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OF WISCONSIN

STATE OF WISCONSIN IN SUPREME COURT

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST DAYNEL L. HOOKER, ATTORNEY AT LAW

CASE CODE 30912

OFFICE OF LAWYER REGULATION,

Complainant;

CASE NO. 2013AP 25 -D

DAYNEL L. HOOKER,

Respondent.

PETITION FOR REVOCATION BY CONSENT

TO: THE HONORABLE JUSTICES OF THE WISCONSIN SUPREME COURT

Pursuant to SCR 22.19, Attorney Daynel L. Hooker hereby petitions the Court as follows:

1. I was admitted to the practice of law in the State of Wisconsin on June 18, 2001.

2. My current address is 4608 Williamsburg Ave., Jacksonville, FL 32208.

3. I am currently the subject of seven Office of Lawyer Regulation (OLR) grievance investigations in which the Preliminary Review Committee (PRC) found cause to proceed as to 35 counts of misconduct.

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As to that conduct, a copy of OLR's (unfiled) (draft) disciplinary Complaint is attached hereto as Appendix A.

4. I am also the subject of a reciprocal discipline investigative matter, OLR Matter No. 2013MA001990, which OLR is processing toward the filing of a SCR 22.22 Complaint and Motion (as yet undrafted) seeking reciprocal discipline.

5. OLR's reciprocal discipline investigation relates to my October 18, 2013 disbarment from the practice of law in the State of Colorado as a result of misconduct in eight Colorado grievance matters, *The People of the State of Colorado v. Daynel L. Hooker*, Case No. 11PDJ084 (consolidated with 12PDJ004, 12PDJ088, and 12 PDJ002). Two of those grievance matters, Vessels and Kabuuza, overlap with the grievance matters set forth in Appendix A. A certified copy of the October 18, 2013 *Opinion and Decision Imposing Sanctions Pursuant to C.R.C.P. 251.19(c)* is attached hereto as Appendix B.

6. I acknowledge that I cannot successfully defend myself against the professional misconduct alleged in Appendix A and Appendix B.

7. The professional misconduct alleged in Appendix A and Appendix B relates to my representation of clients in Colorado. I assert that a medical incapacity impaired my ability to represent my clients during the period of time in which my misconduct occurred. On March 23, 2012, the Supreme Court of Colorado transferred me to disability inactive status pursuant to C.R.C.P. 251.23(d), due to my assertion that a disability impaired my ability to adequately defend myself in disciplinary proceedings in Colorado. On November 19, 2012, the Court discharged my disability inactive status under C.R.C.P. 251.23(d)(3) in order to pursue the Colorado disciplinary matter in Case No. 11PDJ084. I did, however, remain on disability inactive status pursuant to C.R.C.P. 251.23(a), which prohibits an attorney who is unable to fulfill her professional responsibilities from practicing law.

8. I assert that I am now competent and I am freely, voluntarily and knowingly filing this Petition. By doing so, I know that I am giving up my right to a public hearing in the disciplinary action and I am giving up my right to contest each misconduct allegation referenced in Appendix A

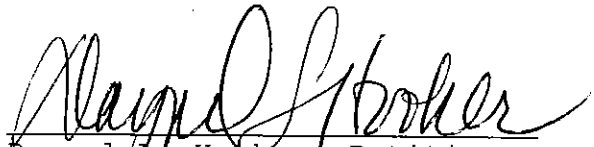
and Appendix B. I have been given the opportunity to consult with counsel in this matter, and I decline to do so.

9. I agree that I should be ordered to make restitution, as set forth in OLR's draft disciplinary Complaint, Appendix A.

10. I request, and OLR agrees, that my revocation be imposed retroactive to March 23, 2012, the date my license was placed on disability inactive status in Colorado. I have not practiced law at any time in any jurisdiction since March of 2011.

ACCORDINGLY, I, Daynel L. Hooker, hereby petition this Court for revocation of my license to practice law in the State of Wisconsin, retroactive to March 23, 2012, pursuant to SCR 22.19.

Dated this 17th day of December, 2013.



Daynel L. Hooker, Petitioner
State Bar of Wisconsin
Bar No. 1033854

N634 SE Bass Lake Rd
Gillett, WI 54124-9646
Phone: (715) 254-9560

STATE OF WISCONSIN | IN SUPREME COURT

IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST DAYNEL L. HOOKER, ATTORNEY AT LAW.

CASE CODE 30912

OFFICE OF LAWYER REGULATION,

Complainant;

CASE NO. 2013AP_____-D

DAYNEL L. HOOKER,

Respondent.

APPENDIX A

NOW COMES the Wisconsin Supreme Court - Office of Lawyer Regulation (OLR) by Assistant Litigation Counsel Julie M. Spoke, and alleges as follows:

1. The OLR was established by the Wisconsin Supreme Court and operates pursuant to Supreme Court Rules. This complaint is filed pursuant to SCR 22.11.

2. Respondent Daynel L. Hooker (Hooker) is an attorney who was admitted to the State Bar of Wisconsin on June 18, 2001. Hooker is not licensed to practice law in the State of Colorado. The most recent address furnished by Hooker to the State Bar of Wisconsin is 14510 Chasemont Drive, Missouri City,

Texas 77489-1808. Hooker's Wisconsin law license is currently suspended for her failure to cooperate with OLR grievance investigations, failure to pay Wisconsin state bar dues, and failing to comply with continuing legal education requirements.

3. Hooker's disciplinary history consists of the following:

> a. In 2012, the Wisconsin Supreme Court, acting pursuant to SCR 22.22, suspended Hooker's law license for six months, retroactive to March 1, 2011, the effective date of a disciplinary suspension imposed in Colorado, *Disciplinary Proceedings Against Daynel L. Hooker*, 2012 WI 100.
>
> b. In 2010, the Wisconsin Supreme Court, acting pursuant to SCR 22.22, suspended Hooker's law license for six months, effective February 8, 2009, for reciprocal discipline imposed in Colorado, *Disciplinary Proceedings Against Daynel L. Hooker*, 2010 WI 13.

Chmelka Grievance

(Counts 1 through 3)

4. From April 2011 through June 2011, Hooker was doing "contract work" out of the Crawford Law Centre (CLC). At that same time, Tami Chmelka

(Chmelka) worked as a receptionist/assistant at the CLC under a grant provided by the Colorado Department of Labor and Employment as part of a training program, which offered career skills to released felons.

5. When Chmelka's grant funds ran out at the CLC, Hooker stated that she wanted to keep Chmelka and hire her to provide paralegal services at the "DHL Law Office" pursuant to the same program. Hooker applied for and received a $24,900 grant from the Colorado Department of Labor and Employment as part of a training program offering career skills to released felons.

6. At the time Hooker applied for the grant money from the State of Colorado she was not licensed to practice law in the State of Colorado.

7. In August 2011, Hooker left the CLC, but continued to sign Chmelka's checks for the work/training she completed for the CLC. Chmelka would email Hooker her time sheet for work done at the CLC and Hooker would send Chmelka a check from Hooker's law firm account.

8. Hooker continued to pay Chmelka until November 15, 2011, when a check for $1,370.25 from Hooker was returned for insufficient funds. Chmelka also alleged that Hooker owed her another $1,008 for December 15, 2011, and $500 for December 12 and 13, 2011.

9. Chmelka informed the State of Colorado of Hooker's failure to pay her amounts owed under the program. Chmelka did not have further communication with Hooker regarding the non-payment.

10. On April 3, 2012, via regular and certified mail, OLR notified Hooker of Chmelka's grievance and requested that Hooker submit a written response no later than April 26, 2013. Hooker failed to respond.

COUNT ONE

11. By submitting an application to the State of Colorado to be a provider of paralegal and legal administrator training services at "DLH Law Office,"

when she was not licensed to practice law in Colorado, **Hooker violated SCR 20:8.4(c)**[1].

COUNT TWO

12. By failing to provide full and timely payments to Chmelka after obtaining grant funding to be paid to Chmelka for services provided at the Crawford Law Centre while training as a paralegal and legal administrator, **Hooker violated SCR 20:8.4(c)**.

COUNT THREE

13. By failing to provide a written response to the OLR in the Chmelka grievance, **Hooker violated SCR 22.03(2) and SCR 22.03(6), enforced via SCR 20:8.4(h)**[2].

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[1] **SCR 20:8.4(c) provides**: "It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation."

[2] **SCRs 22.03(2) and (6) and SCR 20:8.4(h) provide**: **(2)** Upon commencing an investigation, the director shall notify the respondent of the matter being investigated unless in the opinion of the director the investigation of the matter requires otherwise. The respondent shall fully and fairly disclose all facts and circumstances pertaining to the alleged misconduct within 20 days after being served by ordinary mail a request for a written response. The director may allow additional time to respond. Following receipt of the response, the director may conduct further investigation and may compel the respondent to answer questions, furnish documents, and present any information deemed relevant to the investigation. **(6)** In the course of the investigation, the respondent's wilful failure to provide relevant information, to answer questions fully, or to furnish documents and the respondent's misrepresentation in a disclosure are misconduct, regardless of the merits of the matters asserted in the grievance. **20:8.4(h)** It is professional misconduct for a lawyer tofail to cooperate in the investigation of a grievance filed with the office of lawyer regulation as required by SCR 21.15(4), SCR 22.001(9)(b), SCR 22.03(2), SCR 22.03(6), or SCR 22.04(1)."

