

Disciplinary Case Summaries

No. 19PDJ014. People v. Barker. 6/13/2019.

The Presiding Disciplinary Judge granted a motion for entry of default and imposed reciprocal discipline, suspending Tametha D'Lyn Barker (attorney registration number 36797) from the practice of law in Colorado for two years, all to be stayed upon successful completion of Texas probationary conditions. Barker's probation period in Colorado took effect July 18, 2019.

This reciprocal discipline case arose out of discipline imposed upon Barker in Texas. In November 2018, the State Bar of Texas suspended Barker for a period of two years, all stayed with conditions of probation. This discipline was premised on Barker's neglect of a client's divorce matter as well as her failure to keep the client reasonably informed about the status of her case and to promptly comply with the client's reasonable requests for information.

Barker's misconduct constituted grounds for reciprocal discipline under CRCP 251.5 and 251.21.

No. 19PDJ009. People v. Bernal. 7/3/2019.

Following a sanctions hearing, the Presiding Disciplinary Judge suspended Marie Bernal (attorney registration number 45617) for three months, effective August 7, 2019. Bernal is required to formally petition for reinstatement and prove by clear and convincing evidence that she has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law.

After she was suspended from the practice of law for administrative reasons, Bernal failed to wind down her law practice, including by neglecting to withdraw from matters pending before the Denver immigration court. She also refused to cooperate with disciplinary authorities investigating her case. Through this

misconduct, Bernal violated Colo. RPC 1.16(d) (upon termination a lawyer must take steps to protect a client's interests, including by giving reasonable notice to the client); Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); and Colo. RPC 8.1(b) (a lawyer shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority).

No. 19PDJ060. People v. Cohen. 8/13/2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Joseph C. Cohen (attorney registration number 17759) for six months, all stayed upon the successful completion of a two-year period of probation. The conditions of probation include financial monitoring and attending both trust account school and ethics school. The probation took effect August 13, 2019.

In 2016, Cohen was hired in a civil matter. The client advanced Cohen \$5,000 to pay costs, which Cohen deposited into his trust account. When the representation ended later that year, nearly \$4,000 was left from that advance. In January 2017, the client requested return of those funds. Cohen sent a check to the client, but it was returned as undeliverable in March 2017. The client then made a series of requests to Cohen for the funds owed, but Cohen did not send the money. By mid-June 2017, the balance in Cohen's trust account was just under \$2,000, and by month's end the balance was negative. In November 2017, after the client filed a request for investigation, Cohen refunded the money, with 10% added to compensate for the temporary loss of the client's money.

In addition to technically converting this client's funds, Cohen did not maintain individual

client ledgers associated with funds he held in trust, nor did he reconcile his trust accounts on a quarterly basis.

Through this misconduct, Cohen violated Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15C(c) (requiring quarterly reconciliation of trust account records); Colo. RPC 1.15D (a lawyer shall maintain trust account records); and Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation, including by returning unearned fees to which the client is entitled).

No. 18PDJ003. People v. Conroy-Sheard. 7/3/2019.

The Presiding Disciplinary Judge granted a motion for entry of partial default and imposed reciprocal discipline, disbaring Donna M. Conroy-Sheard (attorney registration number 19193), effective August 7, 2019.

This reciprocal discipline case arose out of discipline imposed upon Conroy-Sheard in the state of New York based on her criminal conduct. On May 17, 2017, Conroy-Sheard pleaded guilty to making false entries to deceive the Federal Deposit Insurance Corporation (FDIC) and a financial institution in violation of 18 USC § 1005. She also pleaded guilty to conspiring to make false entries to deceive the FDIC and a financial institution, and to influence the action of the FDIC by making or inviting reliance on a false statement, document, or thing in violation of 18 USC § 371. As a result of these felony convictions, the state of New York disbarred her.

Conroy-Sheard's misconduct constituted grounds for reciprocal discipline under CRCP 251.5 and 251.21.

No. 18PDJ044. People v. Copier. 11/30/2018.

The Presiding Disciplinary Judge entered summary judgment in this reciprocal discipline matter and disbarred Robert Henry Copier (attorney registration number 35469), effective July 31, 2019. The Colorado Supreme Court dismissed Copier's appeal on May 23, 2019.

