

Colorado Supreme Court 101 West Colfax Avenue, Suite 800 Denver, CO 80202	<b>RECEIVED</b>  <b>MAY 04 2012</b>  REGULATION COUNSEL
Original Proceeding in Unauthorized Practice of Law, 10UPL069	
<b>Petitioner:</b>  The People of the State of Colorado,  v.  <b>Respondent:</b>  Victoria Fishwick, d/b/a Anything Document Preparation Services.	Supreme Court Case No: 2011SA150
<b>ORDER OF COURT</b>	

Upon consideration of the Order Entering Default Pursuant to C.R.C.P. 55(b) and Report of Hearing Master Pursuant to C.R.C.P. 236(a) filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that Respondent, VICTORIA FISHWICK, d/b/a ANYTHING DOCUMENT PREPARATION SERVICES, 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, VICTORIA FISHWICK, pay restitution to John R. Gomez in the amount of \$300.00.

IT IS FURTHER ORDERED that said Respondent, VICTORIA FISHWICK is assessed costs in the amount of \$91.00. Said costs to be paid to the Office of Attorney Regulation Counsel, within (30) days of the date of this order.

IT IS FURTHER ORDERED that a fine be imposed in the amount of \$500.00.

BY THE COURT, MAY 4, 2012.



Case Number: 2011SA150

Caption: People v Fishwick, Victoria

**CERTIFICATE OF SERVICE**

Copies mailed via the State's Mail Services Division on May 4, 2012.

Kim E Ikeler  
OFFICE OF ATTORNEY  
REGULATION  
1560 Broadway Ste 1800  
Denver, CO 80202

Victoria Fishwick  
22315 W. Crivello Ave.  
Buckeye, AZ 85326

Victoria Fishwick, d/b/a Anything  
Document Preparation Services  
Victoria Fishwick  
c/o Leftwich and Associates  
3816 N. 7th St.  
Phoenix, AZ 85014

William R Lucero -  
PRESIDING DISCIPLINARY  
JUDGE  
1560 Broadway Ste 675  
Denver, CO 80202

<p style="text-align: center;">SUPREME COURT, STATE OF COLORADO</p> <p style="text-align: center;">ORIGINAL PROCEEDING IN THE UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1560 BROADWAY, SUITE 675 DENVER, CO 80202</p>	<p style="text-align: center;"><b>RECEIVED</b></p> <p style="text-align: center;"><b>MAR 28 2012</b></p> <p style="text-align: center;">REGULATION COUNSEL</p>
<p><b>Petitioner:</b> THE PEOPLE OF THE STATE OF COLORADO</p> <p><b>Respondent:</b> VICTORIA FISHWICK, d/b/a ANYTHING DOCUMENT PREPARATION SERVICES</p>	<p>Case Number: <b>11SA150</b></p>
<p style="text-align: center;"><b>ORDER ENTERING DEFAULT PURSUANT TO C.R.C.P. 55(b) AND REPORT OF HEARING MASTER PURSUANT TO C.R.C.P. 236(a)</b></p>	

This matter is before the Presiding Disciplinary Judge ("the PDJ") on "Petitioner's Motion for Default Judgment," filed by Kim E. Ikeler, Office of Attorney Regulation Counsel ("the People"), on February 14, 2012. The People ask the PDJ to enter default pursuant to C.R.C.P. 55(b) against Victoria Fishwick, d/b/a Anything Document Preparation Services ("Respondent"). Respondent has not filed an answer to the People's motion for default judgment.

### **I. PROCEDURAL HISTORY**

On May 20, 2011, the People filed a "Petition for Injunction" with the Colorado Supreme Court ("the Supreme Court"), alleging Respondent had engaged in the unauthorized practice of law. The Supreme Court issued an "Order and Rule to Show Cause" on May 25, 2011, directing Respondent to answer in writing and show cause within twenty days after service why she should not be enjoined from the practice of law in the State of Colorado.

On June 2, 2011, the People sent the petition and order to show cause to Respondent's last known address, in Buckeye, Arizona, via certified and regular U.S. mail.<sup>1</sup> Those mailings were returned. The People then sent a second certified and regular mailing to another possible address for Respondent, but these mailings also were returned.<sup>2</sup> The People's attempts to reach Respondent through her parents were similarly unsuccessful.

<sup>1</sup> The mailing was sent to 22315 W. Crivello Ave., Buckeye, Arizona 85326-4992.

<sup>2</sup> The second address was P.O. Box 20544, Mesa, Arizona 85277-0544.

When Respondent failed to respond to the petition and order to show cause, the People filed a "Motion to Proceed" with the Supreme Court on November 25, 2011. On December 1, 2011, the Supreme Court issued an order appointing the PDJ as hearing master pursuant to C.R.C.P. 234(f) and 236(a) and directing the PDJ to prepare a "report setting forth findings of fact, conclusions of law, and recommendations."

The PDJ scheduled an at-issue conference in this matter for January 4, 2012. Mr. Ikeler appeared on behalf of the People, but Respondent did not appear, nor did counsel appear on her behalf. The People informed the PDJ that they had made numerous unsuccessful attempts to notify Respondent of the at-issue conference, including sending certified mailings to her last known address in Buckeye, Arizona, which they verified on several occasions through "Accurint skip-trace" searches, and speaking with her parents more than once. The PDJ ordered the People to perform one additional skip-trace search for Respondent's address. That same day, the People filed a status report, advising the PDJ that the skip-trace report had once again identified the Buckeye address as Respondent's current address.

