

# The Supreme Court of Ohio

ORIGINAL

## BEFORE THE BOARD ON THE UNAUTHORIZED PRACTICE OF LAW

CLEVELAND METROPOLITAN  
BAR ASSOCIATION,

Relator,

v.

NORM HERNICK,  
a.k.a. NICK SHELLY,

and

LAW ONLINE, INC.,

and

A DIVORCE FAST, INC.,

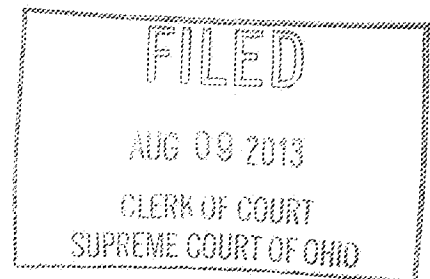
Respondents.

13 - 1288

Case No. UPL 08-03

**FINAL REPORT**

Gov. Bar R. VII(5b)(E)(2)



### I. **INTRODUCTION**

#### **2008 UPL Case Resolved by Parties' Negotiation of a Proposed Consent Decree with Terms that Include Supreme Court orders from Case No. 2010-0150**

This matter was presented to the Board on the Unauthorized Practice of Law ("Board") at a regular meeting on July 11, 2013. The Complaint filed by Relator, the Cleveland Metropolitan Bar Association ("Relator" or "CMBA"), alleges that Respondents Norm Hernick and his companies known as Law Online, Inc. and A Divorce Fast, Inc., engaged in the unauthorized practice of law in Ohio by preparing a divorce complaint on behalf of an Ohio resident. The parties filed a Proposed Consent Decree (Exhibit A) along with a Memorandum in Support on September 17, 2012, which

includes an agreement that Respondents shall pay a civil penalty of \$1,000 and shall reimburse the individual described in the Complaint.

**A matter of first impression for the Board on the Unauthorized Practice of Law with respect to Gov. Bar R. VII(5b) Settlement of Complaints' Consent Decrees**

The Proposed Consent Decree also requests to purge an arrest warrant against Respondent Hernick issued by the Supreme Court for contempt for failure to comply with the Supreme Court's order of March 4, 2010, requiring him to comply with discovery and submit to an oral deposition. The proposed consent decree indicates that once reimbursement of the client is made, along with payment of the \$1,000 civil penalty, "the jail time sanction should be purged and any arrest warrants vacated." Consent Decree ¶ 9. It is noted that this is a matter of first impression for the Board. Since Gov. Bar R. VII(5b) – Consent Decrees was first adopted effective November 1, 2007, no proposed consent decree has been submitted to the Board that included terms purporting to negotiate orders issued by the Supreme Court. As the other terms of the proposed resolution appear to be within the Board's jurisdiction and are not objectionable, the Board concludes it is appropriate to file its report and recommendation to the Court, with the recommendation that the terms of the proposed consent decree within the Board's authority to approve are acceptable to the Board. The Court will therefore have the opportunity to address Hernick's requests regarding Supreme Court Case No. 2010-0150 if it deems it proper to do so.

**Board's authority is limited to accepting or rejecting the proposed consent decree**

The Panel considered the matter, and upon consideration, recommended for approval the portions of the proposed Consent Decree within its authority to approve, acknowledging the Panel lacks jurisdiction over the provisions of the proposed Consent

Decree that concern Orders issued by the Supreme Court. Upon review and considerable discussion, the Board adopted the Panel's report and recommendation. The Board raised with the Panel its concern about the nominal amount of the penalty in view of the egregious behavior of the Respondents vis-à-vis their lack of cooperation and complete disregard for the Supreme Court's Orders. To date, Hernick has still not complied with any of the orders.

Upon review of all the circumstances surrounding this case, including the length of time elapsed (the UPL Complaint was filed in 2008), the Complaint consisting of one count involving one individual with limited evidence, the Board has ultimately concluded that the terms in the proposed Consent Decree are satisfactory, including civil penalty of \$1,000 to be paid by Respondents, in addition to Relator's costs (Exhibit E) and reimbursement to Ms. Derosse of \$539 for preparation of legal documents.

