



Office of the Presiding Disciplinary Judge

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Bryon M. Large
Presiding Disciplinary Judge

To: Colorado Supreme Court Advisory Committee on the Practice of Law
David W. Stark, Chair

From: Bryon M. Large, Presiding Disciplinary Judge

Re: 2023 Annual Report of the Office of the Presiding Disciplinary Judge

Date: April 23, 2024

OVERVIEW

The Office of the Presiding Disciplinary Judge (“OPDJ”) is authorized under C.R.C.P. 242.6(c)(1). In addition to the Presiding Disciplinary Judge (“PDJ”), OPDJ is currently staffed by a full-time administrator, a part-time administrative assistant, and two full-time staff attorneys. OPDJ is located in the Ralph L. Carr Judicial Center, 1300 Broadway, Suite 250, in Denver, Colorado.

The PDJ sits with hearing boards to decide lawyer discipline cases as well as related reinstatement and readmission cases following a lawyer’s suspension or disbarment. The PDJ also sits with hearing boards to hear bar applicants’ challenges to adverse character and fitness determinations. In addition to these licensure-related matters, the PDJ alone hears lawyer disability cases and matters referred by the Colorado Supreme Court on the unauthorized practice of law and license revocation proceedings.

THE PRESIDING DISCIPLINARY JUDGE

Bryon M. Large, Colorado’s third PDJ, was appointed by the Colorado Supreme Court on June 1, 2022. Judge Large brings to the position experience in private practice as an immigration lawyer, a trial attorney at the Office of Attorney Regulation Counsel (“OARC”), and a magistrate in the 17th Judicial District.

Following an accident on October 26, 2023, Judge Large spent nearly every day through the end of 2023 on FMLA leave. Four trials were continued. Judge Large was able to continue issuing most routine orders,¹ and OPDJ staff did a phenomenal job of keeping the office running well in his absence.

¹ One hearing board report from an admissions case was issued without Judge Large’s signature, but it was signed by the majority of the hearing board.

HEARING BOARDS

Under C.R.C.P. 242.7, the Colorado Supreme Court appoints a hearing board pool. Members of the pool, who serve six-year terms, are Colorado lawyers and laypeople. Two available members are chosen from the pool at random to hear discipline, reinstatement, and readmission cases alongside the PDJ.² At the end of 2023, the hearing board pool comprised 120 members: 100 lawyers and 20 laypersons.

In 2023, Judge Large recommended the appointment of 23 new members to the hearing board pool. Of those 23, 12 are women and 11 are men; 19 are lawyers and 4 are laypeople. Also in 2023, 3 members resigned from the pool and 1 was removed.

On October 20, 2023, Judge Large hosted a half-day Zoom training and CLE for hearing board members. He invited OARC and the respondents’ bar to present as part of that programming; Margaret Funk and Alec Rothrock, respectively, represented these groups. Judge Large hopes to hold a similar half-day training every two years going forward, along with a one-hour orientation for newly appointed hearing board members in the off years.

Judge Large actively seeks new hearing board members, focusing on traditional notions of diversity as well as practice-area and geographic diversity. Further, Judge Large hopes to promote the public’s confidence in the lawyer disciplinary system by expanding the number of laypeople in the hearing board pool, with an eventual goal of seating one layperson on each hearing board. There is no limit to the hearing board pool size.

Hearing Board Pool Composition By Year												
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Lawyers	124	120	115	109	108	107	104	100	96	86	85	100
Laypeople	13	13	12	12	29	27	25	24	24	23	16	20
Total:	137	133	127	121	137	134	129	124	120	109	101	120

OPDJ STAFF

ADMINISTRATION TEAM (1.8 FTE) – Isidro Luna serves as OPDJ’s Administrator. He is assisted by Jody Penney, OPDJ’s Administrative Assistant. Judge Large will seek to increase Ms. Penney’s employment from 0.8 FTE to 1.0 FTE in FY2025.

LEGAL TEAM (2.0 FTE) – The OPDJ Chief Staff Attorney is Cori Peterson, who has served at OPDJ for fourteen years. Christopher Gray has been with OPDJ for over three years as a Staff Attorney. During the 2023 summer semester, OPDJ also hosted an intern from the University of Denver Sturm College of Law. In 2024, OPDJ will welcome an intern in the summer and an intern in the fall, who is a participant in the Judge Mix Diversity Internship Program. As OPDJ’s workload continues to increase, OPDJ looks ahead to hiring a law clerk for one-to-two-year terms.

² At least one Colorado lawyer member must serve on each Hearing Board. C.R.C.P. 242.7(c).

