

People v. George L. Farmer. 23PDJ068. June 6, 2024.

The Presiding Disciplinary Judge entered summary judgment, issued an opinion addressing the appropriate sanction to impose as reciprocal discipline, and suspended George L. Farmer (attorney registration number 30492) from the practice of law in Colorado for one year and one day. Farmer's suspension takes effect on July 11, 2024. If Farmer seeks to reinstate his Colorado law license following his suspension, he must prove by clear and convincing evidence that he has been rehabilitated, has complied with all disciplinary orders and rules, and is fit to practice law. He also must first be reinstated in Maryland, which similarly requires Farmer to petition to reinstate, unless he shows good cause otherwise. Should Maryland reinstate Farmer before the full term of his suspension in Colorado runs, he may seek to reinstate in Colorado at that time.

This reciprocal discipline case arose out of discipline imposed on Farmer in Maryland. On July 10, 2023, the Supreme Court of Maryland indefinitely suspended Farmer, who is not licensed to practice law in that state. Farmer's Maryland discipline was premised on his representation of two clients—both Maryland residents—with conflicting interests; charging one of the clients an unreasonable fee; filing a frivolous action in federal court against that same client's agent, a Maryland lawyer serving as co-trustee of the client's trust; engaging in the unauthorized practice of law in Maryland; and violating the Maryland Attorneys' Rules of Professional Conduct.

Through this conduct, Farmer engaged in conduct constituting grounds for reciprocal discipline under C.R.C.P. 242.21, which calls for imposition of the same discipline or the most closely analogous discipline as that imposed in Maryland.

The case file is public per C.R.C.P. 242.41(a). Please see the full opinion below.

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: GEORGE L. FARMER, #30492	Case Number: 23PDJ068
OPINION IMPOSING SANCTIONS UNDER C.R.C.P. 242.21	

Maryland indefinitely suspended George L. Farmer (“Respondent”) for professional misconduct there. On summary judgment, the Court concluded as a matter of law that none of the defenses set forth in C.R.C.P. 242.21(a) apply and that it should impose reciprocal discipline. The Court now suspends Respondent for one year and one day, as that sanction is the most analogous to the discipline imposed in Maryland.

I. PROCEDURAL BACKGROUND

Respondent, who is on inactive status in Colorado, was admitted to practice law in Colorado on March 24, 1999, under attorney registration number 30492.¹ He is thus subject to the jurisdiction of the Court in this matter.²

On July 10, 2023, the Supreme Court of Maryland indefinitely suspended Respondent.³ On November 21, 2023, Alan C. Obye of the Office of Attorney Regulation Counsel (“the People”) filed a Colorado disciplinary complaint against Respondent, seeking reciprocal discipline in this state. Respondent answered the complaint on December 18, 2023, asserting

¹ Under CRE 201(b), the Court takes judicial notice of Respondent’s attorney registration number, the date of his admission as a Colorado lawyer, and his registration status, which are reflected on the Colorado Supreme Court attorney search portal at: <https://www.coloradosupremecourt.com/Search/Attinfo.asp?Regnum=30492>.

² C.R.C.P. 242.1(a).

³ “At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Appeals of Maryland to the Supreme Court of Maryland. The name change took effect on December 14, 2022.” *Att’y Grievance Comm’n v. Farmer*, 297 A.3d 1144, 1172 (Md. 2023).

each of the defenses listed in C.R.C.P. 242.21(a)(1)-(4). The Court set a two-day hearing to take place on May 21-22, 2024.

On April 22, 2024, the Court entered summary judgment in the People’s favor, found that none of the defenses set forth in C.R.C.P. 242.21(a) apply, and concluded that the Court should impose reciprocal discipline. Because C.R.C.P. 242.10 does not allow for indefinite suspension, however, the Court reserved judgment as to the sanction that best mirrors the discipline in Maryland. The Court directed the parties to submit supplemental briefing, asking them to address the sole issue of “the sanction available in Colorado that is most closely analogous to the indefinite suspension the Supreme Court of Maryland imposed.”⁴ Respondent filed his brief on April 29, 2024, and the People filed theirs on May 6, 2024. Per C.R.C.P. 242.6(c)(3), the Court now decides this legal question.

