

*Laura Ann Mathews v. People.* 23PDJ043. April 9, 2024.

Following a reinstatement hearing, a hearing board reinstated Laura Ann Mathews (attorney registration number 33679) to the practice of law in Colorado under C.R.C.P. 242.39. The reinstatement took effect April 9, 2024.

In September 2020, Mathews was suspended from the practice of law for three years. The suspension was premised on three episodes of misconduct. First, Mathews failed to initiate a guardianship proceeding on behalf of two clients and failed to communicate with them about the status of their case. Next, Mathews was convicted in 2019 for forging her clients' names on a fee agreement, a class-five felony. Last, Mathews pleaded guilty in 2019 for driving under the influence and for reckless driving. The hearing board reinstated Mathews, finding that she proved by clear and convincing evidence that she complied with all disciplinary rules and orders, she is fit to practice law, and she has been rehabilitated from her underlying misconduct.

The case file is public per C.R.C.P. 242.41(a). Please see the full opinion below.

<p style="text-align: center;">SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203</p>	
<p><b>Petitioner:</b> LAURA ANN MATHEWS, #33679</p> <p><b>Respondent:</b> THE PEOPLE OF THE STATE OF COLORADO</p>	<p>Case Number: <b>23PDJ043</b></p>
<p style="text-align: center;"><b>OPINION GRANTING REINSTATEMENT UNDER C.R.C.P. 242.39</b></p>	

Laura Ann Mathews ("Petitioner") seeks reinstatement after her law license was suspended for three years beginning in 2020. The suspension was premised on her misconduct in three matters. In the first matter, a couple hired Petitioner in 2016 to create a guardianship for their special needs son. But she never submitted a petition to initiate the guardianship proceeding despite assuring her clients several times that she would do so, and she failed to communicate with her clients about the status of the matter. In a second matter, Petitioner pleaded guilty in 2019 to one count of driving under the influence and, in a separate case, to one count of reckless driving, based on an incident involving four hit-and-run events that resulted in damage to vehicles but no injuries. And in a third matter, in 2019 a jury convicted Petitioner of a class-five felony for forging her clients' signatures on a fee agreement to enforce payment of attorney's fees. In this reinstatement proceeding, Petitioner proved by clear and convincing evidence that she should be reinstated to the practice of law in Colorado.

## I. PROCEDURAL HISTORY

On August 23, 2023, Petitioner, through her counsel John S. Gleason, filed "Petitioner's Verified Petition for Reinstatement" with Presiding Disciplinary Judge Bryon M. Large ("the PDJ").<sup>1</sup> On behalf of the Office of Attorney Regulation Counsel ("the People"), Alan C. Obye answered on September 13, 2023, opposing the petition. The Court set a one-day reinstatement hearing to take place on February 14, 2024. On January 23, 2024, the Court notified the parties that the reinstatement hearing would take place at the Colorado Court of Appeals courtroom.<sup>2</sup>

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<sup>1</sup> Petitioner has not filed any other petitions for reinstatement. Stip. Facts ¶ 6.

<sup>2</sup> At the time of the reinstatement hearing, the office building at 1300 Broadway in Denver, where the PDJ's courtroom is located, was closed to employees and to the public due to damage to the building. The PDJ extends his gratitude to the judges and staff of the Colorado Court of Appeals for generously providing space to hold this hearing.

On February 14, 2024, a Hearing Board made up of the PDJ and lawyers Alison P. Gordon and Karey L. James held a reinstatement hearing under C.R.C.P. 242.39. Petitioner appeared with Gleason, and Obye attended for the People. The Hearing Board received testimony from Petitioner, Kendra Daniels, Todd P. Blakely, Anthony A. King, Michael P. Merrion, Craig L. Truman, Dr. Doris C. Gundersen, and Joanne Steinwachs, LCSW. The parties stipulated that Dr. Gundersen and Steinwachs should be qualified as mental health experts. The PDJ admitted stipulated exhibits S1-S27 and accepted the parties' stipulated facts.<sup>3</sup>

## II. FINDINGS OF FACT<sup>4</sup>

Petitioner was admitted to practice law in Colorado on May 14, 2002, under attorney registration number 33679.<sup>5</sup> She is thus subject to the jurisdiction of the Colorado Supreme Court and the Hearing Board in this reinstatement proceeding.

### **Petitioner's Professional Background and Disciplinary History**

Before the matters leading to her three-year suspension, Petitioner practiced for nearly eighteen years with no discipline.<sup>6</sup> Petitioner's law practice was in the areas of estate planning, elder law, and special needs; it was devoted primarily to assisting families with children or loved ones who live with neurodiversity, speech impairment or communication disability, or other disability for which government programs offer assistance.<sup>7</sup> Petitioner is an expert in the law related to persons with disabilities and the availability of government programs to assist parents of children with disabilities.<sup>8</sup> Petitioner was a highly regarded and sought-after lawyer in this area of the law.<sup>9</sup>

On September 15, 2020, the Court approved the parties' "Stipulation, Agreement and Affidavit Containing [Petitioner's] Conditional Admission of Misconduct" and suspended Petitioner for three years.<sup>10</sup> She was suspended for conduct related to three separate matters that were consolidated in the parties' stipulation.<sup>11</sup>

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<sup>3</sup> Exhibits S10 and S11 are the report and supplemental report from Petitioner's independent medical examination. The exhibits include Petitioner's confidential medical information and other sensitive information. The PDJ finds good cause to protect this information under C.R.C.P. 242.41(e) and **SUPPRESSES** exhibits S10 and S11.

<sup>4</sup> Factual findings are drawn from testimony offered at the hearing where not otherwise indicated.

<sup>5</sup> Stip. Facts ¶ 1.

<sup>6</sup> Stip. Facts ¶¶ 2, 36.

<sup>7</sup> Stip. Facts ¶ 34.

<sup>8</sup> Stip. Facts ¶ 64.I.

<sup>9</sup> Stip. Facts ¶ 35.

<sup>10</sup> Exs. S1, S3.

<sup>11</sup> Stip. Facts ¶ 9; *see also* Ex. S3 ¶¶ 6-8.

