

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

CASE NO. 05SA59

ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF  
LAW, 04UPL81

RECEIVED

JUN 03 2005

**Petitioner:**

THE PEOPLE OF THE STATE OF COLORADO,

v.

**Respondent:**

R.H. SCOTT.

ATTORNEY  
REGULATION

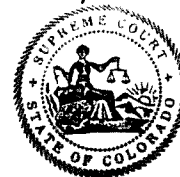
**ORDER OF INJUNCTION**

Upon consideration of the Petition for Injunction, the Order to Show Cause, Proof of Attempted Service, and the Motion to Proceed, and now being sufficiently advised in the premises,

IT IS ORDERED that the Respondent R.H. Scott shall be, and the same hereby are ENJOINED from further engaging in the unauthorized practice of law.

IT IS FURTHERED ORDERED that the respondent shall provide a refund to Lavell Williams, Jr. in the amount of \$200.00 plus statutory interest accruing from the date of this order, and costs in the amount of \$195.80.

BY THE COURT, JUNE 3, 2005.



Copies mailed via the State's Mail Services Division on 6-3-05 LK

James Coyle  
Deputy Regulation Counsel

R.H. Scott  
Scott & Associates  
3315 Locust St.  
Denver, CO 80207

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

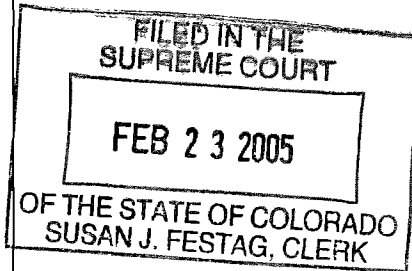
ORIGINAL PROCEEDING IN UNAUTHORIZED  
PRACTICE OF LAW

Petitioner:  
THE PEOPLE OF THE STATE OF COLORADO

Respondent:  
R.H. SCOTT

James C. Coyle # 14970  
Deputy Regulation Counsel  
Attorney for Petitioner  
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Denver, CO 80202

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▲ COURT USE ONLY ▲

Case Number: 04UPL081

**PETITION FOR INJUNCTION**

Petitioner, by and through James C. Coyle, Deputy Regulation Counsel, and upon authorization pursuant to C.R.C.P. 234(a),<sup>1</sup> 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, R.H. Scott, is not licensed to practice law in the state of Colorado. The respondent's last known business address is 3315 Locust Street, Denver, Colorado 80207.

2. On August 10, 2004, Lavell Williams, Jr., was involved in a motor vehicle accident with an Aurora police vehicle. Mr. Williams was issued a summons that ordered him to appear in the Aurora Municipal Court on September 9, 2004.

<sup>1</sup> The Unauthorized Practice of Law ("UPL") Committee authorized the filing of this petition on February 18, 2005.

3. Thereafter, Mr. Williams was referred to R.H. "Harold" Scott, the respondent.

4. Mr. Williams contacted the respondent and explained the circumstances of the motor vehicle accident. Later Mr. Williams met the respondent at a restaurant to discuss the matter. The respondent told Mr. Williams that he would provide legal research regarding the citation and that an attorney would be assigned to attend the court hearing with Mr. Williams.

5. On September 9, 2004, both Mr. Williams and the respondent appeared at Mr. Williams' arraignment in Aurora Municipal Court before the Hon. Donald Fisher. No attorney appeared on Mr. Williams' behalf, as the respondent had promised.

6. During Mr. Williams' arraignment, Judge Fisher asked the respondent if he was Mr. Williams' attorney. The respondent answered in the affirmative. Subsequently, Mr. Williams entered a plea of not guilty and the matter was set for a pretrial conference for October 15, 2004.

7. On October 14, 2004, the respondent filed a "Motion and Notice of Motion for Enlargement of Time ["Response of Defendant's"]" on behalf of Mr. Williams. The respondent signed the pleading as the "Defendant(s) Legal Representative." The respondent also filed a certificate of mailing listing himself as R.H. Scott at "Scott & Associates." The respondent prepared the pleading and explained the contents of the pleading to Mr. Williams before it was filed with the court.

8. Additionally, the respondent filed a notice of lawsuit, and request for waiver of service and summons, with the City of Aurora on behalf of Mr. Williams. The notice was prepared on the respondent's letterhead which stated as follows:

R.H. Scott  
Scott & Associates  
3315 Locust Street  
Denver, CO 80207  
(303) - 394-9872  
Legal Research, Administrative. Personnel  
&  
Sports Consultants.

9. The respondent signed the notice of lawsuit as the "Plaintiff's Legal Reprehensive (sic)." The notice was also signed by Mr. Williams. Again, the

respondent prepared the pleading and explained the contents of the pleading to Mr. Williams before it was submitted to the city.

