People v. Igor Raykin. 23PDJ046. July 3, 2024.

Following a disciplinary hearing, a hearing board publicly censured Igor Raykin (attorney registration number 43081). The Colorado Supreme Court affirmed the hearing board's decision in an opinion issued on March 24, 2025 (25 CO 12). Raykin's public censure took effect on April 9, 2025.

In May 2022, Raykin made profane and disparaging comments to school district staff while attending an individual education plan meeting on behalf of his minor client, a student in the school district. Raykin's comments had no substantial purpose other than to delay, embarrass, or burden the school district staff.

Through this misconduct, Raykin violated Colo. RPC 4.4(a) (in representing a client, a lawyer must not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person).

The case file is public per C.R.C.P. 242.41(a). 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:** IGOR RAYKIN, #43081	Case Number: **23PDJ046**
OPINION IMPOSING SANCTIONS UNDER C.R.C.P. 242.31	

Igor Raykin ("Respondent") made profane and disparaging comments to school district staff while attending a meeting on behalf of his minor client, a student. His comments had no substantial purpose other than to delay, embarrass, or burden the staff. Respondent's misconduct warrants a public censure, with conditions, to protect the public.

I. PROCEDURAL HISTORY

On September 5, 2023, Jonathan P. White of the Office of Attorney Regulation Counsel ("the People") filed a one-claim complaint in this case, alleging that Respondent violated Colo. RPC 4.4(a). On October 3, 2023, Respondent moved to extend his deadline to answer the People's complaint until November 3, 2023. The Court found that Respondent failed to show good cause for an extension, denied the motion the following day, and directed Respondent to answer the People's complaint by October 11, 2023. But Respondent did not timely file an answer. Instead, on November 7, 2023, he filed a motion to dismiss. Even though Respondent's motion to dismiss was not timely, he did not request that the Court accept his filing or reconsider its order denying his request for an extension. The Court nonetheless took up Respondent's motion to dismiss, denying the motion on December 7, 2023.

Respondent answered the complaint on December 21, 2023. The parties then set a two-day hearing to take place on May 14-15, 2024. The People moved for summary judgment in late March 2024. After reviewing the parties' full complement of briefing, the Court denied the motion on April 19, 2024.

On May 14-15, 2024, a Hearing Board made up of the PDJ and lawyers James C. Coyle and Jayme B. Ritchie held a disciplinary hearing under C.R.C.P. 242.30 in Courtroom 2A of the Lindsey-Flanigan Courthouse at 520 West Colfax Avenue in Denver, Colorado. White attended for the

People, and Respondent appeared pro se. The Hearing Board received in-person testimony from Respondent, Tammy Eret Lynch,[1] Janet Blair, Walter Fox, Rendell Draper, Elizabeth R. Friel, Walt Kramarz, Ian Griffin, Michael Nolt, Timur G. Kishinevsky, Zachary Warren, and Miriam Kerler. The Hearing Board also heard remote testimony via the Zoom videoconferencing platform from Yasiris Torres. The PDJ admitted stipulated exhibits S1-S9, the People's exhibit 1, and Respondent's exhibit B.[2]

II. FINDINGS OF FACT[3]

Respondent was admitted to practice law in Colorado on April 8, 2011, under attorney registration number 43081.[4] He is thus subject to the jurisdiction of the Colorado Supreme Court and the Hearing Board in this disciplinary proceeding.[5]

Respondent's Background

Respondent immigrated with his family from Russia to the United States when he was four years old, settling in public housing in central Denver.[6] Though Respondent described his childhood as impoverished, his family "pushed education," and he came to see schooling as the path to a better life.

Yelling was "normal" in Respondent's family, and his mother would often throw things in anger; such behavior was typical in his extended family and within the wider Russian émigré community. When Respondent entered puberty, he, too, began to experience intense episodes of anger, which differed from his family members' expressions insofar as his had a "physical dimension." He noticed that trivial irritations set him off and gave rise to a strong impulse to break things, an impulse that he likened to a "monster that had to get out." He found that when he lashed out in an outburst, he experienced a moment of relief, which was soon followed by physical exhaustion, embarrassment, and a lengthy period of depression. But he refused to consider that he might suffer from a mental health issue, which was "not okay in Russian families." Instead, he just chalked up his outbursts to having a bad temper and hoped that he would "age out of it." He did not.

Respondent graduated from college, obtained a master's degree in philosophy, and went to law school in 2000. After obtaining his J.D., he opted not to practice law, instead working with

[1] Ms. Lynch is occasionally referred to as Tammy Eret in the exhibits and stipulated facts.
[2] On May 3, 2024, the Court granted the parties' "Stipulated Motion for Amendment of Protective Order" and suppressed stipulated exhibits S4-S6.
[3] Factual findings are drawn from testimony offered at the hearing where not otherwise indicated.
[4] Compl. ¶ 1; Answer ¶ 1.
[5] C.R.C.P. 242.1(a).
[6] Ex. S2 at 20. Stipulated exhibit page numbers in this opinion refer to the Bates number.

kids as a teacher, counselor, and advisor in several settings, including in a juvenile detention center.[7] He particularly loved working with children from difficult backgrounds; just like the kids he grew up with, he saw in them so much potential that was squandered due to lack of opportunity and education. He also noticed that the detention center was populated with a disproportionate number of special needs kids who needed services to develop their skills. As he contemplated his next professional move, he decided he wanted to represent children with special needs.[8] He passed the bar examination in 2010 and has since been advocating as a lawyer for special needs families to secure appropriate services and resources for their children.

