

Disciplinary Case Summaries

No. 18PDJ015. People v. Hook. 4/10/2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Clyde E. Hook (attorney registration number 09773) for 90 days, all served, effective May 15, 2018. To be reinstated, Hook will bear the burden of proving by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law.

On April 8, 2017, while driving, Hook hit an unattended flatbed trailer. A state trooper responded to the scene and administered a roadside sobriety test. Hook was unable to adequately perform the test and was placed in custody. Hook's BAC was measured at 0.152. On that same day, Hook was transferred to a recovery center for acute intoxication and withdrawal potential.

Hook pleaded guilty to a misdemeanor DWAI and a lane usage violation. On July 12, 2017, he was sentenced to 180 days' suspended jail with 12 months' probation. His probation required him to complete 36 hours of community service and to undergo alcohol monitoring.

Through this conduct, Hook violated Colo. RPC 8.4(b) (a lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects).

No. 18PDJ016. People v. Lukehart. 4/10/2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Mark Gregory Lukehart (attorney registration number 27387) for three years, effective May 15, 2018. The parties agreed that Lukehart's misconduct was mitigated by serious personal and emotional problems. To

be reinstated, Lukehart will bear the burden of proving by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law.

In 2016, Lukehart left his solo law practice and joined a law firm (the Firm). He was expected to transfer many of his prior cases to the Firm. He was eligible for an annual bonus if he billed more than 140 hours per month. Lukehart acknowledged in writing receipt of the Firm's employee handbook, which permitted him to hold an outside job in a nonrelated business or profession and which barred him from using the Firm's office space, equipment, or materials for any outside employment.

Lukehart did not wind down his solo practice or stop representing certain prior clients. He stated that he was frustrated that the Firm required a higher retainer than many clients could afford. Lukehart struggled to meet Firm's billable hour target.

In 2017, the Firm's operations manager learned that Lukehart was running his own concurrent law firm while working at the Firm. She believed he had processed approximately \$40,000 in credit card transactions through his own firm between April 2016 and March 2017. Lukehart stated that \$25,000 of that money was attributable to new work during that period.

The Firm launched an internal investigation and discovered that during the relevant time-frame, Lukehart issued seven client engagement letters on his own firm's letterhead. Four of those clients were generated through the Firm, however, as a result of the Firm's Web-based marketing efforts.

Through this conduct, Lukehart violated Colo. RPC 8.4(c) (a lawyer shall not engage in

conduct involving dishonesty, fraud, deceit, or misrepresentation).

No. 17PDJ033. People v. Morrisette. 4/10/2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and disbarred April Renee Morrisette (attorney registration number 35247), effective April 10, 2018.

On December 11, 2015, Morrisette pleaded guilty in Arapahoe County District Court to computer crime, a class 4 felony, and to theft, a class 1 misdemeanor. She received a three-year deferred judgment and sentence on the felony charge and three years' probation on the misdemeanor charge.

These convictions arose out of Morrisette's collection of unemployment insurance benefits. She began collecting those benefits in January 2011 after her employment at a law firm was terminated. Before doing so, she accessed a website maintained by the Colorado Department of Labor and Employment and signed a form warning against making false statements and willful misrepresentation to obtain benefits. From March to November 2011, Morrisette worked at another law firm. She intentionally continued to collect unemployment benefits even though she knew she was no longer entitled to them. She was employed during 32 of the 54 weeks that she filed for and received unemployment insurance benefits. During this period, she earned at least \$52,423.72, but she misrepresented her earnings as \$0. Morrisette fraudulently collected a total of \$15,648 in unemployment insurance benefits to which she was not entitled.

Through this conduct, Morrisette violated Colo. RPC 8.4(b) (a lawyer shall not commit

a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects) and Colo. RPC 8.4(c) (barring conduct involving dishonesty, fraud, deceit, or misrepresentation).

No. 17PDJ087. People v. Smith. 4/19/2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and disbarred Micah Jared Smith (attorney registration number 36307), effective April 19, 2018.

In May 2017, a Delaware jury convicted Smith of one count of continuous sexual abuse of a child; one count of sexual abuse of a child by a person in a position of trust, authority, or supervision in the second degree; and three counts of unlawful sexual contact in the first degree. Smith was sentenced to 10 years in the custody of Delaware's department of corrections.

Through this conduct, Smith violated Colo. RPC 8.4(b) (a lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects) and CRCP 251.5(b) (any criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer amounts to grounds for discipline).

No. 17PDJ038. People v. Swarts. 3/1/2018.

Following a sanctions hearing, the Presiding Disciplinary Judge suspended Kem W. Swarts (attorney registration number 29242) for three years, effective April 6, 2018.

Swarts's law license was suspended in 2010 after he practiced law in violation of an administrative suspension order. He never sought reinstatement of his law license. Nevertheless, in 2016 he took on a role as the legal representative of a person who had been involved in a ski

collision. Acting on behalf of the skier alleged to be at fault, Swarts wrote to counsel for the injured skier. He held himself out as a lawyer by misrepresenting himself as "general counsel" and "retired." In the letter, he made allegations regarding the injured skier's degree of fault and the other skier's insurance coverage.

Through his conduct, Swarts violated Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal) and Colo. RPC 5.5(a)(1) (a lawyer shall not practice law without a law license or other specific authorization). **CL**

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