

ORIGINAL

IN THE SUPREME COURT OF OHIO

**Disciplinary Counsel,
Petitioner**

250 Civic Center Drive
Suite 325
Columbus, OH 43215

CASE NO. 2008-1573

**Bruce Andrew Brown
(aka Amir Jamal Tauwab,
aka B. Andrew Brown),
Respondent**

6075 Penfield Lane
Solon, OH 44139

MOTION FOR AN ORDER TO APPEAR AND SHOW CAUSE

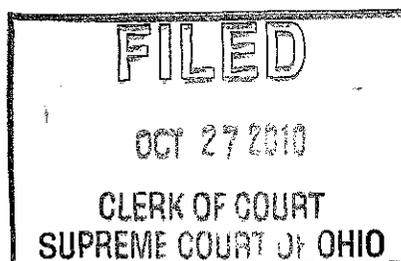
**JONATHAN E. COUGHLAN (0026424)
Disciplinary Counsel,
Petitioner**

**BRUCE ANDREW BROWN
(aka Amir Jamal Tauwab,
aka B. Andrew Brown)
Respondent**

6075 Penfield Lane
Solon, OH 44139

**LORI J. BROWN (0040142)
Chief Assistant Disciplinary Counsel
Counsel for Petitioner**

250 Civic Center Drive
Suite 325
Columbus, OH 43215



IN THE SUPREME COURT OF OHIO

Disciplinary Counsel,
Petitioner

250 Civic Center Drive
Suite 325
Columbus, OH 43215

CASE NO. 2008-1573

Bruce Andrew Brown
(aka Amir Jamal Tauwab,
aka B. Andrew Brown),
Respondent

6075 Penfield Lane
Solon, OH 44139

MOTION FOR AN ORDER TO APPEAR AND SHOW CAUSE

Petitioner, Disciplinary Counsel, hereby moves the Supreme Court of Ohio for an order requiring respondent, Bruce Andrew Brown (aka Amir Jamal Tauwab, aka B. Andrew Brown), to appear and show cause why he should not be held in contempt for flagrantly violating this Court's order filed March 19, 2009. A photocopy of this Court's order is attached hereto as Appendix A. In its March 2009 order, this Court enjoined respondent from using the terms "Esq.," "Esquire," "J.D.," or "Juris Doctor" in conjunction with his name or business name. Respondent has repeatedly violated this section of the Court's order.

This Court has determined on three occasions that respondent, a disbarred New York lawyer, engaged in the unauthorized practice of law in the state of Ohio.¹ See *Disciplinary Counsel v. Brown*, 121 Ohio St.3d 423, 2009-Ohio-1152, ¶45, 905 N.E.2d 163; *Disciplinary Counsel v. Brown* (1992), 61 Ohio Misc.2d 792, 584 N.E.2d 1391; and, *Disciplinary Counsel v. Brown*, 99 Ohio St.3d 114, 2003-Ohio-2568, 789 N.E.2d 210. See Appendices B, C and D. In its 2009 decision, this Court also ordered respondent to pay a total civil penalty of \$50,000 plus board costs. To date, respondent has not paid the penalty or board costs.

In 1996 and while he was incarcerated, respondent filed an application in Cuyahoga County Probate Court to change his name from Bruce Andrew Brown to Amir Jamal Tauwab. By judgment entry filed April 30, 1996, respondent's name was changed to Amir Jamal Tauwab. As set forth below, respondent uses at least three names interchangeably and concurrently.

On July 1, 2008, respondent was again convicted in Cuyahoga County of theft. Respondent's probation was terminated on January 14, 2009 and he served time in prison. He was released most recently in June 2010.

Respondent's repeated and flagrant violation of this Court's 2009 order has occurred within the case known as *Amir Jamal Tauwab aka Bruce A. Brown v. Huntington Bancshares, Inc., Safeguard Properties, inc., Premier Properties of Central Ohio, Inc., Chad J. Lane, and Jonathan L. Lozier* ("the Huntington case"). Respondent

¹ Respondent was admitted to the practice of law in the state of New York at the Second Judicial Department in 1985. By entry of the Supreme Court of New York, Appellate Division, First Department, dated July 30, 1992, respondent was disbarred in New York. *In the Matter of Bruce A. Brown* (1992), 586 N.Y.S.2d 607.

filed the *Huntington* case on July 29, 2010 in the Cuyahoga County Court of Common Pleas. A photocopy of the complaint is attached as Appendix E.

Robert D. Warner of Reminger Co., L.P.A. represents Premier Properties, Inc., Lane, and Lozier in the *Huntington* case. Stephen M. Bales of Ziegler, Metzger & Miller LLP, represents The Huntington National Bank. In his communications with Warner and Bales and despite his knowledge of this Court's 2009 order, respondent has repeatedly and flagrantly used "J.D." following his name. To wit:

- On an August 23, 2010 letter to Bales and using letterhead from "B. Andrew Brown & Associates, LLC," respondent signed the letter above the name "B. Andrew Brown, J.D." and identified himself as "Managing Member." Appendix F.
- In electronic communication of September 15, 2010 to Warner in which respondent "propounded interrogatories" in the *Huntington* case, Appendix G, respondent's signature block appears as follows:

Bruce Andrew Brown, J.D.
B. Andrew Brown & Associates, LLC
1300 Fifth Third Center
600 Superior Avenue
Cleveland, Ohio 44114
(216)479-6868-Telephone
(216)479-6872-Facsimile

- In electronic communication of September 16, 2010 to Warner's assistant, Lorin Szalai, Appendix H, respondent's signature block appears as follows:

Bruce Andrew Brown, J.D.
B. Andrew Brown & Associates, LLC
1300 Fifth Third Center
600 Superior Avenue
Cleveland, Ohio 44114
(216)479-6868-Telephone
(216)479-6872-Facsimile

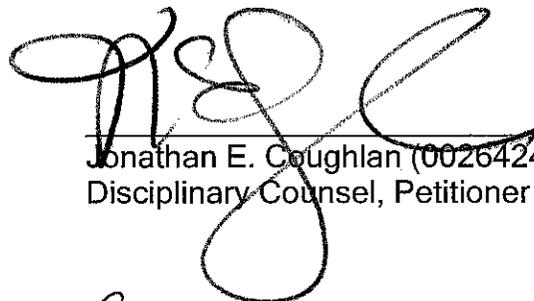
- In a telephone conversation with Bales and Warner, respondent indicated that it was his intention to continue to use "J.D." regardless of this Court's order. See Affidavit of Attorney Stephen M. Bales, Appendix I.

Now comes petitioner, Disciplinary Counsel, and in accordance with the foregoing, hereby files this motion for an order requiring respondent, Bruce Andrew Brown, aka Amir Jamal Tauwab, aka B. Andrew Brown, to appear and show cause why he should not be held in contempt for repeatedly violating this court's order dated March 19, 2009.

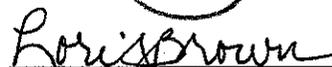
CONCLUSION

Based upon the foregoing, petitioner hereby moves this Court to issue an order requiring respondent to appear and show cause why he should not be held in contempt for violating this court's order of March 19, 2009. It is further requested that respondent be ordered to pay all costs and fees associated with this motion and the proceedings thereof.

Respectfully submitted,



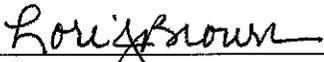
Jonathan E. Coughlan (0026424)
Disciplinary Counsel, Petitioner



Lori J. Brown (0040142)
Chief Assistant Disciplinary Counsel
Counsel of Record

Certificate of Service

I hereby certify that a copy of this motion for an order to appear and show cause was mailed via ordinary U.S. Mail to respondent, Bruce A. Brown, 6075 Penfield Lane, Solon, OH 44139 this 27th day of October, 2010.



Lori J. Brown (0040142)
Counsel for Petitioner

RECEIVED
Sen/JSEC/LTB
MAR 20 2009

0606

FILED

DISCIPLINARY COUNSEL
SUPREME COURT OF OHIO *The Supreme Court of Ohio*

MAR 19 2009
CLERK OF COURT
SUPREME COURT OF OHIO

Disciplinary Counsel
Relator,

ON REPORT OF THE BOARD ON THE
UNAUTHORIZED PRACTICE OF LAW

v.

Bruce A. Brown (aka B. Andrew Brown, aka
Amir Jamal Tauwab),
Respondent.

Case No. 08-1573

ORDER

The Board on the Unauthorized Practice of Law filed its final report in this court on August 11, 2008, recommending that, pursuant to Rule VII of the Supreme Court Rules for the Government of the Bar of Ohio, the Supreme Court of Ohio issue an order finding that respondent, Bruce A. Brown (aka B. Andrew Brown, aka Amir Jamal Tauwab), has engaged in the unauthorized practice of law; prohibiting respondent from engaging in the unauthorized practice of law in the future; providing for reimbursement of costs and expenses incurred by the board and relator; imposing civil penalties in the total amount of \$50,000; and, requiring respondent to show cause why he should not be found in contempt of the order issued in Case No. 02-1380. Respondent filed objections to the final report, relator filed an answer and this cause was considered by the court. On consideration thereof,

This court finds, consistent with the opinion rendered herein, that respondent's actions of giving legal advice and assisting others in preparing legal pleadings and other documents constitute the unauthorized practice of law. Respondent is enjoined from engaging in the unauthorized practice of law. It is further ordered that respondent is prohibited from the use of the terms "Esq.," "Esquire," "J.D.," or "Juris Doctor" in conjunction with his name or business name.

It is further ordered that, upon the filing of a motion by relator in Case No. 2002-1380, *Disciplinary Counsel v. Brown*, 99 Ohio St.3d 114, 2003-Ohio-2568, 789 N.E.2d. 210, respondent will be ordered to appear and show cause why he should not be held in contempt of our order issued on May 28, 2003.

