

Fiscal Note & Local Impact Statement

122nd General Assembly of Ohio

BILL: **S.B. 58** DATE: **April 16, 1997**

STATUS: **As Recommended by the Senate Criminal Justice Subcommittee** SPONSOR: **Sen. Latta**

LOCAL IMPACT STATEMENT REQUIRED: **No — No local cost**

CONTENTS: **Increases the criminal penalties for engaging in the unauthorized practice of law**

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

Detailed Fiscal Analysis

In both 1996 and 1995, the Supreme Court of Ohio recorded two cases of the unauthorized practice of law. Records are not kept at the state level for charges or convictions brought by municipal or county prosecutors under Ohio Revised Code section for the unauthorized practice of law. Prosecutors in Akron, Cincinnati, Cleveland, Columbus, Dayton and Toledo have indicated that they either have not recently had a case of the unauthorized practice of law or they defer to the Rules for the Government of the Bar of Ohio.

Rule VII of the Rules for the Government of the Bar of Ohio was amended on January 1, 1995. It covers the unauthorized practice of law in Ohio. Prior to the amendment, the normal procedure involving a complaint would include an investigation by the Board of Commissioners on the Unauthorized Practice of Law. A positive finding by the Board, based on a preponderance of the evidence, would result in an action being filed in the appropriate court of competent jurisdiction. Presently, the Board will make a determination based on the evidence and forward any positive findings in a final report to the Clerk of the Supreme Court. Article IV, Section 2(B) of the Ohio Constitution, the Modern Courts Amendment of 1968, specifies that the Ohio Supreme Court has original jurisdiction over admission to the practice of law, the discipline of persons so admitted and all other matters relating to the practice of law. It is unlikely that this bill will cause additional charges to be filed under amended O.R.C 4705.07 & 4705.99, thus no additional fine revenue can be expected for counties or municipalities.

□ *LBO staff: Corey C. Schaal, Budget/Policy Analyst*

