

The Supreme Court of Ohio

BEFORE THE BOARD ON THE UNAUTHORIZED PRACTICE OF LAW

FILED
BOARD ON THE
SEP 17 2009
UNAUTHORIZED
PRACTICE OF LAW

DISCIPLINARY COUNSEL,

Relator,

v.

ANTHONY LEWIS-JERDINE,

Respondent.

Case No. UPL 09-01

ORDER

This matter came before the Board upon the Settlement Agreement of Relator and Respondent filed on July 27, 2009, Motion to Submit the Settlement Agreement and Addendum to Settlement Agreement filed on August 6, 2009, and Affidavit of Respondent filed on September 14, 2009.

Upon consideration thereof,

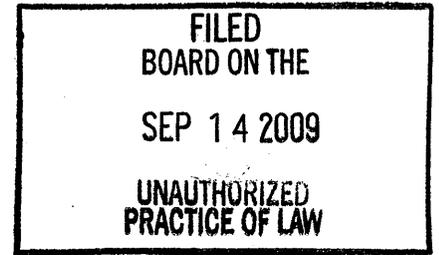
IT IS ORDERED that the Complaint filed in this matter is hereby dismissed pursuant to Gov. Bar R. VII, Sec. 5b(D)(1). The signed Settlement Agreement shall be recorded for reference by the Board pursuant to Gov. Bar R. VII, Sec. 5b(H).

FOR THE BOARD ON THE UNAUTHORIZED
PRACTICE OF LAW



Frank R. DeSantis, Chair

STATE OF OHIO)
) ss:
COUNTY OF Matthiess)



AFFIDAVIT

I, Anthony Lewis Jerdine, having been duly sworn according to the laws of Ohio, hereby depose and say:

- (1) I admit I was engaged in the unauthorized practice of law as set forth in relator's formal complaint.
- (2) I admit the material allegation of the unauthorized practice of law as set forth in relator's formal complaint.
- (3) I agree to cease and desist from engaging in the unauthorized practice of law.
- (4) I acknowledge signing the Settlement Agreement of Relator and Respondent Pursuant to Rule VII Section 5b of the Rules for the Government of the Bar of Ohio, which was filed with the Board of Commissioners on the Unauthorized Practice of Law.
- (5) I acknowledge that relator submitted a Addendum to Settlement Agreement of Relator and Respondent.
- (6) Relator provided me with a copy of the Addendum.

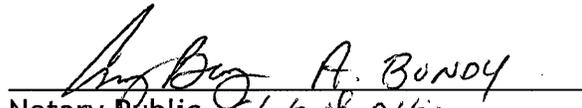
(7) I agree with relator's statements set forth in the Addendum.

FURTHER AFFIANT SAYETH NAUGHT.



Anthony Lewis Jerdine

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 31 DAY OF
August 2009.



Notary Public, State of Ohio

My commission expires 11-5-2013.

Disciplinary Counsel

THE SUPREME COURT OF OHIO

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KAREN H. OSMOND

AMY C. STONE

September 14, 2009

PERSONAL AND CONFIDENTIAL

Michelle A. Hall, Esq.
Secretary
Board on the Unauthorized Practice of Law
65 South Front Street
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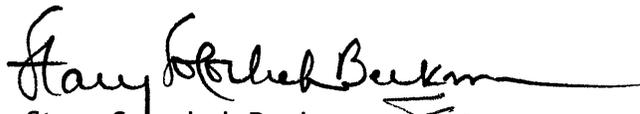
Re: *Disciplinary Counsel v. Anthony Lewis Jerdine*
Board No. UPL 09-01

Dear Ms. Hall:

Enclosed please find the affidavit of Anthony Lewis Jerdine. As you may recall, the board requested that Mr. Jerdine provide an acknowledgement indicating that he agrees with the terms of the Settlement Agreement of the Relator and Respondent Pursuant to Rule VII Section 5b of the Rules for the Government of the Bar of Ohio and the Addendum to the Settlement Agreement that the parties previously filed in this matter. We hope that Mr. Jerdine's affidavit is responsive to the board's request.

