Attachment 101

Order Denying Motion to Vacate, entered in *In re Davis*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	**Case No. 15-48102-705**
	§	
Shadonaca Suquitta Davis,	**§**	**Chapter 7**
	§	
Debtor.	**§**	**[Related to Doc. No. 12]**

ORDER DENYING MOTION TO VACATE

On October 26, 2015, the Debtor, through her counsel, Dean Meriwether of the business known as "Critique Services," filed a petition for relief [Docket No. 1]. However, Meriwether failed to contemporaneously file his Attorney Disclosure Statement, as required by Federal Rule of Bankruptcy Procedure 2016(b) ("Rule 2016(b) Statement"). By now, Meriwether should be well-familiar with the requirements regarding a Rule 2016(b) Statement, as he previously has been in trouble with the Court for filing Rule 2016(b) Statements that violate the Local Bankruptcy Rules.[1]

On October 27, 2015, the Court issued a form Order and Notice [Docket No. 6], directing that Meriwether file his missing Rule 2016(b) Statement. In that Order and Notice, the Court advised that failure to comply with the directive therein may result in the Case being dismissed. Meriwether failed to comply with the Order and Notice. Accordingly, on November 4, 2015, the Court entered an Order Dismissing the Case [Docket No. 8].

On November 6, 2015, Meriwether finally filed his Rule 2016(b) Statement [Docket No. 9]. Contemporaneously, he filed a Motion to Vacate the Order of Dismissal (the "Motion") [Docket No. 12]. In the Motion, Meriwether alleged no error by the Court; he alleged only his own error; he claimed to have "inadvertently" failed to timely file his Rule 2016(b) Statement.

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[1] **Attachment A**. (*In re Arlester Hopson*, U.S. Bankr. Ct. E.D. Mo. Case No. 15-43871 at Docket No. 32 ("Order (I) Directing Attorney Dean Meriwether to File Rule 2016(b) Statements that Do Not Violate L.B.R. 2093(c)(3); (II) Suspending the Electronic Filing and Remote Access Filing Privileges of Attorney Dean Meriwether; and (III) Reporting this Matter to the Missouri Supreme Court's Office of Chief Disciplinary Counsel")).

It was entirely Meriwether's poor lawyering that resulted in the dismissal of the Case. And, this is not the first time that Meriwether has failed to practice competently before this Court. In *In re Arlester Hopson*, the Court previously admonished Meriwether about his poor lawyering before this Court[2]:

> The Court cannot fathom what is going on with Meriwether, to have resulted in such incompetency. The Court strongly encourages Meriwether to up-his-game when practicing in this forum. In the August 27 Order, Meriwether had his electronic filing privileges revoked for a year and a referral was made by the Court to the Missouri Supreme Court's Office of Chief Disciplinary Counsel (the "OCDC"). Now, he has been monetarily sanctioned and given notice that he may incur more sanctions or be suspended. ***It is time for Meriwether to start paying attention, obeying Court orders, practicing competently, and being in compliance with the Local Bankruptcy Rules.*** A copy of this Order shall be forwarded to the OCDC, in supplement to the referral made pursuant to the August 27 Order.

Poor lawyering has consequences. The Court will not vacate a non-erroneous order simply to save an attorney from the consequences of his poor lawyering. Accordingly, the Court **ORDERS** that the Motion to Vacate be **DENIED**. In addition, the Court **ORDERS** that, ***at the Debtor's choice***, Meriwether either: (1) file a new case on behalf of the Debtor ***at no cost whatsoever to her***; or (2) return all the attorney's fees he collected from her in this Case. Meriwether's client should not incur additional costs due to the consequences of Meriwether's poor lawyering. In addition, the Court **ORDERS** that Meriwether file, no later than seven (7) days from the entry of this Order, a Statement of Compliance, advising the Court as to whether he filed a new case or returned the fees. If he files a new case, he must attach a verified statement of the Debtor, stating that she was not charged, and will not be charged, by Meriwether, his law practice, or any entity or person operating as "Critique

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[2] **Attachment B**. (*In re Arlester Hopson*, U.S. Bankr. Ct. E.D. Mo. Case No. 15-43871 at Docket No. 45 ("Order (I) Imposing Sanctions Upon Dean Meriwether for his Failure to Comply with the August 27 Order, and (II) Directing that Meriwether Take Actions As Set Forth Herein or Face Possible Further Sanctions")).

Services" or "Critique Services L.L.C.," in connection with the new case. If he returns the fees, Meriwether must attach proof of return of the fees. The Court gives **NOTICE** that, if Meriwether fails to timely comply with this Order, he may be sanctioned and the Court may issue an order to show cause why Meriwether should not be directed to disgorge fees pursuant to 11 U.S.C § 329(b).

The Court **DIRECTS** the Office of the Clerk of Court to mail a copy of this Order and its attachments to the Debtor at her place of residence as reflected in the Court's records, in addition to providing service of the Order to persons and entities as otherwise required.

DATED: November 13, 2015
St. Louis, Missouri 63102
mtc

CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

Copy Mailed To:

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ATTACHMENT A TO THE NOVEMBER 13th, 2015 ORDER DENYING MOTION TO VACATE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	**Case No. 15-43871-705**
	§	
Arlester Hopson,	**§**	**Chapter 7**
	§	
Debtor.	**§**	

ORDER:

(I) DIRECTING ATTORNEY DEAN MERIWETHER TO FILE RULE 2016(b) STATEMENTS THAT DO NOT VIOLATE L.B.R. 2093(c)(3);
(II) SUSPENDING THE ELECTRONIC FILING AND REMOTE ACCESS FILING PRIVILEGES OF ATTORNEY DEAN MERIWETHER; AND
(III) REPORTING THIS MATTER TO THE MISSOURI SUPREME COURT'S OFFICE OF CHIEF DISCIPLINARY COUNSEL

For the reasons set forth herein, the Court orders that: (I) attorney Dean Meriwether file Rule 2016(b) Statements (defined herein) that do not violate Local Bankruptcy Rule ("L.B.R.") 2093(c)(3) of the U.S Bankruptcy Court for the Eastern District of Missouri (this "District"); (II) the electronic filing and remote access filing privileges (described herein) of Meriwether be suspended for a period of one year, effectively immediately; and (III) this matter be reported to the Missouri Supreme Court's Office of Chief Disciplinary Counsel (the "OCDC").

I. BACKGROUND

A. Meriwether's Affiliation with the "Critique Services" Business

Meriwether is an attorney involved with the business operations conducted at the "Critique Services" office at 3919 Washington Blvd., St. Louis, Missouri (the "Critique Services business"). The Critique Services business is an all-cash business where cut-rate "bankruptcy services" are sold to the public—primarily, to the working-poor of inner-city St. Louis. The details of how the Critique Services business operates are murky—principally because, over the past two years, persons affiliated with the Critique Services business have refused to comply with discovery orders and turnover directives requiring the disclosure of information and documents related to the business operations. However, a few things are known about the Critique Services business. It is known that Critique Services L.L.C., a limited liability company owned by a non-attorney, Beverly

Holmes Diltz, contracts with attorneys. Critique Services L.L.C. licenses the name "Critique Services" and provides administrative services, bookkeeping, advertising, and intellectual property.[1] The attorneys work at the 3919 Washington Blvd. office and represent that they are with "Critique Services."

It also is known that the Critique Services business is not a small operation in this District. According to the Clerk of Court's records,[2] in 2013, James C. Robinson (who, at the time, was the primary Critique Services business attorney) filed 1,014 chapter 7 cases (charging an average attorney fee of $296.23 per case) and 123 chapter 13 cases (charging an average attorney fee of $4,000.00 per case). As such, in 2013 alone, Robinson collected approximately $300,337.22 in chapter 7 attorney's fees, and approximately $492,000.00 in chapter 13 attorney's fees—for a total of approximately $792,337.22 in attorney's fees. This means that, just through Robinson, more than three-quarters of a million dollars in attorney's fees on cases filed in this District flowed through the Critique Services business annually.

And, it is known that Diltz, the various permutations of "Critique"-named bankruptcy-related businesses (including Critique Services L.L.C.) that Diltz has owned over the past fifteen-plus years, and its affiliated persons are notorious for their unprofessional business practices. Attorneys have been disbarred, suspended, and sanctioned for their activities while affiliated with Diltz and her businesses. (*See, e.g.,* Leon Sutton (disbarred in 2003), Ross H. Briggs (suspended in 2003 from filing new bankruptcy cases for six months), and James C. Robinson (suspended and sanctioned in June 2014)). Diltz, her businesses (including Critique Services L.L.C.), and affiliated persons have repeatedly been enjoined by the Court from the unauthorized practice of law and unprofessional business practices. In 2003, Diltz was permanently enjoined from ever conducting any sort of bankruptcy services business just across the Mississippi,

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[1] *See, e.g.,* the contract between James C. Robinson and Critique Services L.L.C. submitted in the matters of *In re Reed, et al.* (Lead Case No. 14-44818).

[2] Attachment A.

in the U.S. Bankruptcy Court for the Southern District of Illinois. As recently as last year, in this Distrct, in the matter of *In re Latoya Steward* (Case No. 11-46399), Robinson was suspended from the privilege of practicing before this Court (as was his and Critique Services L.L.C.'s attorney, Elbert A. Walton, Jr.) for refusal to obey Court orders related to discovery involving Robinson's business operations and for making false statements. Robinson, Critique Services L.L.C., and Walton also were held jointly and severally liable for $49,720.00 in sanctions. Moreover, Robinson was found to have provided no legal services of any value to the debtor, to have knowingly filed documents that contained false statements, and to have allowed non-attorneys to practice law. It was determined that Robinson's role at the Critique Services business was—at best—that of a human rubberstamp, being paid for the placement of his signature on pleadings but rendering no actual legal services. Currently, in the matters of *In re Williams, et al*. (Lead Case No. 14-44204), Robinson, Diltz and Critique Services L.L.C. are the respondents to (yet-another) series of motions filed by the United States Trustee, alleging (yet-again) unlawful business practices and violations of previous injunctions.

Meriwether chose to become affiliated with the Critique Services business in the fall of 2014 (a few months after Robinson's suspension), at which time he began filing debtor cases, doing business as "Critique Services." Meriwether's business address, as registered with this Court, is 3919 Washington Blvd.—the office of the Critique Services business.

B. Meriwether's Participation in this Case

On May 21, 2015, Meriwether filed the Debtor's petition and related documents [Docket No. 1], thereby commencing this Case. In the Statement of Financial Affairs filed by Meriwether on behalf of the Debtor, it is represented that, in January 2015 (at least four months before the Debtor's petition was filed), the Debtor paid Meriwether $299.00 for his services. In addition, in Meriwether's statutorily required Disclosure of Compensation of Attorney for Debtor (the "Rule

2016(b) Statement"[3]), Meriwether certifies that the scope of his representation excludes "[r]epresentation of the debtors [sic] in any dischargeability actions, judicial lien avoidances, redemption, any motions and relief from stay actions or any other adversary proceeding and/or motions. Also excludes preparation, negotiation and filing of reaffirmation agreements."

C. The July 22 Hearing on the Motion for Relief from Stay

On July 10, 2015, First Community Credit Union, a creditor, filed a Motion for Relief from the Automatic Stay (the "Motion for Relief") [Docket No. 13], seeking authority to re-possess the Debtor's vehicle for the failure to maintain insurance. The deadline for filing a timely response to the Motion for Relief was July 15, 2015, and the matter was set for hearing on July 22, 2015.

Meriwether did not file a response on behalf of the Debtor; he also did not appear at the hearing. When the matter was first called at the July 22 docket, no one appeared on behalf of the Debtor, and the Motion for Relief was granted. However, at some point between the docket's first-call and second-call, the Debtor (but not Meriwether) came to the courtroom. When the Court made a second call for matters, the Debtor approached. It quickly became apparent that the Debtor was confused as to the status of his response to the Motion for Relief and the status of his Case as a chapter 7 proceeding. The following occurred:

- When the Court advised the Debtor that the Motion for Relief had just been granted by default, the Debtor stated that he had "moved" (meaning "converted") his Case to a proceeding under chapter 13—explaining that

[3] Federal Rule of Bankruptcy Procedure ("Rule") 2016(b) requires that "[e]very attorney for a debtor, whether or not the attorney applies for compensation, shall file and transmit to the United States trustee within 14 days after the order for relief, or at another time as the court may direct, the statement required by [11 U.S.C.] § 329 . . .." Section 329, in turn, requires that "[a]ny attorney representing a debtor in a case under this title, or in connection with such a case, whether or not such attorney applies for compensation under this title, shall file with the court a statement of the compensation paid or agreed to be paid, if such payment or agreement was made after one year before the date of the filing of the petition, for services rendered or to be rendered in contemplation of or in connection with the case by such attorney, and the source of such compensation." This statement is referred to as a "Rule 2016(b) Statement."

he had gone to his attorney's office to do so. However, the Court's records showed that the Case had not been converted. In fact, no motion to convert had even been filed—despite the Debtor's clear belief that such a step had been taken on his behalf by his attorney.

- The Court then asked the Debtor for the name of his attorney—which the Debtor could not give. In fact, the Debtor could not give the *gender* of his attorney. The Debtor responded to the Court's inquiry by stating: "It's over at Critique Services. He's . . ." However, an attorney is not an "it," and a business is not an attorney. Despite all low-brow jokes to the contrary, an attorney is a *human being*. Further, the Debtor's abbreviated reference to a "he" was later contradicted by the Debtor's specific description of the persons with whom he spoke at the Critique Services business—who were women.
- When the Court asked the Debtor why he thought he was represented by "Critique Services," the Debtor advised that he was "trying to think of the lady's name" . . . "over at Critique Services" who had told her that he was represented by "Critique Services."
- The Debtor advised that "they" (apparently meaning, the persons with whom he had spoken at the Critique Services business) had told him "to come out here [to the hearing] anyway, but we were moving it – that case over to . . . Chapter 13." That is: *the Debtor advised that persons at the Critique Service business directed him to appear without counsel, at a court proceeding that involved his legal interests, and falsely advised that they were working to convert his Case to a chapter 13 proceeding.*
- The courtroom deputy advised the Court that the records of the Clerk's Office show that the Debtor's attorney is Dean Meriwether. However, by that point in the proceeding, it appeared that Meriwether had nothing to do with the representation of the Debtor, despite his signature being affixed to the petition papers. The Court observed that "Meriwether" was a "fake," and endeavored to determine the person at the Critique Services business who had provided services to the Debtor.

- The Debtor advised that he was counseled at the Critique Services business by an African-American woman in her forties (possibly an attorney named Dedra Brock-Moore) and by a paralegal named "Bay" (a woman). Meriwether (who has appeared in court on an occasion) presents himself plainly as a middle-aged Caucasian male. He could not be mistaken for a woman or an African-American. In short, the Debtor's unequivocal representations at the hearing made it clear that Meriwether was not the person who had counseled the Debtor.
- The Debtor advised the Court that he had never met with Meriwether. ("Dean Meriwether? No, I never met him.") By all appearances, the Debtor did not even recognize Meriwether's name.
- When asked, "who'd you meet with when you filed your Chapter 7?", the Debtor responded, "It was the – I think it was – like she's a legal assistant or --" and named her as "Bay" (a non-attorney staff person at the Critique Services business).

At the end of the hearing, the Court directed the Debtor to speak with the Assistant United States Trustee, who was present in the courtroom. The Court was hopeful that the Office of the United States Trustee might be able to get to the bottom of these troubling representations about "legal" services being provided to a debtor in this District.

D. Meriwether's Disclosure of Compensation Form

Following the hearing, the Court reviewed the transcript of the proceeding and the documents filed in the Case. In the process, the Court noticed another issue with Meriwether's "representation" of the Debtor. As noted earlier, Meriwether stated in his Rule 2016(b) Statement that the scope of his representation excludes "[r]epresentation of the debtors [sic] in any dischargeability actions, judicial lien avoidances, redemption, any motions and relief from stay actions or any other adversary proceeding and/or motions. Also

excludes preparation, negotiation and filing of reaffirmation agreements." However, L.B.R. 2093(c)(3),[4] provides:

> Regardless of which chapter of the Bankruptcy Code the case is under, Debtor's counsel shall provide ***all legal services necessary for representation of the debtor in connection with the bankruptcy case until conclusion of the case***, except for, at the discretion of debtor's counsel, representation of the debtor in an adversary proceeding and/or an appeal, for the fee set forth in the attorney fee disclosure statement filed with the Court pursuant to L.R. 2016-1(A). ***"Unbundling" of legal services or any similar arrangement is prohibited, and debtor's counsel shall not include any language in the attorney fee disclosure statement or in a client agreement that contradicts or is inconsistent with this Rule***. Debtor's counsel may, subject to any applicable Bankruptcy Code sections and rules governing compensation of professionals, be additionally compensated for representation of the debtor in an adversary proceeding and/or an appeal. This is regardless of the fee option selected in a Chapter 13 case.

(emphasis added.) As such, the Rule 2016(b) Statement shows that Meriwether's representation is subject to exclusions—most notably, the carve-out of all "motions and relief from stay actions"—that violate L.B.R. 2093(c)(3).

E. Issuance of the Show Cause Order

On August 6, 2015, the Court issued a Notice of Intent to Impose Sanctions and Show Cause Order (the "Show Cause Order") [Docket No. 25], giving Meriwether notice that it "is considering ordering disgorgement of fee pursuant to 11 U.S.C. § 329, and/or sanctions pursuant to 11 U.S.C § 105(a), and/or issuing other directives and/or making referrals to the proper authorities, for Meriwether's alleged behavior in this Case and the representations he made in documents filed in this Case." The Court gave Meriwether until August 19, 2015 to respond and show cause as to why disgorgement, sanctions, other directives, and/or referrals should not be ordered. On August 17, 2015, Meriwether filed a Response [Docket No. 27]. On August 18, 2015, Meriwether filed a Motion to Recuse [Docket No. 28] and a Motion to Transfer the Sanctions

[4] L.B.R. 2093(c)(3) went into effect on December 1, 2014—at least one month before the Debtor paid for legal services, and months before his Case was filed.

Matter to the U.S. District Court (the "Motion to Transfer") [Docket No. 29]. On August 20, 2015, the Court entered an order denying the Motion to Recuse and the Motion to Transfer [Docket No. 30]. The Court now turns to the issue of whether sanctions, directives, or referrals against Meriwether are proper, and considers all facts in this Case, the representations of the Debtor and Meriwether, and all documents provided by Meriwether with his Response.

II. NOTICE AND OPPORTUNITY TO BE HEARD

The Show Cause Order identified the acts for which the Court was considering imposing sanctions. Meriwether was provided almost two weeks to respond. Meriwether responded by filing his Response and other documents, including the Affidavit. Meriwether chose not to request an evidentiary hearing. Instead, he chose to stand on his Response, the documents submitted in support of his Response, and the record. The Court **HOLDS** that adequate notice and an opportunity to be heard was provided to Meriwether.

III. THE DEBTOR'S STATEMENTS

Meriwether did not respond by challenging the admissibility of, or the propriety of considering, the Debtor's statements made at the July 22 hearing. He challenges the veracity of the Debtor's statements. The Court **HOLDS** that Meriwether has waived any objection to the admissibility of, or to the Court's consideration of, the Debtor's statements.

IV. FINDINGS OF FACT

A. Meriwether's Scope of Representation Violates L.B.R. 2093(c)(3)

In the Show Cause Order, the Court observed that the representations in the Rule 2016(b) Statement show that Meriwether "enter[ed] into an attorney-client relationship with a scope that is impermissibly limited under the Local Rules." Although the Response itself does not specifically address this issue, Meriwether attached a copy of a form captioned "Notice of Non-Attorney Representation on Reaffirmation Agreements/Rescission." This undated form purports to be signed by the Debtor. It is not clear whether this is supposed to be responsive to the issue of whether Meriwether should be sanctioned for the

limitations in his Rule 2016(b) statement. But, to any degree, an attorney and his client cannot "contract-out" of L.B.R. 2093(c)(3) by a private agreement.

B. Meriwether Committed Other Sanctionable Acts

Failure to Render Legal Services. In the Show Cause Order, the Court observed that, "[i]f the Debtor's representations are true, Meriwether's actions included failing to render legal services . . ." In response to this observation, Meriwether blames his failure to appear at the hearing on his client. In his Response, he states that "did not appear at the hearing . . . for the reason that [the D]ebtor . . . failed to provide the proof of insurance to avoid a default order on the pending motion by the default date of July 15, 2015." However, the Debtor's failure to provide proof of insurance by the July 15 response date did not excuse Meriwether from filing a response on behalf of his client, or excuse Meriwether from appearing at the July 22 hearing, or excuse Meriwether from advising his client of the status of his case. And, it certainly did not permit anyone other than Meriwether to give legal advice the Debtor or to instruct the Debtor to appear without counsel and represent himself at the hearing.

The Court also notes that Meriwether had no other basis for believing that he was excused from the hearing. His client had not affirmatively conceded the merits of the Motion for Relief. His client had not directed him not to appear. Meriwether did not request to be excused. No order disposing of the Motion for Relief was entered ahead of the hearing; as such, as of the scheduled hearing time and date, the matter was pending (a point that the Debtor clearly understood—given that he came to the hearing and expected an opportunity to address the merits of the matter).[5] Meriwether just chose to not to assist his client in this matter in his client's main bankruptcy case.

[5] The boilerplate in the Motion for Relief advising that an order "may be" entered prior to the hearing date did not (i) effect a disposition; (ii) obligate the Court to enter such an order ahead of the hearing; (iii) remove the matter from the docket; or (iv) excuse any attorney or party from appearing. It remained in the Court's discretion as to whether to rule before the hearing, and the Court chose not to do so. Meriwether or his client might have shown up at the hearing with proof of insurance obtained at the last minute (not an uncommon situation with debtors).

Failure to Meet with the Debtor Before Filing the Case. In the Show Cause Order, the Court observed that it appeared that Meriwether "fail[ed] to meet with his client before filing the Case." In response to this observation, Meriwether represents that he, in fact, met with the Debtor on June 16, 2015, to advise him to provide the required insurance. The Court finds this representation to lack credibility and to be made now by Meriwether in an attempt to conceal the fact that he never previously met with the Debtor.

In addition, Meriwether filed an affidavit signed by the Debtor, in which his client now attests that he lied to the Court at the July 22 hearing about never having met Meriwether. Doing a complete one-eighty from his representations made at the hearing, the Debtor attests that he met with Meriwether on three previous—and oddly specific—occasions. The Debtor also attests that he lied to the Court because he was "fearful." The Court rejects these attestations as utterly non-credible. They are unsupported by any credible documentary or testimonial evidence, and they are directly contrary to the credible representations made at the hearing. At the hearing, the Debtor did not appear the least bit "intimidated," as he now attests. He was not "confused" by the Court's questions and was clear that he had not previously met Meriwether. The Debtor's response was genuine; it was not hesitating or contrived. And nothing in the Debtor's manner and presentation at the hearing suggested that he was fearful of anything or anyone. It appears to the Court that the affidavit is the product of a quid pro quo transaction between Meriwether and the Debtor. The day before Meriwether filed his Response, the Debtor's fees were suddenly returned to him—and, on that very same day, the Debtor contemporaneously executed the affidavit, in which he reversed his clear statements at the hearing.

Allowing Non-Attorneys to Provide Legal Services. In the Show Cause Order, the Court observed that it appeared that Meriwether "allow[ed] non-attorneys to do his lawyering for him." At the July 22 hearing, the Debtor stated that he had never met Meriwether, that he had paid someone at the Critique Services business other than Meriwether, and that he was counseled by women, not Meriwether, at the Critique Services business. Meriwether provides

no response to these allegations, other than by attaching a document titled "Attorney's Introduction Checklist," which bears the signatures of the Debtor and Meriwether and purports to be dated "1-14-15." However, the Court rejects this document as credible evidence of anything—other than, perhaps, the fact that it is not difficult to backdate a copy of a form, when sufficiently motivated to do so.

Failure to Disclose All Fees Received. In responding to the Show Cause Order, Meriwether represents that, on August 17, 2015, he returned to the Debtor $299.00 in fees by money order and another $373.00 in fees by case. Meriwether attached to his Response a copy of the $299.00 money order,[6] as well as a copy of a document in which the Debtor states that Meriwether returned to him $373.00 in cash. The problem is: the return of the $373.00 is evidence that Meriwether never disclosed to the Court compensation that he received an additional $373.00 in compensation, beyond his original $299.00 in fees disclosed in the Rule 2016(b) Statement. Had the Debtor not appeared at the July 22 hearing and had the Court not issued the Show Cause Order, it is unlikely that the Court would have known about the undisclosed attorney's fees.

C. Summary of Findings of Fact

The Court **FINDS** that Meriwether violated L.B.R. 2093(c)(3), failed to render legal services, failed to meet with the Debtor before representing him,

[6] The Court also notes the highly suspicious form of the return of the Debtor's $299.00 in fees. Instead of being returned in the form in which they were paid (cash), or by a check drawn off a client trust account, or by a check drawn off a law firm account, the $299.00 was paid by a personal money order—certainly, an unorthodox and unprofessional method of transferring client fees. Moreover, the Meriwether's signature appears to have been forged on the money order. The money order includes a line for "Signature of Purchaser (Drawer"), where Meriwether's name is "signed." However, the signature does not appear to be Meriwether's signature. When the signature is compared to Meriwether's signature as shown in other documents filed with the Court, the signature on the money order is not even a close facsimile. All this sketchiness raises many questions: *who was the true purchaser of the money order, and why did this person purchase it, and with what funds (and if the funds were client funds, why did this person have custody of such funds), and why did this person sign the money order indicating that Meriwether was the purchaser?*

allowed non-attorneys to provide "legal" services, and failed to disclose the true amount of attorney's fees he received.

IV. CONCLUSION OF LAW

In his Response, Meriwether seems to suggest that the sudden return to the Debtor of the fees makes the imposition of sanctions against him improper. However, the only issue that the return of the fees resolves is whether disgorgement under 11 U.S.C. § 329 is required. Meriwether cannot "buy" his way out of sanctions for his unprofessional behavior in this Case simply by returning the fees. Regardless of the return of the fees, it remains true that Meriwether filed a Rule 2016(b) showing that his scope of representation violates L.B.R 2093(c)(3), failed to render legal services, failed to meet with the Debtor prior to filing his Case, permitted non-attorneys to do his lawyering for him, and failed to disclose to the Court that he received additional compensation. Meriwether's Response to the Show Cause Order has served only to make his situation worse. Now, the Court believes not only that Meriwether violated L.B.R. 2093(c)(3), failed to represent his client, failed to meet with his client before representing him, and failed to provide him with legal services, but also that he failed to disclose all his fees received and, in an effort to avoid sanctions, manipulated his own client into lying in an affidavit. The Court **HOLDS** that the Debtor's acts and violations make proper the imposition of sanctions.

V. DIRECTIVE

Based on the findings of fact and conclusions of law set forth herein, the Court **ORDERS** that, in each and every open bankruptcy case filed after December 1, 2014, regardless of chapter, (a) over which the undersigned Judge presides, (b) Meriwether represents the debtor, and (c) in which the filed Rule 2016(b) Statement violates L.B.R. 2093(c)(3), Meriwether file an amended Rule 2016(b) statement, containing terms that do not violate L.B.R. 2093(c)(3). Such amended Rule 2016(b) statements must be filed within seven days of the entry of this Order. The Court also **ORDERS** that, no later than eight days from entry of this Order, Meriwether file in this Case a Certificate of Compliance, listing the case number and debtor's name for each case in which he filed an amended

Rule 2016(b). In addition, the Court gives **NOTICE** that: (i) if Meriwether fails to timely file such amended Rule 2016(b) statements or the Certificate of Compliance, the Court may order disgorgement of his fees in any case in which such an amended statement is required and was not filed, and may impose additional monetary or non-monetary sanctions; and (ii) if Meriwether files in the future any new case in which the Rule 2016(b) violates L.B.R. 2093(c)(3), the Court may strike the Rule 2016(b) statement, order disgorgement of Meriwether's fees in such case, and impose additional monetary or non-monetary sanctions.

VI. SANCTIONS

The ability of an attorney to file documents electronically and through the overnight drop-box is a privilege, not a right—and it is a privilege that cannot be extended to an attorney who cannot be trusted to be honest and Rule-abiding in his dealings with the Court. Accordingly, the Court **ORDERS** that Meriwether's CM-ECF electronic filing privilege and remote access filing privilege (the privilege to use the exteriorly located overnight drop-box) be immediately suspended. Meriwether may not utilize these privileges in his individual capacity or in any "d/b/a" capacity. The term of the suspension will be for one year (365 days) from the date of the entry of this Order. Pursuant to this suspension, Meriwether may not submit any document for filing by using the Court's CM-ECF electronic filing system, by using the exteriorly located drop box for the U.S. Bankruptcy Court, or by delivering a document to the Clerk's Office through the U.S. Mail or by any other carrier. To file a document, Meriwether must present, in person and personally, such document at the Clerk's Office during regular business hours. He may not present a document for filing through an agent. No agent, associate, or assistant may operate the computers in the Clerk's office for him. He may not instruct or advise his clients that they must file these documents themselves (that is, Meriwether may not "shift" that obligation to file documents to the clients, to save himself from having to file their documents in person.) All acts related to filing must be done entirely by Meriwether. Any agent, associate, or assistant brought to the Clerk's Office with Meriwether cannot be left unattended by Meriwether or be permitted to do any filing-related work for Meriwether. If

Meriwether violates this suspension, the document submitted may be rejected for filing and returned, and Meriwether may be sanctioned $1,000.00 for each document submitted for filing in violation of the suspension. Further, any violation of this suspension may result in the imposition of additional sanctions upon Meriwether, which may include but are not limited to, suspension from the privilege of practicing before the Court. At the end of this one-year suspension period, Meriwether's electronic and remote access filing privileges will be reinstated, provided that Meriwether has not been further sanctioned and the facts otherwise indicate that reinstatement of the privileges is proper.

VII. REPORT TO THE OCDC

In addition, this Order shall constitute a report to the OCDC regarding Meriwether's actions in this Case. The Clerk of Court shall forward a copy this Order to the OCDC.

CHARLES E. RENDLEN, III
U. S. Bankruptcy Judge

DATED: August 27, 2015
St. Louis, Missouri
kar

ATTACHMENT A

UNITED STATES GOVERNMENT
OFFICIAL MEMORANDUM

Bankruptcy Court
Eastern District of Missouri

To: Judge Rendlen's Chambers

Date: April 2, 2015

Based on the Court record, James Robison filed the following quantity of cases per the chapter type identified below during the 2013 year. Note the amount of Adversary cases filed during 2013 is not included in the totals below.

Chapter 7 – 1014
Chapter 13 - 123

Taking into consideration the average fee charged by Mr. Robinson which was outlined in a Memorandum dated May 20, 2014 and shown below, the estimated total revenue for 2013 would be $792,377.22.

Chapter 7:	1,014 (cases) x $296.23 (average fee per case)	= $300,377.22
Chapter 13:	123 (cases) x $4,000.00 (average fee per case	= 492,000.00
	Estimated Total	**= $792,377.22**

ATTACHMENT B TO THE NOVEMBER 13th, 2015 ORDER DENYING MOTION TO VACATE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	**Case No. 15-43871-705**
	§	
Arlester Hopson,	**§**	**Chapter 7**
	§	
Debtor.	**§**	

ORDER: (i) IMPOSING SANCTIONS UPON DEAN MERIWETHER FOR HIS FAILURE TO COMPLY WITH THE AUGUST 27 ORDER, AND (II) DIRECTING THAT MERIWETHER TAKE ACTIONS AS SET FORTH HEREIN OR FACE POSSIBLE FURTHER SANCTIONS

Attorney Dean Meriwether is the attorney of record for the Debtor in the above-referenced Case. On May 21, 2015, Meriwether filed a Disclosure of Attorney Compensation statement (the "Rule 2016(b) Statement") [Docket No. 1] that contained terms that violated Local Bankruptcy Rule 2093(c) (the Local Bankruptcy Rule that prohibits "unbundling" of services for debtor representation in main bankruptcy cases). The Rule 2016(b) Statement came to the Court's attention when the Court reviewed the entire record of this Case, following a July 22 hearing at which numerous troubling allegations were made by the Debtor regarding Meriwether's "representation" of him.

After affording Meriwether an opportunity to respond to the issue of whether he should be sanctioned, on August 27, 2015 the Court entered an Order (the "August 27 Order") [Docket No. 32], directing that:

> in each and every open bankruptcy case filed after December 1, 2014, regardless of chapter, (a) over which the undersigned Judge presides, (b) Meriwether represents the debtor, and (c) in which the filed Rule 2016(b) Statement violates L.B.R. 2093(c)(3), Meriwether file an amended Rule 2016(b) statement, containing terms that do not violate L.B.R. 2093(c)(3). Such amended Rule 2016(b) statements must be filed within seven days of the entry of this Order.

Further, the Court ordered that, "no later than eight days from entry of this Order, Meriwether file in this Case a Certificate of Compliance, listing the case number and debtor's name for each case in which he filed an amended Rule 2016(b)." The Court also gave notice that: "if Meriwether fails to timely file such amended

Rule 2016(b) statements or the Certificate of Compliance, the Court may order disgorgement of his fees in any case in which such an amended statement is required and was not filed, and may impose additional monetary or non-monetary sanctions . . ."

On September 4, 2015 (the eighth day after the entry of the August 27 Order), Meriwether filed a "Certificate of Compliance" [Docket No. 39]. This one-sentence document was screwed-up in almost every conceivable way:

- Meriwether failed to sign the Certificate of Service attached to the Certificate of Compliance. Pursuant to the Local Bankruptcy Rules, a Certificate of Service must be signed. This resulted in the Office of the Clerk of Court having to issue an automated notice of errors, directing Meriwether to correct the omission.
- In the unsigned Certificate of Service, Meriwether represented that he served the Certificate of Compliance on September 3, 2015. However, the Certificate of Compliance was not even filed until September 4, 2015.
- And, almost unbelievably, ***Meriwether represents in the Certificate of Compliance that the Court-ordered list of case numbers and names is attached to the Certificate of Compliance. However, no such list is actually attached.*** As such, on its face, the Certificate of Compliance is deficient and fails to satisfy the Court's directive.

The Court **FINDS** that Meriwether failed to comply with the requirement that he file a Certificate of Compliance that lists of the case number and the debtor's name for each case in which he filed an amended Rule 2016(b). Accordingly, consistent with the notice given in the August 27 Order, the Court **ORDERS** that monetary sanctions in the amount of $400.00 be imposed upon Meriwether for his failure.[1] In addition, the Court **ORDERS** that by the close of the Clerk's Office today—Tuesday, September 8, 2015—Meriwether file an

[1] The sanction of $400.00 represents $100.00 a day for each day (Friday, September 4, 2015 through Monday, September 7, 2015) that the list has been required but has not been filed. Because Monday, September 7, 2015 was the federal holiday of Labor Day, the soonest that the Court could have entered this Order was Tuesday, September 8, 2015.

amended Certificate of Compliance, ***with the required list attached***, and pay the $400.00 in sanctions. Further, the Court **ORDERS** that for each day after September 8, 2015, through Friday, September 11, 2015, that Meriwether fails to file an amended Certificate of Compliance or fails to pay the sanctions, Meriwether will accrue another $100.00 a day in sanctions. And, the Court gives **NOTICE** that, if Meriwether does not file the amended Certificate of Compliance and pay all accrued sanctions by 12:00 P.M. (Central), September 11, 2015, Meriwether may be suspended from the privilege of practicing before this Court, until such time the amended Certificate of Compliance is filed and all outstanding sanctions are paid.

