

SUPREME COURT, STATE OF COLORADO TWO EAST 14 <sup>TH</sup> AVENUE DENVER, COLORADO 80203	CASE NO. 01SA343
ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF LAW	
Petitioner:  THE PEOPLE OF THE STATE OF COLORADO,	
v.	
Respondent:  SHARON DAY.	
Received the within <u>Order</u> is <u>15<sup>th</sup></u> day of <u>Jan</u> <u>2002</u> <u>8:05</u> o'clock <u>A</u> .M. <i>Robert E. Ballister</i> Sheriff <u>B. J. J. J.</u>	
ORDER OF COURT	

Upon consideration of the Petition for Injunction and the Motion to Proceed filed in the above cause, and no Response having been filed, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that Respondent is Enjoined from the Unauthorized Practice of Law.

IT IS FURTHER ORDERED that this matter is Remanded to the Presiding Disciplinary Judge to find facts and make a recommendation as to whether Respondent owes costs and expenses of these proceedings, should disgorge any and all fees paid by clients, and return client files.

BY THE COURT, January 11, 2002.



cc:

James C. Coyle  
Assistant Regulation Counsel

Hon. Roger Keithley  
Presiding Disciplinary Judge

Sharon Day  
623 4<sup>th</sup> Ave.  
Sterling, CO 80751

OCT 29 2001

SUPREME COURT, STATE OF COLORADO

ORIGINAL PROCEEDING IN UNAUTHORIZED  
PRACTICE OF LAW

Petitioner:

THE PEOPLE OF THE STATE OF COLORADO

Respondent:

SHARON DAY

James C. Coyle # 14970  
Assistant Regulation Counsel  
Attorney for Petitioner  
600 17<sup>th</sup> Street, Suite 200-South  
Denver, CO 80202

Phone Number: (303) 893-8121, ext. 328

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▲ COURT USE ONLY ▲

Case Number: 01SA343

**PETITION FOR INJUNCTION**

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 she should not be enjoined from the unauthorized practice of law. As grounds therefor, counsel states as follows:

1. The respondent, Sharon Day, is not licensed to practice law in the state of Colorado. The respondent's address is 623 4<sup>th</sup> Avenue, Sterling, Colorado 80751.

**The Zuniga Matter**

1. Phillip Zuniga is an inmate at the Fremont Correctional Facility in Canon City, Colorado. A fellow inmate, Ray Pollard, convinced Mr. Zuniga that the respondent would provide inexpensive legal assistance to him for a federal lawsuit.

2. Mr. Zuniga hired the respondent and paid her \$360 (\$160 for a federal court filing fee and \$200 to draft pleadings). Mr. Zuniga sent the respondent all of his paperwork for the civil matter, as well as all paperwork on

his criminal case for her review for possible post-conviction relief. This paperwork involved volumes of court transcripts and presentence reports.

3. The respondent did little or nothing on Mr. Zuniga's behalf and did not use any of the money for a filing fee. Subsequent attempts by Mr. Zuniga to get a refund from the respondent, and for return of all of his paperwork, have been unsuccessful.

4. The respondent has acknowledged that Mr. Zuniga had hired her to prepare pleadings on his behalf, and acknowledges that she did prepare a complaint. The respondent has acknowledged responsibility for returning Mr. Zuniga's paperwork, but has not done so despite repeated requests.

Wherefore, petitioner prays at the conclusion hereof.

#### **The Tyler Matter**

5. Robert Tyler is another inmate at the Fremont Correctional Facility who was encouraged by inmate Pollard to hire the respondent. Mr. Tyler had a state district court lawsuit against the Colorado Parole Board, which had been dismissed.

6. Mr. Tyler, with the assistance of an inmate assistant, filed an appeal with the Colorado Supreme Court. The Colorado Supreme Court set the matter for a briefing schedule and hearing. Ray Pollard informed Mr. Tyler that "he knew a paralegal in Sterling who could finish the case" for him.

7. Mr. Tyler contacted the respondent by telephone. The respondent discussed the matter with Mr. Tyler and provided him with legal advice. The respondent directed Mr. Tyler to send her all of his paperwork, and agreed to complete an appellate brief on his behalf. She stated that she needed \$200 for the case. Mr. Tyler's daughter sent her \$200.

8. The opening brief was due on January 5, 2001. Mr. Tyler heard nothing from the respondent. Shortly after the due date, Mr. Tyler received an order to show cause as to why his appeal should not be dismissed due to failure to file the opening brief.

9. Mr. Tyler attempted again to contact the respondent. Despite all attempts, the respondent would not respond to Mr. Tyler. Through the assistance of an inmate assistant, Mr. Tyler received another 30 day extension.

10. Subsequently, Mr. Tyler was able to contact the respondent. She

stated that she would file the opening brief on his behalf by the new due date. The respondent did not. Subsequently, the Colorado Supreme Court dismissed Mr. Tyler's appeal for failure to file the opening brief.

