***People v. Fei Qin*. 16PDJ017. August 26, 2016.**

A hearing board suspended Fei Qin (attorney registration number 48461) from the practice of law for three months, effective September 30, 2016.

In September 2015, Qin physically assaulted his wife during an argument. While his wife was holding their son, who was almost two years old, Qin lost his temper and grabbed his wife's pajama top. The garment ripped, leaving a gaping hole. He also tore out some of her hair. Qin's wife ran upstairs to the bathroom, where she locked the door and called the police. Qin followed her and opened the bathroom door with a knife. At the time, the couple's other two children, aged four and six, were also at home.

Qin pleaded guilty to a class-two misdemeanor offense of child abuse, knowingly or recklessly – no injury, and a class-one misdemeanor offense of assault in the third degree. That conduct violated Colo. RPC 8.4(b), which provides that it is professional misconduct for a lawyer to commit a criminal act reflecting adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.

Please see the full opinion below.

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	
Complainant: THE PEOPLE OF THE STATE OF COLORADO **Respondent:** FEI QIN	Case Number: **16PDJ017**
OPINION AND DECISION IMPOSING SANCTIONS UNDER C.R.C.P. 251.19(b)	

Fei Qin ("Respondent") pleaded guilty to a class-two misdemeanor offense of child abuse, knowingly or recklessly – no injury, and a class-one misdemeanor offense of assault in the third degree. That conduct violated Colo. RPC 8.4(b), which provides that it is professional misconduct for a lawyer to commit a criminal act reflecting adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects. Respondent's misconduct calls for a three-month suspension.

I. PROCEDURAL HISTORY

On February 19, 2016, Geanne R. Moroye, Office of Attorney Regulation Counsel ("the People"), filed a complaint in this matter with Presiding Disciplinary Judge William R. Lucero ("the PDJ"), alleging that Respondent violated Colo. RPC 8.4(b). In his answer filed on March 11, 2016, Respondent admitted that he had violated that rule based upon his guilty pleas.

On March 30, 2016, Respondent was transferred to disability inactive status under C.R.C.P. 251.23(c). To date, he remains on disability inactive status. To be reinstated to active status, Respondent must prove by clear and convincing evidence that his disability has been removed and that he is competent to resume the practice of law.

The People filed a motion for judgment on the pleadings on June 8, 2016. Respondent did not respond to the motion, but the People represented that Respondent stipulated to their requested relief. On June 29, 2016, the PDJ granted the People's motion and entered judgment against Respondent on the sole claim of the People's complaint. The

PDJ also converted the one-day disciplinary hearing to a one-day hearing on the sanctions, which was held on July 6, 2016.

On that date, Moroye appeared for the People and Respondent appeared pro se before a Hearing Board comprising Ralph A. Cantafio and Frederick Y. Yu, members of the bar, and the PDJ. During the hearing, the Hearing Board considered the stipulated facts and rule violations, stipulated exhibits S1-S6, the People's exhibits 1-6, and the testimony of Claire Crawford, Officer Kyle Good, and Respondent.

II. FACTS AND RULE VIOLATIONS

Respondent took the oath of admission and was admitted to the bar of the Colorado Supreme Court on June 2, 2015, under attorney registration number 48461.[1] He is thus subject to the jurisdiction of the Colorado Supreme Court and the Hearing Board in this disciplinary proceeding.[2]

Respondent's Criminal Case

Respondent's conviction and this disciplinary case are premised on his assault of his wife, Claire Crawford, on September 26, 2015.

On October 6, 2015, Respondent pleaded guilty to child abuse, knowingly or recklessly – no injury, under C.R.S. section 18-6-401(1) and 7(a)(VI), a class-two misdemeanor.[3] Respondent also pleaded guilty to assault in the third degree, under C.R.S. section 18-3-204, a class-one misdemeanor.[4]

As established by the PDJ's order granting judgment on the pleadings, Respondent's conduct underlying his conviction violated Colo. RPC 8.4(b), which proscribes criminal acts that reflect adversely upon a lawyer's honesty, trustworthiness, or fitness as a lawyer, as well as C.R.C.P. 251.5(b), which provides that any criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer constitutes grounds for discipline.

