

Colorado Supreme Court 101 West Colfax Avenue, Suite 800 Denver, CO 80202	
Original Proceeding in Unauthorized Practice of Law, 11UPL040	
Petitioner: The People of the State of Colorado, v.	Supreme Court Case No: 2012SA58
Respondent: Christine Mitchell and At Liberty Bonding, LLC.	
ORDER OF COURT	

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

IT IS ORDERED that the Respondent, AT LIBERTY BONDING, LLC shall be, and the same hereby is, DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that Respondent, CHRISTINE MITCHELL, 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, CHRISTINE MITCHELL, is assessed costs in the amount of \$190.00. Said costs to be to be paid to the Office of Attorney Regulation Counsel, within (30) thirty 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, OCTOBER 18, 2012.



Case Number: 2012SA58

Caption: People v Mitchell, Christine

CERTIFICATE OF SERVICE

Copies mailed via the State's Mail Services Division on October 19, 2012. 

Gabriel N Schwartz
SANDOMIRE & SCHWARTZ
281 South Pearl Street
Denver, CO 80209

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 Respondents: CHRISTINE MITCHELL and AT LIBERTY BONDING, LLC	Case Number: 12SA058
REPORT OF HEARING MASTER PURSUANT TO C.R.C.P. 236(a)	

This matter is before the Presiding Disciplinary Judge ("PDJ") on an order issued by the Colorado Supreme Court ("Supreme Court") on March 21, 2012, referring this matter to the PDJ "for findings of fact, conclusions of law, and recommendations" pursuant to C.R.C.P. 234(f).

I. PROCEDURAL HISTORY

On February 21, 2012, Kim E. Ikeler, Office of Attorney Regulation Counsel ("the People"), filed a "Petition for Injunction" against Christine Mitchell and At Liberty Bonding, LLC ("Respondents"), alleging they engaged in the unauthorized practice of law. Respondents responded to the petition, through their attorney Gabriel N. Schwartz, on March 19, 2012.

The PDJ held an at-issue conference in this matter on April 30, 2012. Mr. Ikeler appeared on behalf of the People, Mr. Schwartz appeared on behalf of Respondents, and Respondent Mitchell also appeared. The PDJ scheduled a hearing in this matter for September 20, 2012.


However, on August 17, 2011, the parties filed a "Stipulation, Agreement and Affidavit Consenting to an Order of Injunction." In the stipulation, Respondent Mitchell agrees to be enjoined from the practice of law and agrees to pay costs and administrative costs in the amount of \$190.00 within thirty days after the acceptance of the stipulation by the Supreme Court. In addition, the parties agree in the stipulation that Respondent At Liberty Bonding, LLC, should be dismissed as a party to this case with prejudice, pursuant to C.R.C.P. 235(d) and 41(a). Based on her cooperation and agreement to the stipulation, the People ask that Respondent Mitchell be exempted from a fine pursuant to C.R.C.P. 236(a).

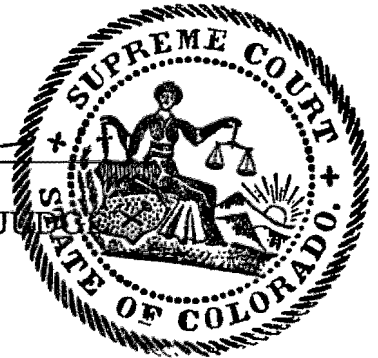
Also on August 17, 2012, the People filed "Petitioner's Motion to Vacate Hearing," asking that the PDJ vacate the hearing set for September 20, 2012, if the PDJ accepts the parties' stipulation.

II. ORDER AND RECOMMENDATION

The PDJ **DISMISSES** Respondent At Liberty Bonding, LLC, from this case and **VACATES** the hearing scheduled for **September 20, 2012**. Further, the PDJ **RECOMMENDS** that the Supreme Court **APPROVE** the stipulation of the parties, enjoin Respondent Mitchell from the unauthorized practice of law, and order costs in the amount of \$190.00 to be paid within thirty days of the date of its order. The PDJ further recommends that the Supreme Court **WAIVE** any fine pursuant to C.R.C.P. 236(a).¹

DATED THIS 21st DAY OF AUGUST, 2012.


WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE



Copies to:

Kim E. Ikeler
Office of Attorney Regulation Counsel

Via Hand Delivery

Gabriel Nathan Schwartz
Counsel for Respondents
Law Offices of Sandomire & Schwartz
281 S. Pearl St.
Denver, CO 80209

Via First-Class Mail

Christopher T. Ryan
Colorado Supreme Court

Via Hand Delivery

¹ "A report from the Presiding Disciplinary Judge approving the parties' stipulation to injunction[] may be exempt from a fine."

SUPREME COURT, STATE OF COLORADO

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

1560 Broadway, Suite 675
Denver, Colorado 80202
11UPL040

Petitioner:
THE PEOPLE OF THE STATE OF
COLORADO

vs.

Respondents:
CHRISTINE MITCHELL and AT LIBERTY
BONDING, LLC

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FILED

AUG 17 2012

PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF COLORADO

▲ COURT USE ONLY ▲

Case Number: 12SA058

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

On this 16th day of August 2012, Kim E. Ikeler, Assistant Regulation

Counsel, and Christine Mitchell ("Mitchell") and At Liberty Bonding, LLC ("At Liberty"), the Respondents, who are represented by Gabriel N. Schwartz, Esq., 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. Respondents have a business address of 1205 W. Elizabeth St., #188, Fort Collins, CO 8051. Respondent Mitchell is an employee of At Liberty. Respondent Mitchell is not licensed to practice law in the State of Colorado or any state. At relevant times, At Liberty did not employ a licensed Colorado attorney (or any attorney) and none of At Liberty's employees were supervised by a licensed Colorado attorney (or any attorney). At Liberty was not an accredited immigration agency and did not employ accredited representatives recognized by the Board of Immigration Appeals. 8 C.F.R. 292.1, 292.2.