## **II. PROCEDURAL BACKGROUND**

The Complaint was filed by Relator on December 18, 2008. In accordance with Gov. Bar R. VII, Sec. 6, a copy of the Complaint and required Notice to Respondents of Filing of Complaint were sent to Respondents via certified mail. Respondents, through counsel, filed a request for extension of time to Answer on January 3, 2009, which was granted. Upon the Respondents filing an Answer on January 28, 2009, a Panel was appointed to hear this matter. By Entry dated March 31, 2009, Commissioners Patricia A. Wise (Chair), John P. Sahl, and Mark J. Huller were appointed as Panel members. It is noted that the commissioners who were originally appointed to hear this matter are no longer on the Board due to the expiration of their terms. The delay in the disposition of this case was due to the Respondents' failure to comply with discovery and the stay of

this proceeding pending the resolution of the Supreme Court case regarding motions to compel discovery filed by Relator. Further, Relator indicated difficulty contacting Respondents, who proceeded *pro se* in April 2010. After Respondents' counsel was unable to convince Respondents to participate in discovery, counsel filed a motion for leave to withdraw in March 2010, which was granted in April 2010.

Respondents refused to provide discovery in response to Relator's multiple requests. On August 14, 2009, Relator filed a motion to compel discovery with the Panel. The Panel granted the motion in part, and Hernick was ordered to submit to a deposition. Relator filed A Notice of Videotape deposition on December 9, 2009. Hernick failed to appear at the scheduled date and time.

On August 25, 2011, the Supreme Court issued an Order for Respondent Hernick's arrest for failure to comply with orders regarding discovery matters in this proceeding. The Court further ordered that he serve 10 days' jail time. Thereafter, Respondent contacted Relator, and negotiations for a proposed resolution ensued.

By Entry dated February 21, 2012, Mark J. Huller was appointed Chair of the Panel, with Ben E. Espy and N. Victor Goodman serving as Panel members. Mr. Huller's second term with the Board ended on December 31, 2012; however, pursuant to Gov. Bar R. VII(1)(A), he continued to serve on this assignment and Commissioner Dorner, his successor on the Board, did not participate in this matter.

A Proposed Consent Decree was filed on September 17, 2012, wherein the Respondents agree to cease the described conduct and reimburse the client, an Ohio resident. Respondents also agree to a civil penalty in the amount of \$1,000. Upon consideration, the Panel hereby recommends approval of the proposed resolution.

**RELATOR'S MOTION TO COMPEL DISCOVERY AND MOTION FOR SANCTIONS FILED WITH THE SUPREME COURT OF OHIO**

Relator filed a motion for sanctions and motion to compel attendance at a deposition with the Supreme Court of Ohio on January 25, 2010 in a matter styled *Cleveland Metro. Bar Assn. v. Norm Hernick, et al.*, Case No. 2010-0150. Hernick filed a memorandum opposing the motion for sanctions, indicating he had substantially complied with discovery requests yet admitted his refusal to appear in Cleveland for examination, citing a decision "not to expend more time and money on this matter."

By Order dated March 4, 2010 (Exhibit B), the Supreme Court ordered Respondents to fully comply with Relator's request for production and for Hernick to submit to an oral deposition. Further, Respondents were ordered to pay the reasonable expenses and attorney fees in obtaining said Order. A Notice of Videotape Deposition of Norm Hernick was filed by Relator with the Board on June 17, 2010, which contains a certificate of service indicating Mr. Hernick and the other Respondents were served. The deposition was scheduled for July 7, 2010. Mr. Hernick did not appear.

Inasmuch as Respondents did not comply with the Supreme Court's Discovery Order of March 4, 2010, Relator filed a Motion for an Order to Show Cause in January 2011, which the Supreme Court granted on March 31, 2011 (Exhibit C). Respondents did not file a response to the show cause order. Relator then filed a motion for sanctions on June 10, 2011, to which Respondent Hernick filed a motion to strike motion for sanctions, which motion to strike was denied by the Court. By Order dated August 25, 2011 (Exhibit D), the Supreme Court found Hernick in contempt and ordered him to serve 10 days' jail time. Respondent was also ordered to "pay all reasonable expenses and attorney fees incurred by the Cleveland Metropolitan Bar Association in obtaining

this order.” The Supreme Court issued an arrest warrant to the Sheriff of Cuyahoga County, to arrest and take Respondent into custody for 10 days.

