

ORIGINAL

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

14-0518

CLEVELAND METROPOLITAN
BAR ASSOCIATION,

Relator,

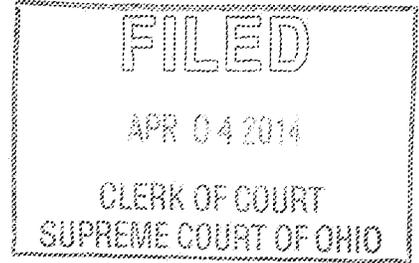
v.

WILLIAM HILL, individually,

and

THE ADVOCACY GROUP, INC.,

Respondents.



Case No. UPL 10-09

FINAL REPORT

I. INTRODUCTION

This matter was presented by a panel to the Board on the Unauthorized Practice of Law (“Board”) at a regular meeting on April 24, 2012. Upon consideration, the Board adopted the panel’s recommendations in part; however, the Board noted that one count in the panel’s report was not in the Relator’s Complaint and the Board did not adopt the panel’s finding of UPL with regard to that count. The Board, therefore, reviewed the whole record and presents this final report to the Court.

The Board found that Respondents William Hill, an individual, and a corporation he founded and controls known as The Advocacy Group, Inc. (“TAG”), engaged in the unauthorized practice of law. Respondents represented current and former students of Bryant & Stratton College (“BSC”), a private college with a campus located in Cleveland, in the students’ complaints against the college. Respondents accused the college of engaging in “institutional racism” and “predatory education”.

In the Complaint, Relator indicates that Respondents sought out and executed agreements with approximately twenty-two (22) students in connection with the allegations against BSC. At least 18 students paid Respondents a fee of \$25.00 and signed an agreement stating that in the event a monetary settlement is reached between the student and BSC, TAG would receive 40% of the proceeds. Respondents sent a letter in May 2009, to the law firm Hahn Loeser & Parks LLP, which represents BSC, wherein Respondents demanded a payment of five million dollars (\$5,000,000.00) to settle the students' claims. In the letter, Respondents also made other demands to cure the alleged wrongs committed by BSC.

Respondents were served with the Complaint but failed to file an Answer. Relator filed a Motion for Default on November 30, 2011. For the following reasons, the Board adopts the panel's recommendations in part. The Board finds that Respondents engaged in the unauthorized practice of law with respect to the students with whom agreements were executed; by drafting a letter on behalf of these students to Hahn Loeser & Parks, LLP; and by negotiating claims on behalf of these students at an in-person meeting with BSC officials and their attorneys.

The Board does not adopt the panel's finding of UPL with respect to Respondents' drafting a letter to Verizon Wireless on behalf of another individual as that count did not appear in Relator's Complaint, and Relator did not file an amended complaint to include that conduct.

The Board further makes a recommendation of a civil penalty of \$20,000, amending the panel's recommendation of a civil penalty of \$165,000, for the reasons set forth below.

II. PROCEDURAL HISTORY

The Complaint was filed by the Cleveland Metropolitan Bar Association (CMBA) on December 29, 2010. In accordance with Gov. Bar R. VII, Sec. 6, a copy of the Complaint and required Notice of Filing of Complaint were sent to Respondents by certified mail on January 5, 2011, to Respondents; however, the mail items were returned unclaimed. A second service attempt on February 4, 2011, was successful, with a return receipt for both Respondents bearing the date February 8, 2011. Neither Respondent filed an Answer within the twenty days from the date of the mailing. On March 17, 2011, this matter was assigned to a Hearing Panel consisting of Commissioners N. Victor Goodman, Chair, John P. Sahl, and Brian L. Katz.

Relator filed a Motion for Default on November 30, 2011, along with a Memorandum in Support of Relator's Motion for Entry of Default. The certificate of service indicates that Relator mailed a copy of the Motion for Default to Respondents. Respondents did not answer the Complaint or the Motion for Default. The motion includes an admission by Respondents in a deposition taken on June 18, 2010, that Mr. Hill, acting through TAG, represented clients in negotiating claims with BSC. (Tr. 63)

By Entry dated April 11, 2012, the Panel granted Relator's Motion for Default. The Panel presented its report and recommendation to the Board on April 24, 2012. The Board adopted the Panel's report with respect to finding that Respondents engaged in the unauthorized practice of law by representing 20 BSC students in their claims against the college; drafting a letter on behalf of these students to counsel for the college, and attending a meeting with counsel for the college as the students' representative. The Board also adopted the Panel's recommendation that a civil penalty should be imposed

upon Respondents; however, the Board recommends a lower civil penalty – that of \$20,000, jointly and severally against Respondents, rather than the Panel’s recommended civil penalty of \$165,000.

