

People v. Russell William Warnock. 16PDJo73. December 12, 2016.

The Presiding Disciplinary Judge granted a motion for entry of default and imposed reciprocal discipline, suspending for three years Russell William Warnock (attorney registration number 15674). The suspension took effect December 12, 2016.

This reciprocal discipline case arose out of discipline imposed upon Warnock by the U.S. Patent and Trademark Office (“USPTO”) and by the Grievance Committee of the North Carolina State Bar. The North Carolina State Bar censured Warnock on August 15, 2014, based on the conclusion that he neglected a patent case, failed to keep a client apprised of the status of a patent application, misrepresented to the client the application’s status, and failed to cooperate with the ensuing disciplinary investigation.

An Administrative Law Judge of the USPTO excluded Warnock from the practice of law before the USPTO in an order issued on April 22, 2016. Per federal regulations, Warnock may reapply for admission before the USPTO no earlier than five years from May 22, 2016, the effective date of the exclusion. The USPTO’s ruling was premised on conclusions that Warnock committed misconduct in numerous client representations. Among other things, Warnock failed to perform services that he was retained to perform, he gave clients misleading information regarding the status of patent applications, he neglected legal matters that had been entrusted to him, he provided incompetent representation, he failed to act with reasonable diligence and promptness in representing clients, and he neglected to keep clients reasonably informed about their matters.

Warnock did not report either the North Carolina decision or the USPTO decision to the Colorado Office of Attorney Regulation Counsel.

Warnock’s misconduct constitutes grounds for reciprocal discipline under C.R.C.P. 251.5 and 251.21. Since suspension with no right to reapply for five years is not a form of disciplinary sanction authorized in Colorado, the Presiding Disciplinary Judge imposed the closely analogous sanction of a three-year suspension, with reinstatement of Warnock’s Colorado license conditioned on his reinstatement to practice before the USPTO.