Vessels Grievance
(Counts 4 through 9)

14. In January 2007, the Colorado Arts Board referred Kevin Vessels (Vessels), who was in the process of producing a film, to Hooker for legal representation related to his companies.

15. Hooker was not licensed to practice law in Colorado when she agreed to represent Vessels.

16. Hooker did not obtain a fee agreement for the representation.

17. From December 2006 through December 2008, Vessels paid Hooker a total of $1,660 for her services.

18. Hooker initially set up a limited liability company for Vessels for Vessels' companies, A Call for Help, LLC and CFH Productions, LLC.

19. Vessels also needed Hooker to complete and file a trademark application with the State of Colorado for Vessels' company, A Call For Help, LLC; complete operating agreements between Vessels and his partner, Zee Zarbock, for his company, CFH Productions LLC; and file annual reports for both his companies

with the Colorado Secretary of State. In addition, when a dispute arose between both Vessels' companies, Hooker was to take steps to dissolve CFH Productions LLC, per Vessels' instructions.

20. Sometime in mid-2010, Hooker stopped communicating with Vessels. Hooker failed to return Vessels' calls or emails.

21. Hooker failed to inform Vessels of the status of the legal matters she was working on for Vessels and failed to complete the legal work for Vessels' companies.

22. Vessels requested a refund of the $1,660 he previously paid to Hooker in connection with the representation. Hooker failed to respond.

23. Due to Hooker's failure to file the paperwork for Vessels' companies, they were in delinquency status, which affected Vessels' ability to obtain fundraising or grants or to attract any sponsors.

24. Vessels subsequently hired another attorney to complete the matters.

25. On December 15, 2011, via regular and certified mail, OLR notified Hooker of Vessels' grievance and requested a written response no later than January 9, 2012. Hooker failed to respond.

26. On January 19, 2012, OLR sent a follow-up letter to Hooker, via regular and certified mail, and requested a written response no later than January 30, 2012. Hooker failed to respond.

27. On January 26, 2012, OLR filed a Notice of Motion and Motion Requesting an Order to Show Cause as to why Hooker's license should not be suspended for her willful failure to cooperate in five OLR's grievance investigations, including the Vessels' grievance.

28. On January 31, 2012, the Wisconsin Supreme Court issued an Order to Show Cause for Hooker to show cause in writing within 20 days why OLR's motion should not be granted and her license to practice law in Wisconsin should not be temporarily suspended. Hooker failed to respond.

29. On March 19, 2012, the Wisconsin Supreme Court temporarily suspended Hooker's law license due to her willful failure to cooperate with OLR's grievance investigations.

COUNT FOUR

30. By failing to have a written fee agreement for the representation of Vessels in his various legal matters, **Hooker violated SCR 20:1.5(b)(1) and SCR 20:1.5(b)(2)**[3].

COUNT FIVE

31. In failing to prepare and file annual reports for CFH Productions, LLC, and A Call for Help, LLC, in failing to complete the operating agreement between Vessels and his former partner, Zee Zarbock relating to CFH Productions, LLC, in failing to complete the dissolution of CFH Productions, LLC,

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[3] **SCRs 20:1.5(b)(1) and (b)(2) provide**: "(1) The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client in writing, except when the lawyer will charge a regularly represented client on the same basis or rate as in the past. If it is reasonably foreseeable that the total cost of representation to the client, including attorney's fees, will be $1000 or less, the communication may be oral or in writing. Any changes in the basis or rate of the fee or expenses shall also be communicated in writing to the client. (2) If the total cost of representation to the client, including attorney's fees, is more than $1000, the purpose and effect of any retainer or advance fee that is paid to the lawyer shall be communicated in writing."

pursuant to Vessels' request, and in failing to complete the trademark application process on behalf of Vessels' company, A Call for Help, LLC, **Hooker violated SCR 20:1.3**[4].

COUNT SIX

32. By failing to keep Vessels reasonably informed regarding the status of his legal matters he hired Hooker to complete, in failing to inform Vessels of Hooker's failure to complete the various documents relating to CFH Productions, LLC, in failing to complete the trademark process, and in failing to return Vessels' phone calls or emails, **Hooker violated SCR 20:1.4(a)(3) and SCR 20:1.4(a)(4)**[5].

COUNT SEVEN

33. In providing legal services to Vessels in connection with setting up two corporations on his

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[4] **SCR 20:1.3 provides**: "A lawyer shall act with reasonable diligence and promptness in representing a client."

[5] **SCRs 20:1.4(a)(3) and (4) provide**: "A lawyer shall (3) keep the client reasonably informed about the status of the matter; (4) promptly comply with reasonable requests by the client for information."

behalf and in agreeing to represent Vessels in other various legal matters involving practicing law in the State of Colorado, when Hooker was not licensed to practice law in the State of Colorado, **Hooker violated SCR 20:5.5(a)(1)**[6].

COUNT EIGHT

34. In failing, upon termination of representation, to refund any advanced payment of fee or expense that had not been earned or incurred in connection with the preparation and filing of the annual reports and the trademark application on behalf of Vessels, **Hooker violated SCR 20:1.16(d)**[7].

COUNT 9

35. In failing to provide a written response in the matter of the grievance of Vessels, **Hooker**

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[6] **SCR 20:5.5(a)(1) provides**: "A lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction except that a lawyer admitted to practice in Wisconsin does not violate this rule by conduct in another jurisdiction that is permitted in Wisconsin under SCR 20:5.5 (c) and (d) for lawyers not admitted in Wisconsin."

[7] **SCR 20:1.16(d) provides**: "Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law."

violated SCR 22.03(2) and SCR 22.03(6), enforced via SCR 20:8.4(h).

<u>Ouedraogo Grievance</u>
(Counts 10 through 15)

36. In late 2008 or early 2009, Harmado Ouedraogo (Ouedraogo) hired Hooker to handle an immigration matter.

37. Hooker initially did some work for Ouedraogo, making several court appearances on his behalf.

38. In December 2010, Ouedraogo asked Hooker to file a new I-485 application with the United States Citizenship and Immigration Services (USCIS). From March 2010 through October 2010, Ouedraogo paid Hooker a total of $2310. Hooker failed to deposit the retainer, or maintain a portion of the money to pay filing fees, in her trust account.

39. On March 7, 2011, Ouedraogo emailed Hooker about the status of the application because she had failed to return his phone calls.

40. On March 7, 2011, Hooker replied stating, "Your application was sent off last week, I picked up

the package on Wednesday - it had been on the truck and it was first available for me to pick up on Wednesday. As soon as I get the receipt number I will send it to you."

41. On March 25, 2011, Ouedraogo emailed Hooker asking for the status of his application because Hooker had failed to return his phone calls and failed to respond to his five emails.

42. On March 31, 2011, Ouedraogo emailed Hooker several times asking for a response. Ouedraogo stated that, "and im not gona have a job, my last day is 04 08 11."

43. On March 31, 2011, Hooker replied that she had not responded because she was working with USCIS to track down his package, which was sent by US priority mail. Hooker stated that, if necessary, she would resend the package with copies of all the documents and have USCIS fast track his application. Hooker stated that she can resend it tomorrow PRIORITY FEDEX and USCIS will receive it on Monday and begin processing it.

44. On April 4, 2011, Hooker informed Ouedraogo that the package had been sent and she would get a ride to her office and scan the receipt and the tracking number. Hooker failed to get Ouedraogo the receipt.

45. Hooker never filed the application.

46. On July 23, 2011, in response to an email from Ouedraogo, Hooker confirmed that she would appear at a hearing held on August 26, 2011. Hooker failed to appear at the hearing.

47. After Ouedraogo filed a grievance, OLR attempted to reach Hooker by telephone. Hooker failed to return OLR's calls.

48. On September 16, 2011, Ouedraogo called OLR staff stating that Hooker called him asking that he withdraw his grievance because OLR could not help him get his money back. Hooker offered to help him complete the representation; however, Hooker never did file the I-485 application or perform any other legal work on Ouedraogo's behalf.

49. Despite failing to complete the work, Hooker failed to return to Ouedraogo any unearned fees or his file.

50. On September 16, 2011, Hooker called OLR and left a message providing her new address at: 1301 Biloxi Court, Aurora, Colorado. She also provided an email address and phone number.

51. On September 21, 2011, via regular and certified mail, OLR sent correspondence to Hooker notifying her of the Ouedraogo grievance requesting a response no later than October 14, 2011. Hooker failed to respond.

52. OLR subsequently learned that Hooker was located at the following address: 2821 South Parker Road, Suite 179, Aurora, Colorado.

53. On October 28, 2011, OLR sent correspondence to Hooker notifying her of the Ouedraogo grievance and requesting a response no later than November 9, 2011. Hooker failed to respond.

54. On January 26, 2012, OLR filed a Notice of Motion and Motion Requesting an Order to Show Cause as

to why Hooker's license should not be suspended for her willful failure to cooperate in five OLR's grievance investigations, including the Ouedraogo grievance.

55. On January 31, 2012, the Wisconsin Supreme Court issued an Order to Show Cause for Hooker to show cause in writing within 20 days why OLR's motion should not be granted and her license to practice law in Wisconsin should not be temporarily suspended. Hooker failed to respond.

56. On March 19, 2012, the Wisconsin Supreme Court temporarily suspended Hooker's law license due to her willful failure to cooperate with OLR's grievance investigations.