III. FINDINGS OF FACT

1. Relator is authorized to investigate and prosecute activities which may constitute the unauthorized practice of law in Ohio. Gov.Bar R. VII(4) and (5).
2. Respondents William Hill, an individual, and The Advocacy Group Inc. (“TAG”) are not admitted to the practice of law in Ohio under Gov.Bar R. I, registered under Gov.Bar R. VI, or certified under Gov.Bar R. II, Gov.Bar R. IX, or Gov.Bar R. XI. (Compl. ¶ 4; Mot. for Default Ex. 4.)
3. TAG is a for profit corporation registered with the Ohio Secretary of State. William Hill is listed as the sole Director and Authorized Representative of TAG in the Initial Articles of Incorporation filed with the Ohio Secretary of State. (Mot. for Default Ex. 1) Respondent TAG has a website called www.bryantstrattonscrowdedme.com, in which there is a slogan that states “The Advocacy Group Inc., Justice for the People By Any Legal Means Necessary” (Compl. ¶ 7; Mot. For Default 4)

Representation of Bryant and Stratton College’s Students

4. Respondents sought out and retained twenty (20) students of BSC (Cleveland, Ohio campus). (Tr. 92-95) Each of the following 20 students signed a Power of Attorney form/Advocacy Form, in which the student appoints TAG and its representatives as his/her “attorney/advocates-in-fact...with respect to ...all information pertaining to my enrollment and experiences at Bryant & Stratton

College while attending school for their Nursing Program.” Respondent William Hill, whose signature appears at the bottom of each form with the title of “President, The Advocacy Group, LLC”, also includes the designation “Attorney/Advocate” after his name. (Tr. 94; 96; 101; Mot. For Default Ex. E.):

- i. Antoinette Ligon
- ii. Cariema Wallace
- iii. Oral Williams
- iv. Candace Hill
- v. Camisha Houston
- vi. Aja Browder
- vii. Kathryn Lorince
- viii. Julia Garcia
- ix. Lavette Hinton
- x. Rochelle Bryant
- xi. Quinnlon Gaddjs
- xii. Julie Hackney
- xiii. Shanti Jones Lockett
- xiv. Jacqueline Kozlowski
- xv. Rachel Mirabile
- xvi. Danielle Torres
- xvii. Clydes Winfield
- xviii. Tina Nutting
- xix. Jennifer Jasienowicz

xx. Michelle Hatten

13. At least 18 students paid TAG a fee of \$25, totaling \$450. (Compl. ¶ 11; Mot. for Default at 4) TAG maintains a Business Checking account with Key Bank into which these funds were deposited. (Mot. for Default Ex. C; Tr. 84-85)

12. Respondents drafted and sent a letter dated December 15, 2008, addressed to Ted Hansen, Campus Director of the Eastlake Campus of Bryant & Stratton College, stating TAG “is the official advocate for a growing number of your students”, and demanding the ability of TAG students to re-take classes and tests at no cost and forgiveness of any account balances with the college, as well as other demands. (Mot. for Default Ex. K)

15. Respondents scheduled and attended a meeting with Attorney Steven E. Seasley of Hahn Loeser & Parks LLP, who represents Bryant & Stratton College. A meeting was held on Friday, May 29, 2009, between Respondents and Mr. Seasley. Also in attendance were four former Bryant & Stratton students, Attorney W. Scott Ramsey, and Dr. David Whitaker. The four students indicated they were represented by Mr. Hill, not Attorney Ramsey.

16. At the meeting, Mr. Seasley inquired what the problem was, and Respondent Hill indicated that since he had already sent letters identifying the problems and they “were there to try to resolve the situation and if there was no intent to resolve the situation, there was nothing really to talk about.” Tr. 138. Mr. Hill then indicated that they left the meeting as Attorney Seasley “wanted to discuss the issues” while Respondents wanted to negotiate the terms and conditions of a settlement. Tr. 139.

IV. 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 & Sav. Bank* (1937), 133 Ohio St. 81, 12 N.E.2d 288. Accordingly, the Court has exclusive jurisdiction over the regulation of the unauthorized practice of law in Ohio. *Greenspan v. Third Fed. S. & L. Assn.*, Slip Opinion No. 2009-Ohio-3508, at ¶ 16; *Lorain Cty. Bar Assn. v. Kocak*, 121 Ohio St.3d 396, 2009-Ohio-1430, 904 N.E.2d 885, at ¶ 16.
2. The Court regulates the unauthorized practice of law in order to “protect the public against incompetence, divided loyalties, and other attendant evils that are often associated with unskilled representation.” *Cleveland Bar Assn. v. CompManagement, Inc.*, 104 Ohio St.3d 168, 2004-Ohio-6506, 818 N.E.2d 1181, ¶ 40.
3. The unauthorized practice of law is the rendering of legal services for another by any person not admitted or otherwise registered or certified to practice law in Ohio. Gov.Bar R. VII(2)(A).
4. The practice of law “includes legal advice and counsel, and the preparation of legal instruments and contracts by which legal rights are secured...” *Land Title Abstract & Trust Co. v. Dworken* (1934), 129 Ohio St. 23, 28, 1 O.O. 313, 315, 193 N.E. 650, 652. It also includes “conducting cases in court, preparing and filing legal pleadings and other papers, appearing in court cases, and managing

