

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

DAYTON BAR ASSOCIATION,	)	CASE NO. UPL 03-03
	)	
Relator,	)	
	)	
v.	)	<b>FINAL REPORT</b>
	)	
CLARENCE W. ADDISON, II,	)	
	)	
Respondent.	)	

This matter came before the Board of Commissioners on the Unauthorized Practice of Law ("Board") on Relator's Complaint filed on March 12, 2003 and its Amended Complaint filed on August 27, 2003. Respondent, Clarence W. Addison, II, ("Addison") filed no Answer to either Complaint.

On May 3, 2004, Relator filed a Motion for Default. On May 27, 2004, Respondent filed a Motion to Extend Time to Oppose the Motion for Default. This Board denied Relator's Motion for Default on June 23, 2004.

On July 19, 2004, Relator renewed its Motion for Default. No response was filed by Respondent. This Board granted Relator's Renewed Motion for Default on September 13, 2004.

In its Amended Complaint, Relator alleged that Respondent Addison, though not an attorney at law, engaged in the unauthorized practice of law by preparing instruments by which legal rights were secured.

In its Motion for Default, Relator provided evidence to establish a *prima facie* case for the occurrences of the unauthorized of law alleged in its Amended Complaint,

and further satisfied the requirements of Gov. Bar R. VII, Section (7)(B) for a Motion for Default.

Included in the Relator's Motion for Default, were Respondent's Responses to Relator's First Set of Interrogatories, signed and verified by Clarence W. Addison, II, wherein Respondent admits having engaged in the unauthorized practice of law. Also included in the Motion were copies of letters from Respondent's counsel to Relator, wherein it was admitted that Respondent prepared wills, trusts, powers of attorney and other estate planning documents which should have required the attention of a licensed attorney. It was further admitted that these documents were prepared in connection with Respondent's "estate planning business." Respondent's counsel also provided a list of "estate planning clients" for whom Respondent had prepared legal documents. This list included over fifty "clients" for whom Respondent had prepared legal documents from 1995 through 2002.

The evidence presented by Relator in its Motion for Default further establishes that at least one of the documents prepared by Respondent, a will, was successfully challenged and set aside in a court proceeding to the detriment of the "client." (Exhibit G, Relator's Motion for Default).

#### **FINDINGS OF FACT**

1. Relator, Dayton 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, Sections 4 and 5).
2. Respondent, Clarence W. Addison, II, is not licensed to practice law in Ohio. (Exhibit Q, Relator's Motion for Default).

3. Respondent, Addison, drafted and prepared legal documents for at least fifty-four individuals from 1995 to 2002. The documents included Last Will and Testament, Quit-Claim Deeds, Trusts and Powers of Attorney. Respondent was compensated for these activities.

4. Respondent admits that he engaged in the unauthorized practice of law while engaging in the activities referred to in paragraph 3, *supra*.

5. Respondent's conduct was systematic, continuous, and in at least one instance, caused considerable harm to the victim of Respondent's illegal activity.

### 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 to 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 & Savings Bank* (1937), 133 Ohio St. 81, 10 O.O. 95, 12 N.E.2d 288.

2. The unauthorized practice of law consists of rendering legal advice for another by any person not admitted to practice in Ohio. (Gov. Bar. R. VII, Section 2(A)).

3. The Supreme Court has consistently held that the practice of law is not limited to appearances in Court, but also includes giving legal advice and counsel in the preparation of legal instruments and contracts by which legal rights are preserved. *Land Title Abstract & Trust Company v. Dworken* (1934), 129 Ohio St. 23, 1 O.O. 313, 193 N.E. 650.

4. The providing of advice and counsel and preparation of estate planning documents such as wills, trusts and powers of attorney, constitute the unauthorized practice of law. *Akron Bar Association v. Miller* (1997), 80 Ohio St. 3d 6, 684 N.E.2d 288; and *Trumbull County Bar Ass'n. v. Hanna* (1997), 80 Ohio St. 3d 58, 684. N.E.2d 329.

5. The Respondent has admitted, and the Board so finds, that he has engaged in the unauthorized practice of law.

### RECOMMENDATIONS

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

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

C. Respondent prepared hundreds of wills, trusts, powers of attorney and other legal instruments for dozens of unwitting victims. One of the documents prepared by Respondent was found to be flawed and caused harm to the recipient of the document.

Relator attempted to obtain contact information for the individuals who paid Respondent to draft and prepare these legal documents to notify them of the potential defects in those documents. Respondent refused to cooperate with this effort.

Respondent ultimately refused to cooperate in these proceedings and failed to respond to Motions filed by Relator.

As a result of the breadth and seriousness of Respondent's conduct, the Board finds that a civil fine is warranted and recommends a fine in the amount of Ten Thousand

Dollars (\$10,000.00) pursuant to Gov. Bar R. VII, Section 19(D)(1)(c). (*See, Toledo Bar Association v. Chelsea Title Agency of Dayton, Inc.* (2003), 100 Ohio St. 3d 356, 2003-Ohio-6453.)

**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.

  
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RALPH E. DILL, CHAIR  
BOARD OF COMMISSIONERS ON THE  
UNAUTHORIZED PRACTICE OF LAW

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

**STATEMENT OF COSTS**

Case No. UPL 03-03

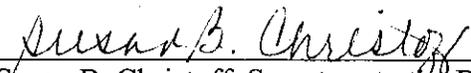
*Dayton Bar Association, Relator, v. Clarence W. Addison, II, Respondent*

To date, no expenses have been incurred.

**EXHIBIT A**

## CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Report was served by certified mail upon the following this 22<sup>nd</sup> day of December, 2004: Dayton Bar Association, 130 W. Second Street, Ste. 600, Dayton, OH 45402; Timothy G. Pepper, Esq., Faruki Ireland & Cox PLL, 500 Courthouse Plaza SW, 10 North Ludlow Street, Dayton, OH 45402; Clarence W. Addison, II, c/o The Addison Group Ltd., 5694 Springgate Ct., Huber Heights, OH 45424; Office of Disciplinary Counsel, 250 Civic Center Drive, Ste. 325, Columbus, OH 43215; Ohio State Bar Association, Unauthorized Practice of Law Committee, 1700 Lake Shore Drive, Columbus, OH 43204.

  
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Susan B. Christoff, Secretary to the Board