

ORIGINAL

IN THE SUPREME COURT OF OHIO

CLEVELAND BAR ASSOCIATION )  
 )  
 Relator, )  
 )  
 vs. )  
 )  
 LEON BOYD )  
 )  
 Respondent. )  
 )

CASE NO. 2006-1613

MOTION TO SHOW CAUSE

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RELATOR'S MOTION FOR AN ORDER TO APPEAR AND SHOW CAUSE

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Attorney for Relator,  
Cleveland Metropolitan Bar Association

Leon Boyd  
10502 Cedar Avenue, Apt. 1  
Cleveland, OH 44106

Respondent, Pro Se

FILED  
JUL 29 2009  
CLERK OF COURT  
SUPREME COURT OF OHIO

RECEIVED  
JUL 29 2009  
CLERK OF COURT  
SUPREME COURT OF OHIO

Now comes the Relator, Cleveland Metropolitan Bar Association, who moves this Honorable Court for an Order requiring Respondent, Leon Boyd, to appear and show cause why he should not be held in contempt for violating this Court's Order issued on December 20, 2006.

Relator is the successor in interest to the Cleveland Bar Association as named originally in this action. Relator is a nonprofit association, incorporated under the laws of the State of Ohio and duly authorized pursuant to an Agreement of Consolidation by and among Cleveland Bar Association and Cuyahoga County Bar Association to carry forward with any legal action or proceeding pending with any of the constituent parties. Pursuant to Civil Rule 25, Relator is requesting by way of this motion that the Cleveland Metropolitan Bar Association be substituted for Cleveland Bar Association.<sup>1</sup>

Relator asserts that Respondent was previously found to have violated the laws of the State of Ohio by engaging in the unauthorized practice of law. Previously, the Court found that Respondent engaged in the unauthorized practice of law by providing legal advice and preparing documents for filing in court in a divorce and a bankruptcy case. The Court enjoined Respondent from acts constituting the unauthorized practice of law in the future, including drafting legal documents based on his lay advice, and filing legal documents on behalf of others. The Court further ordered Respondent to pay a civil penalty in the amount of \$3,500. *Cleveland Bar Ass'n v. Boyd*, 112 Ohio St. 3d 331, 859 N.E.2d 930 (Ohio 2006). On November 21, 2007, the Court issued an order sua sponte and on May 30, 2008, found Respondent in contempt for failure to pay

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<sup>1</sup>See, e.g., *Highland View Hospital v. Dempsey*, 294 N.E.2d 925 (Ohio Mun.1972); *Mansfield Plumbing Products, Inc. v. Ohio Bur. of Emp. Serv.*, 590 N.E.2d 283, 69 Ohio App.3d 122 (Ohio Ct. App. 1990).

the \$3,500 civil penalty as required by the court's order of December 20, 2006.

Recently, this Court found that Respondent has again engaged in acts which constitute the unauthorized practice of law in Ohio. *Cleveland Metro. Bar Ass'n v. Leon Boyd*, No. 2009-Ohio-305, slip op. at 2 (Ohio Feb. 3, 2009). Respondent has never been admitted to practice law in Ohio, has never been granted active status, and has never been certified to practice law here. *Id.* In December 2006, Respondent nevertheless prepared and filed a divorce complaint and an affidavit of indigency to initiate a divorce proceeding in the Cuyahoga County Domestic Relations Court. Respondent improperly prepared the affidavit, providing none of the necessary financial information to justify a waiver of court fees and failed to have the affidavit properly notarized. *Id.*

Also, in December 2006, Respondent prepared and filed a complaint for legal separation and an affidavit of indigency for another party in domestic relations court. *Id.* Respondent again failed to provide financial information in the affidavit that would warrant the waiver of court fees or to have the affidavit properly notarized. *Id.* In its decision on February 3, 2009, the Court determined that Respondent's unauthorized practice of law warrants the issuance of an injunction, civil penalties in the amount of \$10,00 for each offense, totaling \$20,000, and an order to show cause. *Id.* at 3. On May 14, 2009, the court issued an order to show cause sua sponte for Respondent's failure to pay the \$20,000 civil penalty.

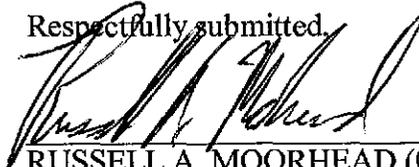
Relator now commences a Motion for Contempt of Court against Respondent for violation of the injunction prohibiting him from preparing legal documents for others and from engaging in all other acts constituting the practice of law. *Cleveland Metro. Bar Ass'n v. Leon Boyd*, No. 2009-Ohio-305, slip op. at 4 (Ohio Feb. 3, 2009).

