

ORIGINAL

IN THE SUPREME COURT OF OHIO

**Disciplinary Counsel,
Petitioner**

250 Civic Center Drive
Suite 325
Columbus, OH 43215

CASE NO. 2002-1380

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

6075 Penfield Lane
Solon, OH 44139

MOTION FOR AN ORDER TO APPEAR AND SHOW CAUSE

Jonathan E. Coughlan (0026424)

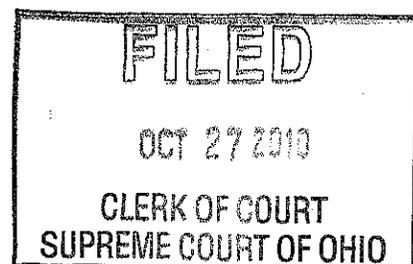
Disciplinary Counsel
Petitioner

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



Disciplinary Counsel v. Brown (1992), 61 Ohio Misc.2d 792, 584 N.E.2d 1391; *Disciplinary Counsel v. Brown*, 99 Ohio St.3d 114, 2003-Ohio-2568, 789 N.E.2d 210; and, *Disciplinary Counsel v. Brown*, 121 Ohio St.3d 423, 2009-Ohio-1152, 905 N.E.2d 163.

In its 2009 decision, this Court ordered respondent to pay a total civil penalty of \$50,000 plus board costs. Appendix B. To date, respondent has failed to pay that penalty or the board costs.

In the final paragraph of its 2009 opinion, this Court held:

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.

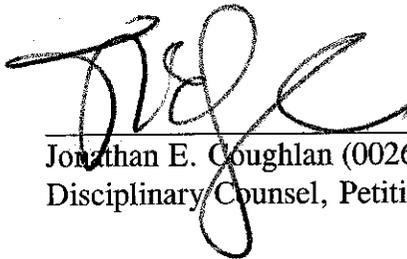
Id. ¶48. See, also Appendix C (Case No. 2008-1573). Petitioner has not filed this motion sooner in light of the fact that petitioner was aware that respondent was incarcerated in 2009 and remained incarcerated until June 2010.

Now comes petitioner, Disciplinary Counsel, and in accordance with the foregoing, hereby files this motion for an order requiring respondent, Bruce Andrew Brown (aka B. Andrew Brown, aka Amir Jamal Tauwab), to appear and show cause why he should not be held in contempt for repeatedly violating this court's order dated May 28, 2003.

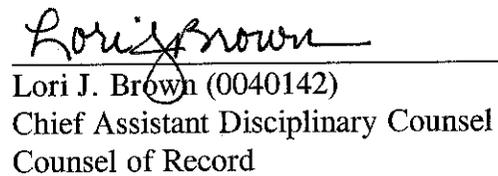
CONCLUSION

Based upon the foregoing, petitioner hereby moves the Supreme Court of Ohio 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 May 28, 2003. It is further requested that respondent be ordered to pay all costs and fees associated with this motion and the proceedings thereof.

Respectfully submitted,



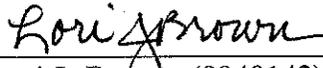
Jonathan E. Coughlan (0026424)
Disciplinary Counsel, Petitioner



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 sent 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

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

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.

PETITIONER'S
APPENDIX
A

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{¶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

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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.

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.

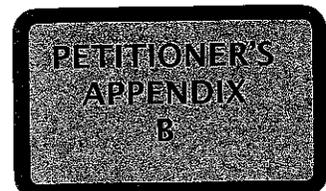
Per Curiam.

{¶ 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



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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

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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.

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{¶ 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.

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{¶ 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

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{¶ 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.

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MAR 20 2009

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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.

PETITIONER'S
APPENDIX
C

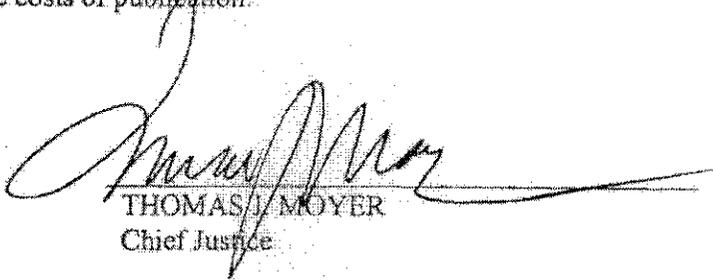
It is further ordered, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.

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 08-1579.

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 Dennis L. Roche, Deputy



THOMAS J. MOYER
Chief Justice