

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: March 15, 2019 CASE NUMBER: 2017SA296
Original Proceeding in Unauthorized Practice of Law, 2017UPL51	
<b>Petitioner:</b>  The People of the State of Colorado,  <b>v.</b>  <b>Respondent:</b>  Luis Lobo.	Supreme Court Case No: 2017SA296
AMENDED-ORDER OF COURT	

Upon consideration of the Report of Hearing Master under C.R.C.P. 239(h) filed in the above cause, and in the consolidated cases, 18SA80, 18SA153 and 18SA238 and now being sufficiently advised in the premises,

IT IS ORDERED that Respondent, LUIS LOBO shall be, and the same hereby is, ENJOINED from engaging in the Unauthorized Practice of Law in the State of Colorado as set forth in paragraph (6) of the January 31, 2019 Stipulation.

IT IS FURTHER ORDERED that LUIS LOBO pay Restitution as set forth in paragraphs (8), (9), and (10) of the January 31, 2019 Stipulation.

IT IS FURTHER ORDERED that LUIS LOBO pay Costs in the amount of \$1,044.00 as set forth in paragraph (11) of the January 31, 2019 stipulation.

BY THE COURT, MARCH 14, 2019

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN CONTEMPT BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	
<b>Petitioner:</b> THE PEOPLE OF THE STATE OF COLORADO  <b>Respondent:</b> LUIS LOBO	Case Number: <b>17SA296</b> <b>(consolidated with</b> <b>18SA080, 18SA153,</b> <b>and 18SA238)</b>
<b>REPORT OF HEARING MASTER UNDER C.R.C.P. 239(h)</b>	

In this consolidated contempt matter, the Presiding Disciplinary Judge (“the PDJ”) recommends that the Colorado Supreme Court approve the stipulation to resolve the matter, enter an order enjoining Respondent from further unauthorized practice of law, require the payment of restitution, and assess costs.

### **I. BACKGROUND**

On December 15, 2017, Kim E. Ikeler, Office of Attorney Regulation Counsel (“the People”), filed a “Petition for Contempt” against Luis Lobo (“Respondent”) in case number 17SA296, alleging that Respondent should be held in contempt for having violated a previous order of the Colorado Supreme Court. The Colorado Supreme Court issued a “Citation to Show Cause” on December 28, 2017. Through his counsel, Jeffrey S. Pagliuca, Respondent responded to the petition on January 29, 2018. David S. Kaplan later entered his appearance for Respondent. The Colorado Supreme Court referred the matter to the PDJ on February 12, 2018.

The PDJ held a scheduling conference in case number 17SA296 in March 2018. Thereafter, the Colorado Supreme Court referred to the PDJ case numbers 18SA080, 18SA153, and 18SA238—also cases in which Respondent is alleged to have violated an injunction by the Colorado Supreme Court—for findings of fact, conclusions of law, and recommendations. The PDJ consolidated all four cases in this action.

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

On January 31, 2019, the parties filed a “Stipulation, Agreement and Affidavit Containing Respondent’s Conditional Admission of Unauthorized Practice of Law.” In the stipulation, the parties agree that Respondent was enjoined from the practice of law on July 20, 2005, in *People v. Luis Lobo*, case number 05SA157. The parties stipulate that the

order was a lawful order of the Colorado Supreme Court; Respondent knew of the order; Respondent had the ability to comply with the order; and the order directed Respondent to stop engaging in the unauthorized practice of law.

The stipulation also provides that Respondent thereafter engaged in the unauthorized practice of law:

- He selected and prepared immigration forms for Jose de Jesus Bustos Camacho and Vanessa Tafoya; advised Bustos about what to write on his immigration application and what to say to the consular officer in Juarez; and gave legal advice.
- He incorrectly advised Jose Luis Basanta to take no action in response to the Department of State's notice about the availability of a visa for Basanta's son; incorrectly advised Basanta years later that his son was eligible to adjust his status; and selected and prepared an immigration form for Basanta's son.
- He selected and prepared an immigration form for Juvenal Sanchez Hernandez.
- He selected and prepared immigration forms for Evelyn Vincente Martinez and Emanuel Hernandez Lopez; advised Vincente Martinez about becoming a legal permanent resident and how she could adjust her status without leaving the United States; and advised Hernandez Lopez on becoming a U.S. citizen.

The parties also agree that Respondent charged the following fees for those unauthorized legal services:

- He charged Bustos and Tafoya \$1,500.00. The payment was made around May 31, 2015.
- He charged Basanta \$800.00.
- He charged Sanchez Hernandez \$500.00. The payment was made in September 2016.
- He charged Vincente Martinez and Hernandez Lopez \$800.00 for services. The payment was made in March 2016.

The parties agree that Respondent will make restitution to these individuals, except to Basanta, who has declined restitution. No later than sixty days after the Colorado Supreme Court's order of injunction in this case, Respondent should refund the fees, along with interest at the statutory rate of 8 percent from the date collected until the date paid. Respondent stipulates that he will refund these amounts by sending certified checks or money orders to these individuals, care of their current lawyers, and that he will contemporaneously provide to the People copies of the cashier's checks or money orders. Further, the parties agree that Respondent will pay costs in the amount of \$1,044.00 no later than sixty days after the Colorado Supreme Court's order of injunction. No fine is requested.

C.R.C.P. 239(h) provides that nothing should limit the Colorado Supreme Court's power to "issue an injunction at any stage of contempt proceedings in order to prevent

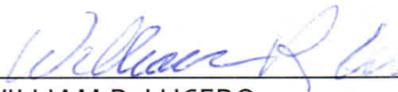
public harm,” or to “issue an injunction in lieu of or in addition to the imposition of a fine or any other remedy under these rules.” The PDJ construes this expansive language as permitting his recommendation that the Colorado Supreme Court approve the parties’ resolution of this consolidated matter.

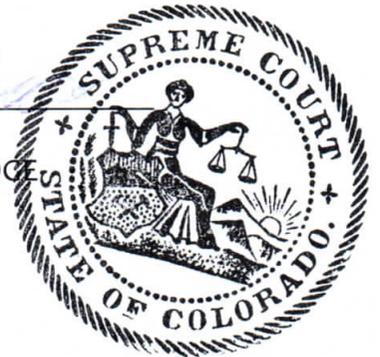
### III. ORDER AND RECOMMENDATION

The PDJ **APPROVES** the stipulation of the parties.<sup>1</sup> Subject to the Colorado Supreme Court’s approval of the parties’ stipulation, the PDJ **VACATES** the hearing set for April 30 to May 2, 2019.

The PDJ **RECOMMENDS** that the Colorado Supreme Court **APPROVE** the stipulation of the parties, **FIND** that Luis Lobo engaged in the unauthorized practice of law, and **ENJOIN** him from further unauthorized practice of law as set forth in paragraph 6 of the stipulation. The PDJ further **RECOMMENDS** that the Colorado Supreme Court **ORDER** Luis Lobo to pay **RESTITUTION** as set forth in paragraphs 8, 9, and 10 of the stipulation, and to pay **COSTS** of \$1,044.00 as set forth in paragraph 11 of the stipulation.

DATED THIS 5<sup>th</sup> DAY OF FEBRUARY, 2019.

  
WILLIAM R. LUCERO  
PRESIDING DISCIPLINARY JUDGE



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Via Hand Delivery

<sup>1</sup> The PDJ **DEEMS MOOT** Respondent’s “Motion for Summary Judgment” filed on August 22, 2018.