

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: February 6, 2019 CASE NUMBER: 2017SA214
Original Proceeding in Unauthorized Practice of Law, 2017UPL10	
Petitioner: The People of the State of Colorado, v. Respondent: Dak Steiert, a/k/a Dak Steirt and Intelligent Patent Services, LLC. a Colorado limited liability company.	Supreme Court Case No: 2017SA214
ORDER OF COURT	

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

IT IS ORDERED that Respondent, DAK STEIERT, a/k/a DAK STEIRT and INTELLIGENT PATENT SERVICES, LLC, a Colorado limited liability company, shall be, and the same hereby are, ENJOINED from engaging in the Unauthorized Practice of Law in the State of Colorado.

IT IS FURTHER ORDERED that DAK STEIERT, a/k/a DAK STEIRT and INTELLIGENT PATENT SERVICES, LLC, a Colorado limited liability company, pay restitution to Khoa Le in the amount of \$5,700.00 and a fine of \$250.00; requiring Respondent IPS to pay a fine of \$250.00; and requiring

Respondents, jointly and severally pay costs in the amount of \$709.00. Said costs to be paid to the Office of Attorney Regulation within thirty (30) days from the date of this order.

BY THE COURT, FEBRUARY 6, 2019

<p>SUPREME COURT, STATE OF COLORADO</p> <p>ORIGINAL PROCEEDING IN THE UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203</p>	
<p>Petitioner: THE PEOPLE OF THE STATE OF COLORADO</p> <p>Respondents: DAK STEIERT, a/k/a DAK STEIRT and INTELLIGENT PATENT SERVICES, LLC, a Colorado limited liability company</p>	<p>Case Number: 17SA214</p>
<p>AMENDED REPORT OF HEARING MASTER UNDER C.R.C.P. 236(a)¹</p>	

In this unauthorized practice of law matter, Dak Steiert, a/k/a Dak Steirt (“Respondent Steiert”) and his company Intelligent Patent Services, LLC (“Respondent IPS”) (collectively “Respondents”) are alleged to have engaged in the unauthorized practice of law. William R. Lucero, the Presiding Disciplinary Judge (“the PDJ”), finds that the Office of Attorney Regulation Counsel (“the People”) have proved by a preponderance of evidence that Respondent IPS, a nonlawyer-owned entity, engaged in the unauthorized practice of law by offering and purveying legal services of lawyers and by holding itself out as a law firm authorized to render such services. The PDJ also finds that the People have proved that in one instance, Respondent Steiert engaged in the unauthorized practice of law by writing for a customer of Respondent IPS the claims section of a patent application. The PDJ thus recommends that the Colorado Supreme Court enjoin Respondents from the unauthorized practice of law.

I. PROCEDURAL HISTORY

On behalf of the People, Kim E. Ikeler filed a petition with the Colorado Supreme Court on September 11, 2017, alleging that Respondents engaged in the unauthorized practice of law. The Colorado Supreme Court issued an “Order to Show Cause,” and on November 14, 2017, Respondents responded to the petition. The Colorado Supreme Court entered an “Order Appointing Hearing Master” on November 20, 2017, referring this matter to the PDJ for “findings of fact, conclusions of law, and recommendations.”

¹ This amended report is issued to correct a typographical error in the restitution figure recommended in Section IV.

Motions practice during the prehearing phase of this case was extensive. In the interest of brevity, the PDJ summarizes below the central issues raised and decided, and in corresponding footnotes details the names and dates of those rulings:

- Respondents challenged the tribunal’s personal and subject matter jurisdiction. The PDJ dismissed paragraphs 56-103 and 115-116 of the petition as to Respondent Steiert for lack of subject matter jurisdiction. The PDJ also concluded that the People are not preempted by federal law from pursuing this unauthorized practice of law case.²
- Respondents sought to place this matter in abeyance pending resolution of Respondent Steiert’s criminal case in Eagle County, Colorado. The PDJ denied this request.³
- Respondents moved to dismiss the case for lack of evidence, asserting that evidence and testimony supplied by certain lawyers during the U.S. Patent and Trademark Office’s (“USPTO”) investigation of Respondents violated Respondents’ attorney-client privilege with the lawyers, and thus such evidence and any derived therefrom should be suppressed. The PDJ denied this suite of motions.⁴
- Respondents moved to dismiss the case against Respondent IPS or to compel the People to file charges against other entities, contending that other national businesses assist independent inventors in applying for patents yet are not

² See “Order Denying Motion to Dismiss for Lack of Personal Jurisdiction, and Denying in Part and Reserving Ruling in Part on Motion to Dismiss for Lack of Subject Matter Jurisdiction” (Jan. 17, 2018); “Order Granting in Part Motion to Dismiss for Lack of Subject Matter Jurisdiction” (Feb. 13, 2018); “Order Denying Requests to Reconsider Ruling on Personal Jurisdiction” (May 7, 2018); “Order Denying Motion to Reconsider in Part Motion to Dismiss for Lack of Subject Matter Jurisdiction Based on Precedent Ruling” (May 7, 2018); and “Order Denying Renewed Requests for Reconsideration Concerning Jurisdiction” (May 9, 2018).

³ See “Order Denying Motion to Place Case in Abeyance Pending Disposition of Criminal Charges” (Feb. 22, 2018); “Order Directing Additional Briefing on Request to Reconsider Motion to Place Case in Abeyance Pending Disposition of Criminal Charges” (Feb. 26, 2018); “Order Denying Request to Reconsider Motion to Place Case in Abeyance Pending Disposition of Criminal Charges” (Mar. 9, 2018); and “Order Denying Request to Reconsider Motion to Place Case in Abeyance Pending Disposition of Criminal Charges and Denying Request for Hearing to Argue for Abeyance” (Apr. 4, 2018).