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

3. Respondents are familiar with the rules of the Colorado Supreme Court regarding the unauthorized practice of law. Respondents acknowledge the right to a full and complete evidentiary hearing on the above-referenced petition for injunction. At any such hearing, Respondents 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, Respondents waive that right.

4. Respondents understand 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. Based on evidence discovered during the pendency of this case, the parties agree that At Liberty should be dismissed as a party to this case with prejudice, pursuant to C.R.C.P. 235(d) and 41(a).

6. Respondent Mitchell and the petitioner stipulate to the following facts and conclusions:

- a. In July 2010, agents of U.S. Customs and Immigration Enforcement ("ICE") found Manuel Loera Arce in the Eagle County jail. ICE agents transported him to and detained him at the ICE facility in Aurora. He was placed in removal proceedings. *In the matter of Mr. Manuel Loera Arce*, United States Department of Justice, Executive Office for Immigration Review, Immigration Court, Denver, Colorado, File No. A200820499.
- b. On August 2, 2010, Mr. Loera Arce's family posted a \$10,000 bond for his release, through Respondent At Liberty.
- c. On a Form I-839, Notice to EOIR: Alien Address, Mr. Loera Arce's address was listed as his street address in Gypsum, 418 2nd St.
- d. On September 23, 2010, the immigration court sent Mr. Loera Arce a notice to appear for his removal hearing, scheduled for December 15, 2010. The notice was sent to his street address in Gypsum.
- e. Mr. Loera Arce did not receive the notice. He did not appear. The immigration court ordered Mr. Loera Arce removed *in absentia*. Mr. Loera Arce did not receive timely notice of the removal order.
- f. In mid-February 2011, ICE demanded that At Liberty deliver Mr. Loera Arce to proceed with his removal. At Liberty contacted Mr. Loera Arce. Mr. Loera Arce went to the offices of At Liberty Bonding.
- g. Respondent Mitchell prepared a "Motion to Reopen My Case" ("Motion to Reopen") for Mr. Loera Arce to sign and file in his immigration case and to deliver to ICE.
- h. The Motion to Reopen explained the reason why Mr. Loera Arce had failed to appear: he did not receive notice of his removal hearing because mail was not delivered to his street address. The Motion to Reopen argued that Mr. Loera Arce was not at fault and requested that his removal order be set aside. The Motion to Reopen cited 8 C.F.R. §3.23(b)(4)(ii) [sic – should have been §1003.23].

- i. Mr. Loera Arce signed the Motion to Reopen on February 25, 2011. Mr. Loera Arce filed the Motion to Reopen with the immigration court and, at the direction of Respondent Mitchell, delivered a copy to ICE.
- j. When Mr. Loera Arce reported to ICE, he was apprehended. At Liberty returned to his relatives the funds they had paid.

7. Respondent Mitchell 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.

8. Pursuant to C.R.C.P. 251.32, Respondent Mitchell agrees to pay costs and administrative costs in the sum of \$190 incurred in conjunction with this matter within thirty (30) days after the acceptance of the stipulation by the Colorado Supreme Court.

9. Based on Respondents Mitchell'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).

RECOMMENDATION FOR AND CONSENT TO ORDER OF INJUNCTION

Based on the foregoing, the parties hereto request that the Presiding Disciplinary Judge recommend that the Colorado Supreme Court enter an order enjoining Respondent Mitchell from the unauthorized practice of law. The parties also request that the Presiding Disciplinary Judge recommend that Respondent At Liberty be dismissed as a party with prejudice. The parties further request that the Presiding Disciplinary Judge recommend that the Supreme Court order Respondent Mitchell to pay costs in the amount of \$190.

Christine Mitchell, individually, Gabriel N. Schwartz, as counsel for At Liberty and Ms. Mitchell, the Respondents, and Kim E. Ikeler, attorney for petitioner, acknowledge by signing this document that they have read and reviewed the above.

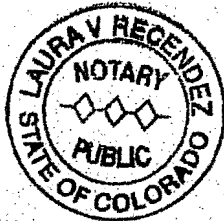
Christine Mitchell

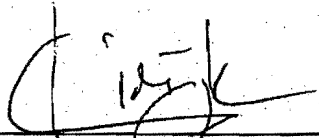
Christine Mitchell
Respondent
c/o Gabriel N. Schwartz
281 S. Pearl St.
Denver, CO 80209

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

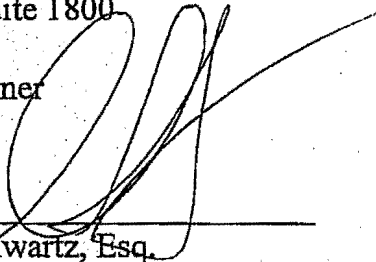
Subscribed and sworn to before me this 16th day of August 2012, by Christine Mitchell, Respondent, known to me. Witness my hand and official seal. My commission expires: 09/13/15

Laura V. Regendez
Notary Public





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Attorney for Petitioner



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