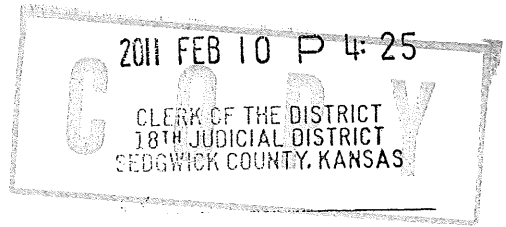


IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

FILED DOCKET NO. _____

STATE OF KANSAS, *ex rel.*,)
 STEVE SIX, Attorney General,)
)
 Plaintiff,)
)
 v.)
)
 JOAN HEFFINGTON, an individual,)
 d/b/a ASSOCIATION FOR HONEST)
 ATTORNEYS (A.H.A.!),)
)
 Defendant.)



Case No. 09 CV 4757

(Pursuant to K.S.A. Chapter 60)

JOURNAL ENTRY OF JUDGMENT

ON THE 6th day of December, 2010, the court held a hearing on Plaintiff's motion for default judgment as a sanction to establish the scope of injunctive orders, determine civil penalties, consumer damages, and costs and attorneys fees of this action. The State of Kansas, ex rel. Steve Six, appears by and through Tai J. Vokins, Assistant Attorney General. Defendant Joan Heffington appears *pro se*.

After reviewing the Court's file and after oral arguments, the Court finds the following:

I. Facts Concerning Default Judgment

1. Defendant was first served with Plaintiff's First Admissions to Defendant on April 15, 2010. Defendant requested an extension of time to respond to June 14, 2010. The Plaintiff agreed to this extension. Plaintiff contacted Defendant on June 3, 2010 to notify Defendant that her deposition would soon be scheduled. Defendant notified Plaintiff that she would be seeking another extension and be objecting continuously to discovery.

2. On June 14, 2010, Defendant filed a motion seeking to delay all discovery until August 13, 2010.

3. Plaintiff served notice of Defendant's deposition on July 28, 2010, which was scheduled for August 8, 2010. Defendant requested another date which Plaintiff agreed. Defendant subsequently filed a motion for a protective order that sought to stop all discovery.

4. On August 10, 2010, the Court ordered that Defendant's deposition be taken and presided over by the court. Plaintiff agreed to schedule a deposition that was to occur on August 26, 2010 at 1:30 p.m. Plaintiff sent notice to Defendant of this deposition date, and noticed Defendant that Judge Henderson would preside. Defendant filed a general objection to discovery prior to her scheduled deposition and later refused to appear at her scheduled deposition.

5. On August 25, 2010, Plaintiff sent Defendant what is commonly referred to as a "golden rule" letter indicating a desire to resolve the settlement dispute.

6. Defendant did not appear at her deposition scheduled for August 26, 2010, and did not reschedule her deposition nor attempt to reschedule her deposition or otherwise resolve the discovery dispute.

7. Defendant did not respond to any discovery request as of the discovery deadline of September 6, 2010.

8. Plaintiff filed a motion to compel Defendant's responses to requests for admissions, requests for production of documents and compelling her attendance at deposition. The Court ordered that Defendant respond to the requests for production and requests for admission and ordered that Defendant's deposition be taken.

9. The court granted Plaintiff's motion to compel and ordered that Plaintiff was to appear at her deposition scheduled for September 22, 2010 at 9:30 a.m. at the Sedgwick County Courthouse, and that she was to fully respond to Plaintiff's requests for admissions and requests for production on September 24, 2010.

10. The Defendant notified the court and Plaintiff that she would not be appearing at her deposition and filed additional objections to appearing at a deposition and responding to discovery stating, among other things, that discovery negatively affects her health, violates her Christian beliefs, and that this court has abused its discretion in ordering that she participate in discovery.

11. Defendant filed an affidavit outlining health problems but states she cannot confirm her health problems with a medical professional because she has not been diagnosed by a doctor.

