

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: August 21, 2017 CASE NUMBER: 2015SA248
Original Proceeding in Unauthorized Practice of Law 14UPL061	
Petitioner: The People of the State of Colorado, v. Respondents: Julissa Trevizo, a/k/a Julissa T. Avalos, f/k/a Julissa Treviso Bravo and Cubamex Corporation, a delinquent Colorado corporation.	Supreme Court Case No: 2015SA248
ORDER OF INJUNCTION	

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, JULISSA TREVIZO, a/k/a JULISSA T. AVALOS, f/k/a JULISSA TREVIZO BRAVO and CUBAMEX CORPORATION, a delinquent Colorado corporation shall be, and the same hereby are, ENJOINED from engaging in the Unauthorized Practice of Law in the State of Colorado, including the selection of legal forms for others.

IT IS FURTHER ORDERED that said Respondents shall be and the same hereby are assessed costs in the amount of 1,025.10. Said costs to be paid to the Office of Attorney Regulation, within (90) days of the date of this order.

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

IT IS FURTHER ORDERED that Restitution be imposed in the amount of \$2140.00 jointly to Juana Ester Infante Cabrera and Maximiliano D'Agustine.

BY THE COURT, AUGUST 21, 2017.

<p>SUPREME COURT, STATE OF COLORADO</p> <p>ORIGINAL PROCEEDING IN THE UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203</p>	
<p>Petitioner: THE PEOPLE OF THE STATE OF COLORADO</p> <p>Respondents: JULISSA TREVIZO, a/k/a JULISSA T. AVALOS, f/k/a JULISSA TREVIZO BRAVO, and CUBAMEX CORPORATION, a delinquent Colorado corporation</p>	<p>Case Number: 15SA248</p>
<p>ORDER ENTERING DEFAULT JUDGMENT UNDER C.R.C.P. 55(b) AND REPORT OF HEARING MASTER UNDER C.R.C.P. 236(a)</p>	

The Office of Attorney Regulation Counsel (“the People”) allege that Julissa Trevizo, a/k/a Julissa T. Avalos, f/k/a Julissa Trevizo Bravo, and Cubamex Corporation, a delinquent Colorado corporation (collectively, “Respondents”) engaged in the unauthorized practice of law. Respondents defaulted in this case. The Presiding Disciplinary Judge (“the PDJ”) recommends that the Colorado Supreme Court find Respondents engaged in the unauthorized practice of law by selecting immigration forms for customers. The PDJ further recommends that the Colorado Supreme Court enjoin Respondents from any further such activities, award restitution and costs, and impose a fine.

I. PROCEDURAL HISTORY

Kim E. Ikeler filed a “Petition for Injunction” on behalf of the People on September 15, 2015, alleging Respondents engaged in the unauthorized practice of law. On September 21, 2015, the Colorado Supreme Court issued an “Order to Show Cause,” directing Respondents to answer in writing and show cause within twenty-one days of service why they should not be enjoined from the unauthorized practice of law. After numerous efforts to effect service both in Colorado and Georgia, the People personally served the petition and order in Georgia on January 14, 2017. Respondents did not respond to the petition or the show cause order.

On February 27, 2017, 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). On March 2, 2017, the PDJ entered an order directing Respondents to answer the People’s petition no later than

March 16, 2017. The PDJ's order also warned Respondents that if they failed to answer, the PDJ would find that they had waived a first meeting of the parties and the PDJ might deem the claims alleged in the People's petition to have been proved. Respondents did not comply with that order.

On May 2, 2017, the PDJ issued an "Order Entering Default Under C.R.C.P. 55(a)," deeming admitted the allegations in the petition for injunction, including the allegations that Respondents engaged in the unauthorized practice of law. The People filed a "Motion for Default Judgment" on June 13, 2017, to which Respondents 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 Respondents; submitting an affidavit indicating that venue is proper and that Respondents are not minors, incapacitated persons, officers of the state, or in the military; submitting affidavits by the complaining witnesses, Juana Ester Infante Cabrera and Maximiliano D'Agustine, establishing the amount of restitution they are due; and filing a statement of costs. Accordingly, the PDJ **GRANTS** the "Motion for Default Judgment."

