

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

UNAUTHORIZED PRACTICE OF LAW

CASE NO. 01SA57

RECEIVED

OCT 22 2001

IN THE MATTER OF:

**ATTORNEY
REGULATION**

RONALD GRAMIGNA, d/b/a/ CONFIDENTIAL EXPERIENCED LEGAL ASSISTANTS,
AFFORDABLE LEGAL SERVICES, AMERICAN AND CHRISTIAN LAW WORKS (of
Lakewood), AMERICAN LEGAL SERVICES, and AMERICAN LEGAL CENTER.

ORDER OF COURT

Upon consideration of the Order to Show Cause to which no response was filed, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that RONALD GRAMIGNA is enjoined from engaging in the unauthorized practice of law and assessed the costs and expenses of \$448.97. Said costs to be remitted to the Office of Attorney Regulation Counsel within thirty days of the date of this order.

BY THE COURT, OCTOBER 19, 2001.



cc:

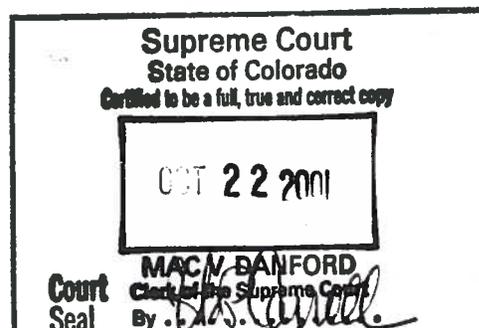
James Coyle
Assistant Regulation Counsel

Ronald Gramigna
19287 Wedermeyer Rd.
Kiowa, CO 80117

Ronald Gramigna
P.O. Box 126
Burlington, VT 05402

Ronald Gramigna
1230 W. Spring Valley Rd. #321
Richardson, TX 75080

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P.O. Box 169
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FILED IN THE
SUPREME COURT
FEB - 8 2001
STATE OF COLO

<p>SUPREME COURT, STATE OF COLORADO</p> <p>ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF LAW</p> <hr/> <p>Petitioner: THE PEOPLE OF THE STATE OF COLORADO</p> <p>Respondent: RONALD GRAMIGNA, d/b/a CONFIDENTIAL EXPERIENCED LEGAL ASSISTANTS, AFFORDABLE LEGAL SERVICES, AMERICAN AND CHRISTIAN LAW WORKS (of Lakewood), AMERICAN LEGAL SERVICES, and AMERICAN LEGAL CENTER</p> <hr/> <p>James C. Coyle # 14970 Assistant Regulation Counsel Attorney for Petitioner 600 17th Street, Suite 200-South Denver, CO 80202</p> <p>Phone Number: (303) 893-8121, ext. 328 Fax Number: (303) 893-5302</p>	<p>▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number: 018A0051</p>
<p>PETITION FOR INJUNCTION</p>	

Petitioner, by and through James C. Coyle, Assistant Regulation Counsel, respectfully requests that the Colorado Supreme Court issue an order pursuant to C.R.C.P. 234 directing the respondent to show cause why he should not be enjoined from the unauthorized practice of law. As grounds therefore, counsel states as follows:

1. The respondent, Ronald Gramigna, is not licensed to practice law in the State of Colorado. The respondent's most current addresses are 19287 Wedermeyer Road, Kiowa, Colorado 80117 and 1185 S. Beech Drive, #105, Denver, Colorado 80228.

I. THE HONECKER MATTER

2. On or about January 1, 1999, Becky Lee Honecker contacted the respondent for assistance with her Chapter 7 bankruptcy. Ms. Honecker met with the respondent, then d/b/a American Legal Center, and purchased forms to file her initial bankruptcy pleading.

3. The respondent charged, and Ms. Honecker paid, \$195 for the forms and for one hour of time in which he provided explanations of how use of the bankruptcy laws would affect her, and physically completed some portions of her summary of schedules, her schedule B, and other documents that had previously been provided to her.

4. The forms carried a copyright notice of "Alpha Publications, Inc." in a form numbering scheme which is consistent with the list of forms apparently sold as part of the "Alpha Chapter 7 Bankruptcy Kit" and which are substantially identical to the official forms promulgated by the Administrative Office for the United States Bankruptcy Court. Such forms are available from a variety of publishers at a modest cost (Alpha charges \$24.95 for such forms).

