

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

IN THE MATTER OF:

ATTORNEY ALEXANDER BERRY-SANTORO

Administrative Order

No. 19-AD-078

ORDER OF ASSIGNMENT OF A
THREE JUDGE PANEL TO CONSIDER
PETITION FOR ADMISSION

Attorney ALEXANDER BERRY-SANTORO has filed an application for admission to practice law in the courts of the Western District of Michigan, and the undersigned, having reviewed the petition and supporting materials, finds that the appointment of a Three Judge Panel is appropriate. Accordingly, the following three Judges are hereby appointed

HONORABLE JANET T. NEFF, CHAIR

HONORABLE MAARTEN VERMAAT

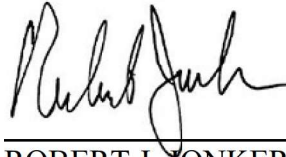
HONORABLE JAMES W. BOYD

to review this attorney's petition and determine his suitability for admission to the practicing bar of the Western District of Michigan. Pursuant to Rule, the decision of a majority of the panel will be final and binding. A copy of this Order shall be served upon Attorney Berry-Santoro by the Attorney Admissions Clerk.

Among other things, the undersigned asks the Panel to understand (1) the basis for the grievance that apparently still remains open pending completion of a seminar; and (2) the basis for the status of a consent order from the Eastern Division of the Northern District of Ohio Bankruptcy Court. The first issue is referenced on the application for admission. The second was not disclosed but is a matter of public record (attached Exhibit 1). Paragraphs 15-17 of the Bankruptcy Court Order suggest the applicant is still under a filing restriction or prohibition in that court.

IT IS SO ORDERED.

FOR THE COURT:

A handwritten signature in black ink, appearing to read "Robert Jonker", written over a horizontal line.

Dated: September 25, 2019

ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE

EXHIBIT 1

IT IS SO ORDERED.

Dated: 4 December, 2018 11:23 AM



JESSICA E. PRICE SMITH
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:)	Case No. 17-17109-(JPS)
)	
Jeffrey Trimble,)	Chapter 7
)	
Debtor)	Judge Jessica E. Price Smith
<hr/>		
Daniel M. McDermott,)	
United States Trustee,)	
)	
Plaintiff,)	Adv. Proceeding No. 18-01045-(JPS)
)	
vs.)	Judge Jessica E. Price Smith
)	
Jaafar Law Group PLLC <i>aka</i>)	
Fairmax Law <i>aka</i> Fairmax,)	
Michael Jaafar,)	
David Ross Ienna,)	
Aaron T. Kimbrell,)	
<u>Alexander J. Berry-Santoro,</u>)	
)	
Defendants.)	
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CONSENT ORDER

The plaintiff Daniel M. McDermott, the United States Trustee for Region 9, (the “United States Trustee”) and the defendants Jaafar Law Group PLLC *aka* Fairmax Law *aka* Fairmax, Michael Jaafar, David Ross Ienna, and Aaron T. Kimbrell (the “Jaafar Law Group Defendants”)

and Alexander Berry-Santoro (collectively, the “Parties”) hereby enter into and submit for the Court’s approval the following order (the “Consent Order”):

RECITALS

A. On December 1, 2017, the debtor Jeffrey Trimble (the “Debtor”) filed a voluntary petition for relief (the “Petition”) under Chapter 7 of Title 11 of the United States Code (the “Code”) in case number 17-17109-(JPS) pending in the Northern District of Ohio (the “Underlying Case”). The Debtor is an assisted person as defined at 11 U.S.C. §101(3).

B. Defendant Jaafar Law Group PLLC is a Domestic Professional Limited Liability Company registered in the State of Michigan and the State of Ohio (henceforth “Jaafar Law Group”).

C. Defendant Michael Jaafar (“Jaafar”) is an attorney barred in the State of Michigan. He is not barred in the State of Ohio, but he is admitted to practice in the Northern District of Ohio. He is employed by Jaafar Law Group.

