

COLORADO COURT OFFICE OF ATTORNEY REGULATION COUNSEL

1300 Broadway, Suite 500 Denver, Colorado 80203

REQUEST FOR INVESTIGATION OF PROFESSIONAL MISCONDUCT

COMPLAINANT: Charles R. Bell 210 Emery Street, Unit 12 Longmont, CO 80501
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RESPONDENTS: Adam Wiens, Esq. (Lewis Brisbois Bisgaard & Smith LLP) Ryan
Dunn, Esq. (Lewis Brisbois Bisgaard & Smith LLP)

DATE: Friday, March 13, 2026

I. INTRODUCTION AND JURISDICTIONAL POSTURE

This request for investigation is submitted to report documented, irreconcilable factual representations made by Respondents Adam Wiens and Ryan Dunn across separate tribunals, material omissions in filings utilized to procure an attorney fee award, and a documented failure to report known fraud upon a tribunal.

Complainant recognizes that OARC does not possess jurisdiction to overturn civil judgments or intervene in active litigation. Concurrent motions under C.R.C.P. 60(b) are pending in Boulder District Court (Case No. 2025CV80) to address the financial judgments. This complaint is submitted strictly to address the independent ethical duties of candor (Colo. RPC 3.3), fairness to opposing parties (Colo. RPC 3.4), truthfulness to third parties (Colo. RPC 4.1), reporting professional misconduct (Colo. RPC 8.3), and conduct prejudicial to the administration of justice (Colo. RPC 8.4).

II. EVIDENTIARY ISOLATION AND RULE VIOLATIONS

ISSUE 1: IRRECONCILABLE FACTUAL REPRESENTATIONS TO SEPARATE TRIBUNALS (COLO. RPC 3.3)

Respondents Wiens and Dunn simultaneously presented mutually exclusive factual claims regarding the expert witness status of their client, Jay E. Freedberg, to the Boulder District Court and the Colorado Board of Accountancy (DORA). Furthermore, Respondents made affirmative representations to these tribunals that are directly contradicted by the underlying native billing records and official court transcripts in their possession.

- **Representation A (Civil Court Narrative – "Expert Immunity"):** On May 29, 2025, Respondents filed a Motion to Dismiss in Boulder District Court (**Exhibits 87 & 113**). Respondents affirmatively asserted that Mr. Freedberg was a legally retained "stipulated expert witness" and was therefore entitled to absolute litigation immunity.
 - **The Record Contradiction:** The operative January 31, 2023 Court Order explicitly limited the parties to a single, joint expert, precluding Mr. Freedberg's entry as a stipulated expert. Furthermore, the official trial transcript (**Exhibit AA**) confirms the trial judge ruled Mr. Freedberg had "*no report serving as the necessary basis for anything,*" and opposing counsel affirmatively classified him on the record as "*just a regular... witness*" to bypass C.R.E. 702 expert scrutiny. Respondents cannot claim absolute expert immunity in a civil court for a witness who was explicitly shielded from expert scrutiny in the underlying trial.
- **Representation B (Regulatory Board Narrative – "Typographical Mistake"):** During the exact same timeframe (April 2025), Respondents submitted formal

defense responses to DORA (**Exhibits 13 & 14**). Respondents asserted that the June 16, 2023, Witness Disclosure which falsely assigned Mr. Freedberg as Complainant's own rebuttal expert was merely a *"typographical mistake."* Respondents further denied to DORA that their client received early, undisclosed access to the joint expert's files.

- *The Record Contradiction:* The unredacted billing ledger of co-counsel (**Exhibit III-UR**) proves the June 16 filing was not a typographical error. An entry dated June 15, 2023 the exact eve of the filing documents a coordinated telephone conference with Mr. Freedberg specifically to review and revise the witness disclosures. Furthermore, a February 14, 2023 entry in that same ledger explicitly documents the transfer of the joint expert's files to Mr. Freedberg's firm via Dropbox ("*Forward E. Six Dropbox link regarding J. Harkness files*"), proving Respondents' denial to DORA was factually false.
- **The 2026 Ratification and Continuing Violation (Scienter):** The severity of this misrepresentation is compounded by Respondents' continuing conduct. On February 4, 2026, Respondents submitted a supplemental written defense to the DORA Board of Accountancy, affirmatively reiterating that the foundational June 16, 2023 expert designation was merely a *"typographical and clerical error."* At the exact moment Respondents made this filing to the state board, they were already in documented possession of opposing counsel's unredacted billing ledger (**Exhibit III-UR**), which had been repeatedly served upon them by Complainant over the preceding six months. That ledger explicitly documents a one-hour telephone conference between Mr. Freedberg and opposing counsel on June 15, 2023 the exact eve of the filing specifically to *"revise witness disclosures."* Asserting a "typographical error" defense to a state regulatory board while possessing the underlying billing ledger that proves active, day-

