

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

TOLEDO BAR ASSOCIATION,

Relator,

v.

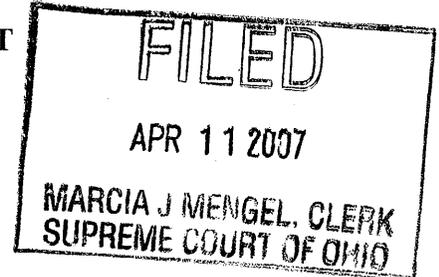
HARLAN M. JOELSON,

Respondent.

07-0636

CASE NO. UPL 06-09

FINAL REPORT



I. PROCEDURAL BACKGROUND

This matter came before the Board on the Unauthorized Practice of Law (“Board”) on Relator’s Complaint and Certificate filed October 16, 2006. Service of said Complaint was perfected upon Respondent who subsequently filed a letter characterized as an “Answer” on October 27, 2006.

On October 31, 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 of C. Lynne Day, Chair, James E. Young, and Judge Carrie A. Glaeden. On December 4, 2006, the parties filed a Stipulation and Waiver of Notice and Hearing pursuant to Gov.Bar R.VII(7)(H). An Order accepting the Stipulation and Waiver of Notice and Hearing (“Stipulation”) was filed on December 18, 2006, and the hearing previously scheduled for July 23, 2007, was cancelled. All other dates set forth in the Case Scheduling Order were vacated per the Order filed on December 18, 2006.

In its Complaint, Relator alleged that Respondent Joelson, though not an attorney-at-law, engaged in the unauthorized practice of law by filing and prosecuting four

lawsuits in the general division of the Toledo Municipal Court on behalf of another. (Complaint and Certificate, p. 2, par. 3). Relator described Respondent Joelson's specific acts of preparing, signing, and filing pleadings on behalf of another party in the following four (4) cases, Team Sports, Inc., Plaintiff v. Christine Thomas, etc., et al., Defendants; Team Sports, Inc., Plaintiff v. Kris Daiek, et al., Defendants; Team Sports, Inc., Plaintiff v. Potter Development Corp., Defendant; and Team Sports, Inc., Plaintiff v. Cory Williams, et al., Defendants.

Relator alleged that Respondent Joelson's "preparation and filing of . . . documents constitutes the rendering of legal services for another and the unauthorized practice of law." (Complaint and Certificate, p. 3, par. 11). Included with Relator's Complaint and Certificate were copies of at least seven (7) different documents/pleadings prepared, signed, and filed by Respondent Joelson on behalf of Team Sports, Inc.. (Exhibits A-G to Complaint and Certificate).

Respondent Joelson stipulated and agreed that all of the facts alleged in Relator's Complaint were true, and Respondent Joelson admitted all of the allegations contained in Relator's Complaint. (Stipulation, p. 1, par. 1). Respondent Joelson further stipulated and agreed that his conduct of preparing and filing pleadings on behalf of a corporation or similar entity in the general division of the Toledo Municipal Court as stated in Relator's Complaint constitutes the unauthorized practice of law. (Stipulation, pp. 1-2, par. 2).

Respondent Joelson waived notice and hearing on Relator's Complaint and consented to this Panel and Board "rendering a decision based upon the pleadings filed" and upon the "stipulation, waiver, and agreement." (Stipulation, p. 2, par. 3).

II. FINDINGS OF FACT

1. Relator, Toledo 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 and 5).

2. Respondent, Harlan M. Joelson, is not an attorney licensed to practice law in the State of Ohio.

3. On or about March 7, 2006, Respondent Harlan M. Joelson prepared, signed and filed a pleading on behalf of a party, Team Sports, Inc., believed to be a corporation, in the Toledo Municipal Court, Toledo, Ohio in the case previously captioned above, bearing Case Number CVF-06-04966.

4. On or about March 7, 2006, Respondent Harlan M. Joelson prepared, signed and filed a pleadings on behalf of a party, Team Sports, Inc., believed to be a corporation, in the Toledo Municipal Court, Toledo, Ohio, in the case previously captioned above, bearing Case Number CVF-06-04967.

5. On or about March 23, 2006, Respondent Harlan M. Joelson filed a "formal request to amend" the complaint in Case Number CVF-06-04967 on behalf of a party, Team Sports, Inc.

6. On or about May 16, 2006, Respondent Harlan M. Joelson filed a document in Case Number CVF-06-04967 purporting to be an order to dismiss the matter on behalf of a party, Team Sports, Inc.

7. On or about April 12, 2006, Respondent Harlan M. Joelson prepared, signed and filed a pleading on behalf of a party, Team Sports, Inc., believed to be a corporation, in the Toledo Municipal Court, Toledo, Ohio in the case previously captioned above, bearing Case Number CVF-06-07386.

8. On or about August 1, 2006, Respondent Harlan M. Joelson prepared, signed and filed a document in Case Number CVF-06-07386, styled "Brief in Opposition to defendant's Motion to Dismiss & Motion for Rule 11 Expenses and Attorney Fees," on behalf of a party, Team Sports, Inc.

