

Colorado Supreme Court 101 West Colfax Avenue, Suite 800 Denver, CO 80202	RECEIVED SEP 28 2012 ATTORNEY REGULATION
Original Proceeding in Unauthorized Practice of Law, 11UPL112	
Petitioner: The People of the State of Colorado, v. Respondent: Jimmy Holden.	Supreme Court Case No: 2012SA57
ORDER OF COURT	

Upon consideration of the 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 Respondent, JIMMY HOLDEN, 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, JIMMY HOLDEN, 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 this court WAIVES any fines in this matter pursuant to C.R.C.P. 236(a).

BY THE COURT, SEPTEMBER 28, 2012.



Case Number: 2012SA57

Caption: People v Holden, Jimmy

CERTIFICATE OF SERVICE

Copies mailed via the State's Mail Services Division on September 28, 2012.

Jimmy Holden
5043 S. Raindrop Circle
Colorado Spg, CO 80917

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

William R Lucero
PRESIDING DISCIPLINARY
JUDGE
1560 Broadway Ste 675
Denver, CO 80202

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN THE UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1560 BROADWAY, SUITE 675 DENVER, CO 80202	RECEIVED AUG 21 2012 REGULATION COUNSEL
Petitioner: THE PEOPLE OF THE STATE OF COLORADO Respondent: JIMMY HOLDEN	Case Number: 12SA057
REPORT OF HEARING MASTER PURSUANT TO C.R.C.P. 236(a)	

This matter is before the Presiding Disciplinary Judge ("PDJ") on an "Order Appointing Hearing Master" issued by the Colorado Supreme Court ("Supreme Court") on May 14, 2012. In its order, the Supreme Court referred this matter to the PDJ for "findings of fact, conclusions of law, and recommendations" pursuant to C.R.C.P. 234(f) and 236(a).

I. PROCEDURAL HISTORY

On February 21, 2012, Kim E. Ikeler, Office of Attorney Regulation Counsel ("the People"), filed a "Petition for Injunction" against Jimmy Holden ("Respondent") alleging he engaged in the unauthorized practice of law. Respondent responded to the petition on April 23, 2012.

The PDJ concluded that an at-issue conference with the parties was appropriate and scheduled a conference for June 13, 2012. Mr. Ikeler appeared on behalf of the People and Joe Alfred Izen Jr. appeared by telephone on behalf of Respondent, who also appeared. During the at-issue conference, a hearing was scheduled for October 4, 2012. However, on August 20, 2012, the parties filed a "Stipulation, Agreement and Affidavit Consenting to an Order of Injunction."¹

In the stipulation, Respondent agrees to be enjoined from the practice of law. He also agrees to pay costs in the amount of \$91.00 within thirty days after the acceptance of the stipulation by the Supreme Court. Based on Respondent's cooperation during the investigation and his agreement to the

¹ Although Mr. Izen appeared on behalf of Respondent at the at-issue conference, Respondent enters into the stipulation pro se.

SUPREME COURT, STATE OF COLORADO

ORIGINAL PROCEEDING IN
UNAUTHORIZED PRACTICE OF LAW
BEFORE THE PRESIDING DISCIPLINARY
JUDGE

1560 Broadway, Suite 675
Denver, Colorado 80202

Petitioner:
THE PEOPLE OF THE STATE OF
COLORADO

vs.

Respondents:
JIMMY HOLDEN

Kim E. Ikeler, #15590
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Attorney for Petitioner
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FILED

AUG 20 2012

PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF COLORADO

▲ COURT USE ONLY ▲

Case Number: 12SA057

**STIPULATION, AGREEMENT AND AFFIDAVIT CONSENTING TO AN
ORDER OF INJUNCTION**

On this 20th day of August 2012, Kim E. Ikeler, Assistant Regulation Counsel, and Jimmy Holden ("Holden"), the Respondent, enter into the following

stipulation, agreement, and affidavit consenting to an order of injunction (“stipulation”) and submit the same for findings and an order of injunction pursuant to C.R.C.P. 229-237.