5. The explanation of the bankruptcy forms accorded Ms. Honecker by the respondent was pervaded with errors. Ms. Honecker's original statement of financial affairs and schedules contained numerous errors, made in substantial part due to misinformation provided to her by the respondent. These errors included:

a. Ms. Honecker omitted a 1994 Nissan automobile from her schedule B on the respondent's advice;

b. Ms. Honecker indicated "n/a" on her schedule C when she was entitled to claim most all of her property as exempt on the schedule;

c. Ms. Honecker was told to complete her summary of schedules with the indication that she had no entries listed on several schedules when she clearly did have such entries;

d. the loan-related information on the 1994 Nissan was omitted by the respondent from Ms. Honecker's statement and schedules;

e. Ms. Honecker was advised by the respondent to omit some additional personal property on her schedule B; and

f. the respondent advised Ms. Honecker to omit her current and past income from her response to question 1 on her statement of financial affairs.

6. In addition, the respondent informed Ms. Honecker that she was allowed to pay the bankruptcy filing fee of \$175 in installments; this information under the facts of this case was also incorrect.

7. On March 26, 1999, Interim Chapter 7 Trustee Stephen Peters conducted a Rule 341 creditors meeting in the Honecker case. As a consequence of the erroneous filings and incorrect information provided by the respondent, this trustee advised Ms. Honecker to contact an attorney, William Nelsch, Esq. to assist her in correcting the errors made in these pleadings.

8. Subsequently, Mr. Nelsch amended virtually all of the initial pleadings of the case and resubmitted the forms to the Bankruptcy Court.

9. On April 7, 1999, the United States Trustee, Leo Weiss, filed a motion requesting that the respondent be required to disgorge all fees paid to the respondent. Based upon the information contained in the motion, the Bankruptcy Court issued an order to show cause on April 8, 1999, directing the respondent to show cause in writing why sanctions should not be imposed upon him arising out of his apparent unauthorized practice of law and the charging of an unconscionable fee for certain bankruptcy forms and other related materials.

10. The response to the order to show cause was due on or before May 3, 1999. The respondent failed to file a response by that date.

11. On May 17, 1999, the court issued a notice of hearing on the motion for disgorgement. The hearing was set for June 15, 1999. The notice of hearing advised respondent that the court's prior order to show cause indicated that his failure to respond may be found to constitute contempt of the Bankruptcy Court. The notice provided the respondent with a new deadline of June 8, 1999 to respond to the order to show cause.

12. On June 4, 1999, the respondent filed a one page typewritten response with the court. The response admitted use of the Alpha Chapter 7 Bankruptcy Kit to assist Ms. Honecker in preparing her initial bankruptcy pleadings (i.e. her petition, statement of financial affairs, schedules, creditor matrix and motion pay the filing fee in installments). The response alleged that the fee charged to the client "was justified as it included not only the legal papers she requested to file a Chapter Bankruptcy, but the time and expense to drive her to her home at her request as well as a general explanation of all the paper work she would need to fill out to complete her paperwork." The response further admitted that the respondent was not an attorney licensed to practice law in the state of Colorado or in any U.S. District Court or other jurisdiction.

13. On June 15, 1999, the hearing on the Trustee's motion was held. The respondent failed to appear either personally or through counsel. Based upon the testimony and other evidence presented, the court found that the respondent was not a "bankruptcy petition preparer" as defined by 11 U.S.C. § 110(a)(1); that the legal advice provided by the respondent's "general

explanation" was pervaded with errors which "overwhelm whatever value can be afforded the forms sold to Ms. Honecker." The court further found that such "advice given by Mr. Gramigna to Ms. Honecker was not only in some measure erroneous, but also exposed Ms. Honecker to a number of risks including being denied a discharge under 11 U.S.C. § 727(a)(4)." The court further found that the respondent's actions were offensive to the court and without value, and ordered the respondent to disgorge the \$195 fee directly back to Ms. Honecker. The court further found that the respondent exceeded the role of a mere form seller and under applicable state and federal law may have engaged in the unauthorized practice of law and thus asked the United States Trustee to refer the matter to the Office of Attorney Regulation Counsel.

