

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: May 2, 2019 CASE NUMBER: 2018SA78
Original Proceeding in Discipline, 2018UPL1	
Petitioner: The People of the State of Colorado, v. Respondent: Patrick S. Morris, Sr.	Supreme Court Case No: 2018SA78
ORDER OF COURT	

Upon consideration of the Order Entering Default Judgment Under C.R.C.P. 55(b) and Report of Hearing Master Under C.R.C.P. 236(a) filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that Respondent, PATRICK S. MORRIS, SR., 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, PATRICK S. MORRIS, SR. is assessed costs in the amount of \$279.00. Said costs to be paid to the Office of Attorney Regulation Counsel, within (30) days of the date of this order.

IT IS FURTHER ORDERED that PATRICK S. MORRIS, SR. pay RESTITUTION to Eagle Rock and Chris Monroe in the amount of \$4,392.50

along with interest thereon of \$760.43 through March 1, 2019, plus \$2.14 per diem thereafter until paid.

IT IS FURTHER ORDERED that a fine be imposed in the amount of \$250.00.

BY THE COURT, MAY 2, 2019

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN THE UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	
Petitioner: THE PEOPLE OF THE STATE OF COLORADO Respondent: PATRICK S. MORRIS SR.	Case Number: 18SA078
ORDER ENTERING DEFAULT JUDGMENT UNDER C.R.C.P. 55(b) AND REPORT OF HEARING MASTER UNDER C.R.C.P. 236(a)	

In this unauthorized practice of law matter, Patrick S. Morris Sr. (“Respondent”) defaulted. The Presiding Disciplinary Judge (“the PDJ”) thus deemed admitted the allegations that Respondent engaged in the unauthorized practice of law by providing legal services and advice to a client. Respondent already has been enjoined by the Colorado Supreme Court, the PDJ recommends that the Colorado Supreme Court order Respondent to pay restitution, a fine, and costs.¹

I. PROCEDURAL HISTORY

Kim E. Ikeler of the Office of Attorney Regulation Counsel (“the People”) filed a “Petition for Injunction” on March 28, 2018, alleging that Respondent engaged in the unauthorized practice of law and seeking restitution, a fine, and costs. The Colorado Supreme Court issued an “Order to Show Cause” on April 2, 2018, directing Respondent to answer in writing within twenty-one days of service why he should not be enjoined from the unauthorized practice of law. Respondent did not respond to the petition or to the Colorado Supreme Court’s order.

After filing a “Proof of Service,” the People filed a “Motion to Proceed” on November 30, 2018. Six days later, the Colorado Supreme Court issued an “Order of Court,” referring this matter to the PDJ to prepare a report setting forth “findings of fact, conclusions of law, and recommendations” under C.R.C.P. 234(f) and 236(a). The PDJ issued an “Order to Show Cause Under C.R.C.P. 234-236” on December 10, directing Respondent to answer the People’s petition on or before December 24. The PDJ’s order also warned Respondent that if

¹ The Colorado Supreme Court enjoined Respondent from the unauthorized practice of law on September 27, 2018, in case number 18SA003. As such, the People are not seeking an additional order of injunction in this matter and are only seeking restitution, a fine, and costs. Mot. for Default J. ¶ 1.

he failed to answer, the PDJ might deem the claims alleged in the People's petition to have been proved. Respondent did not comply with that order.

The People moved for entry of default against Respondent on January 24, 2019, and the PDJ granted that motion on February 20, thereby deeming admitted the allegations and charges against Respondent, including the allegation that he engaged in the unauthorized practice of law. The People then filed a "Motion for Default Judgment" on February 26, to which Respondent did not respond.

II. PETITIONER'S MOTION FOR DEFAULT JUDGMENT

The People have followed the procedure for default judgments set forth in C.R.C.P. 55 and 121 section 1-14 by showing valid service on Respondent; submitting an affidavit indicating that venue is proper and that Respondent is not a minor, incapacitated person, officer of the state, or in the military; submitting an affidavit establishing the amount of restitution owed; and filing a statement of costs. Accordingly, the PDJ **GRANTS** the People's "Motion for Default Judgment."

The PDJ issues the following report to the Colorado Supreme Court under C.R.C.P. 236(a).

III. FACTS ESTABLISHED BY DEFAULT AND CONCLUSIONS OF LAW

Respondent resides in Colorado. He is not licensed to practice law in Colorado or in any other state. He is the principal of Morris Enterprises, Ltd., a Colorado limited liability company.

Chris Monroe is the principal of the Colorado company Eagle Rock CM, LLC. Eagle Rock owns a home in Denver ("the Premises"). In 2017, Tanisha A. Frazier was a tenant of the Premises subject to a written lease. Her rent was due on the first of the month, but she fell behind.

In September 2017, Monroe decided to seek Frazier's eviction from the Premises. Respondent contacted Monroe in response to an internet advertisement that indicated the Premises were available to rent. Monroe explained to Respondent that Frazier was not paying rent and Monroe could not rent the Premises to Respondent until Frazier moved out. Respondent offered to help Monroe seek Frazier's eviction. He told Monroe that he had a law degree, that his current job involved evicting people, and that he helped his employer with legal issues. Monroe accepted Respondent's offer but did not agree to pay him for his services.

On September 20, 2017, Respondent drafted a three-day notice of eviction for Eagle Rock and sent it to Monroe for her signature. Respondent promised to post the signed notice on the Premises. He also emailed Monroe a link to a Colorado statute concerning

unlawful detainer and service of the notice. He explained to her the importance of serving the three-day notice and its use as evidence in court.

On October 5, 2017, Respondent emailed Monroe with additional legal advice. He advised her of the burden of proof at the possession hearing and how to recover damages from Frazier.

