

People v. Robert A. Francis. 20PDJo64. November 1, 2021.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Robert A. Francis (attorney registration number 06104) for three years, effective November 1, 2021. To be reinstated to the practice of law, Francis 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.

In one matter, Francis initiated twenty-eight related cases in at least five Colorado fora; Francis's signature appears on the pleadings in all of these lawsuits either as a litigant or in some representative capacity. Numerous adverse rulings and judgments in these lawsuits were issued against Francis by trial courts and the Colorado Court of Appeals between 2010 and 2021. In these rulings, Francis was specifically cautioned about the nature of his filings and was ordered to pay hundreds of thousands of dollars in attorney's fees. Among these rulings, the Pitkin County District Court found that Francis had "long engaged in a vexatious pattern of filing lawsuits for strategic purposes," wasting judicial resources and driving up his opponents' attorney's fees in bad faith collateral attack lawsuits. Francis was barred from filing any lawsuits, pleadings, motions, or other papers of any kind in Pitkin County without an accompanying certification by a lawyer that the filing was well grounded in fact and law. Thereafter, the Colorado Supreme Court immediately suspended Francis's law license on November 5, 2020; despite his immediate suspension, Francis filed defensive pleadings in several cases and initiated several other cases pro se. In September 2021, the Colorado Supreme Court enjoined Francis from "ever again proceeding pro se as a proponent of a claim in any present or future litigation in the state courts of Colorado."

In a separate matter, Francis initiated several lawsuits and two appeals, all related to the same dispute. In one case, more than \$20,000.00 in attorney's fees and costs was assessed against Francis or related entities; in another case, well over one hundred thousand dollars was ultimately awarded to the defendants. One court found that the claims Francis brought were not grounded in fact or warranted by law and were stubbornly litigious. Another court found that Francis's claims were groundless and vexatious, part of a "seemingly unending campaign of baseless litigation." That court found that Francis violated C.R.C.P. 11 and awarded attorney's fees and costs against plaintiffs and Francis personally.

Through this misconduct, Francis violated Colo. RPC 3.1 (a lawyer shall not assert frivolous claims); 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(a) (a lawyer shall not unlawfully obstruct another party's access to evidence); Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); Colo. RPC 5.5(a)(1) (a lawyer shall not practice law without a valid law license or other specific authorization); Colo. RPC 8.4(c) (providing that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); and Colo. RPC 8.4(d) (providing that it is professional misconduct for a lawyer to engage in conduct prejudicial to the administration of justice).

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