

SUPREME COURT, STATE OF COLORADO
CASE NO.: **99PDJ022 (previously numbered 97SA299 and
GC95B120)**
ORIGINAL PROCEEDING IN DISCIPLINE BEFORE
THE PRESIDING DISCIPLINARY JUDGE

**OPINION AND ORDER REINSTATING WILLIAM J. BARNTHOUSE'S
LICENSE TO PRACTICE LAW**

WILLIAM JOSEPH BARNTHOUSE,

Petitioner,

v.

THE PEOPLE OF THE STATE OF COLORADO,

Respondent.

This reinstatement matter was heard on May 14, 1999, pursuant to C.R.C.P. 251.29(b) and (c) before the Presiding Disciplinary Judge ("PDJ") and two hearing board members, Gail C. Harriss and Dorothy A. Radakovich, both members of the Bar. James S. Sudler, Assistant Attorney Regulation Counsel represented the People of the State of Colorado (the "People") and Craig L. Truman represented William J. Barnthouse ("Barnthouse"), attorney registration no. 07800. Barnthouse testified on his own behalf and submitted Exhibits 1 and 2, which were admitted into evidence. The People called no witnesses.

I. FINDINGS OF FACT

The PDJ and hearing board made the following findings of fact by clear and convincing evidence:

On November 24, 1997, Barnthouse was suspended from the practice of law by the Colorado Supreme Court for a period of one year and one day. *See People v. Barnthouse*, 948 P.2d 534, 538 (Colo. 1997). Pursuant to C.R.C.P. 241.21¹, which was in effect at the time of Barnthouse's suspension, Barnthouse voluntarily withdrew from his

¹ C.R.C.P. 241.21 was replaced by C.R.C.P. 251.28 effected January 1, 1999.

practice and the representation of his clients; he notified the State of Missouri of his suspension, and he filed the required affidavit with the Colorado Supreme Court stating that he had complied with C.R.C.P. 241.21. Barnthouse fulfilled the requirement that he pay \$1,452.45 as costs for the disciplinary proceeding. During the period of suspension, Barnthouse has not been convicted of any crime, has had no civil judgments entered against him, is not in arrears on child support payments, has had no tax liens or judgments entered against him and has not been a party to any civil or criminal actions. During the period of suspension, Barnthouse dedicated his time to his children and his elderly parents, served the community by participating in a food drive, volunteered for church-sponsored charitable activities, promoted his physical and emotional health through exercise and self-improvement materials, completed forty-five continuing legal education credits and engaged in the independent study of law.

On February 16, 1999, Barnthouse filed a Petition for Reinstatement with the PDJ and tendered the \$500.00 deposit for the costs of the reinstatement proceedings. On April 23, 1999, the parties filed a Stipulation and Agreement Concerning Reinstatement of Respondent providing that Barnthouse had complied with all orders of discipline, and stating that Barnthouse demonstrated no evidence of any psychological disorder that could affect his ability to practice law. The People raised no objection to Barnthouse's reinstatement.

II. CONCLUSIONS OF LAW

Barnthouse is subject to the jurisdiction of this court pursuant to C.R.C.P. 251.1(b).

C.R.C.P. 251.29(b) provides, in part:

An attorney who has been suspended for a period longer than one year must file a petition with the Presiding Disciplinary Judge for reinstatement and must prove by clear and convincing evidence that the attorney has been rehabilitated, has complied with all applicable disciplinary orders and with all provisions of this chapter, and is fit to practice law.

Consideration of the issue of rehabilitation requires the PDJ and hearing board to consider numerous factors bearing on the petitioner's state of mind and professional ability, including character, conduct since the imposition of the original discipline, professional competence, candor and sincerity, present business pursuits, personal and community

service, and the petitioner's recognition of the seriousness of his previous misconduct. *People v Klein*, 756 P. 2d 1013, 1016 (Colo. 1988).

Under the factors set forth in *Klein*, 756 P.2d at 1016, the hearing board found that Barnthouse established by clear and convincing evidence that he is rehabilitated, possesses the requisite ability and professional competence to practice law, and has conducted himself in a manner which comports with the requirements of the legal profession during the period of his suspension. Barnthouse was candid and sincere during the reinstatement proceedings. Although Barnthouse's recognition of the seriousness of his prior misconduct was less than the PDJ and hearing board would like to have heard, it marginally met the clear and convincing standard of proof.

The PDJ and hearing board are required to protect the public interest in allowing Barnthouse to resume the practice of law. In accordance with that responsibility and pursuant to C.R.C.P. 251.29(e), the PDJ and hearing board impose the following conditions upon Barnthouse as express conditions of his resumption of the practice of law:

1. Barnthouse is required within twelve (12) months of the date of this Order, and at his own expense, to attend and satisfactorily complete the one day ethics course sponsored by the Office of Attorney Regulation Counsel;
2. Within one (1) year of the date of this Order, Barnthouse is required to take and pass the Multi-State Professional Responsibility Exam;
3. Barnthouse is required to provide forty (40) hours of community service, not related to the practice of law, which involves providing services to individuals within twelve (12) months of the date of this Order;
4. Barnthouse is required to complete not less than forty-five (45) hours of continuing legal education credits within twelve (12) months of the date of this Order, all of which shall be by personal attendance at programs and seminars. Not less than thirty (30) hours of such credit shall be in ethics and/or professional responsibility;
5. Barnthouse is required to certify compliance with paragraphs 1 through 4 of this Order to the Office of Regulation Counsel no later than thirteen (13) months from the date of this Order.

6. In the event disciplinary proceedings are authorized by the Attorney Regulation Committee and initiated against Barnthouse pursuant to C.R.C.P. 251.12 for conduct occurring within three (3) years after the date of this Order, this Order of reinstatement shall be subject to immediate revocation upon application by the Office of Attorney Regulation Counsel.
7. Barnthouse shall pay, within thirty (30) days of the date of this Order, all costs incurred arising from this reinstatement proceeding. The People shall file with the PDJ an itemization of the costs and expenses attributable to this matter within ten (10) days of the date of this Order. Barnthouse shall have five (5) days thereafter to file a Response to the itemization.

III. ORDER OF REINSTATEMENT

It is therefore ORDERED:

Upon the conditions set forth herein, the license to practice law of WILLIAM J. BARNTHOUSE, attorney registration no. 07800 is REINSTATED effective this 1st of July, 1999.

DATED THIS 30TH DAY OF JUNE, 1999.