

Section 484.010.2 RSMo., by charging borrowers for preparation of deeds of trusts, promissory notes and other documents of legal significance in connection with mortgage loans. 230 S.W.3d at 336; 250 S.W.3d at 699.

Notably, neither *Eisel* nor *Carpenter* involved advice or counseling concerning legal matters. As in the present case, there was no contention that the defendant was “advising or counseling for a valuable consideration any person, firm, association, or corporation as to any secular law” as prohibited by the first portion of Section 484.010.2. Rather, those cases, like the present case, were premised on the second portion of Section 484.010.2, which prohibits a non-lawyer from “drawing” or “assisting in the drawing for a valuable consideration of any paper, document or instrument affecting or relating to secular rights.” § 484.010.2 RSMo. In short, whether LegalZoom gives its customers legal advice is of no significance.

The *Eisel* and *Carpenter* decisions made it clear that even in the context of a real-estate closing where no expectation of legal representation exists, the preparation of a legal document for a fee by a non-lawyer, i.e., “legal drafting as a business,” is prohibited. Simply stated, for a violation of §484.010.2 to be established, no inquiry into whether the defendant gave “personal advice to specific problems to a readily identifiable person” is required.

“‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Fed. R. Evid. 401. “Evidence which is not relevant is not admissible.” Fed. R. Evid. 402. “A defendant has no right to offer and a jury has no right to hear inadmissible evidence.” U.S. v. *Ceballos*, 593 F. Supp. 2d 1054, 1059 (S.D. Iowa 2009). Whether LegalZoom gave legal advice to its customers has no bearing whatsoever on the factual determination to be made by the jury concerning whether LegalZoom violated Section 484.020.1

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This court has broad discretion in determining the admissibility of evidence, *Fortune Funding, LLC v. Ceridian Corp.*, 368 F.3d 985, 990 (8th Cir. 2004), and should exercise its discretion to exclude evidence or argument concerning whether LegalZoom gave legal advice to its customers.

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CERTIFICATE OF SERVICE

I certify that on August 2, 2011, I filed the foregoing with the Clerk of the Court using the CM/ECF system. The system sent notification of this filing to the following:

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