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:** TODD FRANK BOVO, #38691	Case Number: **24PDJ003**

OPINION IMPOSING SANCTIONS UNDER C.R.C.P. 242.31

SUMMARY

On May 7, 2025, following a disciplinary hearing, a hearing board suspended Todd Frank Bovo, attorney registration number 38691 ("Respondent"), for six months. The suspension is scheduled to take effect on June 11, 2025.

Respondent violated a temporary protection order when he tried to send a letter to the protected party through her lawyer. The next day, he sent two text messages to the protected party, again violating the protection order. After Respondent was found in contempt, he repeatedly challenged the contempt order, which tied up the protected party in litigation for almost three years. Respondent violated a second order when, in a different matter, he filed a notice to depose the opposing party, his former spouse. Respondent did so for the purpose of harassing his former spouse and in contravention of the court's order permitting only counsel to schedule depositions in the case. Finally, during the discovery phase of this disciplinary proceeding, Respondent did not provide requested discovery or attend his deposition until he was ordered to do so. Respondent's failure to comply with court orders and his gamesmanship during litigation warrant his suspension from the practice of law for a period of six months.

Through this misconduct, Respondent violated Colo. RCP 3.4(c) (a lawyer must not knowingly disobey an obligation under the rules of a tribunal) and Colo. RPC 8.4(b) (it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects).

I. PROCEDURAL HISTORY

On January 11, 2024, Erin R. Kristofco of the Office of Attorney Regulation Counsel ("the People") filed with Presiding Disciplinary Judge Bryon M. Large ("the PDJ") a three-claim complaint, alleging that Respondent violated Colo. RPC 3.4(c), Colo. RPC 8.4(b), and Colo. RPC 8.4(c). The PDJ granted Respondent's request for additional time to answer the People's complaint, and on March 8, 2024, lawyer John D. Halepaska filed an answer on Respondent's behalf. A scheduling conference was set for March 18, 2024, but at Respondent's request it was reset to April 4, 2024.

On March 20, 2024, the People moved to amend their complaint under C.R.C.P. 15(a) to include allegations that Respondent violated Colo. RPC 3.4(c) during civil litigation against his former spouse. At the scheduling conference on April 4, 2024, the PDJ granted the People's motion and directed Respondent, who was no longer represented by counsel,[1] to answer the amended complaint by April 25, 2024. The PDJ also granted Respondent's request to reset the scheduling conference a second time; at the reset conference on April 15, 2024, the PDJ set a four-day hearing to take place from December 2-5, 2024. Ten days after the scheduling conference, on April 25, 2024, Respondent filed his amended answer.

Respondent obtained new counsel, and on October 15, 2024, Derek C. Anderson and Bridget A. Murray entered their appearances on his behalf. Just under two weeks later, the parties jointly moved to continue the hearing scheduled for December 2024. The PDJ granted their request on November 5, 2024, amended the discovery cutoff and other select deadlines, and reset the hearing to take place March 10-13, 2025.

On December 18, 2024, the People moved to compel Respondent's responses to their written discovery.[2] After the parties briefed the issue, the PDJ ordered Respondent to produce responsive documents in his possession by January 31, 2025, and to make reasonable efforts to obtain and produce, no later than February 4, 2025, additional discovery that he averred was not in his custody.[3] The People filed a second motion to compel on February 7, 2025, seeking an order directing Respondent to appear at his deposition scheduled for that day. The People also sought as sanctions Respondent's payment of the costs of the court reporting service's deposition attendance fee. The PDJ granted the People's motion during a status conference held on February 13, 2025, finding that Respondent had chosen not to appear at the scheduled deposition and ordering Respondent to appear at the rescheduled deposition. The next day, the PDJ ordered Respondent under C.R.C.P. 37 to pay $385.95 to the People. On February 18, 2025, the parties

[1] On the eve of the scheduling conference, Respondent notified the PDJ's administrator and the People that Halepaska had passed away that day.

[2] *See also* Ex. S33 (Respondent's responses to the People's written discovery, dated November 25, 2024).

[3] *See* "Order Enforcing the Court's Orders of January 14, 2025, and Compelling the Production of Documents" (Jan. 27, 2025).

appeared for a prehearing conference, where they discussed pretrial readiness issues for the four-day hearing to begin March 10, 2025.

On March 10-12, 2025,[4] a Hearing Board comprising the PDJ and lawyers James C. Coyle and Karey L. James held a hearing under C.R.C.P. 242.30.[5] Kristofco attended for the People, and Susie Youn represented Respondent.[6] On the first day of the hearing, Youn represented that Anderson would not appear for the hearing because he was in trial in a different case. Respondent objected to going forward without Anderson; Youn orally moved to withdraw from the case but then withdrew that motion following Respondent's consent to proceed with Youn's representation. The PDJ granted Respondent's request for an additional day to prepare for the hearing and dismissed the Hearing Board for the day. On March 11, 2025, the Hearing Board reconvened and the hearing proceeded. The Hearing Board received testimony from Respondent, Mark Smith, Paula Bovo Slaughter, Megan Skelly, and Autumn Barber. The PDJ admitted the parties' stipulated exhibits S1-S38 and Respondent's exhibits XX and YY.

II. FINDINGS OF FACT

Respondent was admitted to the practice of law in Colorado on May 16, 2007, under attorney registration number 38691. He is thus subject to the jurisdiction of the Colorado Supreme Court and the Hearing Board in this disciplinary proceeding.[7]

The Domestic Relations Case

On November 10, 2020, Respondent and Paula Bovo Slaughter filed a separation agreement in Arapahoe County District Court.[8] The twenty-four-page document set forth Respondent's and Slaughter's comprehensive agreement governing Respondent's payments of spousal maintenance and child support for their two minor children. The agreement also addressed the division of their assets, property, and debt.

Under the separation agreement, Respondent and Slaughter retained joint ownership of a Chase Banking account ending in 0122 ("account 0122" or "joint account") to facilitate transfer of funds for maintenance, child support, and child-related expenses.[9] Slaughter acquired Chase

[4] Though the matter was set for a four-day hearing, the hearing ended one day early, on March 12, 2025.
[5] The Colorado Supreme Court appointed Hearing Board members Coyle and James as members of the hearing board pool under C.R.C.P. 242.7(b)(1).
[6] Youn substituted for Murray as Respondent's co-counsel on the case on February 26, 2025.
[7] C.R.C.P. 242.1(a).
[8] Ex. YY; Ex. S2. Slaughter remarried in May 2022; before that time, she is identified in court filings as Paula Georgia Bovo.
[9] Ex. S2 at 489.

Banking account ending in 2134 and USAA account ending in 8694 ("Slaughter's account 2134" and "Slaughter's account 8694").[10] Respondent retained control over a Chase Banking account ending in 2703 ("Respondent's account 2703") and the bank accounts held by the law firm Bovo Law, LLC, including Chase Banking accounts ending in 9014 and 9185 ("law firm account 9014" and "law firm account 9185").[11] Though Respondent and Slaughter, who is also a Colorado-licensed lawyer, worked together at Bovo Law during their marriage, Respondent retained sole ownership and control over the firm under the separation agreement.[12]

For child support, beginning in October 2020 and continuing through all periods relevant to this disciplinary case, Respondent agreed to pay Slaughter $2,000.00 by the fifth day of each month via electronic direct deposit into account 0122.[13] Respondent also agreed to pay sixty percent of the children's school-related expenses, including their costs to attend the Rocky Mountain School of Expeditionary Learning.[14] The separation agreement provided that "a receipt for the school related expenses for amounts personally paid shall be sufficient documentation for reimbursement from one another. Those documents will be provided once per quarter" according to a set schedule, with payment from the reimbursing party due within thirty days after receiving a receipt.[15]

In a trio of orders issued on November 30, 2020, the domestic relations court approved the separation agreement and adopted it as a court order,[16] entered a decree of dissolution of marriage in the case,[17] and entered a support order enforcing the agreements as to maintenance and child support.[18] But disputes quickly arose between Respondent and Slaughter about Respondent's obligations under the separation agreement and support order. Indeed, the support order reflects that at the time the domestic relations court adopted it on November 30, 2020, Respondent owed $2,000.00 in arrears for his child support obligation that month.[19] The support order contains no other information regarding the arrears. In January 2021, Slaughter asked the domestic relations court to hold Respondent in remedial contempt, alleging that Respondent had not made court-ordered payments for child support, school-related expenses, spousal maintenance, and the mortgage on the marital home. At the disciplinary hearing, Slaughter testified that Respondent eventually paid the $2,000.00 arrearage after "a couple of years."