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

Factual Findings

As of the date of the People's petition, Respondent Julissa Treviso¹ was a Colorado resident not licensed to practice law, with a last-known address in Aurora. She was the principal of Respondent Cubamex Corporation, whose last-known address was in Denver. Respondent Cubamex employed Respondent Treviso when the events underlying this case occurred. Respondent Cubamex did not employ licensed attorneys.

Juana Ester Infante Cabrera and her husband, Maximiliano D'Agustine, both Cubans, were paroled into the United States in June 2012. They later decided that they wished to adjust their status to that of permanent residents. In October 2013, the couple met with Respondent Treviso. She selected for Infante Cabrera and D'Agustine Form I-485, Application to Register Permanent Residence or Adjust Status ("Application"). Respondent Treviso then filled out the Applications in the couple's presence. Infante Cabrera and D'Agustine each signed his or her Application. The Applications were sent to U.S. Citizenship and Immigration Services ("USCIS") without accompanying fees.

¹ Although the name "Julissa Trevizo" appears in the caption of this case, including in the caption of the People's petition, the body of the People's petition refers to her as Respondent "Treviso." The PDJ uses that spelling here.

On October 26, 2013, Infante Cabrera and D'Agustine each signed separate money orders in the amount of \$1,000.00. They also purchased two separate money orders in the amount of \$70.00. The couple signed the money orders in blank. Respondent Treviso promised to fill in the payee on the money orders and send them to USCIS. Infante Cabrera and D'Agustine tendered the \$2,140.00 in funds to be used to pay USCIS's fees for processing the Applications and to pay for fingerprinting. Instead, Respondent Treviso filled in Cubamex Corporation on the payee line on the \$1,000.00 money orders. She endorsed the back of both money orders and cashed them, so USCIS did not receive fees for the Applications.

In January 2014, someone prepared another Application for Infante Cabrera. The Application does not state who prepared it. Certain typewritten information on the Application, such as Infante Cabrera's alien number, was crossed out and revised in handwriting. On January 25, 2014, Respondent Treviso signed the Application as a translator. The Application also bears a forged signature of Infante Cabrera, dated the same day. As the basis for Infante Cabrera's adjustment of status, the Application incorrectly claimed she was a refugee, when in fact she was a parolee. The Application was filed with USCIS on February 3, 2014.

On June 23, 2014, USCIS denied Infante Cabrera's Application. The decision noted that the Application requested adjustment of status under a legal provision applicable to refugees, and Infante Cabrera was not eligible under that provision. After receiving the decision, Infante Cabrera exchanged text messages with Respondent Treviso. Infante Cabrera said that the Application had been denied because the category was marked incorrectly and the fees had not been paid. Respondent Treviso told Infante Cabrera that they needed to appeal the decision, which was made in error, within thirty-five days. Respondent Treviso offered to prepare the forms for an appeal, saying there was "no problem."

Infante Cabrera's and D'Agustine's permission to be in the United States has expired. Because their Applications were denied, their status was not adjusted. Infante Cabrera and D'Agustine both lost their jobs, and Infante Cabrera has suffered from anxiety, which requires medication. Respondent Treviso has not returned the couple's \$2,140.00.

Legal Analysis

The Colorado Supreme Court, which exercises exclusive jurisdiction to define the practice of law and to prohibit the unauthorized practice of law in Colorado,² restricts the practice of law to protect members of the public from receiving incompetent legal advice

² C.R.C.P. 228.

from unqualified individuals.³ To practice law in Colorado, a person must have a law license issued by the Colorado Supreme Court unless a specific exception applies.⁴

Colorado Supreme Court case law holds that a layperson who acts “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” engages in the practice of law.⁵ Phrased somewhat more expansively, the practice of law involves the exercise of professional judgment, calling upon “legal knowledge, skill, and ability beyond [that] possessed by a layman.”⁶ Although acting as a mere scrivener when assisting others to complete forms does not constitute the unauthorized practice of law, exercising legal discretion to select forms for another person’s use amounts to the unauthorized practice of law.⁷

Here, the admitted allegations of the petition for injunction establish that Respondent Treviso selected legal forms for Infante Cabrera and D’Agustine. In doing so, she purported to exercise legal judgment and discretion. The admitted allegations of the petition also establish that Respondent Cubamex engaged in the unauthorized practice of law by virtue of employing Respondent Treviso at the time of her unauthorized activities.

