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:** JOLEIN HARRO, #17182	Case Number: **24PDJ091**
OPINION IMPOSING SANCTIONS UNDER C.R.C.P. 242.31(a)	

SUMMARY

On October 13, 2025, a Hearing Board suspended Jolein Harro ("Respondent"), attorney registration number 17182, for eighteen months. The suspension, which is scheduled to take effect on November 17, 2025, carries the requirement that Respondent formally petition to reinstate to the practice of law under C.R.C.P. 242.39(b) and demonstrate by clear and convincing evidence that she is rehabilitated from her misconduct, that she has followed disciplinary orders and rules, and that she is fit to practice law in Colorado.

In 2022, Respondent misrepresented to the trial court in her client's case that her client had hired an expert to conduct an evaluation of the opposing party's business, even though Respondent knew at the time that her client had not hired the evaluator. Further, Respondent did not implement adequate measures to track her clients' funds, including by complying with rules that govern trust account practices and recordkeeping. In summer 2023, Respondent withdrew and consumed unearned client funds from her law firm's trust account, overdrawing the account and causing the account's balance on multiple dates to fall below the sum she should have been safeguarding for her clients. In March 2024, Respondent was suspended for six months, three months of which she was required to serve. In one matter, Respondent did not notify the opposing counsel that she was suspended and needed to withdraw from the case, violating her disciplinary order and disciplinary rules. Finally, in spring 2024, Respondent replenished client funds that were missing from her trust account by depositing personal funds into her law firm's trust account, commingling those funds with client funds.

Respondent thereby violated Colo. RPC 1.15A(a) (a lawyer must hold client property separate from the lawyer's own property); Colo. RPC 1.15C(c) (a lawyer must reconcile trust account records quarterly); Colo. RPC 1.15D (a lawyer must maintain trust account records); Colo. RPC 3.3(a)(1) (a lawyer must not knowingly make a false statement of material fact or law to

a tribunal); and Colo. RPC 3.4(c) (a lawyer must not knowingly disobey an obligation under the rules of a tribunal).

I. PROCEDURAL HISTORY

On November 26, 2024, Michele L. Melnick of the Office of Attorney Regulation Counsel ("the People") filed a complaint in case number 24PDJ091 with Presiding Disciplinary Judge Bryon M. Large ("the PDJ"). In that complaint, the People alleged in six claims that Respondent violated four Colorado Rules of Professional Conduct: Colo. RPC 1.15A(a) (Claims I and III); Colo. RPC 8.4(c) (Claims II and VI); Colo. RPC 1.15C(c) (Claim IV); and Colo. RPC 1.15D (Claim V). Respondent answered the complaint on January 3, 2025. The PDJ set this matter for a four-day hearing to take place from August 19-22, 2025, in part based on the parties' representation that a second complaint's filing was imminent.

On April 3, 2025, the People filed a second complaint against Respondent—lodged in case number 25PDJ20—asserting five claims. In that complaint, the People alleged that Respondent violated Colo. RPC 1.3 (Claim I); Colo. RPC 3.3(a)(1) (Claim II); Colo. RPC 1.16(d) (Claim III); Colo. RPC 3.4(c) (Claim IV); and Colo. RPC 5.5(a)(1) (Claim V). On May 12, 2025, the PDJ consolidated case number 25PDJ20 into case number 24PDJ091.

On August 9, 2025, the PDJ entered partial summary judgment, entering judgment on Claim I and Claims III-V from the complaint in case number 24PDJ091. The People then moved to dismiss Claims III and V of the complaint in case number 25PDJ20. The PDJ granted that motion.

Beginning on August 19, 2025, a Hearing Board comprising the PDJ and lawyers Emily Fleischmann and Wadi Muhaisen held a four-day hearing under C.R.C.P. 242.30. Melnick attended for the People, and Respondent appeared pro se. The Hearing Board received testimony from Respondent, Jessica Baker, Zachary Schlichting, Rebecca Clark, Dr. Shelly Bresnick, Dr. Jean Bouquet, and the People's investigator, Donna Scherer. The PDJ admitted and the Hearing Board considered the People's exhibits 1-2, 4-5, 7-8, 13-25, 27-68, and 70-77 as well as Respondent's exhibits A, B2-B13, E, F, H, and L-O.

II. FACTS AND RULE VIOLATIONS ESTABLISHED ON SUMMARY JUDGMENT[1]

Respondent was admitted to practice law in Colorado on November 30, 1987, under attorney registration number 17182. She is thus subject to the jurisdiction of the Colorado Supreme Court and the Hearing Board in this disciplinary proceeding.

[1] For context, the facts set forth in the summary judgment order are summarized here. Deviations in the facts in this section from those established in the summary judgment order are based on the exhibits admitted at the disciplinary hearing and are not material to the outcome of this case.

Factual Findings

Respondent owns and operates Jolein A. Harro PC, a family law firm. Her clients who paid by credit card made payments directly into her trust account ending in 2091 ("trust account"). Some of Respondent's clients deposited funds directly into her operating account. Respondent handled her law firm's trust account and reviewed it often, as the firm's daily balance frequently changed, often by $7,000.00 to $8,000.00 per day.

In 2023 and 2024, Respondent withdrew funds from her trust account on most workdays. During that same period, she often withdrew funds from her trust account and transferred funds to one of three bank accounts: her personal account ending in 6575 ("personal account"), her business account ending in 1582 ("business account"), and her operating account ending in 9114 ("operating account"). Rather than issue standardized monthly bills, Respondent prepared invoices on a per-client and as-needed basis; the invoices detailed the amount the law firm should be holding in trust for the client after amounts owed by the client were deducted from the client's funds held in trust.

Funds Belonging to Clients

On June 14, 2023, Respondent issued client J.R. an invoice that stated the law firm was holding $2,970.00 of his unearned funds in its trust account. On June 22, 2023, Respondent made three withdrawals from her trust account, bringing the account's balance to $2,549.12, which is $420.88 less than she should have been holding of J.R.'s unearned funds. Also on June 22, 2023, Respondent's other bank accounts all contained negative balances.

At the end of June 2023, based on Respondent's client invoices, her trust account balance should have been no less than $32,018.69 in total for clients in six different client matters. On June 30, 2023, however, her trust account balance was $6,521.82, which was $25,496.87 less than she should have held in trust for those clients. Meanwhile, between June 1 and June 23, 2023, Respondent withdrew funds on sixteen separate days.

On July 26, 2023, Respondent's trust account should have contained $7,500.00 belonging to client R.S. as reflected in an invoice Respondent issued to R.S. the following month. But the balance in the trust account at the end of that day was just $2,586.50. At the end of July 2023, Respondent's trust account held $2,430.86 but should have held no less than $32,569.98 for six separate clients . Meanwhile, Respondent accessed her trust account to make withdrawals of client funds every day from July 24 through July 28 and on July 31, 2023.

On August 2, 2023, Respondent issued an invoice to client K.T. that stated Respondent's trust account held $4,911.00 of K.T.'s funds; Respondent issued a refund in the same amount to K.T. through check number 1174. On August 10, 2023, Respondent issued a retainer refund to

client J.R. for $2,918.00 via check number 1179. On August 15, 2023, Respondent issued a bill indicating the firm refunded client R.S. $7,200.00 through check number 1175.

As of August 16, 2023, Respondent failed to hold sufficient funds in her trust account to cover the unearned amounts she should have been holding for four clients. On that day, her trust account should have contained $19,441.16 for those four clients. But the trust account's ending balance that day was $5,505.99.

On August 17, 2023, Respondent's bank honored K.T.'s refund check number 1174 in the amount of $4,911.00. Meanwhile, between August 11 and August 22, 2023, Respondent withdrew $50,253.14 from her trust account in forty-four transactions. At the end of the day on August 22, 2023, Respondent's business account, operating account, and personal account had negative balances.

First Overdraft Notification

On August 23, 2023, the bank honored R.S.'s refund check number 1175. But the account balance dropped to $683.97, and J.R. was unable to cash his refund check for $2,918.00 later that same day because the account held insufficient funds. By the end of August 23, 2023, Respondent's business account carried a negative balance and her personal account contained $3.63.

On August 30, 2023, Wells Fargo mailed the People a notice related to Respondent's trust account showing the bank returned J.R.'s refund check without paying it.

Between September 1 and September 5, 2023, Respondent transferred $16,400.00 from her business account and personal account into her trust account.

Transactions in 2024, Respondent's Suspension, and Second Overdraft Notification

Client A.L. hired Respondent around January 30, 2024, and paid a retainer of $5,000.00. By February 1, 2024, Respondent's trust account only contained $4,585.53.

On March 1, 2024, Respondent's trust account should have contained no less than $10,191.24 comprising funds belonging to at least three clients. But the trust account's balance was $4,221.86. From March 6 through March 28, 2024, Respondent transferred $4,696.94—which were not unearned client funds—into her trust account from her operating, personal, and business accounts.

Meanwhile, on March 8, 2024, the PDJ accepted a stipulation to Respondent's partially served and partially stayed suspension of her license to practice law. Respondent had thirty-five

days, until April 12, 2024, to wind up her legal practice, including notifying her clients of her suspension, withdrawing from active litigation cases, and returning unearned client funds.

On April 12, 2024, Respondent's suspension from the practice of law took effect. Five days later, Respondent issued a final bill to A.L. with a closing letter and a refund check. The refund check—check number 1265—was payable from Respondent's trust account in the amount of $2,515.50.

On April 29, 2024, Wells Fargo sent the People a second notice showing that Respondent's trust account was again overdrawn after the bank honored A.L.'s refund. After the bank honored the check, Respondent's trust account carried a negative balance of negative $304.29. On April 30, 2024, Respondent transferred $3,000.00 from her personal account into her trust account.

Respondent Deposits Personal Funds into Trust

On April 1, 2024, $20,747.13 from Fidelity National Title was placed into Respondent's operating account. In April 2024, Respondent transferred a total of $31,408.63 from her personal account into her trust account, $20,500.00 of which she transferred between April 19 and April 26, 2024. Respondent made these transfers because she knew she did not have all of the funds in her trust account that she should have been holding in trust for her clients.