In that posture, Respondent is regularly pitted against school districts, which suits him just fine. While he describes teachers as "the best people on earth"—his own wife is a special needs teacher—he casts the public school system as a self-serving, bloated bureaucracy that disregards children who struggle.[9] After finding scant success in a conciliatory approach, Respondent concluded that the only way to achieve positive outcomes for his clients was to "bring the fight" to the school districts.[10] He developed a reputation as the lawyer whom parents seek out as a last resort, when they are not being heard and have lost hope—the "guy" who will "fight and fight and fight" for them.[11] Indeed, Respondent testified that he pursues "righteous" cases regardless of whether he is compensated, reporting having "eaten" several hundreds of thousands of dollars in legal fees during his legal career.[12] "I don't care about the money," he said.

About ten years ago, when Respondent's daughter was born, he acknowledged for the first time that he had a mental health issue related to his anger. He consulted with psychiatrist Dr. Joshua Wool, who diagnosed Respondent with attention deficit disorder and intermittent explosive disorder ("IED"), also known as impulse control disorder ("ICD").[13] Respondent learned that people with this neurobiological disorder often have angry, out-of-character outbursts followed by periods of embarrassment.[14] Although no specific medication exists to treat IED/ICD,[15] individuals with IED/ICD can do well throughout their lifetime by mitigating the disorder with consistent therapy.[16]

Respondent began psychiatric treatment with Dr. Wool in 2014 and continues to see him, though he did not meet with Dr. Wool between June 2021 and October 2022.[17] For about six

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[7] Ex. S2 at 12.

[8] *See* Ex. S2 at 12; *see also* Ex. S2 at 11 ("My entire identity rests in representing disabled children who need an advocate.").

[9] Ex. S2 at 12.

[10] *See* Ex. S2 at 12.

[11] *See* Ex. S2 at 13-14.

[12] *See also* Ex. S2 at 20.

[13] Stip. Facts ¶ 33; *see also* Ex. S7.

[14] *See* Stip. Facts ¶ 37; *see also* Ex. B.

[15] Stip. Facts ¶ 35.

[16] Stip. Facts ¶ 38.

[17] Stip. Facts ¶¶ 34, 36; *see also* Ex. S7.

years, Respondent has been taking an antidepressant called Lexapro,[18] which is not designed for IED/ICD but does assist in tempering it.[19] Respondent recalled that his first few days taking Lexapro were "like heaven" because he felt like a "normal human being" for whom little inconveniences did not require big blowups. The feeling did not last, however. Over time, Respondent realized that Lexapro takes the "edge off" and is a necessary part of the rest of his life. He has also accepted that his condition has no cure and that he will always episodically experience intense feelings of anger.

The IEP Meeting

On May 18, 2022, Respondent represented a student client in a meeting that Mesa County Valley School District 51 ("the school district") convened to review the student's Individual Education Plan ("IEP").[20] Respondent's client, a minor, was a special needs student.[21] Respondent had only recently begun representing the client's family with the goal of obtaining additional educational supports for the client.

The IEP meeting took place in hybrid format using the "Google Meets" platform.[22] Respondent and his client, along with the client's parents, attended the meeting remotely using the platform; except for one teacher who also attended remotely, the school district's employees in attendance all were in the same room sharing one screen.[23] The school district made an audio-visual recording of the meeting.[24]

Tammy Eret Lynch, the school district's outside counsel, was present in the room with the school district's employees.[25] Special education instructor Walter Fox generally led the meeting, and the school district's special education consultant, Jan Blair, assisted him.[26] Special education coordinator Wendy Pyott was also present, as was Stacy Keever, a counselor at Grand Junction High School.[27]

[18] Stip. Facts ¶ 35; *see also* Exs. S4, S6.
[19] Stip. Facts ¶ 35.
[20] Stip. Facts ¶ 1. An IEP is an individualized document that memorializes and guides the services and supports a student with a disability receives from a school district to meet the student's educational needs.
[21] Stip. Facts ¶ 2.
[22] Stip. Facts ¶ 3.
[23] Stip. Facts ¶ 4.
[24] Stip. Facts ¶ 5. The recording is marked as exhibit S1.
[25] Stip. Facts ¶ 6.
[26] Stip. Facts ¶ 7.
[27] Stip. Facts ¶ 8.

The meeting began with Fox reviewing the student's draft IEP report with comments from one of the teachers.[28] Respondent asked questions.[29] In response to certain questions, Blair interjected.[30] The student's parents also occasionally interposed comments.[31] The interactions between Respondent and the school district became increasingly fraught, and Respondent rolled his eyes when Blair spoke.

Around twenty-three minutes into the meeting, during an argument between Respondent and Blair, Respondent told Blair, "Shup up, Jan."[32] A few seconds later, Respondent pointed his finger at the screen and again said, "Shut up, Jan."[33] Around twenty-four minutes into the meeting, he told Blair to shut up a third time and added that he could "be a lot louder" than she could.[34]

Soon after Respondent's exchange with Blair, he told Lynch and Blair, "[y]ou people can't even send the right fucking document."[35] Lynch told Respondent that he was not going to curse in the meeting, to which Respondent replied, "I sure as fuck am."[36] Blair then muted Respondent.[37] Around twenty-five minutes into the meeting, Respondent unmuted himself and stated, "every time I unmute myself I'm going to say fuck. That's how I am going to start every sentence."[38] Around thirty-one minutes into the meeting, Respondent called Blair a "miserable person" and told her, "one of us is a lawyer and one of us is you."[39] Imitating Blair, Respondent also made an unflattering face while remarking on "crocodile tears."[40]

