

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

CASE NO. 04SA393

ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF
LAW, 04UPL24 & 04UPL76

RECEIVED

AUG 03 2005

Petitioner:

THE PEOPLE OF THE STATE OF COLORADO,

v.

Respondent:

MIGUEL REYES.

REGULATION
COUNSEL

ORDER OF COURT

Upon consideration of the Petition for Injunction, the Order to Show Cause, Proof of Service, Correspondence from Mr. Reyes, Reply on Order to Show Cause and the Report Re: Unauthorized Practice of Law Pursuant to C.R.C.P. 235 & 236 filed in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that the Respondent, MIGUEL REYES shall be, and the same hereby is ENJOINED from further engaging in the unauthorized practice of law.

BY THE COURT, AUGUST 1, 2005.

Copies mailed via the State's Mail Services Division on 8/3/05 HOP

James Coyle
Deputy Regulation Counsel

Miguel Reyes
3801 E. Florida Ave., Suite 400
Denver, Co 80210

Miguel Reyes
77 S. Ogden St., #420
Denver, CO 80209

Miguel Reyes
24735 E. Arizona Pl.
Aurora, CO 80018

Hon. William Lucero
Presiding Disciplinary Judge



SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 600 17 TH STREET, SUITE 510-S DENVER, CO 80202	RECEIVED JUL 26 2005 ATTORNEY REGULATION
Petitioner: THE PEOPLE OF THE STATE OF COLORADO, Respondent: MIGUEL REYES.	Case Number: 04SA0393
REPORT RE: UNAUTHORIZED PRACTICE OF LAW PURSUANT TO C.R.C.P. 235 & 236	

On April 18, 2005, the Colorado Supreme Court ("Court") appointed the Presiding Disciplinary Judge ("PDJ") as hearing master pursuant to C.R.C.P. 234(f), to determine questions of fact and to make a recommendation to the Court on whether Respondent, Miguel Reyes, should be enjoined from the unauthorized practice of law pursuant to C.R.C.P. 228, *et seq.*

On July 14, 2005, James C. Coyle and Cynthia D. Mares from the Office of Attorney Regulation ("the People"), and Respondent submitted a Stipulation, Agreement and Affidavit Consenting to an Order of Injunction ("Stipulation") (Exhibit A). In the Stipulation, the Parties agree to the following findings of fact and recommendations to the Court.

FINDINGS

After careful review of the case file, the PDJ bases the following FINDINGS and CONCLUSIONS upon the Parties' Stipulation:

1. Respondent resides at 24735 E. Arizona Place, Aurora, Colorado 80018. Respondent is not licensed to practice law in the State of Colorado.
2. Respondent freely and voluntarily enters into the Stipulation. 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 there has been no coercion or other intimidating acts by any person or agency concerning this matter.

3. Respondent is familiar with the rules of the Colorado Supreme Court regarding the unauthorized practice of law. Respondent acknowledges the right to a full and complete evidentiary hearing on the Petition for Injunction filed by the People in this matter. 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 the People. At any such formal hearing, the People would have the burden of proof and would be required to prove the charges contained in the Petition. Nonetheless, having full knowledge of the right to such a formal hearing, Respondent waives the right.

4. The Parties stipulate that Respondent engaged in the unauthorized practice of law when he provided legal advice to Evelio Diaz and Irene Ortega in two separate legal matters. 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.*, 391 P.2d 467 (Colo. 1964). Respondent does not fall within any of the statutory or case law exceptions in either the Diaz or Ortega matters mentioned above.

5. Respondent refunded all money paid to him by Mr. Diaz who agrees the amount he is owed is \$1,000.00.

6. Respondent disputes Ms. Ortega's claim she paid him \$1,475.00 for legal services. Respondent asserts Ms. Ortega did not pay him any money, and Ms. Ortega possesses no documentary evidence in support of her assertion. If this matter went to trial, the amount of restitution, if any, would depend upon a determination of the credibility of these witnesses. Nevertheless, during the July 13, 2005, settlement conference, Respondent expressed a willingness to pay \$1,000.00 to Ms. Ortega to settle the disputed issue. Respondent agrees to make this \$1,000.00 payment within sixty days from the date the Colorado Supreme Court enters an order of injunction. The People agree this amount is a fair resolution of the People's claim in this proceeding for restitution from Respondent to Ms. Ortega. Ms. Ortega retains her right to proceed against Respondent in a separate action for any remaining amount she believes Respondent may owe her.

