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:** HUBERT T. MORROW II, #04513	Case Number: **25PDJ37**
OPINION IMPOSING SANCTIONS UNDER C.R.C.P. 242.31(a)	

SUMMARY

On May 20, 2026, a Hearing Board suspended for six months Hubert T. Morrow II ("Respondent"), a Littleton lawyer whose attorney registration number is 04513. The suspension includes the requirement of reinstatement under C.R.C.P. 242.39, but the sanction is entirely stayed on Respondent's successful completion of a two-year period of probation, with conditions.

In August 2022, Respondent discovered that his bookkeeper and office manager of more than a decade had made dozens of unauthorized transfers from his trust account and stolen hundreds of thousands of dollars from him and a client. This fraud went undetected for several years due in part to Respondent's failure to reconcile his fiduciary accounts quarterly. Respondent thereby violated Colo. RPC 1.15A(a) (a lawyer must safeguard and hold client property separate from the lawyer's own property) and Colo. RPC 1.15C(c) (a lawyer must reconcile trust account records quarterly).

In a client matter, Respondent was appointed as personal representative for a deceased's estate. A friend of the deceased petitioned the probate court for Respondent's removal. Pending a ruling on the petition, the probate court forbade Respondent from taking action as personal representative. Despite this court order, Respondent issued two checks from the estate's account, including at least one to pay his own fees. The deceased's friend also filed a disciplinary grievance against Respondent, who inadvertently charged the estate for his time responding to that grievance. In this probate matter, Respondent violated Colo. RPC 1.5(a) (a lawyer must not charge unreasonable fees) and Colo. RPC 3.4(c) (a lawyer must not knowingly disobey an obligation under the rules of a tribunal).

I. PROCEDURAL HISTORY

Respondent was admitted to the practice of law in Colorado on October 6, 1970, under attorney registration number 04513. He is thus subject to the jurisdiction of the Colorado Supreme Court and the Hearing Board in this disciplinary proceeding.[1]

On behalf of the Office of Attorney Regulation Counsel ("the People"), Justin P. Moore and Ryann A. Love filed with Presiding Disciplinary Judge Bryon M. Large ("the PDJ") a complaint against Respondent in case number 25PDJ37 ("Lyons estate case") on May 22, 2025. Respondent answered pro se on July 7, 2025. On September 10, 2025, the People filed a second complaint against Respondent, which was assigned case number 25PDJ56 ("Metz case"). Respondent answered on October 8, 2025. The People then filed an unopposed motion to consolidate the two matters, and the PDJ granted that motion. Gerald D. Pratt later entered his appearance on Respondent's behalf.

In December 2025, the People moved for judgment on the pleadings as to three claims. The PDJ granted in part and denied in part the People's motion, entering judgment on Claim 1 in the Lyons estate case (premised on Colo. RPC 1.15A(a)) and Claim 1 in the Metz case (premised on Colo. RPC 1.5(a)).

Early in 2026, the People moved for partial summary judgment. After the parties submitted a full suite of briefing, the PDJ denied that motion.

On March 2, 2026, the PDJ granted the People's unopposed motion to dismiss Claim 4 in the Lyons estate case (premised on Colo. RPC 5.3(a)) and Claim 3 in the Metz case (premised on Colo. RPC 1.15A(a)).

From March 9-13, 2026, a Hearing Board comprising the PDJ, Dean Edward A. Dauer (retired), and Judge Edward C. Moss (retired) held a hearing under C.R.C.P. 242.30. Moore and Love attended for the People, and Pratt represented Respondent. At the hearing, Carolyn Metz, Aaron Evans, Garret H. Barry, Geraldine Rodriguez, Gregory Gold, S.J., Ann Morrow, and Respondent testified. The PDJ admitted stipulated exhibits S1-S9; the People's exhibits 14 and 22; and Respondent's exhibits A-K, M-O, and R-S.[2] The Hearing Board also accepted the parties' stipulated facts.[3]

On March 12, 2026, the People rested their case, and Respondent moved under C.R.C.P. 50 to dismiss two claims: Claim 3 in the Lyons estate case (premised on Colo. RPC 1.15D) and Claim 4 in the Metz case (premised on Colo. RPC 3.4(c)). The People moved to voluntarily dismiss Claim 3 in the Lyons estate case, and the PDJ denied Respondent's motion to dismiss Claim 4 in the Metz case.

[1] C.R.C.P. 242.1(a).

[2] Exhibits S2 and S3 are **SUPPRESSED.**

[3] The Hearing Board relies on the stipulated facts here only when they are germane to our findings.

On March 13, 2026, the parties agreed to strike paragraph 61 of the complaint in the Metz case and requested the Hearing Board consider stipulated fact 107 in lieu of that paragraph.

II. THE LYONS ESTATE CASE

Factual Findings

Respondent has been a lawyer for more than fifty years and has spent much of that time in solo practice handling various types of cases, including estate work. Around 2011, Respondent grew desperate to find a fulltime, in-office bookkeeper and manager. He hired Ronda Devers in late 2011, and she worked for him in a variety of capacities until September 2022. Respondent did not run a background check on Devers when he hired her, did not check any references for Devers, and did not otherwise take any measures to verify Devers's background. Devers is a convicted felon; before Respondent hired her, she was convicted of a class-four felony theft.

Five to six months after Respondent hired Devers, Devers's probation officer telephoned Respondent, and the two discussed Devers's felony conviction. Respondent believes that Devers's probation officer wanted to know whether he was aware of Devers's criminal history. The probation officer spoke positively about Devers and made clear what a great person she thought Devers was. Respondent and Devers discussed the felony conviction after he learned of it. According to Respondent, at some later point he discovered that this felony theft involved over half a million dollars.

After Respondent hired Devers, Respondent's law firm consisted of him, nonlawyer Devers, and Geraldine Rodriguez, a paralegal. Devers's responsibilities included running the office, keeping records, paying bills, doing accountings, keeping time, preparing invoices for clients, taking payments for retainers, depositing checks from clients, and performing all tasks needed to pay bills. As bookkeeper, Devers had authority to take payments in the office, to fill out deposit slips and make deposits, and to take payments over the phone or in person by credit and debit card. She was primarily responsible for collecting and depositing client payments. Devers made deposits into the trust account and recorded them in the accounting system.

Respondent described Devers as a "complete breath of fresh air." She got his books in order, put together files, populated his accounting software QuickBooks, and handled clients better than anyone else in the firm. She was a "catalyst of the office," he said, because she brought people together. Rodriguez echoed that sentiment, noting that "everyone" loved Devers and that clients always complimented her. According to Respondent, Devers was not only his employee; she also grew to be his colleague, friend, and confidant. Devers and Respondent formed a close relationship, and Respondent developed a deep trust in Devers, which he characterized as "an evolutionary thing over fourteen years." During that time, he welcomed her into his home, met her family, hosted her wedding at his house, and celebrated holidays with her.[4] "I thought I knew her better than any person other than my wife," he said.

Since around 2016, Respondent maintained at least six bank accounts, including (1) an operating/business account; (2) a payroll (business) account; (3) a building account (for his office building); (4) a condo account (for his rental property); (5) a trust account; and (6) a personal account. Respondent also opened separate "estate" accounts for estates that the firm was handling.

The firm used a client billing program called Time Matters to track trust accounts and estate accounts. Everyone at the firm had access to that program, including Devers. From 2017-2022, Devers was responsible for entering amounts the firm was holding for clients into Time Matters and for entering data related to the firm's trust account.

For many years Respondent's firm used QuickBooks as its accounting software, but the firm switched to QuickBooks Online in 2017 or 2018. Devers was the only person at the firm responsible for entering data in QuickBooks Online when the firm switched to that platform. Respondent testified that he found QuickBooks Online "intimidating," as he perceived it to be much more complicated than QuickBooks. He conceded that because he never achieved proficiency with the online program, he did not regularly use it and thus found it more difficult to oversee what Devers was doing in the program.

In 2018, Respondent's bank notified him that his firm's operating account had been hacked. In April 2019, he established accounts at a new bank. Around the same time, Respondent mentioned to another lawyer that his firm had not earned as much money as he thought it should; the lawyer inquired whether Devers or another employee had taken money, but Respondent expressed confidence that she had not.

The new bank offered online banking, a feature Respondent's firm had not used before. Respondent ensured that the firm's three computers were equipped with online banking capability. Thereafter, Devers had authority to go online to view bank statements, do reconciliations, and check account balances, but Respondent did not authorize Devers to conduct transactions online. Respondent did not know that online access afforded his employees the ability not only to view all of his accounts but also to make transfers between them. Nor did he understand how to effect such account transfers himself. Acknowledging his limited technological acumen and lack of proficiency in computer use, Respondent explained that he "did things the old-school way," adding, "I'm a guy that drives to the bank and hands them the money." After the firm began to bank online, Respondent repeatedly asked Devers to obtain paper copies of bank statements so that he could review them. She sidestepped his requests.