After further quarrelling, approximately thirty-three minutes into the meeting, Blair told Respondent that the school district representatives wished he would be quiet so that they could finish the meeting.[41] Respondent replied, "I wish you would actually stop working here and go work where you really belong which is in the gutter, ok? So please go ahead and get yourself employed where you need to be."[42] Blair remonstrated Respondent for being unprofessional. The meeting continued chaotically for several minutes after this exchange, during which the student

[28] Stip. Facts ¶ 9.
[29] Stip. Facts ¶ 9.
[30] Stip. Facts ¶ 9.
[31] Stip. Facts ¶ 9.
[32] Stip. Facts ¶ 10.
[33] Stip. Facts ¶ 11.
[34] Stip. Facts ¶¶ 12-13.
[35] Stip. Facts ¶ 14.
[36] Stip. Facts ¶ 15.
[37] Stip. Facts ¶ 16.
[38] Stip. Facts ¶ 17.
[39] Stip. Facts ¶¶ 18-19.
[40] Ex. S1.
[41] Stip. Facts ¶ 20.
[42] Stip. Facts ¶ 21.

and his parents asked Blair when she was retiring.[43] Blair did not respond.[44] During this fracas, the student interrupted on several occasions in a somewhat disrespectful manner.

The discussion became somewhat less tense beginning about forty-two minutes into the meeting.[45] Respondent asked questions of Fox and Blair, offering comments and criticisms of the draft IEP report, while the student's parents provided input and comments.[46]

About an hour into the meeting, the conversation again deteriorated.[47] Sixty-two minutes into the meeting, Blair interrupted Respondent, who responded, "My God, Jan, you really don't know how to shut up do you? I mean it is unbelievable how little you actually listen to people. You are an incredible person."[48] Respondent added a few seconds later, "Jan, really, I feel so bad for your ex-husbands."[49] Someone snickered after Respondent made the remark.[50] Soon after, Respondent muttered to himself and made expressions apparently intended to convey irritation and disbelief.

Toward the end of the meeting, approximately seventy-one minutes after it began, Respondent became visibly angry. He shook his finger at Blair and Fox, saying, "I don't like you two."[51] He also stated that he kept using the word "fuck" because he was frustrated; commented, "you guys are full of shit"; and told Lynch and Blair to "shut the fuck up."[52] The meeting devolved further. Everyone began speaking over one another, and the student, taking cues from Respondent, lodged various complaints and demanded answers to his questions.

After the school district muted Respondent and his client, the meeting limped to conclusion. Portions of the IEP were read in a perfunctory manner, as if the school district were simply going through the motions. After that recitation, Respondent objected that the school district had not included a single word the parents had requested. The school district did not respond substantively, and the meeting ended after approximately eighty minutes.[53]

The day following the IEP meeting, Respondent emailed Lynch advising he had a question about a student's treatment. In that email, Respondent again traduced Blair, calling her a "despicable creature," a "cancer to kids," and a liar.[54]

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[43] Stip. Facts ¶ 22.
[44] Stip. Facts ¶ 22.
[45] Stip. Facts ¶ 23.
[46] Stip. Facts ¶ 23.
[47] Stip. Facts ¶ 24.
[48] Stip. Facts ¶ 24.
[49] Stip. Facts ¶ 25.
[50] Stip. Facts ¶ 25.
[51] Stip. Facts ¶ 26.
[52] Stip. Facts ¶¶ 27-29.
[53] Stip. Facts ¶ 30.
[54] Ex. 1; Stip. Facts ¶ 31.

Respondent's Reflections on His Conduct

Respondent's behavior during the IEP meeting was reported to the People, who launched an investigation. On August 24, 2022, Respondent penned a response to the request for investigation, defending his conduct.[55] He characterized the investigation as a waste of time, an "obvious abuse of process," and "an effort to prevent [his] hard-nosed representation of clients," which he promised to continue to engage in and which he asserted "has been *very* effective for the most vulnerable population in our world."[56]

In that letter, he justified his method and manner of practice, claiming that "[f]or too many years education law in Colorado has been practiced with weakness and coward[ice]. That doesn't happen at this firm, and it never will."[57] He vowed to "do *anything legal* to fight for [special needs] kids because that could be the difference for some of these kids between living a shit life for the next several decades or living a happy one."[58] In that regard, he hailed his IED/ICD disorder as a possible boon for his clients, remarking that although he has to "work every day to control the beast within, . . . if these conditions are necessary to represent kids more effectively, then I suppose that having them is better than not having them."[59] He made clear that he did not intend to stop practicing law the way that he had been practicing for ten years.[60]

As for his approach in the IEP meeting of May 18, 2022, Respondent reported that his "purpose was primarily to get the district to do *something—anything—*to actually do something to help this kid. They still haven't because they don't care."[61] Describing his role as a "zealous advocate," he declared, "I was not going to allow [the school district] to steamroll this child or his family. If they want to bully my clients by smiling in their faces while preparing to screw them over, then I'm going to bully them back."[62]

Respondent stood by his comments maligning Blair and others, announcing, "I will *not* be apologizing to Blair or especially to [the school district] . . . . I said all those things to Blair, and I still believe them."[63] Indeed, he admitted, "I did call Blair a 'despicable creature and a cancer to

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[55] Stip. Facts ¶ 32.
[56] Ex. S2 at 11.
[57] Ex. S2 at 21.
[58] Ex. S2 at 20
[59] Ex. S2 at 14.
[60] Ex. S2 at 20. He also added, candidly, "My behavior in this incident probably was the worst over the past 10 years, but not necessarily. I'm not going to sit here and lie and say I haven't had outbursts before." Ex. S2 at 21.
[61] Ex. S2 at 18.
[62] Ex. S2 at 18.
[63] Ex. S2 at 14-15.

