

ORIGINAL

Louisiana Attorney Disciplinary Board

FILED by: *Donna P. Burgess*

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17-DB-029

10/26/2018

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: STEPHEN MICHAEL SMITH

DOCKET NO. 17-DB-029

REPORT OF HEARING COMMITTEE # 10

INTRODUCTION

This attorney disciplinary matter arises out of formal charges consisting of one count filed by the Office of Disciplinary Counsel (“ODC”) against Stephen Michael Smith (“Respondent”), Louisiana Bar Roll Number 28235.¹ ODC alleges that Respondent violated the following Rules of Professional Conduct: 5.4(a), 5.5(a), 8.4(a).²

PROCEDURAL HISTORY

The formal charges were filed on June 7, 2017. Respondent filed an answer to the charges on August 10, 2017. Respondent admitted all of the factual allegations and violations asserted in the formal charges, and reserved his right to present evidence of his state of mind and mitigating factors related to the discipline for each of the violations. The hearing of this matter was held on August 7, 2018. Deputy Disciplinary Counsel Susan C. Kalmbach appeared on behalf of ODC. Respondent appeared with counsel, Thomas P. Owen, Jr.

For the following reasons, the Committee finds that the Respondent negligently violated the following Rules of Professional Conduct: 5.4(a), 5.5(a), 8.4(a). The Committee recommends a one-year suspension with all but 90 days deferred. The deferral is conditioned on Mr. Smith remaining free of violations of the Rules of Professional Conduct for a period of one year after

¹ Respondent was admitted to the practice of law in Louisiana on October 18, 2002. Respondent is currently eligible to practice law in Louisiana.

² See the attached Appendix for the text of these Rules.

he returns to the practice of law. Any violations of the Rules during that time period should result in the deferred period of suspension becoming executory. Finally, the Committee recommends that Respondent pay all costs and expenses of this proceeding.

FORMAL CHARGES

The formal charges read, in pertinent part:

I.

Respondent was born on July 25, 1969.

II.

Respondent received his license to practice law on October 18, 2002, and currently is eligible to practice law.

III.

On August 20, 2015, the Office of Disciplinary Counsel (ODC) received a complaint from Adan Antonio Herrera. The matter was opened as investigative file ODC 0033494.

IV.

After receiving notice of the complaint, on October 20, 2015, Respondent forwarded to the ODC his initial response, and on March 9, 2016, Respondent provided the ODC with a supplemental response.

V.

Respondent provided the ODC with a voluntary sworn statement on April 13, 2016.

VI.

Respondent became acquainted with Lawrence “Larry” Harrison, Sr., while Harrison, Sr. was incarcerated at a federal prison. While incarcerated, Harrison, Sr. functioned as a sort of inmate counsel, becoming well-versed in

post-conviction relief. Upon his release, Harrison, Sr. wanted to continue working as he had done in prison. Respondent knew that Harrison, Sr. was not an attorney, and in Respondent's words: "So when Mr. Harrison was getting released, she said that, you know, he would need an attorney. And I said, you know, I said, you know, that's fine."

After Harrison Sr. completed his sentence, he relocated to New York and started Federal Litigation Support Group. Lawrence Harrison, Jr. worked with his father. Respondent knew that Harrison, Jr., also was not an attorney and, further understood that Harrison, Jr. took over the operation of Federal Litigation Support Group, relocating the operation to Ohio.

Respondent's working relationship with the Harrisons and Federal Litigation Support Group began in 2010, and approximately 17 clients with criminal matters were referred to Respondent. Respondent estimates his total earnings from the association to be approximately \$44,000. Respondent provided the ODC with numerous contracts, "Letters of Understanding of Representation," bearing his electronic signature. The contracts also are in the name of Federal Litigation Support Group, as a paralegal support group. Respondent advised the ODC that he had not seen the contracts until he requested them from Harrison, Jr. in order to respond to the present disciplinary investigation. Only upon seeing the contracts, did Respondent learn of the total amount of the fees being paid by clients to Federal Litigation Support Group. Respondent offered that he was not the one negotiating with the clients.