*R.S. Matter*

In November 2016, R.S. and her former husband hired Petitioner to create a guardianship for their eighteen-year-old son, who had special needs.<sup>12</sup> At the time, Petitioner did not have a written fee agreement with her clients describing the scope of work she was to perform. Petitioner initially focused her efforts on maintaining R.S.'s son's disability rating, wrongly believing that the guardianship was R.S.'s secondary objective. She did not prepare the petition to initiate the guardianship proceeding until ten months after R.S. retained her.

Though Petitioner performed substantial work towards obtaining the guardianship, she failed to timely file the necessary paperwork with the presiding court.<sup>13</sup> The first delay occurred after Petitioner instructed her contracted virtual office assistant to file the petition. But the assistant was unable to submit the paperwork due to size and formatting issues with the document files. The assistant informed Petitioner of the problems and took no further action. Petitioner, believing the assistant had made the necessary changes to the files and completed the submission, assured R.S. that a response was forthcoming from the court.

R.S. later discovered the petition had not been filed and sought to terminate the representation. Petitioner repaired the relationship and promised to file the petition in a different county within five days. That filing was delayed, however, when Petitioner was seriously injured in a fall that resulted in head injuries.<sup>14</sup> R.S. again sought to end the representation, and Petitioner again repaired the relationship. The parties entered a written fee agreement in February 2018. Due to her delays, Petitioner agreed to work without pay to complete the guardianship.<sup>15</sup>

In late February 2018, the petition for guardianship was filed with the court. But the process stalled when Petitioner did not promptly file additional necessary forms. Because Petitioner believed that a different contracted virtual office assistant had filed the forms, she assured R.S. that the delay was due to the court. In March 2018, R.S. learned that the forms had not been filed and terminated the representation.

Due to these delays, Petitioner admitted she had violated various Colorado Rules of Professional Conduct, including rules related to diligence and fee agreements.<sup>16</sup>

*Conviction for Felony Forgery and Immediate Suspension*

On August 19, 2019, a jury found Petitioner guilty of forgery of a check or commercial instrument, a class-five felony under C.R.S. section 18-5-102(1)(c), which provides:

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<sup>12</sup> Stip. Facts ¶ 10; *see also* Ex. S3 ¶ 6.a.

<sup>13</sup> Stip. Facts ¶ 12.

<sup>14</sup> Stip. Facts ¶ 14; *see also* Ex. S3 at ¶¶ 6.m-n.

<sup>15</sup> Stip. Facts ¶ 11.

<sup>16</sup> Stip. Facts ¶ 13.

A person commits forgery if, with intent to defraud, such person falsely makes, completes, alters, or utters a written instrument which is purported to be, or which is calculated to become or to represent if completed, a deed, will, codicil, contract, assignment, commercial instrument, promissory note, check, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status.<sup>17</sup>

The prosecutors in the case alleged that Petitioner forged her clients' signatures on a fee agreement.<sup>18</sup> During the case, the prosecutors made Petitioner two different offers: a lesser charge of a misdemeanor and a deferred judgment to the felony.<sup>19</sup> Petitioner maintained her innocence rather than accept the lesser pleas.<sup>20</sup> She rejected very favorable plea offers because of her strong belief of her innocence in the felony criminal matter.<sup>21</sup> Her defense counsel, Craig L. Truman, represented her, and she took the matter to trial.<sup>22</sup> Following a jury verdict of guilty, Petitioner appealed the decision.<sup>23</sup>

During the sentencing hearing on October 4, 2019, Judge Kenneth Laff, who presided over the trial, made significant favorable comments about Petitioner's "service to the community," noting that "[w]hatever led to this very unfortunate incident, I think that the bar has been better for [Petitioner's] membership in it for many years."<sup>24</sup> Judge Laff sentenced Petitioner to eighteen months' probation with the conditions that Petitioner complete any treatment probation deemed appropriate, engage in monitored sobriety at the supervising officer's discretion, and pay all court-ordered fees and costs.<sup>25</sup> Petitioner successfully and timely completed all aspects of her probation, which ended on April 5, 2021.<sup>26</sup>

On November 25, 2019, the Colorado Supreme Court immediately suspended Petitioner's law license in case number 19SA236 based on the felony charge entered against her in October 2019.<sup>27</sup> Petitioner did not dispute that court's show cause order leading to her immediate suspension.<sup>28</sup>

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<sup>17</sup> Stip. Facts ¶ 16; *see also* Ex. S5.

<sup>18</sup> Stip. Facts ¶ 17; *see also* Ex. S6.

<sup>19</sup> Stip. Facts ¶ 18.

<sup>20</sup> Stip. Facts ¶ 19.

<sup>21</sup> Stip. Facts ¶ 38.

<sup>22</sup> Stip. Facts ¶ 39.

<sup>23</sup> Stip. Facts ¶ 40.

<sup>24</sup> Stip. Facts ¶ 20; Ex. S4 at 4:1-3. We also note Judge Laff's statement, "[T]here is no basis from the evidence that I've heard to suggest that [Petitioner's] actions were malicious in intent or that they were a part of any plan to extract money to which she was not entitled." Ex. S4 at 3:7-11.

<sup>25</sup> Stip. Facts ¶ 21. Petitioner testified at the reinstatement hearing that her supervising officer did not require her to engage in monitored sobriety.

<sup>26</sup> Stip. Facts ¶ 22.

<sup>27</sup> Stip. Facts ¶ 3. The parties' stipulation reflects that the immediate suspension took effect on November 22, 2019. Ex. S1 at 7.hh.

<sup>28</sup> Stip. Facts ¶ 3.