In February 2017, the district court in Salt Lake County, Utah, entered an order concluding that Copier should be disbarred. The sanction was levied based on Copier's violations of

Rule 8.4(c) (the Utah court found that Copier purported to transfer stock shares to companies he owned, even though those shares had been judicially declared void ab initio; falsely claimed an attorney's lien had been recorded in official records; sought to foreclose on two parcels of land under the lien; and purported to transfer portions of the lien to other parties in four separate transfers), and Rule 8.4(d) (the Utah court found that Copier had filed hundreds of frivolous motions or papers without prior court approval and failed to comply with trial courts' orders that he appear in court for hearings). Copier was also found to have knowingly filed numerous meritless pleadings, motions, and papers in violation of Rule 3.1, and knowingly made false assertions to a tribunal in violation of Rule 3.3(a).

Through this conduct, Copier engaged in conduct constituting grounds for reciprocal discipline under CRCP 251.21.

No. 18PDJ069. People v. Dalmy. 6/26/2019.

Following a sanctions hearing, the Presiding Disciplinary Judge disbarred Diane Dishlacoff Dalmy (attorney registration number 18758), effective July 31, 2019.

Dalmy pleaded guilty to a felony charge of conspiracy to commit wire fraud in 2018. The U.S. District Court in New Haven, Connecticut sentenced her to prison for 36 months. Through her conduct, Dalmy violated Colo. RPC 8.4(b) (a lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects) and CRCP 251.5(b) (any criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer amounts to grounds for discipline).

No. 19PDJ004. People v. Elinoff. 8/6/2019.

A presiding officer appointed to serve in the Presiding Disciplinary Judge's stead approved the parties' conditional admission of misconduct and suspended Kallman S. Elinoff (attorney registration number 18677) for 180 days, with 120 days of the suspension to be stayed upon successful completion of a one-year period of probation, to include practice monitoring. The suspension was effective September 1, 2019.

Elinoff represented a client pro bono in a lawyer disciplinary case from 2013 through 2017. Though the client's answer was due on May 7, 2014, Elinoff did not file it until May 20, 2014. Elinoff did not submit initial disclosures by the court-ordered deadline. The court granted a motion for sanctions on this basis. Elinoff also did not submit by the due date any documents in response to the disciplinary authorities' requests for discovery and admissions. When the disciplinary authorities moved again for sanctions, Elinoff filed an untimely and noncompliant request for extension of time to respond. The court later entered default against the client.

Due to the client's health issues, the court continued or held in abeyance the case more than once. The client was treated for cardiac congestive heart failure combined with ischemic stroke suffered in March 2014. The court ordered Elinoff to file status reports on his client's health.

One such report was due on May 20, 2015, but was not filed until June 9, 2015. The court then informed Elinoff that further failures to meet court-ordered deadlines could result in the issuance of a contempt citation. In a subsequent filing, Elinoff told the court that he had very limited communication with his client, who had conveyed to him that he was neither physically nor mentally able to fully comply with the court's orders. A status report was due on October 15, 2015, but Elinoff did not file it until October 20, 2015. Another status report was due in June 2016 but was filed a day late. A status report due on June 1, 2017, was not filed until June 19, 2017, after the court issued a reminder.

The court ultimately lifted the stay in the case and set a sanctions hearing for November 15, 2017. Elinoff filed no prehearing materials. On October 20, 2017, the client died. The sanctions hearing went forward without Elinoff's knowl-

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edge that his client had died. A hearing board issued an opinion disbaring the client. The next day, the disciplinary authorities informed the court of the death.

Through his conduct, Elinoff violated Colo. RPC 1.1 (a lawyer shall competently represent a client) and Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal).

No. 19PDJ043. People v. Hartley. 7/18/2019. The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and disbarred Dennis W. Hartley (attorney registration number 00788) from the practice of law. The disbarment was effective August 22, 2019.

Over the course of several client representations, Hartley failed to diligently pursue clients' interests, neglected to safeguard their retainers, shared legal fees with a non-lawyer, disobeyed a disciplinary suspension order, misrepresented to a client that he was authorized to practice law during his suspension, and knowingly converted client funds.

In addition, Hartley was convicted twice of driving under the influence. He did not report either conviction to disciplinary authorities, as he was required to do. He was also convicted of a third alcohol-related driving offense.

