***People v. W. Bradley Betterton-Fike.* 18PDJ043. April 15, 2020.**

On remand from the Colorado Supreme Court, a hearing board suspended W. Bradley Betterton-Fike (attorney registration number 36250) for eight months, with the requirement that he seek reinstatement, if at all, under C.R.C.P. 251.29(c). Betterton-Fike appealed the hearing board's opinion on remand; the Colorado Supreme Court affirmed without opinion on November 2, 2020. Betterton-Fike's suspension took effect December 18, 2020. To be reinstated, Betterton-Fike must prove by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law.

Betterton-Fike assaulted his wife in their marital bedroom when he spat in her face and punched her multiple times in the arm, leading to his criminal assault conviction. Betterton-Fike thereby 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).

The case file is public per C.R.C.P. 251.31.

Please see the full opinion below.

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	
Complainant: THE PEOPLE OF THE STATE OF COLORADO **Respondent:** W. BRADLEY BETTERTON-FIKE, #36250	Case Number: **18PDJ043**
OPINION AND DECISION ON REMAND IMPOSING SANCTIONS UNDER C.R.C.P. 251.19(b)	

Before a hearing board comprising lawyer Karen A. Hammer, citizen member Clarence Low, and Presiding Disciplinary Judge William R. Lucero (the "Hearing Board") is a mandate from the Colorado Supreme Court. That tribunal remanded this matter for a redetermination of the appropriate sanction after it affirmed in part and reversed in part the Hearing Board's findings that W. Bradley Betterton-Fike ("Respondent") violated Colo. RPC 8.4(b) and Colo. RPC 8.4(d). Specifically, the Colorado Supreme Court affirmed the Hearing Board's finding that Respondent violated Colo. RPC 8.4(b) by committing criminal conduct when he physically assaulted his wife, causing her injuries. The Colorado Supreme Court reversed a majority finding that Respondent violated Colo. RPC 8.4(d) by failing to pay a court reporting bill for more than two years. On remand, the Hearing Board determines that Respondent should serve an eight-month served suspension with the requirement that he petition for reinstatement under C.R.C.P. 251.29(c).

I. PROCEDURAL HISTORY

Respondent was admitted to practice law in Colorado on May 18, 2005, under attorney registration number 36250. He is thus subject to the jurisdiction of the Colorado Supreme Court and the Hearing Board in this disciplinary proceeding.[1]

On July 12, 2018, Alan C. Obye, Office of Attorney Regulation Counsel ("the People"), filed a complaint with Presiding Disciplinary Judge William R. Lucero ("the PDJ"), alleging that Respondent violated Colo. RPC 8.4(d), Colo. RPC 8.4(b), and Colo. RPC 3.4(c). The PDJ

[1] *See* C.R.C.P. 251.1(b).

granted Respondent an extension of time to file an answer, which Respondent submitted pro se on August 17, 2018. David R. Juarez later entered his appearance as Respondent's counsel.

In late 2018, the People moved for partial judgment on the pleadings under C.R.C.P. 12(c). On January 11, 2019, the PDJ granted that motion as to Claim II (Colo. RPC 8.4(b)) but denied the motion as to Claim I (Colo. RPC 8.4(d)), finding that consideration of the claim should be reserved for the Hearing Board. At the People's request, the PDJ then dismissed with prejudice Claim III, which alleged a violation of Colo. RPC 3.4(c).

On February 5, 2019, the Hearing Board held a hearing under C.R.C.P. 251.18. Gregory G. Sapakoff, who had earlier entered his appearance, represented the People; Respondent appeared with Juarez.

