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| Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203 | DATE FILED: August 22, 2022 CASE NUMBER: 2021SA374 |
| Original Proceeding in Unauthorized Practice of Law, 21UPL59 | |
| Petitioner: The People of the State of Colorado, v. Respondent: Wind Cloud. | Supreme Court Case No: 2021SA374 |
| ORDER OF COURT | |

Upon consideration of the Order Entering Default Judgment Under C.R.C.P. 55(b) and Report of Hearing Master Under C.R.C.P. 236(a) filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that Respondent, WIND CLOUD, shall be, and the same hereby is, ENJOINED from engaging in the Unauthorized Practice of Law in the State of Colorado.

IT IS FURTHER ORDERED that Respondent, WIND CLOUD is assessed costs in the amount of \$2,667.00. Said costs to be paid to the Office of Attorney Regulation Counsel, within thirty (30) days of the date of this order.

IT IS FURTHER ORDERED that a fine be imposed in the amount of \$1,500.00.

BY THE COURT, AUGUST 22, 2022

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| <p>SUPREME COURT, STATE OF COLORADO 2 E. 14th Ave. Denver, Colorado 80203</p> <p>ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF LAW, 21UPL59</p> <hr/> <p>Petitioner: THE PEOPLE OF THE STATE OF COLORADO</p> <p>Respondents: WIND CLOUD</p> <hr/> <p>Jane Bonham Cox, #45770 Assistant Regulation Counsel Jessica E. Yates, #38003 Regulation Counsel Attorney for Petitioner 1300 Broadway, Suite 500 Denver, Colorado 80203 Telephone: (303) 928-7924 Email: J.Cox@csc.state.co.us</p> | <p>▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number:</p> |
| <p>PETITION FOR INJUNCTION</p> | |

Petitioner, through the undersigned Assistant Regulation Counsel, and upon authorization pursuant to C.R.C.P. 234(a),¹ respectfully requests that the Colorado Supreme Court issue an order pursuant to C.R.C.P. 234 directing Respondent to show cause why he should not be enjoined from the unauthorized practice of law. As grounds, counsel states as follows:

¹ The Legal Regulation Committee authorized the filing of this petition at its meeting on December 10, 2021.

JURISDICTION

1. Respondent, who identifies himself only as Wind Cloud,² is a Colorado resident, with a last known residential address of 141 South Knox Court, Denver, Colorado 80219.
2. Respondent is not licensed to practice law in Colorado or any other state.
3. Respondent purports to act on behalf of a Native American tribal organization that Respondent refers to as the Turtle Island Exchange.
4. Respondent purveyed legal services to purported members of the Oceti Sakowin Federation, in Colorado state court legal proceedings.
5. Upon information and belief, neither Respondent nor the Turtle Island Exchange employs licensed attorneys.
6. Respondent engaged in the unauthorized practice of law, as described below.

GENERAL ALLEGATIONS

7. A Colorado citizen, Rosalie Montoya, was represented by Dorothy Dean, Esq., and her firm, The Gold Law Firm, LLC, in a personal injury lawsuit arising from a motor vehicle accident that occurred on May 22, 2018.
8. The Gold Law Firm acted as co-counsel on the case with Hubert T.

² Petitioner suspects the asserted moniker Wind Cloud is not Respondent's full legal name. Petitioner shall provide additional information and evidence to the Court of Respondent's legal name upon the discovery of the same.

Morrow and Associates from April 10, 2019, through October 16, 2020.

9. In April 2020, The Gold Law Firm, acting with Ms. Montoya's authority, negotiated a settlement with GEICO, who insured the at-fault driver, for the \$50,000 policy limits.

10. At the same time, The Gold Law Firm was negotiating with Allstate, Ms. Montoya's insurer, regarding an underinsured motorist claim.

11. On June 27, 2020, shortly before the GEICO settlement could be finalized, and while negotiations with Allstate continued, Ms. Montoya went to The Gold Law Firm with two other individuals, and asked to speak to Ms. Dean.

12. One of the two men accompanying Ms. Montoya identified himself as Respondent (Wind Cloud).

13. Respondent informed Ms. Dean that he would be representing Ms. Montoya, and produced an "Affidavit" and "Tribal Judgement [sic]" purporting to authorize him to act on Ms. Montoya's behalf under tribal law as a "lawyer for the tribe."³

14. Respondent is not authorized to act as a lawyer for a tribe, and regardless, such legitimate authorization to act in a tribal court or in disputes between tribal members does not extend to any Colorado state court, or to any federal court, absent initial authorization from the Colorado Supreme Court.

