

Colorado Supreme Court 101 West Colfax Avenue, Suite 800 Denver, CO 80202	<p style="text-align: center;">RECEIVED</p> <p style="text-align: center;">MAY 04 2012</p> <p style="text-align: center;">REGULATION COUNSEL</p>
Original Proceeding in Unauthorized Practice of Law, 2010UPL059 and 2011UPL014	
<p>Petitioner:</p> <p>The People of the State of Colorado,</p> <p>v.</p> <p>Respondents:</p> <p>Joseph Thornhill, d/b/a TD Legal Solutions and Colorado Legal Solutions.</p>	Supreme Court Case No: 2011SA270
ORDER OF COURT	

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, JOSEPH THORNHILL, d/b/a/ TD LEGAL SOLUTIONS and COLORADO LEGAL SOLUTIONS, 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, JOSEPH THORNHILL, pay restitution to Victor Abeyta in the amount of \$600.00 and to Rosemary McBride in the amount of \$700.00.

IT IS FURTHER ORDERED that said Respondent JOSEPH THORNHILL 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 \$1000.00.

BY THE COURT, MAY 4, 2012.



Case Number: 2011SA270

Caption: People v Thornhill, Joseph

CERTIFICATE OF SERVICE

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

Joseph Thornhill, d/b/a TD Legal
Solutions
1896 E. 7130 S.
Salt Lake Ci, UT 84121

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

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

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN THE UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1560 BROADWAY, SUITE 675 DENVER, CO 80202	RECEIVED MAR 28 2012 REGULATION COUNSEL
Petitioner: THE PEOPLE OF THE STATE OF COLORADO Respondent: JOSEPH THORNHILL, d/b/a TD LEGAL SOLUTIONS and COLORADO LEGAL SOLUTIONS	Case Number: 11SA270
ORDER ENTERING DEFAULT PURSUANT TO C.R.C.P. 55(b) AND REPORT OF HEARING MASTER PURSUANT TO C.R.C.P. 236(a)	

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 Joseph Thornhill, d/b/a TD Legal Solutions and Colorado Legal Solutions (“Respondent”). Respondent has not filed an answer to the People’s motion for default judgment.

I. PROCEDURAL HISTORY

On September 26, 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 September 29, 2011, directing Respondent to show cause in writing within twenty days after service why he should not be enjoined from the practice of law in the State of Colorado.

On October 3, 2011, the People sent the petition and order to show cause to Respondent’s last known address, in Salt Lake City, Utah, via certified mail.¹ The People filed a “Proof of Service” with the Supreme Court on October 12, 2011. 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 23, 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)

¹ The mailing was sent to 1896 E. 7130 S., Salt Lake City, Utah, 84121-3714.

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 his behalf. The People informed the PDJ that they had made numerous unsuccessful attempts to notify Respondent of the at-issue conference, including leaving messages for him at the telephone number provided to the People by Respondent’s sister, Jeanne Campbell. During the at-issue conference, the PDJ attempted to contact Respondent by calling three possible telephone numbers but was unable to reach him.

On the same day, 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 he failed to respond, the PDJ would 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;² 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 witnesses, Victor Abeyta and Rosemary McBride, establishing the amount of restitution they are due; and filing a statement of the People’s 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 Respondent engaged in the unauthorized practice of law and issues the following report to the Supreme Court pursuant to C.R.C.P. 239(a).