Between 2015 and 2020, an accountant named Ed Dennis prepared the firm's tax returns. According to Respondent, Dennis also did some bookkeeping and accounting for the firm. As part

[4] *See* Exs. R & S.

of those functions, Respondent testified, Dennis monitored the firm's accounts and performed reconciliations through at least 2021.[5] Respondent also said that he instructed Dennis to supervise Devers's work.

Respondent began working with accountant Garret Barry after he finished working with Dennis. Respondent relied on either Dennis or Barry during their respective tenures to supervise Devers's work, which he assumed included performing reconciliations. For his part, Respondent's process with reconciliations consisted of asking his accountants to check on the accounts periodically and making sure there were no deficits in the trust account. Respondent does not recall the dates any reconciliations were performed, and the firm did not prepare reports of reconciliations. Respondent testified that he "knew for a fact" that the firm did not perform reconciliations on a quarterly basis, but he added that they may have been done either more or less frequently.

Barry's recollection differed markedly. According to Barry, per his usual practice with law firm clients, he likely discussed the importance of performing reconciliations with Respondent and his staff. But Barry testified that he was not tasked with supervising Devers. Nor, between 2020 and 2022, did Barry recall being asked to perform written reconciliation reports or review reconciliations. Barry acknowledged that Devers or Respondent might have, in theory, performed reconciliations just by comparing the firm's trust account bank statement to the sum of all of the client retainer balances as itemized in Time Matters. But keeping written reports of reconciliation is best practice, Barry said—a practice no one at the firm observed.

Between 2019 and 2022, the firm kept blank checks for its accounts, including the trust account, in a file drawer to which Devers had access. Devers sometimes filled out checks on the firm's accounts, including the trust account, and presented them to Respondent to review and sign. Devers did not have authority to sign checks or signature authority on any account.

Respondent's firm also maintained estate accounts, which were set up to pay expenses and distribute funds from estates. One such account was for the Virginia Lyons estate. Lyons was Respondent's client until her death in March 2020. In her will, Lyons designated Respondent as her estate's personal representative. In spring 2020, Respondent was appointed the estate's personal representative. The funds in the Lyons estate account were the estate's property and held for Children's Hospital, the estate's beneficiary. Devers worked on matters involving the Lyons estate and had access to blank checks for the estate account, which were in a file drawer. Devers had no authority to transact business on the Lyons estate account, and she did not have signature authority on the account.

In 2022, Respondent tasked Barry with auditing the firm's estate accounts. As part of that work, Respondent asked Barry to prepare an estate accounting of the Lyons estate, for which Barry reconstructed all of the estate's accounting. At Barry's request, Rodriguez began to prepare an

[5] At all times between 2011 and 2024, Respondent was aware of his obligation to reconcile all trust account records both as to individual clients and other persons.

initial accounting but was stymied by missing bank statements and misplaced canceled checks. Respondent instructed Devers to obtain the bank records, but for six months Devers stalled.

Barry said that in August 2022, things “blew up” when he discovered that funds were missing from the Lyons estate account.[6] During his audit, Barry found expenditures to Devers as well as numerous other transactions in the account that could not be justified. Barry brought those discrepancies to Respondent’s attention. Barry concluded that Devers had forged Respondent’s signature on checks from the account. Barry later found other unauthorized transfers on the Lyons estate account. Altogether, Devers took many thousands of dollars from the Lyons estate account over multiple years that did not belong to the firm, Respondent, or Devers.

Initially, Respondent thought the forged checks were only from the Lyons estate account, but Barry later discovered other unauthorized transfers. For instance, Barry’s investigation revealed that Devers transferred funds from the Lyons estate account into the firm's trust account. Devers stole hundreds of thousands of dollars from Respondent and his firm’s accounts by forging checks from Respondent’s accounts payable; unlawfully obtaining an ATM card and withdrawing funds from Respondent’s personal account; and paying her bills and the bills of her domestic partner from Respondent’s personal account or the firm’s accounts. Respondent testified that Devers even paid restitution she owed from her felony theft conviction from his personal bank account. Devers also stole funds from his personal and business accounts through internet transfers and theft of deposits. All told, between 2019 and 2022, Devers wrote unauthorized checks and made unauthorized transactions involving many thousands of dollars, including from the firm’s trust account.

According to Barry, some of these misappropriations, which occurred over several years, were fairly obvious. For example, he found several checks for substantial sums made out to Devers, without justification. Rodriguez agreed that some of the fraudulent transactions were “plain as day, no question,” including the transfers from the Lyons estate account. Barry also recognized, however, that “[w]ith embezzlers, you start pulling a string and everything unravels. You trust people until you don’t.” Respondent acknowledged that he was ultimately responsible for supervising Devers. Respondent also admitted that he failed to realize Devers was writing unauthorized checks or making unauthorized transactions. Further, he allowed that he should have spent more time supervising her. Even so, he testified that he always believed he sufficiently protected his accounts.

On September 8, 2022, Respondent, Barry, and Rodriguez confronted Devers about the theft. Devers admitted that she stole money. Respondent then terminated her employment. In September 2022, Respondent filed a civil lawsuit against Devers in Adams County.

Disciplinary authorities were alerted to Devers’s theft and opened an investigation, requesting information about the firm’s bookkeeping. In response, Respondent and Barry prepared one reconciliation in September 2023 and a second reconciliation in December 2023.

[6] Stip. Facts ¶¶ 52, 60.

Barry's reconciliation consisted of comparing Time Matters records for each client, the amount that should be in each client account, adding those figures, and comparing them to the bank statements. These are the firm's only two extant reconciliation reports between 2020 and 2023.

When performing the 2023 reconciliations, Barry identified an overage of $1,500.00 in the firm's trust account. Because Respondent learned that Devers had taken hundreds of thousands of dollars out of the Lyons estate account, running some of those funds through the trust account, Respondent and Barry concluded that the $1,500.00 overage resulted from one of Devers's alleged unauthorized transfers. Respondent thus concluded that $1,500.00 should be refunded to the Lyons estate account. That $1,500.00 was the only money Respondent has refunded to the Lyons estate to date. Respondent is currently in discussions with Children's Hospital about replenishing the estate's account.[7]

In Respondent's civil case against Devers, he represented that Devers had forged checks on the Lyons estate account totaling $85,249.02 and made unauthorized transactions out of the estate totaling $135,894.18.[8] Respondent also represented that Devers wrote checks totaling $193,605.09 from the firm's trust account between July 2019 and August 2022.[9] At the disciplinary hearing, Rodriguez confirmed that Devers forged about twenty-nine checks from the Lyons estate account over two-and-a-half years. Rodriguez also opined that the best estimate of the total amount Devers transferred from the trust account is $193,605.09, though she added that the firm continues to discover misappropriations from various accounts.

At the hearing, Respondent reflected on his role in Devers's protracted and extensive fraud. Respondent conceded that he was not as attentive to the firm's books as he ought to have been; he acknowledged his embarrassment that he had not made more of an effort to be current technologically; and he testified that if he had looked at the bank statements and performed the reconciliations himself, he "absolutely" would have discovered Devers's theft. Even so, he said he wished for—but could not pinpoint—an explanation as to why he had not detected the misappropriations earlier, and he remarked, "I have to honestly say in a cumulative sense that I never detected in [Devers] an improper act or opinion or view about something that should happen or did happen. She seemed . . . to be an ethical person."

Respondent also testified about the pain and devastation his entanglement with Devers has caused him financially and emotionally. He explained that Devers took over $800,000.00 of his own money, separate from her theft from the Lyons estate funds. On an emotional level, he felt betrayed and shamed by a close friend, and he felt guilt for letting down his family, his practice, and Children's Hospital. He also suffered severe self-doubt from this "recurring nightmare," questioning whether his fifty-year law practice has been "good for nothing."

Devers is currently being prosecuted for felony theft. Her trial is set for October 2026.

[7] Respondent resigned as personal representative of the Lyons estate on November 21, 2023.

[8] Stip. Facts ¶ 67; *see also* Exs. S7 & S8.

[9] Stip. Facts ¶ 66; *see also* Ex. S9.

Legal Analysis

Claim 1 – Colo. RPC 1.15A(a)

The PDJ granted the People's motion for judgment on the pleadings on this claim, which alleges Respondent violated Colo. RPC 1.15A(a). That rule requires a lawyer to hold property of clients or third persons in the lawyer's possession separate from the lawyer's own property and in a compliant trust account. The PDJ found that Devers misappropriated Lyons estate funds while Respondent employed her and while Respondent was responsible for safeguarding those funds. In entering judgment on this claim, the PDJ concluded that even though it was Devers, not Respondent, who misused the funds, he was not thereby absolved of failing to keep client funds separate and safeguarded.

