

STATE OF MAINE  
PENOBSCOT, ss.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. \_\_\_\_\_

STATE OF MAINE, )  
 )  
 Plaintiff )  
 )  
 v. )  
 )  
 JENNIFER O'LEARY, )  
 )  
 Defendant )

COMPLAINT  
[Injunctive Relief Requested]

**I. INTRODUCTION**

1. The State of Maine, by and through the Department of the Attorney General, brings this action against Jennifer O'Leary (hereinafter "the Defendant") pursuant to 4 M.R.S.A. § 808 (1989) and M.R.Civ.P. Rule 65, seeking a permanent injunction, costs and attorney's fees, based on violations of the Maine laws prohibiting the unauthorized practice of law, 4 M.R.S.A. § 807 (Supp. 2000), and false advertising or representation to be an attorney, 4 M.R.S.A. § 859 (1989).

**II. PARTIES**

2. The Plaintiff State of Maine, a sovereign state, brings this action by and through the Department of Attorney General pursuant to 5 M.R.S.A. § 191 (Pamph. 2000) and 4 M.R.S.A. § 808 (1989).

3. The Defendant, Jennifer O'Leary, is an individual who resides in the Town of Orono, County of Penobscot, State of Maine.

**III. JURISDICTION AND VENUE**

4. The events that give rise to the cause of action, as set forth more fully below, occurred in the Town of Orono, County of Penobscot, State of Maine.

5. The Penobscot County Superior Court has jurisdiction over this action and is the proper venue, pursuant to 4 M.R.S.A. §§ 105 (Supp. 2000) and 4 M.R.S.A. § 808 (1989).

#### **IV. STATUTORY BACKGROUND**

6. Pursuant to 4 M.R.S.A. § 808 (1989), the Attorney General may maintain an action for injunctive relief in the Superior Court against any person who renders, offer to render or holds himself out as rendering any service which constitutes the unauthorized practice of law.

7. The definition of the unauthorized practice of law is derived from 4 M.R.S.A. § 807(1) (Supp. 2000), which states in pertinent part, "No person may practice law or profess to practice law within the State or before its courts, or demand or receive remuneration for those services rendered in this state, unless that person has been admitted to the bar of this State...or unless that person has been admitted to try cases in the courts of this State." Any violation of the statute constitute the unauthorized practice of law, a Class E crime. 4 M.R.S.A. § 807(2) (Supp. 2000).

8. Falsely claiming to be an attorney is also prohibited under 4 M.R.S.A. § 859 (1989), which states in pertinent part, "If any person who has not been admitted to practice law in this State...advertises as or represents himself to be an attorney or counselor at law, he shall be guilty of a Class E crime."

#### **V. FACTS**

9. The Defendant, Jennifer O'Leary, is employed by Theodore Curtis, an attorney who contracts with the student government of the University of Maine to provide legal services to students.

18. The Defendant engaged in the unauthorized practice of law by practicing law, professing to practice law, and representing herself to be an attorney or counselor at law within the State of Maine without being admitted to the bar of the State or being admitted to practice law or to try cases in the courts of this State, all in violation of 4 M.R.S.A. §§ 807 (Supp. 2000) and 4 M.R.S.A § 859 (1989).

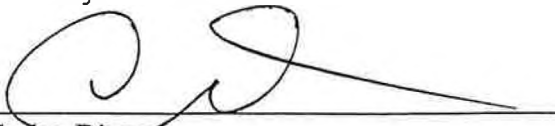
#### **VI. RELIEF REQUESTED**

WHEREFORE, the Plaintiff State of Maine requests that this Court grant the following relief:

1. Declare tat the Defendant violated 4 M.R.S.A. §§ 807 (Supp. 2000) and 4 M.R.S.A § 859 (1989).
2. Pursuant to 4 M.R.S.A. § 808 (1989) and M.R.Civ.P. Rule 65, issue a permanent injunction prohibiting the Defendant, together with her officers, agents, servants, employees and attorneys, and those persons in active concert or participation with her who receive actual notice of the injunction, from engaging in any violations of 4 M.R.S.A. §§ 807 (Supp. 2000) and 4 M.R.S.A § 859 (1989).
3. Pursuant to 14 M.R.S.A. § 1502-B (Supp. 2000), order the Defendant to pay to the Department of the Attorney General the reasonable costs of bringing and maintaining this civil action.
9. Order such further relief as the Court deems necessary.

