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

In re:	§	
	§	
Evette Nicole Reed,	§	**Case No. 14-44818-705**
	§	
Debtor.	§	
	§	
In re:	§	
	§	
Pauline A. Brady,	§	**Case No. 14-44909-705**
	§	
Debtor.	§	
	§	
In re:	§	
	§	
Lawanda Lanae Long,	§	**Case No. 14-45773-705**
	§	
Debtor.	§	
	§	
In re:	§	
	§	
Marshall Beard,	§	**Case No. 14-43751-705**
	§	
Debtor.	§	
	§	
In re:	§	
	§	
Darrell Moore,	§	**Case No. 14-44434-705**
	§	
Debtor.	§	
	§	
In re:	§	
	§	
Nina Lynne Logan,	§	**Case No. 14-44329-705**
	§	
Debtor.	§	
	§	
In re:	§	
	§	
Jovon Neosha Stewart,	§	**Case No. 14-43912-705**
	§	
Debtor.	§	
	§	
In re:	§	
	§	
Angelique Renee Shields,	§	**Case No. 14-43914-705**
	§	
Debtor.	§	
	§	

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Currently before the Court is the issue of whether it is proper to impose sanctions upon the following three persons (collectively and sometimes, the "Respondents"), each of whom is affiliated with the notorious "bankruptcy services" scam known as "Critique Services" (the "Critique Services Business"):

(a) James C. Robinson, the former attorney for each of the debtors (each, a "Debtor"; collectively, the "Debtors") in the above-referenced chapter 7 cases (each, a "Case"; collectively, the "Cases"), who was suspended from the privilege of practicing before the Court on June 10, 2014 for contempt and malfeasance;

(b) Critique Services L.L.C., a limited liability company through which the Critique Services Business is operated; and

(c) Ross H. Briggs, the attorney who, following Robinson's suspension, took over the representation of all the Debtors except for the Debtors in *In re Moore* and *In re Logan*.

The Court now enters this Memorandum Opinion and Order (the "Memorandum Opinion"), setting forth its findings of facts and conclusions of law that are the bases for the contemporaneously entered Judgment, in which the Court orders that:

(i) the findings of fact in this Memorandum Opinion be made part of the record in any future proceeding in which Robinson may seek to be reinstated to the privilege of practicing before the Court;

(ii) this Memorandum Opinion constitute a referral of attorney misconduct to the Missouri Supreme Court's Office of Chief Disciplinary Counsel (the "OCDC");

(iii) this Memorandum Opinion serve as a supplement to the referral already made to the U.S. District Court (the "District Court") regarding Robinson's activities before this Court, which resulted the a currently pending disciplinary proceeding before the District Court (USDC Case No. 14-MC-0352);

(iv) Briggs be suspended, effectively immediately, from the privilege of practicing before the Court and remain suspended until October 15, 2016, subject to certain terms and exceptions;

(v) the electronic filing system ("CM-ECF") passcode of Briggs be suspended, effectively immediately, and remain suspended throughout the duration of Briggs's suspension from the privilege of practicing before the Court;

(vi) Briggs be permanently barred from any professional or financial involvement with, or professional or financial connection to, certain persons affiliated with the Critique Services Business (as specified herein), to the degree that such professional involvement or connection might touch upon any case that is, or is anticipated to be, filed with the Court;

(vii) Briggs complete twelve hours of continuing legal education ("CLE") in professional ethics prior to his reinstatement from suspension;

(viii) Critique Services L.L.C. and Critique Legal Services L.L.C. be permanently barred from providing any goods or services to any person or entity, if such goods or services affect or touch upon, or could reasonably be anticipated to affect or touch upon, any case that is, or is anticipated to be, filed with the Court;

(ix) any attorney registered to practice law before the Court or admitted to practice before this Court on a pro hac vice basis be prohibited from obtaining any goods or services from Beverly Holmes Diltz or any entity that is owned, managed or controlled (now or in the future) by Diltz, if those good or services, may affect or touch upon, or could reasonably be anticipated to affect, or touch upon, any case that is, or is anticipated to be, filed with the Court;

(x) this Memorandum Opinion constitute a report to the U.S. Attorney for the Eastern District of Missouri (the "USA") pursuant to 18 U.S.C. § 3057(a) of suspected violations of federal criminal law, and a directive to the USA, pursuant to 18 U.S.C. § 3057(a) to conduct an inquiry into the facts and circumstances herein and make a written report thereon to the Board of Judges of the Court;

(xi) this Memorandum Opinion serve as a referral to the Internal Revenue Service, for suspected failure to file tax returns, report taxable income, and properly account for employee-related taxes and withholding;

(xii) this Memorandum Opinion serve as a referral to the Missouri Department of Revenue, for suspected failure to file tax returns, report taxable income, and properly account for employee-related taxes and withholding; and

(xiii) this Memorandum Opinion be forwarded to the Office of the Missouri Attorney General (the "MOAG") and the Office of the St. Louis City Circuit Attorney, for the information of those Offices.

PRELIMINARY MATTERS

This Memorandum Opinion is unusually lengthy and contains more than two hundred attachments. The Respondents have made this copious detailing necessary. Each has a history of making misleading and false statements—to this Court and others—about matters before this Court, about this Court, and about the Judge. These are not honest people. They lie when it serves their purposes; they mislead when they think that they can get away with it. They misrepresent the record and misstate Court rulings. They may do so again, should an appeal be taken in this matter. Accordingly, the Court will set forth as complete a record as possible, in support of this Memorandum Opinion.

Herein, references to "§[§]" or "section[s]" refer to section(s) of title 11 of the United States Code (the "Bankruptcy Code"), unless otherwise indicated.

Herein, the phrase "§ 341 meeting" refers to the debtor's meeting of creditors required by § 341, which provides that within a reasonable time after the order for relief in a case under this title, the United States trustee shall convene and preside at a meeting of creditors.

Herein, the term "BPP" refers to a "bankruptcy petition preparer." A BPP is statutorily defined as "a person, other than an attorney for the debtor or an employee of such attorney under the direct supervision of such attorney, who prepares for compensation a document for filing." 11 U.S.C. § 110(a)(1). The Bankruptcy Code has provisions governing BPPs. 11 U.S.C. § 110(d-j).

Herein, the Court refers to the "UST" and the "Trustee." For the reader unfamiliar with the bankruptcy process and its players, it may be helpful to explain the difference between the U.S. Trustee (the "UST") and a case trustee (a "trustee"). The UST is the person responsible for overseeing the U.S. Trustee Program, which is charged with policing the bankruptcy system for the Executive Branch. As described on the website of the U.S. Trustee Program:

> The United States Trustee Program is a component of the Department of Justice that seeks to promote the efficiency and protect the integrity of the Federal bankruptcy system. To further the public interest in the just, speedy and economical resolution of cases filed under the Bankruptcy Code, the Program monitors the conduct of bankruptcy parties and private estate trustees, oversees related administrative functions, and acts to ensure compliance with applicable laws and procedures. It also identifies and helps investigate bankruptcy fraud and abuse in coordination with United States Attorneys, the Federal Bureau of Investigation, and other law enforcement agencies.

One of the responsibilities of the UST is to appoint, in each chapter 7 case, a person to serve as a chapter 7 "trustee" and perform the trustee duties set forth in § 704(a). Those duties include (but are not limited to) administering the estate, accounting for property received, and investigating the financial affairs of the debtor. The UST maintains a panel of trustees from which trustee appointments are made. A trustee ordinarily is an attorney in private practice, whose practice includes serving on the UST's trustee panel. Unlike the UST, who is an employee of the U.S. Department of Justice (the "DOJ"), a trustee is not a DOJ employee. A trustee is paid for service on a per-case basis. Although a trustee's service is supervised by the UST, a trustee is subject to the Court's orders and directives, just like any other party.

SECTION ONE: INTRODUCTION

The Court will provide a brief introduction to the Critique Services Business, so that reading through this Memorandum Opinion will not feel like flying blind without a horizon line. To organize the Attachments to this Memorandum Opinion as logically as possible, the pleadings, orders, and transcripts referenced in this Section One are attached to this Memorandum Opinion at later footnotes, in the Sections that provide a more detailed description of those documents and the events surrounding them.

I. AN OVERVIEW OF THE CRITIQUE SERVICES BUSINESS

The Critique Services Business is a massive "bankruptcy services" rip-off scheme that targets primarily low-income, minority individuals in the metropolitan St. Louis, Missouri area. The business of the Critique Services Business is the systematic practice of the unauthorized practice of law. The business defrauds clients by promising bankruptcy legal services that it is deliberately designed not to provide. Instead of providing legal services, it provides the "services" of non-attorney staff persons.

The Critique Services Business is operated through Critique Services L.L.C. and Critique Legal Services L.L.C., two limited liability companies owned and organized by Beverly Holmes Diltz, a scam artist who served time for a felony state fraud conviction before she began running the Critique Services Business. For the last fifteen-plus years, Diltz has been operating various "Critique"-named bankruptcy services business permutations—and racking up numerous lawsuits and various court injunctions along the way, related to her business's unauthorized practice of law.

The Critique Services Business is located at 3919 Washington Blvd., St. Louis, Missouri 63108 (the "Critique Services Business Office"), in a building owned by Diltz. The exterior sign on the building reads "Critique Services," and has a large "scales of justice" emblem underneath, clearly meant to advertise to the public that the business inside renders legal services. No attorney's name is listed on the sign. Until recently, the Critique Services Business operated a website, www.critiqueservicesinfo.net, on which the business advertised legal services and promised attorney representation in bankruptcy cases. No attorney's name was listed on the website. In addition, until recently, Critique Services L.L.C. maintained a public Facebook page on which it advertised the Critique Services Business and posted "information" related to its services.

The Critique Services Business requires that fees be paid in cash or a cash-equivalent (such as by money order or debit card). Fees are collected long before any lawfully practicing attorney ever speaks with the client (*if* he ever speaks with the client). No legal analysis of whether bankruptcy is appropriate

for the client's circumstances is provided before fees are paid. After collection of the fees, the fees are not placed into a client trust account. They are treated as earned upon receipt, even though legal services have not yet been rendered.

Once the fees are collected, the "lawyering" is done by non-attorney staff persons. Non-attorney staff persons, including Diltz and her long-time cohort, office manager Renee Mayweather, dispense "legal" advice to clients and control access to the attorneys. The non-attorney staff persons solicit the information for inclusion in the petition papers, prepare the petition papers, and file the petition papers (*if* the petition papers are ever filed). The business often delays filing the clients' cases—inexcusably and inexplicably—for months on end. Debtors have repeatedly testified that when they try to get the legal services for which they paid, all they get in return is the run-around.

Client abandonment is at the heart of the business's operations. The office is run to make it almost impossible for the client to speak with his attorney. Telephone calls roll to voicemail. Voicemail messages are not returned. Desperate clients resort to coming into the office in person, to beg for attention to their cases—whereupon they are told that they cannot speak with an attorney but must speak with Mayweather—if she is present.

Although there are always one or two attorneys affiliated with the Critique Services Business (the "Critique Services Attorneys"), they are dummy-attorneys. Even on the occasion where the client eventually gets to speak with a licensed, practicing attorney, the conversation is perfunctory. The role of a Critique Services Attorney is not to provide legal services; it is to rent out his signature and bar card number, so that his signature block can be affixed to petition papers prepared by non-attorney staff persons—to create the superficial impression that legal services have been rendered. However, the lack of a real attorney-client relationship is shown when Critique Services Business clients come to court (almost always without their counsel). Some cannot name their attorney; some have never even met their attorney.

Over the years, the Critique Services Attorneys have been disbarred, suspended, admonished, sanctioned, and enjoined for their unlawful and

unprofessional activities while affiliated with the business. All the Critique Services Attorneys, except Briggs, are suspended from the privilege of practicing before the Court for professional and ethical malfeasance while affiliated with the business.

The Critique Services Business is no small operation. Because Federal Rule of Bankruptcy Procedure ("Bankruptcy Rule") 2016 requires that a debtor's attorney file an attorney compensation disclosure statement (a "Rule 2016 statement") in every bankruptcy case, the Court has records of what each debtor's attorney represents that he collected in attorney's fees. According to the records of the Office of the Clerk of Court (the "Clerk's Office"), in 2013, Robinson (the primary Critique Services Attorney at that time) filed 1,014 chapter 7 cases (charging an average fee of $296.23 per case) and 123 chapter 13 cases (charging an average fee of $4,000.00 per case). [1] This means that, in 2013 alone, Robinson collected approximately $300,337.22 in chapter 7 fees, and approximately $492,000.00 in chapter 13 fees—for an approximate total of $792,337.22 in fees. That is, in one recent year alone, the Critique Services Business pulled in more than ***three-quarters of a million dollars*** in ***cash***. And those are only the fees that were actually reported to the Court. (It has come to the Court's attention that the business sometimes charges additional, undisclosed bogus fees, such as "late fees").

II. WHY DILTZ AND HER COHORTS HAVE BEEN ABLE TO GET AWAY WITH THE CRITIQUE SERVICES BUSINESS SCAM FOR SO LONG

The Critique Services Business scam has gone on so long, and has exploited so many, because of three sad realities.

First, most "no-asset" bankruptcy cases (which constitute the vast majority of the Critique Services Business cases) pass through the bankruptcy system with little scrutiny. A "no-asset" case is one in which there are no assets available for administration. The distribution to unsecured creditors is $0. There are no creditors fighting over non-existent assets. There are no disputes requiring a close review of the documents. Debtors in no-asset cases rarely have

[1] Attachment 1.

to appear in court; they usually appear only at the § 341 meeting, which is conducted by the trustee, outside the Court's presence. As a result, the clients of the Critique Services Business usually are none-the-wiser that their petition papers were poorly prepared, contained errors, and involved no meaningful lawyering or lawyer oversight.

Second, even when a client realizes that he has been victimized, he usually lacks the resources—in time, money, and familiarity with the law—to do anything about it. The working poor are pulling swing shifts and scrambling to put food on the table. They do not have the time to take a crash course in federal procedure so that they can proceed pro se against their own attorneys.

Third, the firewall set up to prevent such abuse and fraud has been ineffective. For reasons that are not clear, the UST for this region (Region 13) (the "UST13") has been highly ineffective over the years in stopping the fraud perpetrated by the Critique Services Business. Over and over, persons affiliated with the Critique Services Business have agreed to consent injunctions in the face of a lawsuit, only to quickly return thereafter to the same unlawful behavior.

III. THE 2014 *STEWARD* SUSPENSION ORDER

In 2013, the Critique Services Business finally faced a formidable adversary—a debtor named Latoya Steward. Ms. Steward had retained Robinson to represent her in her chapter 7 case, *In re Latoya Steward* (Case No. 11-46399). Robinson failed to provide Ms. Steward with any meaningful legal representation. His fees were collected long before he ever met with Ms. Steward. He allowed non-attorney staff persons to do his "lawyering" for him. He knowingly allowed false statements to be included in her petition papers. He failed to return her telephone calls and ignored her pleas for attention to her case. His abandonment resulted in significant financial harm to her.

Ms. Steward sought to hold Robinson and Critique Services L.L.C. accountable.

Ms. Steward had no statutory obligation to police the bankruptcy system. She had no legal training. She had no money to conduct litigation. She had no access to federal investigators. When she began, she did not even have an

attorney to represent her. She had to take on the Critique Services Business by herself, with no resources. Nevertheless, on April 5, 2013, proceeding pro se, Ms. Steward filed a motion to disgorge attorney's fees. In her motion, she named Robinson and Critique Services L.L.C. as respondents.

Portending their intent to litigate in bad faith, Robinson "d/b/a Critique Services L.L.C." retained as counsel the always-reliably unethical attorney, Elbert A. Walton, Jr. (Walton's long history of disreputable, dishonest lawyering is set forth later herein.) Robinson "d/b/a Critique Services L.L.C." and Walton then proceeded to inflict a strategy of abuse against Ms. Steward and David Gunn, the local bankruptcy attorney who took Ms. Steward's case on a pro bono basis in June 2013. The contemptuous activities of Robinson, Critique Services L.L.C. and Walton included false statements, abuse of process, refusal to obey court orders, standing on waived objections, asserting meritless defenses, disparaging opposing counsel, attacking the character of Ms. Steward, and suing the Judge (three times—twice in his official capacity and once in his personal capacity)—all of which was done to avoid making discovery related to the financial operations of Robinson and Critique Services L.L.C. Finally, after enduring months of this abuse, and after attempting to garner lawful behavior through escalating sanctions, on June 10, 2014, the Court entered an order (the "*Steward* Suspension Order"). In the *Steward* Suspension Order, the Court granted the motion to disgorge, deemed all well-pleaded facts in the motion to disgorge to be admitted, monetarily sanctioned Robinson, Critique Services L.L.C., and Walton, and suspended Robinson and Walton from the privilege of practicing before the Court for one year.

Throughout the litigation in *In re Steward*, the UST13 was nowhere to be found. There was only radio silence from the entity charged with identifying and helping to investigate bankruptcy fraud and abuse. The UST13's absence was glaring, both to the Court and to the bankruptcy law community at large. The UST13 certainly knew about the serious allegations of fraud and the unauthorized practice of law; the *In re Steward* litigation was not quiet or obscure. It went on for more than a year and made the local newspapers. The

Court ultimately reached the demoralizing conclusion that the Office of the UST13 chose prosecutorial abdication—although why it made that choice is unknown. The Court realizes that persons affiliated with the Critique Services Business are a miserable headache to deal with. They lie; they employ highly disreputable counsel, like Walton; they do nothing timely, then demand extensions; they file incoherent pleadings; they make baldly meritless legal arguments; they demand relief to which they clearly are not entitled; they litigate in bad faith; they make outlandish allegations; they bad-mouth opposing counsel and parties with unfounded personal attacks; they frivolously sue judges. The Court understands that no one likes to be drowned in frivolous pleadings; no one likes to deal with unprofessionalism. It is unpleasant. But it is not an excuse for doing nothing.

IV. ROBINSON'S POST-SUSPENSION FAILURE TO RETURN HIS UNEARNED ATTORNEY'S FEES

By the time Robinson was suspended on June 10, 2014, the Debtors in these Cases had already paid their attorney's fees to the Critique Services Business, and Robinson had already filed five of the eight Cases: *In re Moore*, *In re Logan*, *In re Stewart*, *In re Shields,* and *In re Beard*. However, in four of those cases—*In re Moore*, *In re Logan*, *In re Stewart*, and *In re Shields*—the § 341 meetings had not yet been held as of Robinson's suspension, and Robinson's suspension then prevented him from appearing at those § 341 meetings. As a result, at the time of his suspension, Robinson had not yet completed his representation in *In re Moore*, *In re Logan*, *In re Stewart*, and *In re Shields*.

In the fifth of the five Cases that Robinson filed prior to his suspension—*In re Beard*—the § 341 meeting had already been held by the time Robinson was suspended. However, there nevertheless were still-pending matters in *In re Beard*: the debtor had not yet received his discharge; a motion for relief from the automatic stay had been filed; and the debtor had not yet filed his certificate of financial management course (which is required to obtain a discharge). As such, at the time of his suspension, Robinson had not yet completed his representation of the debtor in *In re Beard*, either.

The three other Cases for which Robinson had collected his fees before his suspension—*In re Reed*, *In re Brady*, and *In re Long*—had not yet been filed before Robinson was suspended. (Those three Cases later were filed by Briggs.) As such, at the time of his suspension, Robinson also had not completed his representation in *In re Reed*, *In re Brady*, or *In re Long*.

V. THE THREE SHOW CAUSE ORDERS ISSUED IN THESE CASES

Section 329(b) provides that the bankruptcy court may order disgorgement of excessive fees paid to a debtor's attorney. Fees that were never earned are, by definition, excessive. Accordingly, on November 26 and December 2, 2014, the Court issued two show cause orders in these Cases, directing Robinson to show cause why he should not be ordered to disgorge any unearned fees as excessive. The Court also directed the chapter 7 trustees in these Cases (the "Trustees") to make an accounting of the property of the estates (including prepetition-paid unearned attorney's fees, which are property of the estate). Robinson responded to the show cause orders by suddenly returning all the fees, while paradoxically insisting that the fees had been entirely earned. He also insisted that his much-delinquent return of the fees made moot any further inquiry into where those fees had been held or how they had been used. On December 6, 2014, the Court issued a third show cause order (collectively, with the first two show cause orders, the "Show Cause Orders"), directing Robinson to show cause why he should not be sanctioned for having failed to timely return his fees.

Meanwhile, on December 12, 2014, the Trustees filed a motion to compel turnover pursuant to § 549(e) (the "Motion to Compel Turnover"), requesting that the Court compel Robinson, Briggs, and "Critique Legal Services" to turn over financial information related to the collection and handling of the Debtors' fees. On January 13, 2015, a hearing on the Motion to Compel Turnover was held. By the end of that hearing, Robinson and Briggs agreed to cooperate in the effort to obtain the requested information. On January 23, 2015, the Court entered an order granting the Motion to Compel Turnover (the "Order Compelling Turnover"). On February 4, 2015, the Court held a status conference on compliance with the Order Compelling Turnover. At that conference, it was established that there had

not been full compliance with the Order Compelling Turnover. From the bench, the Court took the matter under advisement.

Over the course of the next fourteen months, the Court gave the Respondents (i) time to obey the Order Compelling Turnover, (ii) notices that the Court intended to impose sanctions for the failure to make turnover and for other bad acts by the Respondents in these Cases, and (iii) the opportunity to respond and show why sanctions should not be imposed. Still, turnover was not made and no credible explanation or excuse for the failure to make turnover was given.

SECTION TWO: THE OPERATIONS AND HISTORY OF THE CRITIQUE SERVICES BUSINESS

Before setting forth the events that unfolded in these Cases, the Court first will describe the operations of the Critique Services Business and the previous (and long) disciplinary history of the persons and entities affiliated with the Critique Services Business. This is necessary so that the reader of this Memorandum Opinion can understand how the business works and appreciate why the sanctions and directives ordered herein are necessary and appropriate. What happened in these Cases is far from being a first-time event.

I. THE (REAL) PERSONS OF THE CRITIQUE SERVICES BUSINESS

The pleadings, orders, and transcripts referenced in Section Two, Part I are attached to this Memorandum Opinion at later footnotes herein.

A. Beverly Holmes Diltz

Diltz is the non-attorney owner and organizer of Critique Services L.L.C. and Critique Legal Services L.L.C., the two companies through which the Critique Services Business is operated. In her capacity as owner, Diltz controls the acts, representations, and decisions made by the companies. Diltz also appears to be an active participant in the Critique Services Business, operating at the Critique Services Business under the false name “Tracy,” while collecting fees and dispensing legal advice to clients.

Diltz began peddling "bankruptcy services" to the public in the mid-to-late 1990s. (As seen in Attachment 75, the UST13 represented in its complaint in *In re Hardge*, that Mayweather had been working for Diltz at the Critique Services Business since 1997.) Diltz quickly ran into trouble on both sides of the Mississippi. In Illinois, she was sued by the UST for Region 10 (the "UST10"). She was made the subject of a court-ordered investigation and a show cause order by the U.S. Bankruptcy Court for the Southern District of Illinois (the "Illinois Bankruptcy Court"). She falsely represented herself to be a lawyer in court pleadings and conducted the unauthorized practice of law. The Illinois Bankruptcy Court issued several injunctions against her before permanently barring her from conducting business in that District in 2003. Contemporaneously in the Eastern District of Missouri (the "District"), Diltz was sued by the UST13 and had injunctions issued against her related to the unauthorized practice of law.

Following these injunctions, Diltz modified her business structure, to give the appearance of more distance between herself and the operations, and to give the impression that legal services were being rendered by a licensed attorney. She organized Critique Services L.L.C.[2] and Critique Legal Services L.L.C.[3] in the state of Missouri, and registered to herself the fictitious names "Critique Services"[4] and "Critique Legal Services."[5] She then began contracting with attorneys through her companies, and her attorneys began representing that they were doing business as "Critique Services" or "Critique Legal Services."

This new business structure was not designed to prevent the unauthorized practice of law; it was designed to better hide it. Although the signatures of attorneys were now being affixed to the paperwork, the "lawyering" was still being

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[2] Attachment 2.

[3] Attachment 3.

[4] Attachment 4.

[5] Attachment 5.

done by non-attorney staff persons. So, not surprisingly, persons affiliated with the Critique Services Business continued to be sued by the UST10 and UST13. But regardless of the resulting injunctions, disbarments, admonitions, suspensions, and sanctions, the Critique Services Business continued on, utilizing a revolving door of disgraced attorneys. When one attorney would be disciplined or disbarred, Diltz would simply replace him with another—and when that attorney would be similarly disgraced and disciplined, he also would be replaced. Diltz is some sort of bankruptcy services Succubus, enticing one attorney after another into her scam, ultimately leaving each one depleted and destroyed. As the Court explained in a prior order:

> 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 . . .

The Court concluded that, "This is not an unfortunate coincidence or poor judgment in the hiring process; this is a deliberately arachnidian business management strategy."

And these practices continue to this day. Recently, two more injunctive orders were issued against Diltz and her affiliated persons. Last month, the Circuit Court of the City of St. Louis, Missouri (the "State Circuit Court") issued a temporary restraining order (a "TRO") against Diltz and numerous other persons affiliated with the Critique Services Business in *State of Missouri, ex rel. Attorney General Chris Koster v. Beverly Holmes Diltz, et al.* (State Circuit Court Case No. 1622-CC00503) (the "2016 MOAG Action"), and this Court (Chief Judge Surratt-States, presiding) issued a TRO against Diltz, Mayweather, and Critique Services L.L.C, in *Casamatta v. Critique Services L.L.C., et al*. (Case No. 16-4025).

B. The Recent and Current Critique Services Attorneys

There are six attorneys who have been affiliated in one capacity or another with the Critique Services Business in the past five years: Robinson, Briggs, Dean D. Meriwether, Dedra Brock-Moore, Robert J. Dellamano, and

Teresa M. Coyle. These six attorneys and their known activities as Critique Services Attorneys are described below.

There also are another four Critique Services Attorneys known to the Court, whose affiliations with the business ended some time ago. Those attorneys are Linda Ruffin-Hudson, Paula Hernandez-Johnson, Leon Sutton, and George Hudspeth. They are not described below, but their disciplinary histories as Critique Services Attorneys are set forth in Section Two, Part III.

1. James C. Robinson

The records of the Clerk's Office show that Robinson obtained his CM-ECF passcode on April 22, 2005, and filed his first case before the Court as a Critique Services Attorney on May 9, 2005.[6] On May 10, 2005, he registered to himself the fictitious name "Critique Services."[7] By August 10, 2007, Robinson was under his current contract with Critique Services L.L.C.[8] Robinson has represented in countless cases that he does business as "Critique Services" or "Critique Services L.L.C." As noted previously, on June 10, 2014, Robinson was suspended from the privilege of practicing before this Court for one year. Following his suspension, Robinson repeatedly violated the terms of his suspension. He has not yet been reinstated, having failed to even attempt to comply with the terms for his reinstatement.

Recently, in the 2016 MOAG Action, the MOAG sought and obtained a preliminary injunction against Robinson. At the hearing on the preliminary injunction request, the debtor in *In re Leander Young* (Case No. 15-44343) identified Robinson as having provided him bankruptcy legal services (following Robinson's suspension). In addition, another Critique Services Business client, Tazia Hampton, described receiving services at the Critique Services Business Office from an African American man masquerading as Meriwether. (Robinson is the only African American man known to be affiliated with the business.) In the

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[6] Attachment 6.

[7] Attachment 7.

[8] Attachment 8.

2016 MOAG Action, the State Circuit Court specifically found that Robinson had impersonated another attorney at the Critique Services Business and determined that he was likely to do so again.

2. Ross H. Briggs

Briggs's connection to the Critique Services Business and close professional relationship with Diltz goes back at least fifteen years. Moreover, Briggs's financial and professional relationship with Diltz is not limited to the bankruptcy services business. Briggs also has had a profit-sharing agreement with Diltz, whereby Diltz was paid a percentage of Briggs's attorney's fees in worker's compensation and personal injury cases (*see* transcript at Attachment 9). Briggs and Diltz are long-time professional cohorts.[9]

Briggs has bounced in and out of formal employment with the Critique Services Business. At points, he was under contract with Diltz and her business. But even when not working as a formal employee, Briggs has long been "loosely affiliated" with the Critique Services Business. *See* ***Briggs v. LaBarge (In re Phillips)***, 433 F.3d 1068, 1070 (8th Cir. 2006). On October 9, 2006, Briggs registered the fictitious name "Critique Services" himself.[10] However, by that time, he had already been using the fictitious names "Critique Services" and "Critique Legal Services" for years. Today, Briggs operates his own law office located at 4144 Lindell Blvd. (the old address of the Critique Services Business), but continues to be closely connected to the Critique Services Business.

In the past year, Briggs has used the signature block in Court filings: "Ross H. Briggs, Attorney at Law," as well as "Ross H. Briggs dba Critique

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[9] Attachment 9. It is unclear from the Firm13 website if Briggs or someone else from Firm13 files cases in Illinois from Briggs's Chicago office. A recent search of the "lawyer search" function of the website for the Attorney Registration & Disciplinary Commission of the Supreme Court of Illinois indicated that there is no "Ross Briggs" licensed to practice law in Illinois. The "FAQ" page refers to Missouri courts and no other attorneys are listed on the Firm13 website.

[10] Attachment 10.

Services."[11] He lists no law firm or law office. His website indicates that his law office is a business named "Firm13," located at 4144 Lindell Boulevard address (*see* screenshots at Attachment 9).

Briggs's relationship with Diltz and her business has been consistently marked by professional malfeasance, both in this District and in the Southern District of Illinois. As a Critique Services Attorney, Briggs has been repeatedly admonished by the Illinois Bankruptcy Court against practicing in Illinois without being properly admitted. In 2001, Briggs and Diltz were joint defendants in an action brought by the UST10, for their unlawful activities in cases filed in the Illinois Bankruptcy Court. The result of that lawsuit was that both Diltz and Briggs were sanctioned, and Briggs was suspended from filing new cases in that court for three months. In 2003, the Court suspended Briggs from filing new bankruptcy cases for six months, as a consequence of his professional and ethical violations while working as a Critique Services Attorney. Also in 2003, Briggs submitted to the Court a Credit/Debit Card Authorization,[12] on which he listed Paula Hernandez-Johnson and Leon Sutton—two other Critique Services Attorneys (one of whom was later suspended, the other who was later disbarred)—as persons authorized to use his account number for payment of Court fees. In 2004, the Court found that Briggs violated Bankruptcy Rule 9011 (the equivalent of Federal Rule of Civil Procedure ("Rule") 11) while serving as a Critique Services Attorney.

According to deposition testimony of Diltz taken in *In re Rehva Renee Ericks* (Case No. 14-44248), Briggs ended his formal contract with Diltz's business in August 2012. (The Court does not suggest that Diltz was telling the truth in her deposition testimony as to any self-serving statement or as to any statement that is unsupported by credible corroboration.) However, the termination of his formal contract did not end his relationship with Diltz or her business. Briggs's involvement continues today:

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[11] Attachment 11.

[12] Attachment 12.

- At the January 13, 2015 hearing in these Cases, Trustee Sosne pointed out that Briggs appears at § 341 meetings on behalf of clients of other Critique Services Attorneys—an assertion that Briggs did not challenge (there are transcripts of § 341 meetings).
- In June 2014, Briggs took over the representation of many of Robinson's clients following Robinson's suspension and, in the process, unsuccessfully tried to aid Robinson in end-running the terms of his suspension.
- At the January 12, 2016 hearing in *In re Elainna Doray Hudson* (Case No. 15-40826), the debtor (a Critique Services Business client) testified that, at her § 341 meeting in April 2015, her attorney of record, Meriwether, did not appear to represent her. Instead, Ross Briggs (and the "guy with a goatee"—that would be Dellamano) showed up. (Briggs and Dellamano were so unprepared to represent her that the trustee had to instruct them to take the debtor outside the meeting room and explain what they should be doing for her.)
- Now, Briggs is facing sanctions for having made misrepresentations in these Cases—misrepresentations made in an effort to hide the nature of his relationship with Diltz and her business, and to help Robinson and Critique Services L.L.C. avoid being responsive to the Order Compelling Turnover.

If Briggs ever had an Owl of Minerva, it flew the coop long ago. Common sense should have sent Briggs running for the hills—as fast and as far as he could get—numerous injunctions, several suspensions, and many years ago. His affiliation with Diltz has been only to his reputational detriment. Yet Briggs keeps coming back to Diltz and the Critique Services Business. And now Briggs faces sanctions for having made misleading statements in an effort to avoid making turnover of information related to the Critique Services Business.

3. Dean D. Meriwether

Meriwether was the first attorney to become Robinson's rubberstamp replacement. Although Meriwether holds a Missouri law license, the Missouri

Supreme Court recently suspended his license for one year for his professional malfeasance as a Critique Services Attorney. Meriwether entered into a contract with Critique Services L.L.C. on October 6, 2014.[13]

According to the records of the Clerk's Office, Meriwether was admitted to practice in the District on August 19, 2014, and thereafter obtained a CM-ECF passcode on September 16, 2014, before filing his first case on October 14, 2014.[14] On October 8, 2014, Meriwether had the fictitious name "Critique Services" registered to him.[15] His address and telephone information on record with the Court has always been that of Critique Services Business.

Prior to October 2014, Meriwether had never been the attorney of record in any case before the Court. It quickly became clear that Diltz had not chosen Meriwether for his bankruptcy expertise or intellectual prowess. Meriwether had no idea what he was doing, was not exactly quick-on-the-uptake, and showed no interest in becoming skilled. He bungled pleadings, missed deadlines, failed to meet with clients, failed to file required documents, abandoned clients, was ordered to disgorge his fees, and made a fool of himself at a § 341 meeting, where he was unable to recognize a basic bankruptcy form. Clients have described him as being both physically and intellectually absent. His practice before the Court included some of the most incompetent lawyering the Court has ever encountered.

The transcript of the § 341 meeting held in *In re Sylvia Scales* (Case No. 14-49828) offers an example of the breadth and depth of Meriwether's problems. At that § 341 meeting, Meriwether was shown a copy of the Rule 2016 statement that bore his signature and which he had filed in the case—but he was unable to

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[13] Attachment 13. Until recently, the Court did not have a copy of Meriwether's contract because Critique Services L.L.C. had refused to turn it over, despite being ordered to do so. However, on February 29, 2016, Mayweather filed a copy of Meriwether's contract with Critique Services L.L.C. (trying to pass it off as her own employment contract), so the Court obtained a copy.

[14] Attachment 14.

[15] Attachment 15.

recognize it. It was a breathtaking admission for a purported high-volume debtor's attorney. (For context: a Rule 2016 statement is a tool of the trade that must be filed in every single bankruptcy case by debtor's counsel. For a high-volume debtor's lawyer to be unable to identify a Rule 2016 statement is akin to a surgeon being unable to identify a 10-blade. But, of course, a surgeon who cannot recognize his scalpel cannot rely on his clerical staff to make the incision and resect the tumor, while his signature is placed on the post-op notes.) Moreover, by the time of the *In re Scales* § 341 meeting, Meriwether's signature block had been affixed to Rule 2016 statements in scores of cases. His inability to identify the Rule 2016 statement is very revealing of his real role at the Critique Services Business. He has nothing to do with the preparation of the documents to which his signature is affixed.

Meriwether also stated at the § 341 meeting that he has nothing to do with the handling of his own attorney's fees. This revelation came after Meriwether first stated that he is the owner of the Critique Services Business and that all the cash received from debtors by the business is his cash. In follow-up, the trustee asked, "[S]o it's all your cash and it's all going to show up on your income tax form?" Presumably spooked by the tax question and its obvious implications, Meriwether suddenly changed his answer. He explained that the money is not his, after all, but is that of the "company." He stated that he is an employee, not an owner. He stated that he is paid weekly by the business and that his fees are collected and handled by Mayweather. Then, when asked about what happens to his attorney's fees after they are collected by Mayweather, Meriwether advised that he did not know because he is "not involved with that." He also explained that, at the business, he had a hodgepodge of non-attorney bosses, including Diltz and Mayweather. While very little that Meriwether says is credible, it was certainly against Meriwether's interests to make these admissions about his ignorance of the custody and handling of his own attorney's fees.

In his year-and-a-half tenure of practicing before the Court, Meriwether has been sanctioned twice, has had his CM-ECF privileges suspended, is suspected of witness tampering, has been found in contempt, and had his fees

ordered to be disgorged in numerous cases. It seemed almost merciful when he was finally suspended from the privilege of practicing before the Court for three months on December 7, 2015. Meriwether did not appeal that suspension. He has not appeared at any hearing on a motion to disgorge his fees. He has made no effort to comply with any of the terms necessary for his reinstatement.

On March 1, 2016, the Missouri Supreme Court suspended his law license for one year, for his professional malfeasance before this Court.

4. Dedra Brock-Moore

Brock-Moore is an attorney who, like Meriwether, was brought into the Critique Services Business after Robinson's suspension. On January 1, 2015, Brock-Moore entered into a contract with Critique Services L.L.C;[16] however, she worked at the Critique Services Business for at least six months prior to that.

According to the records of the Clerk's Office,[17] on August 6, 2014, Brock-Moore was admitted to practice in the District. On August 8, 2014, she obtained a CM-ECF passcode. On August 11, 2014, she filed her first case with the Court. Brock-Moore thereafter appeared as a Critique Services Attorney for approximately one year. On August 28, 2016, Brock-Moore filed her last case as a Critique Services Attorney. Sometime thereafter, Brock-Moore updated her contact information with the Clerk's Office, indicating that she was practicing under her own shingle in East St. Louis, Illinois. Today, she continues to represent those debtors who she represented as a Critique Services Attorney, but it is the Court's understanding that she has left her affiliation with the Critique Services Business.

Brock-Moore first appeared on the Court's radar before she was even admitted to practice in the District. On July 28, 2014, in *In re Alexis Montrice*

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[16] Attachment 16. Until recently, the Court did not have a copy of Brock-Moore's contract because Critique Services L.L.C. had refused to turn it over. However, on February 29, 2016, Mayweather filed a copy of Brock-Moore's contract with Critique Services L.L.C. (trying to pass it off as her own employment contract).

[17] Attachment 17.

Cody (Case No. 14-45917), the debtor, acting pro se, filed her petition.[18] However, the petition papers included Brock-Moore's "d/b/a Critique Services" signature block, even though Brock-Moore had not even been admitted to practice in the District at that point. And, the debtor's statement of financial affairs revealed that the debtor had hired Robinson—not Brock-Moore—to represent her. It was unclear what had happened to the $299.00 in fees that the debtor had paid to Robinson, and it was unclear if Brock-Moore was actually involved with the case. The Court set the matter for hearing, directing that the debtor appear and inviting Brock-Moore to appear as well.

The Court held the hearing on August 20, 2014.[19] Both the debtor and Brock-Moore appeared. Eventually, what had happened to land Brock-Moore's signature block on the debtor's pro se petition papers was explained. The debtor had gone to the Critique Services Business and paid for legal services with a debit card. She did not meet with Robinson, the attorney whose services she paid for. Instead, she discussed her bankruptcy case with clerical staff and was told that she must pay all her fees upfront, before she was allowed to speak with an attorney. In July 2014—after Robinson's suspension—the debtor returned to the Critique Services Business Office. She met very briefly with Brock-Moore, who she understood would become her attorney. However, her case was not filed thereafter, and she ended up suffering a garnishment. At that point, she returned to the Critique Services Office. She was given a refund and was handed a folder of documents that included the petition papers that had been drafted for her. Brock-Moore's signature block was affixed to the drafted petition papers. The debtor was told, by someone at the Critique Services Office, that she could use the papers—even with Brock-Moore's signature block—because Brock-Moore had not actually signed the documents.

However, during the course of the hearing, Brock-Moore made an odd representation: in describing her relationship with the non-attorney staff persons

[18] Attachment 18.

[19] Attachment 19.

at the Critique Services Business, she stated that she "use[s] the staff there" and "considers to be my staff" the non-attorney staff persons at the Critique Services Office. *"Considers to be my staff"? What does that mean?* Employment status is not a fuzzy feeling of personal regard. It is a matter of tax and employment law. This description of her relationship with the non-attorney staff persons at the Critique Services Business made little sense.

As noted above, it is the Court's understanding that Brock-Moore began disassociating herself from the Critique Services Business in August 2015. She is the only attorney to have escaped the Critique Services Business without being suspended or disbarred—no small feat.

5. Robert J. Dellamano

About the time that Brock-Moore began disassociating herself from the Critique Services Business, the Court became aware of another Robinson replacement: Robert J. Dellamano. Dellamano was brought into the Critique Services Business sometime in 2015. When, exactly, in 2015, is unknown, because Dellamano operated at the Critique Services Business for months before becoming an attorney of record before the Court. Dellamano has testified that he is under contract with Meriwether at the Critique Services Business.[20]

According to the records of the Clerk's Office, Dellamano was admitted to practice in the District on October 9, 2015[21] —a date that, by Dellamano's own admission, was long after he began working at the Critique Services Business. While Dellamano is admitted to practice in this federal District, that admission rests on his Illinois law license. Dellamano does not hold a Missouri law license.

Prior to becoming a Critique Services Attorney, Dellamano never represented a party in a case before the Court. His first interaction with the Court was on September 14, 2015, when he came to the Clerk's Office to obtain a CM-ECF passcode and training on the use of CM-ECF. During that interaction, Dellamano advised members of the Clerk's Office staff that he had been working

[20] Attachment 20.

[21] Attachment 21.

with Meriwether at the Critique Services Business. On the training sign-in sheet, he listed his "firm" as "Critique."[22] The Clerk's Office provided him with the requested CM-ECF training, but declined to issue him a CM-EFC passcode. (A CM-ECF passcode is available only to attorneys admitted to practice in the District. At that time, Dellamano was not admitted to practice in the District). The Clerk's Office also notified Chambers of its interaction with Dellamano, given that it is very unusual for an attorney who is not licensed in this state and who is not admitted to practice in the District to seek CM-ECF training.

Also around at time, some of the trustees had begun to voice concerns about Dellamano's "appearances" on behalf of Meriwether's clients at their § 341 meetings. Despite not being the attorney of record in any case for any debtor, and despite not being admitted to practice law in Missouri, and despite not being admitted to practice in the District, Dellamano had been appearing at the § 341 meetings on behalf of Meriwether's clients. This clearly was inappropriate. Accordingly, on September 18, 2015, the Court entered a notice to Dellamano, advising Dellamano that, until he was admitted to practice in the District, he could not appear on behalf of clients.

Dellamano's response to the notice was not to change his ways; it was to try to fly under the Court's radar. After finally being admitted to practice in the District on October 9, 2015, Dellamano did not thereafter obtain a CM-ECF passcode; he did not file a notice of appearance in any case; he did not file a Rule 2016 statement in any case. Instead, he just continued right on representing Meriwether's clients at § 341 meetings, and meeting with clients at the Critique Services Business. And, Dellamano continued on this way for several more months, until Meriwether was suspended on December 7, 2015.

Meriwether's suspension forced Dellamano's hand. Dellamano had to come out from the shadows of the Critique Services Business. On December 10, 2015, Dellamano obtained a CM-ECF passcode. However, the next day, Dellamano's CM-ECF passcode was suspended when the Court learned that Dellamano had used Meriwether's contact information to obtain a CM-ECF

[22] Attachment 22.

passcode in his own name (an act that was prohibited by a prior Court order). Without a functioning CM-ECF passcode, Dellamano had to use the computer banks at the Clerk's Office to file documents.

On December 16, 2015, Dellamano filed notices of appearance on he Clerk's Office computers. However, he made false statements in those notices of appearance. On December 18, 2015, he was suspended from the privilege of practicing before the Court until March 7, 2016, for making those false statements. Separately, following the imposition of his suspension, Dellamano was found to be in contempt of court and was ordered to disgorge fees.

Although March 7, 2016 passed more than a month ago, Dellamano remains suspended. He has chosen not to comply with the terms for his reinstatement. He appealed his suspension to the District Court. The appeal is pending.

6. Teresa M. Coyle

So, by mid-December 2015, Diltz was once again without an attorney to serve as cover for her business. Robinson, Meriwether and Dellamano had been suspended and Brock-Moore had left. However, by early February 2016, a replacement had been found: attorney Teresa M. Coyle.

Like her predecessors, Coyle had no bankruptcy law experience (at least, not in this District). However, unlike Dellamano, Coyle at least held a law license to practice in this state (well, sort of—more about that in a few paragraphs).

According to the records of the Clerk's Office, Coyle was admitted to practice in the District on January 28, 2016. [23] She was issued a CM-ECF passcode on February 8, 2016, and filed her first case on February 28, 2016. Thereafter, she filed three more cases: two on March 2, 2016, *In re Jacobi D. Oliphant* (Case No. 16-41356) and *In re Shaunice Williams* (Case No. 16-41377), and one on March 7, 2016, *In re Brian Michael Troupe* (Case No. 16-41483).

Although Coyle is not currently located at the Critique Services Business Office and does not use "Critique Services" as her d/b/a, she nevertheless is

[23] Attachment 23.

affiliated with the Critique Services Business. She is the attorney to whom Meriwether purportedly "transferred" some of his cases (whatever that means) and to whom the Critique Services Business has been "referring" clients.

Coyle's very brief tenure before the Court has not gone well. Coyle filed the petition papers in *In re Williams*, *In re Oliphant*, and *In re Troupe* after the Missouri Supreme Court suspended her license on March 1, 2016. Moreover, Coyle did not self-report that her license was suspended. The Court discovered that Coyle's license suspended only by happenchance, on March 7, 2016.

But before the Court became aware of the suspension of Coyle's law license, the Court was presented with another problematic situation. It had come to the Court's attention that Mayweather may have provided bankruptcy services to Coyle. This was concerning because Mayweather is enjoined from providing bankruptcy services unless she is under a written contract with an attorney or a law business. On March 3, 2016, the Court issued an order in *In re Williams*, directing Coyle to file documents and an affidavit describing her relationship with Mayweather. Coyle was given until March 11, 2016 to comply.

Three things then happened, before the March 11, 2016 deadline:

- First, on March 4, 2016, Mayweather herself confirmed that she had provided bankruptcy services at Coyle's office. Mayweather filed an affidavit in the miscellaneous proceeding, *In re Renee Mayweather: Business of the Court* (Case No. 16-0401), attesting that she had assisted in the "transfer" of Meriwether's client files to Coyle's office.
- Second, on March 7, 2016, the Court learned that Coyle's law license has been suspended. Upon obtaining the Missouri Supreme Court's suspension order, the Court suspended Coyle's CM-ECF passcode, pursuant to the Court's standard procedure.
- Third, on March 11, 2016, Critique Services L.L.C. and Diltz filed a response in the State Circuit Court in the 2016 MOAG Action, in which they admitted that they "referred" cases to Coyle.

On March 15, 2016, the Court entered an order suspending Coyle from the privilege of practicing before the Court. Her suspension is to remain in effect

until such time as she complies with the March 3, 2016 order and provides an affidavit attesting to the nature of her previous and current relationship with persons affiliated with the Critique Services Business. To date, Coyle has chosen not to comply and remains suspended. In addition, in late March 2016, the Chief Judge of the Court held a show cause hearing, at which Coyle failed to appear. The Chief Judge ordered that Coyle be stricken as attorney of record in all cases that she filed and ordered that Coyle disgorge her attorney's fees.

C. The Limited Liability Companies

Diltz owns three limited liability companies that are located at the Critique Services Office Building: Critique Services L.L.C.; Critique Legal Services L.L.C.; and Genesis Advertising, Marketing and Business Services L.L.C. ("Genesis"). It is known that Diltz operates the Critique Services Business through Critique Services L.L.C. and Critique Legal Services L.L.C. The role of Genesis—which was organized only recently—is unknown.

1. Critique Services L.L.C.

Critique Services L.L.C.'s Articles of Organization provide that the company was organized on August 9, 2002. It has continually operated since then. Its Articles of Organization state that its business purpose is to provide "bankruptcy petition preparation service." However, in 2007, Diltz and Critique Services L.L.C. were permanently enjoined from serving as BPPs. As such, Critique Services L.L.C. has been long barred from conducting the only type of business for which it is organized. The address for service of Critique Services L.L.C. for the past half-decade also is unknown. Its Articles of Organization list its address as 4144 Lindell Blvd. The Articles of Organization were not amended and no document updating the address is available in the online records of the Missouri Secretary of State. However—as the Clerk's Office discovered during its recent efforts to obtain an address for Critique Services L.L.C.—the company has not been located at 4144 Lindell Blvd. for at least the past five years.[24]

Critique Services L.L.C. uses the fictitious name of "Critique Services"—the same fictitious name that also is used by Diltz and by the Critique Services

[24] Attachment 24.