During his testimony, Respondent described the inherent drawbacks of using the joint account to make child support payments, calling the arrangement a "recipe[ ] for disaster." The

[10] Ex. S2 at 489.
[11] Ex. S2 at 489, 490.
[12] Ex. S2 at 490.
[13] Ex. S2 at 495-96.
[14] Ex. S2 at 497.
[15] Ex. S2 at 497-98.
[16] Ex. S3.
[17] Ex. S4.
[18] Ex. S5 at 537.
[19] Ex. S5 at 538.

joint access allowed Slaughter to see his activity on his other Chase accounts, Respondent said, which was a "huge problem." But the arrangement's greater limiting factor was the lack of accountability. "It got to be confusing whether or not [child support] was paid and whether or not it was paid on time," Respondent stated. He testified that he did not know about the Family Support Registry ("FSR") at the time he agreed to make the support payments via the joint account. To better track the payments, he said, he obtained an order from the domestic relations court to open an account with FSR, through which he began making support payments in September 2021.[20] The confusion about child support payments "was all cleared up by the Family Support Registry," Respondent stated.

Shortly after Respondent switched to making child support payments through FSR, the domestic relations court held a three-day hearing on Slaughter's contempt motion in October and November 2021. At that hearing, Respondent argued that he did not have the ability to meet his court-ordered obligations, but he did not dispute that he failed to make the required payments.[21] The court issued an order on the contempt motion on November 12, 2021. In that order, the court found, by a preponderance of the evidence, that Respondent was in remedial contempt for failing to pay his court-ordered obligations, including for child support and school-related expenses, to the tune of $172,724.74.[22] But the order did not specify how much of that figure consisted of child support and school-related expenses.[23] Nor did it describe the evidence supporting its finding that Respondent failed to meet those obligations. The court allowed Respondent 120 days to purge the contempt.[24]

Before the deadline to purge the contempt had run, Respondent filed for bankruptcy under Chapter 7 on January 26, 2022.[25] The bankruptcy filing reflects that Slaughter held a priority unsecured claim in the amount of $172,724.74, that the claim was listed as a nondischargeable domestic support obligation, and that Respondent disputed the claim.[26] To resolve the dispute over Slaughter's claim, the bankruptcy court issued an order, requesting that the domestic relations court "determine the amounts [Respondent] owes to [Slaughter] and the nature of the amounts due . . . [and] what portion of the obligations are domestic support obligations."[27]

On August 18, 2023, the domestic relations court held an evidentiary hearing to determine the extent of Respondent's domestic support obligations. Respondent and Slaughter both

[20] *See* Ex. XX; Ex. 3 at 2; Ex. S27 at 90.
[21] Ex. S13 at 580.
[22] *See* Ex. S13 at 582-83.
[23] The bulk of the $172,724.74 appears to consist of unpaid spousal maintenance and mortgage on the marital residence, which were accruing at a monthly rate of $6,800.00 and $2,903.00, respectively, and an unmet obligation to render a $65,000.00 cash payment.
[24] Ex. S13 at 583.
[25] Ex. S17.
[26] Ex. S17 at 40.
[27] Ex. S26 at 893 (quotations omitted).

appeared at the hearing.[28] On October 11, 2023, the court issued its findings of fact and conclusions of law.[29] The court found that Respondent owed $2,000.00 in child support arrears as of November 30, 2020; that he failed to make monthly child support payments of $2,000.00 in February 2021 and April 2021; and that he made up one of those missed payments in November 2021.[30] The court thus found that Respondent had failed to make child support payments totaling $4,000.00 at the time he filed for bankruptcy on January 26, 2022; as of that date, the court concluded, Respondent owed $4,795.47, including interest, in child support.[31] The court also determined that Respondent owed Slaughter $2,559.65 for expenses related to the children's schooling.[32] The court rejected Respondent's assertion that Slaughter failed to prove that she had paid the schooling costs.[33] But the court did not describe the evidence on which Slaughter relied to show that she had paid the costs or the evidence on which it based its finding that Respondent did not pay child support in February 2021 and April 2021.

At the disciplinary hearing, Respondent said that until the domestic relations court issued its findings and conclusions, he did not know what portion of the money Slaughter sought applied to child support and school-related expenses. The order was "the first time we had anything," Respondent said. He also testified that "to the best of [his] knowledge" he made all the child support payments, albeit not always timely. He chalked up the court's finding of unpaid child support obligations to the confusion stemming from his use of the joint account to make support payments. As for the court's conclusion regarding unpaid school-related expenses, Respondent reiterated that Slaughter had not provided him with the quarterly receipts or other proof of payment that the separation agreement required for the reimbursement of school-related expenses. "The school expenses were submitted to the bankruptcy court. That was the first time a bill had been submitted [by Slaughter]," he said. But he conceded that he had not contributed to the tuition costs, even though the school had informed him that the costs had been paid.

For her part, Slaughter disagreed with Respondent's interpretation of the separation agreement, which she insisted "does not place a duty on [her] to provide anything to [Respondent]." Rather, "a receipt sent to [Respondent] quarterly directly from the school" was all that the agreement required. Even so, Slaughter testified, she gave Respondent some bills for the school-related expenses, though she did not describe what the bills were and could not recall the dates she exchanged them with Respondent.

[28] Ex. S26 at 893-94.
[29] Ex. S26.
[30] Ex. S26 at 897-98.
[31] Ex. S26 at 898.
[32] Ex. S26 at 898.
[33] Ex. S26 at 898.

The Interim Suspension Case

At the disciplinary hearing, Slaughter testified that Respondent made no payments towards the arrears in the month after the domestic relations court issued its findings and conclusions on October 11, 2023.

On November 14, 2023, the People petitioned the PDJ in case number 23PDJ062 for an order to show cause why Respondent should not be suspended on an interim basis for noncompliance with child support orders.[34] Based on the domestic relations court's findings from the evidentiary hearing and FSR records showing that Respondent missed additional child support payments in February 2022 and July 2022, the People alleged that Respondent was $10,701.57 in arrears as of November 2023.[35]

On November 16, 2023, the PDJ ordered Respondent to answer the People's petition.[36] Respondent filed a response on December 7, 2023.[37] Respondent attached to his response bank records from the joint account he held with Slaughter. Those statements show the transaction activity in the joint account from roughly October 2020 through August 2021, summarized as follows:

- Statement dated October 20, 2020, through November 18, 2020.
  + $2,000.00 (from law firm account 9014 on Nov. 17, 2020)
    - $2,000.00 (undated withdrawal)[38]

- Statement dated November 19, 2020, through December 16, 2020.
  + $2,000.00 (from law firm account 9185 on Dec. 4, 2020)
    - $2,000.00 (undated withdrawal)[39]

- Statement dated December 17, 2020, through January 20, 2021.
  + $2,000.00 (from Respondent's account 2703 on Jan. 4, 2021)
    - $2,000.00 (undated withdrawal)[40]

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[34] Ex. S27. The People filed their petition under C.R.C.P. 242.23, which provides for "a temporary form of suspension designed to address certain types of lawyer noncompliance in child support and paternity proceedings. Suspension under [C.R.C.P. 242.23] is not a form of discipline and does not bar disciplinary action based on the same underlying conduct."

[35] Ex. S27 at 2-3. This figure includes $2,559.65 for the unpaid school-related expenses identified in the domestic relations court's findings dated October 11, 2023, and $8,141.92 in child support payments and interest the People alleged Respondent failed to pay. *See* Ex. S27 at 3, 91-92.

[36] Ex. S28.

[37] Ex. XX at 3.

[38] Ex. XX; Ex. 4 at 750.

[39] Ex. XX; Ex. 4 at 754.

[40] Ex. XX; Ex. 4 at 758.

