

FILED

<p>SUPREME COURT, STATE OF COLORADO 2 East 14th Avenue Denver, CO 80203</p>	<p>September 30, 2024</p>
<p>Appeal from:</p> <p>ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE PRESIDING DISCIPLINARY JUDGE</p> <p>Presiding Disciplinary Judge: The Honorable Bryon M. Large</p> <p>Disciplinary case number: 23PDJ041 Complainant: The People of the State of Colorado Respondent: Linda Stanley, #45298</p>	<p>Presiding Disciplinary Judge Colorado Supreme Court</p> <p>COURT USE ONLY</p>
<p>Appellant: Linda Stanley, #45298 v. Appellee: The People of the State of Colorado</p>	
<p>Steven Jensen, Attorney at Law Steven Lawrence Jensen 27483 Silver Spur Street Steamboat Springs, Colorado, 80487</p> <p>Phone Number: (303)886-4351 FAX Number: E-mail: jensen.guziak@comcast.net Attorney Reg. #14141</p>	<p>Supreme Court Case Number:</p>
<p>NOTICE OF APPEAL</p>	

1. Case Background

A. Nature of Controversy

Appellant Linda Stanley, #45298, appeals the Amended Opinion Imposing Sanctions Under C.R.C.P. 242.31, dated Nunc Pro Tunc to September 10, 2024. This case involved disciplinary litigation initiated against the Appellant, Linda Stanley, #45298, who is the District Attorney for the 11th Judicial District. Initially, the Office of Attorney Regulation Counsel (ARC) filed an interim suspension proceeding under C.R.C.P. 242.22 against the Appellant, which was ultimately dismissed by the Colorado Supreme Court after the Appellant's counsel's argument to the Court about bias of the Presiding Disciplinary Judge and errors in his decision. That failed proceeding was then followed by the October 30, 2023, filing by the Office of ARC of a complaint alleging seven claims of violations of the Colorado Rules of Professional Conduct. Specifically, claim 1 alleged a violation of Colo. RPC 1.3 (reasonable diligence and promptness), claim 2 alleged a violation of Colo. RPC 3.6(a) (pretrial publicity), claim 3 alleged a violation of Colo. RPC 3.8(f) (prosecutor's extra judicial comments), claim 4 alleged a violation of Colo. RPC 5.1(a) and (b) (Responsibilities of Supervisory Lawyer), claim 5 alleged a violation of Colo. RPC 8.4(a) and Colo. RPC 8.4(d) (Attempt to Violate the Rules of Professional Conduct and Conduct Prejudicial to the Administration of Justice), claim 6 alleged a violation of Colo. RPC 3.6(a) (pretrial publicity), and claim 7 alleged a violation of Colo. RPC 3.8(f) (prosecutor's extra judicial comments).

The matter went to a nine-day hearing at which considerable testimony was elicited. The hearing panel consisted of the Presiding Disciplinary Judge, who the Appellant sought to disqualify because of alleged bias and his former prosecution of the Appellant as counsel for the Office of ARC, an accountant with no prior criminal justice experience, and an experienced criminal law attorney who had previously been an elected District Attorney. The Appellant vigorously defended against the claims. The hearing panel found a failure to prove by clear and convincing evidence claim 1, part of claims 2 and 3, and part of claim 4. There was a split decision on the other part of claim 4, with the experienced former prosecutor dissenting, and, significantly, with claim 5 which alleged that a single and limited interview of the trial judge's former wife by a DA investigator concerning public allegations of potential bias or conflict of interest was a violation of Colo. RPC 8.4(a) and Colo. RPC 8.4(d). The majority found that the Appellant should be disbarred. The dissenting opinion found that a suspension of the Appellant was appropriate. The Appellant urges that the dissenting opinion be followed with respect to claims 4 and 5 and only suspension or less be imposed.

B. Final Order on Appeal

The final order in this matter (Amended Opinion Imposing Sanctions Under C.R.C.P. 242.31) was issued on September 27, 2024, dated Nunc Pro Tunc to September 10, 2024, and this matter is ripe for appeal pursuant to C.A.R. 4.

C. Remaining Issues

All the substantive issues in the case have been decided. The Presiding Disciplinary Judge needs to resolve an Application for Stay Pending Appeal and the propriety of a request for costs submitted by the People.

D. Final Judgment

The issues appealed were made final by the issuance of the Amended Opinion Imposing Sanctions Under C.R.C.P. 242.31, entered on September 27, 2024, dated Nunc Pro Tunc to September 10, 2024.