D. Defendant David Ienna (“Ienna”) is an attorney barred in the State of Michigan. He is not barred in the State of Ohio, but he is admitted to practice in the Northern District of Ohio. He is employed by Jaafar Law Group.

E. Defendant Alexander Berry-Santoro (“Berry-Santoro”) is an attorney barred in the State of Michigan. He is not barred in the State of Ohio, but he is admitted to practice in the Northern District of Ohio. He was employed by Jaafar Law Group, but ceased employment in March 2018.

F. Defendant Aaron T. Kimbrell (“Kimbrell”) is an attorney barred in the State of Ohio (Ohio Bar No. 0080406). He is also admitted to practice in the Northern District of Ohio. He is employed by Jaafar Law Group.

G. On the Petition Date, Berry-Santoro did have Electronic Case Filing (“ECF”) privileges in the Northern District of Ohio, but not for the Bankruptcy Court for the Northern District of Ohio. He did subsequently obtain those privileges. He was admitted to practice law in the Northern District of Ohio during all relevant times in the Underlying Case.

H. Berry-Santoro never filed a notice of appearance in the Underlying Case.

I. The Petition and accompanying schedules filed with the Court indicate that Kimbrell was the Debtor’s counsel as of the Petition Date and contain Kimbrell’s “/s/” electronic signature and bar credentials. *Bankr. Case No. 17-17109, Dkt. 1 at 7, 36, 49-50; see also Bankr. Case No. 17-17109, Dkt. 3.*

J. The petition was filed using Kimbrell’s ECF login (username) and password.

K. The Debtor and Kimbrell have never met in person. The Debtor did contact Kimbrell by telephone and discussed with him the Underlying Case after it was filed.

L. On the Petition Date, Berry-Santoro assisted the Debtor in preparing and filing the Debtor’s petition and schedules using Kimbrell’s “/s/” electronic signature, bar credentials, and ECF filing privileges.

M. Berry-Santoro affixed Kimbrell’s “wet” signature on the *Declaration Re: Electronic Filing of Documents and Statement of Social Security Number* (the “Electronic Declaration Form”). *Bankr. Case No. 17-17109, Dkt. 3.*

N. Prior to the Petition Date, Ienna and Kimbrell but not Jaafar had authorized Berry-Santoro to affix Kimbrell’s “wet” signature on Declaration Forms filed in bankruptcy cases so long as he observed certain protocols.

O. The *Disclosure of Compensation of Attorney for Debtor(s)* filed in the Underlying Case (the “Fee Disclosure”) reflects that Kimbrell/Jaafar Law Group agreed to accept \$640 for

services, and that the Debtor paid the \$640 prior to filing. *Bankr. Case No. 17-17109*, Dkt. 1 at 49–50.

P. The Fee Disclosure states in pertinent part as follows: “Also not included in this fee is the Firm’s effort to retrieve any monies that may have been garnished from the debtor. For that, the law firm charges a contingency fee of 50-100% of whatever funds are retrieved based on the written agreement made between Debtor and our firm.” This disclosure reflects Jaafar Law Group’s practice at that time of reducing debtors’ pre-filing fee and taking an interest in garnishment recovery.

Q. The Debtor agreed to pay Jaafar Law Group a ten dollar (\$10) fee to utilize a service whereby Jaafar Law Group’s clients were charged a fee in connection with the processing of their court filing fee installment payments (the “Additional Fee”). The Fee Disclosure does not reflect that Jaafar Law Group charged the Debtor the Additional Fee, and Jaafar Law Group has not filed a supplemental disclosure.

R. The Schedules filed with the Debtor’s petition reflect that the Debtor initially sought to exempt \$1,250 of projected state and federal tax refunds and credits estimated at \$8,108.83. *Bankr. Case No. 17-17109*, Dkt. 1 at 17. The schedules cite “Ohio Rev. Code. Ann. 2329.66(a)(18)” [sic], commonly referred to as the “wildcard” exemption. *Bankr. Case No. 17-17109*, Dkt. 1 at 16.