prior coordination of that exact document demonstrates actual knowledge of falsity and constitutes a continuing, intentional violation of Colo. RPC 3.3.

Ethical Application: Respondents cannot ethically claim to a civil judge that their client earned absolute litigation immunity via a valid expert designation, while concurrently informing a state licensing board that the foundational designation was a "typographical mistake." Furthermore, presenting these narratives when the underlying, unredacted billing ledgers and trial transcripts prove them to be objectively false constitutes a severe failure of candor toward the tribunal under Colo. RPC 3.3.

ISSUE 2: MATERIALLY INCONSISTENT STATEMENTS REGARDING CROSS-FIRM COORDINATION (COLO. RPC 4.1)

Respondents provided written assurances to Complainant asserting complete independence from co-defendants in the underlying litigation. These assurances are contradicted by native billing records.

- **Statement A (Respondent Dunn's Email):** On June 20, 2025, Respondent Dunn transmitted an email to Complainant stating: "As officers of the Court and sworn attorneys... Adam Wiens and I affirmatively represent that we have never spoken with Ms. Glassman, Ms. Milfeld, or their representatives with respect to this matter..." (**Exhibit 35**).
- **Statement B (Co-Defendant's Billing Ledger):** The unredacted ALPS Insurance billing ledger of William Dewey (counsel for Ms. Glassman) contains time entries on June 13, June 20, and June 24, 2025, explicitly documenting telephone and email coordination with "*counsel for co-defendant Freedberg*" (**Exhibit 12**).

Ethical Application: Respondent Dunn's affirmative written representation of non-communication is directly contradicted by the contemporaneous billing records of co-

counsel. Making a materially inaccurate statement of fact to an unrepresented party violates Colo. RPC 4.1.

ISSUE 3: OMISSION OF MATERIAL RECORDS AND OBSTRUCTION OF EVIDENCE (COLO. RPC 3.4 & 8.4)

In September 2025, Respondent Wiens sought an attorney fee award of \$4,208.50 in Case No. 2025CV80. To justify these fees, Respondent submitted billing records to the Court (**Exhibits 83 & 85**).

- **The Omission to the Court:** The submitted records omitted the billing invoices for the months of May and June 2025. These months represent the exact window in which Respondents were drafting the DORA "typographical error" defense and coordinating with co-counsel (as evidenced by **Exhibit 12**). Consequently, the Court's October 27, 2025 Order explicitly relied on this incomplete record to conclude that Mr. Freedberg merely "chose not to respond" to proceedings during that time (**Exhibit 88**).
- **The Refusal to Produce to Complainant:** Because the fee motions were never properly served on Complainant via email (as required by Plaintiff's ADA accommodations and acknowledged as "standard operating procedure" by Respondent Dunn in **Exhibit 44**), Complainant requested the underlying billing statements directly from Respondents to evaluate the fee award. On February 26, 2026, Respondent Wiens explicitly refused to produce the foundational ledgers or confer on the matter, stating in writing: "*All that is relevant here is the Court Order Awarding our fees... Please advise how you would like to satisfy the Court's Order.*" (**Exhibit 67**).

Ethical Application: The selective omission of contemporaneous billing records during a request for court-ordered fees obscures the true nature of the representation.

Furthermore, demanding payment of a judgment while explicitly refusing to produce the foundational billing ledgers to an unrepresented opposing party unlawfully obstructs access to evidence, violating Colo. RPC 3.4(a) and 3.4(d), and constitutes conduct prejudicial to the administration of justice under Colo. RPC 8.4(d).

ISSUE 4: FAILURE TO REPORT KNOWN MISCONDUCT AND RATIFICATION OF FRAUD (COLO. RPC 8.3(A) AND 1.2(D))

Respondents Wiens and Dunn possessed actual, documented knowledge that co-counsel in the underlying domestic proceeding (Carol Glassman) was actively engaged in fraud upon the tribunal, yet they deliberately failed to report the misconduct and instead shielded it.