In support of its Motion, Relator has appended the following documents: the Affidavit of Russell A. Moorhead, attached hereto as Exhibit A and incorporated by reference; a copy of this Court's decision in *Cleveland Bar Ass'n v. Boyd*, 112 Ohio St.3d 331 (Ohio 2006) and the accompanying Order, attached hereto as Exhibit B and incorporated by reference; a copy of *Cleveland Metro. Bar Ass'n v. Leon Boyd*, No. 2009-Ohio-305 (Ohio Feb. 3, 2009) and the accompanying Order in that matter, attached hereto as Exhibit C and incorporated by reference.

By engaging in the Unauthorized Practice of Law in violation of a direct court order, Respondent demonstrates his indifference for the needs of those he has unlawfully served in legal matters, displays a disdain for the integrity of the legal process, and exhibits wholesale disregard for the Court system of the State of Ohio. Relator argues that Respondent has, deliberately and without good cause, failed to comply with the prior Order issued upon him and moves the Court for an Order upon Respondent to appear and show cause why he should not be held in contempt of court.

**WHEREFORE**, Relator prays this motion is granted with all allowable fees and costs, that an appropriate citation is issued against Leon Boyd, and for such other and further relief as is necessary and proper.

Respectfully submitted,



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Attorney for Relator  
Cleveland Metropolitan Bar Assn.

**CERTIFICATE OF SERVICE**

A copy of the foregoing Motion to Show Cause has been sent via regular U.S. Mail on this 23 day of July, 2009, to:

Leon Boyd  
10502 Cedar Avenue, Apt. 1  
Cleveland, OH 44106

Respondent



RUSSELL A. MOORHEAD (0020101)  
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## APPENDIX

**Exhibit A**

**IN THE SUPREME COURT OF OHIO .**

CLEVELAND BAR ASSOCIATION	)	CASE NO. 2006-1613
	)	
Relator,	)	
	)	
vs.	)	
	)	<b><u>AFFIDAVIT OF RUSSELL A.</u></b>
	)	<b><u>MOORHEAD, ESQ.</u></b>
LEON BOYD	)	
	)	
Respondent.	)	
<b>STATE OF OHIO</b>	)	
	)	<b>SS.</b>
<b>CUYAHOGA COUNTY</b>	)	

Now comes the Affiant, Russell A. Moorhead, upon being duly sworn, states as follows:

1. Affiant says that he is an attorney duly licensed to practice in the State of Ohio, Attorney Registration No. 0020101.
2. Affiant says that he has been a member of Unauthorized Practice of Law Committee of the Cleveland Metropolitan Bar Association and its predecessor Cleveland Bar Association since 1991.
3. Affiant has been authorized to file this Motion with the Supreme Court of Ohio.
4. Affiant was counsel of record in the instant action, namely *Cleveland Bar Ass'n v. Boyd*, 112 Ohio St.3d 331, 859 N.E.2d 930 (Ohio 2006), and that he prosecuted said claim before this Honorable Court.
5. Affiant was counsel of record in the subsequent action, namely *Cleveland Metro. Bar*

*Ass'n v. Boyd*, No. 2009-Ohio-305 (Ohio Feb. 3, 2009) and prosecuted said claim before this Honorable Court.

6. Affiant says that in accordance with the Order in *Cleveland Metro. Bar Ass'n v. Boyd*, No. 2009-Ohio-305 (Ohio Feb. 3, 2009) that Relator has brought this Motion to Show Cause before the Court.

7. Affiant says that through the holding of this Court in *Cleveland Metro. Bar Ass'n v. Boyd*, No. 2009-Ohio-305 (Ohio Feb. 3, 2009) it was found that Respondent had again engaged in the unauthorized practice of law in Ohio. This constitutes good grounds for Respondent to be found in contempt of the prior Order of this Court, namely the injunction upon him from engaging in any act constituting the unauthorized practice of law.

8. Affiant finally says that Leon Boyd, by engaging in the Unauthorized Practice of Law in violation of a direct court order, demonstrates his indifference for the needs of those he has unlawfully served in legal matters, displays a disdain for the integrity of the legal process, and exhibits wholesale disregard for the Court system of the State of Ohio.

9. Affiant respectfully requests this Honorable Court grant Relator's motion.

FURTHER AFFIANT SAYETH NAUGHT.

  
Russell A. Moorhead

Sworn and subscribed before me this 23<sup>rd</sup> day of July, 2009.