³ Respondent's documents indicate the tribe under which he is authorized to act is the Oceti Sakowin Confederation: Turtle Island Exchange. The Oceti Sakowin tribes are historically known as the Sioux Nation.

15. In the months following the June 17, 2020 meeting, Respondent affirmatively inserted himself in the personal injury matter, communicating on behalf of Ms. Montoya and directing settlement to be paid to him and/or the Oceti Sakowin Federation.

16. The Gold Law Firm received the \$50,000 settlement from GEICO on July 28, 2020, but Ms. Montoya declined to sign the settlement disbursement sheet, due to Respondent's interference, thus placing the settlement at risk.

17. By October 2020, Morrow and Associates had facilitated settlement of the underinsured motorist claim against Allstate, also for policy limits of \$50,000.

18. When asked for her cooperation in signing the release to resolve the claim, Ms. Montoya expressed to her actual attorneys that she wanted counsel to withdraw so she could proceed with Respondent's assistance.

19. Ms. Montoya's attorneys advised Ms. Montoya to seek licensed counsel to represent her, and reminded her of the outstanding liens and unresolved settlements pending.

20. On October 16, 2020, The Gold Law Firm and Hubert T. Morrow withdrew from the representation due to Respondent's actions and the lawyers' inability to communicate with their client to complete the representation.

21. At the time of the firms' withdrawal, Ms. Dean notified the insurance carriers, lienholders and others with a subrogation interest that The Gold Law Firm

continued to hold the \$50,000 GEICO settlement in trust.

22. On March 24, 2021, and April 6, 2021, Ms. Dean sent correspondence to Ms. Montoya, reminding her that The Gold Law Firm continued to hold the \$50,000 GEICO settlement proceeds in its trust account, and asking Ms. Montoya to please have her new (licensed) counsel contact her to effectuate distribution of the funds.

23. Ms. Montoya declined to respond to Ms. Dean's efforts to distribute the settlement funds. Upon information and belief, this was based on advice from Respondent.

24. In April and June 2021, Respondent sent correspondence to The Gold Law Firm which appeared to be copies of documents sent to the "IRS Submission Processing Center" in Austin, demanding payment to the Oceti Sakowin Confederation of \$35,261.68 to which Respondent calculated Ms. Montoya was entitled, apparently based upon The Gold Law Firm's invoices and statements regarding outstanding subrogation liens and some unpaid contingent attorney's fees.

25. On July 13, 2021, The Gold Law Firm filed an Interpleader action in the Arapahoe County District Court, to determine how to disburse the \$50,000 settlement which they still held in the firm's COLTAF account.

26. In August 2021, Respondent filed a motion to proceed in forma

pauperis on behalf of Ms. Montoya, including a proposed order that states the name of party filing Motion as “Wind Cloud.”

27. The Interpleader action remains pending.

28. Respondent holds himself out as a “lawyer” for a tribe, and he has stated to the parties in the personal injury case that he is acting in a representative capacity on behalf of Ms. Montoya.

29. Respondent has filed at least one motion and proposed order on behalf of Ms. Montoya in the active Interpleader action.

30. Respondent continues to provide legal advice to Ms. Montoya regarding settlement of the personal injury claims against the insurance carriers.

31. Respondent’s actions have harmed Ms. Montoya’s financial interests in that she has not been able to complete the GEICO settlement.

32. Respondent has further harmed Ms. Montoya’s financial interests by jeopardizing the GEICO settlement and the Allstate settlements in their entirety.

33. Respondent’s actions have harmed the lienholders and others with a stake in the personal injury settlements, as the treatment providers and others cannot be paid from the settlement proceeds until the Interpleader action concludes.

34. Respondent’s actions have been prejudicial to the administration of justice, as he has delayed resolution of the personal injury case, and necessitated

the Interpleader action to try to resolve distribution of the settlement funds.

35. Respondent filed a separate federal lawsuit, United States District Court case number 19-cv-03684, in which he named himself as “a Tribal Member, Legal Council [sic] for Tribe, Tribal Judge, Oceti Sakowin Federation” as Plaintiff.

36. The docket lists Plaintiff as represented by Wind Cloud, *pro se*.

37. However, case number 19-cv-03684 involved civil claims between James Williams and Andrew Park.

38. Respondent alleges in the action that Mr. Williams stole property from a business operated with Mr. Park, and otherwise abandoned and harmed the business entity.

39. Through his filings, Respondent purported to represent Mr. Park in the litigation.

40. The Court declined to address the question of whether Respondent represented his own claims or those of Mr. Park, as the matter stalled for procedural reasons.