It is further ordered that respondent is fined \$10,000 each for each of Counts One, Two Three, Four, and Five of the complaint for a total penalty of \$50,000. The fine shall be paid to this court by certified check or money order on or before 30 days from the date of this order. If respondent fails to pay said fine on or before 30 days from the date of this order the matter will be referred to the Office of the Attorney General for collection and this court may find respondent in contempt.

It is further ordered that respondent provide reimbursement of costs and expenses incurred by the board and relator in the amount of \$4,541.25, which costs shall be payable to this court by certified check or money order on or before 30 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 30 days from the date of this order, interest at the rate of 10% per annum shall accrue on the balance of unpaid board costs, effective 30 days from the date of this order. It is further ordered that if costs are not paid in full on or before 30 days from the date of this order, this matter will be referred to the Office of the Attorney General for collection and this court may find respondent in contempt.

APPENDIX
A

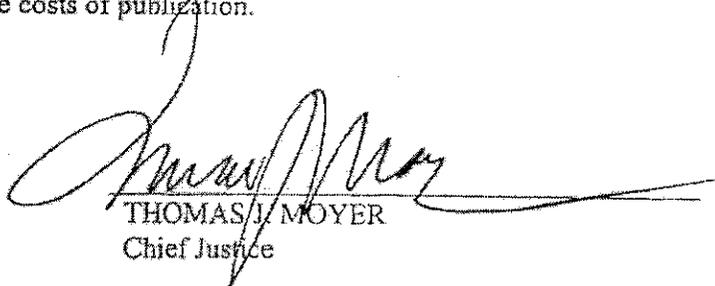
It is further ordered, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. VII(19)(E); that publication be made as provided for in Gov.Bar R. VII(19)(F); and that respondent bear the costs of publication.

I HEREBY CERTIFY that this document is a true and accurate copy of the entry of the Supreme Court of Ohio filed March 19, 2009 in Supreme Court case number 08-1233

In witness whereof I have hereunto subscribed my name and affixed the seal of the Supreme Court of Ohio on this 19th day of March, 20 09

CLERK OF COURT
by Deirdre L. Roche, Deputy


THOMAS J. MOYER
Chief Justice

DISCIPLINARY COUNSEL v. BROWN.

[Cite as *Disciplinary Counsel v. Brown*, 121 Ohio St.3d 423, 2009-Ohio-1152.]

Unauthorized practice of law — Injunction issued and civil penalty imposed.

(No. 2008-1573 — Submitted November 19, 2008 — Decided March 19, 2009.)

ON FINAL REPORT by the Board on the Unauthorized
Practice of Law, No. UPL 06-06.

Per Curiam.

{¶ 1} In June 2006, relator, Disciplinary Counsel, charged respondent, Bruce Andrew Brown, also known as Amir Jamal Tauwab, Bruce Brown, Bruce A. Brown, and B. Andrew Brown, with six counts of unauthorized practice of law. The Board on the Unauthorized Practice of Law concluded that respondent had practiced law in violation of Ohio licensure requirements and recommends that we enjoin respondent from committing further illegal acts, that we impose a civil penalty of \$50,000, and that we order respondent to show cause why he should not be held in contempt for violating the injunction we imposed against him in an earlier case in which we found that he had engaged in the unauthorized practice of law, *Disciplinary Counsel v. Brown*, 99 Ohio St.3d 114, 2003-Ohio-2568, 789 N.E.2d 210.

Background

{¶ 2} Respondent was admitted to the practice of law in New York in 1985, but was disbarred in 1992. *In re Brown* (1992), 181 A.D.2d 314, 586 N.Y.S.2d 607. Respondent has never been admitted to the practice of law in Ohio.

{¶ 3} In 1992, the Board on the Unauthorized Practice of Law found that respondent had engaged in conduct in Ohio constituting the unauthorized practice

SUPREME COURT OF OHIO

of law. *Disciplinary Counsel v. Brown* (1992), 61 Ohio Misc.2d 792, 584 N.E.2d 1391. Respondent was later convicted of 44 felonies, including grand theft, forgery, uttering, and tampering with records, based on his conduct relating to his unauthorized practice of law. *State v. Brown* (1995), 108 Ohio App.3d 489, 671 N.E.2d 280.

{¶ 4} In 2000, relator filed a complaint with the board, again charging respondent with having engaged in the unauthorized practice of law. *Disciplinary Counsel v. Brown*, 99 Ohio St.3d 114, 2003-Ohio-2568, 789 N.E.2d 210. This court found that respondent had held himself out as a licensed attorney and enjoined him from engaging in further acts of the unauthorized practice of law. *Id.*

{¶ 5} In addition to the criminal convictions mentioned above, respondent has been convicted several times of felony crimes in Ohio. In 1991, respondent pleaded guilty in Cuyahoga County Common Pleas Court to passing bad checks and forging a power of attorney. In January 2003, respondent pleaded guilty in Cuyahoga County Common Pleas Court to a 21-count indictment: six counts of theft, six counts of false representation as an attorney, seven counts of passing bad checks, one count of forgery, and one count of uttering. In June 2003, respondent pleaded guilty to two counts of forgery in Portage County Common Pleas Court.

{¶ 6} In 2006, relator brought this action, charging that respondent had again engaged in the unauthorized practice of law. At the time of the filing of this action, respondent maintained a place of business known as B. Andrew Brown & Associates, L.L.C., in Cleveland and held himself out as B. Andrew Brown, Esq., on stationery with B. Andrew Brown & Associates on the letterhead.

{¶ 7} The board concluded that respondent had practiced law in violation of Ohio licensure requirements and recommended that we enjoin respondent from committing further illegal acts. We agree that respondent engaged in the

unauthorized practice of law and that an injunction, along with other penalties, is warranted.

Respondent's Conduct

Count One: The Hilliard Matter

{¶ 8} Georgia Lee Hilliard died on March 18, 2000. Yet respondent held a power of attorney dated July 12, 2005, purporting to appoint respondent as attorney-in-fact for Hilliard for any and all acts relating to specified real property belonging to Hilliard. On July 30, 2005, respondent appeared at the closing for the sale of the property and executed all the closing documents in his capacity as Hilliard's attorney-in-fact. Proceeds from the sale of the property were placed into a U.S. Bank trust account in his name. Respondent later filed an action against U.S. Bank, alleging that the bank had converted the proceeds from the sale of the Hilliard property.

{¶ 9} R.C. 4705.01 provides: "No person shall be permitted to practice as an attorney and counselor at law, or to commence, conduct, or defend any action or proceeding in which the person is not a party concerned * * * unless the person has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules."

{¶ 10} In his objections, respondent argues that relator failed to prove that he filed the lawsuit on behalf of Hilliard. He argues that he, not Hilliard, was the named party. However, Civ.R. 17 does not permit respondent to file a lawsuit against U.S. Bank for what respondent claims was the "unlawful taking of [Hilliard's] funds." In the U.S. Bank lawsuit, respondent was ostensibly seeking the return of Hilliard's funds on behalf of Hilliard. This lawsuit was unrelated to the real estate transaction for which respondent was purportedly designated attorney-in-fact.

{¶ 11} But even if the lawsuit were related to the real estate transaction, respondent would be in violation of the law because "a power of attorney does not

give a person the right to prepare and file pleadings in court for another.” *Cuyahoga Cty. Bar Assn. v. Spurlock*, 96 Ohio St.3d 18, 2002-Ohio-2580, 770 N.E.2d 568, at ¶ 9. This court has previously held that “[w]hen a person not admitted to the bar attempts to represent another in court on the basis of a power of attorney assigning *pro se* rights, he is in violation of [R.C. 4705.01]. A private contract cannot be used to circumvent a statutory prohibition based on public policy.” *Disciplinary Counsel v. Coleman* (2000), 88 Ohio St.3d 155, 158, 724 N.E.2d 402. We affirm the board’s conclusion that respondent engaged in the unauthorized practice of law by filing the action against U.S. Bank.

Count Two: The Paoletta Matter

{¶ 12} In 2005, respondent sent a letter to Cindy Paoletta requesting payment of an alleged debt owed by Paoletta to Raymond P. Buildt, a contractor who had allegedly furnished materials and labor to improve Paoletta’s property. Respondent enclosed an affidavit for a mechanic’s lien against the property. The letter was written on stationery bearing the names B. Andrew Brown & Associates, L.L.C., and B. Andrew Brown, Esq., on the letterhead.

{¶ 13} Paoletta retained an attorney, who confirmed that the mechanic’s lien had been filed with the Cuyahoga County Recorder’s Office. The lien contained a legend stating that the document had been prepared by B.A. Brown.

{¶ 14} Paoletta’s attorney testified before the board that because the letter from respondent contained the designations “L.L.C.” and “Esq.,” he had assumed that respondent was an attorney. The attorney engaged in various written and verbal communications with respondent based on this assumption. The attorney later discovered that respondent was not an attorney, and when he confronted respondent, he admitted that he was not an attorney. Soon thereafter, Paoletta’s attorney received a letter from respondent enclosing a copy of a satisfaction of mechanic’s lien that had been filed and that bore the notation “Prepared by: B. Andrew Brown & Assoc.”

{¶ 15} Prior to receiving the satisfaction of mechanic's lien, Paoletta's attorney learned from the Cuyahoga County Prosecutor's Office that respondent was not admitted to practice law in Ohio. At the hearing before the board, respondent submitted into evidence a letter purporting to have been sent by him to Paoletta's attorney on August 15, 2005, which provides: "Be advised that I am not an attorney, practicing law. I am a collection agent." Paoletta's attorney testified that he did not receive that letter in August 2005 and that the first time he saw it was in November 2007, approximately two weeks before the board hearing.