Claim 2 – Colo. RPC 1.15C(c)

Claim 2 of the Lyons estate case alleges that Respondent violated Colo. RPC 1.15C(c), which provides that no less than quarterly, a lawyer or a person supervised by the lawyer must "reconcile the trust account records both as to individual clients or other persons and in the aggregate with the bank statements issued by the bank in which the trust account is maintained." Respondent denies the People's claim, asserting that he discussed with Devers the importance of performing reconciliations, that he believed Dennis or Barry oversaw Devers's work in this regard, and that he himself periodically looked at Time Matters ledgers and bank statements, which he claims was tantamount to performing reconciliations.

The Hearing Board concludes that no one at the firm performed quarterly reconciliations from at least 2020 through 2022. We find that Devers did not perform supervised reconciliations, given the absence of reconciliation reports, Barry's testimony that he did not supervise Devers performing reconciliations, and Dennis's failure to notify Respondent of inconsistencies in the firm's accounting.[10] Nor did Respondent perform reconciliations. Respondent testified that he "knew for a fact" the firm did not perform reconciliations on a quarterly basis, hedging as to whether those reconciliations were done more or less frequently. He also admitted that if he had looked at the bank statements and performed the reconciliations himself, he "absolutely" would have discovered Devers's embezzlement. As such, we reject Respondent's purported practice of

[10] The Hearing Board accepts Barry's testimony that generating a written reconciliation report is best practice. But we decline to adopt the People's position that a reconciliation must be evidenced by a written report. Colo. RPC 1.15C(c) does not include such a requirement. Nor does a standard dictionary definition. *See* Black's Law Dictionary (12th ed. 2024) (defining "reconciliation" as an adjustment of accounts so that they agree, especially by allowing for outstanding items); *but see* ABA *Model Rules on Client Trust Account Records* Rule 1(i) (requiring lawyers to maintain copies of quarterly reconciliations of client trust accounts). And neither the Colorado Supreme Court nor the Colorado Bar Association Ethics Committee has rendered an opinion describing the required elements of a reconciliation.

periodically checking trust account balances against Time Matters as compliant reconciliations under Colo. RPC 1.15C(c). Considering Respondent's own testimony, together with circumstantial evidence, we find clear and convincing evidence that from at least 2020 through 2022, neither Respondent nor Devers nor any outside accountant performed quarterly reconciliations for the firm.[11]

Claim 5 – Colo. RPC 5.3(b)

The People's fifth claim against Respondent in the Lyons estate case is premised on Colo. RPC 5.3(b), which provides that a lawyer with direct supervisory authority over a nonlawyer must "make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer." Comment 2 to the rule clarifies that a lawyer must give nonlawyer assistants "appropriate instruction and supervision" concerning the ethical aspects of their employment.

Respondent violated Colo. RPC 5.3(b), the People say, by failing to reasonably supervise Devers, a convicted felon, while she managed his accounts and tended to his fiduciary obligations. Respondent disputes this claim, arguing that the rule requires reasonable efforts, not perfection; that no binding authority prohibits the hiring of felons; and that his conduct should be judged by what was apparent at the time, not what is apparent in hindsight.

The Hearing Board cannot find clear and convincing evidence that Respondent abdicated his duty to reasonably supervise Devers. Respondent instructed Devers about the importance of maintaining compliant trust account records and keeping client and third-party funds inviolate. He trained her to perform the functions for which she was hired and, as he testified, his trust in her understandably deepened over the course of years as he gave her more responsibility and she rose to the occasion.

Devers's status as a convicted felon does not alter our view that Respondent's trust in her, which grew over time, was reasonably placed. Respondent employed Devers for several years without any hint that she was engaged in wrongdoing or any reason to suspect that she was mishandling funds. Further, we refuse to endorse the position that a lawyer should face discipline by extending a second chance to a person who has served a criminal sentence. Finally, we agree with Respondent that reasonable efforts to supervise do not always equate to perfect results.[12] Indeed, even exemplary supervisory efforts may nevertheless culminate in misfortune. Here, Devers actively worked around the firm's safeguards; that she successfully misappropriated several hundreds of thousands of dollars from Respondent and his firm does not per se indicate

[11] Our conclusion that Respondent violated this rule should not be interpreted as a finding that lawyers must perform reconciliations themselves but rather a finding that lawyers are always ultimately responsible to ensure that reconciliations are performed properly.

[12] *Cf. In re Stanley*, 2025 CO 51, ¶ 47 (noting that Colo. RPC 5.1(b) requires only "reasonable efforts," not "superior leadership").

a failure in Respondent's supervision. We do not find Respondent violated Colo. RPC 5.3(b) because we do not find that his supervision of Devers was unreasonable. Rather, as noted above, we fault Respondent for the acts or omissions for which he is ultimately responsible.

III. THE METZ CASE

Factual Findings

Carolyn Metz met Stanley Brown in 2003, when she was one of his tenants. Over time, Metz came to regard Brown as a "second dad" and one of her best friends. During the COVID-19 pandemic, Brown asked Metz to serve as executor of his estate and watch over his disabled adult daughter, R.B. But Brown never drew up a will.

Metz retired in 2022 and moved from Denver to Santa Fe. During that period, she fell out of contact with Brown for several months. When Metz reestablished contact with Brown in December 2022, she was distraught to learn that in her absence he had suffered a stroke and moved into a nursing home. Brown called Metz on February 3, 2023, the day before he died. On that call, she reassured him that she would manage his estate and keep tabs on R.B., who was living in an adult care facility and receiving care through a state-funded Medicaid program.

On June 28, 2023, Metz met with Respondent to secure his help in opening Brown's estate. Metz chose Respondent because she had previously retained him to draw up her own will. Respondent was not independently aware of Brown or R.B, nor did he have an attorney-client relationship with either.

On a fee agreement form, Metz filled out the description of legal services: "Represent in an estate and open estate for Stanley Brown."[13] The agreement listed Respondent's retainer amount as $5,000.00 and his hourly rate as $300.00. Respondent and Metz met for more than an hour on June 28, 2023, during which Metz told Respondent that she wanted to manage the estate to ensure that it was "given respect" and its funds were used for R.B.'s benefit.

Respondent and Metz both testified that they discussed the possibility of Respondent acting as Metz's lawyer while she served as the estate's personal representative. Otherwise, however, their accounts diverged substantially. Metz said that following their meeting, she believed Respondent would serve as her lawyer and open an estate so she could act as administrator. Respondent, on the other hand, recalled Metz recoiling at the prospect of a $5,000.00 retainer, which she said she could not raise. He testified that after further discussion, it became clear that Metz was not a "suitable choice" to act as the estate's personal representative, given that she lived and worked in New Mexico, did not have funds sufficient to pay him as her lawyer, and generally did not understand a personal representative's duties. So, he offered to act as the estate's personal representative while also working as her lawyer to secure her appointment

[13] Ex. S2; *see also* Stip. Facts ¶ 81.

as R.B.'s conservator and guardian—a solution he considered far more financially efficient than billing her for advice and counsel while she performed the tasks of the personal representative. He concluded the meeting, he said, by asking her to give him $300.00 to open the estate with the probate court. She did so.

The next day, June 29, 2023, Metz again met with Respondent for more than an hour. According to Respondent, the "topic completely changed" to focus on Metz's possible appointment as guardian and conservator, which would enable her to take charge of the estate's funds and set up a trust for R.B.'s benefit. Metz agreed to return on July 7, 2023.

On July 7, 2023, Metz visited Respondent's office again. He produced another fee agreement form. On that form, Metz described the type of matter as "probate" and the legal services she sought as "guardianship, conservatorship."[14] Respondent and Metz both testified that the word "probate" initially preceded this description but was whited out in the agreement. At the disciplinary hearing, Metz said she was mystified why the word "probate" had been redacted. But Respondent explained at the hearing that they applied white-out because the probate work was addressed in the first fee agreement, dated June 28, 2023. The second fee agreement, he stated, covered his legal work for Metz in seeking her appointment as R.B.'s conservator and guardian. That second fee agreement recited $2,500.00 as Respondent's retainer amount. Because Metz said she was cash-strapped, Respondent accepted just $1,700.00 as a retainer and discounted his hourly rate to $250.00. They never discussed fees thereafter.

