

**IN THE SUPREME COURT OF OHIO**

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COLUMBUS BAR ASSOCIATION,

Relator,

v.

AMERICAN FAMILY PREPAID LEGAL  
CORPORATION, *et al.*,

Respondents.

: Supreme Court Case No. 2005-0422  
:  
: Case No. UPL 02-10  
:  
: From the Board of  
:  
: Commissioners on the  
:  
: Unauthorized Practice of Law  
:  
: of the Supreme Court of Ohio  
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**APPENDIX TO  
OBJECTIONS OF RELATOR COLUMBUS BAR ASSOCIATION TO THE  
RECOMMENDATION OF THE BOARD OF COMMISSIONERS ON THE  
UNAUTHORIZED PRACTICE OF LAW**

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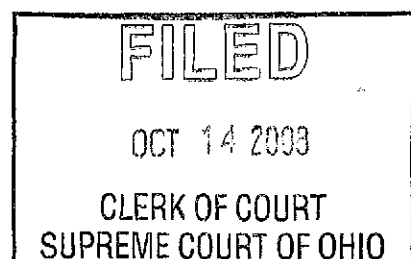
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FILED

STATE OF NORTH CAROLINA JUL -1 AM 11:15

COUNTY OF WAKE

WAKE COUNTY, C.S.C.

IN THE GENERAL COURT OF  
SUPERIOR COURT DIVISION  
06 CVS 7428

BY \_\_\_\_\_

STATE OF NORTH CAROLINA *ex rel.*  
ROY COOPER, Attorney General, and  
NORTH CAROLINA STATE BAR,

Plaintiffs,

v.

AMERICAN FAMILY PREPAID LEGAL  
CORPORATION, INC. d/b/a  
AMERICAN FAMILY LEGAL PLAN;  
HERITAGE MARKETING AND  
INSURANCE SERVICES, INC.;  
STANLEY NORMAN; and JEFFREY  
NORMAN,

Defendants.

CONSENT JUDGMENT  
AS TO DEFENDANTS  
JEFFREY NORMAN, STANLEY  
NORMAN, AND HERITAGE  
MARKETING AND INSURANCE  
SERVICES, INC.

This cause came on to be heard and being heard before the undersigned Superior Court Judge in Wake County for entry of a Consent Judgment between plaintiffs State of North Carolina, by and through Attorney General Roy Cooper, and the North Carolina State Bar and defendants Jeffrey Norman, Stanley Norman and Heritage Marketing and Insurance Services, Inc. The Court, with the consent of the parties, makes the following:

FINDINGS OF FACT

1. Plaintiffs are the State of North Carolina acting by and through its Attorney General Roy Cooper, pursuant to authority granted by Chapters 75 and 114 of the North Carolina General Statutes, and the North Carolina State Bar, an agency of the

EXHIBIT A

State, pursuant to authority granted in Chapter 84 of the North Carolina General Statutes.

2. Defendant Jeffrey Norman, a resident of California, is the president of defendant Heritage Marketing and Insurance Services, Inc. (Heritage) and a director of defendant American Family Prepaid Legal Corporation Inc. d/b/a/ American Family Legal Plan (AFLP). Defendant Jeffrey Norman, along with defendant Stanley Norman, has managed and controlled the operations of defendants AFLP and Heritage, including their marketing and sale of living trusts and annuity contracts to residents of North Carolina.

3. Defendant Stanley Norman, a resident of California, was the president and a director of AFLP and was listed in some corporate filings as the president and chief executive officer of defendant Heritage. Defendant Stanley Norman, along with defendant Jeffrey Norman, managed and controlled the operations of defendants AFLP and Heritage, including their marketing and sale of living trusts and annuity contracts to residents of North Carolina. On 12 November 2007, defendant Stanley Norman filed for Chapter 7 bankruptcy protection in the Central District of California (Case No. 8:07:13776-RK). Thomas H. Casey, Esq., was appointed as Chapter 7 Trustee.

4. Defendant Heritage is a California corporation. Heritage sold insurance products, including annuities, and provided notary and document delivery services to North Carolina consumers who purchased living trust plans from defendant AFLP. Heritage and AFLP are affiliated companies with common ownership and common officers and directors.