II. LEGAL STANDARDS

C.R.C.P. 242.21 governs reciprocal discipline. A sister jurisdiction’s final adjudication of misconduct conclusively establishes such misconduct in Colorado unless the disciplined lawyer proves by clear and convincing evidence one of the four possible defenses set forth in C.R.C.P. 242.21(a).⁵ If the lawyer cannot establish one of those defenses, the Court is called upon to impose the same discipline as the sister jurisdiction ordered. When the sister jurisdiction imposes a form of discipline that is not available in Colorado, this Court must fashion a sanction that most closely parallels the discipline imposed in the sister jurisdiction, focusing on the practical effect of the discipline, rather than its form.⁶

III. ANALYSIS

The People argue that the closest analogous discipline in Colorado to Maryland’s order indefinitely suspending Respondent is a served one-year-and-one-day suspension. This is so, they argue, because Maryland requires an indefinitely suspended lawyer to petition for reinstatement, which mirrors Colorado’s reinstatement petition process. Further, say the People, a suspension of one year and one day is consistent with the outcome of similar Colorado cases. The People add, however, that if Respondent is reinstated in Maryland earlier than one year and one day, he should be permitted to petition for reinstatement in Colorado at that time.

⁴ See “Order Denying Respondent’s Motion for Summary Judgment and Granting in Part People’s Cross-Motion for Summary Judgment under C.R.C.P. 56” (Apr. 22, 2024).

⁵ *In re Kennedy*, 2024 CO 21, ¶ 43.

⁶ See *People v. Smith*, 937 P.2d 724, 730 (Colo. 1997) (favorably regarding a hearing board’s attempt to craft a sanction that has “an effect similar if not identical to the sanctions imposed” by the other jurisdiction); *People v. Nash*, 873 P.2d 764, 765 (Colo. 1994) (looking at the practical effect of a sister jurisdiction’s sanction, rather than its form, in assigning reciprocal discipline in Colorado).

Rather than addressing the issue the Court raised—that is, the appropriate analogous discipline in Colorado to Maryland’s indefinite suspension—Respondent returns to a discipline analysis under the American Bar Association *Standards for Imposing Lawyer Sanctions* (“ABA *Standards*”).⁷ Drawing on arguments about his mental state and the resulting injury from his misconduct, Respondent asserts that suspension in any form is inappropriate. He also contends that conditioning his reinstatement in Colorado on successfully reinstating in Maryland is unfair; reinstating in Maryland is an impossibility, he says, as he was never licensed in Maryland to begin with. Respondent urges the Court to “[see] the big picture”⁸ and exercise discretion by imposing either a private admonition or a public censure.

As an initial matter, the Court must address Respondent’s sanctions argument, which, by making representations about his mental state and the quantum of injury resulting from his misconduct, implicitly invites the Court to revisit the Maryland’s court’s findings. But this invitation is improper because “a reciprocal disciplinary proceeding does not afford the disciplined attorney the opportunity to retry their case.”⁹ In other words, Respondent is no freer in this proceeding to litigate the elements comprising Maryland’s sanctions analysis than he is to challenge the whys and wherefores of Maryland’s adjudication of misconduct. Concomitantly, while the Court normally has wide latitude to assign sanctions in lawyer discipline cases,¹⁰ no authority grants the Court such discretion in reciprocal discipline matters. Rather, at this procedural juncture, it is bound to impose the “same discipline” as Maryland, or at least as close an approximation to that sanction’s effect as possible.¹¹

The Court begins its analysis in earnest, then, by examining Maryland’s sanctions framework, including how indefinite suspension compares to other types of sanctions. In Maryland, forms of discipline include—but are not limited to—disbarment, indefinite suspension, and definite suspension.¹² Lawyers who have been disbarred, suspended indefinitely, or suspended for a fixed period longer than six months must petition for reinstatement.¹³ Similar to Colorado, a lawyer petitioning to reinstate in Maryland must establish by clear and convincing evidence the lawyer’s competence, honesty, integrity, acceptance of responsibility, and compliance with legal, professional, and financial obligations.¹⁴ Unlike in Colorado, disbarred lawyers in Maryland may, in some instances, apply for readmission at any

⁷ Found in ABA *Annotated Standards for Imposing Lawyer Sanctions* (2d ed. 2019).

