

(122nd General Assembly)
(Substitute Senate Bill Number 58)

AN ACT

To amend sections 4705.01, 4705.07, and 4705.99 of the Revised Code to increase the criminal penalties for engaging in the unauthorized practice of law and to repeal the prohibition against a deputy sheriff engaging in the practice of law.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4705.01, 4705.07, and 4705.99 of the Revised Code be amended to read as follows:

Sec. 4705.01. No person shall be permitted to practice as an attorney and counselor at law, or to commence, conduct, or defend any action or proceeding in which ~~he~~ the person is not a party concerned, either by using or subscribing ~~his~~ the person's own name, or the name of another person, unless ~~he~~ the person has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules. Except as provided in section 4705.09 of the Revised Code or in rules adopted by the supreme court, admission to the bar shall entitle ~~such~~ the person to practice before any court or administrative tribunal without further qualification or license.

No sheriff, ~~deputy sheriff~~, or coroner shall practice as an attorney at law in any court of this state, and no clerk of the supreme court or court of common pleas, or the deputy of either, shall practice in the particular court of which ~~he~~ that person is clerk or deputy.

No judge of any court of record in this state shall engage in the practice of law during ~~his~~ the judge's term of office, either by appearing in court, by acting as advisory or consulting counsel for attorneys or others, by accepting employment or acting as an attorney, solicitor, collector, or legal advisor for any bank, corporation, or loan or trust company, or by otherwise engaging in the practice of law in this state, in or out of the courts, except as provided in section 1901.11 of the Revised Code.

A judge may complete any business undertaken by ~~him~~ the judge in the United States district court, the United States circuit court of appeals, or the supreme court of the United States prior to ~~his~~ the judge's election as judge.

Sec. 4705.07. (A) No person who is not ~~regularly~~ licensed to practice law in this state shall ~~hold himself do either of the following:~~

(1) Hold that person out in any manner as an attorney at law, ~~or shall represent himself either:~~

(2) Represent that person orally or in writing, directly or indirectly, as being authorized to practice law.

(B) The use of "lawyer," "attorney at law," "counselor at law," "law," "law office," or other equivalent words by any person who is not licensed to practice law, in connection with ~~his~~ that person's own name, or any sign, advertisement, card, letterhead, circular, or other writing, document, or design, the evident purpose of which is to induce others to believe ~~such~~ that person to be an attorney, constitutes holding out within the meaning of division (A) of this section.

Sec. 4705.99. Whoever violates section 4705.07 of the Revised Code ~~shall be fined not less than twenty five nor more than five hundred dollars is guilty of a misdemeanor of the first degree.~~

SECTION 2. That existing sections 4705.01, 4705.07, and 4705.99 of the Revised Code are hereby repealed.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the _____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____