### **III. FINDINGS OF FACT**

1. Relator is authorized to investigate and prosecute activities which may constitute the unauthorized practice of law in Ohio. Gov. Bar R. VII(4)-(5). Compl. ¶ 1.
2. Respondent Norm Hernick is an individual who is not admitted to the practice of law in Ohio. Compl. ¶ 2; Answer ¶ 2.
3. Respondents Law Online, Inc. and A Divorce Fast, Inc. are companies owned by Hernick, who also serves as their president. Compl. ¶ 3 – 4; Answer ¶ 3.
4. Respondents prepared a complaint for divorce on behalf of Andrea Colburn, fka Andrea Derousse, in a case styled *Andrea Beth Derousse v. Derik Clark Derousse*, Cuyahoga County Domestic Relations Case No. DR-07-317040. Compl. ¶ 5. Ms. Colburn paid Respondents for “the legal services” they provided. *Id.* The Complaint and Ms. Derousse’s affidavit indicate Respondents were paid \$536 for services rendered to Ms. Derousse; however, an agreement between A Divorce Fast and Andrea Beth Derousse dated February 13, 2007, indicates Ms. Derousse authorized a charge to her account in the amount of \$539. Relator’s Reply in Opposition to Respondents’ Motion for Summary Judgment, Ex. D.
5. Andrea Colburn found out about Respondents and their services upon seeing an advertisement for A Divorce Fast in the Cleveland Yellow Pages. When she called the number listed, a representative conducted a phone interview with Ms. Colburn regarding the parties’ income, assets and debts, identifying the residence of the parties’ son, and her need for child support. Compl. ¶ 6. The representative advised Ms. Colburn that she did

not require legal advice or representation and that having a contested divorce was expensive and time consuming. Settlement and Consent Decree ¶ 3. The information collected during the telephone call with Ms. Colburn was inserted into a “Divorces – Intake Questionnaire” and included “salary info needed for child support” and questions such as “whom do children live with” and “who has legal custody”. Relator’s Motion for Default Judgment, or in the alternative, Motion for Summary Judgment, Ex. E.

6. Respondents informed Ms. Colburn that the filing fees were her responsibility and not included in the fees paid to Respondents, but this was only relayed to Ms. Colburn after she paid Respondents \$536 for their services. Compl. ¶ 6. Upon receipt of the divorce papers by mail, it was discovered that there was no provision in the divorce complaint for division of property, no allocation of marital assets, no request to the court that Ms. Colburn be granted custody of the minor child, and no provision for any payment of child support by her husband. Compl. ¶ 6. When Ms. Colburn took the complaint prepared by Respondents to court, she was told it was unacceptable. Consent Decree ¶ 3. When she called A Divorce Fast to get her money back, her calls were not returned, and her money was not refunded. *Id.* Ms. Colburn hired an attorney and spent additional funds to correct the errors made by A Divorce Fast. Relator’s Motion for Default Judg. Ex. D, ¶18.

7. Respondents admit that they engaged in the unauthorized practice of law in Ohio in the *Derousse* matter. Consent Decree ¶ 5.

#### **IV. CONCLUSIONS OF LAW**

A. The Supreme Court of Ohio has original jurisdiction regarding admission to the practice of law, the discipline of persons so admitted, and all other matters relating to the

practice of law. Section 2(B)(1)(g), Article IV, Ohio Constitution; *Royal Indemnity Co. v. J.C. Penney Co.* (1986), 27 Ohio St.3d 31, 501 N.E.2d 617; *Judd v. City Trust & Sav. Bank* (1937), 133 Ohio St. 81, 12 N.E.2d 288. Accordingly, the Court has exclusive jurisdiction over the regulation of the unauthorized practice of law in Ohio. *Greenspan v. Third Fed. S. & L. Assn.*, 122 Ohio St.3d 455, 2009-Ohio-3508, 912 N.E.2d 567, at ¶ 16; *Lorain Cty. Bar Assn. v. Kocak*, 121 Ohio St.3d 396, 2009-Ohio-1430, 904 N.E.2d 885, at ¶ 16. As Respondents admit to have engaged in the unauthorized practice of law with regard to the preparation of a complaint for divorce in the case styled *Derousse v. Derousse*, Cuyahoga County Domestic Relations Case No. DR-07-317040, the Court has jurisdiction over Respondents.

B. The Supreme Court of Ohio regulates the unauthorized practice of law in order to “protect the public against incompetence, divided loyalties, and other attendant evils that are often associated with unskilled representation.” *Cleveland Bar Assn. v. CompManagement, Inc.*, 104 Ohio St.3d 168, 2004-Ohio-6506, 818 N.E.2d 1181, ¶ 40. Respondents gathered information and prepared a divorce complaint on behalf of Ms. Colburn. The complaint did not address key issues, such as custody of her child, child support, and allocation of marital assets. Ms. Colburn tried to file this complaint, and it was rejected by the court, showing that it lacked basic requirements. Further, Ms. Colburn ultimately had to retain legal representation to assist her with the errors committed by Respondents.

