

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

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RICHARD B. BOCKER, CLERK

STATE OF TENNESSEE, *ex rel*)
ROBERT E. COOPER, JR., ATTORNEY)
GENERAL and REPORTER,)

Plaintiff,)

v.)

MICHAEL H. SNEED,)

Defendant.)

RL D.C.

Case No. 09C2025

**COMPLAINT FOR TEMPORARY AND PERMANENT INJUNCTION AND OTHER
RELIEF**

This civil law enforcement action is brought in the name of the State of Tennessee, in its sovereign capacity, by and through Robert E. Cooper, Jr., Attorney General and Reporter (“Attorney General”) pursuant to Tenn. Code Ann. § 23-3-101 *et seq.* (“Unauthorized Practice of Law” or “UPL statutes”) and Tenn. Code Ann. § 47-18-101 *et seq.*, the Tennessee Consumer Protection Act of 1977 (“TCPA”), at the request of Mary Clement, Director of the Division of Consumer Affairs of the Department of Commerce and Insurance. In addition to the authority granted to the Attorney General under the TCPA and UPL statute, the Attorney General has general statutory enforcement authority under Tenn. Code Ann. § 8-6-109 and the Attorney General’s authority at common law.

The Attorney General has reason to believe that the Defendant named herein has violated the UPL statute and the TCPA by engaging in the unauthorized practice of law and by misrepresenting or implying to the public and the court system of this State that he is an attorney

currently licensed to practice law in the State of Tennessee. The Attorney General also has reason to believe that this action is in the public interest.

I. JURISDICTION AND VENUE

1. The jurisdiction of this Court is invoked pursuant to the provisions of Tenn. Code Ann. § 23-3-103(c)(2), 47-18 in this jurisdiction -108 and 47-18-118. The Defendant is located in Tennessee and has been promoting his law business and alleged status as an attorney at law via advertisements, in court and in person in this jurisdiction.

2. Venue is proper in Davidson County pursuant to Tenn. Code Ann. § 23-3-103(c)(2), because it is a county where the Defendant conducts, transacts or has conducted business. Pursuant to the Tennessee Consumer Protection Act, venue is proper pursuant to Tenn. Code Ann. § 47-18-108(3) because it is: (a) a county where Defendant has engaged in or is about to engage in unfair or deceptive acts or practices, (b) where the Defendant resides, and (c) where Defendant's principal place of business is located.

II. DEFENDANT

3. Upon information and belief, Michael H. Sneed is an individual residing in Davidson County, Tennessee and with a business address of 525 Gallatin Pike South, Madison, Tennessee 37115, also in Davidson County, Tennessee. From this address Mr. Sneed is and has been promoting himself as an attorney currently licensed to practice law and promoting his law business to consumers. At all times relevant hereto, Defendant Michael Sneed has actively participated in the acts and practices at issue in this Complaint, including the unlawful conduct alleged herein and/or has the authority and/or control or to stop Defendant's violations of the law.

III. FACTUAL ALLEGATIONS

Upon information and belief, the State of Tennessee alleges as follows:

4. Defendant Michael H. Sneed was licensed to practice law in Tennessee in 1985.
5. On February 24, 2009, the Tennessee Supreme Court issued an Order of Enforcement suspending the Defendant from the practice of law for a period of eighteen (18) months.
6. As a result of that Order, since February 24, 2009 it has been unlawful for Defendant Sneed to engage in law business or the practice of law in the state of Tennessee.
7. Under the February 24, 2009 Order, Defendant was required to comply with all aspects of Supreme Court Rule 9, §18, including notifying all clients being represented in pending matters of his suspension.
8. Subsequent to being suspended from the practice of law, the Defendant made representations that he had been retained to represent a consumer in a legal matter in Sumner County.
9. Subsequent to his suspension from the practice of law, Defendant Sneed, on behalf of a client, scheduled a motion to be heard in Davidson County Circuit Court on March 27, 2009.
10. Defendant Sneed continues to promote his “law business” to consumers, in the form of radio advertisements and possibly other advertisements, which identify the Defendant as an attorney and which encourage consumers to call “attorney” Michael Sneed for “legal situations.”
11. The Defendant continues to use letterhead and possibly other advertisements or representations which promote that he is an attorney at law.