Through this conduct, Hartley violated Colo. RPC 1.2(a) (a lawyer must abide by the client's decisions concerning the objectives of a case and consult with the client regarding the means to achieve the objectives); Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(4) (a lawyer shall promptly comply with reasonable requests for information); Colo. RPC 1.4(b) (a lawyer shall explain a matter so as to permit the client to make informed decisions regarding the representation); Colo. RPC 1.5(b) (a lawyer shall inform a client in writing about the lawyer's fees and expenses within a reasonable time after being retained, if the lawyer has not regularly represented the client); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representa-

tion); Colo. RPC 5.4(a) (a lawyer shall not share legal fees with a non-lawyer); Colo. RPC 5.4(d) (restricting a lawyer's practice with or in the form of a professional company that is authorized to practice law for profit if a non-lawyer owns an interest therein or a non-lawyer has the right to direct or control the professional judgment of a lawyer); Colo. RPC 5.5(a)(1) (a lawyer shall not practice law without a law license or other specific authorization); Colo. RPC 8.4(b) (it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects); Colo. RPC 8.4(c) (it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); and CRCP 251.20(b) (generally requiring lawyers to report their convictions to disciplinary authorities).

No. 19PDJ049. People v. Holden. 7/11/2019. The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and publicly censured Leta R. Holden (attorney registration number 27118), effective July 11, 2019.

Beginning in 2015, Holden represented in Denver District Court two legal entities that were controlled by the owner of several condominiums in a certain complex. The complex had sued the owner for unpaid dues. The owner generally represented himself personally in the case. The case went to a bench trial in March 2017, though the judge did not rule until January 2018.

Before the bench trial, the owner separately sued the complex on behalf of one of his entities. The complex counterclaimed, alleging claims mirroring those in the first case. In May 2017, a conference was held in the second case, during which the parties discussed the interplay of the two cases. Holden began representing the owner's entity in the second case as of this point. The parties agreed during the conference that the claims in the two cases were overlapping and that once the first case was resolved, the counterclaims in the second case would be dismissed. The parties also agreed to mediate the original claim in the second case. That mediation soon took place. In accordance with the resulting settlement stipulation, the

judge dismissed with prejudice the claims and counterclaims in the second case.

The very next day, the owner moved for a directed verdict in the first case, arguing that the dismissal in the second case effectively barred the identical claims in the first case under the doctrine of res judicata. The owner affixed Holden's electronic signature to the motion. The complex moved to reopen the second case to reform the settlement agreement. The judge granted the motion, ruling that the owner's entity had acted in bad faith and abused the legal process. The judge subsequently found that Holden used the mediation agreement improperly as part of a "scheme perpetrated by an attorney and her client in an attempt to avoid a potential adverse decision in another case."

In January 2018, the court issued its decision in the first case, generally finding against the owner. In May 2018, Holden and the owner appealed on grounds that the dismissal of the counterclaims in the second case effectively resolved the claims in the first case.

Also in January 2018, the federal district court rejected Holden and her client's collateral attack on the state court decisions, warning that Holden might face sanctions and discipline if she joined in any future frivolous filings. Yet Holden filed another complaint in federal court in February 2019 attacking the validity of the state court judgments. A magistrate recommended dismissal of the action as well as imposition of filing restrictions on Holden. That recommendation was still pending at the time the parties submitted the conditional admission. Through this misconduct, Holden violated Colo. RPC 8.4(d) (a lawyer shall not engage in conduct prejudicial to the administration of justice).

No. 19PDJ047. People v. Marcus. 7/10/2019. The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and publicly censured Herbert Jeffrey Marcus (attorney registration number 22389), effective July 10, 2019.

While waiting for a client on February 6, 2018, Marcus was sitting on a bench near the court clerk's windows at the Arapahoe County Combined Courthouse. A 5-year-old girl wandered over to where Marcus was seated

and tried to jump into his lap. Marcus shoved the child with sufficient force that she flew off her feet and landed on her bottom with her hands sprawled out. He then yelled at the girl, calling her a “little bitch.” He also chastised the child’s mother, using foul language. The parties stipulate that the child, who is autistic, did not suffer physical or emotional injuries as a result of the incident.

Sheriff’s deputies were summoned. They took witness statements and reviewed video of the incident from a security camera. Marcus later pleaded guilty to a class 3 misdemeanor of harassment under a deferred judgment and sentence. He is subject to a one-year period of probation, which includes attending sensitivity training and an anger management program. He timely self-reported his conviction to disciplinary authorities.