kids.' Ok, I like to call things what they are."[64] He also doubled-down on his other aspersions, calling Blair "a despicable person who is *toxic* to special needs kids to the point of having outright contempt for them—couldn't possibly care less about the kids [she was] tasked with helping."[65] He added, "Everyone gets an equal ration of vitriol if they're wronging special needs kids."[66]

Respondent supplemented his original investigative response three months later. On November 23, 2022, he sent the People a letter reflecting a markedly different take on his conduct at the IEP meeting. He acknowledged that his earlier response "wasn't just unproductive" but also "dumb," "selfish," and "hurtful," because it "tried to justify behavior that was not justifiable under any circumstances."[67] Respondent apologized to Blair for his tirade, stating, "neither she nor anyone else at the meeting deserved to be the recipient of my awful behavior."[68] He again mentioned his conditions, which he analogized to a "demon," and stated that since the IEP meeting he had started seeing Lawrence Nelson, a specialist in anger issues who practices dialectical behavioral therapy. "I've been on medication for years, but its effectiveness has limits—particularly without accompanying therapy—and I had been ignoring the therapy for too long," he explained.[69] And he took responsibility for being remiss: "I may have been born with this condition, but if I still haven't conquered this condition by my age, then the reality I have to reckon with is that it's no longer just a mental health issue; it's a decision I've made." He concluded, "I'm never going to be the nicest, most gentle person in the world . . . . But I've recognized that there is a *clear* distinction between being assertive and being aggressive, between being clear and being hostile, and between being determined and being belligerent."[70]

Over the course of the People's investigation, Respondent acknowledged that he had gone too far in the IEP meeting and that his outburst was unnecessary.[71] He understood that he had set a bad example for the minor student he was representing in the case.[72] Respondent also acknowledged that he planned to apologize to Lynch and Blair, that he had not dealt with the disagreements in the IEP meeting well, and that he was not proud of his conduct.[73]

Respondent finally authored a letter of apology to Blair, Lynch, Fox, and others on February 29, 2024, after the People filed the complaint in this case. Respondent disclaimed the justifications he made in his prior missives, calling his earlier thinking entitled, arrogant, wrong, stupid, and cruel.[74] He also expressed sincere contrition for his conduct: "I'm so sorry. . . . I didn't

[64] Stip. Facts ¶ 32; Ex. S2 at 15.
[65] Ex. S2 at 13.
[66] Ex. S2 at 15.
[67] Ex. S3 at 68.
[68] Ex. S3 at 68.
[69] Ex. S3 at 67.
[70] Ex. S3 at 69.
[71] Stip. Facts ¶ 43.
[72] Stip. Facts ¶ 43.
[73] Stip. Facts ¶ 44.
[74] Ex. S8 at 1.

appreciate any of you as educators that day, or as people."[75] He said he was "a bully, an immature person who couldn't control himself, a hypocrite, a person who was setting a *terrible* example for the kid he was representing."[76]

To Blair, Respondent wrote, "Calling you a cancer wasn't just hurtful, it was grossly inaccurate. People like you [who] are capable of working with kids with severe emotional problems are rare—and invaluable."[77] To Fox, he expressed regret that he was responsible for Fox's decision to leave special education. Respondent wrote, "Not only has my behavior led someone to make a different career choice, which is bad enough as it is, but because we have a severe shortage of special education teachers, . . . my conduct also has resulted in imperiling the education of some of the kids I purport to fight for."[78]

Respondent also reflected on his approach to lawyering. "For most of my time practicing law," he said, "I thought that the way I practiced at times—personally aggressive, hostile, insulting, disrespectful—was acceptable. It's not."[79] He admitted that he had "behaved inappropriately and unprofessionally on more occasions" than he cared to admit and that the IEP meeting "was not the first time" he had behaved badly.[80] Although Respondent did not commit to changing "everything about the way that [he] practice[s] law,"[81] he did affirm that he had no interest in repeating "[t]he way [he] practiced in the past—and *especially* the way [he] practiced that day."[82] He concluded, "I want to be better."[83] Respondent pledged to recommit to working on his anger disorder by continuing with cognitive behavioral therapy.

At the disciplinary hearing, Respondent repeated many of the same themes. He took responsibility for allowing his conditions to go undertreated for years. He emphasized his commitment to sticking with therapy, noting that "pills aren't skills." And he reported that he has not thrown anything in anger in quite a while, that he now is able to extract himself from situations that he finds triggering, and that his recent episodes have not been as intense or frequent, which he attributed to the techniques he has learned from Nelson.

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[75] Ex. S8 at 3.

[76] Ex. S8 at 2. The same day, Respondent submitted responses to discovery that the People had propounded. In those responses, he expressed regret about his behavior, stated that his conduct during the IEP meeting served no purpose, explained that he made the offensive comments while throwing a temper tantrum, and admitted that his behavior was inappropriate, uncalled for, disrespectful, shameful, juvenile, and unnecessary. *See* Ex. S9.

[77] Ex. S8 at 4.

[78] Ex. S8 at 5-6.

[79] Ex. S8 at 2.

[80] Ex. S8 at 1.

[81] Ex. S8 at 7.

[82] Ex. S8 at 8.

[83] Ex. S8 at 7.