- actions and proceedings on behalf of clients before judges, whether before courts or administrative agencies.” *Cleveland Bar Assn. v. Coats*, 98 Ohio St.3d 413, 2003-Ohio-1496, 786 N.E.2d 449, ¶ 3; citing *Richland Cty. Bar Assn. v. Clapp* (1998), 84 Ohio St.3d 276, 278, 703 N.E.2d 771; *Cincinnati Bar Assn. v. Estep* (1995), 74 Ohio St.3d 172, 173, 657 N.E.2d 499.
5. The practice of law, however, is not limited to the handling of cases in court. It also encompasses the preparation of pleadings and other papers in connection with legal matters and the management of such matters on behalf of others. *Disciplinary Counsel v. Coleman*, 88 Ohio St.3d 155, 2000-Ohio-288.
 6. The selecting, drafting, and completing of legal documents which affect and determine legal rights by a layperson without the supervision of a licensed attorney constitute the unauthorized practice of law. *Ohio State Bar Assn. v. Cohen*, 107 Ohio St.3d 98, 2005-Ohio-5980, 836 N.E.2d 1219, *Cleveland Bar Assn. v. Coats*, 98 Ohio St.3d 413, 2003-Ohio-1496, 786 N.E.2d 449; *Richland Cty. Bar Assn. v. Clapp* (1998), 84 Ohio St.3d 276, 703 N.E.2d 771.
 7. The Court has consistently held that “[t]he 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.” *Miami Cty. Bar Assn. v. Wyandt & Silvers, Inc.*, 107 Ohio St.3d 259, 2005-Ohio-6430, 838 N.E.2d 655, at ¶ 11, quoting *Cleveland Bar Assn. v. Misch* (1998), 82 Ohio St.3d 256, 259, 695 N.E.2d 244; *Land Title Abstract & Trust Co. v. Dworken* (1934), 129 Ohio St. 23, 28, 1 O.O. 313, 193 N.E. 650.

8. A Motion for Default must contain sufficient sworn or certified documentary *prima facie* evidence in support of the allegations of the complaint. Gov.Bar R. VII(7)(B).
9. Respondents, who are not admitted to the practice of law in Ohio or otherwise permitted to practice through registration or certification, engaged in the unauthorized practice of law by executing a Power of Attorney/Advocate form with the twenty (20) individuals identified in Paragraph 9 of the Findings of Fact, with Respondent Hill signing each form as “Attorney/Advocate”.
10. Respondents further engaged in the unauthorized practice of law through drafting a letter dated December 15, 2008, addressed to Ted Hansen, Campus Director of the Eastlake Campus of Bryant & Stratton College, in which it states TAG “is the official advocate for a growing number of your students” and attending the meeting in connection with that letter as the students’ representative;
11. Relator’s Motion for Default contains sufficient sworn and/or certified documentary *prima facie* evidence in support of the allegations of the Complaint.

V. CIVIL PENALTY ANALYSIS

The Board further recommends that the Supreme Court of Ohio impose a civil penalty \$20,000 both jointly and severally against the Respondents. Respondent William Hill provided testimony at a deposition on June 18, 2010, in which he described in detail the legal services he has performed for clients over the years. Such services include the drafting of letters in which he asserts legal claims, interprets statutes, and negotiates claims, including monetary demands. In addition, Mr. Hill has clients sign a Power of

Attorney/Advocate Form, a form he also signs and designates himself the title “Advocate/Attorney”.

The Supreme Court of Ohio has held that this type of conduct, when not done on one’s own behalf, and not done by an attorney, is the unauthorized practice of law. *Cleveland Bar Assn. v Henley* (2002), 95 Ohio St.3d 91. Throughout the testimony, however, Mr. Hill refused to acknowledge that his conduct is the practice of law and indicated he is simply providing information to clients or exercising his First Amendment free speech rights. Mr. Hill has neither filed an Answer to the Complaint nor a reply to the Motion for Default.