The Court cannot fathom what is going on with Meriwether, to have resulted in such incompetency. The Court strongly encourages Meriwether to up-his-game when practicing in this forum. In the August 27 Order, Meriwether had his electronic filing privileges revoked for a year and a referral was made by the Court to the Missouri Supreme Court's Office of Chief Disciplinary Counsel (the "OCDC"). Now, he has been monetarily sanctioned and given notice that he may incur more sanctions or be suspended. ***It is time for Meriwether to start paying attention, obeying Court orders, practicing competently, and being in compliance with the Local Bankruptcy Rules.*** A copy of this Order shall be forwarded to the OCDC, in supplement to the referral made pursuant to the August 27 Order.

DATED: September 8, 2015
St. Louis, Missouri 63102
mlc

CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

Copy Mailed To

Dean D. Meriwether
Law Offices of Dean Meriwether
3919 Washington Avenue
St. Louis, MO 63108

Mary E. Lopinot
P.O. Box 16025
St. Louis, MO 63105

Office of US Trustee
111 S Tenth St, Ste 6.353
St. Louis, MO 63102

Attachment 102

Order Imposing Monetary Sanctions Against Meriwether,
entered in *In re Davis*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	**Case No. 15-48102-705**
	§	
Shadonaca Suquitta Davis,	**§**	**Chapter 7**
	§	
Debtor.	**§**	

ORDER IMPOSING SANCTIONS UPON ATTORNEY DEAN D. MERIWETHER

Herein, the Court imposes sanctions upon attorney Dean D. Meriwether of the Critique Services business located at 3919 Washington Blvd. in St. Louis, Missouri. "Critique Services" is a high volume/bargain-basement "bankruptcy services" business with a notorious history in this District. Its sole owner and organizer, Beverly Holmes Diltz (a non-attorney), previously ran a bankruptcy services business just across the Mississippi, until her unlawful business practices there resulted in her being permanently barred by the U.S. Bankruptcy Court for the Southern District of Illinois from doing business in that district. Here in the Eastern District of Missouri, over the past fifteen years, Diltz and her employees have been enjoined from the unlawful practice of law and have been barred from operating as bankruptcy petition preparers. In addition, various attorneys affiliated with Diltz and her business have been sanctioned, suspended and disbarred. On June 10, 2014, Critique Services attorney James C. Robinson was suspended from the privilege of practicing before this Court for contempt, false statements, and abuse of process. Currently, there are at least two open proceedings before judges of this Court (*In re Reed, et al.* and *In re Williams, et al.)* involving yet-additional allegations of unprofessional and unlawful activities by persons affiliated with Critique Services. Meriwether was brought onboard the Critique Services operation in 2014, following Robinson's suspension. Over the past year, Meriwether has been monetarily sanctioned for disregarding a Court order, has been suspended from using the Court's electronic docketing system, and has been referred to the Missouri Supreme Court's Office of Chief Disciplinary Counsel. And now, in this Case, Meriwether once again has acted sanctionably by failing to comply with the Court deadline.

On October 26, 2015, the Debtor, through Meriwether, filed a petition for relief [Docket No. 1]. However, Meriwether failed to contemporaneously file his Attorney Disclosure Statement, as required by Federal Rule of Bankruptcy Procedure 2016(b) ("Rule 2016(b) Statement"). By now, Meriwether should be well-familiar with the requirements regarding a Rule 2016(b) Statement, as he previously has been in trouble with the Court for filing Rule 2016(b) Statements that violate the Local Bankruptcy Rules.

On October 27, 2015, the Court issued a form Order and Notice [Docket No. 6], directing that Meriwether file his missing Rule 2016(b) Statement. In that Order and Notice, the Court advised that failure to comply with the directive therein may result in the Case being dismissed. Meriwether failed to comply with the Order and Notice. Accordingly, on November 4, 2015, the Court entered an Order Dismissing the Case [Docket No. 8].

On November 6, 2015, Meriwether finally filed his Rule 2016(b) Statement [Docket No. 9]. Contemporaneously, he filed a Motion to Vacate the Order of Dismissal (the "Motion") [Docket No. 12]. In the Motion, Meriwether alleged no error by the Court; he alleged only his own error; he claimed to have "inadvertently" failed to timely file his Rule 2016(b) Statement.

On November 13, 2015, the Court entered an Order Denying the Motion to Vacate [Docket No. 13], in which it observed: "It was entirely Meriwether's poor lawyering that resulted in the dismissal of the Case." The Court also noted that, "this is not the first time that Meriwether has failed to practice competently before this Court," and quoted from an order the Court entered in *In re Arlester Hopson*, in which the Court admonished Meriwether regarding his incompetent lawyering and poor practice before this Court.[1] The Court then concluded: "[p]oor lawyering

[1] In *In re Hopson*, the Court wrote:

> The Court cannot fathom what is going on with Meriwether, to have resulted in such incompetency. The Court strongly encourages Meriwether to up-his-game when practicing in this forum. In the August 27 Order, Meriwether had his electronic filing privileges revoked for a year and a referral was made by the Court to the Missouri Supreme Court's Office of Chief Disciplinary Counsel (the

has consequences. The Court will not vacate a non-erroneous order simply to save an attorney from the consequences of his poor lawyering." Further, in light of the fact that Meriwether had so grossly mismanaged the Debtor's Case, the Court also directed that:

> ***at the Debtor's choice***, Meriwether either: (1) file a new case on behalf of the Debtor ***at no cost whatsoever to her***; or (2) return all the attorney's fees he collected from her in this Case. Meriwether's client should not incur additional costs due to the consequences of Meriwether's poor lawyering. In addition, the Court **ORDERS** that Meriwether file, no later than seven (7) days from the entry of this Order, a Statement of Compliance, advising the Court as to whether he filed a new case or returned the fees. If he files a new case, he must attach a verified statement of the Debtor, stating that she was not charged, and will not be charged, by Meriwether, his law practice, or any entity or person operating as "Critique Services" or "Critique Services L.L.C.," in connection with the new case. If he returns the fees, Meriwether must attach proof of return of the fees.

The Court gave notice that "if Meriwether fails to timely comply with this Order, he may be sanctioned and the Court may issue an order to show cause why [he] should not be directed to disgorge fees pursuant to 11 U.S.C § 329(b)."

It is now November 24, 2015. The seven-day deadline for compliance with the directives in the Order Denying the Motion to Vacate expired on November 20, 2015. Meriwether did not timely comply. Instead, he finally got around to filing a new case for the Debtor at 2:20 P.M. on November 24, 2015. Once

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> "OCDC"). Now, he has been monetarily sanctioned and given notice that he may incur more sanctions or be suspended. ***It is time for Meriwether to start paying attention, obeying Court orders, practicing competently, and being in compliance with the Local Bankruptcy Rules.*** A copy of this Order shall be forwarded to the OCDC, in supplement to the referral made pursuant to the August 27 Order.

In re Arlester Hopson, U.S. Bankr. Ct. E.D. Mo. Case No. 15-43871 at Docket No. 45 ("Order (I) Imposing Sanctions Upon Dean Meriwether for his Failure to Comply with the August 27 Order, and (II) Directing that Meriwether Take Actions As Set Forth Herein or Face Possible Further Sanctions").

again, Meriwether disobeyed a clear deadline in a court order. And, as of the preparation of this Order, Meriwether has yet to file the Statement of Compliance.

For disregarding the directive in the Order Denying the Motion to Vacate to act by November 20, 2015, the Court **ORDERS** that Meriwether be **SANCTIONED** in the amount of $600.00 ($200.00 a day[2] for each day of noncompliance, beginning with the first day after the seven-day deadline expired). Further, the Court gives **NOTICE** that, if Meriwether has not paid all sanctions owed by the close of Court on November 27, 2015, the Court may suspend Meriwether from the privilege of practicing before this Court. Thereafter, Meriwether will be reinstated to the privilege of practicing before this Court only upon payment of all sanctions owed and establishing that reinstatement is proper. The Court has no more patience with Meriwether's repeated refusal to comply timely and completely with Court directives.

The Court **DIRECTS** the Office of the Clerk of Court to mail a copy of this Order to the Debtor at her place of residence as reflected in the Court's records, in addition to providing service of the Order to persons and entities as otherwise required. In addition, the Court will provide a copy of this Order to the Missouri Supreme Court's Office of Chief Disciplinary Counsel.

DATED: November 24, 2015
St. Louis, Missouri 63102
mtc

CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

[2] In *In re Hopson*, the Court imposed sanctions in the amount of $100.00 a day following Meriwether's failure to comply with an order. Since the amount of $100.00 a day did not impress upon Meriwether the importance of complying with Court orders, the Court will try $200.00 a day.

Copy Mailed To:

Dean D. Meriwether
Law Offices of Dean Meriwether
3919 Washington Avenue
St. Louis, MO 6310

Shadonaca Suquitta Davis
935 Amaral Circle
St. Louis, MO 63137

Stuart Jay Radloff
13321 N. Outer 40 Rd, Suite 800
St. Louis, MO 63017

Office of US Trustee
111 S Tenth St, Ste 6.353
St. Louis, MO 63102

Attachment 103

Motion to Reopen Case, filed in *In re Young*

Leander Young
4549 Dryden Ave
St. Louis, Missouri 63115
314-297-7131

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In Re:
Leander Young
[redacted]-6926
Debtor

Case No. 15-44343-705
Chapter 7
Motion To Reopen

Debtor Leander Young case was filed for a petition for relief on June 6' 2015 by counsel, Dean D. Meriwether of the business known as "Critique Services". I Leander Young was referred to Critique Services by numerous co-workers from the City of St. Louis and was not aware of the unprofessional services I would later receive by the attorney and his staff. The information I was told by the office was that all of my documents would be filed in a timely manner, I would receive a court date for the meeting of creditors and sometime after I would receive a letter of discharge.

On July 10, 2015 I successfully completed the Financial Management Course Certification. I was instructed by Dean Meriwether to bring the certificate with me to my court date which was scheduled for July14, 2015. I came to court on that scheduled day and Mr. Meriwether was not there to represent me. There was a representative from Critique Services there by the name of Tracey and I gave the certificate to her. After that date I assumed the process for my bankruptcy was being handled accordingly. In the early part of August I received a letter in the mail stating I didn't complete the Financial Management Course. I saved the email from when I completed the course so I printed off another copy and took it into the office. I was told by the office manager Renee Mayweather to disregard the letter because they have it on file and filed with my case.

Two weeks later I received another letter stating I did not complete the financial course. I went into the office to find out what was the issue with this course that I know I completed. I requested to speak with an attorney but was informed that no one was available. I left my phone number with the receptionist for Mr. Meriwether to contact me but he never did. I called and made several trips to the office on numerous occasions asking to obtain more information regarding my case but never had the opportunity to speak with an attorney. I've requested to have my phone records sent to me from my cell phone provider for proof that I've made countless phone calls to Critique looking for answers. Every visit I made to Critique regarding the letters I had received I was told that there wasn't a problem and to just be patient and wait on my discharge. Around the beginning of October I went into the office to ask about my case because a few of my

creditors and my mortgage company began to call again. I demanded to have my questions answered and refused to leave unless they were. The office manager Renee Mayweather made a phone call to the Financial Management Course and was told by them that my name was spelled incorrectly and that was suppose to be the reason for the incomplete information. My name was spelled on the certificate LENADER instead of LEANDER. Renee has them to process a new one and I received another email on October 20,2015 that I successfully completed the course. I was then told by Renee that they would submit this to the trustee and I should wait for my discharge to come in the mail. After a couple weeks I called the office but the phone at Critique is rarely answered so I decided to make an office visit. I was informed by Renee that they were waiting on the judge to sign off. I always asked for an attorney because I paid my money, but received the same answer every single time that he's in court. As usual I called Critique on October 18, 2015 regarding my case and was asked to come into the office on Thursday October 19,2015. W hen I went in to have my meeting I still did not get to meet with an attorney but was told that my case was dismissed because the Judge has a personal issue with their company. My response to Renee Mayweather was I don't believe you! I also told her that they have been unprofessional ever since I made my final payment to them. You can't meet with the attorney, the phone lines are rarely answered, they never return phone calls, the attorney was not there to represent me in court etc. I also told her that I was disappointed and very upset that I paid for a service that was not rendered. Renee tried to reassure me that they will re-file my case at their expense and I don't believe that either. I decided to advocate for myself and called the Honorable Judge Rendlen's office and spoke with Abigail. She informed me that she is not able to offer me legal advice but if I wanted to file a motion I could. I am filing this motion to ask the Honorable Judge Charles Rendlen III to please reconsider his decision to dismiss my case. I thought I had a replicable company with a competent attorney representing me. As I stated before I made numerous calls and visits trying to make sure my case was being handled in a professional manner. I took my financial course when I was instructed to. I would never disregard or disrespect the courts instruction to take the course in the time allowed. I feel that Dean Meriwether "Critique Services" did not represent me in a professional and competent manner and should not be allowed to receive fees paid by me for a service he did not render. I am also seeking a waiver of the reopening fee. I am in a financial strain which is the initial reason I filed for bankruptcy and can't afford to pay more fees to reopen my case. I beg the court to please reconsider and allow me the opportunity to receive a discharge. Thank You

Leander Young

November 24, 2015

Leander Young
(314) 297-7134
4549 Dryden Ave
St Louis, MO 63115

Attachment 104

Motion to Disgorge Fees, filed in *In re Young*

Leander Young
4549 Dryden Av
St. Louis, Missouri 63115
314-297-7131

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

Debtor
Leander Young [redacted]-6916

Case No. 15-44343-705
Motion to Disgorge

I Leander Young am requesting to disgorge Dean Meriwether's fees under Bankruptcy Code 329(b) and seeking a waiver of the reopening fee if possible. Mr. Meriwether failed to earn the fees paid to him as a result of incompetently representing the Debtor (Leander Young). Mr. Meriwether was never present for any questions or concerns that I had. He did not file the necessary documents in the time allowed by the courts. Mr. Meriwether did not make an appearance for my creditors meeting.

Thank You,
Leander Young

Leander Young
4549 Dryden Ave
St Louis MO 63115
(314) 297-7131

Attachment 105

Motion to Disgorge Fees, filed in *In re Young*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	**Case No. 15-44343-705**
	§	
Leander Young,	**§**	**Chapter 7**
	§	
Debtor.	**§**	**[Related to Doc. No. 21]**

ORDER AND NOTICE

Dean D. Meriwether of the "Critique Services" business is the attorney of record for the Debtor in this Case. On November 24, 2015, the Debtor filed a Motion to Disgorge Attorney's Fees [Docket No. 21]. In the Motion to Disgorge and the accompanying Motion to Reopen [Docket No. 20], the Debtor made numerous allegations against Meriwether, including attorney incompetence, gross case mismanagement, and client abandonment. In short, the Debtor alleges that Meriwether failed to earn the fees that the Debtor paid to him for legal representation in his Case. The Court **ORDERS** that any response to the Motion to Disgorge be filed by December 4, 2015. The Court also gives **NOTICE** that it may impose monetary and/or nonmonetary sanctions against Meriwether, if it is shown that he committed a sanctionable act, including but not limited to client abandonment, failing to appear at a § 341 meeting, or allowing a non-attorney to practice law on his behalf. The Court welcomes Meriwether now returning any fees of the Debtor that he failed to earn. However, doing so will not moot the inquiry into whether it is proper to sanction Meriwether.

DATED: November 25, 2015
St. Louis, Missouri 63102
mtc

CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

Copy Mailed To:

Dean D. Meriwether
Law Offices of Dean Meriwether
3919 Washington Avenue
St. Louis, MO 63108

Leander Young
4549 Dryden Ave
Saint Louis, MO 63115

Seth A Albin
Albin Law
7710 Carondelet Avenue
Suite 405
St. Louis, MO 63105

Office of US Trustee
111 S Tenth St, Ste 6.353
St. Louis, MO 63102

Attachment 106

Order for Disgorgement of Fees and Suspending Meriwether from the Privilege of Practicing Before the Court, entered in *In re Young*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	**Case No. 15-44343-705**
	§	
Leander Young,	**§**	**Chapter 7**
	§	
Debtor.	**§**	**[Related to Doc. No. 21]**

ORDER

On November 24, 2015, the Debtor, proceeding pro se, filed a Motion to Disgorge [Docket No. 21], seeking disgorgement of the attorney's fees he paid to his bankruptcy attorney, Dean D. Meriwether. The Court now orders that the Motion to Disgorge be granted. The Court also orders that Meriwether be suspended from the privilege of practicing law before this Court from the date of the entry of this Order through March 7, 2016, and that other directives be issued, as set forth herein.

I. FACTUAL BACKGROUND OF THE CRITIQUE SERVICES BUSINESS AND MERIWETHER'S PARTICIPATION IN THAT BUSINESS

Meriwether is a Missouri-licensed attorney who has repeatedly represented to this Court that he does business as the fictitious name "Critique Services." He also represents in his signature block on bankruptcy petition papers that he practices at the "Law Office of Dean D. Meriwether" or "Dean Meriwether Attorney at Law." However, his real business is being an attorney at the Critique Services Business (as that term is defined herein). Thus, for purposes of this Order, it is necessary to explain what the Critique Services Business is, and how Meriwether is involved with it.

A. Overview

The Critique Services Business is a "bankruptcy services" scheme that targets low-income, minority persons from metropolitan St. Louis. Clients come to an office at 3919 Washington Blvd., St. Louis, Missouri (the "Critique Services Business Office") seeking legal representation in a chapter 7 or chapter 13 bankruptcy case. They have good reason to expect that they will receive legal services: the sign above the street entrance door at the Critique Services

Business Office reads: “Critique Services,” and has a prominent scales-of-justice emblem emblazoned underneath.[1] However, in reality, the Critique Services Business is a massive rip-off operation that functions on the unauthorized practice of law, the practice of client abandonment, and the failure or refusal to provide legal services.

B. The Scope of the Critique Services Business

Describing the Critique Services Business as “massive” is not an understatement. According to the records of the Clerk of Court, in 2013, James C. Robinson (the now-suspended attorney who, in 2013, was the primary attorney at the Critique Services Business) filed 1,014 chapter 7 cases (charging an average attorney fee of $296.23 per case) and 123 chapter 13 cases (charging an average attorney fee of $4,000.00 per case). As such, in 2013 alone, Robinson collected approximately $300,337.22 in chapter 7 attorney’s fees and $492,000.00 in chapter 13 attorney’s fees—for a total of approximately $792,337.22 in attorney’s fees. This means that annually, just through Robinson, more than three-quarters of a million dollars in attorney’s fees were collected from debtors with cases filed in this District and flowed through the Critique Services Business. The suspension of Robinson did little to slow the Critique Services Business machine; Robinson was just replaced by Meriwether.

C. The Persons and Entities Involved with the Critique Services Business

The operations of the Critique Services Business are composed of: (i) the activities of Critique Services L.L.C. and its owner, Beverly Holmes Diltz, a non-attorney; (iii) the activities of non-attorney staff persons; and (ii) the activities of attorneys under contract with Critique Services L.L.C. (the “Critique Services Attorneys”). The roles of those persons are described below.

1. Critique Services L.L.C. and its Owner, Diltz

In the mid-1990s, Diltz began peddling “bankruptcy services” through a “Critique”-named business. Shortly thereafter, she began getting sued by the

[1] The Court takes judicial notice of this permanently, publicly displayed sign. Its existence and content are not subject to reasonable dispute.

United States Trustee (the "UST") for unlawful or improper business activities, including for the unauthorized practice of law.

Originally, Diltz operated as "d/b/a Critique Service." However, in 1999 in *Pelofsky v. Holmes d/b/a Critique Service (In re Daniele M. Hamilton)* (Case No. 99-4065), and again in 2001 in *Pelofsky v. Holmes d/b/a Critique Service (In re Beatrice Bass)* (Case No. 01-4333), injunctions were entered against Diltz, prohibiting her from the unauthorized practice of law. So, in 2002, Diltz organized two artificial entities, Critique Services L.L.C. and Critique Legal Services L.L.C., and began operating through those.

In its Articles of Organization, Critique Services L.L.C. represents that its business purpose is: "Bankruptcy Petition Preparation Service." However, in 2007, in *Gargula v. Diltz, et al. (In re Hardge)* (Adv. Proc. No. 05-4254), the Court entered an order (the "2007 Injunction") prohibiting Diltz and "Her Interests" (including her artificial entities) from providing bankruptcy petition preparation services in this District. Since then, however, Critique Services L.L.C. has not amended its Articles of Organization. As such, for years, it has had no lawful business purpose of record. Nevertheless, it has continued to operate.

Today, Critique Services L.L.C. is the artificial entity through which Diltz contracts with the Critique Services Attorneys. In the currently pending matters of *In re Evette Nicole Reed, et al.* (Lead Case No. 14-44818), Critique Services L.L.C. has refused to turn over a copy of its contract with Meriwether, despite being compelled to do so.[2] However, it did provide a copy of its contract with Robinson. That contract reveals that Critique Services L.L.C. agrees to allow the Critique Services Attorney to use the fictitious name "Critique Services," to lease real estate to the attorney, to provide administrative, secretarial, bookkeeping and advertising services to the attorney, and to license "intellectual property" to

[2] Critique Services L.L.C. is committed to avoiding any disclosure of its business operations—so much so that it refuses to comply with court orders directing that it make discovery or turnover about its business operations. In addition to its disobedience in *In re Reed, et al.* (for which it is now facing the possibility of sanctions), in *In re Latoya Steward* (Case No. 11-46399), it chose to take almost $50,000.00 in sanctions instead of complying with an order compelling discovery.

the attorney. The contracting attorney, in exchange, agrees to pay Critique Services L.L.C. The contract appears to be designed to create the appearance on paper that Critique Services L.L.C. is in compliance with the 2007 Injunction.

2. The Non-Attorney Staff Persons

The "legal" services provided at the Critique Services Business are rendered by the non-attorney staff persons. This has been shown in numerous cases, including most recently in *In re Latoya Steward* (Case No. 11-46933), *In re Arlester Hopson* (Case No. 15-43871), *In re Reed, et al.*, and the instant Case.

The non-attorney staff persons collect the debtor's cash payments for services [3] (the business is an all-cash operation) before the client even perfunctorily meets with an attorney (*if* the client ever meets with an attorney). The non-attorney staff persons solicit the information for completion of the petition papers and prepare the petitions papers. The non-attorney staff persons are the only people with whom the clients can speak when they call the office, as the clients are repeatedly told that the attorney is unavailable. The non-attorney staff persons also render legal advice—and often very bad legal advice, at that. They have solicited false information for inclusion in petition papers. They have advised debtors to make false statements. Recently, they advised the *Hopson* debtor that he should go to court, without counsel, to a hearing in a contested matter in his main bankruptcy case, to represent himself.

Once payment is collected, the client is all but abandoned. It is almost impossible to get a Critique Services Attorney on the phone. Calls go to voicemail, or simply go unanswered or unreturned, or the client is informed that the attorney is "in court" (a laughable notion, given that Critique Services Attorneys often fail to show up for court). Desperate clients have to go into the

[3] What happens to the debtors' cash after it is handed to the non-attorney staff persons is unknown. This is an issue in the currently pending matter of *In re Reed, et. al.* No one affiliated with the Critique Services Business will explain what happens to all that cash—despite the fact that an attorney has a fiduciary duty to hold unearned fees in trust. The fact that no one will explain how the Critique Services Business's fees are handled is not a small matter; prepetition-paid unearned attorney's fees are property of the estate.

Critique Services Business Office, to plead for attention to their pressing legal matters. Clients have to repeatedly inquire about the status of their cases—which may, or may not, have been filed. Required papers go unfiled, resulting in serious and costly consequences to the clients.

3. The Critique Services Attorneys

The Critique Services Attorneys are an integral part of the Critique Services Business, but not for a proper purpose. The role of the attorneys is not to provide legal counsel; it is to provide cover. Consistent with the long history of the Critique Services Business operations, and as established most recently in *In re Steward*, *In re Hopson*, and in the instant Case, the Critique Services Business uses the signatures and bar card numbers of its contracted attorneys to give the cosmetic appearance of legal services being rendered, to mask the business's real operations: the unauthorized practice of law.

The Critique Services Attorneys do not meet with clients prior to the clients paying for their services. They refuse to return calls and fail to provide services. They file Attorney Compensation Disclosure Statements that violate Local Bankruptcy Rule 2093 by impermissibly carving out services that attorneys are required to provide to all debtor-clients. The Critique Services Attorneys who sign the petition papers often do not appear at the § 341 meeting of creditors, as required. They often do not show up in court at contested matters; as a result, bewildered, frightened, or angry debtors show up in court, alone, without anyone to advocate for their interests. At a hearing in *In re Hopson*, which Meriwether did not show up for, the Debtor could not identify the gender of his attorney, much less his name. In fact, the *Hopson* debtor advised the court that he had never even *heard of* Meriwether. Clients have repeatedly informed the Court that they tried, with no avail, to speak with their attorney.

With only one exception,[4] every Critique Services Attorney has been suspended or disbarred for professional malfeasance. In *In re Robert Wigfall, Jr*.

[4] Attorney Dedra Brock-Moore was a Critique Services Attorney from approximately August 2014 to August 2015. It is the Court's understanding that

(Bankr. S.D. Ill. Case No. 02-32059), long-time Critique Services Attorney Ross H. Briggs was sanctioned by the U.S. Bankruptcy Court for the Southern District of Illinois (the "Illinois Bankruptcy Court") and suspended from filing new cases for three months. In 2003, in ***Rendlen v. Briggs, et al. (In re Thompson)*** (Adv. Proc. No. 03-4003), Briggs was sanctioned by this Court and suspended from filing new cases for six months. In *In re Barry Bonner, et. al.* (Bankr. S.D. Ill. Lead Case No. 03-30784), Critique Services Attorney Leon Sutton was permanently disbarred from practicing law before the Illinois Bankruptcy Court. On May 24, 2004, Sutton was suspended on an interim basis by the Missouri Supreme Court; on May 10, 2006, he was disbarred by the Missouri Supreme Court (Missouri Supreme Court Case No. SC87525). On August 1, 2006, Critique Services Attorney George E. Hudspeth, Jr. was disbarred by the Missouri Supreme Court (Missouri Supreme Court Case No. SC87881). In November 2013, in *In re Steward*, Robinson was suspended from use of the Court's overnight drop box and from the remote access use of the Court's CM-ECF electronic docketing system, due to Robinson's refusal to obey an order compelling turnover; the following February, Robinson was sanctioned $3,000.00 for violating that order. On June 10, 2014, in *In re Steward*, Robinson and Critique Services L.L.C.'s attorney, Elbert A. Walton, Jr., were suspended for making false statements, contempt, refusing to obey a court order, and abuse of process—and remain suspended to this day. (In addition, in *In re Steward*, Robinson, Critique Services L.L.C. and Walton were jointly sanctioned $49,720.00.) Currently, Robinson and Briggs again are facing the possibility of sanctions, including suspension, in the pending matter of *In re Reed, et al*., for the refusal to obey a court order compelling turnover and for making misleading representations to the Court. In addition, in the pending matters of *In re Terry L. and Averil May Williams, et al.* (Lead Case No. 14-44204), Robinson currently is facing another action for against him (and against Diltz and Critique Services L.L.C.) brought by the UST on allegations of the unauthorized practice of law.

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she dissociated herself from the Critique Services Business late in the summer of 2015. She has not filed cases as a Critique Services Attorney in months.

These suspensions and disbarments are a part of the regular business operations of the Critique Services Business. The Critique Services Business never changes its unauthorized practice of law; it merely changes its facilitating attorneys. Once an attorney is suspended or disbarred, Diltz simply replaces him with another, and the cycle begins again. Bearing witness to this are the carcasses of the various Critique Services Attorneys with putrefied reputational integrity, rotting in professional disgrace, and discarded off the web like the desiccated remnants of a black widow spider's meal. This is not an unfortunate coincidence or poor judgment in the hiring process; this is a deliberately arachnidian business management strategy. Meanwhile, Diltz, Critique Services L.L.C, and the non-attorney staff persons are shielded from any real consequences. As non-attorneys, they cannot be suspended or disbarred from the practice of law. At most, Diltz has the inconvenience of having to agree to an injunction before she can go back to the unauthorized practice of law, to wait for the next time she will be sued and has to agree to another consent injunction.

B. The Sanctions and Injunction History of those Affiliated with the Critique Services Business

Diltz and her affiliated attorneys were sued multiple times by the UST, both in this District and across the Mississippi, in the Southern District of Illinois. In 2003, the Illinois Bankruptcy Court finally threw Diltz and her business out of that district, permanently enjoining her from ever doing sort of bankruptcy-related services business there.

On this side of the river, Diltz, along with her "Critique Services"-named entities and her revolving-door of attorneys, also were repeatedly sued by the UST for the unauthorized practice of law and other unlawful business activities—in 1999, 2001, 2002, 2003, 2005, and 2014.[5] Diltz settled the matters against

[5] *See Pelofsky v. Holmes d/b/a Critique Service (In re Daniele M. Hamilton)* (Case No. 99-4065); *Pelofsky v. Holmes d/b/a Critique Service (In re Beatrice Bass)* (Case No. 01-4333); *In re Cicely Wayne* (Case No. 02-47990); ***Rendlen v. Briggs, et al. (In re Thompson)*** (Adv. Proc. No. 03-4003); *Gargula v. Diltz, et al. (In re Hardge)* (Adv. Proc. No. 05-4254); and *In re Terry L. and Averil May Williams, et al.* (Lead Case No. 14-44204).

her and her entities by agreeing to a consent order, in which she would promise to stop the unlawful or prohibited behavior. Unfortunately, these injunctions proved utterly ineffective. Critique Services Business's unauthorized practice of law has continued on, unabated in any meaningful sense, for almost two decades. And, in complement, the exploitation of the poor has continued. The poor, in many ways, are the perfect victims for this predation. Because of the nature of the bankruptcy process, most "no-asset" cases do not require a court appearance by the debtor, or involve contested matters. Creditors are not beating down the courthouse door in a fight over non-existent assets. No one is scouring the representations in the debtor's Schedules of Assets and Liabilities and Statement of Financial Affairs. Most no-assets cases pass through the bankruptcy system without close scrutiny by the Court. This makes it very easy to effectively steal from debtors by providing substandard services (or failing to provide services at all), without fear of consequences. This dynamic is compounded by the fact that debtors who are too poor to hire quality counsel are generally also too poor to seek justice when their attorney takes their money without providing services. It is an almost-perfect racket for the unscrupulous.

C. Meriwether as Part of the Critique Services Business Scheme

Meriwether joined the Critique Services Business scheme in the fall of 2014, following Robinson's suspension. As shown in *In re Hopson*, *In re Shadonaca Davis* (Case No. 15-48102), and in the instant Case, in his short tenure before this Court, Meriwether has shown himself to have a propensity for client abandonment and case mismanagement. He also has shown himself to be dishonest and dangerously incompetent. In just the past six months Meriwether has: filed scores of Attorney Compensation Disclosure Statements that violated Local Bankruptcy Rule 2093, attempting to unlawfully "unbundle" his services (a way to rip-off debtors); received additional fees from a debtor without disclosing it to the Court; abandoned clients by failing to render necessary legal services; failed to file financial management course certificates (each, a "FMCC") for clients, resulting in their cases being closed without discharge; failed to meet with clients before accepting their payment for the retention of his "services"; failed to

meet with a client before filing a case on his behalf; failed to appear at a § 341 hearing; failed to appear at a contested hearing; failed to comply with at least two Court orders; and allowed non-attorneys staff persons at the Critique Services Business to commit the unauthorized practice of law in his clients' cases.

In August 2015, Meriwether was suspended for one year from remote access use of the Court's CM-ECF electronic docketing system, due to his dishonest activities in *In re Hopson*. He has been monetarily sanctioned—twice—for failing to obey Court orders. He has been referred to the Missouri Supreme Court's Office of Chief Disciplinary Counsel (the "OCDC") multiple times. He has been directed to disgorge his attorney's fees for having failed to earn them. He has been directed to either disgorge his attorney's fees or file a new case for a debtor, after failing to handle her case with a minimal level of competence. At one point, the Court was so appalled by Meriwether's refusal to muster the requisite attention to achieve even a marginally acceptable level of practice that it openly begged for Meriwether to start lawyering competently, writing in an order entered in *In re Hopson*:

> The Court cannot fathom what is going on with Meriwether, to have resulted in such incompetency. The Court strongly encourages Meriwether to up-his-game when practicing in this forum. In the August 27 Order, Meriwether had his electronic filing privileges revoked for a year and a referral was made by the Court to the Missouri Supreme Court's Office of Chief Disciplinary Counsel (the "OCDC"). Now, he has been monetarily sanctioned and given notice that he may incur more sanctions or be suspended. ***It is time for Meriwether to start paying attention, obeying Court orders, practicing competently, and being in compliance with the Local Bankruptcy Rules.***

Most attorneys would have been so mortified by this admonition that they would have immediately taken whatever measures were required to right the ship and begin practicing competently. However, Meriwether just got worse.

D. Meriwether's Professional Incompetence, Case Mismanagement and Client Abandonment in this Case

At the end of November 2015, Meriwether filed two nearly identical motions to reopen—one in *In re Davis,* and one in the instant Case [Docket No.

15]. Those cases had long-been closed without the granting of a discharge because Meriwether had not filed the statutorily required FMCCs. In the motions to reopen, Meriwether requested that the Court reopen the cases to allow him to file the grossly delinquent FMCCs. However, Meriwether alleged no cause for reopening the cases under 11 U.S.C. § 350(b). As such, the motions to reopen were denied. As the Court explained in its denial order entered in this Case [Docket No. 18], the motion to reopen appeared to be nothing more than an effort by Meriwether to remedy the consequence of his sloppiness or incompetency; however § 350(b) is not a mechanism by which a debtor can remedy the results of his attorney's malpractice or incompetence.

Then, on November 24, 2015, the Debtor in this Case filed a Motion to Reopen [Docket No. 20] and the Motion to Disgorge. The Debtor sought to reopen to the Case for the purpose of prosecuting his Motion to Disgorge. On November 25, 2015, the Court entered an order [Docket No. 22], granting the Motion to Reopen. Contemporaneously, it also entered an Order and Notice [Docket No. 23], in which it observed "[i]n the Motion to Disgorge and the accompanying Motion to Reopen [Docket No. 20], the Debtor made numerous allegations against Meriwether, including attorney incompetence, gross case mismanagement, and client abandonment. In short, the Debtor alleges that Meriwether failed to earn the fees that the Debtor paid to him for legal representation in his Case." The Court then ordered that "any response to the Motion to Disgorge be filed by December 4, 2015" and gave notice that **"**it may impose monetary and/or nonmonetary sanctions against Meriwether, if it is shown that he committed a sanctionable act, including but not limited to client abandonment, failing to appear at a § 341 meeting, or allowing a non-attorney to practice law on his behalf." Meriwether chose not to respond.

II. JURISDICTION, VENUE, NOTICE AND OTHER ISSUES

A. Subject Matter Jurisdiction

The bankruptcy court does not have subject matter jurisdiction vested to it. Subject matter jurisdiction is vested to the district court. As such, an inquiry into

whether this Court has subject matter jurisdiction is really an inquiry into whether the district court has subject matter jurisdiction.

Section 1334(a) & (b) of title 28 establishes that the district court has "original and exclusive jurisdiction of all cases under title 11 [the Bankruptcy Code]," and "original but not exclusive jurisdiction of all civil proceedings arising under title 11, or arising in or related to cases under title 11." Under this framework, the district court has subject matter jurisdiction over the matter of a disgorgement request, since it arises under title 11 or arises in a case under title 11. In addition, because the district court has subject matter jurisdiction over the issue of disgorgement, it also has subject matter jurisdiction over the issue whether sanctions should be imposed under § 105(a) and the inherent power of the court related to the attorney's activities in conjunction with the need for disgorgement.

