

*People v. Trevor H. McGarvey*. 23PDJ023. May 19, 2023.

The Presiding Disciplinary Judge approved the parties' stipulation and suspended Trevor H. McGarvey (attorney registration number 48363) from the practice of law for six months, with three months to be served and the remainder stayed upon McGarvey's successful completion of a one-year period of probation, with conditions. The suspension takes effect June 23, 2023.

On three occasions in summer 2020, McGarvey had consensual sexual relations with a client whom he had represented in four criminal matters since August 2019. Three of the matters had resolved in June 2020, including a driving under the influence ("DUI") case that resulted in a period of probation for the client. But the fourth case was still pending when the sexual encounters occurred. McGarvey, who knew at the time of the encounters that he was violating the Rules of Professional Conduct, ended the sexual relationship with his client in August 2020.

In early 2021, the probation department in the client's DUI case moved to revoke the client's probation. McGarvey represented the client in the revocation matter. In texts that McGarvey and his client exchanged in February 2021, McGarvey referred to the judge presiding over the case using derogatory slurs that exhibited bias or prejudice on the basis of the judge's gender.

Through this conduct, McGarvey violated Colo. RPC 1.8(j) (a lawyer must not have sexual relations with a client unless a consensual sexual relationship existed between them when the client-lawyer relationship began) and Colo. RPC 8.4(g) (in representing a client, a lawyer must not engage in conduct that exhibits bias against a person based on the person's race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, when such conduct is directed to anyone involved in the legal process).

The case file is public per C.R.C.P. 242.41(a).