

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

DISCIPLINARY COUNSEL,
Relator,

13 - 0593

v.

PAIGE N. CASEY,
Respondent.

Case No. UPL 12-01

FINAL REPORT

FILED
APR 12 2013
CLERK OF COURT
SUPREME COURT OF OHIO

I. INTRODUCTION

This matter was initiated before the Board of Unauthorized Practice of Law ("Board") on a Complaint filed on May 25, 2012, by the Office of Disciplinary Counsel ("Relator"). The Complaint alleges that Respondent, Paige N. Casey ("Respondent" or "Casey"), held herself out as an attorney to Jeremy Fishman ("Fishman") even though she is not licensed or otherwise authorized to practice law in Ohio. Specifically, Disciplinary Counsel claims Casey attempted to represent Fishman in a traffic matter in Euclid Municipal Court.

In the Complaint, Relator alleges that Respondent told Fishman several times that she held a Juris Doctor degree and was an attorney when in reality, she was dismissed from The Ohio State University Moritz College of Law in October 2010, prior to completing the program, and has never taken the Ohio bar exam. Relator also alleges that Respondent told Fishman that she worked for a law firm and that Respondent attempted to charge Fishman \$500 for her legal services.

The Complaint further alleges that Respondent falsely represented herself as a law school graduate and legal intern to Assistant Euclid City Prosecutor, Jason L. Carter (“Carter”), and Euclid Municipal Court Judge Deborah A. LeBarron (“Judge LeBarron”); that Respondent improperly tried to hold a pre-trial with Carter regarding Fishman’s case; and that she filed a guilty plea *in absentia* form on Fishman’s behalf, signing the form as his attorney.

Respondent was served with the Complaint but failed to file an Answer. Disciplinary Counsel filed a Motion for Default on May 25, 2012. The panel granted Relator’s Motion for Default on August 27, 2012, finding that the Respondent had engaged in the unauthorized practice of law, and recommended a civil penalty of \$1,000. The Board considered the matter on March 21, 2013. For the following reasons, the Board hereby adopts the panel’s recommendations.

II. PROCEDURAL BACKGROUND

Prior to filing a Complaint with the Board, Disciplinary Counsel sent letters of inquiry to Casey concerning this matter via certified mail on December 15, 2011, and January 9, 2012, to Casey’s address in Pepper Pike, Ohio. Both letters were received by Casey, but she did not respond. Mot. Def. Exs. 1-2; 4-5. On January 13, 2012, Casey telephoned the Office of Disciplinary Counsel to ask for an extension of time in which to respond. Mot. Def. Ex. 3 ¶ 16. She also indicated that future mailings should be sent to an alternate address in Cleveland, Ohio. *Id.* at ¶ 19. Disciplinary Counsel gave Casey until January 23, 2012, to respond. *Id.* at ¶ 17. Casey responded to Disciplinary Counsel’s inquiries with a handwritten letter on January 23, 2012, sent via certified mail. Mot. Def. Ex. 7.

Disciplinary Counsel filed the Complaint in this matter on March 12, 2012. In accordance with Gov. Bar R. VII, Section 6, a copy of the Complaint and required Notice of Filing of Complaint were sent via certified mail to the Cleveland address provided by Casey on March 14, 2012. It appears that Casey was served with the Complaint because the certified return receipt was returned to the Board on April 9, 2012, bearing what appears to be Casey's signature. Casey did not file an Answer in this matter. Disciplinary Counsel filed a Motion for Default on May 25, 2012. Extensive documentary evidence supporting the unauthorized practice of law was attached to the Motion for Default. On May 29, 2012, this matter was assigned to a panel consisting of Commissioners Scott B. Potter, Randall L. Solomon, and Curtis J. Sybert, Chair. On July 12, 2012, the Panel issued an Order for Respondent to show cause why a default judgment should not be entered against her. The record indicates that Respondent received a copy of the Order via certified mail. Respondent was given until August 13, 2012, to file a written response with the Secretary of the Board. Respondent did not file a written response. On August 27, 2012, the Panel granted Relator's Motion for Default. On March 21, 2013, the Panel presented its report and recommendations to the Board. Upon consideration, the Board voted to approve the Panel's report.