14. The respondent gave legal advice to Ms. Honecker and prepared pleadings on her behalf without the supervision of an attorney. The advice and services provided by this respondent were incorrect and exposed the client to serious harm. Furthermore, the respondent inappropriately charged this client for services that he was not allowed to do.

WHEREFORE, the petitioner prays at the conclusion hereof.

II. THE BADYNA MATTER

15. On June 21, 1999, Richard Badya contacted the respondent for assistance on his bankruptcy matter. Mr. Badya had found the respondent through an advertisement in the Thrifty Nickel Newspaper dated June 19, 1999 under the heading of bankruptcy.

16. The respondent charged Mr. Badya \$400 for preparation of the bankruptcy packet and for legal advice.

17. Since June 29, 1999, Mr. Badya has been unable to have any further contact with the respondent. Mr. Badya has attempted on numerous occasions to contact the respondent by telephoning him at (303) 984-7753 and 888-888-8039, the telephone numbers that the respondent provided to him.

18. The respondent failed to return the bankruptcy packet to Mr. Badya and no further action was taken on Mr. Badya's matter.

19. The respondent advertised bankruptcy services in a local newspaper, provided legal advice and began the preparation of legal pleadings without the supervision of an attorney on behalf of Mr. Badya. The respondent charged Mr. Badya \$400 for such work. The respondent then abandoned Mr. Badya and knowingly converted Mr. Badya's funds to the respondent's personal use, causing Mr. Badya serious harm and delay in his bankruptcy matter.

WHEREFORE, the petitioner prays at the conclusion hereof.

III. US WEST DEX YELLOW PAGES ADVERTISEMENT

20. The respondent advertised in the US West Dex Yellow Pages for the Denver Metropolitan area November 1998/1999 edition on page 156. Such advertisement demonstrates that American Legal Service Center misrepresented itself under the classification "Attorneys - Bankruptcy." The Honorable Patricia Ann Clarke, Bankruptcy Court Judge for the District of Colorado, found that such advertisement could be construed as a statement which misrepresents that American Legal Center is an attorney.

21. The respondent has advertised in the US West Dex Yellow Pages 2000/2001 edition again under "Attorneys - Bankruptcy" section and also the "attorneys" section.

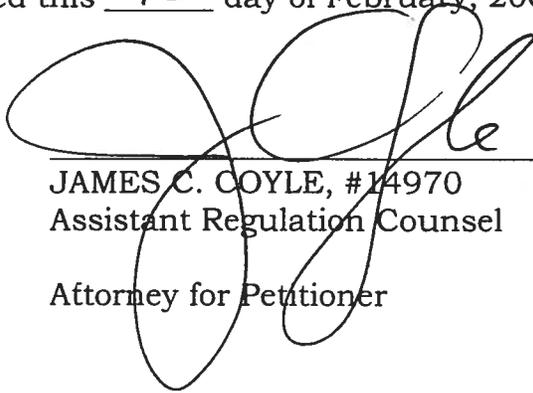
22. The respondent engaged in the unauthorized practice of law by holding himself or his company out as an attorney.

23. Pursuant to Denver Bar Association v. Public Utilities Commission, "generally 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 him in connection with these rights and duties engages in the unauthorized practice of law".

24. By holding himself out as an attorney, by giving legal advice to clients, and by preparing documents and pleadings on behalf of other individuals without the supervision of an attorney, the respondent Ronald Gramigna, d/b/a Confidential Experienced Legal Assistants, Affordable Legal Services, American and Christian Law Works (of Lakewood), American Legal Services, and American Legal Center, has engaged in the unauthorized practice of law.

WHEREFORE, the petitioner prays that this court issue an order directing the respondent to show cause why he should not be enjoined from engaging in any unauthorized practice of law; thereafter, that the court enjoin this respondent from the practice of law, or in the alternative that this court refer this matter to a hearing master for determination of facts and recommendations to the court on whether this respondent should be enjoined from the unauthorized practice of law. Furthermore, petitioner requests that the court assess the costs and expenses of these proceedings, including reasonable attorney fees against the respondent; refund 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 any other relief deemed appropriate by this court.

Respectfully submitted this 7th day of February, 2001.



A handwritten signature in black ink, consisting of a large, stylized 'J' followed by 'C. Coyle'. The signature is written over a horizontal line.

JAMES C. COYLE, #14970
Assistant Regulation Counsel
Attorney for Petitioner