On May 9, 2024, Respondent's trust account balance was $999.77. On May 10, 2024, Respondent deposited $125,000.00 of personal funds into her trust account. The deposit enabled her to issue refund checks and transfer clients' funds to successor counsel, as the trust account did not theretofore contain sufficient client funds to cover all refunds that she owed. Respondent wrote thirty checks from her trust account between May 10 and May 30, 2024, totaling $77,826.76 in refund checks and checks to successor counsel related to client representations. On May 31, 2024, Respondent withdrew $1,781.50 from her trust account and deposited the money into her business account and her operating account in four transactions.

Respondent did not reconcile her trust account in 2023 or 2024. Further, she failed to keep compliant accounting, such as a general trust account ledger reflecting all transactions involving client funds, from April 2022 through May 30, 2024.

Rule Violations

On summary judgment, the PDJ concluded as a matter of law that Respondent violated Colo. RPC 1.15A(a), as the People allege in Claim I and Claim III of their complaint in case number 24PDJ091. The PDJ thus entered judgment on those claims. Colo. RPC 1.15A(a) requires that a lawyer hold client property separate from the lawyer's own property and that a lawyer keep client funds in a trust account maintained in compliance with Colo. RPC 1.15B.

As to Claim I, the PDJ found the undisputed facts showed that Respondent consumed ten clients' funds because on at least six occasions the balance of Respondent's trust account dipped below the amount she should have been holding for those clients. Specifically, the PDJ found that Respondent's trust account held less money than it should have on June 22 and 30; July 26 and 31; and August 16 and 23, 2023.

As to Claim III, the PDJ found that Respondent consumed unearned funds belonging to three clients. The PDJ found the undisputed facts showed that on February 1, 2024, Respondent's trust account held less than she should have been safeguarding for these clients and that on March 6, 2024, her trust account held less than she should have been safeguarding for one client.

The PDJ also found that Respondent failed to keep three clients' funds separate from her own property. Specifically, the undisputed facts showed that Respondent transferred a total of $31,408.63 from her personal account to her trust account in April 2024 and that she transferred $125,000.00 of funds that were not clients' unearned fees on May 10, 2024.

The PDJ also concluded that the People were entitled to summary judgment on Claim IV in case number 24PDJ091, which alleges that Respondent violated Colo. RPC 1.15C(c). That rule provides that a lawyer must reconcile trust account records quarterly. The PDJ entered judgment on this claim because Respondent conceded that she did not reconcile her records as Colo. RPC 1.15C(c) requires.

Finally, the PDJ entered judgment on Claim V in case number 24PDJ091, which alleges that Respondent violated Colo. RPC 1.15D. That rule requires a lawyer to maintain in current status and retain for seven years certain financial records, including a general trust account ledger reflecting all transactions involving client funds and individual ledgers reflecting all transactions involving each client for whom the lawyer holds funds in trust. The PDJ found as a matter of law that Respondent violated Colo. RPC 1.15D based on her admission that she failed to keep compliant accounting, including a general trust account ledger reflecting all transactions involving client funds, during the underlying client representations.

III. FACTS AND RULE VIOLATIONS ESTABLISHED AT THE DISCIPLINARY HEARING

Factual Findings

Respondent grew up in Missouri with her mother and father. Respondent's mother immigrated from Germany, and her father was the head professor in the humanities department at Northeast Missouri State University, now Truman State University. Respondent graduated summa cum laude from North Missouri State and attended law school at the University of Colorado from 1984 to 1987. After earning her law degree, Respondent began her career in general practice before moving into a solo practice. She has two adult children.

Baker Matter

In October 2020, Jessica Baker[2] and her then-spouse, R.B., jointly filed a petition for dissolution of marriage in Moffat County. Baker and R.B. shared two children from the marriage. Baker also had another child from a previous marriage. By mid-November 2020, counsel had entered appearances for each party.

On July 16, 2021, Respondent filed a substitution of counsel on Baker's behalf. Respondent previously represented Baker in 2017 during the dissolution proceeding with the father of Baker's eldest child. Respondent also worked on matters related to but outside of the dissolution case. Those included seeking to remove a no-contact order preventing Baker's boyfriend from having contact with R.B.'s children. It also included responding to a motion for intervenor status that R.B. filed in Baker's previous dissolution matter, seeking standing in that case as a psychological parent to Baker's child. In that same case, Baker asked Respondent to seek a protective order protecting Baker and her eldest child from the child's father.

Baker testified that most of the disputed issues in the dissolution case with R.B. involved the division of assets. These included a trucking enterprise, a commercial ranch business, the marital home located on the ranch property, and a lot that adjoined the ranch property. Baker was also concerned about parenting issues. She said that because her children experienced injuries while in R.B.'s care, she wanted the court to order a parental responsibilities evaluation ("PRE").

As early as September 23, 2021, Respondent suggested that Baker obtain an expert evaluation of the ranch business from William Vincent. Respondent also informed Baker that she would file a motion for a PRE. Approximately one month later, on October 22, 2021, Respondent's paralegal, Shawna Stevens, emailed Baker. In the email, Stevens gave Baker Vincent's engagement letter and contact information as well as an instruction to sign and send the letter and retainer fee to Vincent's accounting firm.

At the hearing, Respondent testified that Baker was ambivalent about obtaining a business evaluation of the ranch. Baker's testimony bore that out, as she described several times her suspicion that R.B. was working to devalue or transfer assets, including real estate, heavy equipment, and vehicles. Indeed, on October 26, 2021, Baker emailed Stevens and Respondent:

> I am not sure that doing a business evaluation is in my best interest if [R.B.] doesn't have to pay for half. I know that he is running the business into the ground and while he may be ordered to pay me a portion of the proceeds, this is just not feasible. I feel like a better use of funds is the PRE and home appraisal. My parents are basically paying all attorney fees and I truly just want to move on and this case has been going on forever. . . .[3]

[2] Jessica Baker is not the same client as J.B., who is discussed in the summary judgment order.
[3] Ex. B at 4.

On November 4, 2021, the court set the permanent orders hearing in the case for March 8 and 9, 2022. Expert disclosures and reports in the matter were due by January 7, 2022. Meanwhile, on November 10, 2021, Respondent filed the motion for a PRE, which the court ultimately denied on December 6, 2021.

On December 4, 2022, the parties attended mediation. During the mediation, Baker again raised her concern that R.B. was trying to devalue the ranch and its assets. At mediation the parties discussed the importance of a business evaluation. But Baker remained unconvinced. Meanwhile, Respondent reached out to other experts, and she notified Baker on December 10, 2021, that she was contacting auction appraisers and arranging for a local realtor to conduct a home appraisal.

In an email dated December 20, 2021, Baker again raised the issue of whether R.B. would be required to pay half of the cost of a business appraisal. Respondent replied the next day:

> [W]e need to get a business evaluator now – I want Bill Vincent to get started right away. I will also ask for the money to come from [R.B.'s] business; however, please be prepared to front the money for the evaluation and to get reimbursed. We also need an appraisal right away on the residence and land. I will have Shawna [Stevens] arrange that today.[4]

Over two weeks later, on January 4, 2022, Baker asked Respondent for an update on the business evaluation and inquired about the home appraisal. In emails sent that day and the next, Respondent's client relations manager, Dianne Sawkins, communicated with appraisers Buck Ward and BJ Voss about arranging an equipment appraisal in Baker's case. On January 5, 2022, Respondent provided Baker with an address and phone number for the appraisers. Later that day, Voss sent Respondent a quote and an engagement letter for the appraisal.

At 2:50 p.m. on January 6, 2022, one day before the deadline for expert disclosures and reports in Baker's case, Stevens emailed Scott Wither, a real estate broker, with the subject line "IRM Baker marital home appraisal."[5] Stevens wrote, "Please see the attached real estate documents for the above referenced matter" and provided the address to the marital home.[6]

At 5:00 p.m. on January 6, 2022, Respondent filed a "Motion for Enlargement of Time to Provide Expert Reports Regarding the Business Evaluation and Appraisal of Marital Residence" in Baker's case.[7] There, Respondent advised the trial court that Baker "has hired a business evaluator for [the ranch] and a real estate appraiser to appraise the marital home . . . ."[8] She acknowledged that expert reports were due the next day but requested an enlargement of time, through

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[4] Ex. B at 5.

[5] Ex. F at 11.

[6] Ex. F at 12. Wither provided Respondent and Baker with a market analysis of the home on January 11, 2022. *See* Ex. F at 10-11.

[7] Ex. 15.

[8] Ex. 15 at 2.

January 28, 2022, "to provide the expert reports so [the] experts have ample time to complete their reports. . . ."[9] Along with her motion, Respondent filed a revised witness list naming Voss as an expert:

> Mr. Voss has been hired to appraise the business equipment and personal property for [R.B.'s business]. Mr. Voss may be called to testify regarding his appraisal of the business equipment, the value of the equipment and personal property. A copy of his appraisal will be provided to all parties once received.[10]

At the disciplinary hearing, Respondent clarified the different roles of the two business experts, Voss and Vincent. She emphasized that "[t]here were two business evaluators that were in play here. One was [Voss], who was an equipment appraiser. One was [Vincent], . . . who was going to do . . . a full-blown business evaluation . . . . These were two different appraisals. BJ Voss would have been a very quick appraisal, . . . and we had sent him an equipment list."

On January 10, 2022, Voss sent an email to Stevens confirming that he had received a retainer payment of $1,500.00 and stating that he would be contacting R.B.'s counsel to arrange access to the assets that were to be appraised. At the hearing, Respondent did not recall the exact date when Voss was paid, or whether the payment went through her office. But several hours before Voss sent his email, Baker emailed Respondent and asked, "Does he have a link or website I can pay online? I left him a message Thursday and haven't heard back."[11] The email, which shows the subject line, "Re: Baker/Equipment Appraisers Information," appears to respond to Respondent's email dated January 5, 2022, that contained the appraisers' contact information. But at the disciplinary hearing, Baker testified that her email referred to Vincent, the business evaluator, not Voss or Ward.[12]

On January 15, 2022, Baker emailed Respondent and asked her when Voss would be conducting the property appraisal. Respondent replied on January 17, 2022, stating that she would follow up on the property appraisal right away. That same day, Baker wrote back, "I do want to follow up on [the] business evaluation, I guess I thought our plan was to have the property appraised as well as items of value and then use that for [the] business evaluation. I need the way to pay for [the] business evaluation via transfer etc."[13]

On January 17, 2022, R.B. filed a response opposing Respondent's motion for an enlargement of time.