Through this misconduct, Marcus violated Colo. RPC 8.4(b) (a lawyer shall not commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects).

No. 19PDJ062. People v. Odle. 8/19/2019.

The Presiding Disciplinary Judge approved the parties’ conditional admission of misconduct and suspended Robert Phillip Odle (attorney registration number 18091) for six months, all stayed upon the successful completion of a three-year period of probation. The conditions of probation include financial monitoring and attending trust account school. The probation was effective September 1, 2019.

In early 2017, Odle agreed to assist pro bono an active duty member of the military in his dispute with an apartment management company, which claimed over \$4,000 in fees and damages to the apartment. Odle asked the client to send him certain documents so that he could draft a demand letter. The client sent the requested information and believed that Odle was handling the matter; Odle states that he never received the information. More than a year then passed without communication. In March 2018, the client received a letter from a collections agency. The client contacted Odle, who did not remember the matter but pledged to look into it. Another five months then went

by, but Odle never again communicated with the client.

In a separate probate matter, Odle was retained by an executor on an hourly basis to assist with the administration of an estate. The executor gave Odle a retainer. During the representation, Odle often was difficult to reach and failed to return the executor’s calls. Odle also invoiced the executor only sporadically and at various points failed to maintain a sufficient trust account balance to cover the money he should have been holding for the executor. Odle thereby negligently converted the executor’s funds, though he likely earned the funds by the end of the representation.

Through his conduct in these matters, Odle violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(4) (a lawyer shall promptly comply with reasonable

requests for information); Colo. RPC 1.4(b) (a lawyer shall explain a matter so as to permit the client to make informed decisions regarding the representation); and Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer’s own property).

No. 19PDJ016. People v. Olson II. 8/15/2019. Following a reinstatement hearing, a hearing board reinstated David L. Olson II (attorney registration number 37228) to the practice of law under CRCP 251.29, effective August 15, 2019.

In summer 2016, Olson was suspended from the practice of law for 30 months. The suspension was premised on two types of misconduct: Olson’s guilty plea to a petty offense of disorderly conduct in a case involving domestic violence, and his efforts in the ensuing disciplinary proceeding to persuade his then-wife to ignore a subpoena and to testify falsely

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about the domestic violence incident. At the end of his period of suspension, Olson sought reinstatement of his law license. The hearing board reinstated Olson, because it concluded Olson had proved by clear and convincing evidence that he has been rehabilitated, has complied with all disciplinary orders and rules, and is fit to practice law.

No. 19PDJ039. People v. Pacyga. 5/29/2019. The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and publicly censured Ryan Pacyga (pro hac vice registration number 14PHV4043), effective July 3, 2019.

Pacyga, a Minnesota lawyer, agreed to represent a client who was charged in Denver District Court with numerous crimes, including a class 2 felony racketeering charge relating to a marijuana operation. Pacyga arranged for a

Colorado defense attorney to appear as special counsel in the case and to sponsor his pro hac vice admission.

At their first in-person meeting in May 2015, Pacyga and the client discussed personal information, including their tattoos, and Pacyga showed her a tattoo on his hip. Pacyga also sought a variety of information about the client, including prior sexual abuse that she had experienced. After their first court hearing, Pacyga hugged the client. The two then went shopping for clothes for several hours.

In late May 2015, Pacyga was in a serious accident in Minnesota: a car drove up on a sidewalk and hit him, and he was pinned under the car and dragged. He suffered significant injuries, including a traumatic brain injury.

In June and July 2015, Pacyga and the client exchanged flirty texts, which included several requests by Pacyga for backrubs. On July 10,

2015, Pacyga and the client attended a court hearing. That night, the client met Pacyga in his hotel room. They then shared a meal, which was part social and part business—though Pacyga did not bring any materials to the dinner—and later they went to a nearby club, where they had drinks. The client spent the night in Pacyga's hotel room.

Pacyga and the client arranged to see each other again later that month, but the meeting never occurred. In August 2015, their communications changed and they texted much less. Around the same time, Pacyga's traumatic brain injury symptoms began to improve. Ultimately, Pacyga secured for the client a favorable legal outcome. Thereafter, the client asked local counsel to serve as buffer in her communications with Pacyga. The client terminated the representation in May 2016.