- Statement dated February 18, 2021, through March 16, 2021.
  + $1,500.00 (from law firm account 9014 on Feb. 23, 2021)
  + $500.00 (from Respondent's account 2703 on Feb. 23, 2021)
    - $2,000.00 (to Slaughter's account 2134 on Mar. 2, 2021)
  + $2,000.00 (from Respondent's account 2703 on Mar. 10, 2021)
    - $2,000.00 (to Slaughter's account 8694 on Mar.16, 2021)[41]

- Statement dated April 17, 2021, through May 18, 2021.
  + $2,500.00 (from law firm account 9185 on Apr. 29, 2021)
    - $2,500.00 (to Respondent's account 2703 on Apr. 29, 2021)
  + $2,000.00 (from Respondent's account 2703 on Apr. 29, 2021)
    - $2,000.00 (to Slaughter's account 8694 on May 3, 2021)[42]

- Statement dated May 19, 2021, through June 16, 2021.
  + $2,000.00 (from Respondent's account 2703 on May 21, 2021)
    - $2,000.00 (to Slaughter's account 2134 on June 2, 2021)
  + $2,000.00 (from Respondent's account 2703 on June 4, 2021) [43]

- Statement dated July 20, 2021, through August 17, 2021.
  + $2,000.00 (from Respondent's account 2703 on July 30, 2021)
    - $2,000.00 (to Slaughter's account 2134 on Aug. 2, 2021)[44]

These records represent that from November 2020 through July 2021, $2,000.00 per month was deposited into the joint account from Respondent's accounts. The statements for November 2020 through January 2021 show only that the funds were withdrawn from the joint account each month, whereas the statements for February 2021 through July 2021 indicate that the funds were withdrawn into Slaughter's accounts.

Respondent also attached to his response a payment log from FSR showing payments made from September 2021 through November 2023.[45] The log reflects missing payments in February 2022 and July 2022 and overpayments in November 2021 and November 2022. In all, the FSR record tracked payments totaling $54,000.00 during the twenty-seven-month period.

Respondent testified that he worked with Mark Smith, a paralegal and licensed legal paraprofessional with Bovo Law, to audit the child support payments he made to the joint account and to FSR. At the hearing, Smith testified that the audit reconciled all but one of the disputed

[41] Ex. XX; Ex. 4 at 767.
[42] Ex. XX; Ex. 4 at 777.
[43] Ex. XX; Ex. 4 at 785.
[44] Ex. XX; Ex. 4 at 797.
[45] Ex. XX; Ex. 3.

payments; he could not account for a payment that was due in the month that Respondent transitioned from the joint account to the FSR account.

But Smith's audit did not dispel the uncertainties about the child support payment history into the joint account. Respondent insisted that "[the payments] were made" but conceded that "[he] can't prove it." Thus, seeking finality on the matter, Respondent made multiple payments to Slaughter in December 2023 to cover the unpaid child support and school-related costs described in the domestic relations court's findings.[46]

On December 18, 2023, the People moved to withdraw their petition and vacate a hearing on the petition set to take place three days later.[47] As grounds for their motion, the People stated that they believed Respondent was in compliance with his child support orders after he made two payments to Slaughter in December 2023 in the amounts of $5,557.25 and $3,556.56.[48] The same day the People filed their motion, the PDJ granted the motion, vacated the hearing, and closed the interim suspension case.[49]

Respondent's Civil Case Against His Former Spouse

Respondent testified that in 2022 he filed a civil case against Slaughter to "level the playing field" and offset the deluge of litigation against him in the domestic relations case. On July 10, 2023, the court in that case issued guidelines governing depositions of the parties, including that "[s]cheduling of the deposition shall be handled by [Respondent's] counsel. . . ."[50]

In October 2023, Slaughter moved to quash a notice of deposition and for sanctions after Respondent personally noticed her deposition in the matter.[51] On November 30, 2023, the court issued an order finding that Respondent personally noticed Slaughter's deposition in violation of its July 2023 order that only counsel were permitted to schedule depositions.[52] The court inquired whether Respondent breached C.R.C.P. 11(a) in filing the notice of deposition. The court found that an e-filing screenshot taken by Slaughter established that Respondent drafted and served a notice of deposition on her within "just a couple of months" after the court specifically ordered that depositions must be scheduled by counsel.[53] In addition, based on Respondent's emails to Slaughter threatening service through law enforcement while she was representing a client in trial, the court concluded that Respondent had "served the Notice with the improper purpose of harassing [Slaughter]." The court also pointed to evidence showing that Respondent threatened

[46] *See* Ex. XX, ex. 5; Ex. S30.
[47] *See* Ex. S30.
[48] *See* Ex. S30.
[49] Ex. S30.
[50] Ex. S24 at 2387.
[51] *See* Ex. S29.
[52] Ex. S29.
[53] Ex. S29 at 2366.

to seek attorney's fees if Slaughter did not cooperate in scheduling the deposition.[54] The court sanctioned Respondent under C.R.C.P. 11(a) and awarded Slaughter her reasonable attorney's fees and costs in preparing her motion.

At the disciplinary hearing, Respondent acknowledged that he had not complied with the trial court's orders but maintained that he did not have an improper purpose. He simply got matters "backwards" by noticing the deposition before his counsel had entered an appearance in the case, he said. Even so, Respondent conceded, "I can see that it's a violation of that court order. I think it's a technical violation considering it had been going on for a year. I can see where the judge is coming from [in] that that order was not followed and that I didn't interpret it in that way."

Postscript

Slaughter testified that litigation related to the domestic relations case continues to the present. In 2023, she was found in contempt for failing to provide Respondent with an exercise machine purchased during the marriage and failing to follow the parenting plan in the case, leading to her own discipline in November 2024.[55] Slaughter testified that as of the date of the disciplinary hearing, forty-seven contempt actions were pending against Respondent in the domestic relations case.

The Temporary Protection Order

Around May 2020, Respondent hired Megan Skelly to work at Bovo Law. Skelly, who is currently employed as a marketing manager, testified at the disciplinary hearing that she met Respondent at the gym. At the time they met, Skelly worked as a fitness instructor. But when the Covid-19 lockdowns shuttered gyms in spring 2020, Skelly lost her job. Soon afterwards, she said, Respondent contacted her on social media and offered her part-time work with his law firm. Skelly accepted. She said that Respondent pitched the job as a marketing position, but her duties at the law firm varied: she developed and strengthened the firm's relationships with referral sources; she undertook various administrative duties; and she created content for the firm's website, including marketing videos about the firm. Skelly testified that she worked on the website with On the Map, Inc., a digital marketing services provider that Respondent hired in July 2020 to improve the firm's website and boost the firm's online visibility.[56]

In November 2020, Skelly left Bovo Law and accepted a full-time position with another employer. During the months that followed, Respondent continued working with On the Map and its account manager, Nikolai Hernandez, to revamp the firm's website. On April 6, 2021,

[54] Ex. S29 at 2367.
[55] Slaughter was sanctioned with a fully stayed suspension of ninety days (case number 24PDJ089).
[56] Ex. S1.

Respondent sent Hernandez a link to photographs that Respondent wanted to use on the website.[57] On the Map worked up a quote for the edits to the website's homepage and sent him an invoice for his signoff on July 27, 2021.[58] After Hernandez sent Respondent the new homepage designs, Respondent replied on August 30, 2021, "LOOOOOOOOOOOVE IT!. I think it looks great. Let's keep rocking."[59]

Meanwhile, on April 15, 2021, Skelly sought a civil protection order against Respondent in Denver County Court.[60] In her motion, she alleged that Respondent physically and sexually assaulted her on multiple occasions between October and December 2020, that he verbally and emotionally abused her during repeated telephone calls and in encounters at her house, and that he "does not listen to boundaries when asked to stop."[61] At the hearing, Skelly testified that she and Respondent had a consensual sexual relationship that began while she worked at the law firm but that "started to dissolve" when she accepted new employment. Skelly stated that the relationship ended for good around February 2021 after a "drawn-out breakup."

The county court issued a temporary protection order on April 20, 2021; three days later, a sheriff personally served the order and citation, along with Skelly's motion, on Respondent.[62] Skelly and Respondent appeared on the return date of May 4, 2021, and the county court extended the temporary protection order until June 24, 2021.[63] On that day, the county court extended the protection order a second time, to April 15, 2022.[64] Respondent signed the order on June 24, 2021, acknowledging that he received it on that date.[65] The protection order provided that Respondent "shall have no contact of any kind with [Skelly and] shall not attempt to contact [Skelly] through any third person, except [Respondent's] attorney."[66] The order explicitly disallowed any exceptions to the no-contact directive. It also restrained Respondent from, among other acts, harassing or intimidating Skelly.[67]

On January 7, 2022, at 1:46 p.m., Respondent sent a brief email to Skelly's lawyer, stating, "I just want [Skelly] to know how I feel. Attached is a letter to her that I have had for a while."[68] Respondent attached to the email a letter addressed to Skelly.[69] He wrote in the letter, "I am writing this letter in hopes that we can forge a pathway forward of peace instead of hurting each

[57] Ex. S9 at 11.
[58] Ex. S11 at 1, 5.
[59] Ex. S12 at 4.
[60] Ex. S7.
[61] Ex. S7 at 1648.
[62] *See* Exs. S8-S9.
[63] Ex. S9.
[64] *See* Ex. S10 at 1161.
[65] Ex. S10 at 1163.
[66] Ex. S10 at 1162.
[67] Ex. S10 at 1161.
[68] Ex. S15 at 2021.
[69] Ex. S15 at 2019-20.

other."[70] The missive, Respondent said at the hearing, was a "boundaries letter" that he wrote with his therapist. Respondent testified that he intended the letter to show Skelly he supported her efforts to "move forward" in her life. He stated that Skelly's lawyer "welcomed" the letter. The letter, Respondent said, showed that he sought to mend the harm he caused to Skelly. Respondent stated that he also attempted to atone for his conduct by offering, through his lawyers, to pay for Skelly to receive therapy.