9. On or about August 4, 2006, Respondent Harlan M. Joelson prepared, signed and filed a pleading on behalf of a party, Team Sports, Inc., believed to be a corporation in the Toledo Municipal Court, Toledo, Ohio in the case previously captioned above, bearing Case Number CVF-06-16159.

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 the rendering of legal services for another by any person not admitted to practice in Ohio. Gov.Bar R. VII, §(2)(A), R.C. 4705.01.

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, 1997-Ohio-298; *Land Title Abstract & Trust v. Dworkin* (1934), 129 Ohio St. 23, 1 O.O. 313, 193 N.E. 650.

4. In general, a corporation cannot maintain litigation *in propria persona* or appear in court through an officer of the corporation or an appointed person not admitted to the practice of law. *Union Sav. Ass'n v. Homeowners Aid, Inc.* (1970), 23 Ohio St. 2d 60, 262 N.E. 2d 558.

5. A corporation may prosecute or defend an action through a bona fide officer or salaried employee, who is not an attorney admitted in the state of Ohio, only in the small claims division of a municipal court. R.C 1925.17; *Cleveland Bar Association v. Pearlman*, 106 Ohio St.3d 136, 2005-Ohio-4107.

6. Unlike a small claims matter, an action maintained or defended in a municipal court case may be heard before a jury, is subject to the application of the Ohio Rules of Evidence and the Ohio Rules of Civil Procedure, and is not specifically designed for the expedited handling of matters brought or defended by non-attorneys.

7. The Respondent is not an attorney admitted to practice law in the State of Ohio.

8. The Respondent engaged in the unauthorized practice of law by preparing, signing, and filing pleadings on behalf of a corporation or similar entity in the general division of the Toledo Municipal Court.

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), and UPL Reg. 400, *Guidelines for the Imposition of Civil Penalties*.

(a). As found by the Panel, Respondent prepared legal documents for filing and subsequently filed legal documents with courts of law that he had prepared on at least seven occasions over a limited period of time Gov.Bar R. VII, §8(B)(3).

(b). Respondent cooperated in these proceedings and indicated to the Panel in his Answer that he has “the utmost and highest respect for the legal System in The United States of America.” (Answer, p. 1, Item 1). Gov.Bar R. VII, §8(B)(1).

(c). Respondent indicated that he has “ceased to act as a non-Lawyer representative in any legal matters unless they pertain to the small claims division of any court system.” (Answer, p. 1, Item 2). (UPL Reg. 400 (F)(4)(a)). Respondent also indicated in an effort to avoid future unauthorized practice implications that he has placed on behalf of the corporation “[Attorney] Philip R. Joelson, Esq., . . . on retainer to handle any and all legal matters as they pertain to collections within the State of Ohio and

involve a matter with a value greater than three thousand (\$3,000) dollars.” (Answer, pp. 2-3, Item 5).

(d). The Respondent has admitted and stipulated that the conduct under review constitutes the unauthorized practice of law. (Stipulations 1, 2). UPL Reg. 400(F)(4)(c).

(e). The Respondent has stipulated to the imposition of an injunction against future unauthorized practice of law. (Stipulation 4). UPL Reg. 400(F)(4)(d).

(f). The Relator specifically did not request the imposition of a civil penalty, on the basis that Respondent’s conduct did not cause serious damage to persons or entities, and that Respondent’s conduct is not likely to recur. UPL Reg. 400(F)(1).

For the foregoing reasons, the Panel unanimously recommends that no civil penalty be imposed in this matter.

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 March 13, 2007. The Board adopted the findings of fact, conclusions of law, and recommendations of the Panel. The Board further adopted the recommendation that no civil penalty be imposed against the Respondent.

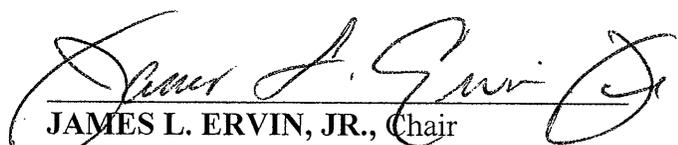
The Board recommends that the Supreme Court of Ohio issue an Order finding that the Respondent has engaged in the unauthorized practice of law.

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

The Board further recommends that the Supreme Court not impose civil penalties against the Respondent.

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

Toledo Bar Association v. Harlan M. Joelson,

Case No. UPL 06-09

To date, no expenses have been incurred by the Relator or Board.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Final Report was served by certified mail upon the following this 11th day of April, 2007: Jonathan B. Cherry, Esq., 311 North Superior, Toledo, Ohio 43604-1421; Gregory B. Denny, Esq., 1300 National City Bank Building, 405 Madison Avenue; Toledo Bar Association, 311 N. Superior Street, Toledo, OH 43604; Harlan M. Joelson, 6144 Merger Drive, Holland, Ohio 43528; Ohio State Bar Association, 1700 Lake Shore Drive, P.O. Box 16562, Columbus, OH 43216-6562; Office of Disciplinary Counsel, 250 Civic Center Drive, Ste. 325, Columbus, OH 43215.


D. Allan Asbury, Secretary of the Board