

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: March 18, 2019 CASE NUMBER: 2018SA152
Original Proceeding in Unauthorized Practice of Law, 17UPL76	
Petitioner: The People of the State of Colorado, v. Respondent: Khalid Rasool Meeks.	Supreme Court Case No: 2018SA152
ORDER OF COURT	

Upon consideration of the 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, KHALID RASOOL MEEKS 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, KHALID RASOOL MEEKS, is assessed costs in the amount of \$1,246.00. 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 \$250.00.

BY THE COURT, MARCH 18, 2019

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: 18SA152
Respondent: KHALID RASOOL MEEKS	
REPORT OF HEARING MASTER UNDER C.R.C.P. 236(a)	

Khalid Rasool Meeks (“Respondent”) is alleged to have engaged in the unauthorized practice of law. William R. Lucero, the Presiding Disciplinary Judge (“the PDJ”), finds that the Office of Attorney Regulation Counsel (“the People”) have proved by a preponderance of evidence that Respondent engaged in the unauthorized practice of law by drafting legal documents for filing in a civil case to which he was not a party. The PDJ thus recommends that the Colorado Supreme Court enjoin Respondent from the unauthorized practice of law.

I. PROCEDURAL HISTORY

On behalf of the People, Kim E. Ikeler filed a “Petition for Injunction” against Respondent on June 18, 2018, alleging he engaged in the unauthorized practice of law. The Colorado Supreme Court issued an order to show cause three days later. Respondent responded to the petition on July 24, in what he titled an “Order for Dismissal with Prejudice.” On August 1, the Colorado Supreme Court referred the case to the PDJ for “findings of fact, conclusions of law, and recommendations.”

The PDJ treated Respondent’s “Order for Dismissal with Prejudice” as both a response to the People’s petition and a motion to dismiss. The PDJ denied Respondent’s motion to dismiss and set a hearing for January 11, 2019.

In November 2018, the PDJ granted the People’s motion to compel and ordered Respondent to produce his initial disclosures no later than December 5, 2018. In that order, the PDJ advised Respondent that failure to comply could result in sanctions.

The PDJ held a prehearing conference on December 17, 2018. Ikeler appeared for the People, but Respondent did not attend in person. When the PDJ reached Respondent by

phone, Respondent declined to participate. During the brief conference, the PDJ adopted the People's proposed trial management order.

Later that month, the PDJ granted the People's motion for sanctions based on Respondent's continuing failure to produce initial disclosures. The PDJ barred Respondent from introducing at the hearing any evidence that he had not disclosed to the People.

At the hearing on January 11, 2019, Ikeler appeared for the People, and Respondent appeared pro se. At the outset of the hearing, Respondent requested a continuance, saying that he wished to hire a lawyer. He admitted he had not previously voiced his desire to hire a lawyer, explaining that he had been busy. He said he had not yet spoken with any specific lawyer and could not afford to hire a lawyer. The People objected to a continuance, saying that Respondent previously had ample time to seek a lawyer and that their witness had driven from Colorado Springs in wintry weather conditions to testify at the hearing. Finding that Respondent had not shown good cause for a continuance and that a continuance would prejudice the People, the PDJ **DENIED** the motion.

During the hearing, the PDJ heard testimony from Julie Myers and Respondent. Respondent invoked his Fifth Amendment privilege against self-incrimination in response to most of the questions he was asked, and he chose not to testify on his own behalf. The PDJ admitted the People's exhibits 1-33.

II. FINDINGS OF FACT¹

Respondent, who lives in Colorado Springs, is not licensed to practice law in Colorado. This case concerns his involvement in a property dispute between James O. Nathan and Frederick L. and Annette M. Woodard. Nathan owned property on Gothic Place in Colorado Springs, and the Woodards were his tenants under an installment land contract. Nathan sought to repossess the property based on a claim that the Woodards had violated the terms of the contract.