Respondent explained his working relationship with the Harrisons. A prospective client would contact the Harrison, who would make an assessment regarding whether the client had a legal claim, and if so, what the fee would be. The Harrisons would contact Respondent to advise him of the nature of the client's claim, the client's location, and the fee that Federal Litigation Support Group would pay Respondent for the services Respondent was to provide. If Respondent agreed to the representation, the Harrisons would notify the client, and Respondent would travel to meet the client at the penitentiary.

Respondent then would make his own assessment regarding the legal claim. If Respondent concluded that there was no valid legal claim, he would advise the Harrisons. If the initial visit to meet the client was a short, day trip, Respondent received no money from the Harrisons. If Respondent proceeded with representation, the sum Respondent received from the

Harrisons was in the nature of a flat fee, from which Respondent was responsible for his own expenses. Federal Litigation Support Group drafted none of the pleadings, and after Respondent made contact with a client, the client could communicate directly with Respondent.

In the present matter, Adan Antonio Herrera made payments directly to Federal Litigation Support Group on behalf of the client, Juan Figueroa-Martinez. The engagement contract provides for payment of \$30,000 to Federal Litigation Support Group for Figurerio-Martinez, Respondent advises the ODC that he received a total of \$5,000 from Federal Litigation Support Group, and from that sum, he incurred \$1,578.79 in expenses.

Respondent failed to appear in court on March 3, 2015, and again on March 23, 2015. Respondent explained that although he was present in court on March 3, 2015, he did not make an appearance because he is not licensed in New Jersey state court. Respondent's efforts to associate local counsel were unsuccessful. Dissatisfied with Respondent's representation, Herrera contacted Respondent and Harrison, Jr. and asked each for an accounting of the \$21,000 paid. Respondent directed Figurerio-Martinez to Federal Litigation Support Group for the return of funds paid because it was Federal Litigation Support Group "who had retained" Respondent, and Federal Litigation Support Group took "the vast majority" of the legal fee paid.

Respondent candidly stated that the Harrisons were "taking money from these people." And further, "I would think that it is my responsibility to refund money to Mr. Herrera because the ruse could not have taken place but for me participating." Respondent refunded no money to Herrera, and to Respondent's knowledge, neither did Harrison, Jr.

VII.

Respondent shared legal fees with two non-lawyers and abdicated his professional responsibilities, thereby facilitating the unauthorized practice of law. The ODC respectfully submits that the evidence amassed to date establishes by clear and convincing evidence that, as a matter of law, Respondent, Stephen Michael Smith, has violated the Ruled of Professional Conduct, Rules 5.4(a) (fee sharing), 5.5(a) (facilitating the unauthorized practice of law), and 8.4(a) (violate or attempt to violate Rules of Professional Conduct or assist another to do so).

Respondent stipulated to the facts and allegations contained in the formal charges. Respondent also stipulated to the violation of Rules 5.4(a) (fee sharing), 5.5(a) (facilitating the unauthorized practice of law), and 8.4(a) (violate or attempt to violate Rules of Professional Conduct or assist another to do so).

EVIDENCE

ODC's Exhibits

- ODC-1 Complaint of Adan Antonio Herrera received by the ODC on August 20, 2015
 - ODC-1a Business card of Stephen M. Smith
 - ODC-1b Letter of Understanding of Representation between defendant Figueroa-Martinez, guarantor Herrera, Smith, and Federal Litigation Support Group, Inc. (Paralegal Support Services), signed 09/30/2014
 - ODC-1c Wire Transfer Services receipt dated 10/02/2014 in the amount of \$10,000 payable to Federal Litigation Support Group
 - ODC-1d Wire Transfer Services receipt dated 11/03/2014 in the amount of \$2,900 payable to Federal Litigation Support Group
 - ODC-1e Wire Transfer Services receipt dated 12/01/2014 in the amount of \$2,800 payable to Federal Litigation Support Group
 - ODC-1f Wire Transfer Services receipt dated 12/30/2014 in the amount of \$2,800 payable to Federal Litigation Support Group
 - ODC-1g Wire Transfer Services receipt dated 01/29/2015 in the amount of \$2,800 payable to Federal Litigation Support Group
- ODC-2 August 26, 2015, certified mail notifying Smith of complaint and requesting an initial response.
 - ODC-2a Certified mail receipt
 - ODC-2b usps.com tracking
- ODC-3 October 20, 2015, initial response to complaint

