

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: September 18, 2013
Original Proceeding in Unauthorized Practice of Law, 11UPL132	
<b>Petitioner:</b>  The People of the State of Colorado,  v.  <b>Respondents:</b>  Christopher Bridwell and 4MT Compliance, LLC, a Delaware limited liability company.	Supreme Court Case No: 2012SA272
ORDER OF COURT	

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

IT IS ORDERED that Respondent, CHRISTOPHER BRIDWELL and 4MT COMPLIANCE, LLC a Delaware 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 the Respondents, CHRISTOPHER BRIDWELL and 4MT COMPLIANCE, LLC a Delaware limited liability company, pay restitution in the amount of \$33,593.12 jointly in favor of Gary W. McKee and McKee Enterprises.

IT IS FURTHER ORDERED that the Respondents, CHRISTOPHER BRIDWELL and 4MT COMPLIANCE, LLC a Delaware limited liability company jointly and severally pay a fine of \$1000.00.

BY THE COURT, SEPTEMBER 18, 2013.

<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><b>Petitioner:</b> THE PEOPLE OF THE STATE OF COLORADO</p> <p><b>Respondents:</b> CHRISTOPHER BRIDWELL and 4MT COMPLIANCE, LLC, a Delaware limited liability company</p>	<p>Case Number: <b>12SA272</b></p>
<p><b>REPORT OF HEARING MASTER PURSUANT TO C.R.C.P. 236(a)</b></p>	

This matter is before the Presiding Disciplinary Judge ("the PDJ") on an order issued by the Colorado Supreme Court on February 1, 2013, referring this matter to the PDJ "to prepare a report setting forth findings of fact, conclusions of law, and recommendations" pursuant to C.R.C.P. 234(f) and 236(a).

### **I. PROCEDURAL HISTORY**

On September 18, 2012, Kim E. Ikeler, Office of Attorney Regulation Counsel ("the People"), filed a "Petition for Injunction" against Christopher Bridwell and 4MT Compliance, LLC, a Delaware limited liability company (collectively, Respondents), alleging they engaged in the unauthorized practice of law. On September 26, 2012, the Colorado Supreme Court issued an "Order and Rule to Show Cause," directing Respondents to show cause within twenty-one days why they should not be enjoined from the unauthorized practice of law. The People accomplished service of the petition and order by certified mail on January 5, 2013, yet Respondents did not respond to the petition or the order to show cause.

On February 1, 2013, 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" pursuant to C.R.C.P. 234(f) and 236(a). On February 11, 2013, the PDJ entered an order directing the parties to set an at-issue conference. Although the People attended the at-issue conference on February 20, 2013, Respondents did not appear. The PDJ then issued an "Order to Show Cause," ordering Respondents

to answer the People's petition no later than March 8, 2013, and warning Respondents that if they failed to do so, the PDJ would find they had waived a first meeting of the parties and the PDJ might deem the claims alleged in the People's petition to have been proved. Respondents did not comply with that order.

On April 17, 2013, the PDJ entered default against Respondents, and on May 28, 2013, the People filed a motion for default judgment. Respondents did not respond.

## **II. DEFAULT JUDGMENT AND ANALYSIS**

### **Petitioner's Motion for Default Judgment**

The People have followed the procedure for default judgment set forth in C.R.C.P. 55 and 121 section 1-14 by showing valid service on Respondents, as set forth in Mr. Ikeler's affidavit, which also indicates that venue is proper; that Respondent Bridwell is not a minor, an incapacitated person, an officer of the State of Colorado, or in the military service; and that Respondent 4MT Compliance is not an agency of the State of Colorado.

The PDJ determines that the allegations of the People's petition establish that Respondents engaged in the unauthorized practice of law.<sup>1</sup> Accordingly, the PDJ **GRANTS** the People's motion for default judgment.

### **Findings of Fact**

Respondent Bridwell is not licensed to practice law in the State of Colorado or any other state.<sup>2</sup> Respondent 4MT Compliance, LLC, a Delaware limited liability company, employs Respondent Bridwell.<sup>3</sup> Respondent 4MT Compliance, LLC, does not employ any licensed attorneys and did not employ any licensed attorneys at times relevant to this matter.<sup>4</sup>

Gary McKee operates McKee Enterprises, a construction company, which defaulted on a loan secured by real property owned by the company.<sup>5</sup> Mutual of Omaha Bank, the holder of the indebtedness, brought a foreclosure action in Jefferson County District Court.<sup>6</sup>

On August 31, 2011, McKee appeared before a clerk of the Jefferson County District Court, and Respondent Bridwell appeared by telephone.<sup>7</sup> As pertinent here, the colloquy included Respondent Bridwell's representations

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<sup>1</sup> See the People's petition for further detailed findings of fact.

