

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: December 30, 2013 CASE NUMBER: 2013SA122
Original Proceeding in Unauthorized Practice of Law, Office of Attorney Regulation Counsel, 13UPL009	
Petitioner: The People of the State of Colorado, v. Respondent: L. Tod Schlosser, d/b/a/ The Law Group.	Supreme Court Case No: 2013SA122
ORDER OF COURT	

Upon consideration of the Order Entering Default Judgment Pursuant to C.R.C.P. 55(b) and 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 the Respondent, L. Tod Schlosser, d/b/a The Law Group, 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, L. Tod Schlosser, d/b/a The Law Group, is assessed costs in the amount of \$91.00. Said costs to be paid to the Office of Attorney Regulation Counsel, within thirty (30) days of the date of this order.

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

BY THE COURT, DECEMBER 30, 2013.

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	Case Number: 13SA122
Respondent: L. TOD SCHLOSSER, d/b/a THE LAW GROUP	
ORDER ENTERING DEFAULT JUDGMENT PURSUANT TO C.R.C.P. 55(b) AND REPORT OF HEARING MASTER PURSUANT TO C.R.C.P. 236(a)	

This matter is before the Presiding Disciplinary Judge (“the PDJ”) on “Petitioner’s Motion for Default Judgment” filed on October 11, 2013, by Kim E. Ikeler of the Office of Attorney Regulation Counsel (“the People”). L. Tod Schlosser, d/b/a The Law Group (“Respondent”) did not file a response.

I. PROCEDURAL HISTORY

The People filed a “Petition for Injunction” on May 13, 2013, alleging Respondent engaged in the unauthorized practice of law. On May 16, 2013, the Colorado Supreme Court directed Respondent to answer in writing and show cause within twenty-one days of service why he should not be enjoined from the unauthorized practice of law. The People served the petition and order by certified mail sent to Respondent’s last known addresses on May 21, 2013, and again on June 19, 2013.¹ Respondent did not respond to the petition or the show cause order.

On July 29, 2013, 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” pursuant to C.R.C.P. 234(f) and 236(a). On August 1, 2013, the PDJ entered an order instructing Respondent to answer the People’s petition no later than August 15, 2013. Respondent failed to answer, and the People moved for entry of default. On October 7, 2013, the PDJ issued an “Order Entering Default Pursuant to C.R.C.P. 55(a).”

¹ On May 21, 2013, the People served Respondent by certified and first class mail at his only known address of 820 South Monaco Parkway, #315, Denver, CO 80224. After conducting an additional search, they also sent on June 19, 2013, copies of the petition via certified and first class mail to three other addresses: 800 Los Olives Ave., Las Vegas, NV 89147; 100 Park Vista Dr., Unit 3014, Las Vegas, NV 89138; and 8800 Los Olives Ave., Las Vegas, NV 89147.

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, an incapacitated person, an officer of the state, or in the military; and filing a statement of costs. Accordingly, the PDJ **GRANTS** "Petitioner's Motion for Default Judgment."

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Next, the PDJ determines that the allegations of the People's petition, which are summarized below, establish Respondent engaged in the unauthorized practice of law. The PDJ issues the following report to the Colorado Supreme Court pursuant to C.R.C.P. 236(a).

Factual Findings

Respondent's last known address in Colorado is 820 South Monaco Parkway, #315, Denver, Colorado 80224.² He was disbarred by the Illinois Supreme Court, effective May 18, 2011,³ and is not currently licensed to practice law in Colorado or any other state.⁴ Respondent maintained a website, www.ltodschlosser.org, in which he held himself out as an "Attorney at Law."⁵ He touted himself as "experienced" and an "immigration expert" who is able "to obtain your visa faster," and he invited persons interested in obtaining a spousal or fiancé visa to call him.⁶

Respondent continues to operate under the trade name "The Law Group," the website for which is found at www.fiancee-visa.net.⁷ Among the addresses listed on the website for The Law Group is a mailbox: 820 South Monaco Parkway, #315, Denver, Colorado 80224.⁸ The phone number listed on The Law Group's website is the same as that listed on Respondent's website.⁹

The Law Group's website boasts that Respondent has a "100% success rate" in expediting "the processing of your Fiancé Visa K1 or Marriage Visa K3."¹⁰ It also states, "We are equipped to handle all United States Citizenship and Immigration Services (USCIS) problems for you."¹¹ The "success stories" recounted on the home page contain expressions of gratitude from clients who received immigration law advice from The Law Group.¹²

² Pet. ¶ 3.

³ Pet. ¶ 2.

⁴ Pet. ¶ 1.

⁵ Pet. ¶¶ 5-6; Mot. for Default J. at 2 (noting this website is now inactive).

⁶ Pet. ¶¶ 7-8; Mot. for Default J. at 2 (noting this website is now inactive).

⁷ Pet. ¶¶ 9-10.

⁸ Pet. ¶¶ 11-12.

⁹ Pet. ¶ 13.

¹⁰ Pet. ¶ 14.

¹¹ Pet. ¶ 15.

¹² Pet. ¶ 16.