C. “Persons not licensed to practice law in Ohio are also prohibited from holding themselves out ‘in any manner as an attorney at law’ or from representing that they are authorized to practice law ‘orally or in writing, directly or indirectly.’” *Disciplinary*



*Counsel v. Pratt*, 27 Ohio St.3d 293, 2010-Ohio-6210, 939 N.E.2d 170, at ¶ 18. As the record indicates, Respondents advertised in online telephone directories as “Offices of Lawyers,” giving the impression that they can provide legal services. Relator’s Reply in Opposition to Respondents’ Motion for Summary Judgment, Ex. F.

D. Respondents’ act is found to constitute the unauthorized practice of law based on an admission that contains sufficient information to demonstrate the specific activities upon which the conclusions are drawn in compliance with Gov. Bar R. VII(7)(H) and *Cleveland Bar Assn. v. CompManagement, Inc.*, 111 Ohio St.3d 444, 2006-Ohio-6108, 857 N.E.2d 95, ¶ 24-26.

## **V. ANALYSIS OF PROPOSED CONSENT DECREE**

### **A. Review of Principal Terms of the Revised Proposed Consent Decree**

The Board is responsible for ensuring the Proposed Consent Decree is in compliance with Gov. Bar R. VII(5b). In its review of the Proposed Consent Decree, the Board considered the following factors:

(1) The extent to which the public is protected from future harm and any substantial injury is remedied by the Proposed Consent Decree and whether it contains an agreement to cease and desist the alleged activities. In the Proposed Consent Decree, “Respondents agree to desist from engaging in Ohio in the unauthorized practice of law, directly or indirectly, personally or through any corporation, organization, or other business entity.” Consent Decree, ¶ 6.

Respondents agree to reimburse Andrea Colburn \$539, the amount she paid for the services provided by A Divorce Online. Consent Decree ¶ 8.

(2) The admission of the Respondents to material allegations of the unauthorized practice

of law as stated in the complaint. Respondents admit that they engaged in the unauthorized practice of law in the *Derousse* matter. Consent Decree, ¶ 5.

(3) The extent to which the agreement involves public policy issues or encroaches upon the jurisdiction of the Supreme Court to regulate the practice of law. The relief proposed furthers public policy by enjoining future activities that involve the unauthorized practice of law and takes steps to remedy past conduct.

Certain provisions of the proposed Consent Decree involve the Supreme Court's orders regarding Hernick, which are set forth in *Cleveland Metro. Bar Assn. v. Norm Hernick, et al.*, Case No. 2010-0150. Specifically, in the March 4, 2010 Order, the Supreme Court ordered "Respondents fully comply with the Request for Production of Documents as described by the Order to Compel Discovery issued by the Board on the Unauthorized Practice of Law." Hernick was also ordered to submit to an oral deposition. Respondents were also ordered "to pay the reasonable expenses incurred in obtaining this order and reasonable attorney fees." As Hernick and the other Respondents have not complied with the Supreme Court's orders, Hernick was found in contempt and a warrant for his arrest was issued on August 25, 2011. If arrested, he would have to serve 10 days in jail. The parties have negotiated the following terms.

The parties have negotiated the following terms in their proposed Consent Decree. Paragraph 9 of the Consent Decree states:

"Relator agrees that if this Agreement is approved, Respondents reimburse Andrea Colburn \$539.00, and Respondents pay any civil penalty that may be imposed, the jail time sanction should be purged and any arrest warrants vacated."

Further, the Board notes that in the proposed Consent Decree, Relator waives all

claims for reasonable expenses and attorney fees in obtaining the March 4, 2010 and August 24, 2011 Orders from the Supreme Court of Ohio. Consent Decree ¶ 7. The Supreme Court of Ohio has the exclusive jurisdiction over all matters relating to the practice of law in Ohio. Section 2(B)(1)(g), Article IV, Ohio Constitution. Therefore, with regard to these provisions, the Board believes that neither the parties themselves nor the Board has the authority to waive an order by the Supreme Court. Further, the Board does not have the authority to strike or modify any portion of the proposed Consent Decree but is limited to making a “recommendation for acceptance or rejection of the proposed resolution.” Gov. Bar R. VII(5b)(D)(1). However, as the parties have stipulated to the facts alleged in the Complaint before the Board, and the Board is not opposed to the waiver of Relator’s claims for expenses and attorney fees; the Board believes it appropriate for the proposed Consent Decree to move forward, allowing it to be reviewed by the Supreme Court.

