

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

CASE NO. 07SA77

RECEIVED

ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF
LAW, 07UPL7, 06UPL29, 06UPL69, 06UPL34

JAN 28 2008

ATTORNEY
REGULATION

Petitioner:

THE PEOPLE OF THE STATE OF COLORADO,
v.

Respondent:

KURT R. RIGGIN.

ORDER OR INJUNCTION

Upon consideration of the Petition for Injunction, Order to Show Cause, Proof of service, Notice of Special Appearance by Declaration, and Reply Supporting Petition for Injunction and Incorporating Motion for Judgment on the Pleadings, the Amended Report Re: Unauthorized practice of Law Pursuant to C.R.C.P. 236(a), Petitioner's Statement of Costs and Motion Concerning Payment of Restitution and Fines and now being sufficiently advised in the premises,

IT IS ORDERED that Respondent, KURT R. RIGGIN, is ENJOINED from the Unauthorized Practice of Law in the State of Colorado.

IT IS FURTHER ORDERED that a fine be imposed in the amount of \$1000.00.

IT IS FURTHER ORDERED that Respondent is assessed costs in the amount of 379.55. Said costs to be paid to the Office of Attorney Regulation Counsel, within (30) thirty days of the date of this order.

BY THE COURT, JANUARY 28, 2008



Copies mailed via the State's Mail Services Division on 1/28/08 HOP

Charles Mortimer, Jr.
Assistant Regulation Counsel

Honorable William Lucero
Presiding Disciplinary Judge

Kurt Riggin
4205 Balsam St.
Wheat Ridge, CO 80033

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1560 BROADWAY, SUITE 675 DENVER, CO 80202	RECEIVED JAN 24 2008 ATTORNEY REGULATION
Complainant: THE PEOPLE OF THE STATE OF COLORADO,	Case Number: 07SA077
Respondent: KURT R. RIGGIN.	
AMENDED REPORT RE: UNAUTHORIZED PRACTICE OF LAW PURSUANT TO C.R.C.P. 236(a)	

On March 8, 2007, Charles E. Mortimer, Jr., Office of Attorney Regulation Counsel (“the People”), filed a “Petition for Injunction” with the Colorado Supreme Court (“Supreme Court”). The Supreme Court issued an “Order to Show Cause” on March 15, 2007. Kurt R. Riffin (“Respondent”) filed a “Notice of Special Appearance by Declaration” on April 11, 2007. The People filed a reply on April 17, 2007.

The Supreme Court thereafter appointed the Presiding Disciplinary Judge (“PDJ”) to act as Hearing Master pursuant to C.R.C.P. 234(f) on April 19, 2007. On June 6, 2007, the parties appeared for a Status Conference. On this date, the PDJ attempted to advise Respondent of the nature of the People’s complaint and the advisability of obtaining counsel. Respondent responded by repeatedly challenging the PDJ’s and the Supreme Court’s authority over him throughout the proceedings.¹ The PDJ invited Respondent to file a motion with authority supporting his position following the Status Conference.

Although Respondent agreed to a hearing date, he effectively prevented the PDJ from setting other deadlines including those governing discovery and pre-hearing motions. As a result of Respondent’s unwillingness to agree to these additional deadlines on the record, the PDJ recessed and thereafter advised the parties that the PDJ would provide them a written order with deadlines for discovery and pre-hearing motions. On June 7, 2007, the PDJ issued the order and mailed it to Respondent at the address he verified during the Status Conference.

¹ Respondent also advised the Court that he had cancer and would likely be dead by the time of the scheduled hearing date.

Respondent has not participated in these proceedings since the Status Conference. On August 17, 2007, the People filed a "Motion for Summary Judgment Incorporating Legal Authority." Respondent failed to file a response to the motion or otherwise advise the PDJ about his position on the People's motion.

On September 13, 2007, the PDJ held a Pre-Trial Conference in this matter. Mr. Mortimer appeared on behalf of the People and Respondent failed to appear. The PDJ vacated the previously scheduled UPL hearing in this matter and notified the People that it intended to grant their motion for summary judgment and prepare a report to the Supreme Court pursuant to C.R.C.P. 236(a). The PDJ contemporaneously granted the motion for summary judgment with this report.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based on the undisputed facts enumerated in the People's motion for summary judgment and confirming information obtained from Respondent during the Status Conference, the PDJ makes the following findings of fact and conclusions of law.

Respondent, Kurt R. Riggin, is not licensed to practice law in the state of Colorado. His last known business addresses and phone numbers are as follows:

4205 Balsam Street
Wheat Ridge, CO 80033
303-522-2690 (CO)

153 Riverview D
Great Falls, MT 59404
406-452-7723/406-935-2620 (MT)

Aurora Criminal Summons²

On February 20, 2006, Respondent phoned Sergeant Patrick Smith of the Aurora Police Department and told him that he represented Jose Luis Rocha. During the conversation, Respondent made arrangements for the service of a criminal summons on Mr. Rocha at the police department with Officer Carrigan Bennett. On February 26, 2006, Officer Bennett phoned Mr. Rocha to arrange for the service of the criminal summons. Mr. Rocha told Officer Bennett to contact Respondent. Officer Bennett called Respondent who told her he represented Mr. Rocha. When Mr. Rocha and Respondent failed to contact her regarding the service of the summons, she called Respondent and told him she would serve Mr. Rocha at his place of business. Respondent threatened Officer Bennett with legal action. Sergeant Smith later spoke with Respondent and arranged for service of the summons on Mr. Rocha.