Litigation commenced when Julie Myers, counsel for Nathan, filed a complaint in forcible entry and detainer in County Court for El Paso County on September 26, 2017.² Attorney John Finger filed an answer for the Woodards on October 6, but he withdrew from the case effective December 12.³ Meanwhile, the case was transferred to El Paso County District Court on October 10 on jurisdictional grounds.⁴ The case was remanded to the county court on November 29, 2017.⁵

¹ Where not otherwise noted, these facts are drawn from testimony.

² Ex. 3. The case was assigned number 2017C44608.

³ Exs. 4-6.

⁴ See Ex. 16; Ex. 10 ¶ 3.

⁵ See Ex. 10 ¶ 8.

At the heart of this unauthorized practice of law case is a fifty-page set of documents filed on November 28, 2017.⁶ These documents appear in both the county court case file and the district court case file.⁷ The caption of the certificate of service for the filing lists the Woodards as Petitioner and Nathan, Myers, Myers's law firm, and others as Respondents.⁸ The documents include:

- Two "UCC Financing Statement" forms filed in Respondent's name, identifying Nathan and Sun T. Nathan as debtors and Mr. and Ms. Woodard, respectively, as creditors.⁹ Numerous exhibits to the forms are listed as collateral, including a warranty deed, a certificate of trust existence and authority, and a trust registration statement.¹⁰ Those documents are the documents described in the following bullet points.
- A warranty deed representing that Nathan and Sun T. Nathan had sold the Gothic Place property to the Woodards for consideration of \$145,000.00 in June 2018.¹¹
- A certificate of acknowledgment in which the Woodards affirm, among other things, that they are the grantees of the warranty deed.¹² The document further represents that the Woodards are creditors with first priority liens on the Gothic Place property.¹³ Other types of liens are also claimed, such as a mechanic's lien, maritime lien, and "lien on all past, present, and future investment" in the property.¹⁴ The document identifies Respondent as the preparer.¹⁵
- A power of attorney form, in which Respondent is designated as the Woodards' agent, with an accompanying agent's certification as to the validity of the form.¹⁶
- A real property transfer declaration form, which purports to show that the Gothic Place property was sold by warranty deed in June 2008.¹⁷
- Two statements of registration of true name purportedly filed with the Colorado Secretary of State by Respondent.¹⁸ The first form lists the "true name of the foreign

⁶ Ex. 7.

⁷ See Ex. 7 (county court file) and Exs. 20-33 (district court file). For ease of reading, the PDJ provides citations in the analysis below simply to the county court file.

⁸ Ex. 7 at 00309.

⁹ Ex. 7 at 00314-15.

¹⁰ Ex. 7 at 00314-15.

¹¹ Ex. 7 at 00316.

¹² Ex. 7 at 00317-19.

¹³ Ex. 7 at 00318.

¹⁴ Ex. 7 at 00318-19.

¹⁵ Ex. 7 at 00317.

¹⁶ Ex. 7 at 00320-21.

¹⁷ Ex. 7 at 00323-24.

¹⁸ Ex. 7 at 00326-30.

entity” as “Frederick L. Woodard,” states that the form of entity is a trust, and provides that the “jurisdiction” is “Frederick Lynn Woodard.”¹⁹ The second, parallel form is for Ms. Woodard.²⁰

- Two certificates of trust existence and authority, ostensibly governed by “de jure Sovereign law” and referring, respectively, to trusts in the name of Mr. Woodard and Ms. Woodard.²¹ The documents make various representations about the trusts, addressing matters such as the powers of the trustee and revocability.²² The documents further state that the trusts “assume[] full ownership management and interest” in the Gothic Place property.²³ Respondent is identified as the preparer of the documents.²⁴
- A statement of authority under C.R.S. section 38-30-172, identifying the Woodards as the “trust” entity with the authority to execute instruments affecting title to the Gothic Place property.²⁵
- A notice of filing of foreign judgment, identifying Nathan and others as judgment debtors and identifying the Woodards as judgment creditors.²⁶ The document states that a \$250,000.00 judgment was entered against the debtors in “foreign trust” court.²⁷ In the certificate of mailing section, “Khalid R. MeeksTM (nonassumpsit)” is listed as both the “judgment creditor” and “judgment creditor’s attorney.”²⁸
- A judgment creditor affidavit in support of foreign judgment attested to by the “Khalid R. Meeks Trust,” signed by “Khalid R. MeeksTM trustee (nonassumpsit),” and further signed by “Khalid R. MeeksTM P.O.A. trustee” on the blank provided for “signature of attorney.”²⁹ In the caption, Respondent is identified in the attorney block.³⁰ The document refers to an attached judgment in the amount of \$145,000.00 entered in the “foreign trust” court in the state of “foreign trust.”³¹