Less than twelve hours after Respondent sent the email to Skelly's lawyer, on January 8, 2022, at 1:22 a.m., Skelly received two texts from an unknown number. Those texts collectively read, "There hasn't been [a]ny one remotely close to you. You are one of a kind. I will always. . . ."[71] At the hearing, Skelly testified that the statement, "You are one of a kind," resembled language that Respondent had used during their relationship, noting that he often told her, "You're special," or "You're different from other people."

At the hearing, Respondent denied sending the text messages. He insisted that he does not use texting apps or other technology that allows a user to send messages from an anonymous number. He testified that he checked his telephone records after he learned about the text messages, stating inscrutably that those records show that "8:21 was the last" text message he sent from his phone on January 8, 2022.[72]

Skelly testified that in January 2022 she learned through a professional acquaintance, Autumn Barber, that Skelly's photograph was on Bovo Law's webpage with information identifying her as a lawyer with the firm. At the hearing, Barber testified that she looked up Skelly's background online before meeting Skelly for a social engagement. Barber stated that she used Google to search "Megan Skelly," which directed her to Bovo Law's website. On the website, she recalled, "there was an option to either scroll or go to another page to see the staff that worked at the law firm." She saw Skelly's image on the webpage along with credentials signaling that Skelly was a lawyer. Barber alerted Skelly, who then searched for her own name online. Skelly recalled that her search took her to the Bovo Law website, where she saw her name and photograph accompanied by incorrect biographical information stating that she had obtained a juris doctorate from Thomas M. Cooley Law School; attended Ricks College; was an active member of the Colorado Bar Association since 2008 and the Colorado Trial Lawyers Association since 2007; and finished in Iron Man competitions in 2000, 2001, and 2003. At the hearing, Skelly testified that none of the information was accurate. Skelly said she took a screenshot of the webpage when she first discovered it.[73]

Respondent testified that the profile Skelly saw was never published on the website. He noted that the biographical information that purported to show Skelly's education and bar

[70] Ex. S15 at 2020.

[71] Ex. S16 at 2018.

[72] Respondent did not specify whether he sent the text message at 8:21 on morning of January 8, 2022, or that evening. Either way, his statement does not help us determine whether he sent a text message to Skelly at 1:22 a.m. that day.

[73] Ex. S18.

admissions and activities instead described his qualifications. He testified that he was unable to find the webpage on the Internet archive Wayback Machine. Even so, he recalled, "[w]hen you google that combination there is something that came up. We eventually found out what was going on, and On the Map, I think, had it in a queue or a cache. I'm not sure. . . . Was that profile ever on the website? I don't think so." Smith, the paralegal and licensed legal paraprofessional, testified that he recognized the webpage in the exhibit as a "mockup" webpage that Skelly and On the Map created while working on the law firm's new website in summer 2020. The mockup was intended to demonstrate the format and layout of the new website, Smith said. He testified that the webpage was never on the live website, noting that the URL address in the exhibit was the address for Bovo Law's landing page and not the address for the webpage containing the images and information about the law firm's staff.

On February 3, 2022, Skelly moved the Denver County Court to hold Respondent in contempt for violating the protection order by, among other things, asking her lawyer on January 7, 2022, to deliver the letter to her; attempting to contact her directly via text message on January 8, 2022; and "continuing to have [her] name listed on his website as an attorney for his law firm Bovo Law."[74] The motion reflects that Skelly's lawyer served Respondent with a copy of the motion by email and mail on January 31, 2022. That same day, a representative of On the Map sent an email to Respondent, notifying him that On the Map would increase the price for its services as of March 1, 2022; Respondent quickly replied, "Please cancel effective immediately.[75]

On February 4, 2022, the county court issued a contempt citation and order to show cause; Respondent was served copies of the motion, order, and citation on February 11, 2022.[76] He moved to dismiss the contempt citation on February 27, 2022, asserting that Skelly had failed to plead remedial or punitive sanctions; that Skelly had failed to assert claims demonstrating that he violated the protection order; and that the information referencing Skelly on Bovo Law's webpage was part of a "'place holder' on the back server" created at Skelly's direction while she worked at the law firm.[77] Respondent further asserted that he had not received any request to remove the "place holder," that the "place holder" was never added to the law firm's actual website, and that the "placer holder" was quickly removed after the law firm was notified of it.[78]

At the advisement hearing on March 2, 2022, the county court informed Respondent that he could be subject to punitive sanctions, including jail time.[79] On March 30, 2022, the county court held a contempt hearing, finding beyond a reasonable doubt that Respondent violated the protection order by asking Skelly's lawyer to deliver a letter to Skelly on January 7, 2022; by sending Skelly text messages on January 8, 2022; and by posting Skelly's photograph along with

[74] Ex. S20 at 1680.
[75] Ex. S19 at 1-2.
[76] Ex. S21.
[77] Ex. S22 at 1444-45.
[78] Ex. S22 at 1445.
[79] *See* Ex. S25 at 637.

false information about her on Bovo Law's website.[80] At the sanctions hearing on April 18, 2022, the county court imposed a thirty-day jail sentence to be stayed on the condition that Respondent pay Skelly's attorney's fees and complete a domestic relations evaluation.[81]

Respondent appealed the contempt order to Denver District Court on both substantive and procedural grounds. But on August 8, 2023, that court affirmed the county court's finding of contempt and reversed the order only as to the sanctions.[82] At a sanctions hearing on remand held on November 27, 2023, the county court imposed a $1,000.00 fine against Respondent.[83]

Respondent filed a second notice of appeal of the contempt order, and on November 8, 2024, the district court again affirmed the county court on the grounds that Respondent did not appeal new issues and was relitigating the contempt proceeding.[84] The district court also awarded Skelly her reasonable attorney's fees in responding to Respondent's appeal, which it found to be frivolous or vexatious.[85] Later, on January 24, 2025, the district court denied Respondent's motion that it reconsider its order of November 8, 2024, as it found that he did not allege a manifest error of fact or law.[86] Also on January 24, 2025, the district court awarded Skelly's attorney's fees in the amount of $8,547.50 and costs in the amount of $78.00.[87] At the disciplinary hearing, Skelly testified that to that date, Respondent had not paid the attorney's fees award.

III. LEGAL ANALYSIS

Colo. RPC 3.4(c) (Claim I)

In their first claim, the People allege that Respondent violated Colo. RPC 3.4(c). As relevant to the People's claim, that rule provides that a lawyer must not knowingly disobey an obligation under the rules of a tribunal. The People allege that Respondent breached Colo. RPC 3.4(c) by disobeying three court orders: the domestic relations court's support order issued on November 30, 2020; the deposition notice order dated July 10, 2023, in Respondent's civil case against Slaughter; and the temporary protection order dated June 24, 2021, prohibiting Respondent from contacting Skelly.

First, the People say that Respondent knowingly disobeyed the domestic relations court's support order issued on November 30, 2020. That order required him to pay child support and to

[80] Ex. S23 at 3917-18; *see also* Ex. S25 at 638.
[81] *See* Ex. S25 at 638.
[82] Ex. S25 at 653.
[83] *See* Ex. S38 at 2.
[84] *See* Ex. S35 at 3951.
[85] *See* Ex. S36 at 3955.
[86] Ex. S35 at 3953.
[87] Ex. S36 at 3955.

contribute to the children's school-related expenses. Specifically, the People's claim here mirrors the domestic relations court's findings in its order of October 11, 2023: the People say that Respondent did not timely pay his child support obligation in November 2020, February 2021, and April 2021, and that he did not reimburse Slaughter for $2,559.65 for his share of the children's school tuition.

