

SUPREME COURT, STATE OF COLORADO
TWO EAST 14TH AVENUE
DENVER, COLORADO 80203

CASE NO. 04SA173

ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF
LAW, 03UPL69

RECEIVED

DEC 30 2004

Petitioner:

THE PEOPLE OF THE STATE OF COLORADO,

v.

Respondent:

WILLIAM VINSON.

**ATTORNEY
REGULATION**

ORDER OF COURT

Upon consideration of the Report Re: Unauthorized Practice of Law Pursuant to C.R.C.P. 235 & 236 filed herein, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that the recommendation of the Presiding Disciplinary Judge is adopted. The Court determines as a matter of law that the respondent has been engaged in the unauthorized practice of law. THEREFORE, Respondent WILLIAM VINSON is ENJOINED from further conduct found to constitute the unauthorized practice of law.

IT IS FURTHER ORDERED that pursuant to C.R.C.P. 251.32, the Respondent shall pay costs and administrative costs in the sum of \$683.20 plus statutory interest accruing from December 07, 2004. Said costs to be paid to the Office of Attorney Regulation Counsel, 600 17th St., Suite 200-S within thirty days of the date of this order.

IT IS FURTHER ORDERED that said Respondent shall refund Ms. Kelly Sainton \$5,568.00 plus statutory interest accruing from February 20, 2004 as follows: a first payment of \$250.00 due on December 21, 2004; a second payment of \$350.00 due on January 05, 2005; and monthly payments of \$400.00 per month thereafter until fully repaid. The Respondent must also provide his client Michael Westcott restitution in the amount of \$575.00 plus statutory interest accruing from January 30, 2003 within eighteen (18) months of December 07, 2004 (or on or before June 07, 2006).

BY THE COURT, DECEMBER 29, 2004.



Copies mailed via the State's Mail Services Division on 12/29/04 HOP

Robert L. Shoop
1922 Calle de Seville
Colorado Springs, CO 80904

Presiding Disciplinary Judge
William Lucero

James Coyle
Deputy Regulation Counsel

<p style="text-align: center;">SUPREME COURT, STATE OF COLORADO</p> <p style="text-align: center;">ORIGINAL PROCEEDING IN UNAUTHROIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 600 17TH STREET, SUITE 510-S DENVER, CO 80202</p>	<p>RECEIVED</p> <p>DEC 15 2004</p> <p>REGULATION COUNSEL</p>
<p>Petitioner: THE PEOPLE OF THE STATE OF COLORADO,</p> <p>Respondent: WILLIAM VINSON.</p>	<p>Case Number: 04SA173 (and investigative 04UPL042)</p>
<p>REPORT RE: UNAUTHORIZED PRACTICE OF LAW PURSUANT TO C.R.C.P. 235 & 236</p>	

On August 3, 2004, the Colorado Supreme Court ("Court") appointed the Presiding Disciplinary Judge ("PDJ") as hearing master pursuant to C.R.C.P. 234(f) to determine the questions of fact and to make recommendations to the Court on this unauthorized practice of law matter brought by the Office of Attorney Regulation Counsel ("People").

On December 7, 2004, James C. Coyle, counsel for the People, Robert L. Shoop, Respondent's counsel and William Vinson, Respondent, filed a Stipulation, Agreement and Affidavit Consenting to an Order of Injunction ("Stipulation") (Exhibit A). In the Stipulation, Respondent admits that he engaged in the unauthorized practice of law and will make restitution to the clients who contracted for his services. The PDJ recommends that the Colorado Supreme Court accept this Stipulation.

After reviewing the Stipulation and the Petition for Injunction in this matter, the PDJ FINDS and CONCLUDES as follows:

1. Angela Boeck is an attorney who is located in Colorado Springs, CO. Attorney Boeck represented Michael Westcott and Westcott Trucking Company in El Paso County Court litigation against Meyers Brothers Truck and Tractor Company.
2. Mr. Westcott eventually terminated Ms. Boeck. Mr. Westcott was given the Respondent's telephone number by a friend. Mr. Westcott called the Respondent and set up an appointment to meet with him around Labor Day in 2002.