Also on July 7, 2023, Respondent and Metz completed and signed a probate court form applying for Respondent's informal appointment as the Brown estate's personal representative.[15] The form identified Metz as the individual seeking Respondent's appointment.[16] Paragraph 11 of the form states:

> Mr. Brown did not have any living relatives, except a totally disabled daughter, who resides in protective care . . . in Englewood, Colorado. Applicant was a close friend of the deceased for 20 years, and is the only person known to have had a close relationship to the deceased. Applicant cared for the deceased prior to his death. Applicant is aware of the deceased [sic] financial affairs, and assets, and was told by the deceased before his death that his wishes were for her to handle his estate and care for his disabled daughter after his death. Applicant is applying to become Mr. Brown's daughter's Guardian/Conservator. She nominates her attorney, Hubert T. Morrow, who has 53 years of probate experience to be the Personal Representative.[17]

[14] Ex. S3; *see also* Stip. Facts ¶ 81.
[15] Ex. S4; *see also* Stip. Facts ¶ 82.
[16] Ex. S4; *see also* Stip. Facts ¶ 82.
[17] Stip. Facts ¶ 83.

Respondent handwrote the contents of paragraph 11 on a yellow pad and asked his paralegal, Rodriguez, to type that text in the application form. Rodriguez typed the information as written and completed the form, which she delivered to Respondent.

Notably, Rodriguez did not fill out paragraphs 14 or 15 of the application, which addressed the form of compensation for the personal representative and the personal representative's lawyer, respectively. Respondent or his firm answered both questions by stating, "To be Determined."[18] Rodriguez testified that these responses were consistent with the firm's typical approach to such forms.

Respondent asked Metz to review the completed application and confirm its accuracy, after which they both signed the document seeking his appointment as personal representative of the Brown estate. Rodriguez testified that Metz never said or did anything to suggest that Metz did not understand the arrangement. Though Metz testified that she does not remember seeing or signing the application and that she never knowingly or willingly nominated Respondent as the Brown estate's personal representative, the Hearing Board cannot adopt her view of these events due to the weight of conflicting evidence, as discussed below.

Respondent initiated a probate proceeding and filed the application for his informal appointment as personal representative. The probate court appointed Respondent as personal representative. Respondent testified that when he was appointed, he informed Metz that his sole duty was to the estate, that he was not representing her as personal representative, and that no one, save R.B., had standing to remove him. Despite this, he included her in the proceedings, not directly, but as an ancillary. He characterized this commitment as an "unenforceable agreement." He felt not only obligated to communicate with Metz and keep her apprised of developments but also in need of her assistance. Respondent did not think he could effectively perform the tasks of personal representative without her, as he relied on her as a source of information about the estate's assets, Brown's wishes for their administration, and the tenants residing in Brown's house.

From July 2023 through November 2023, Respondent and Rodriguez sent many emails and documents to Metz, including motions or other filings in the probate case in which Respondent was repeatedly identified as "personal representative." For example, Respondent was identified as personal representative in the information of appointment, the motion for citation, and request for a forthwith hearing, all of which Respondent served on Metz.[19] At one point in September 2023, Respondent corrected Metz, who referred to herself "as a co executor" when suggesting that he approach the topic of tenants' back-rent with some measure of lenience.[20] Respondent replied, "As personal representative I don't have the liberty to cut the tenants a deal – I have a duty to collect all funds due the estate," adding, "[b]y the way, you are not 'co-executor' we are attempting to make you his daughter's guardian."[21] Metz was aware of these efforts; during

[18] Stip. Facts ¶ 85.
[19] *See* Exs. H, I, & K.
[20] Ex. F.
[21] Ex. F.

late summer and autumn 2023, she exchanged correspondence with Respondent's firm on several occasions about a petition for her appointment as R.B.'s conservator or guardian.[22]

Metz ceded the day-to-day work of actually administering the estate to Respondent. She forecasted "better results" for Respondent in dealing with the tenants due to his status as a lawyer, provided him the tenants' full names and rent charges, and supplied him with a list of various documents she had earlier gathered from the residence.[23] In September 2023, she further distanced herself from estate matters when she asked her romantic partner, Thomas Baumann, to manage and handle all communications with Respondent's firm. Thereafter, most of the firm's communications were directed to Baumann.[24] Thus, notwithstanding Metz's testimony that she "glossed over" Respondent's communications identifying him as personal representative, we cannot deem reasonable her purported belief that Respondent was busy opening an estate and working to obtain for her legal authority to administer it.

In mid-November 2023, Respondent received a telephone call from Baumann, who castigated him for disregarding Metz's wishes concerning the estate. In response, Respondent made clear that Metz could not fire him as the personal representative. In a follow-up email to Metz, Respondent explained that his representation of her ended as to the estate when he was appointed the estate's personal representative; that he had continued to represent her thereafter only in drafting her petition for guardianship and conservatorship; that since Baumann's telephone call, Respondent perceived a conflict in performing work for Metz, given the couple's contentiousness; and that his representation in providing any legal services was at an end. Respondent concluded by stressing that neither Metz nor Baumann were entitled to interfere with his work as personal representative, to have him removed, or to receive information about the estate.

On December 12, 2023, money was wired into the Brown estate account from the proceeds from the sale of the estate home. Soon thereafter, an invoice dated December 14, 2023, capturing the firm's expenses and fees for work on the estate, was sent to Metz.[25] The invoice recited a range of tasks Respondent completed as personal representative, all billed at his lawyer rate of $300.00 per hour. These tasks included meeting with a mechanic, calling and meeting with clean-up crews and a dumpster company, cleaning up Brown's house, and removing Brown's personal items.[26] The invoice showed a balance due of $31,590.76.

Respondent testified that he did not expect Metz to pay the invoice. Respondent attributed the mailing to an internal firm mistake. He said he produced the invoice to bill the estate for his services as personal representative and did not realize that the invoice had in error been sent to Metz. In summer 2024, Metz filed a disciplinary grievance against Respondent.

---

[22] *See* Exs. B, J, & M.

[23] *See, e.g.,* Exs. A, C, F, & G.

[24] *See* Ex. E.

[25] Ex. 22.

[26] Ex. 22.

In September 2024, Respondent separately billed Metz for services related to preparing Metz's petition to be appointed as R.B.'s guardian or conservator.[27]

In late 2024, Metz filed a petition and an amended petition to reopen Brown's estate and remove Respondent as personal representative.[28] On December 10, 2024, the probate court entered an order that governed Respondent as personal representative:

> The Court has reviewed the Petition which also seeks to remove the Personal Representative and finds an appearance/status conference is warranted as pursuant to CRS 15-10-503(2) a hearing will be necessary and upon the filing of the Petition for Removal pursuant to C.R.S. 15-10-503(4) the Personal Representative is ***prohibited from acting except to account, correct maladministration, or to preserve the estate***. . . .[29]

Respondent knew of this order.

On December 18, 2024, Respondent filed an objection to the petition to reopen the estate and remove him as personal representative. His objection centered on Metz's lack of standing to remove him as personal representative, as she was not Brown's heir. The probate court did not rule on his objection.

After the probate court's order, Respondent made disbursements from the estate on February 4, 2025, and February 13, 2025, at least one of which paid him for the services he performed as personal representative. Respondent testified that he knowingly paid these invoices without clarifying the order with the probate court. Respondent testified that the order was based on a companion statute with which he was familiar. Respondent did not consider the disbursements as violative of the probate court's order of December 10, 2024; he viewed the payments as within the ambit of the order's exception clause permitting him "to account" for the estate and to ensure no disruption occurred in the estate's financial affairs.

Around January 17, 2025, the probate court appointed Aaron Evans as guardian ad litem for R.B., the estate's sole heir. Evans was tasked with evaluating and protecting R.B.'s best interests by investigating Respondent's administration of the estate. On March 11, 2025, Evans submitted to the probate court a report with recommendations. In the report, Evans recommended, among other things, that the probate court remove Respondent as the personal representative and deny some of Respondent's charges to the estate. The probate court suspended Respondent as personal representative under C.R.S. section 15-10-103(4) and appointed the Public Administrator of Arapahoe County as the estate's special administrator.

---

[27] Stip. Facts ¶ 95; Ex. S6. Ultimately, Metz did not pursue appointment as R.B.'s guardian or conservator. Stip. Facts ¶ 95.

[28] *See* Stip. Facts ¶ 96. Metz filed an amended petition on January 7, 2025, to reopen the estate and remove Respondent as personal representative.

[29] Stip. Facts ¶ 97 (emphasis added).

Respondent set about compiling a compendium of billing entries titled "Stanley Brown Estate Carolyn Metz" showing that he billed $56,359.37 in fees and expenses to the estate from June 28, 2023, to February 3, 2025.[30] Of that total, fees accounted for $50,490.00, billed at a rate of $300.00 per hour,[31] and expenses accounted for $5,869.37.[32] A portion of the fees listed in the compendium were for time spent responding to the disciplinary grievance Metz filed.