12. Defendant did not appear at her deposition despite the court's order.

13. Defendant responded to Plaintiff's requests for production on September 27, 2010, objecting to nearly every request stating that responding would be "voluminous and burdensome" and that such documents are "privileged" work product.

14. Defendant provides no good cause or reasonable justification for not complying with discovery.

15. Defendant has not substantially complied with the Court's orders and has willfully refused to participate in discovery.

16. The Court ordered a default judgment as a sanction against Defendant finding the following:

- a. The material requested in discovery by Plaintiff goes to dispositive issues in this case including the extent of Defendant's activities and consumer damages.
- b. Alternative sanctions would not be sufficient to protect the Plaintiff because Defendant has signaled in the Court's record that she will not comply with

any order to appear at deposition or further comply with discovery and will continue to obstruct the progress of this case.

- c. The information sought by Plaintiff in discovery is not merely corroborating or cumulative. Plaintiff seeks information through discovery to establish facts related to liability, the computation of civil penalties and damages.

17. The court finds, and the Defendant admits in admissions and in the court's record, that Defendant is the C.E.O. and is responsible for the day-to-day activities of a Kansas non-profit corporation known as the Association for Honest Attorneys.

II. Facts Concerning the Unauthorized Practice of Law

18. The court finds, and the Defendant admits in admissions and in the court's record, that Defendant is not licensed to practice law in the state of Kansas.

19. The court finds, and the Defendant admits in admissions and in the court's record, that Defendant has assisted others in the resolution of legal disputes by performing any of the following acts: filing of pleadings, and preparation of affidavits, court appearances, and legal research.

20. The court finds, and the Defendant admits in admissions and in the court's record, that Defendant accepted payment from consumers in connection with legal services that Defendant provides.

21. The court finds, and the Defendant admits in admissions and in the court's record, that Defendant has prepared pleadings meant to be filed in court, pre-trial questionnaires, affidavits, answers to lawsuits, demand letters, and mediation agreements on behalf of others.

22. The court finds, and the Defendant admits in admissions and in the court's record, that Defendant has prepared and sent demand letters or other requests for payment in connection with legal disputes.

23. The court finds, and the Defendant admits in admissions and in the court's record, that Defendant has contacted attorneys and individuals on behalf of others in an attempt to resolve legal disputes, negotiate settlements and argue legal issues.

24. The court finds that Defendant has engaged in the unauthorized practice of law.

III. Facts Concerning Violations of the Kansas Consumer Protection Act

25. The court finds, and the Defendant admits in admissions and in the court's record, that Defendant required that consumers make donations to the Association for Honest Attorneys in exchange for legal services.

26. The court finds, and the Defendant admits in admissions and in the court's record, that Defendant has represented to others that she can help consumers with their legal problems, a deceptive act or practice in violation of K.S.A. 50-626(b)(1)(B).

27. The court finds, and the Defendant admits in admissions and in the court's record, that Defendant has falsely claimed to consumers that she has the necessary legal knowledge and experience to advise others in properly filing lawsuits, a deceptive act or practice in violation of K.S.A. 50-626(b)(2).

28. The court finds, and the Defendant admits in admissions and in the court's record, that Defendant has accepted \$70,000.00 from consumers as payment for legal services. This payment was made in the form of a donation to Defendant's organization, the Association for Honest Attorneys in exchange for the services provided to consumers. The court finds that this \$70,000.00 constitutes the consumer damages in this case.

29. Defendant refuses to identify who has paid for legal services other than T.W. Frank, Elfriede Keck, John Sigg and Eunice Logan.

30. The court finds, Pursuant to K.S.A. 60-237(b)(2)(C) the Defendant is in default.

31. The court finds that judgment should be entered against Defendant for violations of K.S.A. 50-626(b)(1)(B), K.S.A. 50-626(b)(2) and K.S.A. 50-627(b)(1).

