

**People v. Kem W. Swarts. 20PDJ001. September 15, 2020.**

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and disbarred Kem W. Swarts (attorney registration number 29242), following entry of summary judgment against him. The disbarment took effect September 15, 2020.

Swarts was administratively suspended in June 2008 for failing to comply with continuing legal education requirements. He was also administratively suspended in August 2008 for failing to pay outstanding attorney registration fees.

In June 2010, Swarts was suspended for disciplinary reasons for three months, with the requirement that he petition for reinstatement; he was suspended because he represented his wife in a traffic matter while he was under an administrative order of suspension. He was never reinstated from that suspension. In April 2018, Swarts was suspended for an additional three years for practicing law while subject to a disciplinary suspension; his suspension stemmed from his decision to draft and send a letter to an insurance company purporting to represent a client involved in a skiing accident. Swarts was never reinstated from that suspension.

In October 2002, Swarts and a corporate client entered into a fee agreement for various corporate legal services. The company had no other lawyers save for Swarts. Between 2003 and 2018, Swarts submitted invoices to the company, seeking payment for his legal services. Despite his suspension from the practice of law, Swarts invoiced the client for legal work, including drafting operating agreements, a commercial lease, and a mutual release, and the client paid him legal fees totaling in the tens of thousands of dollars. Swarts also provided legal advice. Swarts never told anyone within the corporation that he was suspended from the practice of law, and the current president of the corporation did not know until late 2018 that Swarts's law license was suspended.

Through this conduct, Swarts violated Colo. RPC 3.4(c)(1) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); Colo. RPC 5.5(a)(1) (a lawyer shall not practice law without a valid law license or other specific authorization); and Colo. RPC 8.4(c) (it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

The case file is public per C.R.C.P. 251.31.