Attorneys. This use of the fictitious name by non-attorneys, attorneys, and an artificial business entity has contributed to serious confusion (by clients, the public and the courts) about who (and what) is "Critique Services."

Critique Services L.L.C. is the entity currently used by Diltz to contract with attorneys. The contracts between Critique Services L.L.C. and the Critique Services Attorneys call for Critique Services L.L.C. to provide an assortment of services, including leasing, bookkeeping, advertising, and secretarial services, and licensing of "intellectual property." In exchange, the Critique Services Attorneys are supposed to make payments to Critique Services L.L.C. However, these contracts do not reflect the real relationship between Critique Services L.L.C. and the attorneys. At the *In re Scales* § 341 meeting, Meriwether explained how things really work. Meriwether works *for* Diltz, Mayweather and various other non-attorneys at the business—not the other way around. And Meriwether is paid by Critique Services L.L.C., not the other way around.

Despite the terms of the contracts that call for Critique Services L.L.C. to provide extensive services to the attorneys, and contrary to Meriwether's explanation of how the business works, Critique Services L.L.C. currently claims that (i) it has only one employee (Diltz), (ii) that all the non-attorney staff persons at the Critique Services Business are actually the employees of the Critique Services Attorneys, and (iii) it did not provide such bookkeeping services to Robinson. Critique Services L.L.C. takes these positions only through the unsworn representations of its attorney, Laurence Mass. However, Mass is not known for being a consistently correct source of information about the facts and circumstances of his own clients.

There is no reason to believe Critique Services L.L.C.'s claim that it has only one employee, and every reason to believe that Critique Services L.L.C. is lying. First, Critique Services L.L.C. is contractually obligated to provide numerous support services to the Critique Services Attorneys. Second, there is no evidence that the contracts with the attorneys have been modified to relieve Critique Services L.L.C. of its bookkeeping obligations. Third, the Critique Services Attorneys do not back up Critique Services L.L.C.'s claim that the

attorneys employ the non-attorney staff persons: Robinson dodged the issue altogether; Brock-Moore represented that she merely "considered" the non-attorney staff persons to be her employees (whatever that might mean); and Meriwether stated that the non-attorney staff persons are not his employees. Fourth, when Critique Services L.L.C. was invited by the Court to provide tax documentation as evidence in support of its claim that Diltz is its only employee, it refused to do so, claiming that any such evidence is "irrelevant."

2. Critique Legal Services L.L.C.

Critique Legal Services L.L.C.'s Articles of Organization provide that, like Critique Services L.L.C., it was organized by Diltz on August 9, 2002. Critique Legal Services L.L.C. has used the fictitious name "Critique Legal Services," as have Diltz and Briggs. Despite the misleading word "Legal" in its name, Critique Legal Services L.L.C. is not a law firm.

Critique Legal Services L.L.C. was dissolved on April 4, 2003.[25] Nevertheless, it is an active advertising arm of the Critique Services Business today. As the Clerk's Office discovered during its recent effort to obtain a service address for Critique Services L.L.C., "Critique Legal Services" advertises in the 2015-16 Greater St. Louis Yellow Pages and has a listing in the 2015-16 Greater St. Louis White Pages.[26] These directories list the address and telephone number for "Critique Legal Services" as being that of the Critique Services Business Office.

And—as if it is not suspicious enough that a ten-year-plus defunct company advertises in the current Yellow Pages—the listing for "Critique Legal Services" is not under the subsection "lawyers" or "legal" or "bankruptcy services" or the like; it is under the subsection "tax preparation." According to its Articles of Organization, the business was organized to provide "attorney services." Whatever the vague phrase "attorney services" might mean, it cannot possibly mean "to provide tax preparation services to the public." The listing under "tax

[25] Attachment 25.

[26] Attachment 26.

preparation" may be an attempt to skate around the injunction entered against Critique Legal Services L.L.C. in *In re Thompson* (Case No. 02-53575). That injunction prohibits Critique Legal Services L.L.C. and Diltz from using the word 'legal' or any similar term in any advertisements, and from advertising under any category that includes the word "legal" or any similar term.

3. Genesis Advertising, Marketing and Business Services L.L.C.

By January 2016, it was safe to say that the value of the name "Critique Services" was collapsing in the face of bad press, the suspensions of the Critique Services Attorneys, angry clients, a negative Better Business Bureau ("BBB") grade, and multiple orders for disgorgement of attorney's fees. On February 2, 2016, Diltz organized a new, non-"Critique"-named limited liability company: Genesis. According to Genesis's Articles of Organization,[27] its business purpose is "Advertising, Marketing, and Business Services." Its address is that of the Critique Services Business Office. It is unknown what role, if any, Genesis was intended to have in the Critique Services Business.

D. The Other, Non-Attorney Staff Persons

Various non-attorney staff persons work at the Critique Services Business Office. Those persons who are known to the Court are described below.

1. Renee Mayweather

As previously noted, Mayweather is the long-time office manager at the Critique Services Business. Mayweather's authority at the Critique Services Business is so significant that Meriwether described her as *his* boss.

In 2005, Mayweather was one of several Critique Services Business persons sued by the UST13 in *Gargula v. Diltz, et al.* (*In re David Hardge)* for the unauthorized practice of law and violations of the Bankruptcy Code's regulations on BPPs. In the complaint, the UST13 represented that Mayweather had been affiliated with the Critique Services Business since 1997, beginning as a data enterer and eventually becoming the officer manager. According to the UST13, "Mayweather has carried out her responsibilities under the supervision, direction and control of [Diltz.]"

[27] Attachment 27.

The UST13's 2005 suit was resolved by the entry of a consent injunction (the "2007 Injunction"). In the 2007 Injunction, the Court prohibited Mayweather from the unauthorized practice of law and enjoined her from providing bankruptcy services to the public, except under specific circumstances:

> [Mayweather] 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.

Following the entry of the 2007 Injunction, Mayweather continued providing bankruptcy services at the Critique Services Business. However, when she was required to produce a copy of any written employment contract she has or had with any attorney or law business, she could not do so. Ultimately, she claimed that she is under oral contracts with Critique Services Attorneys. The Court seriously doubts that Mayweather is an actual employee of any attorney. However, even if she were an employee of a Critique Services Attorney, she would be in flagrant violation of the 2007 Injunction by providing bankruptcy services pursuant to an oral, and not a written, contract.

Mayweather is the person who oversees Critique Services Business operations on a day-to-day basis, collects the money, and controls access to (or, better stated, lack of access to) attorneys. She dispenses legal advice and analysis. Clients are denied access to attorneys and are instead required to speak with Mayweather. Mayweather also lies to clients. For example, she falsely advised the debtor in *In re Young* that the problems with his case were due to the purported animosity of the Judge, rather than being due to the fact that the Critique Services Business had badly mismanaged the debtor's case.

Mayweather's prominent role at the Critique Services Business has been made obvious at the Clerk's Office. On December 18, 2015, Mayweather and Dellamano showed up together at the Clerk's Office, and asked if Mayweather could file legal documents for Dellamano at the computer banks. Mayweather and Dellamano seem to have expected the Clerk's Office to allow Mayweather to use its computers to "engage in providing bankruptcy services to the public" on

the assumption that Mayweather would not be violating the 2007 Injunction in the process. The Clerk's Office staff—well-aware of the 2007 Injunction and the notorious history of the Critique Services Business—informed Mayweather that she would not be permitted to use its computers unless she had written authority from the Judge to do so. Mayweather and Dellamano left and did not return.

Mayweather, like Diltz, recently was made subject to TROs issued by the State Circuit Court in the 2016 MOAG Action, and by the Court in *Casamatta v. Critique Services L.L.C., et al*.

2. Charlotte Thomas and Bey

A non-attorney named Charlotte Thomas works at the Critique Services Business. The exact role of Charlotte is unclear, but part of her job involves communication with clients. Various debtors have identified Charlotte as the person to whom they paid their fees and who provided them counseling on their case. Receipts provided by the Debtors in these Cases show that Charlotte is one of the persons who handled their fees.

Getting disclosure of Charlotte's last name proved to be considerably more difficult than it should have been. At the February 4, 2015 proceeding in these Cases, the Court asked Mass and Briggs for the surname of "Charlotte," but they could not (or would not) provide this very basic information. They seemed surprised (or, at least, feigned surprise) that Charlotte's surname would be requested—as if disclosure of the surname of one of the people who handled the Debtors' fees would be a far-afield inquiry at a hearing about turnover regarding the Debtors' fees. A five-minute recess and a telephone call to the Critique Services Business Office should have solved the problem—but no one took that step. Eventually, the last name of Charlotte became known to the Court, when one of the Trustees in these Cases—Trustee Rebecca Case—filed a copy of the *In re Scales* § 341 meeting transcript, wherein Meriwether identified Charlotte's last name as "Thomas."

At the February 4 status conference, it also came out that a non-attorney staff woman named Bey works at the Critique Services Business. Her last name remains unknown to the Court. Her job title and role, like those of Charlotte

Thomas, are unknown, but it is known that she communicates with clients. Numerous debtors have identified Bey as the person who collected their fees and counseled them on their cases, and some of the Debtors in these Cases provided receipts showing that Bey handled their fees.

3. Dee

Another surname-less non-attorney staff person at the Critique Services Business is Dee. It was established in *In re Steward* that, at the relevant times in that case, "Dee" worked at the Critique Services Business Office, collected the debtor's payments, gave legal advice, and solicited false statements from the debtor for inclusion in the debtor's petition papers.

4. Korie and Shey

These two non-attorney staff persons at the Critique Services Business were revealed at the *In re Scales* § 341 meeting, when Meriwether identified them as being among the non-attorney staff persons who supervise him. Meriwether spelled out their first names, although he did not identify their surnames. Their roles (other than to direct Meriwether's activities) are unknown.

5. Nicky Lee

Critique Services L.L.C. and Diltz have identified a woman named "Nicky Lee" as a person who worked at the Critique Services Business Office as a "customer service representative." Critique Services L.L.C. and Diltz recently represented to the Court that Lee handled fees and answered questions from clients who had come to the business seeking legal counsel. Critique Services L.L.C. and Diltz also claim that Lee was an employee of a Critique Services Attorney, although they failed to identify which attorney. Apparently, the Court is just supposed to guess which attorney Lee allegedly worked for—although no guess that the Court could make would make their claim any more credible. Robinson was suspended and thus would not (or at least, should not) have been employing anyone to collect money or answer questions regarding bankruptcy services; Brock-Moore stated that she merely "considered" the non-attorney staff persons to be her employees; and Meriwether stated that none of the non-attorney staff persons were his employees.

II. THE (PHONY) PERSONS OF THE CRITIQUE SERVICES BUSINESS

In addition to the actual persons who operate at the Critique Services Business, there also are phony persons who operate at the Critique Services Business. Numerous debtors have alleged and attested before the Court that Diltz uses "Tracy" as her a nom de guerre de tromperie. In addition, it appears that both Dellamano and Robinson have impersonated Meriwether to clients.

A. The Phony "Tracy"

On November 24, 2015, the Court first became aware that a woman calling herself "Tracy" was providing bankruptcy services at the Critique Services Business when the debtor in *In re Young* filed his pro se motion to reopen his case. In his motion, Debtor Young identified a woman named "Tracy" as being affiliated with the Critique Services Business. At the time, the Court found this representation to be curious since, to the Court's knowledge, there was no one at the Critique Services Business named "Tracy."

On February 23, 2016, "Tracy" came up again at the hearing on the motion to disgorge filed in *In re Kevin Matthis* (Case No. 15-48394).[28] The debtor stated he received services at the Critique Services Business from a woman who he believed was named "Tracy." The Court also heard from the Trustee Brown, the trustee appointed in *In re Matthis* (whose first name coincidentally also is "Tracy" and who apparently has had encountered issues related to having the same first name as the Critique Services Business "Tracy"). Trustee Brown indicated that this was not the first time she had heard about a "Tracy" at the Critique Services Business—and that she had been advised that Diltz was posing as a "Tracy." However, she had no witness at the hearing to testify on the issue or any further information to offer at that point.

Then, on March 3, 2016, "Tracy" came up once again, in the case of *In re Prenisa Little* (Case No. 15-48605). In the debtor's motion to disgorge, the debtor stated that she had spoken with a "customer service agent" at the Critique

[28] Attachment 28.

Services Business named "Tracy."[29] She also alleged that that "Tracy" had provided her with legal counsel regarding her bankruptcy case.

On March 4, 2016, the Court issued an order in *In re Little*, [30] directing that Meriwether and Critique Services L.L.C. file any response that they might have to the debtor's motion to disgorge, and that the trustee (Trustee Case) make "good faith efforts to ascertain the surname of the 'Tracy' individual who is alleged to work at the Critique Services Business."

On March 17, 2016, Trustee Case filed her first Statement of Findings (the "First Statement of Findings").[31] Her findings were alarming.

Trustee Case had contacted numerous people affiliated with the Critique Services Business to ascertain the last name of "Tracy." Only Mass responded, stating in an email that his clients were not aware of anyone named "Tracy" at the business. However, her efforts to obtain the last name of "Tracy" from debtors were more fruitful. Although Trustee Case still was unable to obtain the last name of "Tracy," there appeared to be a good explanation for why she could not: the debtors identified Diltz as the woman they knew to be "Tracy."

Debtor Little executed an affidavit in which she attested that the photograph of Diltz from the website of the BBB was an image of the "Critique Services employee" who introduced herself as "Tracy." She also attested that "Tracy" and Renee spoke with her regarding her case, just as she had alleged in her motion to disgorge. Debtor Little's affidavit was filed along with the First Statement of Findings. [32]

Debtor Christopher Dandridge (Case No. 16-40644) also executed an affidavit in which he identified Diltz as "Tracy" via the BBB photograph. In addition, he attested that Diltz, as "Tracy": (i) provided him with legal advice

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[29] Attachment 29.

[30] Attachment 30.

[31] Attachment 31.

[32] Attachment 32.

regarding his bankruptcy case by discussing the differences between chapter 7 and chapter 13 proceedings and the treatment of his car in bankruptcy, and (ii) accepted his $349.00 cash payment and gave him a signed receipt for that payment. Further, he attested that, when he was later given a refund (after demanding one), both Diltz and Mayweather handled the cash: Diltz handed the cash to Mayweather, then Mayweather handed the cash to him. Debtor Dandridge attached to his affidavit a photocopy of his receipt, which was unmistakably signed by "Tracy." The Court notes that the "Tracy" signature is very similar to the highly stylized handwriting style of Diltz.[33] Debtor Dandridge's affidavit was filed along with the First Statement of Findings.[34]

In addition to providing these two affidavits identifying Diltz as "Tracy," Trustee Case also made attestations about a response she obtained from Debtor Young.[35] (To recall: Debtor Young referenced a "Tracy" in his November 14, 2015 motion to reopen. He alleged a "Tracy" from the Critique Services Business showed up at his § 341 meeting and took his paperwork.) When Debtor Young looked at the photograph of Diltz, he advised Trustee Case that it was not an image of the woman from his § 341 meeting. Trustee Case then contacted the trustee in *In re Young*, who reviewed his records and advised that Brock-Moore had appeared for Debtor Young at his § 341 hearing. (Brock-Moore, like many of the other women who work at the Critique Services Business—including Diltz, Mayweather, Charlotte, and Bey—is African American.) Debtor Young then obtained a picture of Brock-Moore from the Internet and confirmed to Trustee Case that Brock-Moore was the woman at his § 341 meeting. All of this, of course, raises the obvious question: *How did Debtor Young come to believe that a woman named "Tracy" was affiliated with the Critique Services Business—so much so that he believed that "Tracy" was Brock-Moore's first name?* It seems

[33] Attachment 33.

[34] Attachment 34.

[35] Attachment 35.

highly unlikely that Debtor Young randomly pulled the name "Tracy" out of the thin air. It seems equally unlikely that Debtor Young piggybacked off another debtor's reference to a "Tracy" (Debtor Young was the first debtor to indicate to the Court that he interacted with a "Tracy"). It seems considerably more likely that Debtor Young was introduced to another African American woman at the Critique Services Business who called herself "Tracy," then later mistakenly attributed the name "Tracy" to Brock-Moore. Whatever the explanation, Debtor Young's representation of a woman at the Critique Services Business as being named "Tracy" defies coincidence.

In light of the Statement of Findings, on March 18, 2016, the Court issued an order directing that Diltz and Critique Services L.L.C. file any response they might have to the identifications of Diltz as "Tracy."

On March 28, 2016, Mass filed a response to the First Statement of Findings and the affidavits.[36] In the response, Mass demanded judicial disqualification and alleged constitutional violations. He also suggested that, because Debtor Dandridge's case is on the docket of Judge Schermer, it is somehow improper to consider Debtor Dandridge's affidavit. However—interestingly—Mass did not deny that Diltz had represented herself to clients as "Tracy." Instead, he just pointed to the fact that he had stated to Trustee Case that his clients claimed to have only one person who conducts its business (Diltz) and that the attorneys did not have an employee named 'Tracy'" (a fact that was evidence of nothing, other than the fact that Mass made this communication).

In addition, Mass claimed that the affidavits had not been signed and that Debtor Dandridge's receipt had not been filed. This claim was so obviously incorrect that the law clerk telephoned Mass as a professional courtesy, to ask if he was aware of all docketed documents. Mass confirmed that he had become aware of the full docket after he filed the response, and indicated that he would file a new response. On March 29, 2016, Mass filed a motion for an extension of time to respond, which the Court granted on March 30, 2016.

In the meantime, Trustee Case filed a Second Statement of Findings (the

[36] Attachment 36.

"Second Statement of Findings").[37] The Second Statement of Findings revealed that two more debtors were subject to the Diltz-as-"Tracy" routine.

Debtor Kelli L. Alexander (Case No. 15-47867) executed an affidavit in which she identified Diltz as "Tracy" via the BBB photograph. She attested that Diltz, as "Tracy," met with her, advised her, and instructed her to re-sign her bankruptcy documents. Debtor Alexander also attested that non-attorney staff persons Charlotte or Bey gave her legal advice regarding the discharge of her tax debt in bankruptcy. Debtor Alexander's affidavit was filed along with the Second Statement of Findings.[38]

Debtor Twauna F. Dethrow (Case No. 15-47861) executed an affidavit in which she identified Diltz as "Tracy" via the BBB photograph. She also attested that Diltz, as "Tracy," met with her, collected her fee, and gave her a receipt. A copy of that receipt was attached to Debtor Dethrow's affidavit. Like the receipt handed to Debtor Dandridge, the receipt given to Debtor Dethrow was clearly signed as "Tracy" and the handwriting appears very similar to be that of Diltz. Debtor Dethrow's affidavit was filed along with the Second Statement of Findings.[39]

On April 14, 2016, Mass filed a document that appeared to be in response to both Statements of Findings. [40] (He captioned the document: "An Additional Response to the Most Recent Show Cause Order Issued in this Case." However, no show cause order had been issued in connection with the directive issued to Trustee Case to make efforts to ascertain the last name of "Tracy.") Mass stated that his clients cannot find any files for Debtors Dandridge, Alexander or Dethrow. He did not challenge the accuracy of the attesting debtors' identifications or challenge the truth of the attestations. And—perhaps

[37] Attachment 37.

[38] Attachment 38.

[39] Attachment 39.

[40] Attachment 40.

notably—Mass again did not address the issue of whether Diltz had used the fake name "Tracy." Instead, he just stated that his clients "reiterate that no person named 'Tracy' was employed by Critique Services, LLC or, to [his clients'] knowledge, worked for any attorney with a contract with Critique Services, LLC." This struck the Court as a truly odd response to the attestations that Diltz falsely represented herself as "Tracy." By that point, of course, there was little reason to think that there was a person *actually named* "Tracy" working at the Critique Services Business; there was, however, growing reason to think that Diltz was using the fake identity "Tracy" to do business (and collect fees and dispense legal advice). Moreover, if Diltz obtained money using a fraudulent identity, that would be a serious—and possibly criminal—matter. Mass did not assert the Fifth Amendment on behalf of Diltz, but he also filed a document that awkwardly and obviously avoided speaking to the real issue.

B. The Phony Meriwether

At the March 10, 2016 hearing in *Casamatta v. Critique Services L.L.C., et al.*, Critique Services Business client Damon Dorris testified that he paid a man at the Critique Services Business Office—a man he later came to know as Dellamano—$349.00 for bankruptcy services. However, at the time, Mr. Dorris was led to believe that the man was named Meriwether. Mr. Dorris stuck firmly to his testimony, even under cross-examination.[41] Moreover, Dellamano appears not to be the only person at the Critique Services Business masquerading as Meriwether. At the March 23, 2016 hearing before the State Circuit Court, a Critique Services Business client named Tazia Hampton testified that when she went to the Critique Services Business Office on June 30, 2015, she was met by an African American male who identified himself as Meriwether. Ms. Hampton testified that the Meriwether imposter advised her on her bankruptcy case and collected payment from her at the end of the meeting. In its preliminary injunction, the State Circuit Court determined that Mr. Robinson had

[41] Attachment 41.

impersonated a lawyer affiliated with Critique Services L.L.C.[42]

III. THE HISTORY OF LEGAL ACTIONS, DISBARMENTS, SUSPENSIONS, INJUNCTIONS, TEMPORARY RESTRAINING ORDERS, JUDICIAL DETERMINATIONS, AND DIRECTIVES AGAINST PERSONS AFFILIATED WITH THE CRITIQUE SERVICES BUSINESS

Sanctions are not imposed in a vacuum. The appropriateness sanctions is determined by the acts for which they are being imposed as well as in light of previous sanctions efforts that may have failed. The Court need not pretend blindness to history. Accordingly, to give context for the sanctions imposed herein, the Court will undertake the arduous task of setting forth the disciplinary history of persons affiliated with the Critique Services Business, as the Court knows that history to be. The Court seeks to make it clear: the imposition of sanctions herein is not the first time these Respondents have been in trouble for their bad acts while affiliated with the Critique Services Business, and their activities in these Cases are consistent with the notorious history of the operations of this business. And previous efforts with lesser sanctions have failed to garner lawful behavior.

The efforts to stop the unlawful activities at Critique Services Business go back at least fifteen years. They span the Mississippi River and involve two federal judicial districts, two federal judicial circuits, two UST regions, and the State Circuit Court. However, there is a marked contrast between the amount of success seen by the UST10 and that seen by the UST13 in stopping the fraud. In 2003, the UST10 obtained an injunction from the Illinois Bankruptcy Court permanently expelling Diltz and her business from the Southern District of Illinois. As such, the sue-and-negotiate-a-meaningless-consent-injunction treadmill was ended in the Southern District of Illinois more than a decade ago. By contrast, the UST13's strategy in this District—which has involved a string of consent injunctions—has been an exercise in Sisyphean futility. Every couple of years, the UST13 brings an action against persons affiliated with the Critique Services Business on claims related to the unlawful practice of law and the violation of a

[42] Attachment 42.

prior injunction and, thereafter, a consent injunction is negotiated. But each new injunction has turned out to be nothing more than cosmetic win-on-paper in the UST13's litigation column. It made for good political optics, perhaps, but proved to be of little consequence in rectifying the problem. Afterward, those affiliated with the Critique Services Business returned to their business of the unauthorized practice of law, secure in the knowledge that they probably had a couple of years of breathing room before they would be sued again.

So, today, the Court finds itself in the position of having to set forth the history of the last near-twenty years. It is a history that includes disbarred, suspended and discredited attorneys, blatant misconduct, client abandonment, repeated lawsuits, ineffective sanctions, ignored injunctions, and the unrepentant refusal to stop the unauthorized practice of law—and millions of dollars in attorney's fees. Moreover, the disciplinary record of those affiliated with the Critique Services Business continues unfolding to this day, in the matters before this Court, the District Court, the U.S. Court of Appeals for the Eighth Circuit (the "Eighth Circuit"), the State Circuit Court, and the OCDC.

A. The 1999 Injunction Against Diltz d/b/a Critique Service[s]

Diltz began operating her "bankruptcy services" business in the District sometime in the mid-to-late 1990s. It did not take long before she was sued for unlawful practices. On March 5, 1999, the UST13 filed a complaint, commencing *Pelofsky v. Holmes d/b/a Critique Service (In re Daniele M. Hamilton)* (Case No. 99-4065), suing Diltz "d/b/a Critique Service" on claims related to the unauthorized practice of law. [43] Shortly thereafter, the Court entered a pre-negotiated Consent Permanent Injunction, pursuant to which Diltz was barred, when acting as a BPP, from engaging in or directing others in the unauthorized practice of law. [44]

B. The 2001 Injunction Against Diltz d/b/a Critique Service[s]

On October 31, 2001, the UST13 filed another complaint, commencing

[43] Attachment 43. The complaint did not use a pluralizing "s" on "Service."

[44] Attachment 44.

Pelofsky v. Holmes d/b/a Critique Service (In re Beatrice Bass) (Case No. 01-4333), again suing Diltz "d/b/a Critique Service" on claims related to the unauthorized practice of law.[45] Less than a month later, on November 20, 2001, the Court entered a Consent Permanent Injunction and Court Order (the "2001 Injunction").[46] Diltz again agreed to refrain from the unauthorized practice of law and to be permanently enjoined from engaging herself or assisting others in the preparation of bankruptcy documents as a BPP. However, there was a carve-out: in the capacity of an employee or an independent contractor of an attorney, Diltz could carry out the duties of a non-attorney assistant, including in the assisting in the preparation of bankruptcy documents.

C. The 2002 Order Sustaining the Trustee's Objection to Briggs's Fees and Directing Briggs to Comply with the Law

In December 2002, Briggs left formal employment with the Critique Services Business. (Briggs's employment history—as it was known to the Eighth Circuit on the facts presented in that case, is set forth in *Briggs v. LaBarge (In re Phillips)*). However, on September 25, 2002, a few months before Briggs left the business (for the first time), the UST13 filed an objection in *In re Jerome Hicks* (Case No. 02-49006).[47] The UST13 objected to Briggs's request for attorney's fees in that case, alleging, among other things, that:

- Briggs signed the petition as the attorney, although he failed to complete the line for the date of his signature.
- The debtor testified at his § 341 meeting that he did not meet with an attorney prior to the filing of his bankruptcy petition.
- Briggs signed the debtor's petition without ever having met the debtor;
- The debtor did not meet Briggs until his § 341 meeting.
- The schedules of assets and liabilities ("schedules") and statements of

[45] Attachment 45. The complaint did not use a pluralizing "s" on "Service."

[46] Attachment 46.

[47] Attachment 47.

financial affairs filed by Briggs were incomplete and incorrect.

- There were numerous failures in disclosing required information.

On October 31, 2002, the Bankruptcy Court entered a consent order resolving the objection,[48] in which Briggs agreed that he would: return to the debtor the monies the debtor paid; comply with the Bankruptcy Code, the Bankruptcy Rules, and the Local Bankruptcy Rules (things he was obligated to do, anyway); attend § 341 meetings, confirmation hearings and other required hearings on behalf of his clients (again, things that he was required to do, anyway); not file a petition for bankruptcy relief without having first met with the client (a basic ethical obligation he already had); and comply with Missouri Supreme Court Rules of Professional Responsibility (i) governing an attorney's responsibility to supervise his non-attorney assistants and (ii) prohibiting attorneys from being in practice with non-attorneys (once again, something he was supposed to be doing).

D. The 2002 Injunction and Admonition Issued by the Illinois Bankruptcy Court against Diltz and Briggs Regarding the Unauthorized Practice of Law

Meanwhile, similar malfeasance was occurring in neighboring East St. Louis, Illinois. Sometime prior to July 22, 2002, the Illinois Bankruptcy Court issued one or more orders, injunctions, and admonitions related to Diltz and Briggs. The Court is aware of these previous directives because they are referenced by the Illinois Bankruptcy Court in *In re Robert Wigfall, Jr.* (Bankr. S.D. Ill. Case No. 02-32059):

- On the July 24, 2002 *In re Wigfall* docket entry,[49] the court noted that "[a]n Order is to enter for Beverly Holmes and Critique Legal Services to appear at a date certain to show cause why they should not be further sanctioned for their violation of this Court's prior Orders and restrictions placed upon them . . ."
- In its July 25, 2002 show cause order in *In re Wigfall*, the Court observed that "Briggs, who is an attorney licensed in Missouri, has

[48] Attachment 48.

[49] Attachment 49.

been admonished previously that he must seek general admission to practice in this District or admission *pro hac vice* for each case that he files. Mr. Briggs had failed to do either as of the time of the hearing."

- In its August 15, 2002 order in *In re Wigfall*, the court directed that Diltz, Critique Legal Services and Briggs show cause why they should not be sanctioned "for their violation of the Court's prior injunction . . ."

The Court has not been able to easily determine the names of the cases in which these prior directives were issued. The cases are old and the *In re Wigfall* judge is now retired. But it is clear: Diltz and Briggs have long been on notice to clean up their act and cease the unauthorized practice of law.

E. The 2002 Order Issued by the Illinois Bankruptcy Court (i) Suspending Briggs, (ii) Enjoining Diltz and Critique Legal Services, and (iii) Imposing Monetary Sanctions Against Diltz, Critique Legal Services, and Briggs

On May 31, 2002, debtor Robert Wigfall, Jr., proceeding pro se, filed a petition for chapter 13 bankruptcy relief in the Illinois Bankruptcy Court. On June 18, 2003, the case was dismissed for the debtor's failure to file a chapter 13 plan and failure to file a declaration of a bankruptcy petition preparer. On June 28, 2002, the debtor filed a chapter 13 plan, along with a motion to reinstate the case. On July 3, 2002, the trustee filed an objection to the motion to reinstate. The motion to reinstate and the objection thereto came for hearing on July 24, 2002. As reflected in the docket notes, the Illinois Bankruptcy Court directed the UST10 to investigate the issues raised at the hearing. The court determined:

> Upon review of the record, this Court finds that Beverly Holmes [Diltz] of Critique Legal Services has prepared the debtor's petition. The debtor represents to the Court that he did not fill out his schedule of exemptions and that [Diltz's] service put the information on the schedule. This Court questions if [Diltz] and Critique Legal Services is practicing law without a license in violation of this Court's Order. An Order is to enter directing the [UST10] to investigate this matter. An Order is to enter for [Diltz] and Critique Legal Services to appear at a certain date to show cause why they should not be further sanctioned for their violation of this Court's prior Orders and restrictions placed upon them and for [Diltz] and Critique Legal Services to show cause whether or not they are practicing law without a license. . . . A further Order is to enter directing the Clerk of this Court to accept no further pleadings or

> cases from [Diltz], Ross Briggs, or Critique Legal Services until further Order of this Court.

The next day, on July 25, 2002, the Illinois Bankruptcy Court issued an order to show cause,[50] observing that:

> [a] review of the debtor's petition and schedules reveals a morass of conflicting statements with respect to the preparation of these documents. In the section of the petition entitled "Name and Address of Law Firm or Attorney," the debtor lists "Critique Legal Services, Beverly Holmes/Ross Briggs." In the section immediately following, debtor is asked to list the "name(s) of attorney(s) designated to represent the debtor." That section states "Beverly Holmes." The sections entitled "Certification and Signature of Non-Attorney Bankruptcy Petition Preparer" are marked "Not Applicable," while the section calling for the attorney's signature contains the typewritten name "Beverly Holmes" but no signature. Beverly Holmes and Critique Legal Services has not signed the declaration required by 11 U.S.C. § 110 and, in fact, that declaration had not been submitted as of the time of the hearing. The debtor's statement of financial affairs states that he paid $99.00 to Ms. Holmes but she failed to file the requisite "Disclosure of Compensation of Bankruptcy Petition Preparer." Instead, a "Statement of Attorney for Petitioner Pursuant to Bankruptcy Rule 2016(b) has been filed reflecting the $99.00 payment. On this form, the space to be executed by the attorney is left blank. However, under the signature line, the following is typed: Beverly Holmes, Bar no. 493-80-3893 Attorney for Debtor(s).

The Court also noted that:

> [Diltz] has been enjoined by this Court in the past from engaging in conduct which constitutes the unauthorized practice of law. Mr. Briggs, who is an attorney licensed in Missouri, has been admonished previously that he must seek general admission to practice in this District or admission *pro hac vice* for each case that he files. Mr. Briggs had failed to do either as of the time of the hearing.

On August 14, 2002, the Illinois Bankruptcy Court conducted a hearing on the show cause order, at which it found that Diltz, "Critique Legal Services," and Briggs had violated the court's prior injunction on the unauthorized practice of law as well as 11 U.S.C. § 110(b),(c), & (h). On August 15, 2002, the Court entered

[50] Attachment 50.

an order and injunction,[51] directing that:

- Briggs, Diltz and Critique Legal Services (i) disgorge funds received from the debtor, (ii) pay to the Clerk of the Illinois Bankruptcy Court a $1,500.00 fine for their violations of 18 U.S.C § 110, and (iii) pay $201.00 to the chapter 13 trustee.
- Diltz and Critique Legal Services be permanently enjoined from filing any further documents as BPPs in the Southern District of Illinois.
- Briggs pay all attorney's fees and costs incurred by the debtor in obtaining alternative counsel.
- Briggs be suspended from filing any new cases in the Illinois Bankruptcy Court for three months, and that he be reinstated to practice only after, among other things, the sanctions are paid and he has been admitted to practice before the Illinois Bankruptcy Court.

F. The 2002 Motion for Sanctions Against Briggs and Order to Show Cause Why Diltz Should Not Be Held in Civil Contempt, and the Judicial Determination that Briggs Violated Bankruptcy Rule 9011

Back on this side of the Mississippi, on October 8, 2002, the UST13 filed a motion in *In re Cicely Wayne* (Case No. 02-47990),[52] seeking sanctions against Briggs and requesting the issuance of an order directing Diltz to show cause why she should not be held in civil contempt for violating the 2001 Injunction. The UST13's allegations included: Diltz d/b/a Critique Legal Services accepted money from a debtor for legal services; the debtor did not meet with an attorney during the preparation or filing of her bankruptcy papers; the petition papers were prepared by "Critique Legal Services" (*i.e.,* by Diltz) rather than by a lawyer; Briggs signed the petition papers without ever having met with the debtor; and the schedules contained numerous errors and incomplete representations.

On January 9, 2004, the UST13's motion was denied as moot—not because the allegations were false or because the request for relief was

[51] Attachment 51.

[52] Attachment 52.

meritless, but because the UST13 had agreed to the denial of the motion as a term of settling *another* case in which the UST13 had sued Briggs and Diltz for the unauthorized practice of law. This denial for mootness, however, did not resolve all the matters raised in the *In re Wayne* motion. On January 25, 2006, the Court had to enter a second order in *In re Wayne*,[53] noting that, "[t]his Order addresses the issues that have not otherwise been settled or resolved by the Parties." In this second order, the Court noted that Briggs admitted that he had not met with the debtor before filing the case. The Court also determined that: Briggs had incompetently and incompletely prepared the debtor's documents; the § 341 meeting had to be continued five times as a result of Briggs's failure to properly prepared the debtor's documents; and the debtor's schedules required numerous amendments and corrections. The Court determined that Briggs violated Bankruptcy Rule 9011 by filing the debtor's petition without meeting first with the debtor—making it not the first, but the second, time that Briggs was found to have violated Bankruptcy Rule 9011 while serving as a Critique Services Attorney. (He also violated Bankruptcy Rule 9011 in 2004, in *In re Seena Phillips* (Case No. 03-56289), as discussed below.)

G. The 2003 Injunction Against Briggs and the 2003 Injunction Against Diltz d/b/a Critique Services, d/b/a Critique Legal Services, and Critique Services L.L.C.

In December 2002, Briggs left his formal employment with Diltz's business and began operating as the Briggs Law Center. Again, however, he did not end his relationship with Diltz and her business. Briggs continued to be informally affiliated with the business, serving as co-counsel with Critique Services Attorneys on occasion. *Briggs v. LaBarge* (*In re Phillips)*, 433 F.3d at 1069.

On January 13, 2003—less than three months after the entry of the injunction in *In re Hicks*—the UST13 filed a complaint, commencing *Rendlen v. Briggs, et al. (In re Thompson)* (Adv. Proc. No. 03-4003).[54] The UST13 sued

[53] Attachment 53.

[54] Attachment 54. The Judge served as the UST13 from June 2003 to May 2006. His predecessor was the original plaintiff on the complaint in *Rendlen, UST v.*

Briggs d/b/a Critique Legal Services, Diltz d/b/a Critique Services, d/b/a Critique Legal Services. and Critique Services L.L.C., on more claims of unlawful business operations.

On April 30, 2003, the claims against Briggs were settled pursuant to the terms of an agreed order.[55] Briggs agreed to pay $10,000.00 to certain clients, attend legal education, and be suspended from filing new cases for six months.

On December 29, 2003, the UST13's claims against Diltz and Critique Services L.L.C. were settled pursuant to a permanent injunction and consent decree (the "2003 Injunction").[56] In the 2003 Injunction, Diltz and Critique Services L.L.C. agreed, among other things, that:

- Diltz would comply with the consent injunctions to which she had previously agreed to comply.
- Prior injunctions would be enforceable against Critique Services L.L.C.
- Diltz and Critique Services L.L.C. would be permanently barred from being a BPP in the District.
- Diltz and Critique Services L.L.C. would not solicit financial or personal information from debtors to enable Diltz and Critique Services L.L.C., or others under their direction, to insert information into bankruptcy documents to be filed.
- Diltz and Critique Services L.L.C. would not assist or advise debtors in connection with preparation of bankruptcy documents as to any legal issue, or explain any issue to debtors arising from the use of a questionnaire form.
- Diltz and Critique Services L.L.C. would be barred from using the "legal" or any similar term in any advertisements, or advertise under

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Briggs. The Judge was substituted as the named plaintiff only upon his appointment as the UST in June 2003.

[55] Attachment 55.

[56] Attachment 56.

any category that includes the word “legal” or any similar term.

H. The 2003 Disbarment of Critique Services Attorney Leon Sutton by the Illinois Bankruptcy Court and Injunction Against Diltz, Permanently Barring Diltz from “hav[ing] anything to do with any bankruptcy case” in the Southern District of Illinois

In the meantime, actions against the Critique Services Business also were proceeding in the Illinois Bankruptcy Court. On April 16, 2003, the UST10 filed a motion for order to show cause in *In re Barry Bonner, et. al.* (S.D. Ill. Bankr. Lead Case No. 03-30784). [57] The UST10 sought an order directing Diltz to show cause why she should not be held in contempt for violating of the 2002 permanent injunction entered in *In re Wigfall*. The UST10 made allegations of injunction violations against Diltz and allegations of professional misconduct by Critique Services Attorney Leon Sutton.

On May 27, 2003, the Illinois Bankruptcy Court entered an agreed order.[58] In that order, Diltz and Sutton were ordered to disgorge fee payments to the debtors, Sutton was permanently disbarred from the practice of law in the Illinois Bankruptcy Court, and Diltz was “permanently barred from the preparation of bankruptcy petitions or other bankruptcy related documents for any and all persons, individuals, entities and/or debtors in the Southern District of Illinois.”

In addition, Illinois Bankruptcy Court ordered:

> It is the agreement of the parties and the intention of the Court that this bar be construed in the broadest possible fashion. [Diltz] may not function as a petition preparer, a paralegal for an attorney, or in any other capacity in which she might have anything to do with any bankruptcy case in [the Southern District of Illinois]. The bar further extends to any business, incorporated or otherwise, in which [Diltz] has any interest in any form or by which she may be employed. Likewise, it extends to any and all employees of [Diltz] and/or such businesses.

I. The 2004 Violation of Bankruptcy Rule 9011 by Briggs While Employed as a Critique Services Attorney

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[57] Attachment 57.

[58] Attachment 58.

Back in this District, in 2003, Briggs once again found himself in trouble for his activities as a Critique Services Attorney.

As a refresher to the soap opera of Briggs's relationship with the Critique Services Business: Briggs had been part of the Critique Services Business for years, but left formal employment with the business in December 2002; thereafter, he was suspended from filing new cases in the District for six months.

In November 2003—that is, almost immediately after the expiration of his suspension—Briggs returned to employment once again as a Critique Services Attorney. Shortly before Briggs returned to the business in November 2003, on October 20, 2003, Critique Services Attorney Sutton (who had been disbarred by the Illinois Bankruptcy Court in *In re Bonner, et al.*, but had not yet been disbarred by the Missouri Supreme Court) filed a petition for the debtor in *In re Seena Phillips* (Case No. 03-54061). However, Sutton mishandled the case, and on November 5, 2003, the case was dismissed.

About that same time, two things happened: Briggs was re-hired at the business and the *Phillips* debtor began calling the Critique Services Business Office, to check on the status of her case, very concerned about a pending foreclosure. So, Briggs—without having consulted with the debtor and without having obtained her signature—filed a second petition for the debtor, commencing Case No. 03-56289, and in doing so, he affixed her electronic "/s/" signature without her knowledge. These acts were clear violations of Bankruptcy Rule 9011, regardless of whether Briggs might have been trying to "help" the debtor. It was unethical lawyering to cover up incompetent lawyering.

But the train-wreck of unprofessionalism did not stop there. Briggs also managed to list the wrong home address for the debtor on the petition. As a result, the debtor never received notice of the filing of the second case. Moreover, after forging her signature on a court pleading and filing a petition on her behalf without her authority, Briggs did not contact the debtor afterward, to let her know that her first case had been dismissed as a result of Sutton's incompetence and that he (Briggs) had filed a second petition for her. The

debtor had no idea what was going on.

Then, almost defying the odds, things went downhill from there.

Sometime in December 2003, the debtor retained a new attorney—none other than Elbert Walton. That is, the debtor suffered a hat-trick of bad lawyers: she went from being incompetently represented by the soon-to-be-disbarred Sutton, to being represented without her consent by the previously-suspended-and-sanctioned Briggs, to being represented by Walton, whose inability to be honest is nearly pathological.

With this cluster-formation of attorneys, the debtor's case then became fouled-up beyond all recognition.

On December 29, 2003, Walton filed a *third* petition for relief for the Debtor Phillips, thereby commencing Case No. 03-57223. Walton filed this third petition either without doing the most basic due diligence or with deliberate disregard to the facts. At the time the debtor's third petition was filed, the debtor's second petition was still pending, yet Walton made the blatantly false representation in the debtor's third petition that the debtor had not filed any petition for bankruptcy relief in the past six years.

The events that followed brought to public light the barnyard show of incompetent and unethical lawyering that had been occurring.

On January 15, 2004, the debtor's second case was dismissed after the debtor missed an appearance at her § 341 meeting (a § 341 meeting of which the debtor had no notice). Also on January 15, 2004, in the debtor's second and third cases, creditor Citifinancial Mortgage Co. filed a motion to dismiss, alleging that each case was filed in bad faith.

On February 3, 2004, in the debtor's second case, the chapter 13 trustee filed a motion for sanctions under Bankruptcy Rule 9011 against Briggs for filing the second petition without having met with the debtor.

On February 24, 2004, the Bankruptcy Court from the bench granted the motion for sanctions, determining that Briggs had violated Bankruptcy Rule 9011 by his unauthorized actions. The Court later entered an order putting the bench ruling in writing on March 2, 2004.

On January 9, 2006, the U.S. Court of Appeals for the Eighth Circuit affirmed the finding that Briggs had violated Bankruptcy Rule 9011.[59] (While the Eighth Circuit affirmed the bankruptcy court's finding that Briggs had violated Bankruptcy Rule 9011, it also ordered that the imposition of $750.00 in sanctions be stricken, because Briggs had not technically been employed at the Critique Services Business in October 2003—when the $750.00 was paid. The Eighth Circuit specifically left open the question of whether "Critique" could be sanctioned for its role in all that professional malfeasance.)

J. The 2004 MOAG Action in the State Circuit Court

On February 9, 2004, the MOAG filed a Petition for Permanent Injunction, Preliminary Injunction, TRO and Other Relief Against Defendant Beverly Holmes [Diltz], Renee Mayweather, Critique Legal Services L.L.C. and Critique Services L.L.C., commencing an action in the State Circuit Court (the "2004 MOAG Action"). [60] In the 2004 MOAG Action, MOAG alleged that Diltz and Mayweather committed the systematic unauthorized practice of law and "have a pattern and practice of misrepresenting to consumers that a licensed attorney will prepare and supervise the preparation of the pleadings and appear in Court when [they] know that no such attorney exists . . ." The MOAG alleged that: attorneys failed to show up at hearings; papers were incompetently prepared or not prepared at all; cases were filed under the wrong chapter of the Bankruptcy Code; the business failed to communicate with clients; the business failed to return telephone calls; and the business failed to timely file petitions for relief. The MOAG argued that all of this was done in violation of the Merchandising Practices Act.

On February 17, 2004, the State Circuit Court signed a TRO against Diltz, her limited liability companies, and her non-attorney agents.[61]

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[59] Attachment 59.

[60] Attachment 60.

[61] Attachment 61.

On March 1, 2004, the State Circuit Court was requested to take judicial notice of this Court's February 24, 2004 bench ruling in *In re Phillips*.[62]

On March 3, 2004, the State Circuit Court amended its TRO to include the preliminary finding that the defendants had violated Mo. Rev. Stat. §§ 407.020 and 484.020.[63]

Thereafter, the discovery process proceeded, during which MOAG had to file a motion to compel and request sanctions before Diltz and her companies would agree to provide tax documents.

However, on November 19, 2004, a new attorney from the MOAG was substituted for the MOAG's lead counsel, and two weeks later, on December 3, 2004—for reasons unknown to the Court—the 2004 MOAG Action was dismissed by the MOAG. Thereafter, the disbarred Critique Services Attorneys were replaced by new bad-acting attorneys, and the Diltz machine was back up and running, again preying upon Missouri citizenry.

K. The 2004 Allegations of Threats of Violence by Persons at the Critique Services Business

Linda C. Ruffin-Hudson became a Critique Services Attorney no later than 2003. According to the records of the Clerk's Office, on December 17, 2003,[64] Ruffin-Hudson obtained a CM-ECF passcode and submitted a Debit/Credit Card Authorization.[65] On her Debit/Credit Card Authorization, she indicated that her law firm was "Hudson & Associates Law Firm, L.L.C. d/b/a Critique Services," was located at 4144 Lindell Blvd, Ste. 100, St. Louis, Missouri 63108 (the previous address of the Critique Services Business, which also is Briggs's office address.) She listed Hernandez-Johnson as an authorized user of her credit card (Hernandez-Johnson also had been listed as an authorized user by Briggs on his

[62] Attachment 62.

[63] Attachment 63.

[64] Attachment 64.

[65] Attachment 65.

Debit/Credit Card Authorization).

On January 7, 2004, Ruffin-Hudson filed her first case using her CM-ECF passcode. However, in March 2004, Ruffin-Hudson wanted out—by all appearances, quite desperately and in fear for her physical safety. In six pending cases, she filed a motion to withdraw as counsel.[66] She represented that she was no longer affiliated with the Critique Services Business and that persons at the Critique Services Business made "threats of bodily harm . . . against Attorney Ruffin-Hudson including possible harm to Attorney Ruffin-Hudson's elderly and handicapped mother." Ruffin-Hudson also stated that she had "no right to enter Critique Services premises and due to the aforementioned threats Attorney Ruffin-Hudson will not enter Critique Services premises for any reason, not even to retrieve personal belongings."

L. The 2004 Suspension of Critique Services Attorney Paula Hernandez-Johnson

Paula Hernandez-Johnson became a Critique Services Attorney in late 2003. According to records of the Clerk's Office, Hernandez-Johnson was admitted to practice in the District on October 29, 2003, obtained a CM-ECF passcode on November 13, 2003, and filed her first case that same day.[67] As noted previously, she was listed by Briggs on his Debit/Credit Card Authorization as a person authorized to pay Court fees using his credit card. On April 29, 2004, the UST13 filed a complaint against Hernandez-Johnson, thereby commencing *Rendlen, UST v. Hernandez-Johnson (In re Lashanda Rasalla Thomas)* (Case No. 04-4099).[68] The complaint alleged that Hernandez-Johnson

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[66] Attachment 60. Ruffin-Hudson filed identical motions to withdraw in *In re Andre L. Williams* (Case No. 04-42406), *In re Towanna Robin* (Case No. 04-42917); *In re Katherine Kisart* (Case No. 04-42918); *In re Aaron McLemore* (Case No. 04-42962); *In re Michelle Williams* (Case No. 04-43547); and *In re Alphonso Hemmeain* (Case No. 04-43593). A copy of the motion filed in *In re Kisart* is attached hereto.

[67] Attachment 67.

[68] Attachment 68.

violated Bankruptcy Rule 9011 while acting as a Critique Services Attorney. Four days later, on May 3, 2004, the Court entered an agreed order.[69] Hernandez-Johnson agreed to a six-month suspension from filing new cases and to repay attorney's fees and filing fees in numerous cases of her Critique Services Business clients. On July 28, 2004, Hernandez-Johnson filed an affidavit of compliance. Hernandez-Johnson never filed another case before the Court.