On March 22, 2019, the Hearing Board issued an "Opinion and Decision Imposing Sanctions Under C.R.C.P. 251.19(b)," suspending Respondent for nine months and requiring him to petition for reinstatement under C.R.C.P. 251.29(c). In that opinion, the Hearing Board reiterated the PDJ's findings in the entry of partial judgment on the pleadings. Specifically, the Hearing Board concluded that Respondent assaulted his wife in their marital bedroom when he spat in her face and punched her multiple times in the arm, leading to his criminal assault conviction. Respondent's criminal conviction, as a matter of law, violated Colo. RPC 8.4(b), which provides that 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. The Hearing Board also found that in a separate client matter, Respondent ordered deposition transcripts in a client representation but then failed to pay the court reporting bill for more than two years, until he was sued in small claims court. The majority concluded that Respondent's nonpayment of the bill prejudiced the administration of justice in violation of Colo. RPC 8.4(d), but the dissent found no transgression of that rule based on the absence of any contract. The full Hearing Board agreed, however, that Respondent should serve a nine-month suspension, with the requirement that he seek reinstatement, if at all, under C.R.C.P. 251.29(c).

Respondent filed a motion for reconsideration under C.R.C.P. 59, which was denied on April 19, 2019. He later sought—and was granted—a stay pending appeal before the Colorado Supreme Court. On appeal, where he was represented by lawyer Nora Nye, Respondent contended that the Hearing Board majority had erroneously concluded he violated Colo. RPC 8.4(d) by failing to pay a court reporting bill. He also argued the Hearing Board imposed a sanction that was manifestly excessive and unreasonable.

On March 9, 2020, the Colorado Supreme Court issued an opinion affirming in part and reversing in part the Hearing Board's opinion.[2] In its opinion, the Colorado Supreme

[2] *In re Betterton-Fike,* 2020 CO 19, ¶ 4.

Court found that the Hearing Board had erred in concluding that Respondent violated Colo. RPC 8.4(d), as Respondent had no legal obligation to pay the court reporter. The Colorado Supreme Court noted that the Hearing Board's opinion was unclear as to what extent Respondent's Colo. RPC 8.4(d) violation influenced the decision to impose a nine-month suspension, and it remanded the case to the Hearing Board for reconsideration of the sanction based on Respondent's violation of Colo. RPC 8.4(b) alone.[3] The mandate issued on March 26, 2020.

II. SANCTIONS

On remand, the Hearing Board must determine the appropriate sanction in this matter, considering the relevant factual findings in our opinion concerning Respondent's violation of Colo. RPC 8.4(b). We are guided in this task by the American Bar Association *Standards for Imposing Lawyer Sanctions* ("ABA *Standards*")[4] and Colorado Supreme Court case law.[5] When imposing a sanction on a finding of lawyer misconduct, we must consider the duty violated, the lawyer's mental state, and the injury caused by the lawyer's misconduct. These three variables yield a presumptive sanction that may be adjusted based on aggravating and mitigating factors.

ABA *Standard* 3.0 – Duty, Mental State, and Injury

Duty: Respondent's assault on his wife violated his duty to the public to maintain standards of personal integrity and to abide by the principle that disputes must be resolved by observing controlling standards of conduct, without recourse to illegal acts or to acts that violate the Rules of Professional Conduct. "The public expects lawyers to be honest and to abide by the law; public confidence in the integrity of officers of the court is undermined when lawyers engage in illegal or other dishonest conduct."[6]

Mental State: We conclude that Respondent acted knowingly in violating Colo. RPC 8.4(b).[7] The evidence showed that Respondent was aware of the fact that he repeatedly hit his wife.

Injury: By failing to comply with legally controlling standards of conduct, Respondent damaged the public's trust in the legal profession. More important, the evidence showed

[3] The Colorado Supreme Court did not conclude, as Respondent urged, that the nine-month suspension is manifestly excessive and unreasonable. Rather, the court remanded the case for the Hearing Board "to reconsider its sanction, to the extent the sanction was influenced by its conclusion that [Respondent] violated Rule 8.4(d)." *Id.*, ¶ 39.

[4] Found in ABA *Annotated Standards for Imposing Lawyer Sanctions* (2d ed. 2019).

[5] *See In re Roose,* 69 P.3d 43, 46-47 (Colo. 2003).

[6] ABA *Standards* at 227.