41. Respondent initiated case number 19-cv-03684 by a Notice of Removal rather than a Complaint.

42. The Court issued an Order to Cure Deficiencies, explaining that Respondent must identify the state court case sought to be removed, and provide a copy of all of the state court pleadings and orders in the underlying case. In the

alternative, if Respondent intended to raise federal claims, he must file a conforming Complaint.

43. Respondent failed to cure the deficiencies as ordered, but he filed a number of other documents, including a “Bill in Equity” to the United States District Court demanding payment of \$30,000,000,000 (thirty billion dollars) in restitution (for historical murder, rape, genocide, theft, loss of mineral rights, etc.) be paid into the WIND CLOUD TRUST at Chase Bank.

44. Respondent also demanded \$1,975,700 be paid to the tribe on behalf of Mr. Park in a separate “Bill in Equity” to Defendant Williams.

45. Respondent also filed a “Notice of Intent – Fee Schedule” in which Respondent identified himself as “Authorized Legal Council [sic] on behalf of All Tribal Matters.”

46. The Court dismissed case number 19-cv-03684 for failure to cure the deficiencies and failure to prosecute.

47. Judgment entered in favor of Defendant against Plaintiff in case number 19-cv-03684 on March 11, 2020.

48. Respondent held himself out as a “lawyer” for a tribe in the Park case, and he stated to the Court and the Defendant in the litigation that he was acting in a representative capacity on behalf of Mr. Park.

49. Respondent filed the case and numerous “pleadings” in his own

assumed name, but on behalf of Mr. Park.

50. Respondent's actions in the Park case evidence that he provided legal advice to Mr. Park.

51. Respondent's actions harmed the Defendant, Mr. Williams, who had to defend against the civil suit.

52. Respondent's actions have been prejudicial to the administration of justice, to the extent that the case and his filings created a drain on the Court's time and resources to address.

53. Respondent is presently marketing himself as an individual qualified and authorized to provide legal services.

54. Respondent maintains a LinkedIn profile, in which he lists his title as, "Legal Counsel at Turtle Island Exchange," a position he claims to have held since January 2010.

55. Within his LinkedIn profile, Respondent states:

The Status Carried By Myself Is Of Tribal Self-Determination, Which Extends To Both On And Off Reserve Territories. As Any Entity Or Role Is Needed, It Can Be Adopted By Tribe To Our Advantage and Is By Law Awarded To Tribes By Treaty Rights, To Carry Out Tribal Functions As Needed And My Role Can Change As Needed. This Includes The Ability To Move The Courts Without Being A Bar Member, Underwrite Bonds, Issue Foreign Judgments and Engage in Economic Development Projects That Benefit Tribe/s Solely As Well As Associated Parties Involved. Tribal Status Joined With Legal Acumen and Financial Literacy, Worn Respectively, Benefits All Parties Involved With A Tribal Affair, Program Or Cause. Operating Solely In Admiralty, All Actions Operate With

Public And Private Diplomatic Immunity Domains. I've Taught Over 100 Students Law To Date...

Emphasis added.

56. Respondent lists his skills and endorsements in his LinkedIn profile to include law; administration; legal consulting; banking law; and legal contract review. Respondent lists his status on LinkedIn as "open to work" and that he is "Looking for Legal Counsel roles."

57. Respondent posted a message to the LinkedIn community saying, "I am looking for New Opportunities To Assist Businesses and Individuals In Private And Commercial Contracts. From Legal Services, Banking and Investments, Nothing Is Out Of Reach..."

58. Respondent also maintains a profile on a social media site geared toward small business owners, Alignable.

59. Respondent describes his business on Alignable as "Legal Consulting" and states that his ideal customer is "The One In Need. Any Legal Advisor Worthy Of Their Skill Can Help Any Need."

60. In response to an Alignable member's question about a business identity theft issue, Respondent offered the following advice on April 21, 2021:

Notify the Inspector General and Notify The Department of Revenue. File A Claim with the division of insurance. Submit an Affidavit, Proof Of Registration of Entity and A Quit Claim on your company intellectual property against the other party with a ten day notice to

the courts for identity theft. Get her served within the first day if possible. Good luck.

REQUEST FOR RELIEF

61. 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, 171 (Colo. 2006); and *Denver Bar Ass'n. v. P.U.C.*, 154 Colo. 273, 279, 391 P. 2d 467, 471 (1964). Prohibited activities involve the lay exercise of legal discretion, such as advice to clients regarding legal matters. *People v. Adams*, 243 P.3d 256, 266 (Colo. 2010).

62. Respondent acted in a representative capacity regarding the legal rights, and exercised legal discretion in advising both Ms. Montoya and Mr. Park, in their respective legal actions.

