



# The Florida Bar

The Gateway Center  
1000 Legion Place, Suite 1625  
Orlando, Florida 32801-1050

John F. Harkness, Jr.  
Executive Director

(407) 425-0473  
www.FLORIDABAR.org

April 13, 2015

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**#7160 3901 9843 2748 6895**

Ms. Elena Sassower  
25 E. 86<sup>th</sup> Street  
#10G  
New York, NY 10028-0553

***Re: Unlicensed Practice of Law Investigation of Elena Sassower***  
***Case No. 20153035(18A)***

Dear Ms. Sassower:

The Eighteenth Circuit Unlicensed Practice of Law Committee "A" has investigated a complaint alleging that you engaged in the unlicensed practice of law.

You are not a licensed attorney, and, as a nonlawyer, your actions concerning the legal assistance provided to Ms. Baum is considered the practice of law. You admit as much to practicing law in your response, dated January 21, 2015, wherein you state, provided in part:

*"...strictly as a friend, and without payment of any money, I was providing his sister with substantial legal assistance for both civil and criminal matters in which she was involved."*

Even though you assisted a friend and did not receive payment, compensation is not a necessary element of proving that an individual has engaged in the unlicensed practice of law. The Court has ruled that the fact that a nonlawyer did not charge for services is irrelevant. *See, The Florida Bar v. Smania*, 701 So.2d 835 (Fla. 1997); *The Florida Bar v. Greene*, 589 So.2d 281 (Fla. 1991); and *The Florida Bar v. Keehley*, 190 So.2d 173 (Fla. 1966).

Also, problematic is your course of conduct concerning Ms. Baum's case. You are performing services that are affecting the important and substantial rights of a person under the law. *See, The Florida Bar v. Neiman*, 816 So.2d 587 (Fla. 2002).

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As a reminder, it constitutes a contempt of the Supreme Court of Florida, as well as a third-degree felony punishable by a term of imprisonment up to five (5) years and a fine up to Five Thousand Dollars (\$5,000.00), for an unlicensed individual and/or business entity to engage in the practice of law, including giving of legal advice, drafting legal documents or providing legal services except when authorized by Florida or federal law, court rule, case law or administrative rule.

Enclosed is an original Affidavit which we offer to you in an effort to conclude our unlicensed practice of law investigation amicably and without resort to Supreme Court litigation. You will note from reading the Affidavit that you are not required to admit to any wrongdoing on your part. We seek only your assurances that you understand the implications of your previous conduct and agree not to engage in any activities which constitute unlicensed practice of law under existing decisions of the Supreme Court of Florida.

The Committee urges you to discuss the contents of the Affidavit with your attorney. I will be happy to talk with your attorney or you, if you desire not to seek counsel, concerning the subject matter of the Affidavit if any questions exist.

We need to have the Affidavit returned no later than ten (10) days.

Sincerely,



Ghunise L. Coaxum  
Bar Counsel  
UPL Department, Orlando

GLC/dl  
Enclosure



CEASE AND DESIST AFFIDAVIT

STATE OF \_\_\_\_\_:

COUNTY OF \_\_\_\_\_:

BEFORE ME, the undersigned authority, duly authorized to administer oaths, personally appeared, **ELENA R. SASSOWER, individually**, who after first being duly sworn, upon oath, deposes and says as follows:

1. I am not a member of The Florida Bar and am not licensed to practice law in the State of Florida. I understand that I am the subject of an investigation by The Florida Bar, Case No. 20153035(18A).
2. I understand that it constitutes a contempt of the Supreme Court of Florida, as well as a third-degree felony under Florida Statutes Section 454.23, punishable by a term of imprisonment up to five years and a fine up to \$5,000.00, for an unlicensed individual and/or business entity to engage in the practice of law, including giving legal advice, drafting legal documents or providing legal services except when specifically authorized by Florida or federal law, court rule, case law or administrative rule. I am not authorized to engage in the practice of law, or any of the acts set forth in this affidavit, by any Florida or federal law, court case, case law or administrative rule.
3. I understand that the Supreme Court of Florida has defined the practice of law to include advising individuals as to their rights and obligations under the law, or advising persons on a course of action to be taken, or not taken, with regard to a legal matter.
4. I understand that it constitutes the unlicensed practice of law for a nonlawyer to prepare, draft or assist in the preparation of any legal document for another by which legal rights are either preserved, obtained, secured or given away, or to appear for or on behalf of another person to commence, settle, compromise, adjust, or dispose of any civil or criminal cause of action, unless specifically authorized by a rule or case law.
5. I understand that compensation is not a necessary element of proving that an individual has engaged in the unlicensed practice of law. The Supreme Court of Florida has permanently enjoined nonlawyers from appearing in court on behalf of others other than as a witness; drafting, signing, or filing pleadings or memoranda of law for others; giving legal advice; and engaging in the practice of law in Florida in any other matter. Nonlawyers may not give legal advice, regardless of whether they charge compensation. *The Florida Bar v. Smania*, 701 So.2d 835 (Fla.1997); *The Florida Bar v. Greene*, 589 So.2d 281 (Fla. 1991); and *The Florida Bar v. Keehley*, 190 So.2d 173 (Fla. 1966).
6. I understand that it constitutes the unlicensed practice of law for a nonlawyer, or nonlawyer business entity, to advertise or otherwise hold himself, herself or itself, out to the general public in any fashion or manner that suggests, states, or infers that the nonlawyer has the ability to and/or will provide legal services and that causes the public to place reliance on the nonlawyer to properly prepare and handle a legal matter on an individual's behalf.