5. Defendant AFLP is a California corporation that had its principal place of business in Irvine, California, and an office in Greensboro, North Carolina. AFLP was registered with the North Carolina Secretary of State as a foreign corporation authorized to do business in North Carolina. On 12 November 2007, AFLP filed for Chapter 7 bankruptcy protection in the Central District of California (Case No. 8:07-13777-RK). Thomas H. Casey, Esq., was appointed as Chapter 7 Trustee.

6. Plaintiffs allege the following:

a. Between approximately 2002 and 2007, AFLP, through its owners, employees, agents, and representatives, sold what AFLP described as a prepaid legal services plan to consumers throughout North Carolina. The "plan" did not meet the definition of a prepaid legal plan as defined in the Rules of the North Carolina State Bar, as required under N.C.G.S. § 84-23.1, because consumers purchased the "plan" for only one legal service -- the preparation of a living trust and related estate planning documents, such as powers of attorney and a living will. AFLP used the sale of the living trust and estate planning documents to further its ultimate purpose, which was to provide financial information gained through the sale of the living trust to a related entity, defendant Heritage and its employees, agents, or representatives to facilitate Heritage's sale of annuities and other insurance products to AFLP customers;

b. AFLP marketed the living trusts exclusively to older consumers through mailings sent to lead lists targeting consumers over the age of sixty-five. The mailings invited consumers to return a pre-addressed response card so they could obtain a free publication. The mailings referenced AARP, leading some consumers to

believe the mailing came from AARP or a company affiliated with AARP, and AFLP's name and contact information did not appear anywhere on the mailing. Consumers responding to the mailing received a telephone call from AFLP attempting to set up an in-home sales appointment rather than published materials. Some consumers informed the Attorney General's Office that they never mailed a response card yet received a "cold" call from AFLP to set up an in-home sales appointment;

c. The training materials AFLP used to train its sales representatives encouraged them to use high-pressure, deceptive sales tactics. While none of AFLP's sales agents were ever licensed as attorneys in North Carolina, AFLP's sales presentations included specific legal and tax advice concerning the consumer's estate, including explanations of the probate process, alternatives to the probate process, and advice on how the particular consumer would benefit from purchasing a living trust through AFLP. During the in-home sales presentation, AFLP sales agents gave overstated or misleading information about the cost and length of probate as well as the benefits of the living trust;

d. AFLP agents also made misleading statements concerning the qualifications of its plan attorneys by representing that the plan attorney preparing the living trusts was a specialist in estate planning when no AFLP plan attorney has ever been certified as a specialist under the rules of the North Carolina State Bar;

e. When AFLP's estate planning documents were completed, a Heritage sales agent delivered them and oversaw the consumer's execution of the documents. The Heritage employees who delivered the documents were all licensed insurance agents who were there to sell annuities and other insurance products to the

consumers, but they failed to disclose this to the consumers and instead represented themselves as "Asset Preservation Specialists,"

f. The Heritage agents, who already had personal financial information about the consumers' assets from AFLP, collected additional financial information at the time the consumer was executing the estate planning documents and then attempted to convince the elderly consumer to use a large portion of his or her liquid assets to purchase an insurance product, typically a single premium, equity-indexed, deferred annuity. These annuities typically had a term of up to twenty years and contained surrender periods of up to fifteen years, during which time the consumer would incur significant penalties for withdrawal of the principal, but the Heritage agents failed to clearly and conspicuously disclose this information to the consumer. In some instances, Heritage agents convinced consumers to cash in other annuity products and IRAs to purchase an annuity, causing them to incur both surrender penalties and taxes. Heritage agents also focused their sales pitches on the first year return, which is typically larger than the returns in subsequent years, and failed to fully inform consumers of the likelihood that the small guaranteed return might be all they would receive for the remaining term of the annuity;

g. In many cases, the terms of annuities sold by Heritage agents, relative to the ages of the consumers who buy them, virtually ensured that the consumer would not live long enough to be able to withdraw more than a limited amount of principal without being subject to a penalty. The Heritage agents failed to fully disclose to the consumers that the policies' penalty provisions sometimes prevented the consumers' heirs from receiving the full principal and interest from the

annuity at the time of the consumer's death. The Heritage agents attempted to convince the consumers to invest the majority of their liquid assets in these annuities, often leaving the consumer with relatively little in the way of assets available to cover emergencies, such as health care needs;