Testimony at the Disciplinary Hearing

Respondent, a lawyer practicing intellectual property at a large firm, took a voluntary medical leave from his employer in September 2015 after experiencing a mental health "incident" the month prior. Respondent described the experience as a sleepless weekend with racing, "kind of crazy thoughts," including moments in which he imagined that he was a robot. Crawford, his wife, reported that during that weekend Respondent walked to their neighbor's house at night, wearing only his underwear. She recalled that he questioned whether she was his wife, and he remembered that he "didn't know what was going on" during those days. After that weekend, he felt drained of energy; he called in sick to work

[1] Stip. Facts ¶ 1.
[2] *See* C.R.C.P. 251.1(b).
[3] Stip. Facts ¶ 8.
[4] Stip. Facts ¶ 9.

and eventually arranged to go on medical leave, with the agreement that he would seek professional mental health care.

Per his understanding with his employer, Respondent visited the Arapahoe Douglas Mental Health Network ("AMHN") in mid-August 2015. Respondent said he met with a psychiatrist there, who told him that he had a bipolar disorder. According to Respondent, this diagnosis accorded with an earlier Minnesota Multiphasic Personality Inventory assessment performed by a California psychiatrist in 2013 that indicated Respondent had bipolar tendencies. That evaluation was made in the wake of a separate "event," he said, that was "similar but not as extreme" as his most recent experience. During the 2013 episode, he said, he had far-fetched ideas, could not sleep, and lost weight. He sought psychiatric assistance but eventually stopped scheduling appointments because he "didn't have any more problems." From 2013 through 2015, he did not take any medication.

Respondent testified that the psychiatrist at AMHN recommended he treat his condition with medication but also suggested he take time to make a considered decision. Respondent then met with an AMHN counselor, who he described as "pushy." According to Respondent, the counselor told him that she was not interested in his preferences or concerns and that he had to take the recommended medication or he would be summarily discharged. Because he wanted to explore natural, non-pharmacological avenues for managing his condition—citing negative experiences of family members who medicated for mental health issues—he refused to follow the medication recommendation. Respondent said the counselor discharged him in September 2015. Though he initially saw his family doctor "a lot" thereafter, there was soon "nothing new to report" and the doctor was "not providing new suggestions," so he discontinued regular appointments.

Crawford testified that during autumn 2015 the couple "w[as]n't in a good place" because Respondent was "mentally ill." Though she acknowledged that she does not have the best relationship with Respondent's family, she nevertheless had invited Respondent's mother to live with them for a time to lend extra help and support. Crawford testified that the presence of Respondent's mother created additional "tension" in their home.

On September 25, 2015, Respondent and Crawford quarreled. According to Respondent, he and Crawford had been arguing for weeks, and he was irritable, stressed, and depressed. He testified that, as when they had been embroiled in past disputes, they refused to perform the responsibilities that they had agreed to undertake at the outset of their marriage: she stopped doing household chores, and he, admittedly, "cut her off financially." On September 25, he cut up Crawford's credit card and canceled her cell phone service.[5]

On the morning of September 26, the two argued again about money. They were standing just inside the front door, and Crawford was holding their son, who was not quite

[5] *See* Ex. S1.

two years old. Their other two children, ages four and six, were also at home. Respondent testified that Crawford threatened to call the police, which "set him off." He recalled getting angry, losing his temper, and grabbing her outer pajama top, which tore and left a gaping hole in Crawford's garment.[6] Respondent claimed that when he did so, he caught some of her hair, which came out in his hand. Crawford, on the other hand, remembered Respondent ripping the shirt she was wearing and then grabbing her robe, catching a handful of her hair in the process.[7] He pulled the robe and then pushed her back, she said, tearing out her hair and causing her pain. A clump of hair was later found on a wall ledge near the stairs.[8] Crawford ran upstairs to the bathroom, where she locked the door and called the police.[9] Respondent followed her and opened the bathroom door with a knife. Crawford later found her cell phone in the toilet.[10]

