

BEFORE THE SUPREME COURT OF OHIO

**CLEVELAND METROPOLITAN
BAR ASSOCIATION**

CASE NO. 2013-1288

RELATOR

V.

NORM HERNICK, ET AL.

RESPONDENT

MOTION TO SHOW CAUSE

Now comes the Relator, Cleveland Bar Association, who moves this Honorable Court for an Order upon Respondent Norm Hernick why he should not be held in contempt of court in the above-entitled matter for violating the order on him, issued by this Court on February 18, 2014.

The Relator asserts that following lengthy litigation involving its allegations that Respondent committed the unauthorized practice of law in Ohio that the parties negotiated a settlement to these charges. The result of their settlement is the Consent Decree approved by the Board on the Unauthorized Practice of Law on August 9, 2013.

Following that action, this Honorable Court issued its Order encompassing the terms of the Consent Decree providing that Respondent perform the following acts:

1. Refund to Andrea Coburn the sum of \$539.00, on or before 30 days from the date of

RECEIVED

DEC 17 2014

**CLERK OF COURT
SUPREME COURT OF OHIO**

February 18, 2014 order,

2. Pay a \$1,000.00 Civil Penalty to this Court on or before 30 days from the date of February 18, 2014 order, and

3. Provide reimbursement of costs and expenses incurred by the Board and Relator in the amount of \$1,425.73, on or before 30 days from the date of February 18, 2014 order.

Relator asserts that to the best of its knowledge that Respondent has failed to comply with the above listed provisions of the Order of this Court

In support of its Motion, Relator has attached the following documents. Attached is the Affidavit of John Travis, attached hereto as Exhibit A. Also attached is a copy of Affidavit of Russell A. Moorhead, attached hereto Exhibit B.

Relator argues that Respondent Norm Hernick has, without good cause, failed to comply with the prior Order issued upon him.

WHEREFORE, Relator Cleveland Metropolitan Bar Association preys this Motion be granted with all allowable fees and costs and for such other and further relief as is necessary and proper.

Respectfully Submitted



RUSSELL A. MOORHEAD (0020101)

614 West Superior Ave., Suite 860

Cleveland, OH 44113

Voice 216.344.3800

Fax 216.344.3869

ramoorhead@sbcglobal.net

Co-counsel for Relator Cleveland Bar Association

And

D. John Travis / r.a.m.

D. JOHN TRAVIS (0011247)

Gallagher Sharp

1501 Euclid Avenue, Sixth Floor

Cleveland, OH 44115

Voice 216.241.5310

Fax 216.241.1608

jtravis@gallaghersharp.com

Co-counsel for Relator Cleveland Metropolitan
Bar Association

BEFORE THE SUPREME COURT OF OHIO

CLEVELAND METROPOLITAN
BAR ASSOCIATION
RELATOR

CASE NO. 2010-0150

V.

NORM HERNICK, ET AL.
RESPONDENT

NOTICE OF SERVICE

A copy of Relator's Motion to Show Cause has been served upon Respondent Norm Hernick by regular US Mail this 16 day of December, 2014, at:

Norm Hernick
34 Eglinton Ave., West, Suite 180
Toronto, ONT M4R 2116

Respectfully Submitted



RUSSELL A. MOORHEAD (0020101)
614 West Superior Ave., Suite 860
Cleveland, OH 44113
Voice 216.344.3800
Fax 216.344.3869
ramoorhead@sbcglobal.net
Attorney for Relator Cleveland Bar Association

STATE OF OHIO)
)
COUNTY OF CUYAHOGA) SS.

Now comes the Affiant, D JOHN TRAVIS, upon being duly sworn who deposes and says the following:

1. Affiant says that he is an attorney licensed and in good standing to practice in the State of Ohio, Attorney Registration No. 0011247, and that he represents Relator Cleveland Metropolitan Bar Association in proceedings regarding Cleveland Metropolitan Bar Association v. Norm Hernick, et al., Case No. 2013-1288. Affiant further says that his co-counsel in this case is Russell A. Moorhead.

2. Affiant further says that the Supreme Court of Ohio has previously issued an Order upon Respondents to pay monies in accordance with that Order.