COUNT TEN

57. By failing to prepare and file the I-485 application form with the USCIS on Oeudraogo's behalf and by failing to appear at the August 26, 2011 hearing with the immigration court regarding Ouedraogo's matter, **Hooker violated SCR 20:1.3.**

COUNT ELEVEN

58. By failing to keep Ouedraogo reasonably informed about the status of his application and in failing to inform Ouedraogo that she had not filed the I-485 application form on his behalf, **Hooker violated SCR 20:1.4(a)(3) and SCR 20:1.4(a)(4).**

COUNT TWELVE

59. By failing to deposit and maintain a portion of the monies received from Ouedraogo to cover filing fees for the I-485 application in her client trust account, **Hooker violated SCR 20:1.15(b)(4)**[8].

COUNT THIRTEEN

60. In stating to Ouedraogo that the I-485 Application had been prepared and filed with the USCIS, when the application had never been filed, **Hooker violated SCR 20:8.4(c).**

[8] **SCR 20:1.15(b)(4) provides**: "Except as provided in par. (4m), unearned fees and advanced payments of fees shall be held in trust until earned by the lawyer, and withdrawn pursuant to sub.

COUNT FOURTEEN

61. In failing, upon termination of representation, to refund any advanced payment of fee or expense that had not been earned or incurred in connection with Ouedraogo's immigration matter, and in failing to return the client file to Ouedraogo, **Hooker violated SCR 20:1.16(d).**

COUNT FIFTEEN

62. In failing to provide a written response to OLR in the Ouedraogo grievance, **Hooker violated SCR 22.03(2) and SCR 22.03(6), enforced via SCR 20:8.4(h).**

Jesus Torres Sosa Grievance
(Counts 16 through 21)

63. In April 2001, Jesus Torres Sosa's (Torres Sosa) father filed a Form I-130 Petition for Alien Relative on his behalf with the United States Citizenship and Immigration Service (USCIS), which was approved. The approved application showed that he had

(g). Funds advanced by a client or 3rd party for payment of costs shall be held in trust until the costs are incurred."

entered the United States as a B2 nonimmigrant and he had been placed on a waiting list to obtain his visa.

64. In December 2006, Torres Sosa hired Hooker to follow-up on his I-130 petition and to prepare and file an I-765 Application for Employment Authorization.

65. On December 1, 2006, Torres Sosa signed a fee agreement which stated that Hooker's billing rate would be a flat fee of $1,000, with a minimum $700 advanced fee for the following services: work authorization application, change of address, and assist with the I-130. The fee agreement also provided that Torres Sosa would be responsible for all filing costs in addition to attorney's fees.

66. Between October 2006 and May 2008, Torres Sosa paid Hooker a total of $1960 for her services. A check Hooker received on April 21, 2010, in the amount of $760, for residency card filing fees, was not deposited in her trust account.

67. In May 2007, Torres Sosa received a "Notice of Decision" from USCIS regarding his I-765,

employment authorization application. The notice provided that the I-765 form was reserved for an alien who had been admitted to the United States as a K3/K4 immigrant. Because Torres Sosa had entered as a B2 immigrant he was ineligible for any I-765 benefit. Hooker was copied on the correspondence.

68. On April 20, 2009, the U.S. Department of State National Visa Center informed Torres Sosa that there was currently no visa available for him and he would need to wait until one was available. Torres Sosa was still listed in the preference category, F2B-Unmarried Sons and Daughters of Perm Residents.

69. At some point during the representation, Hooker advised Torres Sosa to marry his girlfriend in order to be given eligibility preference.

70. In February 2011, after Hooker had failed to return his calls, Torres Sosa learned that Hooker had disappeared and closed her law office. Torres Sosa went to another attorney who informed him that there would not be a visa available for anyone in his category/status for 10 years and he would never be

eligible for the employment status being sought by Hooker. In addition, Torres Sosa learned that by marrying his girlfriend he became ineligible for the visa under the I-130 petition.

71. On June 15, 2011, via regular and certified mail, OLR notified Hooker of the Torres Sosa grievance requesting a response no later than July 8, 2011. Hooker failed to respond.

72. On July 29, 2011, OLR sent a follow-up letter to Hooker regarding the Torres Sosa grievance requesting a response no later than August 9, 2011.

73. On August 9, 2011, OLR received a voicemail message from Hooker indicating that she was having some personal difficulties and would leave her new address at the "front desk." Hooker never left an updated address. She did provide a cell phone number, and later provided an updated address to OLR of the following: DLH Law Firm, LLC, 2736 Welton Street, Suite 106, Denver, Colorado.

74. On October 25, 2011, OLR sent another follow-up letter to Hooker, via regular and certified

mail, requesting a response no later than November 4, 2011. Hooker failed to respond.

75. On January 26, 2012, OLR filed a Notice of Motion and Motion Requesting an Order to Show Cause as to why Hooker's license should not be suspended for her willful failure to cooperate in five OLR's grievance investigations, including the Torres Sosa grievance.

76. On January 31, 2012, the Wisconsin Supreme Court issued an Order to Show Cause for Hooker to show cause in writing within 20 days why OLR's motion should not be granted and her license to practice law in Wisconsin should not be temporarily suspended. Hooker failed to respond.

77. On March 19, 2012, the Wisconsin Supreme Court temporarily suspended Hooker's law license due to her willful failure to cooperate with OLR's grievance investigations.

COUNT SIXTEEN

78. By advising Torres Sosa to marry his girlfriend so as to be given preference in obtaining a

visa when, by doing so, it made him ineligible pursuant to his nonimmigrant status under the previously filed I-130 Petition and in preparing and filing the I-765 employment authorization application for Torres Sosa when he was ineligible due to his prior B2 nonimmigrant status under the I-130 petition, **Hooker violated SCR 20:1.1**[9].

COUNT SEVENTEEN

79. In failing to keep Torres Sosa reasonably informed regarding the status of his immigration matter, in failing to return his phone calls, and in failing to leave contact information as to where she could be reached, **Hooker violated SCR 20:1.4(a)(3) and 20:1.4(a)(4).**

COUNT EIGHTEEN

80. In misleading Torres Sosa that she could assist him in altering his legal status with the USCIS when Torres Sosa was ineligible to receive such benefits due to his prior B2 nonimmigrant status, and

[9] **SCR 20:1.1 provides**: "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."

in accepting $2,720 in legal and filing fees from Torres Sosa for said legal services, **Hooker violated SCR 20:8.4(c).**

COUNT NINETEEN

81. In failing to deposit into her client trust account the $760 check dated April 10, 2010 payable to DLH Law Firm, LLC, received from Torres Sosa to be utilized for residency card filing fees, **Hooker violated SCR 20:1.15(b)(4).**

COUNT TWENTY

82. In failing, upon termination of representation, to refund any advanced payment of fee or expense that was not earned or incurred in connection with Torres Sosa's immigration matters, **Hooker violated SCR 20:1.16(d).**

COUNT TWENTY-ONE

83. In failing to provide a written response to the Torres Sosa grievance, **Hooker violated SCR 22.03(2) and SCR 22.03(6), enforced via SCR 20:8.4(h).**

Kabuuza Grievance

(Counts 22 through 26)

84. In September 2009, Gertrude Kabuuza (Kabuuza) hired Hooker to assist her in various immigration matters, including a deportation proceeding.

85. On September 25, 2009, Kubuuza signed a fee agreement with Hooker, which indicated that Hooker would bill Kubuuza at $185 per hour. The terms of the agreement also required Kubuuza to pay a $4500 advanced attorney's fee, excluding filing fees. From September 2009 through October 2010, Kubuuza paid Hooker a total of $4,610 for the representation. Hooker failed to deposit any of those funds in her trust account, including $985 for a filing fee for the I-485 application.

86. In November 2010, Hooker failed to appear at Kabuuza's interview regarding her I-130 petition and failed to file any additional evidence following the denial of the I-130 petition, despite Hooker stating

she would do so. Hooker also failed to file an application for Adjustment of Status (Form I-485), which was required prior to filing an application for employment authorization.

87. After January or February 2011, Hooker failed to keep Kabuuza adequately informed regarding the status of her immigration matter. Kabuuza would look up her case online with the immigration office to learn what was going on in her case and to see if any correspondence was sent to Hooker. Kabuuza would then attempt to contact Hooker's office to see if she could obtain copies of the letter. Hooker never responded to Kabuuza's phone calls.

88. Kabuuza hired other counsel to try and obtain portions of her file from Hooker and the return of a portion of the $4,610 Kkabuuza paid Hooker for the representation. Hooker failed to respond.

89. On July 29, 2011, via regular and certified mail, OLR notified Hooker of Kabuuza's grievance requesting a response no later than August 22, 2011. Hooker failed to respond.

90. On September 15, 2011, OLR sent a follow-up letter to Hooker regarding the Kabuuza grievance requesting a response no later than September 26, 2011.

91. On September 16, 2011, OLR received a phone call from Hooker who informed OLR of her new address: 1301 Biloxi Court, Aurora, Colorado. She also provided her cell phone number and email address.

92. On September 30, 2011, OLR sent another follow-up letter to Hooker regarding the Kabuuza grievance requesting a response no later than October 12, 2011. Hooker failed to respond.

93. On January 26, 2012, OLR filed a Notice of Motion and Motion Requesting an Order to Show Cause as to why Hooker's license should not be suspended for her willful failure to cooperate in five OLR's grievance investigations, including the Kabuuza grievance.