M. The 2006 Disbarment of Critique Services Attorney Linda Ruffin-Hudson by the Missouri Supreme Court

On May 10, 2006, the OCDC filed an Information with Default Notice in the Missouri Supreme Court against Ruffin-Hudson.[70] The OCDC alleged that Ruffin-Hudson had failed to properly and professionally represent her clients in several instances. One of those instances was while Ruffin-Hudson served as a Critique Services Attorney. On May 12, 2006, the Missouri Supreme Court entered an order disbarring Ruffin-Hudson for professional misconduct. [71]

N. The 2006 Disbarment of Critique Services Attorney Leon Sutton by the Missouri Supreme Court

On May 21, 2004, Leon Sutton (who, by that point, had been disbarred by the Illinois Bankruptcy Court) was suspended on an interim basis by the Missouri Supreme Court based. [72] On May 30, 2006, Sutton was disbarred by the Missouri Supreme Court (Mo. Sup. Ct. Case No. SC87525). [73] In the disbarment proceeding, violations of eleven separate sections of the Missouri Supreme Court's Rules of Professional Conduct were charged.

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[69] Attachment 69.

[70] Attachment 70.

[71] Attachment 71.

[72] Attachment 72.

[73] Attachment 73.

O. The 2006 Disbarment of Critique Services Attorney George Hudspeth by the Missouri Supreme Court

On August 1, 2006, Critique Services Attorney George E. Hudspeth, Jr. was disbarred by the Missouri Supreme Court (Mo. Sup. Ct. Case No. SC87881).[74] In its disbarment order, the Missouri Supreme Court determined that "after investigation, [it finds] that there is probable cause to believe [Hudspeth] is guilty of professional misconduct."

P. The 2007 injunction Against (i) Diltz in Her Individual Capacity and as a Member of Critique Services L.L.C., d/b/a Critique Services, (ii) Critique Services L.L.C., and (iii) Mayweather

On August 11, 2005, the UST13 filed a complaint commencing *Gargula v. Diltz, et al. (In re Hardge)* (Adv. Proc. No. 05-4254).[75] In the complaint, the UST13 brought claims against (i) Diltz in her individual capacity and in her capacity as the sole member of Critique Services L.L.C., d/b/a Critique Services, (ii) Critique Services L.L.C. d/b/a Critique Services, and (iii) Mayweather. The complaint included numerous allegations that the defendants repeatedly lied to clients about matters related to their cases, lied about their business operations, and lied to their clients about administrative office matters affecting their cases. It also included allegations that Diltz repeatedly and blatantly violated the prior injunction by serving as a BPP, and that she practiced law without a license. The UST13 sought a broad, permanent injunction prohibiting the defendants from participating in any bankruptcy case filed in the District. However, on July 31, 2007, the UST13 agreed to yet-another injunction.[76] The 2007 Injunction imposed more limitations on what services Diltz and "Her Interests" could provide in connection with bankruptcy cases. Some of those restrictions included that: Diltz was prohibited from directly or indirectly through others meeting with clients or prospective clients, or creating bankruptcy documents; Diltz could not provide

[74] Attachment 74.

[75] Attachment 75.

[76] Attachment 76.

bankruptcy document preparation services to the general public; and Diltz could accept payment of monies under the agreement or license with an attorney or business organization only from the attorney or business organization. In addition, Mayweather agreed to be permanently enjoined from the unauthorized practice of law and that she would engage in providing bankruptcy services to the public only as an employee under written contract with an attorney or law practice business. She also agreed to be permanently enjoined from engaging in bankruptcy document preparation on behalf of Diltz and her Interests.

That is: Diltz, her interests, and Mayweather once again were allowed to continue to do bankruptcy-related business in the District, on the promise that they would not do what they had been doing for the previous decade-plus.

How, by that point, the UST13 could have thought that Diltz or anyone affiliated with her business intended to actually comply is baffling. There are only so many times that you can pour sugar on slop and sell it as caviar before someone starts to notice the stench. But whether it was eternal optimism, willful blindness, or *credo quia absurdum est,* the result was the same. The Critique Services Business returned to doing what it had always done: ripping off debtors through the unauthorized practice of law.

Q. The 2014 Order Imposing Sanctions Against Robinson, Critique Services L.L.C., and their Counsel, Elbert Walton, and Suspending Robinson and Walton from the Privilege of Practicing before the Court (the *Steward* Suspension Order)

On April 5, 2013, the debtor in *In re Steward* filed her pro se motion to disgorge, seeking disgorgement of the fees she had paid at the Critique Services Business for representation.[77]

Neither Robinson nor Critique Services L.L.C. timely responded to the motion. Instead, Robinson "d/b/a Critique Services L.L.C." retained Walton as their counsel. Their choice of attorney was especially telling of the intent to litigate in bad faith. Walton's name is, quite literally, synonymous in this Circuit for sanctionable professional misconduct before the bankruptcy court—the

[77] Attachment 77.

precedent case law bears his name. *Elbert A. Walton, Jr. v. LaBarge (In re Clark)*, 223 F.3d 859, 863 (8th Cir. 2000)(affirming the finding that Walton overcharged clients, misused the bankruptcy process for his personal gain, and had a non-attorney prepare and file documents and give legal advice). His reputation includes not only ripping off clients, but also accosting a judge. In 2001, Walton physically menaced a state court judge in court, causing the judge to fear for his physical safety—a stunt for which Walton was reprimanded by the Missouri Supreme Court on December 21, 2004.[78] To any degree, Robinson, Critique Services L.L.C. and Walton had long been affiliated with one another and Robinson and Critique Services L.L.C. would have been well-aware of Walton's reputation when he was chosen as their counsel in *In re Steward*. Walton was chosen for a reason—and that reason was not for courtroom charm and professional integrity, since he abjectly lacks either.

On May 7, 2013—the day before the May 8, 2013 hearing scheduled on the motion to disgorge—Walton filed an untimely response, which he did not serve upon the debtor before the hearing. At the hearing, Walton's dismissal demand was denied and the matter was continued for a week. Thereafter, Ms. Steward obtained David Gunn as her pro bono attorney. In June 2014, Robinson and Critique Services L.L.C. were served with discovery requests that included interrogatories and production requests to which they, again, chose not to timely respond. Ultimately, after numerous hearings and empty promises that they would respond, the Court determined that the discovery requests were uncontested and that any objections were waived. The Court ordered Robinson and Critique Services L.L.C. to respond to all discovery within seven days or face sanctions. After they refused to comply, the Court entered its first interim Order for Sanctions.

At that point, Robinson, Critique Services L.L.C., and Walton launched a campaign of dishonesty, frivolous filings, abuse of process, and contempt of court. They repeatedly lied in pleadings and misrepresented court proceedings and orders. Walton ranted baselessly. They stood on waived objections,

[78] Attachment 78.

asserted meritless positions, and made character attacks against the debtor and her attorney. They filed repeated motions demanding judicial disqualification based on falsehoods and unsubstantiated accusations (which were denied), filed a petition for writ of mandamus (which was dismissed), and made two attempts to appeal interim sanctions orders (one of which was denied, the other of which went nowhere). Basically, they did anything they could think of, to avoid compliance with the Order Compelling Discovery.

Their outrageous behavior lasted for nine months, during which time the Court imposed two orders of escalating sanctions and repeatedly warned that additional and more severe sanctions would be imposed if they did not comply with the Order Compelling Discovery. Finally, on June 10, 2014, the Court entered the *Steward* Suspension Order.[79] In it, the Court imposed $49,720.00 in sanctions on Robinson, Critique Services L.L.C. and Walton, and suspended Robinson and Walton from the privilege of practicing before the Bankruptcy Court for one year. The Court also referred the matter to the OCDC and to the District Court, for any additional disciplinary action that those authorities might determine proper. (The OCDC is now waiting until Robinson and Walton exhaust their appellate rights before determining how to proceed on the referrals. The District Court opened disciplinary proceedings against Robinson and Walton (USDC Case Nos. 14-MC-0352 and 14-MC-0353). Those District Court proceedings are abated, pending the determination of the referrals to the OCDC.)

On June 12, 2014, Walton, Robinson and Critique Services L.L.C. filed a notice of appeal from the *Steward* Suspension Order. They sought, but failed to obtain, an order staying of the effectiveness of the *Steward* Suspension Order pending appeal.

Meanwhile, Robinson and Walton kept right on committing contempt. In the first two weeks of their suspensions, they repeatedly violated the terms of their suspensions, which the Court was then required to address in orders.[80]

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[79] Attachment 79.

[80] Attachment 80.

Walton and Robinson also sought "relief" from the effects of the *Steward* Suspension Order from another Judge of the Court. In the unrelated case of *In re Jatuane Mobley* (Case No. 14-44207), Walton and Robinson filed assorted papers, asking the *In re Mobley* judge—Judge Schermer—not to enforce the *Steward* Suspension Order. [81] Judge Schermer denied their request.

R. The 2014 Order Directing Briggs to Correct False and Misleading Statements and to File Certain Affidavits

Shortly after the suspension of Robinson, Briggs took over the representation of many of Robinson's clients. Briggs's original attempts to enter his appearance and file documents on behalf of Robinson's clients were nothing more than an attempt to help Robinson end-run the effect of his suspension. In his Notices of Appearance and Rule 2016 Statements, Briggs stated that he would serve in joint representation and as co-counsel with Robinson and that he would fee-share with Robinson.[82] However, an attorney in good standing cannot serve as co-counsel with an attorney who is suspended, and there can be no "joint representation" with a suspended attorney. And, Briggs could not fee-share in Robinson's fees. Robinson was incapable of earning the fees due to his suspension, and Briggs cannot earn Robinson's fees for him, by proxy.

Taking a page from the Walton/Robinson playbook of asking another judge of the Court to "overrule" the undersigned Judge, Briggs tried to obtain "cover" for his scheme from another judge. On June 16, 2014, in *In re Dorothy Galbreath* (Case No. 14-44814), Briggs filed a motion for protective order.[83] He asked the *In re Galbreath* judge—Chief Judge Surratt-States—to allow him to serve as co-counsel with Robinson. Chief Judge Surratt-States rejected the request and ordered Briggs to file amended documents removing any "joint

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[81] Attachment 81.

[82] Attachment 82.

[83] Attachment 83.

representation" references and to represent the debtor without charge.[84]

On June 25, 2014, the Court put a stop to Briggs's scheme to help Robinson keep his fees and avoid the effects of the suspension. In eighteen cases in which Briggs had taken over representation of the debtors following Robinson's suspension (*In re Tamika Ecole Henry, et al.* (Lead Case No. 14-44922), the Court entered an order (the "*Henry* Order"),[85] directing that Briggs's Rule 2016 Statements and Notices of Appearance be stricken, Briggs be made sole counsel of record, Briggs donate his services, and Briggs file corrected Rule 2016 statements. The Court also made clear that Robinson could not keep any unearned fees:

> The most sense the Court can make from these representations [in Briggs's Notices of Appearance and Rule 2016 statements] is that Mr. Briggs has a fee-sharing agreement with Mr. Robinson pursuant to which Mr. Robinson would share with Mr. Briggs the fees already paid to him by the Debtor. However, any portion of the fees paid to Mr. Robinson which were not earned *by Mr. Robinson* must be returned. Mr. Robinson's unearned fees are not subject to being retained by Mr. Robinson, then shared with Mr. Briggs, just because Mr. Briggs picked up the slack after Mr. Robinson's suspension. Fee-sharing may not be used so that Mr. Robinson can retain (and share) fees that he did not earn.

And, to ensure that any unearned fees were returned, the Court directed that:

> Mr. Briggs file an affidavit attesting to the amount of fees returned by Mr. Robinson to each Debtor. Such affidavit shall be accompanied by a receipt of returned fees, signed by the receiving Debtor and reflecting the date upon which the fees were received by the Debtor. Nothing herein shall limit or prevent the Court from ordering Mr. Robinson to show cause as to why any portion of the fees that were paid to him by any Debtor were not returned to such

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[84] Attachment 84.

[85] Attachment 85. Since the entry of the *Henry* Order, Briggs has tried, in various pleadings, to paint himself as being some selfless provider of pro bono services in the face of an "emergency." This is a gross mischaracterization of his involvement. First, there was no "emergency" created by the Court. By the time Robinson was suspended, Robinson had been warned for months that he was facing the possibility of suspension. Second, Briggs is not a noble hero. He is providing services pro bono because he was ordered to do so—after he first tried to help Robinson avoid the effects of his suspension.

Debtor if unearned.

As such, as of June 25, 2014: (i) Robinson was on notice that the Court expected him to return unearned fees; and (ii) Briggs was on notice that he was expected to advocate for his clients related to any unearned fees that Robinson held.

The *Henry* Order was not appealed. It also was not obeyed. Even months after the issue of the *Henry* Order, there was no representation on the record regarding what happened to Robinson's fees following his suspension.

S. The 2014 Motions Filed by the UST13 Seeking Disgorgement of Fees and the Issuance of Show Cause Orders Against Diltz, Robinson, and Critique Services L.L.C.

On November 19, 2014, in In *In re Terry L. and Averil May Williams, et al.* (Lead Case No. 14-44204), the UST13 filed motions against Diltz, Robinson and Critique Services L.L.C., seeking fee disgorgement and the issuance of show cause orders.[86] The motions were based on yet-more allegations of improper business and unlawful practices and violations of a previous injunction. On December 19, 2014, the Court (Chief Judge Surratt-States presiding) entered Orders to Appear and Show Cause against Robinson, Diltz, and Critique Services L.L.C. The litigation of *In re Williams, et al.* is ongoing.

T. The Affirmance of the *Steward* Suspension Order

On March 31, 2015, the District Court entered a Memorandum affirming the *Steward* Suspension Order.[87] In it, the District Court observed:

> It is clear from the record that Robinson, Critique and Walton's obstinate behavior before the bankruptcy court was based, at least in part, on their effort to shield any discovery of how Critique Services L.L.C. is organized and how it does business. Critique, if it is a separate entity from Robinson, may impermissibly be practicing law and/or impermissibly sharing attorney fees with Robinson and other attorneys. It also appears, based on Steward's experience, that Robinson and Critique are violating legal ethical rules in their representation of clients in bankruptcy matters.

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[86] Attachment 86.

[87] Attachment 87.

On April 14, 2015, Critique Services L.L.C. filed a notice of appeal to the Eighth Circuit. The Eighth Circuit heard oral arguments on January 12, 2016. The appeal is now under consideration.

U. The 2015 Pay, Post, or Show Cause Order

After the District Court affirmance, the Court was concerned that, without the posting of a supersedeas bond securing performance, Robinson, Walton and Critique Services L.L.C. might fail to pay the judgment, should they fail to succeed on further appeal. Accordingly, on April 15, 2015, the Court issued an Order Directing James Robinson, Critique Services, L.L.C., and Elbert Walton to: (I) Pay the Sanctions; (II) Post the Supersedeas Bond; or (III) Show Cause as to Why They Are Not Obligated to Pay or Post, or Why Further Sanctions Should not be Ordered ("Pay, Post or Show Cause Order").[88] The Court gave Robinson, Walton and Critique Services until April 22, 2015, to comply.

V. Critique Services L.L.C.'s Efforts to Resolve the Sanctions Ordered in the Steward Suspension Order

The next day, on April 16, 2015, Trustee Case telephoned Chambers and spoke with the law clerk. She advised that Mass had asked if she would be willing to act as a conduit between his client and the Court in negotiations of alternate terms for satisfaction of the monetary sanctions imposed upon Critique Services L.L.C. in the *Steward* Suspension Order. Trustee Case stated that she advised Mass that she could not act in that capacity at that point in the case. However, Trustee Case acted as generously as she could, contacting Chambers to advise that Mass was interested in communicating with Chambers.

In response to Trustee Case's communication with Chambers, the Judge, in his official capacity, sent to Trustee Case a letter, dated April 20, 2015,[89] a copy of which was docketed in *In re Steward*. In the letter, the Judge memorialized Chambers' communications with Trustee Case. He also declined to communicate informally with Critique Services L.L.C. He pointed out that

[88] Attachment 88.

[89] Attachment 89.

Critique Services L.L.C. and its previous counsel, Walton, has acted in bad faith before the Court, on the very issue of sanctions. The Judge further advised that "negotiation" was not an available option, explaining that:

> Negotiation and mediation are resolution methods utilized by parties to a dispute seeking to avoid the risks attendant with litigation. The Court, however, is not a party to the sanctions and is not in an arm's length relationship with the Respondents. Moreover, there is no dispute to be resolved between the Court and the Respondents. And, unlike a party, the Court has no interest in avoiding appeal. If the appellate court were to determine that this Court did not err in the Judgment, then justice has been served. If the appellate court were to determine that the Court erred in the Judgment, then the error would be corrected and justice would be served. Either way, the only interest of the Court—that justice be served—would be realized. For these reasons, negotiation and mediation are not available to any of the Respondents.

The Judge also observed that the Court had lost jurisdiction over the *Steward* Suspension Order, so the Court could not in any way amend or modify its terms.

However, the Judge did offer an optional, alternate method by which Critique Services L.L.C. could satisfy the sanctions. He advised that, if Robinson, Walton and Critique Services L.L.C. performed pursuant to certain terms set forth in the letter, the Court would enter an order pursuant to Rule 60(b)(5), directing that they be relieved from the judgment based on that satisfaction. (As the Judge explained, under Rule 60(b)(5), the *Steward* Suspension Order would stand, but Robinson, Walton and Critique Services L.L.C. would be relieved of any further obligation under it.) The Judge set forth the terms for performance, which included payment of the attorney's fees as charged in the *Steward* Suspension Order, Robinson's and Walton's resignation from the admission to practice before the Court, and agreement by Critique Services L.L.C. and Diltz to be permanently prohibited from engaging in any activities that would touch upon any bankruptcy case in the District. In the letter, the Judge recognized that "[i]t is possible that this alternate method of satisfaction will not be any more palatable . . . than the terms set forth in the Judgment," but observed that:

> if the Respondents wish to avoid further appeal, or wish to avoid being found in further contempt, or wish to avoid posting the bond,

> then they need to recognize that such avoidance will not come at a discounted price. The Court will not accept any form of sanctions satisfaction that holds the Respondents less accountable than would the sanctions terms imposed in the Judgment. The Respondents' conduct in this matter has been contemptuous, abusive, dishonest, deceitful, and disgraceful. The Respondents cannot be trusted to lawfully provide services to debtors in cases filed in this District or to participate in good faith in matters before this Court. To this day, Mr. Robinson and Critique Services L.L.C. have yet to make the court-ordered discovery about their business (a business that affects thousands of bankruptcy cases filed in this District). The Respondents are not in a position to hope that they can satisfy the sanctions with less accountability.

No party performed pursuant to the alternate terms for sanctions satisfaction.

W. The Body Attachment Order and Bench Warrant

On April 22, 2015, Critique Services L.L.C., through Mass, responded to the Pay, Post, or Show Cause Order by filing a request for additional time to post the bond. The Court granted the request, giving Critique Services L.L.C. until May 4, 2015, to post bond.

Neither Robinson nor Walton responded to the Pay, Post, or Show Cause Order. Accordingly, on April 29, 2015, the Court entered a Body Attachment Order and Bench Warrant,[90] directing that the U.S. Marshals arrest Walton and Robinson and hold them in custody for the lesser of (i) thirty (30) days, or (ii) until (a) the $52,206.00 bond is posted, or (b) other cause is shown making his release from incarceration proper. However, the Court directed that the arrest directive be stayed until May 4, 2015. On May 1, 2015, Diltz, in her personal capacity, posted bond for all three appellants.[91]

X. The 2015 Order Continuing Robinson's and Walton's Suspensions

After one year passed, neither Robinson nor Walton motioned for reinstatement from his suspension. Neither made any attempt to comply with the terms for reinstatement. Accordingly, on June 15, 2015, the Court entered an

[90] Attachment 90.

[91] Attachment 91.

order continuing the suspensions of Robinson and Walton.[92] In that order, the Court directed that "unless and until either (i) Robinson and Walton comply with the conditions required for reinstatement as set forth in the Judgment and Memorandum, or (ii) the Judgment and Memorandum is reversed as to the suspensions, the suspensions of Robinson and Walton remain **IN EFFECT**, on the terms set forth in the Judgment and Memorandum."

Y. The 2015 Order Regarding Robinson's Violation of his Suspension

On August 21, 2015, a well-regarded bankruptcy attorney in the District, Pamela Leonard, filed an affidavit in *In re Steward*.[93] Ms. Leonard attested that, during a state court proceeding, she was advised by the opposing party—a Mr. Michael Askew—that he had hired Robinson to file a bankruptcy case for him. Ms. Leonard, being familiar with the *Steward* Suspension Order, advised Mr. Askew that it was her understanding that Robinson was suspended. She attested that Mr. Askew responded, "Mr. Robinson is only helping out with the paperwork." Following the filing of the affidavit, the Court gave Robinson an opportunity to respond. Robinson filed only a cursory response that grossly mischaracterized the attestations in the affidavit. The Court had cause to believe that Robinson may have agreed to practice law on behalf of a third party in violation of his suspension terms. On August 26, 2015, the Court entered an order forwarding the affidavit to other proper authorities including to the OCDC, the UST13 and the District Court.[94]

Z. The 2015 Order Suspending Meriwether's CM-ECF Privileges and the First Referral of Meriwether to the OCDC

In the face of Robinson's suspension, Diltz needed to find herself a new attorney to facilitate her business of the unauthorized practice of law. She found one: the inexperienced and incompetent Meriwether.

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[92] Attachment 92.

[93] Attachment 93.

[94] Attachment 94.

The scope of Meriwether's problems as a bankruptcy practitioner became nakedly apparent in *In re Arlester Hopson* (Case No. 15-43871). On July 22, 2015, the debtor appeared pro se at a scheduled court hearing, without his attorney of record, Meriwether.[95] At that hearing, the debtor identified his attorney as "Critique Services." (Despite all low-brow jokes to the contrary, an attorney is an *actual human being*. Businesses do not have bar cards.) It quickly became clear at the hearing that the debtor had no clue who his actual, human being attorney was. He could not identify the *gender* of his attorney, much less his attorney's name. After the courtroom deputy advised the Court that the debtor's attorney was Meriwether, the debtor stated that he had never met Meriwether. The debtor appeared to have never even heard of Meriwether. The debtor stated that he had met with Bey in connection with filing his petition. He also stated that he had been advised by the Critique Services Business to represent himself at the July 22, 2015 hearing, and that steps had been taken to convert his case to chapter 13 (in fact, no motion to convert had been filed).

On August 6, 2015, the Court issued a show cause order,[96] directing Meriwether to show cause as to why his fees should not be ordered disgorged or sanctions imposed. It appeared that Meriwether had: violated the prohibition in Local Bankruptcy Rule 2093(c)(3) against "unbundling" fees; accepted fees from the debtor without having met with his prospective "client"; failed to consult with the debtor before the petition papers were filed; failed to render legal services; abandoned the client during a contested matter; allowed non-attorney staff persons to tell the debtor to represent himself at a contested hearing; allowed the unauthorized practice of law by non-attorneys; and failed to amend his Rule 2016 statement when additional monies were paid by the debtor.

Meriwether responded, but failed to show cause why disgorgement was not warranted and that he should not be sanctioned. Moreover, it appeared that Meriwether may have committed witness-tampering. On the day that Meriwether

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[95] Attachment 95.

[96] Attachment 96.

filed his response to the show cause order, Meriwether also suddenly returned his fees to the debtor. Contemporaneously, an affidavit—which clearly had been prepared by the Critique Services Business—was filed, in which the debtor claimed that he lied to the Court at the hearing. This claim of "lying" was bizarre. The debtor had been very clear at the hearing and did not strike the Court as malingering in any way. It appeared to the Court that Meriwether had paid off his unhappy client in exchange for his client's "admission" to perjury.

On August 27, 2015, the Court entered an order, [97] directing Meriwether to disgorge the debtor's fees and suspending Meriwether from using his CM-ECF passcode for a year. (At that point, Meriwether remained free to practice before the Court, but he had to file documents at the computer banks in the Clerk's Office). The Court observed:

> In response to [the Court's observation in the August 6 show cause order that Meriwether "fail[ed] to meet with his client before filing the Case"], Meriwether filed an affidavit signed by the Debtor, in which the Debtor attests that he lied to the Court at the July 22 proceeding about never having met Meriwether. Doing a complete one-eighty from his representations made at the July 22 hearing, in the affidavit, 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 documentary or testimonial evidence, and are directly contrary to the credible representations made at the hearing. At the hearing, the Debtor was not "confused" about the fact that he had never met Meriwether; to the contrary, he was quite clear about it. The Debtor's ignorance as to Meriwether's identity was genuine; it was not hesitating or contrived. And nothing in the Debtor's manner, presentation or countenance at the hearing suggested that he was fearful of anything. It appears to the Court that the affidavit is likely 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, lo and behold, on that same day, the Debtor contemporaneously executed the affidavit, in which he reversed his clear statements at the hearing.

[97] Attachment 97.

Meriwether appealed to the District Court from the August 27 Order suspending his CM-ECF privileges. Meriwether inexplicably listed the Judge as an appellee. Because the Judge was listed as a party, the USA entered an appearance for the Judge in the appeal. On March 10, 2016, the USA filed a motion to dismiss. The motion to dismiss is pending.

AA. The First 2015 Order for Monetary Sanctions Against Meriwether and the Second Referral of Meriwether to the OCDC

Almost unbelievably, Meriwether then made things worse for himself.

In the August 27, 2015 order, the Court directed 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 directed 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)."

On September 4, 2015, Meriwether filed a Certificate of Compliance.[98] However—as the Court later wrote—Meriwether's one-sentence Certificate of Compliance "was screwed-up in almost every conceivable way." It was not properly signed, the service date was obviously incorrect, and the list of case names and numbers (the whole point of the certificate) was not attached.

On September 8, 2015—the next business day after the September 4 deadline—the Court entered an order in *In re Hopson*, imposing sanctions on Meriwether.[99] In that order, the Court determined that Meriwether had failed to comply with the August 27, 2015 order and fined Meriwether $100.00 per day for each day of continued noncompliance, and directed that Meriwether file an

[98] Attachment 98.

[99] Attachment 99.

amended Certificate of Compliance. In addition, the Court openly begged Meriwether to practice competently:

> 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.

Most attorneys would have been so mortified by this admonition that they would have immediately taken whatever measures were required to right the ship. Meriwether, however, proved to be not so inspired. He paid the sanctions, then made no effort to learn from his mistakes.

BB. The 2015 Directive to Dellamano to Cease Improperly Appearing at § 341 Meetings

As alluded to earlier, Dellamano appears to have been engaging in the systematic practice of law in Missouri without holding a Missouri law license while affiliated with the Critique Services Business. From at least July 2015 through March 2016, his office was located in Missouri; the non-attorney staff persons that he used were located in Missouri; his fees were collected in Missouri; the Court in which he files his cases was located in Missouri; his clients were located in Missouri; his business advertised to the citizens of Missouri; and his clients' cases were filed in Missouri. His unlicensed practice of law in this state affected cases before the Court. By his own admissions to the State Circuit Court on March 23, 2016, Dellamano met with clients at the Critique Services Business Office, reviewed their documents, and discussed their cases with them.

He also represented Meriwether clients at § 341 meetings—clients who were not his. Dellamano's appearances at § 341 meetings came to the Court's attention late in the summer of 2015, when some of the chapter 7 trustees began

raising their concerns about Dellamano's participation at their § 341 meetings. Dellamano was not the attorney of record and was not even licensed to be practicing law in the state, yet he was expecting the trustees to permit him to represent Meriwether's clients at their § 341 meetings. However, a § 341 meeting is not an administrative "technicality" where legal representation may not really be needed. At a § 341 meeting, a debtor is subjected, under oath, to questioning by the trustee, the UST, and creditors. He is bound by his representations and can do himself great harm if he makes false or confusing representations. A debtor is entitled to be represented by counsel who knows his case, is admitted to practice law, and who has made the required disclosures to the Court regarding the terms of his representation. Moreover, every time Dellamano showed up at a § 341 meeting to "represent" one of Meriwether's clients, he risked the meeting being shut down by the trustee. A trustee certainly can refuse to conduct a § 341 meeting if he suspects that the debtor's attorney is attempting to unlawfully practice law at the meeting. A trustee is not obligated to be complicit in suspected unlawful behavior.

Accordingly, the Court attempted to impress upon Dellamano the importance of not improperly appearing at § 341 meetings on behalf of Meriwether's clients. On September 18, 2015, the Court issued a notice to Dellamano,[100] advising that, without being admitted to practice here, he could not represent any debtor at a § 341 meeting.

CC. The Second 2015 Order for Monetary Sanctions Against Meriwether and the Third Referral of Meriwether to the OCDC

Meanwhile, Meriwether's incompetency and neglect soon became an issue again—this time *In re Shadonaca Susquitta Davis* (Case No. 15-48102). When Meriwether failed to file a Rule 2016 statement, the Court entered its standard form notice, warning that unless the statement was filed, the case would be dismissed. Meriwether ignored the notice, and the case thereafter was (predictably) dismissed.

[100] Attachment 100.

Meriwether then filed a motion to vacate the order of dismissal. He alleged no ground for such relief. He simply stated that his failure to file his Rule 2016 statement had been "inadvertent"—demonstrating that he is either dishonest, delusional, or ignorant of the definition of "inadvertent." On November 13, 2015, the Court issued an order denying the motion to vacate.[101] The Court observed that "[p]oor lawyering has consequences. The Court will not vacate a non-erroneous order simply to save an attorney from the consequences of his poor lawyering." In addition, "in light of the fact that Meriwether had so grossly mismanaged the [d]ebtor's [c]ase," the Court directed:

> ***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.
>
> Further, 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)."

Meriwether then chose not to timely comply with *that* directive. Accordingly, on November 24, 2015, the Court entered an order sanctioning Meriwether $600.00.[102] In that order, the Court noted: "[t]he Court has no more patience with Meriwether's repeated refusal to comply timely and completely with Court directives," and directed that the matter be forwarded to the OCDC.

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[101] Attachment 101.

[102] Attachment 102.

DD. The 2015 Order Suspending Meriwether from the Privilege to Practice Before the Court and a Fourth Referral of Meriwether to the OCDC

Also on November 24, 2015, in *In re Young*, the debtor filed pro se a motion to reopen his case[103] and a motion to disgorge attorney's fees.[104] On November 25, 2015, the Court entered an order reopening the case.[105] The Court observed "[i]n the Motion to Disgorge and the accompanying Motion to Reopen . . . the Debtor made numerous allegations against Meriwether, including attorney incompetence, gross case mismanagement, and client abandonment." 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 did not respond to the motion to disgorge.

On December 7, 2015, the Court entered an order (the "Meriwether Suspension Order"),[106] determining that Meriwether had failed to do even the bare minimum required for the debtor to obtain his discharge, had inexcusably failed to file a critical document for the debtor, and had never been honest with the debtor about the situation. The Court also found that Meriwether had abandoned the debtor, had failed to return telephone calls, had refused to respond to inquiries, and had ignored the debtor's pleas for attention to his case. The Court granted the motion to disgorge, determining:

> 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

[103] Attachment 103.

[104] Attachment 104.

[105] Attachment 105

[106] Attachment 106.

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

The Court followed with an admonition (bold and italics in original):

> ***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.***

The Court then suspended Meriwether from the privilege of practicing before the Court on behalf of any other person until March 7, 2016. The Court also prohibited any other attorney from using Meriwether's address and telephone number as his own in Court records during the term of Meriwether's suspension. As the Court explained:

> 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 persons 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.

The Court also directed that: Meriwether return to his clients any fees that he would not be able to earn as a result of his suspension; post in his office a specific form of notice of suspension; provide to the Court certain information regarding his relationship with the Critique Services Business and how his debtor-clients' fees are handled; and complete twelve hours of continuing legal education in professional ethics.

Meriwether did not appeal.

EE. The 2015 Suspension of Dellamano's CM-ECF Passcode

Following Meriwether's suspension, Dellamano was left as the only attorney in the Critique Services Business Office who was not suspended. On December 10, 2015, Dellamano obtained a CM-ECF passcode. However, in doing so, he used Meriwether's business address (the Critique Services Business Office) as his address and Meriwether's office telephone number (the Critique Services Business Office telephone number) as his telephone number. As noted previously, the Court had ordered that Meriwether was not permitted to supervise or manage another attorney during his suspension, and that no other attorney could use his office contact information as that attorney's own for purposes of the Court's records, during Meriwether's suspension.

Accordingly, on December 11, 2015, the Court opened the miscellaneous case of *In re Robert Dellamano: Business of the Court* (Case No. 15-0402), and entered an order suspending Dellamano's CM-ECF passcode until such time as Dellamano made disclosures regarding the nature of his relationship with Meriwether and the Critique Services Business.[107] Until those disclosures were made and the Court was satisfied that Dellamano was not merely a stand-in for

[107] Attachment 107.

Meriwether, the Court would not allow Dellamano access to CM-ECF remotely. This was not a suspension from the practice of law. Dellamano was still permited to practice before the Court; however, he would have to file documents at the computer banks in the Clerk's Office.

FF. The 2015 Suspension of Dellamano's Privilege to Practice Before the Court

On December 16, 2015, Dellamano filed notices of appearance, using the Clerk's Office's computers, in various cases of Critique Services Business clients.[108] In those notices, Dellamano represented that his mailing address was 100 S. 4th St., Ste. 550, St. Louis, Missouri 63102 (the "Deloitte Building"). This was somewhat surprising, given that just days earlier, he had represented that his place of business was the Critique Services Office.

The next day, Chambers staff attempted to confirm the correctness of this new address, in order to mail case-related correspondence to Dellamano. The office manager of Suite 550 at the Deloitte Building advised that Dellamano had no mailing address at that location. Later on December 17, 2015, the Court entered an order in *In re Dellamano*, directing Dellamano to file a copy of a leasing agreement showing that, as of December 16, 2015 (the day that the notices of appearance were filed), Dellamano actually had a mailing address at the Deloitte Building.[109]

On December 18, 2015, Dellamano filed a copy of a leasing agreement for a rented mailbox located at Suite 550 in the Deloitte Building. However, the leasing agreement was executed that day—on December 18, 2015—and merely had a backdated "start date" of December 15, 2015. Backdating a start date, of course, does not re-write history. Dellamano failed to produce any evidence that he had a mailing address at the Deloitte Building at the time he made the representations in federal pleadings that he had such an address. Moreover, the reason for Dellamano's making of these false statements regarding his address

[108] Attachment 108.

[109] Attachment 109.

was readily apparent: Dellamano wanted to file his notices of appearance on December 16, 2015, but had no address to use, other than that of the Critique Services Business Office. So, he chose to lie. Perhaps he thought no one would check; perhaps he thought he could get away with it; perhaps he was planning to later enter into a lease at that address. Whatever he thought, it was a bad idea.

In addition to filing the back-dated leasing agreement, Dellamano also made the other two Pavlovian responses of anyone connected to the Critique Services Business: he filed a motion for judicial disqualification and demanded that the matter be "transferred" to the District Court. The requests were denied.

Dellamano also employed another common Critique Services Business strategy: smear others. In his response that accompanied his backdated leasing agreement, Dellamano made the remarkably unwise decision to attack the law clerk, insinuating that she had somehow acted improperly in seeking to confirm his mailing address. Dellamano accused the law clerk of having "investigated" his address without his "knowledge or consent"—implying that she had conducted some rogue, secret investigation. But, as it turns out, the law clerk does not need Dellamano's consent to do her job. The law clerk was ensuring that this new address—an address given by an attorney who had a history of playing games with the Court *about his address*—was legitimate for purposes of mailing Court correspondence. She was not a roving drone on a black-ops mission targeting Dellamano. She picked up the telephone and called the Deloitte Building—hardly a Zero Dark Thirty tactic. And, she was fully transparent when speaking with the Deloitte Building staff. She gave her full name, affiliation with the Court, and her telephone number, and advised that she was seeking to confirm a mailing address for the purpose of mailing court correspondence. Dellamano was not a victim of an improper investigation. He was a victim of his own arrogance.

Late in the day on December 18, 2015, the Court entered a Notice of Suspension, suspending Dellamano until March 7, 2016.[110] On December 21,

[110] Attachment 110.

2015—the next business day—the Court issued a detailed Final Order of Suspension.[111] However, the Court provided that Dellamano could be reinstated prior to March 7, 2016, if he provided to the Court certain disclosures about how he conducts business and handles his fees.

The Court also updated its address records to reflect that, *as of December 18, 2015*, Dellamano had a mailing address at the Deloitte Building.

Dellamano appealed his suspension. As of the date of this Memorandum Opinion, Dellamano has made no effort to be reinstated. The District Court has not issued a disposition on Dellamano's appeal of his suspension.

A post-script to the false address saga: Less than a month after Dellamano entered into the December 18, 2015 lease for the mailbox at the Deloitte Building, correspondence mailed by the Court to Dellamano at the Deloitte Building began to be returned, marked "return to sender." The Clerk's Office received one such returned envelope on January 15, 2016, and another on January 27, 2016. On January 28, 2016, the Court entered an order,[112] directing that the Deloitte Building address be removed as Dellamano's mailing address and that the address of the Critique Services Business Office be listed in its records as Dellamano's mailing address (Dellamano still had the Critique Services Business Office as his mailing address with the District Court). On February 2, 2016, the Court received a third returned document. Finally, on March 15, 2016, Dellamano filed a hand-scrawled letter, giving the Court notice of his new address (in Freeburg, Illinois). However, in typical Dellamano-style, he could not do even this administrative task straightforwardly. He represented that his new address was "effective as of December 18, 2015"—three months earlier. Of course, the Court does not retroactively modify its address records. On March 17, 2016, the Court entered an order disregarding the "effective as"

[111] Attachment 111.

[112] Attachment 112.

language of Dellamano's notice and specifying that the address change was effective as of the filing of the notice of address change.[113]

GG. The 2015 Order Directing Meriwether and Dellamano to Disgorge Fees

On December 3, 2015, Meriwether filed a bankruptcy petition on behalf of the debtor in *In re Toni Davenport* (Case No. 15-49067). In doing so, he used the "old" official bankruptcy forms, despite the Clerk's Office having had provided considerable public notice regarding the requirement that all filers use the "new" official bankruptcy forms as of December 1, 2015. Moreover, the staff of the Clerk's Office advised Meriwether—in person, as he was standing in the Clerk's Office on December 3, 2015, filing the documents on the wrong forms—that he was using the wrong forms. Meriwether ignored the Clerk's Office warning and continued right on filing documents, including the Debtor Davenport's petition, on the wrong forms. The Court then issued its form order warning that the cases, including *In re Davenport*, would be dismissed if the documents were not filed on the correct forms by December 17, 2015. On December 7, 2015, Meriwether was suspended, without having fixed the error.

On December 17, 2015, Dellamano filed a notice of appearance in *In re Davenport*. He failed to file the debtor's missing petition papers on the appropriate form. Instead, he filed a motion to extend time to file the debtor's schedules (despite the fact that the debtor was missing more than simply her schedules). However, the next day, Dellamano was suspended from practicing before the Court, so he proved to be totally useless to the debtor, anyway.

On December 30, 2015, the Court entered an order, allowing the debtor until January 15, 2016 to file her bankruptcy papers on the correct forms.[114] It also determined that Meriwether and Dellamano had provided to the debtor no services of any value, and directed that all the attorney's fees paid by the debtor be disgorged. The Court directed Meriwether and Dellamano to file a notice of compliance upon the return of the fees.

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[113] Attachment 113.

[114] Attachment 114.

The order for disgorgement was not appealed. No notice of compliance was filed. The Court has no representation that the fees were ever returned.

HH. The Additional 2015 Orders Directing Meriwether to Disgorge Fees

Following his suspension on December 7, 2015, Meriwether had numerous other fee disgorgement orders entered against him. In addition to being directed to disgorge his fees in *In re Young* and *In re Davenport*, Meriwether was ordered to disgorge his fees in *In re Jernisha A. Hayes* (Case No. 15-47014),[115] *In re Chiquita D. Snider* (Case No. 15-47344),[116] *In re Lois Ann Adams* (Case No. 15-47076),[117] *In re Diana Marie Reardon* (Case No. 15-46634),[118] and *In re Nettie Bell Rhodes* (Case No. 15-49062).[119]

The orders for disgorgement were not appealed. No notice of compliance was filed. The Court has no representation that the fees were returned.

II. The 2016 Contempt Finding Against Critique Services Attorneys Robinson, Meriwether and Dellamano

On December 29, 2015, in *In re Lawanda Watson* (Case No. 11-42230), the Court found Robinson, Meriwether and Dellamano to be in contempt of court for refusing to obey an order for disclosures regarding the creation and use of a falsified court document.

Several years earlier, on March 12, 2011, Robinson filed a chapter 7 petition for the debtor. Contemporaneously, he filed the debtor's schedules. The schedules did not list an "Arrow Finance" as a creditor. On May 5, 2011, Robinson filed amendments to the schedules. Those amendments did not list an "Arrow Finance" as a creditor.

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[115] Attachment 115.

[116] Attachment 116.

[117] Attachment 117.

[118] Attachment 118.

[119] Attachment 119.

Four years later, on December 10, 2015, the trustee in *In re Watson* filed a motion for clarification, requesting a determination from the Court as to whether a particular document was part of the Court's records. The request for clarification arose from the following facts.

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." The letterhead gave the address and telephone contact information for 3919 Washington Blvd., St. Louis, Missouri. Below the letterhead was a stop-garnishment demand. The stop-garnishment demand included numerous false statements:

- It falsely stated that the case was filed on December 31, 2014 (the case was filed on March 12, 2011, well-before Arrow Finance's judgment date).
- 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).
- 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" (this is not a telephone number of the Court).

In addition, the third page of the fax purported to be an amended schedule F filed in *In re Watson*, on which Arrow Finance was listed as a creditor.

Upon receiving this stop-garnishment demand, the debtor's employer contacted the trustee, to inquire as to whether demand was valid. When the trustee reviewed the docket, it appeared to her that the document purporting to be an amended schedule F had not actually been filed in the case. Accordingly, the trustee filed her motion for clarification. The trustee sought guidance from the Court as to how to handle this amended schedule F and the employer's request. No response to the motion to clarify was filed.

On December 17, 2015, the Court entered an order granting the motion to clarify and confirming that the purported amended schedule F was never filed in

this Case.[120] But, of course, this was not the end of the matter. The purported amended schedule F appeared to have been dummied up and passed off as a document that was actually filed in the case, to support the stop-garnishment demand—a serious act of malfeasance. Therefore, the Court endeavored to determine who sent the fax. The fax cover sheet contained no information indicating the specific persons at the Critique Services Business who prepared and sent the fax. It only generically claimed to be from multiple, unnamed "Attorneys at Law" who are located at "3919 Washington Blvd.," and generically represented that "[o]ur office represents [the Debtor]," but failed to identify who constituted the "our" exactly.

The Court directed that Robinson, Meriwether, and Dellamano each file a disclosure (a) identifying, by full name, the person who prepared and sent the fax; (b) identifying the attorney who was responsible for managing the activities of the person who sent the fax, if that person was not himself an attorney; (c) identifying who employed or independently contracted with the person who sent the fax, if that person was not himself an attorney; and (d) identifying which attorney, specifically, was purported in the fax to be representing the Debtor in making this stop-garnishment demand. The Court ordered that the disclosures be made by December 23, 2015, and gave notice that the failure to make these disclosures might result in the imposition of sanctions against any non-compliant attorney.

None of the attorneys made the disclosures or timely filed a response.

On December 29, 2015—almost a week after the deadline for responding—the Court entered an order,[121] in which it found Robinson, Meriwether, and Dellamano each to be in contempt of court for failing to respond. In addition, the Court determined that Robinson, the attorney of record, used or allowed to be used the falsified amended schedule F and violated the terms of his suspension by practicing law on behalf of the debtor in connection with this

[120] Attachment 120.

[121] Attachment 121.

Case. The Court noted that nothing in the order constituted a finding that Meriwether and Dellamano were not involved, either directly or indirectly, with the creation or use of the falsified document. The record simply did not permit a finding, at that point in time, regarding any involvement of Meriwether or Dellamano with the creation and use of the falsified document.

JJ. The 2016 Order Imposing Additional Suspension Terms Upon Dellamano for His Making of Additional False Statements

On November 12, 2015, Meriwether filed the petition papers for the debtor in *In re Jessica White* (Case No. 15-48556). On December 7, 2015, Meriwether was suspended. On December 17, 2015—the day before the scheduled date for the debtor's § 341 meeting—the debtor contacted the trustee and stated that she had been contacted by someone at the Critique Services Business who advised that her that her § 341 meeting had been canceled. However, the § 341 meeting had not been canceled, and the trustee advised the debtor of this fact.

In the morning of December 18, 2015, shortly before the § 341 meeting was scheduled to commence, Dellamano was witnessed by Trustee Case, standing in the rotunda of the courthouse, appearing to be sending clients home. Dellamano then came to the § 341 meeting room and "reported" to Trustee Case that none of Meriwether's clients whose meetings were scheduled for that day would appear, and requested that their meetings be continued. At the time that Dellamano made this "report" and request, he was not the debtor's attorney of record in any of the cases.

Moreover, it appeared that Dellamano had not bothered to determine whether the Debtor White was present, or whether she actually wanted the continuance he requested, without any authority, on her behalf. As it turned out, the Debtor White was present and did not want a continuance. Trustee Case requested that Dellamano and the debtor determine how they wanted to proceed, and the two excused themselves. When they returned, they stated that they would go forward with the meeting. Dellamano advised that he would return after "filing some documents."

Dellamano then went to the Clerk's Office to file his notice of appearance[122] and Rule 2016 statement[123] in *In re White*. Dellamano attached to his notice of appearance a copy of his attorney retainer agreement. The retainer agreement provided that, "Attorney Meriwether has issued to me a partial refund and I have retained the services of Attorney Dellamano." In addition, in his Rule 2016 statement, Dellamano stated that he had been paid $100.00 in compensation, and that the source of that compensation was the debtor.

Sometime after 10:00 A.M., Dellamano returned to the § 341 meeting room. Dellamano provided to the trustee a copy of the notice of appearance and Rule 2016 statement that he had just filed.

During the § 341 meeting, the trustee advised the debtor that the retainer agreement provided that Meriwether had issued to her a partial refund of her fees. In response, the debtor stated: "I didn't get any refund. I requested for a refund back."

Incredibly, in response to this statement by his client, Dellamano then proceeded to throw his own client under the bus. The portion of the transcript involving Dellamano's response to his client's claim that she did not receive a refund was an exercise in client abuse and abandonment, conducted by Dellamano for the sole purpose of trying to save himself.

Instead of making any effort to protect or counsel his client, Dellamano attacked her—on the record, in front of the trustee. He accused the debtor: "You signed that piece of paper." When the debtor—flustered by the situation, but clear in her contention—reiterated that she did not receive a refund, Dellamano (without any concern that further discussion on the record might not be in his client's best interests) persisted: "Did you read that document?" When the debtor then—once again—stood her ground and insisted, "No one gave me no

[122] Attachment 122.

[123] Attachment 123.

refund," Dellamano demanded (in what appears to have been a sneering response): "Did you read that document before you signed it? No?"

As the § 341 meeting wore on, the debtor's testimony revealed that Dellamano had failed to provide to his client any counsel regarding the retainer agreement and failed to review her documents with her. The debtor explained that Dellamano was not even present when she was given the retainer agreement to sign. She stated that "the lady in the front receptionist's office" explained it to her. The debtor stated that, when she signed the retainer agreement, she "thought [she] was just signing that he [Dellamano] was going to be my new attorney . . ." Dellamano then blamed his client for signing the document that he had prepared for her and had office staff instruct her to sign, proclaiming: "Her signature would indicate that she read and understood the document." That is, in an attempt to make himself look less culpable, Dellamano insisted that his client knowingly signed a false document that he had prepared and which he later filed with the Court in support of his appearance.

Moreover, the disrespectful demeanor with which Dellamano conducted himself toward his own client is revealed in the transcript. The situation became so bad that Trustee Case—an attorney known for her professional decorum and restraint, but who would not have allowed her § 341 meeting to become a forum for abuse of a debtor—felt compelled to step in, admonishing Dellamano: "Mr. Dellamano, let's not attack our client."

On December 21, 2015, Trustee Case filed in *In re White* a Notice of False and Misleading Representations at Docket Entry Nos. 9 & 10.[124] On December 23, 2015, the Court entered an order directing Trustee Case to file a copy of the transcript of the § 341 meeting in *In re White*, and directing Dellamano to show cause why he should not be sanctioned for the making of false and misleading statements.[125] On January 4, 2016, Trustee Case filed a

[124] Attachment 124.

