

SUPREME COURT, STATE OF COLORADO
TWO EAST 14TH AVENUE
DENVER, COLORADO 80203

CASE NO. 03SA282

ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF
LAW 03UPL014

RECEIVED

Petitioner:

THE PEOPLE OF THE STATE OF COLORADO,

v.

Respondent:

THOMAS ROCA

DEC 29 2003

ATTORNEY
REGULATION

ORDER OF COURT

Upon consideration of the Petition for Injunction, the Order to Show Cause, the Proof of Service, and the Motion to Proceed filed in the above cause, and no Response having been filed to the Order to Show Cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that the Court finds that this Respondent has been properly served with the Petition for Injunction and Order to Show Cause,

IT IS FURTHER ORDERED that the Respondent, THOMAS ROCA, is ENJOINED from engaging in further acts of unauthorized practice of law,

IT IS FURTHER ORDERED that the Respondent is assessed costs in the amount of \$121.00. Said costs to be Remitted to the Office of the Attorney Regulation Counsel within thirty days of the date of this order.

IT IS FURTHER ORDERED that costs in the amount of 500.00 be Remitted to Mary Castorena within thirty days of the date of this order.

BY THE COURT, DECEMBER 18, 2003.



Copies mailed via the State's Mail Services Division on 12/19/03 HOP

cc:

Thomas Roca
1945 Vance St., Apt. 6
Lakewood, CO 80214

James Coyle
Deputy Regulation Counsel

Thomas Roca
DOC #52914
Huerfano County Correctional
Ctr.
P.O. Box 1170
Walsenburg, CO
81089

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

ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW

Petitioner:
THE PEOPLE OF THE STATE OF COLORADO

vs.

Respondent:
THOMAS ROCA

James C. Coyle # 14970
Deputy Regulation Counsel
Attorney for Petitioner
600 17th Street, Suite 200-South
Denver, CO 80202

Phone Number: (303) 893-8121, ext. 328
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▲ COURT USE ONLY ▲

Case Number: 03UPL014

PETITION FOR INJUNCTION

Petitioner, by and through James C. Coyle, Deputy Regulation Counsel, 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, Thomas Roca, is not licensed to practice law in the state of Colorado. The respondent's last known address is 1945 Vance Street, Apartment 6, Lakewood, Colorado 80214. The respondent is now located in the Colorado Department of Corrections, inmate number 52914, Pueblo transfer unit, and will be assigned to a facility in October 2003.

2. On October 14, 2002, Mary Castorena hired the respondent to help her in a legal dispute with Mark Williford. On that same date, Ms. Castorena provided her personal check number 2076 in the amount of \$500.00 to Thomas Roca "for attorney's fees."

3. The respondent had previously identified himself as an attorney to Ms. Castorena.

4. Subsequently, the respondent told Ms. Castorena that there was a court date on three or four occasions (implying that he had already filed a complaint) in the matter involving Williford. These statements were not true. The case had not yet been filed, and, therefore, no hearings had been set.

5. On or about January 23, 2003, the respondent filed a "complaint under simplified civil procedure" in *Castorena v. Williford*, 03C01354. The respondent identified himself as an attorney, with an attorney registration number of 19101.

6. The complaint alleged that the defendant built a structure in violation of the Clear Creek County Code, and that Ms. Castorena incurred \$13,000.00 in costs to remove such structure. The respondent signed his name as attorney for Ms. Castorena.

7. Subsequently, Ms. Castorena called the court and found out that nothing further had been done except for the filing of a summons. She spoke with the respondent. The respondent stated that he would refer her to someone else. He also stated that he would refund her money. The respondent failed to refer her or refund her money.

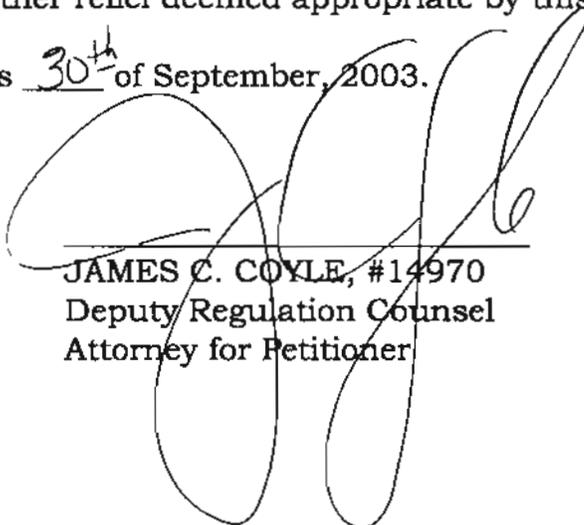
8. Eventually, Ms. Castorena became suspicious and called the Colorado Supreme Court Offices. At that time, she learned that the respondent was not an attorney.

9. By holding himself out to be an attorney, by accepting a retainer for legal services, and by attempting to represent Ms. Castorena's legal interests in a court matter, 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 the 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 30th of September, 2003.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, positioned above the printed name and title.

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