

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania	:	
	:	
v.	:	No. 963 C.D. 2007
	:	
Woodland Trust c/o Gary Ford,	:	
Appellant	:	
	:	
Commonwealth of Pennsylvania	:	
	:	
v.	:	No. 971 C.D. 2007
	:	
Hill Trust c/o Gary Ford,	:	Submitted: March 20, 2008
Appellant	:	

OPINION NOT REPORTED

MEMORANDUM OPINION
PER CURIAM

FILED: July 15, 2008

Gary Ford appeals, *pro se*, the judgments of sentence entered in the Court of Common Pleas of Delaware County (trial court) against the Woodland Trust c/o Gary Ford (Woodland Trust) and the Hill Trust c/o Gary Ford (Hill Trust). We quash the appeals.

The Woodland Trust is the record owner of real property located at 837 Woodland Avenue, Sharon Hill, Delaware County. The Hill Trust is the record owner of real property located at 455 Sharon Avenue, Sharon Hill, Delaware County. Both of the properties contain rental units.

In 2006, the Woodland Trust and the Hill Trust were charged with violating Sections 1019.70-4 and 1019.77-2 of the Borough of Sharon Hill's Ordinance (Ordinance). On October 11, 2006, following hearings before a District Justice, both the Woodland Trust and the Hill Trust were convicted of the summary offenses, and fines and costs were imposed. Ford, acting on behalf of the trusts, filed summary appeals of the convictions in the trial court.

On January 16, 2007, the cases were called for trial before the trial court. Ford appeared before the court, purporting to act on behalf of the Woodland Trust and the Hill Trust as trustee of the trusts, and admitted that he is not an attorney licensed to practice law in the Commonwealth of Pennsylvania. See N.T. 1/16/07¹ at 10, 22-23. At the conclusion of the hearing, the trial court granted Ford's request for a continuance until January 26, 2007, so that he could obtain counsel. See *Id.* at 48-52.

On January 26, 2007, when the cases were called for trial before the trial court, Ford again appeared before the court without counsel, asserting that he was acting on behalf of the trusts as trustee. See N.T. 1/26/07² at 3-8, 22. The hearing proceeded, and the trial court refused to permit Ford to represent the trusts in the proceedings, but permitted him to testify as a fact witness. See *Id.* at 18-20, 28, 31-37. At the conclusion of the hearing, the court determined that the Borough had sustained its burden of proving the violations, denied the summary appeals, and imposed the instant judgments of sentence comprised of fines and costs. See *id.* at 37-39.

¹ "N.T. 1/16/07" refers to the transcript of the hearing conducted before the trial court on January 16, 2007.

² "N.T. 1/26/07" refers to the transcript of the hearing conducted before the trial court on January 26, 2007.

On February 6, 2007, Ford filed a notice of appeal of the judgment of sentence imposed against the Hill Trust as “Trustee pro se”. On February 20, 2007, Ford filed a notice of appeal of the judgment of sentence imposed against the Woodland Trust as “Trustee pro se”.³

Before addressing the merits of the appeals, it must be noted that, on January 22, 2008, the Commonwealth filed a motion to dismiss the instant appeals because this Court is without jurisdiction to consider the appeals. The Commonwealth alleges, inter alia, that this Court is without jurisdiction because the notices of appeal were filed by Ford, who is neither a party to the proceedings nor an attorney licensed to practice law in this Commonwealth.

In this regard, this Court has noted the following:

It is well settled that, with a few exceptions not applicable here, non-attorneys may not represent parties before Pennsylvania Courts and most administrative agencies. *Shortz v. Farrell*, 327 Pa. 81, 193 A. 20 (1937); *Nolan v. Department of Public Welfare*, 673 A.2d 414 (Pa. Cmwlth. 1995), *petition for allowance of appeal denied*, 546 Pa. 650, 683 A.2d 887 (1996); *McCain v. Curione*, [527 A.2d 591 (Pa. Cmwlth. 1987)]. As the instant matter is the Ministries’ appeal of the denial of its application, it may not be represented by its pastor, a non-attorney, in this appeal in this Court. *See Smaha v. Landy*, [638 A.2d 392 (Pa. Cmwlth.)], *petition for allowance of appeal denied*, 539 Pa. 660, 651 A.2d 546 (1994) (A non-profit medical corporation must have counsel in order to proceed in a court action as a corporation cannot represent itself.); *Walacavage v. Excell 2000, Inc.*, [480 A.2d 281 (Pa. Super. 1984)] (A