S. Subsequently, the Debtor advised the Defendants that the schedules incorrectly stated the exemption to which the Debtor was entitled. In an email response to the Debtor sent on December 20, 2017, Jaafar gave incorrect advice that the schedules accurately reflected the exemption to which he was allowed in his Bankruptcy case.

T. On April 30, 2018, the United States Trustee timely filed the *Complaint* setting

forth nine separate counts (the “Complaint”) against the Defendants. Dkt. 1 *et seq.*

U. By entering into this Consent Order, the Defendants do not admit to the allegations that the United States Trustee set forth in the Complaint except as contained in these Recitals.

RELIEF

Subject to Court approval, the Parties agree to the following relief:

1. By signing below, the Jaafar Law Group Defendants consent that the fee agreement with the Debtor is hereby cancelled.

2. Within five (5) days of the entry of this Consent Order, the Jaafar Law Group Defendants shall file with the Court proof in writing that Jaafar Law Group has returned all fees to the Debtor, and deliver by mail a copy of the same to the United States Trustee.

3. Within five (5) days of the entry of this Consent Order, the Jaafar Law Group Defendants shall file with the Court proof in writing that Jaafar Law Group has paid a civil penalty to the Debtor in the amount one-thousand seven-hundred and fifty dollars (\$1,750.00). This shall be over and above any fees remitted, and deliver by mail a copy of the same to the United States Trustee.

4. Within fourteen (14) days of the entry of this Consent Order, the Jaafar Law Group Defendants shall file amended disclosures pursuant to Federal Rule Bankruptcy Procedure 2016 in all presently open cases pending in the Northern District of Ohio (“NDOH”) in which Jaafar Law Group’s clients were charged the Additional Fee, including but not limited to the Underlying Case.

5. By signing below, the Jaafar Law Group Defendants consent that henceforth Jaafar Law Group will discontinue charging the Additional Fee in connection with the processing of their court filing fee installment payments.

6. By signing below, the Jaafar Law Group Defendants consent that henceforth Jaafar Law Group will discontinue the practice of contracting with clients to reduce their pre-filing fee and taking an interest in garnishment recovery.

7. By signing below, the Jaafar Law Group Defendants consent that henceforth if the name of an attorney employed by Jaafar Law Group is affixed to a pleading or document, it will certify that the attorney whose name is affixed prepared or assisted in preparing, reviewed, and approved that pleading or document for filing.

8. By signing below, the Jaafar Law Group Defendants consent that henceforth if an attorney employed by Jaafar Law Group affixes his signature to the petition, schedules, and the Electronic Disclosure Form, he will have met with the client(s) and reviewed the petition and schedules before filing.

9. By signing below, the Jaafar Law Group Defendants consent that henceforth attorneys employed by Jaafar Law Group may authorize other Jaafar Law Group employees to utilize their ECF logins and passwords only if the filed pleadings or documents—including but not limited to petitions and schedules—are first, reviewed, and approved for filing by the attorney whose signature is affixed thereon.

10. By signing below, the Jaafar Law Group Defendants voluntarily consent to a freeze on filing new bankruptcy cases in the NDOH for thirty (30) days, in order to implement certain procedures and file certain disclosures as agreed to in this Consent Order. During this thirty day period, the Defendants shall continue to professionally assist existing clients. The thirty day period shall commence one day after entry of this Consent Order.

11. By signing below, the Jaafar Law Group Defendants consent that Kimbrell shall take 5 hours of approved Ohio Continuing Legal Education (“CLE”) specifically related to the

practice of bankruptcy on or before January 31, 2019. Within fourteen (14) days after completion of the course, Kimbrell shall deliver proof of compliance with this provision to the United States Trustee.

12. By signing below, the Jaafar Law Group Defendants consent that Jaafar Law Group will implement the following audit related to signatures for a one-year period: beginning the day after entry of this Consent Order is entered and continuing every ninety (90) days for a total of four times, two Jaafar Law Group attorneys shall independently review every case filed in a fourteen (14) day period beginning on the day sixty (60) days prior to the day the audit is commenced; they will verify that all pleadings filed in the case comport with paragraphs 7, 8 and 9 of this Consent Order, and also verify that the “wet” signature on the Electronic Declaration Form is the actual autograph of the person purporting to sign it. Within fourteen (14) days of each completed audit, Jaafar Law Group shall report the results to the Office of the United States Trustee.