III. FINDINGS OF FACT

A. Relator, Disciplinary Counsel, is duly authorized under Gov. Bar R. VII, Sec. 4 to investigate and prosecute activities which may constitute the unauthorized practice of law in the state of Ohio.

B. Respondent, Paige N. Casey, is not and has never been an attorney admitted to practice in the state of Ohio, nor has she ever been certified under Gov. Bar R. II as a

Legal Intern. Mot. Def. Ex. 10 and 12. Respondent was a former student at The Ohio State University Moritz College of Law, but was dismissed from the law school in a “non-academic disciplinary proceeding” in October 2010. Mot. Def. Ex. 11. Respondent did not earn her Juris Doctor degree prior to her separation from OSU. *Id.*

C. Respondent has neither taken the Ohio bar examination, nor has she ever been a candidate for admission to the Ohio Bar. Gov. Bar. R. I, Sec. 1(C); Compl. ¶ 7; Mot. Def. Ex. 12.

D. On October 10, 2011, Jeremy Fishman received a traffic citation in Euclid, Ohio, for speeding and failure to display a valid registration. Compl. ¶ 9. Fishman was issued a summons in connection with the citation, which required him to appear in Euclid Municipal Court on October 19, 2011. Compl. ¶ 10. When he received this citation, Fishman was involved in a romantic relationship with Respondent. *Id.* at ¶ 11.

E. Before and after Fishman received the citation, Respondent told Fishman she was an attorney. Compl. ¶ 14; Mot. Def. Ex. 14 at ¶ 13. Respondent also told Fishman she worked at a law firm in Rocky River, Ohio. Compl. ¶ 17; Mot. Def. Ex. 14 at ¶ 17.

F. After Fishman received the citation, Respondent indicated she would be his attorney and represent him in Euclid Municipal Court. Compl. at ¶ 18; Mot. Def. Ex. 14 at ¶ 18.

G. Initially, Respondent indicated she would not charge Fishman for her legal services. However, later Respondent demanded a fee of \$500 from Fishman, which Fishman refused to pay. Compl. at ¶¶ 19-20; Mot. Def. Ex. 14 at ¶¶ 19, 21-22.

H. On October 17, 2012, Respondent called Assistant Euclid City Prosecutor Jason L. Carter and scheduled a meeting with him, under the pretense that she was a law school

graduate interested in learning about the day to day operations of a prosecutor's office. Compl. ¶ 21. During the meeting with Carter on October 18, 2012, Respondent asked Carter if she could "try some lawyering" with him and showed Carter a copy of Fishman's citation. *Id.* at ¶ 23. Carter told Respondent that she was improperly attempting to have a pre-trial with him, and Respondent falsely stated that she was a legal intern and she had done this in the past while working for Legal Aid in Columbus, Ohio. *Id.* at ¶ 24. Respondent asked Carter whether Fishman could enter a plea without being present, and Carter told her about a "plea in absentia." Compl. at ¶ 25.

I. Respondent emailed Fishman a Plea in Absentia form and instructed him to sign and date the form, which he completed and returned to her via email. Compl. at ¶ 27 and ¶ 30. Respondent then identified herself on the form as Fishman's attorney and on the line designated for "Attorney Reg. No.," respondent wrote the statement "pending bar exam under supervision of atty." Compl. at ¶ 33 and Mot. Def. at Ex. 18. The form that Fishman completed and signed does not appear to be the same form that Respondent signed and filed with the Euclid Municipal Court. Mot. Def. Exs. 14 and 18.