3. The Respondent has testified that Westcott knew he was a paralegal and wanted to hire him to replace his lawyer. The Respondent has testified that he informed Westcott that he could not represent him, but that he was a sales associate for a pre-paid legal services program and would sign him up so he could have a lawyer.
4. Mr. Westcott did not obtain a pre-paid legal services attorney or any other attorney. Instead, Mr. Westcott eventually hired the Respondent to assist him in his legal matter.
5. On October 30, 2002, Mr. Westcott filed an action against attorney Boeck in El Paso County small claims court. Mr. Westcott's signature is on the complaint. Mr. Westcott claimed in such complaint that attorney Boeck engaged in "malpractice and negligence and falsification of documentation that was not mailed to the court's (sic)."
6. Attorney Boeck filed an answer to the small claims court matter, stating that such claim was without merit, lacked particularity, and failed to state damages with specificity. Ms. Boeck also asserted other defenses.
7. On January 30, 2003, the Respondent sent a letter to Mr. Westcott by email and maybe also by hand-delivery. The Respondent wrote the January 30 correspondence and signed the same. In that correspondence, the Respondent identified himself as a paralegal. The letter also acknowledged receipt of \$400.00 from Westcott for:

...filing fees, court fees and documentation leading up to the Small Claims Court date regarding [the truck repair company] and inquiring about the attorney Angela Boeck."

8. The Respondent's letter further stated:

Also, you have issued me as the your (sic) Paralegal another \$475.00 regarding research, investigation, travel, direction of information presented to you and guidance within the legal system. This has turned out to be a good team communication for you and me. We still have one court date to complete with Angela Boeck. That may involve another small fee, but right now we do not know, let's concentrate (sic) on what's at hand

now.... Also today, 30 Jan 03 after our hearing in Small Claims, please let's do a check for \$100.00 for me, because even though, it looks like a lot, \$475.00 for Paralegal Fees since August 2002 until now, I have done a lot of inquiries and travel work for you and I hope to continue (sic) until after last court date.

9. A trial to the small claims court occurred on February 21, 2003. Prior to the case being called, Ms. Boeck attempted to provide Mr. Westcott with a copy of her exhibits. When she did so, Mr. Westcott told her that she would have to speak with his legal representative and not him. He pointed to the Respondent, who was standing behind him.
10. The Respondent testified under oath at the small claims court trial. The Respondent's January 30, 2003, letter (Exhibit 1) was introduced into evidence. Such evidence was tendered in an effort to recover alleged costs paid to the Respondent. After hearing and considering the testimony, evidence and authorities, the court entered judgment in favor of attorney Boeck and against Mr. Westcott. The court awarded no costs for the Respondent's services.
11. The Respondent's January 30, 2003, correspondence establishes that the Respondent acted in a legal representative ("paralegal") capacity on behalf of Westcott and received payment in the total amount of \$575.00 for the same. The Respondent was not acting under the direction or supervision of an attorney when he performed the services that he has described in the January 30, 2003, letter.
12. By providing legal services to Mr. Westcott without the supervision or direction of an attorney, by charging \$575.00 for paralegal work while not acting under the direction or supervision of an attorney, and by allowing himself to be described as Mr. Westcott's legal representative without correcting such statement, the Respondent 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 Denver Bar Association 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.
13. In investigation no. 04UPL042, the Respondent also entered into an agreement to assist Ms. Kelly Sainton with her divorce. The Respondent charged and collected \$5,568.00 from Ms. Sainton. The

Respondent prepared legal documents on behalf of Ms. Sainton and filed those documents with the court. Those forms failed to competently protect Ms. Sainton. Ms. Sainton is a 46-year old woman with advanced multiple sclerosis and is living on Medicaid. Ms. Sainton has been wheelchair bound for many years and is now totally bedridden and living in a nursing home due to her condition. The Respondent has agreed that he engaged in the unauthorized practice of law in Ms. Sainton's legal matter and that he must refund Ms. Sainton her \$5,568.00 in payments plus statutory interest accruing from February 20, 2004.