[125] Attachment 125.

copy of the transcript of § 341 meeting.[126] Dellamano did not respond to the show cause directive.

On January 6, 2016, the Court entered an order in *In re Dellamano*, imposing additional suspension terms upon Dellamano for his making of false representations in the pleadings he filed in *In re White.*[127] The Court determined that the retainer agreement falsely represented that the debtor had received a refund of Meriwether's fees. Moreover, the Court affixed the blame for the making of this false statement entirely upon Dellamano, who had prepared the retainer Agreement and filed it:

> The making of the false representation in Dellamano's Notice of Appearance by way of the Retainer Agreement is *entirely the fault of Dellamano*. Dellamano had the agreement prepared. Dellamano had the agreement provided to the Debtor for her signature. Dellamano failed to counsel Debtor White before she executed the agreement. Dellamano failed to do any due diligence whatsoever regarding the facts asserted in the agreement. And, Dellamano blamed his own client for the results of his inexcusable lawyering. At every step, without exception, Dellamano did everything wrong—professionally and ethically—related to the Retainer Agreement, and even now, he accepts no responsibility for his actions. His complete disregard of his client's interests is professionally reprehensible and boundlessly narcissistic.

In addition, the Court determined that Dellamano made a false statement in his Rule 2016 statement:

> The Transcript also shows that Dellamano lied about whether and how he was paid—and he certainly can't blame his client for that false statement. In his Rule 2016 Statement that he prepared and signed, Dellamano stated that he received $100 in compensation from Debtor White. However, when the Trustee sought to confirm the source of the $100, Dellamano stated that the $100 "would have been" taken out of Debtor White's refund. However, Debtor White was not issued a refund—so, that statement couldn't have been true. Then, once he got inextricably ensnared in his own web of infidelity to the facts, Dellamano eventually admitted that, in fact, he had never received the $100 from Debtor White, or from anyone else. Dellamano's false statement on this point shows that, once

[126] Attachment 126.
[127] Attachment 127.

> again, Dellamano made no effort to ascertain the truthfulness of his assertions about something as important as his client fees.
>
> Moreover, Dellamano's testimony indicates that, since Meriwether's suspension, the persons at the Critique Services Business have simply been moving money amongst themselves. Meriwether is not returning unearned fees to his clients (despite the entry of numerous orders for disgorgement of unearned fees that have been entered in cases filed by Meriwether). Meanwhile, the Critique Services Business has its clients sign falsified Retainer Agreements stating that a partial refund had been made—then treats a portion of the fees collected by Meriwether as a fee paid to Dellamano. Who knows where all that cash is or who is holding it. It is clear, however, that the fees aren't being refunded to clients.

Dellamano did not appeal the order.

KK. The 2016 Referral of Dellamano to the OCDC, the Attorney Registration & Disciplinary Commission of the Illinois Supreme Court, and the District Court

On January 6, 2016, the Court entered an order in *In re Dellamano*, referring Dellamano's misconduct to the OCDC, the Attorney Registration & Disciplinary Commission of the Illinois Supreme Court, and the District Court. On January 8, 2016, the Court entered a second order for referrals in *In re Dellamano,* supplementing the January 6 referrals to those same authorities.[128]

LL. The February 16, 2016 Show Cause Order Against Mayweather

By February 2016, the Court cause to believe that Mayweather was operating in violation of the terms of the 2007 Injunction. Accordingly, on February 16, 2016, the Court opened the miscellaneous proceeding, *In re Mayweather*, and issued a show cause order.[129] In the show cause order, the Court listed the facts and circumstances that had come to its attention and directed Mayweather to file copies of certain "written contract[s] with an attorney or business organization whose primary business is the practice of law," to establish that she had not been operating in violation of the 2007 Injunction. In

[128] Attachment 128.

[129] Attachment 129.

addition, the Court directed that Mayweather file an affidavit listing attorneys or business organizations whose primary business is the practice of law, for whom she had worked since the entry of the 2007 Injunction.

On February 19, 2016, Mayweather filed a motion for judicial disqualification. Her motion appeared to be a version of countless, almost-identical motions that filed by other Critique Services Business-affiliated persons. The Court denied the motion to disqualify.

On February 29, 2016, Mayweather filed a response to the show cause order,[130] and attached copies of three contracts.[131] The contracts were between Critique Services L.L.C. and various Critique Services Attorneys; they were not contracts between Mayweather and anyone. As such, the contracts did not establish that Mayweather had a written employment contract with a lawyer or law business. Nevertheless, Mayweather misleadingly captioned the pleading to which the contracts were attached as: "Renee Mayweather's Response in Compliance with the Order of the Court of February 16, 2016," and stated in the body of that pleading, "Mayweather . . . files with the Court the contracts requested by the Court . . ."

On March 1, 2016, Mayweather filed a petition for writ of prohibition with the Eighth Circuit.[132] Her petition for writ of prohibition was denied without comment on March 2, 2016.[133]

On March 4, 2016, Mayweather filed two affidavits in *In re Mayweather.*[134,135] In the first affidavit, Mayweather attested that she has been

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[130] Attachment 130.

[131] Attachment 131.

[132] Attachment 132.

[133] Attachment 133.

[134] Attachment 134.

[135] Attachment 135.

employed "under an oral agreement" that was "pursuant to the contracts provided to the Courts [sic] on February 29, 2016." This made no sense. An oral contract is not "pursuant to" a written contract. Mayweather also attested that she was an "employee" of Robinson and Meriwether. However, without credible evidence (such as a tax document or a paystub) showing that Robinson and Meriwether were her employers, the Court has little reason to believe this claim, in light of other facts. In the second affidavit, Mayweather attested that she provided services to Meriwether and Coyle in connection with the "transfer" of cases to Coyle. She also attested that she does not have a contract with Coyle. In neither affidavit did Mayweather offer an explanation of her relationship to Dellamano, despite the fact that she obviously had some sort of professional relationship with him. She had shown up at the Clerk's Office with Dellamano, and asked to be permitted to do Dellamano's filing for him.

On March 7, 2016, the Court entered an order in *In re Mayweather*,[136] prohibiting Mayweather from providing any sort of services to any person or entity, if such services would touch upon or affect in any way, a case that is, or is anticipated to be, before the Court.

MM. The February 16, 2016 Show Cause Order Against Critique Services, L.L.C., Diltz, Mayweather, Robinson, Meriwether, and Dellamano

On February 16, 2016, the Court received a letter dated February 11, 2016, from a well-regarded bankruptcy practitioner, Timothy Mullin. The letter advised that a client of Dellamano had recently consulted Mr. Mullin about retaining his services. In connection with that consultation, Mr. Mullin was given documents that the client was given by the Critique Services Business. One of those documents was labeled "News Release" and designed to look like a legitimate news article, but which bore the false headline: "Judge Denies African Americans Access to St. Louis Bankruptcy Court" (the article then referred to the Judge and the Court). The headline was not presented as a statement of opinion or expression of personal belief; it was presented as a factual statement—a

[136] Attachment 136.

factual statement given the appearance of being from a legitimate news source. Moreover, it appeared that this "News Release" was distributed in connection with the solicitation of attorney's fees for services to be rendered in a case that was anticipated to be before the Court.

Accordingly, on February 16, 2016, the Court opened a miscellaneous proceeding, *In re Critique Services L.L.C., et al.: Business of the Court* (Case No. 16-0402), and entered a show cause order.[137] The Court attached to the show cause order a copy of Mr. Mullin's letter and the documents he provided. The Court directed Critique Services L.L.C., Diltz, Mayweather, Robinson, Meriwether, and Dellamano to show cause why the Court should not order that each be permanently barred from providing bankruptcy services in the District. The Court also directed that Mr. Mullin put his knowledge into an affidavit.

On February 18, 2016, Mr. Mullin filed his affidavit.[138]

On February 23, 2016, Critique Services L.L.C. and Diltz filed a motion for judicial disqualification, which was denied.

On February 25, 2015, Diltz, Mayweather, Meriwether, and Dellamano filed a petition for writ of prohibition with the Eighth Circuit.[139] On March 1, 2015, the petition for writ of prohibition was denied without comment.[140]

Also on February 25, 2016, responses to the show cause order were filed by Critique Services L.L.C. and Diltz (jointly),[141] Mayweather,[142] Meriwether,[143]

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[137] Attachment 137.

[138] Attachment 138.

[139] Attachment 139.

[140] Attachment 140.

[141] Attachment 141.

[142] Attachment 142.

[143] Attachment 143.

and Dellamano.[144] Each alleged due process violations and announced the intention to raise a slew of constitutional challenges and launch extensive "discovery." Each also demanded that the proceeding be transferred to another judge. In addition, Critique Services L.L.C. and Diltz admitted that Critique Services L.L.C. had created the News Release. They represented that they had distributed the News Release "to officials at the NAACP and other civil rights and media organizations and to some individuals." However, this *also* was a false statement. The News Release was not distributed merely to these persons and entities. Critique Services L.L.C. had posted the "News Release" on its Facebook page where it advertised the Critique Services Business and solicited business. On February 26, 2016, the Court entered an order taking judicial notice of the fact that Critique Services L.L.C. distributed the "News Release" as part of the Critique Services Business's advertising to the public on its Facebook page.[145] The Court attached screenshots of the Critique Services Business Facebook page, showing the use of the News Release. Within a few hours of the entry of the order taking judicial notice, the Facebook page disappeared.

As of the entry of this Memorandum Opinion, *In re Critique Services, et al.* remains open.

NN. The February 18, 2016 Orders Directing Meriwether and Critique Services L.L.C. to Disgorge Fees

On January 12, 2016, the Court held hearings on the motions to disgorge fees filed in *In re Keisha Renita White* (Case No. 15-45524),[146] *In re William Henry Martin, III, and Lanisha Desha Martin* (Case No. 15-47021),[147] *In re Lois Ann Adams* (Case No. 15-47076),[148] and *In re Juan Devon Miller* (Case No. 15-

[144] Attachment 144.

[145] Attachment 145.

[146] Attachment 146.

[147] Attachment 147.

[148] Attachment 148.

47865).[149] Meriwether was the attorney of record for the debtor in each of the cases. He was given notice of the hearing and an opportunity to respond. He did not respond or appear at the hearing. The debtors appeared and gave testimony; each was a credible witness. As reflected in the transcript of the hearing,[150] what happened to the debtors was appalling and the collateral damage was significant: lost jobs, garnishments, badly disrupted lives, humiliating experiences, and severely delayed bankruptcy relief.

In *In re White*, it was established that:

- Debtor White's case was not timely filed after she paid.
- Debtor White did not meet with Meriwether until after she had paid to retain his services. Meriwether did not review her matter or provide to her any legal counsel before he "became" her counsel.
- When Debtor White called to beg the Critique Services Business Office for her case to be filed, she was told that Mayweather was "in charge" of filing the cases, and that she would be coming into the office between two and three o'clock, although the office closed at four.
- Meriwether failed to provide required documentation to the trustee. As a result, Debtor White received multiple letters from the trustee. Debtor White then repeatedly contacted the Critique Services Business to ask that could be done. She was again told that Mayweather was "in charge"—but again, that Mayweather was not available.
- Meriwether failed to respond in any way to the trustee's letters seeking the necessary information for the administration of the Case.
- When the debtor's documentation was finally, at long last, submitted, it was prepared on the wrong forms.
- Debtor White went back to the Critique Services Business, yet again. At that point—after the Critique Services Business had failed to

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[149] Attachment 149.

[150] Attachment 150.

properly submit the documents—Debtor White was told that she had to submit the documents herself, because the business had already done it two times.

- Meriwether did not advise Debtor White that he had been suspended. The debtor found out about his suspension when a friend told her about a local news story about the Critique Services Business scam.
- Ultimately, Debtor White had no other option but to do her legal work herself. On December 22, 2015, she filed her amended schedules.

In *In re Adams,* it was established that:

- In November 2014, Debtor Adams met with a non-attorney staff person named “Charlotte” at the Critique Services Business Office, and gave her $400.00 for representation in her bankruptcy case. After her case was filed, she needed to make an amendment to her schedules. She repeatedly tried to contact the Critique Services Business regarding the amendments, but no one would to speak with her. In addition, she had received a letter from the trustee that advised that the trustee had not received required documents.
- Finally—desperate—the debtor resorted to going into the Critique Services Business Office in person, to speak with someone. She took her letter from the trustee with her.
- When she got to the Critique Services Business Office and tried to show the front office the trustee’s letter, the receptionist demanded that she sign a new attorney retainer agreement.
- The Debtor testified that, after all she had been through, “something within me just said ‘don’t sign it.’”
- The non-attorney staff person then became upset because Debtor Adams refused to sign the document and accused her: “Oh, you[‘ve] just been a problem since you[‘ve] been coming here”—a demeaning comment to which the Debtor responded, “I’m too old to be a problem.”
- Instead of signing a new attorney retainer agreement, Debtor Adams took the paper and returned to her car.

- Once in her car, she read the document. The document stated that the Debtor had received a full refund of Meriwether's fees and that she retained Dellamano.
- Debtor Adams unequivocally testified about that document: "None of that is true. . . . Totally false." She testified that persons at the Critique Services Business insisted that she sign this false document.
- Debtor Adams then had to do her legal work herself. She came into the Clerk's Office and filed, pro se, the amendment to her schedules.

In *In re Hudson*, it was established that:

- In November 2014, Debtor Hudson paid Charlotte Thomas at the Critique Services Business $299.00 for legal representation. She did not meet with Meriwether or any other lawyer.
- Two months later, in January 2015, she returned to the Critique Services Office and spoke with Meriwether. She described the meeting as "brief" and superficial.
- Another month came and went, and the Critique Services Business did not file her bankruptcy case.
- The debtor tried to contact the Critique Services Business by telephone, but the office did not answer the telephone.
- It was only when she went into the Critique Services Office in person that non-attorney staff person Mayweather finally filed her case.
- From there, case mismanagement became client abandonment. When Debtor Hudson appeared for her § 341 meeting in March 2015, she found herself among approximately twenty other Critique Services Business debtors—all of whom believed that they were represented by Meriwether. The meeting started at 1:00 PM, but Meriwether did not show up. Debtor Hudson and the other Critique Services Business clients waited. And waited. And waited. 1:30 PM . . . 2:00 PM . . . 2:30 PM . . . Finally, at 2:45 PM, a man from Critique Services Business came "running" into the § 341 meeting. The man was not Meriwether. It was another man who the debtor could not name. The man began

dispensing legal advice to the Critique Services Business clients. The trustee continued the § 341 meeting for a month.

- Then, at the continued § 341 meeting in April, Meriwether again did not show up. This time, Ross Briggs and the "short guy with a goatee" (presumably, Dellamano, who has a goatee) showed up to represent her. Briggs and the "short guy with a goatee" were so unprepared that the trustee had to instruct them to take Debtor Hudson outside the meeting and explain what they should be doing for her.
- In May 2015, the Debtor was required to meet with the trustee yet again. This time, Meriwether—who, until that point, had been MIA—finally showed up. But when the trustee asked Meriwether if he had finally prepared the correct paperwork, Meriwether (as Debtor Hudson bluntly described it) "stood there with this dumbfound look on his face like he had no clue." So, again, the matter was continued. Afterward, Meriwether assured her that she would not have to come to the courthouse again for the continued meeting.
- In June 2015, Debtor Hudson received another letter advising that she had failed to appear.
- This fiasco went on for months. Debtor Hudson had to come back for meetings in June, September and then November. Meriwether did not bother to show up in November. Every time Meriwether did show up, the trustee told him that he was not filling out the exemption paperwork correctly and that it had to be redone. Meriwether never properly filled out the paperwork. As Debtor Hudson explained: "Each month, it was the same thing. They never changed the paperwork. They didn't even attempt to."

In *In re Miller*, it was established that:

- Around the beginning of June 2014, Debtor Miller went to the Critique Services Business Office, to discuss the possibility of filing for bankruptcy relief. In his words, he wanted "just to get the initial feedback. Like what would I need, and how much I need to get started,

or whatever." That is, he sought the very basic information he needed to determine whether he should be considering bankruptcy and whether an attorney at the Critique Services Business would be an attorney who he would want to hire. He was told by a non-attorney staff person that he must pay all his attorney's fees upfront, before anyone would speak with him about anything.

- A week later, he came back with $300.00 for the attorney's fees, and was given a packet of information to complete on his own. He had not spoken to any attorney at that point.
- A week or two later, he returned the completed packet and paid another approximately $300-plus in cash (this would have been for the case filing fee paid to the Court).
- Debtor Miller then heard nothing for "weeks, and weeks, and weeks."
- He repeatedly called the Critique Services Business Office and—again, in his words—just got "the run around."
- The Critique Services Business still did not file his case.
- Debtor Miller, now desperate, began personally going into the Critique Services Business Office *every other day*. Finally, about two months later, he met with an attorney—who he could not name—in a meeting that he described as "brief."
- After that, the Critique Services Business *still* did not file his case.
- Debtor Miller described what happened thereafter: "Like I said, again, weeks, months go by. Going down there [to the Critique Services Business Office]. It became like a regular part of my schedule."
- Finally, on October 19, 2015, Debtor Miller's case was filed.
- On November 20, 2015, his § 341 meeting was held. Meriwether did not appear. Instead, Dellamano, who was not the debtor's attorney of record, appeared.
- And, in a postscript to Debtor Miller's story: as a result of his need to go into the Critique Services Business Office, over and over, as "part of his regular schedule," to check on his case status and beg for his case

to be filed, the Debtor lost his job for missing work.

In *In re Martin*, it was established that:

- In September 2014, the Debtors Martin paid a non-attorney staff person at the Critique Services Office to file their bankruptcy case. At the time that they paid their fee, they did not speak with Meriwether.
- The Critique Services Business did not file their case.
- In January 2015, the husband-Debtor Martin returned to the Critique Services Business Office, and a non-attorney woman advised him that he now owed a $200.00 “late” fee. He paid the $200.00 in cash and was given a receipt from a white receipt book.
- The Critique Services Business did not file their case.
- In March 2015, the husband-Debtor Martin returned yet-again to the Critique Services Business Office. This time, he was told that the business would be “contacting” him, to let him know about the status.
- The Critique Services Business did not file their case.
- Beginning in May 2015, the husband-Debtor Martin’s paycheck began to be garnished. At that point, the husband-Debtor Martin called the Critique Services Business, trying to talk with “her” (presumably, the female non-attorney), but his calls were never returned.
- On July 11, 2015, in desperation, the Debtors Martin again drove to the Critique Services Business Office. This time, husband-Debtor Martin spoke with Bey, who told him that he owed yet more money. He gave another $237.00 to the business.
- It was only then, on July 11, 2015, ten months after the Debtors Martin paid for Meriwether’s representation, that they finally met with Meriwether. They described the meeting as “rushed” and lasting about fifteen minutes.
- Yet, after all of this, the Critique Services Business *still* did not file their case —for another two months.
- Meanwhile, the husband-Debtor Martin’s paychecks continued to be garnished—from May through June, July, August and then September.

- It was not until September 17, 2015—a *year* after the Debtors Martin paid for Meriwether's "services"—that their case was finally filed.
- But the nightmare of abandonment did not stop there. On October 22, 2015, Meriwether did not show up at the § 341 meeting. Instead, Dellamano showed up, who was not their attorney.

A copy of the transcript of the Debtors Martins' § 341 meeting was filed on February 15, 2016.[151] The transcript supported the request for disgorgement. The transcript revealed:

- The Debtors Martin were represented at the § 341 meeting by Dellamano. At the time of their § 341 meeting, Meriwether was not suspended; he apparently just did not bother to show up and felt entitled to send Dellamano.
- In September 2014, the Debtors Martin went to the Critique Services Business Office. The office secretary sent them upstairs to meet with a woman—a woman whose name they did not know. They met with this woman for forty-five minutes and paid her $349.00 to be represented in their bankruptcy case. They did not meet with Meriwether.
- The Debtors Martin went back to the Critique Services Business Office again in January 2015, when they were told that they must pay a $150.00 late penalty.
- Over the course of the next nine months, the Debtors Martin returned to the Critique Services Business Office repeatedly and were given excuses for why their case had not been filed. They were required re-sign documents. They pleaded for help, so that the garnishments would stop. They did not meet with Meriwether until June or July 2015, long after they had paid their fees. Yet, their case was not filed until September 2015—after the husband-Debtor Martin's paycheck had been garnished for many months.

[151] Attachment 151.

- As of the § 341 meeting, the Debtors Martin had lost thousands of dollars to garnishments that could have been avoided if their case had been timely filed. They, along with their four children, by then had become homeless.

On February 18, 2016, the Court entered its written order,[152] granting the motions to disgorge in each of the cases heard on January 23, 2016. In doing so, the Court observed:

> It would be almost flattering to describe Meriwether's treatment of the Debtors as mere client abandonment. Meriwether's conduct is much worse. He didn't abandon his clients after agreeing, in good faith, to represent them; Meriwether never acted in good faith in accepting the representation. It is clear that, at the time that the Debtors paid for his services, Meriwether intended one thing: to have the Critique Services L.L.C. collect the fees, then for the non-attorney staff persons there to do his "lawyering" for him. He never intended to provide the legal services for which he was retained.

The Court ordered that both Meriwether and Critique Services L.L.C. disgorge the fees of the five debtors, reasoning that:

> The Court is statutorily permitted to direct disgorgement from whomever has the fees, even if that person or entity is not the attorney himself. Moreover, as the Bankruptcy Appellate Panel for the Eighth Circuit Court of Appeals has explained: § 329(b) "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). While Meriwether may technically be the attorney who "charged" the "attorney's fees," the notion that Meriwether really had anything to do with the "charging" the fees is a complete joke. Meriwether is a stooge for Diltz's business. It was really the Critique Services Business, as operated through Critique Services L.L.C., that charged and collected the fees.

The order was not appealed. Neither Meriwether nor Critique Services L.L.C. ever filed a certificate of compliance. There is no evidence before the Court showing that either disgorged the fees.

OO. The February 29, 2016 Orders Granting Motions for Refund of Fees (Entered by Judge Schermer)

[152] Attachment 152.

On February 22, 2016, the Court (Judge Schemer presiding) held a hearing on motions for refund of attorney's fees, filed by the debtors in *In re Melesia Lynn Broom* (Case No. 15-48463) and *In re Marvin King* (Case No. 15-48587). The debtors appeared; their attorney, Meriwether, did not. On February 29, 2016, the Court entered orders directing Meriwether to refund his fees.[153, 154]

PP. The March 1, 2016 Suspensions of the Law Licenses of Meriwether and Coyle by the Missouri Supreme Court

On March 1, 2016, the Missouri Supreme Court issued orders suspending the law licenses of Meriwether and Coyle.[155, 156] Meriwether's law license was suspended for one year for his professional malfeasance before this Court. Coyle's law license was suspended for her failure to fulfill her continuing legal education requirements.

QQ. The March 10, 2016 TRO Against Critique Services L.L.C., Diltz and Mayweather Issued in *Casamatta v. Critique Services L.L.C., et al*.

On February 26, 2016, the UST13 filed a Complaint,[157] thereby commencing *Casamatta v. Critique Services L.L.C., et al*., against Critique Services L.L.C., Diltz and Mayweather. The UST13 sought a permanent injunction barring Critique Services L.L.C., Dilz and Mayweather—and their successors, officers, agents, servants, employees and attorneys and other persons—from providing "bankruptcy assistance" to any "assisted person," and from receiving any payment from any "assisted person." The UST13 also filed a Motion for a TRO.[158] The UST13's allegations in support of injunctive relief

[153] Attachment 153.

[154] Attachment 154.

[155] Attachment 155.

[156] Attachment 156.

[157] Attachment 157.

[158] Attachment 158.

included: violations of the 2007 Injunction; an unidentified man who attended client meetings with Meriwether; the refusal of the Critique Services Business to file cases until the clients complained to the BBB or a governmental or law enforcement agency; an imposter who consulted with clients posing as Meriwether; and an undercover investigation conducted by a local news reporter that included videotape of Mayweather offering to provide bankruptcy services.

A hearing on the TRO request was held on March 10, 2016.[159] The UST13 called to the stand Critique Services Business client Damon Dorris and a paralegal from the OCDC. Mr. Dorris testified that he was led to believe that Dellamano was Meriwether. He also testified that: Mayweather gave him legal advice (he believed she was an attorney); Mayweather collected $335.00 in cash from him; he finally met with (the real) Meriwether for only about five minutes, months after he paid for legal services; and he was told by the Critique Services Business that his case had been "transferred" to the office of another attorney without his consent. The UST13 also called to the stand a paralegal from the OCDC, who gave testimony related to the OCDC's investigation of scores of complaints filed with the BBB by Critique Services Business clients.

Critique Services L.L.C. and Diltz called two witnesses. Their first witness was Dellamano. Dellamano denied that he introduced himself as Meriwether. He did admit that, despite not having a Missouri law license, he works under the "supervision" of Meriwether. (This was an interesting admission—given that Meriwether admitted that he works for and under the supervision of Mayweather. This would mean that both Meriwether and Dellamano are supervised by and work for a non-attorney.)

Dellamano testified that he introduces himself to clients as an attorney, consults with clients after introducing himself as an attorney, and reviews the clients' legal documents for legal sufficiency. Despite all of this, however, Dellamano testified that he does not practice law. He insisted that even though he represents to clients that he *is* an attorney, and even though he consults with

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[159] Attachment 159.

the clients about their legal matters, he nevertheless does not *act* as an attorney when he provides the clients with an attorney consultation. Apparently, he thinks of himself as some sort of "non-attorney attorney."

Then, on cross-examination, Dellamano insisted that, even though he was acting as a "non-attorney attorney," he was still satisfying the requirement in the 2007 Injunction that "an attorney" meets with each Critique Services Business client. His logic seemed to hinge on the fact that he is—technically—an attorney, albeit one who does not hold a Missouri law license.

(Dellamano's logic relies on a patently ridiculous construction of the 2007 Injunction. Necessarily implicit in any *good-faith* reading of the 2007 Injunction is the understanding that the attorney consultation must be performed by a Missouri-licensed and lawfully practicing attorney in good standing. The point of the provision was not to have the clients speak with merely a warm body that happens to have a J.D.; the point of the provision was to ensure that clients were getting *legal* services from an *actually practicing, actually licensed attorney*. An unlicensed "non-attorney attorney" could not render such services. By Dellamano's logic, the "attorney consultation" could be conducted by a disbarred attorney—since a disbarred attorney is still, technically, an attorney. For that matter, by Dellamano's logic, the attorney consultation could be conducted by a basset hound named "Attorney." After all, there technically would be an "Attorney" involved. "Woof, woof—woof you like chapter 7 or chapter 13?")

Critique Services L.L.C. and Diltz's second witness was a representative from the local branch of the NAACP. The representative stated that he was unfamiliar with the bankruptcy services market, other than to have familiarized himself with the Critique Services Business in particular. The Court denied Mass's oral motion to have the representative certified as an expert in the provision of bankruptcy services to the low-income, minority community, but permitted him to testify as a non-expert. The principal points of the representative's testimony were that: the Critique Services Business charges a low price for its services; there is a significant need for affordable bankruptcy services in low-income, minority communities of St. Louis; and a TRO would

make it very difficult for Diltz to sell her business.

(No one debates the need for affordable legal services within the low-income, minority communities. The problem is that the Critique Services Business does not actually provide legal services to these communities—affordable or otherwise. It provides the "service" of the unauthorized practice of law, which is not a legal service. So while the Critique Services Business, indeed, may charge a low price, it is a very high price to pay, since the legal services promised are not actually rendered.)

Shortly after the hearing, the Court entered a TRO,[160] determining that a TRO "is necessary to protect members of the public from the fraudulent and deceitful practices of the Defendants." As of the entry of this Memorandum Opinion, the trial on the Complaint for a permanent injunction has not been held.

RR. The March 14, 2016 TRO in the 2016 MOAG Action

On March 8, 2016, the MOAG filed a petition (the "State Court Petition") in the State Circuit Court, thereby commencing the 2016 MOAG Action, seeking injunctions, a TRO, restitution, and penalties against Critique Services L.L.C., Diltz, Mayweather, Meriwether, Robinson and Dellamano.[161] On March 11, 2016, Critique Services L.L.C. and Diltz filed a response,[162] in which Mass made various false statements regarding proceedings before this Court and the Judge.

On March 14, 2016, the State Circuit Court held an evidentiary hearing on the TRO request. At the end of the hearing, the State Circuit Court granted the TRO. On March 16, 2016, the State Circuit Court entered the TRO[163] onto its docket. Quoting from the TRO as entered on the electronic docket of the State Circuit Court, the State Circuit Court ordered that:

> IT IS FURTHER ORDERED THAT CRITIQUE SERVICES LLC AND BEVERLY DITZ SHALL DO THE FOLLOWING: A. POST ON

[160] Attachment 160.

[161] Attachment 161.

[162] Attachment 162.

[163] Attachment 163.

THE INSIDE OF THE WINDOW FACING OUTWARD TOWARD THE STREET AT CRITIQUE SERVICES' OFFICE AT 3919 WASHINGTON BLVD, ST LOUIS, MO. OR ANY OTHER PHYSICAL LOCATION AT WHICH CRITIQUE SERVICE LLC OR BIVERLY DITZ ADVERTISE, OFFER, SOLICIT, OR PROVIDE BANKRUPTCY SERVICES, THE ATTACHED "NOTICE" MARKED AS EXHIBIT E. FURTHER, ANY CONSUMER THAT ENTERS CRITIQUE SERVICES' OFFICE, OR ANY OTHER PHYSICAL LOCATION AT WHICH CRITIQUE SERVICES LLC OR BEVERLY DITZ ADVERTISE, OFFER, SOLICIT, OR PROVIDE BANKRUPTCY SERVICES, MUST BE PROVIDED A COPY OF THE ATTACHED "NOTICE," AND MUST BE INSTRUCTED TO READ IT BEFORE ANYONE INSIDE THE OFFICE IS ABLE TO SPEAK WITH CONSUMER(S). NOTICE IS ATTACHED AS EXHIBIT E TO THIS ORDER. IT IS FURTHER ORDERED THAT NOTHING ABOVE SHALL APPLY TO DFT JAMES ROBINSON IN SO FAR AS IT CONCERNS HIS ABILITY TO CONTINUE PROVIDING LEGAL SERVICES TO CLIENTS; OTHER THAN BANKRUPTCY SERVICES. THE TERM "LEGAL SERVICES" SHALL MEAN AND INCLUDE THE DEFINITIONS OF THE "PRACTICE OF THE LAW" AND THE "LAW BUSINESS" AS THOSE TERMS ARE DEFINED IN 484.010, RSMo. IT IS FURTHER ORDERED THAT NO PERSON OR ENTITY MAY ACCESS, WITHDRAW, OR REMOVE ANY OF THE FUNDS IN THE FOLLOWING ACCOUNTS UNTIL FURTHER NOTICE FROM THE COURT: A. JAMES C RONINSON DBA CRITIQUE SERVICES, US BANK ACCOUNT #152302373500 B. DEAN MERIWETHER DBA CRITQUE SERVICES, US BANK ACCOUNT #152316653087 C. DEAN MERIWETHER DBA CRITQUE SERVICES, US BANK ACCOUNT #152316653137 IT IS FURTHER ORDERED THAT THIS TEMPORARY RESTRAINING ORDER SHALL BE EFFECTIVE FROM 4PM AND MARCH 14, 2016, AND CONTINUE UNTIL 4PM ON APRIL 21,2016 BY THE CONSENT OF THE PARTIES (EXCEPT DFT ROBINSON). A HEARING FOR PRELIMINARY INJUNCTION ON ALL DFTS IS HEREBY SCHEDULED FOR APRIL 21, 2016 AT 9AM. IT IS FURTHER ORDERED THIS TEMPORARY RESTRAINING ORDER AS IT CONCERNS DFT ROBINSON SHALL BE EFFECTIVE FROM 4PM ON MARCH 14, 2016, UNTIL 4PM ON MARCH 29, 2016. A HEARING ON WHETHER TO CONTINUE THE TEMPORARY RESTRAINING ORDER OR GRANT A PRELIMINARY INJUNCTION AS IT EXCLUSIVELY CONCERNS DFT ROBINSON IS HEREBY SET FOR MARCH 23,2016 AT 9AM. SO ORDERED JUDGE JULIAN BUSH

The State Circuit Court scheduled a hearing on whether it should issue a preliminary injunction against Robinson for March 23, 2016, and scheduled a hearing on whether it should issue a preliminary injunction against the other defendants for April 21, 2016.

SS. The March 15, 2016 Recorded Greeting on the Telephone Line at the Critique Services Business Office

On March 15, 2016, a staff person from the Clerk's Office called the Critique Services Office, in the course of conducting Court business, and received this recorded message: "Thank you for calling the Law Offices where your fresh start begins. If you are a new client and wanting to speak or schedule an appointment with an attorney for a Fresh Start bankruptcy, please press '1.' If you are an existing client needing to speak to a customer service representative, please press '2'."

A similar "fresh start" promise is used by Briggs on his Firm13 website, where the homepage advertises by a similar representation: "Your fresh start starts now." The phrase "fresh start" is an unmistakable reference to bankruptcy relief. In bankruptcy case law, it refers to the idea that a debtor with clean hands is entitled to a "fresh start" (a discharge of his debt obligations).

As such, it appeared that (1) even after the Critique Services Business no longer had any non-suspended attorneys affiliated with it, and (2) even after Chief Judge Surratt-States issued a TRO, and (3) even after the State Circuit Court issued its bench ruling TRO, the Critique Services Business ***still*** continued operating, selling bankruptcy legal services to the public—this time, under the name or tagline "Fresh Start."

TT. The March 18, 2016 Order Setting for Hearing Another Motion to Disgorge

On March 18, 2016, in *In re Samuel F. Sorbello* (Case No. 15-41161), the Court (Judge Schermer presiding) issued a scheduling order, setting the debtor's motion to disgorge attorney's fee for hearing on May 11, 2016.[164] The debtor

[164] Attachment 164.

alleges that Meriwether "did absolutely nothing to help me with my bankruptcy and refuses to turn over all the documentation that I delivered to his office . . ." Meriwether had not filed a response to the motion.

UU. The March 29, 2016 Preliminary Injunction Against Robinson, Issued in the 2016 MOAG Action

At March 23, 2016 hearing before the State Circuit Court on the MOAG's request for a preliminary injunction against Robinson, the MOAG called three witnesses: (1) Debtor Leander Young; (2) Critique Services Business customer named Tazia Hampton (Ms. Hampton's case was never filed); and (3) Miguel Rivero, an investigator for the MOAG. The testimony included the following: Debtor Young testified that in 2015 at the Critique Services Business Office, Robinson gave him legal advice about his bankruptcy case (that is, long after Robinson had been suspended from conducting any sort of bankruptcy practice in this District). In addition, Ms. Hampton testified about speaking at the Critique Services Business with an African American man on June 30, 2015. The man identified himself as Meriwether, collected her fees, and rendered legal advice.

On March 29, 2016, the State Circuit Court issued a preliminary injunction against Robinson.[165] The court made the specific finding of fact that Robinson impersonated another attorney at the Critique Services Business. Quoting from the preliminary injunction as entered on the electronic docket of the State Circuit Court, the State Court ordered and found as follows:

> ON MARCH 23, 2016, PLT'S APPLICATION FOR A PRELIM INJUNCTION AGAINST DFT JAMES ROBINSON WAS HEARD AND THE HEARING WAS CONCLUDED, AND THE PARTIES WERE GIVEN UP TO AND INCLUDING MARCH 28,2016 TO FILE BRIEFS. THE COURT, HAVING DELIBERATED ON THE MATTER, BELIEVES THAT IT CANNOT ENJOIN MR. ROBINSON FROM PRACTICING LAW OF ANY KNID IN THE STATE OF MO BECAUSE MR. ROBINSON HAS BEEN GIVEN PERMISSION FROM THE SUPREME COURT TO PRACTICE LAW HERE, AND THAT IT CANNOT ENJOIN MR. ROBINSON FROM PRACTICING LAW IN FEDERAL BANKRUPTCY COURTS: THAT IS FOR THOSE COURTS TO DETERMINE. HOWEVER, THE COURT FINDS THAT MR. ROBINSON HAS IMPERSONATED A LAWYER

[165] Attachment 165.

AFFILIATED WITH CRITIQUE SERVICES, LLC AND INFERS THAT HE WILL DO SO AGAIN TO THE DAMAGES OF OTHERS IF NOT ENJOINED. ACCORDINGLY, IT IS ORDERED THAT DFT JAMES ROBINSON IS PRELIMINARILY ENJOINED FROM REPRESENTING THAT HE IS AN ATTORNEY AFFILIATED WITH CRITIQUE SERVICES, LLC. IT IS FURTHER ORDERED THAT MR. ROBINSON IS PRELIMINARILY ENJOINED FROM WITHDRAWING FUNDS FROM THE FOLLOWING ACCOUNT " JAMES C. ROBINSON DBA CRITIQUE SERVICE, US BANK ACCOUNT #152302373500. SO ORDERED.

VV. The April 4, 2016 Bench Ruling Striking Critique Services Attorney Coyle as Attorney of Record and Ordering Coyle to Disgorge Fees

On March 22, 2016, Chief Judge Surratt-States entered a show cause order in each of the four cases filed by Coyle (three of which were filed after Coyle's law license had been suspended), directing Coyle to appear and show cause on why she should not be stricken as attorney of record.[166] On April 4, 2016, the hearing on the show cause orders was held.[167] Coyle did not appear; however, her clients did. At the end of the hearing, the Court ordered from the bench that Coyle be stricken as the attorney of record in the cases she filed and directed that the debtors' fees be refunded.

WW. The April 5, 2016 Orders Directing Meriwether and Critique Services L.L.C. to Disgorge Fees

On February 23, 2016, the Court held evidentiary hearings on motions to disgorge attorney's fees and a show cause order pending in *In re Kevin Shaunte Matthis* (Case No. 15-48394),[168] *In re Kimberly Black* (Case No. 15-48398),[169] *In re Jessica White* (Case No. 15-48556),[170] *In re Ashley Marie Nelson* (Case No.

[166] Attachment 166.

[167] Attachment 167.

[168] Attachment 168.

[169] Attachment 169.

[170] Attachment 170.

15-48794),[171] and *In re Annette Latosca Jones* (Case No. 15-48903).[172] Meriwether was the attorney of record for the debtors in those cases. Notice was given to Meriwether regarding the February 23, 2016 hearing. In response, Meriwether filed one-line responses stating that he had "agreed" to return the fees.[173] However, he provided no evidence that he had actually returned fees. He also demanded that this Judge disqualify (the demands were denied).[174]

On February 23, 2016, the Court conducted a hearing on the motions to disgorge (*see* Attachment 28). Meriwether did not appear. Each of the debtors testified; each was a credible witness. In addition, the chapter 7 trustees assigned to these Cases appeared and spoke about the background of the cases and the § 341 meetings.

The evidence established that Meriwether failed to provide legal services of any value to the debtors. The debtors paid for legal representation, but in return received gross incompetence, blatant mismanagement, and inexcusable neglect and delay. The debtors offered very similar stories in most respects. There had been significant delays in filing their cases; they were given ridiculous and numerous excuses for the failure to properly handle their cases; they had to repeatedly—over and over and over—call the office to ask about their cases. Calls were not returned and communication was not made. Meriwether failed to show up at their § 341 meetings. Meriwether failed to show up at court. Meriwether failed to file required documents. Meriwether failed to provide the trustees required information. Their cases were handled by, and communication was almost exclusively with, non-attorney staff persons. Debtor Matthis testified that he never met Meriwether—his attorney—*ever*. In addition, as noted earlier

[171] Attachment 171.

[172] Attachment 172.

[173] Attachment 173.

[174] Attachment 174.

herein, Debtor Matthis advised that he met with a "Tracy" who reviewed his bankruptcy schedules with him.

From the bench, the Court ordered that the attorney's fees paid by each of the debtors be disgorged by Meriwether and Critique Services L.L.C. On April 5, 2016, the Court entered a written order memorializing that bench ruling.[175]

Now, with the history of disciplinary actions, disbarments, suspensions, admonitions, sanctions, injunctions, TROs and disgorgement directives of those affiliated with the Critique Services Business having been set forth, the Court turns to the facts and circumstances of these Cases.

SECTION THREE:
THE FACTS AND CIRCUMSTANCES OF THESE CASES

I. THE ISSUANCE OF THE SHOW CAUSE ORDERS

A. The Factual Bases for the Show Cause Orders

Robinson was suspended from the privilege of practicing before the Court on June 10, 2014. In mid-November 2014, the Court reviewed the cases on the docket of the Judge in which the attorney's fees had been paid pre-suspension to Robinson, but in which the debtor either proceeded without counsel or was represented by Briggs after June 10, 2014. The Court was seeking to determine whether Robinson and Briggs had complied with the *Henry* Order—the June 25, 2014 order directing Robinson to return his unearned fees and Briggs to file an affidavit attesting to such return. The Court could not find any case in which Robinson had returned any fees or Briggs had filed an affidavit attesting to the amount of fees returned (whether that amount was zero dollars or otherwise).

The Court then chose a handful of cases—these Cases—in which to raise its concerns about Robinson's fees. These Cases are examples of cases in which Robinson did not return his fees; they are by no means the only cases.

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[175] Attachment 175.

B. The Legal Bases for the Show Cause Orders

1. The estate includes unearned attorney's fees

The commencement of a bankruptcy case by the filing of a petition for relief creates an estate. 11 U.S.C. § 541(a). The res of the estate is very broad, being comprised, among other things, of "all legal or equitable interests of the debtor in property as of the commencement of the case." 11 U.S.C. § 541(a)(1). A debtor is required to list all of his legal and equitable interests as of the commencement of the case in his schedules. Fed. R. Bankr. P. 1007. The debtor also has an ongoing obligation to timely amend his schedules, as he becomes aware of new, different, erroneous, or missing information. Full, accurate, and timely disclosure of the debtor's assets is integral to the bankruptcy process, to ensure transparency regarding the estate.

Unearned, prepetition-paid attorney's fees are included in the res of the estate. *In re Richard Thomas Zukoski*, 237 B.R. 194, 197 (Bankr. M.D. Fla. 1998)("In a bankruptcy case, the prepetition retainer becomes property of the bankruptcy estate under Section 541. The unearned portion of the retainer must be returned to the debtor's estate upon request." (internal citations omitted)); *Dale Wootton v. William H. Ravkind (In re Don Ray Dixon)*, 143 B.R. 671, 678 (Bankr. N.D. Tex. 1992)("Because the debtor retains an equitable interest in the unearned portion of a pre-petition payment to counsel, such unearned portion becomes property of the estate under the Code, after the commencement of the case."); *In re William E. Lilliston*, 127 B.R. 119, 121 (Bankr. D. Md. 1991)("A portion of a fee retainer paid to the debtor's attorney which has been earned prepetition is not property of the bankruptcy estate. Any unearned portion, however, is considered property of the estate because the Debtor retains an equitable interest in it." (internal citation omitted)).

Unearned fees—like all property of the estate—remain property of the estate unless and until the trustee either administers upon or abandons them. 11 U.S.C. § 554(d). The trustee can choose to abandon, rather than to administer upon, property of the estate in one of two ways: (a) by obtaining the authority of the Court, upon notice and hearing, to abandon that property as burdensome to

the estate or [being of] inconsequential value and benefit to the estate, 11 U.S.C § 554(a), or (b) by not otherwise administering on *scheduled* property at the time of the closing of a case, 11 U.S.C. § 554(c). Section 554(c) does not operate to cause unscheduled property to be abandoned as of the closing of the case.

2. The statutory authority for disgorgement and sanctions

The failure of a debtor's attorney to return unearned prepetition-paid fees may invoke at least two statutes of the Bankruptcy Code: § 329 and § 105(a).

Section 329. Section 329 allows the bankruptcy court to order the return of excessive payments of attorney's fees. Section 329(a) provides that:

> any 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.

In complement, § 329(b) empowers the bankruptcy court to review any compensation paid to a debtor's attorney and to order cancellation of a fee contract or disgorgement of excessive amounts paid in attorney's fees:

> If such compensation exceeds the reasonable value of any such services, the court may cancel such agreement, or order the return of any such payment, to the extent excessive, to—
>
> (1) the estate, if the property transferred—
>
> (A) would have been property of the estate; or
> (B) was to be paid by or on behalf of the debtor under a plan under chapter 11, 12, or 13 of this title; or
>
> (2) the entity that made such payment.

It is axiomatic that if an attorney fails to provide services for which he was paid, his compensation is excessive compared to the reasonable value of the services actually provided. As such, the bankruptcy court may order the return of any unearned fees as being excessive.

Section 105(a). Section 105(a) provides that:

> The court may issue any order . . . that is necessary or appropriate to carry out the provisions of this title. No provision of this title providing for the raising of an issue by a party in interest shall be construed to preclude the court from, sua sponte, taking any action or making any determination necessary or appropriate to enforce or implement court orders or rules, or to prevent an abuse of process.

As such, § 105(a) empowers the bankruptcy court to issue an order for sanctions when doing so is necessary or appropriate to carry out a provision of the Bankruptcy Code or to address an abuse of process. *Walton v. LaBarge (In re Clark)*, 223 F.3d at 864. Where an attorney has, in bad faith, retained unearned prepetition-paid fees, sanctions under § 105(a) may be appropriate to enforce court orders or rules, to prevent an abuse of process and to hold the offending attorney accountable.

3. A trustee's duties regarding property of the estate

A trustee is appointed from the UST's panel of private trustees, as established pursuant to 28 U.S.C. § 586, to fulfill the duties defined at § 704(a). Pursuant to § 704(a), the trustee "shall," among other things, be accountable for all property received, investigate the financial affairs of the debtor, and make a final report and file a final accounting of the administration of the estate. 11 U.S.C. § 704(a)(2), (4) & (9). Identifying what property is included in the estate, accounting for the property of the estate, and investigating the debtor's affairs when necessary to account for the property of the estate, is a fundamental and critical job of a trustee. Usually, in a no-asset chapter 7 case, there are no creditors beating down the courthouse door to share in the zero-value estate. There generally is no third-party with skin-in-the-game that is reviewing the debtor's representations about the estate. As such, the trustee is the primary and best guarantee against abuse. The importance of the trustee in ensuring that the bankruptcy process is transparent, accurate, and fair to both debtors and creditors cannot be understated. In a chapter 7 case, the Court looks to and relies upon the trustee for its understanding of the financial circumstances of the

debtor and the case, and it depends upon the trustee for an accurate and complete accounting of the estate.

C. The Issuance of the First Two Show Cause Orders

On November 26, 2014 and December 2, 2014, the Court issued two Show Cause Orders,[176, 177] directing that:

> (i) Robinson show cause as to why the Court should not order disgorgement or partial disgorgement of his attorney's fees collected from the Debtors, by credibly accounting for how he earned his fees post-suspension; and
>
> (ii) the Trustees provide an accounting of the property of the estate by advising:
>
> (a) to whom, specifically, Robinson's fees [ ] were paid;
> (b) where Robinson's fees were held following payment, including whether such fees were held in a client trust account;
> (c) where the fees are held today; and
> (d) whether any of those fees have been disbursed to Robinson, any attorney affiliated or otherwise associated with (formally or informally) Critique Services L.L.C. or any permutation of Critique Services L.L.C., to any employee, officer, or owner of Critique Services L.L.C., or to any other person.

In addition, the Court specifically stated that it expected any fees that might thereafter be voluntarily returned, be returned *to the Trustees*:

> While the Court would welcome Mr. Robinson now voluntarily providing to the *chapter 7 trustee* any portion of any fees in any case that were paid to him but which he did not earn, doing so will not make this inquiry moot. The Court still would require the above-listed issues to be addressed. The fact that Mr. Robinson apparently has not returned any unearned fees raises the concern of whether there has been attempted impropriety in these Cases related to the attorney's fees paid by the debtor.

(emphasis added). And the Court also ended with the following protections:

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[176] Attachment 176.

[177] Attachment 177.

> Nothing herein requires the disclosure of an attorney-client confidential information or attorney work product. Nothing herein prevents any party from filing a motion for protective order related to the protected disclosure of any information, if cause exists for sealing or other such protection. Nothing herein requires that Mr. Robinson waive his rights under the Fifth Amendment of the U.S. Constitution or any similar right under state law.

D. The Trustees' December 3, 2014 Letter

On December 3, 2014, the Trustees sent a letter to Robinson, Briggs, and to "Critique Legal Services."[178] The letter requested that each recipient provide certain documents and information that would permit the Trustees to give the required accounting to the Court as directed in the First Two Show Cause Orders. On December 8, 2014, Robinson and Briggs responded sending what amounted to go-pound-sand letters.[179,180] Neither Critique Legal Services L.L.C. nor anyone doing business as "Critique Legal Services" responded.