3. Earlier this year I had the following communications with Mr. Hernick:

- Exhibit A1 2/26/14 email and air mail letter to Mr. Hernick
- Exhibit A2 2/26/14 4 p.m. email from Mr. Hernick's email address
- Exhibit A3 3/4/14 email and air mail letter to Mr. Hernick
- Exhibit A4 3/19/14 5:20 p.m. email from Mr. Hernick

Copies are attached.

4. Affiant further says to the best of his knowledge, information and belief that Normal Hernick has failed to meet the terms of the Order of the Supreme Court of Ohio in this instant action.

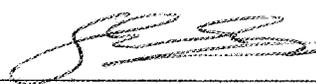
5. Affiant further says that in the consideration of the above that respondent should come forth and demonstrate good cause why he should not be held in contempt of court.

AFFIANT FURTHER SAYETH NAUGHT.



D JOHN TRAVIS

Sworn to before me and subscribed in my presence this 10th day of December, 2014.



NOTARY PUBLIC

Shane A. Lawson, Attorney At Law
Notary Public - State of Ohio
My commission has no expiration date

Gallagher Sharp

ATTORNEYS

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216.241.1608 FAX

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419.241.4866 FAX

DETROIT
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Suite 141
Livonia, MI 48152
734.591.7468 PHONE
734.591.7467 FAX

John Travis
Direct Dial: (216) 522-1590
jtravis@gallaghersharp.com
Admitted in Ohio and Michigan

PLEASE RESPOND TO CLEVELAND OFFICE

February 26, 2014

VIA EMAILmanager299@gmail.com AND

AIR MAIL

Mr. Norm Hernick
34 Eglinton Avenue West
Suite 180
Toronto Ontario, CANADA M4R2H6

Re: *Cleveland Metropolitan Bar Assoc. v. Norm Hernick*
Our File No.: 94279-118083

Dear Mr. Hernick:

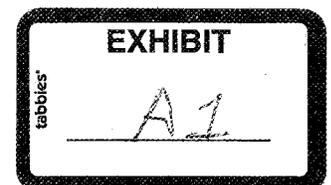
We presume you have received the attached order dated February 18, 2014 from the Supreme Court of Ohio.

Note that you shall reimburse Andrea Coburn in the amount of \$539 on or before thirty (30) days from the date of that order, or by March 20, 2014. Also, you must pay to the Supreme Court of Ohio by certified check or money order \$1,000, again on or before March 20, 2014. Finally, you must reimburse costs and expenses in the amount of \$1,425.73 by cashier's check or money order payable to the Supreme Court of Ohio, once again by March 20, 2014.

By complying with this order the jail time sanctioned against you will be purged and any arrest warrants vacated, but that will occur only upon motion of the parties.

Please confirm with me when payment has been made so that I can draft an appropriate motion.

Most important is the order to cease and desist from engaging in the unauthorized practice of law in Ohio, directly or indirectly, personally or through any corporation, organization, or other business entity. If you violate that court order, you will be subject to immediate contempt by the Supreme Court of Ohio. Be assured that I will continue to monitor compliance with this order.



February 26, 2014
Page 2

If you have any questions, let me know.

Very truly yours,

John Travis

DJT:njm

Attachment/Enclosure

cc: Russell A. Moorhead, Esq. (via email)

The Supreme Court of Ohio

FILED

FEB 18 2014

CLERK OF COURT
SUPREME COURT OF OHIO

Cleveland Metropolitan Bar Association,
Relator,

v.

Norm Hernick, a.k.a. Nick Shelly,
Law Online, Inc., and A Divorce Fast, Inc.,
Respondents.

Case No. 2013-1288

ORDER

The Board on the Unauthorized Practice of Law filed its final report in this court on August 9, 2013, recommending that, pursuant to Rule VII(5b) of the Supreme Court Rules for the Government of the Bar of Ohio, the Supreme Court of Ohio issue an order approving the consent decree proposed by relator, Cleveland Metropolitan Bar Association, and respondents, Norm Hernick, a.k.a. Nick Shelly, Law Online, Inc., and A Divorce Fast, Inc.

On consideration thereof, consistent with the opinion rendered herein, this court finds that respondents have engaged in the unauthorized practice of law and approves the proposed consent decree submitted by the parties.

It is ordered by the court that respondents cease and desist from engaging in the unauthorized practice of law in Ohio, directly or indirectly, personally or through any corporation, organization, or other business entity.

It is further ordered that relator waives all claims for reasonable expenses and attorney fees in obtaining the March 4, 2010 and August 25, 2011 orders from this court.