- ODC-3a Two checks from Federal Litigation Support Group to Smith, in particular check no 1122, in the amount of \$5,000 for “Figueroa-Martinez”
- ODC-3b Redacted banking records from Chase Bank
- ODC-3c Reservation confirmation at New York Marriott East Side for Sunday, March 1, 2015, through Monday, March 2, 2015
- ODC-3d Rental car confirmation from Budget for March 1, 2015, through March 2, 2015
- ODC-3e Travelocity receipt for March 1, 2015, through March 2, 2015
- ODC-3f Renaissance Hotel, New York receipt for October 2, 2014, through October 4, 2014
- ODC-3g Vehicle registration confirmation receipt for October 3, 2014, through October 4, 2014 (provided 03/09/16)
- ODC-3h March 9,2015, letter from attorney James P. Lynch to Smith regarding *pro hac vice* status
- ODC-3i March 18, 2015, letter from attorney James P. Lynch to Judge Timothy G. Farrell regarding the matter of New Jersey v. Rudy Figueroa Alvarado (aka Juan Figueroa Martinez), W-2014-586-1705, Salem County Superior Court and Smith’s representation of Figueroa-Martinez
- ODC-4 December 10, 2015, letter from the ODC to Smith requesting a supplemental response
- ODC-5 February 5, 2016, request for a sworn statement
- ODC-6 February 19, 2016, supplemental response from Smith
- ODC-7 March 9, 2016, second supplemental response from Smith
- ODC-7a March of 2012 Letter of Understanding of Representation for defendant Richard Rosaire Routhier
- ODC-7b June of 2012 Letter of Understanding of Representation for defendant Ronald Madeitti
- ODC-7c January of 2013 Letter of Understanding of Representation for defendant James M. Woodason

- ODC-7d August 12, 2013, Letter of Understanding of Representation for plaintiffs Victor M. Gomez and Linda Orta
- ODC-7e February of 2014 Letter of Understanding of Representation for Jenny Boca Negra Rodriguez
- ODC-7f September 30, 2014, Letter of Understanding of Representation for defendant Juan Fegueroa-Martinez
- ODC-7g December of 2014 Letter of Understanding of Representation for defendant Juan Montoya Alaniz
- ODC-7h January of 2015 Letter of Understanding of Representation for defendant Jose R. Exinia
- ODC-7i February of 2015 Letter of Understanding of Representation for plaintiff Jorge Pacheco
- ODC-7j February of 2015 Letter of Understanding of Representation for plaintiff Ramon Luciana Del Rosario (barely legible)
- ODC-7k Criminal Client Intake Form for Juan Figueroa Martinez
- ODC-7l September 3, 2014, article regarding Juan Figueroa Alvarado (aliases)
- ODC-7m Bing map printout
- ODC-7n Jail information for Juan Figueroa-Martinez
- ODC-7o Attorney handwritten notes
- ODC-7p Documentation regarding attorney James Fridie and communication between Smith and attorney James Fridie regarding Figueroa-Martinez
- ODC-7q Handwritten notes regarding attorney Ronald\Thompson and communication between Smith and Thompson
- ODC-8 April 13, 2016, sworn statement of Stephen Michael Smith
- ODC-8a Client list provided by Respondent
- ODC-9 May 11, 2017, correspondence from Yaron Helmer, with attachments

ODC-10 Respondent's current address registration with the LSBA

ODC-11 Respondent's historical address information registered with the LSBA

Respondent's Exhibits

1. Retainer Agreement between R. Sussman and G. DePuche with Client's Bill of Rights, 7/7/2011.
2. E-mail from M. Puche to R. Sussman attaching signed Retainer Agreement and Client's Bill of Rights, 7/12/2011.
3. Docket Sheet from U.S.A. vs All Funds Deposit, ESDC EDNY, #1: 11-cv-01976.
4. Letter from attorney, Thomas Owen, Jr. to N. Figueroa regarding fees paid to FLSG, 9/28/2017.
5. Checks from Stephen Smith to N. Figueroa.
6. Character letter from Tiara Smothers.

Respondent, Stephen Michael Smith testified. Judge Laurie White and Sterling Collins testified as character witnesses.

