

People v. Edward Werner. 24PDJ062. November 20, 2024.

The Presiding Disciplinary Judge approved the parties' amended stipulation to discipline and disbarred Edward Werner (New York attorney registration number 2396877 and New Jersey attorney registration number 035191989) from the practice of law in Colorado, effective November 20, 2024.

In April 2013, Werner was publicly censured in New Jersey. In March 2014, New Jersey temporarily suspended Werner. He was also publicly censured in New Jersey in June 2017. In May 2018, Werner was suspended indefinitely in New York via reciprocal discipline based on the New Jersey orders. Werner's suspension in New York is a disciplinary suspension. Werner never reinstated his law license in New Jersey or New York.

Werner now resides in Colorado and is not licensed to practice law in this state. In early 2023, Werner began acting in a representative capacity on behalf of a defendant in a Colorado state court civil case and in a related arbitration. In the civil case, a bank sued the client, who told the bank's lawyer that he wanted Werner to participate in a telephone call. The client described Werner as a friend with some experience as a paralegal. The bank's lawyer acquiesced. During the call, the client said little, and Werner argued with the lawyer about the applicable facts and law, including the statute of limitations and the arbitration clause he believed was in effect. Werner asked the lawyer to withdraw the complaint. Based on Werner's interpretation of the law, Werner advised the client not to make a settlement offer. The bank's lawyer said that he did not believe Werner was authorized to represent the client and invited Werner to enter his appearance in the case. When the client filed an answer to the complaint, he listed Werner's address and noted that he could be contacted through Werner.

In March 2023, Werner signed and filed a motion with the district court to withdraw the complaint based on the applicable arbitration provision. Attached to the motion was an affidavit Werner prepared and the client signed. The affidavit contained statements such as, "[u]nder the Utah Uniform Arbitration Act (78B-11-107) arbitration provisions such as the one in this Claim are enforceable," and "[i]t is hornbook law that ambiguities in contracts are read against the interest of the drafter."

The case proceeded to arbitration, where Werner represented the client. Werner prepared and filed a motion to dismiss and a reply in support of his motion to dismiss; in both filings he presented legal arguments. The bank's lawyer sought to disqualify Werner from the arbitration proceeding, asserting that Werner was engaged in the unauthorized practice of law. Werner responded to the motion with legal argument as to why he should not be disqualified. The case settled before the arbitrator ruled on the disqualification motion.

Through this conduct, Werner violated Colo. RPC 5.5(a)(1) (a lawyer must not practice law without a Colorado law license or other specific authorization).

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