Around 8:00 that morning, Officer Kyle Good, was dispatched on a call of domestic violence to Respondent's house.[11] Officer Good responded with Officers Mason and Gentry.[12] When Officer Good arrived, he noticed some of Crawford's clothes and a suitcase in the front yard.[13] Crawford let the officers in; Respondent remained at the dining room table, eating breakfast. Officer Good stated that although Respondent provided his name, he refused to give his date of birth. And when they requested that he stand, he did not comply. Officer Good recalled that Respondent identified himself as a lawyer and stated that he was not required to give any further information. Respondent acknowledged at the disciplinary hearing that he was "not cooperative" with the officers.

The officers noted that the front of Crawford's pajama top was ripped.[14] On a wall ledge they also saw hair that appeared to have been ripped out.[15] After speaking with Crawford, the officers told Respondent that he was being arrested and requested that he stand up.[16] Respondent refused.[17] He was handcuffed, two of the officers assisted him to stand, and then they escorted him out of the house and into a patrol car.[18] Respondent

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[6] Exs. 3-5.
[7] *See also* Ex. S1.
[8] *See* Ex. S1 & Ex. 6.
[9] Stip. Facts ¶ 3. Although Respondent had canceled her cell phone service, the 9-1-1 function still worked, Crawford said.
[10] *See* Ex. S1.
[11] Stip. Facts ¶ 2.
[12] Stip. Facts ¶ 2.
[13] Ex. 2.
[14] Stip. Facts ¶ 5.
[15] Stip. Facts ¶ 5.
[16] Stip. Facts ¶ 6. Crawford reported to the officers that Respondent had demanded that she turn over all of her money to him, but she refused; that during the argument, she was holding their two-year-old child in her arms; that Respondent grabbed Crawford's pajama shirt and tore it; and that he then grabbed some of her hair on the right side of her head and pulled it, causing her pain and pulling out strands of her hair in the process. Stip. Facts ¶ 6.
[17] Stip. Facts ¶ 6.
[18] Stip. Facts ¶ 6.

remained in custody until September 29, 2015, when he posted bond of $1,750.00 through a surety.

After pleading guilty to two misdemeanor counts, Respondent was granted a two-year deferred judgment, with probationary conditions.[19] Those conditions require Respondent to comply with all terms and restrictions imposed in his probation order, refrain from consuming alcohol, undergo a domestic violence evaluation, complete domestic violence treatment, and comply with any other conditions imposed by the probation department.[20] Respondent self-reported his conviction to the People.

Respondent disclaimed a direct link between his mental health and his assault on Crawford. Rather, he said, his bipolar condition led to his depression, which in turn resulted in his irritability and his disagreements with Crawford, which in turn caused him to lose his temper and his self-control. "One led to the other that led to the other," he opined, but the "domestic violence issue wasn't a mental health issue." He insisted that he takes his mental health seriously—expressing a preference for trying to "get things under control" without "resorting" to medication—and urged the Hearing Board to reserve consideration about his mental health to a later proceeding, when he petitions for reinstatement from disability inactive status.

Since his conviction, Respondent has attended domestic violence classes once a week, with an individual session once a month. He will finish that course—which he credits with helping him develop better ways to handle his stress and improving his marital relationship—in September 2016. He has already completed his mandated eight-week parenting course. Other than the conditions attached to his deferred judgment, he has not sought other counseling or therapy to manage his anger or his mental health.[21] Nor has he decided to take medications to address his bipolar condition, even though his domestic violence therapist has expressed concerns about his ability to manage his mental illness without medication-assisted treatment.[22]

Respondent emphasized, however, that although he cannot produce records documenting his efforts to rectify the consequences of his misconduct, he has in fact assiduously worked to address all underlying causes of that misconduct. He testified that he has spent quite of lot of time researching his condition, exercising more, and reflecting upon the stressors in his life that he believes triggered the onset of his symptoms. As a "perfectionist and overachiever," he explained, he stressed himself out by "trying too hard" to make partner on an accelerated schedule. But "chasing after" money and status at his