11. The respondent has failed to return any of Mr. Tyler's paperwork. The respondent has informed others that she would return the paperwork and Mr. Tyler's money, but has not done so to date.

Wherefore, petitioner prays at the conclusion hereof.

### **The Rudnick Matter**

12. James Rudnick is an inmate at the Limon Correctional Facility in Limon, Colorado. Mr. Rudnick was also referred to the respondent by inmate Pollard.

13. Mr. Rudnick hired the respondent to do legal work on his behalf, and was directed by her to send her his paperwork and a retainer.

14. Mr. Rudnick provided the respondent with his legal paperwork and paid her a total of \$936. The respondent provided Mr. Rudnick with legal advice and agreed to prepare legal documents on his behalf. The respondent then took no further action.

15. Mr. Rudnick has attempted to get his paperwork and money back from the respondent. The respondent has failed to return either the money or the paperwork to date.

16. The respondent has admitted that she was hired to prepare documents on behalf of Mr. Rudnick, that she received paperwork from Mr. Rudnick, and that she received \$936 from Mr. Rudnick's family. The respondent has acknowledged responsibility that she must return the paperwork and the money. Despite numerous follow-up attempts to get respondent to return this property, the respondent has failed to do so to date.

Wherefore, petitioner prays at the conclusion hereof.

### **The Watkins Matter**

17. Andre Watkins is an inmate in a federal correctional facility located in Sheridan, Oregon.

18. Mr. Watkins hired the respondent to assist him in legal matters. Mr. Watkins paid the respondent \$300 and sent her three Washington state

case files. Subsequently, the respondent provided Mr. Watkins with legal advice.

19. The respondent has since done nothing on Mr. Watkins' behalf. Despite numerous requests that she refund Mr. Watkins' money and return Mr. Watkins' paperwork, the respondent has not provided Mr. Watkins any refund or returned his paperwork.

Wherefore, petitioner prays at the conclusion hereof.

#### **The Boyd Matter**

20. Arthur Boyd is another federal inmate in Sheridan, Oregon.

21. On April 20, 2000, Mr. Boyd hired the respondent to assist him in a legal matter. She directed him to send her his paperwork and \$100. Mr. Boyd provided the respondent with his paperwork and a retainer in the amount of \$100. The respondent provided some legal advice to Mr. Boyd.

22. Subsequently, the respondent did nothing. When asked to return Mr. Boyd's paperwork and money, the respondent did not do so. The respondent has not returned Mr. Boyd's paperwork or money to date.

Wherefore, petitioner prays at the conclusion hereof.

#### **The Hasan Matter**

23. Abdul Hasan is another federal inmate in Sheridan, Oregon.

24. Mr. Hasan hired the respondent to assist him in preparing a post-conviction relief motion on his behalf. The respondent was paid \$900 by Mr. Hasan for this service. Mr. Hasan provided the respondent with all of his legal paperwork. The respondent provided legal advice to Mr. Hasan.

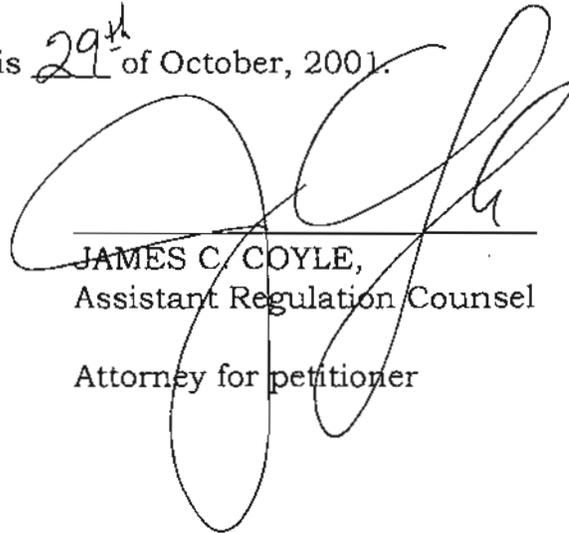
25. Subsequently, the respondent did not perform anything on Mr. Hasan's behalf and has not returned either money or paperwork to Mr. Hasan to date.

26. The respondent engaged in the unauthorized practice of law by providing legal advice to Messrs. Zuniga, Tyler, Rudnick, Watkins, Boyd and Hasan; and by preparing pleadings and/or by agreeing to prepare pleadings and other legal documents on behalf of these individuals. See Denver Bar Association v. P.U.C., 154 Colo. 273, 391 P.2d 467 (1964) (the unauthorized practice of law includes acting as a representative in protecting, enforcing or

defending the legal rights and duties of another and/or counseling advising and assisting that person in connection with legal rights and duties).

WHEREFORE, the petitioner prays that this court issue an order directing the respondent to show cause why she 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 this respondent; order the refund of any and all fees paid by clients to the respondent; order the return of all client files; 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 29<sup>th</sup> of October, 2001.



JAMES C. COYLE,  
Assistant Regulation Counsel  
Attorney for petitioner