

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

08-1560

CLEVELAND METROPOLITAN  
BAR ASSOCIATION,

Relator,

v.

LEON BOYD,

Respondent.

Case No. UPL 07-08

FINAL REPORT

FILED

AUG 08 2008

CLERK OF COURT  
SUPREME COURT OF OHIO

I. PROCEDURAL BACKGROUND

This matter came before the Board on the Unauthorized Practice of Law on Relator's Complaint filed October 4, 2007. While service of the Notice and Complaint on Respondent Leon Boyd was accomplished by certified mailing pursuant to Civ. R. 4.1(A), no answer was filed.

On November 20, 2007, pursuant to the provisions of Section 7(A)(1) of Rule VII of the Supreme Court Rules for the Government of the Bar, this matter was assigned to a Panel consisting of Commissioners Kenneth A. Kraus-Chair, Frank R. DeSantis, and Patricia A. Wise.

Relator filed on April 3, 2008 a Motion for Default Judgment with Brief in Support in accordance with Gov. Bar R. VII §(7)(B). Service was perfected on the Respondent. Since no response to the Motion was ever filed by Respondent, on May 28, 2008, the Panel granted the Motion for Default Judgment. At the same time the Panel granted a Motion by Relator to Substitute Party, and amend the caption to accurately reflect the Relator as the Cleveland Metropolitan Bar Association.

In its Complaint, Relator alleged that Respondent, though not an attorney-at-law, engaged in the unauthorized practice of law by representing himself as an attorney to at least two (2) individuals, and preparing legal pleadings, which were to be used in domestic relations court proceedings. In its Motion for Default Judgment, Relator provided evidence to establish a *prima facie* case for occurrences of the unauthorized practice of law alleged in the Complaint, and further satisfied the requirements of Gov. Bar R. VII §(7)(B) for a Motion for Default Judgment.

Included in the Relator's Motion for Default Judgment were: The Affidavit of counsel for Relator, along with a letter to Respondent and proof of delivery; letter from the Director of the Attorney Services Division of the Supreme Court of Ohio; Affidavit of the attorney/Director of the Legal Department of the Cuyahoga County Domestic Relations Court; Transcript of proceedings dated March 2, 2007 in Cuyahoga County Domestic Relations Court, Case No. DR-313734, *Nichol P. Watson v. Michael D. Parks*, with various attached exhibits; and Transcript of Proceedings dated March 9, 2007 in Cuyahoga County Domestic Relations Court Case No. DR-313733, *Angela Harris v. Byron Harris*, with various attached exhibits.

## II. FINDINGS OF FACT

1. Relator, Cleveland Metropolitan Bar Association, is duly authorized to investigate activities which may constitute the unauthorized practice of law within the State of Ohio. [Gov. Bar R.VII §§ 4,5].
2. Respondent, Leon Boyd, is not licensed to practice law in Ohio. (Exhibit B, Relator's Motion for Default Judgment, Certificate of Susan B. Christoff, Director of Attorney Services, the Supreme Court of Ohio).

3. Respondent, Leon Boyd, has never been an attorney admitted to practice, granted active status, or certified to practice law in the State of Ohio.

4. Respondent, Leon Boyd, prepared divorce pleadings, including a complaint and other papers to initiate a divorce case for Nichol P. Watson in *Watson v. Parks*, Cuyahoga County Domestic Relations Case No. D-06-313734. He received \$100.00 payment for the work and advice according to Ms. Watson's testimony. Respondent Boyd also drafted an Indigency Affidavit for submission to the Court, so that Ms. Watson would be excused from having to pay filing fees. However, no specific information regarding her financial assets was included in the Affidavit. Respondent also provided someone to notarize the Affidavit who in actuality was not registered as a notary public and did not witness Ms. Watson's signature. Respondent filed the action with the Domestic Relations Court on December 12, 2006 one day after meeting Ms. Watson. Ms. Watson appeared for Court on March 2, 2007 for an uncontested trial without the required Journal Entry. She was ultimately assisted by the Legal Department in completing the Journal Entry.