h. AFLP and Heritage agents used unfair and deceptive sales tactics to induce elderly consumers to purchase living trusts and annuities that often were unsuitable for the consumers' ages and circumstances. As a result of AFLP's unfair and deceptive sales practices, many elderly consumers have paid for a living trust that was not appropriate for them and have lost a significant amount of their retirement savings and ready access to their assets because they are tied up in annuities with substantial early withdrawal penalties;

i. AFLP agents engaged in the unauthorized practice of law during sales presentations by representing to consumers that the purchase of a living trust was appropriate for them based on specific information the agent had about each consumer;

j. AFLP contacted an unknown number of North Carolina consumers soliciting business and successfully "sold" its services to at least 2,116 North Carolina consumers. Each North Carolina consumer who purchased AFLP's service paid at least \$1,995 for the service although many consumers paid more. AFLP collected at least \$4,210,725.00 in sales revenue from North Carolina consumers; and

k. Heritage, through its agents in North Carolina, sold over 900 annuity policies with premiums totaling more than \$72,000,000 to North Carolina consumers.

7. Jeffrey Norman's, Stanley Norman's, and Heritage's alleged unfair or deceptive business practices were in or affecting commerce in North Carolina.

8. Jeffrey Norman, Stanley Norman, and Heritage deny plaintiffs' allegations and in consenting to the entry of this Consent Judgment do not admit that they engaged in any unfair or deceptive practices or the unlicensed practice of law.

9. Jeffrey Norman is authorized to act as the representative of Heritage for purposes of consenting to the entry of judgment with respect to Heritage.

#### CONCLUSIONS OF LAW

1. The court has jurisdiction over the subject matter and the parties.

2. Plaintiffs' complaint states a claim upon which relief may be granted.

3. The State of North Carolina, acting by and through its Attorney General Roy Cooper, has the authority to bring this action pursuant to Chapters 75 and 114 of the North Carolina General Statutes.

4. The North Carolina State Bar has the authority to bring this action pursuant to N.C.G.S. § 84-37.

5. Pursuant to N.C.G.S. § 84-4, no persons, other than licensed attorneys who are members of the North Carolina State Bar, may engage in the practice of law, which is defined under N.C.G.S. §§ 84-2.1 and 84-4 to include (a) the giving of any legal advice or counsel to others; (b) the providing of any legal services to any other person, firm, or corporation; (c) the holding out of oneself to the public as competent or qualified to prepare legal documents; (d) the preparing of any legal documents, including but not limited to wills and trusts; or (e) the assisting by advice, counsel, or otherwise in any legal work.

6. Pursuant to N.C.G.S. § 84-5, business corporations are prohibited from engaging in the practice of law as defined by N.C.G.S. §§ 84-2.1 and 84-5, which includes the giving of legal advice; the preparing of legal documents; or the corporation's holding itself out in any manner "by or through any person orally or by advertisement, letter or circular" as being entitled to practice law, prepare legal documents, or provide the services of a lawyer.

7. The acts of the defendants to advise current and prospective Plan Members or customers that the customers need a revocable living trust or other estate planning documents under the customer's circumstances is the giving of legal advice within the meaning of N.C.G.S. §§ 84-2.1, 84-4, and 84-5. The representation by the defendants that subscribers to the prepaid legal services plan offered by defendants will receive a revocable living trust or other estate planning documents as the sole or primary benefit of subscribing to the plan is the offer to sell a particular legal service within the meaning of N.C.G.S. §§ 84-2.1, 84-4, and 84-5. Defendants are not authorized to provide such legal advice or legal services under N.C.G.S. §§ 84-2.1, 84-4, and 84-5.

8. The complaint states a cause of action against defendants Jeffrey Norman, Stanley Norman, and Heritage pursuant to N.C.G.S. § 75-1.1 in connection with their participation in the marketing and sale of living trusts and annuities and pursuant to N.C.G.S. §§ 84-2.1, 84-4, and 84-5 in connection with their participation in the unauthorized practice of law during the sale of living trusts and other estate planning documents.

