

# THE UNAUTHORIZED PRACTICE OF LAW IN COLORADO

If the UPL Committee recommends injunctive or contempt proceedings, the Office of Attorney Regulation Counsel will file a petition for injunction or contempt against the non-lawyer before the Colorado Supreme Court. The Colorado Supreme Court then appoints a hearing master to hold a trial on the matter. The hearing master will hear all relevant evidence, which may include your testimony, the testimony of the non-lawyer and any other witnesses. The hearing master then makes findings of fact and files a report and recommendations with the Colorado Supreme Court. The Colorado Supreme Court reviews the trial record and the hearing master's report and recommendations. It has final authority to determine guilt in an action for indirect criminal conduct and to issue an order enjoining the non-lawyer from further activity.

## WHAT SHOULD I EXPECT AND NOT EXPECT?

You can expect that your inquiry will receive prompt and full attention; investigations are usually completed within eight months. You can expect that every effort will be made to deal with your inquiry in a manner which is fair to both you and the individual about whom you inquire. You can expect to receive written notice of the final disposition.

Don't expect that your allegations will be decided based solely on your understanding of what happened. Nor, in fairness to you, can the non-lawyer about whom you inquire expect that the allegations will be decided based solely on his or her understanding of what happened. The final decision must depend upon the weight of the available and relevant evidence and testimony.

## ARE THE PROCEEDINGS CONFIDENTIAL?

Once an inquiry is reviewed and a file is opened, the fact that an investigation is pending and the status of the investigation cannot be disclosed. Only after a petition for injunction or contempt is filed does the matter become public information. At that time, the court file is available to anyone who wishes to see it. Review of court files is available only during regular business hours. A fee for



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## **WHAT HAPPENS IF I DO NOT KNOW ENGLISH?**

The Office of Attorney Regulation Counsel will assist by providing translation services to any non-English speaking person.

## **QUE PASA SI YO NO HABLO INGLES?**

La Oficina Regulamentaria de Abogados asistirá en proporcionar servicios de traducción a cualquier persona que tenga queja y no habla inglés.

## **WHO REGULATES NON-LAWYERS WHEN THEY ACT LIKE LAWYERS?**

The Colorado State Constitution gives the Colorado Supreme Court the power to regulate the practice of law. Through this constitutional grant of authority, the Colorado Supreme Court has the inherent authority to regulate and prevent the practice of law by individuals who are not licensed to practice law in Colorado. The Colorado Supreme Court Office of Attorney Regulation Counsel investigates and prosecutes matters involving the unauthorized practice of law (UPL).

## **WHAT IS THE PURPOSE OF UPL INVESTIGATION AND PROSECUTION?**

The purpose of the unauthorized practice of law rules is to protect the public. The Colorado Supreme Court can prevent an individual from continuing to engage in the unauthorized practice of law by issuing a civil injunction. The Colorado Supreme Court, or its UPL Committee, can enter into a written agreement with the individual that requires the individual to refrain from the unauthorized practice of law.

The Office of Attorney Regulation Counsel does not and cannot give individual legal service or legal advice to an individual who files a request for investigation. Proceedings are designed to prevent future unauthorized practice of law. These proceedings may assist you by requiring the non-lawyer to refund any monies paid by you. The proceedings are not designed, however, to represent any interests on your part. If you have suffered a financial or property loss, your rights must primarily be enforced by the usual legal methods against the person responsible for the loss.

## **WHERE DO I FILE A COMPLAINT?**

You may make allegations regarding the unauthorized practice of law by providing a written request for investigation to our office. This request can be in letter form. When filing a request for investigation, give your name, address and phone number as well as the name, address and phone number of the non-lawyer. Then try to set forth the facts on which your allegations are based. Attach copies of any court papers, documents, letters or other materials that pertain to your allegations when you file your request for investigation. Please do not send the original documents.

All matters received by our office are first reviewed to determine whether this office has jurisdiction to investigate the allegations. If this office has jurisdiction, an investigation will take place. The non-lawyer may be sent a copy of your request for investigation.

If the matter is designated for further investigation, it will be assigned to an attorney within the trial division of the Office of Attorney Regulation Counsel. At this level, a complete and objective investigation will take place. If, at the conclusion of the investigation, the trial attorney does not believe unauthorized practice of law occurred, the matter will be dismissed. On the other hand, if the trial attorney believes that there was unauthorized practice of law, the matter will be forwarded to the UPL Committee.

The UPL Committee is comprised of both lawyers and non-lawyers, selected by the Colorado Supreme Court to serve in a review capacity. The Committee will review the trial attorney's report. If the UPL Committee determines that the individual did engage in the unauthorized practice of law and that the activity is likely to continue, the Committee may request that the individual sign an agreement to refrain from further unauthorized practice. If the conduct involves the unauthorized practice of law and the individual will not sign an agreement to refrain from other unauthorized practice, the UPL Committee can recommend injunctive proceedings. Injunctive proceedings are before the Colorado Supreme Court and seek a civil injunction which orders the non-lawyer to stop engaging in unauthorized practice. The UPL Committee can also authorize an action before the Colorado Supreme Court for indirect criminal contempt involving any violation of a previous court order of injunction.