B. Applicability of Civil Penalties Based on Factors in Gov. Bar R. VII (8)(B) and UPL Reg. 400

When determining whether to recommend that the Supreme Court impose civil penalties in an unauthorized practice of law case, the Board is required to base its recommendation on the factors set forth in Gov. Bar R. VII (8)(B) and UPL Reg. 400(F). Additionally, UPL Reg. 400(F)(4) specifies mitigating factors the Board may use to justify a recommendation of no civil penalty or a less severe penalty. The parties have agreed to a civil penalty of \$1,000 in this matter. The Panel considered the general civil penalty factors, aggravating and mitigating factors, and its analysis is described below.

(1) The degree of cooperation provided by the Respondents in the investigation.

The record is replete with Respondents’ failure to cooperate with Relator throughout the investigation of this matter. Relator indicates in the memorandum in support of the proposed

Consent Decree that Hernick has still not submitted to a deposition. Further, Relator filed a motion to compel discovery and a motion for sanctions, which were granted by the Supreme Court of Ohio. To date, there is no record that Hernick has complied.

(2) The number of occasions that the unauthorized practice of law was committed.

According to the Complaint and the proposed Consent Decree, Respondents admit to have engaged in one act of unauthorized practice of law with Ms. Derosse. There is a lack of evidence of other individuals being affected.

(3) The flagrancy of the violation.

Respondent Hernick had previously entered into a Settlement Agreement with the UPL Committee of the Trumbull County Bar Association. By Settlement Agreement dated June 2007, Respondent Law Online, Inc. agreed that it will not:

- a. Counsel, discuss or analyze any substantive information provided by its customers relating to their legal needs in their divorce or bankruptcy proceedings;
- b. Prepare or deliver to customers the documents needed for filings with any court of law;
- c. Represent that it is qualified to practice law in Ohio or that it can provide legal services to Ohio residents.

Relator's Reply in Opposition to Respondents' Motion for Summary Judg., Ex. G, ¶ 3.

The 2007 Settlement Agreement was signed by Norm Hernick, President. Therefore, it appears that Respondents were well aware that the preparation or delivery of court documents to customers was not permitted.

(4) Any other relevant factors.

Applying the factors of UPL Reg. 400(F), which are the basis for a recommendation of a more severe or lesser penalty, the Board finds:

### **Aggravating Factors**

(1) The Respondent has previously been ordered to cease engaging in the unauthorized practice of law. Respondent Law Online, Inc., has previously engaged in the unauthorized practice of law. The UPL Committee of the Trumbull County Bar Association filed a Complaint before the Board on September 28, 2006 (Case No. UPL 06-08). In the 2006 case before the Board, which was dismissed after the parties filed a Settlement Agreement, the Respondent was alleged to have, and admitted, “to electronically prepare legal documents for use by customers in their legal proceedings.” In the 2007 Settlement Agreement, Respondent admitted that such conduct constituted the unauthorized practice of law.

In addition to the 2006 UPL case before this Board, Respondents have been ordered to cease engaging in the unauthorized practice of law by two other courts.

In *The North Carolina State Bar v. Nick Shelly, a.k.a. Norman Shelly Hernick, a.k.a. Norman Hernick, d/b/a Law Online Inc., et al.*, Case No. 05 CVS 02808 (Wake Co., NC), the Court granted plaintiff summary judgment and entered a permanent injunction against Norman Hernick from, amongst others, advertising expressly or implicitly as a legal service, and

...preparing, or assisting in the preparation of legal documents or pleadings for any court for any North Carolina person, firm, or corporation, specifically including but not limited to bankruptcy petitions, immigration documents, wills, trusts, divorce complaints, separation agreements, deeds, incorporations, and contracts.

Relator’s Reply in Opposition to Respondents’ Motion for Summary Judg., Ex. C.

Secondly, the Ontario Superior Court of Justice, by order dated October 23, 2007, ordered Norm Hernick and his company known as Domestic Solutions Legal Centres,

Inc., fka National Divorce Centre, Inc., and operating as A Divorce Fast, to “immediately cease providing services in connection with Ontario family law proceedings, and/or practicing in Ontario, and/or providing legal services in Ontario, and/or holding himself or representing himself as a person who may practice law in Ontario.” Relator’s Reply in Opposition to Respondents’ Motion for Summary Judg., Ex. B, ¶ 11.

(2) Respondents benefited from the unauthorized practice of law Respondent has benefited from the unauthorized practice of law. Respondents charged client Derousse \$539 for the preparation of legal documents.