FINDINGS OF FACT

Respondent stipulated to the facts and allegations contained in the formal charges. The Committee found Respondent to be credible. Respondent acted negligently in violating Rules 5.4(a), 5.5(a), and 8.4(a) of the Rules of Professional Conduct. There are no aggravating circumstances that warrant an upward departure from any baseline sanction.

Respondent has no prior disciplinary record. Respondent did not have a dishonest or selfish motive in violating these Rules. Respondent believed that the Harrisons and FLSG were supervised by Raymond Sussman when he began communicating with them about potential representations. Respondent was not aware that the Harrisons and/or FLSG were improperly retaining funds for their own use from these clients until Mr. Herrera complained. Respondent

was not aware that the Harrisons and/or FLSG were sending Letters or Understanding of Representation (the “Letters”) using his name and his electronic signature until he received this Complaint and then received the Letters from Larry Harrison, Jr. as Respondent gathered information and documentation to respond to the ODC’s investigation. Respondent ceased working with the Harrisons and FLSG once he learned that they were receiving fees related to his representation in excess of what Respondent earned for his legal work.

Respondent performed meaningful services and incurred legitimate expenses for the \$5,000 fee he personally received to represent Mr. Figueroa-Martinez. Once Respondent decided to represent a client, he maintained full control of the course and conduct of the representation. Although it was not before Formal Charges were issued, Mr. Smith has made full restitution in the amount of \$16,500 to Ms. Figueroa for the amount that FLSG retained in excess of the fees Respondent earned for his legal work in representing Mr. Figueroa-Martinez.

Respondent has made full and free disclosure to the Board and has had a cooperative attitude toward these proceedings. Despite the violations, Respondent has a good character and reputation. Respondent has expressed sincere remorse for his actions.

RULES VIOLATED

Respondent stipulated to the violation of Rules 5.4(a) (fee sharing), 5.5(a) (facilitating the unauthorized practice of law), and 8.4(a) (violate or attempt to violate Rules of Professional Conduct or assist another to do so).

SANCTION

Louisiana Supreme Court Rule XIX, §10(C), states that when imposing a sanction after a finding of lawyer misconduct, a committee shall consider the following factors:

- (1) Whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession;
- (2) Whether the lawyer acted intentionally, knowingly, or negligently;
- (3) The amount of the actual or potential injury caused by the lawyer's misconduct; and
- (4) The existence of any aggravating or mitigating factors.

Here, Respondent violated duties owed to the legal profession. He acted negligently. Respondent's misconduct caused actual and potential harm.

The *ABA Standards for Imposing Lawyer Sanctions* suggest that reprimand is the baseline sanction for Respondent's misconduct. In violating Rules 5.4(a), 5.5(a), and 8.4(a); and in accordance with the *ABA Standards*, Appendix 1; Respondent violated duties owed to the legal profession (Standard 7.0).

The *ABA Standards* define three mental states. Did the lawyer act intentionally, knowingly, or negligently? "Intent" is the conscious objective or purpose to accomplish a particular result. "Knowledge" is the conscious awareness of the nature of the attendant circumstance of the conduct but without conscious objective or purpose to accomplish a particular result. "Negligence" is the failure of a lawyer to heed a substantial risk that circumstances exist or that a result will follow, which failure is a deviation from the standard of care that a reasonable lawyer would exercise in the situation.

Under the *ABA Standards*, the baseline sanction for a negligent violation of Rule 5.4(a) (fee sharing) or Rule 5.5(a) (facilitation of the unauthorized practice of law) is reprimand. See *ABA Standards*, Standard 7.3 (reprimand when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system). If the Rule 5.4(a) and Rule 5.5(a) violations are considered knowing violations, the baseline sanction is suspension. See *ABA Standards*, Standard 7.2.

With respect to Rule 5.4(a) violation (fee sharing with a non-lawyer), Respondent was unaware that the Harrisons/FLSG were improperly collecting fees for themselves as non-

attorneys in addition to the fees collected from Respondent's legal work until Mr. Herrera complained. Respondent should have inquired into the fee arrangement of his clients and taken a more active role with respect to those fee arrangements, and his failure to do so was negligent. But he had no conscious awareness that the Harrisons/FSLG as non-attorneys were improperly collecting fees in excess of his own, such that this would constitute a knowing violation.