We first consider the child support payments of November 2020, February 2021, and April 2021. We find that the People have not met their burden to show Respondent knowingly failed to make those payments in the months they were due. At the outset, we acknowledge the domestic relations court's findings that Respondent failed to pay these child support obligations as the People allege. But the order did not set forth factual grounds for those findings. Moreover, the domestic relations court's determinations were based on a preponderance of the evidence, whereas our findings must be supported by clear and convincing evidence—a higher burden of proof.[88] Here, the bank records for the joint account prevent us from finding clear and convincing evidence that Respondent missed the payments, because those records suggest that he deposited $2,000.00 into the joint account each month from November 2020 through July 2021.[89] In light of the evidence of those transactions, we cannot find with high probability that Respondent failed to pay his child support obligations in November 2020, February 2021, and April 2021.

Nor did Slaughter's testimony convince us that Respondent made the November 2020 payment only years after it was due. No records in evidence corroborated her statement, whereas bank records show that Respondent deposited $2,000.00 in the joint account on November 17, 2020. Also, Respondent credibly testified that using the joint account created confusion about the status of some child support payments and thwarted his ability to prove that he had made all of the payments. We thus credit his testimony that he paid Slaughter in December 2023 in an attempt to put to rest the issue of the missing payments, even though he believed he did not owe outstanding child support.

For these reasons, we are not clearly convinced that Respondent disobeyed the domestic relations court's support order by failing to pay his child support in November 2020, February 2021, and April 2021. Even without referencing the joint account's bank records, however, we are left unconvinced of the rule violation, given that the domestic relations court's findings lack any explication of its factual bases.[90] In light of the ambiguities in the underlying

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[88] *See People v. Distel*, 759 P.2d 654, 661 (Colo. 1988), *citing People v. Taylor*, 618 P.2d 1127, 1136 (Colo. 1980) (stating that proof of clear and convincing evidence "is proof which persuades the [Hearing Board] that the truth of the contention is 'highly probable.' It is evidence which is stronger than a 'preponderance of the evidence.'").

[89] We do not include in our analysis Respondent's deposit of $2,500.00 into the joint account on April 29, 2021, which he transferred into another of his accounts that day.

[90] Even so, we recognize that the evidence before that court may have satisfied the preponderance standard.

factual record, we would prefer to have seen the People perform an independent investigation of the child support payment history rather than simply rely on the domestic relations court's order.[91]

We next consider the school-related expenses. Here, Respondent acknowledged that he did not pay the $2,559.65 toward the cost of the children's schooling. But the People did not present clear and convincing evidence that Slaughter gave Respondent sufficient notice of the need for payment. As we find above, the domestic relations court's preponderance-of-the-evidence conclusion that Slaughter sufficiently notified Respondent of these expenses does not establish that fact by clear and convincing evidence in this proceeding. And Slaughter's testimony that she submitted bills to Respondent fails to move the needle for us: her testimony was devoid of details about the bills or when she provided them. Indeed, we understood from Slaughter's testimony that she did not submit quarterly receipts to Respondent, expecting instead that the school would do so. Because we are not convinced that Respondent received the required notice about the $2,559.65 in school-related expenses, we cannot find by clear and convincing evidence that he knowingly disobeyed the support order as to these expenses.

In sum, we cannot find by clear and convincing evidence that Respondent knowingly disobeyed the support order in his domestic relations case. The People thus have not shown that he violated Colo. RPC 3.4(c) with respect to that order.

The People next allege that Respondent violated Colo. RPC 3.4(c) in the civil case against Slaughter when he personally noticed Slaughter's deposition rather than through counsel, violating the order issued in that matter on July 10, 2023. We agree. The July 10 order required that "[s]cheduling of the deposition shall be handled by [Respondent's] counsel."[92] In its order dated November 30, 2023, the trial court found that Respondent breached C.R.C.P. 11(a) by filing the notice of deposition. That finding was based on an e-filing screenshot showing that Respondent had drafted and served a notice of deposition on Slaughter, violating its order from July 2023. The trial court's detailed findings, coupled with Respondent's concession at the disciplinary hearing that he failed to abide the trial court's directive that the deposition be scheduled by counsel, is clear and convincing evidence that Respondent knowingly violated that court's order of July 10, 2023. The People thus have demonstrated that Respondent violated Colo. RPC 3.4(c) as to that order.

Finally, the People contend that Respondent transgressed Colo. RPC 3.4(c) by thrice knowingly violating Skelly's temporary protection order dated June 24, 2021: first, by contacting Skelly's lawyer via email and asking the lawyer to forward a letter attached to the email to Skelly; second, by sending text messages to Skelly from an anonymous phone number; and third, by displaying a picture of Skelly on his firm's website and misrepresenting on the website that Skelly worked at the firm as a lawyer. We consider each of the People's allegations in turn.

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[91] *See* C.R.C.P. 242.30(b)(2) (providing that "orders entered by other tribunals are admissible but do not serve as conclusive proof of any disputed fact").

[92] Ex. S24 at 2387.

The protection order prohibited Respondent from having contact of any kind with Skelly and from attempting to contact her through any third person, except through his lawyer. The order was in effect until April 15, 2022. Respondent knew of the order and had received a copy of it. With that in mind, we consider Respondent's email to Skelly's lawyer on January 7, 2022. In the email, Respondent told Skelly's lawyer, "I just want [Skelly] to know how I feel," and he attached a letter addressed to Skelly. We find that the email convincingly demonstrates that Respondent sought to transmit the letter to Skelly through her lawyer. In addition, the letter reflects that Respondent wrote it to "forge a pathway forward" with Skelly,[93] demonstrating that he intended she read it and thus learn, as he testified, that he supported her in "mov[ing] forward" with her life. Whether Skelly's lawyer "welcomed" the letter, as Respondent claims, is of no consequence, as the order prohibited any exceptions to the no-contact requirement. We agree with the People that Respondent attempted to contact Skelly through her lawyer, violating the protection order, and that he did so while knowing the protection order was in place. We thus find that Respondent breached Colo. RPC 3.4(c).

We next consider the People's allegation that Respondent violated the protection order by sending two text messages to Skelly from an anonymous phone number on January 8, 2022. To support this claim, the People point to the county court's finding beyond a reasonable doubt that Respondent sent the text messages and thereby violated the protection order. Other than his self-serving denial, Respondent did not advance evidence at the disciplinary hearing to detract from the county court's finding. We do not rely exclusively on the county court's findings; rather we also find persuasive Skelly's own testimony that she recognized Respondent as the messages' author from their content.[94] Thus, we find that the People have shown clear and convincing evidence that Respondent knowingly disregarded the protection order by sending the text messages to Skelly, violating Colo. RPC 3.4(c).

Finally, we turn to the People's claim that Respondent knowingly violated the protection order by posting Skelly's photo along with false credentials on his law firm's website. The People contend that Respondent placed Skelly's image and credentials on the website to harass Skelly and to prompt an interaction with her. But the evidence presented in this case was ambiguous as to whether Respondent knew that the webpage showing Skelly's "profile" was available online before she moved for a contempt order on January 31, 2022. Likewise, the evidence does not clearly persuade us that the webpage linked to the law firm's public-facing website. Skelly did not testify that she accessed the webpage from firm's website, and Barber's testimony was inconclusive on that point. On the other hand, Smith testified that the webpage was created in 2020 when Skelly and On the Map were developing the firm's website, and Smith and Respondent testified that the webpage was never on the firm's live website. Further, nothing in the text of the emails between Respondent and On the Map have any connection to the image captured on Skelly's screenshot.

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[93] Ex. S15 at 2020.

[94] *See* C.R.C.P. 242.30(b)(2) ("Except as otherwise provided in this rule, orders entered by other tribunals are admissible but do not serve as conclusive proof of any disputed fact.").

We recognize that the county court determined beyond a reasonable doubt, based on the evidence placed before that tribunal, that Respondent violated the protection order by posting Skelly's image and false credentials on his law firm's website. Even so, the county court's order itself does not—and cannot—conclusively prove the disputed elements of the People's claim under Colo. RPC 3.4(c). Rather, we find that the evidence presented to us at the disciplinary hearing fails to clearly convince us that Respondent knowingly posted the webpage, thereby violating the protection order in this instance. As such, the evidence does not meet all of the elements of Colo. RPC 3.4(c) to satisfy the standard of proof in this case.[95]

In sum, we resolve the People's first claim by finding that Respondent knowingly violated the order governing depositions in the civil case against Slaughter and that he knowingly violated Skelly's protection order, but only as to the email and letter sent on January 7, 2022, and the text messages dated January 8, 2022. Based on those determinations, we find that Respondent violated Colo. RPC 3.4(c).