  
Notary Public *George M. Macdonald*  
*Atty. for State Court*

***EXHIBIT B***

**Page 930**  
**859 N.E.2d 930**  
**112 Ohio St.3d 331**  
**2006-Ohio-6590**  
**CLEVELAND BAR ASSOCIATION**  
**v.**  
**BOYD.**  
**No. 2006-1613.**  
**Supreme Court of Ohio.**  
**Submitted October 17, 2006.**  
**Decided December 20, 2006.**

Russell A. Moorhead and George W. Macdonald, Cleveland, for relator.

**PER CURIAM.**

{¶ 1} On November 16, 2005, relator, Cleveland Bar Association, charged that respondent, Leon Boyd of Cleveland, Ohio, had engaged in the unauthorized practice of law in two cases by providing legal advice and preparing legal documents for filing in court. Respondent was served with the complaint but did not answer, and relator moved for default pursuant to Gov. Bar R. VII(7)(B). A panel of the Board on the Unauthorized Practice of Law granted the motion and made findings of fact, conclusions of law, and a recommendation, which the board adopted with some modification.

{¶ 2} Respondent has never been admitted to the practice of law in Ohio; however, he posed as an attorney to gain the trust of Nawassa Jones, who wanted to obtain a divorce in Cuyahoga County Domestic Relations Court. On April 5, 2005, Jones approached Valerie Brandenburg, the director of the court's legal department. Jones explained that she needed a proposed judgment entry for her final hearing. Jones told Brandenburg that her attorney, respondent, was supposed to have met her for this court date.

{¶ 3} Brandenburg gave Jones a copy of the court's judgment entry form and accompanied

her to a floor where they might find respondent. When they found him, respondent handed Jones a proposed judgment entry containing various representations implicating Jones's legal status and legal rights in relation to her divorce. Brandenburg challenged respondent, but respondent denied any wrongdoing and claimed to have obtained the form from the domestic relations court's website. According to Brandenburg's sworn statement, however, the court's website offers "no such formatted judgment entry."

{¶ 4} In a second incident, respondent told Mozetta Gibson on November 2, 2004, that he was a retired attorney and could handle her claim for bankruptcy. After advising that he did not have a regular office, respondent met with Gibson at her home on November 29, 2004, and asked her questions in preparation for filing a bankruptcy petition on her behalf. Gibson then paid respondent the first \$100 of his quoted \$250 fee.

{¶ 5} Gibson met with respondent again before a meeting of her creditors, when he told her what to say to the bankruptcy trustee. She then paid respondent the \$150 balance of his fee. The United States Bankruptcy Court for the Northern District of Ohio later dismissed Gibson's case because, according to Gibson, respondent had failed to tell her what the time limits were for paying the filing fee. Gibson thereafter hired a licensed attorney, who helped her reinstate her bankruptcy claim.

{¶ 6} The board found that respondent had engaged in the unauthorized practice of law by acting on behalf of Jones in her divorce case and on behalf of Gibson in her bankruptcy case. In drawing these conclusions, the board acknowledged that Section 110, Title 11, U.S.Code permits nonattorneys to assist others to a limited extent in preparing certain bankruptcy petition forms. See, e.g., *In re Moffett* (Bankr. W.D.Ky.2001), 263 B.R. 805. The board found that respondent far exceeded the activities permitted by the statute by drawing up and filing court documents intended to secure certain legal rights for Jones and Gibson.

{¶ 7} The board thus recommended, as did the panel, that we issue an order prohibiting respondent from acts constituting the unauthorized practice of law in the future, including drafting legal documents based on his lay advice and filing the papers for others in court. The board and panel also considered the appropriateness of imposing civil penalties pursuant to Gov. Bar R. VII(8)(B).

{¶ 8} The panel cited the flagrancy of respondent's acts and his lack of cooperation in the board proceedings, Gov.Bar R. VII(8)(B)(1), as warranting a \$2,000 civil penalty, \$1,000 each for the Jones and Gibson violations. The board agreed that respondent's two separate attempts to profit from posing as a lawyer required a civil penalty. Because of respondent's blatant lie to the unsuspecting Gibson and the fact that his incompetence caused her significant harm due to the dismissal of her bankruptcy claim, however, the board recommended a \$2,500 civil penalty in Gibson's case. Referring to the Guidelines for the Imposition of Civil Penalties in UPL Reg. 400(F), the board further noted that respondent had financially benefited from his acts, that his unlicensed practice had included court filings, and that he had actually claimed to be a lawyer, all of which are considerations for recommending a more severe penalty. See UPL Reg. 400(F)(3)(d), (f), and (g).