32. The court finds 19 violations of the Kansas Consumer Protection Act.

33. The court finds that the appropriate civil penalty for each violation of the Kansas Consumer Protection act is \$2,000.00 for a total of \$38,000.00 plus post judgment interest at the statutory rate.

34. The court finds that Defendant should be required to pay damages to consumers in the amount of \$70,000.00 and that the Plaintiff should implement a system to pay the consumers similar to the "proof of claim" process in bankruptcy court. Plaintiff will pay consumers full restitution or a prorated share, whichever is granted based upon Plaintiff's collections, to each consumer that submits a valid claim. Plaintiff shall provide public notice of the disposition of this case and provide the form attached as Exhibit 1 to any consumer that wishes to be considered for restitution or prorated payment.

35. The court finds that the State should be reimbursed for costs, expenses and reasonable attorney fees in connection with this case. Plaintiff has submitted a separate statement of fees and costs.

36. The court finds that Defendant should be required to pay the court costs of this action.

IT IS ORDERED that judgment is hereby entered in favor of Plaintiff against Defendant.

IT IS FURTHER ORDERED that beginning December 6, 2010 Defendant Joan Heffington shall forever refrain from the unauthorized practice of law in Kansas, to-wit:

- a. Defendant is now, unless duly licensed as a member of the state bar, ever after prohibited from appearing in any Kansas legal proceeding in a representative capacity for another. The phrase "representative capacity" excludes any participation by Defendant in any legal proceeding which she is acting as a duly appointed and qualified personal representative such as an executor, administrator, guardian, conservator, or trustee;
- b. Defendant is now, unless duly licensed as a member of the state bar, ever after prohibited from taking any action intended to assist nonmembers of the state bar of Kansas in the presentation of any legal matter;
- c. Defendant is now, unless duly licensed as a member of the state bar, ever after prohibited from preparing or aiding in the filing of any pleading or legal document in a Kansas controversy or legal proceeding, except when doing so on her own behalf;
- d. Defendant is now, unless duly licensed as a member of the state bar, ever after prohibited from preparing or aiding in the preparation of demand letters or other communications on behalf of others when the purpose of the communication is to present demands, render legal advice, engage in or resolve legal disputes;
- e. Defendant is now, unless duly licensed as a member of the state bar, ever after prohibited from counseling or advising any nonmember of the state bar on any legal matter whatsoever; and,
- f. Defendant is now, unless duly licensed as a member of the state bar, ever after prohibited from accepting any compensation or donations in any form from any

nonmember of the state bar for performing any of the acts prohibited in subsections (a) through (e) above.

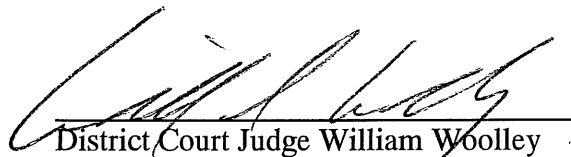
IT IS FURTHER ORDERED that Defendant Joan Heffington pay consumer damages in the amount of \$70,000.00 to be held in trust by the Attorney General's office until such time that the individuals that paid Defendant can be identified and restitution can be provided as outlined in paragraph 34.

IT IS FURTHER ORDERED that Defendant Joan Heffington pay civil penalties of \$38,000.00, plus post judgment interest at the statutory rate, for violations of the Kansas Consumer Protection act pursuant to K.S.A. 50-636(a).

IT IS FURTHER ORDERED that Defendant Joan Heffington pay reasonable attorney fees, costs and expenses pursuant to K.S.A. 50-636(c). Plaintiff has filed a separate statement of attorney fees and will return to court for a determination of reasonable attorney fees, costs and expenses. These attorney fees, costs and expenses will be journalized separately.

IT IS FURTHER ORDERED that Defendant Joan Heffington pay all court costs associated with this action.

IT IS SO ORDERED.


District Court Judge William Woolley

Submitted & Approved by:

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