{¶ 16} Respondent argues that he was acting as a "collection agent," not an attorney. However, there is no evidence that respondent was acting as a collection agent in sending the letter to Paoletta. In leading Paoletta and her attorney to believe that he was an attorney, respondent engaged in the unauthorized practice of law. See *Disciplinary Counsel v. Robson*, 116 Ohio St.3d 318, 2007-Ohio-6460, 878 N.E.2d 1042. Also, because "the practice of law includes the preparation of legal documents on another's behalf," *Geauga Cty. Bar Assn. v. Canfield* (2001), 92 Ohio St.3d 15, 748 N.E.2d 23, in preparing the affidavit for a mechanic's lien and the satisfaction of mechanic's lien on behalf of Buildt, respondent engaged in the unauthorized practice of law.

{¶ 17} Finally, we have held that "one who purports to negotiate legal claims on behalf of another and advises persons of their legal rights * * * engages in the practice of law." *Cleveland Bar Assn. v. Henley* (2002), 95 Ohio St.3d 91, 92, 766 N.E.2d 130. Thus, by engaging in negotiations with Paoletta's attorney to settle a legal dispute between Buildt and Paoletta, respondent engaged in the unauthorized practice of law. *Id.*; see also *Ohio State Bar Assn. v. Kolodner*, 103 Ohio St.3d 504, 2004-Ohio-5581, 817 N.E.2d 25.

Count Three: The Primous Matter

{¶ 18} When Rosa Primous, a teacher, applied for a home-equity loan at Key Bank in Cleveland, the bank's branch manager reviewed her credit report and

SUPREME COURT OF OHIO

told her that another person was using her Social Security number. Primous asked the branch manager if he knew a lawyer who could handle the problem, and he recommended respondent and gave her one of respondent's business cards. The card identified respondent as B. Andrew Brown, Esq., and his business as B. Andrew Brown & Associates, L.L.C.

{¶ 19} When Primous met with respondent, she referred to him as a lawyer, and he did not correct her. Primous also paid respondent a \$250 "retainer." On stationery bearing the names B. Andrew Brown & Associates, L.L.C., and B. Andrew Brown, Esq., respondent wrote a letter on Primous's behalf to the person believed to be using her Social Security number, stating that respondent had been retained to investigate and resolve the matter. Also using his B. Andrew Brown & Associates, L.L.C./B. Andrew Brown, Esq., stationery, respondent wrote letters to the three major credit-reporting services on Primous's behalf. Primous later tried to contact respondent, but he did not return her calls or any portion of her \$250 retainer.

{¶ 20} Respondent contends that he was simply acting as a "credit repair organization" with regard to Primous. However, Section 1679c(a), Title 15, U.S.Code requires that a credit-repair organization provide every consumer with a written statement setting forth the consumer's rights under state and federal law. Respondent offered no evidence that he ever provided such a statement to Primous. Further, federal law requires a contract between the credit-repair organization and the consumer that meets the requirements of Section 1679d(b), Title 15, U.S.Code. There is no evidence of such a contract between respondent and Primous. Finally, respondent never registered as a credit-services organization as required by R.C. 4712.02, nor were his activities permitted under R.C. Chapter 4712.

{¶ 21} Respondent's failure to correct Primous's misunderstanding that he was an attorney led Primous to believe that she was paying an attorney to provide

her with legal services, and therefore his actions with regard to Primous constituted the unauthorized practice of law. See *Disciplinary Counsel v. Robson*, 116 Ohio St.3d 318, 2007-Ohio-6460, 878 N.E.2d 1042. Respondent, in collecting a retainer, reinforced the notion that an attorney-client relationship had been established.

{¶ 22} As we held in *Land Title Abstract & Trust Co. v. Dworken* (1934), 129 Ohio St. 23, 1 O.O. 313, 193 N.E. 650, at paragraph one of the syllabus: “The practice of law is not limited to the conduct of cases in court. It embraces the preparation of pleadings and other papers incident to actions and special proceedings and the management of such actions and proceedings on behalf of clients before judges and courts, and in addition conveyancing, the preparation of legal instruments of all kinds, and in general all advice to clients and all action taken for them in matters connected with the law.” The acts of contacting the person believed to be using Primous’s Social Security number and contacting the three credit-reporting agencies — all on Primous’s behalf — while holding himself out to Primous to be a lawyer, constituted the unauthorized practice of law.

Count Four: The Joseph Matter

{¶ 23} Mohammad Joseph and his cousin contacted respondent and asked him to prepare the necessary documents for establishing a business to be known as King Drive Through, L.L.C. Joseph thought that respondent was an attorney, because his cousin had told him that respondent was an attorney and that respondent had previously represented the cousin. Respondent signed the Organization/Registration of Limited Liability Company form for King Drive Through, L.L.C., accepting his appointment as agent, and B. Andrew Brown & Associates is listed as the address to which requests for copies of company documents should be addressed.

SUPREME COURT OF OHIO

{¶ 24} While meeting with respondent to discuss forming a business, Joseph also mentioned to respondent that he had recently been charged with carrying a concealed weapon. Respondent told Joseph that he would represent him on the criminal charge and that he could get the charges dismissed. Joseph paid respondent \$1,800 for his services in setting up his business and representing him in the criminal case. Thereafter, respondent failed to appear at three scheduled hearings in the criminal case, despite reassuring Joseph each time that he would be there to represent him. He also failed to file a motion to dismiss, which he told Joseph he had filed. Ultimately, Joseph hired a licensed attorney to represent him.

{¶ 25} Respondent told Joseph that he would return the \$1,800 Joseph had paid him by depositing the money directly into Joseph's bank account. Respondent wrote a check drawn on an account registered to the Bruce Andrew Brown Group, Ltd., in the amount of \$1,800 payable to Joseph. That check was deposited into Joseph's account and bore an indorsement purporting to be Joseph's. But Joseph later testified that he had not indorsed the check. Further, respondent's account had been closed, so the check was not honored. Respondent wrote a second check, this one for \$1,850, on the same account. This check also purported to bear Joseph's indorsement, but Joseph testified that he had not signed that check either. The second check was also not honored.

{¶ 26} Joseph filed a claim with the Supreme Court of Ohio Clients' Security Fund seeking return of the money he had given respondent. That claim was denied on the grounds that respondent was not an attorney admitted to practice in Ohio. Joseph did not learn that respondent was not an attorney until notified by the Supreme Court Clients' Security Fund.

{¶ 27} Respondent contends that B. Andrew Brown & Associates, L.L.C. "is in the business of incorporating and registering business entities." However, in *Miami Cty. Bar Assn. v. Wyandt & Silvers, Inc.*, 107 Ohio St.3d 259, 2005-

Ohio-6430, 838 N.E.2d 655, this court held that a nonattorney's advising clients about setting up various businesses and filling out and filing basic forms from the Ohio secretary of state to establish articles of incorporation and appoint a statutory agent constitute the unauthorized practice of law. Thus, respondent engaged in the unauthorized practice of law when he contracted with Joseph to accept compensation to provide legal services to incorporate Joseph's business and then drafted the necessary documents.

{¶ 28} Respondent also engaged in the unauthorized practice of law when he accepted money from Joseph to represent him in his criminal case and gave him legal advice.

Count Five: The Pierce Matter

{¶ 29} Reginald Pierce was referred to respondent after asking a local attorney to recommend an attorney to assist him in filing a bankruptcy petition. Upon first meeting Pierce, respondent told him that he needed a lawyer to complete his bankruptcy forms and that respondent would "take care of everything" relative to the bankruptcy. Pierce believed that respondent was an attorney, and respondent never informed Pierce otherwise.

{¶ 30} Respondent filed a Chapter 7 bankruptcy petition for Pierce and designated himself as a bankruptcy-petition preparer. In conjunction with the filing of the bankruptcy petition, respondent also filed a general power of attorney, appointing himself as Pierce's attorney-in-fact. At the unauthorized-practice-of-law hearing, Pierce testified that the signature on the power-of-attorney form was not his.

{¶ 31} Pierce paid respondent \$200 to prepare and file the bankruptcy petition, and an additional \$209 for filing fees. A bankruptcy-petition preparer is not permitted to collect or receive any payment from the debtor for the court fees in connection with filing the petition. Section 110(g), Title 11, U.S.Code.

SUPREME COURT OF OHIO

{¶ 32} Respondent did not pay the filing fee in full when he filed Pierce's bankruptcy petition. Instead, he filed a request to pay the fee in installments. Respondent converted \$109 of the filing fee to his own use.

{¶ 33} The case was assigned to Judge Morgenstern-Clarren, who immediately issued a show-cause order requiring respondent and Pierce to appear and explain why the petition had been filed by a third party and whether any compensation had been paid to respondent for preparing the bankruptcy case. Under bankruptcy law, a bankruptcy-petition preparer cannot be paid by the debtor until the entire filing fee is paid.

{¶ 34} Respondent appeared before Judge Morgenstern-Clarren without Pierce and falsely claimed that he had not yet been paid by him for his services. Respondent never informed Pierce of the judge's order to appear. Judge Morgenstern-Clarren ultimately dismissed Pierce's case because Pierce failed to appear in response to the court's order to show case.

{¶ 35} Unaware that his bankruptcy case had been dismissed, Pierce again consulted respondent when his employer told him that his wages were going to be garnished. Respondent told Pierce that because he had filed bankruptcy, he should not be garnished, and he made several calls to temporarily delay the garnishment. Ultimately, Pierce hired a licensed attorney to file a new bankruptcy petition.

