

RECEIVED

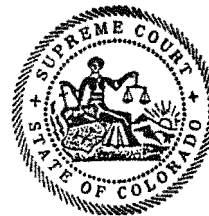
Colorado Supreme Court 2 East 14th Ave., Fourth Floor Denver, CO 80203	MAY 18 2009 ATTORNEY REGULATION
Office of Attorney Regulation Counsel 2008UPL62	
Petitioner: The People of the State of Colorado, v. Respondent: Erwin Earl Rutter.	Supreme Court Case No: 2009SA43
ORDER OF COURT	

Upon consideration of the Petition for Injunction, the Order to Show Cause and the Status Report filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Petition shall be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that the Respondent, ERWIN EARL RUTTER shall be, and the same hereby is, ENJOINED from engaging in the unauthorized practice of law in the State of Colorado, effective immediately.

BY THE COURT, MAY 18, 2009.



Case Number: 2009SA43
Caption: People v Rutter, Erwin

CERTIFICATE OF SERVICE

Copies mailed via the State's Mail Services Division on May 18, 2009. *HRC*

Erwin E Rutter
620 W. Colorado, #212
Colorado Spgs, CO 80905

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

FILED IN THE
SUPREME COURT

MAY 13 2009

OF THE STATE OF COLORADO
SUSAN J. FESTAG, CLERK

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

ORIGINAL PROCEEDING IN
UNAUTHORIZED PRACTICE OF LAW,
08UPL062

Petitioner:

THE PEOPLE OF THE STATE OF
COLORADO

vs.

Respondent:

ERWIN EARL RUTTER

Kim E. Ikeler, #15590
Assistant Regulation Counsel
Attorney for Petitioner
1560 Broadway, Suite 1800
Denver, CO 80202
Phone Number: (303) 866-6440
Fax Number: (303) 893-5302
Email: k.ikeler@csc.state.co.us

▲ COURT USE ONLY ▲

Case Number:
09SA0043

STATUS REPORT

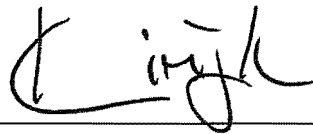
Petitioner, through the undersigned Assistant Regulation Counsel, hereby files this Status Report in the above referenced matter:

1. On February 24, 2009, the undersigned filed a Petition for Injunction against the respondent. On March 2, 2009, the Court issued an Order to Show Cause.

2. The Office of Attorney Regulation Counsel ("OARC") endeavored to serve the Petition and Order on respondent. See the attached invoice with comment regarding attempted service. The attempt was unsuccessful.

3. OARC will continue to make attempts to locate respondent. Should respondent's whereabouts become known, OARC will resume its efforts.

Respectfully submitted this 13th of May 2009.



Kim E. Ikeler
Assistant Regulation Counsel
Attorney for Petitioner



INVOICE

Invoice #2009003235
4/17/2009

Original Date: 4/8/2009

RECEIVED

APR 20 2009

ATTORNEY
REGULATION

Colorado Supreme Court
Attorney Regulation Counsel
1560 Broadway, Suite 1800
Denver, CO 80202

Send Payments To:
Courier Process Service, Inc.
115 East Vermijo Avenue
Suite 202
Colorado Springs, CO 80903-2008
Phone: (719) 475-7360
Fax: (719) 475-9208
Tax Id # 84-13-68680

Case Number: 2009SA43

Plaintiff:
The People of the State fo Colorado

Defendant:
Erwin Earl Rutter

Received: 4/2/2009 Non-Served: 4/8/2009 .WRONG ADDRESS
To be served on: Erwin Earl Rutter

*also
den to per
JEF*

ITEMIZED LISTING

Line Item	Quantity	Price	Amount
Wrong Address - 620 West Colorado Avenue	1.00	25.00	25.00
TOTAL CHARGED:			\$25.00
BALANCE DUE:			\$25.00

Comments pertaining to this invoice:

Attempted to serve Erwin Earl Rutter at 620 West Colorado #212, Colorado Springs, CO 80905. The server confirmed with the current owner who stated that this is the Dale Motel and that it is under construction. There are no tenants living there. Returning your documents to your office.

*also
he will perform
skip trace*

Invoice due and payable upon receipt (if paid by invoice); all charges not paid within 30 days from the first monthly statement that includes this invoice are subject to a service charge of 1.5% per month; 18% per annum.

NOW ACCEPTING MAJOR CREDIT CARDS

PLEASE INCLUDE OUR INVOICE NUMBER WITH YOUR PAYMENT.
THANK YOU FOR CHOOSING COURIER PROCESS SERVICE, INC.

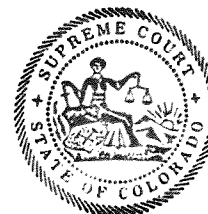
VISIT US AT www.courierprocess.com
CONTACT US AT info@courierprocess.com

Colorado Supreme Court 2 East 14th Ave., Fourth Floor Denver, CO 80203	RECEIVED MAR 2 2009 ATTORNEY REGULATION
Office of Attorney Regulation Counsel 2008UPL62	
Petitioner: The People of the State of Colorado, v. Respondent: Erwin Earl Rutter.	Supreme Court Case No: 2009SA43
ORDER TO SHOW CAUSE	

Upon consideration of the Petition for Injunction filed in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that a Rule to Show Cause issue out of this Court commanding the Respondent, ERWIN EARL RUTTER, to answer in writing and show cause within twenty (20) days of service of such rule why he should not be enjoined from engaging in the unauthorized practice of law in the state of Colorado. A true copy of the Petition for Injunction is attached hereto and served herewith.