94. On January 31, 2012, the Wisconsin Supreme Court issued an Order to Show Cause for Hooker to show cause in writing within 20 days why OLR's motion

should not be granted and her license to practice law in Wisconsin should not be temporarily suspended. Hooker failed to respond.

95. On March 19, 2012, the Wisconsin Supreme Court temporarily suspended Hooker's law license due to her willful failure to cooperate with OLR's grievance investigations.

COUNT TWENTY-TWO

96. By failing to appear for Kabuuza's interview with USCIS regarding her I-130 petition, by failing to submit additional evidence within the requisite 30-day period following the denial of Kabuuza's I-130 Petition, and by failing to file an application for adjustment of status (I-485) so that Kabuuza's I-765 petition could be fully processed, **Hooker violated SCR 20:1.3.**

COUNT TWENTY-THREE

97. By failing to return some of Kabuuza's phone calls, by failing after January 2011 to keep Kabuuza informed regarding the status of her matter, and by failing to give Kabuuza contact information as to

where Hooker could be reached concerning the status of the immigration matter, **Hooker violated SCR 20:1.4(a)(3) and 20:1.4(a)(4).**

COUNT TWENTY-FOUR

98. In failing to deposit and maintain a portion of the monies received from Kabuuza to cover the $985 filing fee for the I-485 application in her trust account, **Hooker violated SCR 20:1.15(b)(4).**

COUNT TWENTY-FIVE

99. By failing to return Kabuuza's file and any unearned portion of the $4,610 fee previously paid by Kabuuza for legal fees in connection with her representation, **Hooker violated SCR 20:1.16(d).**

COUNT TWENTY-SIX

100. By failing to provide a written response to the Kabuuza grievance, **Hooker violated SCR 22.03(2) and SCR 22.03(6), enforced via SCR 20:8.4(h).**

Hendrick Grievance
(Counts 27 through 28)

101. Hooker worked as a legal assistant for Attorney Rhonda Crawford, who represented Kenneth

Butler in a Chapter 13 bankruptcy, *BR Case No. 11-12408-ABC*.

102. On July 6, 2011, Hooker sent an email to Attorney Susan Hendrick's office, who represented the creditor, Wells Fargo, stating, "… [W]e conducted a conference call with Wells Fargo and were provided with a detailed history of payments by Mr. Butler since October, 2010."

103. Attorney Hendrick never gave Hooker or Attorney Rhonda Crawford permission to speak directly with her client, Wells Fargo, without her involvement.

104. Attorney Rhonda Crawford is governed by Colo. RPC 4.2(2012), which provides:

> In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.

105. On September 16, 2011, OLR sent, via regular and certified mail, correspondence to Hooker notifying her of Hendrick's grievance requesting a response no

later than October 14, 2011. Hooker failed to respond.

106. On October 25, 2011, OLR sent follow-up correspondence to Hooker, via regular and certified mail, requesting a response to Hendrick's grievance no later than November 4, 2011. Hooker failed to respond.

107. On January 26, 2012, OLR filed a Notice of Motion and Motion Requesting an Order to Show Cause as to why Hooker's license should not be suspended for her willful failure to cooperate in five OLR's grievance investigations, including the Hendrick grievance.

108. On January 31, 2012, the Wisconsin Supreme Court issued an Order to Show Cause for Hooker to show cause in writing within 20 days why OLR's motion should not be granted and her license to practice law in Wisconsin should not be temporarily suspended. Hooker failed to respond.

109. On March 19, 2012, the Wisconsin Supreme Court temporarily suspended Hooker's law license due

to her willful failure to cooperate with OLR's grievance investigations.

COUNT TWENTY-SEVEN

110. By engaging in direct contact with a represented party, Wells Fargo, without the permission of the party's counsel, while working as a legal assistant under the supervision of Attorney Rhonda Crawford, **Hooker violated SCR 20:8.4(a)**[10].

COUNT TWENTY-EIGHT

111. By failing to provide a written response to the Hendrick grievance, **Hooker violated SCR 22.03(2) and SCR 22.03(6), enforced via SCR 20:8.4(h).**

Williams Grievance
(Counts 29 through 35)

112. On March 4, 2010, Williams hired Hooker to file a I-129F visa application with the United States Citizens and Immigration Service (USCIS) for his fiancé.

[10] **SCR 20:8.4(a) provides**: "It is professional misconduct for a lawyer to violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another."

113. Williams signed a written fee agreement and paid Hooker $1,130 to cover the following: $455 for the I-129F filing fee, $600 advanced attorney's fees, and $75 for postage. Hooker failed to deposit any of the funds, including any amounts for filing fees, in her trust account.

114. The filing fee for the I-129F application was actually $340, not $455.

115. Williams had a difficult time communicating with Hooker. He made repeated telephone calls and sent various emails regarding the status of the application to Hooker.

116. On July 27, 2010, Hooker responded to one of Williams' emails informing him that the I-129F application had been filed with USCIS more than a week before. Hooker stated that she should be receiving a receipt notice within a fee weeks and she would scan and email Williams a copy. Williams never received a copy of the application or written confirmation that the application had been filed.

117. On September 15, 2010, Hooker informed Williams that she had not received the receipt notice from the USCIS. Hooker stated that as soon as she received the receipt she would scan and email it to Williams.

118. On October 24, 2010, Hooker emailed Williams stating that, "What I do know about your application is that USCIS did cash the check; however; our office has not yet received the I-797 NOTICE OF RECEIPT that comes after the check has been cashed."

119. On December 15, 2010, the last communication Williams had with Hooker, Hooker stated that she had mailed in his application mid-late July and she would check on the status of the application.

120. Williams subsequently contacted USCIS and was informed that no I-129F application had been filed on his fiancé's behalf.

121. Williams went to Hooker's office and obtained his file from Hooker's staff. He then called her and left her a voice mail informing her that her services were terminated.

122. Williams hired successor counsel to complete the application process for his fiancé. On February 23, 2011, the application was filed with USCIS. In May 2011, the petition was approved and transferred to the Department of State for visa processing. In October 2011, the visa was approved.

123. On June 24, 2011, OLR sent Hooker, via regular and certified mail, notice of Williams' grievance requesting a response no later than July 18, 2011. Hooker failed to respond.

124. On August 8, 2011, Hooker contacted OLR by telephone and stated that she had moved and provided the following new address: DHL Law Firm, LLC, 2736 Welton Street, Suite 106, Denver, Colorado. She also provided her phone number.

125. On August 10, 2011, OLR sent a follow-up letter to Hooker, via regular and certified mail, requesting a response no later than August 22, 2011. Hooker failed to respond.

126. On January 26, 2012, OLR filed a Notice of Motion and Motion Requesting an Order to Show Cause as

to why Hooker's license should not be suspended for her willful failure to cooperate in five OLR's grievance investigations, including the Williams grievance.

127. On January 31, 2012, the Wisconsin Supreme Court issued an Order to Show Cause for Hooker to show cause in writing within 20 days why OLR's motion should not be granted and her license to practice law in Wisconsin should not be temporarily suspended. Hooker failed to respond.

128. On March 19, 2012, the Wisconsin Supreme Court temporarily suspended Hooker's law license due to her willful failure to cooperate with OLR's grievance investigations.

COUNT TWENTY-NINE

129. By failing to prepare and file the I-129F visa application form regarding Williams' fiancé with USCIS on behalf Williams, **Hooker violated SCR 20:1.3**.

COUNT THIRTY

130. By failing to keep Williams reasonably informed regarding the status of the application and

in failing to inform Williams that she had not filed the I-129F form on his behalf with the USCIS, **Hooker violated SCR 20:1.4(a)(3) and 20:1.4(a)(4).**

COUNT THIRTY-ONE

131. By failing to deposit and maintain a portion of the monies received from Williams to cover the filing fee for the application to be filed with the USCIS in her client trust account, **Hooker violated SCR 20:1.15(b)(4).**

COUNT THIRTY-TWO

132. By stating to Williams in a July 27, 2010 email that his application had been mailed more than a week earlier and they should be receiving a receipt notice within the next few days; in stating in a December 15, 2010 email to Williams that she had mailed his application off in mid-late July, when the I-129F application had not been sent to USCIS; and in stating that the filing fee for the I-129 form totaled $455 when the actual filing fee was $340, **Hooker violated SCR 20:8.4(c).**

COUNT THIRTY-THREE

133. In accepting and cashing the $1,310 check received from Williams to prepare and file the I-129F visa application and then in failing to prepare and file the application or otherwise provide legal services in connection with Williams' immigration matter, **Hooker violated SCR 20:8.4(c).**

COUNT THIRTY-FOUR

134. In failing, upon termination of representation, to refund any advanced payment of fee or expense that had not been earned or incurred in connection with the preparation and filing of Form I-129F with USCIS on behalf of Williams, **Hooker violated SCR 20:1.16(d).**

COUNT THIRTY-FIVE

135. By failing to provide a written response in the matter of the grievance of Williams, **Hooker violated SCR 22.03(2) and SCR 22.03(6), enforced via SCR 20:8.4(h).**

WHEREFORE, the Office of Lawyer Regulation asks that Attorney Daynel L. Hooker be found in violation of the Supreme Court rules as alleged in connection with Counts One through Thirty-Five of this Complaint; that the Court revoke Daynel L. Hooker's Wisconsin law license; that the Court order restitution to Daynel L. Hooker's clients' as follows: $1,130 to Doug Williams, $2,720 to Jesus Torres Sosa, $4,610 to Gertrude Kabuuza, $2310 to Hamado Ouedraogo, and $1660 to Kevin Vessels; and that the Supreme Court of Wisconsin order such other and further relief as may be just and equitable, including an award of costs.

