

People v. Herbert Jeffrey Marcus. 19PDJ047. July 10, 2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and publicly censured Herbert Jeffrey Marcus (attorney registration number 22389), effective July 10, 2019.

While waiting for a client on February 6, 2018, Marcus was sitting on a bench near the court clerk's windows at the Arapahoe County Combined Courthouse. A five-year-old girl wandered over to where Marcus was seated and tried to jump into his lap. Marcus shoved the child with sufficient force that she flew off her feet and landed on her bottom with her hands sprawled out. He then yelled at the girl, calling her a "little bitch." He also chastised the child's mother, using foul language. The parties stipulate that the child, who is autistic, did not suffer physical or emotional injuries as a result of the incident.

Sheriff's deputies were summoned. They took witness statements and reviewed video of the incident from a security camera. Marcus later pleaded guilty to a class-three misdemeanor of harassment under a deferred judgment and sentence. He is subject to a one-year period of probation, which includes attending sensitivity training and an anger management program. He timely self-reported his conviction to disciplinary authorities.

Through this misconduct, Marcus violated Colo. RPC 8.4(b) (a lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects).

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