7. Respondent has read and studied the Petition for Injunction and is familiar with the allegations therein. A true and correct copy of the Petition for Injunction is attached to the Stipulation previously marked as Exhibit A.¹

¹ Although the Court provided a Spanish interpreter at the at-issue conference in this case, Respondent stipulates that he was able to read and understand the stipulation, Exhibit A.

8. Pursuant to C.R.C.P. 251.32, Respondent also agrees to pay administrative costs incurred in conjunction with the matter in the amount of \$380.00 within sixty days from the date the Colorado Supreme Court enters and order of injunction.

RECOMMENDATION

Based upon the PDJ's findings and conclusions as well as the stipulation of the Parties, the PDJ RECOMMENDS:

1. The Colorado Supreme Court enter an order enjoining Respondent from the unauthorized practice of law;
2. Respondent pay costs in the amount of \$380.00 within sixty days from the date the Colorado Supreme Court enters and order of injunction; and
3. Respondent pay Ms. Ortega \$1,000, within sixty days from the date the Colorado Supreme Court enters an order of injunction.

DATED THIS 25TH DAY OF JULY, 2005.



WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

Copies to:

James C. Coyle and Cynthia D. Mares
Attorney Regulation Counsel

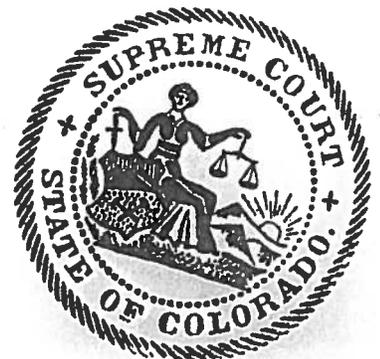
Via Hand Delivery

Miguel Reyes
Respondent
24735 E. Arizona Place
Aurora, Colorado 80018

Via First Class Mail

Susan Festag
Colorado Supreme Court

Via Hand Delivery



SUPREME COURT, STATE OF COLORADO

ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW BEFORE THE PRESIDING
DISCIPLINARY JUDGE AS HEARING MASTER
600 17th Street, Suite 510-South
Denver, Colorado 80202

Petitioner:
THE PEOPLE OF THE STATE OF COLORADO

Respondent:
MIGUEL REYES

James C. Coyle # 14970
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Cynthia D. Mares, #19379
Attorneys for Petitioner
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Miguel Reyes
Respondent
24735 E. Arizona Place
Aurora, CO 80018
Phone Number: (303) 344-1401
Work Phone Number: (303) 322-1853

FILED

JUL 14 2005

PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF COLORADO

▲ COURT USE ONLY ▲

Case Number: 04SA0393

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

On this 14th day of July, 2005, James C. Coyle, Deputy Regulation Counsel, and Cynthia D. Mares, Assistant Regulation Counsel, attorneys for petitioner, and Miguel Reyes, the respondent, enter into the following stipulation, agreement, and affidavit consenting to an order of injunction ("stipulation") and submit the same to the Presiding Disciplinary Judge for a recommendation to the Colorado Supreme Court that the Court enter an order of injunction pursuant to C.R.C.P. 229-237, and assess restitution and costs. The parties reached this agreement as a result of a settlement conference before Arthur S. Nieto on July 13, 2005.