RECOMMENDATION:

Based upon the PDJ's findings and conclusions, the PDJ RECOMMENDS:

1. The Colorado Supreme Court enter an Order enjoining the Respondent from the unauthorized practice of law.
2. Pursuant to C.R.C.P. 251.32, the Respondent shall pay the costs and administrative costs in the sum of \$683.20 plus statutory interest accruing from December 7, 2004 (\$592.20 in 03PDJ069/04SA0173 and \$91.00 in 04UPL042) incurred in conjunction with this matter within eighteen (18) months of December 7, 2004 (or on or before June 7, 2006).
3. The Respondent shall refund Ms. Kelly Sainton \$5,568.00 plus statutory interest accruing from February 20, 2004 as follows: a first payment of \$250.00 due on December 21, 2004; a second payment of \$350.00 due on January 5, 2005; and monthly payments of \$400.00 per month thereafter until fully repaid (approximately March 2006). The Respondent must also provide his client Michael Westcott restitution in the amount of \$575.00 plus statutory interest accruing from January 30, 2003 within eighteen (18) months of December 7, 2004 (or on or before June 7, 2006)

DATED THIS 15TH DAY OF DECEMBER 2004.





WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

Copies to:

James C. Coyle Via Hand Delivery
Office of Attorney Regulation Counsel

Robert L. Shoop Via First Class Mail
Respondent's Counsel

Susan Festag Via Hand Delivery
Colorado Supreme Court

SUPREME COURT, STATE OF COLORADO

ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW BEFORE THE PRESIDING
DISCIPLINARY JUDGE

600 17th Street, Suite 510-South
Denver, Colorado 80202

Petitioner:
THE PEOPLE OF THE STATE OF COLORADO

vs.

Respondent:
WILLIAM VINSON

James C. Coyle # 14970
Deputy Regulation Counsel
Attorney for Petitioner
600 17th Street, Suite 200-South
Denver, CO 80202
Phone Number: (303) 866-6435
Fax Number: (303) 893-5302

Robert L. Shoop, #14382
Attorney for Respondent
1922 Calle de Seville
Colorado Springs, CO 80904
Phone Number: (719) 473-4923

FILED

DEC 07 2004

PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF COLORADO

▲ COURT USE ONLY ▲

Case Number: 04SA0173
(and investigation no.
04UPL042)

**STIPULATION, AGREEMENT AND AFFIDAVIT CONSENTING TO AN ORDER
OF INJUNCTION**

On this 7th day of December, 2004, James C. Coyle, Deputy Regulation Counsel, and William Vinson, the respondent, by and through his attorney Robert L. Shoop, enter into the following stipulation, agreement, and affidavit consenting to an order of injunction ("stipulation") and submit the same to the Colorado Supreme Court for a finding and order of injunction pursuant to C.R.C.P. 234-237.

1. The respondent resides at 4415 Cobbleskill Drive, Colorado Springs, Colorado. The respondent is not licensed to practice law in the State of Colorado.

2. The respondent enters into this stipulation freely and voluntarily. No promises have been made concerning future consideration, punishment, or

EXHIBIT A

lenience in the above-referenced matter. It is the respondent's personal decision, and the respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

3. The respondent is familiar with the rules of the Colorado Supreme Court regarding the unauthorized practice of law. The respondent acknowledges the right to a full and complete evidentiary hearing on the above-referenced petition for injunction. At any such hearing, the respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by the petitioner. At any such formal hearing, the petitioner would have the burden of proof and would be required to prove the charges contained in the petition for injunction by a preponderance of the evidence. Nonetheless having full knowledge of the right to such a formal hearing, the respondent waives that right.