¹⁹ Ex. 7 at 00326.

²⁰ Ex. 7 at 00332-33.

²¹ Ex. 7 at 00328-30, 00334-36.

²² Ex. 7 at 00329-30, 00335-36.

²³ Ex. 7 at 00330, 00336.

²⁴ Ex. 7 at 00328, 00334.

²⁵ Ex. 7 at 00337. C.R.S. section 38-30-172 addresses “[p]rima facie evidence of the existence of an entity and the authority of one or more persons to act on behalf of an entity to convey, encumber, or otherwise affect title to real property.”

²⁶ Ex. 7 at 00342. Inexplicably, this pleading and the judgment creditor affidavit described below bear a probate court case number. Ex. 7 at 00342-43.

²⁷ Ex. 7 at 00342.

²⁸ Ex. 7 at 00342.

²⁹ Ex. 7 at 00343-44.

³⁰ Ex. 7 at 00343.

³¹ Ex. 7 at 00344.

- Two special appearances prepared by Respondent on behalf of Ms. Woodard and Mr. Woodard, respectively.³² Among other things, the documents cite case law regarding the legal effect of affidavits; assert that the Woodards are appearing specially without waiving rights; “demand[] pre-pleading discovery” as to jurisdictional and other matters; and assert that the court must provide “evidence establishing jurisdiction, discovery . . . , [and] a full written finding of facts and conclusions of law if the court requests any obligation.”³³
- A pleading titled in part “Judicial Notice, Amended Answer, Affirmative Defenses, Counterclaims, and Ex Parte Quiet Title Order.”³⁴ Respondent is listed as the attorney for the defendants on the signature page.³⁵ The document asserts that the amount of a counterclaim exceeds the court’s jurisdiction and requests transfer to district court.³⁶ The document refers to an attached exhibit A, which is described directly below.³⁷
- An “ex parte order judicial notice” that responds to allegations in the complaint, including by asserting that the Woodards own the Gothic Place property.³⁸ The document contains an “order” that “the complaint be quashed and that all the Plaintiffs [sic] claims be dismissed with prejudice for want of authority, lack of jurisdiction, improper venue,” and other grounds.³⁹ Three counterclaims are set forth, including an assertion that Myers and others acted “with the clear intent to embezzle or unlawfully convert trust property”⁴⁰ The document concludes with “orders” relating to quiet title deed, compensatory and punitive damages, and a transfer of \$250,000.00 to the Woodards, among other matters.⁴¹ Respondent is listed as the “attorney-in-fact” for the Woodards.⁴²

On December 10, 2017, about two weeks after the filing described above, Myers moved the county court to strike the filing.⁴³ Myers asserted, among other things, that Respondent is not a licensed Colorado lawyer and that the filing is a sham on its face.⁴⁴ After a hearing, the court struck the filing, ultimately issuing a written order to that effect in

³² Ex. 7 at 00345-52.
³³ Ex. 7 at 00346-52.
³⁴ Ex. 7 at 00353-54.
³⁵ Ex. 7 at 00354.
³⁶ Ex. 7 at 00354.
³⁷ Ex. 7 at 00353.
³⁸ Ex. 7 at 00355-57.
³⁹ Ex. 7 at 00357.
⁴⁰ Ex. 7 at 00357.
⁴¹ Ex. 7 at 00358.
⁴² Ex. 7 at 00358.
⁴³ Ex. 8.
⁴⁴ Ex. 8 at 00278-79.

