

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

07 - 1482

DISCIPLINARY COUNSEL,

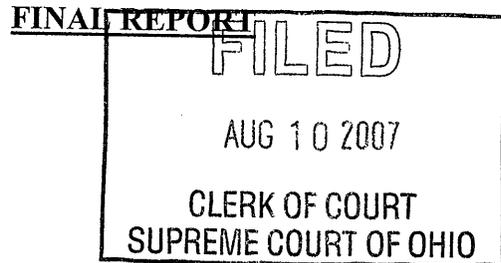
Relator,

v.

JEFFREY STEVEN ROBSON,

Respondent.

Case No. UPL 06-05



I. PROCEDURAL BACKGROUND

This matter came before the Board on the Unauthorized Practice of Law on the Relator Disciplinary Counsel's Complaint filed on June 6, 2006. The Respondent, Jeffrey Steven Robson a.k.a Jeffrey Steven Roush, was duly served with a copy of the Complaint and Notice and subsequently filed an Answer on July 12, 2006. The matter was assigned to a panel consisting of Judge Carrie A. Glaeden, Panel Chair, Richard R. Hollington, and Kenneth A. Kraus.

On January 17, 2007, the parties filed Agreed Stipulations and a Waiver of Notice and Hearing pursuant to Gov.Bar R. VII(7)(H). Upon initial review of the Agreed Stipulations, the Panel ordered the parties on February 5, 2007 to supplement their Agreed Stipulations in order to substantially comply with the standards for evidence in unauthorized practice cases set forth in *Cleveland Bar Association v. CompManagement*,

II. ¹ On March 1, 2007, the parties filed Amended Agreed Stipulations, hereinafter "Stip.____".

In its Complaint, the Relator alleged that the Respondent, not admitted to practice law in Ohio or any other jurisdiction, engaged in the unauthorized practice of law by holding himself out as a licensed attorney to his employer, the Vidmar & Hardesty law firm, and to prospective and current clients of the law firm, and in addition, by soliciting clients, giving legal advice, and preparing legal documents on behalf of clients.

This Panel has agreed to the Waiver of Notice and Hearing and has accepted the Amended Agreed Stipulations as its record in this matter. Based upon the Amended Agreed Stipulations, the Panel enters the following findings of fact, conclusions of law, and recommendations.

II. FINDINGS OF FACT

1. Relator, Disciplinary Counsel, is duly authorized to investigate and prosecute activities which may constitute the practice of law within the State of Ohio.
2. Respondent, Jeffery Steven Robson, aka Jeffrey Steven Roush, is not an attorney-at-law in the state of Ohio admitted pursuant to Gov.Bar R. I, registered pursuant to Gov.Bar R.VI, or certified pursuant to Gov.Bar R. II, Gov.Bar R. IX or Gov.Bar R. XI. Stip.2.
3. Respondent, Jeffrey Steven Robson, is not admitted to practice law in North Carolina. Stip.3.

¹ Neither the Relator nor the Respondent disclosed the actual names of the various clients referenced in this matter. According to Relator's counsel, Respondent's former employer law firm still maintains an attorney-client relationship with the clients generally referred to in the record.

4. The Respondent received a Bachelor's degree from the Ohio State University in 1993, and a Juris Doctor degree from the University of Cincinnati College of Law in 1999. Stip.4,5.

5. On more than one occasion between February 2000 and February 2006, the Respondent registered for, took and failed, or withdrew from the Ohio Bar Examination. Stip.6.

6. In an effort to gain employment with the Ohio law firm of Vidmar and Hardesty, Respondent told the principals of the firm that he was "an attorney new to the area". Stip.8.

7. As part of securing his employment as an attorney with Vidmar & Hardesty, Respondent represented that he was licensed as an attorney in both Ohio and North Carolina. Stip.9, 15(b); Stip. Ex. 2. To further secure his employment, the Respondent provided fictitious attorney registration numbers for both jurisdictions and a counterfeit declarations page allegedly showing proof of malpractice insurance coverage. Respondent's Answer, Stip.12,13; Stip. Ex. 3; Stip. Ex. 4.

8. The law firm's principals were convinced the Respondent was an attorney and as a result he was formally employed as an attorney with the law firm in December, 2005. Stip. 10,11.

9. On or about December 16, 2005, Respondent spoke with a relative of his wife at a funeral and "convinced the relative of the need to set up some type of business entity within which to operate his rental property business." The Respondent dispensed legal advice during the conversation. His employer attorney was not present nor supervised the Respondent during his contact with the prospective client. Stip.15(c).