Dated this _____ day of August, 2013.

OFFICE OF LAWYER REGULATION

_____

Julie M. Spoke
Assistant Litigation Counsel
State Bar No. 1027701

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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:
DAYNEL L. HOOKER

Case Number:
11PDJ084
(consolidated with 12PDJ004, 12PDJ088, and 13PDJ002)

OPINION AND DECISION IMPOSING SANCTIONS PURSUANT TO C.R.C.P. 251.19(c)

On August 29, 2013, the Presiding Disciplinary Judge ("the Court") held a sanctions hearing pursuant to C.R.C.P. 251.15(b). Kim E. Ikeler appeared on behalf of the Office of Attorney Regulation Counsel ("the People"), and Daynel L. Hooker ("Respondent") appeared with her counsel, David C. Little. The Court now issues the following "Opinion and Decision Imposing Sanctions Pursuant to C.R.C.P. 251.19(c)."

I. SUMMARY

Absent significant mitigating factors, disbarment is generally appropriate when an attorney knowingly converts client funds or abandons the practice of law, causing serious injury or potential injury to clients. In this case, Respondent abandoned six clients, converted funds in six matters, practiced law without a license in another, and then failed to cooperate in the resulting disciplinary proceedings. The Court finds the appropriate sanction is disbarment.

II. PROCEDURAL HISTORY

The People filed their complaint in case number 11PDJ084 on November 8, 2011. Respondent failed to answer, and the Court granted the People's motion for default on December 20, 2012. On January 13, 2012, the People filed a complaint in case number 12PDJ004.

On December 8, 2011, the People sought a contempt citation pursuant to C.R.C.P. 251.10(b)(2) against Respondent, filed under case number 11PDJ093. On January 26, 2012, the Court held a status conference in that case. Respondent asserted that she was unable to understand the disciplinary proceedings pending against her and could not defend

APPENDIX B

herself. The next day, the Court placed case numbers 11PDJ084, 11PDJ093, and 12PDJ004 in abeyance, initiated a disability proceeding pursuant to C.R.C.P. 251.23(c), and ordered Respondent to undergo an independent medical examination ("IME"). Dr. Michael Sturges conducted the IME on February 11, 2012, and issued a report on February 22, 2012. The Court placed Respondent on disability inactive status on March 23, 2012.

All three cases were resumed on November 19, 2012, when the Court discharged Respondent's disability inactive status under C.R.C.P. 251.23(d)(3). However, she remained on disability inactive status pursuant to C.R.C.P. 251.23(a).[1] The Court then ordered Respondent to file her answer in case number 12PDJ004 by December 3, 2013. Despite receiving two extensions, Respondent did not answer.

The People filed a third complaint against Respondent on December 18, 2012, under case number 12PDJ088. Respondent never filed an answer. On February 15, 2013, the Court granted default in case numbers 12PDJ004 and 12PDJ088 and consolidated these cases with case number 11PDJ084.[2] The People filed a fourth complaint, in case number 13PDJ002, on January 14, 2013. Respondent again did not file an answer, and the Court entered default on March 20, 2013.

Upon the entries of default, the Court deems all facts set forth in the four complaints admitted and all rule violations established by clear and convincing evidence.[3]

Respondent represented herself in these four consolidated matters until April 12, 2013, when Little entered his appearance. After several resettings, a sanctions hearing was eventually scheduled for April 24, 2013. At that hearing, the Court heard testimony from the People's first witness and then recessed.[4] After the break, Little orally moved to set aside the entries of default in the four consolidated cases, contending that Respondent's mental state impaired her ability to answer the People's complaints. The People objected to Respondent's motion, but the Court continued the sanctions hearing pending a hearing on the motion to set aside the defaults. The Court also ordered Respondent to undergo a second IME with Dr. Sturges. Respondent underwent the IME on May 25, 2013, and Dr. Sturges issued his second report on June 10, 2013.

On June 7, 2013, Respondent filed a petition to withdraw her motion to set aside the defaults, which the Court granted. The matters then proceeded to a second sanctions hearing on August 29, 2013. At this hearing, the Court heard testimony from Maria Flores,

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[1] C.R.C.P. 251.23(d)(3) applies when an attorney alleges a disability that impairs her ability to defend herself in a pending disciplinary proceeding. On the other hand, C.R.C.P. 251.23(a) prohibits an attorney who is unable to fulfill her professional responsibilities from practicing law. The Court discharged Respondent's disability status pursuant to C.R.C.P. 251.23(d) when she failed to respond to a show cause order.

[2] Case number 11PDJ093 was dismissed on January 2, 2013, after the People withdrew their request for a contempt citation.

[3] *See* C.R.C.P. 251.15(b); *People v. Richards*, 748 P.2d 341, 346 (Colo. 1987).

[4] Respondent attended this hearing by telephone.

Maria Padilla,[5] Kevin Vessels, Sally Zeman, Dr. Michael Sturges, and Respondent and admitted the People's exhibit A.[6] In issuing this opinion and decision, the Court also considers an affidavit by Ahmed Jara Tulu, which the People filed on August 26, 2013, as well as Dr. Sturges's two IME reports.[7]

III. ESTABLISHED FACTS AND RULE VIOLATIONS

This case involves extensive misconduct in eight client matters. Because Respondent has defaulted, the admitted facts and rule violations of each matter are presented in abbreviated form. Further details are available in the People's four complaints.

Respondent is a Wisconsin attorney registered under Wisconsin attorney registration number 1033854; she is not licensed in Colorado. At all relevant times, however, Respondent practiced law in Colorado and was the principal of the DLH Law Firm located in Aurora, Colorado. She is thus subject to the Court's jurisdiction in these disciplinary proceedings.[8]

11PDJ084 – Vessels Matter

In 2007, Kevin Vessels, the principal of CFH Productions, was creating a documentary film entitled "A Call for Help." Vessels hired Respondent to prepare an operating agreement and articles of organization and to assist him in forming business entities for CFH Productions. He paid Respondent $550.00 as a retainer and to cover filing fees. Respondent drafted an operating agreement for CFH and corresponded with Vessels's business partner regarding the contents of the agreement. On January 29, 2007, Respondent filed articles of organization for CFH and listed DLH Law Firm as CFH's registered agent. On May 1, 2007, Respondent filed articles of organization for A Call For Help, LLC, again listing DLH Law Firm as the registered agent. By practicing law without a Colorado license, Respondent violated Colo. RPC 5.5(a), which proscribes lawyers from practicing law in a jurisdiction where doing so violates the applicable regulations of the legal profession.

12PDJ004 –Tulu Matter

Ahmed Jara Tulu hired Respondent in 2009 to help him bring his Somalian nephew, a fourteen-year-old orphan, to the United States. Tulu agreed to pay Respondent a $2,000.00 flat fee to file an "Orphan Petition" on behalf of his nephew. He paid Respondent the entire flat fee, as well as $825.00 for filing fees. Respondent deposited $525.00 of the filing fees into her firm's operating account but did not deposit the remaining $300.00 into her firm's trust account. Respondent never performed the agreed-upon work. In March and May 2010,

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[5] A Spanish-language interpreter translated Flores's and Padilla's testimony.

[6] Although C.R.C.P. 251.15(b) states that reports of investigation shall be considered in opinions following default no such reports were filed with the Court.

[7] The People objected to the Court's consideration of Dr. Sturges's IME reports on hearsay grounds. The Court overruled that objection.

[8] *See* Colo. RPC 8.5(a) ("A lawyer not admitted in this jurisdiction is also subject to the disciplinary authority of this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction.").

Tulu wrote to Respondent, asking for the return of his file and fees. After some delay, Respondent delivered Tulu's file to his new attorney. In October 2010, Tulu requested a detailed accounting of Respondent's services, but she never complied, nor did she refund Tulu's fees.

Through this misconduct, Respondent violated Colo. RPC 1.15(a), which requires an attorney to hold client property in a trust account separate from the lawyer's own property. She also committed three separate violations of Colo. RPC 1.15(b), which requires lawyers to promptly, upon a client's request, render a full accounting regarding funds in which the client has an interest. In addition, Respondent violated Colo. RPC 1.16(d), which requires an attorney to protect the client's interest by surrendering papers and property to which the client is entitled and to refund any unearned fees or expenses. Finally, Respondent violated Colo. RPC 8.4(c), which proscribes conduct involving dishonesty, fraud, deceit, or misrepresentation, when she knowingly converted Tulu's $825.00 filing fee.

12PDJ088 – Kabuuza Matter

Nicholas Spitzer married Gertrude Kabuuza, a citizen of Uganda, in July 2009, and filed a Form I-130 (Petition for Alien Relative) on her behalf. On September 14, 2009, Respondent agreed to represent Kabuuza at a December 2009 removal hearing. A week later, Kabuuza entered into a fee agreement with Respondent for $4,500.00, including $1,010.00 as a fee for filing Form I-485 (Application to Register Permanent Residence or Adjust Status). Kabuuza paid Respondent $2,010.00 by check. Respondent did not deposit these funds into her trust account.

On November 2, 2009, Respondent sent to the United States Citizenship and Immigration Services ("USCIS") a $340.00 filing fee, Form I-765 (Application for Renewal of Employment Authorization), Form G-28 (Entry of Appearance), and other related documents. Respondent indicated on Form G-28 that she was entering her appearance for Kabuuza and filing Form I-485, as well as Form I-765. Although USCIS confirmed receipt of Form I-765 on November 19, 2009, there is no record that Respondent submitted Form I-485.