B. Authority to Hear and Determine

While § 1334 confers subject matter jurisdiction over bankruptcy matters, § 157 of title 28 of the United States Code ("§ 157") confers authority upon the district court to refer bankruptcy matters to the bankruptcy court, and confers upon the bankruptcy court authority to preside over referred proceedings. Section 157(a) establishes that the district court "may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district." As such, the district court has authority to refer those bankruptcy cases and proceedings over which it has subject matter jurisdiction to the bankruptcy court. A § 157(a) referral of bankruptcy proceedings is effected by a standing order whereby the district court automatically refers those matters that, by statute, may be referred to the bankruptcy court. *See, e.g.,* E.D. Mo. L.R. 81-9.01(B)(1).

Section 157, in turn, establishes that a bankruptcy judge has authority to preside over referred proceedings—although the authority to determine a matter by final disposition depends on the type of case or proceeding that has been referred. On one hand, "[b]ankruptcy judges may hear and determine all cases

under title 11 and all core proceedings arising under title 11, or arising in a case under title 11 . . .” 28 U.S.C. § 157(b)(1). On the other hand, a bankruptcy judge may only hear (but not determine) a non-core proceeding that is merely “related to” a case under title 11. 28 U.S.C. § 157(c)(1). However, there is an exception to this limitation: with the consent of the parties, a bankruptcy judge may hear and determine a non-core proceeding that is merely “related to” the case.

Here, the referred proceedings—the Motion to Disgorge and the sanctions issue—are core proceedings arising under title 11 or arising in a case under title 11. As such, the Court does not require consent of the parties to hear and determine these proceedings. The recent U.S. Supreme Court case of *Stern v. Marshall*, 131 S.Ct 2594 (2011), does not change this. In *Stern*, the Supreme Court held that § 157(b)(2)(A) is unconstitutional as applied to a state law claim for tortious interference at issue in that case. *Stern v. Marshall* did not involve the determination of a motion to disgorge or sanctions issues, did not hold that all of § 157 is unconstitutional as applied, and did not strip the bankruptcy court of its authority to determine disgorgement proceedings or sanctions matters.

C. Personal Jurisdiction

Meriwether is the attorney of record in this Case. He has made an appearance and the Court has personal jurisdiction over him. Further, by failing to respond to the Order and Notice or the Motion to Disgorge, Meriwether has consented to personal jurisdiction by waiver of the issue.

D. Venue

Section 1408(1) of title 28 of the United States Code provides that:

> a case . . . may be commenced in the district court for the district **. . .** in which the domicile, residence, principal place of business in the United States, or principal assets in the United States, of the person or entity that is the subject of such case have been located for the one hundred and eighty days immediately preceding such commencement, or for a longer portion of such one-hundred-and-eighty-day period than the domicile, residence, or principal place of business, in the United States, or principal assets in the United States, of such person were located in any other district.

Further, "[i]t is well established that an objection to venue is waived if not timely raised." *Block v. Citizens Bank et al.,* 249 B.R. 200, 203 (Bankr. W.D. Mo. 2000). Venue of this Case lies in this Court and no party has suggested otherwise.

E. Power to Sanction and Suspend

It is well-established that bankruptcy courts have the power to sanction. *See, e.g., Elbert A. Walton, Jr. v. John V. LaBarge (In re Clark),* 223 F.3d 859, 864 (8th Cir. 2000)("[Section 105 gives to bankruptcy courts the broad power to implement the provisions of the bankruptcy code and to prevent an abuse of the bankruptcy process . . ."); *Needler v. Cassmatta (In re Miller Automotive Group, Inc.),* 2015 WL 4746246, at *5 (8th B.A.P. Aug. 12, 2015)("Bankruptcy Code § 105(a) provides a bankruptcy court with authority to "issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of" the Bankruptcy Code, and allows the court to "tak[e] action or mak[e] any determination necessary or appropriate to . . . prevent an abuse of process." 11 U.S.C § 105(a)). It also is well-established that bankruptcy court have the inherent power to sanction abusive litigation practices. *See Law v. Siegel*, --- U.S. ---, ---, 134 S.Ct. 1188, 188 L.Ed.2d 146, 2014 WL 813702, at *5 (2014)(citing *Marrama v. Citizen Bank of Mass.,* 549 U.S. 365, 375-376, 127 S.Ct. 1105, 166 L.Ed.2d 956 (2007); *In re Young*, 507 B.R. 286, 291 (8th Cir. B.A.P. 2014). "This power is broad in scope, and includes the power to impose monetary sanctions, as well as to 'control admission to its bar and to discipline attorneys who appear before it.'" *In re Burnett*, 450 B.R. 116, 132 (Bankr. E.D. Ark. 2011)(quoting *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991), and citing *Plaintiffs' Baycol Steering Comm. v. Bayer Corp*., 419 F.3d 794, 802 (8th Cir. 2005), and *Harlan v. Lewis*, 982 F.2d 1255, 1259 (8th Cir. 1993)).

In addition, the local rules make it clear that the Court has the authority to discipline attorneys before it, including by suspension. L.B.R. 2093-A provides that "[t]he professional conduct of attorneys appearing before this Court shall be governed by the Rules of Professional Conduct adopted by the Supreme Court of Missouri, the Rules of Disciplinary Enforcement of the United States District Court for the Eastern District of Missouri, and these Rules." In addition, L.B.R.

2094-C provides that "[n]othing in this Rule shall preclude the Court from initiating its own attorney disciplinary proceedings regardless of whether an attorney has been disciplined by another court," and L.B.R. 2090-A provides that this Court adopts "[t]he requirements for . . . attorney discipline . . . outlined in Rules 12.01-12.05" of the Local Rules of the U.S. District Court (each, an "E.D.Mo. L.R.")

In turn, E.D.Mo. L.R. 12.02 provides that "a member of the bar of this Court and any attorney appearing in any action in this Court, for good cause shown and after having been given an opportunity to be heard, may be disbarred or otherwise disciplined," as provided in the U.S. District Court's Rules of Disciplinary Enforcement (each, an "E.D.Mo. R.D.E."). And in turn, E.D.Mo. R.D.E. IV-A provides that "[f]or misconduct defined in these Rules, and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this court may be disbarred, suspended from practice before this court, reprimanded or subjected to such other disciplinary action as the circumstances may warrant." E.D.Mo. R.D.E. IV-B defines conduct "which violates the Code of Professional Responsibility adopted by the Supreme Court of Missouri" may be grounds for discipline.[6]

It should be noted that disciplining an attorney by suspending him under E.D.Mo. L.R. 12.02 and E.D.Mo. RDE IV-A is not the same as bringing a "formal disciplinary proceeding" against that attorney under E.D.Mo. R.D.E. V. Under E.D. R.D.E. V, when misconduct or allegations of misconduct come to the attention of the judge, the judge may (stated in the permissive, not the mandatory) refer a matter to counsel appointed under E.D.Mo. R.D.E. X, for investigation and prosecution of a formal disciplinary proceeding. Here, however, there is no need for the Court to make a referral of the matter for appointment of Rule X counsel. The misconduct occurred in a case before the Court and the record is clear. There is no need for an investigation or prosecution in a formal disciplinary proceeding.

[6] The Missouri Supreme Court's Rules of Professional Conduct serve as the code of professional responsibility for attorneys licensed to practice by that court.

Accordingly, case law, § 105, and the Local Rules all establish that the Court has the power to sanction, including by suspending an attorney.

F. Service

Meriwether receives in near real-time electronic notification from the Court of all filings in this Case. His current suspension from the remote access use of the Court's CM-ECF docketing system did not change this; he still receives electronic notification of filings. Accordingly, Meriwether was served with a copy of the Motion to Disgorge as well as the Order and Notice.

G. Notice

Notice is required before sanctions are imposed. *Walton v. LaBarge* (*In re Clark)*, 223 F.3d at 864. Due process is provided where "the sanctioned party has a real and full opportunity to explain its questionable conduct before sanctions are imposed." *Coonts v. Potts*, 316 F.3d 745, 753 (8th Cir. 2003)(*Chrysler Corp. v. Carey*, 186 F.3d 1016, 1023 (8th Cir. 1999)). However, this is not a mandate that a hearing be conducted prior to the imposition of sanctions. *Walton v. LaBarge* (*In re Clark)*, 223 F.3d at 864 ("The court may act [to impose sanctions] without a hearing if it has provided an opportunity for one but no parties in interest requested it."); *In re Rimsat, Ltd*., 212 F.3d 1039, 1046 (7th Cir. 2000)("Putting to one side the possibility that the appellants were not entitled to a hearing in the first place, the problem with the appellants' argument that the bankruptcy court should have held a hearing before imposing sanctions is that the appellants never requested a hearing. Since a court is not invariably required to provide a hearing before imposing sanctions, the appellants' failure to request a hearing waives any right they might have had to one."); *see* 11 U.S.C. § 102(1)(providing that "'notice and a hearing', or a similar phrase . . . means after such notice as is appropriate in the particular circumstances, and such opportunity for a hearing as is appropriate in the particular circumstances; but . . . authorizes an act without an actual hearing if such notice is given properly and if . . . such a hearing is not requested timely by a party in interest.").

The Court gave Meriwether notice of its intent to impose sanctions in connection with the determination of the Motion to Disgorge, and afforded

Meriwether an opportunity to respond. Meriwether declined to respond and did not request a hearing. As such, he had a real and full opportunity to explain his questionable conduct, but declined to act upon this opportunity.

III. FACTS ADMITTED

Meriwether was given an opportunity to file a response to the Motion to Disgorge, but declined to do so. He did not contest any representation. He did not request an evidentiary hearing. He did not request oral arguments. In light of this, the Court deems that Meriwether, by his deliberate decision not to respond despite the invitation to do so, admitted the well-pleaded facts alleged by the Debtor. Those well-pleaded facts include:[7]

- The Debtor obtained his FMCC on July 10, 2015.
- Meriwether failed to appear to represent the Debtor at his § 341 meeting on July 14, 2015.
- A "representative" of "Critique Services" named "Tracey" was at the § 341 meeting. (Whoever this person was, she was not an attorney with the Critique Services Business. The Court has no record of anyone with that first name serving as a Critique Services Attorney in any case before it.)
- The Debtor handed to Tracey a copy of his FMCC.
- After later receiving a letter from the Court advising that he had not completed the FMCC, the Debtor contacted Renee Mayweather, the office manager at the Critique Services Business Office, who advised him to disregard the email and stated that the FMCC had been filed.
- Two weeks later, the Debtor received another notice that he had not completed the FMCC. This time, the Debtor went into the Critique Services Business Office, asked to speak with his attorney, and was told

[7] These facts were pleaded in the Motion to Reopen and the Motion to Disgorge. In its Order and Notice, the Court described the facts it construed to be alleged in support of the disgorgement request, and included those alleged in both documents. This construction is consistent with the obligation to liberally construe pro se filings. The Debtor clearly meant to allege the facts in the Motion to Reopen in support of the Motion to Disgorge, as well.

that his attorney was not there. The Debtor left his telephone number, but no one called him back.

- The Debtor made yet-more telephone calls and more trips into the office, but was never able to speak with Meriwether. Every time the Debtor asked to speak with his attorney, he was told that the attorney was unavailable. His telephone calls went unreturned and the telephone lines were rarely answered. When he went into the office, he was advised that he needed to be patient and that he would receive his discharge.
- At the beginning of October, the Debtor went into the office yet again, because some of his creditors were calling him. He demanded to have his questions answered and refused to leave until they were answered.
- At that point, Mayweather advised the Debtor that there had been a typographical error on his FMCC, and she would have it processed again.
- The Debtor was, yet again, told to wait.
- On October 19, 2015, the Debtor came to the office and was told that his case had been dismissed "because the Judge has a personal issue with their company." The Debtor did not believe Mayweather, and told her so.

Further, the record establishes that at no time between July 14, 2015 and October 29, 2015 did Meriwether file an FMCC for the Debtor. In addition, the record establishes that the Case was dismissed for the failure to file the FMCC. Mayweather's false representation to the Debtor that the case was dismissed due to a "personal issue" is nothing more than a dishonest attempt to cover up Meriwether's case mismanagement. And, the record establishes that Meriwether still waited almost another whole month after October 19, 2015, before he even attempted to file the FMCC.

IV. DISGORGEMENT

A. Disgorgement of Attorney's Fees Proper

Section 329(b) provides that "[i]f such compensation [of a debtor's attorney] exceeds the reasonable value of any such services, the court may cancel any such agreement, or order the return of any such payment, to the extent excessive, to . . . the estate, if the property transferred . . . would have

been property of the estate." This statute "allows the court sua sponte to regulate attorneys and other people who seem to have charged debtors excessive fees." *(Brown v. Luker) In re Zepecki*, 258 B.R. 719, 725 (B.A.P. 8th Cir. 2001)(citing *In re Weatherley*, 1993 WL 268546 (E.D. Pa. 1993)). Section 329, by its terms, applies to post-petition services as well as to prepetition services. *See Schroeder v. Rouse (In re Redding)*, 247 B.R. 474, 478 (B.A.P. 8th Cir. 2000). As such, pursuant to § 329(b), the bankruptcy court may order that a request for payment of the debtor's attorney's fees be denied or that fees paid to the debtor's attorney be disgorged. *Walton v. LaBarge (In re Clark)*, 223 F.3d at 864 (noting the power of the bankruptcy court to award or deny fees); *In re Burnett*, 450 B.R. at 130-31 (providing that § 329(b) allows the court to disgorge compensation already received).

Disgorgement of attorney's fees is not a punitive measure and does not constitute damages. *In re Escojido*, 2011 WL 5330299, at *2 (Bankr. S.D. Cal. Oct. 28, 2011) (citing *Berry v. U.S. Trustee (In re Sustaita)*, 438 B.R. 198, 213 (B.A.P. 9th Cir. 2010)). Disgorgement pursuant to § 329(b) is a civil remedy with no additional procedural protections.

Before disgorgement may be ordered, there must first be a determination that the fees are excessive. *Schroeder v. Rouse (In re Redding)*, 247 B.R. at 478. In determining whether fees are excessive, "a court should compare the amount of compensation that the attorney received to the reasonable value of the services rendered." *Brown v. Luker (In re Zepecki)*, 258 B.R. at 725 (citing *Schroeder v. Rouse (In re Redding)*, 247 B.R. at 478). The attorney bears the burden of proving that his compensation is consistent with the reasonable value of his services. An attorney may not hide behind the excuse that his non-attorney staff persons rendered poor or improper services, regardless of whether he specifically directed his staff to practice law without a license or to commit improprieties, or whether he just incompetently managed his staff.

The evidence here establishes that the reasonable value of Meriwether's services is $0.[8] Meriwether failed to do even ***the bare minimum*** required for the Debtor his discharge—the very purpose of filing for chapter 7 bankruptcy relief. He had the FMCC long before it was due, yet inexcusably failed to file it, and was never—at any point—honest with the Debtor about the situation. And, he failed to return telephone calls, refused to respond to inquiries, and ignored the Debtor's pleas for attention to his Case. He utterly abandoned the Debtor.

Accordingly, the Court **ORDERS** that the Motion to Disgorge be **GRANTED** and that Meriwether disgorge to the Debtor all fees paid to Meriwether by the Debtor ***forthwith***.

V. SANCTIONS

The actions of Meriwether in this Case are reprehensible. He abandoned a client and allowed non-attorney staff persons at the office where he works to lie to the Debtor—repeatedly—about the status of his Case. He took no effort to interact with or to respond to his own client. And, in a particularly outrageous turn of events, he permitted Mayweather not merely to lie to his client, but to lie to his client about the Court and why a particular disposition was entered—a lie designed to create distrust of the court of which Meriwether is an officer. Words fail to adequately describe the disgracefulness of Meriwether's conduct.

The Court has given Meriwether ample and repeated warnings about his problematic conduct, and those warnings have been ignored. The Court has tried escalating sanctions, and they have proven ineffective. Monetary sanctions do not deter Meriwether and even the suspension of his remote access filing privileges has been of no avail. In summary, Meriwether has collected fees that he failed to earned, failed to show up at a § 341 meeting as required, abandoned his client, lied to his client about his case status, and lied to his client about the

[8] The Court chooses to assign zero-value because this dovetails with § 329(b)'s "excess" requirement. However, an alternate holding would be that Meriwether failed to adequately represent the Debtor, thereby failing to earn his fees. *In re Bost*, 341 B.R. 666, 689 (Bankr. E.D. Ark. 2006)(ordering disgorgement because the attorney had not adequately represented his clients and has not earned the fees they paid him).

Court's dispositions. And, sadly, none of this is even surprising, given Meriwether's record of similar behavior in other cases.

This must stop. Meriwether must stop ripping off clients by abandoning them. He must stop collecting fees and not earning them. He must stop violating the Local Rules, which require that he appear at § 341 meetings. He must stop abusing the bankruptcy process. He must stop harming debtors before this Court. He must stop permitting non-attorney staff persons from participating in the unauthorized practice of law, and he must stop them from lying to his clients about their cases.

Accordingly, pursuant to § 105(a) and the inherent power of the Court to discipline attorneys who appear before it, the Court **ORDERS** that, effective immediately, Meriwether be suspended from the privilege of practicing before the U.S. Bankruptcy Court for the Eastern District of Missouri from the date of the entry of this Order through March 7, 2016. During his suspension, Meriwether may not file a pleading or document of any sort on behalf of anyone other than himself, or represent any person, other than himself, before this Court in any capacity. He is barred from practicing or appearing before this Court on behalf of another person, whether by: special appearance or regular appearance; for representation of a paying client or a pro bono client; for representation of a family member or an unrelated person; or in a Main Case or an Adversary Proceeding.[9] He may not practice in any case before, or anticipated to be before, this Court, whether such practice would be inside or outside the courtroom. He may not appear at a § 341 meeting on behalf of any debtor. He may not "send" another attorney to a § 341 meeting, unless that attorney has formally entered his notice of appearance as the debtor's attorney in the case. He may not serve as co-counsel with any attorney in the representation of a client in a case before or anticipated to be before this Court. He may not fee-

[9] Nothing herein shall prohibit Meriwether from being subpoenaed or summonsed in any matter before this Court or from responding to such subpoena or summons. He may be subject to deposition in matters before this Court and may give testimony in hearings and trials before this Court.

share with any attorney in any fees that he collected pre-petition, but which he had not earned as of the date of his suspension date.

The Court will not permit Meriwether, during his suspension, to supervise, manage or otherwise be in charge of another attorney who practices before this Court. Meriwether cannot manage himself or the non-attorney staff pesons with whom he works. He certainly cannot be trusted to competently supervise, manage, or otherwise be in charge of another attorney. Accordingly, the Court **ORDERS** that, for the duration of Meriwether's suspension, no attorney may list with the Court "3919 Washington Blvd., St. Louis, Missouri" (Meriwether's office address) as his business address or list any landline telephone number associated with that address as his business contact number. Currently, no (non-suspended) attorney lists this address and telephone number in his contact information with this Court, so this directive will in no way affect the Court's current records of other practicing attorneys.

Further, the Court **ORDERS** that Meriwether be **DIRECTED** to return all attorney's fees that he collected prior to his suspension, but which he will be unable to earn personally as a result of this suspension. To establish that such fees are returned, Meriwether is directed to file, in his personal capacity, an Affidavit of Return of Unearned Fees in each case in which the debtor returned unearned fees, with proof of payment attached. And, Meriwether is directed to file a Certificate of Compliance in this Case, in which he lists each case number, debtor's name, and the amount of the fees returned.

Further, the Court **ORDERS** that Meriwether be **DIRECTED** to post at the front office counter at 3919 Washington Blvd., St. Louis, Missouri, the attached "NOTICE OF SUSPENSION." The posted notice shall be an exact copy of the attached NOTICE OF SUSPENSION," and shall be fully and easily viewable, facing outward (not inward, toward the staff), and not be obscured or hidden in any way. It shall be legible and not be reduced in size, and not be mutilated, damaged, altered, or otherwise modified from the attached version in any way. It shall be posted immediately and shall remain posted throughout the suspension. It shall be posted regardless of whether Meriwether is present in the office. This

posting is required because the facts of this Case and the facts of *In re Hopson* show that Meriwether makes false representations to his clients. The Court has no confidence that Meriwether will be honest about his suspension. Potential clients are entitled to known about the suspension.

Further, the Court **ORDERS** that Meriwether be **DIRECTED** to provide to any person, who enters 3919 Washington Blvd., St. Louis, Missouri seeking any sort of legal or bankruptcy services an exact copy of the attached "NOTICE OF SUSPENSION." Each such copy shall be fully legible and unaltered in any way.

Further, the Court **ORDERS** that Meriwether be **DIRECTED** to provide to the Court (i) a copy of his contract with Critique Services L.L.C., and (ii) an affidavit setting forth how his attorney's fees paid by debtors are handled: when those fees are collected, to whom they are handed, to what entity they are paid (whether they are paid to "Critique Services" or "Critique Services L.L.C." or "Law Office of Meriwether", or another entity or person), what type of receipt is provided to the payor, where they are held, whether they are placed in a trust account, by whom they are held, when they are treated as fully earned, whether non-attorney staff persons who handle Meriwether's fees are paid by Meriwether (either as his employees or as his independent contractors) or by someone else (and if by someone else, by who), and any other relevant details. This is disclosure is necessary because of Meriwether's proven ignorance about the happenings in the cases in which he is the attorney of record, and his incompetence in handling basic matters for his debtor-clients. The Court requires proof from Meriwether does not run his practice in a way that results in the mishandling of prepetition-paid attorney's fees (which, to the degree that they are unearned as of the petition date, are property of the estate). Such documents may be filed under protection in this Case, to prevent public viewing without Court authority.

And further, the Court **ORDERS** that Meriwether be **DIRECTED** complete twelve (12) hours of continuing legal education in professional ethics.

The Court gives **NOTICE** that any violation of, or failure to comply with, this Order may be met with sanctions.

VI. CONCLUSION

Meriwether may file a Motion to Reinstatement within two weeks of the expiration of his suspension. Meriwether will be reinstated, provided that he can show that he disgorged his fees in the Case, completed his continuing legal education requirements, returned unearned fees in other cases, obeyed this Order in full, and is otherwise in good standing with this Court.

As set forth herein, the Court orders that Meriwether disgorge all fees paid to him by the Debtor and that Meriwether be suspended on the terms and the directive set forth herein. A copy of this Order will be forwarded to the OCDC.

DATED: December 7, 2015
St. Louis, Missouri 63102
mtc

CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

Copy Mailed To:

Dean D. Meriwether
Law Offices of Dean Meriwether
3919 Washington Avenue
St. Louis, MO 63108

Seth A Albin
Albin Law
7710 Carondelet Avenue
Suite 405
St. Louis, MO 63105

Office of US Trustee
111 S Tenth St, Ste 6.353
St. Louis, MO 63102

NOTICE OF SUSPENSION

ATTORNEY DEAN D. MERIWETHER HAS BEEN *SUSPENDED* FROM PRACTICING BEFORE THE U.S. BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF MISSOURI UNTIL MARCH 7, 2016.

MERIWETHER HAS BEEN SUSPENDED AS A RESULT OF HIS PARTICIPATION IN THE UNAUTHORIZED PRACTICE OF LAW, MAKING FALSE REPRESENTATIONS TO A CLIENT, CLIENT ABANDONMENT, AND REPEATED INSTANCES OF CASE MISMANAGEMENT.

DURING HIS SUSPENSION, MERIWETHER MAY NOT REPRESENT ANY PERSON, RENDER SERVICES TO ANY PERSON, FILE ANY DOCUMENT FOR ANY PERSON, OR APPEAR IN COURT OR AT A § 341 MEETING ON BEHALF OF ANY PERSON, IN ANY BANKRUPTCY CASE OR ANTICIPATED BANKRUPTCY CASE IN THIS DISTRICT.

A COPY OF THE ORDER SUSPENDING MERIWETHER MAY BE OBTAINED AT NO COST AT THE COURT'S WEBSITE AT: www.moeb.uscourts.gov

Attachment 107

Order Suspending Dellamano from Using his CM-ECF passcode to Remotely Access the CM-ECF System Until Such Time as He Makes Certain Disclosures Regarding His Practice, entered in *In re Dellamano*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	
	§	
Robert Dellamano,	**§**	**Misc. Case No. ____**
	§	
Attorney.	**§**	

ORDER

The Court now opens the above-referenced Miscellaneous Case and **DIRECTS** that Robert J. Dellamano be issued a passcode to the Court's CM-ECF electronic docketing system, on the terms set forth herein.

I. FACTUAL BACKGROUND

It is appropriate to begin this Order by recognizing the factual background relevant to Dellamano's recent effort to obtain a CM-ECF passcode.

On December 7, 2015, in *In re Leander Young* (Case No. 15-44343), the Court entered an order suspending attorney Dean D. Meriwether d/b/a "Critique Services" from the privilege of practicing before this Court until March 7, 2016 [Docket No. 26] (the "Suspension Order"[1]) (Attachment A). Meriwether was suspended for abandoning a client, failing to file a critical document, being dishonest with his client, and allowing a non-attorney staff person to participate in the unauthorized practice of law.

Meriwether claims that he practices at his eponymously named "Law Office of Dean D. Meriwether." However, as set forth in the Suspension Order, this representation of a law firm is sham. Practicing law at his law firm is not his real business. Meriwether's real business is not the practice of law at his law firm; his real business is to be the attorney signature-for-hire at the Critique Services Business, to provide cover for the business's unauthorized practice of law. Meriwether is under contract with a non-law firm entity, "Critique Services L.L.C." through which the Critique Services Business is orchestrated and he lists

[1] Capitalized terms herein shall have the terms given to them in the Suspension Order, unless otherwise noted or defined.

his office as 3919 Washington Blvd.,[2] St. Louis, Missouri—the office of the Critique Services Business.

The Critique Services Business is a "bankruptcy services" operation that scams primarily low-income, minority clients from metropolitan St. Louis. It takes the money of the poor, promises legal representation, but provides little to none. Clients are dumped off to non-attorney staff persons, and these non-attorney staff persons have been caught soliciting false information for inclusion into petition papers and lying to clients. The attorneys involved with the operation rubberstamp the petition papers prepared by the non-attorney staff persons, to give the appearance of the practice of law. However, the attorneys do not meet with clients before the clients' money is paid; sometimes, they do not meet with the client before the case is filed, if at all. Often, they fail to file important documents, fail to return telephone calls, fail to appear at § 341 meetings, and fail to appear at contested hearings.

The Critique Services Business operates through Critique Services L.L.C., which contracts for its attorneys. Critique Services L.L.C. is owned by a non-attorney, Beverly Holmes Diltz, who has a notorious business reputation. She has been repeatedly enjoined here and in the U.S. Bankruptcy Court for the Southern District of Illinois for the unauthorized practice of law. In 2003, she was expelled from the Southern District of Illinois, permanently barred from operating any bankruptcy services business there. She and her affiliated persons have been sued numerous times by the United States Trustee in this District, and have been permanently prohibited in this District from operating as bankruptcy petition preparers. And, as noted in the Suspension Order, every attorney who has represented himself as a Critique Services Attorney has been disbarred or suspended, except one.

In the Suspension Order, the Court determined that Meriwether was "dishonest and dangerously incompetent." Given this, the Court concluded that it would not permit Meriwether, during his suspension, "to supervise, manage or

[2] The Clerk's Office confirmed with the U.S Postal Service that the address is "Blvd.," not "Ave.," as sometimes represented by Critique Services Attorneys.

otherwise be in charge of another attorney who practices before this Court. Meriwether cannot manage himself or the non-attorney staff persons with whom he works. He certainly cannot be trusted to competently supervise, manage, or otherwise be in charge of another attorney." For that reason, the Court ordered:

> for the duration of Meriwether's suspension, no attorney may list with the Court "3919 Washington Blvd., St. Louis, Missouri" (Meriwether's office address) as his business address or list any landline telephone number associated with that address as his business contact number. Currently, no (non-suspended) attorney lists this address and telephone number in his contact information with this Court, so this directive will in no way affect the Court's current records of other practicing attorneys.

Three days after Meriwether was suspended, an attorney named Robert J. Dellamano[3] requested from the Clerk's Office a CM-ECF passcode. Any attorney who wants to electronically file documents with the Court at a location other than the Clerk's Office must have a CM-ECF passcode. In the process of requesting a CM-ECF passcode, Dellamano represented to the Clerk's Office that his business address is "3919 Washington" (Meriwether's business address) and that his business telephone number is (314) 533-4357 (Meriwether's business telephone number). Simultaneously, he claimed that he practices at the "Law Firm of Robert J. Dellamano."

This is not the first time the Court has heard of Dellamano. For months now, concerned trustees have been reaching out to the Court, to advise that Dellamano has been appearing at § 341 meetings[4] to represent clients of Meriwether—despite the fact that Dellamano was not the attorney of record for any of the debtors and despite the fact that Dellamano had not filed the required Rule 2016(b) Attorney Compensation Disclosure Statement.

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[3] Dellamano is not licensed to practice law in Missouri. He holds an Illinois license. He has no office of record in Illinois. Presumably, he practices in Missouri by piggybacking off his admission to practice before the U.S. District Court of this District (the "District Court").

[4] The meeting of creditors is statutorily required under 11 U.S.C. § 341. The debtor and his attorney appear, and the debtor responds under oath to the questions of the trustee, the United States Trustee, and creditors.

Dellamano also had previously on requested a CM-ECF passcode, but was denied his request. On September 14, 2015 (shortly after the Court suspended Meriwether from using the CM-ECF system due to his activities in *In re Arlester Hopson* (Case No. 15-43871)), Dellamano came into the Clerk's Office, requesting a CM-EFC passcode. The Clerk's Office declined to issue him a CM-ECF passcode at that time, because he was not admitted to practice in this District. As the Court summarized in its Notice entered on September 18, 2015 [I*n re Hopson* (Case No. 15-43871 Docket No. 61] (Attachment B):

> Robert James Dellamano sought CM-ECF training from the Office of the Clerk for the U.S. Bankruptcy Court (the "Clerk's Office"). He advised the Clerk's Office that he is not licensed to practice in Missouri and is not admitted to practice before this Court, but that he is in the process of seeking to be admitted to practice before the Court. He also advised that he has been working with Meriwether at the Critique Services business since July 2015—apparently, despite not being licensed to practice in this state and despite not being admitted to practice before this Court. On the training sign-in sheet, Dellamano indicated that he is an attorney and listed his "firm" as "Critique." The Clerk's Office provided Dellamano with requested training, but declined Dellamano's request for a CM-EFC log-in (a CM-ECF log-in is available only to an attorney admitted to practice before the Court). The Clerk's Office also notified Chambers of its interactions with Dellamano, as it is unusual for an attorney who is not licensed in this state and is not admitted to practice before this Court to seek CM-ECF training.

The Court also observed that:

> [it] is uncertain of what role Dellamano has had at the Critique Services business for the past several months, given his lack of a Missouri law license. However, out of an abundance of caution (and in light of the fact that, in the past, persons affiliated with the Critique Services business have had to be enjoined from the unauthorized practice of law), the Court provides **NOTICE** that, unless and until Dellamano is admitted to practice before this Court, he may not practice law or otherwise render legal services or advice of any kind in connection with any case that has been filed or is anticipated to be filed in this Court, whether such practice or services would be rendered inside or outside the courtroom. He may not appear at a § 341 meeting on behalf of any debtor in any

> case that has been filed in this Court, as he cannot serve as the attorney of record for a debtor.

Meriwether and Dellamano were provided a copy of this Notice.

Several months later, on October 9, 2015, Dellamano was admitted to practice before the District Court. However, at that time, he did not return to the Clerk's Office to request a CM-ECF passcode. Instead, he just continued his affiliation with Meriwether without entering a notice of appearance in any case—and meanwhile, the chapter 7 trustees continued to point out the problem of his appearances at § 341 meetings.

It was not until two months after his admission to practice before the District Court that Dellamano again sought a CM-ECF passcode—which he did only after Meriwether's suspension. However, as noted above, in the Suspension Order, the Court directed that no other attorney use Meriwether's business office address and telephone number as his contact information with the Court during the period of Meriwether's suspension. The Court was concerned that Meriwether would try to end-run his suspension by having another attorney obtain a CM-ECF passcode and start ghost-practicing for Meriwether at his office—effectively end-running the suspension. Because Dellamano listed Meriwether's office and telephone number as his own when he made his second request for a CM-ECF passcode, Chambers directed the Clerk's Office to shut off the passcode, pending entry of this Order.

II. ANALYSIS

Dellamano claims to be practicing under his own shingle as the "Law Office of Robert J. Dellamano." However, his office is Meriwether's office and his telephone number is Meriwether's telephone number. Further, since last July, he has represented that he works with Meriwether as "Critique Services." He has shown up at § 341 meetings to represent Meriwether's clients. In light of these facts, Dellamano's sudden claim now that he practices as his own law firm strikes the Court as nothing more than as an attempt to cosmetically put distance between himself and Meriwether. Whatever purported law firm Dellamano claims to be operating at 3919 Washington Blvd. is likely to be a total sham—just like

Meriwether's "Law Firm of Dean D. Meriwether" is a total sham, through which Meriwether rents out his signature and bar card number to Diltz, as cover for the Critique Services Business's real business of the unauthorized practice of law.

III. CONCLUSION

The Court will issue Dellamano a CM-ECF passcode, provided that he establishes that his law firm is not a sham, that he is not managed, supervised or directed by Meriwether or Diltz (either formally or informally), that he is not involved with the unauthorized practice of law at 3919 Washington Blvd. (Meriwether's and Diltz's business at that address), and he will not function as a mechanism by which Meriwether can continue to practice during his suspension. To establish this, Dellamano must provide the following:

(A) an affidavit explaining, in detail, his role in the business being conducted at 3919 Washington Blvd., including the exact nature of his professional relationship with Meriwether, Diltz and Critique Services L.L.C. over the past twelve months;

(B) a copy of any contract into which he entered with Meriwether, Diltz, or Critique Services L.L.C. in the past twelve months, or an affidavit attesting that he has not entered into any contract with Meriwether, Diltz or Critique Services L.L.C. in the past twelve months;

(C) documents (such as W-4s or pay advices or quarterly tax returns) received or filed in the past twelve months, showing how Dellamano has been paid, and by whom, in connection with his services at 3919 Washington Blvd.;

and

(D) an affidavit attesting, in detail, to how his clients' fees are handled, including: the name(s) of the person(s) or entity to whom the fees are paid; the name(s) of the person(s) who receives the payments; where the fees are held following payment; when the fees are treated as earned; when he is

> paid from the fees; whether he employs or independently contracts with the persons who handle his fees and, if he does not, who does employ or independently contract with those persons; and the financial institution at which his client trust account, if he has one, is kept.

Dellamano may file these documents under protection, so that the documents will not be available for public viewing without a Court order upon notice and a showing of cause. However, Dellamano must provide a copy of all such documents filed with the Court to the United States Trustee.

Nothing herein constitutes a suspension of Dellamano from the privilege of practicing before this Court. He remains free to practice here. However, he will not receive a CM-ECF passcode unless he performs as directed above. In the meantime, Dellamano may file whatever documents he wishes at the Clerk's Office. The Clerk's Office will allow him to use the on-site computer banks, which do not require that the filer have an individual CM-ECF passcode. Like any other attorney, Dellamano may not file any document via submission through the U.S. Postal Service, other common carrier, email, or facsimile.