EXHIBIT A

1. The respondent resides at 24735 E. Arizona Place, Aurora, Colorado 80018. 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 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. The respondent engaged in the unauthorized practice of law when he provided legal advice to Evelio Diaz on one legal matter, and when he provided legal advice to Irene Ortega on another legal matter (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 in either incident.

b. The respondent has already refunded all money paid to him by Mr. Diaz. The respondent and Mr. Diaz agree that this amount was \$1,000.00.

c. The respondent disputes Ms. Ortega's claim that she paid him \$1,475.00 for legal services. The respondent asserts that Ms. Ortega did not pay him any money, and Ms. Ortega has no documentary evidence in support of her assertion. If this matter went to trial, the amount of restitution, if any, would depend upon a determination of the credibility of these two witnesses. Nevertheless, during the July 13, 2005, settlement conference, the respondent expressed a willingness to pay \$1,000.00 to Ms. Ortega to settle this disputed issue. The respondent has agreed to make this \$1,000.00 payment within sixty days from the date the Colorado Supreme Court enters an order of injunction. Petitioner agrees that this amount is a fair resolution of the

JENNIFER L. BARTELSON
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires 12/30/2007

Jennifer L. Bartelson
Notary Public

[Handwritten signature]

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Attorneys for Petitioner

SUPREME COURT, STATE OF COLORADO
2 East 14th Avenue, 4th Floor
Denver, Colorado 80203

ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW

Petitioner:
THE PEOPLE OF THE STATE OF COLORADO

vs.

Respondent:
MIGUEL REYES

James C. Coyle # 14970
Deputy Regulation Counsel
Attorney for Petitioner
600 17th Street, Suite 200-South
Denver, CO 80202

Phone Number: (303) 866-6400, ext. 6435
Fax Number: (303) 893-5302

FILED IN THE
SUPREME COURT

DEC 16 2004

OF THE STATE OF COLORADO
SUSAN J. FESTAG, CLERK

▲ COURT USE ONLY ▲

Case Numbers: 04UPL024
and 04UPL076

04SA 393

PETITION FOR INJUNCTION

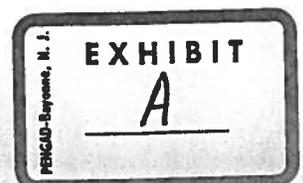
Petitioner, by and through James C. Coyle, Deputy Regulation Counsel, and upon authorization pursuant to C.R.C.P. 234(a),¹ respectfully requests that the Colorado Supreme Court issue an order pursuant to C.R.C.P. 234 directing the respondent to show cause why he should not be enjoined from the unauthorized practice of law. As grounds therefor, counsel states as follows:

1. The respondent, Miguel Reyes, is not licensed to practice law in the state of Colorado. The respondent's last known business address is 3801 E. Florida Ave., Suite 400, Denver, Colorado 80210. The respondent's last known residential address is 77 S Ogden St. #420, Denver, Colorado 80209.

The Diaz Matter

2. Evelio Diaz hired the respondent to assist him after his wife had him served with a permanent restraining order. Mr. Diaz located the respondent

¹ The Unauthorized Practice of Law ("UPL") Committee authorized the filing of this petition on December 10, 2004.



through a phone book published in Spanish. According to Mr. Diaz, the respondent was listed as an attorney.

3. In February 2004, Mr. Diaz signed a fee agreement with the respondent, although Mr. Diaz no longer has a copy of such agreement. The respondent told Mr. Diaz that the matter would cost him \$2000.00. Mr. Diaz paid the respondent \$1000.00 and promised to pay the remainder at a later time.

4. Mr. Diaz appeared at his hearing on March 1, 2004. The respondent did not show up. When Mr. Diaz called the respondent by telephone, the respondent told Mr. Diaz that the respondent was meeting with the District Attorney on his case and advised Mr. Diaz not to appear at the hearing. An interpreter told the judge at the hearing that Mr. Diaz was present but his attorney was not. Mr. Diaz's wife dropped the charges and pursuit of the restraining order at the hearing.

5. On March 3, 2004, Mr. Diaz requested that the respondent refund the money paid to him. The respondent refunded the \$1,000.00.

6. The respondent engaged in the unauthorized practice of law by holding himself out as an attorney to Mr. Diaz. The respondent also took \$1,000.00 from Mr. Diaz, gave him legal advice, and then failed to appear in court on his behalf. Such conduct in holding himself out as an attorney and in providing legal advice to Mr. Diaz constitutes the unauthorized practice of law in Colorado (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.

WHEREFORE, petitioner prays at the conclusion hereof.

The Ortega Matter

7. Irene Ortega is a citizen of Mexico. Ms. Ortega entered the United States in 1979 and has continuously resided in this country since that date.