On May 7, 2025, Evans filed a "Petition to Remove Personal Representative Pursuant to C.R.S. § 15-10-103, Surcharge Formal Personal Representative, and for Restitution and Imposition of Constructive Trust for Unjust Enrichment." According to Evans, his request for restitution was primarily premised on two categories of "questionable" charges. First, Evans opined that Respondent's performance of certain types of non-legal and manual labor were not in the estate's best interests. It was unreasonable for Respondent to charge his $300.00 hourly lawyer billing rate to clean up Brown's house, remove Brown's personal items, and the like, Evans said; those tasks should have been subcontracted to someone else who charged a far lower hourly rate. Evans estimated such charges totaled around $8,700.00 for about thirty hours of work, though he conceded that some charges were "murky," given that they contained mixed legal and administrative components. Second, Evans flagged Respondent's charges for responding to Metz's disciplinary grievance as improper. Those charges, too, totaled about $8,700.00, Evans said.

Respondent defended his billings for clean-up and removal of items as not simply manual labor. Rather, the work involved sifting through a large quantity of indiscriminately accumulated belongings, searching for valuable personal property and papers to facilitate a quick sale of the house, before its foreclosure. But Respondent agreed the fees for responding to Metz's disciplinary grievance were improper. On May 8, 2025, Respondent refunded $9,750.00 to the Brown estate, through Evans, for fees that had been paid for responding to the grievance.

Respondent testified that he did not knowingly bill the estate for the time he spent responding to Metz's grievance. He explained that he recorded by hand all of his time in a little black book, and his staff then transferred those entries into Time Matters, which generated the compendium. When Evans made him aware of the charges, Respondent refunded the full amount of Evans's estimate and $1,000.00 more besides, reasoning that Evans had missed a few entries related to the grievance.

The probate court never ruled on Evans's petition, as a settlement was reached during mediation on November 11, 2025. Evans filed an unopposed motion to approve the confidential settlement agreement, and the probate court approved that agreement. On December 15, 2025, the probate court closed the case.

---

[30] Stip. Facts ¶ 92; Ex. S5. Some charges appear in exhibit S5 that do not appear in exhibit 22. To a lesser extent the inverse is also true.

[31] Respondent billed Rodriguez's work at $135.00 per hour.

[32] Stip. Facts ¶¶ 93-94; Ex. S5.

Legal Analysis

Claim 1 – Colo. RPC 1.5(a)

The People's first claim in the Metz case alleges that Respondent twice violated Colo. RPC 1.5(a), which prohibits a lawyer from charging an unreasonable fee.

First, the People contend that Respondent violated the rule by billing and collecting fees from the Brown estate for work he performed responding to Metz's grievance with lawyer disciplinary authorities. The PDJ entered judgment on the pleadings on this portion of Claim 1, as Colorado law is clear that billing a client for work performed in responding to a disciplinary grievance is a violation of the rule.[33]

Second, the People assert that Respondent violated Colo. RPC 1.5(a) by charging and collecting from the Brown estate fees at his lawyer rate for services that did not require the skill, education, or training of a lawyer, rendering the rates he charged for those services unreasonable. Respondent disagrees that charges at his $300.00 hourly rate were unreasonable, maintaining that the contested charges reflect the value he brought to selling Brown's house and disposing of Brown's personal property expeditiously. Respondent also observes that the probate court never found his charges unreasonable. And finally, Respondent argues that no evidence suggests the confidential settlement resolving Evans's May 2025 petition disadvantaged the estate or R.B.

The Hearing Board cannot find that the People proved this portion of Claim 1 by clear and convincing evidence. It is true Evans opined that charging $300.00 per hour for clean-up and removal of personal property was unreasonable. Evans admitted, however, that certain tasks limned in the invoice incorporated both lawyerly and administrative elements. Further, Respondent countered that the tasks he performed in preparing Brown's house for a quick sale to avoid foreclosure, which drew on his legal skill and experience, were more complex than the labels affixed to them in his invoice. Neither party elicited testimony as to whether Respondent's rate was out of alignment with fees charged for similar work or what a reasonable hourly rate is for personal representatives in the Denver metro area. Respondent's and Evans's discrepant testimony was therefore the only evidence offered at the hearing as to whether Respondent's fees were unreasonable.

As such, we struggle to find that it is "highly probable" Respondent violated Colo. RPC 1.5(a) in billing for his work as personal representative.[34] Without any other evidence demonstrating that these charges were unreasonable, we deem it unwise and unfair to second-guess Respondent's staffing decisions while he worked on a compressed timeline—between the time he finally gained access to the property and the looming foreclosure date—to liquidate the

---

[33] *See People v. Brown*, 840 P.2d 1085, 1089 (Colo. 1992).

[34] *People v. Distel*, 759 P.2d 654, 661 (Colo. 1988) (citing *People v. Taylor*, 618 P.2d 1127, 1136 (Colo. 1980) in defining the "clear and convincing evidence" standard).

estate's primary asset. The People did not prove by clear and convincing evidence that Respondent violated this portion of Claim 1.

Claim 2 – Colo. RPC 1.7(a)(2)

Claim 2 of the People's complaint in the Metz case contends that Respondent violated Colo. RPC 1.7(a)(2), which prohibits a lawyer from representing a client if the representation involves a concurrent conflict of interest, in that a significant risk exists that the representation will be materially limited by a personal interest of the lawyer.

The People's claim is premised on Respondent's dual role as appointed personal representative of the estate and as Metz's lawyer, under both the fee agreement dated June 28, 2023, and the fee agreement dated July 7, 2023. According to the People, Respondent undertook these roles without securing Metz's written informed consent to the significant risk that his own interest in collecting personal representative fees from the estate would conflict with Metz's interests in protecting R.B. and carrying out Brown's wishes for his estate. The People focus specifically on Respondent's failure to advise Metz that, were he to be appointed personal representative of the Brown estate, she would have no recourse to remove him and that he could object to her efforts to do so.

Respondent takes exception to this claim's factual and legal predicates. He explains that he and Metz plotted an initial course whereby she would be appointed personal representative of the estate and he would act as her lawyer, but that course quickly evolved. Thereafter, they agreed that she would nominate him to act as the estate's personal representative. While he performed those duties, he would also assist her to petition for appointment as R.B.'s guardian and conservator. These dual roles, he maintains, created no potential for conflicts, as he did not undertake to represent Metz in any capacity potentially adverse to the estate or to R.B.

We adopt in its entirety Respondent's chronicle of his relationship with Metz. Before Respondent and Metz consulted, Metz filled out the scope of representation blank in the fee agreement dated June 28, 2023. Later, under that agreement, Respondent requested a retainer that Metz could not supply. Instead, he accepted $300.00 to open the estate in probate. After discussions on June 28, June 29, and July 7, 2023, the two agreed that Respondent was better positioned than Metz in location, experience, and disposition to serve as the estate's personal representative. They also agreed that Respondent would not serve as Metz's lawyer for probate purposes. Instead, on July 7, 2023, Metz signed paperwork to nominate Respondent as the estate's personal representative. The same day, the two signed another fee agreement whereby Metz retained Respondent to file a petition for her appointment as guardian-conservator for R.B. Accordingly, we conclude that the fee agreement of June 28, 2023, was abandoned when, on July 7, 2023, Respondent and Metz formed a lawyer-client relationship with the objective of filing a petition to secure Metz's appointment as R.B.'s guardian and conservator. And we find that the scope of the representation was limited to Respondent's work to draft and file for Metz a petition seeking her appointment as guardian and conservator, not to represent her while she occupied either of those roles.

The parties' conduct after July 7, 2023, also colors our view of the nature of the lawyer-client relationship between Metz and Respondent. Metz forwarded Respondent information necessary to administer the estate. Respondent sent Metz correspondence repeatedly describing himself as the estate's personal representative. He quickly corrected her when she referred to herself as co-executor. And Metz sporadically pursued her appointment as guardian-conservator between August and October 2023 while delegating to her partner, Baumann, communications with the firm about Respondent's administration of the estate. From these facts, we deem objectively unreasonable Metz's testimony that she believed she was to be the estate's personal representative and Respondent her lawyer.

Thus, to determine whether a prohibited conflict existed, we turn to Respondent's dual roles as first, the estate's personal representative and second, as Metz's lawyer to prepare a petition for her appointment as R.B.'s guardian-conservator. When we do, we perceive no significant risk of a material limitation in Respondent's ability to file a petition for Metz's appointment as guardian and conservator due to his work as the estate's personal representative. The People have not clearly or convincingly demonstrated why these tandem tasks would pose a significant risk of conflicted representation. We do not find that Respondent violated Colo. RPC 1.7(a)(2).

Claim 4 – Colo. RPC 3.4(c)

The People's fourth claim in the Metz case charges Respondent with violating Colo. RPC 3.4(c), which prohibits a lawyer from knowingly disobeying an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists. The People assert that Respondent violated this rule by issuing two checks from the estate's account—including at least one that paid his own fees—thereby contravening the probate court order dated December 10, 2024, which forbade him from acting "except to account, correct maladministration, or to preserve the estate."

