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Colorado Attorney Regulation Counsel
1560 Broadway, Suite 1600
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RE: Atty. Reg. # 24060, Madeline Wilson (f/k/a "Madeline Hollis")

The purpose of this memorandum is to report a violation of the [Rules of Professional Conduct](#) by the above-captioned attorney. Please note that I am not providing any particular findings from a district or appellate court concerning the allegations contained herein. However, as Judge Nottingham of the U.S. Court for the District of Colorado recently explained, none is required:

THE COURT: Well, this started out as a motion under U.S. Judicial Canon 3B for this court somehow to refer this to the state disciplinary board, right?

PLAINTIFF: Yes, it did.

THE COURT: Well, you can do that. You can do it. You can file a complaint against any of these gentlemen with the state regulatory council. And it's my impression that you have. Have you not?

PLAINTIFF: Yes, we have.

THE COURT: Why does this court need to do it? The regulatory council has all the resources it needs to make determinations, and does regularly make determinations concerning whether attorneys have behaved ethically.

PLAINTIFF: Well, my first contact with the attorney regulation council, I was still in Steamboat. They said that they needed a finding from a court of law before they would act. That's what Matt Samuelson told me.

THE COURT: Well, I don't know the context in which those words were spoken, and I don't know what you had asked, and I don't know what the problem was. But my understanding of the Colorado rules of attorney conduct is that upon the filing of a complaint, they do whatever investigation they need to have done, and they make whatever findings they need to have made, and they issue whatever orders they need. They don't need a recommendation from this court. You know, if that is what he said, he's wrong.

I have attached a copy of the [Dec. 14, 2007 transcript excerpt](#) hereto.

On May 2nd 2007, Christy Ryan (sometimes referred to hereinbelow as “respondent”) and I entered into a [Stipulated Agreement](#) in District Court, Wise County, Texas in [cause N^o 07-04-274](#) (*In the Interest of Shelby Harrington, a minor child*). The stipulation stated, among other things, that, “Injunction as plead for by petitioner made mutual.”

[The Injunction](#) “plead for” was filed on April 9, 2007. Item number 8 of the injunction was:

Respondent be temporarily restrained immediately, without hearing, and after notice and hearing be temporarily enjoined for the safety and welfare of the child the subject of this suit as deemed necessary, pending the further order of this Court, from . . . Instituting any action in any other county, state, or nation attempting to obtain temporary or permanent orders concerning the child the subject of this suit.

The May 2nd 2007 stipulation, adopting the injunction, was signed and executed by Ms. Ryan, Ryan’s Texas attorney, myself and my Texas attorney. Ms. Wilson had actual or constructive notice of the stipulation and petition, because the server logs to the Web page where all of these documents are posted ¹ reveal that Wilson visited the page prior to the incident complained of, *infra*. In addition, my daughter, Shelby, voluntarily revealed to me that Wilson and Wilson’s former client, Ms. Ryan (Shelby’s mother), engaged in extensive email and telephonic communication such that, Wilson was always kept abreast of the Texas proceedings.²

Despite the injunction, preventing Ryan from initiating or causing another to initiate an action in another state concerning custody, Wilson prepared and filed a Motion on behalf of Ryan entitled, “[Emergency Motion Regarding Jurisdiction of Case](#),” on July 3rd, 2007 in an effort to upset the exercise jurisdiction of the Texas court under the UCCJEA.³ The filing of the Motion was a violation of the controlling injunction in Texas that Ryan and her Texas attorney assented to, submitting Ryan and the cause to the Texas tribunal.

Although Madeline Wilson possesses an attorney license in Texas and, therefore, is subject to that state’s authority, she has a concomitant obligation in Colorado to respect the authority of concurrent tribunals, because, among other reasons, Colorado courts are required to respect concurrent tribunals under the UCCJEA and Wilson is, by definition, “an officer of the court.”

¹ <http://www.knowyourcourts.com/Harrington/07-04-274.htm>

² This, of course, is why Wilson attempted to obtain a contempt citation in district court, Jefferson County ([case 99DR3717](#)) on May 1st 2007 to be served upon me in Texas at the hearing on May 2nd 2007. See my 7/21/2007 memo (setting forth these particular facts in detail).

³ In so doing, Ms. Wilson erroneously relied on the UCCJA of 1967, which was repealed and replaced with the UCCJEA of 1997 (adopted July 1st 2000 in Colorado in C.R.S. § 14-13-101, *et seq.*)

Wilson, by attempting to undermine the jurisdiction of the Texas court when it clearly had already obtained and exercised jurisdiction, and by relying on a repealed statute for the same,⁴ violated Rule 3.3, which provides that:

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law.

More importantly, Wilson made no good faith argument because, she intentionally withheld information about the Texas injunction from the Colorado court.

Indeed, even if Wilson had believed that the proceedings in Texas were improper or could be permissibly circumvented, she failed to disclose to the Colorado tribunal that her client had stipulated to the injunction enjoining the filing of any actions in another jurisdiction (such as Colorado, where the child or mother or father had not lived in years). Because the injunction enjoined Ryan, it transcended to and was binding upon Ryan's agents, assigns and proxies, which included Wilson. Wilson's knowledge of the injunction and her intentional failure to disclose it to the Colorado tribunal, which disclosure would have defeated her Motion, was a knowing omission that constitutes a violation of Rule 3.3(2), which provides that "a lawyer shall not knowingly:

. . . fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel"

Perhaps, more relevant — It was a violation of Rule 3.3(d), which provides that:

In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

Wilson's Emergency Motion was an *ex parte* proceeding because it was intended to be (and was) ruled on without advance notice to the opposing party to permit for a response. It was intended to circumvent and derogate the authority of another tribunal, which has jurisdiction over the cause.

Respectfully submitted,



Sean Harrington

⁴ "Legal argument based on a knowingly false representation of law constitutes dishonesty toward the tribunal. A lawyer is not required to make a disinterested exposition of the law, but must recognize the existence of pertinent legal authorities." Cmt. 4 to Rule 3.3.