

People v. Mary Jaclyn Cook. 17PDJ051. August 10, 2017.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Mary Jaclyn Cook (attorney registration number 48292) for nine months, effective August 10, 2017.

Cook, a member of the products liability group at the Denver office of Faegre Baker Daniels, faced in late 2016 the prospect of failing to meet the firm's yearly billable hour expectation. In mid-December 2016, Cook spent two weeks away from the office for her wedding and honeymoon. She returned to the office well short of her hours target. On January 3, 2017, Cook entered or finalized sixty time entries for the December 2016 billing cycle. In some entries she inflated legitimate time that had not yet been submitted; other entries she fabricated entirely. Her fabricated billing reflected nearly \$40,000.00 in time that she had not worked.

A supervisor identified Cook's December billing as unusually high. In an office meeting in late January 2017, firm partners confronted Cook. She panicked, claiming that the hours were legitimate. Later that day, she confessed to the partners that she had inflated and fabricated time entries, explaining that she was afraid she would lose her job if she failed to meet the billable hours target. The firm gave Cook the opportunity to resign, which she accepted. With one exception, all client invoices containing the fabricated time were corrected before they were issued to clients.

In this matter, Cook violated Colo. RPC 4.1(a) (in the course of representing a client, a lawyer shall not knowingly make a false statement of material fact or law to a third person) and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation). The sole aggravating factor in this case was outweighed by multiple mitigating factors.