63. 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, 431-437, 312 P.2d 1011, 1015-1018 (1957).

64. Respondent prepared and filed documents on behalf of both Ms. Montoya and Mr. Park in their respective legal matters.

65. The unauthorized practice of law includes a non-lawyer holding herself out as independently able to perform legal services. *See, e.g., People ex rel. Attorney General v. Castleman*, 88 Colo. 207, 294 P. 535 (1930) (unlicensed person who advertised himself on business card as a lawyer engaged in the unauthorized practice of law); *People ex rel. Colorado Bar A'ssn v. Taylor*, 56 Colo. 441, 444, 138 P. 762, 764 (1914) (unlicensed person who advertised himself including in the phone book and on his business card as a lawyer guilty of contempt of the Supreme Court); *Binkley v. People*, 716 P.2d 1111, 1114 (Colo. 1986) (“Anyone advertising as a lawyer holds himself or herself out as an attorney, attorney-at-law, or counselor-at-law and, if not properly licensed, may be held in contempt of court for practicing law without a license.”); *Unauthorized Practice of Law Committee v. Grimes*, 654 P.2d 822, 825 (Colo. 1982) (non-lawyer who *inter alia* advertised in the telephone book under “lawyers” and in the newspaper under the heading “legal counsel” engaged in the unauthorized practice of law); *People ex rel. Attorney General v. Hanna*, 127 Colo. 481, 482, 258 P.2d 492, 493 (1953) (non-lawyer who, *inter alia*, used in her telephone listing the words “Legal Forms – Depositions – Conveyance Papers” engaged in the unauthorized practice of law).

66. Respondent holds himself out as a person qualified to perform legal services for others, through his online presence and marketing on LinkedIn and Alignable.

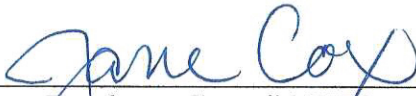
67. Through the conduct alleged herein, Respondent engaged in the unauthorized practice of law.

68. Respondent does not fall within any of the case law or statutory exceptions.

WHEREFORE, the Petitioner prays that this Court issue an order directing Respondent to show cause why he should not be enjoined from engaging in any unauthorized practice of law; thereafter that the Court enjoin 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 Respondent should be enjoined from the unauthorized practice of law. Furthermore, Petitioner requests that the Court assess the costs and expenses of these proceedings against Respondent; 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.

DATED this 15th day of December, 2021.

Respectfully submitted,



Jane Bonham Cox, #45770
Assistant Regulation Counsel
Attorney for Petitioner

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| SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN THE UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203 | |
| Petitioner: THE PEOPLE OF THE STATE OF COLORADO | Case Number: 21SA374 |
| Respondent: WIND CLOUD | |
| ORDER ENTERING DEFAULT JUDGMENT UNDER C.R.C.P. 55(b) AND REPORT OF HEARING MASTER UNDER C.R.C.P. 236(a) | |

Before the Presiding Disciplinary Judge (“the PDJ”) is “Petitioner’s Motion for Default Judgment” filed on May 18, 2022, by Michele L. Melnick of the Office of Attorney Regulation Counsel (“the People”). Wind Cloud (“Respondent”) did not file a response.

I. PROCEDURAL HISTORY

In this unauthorized practice of law matter, the People filed a “Petition for Injunction” with the Colorado Supreme Court on December 15, 2021, alleging that Respondent engaged in the unauthorized practice of law and seeking fines for each incident of unauthorized practice of law, costs and expenses of these proceedings, and entry of an injunction. The Colorado Supreme Court ordered Respondent to show cause why he should not be enjoined from the unauthorized practice of law. When Respondent did not respond, the Colorado Supreme Court issued an “Order Appointing Hearing Master” on February 10, 2022, referring this matter to the PDJ to prepare “a report setting forth entry of default, findings of fact, conclusions of law, and recommendations” under C.R.C.P. 234(f) and 236(a).

The PDJ issued an “Order of Hearing Master Under C.R.C.P. 234-236” on February 11, 2022, requiring Respondent to answer the People’s petition on or before February 25, 2022. Respondent did not answer. The People then moved for default; when Respondent failed to respond, the PDJ entered default on April 18, 2022.

II. PETITIONER’S MOTION FOR DEFAULT JUDGMENT

The People have followed the procedure for default judgments set forth in C.R.C.P. 55 and 121 section 1-14 by showing valid service on Respondent; submitting an affidavit indicating

that venue is proper and that Respondent is not a minor, an incapacitated person, an officer of the state, or in the military; and filing a statement of the costs. Accordingly, the PDJ **GRANTS** "Petitioner's Motion for Default Judgment."