Respondent and Kabuuza appeared in immigration court for the removal hearing on December 30, 2009, but it was reset for September 2010. On January 5, 2010, USCIS sent Respondent a request for additional evidence to demonstrate that Form I-485 had been filed. Kabuuza paid Respondent another $1,010.00 on January 22, 2010, for the Form I-485 filing fee. Respondent deposited these funds into her personal checking account on January 25, 2010, and withdrew $1,003.88 that same day.

On April 8, 2010, USCIS notified Respondent that it had denied Kabuuza's Form I-765 because Respondent had failed to submit evidence of having filed Form I-485. On May 8, 2010, Respondent submitted another Form I-765, a $340.00 filing fee, and an entry of appearance. USCIS received these documents on May 14, 2010. On August 30, 2010, USCIS again requested additional evidence that Respondent had filed Form I-485. On November 22,

2010, USCIS denied Kabuuza's Form I-765 application because Respondent failed to establish that she had filed Form I-485.

Sometime in February 2011, USCIS notified Kabuuza of its intent to deny her Form I-130 unless she supplied additional proof of her marriage. In March, Kabuuza asked Respondent to return her file because she was becoming frustrated with Respondent and wanted handle the matter on her own. Respondent told Kabuuza that she was drafting a letter regarding Form I-130 and asked Kabuuza to review it. Kabuuza agreed and gave Respondent additional supporting documents. However, three weeks later, USCIS denied Kabuuza's Form I-130. Kabuuza later learned that Respondent never submitted the additional documents. Kabuuza attempted to contact Respondent, but her phone was no longer in service and her office was vacant. Kabuuza did not hear from Respondent again.

Respondent never filed Form I-485 on Kabuuza's behalf, even though her bookkeeping records indicate that she collected the $1,010.00 filing fee from Kabuuza on two occasions. She never returned Kabuuza's fees, nor did she place them in her trust account. Respondent also did not provide billing statements to Kabuuza or return her file. Throughout the course of the representation, Respondent was difficult to reach and did not inform Kabuuza of the status of her case. Ultimately, Respondent abandoned her representation of Kabuuza.

Through the aforementioned conduct, Respondent violated Colo. RPC 1.3, which requires attorneys to act with reasonable diligence and promptness when representing a client; Colo. RPC 1.4(a)(3) and (4), which provide, respectively, that an attorney must keep a client reasonably informed about the status of the matter and that an attorney must promptly comply with reasonable requests for information; Colo. RPC 1.15(a); and Colo. RPC 1.16(d). Finally, Respondent violated Colo. RPC 8.4(c) by knowingly converting Kabuuza's funds.

12PDJ088 – Rucker Matter

Sometime in 2010, Edith Rucker hired Respondent to assist her in filing a Chapter 7 bankruptcy. Respondent advised Rucker that her bankruptcy would cost $1,300.00, with a $300.00 advance. Rucker promptly paid Respondent $100.00, but Respondent did not deposit the money into her trust account. Rucker paid Respondent an additional $100.00 on January 4, 2011, yet again Respondent did not deposit these funds into her trust account. Respondent never gave Rucker a written fee agreement.

On February 4, 2011, Respondent called Rucker, asking for an additional $100.00. Rucker brought the money to Respondent's office. This was the last time Rucker spoke with Respondent. Rucker believed that once she had given Respondent the $300.00, Respondent would file the bankruptcy petition and pay the $300.00 filing fee. Respondent, however, deposited Rucker's $100.00 payment into her trust account and withdrew that amount the same day, leaving a balance of $131.67.

Rucker emailed Respondent on April 16, 2011, indicating that she had visited Respondent's office on several occasions, left letters under the door, and spoken with the leasing office in an attempt to reach her. She requested a refund of the $300.00. Respondent did not reply. Although Respondent drafted a bankruptcy petition for Rucker, she never filed the petition, thereby abandoning Rucker's case.

Through this conduct, Respondent violated Colo. RPC 1.3; Colo. RPC 1.4(a)(3) and (a)(4); Colo. RPC 1.5(b), which requires attorneys to communicate their fee structure to their clients in writing within a reasonable time the basis or rate of their fees; Colo. RPC 1.15(a); and Colo. RPC 1.16(d). Additionally, Respondent knowingly converted Rucker's $300.00 in contravention of Colo. RPC 8.4(c).

12PDJ088 – Pena Matter

In January 2008, Alejandro Robles Pena learned that he was subject to an order of removal in absentia because he had failed to appear for a hearing in August 2007. On January 9, 2008, Respondent agreed to defend Pena's removal proceedings for an advance of $1,200.00 and an additional fee of $150.00 per month. Pena and his wife, Maria Padilla, paid Respondent a total of $2,900.00 in cash in 2008.

On February 20, 2008, Respondent prepared a "Notice of Entry of Appearance" for immigration court but did no other work on Pena's case until 2010. In September 2010, Pena was arrested and detained in the Broomfield jail with an immigration hold. His bail was set at $250.00. Although Respondent advised Padilla to post the bail so that Pena could be released, Pena was deported on September 9, 2010. Respondent filed a motion to reopen Pena's case on September 10, 2010, arguing that Pena had not received notice of the August 2007 hearing.

On October 6, 2010, the immigration court granted Respondent's motion to reopen Pena's removal proceedings and set a hearing for January 4, 2011. Pena was unable to attend this hearing, however, because he had been deported. After he was deported, Pena was only able to reach Respondent's secretary, who informed Pena that Respondent was sick and the office was closed.

Respondent appeared with another attorney in immigration court on behalf of Pena in January 2011. She informed Padilla that she and the other attorney had convinced the court that Pena's removal was improper and that she needed to determine what paperwork should be filed in order for Pena to reenter the United States legally. This was the last time Padilla spoke with Respondent. Respondent took no further action on Pena's behalf, thereby abandoning his case. Throughout the representation, Padilla experienced difficulty in reaching Respondent, who was only communicative when a monthly payment was due.

In the Pena matter, Respondent violated Colo. RPC 1.3, 1.4(a)(3), and 1.4(a)(4) by failing to take any meaningful action on Pena's behalf, disregarding his attempts to communicate, and abandoning him.

13PDJ002 – Canales Matter

On May 12, 2008, Juan Canales and his wife, Maria Flores, hired Respondent to defend Canales in removal proceedings. Respondent's fee agreement required Canales to pay her $4,500.00 and additional filing fees. Canales made an initial payment of $1,500.00 and periodic payments of $500.00 thereafter. Canales made his last payment in December 2008. Respondent placed only a portion of those fees into her trust account. By September 2010, she had consumed Canales's funds and her trust account balance had dipped to a few hundred dollars.

During the course of the representation, Respondent met with Canales and Flores only four times. After making their last payment, Canales and Flores called Respondent to verify a court date, but Respondent's assistant refused to give them any information. Respondent never called them back to explain the status of Canales's case.

Respondent, Flores, and Canales appeared in immigration court sometime in 2010, rescheduling the removal hearing until January 2012. When Respondent last spoke with Flores, Respondent agreed to make an appointment but never did so. Flores and Canales did not hear from Respondent after August 2010. From that time forward, Respondent effectively abandoned them, and they had to hire a new attorney. Respondent never provided Flores or Canales with billing statements or an accounting of her fees, nor did she return the unearned portion of Canales's retainer.

On September 16, 2011, the People mailed Respondent a request for investigation. Respondent did not respond. The People then sent her reminder letters on October 18, 2011, and November 11, 2011. On February 15, 2012, the People requested that Respondent produce Canales's files, along with her time and accounting records. Respondent did not respond or otherwise participate in the People's investigation.

Through this conduct, Respondent violated Colo. RPC 1.3, 1.4(a)(3)-(4), 1.15(a), 1.16(d), and 8.1(b), which prohibits an attorney from knowingly failing to respond to a lawful demand for information from a disciplinary authority. Finally, Respondent knowingly converted the unearned portion of Canales's retainer in violation of Colo. RPC 8.4(c).

13PDJ002 – Orozco-Lopez Matter

Eriberto Orozco-Lopez, who is married to Beverly Marquez, hired Respondent on September 29, 2008, to defend him in removal proceedings. Orozco-Lopez agreed to pay Respondent a $4,500.00 retainer, and he gave her $1,000.00 that day. He was to pay Respondent $300.00 every other pay period until the $4,500.00 was paid in full.

On October 29, 2008, Respondent appeared for Orozco-Lopez's master calendar hearing. The court reset the hearing, which was eventually held on April 7, 2010. Respondent advised the couple that she had been suspended from the practice of law and that Robin Roberts, another attorney at her firm, would represent them at the hearing in April.

Although the couple had never met Roberts, he appeared at the April hearing and succeeded in resetting the hearing for February 23, 2011. At this February hearing, Respondent appeared with Orozco-Lopez; his "Individual Hearing" was then set for September 6, 2012.

Around the time of the February hearing, Marquez went to see Respondent, who was in the process of moving her office. Marquez asked her why she was not notified of the move. Respondent replied that she had been very busy merging her practice with the Crawford Law Center. Marquez made an appointment to meet with Respondent at the Crawford Law Center in May 2011 to sign a Form I-130. Respondent informed her that she and Orozco-Lopez could expect a notice from USCIS in a couple of months, but they never received one. Orozco-Lopez and Marquez attempted to contact Respondent several times, but Respondent did not return their calls. An employee of Crawford Law Center told Marquez that Respondent no longer worked there.

