

*People v. Gabriel Nathan Schwartz*, 22PDJ001. July 15, 2022.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Gabriel Nathan Schwartz (attorney registration number 35915) for six months. The suspension will take effect on September 13, 2022. To be reinstated to the practice of law in Colorado, Schwartz must prove by clear and convincing evidence that he has been rehabilitated, has complied with all disciplinary orders and rules, and is fit to practice law.

In August 2017, Schwartz was assigned as a mentor to a law student. During lunch with a member of his law firm and the student, Schwartz made inappropriate statements of a sexual nature that upset the law student, who reported that Schwartz commented on the physical attractiveness of his opposing counsel and joked about sex, rape, and child pornography. Schwartz maintains that he was attempting to explain to the law student the type of clients she would represent as a criminal defense lawyer.

In 2017 and 2018, Schwartz supervised another law student through a law school mentorship program. During that time, Schwartz employed two paralegals with whom he engaged in ongoing sexual banter. The law student was uncomfortable with the banter and gave the paralegals copies of the rules of professional conduct discussing sexual harassment.

One of the paralegals worked for Schwartz from 2016 to 2020. On one occasion during that time, Schwartz slapped the paralegal's buttocks with his open hand; Schwartz did so after the paralegal had told him not to. The paralegal and another lawyer who had witnessed the conduct confronted Schwartz about the matter. Later, in another incident, Schwartz put his arm around the paralegal's teenage child and told the child to come see him when she turned eighteen. The paralegal, extremely upset, sent an email to Schwartz, telling him to stop sexually harassing her. She also contacted the lawyer who had witnessed the earlier matter. The lawyer emailed Schwartz, describing Schwartz's conduct during the previous six months that caused the lawyer concern, including unwanted physical contact.

Through this conduct, Schwartz violated Colo. RPC 8.4(h) (it is professional misconduct for a lawyer to engage in any conduct that directly, intentionally, and wrongfully harms others and that adversely reflects on the lawyer's fitness to practice law) and Colo. RPC 8.4(i) (a lawyer must not engage in conduct, in connection with the lawyer's professional activities, that the lawyer knows or reasonably should know constitutes sexual harassment).

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