⁸ Respondent’s Br. at 13.

⁹ *Kennedy*, ¶ 44.

¹⁰ See *In re Att’y F.*, 2012 CO 57, ¶ 12.

¹¹ C.R.C.P. 242.21(a).

¹² Md. Rule 19-706(a).

¹³ Md. Rule 19-752(a).

¹⁴ See Md. Rule 19-752(g)(3), (h)(1)-(2).

time after disbarment is imposed.¹⁵ The same is true for Maryland lawyers who are indefinitely suspended.¹⁶

The Supreme Court of Maryland imposes indefinite suspension “where the attorney’s conduct is not so egregious that only disbarment can adequately protect the public.”¹⁷ When Maryland indefinitely suspends lawyers, it occasionally grants the lawyers permission to petition for reinstatement after a fixed time period. This minimum ‘sit-out’ time attached to an indefinite suspension is designed to “prevent multiple frustrating attempts” at reinstating.¹⁸ As such, “an open-ended indefinite suspension can, in practice, be more onerous than a minimum ‘sit-out’ time indefinite suspension because at least the latter offers some clue to a respondent when the [Maryland court] deems it most likely appropriate to reapply with some hope for success.”¹⁹ Indeed, cases in which Maryland has imposed indefinite suspension with a right to petition to reinstate following a fixed period appear to involve less egregious misconduct than cases in which no such minimum period was set.²⁰ Given these dynamics, the Court concludes that, except for disbarment, indefinite suspension without a fixed ‘sit-out’ period is the most severe sanction available in Maryland.²¹

Next, the Court considers Maryland reciprocal discipline cases—where proceedings originated in and discipline was imposed by sister jurisdictions—in which Maryland ultimately imposed indefinite suspension. In *Attorney Grievance Commission v. Beatty*, Maryland indefinitely suspended a lawyer, conditioning reinstatement there on reinstatement in New Jersey, which had imposed a three-month suspension with the requirement of reinstatement.²²

¹⁵ *Att’y Grievance Comm’ v. Palmer*, 9 A.3d 37, 55 n.16 (Md. 2010). But under Md. Rule 19-752(c)(2)(B), which took effect on July 1, 2016, a disbarred or indefinitely suspended lawyer may not seek reinstatement earlier than the time specified in the order of disbarment or suspension.

¹⁶ *Palmer*, 9 A.3d at 55 n.16; Md. Rule 19-752(c)(2)(B).

¹⁷ *Att’y Grievance Comm’n v. Lee*, 903 A.2d 895, 906 (Md. 2006).

¹⁸ *Att’y Grievance Comm’n v. Litman*, 101 A.3d 1050, 1059 (Md. 2014).

¹⁹ *Att’y Grievance Comm’n v. Sweitzer*, 911 A.2d 440, 452 (Md. 2006) (Harrell, J., dissenting).

²⁰ *Compare Att’y Grievance Comm’n v. Kepple*, 68 A.3d 797, 806-07 (Md. 2013) (imposing an indefinite suspension with the right to apply for reinstatement after thirty days on a lawyer who failed to disclose material information on her bar application, where the lawyer had no prior discipline and was “truly remorseful,” and the misconduct was remote); *with Sweitzer*, 911 A.2d at 447 (indefinitely suspending a lawyer for conduct that included making misrepresentations to the state’s motor vehicle administration in an attempt to gain a pecuniary benefit, where disbarment would have been imposed but for the lawyer’s lack of prior discipline and the absence of a pattern of misconduct).

²¹ *See, e.g., Att’y Grievance Comm’n v. Collins*, 270 A.3d 917, 946 (Md. 2022) (opting for indefinite suspension as a sanction after concluding that disbarment was not warranted); *Attorney Grievance Comm’n v. Lee*, 903 A.2d 895, 906 (Md. 2006) (holding that “[i]ndefinite suspension from the practice of law is the proper sanction . . . where the attorney’s conduct is not so egregious that only disbarment can adequately protect the public”); *Sweitzer*, 911 A.2d at 447 (imposing indefinite suspension rather than disbarment).

²² 972 A.2d 840, 842-43 (Md. 2009).