9. Entry of this Judgment is just, proper and in the public interest.

10. The Court adopts the agreement of the parties and these findings of fact and conclusions of law as its determination of their respective rights and obligations.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT Jeffrey Norman, Stanley Norman, Heritage, and their successors, assigns, subsidiaries, and affiliates, including Quest and NAFB, along with officers, directors, agents, representatives, servants, independent contractors and employees are hereby permanently enjoined from:

(a) engaging in the sale of prepaid legal plans, living trusts, or any estate planning documents to residents of North Carolina or at any place within North Carolina;

(b) engaging in the sale of any insurance products, including but not limited to annuities, to residents of North Carolina or at any place within North Carolina;

(c) engaging in activities in North Carolina constituting the unauthorized practice of law, specifically including providing advice to consumers about estate plans, representing to consumers that they can provide living trusts or other estate plans either directly or through an attorney, representing to consumers that they can provide or arrange for the services of an attorney to prepare an estate plan, giving advice to consumers concerning disposition of assets, representing to consumers that they need a living trust as the sole or primary means of distributing their estates, and/or representing to consumers that living trusts are a better or superior method to distribute estates than any other estate plan; and

(d) using, selling, leasing, giving, or in any way allowing any other person or entity to use the AFLP and Heritage customer lists which are defined as the names, addresses, telephone numbers, and any other personal identifying information that AFLP, Heritage or their agents collected from North Carolina consumers who purchased prepaid legal plans or any estate planning documents from AFLP or insurance products from Heritage. To the extent that the

customer lists have already been sold, leased, or given to any person or entity, Jeffrey Norman and Stanley Norman shall provide to the State at the time of the entry of this Consent Judgment, a copy of the lists, including all information provided to the person or entity, as well as the names and addresses of any persons or entities who have received copies.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT

(e) Defendant Heritage shall pay the State of North Carolina \$7,000,000, an amount that represents the sales commissions defendant Heritage and its agents received from the sale of annuities to North Carolina consumers, and that money may be used for restitution to North Carolina consumers who purchased annuities from defendant Heritage or its agents; and

(f) Prior to the entry of this Consent Judgment, defendant Jeffrey Norman shall pay the State \$1,535.62 for mediation services provided by Jackie Clare, Esq. This amount represents the total bill of \$2047.50 which defendant Jeffrey Norman and Stanley Norman agreed to pay in consideration for not having to appear in person at the mediation, less the \$511.88 Jeffrey Norman has paid the mediator to date. This money shall be paid to the North Carolina Department of Justice for reimbursement for the amounts previously paid by the Department of Justice and the North Carolina State Bar with the remaining amount to be paid to the mediator.

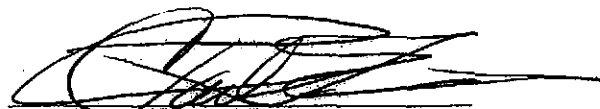
IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT

(g) Upon entry of this Consent Judgment, defendant Jeffrey Norman shall pay the State \$500,000 in civil penalties. Payment of this penalty is suspended as long as defendant Jeffrey Norman is in full compliance with the terms of this Consent Judgment. If at any time defendant Jeffrey Norman violates the terms of this Consent Judgment, this penalty shall be immediately due to the State;

(h) Upon entry of this Consent Judgment, defendant Stanley Norman shall pay the State \$500,000 in civil penalties. Payment of this penalty is suspended as long as defendant Stanley Norman is in full compliance with the terms of this Consent Judgment. If at any time defendant Stanley Norman violates the terms of this Consent Judgment, this penalty shall be immediately due to the State; and

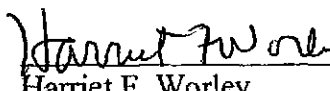
(i) Plaintiffs may seek to enforce this Consent Judgment with or without prior notice to the defendants.

This the 1<sup>st</sup> day of July, 2008.

  
Superior Court Judge

WE CONSENT:  
STATE OF NORTH CAROLINA  
ex rel. ROY COOPER,  
Attorney General

NORTH CAROLINA STATE BAR

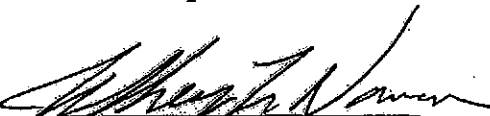
  
Harriet F. Worley  
Assistant Attorney General

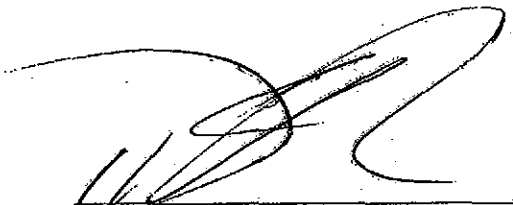
  
David Johnson  
Deputy Counsel

  
Jeffrey Norman

  
Stanley Norman

Heritage Marketing and Insurance Services, Inc.  
a California corporation

  
by: Jeffrey Norman, President

  
Thomas F. Roupas  
Counsel for Defendants Jeffrey  
Norman and Heritage Marketing and  
Insurance Services, Inc.