The Court also **ORDERS** that Dellamano not appear at any § 341 meeting on behalf of a debtor unless he has become the attorney of record, as reflected in the Court's records, and has filed a Rule 2016(b) Attorney Disclosure Statement, ***prior to*** the § 341 meeting. Dellamano may not show at a § 341 meeting to claim that he represents a debtor if he is not the attorney of record, and he may not "ask" the debtor—on-the-spot, when the debtor desperately needs counsel at the § 341 meeting—if the debtor will "agree" to be represented by Dellamano. ***Dellamano may not informally "cover" the representation of any of Meriwether's clients at § 341 meetings during Meriwether's suspension.*** The mere fact that both Meriwether and Dellamano are now apparently both part of the same Critique Services scheme does not make it proper for Dellamano to claim to represent Meriwether's clients without becoming

an attorney of record and filing his Rule 2016(b) Attorney Compensation Disclosure Statement.[5]

Accordingly, the Court **ORDERS** Dellamano to bring to every § 341 meeting at which he appears for a debtor a hard copy of his Notice of Appearance or other document from the record of the Court that establishes that he is the debtor's attorney of record.[6] In addition, if any case trustee conducts a § 341 meeting with Dellamano representing a debtor under circumstances where Dellamano's status as the attorney of record is not established, or if any case trustee chooses to continue a § 341 meeting because he cannot easily determine whether Dellamano is the attorney of record, the Court invites the trustee to file a Record of Appearance in that case, advising of the circumstances under which Dellamano appeared or attempted to appear on behalf of a debtor.

Charles E. Rendlen III

CHARLES E. RENDLEN, III
U. S. Bankruptcy Judge

DATED: December 11, 2015
St. Louis, Missouri
sec

Copies mailed to:

Robert J. Dellamano
Attorney at "Critique Services"
Law Office of Robert J. Dellamano
3919 Washington Blvd.
St. Louis, MO 63108

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[5] This is not a broader prohibition against other attorneys "hot-seating" (the slang term used in this District to refer to the practice of one attorney "covering" for another attorney at a § 341 meeting). Hot-seating may be a perfectly acceptable practice by other attorneys under different circumstances.

[6] It is Dellamano's burden to establish that he is the attorney of record. It is not the case trustee's burden and it is not practical to expect the case trustees to have a real-time representation of the Court's records related to the attorney of record. It is the Court's understanding that the § 341 meeting rooms in the St. Louis courthouse currently are not wi-fi hotspots, making it impractical to access to the Court's CM-ECF system during a § 341 meeting.

Attachment 108

Examples of Dellamano's Use of the Deloitte Building Address

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In: Toni L. Davenport	)	
	)	Case No.: 15-49067
Debtor	)	Chapter 7
	)	
	)	
	)	
	)	

ENTRY OF APPEARANCE

Comes Now, Robert J. Dellamano, Attorney at Law, and enters his appearance as sole legal counsel for Debtor.

Robert J. Dellamano #6310686IL
Attorney at Law
100 S. 4th Street, Ste. 550
St. Louis, MO 63102
(314) 499-6900 office
(314) 300-4650 fax
robert.dellamano@yahoo.com

CERTIFICATE OF SERVICES:

By my signature above it is certified that a copy of the above was served by First Class Mail, this 14th day of December, 2015 to:

Stuart Jay Radloff
13321 N. Outer 40 Rd, Suite 800
St. Louis, MO 63017

Toni L Davenport
955 Riverwod Place Dr.
Florissant, MO 63031

Robert Dellamano, Attorney at Law

DISCLOSURE AND RETAINER AGREEMENT FOR LEGAL REPRESENTATION

Pursuant to this retainer agreement, Toni Davenport, ("the client") retains Robert Dellamano, Attorney At Law, to enter his appearance in the client's pending bankruptcy. By his/her signature below, the client acknowledges that this retainer agreement has been read in full and that the client agrees to the terms of this retainer agreement. The client acknowledges and agrees to the following terms:

1. **Disclosure.** The client acknowledges that he/she has previously retained Dean Meriwether, Attorney At Law, as legal counsel in the client's pending bankruptcy. On December 7, 2015, the Bankruptcy Court entered an Order, which suspends the right of Attorney Meriwether from practicing in the Bankruptcy Court until March 7, 2016 and imposes other restrictions. The client understands that this Order presently prohibits Attorney Meriwether from representing the client in his/her pending bankruptcy case.

Attorney Meriwether has issue me a partial refund and I have retained the services of Attorney Dellamano.

To protect the interests of the client, Attorney Meriwether has requested the assistance of Attorney Dellamano, on behalf of his clients. The legal representation of Attorney Dellamano is offered to the client pursuant to the terms and conditions of this Disclosure and Retainer Agreement For Legal Representation. The client understands that the client is not required to retain Attorney Dellamano as his/her legal counsel and is free to seek out legal representation from any other attorney.

2. **Retention of Robert Dellamano as legal counsel for the Client**. By the client's signature below, the client retains Robert Dellamano as his/her legal counsel and authorizes Attorney Dellamano to enter his appearance in the client's pending bankruptcy and provide all legal services required by the client in said bankruptcy.

Toni Davenport
Client

12-17-2015
Date

If Joint, Client

Date

Attorney At Law

12/17/15
Date

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In: CLARENCE AND LETTIE MORRIS	)	
	)	Case No.: 14-48332
Debtors	)	Chapter 13
	)	
And all cases on attached list	)	
	)	
	)	

REPONSE TO NOTICE OF HEARING AND TRUSTEE'S MOTION FOR ORDER DIRECTING TRUSTEE TO SUSPEND PAYMENT OF ATTORNEY FEES PENDING FURTHER ORDER OF COURT

Comes Now, Robert J. Dellamano, Attorney at Law, in response to the aforesaid Motion of the Trustee, states;

1. By agreement between Debtors and Attorney, Debtors have retained Attorney for future legal services in Debtor's Chapter 13 bankruptcy cases. Attorney has entered his appearance, filed copies of the agreement, filed Substitution of Counsel and Compensation Statement of Attorney for Debtors.

2. Pursuant to the retainer agreements signed and jointly agreed by Debtors and Attorney, Attorney shall receive compensation for future legal services through the monthly disbursement of the Chapter 13 Trustee funds received from the Debtors.

3. Attorney is currently entering into agreements with Debtor's with Chapter 13 bankruptcy cases not yet confirmed.

Respectfully submitted,

Robert J. Dellamano #6310686IL
Attorney at Law
100 S. 4th Street, Ste. 550
St. Louis, MO 63102
(314) 499-6900 office
(314) 300-4650 fax
robert.dellamano@yahoo.com

CERTIFICATE OF SERVICES:

By my signature above it is certified that a copy of the above was served by First Class Mail, this 18th day of December, 2015 to:

John V. Labarge
Chapter 13 Trustee
P.O. Box 430908
St. Louis MO 63143

all parties on the attached list

Robert J. Dellamano #6310686IL

Deketra Marie Nearing
3704 Kosciusko Apt 209
Saint Louis, MO 63118

Phyllis Dianne Jackson
3023 Country Green Ct Apt D
Florissant, MO 63033

Kimberly Lynn McNeal
653 Greenway Manor Dr
Florissant, MO 63031

Donna R Pelley
6300 Natural Bridge Rd
Saint Louis, MO 63121

Reginald A Kent
12662 Pommarde Apt. A
Saint Louis, MO 63146

Candace Denise Ivie
4640 Redfield Ct, Apt 3b
Saint Louis, MO 63121

Diana Sharron Reid
9229 Worlds Fair Saint
St. Louis, MO 63136

Patricia Ann Payne
9019 Bobb Ave
Saint Louis, MO 63114

Anthony T Jones
10259 Hobkick Dr
Saint Louis, MO 63137

Sharon Marie Robinson
5522 Etzel Ave Apt A
Saint Louis, MO 63112

Rose Marie Lewis-Taylor
2556 Hord Ave
Saint Louis, MO 63136

James E. Morgan
20 Plaza Sq. Apt 301
Saint Louis, MO 63103

Curtis Summers Camel
305 Louisa Ave
Saint Louis, MO 63135

Carl E Thompson
8701 Partridge
Saint Louis, MO 63147

Melinda M Vaughn
12861 Meadowdale Dr
Saint Louis, MO 63138

Grayling West
10041 Dellridge Ln

Saint Louis, MO 63136

Stephany Berry
3 Manor Dr
Florissant, MO 63031

Archie Swearengen
1610 Kingshighway
Saint Louis, MO 63113

Rita M Ward
52 West Dell Dr
Saint Louis, MO 63136

Tiffany M Crumer
4078 Esseldale Dr
Saint Ann, MO 63074

Richard Lee Dunn
9922 Ashmont Drive
Saint Louis, MO 63136

Alisha Denise Shannon
675 Hargrove Ln
Florissant, MO 63033

Jimmie Lee McMiller
5128 Cabanne
Saint Louis, MO 63113

Michelle Denise Cross
7 Bayview Dr
Saint Louis, MO 63135

Stephanie Amelia Gilmore
5947 Emma Ave
Saint Louis, MO 63136

Casandra R States
5309 Fletcher St
Saint Louis, MO 63136

Vincent Lamonte Collins
6800 Coachlight Square Ct
Florissant, MO 63033

Reginald J Davis
3905 Kingsland Ct.
Saint Louis, MO 63116

Landres D Wilbert
1337 Walton
Saint Louis, MO 63113

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In: Jessica White	)	
	)	Case No.: 15-48556
Debtor	)	Chapter 7
	)	
	)	
	)	
	)	

ENTRY OF APPEARANCE

Comes Now, Robert J. Dellamano, Attorney at Law, and enters his appearance as sole legal counsel for Debtor.

Robert J. Dellamano #6310686IL
Attorney at Law
100 S. 4th Street, Ste. 550
St. Louis, MO 63102
(314) 499-6900 office
(314) 300-4650 fax
robert.dellamano@yahoo.com

CERTIFICATE OF SERVICES:

By my signature below it is certified that a copy of the above was served this **18th** day of December 2015 by ECF system and/ or first class mail to the following:

E. Rebecca Case
7733 Forsyth Ste. 500
.Clayton, MO 63105

Jessica White
2173 Orbit Dr
Saint Louis, MO 63136

Robert Dellamano, Attorney at Law

15-48556

DISCLOSURE AND RETAINER AGREEMENT FOR LEGAL REPRESENTATION

Pursuant to this retainer agreement, Jessica White, ("the client") retains Robert Dellamano, Attorney At Law, to enter his appearance in the client's pending bankruptcy. By his/her signature below, the client acknowledges that this retainer agreement has been read in full and that the client agrees to the terms of this retainer agreement. The client acknowledges and agrees to the following terms:

1. **Disclosure.** The client acknowledges that he/she has previously retained Dean Meriwether, Attorney At Law, as legal counsel in the client's pending bankruptcy. On December 7, 2015, the Bankruptcy Court entered an Order, which suspends the right of Attorney Meriwether from practicing in the Bankruptcy Court until March 7, 2016 and imposes other restrictions. The client understands that this Order presently prohibits Attorney Meriwether from representing the client in his/her pending bankruptcy case.

Attorney Meriwether has issue me a partial refund and I have retained the services of Attorney Dellamano.

To protect the interests of the client, Attorney Meriwether has requested the assistance of Attorney Dellamano, on behalf of his clients. The legal representation of Attorney Dellamano is offered to the client pursuant to the terms and conditions of this Disclosure and Retainer Agreement For Legal Representation. The client understands that the client is not required to retain Attorney Dellamano as his/her legal counsel and is free to seek out legal representation from any other attorney.

2. **Retention of Robert Dellamano as legal counsel for the Client**. By the client's signature below, the client retains Robert Dellamano as his/her legal counsel and authorizes Attorney Dellamano to enter his appearance in the client's pending bankruptcy and provide all legal services required by the client in said bankruptcy.

Jessica White
Client

12/15/15
Date

If Joint, Client

Date

Attorney At Law

Date

Attachment 109

Order Directing Dellamano to File Leasing Agreement,
entered in *In re Dellamano*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	
	§	
Robert J. Dellamano,	**§**	**Misc. Case No. 15-0402**
	§	
Attorney.	**§**	

ORDER SUSPENDING ROBERT J. DELLAMANO
FROM THE PRIVILEGE OF PRACTICING BEFORE THIS COURT

For the reasons set forth herein, the Court **ORDERS** that attorney Robert J. Dellamano be given until **3:00 P.M. on December 18, 2015** to file a copy of his leasing agreement for 100 S. 4th Street, Ste. 550, St. Louis, Missouri, 63102, establishing that, as of December 16, 2015, he had an office at such address. If Dellamano fails to file a copy of such leasing agreement, the Court **ORDERS** that Dellamano be **SUSPENDED** from the privilege of practicing before this Court **effective 12:01 P.M. on December 18, 2015**, until **March 7, 2016.**

I. BACKGROUND OF THE CRITIQUE SERVICES BUSINESS

Dellamano is an attorney who has represented that he is affiliated with attorney Dean D. Meriwether and the business known as "Critique Services" (the "Critique Services Business") conducted by Meriwether and others at 3919 Washington Blvd. (the "Critique Services Business Office"). The ongoing malfeasance, including the unauthorized practice of law and the refusal to obey court orders, that is being committed by persons and entities affiliated with the Critique Services Business has been detailed in *In re Latoya Steward* (Case No. 11-46399), *In re Evette Nicole Reed, et al*. (Case No. 14-44818), *In re Arlester Hopson* (Case No. 15-43871), *In re Shadonaca Davis* (Case No. 15-48102), *In re Leander Young* (Case No. 15-44343), and *In re Lawanda Watson* (Case No. 11-42230). For the purposes of this Order, the following summary is sufficient.

The Critique Services Business is a "bankruptcy services" scam operated by the notorious non-attorney, Beverly Holmes Diltz. It targets low-income, minority persons in metropolitan St. Louis. Superficially, the business appears to provide bankruptcy counseling and legal representation. Diltz (through her company, Critique Services L.L.C.) creates this appearance by contracting or

otherwise affiliating with attorneys (the "Critique Services Attorneys") under the pretense that the attorneys practice bankruptcy law and that she merely provides to them "support" services. However, in reality, the Critique Services Business is in the business of the systematic unauthorized practice of law.[1] The Critique Services Business does not provide the legal services that its clients pay for—and its failure to provide these legal services is not the result of mere incompetence or sloppiness. The Critique Services Business is specifically designed to deny legal services. The clients are dumped off onto incompetent and often dishonest non-attorney staff persons, who then provide legal counsel, prepare legal documents for the clients, and affix the attorneys' signatures to those documents. The Critique Services Attorneys amount to rent-a-signatures. Their names and bar card numbers are affixed to documents prepared by non-attorney staff persons to provide operational cover for the unauthorized practice of law. The attorneys do not collect their fees personally, do not hold the fees in trust until earned, and have little (if any) direct contact with the clients. They do not meet with clients before the clients' money is paid; sometimes, they do not meet with the client before the case is filed, if at all. Often, they fail to file important documents, fail to return telephone calls, fail to appear at § 341 meetings, and fail to appear at contested hearings. The Critique Services Business Office is run such that telephone calls from clients are not returned and client requests to meet with the attorney are denied. Desperate clients are forced to come into the office, to beg for attention to their most pressing legal matters—often to no avail. Case mismanagement and client abandonment are standard operating procedures.

Diltz, her affiliated non-attorney staff persons, and her various entities have been repeatedly sanctioned, enjoined from the unauthorized practice of law, and prohibited from serving a bankruptcy petition preparers. Numerous attorneys who have been affiliated with the Critique Services Business have

[1] Diltz has peddled her "bankruptcy services" rip-off in this District through "Critique"-named vehicles for almost twenty years. She also ran her business just across the river in the Southern District of Illinois until 2003, when the bankruptcy court in that district barred her from ever doing any kind of bankruptcy services business there.

been disbarred and suspended for his actions while working for Diltz's operation. Currently, two attorneys located at the Critique Services Business Office are suspended from the privilege of practicing before the Court for various forms of professional malfeasance.

II. DELLAMANO AS A CRITIQUE SERVICES ATTORNEY

Dellamano holds an Illinois law license. He does not hold a Missouri law license. He was not admitted to practice before this Court until October 9, 2015. As detailed in *In re Arlester Hopson*, in July 2015, Dellamano came into the Clerk of Court's Office to obtain a password to access the CM-ECF system. In doing so, he represented to the Clerk's Office that he was affiliated with Meriwether and the Critique Services Business. The Clerk's Office advised Dellamano that it would not issue him a CM-ECF password at that time because he was not admitted to practice law before this Court.

Meanwhile—despite not being licensed in this state, and despite not being admitted to practice before this Court, and despite not being the attorney of record of any person in any case in this District—Dellamano appeared to nevertheless be practicing law on behalf of Meriwether's clients at § 341 meetings. Beginning in the summer of 2015, the Court began receiving complaints from the case trustees that Dellamano was appearing at § 341 meetings to represent clients of the Critique Services Business, despite not being the attorney of record. The Court issued a notice to Dellamano in *In re Hopson* that he was not permitted to appear at § 341 meetings on behalf of clients unless he was admitted to practice in this District. Nevertheless, complaints from the trustees continued.

Finally, on October 9, 2015, Dellamano obtained admission to practice before this Court—shortly after the Court suspended Meriwether's CM-ECF password for professional malfeasance in *In re Hopson*. However, Dellamano made no appearance in any case before this Court for another two months.

On December 7, 2015, the Court suspended Meriwether from the privilege of practicing before this Court for three months for his activities in *In re Young*. On December 11, 2015, Dellamano requested that a CM-ECF password be issued to him. In requesting a CM-ECF password, Dellamano represented that

his office is at 3919 Washington Blvd. (the Critique Services Business Office) and that his office telephone number is that of the Critique Services Business. As such, it appeared that Dellamano was the next attorney in the Critique Services Business scheme, set to either ghost-lawyer for the suspended Meriwether or to replace him entirely—but either way, to be the next attorney whose signature and bar card number would be used by Diltz for the unauthorized practice of law. On December 13, 2015, the Court entered the original order [Docket No. 1], opening this Miscellaneous Case. Based on the facts as set forth in the original order, the Court directed Dellamano not be provided a CM-ECF password until such time as Dellamano provided certain disclosures to the Court establishing the nature of his relationship with Meriwether and the Critique Services Business. The Court did not suspend Dellamano from the privilege of practicing; it merely required that Dellamano provided the required disclosures before he would be issued a CM-ECF password. Dellamano remained free to practice here and to file documents in the Clerk's Office. To date, Dellamano has not provided any of the disclosures required to obtain a CM-ECF password.

On December 16, 2015, Dellamano began filing at the Clerk's Office notices of appearance in chapter 13 cases for which Meriwether was the attorney of record. In those filings, Dellamano gave his business address as 100 S. 4th Street, Ste. 550, St. Louis, Missouri 63102—an office building in downtown St. Louis known as the Deloitte Building.

On December 17, 2015, the Court had to prepare yet-another order involving some problematic behavior of the Critique Services Business in the unrelated matter of *In re Watson*. The *Watson* order involved a directive to Dellamano. To ensure that the *Watson* order was sent to Dellamano's proper address, the Court sought to confirm that the new address given by Dellamano in his December 16 notices of appearance was, in fact, a valid address for him. Court staff contacted the Deloitte Building, eventually speaking with the appropriate personnel from Regus, the entity that leases the office spaces in Suite 550 of the Deloitte Building. Court staff inquired as to whether Robert Dellamano could be mailed documents at that address. At first, Court staff was advised that no one by that name leased space in Suite 550. Eventually, a

manager explained that a person by the name of Robert Dellamano had spoken with her about leasing space, but had not signed any paperwork. According to her, Robert Dellamano had no office space at that address.

III. SUSPENSION OF DELLAMANO

If Dellamano made false representations to the Court regarding his address, the Court finds it stunning that he thought he would get away with it. Dellamano should have known that it was just a matter of time before he would get caught. Given the highly disreputable nature of the Critique Services Business, the Court is skeptical of any representation made by a person affiliated with it; it should have come as no surprise that the Court would seek to confirm the validity of Dellamano's sudden, new business address. To any degree, the Court cannot permit an attorney to practice here when he cannot manage to be honest about something as basic as where his office is located. Accordingly, pursuant to § 105(a) and the inherent power of the Court to discipline attorneys who appear before it, the Court **ORDERS** that Dellamano file **by 3:00 P.M. on December 18, 2015**, a fully legible, fully executed, complete, non-redacted, non-falsified, non-backdated copy of the leasing agreement that establishes that Dellamano had an office in Suite 550 ***as of December 16, 2015***. If Dellamano fails to file copy of such a leasing agreement by the deadline, the Court **ORDERS** that Dellamano be suspended **as of 3:01 P.M. on December 18, 2015**. Dellamano will remain suspended **until March 7, 2016**.

During his suspension, Dellamano may not file a pleading or document of any sort on behalf of anyone other than himself, or represent any person, other than himself, before this Court in any capacity. He is barred from practicing or appearing before this Court on behalf of another person, whether by: special appearance or regular appearance; for representation of a paying client or a pro bono client; for representation of a family member or an unrelated person; or in a Main Case or an Adversary Proceeding.[2] He may not practice in any case

[2] Nothing herein shall prohibit Dellamano from being subpoenaed or summonsed in any matter before this Court or from responding to such subpoena or summons. He may be subject to deposition in matters before this Court and may give testimony in hearings and trials before this Court.

before, or anticipated to be before, this Court, whether such practice would be inside or outside the courtroom. He may not appear at a § 341 meeting on behalf of any debtor. He may not "send" another attorney to a § 341 meeting, unless that attorney has formally entered his notice of appearance as the debtor's attorney in the case. He may not serve as co-counsel with any attorney in the representation of a client in a case before or anticipated to be before this Court. He may not fee-share with any attorney in any fees that he had not earned as of the date of his suspension date.

If the suspension goes into effect, Dellamano may file a motion for reinstatement within two weeks of March 7, 2016. To establish that reinstatement is proper, Dellamano must provide the following:

(A) an affidavit explaining, in detail, any role he had in the business being conducted at 3919 Washington Blvd., including the exact nature of his professional relationship with Meriwether, Diltz and Critique Services L.L.C. over the past twelve months;

(B) a copy of any contract into which he entered with Meriwether, Diltz, or Critique Services L.L.C. in the past twelve months, or an affidavit attesting that he has not entered into any contract with Meriwether, Diltz or Critique Services L.L.C. in the past twelve months;

(C) documents (such as W-4s or pay advices or quarterly tax returns) received or filed in the past twelve months, showing how Dellamano has been paid, and by whom, in connection with his services at 3919 Washington Blvd.;

(D) an affidavit attesting to the street address for his law practice and the landline telephone number for that office (not Dellamano's personal mobile telephone number);

(E) a copy of the lease for space for that business address; and

(F) an affidavit attesting, in detail, as to how he will handle his clients' fees while practicing before this Court, including: the name(s) of the person(s) or entity to whom the fees are paid; the name(s) of the person(s) who receives the payments; where the fees are held following payment; when the fees are treated as earned; when he is paid from the fees; whether he employs or independently contracts with the persons who handle his fees and, if he does not, who does employ or independently contract with those persons; and the financial institution at which his client trust account is kept.

Dellamano may file these documents under protection, so that the documents will not be available for public viewing without a Court order upon notice and a showing of cause. However, Dellamano must provide a copy of all such documents filed with the Court to the United States Trustee.

If the suspension goes into effect, the Court will forward a copy of this Order to the appropriate attorney disciplinary body for the state of Illinois.

Charles E. Rendlen III

CHARLES E. RENDLEN, III
U. S. Bankruptcy Judge

DATED: December 17, 2015
St. Louis, Missouri
sec

Copy Mailed to: Robert J. Dellamano
Attorney at "Critique Services"
Law Office of Robert J. Dellamano
3919 Washington Blvd.
St. Louis, MO 63108

Attachment 110

Notice of Suspension, entered in *In re Dellamano*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	
	§	
Robert Dellamano,	**§**	**Misc. Case No. 15-0402**
	§	
Attorney.	**§**	

NOTICE OF SUSPENSION

On December 17, 2015, the Court entered an Order Suspending Robert J. Dellamano from the Privilege of Practicing Before this Court (the "December 17 Order"). In that Order, the Court observed that Dellamano appeared to have made a false statement to the Court regarding his place of business. The Court gave Dellamano until 3:00 P.M. on December 18, 2015 to file a copy of a lease agreement that established that 100 S. 4th St., Suite 550 St. Louis, Missouri (the "Deloitte Building") was his mailing address as of December 16, 2015. If Dellamano failed to file a copy of such a lease agreement, the Court directed that, as of 3:01 P.M. on December 18, 2015, Dellamano be suspended from the privilege of practicing law before the Court until March 7, 2016.

Dellamano did not file a copy of such a lease. Instead, he filed a response. In his response, he did not request a hearing on the issue of whether suspension was proper or that any suspension be abated until a hearing. Dellamano's response included several documents, one of which was his affidavit. In his affidavit, he attested that he secured a mailbox at the Deloitte Building on December 15, 2015. However, the copy of an online mailbox rental agreement that he attached to his response clearly shows that the agreement was executed on December 18, 2015.[1] Moreover, in an email from the general manager of the mailbox-renting company, the manager states that Dellamano came into her office on December 15, 2015 to sign up for a mailbox, but that she

[1] The agreement states that the "start date" was December 15, 2015. However, Dellamano cannot re-write history and claim that he had a mailbox at the Deloitte Building on December 16, 2015 by backdating the start date of an agreement executed on December 18, 2105.

was unable to accept cash for payment. That is, the counter-party to the contract also did not back-up Dellamano's story about "securing" a mailbox on December 15, 2015.

Dellamano knew at the time that he filed numerous representations with the Court regarding his "new" address that he had not obtained a mailbox at the Deloitte Building. It was only after the issuance of the December 17 Order that Dellamano obtained the mailbox lease.

Dellamano also complains that the Judge's law clerk "investigated" the issue of his address without his "knowledge or consent." This is a ridiculous complaint. First, Court staff is permitted to confirm the correctness of a brand-new business address given by an attorney, especially one given under the circumstances here. The Court does not need an attorney's consent to have its staff confirm his address. Moreover, Dellamano has chosen to affiliate himself with the Critique Services Business, a notorious and disreputable operation. He should not be surprised that the Court might double-check his representations. Further, the Court notes that it sought to confirm Dellamano's address in connection with other business of the Court. On December 18, 2015, the Court had to send to Dellamano an order in an unrelated case, *In re Lawanda Watson*, in which the Court addressed the apparent use of dummied-up documents by Critique Services Business. The efforts to confirm Dellamano's address were undertaken in connection with the need to send the *Watson* Order to Dellamano at his correct address.

False representations, especially about something as important as an attorney's place of business, are not a small matter. Dellamano had no basis for representing that his address was at the Deloitte Building at the time that he made that representation. If he is willing to mislead and play fast-and-loose with something as basic as his office address, the Court can scarcely image what else he may be willing to mislead the Court about.

Dellamano has failed to demonstrate that he did not make a false statement in his representation of his address. He did not provide a lease and he did not provide any other evidence indicating that, as of December 16, 2015, he

had a mailing address at the Deloitte Building. To the contrary, he established that, as of December 16, 2015, he did not have a mailing address at the Deloitte Building. To impress upon Dellamano the importance of not lying to the Court and not playing games about how he does business here, the Court **ORDERS** that the suspension, on the terms set forth in the December 17 Order, be made **EFFECTIVE** immediately. As set forth in the December 17 Order, Dellamano is suspended from the privilege of practicing before this Court until March 7, 2016.

CHARLES E. RENDLEN, III
U. S. Bankruptcy Judge

DATED: December 18, 2015
St. Louis, Missouri
sec

Copy mailed to:

Robert J. Dellamano
Critique Services
3919 Washington Blvd.
St.Louis MO 63108
.

Attachment 111

Final Order Suspending Dellamano from the Privilege of Practicing Before the Court, entered in *In re Dellamano*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	
	§	
Robert Dellamano,	**§**	**Misc. Case No. 15-0402**
	§	
Attorney.	**§**	

FINAL ORDER FOR THE SUSPENSION OF ROBERT J. DELLAMANO FROM THE PRIVILEGE OF PRACTICING LAW BEFORE THIS COURT

On Friday, December 18, 2015, the Court issued a three-page Notice of Suspension [Docket No. 17], giving notice that attorney Robert J. Dellamano was suspended, effectively immediately, from the privilege of practicing before this Court until March 7, 2016. Today, the Court issues this Final Order for the Suspension of Robert J. Dellamano, the terms of which supersede the December 18 Notice.[1] For the reasons set forth herein, the Court now **ORDERS** that attorney Robert J. Dellamano be suspended from the privilege of practicing law before this Court until March 7, 2016, on the terms set forth herein. However, Dellamano shall be reinstated prior to March 7, 2016, upon providing to the Court the information set forth in Part VIII.

I. BACKGROUND

Dellamano is an attorney with an Illinois law license. He does not hold a Missouri law license. He has no office of record in Illinois. He was admitted to practice before the U.S. District Court for the Eastern District of Missouri (the "District Court") on October 9, 2015. Presumably, he now practices in Missouri by "piggybacking" off his admission to practice before the District Court here.

However, despite the fact that Dellamano was not admitted to practice before the Court until October, Dellamano has been appearing on behalf of debtors at § 341[2] meetings for many months. Specifically, at these § 341

[1] To the degree that it may be procedurally necessary, the December 18 Notice is hereby vacated upon entry of this Order.

[2] Bankruptcy Code § 341 requires that a debtor appear and give testimony at a meeting of creditors, which is conducted under oath, by the case trustee.

meetings, he has been representing the clients of attorney Dean D. Meriwether, an attorney affiliated with the "bankruptcy services" operation known as "Critique Services" (the operations of all those affiliated, the "Critique Services Business"). Since approximately July 2015, case trustees have been advising the Court of their concerns about Dellamano's behavior and the professional position in which Dellamano's activities places them, since the trustees are the persons responsible for properly conducting the § 341 meetings.

On September 14, 2015, Dellamano showed up in the Office of the Clerk for the U.S. Bankruptcy Court (the "Clerk's Office"), requesting training on the Court's electronic filing system (the "CM-ECF system")—despite the fact that he was not licensed in Missouri, was not admitted to practice before the Court, and was not the attorney of record in any case before the Court. At that time, Dellamano advised the Clerk's Office that he had been working with Meriwether at the Critique Services business since July 2015. On the training sign-in sheet, Dellamano indicated that he is an attorney and listed his "firm" as "Critique." The Clerk's Office provided him the training, but declined his request for a CM-EFC passcode, advising him that a CM-ECF passcode is available only to an attorney admitted to practice before the Court. After Dellamano left, the Clerk's Office notified Chambers of its interactions with Dellamano, as it is unusual for an attorney who is not licensed in this state and is not admitted to practice before this Court to seek CM-ECF training. The Court took Dellamano's interactions with the Clerk's Office as an opportunity to address his appearances at § 341 meetings. On September 18, 2015, in *In re Arlester Hopson* (Case No. 15-43871), the Court issued a notice (**Attachment A**) to Dellamano, advising him that he cannot practice in cases before the Court, including by the appearance at § 341 meetings, until he is admitted to practice in this District and has entered his appearance with the Court.

On October 9, 2015, Dellamano was admitted to practice before the District Court. Once an attorney is admitted to practice before the District Court, he can obtain a CM-ECF passcode. However, for the next two months, Dellamano did not request a CM-ECF passcode—nor did he file a notice of

appearance or become the attorney of record in any case before this Court, although he was still appearing at § 341 meetings.

However, Dellamano's hand was ultimately forced and he had to come out from the shadows at the Critique Services Business, when Meriwether ended up getting suspended. On December 7, 2015, the Court entered an order in *In re Leander Young* (15-44343) (**Attachment B**), suspending Meriwether from practicing before this Court until March 7, 2016, for his activities in that case. As a result of Meriwether's suspension, Dellamano was the only non-suspended attorney left at the Critique Services Business. (Meriwether's predecessor at the Critique Services Business, attorney James C. Robinson, had been suspended in June 2014, and attorney Dedra Brock-Moore had left the business months earlier.) In its order suspending Meriwether, the Court directed that, during Meriwether's suspension, no other attorney may use Meriwether's office address 3919 Washington Blvd., St. Louis, Missouri, 63018 (the "Critique Services Business Office") as his contact address with the Court. This directive was necessary because the Court had directed that, during his suspension, Meriwether may not manage another attorney practicing before this Court (since he couldn't even manage himself). The Court would not permit Meriwether to avoid the substantive effect of his suspension by having another attorney ghost-lawyer for him at his office.

Three days after Meriwether was suspended, on December 10, 2015, Dellamano again requested a password for the CM-EFC system. In doing so, he used the office address and telephone number of Meriwether, despite the directive against doing so. Accordingly, on December 11, 2015, the Court opened this Miscellaneous Case and entered an order (**Attachment C**), setting forth the terms under which Dellamano may obtain a CM-ECF passcode. The Court declined to issue Dellamano a passcode until he filed certain documents establishing that his practice was not merely a ruse to allow Meriwether to practice law during his suspension. Dellamano remained free to practice before the Court, but without a CM-ECF passcode, he had to file all documents in the

Clerk's Office. To date, Dellamano has not provided any of the required documentation and has not yet been given a CM-ECF passcode.

Five days later, on December 16, 2015, Dellamano filed at the Clerk's Office numerous notices of appearance in chapter 13 cases in which Meriwether is the attorney of record. In those notices of appearance, Dellamano represented that he had a new telephone number and a new mailing address at 100 S. 4th St., Suite 550, St. Louis, Missouri 63102—an office building known as the Deloitte Building. However, when Court staff attempted to use Dellamano's new telephone number and mailing address to conduct Court business, they were unable to confirm that the contact information was associated with him.

In mid-afternoon of December 17, 2015, the Court issued an Order of Suspension [Docket No. 3] (**Attachment D**), directing that Dellamano provide to the Court by 3:00 P.M. on December 18, 2015, a copy of a lease agreement establishing that, as of December 16, 2015, Dellamano had a mailing address at the Deloitte Building. The Court directed that, if Dellamano failed to provide such a leasing agreement, he would be suspended from the privilege of practicing law before this Court until March 7, 2016. Dellamano failed to provide such a leasing agreement, or any other evidence showing that, as of December 16, 2015, he had a mailing address at the Deloitte Building. In light of this, at 4:33 P.M. on Friday, December 18, 2015, the Court issued its three-page Notice of Suspension, confirming that Dellamano was suspended immediately on the terms set forth in the December 17 Order. Because debtor's attorneys often keep office hours on Saturdays to accommodate their clients, the Court was concerned that Dellamano might take on more clients over the weekend, if it was not clear that he was suspended as of Friday. The Court has now had time to prepare a detailed directive, and orders suspension on the terms set forth herein.

II. THE CRITIQUE SERVICES BUSINESS

The Court has described the operations and highly questionable practices of the Critique Services Business in numerous previous orders entered in *In re Latoya Steward* (Case No. 11-46399), *In re Arlester Hopson* (15-43871), *In re*

Shadonaca Davis (15-48102), and *In re Leander Young* (15-44343), among others. For the purposes here, it is sufficient to give the following summary.

The Critique Services Business is "bankruptcy services" scam owned and operated by a non-attorney, Beverly Holmes Diltz. It targets low-income, minority persons in metropolitan St. Louis. Superficially, the business appears to provide bankruptcy counseling and legal representation. Diltz (through her company, Critique Services L.L.C.) creates this appearance by contracting or otherwise affiliating with attorneys (the "Critique Services Attorneys") under the pretense that the attorneys practice bankruptcy law and that she merely provides to them "support" services. However, in reality, the Critique Services Business is in the business of the systematic unauthorized practice of law.[3] The Critique Services Business does not provide the legal services that its clients pay for—and its failure to provide these legal services is not the result of mere incompetence or sloppiness. The Critique Services Business is specifically designed to deny legal services. The clients are dumped off onto incompetent and often dishonest non-attorney staff persons, who then provide legal counsel, prepare legal documents for the clients, and affix the attorneys' signatures to those documents. The Critique Services Attorneys amount to rent-a-signatures. Their names and bar card numbers are affixed to documents prepared by non-attorney staff persons to provide operational cover for the unauthorized practice of law. The attorneys do not collect their fees personally, do not hold the fees in trust until earned, and have little (if any) direct contact with the clients. They do not meet with clients before the clients' money is paid; sometimes, they do not meet with the client before the case is filed, if at all. Often, they fail to file important documents, fail to return telephone calls, fail to appear at § 341 meetings, and fail to appear at contested hearings. The Critique Services Business Office is run such that telephone calls from clients are not returned and client requests to meet with the

[3] Diltz has peddled her "bankruptcy services" rip-off in this District through "Critique"-named vehicles for almost twenty years. She also ran her business just across the river in the Southern District of Illinois until 2003, when the bankruptcy court in that district barred her from ever doing any kind of bankruptcy services business there.

attorney are denied. Some desperate clients resort to coming into the Critique Services Business Office, to beg for attention to their most pressing legal matters—often to no avail. Case mismanagement and client abandonment are standard operating procedures.

