

Colorado Supreme Court 2 East 14th Ave., Fourth Floor Denver, CO 80203	RECEIVED FEB 01 2010 ATTORNEY REGULATION
Office of Attorney Regulation Counsel 09UPL015, 09UPL078 & 09UPL085	
Petitioner: The People of the State of Colorado, v. Respondents: Gregory Albright, d/b/a/ Albright Law and The Albright Law Firm.	Supreme Court Case No: 2009SA366
ORDER APPOINTING HEARING MASTER	

Upon consideration of the Motion to Proceed filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Motion shall be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that said Respondent, GREGORY ALBRIGHT, d/b/a ALBRIGHT LAW AND THE ALBRIGHT LAW FIRM is enjoined from further practicing law in the State of Colorado.

IT IS FURTHER ORDERED that this matter is referred to the Presiding Disciplinary Judge for Findings and Recommendations.

BY THE COURT, JANUARY 29, 2010.



Case Number: 2009SA366

Caption: People v Albright, Gregory

CERTIFICATE OF SERVICE

Copies mailed via the State's Mail Services Division on February 1, 2010. ^{#05}

Gregory Albright, d/b/a/ Albright
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William R Lucero
PRESIDING DISCIPLINARY JUDGE
1560 Broadway Ste 675
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SUPREME COURT, STATE OF COLORADO
2 East 14th Avenue, 4th Floor
Denver, Colorado 80203

ORIGINAL PROCEEDING IN
UNAUTHORIZED PRACTICE OF LAW,
09UPL015, 09UPL078 and 09UPL085

Petitioner:

THE PEOPLE OF THE STATE OF
COLORADO

vs.

Respondent:

GREGORY ALBRIGHT, d/b/a ALBRIGHT
LAW and THE ALBRIGHT LAW FIRM

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▲ COURT USE ONLY ▲

Case Number:

09 SA 366

PETITION FOR INJUNCTION

Petitioner, through the undersigned Assistant Regulation
Counsel, and upon authorization pursuant to C.R.C.P. 234(a),¹

¹ The Unauthorized Practice of Law (“UPL”) Committee authorized the filing of
this petition on December 4, 2009.

respectfully requests that the Colorado Supreme Court issue an order pursuant to C.R.C.P. 234 directing the respondent to show cause why he should not be enjoined from the unauthorized practice of law. As grounds therefor, counsel states as follows:

JURISDICTION

1. The respondent, Gregory Albright, is not licensed to practice law in the state of Colorado. The respondent's last known address is P.O. Box 752, Denver, CO 80201. Another possible address for respondent is 9062 E. Mansfield, Denver, CO 80239.

2. Respondent, a non-lawyer, prepared litigation correspondence and pleadings for others and contacted third parties on behalf of others to negotiate legal matters. The facts are as follows.

CLAIM I – CLAYTON MATTER

3. Complaining witness William Clayton ("Clayton") is a bail-bondsman. Dean Carbajal ("Carbajal") claimed that Clayton injured him during Clayton's apprehension of Carbajal in connection with a bond violation. Respondent, on behalf of Carbajal, sent Clayton a letter dated February 7, 2009. At the top

of the letter, respondent identified himself as a "Legal Consultant". Respondent characterized himself as Carbajal's "advocate". Respondent offered Clayton the opportunity to enter into negotiations in order to avoid litigation. Respondent set a deadline by which Clayton should contact respondent. Respondent stated: "Failure to make contact will result in the immediate initiation of legal action where in [sic] all parties identified in the Notice of Adjudication will then be made aware of the civil tort that will be levied against them."

4. Respondent enclosed in the letter a "Notice of Adjudication", which respondent signed as a "Legal Consultant". The Notice stated: "This document is an offered courtesy to address the controversy of the relations between the claimant and the respondents in the endeavor to avoid state regulatory administrative action and litigation." The Notice then went on to recite allegations related to the apprehension of Carbajal by agents or employees of Clayton's bail bond company. The Notice listed a number of legal theories upon which payment of \$10,000,000 was demanded, including deliberate infliction of physical and emotional

distress, defamation, breach of contract, intentional interference with contract, negligence and outrageous conduct.

5. Respondent also telephoned Clayton on behalf of Carbajal, demanding payment and threatening suit. Clayton was required to retain his own legal counsel to respond to these threats. On behalf of Carbajal, respondent also telephoned Beth Ham of the Colorado Division of Insurance to complain about the assault on his "client" by a bail bondsman.