12. The Defendant continues to be listed as the attorney of record on cases in the Davidson County Circuit, Criminal and General Sessions courts and possibly other courts in Tennessee.

13. As a result of Defendant's conduct described in this Complaint, the consumers described herein have, and other consumers and persons may have, suffered ascertainable losses associated with the various unfair, deceptive and misleading acts and practices and the unauthorized practice of law.

14. Pursuant to Tenn. Code Ann. § 47-18-108(a)(2), ten (10) days notice of intent to initiate legal proceedings was served on the Defendant on June 2, 2009, more than ten (10) days prior to the filing of this action.

IV. VIOLATIONS OF THE LAW

COUNT ONE: UNAUTHORIZED PRACTICE OF LAW

14. Plaintiff incorporates by reference and re-alleges each and every allegation contained in Paragraphs 1 through 13 of this Complaint.

15. Defendant has been and is engaging in "law business," engaging in the "practice of law," and performing legal services for persons within the State of Tennessee as defined in Tenn. Code Ann. § 23-3-103, *et seq.*

16. By advising or counseling consumers for a valuable consideration regarding secular laws, Defendant has been and is engaging in "law business" pursuant to Tenn. Code Ann. § 23-3-101(1).

17. By soliciting directly or indirectly to provide services such as the assisting in the drawing of legal documents and advising or counseling consumers for a valuable consideration, Defendant is and has been engaging in "law business" pursuant to Tenn. Code Ann. § 23-3-101(1).

18. By engaging in “law business” and “practice of law” while his law license has been suspended, the Defendant has engaged in the unlawful practice of law, in violation of Tenn. Code Ann. § 23-3-103(a).

COUNT TWO: TENNESSEE CONSUMER PROTECTION ACT

19. The Plaintiff incorporates by reference and re-alleges each and every allegation contained in Paragraphs 11 through 15 of this Complaint.

20. Defendant’s offering of legal services, as alleged herein, constitutes the offering of or providing of “goods” and/or “services” and constitutes “trade,” “commerce” and/or a “consumer transaction” as defined in Tenn. Code Ann. § 47-18-103(5), (10) and (11).

21. All of the acts and practices engaged in and employed by the Defendant, as alleged herein, are “unfair or deceptive acts or practices affecting the conduct of any trade or commerce” in Tennessee, which are declared unlawful by Tenn. Code Ann. § 47-18-104(a).

22. The Defendant has caused the likelihood of confusion or misunderstanding as to his affiliation, connection or association with, or certification by, another, in violation of Tenn. Code Ann. § 47-18-104(b)(3).

23. The Defendant has represented that his services or goods have approval, characteristics, uses or benefits that Defendant’s services or goods do not have, in violation of Tenn. Code Ann. § 47-18-104(b)(5).

24. The Defendant has represented that his services or goods are of a particular standard, quality or grade, when they are not, in violation of Tenn. Code Ann. § 47-18-104(b)(7).

25. The Defendant has represented or implied that a consumer transaction confers or involves rights, remedies or obligations that it does not have or involve, in violation of Tenn. Code Ann. § 47-18-104(b)(12).

26. The Defendant has used statements in advertisements which create a false impression of the quality or value of the goods or services offered, in violation of Tenn. Code Ann. § 47-18-104(b)(21).

27. By failing to clearly and conspicuously disclose to consumers that the Defendant has been suspended from the practice of law and cannot legally offer legal services in the State of Tennessee, Defendant has violated Tenn. Code Ann. § 47-18-104(a) and (b)(27).

28. All of the acts and practices engaged in or employed by the Defendant described in this Complaint are deceptive to the consumer or other person in violation of Tenn. Code Ann. § 47-18-104(b)(27).

