

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

OHIO STATE BAR ASSOCIATION,

Relator,

v.

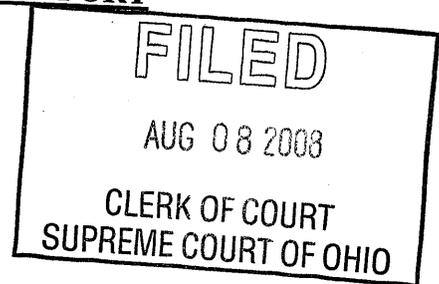
BRUCE A. JACKIM,

Respondent.

08-1559

Case No. UPL 07-05

FINAL REPORT



I. PROCEDURAL BACKGROUND

This matter came before the Board on the Unauthorized Practice of Law on the Relator, Ohio State Bar Association's, Complaint filed on July 9, 2007. The Respondent, Bruce A. Jackim, was duly served with a copy of the Complaint and Notice and subsequently filed an Answer and Third Party Complaints on July 18, 2007. The matter was assigned to a panel consisting of Judge Carrie E. Glaeden- Chair, Patricia A. Wise and C. Lynne Day. On August 28, 2007, the Third Party Complaints were dismissed by the Panel due to lack of jurisdiction, forum and venue.

On October 4, 2007, Respondent filed a Motion to Dismiss/Motion for Judgment on the Pleadings and Relator filed its Answer and Memorandum in Opposition of Respondent's Motion to Dismiss. This motion was overruled by the Panel. Motions to Strike and for Sanctions filed by Respondent were also overruled by the Panel.

Both parties filed Motions for Summary Judgment. The Panel overruled Respondent's

and thwart the Supreme Court's constitutional power over all matters relating to the practice of law and R.C. 4705.01. *Disciplinary Counsel v. Coleman*, 88 Ohio St.3d 155, 2000- Ohio-288, 724 N.E.2d 402; *State v. Block*, 2007 WL 1219292, Ohio App. 8 Dist., 2007.

7. 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. *Ohio State Bar Assn. v. Martin*, 118 Ohio St.3d 119, 2008-Ohio-1809 (emphasis added). Although the terms "legal services" and "practice of law" are construed and argued by Respondent to mean the necessity of engaging in the unauthorized practice of law more than once, the Panel finds that this prohibition applies to even a single instance.

8. Although this incident occurred in 2004, retroactive application of UPL civil remedies and penalties are not prohibited pursuant to *Cleveland Bar Assn. v. Sharp Estate Serv., Inc.*, 107 Ohio St.3d 219, 2005-Ohio-6267.

9. The Panel finds by a preponderance of the evidence presented that Respondent engaged in the unauthorized practice of law when he filed a motion in the Cuyahoga County Court of Common Pleas on behalf of Coralie J. Jurick in a case pending against her.

#### **IV. PANEL RECOMMENDATIONS**

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

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

3. The Panel has also considered the appropriateness of the imposition of civil penalties pursuant to Gov. Bar R. VII, §(8)(B). The Panel has determined that civil penalties are not appropriate in this case.

a). The Respondent, although never specifically admitting that he engaged in the unauthorized practice of law, never denied filing the motion in a court of law on behalf of Coralie J. Jurick. Respondent's arguments mainly consisted of mitigating factors in that he acted as he did to assist Ms. Jurick, but not to be thought of as an attorney nor to receive any monetary gain in doing so.

b). This Panel has determined that this is an isolated case and that Respondent, neither prior nor subsequent to this incident has engaged in activities that could be considered the unauthorized practice of law. (Gov. Bar R. VII, §(8)(B)(2)).

c). The record is devoid of any evidence that Ms. Jurick was harmed or suffered direct legal or economic consequences due to the activities of the Respondent. (Gov. Bar R. VII, §(8)(B)(4)).

d). Although Relator seeks a \$10,000.00 civil penalty, and his unauthorized practice of law included the preparation of a legal instrument for filing with a court, the Panel finds that the mitigation outweighs these aggravating factors and recommends that no civil penalty be imposed. Specifically, the mitigating factors include the fact that Respondent has ceased engaging in this conduct. (UPL Reg. 400(F)(4)(a)). Additionally, the Panel finds Respondent's conduct resulted from a motive other than dishonesty or personal benefit – Ms. Jurick was about to lose her home due to her financial problems resulting from her severe alcoholism. Respondent was seeking to slow

these legal proceedings while he and another relative of Ms. Jurick's could purchase and pay for her home on her behalf. (UPL Reg. 400 (F)(4)(e)).

**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 June 30, 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.

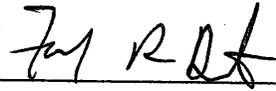
The Board further recommends that the Supreme Court issue a further Order enjoining the Respondent from engaging in the unauthorized practice of law in the future.

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, 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 Relator and Board in this matter.



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**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. Bruce A. Jackim,*

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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 8<sup>th</sup> day of August, 2008: Catherine M. Brady, Esq., 7010 Pearl Road, Middleburg Heights, OH 44130-4939; Ian Robinson, Esq., Fitch, Kendall, Cecil, Robinson & Barry, Co., LPA, 600 East State Street, P O Box 590, Salem, OH 44460; Eugene P. Whetzel, Esq., Ohio State Bar Association, 1700 Lake Shore Drive, P O Box 16562, Columbus, OH 43216-6562; Bruce A. Jackim, 1014 Pearl Road, Middleburg Heights, OH 44130-4939; Ohio State Bar Association, 1700 Lake Shore Drive, P O Box 16562, Columbus, OH 43216-6562; Cleveland Metropolitan Bar Association, 1301 East Ninth St., 2<sup>nd</sup> Level, Cleveland, OH 44114-1253; Office of Disciplinary Counsel, 250 Civic Center Drive, Ste. 325, Columbus, OH 43215.

  
D. Allan Asbury, Secretary of the Board