[7] The ABA *Standards* define "knowledge" as the "conscious awareness of the nature or attendant circumstances of the conduct but without the conscious objective or purpose to accomplish a particular result." *Id*. at xxi. Respondent's conviction carried the mens rea of intentional or reckless conduct.

that Respondent caused Ms. Betterton-Fike legally cognizable harm when he assaulted her. The evidence included her credible and uncontroverted testimony that her injuries were painful and that she continued to suffer emotionally, including by experiencing nightmares and reliving the assault during the resulting court proceedings.

ABA *Standards* 4.0-7.0 – Presumptive Sanction

ABA *Standard* 5.12 states that suspension is generally appropriate when a lawyer knowingly engages in criminal conduct that does not contain the elements listed in *Standard* 5.11 and that seriously adversely reflects on the lawyer's fitness to practice law.[8] Here, Colorado case law makes plain that the infliction of bodily harm on another person seriously adversely reflects on a lawyer's fitness to practice.[9] This is because "the use of violence to settle disputes is the antithesis of the rule of law."[10] We thus begin our analysis with the presumptive sanction of suspension.

ABA *Standard* 9.0 – Aggravating and Mitigating Factors

Aggravating circumstances include any considerations that may justify an increase in the degree of the sanction to be imposed, while mitigating factors may warrant a reduction in the severity of the sanction.[11] As explained below, the Hearing Board considers four factors in aggravation, one of which carries significant weight. We apply three mitigating factors, one of which merits comparatively little weight. We evaluate the following factors proposed by the parties.

Aggravating Factors

Dishonest or Selfish Motive – 9.22(b): Respondent's assault on his wife was an act inherently premised on a selfish motive. Through the use of violence, he sought to exercise control over a family member in a vulnerable position.[12] We apply this factor in aggravation.

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[8] ABA *Standard* 5.11(a) addresses serious criminal conduct that involves false swearing, theft, intentional killing, and other offenses not at issue here, while ABA *Standard* 5.11(b) addresses dishonest conduct.

[9] *In re Hickox*, 57 P.3d 403, 405 (Colo. 2002); *see also People v. Reaves*, 943 P.2d 460, 462 (Colo. 1997).

[10] *Iowa Supreme Court Attorney Disciplinary Bd. v. Deremiah*, 875 N.W.2d 728, 735 (Iowa 2016); *see also In re Grella*, 777 N.E.2d 167, 171 (Mass. 2002) ("[e]ngaging in violent conduct is antithetical to the privilege of practicing law").

[11] *See* ABA *Standards* 9.21 and 9.31.

[12] *See State v. Zurmiller*, 544 N.W.2d 139, 142 (N.D. 1996) (Levine, J., concurring) (noting that a pattern of domestic violence is a means of exercising control over a partner); Phyllis A. Roestenberg, "Representing Children When There Are Allegations of Domestic Violence," 28 Nov. *Colo. Law* 77, 78 (Nov. 1999) (observing that "[i]n cases in which domestic violence is present, []the dynamics are such that one party exercises control over the other with violence and emotional abuse"); Linell A. Letendre, "Beating Again and Again and Again: Why Washington Needs A New Rule of Evidence Admitting Prior Acts of Domestic Violence," 75 Wash. L. Rev. 973, 977 (2000) (discussing and citing authorities characterizing domestic violence as "an instrument of control").

Refusal to Acknowledge Wrongful Nature of Conduct – 9.22(g): Respondent refused to acknowledge in this proceeding that he engaged in any wrongdoing. He was adamant in this regard, despite the fact that a jury found him guilty of assault beyond a reasonable doubt. We accord significant weight in aggravation to this factor for two reasons.[13] First, Respondent's suggestion that Ms. Betterton-Fike deliberately created false evidence of bruising through the use of make-up was incredible under the circumstances presented. Second, Respondent selectively acknowledged his wrongdoing during the domestic violence component of his probation, when it was to his advantage to do so, yet he disclaimed that admission of wrongdoing at his disciplinary hearing.