E. The December 6, 2014 Transfer of the Unearned Fees

In the face of the first two Show Cause Orders, Robinson and Briggs elected to do the most obviously wrong thing: they worked in tandem to transfer Robinson's fees in violation of the terms in the first two Show Cause Orders. On December 6, 2014, Robinson transferred the fees (or, more accurately, the value of the fees) of Briggs's six clients to Briggs, and Briggs then accepted the funds on behalf of his clients. That is, Robinson and Briggs chose to coordinate a transfer of property of the estate without Court authority, and in violation of the Court's directive that any such return be made *to the Trustees*.

Then, after making the transfer, Robinson insisted that, despite having returned all his fees, he also had earned all his fees. This representation made no sense. If Robinson had earned the fees, there was no reason to return them, since only unearned fees are property of the estate. And, Robinson offered no

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[178] Attachment 178.

[179] Attachment 179.

[180] Attachment 180.

evidence as to how his fees could have been fully earned—no time sheet, no client meeting record, no affidavit. He did not even offer a suggestion as to how his fees could have been entirely earned. He was just trying to find a way to cut off further inquiry into how he had handled the fees for all those months.

Meanwhile, on December 9, 2014, Briggs filed for each of his Debtor-clients a memorandum pursuant to L.B.R. 1009 and amended schedules and statement of financial affairs, to reflect the December 6, 2014 transfer of the fees. Of course, this sudden willingness to advocate for his clients regarding Robinson's fees was too little, too late to show any good faith on the part of Briggs. Briggs had done absolutely nothing for his clients for five months related to Robinson's fees—despite having been warned in the *Henry* Order that the Court expected him to advocate for his clients' interests on the issue.

F. The Effect of the December 6, 2014 Transfer

Robinson's transfer of the fees did not make moot the show cause inquiry. The transfer resolved only the issue of whether it was necessary to order disgorgement. Still pending was the issue of whether sanctions against Robinson were proper for not having returned the fees timely, before December 6, 2014. In addition, the Court and the Trustees were entitled to know where the unearned fees had been since Robinson's suspension, and whether the fees had been mishandled in the process. Robinson's disappearance with the fees—property of the estates—was not merely a matter of getting the fees back. Other issues, including the possibility of malfeasance or mishandling related to the fees, had to be resolved: *Why were the fees not timely returned? Where had the fees been all this time? Who had held the fees? How had the fees been used?* These issues did not go away simply because Robinson had, at long last, returned the missing property.

Moreover, the circumstances of the December 6 transfer added to the concern that an accounting was necessary and sanctions was warranted:

- First, the person to whom the transfer was made was improper. Instead of the fees being transferred to the Trustees as the Court had directed, the fees were transferred to Briggs. Why Robinson and

Briggs chose to transfer the fees in violation of the directive that any return be made to the Trustees can be understood in the context of their desperation to avoid further inquiry. The issuance of the first two Show Cause Orders exposed both Robinson's wrongful holding of the unearned fees and Briggs's abandonment of his clients on the issue of their fees. Robinson and Briggs had every reason to want this problem to go away. Perhaps they thought that this was just a matter of Robinson coughing up the fees—as if once the Debtors got their fees back, that would be the end of it. However, they likely did not want to deal with the Trustees. By that point, the Trustees had already sent their December 3 letter. Robinson and Briggs knew that the Trustees were taking their obligation to make an accounting seriously. And, the Trustees are well-respected lawyers who do not ignore their obligations as officers of the Court. The Trustees might have asked Robinson and Briggs questions, such as: *Where did these funds come from? Who was the actual payor? Where have the fees been all this time? Why did Briggs not schedule these assets long ago? What admissions is Robinson making, by returning the fees?*—questions that Robinson and Briggs might not want to answer. So, to avoid having to deal with the Trustees and their bothersome diligence, Robinson and Briggs transferred the fees between themselves.

- Second, the mechanism by which the transfers were made was highly suspicious. The fees were not transferred in cash (the Debtors' form of payment), or by a check drawn from a client trust account, or by a check drawn from any account bearing the name of Robinson, a law firm, or a professional entity. The fees were transferred by a personal money order—an unorthodox method for handling monies that were supposed to have been held in trust on the client's behalf until earned.
- Third, the source of the transferred fees was highly suspicious. Payment by a money order conveniently obscures the source of the funds that purchased the money order. There was no easy way to

verify whether the funds transferred were those of Robinson, or Diltz, or Critique Services L.L.C., or someone else entirely. If anyone other than Robinson funded the transfer, it would raise serious concerns about who had been in possession of the fees for all those months.

- Fourth, the signature on the money orders was highly suspicious. Although the handwritten name in the "payor" line on the money orders reads "James Robinson," the handwriting is not that of Robinson. The Court has examples of Robinson's handwritten signature.[181] The signature on the money orders is not that of Robinson. The handwriting is distinctly feminine, with loops and dramatic flourishes. While the Court is not a handwriting expert, it is quite clear that the signature is not that of Robinson. In fact, the handwriting bears a striking resemblance to the handwriting of Diltz, of which the Court also has examples (attached earlier herein). It appears that someone other than Robinson—very possibly Diltz—purchased the money orders and filled them out, signing Robinson's name as "payor." Again, this raises the issue of whether Diltz had been holding Robinson's unearned fees, and if so, why, where and for what purpose.

G. The Issuance of the Third Show Cause Order

In light of the circumstances of the transfer, on December 10, 2014, the Court entered a third Show Cause Orders,[182] observing:

> it appears that Mr. Robinson knowingly held, for many months, unearned fees that were property of the estate, and returned those fees only in the face of the Order to Show Cause.
>
> The Court is concerned that this forum and these Cases have been used as a vehicle for improperly retaining property of the estate—that Mr. Robinson kept his unearned fees, assuming the Court would not notice and the chapter 7 trustee would not care. In addition, the Court is concerned that Mr. Robinson violated the rules of professional conduct by failing to timely return the

[181] Attachment 181.

[182] Attachment 182.

> unearned fees—and the Court cannot permit this forum to openly host such behavior.
>
> The Court requires an accounting of where the fees have been and why they were not returned sooner. Once the Court has this accounting, it can determine whether it is proper to impose sanctions upon Mr. Robinson.

The Court then directed Robinson to show cause why the Court should not impose monetary or nonmonetary sanctions upon him for retaining his unearned fees. The Court also once again directed the Trustees to make an accounting of the estate assets to the Court.

II. ROBINSON'S MOTION TO DISQUALIFY

On December 10, 2014, Robinson filed a Motion to Disqualify[183] and an Amended Motion to Disqualify.[184] (The Court uses the term "disqualify" to describe the relief requested, instead of the more common term "recuse," to track the language of 28 U.S.C. § 455 ("§ 455").) As the basis for demanding judicial disqualification, Robinson principally complained about the rulings in *In re Steward* and made baseless allegations that the Judge has "extrajudicial" information about these Cases. On December 11, 2014, the Court entered an order denying the recusal demand.[185]

III. THE TRUSTEES' MOTION TO COMPEL TURNOVER

On December 12, 2014, the Trustees filed their Motion to Compel Turnover,[186] requesting that the Court direct that Robinson, Briggs and "Critique

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[183] Attachment 183.

[184] Attachment 184.

[185] Attachment 185.

[186] Attachment 186. The Trustees' request for turnover was brought by motion. This was the proper moving paper. A turnover request may need to be raised by a complaint if the movant seeks to "recover" (that is, to have returned) property of the estate. Fed. R. Bankr. P. 7001(1). However, Rule 7001(1) is not applicable when turnover seeks to obtain property outside the estate—such as here (the bookkeeping and other records of the Critique Services Business are not property of the estate). A proceeding for turnover of non-estate property is one

Legal Services" turn over certain information related to the handling and whereabouts of the Debtors' fees during the period of Robinson's suspension. The Trustees sought turnover pursuant to § 542(e), which provides that "after notice and a hearing, the court may order an attorney, accountant, or other person that holds recorded information, including books, documents, records, and papers, relating to the debtor's property or financial affairs, to turn over or disclose such recorded information to the trustee." The Motion to Compel Turnover was set for hearing on January 13, 2015.

IV. ROBINSON'S MOTIONS TO DISMISS

A. The First Robinson Motion to Dismiss

On January 2, 2015, Robinson filed his first Motion to Dismiss (the "First Robinson Motion to Dismiss"),[187] demanding "dismissal" of the Show Cause Orders and the Motion to Compel Turnover. The First Robinson Motion to Dismiss contained misstatements of law, misleading allegations, incoherent arguments, and incorrect proclamations of purported "rights," as detailed below.

1. The false claim of racial discrimination

Robinson argued that he cannot be compelled to make turnover because the issuance of the Show Cause Orders was a violation of the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. In support of this argument, he falsely alleged that the Show Cause Orders were issued because he is a minority. Robinson did not request a hearing to present evidence on this claim of a Fourteenth Amendment violation. He did not file an affidavit in support of his claim of a Fourteenth Amendment violation. He did not point to a single statement, act, opinion, view, or predisposition of the Court or the presiding Judge that even remotely supported his claim.

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to "recover" property. The sought-after property isn't missing from the estate; there is nothing to "recover." A turnover request for property outside the estate is merely a proceeding to obtain property. It is not a "recovery" effort subject to Bankruptcy Rule 7001(1). No party argued otherwise.

[187] Attachment 187.

2. The false statement regarding directives to the UST13

Robinson falsely claimed that the Court directed the "U.S. Trustees" to act against his interests in some way. In reality, the Court did not direct the UST13 to act in any way. The UST13 was not even mentioned in the Show Cause Orders. The Show Cause Orders included directives to Robinson and the Trustees only.

3. The false statement regarding directive to collect fees

Robinson falsely claimed that the Court had directed the UST13 to collect Robinson's fees. However, as noted above, the Court had not directed the UST13 to act in any way. There was no directive to the Trustees that they proactively seek to demand or collect the fees at that point.

4. The false statement regarding who was subject to the directives in the Show Cause Orders

Robinson falsely claimed that the Court ordered Briggs and Critique Legal Services to show cause (it was unclear how, even if this were true, it supported dismissal). However, Briggs and "Critique Legal Services" were not made respondents to the Show Cause Orders; they were not even mentioned in the Show Cause Orders. Again, only Robinson and the Trustees were subject to directives in the Show Cause Orders.

5. The false statement regarding the denial of a hearing

Robinson falsely claimed that he was denied a hearing on the Show Cause Orders and the Motion to Compel. The record clearly shows otherwise. At the time Robinson filed his first motion to dismiss, the Motion to Compel was set for hearing on January 13, 2015, and the Show Cause Orders were set for hearing, on January 21, 2015. What Robinson appeared to have been arguing was that the Court was required to have held a hearing before issuing the Show Cause Orders in the first place. This is an incorrect statement of law. A party is not entitled to a hearing to determine whether a show cause order may issue.

6. The false statement that Robinson returned the fees as part of a compromise and settlement

Robinson falsely claimed that he transferred the fees "in compromise and settlement of" some unnamed, unscheduled, and previously unheard-of "disputed

claims" between Robinson and the Debtors. This was an absurd story that had no basis in law or fact.

First, as a matter of law, any dispute that the Debtors might have had with Robinson related to his prepetition-paid fees would have been property of the estate, not the personal property of the Debtors. As such, the Debtors would have had no authority to compromise and settle such claims; only the chapter 7 trustee can compromise and settle claims on behalf of the estate. Any compromise and settlement agreement that would have been executed between Robinson and any Debtor would have been made without Court authority and without a Trustee's agreement, and would have been void and unenforceable.

Second, as a matter of fact, there were no disputes between Robinson and any of the Debtors. No claim had been scheduled by any of the Debtors against Robinson; no Debtor had filed a motion to disgorge; no Debtor had filed an adversary proceeding complaint against Robinson; the Show Cause Orders had not created a dispute between the Debtors and Robinson.

Third, there were no compromise and settlement agreements between Robinson and the Debtors. Robinson made the baseless claim that such compromise and settlements existed. He even falsely represented that copies of compromise and settlement agreements were attached as "Respondent's Exhibit A1-G" to the First Motion to Dismiss. (No such exhibits were actually attached and no such copies have ever been produced.) His story about the reason for the transfer was just another lie in his historically revisionist fairy tale.

Fourth, representations made by both Briggs and the Debtors themselves show that the transfer was not made pursuant to a compromise and settlement agreement. In Briggs's L.B.R. 1009 Memorandum filed on December 9, 2014, and in his Affidavit filed on January 12, 2015, Briggs characterized the transfer as the return of *fees*, not as the transfer of settlement proceeds. Similarly, in their amended schedules B and C filed after the transfer, the Debtors listed the returned fees as property of the estate in the form of a "right to disgorgement of attorneys fees from James Robinson."

7. Other problems in the First Robinson Motion to Dismiss

In addition to making these false assertions, Robinson also made various unmeritorious requests for relief, including: a demand for disqualification pursuant to 28 U.S.C. § 144 (a statute that does not apply to bankruptcy judges—a point that the Court had previously pointed out to Robinson); a demand that the Show Cause Orders be "referred" to the District Court (despite the fact that there is no procedural mechanism by which this Court can "reverse" the automatic reference ordered bt the District Court); and a demand for dismissal based on a lack of subject matter jurisdiction (based on the argument that the December 6, 2014 return of the fees deprived the Court of subject matter jurisdiction over the issue of whether Robinson could be sanctioned for wrongfully holding the fees for months following his suspension). In addition, Robinson raised "objections" to the Trustees requests for "discovery," despite the fact that there was no ongoing discovery and despite the fact that the Trustees had not served any interrogatories.

On January 9, 2015, the Court entered an Order Denying the First Motion to Dismiss.[188] In that order, the Court also directed Robinson to bring to the January 13, 2015 hearing on the Motion to Compel Turnover "the original of every settlement between and among Mr. Robinson and any Debtor, and the original written agreement between himself and Mr. Briggs regarding the transfer of fees paid to Mr. Robinson in the *In re Long, In re Moore* and *In re Logan* matters." Robinson did not bring to the hearing any such agreements.

B. The Second Robinson Motion to Dismiss

At 4:38 P.M. on January 12, 2015—after the close of the Clerk's Office on the day before the 10:00 A.M. hearing on the Motion to Compel Turnover—Robinson filed another motion to dismiss (the "Robinson Second Motion to Dismiss").[189] This time, Robinson argued a lack of subject matter jurisdiction under Article III, Section 2 of the U.S. Constitution. Later on January 12, 2015,

[188] Attachment 188.

[189] Attachment 189.

the Court entered an order denying that motion.[190]

V. THE AFFIDAVITS FILED BY BRIGGS REGARDING THE FEES

At 6:20 P.M. on January 12, 2015—after the close of Clerk's Office on the evening before the 10:00 A.M. hearing the next day—Briggs filed in each of his clients' Cases an affidavit,[191] attesting that, on December 6, 2014, Robinson had returned his fees to the Debtor. Attached to each affidavit was a copy of a personal money order by which the fees were returned. Basically, Briggs scrambled to slap onto the record at the last minute something that made it look like he was trying to actually do something for his clients.

VI. THE JANUARY 13, 2015 HEARING ON THE MOTION TO COMPEL TURNOVER

On January 13, 2015, the hearing on the Motion to Compel Turnover was held.[192] Each of the Trustees appeared, either in person or through counsel. Trustee David Sosne was selected by the Trustees to helm their oral presentation. In addition, Trustee Case and Trustee Seth Albin made brief comments. Also appearing were an attorney for the UST13, Briggs (representing himself), and Robinson (representing himself). Neither Critique Legal Services L.L.C. nor anyone doing business under the fictitious name "Critique Legal Services" appeared at the hearing. Critique Legal Services, L.L.C., Critique Services L.L.C. and Diltz were all clearly aware of the hearing, since copies of the documents had been sent to the Critique Services Business Office address.

Throughout the hearing, one could not help but think: "Something is rotten in the state of Demark." But this may have been because Briggs's and Robinson's dishonesty was a lot like sycophancy of Rosencrantz and Guildenstern: obvious to the audience and foretelling of their fates. And we all know what happened to those two at the end of the play.

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[190] Attachment 190.

[191] Attachment 191.

[192] Attachment 192.

A. Briggs's Representations at the January 13, 2015 Hearing

At the hearing, Briggs did not argue that the Trustees are not entitled to the documents and information. He did not argue that the accounting could not or should not be made. He did not argue that he could not be compelled to turnover whatever documents and information he could obtain on behalf of his clients.

Instead, Briggs began his argument by quibbling over the heading of the December 3 Letter. Briggs insisted that the letter was addressed to him in the capacity as the "managing agent" of Critique Legal Services—and argued that, because of this alleged "mislabeling," he did not have to respond substantively to the letter. This argument—in addition to being petty—was based on a falsehood. The letter clearly identified Briggs separately from the unnamed "managing agent" of Critique Legal Services. Briggs's characterization of the contents of the letter was simply false.

Next, Briggs claimed that he should not be compelled to turn over anything because he was unable to obtain anything on behalf of his clients. The basis of this argument was Briggs's contention that he is neither a formal agent of Critique Legal Services L.L.C. nor within the "inner sanctum" of power at "Critique Services"—therefore, he insisted, he had no influence or access that would allow him to obtain on behalf of his clients the documents and information requested by the Trustees. According to Briggs, he is a lawyer-eunuch, unable to obtain any information because he is not a formal employee or agent of the Critique Services Business. There were two obvious problems with this argument. First, the suggestion that there is some great distance between Briggs and the Critique Services Business is demonstrably untrue. The fact that Briggs left a formal contractual relationship with Diltz's business in 2012 does not mean that Briggs now has a Magic Invisibility Cloak that hides his continuing relationship with Critique Services Business. There is considerable evidence that his relationship with the Critique Services Business was ongoing as of January 13, 2015.

However, even if Briggs were "outside the inner sanctum" at the Critique Services Business, *he nevertheless is a lawyer representing six of the eight*

Debtors, each of whom had an interest in getting an accounting of his estate so that his Case can be closed. Briggs is not someone without any power to do anything for his Debtor-clients. The fact that he was no longer formally employed at the Critique Services Business is not determinative of whether he could assist his clients in obtaining information regarding the handling of their fees. Briggs had available to him numerous methods for attempting to obtain the documents and information on behalf of his clients: he could have asked politely; he could have insisted firmly; he could have sent a demand letter; he could have served a subpoena; he could have filed a motion, requesting that the Court direct persons from the Critique Services Business to respond to his inquiries; he could have sought a Rule 2004 examination; he could have initiated an adversary proceeding. Briggs's entire presentation regarding his inability to perform was disingenuous and evasive. By insisting that he was unable to help his client without being a formal employee of the business, it was quite clear whose side Briggs was on—and it was not that of his clients.

As the hearing wore on, it became increasingly apparent—seemingly, even to Briggs—that he was doing himself no favors with his mealy-mouthed responses. About half-way through the hearing, Briggs suddenly did an about-face, stating that he now would be "happy" to respond to the Trustees' requests in his capacity as the Debtors' counsel.

B. Robinson's Representations at the January 13, 2015 Hearing

As disingenuous and unconvincing as Briggs's presentation was, it was a shining example of deft lawyering compared to the sophomoric charade that followed. Robinson's senseless, and seemingly endless, performance was Kafkaesque.

Robinson began by advising that he would read into the record his "opening statement," and passed out printed copies of his "opening statement" to those in the courtroom—as if a visual aid was needed to fully grasp the coming recondite exegesis. As it turned out, though, his "opening statement" was not an opening statement at all; it was a closing argument—and one that contained a number of false statements and baldly unmeritorious legal arguments. To any

degree, in his opening presentation:

- Robinson argued with the Court and attempted to re-hash already-decided issues.
- Robinson misstated the law and procedure.
- Robinson insisted that he did not "consent" to subject matter jurisdiction, as if subject matter jurisdiction can be created or destroyed by his consent.
- Robinson baselessly insisted that the Show Cause Orders were unlawful and void.
- Robinson baselessly insisted that the Motion to Compel Turnover was moot and that there was no case in controversy.
- Robinson uncleverly mischaracterized or misrepresented comments from the bench and language from Court orders.
- Robinson falsely claimed that the Trustees had not stated what they wanted when, in fact, they had clearly stated what they wanted.
- Robinson falsely claimed that the Court directed the Trustees to "collect" his fees, rather than correctly stating that the Court had provided that, if Robinson returned any fees, they should be returned to the Trustees.
- Robinson falsely stated that, in the Third Show Cause Order, the Court made the factual determination that Robinson had failed to earn the fees (to the contrary, the Court stated that, in light of Robinson's sudden return of the fees, "it *appears* that Mr. Robinson knowingly held, for many months, unearned fees that were property of the estate, and returned those fees only in the face of the Order to Show Cause" (emphasis added)).
- Robinson baselessly alleged that he was denied due process.
- Robinson baselessly alleged that he was denied equal protection.
- Robinson accused the Trustees of "bootstrapping."
- Robinson accused the Court of holding a "quasi-contempt" proceeding.
- Robinson accused the Court of conducting a "disguised" hearing.

- Robinson accused the Court of conducting a "tainted" proceeding.
- Robinson accused the Court of "coercing" him.
- Robinson falsely stated that he was denied a hearing under § 329(b).
- Robinson falsely accused the Court of "encouraging" and "instructing" him to assert his Fifth Amendment rights (seemingly alluding to the fact that the Court noted in its Show Cause Orders that the Court was not directing Robinson to respond in violation of his Fifth Amendment rights—an appropriate statement, given that the Court was concerned about financial impropriety and did not want Robinson to later make a disingenuous claim that he was compelled to testify against himself).
- Robinson claimed that he was in fear of being criminally sanctioned by the Court—despite the fact that the Show Cause Orders did not commence criminal contempt proceedings and the Court gave no notice of intent to impose criminal contempt sanctions.
- Robinson demanded that the Court refer the matter to the District Court for initiation of disciplinary proceeding *against him* under Rule V of the U.S. District Court's Rules of Disciplinary Enforcement ("E.D.Mo. R.D.E."). (This was a particularly odd demand. Robinson is already the subject of a disciplinary proceeding before the U.S. District Court (E.D. Mo. Dist. Ct. Case No. 14-MC-354), as a result of his suspension in *In re Steward*. The Court cannot conceive of why Robinson asked for yet-another disciplinary referral to be brought against him. Moreover, he requested a referral for disciplinary action pursuant to E.D.Mo R.D.E. V. E.D.Mo R.D.E. V does not merely provide for a disciplinary referral; it provides for a specific type of disciplinary proceeding, involving the appointment of special counsel for investigation and prosecution. Apparently, Robinson believed that his actions are so severe and as-of-yet unknown in their entirety that they warrant an investigation and prosecution by a special prosecutor.

From this inauspicious start, Robinson then chose to make things worse:

- Robinson repeatedly took a belligerent tone with the Court, shouting at,

arguing with, and interrupting the Court.

- Robinson demanded that the Court answer his questions and respond to his incorrect premises and arguments.
- Robinson falsely claimed that he had responded to everything that the Trustees asked of him when, in reality, he had responded to almost nothing that the Trustees had asked of him.
- Robinson falsely stated that in a June 25, 2014 Order, the Court determined that Robinson had "owed fees" that were "unlawfully held," and directed Briggs remit those fees to the Court.
- Robinson falsely stated that the Court had limited the scope of the Show Cause Orders to an inquiry under § 329(b).
- When asked what kind of entity that "Critique Services" is, Robinson laughably responded that he could not answer that because that was "a legal question"—despite the fact that *Robinson is a lawyer.*
- Robinson claimed, with no credibility, that he was unaware of what the Trustees wanted.
- Robinson made the utterly unreassuring claim that he would proceed in good faith "as I've always done."
- Robinson proclaimed, erroneously, that Missouri Supreme Court Rule of Professional Conduct 4-1.6 prevents him from disclosing fee information, and that the "Supreme Court" has held that the client fee information is subject to attorney-client privilege. He offered no citation to a "Supreme Court" case (either to Missouri Supreme Court or a U.S. Supreme Court case).
- Robinson asserted, with no credibility, that he has no records related to his own fees that had been collected from the Debtors.
- Robinson verbally accosted Trustee Albin at the lectern and attempted a seriously misconceived "cross-examination" of him.
- Robinson accused the Court of conducting a "fishing expedition."
- Then, in an Orwellian coup de grâce, Robinson proclaimed the exact opposite of reality: that he respects the Court.

To any degree, after all of this, by the end of the January 13 hearing, both Briggs and Robinson had effectively withdrawn their objections to the turnover request and agreed to act to obtain the requested information.

However, the Court was concerned that it might be Waiting for Godot. Given Briggs's weeks of failure to be responsive, his months of disregard of his own clients' interests in the fees, and his historically cozy relationship with the Critique Services Business, his sudden one-eighty, halfway through the hearing, seemed like a strategy employed to bring the hearing to a quicker conclusion. Moreover, Briggs ominously prognosticated that he did not think that he would be successful in obtaining the requested documents and information. Robinson's representation of intended compliance inspired even less confidence. While Robinson agreed to respond to the Trustees' requests, he simultaneously contended that he was doing so under protest (whatever that might mean). He claimed that he did not know "what more the Trustees want," because (he falsely asserted) he had responded in full to their requests. And, he agreed to comply in good faith "as he had always done." The problem with this representation was, of course, that Robinson had never acted in good faith to start with, so a promise to conduct himself going forward in the same way that he had conducted himself in the past foreshadowed more non-compliance and bad faith.

C. The Bench Ruling

Section 542(e) provides for turnover of property that is not property of the estate, such as the information requested by the Trustees. *American Metrocomm Corp. v. Duane Morris & Heckscher L.L.P., et al. (In re American Metrocomm Corp.)*, 274 B.R. 641, 652 (Bankr. D. Del. 2002)("Although an action for turnover under § 542(a) requires that the information requested be property of the estate, there is no such requirement in § 542(e)").

The information sought by the Trustees fell within the ambit of § 542(e), and no party argued otherwise. The requested information "relat[ed] to the debtor's property or financial affairs," because it was part of the money trail needed for an accounting. The requested information also was "recorded information." The Motion to Compel Turnover did not seek any information that

was not "recorded" or otherwise not already in existence.

The Court did not believe Robinson's claim that he does not have, or does not have access, to a single document related to his own clients' fees. The Court believed that Robinson was lying to avoid turning over the documents. And while Briggs may not have the information, or have immediate access to the information, he certainly had tools available to him to seek that information on behalf of his clients. The Court believed that Briggs was refusing to act on behalf of his clients in an effort to help avoid turnover being made.

At the close of the hearing, the Court ruled from the bench. The Court (albeit skeptically) accepted Robinson's and Briggs's representations that they would assist in obtaining the requested information. The Court granted the Motion to Compel Turnover and advised that a written order consistent with the bench ruling would be issued within a few days. (This time estimate proved overly optimistic. The written order took ten days to issue, due to numerous issues that needed to be addressed and the Court's lack of confidence that Briggs and Robinson would proceed in good faith and do as they had promised.)

VII. THE JANUARY 20, 2015 AFFIDAVITS

On January 20, 2015—in the interim period between issuance of the bench ruling and the entry of the written order—Briggs and Robinson each filed an affidavit.[193], [194] The affidavits failed to establish that either had made any sincere effort to turn over the Requested Information.

A. Robinson's Affidavit

In his four-line affidavit, Robinson attested that he provided to the Trustees a document that he called a "licensing agreement" between himself and Critique Services L.L.C. He also attested that the Debtors' fees were "paid in cash, receipted, and handed over to me," that "the attorneys fees were not held," and that the "attorneys fees were not deposited in any accounts." Last, he

[193] Attachment 193.

[194] Attachment 194.

attested that the Debtors' "fees were spent prior to the filing of the case." Robinson attached no documentation in support.

There were multiple problems with Robinson's affidavit. First, because of Robinson's established propensity for lying to the Court, any self-serving and unsupported portion of his affidavit likewise had almost no credibility. Second, the affidavit showed Robinson lied—again. Robinson attested that the fees were not "held." This, on its face, must be untrue. It is uncontested that the Debtors paid fees at the Critique Services Business Office, and Robinson admitted that these fees were "handed" to him by some unnamed person at the Critique Services Business Office who "receipted" the fees. As such, those fees necessarily had to have been "held" somewhere—whether that was in an account, in a safe, in a desk drawer, or in Robinson's wallet. Third, the affidavit failed to show Robinson made any effort to comply with the turnover request, except that he provided a copy of his contract with Critique Services L.L.C. There had been no disclosure of information about what had happened to the fees after they were "handed" to Robinson—the crux of the Trustees' request. Robinson provided no receipts, no accounting records, no ledger or other bookkeeping material. He provided no affidavit of the person who "receipted" the fee; he did not even provide the person's name. He provided nothing supporting a finding that his fees had been, in any part, earned before being pocketed and spent. He provided no information regarding when or how any portion of the fees were paid to Critique Services L.L.C., pursuant to Robinson's contract with Critique Services L.L.C. Robinson provided almost nothing that would assist the Trustees in accounting to the Court for what had happened to the fees following his suspension and whether they had been earned or unearned.

Moreover, Robinson's representations in the affidavit raised another, even more disturbing, concern: they suggest that Robinson committed fiduciary malfeasance related to his clients' fees. He attested that he did not place the client fees in any sort of account—which means that the fees were not held in a trust account or otherwise in trust. That is, from the moment the fees were paid, Robinson treated them as fully earned and as his personal property. However,

there appears to be no basis upon which Robinson could have properly treated the fees as earned in full merely upon receipt. First, by the very caption of the written agreement between Robinson and each of the Debtors, Robinson accepted the fees as a *retainer*. The document itself is titled "RETAINER AGREEMENT." [195] The fees were paid to *retain* Robinson to provide services, not in payment for services already rendered. Second, by the very terms of the Retainer Agreement, the services to be rendered included the preparation and filing of the petition, schedules of assets and liabilities, and statement of financial affairs, as well as representation at the § 341 meeting of creditors. As such, there appears to be no possibility that Robinson could have earned all the fees simply upon payment of the retainer. At the time the fees were handed to Robinson, the petition papers had not been drawn up, the case had not been filed, and the § 341 meeting had not been held. That is, the bulk of the legal services for which he had been hired to provide had not been rendered. At most, Robinson might have done a cursory client interview. Yet, Robinson admits that he "spent" all the fees prior to earning them by providing services.

B. Briggs's Affidavit

In his affidavit, Briggs attested that, since the January 13 hearing, he had undertaken efforts to contact the Debtors and that certain Debtors had provided to him their copies of their receipts from Robinson and their retainer agreements. He attested that several of the Debtors had executed, or would soon execute, affidavits in which they attest to "their personal knowledge regarding to whom they paid fees in retaining Attorney James Robinson as their bankruptcy counsel, and where such fees were held and disbursed after remittance." This was nothing more than an effort by Briggs to appear industrious and compliant, but without doing anything that was actually productive or meaningfully responsive. The Debtors, of course, had no knowledge regarding what happened to their fees after Robinson's suspension. No one had thought that they would.

Briggs spent a considerable portion of his affidavit attesting to his personal ignorance. He attested that he personally knows nothing regarding the receipt of

[195] Attachment 195.

the fees, the holding of the fees, the deposit of the fees, or the disbursement of the fees. These representations were revelatory of nothing. No one had even suggested that Briggs had personal knowledge of what had happened to his clients' fees. That was part of the problem: Briggs did not know *and he made no efforts to find out*—despite the fact that the need for an accounting was holding up the closing of his clients' Cases. The point of the turnover effort was not to obtain Briggs's personal knowledge; the point was to get Briggs to stop protecting Robinson and the Critique Services Business, and to instead help his own clients by obtaining the recorded information regarding their fees. When Briggs agreed at the January 13, 2015 hearing to be helpful, he was not agreeing to provide a substantively empty statement of his own lack of personal knowledge or substantively empty affidavits about the lack of the Debtors' personal knowledge. *He was agreeing to make good faith efforts to zealously advocate for his clients by seeking to obtain the information sought by the Trustees.* But, as of January 20, 2015, Briggs had not acted sincerely, much less zealously, to obtain the information. Briggs could not even make the representation that he had informally inquired of Robinson or Critique Services L.L.C. about the requested information. Instead, Briggs filed the fairly pointless affidavits, as if producing paperwork and "looking busy" was a substitute for actually doing something.

VIII. THE ORDER COMPELLING TURNOVER

On January 23, 2015, the Court issued its order granting the Motion to Compel Turnover (the "Order Compelling Turnover").[196] In that order, the Court determined that Briggs and Robinson had "effectively [withdrawn] their objections to the Motion to Compel Turnover and agreed that such relief is proper," and found that Briggs and Robinson had agreed to assist in providing the requested turnover. The Court also made clear that it expected "***good faith and full compliance*** with this Order," without any further excuses. The Court also ordered that pursuant to § 329(b), Bankruptcy Rule 2017, § 542(e) and § 105(a), Robinson, Briggs, Critique Services L.L.C., and Critique Legal Services L.L.C.

[196] Attachment 196.

turn over certain information by January 30, 2015. The documents subject to turnover were specifically defined in the order, and included, among other things: engagement letters, contracts and other documents containing or setting forth any fee arrangement and/or terms of representation with any of the Debtors; all checks (both front and back thereof), money orders, receipts, receipt books, ledgers, bank statements and other documents reflecting payment of fees or expenses paid by, on or behalf of any of the Debtors; and/or any accounts into which any such funds for fees and expenses were deposited; all checks, receipts, ledgers, check registers, journals, adjustments, account statements, and other documents reflecting any disbursement, credit or debit adjustment or transfer, by and between Robinson, Briggs, any entity using the word "Critique" in its name, any attorney affiliated with the Critique Services Business.

The Order Compelling Turnover required Briggs to obtain and turn over the information only for his own Debtor-clients. The other Compelled Parties—Robinson, Critique Legal Services L.L.C., and Critique Services L.L.C.—were required to perform turnover of documents and information related to all Debtors.

All the compelled persons received copies of the Order Compelling Turnover. Briggs and Robinson were provided electronic copies through CM-ECF and a hard copy through the U.S. Postal Service. Critique Services L.L.C. and Critique Legal Services, L.L.C. were provided paper copies at the Critique Services Business Office. A copy also was provided, as a courtesy, to Mass at his law office, as well as to Diltz at the Critique Services Business Office. Mass later admitted that he received the Order Compelling Turnover before the deadline to appeal or to file a motion to reconsider.

No one filed a motion to reconsider the Order Compelling Turnover or otherwise challenged the effectiveness of the terms of the Order Compelling Turnover. No one appealed the Order Compelling Turnover.

A status conference on compliance with the Order Compelling Turnover was set for February 4, 2015, and the hearing on the Show Cause Orders was reset to February 18, 2015.

IX. THE EVENTS BETWEEN THE ISSUANCE OF THE ORDER COMPELLING TURNOVER AND THE FEBRUARY 4, 2015 STATUS CONFERENCE

A. Briggs's January 24, 2015 Letter

On January 24, 2015, Briggs sent to Robinson and Critique Services L.L.C. a one-line, half-hearted letter, in which he wrote, "[i]n compliance with the Order Granting Motion to Compel Turnover, dated January 24, 2015, and on behalf of the above referenced Debtors, I hereby request that you produce all documents encompassed within the above Order to the Trustees by January 20, 2015, at 12:00 P.M. as required by the Order of the Court."[197] So, Briggs's big effort to be helpful amounted to a feeble, one-sentence "request" that the Robinson and Critique Services L.L.C. provide the documents to the Trustees. Briggs could not even muster up the zealousness to request that the information be given to him, on behalf of his clients. He tried to distance himself from the request as much as possible. In his letter, Briggs did not suggest that he would take further legal action to obtain the information if it was not turned over. He did not suggest that his clients were entitled to this information about their own attorney's fees paid. He did not request confirmation that the information would be provided. He did not set a deadline given for such a response. The letter was devoid of any sense of sincere advocacy. It was nothing more than another attempt by Briggs to *appear* to be doing something helpful, without *actually doing* something helpful.

B. Mass's Entry of Appearance and Response

Critique Services L.L.C. did not file a notice of appeal or a motion to reconsider the Order Compelling Turnover. Instead, on January 29, 2015, Mass filed an Entry of Appearance on behalf of Critique Services L.L.C and a Response to the Order to Compel.[198] In that response, Critique Services L.L.C. claimed that it had no information subject to turnover except for (i) a copy of its contract with Robinson (which it turned over to the Trustees), and (ii) copies of its

[197] Attachment 197.

[198] Attachment 198.

contracts with Meriwether and Brock-Moore (which it refused to turn over despite having no basis in the law for making that refusal).

C. Critique Services L.L.C.'s Motion to Disqualify

On February 3, 2015—the day before the scheduled status conference—Critique Services L.L.C. filed a motion to disqualify the Judge. The motion contained numerous false statements about the Judge, the Court, and prior matters, and read like it was heavily cribbed from the many previous, similar recusal demands made by various Critique Services Business affiliated persons. On February 4, 2015 (before the status conference), the Court entered an order denying the motion to disqualify.[199]

X. THE FEBRUARY 4, 2015 STATUS CONFERENCE

On February 4, 2015, the Court held a status conference on the compliance with the Order Compelling Turnover.[200] Each of the Trustees appeared except for Trustee O'Laughlin (who authorized Trustee Case to represent his positions). Also appearing were an attorney for the UST13, Briggs (representing himself), and Mass (representing Critique Services L.L.C.). No one appeared for Critique Legal Services L.L.C. Robinson did not appear.

At the conference, it was established that the compelled parties had not complied in full and good faith with the Order Compelling Turnover. To summarize:

- Briggs tried to hide behind his own clients, baldly insisting that he could not do anything because his clients did not *want* him to provide assistance in obtaining the documents and information. He produced no client, no witness, no affidavit, and no other type of corroborating evidence to back up his claim. The Court found Briggs's claim to be entirely self-serving and lacking credibility. It made no sense that Briggs's clients—who were being represented for free—would refuse to allow Briggs to represent their interests and help to get their Cases

[199] Attachment 199.

[200] Attachment 200.

closed. The Court did not believe that Briggs truthfully advised his clients of the realities of the situation, including the fact that, until the accounting and sanctions issues were resolved, their Cases would not be closed. Throughout the Cases, Briggs had made no effort to look out for his clients' interests when doing so would have put him at odds with the Critique Services Business. The Court had no reason to believe that he had suddenly started doing so now.

- Critique Services L.L.C. insisted that it had nothing to turn over. It claimed, through a representation by Mass, that it has only one employee, Diltz, and that Critique Services L.L.C. did not perform any of the bookkeeping services that it was contractually obligated to provide to Robinson. It offered no witness, no amended contract, no affidavit—nothing—that backed up Mass's claims that Critique Services L.L.C. did not provide bookkeeping services.

At the end of the status conference, the Court advised that it was taking the matter under advisement. The hearing scheduled for February 18, 2015 on the three Show Cause Orders was removed from the docket.

XI. THE EVENTS IN THE FIVE MONTHS AFTER THE STATUS CONFERENCE

A. No Additional Turnover

On March 31, 2015, the Court issued an order directing the Trustees to file copies of the affidavits of Briggs's clients, which Briggs had advised the Court he had provided to the Trustees. Between March 30 and 31, 2015, the Trustees complied with the order and filed the affidavits and supporting documents that Briggs had given to them.[201] In the affidavits, the Debtors stated that they had paid cash to someone other than Robinson (variously, Charlotte, Bey, or an unidentified African American woman). However, it was already known that someone other than Robinson collected the fees, so this was not particularly helpful in determining anything more about what had become of the fees after being remitted. Beyond that, the Debtors stated that, "I have no knowledge about where my cash payment was held, deposited or disbursed after making this

[201] Attachment 201.

payment" and "I have no knowledge of or access to the checks, accounts or ledgers of Attorney Robinson or Critique Services." *Well, no kidding*. Of course the Debtors had no idea what had happened to their fees following remitting them to the Critique Services Business and would have no access to the business's ledgers. Boiled down, the affidavits prepared by Briggs were not responsive to the turnover directive. Briggs was not under an obligation to show that his clients were ignorant of the financial goings-on at the Critique Services Business; he was under the obligation to try to obtain the information about where his clients' money had been—information that would have come from the persons affiliated with the Critique Services Business, not from his clients.

The only thing of particular note related to the affidavits was the receipt copies that were attached. While the receipts shed no light on where the Debtors' fee went after they were collected, their existence strongly suggested that either Robinson and Critique Services L.L.C.—or both—were lying about not having any financial information to turn over. *Someone* at the Critique Services Business Office kept a receipt book. The receipts appear to be the common "carbon copy" type of receipt book, where the top copy is ripped along the perforations and given to the client, while the bottom copy remains in the book. *So, where is the receipt book from which the receipts were torn?*

B. Mass's February 11, 2015 Motion to Dismiss and May 12, 2015 Memorandum

On February 11, 2015, Mass filed a motion to dismiss for lack of subject matter jurisdiction and mootness. On February 12, 2105, the Court entered an order denying the motion to dismiss.[202]

On May 12, 2015, Mass filed a "Memorandum," in which he sought to "clarify" the record of the February 4 proceeding.[203] On May 15, 2015, the Court

[202] Attachment 202.

[203] Attachment 203.

entered an order striking in part the Memorandum,[204] noting several odd, incongruent, unsupported, or inexplicable representations in the Memorandum:

- Mass appeared to be attempting to modify the record of the February 4 conference. However, as the Court explained in its order, while "Mass is free to make whatever representations he wishes . . . the record is what the record is. Nothing in the Memorandum can reach back in time and replace the representations made at the February 4 hearing. Mass's new representations in the Memorandum stand in contrast to, or in comparison with, or in complement to, his representations at the February 4 hearing."
- Mass represented that he made certain statements at the February 4 conference regarding invoices and charges. However, the statements that he claimed to have made at the February 4 status conference, he did not, in fact, make. (Mass may have been confusing his representations at the February 4 conference in these Cases with representations that he made at a hearing in *In re Williams, et al.*, concurrently pending before Chief Judge Surratt-States. *In re Williams, et al.* also involves allegations of professional malfeasance by persons involved with the Critique Services Business.)
- Mass made representations about payments to Critique Services L.L.C. by Robinson, the use of debit cards, and the receipt of fees paid by the Debtors in these Cases. However, these statements by Mass—which were unsupported by any evidence or affidavit or otherwise—did not establish anything.
- Mass stated that he "believes" that Critique Services L.L.C.'s "conduct complied with the structure established" in the 2007 Injunction. However, Mass's personal belief is not persuasive of (much less determinative of) whether his client complied with the 2007 Injunction. Moreover, Mass's proclamation about "compliance" with the 2007

[204] Attachment 204.

Injunction was just a red herring; the issue of whether the 2007 Injunction had been violated was not before the Court. As the Court observed:

> [i]t is unclear why Mass feels the need to share his belief on th[e issue of whether the 2007 injunction was violated] with the Court in these Cases, given that the issue of whether the 2007 injunction was violated is currently before another Judge of this Court on motions filed in other cases. It is not an issue in these Cases. This [point] was previously explained to Mass by the Court at the February 4 hearing, after Mass incorrectly insisted that the Show Cause Orders raised the issue. Because Mass appears, once again, to need this pointed out, the Court will, once again, state: the issue of whether the 2007 injunction was violated is not an issue raised for determination in these Cases. The Show Cause Orders do not refer to the 2007 injunction. There has been no motion to enforce the 2007 injunction. No party is seeking relief under the 2007 injunction. The issue presented by the Show Cause Orders is whether Robinson should be sanctioned for failing to timely return unearned fees that were property of the estate—an issue [that] is separate from the issue of whether the 2007 injunction was violated.

Mass stated that, since February 4, 2015, he "has learned certain details whereby what he represented in Court may have left an incomplete impression upon the Court." However, impressions are not complete or incomplete; they are accurate or inaccurate—although accuracy of an impression may be the result of the completeness of the details revealed. Mass's awkwardly phrased statement amounted to a self-servingly polite way of admitting that he had left an inaccurate (read: *false*) impression on February 4, 2015. As the Court explained:

> [T]here is no such thing as "leaving an incomplete impression upon the Court." "Incomplete" would not describe the Court's resulting impression—although it might describe the disclosures, if the disclosures were lacking in adequacy or candor. [However, t]here is such a thing as "leaving a *false* impression upon the Court" [and] it appears that what Mass means is: he left a false impression upon the Court as a result of making incomplete disclosures. The Court notes the irony of Mass attempting to change a false impression by misleadingly characterizing the situation as one of "an incomplete impression"—a phrase that appears to have been utilized to sound

more innocuous than “false.”

The Court took the step of striking the improper effort to “clarify” the record to make it clear what the Memorandum operated to do, and what it did not operate to do. The Court wanted no claims later that Mass had somehow “changed” the record of the February 4, 2015 proceeding by virtue of his Memorandum, which was not subject to cross-examination, was not made under oath by a witness, was not sworn under oath, and did not constitute evidence.

XII. THE ISSUANCE OF THE NOTICES OF INTENT TO IMPOSE SANCTIONS AND THE RESPONSES AND EVENTS THEREAFTER

A. The July 6, 2015 Notice to Robinson, Critique Services L.L.C., and Briggs

On July 6, 2015, the Court issued a notice of intent to impose sanctions (the “July 6 Notice”).[205] In the July 6 Notice, the Court gave notice to Critique Services L.L.C., Robinson, and Briggs that it was considering imposing sanctions or other action for their non-compliance with the Order Compelling Turnover. The Court gave them seven days to either comply with the Order Compelling Turnover or to file a brief, addressing why sanctions or other actions should not be ordered. In addition, the Court directed each of the Trustees to file an affidavit attesting to: (i) whether any turnover had occurred since February 4, 2015 and, if so, what was the nature and scope of such turnover, and (ii) whether he had become aware of any additional facts that bear on the issue of compliance with the Order Compelling Discovery or the representations made at the January 13 or February 4 proceedings.

B. The Responses to the July 6, 2015 Notice

On July 13, 2015, Robinson, Critique Services L.L.C., and Briggs each filed a response to the July 6 Notice.[206, 207, 208] They each contended that sanctions are not proper.

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[205] Attachment 205.

[206] Attachment 206.

[207] Attachment 207.

Most of the Trustees filed responses in which they simply indicated that they had received no additional turnover.

Trustee Kristin Conwell's response, [209] however, was an entirely different animal. Trustee Conwell responded with information indicating that, at the January 13, 2015 hearing, Briggs had deliberately mislead the Court regarding his relationship with Diltz and the Critique Services Business.

Trustee Conwell's response, which was by affidavit, picked up shortly after the conclusion of the January 13, 2015 hearing. Following the hearing, Trustee Conwell went to get lunch and—of all the restaurants, in all the towns, in all the world—she walked into Briggs's. While it was no Bogie-Bergman moment, it was a plot twist of cosmic irony (or karmic justice) in Briggs's distinctly un-entertaining song-and-dance show, "How to Succeed in [the Critique Services] Business Without Really Lying."

Trustee Conwell attested that she entered a public restaurant, where she stumbled upon Briggs and an African-American woman. Briggs and his companion were seated in close proximity, conversing. Trustee Conwell overheard remarks, including a vulgar comment made by Briggs's companion. The remarks indicated that they were discussing the hearing that had just ended. Trustee Conwell took photographs of Briggs and his companion, made notes of what she witnessed, and saved her time-stamped lunch receipt. Later, Trustee Conwell provided the photographs to Trustee Case, who identified the woman in the photographs as Diltz.

That is, immediately after the January 13, 2015 hearing—where Briggs had put on a show about his purported great distance from the Critique Services Business—Briggs ran off to have lunch with Diltz, the woman he had struggled to identify as the owner of the Critique Services Business just an hour earlier.

In response to the Court's directive, Trustee Conwell filed her affidavit, attesting to these additional facts. She attached the photographs and her time-

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[208] Attachment 208.

[209] Attachment 209.

stamped meal receipt. Trustee Case also filed an affidavit,[210] attesting to her identification of Diltz in the photographs.

The Court notes that the decision by Trustee Conwell to disclose what she had witnessed could not have been an easy one. She certainly knew that she was placing herself squarely in the crosshairs of those affiliated with the Critique Services Business. These are people who will say anything and do to anything to distract from their own bad acts, and they have no compunctions about making baseless personal attacks. But, despite the risks, Trustee Conwell filed her affidavit, to ensure that the Court had the fullest version of the facts available. And for her commitment of candor to the Court, the predictable followed. Briggs maligned her before the District Court and the Eighth Circuit (where, conveniently for Briggs, she had no standing to respond) in his failed efforts in August 2015 to obtain a writ of prohibition.