{¶ 36} Respondent argues that at all times he was acting as a nonattorney bankruptcy-petition preparer, not an attorney. Although Section 110, Title 11 of the U.S. Code permits nonattorneys to prepare ordinary petitions for bankruptcy on behalf of others pursuant to specific guidelines, *Cleveland Bar Assn. v. Boyd*, 112 Ohio St.3d 331, 2006-Ohio-6590, 859 N.E.2d 930, ¶ 6, respondent exceeded the statutory guidelines for bankruptcy-petition preparers because he began to act in the capacity of a legal representative. Respondent ultimately failed in his effort to represent Pierce before the bankruptcy court. In failing to restrict his activities

to those permitted by Section 110, Title 11, U.S.Code, the respondent also caused Pierce's case to be dismissed.

{¶ 37} In violation of Section 110(b)(2)(A), Title 11, U.S.Code, respondent never explained to Pierce that he was acting as a nonattorney bankruptcy-petition preparer. In fact, the evidence establishes that respondent told Pierce that Pierce needed a *lawyer* to complete his bankruptcy forms and that Pierce believed respondent was a lawyer. In violation of Section 110(b)(2)(A), Title 11, U.S.Code, respondent never *explained* to Pierce that he was acting as a nonattorney bankruptcy-petition preparer. Thus, by simply signing his name on the petition as a nonattorney bankruptcy-petition preparer, respondent did not fulfill the requirements of the statute.

{¶ 38} Believing that respondent was an attorney, Pierce gave respondent information regarding his debts, and in violation of Section 110, Title 11, U.S.Code, respondent completed the bankruptcy schedules. In violation of Section 110(g), Title 11, U.S.Code, respondent collected court fees from Pierce. In violation of Section 110(h)(2), Title 11, U.S.Code, respondent failed to file a declaration disclosing any fee received from Pierce within 12 months prior to the filing of the case.

{¶ 39} In summary, respondent failed to inform Pierce that he was not an attorney, failed to file a compensation-disclosure form, received funds from Pierce before he paid the entire filing fee, filed a forged general power of attorney in an attempt to elevate his level of representation, acted on Pierce's behalf to temporarily stop a garnishment, and advised Pierce, incorrectly, of the status of his bankruptcy after the case had been dismissed and Pierce's wages were garnished. In his interactions with Pierce, respondent repeatedly overstepped the activities permitted by Section 110, Title 11, U.S.Code and engaged in the unauthorized practice of law.

Count Six: The Delaney Matter

{¶ 40} There was an additional count that was dismissed by the panel due to insufficient evidence.

Review

{¶ 41} Section 2(B)(1)(g), Article IV of the Ohio Constitution confers on this court original jurisdiction over all matters related to the practice of law, including regulating the unauthorized practice of law. The unauthorized practice of law consists of rendering legal services for others by anyone not licensed or registered to practice law in Ohio. Gov.Bar R. VII(2). Advising others of their legal rights and responsibilities is the practice of law, as is the preparation of legal pleadings and other legal papers without the supervision of an attorney licensed in Ohio. *Cleveland Bar Assn. v. McKissic*, 106 Ohio St.3d 106, 2005-Ohio-3954, 832 N.E.2d 49, ¶ 6.

{¶ 42} “An allegation that an individual or entity has engaged in the unauthorized practice of law must be supported by either an admission or other evidence of the specific act or acts upon which the allegation is based.” *Cleveland Bar Assn. v. CompManagement, Inc.*, 111 Ohio St.3d 444, 2006-Ohio-6108, 857 N.E.2d 95, paragraph one of the syllabus. We find that the record provides ample evidence of the specific acts upon which to base the allegations of unauthorized practice. We adopt the board’s findings and conclusions.

Sanction

{¶ 43} In 2003, when considering prior charges of unauthorized practice of law against respondent, this court declined to enjoin respondent from using “J.D.” or “Esq.” in connection with his name. *Disciplinary Counsel v. Brown*, 99 Ohio St.3d 114, 2003-Ohio-2568, 789 N.E.2d 210, ¶ 12, fn. 1. However, we expressly admonished respondent that he risked punishment for contempt for continuing to engage in the unauthorized practice of law. *Id.* Clearly, respondent has not heeded this admonishment, nor has he heeded this court’s injunction prohibiting him from engaging in the unauthorized practice of law.

{¶ 44} Respondent's use of the term "Esq." in connection with his name on his office stationery and business cards is misleading. His use of the term was one of the factors that induced a federal judge, a practicing lawyer, a school teacher, and a city prosecutor into believing that he was an attorney. As the board concluded, the record in this case included substantial credible evidence that respondent's use of the term "Esq." induced clients to believe that he was a lawyer, a misunderstanding that he was aware of and failed to correct.

{¶ 45} Accordingly, having found that respondent again engaged in the unauthorized practice of law by giving legal advice and assisting others in preparing legal pleadings and other documents, we accept the board's recommendation that we issue an injunction prohibiting respondent from performing acts constituting the practice of law. We further issue an order prohibiting respondent from using the terms "Esq.," "Esquire," "J.D.," or "Juris Doctor" in conjunction with his name or business name.

{¶ 46} Gov.Bar R. VII(8)(B) and UPL Reg. 400 permit civil penalties in matters such as this. We adopt the board's recommendation and impose a civil penalty of \$10,000 for each of Counts One, Two, Three, Four, and Five of the complaint, for a total penalty of \$50,000. The board supports its recommendation by stating, "Respondent's conduct in this case demonstrated a degree of flagrancy not presented before to this Board. Despite being before the board on three separate occasions since 1992 based on very similar allegations, he has continued to engage in a pattern of deception and chicanery in a deliberate and unlawful attempt to engage in the practice of law. Gov.Bar R. VII, §8(B)(3)."

{¶ 47} We agree with the board's assessment. Respondent has previously engaged in and been ordered by this court to cease engaging in the unauthorized practice of law. UPL Reg. 400(F)(3)(a) and (b). His conduct resulted in harm to several persons who believed he was an attorney and relied upon that belief to their detriment. Gov.Bar R. VII(8)(B)(4). Moreover, in each count, respondent

SUPREME COURT OF OHIO

benefited financially from the services he performed or promised to perform. UPL Reg. 400(F)(3)(d). Finally, he engaged in conduct that allowed others to mistakenly believe that he was admitted to practice law in the state of Ohio. UPL Reg. 400(F)(3)(g).

{¶ 48} The board further found that respondent's proven actions under Counts One, Two, Three, Four, and Five of the complaint constitute violations of this court's injunction in *Disciplinary Counsel v. Brown*, 99 Ohio St.3d 114, 2003-Ohio-2568, 789 N.E.2d 210. Accordingly, upon the filing of a motion by relator in *Disciplinary Counsel v. Brown*, 99 Ohio St.3d 114, 2003-Ohio-2568, 789 N.E.2d 210, case No. 2002-1380, respondent will be ordered to appear and show cause why he should not be held in contempt of our order issued on May 28, 2003.

{¶ 49} All expenses and costs are taxed to respondent.

Judgment accordingly.

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

Jonathan E. Coughlan, Disciplinary Counsel, and Lori J. Brown, First Assistant Disciplinary Counsel, for relator.

Bruce A. Brown, pro se.

584 N.E.2d 1391
 61 Ohio Misc.2d 792, 584 N.E.2d 1391
 (Cite as: 61 Ohio Misc.2d 792, 584 N.E.2d 1391)

Page 1

C

Ohio Board of Commissioners on the Unauthorized
 Practice of Law.

OFFICE OF DISCIPLINARY COUNSEL

v.

BROWN.

No. UPL-91-2.

Decided Jan. 7, 1992.

Office of Disciplinary Counsel sought authorization to commence action in court of competent jurisdiction as to whether attorney had engaged in unauthorized practice of law and to seek appropriate injunctive relief. The Board of Commissioners on the Unauthorized Practice of Law, Kenneth F. Seibel, Chairman, after hearing on agreed stipulations, held that: (1) attorney not admitted to state bar is not engaged in unauthorized practice of law by making application and interviewing for position as attorney or by preparing and circulating professional resume reflecting bar membership; (2) if there is independent basis upon which to seek injunction against attorney, court may also enjoin attorney from holding himself out as attorney; and (3) service of attorney who is not admitted to practice law in state as arbitrator in Cuyahoga County constitutes unauthorized practice of law.

So ordered.

West Headnotes

[1] Attorney and Client 45 ↪11(2.1)

45 Attorney and Client

45I The Office of Attorney

45I(A) Admission to Practice

45k11 Practitioners Not Admitted or Not
 Licensed

45k11(2) Acts Constituting Practice of
 Law in General

45k11(2.1) k. In General. Most

Cited Cases

(Formerly 45k11(2))

Attorney who is not admitted to state bar is not engaging in unauthorized practice of law by making application and interviewing for position as attorney or preparing and circulating professional resume reflecting bar membership; those acts do not involve rendering of legal services by attorney for others. Government of the Bar Rule VII, § 2(A).

[2] Injunction 212 ↪89(5)

212 Injunction

212II Subjects of Protection and Relief

212II(F) Public Welfare, Property, and Rights

212k89 Protection of Public in General

212k89(5) k. Unauthorized Business
 and Professional Activity. Most Cited Cases

If there is independent basis upon which to seek injunction against attorney not authorized to practice in state, court may also enjoin attorney from holding himself out as attorney. Government of the Bar Rules VII, VII, § 17; R.C. §§ 4705.07, 4705.99.

[3] Attorney and Client 45 ↪11(2.1)

45 Attorney and Client

45I The Office of Attorney

45I(A) Admission to Practice

45k11 Practitioners Not Admitted or Not
 Licensed

45k11(2) Acts Constituting Practice of
 Law in General

45k11(2.1) k. In General. Most
 Cited Cases

(Formerly 45k11(2))

Service as arbitrator in Cuyahoga County by attorney who is not admitted to state bar constitutes unauthorized practice of law since local rule governing arbitrations in county requires that arbitrations be conducted only by members of bar certified by Supreme Court and eligible to practice law in state. Government of the Bar Rule VII; Cuyahoga County

584 N.E.2d 1391
 61 Ohio Misc.2d 792, 584 N.E.2d 1391
 (Cite as: 61 Ohio Misc.2d 792, 584 N.E.2d 1391)

Page 2

Common Pleas Rule 29.