### *Driving Under the Influence and Reckless Driving*

On March 9, 2020, Petitioner pleaded guilty in Denver County Court to one count of driving under the influence ("DUI") and to one count of reckless driving.<sup>29</sup> The charges were premised on an incident that occurred on November 10, 2019. That evening, Petitioner consumed alcoholic cider while visiting a friend.<sup>30</sup> On Petitioner's way home she struck four vehicles before police detained her.<sup>31</sup> The police did not request any testing for alcohol consumption.<sup>32</sup> Though property damage occurred, no one was injured.<sup>33</sup> Petitioner has no recollection of the events and believes that she experienced a medical event of some nature caused by her prescription medication and the cider.<sup>34</sup>

Petitioner was sentenced to thirty days of in-home detention and twelve months of supervised probation, including sobriety monitoring for the DUI.<sup>35</sup> Petitioner successfully completed the DUI probation, which ended in March 2021.<sup>36</sup> On the reckless driving charge, Petitioner was sentenced to four months' probation, which ended in December 2020.<sup>37</sup> Petitioner paid all costs and complied with all of the presiding court's orders regarding the two traffic matters.<sup>38</sup>

In the disciplinary case, the parties stipulated that Petitioner's conduct in the three matters breached Colo. RPC 1.2(a) (a lawyer must abide by the client's decisions concerning the objectives of a case and consult with the client regarding the means to achieve the objectives); Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(3) (a lawyer must keep a client reasonably informed about the status of the matter); Colo. RPC 1.4(a)(4) (a lawyer must promptly comply with reasonable requests for information); Colo. RPC 1.5(b) (a lawyer must inform a client in writing about the lawyer's fees and expenses within a reasonable time after being retained, if the lawyer has not regularly represented the client); Colo. RPC 1.16(a)(3) (a lawyer must withdraw if the lawyer is discharged); Colo. RPC 8.4(b) (it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects); and Colo. RPC 8.4(c) (it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

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<sup>29</sup> Stip. Facts ¶ 23.

<sup>30</sup> Stip. Facts ¶ 24.

<sup>31</sup> Stip. Facts ¶ 25.

<sup>32</sup> Stip. Facts ¶ 27.

<sup>33</sup> Stip. Facts ¶ 26.

<sup>34</sup> Stip. Facts ¶¶ 28-29.

<sup>35</sup> Stip. Facts ¶ 30; *see also* Exs. S7-S8.

<sup>36</sup> Stip. Facts ¶ 31.

<sup>37</sup> Stip. Facts ¶ 32.

<sup>38</sup> Stip. Facts ¶ 33.

## Events Since Petitioner's Suspension

### *Law-Related Work and Activities*

Throughout her suspension, Petitioner stayed active in the legal arena.<sup>39</sup> Beginning in October 2019 and continuing through her reinstatement hearing, she has supported herself through full-time work as a law clerk or paralegal under the close supervision and direction of licensed lawyers who were aware of her suspension and the limitations associated with it.<sup>40</sup> She has worked for lawyers and other legal professionals throughout her suspension to establish that she is capable of logical reasoning and can work in areas requiring the ability to recall complex information and accurately analyze legal problems.<sup>41</sup>

Petitioner's tasks in her role as a law clerk and paralegal include drafting intestate and testate probate pleadings; drafting testamentary special needs trusts; drafting third-party special needs trusts; drafting complex trusts and pour-over wills; drafting power of attorney forms for medical and financial matters; drafting other estate planning related documents; and drafting guardianship and conservatorship annual reports.<sup>42</sup> The projects she has completed include drafting a first-party special needs trust and assisting with obtaining government approval for the trust as well as assisting a trustee to compile and finalize a comprehensive and complex twenty-year trust accounting based on trustee records and trustee recollection.<sup>43</sup>

Petitioner's work has required a high degree of organizational skill and the ability to communicate clearly and precisely with lawyers and others.<sup>44</sup> She has acted in a professional manner and has been respectful of the law, the people with whom she worked, and her obligations under her suspension order.<sup>45</sup> Petitioner informed everyone for whom she worked that she was suspended and the reasons for the suspension.<sup>46</sup>

In addition to her work as a law clerk and paralegal, Petitioner has engaged in consulting projects.<sup>47</sup> In a consultant role, Petitioner assisted with life planning and related matters for a family with extensive wealth and family complexity, including grandchildren with special needs.<sup>48</sup> Also as a consultant, she assisted a family with a long-term care planning project that included obtaining payments from long-term care insurance, making placement modifications, and managing long-term care through an agency for seniors living with advanced dementia.<sup>49</sup>

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<sup>39</sup> Stip. Facts ¶ 42.

<sup>40</sup> Stip. Facts ¶¶ 42, 61, 64.E.

<sup>41</sup> Stip. Facts ¶ 62.

<sup>42</sup> Stip. Facts ¶ 64.F.1-7.

<sup>43</sup> Stip. Facts ¶ 64.F.8-9.

<sup>44</sup> Stip. Facts ¶ 64.A.

<sup>45</sup> Stip. Facts ¶ 64.B.

<sup>46</sup> Stip. Facts ¶ 63.

<sup>47</sup> Stip. Facts ¶¶ 61, 64.D.

<sup>48</sup> Stip. Facts ¶ 64.G.4.

<sup>49</sup> Stip. Facts ¶ 64.G.5.

Petitioner has also served as a trust protector and board member during her suspension.<sup>50</sup> While working as a trust protector and a board member, Petitioner assisted families to fully utilize Medicaid waivers and access public benefits, served and participated as a board member in a family-owned and operated private real estate holding company, and assisted as a trust protector to help the trustee administer and comply with a complex multi-generational trust.<sup>51</sup>

During her suspension, Petitioner completed over sixty-nine hours of continuing legal education (“CLE”), and she continues to attend CLE courses.<sup>52</sup> Most of Petitioner’s CLE hours are devoted to the area of her legal expertise and to the conduct that led to her suspension, including lawyer ethics, handling disputes with clients, small firm practice, law practice management, representation of the elderly, and Medicaid; she has also attended the elder law retreat and completed the lawyer self-assessment program.<sup>53</sup>

#### *Petitioner’s Volunteerism and Other Activities*

During her suspension, Petitioner has provided cost-free assistance to numerous families and their children.<sup>54</sup> Affidavits from her character witnesses reflect that she continues to perform community service in the areas of special needs and long-term care related issues.<sup>55</sup>

At the reinstatement hearing, Petitioner said that she has cultivated a simple personal life during the four years since her suspension began. She enjoys taking walks and gardening in a community garden near her home. About once a week, she meets a group of women from her health club class. Petitioner has a close circle of friends whom she “lives life with.”<sup>56</sup>

In addition, Petitioner actively participates in Alcoholics Anonymous (“AA”)—which she began after her DUI and as a part of the alcohol education classes—for the collegiality and support it provides her.<sup>57</sup> Petitioner testified that AA has been key to addressing her shortcomings, even though she does not have an alcohol use disorder herself. She explained she found spiritual growth through AA’s twelve-step program, through which she learned to take a personal inventory, to make amends to those she has harmed, and to perform “living services” when making amends would lead to further harm. Petitioner actively participates in AA programs and helps others with their own recovery process.<sup>58</sup>

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<sup>50</sup> Stip. Facts ¶ 64.D.