Vulnerability of Victim – 9.22(h): Respondent assaulted his wife in the marital home, in a place where it was unlikely that anyone would come to her assistance.[14] Further, he testified that Ms. Betterton-Fike was intoxicated and he was sober at the time of the assault, which signifies that she was particularly vulnerable to acts of violence. We give this factor average weight in aggravation.

Illegal Conduct – 9.22(k): That Respondent's assault was a criminal offense is without question an aggravating factor here.

Mitigating Factors

Absence of Prior Disciplinary Record – 9.32(a): We consider in mitigation the fact that Respondent has not been disciplined since he was licensed in 2005.

Personal and Emotional Problems – 9.32(c): Although Respondent argued that he should receive credit for this factor, citing issues of professional burnout and anxiety, the Hearing Board received no meaningful testimony or evidence as to these matters. We thus do not apply this factor.

Timely Good Faith Effort to Make Restitution or Rectify Consequences of Misconduct – 9.32(d): ABA *Standard* 9.4(a) states that forced or compelled restitution is neither aggravating nor mitigating. As such, we award Respondent no mitigating credit for having successfully completed probation in his criminal case.

Cooperative Attitude Toward Proceedings – 9.32(e): The People conceded that Respondent has been cooperative in this proceeding, and we thus apply this factor.

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[13] Hearing Board member Hammer accords significant aggravating weight to this factor for several additional reasons: (1) Respondent's testimony created the reasonable inference that he felt entitled to use violence against his wife merely because he perceived her conduct to be annoying or inconvenient (allegedly being intoxicated and engaging in a tug-of-war with the bed covers when he was attempting to sleep); (2) Respondent argued that his wife's alleged intoxication was a *mitigating* factor; and (3) on appeal, Respondent's brief ignored the Hearing Board's reliance on several factors that made his conduct more serious and worthy of discipline.

[14] *See People v. Brailsford,* 933 P.2d 592, 595 (Colo. 1997) (noting that during an assault in the family home, "it was unlikely that [the lawyer] would be interrupted by anyone coming to the aid of the victim").

Character and Reputation – 9.32(g): Respondent asserted in the disciplinary proceeding that his character and reputation are excellent. We received no testimony or evidence at the hearing in support of this assertion, however, so we decline to apply this mitigator.

Physical Disability – 9.32(h): Respondent testified that for the last sixteen years he has suffered unremitting neck and back pain for which he takes numerous medications. Although we do not doubt the existence of Respondent's pain, we did not hear testimony linking these long-standing medical problems to his misconduct, so we decline to apply this factor in mitigation.[15]

Imposition of Other Penalties or Sanctions – 9.32(k): Respondent has been criminally sanctioned for his assault. He thus is entitled to application of this mitigating factor, but because the evidence shows that the penalties he incurred were modest,[16] we apply relatively little weight to this factor.

Remorse – 9.32(l): Respondent argued in his hearing brief that we should consider his remorse as a mitigating factor. At the hearing, however, Respondent displayed a complete lack of remorse for his conduct, insisting that he engaged in no conduct that would call for remorse. Accordingly, we have no factual basis on which to apply this factor.

Analysis Under ABA *Standards* and Case Law

The Colorado Supreme Court has directed the Hearing Board to exercise discretion in imposing a sanction and to carefully apply aggravating and mitigating factors.[17] We are mindful that "individual circumstances make extremely problematic any meaningful comparison of discipline ultimately imposed in different cases."[18] Though prior cases are helpful by way of analogy, hearing boards must determine the appropriate sanction for a lawyer's misconduct on a case-by-case basis. The Colorado Supreme Court has suggested

[15] *See* ABA *Standards* at 516 ("Courts often point out that health conditions generally are not mitigating factors in reducing a sanction for misconduct, particularly when no causal connection exists between a disorder and the misconduct or when no evidence of rehabilitation is present."); *In re Peasley*, 90 P.3d 764, 777 (Ariz. 2004) (declining to consider physical disabilities in mitigation where there was no evidence that the disabilities caused the misconduct); *cf. In re Cimino*, 3 P.3d 398, 402 (Colo. 2000) (refusing to award credit in mitigation to personal or emotional problems where there was no evidence that the problems caused or affected the onset of the misconduct).