Colo. RPC 8.4(b) (Claim II)

In their second claim, the People allege that Respondent violated Colo. RPC 8.4(b), which provides that a lawyer engages in professional misconduct when the lawyer commits a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects. The People assert that Respondent violated this rule when he was found in contempt for knowingly violating the temporary protection order prohibiting him from contacting Skelly. The People observe that violating a protection order is a class-two misdemeanor under C.R.S. section 18-6-803.5(2)(a),[96] which is a criminal act that reflects adversely on Respondent's honesty, trustworthiness, or fitness as a lawyer.

In a ruling from the bench during the disciplinary hearing, the PDJ denied Respondent's motion under C.R.C.P. 41(b) for involuntary dismissal of the People's claim under Colo. RPC 8.4(b). The PDJ held that the Colorado Court of Appeals' decision in *Independent Reservoir Company v. Lichter* did not preclude a finding that punitive contempt is a criminal offense under a non-statutory framework.[97] The PDJ ruled that punitive contempt is a crime as defined by C.R.C.P. 241, which states that a "crime" is "any offense that is punishable by imprisonment," and C.R.C.P. 107(a)(4), which provides that punitive sanctions for contempt include imprisonment. The PDJ also determined that a violation of a protection order is a class-two misdemeanor under C.R.S. section 18-6-803.5(2)(a) and thus is a criminal act for purposes of applying Colo. RPC 8.4(b).

[95] We do not mean to imply that we disagree with the county court's finding and judgment. Indeed, we do not compare the record in that matter against the record here. Our conclusion is limited to finding that the evidence in this case failed to convince us that the People proved all elements of Colo. RPC 3.4(c) as to this allegation.

[96] In their amended complaint, the People incorrectly cite to C.R.S. § 18-6-803.5(1)(a).

[97] 2025 COA 13.

Finally, citing *People v. Morley*,[98] the PDJ determined that conviction of a criminal offense is not a condition precedent to a violation of Colo. RPC 8.4(b). Based on those determinations, the PDJ concluded that the People had set forth sufficient grounds for their Colo. RPC 8.4(b) claim such that the Hearing Board could find in their favor.

We agree that when Respondent violated the protection order, he committed a criminal act that reflects adversely on his fitness as a lawyer. As to the first prong, we readily find that Respondent committed a criminal act. Violation of a protection order is a class-two misdemeanor, and the county court found beyond a reasonable doubt that Respondent violated the protection order. Further, the county court held Respondent in punitive contempt for the violation and imposed a fine. The finding of contempt was affirmed on appeal to the district court. As to the second prong, we find that Respondent's criminal act adversely reflected on his fitness as a lawyer. In reaching our decision, we are persuaded that Respondent's multiple instances of violative conduct reflect poorly on his fitness, particularly in light of the egregious allegations of abuse underlying the protection order.[99]

In sum, we find that the People have established that Respondent violated Colo. RPC 8.4(b).

Colo. RPC 8.4(c) (Claim III)

In their final claim, the People allege that Respondent violated Colo. RPC 8.4(c), which prohibits a lawyer from engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. The People argue that Respondent violated this rule by posting Skelly's image on his law firm's website and misrepresenting that she was a lawyer at the firm. They also contend he violated the rule by including false credentials with Skelly's image even though he knew the credentials were inaccurate. The People further contend that Respondent left the dishonest information and images on the firm's website for approximately two months even though he was notified about the misrepresentation.

As discussed above, we are not convinced that Respondent knowingly posted Skelly's image and false credentials on the firm's live website as the People allege. Nor did the People convince us that Skelly's "profile" was accessible from or linked to the live website, where Respondent could have located the page and removed it. Finally, we are unable to find that Respondent knowingly misrepresented Skelly's credentials, as no evidence indicated that he

[98] 725 P.2d 510, 514 (Colo. 1986).

[99] *See* Colo. RPC 8.4, cmt. 2 ("A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation."); *see also Iowa Supreme Court Attorney Discipline Bd. v. Templeton*, 784 N.W.2d 761, 767 (Iowa 2010) ("[p]ertinent considerations [in determining whether conduct implicates Rule 8.4(b)] include the lawyer's mental state [and] the extent to which the act demonstrates disrespect for the law or law enforcement . . . .") (quoting *In re White*, 815 P.2d 1257, 1265 (Or. 1991)).

designed the faux profile. We are influenced by Smith's credible testimony that he recognized Skelly's screenshot as a mockup webpage that Skelly designed in 2020. Given the conflicting evidence, we cannot find clearly or convincingly that Respondent dishonestly created the fake credentials as the People allege.

Because the People have not shown that Respondent made a knowing misrepresentation or otherwise engaged in dishonest conduct with respect to the fake profile with Skelly's image, we cannot find that the People have established that he violated Colo. RPC 8.4(c).

IV. SANCTIONS

In determining sanctions, we are guided by the framework established by the American Bar Association *Standards for Imposing Lawyer Sanctions* ("ABA *Standards*")[100] and Colorado Supreme Court case law.[101] Following that framework, we consider the duty the lawyer 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 we may then adjust, in our discretion, based on aggravating and mitigating factors.[102]

ABA Standard 3.0 – Duty, Mental State, and Injury

Duty: By engaging in criminal conduct, Respondent failed to meet his duty to the public to maintain his personal integrity. His knowing failure to comply with court orders amounts to an abuse of the legal process and thus a violation of his duty to the legal system.

Mental State: Respondent's violation of Colo. RPC 3.4(c) establishes that he acted knowingly when he breached that rule. Because his violation of Colo. RPC 8.4(b) arises from his knowing violation of Skelly's protection order, we find that he acted knowingly when he violated that rule.

Injury: Respondent's misconduct caused actual harm to Skelly, who testified that she feels vulnerable, unprotected, and "on [her] toes all the time" in the wake of Respondent's disregard for the protection order and his challenges to the county court's order of contempt. She has experienced anxiety attacks as a result of Respondent's defiance of the protection order, she said. In addition, she had to work a second job to pay for a lawyer to respond to Respondent's litigation, which has now spanned more than four years. Skelly described feeling as though the protection order worsened her situation by entangling her in Respondent's "arena"—the legal system—where he is advantaged due to his legal knowledge. She believes the legal system has failed to

[100] Found in ABA *Annotated Standards for Imposing Lawyer Sanctions* (2d ed. 2019).
[101] *See In re Roose*, 69 P.3d 43, 46-47 (Colo. 2003).
[102] *In re Attorney F.*, 2012 CO 57, ¶ 15 (Colo. 2012).

protect her from one of its practitioners and instead has become a "platform" for Respondent to "inflict pain" on her.

We also find that Respondent's disregard of court orders—particularly his criminal violation of Skelly's protection order—has eroded public confidence in the legal profession and the legal system, as Skelly's testimony amply demonstrates.

ABA Standards 4.0-8.0 – Presumptive Sanction

Two ABA *Standards* apply to Respondent's misconduct. ABA *Standard* 6.22 calls for suspension when a lawyer knowingly violates a court order or rule, thereby injuring or potentially injuring a client or a party. In addition, under ABA *Standard* 5.12, suspension is generally appropriate when a lawyer knowingly engages in criminal conduct that does not implicate the elements listed in *Standard* 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.[103] We find that Respondent's conduct in violating Skelly's protection order seriously adversely reflects on his fitness to practice, as each violation demonstrates his disregard for court directives and his disregard for another person's wishes and welfare.

ABA Standard 9.0 – Aggravating and Mitigating Factors

Aggravating circumstances 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.[104] As explained below, we apply eight factors in aggravation, assigning minimal weight to one. Five factors merit mitigation, two of which we give minimal weight.

Aggravating Factors

Dishonest or Selfish Motive – 9.22(b): We find that Respondent acted with a selfish motive when he attempted to contact Skelly in violation of the protection order, and again when he sought to harass Slaughter by impermissibly noticing her deposition.[105]

[103] ABA *Standard* 5.11(a) pertains to crimes involving the intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; the sale, distribution or importation of controlled substances; the intentional killing of another; or an attempt or conspiracy or solicitation of another to commit any of these offenses.

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

[105] For the same reasons that we apply this aggravator, we decline Respondent's request to accord him mitigating credit for an absence of a selfish motive under ABA *Standard* 9.32(b).

Pattern of Misconduct – 9.22(c): We see a pattern of disregarding judicial orders in Respondent's two violations of the protection order in Skelly's case and in his decision to flout the order in his civil case by personally noticing Slaughter's deposition.

Multiple Offenses – 9.22(d): Respondent disobeyed court orders in two different cases, with more than eighteen months separating the violation in each case. He also committed a criminal act that adversely reflects on his fitness to practice. We thus apply this aggravator.