⁴ See “Order Denying Motions to Suppress Evidence and Denying Motions to Dismiss with Prejudice” (Mar. 8, 2018); “Order Denying Request to Reconsider in Part Motions to Suppress” (Mar. 16, 2018); “Order Denying Renewed Request to Reconsider Motion to Suppress Evidence” (Apr. 4, 2018); “Order Denying Motion to Suppress Petitioner’s Expert Report Under Privilege” (Apr. 26, 2018); “Order Denying Third Request to Reconsider Motion to Suppress Evidence” (Apr. 26, 2018); and “Order Denying Motion to Suppress Testimony of James Keys III and Denying Motion to Suppress Petitioner’s First Supplemental Disclosures” (Apr. 30, 2018).

accused of engaging in the unauthorized practice of law. The PDJ denied these motions.⁵

- Respondents sought to recuse the PDJ and to disqualify Ikeler. They also requested a six-person jury trial. The PDJ denied these requests.⁶
- Respondents objected to the use of certain exhibits the People intended to offer into evidence at the hearing. The PDJ denied those objections, deferring such evidentiary rulings until the hearing.⁷
- The PDJ also rejected several motions or requests that did not comply with the PDJ's filing requirements.⁸

At the hearing on May 10 and 11, 2018, Ikeler appeared for the People, and Respondent Steiert appeared on behalf of Respondents. The PDJ **ACCEPTED** the proposed Trial Management Order (“TMO”) that was filed on April 23, 2018.⁹ The PDJ heard testimony from Khoa Le, James Keys III, Alexander Montoya, and Michael Hamerly—all of whom testified by Skype videophone—and Donna Scherer, who testified in person. Respondent Steiert chose to invoke his Fifth Amendment right against self-incrimination and did not testify. The PDJ entered a sequestration order, which applied to all witnesses save for Scherer, an investigator for the People, who was permitted to remain in the courtroom because she was called to testify only to authenticate certain documents. The PDJ admitted the People's exhibits 1-5, 7 (bates no. 542), 8, 9 (bates nos. 196-98, 201-02, 205-06, 216-20, and 232-34), 10-11, 12 (bates nos. 288-390, 392-437, and 505-515), 18-19, and 24-25. The PDJ admitted Respondents' exhibits S, GG, and II.

On May 15, 2018, Respondents filed a “Motion for Mistrial,” repeating some of the same arguments addressed in the orders limned above and challenging as prejudicial several

⁵ See “Order Denying Motion to Dismiss for Lack of Evidence Against IPS” (Apr. 6, 2018) and “Order Denying Motions to Compel the Filing of Charges Against Other Entities” (Apr. 9, 2018).

⁶ See “Order Denying Motion for Change of Judge” (Apr. 13, 2018); “Order Denying Motion to Disqualify Prosecutor” (Apr. 13, 2018); “Order re: Prehearing Conference” (Apr. 19, 2018); “Order Denying Demand for Trial by Six-Person Jury” (May 1, 2018); and “Order Denying Reconsideration Motion to Disqualify Petitioner's Counsel” (May 8, 2018).

⁷ See “Order Denying Motion to Suppress Emails in Third Supplemental Disclosure and Denying Request to Rule Emails Inadmissible” (Apr. 30, 2018); and “Order Denying Motion to Deem Inadmissible Petitioner's Second Supplemental Disclosures” (May 7, 2018).

⁸ See, e.g., “Order Granting Petitioner's Motion to Reject Respondents' Motion for Summary Judgment” (Apr. 11, 2018); “Order Rejecting Untimely Filed Motions” (Apr. 26, 2018); “Order Rejecting and Striking Respondents' Emails Sent to the Presiding Disciplinary Judge” (May 1, 2018); and “Order Striking and Removing From Record Respondents' Stipulated Exhibits S2-S7” (May 7, 2018).

⁹ Recounting that the PDJ dismissed the People's charges against Respondent Steiert related to inventors Ledford and Glass, i.e., paragraphs 56-103 and 115-116 of the petition, the TMO notes that “[b]ecause only Respondent Steiert acted for IPS, [the People's] claims against IPS related to Ledford and Glass are dismissed as well.” TMO at 2 n.1.

aspects of the hearing.¹⁰ Those alleged irregularities include a lawyer witness's statement that he had not received certain exhibits that Respondent Steiert emailed to him during his cross-examination; suspected coaching of another witness by the witness's lawyer; and allegations that the PDJ spent too much time questioning Respondent Steiert during closing argument.¹¹

Although mistrial motions are usually considered creatures of criminal law, the PDJ nonetheless takes up Respondents' objections now, assessing whether any of the alleged occurrences during the hearing prevented the PDJ, as fact-finder, from fairly considering the case or otherwise interfered with the fair, even-handed administration of justice.¹² The PDJ concludes that a mistrial is not warranted under this standard. The lawyer-witness swore, as an officer of the court, that he had not received the late-sent exhibits from Respondent Steiert. The lawyer to another witness declared, as an officer of the court, that he had not coached his testifying client. And the PDJ advised the parties before closing argument that he planned to ask questions in order to clarify the facts and the law. The PDJ believes he is entitled to colloquy with the parties in order to best render findings of fact, conclusions of law, and recommendations; indeed, he finds that asking questions ensures his fair consideration of the case and an even-handed administration of justice. Respondents' "Motion for Mistrial" is **DENIED**.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW¹³

This section first surveys the organizational structure, operating processes, and advertising practices of Respondent IPS as a backdrop for the PDJ's findings as to the unauthorized provision of law by Respondent IPS, a corporate entity owned and controlled by a nonlawyer. Next, the PDJ makes findings about two specific customer matters. The People allege that Respondent Steiert personally engaged in the unauthorized practice of law in those two matters by rendering legal services through Respondent IPS.

Corporate Practice of Law Claim Against Respondent IPS

From autumn 2014 through at least autumn 2017, Respondent IPS was a Colorado limited liability company with main office street and mailing addresses in Edwards, Colorado.¹⁴ During most of that time, Respondent Steiert, who is not a lawyer, was listed

¹⁰ The PDJ pretermits the legal arguments that have already been entertained.

¹¹ Respondents also inveigh against evidentiary rulings and misrepresent various statements of law by the PDJ, which the PDJ declines to address here.

¹² See *Brown v. People*, 132 Colo. 561, 568-69, 291 P.2d 680, 684 (1955).

¹³ Where not otherwise noted, these facts are drawn from testimony.

