

Colorado Supreme Court 2 East 14th Ave., Fourth Floor Denver, CO 80203	RECEIVED NOV 19 2009 ATTORNEY REGULATION
Original Proceeding in Unauthorized Practice of Law 2008UPL090	
Petitioner: The People of the State of Colorado, v. Respondent: Bob Lindsey, a/k/a Robert M. Lindsey d/b/a The Credit Card Solution.	Supreme Court Case No: 2009SA268
ORDER OF COURT	

Upon consideration of the Petition for Injunction, the Order to Show Cause, the Proof of Attempted Service and the Motion to Proceed filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Motion to Proceed shall be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that the Respondent, BOB LINDSEY, a/k/a ROBERT M. LINDSEY d/b/a THE CREDIT CARD SOLUTION 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 this matter is referred to the Presiding Disciplinary Judge for findings and recommendations pursuant to C.R.C.P. 235 and 236 concerning the allegations in the Petition for Injunction. Any request for findings and recommendations with regard to new matters requires amendment of this complaint.

BY THE COURT, NOVEMBER 18, 2009.



Case Number: 2009SA268
Caption: People v Lindsey, Bob

CERTIFICATE OF SERVICE

Copies mailed via the State's Mail Services Division on November 19, 2009. *HOC*

Bob Lindsey, a/k/a Robert M.
Lindsey
333 N. Sam Houston Pkwy., East
Ste. 1190
Houston, TX 77060

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OFFICE OF ATTORNEY
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1560 Broadway Ste 1800
Denver, CO 80202

Robert M Lindsey
25114 Pepper Ridge Lane
Spring, TX 77373

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

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

ORIGINAL PROCEEDING IN
UNAUTHORIZED PRACTICE OF LAW,
08UPL090

Petitioner:

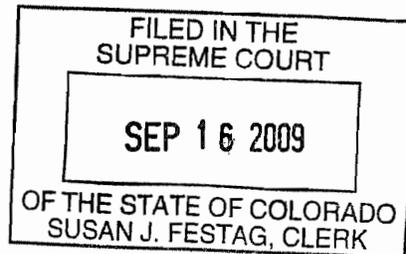
THE PEOPLE OF THE STATE OF
COLORADO

vs.

Respondent:

BOB LINDSEY, a/k/a ROBERT M.
LINDSEY, d/b/a THE CREDIT CARD
SOLUTION.

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▲ COURT USE ONLY ▲

Case Number:

09 SA 268

PETITION FOR INJUNCTION

Petitioner, through the undersigned Assistant Regulation
Counsel, and upon authorization pursuant to C.R.C.P. 234(a),¹

¹ The Unauthorized Practice of Law ("UPL") Committee authorized the filing of
this petition on September 11, 2009.

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 therefor, counsel states as follows:

JURISDICTION AND VENUE

1. The respondent, Bob Lindsey, a/k/a Robert M. Lindsey, is not licensed to practice law in the state of Colorado. The respondent's last known business address is 333 N. Sam Houston Parkway East, Ste. 1190, Houston, TX 77060. Respondent's last known home address is 25114 Pepper Ridge Lane, Spring, TX 77373. Respondent does business as The Credit Card Solution.

2. Respondent engaged in the unauthorized practice of law in Colorado by owning, operating, participating in and supervising a business that selects and prepares legal documents, specifically pleadings in pending litigation, for Colorado consumers who are parties in Colorado state court cases. The facts are as follows.

THE LINDA AND CARL SPINKS MATTER

Background

3. *Collection Action.* Linda and Carl Spinks were defendants in a civil action. *Worldwide Asset Purchasing LLC, et al. v. Linda Spinks, et al.*, Denver District Court, Case No. 07CV8328 (the “civil action”). The plaintiffs were represented by experienced Colorado collection counsel. The Complaint sought to collect a credit card debt, plus interest and fees, totaling approximately \$12,000.

4. The Spinks failed to answer and default judgment was taken against them. Plaintiffs’ counsel noticed a Rule 69 hearing. The Spinks were served with subpoenas. They appeared. The hearing was continued.

