

People v. Susan Fox. 24PDJ070. November 5, 2024.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Susan Fox (attorney registration number 16432) for two years. To be reinstated, Fox must prove by clear and convincing evidence that she has been rehabilitated, has complied with all disciplinary orders and rules, and is fit to practice law. The sanction takes into account considerable mitigating factors. Fox's suspension takes effect December 10, 2024.

In January 2021 and March 2021, a doctor, who was Fox's friend, prescribed Ambien and its generic counterpart, Zolpidem, for Fox. From January 2021 to August 2021, Fox filled, paid for, and picked up the prescriptions a total of seven times, sometimes using her King Soopers loyalty card to do so. Each time, however, Fox never intended to use the medication for herself; instead, she left the medication in a location that she prearranged with the doctor, who retrieved the medication. The doctor later reimbursed Fox for Fox's payments for the medication.

From April 2022 to July 2022, Fox thrice spoke by telephone with a special agent with the U.S. Drug Enforcement Administration, which was investigating the doctor. Though Fox admitted to the special agent that she was the doctor's friend, she denied during the conversations that she had ever been prescribed Ambien or Zolpidem, that the doctor had prescribed medication for her, and that she had ever been asked to pick up medication for anyone. During the third conversation with the special agent, Fox said that she had no idea why her loyalty card was used when the prescriptions were picked up in her name and falsely suggested that someone used her phone number when picking up the prescriptions. At one point during the investigation, Fox called the special agent to tell him that upon reflection, she had in fact picked up prescriptions for her husband, clients, and others.

Fox contacted the doctor after every telephone call she had with the special agent and told the doctor about the conversations, including that she had denied filling prescriptions for the doctor.

Through this conduct, Fox violated Colo. RPC 8.4(c) (it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation) and Colo. RPC 8.4(d) (it is professional misconduct for a lawyer to engage in conduct prejudicing the administration of justice).

The case file is public per C.R.C.P. 242.41(a).