¹⁴ See Ex. 24; see also Ex. 9 at 206 (Respondent Steiert assuring an inventor in an email that "Our Edwards office has more of our administrative staff, so paperwork generally goes through our Edwards office. You won't be dealing with anyone else We do have two attorneys work on every case to ensure the best possible work"). Prehearing motions practice and closing argument at the hearing suggest that Respondent IPS has now been dissolved, but the PDJ received no evidence at the hearing to support making such a finding.

with the Colorado Secretary of State as Respondent IPS's registered agent.¹⁵ Respondent Steiert regularly held himself out as CEO or president of Respondent IPS,¹⁶ and Khoa Le, one of Respondent IPS's customers, testified that he understood that Respondent Steiert was both founder and owner of Respondent IPS.¹⁷ In August 2017, Respondent IPS registered with the Colorado Secretary of State the trade name "Expert Patent Law," under which Respondent IPS planned to transact business or conduct activities.¹⁸

Respondent IPS advertised its services to potential customers on the internet. Le testified that he found Respondent IPS through a Google search for a patent law firm. Respondent IPS "popped up right away," he said. Likewise, Alex Montoya, another of Respondent IPS's customers, testified that he found Respondent IPS by doing a web search, probably through Google, and then clicking on an advertisement.

Respondent IPS advertised on the internet—at least in April 2018—through the website <http://www.expertpatentlaw.com>.¹⁹ On that site, Respondent IPS promised potential customers that the company could make their patents profitable: "We're here to be more than patent attorneys. We're here to be in your corner, to fight for you, and to make sure your invention gets protected and stays yours!"²⁰ Respondent IPS pledged to do so by offering a number of services, including patent searches, commercializing inventions, and, as relevant here, "drafting highly effective patents, designed to add the maximum value to your business."²¹

The site touted the high quality of patents produced by the company, explaining, "our patents are drafted entirely by patent attorneys with at least 5 years experience. Unlike any other firm, we do not use paralegals to draft patents. We don't let rookie attorneys draft your application, then give it to a senior employee for a brief glance."²² Potential customers were even advised that they could "request one of our attorneys who used to work for the USPTO examining patents. There is no better way to make sure your patent gets granted than to use an attorney with experience on the other side of the equation, evaluating patents for the government!"²³

The site explains that although "there are lower cost attorneys than us," Respondent IPS does everything it can "to be the lowest cost option that will do everything

¹⁵ See Ex. 24. In 2014 and 2015, Respondent Steiert (listed as Dak Brandon Steiert) was named Respondent IPS's registered agent; in August 2016, a Jack Steiert was listed as registered agent; in October 2017, D Brandon Steiert was listed as registered agent.

¹⁶ Ex. 2 at 7; Ex. 5 at 17; Ex. 11 at 250; Ex. 9 at 217.

¹⁷ See also Ex. 8 at 232 (Respondent Steiert representing, "I am one of the cofounders of the firm . . .").

¹⁸ Ex. 24 at 278.

¹⁹ Ex. 25 (printed on April 13, 2018).

²⁰ Ex. 25 at 533.

²¹ Ex. 25 at 524.

²² Ex. 25 at 536. In a separate section of the site, a bolded caption trumpets Respondent IPS's use of "Registered Patent Attorneys all with 10-20 years experience." Ex. 25 at 533.

²³ Ex. 25 at 536.

right” on a customer’s patent: “We receive many calls from inventors who have worked with less-qualified patent firms and attorneys, . . . who need us to try to save their patent and their invention.”²⁴ It announces, “It’s taken a lot of hard work and innovation in terms of running a patent firm, but we have succeeded in cutting your costs in half without affecting quality at all.”²⁵ And it promises that “[y]our patent attorney will be totally focused on your success” and that “[w]e’ll get the draft of your patent done in just 2 weeks.”²⁶ The site quotes prices between \$2,700.00 and \$2,900.00 for provisional patents, and between \$900.00 and \$9,700.00 for premium utility patents, based on the level of complexity involved.²⁷ A disclaimer on the site reads: “Any information we provide is not considered to be legal advice unless it has specifically come from the attorney assigned to your case.”²⁸

According to James Keys III and Michael C. Hamerly, two attorneys with whom Respondent IPS contracted, the company posted employment advertisements on the internet, seeking the services of contract patent attorneys.

At the hearing, Keys explained that he responded to the advertisement by reaching out to Respondent Steiert, who discussed his own background and his company. Keys agreed to work for Respondent IPS as a contract attorney, and Respondent Steiert asked Keys to sign two documents.

The first document, a letter agreement signed on December 28, 2013, by Keys, on behalf of The Keys Law Firm PLLC, and Respondent Steiert, on behalf of Respondent IPS, created an “of counsel arrangement” whereby Keys would work as an independent contractor for Respondent IPS.²⁹ Per that agreement, Keys’s “assignments” were to comprise “various tasks that relate in some aspect to the preparation and prosecution of patents.”³⁰ Under the agreement, Keys was to invoice Respondent IPS for projects as they were completed, generally on a fixed-fee basis.³¹ The agreement set forth a flat-fee compensation structure; Keys would receive \$1,800.00 after he completed a non-provisional patent application, including drafting any necessary drawings and filing the application, though he would be docked \$200.00 in pay if he delivered a draft application more than one week late.³² The letter agreement closed by assuring Keys that Respondent IPS sought to provide him the best possible compensation and working environment.

²⁴ Ex. 25 at 534.

²⁵ Ex. 25 at 535.

²⁶ Ex. 25 at 535.

²⁷ Ex. 25 at 533.

²⁸ Ex. 25 at 532.

²⁹ Ex. 1. Hamerly signed a similar letter agreement with Respondent IPS on October 26, 2015. See Ex. 4.

³⁰ Ex. 1. Keys denied ever having agreed to serve as Respondent IPS’s corporate counsel or to represent Respondent IPS or Respondent Steiert in any matter.

³¹ Ex. 1; see also Ex. 9 at 216-17 (patent services agreement between Respondent IPS and an inventor providing, “The attorney’s [sic] that file this patent application will charge the fee we negotiate, but if this situation is complicated then additional fees may be incurred.”).

³² Ex. 1.

The second document, a mutual nondisclosure agreement, was also dated December 28, 2013, and signed by Respondent Steiert, on behalf of Respondent IPS; the document was apparently meant to be likewise executed by Keys, whose signature line is blank.³³ The agreement noted the parties had contracted “for the completion of patent work for the customers of [Respondent IPS],” and it recited terms to keep certain information confidential between the parties when exchanged “for the purpose of a prior art search and consultation.”³⁴

Keys explained that under this arrangement, he usually was emailed assignments and background materials from Respondent Steiert, who had, in turn, received those documents from customers. Using his experience and expertise, Keys prepared a patent application and emailed it back to Respondent Steiert, who then forwarded it to the customer. Often, Respondent Steiert shuttled messages or questions between Keys and the customer; occasionally, Respondent Steiert arranged telephone calls between Keys and the customer to facilitate communication. Once the customer signed off on the final draft, Keys filed the patent application with his access to the USPTO filing system, though he usually identified the customer as the point of contact going forward. Keys testified that he was generally paid by Respondent IPS only after he had completed and filed the application.