On January 5, 2012, the PDJ issued an order directing Respondent to answer the People's petition on or before January 25, 2012. The order advised Respondent that, if she failed to respond, the PDJ might determine as a matter of law that the claims alleged in the People's petition had been proved. Respondent did not file any answer or responsive pleading.

## **II. PETITIONER'S MOTION FOR DEFAULT JUDGMENT**

The People have followed the procedure for default judgments set forth in C.R.C.P. 121 § 1-14 by showing valid service on Respondent;<sup>3</sup> submitting an affidavit indicating that venue is proper and that Respondent is not a minor, an incapacitated person, an officer of the state, or in the military; submitting an affidavit by the complaining witness, John R. Gomez, establishing the amount of restitution he is due; and filing a statement of their costs in this proceeding. Accordingly, the PDJ **GRANTS** "Petitioner's Motion for Default Judgment," thereby deeming the allegations in the petition admitted.

## **III. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Next, the PDJ determines that the allegations of the People's petition establish that Respondent engaged in the unauthorized practice of law. The People allege that John R. Gomez ("Gomez") paid Respondent \$300.00 to assist

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<sup>3</sup> In unauthorized practice of law proceedings, "[s]ervice of process shall be sufficient when made either personally upon the respondent or by certified mail sent to the respondent's last known address." C.R.C.P. 234(c).

him in filing for bankruptcy.<sup>4</sup> Respondent, who is not licensed to practice law in the State of Colorado, gave Gomez a fee agreement stating that she would provide paralegal services related to preparation of pleadings for his bankruptcy case.<sup>5</sup> Respondent then selected bankruptcy forms for Gomez and gave them to him to fill out in his own handwriting.<sup>6</sup> Gomez complied with those directions and was told by someone at Respondent's office to wait for her call, which would come after she prepared the documents.<sup>7</sup> But Respondent never contacted Gomez, and when he later called and visited her office, he discovered it had been closed.<sup>8</sup> Respondent never prepared the bankruptcy documents for Gomez, nor did she return his \$300.00.<sup>9</sup>

The Supreme Court exercises exclusive jurisdiction to define the practice of law and to prohibit the unauthorized practice of law within the State of Colorado.<sup>10</sup> The purpose of the Supreme Court's restrictions on the practice of law is to protect the public from receiving incompetent legal advice from unqualified individuals.<sup>11</sup> "[A]n 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."<sup>12</sup>

In light of these legal standards, the PDJ concludes that the People have established Respondent selected legal documents for Gomez, thereby engaging in the unauthorized practice of law. In addition, the PDJ finds that an award of restitution in the amount of \$300.00 is appropriate. Balancing Respondent's non-participation in these proceedings against the fact that she has not previously been enjoined from the practice of law, the PDJ determines that a moderate fine of \$500.00 is warranted here pursuant to C.R.C.P. 236(a). Finally, the People's statement of costs in the amount of \$91.00 appears reasonable.

#### IV. RECOMMENDATION

In accordance with the foregoing analysis, the PDJ **RECOMMENDS** that the Supreme Court **FIND** Respondent engaged in the unauthorized practice of

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<sup>4</sup> People's Pet. ¶¶ 3 - 4, 7.

<sup>5</sup> *Id.* ¶¶ 1, 6.

<sup>6</sup> *Id.* ¶ 8.

<sup>7</sup> *Id.* ¶ 10.

<sup>8</sup> *Id.* ¶ 11.

<sup>9</sup> *Id.* ¶ 12.

<sup>10</sup> C.R.C.P. 228.

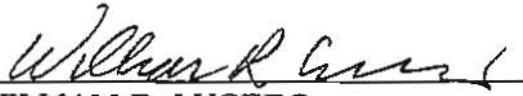
<sup>11</sup> *Unauthorized Practice of Law Comm. v. Grimes*, 654 P.2d 822, 826 (Colo. 1982).

<sup>12</sup> *People v. Shell*, 148 P.3d 162, 171 (Colo. 2006); *see also* C.R.C.P. 201.3(2)(a) - (f) (defining the practice of law); *Title Guaranty Co. v. Denver Bar Ass'n*, 135 Colo. 423, 434, 312 P.2d 1011, 1016 (1957) (holding that preparation of legal documents for others amounts to the unauthorized practice of law).

law; **ENJOIN** Respondent from the unauthorized practice of law; and enter an order requiring Respondent to pay **RESTITUTION** to John R. Gomez in the amount of \$300.00, a **FINE** of \$500.00, and **COSTS** in the amount of \$91.00.

DATED THIS 28<sup>th</sup> DAY OF MARCH, 2012.



  
WILLIAM R. LUCERO  
PRESIDING DISCIPLINARY JUDGE

Copies to:

Kim E. Ikeler Via Hand Delivery  
Office of Attorney Regulation Counsel

Victoria Fishwick, Via First-Class Mail  
d/b/a Anything Document Preparation Services  
Respondent  
22315 W. Crivello Ave.  
Buckeye, AZ 85326