Dated: August 9, 2001

G. STEVEN ROWE  
Attorney General

  
\_\_\_\_\_  
Carlos Diaz  
Assistant Attorney General  
Maine Bar Registration No. 8015

Department of Attorney General  
44 Oak Street, 4<sup>th</sup> Floor  
Portland, Maine 04101  
(207) 822-0498

STATE OF MAINE  
PENOBSCOT, ss.

**FILED AND ENTERED  
SUPERIOR COURT  
SEP 07 2001  
PENOBSCOT COUNTY**

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CV-2001-152

STATE OF MAINE, )  
)  
Plaintiff )  
)  
v. )  
)  
JENNIFER O'LEARY, )  
)  
Defendant )

CONSENT DECREE AND ORDER

Plaintiff, State of Maine, having filed its Complaint on or about August 10, 2001, and Plaintiff and Defendant Jennifer O'Leary having consented to the entry of this Consent Decree without trial or adjudication of any issue of fact or law herein, and without this Consent Decree constituting any admission by the Defendant with respect to such issues, it is hereby ORDERED and DECREED as follows:

I. JURISDICTION

This Court has jurisdiction over the Plaintiff and the Defendant and the subject matter of this action. The Complaint states a claim for relief under 4 M.R.S.A. § 808.

II. INJUNCTION

IT IS HEREBY ORDERED that the Defendant, Jennifer O'Leary, together with her agents, employees, assigns, successors, and anyone acting under her control or in active concert or participation with her, is enjoined from engaging in or attempting to engage in the following conduct:

- (a) practicing law in the State of Maine without being licensed to do so;

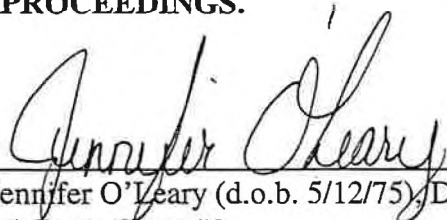
- (b) advertising, representing, or professing to be an attorney, a lawyer, a counselor at law, or to be licensed to practice law within the State of Maine, without in fact being licensed to do so; and
- (c) encouraging or causing any other person to engage in conduct prohibited in paragraphs (a) and (b) above, or assisting any person in engaging in such conduct.

III. RETENTION OF JURISDICTION


Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Consent Decree to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of the Consent Decree, for the modification of or termination of any of the provisions hereof, and for the enforcement of compliance herewith, including through actions for civil or criminal contempt.

**ANY PERSON WHO KNOWINGLY VIOLATES PART II OF THIS ORDER  
MAY BE DEEMED IN CONTEMPT OF COURT AND MAY BE SUBJECT TO  
PUNISHMENT THROUGH CONTEMPT PROCEEDINGS.**

Dated: 8/31/01

  
\_\_\_\_\_  
Jennifer O'Leary (d.o.b. 5/12/75) Defendant  
15 Grace Court #2  
Bangor, Maine 04401

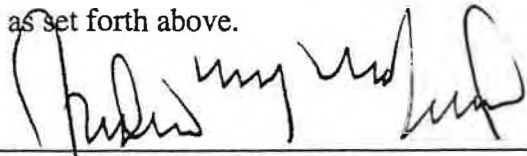
Dated: 9/5/01

  
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Carlos Diaz, Assistant Attorney General  
Maine Bar Registration No. 8015  
Department of the Attorney General  
6 State House Station  
Augusta, Maine 04333

**ORDER**

It is hereby ORDERED and DECREED as set forth above.

Dated: 9-7-01

  
\_\_\_\_\_  
Justice, Maine Superior Court  
Andrew M. Mead