

People v. Sean Joseph Barry. 18PDJ036. July 31, 2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct in this reciprocal discipline matter and suspended Sean Joseph Barry (attorney registration number 38676) for three years, effective July 31, 2018. To be reinstated, Barry will bear the burden of proving by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law. In addition, Barry's reinstatement to practice law in Iowa is a condition precedent to his petitioning for reinstatement in Colorado.

On February 23, 2018, the Supreme Court of Iowa issued an opinion indefinitely suspending Barry from practicing law in Iowa and declaring him ineligible to seek reinstatement in Iowa for at least one year. The Supreme Court of Iowa determined that Barry violated Iowa RPC 32:1.3 (must exercise diligence), Iowa RPC 32:1.4(a)(3) (must keep client reasonably informed), Iowa RPC 32:1.4(a)(4) (must promptly comply with reasonable requests for information), Iowa RPC 32:8.4(b) (must not engage in a criminal act that reflects adversely on honesty, trustworthiness, or fitness as a lawyer), Iowa RPC 32:8.4(c) (must not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation), and Iowa RPC 32:8.4(d) (must not engage in conduct prejudicial to the administration of justice).

The Supreme Court of Iowa found that Barry knowingly and intentionally misrepresented to his client and his client's family that he had filed a dissolution decree for his client when he had not. Barry's misrepresentations concerning the status of his client's dissolution case continued for fourteen months. The Supreme Court of Iowa concluded that Barry committed forgery when he intentionally created a fraudulent dissolution decree without the presiding judge's authority or knowledge. Barry had attached a judge's signature from another case to the decree, placed the case number on the first page of the decree, and inserted file-stamp data on the decree.

Through this conduct, Barry engaged in conduct constituting grounds for discipline under C.R.C.P. 251.21. The parties stipulated that this misconduct warrants imposition of a substantially different form of discipline in Colorado than the sanction imposed in Iowa.