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The PDJ issues the following report to the Colorado Supreme Court per C.R.C.P. 236(a). The factual findings are taken from the petition's allegations, which were deemed admitted on entry of default.

Factual Findings

Respondent, who identifies himself only as Wind Cloud,¹ is a Colorado resident with a last-known residential address in Denver, Colorado. Respondent is not licensed to practice law in Colorado or any other state. He purports to act on behalf of a Native American tribal organization that he refers to as the Turtle Island Exchange. Neither Respondent nor the Turtle Island Exchange employs licensed lawyers. Nevertheless, Respondent provided legal services to purported members of the Oceti Sakowin Federation in legal proceedings, thereby engaging in the unauthorized practice of law as described below.

Montoya Matter

Colorado citizen Rosalie Montoya was represented by lawyer Dorothy Dean and her firm, The Gold Law Firm, LLC, in a personal injury lawsuit arising from a motor vehicle accident that occurred on May 22, 2018. The Gold Law Firm acted as co-counsel on the case with Hubert T. Morrow and Associates from April 10, 2019, through October 16, 2020. In April 2020, The Gold Law Firm, acting with Montoya's authority, negotiated a settlement with GEICO, which insured the at-fault driver, for the \$50,000.00 policy limit. At the same time, The Gold Law Firm negotiated with Allstate, Montoya's insurer, on an underinsured motorist claim.

On June 27, 2020, shortly before the GEICO settlement could be finalized, and while negotiations with Allstate continued, Montoya visited The Gold Law Firm with two other individuals, asking to speak to Dean. One of the two men accompanying Montoya identified himself as Respondent. He informed Dean that he would be representing Montoya, and he produced an "Affidavit" and "Tribal Judgement" [sic], which he said authorized him under tribal law to act on Montoya's behalf as a "lawyer for the tribe."² But Respondent is not authorized to act as a lawyer for a tribe. And even if he were, authorization to act in a tribal court or in disputes between tribal members does not allow a person to practice law in Colorado state courts absent the Colorado Supreme Court's authorization.

¹ Though the People suspect that this moniker is not Respondent's full legal name, they have not provided any additional information about Respondent's identity as of the date of this report.

² Pet. ¶ 13. Respondent's documents stated that the tribe under which is authorized to act is the Oceti Sakowin Confederation: Turtle Island Exchange. The Oceti Sakowin tribes are historically known as the Sioux Nation.

In the months following the meeting of June 17, 2020, Respondent affirmatively inserted himself in Montoya's personal injury matter, communicating on Montoya's behalf and directing that her settlement be paid to him or the Oceti Sakowin Federation. The Gold Law Firm received the \$50,000.00 settlement from GEICO on July 28, 2020. But due to Respondent's interference, Montoya declined to sign the settlement disbursement sheet, placing the settlement at risk.

By October 2020, Morrow and Associates had settled the underinsured motorist claim against Allstate, also for policy limits of \$50,000.00. When Montoya's lawyers asked for her cooperation in signing the release to resolve the claim, Montoya told her lawyers that she wanted them to withdraw so she could proceed with Respondent's assistance. Montoya's lawyers advised her to seek licensed counsel to represent her, and they reminded Montoya of the outstanding liens and pending unresolved settlements.

On October 16, 2020, The Gold Law Firm and Hubert T. Morrow withdrew from representing Montoya due to Respondent's actions and their inability to communicate with her. At that time, Dean notified the insurance carriers, lienholders, and others with a subrogation interest that The Gold Law Firm continued to hold the \$50,000.00 GEICO settlement in trust.

On March 24 and April 6, 2021, Dean sent correspondence to Montoya, reminding her that The Gold Law Firm continued to hold the \$50,000.00 GEICO settlement in its trust account. Dean also asked Montoya to have her new (licensed) counsel contact her to arrange for distribution of the funds. Montoya did not respond to Dean's efforts to distribute the settlement funds, likely based on Respondent's advice.

In April and June 2021, Respondent sent to The Gold Law Firm certain correspondence that appeared to include copies of documents sent to the "IRS Submission Processing Center" in Austin, Texas. In that correspondence, Respondent demanded payment to the Oceti Sakowin Confederation of \$35,261.68 that he calculated Montoya was entitled to, apparently based on The Gold Law Firm's invoices and statements regarding outstanding subrogation liens and some unpaid contingent attorney's fees.