<sup>2</sup> Pet. ¶ 1.

<sup>3</sup> Pet. ¶ 3.

<sup>4</sup> Pet. ¶ 4.

<sup>5</sup> Pet. ¶¶ 7-8.

<sup>6</sup> Pet. ¶ 9.

<sup>7</sup> Pet. ¶¶ 10-11.

that was he an attorney affiliated with Respondent 4MT Compliance and that he wanted to file a response in the foreclosure case.<sup>8</sup>

On or about November 10, 2011, Respondent Bridwell prepared, signed, and filed a notice of removal in federal court, which cited federal statutes, Colorado case law, the Colorado Rules of Professional Conduct, the United States Constitution, federal case law, and law review articles.<sup>9</sup> He also made extensive legal argument in the notice in support of removing the foreclosure case to federal court, contending that Mutual of Omaha Bank had engaged in violations of securities laws, unfair debt collection practices, and civil rights violations.<sup>10</sup> Respondent Bridwell signed the notice of removal as the "Legal Representative" for McKee and McKee Enterprises.<sup>11</sup> Typed beneath Respondent Bridwell's signature was: "CHRISTOPHER BRIDWELL, PRESIDENT of 4MT COMPLIANCE."<sup>12</sup> Respondent Bridwell also listed as his address the same address as McKee's business.<sup>13</sup>

Mutual of Omaha Bank moved to remand the case from federal court back to Jefferson County District Court, and on January 23, 2012, U.S. Magistrate Judge Kristen L. Mix issued her recommendation that the case be remanded.<sup>14</sup>

On or about March 21, 2013, Respondent Bridwell prepared a complaint against John Lobus, the attorney who represented Mutual of Omaha Bank, and filed the pleading with the Superior Court of the State of New York, County of New York.<sup>15</sup> The complaint purported to assert a cause of action based on a civil conspiracy under 18 U.S.C. §§ 1961-1968, cited federal and California statutes, and claimed that Lobus, Mutual of Omaha Bank, and others had engaged in a racketeering enterprise.<sup>16</sup> McKee signed the complaint.<sup>17</sup>

McKee and McKee Enterprises paid Respondent Bridwell \$27,902.17 for his services in the foreclosure action, in addition to \$5,690.95 in filing fees.<sup>18</sup> Moreover, in reliance upon Respondent Bridwell's legal advice, McKee and McKee Enterprises paid Respondent Bridwell the following: \$21,558.00 total in payments related to McKee's family ranch; \$12,1917.00 total in payments related to a building owned by McKee Enterprises; \$1,800.00 related to the Colorado Business Bank; and \$1,400.00 related to Key Bank.<sup>19</sup> Rather than

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<sup>8</sup> Pet. ¶ 12.

<sup>9</sup> Pet. ¶¶ 13-14.

<sup>10</sup> Pet. ¶¶ 15-16.

<sup>11</sup> Pet. ¶ 17.

<sup>12</sup> Pet. ¶ 18.

<sup>13</sup> Pet. ¶ 19.

<sup>14</sup> Pet. ¶¶ 20-21.

<sup>15</sup> Pet. ¶¶ 22-23.

<sup>16</sup> Pet. ¶¶ 25-26.

<sup>17</sup> Pet. ¶ 24.

<sup>18</sup> Mot. for Default J. Ex. A.

<sup>19</sup> Mot. for Default J. Ex. A.

apply these payments to McKee's indebtedness on the ranch and the building, as Respondent Bridwell promised he would do, Respondent Bridwell kept those funds for himself.<sup>20</sup> Both the family ranch and the building were lost in foreclosure.<sup>21</sup> Neither Respondent Bridwell nor Respondent 4MT Compliance LLC has repaid any of these monies to McKee or McKee Enterprises.<sup>22</sup>

### Legal Analysis

The Colorado Supreme Court, which exercises exclusive jurisdiction to define the practice of law within the State of Colorado,<sup>23</sup> restricts the practice of law to protect members of the public from receiving incompetent legal advice from unqualified individuals.<sup>24</sup> To practice law in the State of Colorado, a person must have a law license issued by the Colorado Supreme Court, unless a specific exception applies.<sup>25</sup>