4. The respondent and the petitioner stipulate to the following facts and conclusions:

a. Angela Boeck is an attorney who is located in Colorado Springs, CO. Attorney Boeck represented Michael Westcott and Westcott Trucking Company in El Paso County Court litigation against Meyers Brothers Truck and Tractor Company.

b. Mr. Westcott eventually terminated Ms. Boeck's representation. Mr. Westcott was given the respondent's telephone number by a friend. Mr. Westcott called the respondent and set up an appointment to meet with him around Labor Day in 2002.

c. The respondent has testified that Westcott knew he was a paralegal and wanted to hire him to replace his lawyer. The respondent has testified that he informed Westcott that he could not represent him, but that he was a sales associate for a pre-paid legal services program and would sign him up so he could have a lawyer.

d. Mr. Westcott did not obtain a pre-paid legal services attorney or any other attorney. Instead, Mr. Westcott eventually did hire the respondent to assist him in his legal matter.

e. On October 30, 2002, Mr. Westcott filed an action against attorney Boeck in El Paso County small claims court. Mr. Westcott's signature is on the complaint. Mr. Westcott claimed in such complaint that attorney Boeck engaged in "malpractice and negligence and falsification of documentation that was not mailed to the court's (sic)."

f. Attorney Boeck filed an answer to the small claims court matter, stating that such claim was without merit, lacked particularity, and failed to

state damages with specificity. Ms. Boeck also asserted other defenses.

g. On January 30, 2003, the respondent sent a letter to Mr. Westcott by email and maybe also by hand-delivery. The respondent wrote the January 30 correspondence and signed the same. In that correspondence, the respondent identified himself as a paralegal. The letter also acknowledged receipt of \$400.00 from Westcott for:

...filing fees, court fees and documentation leading up to the Small Claims Court date regarding [the truck repair company] and inquiring about the attorney Angela Boeck.”

h. The respondent's letter further stated:

Also, you have issued me as the your (sic) Paralegal another \$475.00 regarding research, investigation, travel, direction of information presented to you and guidance within the legal system. This has turned out to be a good team communication for you and me. We still have one court date to complete with Angela Boeck. That may involve another small fee, but right now we do not know, let's concentrate (sic) on what's at hand now.... Also today, 30 Jan 03 after our hearing in Small Claims, please let's do a check for \$100.00 for me, because even though, it looks like a lot, \$475.00 for Paralegal Fees since August 2002 until now, I have done a lot of inquiries and travel work for you and I hope to continue (sic) until after last court date.

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j. The respondent testified under oath at the small claims court trial. The respondent's January 30, 2003, letter (Exhibit 1) was introduced into evidence. Such evidence was tendered in an effort to recover alleged costs paid

to the respondent. After hearing and considering the testimony, evidence and authorities, the court entered judgment in favor of attorney Boeck and against Mr. Westcott. The court awarded no costs for the respondent's services.

k. The respondent's January 30, 2003, correspondence establishes that the respondent acted in a legal representative ("paralegal") capacity on behalf of Westcott and received payment in the total amount of \$575.00 for the same. The respondent was not acting under the direction or supervision of an attorney when he performed the services that he has described in the January 30, 2003, letter.

l. By providing legal services to Mr. Westcott without the supervision or direction of an attorney, by charging \$575.00 for paralegal work while not acting under the direction or supervision of an attorney, and by allowing himself to be described as Mr. Westcott's legal representative without correcting such statement, the respondent 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 Denver Bar Association 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.

m. In investigation no. 04UPL042, the respondent also entered into an agreement to assist Ms. Kelly Sainon with her divorce. The respondent charged and collected \$5,568.00 from Ms. Sainon. The respondent prepared legal documents on behalf of Ms. Sainon and filed those documents with the court. Those forms failed to competently protect Ms. Sainon. Ms. Sainon is a 46-year old woman with advanced multiple sclerosis and is living on Medicaid. Ms. Sainon has been wheelchair bound for many years and is now totally bedridden and living in a nursing home due to her condition. The respondent has agreed that he engaged in the unauthorized practice of law in Ms. Sainon's legal matter and that he must refund Ms. Sainon her \$5,568.00 in payments plus statutory interest accruing from February 20, 2004.