On November 13, 2017, Respondent invoiced Eagle Rock and Monroe. The letter's heading read: "Morris Enterprises, Ltd., Paralegal Services Division."² Respondent's invoice was for "Consultation and advisement of FED (Eviction) procedures, processes, landlord rights and responsibilities in order to effect eviction in the city and county of Denver."³ He also billed for his review of the lease, preparation of the three-day notice, and review of the summons and complaint. Respondent charged \$175.00 per hour for his services. Neither Eagle Rock nor Monroe paid that invoice, so Respondent asserted his invoice as a set off for the rent he owed Eagle Rock once he occupied the Premises.

Legal Standards Governing the Unauthorized Practice of Law

The Colorado Supreme Court, which exercises exclusive jurisdiction to define the practice of law within the State of Colorado,⁴ restricts the practice of law to protect members of the public from receiving incompetent legal advice from unqualified individuals.⁵ 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.⁶

Preparation of legal documents by an unlicensed person, other than solely as a scrivener, is the unauthorized practice of law.⁷ Colorado Supreme Court case law holds that a person engages in the practice of law by acting "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."⁸ In particular, "an unlicensed person engages in the unauthorized practice of law by offering legal advice about a specific case . . . or holding oneself out as the representative of another in a legal

² Pet. ¶ 26.

³ Pet. ¶ 27.

⁴ C.R.C.P. 228.

⁵ *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.").

⁶ See C.R.C.P. 201-227.

⁷ *Title Guar. v. Denver Bar Ass'n*, 135 Colo. 423, 430, 312 P.2d 1011, 1015 (1957).

⁸ *People v. Shell*, 148 P.3d 162, 171 (Colo. 2006).

action.”⁹ Advising clients about legal matters is prohibited because doing so involves the lay exercise of legal judgment or discretion.¹⁰

Applying the standards set forth above, the PDJ has no trouble concluding that Respondent engaged in the unauthorized practice of law. He practiced law when he drafted the three-day notice of eviction, emailed Monroe Colorado legal authority governing unlawful detainer, and offered her legal advice. The notice was meant to effect Frazier’s eviction from the Premises. Respondent advised Monroe about the importance of the three-day notice and how it could be used as evidence in court. He also advised Monroe of her burden of proof at a possession hearing and how to recover damages from Frazier. Respondent then charged Monroe and Eagle Rock a \$175.00 hourly fee for his preparation of the notice, consultation, and legal advice. Through these acts, Respondent exercised legal discretion and advised Monroe in connection with her legal rights and duties.¹¹

Fines, Restitution, and Costs

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. 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.¹² In this case, Respondent engaged in a sole instance of unauthorized activity, and there is no evidence of bad faith. The PDJ recommends that Respondent be fined \$250.00.

The People also request an award of restitution in the amount of \$4,392.50 along with \$760.43 in interest at the statutory rate from the date paid through March 1, 2019, plus \$2.14 per diem thereafter until paid. This figure represents the amount Respondent invoiced Monroe for his unauthorized practice of law services and the amount that Respondent asserted he was entitled to use—and did use—to offset his rent owed to Eagle Rock.¹³ Because the Colorado Supreme Court has deemed it appropriate to award restitution of any fees received for the unauthorized practice of law,¹⁴ the PDJ finds that restitution is warranted here.

⁹ *Id.* at 171 (quotation omitted).

¹⁰ *People v. Adams*, 243 P.3d 256, 266 (Colo. 2010).

¹¹ See *Shell*, 148 P.3d at 171 (indicating that the exercise of legal knowledge and skill constitutes the practice of law).

¹² *Adams*, 243 P.3d at 267-68.

¹³ Pet. Ex. A. According to Monroe, Eagle Rock has never been able to collect this rent money from Respondent, so Eagle Rock effectively paid Respondent fees for his services. Pet. Ex. A ¶6.

¹⁴ *People v. Love*, 775 P.2d 26, 27 (Colo. 1989) (ordering nonlawyer to pay amounts in restitution for fees he received while engaging in the unauthorized practice of law).

The People filed a statement of costs, attached as exhibit B to their motion for default judgment, reflecting costs in the amount of \$279.00 for service of process and an administrative fee.¹⁵ These costs appear reasonable. Relying on C.R.C.P. 237(a), the PDJ recommends an award of the full amount of costs requested.

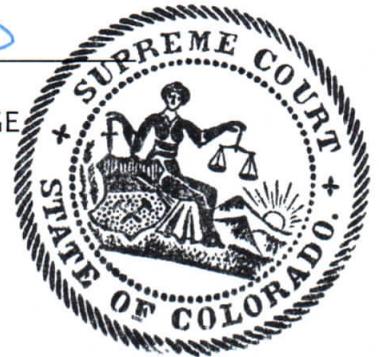
IV. RECOMMENDATION

The PDJ **RECOMMENDS** that the Colorado Supreme Court **FIND** that Respondent engaged in the unauthorized practice of law and enter an order requiring Respondent to pay **RESTITUTION** to Eagle Rock and Chris Monroe in the amount of \$4,392.50 along with interest thereon of \$760.43 through March 1, 2019, plus \$2.14 per diem thereafter until paid; to pay a **FINE** of \$250.00; and to pay **COSTS** in the amount of \$279.00.

DATED THIS 21st DAY OF MARCH, 2019.



WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE



Copies to:

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Office of Attorney Regulation Counsel

Via Email
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Patrick Morris Sr.
Respondent
5515 Billings Street
Denver, CO 80239

Via First-Class Mail

Cheryl Stevens
Colorado Supreme Court

Via Hand Delivery

¹⁵ See C.R.S. § 13-16-122 (setting forth an illustrative list of categories of “includable” costs in civil cases, including “[a]ny fees for service of process”).