Many factual disputes remain about what transpired between Pacyga and client. But Pacyga admits that he did not maintain adequate boundaries with the client, and that his actions reflect compromised professional judgment and posed a risk that his ability to represent the client would be adversely affected.

Through this misconduct, Pacyga violated Colo. RPC 1.17(a)(2) (a lawyer shall not represent a client if a concurrent conflict of interest exists).

No. 16PDJ057. People v. Romero. 7/23/2019. On July 23, 2019, the Presiding Disciplinary Judge issued an order revoking Douglas Leo Romero's (attorney registration number 35464) three-year period of probation, vacating the stay on his seven-month suspension, and suspending him for seven months. The suspension was effective August 27, 2019.

In December 2016, Romero was suspended from the practice of law for one year, with five months to be served and seven months to be stayed upon the successful completion of a three-year period of probation. Romero was reinstated, subject to probation, on October 1, 2017. The terms of probation included no further violations of the Colorado Rules of Professional Conduct.

After a hearing held under CRCP 251.7(e), the Presiding Disciplinary Judge determined that Romero violated the terms of his probation



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by acting in contravention of Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 3.3(a)(1) (a lawyer shall not knowingly make a false statement of material fact or law to a tribunal); Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); and Colo. RPC 8.4(d) (a lawyer shall not engage in conduct prejudicial to the administration of justice).

No. 18PDJ023. People v. Rosenfeld. 11/23/2018. A hearing board suspended Alan David Rosenfeld (attorney registration number 30317) for one year and one day, with three months to be served and the remainder to be stayed upon successful completion of a three-year period of probation, with conditions. The Colorado Supreme Court affirmed the hearing board's decision on July 10, 2019, and Rosenfeld's suspension took effect on August 5, 2019.

Rosenfeld did not pay any court-ordered child support between June 2016 and December 2016. Between January 2017 and April 2017, he paid only half of the monthly ordered amount of child support. Yet he failed to seek reconsideration of the child support order or to ask for a modification of the amount awarded. By failing to obey his court-mandated child support obligations, Rosenfeld breached Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal).

No. 18PDJ077. People v. Sherer. 6/20/2019. Following a sanctions hearing, the Presiding Disciplinary Judge disbarred Michelle Lynn Sherer (attorney registration number 42639), effective July 25, 2019.

In one client representation, Sherer was retained in a divorce matter. She met just once with the client, and she completed almost no substantive work. She then fell out of contact, abandoning the client and refusing to provide a refund or an accounting of her time. In another client matter, Sherer charged unreasonable fees while failing to act diligently or to reasonably communicate with her client. Further, she made knowing misrepresentations to her client and

the opposing party during the representation. She also failed to substantively respond to her clients' allegations in this disciplinary matter.

Through this conduct, Sherer violated Colo. RPC 1.3 (a lawyer shall act with diligence and promptness when representing a client); Colo. RPC 1.4(b) (a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions about the representation); Colo. RPC 1.5(a) (a lawyer shall not make an agreement for, charge, or collect an unreasonable fee); Colo. RPC 1.16(d) (upon termination, a lawyer must take steps to protect a client's interests, including by giving reasonable notice to the client and refunding unearned fees); Colo. RPC 1.15A(b) (a lawyer who receives funds or property of a client must promptly deliver to the client any funds or property that the client is entitled to receive and, on request, provide an accounting as to that property); Colo. RPC 1.15A(a) (a lawyer must hold any client property separate from the lawyer's own property); Colo. RPC 8.1(b) (a lawyer shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority); and Colo. RPC 8.4(c) (it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

No. 19PDJ043. People v. Thompson. 7/15/2019. The Presiding Disciplinary Judge approved the parties' amended conditional admission of misconduct and suspended Andrew Dollard Thompson (attorney registration number 39300) for six months, all stayed upon the successful completion of a two-year period of probation. The probation took effect July 15, 2019.

Thompson represented a plaintiff in a personal injury case. In December 2017, Thompson was ordered to (1) file a notice of trial and pretrial status conference, (2) give the defendant, within 21 days, a computation of damages, lost wages, and employment records, and (3) provide the home address of the plaintiff that same day. Thompson did not comply with these orders.

In February 2018, Thompson failed to appear at a status conference that had been set to address his client's noncompliance with the December 2017 order. The court awarded attorney fees against the client as a sanction for

failure to disclose. Thompson personally paid this sanction.