****1391 *793** J. Warren Bettis, **Disciplinary Counsel**.

Sally Ann Steuk, for relator.

KENNETH F. SEIBEL, Chairman.

This matter came before the Board of Commissioners on the Unauthorized Practice of Law ("Board") for hearing on August 25, 1991. Members of the Board present and participating in this decision were Kenneth F. Seibel, Chairman, Santiago Feliciano, Jr., Paul M. Greenberger, Jeffrey L. Maloon, D. John Travis and John W. Waddy, Jr.

Relator was represented by J. Warren Bettis, **Disciplinary Counsel**, and Sally Ann Steuk, Assistant **Disciplinary Counsel**. Respondent, **Bruce A. Brown**, was not represented by counsel.

On August 14, 1991, an agreed stipulation, waiver of notice and hearing, and relator's exhibits were filed. Therefore, neither the parties nor their counsel appeared at the hearing, and the Board considered only the pleadings and documents filed.

Respondent is apparently admitted to the practice of law in the state of New York ****1392** and the United States District Court for the Eastern District of New York. Evidence in the record indicates that respondent had contact with the Admissions Office of the Supreme Court of Ohio concerning admission in Ohio without examination but, as of April 19, 1991, had not completed the application process.

Each of the stipulations was supported by exhibits filed by relator. Respondent admitted that he is not registered to practice law in Ohio. The other pertinent stipulations, which correspond to paragraph two of relator's complaint, are as follows:

***794** "Respondent did render legal services in the State of Ohio during year 1991, to-wit:

"(a) Made application for and interviewed for the position of Assistant Director of Law, with the Department of Law, City of Cleveland, Ohio.

"(b) Prepared and circulated a professional resume reflecting bar membership in the Ohio State Bar.

"(c) Acted as an arbitrator for Cuyahoga County Court of Common Pleas' Arbitration Commission on three (3) cases, receiving remuneration for each."

[1] Gov.Bar R. VII (2)(A) states that "[t]he unauthorized practice of law is the rendering of legal services for others by anyone not registered under Rule VI or Rule XI of the Rules for the Government of the Bar of Ohio." Since it is undisputed that respondent **Brown** is not an attorney registered in Ohio, the issue before this Board is whether respondent's activities constitute "the rendering of legal services for others" and are therefore the unauthorized practice of law.

In all cases coming before this Board on stipulations by the parties, the Board is required to make its own determination of whether the facts support a finding that the unauthorized practice of law has been committed.

The activities described in the complaint, and repeated in Stipulations 2(a) and (b), involve respondent holding himself out as an attorney without the rendering of legal services for others. In determining whether these activities constitute the unauthorized practice of law, the Board has reviewed Section 2(A) of Gov.Bar R. VII and the case law pertaining to the unauthorized practice of law.

In the seminal case of *Land Title & Trust Co. v. Dworken* (1934), 129 Ohio St. 23, 1 O.O. 313, 193 N.E. 650, the Supreme Court set forth a definition of what constitutes the unauthorized practice of law. In paragraph one of the syllabus, the court stated:

"The practice of law is not limited to the conduct of cases in court. It embraces the preparation of plead-

ings and other papers incident to actions and special proceedings and the management of such actions and proceedings on behalf of clients before judges and courts, and in addition conveyancing, the preparation of legal instruments of all kinds, and in general all advice to clients and all action taken for them in matters connected with the law.”

The court reaffirmed the foregoing definition in *Judd v. City Trust & Savings Bank* (1937), 133 Ohio St. 81, 10 O.O. 95, 12 N.E.2d 288. After citing the *Dworken* definition, the court in *Judd* stated at 86, 10 O.O. at 97, 12 N.E.2d at 291: “The acts stressed in the above definition as constituting the *795 practice of law are *the performance of legal services for others*. * * *” (Emphasis *sic*.)

Thus, it appears that the Supreme Court of Ohio, when it promulgated Gov.Bar R. VII, implicitly adopted the definition of the practice of law set forth in *Judd*.

When the facts of the case *sub judice* are applied to the foregoing law, the Board finds that respondent was not engaged in the unauthorized practice of law by making application and interviewing for a position as an attorney or by preparing and circulating a professional resume reflecting bar membership, since those acts did not involve the rendering of legal services by the **1393 respondent for others. *Judd v. City Trust & Savings Bank, supra*; Gov.Bar R. VII. That is not to say, however, that a court may not enjoin respondent from holding himself out as an attorney if there is other evidence of the unauthorized practice of law.

[2] Section 8 of Gov.Bar R. VII allows relator to seek an injunction in an appropriate case. Section 17 of the same rule provides that the rules relating to investigations and proceedings involving complaints of unauthorized practice of law shall be liberally construed for the protection of the public, the courts, and the legal profession. Further, it is well recognized that a court of equity may enjoin a continuous or recurring course of conduct. *Salem Iron Co. v. Hyland* (1906), 74 Ohio St. 160, 77 N.E. 751

. In fact, the Supreme Court of Ohio has stated that if a defendant intends to commit a wrong and has the power to do it, there is no more reason to refuse an injunction to prevent the wrongdoing than to refuse one after its commencement. *McArthur v. Kelly* (1831), 5 Ohio 140.

In accord with the foregoing principles of law, the Supreme Court of Ohio affirmed the issuance of a permanent injunction prohibiting respondents in *Dworken* from engaging in various acts, including the following: “ ‘Soliciting patronage under any representation, either in writing, orally or otherwise, that defendant will furnish legal services or legal advice to any patron.’ ” *Dworken, supra*, 129 Ohio St. 23 at 26, 1 O.O. at 314, 193 N.E. at 650.

The issue of holding oneself out as an attorney was again addressed by the Supreme Court when it decided *In re Unauthorized Practice of Law* (1963), 175 Ohio St. 149, 23 O.O.2d 445, 192 N.E.2d 54. A court-appointed committee in that case brought a complaint against **Brown**, Weiss and Wohl, a partnership that counseled claimants having workers' compensation claims. In paragraph three of the syllabus, the court declared:

“No person, other than an attorney in good standing, may hold himself out as being qualified to render service to those who may have claims for *796 compensation arising under the Workmen's Compensation Laws of Ohio or as being able to render services in the preparation and presentation of such claims nor may such person render such advice or services if a fee for such advice or services is to be received from or charged against the one having such a claim.”

Other courts similarly have issued injunctions against holding oneself out as an attorney. The court in *Goodman v. Provident Savings Bank & Trust Co.* (C.P.1939), 29 Ohio Law Abs. 673, 15 O.O. 385, 4 Ohio Supp. 75, stated at 675, 15 O.O. at 386, 4 Ohio Supp. at 78: “ * * * Of course, if the defendant has no right to practice law, it has no right to advertise to obtain law business.” Similarly,

the court of appeals, in deciding *In re Cowgill* (1973), 37 Ohio App.2d 121, 66 O.O.2d 237, 307 N.E.2d 919, affirmed the issuance of an injunction precluding the defendant from holding himself out as being legally qualified to render opinions, counsel, and advice.

The Board therefore finds that if there is an independent basis upon which to seek an injunction against respondent, the court also may enjoin him from holding himself out as an attorney.^{FN1} Accordingly, we proceed**1394 to consider the remaining allegation, which concerns the respondent's serving as an arbitrator for three cases in the Cuyahoga County Court of Common Pleas, to determine whether this independent basis exists.

FN1. Such conduct may also be made the subject of a criminal proceeding, by virtue of R.C. 4705.07 and 4705.99.

R.C. 4705.07 provides that:

"No person who is not regularly licensed to practice law in this state shall hold himself out in any manner as an attorney at law, or shall represent himself either orally or in writing, directly or indirectly, as authorized to practice law.

"The use of 'lawyer,' 'attorney at law,' 'counselor at law,' 'law,' 'law office,' or other equivalent words by any person not licensed to practice law, in connection with his own name, or any sign, advertisement, card, letterhead, circular, or other writing, document, or design, the evident purpose of which is to induce others to believe such person to be an attorney, constitutes holding out within the meaning of this section."

R.C. 4705.99 provides in part that:

"(A) Whoever violates section 4705.07 of the Revised Code shall be fined not less than twenty-five nor more than five

hundred dollars."

[3] Arbitrations in Cuyahoga County are governed by Local Rule 29, which provides that arbitrators shall be attorneys:

"Rule 29. Mandatory Arbitration

" * * *

"PART II. SELECTION OF ARBITRATORS

"(A) In all cases subject to arbitration, the members of the Board of Arbitrators shall be appointed by the Arbitration Commissioner from the list *797 of all members of the Bar of Cuyahoga County who are certified by the Supreme Court of Ohio and eligible to practice law in Ohio and who have been admitted to the practice of law for more than one year. * * *"

Clearly, not all arbitration proceedings contemplate attorney arbitrators. Local Rule 29 arbitrations in Cuyahoga County, however, may only be conducted by members of the bar, who are paid by the county for their services to the litigants. Therefore, the Board finds that respondent's service as an arbitrator constituted the unauthorized practice of law since he rendered services for others which, by rule, may only be rendered by an attorney.

After careful review and consideration of the pleadings, stipulations, evidence, and the applicable law, the Board finds that relator has proven one of the allegations of the complaint to the extent required by Gov.Bar R. VII; that respondent has engaged in the unauthorized practice of law; and that relator should be authorized to proceed pursuant to Section 8 of Gov.Bar R. VII.