Advertisements for Legal Services

The People first allege that Respondent, who is not licensed to practice law in the State of Colorado, held himself out as an attorney and managing partner

² 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).

of TD Legal Solutions.³ Respondent's business card for TD Legal Solutions stated that he would provide "Legal Help You Can Count On."⁴ This business card, as alleged by the People, also implied that TD Legal Solutions employed or was associated with bankruptcy experts.⁵ The business card further stated that TD Legal Solutions assisted in the formation of LLCs, corporations, and non-profit entities, the preparation of wills and trusts, and the registration of patents and copyrights.⁶ Respondent also advertised in a phone book as "Colorado Legal Solutions."⁷ The advertisement promised that Colorado Legal Solutions could: "[s]lave your home, auto, wages, business & peace of mind. Consolidate your bills into one low monthly payment while you are protected by law from your creditors. Stop repossessions, garnishments, bill collectors, lawsuits, foreclosures."⁸

The Victor Abeyta Matter

The People also allege that Victor Abeyta ("Abeyta") paid Respondent \$600.00 to assist him in filing for Chapter 7 bankruptcy.⁹ Abeyta saw an advertisement for TD Legal Solutions and called the listed number.¹⁰ Respondent came to Abeyta's home and told Abeyta that he was an attorney.¹¹ Respondent advised Abeyta that he could file the bankruptcy petition on Abeyta's behalf,¹² and he also promised that he would handle the filing of the required bankruptcy pleadings.¹³ Respondent instructed Abeyta to prepare all financial documents and to pay Respondent through MoneyGram Express Payment Service.¹⁴ Abeyta made four payments to Respondent: \$150.00 on May 18, 2010; \$150.00 on July 11, 2010; \$200.00 on May 26, 2010; and \$100.00 on August 7, 2010.¹⁵ After making these payments, Abeyta found that he was unable to contact Respondent.¹⁶ Respondent never prepared the bankruptcy documents for Abeyta, nor did he return the \$600.00.¹⁷

³ People's Pet. at ¶ 2.

⁴ *Id.* at ¶ 3.

⁵ *Id.* at ¶ 4.

⁶ *Id.* at ¶ 5.

⁷ *Id.* at ¶ 6.

⁸ *Id.* at ¶ 7.

⁹ People's Pet. at ¶¶ 16 - 19; People's Mot. for Default J. Ex. B at ¶¶ 2 - 5, 8.

¹⁰ People's Pet. at ¶¶ 8 - 10; People's Mot. for Default J. Ex. B at ¶ 2.

¹¹ People's Pet. at ¶¶ 11 - 12; People's Mot. for Default J. Ex. B at ¶ 3.

¹² People's Pet. at ¶¶ 13 - 14; People's Mot. for Default J. Ex. B at ¶¶ 3 - 4.

¹³ People's Pet. at ¶ 21.

¹⁴ People's Pet. at ¶¶ 15 - 16; People's Mot. for Default J. Ex. B at ¶ 4.

¹⁵ People's Pet. at ¶¶ 17 - 19; People's Mot. for Default J. Ex. B at ¶¶ 5, 8 (correction).

¹⁶ People's Pet. at ¶ 21; People's Mot. for Default J. Ex. B at ¶ 6.

¹⁷ People's Pet. at ¶ 23; People's Mot. for Default J. Ex. B at ¶¶ 7 - 8.

The Rosemary McBride Matter

The People aver that Respondent met Rosemary McBride (“McBride”) in 2010,¹⁸ gave to her his TD Legal Solutions’ business card, and held himself out as the managing partner of the company.¹⁹ McBride discussed her financial difficulties, and he agreed to assist her with bankruptcy proceedings.²⁰ Respondent advised McBride that she file for Chapter 7 bankruptcy.²¹ McBride paid Respondent \$700.00 for his services and \$299.00 to cover the filing fee in her bankruptcy case.²² Respondent, using his laptop, selected and prepared a Chapter 7 bankruptcy petition for McBride.²³ After a significant delay, Respondent filed McBride’s bankruptcy petition in the United States Bankruptcy Court.²⁴ The bankruptcy court dismissed McBride’s case on December 28, 2010, because she failed to attend credit counseling prior to filing the petition, as required by 11 U.S.C. § 109(h).²⁵ Respondent never returned McBride’s \$700.00.²⁶

Legal Standards Governing the Unauthorized Practice of Law

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.²⁷ 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.²⁸ A non-lawyer advertising as a authorized attorney engages in the unauthorized practice of law.²⁹ In addition, “an 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

¹⁸ People’s Pet. at ¶ 32; People’s Mot. for Default J. Ex. C at ¶ 2.