(3) Respondents allowed others to mistakenly believe that they were authorized to practice law in Ohio. A Divorce Fast is listed in online directories and associated with the category titled “Offices of Lawyers/Attorneys Family Law” with location in the Cleveland area. Relator’s Reply in Opposition to Respondents’ Motion for Summary Judg., Ex. F.

#### **Mitigating Factors**

- (1) The record fails to indicate that the conduct at issue has continued;
- (2) Respondents admit the allegations stated in the complaint;
- (3) Respondents admit their conduct constitutes the unauthorized practice of law;
- (4) Respondents agree to the imposition of an injunction against future unauthorized practice of law;
- (5) Respondents have had other penalties imposed for the conduct at issue. The Order from the Ontario Superior Court of Justice ordered Respondent Norm Hernick to pay a fine of \$15,000, in addition to legal costs of \$15,000, and restitution of \$440 to each of the seven clients identified in the Order.

### C. Conclusion Regarding \$1,000 Civil Penalty

Balancing the factors outlined in Gov. Bar R. VII(8)(B)(5) and the UPL Reg. 400, the Board concludes that a civil penalty is warranted in this case. Based on the aggravating and mitigating factors along with the further considerations set forth below, a civil penalty of \$1,000 appears to be sufficient.

The Board is troubled by the disregard Respondents displayed for Orders issued by the Ohio Supreme Court in this matter. The Board is also cognizant of the repeated failure of Respondents to cooperate with the investigative attempts of the Relator. Nevertheless, the combination of the civil penalty and costs that are being assessed substantially exceed what was charged by the Respondents in the one instance of the unauthorized practice of law that has been presented to the Board in this proceeding. Some deference is also given to the belief of the Relator that the civil penalty agreed upon by the parties is appropriate and that the Relator will be recovering its costs. Considering all of the mitigating factors set forth above along with the Panel's belief that the terms of the Proposed Consent Decree present the best opportunity for a satisfactory resolution of this longstanding proceeding, the Board recommends approval of the agreed upon \$1,000 civil penalty.

### **VI. BOARD RECOMMENDATION**

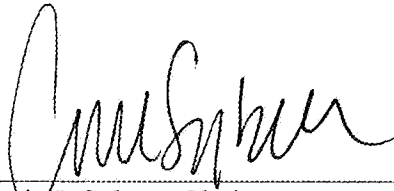
The Board formally considered this matter on July 11, 2013, unanimously accepted the proposed consent decree, and unanimously adopted the Panel's findings of fact, conclusions of law, civil penalty analysis, and recommendation that the proposed consent decree be accepted and submitted to the Supreme Court for approval. Accordingly, the

Board hereby recommends that the Supreme Court approve the proposed consent decree and issue the appropriate order as specified in Gov.Bar R. VII(5b)(E)(2).

**VII. COSTS**

Respondents to pay costs incurred by Relator in this matter (Exhibit E).

**FOR THE BOARD ON THE UNAUTHORIZED  
PRACTICE OF LAW**

A handwritten signature in black ink, appearing to read 'C. Sybert', written over a horizontal line.

Curtis J. Sybert, Chair



## CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Final Report was served by certified mail upon the following this 9<sup>th</sup> day of August 2013: Cleveland Metropolitan Bar Association, 1301 E. Ninth Street, Second Level, Cleveland, Ohio 44114; D. John Travis, Gallagher Sharp, 6<sup>th</sup> Floor, Bulkley Building, 1501 Euclid Avenue, Cleveland, Ohio 44115; Russell A. Moorhead, 614 West Superior Avenue, #860, Cleveland, Ohio 44113; Norm Hernick, 34 Eglington Ave., West Suite 180, Toronto, Ontario M4R 2H6, Canada.

Minerva B. Elizaga  
Minerva B. Elizaga, Secretary  
Board on the Unauthorized Practice of Law

THE SUPREME COURT OF OHIO

BEFORE THE BOARD OF COMMISSIONERS ON THE UNAUTHORIZED  
PRACTICE OF LAW

CLEVELAND METROPOLITAN BAR  
ASSOCIATION,

Relator,

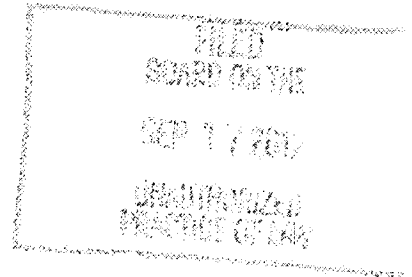
v.