Respondent professed a sincere desire to refrain from engaging in similar conduct in the future, not only because he does not want to treat people poorly but also because he realizes his behavior prevented him from effectively advocating for his client. Notwithstanding these intentions, Respondent also clarified that he will not stop vigorously advocating for his clients or fighting "righteous" cases against school districts.

Finally, Respondent recounted how the disciplinary process has weighed on him and voiced a wish never to go through it again. Yet he also described the process as "useful," insofar as he "responds to consequences" and thus might find more success in controlling his conditions if "there is something hanging over [his] head."

III. LEGAL ANALYSIS

The People allege that Respondent violated Colo. RPC 4.4(a), which states, "In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person." Although conduct alleged under this rule should be evaluated objectively—whether "the [lawyer's] actions under the peculiar facts and circumstances of the case" were reasonable—the lawyer's subjective motive or purpose is, nevertheless, relevant.[84]

Respondent argues that Colo. RPC 4.4(a) does not apply to his alleged conduct because the rule is designed to prevent interference with and abuse of formal legal processes. He asserts that "[n]o rules, comment to a rule or case law have even been applied in Colorado in a situation like this," and he faults the People for "attempting to extend the law in such a manner that it will give it the authority to regulate attorney behavior in a manner that has never been countenanced by any rule or application of a rule in Colorado history."[85]

We find that the People proved by clear and convincing evidence that Respondent violated Colo. RPC 4.4(a) by making pejorative and intemperate comments during his client's IEP meeting with the school district on May 18, 2022. During that meeting, Respondent belittled and berated Blair and verbally attacked school district employees. Objectively, we perceive no permissible aim

[84] *In re Comfort*, 159 P.3d 1011, 1020 (Kan. 2007); *see also In re Alexander*, 300 P.3d 536, 542 (Ariz. 2013) (explaining that "we consider [the lawyer's] subjective perspective, but we ultimately apply an objective standard to determine whether [the lawyer] violated [Rule] 4.4(a)"); *In re Hurley*, 183 A.3d 703, *3, *12 (Del. 2018) (focusing not on the lawyer's intent but how an "uninvolved individual" would assess the lawyer's conduct); *The Florida Bar v. Buckle*, 771 So.2d 1131, 1132-34 (Fla. 2000) (using an objective standard as an analytical lodestar).

[85] Resp't's Hr'g Br. ¶¶ 36-37.

behind Respondent's conduct, and we find his tantrum-fueled behavior served only to embarrass or burden Blair, Lynch, Fox, and the other meeting participants.[86]

The Hearing Board rejects Respondent's legal contention that Colo. RPC 4.4(a) is limited to a lawyer's conduct that interferes with or abuses formal legal processes. We see no language in the rule that supports his interpretation. While the plain language of Colo. RPC 4.4(a) limits the rule's scope to a lawyer's conduct "[i]n representing a client," nothing in the rule restricts its application to formal legal processes. Likewise, the comments to Colo. RPC 4.4 do not instruct that the rule applies only in such contexts. Instead, comment 1 broadly cautions lawyers against disregarding the rights of third persons while representing a client, explicitly acknowledging that those rights cannot be practically catalogued.

The cases Respondent cites in his hearing brief do not sway our thinking. To the contrary, the cases show the rule's application in a variety of contexts not limited to formal proceedings. The Hearing Board in *Piccone*, for instance, found that the lawyer violated Colo. RPC 4.4(a) by posting rumors of a city attorney's affair on the lawyer's firm's website after the city attorney refused to allow the lawyer to transfer her client's dog from a kill shelter.[87] In *Raines*, a probation revocation matter, a prosecutor breached Colo. RPC 4.4(a) by berating a defendant's counsel and the counsel's staff and accusing them of improper and unethical behavior after the defendant failed to appear for a hearing due to a miscommunication with the presiding court's staff.[88] Further, the *Beecher* Hearing Board found that the lawyer in a domestic relations case violated Colo. RPC 4.4(a) when deposing his client's husband and adult son by asking questions about the husband's alleged sexual abuse of the son and about whether the son had called his mother a "whore."[89] Because none of these cases turn on whether the lawyer's conduct interfered with or abused a formal legal process, none of these cases advances Respondent's reading of Colo. RPC 4.4(a).

Nor does extrajurisdictional case law support Respondent's argument. Courts outside of Colorado have held that lawyers violated professional rules equivalent to Colo. RPC 4.4(a) without regard to whether the lawyers' conduct took place in the context of formal proceedings. In *In re Warrick*, a prosecutor wrote the words "waste of sperm" and "scumbag" on an inmate control

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[86] *Accord People v. Raines*, 510 P.3d 1089, 1096 (Colo. O.P.D.J. Apr. 27, 2022) (finding that a prosecutor engaged in "hector[ing] . . . with no substantial purpose other than to berate" opposing counsel and counsel's staff); *People v. Piccone*, 459 P.3d 136, 158-59 (Colo. O.P.D.J. Jan 13, 2020) (finding a violation when a lawyer's social media post amounted to "tak[ing] a swipe" at a city attorney when objectively the lawyer had no substantial purpose other than to humiliate the city attorney); *People v. Beecher*, 224 P.3d 442, 450 (Colo. O.P.D.J. Feb. 3, 2009) (characterizing the lawyer's offending deposition questions to be objectively "irrelevant and loathsome . . . [with] no substantial legal purpose").

[87] 459 P.3d at 158-59.

[88] 510 P.3d at 1096.