CERTIFIED TRUE COPY FROM ORIGINAL  
Clerk of Superior Court, Yuba County

BY   
Assistant Deputy Clerk Superior Court

Date: 9.22.08

FILED

STATE OF NORTH CAROLINA

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IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

COUNTY OF WAKE

WAKE COUNTY, C.S.C.

NO. 06 CVS 7428

BY \_\_\_\_\_

STATE OF NORTH CAROLINA *ex rel.*  
ROY COOPER, Attorney General, and  
NORTH CAROLINA STATE BAR,

Plaintiffs,

v.

AMERICAN FAMILY PREPAID LEGAL  
CORPORATION, INC. d/b/a AMERICAN  
FAMILY LEGAL PLAN; HERITAGE  
MARKETING AND INSURANCE  
SERVICES, INC.; STANLEY NORMAN;  
and JEFFREY NORMAN,

Defendants.

SUMMARY JUDGMENT

This cause was heard by the undersigned Judge on 1 July 2008 on plaintiffs' motion for summary judgment, which was filed on 5 October 2007. On 12 November, 2007, defendant American Family Prepaid Legal Corporation, Inc. (AFLP) applied for Chapter 7 bankruptcy protection in the Central District of California. Plaintiff State of North Carolina *ex rel* Roy Cooper, Attorney General, filed a motion in the bankruptcy court seeking an order that the automatic stay did not apply, or, in the alternative, relief from stay. A hearing was heard on the State's motion, and on 2 May, 2008, the Bankruptcy Court entered an order determining that the automatic stay did not apply to the action against AFLP, and in the alternative, granting relief from stay.

EXHIBIT B

In support of their motion for summary judgment, plaintiffs relied on (1) the verified complaint, including its attached exhibits, and defendant's admissions in its answers; (2) affidavits and documents submitted in support of their motions for preliminary injunction and summary judgment; and (3) plaintiffs' requests for admissions, to which defendant AFLP did not respond. Defendant AFLP did not appear at the hearing on this matter nor was it represented by counsel.

It appears to the Court that there is no genuine issue as to any material fact and that the plaintiffs are entitled to summary judgment as a matter of law. The Court further concludes as a matter of law that:

1. Defendant AFLP engaged in unfair or deceptive practices in violation of N.C.G.S. § 75-1.1 while selling living trusts and related estate planning documents and services under the guise of a prepaid legal service plan to North Carolina consumers.

2. Defendant AFLP engaged in the unauthorized practice of law, in violation of N.C.G.S. §§ 84-2.1, 84-4 and 84-5, while selling living trusts and related estate planning documents and services under the guise of a prepaid legal service plan to North Carolina consumers.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that summary judgment is granted in favor of plaintiffs against AFLP and that:

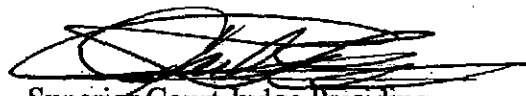
1. Pursuant to N.C.G.S. §§ 75-14 and 84-37, AFLP and its agents, employees, and persons acting in concert with them, including any successors, assigns, or heirs, are hereby enjoined from (a) engaging in business of any nature in North Carolina, including but not limited to the sale of (i) living trusts or any other legal documents or services, (ii) estate planning advice or services, and (iii) prepaid legal plans to residents of North Carolina; and (b) selling, leasing,

giving, or in any way allowing any other person or entity to use the AFLP customer lists which are defined as the names, addresses, telephone numbers, and any other personal identifying information that AFLP or its agents collected from North Carolina consumers who purchased prepaid legal plans or any estate planning documents from AFLP.

2. Pursuant to N.C.G.S. § 75-15.1, the Court cancels all contracts with North Carolina consumers entered into by defendant AFLP and orders defendant AFLP to restore to North Carolina consumers all moneys they have obtained, as commissions, fees or otherwise, from North Carolina consumers as a result of their violations of N.C.G.S. § 75-1.1 in the amount of \$4,210,725.00; and

3. Pursuant to N.C.G.S. § 75-15.2, the Court assesses civil penalties against defendant AFLP in the amount of \$10,000,000.