{¶ 9} This court has the power to regulate, control, and define the practice of law in Ohio. Section 2(B)(1)(g), Article IV, Ohio

Constitution; *Cleveland Bar Assn. v. CompManagement, Inc.*, 104 Ohio St.3d

Page 932

168, 2004-Ohio-6506, 818 N.E.2d 1181, ¶ 39. And except to the limited extent necessary to protect peculiarly federal objectives, none of which are at stake here, our authority permits us to enjoin the unauthorized practice of law before federal courts in this state. *Cleveland Bar Assn. v. Baron*, 106 Ohio St.3d 259, 2005-Ohio-4790, 834 N.E.2d 343, ¶ 6, citing *Sperry v. Florida ex rel. Florida Bar* (1963), 373 U.S. 379, 402, 83 S.Ct. 1322, 10 L.Ed.2d 428, and *Mahoning Cty. Bar Assn. v. Harpman* (1993), 62 Ohio Misc.2d 573, 575, 608 N.E.2d 872.

{¶ 10} Gov.Bar R. VII(2)(A) defines the "unauthorized practice of law" as "the rendering of legal services for another by any person not admitted to practice in Ohio under Rule I and not granted active status under Rule VI, or certified under Rule II [interns], Rule IX [temporary certification], or Rule XI [foreign legal consultants] of the Supreme Court Rules for the Government of the Bar of Ohio." See, also, R.C. 4705.01 (prohibiting any person not admitted to the Ohio bar by order of the Supreme Court from commencing, conducting, or defending any legal action or proceeding in which the person is not a party concerned).

{¶ 11} With few exceptions, including *Cleveland Bar Assn. v. Pearlman*, 106 Ohio St.3d 136, 2005-Ohio-4107, 832 N.E.2d 1193 (allowing a nonlawyer to prepare and file a complaint in small-claims court on behalf of a limited liability company of which the nonlawyer and his wife are the only members), the unauthorized practice of law occurs when a layperson prepares legal pleadings and other papers for filing in court on another's behalf without the supervision of a licensed attorney. Gov. Bar R. VII(2)(A); *Richland Cty. Bar Assn. v. Clapp* (1998), 84 Ohio St.3d 276, 278, 703 N.E.2d 771; *Cleveland Bar Assn. v. Coats*, 98 Ohio St.3d 413, 2003-Ohio-1496, 786 N.E.2d 449, ¶ 3. Respondent's preparation of legal

documents on behalf of Jones and Gibson thus constituted the unauthorized practice of law.

{¶ 12} We therefore adopt the board's findings that respondent engaged in the unauthorized practice of law and find that the recommended injunction and civil penalties are appropriate. Respondent is therefore enjoined from acts constituting the unauthorized practice of law in the future, including drafting legal documents based on his lay advice and filing the papers for others in court. Gov.Bar R. VII(19)(D)(1)(a). Respondent is further ordered to pay a civil penalty of \$3,500 (\$1,000 for the Jones violation and \$2,500 for the Gibson violation) pursuant to Gov. Bar R. VII(8)(B) and VII(19)(D)(1)(c). Costs are taxed to respondent.

Judgment accordingly.

MOYER, C.J., RESNICK, PFEIFER,  
LUNDBERG STRATTON, O'CONNOR,  
O'DONNELL and LANZINGER, JJ., concur.

***EXHIBIT C***

**901 N.E.2d 795**  
**121 Ohio St.3d 36**  
**2009-Ohio-305**  
**CLEVELAND METROPOLITAN BAR ASSOCIATION**  
**v.**  
**BOYD.**  
**No. 2008-1560.**  
**Supreme Court of Ohio.**  
**Submitted October 1, 2008.**  
**Decided February 3, 2009.**  
**[901 N.E.2d 796]**

Russell A. Moorhead and George A. MacDonald, for relator.

PER CURIAM.

[121 Ohio St.3d 36]

{¶ 1} Relator, Cleveland Bar Association, has charged that respondent, Leon Boyd of Cleveland, Ohio, engaged in the unauthorized practice of law by preparing legal papers on behalf of two separate parties in domestic relations court. The Board on the Unauthorized Practice of Law found that respondent, whose earlier attempts to represent others in legal proceedings have already resulted in an injunction and \$3,500 in civil penalties, see *Cleveland Bar Assn. v. Boyd*, 112 Ohio St.3d 331, 2006-Ohio-6590, 859 N.E.2d 930, has again practiced law in violation of Ohio licensure requirements. The board recommends that we enjoin respondent from committing further illegal acts, impose \$20,000 in civil penalties, and order respondent to show cause why he should not be held in contempt for failing to comply with our previous order. We agree that respondent engaged in the unauthorized practice of law and that an injunction, civil penalties, and an order to show cause are warranted.