Between March 2018 and June 2018, the court held two more status conferences to address lack of disclosure. The court entered another award of attorney fees as a sanction for Thompson's and his client's failure to disclose required information.

In July 2018, the court dismissed the case for failure to prosecute based on the lack of disclosure. The statute of limitations expired in 2017, so the case probably cannot be refiled. After dismissing the case, the court entered a third award of attorney fees against Thompson's client as a sanction, admonishing both Thompson and his client.

Through this conduct, Thompson violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 3.2 (a lawyer shall make reasonable efforts to expedite litigation consistent with the interest of the client); Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); and Colo. RPC 8.4(d) (a lawyer shall not engage in conduct prejudicial to the administration of justice).

No. 19PDJ033. People v. Vahsholtz. 7/29/2019. The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended George Robert Vahsholtz (attorney registration number 07179) for one year and one day. The suspension was effective July 29, 2019.

In late December 2017, Vahsholtz was arrested by police following an automobile accident. Later the same day, Vahsholtz's blood alcohol content tested 0.197. Vahsholtz later entered a guilty plea for driving under the influence of alcohol with three priors, a class 4 felony. In mid-January 2018, Vahsholtz was pulled over for speeding; a preliminary blood test revealed that his blood alcohol level was 0.247. He failed roadside maneuvers. Vahsholtz later pleaded guilty to a charge of driving under the influence of alcohol, a misdemeanor. At the time of these two incidents, Vahsholtz was experiencing personal or emotional problems resulting from the recent death of his wife.

In February 2019, Vahsholtz was sentenced in both cases. In the first case, he was sentenced

to four years of supervised probation, including monitored sobriety, 120 days of work release, 120 hours of useful public service, and attending a victim impact panel. In the second case, he was sentenced to four years of supervised probation, 180 days of work release (concurrent with the first case), and 120 hours of useful public service (consecutive to the first case).

Vahsholz has completed his period of work release. He was immediately suspended for this criminal conduct by the Colorado Supreme Court on July 3, 2019. He remains on felony probation, during which time he cannot be reinstated to the practice of law under *In re Miranda*, 289 P.3d 957, 960-63 (Colo. 2012). He thus will not be eligible for reinstatement until after he has completed his sentence of probation.

Through his misconduct, Vahsholtz violated Colo. RPC 8.4(b) (it is professional misconduct for a lawyer to commit a criminal act that reflects

adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects).

No. 18PDJ068. People v. Wollrab, Jr. 6/26/2019.

A hearing board suspended James C. Wollrab Jr. (attorney registration number 01906) for seven months, effective July 31, 2019. Under the terms of a previous disciplinary opinion, Wollrab is required to formally petition for reinstatement and to prove by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law. As part of that petition, Wollrab also must demonstrate eligibility for reinstatement from the discipline imposed in this matter.

Wollrab was hired in 2017 to represent a client in a personal injury action. At the time, Wollrab knew there was a risk that the stay might be lifted on his suspension in the previous disciplinary matter, which was under appeal. He

thus found another lawyer who was willing to assist him with the personal injury case. While his law license was still active, Wollrab filed a complaint in the personal injury action using his own electronic filing account but under the other lawyer's electronic signature alone. By doing so, Wollrab falsely represented that the other lawyer had satisfied his duties under CRCP 11.

Through that conduct, Wollrab violated Colo. RPC 3.3(a)(1) (a lawyer shall not knowingly make a false statement of material fact or law to a tribunal).

No. 19PDJ024. People v. Young. 5/31/2019.

The Presiding Disciplinary Judge granted a motion for entry of default and imposed reciprocal discipline, suspending Sean Patrick Young (attorney registration number 36139) from the practice of law in Colorado for three years, effective July 5, 2019.

This reciprocal discipline case arose out of discipline imposed upon Young in Utah. In August 2018, the Third Judicial District Court in and for Salt Lake County, State of Utah, entered an order of discipline suspending Young for a period of three years. This discipline was premised on Young's consent and settlement agreement, which established that in several client matters he acted without requisite competence, diligence, and communication; failed to safe-keep client property; failed to protect client interests after termination; made a misrepresentation to a tribunal; and failed to respond to Utah's disciplinary authorities.

Young's misconduct constituted grounds for reciprocal discipline under CRCP 251.5 and 251.21. 



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