

*People v. Michael A. Smith*. 21PDJ061. September 14, 2021.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Michael A. Smith (attorney registration number 10699) for one year and one day, effective October 19, 2021. To be reinstated to the practice of law, Smith must prove by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law. His suspension takes effect on October 19, 2021.

In June 2017, Smith's license to practice law was administratively suspended after he failed to meet his continuing legal education requirements. He received a second administrative suspension in May 2018 when he did not pay his attorney registration fees. Although several notices and two orders of suspension were mailed to his registered home address, Smith states that he did not always track his mail and email.

From 2018 to 2020, Smith represented a friend and the friend's trust in a real estate transaction and related litigation concerning the sale of the friend's condominium. The guaranty company in the transaction filed an interpleader action. Smith filed an answer to the action and a cross-claim against the buyers for damages. In March 2020, counsel for the buyers mailed Smith a letter that included attorney registration files showing that Smith's law license was suspended. In June 2020, Smith represented his clients at court-ordered mediation. Eventually, the case proceeded to Arapahoe County District Court, which found that Smith had filed the answer and cross-claim while suspended and directed Smith's clients either to refile the pleading pro se or to have a licensed lawyer refile it.

During his suspension, Smith also worked parttime as general counsel for an insurance firm, performing legal services like reviewing policy language, corporate documents, and company newsletters on risk management.

Through this conduct, Smith violated Colo RPC 5.5(a)(1) (a lawyer shall not practice law without a valid law license or other specific authorization).

The case file is public per C.R.C.P. 242.41(a)(2).