

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: May 20, 2020 CASE NUMBER: 2020SA108
Original Proceeding in Unauthorized Practice of Law 2019UPL71	
Petitioner: The People of the State of Colorado, v. Respondent: Scott R. Hansen.	Supreme Court Case No: 2020SA108
ORDER OF COURT	

Upon consideration of the Stipulated Motion for Entry of Injunction Containing Respondent's Conditional Admission of Unauthorized practice of Law filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that Respondent, SCOTT R. HANSEN, shall be, and the same hereby is, ENJOINED from engaging in the Unauthorized Practice of Law in the State of Colorado.

IT IS FURTHER ORDERED that Respondent, SCOTT R. HANSEN pay \$7,500 to M.G.'s living relatives as described in paragraph 9 of the Stipulated Motion for Entry of Injunction Containing Respondent's Conditional Admission of Unauthorized practice of Law.

IT IS FURTHER ORDERED that the Respondent, SCOTT R. HANSEN is assessed costs in the amount of \$224.00. Payment of Restitution and Costs to be made within (14) days from the date of this order.

IT IS FURTHER ORDERED that this court WAIVES any fines in this matter pursuant to C.R.C.P. 236(a).

BY THE COURT, MAY 20, 2020

SUPREME COURT, STATE OF COLORADO
2 E. 14th Ave.
Denver, Colorado 80203

ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW, 19UPL71

Petitioner:
THE PEOPLE OF THE STATE OF COLORADO

Respondent:
SCOTT R. HANSEN

David Shaw, #40453
Assistant Regulation Counsel
Jessica E. Yates, #38003
Attorney Regulation Counsel
Attorneys for Petitioner
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Case Number: 20SA108

**STIPULATED MOTION FOR ENTRY OF INJUNCTION
CONTAINING RESPONDENT'S CONDITIONAL ADMISSION OF
UNAUTHORIZED PRACTICE OF LAW**

On this 19th day of May, 2020, David Shaw, Assistant Regulation Counsel and attorney for the Petitioner, and Respondent Scott R. Hansen, who is represented in this case by Martin Berliner (Reg. # 6316), file the following Stipulated Motion, Agreement, and Affidavit containing Respondent's Conditional

Admission of Unauthorized Practice of Law (“Stipulation”) pursuant to C.R.C.P. 234(e) and C.R.C.P. 237(b), and in support, state as follows:

1. Scott R. Hansen is not licensed as an attorney in the State of Colorado. Respondent Hansen is not otherwise authorized by federal or state law to engage in any practice of law. Respondent does not employ any licensed attorneys.

2. The Colorado Supreme Court has exclusive jurisdiction to determine what constitutes the unauthorized practice of law in Colorado. The unauthorized practice of law includes but is not limited to an unlicensed person’s actions 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 People v. Shell*, 148 P.3d 162, 171 (Colo. 2006); and *Denver Bar Ass’n. v. P.U.C.*, 154 Colo. 273, 279, 391 P.2d 467, 471 (1964). Prohibited activities involve the lay exercise of *legal discretion*, such as advice to clients regarding legal matters. *People v. Adams*, 243 P.3d 256, 266 (Colo. 2010). In addition, preparation of legal documents for others by an unlicensed person, other than solely as a typist, is the unauthorized practice of law, unless the Colorado Supreme Court has authorized such action in a specific circumstance. *Title Guaranty Co. v. Denver Bar Assoc.*, 312 P.2d 1011, 1012 (Colo. 1957),

3. Respondent understands that these restrictions exist, regardless of whether a fee is accepted for the services rendered and even if Respondent discloses that Respondent is not a Colorado attorney.

4. Respondent Hansen engaged in the unauthorized practice of law by selecting the form of, and drafting, a will and a living trust for M.G., Colorado resident and a client for whom he served as a financial advisor. M.G. was in imminent danger of death and Respondent mistakenly believed he was performing a necessary service as an accommodation to M.G.

5. Respondent Hansen sought to charge one of W.G.'s surviving children, W.F.G., \$1,000 for "Estate Planning," \$1,500 for the "Last Will & Testament," and \$2,000 for the "Irrevocable Family Trust."

6. M.G. relied upon the documents that Respondent Hansen drafted and executed them before her passing.

7. As part of and as a result of Respondent's unauthorized practice of law, Respondent caused M.G.'s living relatives to incur \$7,500.00 in legal fees to revise the will and trust that Respondent drafted. The trust, in particular, was drafted for the benefit of C.G., an adult with special needs, but was not in a form that would preserve C.G.'s eligibility for government benefits.

8. Respondent understands that the practice of law in Colorado includes, but is not limited to, the following:

- a. providing advice to any other individual on the legal effect of any proposed action in a legal matter; or assisting that individual in making decision that require legal judgment and a knowledge of the law;
- b. providing advice to any other individual as to various legal remedies available to that individual and the possible legal courses of action for that individual;
- c. acting in a representative capacity on behalf of any other individual in matters that affect that individual's legal rights and duties;
- d. selecting or preparing any legal documents for any other individual, other than solely as a typist; and, without limiting the above, explaining to that individual or any other individual the legal significance of such document;
- e. holding oneself out as an attorney, lawyer, "esquire," legal consultant, legal advocate, independent paralegal, or as a person or business capable of providing direct legal services to consumers, either directly or impliedly;
- f. holding oneself out to others in a manner that another individual would place some reliance on the Respondent to handle that individual's legal matters;

- g. making an appearance or speaking on behalf of another individual in negotiations, settlement conferences, mediations, hearings, trials, oral argument or other legal proceedings unless specifically allowed by the rules that apply to such appearance in such legal proceeding;
- h. conducting the business of management of a law practice to the extent that the exercise of legal judgment on behalf of another occurs; and
- i. soliciting or accepting any fees for legal services.