If you have any other concerns or questions, please feel free to contact me. Thank you for your cooperation with this matter.

Sincerely,


Stacy Solochek Beckman
Assistant Disciplinary Counsel

SSB/cm

Enclosure

cc: Anthony Lewis Jerdine

settlement agreement and does not believe that it is appropriate to impose a civil penalty upon respondent in this matter.

MEMORANDUM IN SUPPORT OF RELATOR'S MOTION AND ADDENDUM

Respondent, Anthony Lewis-Jerdine, is not an attorney licensed to practice law in the State of Ohio and is presently incarcerated. (Settlement Agreement, Paragraph 2). On four occasions, all relating to the same matter, respondent prepared and submitted pleadings on behalf of his brother, Darryl Jerdine, who was incarcerated at the time, to the Eighth District Court of Appeals. (Id. at paragraphs 3-7) Upon the motion of Cuyahoga County Court of Common Pleas Judge Bridget McCafferty, the appellate court struck the initial pleading filed by respondent and dismissed Darryl's case in its entirety. (Id. at Paragraph 10). There is no evidence suggesting that respondent provided legal services or otherwise represented anyone other than Darryl in any matter.

Respondent has acknowledged that he engaged in the unauthorized practice of law in this matter and has agreed to cease and desist from similar conduct in the future. (Settlement Agreement, Stipulated Resolution).

Gov. Bar R. VII (8)(B) provides that:

The Board may recommend and the Court may impose civil penalties in an amount up to ten thousand dollars per offense. Any penalty shall be based on the following factors:

- (1) The degree of cooperation provided by the respondent in the investigation;
- (2) The number of occasions that unauthorized practice of law was committed;
- (3) The flagrancy of the violation;

- (4) Harm to third parties arising from the offense;
- (5) Any other relevant factors.

Respondent was entirely cooperative with relator in its investigation of this matter. As previously indicated, respondent's conduct was limited to assisting his incarcerated brother with the preparation of several legal documents in a case that was pending before the appellate court. While respondent's conduct was certainly inappropriate, it was not horribly flagrant. He did not hold himself out to be an attorney on any of the pleadings and did not engage in conduct that was harmful to third persons.

UPL Reg. 400 (F)(3) provides that other relevant factors the board can consider in determining whether a civil penalty is appropriate include aggravating factors. Relator asserts that the following aggravating factor exists, specifically that Respondent's unauthorized practice of law included the preparation of a legal instrument for filing with a court.

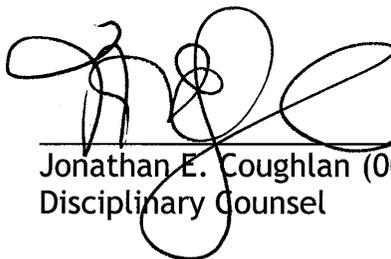
UPL Reg. 400 (F)(4) identifies mitigating factors that board can consider in determining whether a civil penalty is appropriate. Relator asserts that the following mitigating factors exist:

- (a) Respondent has ceased engaging in the conduct alleged in the complaint and agreed to in the Settlement Agreement;
- (b) Respondent has admitted the conduct alleged in the complaint;
- (c) Respondent has admitted that the conduct alleged in the complaint constituted the unauthorized practice of law;
- (d) Respondent has agreed to cease and desist from similar conduct in the future and that an injunction against the future unauthorized practice of law should be imposed; and,

(e) Respondent's conduct was the result of a motive other than dishonesty or personal benefit.

Under these circumstances, relator believes that an order that respondent cease and desist from engaging in similar circumstances is an appropriate remedy in this matter. Relator does not believe that a civil penalty is warranted.