C. The July 22, 2015 Notice to Briggs

In light of the representations made in Trustee Conwell's affidavit, on July 22, 2015, the Court issued another notice of intent to impose sanctions (the "July 22 Notice").[211] This time, the Court gave notice to Briggs that it was considering imposing sanctions upon him for making misleading statements regarding his relationship with Critique Services L.L.C. and Diltz.

The Court gave Briggs an opportunity to avoid the imposition of sanctions by showing cause why sanctions were not warranted. The Court also offered Briggs an opportunity to avoid the imposition of sanctions by agreeing to: (1) a six-month voluntary suspension from the privilege of practicing before the Court; (2) ten hours of continuing legal education in ethics; and (3) a permanent injunction from ever again doing business with Diltz, her businesses, her employees and independent contractors, and Robinson, related to a case filed in, or anticipated to be filed in, the Court. The Court was clear, however: acceptance of this alternate method for avoiding sanctions was entirely Briggs's *choice*:

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[210] Attachment 210.

[211] Attachment 211.

> Briggs is not obligated to agree to these terms. He is free to decline to agree to them. He is free to decline to respond to this Notice. He is free to respond in whatever way he believes best advocates for his interests. If he believes that sanctions, directives, or referrals are not proper, he should use his response as an opportunity to explain why there is no cause for such an order. The Court will carefully consider whatever response he may file. However, if the Court determines that sanctions, directives and/or referrals are proper, the Court will not be limited to the terms outlined above. Any sanctions, directives and/or referrals may include the above terms, additional terms, or different terms.

D. Briggs's Response to the July 22, 2015 Notice, Including his Request for a Transfer of the Sanctions Determination to the District Court

On July 31, 2015, Briggs filed a response to the July 22 Notice:[212]

- Briggs did not challenge the admissibility or accuracy or authenticity of the photographs or the time-stamped meal receipt.
- Briggs did not challenge the veracity of Trustee Conwell's attestations.
- Briggs did not request an evidentiary hearing.
- Briggs did not request an opportunity to make oral argument.

Instead, Briggs argued that the matter must be "transferred" to the District Court, and, alternatively, that sanctions are not warranted.

In insisting that the sanctions determination must be "transferred," Briggs argued that this Court lacks the authority to impose sanctions. He insisted that such authority rests only with an Article III court. However, it is well-established that the bankruptcy court has the authority to sanction attorneys who appear before it, and Briggs cited no on-point authority to the contrary. In addition, there is no procedural mechanism by which the Court can "transfer" a matter back to the District Court. The Court receives its cases pursuant to the standing order of automatic reference—an order that was issued by the District Court. The automatic reference is a one-way street: from the District Court to the Bankruptcy Court; it does not flow back upstream. This Bankruptcy Court has no authority to "reverse" the District Court's automatic reference, and it certainly has no authority to dictate to the District Court what matters that court must determine. If Briggs

[212] Attachment 212.

believed that only the District Court could determine sanctions, he needed to file a motion to withdraw the automatic reference and argue *to the District Court* that it should withdraw its reference.

In addition to this lack-of-authority argument, Briggs also argued that sanctions are not warranted. Briggs first claimed that he has dealt honestly with the Court. However, the transcript of the January 13, 2015 hearing shows the opposite. Briggs's performance was a strained exercise in feigned uncertainty:

> The Court: So who does have the information and access of Critique?
>
> Respondent [Briggs]: Probably who owns and controls it. Not me.
>
> The Court: Who is that to your knowledge on the record?
>
> Respondent: Missouri Secretary of State has a document –
>
> The Court: No, no, no. Who –
>
> Respondent: I know –
>
> The Court: Who is it –
>
> Respondent: Mr. Robinson may well be. It may – it may be Beverly Diltz.
>
> The Court: What do you mean, 'may be'?
>
> Respondent: That's what the Missouri Secretary of State says. I assume it's correct.

That is, when the Court tried to establish a baseline—an acknowledgment by the tap-dancing, name-parsing Briggs of his *personal knowledge* regarding who might control any documents and information held at the Critique Services Business—Briggs responded with deliberate obtusity. Instead of answering forthrightly, he first dodged answering with his personal knowledge, stating that "Missouri Secretary of State has a document . . ." When the Court insisted that he answer the question posed, Briggs next tried misdirection, suggesting that, to his personal knowledge, "Mr. Robinson may well be." Then, he threw in: "It may – it may be Beverly Diltz"—with hesitation to suggest that he really could not be certain. When the Court asked him to clarify what he meant by "may be," Briggs

again implied that he had no personal knowledge, explaining that, "That's what the Missouri Secretary of State says." Briggs employed every evasive tactic he could think up to avoid answering straightforwardly.

Next, Briggs argued that sanctions are not warranted because Diltz is, in fact, the owner of Critique Services L.L.C. That is not a reason that Briggs should not be sanctioned. He purposely mislead the Court about his personal knowledge of the fact that Diltz is the owner—in an effort to make himself look clueless and far-removed from the Critique Services business. Briggs acted as if he was so unfamiliar with the business that he could not give an answer based on his own personal knowledge. He even went so far as to suggest the wrong person (Robinson).

Next, Briggs argued that sanctions are not proper because his lunch meeting "appears" to have "facilitated" Critique Services L.L.C.'s turnover of documents. This is ridiculous. To this day, Critique Services L.L.C. has failed to turn over any information that would permit the Trustees to provide the accounting to the Court. Whatever Briggs was up to at the January 13 lunch with Diltz, he did nothing to "facilitate" compliance with the Court's directives.

Briggs also argued that sanctions are not necessary because he feels insulted. He took umbrage with "any inference that this [lunch] meeting in a public place was clandestine or arranged for an improper purpose." Presumably, Briggs meant "implication," not "inference" (or, on the other hand, maybe this was just a psychologically telling slip on Briggs's part). But implications and inferences are beside the point because *Briggs's meeting with Diltz was, in fact, clandestine*. "Clandestine" means "done in a private way; done secretly." The fact that the lunch was held in a public place does not mean that it was not clandestine. It was clandestine because it was done secretly from the Court. Briggs made no mention of this lunch, despite the fact that—if it had been really been conducted in an effort to obtain the turnover—its occurrence would have been disclosed to the Court. If Briggs does not like the fact that his actions imply that he had an improper purpose, he might consider not acting in a way that

implies that he has improper purpose. It would save him the emotional expense of contrived indignation.

And last, Briggs argued that sanctions are not proper because the Court misinterpreted the photographs. Apparently expecting the Court to be as gullible as he is evasive, Briggs claimed that his post-hearing lunch meeting was not evidence that he mislead the Court about his relationship with Diltz and Critique Services L.L.C. in his representations at the January 13 hearing. Instead, the meeting is evidence of Briggs's fervent, zealous effort to immediately comply with the bench ruling and convince Diltz to make the required turnover.

This claim was an openly laughable assertion with absolutely no credibility whatsoever.

There is ***nothing*** in the record that suggests that Briggs is telling the truth about the reason for his post-hearing meeting with Diltz. In fact, the record points to the opposite conclusion.

For starters, at the January 13, 2015 hearing, Briggs did not suggest that he had ***any*** intent to attempt to immediately conference with Diltz. He barely acknowledged that he had any relationship with her; he certainly did not suggest that he was going to call her up and arrange for an immediate sit-down. For example, he did not represent: "Your Honor, as soon as this hearing is over, I will contact Ms. Diltz personally and attempt to meet with her." If anything, Briggs's representations in court (including his repeated insistence on being outside the "inner sanctum") suggested that he did not even have the pull to get a sit-down.

But, more tellingly, ***in the six months after the January 13, 2015 hearing, Briggs never disclosed that he had met with Diltz shortly after the hearing***. He never disclosed the fact that the meeting occurred, despite having had many opportunities to do so. For example:

- Briggs did not represent in his January 20, 2015 affidavit that he met with Diltz immediately after the hearing—despite the fact that the point of the affidavit was to disclose those efforts that he had taken to comply with the directive issued from the bench.

- Briggs did not represent in his January 30, 2015 affidavit that he met with Diltz immediately after the hearing—despite the fact that the point of the affidavit was to disclose those efforts that he had taken to comply with the Order Compelling Turnover.
- Briggs did not represent at the February 4, 2015 status conference that he met with Diltz after the hearing—despite the fact that this was another important opportunity for Briggs to establish the full scope of his efforts at compliance with the Order Compelling Turnover.
- Briggs did not represent in his July 13, 2015 affidavit that he met with Diltz after the January 13 hearing—despite the fact that this was yet-another chance to establish his efforts at compliance.
- Briggs did not represent in his Response to the July 6 Notice that he met with Diltz after the hearing—despite the fact that, by this time, Briggs had been ordered to show cause why he should not be sanctioned for failure to comply with the Order Compelling Turnover. Given the gravity of the situation, it defies explanation why—if Briggs really had arranged for the lunch meeting in an effort to convince Diltz to turn over documents—he would not have mentioned the meeting to the Court, as evidence of his good faith efforts.

It was not until after Briggs's post-hearing lunch was exposed on the record in July 2015 that Briggs suddenly, for the first time, even acknowledged his meeting with Diltz. If that lunch meeting had really been an effort by Briggs to "facilitate" the turnover—as he now claims—there would have been every reason for Briggs *not* to have kept the fact of the meeting a secret. Yet, for months following the meeting, and in the growing face of possible serious sanctions, Briggs said nothing. His silence makes no sense, if the purpose of the meeting really had been to encourage Critique Services L.L.C. to comply with the turnover directive. Briggs's failure to advise the Court of his January 13, 2015 lunch meeting makes sense if Briggs was in cohoots with Diltz from the get-go.

On August 4, 2015, the Court entered an order denying Briggs's "transfer" request.[213] The Court advised that if Briggs sincerely believed that only the District Court had authority to impose sanctions, he could make his lack-of-authority argument in a motion to withdraw the automatic reference—a motion that would be determined by the District Court.

E. Briggs's Two Petitions for Writ of Prohibition

On August 6, 2015, Briggs filed a petition for writ of prohibition in the District Court,[214] in an effort to stop the Judge from making the sanctions determination. On August 11, 2015, the District Court dismissed his petition for writ of prohibition for want of jurisdiction.[215] On August 12, 2015, Briggs filed a petition for writ of prohibition in the Eighth Circuit.[216] On August 18, 2015, the Eighth Circuit denied his petition for writ of prohibition without comment.[217]

Briggs's petitions for writ of prohibition were based on numerous demonstrably false recitations of the facts. Most notably, Briggs claimed that, "[o]n July 22, 2015, Judge Rendlen entered an Order advising Petitioner that he intended to impose a sanction upon Petitioner in the form of a six (6) month suspension from practicing before the Bankruptcy Court." In reality, the Court made no such statement and expressed no such intent. Instead, the Court had been clear that it had not yet determined whether it would sanction Briggs. And the Court never stated that it intended to suspend Briggs for six months—or for any other length of time, for that matter. The Court specifically left open the possibility of a variety of sanctions. Suspension was only one of several options.

This was not Briggs's only false statement in his petitions for writ. Below, the Court points out several of Briggs's false allegations made in his petitions for

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[213] Attachment 213.

[214] Attachment 214.

[215] Attachment 215.

[216] Attachment 216.

[217] Attachment 217.

writ of prohibition, to make certain that—for purposes the matters being addressed in these Cases—the record is clear regarding their falsity.

1. The false statement about the status of the Cases at the time the Show Cause Orders were issued

Briggs falsely stated that, prior to the issuance of the Show Cause Orders, all the Cases had been closed and that the Judge had reopened "each [C]ase." Briggs was trying to insinuate some improper gamesmanship by the Court. Setting aside the fact that the Court can reopen a case for cause and cause clearly existed, and setting aside the fact that Briggs did not raise an issue with any of his clients' Cases being reopened, the record shows that Briggs's claim is untrue. Five of the eight Cases (*In re Reed, In re Brady, In re Beard, In re Stewart, and In re Shields*) were open at the time that the Show Cause Orders were issued and had never previously been closed. The Court had even pointed out this fact in its December 3, 2014 order, observing that "[m]ost of the Cases have not been closed pursuant to § 350(a)." But Briggs made the false representation anyway, because it fit into his fictional account of what had happened in these Cases.

2. The false statement about the re-appointment of the Trustees

Briggs falsely stated that the Judge reappointed the Trustees in all the Cases. First, this statement cannot be true, since the appointment of a trustee is an Executive Branch duty. A judge does not appoint trustees; the United States Trustee appoints trustees. Second, the Court also notes that the UST13 reappointed the Trustees in only three of the Cases (*In re Long, In re Moore,* and *In re Logan*). In the other Cases, the Trustees were under active appointment when the Show Cause Orders were issued. They were never reappointed.

3. The false statements about Trustee Conwell

Briggs made false statements about Trustee Conwell—the Trustee who had the misfortune of coming upon him at his lunch with Diltz. Briggs could not attack Trustee Conwell on her credibility; he could not attack her professional reputation; he could not attack her motive. So he just lied about the situation.

He accused Trustee Conwell of "eavesdropping" on him—suggesting that she was acting improperly. Trustee Conwell did not eavesdrop. To "eavesdrop" is "to listen secretly to what is said in private." Trustee Conwell did not "listen secretly" to Briggs's conversation; she was not listening while lurking in the shadows or hidden in disguise. She overheard Briggs's unguarded conversation in a public place. That is not eavesdropping. The fact that Briggs did not deign to notice Trustee Conwell's presence does not mean that Trustee Conwell was doing anything in secret. And, Briggs and Diltz were not speaking "in private." They were at a public restaurant, at a publicly viewable table, speaking loudly enough to be heard by a bystander.

Briggs accused Trustee Conwell of having "surreptitiously photograph[ed]" him—again, employing accusatory vocabulary without any foundation. Trustee Conwell did not do anything surreptitiously. "Surreptitiously" means "done, made or acquired by stealth," and "stealth" means "a cautious manner, so as not to be seen or heard." Trustee Conwell entered a public place, happened upon Briggs and Diltz, and used her camera (presumably, the one on her smartphone, given the quality of the pictures) to memorialize what she witnessed. In other words, she was one selfie stick short of being a tourist. Not exactly SEAL Team 6 descending on an Abbottabad compound.

Briggs accused Trustee Conwell of failing to "announce her presence" to him. (That's a new one—that a trustee's presence must be "announced" to the inattentive or self-absorbed. Docket days would certainly become more complicated.) However, Trustee Conwell was not required to conduct ground force reconnaissance to assess any "opposing party" presence before entering the restaurant, and she did not have to "announce her presence" to fellow lunch-goers, including to Briggs. And she certainly is not responsible for protecting Briggs from himself—if that were even possible, anyway.

Last, Briggs accused Trustee Conwell of improperly withholding documents in these Cases, conspiratorially insisting:

> Trustee Conwell has failed to provide to [Briggs] and the Court her notes of the January 13, 2015 lunch meeting, or account for their absence. . . . If she still has the notes in her possession, it is

> troubling that they were not produced along with the Affidavit. Conwell signed the Affidavit, under oath, on July 15, 2015, over six (6) months after the lunch meeting. If she no longer has the notes, their absence certainly casts doubt on the accuracy of the statements contained in the Affidavit.

However, what Briggs conveniently failed to mention was that Trustee Conwell was never obligated to provide her notes to Briggs or the Court. No request for her notes had been made. No order directing that she turn over her notes had been entered. Briggs's suggestion that it is "troubling" that the notes were not attached to her affidavit is just mud-slinging. The only thing troubling about Trustee Conwell's affidavit was what its contents revealed about Briggs. There was no reason for Trustee Conwell to attach her notes to her affidavit. Her notes do not establish what Trustee Conwell witnessed; her sworn statement does. Moreover, if Briggs had a problem with the fact that the notes were not attached, he had options. He could have asked Trustee Conwell for her notes. He could have filed a motion for access to the notes. He could have requested a hearing on the July 22 Notice and called Trustee Conwell as a witness. But Briggs did none of these things. Instead, he maligned Trustee Conwell's character before two appellate courts, where Trustee Conwell had no standing to respond.

In summary, Briggs's dumb bad luck does not mean that Trustee Conwell acted improperly in any way.

4. The false statement that "[t]he basis of the Order was the Judge's apparent conclusion that [Briggs] had denied knowing Beverly Diltz was the owner of Critique Services, L.L.C."

Briggs claimed that the Court was considering sanctions because of "the Judge's apparent conclusion that [Briggs] had denied knowing Beverly Diltz was the owner of Critique Services, L.L.C." This is untrue. The Court never concluded that Briggs denied knowing Diltz is the owner of Critique Services L.L.C. That was the whole point: Briggs deliberately and strategically refused to answer the question as to his personal knowledge about who owned the business. He did not deny knowing; he did not confirm knowing; he did not try to answer in good faith; he did not claim ignorance; he pretended that he thought it might be

someone else; he refused to directly answer the question. And all of this was done to bolster his false narrative of "great distance" between himself and the Critique Services Business. As the Court explained in its July 22 Notice:

> Briggs's representations on January 13 and February 4 struck the Court, at the time they were made, as evasive and disingenuous. Briggs appeared focused on creating the impression of great distance between himself and Critique Services L.L.C. and Diltz, rather than on assisting his clients by obtaining the documents and information so that the matters could move forward and his clients' Cases could be closed. Now, by way of his fortuitous choice of a public dining establishment, Briggs appears to have self-proved the dishonesty of which he was suspected.
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> Briggs's insistence he is not in the "inner sanctum" of power at Critique Services L.L.C. appears to be a false narrative, as Briggs apparently reported to the owner of Critique Services L.L.C. within an hour of a hearing involving the business's interests. Briggs's claim that he cannot identify who owns Critique Services L.L.C. appears to be equally lacking in credibility, as he lunched with the owner of Critique Services L.L.C. immediately after a hearing affecting her business. Briggs's entire presentation to the Court regarding his relationship with Critique Services L.L.C. and Diltz seems to be bastardization of *Ipse se nihil scire id unum sciat* [the Socratic Paradox, "I know that I know nothing"]: "I know *that I want you to believe* that I know nothing."

5. The false statement regarding the term of a voluntary suspension

Briggs deliberately misrepresented the terms of the July 22 Notice, stating that: "In the July 22 [Notice], the Court further advised that if Petitioner was unwilling to agree to a voluntary six (6) month suspension, the Court would consider imposing additional sanctions, including a referral to the Missouri Supreme Court's Office of Chief Disciplinary Counsel." He falsely depicted the Court as placing him between Scylla and Charybdis: fated to suspension, regardless. He suggested that he was doomed to be suspended for six months, but that the Court would impose additional sanctions on top of that, if he did not take the suspension voluntarily. However, the Court never said that it would suspend Briggs for six months, *if* it imposed sanctions. And it never said that it would impose heavier sanctions if Briggs did not accept a voluntary suspension.

6. The false statement that the Court had no concerns about the possible violation of the state ethical rules

Briggs stated that: "Judge Rendlen has made it clear that his inquiry into the financial affairs of Robinson and Critique Services, LLC was ***not*** motivated by a concern of a possible violation of the state ethical rules governing the conduct of attorneys." (emphasis in original.) The suggestion that the Court had no concerns about state law ethical violations is belied by the facts—and the actual words of Court orders. The Court stated in its third Show Cause Order that it had concerns about ethical violations—even using the word "concerned":

> The Court is concerned that this forum and these Cases have been used as a vehicle for improperly retaining property of the estate—that Mr. Robinson kept his unearned fees, assuming the Court would not notice and the chapter 7 trustee would not care. In addition, the Court is concerned that Mr. Robinson violated the rules of professional conduct by failing to timely return the unearned fees—and the Court cannot permit this forum to openly host such behavior.

However, despite having these concerns (not in the *absence* of any such concerns), the Court chose not to make state law ethics violations the basis for issuing sanctions. The Court chose instead to stick to the issues of whether disgorgement under § 329 and sanctions under § 105(a) for violations of bankruptcy law were proper. The Court did this for reasons of judicial economy. When the Show Cause Orders were issued in late 2014, the UST13 had expressed little prosecutorial interest at that point in the misconduct of the Critique Services Business. The Court assumed it was on its own in addressing the misconduct—and the Court's resources are limited. Chambers drafting staff consists of the Judge and his one law clerk. The Judge presides over a busy docket and the law clerk, on occasion, requires sleep. So the Court chose to limit its inquiry. But making that choice did not mean that the Court had no concerns about state law ethics violations. In fact, the Court even stated in its order denying Briggs's request for a transfer that it was "considering referring the matters to the Missouri Supreme Court's Office of Chief Disciplinary counsel—an

authoritative body well-equipped to take up state law ethics violations by attorneys."

F. Critique Services L.L.C.'s Motion to Dismiss or to Transfer the Sanctions Determination to Chief Judge Surratt-States

Meanwhile, on August 10, 2015, Critique Services L.L.C. filed a motion to dismiss or transfer the sanctions determination to the docket of Chief Judge Surratt-States.[218] In the motion, Mass made numerous false and misleading statements. Several of the false statements were identical to false statements made by Briggs in his petitions for writ. Critique Services L.L.C. also made various legal arguments—none of which were meritorious—in support of its contention that the Court could not or should not impose sanctions, and baselessly insisted that the sanctions matter must be transferred to the docket of Chief Judge Surratt-States. On September 4, 2015, the Court entered an order denying Critique Services L.L.C.'s motion to dismiss or transfer.[219] In the order, the Court identified Mass's various false statements.

G. The Informal Efforts to Resolve the Issue of Whether Sanctions Should Be Imposed Upon Briggs

In late summer 2015, Chambers was contacted by another bankruptcy attorney in town, to inquire on behalf of Briggs whether there might be a path by which Briggs could avoid suspension. This attorney did not formally represent Briggs, but offered to act as a go-between in communications between Briggs and the Court. The Court assumed that this meant that Briggs intended to proceed in good faith, and embraced Briggs's seeming effort to right the ship. The law clerk was tasked to be the point-person from Chambers to work with the attorney-representative. The law clerk and the attorney-representative worked for several weeks in discussions on an alternate method for how Briggs could bring himself back into good standing with the Court. Ultimately, however, Briggs

[218] Attachment 218.

[219] Attachment 219.

abandoned the efforts undertaken through his attorney-representative, as described below.

H. Briggs's Two Motions for Protective Order

On August 27, 2015, Briggs filed two nearly identical motions for protective order in cases pending before Judge Schermer of the Court, one in *In re Seanea A. Armstrong* (Case No. 15-46170), and the other in *In re Darrel Battle* (Case No. 15-46028). [220] Briggs asked for a declaration that any suspension that might be ordered by Judge Rendlen be declared void and unenforceable.

The motions for protective order were stunningly ill-conceived. In addition to relying on misleading characterizations of the facts in these Cases, Briggs attempted to obtain essentially the same relief from the Bankruptcy Court that he had failed to obtain from higher courts. And he asked that one bankruptcy judge sit in quasi-appellate review of another bankruptcy judge's order—an order that had not even been issued.

On September 1, 2015, Judge Schermer entered an Order Denying the Motion for Protective Order.[221] Judge Schermer dryly observed the situation in baseball metaphor: "Having now failed to gain relief before the United States District Court, the Eighth Circuit Court of Appeals, and now this Bankruptcy Court, I trust that Briggs will retire this cause to the dugout, having taken his best swing three times and missed."

I. The End of Informal Efforts Between Briggs and the Court

The Court interpreted the filing of the motions for protective order to mean that Briggs intended to abandon his efforts to avoid sanctions through discussions with Chambers. Moreover, even if Briggs had not intended his motions for protective order to be abandonment of those efforts with Chambers, the filing of the motions nevertheless required the termination of discussions between Briggs and Chambers.

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[220] Attachment 220.

[221] Attachment 221.

By filing the motions for protective order, Briggs made it impossible for the only two people left who were trying to help Briggs—his attorney-representative and the law clerk—to continue their efforts. Briggs had filed the motions for protective order without advising his attorney-representative of his plan to do so, thereby sandbagging his attorney-representative. The Judge was unwilling to expect the attorney-representative to continue assisting Briggs under such circumstances. And, the law clerk requested to be excused from engaging in further discussions regarding Briggs. It was a fair-enough request: if Briggs was willing to treat his own attorney-representative with so little regard, and was continuing to make false and misleading statements in pleadings to federal courts, the law clerk had no reason to believe that he would deal with her in any less a deceitful a manner. Accordingly, on August 27, 2015, the law clerk contacted Briggs's attorney-representative to advise that, on behalf of the Judge, the discussions between Chambers and Briggs were terminated. However, the law clerk also advised that the Judge left open the door for Briggs to communicate with the Court about his sanctionable behavior in an effort to resolve the situation—although such communication would have to be done formally, by motion.

The termination of the discussions was, in no way, a reflection on Briggs's attorney-representative. The attorney-representative did a commendable job in a difficult situation, dealing with Chambers candidly while vigorously seeking to assist Briggs.

J. The Order Allowing Critique Services L.L.C. to File Tax Documents in Support of its Assertion Regarding its Number of Employees

Over the course of this litigation, Mass had represented that Critique Services L.L.C. had only one employee—Diltz. He made this representation despite the fact that Critique Services L.L.C. is contractually obligated to provide considerable support services to the attorneys, and despite the fact that no one suggested that Diltz provided all these services herself. He offered no evidence in support of this claim: no testimony, no affidavit, no documents. The representation that Diltz was the only employee of Critique Services L.L.C. rested

solely on Mass's word. However, given Mass's record of often being confused or erroneous about the facts involving his own clients, and his history of including false statements in pleadings, Mass's word did not establish much of anything.

Knowing who worked at Critique Services L.L.C. at the time that the Debtors' fees were handled was important for purposes of accounting for what happened to the Debtors' unearned attorney's fees. Given the importance of this issue, the Court gave Critique Services L.L.C. another chance to establish that it has no employees other than Diltz. On August 20, 2015, the Court issued an Order Allowing Critique Services L.L.C. to File Tax Documents in Support of its Assertion Regarding its Number of Employee(s),[222] providing that:

> Critique Services L.L.C. may file unredacted, complete copies of its federal and state tax returns filed for 2013 and 2014, including all IRS Forms 941 and other forms that may show the number of employees. Critique Services L.L.C. may file these documents with the Court under protection, so that no one but court staff can view the documents without a court order.

The Court did not require that Critique Services L.L.C. file these documents; it merely afforded Critique Services L.L.C. the opportunity to do so. As the Court stated: "Critique Services L.L.C. is not obligated to file the documents; the Court is merely affording Critique Services L.L.C. this opportunity to establish its claim regarding its number of employees."

K. Critique Services L.L.C.'s Response to the Order Allowing the Filing of Tax Documents

On August 28, 2015, Critique Services L.L.C. filed a response to the Order Allowing the Filing of Tax Documents.[223] In it, Critique Services L.L.C. refused to submit any tax information, claiming that it was not relevant. It was a strange position to take, since it had been Critique Services L.L.C. that had raised the issue of how many employees it has. Critique Services L.L.C. had brought this issue to the Court's doorstep. The tax documents were a mechanism by which

[222] Attachment 222.

[223] Attachment 223.

Critique Services L.L.C. could easily and credibly establish its claim regarding the number of its employees. The Court entered an Order Disregarding Critique Services L.L.C.'s Purported "Objections."[224]

L. The Admission by Diltz that She and Critique Services L.L.C. Failed to File Tax Returns for at Least Three Years

As it turned out, Critique Services L.L.C.'s claim that its tax information was "irrelevant" was just as disingenuous as most everything else that it stated to the Court. "Relevancy" was not the problem; the problem was that ***the 2013 and 2014 tax returns had never been filed with the taxing authorities.***

The Court learned about this in early January 2016. Late in the previous fall, it had come to the Court's attention that the UST13 may have sought Critique Services L.L.C.'s tax documents during the course of other, ongoing litigation against Critique Services L.L.C. That is, it was possible that the UST13 might have helpful tax information. Accordingly, on December 28, 2015, the Court entered an order,[225] advising:

> The Court is done with this game of whack-a-mole [related to the issue of who is an employee of Critique Services L.L.C.]. The contract says one thing, Critique Services L.L.C. says another, and Robinson says not much that is coherent (much less, anything that is specific). Meanwhile, Mass makes "representations" that are not evidence of anything—other than, perhaps, being evidence of the fact that his client does not want to offer any evidence to support its claims. No one is interested in actually establishing any fact; it is all an orchestrated finger-pointing effort meant to ensure that no one reveals anything of any substance.

The Court then ordered:

> [the UST13] file copies of any tax documents of Critique Services L.L.C. (or Diltz, as the sole owner of Critique Services L.L.C.) for years 2013 and 2014 that his Office may have in its possession. These copies shall be filed in this Case, *In re Evette Nicole Reed* (Case No. 14-44818), under protection to prevent the viewing by the public without leave of Court, except that copies will be made

[224] Attachment 224.

[225] Attachment 225.

> available to the Trustees. If such tax documents were requested but were not provided, the UST is directed to file a statement specifying which documents were requested and the ground or reason given by Critique Services L.L.C. (or Diltz, as the sole owner of Critique Services L.L.C.) for the failure or refusal to provide the requested documents.

No party appealed the order or sought leave to appeal the order.

On January 5, 2016, the UST13 filed a response.[226] The UST13 stated that it had required that Diltz provide copies of all tax documents filed by Critique Services L.L.C. and Diltz personally since the 2007 Injunction, but that it had not received those requested documents. The UST13 also advised that, in *In re Ericks*, the UST13 deposed Diltz and she testified that that no federal or state tax returns had been filed for Critique Services L.L.C. or Diltz in at least three years. The UST13 attached the transcript of Diltz's deposition in *In re Ericks*.[227]

The UST13's response did not just reveal the troubling fact that this million-dollar-a-year operation and its owner do not file tax returns. It also showed that, at the time Critique Services L.L.C. filed its August 28, 2015 response stating that the tax information was "irrelevant," Mass knew that Critique Services L.L.C. had not filed 2013 and 2014 tax returns. Mass's claim of "irrelevancy" as a reason not to provide tax information deceptively implied that such information *actually existed* in the first place. It also showed that the UST13 had known for months about the representation in its August 28, 2015 response, but had done nothing to advise the Court on the record that the records that Mass was claiming were irrelevant likely do not exist.

M. Representations of Meriwether Regarding His Role as an Employee of the Critique Services L.L.C.

On January 8, 2016, Trustee Case filed in these Cases a Notice of Affidavit and Transcript from Meeting of Creditors in *In re Scales*.[228] No party

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[226] Attachment 226.

[227] Attachment 227.

[228] Attachment 228.

sought to strike the *In re Scales* § 341 meeting transcript or otherwise registered any objection to its consideration.

The *In re Scales* § 341 meeting transcript contained information regarding the issue of the number of employees of Critique Services L.L.C.—the issue raised by Mass in response to the issue of whether Critique Services L.L.C. had complied with the Order Compelling Turnover. In the *In re Scales* § 341 meeting transcript, Meriwether directly contradicted Mass's claim that the non-attorney support staff at the Critique Services Business are the employees of the Critique Services Attorneys. Meriwether stated that he has no employees at the Critique Services Business, that he is an employee of Critique Services L.L.C., that Diltz, Mayweather, and other non-attorney staff persons are his bosses, and that he is paid weekly by Critique Services L.L.C.

Now, with the facts and circumstances of this Cases having been set forth, the Court now turns to determining whether it is proper to impose sanctions and make other directives for relief.

SECTION FOUR: THE LAW

I. THE FINAL, NON-APPEALABLE ORDER COMPELLING TURNOVER

Robinson, Critique Services L.L.C. and Briggs each had the opportunity to file a motion to reconsider the Order Compelling Turnover, but chose not to file such a motion. They each also had an opportunity to file a notice of appeal, but chose not to file an appeal. Instead of challenging the Order Compelling Turnover, Robinson, Critique Services and Briggs chose to respond to the Order Compelling Turnover by pretending that they were complying with it, then later by insisting that they had complied.

An order compelling turnover is a final order. *Bailey v. Shuhar (In re Bailey)*, 380 B.R. 486, 489 (B.A.P. 6th Cir. 2008) (determining that "[t]he bankruptcy court's order granting the trustee's motion for turnover is a final order"

(citing *Professional Ins. Mgmt. v. Ohio Casualty Group of Ins. Cos. (In re Professional Ins. Mgmt.)*, 285 F.3d 268, 281 (3d Cir. 2001)("Following the lead of every circuit court that has considered the question directly or indirectly, we hold that a bankruptcy court's turnover order . . . is a final order and hence appealable as of right.")). The Order Compelling Turnover here is a final order because it terminated the matter of the Motion to Compel Turnover. As a final order, the Order Compelling Turnover was subject to being immediately appealed and was subject to the fourteen-day deadline for filing a notice of appeal. Because no appeal was taken, the Order Compelling Turnover became final, non-appealable fourteen days after entry. The opportunity for challenging the Order Compelling Turnover has long since passed. Any challenge to the Order Compelling Turnover that is made now—couched as argument for why sanctions should not be imposed—is an improper collateral attack on a final, non-appealable order. Robinson, Briggs, and Critique Services L.L.C. are bound by the terms of the Order Compelling Turnover. They cannot now contend that they should not be sanctioned for failure to comply with it because it is somehow erroneous.

II. THE TAKING OF JUDICIAL NOTICE

Federal Rule of Evidence ("FRE") 201 provides that the court may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court's territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned. The occurrence of public advertising is a fact subject to judicial notice. *See, e.g., United States ex rel. Osheroff v. Humana, Inc.,* 776 F.3d 805, 811 (11th Cir. 2015)(holding that the U.S. district court in the Southern District of Florida did not err in taking judicial notice of advertisements in the *Miami Herald* and considering those advertisements in determining a Rule 12(b)(6) motion).

Pursuant to FRE 201, the Court takes judicial notice of the following:

(i) all orders, motions and pleadings referenced, whether filed or entered in these Cases, other cases before this Court, the Illinois

Bankruptcy Court, the District Court, the Eighth Circuit, or the State Circuit Court;

(ii) the fact that the office of the Critique Services Business has had a large sign, easily viewable by the public, posted above its storefront, emblazoned with the words "Critique Services" and a "scales of justice" emblem;

(iii) the fact that, as of March 15, 2016, the recorded greeting of the Critique Services Business Office telephone number played the "fresh start" announcement described in a previous Section of this Memorandum Opinion;

(iv) the fact that, until February 26, 2016, Critique Services L.L.C. maintained a publicly viewable Facebook webpage advertising on the Internet the services of the Critique Services Business;

(v) the fact that Critique Services L.L.C.'s advertising on its Facebook webpage including the posting of the "News Release" described in a previous Section of this Memorandum Opinion;

(vi) the fact that Briggs maintains a website for his law office "Firm13" on which he advertises a chapter 13 bankruptcy practice conducted at 4144 Lindell Blvd., St. Louis, Missouri; and

(vii) the fact that, for years, the Critique Services Business maintained a website on which it advertised legal services, and that this website was only recently shut down.[229]

III. JURISDICTION, VENUE, AUTHORITY TO DETERMINE, POWER TO IMPOSE SANCTIONS, AND SERVICE

A. Subject Matter Jurisdiction

1. Section 1334(b)

Article III, Section 1 of the U.S. Constitution provides that "the judicial Power of the United States shall be vested in one Supreme Court and in such inferior Court as the Congress may from time to time ordain and establish." In turn, the current system of "inferior Courts"—principally, the federal district and

[229] Attachment 229.

circuit courts—was established pursuant to the Judiciary Act of 1798, in accordance with the power given to Congress in Article III, Section 1 and Article I, Section 8. The U.S. Supreme Court, along with these "inferior Courts," are referred to as "Article III courts." While other federal courts exist—created by Congress pursuant to Article I, Section 8—they do not have the judicial power of Article III vested in them. The bankruptcy court is one of these "Article I" courts.

The Bankruptcy Amendments and Federal Judgeship Act of 1984 (the "BAFJA") enacted the current bankruptcy court jurisdictional scheme. Pursuant to BAFJA, the bankruptcy court operates as a statutory arm of the district court, under the auspices of the district court's subject matter jurisdiction, upon referral of bankruptcy cases and proceedings to the bankruptcy court from the district court. BAFJA did not confer upon the bankruptcy court any independent subject matter jurisdiction; subject matter jurisdiction over bankruptcy cases and proceedings is conferred only upon the district court. Accordingly, whether the bankruptcy court has subject matter jurisdiction over a referred case or proceeding is really an inquiry into whether the district court has subject matter jurisdiction. When, in this Memorandum Opinion, the Court refers to the subject matter jurisdiction of the Court, it is referring to the subject matter jurisdiction of the referring District Court.

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 of the turnover request, since a turnover request (which is made pursuant to § 542(e)) "arises under title 11." *See Williams v. Citifinancial Mortgage Co. (In re Darick Patrice Williams)*, 256 B.R. 885, 891 (B.A.P. 8th Cir. 2001)("The phrase "arising in" generally refers to administrative matters that, although not expressly created by title 11, would have no existence but for the fact that a bankruptcy case was filed." (citing *In re Menk*, 241 B.R. 896, 909 (B.A.P. 9th Cir. 1999)); *Stoe v. Flaherty*, 436 F.3d 209, 216 (3d Cir. 2006)("The category of proceedings 'arising

in' bankruptcy cases 'includes such things as administrative matters, orders to turn over property of the estate and determinations of the validity, extent, or priority of liens.'"). Likewise, under this scheme, the district court has subject matter jurisdiction over the matter of whether sanctions should be imposed for acts committed in connection with a turnover proceeding, as that also would be a matter that "arises in" a case. It relates to the enforcement of a § 542(e) turnover order and the inherent authority of the court to enforce its own orders and discipline attorneys who commit malfeasance and abuse in cases before it.

2. Justiciable issue

Robinson, Briggs, and Critique Services L.L.C. each made the argument that the December 6, 2014 transfer of the fees from Robinson to Briggs mooted the issue of whether a directive for disgorgement of the fees pursuant to § 329(b) is required. Presumably, they are arguing that there is no justiciable issue.

A lack of justiciability deprives the Court of jurisdiction to hear the matter. *North Carolina v. Rice*, 404 U.S. 244, 246 (1971); *see Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477-78 (1990). However, the contention that there is no justiciable issue here is incorrect. As the Court has repeatedly explained: the sudden return of all the fees on December 6, 2014 resolved only one issue—the issue of whether disgorgement must be ordered. However, the transfer of the fees did not purchase Robinson a ticket out of accountability for any *sanctionable acts*. After the transfer, issues still remained: determining what portion (all or part) of those fees were unearned and thus were property of the estates; and whether Robinson should be sanctioned for failing to timely return those fees and for wrongfully withholding those fees from the estates. Moreover, a complete and correct accounting of the estates by the Trustees was necessary, to ensure that the fees had been properly handled and that there was no other missing property of the estate. These are justiciable issues.

3. Section 401 of title 18

Briggs argued in his petitions for writ of prohibition that this Court lacks subject matter jurisdiction pursuant to *Klett v. PIM*, 965 F.2d 587 (8th Cir. 1992). Presumably, he stands by that argument before this Court as well. *Klett v. PIM* is

a case in which the Eighth Circuit relied upon 18 U.S.C. § 401 ("§ 401") to affirm the dismissal of a complaint for civil contempt sanctions. Neither § 401 nor *Klett v. PIM* deprives the Court of subject matter jurisdiction.

Section 401 provides that:

> A court of the United States shall have power to punish by fine or imprisonment, or both, at its discretion, such contempt of its authority, and none other, as—
>
> (1) Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;
>
> (2) Misbehavior of any of its officers in their official transactions;
>
> (3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

Section 401 governs both civil and criminal contempt. *Chao v. McDowell*, 198 F.Supp.2d 1093, 1098 (E.D. Mo. 2001)(citing *Coleman v. Espy*, 986 F.2d 1184, 1190 (8th Cir. 1993) and *Taylor v. Finch*, 423 F.2d 1277, 1279 (8th Cir. 1970)).

In *Klett v. PIM*, the plaintiff brought a complaint in the U.S. District Court for the Southern District of Iowa for the imposition of sanctions for the violation of an order entered by the U.S. District Court for South Dakota. The Eighth Circuit observed that:

> A court of the United States shall have power to punish by fine or imprisonment, at its discretion, such contempt of *its* authority, *and none other,* as ... [d]isobedience or resistance to its lawful writ, process, order, rule, decree, or command." 18 U.S.C. § 401 (1988) (emphasis added). The plain meaning of this statute prevents a federal court from imposing a sanction for contempt of another court's injunction. *See also Stiller v. Hardman*, 324 F.2d 626 (2d Cir. 1963)(Ohio judgment nominally registrable in New York district courts, but injunctive portion not enforceable); Sullivan v. United States, 4 F.2d 100 (8th Cir. 1925)(court that issues injunction is court against which contempt is committed and which has jurisdiction to issue sanction). Thus, this claim could only be brought in the court that issued the original injunction. *See Coleman v. Block,* 580 F.Supp. 192 (D.N.D. 1983). The claim is therefore dismissed for lack of subject matter jurisdiction.

Accordingly, the Eighth Circuit affirmed the dismissal of the complaint by the U.S. District Court for the Southern District of Iowa, since the order alleged to have been violated was issued by the U.S. District Court for South Dakota.That is, *Klett v. PIM* stands for the proposition that one federal district court lacks subject matter jurisdiction over a request to determine sanctions for the violation of an order issued by *an entirely separate federal district court.* Notably, *Klett v. PIM* does *not* stand for the proposition that a federal court lacks subject matter jurisdiction over a request to determine sanctions for the violation of an order issued *by that very same court*—just because the presiding judge over the sanctions proceeding happens not to be the judge of that court who signed the sanctions order.

Briggs and Mass have both falsely and repeatedly claimed that that the sanctions proceedings here involve a determination of whether the 2007 Injunction was violated. From this erroneous characterization of the issues here, Briggs insists that *Klett v. PIM* prevents the undersigned Judge from presiding, because Chief Judge Surratt-States was the signatory judge of this Court on the 2007 Injunction.

However, even if these proceedings involved determining whether the 2007 Injunction was violated (which these proceedings do not), *Klett v. PIM* still would not apply. Briggs conflates the concepts of a "judge" and a "court." His argument is based on the contention that *Judge Rendlen* does not have subject matter jurisdiction over the sanctions proceedings because he was not the judge who signed the 2007 Injunction. However, a *judge* does not have subject matter jurisdiction; a *court* has subject matter jurisdiction. *See, e.g.,* 28 U.S.C. § 1334 ("the district *court* shall have . . . jurisdiction . . .") (emphasis added). Which judge on a court happens to be presiding is irrelevant to whether subject matter jurisdiction exists; the relevant inquiry is whether *the court* has subject matter jurisdiction. Judge Rendlen and Chief Judge Surratt-States are judges *of the same court* and the 2007 Injunction is an order of *this Court*. Neither *Klett v. PIM* nor § 401 supports the argument that subject matter jurisdiction would fail if Judge Rendlen of *this Court* presided over the determination of whether it was

proper to impose sanctions for a violation of *this Court's* 2007 Injunction. Moreover, the Court observes that, if the law operated as Briggs contends, the ability of the Court to hold a person accountable for the violation of a court order would end when the issuing judge retires, dies, is incapacitated, or is absent. Briggs's argument hyper-personalizes the administration of justice by vesting it in the judge, rather than in the court.

B. The Authority to Hear and Determine

Whether the bankruptcy court has subject matter jurisdiction over a matter is a separate issue from whether it has the statutory and constitutional authority to hear and determine a matter. Sectin 1334 confers subject matter jurisdiction over bankruptcy matters, and § 157 of title 28 of the United States Code ("§ 157") complements § 1334 by conferring authority upon the district court to refer bankruptcy matters to the bankruptcy court, and by conferring upon the bankruptcy court the authority to preside over referred bankruptcy matters.

1. The authority of the district court to refer bankruptcy matters

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 the 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). The district court may withdraw its reference pursuant to § 157(d). Thus, while the referral is automatic, the district court also may revoke it.

2. The authority of the bankruptcy court to preside over matters referred by the district court

Section 157 (b) & (c), in turn, establishes that the bankruptcy judge has authority to preside over those matters that are referred. The authority to determine a matter by final disposition depends on the type of case or proceeding that has been referred. "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). 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). With the consent of the parties, the judge may hear and determine a non-core proceeding “related to” the bankruptcy case.

However, a non-core matter that is not at least “related to” the bankruptcy case cannot be referred to the bankruptcy court. If a non-core proceeding is not at least “related to” a bankruptcy case, the district court has no jurisdiction over the matter (at least, it has no jurisdiction under § 1334). And, if the district court has no § 1334 jurisdiction over a matter, it is axiomatic that the district court cannot refer such a matter to the bankruptcy court.

3. The arguments challenging the authority of the Court

Several arguments were made challenging the Court’s authority to determine these sanctions proceedings under § 157. The Court addresses those arguments, in turn, below.

a. The argument that the Court cannot determine whether sanctions are proper because the parties have not consented to such exercise of authority

Briggs, Critique Services L.L.C. and Robinson argued that the Court lacks authority to determine the sanctions proceedings because they have not consented to the Court exercising authority to impose sanctions. However, discussed previously herein, a motion for turnover under § 542(e) is a core proceeding, and the sanctions determination is a proceeding that is instituted and tried as part of the main cause, the §542(e) motion. *See Gompers v. Bucks Stove & Range Co.*, 221 US. 418, 444-45 (1911) (considering the issue of the relation of a contempt proceeding to the main suit and determining that the contempt proceeding was part of the original cause). As one bankruptcy court explained, “an order compelling compliance with an earlier order in a core proceeding is so inextricably interwoven with the original order that, like the warp and woof of a cloth, they form a continuous and integral whole.” *In re L.H. & A. Realty, Inc*., 62 B.R. 910, 913 (Bankr. D. Ver. 1986)(internal citations omitted).

As such, it is § 157*(b)*, and not § 157*(c)*, that applies to determine whether the Court has authority to make the sanctions determination in these Cases. Just as a party's consent was not needed for the Court to make a final determination on the Trustees' turnover request, a party's consent is not needed for the Court to determine whether sanctions are appropriate in connection with the parties' activities related to that turnover determination.

b. The argument that the determination of whether sanctions are proper involves the determination of state law claims and, thus, is non-core

In his petitions for writ of prohibition, Briggs claimed that the matters here are analogous to a state law claim by a client against an attorney for breach of contract. He then used that assertion to insist that the sanctions proceedings are not core proceedings under § 157. Briggs's claim that the sanctions proceedings here involve state law claims—or are "akin" to state law claims—has no basis in reality whatsoever. The sanctions proceedings here are not malpractice actions. They are not professional malfeasance investigations by a state court. The proceedings here will determine: (i) whether it is proper to sanction Robinson for his failure to timely return his unearned fees to the estate; (ii) whether it is proper to sanctions Robinson, Briggs, and Critique Services LL.C. for refusing to comply with a bankruptcy court order; and (iii) whether it is proper to sanction Briggs for making misleading statements to the Court. None of these are state law claims.

The fact that Briggs and Robinson *also* may have committed state law ethics violations, and *also* may be sued by former clients, and *also* may be investigated by the OCDC in connection with the activities in these Cases does not convert the sanctions proceedings before the Court into state law claims. State law ethics violations and federal court sanctions proceedings can exist at the same time and can result from the same set of facts.

c. The argument that *Stern v. Marshall* makes the application of 28 U.S.C. § 157 unconstitutional

Briggs and Critique Services L.L.C. have repeatedly argued that *Stern v. Marshall*, 131 S.Ct 2594 (2011), makes the application of § 157 unconstitutional

here. In *Stern v. Marshall*, the U.S. Supreme Court determined that, as applied to the compulsory state law counterclaim at issue in *Stern*, § 157's scheme was unconstitutional. As one bankruptcy court summarized the *Stern* holding:

> the [U.S.] Supreme Court determined that 28 U.S.C. § 157(b)(2)(C) authorized bankruptcy courts to enter final judgments on counterclaims that were asserted against proofs of claim filed by creditors. The Court found, however, that the counterclaim in question—a state law claim for tortious interference with an expected gift—existed without regard to any bankruptcy proceeding, and a final judgment could not be entered by a non-Article III court. Therefore, 28 U.S.C. § 157 was unconstitutional in its application to the counterclaim in question.

Burns v. Dennis, et al. (In re Southeastern Materials, Inc.), 467 B.R. 337, 346 (Bankruptcy. M.D.N.C. 2012). However, *Stern* did not determine that § 157, in its entirety and in all applications, was unconstitutional, and *Stern* did not involve the determination of sanctions proceedings.

Neither Briggs nor Critique Services L.L.C. offered any argument as to how *Stern* applies to make unconstitutional a determination of sanctions by the Court. They simply incant "*Stern! Stern!*"—as if invoking the name of *Stern* is a form of lawyering necromancy that creates the right to have the sanctions determination made by the District Court.