[89] 224 P.3d at 450.

board next to the name of a defendant in one of the prosecutor's cases.[90] The Supreme Court of Idaho upheld a hearing board's finding that the prosecutor violated Id. RPC 4.4(a).[91] In *In re White*, a lawyer sent a letter to a town council on behalf of his client—a church—in response to a zoning compliance notice regarding the church's property.[92] The letter contained statements questioning whether the town manager "has a soul, saying that he has no brain, calling the leadership of the [t]own pagans and insane and pigheaded . . . ."[93] The Supreme Court of South Carolina found that the lawyer violated S.C. RPC 4.4(a).[94] And in *In re Torgerson*, the Supreme Court of Minnesota upheld a referee's finding that a lawyer, by "yell[ing] and scream[ing]" at court staff to persuade them to move a hearing date to accommodate her schedule, acted in a disrespectful manner with no substantial purpose other than to embarrass, delay, or burden the court staff, violating Minn. RPC 4.4(a).[95] These cases apply professional rules equivalent to Colo. RPC 4.4(a) in decidedly nonformal contexts.

Considering the plain language of the rule and these persuasive authorities, we find that Respondent violated Colo. RPC 4.4(a) by using means that had no substantial purpose other than to embarrass, delay, or burden Blair and other school district employees and representatives.

IV. SANCTIONS

The American Bar Association *Standards for Imposing Lawyer Sanctions* ("ABA *Standards*")[96] and Colorado Supreme Court case law guide the imposition of sanctions for lawyer misconduct.[97] When deciding on a sanction after finding of lawyer misconduct, the Court must consider the duty the lawyer violated, the lawyer's mental state, and the actual or potential injury the lawyer's misconduct caused. These three variables yield a presumptive sanction that the Court may then adjust based on aggravating and mitigating factors.

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

Duty: Respondent violated duties he owed as a professional when he verbally attacked, humiliated, frightened, and inconvenienced Blair and her colleagues.

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[90] 44 P.3d 1141, 1148 (Id. 2002).
[91] *Id.*
[92] 707 S.E.2d 411, 413 (S.C. 2011).
[93] *Id.*
[94] *Id.* at 414, 416.
[95] 870 N.W.2d 602, 610-11 (Minn. 2015).
[96] Found in ABA *Annotated Standards for Imposing Lawyer Sanctions* (2d ed. 2019).
[97] *See In re Roose*, 69 P.3d 43, 46-47 (Colo. 2003).

Mental State: The parties agree that Respondent acted, at a minimum, with a conscious awareness of the nature of the circumstances of his conduct during the IEP meeting. He therefore acted knowingly.

Injury: Respondent's lack of civility damaged the reputation of lawyers and hurt people who have devoted their professional lives to helping children. As Respondent put it, he failed to "value the people who value [kids]."[98] Fox testified that the incident drove him to leave special education and also made him reconsider the teaching profession altogether. Fox also disclosed that Respondent's behavior caused Fox to revert into his introverted "shell," causing him to be "less open to people for a while."[99] Further, Respondent's conduct made Fox question the integrity of lawyers and the legal profession. Lynch said that she was called on by her colleagues to explain why lawyers were permitted to assail them, and she reported that the staff was shaken and upset. She also noted that Respondent's conduct gave his client permission to treat others disrespectfully. Blair was "horrified" by the "hatred and vitriol" Respondent directed at her, and she observed that his attacks on her character did nothing to further his client's objectives. "Nobody wins," she remarked. Indeed, Respondent injured his client, as his behavior diminished his efficacy as an advocate for his client's interests and set a terrible example for the child he hoped to help.

ABA *Standards* 4.0-7.0 – Presumptive Sanction

The Hearing Board concludes that the presumptive sanction under ABA *Standard* 7.2 is suspension. That *Standard* applies when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional, thereby injuring or potentially injuring a client, the public, or the legal system.

ABA *Standard* 9.0 – Aggravating and Mitigating Factors

Aggravating factors include any considerations that justify an increase in the degree of the sanction to be imposed, while mitigating factors warrant a reduction in the severity of the sanction.[100] As explained below, we apply one factor in aggravation. Five factors merit mitigation, with four entitled to significant weight.

[98] Ex. S8 at 8.

[99] Supporting Fox's statement, we observed a distinct change in confidence from Fox's appearance in the video to his testimony in this proceeding.

[100] *See* ABA *Standards* 9.21 and 9.31.

Aggravating Factors

Substantial Experience in the Practice of Law – 9.22(i): At the time of his misconduct, Respondent had been licensed to practice law in Colorado for more than ten years. We choose to give this aggravating factor moderate weight.

Mitigating Factors

Absence of Prior Discipline – 9.32(a): Respondent has never been disciplined in his decade-plus of law practice. We give this factor moderate weight.

Absence of Dishonest or Selfish Motive – 9.32(b): Respondent argues that he did not act with a selfish motive. While we cannot find that Respondent's actions were completely selfless, given that his conduct played into his reputation and brand as an aggressive litigator , we likewise cannot expressly label his conduct as selfish, given his diagnosis. As such, we decline to apply the mitigator here or the corresponding aggravator.

Personal or Emotional Problems – 9.32(c): As described in detail above, Respondent suffers from the neurobiological disorder IED/ICD. He testified that he "despises" the conduct that stems from his condition and that he wants to be better. To that end, Respondent began seeing licensed clinical social worker Larry Nelson in October 2022 for assistance with anger management.[101] Nelson works with Respondent via cognitive behavioral therapy and dialectical behavioral therapy to treat Respondent's IED/ICD.[102] Respondent has seen Nelson several times for treatment since October 2022, and he continues to see Nelson.[103] We give this mitigating factor substantial weight.