- **Admission of Knowledge:** On April 8, 2025, Respondent Wiens transmitted an email to Complainant affirmatively stating: "*Your insinuation that our representation somehow becomes unethical because we understand the facts surrounding his rebuttal report is meritless...*" (**Exhibit 47**). The "facts" Respondents understood as admitted in their own DORA filings were that the foundational June 16, 2023 expert disclosure of Mr. Freedberg was a fabricated "typographical mistake."
- **Notice of Ongoing Fraud:** Between April 19 and April 23, 2025, Complainant placed Respondents on explicit, written notice that Ms. Glassman had submitted a *second* unauthenticated expert report (dated April 16, 2025) utilizing Mr. Freedberg's name. Complainant provided Respondents with a "Request for Declaration of Authenticity," offering Mr. Freedberg the opportunity to legally disavow the unauthorized report (**Exhibits 43 & 46**).
- **The Ratification:** Respondents ignored the request for authentication, allowed the April 16, 2025 report to remain in the active court record unquestioned, and

subsequently utilized the existence of these very reports to claim "absolute expert immunity" in the civil court.

Ethical Application: Under Colo. RPC 8.3(a), an attorney who knows another lawyer is submitting fabricated evidence to a tribunal has an absolute, non-discretionary duty to report that misconduct. Respondent Wiens admitted in writing to "*understanding the facts*," was provided real-time notice of a second fraudulent filing, and chose strategic silence to protect his civil immunity defense. Failing to report known fraud upon a tribunal, and utilizing the fruits of that fraud to secure a civil dismissal, violates Colo. RPC 8.3(a) and constitutes assisting a client in fraudulent conduct under Colo. RPC 1.2(d).

ISSUE 5: RATIFICATION OF FABRICATED PROCEDURAL HISTORY AND FAILURE TO REPORT (COLO. RPC 8.3 & 8.4)

Respondents Wiens and Dunn have based their entire civil defense upon the premise that Mr. Freedberg was a legitimately vetted "expert witness." However, the evidentiary record confirms that Mr. Freedberg's introduction into the underlying domestic proceeding was procured through an affirmative, documented misrepresentation to the trial judge by co-counsel, which Respondents possess actual knowledge of but have failed to report.

- **The Representation to the Tribunal:** During closing arguments in the underlying trial, opposing counsel justified the illicit introduction of Mr. Freedberg's reports by affirmatively stating on the record: "Don't forget that the reason why we had a second valuation and a rebuttal is because of the disagreement of the first. Mr. Bell requested, through Mr. Gaddis, the second valuation. There was a -- Mr. Bell didn't even agree with that. We got the rebuttal, and here we are." (Exhibit AAA, Trial Transcript Excerpt).

- **The Record Contradiction:** The unredacted billing ledger of co-counsel (Exhibit III-UR) proves the June 16 filing was not a typographical error. An entry dated June 15, 2023 the exact eve of the filing documents a coordinated telephone conference with Mr. Freedberg specifically to review and revise the witness disclosures. Furthermore, a February 14, 2023 entry explicitly documents the transfer of the joint expert's files to Mr. Freedberg's firm via Dropbox, proving Respondents' denial to DORA was factually false. Finally, a February 24, 2023 entry in that native ledger bills for a "Telephone conference with forensic accountant." Respondents possess actual knowledge that this specific title was deceptively redacted from the public fee records (Exhibit III) to conceal the shadow expert's existence and bypass mandatory C.R.E. 702 scrutiny. Relying on a judicial "expert" status known to be procured through altered evidentiary records violates Colo. RPC 3.3.
- **The Ratification:** Respondents possess the complete domestic file, have billed their carrier for reviewing the underlying communications, and possess actual knowledge that Mr. Freedberg's "expert" status was procured through co-counsel's affirmative lie to the trial judge.

