

**Family Violence Program
Legal Representation for Domestic Violence Survivors Committee
Minutes
Wednesday, April 9, 2008**

In Attendance: Kath Schoen and Cheryl Law with the Colorado Bar Association (CBA); Victoria McVicker with Safehouse Denver; Mary Phillips and Ilene Bloom are attorneys in the community; Tia Johnson, Amy Miller, Marjorie Sayers, and Ariel Brody with Project Safeguard (PSG); Terry Lopez with Colorado Legal Services (CLS); Gina Dorin with Family Tree; Anna Paschke with Metro Volunteer Lawyers (MVL)

Guest Speaker:

John Gleason, Regulation Counsel for the Office of Attorney Regulations, presented regarding the unauthorized practice of law. He stated that their office is interested in prosecuting malevolent people acting to take advantage of the elderly, immigrants, and non-English speaking people. An example he gave was notarios, which are notary publics from other countries who were advertising as lawyers in non-English media. They have worked to shut down these operations and have the ads removed. Verizon has not been cooperative in having the ads removed from their publications. Another example he gave is cases where people would tell clients that they would help them with immigration, take their money, and then report the client to ICE. He explained that it is difficult to prosecute these cases because the victims and witnesses are deported, so they have begun to work with Federal agencies to keep them here and sometimes help them with their immigration status. He explained that these are thieves posing as attorneys and that the OAR is not interested in a person's legal status, only that they have been victimized. Another example he gave was people who sell forms for significantly amounts of money when those same forms are available online for free. He stated that they are trying to convince the DA's that it's consumer fraud. Additionally, he explained that they help the person who buys the forms with filling it out or offer to fill it out for them. One audience that is targeted with this is the elderly. Another example was a lawyer who tried to enter his appearance on a case when he was suspended.

He explained that they have Unauthorized Practice of Law brochures in 7 different languages to educate the public about services that are misrepresented. They receive on average 26,000 calls per year. He stated that they take complaints regarding magistrates, municipal judges, and any lawyers including those who are county or district court judges. He explained that the Commission on Judicial Discipline takes complaints about county or district court judges.

He explained that they don't want to get in the way of the services that we provide and that those who complain the most about advocates are domestic violence perpetrators or their attorneys, courtroom groupies, or judicial officers. He stated that he has no recollection of their office ever prosecuting an advocate and the most we can expect is a call to ask us to stop a particular behavior and educate us about what we can do. He stated that we can help clients to understand procedures and what to expect. He said that we can not suggest answers, but that we can explain to clients that they have an obligation to be truthful. He said that it is not appropriate for advocates to say "if it were me, I would...". He said that advocates should not explain statutes but can share their experiences with the judge and what the judge looks for or the information the judge will rely on. He also explained that if advocates assist clients too much then they do not appear to the judicial officer as a pro se party and may lose the advantage they would have if perceived as not being as knowledgeable about the system. The judicial canons state that they

have an obligation to pro se litigants to be more patient and understanding and give them more latitude.

He also gave examples of things attorneys do that advocates witness and can report. Examples include: telling the plaintiff they don't need a CPO because they have an MPO, a defendant's lawyer who cornered the victim in the parking lot to talk to her, telling the victim that the defendant is doing stuff for her so she should drop the order, telling her that they'll report her to ICE or take the kids if she goes to court.