The Board therefore authorizes relator to commence an action in a court of competent jurisdiction for the purpose of obtaining a judicial determination whether respondent, **Bruce Andrew Brown**, has engaged in the unauthorized practice of law, and to seek appropriate injunctive relief.

584 N.E.2d 1391
61 Ohio Misc.2d 792, 584 N.E.2d 1391
(Cite as: 61 Ohio Misc.2d 792, 584 N.E.2d 1391)

It is also the finding of the Board that relator, as part of the injunctive relief, may seek a court order enjoining respondent from holding himself out as an attorney in this state.

It is further ordered that a copy of this Opinion and Order be sent to the Law Director of the city of Cleveland, Ohio, for consideration pursuant to R.C. 4705.07 and 4705.99.

Relator and the Law Director of the city of Cleveland shall notify the Secretary of the Board of all subsequent proceedings in this matter and shall send the Secretary a copy of any judgment, order, or settlement agreement filed in a subsequent court proceeding.

Pursuant to Section 9 of Gov.Bar R. VII, relator may seek reimbursement from the Board for expenses and attorney fees incurred in the further prosecution of this matter.

A copy of this Opinion and Order shall be served upon relator, respondent, all counsel of record, the Cleveland Bar Association, the Cuyahoga County Bar Association, and the Ohio State Bar Association.

So ordered.

Ohio Bd.Unauth.Prac.,1992.
Disciplinary Counsel v. Brown
61 Ohio Misc.2d 792, 584 N.E.2d 1391

END OF DOCUMENT

OFFICE OF DISCIPLINARY COUNSEL v. BROWN.

[Cite as *Disciplinary Counsel v. Brown*, 99 Ohio St.3d 114, 2003-Ohio-2568.]

Unauthorized practice of law — Individual not licensed to practice law in Ohio actively participated in depositions and pretrial conferences, provided legal advice and counsel to clients, and directly communicated with opposing counsel on issues of discovery, legal strategy, and settlement — Engagement in the unauthorized practice of law enjoined.

(No. 2002-1380 — Submitted January 21, 2003 — Decided May 28, 2003.)

ON FINAL REPORT of the Board of Commissioners on the Unauthorized Practice of Law of the Supreme Court, No. UPL00-3.

Per Curiam.

{¶1} Respondent, Bruce A. Brown, a.k.a. Bruce Andrew Brown, was admitted to the practice of law in New York in 1985. He was disbarred in New York. *Matter of Brown* (1992), 181 A.D.2d 314, 586 N.Y.S.2d 607. Respondent has never been admitted to the practice of law in Ohio. In 1992, the Board of Commissioners on the Unauthorized Practice of Law (“board”) found that respondent had engaged in conduct in Ohio constituting the unauthorized practice of law. *Disciplinary Counsel v. Brown* (1992), 61 Ohio Misc.2d 792, 584 N.E.2d 1391.

{¶2} Thereafter, a jury convicted respondent of 44 felonies based on this course of conduct, and he was sentenced to a term of imprisonment of 20 years. *State v. Brown* (1995), 108 Ohio App.3d 489, 671 N.E.2d 280, appeal not allowed (1996), 75 Ohio St.3d 1484, 664 N.E.2d 536. In June 1998, respondent’s sentence was modified. He was then placed under community-control sanctions and was ordered to secure employment.

SUPREME COURT OF OHIO

{¶3} On November 20, 2000, relator, Disciplinary Counsel, filed an amended complaint with the board, charging respondent with having engaged in the unauthorized practice of law. Respondent answered the amended complaint, and a hearing was scheduled before the board on June 20, 2001. Respondent sought a continuance of that hearing, which the board denied, in part because it had previously continued a hearing at respondent's request. Respondent did not attend the hearing.

{¶4} The allegations of unauthorized practice against respondent stem from four cases. In regard to the first case, a law firm employing respondent undertook representation of a plaintiff before the common pleas court. Respondent actively participated in two depositions by entering objections on the record and engaging in legal arguments on plaintiff's behalf. In addition, respondent participated as the sole representative of the plaintiff during a pretrial conference in the judge's chambers. At other times throughout this action, respondent engaged in substantive discussions with opposing counsel regarding discovery, legal issues, and points of law.

{¶5} In relation to the second matter, respondent engaged in the unauthorized practice of law in 1999 by falsely representing on several occasions that he was an attorney and that he represented a party to an action filed in the common pleas court. Respondent was listed on a deposition transcript as "Bruce Brown, Esq., * * * For Third Party Plaintiffs," and during the depositions, respondent asked questions of the witness on the record. When opposing counsel confronted respondent about his status as a disbarred attorney, respondent denied that he had been disbarred.

{¶6} In relation to the third case, respondent presented himself as a licensed attorney, sought a continuance on behalf of defendants in a civil action before the common pleas court, and attempted to engage opposing counsel in settlement negotiations. Throughout this matter, respondent corresponded with

his “clients” on the letterhead of the “Law Offices of B. Andrew Brown & Associates” and “B. Andrew Brown, Esq.” In this correspondence, respondent discussed legal issues, provided legal counsel, formulated trial strategy, and requested payment from defendants of outstanding fees. Further, respondent sent an invoice to defendants for \$2,100. Respondent also signed two receipts: one for a \$500 retainer for respondent’s “professional services”; and the other for \$3,000 paid to respondent for preparation of an expert report.

{¶7} In regard to the fourth matter, respondent fraudulently represented himself as a licensed attorney, told the mother of a “client” that he would provide legal assistance to her incarcerated son, and accepted \$6,000 to secure his release. Respondent then drafted a representation agreement without acknowledging that he was not admitted to practice law in Ohio. Moreover, respondent never provided any assistance in the matter.

{¶8} Based on the evidence, the board concluded that respondent had engaged in the unauthorized practice of law. The board found that respondent had never been admitted to practice law in Ohio under Gov.Bar R. I, that he had never been registered under Gov.Bar R. VI or certified under Gov.Bar R. II, IX, or XI, and that he had “made statements, held himself out as an attorney at law, and made oral and written representations indicating that he was licensed to practice law in the state of Ohio.”

{¶9} The board recommended that we find that respondent engaged in the unauthorized practice of law, that we enjoin such future conduct, and that we order reimbursement of costs and expenses incurred by the board and by relator.

{¶10} We agree with the board’s findings and recommendation. Rendering legal services for another in Ohio although not admitted to practice in Ohio is the unauthorized practice of law. Gov.Bar R. VII(2)(A). We have long held that the practice of law is not limited to appearances in court but also includes the preparation of pleadings incident to actions and the management of

SUPREME COURT OF OHIO

such actions and proceedings on behalf of clients before judges and courts, and, in general, all advice to clients and all action taken for them in matters connected with the law. *Land Title Abstract & Trust Co. v. Dworken* (1934), 129 Ohio St. 23, 28, 1 O.O. 313, 193 N.E. 650.

{¶11} As stated, respondent convinced several people, including several attorneys, that he was admitted to the practice of law in Ohio. Respondent actively participated in depositions and pretrial conferences, provided legal advice and counsel to clients, and directly communicated with opposing counsel on issues of discovery, legal strategy, and settlement. Respondent wrongfully held himself out as an attorney licensed to practice law in this state, induced several unsuspecting people into hiring him as legal counsel, and purported to negotiate legal claims on their behalf. Such activity by a person not admitted to practice law in Ohio constitutes the unauthorized practice of law. *Cleveland Bar Assn. v. Misch* (1998), 82 Ohio St.3d 256, 695 N.E.2d 244. See, also, *Cincinnati Bar Assn. v. Cromwell* (1998), 82 Ohio St.3d 255, 695 N.E.2d 243. Moreover, we reject respondent's claim that his activities were done in his capacity as a paralegal. *Cleveland Bar Assn. v. Moore* (2000), 87 Ohio St.3d 583, 722 N.E.2d 514.

{¶12} Accordingly, we adopt the findings and recommendation of the board. Respondent is hereby enjoined from engaging in the unauthorized practice of law in the future.¹ All expenses and costs are taxed to respondent.

Judgment accordingly.

MOYER, C.J., RESNICK, F.E. SWEENEY, PFEIFER, ABELE, LUNDBERG
STRATTON and O'CONNOR, JJ., concur.

1. Concerned that respondent will return to the unauthorized practice of law, relator also seeks an order precluding respondent from using "J.D." or "Esq." in connection with his name and prohibiting respondent from working in any capacity in a law office or for a licensed attorney absent a license to practice law and registration in accordance with the Supreme Court Rules for the Government of the Bar. We decline to issue such an order but note that respondent risks contempt for continuing to engage in the unauthorized practice of law.

January Term, 2003

PETER B. ABELE, J., of the Fourth Appellate District, sitting for Cook, J.

Jonathan E. Coughlan, Disciplinary Counsel, and Lori J. Brown, First
Assistant Disciplinary Counsel, for relator.

Bruce A. Brown, pro se.

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
GENERAL DIVISION

2010 JUL 29 A 10:23

GERALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY

AMIR JAMAL TAUWAB
A/K/A BRUCE A. BROWN
6075 Penfield Lane
Solon, Ohio 44139

Plaintiff,

vs.

HUNTINGTON BANCSHARES, INC.
D/B/A Huntington National Bank
c/o Richard A. Cheap, Statutory Agent
415 South High Street
Columbus, Ohio 43215,

SAFEGUARD PROPERTIES, INC.
c/o Alan Jaffa, Statutory Agent
650 Safeguard Plaza
Brooklyn Heights, Ohio 44131,

✓ PREMIER PROPERTIES OF
CENTRAL OHIO, INCORPORATED
c/o Kathryn S. Harr, Statutory Agent
846 Elgin Circle
Pickerington, Ohio 43147,

✓ CHAD J. LANE
6692 Butter N Liberty Road
Butler, Ohio 44822,

✓ JONATHAN L. LOZIER
435 Grand Street
Galion, Ohio 44833,

Defendants.