E. Date of Judgment

The Opinion Imposing Sanctions Under C.R.C.P. 242.31, was entered on September 10, 2024. An Amended Opinion Imposing Sanctions Under C.R.C.P. 242.31, correcting an inaccurately transcribed date in the original opinion under C.R.C.P. 60(a), was issued on September 27, 2024, dated Nunc Pro Tunc to September 10, 2024. The opinion states: “LINDA STANLEY, attorney registration number 45298, is DISBARRED. The disbarment will take effect upon issuance of an ‘Order and Notice of Disbarment.’ The order goes on to state: “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(a)(6). In some instances, the order and notice may issue later than the thirty-five days by operation of C.R.C.P. 242.35, C.R.C.P. 59, or other applicable rules.”

F. Extensions of Time

No party asked for an extension of time to file a post-trial motion.

G. Post-trial motions

An Application for Stay Pending Appeal and a Response Challenging the Reasonableness of the Statement of Costs submitted by the People were filed on September 30, 2024.

H. Rulings on Post-trial motions

The Presiding Disciplinary Judge has not yet resolved the newly filed post-trial motions.

I. Extension of Time to File Notice of Appeal

There were no requests to extend the 21-day deadline to file this notice of appeal.

2. Issues on Appeal

A. Whether it was proven by clear and convincing evidence that claim 4, alleging a violation of Colo. RPC 5.1(b) (Responsibilities of Supervisory Lawyer) was committed by the Appellant as determined by the majority hearing board opinion, or whether there was no violation as determined by the dissenting opinion.

B. Whether it was proven by clear and convincing evidence that claim 5, alleging a violation of Colo. RPC 8.4(a) and Colo. RPC 8.4(d) (Attempt to Violate the Rules of Professional Conduct and Conduct Prejudicial to the Administration of Justice) was committed by the Appellant as determined by the majority hearing board opinion, or whether there was no violation as determined by the dissenting opinion.

C. Whether it was proven by clear and convincing evidence that statements made by the Appellant as found by the hearing board opinion relating to claim 2 alleging a violation of Colo. RPC 3.6(a) (pretrial publicity) and claim 3 alleging a violation of Colo. RPC 3.8(f) (prosecutor's extra judicial comments) violated Colo. RPC 3.6(a) and/or Colo. RPC 3.8(f).

D. Whether the sanction of disbarment of the Appellant as ordered by the majority hearing board opinion was warranted, or whether a lesser sanction, such as suspension, as recommended by the dissenting opinion, should be imposed.

E. Whether Presiding Disciplinary Judge Bryon M. Large should have been disqualified from hearing the Appellant's case as requested by motions filed with the court and whether a different presiding disciplinary judge should have appointed to hear the matter.

F. Whether it was prejudicial error for Presiding Disciplinary Judge Bryon M. Large to have participated in a finding of aggravation under ABA standard 9.22(a) for a prior disciplinary violation by the Appellant when he was the Attorney Regulation Counsel who prosecuted and obtained the public censure for that violation.

G. Whether claim 5, alleging a violation of Colo. RPC 8.4(a) and Colo. RPC 8.4(d) (Attempt to Violate the Rules of Professional Conduct and Conduct Prejudicial to the Administration of Justice) should have been dismissed based on the issues raised by the Appellant in her Motion to Dismiss on grounds that it failed to state a claim, violated the separation of powers doctrine, and is void for

Vagueness, or alternatively to require a mens rea of intent as to Claim V or to impose no sanction because the claim presents a matter of first impression.

H. Whether it was prejudicial error for the Presiding Disciplinary Judge to refuse to allow the Appellant's expert witness, Matt Durkin, to render an expert witness opinion in the hearing of the disciplinary case.

I. Whether it was prejudicial error or a violation of the right to confrontation for the Presiding Disciplinary Judge to admit hearsay evidence by former Judge Lama concerning statements allegedly made to him by his former wife concerning being interviewed by an investigator.

J. Whether it was prejudicial error or a violation of the right to confrontation for the Presiding Disciplinary Judge to restrict the cross examination of former Judge Lama concerning the basis of various adverse rulings made while he was a Judge and as to prior testimony made by former Judge Lama at the interim suspension hearing.

3. Necessity of Transcript

A transcript from the hearing or trial is necessary to review the issues on appeal.

4. Magistrate Order

The subject order was not issued by a magistrate and there is no consent necessary.

5. Lawyer and Party Information

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Certification of Electronic Service

This Notice of Appeal was emailed to the above listed counsel for Appellee and a copy was also provided to the Chief Disciplinary Judge Bryon M. Large by email at filings@pdj.state.co.us, in accordance with the procedures established by The Office of the Presiding Disciplinary Judge.

DATED this 1st day of October of 2024.

Respectfully submitted,

By:



Steven Lawrence Jensen
Registration No. 14141

In accordance with C.A.R. 30(f), a printed copy of this document with original signature is being maintained by the filing party and will be made available for inspection by the other parties or the court upon request.