<sup>51</sup> Stip. Facts ¶ 64.G.1-3.

<sup>52</sup> Stip. Facts ¶ 43; *see also* Ex. S9.

<sup>53</sup> Stip. Facts ¶ 44.

<sup>54</sup> Stip. Facts ¶ 64.H.

<sup>55</sup> *See* Exs. S18-S19.

<sup>56</sup> *See* Stip. Facts ¶ 55.

<sup>57</sup> Stip. Facts ¶ 55.

<sup>58</sup> Stip. Facts ¶ 64.J.



## Expert Testimony Concerning Petitioner's Rehabilitation

Throughout her suspension, Petitioner intently focused on her mental and physical health and on addressing the issues that may have contributed to the conduct that led to the suspension.<sup>59</sup>

### *Petitioner's IME and Supplemental IME*

In March 2020, Dr. Doris Gundersen conducted a forensic examination of Petitioner's physical and mental health.<sup>60</sup> Dr. Gundersen's independent medical examination ("IME") report was a part of the stipulation that led to Petitioner's suspension.<sup>61</sup> The IME report detailed Petitioner's childhood of severe abuse, both physical and mental; it also described Petitioner's experience of extreme poverty, foster care, and homelessness.<sup>62</sup> Dr. Gundersen noted that Petitioner recognized that her history of abuse served to drive her advocacy for vulnerable populations. Petitioner also recognized that she grew up with no model for healthy boundaries and that "she needs to work with her therapist on creating better professional boundaries moving forward."<sup>63</sup> During the examination, Petitioner acknowledged that she was "way too emotionally involved" with her clients in the cases implicated in her suspension, which she attributed to low self-esteem and a need to please others.<sup>64</sup>

Dr. Gundersen conducted psychometric testing and found no evidence that Petitioner has any cognitive issue. She diagnosed Petitioner with generalized anxiety disorder, opining that Petitioner's childhood trauma contributed to her conduct in the representations underlying her discipline.<sup>65</sup> Dr. Gundersen further reported that Petitioner does not have an alcohol addiction.<sup>66</sup> She noted that results of Petitioner's sobriety monitoring following the DUI were all negative and that Petitioner's history was unremarkable for excessive alcohol use or any drug use. Dr. Gundersen opined that Petitioner's medications could have interacted with an alcoholic beverage to create the altered mental state and amnesia of events that Petitioner describes.

At the reinstatement hearing, Dr. Gundersen opined that Petitioner's history of trauma made her vulnerable to breaking from her professional role and becoming a friend or personal advocate for her clients. She said that Petitioner practiced in a difficult area of law representing clients with disabled children, where matters often involve emergent and emotional issues. According to Dr. Gundersen, Petitioner's empathy for her clients prevented her from maintaining

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<sup>59</sup> Stip. Facts ¶ 45.

<sup>60</sup> Stip. Facts ¶ 46; Ex. S10. At the reinstatement hearing, Dr. Gundersen stated that for the past twenty years she has specialized in evaluating lawyers, pilots, doctors, and other professionals for psychiatric matters.

<sup>61</sup> Stip. Facts ¶¶ 47-48.

<sup>62</sup> Stip. Facts ¶ 50.

<sup>63</sup> Ex. S10 at 14.

<sup>64</sup> Ex. S10 at 14.

<sup>65</sup> Ex. S10 at 15-16.

<sup>66</sup> Stip. Facts ¶ 55.

the neutrality and distance necessary to protect herself and to serve her clients in the best way she could. Dr. Gundersen stated that Petitioner's high-stress practice caused her to burn out, which, combined with Petitioner's generalized anxiety, led to "spiraling." Addressing Petitioner's felony conviction, Dr. Gundersen observed that Petitioner "never wavered" from her assertion of innocence. She acknowledged, however, that she did not know whether Petitioner forged the signatures on the fee agreement.

In July 2023, at Petitioner's request, Dr. Gundersen reevaluated Petitioner and supplemented her first IME report.<sup>67</sup> Dr. Gundersen's supplemental IME report details the personal life and professional changes Petitioner made following her criminal conviction and in anticipation of petitioning for reinstatement.<sup>68</sup> At the reinstatement hearing, Dr. Gundersen recalled that at her supplemental examination, Petitioner "presented in a different way" from her first IME. She had lost weight, looked healthier, and was "much less anxious." At the supplemental IME, Petitioner attributed her progress to the support she received through AA as well as from her therapist and her friends. Dr. Gundersen opined that "[Petitioner] now has implemented changes in her personal and professional lives reflecting what she has learned in therapy, from her experience in 12-step meetings, and through [lawyer] mentorship . . . as well as friends."<sup>69</sup> Dr. Gundersen reports that Petitioner's anxiety is in remission.<sup>70</sup>

Dr. Gunderson also noted that, during a follow-up call on February 12, 2024, Petitioner reported she has maintained her support network and continues to regularly see her therapist. At the reinstatement hearing, Dr. Gundersen stated that she had no concerns over Petitioner's return to the practice of law. She did not believe that Petitioner's clients would be at risk or that Petitioner would commit future misconduct. Dr. Gundersen opined that Petitioner was mentally and physically fit to return to law.<sup>71</sup>

#### *Petitioner's Regular Therapy*

During the last three years, Petitioner focused on her mental and physical health, developing through therapy greater insight into her difficulty setting boundaries.<sup>72</sup> She continues to engage in personal therapy twice a week with Joanne Steinwachs, LCSW.<sup>73</sup> Steinwachs has practiced in Colorado since 1992 and focuses on acceptance and commitment therapy, which emphasizes living a productive life after trauma. Steinwachs describes her patients as survivors of serious trauma, including people who have been or have family who have been trafficked, veterans, families of murder victims, and survivors of the September 11 terrorist attacks.

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<sup>67</sup> Stip. Facts ¶ 49; Ex. S11.

<sup>68</sup> Stip. Facts ¶ 54.