CASE NO.

Complaint

DICK AMBROSE
CV 10 732900

JUDGE

COMPLAINT

(Jury Demand Endorsed Hereon)

\$ 10.00	RECEIVED
JUL 29 2010	
SECURE COSTS	
GERALD E. FUERST Clerk of Courts	
PER. <i>[Signature]</i>	

CV10732900

64343127



PARTIES

1. At all times relevant herein, Plaintiff, Amir Jamal Tauwab ("Tauwab"), was an individual United States Citizen, residing in the State Of Ohio, County Of Cuyahoga, City Of Solon at 6075 Penfield Lane, Solon, Ohio 44139.
2. At all times relevant herein, Defendant, Huntington Bancshares, Inc, ("Huntington") was a Domestic For Profit Corporation, engaged, *inter alia*, in the business of residential mortgage lending.
3. At all times relevant herein, Defendant Safeguard Properties, Inc. ("Safeguard"), was a Domestic For Profit Corporation, engaged, *inter alia*, in the business of preservation and restoration of abandoned properties for lending institutions.
4. At all times relevant herein, Defendant, Premier Properties Of Central Ohio, Inc., ("Premier") was a Domestic For Profit Corporation, engaged, *inter alia*, in the business of preservation and restoration of abandoned properties for lending institutions.
5. At all times relevant herein, Defendant, Chad J. Lane ("Lane"), was an employee and/or agent of Safeguard and Premier.
6. At all times relevant herein, Defendant, Jonathan L. Lozier ("Lozier") was an employee and/or agent of Safeguard and Premier.

AS AND FOR PLAINTIFF'S FIRST CAUSE OF ACTION

7. On or about August 31, 2009, Huntington filed an action in foreclosure against *inter alia*, Tauwab, for the property located at 6075 Penfield Lane-Solon, Ohio (the

“Property”), despite the fact that Huntington lacked Standing to do so and was not a Real Party In Interest.

8. On or about June 6, 2010, Tauwab retained Tri-County Locksmith to replace all existing locks on the Property for an added measure of security.
9. Subsequent to the event discussed in ¶6 above, Tauwab and his fiancée, Antonia Earley, were the only people who had keys to the Property.
10. On or about June 7, 2010, Tauwab met with Dan Giunto of Wholesale Builders and John Doe of Solon Valley Home Improvement for the purpose of procuring estimates for repairs that were needed at the Property.
11. On or about June 14, 2010, Tauwab, accompanied by Dan Giunto, met with Tom Jones of Erie Insurance Company to perform a walk through at the Property for purposes of ascertaining the needed repairs and cost of the same for the Property.
12. While performing the walk through discussed in ¶9 above, Tauwab pointed out the plethora of mens clothes in the master bedroom closet of the Property to Dan Giunto.
13. Subsequent to the event discussed in ¶10 above, Dan Giunto advised Tauwab that he need not remove his clothes from the master bedroom closet as that portion of the Property did not require any repairs and his crew would not be entering that section of the Property.
14. Resultant of Giunto’s statement articulated in ¶11 above, Tauwab left most of his clothes at the Property and only retrieved clothes as needed for his stay at the Homewood Suites By Hilton while the Property was being repaired.
15. At all times relevant herein, Tauwab had been in constant communication with Attorney Richard LaCivita (“LaCivita”), legal counsel for Huntington in an attempt to

amicably resolve the foreclosure issue.

16. At all times relevant herein, LaCivita was aware that Tauwab had not abandoned the Property and that Tauwab was desirous of retaining ownership of the Property and maintaining his residence in the Property.

17. Despite all of the foregoing, on or about June 17, 2010, Huntington negligently and with reckless disregard for Tauwab's Property and possessions, retained Safeguard to illegally enter the Property for the purported purpose of winterizing the Property.

18. At no time prior to the events discussed in ¶17 above, was Tauwab ever contacted by Huntington or Safeguard for permission to enter the Property.

19. At no time prior to the events discussed in ¶17 above, was Tauwab ever given notice that Huntington had retained Safeguard to illegally enter the Property.

20. At all times relevant herein, Huntington was devoid of authority and authorization to retain Safeguard to enter the Property.

21. Despite the fact articulated in ¶20 above, Huntington, with brazen disregard for Tauwab's right to privacy and the trespass laws of the State of Ohio, negligently wantonly, and with reckless disregard for the law, retained Safeguard to illegally enter the Property.

AS AND FOR PLAINTIFF'S SECOND CAUSE OF ACTION

22. Plaintiff realleges each and every allegation contained in ¶¶1-21 above as if fully stated herein.

23. On or about June 17, 2010, employees and/or agents of Safeguard, with brazen

disregard for Tauwab's privacy rights and the trespass laws of the State Of Ohio, negligently, wantonly, and with reckless disregard for the law, illegally entered the Property.

24. On or about June 17, 2010, employees and/or agents of Premier, with brazen disregard for Tauwab's right to privacy and the trespass laws of the State Of Ohio, negligently, wantonly, and with reckless disregard for the law, illegally entered the Property.

AS AND FOR PLAINTIFF'S THIRD CAUSE OF ACTION

25. Plaintiff realleges each and every allegation contained in ¶¶1-24 above as if fully stated herein.

26. During the performance of the acts discussed in ¶¶23-24 above, employees and/or agents of both Safeguard and Premier destroyed the new locks discussed in ¶6 above.

27. During the performance of the acts discussed in ¶¶23-24 above, employees and/or agents of both Safeguard and Premier destroyed two doors at the Property.

AS AND FOR PLAINTIFF'S FOURTH CAUSE OF ACTION

28. Plaintiff realleges each and every allegation contained in ¶¶1-27 above as if fully stated herein.

29. During the performance of the acts discussed in ¶¶23-24 above, employees and/or agents of both Safeguard and Premier converted the contents of the master

bedroom closet, including, *inter alia*, 8 custom made Astor & Black suits, 30 custom made Astor & Black dress shirts, 1 Hugo Boss sport coat, 2 Ticknor sport coats, 8 pairs of Angelico Super 120's slacks, 14 Jos Banks sport shirts, 4 pairs of Johnston & Murphy shoes, 2 Salantino hats, 6 Jos Banks silk sweaters, 2 overcoats, 2 leather jackets, 4 pair of sunglasses, 40 Harley-Davidson tee shirts, 4 watches, 2 Harley-Davidson helmets, 2 pairs of Harley-Davidson gloves and various and other sundry items.

30. On or about June 17, 2010 Lane illegally entered the Property and converted the contents of the Master Bedroom.

31. On or about June 17, 2010 Lozier illegally entered the Property and converted the contents of the Master Bedroom.

32. As a direct and proximate cause of the Defendants' illegal and tortuous acts discussed, *supra*, Tauwab has been forced to live with a minimal wardrobe as the vast majority of his clothes, etc., were stolen by Defendants.

33. As a direct and proximate cause of the Defendants' illegal and tortuous acts discussed, *supra*, Tauwab has suffered sever economic loss.

34. As a direct and proximate cause of the Defendants' illegal and tortuous acts discussed, *supra*, Tauwab has been deprived of the use and enjoyment of his property and possessions.

WHEREFORE, in light of all of the foregoing , Plaintiff demands judgment against the Defendants, jointly and severally, in the following amounts:

(A) Compensatory Damages in the amount of \$151,959.78 (One Hundred Fifty One Thousand, Nine Hundred Fifty Nine Dollars and Seventy Eight Cents).

(B) Punitive Damages in the amount of \$150,000.00 (One Hundred Fifty

Thousand Dollars).

(C) Any and all other relief deemed proper by this Honorable Court.

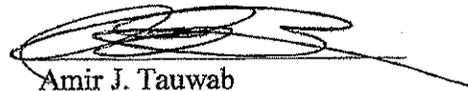
Respectfully Submitted,



Amir J. Tauwab, Pro-Se
6075 Penfield Lane
Solon, Ohio 44139

JURY DEMAND

I hereby demand a trial by jury of all issues and allegations contained in the foregoing Complaint.



Amir J. Tauwab

IN THE COURT OF COMMON PLEAS

State of Ohio

County of Cuyahoga

} SS

FILED

2010 JUL 29 A 10:25 Case No. _____

Amir Jamal Tauwab, Plaintiff

vs

Huntington Bancshares, Inc., et, Defendant

HERALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY
AFFIDAVIT OF INDIGENCE

Amir Jamal Tauwab, being first duly sworn, says that he is the Plaintiff in the above captioned matter and has not sufficient funds to pay the security for costs in this action pursuant to Local Rules and submits the following information in support of said allegation of property:

PLACE OF EMPLOYMENT B. Andrew Brown & Assoicastes, LLC

LENGTH OF TIME EMPLOYED From 11/11/1987 To 07/28/2010

GROSS WEEKLY INCOME \$ 0.00

TOTAL GROSS INCOME FROM ALL SOURCES IN LAST TWENTY-SIX (26) WEEKS \$ 0.00

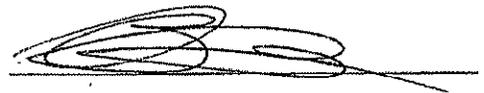
TOTAL ASSETS:

CASH ON HAND OR ON DEPOSIT \$ 50.00

REAL ESTATE 0.00 MARKET VALUE \$ 0.00 MORTGAGES \$ 0.00

VALUE OF AUTOMOBILE \$ 0.00

I hereby represent that the information set forth above concerning my financial condition is true and complete to the best of my knowledge and belief.