8. On June 21, 2001, Ms. Ortega submitted an I-485 application to adjust her to permanent resident status. She was living in Texas at that time.

9. In the fall of 2001, she moved from Texas to Colorado. She was then notified that her file had to be transferred to Colorado.

10. Ms. Ortega was required to prove her English skills and take a test on U.S. history under the program that she qualified for. She failed her first test in Denver on April 23, 2003. She was allowed to have a second chance.

11. Ms. Ortega then enrolled in an English language course and completed such class. She then took and again failed the test.

12. On February 5, 2004, Ms. Ortega received a notice of intent to deny her application. At that time, she looked for an attorney to assist her in preparing a response. She was referred to the respondent, Miguel Reyes, by a friend.

13. The respondent represented to Irene Ortega that he was an immigration attorney. The respondent showed Ms. Ortega hundreds of files for people he claimed he had been assisting under the same circumstances. The respondent assured Ms. Ortega that he would be able to obtain a favorable decision for her case one way or the other.

14. At the initial meeting, Ms. Ortega paid the respondent \$350.00 in cash. The respondent informed her that he would not work on her case until he received an additional \$1,125.00. Ms. Ortega provided the remaining \$1,125.00 the next day.

15. The respondent told Ms. Ortega that he would ask the Citizenship and Immigration Services (CIS) to provide her with another opportunity to take the English and U.S. history test. He also warned her that the CIS could deny her request but that he would then be able to obtain a three-year work authorization for her. The respondent advised Ms. Ortega at one point that he had submitted the necessary response and that he expected a reply within three to four months.

16. Subsequently, Ms. Ortega spoke with the respondent on three different occasions. Each time, the respondent assured her that her case was on course and they were simply waiting to hear from CIS.

17. In July of 2004, she received a written decision to deny her application. She found out at that time that the respondent had not submitted any response on her behalf.

18. Ms. Ortega went to the respondent's office to speak to him. When she arrived, she learned that the respondent had just closed his office a couple of days earlier and provided no forwarding information. She called the telephone number she had for the respondent. The man who answered the phone denied that he knew the respondent.

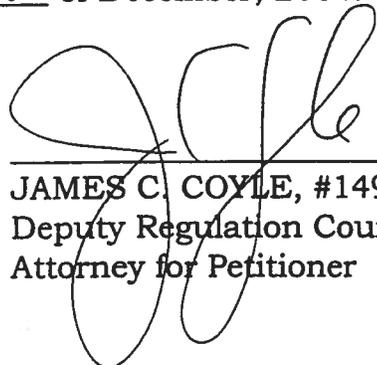
19. Ms. Ortega subsequently hired attorney Shelley Wittevrongel to represent her interests. Ms. Wittevrongel has been able to reopen Ms. Ortega's case in order to provide Ms. Ortega another opportunity to take the required testing for this program.

20. The respondent engaged in the unauthorized practice of law by holding himself out as an attorney to Ms. Ortega. The respondent also took \$1,475.00 from Ms. Ortega for future legal services, provided her legal advice, and then failed to take any further action on her behalf. Such conduct in holding himself out as an attorney and in providing legal advice to Ms. Ortega constitutes the unauthorized practice of law in Colorado. (*See Denver Bar Association v. P.U.C.*, 154 Colo. 273, 391 P.2d 467 (1964)).

21. The respondent has not refunded any of the \$1,475.00 retainer.

WHEREFORE, the petitioner prays that this court issue an order directing the respondent to show cause why the respondent should not be enjoined from engaging in any unauthorized practice of law; thereafter that the court enjoin this respondent from the practice of law, or in the alternative that this court refer this matter to a hearing master for determination of facts and recommendations to the court on whether this respondent should be enjoined from the unauthorized practice of law. Furthermore, petitioner requests that the court assess the costs and expenses of these proceedings, including reasonable attorney fees against this respondent; order the refund of any and all fees paid by clients to the respondent that have not yet been refunded; and assess restitution against the respondent for losses incurred by clients or third parties as a result of the respondent's conduct; and any other relief deemed appropriate by this court.

Respectfully submitted this 16th of December, 2004.



JAMES C. COYLE, #14970
Deputy Regulation Counsel
Attorney for Petitioner