1. Respondent has a residence address of 5043 Raindrop Circle, Colorado Springs, CO 80917. Respondent is not licensed to practice law in the State of Colorado or any state.

2. Respondent enters into this stipulation freely and voluntarily. No promises have been made concerning future consideration, punishment, or lenience in the above-referenced matter. It is Respondent’s personal decision, and Respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

3. Respondent is familiar with the rules of the Colorado Supreme Court regarding the unauthorized practice of law. Respondent acknowledges the right to a full and complete evidentiary hearing on the above-referenced petition for injunction. At any such hearing, Respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by the petitioner. At any such formal hearing, the petitioner would have the burden of proof and would be required to prove the charges contained in the petition for injunction by a preponderance of the evidence. Nonetheless having full knowledge of the right to such a formal hearing, Respondent waives that right.

4. Respondent understands that the practice of law in Colorado includes, but is not limited to, the following:

- a. providing advice to any other individual on the legal effect of any proposed action in a legal matter; or assisting that individual in making decisions that require legal judgment and a knowledge of the law that is greater than the average citizen;
- b. providing advice to any other individual as to various legal remedies available to that individual and the possible legal courses of action for that individual;
- c. acting in a representative capacity on behalf of any other individual in matters that affect that individual’s legal rights and duties;

- d. selecting or preparing any legal document for any other individual, other than solely as a typist; and, without limiting the above, explaining to that individual or any other individual the legal significance of such document;
- e. holding oneself out as an attorney, lawyer, "esquire", immigration consultant, or legal consultant, either directly or impliedly;
- f. holding oneself out to others in a manner that another individual would place some reliance on the respondent to handle that individual's legal matters;
- g. advertising oneself as an immigration consultant, or being able to select and prepare immigration paperwork on behalf of others (without U.S.B.I.A. accreditation);
- h. making an appearance or speaking on behalf of another individual in negotiations, settlement conferences, mediations, hearings, trials, oral arguments or other legal proceedings unless specifically allowed by the rules that apply to such appearance in such legal proceeding;
- i. serving as a conduit or intermediary on behalf of any other individual for the obtaining or relaying of any legal counsel;
- j. conducting the business of management of a law practice to the extent that the exercise of legal judgment on behalf of another occurs; and
- k. soliciting or accepting any fees for legal services.

5. Respondent and the petitioner stipulate to the following facts and conclusions:

- a. Respondent met Kenneth Adamec, a resident of Wisconsin. Mr. Adamec expressed concerns about a friend, Robert Dawursk, who had recently gotten divorced. Mr. Adamec was concerned that Mr. Dawursk was not mentally and emotionally strong enough to handle his financial affairs.
- b. Respondent suggested that Mr. Dawursk give Mr. Adamec a power of attorney, allowing Mr. Adamec control over Mr. Dawursk's finances.

- c. Mr. Adamec agreed to this concept.
- d. Respondent explained the power of attorney to Mr. Dawursk. Respondent offered to prepare the document ("POA") setting forth the power of attorney.
- e. Mr. Adamec and Mr. Dawursk agreed that Respondent should do so.
- f. Mr. Dawursk tendered to Respondent \$200 for Respondent's expenses.
- g. The POA is a legal document. The POA gave Mr. Adamec power to act on behalf of Robert Dawursk, a Colorado resident, in Mr. Dawursk's business affairs. The POA also gave Mr. Adamec the power to make medical decisions for Mr. Dawursk under conditions when Mr. Dawursk would not be able to decide for himself.
- h. By these acts, Respondent engaged in the unauthorized practice of law.

6. Respondent has read and studied the petition for injunction and is familiar with the allegations therein, and a true and correct copy of the petition for injunction is attached to this stipulation as Exhibit A.

7. Pursuant to C.R.C.P. 251.32, Respondent agrees to pay administrative costs in the sum of \$91 incurred in conjunction with this matter within thirty (30) days after the acceptance of the stipulation by the Colorado Supreme Court.

8. Based on Respondent's cooperation during the investigation and agreement to terms of the within Stipulation, petitioner requests that the Presiding Disciplinary Judge exempt this case from a fine, pursuant to C.R.C.P. 236(a).