Meanwhile, on January 24, 2022, Baker emailed Respondent and asked:

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[9] Ex. 15 at 2.
[10] Ex. 16.
[11] Ex. F at 4.
[12] The Hearing Board cannot discern when Baker paid Voss's retainer.
[13] Ex. B at 8.

> When is the business evaluation going to start? I have not received the updated retainer agreement from Bill Vincent, if [R.B. and R.B.'s counsel] are avoiding the property appraisal, perhaps getting that started asap so we are not in trouble for missing deadlines seems important. Can you guys follow up on that?[14]

The next day, on January 25, 2022, Baker returned a signed copy of Vincent's engagement letter via email to Respondent and to the email address that was previously provided for Vincent. Baker arranged for payment for the business evaluation to be made that day.

Also on January 25, 2022, Respondent filed a reply in support of her motion for an enlargement of time. In the reply, Respondent complained that R.B.'s counsel would not provide "a commitment allowing [Baker's] evaluator to come on *the parties'* residence to complete an inventory and a valuation of the equipment, chattel and livestock of the marital business. This valuation would have been completed days ago, had [R.B.] and his counsel been cooperative."[15]

On January 26, 2022, the trial court granted Baker's motion for an enlargement of time. In that order, the trial court agreed with R.B. that Respondent did not comply with the applicable rules and practice standards before filing the motion on the eve of the due date for expert reports. Even so, the trial court determined that it "must also balance the parties' rights to due process and a fair hearing in presenting evidence so that an equitable and fair distribution of the marital estate can be made based upon accurate values. [Respondent] represents that her expert reports will be filed by January 28, 2022; **this implies that the data has been gathered and there is no further need for investigation**. . . ."[16]

That day, Respondent emailed Baker to inform her that the trial court granted the motion, that she was preparing a motion requesting that the experts be permitted access to the property, and that she planned a second motion for another extension to produce expert reports. Respondent sent another email to Baker that evening, clarifying that the second motion for enlargement pertained both to Voss's equipment appraisal and Vincent's business evaluation, and asserting that R.B. had blocked the experts' access to the property.

Two days later, on January 28, 2022, Respondent filed the second motion to extend the deadline to provide expert reports. She reiterated in that motion that Baker had hired a business evaluator and a real estate appraiser to appraise the marital home and that "the experts have made numerous attempts to set up a time to evaluate the marital/business residence but have not been able to reach [R.B.'s counsel] or [R.B.] to set up appointments."[17] Respondent requested until February 11, 2022, "to provide the expert reports so they experts [sic] have ample time to complete their reports."[18]

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[14] Ex. F at 13.
[15] Ex. 18 at 62 (emphasis in original).
[16] Ex. 19 at 66-67 (emphasis added).
[17] Ex. 21 at 82.
[18] Ex. 21 at 82.

That same day, Respondent filed a "Forthwith Emergency Motion for Order Allowing Experts Access to the Marital and Business Property, for Shortened Response Time and Attorney's Fees." In that motion, Respondent wrote:

> [Respondent] and the experts have tried numerous times to reach out to opposing counsel and [R.B.] but have not gotten any response. . . . To date, the experts have not been allowed access to the marital/business property. . . . [Baker's] expert report would have been completed already, had [R.B.] cooperated with the appraisal of equipment and personal property for the business. . . .[19]

Respondent attached as exhibits to her motion the emails Sawkins exchanged with Voss and Ward on January 4 and 5, 2022; Voss's email dated January 10, 2022, confirming receipt of a retainer payment; and emails and voicemails reflecting attempts to contact R.B.'s counsel to arrange the equipment appraisal.

The trial court denied the two motions on February 14, 2022, finding that the emails attached to the forthwith motion "clearly demonstrate to the Court that [Baker] did not attempt to explore the issue of a possible expert witness analysis until January 4, 2022, two months after the Setting Conference. The following day, the appraiser emailed an engagement letter to [Respondent], and on January 10, 2022, the appraiser indicated receipt of the retainer."[20] The trial court concluded the pleadings showed that Baker "clearly waited until the last minute to retain an appraiser making it impossible to comply" with the applicable deadlines.[21]

Postscript to Baker Matter

On March 22, 2022, following the permanent orders hearing, the trial court issued final orders concerning the parties' finances. Baker's distribution from the final orders included an equalization payment of approximately $300,000.00. But R.B. sought posthearing relief from the order under C.R.C.P. 59 and 60, arguing that the equalization payment was too high. In an order dated September 1, 2022, the trial court ordered a new hearing regarding the valuation of the business and the business assets, among other issues. The parties used a joint expert. At the disciplinary hearing, Baker said that she elected not to obtain an independent business evaluation at that juncture because she suspected R.B. had devalued the business and "cook[ed] the books," thus limiting the evaluation's usefulness.

Respondent withdrew from Baker's case around the time her suspension took effect in April 2024. They later engaged in fee arbitration, during which Respondent conceded to making approximately $2,500.00 in billing errors during the representation.

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[19] Ex. 20 at 69.
[20] Ex. 22 at 85.
[21] Ex. 22 at 85.

At the disciplinary hearing, Baker testified that Respondent never discussed with her the importance of the business evaluation. Had she done so, Baker stated, she would have promptly agreed to hire Vincent. Baker also asserted that Respondent never communicated to her the deadline for exchanging expert reports. She added that not having the report harmed her case and led to an inequitable division of assets. But she also reiterated that the business evaluation would have been fruitless because she believed R.B. was hiding and selling assets, so she assumed the business held no value.

P.C. Matter

On January 23, 2024, P.C. filed a pro se guardianship petition in Mesa County District Court seeking to revoke her spouse's medical power of attorney. The guardianship matter was contested by the spouse's children from a prior relationship. P.C. retained Respondent soon after P.C. filed the guardianship petition. On March 7, 2024, the trial court appointed Susan Eggert to represent the interests of P.C.'s spouse as the protected person.

On March 8, 2024, the PDJ approved a stipulation to suspend Respondent for six months, with three months to be served and three months to be stayed pending Respondent's completion of a one-year period of probation.[22] The effective date of Respondent's suspension was April 12, 2024. Among other provisions, the PDJ's order directed Respondent to comply with the requirements of C.R.C.P. 242.32(b)-(e), including a requirement to notify clients in pending matters of her looming suspension. On Respondent's motion, the PDJ twice extended the requirement to notify clients, ultimately to March 29, 2024.

In March 2024, Respondent contacted lawyer Zachary Schlichting about taking over P.C.'s case. Schlichting practices in trust and estate litigation, focusing on guardianships, protected proceedings, and conservatorships. During their conversation that March, Respondent did not mention her upcoming suspension. Rather, she told Schlichting that she sought substitute counsel because a party in the case had moved for an order that P.C. undergo a psychological evaluation.

On April 2, 2024, Respondent notified P.C. of her upcoming suspension via email. Soon after, Schlichting discussed the substitution with P.C., who agreed to retain him. By that time P.C.'s evaluation was no longer an issue, but Respondent and P.C. told him that the case had become complicated and P.C. still wanted him to take over the representation. Still, Respondent did not mention her upcoming suspension to Schlichting. During a setting conference in the case six days later, on April 8, 2024, Respondent requested a full-day hearing and an extended setting. Based on Respondent's request, the trial court reset the hearing for June 27, 2024.

Respondent's suspension took effect on April 12, 2024. That morning, P.C. emailed Respondent requesting that Schlichting send an engagement letter to take over the representation. Around midmorning, Respondent forwarded P.C.'s message to Schlichting and

[22] Case number 23PDJ033.

asked that he sign a substitution of counsel that day. Two days later, on April 14, 2024, still unaware that Respondent was suspended, Schlichting agreed to sign the substitution of counsel and requested that Respondent either send him the case caption or prepare the substitution of counsel for his signature, as he was not yet counsel of record and therefore could not access the probate case's required caption information through e-filing.

Once Respondent's suspension took effect, she could no longer electronically file documents through Colorado's e-filing system. On April 16, 2024, Respondent's spouse and law firm employee, Gary White, emailed the substitution of counsel to the clerk's office. White stated in the email, "Our company is unable to efile documents because our only attorney is currently in an inactive status. Please file the attached pleading."[23]

Due to the suppressed nature of probate matters, Schlichting did not learn that the substitution had been filed until Eggert contacted him about the matter on April 24, 2024. But according to Schlichting, no harm accrued to P.C. or to the case from Respondent's failure to file the substitution of counsel before her suspension took effect.

During the disciplinary hearing, Respondent acknowledged that she never notified the trial court or Eggert of her suspension. Nor did she inform Eggert that she would need to withdraw from the case.

Respondent's Billing Practices and the First Overdraft Notification

Respondent stated that "it was a shock to [her]" when she received the overdraft notice in August 2023, as she had never overdrawn her trust account in thirty-seven years of practicing law. At that time, she said, her law firm was handling multiple large cases, and the firm's lawyers and staff were collectively billing approximately $10,000.00 every workday. Respondent testified that she was aware of what her law firm was earning because she reviewed every invoice and timesheet. "You earn the fees when you do the work. I don't think it's a requirement that it has to be billed [to the client] before you take money out of trust," Respondent averred.

The bulk of the billing was generated by Respondent and her two associates at the time—a lawyer identified only as "Ryan," whom Respondent described as "a huge biller," and Rebecca Clark. At the disciplinary hearing, Clark estimated that from February 2022 until March 2024, when she worked at Respondent's law firm, she regularly billed seven or eight hours every workday at an hourly rate of $350.00.

