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DISCIPLINARY COUNSEL

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10 IN THE CIRCUIT COURT OF THE STATE OF OREGON
11 FOR THE COUNTY OF MULTNOMAH

12 OREGON STATE BAR, a public)
corporation,)
13)
Plaintiff,) Case No. 9506-04479
14)
vs.) INJUNCTION
15)
16 WILLIAM EIFERLE and MICHAEL)
O'NEILL, dba GRESHAM LEGAL)
17 ASSISTANTS,)
18 Defendants.)

19 This matter came on before the Honorable Donald H. Londer,
20 Circuit Court Judge, on the ____ day of February, 1996 upon the
21 stipulation of the parties hereto. Based on the stipulation of the
22 parties, the legal authority submitted by Plaintiff and the records
23 and files herein, and the Court being fully advised in the premises,
24 the Court hereby makes the following

25 FINDINGS:

26 1. The Bar is a public corporation and instrumentality of the

1 Judicial Department which was created and exists by virtue of the
2 laws of the State of Oregon and is authorized to carry out the
3 provisions of Chapter 9 of the Oregon Revised Statutes relating to
4 the unlawful practice of law, including maintaining a suit for
5 injunctive relief.

6 2. Defendant William Eiferle began doing business under the
7 assumed business name of Gresham Legal Assistants in 1989. Defendant
8 Michael O'Neill joined Mr. Eiferle in the business in 1991.

9 3. In January, 1995, William Eiferle sold all of his interest
10 in Gresham Legal Assistants to Michael O'Neill. Since that time
11 Michael O'Neill has been and is doing business as Gresham Legal
12 Assistants.

13 4. Neither William Eiferle nor Michael O'Neill nor Gresham
14 Legal Assistants have ever been admitted to the practice of law before
15 any court of this state nor has any individual or corporate defendant
16 ever been an active member of the Oregon State Bar.

17 5. In the course of its business, Gresham Legal Assistants
18 would solicit customers through the placing of advertisements in
19 publications such as "Nickel Ads."

20 6. Gresham Legal Assistants has been actively engaged in
21 preparing legal documents for customers. The legal documents have
22 been primarily in Chapter 7 Bankruptcy and domestic relations areas
23 of law although some document preparation has involved wills, living
24 wills and name changes.

25 7. Gresham Legal Assistants would draft the legal documents

1 based upon questionnaires completed by the customers.

2 8. In the process of preparing legal documents, Gresham Legal
3 Assistants, on occasion, would purport to advise customers as to the
4 legal import of various terms in the document. Further, Gresham
5 Legal Assistants would, on occasion, suggest to customers which legal
6 forms were appropriate to their legal needs.

7 9. An informed and trained discretion is necessary in assisting
8 customers in making decisions involving which legal document is
9 appropriate to serve their specific legal needs.

10 10. The interest and protection of the general public require
11 that legal advice, counsel, and services be rendered to the public
12 and individual members thereof by qualified persons, learned in the
13 law, who are duly admitted to practice as attorneys-at-law after
14 meeting high and exacting standards and requirements as to their
15 character, education and knowledge of the law, and who further are,
16 after admission to the practice of law, held and bound to
17 continuously meet and exceed such standards by the discipline and
18 control of the Plaintiff Bar Association and of the Supreme Court and
19 lower courts of the State of Oregon.

20 11. The acts and practices of Michael O'Neill dba Gresham Legal
21 Assistants are a violation of ORS 9.160, constitute the practice of
22 law, are illegal, unauthorized and constitute a present and serious
23 risk of injury and harm, financial and otherwise, to the citizens of
24 the State of Oregon.

25 12. The parties hereto have stipulated to the entry of this

1 injunction, and agree that its terms and provisions accurately reflect
2 the law of this State, and that the entry of this injunction is in
3 the best interests of the parties and of the general public.

4 13. This Court has jurisdiction over the subject matter of this
5 suit, and over the person of each defendant.

6 Based upon the above and foregoing findings, and good cause
7 appearing, it is hereby

8 ORDERED, ADJUDGED AND DECREED:

9 Defendant Michael O'Neill dba Gresham Legal Assistants is
10 permanently and forever enjoined from directly and indirectly, either
11 individually or through any business or subsidiary owned or operated
12 by him, or in which he has any interest, or through any agent or
13 employee, or as an employee or agent of any person or entity, in any
14 way engaging in the unlawful practice of law in violation of ORS 9.160
15 et seq including, but not limited to, the following:

- 16 1. Giving legal advice, directly or indirectly to
17 individuals, including advice relating to the
18 application, preparation, advisability of any legal
19 document;
- 20 2. Advising individuals regarding the appropriate
21 legal form for them to use to fit their legal needs;
- 22 3. Explaining legal documents to members of the general
23 public or aiding members of the public to complete
24 legal documents;
- 25 4. Advising or otherwise assisting in all matters

2 regarding another person's legal rights,
3 remedies, duties or obligations, where the
4 rendering of such advice or assistance or
5 selection of forms or documents involves the
6 application of legal principles, or the exercise
7 of legal discretion or judgment.

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED:

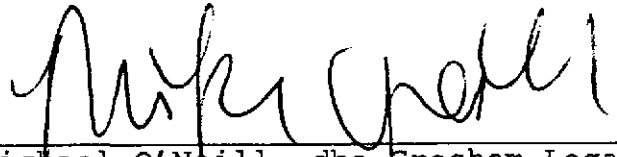
- 9 1. This injunction shall not restrict Michael
10 O'Neill from acting as a legal secretary,
11 paralegal or other employee of any licensed
12 attorney.
- 13 2. No attorney fees or costs herein shall be
14 awarded to any party.

15 DATED this _____ day of February, 1996.

16 _____
17 Donald H. Londer
18 Circuit Court Judge

19 IT IS SO STIPULATED:

20 _____
21 John P. Manning OSB #76235
22 Attorney for Plaintiff

23 
24 _____
25 Michael O'Neill, dba Gresham Legal
Assistants

26 PREPARED AND PRESENTED BY:

27 _____
28 John P. Manning OSB #76235
29 Attorney for Plaintiff



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April 11, 1996

John P. Manning, Esq.
Suite 344
8196 SW Hall Blvd
Beaverton, OR 97008-6412

Re: Gresham Legal Assistants

Dear John:

Thank you very much for assisting the Oregon State Bar in the prosecution of the Gresham legal Assistants matter. I understand that Judge Londer has signed the stipulated injunction bringing your involvement in this matter to an end.

Again, on behalf of the Board of Governors and the Bar, thank you for donating your valuable time to help out.

Very truly yours,

Lia Saroyan
Assistant Disciplinary Counsel
Extension 371

LS:sp