On July 13, 2021, The Gold Law Firm filed an interpleader action in Arapahoe County District Court to determine how to disburse the \$50,000.00 settlement that it still held in its COLTAF account. In August 2021, Respondent filed a motion to proceed *in forma pauperis* on Montoya's behalf; he included a proposed order stating that the name of the party filing the motion was "Wind Cloud." The interpleader action remains pending. In that action, Respondent holds himself out as a lawyer for a tribe, and Respondent has told the parties in the personal injury case that he is acting in a representative capacity on Montoya's behalf. Respondent filed at least one motion and proposed order for Montoya in the interpleader action. Respondent also continued to provide Montoya legal advice about settling her personal injury claims against the insurance carriers.

Respondent's actions have harmed Montoya's financial interests: Montoya has not been able to complete the GEICO settlement, and Respondent's involvement has jeopardized the

GEICO and Allstate settlements in their entirety. Respondent's actions also harmed the lienholders and others with a stake in the personal injury settlements, as Montoya's treatment providers and others cannot be paid from the settlement proceeds until the interpleader action concludes. Finally, Respondent's actions prejudiced the administration of justice by delaying resolution of the personal injury case and by necessitating the filing of the interpleader action to resolve the distribution of settlement funds.

Park Matter

Respondent filed a federal lawsuit in United States District Court, case number 19-cv-03684. Respondent named himself as the plaintiff and identified himself as "a Tribal Member, Legal Council [sic] for Tribe, Tribal Judge, Oceti Sakowin Federation." The docket lists plaintiff as represented by Wind Cloud, pro se. Case number 19-cv-03684, however, involved civil claims between James Williams and Andrew Park. In that case, Respondent alleged Williams stole property from a business operated with Park and otherwise abandoned and harmed the business. Through his filings, Respondent purported to represent Park in the litigation.

The federal court declined to address the question of whether Respondent represented Respondent's own claims or those of Park, as the matter stalled for procedural reasons. Respondent initiated case number 19-cv-03684 by a notice of removal rather than a complaint. The federal court issued an order to cure deficiencies, explaining that Respondent was required to identify the state court case that he sought to remove and to provide a copy of all of the state court pleadings and orders in that underlying case. In the alternative, the court said, Respondent could file a conforming complaint if he intended to raise federal claims.

Respondent failed to cure the deficiencies as ordered, but he filed a number of other documents, including a "Bill in Equity" that he issued to the United States District Court demanding payment of thirty billion dollars in restitution for historical murder, rape, genocide, theft, and loss of mineral rights, to be paid into the WIND CLOUD TRUST at Chase Bank. Further, in a separate "Bill in Equity" directed to the defendant Williams, Respondent demanded \$1,975,700.00 be paid to the tribe on Park's behalf. Respondent also filed a "Notice of Intent - Fee Schedule" in which he identified himself as "Authorized Legal Council [sic] on behalf of All Tribal Matters." The federal court dismissed case number 19-cv-03684 for failure to cure the deficiencies and for failure to prosecute. Judgment entered in favor of the defendant against the plaintiff on March 11, 2020.

In the Park case, Respondent held himself out as a "lawyer" for a tribe, and Respondent represented to the court and the defendant in the litigation that he was acting in a representative capacity on Park's behalf. Respondent filed the case and numerous pleadings in his own assumed name on Park's behalf. Respondent's actions in the Park case suggest that Respondent provided Park legal advice. Respondent's conduct in the Park matter harmed the defendant, Williams, who had to defend against the civil suit. Respondent's actions also prejudiced the administration of justice, as the case and his filings created a drain on the federal court's time and resources.

Respondent's Marketing Efforts

As of the date of the People's petition, Respondent was marketing himself as an individual qualified and authorized to provide legal services. He maintained a LinkedIn profile that listed his title as "Legal Counsel at Turtle Island Exchange," a position he claimed to have held since January 2010. Within his LinkedIn profile, Respondent stated:

The Status Carried By Myself Is Of Tribal Self-Determination, Which Extends To Both On And Off Reserve Territories. As Any Entity Or Role Is Needed, It Can Be Adopted By Tribe To Our Advantage and Is By Law Awarded To Tribes By Treaty Rights, To Carry Out Tribal Functions As Needed And My Role Can Change As Needed. This Includes The Ability To Move The Courts Without Being A Bar Member, Underwrite Bonds, Issue Foreign Judgments and Engage in Economic Development Projects That Benefit Tribe/s Solely As Well As Associated Parties Involved. Tribal Status Joined With Legal Acumen and Financial Literacy, Worn Respectively, Benefits All Parties Involved With A Tribal Affair, Program Or Cause. Operating Solely In Admiralty, All Actions Operate With Public And Private Diplomatic Immunity Domains. I've Taught Over 100 Students Law To Date . . .³