Respondent challenges that position, arguing that the probate court order's safe harbor provision allowing him "to account" permitted him to pay estate expenses, including his own contested fees. Respondent cites *Centennial Collection Corp. v. Department of Regulatory Agencies*, a case involving a Collection Agency Board rule requiring licensees to account to their clients for all money collected, for the proposition that the phrase "to account" can include not only to provide an accounting but also to "pay over the money to the person entitled thereto."[35] Respondent also disputes that the People shouldered their burden to show that he knew of the probate court's interpretation of the phrase yet nonetheless disobeyed the directive.

[35] 525 P.2d 1168, 1171 (Colo. App. 1974).

We decline to look outside of the probate context to divine the meaning of the phrase "to account." Instead, we consider the more immediate authority at hand: C.R.S. section 15-10-503(4), which the probate court cited when it barred Respondent from acting in his capacity as the personal representative "except to account, correct maladministration or to preserve the estate." That language, with which Respondent testified he is familiar based on his legal experience in handling estates, is housed in a statutory section that addresses the power of a probate court to review the conduct of fiduciaries and to protect the financial interests of the estate.

We find by clear and convincing evidence that the probate court's order specifically contemplated enjoining Respondent from taking any action that depleted the estate and redounded to his own financial benefit. Equally, we find by clear and convincing evidence that Respondent was familiar with the prohibitory language the probate court used and was aware of the statutory scheme from which that language derived. We thus conclude that Respondent violated Colo. RPC 3.4(c) by knowingly disobeying the probate court order dated December 10, 2024.

Claim 5 – Colo. RPC 8.4(c)

The People's last claim is premised on Colo. RPC 8.4(c), which prohibits a lawyer from engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. The People allege that Respondent violated this rule in two ways: (1) by arranging to have himself appointed as personal representative of Brown's estate while concealing the fact that he intended to charge the estate, at his lawyer rate, for all services he provided as personal representative, concealing the hourly rate he intended to charge, and generally taking steps to avoid or prevent any oversight of his actions as personal representative; and (2) by billing the estate for work he performed in responding to Metz's grievance when he knew or should have known that he could not charge the estate for such work. We consider and reject each theory in turn.

The People's first theory lacks evidentiary backing to clearly and convincingly establish that Respondent acted deceitfully. Concerning the People's allegation that Respondent concealed his hourly rate on his application for appointment as personal representative, the only testimony presented was Rodriguez's. She explained that that she filled out the application and gave it to Respondent to review. She also disclosed that the firm typically does not fill out either paragraph 14 of such applications, which addresses the personal representative's compensation, or paragraph 15, which addresses the compensation of the personal representative's counsel. Rodriguez's testimony persuades us that Respondent's failure to complete these paragraphs was rooted not in trickery but a certain laxness in handling administrative matters. We are also heavily swayed by the probate court's approval of Respondent's application, even though paragraphs 14 and 15 provided no information. Similarly, we cannot identify any evidence to support a finding that Respondent attempted to evade oversight as the estate's personal representative, particularly given that eventually the probate court would review Respondent's hourly rate and his charges to the estate.

The People's second theory likewise founders. Respondent offered credible and uncontroverted testimony that his handwritten notations documenting the time he spent responding to Metz's grievance were mistakenly inputted into Time Matters and inadvertently charged to Brown's estate. This blunder, too, smacks of inattention to the details of law practice management rather than dishonesty. As soon as Evans notified Respondent of the improper charges, Respondent refunded the full amount as well as another $1,000.00 to cover charges Evans did not identify. We do not find a violation of Colo. RPC 8.4(c) on this basis.

IV. <u>SANCTIONS</u>

In determining sanctions, we are guided by the framework established by the American Bar Association *Standards for Imposing Lawyer Sanctions* ("ABA *Standards*")[36] and Colorado Supreme Court case law.[37] Following the ABA *Standards* model, we consider the duty the lawyer violated, the lawyer s mental state, and the actual or potential injury caused by the lawyer s misconduct. These three variables yield a presumptive sanction that we may then adjust based on aggravating and mitigating factors.[38]

ABA Standard 3.0 – Duty, Mental State, and Injury

<u>Duty</u>: In the Lyons estate matter, Respondent violated his fiduciary and professional duties to clients and third parties to preserve, account for, and safeguard funds (Claims 1 and 2). In the Metz matter, Respondent failed to honor his professional duty to charge reasonable fees (Claim 1) and disregarded his duty to the legal system when he knowingly disobeyed a court order (Claim 4).

<u>Mental State</u>: The Hearing Board finds that Respondent acted negligently when he failed to safeguard Lyons estate funds and recklessly when he closed his eyes to his obligation to reconcile his trust account and estate accounts. Respondent negligently charged the Brown estate for the time he spent responding to Metz's disciplinary grievance. We believe that Respondent did not intend to charge or collect money for this task and instead inadvertently itemized these charges in the compendium. Finally, recognizing that the ABA *Standards* define "knowledge" as "the conscious awareness of the nature of attendant circumstances of the conduct but without the conscious objective or purpose to accomplish a particular result," we find that Respondent knowingly violated the probate court's order of December 10, 2024, when he distributed fees to himself from Brown estate funds.[39]

---

[36] Found in ABA *Annotated Standards for Imposing Lawyer Sanctions* (2d ed. 2019).
[37] *See In re Roose*, 69 P.3d 43, 46-47 (Colo. 2003).
[38] *In re Attorney F.*, 2012 CO 57, ¶ 15 (Colo. 2012).
[39] ABA *Annotated Standards* at xxi.

Injury: Respondent's negligence in failing to safeguard Lyons estate funds and his disregard of his reconciliation obligations resulted in substantial financial harm to the Lyons estate and its beneficiary, Children's Hospital. And his misconduct could have resulted in substantial financial harm to other clients or third parties who entrusted him with their money.

The Hearing Board cannot find, however, that Respondent's misconduct in the Metz matter caused the Brown estate or R.B. more than de minimus harm, if even that. Not only did Respondent return to the estate the funds he improperly collected for responding to Metz's grievance when those charges were brought to his attention, but he also reviewed his records, determined he owed more money than Evans calculated, and reimbursed the estate accordingly. Further, although Respondent disbursed money from the estate to himself in violation of the probate court's order, the People did not marshal convincing evidence that he thereby harmed the proceeding or the estate. Of significance, nothing in the probate court record clearly shows that Respondent's conduct resulted in harm in that matter.

ABA Standards 4.0-8.0 – Presumptive Sanction

Several ABA *Standards* apply here. ABA *Standard* 4.13 pertains to Respondent's failure to safeguard funds in violation of Colo. RPC 1.15A(a). That *Standard* calls for public censure when a lawyer negligently deals with client property and causes the client injury or potential injury.

ABA *Standards* 7.2 and 7.3 relate, respectively, to Respondent's failure to reconcile trust account records and to his improper billing for responding to Metz's disciplinary grievance. *Standard* 7.2 sets suspension as a presumptive sanction when a lawyer knowingly engages in conduct that is a violation of a professional duty, thereby injuring or potentially injuring a client the public or the legal system.[40] *Standard* 7.3 recommends public censure when a lawyer negligently violates a professional duty and harms or potentially harms a client, the public, or the legal system.

Finally, we apply ABA *Standard* 6.23 in relation to Respondent's knowing disobedience of the probate court's order. While ABA *Standard* 6.22 captures Respondent's knowing mental state, it does not accurately reflect the minimal injury occasioned by Respondent's noncompliance. Conversely, the elements of ABA *Standard* 6.24 mirror our finding concerning injury but do not match Respondent's culpable mental state in violating Colo. RPC 3.4(c). Because neither *Standard* is a good fit, and recognizing that "the ABA *Standards* are a *guide*" for imposing sanctions but are "not the final word," we apply ABA *Standard* 6.23, which occupies a middle ground between the two.[41] That *Standard* suggests a presumptive sanction of public censure.

---

[40] Comment 7A to Colo. RPC 1.0 makes clear that for purposes of applying the ABA *Standards,* a reckless state of mind should be treated as equivalent to a knowing state of mind.
[41] *In re Raykin,* 2025 CO 12 ¶ 31 (emphasis in original).

Because the "ultimate sanction imposed should at least be consistent with the sanction for the most serious instance of misconduct among a number of violations," the Hearing Board begins its sanctions analysis with a presumptive sanction of suspension under ABA *Standard* 7.2.[42]

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.[43] As explained below, we apply four factors in aggravation, three to which we assign only minimal weight. Seven factors in mitigation apply, with four entitled to great weight.