[16] Hearing Board member Hammer finds that the evidence showed that the level of psychoeducation courses to which Respondent was assigned was based on his self-disclosure rather than the provider's probing the seriousness of his conduct.

[17] *See In re Attorney F.*, 2012 CO 57 ¶ 22; *In re Fischer*, 89 P.3d 817, 822 (Colo. 2004) (finding that a hearing board had overemphasized the presumptive sanction and undervalued the importance of mitigating factors in determining the needs of the public).

[18] *In re Attorney F.*, ¶ 20 (quoting *In re Rosen*, 198 P.3d 116, 121 (Colo. 2008)).

that cases predating the 1999 revision to this state's disciplinary system carry less precedential weight than more recent cases.[19]

As here, where suspension is the presumptive sanction, a served suspension of six months typically is viewed as a baseline sanction, to be adjusted upward or downward in consideration of aggravating or mitigating factors.[20] Colorado case law involving domestic violence also appears to suggest that an appropriate starting point for sanctions analysis is a six-month served suspension.

In re Hickox is the leading Colorado case on domestic violence in an attorney disciplinary setting.[21] In that decision, the Colorado Supreme Court noted that it takes "a serious view of misconduct by an attorney involving the infliction of bodily harm on another."[22] *Hickox* directed that the length of suspension in cases involving violence should depend "on the seriousness of the assault and the aggravating and mitigating factors present."[23] The respondent in that case injured his estranged wife when he angrily turned her arm behind her back while escorting her up a staircase, causing her to stumble and fall.[24] He then neglected to report his conviction to disciplinary authorities, believing that the victim's filing of a grievance relieved him of the duty to report.[25] Taking into consideration two aggravators and three mitigators as well as the fact that the level of violence was somewhat less severe than in other cases, the Colorado Supreme Court determined that the lawyer should serve a suspension of six months.[26]

The Colorado Supreme Court has approved served suspensions for domestic violence in other cases,[27] as have courts in sister jurisdictions.[28] Case law from across the country

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[19] *Id*.

[20] *See* ABA *Standard* 2.3*; see also In re Cummings*, 211 P.3d 1136, 1140 (Alaska 2009); *In re Moak*, 71 P.3d 343, 348 (Ariz. 2003); *In re Stanford*, 48 So. 3d 224, 232 (La. 2010); *Hyman v. Bd. of Prof'l Responsibility*, 437 S.W.3d 435, 449 (Tenn. 2014); *In re McGrath*, 280 P.3d 1091, 1101 (Wash. 2012).

[21] 57 P.3d 403.

[22] *Id*. at 405.

[23] *Id*.

[24] *Id*. at 404.

[25] *Id*.

[26] *Id*. at 405-08.

[27] *See People v. Musick,* 960 P.2d 89, 93 (Colo. 1998) (taking into account three aggravators and three mitigators, one of which carried relatively little weight, the Colorado Supreme Court suspended a lawyer for one year and one day for physically assaulting his girlfriend on three separate occasions, causing her pain but no serious injury); *Reaves*, 943 P.2d at 461-62 (approving the parties' stipulation to a six-month suspension based on consideration of one aggravating factor and at least four mitigators where an attorney pleaded guilty to a petty offense of disorderly conduct after throwing a drink at his wife, grabbing her, and engaging in a "pushing and shoving match" and later was convicted of driving while ability impaired); *People v. Shipman*, 943 P.2d 458, 459-60 (Colo. 1997) (applying two aggravators and six mitigators, the Colorado Supreme Court approved a stipulation to a six-month suspension where an attorney pleaded guilty to driving while ability impaired and also to assault and battery of his wife); *cf. Brailsford*, 933 P.2d at 595 (suspending an attorney for one year and one day after the attorney pleaded guilty to third-degree sexual assault arising out of an attack on his wife).

indicates an increasing recognition that acts of domestic violence negatively reflect on a lawyer's fitness to practice.[29] And in Colorado, other hearing boards have imposed suspensions that lasted longer than six months in recent disciplinary cases premised on criminal convictions for acts of domestic violence where the underlying act was particularly egregious or other aggravating factors were present.[30]

Beginning here with the baseline of a six-month served suspension, we consider the *Hickox* directive that we should examine the seriousness of an act of violence and the nature of the aggravation and mitigation.[31] In the present case, we find that the level of violence Respondent inflicted upon Ms. Betterton-Fike was somewhat more aggravated than that in *Hickox*. Respondent punched Ms. Betterton-Fike numerous separate times and also spat in her face.

