

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

v.

TIKD SERVICES LLC,
A Foreign Limited Liability Company,

and

CHRISTOPHER RILEY,
individually and as Founder of
TIKD SERVICES LLC,

Respondents.

Supreme Court Case
No. SC2018-149

The Florida Bar File
Nos. 20174035(11B) and
20174045(11B)

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THE FLORIDA BAR’S MOTION FOR JUDGMENT ON THE PLEADINGS

Petitioner, The Florida Bar, through its undersigned counsel, pursuant to Rule 10-7.1(b)(6) of the Rules Regulating The Florida Bar, moves the Court for the entry of a judgment on the pleadings, and in support thereof states as follows:

1. Pursuant to Rule 10-7.1 of the Rules Regulating The Florida Bar, on January 23, 2018, The Florida Bar filed its Petition Against the Unlicensed Practice of Law (“Petition”) in this case.

2. On April 4, 2018, Respondents filed their Answer to The Florida Bar’s Petition and Response to Order to Show Cause (“Answer”).

3. The pleadings are closed.

4. In considering a motion for judgment on the pleadings, the factual allegations in the opposing party's pleadings are to be taken as true, and all disputed factual allegations in the moving party's pleadings are taken as false. Judgment on the pleadings should be granted if, on the basis of the undisputed facts established in this matter by the pleadings, the moving party is entitled to judgment as a matter of law. *Cuccarini v. Rosenfeld*, 76 So. 3d 328, 330 (Fla. 3d DCA 2011); *Miller v. Eatmon*, 177 So. 2d 523, 524 (Fla. 1st DCA 1965); 5 Fla. Prac. Civ. Practice § 7:29.

5. Undisputed material facts established by the pleadings in this case are as follows:

A. Respondent Christopher Riley is not a member of The Florida Bar. (Petition ¶ 1; admitted in Answer ¶ 1.)

B. Respondent Christopher Riley is the founder and CEO of TIKD Services LLC ("TIKD"). (Answer p. 5.)

C. Respondent TIKD is a Delaware Limited Liability Company with its principal place of business in Coral Gables, Florida. (Petition ¶ 2; admitted in Answer ¶ 2.)

D. Respondent TIKD is not a lawyer referral service. (Petition ¶ 3; admitted in Answer ¶ 3.)

E. Respondents state TIKD’s advertising reaches drivers who have been issued traffic tickets and desire to have their tickets resolved. (Answer ¶ 8.)

F. Respondents offer “drivers a simpler way to deal with a traffic ticket” by paying TIKD for an attorney. (Answer ¶ 6.) Respondents state TIKD’s customers pay a “fixed, pre-determined charge” to TIKD to “deal with [their] traffic ticket” and TIKD “facilitate[s] retention of” legal representation to “defend their [customer’s] traffic tickets on their behalf.” (Answer ¶ 6.)

G. In sum, Respondents characterize their advertising as an offer to the public for the use of “a technology platform,” to pay a “fixed, pre-determined charge” for the following services:

- (1) A “simpler way to deal with a traffic ticket”;
- (2) An “attorney to defend their traffic tickets on their behalf”; and
- (3) A full refund if “points” are awarded. (Answer ¶ 6.)

6. Respondents respond to the Court’s Rule to Show Cause by saying a nonlawyer, Christopher Riley, founded TIKD and describe their business model as follows:

“Deploying innovative technology, TIKD provides a consumer-oriented solution to a common problem: resolving traffic tickets...TIKD owns and operates a website at <http://www.tikd.com>. Through its website and mobile app, TIKD offers services to persons who have received traffic tickets. TIKD facilitates expedited ticket

resolution and caps the customer's financial exposure on the ticket. TIKD also facilitates the customer's retention of an independent, licensed Florida attorney who then enters into a direct attorney-client relationship with the TIKD customer. (Answer p. 5, § III, ¶ A.)

It is an undisputed material fact that Respondents offer legal representation to TIKD customers through Florida lawyers to defend their traffic tickets.

7. Respondents' advertising offers the public legal services to resolve their traffic tickets. Consequently, as a matter of law, Respondents engage in conduct which the Supreme Court of Florida has found constitutes the unlicensed practice of law. It constitutes the unlicensed practice of law for a nonlawyer to offer to provide legal services directly to the public. R. Regulating Fla. Bar 10-2.2(b)(2).

