

**COLORADO SUPREME COURT
ATTORNEY REGULATION COUNSEL**

Assistant
Regulation Counsel

Regulation Counsel
John S. Gleason

Chief Deputy Regulation Counsel
Nancy L. Cohen

Deputy Regulation Counsel
James C. Coyle



Attorneys' Fund for Client Protection
Unauthorized Practice of Law

Stephen R. Fatzinger
Lisa E. Frankel
Margaret B. Funk
Luain T. Hensel
Kim E. Ikeler
Cynthia D. Mares
Charles E. Mortimer, Jr.
Matthew A. Samuelson
April M. McMurrey
Louise Culberson-Smith
James S. Sudler

August 7, 2009

Julie M. Schmidt
Burns Figa & Will, P.C.
6400 South Fiddler's Green Circle
Suite 1000
Greenwood Village, CO 80111

Re: Request for Investigation of Charles Lugenbeel
filed by Attorney Regulation Counsel, Case No. 09UPL008

Dear Ms. Schmidt:

The Office of Regulation Counsel has concluded the above-entitled investigation in light of the Colorado Rules of Procedure regarding unauthorized practice of law. Based upon the fact that your client has not engaged in any unauthorized practice of law, the Office of Regulation Counsel has determined that the circumstances here do not warrant injunctive proceedings against your client.

Nevertheless, your client must be aware that the Colorado Supreme Court and its Unauthorized Practice of Law Committee have exclusive jurisdiction to determine what constitutes the unauthorized practice of law in Colorado. The unauthorized practice of law includes, but is not limited to, an unlicensed person's actions as a representative in protecting, enforcing or defending the legal rights and duties of another and/or counseling, advising or assisting that person in connection with legal rights and duties. *See, People v. Shell*, 148 P.3d 162 (Colo. 2006); *and Denver Bar Assn. v. P.U.C.*, 154 Colo. 273, 391 P.2d 467 (1964). Thus, your client may not give legal advice to another individual, your client may not prepare pleadings on behalf of another individual, your client may not represent another individual in an administrative proceeding unless the rules of that proceeding specifically allow non-lawyer representation, and your client cannot advocate another individual's legal interests with a third party unless there is a statute or administrative rule that specifically allows such conduct. Please note that statutory powers of attorney do not give an individual the right to act as an attorney at law on behalf of another. These restrictions exist, regardless of

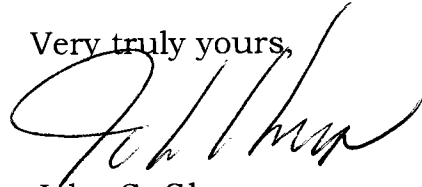
8/5/2009

Page 2

whether a fee is accepted for the services rendered and even if your client discloses that he is not a Colorado attorney.

Your client is cautioned to avoid any unauthorized practice of law in the future. Based on the facts of this case, this matter is dismissed pursuant to C.R.C.P. 232.5(c).

Very truly yours,

A handwritten signature in black ink, appearing to read "John S. Gleason". The signature is fluid and cursive, with a large initial "J" and "G".

John S. Gleason
Regulation Counsel

JSG/CEM/sb