Bad Faith Obstruction of the Disciplinary Proceeding by Intentionally Failing to Comply with Rules or Orders of the Disciplinary Agency – 9.22(e): The People urge us to apply this aggravating factor based on Respondent's conduct during discovery and the hearing. The People argue that Respondent refused to produce discovery in response to their requests and failed to appear at his scheduled deposition on February 7, 2025, necessitating two motions to compel, which the Court granted. The Court, they add, sanctioned Respondent for his failure to appear at the deposition. The People also contend that Respondent engaged in bad faith obstruction of the proceeding in three instances during the hearing: first, Respondent's counsel, acting at Respondent's direction, attempted to serve a notice of deposition on Slaughter in the courtroom during a recess and as Slaughter was stepping down from the witness stand; second, during his direct examination, Respondent attempted to read statements into the record from materials that he covertly brought to the witness stand and that were not admitted as evidence; and third, a notebook containing copies of the parties' stipulated exhibits disappeared from the witness stand during the lunch recess following Respondent's direct examination.[106]

We agree that Respondent's conduct obstructed the proceeding insofar as he failed to meaningfully engage in discovery absent orders compelling him to do so. We thus apply this factor.[107]

As to Respondent's attempt to read into the record materials that were not in evidence, we acknowledge that Respondent, a lawyer, should have known better. His conduct smacks of intemperance, but we cannot find that it was undertaken in bad faith. Nor can we find that he thereby obstructed the proceeding, as the People objected and the PDJ struck the testimony.

Finally, we turn to the two remaining bases on which the People ask to apply this factor: the missing notebook and Respondent's counsel's attempts to serve Slaughter with a notice of

[106] At the hearing, Respondent stated that he believed he inadvertently took the notebook to his vehicle during the lunch break. The PDJ directed Respondent to retrieve the notebook from his vehicle, but Respondent returned without the notebook, stating that he had not deposited the missing notebook in his vehicle after all and instead had transported his own personal notebook. Though the missing notebook was never located, the integrity of the hearing was not compromised by its absence, as the parties had already submitted their stipulated exhibits in electronic form as part of their prehearing materials.

[107] For the same reasons that we apply this aggravator, we decline Respondent's request for mitigating credit under ABA *Standard* 9.32(e) for a cooperative attitude toward this proceeding.

deposition during the hearing. We give neither basis aggravating weight. As to the former, we cannot conclude that Respondent was responsible for the witness notebook going missing. As to the latter, while we disapprove of such conduct, we do not find it evinced a bad faith obstruction of the proceeding itself but rather an intentional attempt to domineer a witness.

Refusal to Acknowledge Wrongful Nature of Conduct – 9.22(g): At the disciplinary hearing, Respondent did not accept responsibility for his attempts to contact Skelly. Instead, he sought to justify his conduct by stating that he sent the letter to Skelly's lawyer with the lawyer's assent. Also, in our view, Respondent's failure to pay Skelly's attorney's fees further shows that he has not accepted responsibility for his misconduct. In addition, in Slaughter's matter, we see a lack of contrition in Respondent's attempt to downplay his violation of the deposition order as "technical." Accordingly, we apply this factor.

Vulnerability of Victim – 9.22(h): We find that Skelly, as a layperson and a protected party, was vulnerable to Respondent's violation of the protection order. We also find that Skelly was especially vulnerable considering her experience as Respondent's employee and intimate partner. We thus apply this factor.

Substantial Experience in the Practice of Law – 9.22(i): Respondent was licensed to practice law in Colorado in May 2007. We consider his substantial experience as a lawyer at the time of his misconduct to be an aggravating factor.

Illegal Conduct – 9.22(k): Respondent's violation of the protection order in Skelly's case was a class-two misdemeanor under C.R.S. section 18-6-803.5(1)(a). We thus apply this factor but accord it minimal weight, as we do not wish to penalize Respondent twice for his criminal act, which served as the basis for the People's claim under Colo. RPC 8.4(b).[108]

Mitigating Factors

Absence of a Prior Disciplinary Record – 9.32(a): Respondent has no record of prior discipline. We thus apply this mitigating factor.

Personal and Emotional Problems – 9.32(c): Respondent testified that he has experienced personal and emotional problems in the last seven years due to the high-conflict separation and divorce from Slaughter. The record here confirms that since before Respondent and Slaughter signed their separation agreement, they have been embroiled in near-constant litigation, including multiple criminal complaints and scores of contempt actions. Respondent also described experiencing extended periods without access to his children. In January 2022, the month he violated Skelly's protection order, he filed for bankruptcy. He also described struggling with emotional regulation, stating that he "run[s] hot." Respondent testified that he relies on therapy

[108] *See, e.g., In re Ivy*, 374 P.3d 374, 384 (Alaska 2016) (cautioning against the risk of double counting against a lawyer when an aggravating factor turns on the same facts as the sanction).

to help him manage his emotions and to cope with his circumstances. We find that the evidence in this case supports applying this factor.

Timely Good Faith Effort to Make Restitution or to Rectify Consequences of Misconduct – 9.32(d): Respondent testified that he sought to rectify the harm he inflicted on Skelly by penning the letter attached to the email of January 7, 2022, and by offering—through a legal representative—to pay for Skelly's counseling. But Respondent's letter itself was a violation of Skelly's protection order; it represented not a corrective but further harm. And the offer he described at the hearing, whether or not it was made in good faith, strikes us as contrary to the protection order's purpose of restricting Respondent's contact with Skelly. That Respondent has not yet paid Skelly's attorney's fees further weakens his argument for this mitigator. Accordingly, we do not apply this factor.

Character or Reputation – 9.32(g): We heard undisputed testimony from Respondent about his volunteer activities, including serving as chair for the Access to Justice Committee in the 18th Judicial District, working in a virtual pro se clinic for six years, and managing a pro se clinic for three years. Respondent testified that his volunteerism both demonstrates his good character and has contributed to his positive reputation in the legal profession and in his community. But Respondent did not elicit testimony from members of those communities about his character or reputation. Thus, though we find his self-reported commitment to access to justice initiatives and to pro bono service mitigate his misconduct, we accord it limited weight.

Imposition of Other Penalties or Sanctions – 9.32(k): We apply this factor with an eye toward the $1,000.00 fine that the county court imposed on Respondent as a punitive sanction in Skelly's case as well as the C.R.C.P. 11 sanctions that the trial court imposed on Respondent in Slaughter's civil matter.

Remorse – 9.32(l): At the hearing, Respondent expressed regret that he had caused Skelly harm. While Respondent's statements struck us as genuine, his failures to appreciate the wrongfulness of his misconduct in violating the protection order and to pay Skelly's attorney's fees undercut much of the mitigating force of his remorse. We thus apply this factor with lighter weight.

Remoteness of Prior Offenses – 9.32(m): Respondent contends that that we should accord mitigating weight to "[t]he remoteness of his non-existent prior offenses."[109] We disagree that this factor applies in the absence of prior discipline. To conclude otherwise would be to ignore logic; a prior offense must exist if it is to be remote. Further, under Respondent's interpretation of this factor, he would be credited twice for having no prior discipline. But he does not point to any authority stating or even suggesting that a clean disciplinary record carries twice the mitigating weight of any other factor under *Standard* 9.32. For these reasons, we refuse to apply this mitigator.

[109] Respondent's Hr'g Br. at 16.

Analysis Under ABA Standards and Case Law

The Colorado Supreme Court has directed us to exercise discretion in imposing a sanction because "individual circumstances make extremely problematic any meaningful comparison of discipline ultimately imposed in different cases."[110] We thus determine the appropriate sanction for a lawyer's misconduct on a case-by-case basis, looking to the ABA *Standards* for guidance in the exercise of that discretion. The ABA *Standards* give us a theoretical framework that provides for "the flexibility to select the appropriate sanction in [a] particular case" after carefully considering the applicable aggravating and mitigating factors.[111] As such, while prior decisions regarding the imposition of sanctions for lawyer misconduct can be persuasive, we are free to distinguish those cases and deviate from the presumptive sanction when appropriate.

The ABA *Standards* discussed above point to a presumptive sanction of a suspension equal to or greater than six months,[112] to be adjusted in light of the applicable aggravating and mitigating factors. The aggravating factors in this case outweigh the mitigating circumstances, though not significantly. We thus see no basis to deviate from the presumptive sanction of suspension.