Respondent listed his skills and endorsements in his LinkedIn profile to include law; administration; legal consulting; banking law; and legal contract review. Respondent's status on LinkedIn announced that he is "open to work" and that he was "Looking for Legal Counsel roles." To that end, Respondent posted a message to the LinkedIn community saying, "I am looking for New Opportunities To Assist Businesses and Individuals In Private And Commercial Contracts. From Legal Services, Banking and Investments, Nothing Is Out Of Reach . . ."⁴

As of the date of the People's petition, Respondent also maintained a profile on Alignable, a social media site geared toward small business owners. On that site, Respondent described his business as "Legal Consulting" and stated that his ideal customer is "The One In Need. Any Legal Advisor Worthy Of Their Skill Can Help Any Need."⁵ In response to an Alignable member's question about a business identity theft issue, Respondent offered on April 21, 2021, the following advice:

Notify the Inspector General and Notify The Department of Revenue. File A Claim with the division of insurance. Submit an Affidavit, Proof Of Registration of Entity and A Quit Claim on your company intellectual property against the other party with a ten day notice to the courts for identity theft. Get her served within the first day if possible. Good luck.⁶

³ Pet. ¶ 55.

⁴ Pet. ¶ 57.

⁵ Pet. ¶ 59.

⁶ Pet. ¶ 60.

Conclusions of Law

The Colorado Supreme Court, which exercises exclusive jurisdiction to define the practice of law within the State of Colorado,⁷ restricts the practice of law to protect members of the public from receiving incompetent legal advice from unqualified individuals.⁸ To practice law in the State of Colorado, a person must have a law license issued by the Colorado Supreme Court, unless a specific exception applies.⁹ The PDJ concludes that no exception applies to Respondent.

Colorado Supreme Court case law holds that one who acts “in a representative capacity in protecting, enforcing, or defending the legal rights and duties of another and in counseling, advising and assisting that person in connection with these rights and duties” engages in the practice of law.¹⁰ More specifically, “an unlicensed person engages in the unauthorized practice of law by offering legal advice about a specific case, drafting or selecting legal pleadings for another’s use in a judicial proceeding without the supervision of an attorney, or holding oneself out as the representative of another in a legal action.”¹¹ The Colorado Supreme Court has also determined that a nonlawyer who holds themselves out as an authorized lawyer engages in the unauthorized practice of law.¹²

In the Montoya matter, Respondent engaged in the practice of law by acting in a representative capacity to enforce Montoya’s legal rights. Respondent acted in a representative capacity when he offered to represent Montoya in his capacity as a lawyer for the tribe; when Respondent inserted himself in the personal injury matter; and when Respondent demanded on Montoya’s behalf that the settlement be paid to him or the tribe. On Respondent’s advice, Montoya declined to sign the settlement disbursement sheet for the GEICO settlement and refused to sign the release to resolve the Allstate claim, both of which were prepared by Montoya’s lawyers. Then, in an effort to enforce Montoya’s legal rights, Respondent drafted and sent correspondence to The Gold Law Firm demanding payment, and Respondent filed at least one motion and proposed order for Montoya in the interpleader action. Respondent did so while holding himself out as a lawyer for the tribe, even though Respondent is not licensed to practice law in Colorado or any other state. Based on Respondent’s conduct throughout the

⁷ C.R.C.P. 228.

⁸ *Unauthorized Practice of Law Comm. v. Grimes*, 654 P.2d 822, 826 (Colo. 1982); *see also Charter One Mortg. Corp. v. Condra*, 865 N.E.2d 602, 605 (Ind. 2007) (“Confining the practice of law to licensed attorneys is designed to protect the public from the potentially severe consequences of following advice on legal matters from unqualified persons.”); *In re Baker*, 85 A.2d 505, 514 (N.J. 1952) (“The amateur at law is as dangerous to the community as an amateur surgeon would be.”).

⁹ *See* C.R.C.P. 201 *et seq.*

¹⁰ *People v. Shell*, 148 P.3d 162, 171 (Colo. 2006) (quotation omitted).

¹¹ *Id.*

¹² *See Binkley v. People*, 716 P.2d 1111, 1114 (Colo. 1986) (“Anyone advertising as a lawyer holds himself or herself out as an attorney, attorney-at-law, or counselor-at-law and, if not properly licensed, may be held in contempt of court for practicing law without a license.”); *People ex rel. Attorney General v. Castleman*, 294 P. 535, 535 (Colo. 1930) (finding unlicensed person in contempt by engaging in unauthorized practice of law by advertising himself as a lawyer); *People ex rel. Colo. Bar Ass’n v. Taylor*, 138 P. 762, 764 (Colo. 1914) (same).