5. Respondent Boyd also prepared divorce pleadings for Angela Harris in *Angela Harris v. Byron Harris* in the same Court, Case No. D-06-313733. Based upon Ms. Harris' testimony, it was Respondent whom she had paid to "prepare" the paperwork. Ms. Harris testified that the Respondent prepared all of the documents filed with the Court on her behalf, including the Indigency Affidavit, all for the cost of \$50.00. The purported notary on the Affidavit, "Kathy Ward," was never seen by Ms. Harris.

6. Relator was previously the subject of a proceeding filed against him in 2005 by the same Relator for the unauthorized practice of law which resulted in the entering of an injunction against him and civil penalties, issued by the Supreme Court of Ohio in *Cleveland Bar Association v. Boyd*, 112 Ohio St.3d 331, 2006-Ohio-6590.

### III. CONCLUSIONS OF LAW

1. The Supreme Court of Ohio has original jurisdiction regarding admission to the practice of law, the discipline of persons so admitted, and all other matters relating to the practice of law. Section 2(B)(1)(g), Article IV, Ohio Constitution; *Royal Indemnity Co. v. J.C. Penney Co.* (1986), 27 Ohio St.3d 31, 501 N.E.2d 617; *Judd v. City Trust & Saving Bank* (1937), 133 Ohio St. 81, 12 N.E.2d 288.

2. The unauthorized practice of law consists of rendering legal services for another by a person not admitted to practice in Ohio. Gov. Bar R. VII §(2)(A).

3. The Supreme Court has consistently held that the practice of law not only encompasses the drafting and preparation of pleadings filed in the courts of Ohio, it also includes the preparation of legal documents and instruments upon which legal rights are secured or advanced. *Akron Bar Association v. Greene* (1997), 77 Ohio St.3d 279; *Land Title Abstract & Trust v. Dworkin* (1934), 129 Ohio St.23d, 193 N.E. 650.

4. An individual who has not been admitted to the Bar in Ohio may not refer to themselves as an attorney, nor may an individual tell others that they are an attorney or mislead others into thinking that they are an attorney when they are not. *Disciplinary Counsel v. Brown*, 99 Ohio St.3d 114, 2003-Ohio-2568; R.C. 4705.07 (A)(1)-(2).

5. The Respondent is not an attorney nor has he ever been admitted to practice law in Ohio.

6. Relator has demonstrated by a preponderance of the evidence that the Respondent engaged in the unauthorized practice of law by holding himself out as an attorney, preparing legal documents to be filed with the domestic relations courts, rendering legal advice, and filing legal documents on behalf of others.

7. Each act found by the Panel to constitute the unauthorized practice of law is based upon sworn and certified documentary evidence that contains sufficient information to demonstrate and support the specific activities upon which the conclusions are drawn in compliance with Gov. Bar R. VII, §(7)(H), and *Cleveland Bar Ass'n v. CompManagement, Inc.*, 111 Ohio St.3d 444, 2006-Ohio-6108 at ¶24-6. See also, *Northwestern Ohio Bar Association v. Lauber*, 104 Ohio St.3d 121, 2004-Ohio-6237 at ¶3 and *Dayton Bar Ass'n v. Sebree*, 104 Ohio St.3d 448, 2004-Ohio-6560 at ¶9.

#### IV. PANEL RECOMMENDATIONS

1. The Panel recommends that the Supreme Court of Ohio issue an Order finding that Respondent has engaged in the unauthorized practice of law.
2. The Panel further recommends that the Supreme Court of Ohio issue an additional Order prohibiting Respondent from engaging in the unauthorized practice of law in the future.
3. The Panel also has carefully considered the appropriateness of the imposition of civil penalties pursuant to Gov. Bar R. VII §8(B) and UPL Reg. 400, *Guidelines for the Imposition of Civil Penalties*. As found by the Panel, Respondent held himself out as an attorney, prepared legal documents for filing, filed legal documents that he had prepared, and rendered legal advice to persons who were unaware that the documents and legal advice were not being prepared or rendered by an attorney. Gov. Bar R. VII §8(B)(3).