Hamerly described, in large measure, a similar workflow arrangement with Respondent IPS.³⁵ Hamerly testified that he received emails from Respondent IPS’s email account, requesting that he work on a certain assignment. His assignments included work on licensing agreements, trademark filings, nonprovisional patents, and responses to office actions (when the USPTO rejects or seeks clarification of filings). Hamerly testified that Respondent Steiert prohibited him from directly communicating with customers.³⁶ When Hamerly had completed the work, he sent the finished product to Respondent IPS via email in PDF format. Then, either the customer would file the application or, at Respondent IPS’s direction, Hamerly would do so. Hamerly said that after his work was completed he was paid by check, issued either by Respondent IPS or by Respondent Steiert.

The People claim that Respondent IPS, a Colorado limited liability company owned by nonlawyer Respondent Steiert, engaged in the unauthorized practice of law by advertising, offering, and providing the legal services of patent attorneys to inventors in Colorado. Under *Title Guaranty Co. v. Denver Bar Association*, they say, a company owned by a

³³ Ex. 2. Hamerly signed a similar nondisclosure agreement with Respondent IPS on October 26, 2015. See Ex. 5.

³⁴ Ex. 2.

³⁵ Hamerly testified that he never entered into any agreement to act as corporate counsel for Respondent IPS or as personal counsel for Respondent Steiert.

³⁶ Respondent Steiert repeatedly attempted to impeach Hamerly concerning this testimony, claiming that it contradicted Keys’s statements. But the PDJ finds Hamerly’s testimony on this matter believable. Keys’s arrangement with Respondent IPS predated Hamerly’s, and Keys explained that toward the end of his time with Respondent IPS, he independently took on work from a few former customers of Respondent IPS, cutting out the middleman, so to speak. The PDJ has no trouble accepting that Respondents would have prohibited later-contracting attorneys from communicating directly with the corporation’s customers to staunch this loss of potential revenue.

nonlawyer may not offer or provide legal services to the public.³⁷ Respondents argue that *Title Guaranty* is inapposite, as the attorneys who provided the legal services in that case were employees, not independent contractors. Respondents also contend that as a corporation, Respondent IPS was incapable of offering legal advice or services; rather, they say, those services were performed by individual licensed lawyers, and the corporation acted merely as a conduit to relay assignments and messages between customers and the lawyers. Finally, Respondents argue that Respondent IPS's website contained a legal disclaimer that "[a]ny information we provide is not considered to be legal advice."³⁸

The Colorado Supreme Court exercises exclusive jurisdiction to define and regulate the practice of law in Colorado and, as a corollary, to prohibit the unauthorized practice of law within the state.³⁹ To practice law in Colorado, a person must have a law license issued by the Colorado Supreme Court unless a specific exception applies.⁴⁰

Colorado case law holds that a layperson who acts "in a representative capacity in protecting, enforcing, or defending the legal rights and duties of another and in counseling, advising and assisting that person in connection with these rights and duties" engages in the practice of law.⁴¹ This definition encompasses activities involving the use of legal judgment usually exercised by professionals, including offering legal advice about a specific case, drafting or selecting legal pleadings without the supervision of an attorney, or holding oneself out as the representative of another in a legal action.⁴² Phrased somewhat more expansively, the practice of law involves the exercise of professional judgment, calling upon "legal knowledge, skill, and ability beyond [that] possessed by a layman."⁴³ It is generally agreed that drafting patent claims for others is the practice of law, because it requires the exercise of legal discretion to determine and describe the "patentability of [] inventions under the statutory criteria."⁴⁴

In this case, two other jurisprudential doctrines in particular bear on whether Respondent IPS engaged in the unauthorized practice of law. First, in *Title Guaranty*, a case

³⁷ 135 Colo. 423, 432-33, 312 P.2d 1011, 1015-16 (1957).

³⁸ Ex. 25 at 532.

³⁹ C.R.C.P. 228.

⁴⁰ See C.R.C.P. 201-224.

⁴¹ *People v. Shell*, 148 P.3d 162, 171 (Colo. 2006).

⁴² *Id.*

⁴³ See *In re Swisher*, 179 P.3d 412, 417 (Kan. 2008); see also *Ohio State Bar Ass'n v. Burdzinski*, 858 N.E.2d 372, 377 (Ohio 2006) (observing that there is no unauthorized practice of law "when the activities of the nonlawyer are confined to providing advice and services that do not require legal analysis, legal conclusions, or legal training"); *Perkins v. CTX Mortg. Co.*, 969 P.2d 93, 98 (Wash. 1999) ("we have prohibited only those activities that involved the lay exercise of legal discretion because of the potential for public harm").

⁴⁴ *Sperry v. Florida*, 373 U.S. 379, 383 (1963) ("under Florida law the preparation and prosecution of patent applications for others constitutes the practice of law"); *In re Amalgamated Dev. Co.*, 375 A.2d 494, 499 (D.C. 1977) (noting that the following activities constitute the practice of law: advising inventors as to patentability; preparing a patent application, including specification claims and official drawings; advising inventors of actions to take after rejection; and preparing and filing amendments).

involving the unauthorized practice of law, the Colorado Supreme Court restricted companies' provision of legal services.⁴⁵ That case involved whether a title insurance company could employ lawyers to prepare for title insurance applicants certain conveyancing documents to which the insurance company was not a party, including deeds, promissory notes, trust deeds and mortgages, and releases of trust deeds.⁴⁶ The Colorado Supreme Court noted that preparation of these documents "is more commonly and in our opinion accurately called a 'closing service,'" the provision of which, the court observed, constitutes the practice of law.⁴⁷ But corporations may not render legal services, the court said, even through licensed lawyers in its employ.⁴⁸ This is because when a lawyer serves as an agent of a corporation, that lawyer acts from a sense of duty and loyalty to the corporation rather than to the client, who is owed an undivided allegiance.⁴⁹ This holding dovetails with the more recently promulgated Colo. RPC 5.4(d), which provides that a lawyer may not practice with a professional company if a nonlawyer owns any interest in that company or if a nonlawyer has the right to direct or control the professional judgment of a lawyer.