5. Pursuant to C.R.C.P. 251.32, the respondent agrees to pay the costs and administrative costs in the sum of \$683.20 (\$592.20 in 03PDJ069/04SA0173 and \$91.00 in 04UPL042) incurred in conjunction with this matter within eighteen months from December 7, 2004 (or on or before June 7, 2006).

6. The respondent must refund Ms. Kelly Sainon \$5,568.00 plus statutory interest as follows: a first payment of \$250.00 due on December 21, 2004; a second payment of \$350.00 due on January 5, 2005; and monthly payments of \$400.00 per month thereafter until fully repaid (approximately March 2006). The respondent must also provide his client Michael Westcott

restitution in the amount of \$575.00 plus statutory interest within 18 months from December 7, 2004 (or on or before June 7, 2006).

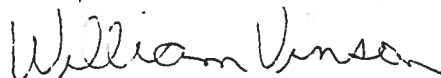
7. The respondent specifically admits that the above debt of \$5,568.00 owed to Ms. Sinton and the above \$575.00 debt owed to Mr. Westcott are debts due to fraud or defalcation while acting in a fiduciary capacity to these two individuals, and are not dischargeable under federal bankruptcy laws. See 11 U.S.C. 523(a)(4).

8. The respondent specifically waives the requirements of C.R.C.P. 232.5(d) (committee authorization to commence civil injunction proceedings) and C.R.C.P. 234 (the filing of a petition for injunction and the opportunity to respond to such petition) in the Sinton investigation matter, 04UPL042, as part of this stipulation, agreement and consent to order of injunction.

RECOMMENDATION FOR AND CONSENT TO ORDER OF INJUNCTION

Based on the foregoing, the parties hereto recommend that an order be entered: 1) enjoining the respondent William Vinson from the unauthorized practice of law; and 2) requiring that the respondent pay restitution to Kelly Sinton in the amount of \$5,568.00, plus statutory interest accruing from February 20, 2004, pursuant to the refund schedule set forth in paragraph 6 above; and 3) restitution to Michael Westcott in the amount of \$575.00, plus statutory interest accruing from January 30, 2003, pursuant to the refund schedule set forth in paragraph 6 above; and 4) requiring that the respondent pay costs in the amount of \$683.20, plus statutory interest accruing from December 7, 2004, within eighteen (18) months after acceptance of the stipulation by the Colorado Supreme Court (or on or before June 7, 2006).

William Vinson, the respondent; Robert L. Shoop, attorney for the respondent; and James C. Coyle, attorney for petitioner, acknowledge by signing this document that they have read and reviewed the above.

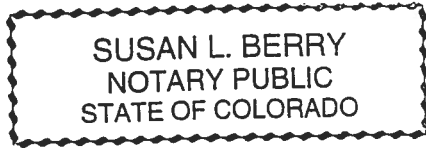


William Vinson, Respondent
4415 Cobbleskill Drive
Colorado Springs, CO 80920
Telephone: (719) 213-5034

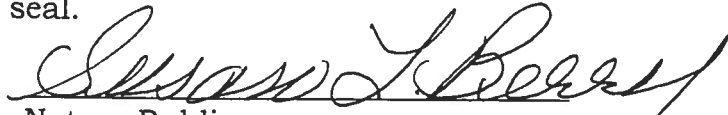

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

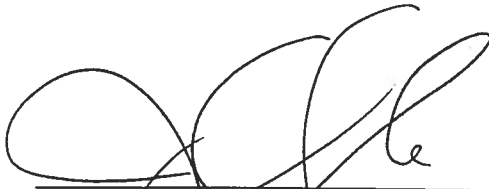
Subscribed and sworn to before me this 7th day of December, 2004, by William Vinson, respondent.

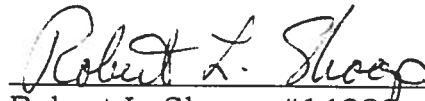
Witness my hand and official seal.



My Commission Expires 01/13/2008


Notary Public
My commission expires: 


James C. Coyle, #14970
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Attorney for Petitioner


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