Full and Free Disclosure or Cooperative Attitude Toward the Proceeding – 9.32(e): Throughout this process, Respondent has made full and free disclosure to the People; he took a cooperative attitude toward the People's investigation; and he has exhibited cooperation by disclosing information to the People after the complaint in this case was filed.[104] Though Respondent staked out an unreservedly defiant position in his response to the request for investigation, he ultimately cooperated in this proceeding without reservation, which we find warrants substantial mitigating weight.

Character and Reputation – 9.32(g): Respondent presented unrebutted testimony from nine witnesses who attested to his excellent character and reputation, which merits significant mitigating weight.

[101] Stip. Facts ¶ 39.
[102] Stip. Facts ¶ 41.
[103] Stip. Facts ¶ 42.
[104] Stip. Facts ¶ 45.

Two former clients—Rendell Draper and Yasiris Torres—spoke glowingly about Respondent's passionate, dogged, and professional representation of children and teachers. Torres testified that she was "eternally grateful" that Respondent "hung in" on her child's case for more than seven years, always advocating for her family and "fighting for what was right."

Two lawyers who served on cases with Respondent as co-counsel or affiliated counsel also praised his lawyering. Zachary Warren, a civil rights lawyer, testified that he was particularly impressed with Respondent's "soft skills" in dealing with difficult or combative clients. Walt Kramarz, a lawyer who represents students, said that Respondent presents as "pugnacious" and "curmudgeonly" but operates in a serious, businesslike manner and is focused on achieving good outcomes for his clients. In particular, Kramarz commended Respondent's comportment in a recent IEP meeting they both attended. According to Kramarz, Respondent transformed the energy of the meeting by professionally curbing his opponent's domineering behavior, resulting in one of the more productive, constructive meetings for the child in question. Kramarz testified that Respondent represents clients "very effectively."

Elizabeth R. Friel, Respondent's opposing counsel on approximately 150 cases, echoed those sentiments. Friel painted Respondent as a true believer who is "motivated by an intrinsic sense of justice." According to Friel, Respondent often acts as an emollient and calming presence in emotionally charged atmospheres; his approach is conducive to moving forward productively, she said.

Finally, Respondent elicited testimony from four co-workers, two of whom commented on Respondent's dedication to representing disadvantaged youth. Michael Nolt, a current employee, described Respondent as an "extremely passionate" lawyer who will take cases that other firms refuse to touch, often getting paid little or nothing in the process. Meanwhile, Miriam Kerler, a former employee, lauded Respondent for valuing and appreciating educators. He understands, she said, how much teachers invest in and care about their students.

Two other coworkers offered more personal testimony about Respondent's character—specifically about the change he has undergone as he works to tame his inner "demon." Timur Kishinevsky, Respondent's law partner for thirteen years and close friend for nearly forty-five, described Respondent's family as prone to anger. Over the years, he observed many of Respondent's tantrums, which included yelling, excessive use of profanity, banging on objects, and general "emotional commotion." According to Kishinevsky, after a tirade Respondent typically demonstrated "extreme contrition," issuing sincere apologies and, on occasion, sending the staff flowers. But Kishinevsky noticed a "shift" in Respondent's behavior after Respondent was diagnosed and began working to address his conditions through medication, therapy, and meditation.

Ian Griffin told a similar story. Griffin was employed by Respondent from 2015 to 2018. During those years, Griffin said, Respondent was so prone to severe fits of anger and outrage that he required a "safe word" at the office. Respondent's behavior, in fact, was the reason Griffin left the law firm. In autumn 2023 Griffin returned to Respondent's firm after Kishinevsky reassured

him—and Griffin personally witnessed—that Respondent's demeanor had significantly improved. Griffin said he has not seen anyone transform as much as Respondent, that Respondent is a great boss, that he has no concerns about Respondent's conduct, and that he would encourage others to work at the firm.

Remorse – 9.32(l): We find Respondent's journey to acknowledging his wrongdoing remarkable, and we give this factor substantial mitigating weight. Respondent's first response to the People's disciplinary investigation was, in his own words, accusatory, entitled, selfish, and hurtful. His supplemental response was better; he accepted responsibility and expressed contrition. But he sent that response to the People, not to the school district staff. At the disciplinary hearing, he explained that his ego prevented him at the time from apologizing to Blair and the others.

Respondent's proper apology letter, penned at the end of February 2024, came late in time but evinced a full evolution in his perspective. With the benefit of time and distance, Respondent expressed in that letter sincere, unqualified remorse for his behavior. He did not try to rationalize his conduct or blame others. He held himself accountable for his conduct, which he freely conceded was indefensible. And to each IEP meeting participant, he made a heartfelt, individualized apology in which he acknowledged the harm he had caused them.

That same sincerity shone through at the disciplinary hearing. We adjudged Respondent to be unusually candid, and we sensed in every sentence of his testimony an unalloyed feeling of remorse. He fully breathed it in, held it, and accepted it. At the hearing, we were also struck that Respondent never went on the attack or displayed defensiveness. Rather, he listened to witnesses' testimony—including Blair's and Lynch's—absorbed their stories, and faced their feelings without devising counterarguments. Moreover, he declined to cross-examine any of the witnesses—including Blair and Lynch—to ensure they felt comfortable testifying and to avoid "re-victimizing" them.[105] In short, we were more than impressed with the level and extent of Respondent's genuine contrition.

Analysis Under ABA Standards and Case Law

The Colorado Supreme Court directs the Hearing Board to exercise discretion in imposing a sanction and to carefully apply aggravating and mitigating factors.[106] In so doing, we are mindful that "individual circumstances make extremely problematic any meaningful comparison of discipline ultimately imposed in different cases."[107] We are charged with determining the

[105] Ex. S8 at 6.