The Florida Supreme Court has also found it constitutes the unlicensed practice of law for a nonlawyer or a nonlawyer entity to hold out that it is able to render legal services to the public. *The Florida Bar v. Consolidated Business and Legal Forms, Inc.*, 386 So. 2d 797 (Fla. 1980); *The Florida Bar v. Warren*, 655 So. 2d 1131 (Fla. 1995); *The Florida Bar v. We The People Forms and Service Center of Sarasota, Inc.*, 883 So. 2d 1280 (Fla. 2004). As in the *Consolidated* case, TIKD, a nonlawyer corporate entity, advertises to the public that, in exchange for a fee paid to TIKD, Respondents select and pay attorneys to perform specified legal services.

Furthermore, Respondents fail to point to any case law, statute, rule, or regulation which would authorize a nonlawyer or nonlawyer entity to offer to provide legal services directly to the public.

8. Respondents admit they have entered into agreements with independent licensed attorneys who are willing to represent TIKD customers.

(Answer ¶ 11.)

Respondents state TIKD provides “three primary services”: 1) retention and payment of an attorney to defend the customer’s ticket; 2) guarantees that the TIKD customer will pay no more charges, fees, or fines; and 3) installment payments. (Answer p. 6, § III, ¶ A.)

In sum, TIKD customers purchase legal services from TIKD, a nonlawyer entity. TIKD accepts the customer’s traffic ticket case, receives payment, and selects and pays a Florida licensed attorney to provide legal representation to defend TIKD customer’s traffic tickets.

It constitutes the unlicensed practice of law for a corporation owned and operated by nonlawyers to employ an attorney to give legal advice to its customers.

The Florida Bar v. We The People Forms and Service Center of Sarasota, Inc.,

883 So. 2d 1280 (Fla. 2004). As in *We The People*, TIKD provides customers

legal services by contracting with and paying Florida licensed attorneys to

represent TIKD customers. Thus, as a matter of law, based on the Supreme Court

of Florida's prior rulings, Respondents are engaged in conduct which constitutes the unlicensed practice of law.

Respondents also fail to cite to any case law, statute, rule, or regulation which would authorize a nonlawyer or nonlawyer entity to contract with licensed Florida attorneys to provide legal services directly to the public.

Based on the foregoing undisputed facts, only questions of law remain: Whether it constitutes the unlicensed practice of law for Respondents to provide legal services through Florida lawyers and to advertise those services.

WHEREFORE, Petitioner prays as follows:

1. That this Court issue an opinion ruling that the Respondents' undisputed conduct constitutes the unlicensed practice of law.
2. That this Court issue a permanent injunction preventing and restraining Respondents from:
 - A. Holding out as capable of providing legal services and/or qualified to handle a legal matter;
 - B. Offering to assist individuals with a legal matter;
 - C. Advertising in a fashion which may lead a reasonable lay person to believe Respondents are able to offer legal services to the public;
 - D. Rendering legal assistance to the public through a nonlawyer entity;

E. Operating a nonlawyer business as if it were a law firm by offering the public the services of attorneys;

F. Otherwise engaging in the practice of law in the State of Florida, unless authorized to do so.

3. That this Court grant such other and further relief as it may deem proper.

/s/ Algeisa Maria Vazquez
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CERTIFICATE OF SERVICE

I hereby certify that The Florida Bar's Motion for Judgment on the Pleadings has been filed via the statewide e-portal and true and correct copies were furnished via email using the statewide e-portal to Christopher Michael Kise, Respondents' Counsel, Foley & Lardner, LLP, 106 E. College Ave., Ste 900, Tallahassee, FL 32301-7732, primary email address ckise@foley.com; and by email using the statewide e-portal to William A. Spillias, UPL Counsel, The Florida Bar, 651 E. Jefferson St., Tallahassee, FL 32399-2300, Primary E-Mail: wspillias@floridabar.org on this 20th day of April, 2018.

/s/ Algeisa Maria Vazquez
Algeisa Maria Vazquez
Bar Counsel