10. Between December, 2005 and February, 2006, while employed by Vidmar & Hardesty, Respondent spoke to attorneys or other parties in North Carolina in an attempt to negotiate a settlement on behalf of a firm client in a matter pending in North Carolina. His communication with the parties took place outside the presence of his employer attorney. Stip.15(d).

11. In consultation with his employer attorney and after communication with the same firm client described in Paragraph 10, Respondent drafted an Agreement of Settlement and General Release. The document was subsequently reviewed by his employer attorney. Stip.15(e); Stip.Ex. 6.

12. In consultation with his employer attorney and after communication with the same firm client described in Paragraph 10, Respondent drafted a Joint Venture Agreement. The document was subsequently reviewed by his employer attorney. Stip. 15(f); Stip.Ex.6.

13. There is no evidence in the record or stipulated by the parties that the aforementioned agreements were drafted by the Respondent at the direction of his employer attorney or directly supervised by an attorney, as is generally permissible in the case of a properly supervised non-attorney employee or paralegal.

14. On December 6, 2005, the Respondent wrote a letter on the law firm's letterhead to a prospective client. The letter was a business solicitation designed to convince a prospective client of the need for estate planning services furnished by the Respondent, acting under the false pretense that he was an attorney. Stip. 16.

15. In or about January or February, 2006, his employer attorney learned the Respondent was not licensed to practice law in either Ohio or North Carolina. The

Respondent's employment with the law firm was immediately terminated in February, 2006 upon discovery of the information. Stip.18.

16. At no time during the relevant time period did the Respondent represent a client before a court or tribunal, submit or file documents before a court or tribunal, or personally accept client funds. Stip. 22, Respondent's Answer.

17. The Respondent fully cooperated with the Relator during its investigation. Stip. 21.

18. The Relator and Respondent have stipulated and agreed that the Respondent will never again seek admission to the practice of law in the State of Ohio. Stip. 23.

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 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 3, 501 N.E.2d 617; *Judd v. City Trust & Savings 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 any person not admitted to practice law in the State of Ohio (Gov.Bar R. VII(2)(A)).

3. Holding oneself out as an attorney to another is expressly prohibited by R.C. 4705.07(A)(1)-(2).

4. It is the unauthorized practice of law for any person, not admitted to practice law, to hold themselves out as an attorney in an effort to secure employment rendering legal services to others. *Disciplinary Counsel v. Brown*, 99 Ohio St.3d 114, 2003-Ohio-2568; *Medina County Bar Association v. Flickinger*, 95 Ohio St.3d 498, 2002-Ohio-2483.

5. Providing legal advice to another concerning business entity formation is the practice of law. *Columbus Bar Assn. v. Leonard Verne*, 99 Ohio St.3d 50, 2003-Ohio-2463; *Miami County Bar Assn. v. Wyandt & Silvers, Inc.*, 107 Ohio St.3d 259, 2005-Ohio-6430.

6. Representing another by advising them of their rights and communicating on their behalf to adverse parties about settlements of causes of action constitutes the practice of law. *Akron Bar Assn. v. Bojonell*, 88 Ohio St.3d 154, 2000 Ohio 28; *Cincinnati Bar Assn. v. Cromwell* (1988), 82 Ohio St.3d 255, 695 N.E.2d 243.

7. The practice of law is not limited to appearances in court, but also includes giving legal advice and counsel and the preparation of legal instruments and contracts by which legal rights are preserved. *Land Title Abstract & Trust v. Dworken* (1934), 129 Ohio St.23, 10 O.O. 313, 193 N.E. 650.

8. Any analogy of the Respondents' work to that of a supervised non-attorney or paralegal is not applicable in this context since the Respondent was at all times holding himself out as an attorney. *Cleveland Bar Ass'n v. Moore* (2000), 87 Ohio St.3d 583, 722 N.E.2d 514. The subsequent review of any of the Respondent's work product by his employer attorney does not insulate the Respondent from the commission of the unauthorized practice of law in this instance.

2. The Panel 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.

3. The Panel further recommends that the Supreme Court of Ohio issue a further Order specifically prohibiting the Respondent from holding himself out as an attorney admitted to practice law in Ohio.

4. The Panel further recommends that the Supreme Court of Ohio issue a further Order, in accordance with the agreement and stipulation of the parties, that the Respondent be barred from ever seeking admission to the Ohio Bar.

