

People v. Lorraine A. Stark. 14PDJ009, consolidated with 14PDJ046. September 15, 2014.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Lorraine A. Stark (Attorney Registration Number 18997) for one year and one day. The suspension took effect September 15, 2014. To be reinstated, Stark will bear the burden of proving by clear and convincing evidence that she has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law.

On May 1, 2012, Stark was administratively suspended from the practice of law for failing to pay attorney registration fees. Although she knew she had been suspended, she continued to practice law. At that time, Stark was representing a client in a contempt matter involving the client's ex-husband. When arriving at court with her client for the contempt hearing in February 2013, a security guard told Stark that her bar card had expired. Inside the courthouse, Stark discussed a settlement agreement with opposing counsel. She strongly encouraged her client to accept the agreement without telling her the terms, even though the agreement contained terms contrary to the client's expressed wishes. Stark then informed the judge that the parties had reached a settlement. Stark took these actions to avoid alerting the judge and her employer to her suspended status.

Stark later failed to obtain all interest on the payments owed by her client's ex-husband as part of the settlement. She agreed to pay her client from her personal account to hide her ongoing suspension from her employer. Stark also failed to respond to many requests for information in the ensuing disciplinary investigation. On November 1, 2013, the Colorado Supreme Court immediately suspended Stark's license to practice law for failure to cooperate with the disciplinary investigation. Yet she continued to practice law for at least another month.

Through this misconduct, Stark violated Colo. RPC 1.1 (a lawyer shall provide competent representation to a client); Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(b) (a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation); Colo. RPC 3.3(a)(1) (a lawyer shall not knowingly make a false statement of material fact or law to a tribunal); Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); Colo. RPC 5.5(a)(1) (a lawyer shall not practice law without a law license or other specific authorization); Colo. RPC 5.5(a)(2) (a lawyer shall not practice law where doing so violates regulations of the legal profession); Colo. RPC 8.1(b) (a lawyer shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority); Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); and Colo. RPC 8.4(d) (a lawyer shall not engage in conduct prejudicial to the administration of justice).