<sup>69</sup> Ex. S11 at 5.

<sup>70</sup> Stip. Facts ¶ 55.

<sup>71</sup> Stip. Facts ¶ 60.

<sup>72</sup> Stip. Facts ¶ 58.

<sup>73</sup> Stip. Facts ¶ 56.

Steinwachs has treated Petitioner since 2009 for anxiety. She places Petitioner's childhood trauma as among the most severe cases in her career. Steinwachs testified that Petitioner's struggles related to overworking and keeping appropriate boundaries with clients are rooted in Petitioner's abusive history, explaining that people who are not valued as children often do not value themselves.

Before Petitioner was suspended, she and Steinwachs regularly discussed her work boundaries, workload, and failure to collect fees for her work. Following the felony conviction, Steinwachs said, Petitioner made significant progress addressing these issues and "has worked diligently to rebuild and restructure her life to have a better work and life balance."<sup>74</sup> Steinwachs believes that Petitioner has developed a healthy understanding of her trauma's impact on her adult life, has recognized the importance of boundaries, and is aware of her vulnerabilities around boundaries. Though Petitioner will need to guard against overworking if she is reinstated, Steinwachs said, Petitioner has a plan in place and a better idea of how to care for herself. In addition, Petitioner has broadened her support system and is healthier. Steinwachs believes that "[Petitioner] has the tools to practice successfully."

### **Testimony and Statements from Petitioner's Witnesses**

At the reinstatement hearing, the Hearing Board heard witness testimony about Petitioner's work, experience, and character. Anthony A. King, a lawyer practicing in Colorado since 1991, testified that he met Petitioner in 2013. King focuses his practice on business planning and estate planning.<sup>75</sup> He testified that he and Petitioner co-counseled on ten to fifteen matters before her suspension. During Petitioner's suspension, she worked for King as a paralegal. King praised Petitioner's performance in that role, extolling the "excellent" quality of her work.<sup>76</sup> He testified that he considers himself a mentor for Petitioner, particularly in matters of business practices. He said that Petitioner is receptive to his direction and mentorship. King recalled that Petitioner informed him of her suspension about late 2019 or early 2020, and he is aware that she was convicted for fraud. Even so, King testified that he has no concerns about Petitioner's ability to practice law ethically.

We also heard from Todd P. Blakely, a lawyer of thirty-five years who practices in intellectual property. Blakely came to know Petitioner through his wife's work in the Colorado disability community. Blakely testified that he retained Petitioner to help with family trusts and estate planning that address the unique needs of having a child with disabilities. Petitioner's competence in that field is valuable and unique, Blakely said, estimating that perhaps one or two other lawyers in Colorado match her level of expertise. Blakely confirmed that Petitioner informed him of her suspension and her felony conviction. Even so, he has no concerns about her trustworthiness or competence if she is reinstated.

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<sup>74</sup> Ex. S22.

<sup>75</sup> Ex. S17.

<sup>76</sup> King also commended Petitioner's work in his affidavit, stating that she met her deadlines, was diligent, and was thorough in her work and in her communications. *See* Ex. S17.

Petitioner also elicited testimony from Michael P. Merrion, a Colorado lawyer since 1980 who works in tax law and compliance.<sup>77</sup> Merrion explained that he is not socially acquainted with Petitioner but knows her “quite well” professionally, as they have served together on the board of a private real estate holding company for nine years. In that time, Merrion said, Petitioner has demonstrated competence, integrity, and professionalism to such a high standard that he has referred his own clients to her, which he “do[es] not lightly do.”

Merrion testified that Petitioner disclosed her suspension and her felony conviction during a board meeting in 2019.<sup>78</sup> According to Merrion, Petitioner gave a fully candid account of the conviction and offered to resign from the board. But the board unanimously resolved to continue Petitioner’s position within the limitations of her legal suspension, noting that “in spite of [her] current circumstances, she has always displayed professional integrity in her dealings with the Company, its directors, employees and agents.”<sup>79</sup>

We also received testimony from Kendra Daniels, the chief operating officer of the real estate holding company. Daniels has known Petitioner since 2016, and they sit on the company’s board. Daniels said that her company “would not be where it is today without [Petitioner’s] work” in establishing trusts and providing strategies related to the company’s earlier transfer. Daniels testified that Petitioner fully disclosed her suspension and conviction during a board meeting. Daniels harbors no concerns about Petitioner returning to the practice of law, adding on a personal note, “I would trust [her] with my life.”

Finally, Petitioner elicited testimony from her counsel in the felony case, Craig L. Truman. Truman testified that he usually represents defendants in capital cases and other high-level felony matters. But he agreed to take Petitioner’s case, he said, after meeting her, taking her biography, and coming to admire her. During the felony case, Truman said, he counseled Petitioner to take a plea offer to a deferred judgment. Petitioner refused, telling Truman that she would “rather be convicted than plea to something [she] didn’t do.” He said that Petitioner never wavered in maintaining her innocence despite pressure from the prosecutor. Truman said he has no concerns about Petitioner returning to practice law, but he acknowledged the boundary issues related to her childhood trauma.

In addition to eliciting testimony from these witnesses, Petitioner submitted affidavits from four additional witnesses who attest to Petitioner’s competence, integrity, and trustworthiness.<sup>80</sup>

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<sup>77</sup> See *also* Ex. S21.

<sup>78</sup> See Ex. S27.

<sup>79</sup> Ex. S27.

<sup>80</sup> Exs. S12-S15 (affidavits of Michael R. Hecomovich, Sandra L. Hecomovich, R. Nicholas Loope, FAIA, and Devin Vos, respectively); Ex. S24 (updated affidavit of Sandra Hecomovich). Petitioner submitted additional affidavits but did not request that we review them, and we thus do not consider them here. See Exs. S16, S20.

## Petitioner's Reflections on Her Misconduct

Petitioner framed her misconduct in her two client matters by stating that patterns of behavior she developed during her traumatic childhood shaped her legal practice and her interactions with clients. She credibly explained that she suffered from serious, and sometimes debilitating, personal and emotional issues arising from significant unresolved personal trauma from her abusive childhood.<sup>81</sup> Petitioner credibly testified at length about her abusive and impoverished childhood, describing in detail the various types of abuse she was subjected to until she left her family's home in high school. These formative experiences made her vulnerable to basing decisions on her need for her clients' approval, she said, and created an aversion to transactions that tainted her judgment concerning billing.