J. During the morning of October 19, 2011, Respondent caused a disturbance at the Euclid Municipal Court Clerk's window by arguing with court personnel, which was witnessed by Attorney Carter. Due to the disturbance, Judge LeBarron went to the window to speak with Respondent. Mot. Def. Ex. 20 at ¶ 9. Respondent identified herself to Judge LeBarron as a legal intern working under the supervision of a Columbus legal aid attorney. *Id.* at ¶¶ 10-12. Judge LeBarron told Respondent she would not be permitted to represent Fishman in Euclid Municipal Court. *Id.* at ¶ 14. After this encounter, Respondent emailed Carter, made references to working at Columbus Legal

Aid and signed the email "Paige N. Casey, J.D./M.B.A." Compl. at ¶ 42; Mot. Def. Ex. 15 (attachment). In the email, Respondent also indicated she attempted to contact Legal Aid to see if the "internship rule was still in effect." *Id.*

K. In her handwritten response to Disciplinary Counsel, regarding her meeting with Carter, Respondent states, "...I did not during the course of our conversation tell him that I was a graduate of Ohio State. Mot. Def. Ex. 7. I said I was getting ready for graduation, and was wondering if he could tell me what it was like being a prosecutor...." *Id.* The Board finds however, that as of October 18, 2011, the date of her meeting with Carter, Casey had already been dismissed from the Ohio State University Moritz College of Law. In fact, Casey was dismissed from the College of Law effective October 7, 2010. Mot. Def. Ex. 11.

L. Casey also denies that she held herself out as authorized to practice law in Ohio to Judge Lebarron and states, "I find it highly impressive that Judge Lebarron is accusing me of engaging in the unauthorized practice of law when I in no way alluded to anyone that I was an attorney or was directly representing Dr. Fishman."¹ *Id.*

M. Respondent never told Fishman she was not permitted to represent him and accompanied him to court on October 26, 2011, at which time he entered a plea of guilty to an amended charge of operating an unsafe vehicle. Compl. at ¶ 44. Fishman was still under the impression at the day of the hearing that he was being represented by Respondent. Mot. Def. Ex. 14 at ¶ 32.

N. The Board finds the information presented in the affidavits of Jason Carter, Jeremy Fishman, and Judge LeBarron credible.

¹ In Jeremy Fishman's Affidavit, he indicated he is not medical doctor, and he never told Paige Casey that he was a doctor. Mot. Def. Ex. 14 ¶.

IV. CONCLUSIONS OF LAW

A. The Supreme Court of Ohio has original jurisdiction over the admission to the practice of law, the discipline of persons so admitted, and all other matters relating to the practice of law. Ohio Constitution, Article IV, Section 2(B)(1)(g); *Royal Indemnity Co. v. J.C. Penney Co.*, 27 Ohio St.3d, 501 N.E.2d 617(1986); *Judd v. City Trust & Savings Bank*, 133 Ohio St. 81, 12 N.E.2d 288 (1937). The unauthorized practice of law includes “holding out to the public or otherwise representing oneself as authorized to practice law in Ohio by a person not authorized to practice law by the Supreme Court Rules for the Government of the Bar or Pr. Con. R. 5.5.” Gov. Bar R. VII, Sec. 2(A)(4).

B. The facts presented here meet the elements, by a preponderance of the evidence, that Respondent engaged in the unauthorized practice of law, and represented herself as authorized to practice law in Ohio to several individuals. “Because Respondent did not possess the qualifications necessary to practice law in this state and yet attempted to provide legal representation in court for another person, a preponderance of the evidence establishes that [Respondent] engaged in the unauthorized practice of law.” *Ohio State Bar Assn. v Heath*, 123 Ohio St.3d 483, 486, 2009-Ohio-5958, 918 N.E.2d 145 (2009).

1. Respondent told, or otherwise led her “client,” Jeremy Fishman, to believe, that she was an attorney. Gov. Bar R. VII(2)(A)(4); Mot. Def. Ex. 16.

2. Respondent signed at least one email to Fishman as “Paige N. Casey, J.D./M.B.A.” Respondent’s email communication to Attorney Carter dated October 25, 2011, also bears the signature “Paige N. Casey, J.D./M.B.A.” Mot. Def. Ex. 15. The Ohio Supreme Court has recognized that the use of “J.D.” in combination with other

factors could amount to holding oneself out as an attorney. *Disciplinary Counsel v. Palmer*, 761 N.E.2d 717, 722; 2001 Ohio Misc. LEXIS 37; 115 Ohio Misc. 2d 70 (2001).

