

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
17G1118

IN THE MATTER OF)
)
ROBERT A. LEFKOWITZ,) CENSURE
ATTORNEY AT LAW)

On April 19, 2018, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by the North Carolina State Bar. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of this matter.

Pursuant to section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Subcommittee found probable cause. Probable cause is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue an admonition, a reprimand, or a censure.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

You are associated with "Upright Law" of Chicago, Illinois, also known as "Law Solutions Chicago LLC," doing business as "Law Solutions PLLC" and possibly also known as "Allen Chern Law," "Jason Allen Law," "Allen & Associates, LLC," and "Immediate Payroll Information Services, LLC." Upright maintains a website, advertising that it can provide legal representation for consumers filing for bankruptcy or in financial distress across the nation. The website states that the firm has multiple lawyers in North Carolina who are identified as "partners" in the firm. Each of these North Carolina lawyers has his or her own law practice in addition to being a "partner" in Upright. Most of these North Carolina lawyers have signed agreements with the firm under which they are "non-equity, non-voting partners." If a consumer responds to the firm's advertising through the website or contacts Upright on its toll-free telephone line, the consumer discusses his or her matter with nonlawyers in a

call center in Chicago. You are responsible for supervising these nonlawyers, but do not speak with them or have any knowledge of the nature of their conversations with your clients. Moreover, entrusted funds paid by your North Carolina clients are maintained by Upright and you are failing to supervise the handling of those entrusted funds.


By failing to supervise nonattorney employees of Upright Law, you are failing to take reasonable efforts to ensure that your nonlawyer assistants are acting in accordance with the professional obligations of the profession in violation of Rule 5.3(a). By not supervising the handling of entrusted funds paid by your North Carolina clients to Upright Law, you are failing to adequately supervise your assistants – employees of Upright – and their handling of entrusted funds in violation of Rule 5.3(b) and 1.15-2(a). Additionally, you are failing to ensure that client ledgers are being kept for your clients or that the Upright Law trust account holding your clients' entrusted funds is reconciled (monthly or quarterly), in violation of Rule 1.15-3(d).

In determining that a Censure was appropriate in this matter, the Committee noted the lack of remorse or understanding of the compliance issues shown in your response to this matter. The Committee also noted that you are continuing to work for Upright despite the obvious issues with the firm's practices. The Committee is hopeful that this Censure will lead you to take immediate remedial actions and never again engage in this type of misconduct.

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

In accordance with the policy adopted July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 14th day of May, 2018.



DeWitt "Mac" McCarley, Chair
Grievance Committee
The North Carolina State Bar

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