

SUPREME COURT, STATE OF COLORADO
TWO EAST 14TH AVENUE
DENVER, COLORADO 80203

CASE NO. 01SA132

UNAUTHORIZED PRACTICE OF LAW

RECEIVED

IN THE MATTER OF: DARLA BENFORD

OCT 01 2001

**ATTORNEY
REGULATION**

ORDER OF COURT

Upon consideration of the Presiding Disciplinary Judge's recommendation dated September 12, 2001, and being sufficiently advised in the premises,

IT IS ORDERED that the Recommendation is Approved and made an Order of this court.

BY THE COURT, SEPTEMBER 27, 2001.



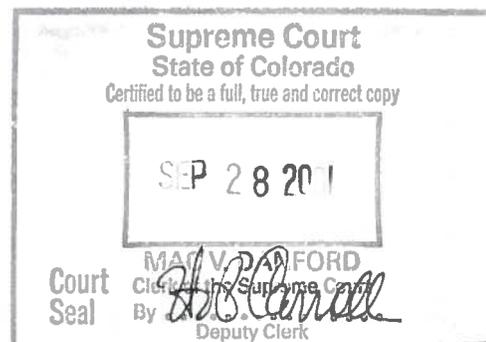
cc:

Hon. Roger Kiethley
Presiding Disciplinary Judge

James Coyle
Asst. Attorney Regulation Counsel

Darla Benford
P.O. Box 470822
Aurora, CO 80047-0822

Darla Benford
1045 S. Laredo Way
Aurora, CO 80017



<p style="text-align: center;">SUPREME COURT, STATE OF COLORADO</p> <p style="text-align: center;">ORIGINAL PROCEEDING RE: THE UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 600 17TH STREET, SUITE 510-S DENVER, CO 80202</p> <hr/> <p>Petitioner: THE PEOPLE OF THE STATE OF COLORADO,</p> <p>Respondent: DARLA BENFORD.</p>	<p style="text-align: center;">RECEIVED</p> <p style="text-align: center;">SEP 18 2001</p> <p style="text-align: center;">ATTORNEY REGULATION</p> <hr/> <p>Case Number: 01SA132</p>
<p>REPORT PURSUANT TO C.R.C.P. 236(a) REGARDING THE UNAUTHORIZED PRACTICE OF LAW</p>	

RECOMMENDATION: THE PARTIES' STIPULATION, AGREEMENT AND AFFIDAVIT CONSENTING TO AN ORDER OF INJUNCTION SHOULD BE APPROVED AND MADE AN ORDER OF COURT

By Order dated July 16, 2001, the Supreme Court remanded this Unauthorized Practice of Law matter to the Presiding Disciplinary Judge ("PDJ") pursuant to C.R.C.P. 235, requiring the PDJ to act as special master to make a determination of facts and a recommendation to the Supreme Court on whether respondent Darla Benford should be enjoined from the unauthorized practice of law, and whether the court should assess the costs and expenses of these proceedings, including reasonable attorney fees against the respondent, order the refund of any and all fees paid by clients to the respondent, and assess restitution against the respondent for losses incurred by clients or third parties as a result of the respondent's conduct, and recommend any other relief deemed appropriate.

The PDJ set a full day hearing date of October 26, 2001. Respondent's deposition was set for September 11, 2001. The parties were Ordered to engage in Alternative Dispute Resolution, to be completed on or before October 5, 2001. On September 5, 2001, the parties submitted a Stipulation, Agreement and Affidavit Consenting to an Order of Injunction (the "Stipulation"). On September 7, 2001, pursuant to the People's request, the PDJ held a hearing with regard to the Stipulation. James C. Coyle represented the People of the State of Colorado. Darla Benford appeared *pro se*. The People moved to vacate the hearing and deposition dates, and requested that the PDJ recommend to the Supreme Court that the Stipulation be approved and made

an Order of Court, and that the Supreme Court issue an Order of Injunction, prohibiting respondent from the unauthorized practice of law. Respondent stated that she understood the terms of the Stipulation, and that further violation of the Stipulation, should the Supreme Court make it an Order of Court, could result in a finding of contempt.