This the 15<sup>th</sup> day of July, 2008.

  
Superior Court Judge Presiding

CERTIFIED TRUE COPY FROM ORIGINAL  
Clerk of Superior Court, Wake County

BY Donna Scott  
Assistant Deputy Clerk Superior Court

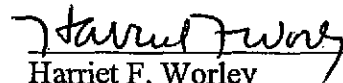
Date 9-22-08

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served upon defendants the foregoing ORDER by depositing a copy of the same in the U.S. Mail, first class postage prepaid, and addressed to:

Thomas Casey, Esq.  
Ch. 7 Trustee for American Family Prepaid Legal  
22342 Avenida Empresa, Suite 260  
Rancho Santa Margarita, CA 92688

This the 1<sup>st</sup> day of July, 2008.

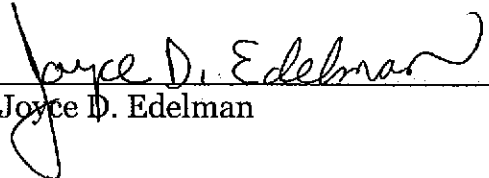
  
Harriet F. Worley  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing was duly served via U.S. mail this fourteenth day of October, 2008, upon the following:

|                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Bruce A. Campbell, Esq.</b><br>Columbus Bar Association<br>175 South Third Street, Suite 1100<br>Columbus, Ohio 43215                                                                                                                                         | <b>Susan B. Christoff, Esq.</b><br>Board on the Unauthorized Practice of Law<br>The Supreme Court of Ohio<br>65 South Front Street, 5 <sup>th</sup> Floor<br>Columbus, OH 43215-3431                                                                          |
| <b>Andrew R. Bucher, Esq.</b><br>Reinheimer & Reinheimer<br>208 Madison Street<br>Port Clinton, Ohio 43452<br><br>Attorney for Respondents American<br>Family Prepaid Legal Corporation,<br>Heritage Marketing & Insurance Services,<br>Inc., and Jeffrey Norman | <b>Christopher J. Moore, Esq.</b><br>Moore & Scribner<br>3700 Massillon Road, Suite 380<br>Uniontown, Ohio 44685<br>(330) 899-0475<br>(330) 899-0476 (fax)<br>attorneychrismoore@yahoo.com<br><br>Attorney for Respondents Joseph Hamel<br>and Timothy Holmes |
| <b>James P. Tyack, Esq.</b><br>Tyack, Blackmore & Liston Co., LPA<br>536 S. High Street<br>Columbus, Ohio 43215<br><br>Attorney for Respondent Adam Hyers                                                                                                        | <b>Stanley Norman</b><br>12 Bordeaux<br>Coto De Caza, California 92679                                                                                                                                                                                        |
| <b>Jeff Alten</b><br>25302 Wolf Road<br>Bay Village, Ohio 44140                                                                                                                                                                                                  | <b>Paul Chiles</b><br>1117 Forest View Court<br>Westerville, Ohio 43081                                                                                                                                                                                       |
| <b>Tim Clouse</b><br>6188 South State St. Rt. 587<br>New Riegel, Ohio 44853                                                                                                                                                                                      | <b>William Downs</b><br>1682 Lexington Drive<br>Lancaster, Ohio 43130                                                                                                                                                                                         |
| <b>Joseph Ehlinger</b><br>127 19 <sup>th</sup> Street<br>Findley, Ohio 45840                                                                                                                                                                                     | <b>Luther Mack Gordon</b><br>3420 Sodom Road<br>Casstown, Ohio 45313                                                                                                                                                                                          |

|                                                                                     |                                                                                      |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <b>Steve Grote</b><br>4941 N. Arbor Woods Court, Apt. 302<br>Cincinnati, Ohio 45248 | <b>David Helbert</b><br>195 Beachwood Avenue<br>Avon Lake, Ohio 44012                |
| <b>Samuel Jackson</b><br>7789 Windward Drive<br>Massillon, Ohio 44646               | <b>Harold Miller</b><br>4083 Guston Pl.<br>Gahanna, Ohio 43230                       |
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