Since 1999, Diltz, along with her "Critique Services"-named entities and her revolving-door of attorneys, have been repeatedly sued by the UST for the unauthorized practice of law and other unlawful practices—in 1999, 2001, 2002, 2003, 2005, and 2014.[4] Just across the river in the Southern District of Illinois, in 2003, Diltz was permanently barred from doing any kind of business involving a case before the U.S Bankruptcy Court for the Southern District of Illinois.[5] On this side of the Mississippi, Diltz and her affiliated persons have been repeatedly enjoined from the unauthorized practice of law, most recently in 2007 in *Gargula v. Diltz, et al. (In re Hardge)* (Adv. Proc. No. 05-4254). Every attorney affiliated with the Critique Services Business (Leon Sutton,[6] George E. Hudspeth, [7] Ross H. Briggs,[8] James C. Robinson,[9] and Meriwether[10]), except one,[11] has been suspended or disbarred for his activities with the Critique Services Business.

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[4] *See Pelofsky v. Holmes d/b/a Critique Service (In re Daniele M. Hamilton)* (Case No. 99-4065); *Pelofsky v. Holmes d/b/a Critique Service (In re Beatrice Bass)* (Case No. 01-4333); *In re Cicely Wayne* (Case No. 02-47990); ***Rendlen v. Briggs, et al. (In re Thompson)*** (Adv. Proc. No. 03-4003); *Gargula v. Diltz, et al. (In re Hardge)* (Adv. Proc. No. 05-4254); and *In re Terry L. and Averil May Williams, et al.* (Lead Case No. 14-44204).

[5] *In re Barry Bonner, et. al.* (Bankr. S.D. Ill. Lead Case No. 03-30784).

[6] In *In re Barry Bonner, et. al.* (Bankr. S.D. Ill. Lead Case No. 03-30784), Sutton was permanently disbarred from practicing law before the Illinois Bankruptcy Court. On May 24, 2004, Sutton was suspended on an interim basis by the Missouri Supreme Court; on May 10, 2006, he was disbarred by the Missouri Supreme Court (Missouri Supreme Court Case No. SC87525).

[7] On August 1, 2006, Hudspeth was disbarred by the Missouri Supreme Court (Missouri Supreme Court Case No. SC87881).

[8] In *In re Robert Wigfall, Jr*. (Bankr. S.D. Ill. Case No. 02-32059), Briggs was sanctioned by the U.S. Bankruptcy Court for the Southern District of Illinois (the "Illinois Bankruptcy Court") and suspended from filing new cases for three

III. DELLAMANO'S REPRESENTATIONS TO THE COURT ABOUT HIS NEW BUSINESS TELEPHONE NUMBER AND MAILING ADDRESS

As noted previously herein, on December 16, 2015, in connection with filing notices of appearance in numerous chapter 13 cases in which Meriwether was the attorney of record, Dellamano represented that he is now located at the Deloitte Building and is no longer using the Critique Service Business Office telephone number as his telephone number for Court communications. This representation seemed a bit suspicious, given that (i) just six days earlier on December 10, 2015, Dellamano had represented to the Court that his address is the Critique Services Business Office and that his telephone number is that of the Critique Services Business Office, and (ii) the notices of appearance filed on December 16, 2015, were filed in Meriwether's cases.

Shortly after Dellamano began filing these notices of appearance, the Clerk's Office had to call him at his new telephone number regarding an administrative matter. The call was not answered by Dellamano, or by a secretary, or by an answering service, despite the fact that the call was made during business hours. Instead, the call "rolled" to a voicemail greeting that did not sound professional. It was a generic automated greeting that referred only to the telephone number itself—such as a voicemail greeting might be for a

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months. In 2003, in ***Rendlen, UST v. Briggs, et al. (In re Thompson)*** (Adv. Proc. No. 03-4003), Briggs was sanctioned by this Court and suspended from filing new cases for six months.

[9] In *In re Latoya Steward* (Case. No. 11-46399), on June 10, 2014, Robinson was suspended from the privilege of practicing before this Court for one year. At the end of that year, Robinson made no efforts to fulfill the requirements for reinstatement and did not file a motion requesting reinstatement.

[10] In *In re Leander Young* (Case No. 15-44343), on December 7, 2015, Meriwether was suspended from the privilege of practicing before this Court for until March 7, 2016.

[11] Dedra Brock-Moore was affiliated with the Critique Services Business from August 2014 to August 2015. It is the Court's understanding that she has terminated her affiliation with the business.

personal mobile telephone. This was odd, as attorneys almost universally give to the Court their office telephone numbers. Then, when attempting to confirm that Dellamano could receive mail at the Deloitte Building,[12] the Court staff was advised by the manager of Suite 550 in the Deloitte Building that Dellamano had no mailing address there. Thus, by mid-day December 17, 2015, the Court had good reason to be concerned that Dellamano had made false representations to the Court regarding his new address.

IV. THE DECEMBER 17 ORDER

In the afternoon of December 17, 2015, the Court entered an Order Suspending Robert J. Dellamano from the Privilege of Practicing Before this Court (the "December 17 Order"). However, the suspension was not made effective immediately. The Court gave Dellamano until 3:00 P.M. the next day to file a leasing agreement establishing that, as of December 16, 2015, Dellamano had a mailing address at the Deloitte Building. However, if Dellamano failed to file a copy of such a lease agreement, Dellamano would be suspended from the privilege of practicing law before the Court until March 7, 2016.

V. DELLAMANO'S REPSONSE TO THE DECEMBER 17 ORDER

In response to the December 17 Order, Dellamano did not file a copy of a leasing agreement which established that he had a mailing address, as of December 16, 2015, at the Deloitte Building. He did, however, file a Response [Docket No. 10], which included several documents.

Dellamano did not request a hearing on whether suspension was proper in light of his Response. He did not request that any suspension be abated until such a hearing could be held.

One of the documents in his Response was his Affidavit, in which Dellamano attested that he "secured" a mailbox at the Deloitte Building on December 15, 2015. However, the copy of his mailbox rental agreement that he also included shows that this is not true. The agreement was not executed until

[12] On the morning of December 17, 2015, the Court was preparing to enter an order in *In re Lawanda Watson* (Case No. 11-42230), which involved the apparent use by the Critique Services Business of dummied-up documents. Dellamano was an attorney subject to directives in that order.

December 18, 2015.[13] Moreover, in an email from the manager of the rental company, which Dellamano also included in his Response, the manager states that Dellamano came into her office on December 15, 2015 to sign up for a mailbox, but that she was unable to accept cash for payment. That is, the manager also did not back-up Dellamano's story that he had "secured" a mailbox on December 15, 2015.

In summary, Dellamano had no address at the Deloitte Building as of December 16, 2015, and he knew it. Dellamano may have spoken to someone about possibly renting a mailbox. He may have planned to someday provide the payment to rent a mailbox. Or he ultimately may have changed his mind and not rented a mailbox. But regardless, when he filed his numerous notices of appearance on December 16, 2015, he knew that he did not have the mailing address that he listed.

Dellamano also tried to shift the blame for his situation from himself to the Court staff. Dellamano decided smear the Judge's law clerk in his Response, insinuating that she had somehow acted improperly in seeking to confirm his mailing address. Dellamano accused the law clerk of having "investigated" the issue of his address without his "knowledge or consent." This is a ridiculous complaint. First, the Court does not need an attorney's consent or knowledge to confirm his address. Second, the law clerk was not a roving drone on a black-ops mission, employing a clandestine stratagem to target Dellamano. She picked up the telephone and called the Deloitte Building—hardly a Zero Dark Thirty tactic. When speaking with the Deloitte Building staff, she gave her full name, affiliation with the Court, and telephone number, and advised that she was seeking to confirm a mailing address for the purpose of mailing court correspondence. To any degree, no injustice was visited upon Dellamano

[13] The December 18, 2015-executed lease states that the "start date" was December 15, 2015. However, Dellamano cannot backdate a lease to re-write history. Regardless of the "start date" of the lease, at the time that Dellamano filed his notices of appearance on December 16, 2015, he had not executed a leasing agreement and had no mailing address at the Deloitte Building.

because the falseness of his representations (made to the Court) about his address (for correspondence from the Court) was discovered (by the Court).

V. JURISDICTION, VENUE, NOTICE AND OTHER ISSUES

A. Subject Matter Jurisdiction

The bankruptcy court, as an Article I court, does not have jurisdiction vested to it. Jurisdiction is vested to the district court; the bankruptcy court merely has the authority to hear and determine matters referred to it from the district court. As such, an inquiry into whether this Court has jurisdiction is really an inquiry into whether the district court has jurisdiction. Section 1334(a) & (b) of title 28 establishes that the district court has "original and exclusive jurisdiction of all cases under title 11 [the Bankruptcy Code]," and "original but not exclusive jurisdiction of all civil proceedings arising under title 11, or arising in or related to cases under title 11." Under this scheme, the district court has subject matter jurisdiction over the matter over the issue of whether Dellamano should be sanctioned for the making of false representations, as such sanctions issue "arises in"[14] the bankruptcy cases in which the notices of appearance were filed.

B. Authority to Hear and Determine

While § 1334 confers subject matter jurisdiction over bankruptcy matters, § 157 of title 28 of the United States Code ("§ 157") confers authority upon the district court to refer bankruptcy matters to the bankruptcy court,[15] and also

[14] "'[A]rising in' proceedings are those that are not based on any right expressly created by title 11, but nevertheless, would have no existence outside of the bankruptcy." *GAF Holdings v. Rinaldi (In re Farmland Indus., Inc.)*, 567 F.3d 1010, 1018 (8th Cir. 2009)(citing *In re Wood*, 825 F. 2d 90, 97 (5th Cir. 1987)). A proceeding to determine whether it is proper to impose sanctions under § 105(a) upon an attorney for making false representations in pleadings is an example of an "arising in" proceeding.

[15] The district court "may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district." 28 U.S.C. §157(a).

confers upon the bankruptcy court the authority to preside over referred.[16] Referral of bankruptcy proceedings from the district court to the bankruptcy court is made by a standing order, whereby the district court automatically refers those matters that, by statute, may be referred to the bankruptcy court. *See, e.g.,* E.D. Mo. L.R. 81- 9.01(B)(1). This Miscellaneous Case[17] includes the issue of whether Dellamano should be suspended, under § 105(a) and the inherent authority of the Court, for making false representations. This issue arises in every bankruptcy case in which Dellamano filed a notice of appearance. This is core proceedings under 28 U.S.C. § 157(b)(1) over which the Court has authority to hear and determine.

C. Personal Jurisdiction

Dellamano filed a Response to the December 17 Order. He also is attorney of record in every case in which he filed a notice of appearance listing the Deloitte Building as his address. Dellamano has subjected himself to the Court's personal jurisdiction over him for purposes here.

D. Venue

Venue clearly lies under § 1408(1) of title 28 of the United States Code and Dellamano never argued otherwise. *Block v. Citizens Bank et al.,* 249 B.R. 200, 203 (Bankr. W.D. Mo. 2000)("It is well established that an objection to venue is waived if not timely raised.")

E. Power to Sanction and Suspend

The Court has the power to sanction, including by suspension, attorneys practicing before it. This power arises from case law, the inherent authority of the Court, and the local rules of this Court and the District Court.

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[16] "Bankruptcy judges may hear and determine all cases under title 11 and all core proceedings arising under title 11, or arising in a case under title 11 . . ." 28 U.S.C. § 157(b)(1).

[17] The Court determined that it would address the issues presented herein in a Miscellaneous Case, rather than by the cumbersome process of addressing the issues in every individual referred case in which they arise.

1. Case law

Case law establishes that bankruptcy courts have the power to sanction. *See, e.g., Elbert A. Walton, Jr. v. John V. LaBarge (In re Clark),* 223 F.3d 859, 864 (8th Cir. 2000)("[Section 105 gives to bankruptcy courts the broad power to implement the provisions of the bankruptcy code and to prevent an abuse of the bankruptcy process . . ."); *Needler v. Cassmatta (In re Miller Automotive Group, Inc.),* 2015 WL 4746246, at *5 (8th B.A.P. Aug. 12, 2015)("Bankruptcy Code § 105(a) provides a bankruptcy court with authority to "issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of" the Bankruptcy Code, and allows the court to "tak[e] action or mak[e] any determination necessary or appropriate to . . . prevent an abuse of process." 11 U.S.C § 105(a)). It also is well-established that bankruptcy courts have the inherent power to sanction abusive litigation practices. *See Law v. Siegel*, 134 S.Ct. 1188, 1191 (2014)(citing *Marrama v. Citizen Bank of Mass.,* 549 U.S. 365, 375-376 (2007)); *In re Jonathan Michael Young*, 507 B.R. 286, 291 (8th Cir. B.A.P. 2014). "This power is broad in scope, and includes the power to impose monetary sanctions, as well as to 'control admission to its bar and to discipline attorneys who appear before it.'" *In re Burnett*, 450 B.R. 116, 132 (Bankr. E.D. Ark. 2011)(quoting *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991), and citing *Plaintiffs' Baycol Steering Comm. v. Bayer Corp*., 419 F.3d 794, 802 (8th Cir. 2005), and *Harlan v. Lewis*, 982 F.2d 1255, 1259 (8th Cir. 1993)).

2. Inherent authority

Federal courts are vested with the inherent authority to manage their cases and courtrooms and to maintain the integrity of the judicial system. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991). Further, federal courts possess the inherent authority to suspension attorneys. *In re Snyder*, 472 U.S. 634, 643 (1985). Bankruptcy courts also possess the inherent authority to suspend or disbar attorneys, as implicitly recognized by Congress in § 105(a). The bankruptcy court's authority to suspend an attorney springs not only from its inherent authority to manage cases and its courtroom, but also from the attorney's role as an officer of the court. Such authority is "necessary to maintain

the respectability and harmony of the bar, as well as to protect the public." *Gadda v. Ashcroft*, 377 F.3d 934, 948 (9th Cir. 2004).

3. Local rules

The local rules establish that bankruptcy courts have the authority to discipline attorneys before it, including by suspension. Local Bankruptcy Rule for the Eastern District of Missouri ("L.B.R.") 2093-A provides that "[t]he professional conduct of attorneys appearing before this Court shall be governed by the Rules of Professional Conduct adopted by the Supreme Court of Missouri, the Rules of Disciplinary Enforcement of the United States District Court for the Eastern District of Missouri, and these Rules." In addition, L.B.R. 2094-C provides that "[n]othing in this Rule shall preclude the Court from initiating its own attorney disciplinary proceedings regardless of whether an attorney has been disciplined by another court," and L.B.R. 2090-A provides that this Court adopts "[t]he requirements for . . . attorney discipline . . . outlined in Rules 12.01-12.05" of the Local Rules of the U.S. District Court (each, an "E.D.Mo. L.R.")

In turn, E.D.Mo. L.R. 12.02 provides that "a member of the bar of this Court and any attorney appearing in any action in this Court, for good cause shown and after having been given an opportunity to be heard, may be disbarred or otherwise disciplined," as provided in the U.S. District Court's Rules of Disciplinary Enforcement (each, an "E.D.Mo. R.D.E."). And in turn, E.D.Mo. R.D.E. IV-A provides that "[f]or misconduct defined in these Rules, and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this court may be disbarred, suspended from practice before this court, reprimanded or subjected to such other disciplinary action as the circumstances may warrant." E.D.Mo. R.D.E. IV-B provides that conduct "which violates the Code of Professional Responsibility adopted by the Supreme Court of Missouri" may be grounds for discipline.[18] In short, this Court may discipline an attorney by suspension, provided that there is (i) good cause, and (ii) the attorney has been given an opportunity to be heard. In addition, Rule XII provides that

[18] The Missouri Supreme Court's Rules of Professional Conduct serve as the code of professional responsibility for attorneys licensed to practice by that court.

"[n]othing contained in these Rules shall be construed to deny to any judge of this court such inherent powers as are necessary to maintain control over judicial proceedings including initiation of civil or criminal contempt proceedings, or imposition of sanctions pursuant to any applicable authority, against an attorney appearing in an action in this court."

VI. ANALYSIS

Dellamano did not provide a leasing agreement or any other evidence indicating that, as of December 16, 2015, he had a mailing address at the Deloitte Building. To the contrary, he established that, as of December 16, 2015, he did ***not*** have a mailing address at the Deloitte Building, and that he had no basis for representing that his address was at the Deloitte Building at the time that he made that representation. This is not a situation where an attorney made an inadvertent mistake. Dellamano does not suggest that he had been, in good faith, mistaken about whether he had a lease on December 16, 2015. He insists that he had a lease on December 16, 2015, despite the fact that his documents show that he did not. Nor is this a situation where the attorney has admitted making a false statement, but offering the assurance that it will not happen again. Dellamano has not taken responsibility for his actions.

Given this, good cause exists to impose sanctions. False representations, especially about something as important as an attorney's place of business and where the Court can contact that attorney, are not a small matter. If Dellamano is willing to mislead about something as basic as his address, the Court can scarcely image about what else he may be willing to mislead the Court. Moreover, the Court observes that the purpose of Dellamano's false representation is particularly concerning. Dellamano appears to have misled the Court in an effort to obscure where, how, and with whom he does business in matters before this Court. On December 16, 2015, Dellamano wanted to file notices of appearances in Meriwether's cases. [19] But, given the December 11 Order, Dellamano likely did not want to openly connect himself further with the

[19] Dellamano filed notices of appearance in chapter 13 cases—cases in which there is a money flow (from the estate over the life of the plan) to the attorney.

Critique Services Business in his representations to the Court. However, he did not actually have another address to provide to the Court for correspondence; he had only the Critique Services Business Office. So, he chose to list an address that was not actually his at that time.

Second, Dellamano was given notice and an opportunity to be heard. The Court gave notice to Dellamano, prior to the effectiveness of the suspension, that it intended to suspend him pursuant to § 105(a) and the inherent power of the Court. Moreover, the Court gave Dellamano the opportunity to be heard before the suspension was made effective. It gave him an opportunity to show that no false statement was made. It gave him an opportunity to show that sanctions were not warranted. Moreover, had Dellamano requested a hearing on the matter before the imposition of sanctions, the Court would have given him one. The Court had an open schedule on December 18, 2015. But the Court was under no obligation to set the matter for hearing when the attorney himself does not indicate that he would like a hearing.

VII. DELLAMANO'S RECENT REPRESENTATIONS INVOLVING HIS RELATIONSHIP WITH THE CRITIQUE SERVICES BUSINESS

The Court now knows that the Deloitte Building mailing address given by Dellamano is an address for a mailbox, not an office. An attorney is free to use a rented mailbox as his mailing address for correspondence from the Court. However, under these facts, the Court is concerned that the use of a mailbox address would be done to put cosmetic distance between Dellamano and Meriwether and the Critique Services Business, to obscure Dellamano's relationship with Meriwether, to end-run Meriwether's suspension, and to allow the unauthorized practice of law perpetrated by Meriwether at the Critique Services Business to continue unabated during Meriwether's suspension, through Dellamano.

For example, Dellamano showed up to the Clerk's Office on December 18, 2015, along with Renee Mayweather, a long-time Critique Services Business non-attorney staff person. They asked the Clerk's Office front desk staff if Mayweather would be permitted to file documents for Dellamano at the Clerk's

Office. (When told by the front desk staff that such request must be made in writing to the judge, they left without putting their request in writing.) This certainly suggests that Dellamano has no distance whatsoever from the Critique Services Business and its unauthorized practice of law. For years, Mayweather has been deeply involved with the Critique Services Business. In 2007, in the matter of *Nancy Gargula, U.S.T. v. Beverly Holmes Diltz, et al.* (Case No. 05-4254), Mayweather entered into a consent injunction in which she:

> agrees that she may only engage in providing bankruptcy services to the public as an employee under written contract with an attorney or business organization whose primary business is the practice of law. She agrees that she is permanently enjoined from engaging in bankruptcy document preparation services on behalf of Defendant Diltz and Her Interests.

Yet, when Dellamano and Mayweather showed up at the Clerk's Office, they apparently just expected that Mayweather would be allowed use the Clerk's Office to "engage in providing bankruptcy services to the public" (by way of filing documents on behalf of Dellamano) on the presumption that she is "an employee under written contract with an attorney or business organization whose primary business is the practice of law" and that she is not engaged in the unauthorized practice of law. However, they offered no evidence that Mayweather is actually Dellamano's employee, and in just the past two years, there have been findings that the unauthorized practice of law and other untoward activities are be conducted at the Critique Services Business:

- the Court determined in *In re Latoya Steward* (Case No. 11-46399) that James C. Robinson (Meriwether's immediate predecessor Critique Services Attorney) did not practice law but had the Critique Services Business staff persons render legal services;
- the Court determined in *In re Leander Young* (that Meriwether (Dellamano's immediate predecessor Critique Services Attorney) allowed non-attorneys staff persons at the Critique Services Business to commit the unauthorized practice of law in his clients' cases;

- the Court determined in *In re Leander Young* that Renee Mayweather lied to Meriwether's client by falsely stating that his case had been "dismissed" because "because [Judge Rendlen] has a personal issue with their company (when, in actuality, the case had been closed without a discharge due to Meriwether's incompetence and client abandonment); and
- in *In re Evette Nicole Reed, et al.* (Lead Case No. 14-44818), Critique Services L.L.C., through its attorney, insisted that the non-attorney staff persons at the Critique Services Business are the employees of the Critique Services Attorneys, despite the fact that no Critique Services Attorney suggested this—but then refused the Court's August 20, 2015 invitation to submit any tax documents that would support its claim that it does not employ the non-attorney staff persons (including Mayweather).

VIII. DIRECTIVE THAT DELLAMANO BE SUSPENDED

The Court **ORDERS,** pursuant to § 105(a) and its inherent authority to discipline attorneys before it, and consistent with the authority set forth in the local rules, that Dellamano be suspended, effectively immediately, from the privilege of practicing before this Court until March 7, 2016. During his suspension, Dellamano may not file a pleading or document of any sort on behalf of anyone other than himself, or represent any person, other than himself, before this Court in any capacity. He is barred from practicing or appearing before this Court on behalf of another person, whether by: special appearance or regular appearance; for representation of a paying client or a pro bono client; for representation of a family member or an unrelated person; or in a Main Case or an Adversary Proceeding.[20] He may not practice in any case before, or anticipated to be before, this Court, whether such practice would be inside or outside the courtroom. He may not appear at a § 341 meeting on behalf of any

[20] Nothing herein shall prohibit Dellamano from being subpoenaed or summonsed in any matter before this Court or from responding to such subpoena or summons. He may be subject to deposition in matters before this Court and may give testimony in hearings and trials before this Court.

debtor. He may not "send" another attorney to a § 341 meeting, unless that attorney has formally entered his notice of appearance as the debtor's attorney in the case. He may not serve as co-counsel with any attorney in the representation of a client in a case before or anticipated to be before this Court. He may not fee-share with any attorney in any fees that he had not earned as of the date of his suspension date.

However, Dellamano shall be reinstated prior to March 7, 2016, upon providing to the Court the following information:

(A) an affidavit explaining, in detail, what role he has had since July 2015 in the business being conducted at the Critique Services Business Office, and what role he will have going forward in the business at the Critique Services Business Office;

(B) a copy of any contract into which he entered with Meriwether, Diltz, or Critique Services L.L.C. in the past twelve months, or an affidavit attesting that he has not entered into any contract with Meriwether, Diltz or Critique Services L.L.C. in the past twelve months;

(C) an affidavit sworn by Dellamano attesting to the ***accurate, non-false, current street address*** for his law practice (that is, where his practice is ***actually located***—not the address for rented mailbox, or an office space where he does not practice, or his home address unless more than fifty percent of his practice is conducted at his home, including client meetings), and the telephone number used for client contact to his practice (that is, his office number, not his personal mobile or homes number, if that is not the principal telephone number used by clients in the regular course of business); and

(D) an affidavit sworn by Dellamano, attesting to where his client fees will be collected (the street address), the name of the

person(s) will be collecting and handling his clients' fees at that address, who employs or otherwise pays the person(s) collecting and handling the fees, and where specifically those fees will be held until earned in full.

Dellamano may file these documents under protection, so that the documents will not be available for public viewing without a Court order upon notice and a showing of cause. However, Dellamano must provide a copy of all such documents filed with the Court to the United States Trustee.

IX. CONCLUSION

As set forth herein, the Court now **ORDERS** that attorney Robert J. Dellamano be suspended until March 7, 2016, on the terms set forth herein, unless he provides the information as set forth in Part VIII. Upon providing such information, he will be reinstated.

DATED: December 21, 2015
St. Louis, Missouri 63102
mtc

CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

Copy Mailed To:

Robert J. Dellamano
Critique Services
3919 Washington Blvd.
St.Louis MO 63108

ATTACHMENT A:

Order entered in *In re Arlester Hopson*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	**Case No. 15-43871-705**
	§	
Arlester Hopson,	**§**	**Chapter 7**
	§	
Debtor.	**§**	

NOTICE REGARDING THE PROFESSIONAL AFFILATION OF ATTORNEY ROBERT JAMES DELLAMANO WITH THE CRITIQUE SERVICES BUSINESS AND ATTORNEY DEAN MERIWETHER

Dean Meriwether is an attorney affiliated with the low-cost "bankruptcy services" business currently operating at 3919 Washington Blvd., St. Louis, Missouri (the "Critique Services business"). Meriwether is under contract with Critique Services L.L.C. (a non-law firm entity owned by a non-lawyer, Beverly Holmes Diltz), has registered to himself with the Missouri Secretary of State the fictitious name "Critique Services," has represented to the Court that he does business as "Critique Services," and lists his business address with the Court as that of the Critique Services business office at 3919 Washington Blvd.

Over the years, Critique Services L.L.C., Diltz, Diltz's previous permutations of "Critique"-named businesses, and attorneys and non-attorneys affiliated with Diltz's various businesses have been enjoined by this Court for their unprofessional and unlawful business practices. Several attorneys affiliated with Diltz's "Critique"-named bankruptcy services businesses have been suspended, sanctioned or disbarred for their activities while affiliated with Diltz's businesses. Meriwether became involved with the Critique Services business following the June 2014 suspension of the Critique Services business attorney, James C. Robinson.

On July 22, 2015, the Court held a hearing in this Case on a motion for relief from the automatic stay. Prior to the hearing, Meriwether failed to respond on behalf of his client, the Debtor. Then, Meriwether failed to appear at the July 22 hearing on behalf of the Debtor. The Debtor, however, did appear at the July 22 hearing, without his counsel. At the hearing, the Debtor made numerous,

troubling representations regarding Meriwether's role in this Case, including the representations that the Debtor had never even met Meriwether and that the Debtor had been advised by staff at the Critique Services business that he should appear without counsel at the July 22 hearing. After issuing a show cause order, and after Meriwether failed to show cause as to why sanctions should not be imposed upon him, on August 27, 2015, the Court entered an Order [Docket No. 32] suspending Meriwether's privilege to use the Court's electronic docketing system ("CM-ECF") and the Court's exteriorly located dropbox. The Court also directed Meriwether to file (i) amended Rule 2016 Attorney Compensation Disclosure statements in all cases pending before the undersigned Judge in which Meriwether currently is counsel of record, and (ii) a certificate of compliance with a list of all cases in which such amended Rule 2016 statements were filed. Meriwether, however, failed to timely comply with the requirement that he file the certificate of compliance with the list. Accordingly, on September 8, 2015, the Court entered an Order [Docket No. 45], sanctioning Meriwether $100.00 a day for each day of non-compliance since the certificate of compliance had been due on September 4, 2015. On September 9, 2015, Meriwether paid the accrued $500.00 in sanctions and filed the certificate of compliance and list.

On September 14, 2015, an attorney named Robert James Dellamano sought CM-ECF training from the Office of the Clerk for the U.S. Bankruptcy Court (the "Clerk's Office"). He advised the Clerk's Office that he is not licensed to practice in Missouri and is not admitted to practice before this Court, but that he is in the process of seeking to be admitted to practice before the Court. He also advised that he has been working with Meriwether at the Critique Services business since July 2015—apparently, despite not being licensed to practice in this state and despite not being admitted to practice before this Court. On the training sign-in sheet, Dellamano indicated that he is an attorney and listed his "firm" as "Critique."[1] The Clerk's Office provided Dellamano with requested

[1] Attachment A.

training, but declined Dellamano's request for a CM-EFC log-in (a CM-ECF log-in is available only to an attorney admitted to practice before the Court). The Clerk's Office also notified Chambers of its interactions with Dellamano, as it is unusual for an attorney who is not licensed in this state and is not admitted to practice before this Court to seek CM-ECF training.

The Court has confirmed that Dellamano was admitted to practice in Illinois in February 2013, and is not admitted to practice in Missouri. According to the records available on the website of the Illinois Supreme Court, Dellamano's registered business address is the Critique Services business office on Washington Blvd. in St. Louis, Missouri.[2] He has no registered business address in Illinois.

The Court is uncertain of what role Dellamano has had at the Critique Services business for the past several months, given his lack of a Missouri law license. However, out of an abundance of caution (and in light of the fact that, in the past, persons affiliated with the Critique Services business have had to be enjoined from the unauthorized practice of law), the Court provides **NOTICE** that, unless and until Dellamano is admitted to practice before this Court, he may not practice law or otherwise render legal services or advice of any kind in connection with any case that has been filed or is anticipated to be filed in this Court, whether such practice or services would be rendered inside or outside the courtroom. He may not appear at a § 341 meeting on behalf of any debtor in any case that has been filed in this Court, as he cannot serve as the attorney of record for a debtor.

The Court also encourages Dellamano (if he intends to practice before this Court) to familiarize himself with the Local Bankruptcy Rules (including the Rule related to the prohibition on the "unbundling" of legal services in main bankruptcy cases) and recognize the importance of honesty with the Court, appearing on behalf of clients when court appearances are required for advocacy, and properly handling attorney fees. Hopefully, Dellamano can avoid committing the same

[2] Attachment B.

violations that Meriwether and Robinson committed while practicing before this Court while affiliated with the Critique Services business.

The Court **DIRECTS** the Clerk's Office to provide a copy of this Notice to Dellamano at Critique Services, 3919 Washington Blvd., St. Louis, MO 63108.

DATED: September 18, 2015
St. Louis, Missouri 63102
mtc

CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

Copy Mailed To:

Dean D. Meriwether
Law Offices of Dean Meriwether
3919 Washington Avenue
St. Louis, MO 63108

Robert Dellamano
Attorney at Critique Services
3919 Washington Avenue
St. Louis, MO 63108

Mary E. Lopinot
P.O. Box 16025
St. Louis, MO 63105

Office of US Trustee
111 S Tenth St, Ste 6.353
St. Louis, MO 63102

ATTACHMENT A

Basic Debtor Attorney Training

Monday, September 14, 2015

Name (please print)	Firm	Phone Number	Attorney? Yes or No
Bob Dellamano	Critique	435-419-0595	Yes
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]

Trainer: [redacted]

CM/ECF

ATTACHMENT B

Lawyer Search
Lawyer Registration
How to Submit a Request For Investigation
Rules and Decisions
Ethics Inquiry Program
Publications
New Filings, Hearing Schedules and Clerk's Office
Client Protection Program
Resources & Links
ARDC Organizational Information

LAWYER SEARCH: ATTORNEY'S REGISTRATION AND PUBLIC DISCIPLINARY RECORD

ARDC Individual Attorney Record of Public Registration and Public Disciplinary and Disability Information as of September 17, 2015 at 1:13:22 PM:

Full Licensed Name:	Robert James Dellamano
Full Former name(s):	None
Date of Admission as Lawyer by Illinois Supreme Court:	February 4, 2013
Registered Business Address:	Dean D. Meriwether, Esq 3919 Washinton Blvd Saint Louis, MO 63108-3507
Registered Business Phone:	(314) 533-4357
Illinois Registration Status:	Active and authorized to practice law - Last Registered Year: 2015
Malpractice Insurance: (Current as of date of registration; consult attorney for further information)	In annual registration, attorney reported that he/she does not have malpractice coverage. (Some attorneys, such as judges, government lawyers, and in-house corporate lawyers, may not carry coverage due to the nature of their practice setting.)

Public Record of Discipline and Pending Proceedings: None

Check carefully to be sure that you have selected the correct lawyer. At times, lawyers have similar names. The disciplinary results displayed above include information relating to any and all public discipline, court-ordered disability inactive status, reinstatement and restoration dispositions, and pending public proceedings. Investigations are confidential and information relating to the existence or status of any investigation is not available. For additional information regarding data on this website,

please contact ARDC at (312) 565-2600 or, from within Illinois, at (800) 826-8625.

ARDC makes every effort to maintain the currency and accuracy of Lawyer Search. If you find any typographical errors in the Lawyer Search information, please email registration@iardc.org. For changes to contact information, including address, telephone or employer information, we require that the attorney submit a change of address form. Please consult our Address Change Requests page for details. Name changes require the filing of a motion with the Supreme Court. Please consult our Name Change Requests page for details.

Back to Search Results

New Search

IARDC ®:online access to registration and discipline information regarding Illinois lawyers
presented by the Illinois Attorney Registration & Disciplinary Commission.

ATTACHMENT B:

Order entered in *In re Leander Young*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	**Case No. 15-44343-705**
	§	
Leander Young,	**§**	**Chapter 7**
	§	
Debtor.	**§**	**[Related to Doc. No. 21]**

ORDER

On November 24, 2015, the Debtor, proceeding pro se, filed a Motion to Disgorge [Docket No. 21], seeking disgorgement of the attorney's fees he paid to his bankruptcy attorney, Dean D. Meriwether. The Court now orders that the Motion to Disgorge be granted. The Court also orders that Meriwether be suspended from the privilege of practicing law before this Court from the date of the entry of this Order through March 7, 2016, and that other directives be issued, as set forth herein.

I. FACTUAL BACKGROUND OF THE CRITIQUE SERVICES BUSINESS AND MERIWETHER'S PARTICIPATION IN THAT BUSINESS

Meriwether is a Missouri-licensed attorney who has repeatedly represented to this Court that he does business as the fictitious name "Critique Services." He also represents in his signature block on bankruptcy petition papers that he practices at the "Law Office of Dean D. Meriwether" or "Dean Meriwether Attorney at Law." However, his real business is being an attorney at the Critique Services Business (as that term is defined herein). Thus, for purposes of this Order, it is necessary to explain what the Critique Services Business is, and how Meriwether is involved with it.

A. Overview

The Critique Services Business is a "bankruptcy services" scheme that targets low-income, minority persons from metropolitan St. Louis. Clients come to an office at 3919 Washington Blvd., St. Louis, Missouri (the "Critique Services Business Office") seeking legal representation in a chapter 7 or chapter 13 bankruptcy case. They have good reason to expect that they will receive legal services: the sign above the street entrance door at the Critique Services

Business Office reads: “Critique Services,” and has a prominent scales-of-justice emblem emblazoned underneath.[1] However, in reality, the Critique Services Business is a massive rip-off operation that functions on the unauthorized practice of law, the practice of client abandonment, and the failure or refusal to provide legal services.