The Stipulation submitted by the parties and attached hereto as attachment "A" contains respondent's acknowledgement that she violated the terms of the agreement she entered into on November 29, 1999 with the Unauthorized Practice of Law Committee, in which she agreed to refrain from the unauthorized practice of law, by subsequently engaging in the unauthorized practice of law with regard to one Peggy Bellrose in a dissolution of marriage action. In exchange for the respondent's acknowledgement that she engaged in the unauthorized practice of law and her agreement to refrain from such activities in the future, the People agreed to dismiss the Petition for Injunction. The respondent further agrees to pay the costs of the proceeding in the amount of \$91 and disgorge \$1,166.55 in fees to Peggy Bellrose within thirty (30) days from the date of the issuance of the Supreme Court's Order.

RECOMMENDATION

Accordingly, the Presiding Disciplinary Judge recommends that the Supreme Court enter an Order of Injunction prohibiting Darla Benford from the unauthorized practice of law, ordering her to pay \$91 in costs associated with this proceeding, and ordering her to disgorge \$1,166.55 in fees to Peggy Bellrose within thirty (30) days of the issuance date of the Supreme Court's Order.

DATED THIS 12th DAY OF SEPTEMBER, 2001.




ROGER L. KEITHLEY
PRESIDING DISCIPLINARY JUDGE

Copies to:

James C. Coyle Via Hand Delivery
Office of Attorney Regulation Counsel

Darla Benford
Respondent
P.O. Box 470822
Aurora, CO 80047-0822
Fax (303) 671-6339

Mac Danford Via Hand Delivery
Colorado Supreme Court

SUPREME COURT, STATE OF COLORADO

ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW

Petitioner:
THE PEOPLE OF THE STATE OF COLORADO

Respondent:
DARLA BENFORD

James C. Coyle # 14970
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Attorney for Petitioner
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Darla Benford, Respondent
Choices Unlimited
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Facsimile: (303) 671-6339

FILED

SEP 05 2001

PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF COLORADO

▲ COURT USE ONLY ▲

Case Number: 01SA132

**STIPULATION, AGREEMENT AND AFFIDAVIT CONSENTING TO
AN ORDER OF INJUNCTION**

On this 4th day of September, 2001, James C. Coyle, Assistant Regulation Counsel, and Darla Benford, the respondent enter into the following stipulation, agreement, and affidavit consenting to an order of injunction ("stipulation") and submit the same to the hearing master for recommendations to the Colorado Supreme Court for an order of injunction pursuant to C.R.C.P. 229-237.

1. The respondent resides at 1045 South Laredo Way, Aurora, Colorado. The respondent's mailing address is P.O. Box 470822, Aurora, Colorado 80047-0822. The respondent is not licensed to practice law in the State of Colorado.

2. The respondent enters into this stipulation freely and voluntarily. No promises have been made concerning future consideration, punishment, or lenience in the above-referenced matter. It is the respondent's personal decision, and the respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

3. The respondent is familiar with the rules of the Colorado Supreme Court regarding the unauthorized practice of law. The respondent acknowledges the right to a full and complete evidentiary hearing on the above-referenced petition for injunction. At any such hearing, the respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by the petitioner. At any such formal hearing, the petitioner would have the burden of proof and would be required to prove the charges contained in the petition for injunction. Nonetheless, having full knowledge of the right to such a formal hearing, the respondent waives that right.

4. The respondent and the petitioner stipulate to the following facts and conclusions:

a. On September 29, 1999, Peggy Bellrose hired the respondent to assist her in her dissolution matter. The respondent and Ms. Bellrose entered into an agreement for services. ~~The agreement for services contained similar language to that discussed hereinabove in the Turner dissolution matter.~~

by agreement

b. Ms. Benford prepared and filed a verified petition for dissolution of marriage and a summons and temporary injunction on behalf of Ms. Bellrose. In addition, the respondent prepared a response to petition for dissolution of marriage and acceptance of service on behalf of William Bellrose. Each party signed the documents prepared by this respondent on September 29, 1999, had the documents notarized by the respondent, and had the documents filed by the respondent on October 4, 1999. None of these documents prepared by the respondent were done under the supervision of a licensed attorney.

c. On November 29, 1999, the respondent entered into an agreement with the unauthorized practice of law committee, whereby she agreed:

"...to refrain from preparing for other persons any documents requiring legal analysis and ... to refrain from preparing for any other persons any documents which require familiarity with legal principles, legal knowledge, and legal technique in their application, including but not limited to: 1) dissolution petitions, pleadings, and separation agreements; and 2) any other documents or pleadings, demand letters or other correspondence for use in connection with another individual's legal rights in any matter."