Clark has been a lawyer since 2002 and obtained her Colorado law license in 2020. Clark described the firm's billing practices as "not typical" compared with other law firms where she has worked, where she routinely handled client funds and reviewed her own invoices. In contrast, Clark observed that client intake at Respondent's firm was performed by Sawkins, the firm's client

[23] Ex. 73.

manager, who accepted retainers and deposited the funds in the firm's trust account. In addition, Respondent's spouse and employee, White, generated and sent to Respondent for her review weekly invoices for cases in which work was billed that week. Only twice, Clark recalled, did she receive her own invoices to review. After Respondent reviewed the invoices, Clark said, Sawkins promptly contacted clients to seek payment. Clark stated that Sawkins communicated with clients about payment "all day, every day." The process of producing weekly invoices in active cases and contacting clients to replenish their retainer or make payments as needed generated a continuous "invoice flow" at the firm, Clark said.

Despite Respondent's confidence that she only withdrew client funds from her trust account after work was performed, she testified that she used an "antiquated" timekeeping program that did not track trust account funds. In addition, she conceded that she did not regularly reconcile the firm's accounts, even when she received the first overdraft notice in August 2023. She also admitted that she failed to keep accurate records of the funds held in her trust account. But she insisted that her shortcomings were borne from negligence rather than from some more culpable mental state. "The business had gotten out of my control," she said. Beginning in 2020, prepared her own records documenting her firm's trust account activity "to get some accounting going in the office." She prepared the documents from bank statements for her trust account and other accounts, from client invoices, and from client payment receipts. But the records are not complete and omit the source of some deposits.[24]

Snapshots of Bank Account Activity

At the disciplinary hearing, the People's investigator, Scherer, testified that she reviewed Respondent's bank records from 2023 and 2024. Scherer's review included Respondent's trust account, business account, personal account, and operating account.[25] Scherer explained that Respondent's trust account records for that period show transfers from that account into Respondent's business, operating, and personal accounts. Records for those accounts, in turn, reflect that those accounts carried negative balances numerous times each month during that period. Though we saw bank statements surveying a number of months, we recount here just three months, as a sampling. Respondent's bank records from June 2023 reflect:

- The trust account, which began with a balance of $2,046.10, had $158,868.03 in deposits and $154,392.41 in withdrawals;[26]
  - Total funds transferred into the business account: $54,880.00
  - Total funds transferred into the operating account: $71,708.27
  - Total funds transferred into the personal account: $8,115.00

[24] *See, e.g.*, Ex. L (omitting source of deposits dated July 1, 2023).

[25] The statements for Respondent's personal account and operating account—which are nonbusiness checking accounts—reflect that Respondent and White jointly hold those accounts. *See, e.g.,* Ex. 30 at 189.

[26] Ex. 36 at 428.

- Total funds received from Respondent's other accounts: $20,100.00.[27]
- The business account carried a negative balance on nine days: June 1-2, 7, 20-22, 26-27, and 29;[28]
- The operating account carried a negative balance on fourteen days: June 1-2, 7-9, 14, 16, 20-23, and 27-29;[29]
- The personal account carried a negative balance on thirteen days: June 8-9, 12-14, 16, 21-23, and 26-29.[30]

Similarly, bank records from July 2023 show numerous fund transfers between Respondent's trust account and her other accounts:

- The trust account, which began with a balance of $6,521.82, had $175,736.68 in deposits and $179,827.64 in withdrawals;[31]
  - Total funds transferred into the business account: $65,400.00
  - Total funds transferred into the operating account: $99,240.00
  - Total funds transferred into the personal account: $5,025.00
  - Total funds received from Respondent's other accounts: $2,036.50[32]
- The business account carried a negative balance on nineteen days: July 3, 6-7, 10-11, 14-20, 24, and 26-31;[33]
- The operating account carried a negative balance on fourteen days: July 3-6, 11, 13, 19-20, 24, 26, and 28-31;[34]
- The personal account carried a negative balance on fifteen days: July 3-6, 10-11, 13-17, 19-20, 24, and 28.[35]

Similar account activity occurred in August 2023, the month J.R. presented his refund check of $2,918.00 drawn from Respondent's trust account, thereby triggering an overdraft notice.

- The trust account, which began with a balance of $2,430.86, had $156,001.45 in deposits and $154,801.52 in withdrawals;[36]
  - Total funds transferred into the business account: $37,334.58
  - Total funds transferred into the operating account: $79,124.44
  - Total funds transferred into the personal account: $10,522.00

[27] Ex. 36.
[28] Ex. 27 at 98, 106-07.
[29] Ex. 33 at 329-31, 334-36.
[30] Ex. 31 at 280-81, 287-91.
[31] Ex. 37 at 436.
[32] Ex. 37.
[33] Ex. 28 at 118-19, 124-28.
[34] Ex. 34 at 346-49, 353-55.
[35] Ex. 30 at 195-96, 198-200, 205-08.
[36] Ex. 38 at 445.

- Total funds received from Respondent's other accounts: $150.00.[37]

- The business account carried a negative balance on nineteen days: August 1-2, 7-10, 14, 16-17, and 21-30;[38]
- The operating account carried a negative balance on twenty-seven days: August 1-7, 9-11, 14-22, and 25-31;[39]
- The personal account carried a negative balance on fifteen days: August 2-3, 7-10, 14-22, and 28-29.[40]

The Law Firm's Finances, Clark's Departure, and the Second Overdraft Notification

Despite the law firm's productive billing, Clark saw signs of financial problems. Around six months into the job, she noticed "inconsistencies" with her paychecks. Respondent began using Zelle and checks drawn on her or White's personal accounts to pay Clark.[41] Clark also described the firm's failure to pay other costs, such as the premiums for Clark's malpractice insurance and Clark's annual attorney registration fees. Further, Clark learned that the firm had not matched her contributions to her retirement account and had even failed to deposit funds that had been withheld from Clark's paychecks. And the firm also had failed to withhold required taxes from Clark's paychecks.

Clark decided to leave the law firm in March 2024 when, during a firm-wide meeting about Respondent's upcoming suspension, Respondent acknowledged that the trust account balances shown in the firm's client invoices did not match the actual funds in the trust account. The revelation alarmed Clark.

When Clark left the law firm, she said, all twenty-eight of her clients chose to leave and continue their matters with her. Under the firm's agreements with the clients, Respondent was required to return each client's unearned funds within sixty days after the client notified Respondent of the decision to leave the firm. Respondent timely refunded every client, Clark said, albeit often close to the sixty-day deadline.

Respondent recalled that she began receiving decision notices from clients within hours after Clark's departure. Soon, she said, the law firm was processing a flurry of refund checks, and she lost track of one—A.L.'s refund check. Though the check cleared, Respondent said, it briefly caused the trust account to be overdrawn, triggering the second overdraft notice. "That scared me to death," Respondent stated, because she had not kept adequate records of the funds in her trust account and did not know how much money she would need to cover the refund checks.

[37] Ex. 38.
[38] Ex. 28 at 128-29, 134-37.
[39] Ex. 34 at 356-59, 362-63.
[40] Ex. 32 at 307-11, 314-17.
[41] Indeed, statements for Respondent's operating account show Zelle payments from that account to Clark, Clark's paralegal, Victorino Ronni, and Sawkins. *See, e.g.*, Ex. 34 at 346, 348.

She thus took out a loan against a property she owned and placed the money in her trust account to ensure sufficient funds were present to issue client refund checks. "I didn't know what else to do," she said. She acknowledged that her conduct warranted the People's scrutiny. "I understand the standard that we need to be held to, and I feel terrible that I violated that and somehow undermined that," she stated.

Respondent paid out $141,858.16 in checks issued between the date her suspension was imposed on March 8, 2024, and the end of May 2024. During that same period, she transferred $162,642.79 into the trust account from her other accounts. Between March 8 and March 31, 2024, Respondent issued ten checks totaling $18,031.37 from the trust account and transferred another $4,596.94 into her trust account from other accounts.[42] In April 2024, she paid out $42,738.85 in fourteen checks issued from the trust account and transferred into the account $31,708.63 from her other accounts.[43] In May 2024, Respondent issued thirty-two checks totaling $80,935.48 from the trust account and transferred $126,337.22 from her other accounts.[44]

Rule Violations

Case Number 24PDJ091

Claims II and VI – Colo. RPC 8.4(c)

In Claims II and VI of the complaint in case number 24PDJ091, the People allege that Respondent knowingly converted her clients' money in breach of Colo. RPC 8.4(c). That rule states that a lawyer commits professional misconduct by engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. Dishonest conduct prohibited by Colo. RPC 8.4(c) includes knowing conversion. Knowing conversion occurs when a lawyer takes money that has been entrusted to the lawyer by a client, knowing that the money belongs to the client, and knowing that the client has not authorized the taking.[45] Here, because the People plead in their complaint that Respondent knowingly converted her clients' funds, they must show that she acted with actual knowledge to establish this claim.[46]

[42] Ex. 41.
[43] Ex. 42.
[44] Ex. 43.
[45] *See In re Kleinsmith*, 2017 CO 101, ¶ 14 (citing *People v. Varallo*, 913 P.2d 1, 10-11 (Colo. 1996)).
[46] *See In re Egbune*, 971 P.2d 1065, 1069 (Colo. 1999) (stating that claims involving a lawyer's knowing misappropriation of property are excepted from the general rule that a reckless state of mind is equivalent to "knowing" for disciplinary purposes) (citing *People v. Small*, 962 P.2d 258, 260 (Colo. 1998)); *see also* Colo. RPC 1.0(f) (providing that "'know[ing]' denotes actual knowledge of the fact in question" for purposes of applying the Colorado Rules of Professional Conduct).

In Claim II, the People contend that Respondent consumed for her own purposes more than $72,000.00 in unearned funds belonging to clients in nine matters in June, July, and August 2023; that she did so knowing, based on the clients' invoices, that she had not earned the funds; and that she did so, knowing that she lacked authorization to treat those funds as earned. As proof that Respondent consumed the clients' funds, the People point to bank records showing that her business, operating, and personal accounts into which she transferred unearned funds from her trust account were depleted or overdrawn multiple times. Thus, say the People, Respondent knowingly converted these clients' funds.