Aggravating Factors

Prior Disciplinary Offenses – 9.22(a): Respondent was privately admonished in 1995 for neglecting a client matter and charging an unreasonable fee. As the People recommend, we give this aggravating factor little weight.

Dishonest or Selfish Motive – 9.22(b): The People urge us to apply this factor, as they see dishonesty in Respondent's approach to billing in the Metz matter. As discussed above in conjunction with the People's Colo. RPC 8.4(c) claim, however, we see Respondent's motives in a different light. We will not apply this factor.

Pattern of Misconduct – 9.22(c): Respondent failed to honor his quarterly reconciliation obligations from at least 2020 to 2022, so applying this factor in aggravation is appropriate. But we do not accord it any more than nominal weight because the pattern stemmed from his continuing disregard of the same accounting requirement.

Multiple Offenses – 9.22(d): Respondent engaged in three types of misconduct: he disregarded his client-centered duties to keep their funds safe; he charged unreasonable fees; and he knowingly violated a court order. We give this aggravating factor limited weight in light of how these transgressions occurred.

Refusal to Acknowledge Wrongful Nature of Conduct – 9.22(g): The People argue this aggravating factor should apply, but we disagree. Respondent accepted responsibility for some of his misconduct and candidly expressed remorse for his role in failing to safeguard his trust account and third-party funds. Further, we believe he took some steps to remedy his misconduct, including quickly calculating and refunding fees he wrongly charged and working to settle the fee dispute with the Brown estate, thereby demonstrating his acknowledgement that his conduct was wrong. We thus decline to apply this factor.

[42] ABA *Annotated Standards for Imposing Lawyer Sanctions* at xx.
[43] *See* ABA *Standards* 9.21 and 9.31.

Vulnerability of Victim – 9.22(h): This is another factor the People advance and we decline to apply. While the Lyons estate's beneficiary, Children's Hospital, incurred a substantial financial loss, we do not view that institution as vulnerable. Although R.B., the sole heir to the Brown estate, is appropriately considered a vulnerable victim, we did not see evidence linking Respondent's misconduct to any harm that R.B. sustained.

Substantial Experience in the Practice of Law – 9.22(i): Respondent has practiced law for more than fifty years, which warrants application of this factor in aggravation.

Mitigating Factors

Absence of Dishonest or Selfish Motive – 9.32(b): The Hearing Board gives Respondent significant mitigating credit for his lack of a dishonest or selfish motive. Respondent, who was one of Devers's many victims, was not aware of her misappropriations until Barry performed an audit. Respondent did not act with a dishonest or selfish motive during the time Devers was defrauding the firm. Nor did he act with such a motive after her theft was discovered. In the Metz matter, Respondent inadvertently billed the Brown estate for his time responding to Metz's disciplinary grievance; we do not view that error as fueled by either dishonesty or selfishness. Finally, we did not see evidence that Respondent set out purposefully to violate the probate court's order or that he was motivated by any conscious dishonest or selfish objective.

Timely Good Faith Effort to Make Restitution or Rectify Consequences of Misconduct– 9.32(d): We assign this factor modest weight. Respondent refunded to the Brown estate the amount he had billed for responding to Metz's disciplinary grievance. Though Evans sought reimbursement of just $8,700.00, Respondent estimated that he owed $9,700.00 and returned that larger sum to the estate. Respondent also worked diligently with Evans to arrive at a settlement before the probate court intervened.

Full and Free Disclosure to Disciplinary Board or Cooperative Attitude Toward Proceedings – 9.32(e): We believe Respondent is entitled to some mitigating credit for his candor while testifying and his cooperation in prehearing matters.

Character or Reputation – 9.32(g): Without hesitation, we give maximum weight in mitigation to this factor. As four witnesses attested, Respondent is kind and generous, oriented toward serving and helping others.

Rodriguez praised Respondent as a giving, selfless, and thoughtful employer. When she was scammed last year out of $20,000.00, Respondent gave her $10,000.00 to help her make ends meet. When she had the misfortune of being involved in two car accidents in close succession, Respondent visited her in the hospital and helped her to find a lawyer. Rodriguez has also observed Respondent support other employees; for example, he paid for a new set of tires for one of her co-workers. Further, Rodriguez mentioned, Respondent regularly continues to represent clients who can no longer pay him.

Colorado lawyer Gregory Gold described Respondent as trustworthy, loyal, friendly, kind, and courteous. Gold and Respondent have known each other for fifteen years and worked together on many cases. According to Gold, Respondent's practice is not "all about the money." Rather, Respondent's "decency and integrity" always shine through, Gold said, as Respondent sees the best in people and does what he can to help others personally and professionally.

S.J., one of Respondent's former clients, testified that she would not be alive now without Respondent's support and guidance. S.J. explained that when she met Respondent she was addicted to drugs. Not only did Respondent resolve her legal matter, but he also showed her that he wanted her to live, and he inspired her to be a better person by providing a positive example. According to S.J., Respondent never judged her, and he treated her with honesty and delivered "real-life truth." S.J. emphasized that Respondent went "beyond" for her in ways that no one else ever has and helped her to love who she is, which she had not been able to do before meeting him.[44]

Finally, Ann Morrow, Respondent's wife, remarked that for almost fifty years she has witnessed her husband display "so many virtues." She described Respondent as decent, loyal, humble, and confident, and she noted with admiration that he does not hold grudges, he gives people second chances, and he goes above and beyond for family, friends, and clients. Ms. Morrow mentioned a few of Respondent's notable acts of charity and kindness: he paid for a fellow church parishioner's costly dental work; he welcomed his chronically ill sister-in-law into his home and helped to care for her for over a decade; and he identified resources and assistance for S.J., who, Ms. Morrow said, is alive today because of him.

Ms. Morrow also described the couple's deep involvement with their church, which serves a diverse and underserved population. Early in their time with the church, Ms. Morrow said, she and Respondent contributed to the church's mission of service. For instance, they provided families with complete meals on Thanksgiving and Christmas. Over time, Ms. Morrow and Respondent not only served the church and its members but grew in community with them by regularly worshipping at the church on Sunday mornings.

Finally, we found Ms. Morrow's testimony concerning Devers particularly striking. She testified that even though Devers has caused her family so much pain and devastation, Respondent recently remarked, "I really don't want [Devers] to die in prison." Ms. Morrow concluded, "my husband is a man of absolute integrity."

---

[44] We were particularly moved that S.J. insisted on providing in-person testimony rather than appearing at the hearing by videoconference. S.J., who lives on the far eastern plains, made the seven-hour journey to Denver by bus to talk to us about her experiences with Respondent and testify to his good character. The lengths she went to in order to offer in-person testimony speaks volumes about Respondent's importance in her life's trajectory.

Imposition of Other Penalties or Sanctions – 9.32(k): Respondent was victimized by Devers, who stole hundreds of thousands of dollars from his law firm and from him personally. We believe this mitigating factor deserves significant weight.

Remorse – 9.32(l): This factor, too, merits great weight. Respondent credibly testified to his remorse and disappointment in himself for failing to notice or guard against Devers's theft.

Remoteness of Prior Offenses – 9.32(m): Respondent's private admonition issued in 1995—almost thirty years before the Lyons estate and Metz matters. We view this mitigating factor as almost entirely offsetting the aggravating weight we assign to Respondent's prior discipline.

Analysis Under ABA Standards and Case Law

The Colorado Supreme Court directs hearing boards to exercise discretion in imposing a sanction because "individual circumstances make extremely problematic any meaningful comparison of discipline ultimately imposed in different cases."[45] We determine the appropriate sanction for a lawyer's misconduct on a case-by-case basis, looking to the ABA *Standards* for guidance in the exercise of that discretion. The ABA *Standards* give us a theoretical framework that provides for "the flexibility to select the appropriate sanction in [a] particular case" after carefully considering the applicable aggravating and mitigating factors.[46]

The presumptive sanction here is suspension, given the duties Respondent violated, his mental state when violating those duties, and the quantum of injury he caused when doing so. Under ABA *Standard* 2.3, the baseline suspension is six months, fully served, to be adjusted in line with applicable aggravators and mitigators and guiding case law. The seven mitigating factors—four of which we weigh heavily—preponderate in both number and import over the four applicable aggravating factors, particularly given that we adjudge three of those aggravating factors to be of little consequence. To account for that imbalance between mitigators and aggravators, we adjust downward the presumptive six-month served suspension. We conclude that a six-month suspension with the requirement of reinstatement under C.R.C.P. 242.39, fully stayed pending Respondent's successful completion of a robust two-year period of probation, is both the just outcome for Respondent and a protective outcome for the public.[47]

---

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

[46] *Id.* at ¶ 3.