BY THE COURT, FEBRUARY 27, 2009



Case Number: 2009SA43

Caption: People v Rutter, Erwin

CERTIFICATE OF SERVICE

Copies mailed via the State's Mail Services Division on February 27, 2009. *Hope*

Erwin E Rutter
620 W. Colorado, #212
Colorado Spgs, CO 80905

Kim E Ikeler
OFFICE OF ATTORNEY
REGULATION
1560 Broadway Ste 1800
Denver, CO 80202-5112

RECEIVED

MAR 2 2009

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

ORIGINAL PROCEEDING IN
UNAUTHORIZED PRACTICE OF LAW,
08UPL062

Petitioner:

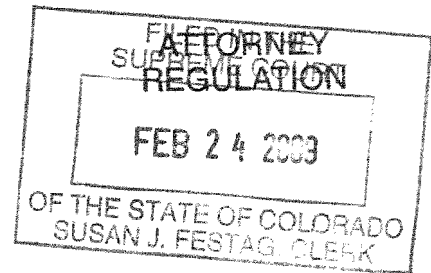
THE PEOPLE OF THE STATE OF
COLORADO

vs.

Respondent:

ERWIN EARL RUTTER

Kim E. Ikeler, #15590
Assistant Regulation Counsel
Attorney for Petitioner
1560 Broadway, Suite 1800
Denver, CO 80202
Phone Number: (303) 866-6440
Fax Number: (303) 893-5302
Email: k.ikeler@csc.state.co.us



▲ COURT USE ONLY ▲

Case Number: 095143

PETITION FOR INJUNCTION

Petitioner, through the undersigned Assistant Regulation Counsel, and upon authorization pursuant to C.R.C.P. 234(a),¹ respectfully requests that the Colorado Supreme Court issue an

¹ The Unauthorized Practice of Law ("UPL") Committee authorized the filing of this petition on February 20, 2009.

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, Erwin Earl Rutter, is not licensed to practice law in the state of Colorado. The respondent's last known address is 620 W. Colorado, #212, Colorado Springs, CO 80905. Respondent was imprisoned from 1988 through 1994 and obtained paralegal training via a correspondence course during this time.

2. Robert Vallejo ("Vallejo"), a friend with whom respondent had worked in the past, asked respondent to assist in a landlord-tenant dispute. Respondent researched the law, gave Vallejo advice regarding his case and explained how he could proceed through the courts. Respondent drafted the complaint and all pleadings on behalf of Vallejo in a case styled *Robert Vallejo v. Michael Braum*, El Paso County Court, Case No. 2008C1172. Respondent attended the hearings and explained the proceedings to Vallejo.

3. Respondent wished to be paid for his work. Through pleadings he drafted, respondent sought the award of fees from the court. In *Plaintiff's Motion for Summary Judgment* dated July 8,

2008, Vallejo requested \$3,500.00 be awarded for attorney fees. In a filing dated July 15, 2008 and titled *Plaintiff's Traverse to Defendant's Simplified Answer*, Vallejo stated that he required the legal assistance of a paralegal at a value of \$100.00 per hour. Vallejo argued that he was entitled to recover legal fees for use of a paralegal. In a filing titled *Plaintiff's Motion for Enforcement of Previously Filed and granted Summary Judgment pursuant to Rule 56 C.R.C.P. or Conversion to Default Judgment Pursuant to Rule(s) 54 & 55 C.R.C.P.* dated August 05, 2008, Vallejo stated that he had the guidance of a certified paralegal throughout the entire proceedings and that he was contractually obligated to pay the paralegal no less than \$100.00 an hour. The filing further states, "only through the Paralegal the Plaintiff has prevailed and ensured the rights of the Plaintiff. Plaintiff had not the ability to pursue the legal quest on his behalf".

4. The court's clerk told respondent that he could not file for attorney fees and that he had no standing in the case. Respondent ignored these instructions and filed a motion requesting the attorney fees. On August 18, 2008, the court

entered a default judgment in favor of the plaintiff. The order stated that the plaintiff was *pro se* and not entitled to attorney fees.

5. In addition to drafting and filing the aforementioned filings, respondent twice wrote to the defendant on behalf of Vallejo and demanded payment. In a letter dated August 18, 2008, respondent stated that defendant might be responsible for attorney fees. Respondent ultimately received no fees.

6. By advising Vallejo concerning his landlord/tenant dispute, by drafting pleadings for Vallejo, and by corresponding with the landlord on Vallejo's behalf, 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, People v. Shell*, 148 P.3d 162 (Colo. 2006); and *Denver Bar Assn. 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; assess restitution against the respondent for losses incurred by clients or third parties as a result of the respondent's conduct; impose a fine for each incident of unauthorized practice of law, not less than \$250.00 and not more than \$1,000.00; and any other relief deemed appropriate by this court.

Respectfully submitted this 24th of February 2009.

A handwritten signature in black ink, appearing to read "Kim E. Ikeler", written over a horizontal line.

Kim E. Ikeler
Assistant Regulation Counsel
Attorney for Petitioner