Montoya matter, the PDJ concludes by a preponderance of the evidence that Respondent engaged in the unauthorized practice of law.

In the Park matter, Respondent likewise engaged in the unauthorized practice of law by filing a federal action on Park's behalf and purporting to represent Park in that lawsuit. Based on those pleadings, the PDJ concludes by a preponderance of the evidence that Respondent gave Park legal advice about his dispute with the defendant, Williams. Respondent attempted to enforce what he asserted were Park's legal rights by preparing and filing a demand for billions of dollars in federal restitution and a demand for almost two million dollars from Williams. In those pleadings, Respondent held himself out as a lawyer for a tribe and as authorized legal counsel in tribal matters.

Restitution, Fines, and Costs

C.R.C.P. 236(a) provides that if a hearing master makes a finding of the unauthorized practice of law, the hearing master shall also recommend that the Colorado Supreme Court impose a fine ranging from \$250.00 to \$1,000.00 for each such incident.¹³ Respondent engaged in the practice of law by purporting to represent two unrelated individuals in two discrete legal matters over an extended period of time. Not only did he give both Montoya and Park legal advice, he also prepared and filed legal documents for each consumer, holding himself out as the authorized legal representative for each individual. This conduct harmed Montoya and Park, their opposing parties, and judicial tribunals. Respondent's unauthorized practice of law in these two consumer-specific matters is compounded by his extensive marketing efforts on LinkedIn and Alignable, where he has held himself out as a legal advisor and as legal counsel. Considering the totality of Respondent's conduct, the PDJ concludes that Respondent should be assessed two fines of \$750.00, one for each instance of engaging in the unauthorized practice of law.¹⁴ The PDJ recommends a near-maximum fine after carefully considering Respondent's egregious conduct, including the harm and potential harm to Colorado citizens and repeated prejudice to the administration of justice in state and federal courts.

The People filed a statement of costs as Exhibit A to their motion for default judgment. The statement reflects costs in the amount of \$2,667.00, comprising a standard administrative fee of \$224.00 and service of process costs of \$2,443.00. Relying on C.R.C.P. 237(a), the PDJ considers the sum reasonable and therefore recommends that the Colorado Supreme Court assess \$2,667.00 in costs against Respondent.¹⁵

¹³ See *People v. Adams*, 243 P.3d 256, 267 & n.7 (Colo. 2010) (holding that a respondent who provided legal services to five separate individuals engaged in five instances of the unauthorized practice of law for purposes of C.R.C.P. 236).

¹⁴ *Id.* at 267-68 (examining whether a respondent's actions were "malicious or pursued in bad faith" and whether the respondent engaged in unlawful activities over an extended timeframe despite warnings).

¹⁵ See C.R.S. § 13-16-122 (setting forth an illustrative list of categories of "includable" costs in civil cases, including "[a]ny fees for service of process").

IV. RECOMMENDATION

The PDJ **RECOMMENDS** that the Colorado Supreme Court **FIND** that Respondent engaged in the unauthorized practice of law and **ENJOIN** him from the unauthorized practice of law, to include the following activities, whether done separately or in combination:

- Exercising legal judgment or discretion, including the use of any legal skill or knowledge beyond that of a layperson, to advise another person about the legal effect of a proposed action or decision; to advise another person about legal remedies or possible courses of legal action available to that person; to select a legal document for another person or to prepare a legal document for another person, other than solely as a typist or scrivener; to represent or advocate for another person in a negotiation, settlement conference, mediation, or alternative dispute resolution proceeding; or to represent or advocate for another person in a hearing, trial, or other legal proceeding before a tribunal;
- Advertising or holding himself out, either directly or impliedly, in any manner that conveys capability or authorization to provide unsupervised services involving the exercise of legal judgment or discretion, as described above; and
- Soliciting or accepting any fees for services involving the exercise of legal judgment or discretion, as described above.

The PDJ also **RECOMMENDS** that the Colorado Supreme Court enter an order requiring Respondent to pay a **FINE** of \$1,500.00 and to pay **COSTS** in the amount of \$2,667.00.

Either party may file objections to this report with the Colorado Supreme Court within twenty-eight days of today's date or as otherwise ordered by the Colorado Supreme Court.



DATED THIS 15th DAY OF JUNE, 2022.

A handwritten signature in black ink, appearing to read "B. M. Large".

BRYON M. LARGE
PRESIDING DISCIPLINARY JUDGE

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