6. On February 17, 2009, a Complaint was filed in Denver District Court on behalf of Carbajal as plaintiff. *Dean Carbajal, plaintiff v. All County Bail Bonds, William C. Clayton, Jr., M&M Connections Bail Bonds, Marcia K. Carden, Lexington National, Unknown Employees/Agents of All County Bail Bonds, John Does 1 & 2, Colorado Division of Insurance, and Beth Ham, an employee of the Colorado Division of Insurance*, Denver District Court, Case No. 09CV1747 (the "Clayton litigation"). Respondent signed the Complaint as Carbajal's "Legal Consultant". Above respondent's signature, it stated: "Documentation Prepared by:". The Complaint set forth allegations of Clayton's apprehension of Carbajal and

listed "Causes for Relief" similar to those discussed above. Attached to the Complaint was a "Notice of Adjudication" similar to that discussed above, signed by respondent as "Legal Consultant".

7. On March 8, 2009, respondent wrote to Clayton's counsel and others concerning the *Clayton* litigation. The letterhead announced that it was from "Gregory D. Albright, Legal Consultant". Attached to the letter was a "Motion of Stay to Prosecute Defendants Colorado Division of Insurance and Beth Ham." The Motion stated: "This motion is submitted unopposed, the plaintiff had his lay-advocate, Gregory D. Albright, contact the counsel for the before identified parties on his behalf to inform the opposition of the submittal of this motion to stay prosecution." Below the signature block, respondent signed at the end of a line stating: "Documentation prepared by Lay Advocate Gregory D. Albright".

8. On March 10, 2009, defendant Marcia Carden, through counsel, moved to dismiss. On April 21, 2009, the *Clayton* litigation was dismissed without prejudice.

9. By authoring on behalf of Carbajal the settlement letter

to Clayton and the enclosed Notice of Adjudication which listed legal theories and made a demand for payment, by telephoning Clayton and threatening a lawsuit, by drafting the Complaint naming Clayton and others as defendants and raising "Causes of Relief", by writing to counsel on behalf of Carbajal in the *Clayton* litigation, by drafting the Motion to Stay, and by holding himself out as a legal consultant, a legal advocate, and a lay advocate in a pending civil proceeding, respondent engaged in the unauthorized practice of law.

CLAIM II – SIMONTON MATTER

10. Complaining witness Eric Simonton ("Simonton") is a Deputy District Attorney in Fremont County. Simonton was prosecuting a case against Tim Wonderlin ("Wonderlin"). *People v. Timothy Wonderlin*, Fremont County County Court, Case No. 08T1442. Wonderlin failed to appear and a warrant was issued. Respondent left Simonton a voice mail. Simonton called back. The voice-message system identified the phone number as that of respondent's "law offices" or "law firm". Simonton left a message. Respondent called back. He mentioned Wonderlin and his bond.

Simonton mentioned that Wonderlin had failed to appear and that a warrant had been issued. Respondent talked about “squashing” the warrant. Respondent then admitted he had not passed the Bar Exam. In a subsequent conversation, Wonderlin told Simonton that he had met respondent “in the joint”.

11. By holding himself out to Wonderlin as someone who could provide legal services, and by acting in a representative capacity for Wonderlin and attempting to negotiate with Simonton on Wonderlin’s behalf concerning Wonderlin’s case, respondent engaged in the unauthorized practice of law.

CLAIM III – TORRENCE MATTER

12. On June 2, 2009, a Notice of Appeal was filed in the case of *People v. Sandra Renee Torrence*, Colorado Court of Appeals, Case No. 09CA1148 (the “Torrence appeal”). Respondent signed the Notice of Appeal after the phrase “Documentation Prepared by Lay Advocate Gregory D. Albright”. The Notice of Appeal cited a number of cases for the proposition that respondent was entitled to assist Sandra Torrence (“Torrence”) as her “Lay Advocate”. In the Notice of Appeal, respondent argued that the Court of Appeals

should proceed with the appeal based on the case of “*Musick v. Woznicki*, 136 P.3d 244, at 246-247 (Colo. 2006)”.

13. On the same date, a Designation of Record was filed in the *Torrence* appeal, also signed by respondent as the preparer and “Lay Advocate”. The Designation of Record recited the same case law as the Notice of Appeal in support of respondent’s assistance of Ms. Torrence. In addition to listing pleadings and documents constituting the record on appeal, the Designation of Record requested free transcripts, citing legal authority in support thereof.

14. On June 25, 2009, the Colorado Court of Appeals entered an Order regarding the irregularities in the Notice of Appeal. The Court noted that respondent – a non-lawyer – had signed the Notice of Appeal, while the appellant, Torrence, had not. The court stated: “All pleadings filed in this Court must be signed by the appellant, and not by other individuals who are not licensed to practice law in the State of Colorado.” The court directed Torrence to file a proper signature page to the Notice of Appeal.