In Claim VI, the People allege that in 2024 Respondent consumed over $161,000.00 in unearned client funds, knowing, based on her invoices, that she had not earned the funds, and knowing that her clients had not authorized her to take their funds for her own purposes. The People contend that Respondent consumed the funds knowingly because she transferred approximately that same amount into her trust account from her other accounts in March, April, and May 2024 to cover refund checks issued to former clients and to successor counsel.

Respondent denies she knowingly converted her clients' money. She contends that she believed, based on the billing invoices and timesheets she reviewed, that the funds she withdrew from her law firm's trust account had been earned. Respondent insists that her conduct resulted from her negligent failure to reconcile the law firm's accounts and her "absolute poor recordkeeping."

While we are convinced that Respondent converted client funds, we are unable to conclude by clear and convincing evidence that she did so knowingly, as the People allege. As to Claim II, the facts established on summary judgment and the evidence presented at the disciplinary hearing convincingly demonstrate that Respondent's trust account did not contain funds Respondent should have been holding for her clients in June, July, and August 2023. The established facts and evidence also show that Respondent did not hold the funds in her other accounts because those accounts simultaneously carried negative balances on multiple dates during that period. We thus are convinced that Respondent consumed her clients' unearned funds. Even so, evidence taken at the disciplinary hearing casts doubt on whether she knew she had not earned the funds she removed from her trust account. First, Respondent testified that her law firm billed up to $10,000.00 a day in summer 2023, mainly due to Respondent's, Clark's, and Ryan's efforts. Clark's testimony supports Respondent's account in that Clark estimated she routinely billed between seven and eight hours each workday at $350.00 per hour. Thus, Clark alone billed $2,450.00 to $2,800.00 on any given day. Noting Clark estimated Respondent's caseload was similar or larger than her own, and noting Respondent's testimony that Ryan was a "huge biller," we find Respondent's account of the firm's billing productivity to be credible.

Second, Clark testified that the law firm generated a continuous "invoice flow" through frequent billing and collection efforts. Respondent and Clark each described Respondent's practice of reviewing all her staffs' billing invoices. We deem credible Respondent's testimony that she knew roughly how much the firm had earned based on her review of those records and thus that she believed the funds she withdrew from the trust account had been earned.

Third, Respondent testified that she did not have a reliable accounting system in place in 2023 and 2024, instead using an outdated billing program that logged activity in clients' cases but did not correlate that information with the firm's trust account records. Nor had Respondent reconciled the trust account as she was required to do. When we consider these lapses in conjunction with the barrage of trust account activity generated by the invoice flow, we are not convinced that Respondent had actual knowledge as to the sums the trust account held on any given day. As a result, we are not convinced that Respondent knew, based on her clients' invoices, that she was taking funds that she should have been safeguarding.

Nor do we find that Respondent's transfer of nonclient funds into her trust account establishes that she knowingly converted client funds as Claim VI alleges. Respondent credibly testified that she deposited personal funds into the trust account when Clark and Clark's clients left the firm because she feared the account did not hold the funds needed to refund the departing clients. But it does not thereby follow that Respondent knew that she was withdrawing unearned funds from the account. In our view, the sudden imperative in spring 2024 to refund dozens of clients and her awareness by that time that her trust account was underfunded and her records of client funds were unreliable drove Respondent to take remedial action to ensure the refund checks cleared.

In short, we find Respondent's testimony credible as to her subjective belief, based on what she knew of the law firm's daily billing, that she was withdrawing earned funds from the trust account. Likewise, we cannot find that Respondent knowingly took property that she knew was not hers. Nor can we find that Respondent acted in bad faith when she replenished her clients' funds with personal funds. We hasten to add that we do not condone or minimize any aspect of Respondent's conduct; we do not find her subjective belief to be reasonable, given that she knew the trust account was not properly managed. Members of the public deserve better from lawyers handling their money. Nonetheless, as to the People's claim of knowing conversion, we credit Respondent's testimony and the evidence supporting it, and we are unable to conclude that she *knowingly* converted her clients' funds.[47]

Case Number 25PDJ20

Claim I – Colo. RPC 1.3

In their first claim in case number 25PDJ20, the People allege that Respondent violated Colo. RPC 1.3, which requires a lawyer to act with reasonable diligence and promptness in representing a client. The People contend that Respondent failed to diligently or promptly secure necessary experts in time for data collection and proper disclosures in Baker's 2020 dissolution of

[47] In deciding Claims II and VI, we decline to consider whether Respondent's conduct was reckless. The People specifically pleaded in their complaint that Respondent knowingly converted her clients' money. It follows that they must show that she acted with actual knowledge to establish that element of their claim.

marriage case. Respondent counters that Baker was responsible for the delay because Baker did not timely decide whether to obtain the expert reports. Respondent contends she timely provided Baker with information to retain the business evaluator and urged Baker to retain the expert.

We find that the People's evidence for this claim falls short of clear and convincing. The evidence adduced at the disciplinary hearing shows that expert reports in Baker's case were originally due on January 7, 2022, and that Baker did not hire the business evaluator, Vincent, until January 25, 2022. The evidence also shows that the equipment appraiser, Voss, was hired no earlier than January 5, 2022, and the home appraiser, Wither, may have been hired as late as January 6, 2022. Even so, Respondent's communications with Baker in September, October, and December 2021 prevent us from finding clear and convincing evidence that Respondent failed to exercise diligence in the representation.

Respondent advised Baker as early as September 23, 2021, to hire Vincent to conduct an expert business evaluation of the ranch, and she provided Baker with Vincent's engagement letter and his retainer details on October 22, 2021, more than two weeks before the court set the permanent orders hearing on November 4, 2021. We recognize that Baker voiced concerns about paying for the evaluation on October 26, 2021. But we credit Respondent's testimony she and Baker had other conversations leading up to December 21, 2021, when Respondent assured Baker that she would seek reimbursement for the evaluation. At that time, Baker, who was actively involved in setting priorities and making decisions in her case, continued to question the need for the various evaluators. In our view, Respondent's communications to Baker on that date that they "need[ed]" to hire an evaluator "now" and that she wanted Vincent to begin "right away" adequately conveyed the urgency of the matter. Yet Baker did not hire Vincent until more than one month later, on January 25, 2022, well past the original deadline for the disclosures of January 7, 2022. We thus struggle to credit Baker's account that Respondent had not told her when the expert reports were due nor explained the importance of the business evaluation to her case. Instead, we attribute the delay to Baker's continued doubts that an evaluation would be useful.

As to Voss and Wither, we did not see evidence that Respondent was in contact with either expert before January 2022. Even so, Respondent's communications to Baker suggest that she was working to line up experts before January 2022. On December 10, 2021, she told Baker that she was contacting auction appraisers and home appraisers. And on December 21, 2021, she urged Baker to pursue appraisals for the house and real estate "right away." In addition, when Respondent's staff contacted Voss and Wither in January 2022, Respondent quickly provided the experts with information necessary to conduct their appraisals. The evidence raises just enough question to defeat the People's claim.

In sum, given the totality of the circumstances presented in the evidence, we are not clearly convinced that Respondent failed to act diligently in Baker's case.

Claim II – Colo. RPC 3.3(a)(1)

The People allege in Claim II that Respondent violated Colo. RPC 3.3(a)(1). That rule prohibits a lawyer from knowingly making a false statement of material fact or law to a tribunal or failing to correct a false statement of material fact or law previously made to the tribunal by the lawyer. The People argue that Respondent violated this rule with respect to three pleadings she filed in Baker's matter. The People first contend that Respondent knowingly misrepresented in her motion for enlargement of time dated January 6, 2022, that Baker had hired a business evaluator and a real estate appraiser. In fact, the People say, Baker had not retained or paid for any experts at the time Respondent filed the motion. The People assert that Respondent knowingly made a second false statement in that motion when she claimed that the experts' reports were almost completed. The statement was a material misrepresentation, the People say, because the trial court granted the motion based on the mistaken perception that the data for the reports had already been collected. The People contend that Respondent violated Colo. RPC 3.3(a)(1) a third time when she failed to correct the trial court's misunderstanding. Next, with respect to Respondent's second motion for an enlargement of time filed on January 28, 2022, the People argue that Respondent falsely stated that the experts had made numerous attempts to schedule the evaluations but had not been able to contact R.B. or his counsel. In their fifth allegation, the People assert that Respondent falsely stated in her forthwith emergency motion dated January 26, 2022, that the expert reports would have been completed if R.B. had only cooperated with the equipment and personal property appraisal. Respondent denies that she made any misrepresentations to the trial court.

We first consider Respondent's statements in the motion for an enlargement of time filed on January 6, 2022, that Baker "has hired a business evaluator for [the ranch] and a real estate appraiser to appraise the marital home" and that an enlargement of time would allow the experts "ample time to complete their reports." These statements constitute a clear misrepresentation with respect to the expert, Vincent. We base our finding on the emails between Respondent and Baker showing that Vincent was intended to conduct that evaluation, and showing that Baker did not hire Vincent for that purpose until January 26, 2022. We saw no evidence showing that Respondent believed Vincent had been hired when she requested the enlargement. And we find that Respondent's statements were material to the trial court's determination, as it granted the motion under the impression that hired experts had already conducted their investigations. We thus conclude that Respondent's statements violated Colo. RPC 3.3(a)(1) with respect to Vincent. We also find that Respondent's failure to correct the misrepresentation with the court constituted a second violation of Colo. RPC 3.3(a)(1).

We do not find clear and convincing evidence that Respondent's statements were false with respect to Voss, the equipment appraiser. Emails show that Voss provided an engagement letter to Respondent on January 5, 2022, and that he confirmed on January 10, 2022, that his retainer had been paid. But we saw no evidence showing exactly when Voss received a signed engagement letter or the retainer payment. We decline to infer, based on Baker's email to Respondent on January 10, 2022, asking for a payment link, that Baker paid Voss on that day, as

Baker testified that she was specifically inquiring about Vincent in that email. Nor is it clear that Voss's engagement in the matter began when he received the retainer payment rather than at some earlier juncture, as we received no evidence of Voss's understanding at the time. In addition, the emails that Respondent's office exchanged with Voss and Ward on January 4 and 5, 2022, show that Voss had a list of equipment to appraise, which Respondent testified Voss could do promptly, producing his report within a week of assessing the items. No evidence contradicted that testimony or otherwise showed that Respondent knew or should have known that Voss would not be able to complete his report within the requested extension. As such, the People have not established by clear and convincing evidence their claim with respect to Voss.