It is further ordered that respondents shall reimburse Andrea Colburn in the amount of \$539.00, on or before 30 days from the date of this order. It is further ordered that a civil penalty in the amount of \$1,000 is imposed upon respondents. The civil penalty shall be paid to this court by certified check or money order on or before 30 days from the date of this order. If respondents fail to pay said civil penalty on or before 30 days from the date of this order, the matter will be referred to the Attorney General for collection, and this court may find respondents in contempt.

It is further ordered that if respondents reimburse Andrea Colburn \$539.00 and pay the civil penalty in the amount of \$1,000, the jail time sanction against respondent will be purged and any arrest warrants will be vacated upon motion of the parties.

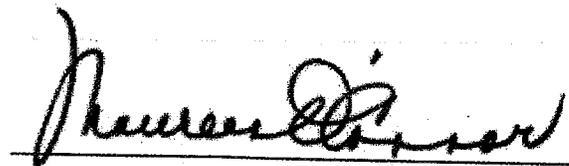
It is further ordered that respondents provide reimbursement of costs and expenses incurred by the board and relator in the amount of \$1,425.73, which costs shall be payable to this court by cashier's check or money order, on or before 30 days from the date of this order. It is further ordered that if these costs are not paid in full on or before 30 days from the date of this order, interest at the rate of 10% per annum shall accrue on the balance of unpaid board costs, effective 30 days from the date of this order. It is further ordered that if costs are not paid in full on or before 30 days from the date of this order, this matter will be referred to the Attorney General for collection, and respondents may be found in contempt.

It is further ordered that the clerk of this court issue certified copies of this order as provided for in Gov.Bar R. VII(19)(E); that publication be made as provided for in Gov.Bar R. VII(19)(F); and that respondents bear the costs of publication.

I HEREBY CERTIFY that this document is a true and accurate copy of the entry of the Supreme Court of Ohio filed February 18, 2014 in Supreme Court case number 2013-1288

In witness whereof I have hereunto subscribed my name and affixed the seal of the Supreme Court of Ohio on this 18th day of February, 20 14

by Dennis L. Roche, Deputy CLERK OF COURT



Maureen O'Connor
Chief Justice

Markham, Nancy

From: Manager [manager299@gmail.com]
Sent: Wednesday, February 26, 2014 4:00 PM
To: Markham, Nancy
Subject: Re: Cleveland Metropolitan Bar v. Hernick [IWOV-GSFN.FID1745863]

I never agreed to pay 3000 in outlays. I have a small income and have no access to that kind of money given my living and family expenses .

Your settlement was for 1000 that is what I agreed to, even that was a lot of money for me . I do not even have the 1000 at this time. It would take me time time to accumulate it . Until today I have had no prior knowledge of this amount. I have my families security to worry about and can not afford to go into debt .

I would appreciate you making the arrangements to get this amount modified.

I have previously provided you with by government tax assessments proving my income , you have always been aware of how little I make .

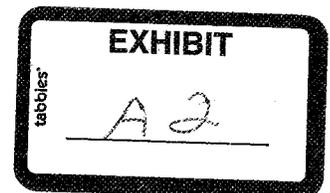
On Wed, Feb 26, 2014 at 3:19 PM, Markham, Nancy <nmarkham@gallaghersharp.com> wrote:

Please see the attached from John Travis. Thank you.

Nancy J. Markham
Legal Assistant
Gallagher Sharp
Sixth Floor - Bulkley Building
1501 Euclid Avenue
Cleveland, Ohio 44115
Telephone: (216) 241-5310
Telefax: (216) 241-1608

Gallagher
Sharp | ATTORNEYS

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Gallagher Sharp

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Livonia, MI 48152
734.591.7468 PHONE
734.591.7467 FAX

John Travis
Direct Dial: (216) 522-1590
jtravis@gallaghersharp.com
Admitted in Ohio and Michigan

PLEASE RESPOND TO CLEVELAND OFFICE

March 4, 2014

VIA EMAILmanager299@gmail.com AND

AIR MAIL

Mr. Norm Hernick
34 Eglinton Avenue West
Suite 180
Toronto Ontario, CANADA M4R2H6

Re: *Cleveland Metropolitan Bar Assoc. v. Norm Hernick*
Our File No.: 94279-118083

Dear Mr. Hernick:

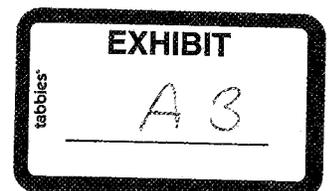
In your February 26, 2014 email you protest about the terms of our settlement and my making arrangements to get the Order from the Supreme Court of Ohio modified.