In our original opinion, we imposed a nine-month served suspension with the requirement that Respondent petition for reinstatement under C.R.C.P. 251.29(c). We now determine that a reduction in Respondent's sanction should be proportionate to the significance we originally accorded the finding of a Colo. RPC 8.4(d) violation. Though the majority factored into its sanctions analysis Respondent's conduct in failing to pay the court

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[28] *See, e.g, Fla. Bar v. Schreiber*, 631 So. 2d 1081, 1081-82 (Fla. 1994) (suspending for 120 days a lawyer who "beat up his girlfriend" on a single occasion and requiring the lawyer to attend a program for batterers of women); *Deremiah*, 875 N.W.2d at 730, 739 (suspending a lawyer indefinitely with no possibility of reinstatement for at least three months, with the requirement of a reinstatement hearing, where the lawyer broke into his girlfriend's house on one occasion when she was not home and on another occasion punched her in the face multiple times and pulled out a clump of her hair); *In re Cardenas*, 60 So. 3d 609, 610, 614 (La. 2011) (suspending for one year, with six months deferred upon probationary compliance, a lawyer who was convicted of committing a domestic battery while a child was present in the residence); *In re Falco*, 52 N.Y.S.3d 469, 471 (N.Y. App. Div. 2017) (in reciprocal discipline proceeding, imposing three-year served suspension on lawyer who struck his pregnant wife several times with a closed fist); *cf. In re Magid*, 655 A.2d 916, 917-19 (N.J. 1995) (publicly reprimanding a lawyer who punched, knocked to the ground, and kicked a romantic partner but explaining that this was a matter of first impression in New Jersey and cautioning that the court "in the future will ordinarily suspend an attorney who is convicted of an act of domestic violence").

[29] *See In re Principato*, 655 A.2d 920, 922 (N.J. 1995) (explaining that acts of domestic violence violate "the fundamental norms that control the professional and personal behavior of attorneys"); *see also Grella*, 777 N.E.2d at 171.

[30] *See People v. Hill*, 439 P.3d 1244, 1256-57 (Colo. O.P.D.J. 2019) (a lawyer's criminal conviction for menacing by threatening his wife with a baseball bat, while not causing her any physical injury, violated Colo. RPC 8.4(b) and warranted a suspension for one year and one day, with six months served and the remainder stayed pending a three-year period of probation); *People v. Saxon*, No. 16PDJ018, 2016 WL 8540133, at *19-22 (Colo. O.P.D.J. 2016) (a lawyer's conviction for violating a protection order and physically assaulting a former girlfriend, considered with other rule violations, warranted a three-year served suspension); *People v. Olson*, No. 15PDJ062 (consolidated with 16PDJ007), 2016 WL 5076078, at *17-19 (a lawyer's conviction for disorderly conduct stemming from a domestic violence dispute with his wife, considered with other serious rule violations, warranted a thirty-month served suspension); *People v. Falco*, No. 15PDJ101, 2016 WL 4442171, at *10 (Colo. O.P.D.J. 2016) (a lawyer's conviction for attempted third-degree assault, based on criminal conduct in which he hit his pregnant wife in the face with a closed fist, violated Colo. RPC 8.4(b) and warranted a nine-month served suspension).

[31] 57 P.3d at 405.

reporting agency, the majority also noted that such conduct "should not measurably increase the level of discipline," because "the gravamen of this case is Respondent's physical assault on his wife."[32] That assessment still stands.