Our review of prior cases confirms that suspension is the presumptive sanction when a lawyer knowingly fails to obey court orders. Even so, such misconduct has resulted in a range of sanctions. Though the Hearing Board is not aware of Colorado Supreme Court case law addressing Colo. RPC 3.4(c) claims for violating a protection order, we find a close parallel in case law involving attorneys who failed to comply with child support orders. The Colorado Supreme Court has sanctioned such conduct with public censure,[113] short suspensions,[114] and significant suspensions.[115]

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

[111] *Id.* ¶ 3.

[112] *See* ABA *Standard* 2.3 (providing that a suspension generally should be for a period of time equal to or greater than six months).

[113] *People v. Primavera*, 904 P.2d 883, 885 (Colo. 1995) (citing mitigating circumstances and imposing a public censure, rather than a suspension, on a district attorney who willfully did not pay his child support obligation for a period of four months).

[114] *People v. Tucker*, 837 P.2d 1225, 1229 (Colo. 1992) (imposing a six-month suspension for a lawyer's willful failure to pay child support, which was deemed to have adversely reflected on the lawyer's fitness to practice law and prejudiced the administration of justice).

[115] *People v. Hanks*, 967 P.2d 144, 146 (Colo. 1998) (imposing a suspension of one year and one day when a lawyer willfully failed to pay child support and accumulated arrearages exceeding $55,000.00); *but see People v. Green*, 982 P.2d 838, 839 (Colo. 1999) (imposing a one-year-and-one-day suspension where a lawyer knowingly failed to pay over $33,000.00 in domestic support obligations, but permitting the lawyer to reinstate early, conditioned on probation, if the lawyer paid or made arrangements to pay the arrears within that suspension period).

Cases in which a lawyer has committed a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer have more consistently yielded suspensions, though such cases often are aggravated by conduct involving assault, harassment, or other acts of violence not specifically alleged in this matter.[116]

Looking to other jurisdictions, lawyers who knowingly violate protection orders, and who also engage in criminal acts that reflect adversely on their honesty, trustworthiness, or fitness, have received sanctions ranging from public censure[117] to suspension.[118] Finally, Colorado disciplinary cases, while not binding on our decision,[119] show that hearing boards have imposed lengthy suspensions in cases involving violations of Colo. RPC 3.4(c) and Colo. RPC 8.4(b), albeit for conduct that includes assault and harassment.[120]

We draw two broad conclusions from these cases. First, the appropriate sanction for misconduct involving violations of Colo. RPC 3.4(c) and Colo. RPC 8.4(b) varies widely based on the facts of the case. Second, in cases involving assault, harassment, or other elements involving fear of violence, authorities generally impose a period of suspension ranging from six months to more than one year in cases involving egregious instances of such conduct.

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[116] *See People v. Reaves*, 943 P.2d 460, 461-62 (Colo. 1997) (approving a stipulation to a six-month suspension for a lawyer who pleaded guilty to two criminal acts: driving while impaired, and disorderly conduct and misdemeanor harassment related to a physical altercation with the lawyer's spouse); *People v. Shipman*, 943 P.3d 458, 459 (Colo. 1997) (approving a stipulation and suspending a lawyer for six months following the lawyer's guilty plea to driving while ability impaired and assault and battery of his wife); *In re Hickox*, 57 P.3d 403, 407-08 (Colo. 2002) (imposing a six-month suspension when a lawyer pleaded guilty to disturbing the peace, assault, and domestic violence, violating Colo. RPC 8.4(b), where the lawyer also failed to report the conviction, violating Colo. RPC 3.4(c)).

[117] *Lawyer Disciplinary Bd. v. Plants*, 801 S.E.2d 225, 236 (W.Va. 2017) (publicly censuring a prosecutor for violating a domestic violence emergency protective order).

[118] *Att'y Disciplinary Bd. v. Stowers*, 823 N.W.2d 1, 16-17 (Iowa 2012) (imposing an indefinite suspension with no possibility of reinstatement for ninety days for misconduct that included sending emails to parties in violation of a protection order and, in the case of one of the emails, extorting a protected party).

[119] *See Roose*, 69 P.3d at 48 (hearing board opinions can "serve to instruct and guide, but not bind, future Hearing Boards in their decisions").

[120] *See People v. Saxon*, 470 P.3d 927, 951 (Colo. O.P.D.J. 2016) (suspending a lawyer for three years for misconduct that included the lawyer's conviction for violation of a protection order, physical assault, and a campaign of emotional harassment designed to control and humiliate the lawyer's victim, with a dissenting hearing board member advocating for a two-year suspension.); *People v. Scott* , 121 P.3d 366, 375 (Colo. O.P.D.J. 2005) (suspending a lawyer for one year and one day after the lawyer knowingly assaulted, falsely imprisoned, and harassed his former spouse as well as violated a court-ordered parenting plan).

With these guideposts in place, we turn to Respondent's misconduct. In his civil case against Slaughter, Respondent knowingly violated the order governing depositions without regard for the trial court's directives. That court also concluded that Respondent sought to harass Slaughter, warranting sanctions under C.R.C.P. 11(a). In Skelly's matter, Respondent knowingly violated Skelly's protection order twice in a span of twelve hours. While the violations were isolated and not especially egregious, the brazen nature of Respondent's conduct evinced his disregard for the county court's authority and for Skelly's wellbeing.

But we are most affronted by Respondent's conduct in Skelly's matter following the violations. He enmeshed Skelly in litigation over her attempt to enforce the protection order, eviscerating the order's purpose by forcing Skelly's participation in the process. For Skelly, the protection order became a tether attaching her to the legal system as Respondent used his position as a lawyer to keep the case active.

Considering Respondent's demonstrated disregard for court orders and his willingness to use the mechanisms of litigation to Skelly's and Slaughter's detriment, we find that a six-month, fully served suspension best accords with the ABA *Standards*, case law, and the facts of this case. In making this determination, we are mindful of the personal nature animating Respondent's misconduct and his otherwise clean disciplinary record. Indeed, Respondent's conduct, though selfish, was not dishonest. As we see it, Respondent's challenge lies more in personal growth than growth as a lawyer. To that end, we strongly urge him to explore lawyer support resources like the Colorado Lawyers Assistance Program and the Colorado Attorney Mentoring Program.

V. CONCLUSION

When lawyers, as officers of the court, ignore their duty to follow court orders and deploy their legal training, access to courts, and other tools of their profession for selfish personal purposes, they risk souring the public's opinion of the legal system. Respondent has shown that he is willing to ignore court orders and rules that impede him from pursuing his own ends. He also has shown that he is willing to weaponize courts to reach those ends. Gamesmanship for personal gain tarnishes the reputation of the legal system and lawyers. Gamesmanship coupled with a disregard for court orders is simply intolerable and demands suspension.

VI. ORDER

The Hearing Board therefore **ORDERS**:

1. **TODD FRANK BOVO**, attorney registration number **38691**, is **SUSPENDED** from the practice of law in Colorado for a period of **SIX MONTHS**. The suspension will take effect on issuance of an "Order and Notice of Suspension."[121]

2. Respondent **MUST** timely comply with C.R.C.P. 242.32(b)-(e), concerning winding up of affairs, notice to current clients, duties owed in litigation matters, and notice to other jurisdictions where he is licensed or otherwise authorized to practice law.

3. Within fourteen days of issuance of the "Order and Notice of Suspension," Respondent **MUST** file an affidavit with the Court under C.R.C.P. 242.32(f), attesting to his compliance with C.R.C.P. 242.32. As provided in C.R.C.P. 242.41(b)(5), lists of pending matters, lists of clients, and copies of client notices under C.R.C.P. 242.32(f) must be marked as confidential attachments and filed as separate documents from the affidavit.

4. The parties **MUST** file any posthearing motions **no later than WEDNESDAY, MAY 21, 2025**. Any response thereto **MUST** be filed within seven days thereafter.

5. 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.

6. Respondent **MUST** pay the reasonable costs of this proceeding. The People **MUST** submit a statement of costs **no later than WEDNESDAY, MAY 21, 2025**. Any response challenging the reasonableness of those costs **MUST** be filed within seven days after.

7. If Respondent wishes to seek reinstatement to the practice of law after his suspension, he must submit to the PDJ, no earlier than twenty-eight days before the period of his suspension is set to terminate, a motion and affidavit seeking reinstatement under C.R.C.P. 242.38(b)(1).

[121] 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.

DATED THIS 7TH DAY OF MAY, 2025.

BRYON M. LARGE
PRESIDING DISCIPLINARY JUDGE

JAMES C. COYLE
HEARING BOARD MEMBER

KAREY L. JAMES
HEARING BOARD MEMBER