B. The Scope of the Critique Services Business

Describing the Critique Services Business as “massive” is not an understatement. According to the records of the Clerk of Court, in 2013, James C. Robinson (the now-suspended attorney who, in 2013, was the primary attorney at the Critique Services Business) filed 1,014 chapter 7 cases (charging an average attorney fee of $296.23 per case) and 123 chapter 13 cases (charging an average attorney fee of $4,000.00 per case). As such, in 2013 alone, Robinson collected approximately $300,337.22 in chapter 7 attorney’s fees and $492,000.00 in chapter 13 attorney’s fees—for a total of approximately $792,337.22 in attorney’s fees. This means that annually, just through Robinson, more than three-quarters of a million dollars in attorney’s fees were collected from debtors with cases filed in this District and flowed through the Critique Services Business. The suspension of Robinson did little to slow the Critique Services Business machine; Robinson was just replaced by Meriwether.

C. The Persons and Entities Involved with the Critique Services Business

The operations of the Critique Services Business are composed of: (i) the activities of Critique Services L.L.C. and its owner, Beverly Holmes Diltz, a non-attorney; (iii) the activities of non-attorney staff persons; and (ii) the activities of attorneys under contract with Critique Services L.L.C. (the “Critique Services Attorneys”). The roles of those persons are described below.

1. Critique Services L.L.C. and its Owner, Diltz

In the mid-1990s, Diltz began peddling “bankruptcy services” through a “Critique”-named business. Shortly thereafter, she began getting sued by the

[1] The Court takes judicial notice of this permanently, publicly displayed sign. Its existence and content are not subject to reasonable dispute.

United States Trustee (the "UST") for unlawful or improper business activities, including for the unauthorized practice of law.

Originally, Diltz operated as "d/b/a Critique Service." However, in 1999 in *Pelofsky v. Holmes d/b/a Critique Service (In re Daniele M. Hamilton)* (Case No. 99-4065), and again in 2001 in *Pelofsky v. Holmes d/b/a Critique Service (In re Beatrice Bass)* (Case No. 01-4333), injunctions were entered against Diltz, prohibiting her from the unauthorized practice of law. So, in 2002, Diltz organized two artificial entities, Critique Services L.L.C. and Critique Legal Services L.L.C., and began operating through those.

In its Articles of Organization, Critique Services L.L.C. represents that its business purpose is: "Bankruptcy Petition Preparation Service." However, in 2007, in *Gargula v. Diltz, et al. (In re Hardge)* (Adv. Proc. No. 05-4254), the Court entered an order (the "2007 Injunction") prohibiting Diltz and "Her Interests" (including her artificial entities) from providing bankruptcy petition preparation services in this District. Since then, however, Critique Services L.L.C. has not amended its Articles of Organization. As such, for years, it has had no lawful business purpose of record. Nevertheless, it has continued to operate.

Today, Critique Services L.L.C. is the artificial entity through which Diltz contracts with the Critique Services Attorneys. In the currently pending matters of *In re Evette Nicole Reed, et al.* (Lead Case No. 14-44818), Critique Services L.L.C. has refused to turn over a copy of its contract with Meriwether, despite being compelled to do so.[2] However, it did provide a copy of its contract with Robinson. That contract reveals that Critique Services L.L.C. agrees to allow the Critique Services Attorney to use the fictitious name "Critique Services," to lease real estate to the attorney, to provide administrative, secretarial, bookkeeping and advertising services to the attorney, and to license "intellectual property" to

[2] Critique Services L.L.C. is committed to avoiding any disclosure of its business operations—so much so that it refuses to comply with court orders directing that it make discovery or turnover about its business operations. In addition to its disobedience in *In re Reed, et al.* (for which it is now facing the possibility of sanctions), in *In re Latoya Steward* (Case No. 11-46399), it chose to take almost $50,000.00 in sanctions instead of complying with an order compelling discovery.

the attorney. The contracting attorney, in exchange, agrees to pay Critique Services L.L.C. The contract appears to be designed to create the appearance on paper that Critique Services L.L.C. is in compliance with the 2007 Injunction.

2. The Non-Attorney Staff Persons

The "legal" services provided at the Critique Services Business are rendered by the non-attorney staff persons. This has been shown in numerous cases, including most recently in *In re Latoya Steward* (Case No. 11-46933), *In re Arlester Hopson* (Case No. 15-43871), *In re Reed, et al.*, and the instant Case.

The non-attorney staff persons collect the debtor's cash payments for services [3] (the business is an all-cash operation) before the client even perfunctorily meets with an attorney (*if* the client ever meets with an attorney). The non-attorney staff persons solicit the information for completion of the petition papers and prepare the petitions papers. The non-attorney staff persons are the only people with whom the clients can speak when they call the office, as the clients are repeatedly told that the attorney is unavailable. The non-attorney staff persons also render legal advice—and often very bad legal advice, at that. They have solicited false information for inclusion in petition papers. They have advised debtors to make false statements. Recently, they advised the *Hopson* debtor that he should go to court, without counsel, to a hearing in a contested matter in his main bankruptcy case, to represent himself.

Once payment is collected, the client is all but abandoned. It is almost impossible to get a Critique Services Attorney on the phone. Calls go to voicemail, or simply go unanswered or unreturned, or the client is informed that the attorney is "in court" (a laughable notion, given that Critique Services Attorneys often fail to show up for court). Desperate clients have to go into the

[3] What happens to the debtors' cash after it is handed to the non-attorney staff persons is unknown. This is an issue in the currently pending matter of *In re Reed, et. al.* No one affiliated with the Critique Services Business will explain what happens to all that cash—despite the fact that an attorney has a fiduciary duty to hold unearned fees in trust. The fact that no one will explain how the Critique Services Business's fees are handled is not a small matter; prepetition-paid unearned attorney's fees are property of the estate.

Critique Services Business Office, to plead for attention to their pressing legal matters. Clients have to repeatedly inquire about the status of their cases—which may, or may not, have been filed. Required papers go unfiled, resulting in serious and costly consequences to the clients.

3. The Critique Services Attorneys

The Critique Services Attorneys are an integral part of the Critique Services Business, but not for a proper purpose. The role of the attorneys is not to provide legal counsel; it is to provide cover. Consistent with the long history of the Critique Services Business operations, and as established most recently in *In re Steward*, *In re Hopson*, and in the instant Case, the Critique Services Business uses the signatures and bar card numbers of its contracted attorneys to give the cosmetic appearance of legal services being rendered, to mask the business's real operations: the unauthorized practice of law.

The Critique Services Attorneys do not meet with clients prior to the clients paying for their services. They refuse to return calls and fail to provide services. They file Attorney Compensation Disclosure Statements that violate Local Bankruptcy Rule 2093 by impermissibly carving out services that attorneys are required to provide to all debtor-clients. The Critique Services Attorneys who sign the petition papers often do not appear at the § 341 meeting of creditors, as required. They often do not show up in court at contested matters; as a result, bewildered, frightened, or angry debtors show up in court, alone, without anyone to advocate for their interests. At a hearing in *In re Hopson*, which Meriwether did not show up for, the Debtor could not identify the gender of his attorney, much less his name. In fact, the *Hopson* debtor advised the court that he had never even *heard of* Meriwether. Clients have repeatedly informed the Court that they tried, with no avail, to speak with their attorney.

With only one exception,[4] every Critique Services Attorney has been suspended or disbarred for professional malfeasance. In *In re Robert Wigfall, Jr*.

[4] Attorney Dedra Brock-Moore was a Critique Services Attorney from approximately August 2014 to August 2015. It is the Court's understanding that

(Bankr. S.D. Ill. Case No. 02-32059), long-time Critique Services Attorney Ross H. Briggs was sanctioned by the U.S. Bankruptcy Court for the Southern District of Illinois (the "Illinois Bankruptcy Court") and suspended from filing new cases for three months. In 2003, in ***Rendlen v. Briggs, et al. (In re Thompson)*** (Adv. Proc. No. 03-4003), Briggs was sanctioned by this Court and suspended from filing new cases for six months. In *In re Barry Bonner, et. al.* (Bankr. S.D. Ill. Lead Case No. 03-30784), Critique Services Attorney Leon Sutton was permanently disbarred from practicing law before the Illinois Bankruptcy Court. On May 24, 2004, Sutton was suspended on an interim basis by the Missouri Supreme Court; on May 10, 2006, he was disbarred by the Missouri Supreme Court (Missouri Supreme Court Case No. SC87525). On August 1, 2006, Critique Services Attorney George E. Hudspeth, Jr. was disbarred by the Missouri Supreme Court (Missouri Supreme Court Case No. SC87881). In November 2013, in *In re Steward*, Robinson was suspended from use of the Court's overnight drop box and from the remote access use of the Court's CM-ECF electronic docketing system, due to Robinson's refusal to obey an order compelling turnover; the following February, Robinson was sanctioned $3,000.00 for violating that order. On June 10, 2014, in *In re Steward*, Robinson and Critique Services L.L.C.'s attorney, Elbert A. Walton, Jr., were suspended for making false statements, contempt, refusing to obey a court order, and abuse of process—and remain suspended to this day. (In addition, in *In re Steward*, Robinson, Critique Services L.L.C. and Walton were jointly sanctioned $49,720.00.) Currently, Robinson and Briggs again are facing the possibility of sanctions, including suspension, in the pending matter of *In re Reed, et al*., for the refusal to obey a court order compelling turnover and for making misleading representations to the Court. In addition, in the pending matters of *In re Terry L. and Averil May Williams, et al.* (Lead Case No. 14-44204), Robinson currently is facing another action for against him (and against Diltz and Critique Services L.L.C.) brought by the UST on allegations of the unauthorized practice of law.

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she dissociated herself from the Critique Services Business late in the summer of 2015. She has not filed cases as a Critique Services Attorney in months.

These suspensions and disbarments are a part of the regular business operations of the Critique Services Business. The Critique Services Business never changes its unauthorized practice of law; it merely changes its facilitating attorneys. Once an attorney is suspended or disbarred, Diltz simply replaces him with another, and the cycle begins again. Bearing witness to this are the carcasses of the various Critique Services Attorneys with putrefied reputational integrity, rotting in professional disgrace, and discarded off the web like the desiccated remnants of a black widow spider's meal. This is not an unfortunate coincidence or poor judgment in the hiring process; this is a deliberately arachnidian business management strategy. Meanwhile, Diltz, Critique Services L.L.C, and the non-attorney staff persons are shielded from any real consequences. As non-attorneys, they cannot be suspended or disbarred from the practice of law. At most, Diltz has the inconvenience of having to agree to an injunction before she can go back to the unauthorized practice of law, to wait for the next time she will be sued and has to agree to another consent injunction.

B. The Sanctions and Injunction History of those Affiliated with the Critique Services Business

Diltz and her affiliated attorneys were sued multiple times by the UST, both in this District and across the Mississippi, in the Southern District of Illinois. In 2003, the Illinois Bankruptcy Court finally threw Diltz and her business out of that district, permanently enjoining her from ever doing sort of bankruptcy-related services business there.

On this side of the river, Diltz, along with her "Critique Services"-named entities and her revolving-door of attorneys, also were repeatedly sued by the UST for the unauthorized practice of law and other unlawful business activities—in 1999, 2001, 2002, 2003, 2005, and 2014.[5] Diltz settled the matters against

[5] *See Pelofsky v. Holmes d/b/a Critique Service (In re Daniele M. Hamilton)* (Case No. 99-4065); *Pelofsky v. Holmes d/b/a Critique Service (In re Beatrice Bass)* (Case No. 01-4333); *In re Cicely Wayne* (Case No. 02-47990); ***Rendlen v. Briggs, et al. (In re Thompson)*** (Adv. Proc. No. 03-4003); *Gargula v. Diltz, et al. (In re Hardge)* (Adv. Proc. No. 05-4254); and *In re Terry L. and Averil May Williams, et al.* (Lead Case No. 14-44204).

her and her entities by agreeing to a consent order, in which she would promise to stop the unlawful or prohibited behavior. Unfortunately, these injunctions proved utterly ineffective. Critique Services Business's unauthorized practice of law has continued on, unabated in any meaningful sense, for almost two decades. And, in complement, the exploitation of the poor has continued. The poor, in many ways, are the perfect victims for this predation. Because of the nature of the bankruptcy process, most "no-asset" cases do not require a court appearance by the debtor, or involve contested matters. Creditors are not beating down the courthouse door in a fight over non-existent assets. No one is scouring the representations in the debtor's Schedules of Assets and Liabilities and Statement of Financial Affairs. Most no-assets cases pass through the bankruptcy system without close scrutiny by the Court. This makes it very easy to effectively steal from debtors by providing substandard services (or failing to provide services at all), without fear of consequences. This dynamic is compounded by the fact that debtors who are too poor to hire quality counsel are generally also too poor to seek justice when their attorney takes their money without providing services. It is an almost-perfect racket for the unscrupulous.

C. Meriwether as Part of the Critique Services Business Scheme

Meriwether joined the Critique Services Business scheme in the fall of 2014, following Robinson's suspension. As shown in *In re Hopson*, *In re Shadonaca Davis* (Case No. 15-48102), and in the instant Case, in his short tenure before this Court, Meriwether has shown himself to have a propensity for client abandonment and case mismanagement. He also has shown himself to be dishonest and dangerously incompetent. In just the past six months Meriwether has: filed scores of Attorney Compensation Disclosure Statements that violated Local Bankruptcy Rule 2093, attempting to unlawfully "unbundle" his services (a way to rip-off debtors); received additional fees from a debtor without disclosing it to the Court; abandoned clients by failing to render necessary legal services; failed to file financial management course certificates (each, a "FMCC") for clients, resulting in their cases being closed without discharge; failed to meet with clients before accepting their payment for the retention of his "services"; failed to

meet with a client before filing a case on his behalf; failed to appear at a § 341 hearing; failed to appear at a contested hearing; failed to comply with at least two Court orders; and allowed non-attorneys staff persons at the Critique Services Business to commit the unauthorized practice of law in his clients' cases.

In August 2015, Meriwether was suspended for one year from remote access use of the Court's CM-ECF electronic docketing system, due to his dishonest activities in *In re Hopson*. He has been monetarily sanctioned—twice—for failing to obey Court orders. He has been referred to the Missouri Supreme Court's Office of Chief Disciplinary Counsel (the "OCDC") multiple times. He has been directed to disgorge his attorney's fees for having failed to earn them. He has been directed to either disgorge his attorney's fees or file a new case for a debtor, after failing to handle her case with a minimal level of competence. At one point, the Court was so appalled by Meriwether's refusal to muster the requisite attention to achieve even a marginally acceptable level of practice that it openly begged for Meriwether to start lawyering competently, writing in an order entered in *In re Hopson*:

> The Court cannot fathom what is going on with Meriwether, to have resulted in such incompetency. The Court strongly encourages Meriwether to up-his-game when practicing in this forum. In the August 27 Order, Meriwether had his electronic filing privileges revoked for a year and a referral was made by the Court to the Missouri Supreme Court's Office of Chief Disciplinary Counsel (the "OCDC"). Now, he has been monetarily sanctioned and given notice that he may incur more sanctions or be suspended. ***It is time for Meriwether to start paying attention, obeying Court orders, practicing competently, and being in compliance with the Local Bankruptcy Rules.***

Most attorneys would have been so mortified by this admonition that they would have immediately taken whatever measures were required to right the ship and begin practicing competently. However, Meriwether just got worse.

D. Meriwether's Professional Incompetence, Case Mismanagement and Client Abandonment in this Case

At the end of November 2015, Meriwether filed two nearly identical motions to reopen—one in *In re Davis,* and one in the instant Case [Docket No.

15]. Those cases had long-been closed without the granting of a discharge because Meriwether had not filed the statutorily required FMCCs. In the motions to reopen, Meriwether requested that the Court reopen the cases to allow him to file the grossly delinquent FMCCs. However, Meriwether alleged no cause for reopening the cases under 11 U.S.C. § 350(b). As such, the motions to reopen were denied. As the Court explained in its denial order entered in this Case [Docket No. 18], the motion to reopen appeared to be nothing more than an effort by Meriwether to remedy the consequence of his sloppiness or incompetency; however § 350(b) is not a mechanism by which a debtor can remedy the results of his attorney's malpractice or incompetence.

Then, on November 24, 2015, the Debtor in this Case filed a Motion to Reopen [Docket No. 20] and the Motion to Disgorge. The Debtor sought to reopen to the Case for the purpose of prosecuting his Motion to Disgorge. On November 25, 2015, the Court entered an order [Docket No. 22], granting the Motion to Reopen. Contemporaneously, it also entered an Order and Notice [Docket No. 23], in which it observed "[i]n the Motion to Disgorge and the accompanying Motion to Reopen [Docket No. 20], the Debtor made numerous allegations against Meriwether, including attorney incompetence, gross case mismanagement, and client abandonment. In short, the Debtor alleges that Meriwether failed to earn the fees that the Debtor paid to him for legal representation in his Case." The Court then ordered that "any response to the Motion to Disgorge be filed by December 4, 2015" and gave notice that **"**it may impose monetary and/or nonmonetary sanctions against Meriwether, if it is shown that he committed a sanctionable act, including but not limited to client abandonment, failing to appear at a § 341 meeting, or allowing a non-attorney to practice law on his behalf." Meriwether chose not to respond.

II. JURISDICTION, VENUE, NOTICE AND OTHER ISSUES

A. Subject Matter Jurisdiction

The bankruptcy court does not have subject matter jurisdiction vested to it. Subject matter jurisdiction is vested to the district court. As such, an inquiry into

whether this Court has subject matter jurisdiction is really an inquiry into whether the district court has subject matter jurisdiction.

Section 1334(a) & (b) of title 28 establishes that the district court has "original and exclusive jurisdiction of all cases under title 11 [the Bankruptcy Code]," and "original but not exclusive jurisdiction of all civil proceedings arising under title 11, or arising in or related to cases under title 11." Under this framework, the district court has subject matter jurisdiction over the matter of a disgorgement request, since it arises under title 11 or arises in a case under title 11. In addition, because the district court has subject matter jurisdiction over the issue of disgorgement, it also has subject matter jurisdiction over the issue whether sanctions should be imposed under § 105(a) and the inherent power of the court related to the attorney's activities in conjunction with the need for disgorgement.

B. Authority to Hear and Determine

While § 1334 confers subject matter jurisdiction over bankruptcy matters, § 157 of title 28 of the United States Code ("§ 157") confers authority upon the district court to refer bankruptcy matters to the bankruptcy court, and confers upon the bankruptcy court authority to preside over referred proceedings. Section 157(a) establishes that the district court "may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district." As such, the district court has authority to refer those bankruptcy cases and proceedings over which it has subject matter jurisdiction to the bankruptcy court. A § 157(a) referral of bankruptcy proceedings is effected by a standing order whereby the district court automatically refers those matters that, by statute, may be referred to the bankruptcy court. *See, e.g.,* E.D. Mo. L.R. 81-9.01(B)(1).

Section 157, in turn, establishes that a bankruptcy judge has authority to preside over referred proceedings—although the authority to determine a matter by final disposition depends on the type of case or proceeding that has been referred. On one hand, "[b]ankruptcy judges may hear and determine all cases

under title 11 and all core proceedings arising under title 11, or arising in a case under title 11 . . .” 28 U.S.C. § 157(b)(1). On the other hand, a bankruptcy judge may only hear (but not determine) a non-core proceeding that is merely “related to” a case under title 11. 28 U.S.C. § 157(c)(1). However, there is an exception to this limitation: with the consent of the parties, a bankruptcy judge may hear and determine a non-core proceeding that is merely “related to” the case.

Here, the referred proceedings—the Motion to Disgorge and the sanctions issue—are core proceedings arising under title 11 or arising in a case under title 11. As such, the Court does not require consent of the parties to hear and determine these proceedings. The recent U.S. Supreme Court case of *Stern v. Marshall*, 131 S.Ct 2594 (2011), does not change this. In *Stern*, the Supreme Court held that § 157(b)(2)(A) is unconstitutional as applied to a state law claim for tortious interference at issue in that case. *Stern v. Marshall* did not involve the determination of a motion to disgorge or sanctions issues, did not hold that all of § 157 is unconstitutional as applied, and did not strip the bankruptcy court of its authority to determine disgorgement proceedings or sanctions matters.

C. Personal Jurisdiction

Meriwether is the attorney of record in this Case. He has made an appearance and the Court has personal jurisdiction over him. Further, by failing to respond to the Order and Notice or the Motion to Disgorge, Meriwether has consented to personal jurisdiction by waiver of the issue.

D. Venue

Section 1408(1) of title 28 of the United States Code provides that:

> a case . . . may be commenced in the district court for the district **. . .** in which the domicile, residence, principal place of business in the United States, or principal assets in the United States, of the person or entity that is the subject of such case have been located for the one hundred and eighty days immediately preceding such commencement, or for a longer portion of such one-hundred-and-eighty-day period than the domicile, residence, or principal place of business, in the United States, or principal assets in the United States, of such person were located in any other district.

Further, "[i]t is well established that an objection to venue is waived if not timely raised." *Block v. Citizens Bank et al.,* 249 B.R. 200, 203 (Bankr. W.D. Mo. 2000). Venue of this Case lies in this Court and no party has suggested otherwise.

E. Power to Sanction and Suspend

It is well-established that bankruptcy courts have the power to sanction. *See, e.g., Elbert A. Walton, Jr. v. John V. LaBarge (In re Clark),* 223 F.3d 859, 864 (8th Cir. 2000)("[Section 105 gives to bankruptcy courts the broad power to implement the provisions of the bankruptcy code and to prevent an abuse of the bankruptcy process . . ."); *Needler v. Cassmatta (In re Miller Automotive Group, Inc.),* 2015 WL 4746246, at *5 (8th B.A.P. Aug. 12, 2015)("Bankruptcy Code § 105(a) provides a bankruptcy court with authority to "issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of" the Bankruptcy Code, and allows the court to "tak[e] action or mak[e] any determination necessary or appropriate to . . . prevent an abuse of process." 11 U.S.C § 105(a)). It also is well-established that bankruptcy court have the inherent power to sanction abusive litigation practices. *See Law v. Siegel*, --- U.S. ---, ---, 134 S.Ct. 1188, 188 L.Ed.2d 146, 2014 WL 813702, at *5 (2014)(citing *Marrama v. Citizen Bank of Mass.,* 549 U.S. 365, 375-376, 127 S.Ct. 1105, 166 L.Ed.2d 956 (2007); *In re Young*, 507 B.R. 286, 291 (8th Cir. B.A.P. 2014). "This power is broad in scope, and includes the power to impose monetary sanctions, as well as to 'control admission to its bar and to discipline attorneys who appear before it.'" *In re Burnett*, 450 B.R. 116, 132 (Bankr. E.D. Ark. 2011)(quoting *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991), and citing *Plaintiffs' Baycol Steering Comm. v. Bayer Corp*., 419 F.3d 794, 802 (8th Cir. 2005), and *Harlan v. Lewis*, 982 F.2d 1255, 1259 (8th Cir. 1993)).

In addition, the local rules make it clear that the Court has the authority to discipline attorneys before it, including by suspension. L.B.R. 2093-A provides that "[t]he professional conduct of attorneys appearing before this Court shall be governed by the Rules of Professional Conduct adopted by the Supreme Court of Missouri, the Rules of Disciplinary Enforcement of the United States District Court for the Eastern District of Missouri, and these Rules." In addition, L.B.R.

2094-C provides that "[n]othing in this Rule shall preclude the Court from initiating its own attorney disciplinary proceedings regardless of whether an attorney has been disciplined by another court," and L.B.R. 2090-A provides that this Court adopts "[t]he requirements for . . . attorney discipline . . . outlined in Rules 12.01-12.05" of the Local Rules of the U.S. District Court (each, an "E.D.Mo. L.R.")

In turn, E.D.Mo. L.R. 12.02 provides that "a member of the bar of this Court and any attorney appearing in any action in this Court, for good cause shown and after having been given an opportunity to be heard, may be disbarred or otherwise disciplined," as provided in the U.S. District Court's Rules of Disciplinary Enforcement (each, an "E.D.Mo. R.D.E."). And in turn, E.D.Mo. R.D.E. IV-A provides that "[f]or misconduct defined in these Rules, and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this court may be disbarred, suspended from practice before this court, reprimanded or subjected to such other disciplinary action as the circumstances may warrant." E.D.Mo. R.D.E. IV-B defines conduct "which violates the Code of Professional Responsibility adopted by the Supreme Court of Missouri" may be grounds for discipline.[6]

It should be noted that disciplining an attorney by suspending him under E.D.Mo. L.R. 12.02 and E.D.Mo. RDE IV-A is not the same as bringing a "formal disciplinary proceeding" against that attorney under E.D.Mo. R.D.E. V. Under E.D. R.D.E. V, when misconduct or allegations of misconduct come to the attention of the judge, the judge may (stated in the permissive, not the mandatory) refer a matter to counsel appointed under E.D.Mo. R.D.E. X, for investigation and prosecution of a formal disciplinary proceeding. Here, however, there is no need for the Court to make a referral of the matter for appointment of Rule X counsel. The misconduct occurred in a case before the Court and the record is clear. There is no need for an investigation or prosecution in a formal disciplinary proceeding.

[6] The Missouri Supreme Court's Rules of Professional Conduct serve as the code of professional responsibility for attorneys licensed to practice by that court.

Accordingly, case law, § 105, and the Local Rules all establish that the Court has the power to sanction, including by suspending an attorney.

F. Service

Meriwether receives in near real-time electronic notification from the Court of all filings in this Case. His current suspension from the remote access use of the Court's CM-ECF docketing system did not change this; he still receives electronic notification of filings. Accordingly, Meriwether was served with a copy of the Motion to Disgorge as well as the Order and Notice.

G. Notice

Notice is required before sanctions are imposed. *Walton v. LaBarge* (*In re Clark)*, 223 F.3d at 864. Due process is provided where "the sanctioned party has a real and full opportunity to explain its questionable conduct before sanctions are imposed." *Coonts v. Potts*, 316 F.3d 745, 753 (8th Cir. 2003)(*Chrysler Corp. v. Carey*, 186 F.3d 1016, 1023 (8th Cir. 1999)). However, this is not a mandate that a hearing be conducted prior to the imposition of sanctions. *Walton v. LaBarge* (*In re Clark)*, 223 F.3d at 864 ("The court may act [to impose sanctions] without a hearing if it has provided an opportunity for one but no parties in interest requested it."); *In re Rimsat, Ltd*., 212 F.3d 1039, 1046 (7th Cir. 2000)("Putting to one side the possibility that the appellants were not entitled to a hearing in the first place, the problem with the appellants' argument that the bankruptcy court should have held a hearing before imposing sanctions is that the appellants never requested a hearing. Since a court is not invariably required to provide a hearing before imposing sanctions, the appellants' failure to request a hearing waives any right they might have had to one."); *see* 11 U.S.C. § 102(1)(providing that "'notice and a hearing', or a similar phrase . . . means after such notice as is appropriate in the particular circumstances, and such opportunity for a hearing as is appropriate in the particular circumstances; but . . . authorizes an act without an actual hearing if such notice is given properly and if . . . such a hearing is not requested timely by a party in interest.").

The Court gave Meriwether notice of its intent to impose sanctions in connection with the determination of the Motion to Disgorge, and afforded

Meriwether an opportunity to respond. Meriwether declined to respond and did not request a hearing. As such, he had a real and full opportunity to explain his questionable conduct, but declined to act upon this opportunity.

III. FACTS ADMITTED

Meriwether was given an opportunity to file a response to the Motion to Disgorge, but declined to do so. He did not contest any representation. He did not request an evidentiary hearing. He did not request oral arguments. In light of this, the Court deems that Meriwether, by his deliberate decision not to respond despite the invitation to do so, admitted the well-pleaded facts alleged by the Debtor. Those well-pleaded facts include:[7]

- The Debtor obtained his FMCC on July 10, 2015.
- Meriwether failed to appear to represent the Debtor at his § 341 meeting on July 14, 2015.
- A "representative" of "Critique Services" named "Tracey" was at the § 341 meeting. (Whoever this person was, she was not an attorney with the Critique Services Business. The Court has no record of anyone with that first name serving as a Critique Services Attorney in any case before it.)
- The Debtor handed to Tracey a copy of his FMCC.
- After later receiving a letter from the Court advising that he had not completed the FMCC, the Debtor contacted Renee Mayweather, the office manager at the Critique Services Business Office, who advised him to disregard the email and stated that the FMCC had been filed.
- Two weeks later, the Debtor received another notice that he had not completed the FMCC. This time, the Debtor went into the Critique Services Business Office, asked to speak with his attorney, and was told

[7] These facts were pleaded in the Motion to Reopen and the Motion to Disgorge. In its Order and Notice, the Court described the facts it construed to be alleged in support of the disgorgement request, and included those alleged in both documents. This construction is consistent with the obligation to liberally construe pro se filings. The Debtor clearly meant to allege the facts in the Motion to Reopen in support of the Motion to Disgorge, as well.

that his attorney was not there. The Debtor left his telephone number, but no one called him back.

- The Debtor made yet-more telephone calls and more trips into the office, but was never able to speak with Meriwether. Every time the Debtor asked to speak with his attorney, he was told that the attorney was unavailable. His telephone calls went unreturned and the telephone lines were rarely answered. When he went into the office, he was advised that he needed to be patient and that he would receive his discharge.
- At the beginning of October, the Debtor went into the office yet again, because some of his creditors were calling him. He demanded to have his questions answered and refused to leave until they were answered.
- At that point, Mayweather advised the Debtor that there had been a typographical error on his FMCC, and she would have it processed again.
- The Debtor was, yet again, told to wait.
- On October 19, 2015, the Debtor came to the office and was told that his case had been dismissed "because the Judge has a personal issue with their company." The Debtor did not believe Mayweather, and told her so.

Further, the record establishes that at no time between July 14, 2015 and October 29, 2015 did Meriwether file an FMCC for the Debtor. In addition, the record establishes that the Case was dismissed for the failure to file the FMCC. Mayweather's false representation to the Debtor that the case was dismissed due to a "personal issue" is nothing more than a dishonest attempt to cover up Meriwether's case mismanagement. And, the record establishes that Meriwether still waited almost another whole month after October 19, 2015, before he even attempted to file the FMCC.

IV. DISGORGEMENT

A. Disgorgement of Attorney's Fees Proper

Section 329(b) provides that "[i]f such compensation [of a debtor's attorney] exceeds the reasonable value of any such services, the court may cancel any such agreement, or order the return of any such payment, to the extent excessive, to . . . the estate, if the property transferred . . . would have

been property of the estate." This statute "allows the court sua sponte to regulate attorneys and other people who seem to have charged debtors excessive fees." *(Brown v. Luker) In re Zepecki*, 258 B.R. 719, 725 (B.A.P. 8th Cir. 2001)(citing *In re Weatherley*, 1993 WL 268546 (E.D. Pa. 1993)). Section 329, by its terms, applies to post-petition services as well as to prepetition services. *See Schroeder v. Rouse (In re Redding)*, 247 B.R. 474, 478 (B.A.P. 8th Cir. 2000). As such, pursuant to § 329(b), the bankruptcy court may order that a request for payment of the debtor's attorney's fees be denied or that fees paid to the debtor's attorney be disgorged. *Walton v. LaBarge (In re Clark)*, 223 F.3d at 864 (noting the power of the bankruptcy court to award or deny fees); *In re Burnett*, 450 B.R. at 130-31 (providing that § 329(b) allows the court to disgorge compensation already received).

Disgorgement of attorney's fees is not a punitive measure and does not constitute damages. *In re Escojido*, 2011 WL 5330299, at *2 (Bankr. S.D. Cal. Oct. 28, 2011) (citing *Berry v. U.S. Trustee (In re Sustaita)*, 438 B.R. 198, 213 (B.A.P. 9th Cir. 2010)). Disgorgement pursuant to § 329(b) is a civil remedy with no additional procedural protections.

Before disgorgement may be ordered, there must first be a determination that the fees are excessive. *Schroeder v. Rouse (In re Redding)*, 247 B.R. at 478. In determining whether fees are excessive, "a court should compare the amount of compensation that the attorney received to the reasonable value of the services rendered." *Brown v. Luker (In re Zepecki)*, 258 B.R. at 725 (citing *Schroeder v. Rouse (In re Redding)*, 247 B.R. at 478). The attorney bears the burden of proving that his compensation is consistent with the reasonable value of his services. An attorney may not hide behind the excuse that his non-attorney staff persons rendered poor or improper services, regardless of whether he specifically directed his staff to practice law without a license or to commit improprieties, or whether he just incompetently managed his staff.

The evidence here establishes that the reasonable value of Meriwether's services is $0.[8] Meriwether failed to do even ***the bare minimum*** required for the Debtor his discharge—the very purpose of filing for chapter 7 bankruptcy relief. He had the FMCC long before it was due, yet inexcusably failed to file it, and was never—at any point—honest with the Debtor about the situation. And, he failed to return telephone calls, refused to respond to inquiries, and ignored the Debtor's pleas for attention to his Case. He utterly abandoned the Debtor.

Accordingly, the Court **ORDERS** that the Motion to Disgorge be **GRANTED** and that Meriwether disgorge to the Debtor all fees paid to Meriwether by the Debtor ***forthwith***.

V. SANCTIONS

The actions of Meriwether in this Case are reprehensible. He abandoned a client and allowed non-attorney staff persons at the office where he works to lie to the Debtor—repeatedly—about the status of his Case. He took no effort to interact with or to respond to his own client. And, in a particularly outrageous turn of events, he permitted Mayweather not merely to lie to his client, but to lie to his client about the Court and why a particular disposition was entered—a lie designed to create distrust of the court of which Meriwether is an officer. Words fail to adequately describe the disgracefulness of Meriwether's conduct.

The Court has given Meriwether ample and repeated warnings about his problematic conduct, and those warnings have been ignored. The Court has tried escalating sanctions, and they have proven ineffective. Monetary sanctions do not deter Meriwether and even the suspension of his remote access filing privileges has been of no avail. In summary, Meriwether has collected fees that he failed to earned, failed to show up at a § 341 meeting as required, abandoned his client, lied to his client about his case status, and lied to his client about the

[8] The Court chooses to assign zero-value because this dovetails with § 329(b)'s "excess" requirement. However, an alternate holding would be that Meriwether failed to adequately represent the Debtor, thereby failing to earn his fees. *In re Bost*, 341 B.R. 666, 689 (Bankr. E.D. Ark. 2006)(ordering disgorgement because the attorney had not adequately represented his clients and has not earned the fees they paid him).

Court's dispositions. And, sadly, none of this is even surprising, given Meriwether's record of similar behavior in other cases.

This must stop. Meriwether must stop ripping off clients by abandoning them. He must stop collecting fees and not earning them. He must stop violating the Local Rules, which require that he appear at § 341 meetings. He must stop abusing the bankruptcy process. He must stop harming debtors before this Court. He must stop permitting non-attorney staff persons from participating in the unauthorized practice of law, and he must stop them from lying to his clients about their cases.

Accordingly, pursuant to § 105(a) and the inherent power of the Court to discipline attorneys who appear before it, the Court **ORDERS** that, effective immediately, Meriwether be suspended from the privilege of practicing before the U.S. Bankruptcy Court for the Eastern District of Missouri from the date of the entry of this Order through March 7, 2016. During his suspension, Meriwether may not file a pleading or document of any sort on behalf of anyone other than himself, or represent any person, other than himself, before this Court in any capacity. He is barred from practicing or appearing before this Court on behalf of another person, whether by: special appearance or regular appearance; for representation of a paying client or a pro bono client; for representation of a family member or an unrelated person; or in a Main Case or an Adversary Proceeding.[9] He may not practice in any case before, or anticipated to be before, this Court, whether such practice would be inside or outside the courtroom. He may not appear at a § 341 meeting on behalf of any debtor. He may not "send" another attorney to a § 341 meeting, unless that attorney has formally entered his notice of appearance as the debtor's attorney in the case. He may not serve as co-counsel with any attorney in the representation of a client in a case before or anticipated to be before this Court. He may not fee-

[9] Nothing herein shall prohibit Meriwether from being subpoenaed or summonsed in any matter before this Court or from responding to such subpoena or summons. He may be subject to deposition in matters before this Court and may give testimony in hearings and trials before this Court.

share with any attorney in any fees that he collected pre-petition, but which he had not earned as of the date of his suspension date.