Post-*Stern*, he application of § 157 remains constitutional, in most scenarios, for determining when the bankruptcy court may enter a final determination. The circumstances here are not remotely similar to those in *Stern*. *Stern* involved the private right of a party and the non-core, compulsory state law counterclaims that were merely "related to" the main bankruptcy case. Here, the sanctions proceedings involve no private right of a party or state law claims, and the sanctions proceedings are core proceedings that "arise in" bankruptcy cases.

d. The argument that the determination of whether sanctions are proper involves the determination of state ethical violations and, thus, is non-core

In his petitions for writ of prohibition, Briggs argued that the sanctions issue raised in these Cases "implicates non-core matters that exceed the statutory and constitutional power of this Court to enter a final order," citing

Sheridan v. Michels (*In re Sheridan)*, 362 F.3d 96 (1st Cir. 2014) in support of his argument. The Court determines that, for purposes of the analysis here, *In re Sheridan* does not indicate that the matters here are non-core.

In re Sheridan involved a bankruptcy court's sanctioning of a lawyer for state law ethics violations. In *In re Sheridan*, the bankruptcy court initiated an omnibus disciplinary proceeding against an attorney, predicated upon alleged ethical-rule violations proscribed by state law. The attorney appealed a bankruptcy court's sanctions determination against him, arguing that the matter was a non-core proceeding under § 157(b) and, thus, that the bankruptcy court lacked the authority to enter a final judgment without his consent.

On appeal, the First Circuit described the circumstances that lead to the sanctions as follows: the attorney's misconduct had occurred in multiple, closed bankruptcy cases, extending over a considerable period of time, "either before multiple bankruptcy judges in a multi-judge district, or entirely or partially outside the presence of the bankruptcy judge who hears the disciplinary case," and "much of [the misconduct] allegedly [had] occurred outside the courtroom." *Id.* at 110. The First Circuit also observed that:

> the disciplinary action against [attorney] Sheridan had no such purpose or effect [the purpose or effect of being with the view to recovering attorneys fees paid to him], since its remedial goal focused exclusively upon Sheridan's fitness to represent clients in *future* bankruptcy cases, rather than upon any recoupment of estate funds attributable to Sheridan's misconduct. Thus, no matter what the outcome of the disciplinary proceeding against Sheridan, no pending or closed bankruptcy case would be affected unless further independent proceedings were instituted in the future.

Id. at 108 (emphasis in original). Considering these facts, the First Circuit reasoned that it "cannot be said [that the omnibus proceeding was] to have involved the sort of routine case 'administration' described in § 157(b)(2)." *Id.* at 107. Then, finding no ground upon which the proceeding otherwise could have been a core proceeding, and determining that the appellant had not consented to a final disposition by the bankruptcy court, the First Circuit concluded that the bankruptcy court did not have the authority to enter a final disposition. It noted

that "[w]here, as here, the attorney misconduct occurred neither in the context of an ongoing bankruptcy case, nor in the presence of the bankruptcy court, the bankruptcy court may have no better vantage from which to make final findings of fact than would the district court." *Id.* at 110.

However, the First Circuit also specifically cautioned:

> We close with a final admonition: our opinion is not to be construed as holding that all attorney disciplinary proceedings before the bankruptcy court are to be presumptively considered non-core. Thus, had the Sheridan ethical violations occurred either during the course of a bankruptcy case or within the immediate presence of the bankruptcy judge, or otherwise directly affected the administration, liquidation, or reorganization efforts, a stronger demonstration might be made for characterizing the disciplinary proceeding as a core matter. *See, e.g., In re Hessinger,* 192 B.R. at 220 (noting that within an individual bankruptcy case a suspension or disbarment of counsel may more readily be regarded as "affecting" asset liquidation, inasmuch as disqualification of counsel normally affects entitlement to attorney fees recoverable from the bankrupt estate, or requires reimbursement of attorney fees previously received, hence increasing the assets available for distribution).

Id. at 111. As such, the First Circuit went out of its way to make it clear that *In re Sheridan* does not stand for the proposition that a matter is non-core simply because it involves the imposition of sanctions.

Moreover, the facts here are distinguishable from those of *In re Sheridan*:

- The Show Cause Orders were entered in open cases with the view to returning to the estates property that Robinson had wrongfully withheld and sanctioning Robinson, if proper. The July 6 and July 22 Notices were issued with a view to garnering compliance with the Order Compelling Turnover and to hold persons accountable for contempt and misleading statements made in connection with the turnover hearings and directives.
- The issuance of the Show Cause Orders and the July 6 and July 22 Notices were necessary to ensure proper accounting and administration of the estates. The Cases cannot be closed under § 350 until such time as the Trustees have accounted for all property of the

estate. Currently, the Trustees cannot advise the Court as to whether the withheld fees were earned in part or in whole—a critical fact necessary for the Court to determine whether Robinson should be sanctioned. They also cannot explain where any of Robinson's unearned fees were held for nearly six months and cannot obtain the documents and information necessary to make that accounting.

- The sanctions here would not be imposed for the alleged violation of state law rules of ethics.
- The sanctionable behavior here has resulted in delays in administration as well as open contempt of court; as such, the effect of the sanctions is not remote or uncertain.
- The sanctionable behavior here occurred "during the course of a bankruptcy case or within the immediate presence of the bankruptcy judge, or otherwise directly affected the administration, liquidation, or reorganization efforts," for which "a stronger demonstration might be made for characterizing the disciplinary proceeding as a core matter"—just as the First Circuit suggested in *In re Sheridan*.

4. Robinson, Briggs, and Critique Services, L.L.C. gave their implied consent to the Court's exercise of authority to make a final determination of sanctions

Even if the sanctions proceedings were non-core proceedings that are merely "related to" the Cases (as Briggs and Critique Services L.L.C. contend), Briggs, Robinson and Critique Services L.L.C. gave their implied consent to the Court determining the sanctions issue. Therefore, even if this were a "related to proceeding," the Court still would have authority to make a final determination on sanctions under § 157*(c)*.

It is well-established law that a party may imply consent to final adjudication by a non-Article III tribunal. Although Robinson, Briggs, and Critique Services L.L.C. gave lip-service to the contention that the Court has no authority to determine the sanctions proceedings, they did not actually do the *one very simple thing* that would have allowed them to properly prosecute this position:

they did not file a motion to withdraw the reference. A motion to withdraw the reference would have been decided by the District Court, and would have addressed the argument as to whether *Stern* deprives the Court of the authority to determine the sanctions issue. Robinson, Briggs and Mass cannot complain that they have not had time to file a motion to withdraw the reference. And they cannot complain that they did not know about the procedural mechanism. They are all lawyers and they were even given *specific notice* from the Court that filing a motion to withdraw the reference was the act they needed to undertake. The Court was transparent—if not outright helpful—in pointing out the process that they needed to pursue if they sincerely believed that *Stern* deprives the Court of authority to determine sanctions. Yet, no one filed a motion to withdraw the reference. Instead, they tried a variety of unsuccessful strategies: motions to dismiss; motions to recuse; motions to transfer; a motion for a "protective order" from another judge; petitions for writ of prohibition—anything and everything else they could think of, other than simply filing a motion to withdraw the reference.

Why they refused to file a motion to withdraw the reference is unknown. Perhaps, they did not really believe that *Stern* deprives the Court of authority to make a final determination on sanctions. Perhaps they believed they would lose. Or perhaps it was even simpler than that: perhaps it did not really make a difference to them. Perhaps they did not want to be before the District Court any more than they want to be before this Court. Whatever the reason, it does not matter now. Robinson, Briggs and Critique Services L.L.C. were free to pursue whatever legal strategy they wanted. But, in that freedom, they now own the consequences. Their decision not to file a motion to withdraw the reference is entirely inconsistent with their contention that they do not consent to the Court determining the sanctions proceedings. Briggs, Robinson and Critique Services L.L.C. made the knowing, informed decision not to pursue the proper procedural mechanism for obtaining withdrawal of the reference.

C. Personal Jurisdiction

Personal jurisdiction is waivable by a person's act or the failure to act. *Yeldell v. Tutt*, 913 F.2d 533, 539 (8th Cir. 1990)(noting that the defense of a lack

of personal jurisdiction may be lost by submission to personal jurisdiction through conduct or by implication). All parties entered appearances in these Cases and chose to litigate their positions, thereby consenting to personal jurisdiction.

D. Venue

> Section 1408(1) of title 28 of the United States Code provides that:
>
> a case under title 11 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.

Moreover, "[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). No party filed an objection or otherwise raised venue as an issue and the facts clearly establish that venue in this District is proper.

E. The Power to Sanction

In its Motion to Dismiss, Critique Services L.L.C. insisted that: "Bankruptcy Courts, which are not Article III courts, do not have the inherent power as do Federal Courts at the District Court level and above to enforce its Orders through sanctions and/or criminal contempt." Briggs made similar arguments.

The contention that the bankruptcy court has no authority to enforce its orders by sanctioning is contrary to the law. It is well-established that bankruptcy courts have the power to sanction. *Walton v. LaBarge (In re Clark),* 223 F.3d at 864 (8th Cir. 2000)("[S]ection 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)("§ 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)). Further, it is well-established that a bankruptcy court has the inherent power to sanction abusive litigation practices. *Law v. Siegel*, 134 S.Ct. 1188, 1194 (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).

In addition, the "criminal contempt" reference was just more effort at misdirection. There is no criminal contempt proceeding. The sanctions are imposed for the purpose of enforcing the Order Compelling Turnover and to hold accountable those who have refused to obey that order. Critique Services L.L.C., The fact that the sanctions may "punish" in the sense that they hold a party accountable for bad behavior does not make them criminal in nature.

F. The Demand for Judge Re-Assignment

In its Motion to Dismiss or Transfer, Critique Services L.L.C. insisted that the sanctions proceedings must be transferred to Chief Judge Surratt-States. Critique Services L.L.C. alleged that the sanctions proceedings are "really" a proceeding to impose sanctions for the violation of the 2007 Injunction, and that *Klett v. PIM* requires that the proceedings be transferred to Chief Judge Surratt-States, the signatory judge to the 2007 Injunction. Although this argument sounds similar to Briggs's *Klett v. PIM*-based subject matter jurisdiction argument addressed earlier, there is a nuanced difference. Critique Services L.L.C. does not frame its *Klett v. PIM*-based argument as a subject matter jurisdiction challenge. Instead, it relies on *Klett v. PIM* to challenge the assignment of Judge Rendlen to the proceedings. However, its argument fails for several reasons.

1. The factual premise of the judge re-assignment demand is baseless

As explained earlier herein, the contention that these proceedings involve a determination of whether the 2007 Injunction was violated is false. To review: the Show Cause Orders issued to Robinson do not refer to the 2007 Injunction. They do not raise the violation of the 2007 Injunction as an issue. No notice issued by the Court in these Cases advises that the Court intends to impose sanctions for violation of the 2007 Injunction. There is no motion to enforce the 2007 Injunction. The Motion Compelling Turnover does not allege a violation of

the 2007 Injunction. The Order Compelling Turnover does not refer to the 2007 Injunction. Because Critique Services L.L.C. has insisted in previous motions and in court that the issue here involves the 2007 Injunction, the Court has repeatedly—both in writing and from the bench—advised that whether the 2007 Injunction has been violated is not an issue in these Cases.

Despite all of this, Briggs and Critique Services L.L.C. deliberately push this false story about the violation of the 2007 Injunction being an issue in these proceedings. Critique Services L.L.C., in particular, has repeated this story over and over throughout the proceedings. Critique Services L.L.C.'s otherwise inexplicable obsession with this false "2007 Injunction" narrative makes sense, when it is viewed in the context of Critique Services L.L.C.'s real goal. Critique Services L.L.C.'s real goal is not to avoid sanctions in these Cases for a violation of the 2007 Injunction. The parties know very well that the Court does not intend to impose sanctions here for a violation of the 2007 Injunction, because the Court has told them so. Critique Services L.L.C.'s real goal is to avoid having the Judge determine whether sanctions should be imposed for the actual issue before the Court: *for the refusal of Critique Services L.L.C. to comply with the Order Compelling Turnover*. Critique Services L.L.C. has created this false narrative to try to have the sanctions determination here "transferred" to the *In re Williams, et al.* cases.

While Critique Services L.L.C.'s dishonesty on this point cannot be condoned, the Court understands why it would see the *In re Williams, et al.* cases as a possible avenue for avoiding accountability for bad behavior in these Cases. The allegation of a violation of the 2007 Injunction raised in the *In re Williams, et al.* cases were brought by a motion of the UST13. Surely, Critique Services L.L.C. would rather deal with the UST13 in *In re Williams, et al.* than answer to the Court in these Cases. The possibility of negotiating yet-another Milquetoast injunction with the UST13 surely must seem like a much-preferred alternative to answering to the Court for refusal to obey its Order Compelling Turnover. When understood in that context, Critique Services L.L.C.'s false claim that the issues here involve a determination of whether the 2007 Injunction was

violated is seen for what it is: a phony story told for the purpose of trying to get into the more desirable litigation position of dealing only with the UST13.

2. *Klett v. PIM* does not mandate judge re-assignment

Critique Services L.L.C. claims that *Klett v. PIM* stands for the proposition that "the only court that has authority to enforce an Order of an injunctive nature is the court that issued that Order." That is, Critique Services L.L.C. claims that *Klett v. PIM* means that only the judge—the individual—who issued an injunction has the authority to enforce that order by sanctions. However, as noted earlier in the discussion of Briggs's *Klett v. PIM*-based argument, *Klett v. PIM* does not stand for that proposition. *Klett v. PIM* involved the issue of whether the U.S. District Court for the Southern District of Iowa had subject matter jurisdiction over a claim for contempt sanctions for a violation of an order entered by the U.S. District Court for the District of North Dakota. *Klett v. PIM* had nothing to do with the issue of whether the U.S. District Court for the Southern District of Iowa judge was properly assigned, or whether the matter should have been transferred to another judge of the U.S. District Court for the Southern District of Iowa. *Klett v. PIM* does not stand for Critique Services L.L.C.'s proposition that judge reassignment of a sanctions matter is mandated when another judge *of the same court* happens to have been the signatory of the order for the violation of which sanctions are being sought. Just as Briggs did in his *Klett v. PIM* argument, Critique Services L.L.C. conflates a "judge" with a "court" when applying *Klett v. PIM*. Because Chief Judge Surratt-States and Judge Rendlen preside on the same federal court, under *Klett v. PIM*, either one could determine whether sanctions are warranted for a violation of the *Court's* 2007 Injunction. As such, even if this proceeding involved a determination of whether the 2007 was violated (which—again—it does not), a transfer to Chief Judge Surratt-States still would not be required under *Klett v. PIM*.

Perhaps ironically, had the issue of whether it was proper to impose sanctions for a violation of the 2007 Injunction actually been raised in these Cases, it is conceivable that the matter might have been transferred to Chief

Judge Surratt-States—on grounds of judicial economy. However, such a transfer would not have been mandatory, as Critique Services L.L.C. contends.

G. Service

Service of the Motion to Compel Turnover and all orders and notices was sufficient as to Robinson and Briggs. Neither has challenged the sufficiency of service and nothing in the record supports a finding of insufficiency of service.

Critique Services L.L.C. also did not challenge the sufficiency of service of any document. At least, it did not do so directly—or even coherently. What Critique Services L.L.C. did at the February 4 proceeding was allege that it "was never served with these eight motions to disgorge." However, this representation made no sense. There had been no motion to disgorge filed, *by anyone*. And, in the many months following February 4, 2015, Mass appears to have made no effort to cure his ignorance of the basic moving papers. In his August 14, 2015 Motion to Dismiss, Mass again alleged a failure of service of a document that never existed: "Critique Services, LLC had not been served with the Motion to Disgorge." However, incoherently complaining about service of a non-existent document does not constitute a challenge to the sufficiency of service of any document in existence. Critique Services L.L.C. waived any complaint it may have had to the service of any document.

But, even if the Court were required to construe Mass's incoherence with a generosity that strains the highest tensile strength of reasonableness, the Court still would determine that there was no service failure.

First, there was not a failure of service related to the three Show Cause Order. Critique Services L.L.C. was not entitled to service of the three Show Cause Orders because it was not subject to any directive in the three Show Cause Orders. Only Robinson and the Trustees were subject to the directives in the Three Show Cause Orders.

Second, Critique Services L.L.C. has no legitimate complaint about service of the Motion to Compel Turnover, even though "Critique Services L.L.C." was not, technically, a named party (the named addressee was "Critique Legal Services"). The Motion to Compel Turnover was served upon "Critique Legal

Services" (the Critique-named Diltz-owned business) at the Critique Services Business Office (the closest thing anyone has for a good business address for both Critique Legal Services L.L.C. and Critique Services L.L.C.). Critique Services L.L.C. clearly had actual knowledge of the Motion to Compel Turnover, regardless of the "Critique Services L.L.C."/"Critique Legal Services" distinction.

Moreover, for Critique Services L.L.C. to complain—straight-facedly—about not receiving service of *anything* takes some kind of chutzpah. As it turns out, Critique Services L.L.C. deliberately made it almost impossible for it to be served at any address. According to Critique Services L.L.C.'s Articles of Organization, its address is 4144 Lindell Blvd., St. Louis, Missouri. However—as the Office of the Clerk of the Bankruptcy Court recently learned, when it called that office building at 4144 Lindell Blvd. to confirm Critique Services L.L.C.'s mailing address for purposes of service—Critique Services L.L.C. has not occupied the 4144 Lindell Blvd. address *for five years*. The only public information that the Clerk of Court's Office could obtain on an accurate location for Critique Services L.L.C. was on the website of the BBB (which indicates that "Critique Services L.L.C." is located at 3919 Washington Blvd.). By Critique Services L.L.C.'s own strategy of non-transparency, the Trustees—not being oracles themselves—would have had to climb Mount Parnassus to consult the Delphic Sybil for revelation of the hidden knowledge of Critique Services L.L.C.'s actual address.

IV. JUDICIAL DISQUALIFICATION

Robinson and Critique Services L.L.C. each demanded judicial disqualification (Briggs did not demand judicial disqualification). Robinson and Critique Services L.L.C. did not request an evidentiary hearing or oral arguments on their respective motions to disqualify; they chose to stand on their papers.

The demands for disqualification were very similar to the many demands for judicial disqualification that have been previously made by various Critique Services Business-related persons. So, instead of reinventing the wheel, the Court issued orders denying the motions to disqualify that were fairly short but which referenced the Court's many prior orders addressing this issue. However,

in this Memorandum Opinion, the Court will consider the address the disqualification issue in detail, to ensure that the Court has met its obligation to "very careful[ly] [explain] why recusal is not appropriate." *In re Tri-State Ethanol Co., L.L.C.*, 369 B.R. 481, 488 (D.S.D. 2007).

A. Overview on the Law of Judicial Disqualification

A federal judge has an affirmative duty to preside unless he is disqualified. *See Davis v. C.I.R.*, 734 F.2d 1302, 1303 (8th Cir. 1984)(citing *National Auto Brokers Corp. v. General Motors Corp*., 572 F.2d 953, 958 (2d Cir. 1978)); *S.E.C. v. Drexel Burnham Lambert Inc. (In re Drexel Burnham Lambert Inc.)*, 861 F.2d 1307, 1312 (2d Cir. 1988)("A judge is as much obliged not to recuse himself when it is not called for as he is obliged to when it is.").

The circumstances under which disqualification is required are set forth primarily in 28 U.S.C. § 455 ("§ 455"). By its plain language, § 455 applies to any federal judge, including a bankruptcy judge. *See also* Fed. R. Bankr. P. 5004(a).

Section 455 provides that:

> (a) Any justice, judge or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.
>
> (b) He shall also disqualify himself in the following circumstances:
>
> (1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
>
> . . .
>
> (3) Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy.

28 U.S.C. § 455 (in relevant part).

By the plain language of the statutes, there are no circumstances under which a judge "may" disqualify himself. Disqualification is not a matter of judicial discretion. There are only circumstances under which a judge "shall" disqualify.

If those circumstances do not exist, the judge cannot disqualify. Thus, as tempting as it may be, at times, for a judge to disqualify to avoid the difficult or the controversial, that is not a luxury afforded under § 455. Under § 455, a judge may not disqualify himself because a party is annoying, disrespectful, or dishonest; he may not disqualify himself because a party dislikes or resents him; a judge may not disqualify to placate the insistent. A judge also cannot disqualify himself because a party repeatedly but baselessly demands disqualification. Disqualification is not available to accommodate the paranoid. *See, e.g., In re Kansas Pub. Employees Retirement Sys.*, 85 F.3d 1353, 1359 (8th Cir. 1996)(citing Sen. Rep. No. 93-419, 93d Cong., 1st Sess. 5 (1973))(holding that disqualification is not proper because a litigant has transformed fear of an adverse decision into fear of partiality); *In re Krisle*, 54 B.R. 330, 347 (Bankr. D.S.D. 1985)("Recusal is not required because a party is dissatisfied with a court's ruling claims bias").

Section 455 "is not intended to give litigants veto power over sitting judges, or a vehicle for obtaining a judge of their choice." *White v. National Football League*, 585 F.3d 1129, 1138 (8th Cir. 2009)(quoting *United States v. Cooley*, 1 F.3d 985, 993 (10th Cir. 1993)); *M.K. Metals, Inc. v. National Steel Corp.*, 593 F.Supp. 991, 993-94 (N.D. Ill. 1984)(observing that if a judge were to recuse unnecessarily, "the price of maintaining the purity of appearance would be the power of the litigants or third parties to exercise a negative power over the assignment of judges"). A judge must not disqualify unnecessarily "because a change of umpire in mid-contest may require a great deal of work to be redone . . . and facilitate judge-shopping." *Matter of National Union Fire Ins. Co. of Pittsburgh*, 839 F.2d 1226, 1229 (7th Cir. 1988).

The determination of whether disqualification is required is entrusted to the sound discretion of the court over which the judge presides. *In re Medtronic, Inc. Sprint Fidelis Leads Prods. Liability Litigation*, 601 F.Supp.2d 1120, 1124 (D. Minn. 2009)(citing *Moran v. Clarke*, 296 F.3d 638 648 (8th Cir. 2002)). A § 455 motion may not be transferred to another judge for determination. 28 U.S.C. § 455 (providing that a judge shall disqualify "*himself*")(emphasis added). Whether

to hold a hearing on a § 455 motion is within the Court's discretion. *U.S. v. Heldt*, 668 F.2d 1238, 1271-72 (D.C. Cir. 1981). Whether a hearing is appropriate and necessary "may depend upon the nature of the allegations made." *Id.* at 1272. A judge is presumed to be impartial, and it is the substantial burden of the movant to prove otherwise. *United States v. Dehghani*, 550 F.3d 716, 721 (8th Cir. 2008); *Pope v. Federal Express Corp.*, 974 F.2d 982, 985 (8th Cir. 1992).

The Court is not required to accept as true the allegations made in a § 455 motion. *U.S. v. Marin*, 662 F.Supp.2d 155, 158 (D.D.C. 2009)("[T]here is no support for the position that the facts alleged by a person relying on [§] 455 must in every case be accepted as true, whether the papers be a verified memorandum or are in some other form."); *U.S. v. Greenough*, 782 F.2d 1556, 1558 (11th Cir. 1986)("If a party could force [recusal] by factual allegations, the result would be a virtual 'open season' for recusal."); *U.S. v. Heldt*, 668 F.2d 1238, 1272 (D.C. Cir. 1981)("The very fact that [§] 455 is addressed directly to the judge makes it evident that some evaluation by the court of the facts giving rise to the motion is anticipated in most cases."). *But see In re Krisle*, 54 B.R. at 346 (holding that allegations made in support of a § 455 motion must be accepted as true). However, *Krisle* cites to *Berger v. United States*, 255 U.S. 22 (1921), and *U.S. v. Dodge*, 538 F.2d 770 (8th Cir. 1976), which involved § 144 and affidavits, and neither of which addressed whether allegations in a § 455 motion must be accepted as true. In contrast to a § 455 motion, a § 144 request must be made by affidavit, and that affidavit must be accepted as true when determining the sufficiency of the affidavit. Section 455, however, has no affidavit requirement, and by its terms, requires that adjudication on the merits of the request for disqualification—an act that necessarily involves determining the truth of the allegations made. *See Cooney v. Booth*, 262 F.Supp.2d 494, 505 n.6 (E.D. Pa. 2003)(noting that the court is not required to accept as true the facts alleged in a § 455, in contrast to the requirement that the court accept as true for the attestations in a § 144 affidavit).

Moreover, a judge is free to make credibility determinations and may contradict the allegations made with facts drawn from his own personal

knowledge. *U.S. v. Balistrieri*, 779 F.2d 1191, 1202 (7th Cir. 1985); *Massachusetts Sch. of Law at Andover, Inc. v. American Bar Ass'n*, 872 F. Supp. 1346, 1349 (E.D. Pa. 1994); *see also U.S. v. Sciarra*, 851 F.2d 621, 625 n.12 (3d Cir. 1988)(noting that "the factual accuracy of [§ 455] affidavits . . . may be scrutinized by the court deciding the motion for recusal."). Further, a judge may contradict the allegations made with facts drawn from his own personal knowledge. *U.S. v. Balistrieri*, 779 F.2d at 1202; *Massachusetts Sch. of Law at Andover, Inc. v. American Bar Ass'n*, 872 F. Supp. at 1349; *see also U.S. v. Sciarra*, 851 F.2d 621, 625 n.12 (3d Cir. 1988)(noting that "[t]here is considerable authority for the proposition that the factual accuracy of [§ 455] affidavits may be scrutinized by the court deciding the motion for recusal.").

B. Analysis under § 455(b)(3)

Section 455(b)(3) sets forth when a judge must disqualify based on his prior governmental employment. Neither Briggs nor Robinson cite § 455(b)(3) as a basis for disqualification. Nevertheless, both point to the Judge's prior governmental employment as the UST13 a basis for disqualification. Therefore, the Court will begin its disqualification analysis by addressing why disqualification based on the Judge's prior governmental employment is not required.

Section 455(b)(3) provides that a judge shall disqualify himself "where he has served in governmental employment and in such capacity . . . expressed an opinion concerning the merits of the particular case in controversy." Section 455(b)(3) also provides that a judge shall disqualify himself "[w]here he has served in governmental employment and in such capacity participated as counsel, adviser, or material witness concerning the proceeding . . ." This is known as the "personal participation rule." *Baker & Hostetler LLP v. U.S. Dept. of Commerce*, 471 F.3d 1355, 1357 (D.C. Cir. 2006). The personal participation rule stands in contrast to the "associational standard." The associational standard is applicable pursuant to § 455(b)(2), which sets forth when a judge must disqualify himself related to his previous service in private practice. If the associational standard applied to § 455(b)(3), a judge would be prohibited from presiding on the bare fact of his previous governmental employment. By contrast,

§ 455(b)(3) makes it clear that a judge is not automatically proscribed from presiding over a case due solely to his previous governmental employment. *See Rahman v. Johanns*, 501 F.Supp.2d 8, 14 (D.D.C. 2007)("Indeed, it is commonplace for judges to serve in the government prior to appointment to the federal bench, and [§] 455(b)(3) reflects Congress's studied response to this circumstance.")(internal citation omitted); *Mangum v. Hargett*, 67 F.3d 80, 83 (5th Cir. 1995)("§ 455(b)(3) does not mandate recusal unless the former government attorney has actually participated in some fashion in the proceedings.").

The Judge did not express an opinion about the "particular case in controversy"—that is, these sanctions proceedings—while he served as the UST13. Of course, he could not have. The Judge served as the UST13 from June 2003 to May 2006, and these sanctions proceedings were not commenced until 2014. It is not possible for the Judge to have known about, much less expressed an opinion regarding, the sanction proceedings here while he served as the UST13—since the Judge cannot teleport through time. For that same reason, it is not possible for the Judge to have "participated in" the sanctions proceedings while serving as the UST13. The fact that the Judge, as the UST13, happened to have been the name plaintiff in *other* proceedings—proceedings that happen to have involved Critique Services L.L.C. but which were *wholly unrelated* to these sanctions proceedings—does not require disqualification under § 455(b)(3) here. Critique Services L.L.C. and Robinson may be profoundly unhappy or uncomfortable with the fact that the Judge previously served as the UST13, but that unhappiness is not a basis for disqualification.

C. Analysis under § 455(b)(1)

Critique Services L.L.C. does not cite § 455(b)(1) as a basis for disqualification, although some of its alleged "facts" seem to fit into a § 455(b)(1) argument. Robinson generically cites "§ 455(b)," without indicating to which subsection of the five subsections of § 455(b) he was referring. Out of an abundance of caution, the Court will address why disqualification is not proper under § 455(b)(1).

1. The "personal knowledge" clause of § 455(b)(1)

The first clause of § 455(b)(1) provides that a judge shall disqualify himself where he has "personal knowledge of disputed evidentiary facts concerning the proceeding." The "disputed evidentiary facts" in these sanctions proceedings relate to whether Robinson, Briggs and Critique Services L.L.C. committed sanctionable acts in connection with these Cases.

Robinson alleges no fact in support of a finding that the Judge has "personal knowledge of disputed evidentiary facts." Critique Services L.L.C. alleges, "Judge Rendlen acknowledges knowing much about Critique Services, LLC that goes beyond any evidence that was in the record that was before him when he entered [the *Steward* Suspension Order]," but cites no place in the record of *In re Steward* in which the Judge made such an "acknowledgement." Moreover, Critique Services L.L.C. did not make any effort to obtain information regarding whatever "knowledge" it believes the Judge has. It did not so much as request a hearing on its Motion to Disqualify. It just made this bald claim presumably on the theory that if you throw enough slop on the wall, maybe something will stick, even if it is not true—or, maybe the judge will get so fed up that he disqualifies himself just to avoid dealing with you. These may seem like winning strategies for the unscrupulous, but there is an attendant risk in lying: the slop may not stick or the judge may not budge. In either scenario, you have destroyed your credibility for no return.

To any degree, the falseness of Critique Services L.L.C.'s claim that the Judge "acknowledged knowing much about Critique Services L.L.C." is beside the point because the Judge can have knowledge about Critique Services L.L.C. *Disqualifying* knowledge is not general knowledge about a party; it is not even knowledge about the party acquired through litigation of unrelated cases. To be disqualifying, the knowledge must be about *disputed evidentiary facts* in the proceeding. Robinson and Critique Services L.L.C. do not point to (and cannot—truthfully—claim) that the Judge has any personal knowledge about *the disputed evidentiary facts in these sanctions proceedings*, resulting from his UST service or his presiding over *In re Steward*, or from any other source.

2. The "personal bias or prejudice" clause of § 455(b)(1)

The second clause of § 455(b)(1) provides that a judge shall disqualify "[w]here he has a personal bias or prejudice concerning a party . . ." Such bias must be actual, not merely in appearance. For the purpose of brevity, the Court will use the term "bias" to refer to the statutory concept of "bias or prejudice."

Bias "must be evaluated in light of the full record, not simply in light of an isolated incident." *In re Federal Skywalk Cases*, 680 F.2d 1175, 1184 (8th Cir. 1982). A judge may not disqualify because a litigant has transformed fear of an adverse decision into fear that the judge will not be impartial. *In re Kansas Pub. Employees Retirement Sys.*, 85 F.3d at 1359 (citing Sen. Rep. No. 93-419, 93d Cong., 1st Sess. 5 (1973)).

Prior rulings of a court against a litigant are almost never evidence of bias. *Liteky v. United States,* 510 U.S. 540, 555 (1994). Remarks by a court, even if critical of a party or his counsel generally are not evidence of bias. *Id*. at 555. ("[J]udicial remarks during the course of a trial that are critical or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias or partiality challenge"). Examples of commentary that are not evidence of bias include: "expressions of impatience, dissatisfaction, annoyance, and even anger, that are within the bounds of what imperfect men and women, even after having been confirmed as federal judges sometimes display." *Id.* at 555-56.

An "extrajudicial source" is the common basis for bias under § 455(b)(1). *Id.* at 549-550. While, on a rare occasion, bias may be acquired from judicial sources after the commencement of the matter, that type of bias is rare. A judge is allowed to make judgments without being required to disqualify himself for making a judgment. Judgments are generally not evidence of bias, even when the judgments are harsh or resented by the party being judged:

> [t]he judge who presides at a trial may, upon completion of the evidence, be exceedingly ill disposed towards the defendant, who has been shown to be a thoroughly reprehensible person. But the judge is not thereby recusable for bias or prejudice, since his knowledge and the opinion it produced were properly and necessarily acquired in the course of the proceedings, and are indeed sometimes (as in a bench trial) necessary to completion of

> the judge's task. As Judge Jerome Frank pithily put it: "Impartiality is not gullibility. Disinterestedness does not mean child-like innocence. If the judge did not form judgments of the actors in those court-house dramas called trials, he could never render decisions." *In re J.P. Linahan, Inc*., 138 F.2d 650, 654 (CA2 1943).

510 U.S. at 550-51. *Liteky* also gave an example of a comment that "reveal[ed] such a high degree of favoritism or antagonism as to make fair judgment impossible," pointing to the case of a judge who, while presiding over an espionage trial of a German-American in 1921 commented, "One must have a very judicial mind, indeed not [to be] prejudiced against German Americans" as "their hearts are reeking with disloyalty." *Id*. at 555. The circumstances here are not remotely equivalent to using an ethnic slur regarding treasonous intent.

Also not subject to "deprecatory characterization" as bias are "opinions held by judges as a result of what they learned in earlier proceedings. It has long been regarded as normal and proper for a judge to sit in the same case upon its remand, and to sit in successive trials involving the same defendant." *Id.* at 551. That is, § 455(b)(1) does not create a tabula rasa requirement. A party is not entitled to a virginal judge, untouched by any previously acquired knowledge of the parties and devoid of any opinion of a party based on a prior proceeding.

In addition, having a lack of respect for a person is not synonymous with having a bias against that person. Having a bias is the condition of having an *improper* predisposition towards someone or something. By contrast, having a lack of respect is merely the condition of not having esteem for someone or something. Unlike a bias, a lack of respect may be *entirely proper*, if it is deserved. A person cannot act sanctionably, then demand judicial disqualification because the court develops an *understandable lack of respect* for that person, based on his sanctionable acts. If it were otherwise, a court would almost never be able to sanction, since most sanctionable acts suggest that the actor is not worthy of respect for committing those acts. Accordingly, even if a court has well-founded a lack of respect for a person as a result of that person's behavior before it, that would not establish impermissible bias.

Neither Critique Services L.L.C. nor Robinson point to any fact in support of a finding that the Judge has a bias. At most, Robinson insists that the Court may not respect him following his sanctionable behavior and in light of the facts of *In re Steward*. This does not suggest, much less establish, bias against him.

D. Analysis under § 455(a)

Robinson and Critique Services L.L.C. both cite § 455(a) as a basis for disqualification. The Court considers their arguments in turn below.

1. The law regarding § 455(a)

Section 455(a) provides that "[a]ny . . . judge . . . of the United States shall disqualify himself in any proceeding in which his impartiality might be reasonably questioned." The § 455(a) is objective (what a reasonable person might believe), not subjective (what the judge feels about his ability to rule without bias); therefore, the proper test under § 455(a) is whether "a reasonable person who knew the circumstances would question the judge's impartiality, even though no actual bias or prejudice has been shown." *U.S. v. Tucker*, 78 F.3d 1313, 1324 (8th Cir. 1996)(quoting *Gray v. University of Ark*., 883 F.2d 1394, 1398 (8th Cir. 1995)). As one court explained, "[t]he reasonable outside observer is not . . . 'a person unduly suspicious or concerned about a trivial risk that a judge may be biased,' since a presiding judge is not required to recuse himself solely because of 'unsupported, irrational or highly tenuous speculation.'" *In re 1103 Norwalk Street, L.L.C.,* 2003 WL 23211563, at *2 (Bankr. M.D.N.C. Dec. 11, 2003)(quoting *United States v. DeTemple*, 162 F.3d 279, 286 (4th Cir. 1988)). Section 455(a) is not determined by the subjective standard of whether the moving party feels that the judge is not impartial.

Despite the sweeping language of § 455(a), the statute does not extend literally to any kind of doubtful behavior. *United States v. Sypolt,* 346 F.3d 838, 839 (8th Cir. 2003). Section 455(a) "must not be so broadly construed that it becomes, in effect, presumptive, so that recusal is mandated upon the merely unsubstantiated suggestion of personal bias or prejudice." *U.S. v. Cooley*, 1 F.3d at 993 (quoting *Franks v. Nimmo*, 796 F.2d 1230, 1234 (10th Cir. 1986)). Section 455 is not "intended to bestow veto power over judges or to be used as a

judge shopping device." *Nichols v. Alley*, 71 F.3d 347, 351 (10th Cir. 1995)(internal citations omitted). If opinions "are based on 'facts introduced or events occurring in the course of the current proceedings,' those opinions warrant recusal under § 455(a) only if they 'display a deep-seated favoritism or antagonism that would make fair judgment impossible.'" *U.S. v. Sypolt*, 346 F.3d at 839 (quoting *Liteky v. United States*, 510 U.S. 540, 555 (1994)).

Section 455(a) inquiries are extremely fact-driven and must be judged on their unique facts and circumstances. *Nichols v. Alley*, 71 F.3d at 351. Among the various matters and allegations that ordinarily are insufficient include: rumors; speculation; beliefs; conclusions; innuendo; opinion; prior rulings in the proceeding or another proceeding, solely because they were adverse; the mere fact that the judge has previously expressed an opinion on a point of law or has a dedication to upholding the law or a determination to impose severe punishment within the limits of the law; mere familiarity with the party, the type of claim, or the defense offered; baseless personal attacks on the judge; and suits against the judge by a party. *U.S. v. Cooley,* 1 F.3d at 994-94 (numerous citations omitted); *see also In re U.S.*, 158 F.3d 26, 30 (1st Cir. 1998)(holding that "compulsory recusal must require more than subjective fears, unsupported accusations, or unfounded surmise").

2. Robinson's § 455(a) argument

Robinson argues that disqualification under § 455(a) is required because—he alleges—the Judge has made "public statements" that "would cause an impartial observer to doubt his impartiality in regard to Critique Services L.L.C." In support of these alleged "public statements," he points only to the finding in the *Steward* Suspension Order that Robinson's business is a "low-rent petition preparation mill masquerading as a law practice." This was a finding of fact made by the Court upon weighing the evidence in determining a matter before it; it is not an expression of personal bias by the Judge. Robinson may contend that this finding of fact is erroneous; he may be insulted by it; he may resent it. However, the fact that a prior judicial decision is ego-wounding is not a basis for reasonably questioning a judge' impartiality.

3. Critique Services L.L.C.'s § 455(a) arguments

Critique Services L.L.C. made two § 455(a) arguments. The Court addresses both, in turn.

a. The argument that the Judge must disqualify under § 455(a) based on his prior governmental employment as the UST13

Critique Services L.L.C.'s principal argument under § 455(a) is that because the Judge, in his official capacity as the UST13 almost a decade ago, received complaints about Critique Services L.L.C. and filed two adversary proceedings naming Critique Services L.L.C. as a defendant (all of which are unrelated to these sanctions proceedings), his impartiality might reasonably be questioned here. Boiled down, Critique Services L.L.C. seeks to obtain through § 455(a) that which it could not obtain through § 455(b)(3). This argument is inconsistent with the language and purpose of § 455 and how its subsections are intended to operate in complement, as case law shows.

In *Liteky v. U.S.*, 510 U.S. 540, 548 (1994)("*Liteky*"), the Supreme Court addressed how the subsections of § 455 intersect. In *U.S. v. Champlin*, 388 F. Supp.2d 1177 (D. Haw. 2005)("*Champlin*"), a district court applied *Liteky* to address a § 455(a) disqualification request based on a judge's previous service in government employment when § 455(b)(3) did not require disqualification for that service. *Champlin* explains why § 455(a) does not operate as an alternate avenue for obtaining disqualification based on the judge's service in governmental employment, when that service does not require disqualification under § 455(b)(3).

In *Champlin*, the defendants in a criminal case moved that the judge disqualify himself. The *Champlin* court first rejected the defendants' argument that disqualification was required under § 455(b)(3) based on the judge's previous service in governmental employment as a supervising attorney in the U.S. Attorney's Office for the District of Hawaii (the same office that was prosecuting the defendants in that proceeding). The court noted that a judge who served in governmental employment is not subject to the broader disqualification provisions under § 455(b)(2), which apply to a judge who served in private

practice. The court noted that "the distinction between a private law firm and government service was recognized by the Supreme Court in *Berger v. United States*, 295 U.S. 78, 88, 55 S.Ct. 629, 79 L.Ed. 1314 (1935), in oft-cited language . . . '[t]he United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartiality is as compelling as its obligation to govern at all . . .' *Id.* at 1180." (Likewise, for purposes of the disqualification analysis in these Cases, the UST is not the representative of an ordinary party to a controversy, but of a sovereignty.)

The *Champlin* court then rejected the argument that disqualification was required under § 455(a) for the same service that did not require disqualification under § 455(b)(3). The *Champlin* court, relying on *Liteky*, reasoned:

> As the Supreme Court observed in *Liteky*, §§ 455(a) and 455(b) cannot be viewed in isolation. Instead, § 455(a) both expands *and duplicates* the protection of § 455(b). *Liteky*, 510 U.S. at 552-53, 114 S.Ct. 1147. While § 455(a) is a general provision that requires recusal whenever a judge's impartiality may reasonably be questioned, § 455(b) enumerates specific scenarios requiring recusal because a judge's impartiality might be questioned. In the areas of overlap between § 455(b) and § 455(a), the Supreme Court observed that "it is unreasonable to interpret § 455(a) (unless the language *requires* it) as implicitly eliminating a limitation explicitly set forth in § 455(b)."
>
> As an example of this principle, Justice Scalia's opinion discussed § 455(b)(5), which requires recusal when someone within three degrees of family relationship to the judge has an interest in the case. Section 455(a) would not require recusal if a party had a fourth degree relationship to the judge because § 455(b)(5) has already addressed the issue of family relationship and placed an end to the disability at the third degree of relationship. *Id.* The Court likewise concluded that § 455(b)(1), "which addresses the matter of personal bias and prejudice specifically, contains the 'extrajudicial source' limitation—and *that* limitation (since nothing in the text contradicts it) should govern for purposes of § 455(a) as well."
>
> Likewise, prior government employment, addressed in § 455(b)(3), provides a specific limitation for judges previously serving as government attorneys, and "*that* limitation (since nothing in the text contradicts it) should govern for purposes of § 455(a) as well." Section 455(b)(3), therefore, fixes the standard for § 455(a) recusal with respect to prior government employment. To hold otherwise

> would result in inconsistent applications of the two sections, a result specifically rejected by the Supreme Court.

Id. at 1182-83 (emphasis in original). The *Champlin* court concluded that the defendants' argument "is the very limitation addressed specifically in § 455(b)(3) and cases interpreting that section" that would, in effect:

> broaden the scope of §§ 455(a) and (b) to provide for imputed disqualification of judges based on prior government service, a rule applied to judges previously in private practice. Such imputed disqualification does not apply in the context of government employment. Further, to expand the reach of § 455(a), in these circumstances, beyond the limitations of § 455(b)(3) would render meaningless the specific limits of § 455(b)(3) and create an inconsistency between the two provisions. With respect to claims based on prior government service, the § 455(b)(3) standard applies with equal force to § 455(a).

Id. Critique Services L.L.C.'s argument here similarly fails to reconcile § 455(a) with § 455(b)(3). Critique Services L.L.C. knows that it cannot obtain disqualification under § 455(b)(3), so it instead tries to obtain disqualification based on the Judge's UST13 service under § 455(a). As did the defendants in *Champlin*, Critique Services L.L.C. seeks to "broaden the scope of §§ 455(a) and (b) to provide for imputed disqualification of judges based on prior government service." It seeks to "expand the reach of § 455(a), in these circumstances, beyond the limitations of § 455(b)(3)"—a result that "would render meaningless the specific limits of § 455(b)(3) and create an inconsistency between the two provisions." Like the *Champlin* defendants, Critique Services L.L.C. seeks to undermine § 455(b)(3) while overempowering § 455(a). Under Critique Services L.L.C.'s theory of the intersection of the subsections of § 455, subsection (b)(3) would no longer be the fixed standard for determining whether prior governmental employment requires disqualification. The Court rejects this application of § 455(a) that Critique Services L.L.C. insists upon, for the same reason articulated in *Champlin*: it would result in inconsistent applications of the two sections, a result specifically rejected by the Supreme Court.

b. The argument that the Judge must disqualify under § 455(a) because of "knowledge" about Critique Services L.L.C.

Critique Services L.L.C. claims that the Judge has "acknowledged" that he "knows much" about Critique Services L.L.C. It points to no place in the record where the Judge makes such an acknowledgement. It points to no example of the "knowledge" it claims that the Judge has. Critique Services L.L.C.'s argument that the Judge must disqualify based on some unspecified "acknowledged knowledge" fails.

First, Critique Services L.L.C.'s claim that the Judge "acknowledged" that he "knows much" about Critique Services L.L.C.—suggesting that the Judge has admitted to some sort of "inside information" about the disputed facts in these sanctions proceedings—is false. The Judge never made any such statement. A judge's impartiality cannot be reasonably questioned simply because a party that wants disqualification makes a false or unsupported claim about the judge in an effort to obtain disqualification. A reasonable person would not question the impartiality of a judge based on a false or unsupported claim. A reasonable person understands that a false or unsupported claim is not a basis upon which a judge's impartiality can be reasonably questioned. A reasonable person would not form an opinion of the judge's predisposition based on a party's baseless, overtly self-serving innuendo. *See, e.g., U.S. v. Cooley,* 1 F.3d at 994-94 (holding that unfounded accusations and mere innuendo do not require disqualification under § 455(a)).

Second, the knowledge that the Judge does have about Critique Services L.L.C. (such knowledge of previous actions against Critique Services L.L.C.) is knowledge that the Judge is *allowed* to have while presiding over these sanctions proceedings—that is, it is not *disqualifying* knowledge. Disqualifying knowledge is defined under § 455(b)(1)—subsection of § 455(b) that sets forth when knowledge is disqualifying. Under § 455(b)(1), disqualifying knowledge is only that "personal knowledge of disputed evidentiary facts concerning the proceeding"; other types of knowledge are *not* disqualifying. If knowledge is not disqualifying, a judge may have such knowledge, even if it is unflattering and

even if the party would prefer that the judge did not have it. A judge is not a layperson juror who needs an instruction to disregard the irrelevant; a judge is presumed to disregard the irrelevant when determining issues before him. If it were otherwise, the judicial disqualification rules would work to the advantage of the most disreputable. The worse a party's history and the more notorious its behavior, the more leverage it would have to manipulate judicial assignments.

Third, even if merely "having knowledge" could require disqualification under § 455(a), Critique Services L.L.C. still would have to show *what* knowledge the judge *actually has*, as part of showing that a reasonable person would question his impartiality because he has such knowledge. Critique Services L.L.C. has pointed to no knowledge that the Judge has that might be a basis for reasonably questioning his impartiality. Critique Services L.L.C. just baselessly and vaguely insists that the Judge has "much knowledge." However, as anyone over the age of five knows, pointing to a dark corner of the room and crying that the Boogey Man is there does not mean that the Boogey Man is actually there—and, as any parent of young children knows, persons under the age of five often are not reasonable. Critique Services L.L.C. wants disqualification based on the Boogey Man argument and the assumption that a reasonable person has the judgment of a parasomniac preschooler.

SECTION FIVE: ANALYSIS

I. FINDINGS OF CONTEMPT

A. Robinson's Contempt of the Order Compelling Turnover

Robinson responded to the Order Compelling Turnover by turning over nothing of any substance. And he offered no credible explanation as to why he did not turn over responsive information.

It is uncontested that non-attorney staff persons at the Critique Services Business collected fees from the Debtors. These fees were ostensibly paid for Robinson's "legal" services. However, when called upon by the Court to account

for fees that appeared to have been unearned but nevertheless not returned, he refused to do so. Instead, he just returned the fees but offered no credible explanation for why the fees were not returned timely and earlier. There is only one reason that Robinson returned those fees: he had to. He had been caught dead-to-rights retaining fees that he had not earned. However, his Hail Mary return did not resolve the issue: whether it was proper to sanction Robinson for wrongfully failing to return his unearned fees for all those months and hiding those fees under the guise of being earned, and for misleading the Trustees and the Court as to the inclusion of the unearned fees in the property of the estates.