Another page on The Law Group’s website pledges: “We will help you determine which visa is best for your situation, gather and prepare all required and necessary documents, prepare your fiancée (fiancé) or spouse for the embassy interview, and attend the interview with your fiancée (fiancé) or spouse in countries where we are permitted to do so.”¹³

In addition, a page describing the staff of The Law Group provides the following information about Respondent:

L. Schlosser: Esq. Attorney at Law, President and CEO The Law Group. Mr. Schlosser has 18 + years legal experience, specializing in Immigration and related areas. He ensures all applications comply with all current USCIS regulations, and requirements. In addition, he assists in seeing that all applications are routed correctly, handled efficiently, and properly. Mr. Schlosser personally handles all appeals, refugee, and asylum petitions, as well as all other complicated immigration cases that The Law Group routinely handles. Mr. Schlosser shuttles between the Denver Colorado, Pattaya Thailand, Angeles City, Philippines, and Rio De Janeiro, Brazil offices.¹⁴

Conclusions of Law

The Colorado Supreme Court, which exercises exclusive jurisdiction to define the practice of law within the State of Colorado,¹⁵ restricts the practice of law to protect members of the public from receiving incompetent legal advice from unqualified individuals.¹⁶ 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.¹⁷

Colorado Supreme Court case law holds that a non-lawyer holding himself or herself out as an authorized attorney engages in the unauthorized practice of law.¹⁸ It has also

¹³ Pet. ¶ 17.

¹⁴ Pet. ¶ 18.

¹⁵ C.R.C.P. 228.

¹⁶ *Unauthorized Practice of Law Comm. v. Grimes*, 654 P.2d 822, 826 (Colo. 1982).

¹⁷ See C.R.C.P. 201-227.

¹⁸ See *Binkley v. People*, 716 P.2d 1111, 1114 (Colo. 1986) (“Anyone advertising as a lawyer holds himself or herself out as an attorney, attorney-at-law, or counselor-at-law and, if not properly licensed, may be held in contempt of court for practicing law without a license.”); *People ex rel. Attorney General v. Castleman*, 88 Colo. 207, 207, 294 P.2d 535, 535 (1930) (finding an unlicensed person in contempt by engaging in the unauthorized practice of law by advertising himself as a lawyer); *People ex rel. Colo. Bar Ass’n v. Taylor*, 56 Colo. 441, 444, 138 P. 762, 764 (1914) (same); see also *Fla. Bar v. Matus*, 528 So.2d 895, 896 (Fla. 1988) (holding that the respondent, a non-lawyer, held himself out as legally qualified to perform immigration services, which constituted the unauthorized practice of law); *In re Mittower*, 693 N.E.2d 555, 558-59 (Ind. 1998) (finding the respondent engaged in the unauthorized practice of law after he resigned from the bar by continuing to hold himself out to the public as an attorney on business cards, his letterhead, and other documents subject to dissemination among the general public); *Ky. Bar Ass’n v. Brooks*, 325 S.W.3d 283, 289 (Ky. 2010) (ruling that the non-lawyer respondent’s advertising of her legal self-help business under the “attorneys” heading in the telephone book, as well as the description of her services within the advertisements, constituted the unauthorized practice of law by creating the misleading impression

determined that one 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.¹⁹

Here, Respondent has been disbarred and does not fall within any of the listed categories of persons authorized to represent others in the State of Colorado or before the Department of Homeland Security.²⁰ In spite of this, Respondent has held himself out to prospective clients as officed in Colorado and authorized to practice law; he has done so by advertising his services as an immigration lawyer qualified to prepare spousal and fiancé visa applications, litigate appeals before the Board of Immigration Appeals, handle refugee and asylum petitions filed with USCIS, and represent clients in other “complicated immigration cases.”²¹ Respondent therefore has engaged in the unauthorized practice of law in Colorado.

Fines 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 such incident. The People ask the Colorado Supreme Court to fine Respondent \$250.00; they argue that this minimum fine is appropriate because no Colorado residents are known to have been harmed by Respondent’s conduct. The PDJ agrees that a \$250.00 fine is appropriate.

The People filed a statement of costs on October 11, 2013, reflecting costs in the amount of \$91.00.²² The PDJ concludes that the People’s requested costs, which are limited to an administrative fee, are reasonable.²³

IV. RECOMMENDATION

The PDJ **RECOMMENDS** that the Colorado Supreme Court **FIND** Respondent engaged in the unauthorized practice of law and **ENJOIN** him from the unauthorized practice of law.

she was providing legal services as an attorney); *Cleveland Metro. Bar Ass’n v. McGinnis*, 2013-Ohio-4581, at *1 (Ohio, Oct. 22, 2013) (accepting findings that a non-lawyer engaged in the unauthorized practice of law when she distributed a flyer advertising her services as “Forrestine’s Law, Inc.”).

¹⁹ *People v. Shell*, 148 P.3d 162, 171 (Colo. 2006) (quotation omitted); see also C.R.C.P. 201.3(2)(a)-(f) (defining the practice of law).

²⁰ See C.R.C.P. 201-227; 8 C.F.R. § 292.1. Respondent is not an “accredited representative,” as defined by 8 C.F.R. § 292.1(a)(4), because he does not represent an organization accredited by the Board of Immigration Appeals. Nor is he an “attorney” within the meaning of 8 C.F.R. § 1.2 because he has been disbarred in Illinois and no longer enjoys good standing as a member of the bar in any other state. The Court also takes judicial notice that Respondent has been expelled from practice before immigration courts. See <http://www.justice.gov/eoir/press/2011/AttorneyDiscipline11012011.htm>.

²¹ Pet. ¶ 18.

²² Pet. Mot. for Default J. Ex. 2.

²³ 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”).

The PDJ further **RECOMMENDS** that the Colorado Supreme Court enter an order requiring Respondent to pay a **FINE** of \$250.00 and **COSTS** in the amount of \$91.00.

DATED THIS 13th DAY OF NOVEMBER, 2013.



WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

Copies to:

Kim E. Ikeler
Office of Attorney Regulation Counsel

Via Hand Delivery

L. Tod Schlosser
Respondent
100 Park Vista Drive, Unit 3014
Las Vegas, NV 89138

Via First-Class Mail

820 South Monaco Parkway, #315
Denver, Colorado 80224

Christopher T. Ryan
Colorado Supreme Court

Via Hand Delivery