Orozco-Lopez paid Respondent $5,220.00 for her promised services and $695.00 in filing fees. Respondent did not earn the majority of these fees, did not file Form I-130, and did not pay any filing fees associated with that form. Nor did she provide Orozco-Lopez and Marquez with billing statements or an accounting of her fees. Respondent effectively abandoned their case. Orozco-Lopez and Marquez hired a new attorney who asked Respondent to return Orozco-Lopez's file. Respondent did not do so.

On November 10, 2011, the People mailed Respondent a request for investigation, but Respondent did not answer. The People reminded Respondent of her obligation to respond in December 2011 and January 2012, but she still did not respond. The People wrote to Respondent a fourth time on February 15, 2012, asking for Orozco-Lopez's file and an accounting of her time and expenses related to his case. Respondent failed to respond and did not participate in the People's investigation.

In the Orozco-Lopez matter, Respondent violated Colo. RPC 1.3, 1.4(a)(3)-(4), 1.15(a), 1.16(d), and 8.1(b). Additionally, Respondent knowingly converted Orozco-Lopez's funds in violation of Colo. RPC 8.4(c).

13PDJ002 – Hernandez Matter

On May 7, 2008, Respondent and Juana Berenice Hernandez entered into a flat-fee agreement for the preparation and filing of three immigration forms. Hernandez paid Respondent a total of $4,035.00, including a $435.00 filing fee. Hernandez spoke with Respondent from time to time thereafter, inquiring about the status of her case, and Respondent assured her that the forms were being prepared. Respondent became increasingly difficult to reach, however, and she never performed any of the agreed-upon services, ultimately abandoning the representation. Hernandez was forced to hire a new attorney. Through her conduct, Respondent violated Colo. RPC 1.3, 1.4(a)(3)-(4), 1.15(a), and 1.16(d). She also knowingly converted Hernandez's funds in violation of Colo. RPC 8.4(c).

IV. SANCTIONS

The American Bar Association's *Standards for Imposing Lawyer Sanctions* (1991 & Supp. 1992) ("ABA *Standards*") and Colorado Supreme Court case law guide the imposition of sanctions for lawyer misconduct.[9] In imposing a sanction after a finding of lawyer misconduct, the Court must consider the duty 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 may be adjusted in consideration of aggravating and mitigating factors.

ABA *Standard* 3.0 – Duty, Mental State, and Injury

Duty: Respondent violated duties she owed to her clients when she did not pursue their cases diligently, failed to communicate with them, and did not safeguard their funds. She also disregarded her obligations to her clients when she knowingly converted their fees and abandoned them. By practicing law in Colorado without a Colorado license, Respondent violated duties she owed as a professional.

Mental State: The entry of default establishes that Respondent acted knowingly when she converted funds belonging to Tulu, Kabuuza, Rucker, Canales, Orozco-Lopez, and Hernandez and when she practiced law without a valid license in the Vessels matter. The Court now concludes Respondent also knowingly failed to complete services she had agreed to perform for her clients and knowingly disregarded her clients' attempts to communicate with her.

Injury: Respondent caused serious injury to Tulu, Kabuuza, Rucker, Canales, Orozco-Lopez, and Hernandez when she knowingly converted their funds, including causing Canales additional financial hardship when he and Flores were forced to hire a new attorney without the benefit of Respondent returning their retainer. Respondent also compromised the integrity of the legal profession by tarnishing her clients' and the public's confidence in attorneys and the legal profession.

Further, Respondent abandoned six clients' cases, causing them serious potential injury when she failed to advance their efforts to remain in or bring family members to the United States legally. For instance, Flores described harm to her family that might not have happened but for Respondent's failure to perform her promised services. Flores testified that Canales's deportation resulted in undue stress, exacerbated her existing health problems, and caused her children to experience emotional problems. She also reported that the new attorney she hired to replace Respondent was unable to prevent her husband's deportation because, as she understood it, Respondent had not filed any paperwork on behalf of her husband and the immigration judge refused to grant additional extensions of time.

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[9] *See In re Roose*, 69 P.3d 43, 46-47 (Colo. 2003).

Padilla described similar injury due to Pena's deportation, which might not have happened had Respondent diligently represented him. For example, because her husband was deported, she had to find a job, could no longer look after her children, and had to arrange for many caregivers. She also testified that her oldest daughter suffered from depression and that her son's grades were severely affected. Her family also suffered financial harm and had no choice but to apply for food stamps.

Additionally, Respondent caused potentially serious harm to Tulu and his nephew. In his affidavit, Tulu attests that Respondent's failure to perform the services for which she was paid interfered with his efforts to bring his orphaned nephew to the United States to live with him. Tulu had to hire a new attorney to assist him, and the immigration status of his nephew, who was nearing adult status, was placed at risk.

Finally, the Court does not consider Vessels's testimony about the actual harm he suffered as a result of Respondent's misconduct. The injuries to which he testified do not arise from Respondent's established violation of Colo. RPC 5.5(a) but rather appear to stem from her alleged incompetence, a claim not set forth in case number 11PDJ084.[10]

ABA *Standards* 4.0-7.0 – Presumptive Sanction

Under the ABA *Standards*, the presumptive sanction for Respondent's misconduct is disbarment. ABA *Standard* 4.11 provides that disbarment is typically warranted when a lawyer knowingly converts client property and thereby causes injury or potential injury.[11] Similarly, ABA *Standard* 4.41 calls for disbarment when a lawyer causes serious or potentially serious injury to a client by knowingly failing to perform services for a client, engaging in a pattern of neglect with respect to client matters, or abandoning the practice.

ABA *Standard* 9.0 – Aggravating and Mitigating Factors

Aggravating circumstances include any considerations or factors that may justify an increase in the presumptive discipline to be imposed, while mitigating circumstances may justify a reduction in the severity of the sanction.[12] The Court considers evidence of the following aggravating and mitigating circumstances in deciding the appropriate sanction.

Prior Disciplinary Offenses – 9.22(a): In case number 08PDJ106, Respondent was suspended for one year and one day, with six months and one day stayed upon completion of a two-year period of probation, for failing to return her client's funds after the attorney-client relationship had been terminated. Her suspension was effective February 8, 2009. She then received a suspension in case number 10PDJ062 for one year and one day, all but six

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[10] *See* ABA Standards § II at 5 (directing a court imposing sanctions to determine "the extent of the actual or potential injury *caused by the lawyer's misconduct*") (emphasis added).

[11] Although Appendix 1 of the ABA *Standards* indicates that the standards applicable to violations of Colo. RPC 8.4(c) are ABA *Standards* 4.6 and 5.1, the Court determines that ABA *Standard* 4.1, "Failure to Preserve the Client's Property," is more relevant to conversion in violation of Colo. RPC 8.4(c).

[12] *See* ABA *Standards* 9.21 & 9.31.

months stayed with a two-year period of probation for failing to appear at a hearing and to file an amended plan in her client's Chapter 13 bankruptcy case, resulting in the dismissal of the action. With respect to a second matter, Respondent practiced law without a license when she drafted wills for her clients. This suspension was effective March 1, 2011, and she was never reinstated from this suspension.

Dishonest or Selfish Motive – 9.22(b): The Court finds that Respondent acted with a selfish motive when she knowingly converted clients' funds in six separate matters and abandoned her practice. After she was suspended in 2011, Respondent transferred some of her clients to another firm to handle their cases. She knew, however, that at least two of her cases had not been accounted for during this process. Nevertheless, she made no effort to contact those clients, and she now admits she did nothing for them.

Pattern of Misconduct – 9.22(c): Respondent engaged in an extensive pattern of neglect by abandoning six separate clients during the same general timeframe. Thus, the Court applies great weight to this factor.

Multiple Offenses – 9.22(d): Respondent committed more than half a dozen separate types of offenses: she practiced law in Colorado without a Colorado license, failed to respond to the People's requests for investigation, abandoned multiple clients, did not keep her clients reasonably informed about their cases, failed to keep her clients' funds in a trust account, did not provide her clients with written fee agreements or full accountings, neglected to return her clients' property upon termination, and knowingly converted her clients' funds. The Court accords this factor substantial weight.

Refusal to Acknowledge Wrongful Nature of Conduct – 9.22(g): The People request application of this factor in aggravation, but the Court does not find it applicable. Respondent is aware of her misconduct. For instance, she admits that she abandoned at least two of her clients and that she completed no work in the Pena matter.

Vulnerability of Victim – 9.22(h): The Court has no knowledge of whether many of Respondent's clients could properly be considered vulnerable. However, the Court is aware that Flores and Padilla are foreign immigrants who do not speak fluent English and who relied on Respondent to help their husbands remain in the United States. Thus, the Court views these two clients as vulnerable victims.

Indifference to Making Restitution – 9.22(i): The Colorado Attorneys' Fund for Client Protection reimbursed Respondent's clients $18,700.00 for her conversions.[13] Although Respondent has been unemployed since April 2011, she had not made even a small payment in restitution as of the sanctions hearing. However, she gave credible testimony that she wants to begin making contributions to reimburse the Fund as soon as she gets a job. As such, the Court will apply this factor but give it relatively little weight.

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[13] Ex. A.

