

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<hr/> <b>AARON HOUSTON,</b>	:	
<b>Plaintiff,</b>	:	
	:	<b>CIVIL ACTION</b>
<b>v.</b>	:	
	:	<b>NO. 13-4442</b>
<b>THE CITY OF PHILADELPHIA, et al.</b>	:	
<b>Defendants.</b>	:	
<hr/>		

**ORDER**

Before the Court are Plaintiff’s Objections (Doc. No. 20) “to any challenges to Anthony Johnson’s power of attorney status”<sup>1</sup> and to this Court’s statement that it lacked jurisdiction at a status conference to order the return of his firearm.

On January 17, 2014, this Court held a status conference to govern proceedings in Mr. Houston’s case. At the conference, the Court noted that the docket and the complaint spelled Mr. Houston’s first name as “A-R-R-O-N” and asked Mr. Houston whether this spelling was correct. Mr. Houston informed the court that his first name is spelled “A-A-R-O-N.” He explained that the misspelling occurred because Mr. Houston had not written his complaint, even though he signed it and noted that he was “pro se.” Instead, Mr. Houston’s uncle, Anthony Johnson, who attended the status conference, had written the complaint.

Mr. Johnson is not a lawyer. At the status conference, the Court admonished Mr. Johnson that he may not practice law. In Pennsylvania, the unauthorized practice of law is illegal, just as it is illegal to practice other professions without the required licenses (like medicine or accountancy).<sup>2</sup> Mr. Johnson responded that he holds the status of “power of attorney,” and he equivocated on the subject of whether he had provided legal advice or simply had offered moral

---

<sup>1</sup> The Court has never challenged Mr. Johnson’s power of attorney status; rather as detailed below, the Court has admonished Mr. Johnson that a power of attorney does not enable a person to act as an attorney-at-law.

<sup>2</sup> 42 Pa. C.S.A. § 2524; 63 P.S. § 422.10; 63 P.S. § 9.12.

support (he did, however, admit to having drafted the complaint). Mr. Johnson also told the Court that in a different case Judge Ditter had allowed him to act in the way he has acted with respect to Mr. Houston.

Mr. Johnson misunderstands what it means to hold a “power of attorney.” Holding a power of attorney allows a person (called the “agent”) to make some decisions for someone else (the “principal”) in certain contexts, but it does not allow the holder of power of attorney to become an attorney-at-law, which is a totally different concept. By way of comparison, a person holding a Ph.D. in English literature is referred to as “doctor,” but this does not make that person a medical doctor who may perform surgery or even make routine diagnoses. The use of the word “attorney” is confusing, but the holder of a power of attorney is not necessarily an attorney-at-law and cannot practice law as a lawyer without being licensed by the state, just as a “doctor” of literature may not practice medicine without a license.

As to Mr. Johnson’s contention that he is not providing legal advice, without deciding whether he is correct, the Court orders that Mr. Johnson is prohibited from providing legal advice to anyone so long as he is not a licensed lawyer. Mr. Johnson is admonished that practicing law without a license is a crime.

As noted above, this is not the first time Mr. Johnson has tried to give another person appearing in court advice on how to proceed. At the status conference, Mr. Johnson told the Court that he had an order from Judge Ditter authorizing him to act in a representative capacity. This Court expressed its serious doubt that Judge Ditter would ever condone a flagrant violation of Pennsylvania law, and Mr. Houston has since submitted the opinion in the case to which Mr. Johnson referred.<sup>3</sup> Not surprisingly, nothing in Judge Ditter’s opinion remotely comes close to

---

<sup>3</sup> *Harris v. Phila. Police Dep’t*, No. 06-cv-2192, 2005 WL 3025882 (E.D. Pa. Oct. 20, 2006).

authorizing Mr. Johnson to practice law. Instead, the opinion states, “the power of attorney cannot be used as a device to license laypersons to act as an attorney-at-law.”<sup>4</sup> Mr. Johnson highlights a sentence that says “Mr. Johnson may give Ms. Harris advice, consult with her, and make suggestions to her; what he may not do is act for her.”<sup>5</sup> This sentence concludes a paragraph that makes it absolutely clear that Mr. Johnson may not act as a lawyer, stating “both federal and state law prohibit Mr. Johnson from representing Ms. Harris in this case. He may not file any documents or represent her in any proceedings in this case.”<sup>6</sup> Judge Ditter’s opinion that Mr. Johnson may give advice, consult, and make suggestions should not be misread as license to act as a member of the legal profession. At this time, the Court makes no determination of when giving advice crosses the line to practicing law, but Mr. Johnson is admonished to tread carefully. It should serve as a stark warning to Mr. Houston of the dangers of relying on Mr. Johnson’s advice that Mr. Johnson reads an opinion *prohibiting* him from using his “power of attorney” to act as a lawyer as one somehow *enabling* him to participate in this litigation. Hopefully, no lawyer would make this basic misunderstanding.

Mr. Houston attached to his Objections similar objections Mr. Johnson made in *Harris v. Philadelphia Police Dep’t*, when Judge Ditter ruled Mr. Johnson could not represent Ms. Harris. These objections do not deny that Mr. Johnson was practicing law, rather they argue that the licensure requirement to practice law is unconstitutional. This argument is plainly wrong. In setting requirements for law licenses, “[a] State can require high standards of qualification . . . before it admits an applicant to the bar.”<sup>7</sup> And to the extent Mr. Johnson argues that the current

---

<sup>4</sup> *Id.* at \*2.

<sup>5</sup> *Id.* at \*3.

<sup>6</sup> *Id.*

<sup>7</sup> *Schwabe v. Bd. of Bar Exam. of State of N.M.*, 353 U.S. 232, 239 (1957).

crisis of indigent representation should force courts to abandon precedent holding licensure requirements constitutional, Mr. Johnson fails to recognize that this Court has no authority to overrule the holdings of the Supreme Court of the United States. Only that court may determine whether fresh considerations should outweigh the values inherent in *stare decisis*.<sup>8</sup>

Finally, Mr. Houston objects to this Court's declaration that it lacked jurisdiction to order the return of his firearm. Mr. Houston needs to be patient with this lawsuit. If he prevails on his claims, he may be entitled to an injunction ordering the return of his firearm at the conclusion of the case. He was not entitled to this relief at a status conference held in order to set a timeline for this case to be adjudicated. The issue was not ripe for consideration and thus the court declined to rule on the issue.

For the foregoing reasons, Mr. Houston's Objections are hereby **OVERRULED** this 30th day of January 2014.

**IT IS SO ORDERED.**

**BY THE COURT:**

**/s/ Cynthia M. Rufe**

---

**CYNTHIA M. RUFÉ, J.**

---

<sup>8</sup> *E.g., Rodriguez de Quijas v. Shearson/Am. Exp., Inc.*, 490 U.S. 477, 484 (1989) ("If a precedent of [the Supreme] Court has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions, the [lower courts] should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions.").