

SUPREME COURT, STATE OF COLORADO  
TWO EAST 14<sup>TH</sup> AVENUE  
DENVER, COLORADO 80203

CASE NO. 03SA281

ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF  
LAW 02UPL073

RECEIVED

MAR 08 2004

**Petitioner:**  
THE PEOPLE OF THE STATE OF COLORADO,

ATTORNEY  
REGULATION

v.

**Respondent:**  
CAHULLA "KAWEAH" M. RED ELK

ORDER OF COURT

Upon consideration of the Petition for Injunction  
and the Order to Show Cause to which no response was filed, and  
now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that CAHULLA "KAWEATH" M.  
RED ELK is enjoined from engaging in the unauthorized practice of  
law and assessed the costs and expenses of \$114.60. Said costs  
to be remitted to the Office of Attorney Regulation Counsel  
within thirty days of the date of this order.

BY THE COURT, MARCH 03, 2004

Copies mailed via the State's Mail Services division on 13/04/04 HOP

James Coyle  
Deputy Regulation Counsel

Office of the Presiding  
Disciplinary Judge  
Attn: Tammy

Cahuilla "Kaweah" M. Red Elk  
P.O. Box 25164  
3504 A Van Teylingen Dr.  
Colorado Springs, CO 80936



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

ORIGINAL PROCEEDING IN UNAUTHORIZED  
PRACTICE OF LAW

Petitioner:  
THE PEOPLE OF THE STATE OF COLORADO

vs.

Respondent:  
CAHUILLA "KAWEAH" M. RED ELK

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

Phone Number: (303) 893-8121, ext. 328  
Fax Number: (303) 893-5302

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▲ COURT USE ONLY ▲

Case Number: 02UPL073

**PETITION FOR INJUNCTION**

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

1. The respondent, Cahuilla "Kaweah" M. Red Elk, is not licensed to practice law in the state of Colorado. The respondent's last known business address is P.O. Box 25164, 3504 A Van Teylingen Drive, Colorado Springs, Colorado 80936; and c/o Michael D. Gross, 1771 S. 8<sup>th</sup> Street, Colorado Springs, Colorado 80906.

2. Shirley Barreras hired the respondent to represent her in a Colorado dissolution of marriage action that had been filed by her husband. *In re the Marriage of Barreras*, 01DR2260.

3. Shirley Barreras met the respondent, Cahuilla "Kaweah" M. Red Elk, through Ms. Barreras' daughter. Ms. Barreras' grandson and Ms. Red Elk's son were close friends.

4. When Ms. Barreras met with the respondent, the respondent told Ms. Barreras that she was an attorney and would be able to file all necessary paperwork on Ms. Barreras' behalf in the pending Colorado dissolution action, and would be able to represent Ms. Barreras in court for the dissolution of marriage action.

5. The respondent and Ms. Barreras entered into a contract for legal services. The contract for legal services agreement is attached hereto as Exhibit 1, and is incorporated as if fully set forth herein.

6. The contract for legal services provided that the respondent "will consult with and advise in the following matter: petition for dissolution of marriage/marital dissolution of marriage, will consult for the sale of property, as well as, (sic) advise in and on therapy for the immediate treatment of victim/spousal abuse, and stress related issues."

7. The contract also provided for an "award" of 20% of the final sales price of Ms. Barreras' home, 20% of any "punitive damages" awarded, and 20% of all other awards to Ms. Barreras by the court. Cf. C.R.C.P. Chapter 23.3, Rule 3, which prohibits contingent fee agreements in dissolution matters.

8. On June 14, 2001, Ms. Barreras provided the respondent with US Bank check number 5021615613 in the amount of \$3,000.00.

9. The respondent provided Ms. Barreras legal advice on the pending dissolution of marriage action. The respondent also provided legal advice on property disposition and freezing bank accounts.

10. The respondent had a telephone conversation with opposing counsel, Darryl Glenn. In that conversation, the respondent told attorney Glenn that she was an attorney. The respondent failed to disclose that she was not licensed to practice law in Colorado. They thus discussed pending matters in the Colorado divorce.