NORM HERNICK, et al.,

Respondents.

CASE NO: UPL 08-03

CONSENT DECREE



Realtor, Cleveland Metropolitan Bar Association and Respondents, Norm Hernick, A Divorce  
Fast, Inc., and Law On Line, Inc., hereby enter into the following settlement:

1. Relator filed a complaint against Respondents alleging that they engaged in the  
unauthorized practice of law, in part by preparing a complaint for divorce on behalf of Andrea  
Colburn, formerly known as Andrea Derousse in *Andrea Beth Derousse v. Derik Clark Derousse*,  
Cuyahoga County Domestic Relations case no. DR-07-317040.

2. Norm Hernick is a natural person who is not licensed or authorized to practice law  
in Ohio.

3. Ms. Colburn has testified in deposition that she was advised by A Divorce Fast that  
she did not require legal advice or representation, and that having a contested divorce can be very  
time consuming depending on the nature of the items in dispute and consequently very expensive in  
terms of attorney fees; that she paid \$539; that she was told by a Lisa from A Divorce Fast that the

grounds for divorce were "irreconcilable differences"; that she told A Divorce Fast that she wanted child custody and support; that A Divorce Fast prepared a complaint for divorce without any provision for child custody or support; that when she took the complaint to court, she was told it was completely unacceptable, and court personnel helped her with her divorce; that she went back to A Divorce Fast several times but never received a return call from a supervisor or got her money back; that ultimately she was granted a divorce on grounds of incompatibility and living separate and apart for over one year -- not "irreconcilable differences" as suggested by A Divorce Fast; that she relied on the advice that A Divorce Fast gave her; and that she obtained child support through her efforts, although A Divorce Fast led her to believe they would do that for her.

4. Hernick has not complied with an order of the Supreme Court of Ohio to respond to discovery, including submitting to a deposition. Relator nonetheless is willing to settle this matter, in keeping with the provisions of this Agreement.

5. Respondents admit that they engaged in the unauthorized practice of law in the *Derousse* matter.

6. Respondents agree to desist from engaging in Ohio in the unauthorized practice of law, directly or indirectly, personally or through any corporation, organization, or other business entity.

7. Relator waives all claims for reasonable expenses and attorney fees in obtaining the March 4, 2010 and August 25, 2011 Orders from The Supreme Court of Ohio.

8. Respondents shall reimburse Andrea Colburn \$539.00 and pay a penalty of \$1,000.00.

9. Relator agrees that if this Agreement is approved, Respondents reimburse Andrea Colburn \$539.00, and Respondents pay any civil penalty that may be imposed, the jail time sanction

should be purged and any arrest warrants vacated.

10. Costs shall be the responsibility of Respondents.

11. The parties stipulate to the foregoing, waive notice and hearing, and consent to a decree consistent with this settlement.

  
\_\_\_\_\_  
Norm Hermick

Law On Line, Inc.

By: \_\_\_\_\_

Its: \_\_\_\_\_

A Divorce Fast, Inc.

By: \_\_\_\_\_

Its: \_\_\_\_\_

Cleveland Metropolitan Bar Association

By: \_\_\_\_\_

Its: \_\_\_\_\_

IT IS SO ORDERED:

\_\_\_\_\_  
Date

Board of Commissioners on UPL of Supreme Court of Ohio

By: \_\_\_\_\_

Its: \_\_\_\_\_

FILED

# The Supreme Court of Ohio

MAR 04 2010  
CLERK OF COURT  
SUPREME COURT OF OHIO

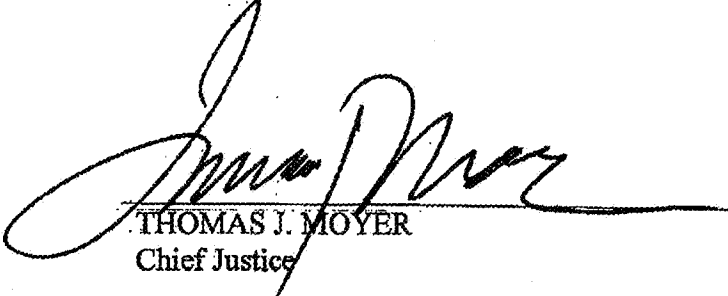
Cleveland Metropolitan Bar Association,  
Movant,  
v.  
Norm Hernick, et al.  
Respondents.