Attached is a copy of the document you signed. Note that paragraph 8 provides that the respondents shall reimburse Andrea Colburn for \$539 and pay a penalty of \$1,000.

The same document in paragraph 10 indicates that costs shall be the responsibility of respondents. The Order of the Supreme Court of Ohio is fully consistent with what you already agreed to pay.

If you choose not to pay by March 20, 2014, of course, I will not file a motion to lift the sanctions and purge the arrest warrants.

Under all circumstances the Order that you and the other respondents cease and desist from engaging in the unauthorized practice of law in Ohio, directly or indirectly, personally or through any corporation, organization, or other business entity, remains in effect.



March 4, 2014
Page 2

Very truly yours,

John Travis

DJT:njm

Attachment/Enclosure

cc: Russell A. Moorhead, Esq. (via email)

THE SUPREME COURT OF OHIO

BEFORE THE BOARD OF COMMISSIONERS ON THE UNAUTHORIZED
PRACTICE OF LAW

CLEVELAND METROPOLITAN BAR)
ASSOCIATION,)

Relator,)

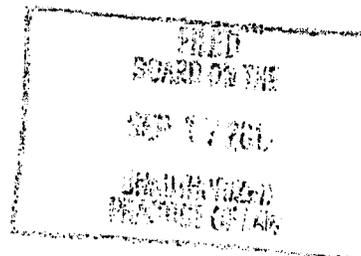
v.)

NORM HERNICK, et al.,)

Respondents.)

CASE NO: UPL 08-03

CONSENT DECREE



Relator, Cleveland Metropolitan Bar Association and Respondents, Norm Hernick, A Divorce Fast, Inc., and Law On Line, Inc., hereby enter into the following settlement:

1. Relator filed a complaint against Respondents alleging that they engaged in the unauthorized practice of law, in part by preparing a complaint for divorce on behalf of Andrea Colburn, formerly known as Andrea Derosse in *Andrea Beth Derosse v. Derik Clark Derosse*, Cuyahoga County Domestic Relations case no. DR-07-317040.
2. Norm Hernick is a natural person who is not licensed or authorized to practice law in Ohio.
3. Ms. Colburn has testified in deposition that she was advised by A Divorce Fast that she did not require legal advice or representation, and that having a contested divorce can be very time consuming depending on the nature of the items in dispute and consequently very expensive in terms of attorney fees; that she paid \$539; that she was told by a Lisa from A Divorce Fast that the

grounds for divorce were "irreconcilable differences"; that she told A Divorce Fast that she wanted child custody and support; that A Divorce Fast prepared a complaint for divorce without any provision for child custody or support; that when she took the complaint to court, she was told it was completely unacceptable, and court personnel helped her with her divorce; that she went back to A Divorce Fast several times but never received a return call from a supervisor or got her money back; that ultimately she was granted a divorce on grounds of incompatibility and living separate and apart for over one year -- not "irreconcilable differences" as suggested by A Divorce Fast; that she relied on the advice that A Divorce Fast gave her, and that she obtained child support through her efforts, although A Divorce Fast led her to believe they would do that for her.

4. Hermick has not complied with an order of the Supreme Court of Ohio to respond to discovery, including submitting to a deposition. Relator nonetheless is willing to settle this matter, in keeping with the provisions of this Agreement.

5. Respondents admit that they engaged in the unauthorized practice of law in the *Derousse* matter.

6. Respondents agree to desist from engaging in Ohio in the unauthorized practice of law, directly or indirectly, personally or through any corporation, organization, or other business entity.

7. Relator waives all claims for reasonable expenses and attorney fees in obtaining the March 4, 2010 and August 25, 2011 Orders from The Supreme Court of Ohio.

8. Respondents shall reimburse Andrea Colburn \$539.00 and pay a penalty of \$1,000.00.

9. Relator agrees that if this Agreement is approved, Respondents reimburse Andrea Colburn \$539.00, and Respondents pay any civil penalty that may be imposed, the jail time sanction

should be purged and any arrest warrants vacated.