OPDJ OPERATIONS BY THE NUMBERS

Calendar year 2023 saw 83 new cases filed with OPDJ:

- 56 – Discipline
- 4 – Reciprocal Discipline
- 3 – Disability
- 6 – Immediate Suspension
- 6 – Protective Order
- 1 – UPL
- 5 – Reinstatement
- 2 – Character and Fitness

New Cases Filed By Year						
2017	2018	2019	2020	2021	2022 ³	2023
101	93	89	81	94	75	83

OPDJ resolved 71 cases in 2023:

- 33 Suspensions
- 4 Reinstatements approved
- 2 Probation revocation
- 15 Public censures
- 13 Disbarments
- 1 Unauthorized practice of law reports
- 2 Transfers to disability inactive status
- 1 Closure due to death
- 0 Dismissals

OPDJ heard 12 contested hearings on the merits in 2023:

- 5 Disciplinary hearings
- 1 Reciprocal Discipline hearing
- 5 Sanctions hearings
- 1 Interim Suspension hearing
- 1 Character & Fitness hearing
- 0 Disability hearings
- 0 Unauthorized practice of law hearings
- 0 Reinstatement hearings

³ OPDJ changed how it classifies a new case on June 1, 2022.

COURT OPERATIONS

OPDJ continues to seek ways to make its processes more transparent, with the primary goal of enhancing confidence in the work that it does. Recent opinions and the court's docket are easily accessible on the OPDJ website. OPDJ has moved to using just one publicly available Zoom room for all remote and hybrid hearings, eliminating the need for lawyers and the public to keep track of various links.

2023 also saw a \$60,000.00 technology upgrade to the courtroom. The courtroom is now equipped with the latest audio/visual equipment, including two cameras to facilitate remote and hybrid hearings.

As part of OPDJ's workplace culture, Judge Large is committed to increasing educational and professional development opportunities for OPDJ staff. The National Council of Lawyer Disciplinary Boards and the American Bar Association offer relevant annual educational programming beneficial to the PDJ and the OPDJ staff attorneys.

BENCH/BAR MEETINGS

In 2022, OPDJ began regular meetings with the lawyers who practice before the PDJ. Meetings in 2023 took place on January 13, 2023, and September 15, 2023. The bar has requested maintaining a twice per year schedule, which the PDJ is happy to do. To promote attendance, these meetings have moved away from a winter/summer schedule to a spring/fall schedule, which takes into account inclement weather and vacation time. The meetings are intended to provide updated information about OPDJ, its procedures, and its staff as well as to facilitate interaction between lawyers and OPDJ staff in a more relaxed setting. OPDJ held one meeting on April 19, 2024, and is scheduled to host another on September 20, 2024.

RULE UPDATES

In 2023, the PDJ submitted to the Advisory Committee a list of requested rule updates to clarify and supplement C.R.C.P. 242. The Advisory Committee established a subcommittee to work on requested updates. That subcommittee meets monthly and hopes to submit proposed rule modifications to the Advisory Committee by the end of 2024.

PDJ COMMUNITY INVOLVEMENT AND OUTREACH

Judge Large is actively involved in Colorado’s legal community. He is a member of the Colorado Bar Association, the Colorado LGBT Bar Association, the Colorado Hispanic Bar Association, the Colorado Women’s Bar Association, the Colorado Asian Pacific-American Bar Association, and the South Asian Bar Association of Colorado. Nationally, Judge Large is a member of the American Bar Association, the National Council of Lawyer Disciplinary Boards (“NCLDB”), and the International Association of LGBTQ+ Judges. Judge Large was nominated to serve on the board of directors for NCLDB beginning in 204. He also currently serves as a formal mentor to a second-year and a third-year law student at the University of Denver Sturm College of Law.

Judge Large is committed to furthering public confidence in the legal system. As part of that commitment, Judge Large gave 12 presentations at continuing legal education (“CLE”) and public outreach programming in 2023. These presentations included CLE programs hosted by the Colorado Bar Association (including the Family Law Section and the Trusts and Estates Section), the Larimer County Bar Association, Colorado’s annual Judicial Conference, the Colorado Attorney General’s Office, and to lawyers in Alamosa County. Judge Large was also an invited speaker at the Adams/Broomfield Bar Association, where he delivered the keynote address, as well as a law class at the University of Denver.

LOOKING AHEAD TO 2024 AND BEYOND

Cases filed with the court continue to increase in both complexity and media attention. Motions practice, particularly motions for summary judgment, are becoming increasingly frequent. Judge Large continues to pursue more efficient means of addressing OPDJ business but expects that an additional staff member may be necessary in the coming years.

In the coming years, OPDJ hopes to move the court’s filing system to the Judicial Branch’s electronic filing system. The State Court Administrator’s Office has committed that OPDJ will be the first trial court on a new system built for the Branch. However, SCAO expects development to take 3-5 years to complete.

In 2024, Judge Large will put before the Advisory Committee two budget proposals for its consideration. The first will be a proposal to install in the OPDJ suite a filing window intended to create a safe place for the public to interact with OPDJ staff. The second is a proposal to upgrade the OPDJ’s website to a platform that will allow the public and the profession to access OPDJ opinions and orders in an online searchable database.