[19] Ex. S3.
[20] Ex. S3.
[21] Though his domestic violence counselor noted in a treatment plan summary that a mental health evaluation "is needed," Ex. S5, Respondent testified that his counselor made this notation because she was still awaiting receipt of his AMHN records and that she did not need a new or different evaluation. *See* Ex. S6 (a court order directing Respondent to undergo a new evaluation "only if he does not provide already completed evaluations").
[22] Ex. S6.

law firm did not bring him the satisfaction he expected, he said, and instead caused "ups and downs, highs and lows." He has since realized that what makes him happy is his family. Having gained this understanding, he feels calmer, more peaceful, and happier. Both Respondent and Crawford reported that their marriage has improved; she says that they have arrived at a "good place."

III. SANCTIONS

The American Bar Association *Standards for Imposing Lawyer Sanctions* ("ABA *Standards*")[23] and Colorado Supreme Court case law guide the imposition of sanctions for lawyer misconduct.[24] When imposing a sanction after a finding of lawyer misconduct, a hearing board must consider the duty violated, the lawyer's mental state, and the actual or potential injury caused by the lawyer's misconduct. These three variables yield a presumptive sanction that may be adjusted based on aggravating and mitigating factors.

ABA *Standard* 3.0 – Duty, Mental State, and Injury

Duty: Under the ABA *Standards*, Respondent's act of domestic violence violated his duty to the public to maintain standards of personal integrity and to abide by the principle that disputes must be resolved by observing accepted legal and moral standards, without recourse to violence.

Mental State: We find that Respondent assaulted Crawford with a knowing state of mind: though he may not have intended to harm her, he was certainly aware of the nature of his conduct.

Injury: Respondent's misconduct underlying his conviction brings disrepute to the legal profession and helps to perpetuate a negative public perception of lawyers. More important, Respondent caused his family physical pain and potential emotional injury. Respondent violently tore Crawford's pajamas and ripped out some of her hair, which caused her pain. She suffered the emotional trauma of being assaulted in her own home, a place that is supposed to be a sanctuary of safety. And she endured the indignity of losing control of her personal possessions. Finally, Respondent caused his young son potential harm by attacking his mother while she was holding him, thus unreasonably placing him in a situation that posed a threat of injury.

ABA *Standards* 4.0-7.0 – Presumptive Sanction

ABA *Standard* 5.12 establishes suspension as the presumptive sanction in this case. That standard applies when a lawyer knowingly engages in criminal conduct that does not contain the elements listed in ABA *Standard* 5.11 and that seriously adversely reflects on the

[23] Found in ABA *Annotated Standards for Imposing Lawyer Sanctions* (2015).
[24] *See In re Roose,* 69 P.3d 43, 46-47 (Colo. 2003).

lawyer's fitness to practice.[25] Colorado case law makes plain that the infliction of bodily harm on another person seriously adversely reflects on a lawyer's fitness to practice.[26] This is because lawyers who engage in violence undermine the legal system itself, which "requires respect, restraint, and resort to the legal process."[27]

ABA *Standard* 9.0 – Aggravating and Mitigating Factors

Aggravating circumstances include any considerations that may justify an increase in the degree of the sanction to be imposed, while mitigating circumstances include any factors that may warrant a reduction in the severity of the sanction.[28] As explained below, we apply two aggravating factors and five mitigating factors here.

Vulnerability of Victim – 9.22(h): We consider Crawford and her son vulnerable victims. Respondent assaulted his wife while she was holding their young child, which impeded her ability to flee or to defend herself.[29] This factor merits weight in aggravation.

Illegal Conduct – 9.22(k): Respondent's attack on his wife was a criminal offense and thus is properly considered an aggravating factor here.[30]

Absence of Prior Disciplinary Record – 9.32(a): Respondent has not been disciplined before, a fact that we consider in mitigation.