{¶ 2} Respondent was served with relator's complaint but did not answer, and relator moved for default pursuant to Gov. Bar VII(7)(B). A panel of the board granted the motion, making findings of fact and conclusions of law and recommending injunctive relief together with \$10,000 in civil penalties per case of

unauthorized practice. The board adopted the panel's findings of fact, conclusions of law, and recommendation.

[121 Ohio St.3d 37]

**Respondent Engaged in the Unauthorized Practice of Law**

{¶ 3} Respondent has never been admitted to practice law in Ohio, has never been granted active status, and has never been certified to practice law here. In December 2006, he nevertheless prepared and filed a divorce complaint and an affidavit of indigency to initiate a divorce proceeding in Cuyahoga County Domestic Relations Court, charging a \$160 fee. In preparing the affidavit, respondent provided none of the financial information necessary to justify a waiver of court fees and then failed to have the affidavit properly notarized. Effectively unrepresented, the party later appeared without a required proposed judgment entry at a divorce hearing and had to seek the assistance of the domestic relations court's legal department.

{¶ 4} Also in December 2006, respondent prepared and filed a complaint for legal separation and an affidavit of indigency for another party in Cuyahoga County Domestic Relations Court, charging a fee of \$50. Again in preparing the affidavit, respondent provided no financial information warranting the waiver of court fees and then failed to have the affidavit properly notarized.

[901 N.E.2d 797]

{¶ 5} This court 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 Indemn. Co. v. J.C. Penney Co., Inc. (1986), 27 Ohio St.3d 31, 34, 27 OBR 447, 501 N.E.2d 617; Judd v. City Trust & Savs. Bank (1937), 133 Ohio St. 81, 85, 10 O.O. 95, 12 N.E.2d 288. 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). We have consistently held that the practice of law not only encompasses the drafting and preparation of pleadings filed in the courts of Ohio but also includes the preparation of legal documents and instruments upon which legal rights are secured or advanced. Akron Bar Assn. v. Greene (1997), 77 Ohio St.3d 279, 280, 673 N.E.2d 1307; Land Title Abstract & Trust Co. v. Dworken (1934), 129 Ohio St. 23, 1 O.O. 313, 193 N.E. 650, syllabus.

{¶ 6} A preponderance of the evidence establishes that respondent is not qualified to practice law but nevertheless prepared legal documents to be filed with the domestic relations court on behalf of others. We therefore adopt the board's finding that he engaged in the unauthorized practice of law.

#### An Injunction and Civil Penalties Are Warranted

{¶ 7} Having found that respondent engaged in the unauthorized practice of law, we accept the board's recommendation to issue an injunction and prohibit respondent from preparing legal documents for others and from engaging in all other acts constituting the practice of law.

[121 Ohio St.3d 38]

{¶ 8} We also accept the recommendation to impose the civil penalty authorized by Gov.Bar R. VII(8)(B). In reaching this determination, we weigh the factors listed in that rule and in the supplementary provisions of UPL Reg. 400(F). Weighing in favor of the civil penalty is the fact that respondent has flagrantly continued to engage in the unauthorized practice

of law despite our order enjoining this conduct. Gov.Bar R. VII(8)(B)(3) and UPL Reg. 400(F)(3)(a) and (b). Respondent further prepared legal documents for filing in court and allowed others to mistakenly believe that he was admitted to the practice. UPL Reg. 400(F)(3)(f) and (g). Respondent also did not participate in the board proceedings, Gov.Bar R. VII(B)(1), and received monetary benefit from his unlicensed practice. UPL Reg. 400(F)(d).

{¶ 9} Based on the foregoing and the total absence of any mitigating factors, respondent's conduct in engaging in the unauthorized practice of law warrants the imposition of the maximum civil penalties. We thus enjoin respondent from preparing legal documents for others and from engaging in all other acts constituting the practice of law. We also order civil penalties against respondent in the amount of \$10,000 with respect to each of the offenses for a total of \$20,000. Finally, upon motion filed in Cleveland Bar Assn. v. Boyd, 112 Ohio St.3d 331, 2006-Ohio-6590, 859 N.E.2d 930, case No. 2006-1613, respondent will be ordered to appear and show cause why he should not be held in contempt of our order issued on December 20, 2006.

{¶ 10} Costs are taxed to respondent.

Judgment accordingly.

MOYER, C.J., and PFEIFER,  
LUNDBERG STRATTON, O'CONNOR,  
O'DONNELL, LANZINGER, and CUPP, JJ.,  
concur.