"The respondent further agrees to refrain from instructing or advising any individual with regard to any applicable law or legal principles and procedures, and the respondent agrees that she will not advise any person as to what information should be placed in any form pleading, unless she is employed as a law clerk or paralegal by a lawyer licensed to practice law in Colorado or is supervised by a lawyer with respect to the individual's or person's legal business."

Respondent Benford acknowledged that violation of the terms of the agreement would make her subject to further proceedings. This agreement was entered into as an informal disposition of a complaint filed against the respondent by the Honorable Scott Lawrence. See November 29, 1999 agreement between Darla Benford and the Unauthorized Practice of Law Committee, attached as exhibit A.

d. Subsequently and after the respondent entered into an agreement with the unauthorized practice of law committee that she would not further select and prepare pleadings on behalf of others, the respondent prepared the following:

- a) Petitioner's C.R.C.P. 26.2(a)(1) Disclosures Statement, filed on December 6, 1999;
- b) Respondent's Affidavit with Respect to Financial Affairs, filed on November 29, 1999;
- c) Respondent's C.R.C.P. 26.2(a)(1) Disclosures Statement, filed on November 29, 1999;

- d) Petitioner's Affidavit with Respect to Financial Affairs, filed on December 6, 1999;
- e) Notice of Immediate Activation of Income Assignment, filed on January 18, 2000;
- f) Notice to Set Non-Contested Permanent Orders Hearing by Telephone, filed on January 5, 2000;
- g) Notice of Non-Contested Permanent Orders Hearing, filed on January 21, 2000;
- h) Amended Notice of Non-Contested Permanent Orders Hearing, filed on February 23, 2000;
- i) Property Settlement and Separation Agreement which contained allocation of parental responsibilities, parenting plan, support of the minor children, medical insurance and expense information, life insurance information, transportation for minor children, spousal maintenance, and disposition of property and debts including real estate, retirement, savings, and investment plans, stocks, IRAs, PERA and TSAs, resolution of tax issues, legal fee issues and costs issues, as well as other miscellaneous provisions, filed on March 31, 2000.
- j) Decree of Dissolution of Marriage, filed on March 31, 2000; and
- k) A Qualified Domestic Relations Order dealing with the husband's Coors savings and investment plan.

All of these documents were prepared by the respondent (as verified in her billing statements and e-mail messages to her client Peggy Bellrose and the husband William Bellrose). None of these documents were prepared under the supervision or direction of an attorney.

e. In addition, e-mails to the client and her husband, letters of correspondence, and billing statements further demonstrate that the respondent was providing Ms. Bellrose legal advice during the course of the Bellrose dissolution of marriage action.

f. The respondent engaged in the unauthorized practice of law by providing legal advice to Ms. Bellrose; by selecting and preparing pleadings on behalf of both parties; and by dealing with third parties on Ms. Bellrose's behalf on issues of real estate and pension plan matters. This respondent's conduct occurred shortly after entering into the agreement with this court's unauthorized practice of law committee, whereby she agreed that she would not practice law. This conduct continued for at least six more months, up to and including July of 2000.

5. The respondent has read and studied the petition for injunction and is familiar with the allegations therein, and a true and correct copy of the petition for injunction is attached to this stipulation as exhibit A.

6. As part of this stipulation, the people agree to dismiss the allegations contained in paragraphs 2-9 and 11-21 of the Petition for Injunction (the Turner dissolution matter).

7. Pursuant to C.R.C.P. 251.32, the respondent agrees to pay the costs and administrative costs in the sum of \$91.00 incurred in conjunction with this matter within thirty (30) days after the acceptance of the stipulation by the Colorado Supreme Court.