At the other end of the spectrum, in *Attorney Grievance Commission v. Hass*, Maryland imposed indefinite suspension in reciprocal discipline after New York, the originating jurisdiction, suspended the lawyer for three years.²³ Thus, on reciprocal discipline, Maryland has imposed indefinite suspensions in response to a wide range of fixed-period suspensions imposed in sister jurisdictions; the unifying theme is that when Maryland imposes reciprocal discipline, it ordinarily considers indefinite suspension to be “the equivalent of any suspension, no matter the length, that requires a court order for reinstatement.”²⁴

With this understanding of Maryland’s concept of indefinite suspension, the Court returns its attention to the available forms of discipline in Colorado, which include disbarment and definite periods of suspension of up to three years.²⁵ Unless otherwise ordered, a lawyer suspended for one year or less may reinstate by filing a motion and affidavit with the Court.²⁶ When a lawyer serves more than one year of suspension, the lawyer must petition for reinstatement under C.R.C.P. 242.39. In that situation, the lawyer must prove to a hearing board by clear and convincing evidence that the lawyer has been rehabilitated, has complied with disciplinary orders, and is fit to practice law.²⁷ Thus, a suspension of longer than one year, which, per rule, requires a reinstatement proceeding, is one step down from disbarment and the next most serious form of discipline available in Colorado.

Because Respondent will be required to petition for reinstatement in Maryland, albeit not within any specified time frame, the Court must impose in reciprocal discipline a sanction with a commensurate effect—that is, a Colorado sanction that carries a similar reinstatement requirement.²⁸ Accordingly, the Court determines that a suspension of one year and one day is appropriate here. It reaches this conclusion for three distinct reasons. First, no binding authority draws an exact equivalent between, on the one hand, Maryland’s indefinite suspension with no fixed period before a lawyer can seek reinstatement and, on the other hand, any particular Colorado sanction. Yet focusing on the practical effect of the discipline, the Court can look to the available periods of suspension in Colorado that, by rule, require a lawyer to petition to reinstate. Under C.R.C.P. 242.39(a)(2), a formal reinstatement requirement automatically applies to Colorado suspensions ranging from one year and one day on the low end to three years on

²³ 988 A.2d 1033, 1043-44 (Md. 2010).

²⁴ *Att’y Grievance Comm’n v. Steinberg*, 870 A.2d 603, 609 (Md. 2005); *see also Beatty*, 972 A.2d at 842 (“Because [the respondent] will not be readmitted to the Bar of New Jersey until that State’s Supreme Court is persuaded that he is once again fit to practice law, an indefinite suspension is the appropriate reciprocal discipline [in Maryland].”).

²⁵ C.R.C.P. 242.10(a)(1)-(2).

²⁶ C.R.C.P. 242.38(b)(1). *But see* C.R.C.P. 242.31(a)(3) (authorizing hearing boards to order that lawyers suspended for one year or less must petition to reinstate).

²⁷ C.R.C.P. 242.39(c)(2).

²⁸ The Court reserves for another day the question of what discipline in Colorado is analogous if Maryland explicitly permits a lawyer to seek reinstatement from indefinite suspension after a fixed period.

the high end. That continuum sets the parameters for the Court's decision.²⁹ Second, the People advocate for a period of suspension on the lowest end of that spectrum. And third, courts in sister jurisdictions have also concluded that a period of suspension requiring a lawyer to petition to reinstate is analogous to Maryland's indefinite suspension for purposes of imposing reciprocal discipline.³⁰ Taking these factors together, the Court finds that the most just and legally sound sanction available is a suspension of one year and one day.

IV. CONCLUSION

The Court finds that a served suspension of one year and one day in Colorado is the baseline analog to Respondent's indefinite suspension imposed in Maryland. To most closely match the Maryland discipline, however, the Court will permit Respondent to petition for reinstatement in Colorado early if he successfully reinstates in Maryland before his period of suspension in this state elapses.³¹ In any event, absent a showing of good cause, Respondent's reinstatement in Colorado is conditioned on his reinstatement in Maryland.³²