Case No. 2010-0150

## ORDER

On January 25 2010, movant, the Cleveland Metropolitan Bar Association, filed a Motion for Sanctions for Failing to Comply with the Order to Compel Discovery and a Motion to Compel Attendance at Deposition. On February 3, 2010, respondents filed a memo in opposition. On consideration thereof,

It is ordered by the court that movant's motions are granted. Respondents are ordered to fully comply with the Request for Production of Documents as described by the Order to Compel Discovery issued by the Board on the Unauthorized Practice of Law. It is further ordered that respondent Norman Hernick shall submit to an oral deposition. Respondents are further ordered to pay the reasonable expenses incurred in obtaining this order and reasonable attorneys fees.



THOMAS J. MOYER  
Chief Justice

FILED

Mar 31 2011

The Supreme Court of Ohio

CLERK OF COURT  
SUPREME COURT OF OHIO

Cleveland Metropolitan Bar Association,

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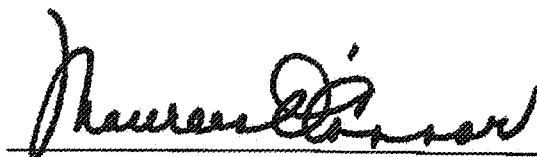
Case No. 2010-0150

ORDER

This cause came on for further consideration upon the filing by movant, Cleveland Metropolitan Bar Association, of a Motion for Order to Show Cause why respondent should not be held in contempt for failing to comply with the court's March 4, 2010, order.

Upon consideration thereof, it is ordered by this court that the motion is hereby granted to the extent that respondent show cause by filing a written response with the Clerk of this court on or before 20 days from the date of this order why respondent should not be held in contempt for failing to comply with the court's March 4, 2010, order.

It is further ordered, sua sponte, that all documents filed with this court in this case shall meet the filing requirements set forth in the Rules of Practice of the Supreme Court of Ohio, including requirements as to form, number, and timeliness of filings.



Maureen O'Connor  
Chief Justice

FILED

AUG 25 2011  
CLERK OF COURT  
SUPREME COURT OF OHIO

# The Supreme Court of Ohio

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Respondents.

Case No. 2010-0150

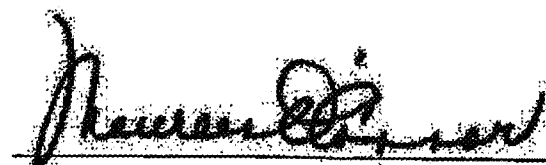
## ORDER

On March 4, 2010, this court issued an order granting Cleveland Metropolitan Bar Association's Motion to Compel Discovery and Motion to Compel Attendance at Deposition. The order required respondents Norm Hernick, Law Online, Inc., and A Divorce Fast, Inc., to fully comply with the Request for Production of Documents as described by the Order to Compel Discovery issued by the Board on the Unauthorized Practice of Law and required respondent Norm Hernick to submit to an oral deposition. On March 31, 2011, this court issued an order granting movant's Motion for Order to Show Cause why respondent should not be held in contempt for failing to comply with the March 4, 2010 order. Respondent did not file a timely response. On June 10, 2011, movant filed a motion for sanctions. Respondent did not file a timely response. On July 21, 2011, respondent filed a motion to strike the motion for sanctions.

Upon consideration thereof, it is ordered by the court that respondent's motion to strike the motion for sanctions is denied. Respondent is found in contempt for failing to comply with the court's March 4, 2010 order requiring respondent to comply with the requests for production of documents, to submit to oral deposition, and to pay reasonable attorney fees incurred in obtaining the March 4, 2010 order of this court. It is further ordered that Norm Hernick shall serve 10 days in jail for his failure to comply with the court's orders. Respondent may purge this jail time by fully complying with all orders of this court and paying all monetary sanctions and costs that have been imposed by this court.

It is further ordered that a warrant be issued for Norm Hernick's arrest to the Sheriff of Cuyahoga County and to the sheriffs of such other counties as the contemnor may frequent.

It is further ordered that movant's motion for sanctions is granted. Respondent shall pay all reasonable expenses and attorney fees incurred by the Cleveland Metropolitan Bar Association in obtaining this order.



Maureen O'Connor  
Chief Justice

**CASE NO. UPL 08-03**  
**RELATOR'S STATEMENT OF COSTS**

Certified Copies	\$120.10
Copies	\$491.20
Depositions/Transcripts	\$661.69
Dockets	\$6.00
Federal Express	\$20.90
Long Distance Telephone	\$11.11
Research Services	\$114.73

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<b>TOTAL</b>	<b>\$1,425.73</b>
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**EXHIBIT E**