Absence of Dishonest or Selfish Motive – 9.32(b): Respondent asserts—and the People do not contest—that he is entitled to application of this mitigating factor. We do not agree. Through the use of violence, Respondent was attempting to exercise control over a family member in a vulnerable position.[31] We cannot find such conduct to be unselfish.

Personal and Emotional Problems – 9.32(c): Respondent walks a fine line here: although he asks that we count his mental disability as a mitigating personal or emotional problem, he also states that his mental health is not to blame for his act of domestic violence. We conclude that we do not have clear and convincing evidence of a causal

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[25] The elements listed in *Standard* 5.11 include dishonesty, theft, sale of controlled substances, intentional killing, and other elements that do not apply here.

[26] *In re Hickox*, 57 P.3d 403, 405 (Colo. 2002).

[27] *Iowa Supreme Court Attorney Disciplinary Bd. v. Deremiah*, 875 N.W.2d 728, 735 (Iowa 2016); *see also In re Grella*, 777 N.E.2d 167, 171 (Mass. 2002) ("[e]ngaging in violent conduct is antithetical to the privilege of practicing law").

[28] *See* ABA *Standards* 9.21 & 9.31.

[29] That the assault did not happen late at night, as in *People v. Brailsford,* 933 P.2d 592, 595 (Colo. 1997), in no way changes our assessment that Crawford and her son could not readily escape or otherwise protect themselves from Respondent's onslaught.

[30] Respondent argues that this factor in aggravation was not mentioned in *Hickox*, 57 P.3d at 406-07, and therefore should not be applied here. We dismiss that line of argument, as this issue did not appear to be directly before the Colorado Supreme Court in *Hickox*.

[31] *See State v. Zurmiller*, 544 N.W.2d 139, 142 (N.D. 1996) (Levine, J., concurring) (noting that domestic violence is a means of exercising control over a partner).

relationship between Respondent's assault on Crawford and his mental health.[32] But we do have sufficient evidence to find that Respondent was depressed and emotionally off-kilter at the time, and thus we accord this factor some weight in our analysis.

Timely Good Faith Effort to Make Restitution or Rectify Consequences of Misconduct – 9.32(d): Respondent urges us to apply ABA *Standard* 9.32(d) on two bases: first, that he has taken domestic violence and parenting classes as a condition of his probation; and second, that he has sincerely undertaken to change his personal outlook and manage his temper. As to his first argument, ABA *Standard* 9.4(a) states that forced or compelled restitution is neither aggravating nor mitigating, so we do not consider Respondent's compliance with probationary conditions in mitigation. As to his second argument, the only evidence we have concerning his personal efforts to rectify the consequences of his misconduct is his own say-so. While laudable if true, we will not grant him mitigating credit on his testimony alone.

Cooperative Attitude Toward Proceedings – 9.32(e): Respondent cooperated in this proceeding by stipulating to entry of judgment on the pleadings, thus helping to conserve prosecutorial and judicial resources. He was also forthcoming in the disciplinary proceeding, and we appreciate his candor. We give substantial weight in mitigation to this factor.

Inexperience in the Practice of Law – 9.32(f): Though Respondent has practiced law for just a few years, we decline to grant him mitigating credit based on that fact, as greater or lesser experience would not have made his conduct more or less likely.[33]

Imposition of Other Penalties or Sanctions – 9.32(k): Respondent spent time in jail and is following probationary conditions. We consider these other penalties in mitigation.

Remorse – 9.32(l): We believe, based on Respondent's manner, demeanor, and testimony, that he feels true remorse for the effect that his actions have had on his family. The People agree. We give this factor significant mitigating weight in our analysis.

Absence of Prior or Subsequent Incidence of Violence: Respondent argues in his hearing brief that his sanction should be lessened because, he says, he has not committed other acts of violence, either before or since the events of September 26, 2015. We emphatically reject the notion that Respondent should be accorded any credit for doing that which a lawyer should do as a matter of course: conform his conduct to the criminal code, the ethical rules, and the moral standards governing how people should behave toward others and particularly toward family members, who should be treated with the highest degree of tenderness, care, and affection.