Colorado Supreme Court case law holds that "an unlicensed person engages in the unauthorized practice of law by offering legal advice about a specific case, drafting or selecting legal pleadings for another's use in a judicial proceeding without the supervision of an attorney, or holding oneself out as the representative of another in a legal action."<sup>26</sup> The Colorado Supreme Court has also ruled that one 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.<sup>27</sup>

In this matter, Respondent Bridwell engaged in the unauthorized practice of law by drafting, signing, and filing the notice of removal; by drafting the complaint; and by holding himself out to Jefferson County District Court personnel as McKee's legal representative. Likewise, Respondent 4MT Compliance engaged in the unauthorized practice of law through the actions of its employee, Respondent Bridwell, when he prepared legal documents and held himself out as an attorney working on behalf of the company. The PDJ determines that the provision of these services constitutes the unauthorized practice of law.

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<sup>20</sup> Mot. for Default J. Ex. A.

<sup>21</sup> Mot. for Default J. Ex. A.

<sup>22</sup> Mot. for Default J. Ex. A.

<sup>23</sup> C.R.C.P. 228.

<sup>24</sup> *Unauthorized Practice of Law Comm. v. Grimes*, 654 P.2d 822, 826 (Colo. 1982); see also *Charter One Mortg. Corp. v. Condra*, 865 N.E.2d 602, 605 (Ind. 2007) ("Confining the practice of law to licensed attorneys is designed to protect the public from the potentially severe consequences of following advice on legal matters from unqualified persons."); *In re Baker*, 85 A.2d 505, 514 (N.J. 1952) ("The amateur at law is as dangerous to the community as an amateur surgeon would be.").

<sup>25</sup> See C.R.C.P. 201-227.

<sup>26</sup> *People v. Shell*, 148 P.3d 162, 171 (Colo. 2006); see also C.R.C.P. 201.3(2)(a)-(f) (defining the practice of law).

<sup>27</sup> *Shell*, 148 P.3d at 171 (quotation omitted).

### **Restitution, Fines, and Costs**

The People seek a recommendation that the Colorado Supreme Court assess the maximum fine of \$1,000.00 jointly and severally against Respondents. The People reason that Respondents defrauded McKee by promising to apply his payments towards debts that McKee and his company owed, yet Respondents kept these payments—totaling more than \$30,000.00—for themselves. As a result, McKee and his company lost the company's real property through foreclosure. The People contend that although Respondents' actions comprised just a single incident of the unauthorized practice of law, the egregious nature of their fraud and the devastating effect it had both financially and otherwise on McKee and his family justifies imposition of the maximum fine.

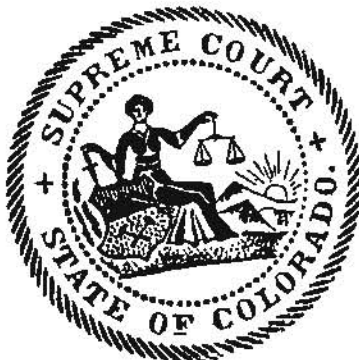
C.R.C.P. 236(a) provides that, if a hearing master makes a finding of the unauthorized practice of law, the hearing master shall also recommend that the Colorado Supreme Court impose a fine ranging from \$250.00 to \$1,000.00 for each such incident. Given the People's rationale behind their recommendation, the PDJ suggests that a \$1,000.00 fine is appropriate here.

The People also seek an order of restitution jointly in favor of McKee and McKee enterprises in an amount of \$33,593.12: \$27,902.17 for legal fees and \$5,690.95 for filing fees. The PDJ recommends the Colorado Supreme Court award this restitution.

### **III. RECOMMENDATION**

The PDJ **RECOMMENDS** that the Colorado Supreme Court **FIND** Christopher Bridwell and 4MT Compliance, LLC, a Delaware limited liability company, engaged in the unauthorized practice of law and **ENJOIN** them from the unauthorized practice of law. The PDJ further **RECOMMENDS** that the Colorado Supreme Court enter an order requiring Respondents jointly and severally to pay a **FINE** of \$1,000.00 and **RESTITUTION** of \$33,593.12 jointly in favor of Gary W. McKee and McKee Enterprises.

DATED THIS 18<sup>th</sup> DAY OF JULY, 2013.



*William R. Lucero*

WILLIAM R. LUCERO  
PRESIDING DISCIPLINARY JUDGE

