

How does Unauthorized Practice of Law Differ from Reference Service?

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Possible Penalties for Unauthorized Practice of Law

- Civil Malpractice Lawsuit
- Disciplinary Action from the Court
- Character and Fitness Challenges

What is Unauthorized Practice of Law?

“The Rendering of Legal services for another by any person not admitted to practice in Ohio under Rule I of the Supreme Court Rules for the Government of the Bar...” unless the person fits under one of the exceptions, which mostly involve law students practice law under the supervision of an attorney. Ohio Rules for Government of the Bar Rule VII, Section 2.

What is “Practice of Law”

- Applying the law to a specific person’s situation. *Office of Disciplinary Counsel v. Palmer*, 115 Ohio Misc. 2d 70, 74, 761 N.E.2d 717 (2001).
- Interpreting what one finds. *Cleveland Bar Ass’n v. CompManagement, Inc.*, 111 Ohio St.3d 444, 2006-Ohio-6108, 857 N.E.2d 95; *Ohio State Bar Ass’n v. Martin*, 118 Ohio St.3d 119, 2008-Ohio-1809, 886 N.E.2d 827, ¶ 37.
- Legal analysis. *Cleveland Bar Ass’n v. CompManagement, Inc.*, 111 Ohio St.3d 444, 2006-Ohio-6108, 857 N.E.2d 95; *Cincinnati Bar Ass’n v. Bailey*, 110 Ohio St. 3d 223, 2006-Ohio-4360, 852 N.E.2d 1180, ¶ 6.
- Recommending someone take specific action. *Ohio State Bar Ass’n v. Martin*, 118 Ohio St.3d 119, 2008-Ohio-1809, 886 N.E.2d 827, ¶ 37.
- Preparing legal documents. *Ohio State Bar Ass’n v. Martin*, 118 Ohio St.3d 119, 2008-Ohio-1809, 886 N.E.2d 827, ¶ 37; *Cincinnati Bar Ass’n v. Bailey*, 110 Ohio St. 3d 223, 2006-Ohio-4360, 852 N.E.2d 1180, ¶ 6.
- Offering opinions on validity of a case

What is *not* practice of law?

Utilizing one’s specialized skill in using legal research sources to assist the patron in finding the information he/she needs to draw his/her own legal conclusions.

Bibliography

Articles

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Annotation

Unauthorized Practice of Law as Contempt, 40 A.L.R.6th 463

Ohio Jurisprudence References

6 Ohio Jur. 3d Attorneys at Law § 112

6 Ohio Jur. 3d Attorneys at Law § 116