

December 19, 2002

Art Garwin  
American Bar Association

Re: Proposed Model Definition of the Practice of Law

Dear Mr. Garwin:

I am writing on behalf of the Unauthorized Practice of Law Committee of the Cincinnati Bar Association in Cincinnati, Ohio in response to the proposal of the ABA Task Force on the Model Definition of the Practice of Law. The Unauthorized Practice of Law Committee has had an opportunity to study and discuss the proposed definition and has directed me to submit the comments of the committee.

The Committee is generally supportive of the model definition and would offer no changes to sections (a), (b), and (c). However, the committee suggests that section (d) offers exceptions to the definition that do not belong in a model definition. The categorical nature of section (d) may be problematic and offers defenses that may not be available in a particular case or pursuant to the laws of an individual state. Such exceptions are best applied on a case-by-case basis and not enumerated in a model definition. Further, section (e) is also beyond the scope of the definition. Therefore, the committee would suggest that sections (d) and (e) be omitted.

Thank you for the opportunity to offer these comments.

Sincerely,

Maria C. Palermo  
Assistant Counsel  
Cincinnati Bar Association  
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