We next consider Respondent's statement in the second motion for enlargement of time filed on January 28, 2022, that the "experts have made numerous attempts to set up a time to evaluate the marital/business residence but had not been able to reach counsel for [R.B.] or [R.B.] to set up appointments." The statement is false, the People allege: they contend that the "numerous attempts" were actually just two telephone calls Voss placed to R.B. and that during the second call R.B. said he needed to speak with his lawyer. But the exhibits Respondent attached to her motion reflect that Voss tried to reach R.B. and R.B.'s counsel without success. The People did not offer evidence to the contrary. In short, the People failed to marshal clear and convincing evidence in support of their allegations with respect to the second motion for enlargement of time.

Finally, we turn to Respondent's statement in the forthwith emergency motion dated January 28, 2022, that the "expert report would have been completed already, had [R.B.] cooperated with the appraisal of equipment and personal property for the business." The People allege that the statement is a material misrepresentation because the experts had not been retained or paid before Respondent filed her first motion for an enlargement of time. As we discuss above, Baker hired Vincent on January 25, 2022, to conduct the business evaluation of the ranch. We thus find that Respondent's statement, made just three days later, that the report would have been completed if R.B. had cooperated in the process does constitute a third knowing misrepresentation of material fact with respect to Vincent. We do not extend our finding to Voss, however, as the People failed to establish that Voss was not timely hired and that he could not have completed his appraisal and report within the additional time the trial court had granted.

In sum, the People established that Respondent thrice violated Colo. RPC 3.3(a)(1) by knowingly twice making false statements of material fact to the trial court regarding the expert business evaluation and by failing to correct her misrepresentation with the trial court.

Claim IV - Colo. RPC 3.4(c)

Claim IV is premised on Colo. RPC 3.4(c), which provides that a lawyer must not "knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an

assertion that no valid obligation exists." For purposes of adjudicating a Colo. RPC 3.4(c) claim, "knowingly" denotes the "actual knowledge of the fact in question."[48]

The People argue that Respondent twice violated this rule while representing P.C. First, they contend that she knowingly failed to comply with the order of suspension dated March 8, 2024, which required her to provide notice of her suspension in compliance with C.R.C.P. 242.32(d). Specifically, the People allege that Respondent did not notify Eggert, the opposing counsel in P.C.'s case, of her suspension and her inability to continue with the case, as C.R.C.P. 242.32(d)(2) and the PDJ's order required her to do on or before March 29, 2024. In addition, say the People, Respondent did not comply with C.R.C.P. 242.32(d)(3) because she did not notify the trial court in that matter of her withdrawal. The People also allege that Respondent knowingly violated her disciplinary order by filing Schlichting's substitution of counsel after her suspension took effect on April 12, 2024.

Respondent concedes that she never notified Eggert or the trial court of her suspension. But she argues that she believed Schlichting's substitution would relieve her of C.R.C.P. 242.32(d)'s requirements. Respondent also surmises that she may have complied with the notification requirements because the PDJ extended her notification deadline. In addition, Respondent asserts that she did not violate the disciplinary order because it was White, not Respondent, who filed Schlichting's substitution via email after her suspension took effect.

The evidence that Respondent knowingly violated the disciplinary order is both clear and convincing. We first address the People's allegations that Respondent failed to notify Eggert and the trial court of her suspension. Respondent's disciplinary order directed her to comply with the notification requirements set forth in C.R.C.P. 242.32(b)-(e). C.R.C.P. 242.32(d)(2) states that "[a] lawyer . . . who represents a client before a tribunal in a pending matter must, no later than 14 days after sending [the required notifications to the client], notify in writing any opposing counsel" of the order of suspension and the lawyer's inability to continue the representation after the suspension's effective date. C.R.C.P. 242.32(d)(3) provides "[i]f substitute counsel does not enter an appearance before the date the sanction takes effect, the lawyer must notify the tribunal in which the proceeding is pending of the lawyer's withdrawal." As applied to P.C.'s matter, those provisions required Respondent to notify Eggert of her suspension within fourteen days of notifying P.C. of the same. In addition, she was obligated to inform the trial court of her withdrawal when no substitution of counsel was filed by the date her suspension took effect on April 12, 2024. But Respondent never alerted Eggert or the trial court of her suspension or her need to withdraw, thereby failing to comply with the notification requirements in violation of her disciplinary order.

We also find that Respondent acted with a culpable mental state with respect to Eggert. Here, the parties did not dispute that Respondent knew of the disciplinary order and the notification requirements. We thus find that she knowingly failed to comply with the order when she did not timely provide the required notices to Eggert, violating Colo. RPC 3.4(c).

[48] Colo. RPC 1.0.

Respondent's contention that she believed Schlichting's substitution into the case on April 16, 2024, relieved her of the duty to provide the required notices to Eggert lacks merit, as C.R.C.P. 242.32(d)(2) makes her responsibilities clear. Respondent does not point to any provision in the rule under which Schlichting's substitution exempted her from the notification requirements with respect to Eggert. To the extent Respondent argues that her beliefs, however incorrect, showed that she did not possess the culpable mental state required to establish the People's claim, we also reject that contention. Just as Colorado lawyers are presumed to be aware of the Rules of Professional Conduct and their impact,[49] they are also presumed to be aware of their obligations under the disciplinary rules.[50]

In contrast, we are unable to attribute a culpable mental state to Respondent for failing to notify the trial court that she was withdrawing from the matter, as her noncompliance was largely due to the delay in receiving Schlichting's signed substitution of counsel. Respondent clearly took steps to arrange for a timely substitution and asked Schlichting to sign the filing on April 12, 2024. For reasons not made clear at the hearing, however, Schlichting did not respond until April 14, 2024. We surmise that Schlichting likely would have responded sooner had Respondent informed him of her suspension. Even so, when we consider the totality of the circumstances, we conclude that while Respondent technically ran afoul of the notification requirement, she did not do so knowingly.

Nor are we convinced that Respondent knowingly violated her order of suspension when White filed Schlichting's substitution of counsel after the date her suspension took effect. The People did not explain whether White's submission of the document equates to Respondent's violation of the order of suspension, leaving us unconvinced that Respondent violated the order as to the filing. Even if we concluded that she had violated the order as the People allege, we would not find that she did so knowingly. That Respondent took steps to timely file Schlichting's substitution of counsel yet unexpectedly received it from Schlichting after her suspension took effect, and that Schlichting did not have the information or credentials to file into the suppressed case himself and thus needed Respondent's office to submit the substitution on his behalf, lead us to conclude that Respondent lacked the culpable mental state that Colo. RPC 3.4(c) requires.

In sum, the People have demonstrated by clear and convincing evidence that Respondent knowingly failed to comply with her order of suspension when she failed to provide the required notices to Eggert, thus violating Colo. RPC 3.4(c). We do not, however, conclude that Respondent demonstrated a knowing disregard for the order of suspension when she failed to notify the trial court of her obligation to withdraw from P.C.'s matter and when White filed Schlichting's substitution of counsel in the case.

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[49] *In re Fisher*, 202 P.3d 1186, 1198 (Colo. 2009).

[50] *See People v. Calbo*, 122 P.3d 1101, 1127 (Colo. O.P.D.J. 2005).

IV. SANCTIONS

The American Bar Association *Standards for Imposing Lawyer Sanctions* ("ABA *Standards*")[51] and Colorado Supreme Court case law guide the imposition of sanctions for lawyer misconduct.[52] When imposing a sanction after finding lawyer misconduct, the Hearing Board must consider the duty the lawyer violated, the lawyer's mental state, and the actual or potential injury the lawyer's misconduct caused. These three variables yield a presumptive sanction that the Hearing Board may then adjust based on aggravating and mitigating factors.

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

Duty: Respondent violated duties she owed to her clients and to the legal profession when she failed to keep client funds separate from her own property, to reconcile her trust account, and to maintain required financial records. She also violated duties she owed to the legal system when she failed to exhibit candor during the Baker matter and failed to comply with her disciplinary order.

Mental State: Respondent acted with a knowing mental state when she misrepresented facts to the court in Baker's case. She also acted knowingly when she failed to notify Eggert of her suspension in violation of her disciplinary order. We find that Respondent acted knowingly with respect to commingling personal funds and client funds in her trust account. Finally, we find that Respondent acted recklessly when she commingled client and non-client funds in her business, operating, and personal accounts; when she failed to reconcile her trust account; and when she failed to maintain trust account records. Because a reckless finding satisfies a knowing mental state under the ABA *Standards*, we adopt a knowing state of mind for these rule violations for purposes of our sanctions analysis.[53]

Injury: Respondent created significant potential financial harm to her clients when she consumed their funds before earning them and commingled their funds with her own money. Respondent admitted that she caused actual injury to J.R. because he waited seven days to receive his refund after he presented the refund check. Respondent also acknowledged that she tarnished the profession's reputation because her failure to observe the required accounting and recordkeeping practices caused her to mismanage her clients' money. As to P.C.'s matter, Schlichting testified that Respondent's conduct in substituting out of P.C.'s case caused no actual injury, and the People did not elicit testimony or produce evidence as to potential injury.

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

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

[53] *See* Colo. RPC 1.0 cmt. 7A ("[f]or purposes of applying the ABA *Standards for Imposing Lawyer Sanctions* . . . the Court will continue to apply the *Egbune* line of cases [i.e., considering a reckless state of mind, constituting scienter, as equivalent to "knowing"]) (citing *In re Egbune*, 971 P.2d 1065, 1069 (Colo. 1999)).

