

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
17G0904

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IN THE MATTER OF	)	
	)	REPRIMAND
JEFFREY J. PHILOGENE,	)	
ATTORNEY AT LAW	)	

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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 to the respondent attorney.

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

The Grievance Committee was of the opinion that a censure is not required in this case and issues this reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand.

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.”

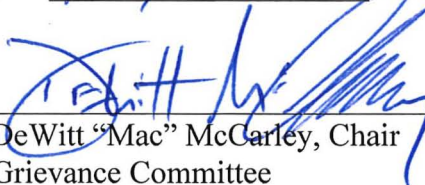
If a consumer responds to the firm’s advertising through the website or contacts Upright on its toll-free telephone line, the consumer first discusses his or her matter with nonlawyers in a call center in Chicago; these nonlawyers will ask initial questions, collect information, and quote fees the firm will charge the client. The nonattorney would “provide a general description of various kinds of debt relief services,” “gather the prospective client’s debit card, [and] obtain the prospective client’s verbal authorization to use the card to process payments toward legal services[.]” After the nonattorneys sign the person up with the firm, the clients generally speak with you. You will advise the clients as to which type of bankruptcy is best for them and will allegedly select which attorney will be representing the client. You will also answer any questions they may have about the law, their case, bankruptcy, and the process; this advice is legal advice. You provide this advice to clients of various states despite only being licensed in North Carolina. By providing legal advice to clients in various states in matters of litigation that are pending in courts before which you are not licensed, you are engaging in the unauthorized practice of law in violation of Rule 5.5(a).

In determining that a Reprimand 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 Reprimand will lead you to take immediate remedial actions and never again engage in this type of misconduct.

You are hereby reprimanded by the North Carolina State Bar for your professional misconduct. The Grievance Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

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 reprimand by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this the 14<sup>th</sup> day of Jan, 2018.

  
DeWitt “Mac” McCarley, Chair  
Grievance Committee