Petitioner also warmly recalled the positive influence of a high school teacher who helped her learn to read and write and who worked with her to develop socialization skills. The teacher was the first person to show Petitioner her own worth and taught her that she could have a good life, despite her background, but that she was going to have to fight hard for it. The teacher encouraged Petitioner to apply to college and assisted with the application. In college, Petitioner supported herself and funded her education with Pell grants and loans. Some years after she graduated, Petitioner sought to distance herself from her birth family by changing her name and removing her mother's name from her birth certificate.<sup>82</sup> The experience taught Petitioner the impact law can have to effect positive change in people's lives. Two years later, she enrolled in law school at the University of Denver. She graduated from DU and passed the bar examination.

Driven by these experiences, Petitioner testified that she sought in her career to meet the legal needs of disabled Coloradans and their families. In 2013, she left the law firm where she worked and opened her own practice, seeking to create a safer space for families to bring their children. She opened her practice with the credo, "I'm the unlawyer lawyer," and she structured her practice around the idea of building lifelong relationships with her clients. Petitioner said she made herself available twenty-four hours a day to her clients. She explained that the nature of their needs were such that emergencies and crises occurred at all hours. She told her clients, "Think of me as family. Call me anytime."

At the reinstatement hearing, Petitioner acknowledged that her "unlawyer lawyer" approach to client representation did not effectively serve her clients because it created confusion about her role in their matters. She also candidly described her lack of oversight in her legal practice, stating she had "no idea" that she had over 150 active cases until she had to review her matters following her suspension. To find coverage for her clients, Petitioner said, she

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<sup>81</sup> See also Stip. Facts ¶ 15. This abuse resulted in multiple bone fractures during Petitioner's childhood, and it required eye surgery to repair an injury suffered from her mother's abuse. Petitioner could barely read or write until she was in her mid-teens. Stip. Facts ¶¶ 51-52.

<sup>82</sup> Petitioner explained that in April 1996, she legally changed her last name to Mathews. See Ex. S26. In August that year, the judge who ordered the name change assisted Petitioner's efforts to remove her mother's name from her birth certificate. Ex. S25.

made over 100 calls to other lawyers. She added that many of the cases were complicated and emergency-driven matters. Petitioner acknowledged that she should have monitored the work of her assistants and the status of her cases more closely.

At the reinstatement hearing, Petitioner accepted full responsibility for her conduct in all of the matters leading to her suspension, albeit while maintaining her innocence in the felony criminal matter.<sup>83</sup> During her testimony, Petitioner attempted to describe the circumstances leading to the forgery charge but ultimately could not say how the document had been altered and by whom. She clearly identified the lapses in her management of her practice that she believes contributed to the incident, including her failures to supervise her assistant, monitor the status of the case, and send the clients billing statements.

Though prosecutors offered Petitioner a plea deal for a deferred felony and a plea deal to a misdemeanor, she said that she could not sign a plea admitting guilt to the forgery. Her lawyer, Truman, took her case to trial. When the jury announced the guilty verdict, Petitioner put her head on the table “in complete shock” that the jury did not believe her. She appealed, and throughout her appeal of the felony conviction, she devoted herself to successfully completing her probation sentence and satisfying court orders.<sup>84</sup> When her appeal was unsuccessful, she accepted the jury’s finding.<sup>85</sup>

At the reinstatement hearing, Petitioner reconciled her acceptance of the jury’s finding with her refusal to concede that she committed the forgery, stating that she respects the verdict but “the truth is I did not tamper with that document. I don’t have to lie to be reinstated.” She accepted responsibility for failing to maintain an original copy of the fee agreement and for failing to monitor the fee agreement when it was transmitted to her clients. “It happened on my watch,” she said. In addition, Petitioner acknowledged that she did not contemporaneously bill the clients. She lamented that she allowed her personal issues concerning money handling to affect her billing practices. She also expressed remorse that she exhibited unprofessional behavior when the clients terminated her, testifying that because she viewed the clients “like family,” she begged them to speak with her instead of respecting their right to end the representation.

Petitioner credibly testified that she feels remorse for her conduct in her clients’ cases and acknowledged that she hurt her clients and damaged the community she had dedicated herself to assist. Addressing her forgery conviction, Petitioner said that she felt remorse from the moment she was arrested because she knew she had not exercised enough control over her practice to have an accurate account of the situation. She harmed her clients, she said, because she was not diligent and did not monitor the work of her assistants and the status of her cases more closely. She has not contacted her former clients, however, believing that doing so would further injure them. She also thinks about the harm and embarrassment she caused the legal profession, her friends, and herself. “There’s not a day in my life when I don’t think about this

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<sup>83</sup> See *also* Stip. Facts ¶ 37.

<sup>84</sup> Stip. Facts ¶ 41.

<sup>85</sup> Stip. Facts ¶ 41.

twice a day," she said. Petitioner described the lessons she took from her failure to oversee the case and her plans to safeguard against similar problems in the future.

Reflecting on her change in perspective, Petitioner recalled first being aware of the "problem of her own creation" when clients resisted her attempts to impose boundaries and to maintain a professional role in their matters after her arrest in the felony case. Through regular therapy, she came to recognize how the patterns of behavior she learned as a child came into play every day with her clients. Petitioner said that she also benefited from her experience working as a law clerk and a paralegal during her suspension. In those roles, she said, she has learned from other lawyers the ways she can improve her own law practice in a professional manner.

Petitioner briefly reflected on her convictions for DUI and reckless driving. She "agreed without hesitation" to plead guilty to the DUI and reckless driving charges, stating that there was "no question" she took responsibility for her conduct. She said she had no recollection of the events that transpired between drinking cider and waking up in the hospital, handcuffed to her bed. She was "terrified" when she learned that she had caused four vehicular accidents. She expressed remorse for the property damage she caused and the negative effects the damage created in people's lives. Petitioner said she remains grateful every day that no one was hurt. But she credited her DUI as a "blessing" because it brought her to AA. She described applying the lessons she has learned from the twelve-step program, starting each day by reciting her intentions and ending each day reflecting on her actions and considering whether negative patterns from childhood arose during the day. Petitioner said that through AA, she learned how to be of service "in the right way versus the wrong way. For the right way, you have to stay in your lane."

