond to Relator's Motion for Default Judgment) and offered no evidence to the Panel which would serve to mitigate his conduct. Respondent committed the unauthorized practice of law on at least two (2) occasions – the Nawassa Jones domestic relations matter and the Mozetta Gibson bankruptcy matter. Respondent's violations were flagrant inasmuch as the legal documents that he prepared were intended for use in ongoing legal actions before Courts and Respondent met each of the individuals involved in the two (2) separate matters just outside of the courtroom and the Office of the U.S. Bankruptcy Trustee where court proceedings were being held. Gov.Bar R.VII(8)(B)(1)-(3).

The Panel finds that the conduct of Respondent in engaging in the unauthorized practice of law warrants the imposition of civil penalties and recommends a civil penalty in the amount of One Thousand Dollars ($1,000.00) with respect to Respondent's involvement with Nawassa Jones and One Thousand Dollars ($1,000.00) with respect to Respondent's involvement with Mozetta Gibson, for a total civil penalty of Two Thousand Dollars ($2,000.00).

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 August 22, 2006. The Board adopted the findings of fact, and conclusions of law of the Panel. The Board further adopted the recommendations of the Panel, including the recommendation for a civil penalty for the conduct related to the Jones divorce, but modified the recommendation for a civil penalty for the conduct related to the Gibson bankruptcy.

With respect to the Gibson matter, the Board concluded that factors are present under the analysis required in Gov.Bar R. VII(8)(B) to warrant a higher civil penalty. The record reflects the conduct of the Respondent caused significant harm to Gibson due to the fact her bankruptcy case was dismissed as the direct result of the respondent's negligence. To preserve her rights, the client was required to secure a licensed attorney to reinstate her case. Gov.Bar R. VII(8)(B)(4). Furthermore, the record also reveals the Respondent charged and accepted a fee for his services under the guise he was a retired attorney-at-law. Applying the *Guidelines for the Imposition of Civil Penalties*, the Board finds as an additional aggravating factor, that the Respondent derived a benefit from his unauthorized practice of law conduct by charging and accepting the fee. UPL Reg. 400(F)(3)(d).

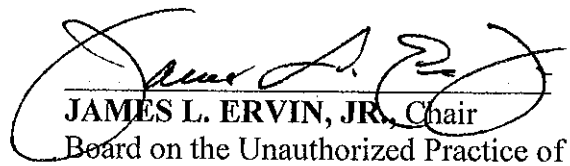
The Board recommends that the Supreme Court of Ohio issue an Order finding that the Respondent has engaged in the unauthorized practice of law.

The Board further recommends that the Supreme Court of Ohio issue a further Order prohibiting Respondent from engaging the unauthorized practice of law.

The Board further recommends that the Supreme Court of Ohio impose a total civil penalty of $3,500.00, ($1,000.00 for the Jones divorce, and $2,500.00 for the Gibson bankruptcy); and that any costs of these proceedings be taxed to the Respondent in any Order entered, so that execution may issue.

VI. 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 OF THE SUPREME COURT OF OHIO

Exhibit "A"

STATEMENT OF COSTS

Cleveland Bar Association v. Leon Boyd,
Case No. UPL 05-03

Service of Process – Cuyahoga County Sheriff	$13.50
Total:	**$13.50**

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Final Report was served by certified mail upon the following this 28th day of August, 2006: Cleveland Bar Association, 1301 E. 9th St., Second Level, Cleveland, Ohio 44114-1253; Russell A. Moorhead, Esq., 614 West Superior Avenue, #860, Cleveland, Ohio 44113; George W. MacDonald, Esq., 848 Rockefeller Building, Cleveland, Ohio 44113; Leon Boyd, 10502 Cedar Avenue, Apt. 1, Cleveland, Ohio 44106; 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