[106] *See In re Attorney F.*, 2012 CO 57, ¶ 20; *see also 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).

[107] *Attorney F.*, ¶ 20 (quoting *In re Rosen*, 198 P.3d 116, 121 (Colo. 2008)).

appropriate sanction for a lawyer's misconduct on a case-by-case basis, but we recognize that prior cases can guide us by analogy.[108]

We begin under ABA *Standard* 7.2 with a presumptive sanction of suspension. The troika of Colorado disciplinary cases discussed above supports imposition of a period of suspension—whether served or fully stayed—for violations of Colo. RPC 4.4(a). In *Beecher*, the lawyer was suspended for one year and one day, with ninety days served and the remainder stayed.[109] But the lawyer had violated Colo. RPC 4.4(a) along with other rules, and the factors in aggravation slightly outweighed those in mitigation.[110] The lawyer in *Piccone* was suspended for six months, all stayed, for violating several rules, including Colo. RPC 4.4(a); there, however, the one aggravator and one mitigator sat in equipoise.[111] And in *Raines*, a probation revocation matter, the lawyer violated several rules and was suspended for six months.[112]

The People argue that neither *ABA* Standard 7.2 nor these Colorado cases should determine the sanction here, and we agree. While we considered imposing a short suspension, fully stayed pending successful completion of conditions, we are swayed by *In re Golden*, a case the People cite in support of a public censure.[113] In *Golden,* the South Carolina Supreme Court publicly censured a lawyer for violating that state's Rule of Professional Conduct 4.4(a) when the lawyer shamed, berated, and bullied a deposition witness who had physical and mental disabilities.[114] In that case, which featured another rule violation for separate misconduct, the lawyer was given mitigating credit for his reputation, health issues, and lack of prior discipline.[115]

Here, Respondent's misconduct was limited in scope: he violated one rule during an eighty-minute meeting and in one email the following day. Even more important, the mitigating evidence here overwhelms the lone factor in aggravation. These considerations, supported by the holding in *Golden*, persuade us that public censure with conditions is appropriate. Those conditions include obtaining an independent medical examination by a qualified examiner whom the parties jointly select and thereafter following that provider's recommendations for the frequency and duration specified by the examiner, which should not exceed three years. We trust this condition will provide Respondent the scaffolding he needs in addressing his conditions.

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[108] *Id.* ¶ 15.
[109] 224 P.3d at 454.
[110] *Id.* at 450-53.
[111] 459 P.3d at 151-56, 159, 163.
[112] 510 P.3d at 1090, 1095-97.
[113] 496 S.E.2d 618 (S.C. 1998).
[114] *Id.* at 620-24.
[115] *Id.* at 623.

V. CONCLUSION

Respondent made pejorative and intemperate comments during his IEP meeting with the school district on May 18, 2022. His lack of civility and respect for others' rights victimized school district staff, damaged the legal profession, significantly degraded his own efficacy as his client's advocate, and set a terrible example for his minor client. When Respondent's conduct is measured against his sincere expressions of remorse, his efforts to address the conditions that contributed to his misconduct, and his excellent reputation, public censure with conditions emerges as the most just and reasonable disposition in this matter.

VI. ORDER

The Hearing Board **ORDERS:**

1. **IGOR RAYKIN**, attorney registration number **43081**, is **PUBLICLY CENSURED**. The public censure will take effect upon issuance of an "Order and Notice of Public Censure," with the conditions identified in paragraph 2 below.[116]

2. Respondent **MUST** obtain, at his own expense, an independent medical examination ("IME") by a qualified examiner to address his diagnoses. The People must approve Respondent's selection of a qualified examiner. Within four weeks of the effective date of his public censure, Respondent must identify and engage the provider, and he must give the provider a copy of this opinion, a copy of the taped IEP meeting, and an authorization and release at the qualified examiner's request authorizing the qualified examiner to obtain Respondent's treatment records necessary to complete the IME, including any psychotherapy notes, mental health records, and lists of past or current medications, as well as authorizing the qualified examiner to speak with Drs. Wool and Nelson concerning Respondent's treatment. Respondent must undergo the IME as soon as practicable. Respondent must comply with the qualified examiner's treatment recommendations for the frequency and duration recommended by the examiner. The examiner need not recommend a duration of treatment that lasts longer than three years. Respondent must provide to the People on a quarterly basis, for the duration of the treatment recommended by the examiner but in no event after three years following the effective date of his public censure, a letter from his treatment provider verifying that Respondent is compliant with the treatment plan recommended by the qualified examiner. Respondent must sign any releases his treatment provider deems necessary to allow the People to verify his treatment.

[116] 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.

3. The parties **MUST** file any posthearing motions **no later than Wednesday, July 17, 2024**. Any response thereto **MUST** be filed within seven days.

4. The parties **MUST** file any application for stay pending appeal **no later than the date on which the notice of appeal is due**. Any response thereto **MUST** be filed within seven days.

5. Respondent **MUST** pay the costs of this proceeding. The People **MUST** submit a statement of costs **no later than Wednesday, July 17, 2024**. Any response challenging the reasonableness of those costs **MUST** be filed within seven days thereafter.

DATED THIS 3rd DAY OF JULY, 2024.

BRYON M. LARGE
PRESIDING DISCIPLINARY JUDGE

JAMES C. COYLE
HEARING BOARD MEMBER

JAYME B. RITCHIE
HEARING BOARD MEMBER