Though Petitioner described the four years since she has been suspended as "one of the hardest and greatest periods" in her adulthood, she would not change any of it, she said. Five years ago, she "was a mess." But since her suspension, she has worked on her personal and professional shortcomings. She looks forward to an opportunity to put "decades of damage" behind her, to have the life she deserves, and to be of service. "I am proud of the person who walked through [the courtroom] door today," she said.

If reinstated, Petitioner plans to relaunch her solo practice with help from other lawyers. For example, she will hire an outside consultant to ensure she uses proper billing practices during her reintegration into law practice. She also plans to use the Colorado Bar Association's mentoring program and lawyer assessment tool, which addresses areas of wellness, practice management, and fee management. Petitioner says she will frequently consult the tool and discuss the results with her mentor from the program.

Petitioner also intends to limit the number of clients she takes and the number of complex cases she handles.<sup>86</sup> She will not accept cases involving "crisis-driven" clients, she said. To achieve these goals, Petitioner will implement the methods she learned from Truman and her

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<sup>86</sup> Stip. Facts ¶ 57.

counsel in this case to screen clients. In addition, Petitioner plans to use an electronic case management system and to hire a legal assistant, rather than rely on contracted help.<sup>87</sup>

In conjunction with these steps, Petitioner intends to deploy the lessons from the CLE courses she completed, particularly the courses addressing solo practice management, billing, ethical issues, and lawyer well-being.

### **III. LEGAL ANALYSIS**

To be reinstated to the practice of law in Colorado under C.R.C.P. 242.39, a lawyer must prove by clear and convincing evidence that the lawyer has complied with applicable disciplinary orders and rules, is fit to practice law, and has been rehabilitated. Reinstatement signifies that the lawyer possesses all of the qualifications required of applicants admitted to practice law in Colorado.

#### **Compliance with Disciplinary Orders and Rules**

We first turn to whether Petitioner has complied with all disciplinary orders and rules, as required under C.R.C.P. 242.39(d)(2)(B). That subsection states that a lawyer petitioning for reinstatement must show compliance with all disciplinary orders and rules, including compliance with the Rules of Professional Conduct.

The parties agree that Petitioner complied with all aspects of the order suspending her from the practice of law, including by paying the costs set forth in the order and by meeting the requirements outlined in C.R.C.P. 251.28(d).<sup>88</sup> In addition, the People represent that they do not have evidence Petitioner engaged in further misconduct. We thus find by clear and convincing evidence that Petitioner has complied with all disciplinary orders and rules.

#### **Fitness to Practice Law**

We next examine whether Petitioner is fit to practice law, as measured by whether she satisfies the relevant eligibility requirements for the practice of law set forth in C.R.C.P. 242.39(d)(2)(C). These requirements include, as relevant to Petitioner's misconduct, honesty and candor; the ability to reason logically, recall complex factual information, and accurately analyze legal problems; the ability to use a high degree of organization and clarity in communicating with clients, lawyers, judicial officers, and others; the ability to use good judgment on behalf of clients and in conducting professional business; the ability to act with respect for and in accordance with the law; the ability to exhibit regard for the rights and welfare of others; the ability to act diligently and reliably in fulfilling obligations to clients, lawyers, courts, and others; and the ability to comply with deadlines and time constraints. Petitioner must also establish her fitness to practice law by demonstrating the ability to comply with the

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<sup>87</sup> We note that Petitioner's testimony is consistent with her statements to Dr. Gundersen describing the changes she would make to her practice if reinstated. *See* Stip. Facts ¶ 59.

<sup>88</sup> Stip. Facts ¶¶ 5, 8; *see also* Ex. S2.



Colorado Rules of Professional Conduct; state, local, and federal laws; regulations, statutes, and rules; and orders of tribunals.

Petitioner argues that the stipulated facts and the evidence admitted at the reinstatement hearing clearly and convincingly establish her fitness to practice law. We agree. The witness testimony and the affidavits attesting to Petitioner's law-related work during her suspension abundantly evidence her analytical and organizational skills and her diligence. The testimony and affidavits also conclusively show that Petitioner possesses the requisite regard for the welfare of others to practice law in Colorado. Moreover, Petitioner's CLE courses, her own testimony, and testimony from Steinwachs, King, and Truman show her efforts to improve her practices in office and case management, billing, client screening, and client representation. We thus find that Petitioner's evidence of legal education, counseling, and lawyer mentoring satisfactorily shows that she will exercise good judgment in her practice.

In addition, the parties agree that Petitioner cooperated fully with the People's investigation of her conduct before she was suspended.<sup>89</sup> They also agree that she met all probationary conditions in her criminal matters and paid all court costs of those cases. Based on these agreements, we find that Petitioner has demonstrated that she can comply with rules, statutes, and court orders.

Indeed, the People concede that Petitioner has met all of the relevant eligibility requirements save two, which also relate closely to questions of rehabilitation and are addressed further below. The People argue that Petitioner's insistence that she did not commit the forgery implicates her honesty and candor and her ability to act with respect for and in accordance with the law. To the extent that Petitioner's continued claim of innocence calls into question her honesty and candor, we find for the purposes of demonstrating her fitness that the witness testimony and affidavits uniformly describing her integrity and trustworthiness meet her burden here. We particularly note the testimony from Merrion and Daniels describing Petitioner's candor about her felony conviction and suspension at the board meeting. And we are convinced that Petitioner strives to act with respect for and in accordance with the law, basing our conclusion on her compliance with the orders in her criminal and disciplinary matters, the credible testimony exhibiting her high regard for the law, and her lack of criminal history outside of the cases we have discussed.

In sum, Petitioner has convincingly demonstrated her fitness to practice law in Colorado.

### **Rehabilitation**

Finally, the Hearing Board must determine whether Petitioner has been rehabilitated from her misconduct. In assessing Petitioner's rehabilitation, we must consider the circumstances and seriousness of her original misconduct, her conduct since being suspended, her remorse and acceptance of responsibility, how much time has elapsed, restitution for any financial injury, and evidence that she has changed in ways that reduce the likelihood of future

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<sup>89</sup> See Stip. Facts ¶ 4.

misconduct.<sup>90</sup> These criteria provide a framework to assess the likelihood that Petitioner will again commit misconduct.