³ The notices of appeal appealed the judgments of sentence to the Superior Court. By orders dated April 10, 2007 and April 12, 2007, the appeals were transferred to this Court. The appeal of the Woodland Trust was lodged in this Court at No. 963 C.D. 2007, and the appeal of the Hill Trust was lodged in this Court at No. 971 C.D. 2007. By order dated August 17, 2007, the appeals were consolidated for disposition.

corporation may not appear in court and be represented by a corporate officer and shareholder who is not an attorney.).

Thus, this court is without jurisdiction to consider the claims raised by Pastor Michael T. Orth in the instant appeal as he is not licensed to practice law in this Commonwealth. *McCain; Expressway Associates II* [*v. Friendly Ice Cream Corp. of Connecticut*, 34 Conn.App. 543, 642 A.2d 62, *cert. denied*, 230 Conn. 915, 645 A.2d 1018 (1994)]. As a result, the appeal must be dismissed. *See McCain*, 527 A.2d at 594 (“In view of the prohibition against non-lawyers representing parties in judicial proceedings, we are compelled to sustain the Board’s challenge to McCain’s motion for summary relief and supporting brief as not in conformity with [the] law. In *Winters* [*v. Sheporwich*, 83 Pa. D. & C. 484, 486 (C.P. Luzerne 1930)], the Luzerne County Common Pleas Court held that proceedings commenced by persons unauthorized to practice law are a nullity ... The Erie County Common Pleas Court reached the same conclusion in *Goldstein* [*v. Marriott*, 14 Pa. D. & C. 635 (C.P. Erie 1930)].... *See also Expressway Associates II*, 34 Conn.App. at 551, 642 A.2d at 66-67 (“We therefore hold that an individual who is not an attorney and who is a general partner of a partnership may not appear and participate, *pro se*, in an appeal on behalf of a general partnership. Because the appeal was filed by [the general partner], *pro se*, on behalf of the partnership, the appeal must be dismissed.”) (footnote omitted).

The Spirit of the Avenger Ministries v. Commonwealth, 767 A.2d 1130-1131 (Pa. Cmwlth. 2001) (footnotes omitted).⁴ Based on the foregoing, it is clear that the

⁴ *See also Rowland v. California Men’s Colony*, 506 U.S. 194, 201-202 (1993) (“[I]t has been the law for the better part of two centuries, for example, that a corporation may appear in federal courts only through licensed counsel. As the courts have recognized, the rationale for that rule applies equally to all artificial entities. Thus, save in a few aberrant cases, the lower courts have uniformly held that 28 U.S.C. § 1654, providing that ‘parties may plead and conduct their own cases personally or by counsel’, does not allow corporations, partnerships, or

(Continued....)

instant appeals must be quashed because we are without jurisdiction to consider the merits of the appeals. Id.

Accordingly, the Commonwealth's motion to dismiss the appeals is granted, and the appeals are quashed.

associations to appear in federal court otherwise than through a licensed attorney....”) (citations and footnote omitted); Knoefler v. United Bank of Bismarck, 20 F.3d 347-348 (8th Cir. 1994) (“We dismiss the appeals in Nos. 93-1858 and 93-1859 for the reason that those appeals are brought by the trustees of ‘Crouse 05-27K’ and ‘Golden Honey’ or ‘Knoefler Honey Farms (a Trust)’ acting pro se. None of the appellant trusts is represented in this court by a licensed member of the bar. Both the notices of appeal and the briefs in these appeals were signed by trustees acting pro se. A nonlawyer, such as these purported ‘trustee(s) pro se’ has no right to represent another entity, i.e., a trust, in a court of the United States. *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697-98 (9th Cir. 1987) (‘He may not claim that his status as trustee includes the right to present arguments pro se in federal court.’); 28 U.S.C. § 1654.”).

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Appellant	:	
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Commonwealth of Pennsylvania	:	
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v.	:	No. 971 C.D. 2007
	:	
Hill Trust c/o Gary Ford,	:	
Appellant	:	

ORDER

PER CURIAM

AND NOW, this 15th day of July, 2008, the Motion to Dismiss Appeals is GRANTED, and the above-captioned appeals are QUASHED.