¹⁹ People’s Pet. at ¶ 33; People’s Mot. for Default J. Ex. C at ¶ 2.

²⁰ People’s Pet. at ¶¶ 34 - 35; People’s Mot. for Default J. Ex. C at ¶ 2.

²¹ People’s Pet. at ¶ 35; People’s Mot. for Default J. Ex. C at ¶ 2.

²² People’s Pet. at ¶ 36; People’s Mot. for Default J. Ex. C at ¶ 3.

²³ People’s Pet. at ¶ 37; People’s Mot. for Default J. Ex. C at ¶ 3.

²⁴ People’s Pet. at ¶ 38; People’s Mot. for Default J. Ex. C at ¶ 4. Her case was styled *In re: Rosemary Jean McBride*, United States Bankruptcy Court for the District of Colorado, case number 10-40923-EEB.

²⁵ People’s Pet. at ¶¶ 39 - 40; People’s Mot. for Default J. Ex. C at ¶ 5.

²⁶ People’s Pet. at ¶ 41; People’s Mot. for Default J. Ex. C at ¶ 6.

²⁷ C.R.C.P. 228.

²⁸ *Unauthorized Practice of Law Comm. v. Grimes*, 654 P.2d 822, 826 (Colo. 1982).

²⁹ See *Binkley v. People*, 716 P.2d 1111, 1114 (Colo. 1986) (“Anyone advertising as a lawyer holds himself or herself out as an attorney, attorney-at-law, or counselor-at-law and, if not properly licensed, may be held in contempt of court for practicing law without a license.”); *People ex rel. Attorney General v. Castleman*, 88 Colo. 207, 207, 294 P.2d 535, 535 (1930) (finding unlicensed person in contempt by engaging in unauthorized practice of law by advertising himself as a lawyer); *People ex rel. Colo. Bar Ass’n v. Taylor*, 56 Colo. 441, 444, 138 P. 762, 764 (1914) (same).

judicial proceeding without the supervision of an attorney, or holding oneself out as the representative of another in a legal action.”³⁰

In light of these legal standards, the PDJ concludes the People have established that Respondent held himself out as an attorney authorized to provide legal services through an advertisement, on his business card, and by making representations to both Abeyta and McBride that he was an attorney and the managing partner of TD Legal Services. Through these representations, Respondent engaged in the unauthorized practice of law. The People have also shown that Respondent selected and prepared legal documents for both Abeyta and McBride in their bankruptcy matters, thereby engaging in the unauthorized practice of law.

The PDJ finds that awards of restitution in the amount of \$600.00 payable to Abeyta and \$700.00 payable to McBride is appropriate. Finally, balancing Respondent’s non-participation in these proceedings against the fact that he has not previously been enjoined from the practice of law, the PDJ determines that a moderate fine of \$500.00 per instance is warranted here pursuant to C.R.C.P. 236(a).

IV. RECOMMENDATION

In accordance with the foregoing analysis, the PDJ **RECOMMENDS** that the Supreme Court **FIND** Respondent engaged in the unauthorized practice of law; **ENJOIN** Respondent from the unauthorized practice of law; and enter an order requiring Respondent to pay **RESTITUTION** to Victor Abeyta in the amount of \$600.00 and to Rosemary McBride in the amount of \$700.00, a **FINE** of \$1,000.00, and **COSTS** in the amount of \$91.00.³¹

DATED THIS 28th DAY OF MARCH, 2012.




WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

³⁰ *People v. Shell*, 148 P.3d 162, 171 (Colo. 2006); *Title Guar. 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); see also C.R.C.P. 201.3(2)(a) - (f) (defining the practice of law).

³¹ People’s Mot. for Default J. Ex. D.

