

Colorado Supreme Court 101 West Colfax Avenue, Suite 800 Denver, CO 80202	RECEIVED APR 08 2011 ATTORNEY REGULATION
Original Proceeding in Unauthorized Practice of Law 09UPL60	
Petitioner: The People of the State of Colorado, v. Respondent: Stephen C. Owen.	Supreme Court Case No: 2010SA66
ORDER OF INJUNCTION	

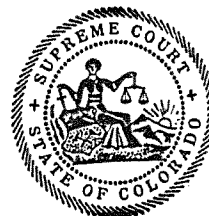
Upon consideration of the Report of Hearing Master Pursuant to C.R.C.P. 236(a) filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Respondent, STEPHEN C. OWEN 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 STEPHEN C. OWEN is assessed costs in the amount of \$91.00. Said costs to be paid to the Office of Attorney Regulation Counsel, within (30) days from the date of this order.

IT IS FURTHER ORDERED that pursuant to C.R.C.P. 236(a) a fine be imposed against the Respondent, STEPHEN C. OWEN in the amount of \$250.00.

BY THE COURT, APRIL 7, 2011.



Case Number: 2010SA66

Caption: People v Owen, Stephen

CERTIFICATE OF SERVICE

Copies mailed via the State's Mail Services Division on April 8, 2011. ^{the}

Byron Loudon
4630 W. 137th St., Suite 100
Leawood
Leawood, KS 66224

Kim E Ikeler
OFFICE OF ATTORNEY
REGULATION
1560 Broadway Ste 1800
Denver, CO 80202

Stephen C Owen
P.O. Box 9964
Kansas City, MO 64134

William D Salter
HOLME ROBERTS & OWEN LLP
1700 Lincoln Street, Ste 4100
Denver, CO 80203

<p style="text-align: center;">SUPREME COURT, STATE OF COLORADO</p> <p style="text-align: center;">ORIGINAL PROCEEDING IN THE UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1560 BROADWAY, SUITE 675 DENVER, CO 80202</p>	<p style="text-align: center;">RECEIVED</p> <p style="text-align: center;">FEB 25 2011</p> <p style="text-align: center;">ATTORNEY REGULATION</p>
<p>Petitioner: THE PEOPLE OF THE STATE OF COLORADO</p> <p>Respondent: STEPHEN C. OWEN</p>	<p>Case Number: 10SA066</p>
<p style="text-align: center;">REPORT OF HEARING MASTER PURSUANT TO C.R.C.P. 236(a)</p>	

This matter is before the Presiding Disciplinary Judge ("PDJ") on an "Order Appointing Hearing Master" issued by the Colorado Supreme Court ("Supreme Court") on May 27, 2010. In its order, the Supreme Court referred this matter to the PDJ "for a report which should include Findings of Fact, Conclusions of Law and Recommendations."

I. PROCEDURAL HISTORY

On February 25, 2010, the People filed a "Petition for Injunction" against Respondent alleging he had engaged in the unauthorized practice of law. The Supreme Court issued an "Order and Rule to Show Cause" on March 4, 2010.¹ Respondent initially failed to respond to the order to show cause, and the People filed a "Motion to Proceed" on April 6, 2010.

However, on April 8, 2010, Respondent filed a motion for an extension of time to respond to the order to show cause. On April 14, 2010, the Supreme Court granted the motion and allowed Respondent to file his response on or before May 14, 2010.

Meanwhile, on April 19, 2010, Respondent filed a "Response to Motion to Proceed and Motion to Remove Mr. Ikeler." The People filed "Petitioner's (A) Reply to Respondent's Response Motion to Proceed and (B) Response to Respondent's Motion to Remove Mr. Ikeler" on May 6, 2010. On May 17, 2010, Respondent filed "Response to Petitioner's Charge of Unauthorized Practice of Law; If Response is Rejected a Prayer is hereby made for the State of Colorado [sic] to Grant Its [sic] Permission to File in Federal Court."

¹ The People filed a "Proof of Service" on March 18, 2010.

On May 17, 2010, the People filed a "Motion for Order of Reference to Hearing Master." The Supreme Court issued an "Order Appointing Hearing Master" on May 27, 2010, referring this matter to the PDJ "for a report which should include Findings of Fact, Conclusions of Law and Recommendations." On July 26, 2010, the PDJ issued an "Order of Hearing Master Pursuant to C.R.C.P. 234-236" and scheduled this matter for a status conference, which was ultimately held on November 3, 2010, following a series of extensions of time to allow counsel for Respondent to enter his appearance.²

On August 10, 2010, the People filed "Petitioner's Motion for Summary Judgment," and counsel for Respondent filed "Respondent's Objections to Motion for Summary Judgment" on November 16, 2010. On January 25, 2010, the PDJ granted the People's motion for summary judgment and ordered the People file a motion detailing their requested recommendations on restitution, fines, and costs on or before February 4, 2011. The People filed "Petitioner's Request for a Fine and Costs" on January 27, 2011, and Respondent did not file a response.

II. FINDINGS OF FACT

The PDJ finds the following facts are established by summary judgment and set forth in greater detail in the People's "Petition for Injunction," filed on February 25, 2010.