5. 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 due to the unique circumstances of this case that civil penalties are not appropriate.

a). As found by the Panel, Respondent held himself out as an attorney, negotiated a settlement to resolve a legal dispute, prepared business agreements, and rendered legal advice to others. In each instance, persons including his employer, were unaware that he was not an attorney admitted to practice law in the State of Ohio.

b). The Respondent has fully cooperated with the Relator during its investigation, and has indicated that he has made or is making restitution to his employer attorney for the “appropriate expenses incurred”. Respondent’s Answer.

c). The record is devoid of any evidence that the clients referenced in this matter were harmed or suffered direct legal or economic consequences due to the activities of the Respondent.

d). The Respondent has admitted to the allegations in the Complaint and stipulated to the pertinent facts contained therein.

e). The Relator has not specifically recommended the imposition of a civil penalty in this instance.

f). The imposition of any civil penalty against the Respondent is outweighed by the Panel's unique recommendation that the Respondent be forever barred from applying for the Ohio Bar by either examination or motion.

g). In considering other relevant factors pursuant to Gov.Bar R. VII(8)(B)(5), in evidence of mitigation of any civil penalty being imposed against the Respondent, the Panel has considered and found that the Respondent has ceased to engage in the conduct alleged; has admitted and stipulated to the conduct alleged; has stipulated that the conduct alleged constitutes the unauthorized practice of law; and has no other penalties imposed for the conduct at issue. *Guidelines for the Imposition of Civil Penalties*, UPL Reg. 400 (F)(4)(a),(b),(c),and (g). These mitigating factors outweigh, in the Panel's opinion, the aggravating factor of the respondent holding himself out to others as being admitted to practice law in the State of Ohio. UPL Reg. 400 (F)(3)(g). Based on the foregoing, the Panel recommends that no civil penalty be imposed against 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 July 20th, 2007. The Board adopted the findings of fact, and conclusions of law of the Panel. The Board further

adopted the recommendation of the Panel, that the Respondent be enjoined from ever applying for admission in Ohio, but modified the recommendation to include the imposition of a civil penalty in the amount of \$1,000 (One Thousand Dollars and 00/100).

The Board concluded that factors are present under the analysis required in Gov.Bar R. VII(8)(B) and the *Guidelines for the Imposition of Civil Penalties* to warrant the imposition of a civil penalty. The record and stipulations reveal that the actions of the respondent were tantamount to fraud, insofar, that he held himself out as being admitted to the practice of law to clients and his employer and undertook extreme measures to conceal his true status. Gov.Bar R. VII(8)(B)(5). An additional aggravating factor applies since the Respondent also held himself out as admitted to practice law in Ohio. UPL Reg. 400(F)(3)(g). These factors outweigh the mitigating factors the Panel found weighing against the imposition of 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.

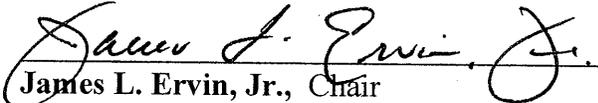
The Board further recommends that the Supreme Court of Ohio issue a further Order prohibiting Respondent from engaging the unauthorized practice of law.

The Board further recommends that the Supreme Court of Ohio enjoin the Respondent from forever applying for admission to the bar in Ohio.

The Board further recommends that the Supreme Court of Ohio impose a total civil penalty of \$1,000 against the respondent and 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.


James L. Ervin, Jr., 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

Disciplinary Counsel v. Jeffrey Steven Robson,

Case No. UPL 06-05

To date, no expenses have been incurred.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Final Report was served certified mail upon the following this 10th day of August, 2007: Jonathan E. Coughlan, Esq., Disciplinary Counsel, Office of Disciplinary Counsel, 250 Civic Center Drive, Suite 325, Columbus, OH 43215-7411, Lori J. Brown, First Assistant Disciplinary Counsel, Office of Disciplinary Counsel, 250 Civic Center Drive, Suite 325, Columbus, OH 43215-7411, Jeffrey Steven Robson, 2305 Meadow Lane, Lima OH, 45806; Ohio State Bar Association, 1700 Lake Shore Dr., P.O. Box 16562, Columbus, OH 43216-6562; Office of Disciplinary Counsel, 250 Civic Center Drive, Suite 325, Columbus, OH 43215; Allen County Bar Association, 306 N. Main St. Lima, OH 44308.


D. Allan Asbury, Secretary of the Board