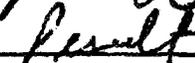
10. Costs shall be the responsibility of Respondents.

11. The parties stipulate to the foregoing, waive notice and hearing, and consent to a decree consistent with this settlement.

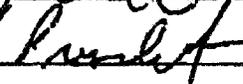


Norm Hernick

Law On Line, Inc.
By: 

Its: 

A Divorce Fast, Inc.
By: 

Its: 

Cleveland Metropolitan Bar Association
By: 

Its: 

IT IS SO ORDERED:

Date _____

Board of Commissioners on UPL of Supreme Court of Ohio

By: _____

Its: _____

Markham, Nancy

From: Manager [manager299@gmail.com]
Sent: Wednesday, March 19, 2014 5:20 PM
To: Markham, Nancy
Subject: Re: Cleveland Metropolitan Bar v. Hernick [IWOV-GSFN.FID1745863]

I told you in my last email that I did not expect to be laying out 2500,
I assumed that it would be 1000 and that was a long time ago.
I had no idea of the time line since this has been going on for a long time. I will require an extension to May 15
to borrow this money.

Contrary to your thoughts I have no excess money and have no ability to save any money.

After all these years this has been over my head and the hardship that this has cost me for no good reason or
benefit to anyone , I would appreciate some consideration on this matter.

Norman Hernick

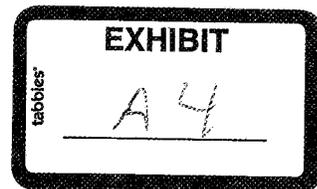
On Tue, Mar 4, 2014 at 5:08 PM, Manager <manager299@gmail.com> wrote:
i had no idea there would be another 1000 in expenses over and above.

i will have to look into this as to how i can find such money it will take , this a huge amount of money for me .
i have been victimized from the beginning on the statements of this 1 liar.

On Tue, Mar 4, 2014 at 10:59 AM, Markham, Nancy <nmarkham@gallaghersharp.com> wrote:

Please see the attached from John Travis.

Nancy J. Markham
Legal Assistant
Gallagher Sharp
Sixth Floor - Bulkley Building
1501 Euclid Avenue
Cleveland, Ohio 44115
Telephone: (216) 241-5310
Telefax: (216) 241-1608



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AFFIDAVIT

Exhibit B

State of Ohio

ss.

Cuyahoga County

Now comes the Affiant, RUSSELL A. MOORHEAD, upon being duly sworn who deposes and says the following:

Affiant says that he is an attorney licensed and in good standing to practice in the State of Ohio, Attorney Registration No. 0020101, and that he represents Relator Cleveland Metropolitan Bar Association in proceedings regarding Cleveland Metropolitan Bar Association v. Norm Hernick, et al., Case No. 2013-1288. Affiant further says that his co-counsel in this case is D. John Travis.

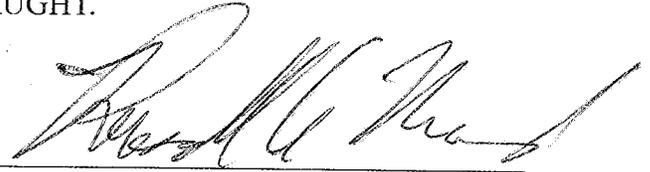
Affiant further says that the Supreme Court of Ohio has previously issued an Order upon Respondents to pay monies in accordance with that Order.

Affiant further says that since the date of this Honorable Court's Order, he has had no communication from Mr. Hernick whether oral, written or electronic that demonstrates that Respondent has complied with the provisions of that Order.

Affiant further says to the best of his knowledge, information and belief that Norman Hernick has failed to meet the terms of the Order of the Supreme Court of Ohio in this instant action.

Affiant further says that in the consideration of the above that respondent should come forth and demonstrate good cause why he should not be held in contempt of court.

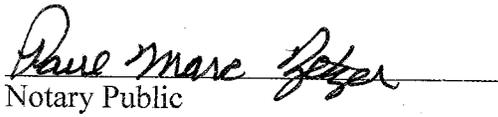
AFFIANT FURTHER SAYETH NAUGHT.



RUSSELL A. MOORHEAD

SWORN TO AND SUBSCRIBED IN MY PRESENCE THIS 15th DAY

OF December 2014.



Paul Marc Zeger
Notary Public

NO EXPIRATION DATE