5. *Contact with Respondent’s Company.* In the interim before the continued hearing, Carl Spinks located The Credit Card Solution (“respondent’s company”) on the Internet. Ms. Spinks contacted respondent’s company. Based on the website and her contact, she thought she would be working with a lawyer. The respondent’s company sent Ms. Spinks a “TCCS Purchase

Agreement” (“Agreement”) to sign and return along with her payment.

6. The Agreement was between Ms. Spinks and “Bob Lindsey, d/b/a The Credit Card Solution”. The Agreement provided that Ms. Spinks would be provided with a “Federally licensed attorney” when the situation warranted. Ms. Spinks was required to make twelve monthly payments of \$600 each pursuant to the terms of the Agreement. Ms. Spinks made the first monthly payment.

7. *Pleadings Provided by Respondent’s Company.* Thereafter, Ms. Spinks received three pleadings for the Spinks’ defense in the civil action from respondent’s company. These pleadings included a Verified Answer, an Affidavit, and a “Notice of Filing”. The respondent either prepared these pleadings himself or supervised and directed the selection and preparation of these pleadings.

8. The pleadings provided to Ms. Spinks by respondent’s company bore little relation to the civil action. Although the pleadings do contain the names of the parties, the name of the

court and the case number, the caption is not in the correct form for a Colorado court action.

9. The Verified Answer prepared by respondent's company raises generic defenses of lack of standing to sue, lack of subject matter jurisdiction (based on confirmation of a supposed arbitration award), lack of an enforceable arbitration agreement, statute of frauds, failure to mitigate damages, and fraud (based on a supposed attempt to enforce an invalid arbitration award). The pleader apparently did not review the Complaint, which nowhere mentions an arbitration agreement or award. The Verified Answer did not reflect either the facts or the procedural posture of the case.

10. Respondent's company also provided Ms. Spinks with an Affidavit. Like the Verified Answer, the Affidavit made reference to an arbitration agreement. The Complaint nowhere alleges such an agreement.

11. Respondent's company also sent Ms. Spinks a Notice of Filing, which stated that Ms. Spinks had filed her "Answer and Affirmative Defenses" with the Denver District Court. Such a notice is not required under the Colorado Rules of Civil Procedure.

12. Respondent told Ms. Spinks to fill in the forms the company had provided. Ms. Spinks signed the Affidavit and had her signature notarized. Ms. Spinks filed the pleadings with the Denver District Court. Ms. Spinks was not provided access to or representation by an attorney as provided by the Agreement.

13. On September 16, 2008, Ms. Spinks appeared for the continued Rule 69 hearing. Complainant the Honorable Robert McGahey presided. The Judge found the Verified Answer prepared by the company to be “useless”. Judge McGahey expressed concern that the company that prepared the pleadings for the defendant, Ms. Spinks, may have been practicing law without a license. He stated that he would be reporting the problem to the appropriate agency. The Judge deemed Ms. Spinks’ pleadings to be a motion to set aside default pursuant to C.R.C.P. 60(b).

CLAIM OF UNAUTHORIZED PRACTICE OF LAW

14. Respondent selected, prepared and provided legal documents, including the Verified Answer, Affidavit, and Notice, to Ms. Spinks for a fee. These documents affected significant legal rights of Ms. Spinks. Respondent’s selection, preparation and

presentation of these legal documents to Ms. Spinks constituted legal advice. *See, People v. Volk*, 805 P.2d 1116, 1117-18 (Colo. 1991) (non-lawyers who prepared trust documents by filing in the blanks of trust forms were engaged in the unauthorized practice of law). Respondent thereby engaged in the unauthorized practice of law (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. *See, People v. Shell*, 148 P.3d 162 (Colo. 2006); and *Denver Bar Assn. v. P.U.C.*, 154 Colo. 273, 391 P.2d 467 (1964)). The respondent does not fall within any of the statutory or case law exceptions.

WHEREFORE, the petitioner prays that this court issue an order directing the respondent to show cause why the respondent 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; assess restitution against the respondent for losses incurred by clients or third parties as a result of the respondent's conduct; impose a fine for each incident of unauthorized practice of law, not less than \$250.00 and not more than \$1,000.00; and any other relief deemed appropriate by this court.

Respectfully submitted this 16th of September 2009.



Kim E. Ikeler, #15590
Assistant Regulation Counsel
Attorney for Petitioner