SWORN TO AND SUBSCRIBED IN MY PRESENCE this 29th day of July, 2010

Claudia DeRosa
Notary Public - SIGNATURE
CLAUDIA DE ROSA
Notary Public, State of Ohio, Cuy. Cty.
My commission expires June 14, 2014

CV10732900 64343232


B. ANDREW BROWN & ASSOCIATES, LLC

MANAGEMENT & FINANCIAL CONSULTING

August 23, 2010

BY HAND

Stephen M. Bales, Esq.
925 Euclid Avenue
2020 Huntington Bldg.
Cleveland, Ohio 44115

RE: Amir Jamal Tauwab-v-Huntington Bancshares, Inc., et al
Cuyahoga County Common Pleas Case No. CV-10-732900

Dear Mr. Bales:

Please find enclosed a service copy of the Amended Complaint in the referenced matter.

Very Truly Yours,



B. Andrew Brown, J.D.
Managing Member

BAB/fo
Enclosure

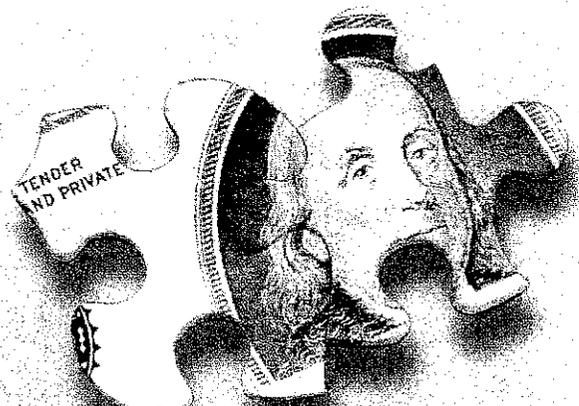
E-MAIL: bruce@bandrewbrown.com

1300 FIFTH THIRD CENTER
600 SUPERIOR AVENUE
CLEVELAND, OHIO 44114

(216) 479-6868 Telephone
(216) 479-6801 Facsimile

APPENDIX
F

AUG 23 2010



From: Bruce Andrew Brown [mailto:bruce@bandrewbrown.com]
Sent: Wednesday, September 15, 2010 8:40 AM
To: Robert Warner
Subject: Amir Jamal Tauwab-v-Huntington Bancshares, Inc., et al.

Mr. Warner: Please find attached Plaintiff's First Set Of Interrogatories Propounded Upon Premier Properties, Inc. in the referenced matter.

Thank You,

Bruce Andrew Brown, J.D.
B. Andrew Brown & Associates, LLC
1300 Fifth Third Center
600 Superior Avenue
Cleveland, Ohio 44114
(216)479-6868-Telephone
(216)479-6872-Facsimile

9/15/2010



Lorin Szalai

From: Bruce Andrew Brown [bruce@bandrewbrown.com]
Sent: Thursday, September 16, 2010 11:53 AM
To: Lorin Szalai
Subject: Re: Tauwab v. Premier Properties

I cannot open these attachments, so please mail them. Thank You.

Bruce Andrew Brown, J.D.
B. Andrew Brown & Associates, LLC
1300 Fifth Third Center
600 Superior Avenue
Cleveland, Ohio 44114
(216)479-6868-Telephone
(216)479-6872-Facsimile

On Thu 16/09/10 11:43 AM , Lorin Szalai L.Szalai@reminger.com sent:

See attached discovery requests to plaintiff from Premier Properties. The originals have been placed in the mail. Thank you.



Lorin, Assistant to
Hugh J. Bode and Robert D. Warner
1400 Midland Building
101 Prospect Avenue, West
Cleveland, Ohio 44115
216-687-1311 ext. 5170
216-687-1841 (fax)
lszalai@reminger.com
www.reminger.com

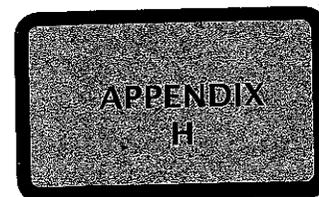
The message is ready to be sent with the following file or link attachments:

interrogatories to plaintiff
request for production to plaintiff
request for admissions to plaintiff

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

This is a privileged and confidential communication. If you are not the intended recipient, you must: (1) Notify the sender of the error; (2) Destroy this communication entirely, including deletion of all associated attachment files from all individual and network storage devices; and (3) Refrain from copying or disseminating this communication by any means.

9/16/2010



AFFIDAVIT

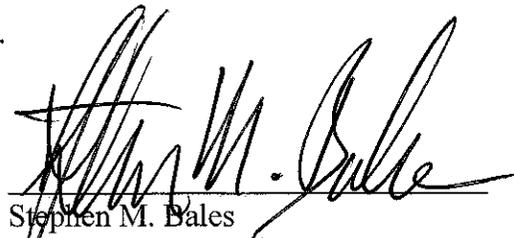
STATE OF OHIO)
) SS
COUNTY OF CUYAHOGA)

Being first duly sworn according to law, the undersigned deposes and states as follows:

1. I am an attorney licensed to practice law in the state of Ohio. My supreme court bar association number is 0003380. I was admitted to the practice of law in the state of Ohio on November 1, 1983. I have personal knowledge of the statements set forth in this affidavit.
2. I am presently counsel of record for The Huntington National Bank in a civil action pending in the Cuyahoga County Court of Common Pleas and known on that Court's docket as *Amir Jamal Tauwab v. Huntington Bancshares, Inc., et al.*, Case No. CV 10-732900.
3. On or about August 30, 2010, I had a telephone conference with Mr. Amir Tauwab ("Tauwab") and attorney Robert D. Warner. Mr. Warner represents several co-defendants in the same civil action commenced by Tauwab.
4. During the conversation, Tauwab was asked by Mr. Warner whether Tauwab paid the \$50,000.00 in civil penalties assessed against him by the Ohio Supreme Court related to an unauthorized practice of law proceeding. Tauwab refused to answer that question directly but stated that the obligation was irrelevant to the pending litigation. Mr. Warner then asked Tauwab why he continued to use the initials "J.D." following the name B. Andrew Brown when he was ordered by the Ohio Supreme Court to cease using those initials behind his name. Tauwab responded by saying that until the school that awarded him his law degree says he cannot use those initials, the Ohio Supreme Court cannot take that away from him.
5. Attached hereto as Exhibit 1 is a copy of a letter that I received from B. Andrew Brown, managing member of B. Andrew Brown & Associates, LLC on August 23, 2010 in which Mr. Brown uses the initials "J.D." following his name. Exhibit 1 is a true and accurate copy of an original letter that I have in my possession.
6. Attached hereto as Exhibit 2 is a copy of an email that included the Plaintiff's first request for admissions in the pending civil action. The email was signed, "Bruce Andrew Brown, J.D." Exhibit 2 is a true and accurate copy of an original email that I have in my possession. I have redacted confidential information from this copy.



FURTHER AFFIANT SAYETH NAUGHT.


Stephen M. Bales

SWORN TO BEFORE ME and subscribed in my presence this 14TH day October, 2010.


NOTARY PUBLIC

DONNA MARIE MALLOY
Notary Public, State of Ohio, Lor. Cty.
My commission expires Jan. 28, 2013

B. ANDREW BROWN & ASSOCIATES, LLC

MANAGEMENT & FINANCIAL CONSULTING

August 23, 2010

BY HAND

Stephen M. Bales, Esq.
925 Euclid Avenue
2020 Huntington Bldg.
Cleveland, Ohio 44115

RE: Amir Jamal Tauwab-v-Huntington Bancshares, Inc., et al
Cuyahoga County Common Pleas Case No. CV-10-732900

Dear Mr. Bales:

Please find enclosed a service copy of the Amended Complaint in the referenced matter.

Very Truly Yours,



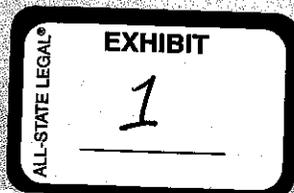
B. Andrew Brown, J.D.
Managing Member

BAB/fo
Enclosure

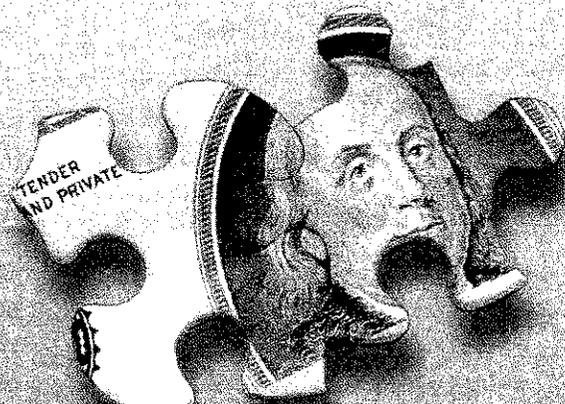
E-MAIL: bruce@bandrewbrown.com

300 N. THIRD CENTER
600 SUPERIOR AVENUE
CLEVELAND, OHIO 44114

(216) 479-6866 Telephone
(216) 479-6804 Facsimile



AUG 23 2010



Stephen M. Bales

From: Bruce Andrew Brown [bruce@bandrewbrown.com]
Sent: Thursday, September 09, 2010 7:46
To: Stephen M. Bales
Subject: Amir Jamal Tauwab-v-Huntington Bancshares, Inc., et al.
Attachments: Huntington Bank Admissions.wps

[REDACTED]

Mr. Bales: Please find attached Plaintiff's First Request For Admissions in the subject matter.

Thank You,

Bruce Andrew Brown, J.D.
B. Andrew Brown & Associates, LLC
1300 Fifth Third Center
600 Superior Avenue
Cleveland, Ohio 44114
(216)479-6868-Telephone
(216)479-6801-Facsimile