Similarly, Respondent was unaware that the Harrisons/FSLG were not supervised by Mr. Sussman when the FSLG negotiated and collected the fees from these clients. Respondent believed, based on statements made by the Harrisons and written evidence from Mr. Sussman himself, that Mr. Sussman was working with FLSG as an attorney. If Mr. Sussman had been involved with the FLSG fee negotiations, then Respondent's interactions with the Harrisons would not have violated Rule 5.5(a).

Based on the evidence learned after Mr. Herrera's Complaint, it is now known that Mr. Sussman was not involved in negotiating these fees with Mr. Herrera and possibly others. Therefore, Respondent violated Rule 5.5(a) and assisted in the unauthorized practice of law when he allowed non-lawyers to negotiate and collect fees on his behalf. As with the Rule 5.4(a) violation, Respondent should have made more direct inquiries into Mr. Sussman's involvement in negotiating the fees for each of the FLSG representations before accepting them, and his failure to do so was negligent. But Respondent did not have the conscious awareness that the Harrisons were negotiating and setting fees without attorney involvement in violation of Rule 5.5(a). Thus, this violation was not a knowing violation.

Respondent's client and his family paying the legal fee faced the potential for harm in that he arranged for the payment of legal services to be provided by an attorney. Respondent's conduct caused harm to his client, Figueroa, in the form of delay in legal representation and

delay in return of a legal fee improperly paid to a person engaged in the unauthorized practice of law. Respondent attempted to remediate that harm by making full restitution to the payor of Mr. Figueroa-Martinez's legal fees for the amounts kept by FLSG. Respondent does not dispute that his violations either caused or had the potential to cause injury to his clients.

There is an absence of aggravating circumstances that would require deviation upward from any baseline sanctions. There are several mitigating factors that justify a downward departure from the baseline sanction including: (1) Absence of a prior disciplinary record; (2) Full and free disclosure to disciplinary board or cooperative attitude toward proceedings; (3) Remorse, (4) Absence of a dishonest or selfish motive; and (5) Character and reputation.

Respondent's violations for not handling the fee arrangements were not motivated by his desire to financially profit from these representations. Rather, the time spent on these representations likely detracted Respondent from other legal and non-legal work that would have been more lucrative. Respondent took these representations to help the clients, not to profit from them.

Respondent has a good character and reputation. He has significantly helped his colleagues and clients, not only as a lawyer, but as a compassionate person who goes above and beyond his duty as one's lawyer. He has earned the trust of judges who routinely appoint him to represent indigent clients in difficult circumstances because they know that Respondent will represent them with passion and care.

Although Respondent has refunded the fee kept by FLSG for the legal representation of Figueroa, it was done after the filing of formal charges. Forced or compelled restitution should not be considered as an aggravating or mitigating circumstance. *ABA Standards*, Standard 9.4(a).

Although the baseline sanction for negligent violations of an attorney's duties as a profession under the ABA Standards is public reprimand, the Louisiana Supreme Court has imposed either a fully deferred or short suspension in similar circumstances.

For instance, in *In re: Mopsik*, 2004-2395 (La. 5/24/05), 902 So.2d 991,995-96, the Louisiana Supreme Court found that respondent negligently assisted in the unauthorized practice of law and failed to supervise his paralegal when "he completely abdicated his professional responsibilities over this case to his paralegal, Ms. Gai, permitting her to act as an attorney." *Id* at 992-93. The Court found that the baseline sanction for this negligent conduct was a public reprimand, but imposed a 60-day actual suspension because "several significant aggravating factors are present, including respondent's prior disciplinary record, his refusal to acknowledge the wrongful nature of his conduct, the vulnerability of the victim, and substantial experience in the practice of law." *Id* at 996. Respondent's conduct with the Harrisons is similar to Mr. Mopsik's handling of his paralegal, Ms. Gai, without the presence of Mr. Mopsik's aggravating factors. Therefore, a sanction similar to Mr. Mopsik is reasonable in these circumstances.

Further, in *In re: Carter*, 2013-2005 (La. 10/11/13), 123 So.3d 990, 995-96, the Court imposed a fully deferred six-month suspension when respondent negligently engaged in the unauthorized practice of law by practicing law in Louisiana after being inactive and then removed from the roles of Louisiana attorneys. The Court noted that because "the potential for harm was significant" in that situation, the baseline sanction for this negligent violation was a suspension. *Id.* at 996.