9. As part of and as a result of Respondent's unauthorized practice of law, Petitioner and Respondent agree to the following. First, Respondent is enjoined from any future unauthorized practice of law. Second, Respondent will pay M.G.'s living relatives \$7,500.00 to cover the cost to revise the will and trust that Respondent drafted. Respondent will pay ~~upon~~ within ten (10) days following the Supreme Court's issuance of an Order of Injunction the \$7,500.00 in legal fees by certified check or money order to the law firm representing M.G.'s living relatives, Germany Law Firm, P.C. at 77 Erie Village Square, Suite 100, Erie, CO 80516. Third, Respondent will also contemporaneously provide to the Office of Attorney Regulation Counsel, attention to Assistant Regulation Counsel David Shaw, a copy of Respondent's letter transmitting the \$7,500.00 payment and a copy of the certified check or money order by which the payment is made. The Office of Attorney Regulation Counsel may contact the Germany Law Firm, P.C.

and confirm the full payment by Respondent. Fourth, Respondent will cease attempts to collect fees for any legal work he performed for M.G., including the drafting of a will and a living trust. Fifth, Respondent will pay costs in the sum of \$224.00 incurred in conjunction with this matter, made payable to the Colorado Supreme Court Attorney Regulation Counsel Offices. (Statement of Costs is attached as Exhibit A.) Statutory interest shall accrue should payment not be made in timely fashion.

10. Respondent has been advised and is now familiar with the rules of the Colorado Supreme Court regarding the procedure for prosecution of the unauthorized practice of law and with the rights provided by those rules. Respondent acknowledges the right to a full and complete evidentiary hearing on the charges in the Petition for Injunction. At any such hearing, Respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by Petitioner. At any such formal hearing, Petitioner would have the burden of proof and would be required to prove the charges contained in the Petition by a preponderance of the evidence. Nonetheless, having full knowledge of the right to such a formal hearing, Respondent waives that right.

11. Respondent enters into this Stipulation freely and voluntarily. No promises have been made concerning future consideration, punishment, or lenience

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

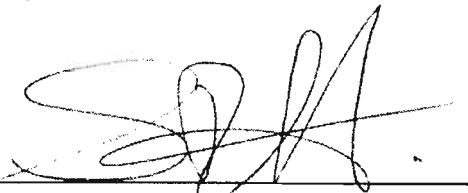
12. This Stipulation is premised and conditioned upon acceptance of the same by the Court. If for any reason the Stipulation is not accepted without changes or modification, then the admissions, confessions, and stipulations made by Respondent will be of no effect. Either party will have the opportunity to accept or reject any modification. If either party rejects the modification, then the parties shall be entitled to a full evidentiary hearing; and no confession, stipulation, or other statement made by Respondent in conjunction with this offer may be subsequently used. If the Stipulation is rejected, then the matter will be heard and considered pursuant to C.R.C.P. 235.

**RECOMMENDATION FOR AND CONSENT TO INJUNCTION AND
ORDER FOR RESTITUTION AND COSTS**

13. Based on the foregoing, the parties hereto ask the Court to enjoin Respondent from further unauthorized practice of law, to order Respondent to pay \$7,500.00 to M.G.'s living relatives, as described in paragraph 9 above, and to assess Respondent costs of \$224.00, payment of restitution and costs to be made 14 days after the entry of the Order of Injunction. C.R.C.P. 237(a). No fine is requested. C.R.C.P. 236(a).

14. Respondent Scott R. Hansen, who is represented by Martin Berliner, and David Shaw, attorney for the Petitioner, acknowledge that by signing this document that they have read and reviewed the above and request that the Supreme Court accept the terms of the Stipulation as set forth above.

Respectfully submitted this 19th day of May, 2020.



Scott R. Hansen
Address: 15 W Blue Mtn Ct
Respondent Moab, UT 84532

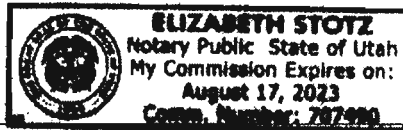
STATE OF UTAH)
)ss:
COUNTY OF Grand

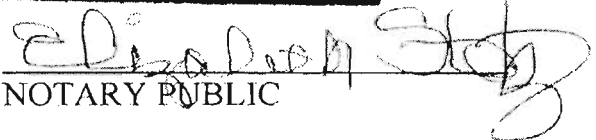
Subscribed and sworn to before me this 19th day of May, 2020,

by Scott R Hansen

Witness my hand and official seal.

My commission expires: _____





NOTARY PUBLIC

David Shaw
David Shaw, #40453

/s/ Martin Berliner
Martin Berliner, #6316