ABA *Standards* 4.0-8.0 – Presumptive Sanction

Suspension is the presumptive sanction for Respondent's misconduct in this case, as set forth in multiple ABA *Standards*. Respondent's violations of Colo. RPC 1.15A(a) and Colo. RPC 1.15D implicate ABA *Standard* 4.12. That standard generally calls for suspension when a lawyer knows or should know that the lawyer is dealing improperly with client property and causes injury or potential injury to a client. As relevant to Respondent's violation of Colo. RPC 3.3(a)(1), ABA *Standard* 6.12 pegs suspension as generally appropriate when a lawyer knows that false statements are being submitted to the court or that material information is improperly being withheld, yet the lawyer takes no remedial action and thereby injures or potentially injures a party in the matter or causes an adverse or potentially adverse effect on the case. Under ABA *Standard* 7.2, which addresses Respondent's violations of Colo. RPC 1.15C(c) and 1.15D, suspension is the presumptive sanction when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional, thereby injuring or potentially injuring a client, the public, or the legal system.

We pause briefly to address the People's request that we apply ABA *Standard* 8.1(a) for Respondent's violation of Colo. RPC 3.4(c). ABA *Standard* 8.1(a) provides that disbarment is generally appropriate when a lawyer intentionally or knowingly violates the terms of a prior disciplinary order and thereby causes injury or potential injury to a client, the public, the legal system, or the profession. In considering that standard, we are heavily swayed by Schlichting's testimony that Respondent's conduct did not adversely affect P.C. or P.C.'s matter. And the People never pointed to evidence of potential harm to the case. We thus decline to apply ABA *Standard* 8.1(a) for this technical violation when no actual injury occurred. Moreover, hearing boards in Colorado have tended to apply ABA *Standard* 8.1(a) when lawyers violate disciplinary orders by knowingly engaging in the unauthorized practice of law while serving a disciplinary suspension.[54] In contrast, Respondent's failure to give notice of her suspension in one matter with no resulting actual injury was a technical violation that does not warrant mechanical application of this discretionary standard.[55]

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[54] *See*, *e.g.*, *People v. Romero*, 536 P.3d 353, 375 (Colo. O.P.D.J. 2023) (applying ABA *Standard* 8.1(a) when conduct involved the lawyer knowingly practicing law during a disciplinary suspension and failing to pay court-ordered costs); *People v. Layton*, 531 P.3d 34, 58 (Colo. O.P.D.J. 2023) (applying ABA *Standard* 8.1(a) when conduct involved the lawyer knowingly practicing law during a disciplinary suspension); *People v. Maynard*, 483 P.3d 289, 299-300 (Colo. O.P.D.J. 2021) (same); *People v. Heupel*, 470 P.3d 1101, 1107-1108 (Colo. O.P.D.J. 2017) (same); *People v. McNamara*, 311 P.3d 662, 672 (Colo. O.P.D.J. 2013) (same); *People v. Mason*, 212 P.3d 141, 148-149 (Colo. O.P.D.J. 2009) (same); *but see People v. Wake*, 528 P.3d 943 (Colo. O.P.D.J. 2023) (the PDJ applying ABA *Standard* 8.1(a) in a default sanctions matter where lawyer did not inform his clients of his suspension, but not involving the unauthorized practice of law); *People v. Ziankovich*, 474 P.3d 253, 259 (Colo. O.P.D.J. 2020) (same).

[55] *See In re Raykin*, 2025 CO 12 ¶ 37.

ABA *Standard* 9.0 – Aggravating and Mitigating Factors

Aggravating circumstances include any considerations that justify an increase in the degree of the sanction to be imposed, while mitigating factors warrant a reduction in the severity of the sanction.[56] As explained below, we apply four factors in aggravation, assigning substantial weight to one. Five factors are entitled to mitigating recognition, with one meriting substantial weight and one meriting above-average weight.

Aggravating Factors

Prior Disciplinary Offenses – 9.22(a): Respondent's disciplinary history is limited to the suspension described above. We therefore apply this factor but accord it minimal weight because Respondent's most concerning rule violations in this matter occurred before her first suspension took effect on April 12, 2024.

Dishonest or Selfish Motive – 9.22(b): We decline to apply this factor as we did not find clear and convincing evidence that Respondent knowingly converted client funds. Nor are we persuaded that Respondent acted with a dishonest or selfish motive when she commingled funds in 2023 and 2024. Rather, we attribute Respondent's conduct in 2023 to her exceedingly poor accounting practices. Though we are mindful that we also found that Respondent knowingly made a false statement of material fact to the trial court, we decline to attribute to her a dishonest motive for those misrepresentations because we do not see a deceptive purpose animating her misconduct. Rather, from our view, Respondent sought to develop necessary evidence for her client's case despite delays from her client and obstacles from the opposing party. We also find that applying an aggravating factor for a dishonest motive for her misconduct involving dishonesty would be unduly punitive in this case.

Pattern of Misconduct – 9.22(c): After Respondent received the first overdraft notice in August 2023, she continued to mismanage her trust account and commingle funds. Yet no evidence suggests that she took steps to improve her recordkeeping and trust account management practices. We therefore apply this factor, according it substantial weight.

Multiple Offenses – 9.22(d): We apply this factor because Respondent violated five Colorado Rules of Professional Conduct. But because we find that Respondent's commingling of funds arose from her failures to reconcile her trust account and keep required records, we view her violations of Colo. RPC 1.15A(a), Colo. RPC 1.15C(c), and Colo. RPC 1.15D to be interrelated, reducing the aggravating effect of this factor. We thus place lighter weight on this factor.

Refusal to Acknowledge Wrongful Nature of Conduct – 9.22(g): The People seek application of this factor, arguing that Respondent has expressed remorse for the personal consequences of her wrongdoing but not "true remorse" for using client funds. We disagree. We

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

do not interpret Respondent's legal defense of her accounting practices as a refusal to acknowledge wrongdoing. Rather, she presented arguments pro se as defense counsel would to hold the People to their burden of proof. Indeed, Respondent observed during her testimony that "one of the most difficult things of this process is that you're trying to defend yourself but you also want to be deferential to the [Colorado Rules of Professional Conduct] and the public's need to know that attorneys are following the rules."

Ultimately, Respondent meaningfully acknowledged that she mismanaged her trust account, financially harmed one of her clients, and potentially harmed her other clients. Accordingly, we do not apply this factor.

Substantial Experience in the Practice of Law – 9.22(i): Respondent was admitted to practice law in Colorado in 1987 and has practiced for thirty-eight years, save for the three-month served portion of her suspension. We thus apply this factor and accord it moderate weight.

Mitigating Factors

Absence of a Prior Disciplinary Record – 9.32(a): Respondent seeks application of this mitigating factor on grounds that she practiced law without discipline for over three-and-a-half decades before her suspension. But in 2024 Respondent stipulated to a partially stayed six-month suspension. We thus decline to apply this factor.

Absence of a Dishonest or Selfish Motive – 9.32(b): Respondent says that she should receive mitigating weight for this factor, arguing that she commingled funds only because of negligent and sloppy bookkeeping. We find Respondent's testimony sufficiently credible about this misconduct as to persuade us to apply this factor in mitigation as to her commingling, so we accord it average weight.

Personal or Emotional Problems – 9.32(c): Respondent asks us to apply this factor in light of the significant personal challenges she experienced that affected her law firm management after her father died in 2020. Respondent testified that for years her brother has relentlessly pursued grievances against her and her sister. After her father's death, her brother alienated their mother from the family. The dispute deeply impacted the family and has led to legal action, including protective orders and charges of kidnapping. Respondent testified that the turmoil with her brother has been ongoing but has entered a new and uncertain phase, as her brother was admitted to the hospital with a potentially life-threatening infection just days before her disciplinary hearing.[57]

[57] At the disciplinary hearing, Respondent declined to seek testimony from her brother-in-law, Dr. Jean Bouquet, about her family's intrafamilial conflicts after the People conceded the credibility of Respondent's own testimony on that subject.

Respondent also described other challenges that she asserts negatively affected her law firm management. For instance, her mother-in-law's death in October 2023 was so disruptive as to be an intervening factor in her failure to reinstate the firms' malpractice insurance coverage.

For their part, the People concede that Respondent credibly testified about her family conflicts; the People also concede that Respondent's personal and emotional problems mitigate her misconduct. We agree and place above-average weight on this factor.

Timely Good Faith Effort to Make Restitution or to Rectify Consequences of Misconduct – 9.32(d): We are persuaded to apply this factor, considering Clark's testimony that Respondent timely refunded every client that Clark took with her when she left Respondent's firm. We are also swayed by the actions Respondent took to ensure that each refund check issued to a departing client would clear, including taking out a loan on her rental property. Because this is exactly the remedial behavior we expect a lawyer to exhibit when faced with similar circumstances, we apply this factor, according it substantial weight.

Full and Free Disclosure or Cooperative Attitude Toward the Proceeding – 9.32(e): At the disciplinary hearing, the People conceded that this factor applies. We therefore give Respondent average mitigating credit.

Character or Reputation – 9.32(g): Respondent believes her reputation in the legal community is positive. In addition, Dr. Bresnick spoke of hearing "positive things" about Respondent as a lawyer before meeting her as a patient. But the brief statements from Respondent and from Dr. Bresnick lacked details or examples showing Respondent's positive character, and Respondent did not elicit testimony about her character or reputation from a member of the legal community. We thus decline to apply this factor, given the limited evidence before us.

Delay in Disciplinary Proceedings – 9.32(j): Respondent contends that we should apply this mitigating factor because the People's allegations relate to conduct that occurred a year-and-a-half ago in the Eggert matter and more than three years ago in the Baker case. But Respondent's representation in Baker's matter continued until April 2024 and was followed by fee arbitration with Baker; as a result, we cannot find that the People unduly delayed bringing their claims with respect to either matter. In addition, the People's claims in this consolidated matter include allegations of misconduct that occurred as recently as summer 2024. In short, we see no basis to apply this factor.

Remorse – 9.32(l): At the disciplinary hearing, Respondent expressed remorse that her failure to properly manage her trust account harmed J.R., brought disrepute to the legal profession, and required the People to expend resources investigating and prosecuting their case. Respondent said she regrets falling short of the standards of conduct that lawyers are expected to meet and that she was remorseful she had "let people down." Indeed, Respondent testified that she welcomed the chance to learn from Clark's and Baker's testimony. "The overall experience [of the disciplinary proceeding] is a journey that I needed to take," she said.

