

OFFICE OF DISCIPLINARY COUNSEL v. TAYLOR, A.K.A. CIVIELLO.

[Cite as *Disciplinary Counsel v. Taylor* (1999), ___ Ohio St.3d ____.]

Unauthorized practice of law — Individual not authorized to practice law in Ohio who obtains and aids a widow in completing an application to relieve an estate from administration and files the application in probate court is engaging in the unauthorized practice of law.

(No. 98-1322 — Submitted September 16, 1998 — Decided January 13, 1999.)

ON FINAL REPORT by the Board of Commissioners on the Unauthorized Practice of Law of the Supreme Court, No. UPL 97-1.

In a complaint filed on July 9, 1997, relator, Office of Disciplinary Counsel, charged that respondent, Todd T. Taylor, a.k.a. Carmen Civiello, of North Canton, Ohio, was engaged in the unauthorized practice of law. Respondent answered, and the matter was submitted to the Board of Commissioners on the Unauthorized Practice of Law of the Supreme Court (“board”).

Based on stipulated facts and the briefs of the parties, the board found that respondent, an insurance agent, was not licensed to practice law in Ohio or in any other jurisdiction, and has never represented himself to be an attorney. The board further found that in January 1997, the respondent assisted Rita H. Piatt, a friend and a customer of his, in preparing an application to relieve the estate of her late husband from administration. Respondent told Piatt that an estate with assets less than \$85,000 qualified for relief from administration, obtained the proper forms for such relief, aided her in completing the forms, and filed them for her in the probate court. The application requested “that the estate be relieved from administration because the assets do not exceed the statutory limits.” The application also requested a list of the “next of kin, legatees, and devisees known to applicant.” Respondent did not sign his name as “Attorney for Applicant,” but

signed his name below that line and wrote that the document was “Prepared by Todd T. Taylor.” He did not charge Piatt a fee for his advice and services. Evidence indicates that respondent gave advice to other insurance clients about survivorship deeds.

The board concluded that respondent engaged in the unauthorized practice of law by preparing the application. It recommended that respondent be prohibited from engaging in the unauthorized practice of law.

Jonathan E. Coughlan, Disciplinary Counsel, for relator.

Charles W. Kettlewell, for respondent.

Per Curiam. In *Land Title Abstract & Trust Co. v. Dworken* (1934), 129 Ohio St. 23, 28, 1 O.O. 313, 315, 193 N.E. 650, 652, we held that the practice of law “ ‘includes legal advice and counsel, and the preparation of legal instruments and contracts by which legal rights are secured * * *.’ ” In *Green v. Huntington Natl. Bank* (1965), 4 Ohio St.2d 78, 80, 33 O.O.2d 442, 443, 212 N.E.2d 585, 587, we held that a bank’s act of providing “ ‘specific legal information in relation to the specific facts of a particular person’s estate’ ” constituted the practice of law and should be enjoined.

Respondent’s actions in the case before us are not as egregious as those in *Akron Bar Assn. v. Miller* (1997), 80 Ohio St.3d 6, 684 N.E.2d 288, and *Trumbull Cty. Bar Assn. v. Hanna* (1997), 80 Ohio St.3d 58, 684 N.E.2d 329. Nevertheless, as in those cases, respondent advised a person about the law, recommended a course of action, and aided her in completing legal forms. We hold that respondent, not being an attorney, was engaged in the unauthorized practice of

law, and he is hereby ordered to refrain from such actions in the future. Costs are taxed to respondent.

Judgment accordingly.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK and
LUNDBERG STRATTON, JJ., concur.