

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: January 21, 2015 CASE NUMBER: 2014SA54
Original Proceeding in Unauthorized Practice of Law, Office of Attorney Regulation Counsel, 13UPL039	
Petitioner: The People of the State of Colorado, v. Respondent: Sir Jheshua Jackson.	Supreme Court Case No: 2014SA54
ORDER OF COURT	

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

IT IS ORDERED that Respondent, SIR JHESHUA JACKSON 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, SIR JHESHUA JACKSON, is assessed costs in the amount of \$204.50. 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 \$250.00.

BY THE COURT, JANUARY 21, 2015.

<p>SUPREME COURT, STATE OF COLORADO</p> <p>ORIGINAL PROCEEDING IN THE UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203</p>	
<p>Petitioner: THE PEOPLE OF THE STATE OF COLORADO</p> <p>Respondent: SIR JHESHUA JACKSON</p>	<p>Case Number: 14SA54</p>
<p>ORDER ENTERING DEFAULT JUDGMENT PURSUANT TO C.R.C.P. 55(b) AND REPORT OF HEARING MASTER PURSUANT TO C.R.C.P. 236(a)</p>	

This matter is before the Presiding Disciplinary Judge (“the PDJ”) on a “Motion for Default Judgment” filed on November 18, 2014, by Kim E. Ikeler of the Office of Attorney Regulation Counsel (“the People”). Sir Jheshua Jackson (“Respondent”) did not file a response.

I. PROCEDURAL HISTORY

The People filed a “Petition for Injunction” on February 21, 2014, alleging that Respondent engaged in the unauthorized practice of law. On February 24, 2014, the Colorado Supreme Court issued an “Order to Show Cause,” directing Respondent to answer in writing and show cause within twenty-one days of service why he should not be enjoined from the unauthorized practice of law. The People obtained personal service of the petition and order on September 2, 2014, but Respondent did not respond to the petition or the order.

On October 3, 2014, the Colorado Supreme Court issued an “Order Appointing Hearing Master,” referring this matter to the PDJ “to prepare a report setting forth findings of fact, conclusions of law, and recommendations” pursuant to C.R.C.P. 234(f) and 236(a). On October 8, 2014, the PDJ entered an order directing Respondent to answer the People’s petition no later than October 22, 2014, and warning Respondent that if he failed to do so, the PDJ might deem the claims alleged in the People’s petition to have been proved. Respondent did not comply with that order. On November 18, 2014, the PDJ granted the People’s motion for entry of default, thereby deeming the allegations contained in the petition admitted.

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 costs. Accordingly, the PDJ **GRANTS** the People's "Motion for Default Judgment."

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The PDJ issues the following report to the Colorado Supreme Court pursuant to C.R.C.P. 236(a). The PDJ determines that the allegations of the People's petition, which are summarized below, establish Respondent engaged in the unauthorized practice of law.

Factual Findings

Respondent is not licensed to practice law in Colorado or any other state.¹

Respondent's LinkedIn.com profile states that he is a "Benevolent Ambassador at Ecclesiastical Law."² He gives his full name as "Sir J'eshua Jackson El-David© Esq."³ He states that he received paralegal training at Fullerton College, a two-year college in California.⁴ Among the services Respondent offers are "legal re-modifications" and serving as a "liaison" to federal, state, and local government officials.⁵ Respondent also has Internet postings on Google and YouTube, where he uses the honorific "Esq."⁶ In Respondent's profile and postings, Respondent holds himself out as someone qualified to provide legal services.⁷

On July 21, 2013, Benjamin Singleton was arrested on an assault charge.⁸ The case was filed in Denver County Court under case number 13GS5534.⁹ Singleton was held in the Denver County Jail and then posted bond.¹⁰ Trial was set for August 27, 2013.¹¹ The court advised Singleton that he needed to apply for a public defender.¹² He failed to appear for trial, so a warrant was issued for his re-arrest.¹³

¹ Pet. ¶ 1.

² Pet. ¶ 4.

³ Pet. ¶ 5.

⁴ Pet. ¶ 6.

⁵ Pet. ¶ 7.

⁶ Pet. ¶ 8.

⁷ Pet. ¶ 25.

⁸ Pet. ¶ 9.

⁹ Pet. ¶ 10.

¹⁰ Pet. ¶¶ 11-12.

¹¹ Pet. ¶ 13.