With regard to the civil penalty, the Board hereby discusses the facts of this case along with guidelines for the imposition of civil penalties (UPL Reg. 400):

1. **Degree of cooperation provided by respondent in the investigation.** William Hill appeared for the deposition on June 18, 2010, which lasted over three hours. Mr. Hill answered the majority of the questions posed by Relator. Further, it appears that Mr. Hill brought the documents requested in the Subpoena Duces Tecum, including copies of his Power of Attorney/Advocate forms, Contingency Agreement forms, Bank statements, and letters he drafted to Bryant & Stratton College. Mr. Hill described in detail the legal services he performed but still refused to acknowledge the conduct is inappropriate.
2. **Number of occasions that the unauthorized practice of law was committed.** The panel finds, based on the evidence presented by Relator, that the Respondents have committed 22 acts of the unauthorized practice of law.

3. **The flagrancy of the violations.** Mr. Hill is a former police officer with 25 years experience and has a background in law enforcement. He has not, however, received any legal education, nor been admitted to the practice of law in Ohio or any other jurisdiction, and is therefore not qualified to give legal advice, despite his beliefs and assertions to the contrary. Furthermore Hill has openly and continuously referred to himself as “Attorney/Advocate”, retained clients for a fee for representation and attempted settlement, drafted settlement correspondence, attempted to hold settlement negotiations, and continues seeking work as an “Attorney/Advocate” to counsel and represent potential clients.
4. **Harm to third parties arising from the offense.** By acting as the “attorney/advocate” for the Bryant & Stratton students referenced above, respondents prevented direct communication between the administration of Bryant & Stratton and these students. The attorneys for Bryant & Stratton indicated that the administration wanted to identify the students’ issues and concerns; however, TAG’s representation of these students essentially prevented any discourse, and hence any resolution, between the students and the administration. Respondents will continue to engage in this conduct. It is noted that as of the date of this report, TAG’s website appears to be operational, and TAG’s video accusing Bryant & Stratton College of “predatory education” and “institutional racism” is still available.¹
5. **Other relevant factors.** Mr. Hill may have been under the impression that his conduct was somehow permissible by Ohio attorneys David W. Whitaker and W.

¹ The website address has been changed to <http://bryantstrattonscrewedme.com/wordpress/>

Scott Ramsey, who attended the May 29, 2009, meeting along with Respondents. In the meeting, Mr. Ramsey refused to disclose his relationship with Respondents, while Mr. Whitaker, who is also a clinical psychologist, identified himself as Dr. Kwadavid Whitaker and a “friend of Mr. Hill”. There is no evidence that either Mr. Ramsey or Mr. Whitaker said anything during the meeting or at any point tried to stop Respondents’ conduct. Further, and even more troubling, is the testimony provided by Mr. Hill in which he states a client, Ms. Nyeesha Samad-Moore, was referred to TAG/Mr. Hill by Attorney Ramsey, “who wasn’t sure he was going to take her case.” (Tr. 31)

VI. BOARD RECOMMENDATION

1. The Board recommends that the Supreme Court of Ohio issue an order finding that Respondents engaged in the unauthorized practice of law.
2. The Board also recommends that the Court issue a further order prohibiting Respondents from engaging in the unauthorized practice of law in the future.
3. The Board recommends that the Court impose a civil penalty against Respondents in the amount of \$10,000 for executing agreements with 21 current and former students of BSC wherein Respondents agreed to serve as “Attorney/Advocate” in the students’ complaints against the school; and a \$10,000 civil penalty for drafting a letter to Hahn, Loeser Parks wherein Respondents held themselves out to be the advocate of the students of BSC and attending a meeting representing the students.
4. The Board further recommends that the Court require Respondents to reimburse the costs and expenses incurred by the Board and Relator in this matter.

VII. 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.

**FOR THE BOARD ON THE UNAUTHORIZED
PRACTICE OF LAW**



John J. Chester, Jr., Chair

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

Cleveland Metro. Bar Assn. v. William Hill, an individual, and The Advocacy Group, Inc.

Case No. UPL 10-09

Exhibit A

STATEMENT OF COSTS

Deposition Costs	\$260.00
Transcripts	\$764.65
Certified Copies	\$ 10.00
Federal Express/Postage	\$ 86.42
<u>TOTAL</u>	<u>\$1,121.07</u>

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Final Report was served the 4th day of April, 2014, upon the following in accordance with Gov. Bar R. VII, Sec. 7(G): Michael P. Harvey, Esq., 311 Northcliff Dr, Rocky River, OH 44116-1344; Latha Srinivasan, Esq., FirstEnergy, 76 S. Main Street, Mail Stop A-GO-7, Akron, OH 44308; William Hill 2733 Juno Place, Fairlawn, Ohio 44333; The Advocacy Group, 2733 Juno Place, Fairlawn, Ohio 44333; Ohio State Bar Association UPL Committee, P.O. Box 16562, Columbus, Ohio 43216; Cleveland Metropolitan Bar Association UPL Committee, 1301 East Ninth Street, Second Level, Cleveland, Ohio 44114.

Minerva B. Elizaga

Minerva B. Elizaga, Secretary
Board on the Unauthorized Practice of Law