3. Respondent indicated to Fishman she could represent him in Euclid Municipal Court in connection with his traffic violation. Compl. ¶ 18.

4. Respondent attempted to collect \$500 from Fishman for the legal services she provided him. While Fishman refused to pay this “fee,” the fact of compensation is not a requirement for a finding of the unauthorized practice of law. *Cleveland Bar Assn. v. Henley* 95 Ohio St.3d 91 (2002), citing *Geauga Cty Bar Assn. v. Canfield* 92 Ohio St.3d 15, 16 (2001).

5. During her pre-trial meeting with Carter, Respondent engaged in the unauthorized practice of law by holding herself out to Carter as a “legal intern”. Under Gov. Bar R. II, legal interns who are certified by the Supreme Court of Ohio are permitted to practice law on a limited basis. However, the record indicates Respondent was never granted certification as a legal intern in Ohio. Mot. Def. Ex. 12. Further, such certification expires when the intern is “no longer enrolled in a law school approved by the American Bar Association.” Gov. Bar R. II(4)(A)(1). She also engaged in the unauthorized practice of law by communicating with Carter on behalf of Fishman by discussing Fishman’s traffic citation. *Disciplinary Counsel v. Alexicole, Inc.*, 105 Ohio St. 3d 52, 53, 2004 Ohio 6901, 822 N.E.2d 348, 2004 Ohio LEXIS 3032 (Ohio 2004).

6. On Fishman’s behalf, Respondent filed and subsequently attempted to withdraw a *plea in absentia* with the clerk’s office of the Euclid Municipal Court. On that plea document, Respondent indicated that she was authorized to practice law in Ohio. The Court has held that the “preparation of legal pleadings and other legal papers

without the supervision of an attorney licensed in Ohio” is the unauthorized practice of law. *Disciplinary Counsel v. Brown*, 121 Ohio St.3d 423, 2009-Ohio-1152, 905 N.E.2d 163, ¶ 41 (2009), citing *Cleveland Bar Assn. v. McKissic*, 106 Ohio St.3d 106, 2005-Ohio-3954, 832 N.E.2d 49, ¶ 6 (2005).

7. Respondent (falsely) indicated to Judge LeBarron she was a Legal Intern working under the supervision of a legal aid attorney in Columbus and held herself out as authorized to practice law in Ohio when she was not. Gov. Bar. R. VII(4).

V. CIVIL PENALTY ANALYSIS

The degree of cooperation provided by the Respondent

Although it appears that Respondent communicated with Relator at the beginning of the investigation, she did not file an Answer to the Complaint, despite being served with a copy of the Complaint and Notice of Filing of Complaint in which she was informed her of her right to file an Answer. Further, the panel gave Respondent another opportunity to become involved in the process and issued a Show Cause Order on July 12, 2012, in which Respondent was given until August 13, 2012, to respond. Respondent did not file any response. Respondent has not attempted to contact the panel or the Secretary to the Board regarding this proceeding.

The number of occasions that the unauthorized practice of law was committed

In the course of Respondent handling a traffic citation for Mr. Fishman, Respondent held herself out as authorized to practice law, in at least seven instances, to various people, including a client, a prosecutor, a judge, and the staff of a clerk of court.

The flagrancy of the violation

Respondent's actions demonstrate her intent to manipulate and circumvent the rules regulating the practice of law. Respondent used her partial legal education to give her an image of legitimacy, using the term "Legal Intern;" misstating that she was "under the supervision" of an attorney in Columbus, thus demonstrating her knowledge that under Gov. Bar R. II, certified legal interns are permitted to perform legal services in Ohio under limited circumstances and with appropriate supervision. At the time Respondent made these statements, she was not a legal intern. In fact, she had never been certified as a legal intern and at the time she attempted to represent Fishman, she was no longer a student at The Ohio State University Moritz College of Law.