10. On October 15, 2004, the respondent again appeared on behalf of Mr. Williams at the pretrial conference scheduled before the Hon. Alan Stine in the Aurora Municipal Court. The respondent had told Mr. Williams that an attorney from Colorado Springs would be present on Mr. Williams' behalf on that date. However, no attorney appeared on Mr. Williams' behalf.

11. Judge Stine treated the motion for enlargement of time filed by the respondent on October 14 as a motion to continue the pretrial conference. Judge Stine denied the motion and the matter proceeded to a pretrial conference.

12. Judge Stine asked the respondent on the record if he was a licensed attorney. Again, the respondent replied in the affirmative. Judge Stine asked the respondent to identify his attorney registration number. The respondent replied that he did not have his registration number with him and then stated "but I have a license."

13. Judge Stine then asked the respondent on the record if he was entering an appearance on behalf of Mr. Williams. The respondent replied in the affirmative. Judge Stine then directed the respondent to go to the docketing window and set the matter for trial. Further, the court instructed the respondent to "fax" or mail his written entry of appearance "with the information that's required" to the court. Although the respondent indicated that he would do so, he did not file any written entry of appearance on behalf of Mr. Williams. Subsequently, the matter was set for trial for November 29, 2004.

14. The entry in the register of actions for October 15, 2004, states as follows:

Set trial to court  
Mr. Scott will file EOA with court.  
T/C 11-2904 2:00p D2  
Attny didn't know his Bar # and so he said he would fax it in along with EOA.

15. Thereafter, on or about November 24, 2004, Mr. Williams met with the respondent at a restaurant. At the time, Mr. Williams provided a statement to the respondent that described his defense of the charge. The respondent

told Mr. Williams that he would perform legal research on the citation and put together a "filing."

16. On November 29, 2004, Mr. Williams appeared for trial before the Hon. Tracey Dawson. Mr. Williams requested a continuance of the trial date. The court noted that the respondent had not filed an entry of appearance but had filed a notice of a lawsuit claiming to be Mr. Williams' legal representative. Further, the court found that the notice of lawsuit filed by the respondent was not a proper document and that there was no attorney registration number attached to the respondent's name on any document.

17. The court then called a short recess. When the court convened, Judge Dawson stated on the record in pertinent part:

Mr. Williams, I have researched the listing of attorneys that are licensed to practice law in the state of Colorado, and there's no Harold Scott or R.H. Scott as a licensed attorney in this case.

I don't know who called in on your behalf and said they didn't know their Bar No. And they were to submit an entry of appearance, but Harold Scott apparently is not licensed in this state and is not able to appear for you in this matter.

The Court ordered the matter reset for trial to January 3, 2005. At the conclusion of the hearing, the respondent attempted to address the Court. Judge Dawson, however, would not allow the respondent to address the court.

18. Thereafter, on or about December 17, 2004, Mr. Williams signed a "Retainer - General Form - Consultant" with the respondent providing for a \$200 payment. The "retainer" form stated as follows:

In consideration of the sum of \$200.00 Dollars (95.00 Per Hour Discount to (\$72.00 per hour) paid by client to SCOTT & ASSOCIATES the receipt of which acknowledge. SCOTT & ASSOCIATES is retained by client in connection with [state nature of business or litigation for which SCOTT & ASSOCIATES is retained] For C ? Case Aurora/Municipal Court.

LEGAL RESEARCH - CONSULTANT  
&  
APPOINT ONLY. (sic)

19. On January 3, 2005, Mr. Williams appeared *pro se*, was found guilty by the court, and was fined \$120.

20. Also, on January 3, 2005, the respondent filed a "Motion and Notice of Motion for "Extraordinary Circumstances [Response Defendant(s)]" (sic) on behalf of Mr. Williams.

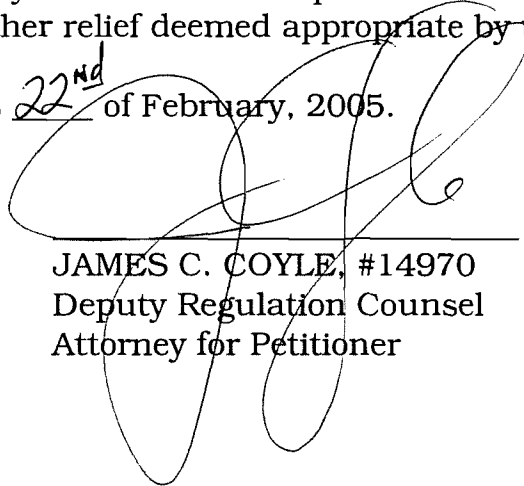
21. The respondent prepared and filed this document after reviewing it with Mr. Williams.

22. Mr. Williams, has not received any refund from the respondent as of the date of the filing of this petition.

23. By holding himself out to be an attorney and by attempting to represent Mr. Williams' legal interests in the Aurora Municipal Court and with the City of Aurora, 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 22<sup>nd</sup> of February, 2005.

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