Restitution, Fines, and Costs

The Colorado Supreme Court has deemed it appropriate to award restitution of fees received for the unauthorized practice of law.⁸ The PDJ finds that restitution is warranted here, particularly given that Respondent Treviso conferred no benefit on Infante Cabrera and D’Agustine. She was also dishonest in promising to fill in the proper payee on the money orders.

³ *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.”).

⁴ See C.R.C.P. 201-224.

⁵ *People v. Shell*, 148 P.3d 162, 171 (Colo. 2006).

⁶ See *In re Swisher*, 179 P.3d 412, 417 (Kan. 2008); see also *Ohio State Bar Ass’n v. Burdzinski*, 858 N.E.2d 372, 377 (Ohio 2006) (observing that there is no unauthorized practice of law “when the activities of the nonlawyer are confined to providing advice and services that do not require legal analysis, legal conclusions, or legal training”); *Perkins v. CTX Mortg. Co.*, 969 P.2d 93, 98 (Wash. 1999) (“we have prohibited only those activities that involved the lay exercise of legal discretion because of the potential for public harm”).

⁷ *Shell*, 148 P.3d at 171; *Grimes*, 654 P.2d at 823 (deeming the selection of case-specific legal documents the practice of law); *Colorado Bar Ass’n v. Miles*, 192 Colo. 294, 296, 557 P.2d 1202, 1204 (1976) (enjoining a respondent from the preparation of pleadings and written instruments other than in the manner performed by a scrivener or public stenographer); see also *Franklin v. Chavis*, 640 S.E.2d 873, 876 (S.C. 2007) (holding that even the preparation of standard forms may constitute the practice of law if one acts as more than a mere scrivener, meaning someone who does nothing more than record verbatim what another says).

⁸ *People v. Love*, 775 P.2d 26, 27 (Colo. 1989).

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 such incident.⁹ Here, the People recommend a fine of \$250.00 for each Respondent for this first-time offense. The PDJ finds a fine of \$250.00 appropriate, but because Respondent Treviso is the principal of Respondent Cubamex, the PDJ deems adequate a single fine of \$250.00, assessed to both Respondents.


Last, the People attached a statement of costs to their motion for default judgment, showing costs in the amount of \$1,025.10.¹⁰ These costs—which reflect service fees, a deposition transcript, and an administrative fee—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** Respondents engaged in the unauthorized practice of law and **ENJOIN** them from the unauthorized practice of law, including the selection of legal forms for others. The PDJ further **RECOMMENDS** that the Colorado Supreme Court enter an order requiring Respondents to pay **RESTITUTION** of \$2,140.00 jointly to Juana Ester Infante Cabrera and Maximiliano D'Agustine; to pay a **FINE** of \$250.00; and to pay **COSTS** in the amount of \$1,025.10.

DATED THIS 13th DAY OF JULY, 2017.





WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

⁹ *People v. Adams*, 243 P.3d 256, 267-68 (Colo. 2010) (in assessing fines, considering 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).

¹⁰ 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").

Copies to:

Kim E. Ikeler
Office of Attorney Regulation Counsel

Via Email
k.ikeler@csc.state.co.us

Julissa Trevizo
Respondent
1750 Howell Mill Road NW
Suite A2
Atlanta, GA 30318-3127

Via First-Class Mail

Julissa Treviso Bekakria
400 Belmont Place SW, Unit 2236
Smyrna, GA 30080-1943

Julissa Treviso-Avalos
1009 Afton Way, SE
Smyrna, GA 30080-2636

Christopher T. Ryan
Colorado Supreme Court

Via Hand Delivery