May 2018.⁴⁵ Meanwhile, in March 2018, the court entered judgment for the plaintiff and issued a writ of restitution ordering the Woodards to leave the Gothic Place property.⁴⁶

Myers, who was accepted as an expert in the law and procedures governing landlord-tenant cases in Colorado, testified that she had never before seen a document such as a UCC financing statement filed in a forcible entry and detainer case and that the filing was not appropriate. Likewise, she testified that the assertion of a lien in the “certificate of acknowledgement” document was legally invalid. Similarly, Myers said that a “statement of registration of true name” is not a valid means of asserting a claim or defense in landlord-tenant cases. On the whole, her opinion is that the fifty-page filing was irrelevant to the litigation and lacked any substantive merit. As a factual matter, Myers testified that many of the assertions in those documents—such as the representation that the Woodards were judgment creditors of Nathan—were incorrect. According to Myers, the filing caused harm by delaying the resolution of the litigation and by causing her client over \$900.00 in legal fees associated with Myers’s efforts to respond to the filing and to remove it from the court record.

Respondent, as noted above, invoked his Fifth Amendment right to remain silent in response to the vast majority of the People’s questions. Aside from testifying that he is not licensed to practice law in Colorado, the only two substantive responses he offered were that he did not prepare the certificate of service accompanying the fifty-page filing and that he did not recognize the signatures of the Woodards on that document. He offered no explanation for those responses, nor did he raise any defense to the People’s claims aside from asserting in closing argument that he receives no compensation for the practice of law.

III. CONCLUSIONS OF LAW

The Colorado Supreme Court, which exercises exclusive jurisdiction to define the practice of law and to prohibit the unauthorized practice of law in Colorado,⁴⁷ restricts the practice of law to protect members of the public from receiving incompetent legal advice from unqualified individuals.⁴⁸ To practice law in Colorado, a person must have a law license issued by the Colorado Supreme Court unless a specific exception applies.⁴⁹

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

⁴⁵ Ex. 13.

⁴⁶ Exs. 11-12.

⁴⁷ C.R.C.P. 228.

⁴⁸ *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.”).

⁴⁹ See C.R.C.P. 201-224.

counseling, advising and assisting that person in connection with these rights and duties” engages in the practice of law.⁵⁰ Phrased somewhat more expansively, the practice of law involves the exercise of professional judgment, calling upon “legal knowledge, skill, and ability beyond [that] possessed by a layman.”⁵¹ In particular, “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.”⁵² Providing advice regarding legal matters and drafting pleadings for filing in court are prohibited activities because they involve the lay exercise of legal discretion.⁵³

For example, in the *Prog* decision, the Colorado Supreme Court determined that a nonlawyer engaged in the unauthorized practice of law when he drafted various documents and pleadings for borrowers to file in a Rule 120 case and later advised and assisted them to file additional court actions.⁵⁴ In that case, the borrowers relied on the nonlawyer for the legal arguments in the filings, yet most of those arguments were not legally valid.⁵⁵

Here, the evidence shows that Respondent engaged in the unauthorized practice of law by preparing numerous legal documents for filing in El Paso County courts. The filings purport to apply legal principles in myriad ways, including by citing case law, asserting liens, contending that the Woodards are legally recognizable “trusts” with various attendant rights, making assertions about the court’s obligations, and arguing that the Woodards’ case should be dismissed with prejudice on grounds such as lack of jurisdiction and improper venue. Respondent repeatedly cited legal authorities and advanced legal claims, thus purporting to exercise legal discretion. Indeed, the overall thrust of the filing was to defend the Woodards’ “rights and duties”⁵⁶ by establishing their legal ownership of the Gothic Place property. In addition, Respondent engaged in the unauthorized practice of law by referring to himself as an attorney and otherwise holding himself out as the Woodards’ legal representative on some of the documents in question. Respondent does not fall within any of the case law or statutory exceptions that would permit him to offer legal services.⁵⁷ The People have thus established that Respondent engaged in the unauthorized practice of law.