Testimony from Respondent's therapist, Dr. Bresnick, lent additional credibility to Respondent's expressions of remorse. Dr. Bresnick testified that Respondent has consistently and candidly acknowledged her professional shortcomings and has expressed remorse for her mistakes in a therapeutic setting.

We find that Respondent's genuine expressions of remorse evince her reflection on the effects of her misconduct. Her detailed acknowledgement of the harm and potential harm she caused significantly bear on our finding. We thus apply this factor and accord it substantial weight.

Remoteness of Prior Offenses – 9.32(m): Respondent asserts that the conduct for which she was suspended occurred in 2020 and 2021 and should be deemed remote. Respondent's misconduct in this case occurred between January 2022 and May 2024. We thus disagree that her misconduct in 2020 and 2021 is remote and do not apply this factor.

Analysis Under ABA *Standards* and Caselaw

The Hearing Board heeds the Colorado Supreme Court's directive to exercise discretion in imposing a sanction because "individual circumstances make extremely problematic any meaningful comparison of discipline ultimately imposed in different cases."[58] As such, the Hearing Board must determine the appropriate sanction here on a case-by-case basis, looking to the ABA *Standards* for guidance in the exercise of that discretion. The ABA *Standards* offers a theoretical framework that provides for "the flexibility to select the appropriate sanction in [a] particular case" after the Hearing Board carefully considers the applicable aggravating and mitigating factors.[59] Thus, while prior decisions imposing sanctions for lawyer misconduct can be persuasive, the Hearing Board is free to distinguish those cases and deviate from the presumptive sanction when appropriate.

As discussed above, the presumptive sanction for Respondent's misconduct under the ABA *Standards* is suspension. Prior cases where, like here, a lawyer fails to safeguard funds without a knowing mental state have reached the same conclusion.[60]

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[58] *In re Attorney F.*, 2012 CO 57 ¶ 20 (*quoting In re Rosen*, 198 P.3d 116, 121 (Colo. 2008)).

[59] *Id.* ¶ 3.

[60] *See People v. Zimmermann*, 922 P.2d 325, 329 (Colo. 1996) ("The single most important factor in determining the appropriate level of discipline . . . is whether [the lawyer's] misappropriation of client funds was knowing, in which case disbarment is the presumed sanction, or whether it was reckless, or merely negligent, suggesting that a period of suspension is adequate."); *People v. Wechsler*, 854 P.2d 217, 222-23 (Colo. 1993) (fdeeming suspension appropriate when conversion is neither intentional nor willful); *People v. McGrath*, 780 P.2d 492, 493 (Colo. 1989) (noting that suspension, at the least, is appropriate when a lawyer should know that the lawyer is dealing improperly with client property).

In addition, hearing boards in Colorado have imposed suspension for misconduct akin to Respondent's. In *People v. English*, for instance, a hearing board suspended a lawyer for eighteen months after the lawyer knowingly commingled his earned fees and other personal funds with unearned client funds and settlement proceeds in his trust account over a two-year period, during which time the lawyer used the trust account as an operating account.[61] In addition, the lawyer consumed settlement funds that he should have held in trust to pay his client's medical lien, but the hearing board did not find that the lawyer knowingly converted those funds.[62] The lawyer also made impermissible loans to his client.[63]

In *People v. Romero*, a hearing board suspended a lawyer for two years for recklessly mismanaging funds that he should have held in trust for the benefit of two minor children under the client's guardianship.[64] The lawyer did not maintain a ledger or other recordkeeping system to track the funds, and on multiple dates his trust account balance fell well below the amount that he should have been safeguarding for the children and other clients.[65] When the lawyer learned that his trust account was underfunded by approximately $34,000.00, the lawyer used personal funds to replenish the shortfall.[66]

Finally, a hearing board in *People v. Efe* suspended a lawyer for one year and one day for misconduct in two client matters.[67] As relevant here, the lawyer received a client's $2,000.00 retainer via wire transfer to his operating account and never transferred the funds into his trust account.[68] The lawyer consumed over $1,500.00 of the retainer within days of receiving it; approximately seven months later, the lawyer provided the client with an invoice reflecting that the lawyer had earned only $980.00 of the total.[69] The lawyer admitted during his disciplinary hearing that his conduct violated Colo. 1.15A(a).[70]

Consistent with the ABA *Standards* and prior decisions, we find that Respondent's misconduct warrants suspension. The length of the suspension is informed by the relative weight and number of applicable aggravating and mitigating factors. Here, the five mitigating factors outweigh the four aggravating factors. Using that yardstick, we find that the duration of Respondent's suspension should be eighteen months, which falls within the range of suspensions hearing boards imposed in the cases discussed above. Largely swaying our decision away from a longer period of suspension is Respondent's prompt action to liquidate or leverage assets to make her clients whole.

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[61] 520 P.3d 1224, 1238-39 (Colo. O.P.D.J. 2022).
[62] *Id.* at 1241-42.
[63] *Id.* at 1237.
[64] 503 P.3d 951, 954 (Colo. O.P.D.J. 2021).
[65] *Id.* at 959-60.
[66] *Id.* at 962.
[67] 475 P.3d 620, 625-26 (Colo. O.P.D.J. 2020).
[68] *Id.* at 625.
[69] *Id.*
[70] *Id.* at 626.

Respondent's sanction will require her to petition for reinstatement of her law license. Among the other requirements for formal reinstatement, Respondent must prove by clear and convincing evidence that she has been rehabilitated from the causes of her misconduct and that she is fit to practice law. Such a showing will necessarily include demonstrating that she understands accounting practices that comport with her obligations under the Colorado Rules of Professional Conduct. Further, to alleviate the Hearing Board's concerns that Respondent's personal or emotional problems may compromise her practice upon her reinstatement, Respondent must show as part of any petition for reinstatement that she has participated in an independent medical examination conducted by a qualified examiner, who must be provided a copy of this opinion and a copy of the requirements for reinstatement to the practice of law listed in C.R.C.P. 242.39(d)(2).

Finally, we deny the People's request for an order that Respondent pay Baker $2,500.00 as restitution. The People's request is based on Respondent's concession during the fee arbitration with Baker that she should not have assessed $2,500.00 of the charged fees in Baker's case. But the People did not claim in this matter that Respondent charged Baker an unreasonable fee or that she otherwise engaged in improper billing. Nor do we see a relationship between Respondent's established misconduct and the restitution the People seek. We thus do not order restitution in this case.

V. CONCLUSION

The duty to safeguard client funds is one of lawyers' most fundamental duties. But Respondent utterly disregarded the recordkeeping and account management practices enshrined in the Colorado Rules of Professional Conduct, which are meant to assure the public that lawyers will properly handle the property with which they are entrusted. Consequently, she withdrew client funds that she wrongly believed her firm had earned. Her failure to safeguard her clients' property undermined her clients' trust and the public's trust in the legal profession. Moreover, Respondent's failures to exercise candor with the courts and to comply with disciplinary orders tarnished the profession and risked further eroding the public's trust in the legal system. Her serious misconduct warrants an eighteen-month suspension, which carries the requirement that she formally petition to reinstate to the practice of law and demonstrate by clear and convincing evidence that she has been rehabilitated from her misconduct, that she has complied with disciplinary orders and rules, and that she is fit to practice law.

Despite the gravity of Respondent's misconduct, we are heartened by her commitment to her clients. Respondent clearly values the privilege of representing clients and brightened when she testified about them and their cases. We thus hope that she will diligently work to address her professional shortcomings so that she can again serve as a lawyer.

VI. ORDER

The Hearing Board **ORDERS:**

1. **JOLEIN HARRO**, attorney registration number **17182**, is **SUSPENDED FOR EIGHTEEN MONTHS** from the practice of law in Colorado. The suspension will take effect upon issuance of an "Order and Notice of Suspension."[71]

2. If Respondent wishes to seek reinstatement to the practice of law in Colorado after her suspension, she must file a petition for reinstatement under C.R.C.P. 242.39(b). As part of any petition for reinstatement, Respondent **MUST** demonstrate that she has participated in an independent medical examination that meets the requirements set forth in this opinion.

3. Respondent **MUST** promptly comply with C.R.C.P. 242.32(b)-(e), concerning winding up of affairs, notice to current clients, duties owed in litigation matters, and notice to other jurisdictions where she is licensed or otherwise authorized to practice law.

4. Within fourteen days of issuance of the "Order and Notice of Suspension," Respondent **MUST** file an affidavit with the PDJ under C.R.C.P. 242.32(f), attesting to her compliance with C.R.C.P. 242.32. As provided in C.R.C.P. 242.41(b)(5), lists of pending matters, lists of clients, and copies of client notices under C.R.C.P. 242.32(f) must be marked as confidential attachments and filed as separate documents from the affidavit.

5. The parties **MUST** file any posthearing motions **no later than October 27, 2025**. Any response thereto **MUST** be filed within seven days.

6. The parties **MUST** file any application for stay pending appeal **no later than the date on which the notice of appeal is due**. Any response thereto **MUST** be filed within seven days.

7. Respondent **MUST** pay the costs of this proceeding. The People **MUST** submit a statement of costs **no later than October 27, 2025**. Any response challenging the reasonableness of those costs **MUST** be filed within seven days thereafter.

[71] In general, an order and notice of sanction will issue thirty-five days after a decision is entered under C.R.C.P. 242.31(a)(6). In some instances, the order and notice may issue later than the thirty-five days by operation of C.R.C.P. 242.35, C.R.C.P. 59, or other applicable rules.

DATED THIS 13th DAY OF OCTOBER, 2025.

BRYON M. LARGE
PRESIDING DISCIPLINARY JUDGE

EMILY FLEISCHMANN
HEARING BOARD MEMBER

WADI MUHAISEN
HEARING BOARD MEMBER

Copies to:

Michele L. Melnick Office of Attorney Regulation Counsel	Via Email m.melnick@csc.state.co.us
Jolein Harro Respondent	Via Email jharro@harrofamilylaw.com
Emily Fleischmann Wadi Muhaisen Hearing Board Members	Via Email
Cheryl Stevens Colorado Supreme Court	Via Email