

1 Cincinnati Bar Association v. Estep.

2 [Cite as *Cincinnati Bar Assn. v. Estep* (1995), Ohio St.3d .]

3 *Unauthorized practice of law -- Appearance and practice before Bureau of*  
4 *Workers' Compensation on a workers' compensation claim constitute the*  
5 *practice of law and may be performed only by a registered attorney --*  
6 *Ohio Adm.Code 4121-2-01(B), applied.*

7 (No. 95-1952 -- Submitted October 24, 1995 -- Decided December 20, 1995.)

8 On Certified Report by the Board of Commissioners on the Unauthorized  
9 Practice of Law, No. UPL-95-1.

10 Relator, Cincinnati Bar Association, in a complaint filed March 30, 1995,  
11 charged respondent, J.R. (Jim) Estep of Union, Kentucky, with engaging in the  
12 unauthorized practice of law. Respondent filed an answer in which he denied  
13 engaging in the practice of law.

14 Pursuant to Gov. Bar R. VII(7)(C), the parties submitted a stipulation of  
15 facts and waiver of notice and hearing to the Board of Commissioners on the  
16 Unauthorized Practice of Law ("board"). According to the stipulated evidence,  
17 respondent is not registered as an attorney at law with this court under either Gov.  
18 Bar R. VI or XI and was not so registered in 1994.

1           In February 1994, respondent entered into a contract with Sheryl A. Class,  
2   in which respondent was appointed Class’s designated representative for her then-  
3   pending workers’ compensation claim. The contract between respondent and  
4   Class was for a contingent fee, with Class agreeing to pay respondent one-third of  
5   any workers’ compensation benefits obtained. Respondent prepared an  
6   “Authorization of Representative of Claimant” form, which was executed by Class  
7   and filed with the Ohio Bureau of Workers’ Compensation (“bureau”).  
8   Respondent thereafter corresponded with the bureau and the Industrial  
9   Commission of Ohio (“commission”) and filed a notice of appeal and brief on  
10  behalf of Class.

11           During his representation of Class, respondent never stated that he was an  
12  attorney and neither the bureau nor the board ever informed respondent that he  
13  was required to be an attorney in order to represent Class on her workers’  
14  compensation claim. Respondent reiterated his denial that any of his conduct  
15  constituted the practice of law, but had no objection to this court’s issuing a  
16  permanent order enjoining him from representing any other workers’  
17  compensation claimant before the bureau or commission.



1 is not limited to the conduct of cases in court. It embraces the preparation of  
2 pleadings and other papers incident to actions and special proceedings and the  
3 management of such actions and proceedings on behalf of clients \*\*\* and in  
4 general all advice to clients and all action taken for them in matters connected with  
5 the law.” *Land Title Abstract & Trust Co. v. Dworken* (1934), 129 Ohio St. 23, 1  
6 O.O. 313, 193 N.E.650, paragraph one of the syllabus. One who gives legal  
7 advice to others with the expectation of being compensated therefor engages in the  
8 practice of law. *Green v. Huntington Natl. Bank* (1965), 4 Ohio St.2d 78, 81, 33  
9 O.O.2d 442, 444, 212 N.E.2d 585, 587.

10 More specifically, we have held that appearances and practice before the  
11 Industrial Commission constitute the practice of law. See *State ex rel. Nicodemus*  
12 *v. Indus. Comm.* (1983), 5 Ohio St.3d 58, 60, 5 OBR 115, 116, 448 N.E.2d 1360,  
13 1362; Ohio Adm. Code 4121-2-01(B) (“No person other than an attorney in good  
14 standing may render advice or services in the preparation or presentation of a  
15 claim for compensation arising under the workers’ compensation laws of Ohio if a  
16 fee for such advice or services is to be received from or charged against the one  
17 having such claim.”).