[47] The Hearing Board has not located factually comparable cases to serve as benchmarks for a sanction here. Several cases that contain elements similar to this one, however, give us comfort that the sanction we impose is in keeping with the broad sweep of disciplinary jurisprudence. *See People v. Abrams*, 459 P.3d 1228, 1238 (Colo. O.P.D.J. 2020) (suspending a lawyer for ninety days, all stayed with probation, for misconduct that included charging a client for responding to a disciplinary grievance); *People v. Nebeker*, No. 19PDJ023, 2019 WL 1765759, at *1 (Colo. O.P.D.J. 2019) (publicly censuring a lawyer by stipulation for negligently supervising an employee who had

We reason that Respondent's misconduct arose primarily from law practice management issues, not malign intent. We do not reckon that public protection requires Respondent to serve a period of suspension when less restrictive alternatives can achieve the same goal; indeed, his law practice management issues will not improve if we force him to step away from his practice altogether. We would be remiss, however, if we did not acknowledge that Respondent's mismanagement resulted in extensive actual and potential financial damage to the Lyons estate. And we are duty-bound to confront the possibility that a similar tragedy might occur if we do not establish stringent probationary guardrails designed to educate Respondent and reform his practice. Further, attaching a requirement of Respondent's reinstatement if he fails to satisfactorily complete probation will, we trust, appropriately motivate him to make immediate and much-needed changes to the way he manages his law firm.

Accordingly, in his first year of probation, we require Respondent to attend and pass trust account school with every employee who performs bookkeeping functions for his firm; attend and pass the People's ethics school; complete a lawyer self-assessment and review its results with competent ethics counsel; and perform under a certified public accountant's supervision monthly reconciliations, documented by written reports, for each of his fiduciary accounts. In his second year of probation, we require Respondent to perform under a certified public accountant's supervision quarterly reconciliations, documented by written reports, for each of his fiduciary accounts. We also encourage Respondent, but do not require him, to take courses to become current in technologies used in legal practice. If Respondent fails to successfully complete the terms of his two-year probation, the stay on his six-month suspension will be lifted and he will be required to petition for reinstatement, if at all, under C.R.C.P. 242.39.

---

embezzled money from the law firm's trust account); *People v. Korrey*, No. 17PDJ080, 2018 WL 495854, at *1 (Colo. O.P.D.J. 2018) (deviating downward from suspension to public censure in recognition of substantial mitigation in a Nevada reciprocal discipline matter, where a lawyer gave a paralegal access to his office, which paved the way for the paralegal to steal 160 checks totaling almost $500,000.00); *see also Kentucky Bar Ass'n v. Schaffner*, No. 2015-SC-000108-KB, 2015 WL 1544453, *1-2 (Ky. 2015) (suspending a lawyer for 180 days for failing to supervise a nonlawyer employee, a convicted felon, who converted client funds); *In re Anderson*, No. 69076, 2016 WL 315270, *1 (Nev. 2016) (approving a stipulation to a lawyer's fully stayed 18-month suspension due to the lawyer's use of funds from her trust account to pay business expenses and her failure to supervise a nonlawyer employee, who misappropriated funds from clients and the lawyer's business account); *Disciplinary Counsel v. Ball*, 618 N.E.2d 159, 162 (Ohio 1993) (suspending a lawyer for six months for relinquishing significant aspects of his probate practice to his legal secretary, resulting in the lawyer's neglect of ten probate matters and the secretary's misappropriation of more than $200,000.00 from estate accounts over ten years); *In re McNelis*, 150 A.3d 185, 187 (R.I. 2016) (publicly censuring a lawyer who allowed a nonlawyer, a convicted felon, to meet with and receive payments from clients and who granted the nonlawyer free access to his law office account, creating the opportunity for the nonlawyer to take money from at least one client); *In re PRB Docket No. 2016-042,* 154 A.3d 949, 959 (Vt. 2016) (privately admonishing a lawyer for negligently supervising an employee who embezzled client funds).

Finally, the Hearing Board declines to order restitution in this proceeding. Crucially, we lack a solid understanding of the amount Devers misappropriated from the Lyons estate. Moreover, Respondent has testified that he is in settlement negotiations with the Lyons estate and Children's Hospital to restore the funds Devers stole. We thus defer to that civil settlement process, confident that the parties to the process are more knowledgeable about the full extent of the Lyons estate's losses and better situated to craft a mutually satisfactory resolution.

V. CONCLUSION

Respondent's case is a cautionary tale of the importance the Colorado Rules of Professional Conduct play in lawyers' competent management of their law practices. Our professional rules are designed to guide lawyers in ethically managing their businesses and to provide our self-regulating profession basic guardrails that protect clients, the public, and lawyers themselves. Here, Respondent was the victim of an employee and friend who took advantage of his trust by stealing hundreds of thousands of dollars from him and his clients. But it was Respondent's disregard of his trust account reconciliation obligations that unwittingly facilitated his employee's continued embezzlement. His failure to operate his law practice with attention, to ensure client and third-party funds were treated with a fiduciary's care, and to obey court orders warrants a six-month fully stayed suspension accompanied by a two-year period of probation.

VI. ORDER

The Hearing Board therefore **ORDERS**:

1. **HUBERT T. MORROW II**, attorney registration number **04513**, is **SUSPENDED** from the practice of law for a period of **SIX MONTHS,** with the requirement that he petition for **REINSTATEMENT**, if at all, under C.R.C.P. 242.39, **ALL TO BE STAYED** upon the successful completion of a **TWO-YEAR** period of **PROBATION**, with the conditions identified in paragraph 2 below. The probation will take effect when an "Order and Notice of Probation" issues.[48]

2. Respondent's **TWO-YEAR** period of **PROBATION** is subject to the following conditions:

    a. Respondent must not commit any further violations of the Rules of Professional Conduct.

    b. No later than six months after his probation takes effect, Respondent and every person his firm employs to perform any bookkeeping or money-handling functions must

[48] 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.

attend and successfully pass the trust account school sponsored by the People. Respondent must also attend and successfully pass the trust account school with any new employee who performs any bookkeeping or money-handling functions hired during his period of probation. Respondent must pay all costs associated with complying with this condition.

c. No later than six months after his probation takes effect, Respondent must attend and successfully pass the ethics school sponsored by the People. Respondent must pay all costs associated with complying with this condition.

d. No later than six months after his probation takes effect, Respondent must complete Colorado's lawyer self-assessment program and review the results with ethics counsel.[49] Respondent's ethics counsel must, no later than six months after Respondent's probation takes effect, certify with the People that Respondent has fully complied with this condition.

e. In the first year of his probation, Respondent must perform under a certified public accountant's supervision reconciliations each month for each of his fiduciary accounts within three weeks of the issuance date of the bank's statement. No later than one week after he performs each reconciliation, Respondent must provide to the People a report documenting that he performed the reconciliation.

f. In the second year of his probation, Respondent must perform under a certified public accountant's supervision reconciliations each quarter of the calendar year for each of his fiduciary accounts within three weeks of the issuance date of the bank's statement for the quarter-ending month. No later than one week after he performs each reconciliation, Respondent must provide to the People a report documenting the reconciliation.

3. If, while Respondent is on probation, the People receive information that Respondent may have violated a condition of probation, the People may request under C.R.C.P. 242.18(f) that the PDJ order Respondent to show cause why the stay on his suspension should not be lifted.

4. Under C.R.C.P. 242.18(e), Respondent may seek to terminate his probation by filing with the PDJ, no earlier than twenty-eight days before the date the probation is scheduled to terminate, an affidavit attesting to whether he complied with each term of probation. Within fourteen days of that filing, the People must respond, stating whether they object. If the People do not object, the PDJ will issue an order terminating probation.

5. The parties **MUST** file any posthearing motions **no later than June 3, 2026**. Any response thereto **MUST** be filed within seven days thereafter.

[49] Found at https://www.coloradolegalregulation.com/aboutus/lawyerselfassessmentprogram.

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 reasonable costs of this proceeding. The People **MUST** submit a statement of costs **no later than June 3, 2026**. Any response challenging the reasonableness of those costs **MUST** be filed within seven days thereafter.

DATED THIS 20th DAY OF MAY, 2026.

BRYON M. LARGE
PRESIDING DISCIPLINARY JUDGE

DEAN EDWARD A. DAUER
HEARING BOARD MEMBER

JUDGE EDWARD C. MOSS
HEARING BOARD MEMBER

Copies to:

Justin P. Moore Ryann A. Love Office of Attorney Regulation Counsel	Via Email j.moore@csc.state.co.us r.love@csc.state.co.us
Gerald D. Pratt Respondent's Counsel	Via Email gdpratt@gdprattlaw.com
Dean Edward A. Dauer Judge Edward C. Moss (ret.) Hearing Board Members	Via Email
Marizela Cano Colorado Supreme Court	Via Email