[32] *See* ABA *Standard* 9.32(i).
[33] *Hickox*, 57 P.3d at 407.

Analysis Under ABA *Standards* and Case Law

The Colorado Supreme Court has directed the Hearing Board to exercise discretion in imposing a sanction and to carefully apply aggravating and mitigating factors.[34] We are mindful that "individual circumstances make extremely problematic any meaningful comparison of discipline ultimately imposed in different cases."[35] Though prior cases are helpful by way of analogy, hearing boards must determine the appropriate sanction for a lawyer's misconduct on a case-by-case basis.[36]

The People request imposition of a six-month, fully served suspension. They also ask that Respondent be required to petition for reinstatement under C.R.C.P. 251.29(c), reasoning that by the time a six-month period of suspension expires, he will have been away from the practice of law for more than a year and thus will need to reestablish his competence to practice law. Respondent, meanwhile, argues that he should be privately admonished because of the few aggravators and the substantial number of mitigators present.

We begin our analysis with the presumptive sanction of suspension. The ABA *Standards* provide little direction as to the appropriate length of a suspension, so we rely in significant measure on case law involving domestic violence.[37] In *Hickox,* the seminal Colorado case on domestic violence in attorney disciplinary matters, the respondent caused his estranged wife injuries when he angrily turned her arm behind her back while escorting her up a staircase, causing her to stumble and fall.[38] He then failed to report his conviction to disciplinary authorities, believing that the victim's filing of a grievance relieved him of the duty to report.[39] The Colorado Supreme Court held that the length of a suspension in a case involving violence depends on the seriousness of the conduct and the nature of the aggravation and mitigation.[40] In rejecting the hearing board's imposition of a private admonition, the Colorado Supreme Court considered two aggravating factors and three mitigating factors as well as the comparatively moderate level of violence at issue, ultimately determining that the lawyer should serve a suspension of six months.[41] In several other

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[34] *See In re Attorney F.*, 285 P.3d 322, 327 (Colo. 2012); *In re Fischer*, 89 P.3d 817, 822 (Colo. 2004) (finding that a hearing board had overemphasized the presumptive sanction and undervalued the importance of mitigating factors in determining the needs of the public).

[35] We note that cases predating the 1999 revision to this state's disciplinary system carry less precedential weight than more recent cases. *In re Attorney F.*, 285 P.3d at 327 (quoting *In re Rosen*, 198 P.3d 116, 121 (Colo. 2008)).

[36] *Id.*

[37] We also observe that sister jurisdictions usually consider a six-month fully served suspension to be the baseline sanction when suspension is the presumptive sanction, with the length to be adjusted upwards or downwards from that baseline based on aggravators and mitigators. *See, e.g., In re Cummings*, 211 P.3d 1136, 1140 (Alaska 2009); *In re Moak*, 71 P.3d 343, 348 (Ariz. 2003); *In re Stanford*, 48 So.3d 224, 232 (La. 2010); *Hyman v. Bd. of Prof'l Responsibility*, 437 S.W.3d 435, 449 (Tenn. 2014); *In re McGrath*, 280 P.3d 1091, 1101 (Wash. 2012).

[38] 57 P.3d at 404.

[39] *Id.*

[40] *Id.* at 405.

[41] *Id.* at 405-08.

pre-1999 cases, the Colorado Supreme Court has likewise approved served suspensions for domestic violence.[42]

Here, the five mitigating factors in this case preponderate against the two aggravating considerations. We are swayed by Respondent's remorse, his cooperation in this disciplinary proceeding, and, to a far lesser extent, the personal and emotional problems that contributed to his lack of self-control and poor judgment. But we also take into account the somewhat violent nature of the assault: in our estimation, to tear out pieces of Crawford's hair and rip a large hole in the front of her pajamas required a significant amount of force, which suggests that Respondent acted—at best—with a callous disregard for his wife's welfare. To apply that force while Crawford held their son in her arms implies, too, an indifference to whether his attack might physically or emotionally injure the child. Considering the seriousness of Respondent's misconduct, and weighing the severity of that offense against the nature of aggravation and mitigation, we find that Respondent should be suspended for a period of three months.