On remand, we consider the four factors in aggravation, one of which carries significant weight, and the three mitigating factors, one of which we give comparatively little weight. These factors and the relevant case law help to inform our conclusion that the sanction we impose now should deviate very little from the sanction we originally levied. Respondent should be suspended from the practice of law for eight months, with the requirement of formal reinstatement proceedings. And, as we remarked in the original opinion, we strongly suggest—but do not order—that Respondent follow a program or course of treatment in anger management and behavioral health skills before petitioning for reinstatement.[33]

III. CONCLUSION

Respondent violently assaulted his wife in the supposed safety of the marital home. That conduct violated Respondent's duty to conform his conduct to legally applicable standards, which reflects negatively on his fitness as a lawyer.[34] In this disciplinary case, Respondent's denial of any wrongdoing raised serious concerns among the Hearing Board that his misconduct might reoccur. The appropriate sanction for Respondent's egregious conduct is an eight-month suspension from the practice of law with the requirement that he seek reinstatement to the practice of law, if at all, under C.R.C.P. 251.29(c).

IV. ORDER

The Hearing Board therefore **ORDERS**:

1. **W. BRADLEY BETTERTON-FIKE**, attorney registration number **36250**, will be **SUSPENDED** from the practice of law for a period of **EIGHT MONTHS**. The suspension will take effect upon issuance of an "Order and Notice of Suspension."[35]

2. If Respondent wishes to resume practicing law in Colorado, he **MUST** file for reinstatement under C.R.C.P. 251.29(c).

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[32] Op. & Decision at 16.

[33] A program or course of treatment in behavioral health skills might address skills such as emotional regulation, distress tolerance, interpersonal effectiveness, and mindfulness.

[34] *See Grella*, 777 N.E.2d at 171 (commenting that "[t]he essence of the conduct of a lawyer is to facilitate the resolution of conflicts without recourse to violence, for law is the alternative to violence").

[35] In general, an order and notice of sanction will issue thirty-five days after a decision is entered under C.R.C.P. 251.19(b). In some instances, the order and notice may issue later than thirty-five days by operation of C.R.C.P. 251.27(h), C.R.C.P. 59, or other applicable rules.

3. Respondent **SHALL** promptly comply with C.R.C.P. 251.28(a)-(c), concerning winding up of affairs, notice to parties in pending matters, and notice to parties in litigation.

4. Within fourteen days of issuance of the "Order and Notice of Suspension," Respondent **SHALL** comply with C.R.C.P. 251.28(d), requiring an attorney to file an affidavit with the PDJ setting forth pending matters and attesting, *inter alia*, to notification of clients and other state and federal jurisdictions where he is licensed.

5. The parties **MUST** file any posthearing motion **on or before Wednesday, April 29, 2020**. Any response thereto **MUST** be filed within seven days.

6. The parties **MUST** file any application for stay pending appeal **on or before Wednesday, May 6, 2020**. Any response thereto **MUST** be filed within seven days.

7. Per a contemporaneously issued order, Respondent **SHALL** pay, **on or before Wednesday, May 13, 2020**, costs in this proceeding in the amount of $1,689.47 to:

Office of Attorney Regulation Counsel
Attn: Gregory G. Sapakoff or Alan C. Obye
1300 Broadway, Suite 500
Denver, CO 80203

DATED THIS 15th DAY OF APRIL, 2020.

[original signature on file]

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WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

[original signature on file]

_____

KAREN A. HAMMER
HEARING BOARD MEMBER

[original signature on file]

_____

CLARENCE LOW
HEARING BOARD MEMBER

Copies to:

Alan C. Obye Gregory G. Sapakoff Office of Attorney Regulation Counsel	Via Email a.obye@csc.state.co.us g.sapakoff@csc.state.co.us
N. Nora Nye Counsel for Respondent	Via Email nora@nyelawfirm.com
Karen A. Hammer Clarence Low Hearing Board Members	Via Email Via Email
Cheryl Stevens Colorado Supreme Court	Via Hand Delivery and Email cheryl.stevens@judicial.state.co.us