⁵⁰ *People v. Shell*, 148 P.3d 162, 171 (Colo. 2006).

⁵¹ *In re Swisher*, 179 P.3d 412, 417 (Kan. 2008); see also *People v. Adams*, 243 P.3d 256, 266 (Colo. 2010) (noting that nonattorneys are barred from performing on another’s behalf activities that require the exercise of legal discretion or judgment).

⁵² *Shell*, 148 P.3d at 171 (quotation omitted); see also *Matter of Arthur*, 15 B.R. 541, 546 (Bankr. E.D. Pa. 1981) (stating that when a layperson prepares pleadings or forms requiring “special training, knowledge or ability of a legal nature,” the layperson commits the unauthorized practice of law).

⁵³ *Adams*, 243 P.3d at 266; see *Grimes*, 759 P.2d at 3-4 (ordering a layperson who had been enjoined from the practice of law to refrain from “prepar[ing] any document for any other person or entity which would require familiarity with legal principles”).

⁵⁴ *Unauthorized Practice of Law Comm. v. Prog*, 761 P.2d 1111, 1113 (Colo. 1988).

⁵⁵ *Id.* at 1116.

⁵⁶ See *Shell*, 148 P.3d at 171.

⁵⁷ Although the fifty-page filing contains a power of attorney form that designates Respondent as the Woodards’ agent, conferral of a power of attorney does not permit an unlicensed person to practice law. See,

IV. FINE AND COSTS⁵⁸

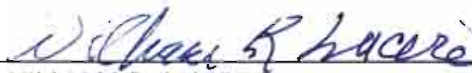
C.R.C.P. 236(a) provides that, if a hearing master makes a finding of the unauthorized practice of law, the hearing master shall also recommend that the Colorado Supreme Court impose a fine ranging from \$250.00 to \$1,000.00 for each incident of the unauthorized practice of law. The People request here that the PDJ recommend the minimum fine of \$250.00. In assessing fines, the Colorado Supreme Court previously has examined 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.⁵⁹ In this case, Respondent engaged in a sole instance of unauthorized activity, and there is no evidence of bad faith. The PDJ recommends that Respondent be fined \$250.00.

On January 22, 2019, the People filed an amended statement of costs accompanied by a "Motion for Leave to File Statement of Costs Out of Time." Respondent did not respond to the motion or the statement of costs. Because the motion seeks leave to file the motion just one business day late and because Respondent will not be prejudiced by the late-filed motion, the PDJ **GRANTS** the People's motion. The People ask that Respondent be ordered to pay \$971.00 in costs, comprising the People's administrative fee, charges for service of process, and reimbursement of witness travel costs. Relying on C.R.C.P. 237(a), the PDJ considers this sum reasonable and therefore recommends that the Colorado Supreme Court assess \$971.00 in costs against Respondent.

V. 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, including the drafting of court filings for another's use in a judicial proceeding without the supervision of an attorney. The PDJ also **RECOMMENDS** that the Colorado Supreme Court enter an order requiring Respondent to pay a **FINE** of \$250.00 and to pay **COSTS** of \$971.00.

DATED THIS 7th DAY OF FEBRUARY, 2019.


WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE



e.g., *Christiansen v. Melinda*, 857 P.2d 345, 349 (Alaska 1993) ("A statutory power of attorney does not entitle an agent to appear pro se in his principal's place.") (cited with approval in *Adams*, 243 P.3d at 266). And although Respondent asserted in his closing statement that he receives no compensation for the practice of law, the "charging and receiving of a fee is unnecessary to constitute the practice of law." *Housing Auth. of City of Charleston v. Key*, 572 S.E.2d 284, 285 (S.C. 2002); *In re Baker*, 85 A.2d 505, 514 (N.J. 1952).

⁵⁸ The People do not request any award of restitution in this case.

⁵⁹ *Adams*, 243 P.3d at 267-68.

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