² See Affidavits of Patrick Smith and Carrigan Bennett.

Custer County Jail Inmate³

On April 25, 2006, Respondent contacted the Custer County Jail claiming to be the licensed attorney for an inmate, Sunny Dowdy. Respondent told jail supervisor, Sergeant Brenda Abbott, that he was an attorney and a member of the Federal Bar Association. At the time Respondent claimed to be Mr. Dowdy's attorney, a licensed attorney actually represented Mr. Dowdy.

El Paso County Case

In October 2006, Respondent appeared at a hearing in a criminal trial in 06M1224 pending in the El Paso County Court and advised the trial court that he represented the criminal defendant. Respondent stated on the record that he was a member of the Federal Bar Association. Although the Honorable Karla Hansen excluded Respondent from the proceedings before the court, on October 25, 2006, Respondent wrote a letter to the Court arguing for probation on behalf of "his client", the defendant. Respondent signed the letter "Kurt Riffin, Esq."

Boulder County Criminal Defendants

On June 14, 2006, defendants Gardner and Leonida (husband and wife) appeared in court in Boulder County, Colorado, and stated that Respondent represented them in connection with drug manufacturing charges. The defendants produced copies of money orders totaling \$4,000.00 made payable to the Edmond Dante's Foundation, a foundation they say Respondent asked them to pay in exchange for his legal services.

On June 23, 2006, Respondent appeared at a hearing in the defendants' matter. He told the Court that he represented the defendants and that his Federal Bar number was 7604. The court questioned his authorization to practice and set the matter for July 11, 2006. On that date, Respondent did not appear. The Court contacted him by telephone, and he informed the Court that he would not be entering an appearance based upon his busy caseload. The Deputy District Attorney then met with Respondent and learned that he had not attended law school, but he claimed to have passed the bar in an undisclosed tribal court. Respondent falsely told the Deputy District Attorney that the Office of Attorney Regulation Counsel had investigated him and that Deputy Regulation Counsel, James C. Coyle, had approved him to practice law.

³ See Affidavit of Brenda Abbott.

Conversation with Office of Attorney Regulation Counsel

In July 2006, during a telephone conversation with Investigator Mary Lynne Elliott of the Office of Attorney Regulation Counsel, Respondent admitted that he claimed to be an attorney authorized to represent persons in Colorado State Court matters.⁴ Respondent claimed authority to do so based upon his membership in a bar of some undisclosed Native American tribe. Respondent refused to provide Investigator Elliott with documentation of his membership in any bar but would not agree to an interview concerning the matters described above.

Based on the undisputed facts set forth in the People's petition the PDJ **FINDS** Respondent engaged in the unauthorized practice of law in each of the four matters addressed in the findings of fact. 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, People v. Shell*, 148 P.3d 162 (Colo. 2006); *Denver Bar Assn. v. P.U.C.*, 154 Colo. 273, 391 P.2d 467 (1964). Furthermore, the record does not show Respondent's actions fall within any statutory or case law exception.

Unless enjoined, Respondent has demonstrated through his conduct an intention to continue to appear on behalf of citizens in the state of Colorado as counsel advising them of their legal rights and holding himself out as a lawyer in the courts.

RECOMMENDATION

Based on the facts established by the entry of summary judgment in this matter, the PDJ **FINDS** that Respondent should be enjoined from the unauthorized practice of law. Accordingly, the PDJ **RECOMMENDS** that the Colorado Supreme Court issue an order **ENJOINING KURT R. RIGGIN** from the unauthorized practice of law.

As provided in **C.R.C.P. 236 and 237**, the PDJ also **RECOMMENDS** that the Colorado Supreme Court **FINE KURT R. RIGGIN** a total of **\$1,000.00** (\$250.00 for each of the four incidents in which he engaged in the unauthorized practice of law⁵) and assess **COSTS** of these proceedings in the amount of **\$379.55**.⁶ The People state that no **RESTITUTION** is required in this matter and they do not request an order providing for restitution.⁷

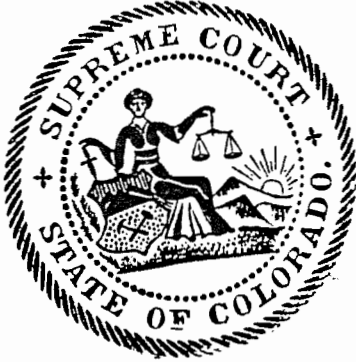
⁴ See Affidavit of Mary Lynne Elliott.


⁵ See the People's "Motion Concerning Payment of Restitution and Fines" filed January 22, 2008.

⁶ See "Petitioner's Statement of Costs" filed January 16, 2008.

⁷ See the People's "Motion Concerning Payment of Restitution and Fines" filed January 22, 2008.

DATED THIS 24TH DAY OF JANUARY, 2008




WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

Copies to:

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Susan Festag Via Hand Delivery
Colorado Supreme Court