In levying this sanction, we neither consider Respondent's mental health as a causal factor in the assault nor grant him significant mitigating credit for his disability. At Respondent's behest, we set aside for his disability reinstatement proceeding all questions involving whether his disability has been removed and whether he is competent to practice law. For that reason, we decline to impose a requirement that Respondent seek reinstatement from this disciplinary matter under C.R.C.P. 251.29(c). We do, however, note that we are concerned about Respondent's apparent desire to manage his mental health without assistance, and we encourage him—whether or not he ultimately consents to pharmacological intervention—to enlist the help of mental health advisers in his efforts to address his underlying condition.

IV. CONCLUSION

Respondent physically attacked his wife, who was holding their young child in her arms. That assault—as well as Respondent's resulting conviction for assault in the third degree and reckless child abuse—reflects adversely on his fitness to practice law. The

[42] *See Musick*, 960 P.2d at 90 (taking into account three aggravators and three mitigators, one of which carried relatively little weight, the Colorado Supreme Court suspended a lawyer for one year and one day for physically assaulting his girlfriend on three separate occasions, causing her pain but no serious injury); *People v. Reaves*, 943 P.2d 460, 461-62 (Colo. 1997) (approving the parties' stipulation to a six-month suspension based on consideration of one aggravating factor and at least four mitigators where an attorney pleaded guilty to a petty offense of disorderly conduct after throwing a drink at his wife, grabbing her, and engaging in another "pushing and shoving match" and later was convicted of driving while ability impaired); *People v. Shipman*, 943 P.2d 458, 459-60 (Colo. 1997) (applying two aggravators and six mitigators, the Colorado Supreme Court approved a stipulation to a six-month suspension where an attorney pleaded guilty to driving while ability impaired and also to assault and battery upon his wife); *cf. Brailsford*, 933 P.2d at 595 (suspending an attorney for one year and one day after the attorney pleaded guilty to third-degree sexual assault arising out of an attack on his wife).

somewhat violent nature of the assault, measured against the mitigating factors at work here, militate in favor of a three-month served suspension.

V. ORDER

The Hearing Board therefore **ORDERS**:

1. **FEI QIN**, attorney registration number 48461, is **SUSPENDED FOR THREE MONTHS**. The suspension will take effect upon issuance of an "Order and Notice of Suspension."[43]

2. To the extent applicable, Respondent **SHALL** promptly comply with C.R.C.P. 251.28(a)-(c), concerning winding up of affairs, notice to parties in pending matters, and notice to parties in litigation.

3. Within fourteen days of issuance of the "Order and Notice of Suspension," Respondent **SHALL** comply with C.R.C.P. 251.28(d), requiring an attorney to file an affidavit with the PDJ setting forth pending matters and attesting, inter alia, to notification of clients and other jurisdictions where the attorney is licensed.

4. The parties **MUST** file any posthearing motion or application for stay pending appeal with the Hearing Board **on or before Friday September 16, 2016**. Any response thereto **MUST** be filed within seven days.

5. Respondent **SHALL** pay the costs of these proceedings. The People **SHALL** submit a statement of costs **on or before Friday, September 9, 2016**. Any response thereto **MUST** be filed within seven days.

[43] In general, an order and notice of sanction will issue thirty-five days after a decision is entered under C.R.C.P. 251.19(b) or (c). In some instances, the order and notice may issue later than thirty-five days by operation of C.R.C.P. 251.27(h), C.R.C.P. 59, or other applicable rules.

DATED THIS 26th DAY OF AUGUST, 2016.

Original Signature on File
WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

Original Signature on File
RALPH A. CANTAFIO
HEARING BOARD MEMBER

Original Signature on File
FREDERICK Y. YU
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