In *In re: Geiger*, 2009-2344 (La. 2/12/10), 27 So.3d 280, 285, the Court found that respondent negligently failed to supervise his staff. This allowed an employee to misappropriate funds. The respondent did not have personal knowledge of the misappropriation of funds. As a

result, the Court imposed a year and a day suspension, with the entire suspension fully-deferred, after considering several mitigating factors that are also present in Respondent's case. Although this case does not concern violations of Rule 5.4(a) or 5.5(a), the factual circumstances are still similar in that non-lawyers were improperly allowed access to funds due to the negligent acts of the respondent attorney.

Disciplinary proceedings are designed to maintain high standards of conduct, protect the public, preserve the integrity of the profession, and deter future misconduct. *In re: McClanahan*, 2009-1883, p. 17 (La.2/5/10), 26 So.3d 756, 769 (per curium). The discipline to be imposed in a given case depends upon the seriousness of the offense, the circumstances of the offense, and the extent of the aggravating and mitigating circumstances. *In re: Abdallah*, 2011-1631, p. 7 (La. 10/14/11), 72 So.3d 836, 841 (per curium). Considering the jurisprudence in conjunction with the ABA Standards, the Committee recommends that Respondent's sanction is suspension of one year with all but 90 days deferred. As the Committee recommends a period of deferral, the Committee recommends a period of probation or time period in which the deferred period may become executory. The court has directed the committees and board as follows, "Without some mechanism to make the deferral executory, deferral is meaningless. Accordingly, in cases where the disciplinary board recommends that all or part of a suspension be deferred, it should also recommend either a period of probation, or a period within which the deferred suspension may become executory, in the event of misconduct by the respondent during this period." *In re Dobbins*, 2001-2022 (La. 1/15/02), 805 So.2d 133, 137 n.6. The deferral is conditioned on Mr. Smith remaining free of violations of the Rules of Professional Conduct for a period of one year after he returns to the practice of law. Any violations of the Rules during that

time period should result in the deferred period of suspension becoming executory. Finally, the Committee recommends that Respondent pay all costs and expenses of this proceeding.

CONCLUSION

Considering the jurisprudence in conjunction with the ABA Standards, the Committee recommends that Respondent's sanction is suspension of one year with all but 90 days deferred. The deferral is conditioned on Mr. Smith remaining free of violations of the Rules of Professional Conduct for a period of one year after he returns to the practice of law. Any violations of the Rules during that time period should result in the deferred period of suspension becoming executory. Finally, the Committee recommends that Respondent pay all costs and expenses of this proceeding.

This opinion is unanimous and has been reviewed by each committee member, who fully concur and who have authorized Sandra D. Guidry, to sign on their behalf.

New Orleans, Louisiana, this 26th day of September, 2018.

**Louisiana Attorney Disciplinary Board
Hearing Committee # 10**

**Sandra D. Guidry, Committee Chair
Scott A. Umberger, Lawyer Member
Chad M. Rachel, Public Member**

BY: *Sandra D. Guidry*
**Sandra D. Guidry, Committee Chair
For the Committee**

APPENDIX

Rule 5.4. Professional Independence of a Lawyer

(a) A lawyer or law firm shall not share legal fees with a non-lawyer, except that: (1) an agreement by a lawyer with the lawyer's firm, partner, or associate may provide for the payment of money, over a reasonable period of time after the lawyer's death, to the lawyer's estate or to one or more specified persons; (2) a lawyer who undertakes to complete unfinished legal business of a deceased lawyer may pay to the estate of the deceased lawyer that proportion of the total compensation which fairly represents the services rendered by the deceased lawyer; (3) a lawyer or law firm may include non-lawyer employees in a compensation or retirement plan, even though the plan is based in whole or in part on a profit sharing arrangement; and (4) a lawyer who purchases the practice of a deceased, disabled, or disappeared lawyer may, pursuant to the provisions of Rule 1.17, pay to the estate or other representative of that lawyer the agreed-upon purchase price; and (5) a lawyer may share legal fees as otherwise provided in Rule 7.2(c)(13). ...

Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so. ...

Rule 8.4. Misconduct

It is professional misconduct for a lawyer to:

(a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; ...