¹² Pet. ¶ 14.

¹³ Pet. ¶¶ 15-16.

On or before August 28, 2013, Respondent selected Form JDF 76 from a judicial website and prepared two motions for Singleton’s use: a “Motion to Quash Warrant Set Aside Default Judgment” and a “Motion to Continue.”¹⁴ Respondent listed his contact information in the captions of both motions, using the honorific “Esq.” after his name.¹⁵ Neither Singleton nor Respondent signed the motions, but a Denver assistant city attorney witnessed Respondent filing the motions with the court clerk.¹⁶

In the first motion, Respondent asked the court to quash the warrant, arguing that Singleton had been late to court because he used public transportation, which arrived late.¹⁷ In the second motion, Respondent asked the court to continue the matter over for an arraignment.¹⁸ Respondent recalls that his purpose in preparing these motions was to give Singleton time to apply for a public defender.¹⁹

Analysis

The Colorado Supreme Court, which exercises exclusive jurisdiction to define the practice of law within the State of Colorado,²⁰ restricts the practice of law to protect members of the public from receiving incompetent legal advice from unqualified individuals.²¹ 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.²²

Colorado Supreme Court case law holds that “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.”²³ The Colorado Supreme Court has further determined 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.²⁴ In addition, a nonlawyer engages in the unauthorized

¹⁴ Pet. ¶ 17.

¹⁵ Pet. ¶¶ 18-19.

¹⁶ Pet. ¶¶ 23-24.

¹⁷ Pet. ¶ 20.

¹⁸ Pet. ¶ 21.

¹⁹ Pet. ¶ 22.

²⁰ C.R.C.P. 228.

²¹ *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.”).

²² See C.R.C.P. 201-227.

²³ *People v. Shell*, 148 P.3d 162, 171 (Colo. 2006); see also C.R.C.P. 201.3(2)(a)-(f) (defining the practice of law).

²⁴ *Shell*, 148 P.3d at 171 (quotation omitted).

practice of law by holding himself or herself out to the public as authorized to provide legal services.²⁵

Here, Respondent prepared motions for Singleton and filed those motions in Denver County Court.²⁶ He also has held himself out to the public as authorized to perform legal services by using the honorific “Esq.” and by indicating that he can offer “legal re-modifications.”²⁷ Respondent therefore has engaged in the unauthorized practice of law in Colorado.

Restitution, Fines, and Costs

The People have not requested restitution in this case, so the PDJ makes no recommendation as to an award of restitution.

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. The People ask the Colorado Supreme Court to fine Respondent \$250.00. The PDJ agrees that a \$250.00 fine is appropriate.

The People’s statement of costs reflects a \$113.50 charge for service of process and a \$91.00 administrative fee, for a total of \$204.50.²⁸ The PDJ concludes that the People’s requested costs are reasonable.²⁹

IV. RECOMMENDATION

The PDJ **RECOMMENDS** that the Colorado Supreme Court **FIND** Respondent engaged in the unauthorized practice of law and **ENJOIN** him from the unauthorized practice of law. The PDJ further **RECOMMENDS** that the Colorado Supreme Court enter an order requiring Respondent to pay a **FINE** of \$250.00 and to pay **COSTS** in the amount of \$204.50.

²⁵ 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 Gen. v. Castleman*, 88 Colo. 207, 207, 294 P.2d 535, 535 (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*, 56 Colo. 441, 444, 138 P. 762, 764 (1914) (same).

²⁶ See *Unauthorized Practice of Law Comm. v. Prog.*, 761 P.2d 1111, 1115-16 (Colo. 1988) (enjoining the respondent from the unauthorized practice of law for drafting pleadings filed in court, which contained legal arguments and authorities).

²⁷ See *Disciplinary Counsel v. Casey*, 3 N.E.3d 168, 171 (Ohio 2013) (indicating that use of the honorific “Esq.” can contribute to a finding that the person has held himself or herself out as authorized to practice law); *In Re Campbell*, No. S.CT.MISC. 2012-0016, 2013 WL 5200473, at *15 (V.I. Sept. 16, 2013) (same).

²⁸ Mot. for Default J. Ex. B.

²⁹ See C.R.S. § 13-16-122 (setting forth an illustrative list of categories of “includable” costs in civil cases).

DATED THIS 15th DAY OF DECEMBER, 2014.



WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE



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