The Court will not permit Meriwether, during his suspension, to supervise, manage or otherwise be in charge of another attorney who practices before this Court. Meriwether cannot manage himself or the non-attorney staff pesons with whom he works. He certainly cannot be trusted to competently supervise, manage, or otherwise be in charge of another attorney. Accordingly, the Court **ORDERS** that, for the duration of Meriwether's suspension, no attorney may list with the Court "3919 Washington Blvd., St. Louis, Missouri" (Meriwether's office address) as his business address or list any landline telephone number associated with that address as his business contact number. Currently, no (non-suspended) attorney lists this address and telephone number in his contact information with this Court, so this directive will in no way affect the Court's current records of other practicing attorneys.

Further, the Court **ORDERS** that Meriwether be **DIRECTED** to return all attorney's fees that he collected prior to his suspension, but which he will be unable to earn personally as a result of this suspension. To establish that such fees are returned, Meriwether is directed to file, in his personal capacity, an Affidavit of Return of Unearned Fees in each case in which the debtor returned unearned fees, with proof of payment attached. And, Meriwether is directed to file a Certificate of Compliance in this Case, in which he lists each case number, debtor's name, and the amount of the fees returned.

Further, the Court **ORDERS** that Meriwether be **DIRECTED** to post at the front office counter at 3919 Washington Blvd., St. Louis, Missouri, the attached "NOTICE OF SUSPENSION." The posted notice shall be an exact copy of the attached NOTICE OF SUSPENSION," and shall be fully and easily viewable, facing outward (not inward, toward the staff), and not be obscured or hidden in any way. It shall be legible and not be reduced in size, and not be mutilated, damaged, altered, or otherwise modified from the attached version in any way. It shall be posted immediately and shall remain posted throughout the suspension. It shall be posted regardless of whether Meriwether is present in the office. This

posting is required because the facts of this Case and the facts of *In re Hopson* show that Meriwether makes false representations to his clients. The Court has no confidence that Meriwether will be honest about his suspension. Potential clients are entitled to known about the suspension.

Further, the Court **ORDERS** that Meriwether be **DIRECTED** to provide to any person, who enters 3919 Washington Blvd., St. Louis, Missouri seeking any sort of legal or bankruptcy services an exact copy of the attached "NOTICE OF SUSPENSION." Each such copy shall be fully legible and unaltered in any way.

Further, the Court **ORDERS** that Meriwether be **DIRECTED** to provide to the Court (i) a copy of his contract with Critique Services L.L.C., and (ii) an affidavit setting forth how his attorney's fees paid by debtors are handled: when those fees are collected, to whom they are handed, to what entity they are paid (whether they are paid to "Critique Services" or "Critique Services L.L.C." or "Law Office of Meriwether", or another entity or person), what type of receipt is provided to the payor, where they are held, whether they are placed in a trust account, by whom they are held, when they are treated as fully earned, whether non-attorney staff persons who handle Meriwether's fees are paid by Meriwether (either as his employees or as his independent contractors) or by someone else (and if by someone else, by who), and any other relevant details. This is disclosure is necessary because of Meriwether's proven ignorance about the happenings in the cases in which he is the attorney of record, and his incompetence in handling basic matters for his debtor-clients. The Court requires proof from Meriwether does not run his practice in a way that results in the mishandling of prepetition-paid attorney's fees (which, to the degree that they are unearned as of the petition date, are property of the estate). Such documents may be filed under protection in this Case, to prevent public viewing without Court authority.

And further, the Court **ORDERS** that Meriwether be **DIRECTED** complete twelve (12) hours of continuing legal education in professional ethics.

The Court gives **NOTICE** that any violation of, or failure to comply with, this Order may be met with sanctions.

VI. CONCLUSION

Meriwether may file a Motion to Reinstatement within two weeks of the expiration of his suspension. Meriwether will be reinstated, provided that he can show that he disgorged his fees in the Case, completed his continuing legal education requirements, returned unearned fees in other cases, obeyed this Order in full, and is otherwise in good standing with this Court.

As set forth herein, the Court orders that Meriwether disgorge all fees paid to him by the Debtor and that Meriwether be suspended on the terms and the directive set forth herein. A copy of this Order will be forwarded to the OCDC.

DATED: December 7, 2015
St. Louis, Missouri 63102
mtc

CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

Copy Mailed To:

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NOTICE OF SUSPENSION

ATTORNEY DEAN D. MERIWETHER HAS BEEN *SUSPENDED* FROM PRACTICING BEFORE THE U.S. BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF MISSOURI UNTIL MARCH 7, 2016.

MERIWETHER HAS BEEN SUSPENDED AS A RESULT OF HIS PARTICIPATION IN THE UNAUTHORIZED PRACTICE OF LAW, MAKING FALSE REPRESENTATIONS TO A CLIENT, CLIENT ABANDONMENT, AND REPEATED INSTANCES OF CASE MISMANAGEMENT.

DURING HIS SUSPENSION, MERIWETHER MAY NOT REPRESENT ANY PERSON, RENDER SERVICES TO ANY PERSON, FILE ANY DOCUMENT FOR ANY PERSON, OR APPEAR IN COURT OR AT A § 341 MEETING ON BEHALF OF ANY PERSON, IN ANY BANKRUPTCY CASE OR ANTICIPATED BANKRUPTCY CASE IN THIS DISTRICT.

A COPY OF THE ORDER SUSPENDING MERIWETHER MAY BE OBTAINED AT NO COST AT THE COURT'S WEBSITE AT: www.moeb.uscourts.gov

ATTACHMENT C:

Order at Docket No. 1
in this Miscellaneous Case

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	
	§	
Robert Dellamano,	**§**	**Misc. Case No. ____**
	§	
Attorney.	**§**	

ORDER

The Court now opens the above-referenced Miscellaneous Case and **DIRECTS** that Robert J. Dellamano be issued a passcode to the Court's CM-ECF electronic docketing system, on the terms set forth herein.

I. FACTUAL BACKGROUND

It is appropriate to begin this Order by recognizing the factual background relevant to Dellamano's recent effort to obtain a CM-ECF passcode.

On December 7, 2015, in *In re Leander Young* (Case No. 15-44343), the Court entered an order suspending attorney Dean D. Meriwether d/b/a "Critique Services" from the privilege of practicing before this Court until March 7, 2016 [Docket No. 26] (the "Suspension Order"[1]) (Attachment A). Meriwether was suspended for abandoning a client, failing to file a critical document, being dishonest with his client, and allowing a non-attorney staff person to participate in the unauthorized practice of law.

Meriwether claims that he practices at his eponymously named "Law Office of Dean D. Meriwether." However, as set forth in the Suspension Order, this representation of a law firm is sham. Practicing law at his law firm is not his real business. Meriwether's real business is not the practice of law at his law firm; his real business is to be the attorney signature-for-hire at the Critique Services Business, to provide cover for the business's unauthorized practice of law. Meriwether is under contract with a non-law firm entity, "Critique Services L.L.C." through which the Critique Services Business is orchestrated and he lists

[1] Capitalized terms herein shall have the terms given to them in the Suspension Order, unless otherwise noted or defined.

his office as 3919 Washington Blvd.,[2] St. Louis, Missouri—the office of the Critique Services Business.

The Critique Services Business is a "bankruptcy services" operation that scams primarily low-income, minority clients from metropolitan St. Louis. It takes the money of the poor, promises legal representation, but provides little to none. Clients are dumped off to non-attorney staff persons, and these non-attorney staff persons have been caught soliciting false information for inclusion into petition papers and lying to clients. The attorneys involved with the operation rubberstamp the petition papers prepared by the non-attorney staff persons, to give the appearance of the practice of law. However, the attorneys do not meet with clients before the clients' money is paid; sometimes, they do not meet with the client before the case is filed, if at all. Often, they fail to file important documents, fail to return telephone calls, fail to appear at § 341 meetings, and fail to appear at contested hearings.

The Critique Services Business operates through Critique Services L.L.C., which contracts for its attorneys. Critique Services L.L.C. is owned by a non-attorney, Beverly Holmes Diltz, who has a notorious business reputation. She has been repeatedly enjoined here and in the U.S. Bankruptcy Court for the Southern District of Illinois for the unauthorized practice of law. In 2003, she was expelled from the Southern District of Illinois, permanently barred from operating any bankruptcy services business there. She and her affiliated persons have been sued numerous times by the United States Trustee in this District, and have been permanently prohibited in this District from operating as bankruptcy petition preparers. And, as noted in the Suspension Order, every attorney who has represented himself as a Critique Services Attorney has been disbarred or suspended, except one.

In the Suspension Order, the Court determined that Meriwether was "dishonest and dangerously incompetent." Given this, the Court concluded that it would not permit Meriwether, during his suspension, "to supervise, manage or

[2] The Clerk's Office confirmed with the U.S Postal Service that the address is "Blvd.," not "Ave.," as sometimes represented by Critique Services Attorneys.

otherwise be in charge of another attorney who practices before this Court. Meriwether cannot manage himself or the non-attorney staff persons with whom he works. He certainly cannot be trusted to competently supervise, manage, or otherwise be in charge of another attorney." For that reason, the Court ordered:

> for the duration of Meriwether's suspension, no attorney may list with the Court "3919 Washington Blvd., St. Louis, Missouri" (Meriwether's office address) as his business address or list any landline telephone number associated with that address as his business contact number. Currently, no (non-suspended) attorney lists this address and telephone number in his contact information with this Court, so this directive will in no way affect the Court's current records of other practicing attorneys.

Three days after Meriwether was suspended, an attorney named Robert J. Dellamano[3] requested from the Clerk's Office a CM-ECF passcode. Any attorney who wants to electronically file documents with the Court at a location other than the Clerk's Office must have a CM-ECF passcode. In the process of requesting a CM-ECF passcode, Dellamano represented to the Clerk's Office that his business address is "3919 Washington" (Meriwether's business address) and that his business telephone number is (314) 533-4357 (Meriwether's business telephone number). Simultaneously, he claimed that he practices at the "Law Firm of Robert J. Dellamano."

This is not the first time the Court has heard of Dellamano. For months now, concerned trustees have been reaching out to the Court, to advise that Dellamano has been appearing at § 341 meetings[4] to represent clients of Meriwether—despite the fact that Dellamano was not the attorney of record for any of the debtors and despite the fact that Dellamano had not filed the required Rule 2016(b) Attorney Compensation Disclosure Statement.

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[3] Dellamano is not licensed to practice law in Missouri. He holds an Illinois license. He has no office of record in Illinois. Presumably, he practices in Missouri by piggybacking off his admission to practice before the U.S. District Court of this District (the "District Court").

[4] The meeting of creditors is statutorily required under 11 U.S.C. § 341. The debtor and his attorney appear, and the debtor responds under oath to the questions of the trustee, the United States Trustee, and creditors.

Dellamano also had previously on requested a CM-ECF passcode, but was denied his request. On September 14, 2015 (shortly after the Court suspended Meriwether from using the CM-ECF system due to his activities in *In re Arlester Hopson* (Case No. 15-43871)), Dellamano came into the Clerk's Office, requesting a CM-EFC passcode. The Clerk's Office declined to issue him a CM-ECF passcode at that time, because he was not admitted to practice in this District. As the Court summarized in its Notice entered on September 18, 2015 [I*n re Hopson* (Case No. 15-43871 Docket No. 61] (Attachment B):

> Robert James Dellamano sought CM-ECF training from the Office of the Clerk for the U.S. Bankruptcy Court (the "Clerk's Office"). He advised the Clerk's Office that he is not licensed to practice in Missouri and is not admitted to practice before this Court, but that he is in the process of seeking to be admitted to practice before the Court. He also advised that he has been working with Meriwether at the Critique Services business since July 2015—apparently, despite not being licensed to practice in this state and despite not being admitted to practice before this Court. On the training sign-in sheet, Dellamano indicated that he is an attorney and listed his "firm" as "Critique." The Clerk's Office provided Dellamano with requested training, but declined Dellamano's request for a CM-EFC log-in (a CM-ECF log-in is available only to an attorney admitted to practice before the Court). The Clerk's Office also notified Chambers of its interactions with Dellamano, as it is unusual for an attorney who is not licensed in this state and is not admitted to practice before this Court to seek CM-ECF training.

The Court also observed that:

> [it] is uncertain of what role Dellamano has had at the Critique Services business for the past several months, given his lack of a Missouri law license. However, out of an abundance of caution (and in light of the fact that, in the past, persons affiliated with the Critique Services business have had to be enjoined from the unauthorized practice of law), the Court provides **NOTICE** that, unless and until Dellamano is admitted to practice before this Court, he may not practice law or otherwise render legal services or advice of any kind in connection with any case that has been filed or is anticipated to be filed in this Court, whether such practice or services would be rendered inside or outside the courtroom. He may not appear at a § 341 meeting on behalf of any debtor in any

> case that has been filed in this Court, as he cannot serve as the attorney of record for a debtor.

Meriwether and Dellamano were provided a copy of this Notice.

Several months later, on October 9, 2015, Dellamano was admitted to practice before the District Court. However, at that time, he did not return to the Clerk's Office to request a CM-ECF passcode. Instead, he just continued his affiliation with Meriwether without entering a notice of appearance in any case—and meanwhile, the chapter 7 trustees continued to point out the problem of his appearances at § 341 meetings.

It was not until two months after his admission to practice before the District Court that Dellamano again sought a CM-ECF passcode—which he did only after Meriwether's suspension. However, as noted above, in the Suspension Order, the Court directed that no other attorney use Meriwether's business office address and telephone number as his contact information with the Court during the period of Meriwether's suspension. The Court was concerned that Meriwether would try to end-run his suspension by having another attorney obtain a CM-ECF passcode and start ghost-practicing for Meriwether at his office—effectively end-running the suspension. Because Dellamano listed Meriwether's office and telephone number as his own when he made his second request for a CM-ECF passcode, Chambers directed the Clerk's Office to shut off the passcode, pending entry of this Order.

II. ANALYSIS

Dellamano claims to be practicing under his own shingle as the "Law Office of Robert J. Dellamano." However, his office is Meriwether's office and his telephone number is Meriwether's telephone number. Further, since last July, he has represented that he works with Meriwether as "Critique Services." He has shown up at § 341 meetings to represent Meriwether's clients. In light of these facts, Dellamano's sudden claim now that he practices as his own law firm strikes the Court as nothing more than as an attempt to cosmetically put distance between himself and Meriwether. Whatever purported law firm Dellamano claims to be operating at 3919 Washington Blvd. is likely to be a total sham—just like

Meriwether's "Law Firm of Dean D. Meriwether" is a total sham, through which Meriwether rents out his signature and bar card number to Diltz, as cover for the Critique Services Business's real business of the unauthorized practice of law.

III. CONCLUSION

The Court will issue Dellamano a CM-ECF passcode, provided that he establishes that his law firm is not a sham, that he is not managed, supervised or directed by Meriwether or Diltz (either formally or informally), that he is not involved with the unauthorized practice of law at 3919 Washington Blvd. (Meriwether's and Diltz's business at that address), and he will not function as a mechanism by which Meriwether can continue to practice during his suspension. To establish this, Dellamano must provide the following:

(A) an affidavit explaining, in detail, his role in the business being conducted at 3919 Washington Blvd., including the exact nature of his professional relationship with Meriwether, Diltz and Critique Services L.L.C. over the past twelve months;

(B) a copy of any contract into which he entered with Meriwether, Diltz, or Critique Services L.L.C. in the past twelve months, or an affidavit attesting that he has not entered into any contract with Meriwether, Diltz or Critique Services L.L.C. in the past twelve months;

(C) documents (such as W-4s or pay advices or quarterly tax returns) received or filed in the past twelve months, showing how Dellamano has been paid, and by whom, in connection with his services at 3919 Washington Blvd.;

and

(D) an affidavit attesting, in detail, to how his clients' fees are handled, including: the name(s) of the person(s) or entity to whom the fees are paid; the name(s) of the person(s) who receives the payments; where the fees are held following payment; when the fees are treated as earned; when he is

> paid from the fees; whether he employs or independently contracts with the persons who handle his fees and, if he does not, who does employ or independently contract with those persons; and the financial institution at which his client trust account, if he has one, is kept.

Dellamano may file these documents under protection, so that the documents will not be available for public viewing without a Court order upon notice and a showing of cause. However, Dellamano must provide a copy of all such documents filed with the Court to the United States Trustee.

Nothing herein constitutes a suspension of Dellamano from the privilege of practicing before this Court. He remains free to practice here. However, he will not receive a CM-ECF passcode unless he performs as directed above. In the meantime, Dellamano may file whatever documents he wishes at the Clerk's Office. The Clerk's Office will allow him to use the on-site computer banks, which do not require that the filer have an individual CM-ECF passcode. Like any other attorney, Dellamano may not file any document via submission through the U.S. Postal Service, other common carrier, email, or facsimile.

The Court also **ORDERS** that Dellamano not appear at any § 341 meeting on behalf of a debtor unless he has become the attorney of record, as reflected in the Court's records, and has filed a Rule 2016(b) Attorney Disclosure Statement, ***prior to*** the § 341 meeting. Dellamano may not show at a § 341 meeting to claim that he represents a debtor if he is not the attorney of record, and he may not "ask" the debtor—on-the-spot, when the debtor desperately needs counsel at the § 341 meeting—if the debtor will "agree" to be represented by Dellamano. ***Dellamano may not informally "cover" the representation of any of Meriwether's clients at § 341 meetings during Meriwether's suspension.*** The mere fact that both Meriwether and Dellamano are now apparently both part of the same Critique Services scheme does not make it proper for Dellamano to claim to represent Meriwether's clients without becoming

an attorney of record and filing his Rule 2016(b) Attorney Compensation Disclosure Statement.[5]

Accordingly, the Court **ORDERS** Dellamano to bring to every § 341 meeting at which he appears for a debtor a hard copy of his Notice of Appearance or other document from the record of the Court that establishes that he is the debtor's attorney of record.[6] In addition, if any case trustee conducts a § 341 meeting with Dellamano representing a debtor under circumstances where Dellamano's status as the attorney of record is not established, or if any case trustee chooses to continue a § 341 meeting because he cannot easily determine whether Dellamano is the attorney of record, the Court invites the trustee to file a Record of Appearance in that case, advising of the circumstances under which Dellamano appeared or attempted to appear on behalf of a debtor.

Charles E. Rendlen III

CHARLES E. RENDLEN, III
U. S. Bankruptcy Judge

DATED: December 11, 2015
St. Louis, Missouri
sec

Copies mailed to:

Robert J. Dellamano
Attorney at "Critique Services"
Law Office of Robert J. Dellamano
3919 Washington Blvd.
St. Louis, MO 63108

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[5] This is not a broader prohibition against other attorneys "hot-seating" (the slang term used in this District to refer to the practice of one attorney "covering" for another attorney at a § 341 meeting). Hot-seating may be a perfectly acceptable practice by other attorneys under different circumstances.

[6] It is Dellamano's burden to establish that he is the attorney of record. It is not the case trustee's burden and it is not practical to expect the case trustees to have a real-time representation of the Court's records related to the attorney of record. It is the Court's understanding that the § 341 meeting rooms in the St. Louis courthouse currently are not wi-fi hotspots, making it impractical to access to the Court's CM-ECF system during a § 341 meeting.

ATTACHMENT D:

Order at Docket No. 3
in this Miscellaneous Case

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	
	§	
Robert J. Dellamano,	**§**	**Misc. Case No. 15-0402**
	§	
Attorney.	**§**	

ORDER SUSPENDING ROBERT J. DELLAMANO
FROM THE PRIVILEGE OF PRACTICING BEFORE THIS COURT

For the reasons set forth herein, the Court **ORDERS** that attorney Robert J. Dellamano be given until **3:00 P.M. on December 18, 2015** to file a copy of his leasing agreement for 100 S. 4th Street, Ste. 550, St. Louis, Missouri, 63102, establishing that, as of December 16, 2015, he had an office at such address. If Dellamano fails to file a copy of such leasing agreement, the Court **ORDERS** that Dellamano be **SUSPENDED** from the privilege of practicing before this Court **effective 12:01 P.M. on December 18, 2015**, until **March 7, 2016.**

I. BACKGROUND OF THE CRITIQUE SERVICES BUSINESS

Dellamano is an attorney who has represented that he is affiliated with attorney Dean D. Meriwether and the business known as "Critique Services" (the "Critique Services Business") conducted by Meriwether and others at 3919 Washington Blvd. (the "Critique Services Business Office"). The ongoing malfeasance, including the unauthorized practice of law and the refusal to obey court orders, that is being committed by persons and entities affiliated with the Critique Services Business has been detailed in *In re Latoya Steward* (Case No. 11-46399), *In re Evette Nicole Reed, et al*. (Case No. 14-44818), *In re Arlester Hopson* (Case No. 15-43871), *In re Shadonaca Davis* (Case No. 15-48102), *In re Leander Young* (Case No. 15-44343), and *In re Lawanda Watson* (Case No. 11-42230). For the purposes of this Order, the following summary is sufficient.

The Critique Services Business is a "bankruptcy services" scam operated by the notorious non-attorney, Beverly Holmes Diltz. It targets low-income, minority persons in metropolitan St. Louis. Superficially, the business appears to provide bankruptcy counseling and legal representation. Diltz (through her company, Critique Services L.L.C.) creates this appearance by contracting or

otherwise affiliating with attorneys (the "Critique Services Attorneys") under the pretense that the attorneys practice bankruptcy law and that she merely provides to them "support" services. However, in reality, the Critique Services Business is in the business of the systematic unauthorized practice of law.[1] The Critique Services Business does not provide the legal services that its clients pay for—and its failure to provide these legal services is not the result of mere incompetence or sloppiness. The Critique Services Business is specifically designed to deny legal services. The clients are dumped off onto incompetent and often dishonest non-attorney staff persons, who then provide legal counsel, prepare legal documents for the clients, and affix the attorneys' signatures to those documents. The Critique Services Attorneys amount to rent-a-signatures. Their names and bar card numbers are affixed to documents prepared by non-attorney staff persons to provide operational cover for the unauthorized practice of law. The attorneys do not collect their fees personally, do not hold the fees in trust until earned, and have little (if any) direct contact with the clients. They do not meet with clients before the clients' money is paid; sometimes, they do not meet with the client before the case is filed, if at all. Often, they fail to file important documents, fail to return telephone calls, fail to appear at § 341 meetings, and fail to appear at contested hearings. The Critique Services Business Office is run such that telephone calls from clients are not returned and client requests to meet with the attorney are denied. Desperate clients are forced to come into the office, to beg for attention to their most pressing legal matters—often to no avail. Case mismanagement and client abandonment are standard operating procedures.

Diltz, her affiliated non-attorney staff persons, and her various entities have been repeatedly sanctioned, enjoined from the unauthorized practice of law, and prohibited from serving a bankruptcy petition preparers. Numerous attorneys who have been affiliated with the Critique Services Business have

[1] Diltz has peddled her "bankruptcy services" rip-off in this District through "Critique"-named vehicles for almost twenty years. She also ran her business just across the river in the Southern District of Illinois until 2003, when the bankruptcy court in that district barred her from ever doing any kind of bankruptcy services business there.

been disbarred and suspended for his actions while working for Diltz's operation. Currently, two attorneys located at the Critique Services Business Office are suspended from the privilege of practicing before the Court for various forms of professional malfeasance.

II. DELLAMANO AS A CRITIQUE SERVICES ATTORNEY

Dellamano holds an Illinois law license. He does not hold a Missouri law license. He was not admitted to practice before this Court until October 9, 2015. As detailed in *In re Arlester Hopson*, in July 2015, Dellamano came into the Clerk of Court's Office to obtain a password to access the CM-ECF system. In doing so, he represented to the Clerk's Office that he was affiliated with Meriwether and the Critique Services Business. The Clerk's Office advised Dellamano that it would not issue him a CM-ECF password at that time because he was not admitted to practice law before this Court.

Meanwhile—despite not being licensed in this state, and despite not being admitted to practice before this Court, and despite not being the attorney of record of any person in any case in this District—Dellamano appeared to nevertheless be practicing law on behalf of Meriwether's clients at § 341 meetings. Beginning in the summer of 2015, the Court began receiving complaints from the case trustees that Dellamano was appearing at § 341 meetings to represent clients of the Critique Services Business, despite not being the attorney of record. The Court issued a notice to Dellamano in *In re Hopson* that he was not permitted to appear at § 341 meetings on behalf of clients unless he was admitted to practice in this District. Nevertheless, complaints from the trustees continued.

Finally, on October 9, 2015, Dellamano obtained admission to practice before this Court—shortly after the Court suspended Meriwether's CM-ECF password for professional malfeasance in *In re Hopson*. However, Dellamano made no appearance in any case before this Court for another two months.

On December 7, 2015, the Court suspended Meriwether from the privilege of practicing before this Court for three months for his activities in *In re Young*. On December 11, 2015, Dellamano requested that a CM-ECF password be issued to him. In requesting a CM-ECF password, Dellamano represented that

his office is at 3919 Washington Blvd. (the Critique Services Business Office) and that his office telephone number is that of the Critique Services Business. As such, it appeared that Dellamano was the next attorney in the Critique Services Business scheme, set to either ghost-lawyer for the suspended Meriwether or to replace him entirely—but either way, to be the next attorney whose signature and bar card number would be used by Diltz for the unauthorized practice of law. On December 13, 2015, the Court entered the original order [Docket No. 1], opening this Miscellaneous Case. Based on the facts as set forth in the original order, the Court directed Dellamano not be provided a CM-ECF password until such time as Dellamano provided certain disclosures to the Court establishing the nature of his relationship with Meriwether and the Critique Services Business. The Court did not suspend Dellamano from the privilege of practicing; it merely required that Dellamano provided the required disclosures before he would be issued a CM-ECF password. Dellamano remained free to practice here and to file documents in the Clerk's Office. To date, Dellamano has not provided any of the disclosures required to obtain a CM-ECF password.

On December 16, 2015, Dellamano began filing at the Clerk's Office notices of appearance in chapter 13 cases for which Meriwether was the attorney of record. In those filings, Dellamano gave his business address as 100 S. 4th Street, Ste. 550, St. Louis, Missouri 63102—an office building in downtown St. Louis known as the Deloitte Building.

On December 17, 2015, the Court had to prepare yet-another order involving some problematic behavior of the Critique Services Business in the unrelated matter of *In re Watson*. The *Watson* order involved a directive to Dellamano. To ensure that the *Watson* order was sent to Dellamano's proper address, the Court sought to confirm that the new address given by Dellamano in his December 16 notices of appearance was, in fact, a valid address for him. Court staff contacted the Deloitte Building, eventually speaking with the appropriate personnel from Regus, the entity that leases the office spaces in Suite 550 of the Deloitte Building. Court staff inquired as to whether Robert Dellamano could be mailed documents at that address. At first, Court staff was advised that no one by that name leased space in Suite 550. Eventually, a

manager explained that a person by the name of Robert Dellamano had spoken with her about leasing space, but had not signed any paperwork. According to her, Robert Dellamano had no office space at that address.

III. SUSPENSION OF DELLAMANO

If Dellamano made false representations to the Court regarding his address, the Court finds it stunning that he thought he would get away with it. Dellamano should have known that it was just a matter of time before he would get caught. Given the highly disreputable nature of the Critique Services Business, the Court is skeptical of any representation made by a person affiliated with it; it should have come as no surprise that the Court would seek to confirm the validity of Dellamano's sudden, new business address. To any degree, the Court cannot permit an attorney to practice here when he cannot manage to be honest about something as basic as where his office is located. Accordingly, pursuant to § 105(a) and the inherent power of the Court to discipline attorneys who appear before it, the Court **ORDERS** that Dellamano file **by 3:00 P.M. on December 18, 2015**, a fully legible, fully executed, complete, non-redacted, non-falsified, non-backdated copy of the leasing agreement that establishes that Dellamano had an office in Suite 550 ***as of December 16, 2015***. If Dellamano fails to file copy of such a leasing agreement by the deadline, the Court **ORDERS** that Dellamano be suspended **as of 3:01 P.M. on December 18, 2015**. Dellamano will remain suspended **until March 7, 2016**.

During his suspension, Dellamano may not file a pleading or document of any sort on behalf of anyone other than himself, or represent any person, other than himself, before this Court in any capacity. He is barred from practicing or appearing before this Court on behalf of another person, whether by: special appearance or regular appearance; for representation of a paying client or a pro bono client; for representation of a family member or an unrelated person; or in a Main Case or an Adversary Proceeding.[2] He may not practice in any case

[2] Nothing herein shall prohibit Dellamano from being subpoenaed or summonsed in any matter before this Court or from responding to such subpoena or summons. He may be subject to deposition in matters before this Court and may give testimony in hearings and trials before this Court.

before, or anticipated to be before, this Court, whether such practice would be inside or outside the courtroom. He may not appear at a § 341 meeting on behalf of any debtor. He may not "send" another attorney to a § 341 meeting, unless that attorney has formally entered his notice of appearance as the debtor's attorney in the case. He may not serve as co-counsel with any attorney in the representation of a client in a case before or anticipated to be before this Court. He may not fee-share with any attorney in any fees that he had not earned as of the date of his suspension date.

If the suspension goes into effect, Dellamano may file a motion for reinstatement within two weeks of March 7, 2016. To establish that reinstatement is proper, Dellamano must provide the following:

(A) an affidavit explaining, in detail, any role he had in the business being conducted at 3919 Washington Blvd., including the exact nature of his professional relationship with Meriwether, Diltz and Critique Services L.L.C. over the past twelve months;

(B) a copy of any contract into which he entered with Meriwether, Diltz, or Critique Services L.L.C. in the past twelve months, or an affidavit attesting that he has not entered into any contract with Meriwether, Diltz or Critique Services L.L.C. in the past twelve months;

(C) documents (such as W-4s or pay advices or quarterly tax returns) received or filed in the past twelve months, showing how Dellamano has been paid, and by whom, in connection with his services at 3919 Washington Blvd.;

(D) an affidavit attesting to the street address for his law practice and the landline telephone number for that office (not Dellamano's personal mobile telephone number);

(E) a copy of the lease for space for that business address; and

(F) an affidavit attesting, in detail, as to how he will handle his clients' fees while practicing before this Court, including: the name(s) of the person(s) or entity to whom the fees are paid; the name(s) of the person(s) who receives the payments; where the fees are held following payment; when the fees are treated as earned; when he is paid from the fees; whether he employs or independently contracts with the persons who handle his fees and, if he does not, who does employ or independently contract with those persons; and the financial institution at which his client trust account is kept.

Dellamano may file these documents under protection, so that the documents will not be available for public viewing without a Court order upon notice and a showing of cause. However, Dellamano must provide a copy of all such documents filed with the Court to the United States Trustee.

If the suspension goes into effect, the Court will forward a copy of this Order to the appropriate attorney disciplinary body for the state of Illinois.

Charles E. Rendlen III

CHARLES E. RENDLEN, III
U. S. Bankruptcy Judge

DATED: December 17, 2015
St. Louis, Missouri
sec

Copy Mailed to: Robert J. Dellamano
Attorney at "Critique Services"
Law Office of Robert J. Dellamano
3919 Washington Blvd.
St. Louis, MO 63108

Attachment 112

Order Directing that the Deloitte Building Address Be Removed as Dellamano's Mailing Address, entered in *In re Dellamano*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	**Case No. 15-MISC-0402**
	§	
Robert J. Dellamano,	**§**	**Matter of Court Business**
	§	
Debtor.	**§**	

ORDER DIRECTING THE CLERK'S OFFICE TO STRIKE THE DELOITTE BUILDING ADDRESS LISTED FOR ATTORNEY ROBERT J. DELLAMANO FROM THE COURT'S RECORDS

As memorialized in Court orders entered in this Miscellaneous Proceeding, on December 16, 2015, attorney Robert J. Dellamano of the notorious "bankruptcy services" business known as "Critique Services," lied to the Court regarding his mailing address. He represented in numerous notices of appearances filed with the Court that, as of December 16, 2015, he had a mailing address of "100 S. 4th St., Suite 550, St. Louis, Missouri, 63102" (the "Deloitte Building Address"). The Court caught Dellamano in his lie on December 17, 2015, and issued an Order to Show Cause. Dellamano failed to show cause why he should not have been sanctioned for making these false representations. Accordingly, Dellamano was suspended from the privilege of practicing before this Court until March 7, 2016.

After Dellamano got caught on December 17 lying about his address and found himself facing sanctions, on December 18, he hurriedly entered into a lease to rent a mailbox at the Deloitte Building Address. The execution of that lease on December 18 did not, of course, rewrite history. Dellamano still had made a false statement on December 16. However, once Dellamano produced a copy of his December 18-executed lease, the Court updated its records to list Dellamano's mailing address of record—as of December 18, 2016—to be the Deloitte Building Address.

As it turned out, however, Dellamano was not sincere in his representation about his intended use of the Deloitte Building Address, even after he executed the lease. Twice in the past two weeks, envelopes mailed to Dellamano at the

Deloitte Building Address have been returned to the Court through the U.S. Postal Service, marked as undeliverable to Dellamano at that address. As such, his current mailing address on record with the Court appears not to be valid.

Accordingly, the Court **DIRECTS** as follows:

(1) the Deloitte Building Address be stricken from the Court's records as Dellamano's mailing address;

(2) the mailing address listed by Dellamano with the District Court (the office of "Critique Services" and Meriwether at 3919 Washington Ave., St. Louis, Missouri 63102) be listed in the Court's records as Dellamano's mailing address;[1] and

(3) further modification of the Court's records related to Dellamano's mailing address be prohibited without leave of Court (if Dellamano wishes to modify his mailing address of record with the Court, he must file in this Miscellaneous Proceeding a motion to modify his address).

Further, the Court **DIRECTS** that a copy of this Order be provided to the Missouri Supreme Court's Office of Chief Disciplinary Counsel, the Attorney Registration & Disciplinary Commission of the Illinois Supreme Court, and the U.S. District Court for the Eastern District of Missouri. Referrals of Dellamano's activities as reflected in this Miscellaneous Proceeding have already been made to these authorities. It is appropriate to keep these authorities informed of the addresses at which Dellamano can—and cannot—be found.

DATED: January 28, 2016
St. Louis, Missouri 63102
mtc

CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

[1] Attachment A.

COPIES TO:

Robert J. Dellamano
Critique Services
3919 Washington Blvd.
St. Louis, MO 63108

ATTACHMENT A

UNITED STATES GOVERNMENT
OFFICIAL MEMORANDUM

Bankruptcy Court
Eastern District of Missouri

To: Judge Rendlen

RE: Returned Mail – Robert Dellamano

Date: January 27, 2016

This Memorandum is to confirm two recent documents mailed to attorney Robert J. Dellamano. At the most recent address he provided to the Court (100 South 4th Street, Suite 550, St. Louis, Missouri 63102) documents have been returned as undeliverable. These two return mail items are part of case (#15-402) record.

The two documents mentioned above were also mailed to Mr. Dellamano's former address of: 3919 Washington Blvd., St. Louis, Missouri 63108. These documents were not returned to the Court as undeliverable.

The Clerk's office has subsequently verified the address that Mr. Dellamano has on record with the District Court is: Robert James Dellamano, 3919 Washington, St. Louis MO 63108, Bar ID: [6310686IL].