Our determination here focuses on Petitioner's felony conviction, as the People do not contest her rehabilitation from her other misconduct. The People contend that Petitioner has not demonstrated true rehabilitation from the most serious misconduct because she denies committing the forgery that forms the basis for her felony conviction. By doing so, they argue, Petitioner has not accepted responsibility for her misconduct.

We first pause to recognize that for lawyer regulation purposes, Petitioner's conviction for forgery conclusively establishes her commission of the crime.<sup>91</sup> We recognize and respect the jury's decision in that case. We also in no way condone a lawyer's conviction for felony forgery. Petitioner does not dispute that she was convicted of felony forgery. We are thus torn between crediting her recitation of events and accepting the implications of her conviction for purposes of discipline. Petitioner has shown a degree of remorse and acceptance for her misconduct leading to her conviction. We are also wary of positioning her to act dishonestly before a future hearing board by displaying a contrived acceptance of guilt, were we to deny her reinstatement on the grounds that she professes her innocence now.

Ultimately, we conclude that Petitioner has more than convincingly demonstrated her acceptance and responsibility for the conviction and the circumstances leading to the conviction. Although we agree with the People that denying commission of a crime for which one was convicted will often preclude a finding of true rehabilitation, we do not share the People's view as it applies to Petitioner. We are beyond satisfied with the remorse Petitioner has demonstrated for her serious misconduct and her acceptance for the outcome of her criminal conviction. We base our conclusion on the abundant evidence showing Petitioner's genuine remorse for the harm she caused her clients and the disrepute she brought to the profession; her sincere recognition that her personal and professional shortcomings created the circumstances leading to those injuries; and her assiduous efforts to improve those shortcomings during her suspension through counseling, mentorship, work experience, legal education, and guided self-reflection. Petitioner knows that she is a convicted felon, and she amply demonstrated her acceptance of that status. Her genuine remorse easily convinces us that

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<sup>90</sup> C.R.C.P. 242.39(d)(2)(A). *See also People v. Klein*, 756 P.2d 1013, 1015-16 (Colo. 1988) (relying on an early edition of the Lawyers' Manual on Professional Conduct (ABA/BNA) 101:3005 to enumerate several rehabilitative considerations, including the petitioner's character, recognition of the seriousness of the misconduct, conduct since the imposition of the original discipline, candor and sincerity, recommendations of other witnesses, professional competence, present business pursuits, and community service and personal aspects of the petitioner's life). While some of the *Klein* factors are encompassed in our analysis, we do not explicitly rely on them as guideposts for our decision, as the factors now set forth in C.R.C.P. 242.39(d)(2)(A) largely mirror those articulated in an updated version of the ABA/BNA manual. *See Lawyers' Manual on Professional Conduct* (ABA/BNA) 101:3001 § 20.120.30, Bloomberg Law (database updated July 2020).

<sup>91</sup> *See* C.R.C.P. 242.42(d).

she is rehabilitated. We expect, however, that rare would be the case that such a tension would come out as favorably to a petitioner as it does here.

Finally, we are satisfied that Petitioner has changed in ways both personal and professional that reduce the likelihood of future misconduct. In reaching this conclusion, we note Petitioner's own accounts of her development, along with the testimony of Dr. Gundersen and Steinwachs, describing her improved self-care and her awareness of her vulnerabilities around client boundaries. We also note with approval her plan to implement guardrails designed to keep her case management and billing practices on track. We are especially encouraged by Petitioner's willingness to seek input from others in her pursuit of rehabilitation, embracing mentorship from Truman, King, and other lawyers to improve her legal practice. Petitioner's self-improvement and the measures she has taken and intends to take to improve her practice convince us that the public will be sufficiently protected if she is reinstated.

In light of these findings, we conclude that Petitioner has satisfactorily shown that she is rehabilitated from her misconduct.<sup>92</sup>

## V. CONCLUSION

Petitioner proved by clear and convincing evidence that she has been rehabilitated, that she is fit to practice law, and that she has complied with all disciplinary rules and orders during her suspension. We also find that the public is adequately protected by the lessons Petitioner learned during her suspension. We thus reinstate her to the practice of law in Colorado under C.R.C.P. 242.39. In doing so, we beseech her to remain vigilant against the patterns of behavior that contributed to her misconduct. To that end, we hope Petitioner continues to avail herself of the support and guidance from mentors, colleagues, and others who believe in her capacity for service.

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<sup>92</sup> We need not consider restitution in this matter, as Petitioner is not under any order to pay restitution in this case. *See* Stip. Facts ¶ 7.

VI. ORDER

The Hearing Board therefore **ORDERS**:

1. The Hearing Board **GRANTS** "Petitioner's Verified Petition for Reinstatement." Petitioner **LAURA ANN MATHEWS**, attorney registration number **33679**, is **REINSTATED** to the practice of law in Colorado, **EFFECTIVE IMMEDIATELY**.
2. Under C.R.C.P. 242.39(g)(1), Petitioner **MUST** pay the costs of this proceeding. The People **MUST** submit a statement of costs on or before **Tuesday, April 16, 2024**. Petitioner **MUST** file her response, if any, within seven days. The PDJ will then issue an order establishing the amount of costs to be paid or refunded and a deadline for the payment or refund.
3. Any posthearing motion **MUST** be filed with the Hearing Board on or before **Tuesday, April 23, 2024**. Any response thereto **MUST** be filed within seven days.
4. The People have the right to appeal the Hearing Board's decision to grant Petitioner's petition for reinstatement under C.R.C.P. 242.39(e)(6) and C.R.C.P. 242.34.



DATED THIS 9<sup>th</sup> DAY OF APRIL, 2024.

A blue ink signature of Bryon M. Large, written in a cursive style.

BRYON M. LARGE  
PRESIDING DISCIPLINARY JUDGE

A blue ink signature of Alison P. Gordon, written in a cursive style.

ALISON P. GORDON  
HEARING BOARD MEMBER

A blue ink signature of Karey L. James, written in a cursive style.

KAREY L. JAMES  
HEARING BOARD MEMBER