Respondent is not licensed to practice law in the State of Colorado or any other jurisdiction. Nevertheless, Respondent prepared and filed pleadings in the case of *Betty A. Southall, et al. v. Estelle E. Griffey, et al.*, in Montrose County District Court, Case No. 09CV48. Respondent signed the pleadings "for Estelle E. Griffey by Stephen C. Owen." Respondent indicated his authority to act for defendant Griffey as "Stephen C. Owen, D.P.O.A./CRS 15-1-131/Agent." Respondent also identified himself on pleadings as Griffey's "Attorney in Fact/Agent." Throughout the course of the case, Respondent represented Griffey before the Montrose County District Court.

Respondent also prepared and filed pleadings on Griffey's behalf in the case of *Estelle E. Griffey v. Charles Clarence Rehfeldt, III*, in Delta County County Court, Case No. 06C253. He indicated his authority to act for plaintiff Griffey as "Stephen C. Owen, DPOA." Respondent referred to himself as Griffey's "Attorney in Fact" and represented Griffey in that case.

² The lengthy procedural history in this matter is more fully set forth in the PDJ's January 25, 2011, "Order Granting Summary Judgment."

III. CONCLUSIONS OF LAW AND RECOMMENDATIONS

Respondent concedes he represented Griffey in two court proceedings: the *Southall* case and the *Rehfeldt* case. He contends, however, that he has never attempted to act as an “attorney at law” but rather as an “attorney in fact” pursuant to a statutory power of attorney previously under C.R.S. §15-1-1301 *et seq.* and presently under C.R.S. § 15-14-735, effective January 1, 2010.³

It is true that C.R.S. § 15-14-735 allows an *agent* to “[a]ssert and maintain before a court or administrative agency a claim, claim for relief, cause of action . . . or other relief.” But C.R.S. §12-5-101 provides that “[n]o person shall be permitted to practice as an attorney or counselor-at-law or to commence, conduct, or defend any action, suit, or plaint in which he is not a party concerned in any court or record within this state . . . without having previously obtained a license for that purpose from the supreme court.”

Further, Colorado case law prohibits the unauthorized practice of law by a person who is not a licensed attorney in good standing with the state bar.⁴ The Supreme Court has defined the practice of law as acting “in a representative capacity in protecting, enforcing, or defending the legal rights and duties of another and in counseling, advising and assisting him in connection with these rights and duties”⁵ An unlicensed person therefore engages in the practice of law when, among other things, he or she offers legal advice about a specific case, drafts or selects legal pleadings for another’s use in a judicial proceeding without being supervised by an attorney, or holds him or herself out as representing another in a legal action.⁶

The PDJ cannot find that the statutory power of attorney act supersedes the Supreme Court’s inherent authority to determine who may practice law in the State of Colorado. As such, the PDJ **FINDS** that Respondent engaged in the unauthorized practice of law by entering his appearance in ongoing civil proceedings and actually appearing on behalf of Griffey in those proceedings. He also engaged in the unauthorized practice of law by drafting and filing pleadings for Griffey in those same proceedings. Accordingly, the PDJ **RECOMMENDS** that the Supreme Court **ENJOIN** Respondent Stephen Owens from the unauthorized practice of law.

The PDJ further **RECOMMENDS** that the Supreme Court order Respondent to pay administrative **COSTS** in the amount of \$91.00 within thirty (30) days of its order of injunction. In addition, the PDJ **RECOMMENDS** that

³ See Exhibit B attached to “Petitioner’s Motion for Summary Judgment.”

⁴ See *Unauthorized Practice of Law Comm. v. Grimes*, 654 P.2d 822, 823 (Colo. 1982).

⁵ See *Denver Bar Ass’n v. Pub. Utils. Comm’n*, 154 Colo. 273, 279, 391 P.2d 467, 471 (1964).

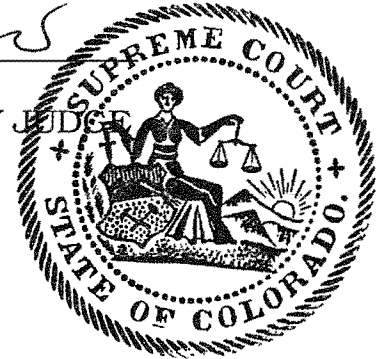
⁶ See *People v. Shell*, 148 P.3d 162, 171 (Colo. 2006).

the Supreme Court **FINE** Respondent a total of \$250.00 for engaging in the unauthorized practice of law pursuant to C.R.C.P. 236(a).

DATED THIS 25TH DAY OF FEBRUARY, 2011.



WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE



Copies to:

Kim E. Ikeler
Office of Attorney Regulation Counsel

Via Hand Delivery

Byron Loudon
Counsel for Respondent
4630 West 137th Street, Suite 100
Leawood, KS 66224

Via First Class Mail

William D. Salter
Local Counsel for Respondent
1700 Lincoln Street, Suite 4100
Denver C) 80203

Via First Class Mail

Susan Festag
Colorado Supreme Court

Via Hand Delivery