Respondent prepared legal documents for filing with the Court, filed legal documents with the Court, held himself out as an attorney, and rendered legal advice to persons who were unaware that he was not a licensed attorney. UPL Reg. 400 (F)(3)(f),(g). Respondent was not and never has been licensed to practice law in Ohio, and his actions clearly were detrimental to the

persons who relied on his representations, advice, and preparation and filing of legal documents. Gov. Bar R. VII §8(B)(4).

Respondent did not cooperate in any of these proceedings. He failed to answer or otherwise defend, failed to respond to Relator's Motion for Default Judgment, and offered no evidence to the Panel which would serve to mitigate his conduct. Respondent committed the unauthorized practice of law on at least two (2) occasions – in the *Watson v. Parks* domestic relations matter and the *Harris v. Harris* domestic relations matter. Respondent's violations were flagrant inasmuch as the legal documents that he prepared were intended for use in ongoing legal actions before courts. Gov. Bar R. VII §8(B)(3).

Respondent's conduct is all the more egregious because of the Supreme Court's prior findings against him and prior Orders enjoining him from engaging in the unauthorized practice of law. UPL Reg. 400 (F)(3)(a) and (b).

4. Based upon the foregoing, and the total absence of any mitigating factors, this Panel finds that the conduct of Respondent in engaging in the unauthorized practice of law warrants the imposition of the maximum civil penalties; and, therefore, recommends a civil penalty against Defendant Leon Boyd in the amount of Ten Thousand Dollars (\$10,000.00) with respect to each of Respondent's violations for a total civil penalty of Twenty Thousand Dollars (\$20,000.00). See Gov. Bar R. VII §8(B)(1), (3), (4) and UPL Reg. 400 (F)(3)(a), (b), and (d) through (g). The costs of this proceeding should be taxed to the Respondent.

## 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 considered this matter on June 30<sup>th</sup>, 2008. The Board adopted the findings of fact and conclusions of law of the Panel, including the recommendation of a civil penalty for each violation found.

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 prohibiting Respondent from engaging in the unauthorized practice of law in the future.

The Board further recommends that the Supreme Court of Ohio impose a total civil penalty of \$20,000; and that any costs of these proceedings be taxed to the Respondent in any Order entered, so that execution may issue.

It is the Board's further recommendation that, in addition to any injunction and civil penalty imposed, the Supreme Court order the Respondent to show cause why he should not be held in contempt of its previous injunction issued in *Cleveland Bar Ass'n v. Leon Boyd*, Case No. 2006-1613.

## **VI. STATEMENT OF COSTS**

Attached as Exhibit A is a statement of costs and expenses incurred to day by the Board and Relator 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**

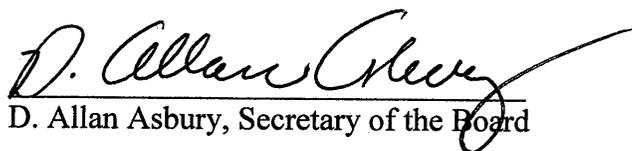
*Cleveland Metropolitan Bar Ass'n v. Leon Boyd*

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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: Russell A. Moorhead, Esq., 614 West Superior Ave., Suite 860, Cleveland, OH 44113; George W. MacDonald, Esq., 848 Rockefeller Building, Cleveland, OH 44113; Leon Boyd, 10502 Cedar Ave., Apt. 1, Cleveland, OH 44106; Cleveland Metropolitan Bar Association, 1301 East Ninth St., 2<sup>nd</sup> Level, Cleveland, OH 44114-1253; 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.

  
D. Allan Asbury, Secretary of the Board