



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: 2022 Annual Report of the Office of the Presiding Disciplinary Judge

Date: May 8, 2023

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”), the OPDJ is currently staffed by a full-time administrator, a part-time administrative assistant, and two full-time staff attorneys. The 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 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, following Judge William R. Lucero’s retirement on May 31, 2022, after eighteen years of service as the PDJ.

Judge Large brings to the position over nine years of experience in private practice as an immigration lawyer, four years of experience as a trial attorney at the Office of Attorney Regulation Counsel (“OARC”), and nearly two years of experience as a magistrate in the 17th Judicial District.

HEARING BOARDS

The Colorado Supreme Court appoints a hearing board pool under C.R.C.P. 242.7. Members of the pool, who serve six-year terms, are both Colorado lawyers and laypeople. Two available members are chosen from the pool at random to sit with the PDJ and hear discipline, reinstatement, and readmission cases.¹

In 2022, approximately one-third of the hearing board pool members' terms expired. Judge Large reached out to every member whose term was expiring. The Colorado Supreme Court reappointed 38 members and appointed 12 new members. In 2022, 8 members resigned their membership, and 11 declined to seek reappointment when their terms expired.

The OPDJ actively seeks new hearing board members, focusing on traditional notions of diversity as well as practice-area and geographic diversity. Further, the PDJ 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. At the end of 2022, the hearing board pool had 101 members, comprising 85 lawyers and 16 laypeople. This is down from a high of 137 members in 2012. Because the hearing board pool's membership is significantly smaller compared to past years, Judge Large intends to present hearing board pool candidates to the Advisory Committee in autumn 2023.

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

¹ At least one Colorado lawyer member must serve on each Hearing Board. C.R.C.P. 242.7(c).

COURT OPERATIONS – BY THE NUMBERS

Calendar year 2022 saw 75 new cases filed with the OPDJ:

- 49 – Discipline
- 4 – Reciprocal discipline
- 7 – Disability
- 2 – Immediate suspension
- 5 – Protective order
- 4 – UPL
- 4 – Reinstatement

Historical New Cases Filed					
2017	2018	2019	2020	2021	2022 ²
101	93	89	81	94	75

The OPDJ resolved 62 cases in 2022:

- 30 Suspensions
- 2 Reinstatements approved
- 3 Reinstatements denied
- 1 Probation revocation
- 6 Public censures
- 5 Disbarments
- 4 Dismissals³
- 4 Unauthorized practice of law reports
- 7 Transfers to disability inactive status

The OPDJ heard 15 contested hearings on the merits in 2022:

- 6 Disciplinary hearings
- 4 Reinstatement hearings
- 3 Sanctions hearings
- 1 Disability hearing
- 1 Unauthorized practice of law hearing

² The OPDJ changed how it classifies a new case on June 1, 2022.

³ Three matters were dismissed on the parties' stipulation or the People's motion; one matter was dismissed after a hearing on the merits.

COURT OPERATIONS

The OPDJ is actively working to make its processes more transparent in an effort to provide confidence in the work that it does. These efforts have thus far included updating the OPDJ's website,⁴ unlocking access to remote hearings, and maintaining one consistent virtual courtroom open to the public.

Beginning June 1, 2022, the OPDJ resumed in-person hearings following two years of primarily remote hearings due to the COVID-19 pandemic. All trials are conducted in person unless the PDJ grants a motion for a remote hearing. The OPDJ continues to use the Zoom videoconferencing platform for remote hearings, when appropriate.

OPDJ STAFF

ADMINISTRATION TEAM (1.6 FTE) – 2022 saw the retirement of Tammy Bailey, who served as the OPDJ's Administrator since the OPDJ's inception in January 1999. Isidro Luna began serving as the Court's Administrator on October 1, 2022. Mr. Luna is assisted in his work by Jody Penney, the Court's Administrative Assistant. Judge Large will seek to increase Ms. Penney's employment from 0.6 FTE to 0.8 FTE in FY2024.

LEGAL TEAM (2.0 FTE) – Serving the OPDJ is the court's Chief Staff Attorney, Cori Peterson, who has served at the OPDJ for thirteen years. Christopher Gray has been with the OPDJ for two years as a Staff Attorney. In the future, the OPDJ hopes to bring on a law student intern each semester and has a long-term goal of eventually hiring a law clerk for one-to-two-year terms.

RULE UPDATES

In 2022, the OPDJ legal staff collaborated with members of OARC to rework the proposed rules governing unauthorized practice of law cases in Colorado. The recommended revisions were submitted to the Colorado Supreme Court, which promulgated the new rule, C.R.C.P. 232, on December 15, 2022. The OPDJ staff continues to review the rules governing the OPDJ's procedures and hopes to present recommended rule revisions to the Advisory Committee on a regular basis.

BENCH/BAR MEETINGS

In 2022, the OPDJ began regular meetings with the lawyers who practice before the PDJ. The first meeting, which was held on July 29, 2022, was attended by lawyers from the respondents' bar and from OARC. The OPDJ expects to hold these meetings at least annually to provide updated information about the OPDJ, its procedures, and its staff as well as to facilitate increased interaction between lawyers and court staff in a more relaxed setting.

⁴ See www.coloradopdj.com.

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 and the National Council of Lawyer Disciplinary Boards. Judge Large also currently serves as a formal mentor to a second-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 public presentations from June 1 through December 31, 2022, at continuing legal education ("CLE") and public outreach programming. These presentations included CLE programs hosted by the Colorado Bar Association, the Colorado Criminal Defense Bar, the Four Corners Bar Association, the Heart of the Rockies Bar Association, and the Adams/Broomfield Bar Association. Judge Large was also an invited speaker at the 2022 COBALT graduation, the Java with Judges program, Rotary Westminster, and two DU law classes.

LOOKING AHEAD TO 2023

The OPDJ continues to look for ways to increase transparency in its operations with the goal of bringing greater confidence in its work to the public and to the legal community. In the coming year, Judge Large hopes to increase the OPDJ's internet presence, increasing the information available on its webpage. Judge Large continues to believe that moving the OPDJ's case management system to the Judicial Department's case management system is an important aspect of increasing access to the OPDJ's court records.

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

The OPDJ hopes to complete its courtroom technology upgrades in the 2023 calendar year. These upgrades are intended to improve the OPDJ's audio record, allow better remote access to the courtroom, and provide for higher-quality hybrid hearings.

In 2022, the OPDJ staff began working on a comprehensive internal procedures manual, a new undertaking for the OPDJ. Judge Large hopes to complete this project in mid-2023.

The OPDJ has a hearing board pool training tentatively set for October 2023, which will take place remotely via Zoom.