Second, the Colorado Supreme Court has observed that any unlicensed person who holds himself or herself out as an attorney or as qualified to practice law may be held in contempt of court for practicing law without a license.⁵⁰ For instance, the court held a nonlicensed person in contempt for, among other things, advertising himself via business card as a "lawyer."⁵¹

The PDJ agrees with the People that *Title Guaranty* prohibits Respondent IPS, a nonlawyer-owned corporation, from offering or purveying legal services of licensed lawyers. The *Title Guaranty* court made clear that such corporations may not prepare legal documents for others, regardless of whether those legal documents are drafted by lawyers on staff.⁵² By holding itself out as able to perform legal services and by rendering under the corporate aegis those legal services, including the preparation of patent applications, Respondent IPS engaged in the unauthorized practice of law. The PDJ also agrees with the People that Respondent IPS's website held the company out as a patent law firm, suggesting that the company was, in fact, a law firm owned and controlled by lawyers.⁵³ Respondent IPS repeatedly compared itself to other law firms and referred to itself as a patent firm, leading website viewers to believe that Respondent IPS was a patent law firm.

⁴⁵ 135 Colo. at 432-33, 312 P.2d at 1015-16.

⁴⁶ 135 Colo. at 429-30, 312 P.2d at 1014.

⁴⁷ *Id.*

⁴⁸ 135 Colo. at 432-33, 312 P.2d at 1016.

⁴⁹ 135 Colo. at 432-36, 312 P.2d at 1016-18.

⁵⁰ *Binkley v. People*, 716 P.2d 1111, 1114 (Colo. 1986).

⁵¹ *People ex rel. Atty. Gen. v. Castleman*, 88 Colo. 207, 207, 294 P. 535, 535 (1930).

⁵² 135 Colo. at 432-33, 312 P.2d at 1016.

⁵³ In accordance with Colo. RPC 5.4 and C.R.C.P. 265 (governing professional companies that render legal services).

By misrepresenting the company's status on its website, Respondent IPS engaged in the unauthorized practice of law.

Respondents' defenses miss the point. *Title Guaranty's* holding did not in any way turn on the nature of the employment relationship between company and lawyer. Indeed, that Respondent IPS contracted with lawyers, rather than employed them, does not fix the underlying incentive structure—and thus the possibility of divided loyalties or influenced judgment—inherent when a lawyer acts as an agent for a corporation. Respondent IPS's profit motive (for example, in one instance, Respondent IPS bargained to complete an inventor's patent application for \$4,700.00 but promised only \$1,800.00 of that sum to the lawyer who agreed to perform the work, a cut of \$2,900.00 or sixty-one percent of the fee⁵⁴) threatened to interfere with its contracting lawyers' professional judgment, impinging on, at a minimum, the timing and quality of their work.

Nor does Respondent IPS's role as mere conduit between customer and lawyer (if true) dispel those same fears. To the contrary, that conduit role injects great uncertainty into the lawyer-client relationship, including whether protections of confidentiality and attorney-client privilege apply, and whether advertising can be relied upon not to mislead or overreach. Finally, whether Respondent IPS disclaims that the company itself is providing legal advice or services is immaterial: just as it is no defense to an unauthorized practice of law claim that a respondent discloses his or her lack of a law license, so too is it no defense that a nonlawyer-owned corporation announces that it only renders legal service through independently contracting lawyers.⁵⁵

Le Matter

Khoa Le, a Colorado inventor, contacted Respondent IPS around August 22, 2015, expressing interest in securing the company's help to obtain a patent for his invention, the Portable EasyP Urinal.⁵⁶ In the waning days of August, Le and Respondent Steiert communicated extensively via email about the possible engagement. Respondent Steiert promised that the company would rewrite "much if not all" of Le's patent and claims, and create new drawings based on Le's own initial work.⁵⁷

⁵⁴ See the discussion of the Le matter, below.

⁵⁵ Cf. *People ex rel. Attorney Gen. v. Woodall*, 128 Colo. 563, 563-64, 265 P.2d 232, 233 (1954) (holding that a bank cashier engaged in the practice of law when he prepared a will for a member of the public, even though he never represented that he was a lawyer or that he had legal training); *Fla. Bar v. Brumbaugh*, 355 So.2d 1186, 1193-94 (Fla. 1978) (holding that a respondent who never held herself out as an attorney nevertheless engaged in the unauthorized practice of law, because her clients placed some reliance on her to properly represent their interests); *Columbus Bar Ass'n v. Am. Family Prepaid Legal Corp.*, 916 N.E.2d 784, 797 (Ohio 2009) (deciding that disclosure of a person's nonlawyer status is no defense to an unauthorized practice of law claim).

⁵⁶ See generally Exs. 8-9.

⁵⁷ Ex. 9 at 234.

Le attempted to negotiate a payment schedule but Respondent Steiert declined Le's proposal, noting "[w]e pay our attorneys for their work in full in 2 weeks. Meaning that if I accept your deal, I have risked thousands of dollars on your case."⁵⁸ Le then asked for some reassurance that he would not feel trapped by their agreement; Respondent Steiert replied, "We're the best patent firm in the country, and on top of that we take lower cost than any of the other firms near our capability level. We haven't gotten there by working for free or making deals for less than we're worth."⁵⁹ Nevertheless, he offered to accept up front just \$3,900.00 out of the \$4,700.00 quoted fee, with the remaining \$800.00 payable before Le's patent was filed.

On September 9, 2015, Le accepted Respondent Steiert's offer by sending a check to Respondent IPS for \$3,900.00⁶⁰ and executing a patent services agreement; Respondent Steiert earlier had signed the agreement as president of Respondent IPS.⁶¹ Le also sent Respondent Steiert all the materials needed to complete the application, including two provisional applications for the invention that Le had earlier filed.⁶²

Respondents assigned Le's patent application to Keys. According to Keys, he had been given many projects in autumn 2015, and work had piled up around that time. As he worked through that backlog, he began to attend to Le's application, which had taken him longer than expected to write. Then, on October 13, 2015, Keys's wife gave birth to a baby, who arrived three weeks early. Respondent Steiert notified Le by email of the delay and vowed that his patent application would be finished within days.⁶³ Le assured Respondent Steiert that he felt no urgency: "Your 35-day promise has no bearing in this case. [Keys] does not need any pressure at this time. I want him to be completely happy with his family."⁶⁴

Despite Le's assurances, Respondent Steiert terminated Respondent IPS's relationship with Keys on the evening of October 20, 2015.⁶⁵ Keys replied via email that he was "about 30 hours in" on Le's application and explained that he was "stuck with either delivering something subpar or just pushing through," but he agreed to take Le's application "and the other pending apps off [his] docket."⁶⁶ At the hearing, Keys offered uncontested testimony that he took no further action on Le's application after receiving Respondent Steiert's email, that he never sent Respondents any of his work on Le's application; and that he did not bill or receive any money for the time he spent on Le's application.