The unauthorized practice of law committed by Respondent stems from one set of facts. However, Respondent's continued prevarication and use of her knowledge regarding the certification of legal interns, and her misstatement that she was "working under the supervision" of an attorney in Columbus to attempt to get her way and manipulate the Court and court personnel, are aggravating factors.

Harm to third parties arising from offense

Fishman appeared for the hearing himself, even though he was under the impression that Respondent was representing him. Fishman does not appear to have suffered any adverse consequences from Respondent's unauthorized practice of law.

Civil Penalty

The Board recommends a civil penalty of \$1,000.

In *Disciplinary Counsel v. Robson*, the Court imposed a \$1,000 civil penalty upon Respondent who was a law graduate who secured employment with an Ohio law firm

using fictitious attorney registration numbers for Ohio and North Carolina. 116 Ohio St. 3d 318; 2007 Ohio 6460; 878 N.E.2d 1042; 2007 Ohio LEXIS 3055 (2007). In its discussion regarding the civil penalty, the Court stated that Respondent cooperated in the board proceedings and admitted his wrongdoing; however, "respondent's pretense tantamount to fraud, complete with lies and fabrications to perpetuate the ruse....outweighed all mitigating factors." *Id.* at 321.

Similar to the respondent in *Robson*, Respondent here cooperated with Disciplinary Counsel during the investigation and answered their letter of inquiry. Also, no harm apparently came from Respondent's actions. However here, Respondent did not admit to her wrong doing. Like the Respondent in *Robson*, Respondent here used misstatements to perpetuate a ruse. The Board does not believe that the mitigating factors outweigh the evidence of the Respondent's unauthorized practice of law and the ruse that the Respondent attempted to perpetrate. After considering all of the factors in this matter, the Board is of the opinion that a \$1,000 civil penalty is appropriate.

VI. CONCLUSION/RECOMMENDATIONS

1. The Board recommends that the Supreme Court of Ohio issue an order finding that Respondent engaged in the unauthorized practice of law.
2. The Board recommends that the Court impose a civil penalty against Respondent in the amount of \$1,000.
3. The Board recommends that the Court issue a further Order prohibiting Respondent from engaging in the unauthorized practice of law in the future.
4. The Board recommends that the Court issue an order requiring Respondent to pay the costs and expenses incurred by the Board and Relator in this matter.

The Board recommends that Respondent be enjoined (1) from directly or indirectly holding herself out as authorized to practice law or perform legal services in the State of Ohio and from performing legal services in the State of Ohio; and (2) from directly or indirectly holding herself out as authorized to practice law or perform legal services in the State of Ohio and from performing legal services in the State of Ohio unless and until Respondent secures from the court or from the highest court of some other state, territory or other jurisdictional entity of the United States, a license to practice law, and registers in accordance with the Rules for the Government of the Bar of Ohio. The Board further recommends that a civil penalty of \$1,000 be imposed upon the Respondent.

VII. STATEMENT OF COSTS

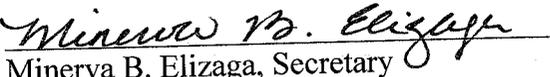
No costs have been incurred in this matter. In accordance with Gov.Bar R. VII(19)(F), there will be publication costs incurred once the Supreme Court enters its order in this case.



Curtis J. Sybert, Chair
Board on the Unauthorized Practice of Law

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Final Report was served by certified mail upon the following this 12th day of April, 2013: Jonathan Coughlan, Esq., Office of Disciplinary Counsel, 250 Civic Center Drive, Suite 325, Columbus, Ohio 43215-7411; Paige N. Casey, 1330 West Blvd., Apt. 722, Cleveland, Ohio 44102; Eugene Whetzel, Ohio State Bar Association, PO Box 16562, Columbus, Ohio 43216; Heather Zirke, Esq., Cleveland Metropolitan Bar Association UPL Committee, 1301 E. Ninth Street, Second Level, Cleveland, Ohio 44114.


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