Personal or Emotional Problems – 9.32(c): The Court heard extensive testimony from psychiatrist Michael Sturges, M.D., attorney Sally Zeman,[14] and Respondent herself regarding Respondent's personal and emotional problems during the time of her misconduct. Their testimony indicated that even as early as childhood, Respondent may have struggled with depression, which significantly worsened after the death of her stepmother in 2010. Between May 2010 and April 2011, Respondent's house flooded, resulting in the loss of her possessions and the foreclosure of her residence. Due to financial hardship, Respondent was then forced to return her four-year-old dog to its breeder. During this same time period, Respondent was primarily a solo practitioner and attempted unsuccessfully to transition her practice into another firm.

While in the throes of her depression, Respondent disregarded correspondence from the People and largely ignored her obligations to cooperate in these disciplinary matters. Although she transferred some of her cases to another firm in March 2011, she did not attend to many of her clients' cases or assist them to find other counsel. Respondent continued to suffer from significant depression through 2013, when she moved from Colorado to Texas. In Texas, she lived temporarily with her family and then in a homeless shelter. Respondent eventually moved to Florida to live with her biological mother. She has sought regular therapy there and has taken medications to treat her condition, which has improved but still necessitates treatment. Respondent admits that she is not yet ready to resume the practice of law. The Court believes Respondent's severe depression contributed to her neglect of her professional duties, and it therefore accords substantial weight in mitigation to this factor.

Character or Reputation – 9.32(g): Respondent has been volunteering fifteen to twenty hours a week for Catholic Charities over the past few months. There, she runs a workforce development program and counsels people who are unemployed. She also teaches a course, assists clients with rewriting their resumes, and helps them find and apply for jobs. The Court considers Respondent's commitment to this organization as evidence of her good character.

Mental Disability or Chemical Dependency – 9.32(i): This standard provides that a mental disability or chemical dependency is a mitigating factor only when:

> (1) there is medical evidence that the respondent is affected by a chemical dependency or mental disability;
> (2) the chemical dependency or mental disability caused the misconduct;
> (3) the respondent's recovery from the chemical dependency or mental disability is demonstrated by a meaningful and sustained period of successful rehabilitation; and

[14] Zeman has served as the Chapter 13 Bankruptcy Trustee for the State of Colorado since 1989 and first met Respondent in 2008 when Respondent was appointed as substitute counsel in approximately thirty Chapter 13 bankruptcy cases.

(4) the recovery arrested the misconduct and recurrence of that misconduct is unlikely.

Measured against these criteria, the Court cannot find that this factor mitigates Respondent's misconduct. Dr. Sturges testified that Respondent still suffered from severe depression as of her second IME, but he could not state that Respondent has been successfully rehabilitated. Rather, he could only opine that she was in partial remission and would need additional therapy and medication in order to continue to improve. Further, he did not express an opinion whether her depression caused her misconduct. In fact, he testified that he never discussed with her whether she knew during all relevant periods that she was causing injury to or abandoning her clients. Dr. Sturges also stated that at the time of her misconduct Respondent knew the difference between right and wrong and was aware of her ethical responsibilities. Because no other evidence was offered, the Court cannot find that this mitigating factor applies here.

Remorse – 9.32(l): Respondent testified that she is extremely sorry for what happened to her clients. She also apologized to the Court for neglecting her obligations in these disciplinary proceedings. The Court finds her remorse credible and applies this factor in mitigation.

Analysis Under ABA *Standards* and Colorado Case Law

The Court is aware of the Colorado Supreme Court's directive to exercise discretion in imposing a sanction and to carefully apply aggravating and mitigating factors,[15] mindful that "individual circumstances make extremely problematic any meaningful comparison of discipline ultimately imposed in different cases."[16] Though prior cases are helpful by way of analogy, the Court is charged with determining the appropriate sanction for a lawyer's misconduct on a case-by-case basis.

In this case, ABA *Standards* 4.11 and 4.41 prescribe disbarment. Further, the ABA *Standards* counsel that in cases involving multiple types of attorney misconduct, the ultimate sanction should at least be consistent with the sanction for the most serious disciplinary violation.[17]

The Colorado Supreme Court likewise has held that, except where significant mitigating factors apply, disbarment is the appropriate sanction for knowing conversion of client funds in violation of Colo. RPC 8.4(c).[18] Where a lawyer's conversion of client funds is

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[15] *See In re Attorney F.*, 285 P.3d 322, 327 (Colo. 2012); *In re Fischer*, 89 P.3d 817, 822 (Colo. 2004) (finding that a hearing board had overemphasized the presumptive sanction and undervalued the importance of mitigating factors in determining the needs of the public).

[16] *In re Attorney F.*, 285 P.3d at 327 (quoting *People v. Rosen*, 198 P.3d 116, 121 (Colo. 2008)).

[17] ABA *Standards* § 2 at 7.

[18] *See In re Haines*, 177 P.3d 1239, 1250 (Colo. 2008) (disbarring an attorney who knowingly misappropriated $70,000.00 belonging to her client's estate); *In re Cleland*, 2 P.3d 700, 703 (Colo. 2000) (disbarring an attorney who knowingly misappropriated his client's funds, commingled funds, and misrepresented the status of his

coupled with abandonment of the client, it is all the more clear that disbarment is warranted. For example, in *People v. Kuntz*, the Colorado Supreme Court determined disbarment was appropriate when a lawyer accepted legal fees from several clients, performed little to no work on their cases, and then abandoned the clients without returning their funds.[19] Similarly, in *In re Stevenson*, a lawyer was disbarred after abandoning his client and misappropriating funds.[20] The Colorado Supreme Court noted in *Stevenson* that the lawyer's failure to participate in the disciplinary proceeding underscored the decision that disbarment was appropriate.[21]

Although mitigating factors merit close examination and may in some cases warrant a departure from the presumption of disbarment,[22] this is not such a case. The Court is sympathetic to Respondent's circumstances and emotional problems, but she has not established sufficient mitigating evidence to justify deviating from the presumptive sanction of disbarment. To the contrary, the balance of aggravating and mitigating circumstances weighs in favor of disbarment. Accordingly, the Court concludes Respondent should be disbarred.

V. CONCLUSION

Respondent abandoned several clients, converted fees from many of those clients, and failed to cooperate in these disciplinary proceedings. Attorneys occupy a position of trust and responsibility and are expected to adhere to high moral and ethical standards. Respondent disregarded these standards and caused serious injury and serious potential injury to her clients. In light of the egregious nature of Respondent's repeated misconduct and the substantial aggravating factors at work here, the Court finds disbarment is warranted.

VI. ORDER

The Court therefore **ORDERS:**

1. **DAYNEL L. HOOKER,** Wisconsin attorney registration number 1033854, is **DISBARRED** from the practice of law **IN THE STATE OF COLORADO**. The

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client's case); *People v. Varallo*, 913 P.2d 1, 10-11 (Colo. 1996) (holding that the presumed sanction for knowing conversion of client funds is disbarment, regardless of whether the lawyer intended to permanently deprive the client of those funds).

[19] 942 P.2d 1206, 1208 (Colo. 1997); *see also People v. Roybal*, 949 P.2d 993 (Colo. 1997) (disbarring attorney for abandoning clients, failing to return unearned fees, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

[20] 979 P.2d 1043, 1044-45 (Colo. 1999).

[21] *Id.* at 1045.

[22] *In re Fischer*, 89 P.3d at 822; *In re Cleland*, 2 P.3d at 703 ("When a lawyer knowingly converts client funds, disbarment is 'virtually automatic,' at least in the absence of significant factors in mitigation.").

DISBARMENT SHALL take effect only upon issuance of an "Order and Notice of Disbarment."[23]

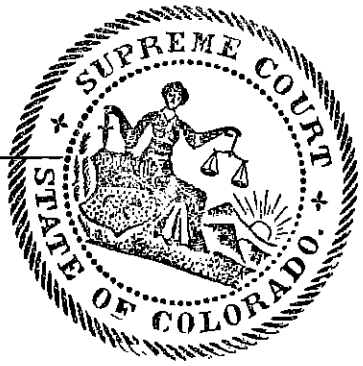
2. Respondent **SHALL** promptly comply with C.R.C.P. 251.28(a)-(c), concerning winding up of affairs, notice to parties in pending matters, and notice to parties in litigation.

3. Respondent also **SHALL** file with the Court, within fourteen days of issuance of the "Order and Notice of Disbarment," an affidavit complying with C.R.C.P. 251.28(d).

4. The parties **SHALL** file any post-hearing motion or application for stay pending appeal with the Court **on or before Friday, November 8, 2013.** No extensions of time will be granted. Any response thereto **SHALL** be filed within seven days, unless otherwise ordered by the Court.

5. Respondent **SHALL** pay the costs of these proceedings. The People **SHALL** file a "Statement of Costs," **within fourteen days of the date of this order.** Respondent may file her response to the People's statement, if any, within seven days thereafter.

DATED THIS 18th DAY OF OCTOBER, 2013.



WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

Copies to:

Kim E. Ikeler — Via Hand Delivery
Office of Attorney Regulation Counsel

David C. Little — Via First-Class Mail
Counsel for Respondent

Christopher T. Ryan — Via Hand Delivery
Colorado Supreme Court

[23] In general, an order and notice of sanction will issue thirty-five days after a decision is entered pursuant to C.R.C.P. 251.19(b) or (c). In some instances, the order and notice may issue later than thirty-five days by operation of C.R.C.P. 251.27(h), C.R.C.P. 59, or other applicable rules.