7. I understand that it constitutes the unlicensed practice of law for a nonlawyer to have direct contact with individuals in the nature of consultation, explanation, recommendations, advice, and assistance in the provision, selection, and completion of legal forms, or the preparation of original documents intended to have a legal effect, unless specifically authorized by rule or case law.

8. I further understand that as a nonlawyer, I and all agents, servants, employees, and those acting in conjunction with me, agree that in the event that I, or any of such persons, am contacted by any party seeking legal or similar advice or services, I, and all persons acting in conjunction with me, shall refuse to perform any services prohibited by this affidavit, and shall not perform the services.

9. I further understand that it constitutes the unlicensed practice of law for a nonlawyer to set fees and/or hire an attorney to provide legal services for a third-party and/or for a nonlawyer to control the lawyer-client relationship. I understand that I may refer persons seeking legal advice or legal services to a licensed Florida attorney by providing the names of several attorneys, and that the attorney providing such legal advice and legal services can only receive payment for their services directly from the person seeking assistance. I understand that I cannot receive any portion of the fees paid to such attorney, and that I cannot receive any form of compensation or remuneration for the referral from the attorney or from the person referred. I understand that I may not solicit members of the general public to refer potential clientele to a law firm, or to an attorney.

10. I, therefore, understand that as a nonlawyer, I am prohibited from providing legal advice or legal services to an individual or other affected individuals in any legal proceeding. I agree that I will not supervise and/or control the day-to-day business of a corporation for the sole or incidental purpose of personal or corporate financial gain derived from providing legal services to individuals who have no other business relationship with the corporation to which such services are related.

11. I understand that as a nonlawyer, I cannot create the impression that I, or my business, can assist the public in a way that is equivalent to or in substitution for the services of an attorney, or that I, or my business is otherwise, or in any way, able to provide legal services or legal advice. I understand that neither I, nor my business, may hold myself, or itself, out to the public in such a manner that causes another person to rely on me or my business, as a nonlawyer, to properly prepare his or her legal documentation. Specifically, I understand that I cannot have any conversation that would lead an individual to believe that I am a legal practitioner upon whose advice, suggestion, or recommendation the individual can rely concerning a legal matter.

12. I understand that I do not admit to any wrongdoing by executing this affidavit. However, I agree that I will not engage in any of the aforementioned activities which constitute the unlicensed practice of law unless and until I am admitted to practice in this state by the Supreme Court of Florida.

13. I certify that I have read and will abide by the following decision(s) of the Supreme Court of Florida: *The Florida Bar v. Sperry*, 140 So.2d 587 (Fla. 1962), *judg. vacated on other grounds*, 373 US 379 (1963); *The Florida Bar v. Smania*, 701 So. 2d 835 (Fla.1997);

*The Florida Bar v. Mills*, 410 So.2d 498 (Fla. 1982); *The Florida Bar v. Brumbaugh*, 355 So.2d 1186 (Fla. 1978); *The Florida Bar v. Greene*, 589 So. 2d 281 (Fla. 1991); and *The Florida Bar v. Keehley*, 190 So. 2d 173 (Fla. 1966).

14. I understand that this Affidavit relates only to The Florida Bar's above-referenced investigation and will not preclude further action by The Florida Bar should a complaint be received alleging conduct which postdates the signing of this Affidavit. I also understand that the signing of this Affidavit also does not preclude action by any other agency or governmental body.

\_\_\_\_\_  
ELENA R. SASSOWER, individually,  
AFFIANT

The foregoing instrument was acknowledged before me on this, \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public  
State of \_\_\_\_\_ at Large (Signature)

\_\_\_\_\_  
(Printed or Typed Name)

Please Return Document To:

Ghunise L. Coaxum, Bar Counsel  
The Florida Bar  
1000 Legion Place, Suite 1625  
Orlando, FL 32801



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