

People v. Crews, 05PDJ049. March 6, 2006. Attorney Regulation.

Following a sanctions hearing, the Presiding Disciplinary Judge disbarred Respondent Richard A. Crews (Attorney Registration No. 32472) from the practice of law, effective April 6, 2006. This is a reciprocal discipline action from the State of Oregon. The facts admitted through the entry of default showed Respondent committed multiple criminal acts of forgery by falsely signing adverse parties' signatures on various documents, including an alleged settlement agreement, a notice of appeal and a restraining order, all pertaining to separate legal matters. Respondent further made multiple misrepresentations to his clients regarding the forged documents and failed to pursue his clients' legal matters. Respondent also withdrew from representing a client without taking steps to the extent reasonably practical to protect his client's interest and failed to promptly return his client's property. Finally, Respondent failed to respond to numerous inquiries from the Oregon Office of Disciplinary Counsel regarding his conduct. Respondent also failed to participate or present any mitigating evidence in these proceedings. The admitted facts proved multiple violations of Colo. RPC 1.3, 1.15(b), 1.16(d), 8.1(b), 8.4(b) and 8.4(c) and therefore warrant the imposition of reciprocal discipline under C.R.C.P. 251.21. Accordingly, the Presiding Disciplinary Judge found no adequate basis to depart from the presumptive sanction of disbarment.

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1560 BROADWAY, SUITE 675 DENVER, CO 80202	
Complainant: THE PEOPLE OF THE STATE OF COLORADO, Respondent: RICHARD A. CREWS.	Case Number: 05PDJ049
REPORT, DECISION, AND ORDER IMPOSING SANCTIONS PURSUANT TO C.R.C.P. 251.15(b)	

On January 5, 2006, the Presiding Disciplinary Judge (“the Court”) held a Sanctions Hearing pursuant to C.R.C.P. 251.18(d). Kim E. Ikeler appeared on behalf of the Office of Attorney Regulation Counsel (“the People”). Richard A. Crews (“Respondent”) did not appear, nor did counsel appear on his behalf. The Court issues the following Report, Decision, and Order Imposing Sanctions.

I. ISSUE

If Regulation Counsel does not seek substantially different discipline, and if the respondent does not challenge an order based on any of the grounds set forth in C.R.C.P. 251.21(d)(1-4), then the Presiding Disciplinary Judge may impose the same discipline imposed by a foreign jurisdiction. Respondent failed to participate in these reciprocal proceedings and the People do not seek substantially different discipline. Is disbarment the appropriate reciprocal discipline under these circumstances?

SANCTION IMPOSED: ATTORNEY DISBARRED

II. PROCEDURAL HISTORY AND BACKGROUND

Respondent failed to file an Answer in these proceedings and the Court granted the People’s Motion for Default on October 24, 2005. Upon the entry of default, the Court deems all facts in the Complaint admitted and all rule violations established by clear and convincing evidence. *People v. Richards*, 748 P.2d 341, 346 (Colo. 1987).

The Court hereby adopts and incorporates by reference the factual background of this case fully detailed in the admitted Complaint and the attachments to the Complaint.¹ In summary, the Oregon State Bar (“OSB”) filed an Amended Formal Complaint against Respondent on July 23, 2004. OSB alleged the following in their Complaint:

1. Respondent committed a criminal act that adversely reflected on his honesty, trustworthiness, or fitness to practice law;
2. Respondent neglected a legal matter;
3. Respondent failed to fully and truthfully respond to inquiries from an authority empowered to investigate or act upon the conduct of lawyers;
4. Respondent withdrew funds without taking steps to the extent reasonably practical to protect the client’s interest; and
5. Respondent failed to promptly return client property.

Respondent never responded to OSB’s Amended Formal Complaint. On October 7, 2004, a Trial Panel of Oregon’s Disciplinary Board entered a default judgment against him. On February 25, 2005, the Trial Panel adopted the facts and recommendations set forth in the OSB’s Sanctions Memorandum and disbarred Respondent. Respondent did not appeal his Oregon disbarment.

“A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction although engaged in practice elsewhere.” Colo. RPC 8.5. A final adjudication in another jurisdiction of misconduct constituting grounds for discipline of an attorney shall, for purposes of proceedings pursuant to these Rules, conclusively establish such misconduct. C.R.C.P. 251.21(a). The adopted facts establish that Respondent violated Colo. RPC 8.4(b) (it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness to practice law in other respects), Colo. RPC 8.4(c) (it is professional misconduct for a lawyer to engage in dishonesty, fraud, deceit or misrepresentation), Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness in representing a client and shall not neglect a legal matter entrusted to that lawyer), Colo. RPC 8.1(b) (a lawyer shall not knowingly fail to respond reasonably to a lawful demand for information from a disciplinary authority), Colo. RPC 1.16(d) (upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client’s interest), and Colo. RPC 1.15(b) (upon receiving client funds or other property, the lawyer shall promptly deliver to the client any funds or other property that the client is entitled to receive).

¹ The Court attached the Complaint to this Report as Exhibit A.

III. SANCTIONS

At the conclusion of proceedings brought under C.R.C.P. 251.21, a Hearing Board shall issue a decision imposing the same discipline imposed by the foreign jurisdiction, unless it is determined by the Hearing Board that:

- (1) The procedure followed in the foreign jurisdiction did not comport with requirements of due process of law;
- (2) The proof upon which the foreign jurisdiction based its determination of misconduct is so infirm that the Hearing Board cannot, consistent with its duty, accept as final the determination of the foreign jurisdiction;
- (3) The imposition by the Hearing Board of the same discipline as was imposed in the foreign jurisdiction would result in grave injustice; or
- (4) The misconduct proved warrants that a substantially different form of discipline be imposed by the Hearing Board.

C.R.C.P. 251.21(d)(1-4). However, if Regulation Counsel does not seek substantially different discipline and if the respondent does not challenge the order based on any of the grounds set forth in (d)(1-4) above, then the Presiding Disciplinary Judge may, without a hearing or Hearing Board, issue a decision imposing the same discipline as imposed by the foreign jurisdiction. C.R.C.P. 251.21(e). The People did not seek a substantially different discipline and Respondent did not challenge the Oregon order. Accordingly, the Court issues this decision imposing the same discipline as imposed by the State of Oregon.

IV. CONCLUSION

One of the primary goals of our disciplinary system is to protect the public from lawyers who pose a danger to them. For over three years, Respondent disregarded his duties to his clients and his obligations to the legal profession. The Colorado Rules of Professional Conduct specifically protect the public from lawyers licensed in Colorado but who practice in other jurisdictions. Respondent's failure to participate in these reciprocal proceedings or challenge the order of disbarment from Oregon leaves the Court with no option but to impose the same discipline. Accordingly, the Court concludes disbarment is the appropriate sanction in this case.

V. ORDER

The Court therefore **ORDERS**:

1. RICHARD A. CREWS, Attorney Registration No. 32472, is **DISBARRED** from the practice of law, effective thirty-one (31) days from the date of this Order, and his name shall be stricken from the list of attorneys licensed to practice law in the State of Colorado.
2. RICHARD A. CREWS **SHALL** pay the costs of these proceedings. The People shall submit a Statement of Costs within fifteen (15) days of the date of this Order. Respondent shall have ten (10) days within which to respond.

DATED THIS 6TH DAY OF MARCH, 2006.

WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

Copies to:

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Susan Festag
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