Robinson's explanation for why he has turned over nothing of any significance is not credible. He was directed to turn over, among other things, "a full and complete accounting of the payment, handling and/or treatment and uses of funds paid by each Debtor in each of the Cases or by another person on the Debtor's behalf." Yet Robinson now claims that he has no information whatsoever that is responsive to the Trustees' requests. This is preposterous. His fees do not simply vanish. **Robinsons's fees—that property of the estates—went somewhere**. *Where, exactly?* Even if Robinson does not hold those fees in a trust account, the fees were held somewhere: in a Critique Services Business operating account, in Diltz's bank account, in a locked desk drawer, in Robinson's wallet. Yet Robinson turned over no ledger book, bank statement, or other accounting evidence. He did not even offer a statement such as "the money is placed in the office safe" or "the money is handed to Mayweather, but I have no idea what happens to it after that." In fact, he did not even name the person who collected the Debtors' fees. He offered no explanation as to why the Debtors' cash-paid fees were returned via money orders that do not appear to have been signed by him.

The notion that Robinson has no information or knowledge about what happens to his own fees has no credibility. He is lying. He has worked at the Critique Services Business for more than a decade. Surely he knows what happens to the fees that he purports to collect. He is required by his fiduciary and ethical rules to be able to account for these fees. Robinson made no effort

to comply in good faith with the Order Compelling Turnover, and he has failed to give any sort of believable accounting. To this day, the Trustees and the Court—and the Debtors—have no idea where the fees were for all those months following Robinson's suspension.

The Court **FINDS** that Robinson is in contempt of the Order Compelling Turnover.

B. Critique Services L.L.C.'s Contempt of the Order Compelling Turnover

Critique Services L.L.C. claims it has nothing responsive to the turnover directive—not a ledger, not a receipt, not a deposit statement, not a spreadsheet related to the Debtors' fees. It makes this claim despite the fact that, when it wants to (such as in *In re Little*), Critique Services L.L.C. has no problem producing bookkeeping information for the business. It makes this claim despite the fact that numerous non-attorney staff persons at the Critique Services Business collect the fees, provide the receipts, and handle the cash. To explain all this nothingness, Critique Services L.L.C. now claims that it did not provide bookkeeping services to Robinson. It makes this claim despite the fact that, for almost a decade, Critique Services L.L.C. has been contractually obligated to provide bookkeeping services to Robinson. It makes this claim despite the fact that Robinson simultaneously claims that he also does not have any bookkeeping records. It makes this claim by way of the unsworn representation of Mass, its often factually-mistaken attorney. It offers no credible explanation as to why it allegedly did not provide those contractually called-for bookkeeping services. It offers no amended contract or other document showing that it had been relieved of that contractual obligation. It provides no evidence that someone else was performing the bookkeeping. It does not even suggest that there was an informal arrangement with Robinson to relieve Critique Services L.L.C. of its bookkeeping obligations.

In support of its "we are not the bookkeepers" claim, Critique Services L.L.C. also claims, through Mass's representation, that it has only one employee: Diltz. But when afforded the opportunity to substantiate its "one employee" claim, Critique Services L.L.C. declined to do so, claiming that such evidence was

"irrelevant." And, that claim of "irrelevance" that turned out to be nothing more than a disingenuous way to avoid admitting that Critique Services L.L.C. and Diltz had failed to file tax returns for three years.

Critique Services L.L.C.'s claim that it has no information to turn over in response to the Order Compelling Turnover has no credibility. The Court does not believe that Critique Services L.L.C. did not provide the contracted-for bookkeeping services to Robinson. It does not believe that the non-attorney staff persons at the Critique Services Business are the employees of the Critique Services Attorneys. The Court does not believe that Critique Services L.L.C. has no access to information that is responsive to the Order Compelling Turnover. It does not believe that Critique Services L.L.C. has no idea what happened to the fees or where they were held after paid by the Debtors.

The casual observer might ask: *But why? Why would Critique Services L.L.C. lie about this? Why not just turn over the bookkeeping records related to the Debtors' fees, and be done with it?* The answer is: because the Bankruptcy Court is not Las Vegas. What happens here does not stay here. If the bookkeeping of Robinson's fees reveals that Critique Services L.L.C.'s employees or independent contractors handled the Debtors' fees, such handling would have been a violation of the 2007 Injunction. In addition, if the accounting reveals that anyone at the Critique Services Business is not properly reporting all his or her income or is not properly withholding for his or her employees, Diltz and everyone else involved in the business could have much bigger problems than frustrated Trustees and a dismayed bankruptcy judge. The Court would report such information to the proper authorities. Put another way: if what appears to be the going on at the Critique Services Business is, in fact, actually occurring, Critique Services L.L.C. has every reason to play games in these Cases. A contempt order of the Bankruptcy Court might well seem like a small price to pay to avoid disclosure.

The Court **FINDS** that Critique Services L.L.C. is in contempt of the Order Compelling Turnover.

C. Briggs's Contempt of the Order Compelling Turnover

Briggs responded to the issuance of the Show Cause Orders and the Trustees' efforts to obtain the information they needed to make an accounting of the assets of the estates by:

- Sending the Trustees a blow-off letter in response to their attempt to obtain information about the Debtors' fees, sending the distinct message that he would in no way be helpful to them in their efforts.
- Accepting Robinson's return of the fees in violation of the Court's directive that any return be made to the Trustees.
- Forcing the Trustees to file a motion to compel in order to obtain his "agreement" to help obtain the information about his clients' fees.
- Arguing meritless technicalities in not responding to the Trustees.
- Misleading the Court and the Trustees about his relationship with Diltz and the Critique Services Business, feigning a lack of personal knowledge, and "playing dumb," when responding to questions.
- Falsely promising at the January 13 hearing he would be helpful in obtaining the information requested by the Trustees.
- Running off after the January 13 to conference with Diltz—the woman who he had just insisted he could not name as the owner of Critique Services L.L.C.—to give her the low-down on the hearing.

Moreover, despite his promise at the January 13 hearing to be "helpful," Briggs made no sincere effort to obtain the information that was the subject of the Order Compelling Turnover. His "help" amounted to a lame "request" letter to Robinson, followed by nothing else of any substance. He tried to create the appearance of busy "responsiveness" by filing affidavits of his clients—affidavits that were revelatory of nothing that would be responsive to the Trustees' request, as Briggs well knew. Then, he tried to hide behind his clients at the February 4 proceeding, claiming that *they* did not want him to proceed—a claim that he did not support with any evidence. Briggs has acted with one goal in mind: doing whatever he could to do nothing.

Briggs promised the Court at the January 13 hearing that he would be helpful. That is, he represented that he would do something to obtain the information, so that the information could be turned over to the Trustees. The fact that he may have nothing to turn over now is because ***he did nothing*** that would have been helpful in obtaining information to turn over. Briggs's promise at the January 13 hearing proved to be a stall tactic—a way to temporarily pacify the Court and the Trustees while he figured out how to weasel out of being helpful.

Had Briggs made serious, sincere efforts to obtain the Request Information, but was unable to obtain the information because he was stonewalled, then that would have been one thing. Under those circumstances, Briggs would have made a good faith effort to comply with the Order Compelling Turnover. He would have fulfilled his promise and he would not be in trouble with the Court. However, those are not the circumstances here. Briggs made no real effort to obtain the information for his clients so that he could turn it over. His failure to turn over any responsive information is not due to the fact that he is not in possession of the documents; it is due to the fact that he took no actions that would allow him to comply with the turnover directive. Briggs's activities in these Cases have been a violation of his duties as an officer of the court and a direct effort to undermine the Order Compelling Turnover and the ability of the Trustees to make the accounting of the estates.

Accordingly, the Court **FINDS** that Briggs to be in contempt of the Order Compelling Turnover.

II. FINDING THAT BRIGGS WILLFULLY MADE MISLEADING STATEMENTS

At the January 13 hearing, Briggs did not argue that the Trustees were not entitled to the requested information; he did not argue that the requested information does not exist; he did not argue that it was against his clients' interests to turn over the requested information. He argued that he could not help obtain the requested information because he is not part of the Critique Services Business.

In support of this contention, Briggs repeatedly pointed to the fact that he is not under contract at the Critique Services Business—relying on his lack of a

formal contract to be evidence of a lack of a significant relationship. He "objected" to the Trustee Sosne's suggestion that he was "in the inner sanctum" at the Critique Services Business. And—in the typical way that malingers do—he oversold his indignation, denying his "inner sanctum-ness" not once, not twice, but three times. Then, he attempted to use his claim of great distance between himself and the Critique Services Business to support his principal contention: that he is so far outside the power circle that he is incapable of aiding his own clients in obtaining the information about their fees. He insisted: "I have no leverage. I have no knowledge"—perpetuating his babe-in-the-Critique-woods routine. Briggs even claimed he had no personal knowledge of whom he could ask at the Critique Services Business for the documents. Then, when asked who, in his personal knowledge, was the owner of the business, he refused to answer based on his personal knowledge. He fumbled around, first trying to point to records of the Missouri Secretary of State, then suggesting that Robinson was the owner—an assertion that not even Robinson made. He grasped for any possible response that would allow him to avoid speaking to his personal knowledge. He dodged; he hedged—he did whatever he could to create the façade that he was not part of the Critique Services Business. Even his physical deportment—his expressions, his blinking, his lack of eye contact—betrayed his lack of candor.

Briggs was a terrible witness for the story he was selling about himself. It would have required a catastrophic failure of olfactory function not to smell what Briggs was shoveling. And the Court does not lack bovine fertilizer sentience.

First, Briggs has a long history of being closely involved with the Critique Services Business. He has been profit-sharing partners with Diltz. He has been her employee. He employs previous Critique Services Business employees. He has represented Critique Services Business clients at § 341 meetings. His claim of great distance from the Critique Services Business and Diltz—which appeared to rest on the form-over-function technicality of the existence of a formal contract—is not credible.

Second, even after ending his formal contractual relationship with the business, Briggs has continued to affiliate with the business informally. He has represented Critique Services clients at § 341 meetings, representing himself as doing business as "Critique Services," and picked up Critique Services Business clients following Robinson's suspension. For a guy who claims to no longer be a part of the Critique Services Business, he still associates with the Critique Services Business in a manner that suggests a continued relationship.

Third, Briggs's activities in these very Cases show Briggs's closeness with the Critique Services Business. Briggs did not just wander into the representation of his Debtor-clients by an uncanny coincidence. Briggs's involvement began as an effort to help the Critique Services Business keep Robinson's fees. When Briggs first appeared on behalf of Robinson's clients, Briggs attempted to fee-share in Robinson's fees and tried to help Robinson end-run his suspension by claiming that he would serve as Robinson's co-counsel. (Again, the historical revisionism that Briggs is currently using to explain his role here—that his representation of his Debtor-clients is some noble effort to provide pro bono services in an emergency—is disproven by reality.)

And, Briggs's allegiance to the Critique Services Business continued as the Cases proceeded forward. Since June 25, 2014, Briggs had been on notice that the Court expected Robinson's unearned fees to be returned and Briggs to report the return of the fees (or the failure of Robinson to return the fees) to the Court. Yet, Briggs did nothing, for months, to advocate for his clients in an effort to get back their unearned fees. Briggs did not schedule an interest in unearned fees. He did not file an affidavit advising the Court of the status of any return of fees. He did not file a motion to disgorge Robinson's fees. (Briggs could have filed a motion to disgorge on behalf of his clients, of course. The trustee is not the only party with standing to seek disgorgement. Pursuant to § 329(b), the Court may order disgorgement not merely to the estate, but also to "the entity that made such payment.") Briggs chose to abandon his clients on this issue. Advocating for his clients would have required that he act against the interests of the Critique Services Business.

Briggs's choosing of the interests of the Critique Services Business over the interests of his own clients continued, even in the face of the Show Cause Orders. When the Show Cause Orders were issued, Briggs chose a side—and it was not the side of his clients. He sent the Trustees a blow-off letter in response to their inquiry for information, sending the unmistakable message that he was unwilling to help his clients obtain the information. He colluded with Robinson to transfer the fees in violation of the Court directive to return any unearned fees to the Trustees. At the January 13, 2015 hearing, Briggs did everything he could think of to avoid being compelled to turn over the requested information. And then there was Briggs's self-condemning behavior after the January 13 hearing. After investing considerable effort in suggesting that he was not closely associated with the Critique Services Business, Briggs ran immediately back to Diltz for a post-hearing conference. So much for Briggs's contention that he is outside the inner sanctum of the Critique Services Business.

Briggs's relationship with the Critique Services Business and Diltz is nothing like the picture he tried to paint. His performance at the January 13, 2015 hearing was designed for one purpose: to get as close to the line of outright lying that he could come. Everything he said was designed to leave the Trustees and the Court with the false impression that he is far removed from the Critique Services Business.

Briggs may insist that he did not—technically–lie to the Court. However, it is enough that Briggs deliberately misled the Court. An attorney is not obligated merely to not outright lie to the Court; he owes the Court a duty of candor. Candor is not the state of simply not lying; candor is the quality of being open and honest in expression. An attorney cannot excuse his lack of candor by pointing to that he did not technically lie. Briggs deliberately lacked candor when characterizing his relationship with the Critique Services Business and Diltz.

The obligation of an attorney to be candid with the Court is a particularly important one. The Court relies on attorneys being candid. If the Court had to put an attorney under penalty-of-perjury oath every time he came inside the bar, the administration of justice would come to a grinding halt. The Court does not

have the time or resources to double-check the representations of attorneys—to make sure they are not trying to sneak-one-past the Court. There must be the baseline assumption that the attorney is not trying to dupe the Court. In addition, this is a self-regulating profession. Attorneys are expected to embrace the *highest* standard for their behavior to preserve the integrity of the profession. The standard of acceptable behavior is never whatever "just skates under" the threshold for perjury.

The irony in all of this, of course, is that there was *no reason* for Briggs to falsely insist on some great distance between himself and the Critique Services Business. The Trustees never suggested that Briggs's relationship with the Critique Services Business was the basis upon which turnover should be compelled. The Trustees never named Briggs as an agent of any Critique entity. The Trustees never implied that Briggs would have access to the information based on his relationship with Diltz or the business. And no one ever thought that Briggs had, in his personal possession, any of the requested information, as a result of his relationship with Diltz or the business. Briggs was not made a party to the Motion to Compel Turnover because he was affiliated with the Critique Services Business; *Briggs was made a party to the Motion to Compel Turnover because he was counsel to six of the Debtors.* All that the Trustees wanted from Briggs was for him to do his job for his clients, and make a sincere, good faith effort to help his clients obtain the information related to their fees—so that the clients would be properly represented, and the Trustees could do their jobs, and the Court could determine whether it was proper to sanction Robinson for mishandling the fees, and the Cases could be closed. It really should not have been too much to expect—although it would have required that Briggs choose the interests of his clients over the interests of the Critique Services Business. Briggs's reflexive strategy of falsely insisting that he was an outsider without influence at the Critique Services Business was not merely deceptive; it was completely unnecessary.

Accordingly, the Court **FINDS** that Briggs deliberately and with deceptive intent made misleading representations to the Court regarding the true nature of his relationship with the Critique Services Business and Diltz.

III. HOLDING THAT SANCTIONS ARE NECESSARY AND APPROPRIATE

Contempt of a court order and the deliberate making of misleading representations to the Court are serious matters. Such acts are an assault upon the judicial process and an affront to the authority of the Court.

Robinson, Critique Services L.L.C. and Briggs have failed to show cause why they should not be sanctioned for their bad acts. Not one of them attempted in good faith to comply with the Order Compelling Turnover. Not one of them has taken responsibility for their behavior. They have simply engaged in coordinated non-responsiveness, apparently hoping that if no one turns over anything and no one explains anything, maybe no one will held responsible.

In *Casamatta v. Critique Services L.L.C., et al*., Critique Services L.L.C. made the argument that a TRO should not issue because the Critique Services Business provides "services" at rock-bottom prices to primarily low-income, minority communities. If a TRO issued, argued Critique Services L.L.C., low-income, minority communities would have no comparably priced "option" for services. Just as this argument was not a basis for avoiding a TRO, it also is not a basis for avoiding sanctions in these Cases. The sanctions that the Court will impose against Critique Services L.L.C. herein will not result in the low-income, primarily minorities communities of St. Louis being left with no option for obtaining *actual legal services*; it would result in these communities no longer having the "option" of being defrauded by the unauthorized practice of law. Moreover, the Court rejects the implicit argument of Critique Services L.L.C.: that it is perfectly fine to screw over the poor; that the poor cannot really expect to get what they pay for; that the unauthorized practice of law is the best that they are going to get; and that getting exploited by the Critique Services Business is somehow better than going it alone.

As such, the Court **HOLDS** that it is appropriate and necessary, in the interests of justice, and in the inherent authority of the Court, to issue the sanctions and directives ordered herein.

SECTION SIX: DISPOSITIONS, SANCTIONS AND DIRECTIVES

I. DISGORGEMENT

The first two of the three Show Cause Orders directed Robinson to show cause why the Court should not order Robinson to disgorge the fees he was paid by the eight Debtors in these Cases. Shortly after the issuance of those first two Show Cause Orders, Robinson returned the fees. Because Robinson has now returned his fees, the Court **HOLDS** that the issue of whether he must be ordered to disgorge his fees is now moot.

However, the separate issue of whether Robinson should be sanctioned for failing to timely return his fees is ***not*** moot. Robinson cannot "purchase" his way out of accountability by finally, at long last—and only in the face of the Show Cause Orders and the threat of sanctions by the Court—doing what he should have done many months earlier. Robinson's hasty return of the Debtors' fees after the issuance of the first two Show Cause Orders amounted to admission of the obvious: that his fees were entirely unearned; that his fees had been property of the estates as unearned prepetition attorney's fees; and that he willfully and wrongfully retained his fees for months after being suspended.

II. RELEASE OF THE TRUSTEES FROM THEIR OBLIGATIONS UNDER THE SHOW CAUSE ORDERS

It is clear—after the passage of almost fourteen months and in the face of various warnings—that Robinson, Critique Services L.L.C. and Briggs have no intention of ever complying with their obligations under the Order Compelling Turnover. If the Requested Information still exists, they will not turn it over to the Trustees. They will never permit an accurate accounting of the estates to be completed. The Court, the Trustees and the Debtors will never know what

happened to the Debtors' unearned fees for all those months. And it will never be known how—if at all—Robinson earned those fees or failed to earn those fees. Through no fault of their own and despite their best efforts, the Trustees have been impeded from making their accounting regarding the estates. Accordingly, the Court **ORDERS** that the Trustees be released from any further obligation under the Show Cause Orders.

III. SANCTIONS

A. Sanctions Against Robinson

Robinson willfully and wrongfully held his unearned fees in the months following his suspension, and willfully and wrongfully failed to timely return them to his clients. It was not until the issuance of the first two Show Cause Orders that Robinson finally returned the fees. He then willfully and without excuse refused to comply wiith the Order Compelling Turnover.

Although Robinson's sanctionable conduct is obvious, the proper sanction to impose is not. Robinson has shown no interest in being honest and operating in good faith before the Court. His lack of a moral compass makes him impervious to sanctions that would cause all but the most ethically devoid attorney to change his ways. He has no respect for his clients, opposing counsel, the Court, the judicial process, or himself. The Court doubts that it has a sanctions floodlight bright enough to pierce the willful blindness to ethics that Robinson has chosen for himself.

There seems to be little point in further suspending Robinson. He is already suspended and has made no effort to fulfill requirements for his reinstatement. And, during the course of his suspension, he has continued in his bad behavior, including lying to the Court and committing contempt. There also seems to be little point in imposing additional monetary sanctions upon Robinson. The facts of *In re Steward* show that Robinson's behavior is not changed by the imposition of monetary sanctions. He treats monetary sanctions as merely a price to be paid so that he can continue committing malfeasance.

Because Robinson presents an immediate hazard to the public and a threat to future debtors in this District, the most appropriate sanction is the one

that keeps him as far away as possible from the Court and its debtors. Currently, Robinson is suspended, so he is barred from doing any damage in this forum as an attorney to third parties. Accordingly, pursuant to § 105(a) and the inherent power of the Court to discipline attorneys who appear before it, the Court **ORDERS** that the findings of fact herein be made part of the record in any future proceeding in which Robinson may seek to be reinstated to practice before the Court, so that the full depth and breadth of his malfeasance, dishonesty and abuse will be clear when the Court considers whether Robinson should be reinstated to practice here. In addition, the Court **PROVIDES** that the issue of whether Robinson should be suspended specifically for his activities in these Cases may be revisited, should his suspension ordered in *In re Steward* be determined on appeal be ordered vacated, modified, altered, reversed, or otherwise made ineffective.

Nothing herein purports to affect the TRO currently in effect against Robinson, issued by the State Circuit Court. Nothing herein purports to render moot any issue raised against Robinson in the 2016 MOAG Action. Nothing herein purports to render moot any issue in the miscellaneous proceeding of *In re Critique Services L.L.C.*

B. Sanctions Against Briggs

Briggs's efforts to undermine these proceedings and to assist Robinson and Critique Services L.L.C. in hiding the details of the Critique Services Business scam is a professional disgrace and brings embarrassment to the Bar. Briggs's consistent choosing of the interests of the Critique Services Business over those of his clients demonstrates a grave failing of professional judgment and ethics.

In his petitions for writ, Briggs suggested that it would be improper to suspend him because most of clients are African American—exploiting his clients' race in an effort to avoid accountability for his own acts of malfeasance. He also implied that the Trustees' concerns are racially motivated:

> At the hearings on January 13, 2015 and February 4, 2015, the Trustees spokespersons discussed the fact that Robinson's clients paid him in cash, apparently finding that to be evidence of some

> impropriety. . . . According to the Federal Deposit Insurance Corporation, a significant number of African Americans in the St. Louis metropolitan are "unbanked," i.e., they do not have a bank account. It is disheartening to hear Chapter 7 bankruptcy trustees find it suspicious that an attorney who represents primarily low-income African Americans, receives attorneys' fees in cash, rather than by check or money order.

But the reality is that the Trustees did not find the payment of cash for services to "be evidence of some impropriety"; they did not find it "suspicious that an attorney who represents primarily low-income African Americans, receives attorneys' fees in cash, rather than by check or money order." The Trustees observed that it is unusual for a law business to be on an all-cash basis (an observation that is, in fact, correct). What the Trustees found to be suspicious was the fact that the business *requires* that payments be in cash or cash-equivalent, but could not turn over records regarding all that cash. What they found to be suspicious is that no one would give them so much as a bank account number, or a ledger, or a receipt book related to the Debtors' cash-paid fees. What they found to be suspicious was everyone's proclaimed ignorance of how the cash is handled. What they found to be suspicious was the fact that there is no client trust account into which that cash is deposited. What they found to be suspicious is it was so difficult to do what should have been so simple: to obtain the information necessary to account to the Court as to where Robinson's fees were held in the months following his suspension.

The Court **HOLDS** that it is proper to sanction Briggs for his contempt of the Order Compelling Turnover and for his making of misleading statements to the Court.

The Court has given considerable thought to the issue of how to properly sanction Briggs. The Court believes that Briggs may be able to reform his ways and practice of law before the Court honestly and candidly in the future. However, the Court has no reason to believe that, without significant sanctions, Briggs will emerge from this situation with any self-awareness regarding the wrongfulness of his behavior or with any recognition of the need to never

participate in this type of behavior again. Briggs is in urgent need of a serious wake-up call.

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

(I) Subject to **Exception A** listed below, effective immediately, Briggs be **SUSPENDED** from the privilege of practicing before the Court on behalf of any other person in a case that has been, or is anticipated to be, filed before the Court. Briggs shall remain suspended from the date of the entry of this Memorandum Opinion through **October 15, 2016**. Briggs's suspension includes (but is not limited to): special appearance or general appearance; representation for compensation or for free; representation in a main case or an adversary proceeding; representation inside or outside the courtroom, if such representation would in any way touch upon a case that is filed, or is anticipated to be filed, before the Court. During his suspension, Briggs is prohibited from all acts of the practice of law in any case before, or anticipated to be before, the Court, including (but not limited to): accepting representation of any person related to a case before the Court or anticipated to be before the Court (even if such case would not be anticipated to be filed or otherwise before the Court during his suspension); filing a new case for any person other than himself; filing a document on behalf of anyone other than himself; representing any person, other than himself, before the Court in any capacity; appearing at a § 341 meeting on behalf of any debtor; serving as co-counsel or in joint representation with another attorney in a case that is filed, or is anticipated to be filed, before the Court; or fee-sharing 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.

(II) **Exception A:** This suspension does not suspend Briggs from (A) practicing before the Court in the representation of a person for

whom he was the attorney of record according to the records of the Clerk's Office ***as of the date and time of entry of this Memorandum Opinion***; (B) assisting any person who was his client as of the date and time of entry of this Memorandum Opinion, but whose case was not filed as of the date and time of entry of this Memorandum Opinion, in finding alternate counsel—provided that he does not charge any fee for such assistance; and (C) returning unearned fees collected from a client who he cannot represent during or as a result of his suspension.

(III) This suspension from the privilege of practicing before the Court on behalf of other persons does not bar Briggs from representing himself in any matter before the Court, or from giving deposition testimony in any case before the Court, or from appearing as a witness pursuant to a subpoena issued by the Court.

(IV) Effective immediately, Briggs be **PROHIBITED** from using his CM-ECF passcode to remotely access the Court's CM-ECF system for the duration of his suspension. This means that, while Briggs can continue to represent certain clients pursuant to **Exception A**, he must file any documents on behalf of those clients at the computer banks in the Clerk's Office during regular business hours. Briggs must file any document in person and personally. All acts related to filing must be done entirely *by Briggs*. No agent, associate, or assistant may operate the computers in the Clerk's office for him. Any agent, associate, or assistant brought to the Clerk's Office with Briggs cannot be left unattended by Briggs or be permitted to do any filing for Briggs. Briggs may not submit a document for filing through any common carrier, including through the U.S. Postal Service. He may not present a document for filing through a courier or other agent. He may not instruct or advise his clients that they must do their own filing of documents that he prepared or was obligated, as their attorney, to prepare. If Briggs violates this

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

(V) Subject to **Exception B** listed below, Briggs and any law firm, or law practice, or law business of Briggs (including but not limited to, any solo "attorney at law" practice, or Firm13, or business under any other name) be ***permanently prohibited*** from being financially or professionally involved with or connected to, whether formally or informally or otherwise: (A) Diltz; (B) Mayweather; (C) Robinson; (D) Meriwether; (E) Dellamano; (F) Coyle; (G) Critique Services L.L.C.; (H) Critique Legal Services L.L.C.; (I) Genesis Advertising, Marketing and Business Services L.L.C.; (J) any other entity that Diltz owns, organized, or operates, or in the future may own, organize or operate; and (K) any current or former employee of or independent contractor with, Diltz, Mayweather, Robinson, Meriwether, Dellamano, Coyle, Critique Services L.L.C., Critique Legal Services L.L.C., or Genesis Advertising, Marketing and Business Services L.L.C. This prohibition will be construed as broadly as possible and will remain in effect unless and until Briggs resigns his privilege to practice before the Court.

(VI) **Exception B:** It is the Court's understanding that Briggs currently may employ a few non-attorney employees who previously were affiliated with the Critique Services Business. This bar does not

prohibit Briggs from continuing to employ those specific persons, provided that such persons are not professionally involved with or connected to ***in any way*** with any of the persons who Briggs is barred from being professionally involved with or connected to.

(VII) Briggs **COMPLETE** twelve (12) hours of CLE entirely in ***professional ethics*** prior to his reinstatement from his suspension. These hours must be taken in-person. These hours may not be accomplished by "self-study" or through attending an internet or correspondence course. Briggs has to show up, sign in, and stay for the entire duration. He shall file a Certificate of Completion of Professional Ethics CLE with the Court upon his completion of these hours, and provide to the Court such Certificate as evidence establishing that he attended and completed the CLE.

(VIII) Briggs is invited to file, on October 1, 2016 or any time thereafter, a motion for reinstatement to the privilege of practicing before the Court after October 15, 2016. Evidence of completion of the required CLE should be attached to any such motion.

C. Sanctions Against Critique Services L.L.C. and Critique Legal Services L.L.C.

The Court **HOLDS** that it is proper to sanction Critique Services L.L.C. and Critique Legal Services L.L.C. In addition, the Court **HOLDS** that, because previous injunctions and sanctions failed to result in the cessation of the unauthorized practice of law, it is appropriate and necessary to order significant sanctions. Accordingly, the Court **ORDERS** that Critique Services L.L.C. and Critique Legal Services L.L.C.—including in any "d/b/a" capacity in which either may operate, and regardless of whether the company is dissolved or operating, and regardless of who in the future may be the owner, manager, or controlling person—be permanently **BARRED** from providing any goods or services (whether for free or for compensation), in any form, to any person or entity (including, but not limited to, any law firm, law business, lawyer, bankruptcy petition preparer, "bankruptcy services" business, or any other person), if such

goods or services may involve, affect, relate to, or in any other way touch upon, or could reasonably be foreseen to involve, affect, relate to, or in any other way touch upon, any case that is, or is anticipated to be, filed with the Court. This bar does not prohibit Critique Services L.L.C. or Critique Legal Services L.L.C. from being involved in its own bankruptcy case, should such entity file for relief.

This bar shall be effective regardless of whether Diltz continues to be the owner of the companies. This bar shall be given the broadest possible construction and effect.

Nothing herein purports to alter, modify, nullify, or otherwise affect the TRO currently in effect against Critique Services L.L.C., issued by the State Circuit Court. Nothing herein purports to render moot any issue in the 2016 MOAG Action raised against Critique Services L.L.C. Nothing herein purports to affect the TRO currently in effect against Critique Services L.L.C., issued by the Court in *Casamatta v. Critique Services L.L.C*. Nothing herein purports to render moot any issue raised in *Casamatta v. Critique Services L.L.C.*, or in the miscellaneous proceeding of *In re Critique Services L.L.C.*

IV. THE DIRECTIVE TO ATTORNEYS PRACTICING BEFORE THE COURT

The bifurcated strategy of suspending Critique Services Attorneys while also enjoining Diltz, her companies, and her non-attorney affiliates has been repeatedly tried, to no avail. Diltz clearly does not care how many disposable attorneys her operation sends to the gallows of professional censure. The loss of an attorney costs her nothing, other than the headache of having to find his replacement. Further, the prohibition imposed upon Critique Services L.L.C. and Critique Legal Services L.L.C. ordered herein is limited in its effectiveness in stopping the scam, since Diltz can just organize another limited liability company, find yet-another attorney, and continue the operations.

So today, the Court will employ a new strategy, albeit also a very old one.

Recalling freshman-year Western Civ 101: in the ancient world, there were five principal ways to breach a walled city. One could go over the wall, go under the wall, go through the wall, use an artifice (*e.g.*, the Trojan Horse), and cut off supply lines and resources (*e.g.*, diverting the water source into the city).

Previous direct assaults on the unauthorized practice of law—by way of repeated injunctions—have failed. Artifice is not an option for a federal court. So, the Court will try the last option: turning off the tap. The Critique Services Business relies on a pipeline of attorneys. If Diltz cannot get attorneys to disguise her unauthorized practice of law, she cannot run her scam.

Accordingly, the Court holds that, pursuant to its inherent authority to regulate the professional conduct of the attorneys who appear before it, and to prevent this forum from being used as a mechanism for flagrant bankruptcy abuse, the unauthorized practice of law, and theft by the false promise of legal representation, the Court **DIRECTS** that all attorneys who are registered to practice before the Court be immediately and permanently prohibited from being knowingly involved ***in any way***, with (i) Diltz, (ii) any artificial entity that Diltz owns, controls, or manages, whether such entity exists now or is created in the future, and (iii) any person employed by or independently contracting with Diltz or any artificial entity she owns, controls or manages, to the degree that such involvement would ***in any way*** touch upon or could reasonably be foreseen to touch upon, any bankruptcy case that is filed or is anticipated to be filed in this District. This prohibition ***includes, but is not limited to***, a prohibition on: using the "Critique Services" fictitious name; using any intellectual property owned by, created by, licensed by or sold by Diltz or any entity that Diltz may own, control or manage; taking "referrals" from, or being "funneled" cases or clients from, Diltz or any entity that Diltz may own, control or manage; leasing office space from Diltz or any business Diltz may own, control or manage; leasing intellectual property from Diltz or any business Diltz may own, control or manage; and using any services, including but not limited to, secretarial, administrative, advertising, bookkeeping services, provided by Diltz or any business Diltz may own, control or manage; or purchasing or leasing any goods or property of Diltz or any business she may own, control, or manage.

This prohibition does ***not*** prohibit an attorney from representing before this Court (i) Diltz; (ii) any artificial entity that is owned, controlled or managed by

Diltz; or (iii) any person who Diltz or one of her entities may employ or with whom Diltz or one of her entities may independently contract.

The Court **DIRECTS** the Clerk of Court to post this Memorandum Opinion on the Court's website.

V. THE REPORT TO THE U.S. ATTORNEY

Section 3057 of title 28 of the United States Code ("§ 3057") provides that:

> (a) Any judge, receiver, or trustee having reasonable grounds for believing that any violation under chapter 9 of this title or other laws of the United States relating to insolvent debtors, receiverships or reorganization plans has been committed, or that an investigation should be had in connection therewith, shall report to the appropriate United States attorney all the facts and circumstances of the case, the names of the witnesses and the offense or offenses believed to have been committed. Where one of such officers has made such report, the others need not do so.
>
> (b) The United States attorney thereupon shall inquire into the facts and report thereon to the judge, and if it appears probable that any such offense has been committed, shall without delay, present the matter to the grand jury, unless upon inquiry and examination he decides that the ends of public justice do not require investigation or prosecution, in which case he shall report the facts to the Attorney General for his direction.

The Judge, having reasonable grounds for believing that a violation under chapter 9 of title 18 or other laws of the United States relating to insolvent debtors has been committed and that an investigation should be had in connection therewith, hereby submits to the USA this Memorandum Opinion (as submitted to the USA, the "§ 3057 Report"), thereby reporting to the USA, pursuant to § 3057(a), the facts and circumstances of these Cases. (The statute provides that the "judge" makes the report. Accordingly, the Judge, in his official capacity, makes this § 3057 Report.)

A. The Facts and Circumstances In Support of this § 3057 Report

As required by the statute, the Court now reports facts and circumstances in support of this § 3057 Report. They include all the facts and circumstances herein demonstrating the Critique Services Business's predatory behavior,

fraudulent activity, and financial malfeasance. ***Nobody acts this way before the bankruptcy court unless he or she has something to hide, the discovery of which would lead to consequences far more grave than anything that bankruptcy court can impose.***

B. The Names of Witnesses

The names of the witnesses are: the Debtors; every other client of the Critique Services Business named herein; the Critique Services Attorneys; the non-attorney staff persons affiliated with the Critique Services Business; the Trustees, in particular Trustees Case, Sosne and Conwell; and David Gunn and his client, Ms. Steward. In addition, the Court notes that both the BBB and the MOAG (as a result of their own efforts) may know of additional witnesses who may have information related to the facts and circumstances alleged here.

C. The Offenses Believed to Have Been Committed

1. Violations of chapter 9 of title 18

Chapter 9 of title 18 is comprised of §§ 151 – 158. As required by the statute and based on the facts and circumstances set forth herein, the Judge reports that he believes that there may have been violations of §§ 152, 153, 154(2), and 157 of title 18.

2. Violations of other applicable federal criminal laws

Case law indicates that § 3057(a)'s phrase "violations of other federal law relating to insolvent debtors" includes "any other applicable criminal laws of the United States" when involving participants involved in a bankruptcy case. *See In re Starbrite Props. Corp*., 2012 WL 2050745, at *10 (Bankr. E.D.N.Y. Jun. 5, 2012). Accordingly, the Judge reports that the facts and circumstances here give him reasonable grounds to believe that there have been violations of federal tax statutes, tax fraud statutes, statutes requiring the reporting of employee wages, statutes requiring withholding from employee wages, perjury, mail or internet fraud statutes, and the racketeer influenced and corrupt organizations statute.

D. The U.S. Attorney as the Proper Investigatory Body

In making this Report, the Judge observes that the USA is the appropriate person to conduct and coordinate the resources of the Department of Justice to

undertake the much-needed inquiry. The Trustees here have made a commendable effort to comply with their obligations under the Show Cause Orders, and they have done so without complaint. However, it is not reasonable to expect the Trustees to helm the next step. They are not criminal investigators and they do not have forensic accounting experts available to them—and, as these are no-asset chapter 7 cases, so there are no estate assets to fund such efforts. Moreover, further investigation—as Trustee Sosne pointed out at the February 4, 2015 hearing—would require an on-site inspection at the Critique Services Business Office. That, in turn, would likely require the Court to send U.S. Marshals to the inspection, to ensure that there is no breach of the peace or destruction of evidence.

In addition, looming large is the unspoken threat that the Trustees may be frivolously sued by persons affiliated with the Critique Services Business, in a desperate effort to stop further inquiry. While a judge enjoys judicial immunity, the Trustees do not. The personal and professional risks that the Trustees have already undertaken, just by making the Court-ordered inquiries into the Critique Services Business, should not be underestimated. Simply by doing their jobs, they have opened themselves up to the risks of being publicly and baselessly criticized, being frivolously sued, incurring financial loss (they will certainly never be paid from no-asset estates, and they could incur costs defending a frivolous lawsuit), suffering the time and resource drain of non-responsiveness, reviewing and responding to meritless pleadings, and dealing with other deliberate tactics of avoidance and dishonesty. These are all tactics that persons affiliated with the Critique Services Business have a history of employing, in a strategy of obfuscation and misery inflicted to discourage anyone from making inquiries into their business. Subjecting the Trustees to the risk of such expense and harassment would cripple the ability of the UST13 to attract attorneys to serve on his trustee panel—which is not designed to be a panel of criminal investigators.

E. The Need for an Inquiry by the U.S. Attorney

As a result of the Critique Services Business's suspected criminal activity, both the debtors and the bankruptcy system are being victimized. And,

disturbingly, the scam is so easy to execute: the clients of the Critique Services Business are not affluent; they are not politically connected; they are not people who have the resources or time to hold anyone accountable.

An inquiry is necessary because federal bankruptcy law demands transparency. *See, e.g., The Cadle Company v. Brunswick Homes, L.L.C. (In re Moore)*, 470 B.R. 414, 435 (Bankr. N.D. Tex. 2012). The transparency requirement applies in all respects regarding a debtor's financial affairs. The fees that a debtor pays for bankruptcy legal services are no exception. Section 329(a) requires that a debtor's attorney file a statement of compensation, and Rule 2016(b) requires that this statement be filed and transmitted to the UST. Rule 2016(b) also requires that a supplemental statement must be filed and transmitted to the UST if additional compensation is received. An inquiry is necessary here because there is no transparency related to the fees collected by the Critique Services Business. The Critique Services Business hides what is happening with assets of the estate by making false statements about providing legal services. It is no different than the debtor deliberately failing to schedule a valuable asset or a creditor forging a security document—it is a way to steal from the estate. Case by case, fee by fee, in a thousand cases a year, the Critique Services Business avoids transparency to steal from the estate through the unauthorized practice of law.

An inquiry is necessary because the suspensions and directives imposed herein are not sufficient justice, if criminal activity has occurred. It is not sufficient to punt to the state authorities if federal crimes occurred and were perpetrated through the abuse of the federal bankruptcy system. An inquiry is necessary to ensure the accountability for the use of this federal forum for the victimization of debtors. An inquiry is necessary, even if Diltz and her cohorts have drained away the cash and nothing is left for civil asset seizure. An inquiry is necessary to bring to bear the full weight of policing powers entrusted to the Executive Branch, to make it clear to both the public and future scammers that such abuse of the Judicial Branch, and of those who come to this forum, will not be tolerated.

An inquiry into facts and circumstances is necessary because *the poor*

matter. The treatment of the poor in the federal bankruptcy system matters. The exploitation and abuse of the poor in the federal bankruptcy system matters. The failure to properly hold the money of the poor matters. The refusal to account for property of the estates of the poor matters. The false advertising targeting the poor matters. The false promises of legal representation made to the poor matters. The failure to properly report income obtained from "services" sold to the poor matters. The criminal predation of the poor matters.

F. The Directive to the U.S. Attorney to Make a Written Report of Inquiry

Section 3057(b) provides that, in response to the making of a report under § 3057(a), the USA shall make an inquiry and report to the reporting judge. Accordingly, the Court **DIRECTS** that such a report of inquiry be made. Because the scope and nature of the facts and circumstances in these Cases, it is appropriate for the report of inquiry to be made to all the presiding Judges of the Court, as seated on the Board of Judges. The USA is directed to submit a written report of inquiry—detailing his efforts at making a complete inquiry and his conclusions after such inquiry—to the Board of Judges no later than **Tuesday, June 7, 2016.** The USA shall submit two copies of his written report of inquiry to each Judge's chambers. The report shall not be filed in these Cases. The Board of Judges reserves the opportunity discuss the report of inquiry with the USA, should the Judges have questions or concerns following their review of the report of inquiry.

VI. OTHER DIRECTIVES

In addition, this Memorandum Opinion serve as:

(I) a referral to the OCDC of attorney misconduct;

(II) a supplement to the referral made to the District Court, which resulted in the commencement of a disciplinary proceeding pending against Robinson (USDC Case No. 14-MC-0352);

(III) a referral to the Internal Revenue Service, regarding suspected failure by Diltz and Critique Services L.LC. to report income and properly account for employee-related taxes and withholding; and

(IV) a referral to the Missouri Department of Revenue, for suspected failure by Diltz and Critique Services L.LC. to report income and properly account for employee-related taxes and withholding

In addition, the Court holds that it is proper that this Memorandum Opinion and the Order for Sanctions be provided to the following, for their information:

a. the MOAG; and

b. the St. Louis Circuit Attorney's Office.

DATED: April 20, 2016
St. Louis, Missouri 63102
mtc

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

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Attachment 128	Order Imposing Additional Suspension Terms Upon Dellamano and Referring Dellamano's Activities to the OCDC, the Attorney Registration & Disciplinary Commission of the Illinois Supreme Court, and the District Court, entered in *In re Dellamano* and *In re White*
Attachment 129	Directive to Mayweather to provide copies of written contracts, entered in *In re Mayweather*
Attachment 130	Response to Show Cause Order, filed in *In re Mayweather*
Attachment 131	Contracts attached to Response to Show Cause Order
Attachment 132	Petition for Writ of Prohibition, filed by Mayweather, in the Eighth Circuit
Attachment 133	Denial of Petition for Writ of Prohibition of Mayweather, entered by the Eighth Circuit
Attachment 134	First Affidavit of Mayweather, filed in *In re Mayweather*
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Attachment 136	Order Prohibiting Mayweather from Providing Any Bankruptcy Services in this District, entered *in In re Mayweather*
Attachment 137	Show Cause Order, entered in *In re Critique Services, L.L.C., et al.*
Attachment 138	Mullin's Affidavit, filed in *In re Critique Services L.L.C., et al.*

Attachment 139	Petition for Writ of Prohibition, filed by Diltz, Mayweather, Meriwether, and Dellamano, in the Eighth Circuit
Attachment 140	Denial of Petition for Writ of Prohibition of Diltz, Mayweather, Meriwether, and Dellamano, entered by the Eighth Circuit
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Attachment 145	Judicial Notice of Critique Services L.L.C.'s Facebook Page, entered in *In re Critique Services L.L.C., et al.*
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Attachment 150	Transcript of the January 12, 2016 hearing on multiple Motions to Disgorge Fees filed by Critique Services Business clients
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Attachment 152	Order Directing Disgorgement of Fees, entered in multiple cases heard on January 12, 2016
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Attachment 157	Complaint, filed in *Casamatta v. Critique Services L.L.C., et al*.

Attachment 158	Motion for TRO, filed in *Casamatta v. Critique Services L.L.C., et al*.
Attachment 159	Transcript of March 10, 2016 hearing in *Casamatta v. Critique Services L.L.C., et al*.
Attachment 160	TRO, entered in *Casamatta v. Critique Services L.L.C., et al*.
Attachment 161	Petition and Motion for TRO, filed in *State of Missouri, ex rel. Attorney General Chris Koster v. Beverly Holmes Diltz, et al.*
Attachment 162	Response of Critique Services L.L.C. and Diltz in *State of Missouri, ex rel. Attorney General Chris Koster v. Beverly Holmes Diltz, et al.*
Attachment 163	TRO, entered in *State of Missouri, ex rel. Attorney General Chris Koster v. Beverly Holmes Diltz, et al.*
Attachment 164	Motion to Disgorge and the transcript from the § 341 meeting, both filed in *In re Sorbello*, and the Scheduling Order, entered in *In re Sorbello*
Attachment 165	Preliminary Injunction Issued Against Robinson, entered in *State of Missouri, ex rel. Attorney General Chris Koster v. Beverly Holmes Diltz, et al.*
Attachment 166	Example of the Show Cause Orders issued against Coyle, entered in the four cases Coyle filed before her law license was suspended
Attachment 167	Transcript of April 4, 2016 hearing on Show Cause Orders issued against Coyle
Attachment 168	Motion to Disgorge Fees, filed in *In re Matthis*
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Attachment 170	Show Cause Order, entered in *In re Jessica White*
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Attachment 173	Example of Meriwether's Response, filed in the matters set for hearing on February 23, 2016

Attachment 174	Example of Meriwether's Motions to Disqualify, filed in the matters set for hearing on February 23, 2016
Attachment 175	Order for Disgorgement of Fees, entered in multiple disgorgement matters set for hearing on February 23, 2016
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Attachment 178	Trustees' December 3, 2015 Letter
Attachment 179	Robinson's Response to Trustees
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Attachment 181	Examples of the money orders "signed" by Robinson, an example of Robinson's signature, and an example of Diltz's handwriting
Attachment 182	Third Show Cause Order
Attachment 183	Robinson's Motion to Disqualify the Judge
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Attachment 185	Order Denying Motions to Disqualify the Judge (not including the attachments thereto, consisting of numerous previous orders in which the Court addressed the issue of whether the Judge must disqualify simply because the matter involves a person affiliated with the Critique Services Business)
Attachment 186	Trustees' Motion to Compel Turnover
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Attachment 191	Example of affidavit and attachments filed by Briggs regarding the return of their fees on December 6, 2014

Attachment 192	Transcript of January 13, 2015 hearing
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Attachment 195	Example of Robinson's Retainer Agreement
Attachment 196	Order Compelling Turnover
Attachment 197	Briggs's January 24, 2015 letter to Robinson and Critique Services L.L.C.
Attachment 198	Mass's Entry of Appearance and Critique Services L.L.C.'s Response to the Order Compelling Turnover
Attachment 199	Order Denying Critique Services L.L.C.'s Motion to Disqualify the Judge (not including the attachments thereto, consisting of numerous previous orders in which the Court addressed the issue of whether the Judge must disqualify simply because the matter involves a person affiliated with the Critique Services Business)
Attachment 200	Transcript of February 4, 2015 status conference
Attachment 201	Affidavits and documents provided by Briggs to the Trustees
Attachment 202	Order Denying Mass's Motion to Dismiss
Attachment 203	Mass's Memorandum to "Clarify" the Record
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Attachment 205	July 6, 2015 Notice to Robinson, Critique Services L.L.C. and Briggs Regarding Sanctions
Attachment 206	Robinson's Response and Amended Response to the July 6, 2015 Notice; the Order Striking Robinson's Response; and the Order Striking in Part the Amended Response
Attachment 207	Critique Services L.L.C.'s Response to the July 6 Notice
Attachment 208	Briggs's Response to the July 6 Notice; and Order Denying Briggs's request for the Court to "withdraw" the matter or "transfer" the matter to the District Court

Attachment 209	Trustee Conwell's Affidavit (with copies of the photographs and receipt attached)
Attachment 210	Trustee Case's Affidavit
Attachment 211	July 22, 2015 Notice to Briggs Regarding Sanctions
Attachment 212	Briggs's Response to the July 22, 2015 Notice
Attachment 213	Order Denying Briggs's Request for a "Transfer" to the District Court
Attachment 214	Petition for Writ of Prohibition, filed by Briggs, in the District Court
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Attachment 224	Order Disregarding Critique Services L.L.C.'s Purported "Objections"
Attachment 225	Order Directing UST13 to File Copies of Tax Documents
Attachment 226	UST13's Response to the Order Directing UST13 to File Copies of Tax Documents
Attachment 227	Transcript of July 22, 2015 deposition of Diltz in *In re Ericks*
Attachment 228	Transcript of *In re Scales* § 341 meeting
Attachment 229	Screenshots of webpages of the Critique Services website

COPIES TO:

Electronic copy via CM-ECF

Laurence Mass

James Clifton Robinson

Elbert A. Walton, Jr.

Ross H. Briggs

Flash drive containing order and attachments via first-class U.S. Postal Service or courier

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Leonora Long, the Office of the U.S. Trustee for Region 13

Paper copy without attachments via hand-delivery

The Chambers of the Hon. Kathy Surratt-States, Chief Judge, U.S. Bankruptcy Court

The Chambers of the Hon. Barry S. Schermer, Judge, U.S. Bankruptcy Court