Respectfully submitted,



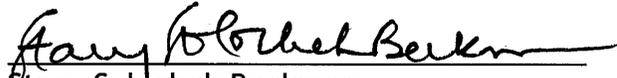
Jonathan E. Coughlan (0026424)
Disciplinary Counsel



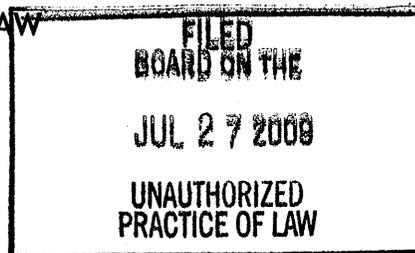
Stacy Solochek Beckman (0063306)
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Relator's Motion to Submit the Settlement Agreement of Relator and Respondent Pursuant to Rule VII Section 5b of the Rules for the Government of the Bar of Ohio and Relator's Addendum to Settlement Agreement of Relator and Respondent was served via U.S. Mail, postage prepaid, upon Anthony Lewis-Jerdine, Inmate No. 642-57004, Northeast Ohio Correctional Center, 2240 Hubbard Road, Youngstown, OH 44505, this 6th day of August 2009.


Stacy Solochek Beckman
Counsel for Relator

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



Disciplinary Counsel :
250 Civic Center Drive, Suite 325 :
Columbus, Ohio 43215-7411, :

Relator, :

v. : CASE NO. UPL 09-01

Anthony Lewis-Jerdine :
N.E.O.C.C. :
2240 Hubbard Road :
Youngstown, Ohio 44505 :

Respondent. :

SETTLEMENT AGREEMENT OF RELATOR AND RESPONDENT PURSUANT TO RULE VII
SECTION 5b OF THE RULES FOR THE GOVERNMENT OF THE BAR OF OHIO

I. AGREED STIPULATIONS

Relator filed a complaint against respondent, Anthony Lewis-Jerdine, with the Board of Commissioners on the Unauthorized Practice of Law of the Supreme Court of Ohio (the "board") on March 13, 2009. Respondent filed an answer to the allegations on May 28, 2009. Relator and respondent now enter into this Settlement Agreement pursuant to Gov. Bar R. VII (5b).

II. STIPULATED FACTS

1. Respondent, Anthony Lewis-Jerdine, is a natural person who is currently incarcerated at N.E.O.C.C., 2240 Hubbard Road, Youngstown, Ohio 44505.

2. Respondent is not an attorney-at-law in the state of Ohio admitted pursuant to Gov. Bar R. I, registered pursuant to Gov. Bar R. VI or certified pursuant to Gov. Bar R. II, Gov. Bar R. IX or Gov. Bar R. XI.
3. On April 23, 2008, relator received a letter from the Eighth District Court of Appeals indicating that respondent had prepared and filed a handwritten Writ of Mandamus to Compel Stay of Proceedings/Action Injunction Relief on behalf of an inmate, Darryl Jerdine, with the court on March 19, 2008. Darryl Jerdine is respondent's brother.
4. The pleading was signed by respondent as the "authorized representative" of Darryl Jerdine and included respondent's name, inmate number and address at the Cuyahoga County Jail at the bottom of the document.
5. On March 27, 2008, Cuyahoga County Court of Common Pleas Judge Bridget McCafferty filed a Combined Motion to Strike and Dismiss with the appellate court.
6. On April 1, 2008, respondent filed two additional pleadings on Darryl Jerdine's behalf, which he executed as Darryl Jerdine's "authorized representative."
7. On April 8, 2008, respondent filed an Emergency Response to Defendants Response to Strike on Darryl Jerdine's behalf.
8. This pleading was likewise signed by respondent as the "authorized representative" of Darryl Jerdine and included respondent's name, inmate number and address at the Cuyahoga County Jail at the bottom of the document.
9. In the Emergency Response, respondent asserted "[n]ow comes Darryl Jerdine by and through his authorized representative and trustee of express trust hereinafter, trustee attorney-in-fact Anthony Lewis."

