

Colorado Supreme Court 2 East 14th Ave., Fourth Floor Denver, CO 80203	<p style="text-align: center;"><b>RECEIVED</b></p> <p style="text-align: center;">NOV 20 2008</p> <p style="text-align: center;">ATTORNEY REGULATION</p>
Office of the Presiding Disciplinary Judge 07UPL53	
<b>Petitioner:</b>  The People of the State of Colorado,  v.  <b>Respondent:</b>  Marshall Harrell.	Supreme Court Case No: 2008SA249
<b>ORDER OF COURT</b>	

Upon consideration of the Motion to Proceed filed in the above cause,  
and now being sufficiently advised in the premises,

IT IS ORDERED that said Motion to Proceed shall be, and the same  
hereby is, GRANTED. Respondent, MARSHALL HARRELL is ENJOINED  
from the Unauthorized Practice of Law in the State of Colorado.

IT IS FURTHER ORDERED that the Court declines to Order restitution  
or assess a fine.

BY THE COURT, NOVEMBER 19, 2008.



Case Number: 2008SA249  
Caption: People v Harrell, Marshall

### CERTIFICATE OF SERVICE

Copies mailed via the State's Mail Services Division on November 20, 2008. 

James S Sudler III  
OFFICE OF ATTORNEY  
REGULATION  
1560 Broadway Ste 1800  
Denver, CO 80202-5112

Marshall Harrell  
684 Madison Way  
Bennett, CO 80102

Office of the Presiding  
Disciplinary Judge  
1560 Broadway, Suite 675  
Denver, CO 80202

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,  
07UPL053

Petitioner:

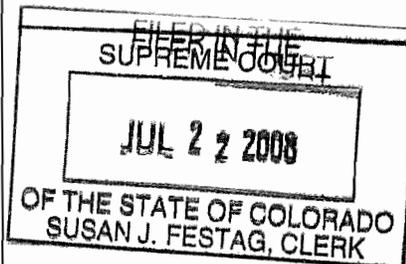
THE PEOPLE OF THE STATE OF  
COLORADO

vs.

Respondent:

MARSHALL HARRELL

James S. Sudler, #8019  
Assistant Regulation Counsel  
Attorney for Petitioner  
1560 Broadway, Suite 1800  
Denver, CO 80202  
Phone Number: (303) 866-6400 Ext. 6466  
Fax Number: (303) 893-5302



▲ COURT USE ONLY ▲

Case Number:

**PETITION FOR INJUNCTION**

Petitioner, through the undersigned Assistant 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

<sup>1</sup> The Unauthorized Practice of Law ("UPL") Committee authorized the filing of this petition on May 16, 2008.

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 therefore, counsel states as follows:

1. The respondent, Marshall Harrell, is not licensed to practice law in the state of Colorado. The respondent's last known residential address is 684 Madison Way, Bennett, Colorado 80102.

2. At the end of January 2007, Bobbi Jo Rice discussed her child custody case with respondent. Her case was filed in Otero County District Court, La Junta, Colorado.

3. Respondent told Ms. Rice he would take her case and charge her a fee of \$500.00. A few days later he indicated the fee would be \$1,000.00. A few days after that, he stated the fee would be \$1,500.00.

4. Respondent met with Ms. Rice several times at different restaurants but never at an office. They discussed her child custody matter. Respondent stated that he was getting things taken care of on her child custody case. However, he never showed her anything in writing.

5. Ms. Rice gave \$500.00 in cash to respondent as the

first payment. She produced a receipt signed by respondent on February 13, 2007, as having received \$500.00 from her as a retainer.

6. Ms. Rice did not receive any paperwork from respondent, and she tried calling him to get an address or a telephone number. She learned that the telephone number he had given her had been disconnected.

7. At one point, respondent stated to Ms. Rice that he worked for an attorney named "Bob Bailey" and stated that the office was in Englewood but they had recently moved to Evergreen.

8. There is no such attorney in the Evergreen or Englewood areas.

9. At the beginning of May 2007, respondent returned paperwork to Ms. Rice but not the money she had paid him. He stated that Bob Bailey said that the money could not be returned to her.

10. In response to the written request for investigation, respondent wrote a letter to James Coyle of the Office of Attorney Regulation. He stated that he knew Ms. Rice from working at

Suncor where he was working as an electrical apprentice, and she was a laborer. He stated that she was living at a camper park and that he and she went out one time and spoke on the telephone. He stated "I gave her advise [sic] as I'm trying to get custody of little girl which is in Tennessee where I'm from."

11. Ms. Rice stated the respondent told her he was going to school to be an attorney.

12. In July 2007, Ms. Rice finished her child custody case in Otero County. She may have received some advice on this case from an attorney by the name of Rosemary Beckett.

13. A search of Attorney Registration's database did not show respondent as a registered attorney, past or present, in the State of Colorado.

14. By accepting money from Ms. Rice designated as "retainer" fees for legal assistance in a child custody case, the respondent engaged in the unauthorized practice of law.

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 order that the respondent refund Ms. Rice \$500.00 plus statutory interest accruing from February 13, 2007; assess the costs and expenses of these proceedings, including reasonable attorney fees against this respondent; 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 22<sup>d</sup> of July, 2008.



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James S. Sudler, #8019  
Assistant Regulation Counsel  
Attorney for Petitioner