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Colorado Supreme Court
Attorney Regulation Counsel
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RE: Atty. Reg. # 24060, Madeline Wilson (f/k/a “Madeline Hollis”)

I am in receipt of Ms. Wilson’s October 3rd 2007 response, wherein Ms. Wilson admits that her daughter, Jessica Frazier, notarized “various documents” and that Frazier was her employee.

In my view, there are two separate issues here: (A) A violation of the applicable Colorado statute; and (2) a clear violation through inducement of another professional’s code of conduct, which, by its very nature, falls below the ethical standard of conduct required of lawyers in Colorado.

Wilson did not deny that the “various documents” included attorney fee affidavits (*e.g.*, the six (6) that were filed in district court, Jefferson County, No. 99DR3717). However, she asserts that the complaint was based on an inaccurate representation that Frazier and Wilson had combined income.

The complaint actually alleges that, “she is the attorney's daughter and lived with her mother, shared expenses (combined household income) **and/or** had a formal or informal employer-employee relationship.”

For the reasons explained hereinbelow, whether it was one or the other (“and/or”) is unimportant.

Wilson explains that, “*Any* employee who is also a notary would receive the same [compensation].” [emphasis in the orig.] However, she didn’t ask *any* employee; she asked her daughter.

Wilson erroneously asserts that, under C.R.S. 12-55-110, a notary with a "disqualifying interest" is defined as one, who, “as a result of their notarization, **receives** any advantage, title, interest, cash or property exceeding in value the sum of any fee received.”

The actual statute text is:

May receive directly, and as a proximate result of the notarization, any advantage, right, title, interest, cash, or property exceeding in value the sum of any fee properly received in accordance with this part 1

cc: Dennis Huspeni, *THE COLORADO SPRINGS GAZETTE*

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[emphasis added]. This means that a notary cannot be asked to execute a document that *could* result in any advantage, right, title, interest, cash or property. Because Frazier was notarizing attorney fee affidavits, she was authenticating documents necessary to procure income or obtain a judgment that would contribute to the firm's accounts receivable and, which firm was responsible for paying her wages and bonus.

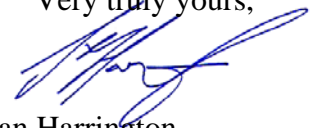
The intimate proximity of mother and daughter gives rise to a reasonable inference that Wilson gifts (or *could* gift) money to Frazier or contributes (or *could* contribute) towards Frazier's college tuition. Because the firm is a sole proprietorship operated by Wilson,¹ any attorney fees generated, authenticated (by affidavit) and collected by "the firm" are the same as fees generated and collected by Madeline Wilson, herself. Said differently, Frazier **may receive** monies from, Wilson, which monies Frazier helped procure through notarization and, which monies (excluding child support received in and prior to 2003) are Wilson's sole source of income.²

Indeed, it is because of situations of intimate proximity, such as the one herein described, that the Notary Public Code of Professional Responsibility requires a Notary to "decline to notarize the signature of a close relative or family member, particularly a spouse, parent, grandparent, sibling, son, daughter, or grandchild of the Notary, or a stepchild, stepsibling, stepparent, step grandparent or step grandchild of the Notary."

In her response, Wilson has neither addressed this clear ethical violation nor Wilson's duty, as an attorney required to adhere to high standards of ethical conduct, to refrain from inducing Frazier into violating Frazier's code of professional responsibility. This might be tantamount, for example, to an attorney requesting a psychologist expert witness to engage in conduct that clearly violates the American Psychological Association's Code of Conduct, except that the attorney is not charged with the experts' conduct. Here, Rule 5.3 charges Wilson with her employees' conduct, including ensuring that her employees' conduct is in compliance with the applicable statutes and code of conduct.

Thank you for this opportunity to respond.

Very truly yours,



Sean Harrington

¹ Wilson's Sept. 9th 2003 affidavit with respect to financial affairs, filed in District Court, Denver County No. 03DR2665, declares that Wilson is "self-employed."

² *Id.*