Ethical Application: Under Colo. RPC 8.3(a), an attorney who knows another lawyer has committed a violation of Colo. RPC 3.3 (Candor Toward the Tribunal) must report it. Instead of reporting co-counsel's fabricated procedural history, Respondents actively utilized the resulting "expert" status as a shield to claim absolute litigation immunity in the civil court. Capitalizing on a judicial status known to be procured through a false statement to a tribunal, while shielding the offending attorneys from regulatory scrutiny, violates Colo. RPC 8.3(a) and constitutes conduct prejudicial to the administration of justice under Colo. RPC 8.4(d).

ISSUE 6: Ratification of the Subversion of Binding Court Orders (Colo. RPC 3.4(c) and 8.4(d)) Respondents have anchored their entire civil defense to the premise that Mr. Freedberg was a lawfully vetted and admitted expert. However, Complainant has provided Respondents with a sworn, verified forensic report (Exhibit 16) proving that Mr. Freedberg's entry into the underlying case was achieved through the deliberate subversion of a binding court order.

- **The Binding Order:** On January 31, 2023, the domestic court entered a Joint Expert Stipulation designating a single, joint expert (Mr. Harkness) and mandating a strict "comment period" protocol before any secondary or rebuttal expert could be retained.
- **The Subversion:** As detailed in Complainant's sworn forensic report (Exhibit 16), opposing counsel completely bypassed this mandatory comment period. Native communications confirm that the Joint Expert's files were secretly diverted to Mr. Freedberg's firm months before any valuation dispute arose. Furthermore, when the Joint Expert refused to inflate income figures, opposing counsel illicitly introduced Mr. Freedberg into the record to bypass the stipulation.
- **The Ratification:** Respondents possess the complete domestic file, the unredacted billing ledgers, and the sworn forensic report (Exhibit 16) documenting this subversion.

Ethical Application: Under Colo. RPC 3.4(c), a lawyer shall not knowingly disobey an obligation under the rules of a tribunal. By continuing to assert in civil court that Mr. Freedberg was a "stipulated" and "properly vetted" expert—despite possessing verified, documentary proof that his very presence in the litigation was achieved by subverting the January 31, 2023 Joint Expert Stipulation—Respondents are actively ratifying the violation of a court order. Relying upon a judicial status procured through the subversion of a tribunal's binding directives constitutes conduct highly prejudicial to the administration of justice under Colo. RPC 8.4(d).

III. REQUEST FOR INVESTIGATION

Complainant respectfully requests that OARC review the attached exhibits. The documentary record requires an independent evaluation to determine whether Respondents violated the Colorado Rules of Professional Conduct by advancing irreconcilable factual positions, providing inaccurate statements regarding coordination, selectively omitting records from judicial review, and failing to report known professional misconduct.

Respectfully submitted this **March 13, 2026**

/s/ Charles R. Bell

Charles R. Bell (Pro Se; ADA accommodations on file)

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INDEX OF ATTACHED EXHIBITS:

- **Exhibit 12:** ALPS Insurance Billing Ledger (William Dewey coordination records)
- **Exhibit 13 & 14:** DORA Responses (Admitting "Typographical Mistake" and denying file access)
- **Exhibit 16:** Verified Forensic Report Regarding the Subversion of the January 31, 2023 Joint Expert Stipulation (Sworn under penalty of perjury)
- **Exhibit 35:** June 20, 2025 Email from Ryan Dunn ("We have never spoken")
- **Exhibit 43 & 46:** April 19-23, 2025 Emails regarding Request for Authentication
- **Exhibit 44:** June 19, 2025 Email from Ryan Dunn regarding e-service
- **Exhibit 47:** April 8, 2025 Email from Adam Wiens ("We understand the facts")
- **Exhibit 67:** February 26, 2026 Email from Wiens refusing to produce ledgers
- **Exhibit 70:** Sworn C.R.E. 902(11) Affidavit of Attorney John W. Gaddis (Confirming April 27, 2023 email opposing new income opinions and refuting opposing counsel's trial representations)
- **Exhibit 83 & 85:** Selectively Submitted Billing Records (May/June omissions)
- **Exhibit 87 & 113:** Motion to Dismiss (Civil Court - Claiming "Expert Immunity")
- **Exhibit 88:** October 27, 2025 Fee Order
- **Exhibit AA:** August 23, 2023 Trial Transcript (Ruling Mr. Freedberg had "no report" and was a "regular witness")
- **Exhibit III-UR:** Unredacted Domestic Billing Ledger (Proving June 15, 2023 expert coordination and February 14, 2023 Dropbox file transfer)