⁵⁸ Ex. 9 at 219.

⁵⁹ Ex. 9 at 218.

⁶⁰ Ex. 10.

⁶¹ Ex. 9 at 216-17.

⁶² Ex. 12.

⁶³ Ex. 9 at 201-02 ("Just to let you know, the attorney that is working with me on your patent had his wife go into labor and give birth to a baby yesterday. So he needs a few days off.").

⁶⁴ Ex. 9 at 202.

⁶⁵ Ex. 3 at 008.

⁶⁶ Ex. 3 at 008.

On the same night he terminated Respondent IPS's relationship with Keys, Respondent Steiert emailed Le:

Hi Khoa,

Our attorney underestimated the time he needed. I'm finishing your patent myself without him, but it's going to take me a couple days because I have to run the entire firm as well, so I just have to stay up late to get it done for you.

I appreciate your understanding!

Dak⁶⁷

Respondent Steiert emailed Le three days later—on October 23, 2015—attaching a draft of Le's patent application and promising corresponding drawings once payment had been completed.⁶⁸ Respondent Steiert asked Le to apprise him of any important changes or additions that should be made but cautioned that the wording was intentional and should only be changed if it reflected an error.⁶⁹ Le suggested some minor revisions and asked to incorporate some other claims. Respondent Steiert replied that he would make the edits but advised Le that incorporating the new claims would require additional USPTO fees. The two then hashed out the details of a supplemental \$1,800.00 payment to Respondent IPS, along with further technical discussion of the content of the claims. Le concluded, "you have freedom to create the claims as you see relevant in a way that you want [in order] to protect my design and prevent anyone from copying my design to compete against me."⁷⁰ On October 29, 2015, Le wrote Respondent IPS a check for another \$1,800.00.⁷¹

Around the same time, Respondent IPS entered into a independent contractor relationship with Hamerly, who executed a letter agreement and a mutual nondisclosure agreement similar to those that Keys had signed.⁷² Hamerly testified that he was never in direct communication with Le and never worked on Le's application himself. Le, for his part, also testified that he never worked with or heard of Hamerly. But on December 12, 2015, Respondent IPS sent an email to Hamerly with the subject line "Next patent to file," asking him to submit Le's patent application to the USPTO and providing relevant background information for the filing.⁷³ The following day, with the information in Respondent IPS's email, the PDF documents he had been sent, and the relevant credit card information, Hamerly filed Le's application, using his own access to the USPTO filing system. Hamerly testified that he did not review the application and was not asked to do so, as reflected by his compensation for the task: he said Respondent IPS paid him \$20.00 or \$30.00 for filing the application, though he was not certain of the exact amount because Respondent IPS paid him for several such filings at once.

⁶⁷ Ex. 9 at 201.

⁶⁸ Ex. 9 at 198.

⁶⁹ Ex. 9 at 198.

⁷⁰ Ex. 9 at 196.

⁷¹ Ex. 10.

⁷² See Ex. 4 (letter agreement) and Ex. 5 (nondisclosure agreement).

⁷³ See Ex. 7.

Le testified that, in general, he was happy with Respondent IPS's services.⁷⁴ He did, however, note that he was displeased that the USPTO had charged him additional fees to address mistakes in certain forms. Le recounted that Respondent Steiert had directed him to leave blank any questions on the forms that he did not understand and had assured him that Respondent IPS would fix those omissions. According to Le, Respondents never filled in those blanks for him, resulting in additional fees.

The People allege that Respondent Steiert engaged in the unauthorized practice of law by drafting the claims in Le's patent application. The People point to three pieces of evidence to support this charge: first, that Keys testified he never sent Respondents his work on Le's application; second, that Respondent Steiert vowed in writing to personally finish Le's patent himself; and third, that Hamerly, who filed the patent, attested that he never worked on Le's submission himself. Respondents counter that neither Le nor Hamerly are credible witnesses, that Respondent Steiert asked Hamerly to review the application before filing, and that by signing and filing Le's application Hamerly took full responsibility for Le's submission under 37 C.F.R. § 1.34.

The PDJ finds that Respondent Steiert engaged in the unauthorized practice of law by drafting the claims portion of Le's patent application. The parties do not dispute that Le's application was assigned to Keys and that Respondent Steiert withdrew that assignment from Keys on October 20, 2015. The PDJ finds credible Keys's testimony that he never forwarded Le's incomplete application to Respondents: it stands to reason that, believing he would not be paid for the unfinished work, Keys felt no obligation or compulsion to do so. That, coupled with Respondent Steiert's own written promise to Le to finish the work himself and the fact that Respondent IPS did not contract with Hamerly until October 26, 2015, convinces the PDJ that Respondent Steiert wrote much, if not all, of the draft patent application he sent to Le on October 23, 2015.

Nor do the events thereafter show that Hamerly had any substantive role in completing the patent application that he filed in mid-December 2015. Hamerly testified that he never worked on the application; Le testified that he never worked with or heard of Hamerly; no emails or other communication show that Respondents assigned Le's application to Hamerly or any other attorney; and Respondent Steiert's email of December 12, 2015, does not request Hamerly's review of the application and in fact suggests that Hamerly lacked familiarity with Le's matter.⁷⁵ In the absence of any other

⁷⁴ See Ex. JJ (investigative report of Colorado's Fifth Judicial District Attorney's Office, noting that in an interview Le volunteered that Respondent Steiert had done him a favor by finishing the work, Respondents had done a good job, and he was happy with the work).

⁷⁵ Respondent Steiert contends that under 37 C.F.R. § 1.34, Hamerly took full responsibility for the contents of Le's application when he submitted that document to the USPTO, and Respondent implies that Hamerly's involvement absolves him from any culpability in this matter. The PDJ is not convinced that Respondent Steiert's reading or application of that regulation is accurate. Further, Hamerly's last-minute participation in the matter by filing the application does not shield Respondent Steiert from charges of the unauthorized practice of law: he prepared the application and gave Le legal counsel, all without supervision or direction from a

explanation, and given Respondent Steiert's stated willingness to finish Le's work himself, the PDJ concludes that a preponderance of the evidence points to Respondent Steiert having completed Le's patent application, thereby engaging in the unauthorized practice of law.

