

SUPREME COURT OF RHODE ISLAND

In re Medina

23 A.3d 650 (R.I. 2011) · Decided July 7, 2011

SUMMARY

The Rhode Island Supreme Court adopted findings that Leonidas Medina and Southside Professional Services engaged in the unauthorized practice of law, including holding themselves out as authorized to provide legal services, receiving fees, soliciting legal business, and agreeing to furnish legal services. The Court referred the Committee's report and supporting materials to the Department of the Attorney General for possible civil or criminal prosecution and to Disciplinary Counsel for review of an attorney's conduct.

CASE DETAILS

COURT	Supreme Court of Rhode Island
JURISDICTION	Rhode Island
DECIDED	July 7, 2011
DISPOSITION	other
PROCEDURAL POSTURE	The Rhode Island Unauthorized Practice of Law Committee submitted its report to the Supreme Court after investigational hearings concerning Leonidas Medina and Southside Professional Services. The Court reviewed the report, hearing transcripts, and exhibits under Rule 9(d) of the Committee's Rules of Procedure.
STANDARD OF REVIEW	The Committee's charges were evaluated under a preponderance-of-the-evidence standard; the source does not state a separate appellate standard of review.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court per curiam order

TOPICS

administrative law family law procedure divorce family law

PRACTICE AREAS

administrative law family law professional responsibility unauthorized practice of law

QUESTIONS PRESENTED

1. Whether the Committee's factual findings concerning Medina and Southside Professional Services should be adopted.
2. Whether the conduct found by the Committee constituted unauthorized practice of law under R.I. Gen. Laws §§ 11-27-1, 11-27-3, 11-27-8, and 11-27-10.
3. Whether the Committee's report, transcripts, and exhibits should be referred to the Department of Attorney General for civil and/or criminal prosecution and to Disciplinary Counsel for review of possible action concerning Attorney Thomas DeSimone.

HOLDINGS

1. The Supreme Court adopted the Unauthorized Practice of Law Committee's findings of fact concerning Leonidas Medina and Southside Professional Services.
2. The adopted findings established that Medina and Southside Professional Services engaged in conduct falling within Rhode Island's statutory prohibitions on unauthorized practice of law, including holding themselves out as authorized to practice law, receiving fees from legal services performed by attorneys, acting as agents in soliciting or procuring legal business, and agreeing or offering to furnish legal services.

KEY QUOTATIONS

“That the Committee’s findings of fact be hereby adopted.” (23 A.3d at 651)

“That the Committee Report, hearing transcripts and all exhibits be referred to the Department of Attorney General for civil and/or criminal prosecution of Leonidas Medina and/or Southside Professional Services.” (23 A.3d at 651)

“That the Committee Report, hearing transcripts and all exhibits be referred to Disciplinary Counsel for review in consideration of possible disciplinary action against Attorney Thomas DeSimone.” (23 A.3d at 651)

FACTUAL BACKGROUND

Leonidas Medina, who was not an attorney, operated Southside Professional Services in Providence and advertised assistance with immigration, criminal defense, Family Court matters, evictions, divorces, and other services. Medina referred clients to attorneys, accepted money in connection with divorce matters, performed translation and paralegal work, and was paid by an attorney for work on that attorney's cases. A client testified that Medina quoted her a price to obtain a divorce, accepted \$325, retained her divorce paperwork, and did not file the papers or refund the money.

PROCEDURAL HISTORY

Four complaints and a Family Court referral prompted the Committee's investigation. After several investigational hearings, the Committee found by a preponderance of the evidence that Medina and Southside Professional Services violated Rhode Island statutes governing unauthorized practice of law and recommended referral for civil and criminal prosecution. The Supreme Court adopted the Committee's findings and ordered referral of the materials to the Department of Attorney General and Disciplinary Counsel.

DISPOSITION

other

CASES CITED

- Hernandez v. Hernandez, F.C. No. P2009-2808

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