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Attorneys at Law

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Survey of Ohio Law—1962

ADMINISTRATIVE LAW AND PROCEDURE

To inaugurate the Review's policy of continual, rather than annual, analysis of significant developments in Ohio law, Professor Maurice S. Culp will discuss recent Ohio developments in administrative law and procedure in the forthcoming September issue.

THE EDITORS

ATTORNEYS AT LAW

In 1961 the Ohio legislature enacted chapter 1785 of the Ohio Revised Code. These statutes purport to allow attorneys, among others, to incorporate for the purpose of practicing law. It was inevitable that litigation would arise as soon as an attorney attempted to organize a law corporation. The attorney tried, the litigation arose, and it was resolved by the Ohio Supreme Court during the past year in *State ex rel. Green v. Brown*.¹

The action was one in mandamus to compel the Ohio Secretary of State to accept articles of incorporation for the formation of a corporation to engage in the practice of law in Ohio. It was an original action in the Ohio Supreme Court.

The court sustained the demurrers of the Secretary of State and said:

The admission to the practice of law is inherent in the judicial branch of the government, and the admission procedure in Ohio is determined by this Court, both as a result of its inherent power and by statute.²

The court held that inasmuch as its rule relating to admission to the practice of law is strictly limited to natural persons, the Secretary of State is under no duty to accept articles of incorporation for a corporation, the purpose of which is to practice law, unless and until the Supreme Court of Ohio amends its rules to permit this form of law practice.

"Chapter two"³ in the labors of Azzarello and Benjamin against the Legal Aid Society and the Public Defender was written, in *Azzarello v. Legal Aid Soc'y of Cleveland*,⁴ by the Eighth District Court of Appeals

1. 173 Ohio St. 114, 180 N.E.2d 157 (1962).

2. *Id.* at 115, 180 N.E.2d at 158.

3. See Falsgraf, *Survey of Ohio Law — Attorneys At Law*, 13 W. RES. L. REV. 435, 437 (1962), for a discussion of "chapter one."

4. Nos. 25905 and 25940, Cuyahoga County Ct. App., Oct. 25, 1962.