

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

CASE NO. 03SA143

ORIGINAL PROCEEDING IN DISCIPLINE

Petitioner:

THE PEOPLE OF THE STATE OF COLORADO,

v.

Respondent:

LARRY A. GOETZ

RECEIVED

JUN 11 2003

REGULATION
COUNSEL

JC
6/11

ORDER OF COURT

Upon consideration of the Stipulation, Agreement and Affidavit Consenting to a Finding of, and Order Regarding Contempt, and now being sufficiently advised in the premises,

IT IS ORDERED that the Respondent is found to be in contempt of the March 29, 2002 order of injunction.

IT IS FURTHER ORDERED that the Respondent is fined \$250.00, and shall pay costs of \$98.00, payable to the Colorado Supreme Court Attorney Regulation Offices within 60 days of the date of this order. The Respondent is FURTHER ORDERED to refund \$175.00 plus statutory interest accruing from November 15, 2002, to date of payment, to Marshall J. Martin within 30 days of the date of this order.

BY THE COURT, JUNE 10, 2003.



cc:

James Coyle
Deputy Regulation Counsel

Hon. Roger Keithley
Presiding Disciplinary Judge

Steven Barnes
Fossum Mastro Barnes & Stazzone
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Larry Goetz
P.O. Box 29227
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FILED IN THE
SUPREME COURT
JUN - 3 2003
OF THE STATE OF COLORADO
MAGY DANFORD, CLERK

SUPREME COURT, STATE OF COLORADO
2 East 14th Avenue, 4th Floor
Denver, Colorado 80203

ORIGINAL PROCEEDING IN CONTEMPT

Petitioner:
THE PEOPLE OF THE STATE OF COLORADO

vs.

Respondent:
LARRY A. GOETZ

▲ COURT USE ONLY ▲

Case Number: 03SA143

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STIPULATION, AGREEMENT AND AFFIDAVIT CONSENTING TO A FINDING OF, AND ORDER REGARDING, CONTEMPT

On this 21 day of May, 2003, James C. Coyle, Deputy Regulation Counsel, Larry A. Goez, the respondent, by and through his attorney Steven R. Barnes, enter into the following stipulation, agreement, and affidavit consenting to a finding of, and order regarding, contempt ("stipulation") and submit the same to the Colorado Supreme Court for a finding and order of contempt pursuant to C.R.C.P. 238-239.

1. The respondent's address is P.O. Box 29227, Thornton, Colorado 80229. 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 contempt. 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 contempt beyond a reasonable doubt. 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 March 22, 2002, the respondent entered into a stipulation, agreement and affidavit consenting to an order of injunction. The respondent recognized in said stipulation that he provided legal advice to a client and selected and prepared legal forms on her behalf. The underlying matter involved giving legal advice to Billie Jay Craig by deciding which property to put on her schedule of claim exemptions, by talking to Ms. Craig about the exemption statute, and by telling Mr. Craig that she must file the petition within 90 days. The respondent also selected and prepared bankruptcy pleadings on behalf of Ms. Craig at their initial conference.

b. On March 29, 2002, the Colorado Supreme Court enjoined the respondent from any further acts of unauthorized practice of law. The respondent was provided a copy of the order of court. The respondent acknowledges receiving a copy of the order of court.

c. The respondent has no reason why he could not have abided by the March 29, 2002 order of the Colorado Supreme Court. In fact, the respondent had previously stated that he was shutting down his business and would no longer prepare divorce or bankruptcy documents on behalf of others.

d. In November 2002, a former client, Marshall J. Martin, approached the respondent and asked the respondent to revise a voluntary petition for bankruptcy that the respondent had previously prepared for this individual in January 2002.

e. The respondent agreed to prepare the revised petition for bankruptcy and charged Mr. Martin \$175 for such services. By

preparing the revised petition, and inherently providing legal advice to Mr. Martin, the respondent engaged in a further act of unauthorized practice of law.

f. The respondent's explanation for his conduct was that he had a "moral and legal obligation to correct and bring up to date Mr. Martin's petition." Nevertheless, the respondent understood that he was violating the order of injunction by further assisting Mr. Martin. Furthermore, the respondent's "moral obligation" did not preclude him from collecting \$175 from Mr. Martin for this additional assistance.

g. The respondent admits that preparing the revised petition for bankruptcy and inherently providing legal advice to Mr. Martin, establishes contempt of the March 29, 2002, Colorado Supreme Court Order.

5. Pursuant to C.R.C.P. 251.32, the respondent agrees to pay the costs and administrative costs in the sum of \$98.00 incurred in conjunction with this matter within sixty (60) days after the acceptance of the stipulation by the Colorado Supreme Court. A copy of the statement of costs in this matter is attached as Exhibit 1.

RECOMMENDATION FOR AND CONSENT TO ORDER OF CONTEMPT

Based on the foregoing, the parties hereto recommend that an order be entered finding the respondent in contempt of the March 29, 2002, order of injunction; that the respondent be fined \$250.00, payable to the Colorado Supreme Court Attorney Regulation Offices within sixty (60) days after acceptance of the stipulation by the Colorado Supreme Court for such contempt; that the respondent be ordered to refund \$175.00, plus statutory interest accruing from November 15, 2002, to date of payment, to Marshall J. Martin within thirty (30) days after acceptance of the stipulation by the Colorado Supreme Court; and requiring that the respondent pay costs in the amount of \$98.00.