Montoya Matter

Alex Montoya, who lives in Westminster, Colorado, is the inventor of a faucet attachment adaptor. He first learned of Respondent IPS around January 2013, and he worked with a lawyer affiliated with the company to file a patent application, which was submitted to the USPTO in May 2013.⁷⁶ In June 2015, the USPTO sent Montoya an office action summary and written explanation thereof, rejecting some claims and objecting to others. In October 2015, Respondent IPS prepared for Montoya a response, requesting the USPTO to amend his application in line with certain remarks and arguing that all grounds for rejection of his application had been overcome. In January 2016, the USPTO again rejected all of Montoya's claims. Montoya took no action, and in July 2016 the USPTO deemed his application abandoned.

Montoya testified at the hearing that although he and Respondent Steiert exchanged emails in early 2016 as to how to proceed,⁷⁷ he got busy and only came back to the matter after he received the USPTO's notice of abandonment.⁷⁸ He asked for Respondent IPS's assistance to pursue the patent, and Respondent Steiert explained to Montoya his options and the associated costs, most notably an extra \$4,800.00 in charges from Respondent IPS.⁷⁹

At issue in this matter, Respondent IPS then asked Hamerly to revive Montoya's application and to respond to the USPTO's rejection, and Respondent Steiert arranged for Montoya to give Hamerly a power of attorney.⁸⁰ Hamerly testified that he worked on the forms to petition for revival of Montoya's application and to request a continued examination, but he left the signature and date lines blank, as he had not received clear direction from Respondents as to whether he or Montoya would sign the forms. Hamerly also recalled drafting in late October 2016 an amendment to the application, which responded to the USPTO's rejection of various claims in Montoya's application and amended certain parts thereof.⁸¹ According to Hamerly, he sent this document to Respondents in draft form, as evidenced by the presence of an incomplete telephone number in his signature box template and a widow "Conclusion" header on page 7, which was separated

lawyer. Nevertheless, that Hamerly admitted to having filed the application without reviewing it strikes the PDJ as a statement against interest, lending credibility to his testimony on this score.

⁷⁶ See Ex. 18.

⁷⁷ See Ex. 19 at 33-35.

⁷⁸ See Ex. S.

⁷⁹ See Ex. 19 at 32-33.

⁸⁰ See Ex. 19 at 54.

⁸¹ See Ex. 18; see also Ex. GG (a draft of the amendment, which Montoya believes was forwarded to him).

from the accompanying text that appeared on the next page. Had he finalized this document, he said, he would have corrected the typographical error in the telephone number, and he also would have linked the “Conclusion” header to the appurtenant text so that both appeared on the same page.

On December 23, 2016, the USPTO date-stamped Montoya’s form petitioning to revive his patent application. This document bears Montoya’s signature, who testified that he did indeed sign the document. On January 10, 2017, the USPTO date-stamped two other documents: (1) a Request for Continued Examination, which bears a signature of “Michael Hamerly” and is dated December 18, 2016; and (2) the Amendment and Request for Consideration, which contains the same typographical errors Hamerly described.

Hamerly testified that he is confident he did not sign or date the Request for Continued Examination, for three reasons: first, he said, he had no further communication with Respondents about Montoya’s matter after December 1, 2016; second, his practice is to sign all documents with some reference to his middle name—as either “Michael Charles Hamerly” or “Michael C. Hamerly”—and not simply with his first and last names; and third, he could not locate any form from Respondents listing Montoya’s credit card information and therefore he could have not filed the document. Hamerly also testified that he never authorized the filing of the Amendment, which was not in final form.⁸²

The USPTO required from Montoya several additional volleys, but he was eventually awarded a patent for his faucet attachment adaptor in July 2017.⁸³ Montoya testified that he did not suffer any harm from working with Respondents, reasoning that although dealing with the USPTO is “sometimes arduous,” he got his patent in the end. Hamerly, on the other hand, testified that Respondents did not pay him for his work on Montoya’s filings.

The People contend that Respondent Steiert engaged in the unauthorized practice of law in Montoya’s matter by signing Hamerly’s name to the Request for Continued Examination form without Hamerly’s knowledge or approval and by filing the Amendment and Request for Consideration without Hamerly’s knowledge or approval. Respondents argue that Hamerly did finalize Montoya’s submissions and authorize their filing; that Hamerly is not credible and has been known to make errors in submissions to the USPTO; and that the People did not muster any evidence to show who actually filed those documents.

Here, the PDJ cannot conclude as a matter of fact that Respondent Steiert dated or signed Hamerly’s name to the Request for Continued Examination. Though Hamerly claims he always signed such forms with some reference to his middle name, the PDJ observes that

⁸² On cross-examination, Hamerly made several references to email communications between himself and Respondent Steiert about filing these documents, but those communications were not introduced into evidence.

⁸³ See Ex. 18.

this does not always appear to be so: in an electronic patent application fee transmittal form that Hamerly filed for Le, Hamerly is referred to simply as “Michael Hamerly.” That Hamerly contends he did not communicate with Respondent Steiert after November 2016 or that he could not locate a form with credit card information does not strike the PDJ as evidence solid enough to find that Respondent Steiert filed the form, let alone signed Hamerly’s name or dated the form without Hamerly’s authorization—particularly in the absence of any contemporaneous documentation corroborating Hamerly’s testimony.

Nor can the PDJ find by a preponderance of the evidence that Respondent Steiert filed the Amendment and Request for Consideration, knowing that he did not have Hamerly’s authorization to do so. If Respondent Steiert did in fact file that document—and no evidence was propounded to show that he did—the People failed to show that Hamerly never authorized the filing. For example, the People did not introduce any documents in which Hamerly explicitly stated that the document was in draft form. They did not point to any communication in which Hamerly instructed Respondent Steiert not to file the document without his authorization. And they did not establish any course of conduct to support a claim that Respondents generally waited to take further action until Hamerly approved a filing. Indeed, based on the evidence before the PDJ, one cannot discern whether the filing was a result of a mere miscommunication. Without any supporting documentation, the PDJ is left with insufficient evidence to conclude that Respondent Steiert took unauthorized action on Hamerly’s behalf.