Attachment 113

Order Disregarding the “Effective As” Language of Dellamano’s Notice, entered in *In re Dellamano*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	**Misc. Case No. 15-0402**
	§	
Robert Dellamano,	**§**	**Matter of Court Business**
	§	
Attorney.	**§**	

ORDER DIRECTING THAT A PORTION OF DELLAMANO'S DOCUMENT CHANGING HIS MAILING ADDRESS BE DISREGARDED

On December 18, 2015, the Court entered an order in this Miscellaneous Proceeding, suspending attorney Robert J. Dellamano of the highly disreputable "bankruptcy services" business known as "Critique Services," until March 7, 2016. As of the date of this Order, Dellamano has failed to seek reinstatement or to represent that he has complied with the requirements for reinstatement. Thus, he remains suspended, by his own choice. The keys to the prison of his suspension are in his pocket; he simply must choose to use them.

On March 15, 2016, Dellamano appeared in the Office of the Clerk of the Court and presented a hand-written paper, a copy of which is attached hereto. On that paper, Dellamano advised of his new business mailing address at 4849 State Route 15, Freeburg, IL 62243. The Court updated its records accordingly.

The paper also contained the representation that Dellamano's address is "[a]s of Dec 18, 2015." This appears to be an effort by Dellamano to retroactively change his address in the Court's records. However, address changes with the Court are on a going-forward basis only. It was Dellamano's obligation to timely advise the Court of this change to his address. If he failed to do that, he cannot fix that failure by "retroactively" updating his address of record now.

The Court notes that is not the first time Dellamano has made dubious or dishonest representations to the Court regarding his business mailing address:

- On December 10, 2015, Dellamano obtained a CM-ECF passcode (to allow him to begin to electronically file cases) from the Court, just after the December 7, 2015 suspension of his Critique Services cohort, attorney Dean D. Meriwether. In the process of obtaining a CM-ECF passcode,

Dellamano listed his mailing address as that of the Meriwether. He used this address despite the fact that the Court had ordered that no attorney may use Meriwether's address as his own (to prevent Meriwether from avoiding the effect of his suspension by having someone to ghost-operate his practice for him at his office).

- About a week later, on December 16, 2015, Dellamano made false representations filed notices of appearance in various cases. In these notices of appearance, he represented that his sudden, new mailing address was a suite at the Deloitte Building in downtown St. Louis. However, when Court staff contacted the Deloitte Building on December 17, 2015, to confirm the address for purposes of mailing correspondence to Dellamano, the staff person was advised that Dellamano had no lease at the Deloitte Building.
- The Court then needed clarification on whether Dellamano could (or could not) receive Court correspondence at the Deloitte Building. Accordingly, later on December 17, 2015, the Court entered a show cause order in this Miscellaneous Proceeding, directing Dellamano to file a copy of his lease with the Deloitte Building, to establish that he had a leasing agreement for that address as of December 16, 2015. As it turned out, Dellamano couldn't provide such a lease—because one did not exist. Dellamano had no lease at the Deloitte Building at the time he represented to the Court that the Deloitte Building was his mailing address. So, instead of just admitting that he had no lease as of December 16, 2015, Dellamano provided a copy of a mailbox lease at the Deloitte Building that was executed on December 18, 2015, but which was back-dated to start December 15, 2015—as if back-dating a lease rewrote history. Thereafter, Dellamano was suspended for having knowingly made false statements about his mailing address.
- Then, after being suspended, Dellamano quickly abandoned the mailbox at the Deloitte Building that he had leased on December 18, 2015—but never bothered to update his mailing address with the Court. As a result,

the Court's correspondence sent to Dellamano at the Deloitte Building began to be returned as undeliverable.

And now, Dellamano seeks to make his latest change of address retroactively effective to December 18, 2015. Obviously, he cannot do this. His change of address to the Freeburg address is effective as of March 15, 2016, and not before. Accordingly, the Court hereby **ORDERS** that Dellamano's "as of December 18, 2015" representation be disregarded and given no effect.

The Court also **DIRECTS** that a copy of this Order be provided to the Missouri Supreme Court's Office of Chief Disciplinary Counsel, the Attorney Registration & Disciplinary Commission of the Illinois Supreme Court, and the U.S. District Court for the Eastern District of Missouri. Referrals of Dellamano's activities as reflected in this Miscellaneous Proceeding have already been made to these authorities. It is appropriate to keep these authorities informed of the addresses at which Dellamano can—and cannot—be found.

DATED: March 17, 2016
St. Louis, Missouri 63102
erk

CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

Copies mailed to:

Robert J. Dellamano
Attorney at Law
4849 State Route 15
Freeburg, IL 62243

ATTACHMENT

Robert J. Dellamano

4849 State Route 15

Freeburg, IL 62243

As of Dec 18, 2015

3/15/16

Attachment 114

Order for Disgorgement of Fees, entered in *In re Davenport*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	**Case No. 15-49067-705**
	§	
Toni L. Davenport,	**§**	**Chapter 7**
	§	
Debtor.	**§**	**[Related to Doc. No. 1]**

ORDER DIRECTING THAT (I) THE DEBTOR BE GIVEN UNTIL JANUARY 15, 2016 TO FILE THE REQUIRED FORMS IN THIS CASE, AND (II) THE DEBTOR'S SUSPENDED ATTORNEYS, DEAN D. MERIWETHER AND ROBERT J. DELLAMANO OF THE BUSINESS KNOWN AS "CRITIQUE SERVICES" IMMEDIATELY RETURN TO THE DEBTOR ALL OF HER ATTORNEY'S FEES PAID

On December 3, 2015, the attorney Dean D. Meriwether of the Critique Services business filed a petition for bankruptcy relief [Docket No. 1] on behalf of the Debtor. However, the Debtor's petition papers were prepared on the wrong forms. There was no excuse for Meriwether's use of the wrong forms. The Clerk of Court gave public notice of need to use the new forms ahead of December 1, 2015, the date upon which use of the new forms would be required. Moreover, while Meriwether was filing the petition papers at the computer banks in the Clerk's Office on December 3, 2015, the Clerk's Office staff noticed that he was using the wrong forms and specifically advised him that he must use the correct form. He disregarded the Clerk's Office instructions and used the wrong forms anyway. Later that day, the Court issued a formal Notice [Docket No. 6], advising the petition papers must be filed on the proper forms or the Case may be dismissed, and Meriwether disregarded this Notice, too.

On December 7, 2015, Meriwether was suspended from the privilege of practicing before this Court until March 7, 2016, due to his activities in the unrelated case of *In re Leander Young* (Case No. 15-44343). Meriwether did not file a notice of appeal of the order suspending him.

On December 17, 2015, another attorney at the Critique Services business, Robert J. Dellamano, filed a Notice of Appearance on behalf of the Debtor—although he failed to file his required Attorney Compensation Disclosure

Statement required under Fed. R. Bankr. P 2016(b). To any degree, the next day, on December 18, 2015, Dellamano also was suspended from the privilege of practicing before this Court until March 7, 2016, for making of false statements in Court documents, as set forth in *In re Robert J. Dellamano: Business of the Court* (Case No. 15-MISC-0402).

Neither Meriwether nor Dellamano filed the Debtor's petition papers on the correct forms. Since their suspensions, the Debtor has not obtained new counsel of record or acted on her own behalf to file the documents using the correct form. (The Debtor well may not even be aware of the fact that her attorneys have been suspended, unless Meriwether, Dellamano, or the Critique Services Business informed her of the suspensions.)

The Court does not wish to see the Debtor suffer more, given that she has already suffered the burden of having Meriwether and Dellamano as her counsel. Accordingly, the Court **ORDERS** that the Debtor be given until **January 15, 2016**, to file her Amended Schedules using the correct forms. The Debtor is free to obtain new counsel to do this for her, or she may act pro se, given that Meriwether and Dellamano are impotent to help her. If the Debtor needs guidance as to how to obtain the forms she must use, the Debtor may contact the Clerk's Office or the Office of the U.S. Trustee for Region 13. If, however, the petition papers are not filed using the correct forms by January 15, 2016, her Case may be dismissed.

The Court also **ORDERS** that, pursuant to Bankruptcy Code § 329(b), Meriwether and Dellamano forthwith return to the Debtor all attorney's fees paid to them for services in this Case. Meriwether knowingly used the wrong forms; then he was given repeated (even personal) notice of his error, and yet he declined to correct it. Meriwether got himself suspended, placing the Debtor's Case in grave jeopardy of being dismissed because he is unable to provide representation. And, Meriwether cannot perform any further representation of the Debtor for the term of his suspension. The value of whatever "services" Meriwether rendered to the Debtor is $0.

Dellamano did even less. He did not even file his own Rule 2016(b) statement. He did not file the petition papers on the correct forms. He filed a "Motion for Extension of Time," requesting that he be given seven days to file "Schedules," despite the fact that the Debtor is missing other documents, not just her Schedules. Dellamano did nothing other than put the Debtor's case in further jeopardy of being dismissed, and due to his suspension, he cannot rendered further services. And, on top of all of that, Dellamano made a false representation about his business address as of December 17, 2015 in his notice of appearance. *See* Final Order of Suspension (Case No. 15-MISC-0402). The value of whatever "services" Dellamano rendered to the Debtor is $0.

Upon return of the fees, Meriwether and Dellamano are directed to file a Notice of Compliance, to which is attached a copy of the check or money order by which the fees were returned.

DATED: December 30, 2015
St. Louis, Missouri 63102
mtc

CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

Copy Mailed To:

Robert James Dellamano
Law Office of Robert J. Dellamano
100 S. 4th Street
Suite 550
St. Louis, MO 63102

Dean D. Meriwether
Law Offices of Dean Meriwether
3919 Washington Avenue
St. Louis, MO 63108

Toni L. Davenport
955 Riverwod Place Dr.
Florissant, MO 63031

Stuart Jay Radloff
13321 N. Outer 40 Rd, Suite 800
St. Louis, MO 63017

Office of US Trustee
111 S Tenth St, Ste 6.353
St. Louis, MO 63102

Attachment 115

Order for Disgorgement of Fees, entered in *In re Hayes*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	**Case No. 15-47014-705**
	§	
Jernisha A. Hayes,	**§**	**Chapter 7**
	§	
Debtor.	**§**	**[Related to Doc. No. 18]**

ORDER FOR DISGORGEMENT OF FEES

On March 17, 2016, the Debtor pro se filed a letter that the Court deems to be a Motion for Disgorgement of Attorney's Fees Pursuant to 11 U.S.C. § 329 (the "Motion") [Doc. No. 18]. The Debtor seeks justice in light of the fact that her attorney, Dean D. Meriwether of the notoriously disreputable business known as "Critique Services," failed to render the legal services for which she paid.

Upon review of the Motion, the facts of the Case, and the failure of Meriwether to respond, the Court **ORDERS** that, pursuant to Bankruptcy Code § 329(b), Meriwether and Critique Services L.L.C. (the limited liability company through which the "Critique Services" scam business is operated), disgorge to the Debtor $349.00 that the Debtor paid for Meriwether's legal services.

Upon returning the fees to the Debtor, Meriwether is directed to file a Notice of Compliance in this Case. The Notice of Compliance should have attached to it a copy of the check or money order by which the fees were returned.

A copy of this Order will be forwarded to the Missouri Supreme Court's Office of Chief Disciplinary Counsel, in complement to the many other referrals made to that authority regarding Meriwether and other attorneys affiliated with the Critique Services Business.

DATED: April 14, 2016
St. Louis, Missouri 63102
erk

CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

Copy mailed to:

U.S. Trustee
E. Rebecca Case, Trustee
Jernisha A. Hayes, Pro Se Debtor
Dean D. Meriwether
Critique Services L.L.C. c/o Laurence Mass, Attorney
Missouri Supreme Court’s Office of Chief Disciplinary Counsel

Attachment 116

Order for Disgorgement of Fees, entered in *In re Snider*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	**Case No. 15-47344-705**
	§	
Chiquita D. Snider,	**§**	**Chapter 7**
	§	
Debtor.	**§**	

NOTICE OF EXTENSION OF DEADLINE TO FILE AND ORDER TO RETURN TO DEBTOR ALL ATTORNEY'S FEES PAID TO DEAN D. MERIWETHER

The Debtor's Case is eligible to be closed under 11 U.S.C. § 350(b). However, closure at this point would be ordered without a discharge for the Debtor because the Debtor has not yet filed her statutorily required Financial Management Course Certificate (the "FMCC"). The Debtor's failure to file the FMCC likely is a result of the fact that her attorney, Dean D. Meriwether of "Critique Services" was suspended from practicing before this Court on December 7, 2015. Since then, it has come to the Court's attention, in other cases, that Meriwether has failed to notify at least some of clients that he is suspended and cannot practice law. It is certainly possible that the Debtor in this Case is yet-another client of Meriwether who was unaware of the suspension.

The Court does not wish to see the Debtor suffer more, given that she has already suffered the burden of having Meriwether as her counsel. Accordingly, the Court **ORDERS** that the Debtor be given until **January 30, 2016**, to file her FMCC. She is free to obtain new counsel to do this for her, or she may act pro se, given that Meriwether is impotent to help her. If the Debtor needs guidance as to how to obtain such her FMCC, the Debtor may contact the Office of the U.S. Trustee for Region 13 for general guidance, to the degree that Office may assist her. If, however, the FMCC is not filed by January 30, 2016, her Case may be closed without a discharge being ordered.

The Court also **ORDERS** that, pursuant to Bankruptcy Code § 329(b), Meriwether forthwith return to the Debtor all attorney's fees paid to him for services in this Case. Meriwether failed to file the Debtor's FMCC before his suspension and, due to his suspension, he cannot now file the Debtor's FMCC

for her. He has placed his client's case in grave jeopardy of being closed with a discharge being ordered and has placed the burden of the consequences of his suspension upon his client. The value of whatever "services" Meriwether rendered to the Debtor is $0.

Upon return of the fees, Meriwether is directed to file a Notice of Compliance, to which is attached a copy of the check or money order by which the fees were returned. A copy of this Order will be forwarded to the Missouri Supreme Court's Office of Chief Disciplinary Counsel, in complement to the many other referrals made to that authority regarding Meriwether.

DATED: January 7, 2016
St. Louis, Missouri 63102
mtc

CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

Copy Mailed To:

Dean D. Meriwether
Law Offices of Dean Meriwether
3919 Washington Avenue
St. Louis, MO 63108

Chiquita C Snider
9769 Lilly Jean Dr
St. Louis, Mo 63134

Stuart Jay Radloff
13321 N. Outer 40 Rd, Suite 800
St. Louis, MO 63017

Office of US Trustee
111 S Tenth St, Ste 6.353
St. Louis, MO 63102

Attachment 117

Order for Disgorgement of Fees, entered in *In re Adams*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	**Case No. 15-47076-705**
	§	
Lois Ann Adams,	**§**	**Chapter 7**
	§	
Debtor.	**§**	**[Related to Doc. No. 1]**

ORDER DIRECTING THAT (I) THE DEBTOR BE GIVEN UNTIL JANUARY 15, 2016 TO FILE THE REQUIRED FORMS IN THIS CASE, AND (II) THE DEBTOR'S SUSPENDED ATTORNEY, DEAN D. MERIWETHER OF THE BUSINESS KNOWN AS "CRITIQUE SERVICES" IMMEDIATELY RETURN TO THE DEBTOR ALL OF HER ATTORNEY'S FEES PAID

On September 18, 2015, the attorney Dean D. Meriwether of the Critique Services business filed a petition for bankruptcy relief [Docket No. 1] on behalf of the Debtor. On December 3, 2015, Meriwether filed certain Amended Schedules of Assets and Liabilities [Docket No. 13] for the Debtor. However, the Amended Schedules were prepared on the wrong form. There was no excuse for Meriwether's use of the wrong form. The Clerk of Court gave public notice of need to use the new form ahead of December 1, 2015, the date upon which use of the new form would be required. Moreover, while Meriwether was filing the Amended Schedules at the computer banks in the Clerk's Office on December 3, 2015, the Clerk's Office staff noticed that he was using the wrong form and specifically advised him that he must use the correct form. He disregarded the Clerk's Office instructions and used the wrong form anyway. Then, on December 4, 2015, the Court issued a formal Notice [Docket No. 15], advising the Amended Schedules must be filed on the proper form or the Case may be dismissed, and Meriwether disregarded this Notice, too.

On December 7, 2015, Meriwether was suspended from the privilege of practicing before this Court for three months due to his activities in the unrelated case of *In re Leander Young*. Meriwether did not file a notice of appeal of the order suspending him.

At the time of his suspension, Meriwether had not filed the Amended Schedules using the correct form. Since Meriwether's suspension, the Debtor

has not obtained new counsel of record or acted on her own behalf to file the documents using the correct form. (The Debtor well may not even be aware of the fact that her attorney has been suspended, unless Meriwether or the Critique Services Business informed her of the suspension.)

The Court does not wish to see the Debtor suffer more, given that she has already suffered the burden of having Meriwether as her counsel. Accordingly, the Court **ORDERS** that the Debtor be given until **January 15, 2016**, to file her Amended Schedules using the correct form. She is free to obtain new counsel to do this for her, or she may act pro se, given that Meriwether is impotent to help her. If the Debtor needs guidance as to how to obtain the form she must use, the Debtor may contact the Clerk's Office or the Office of the U.S. Trustee for Region 13. If, however, the Amended Schedules are not filed using the correct form by January 15, 2016, her Case may be dismissed.

The Court also **ORDERS** that, pursuant to Bankruptcy Code § 329(b), Meriwether forthwith return to the Debtor all attorney's fees paid to him for services in this Case. Meriwether knowingly used the wrong form; then he was given repeated (even personal) notice of his error, and yet he declined to correct it. Meriwether got himself suspended, placing the Debtor's Case in grave jeopardy of being dismissed because he is unable to provide representation. And, Meriwether cannot perform any further representation of the Debtor for the term of his suspension. The value of whatever "services" Meriwether rendered to the Debtor is $0. Upon return of the fees, Meriwether is directed to file a Notice of Compliance, to which is attached a copy of the check or money order by which the fees were returned. A copy of this Order will be forwarded to the Missouri Supreme Court's Office of Chief Disciplinary Counsel, in complement to the many other referrals made to that authority regarding Meriwether.

DATED: December 29, 2015
St. Louis, Missouri 63102
mtc

CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

Copy Mailed To:

Dean D. Meriwether
Law Offices of Dean Meriwether
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Lois Ann Adams
127 Becker
St. Louis, MO 63135

Fredrich J. Cruse
The Cruse Law Firm PC
PO Box 914
Hannibal, MO 63401

Office of US Trustee
111 S Tenth St, Ste 6.353
St. Louis, MO 63102

Attachment 118

Order for Disgorgement of Fees, entered in *In re Reardon*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	**Case No. 15-46634-705**
	§	
Diana Marie Reardon,	**§**	**Chapter 7**
	§	
Debtor.	**§**	**[Related to Doc. No. 1]**

ORDER DIRECTING THAT (I) THE DEBTOR HAS UNTIL JANUARY 12, 2016 TO FILE THE REQUIRED FORMS IN THIS CASE, AND (II) THE DEBTOR'S SUSPENDED ATTORNEY, DEAN D. MERIWETHER OF THE BUSINESS KNOWN AS "CRITIQUE SERVICES" IMMEDIATELY RETURN TO THE DEBTOR ALL OF HER ATTORNEY'S FEES PAID

On September 4, 2015, the now-suspended attorney Dean D. Meriwether of "Critique Services" filed a petition for bankruptcy relief [Docket No. 1] on behalf of the Debtor. On December 7, 2015, Meriwether was suspended from the privilege of practicing before this Court for three months due to his activities in the unrelated case of *In re Leander Young*. On December 8, 2015, the Court issued and Order and Notice [Docket No. 16], in which it gave notice that the Debtor was required to file certain missing documents, and that the failure to do so may result in the dismissal of her Case. However, because Meriwether had been suspended, he was not able to file the missing documents, and the Debtor did not act on her own behalf to file these documents (the Debtor well may not even be aware of the fact that her attorney has been suspended, unless Meriwether or the Critique Services Business informed her of the suspension).

The Court does not wish to see the Debtor suffer more, given that she has already suffered the burden of having Meriwether of the Critique Services Business as her counsel. Accordingly, the Court **ORDERS** that the Debtor be given until **January 12, 2016**, to file the required forms. She is free to obtain new counsel to do this, or she may act pro se, given that Meriwether is impotent to help her. If the Debtor needs guidance as to how to obtain the forms she must use, the Debtor may contact the Clerk's Office or the Office of the United States Trustee for Region 13. If, however, the correct forms are not filed by January 12, 2016, her Case will be dismissed.

The Court also **ORDERS** that, pursuant to Bankruptcy Code § 329(b), Meriwether forthwith return to the Debtor all attorney's fees paid to him for services in this Case. By his sanctionable actions in *In re Young*, Meriwether wound up getting himself suspended, thereby placing the Debtor's Case in grave jeopardy of being dismissed because he was unable to provide representation by filing the required documents. Moreover, Meriwether cannot perform any further representation of the Debtor for the remainder of the Case. The value of whatever "services" he rendered to the Debtor is $0.

Upon returning the fees to the Debtor, Meriwether is directed to file a Notice of Compliance in this Case, as well as in the case of *In re Nettie Bell Rhodes* (Case No. 15-49062)—another case in which a disgorgement directive was entered for Meriwether's failure to render services. The Notice of Compliance should have attached to it a copy of the check or money order by which the fees were returned.

A copy of this Order will be forwarded to the Missouri Supreme Court's Office of Chief Disciplinary Counsel, in complement to the many other referrals made to that authority regarding Meriwether and other attorneys affiliated with the Critique Services Business.

DATED: December 23, 2015
St. Louis, Missouri 63102
mtc

Charles E. Rendlen III
CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

Copy Mailed To:

Dean D. Meriwether
Law Offices of Dean Meriwether
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Diana Marie Reardon
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Wildwood, MO 63038

Tracy A. Brown
1034 S. Brentwood Blvd., Ste 1830
St. Louis, MO 63117

Office of US Trustee
111 S Tenth St, Ste 6.353
St. Louis, MO 63102

Attachment 119

Order for Disgorgement of Fees, entered in *In re Rhodes*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	**Case No. 15-49062-705**
	§	
Nettie Bell Rhodes,	**§**	**Chapter 7**
	§	
Debtor.	**§**	**[Related to Doc. No. 1]**

ORDER DIRECTING THAT (I) THE DEBTOR HAS UNTIL JANUARY 8, 2016 TO FILE THE CORRECT PETITION FORMS IN THIS CASE, AND (II) THE DEBTOR'S SUSPENDED ATTORNEY, DEAN D. MERIWETHER OF THE BUSINESS KNOWN AS "CRITIQUE SERVICES" IMMEDIATELY RETURN TO THE DEBTOR ALL OF HER ATTORNEY'S FEES PAID

On December 3, 2015, the now-suspended attorney Dean D. Meriwether of "Critique Services" filed a petition for bankruptcy relief [Docket No. 1] on behalf of the Debtor. In doing so, Meriwether used the incorrect forms. As of December 1, 2015, the Court required that all debtors use the newest version of the official forms for petition documents, including the petition form and the supporting schedules of assets and liabilities and statements of financial affairs. The Court had given public notice of this requirement to all attorneys admitted to practice here. Moreover, when Meriwether came into the Clerk's Office to file numerous cases on December 3, 2015, the Clerk's Office staff noticed that he was using the improper forms and advised him that he must use the correct forms. Meriwether chose to disregard both the public notice and the personal notice he was given and chose to file the Case using the wrong forms. Then, shortly after the Case was filed—also on December 3, 2015—the Court issued its formal Notice of Error [Docket No. 7], advising that if the correct forms were not filed by December 17, 2015, the Case would be dismissed. Meriwether chose to disregard that warning, as well.

On December 7, 2015, Meriwether was suspended from the privilege of practicing before this Court for three months due to his activities in the unrelated case of *In re Leander Young*. As of the time of his suspension, Meriwether still had not filed the correct forms in this Case. As a result of Meriwether's knowing

disregard of the requirement that he use the correct forms followed by his suspension, the Debtor is now left to fend for herself.

The Court does not wish to see the Debtor suffer more, given that she has already suffered the burden of having Meriwether so incompetently represent her and the Critique Services Business of which he is a part so badly mishandle her Case. Accordingly, the Court **ORDERS** that the Debtor be given additional time to comply with the requirement that the correct forms be filed. The Debtor has until **January 8, 2016**, to file the correct forms. She is free to obtain new counsel to do this, or she may act pro se, given that Meriwether is impotent to help her. If the Debtor needs guidance as to how to obtain the forms she must use, the Debtor may contact the Clerk's Office or the Office of the United States Trustee for Region 13. If, however, the correct forms are not filed by January 8, 2016, her Case will be dismissed.

The Court also **ORDERS** that, pursuant to Bankruptcy Code § 329(b), Meriwether forthwith return to the Debtor all attorney's fees paid to him for services in this Case. He could not manage even the most baseline level of professional competence. He knowingly used the wrong forms and knowingly disregarded the warnings regarding the consequences of that decision. He placed the Debtor's Case in grave jeopardy of being dismissed. The value of whatever "services" he rendered is $0.

A copy of this Order will be forwarded to the Missouri Supreme Court's Office of Chief Disciplinary Counsel, in complement to the many other referrals made to that authority regarding Meriwether and other attorneys affiliated with the Critique Services Business.

DATED: December 21, 2015
St. Louis, Missouri 63102
mtc

CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

Copy Mailed To:

Dean D. Meriwether
Law Offices of Dean Meriwether
3919 Washington Avenue
St. Louis, MO 63108

Nettie Bell Rhodes
1745 Foley Dr.
St. Louis, MO 63136

Stuart Jay Radloff
13321 N. Outer 40 Rd, Suite 800
St. Louis, MO 63017

Office of US Trustee
111 S Tenth St, Ste 6.353
St. Louis, MO 63102

Attachment 120

Order Granting the Motion to Clarify and Directing that Robinson, Meriwether, and Dellamano File Disclosures Related to the Falsified Document Sent by Facsimile, entered in *In re Watson*

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI

In re:	**§**	**Case No. 11-42230-705**
	§	
Lawanda Watson,	**§**	**Chapter 7**
	§	
Debtor.	**§**	**[Related to Doc. No. 23]**

ORDER

This Order contains directives issued to attorneys James C. Robinson, Dean D. Meriwether, and Robert J. Dellamano. Failure to comply with the directives may result in the imposition of sanctions or other directives.

On March 12, 2011, the now-suspended attorney James C. Robinson, d/b/a "Critique Services," filed a petition for bankruptcy relief [Docket No. 1] on behalf of the Debtor. Contemporaneously, he filed the Debtor's Schedules of Assets and Liabilities (the "Schedules") [Docket No. 1]. The Schedules did not list an "Arrow Finance" as a creditor. On May 5, 2011, Robinson filed amendments to the Schedules [Docket No. 10]. The amendments also did not list Arrow Finance as a creditor.

On December 10, 2015, the chapter 7 trustee (the "Trustee") filed a Motion for Clarification (the "Motion") [Docket No. 23], requesting a determination from the Court as to whether a particular document is part of the Court's records. Her request arose from the following alleged circumstances. On September 24, 2015, the Debtor's employer received a garnishment form from Arrow Finance related to a 2013 judgment debt. On September 25, 2015, Robinson's office faxed a stop-garnishment demand to the Debtor's employer. Attached to that stop-garnishment demand was a document that purported to be an Amended Schedule F filed in this Case.[1] The purported Amended Schedule F lists Arrow Finance as a creditor. The Debtor's employer then contacted the Trustee, to inquire as to whether the stop-garnishment demand was valid. When the

[1] A debtor is required to file a Schedules of Assets and Liabilities, in which he discloses the entire scope of the assets and liabilities of his prepetition estate.

Trustee reviewed the docket, it appeared to her that the purported Amended Schedule F had not actually been filed in the Case. Accordingly, the Trustee filed her Motion, seeking guidance from the Court as to how to treat the purported Amended Schedule F.

The Court now **ORDERS** that the Motion be **GRANTED** and **CONFIRMS** that the purported Amended Schedule F was never filed in this Case and is not an effective representation of the Debtor. Further, the Court **ORDERS** that directives be issued to certain attorneys, so that the Court can determine who prepared and sent the purported Amended Schedule F.

I. FACTUAL BACKGROUND ON ROBINSON AND THE CRITIQUE SERVICES BUSINESS

Robinson is an attorney affiliated with the persons and entities doing business under the name "Critique Services" (the "Critique Services Business"). The ongoing malfeasance, including the unauthorized practice of law and the refusal to obey court orders, that is being committed by persons and entities with the Critique Services Business has been detailed in *In re Latoya Steward* (Case No. 11-46399), *In re Evette Nicole Reed, et al*. (Case No. 14-44818), *In re Arlester Hopson* (Case No. 15-43871), *In re Shadonaca Davis* (Case No. 15-48102), and *In re Leander Young* (Case No. 15-44343). For the purposes of this Order, the following summary is sufficient.

The Critique Services Business is "bankruptcy services" scam operated by the notorious non-attorney, Beverly Holmes Diltz. It targets low-income, minority persons in metropolitan St. Louis. Superficially, the business appears to provide bankruptcy counseling and legal representation. Diltz (through her company, Critique Services L.L.C.) creates this appearance by contracting or otherwise affiliating with attorneys (the "Critique Services Attorneys") under the pretense that the attorneys practice bankruptcy law and that she merely provides to them "support" services. However, in reality, the Critique Services Business is in the business of the systematic unauthorized practice of law.[2] The Critique Services

[2] Diltz has peddled her "bankruptcy services" rip-off in this District through "Critique"-named vehicles for almost twenty years. She also ran her business

Business does not provide the legal services that its clients pay for—and its failure to provide these legal services is not the result of mere incompetence or sloppiness. The Critique Services Business is specifically designed to deny legal services. The clients are dumped off onto incompetent and often dishonest non-attorney staff persons, who then provide legal counsel, prepare legal documents for the clients, and affix the attorneys' signatures to those documents. The Critique Services Attorneys amount to rent-a-signatures. Their names and bar card numbers are affixed to documents prepared by non-attorney staff persons to provide operational cover for the unauthorized practice of law. The attorneys do not collect their fees personally, do not hold the fees in trust until earned, and have little (if any) direct contact with the clients. They do not meet with clients before the clients' money is paid; sometimes, they do not meet with the client before the case is filed, if at all. Often, they fail to file important documents, fail to return telephone calls, fail to appear at § 341 meetings, and fail to appear at contested hearings. The Critique Services Business Office—located at 3919 Washington Blvd.—is run such that telephone calls from clients are not returned and client requests to meet with the attorney are denied. Desperate clients are forced to come into the office, to beg for attention to their most pressing legal matters—often to no avail. Case mismanagement and client abandonment are standard operating procedures.

Diltz, her affiliated non-attorney staff persons, and her various entities have been repeatedly sanctioned, enjoined from the unauthorized practice of law, and prohibited from serving as bankruptcy petition preparers. Further, every attorney, except one, who has been affiliated with the Critique Services Business has been disbarred and suspended for his actions while working for Diltz's operation. Currently, two of the three attorneys located at the Critique Services Business Office are suspended from the privilege of practicing before the Court for various forms of professional malfeasance. Robinson, the Debtor's attorney,

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just across the river in the Southern District of Illinois until 2003, when the bankruptcy court in that district barred her from ever doing any kind of bankruptcy services business there.

was suspended on June 10, 2014, in *In re Steward*, for refusing to comply with an order compelling discovery, making false statements, and contempt.

II. FACTS ALLEGED BY THE TRUSTEE

On September 24, 2015, the payroll department of the Debtor's employer received a garnishment form from Arrow Finance, requesting that the Debtor's wages be garnished related to a January 10, 2013 judgment. On September 25, 2015, the payroll department received a three-page fax, on the first page of which was letterhead reading "Attorneys at Law" and giving the address and telephone contact information for the Critique Services Office. Below this letterhead was the stop-garnishment demand. The stop-garnishment demand included numerous false statements: (i) it falsely stated that the Case was filed on December 31, 2014 (in reality, the Case was filed on March 12, 2011, well-before Arrow Finance's judgment date); (ii) it falsely stated "[t]here currently is a Stay Order in effect" (in reality, the automatic stay had not been effective in the Case in years); and (iii) it falsely stated that "[y]ou may verify case filing by contacting the U.S. Bankruptcy Courts of the Eastern District of Missouri at (314) 244-4999" (in reality, this is not a telephone number of the Court). The second page of the fax was the Clerk of Court's Notice of Bankruptcy Filing issued in the Case. The third page of the fax was the purported Amended Schedule F, on which Arrow Finance was listed as a creditor.

III. CLARIFICATION REGARDING THE RECORD

The Court has reviewed the docket sheet of this Case and confirms that the purported Amended Schedule F was never filed. The purported Amended Schedule F appears to have been dummied up and passed off as a document filed in the Case to support the stop-garnishment demand.

IV. DIRECTIVES

The Court takes an extremely dim view of the use of fraudulent representations regarding records of this Court. The Court has authority under Bankruptcy Code § 105(a), as well as pursuant to its inherent authority to discipline attorneys who appear before it, to hold accountable any attorney who was involved with malfeasance related to the preparation and sending of the fax.

The fax contains no information indicating the specific person at the Critique Services Business who prepared and sent the fax. It only generically claims to be from multiple, unnamed "Attorneys at Law" located at "3919 Washington Blvd." and generically asserts "[o]ur office represents [the Debtor]," but fails to identify who constitutes the "our" exactly. However, it is known that three attorneys were located at 3919 Washington Blvd. as of September 25, 2015: (i) Robinson; (ii) Dean D. Meriwether (who recently was suspended from practicing before the Court for three months for his actions while serving as a Critique Services Attorney in the matter of *In re Young*); and (iii) Robert J. Dellamano[3] (as set forth in *In re Hopson*, Dellamano represented to the Clerk's Office in July 2015 that he is affiliated with Meriwether and "Critique Services"; further, on December 11, 2015, in attempting to obtain a CM-ECF password, he represented to the Court that he is located 3919 Washington Blvd.).

The Court **DIRECTS** Robinson, Meriwether, and Dellamano each to file a disclosure in which he (a) identifies, by full name, the person who prepared and sent the fax; (b) if the person who prepared and sent the fax is not an attorney, identifies the attorney who was responsible for managing the activities of that person; (c) if the person who prepared and sent the fax is not an attorney, identifies who employs or independently contracts with that person; and (d) identifies which attorney, specifically, was purported in the fax to be representing the Debtor in making this stop-garnishment demand. The disclosures required by this directive must be made by December 23, 2015.

The Court gives **NOTICE** that the failure to make these disclosures may result in the imposition of sanctions against any non-compliant attorney. Further, the Court gives **NOTICE** that the Court may impose sanctions if it is established that an attorney committed or facilitated: the unauthorized practice of law; the

[3] Dellamano is not licensed to practice law in the state of Missouri. He holds an Illinois law license, but does not appear to have an office in Illinois. Dellamano was not admitted to practice before this Court on September 25, 2015; he was admitted to practice in this District on October 9, 2015. He sought admission shortly after Meriwether's password for the Court's CM-ECF electronic filing was suspended as a sanction imposed against Meriwether in *In re Hopson*.

practice of law by a suspended attorney; the representation of a debtor by an attorney other than the attorney of record; the practice of law by an attorney not admitted to practice in this District; the making or use of a false representation about the record of the court; or any other sanctionable activity. The Court also may make any referral of the facts and circumstances here, as may be appropriate, including but not limited to referrals to the United States Trustee, the United States Attorney, or the attorney disciplinary authority in the state in which the subject attorney is licensed.

DATED: December 17, 2015
St. Louis, Missouri 63102
erk

CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

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