²⁹ The Court recognizes that this range is not absolute. The Court may, in certain circumstances, exercise discretion under C.R.C.P. 242.31(a)(3) to require a lawyer suspended for one year or less to petition to reinstate. In the Court's view, however, imposing a suspension period of one year or less would constitute an exercise of discretion inconsistent with the Court's obligation under Colorado's reciprocal discipline rule to assign the same or most comparable sanction as that imposed by the original disciplining jurisdiction where, as here, none of the four defenses listed in C.R.C.P. 242.21(a) apply. To be clear, the Court's decision to impose a served suspension of one year and one day stems not from a King Solomon "splitting the baby" approach but rather attention to Colorado's rules and other sources to arrive at the discipline that most closely resembles the sanction imposed in Maryland. Hence, imposing a one-year-and-one-day suspension results in the least impactful analogous sanction that is consistent with Colorado law.

³⁰ See, e.g., *In re Fournier*, 206 A.D.3d 38, 41 (N.Y. 2022) (finding that a lawyer's indefinite suspension in Maryland warranted reciprocal discipline of a one-year suspension, which carried the requirement that the lawyer petition to reinstate in New York); *In re Powers*, 176 A.D.3d 1468, 1470 (N.Y. 2019) (imposing reciprocal discipline by suspending a lawyer for two years, which carried the requirement that the lawyer petitioner to reinstate, after Maryland suspended the lawyer indefinitely); *In re Laumann*, 922 N.W.2d 520, 522 (Wis. 2019) (finding that for purposes of imposing reciprocal discipline, suspending a lawyer for six months, which carried the requirement that the lawyer petition to reinstate, is equivalent to a lawyer's indefinite suspension in Maryland); see also *In re Tyrone*, 2 N.W.3d 753, 755 (Wis. 2024) (same). But see *In re Spangler*, 296 A.3d 728, 729 (Vt. 2023) (concluding that disbarment, which in Vermont carries a minimum period of five years out of the practice of law, was the appropriate reciprocal discipline for a lawyer's indefinite suspension in Maryland, where the Maryland suspension order provided no timeline for the lawyer to reinstate).

³¹ To the extent Respondent argues that reinstating in Maryland is impossible because he has never been admitted as a Maryland lawyer, the Court is not swayed; Respondent points to no authority in support of his argument. See also C.R.C.P. 242.21(c)(2).

³² C.R.C.P. 242.21(c)(2).

V. ORDER

The Court therefore **ORDERS**:

1. **GEORGE L. FARMER**, attorney registration number **30492**, is **SUSPENDED** from the practice of law in Colorado for **ONE YEAR AND ONE DAY**. The **SUSPENSION** will take effect only upon issuance of an "Order and Notice of Suspension."³³
2. Respondent **MUST** timely comply with C.R.C.P. 242.32(b)-(e), concerning winding up of affairs, notice to current clients, duties owed in litigation matters, and notice to other jurisdictions where he is licensed or otherwise authorized to practice law.
3. Within fourteen days after issuance of the "Order and Notice of Suspension," Respondent **MUST** file an affidavit with the Court under C.R.C.P. 242.32(f), attesting to his compliance with C.R.C.P. 242.32. As provided in C.R.C.P. 242.41(b)(5), lists of pending matters, lists of clients, and copies of client notices under C.R.C.P. 242.32(f) must be marked as confidential attachments and filed as separate documents from the affidavit.
4. The parties **MUST** file any posthearing motions **no later than Thursday, June 20, 2024**. Any response thereto **MUST** be filed within seven days of the motion.
5. The parties **MUST** file any motion for stay pending appeal under C.R.C.P. 242.35 **on or before the date on which the notice of appeal is due**. Any response thereto **MUST** be filed within seven days.
6. Respondent **MUST** pay the costs of this proceeding. The People **MUST** submit a statement of costs **no later than Thursday, June 20, 2024**. Any response challenging the reasonableness of those costs **MUST** be filed within seven days of the statement.



DATED THIS 6th DAY OF JUNE, 2024.

A handwritten signature in blue ink, appearing to read "Bryon M. Large".

BRYON M. LARGE
PRESIDING DISCIPLINARY JUDGE

³³ In general, an order and notice of sanction will issue thirty-five days after a decision is entered under C.R.C.P. 242.31(b). In some instances, the order and notice may issue later than thirty-five days by operation of C.R.C.P. 242.34, C.R.C.P. 242.35, or other applicable rules.