10. On April 21, 2008, the appellate court ordered that the writ of mandamus be stricken and that Darryl Jerdine's action be dismissed in its entirety, noting "Since Anthony Lewis is not registered to practice law within the state of Ohio, his preparation and filing of the complaint for a writ of mandamus constitutes the unauthorized practice of law, which mandates that we strike the complaint for a writ of mandamus and dismiss the action in toto."

III. STIPULATED EXHIBITS

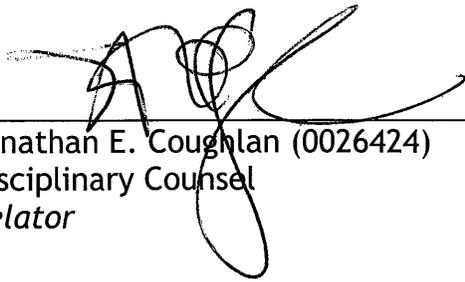
- Exhibit 1 Writ of Mandamus to Compel Stay of Proceeding/Action Injunctive Relief, *In Re: Darryl Jerdine*, Eighth District Court of Appeals, Case No. 05-570626, filed March 19, 2008.
- Exhibit 2 Judge McCafferty's Combined Motion to Strike and Dismiss, *In Re: Darryl Jerdine*, Eighth District Court of Appeals, Case No. 05-57062, filed March 27, 2008.
- Exhibit 3 Untitled Pleading, *In Re: Darryl Jerdine*, Eighth District Court of Appeals, Case No. 05-57062, filed April 1, 2008.
- Exhibit 4 Letter to Clerk, *In Re: Darryl Jerdine*, Eighth District Court of Appeals, Case No. 05-57062, filed April 1, 2008.
- Exhibit 5 Emergency Response to Defendants Response to Strike, *In Re: Darryl Jerdine*, Eighth District Court of Appeals, Case No. 05-57062, filed April 8, 2008.
- Exhibit 6 Journal Entry, *In Re: Darryl Jerdine*, Eighth District Court of Appeals, Case No. 05-57062, filed April 21, 2008.
- Exhibit 7 Journal Entry, *In Re: Darryl Jerdine*, Eighth District Court of Appeals, Case No. 05-57062, filed April 21, 2008.
- Exhibit 8 Journal Entry and Opinion, *In Re: Darryl Jerdine*, Eighth District Court of Appeals, Case No. 05-57062, filed April 21, 2008.

IV. STIPULATED RESOLUTION

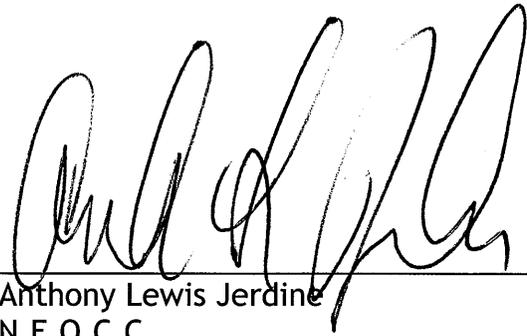
As set forth in Gov. Bar R. VII (5b)(C):

- Respondent admits that he was engaged in the unauthorized practice of law as set forth in relator's formal complaint;
- Respondent admits the material allegation of the unauthorized practice of law as set forth in relator's formal complaint;
- The public is protected from future harm and any substantial injury is remedied by this agreement;
- Respondent agrees to cease and desist from engaging in the unauthorized practice of law;
- This settlement agreement resolves the material allegations of the unauthorized practice of law;
- This settlement agreement does not involve any public policy issues or encroach upon the jurisdiction of the Supreme Court to regulate the practice of law; and,
- This settlement agreement furthers the stated purposes of Gov. Bar R. VII.

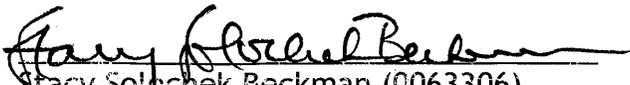
Respectfully submitted,



Jonathan E. Coughlan (0026424)
Disciplinary Counsel
Relator



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Respondent



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