

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

OHIO STATE BAR ASSOCIATION,

RELATOR,

v.

JESSE V. NEWBURN,

RESPONDENT.

08-0257

CASE NO. UPL 07-03

FINAL REPORT

I. PROCEDURAL BACKGROUND

This matter came before the Board on the Unauthorized Practice of Law ("Board") on Relator, Ohio State Bar Association's Complaint filed June 11, 2007. On August 17, 2007, Respondent filed an Answer admitting all of the allegations of Relator's Complaint, and alleging that he had consulted with legal counsel and now fully understands the consequences of the conduct described in the Complaint and fully intends to comply with the law in the future.

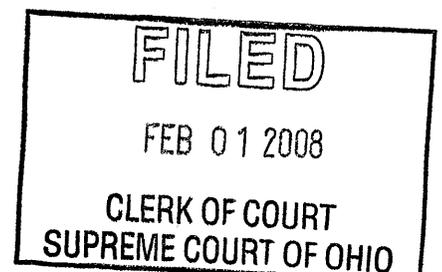
Also, on August 17, 2007, Relator and Respondent filed Stipulations with exhibits and a Joint Waiver of Hearing pursuant to Gov. Bar R. VII(7)(H).

The matter was assigned to a Panel consisting of Commissioners Frank R. DeSantis, Panel Chair, Don Hunt, and James W. Lewis.

II. FINDINGS OF FACT

Pursuant to the stipulated facts and exhibits, the Panel finds the following facts:

1. Relator is a Bar Association whose members include attorneys-at-law admitted to the practice of law in Ohio and who practice throughout the state of Ohio. Relator is authorized



IV. PANEL RECOMMENDATIONS

1. The Panel recommends that the Supreme Court of Ohio issue an Order finding that Respondent Jesse V. Newburn has engaged in the authorized practice of law.

2. The Panel further recommends that the Supreme Court of Ohio issue a further Order enjoining Respondent Jesse V. Newburn from engaging in the State of Ohio in the same or similar acts to those described above and from engaging in any other act in the State of Ohio constituting the unauthorized practice of law unless and until (a) Respondent Jesse V. Newburn secures from the Court, or from the highest court of the state, territory or other jurisdiction entity of the United States, a license to practice law and, (b) Respondent Jesse V. Newburn registers in accordance with the Rules for the Government of the Bar of Ohio.

3. The Panel further recommends that the Supreme Court issue a further Order directing Respondent to notify in writing, at Respondent's expense, the individuals for whom he prepared the easements as identified in the exhibits attached to the Stipulations of the parties regarding Respondent's conduct that constituted the unauthorized practice of law. The notification shall include copies of the findings of the Board, as well as final determination rendered by the Supreme Court of Ohio regarding this matter. A copy of such notices shall be forwarded to Relator's counsel.

4. The Panel has considered the appropriateness of the imposition of civil penalties pursuant to Gov. Bar R. VII(8)(B) and the Guidelines for the Imposition of Civil Penalties, UPL Reg. 400. The Panel has determined that the imposition of civil penalties is not appropriate in this case for the following reasons:

(a) Respondent cooperated with the investigation and resolution of this matter (Rule VII, §(8)(B)(1));

(b) Respondent engaged in only one circumstance of the unauthorized practice of law in the preparation of the two easements that were the subject of this investigation (Rule VII, §(8)(B)(2));

(c) Respondent has admitted to the unauthorized practice of law (UPL Reg. 400 (F)(4)(c));

(d) Respondent has ceased engaging in the conduct giving rise to this complaint (UPL Reg. 400 (F)(4)(a));

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

(f) There was no substantial harm to third parties arising from the offense (Rule VII, §8(B)(4)).

V. BOARD RECOMMENDATIONS

Pursuant to Gov. Bar R. VII(7)(F), the Board on the Unauthorized Practice of Law of the Supreme Court of Ohio formally considered this matter on January 17, 2008. The Board adopted the findings of fact, and conclusions of law of the Panel. The Board further adopted all of the recommendations of the Panel including its recommendation not to impose a civil penalty.

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

The Board further recommends that the Supreme Court of Ohio issue a further Order enjoining Respondent Jesse V. Newburn from engaging in the State of Ohio in the same or similar acts to those described above and from engaging in any other act in the State of Ohio constituting the unauthorized practice of law unless and until (a) Respondent Jesse V. Newburn secures from the Court, or from the highest court of the state, territory or other jurisdiction entity

of the United States, a license to practice law and, (b) Respondent Jesse V. Newburn registers in accordance with the Rules for the Government of the Bar of Ohio.

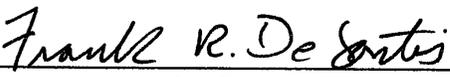
The Board further recommends that the Supreme Court issue a further Order directing Respondent to notify in writing, at Respondent's expense, the individuals for whom he prepared the easements as identified in the exhibits attached to the Stipulations of the parties regarding Respondent's conduct that constituted the unauthorized practice of law. The notification shall include copies of the findings of the Board, as well as final determination rendered by the Supreme Court of Ohio regarding this matter. A copy of such notices shall be forwarded to Relator's counsel.

The Board further recommends that the Supreme Court of Ohio not impose a civil penalty against the Respondent in this matter.

The Board further recommends that any costs of these proceedings be taxed to the Respondent in any Order entered, so that execution may issue.

VI. STATEMENT OF COSTS

Attached as Exhibit "A" is a statement of costs and expenses incurred to date by the Board and Relator in this matter.



Frank R. DeSantis, Chair
Board on the Unauthorized Practice of Law

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

Exhibit "A"

STATEMENT OF COSTS

Ohio State Bar Association v. Jesse v. Newburn

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To date, no expenses have been incurred.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Final Report was served by certified mail upon the following this 1st day of February, 2008: Jesse V. Newburn, 3815 Boy Scout Road, Dover, OH 44622; E.K. Wright, Esq., P O Box 711, 134 Fourth Street, N.W., New Philadelphia, Ohio 44663-1934; John N. MacKay, Esq., Shumaker, Loop & Kendrick, LLP, 100 Jackson, Toledo, OH 43604-5573; Eugene P. Whetzel, Esq., Ohio State Bar Association, 1700 Lake Shore Drive, P O Box 16562, Columbus, OH 43216-6562; Office of Disciplinary Counsel, 250 Civic Center Drive, Ste. 325, Columbus, OH 43215; Ohio State Bar Association, 1700 Lake Shore Drive, Columbus, OH 43204.


D. Allan Asbury, Secretary of the Board