Finally, as a matter of law, the PDJ is unconvinced that the mere act of signing, dating, or filing a document without the knowledge or authorization of a lawyer constitutes the unauthorized practice of law. To be sure, signing a lawyer’s name without the lawyer’s authorization may well constitute criminal impersonation and run afoul of other rules and regulations. But here, on these facts, the PDJ does not necessarily see in the signing or filing of what appears to be a mostly completed document any inherent exercise of professional judgment beyond that which is possessed by a layperson. Accordingly, the PDJ cannot conclude that Respondent Steiert engaged in the unauthorized practice of law in the Montoya matter.

III. INJUNCTION, FINE, RESTITUTION, AND COSTS

The People ask that Respondents be enjoined from further unauthorized practice of law. They also seek to extend that injunction not only to Respondent IPS, which they say has been dissolved, but also to any corporate successor of Respondent IPS. The People point to C.R.C.P. 65(d) as authority that would permit such relief. That rule provides:

Every order granting an injunction and every restraining order shall set forth the reasons for its issuance; shall be specific in its terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and

upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

The PDJ does not read this rule as authorizing injunctive relief against successor entities—indeed, such an injunction would not be sufficiently specific in its terms, as the rule requires—but rather against those persons who participated in the formation, ownership, or control of the enjoined entity. Accordingly, the PDJ recommends that the Colorado Supreme Court enjoin Respondent IPS from the unauthorized practice of law, including advertising, offering, or providing legal services, whether those services are rendered by lawyers or nonlawyers. The PDJ also recommends that the Colorado Supreme Court enjoin Respondent Steiert from the unauthorized practice of law, including by preparing or prosecuting patent applications for others; advising others as to their legal rights or duties, including the patentability of inventions; and forming or participating in the formation, ownership, direction or control of an entity that advertises, offers, or provides legal services.

C.R.C.P. 236(a) provides that, if a hearing master makes a finding of the unauthorized practice of law, the hearing master shall also recommend that the Colorado Supreme Court impose a fine ranging from \$250.00 to \$1,000.00 for each incident of the unauthorized practice of law. The People request here that the PDJ recommend the minimum fine of \$250.00 for each of the alleged instances of unauthorized practice of law. In assessing fines, the Colorado Supreme Court previously has examined whether a respondent's actions were "malicious or pursued in bad faith" and whether the respondent engaged in unlawful activities over an extended timeframe despite warnings.⁸⁴ In this case, Respondents each engaged in a sole instance of unauthorized activity, and there is no evidence of any malice or bad faith. The PDJ recommends that Respondent IPS be fined \$250.00 for engaging in the unauthorized practice of law by offering legal services under the corporate form, and that Respondent Steiert be fined \$250.00 for engaging in the unauthorized practice of law by preparing Le's patent application.

Next, the People request restitution in the amount of \$5,700.00 for Respondent Steiert's conduct in the Le matter. The People's request is supported by evidence adduced at the hearing.⁸⁵ Because the Colorado Supreme Court has deemed it appropriate to award restitution of any fees received for the unauthorized practice of law,⁸⁶ the PDJ finds that restitution is warranted here.

Finally, the People ask that Respondents be ordered to pay \$709.00 in costs, comprising the People's administrative fee, service of legal process, and USPTO document fees. Respondents object to the People's request for costs, noting that the People's request

⁸⁴ *People v. Adams*, 243 P.3d 256, 267-68 (Colo. 2010).

⁸⁵ See Ex. 10.

⁸⁶ *People v. Love*, 775 P.2d 26, 27 (Colo. 1989).

was filed out of time.⁸⁷ The People acknowledge that their failure to timely file their request did not stem from excusable neglect.

Even so, the PDJ recommends that costs be awarded, jointly and severally, against Respondents. The scheduling order in this matter provides that untimely motions are adjudged under a good cause standard, not an excusable neglect standard,⁸⁸ and the PDJ finds good cause to allow assessment of costs. The scheduling order directs the People to file a statement of costs within seven days of the hearing (by May 18, 2018). On May 15, Respondents filed their mistrial motion, to which the People responded. When the People then filed their statement of costs on May 31—just shy of two weeks late—Respondents had ample opportunity to address the substance of the People’s costs statement. Significantly, Respondents face no prejudice by the People’s late filing. Although Respondents protest that pretrial scheduling order requirements were strictly enforced against them, they disregard the leniency the PDJ accorded many of their filings—including the PDJ’s regular practice of overlooking their failure to seek leave to file replies. The PDJ concludes that there is an inherent fairness in allowing the People to recoup their costs: the equities weigh in favor of granting the People’s costs motion where Respondents have been afforded a meaningful opportunity to challenge the requested costs, and where the PDJ has deemed those costs reasonable.⁸⁹ Accordingly, the PDJ recommends that the Colorado Supreme Court assess \$709.00 in costs jointly and severally against Respondents.

IV. RECOMMENDATION

The PDJ **RECOMMENDS** that the Colorado Supreme Court **FIND** that Respondents engaged in the unauthorized practice of law and **ENJOIN** them from the unauthorized practice of law. The PDJ also **RECOMMENDS** that the Colorado Supreme Court enter an order requiring Respondent Steiert to pay **RESTITUTION** to Khoa Le of \$5,700.00 and a **FINE** of \$250.00; requiring Respondent IPS to pay a **FINE** of \$250.00; and requiring Respondents, jointly and severally, to pay **COSTS** of \$709.00.

⁸⁷ Respondents filed two responses to the People’s cost request, one on May 31, 2018, and one on the following day. Notably, Respondents’ June 1 submission criticizes the quality of patent services rendered by the legal profession, maintains that Respondent IPS provided a better, less expensive, more responsive option in the patent services marketplace, and warns that overzealous and misplaced regulation by the judicial branch threatens to strangle innovation, commerce, and competition. The People also acknowledged these policy concerns in their closing argument. But the PDJ’s role is limited here: the PDJ is tasked not with crafting policy outcomes but with making findings of fact, conclusions of law, and recommendations based on existing authority.

⁸⁸ See Scheduling Order at § II(7) (Feb. 22, 2018) (“Motions for extension of time require a showing of good cause”).

⁸⁹ The PDJ thus **GRANTS** “Petitioner’s Request to File Statement of Costs Late.”

DATED THIS 27th DAY OF JUNE, 2018.



A handwritten signature in blue ink that reads "William R. Lucero".

WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

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