13. By signing below, the Jaafar Law Group Defendants consent that Jaafar Law Group will implement the following audit related to exemptions for a one-year period: beginning the day after entry of this Consent Order and continuing every ninety (90) days for a total of four times, two Jaafar Law Group attorneys shall independently review every case filed in the previous fourteen (14) days, and ensure that proper exemptions are claimed. In the event that improper exemptions are identified, Jaafar Law Group shall make appropriate amendments. Within fourteen (14) days of each completed audit, Jaafar Law Group shall report the results to the Office of the United States Trustee.

14. By signing below, the Jaafar Law Group Defendants represent that in February 2018, Jaafar Law Group implemented a new telephone system which addresses the United States

Trustee's concerns with communications alleged in the Complaint.

15. By signing below, Defendant Berry-Santoro consents to the immediate termination of his CM-ECF privileges to file cases electronically in the United States Bankruptcy Court for the Northern District of Ohio.

16. The entry of this Consent Order shall not restrict Defendant Berry-Santoro from maintaining filing privileges outside the jurisdiction of the Bankruptcy Court for the Northern District of Ohio.

17. After a period of 365 days commencing from the entry of this Consent Order but not before, Defendant Berry-Santoro may file a CM/ECF Registration with the Clerk of Court of the Bankruptcy Court of the Northern District of Ohio to restore his privileges to file cases electronically, and shall not be prejudiced on account of this Consent Order.

18. By signing below, the United States Trustee consents that within five (5) days of the entry of this Consent Order, the United States Trustee shall withdraw the *Motion to Review Attorney Fees and Order Disgorgement of Attorney Fees* filed in *In re Chakey*, Case No. 17-52057-AMK.

19. By signing below, the United States Trustee consents that within five (5) days of the entry of this Consent Order, the United States Trustee shall withdraw the *Motion to Review Attorney Fees and Order Disgorgement of Attorney Fees* filed in *In re Neelon*, Case No. 17-52180-AMK.

20. By signing below, the United States Trustee consents that he shall not file a complaint or motion seeking substantially similar relief to the relief requested in the Complaint filed in the above-captioned adversary proceeding in any case Jaafar Law Group filed on behalf of an assisted person prior to April 30, 2018. This provision shall not be construed to limit, impair,

or otherwise affect United States Trustees other than the plaintiff Daniel M. McDermott as those United States Trustees are not parties to this agreement. Further, this provision shall not be construed to limit, impair or otherwise affect third-parties, who are not parties to this agreement.

21. The Parties consent that the relief set forth in this Consent Order shall be effective and apply only as it relates to the Defendants' practice in the Northern District of Ohio.

22. Nothing contained in this Consent Order shall be construed to limit, impair, or otherwise affect the Parties' rights to enforce the terms of this Consent Order.

IT IS SO ORDERED.

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RESPECTFULLY AGREED TO AND SUBMITTED BY:

**DANIEL M. MCDERMOTT, PLAINTIFF
UNITED STATES TRUSTEE, REGION 9**

BY: /s/ Scott R. Belhorn
Scott R. Belhorn (#0080094)
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Attorney for Daniel M. McDermott, United States Trustee

Date: November 16, 2018

AND

**DAVID ROSS IENNA,
DEFENDANT**

BY: /s/ David Ross Ienna
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Date: November 19, 2018

AND

**MICHAEL JAAFAR,
DEFENDANT**

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Date: November 19, 2018

AND

**AARON KIMBRELL,
DEFENDANT**

BY: /s/ Aaron Kimbrell
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Date: November 19, 2018

AND

ALEXANDER J. BERRY-SANTORO
DEFENDANT

BY: /s/ Alexander J. Berry-Santoro
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Date: November 19, 2018

PLEASE SERVE THE FOLLOWING PARTIES:

U.S. POST, FIRST CLASS

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