11. Shortly thereafter, the parties reconciled.

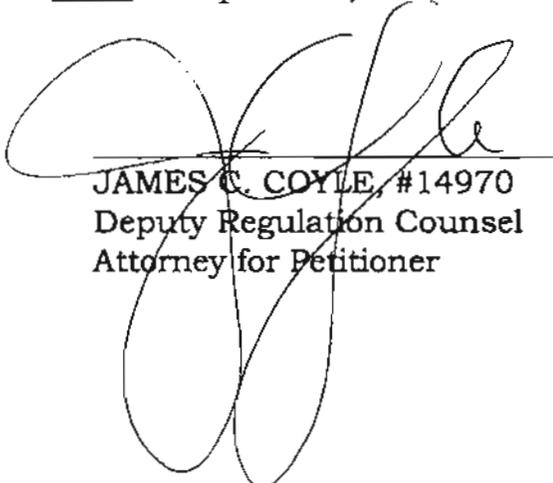
12. Subsequently, opposing counsel, Mr. Glenn, filed a motion to dismiss the petition for dissolution action because the parties had reconciled. The matter was dismissed on August 28, 2001.

13. Thereafter, Ms. Barreras tried to reach the respondent but could not do so.

14. By holding herself out as an attorney capable of practicing law in a Colorado dissolution of marriage action, by entering into a contract for legal services for a Colorado dissolution of marriage action, by accepting a \$3,000.00 retainer fee for representation in the Colorado dissolution of marriage action, by providing legal advice to Ms. Barreras on Colorado matters, by holding herself out as an attorney to opposing counsel Darryl Glenn, and by advocating the legal interests of Ms. Barreras with attorney Glenn, the respondent engaged in the unauthorized practice of law (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, 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; 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 30<sup>th</sup> of September, 2003.



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

CAHULLA "KAWEAH" M. RED ELK  
American Indian Law Practitioner  
OGLALA LAKOTA REC# 65402B  
PHONE & FAX: 719-380-9189

June \*14, 2001

**CONTRACT FOR LEGAL SERVICES  
AGREEMENT**

The parties to this agreement are the following:

Consultant: Cahulla "Kaweah" M. Red Elk, American Indian Law Practitioner And Client;

Mrs. Stormy (Shirley) Barreras; 1047 Scarlet Oak Drive; Colorado Springs, Colorado 80906.  
(719)-576-9010(home) 460-8715(cell)

Date of Birth: Social Security Number: CO1.D.L. #

CONFIDENTIAL NOTE: This is to confirm our verbal agreement made at my office on the 13<sup>th</sup>, day of June, 2001. That you, Mrs. Barreras agree to pay my retainer in full in the amount of \$3,000.00 upon your signature of this contract, June 14<sup>th</sup>, 2001. My services will include investigation of your case, preparation of your case, and execution. Our Agreement involves the greater potential of becoming a case that will include Estate/ Property to be divided between you and Mr. Roy Barreras (husband), involving the Quick/ the Sale of Your Current Home located at above said address. In that event, this Counselor will be awarded 20% of Final Sale Price this being fair and just in this matter, to include all punitive damages recovered and awarded to Mrs. Barreras, as well any and awards by Court. \*\*\*This Counselor will consult with and advise in the following matters: Petition For Dissolution of Marriage/ Marital Dissolution of Marriage, will consult for the sale of Property, as well as, advise in and on Therapy for the immediate treatment of Victim/

Spousal Abuse, and Stress Related Issues. (Monthly Payments to be Paid on 1st of month @ \$100.00 and will be late after the 3rd day of month, \$50.00 late fee will be charged.

FEES & EXPENCES: \*\*\* LITIGATION - Regular Fee - \$575.00PH \* Miscellaneous \* Travel \* Retainer \$3,000.00 \* Case preparation estimate @ \$150.00 P.H. 20hrs. Consultation - 2 1/2 hrs. \$75.00 \* Administrative costs \$75.00 P.H. \* Telephone \* Attorney Fees \$3,000.00 plus 20% of all awards/ and sale of real property.

Due to the urgency of this matter, I will make myself available in order to accommodate your schedule. \*\*\*

Client Signature:

Pilamaya. Mitakuye Oyasin.

Mrs. Shirley "Stormy" Barreras

Date on this Agreement

Cahulla "Kaweah"

Center on Human Rights - Consulting Indian Country  
Canada • United States • United Nations / Geneva Switzerland  
P.O. Box 25164 • Colorado Springs, CO 80936 • Phone (719) 380-9189

EXHIBIT

PERIOD 000-001-0000