

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: November 17, 2022 CASE NUMBER: 2022SA67
Original Proceeding in Unauthorized Practice of Law, 21UPL61	
<b>Petitioner:</b>  The People of the State of Colorado,  v.  <b>Respondent:</b>  Cuong Nguyen.	Supreme Court Case No: 2022SA67
ORDER OF INJUNCTION	

Upon consideration of the Report of Hearing Master under C.R.C.P. 236(a) filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that Respondent, CUONG NGUYEN 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 Cuong Nguyen, is assessed costs in the amount of \$224.00. Said costs to be paid to the Office of Attorney Regulation Counsel, within (35) days from the date of this order.

IT IS FURTHER ORDERED that Cuong Nguyen pay Restitution of \$900.00 to Huyen Lai, to be paid within (35) days from the date of this order.

IT IS FURTHER ORDERED that this court WAIVES any fines in this matter.

BY THE COURT, NOVEMBER 17, 2022

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN THE UNAUTHORIZED PRACTICE OF LAW 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> CUONG NGUYEN	Case Number: <b>22SA067</b>
<b>REPORT OF HEARING MASTER UNDER C.R.C.P. 236(a)</b>	

In this unauthorized practice of law case, the Presiding Disciplinary Judge (“the PDJ”) recommends that the Colorado Supreme Court approve a stipulation to resolve the matter, enjoin Cuong Nguyen (“Respondent”) from the unauthorized practice of law, and require him to pay restitution and the costs of this proceeding.

### **I. PROCEDURAL HISTORY**

On March 22, 2022, Jody M. McGuirk, Office of Attorney Regulation Counsel (“the People”), filed a “Petition for Injunction” against Respondent, alleging that Respondent had engaged in the unauthorized practice of law. The Colorado Supreme Court issued an “Order to Show Cause” on March 23, 2022. On May 5, 2022, Respondent filed a “Motion for Extension of Time,” requesting additional time to answer the petition. On May 27, 2022, in an “Order of Court,” the Colorado Supreme Court granted Respondent’s request and extended the deadline to respond to the petition to June 1, 2022. Respondent did not answer the petition.

On July 5, 2022, the Colorado Supreme Court issued an “Order of Court,” referring this matter to the PDJ to “prepare a report setting forth findings of fact, conclusions of law, and recommendations” under C.R.C.P. 234(f) and 236(a). On July 8, 2022, the PDJ directed Respondent to answer the People’s petition and instructed the parties to set a status conference.<sup>1</sup>

Respondent did not answer the People’s petition. But from July 27 through August 1, 2022, Respondent communicated with the PDJ’s administrator and the People via email to schedule the status conference. At that status conference, which took place on August 2, 2022, McGuirk appeared for the People and Respondent attended pro se. Respondent

<sup>1</sup> See “Order of Hearing Master Under C.R.C.P. 234-236” (July 8, 2022).

reported that he sought to retain counsel to answer the petition. The PDJ encouraged Respondent to seek counsel and cautioned Respondent that he was expected to adhere to deadlines, with or without counsel. On August 10, 2022, Andrew E. Ho entered an appearance as Respondent’s counsel in this case. Respondent thereafter requested and was granted two extensions of time to answer the petition.

On September 2, 2022, the parties filed a “Stipulation for Injunction.” In the stipulation, Respondent agrees to be enjoined from the practice of law. He also agrees to pay \$224.00 in costs and restitution in the amount of \$900.00. The parties agree to waive a fine in this matter.<sup>2</sup>

## II. ORDER AND RECOMMENDATION

The PDJ **ACCEPTS** the parties’ stipulation. Subject to the Colorado Supreme Court’s approval of the parties’ stipulation, the PDJ **VACATES** all pending deadlines in this matter.

The PDJ **RECOMMENDS** that the Colorado Supreme Court **APPROVE** the parties’ stipulation and **ENJOIN** Respondent **CUONG NGUYEN** from the unauthorized practice of law, to include the following activities, whether done separately or in combination:

- Providing advice to any other individual regarding the legal effect of any proposed action in a legal matter, or assisting another individual to make decisions that require legal judgment and a knowledge of the law that is or purports to be greater than that of the average citizen;
- Providing advice to any other individual as to various legal remedies available to that individual and the possible legal courses of action for that individual;
- Acting in a representative capacity on behalf of any other individual in matters that affect that individual’s legal rights and duties;
- Selecting or preparing any legal document for any other individual, other than solely as a typist or interpreter, and, without limiting the above, explaining to that individual or any other individual the legal significance of the legal document;
- Holding himself out as an attorney, lawyer, “esquire,” counselor at law, immigration consultant, or legal consultant, either directly or impliedly;
- Holding himself out to others in a manner that another individual would place some reliance on him to handle that individual’s legal matters;
- Advertising himself as an immigration consultant or as being qualified or able to select and prepare immigration paperwork on behalf of others (without U.S.B.I.A. accreditation);
- Making an appearance or speaking on behalf of another individual in negotiations, settlement conferences, mediations, hearings, trials, oral arguments or other legal proceedings unless specifically allowed by the rules that apply to appearances in such legal proceedings;

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<sup>2</sup> Under C.R.C.P. 236(a), a respondent may be exempt from a fine when the parties stipulate to an injunction.

- Serving as a conduit or intermediary on behalf of any other individual to obtain or relay any legal counsel or advice;
- Conducting the business of managing a law practice to the extent that he exercises legal judgment on behalf of another; and
- Soliciting or accepting any fees for legal services.

The PDJ also **RECOMMENDS** that the Colorado Supreme Court **ORDER** Respondent to pay **COSTS** of \$224.00 within thirty-five days of the date of the Colorado Supreme Court’s order, as the parties agree.<sup>3</sup> The PDJ further **RECOMMENDS** that the Colorado Supreme Court **ORDER** Respondent to pay **RESTITUTION** of \$900.00 to Huyen Lai, to be paid within thirty-five days of the date of the Colorado Supreme Court’s order, as the parties agree. Finally, the PDJ **RECOMMENDS** that no fine be entered against Respondent.



DATED THIS 7<sup>th</sup> DAY OF SEPTEMBER, 2022.

A handwritten signature in black ink, appearing to read "B. Large".

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BRYON M. LARGE  
PRESIDING DISCIPLINARY JUDGE

Copies to:

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Via Email

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<sup>3</sup> Though the parties stipulate that Respondent must pay costs and restitution within thirty days of the Colorado Supreme Court’s acceptance of the stipulation and entry of injunction, the PDJ has modified these deadlines slightly so that they conform to C.R.C.P. 6 cmt. 1.