DEMAND FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff, State of Tennessee, through its Attorney General and Reporter, Robert E. Cooper, Jr., pursuant to the Tennessee Consumer Protection Act, the UPL statutes, the Attorney General's general statutory authority, the Attorney General's common law authority and this Court's equitable powers, prays:

1. That this Complaint be filed without cost bond as provided by Tenn. Code Ann. §§ 20-13-101 and 47-18-116.

2. That process issue and be served upon the Defendant requiring the Defendant to appear and answer this Complaint.

3. That this Court adjudge and decree that the Defendant has engaged in the aforementioned acts or practices which violate the Tennessee Unauthorized Practice and Improper Conduct statutes.

4. That this Court adjudge and decree that the Defendant has engaged in the aforementioned acts or practices which violate the Tennessee Consumer Protection Act of 1977.

5. That pursuant to Tenn. Code Ann. § 23-3-103(c)(1), (c)(3) and 47-18-108(a)(1), (a)(4) and (a)(5), this Court temporarily and permanently enjoin and restrain the Defendant from engaging in the aforementioned acts or practices which violate the Tennessee Unauthorized Practice and Improper Conduct statutes and the Tennessee Consumer Protection Act of 1977, and other laws and regulations, and that such orders and injunctions be issued without bond pursuant to Tenn. Code Ann. §§ 47-18-108(a)(4) and 23-3-103(c)(3).

6. That this Court enter judgment against the Defendant and in favor of the State for the reasonable costs and expenses of the investigation and prosecution of the Defendant's actions, including attorneys' fees and costs, expert and other witness fees, as provided by Tenn. Code Ann. §§ 23-3-103(c)(1) and 47-18-108(a)(5), (b)(4) and other state law.

7. That pursuant to Tenn. Code Ann. § 23-3-103(c)(1), this Court make such orders or render such judgments as may be necessary to obtain restitution for any consumer or other person who suffered an ascertainable loss, including statutory interest, from the Defendant's violations of the Tennessee Unauthorized Practice and Improper Conduct statutes, and require that Defendant be taxed with the cost of distributing and administering the same by a third party administrator.

8. That pursuant to Tenn. Code Ann. § 47-18-108(b)(1), this Court make such orders or render such judgments as may be necessary to restore to any consumer or other person who has suffered any ascertainable loss as defined in Tenn. Code Ann. § 47-18-2102(1), including statutory interest, and requiring that the Defendant be taxed with all costs of distributing and administering the same by a third party administrator.

9. That this Court adjudge and decree that the Defendant pay civil penalties of not more than ten thousand dollars (\$10,000.00) per violation of the Unauthorized Practice and

Improper Conduct statutes to the State of Tennessee as provided by Tenn. Code Ann. § 23-3-103(c)(1).

10. That this Court adjudge and decree that Defendants pay civil penalties of not more than one thousand dollars (\$1,000.00) per violation of the Tennessee Consumer Protection Act of 1977 to the State of Tennessee as provided by Tenn. Code Ann. § 47-18-108(b)(3).

11. That this Court make such orders or render such judgments as may be necessary to disgorge the profits and ill-gotten gains Defendant realized by reason of the alleged violations of the Tennessee Consumer Protection Act of 1977.

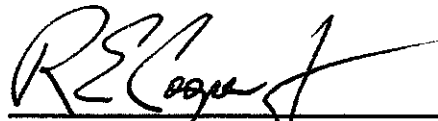
12. That this Court direct that all records in the possession of Defendant in the nature of “attorney client records” be treated as confidential as though Defendant was currently licensed to practice law in Tennessee.

13. That all costs in this case be taxed against the Defendant.

14. That this Court grant Plaintiff such other and further relief as this Court deems just and proper.

**THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY RELIEF FILED
BY THE PLAINTIFF IN THIS CASE.**

Respectfully submitted,



ROBERT E. COOPER, JR.
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