15. By holding himself out to Torrence and the Colorado Court of Appeals as someone who could provide legal services, by

preparing the Notice of Appeal on behalf of Torrence, by filing the Notice of Appeal and thereby entering his appearance on Torrence's behalf as a "lay advocate", by preparing the Designation of Record for Torrence, and by filing the Designation of Record on Torrence's behalf, respondent engaged in the unauthorized practice of law.

CLAIM IV – CARBAJAL APPELLATE MATTER

16. On February 18, 2009, a Notice of Appeal was filed in the case of *People v. Dean Carbajal*, Colorado Court of Appeals, Case No. 09CA354 (the "*Carbajal* appeal"). While respondent's name did not appear on the Notice of Appeal, the text was consistent with his style in other pleadings listed above.

17. On February 27, 2009, a Designation of Record on Appeal was filed in the Carbajal appeal. At the bottom of the last page, it stated: "Documentation prepared by Gregory D. Albright, Lay Advocate". The opening paragraph announces that Carbajal is appearing "pro se, as well as through Lay-Advocate, Gregory D. Albright, #95774". Respondent cited case law in support of the proposition that his assistance of Carbajal was in the interest of "meaningful access to the courts, due process, fundamental

fairness, and legal assistance”.

18. On March 20, 2009, the Court of Appeals entered an Order. Among other things, the court stated that it would not accept pleadings signed by a “lay advocate”.

19. By holding himself out to Carbajal as being able to provide legal services, by preparing the Notice of Appeal and Designation of Record for Carbajal, and by filing the Designation of Record and thereby entering his appearance on Carbajal’s behalf, respondent engaged in the unauthorized practice of law.

CLAIM V – HOLDING HIMSELF OUT AS A LAWYER

20. During these investigations, respondent’s voice message on his phone-answering machine has stated that the caller has reached “Albright Law”. Respondent also has held himself out on his business card as “Albright Law”.

21. By holding himself out to the public through his voice mail and business cards as being able to provide legal services, respondent engaged in the unauthorized practice of law.

REQUEST FOR RELIEF

22. The unauthorized practice of law includes but is not

limited to an unlicensed person's actions as a representative in protecting, enforcing or defending the legal rights and duties of another and/or counseling, advising and assisting that person in connection with legal rights and duties. *See, People v. Shell*, 148 P.3d 162 (Colo. 2006); and *Denver Bar Assn. v. P.U.C.*, 154 Colo. 273, 391 P.2d 467 (1964). In addition, preparation of legal documents for others by an unlicensed person, other than solely as a typist, is the unauthorized practice of law, unless the Colorado Supreme Court has authorized such action in a specific circumstance. *Title Guaranty v. Denver Bar Ass'n*, 135 Colo. 423, 312 P.2d 1011 (1957).

23. Respondent engaged in the unauthorized practice of law by the following acts, more fully described above: (a) by authoring on behalf of Carbajal the letter to Clayton and the enclosed Notice of Adjudication, by calling Clayton and threatening a lawsuit, by drafting the Complaint naming Clayton and others as defendants, by writing to counsel in the *Clayton* litigation, by drafting the Motion to Stay, by holding himself out as Carbajal's advocate and legal consultant, by entering his appearance in a state court of

record, and by acting in a representative capacity on behalf of Carbajal in the *Clayton* matter; (b) by holding himself out as being able to represent Wonderlin in a legal matter, and by acting in a representative capacity and attempting to negotiate with Deputy District Attorney Simonton on Wonderlin's behalf; (c) by preparing Notices of Appeal and Designations of Record on behalf of Torrence and Carbajal, by attempting to enter his appearance in those appeals as an advocate in a representative capacity, and by holding himself out as being able to act in and by acting in a representative capacity in those two appeals; and (d) by holding himself out to the general public on his voice message that the caller had reached "Albright Law" and by holding himself out on his business card as "Albright Law".

24. The respondent does not fall within any of the statutory or case law exceptions.

WHEREFORE, the petitioner prays that this court issue an order directing the respondent to show cause why the respondent should not be enjoined from engaging in any unauthorized practice of law; thereafter that the court enjoin this respondent from the

practice of law, or in the alternative that this court refer this matter to a hearing master for determination of facts and recommendations to the court on whether this respondent should be enjoined from the unauthorized practice of law. Furthermore, petitioner requests that the court assess the costs and expenses of these proceedings, including reasonable attorney fees against this respondent; order the refund of any and all fees paid by clients to the respondent; assess restitution against the respondent for losses incurred by clients or third parties as a result of the respondent's conduct; impose a fine for each incident of unauthorized practice of law, not less than \$250.00 and not more than \$1,000.00; and any other relief deemed appropriate by this court.

Respectfully submitted this 8th of December 2009.



Kim E. Ikeler
Assistant Regulation Counsel
Attorney for Petitioner