***People v. David L. Olson II*. 19PDJ016. August 15, 2019**.

Following a reinstatement hearing, a hearing board reinstated David L. Olson II (attorney registration number 37228) to the practice of law under C.R.C.P. 251.29, effective August 15, 2019.

In summer 2016, Olson was suspended from the practice of law for thirty months. The suspension was premised on two types of misconduct: Olson's guilty plea to a petty offense of disorderly conduct in a case involving domestic violence, and his efforts in the ensuing disciplinary proceeding to persuade his then-wife to ignore a subpoena and to testify falsely about the domestic violence incident. At the end of his period of suspension, Olson sought reinstatement of his law license. The hearing board reinstated Olson, because it concluded Olson had proved by clear and convincing evidence that he has been rehabilitated, he has complied with all disciplinary orders and rules, and he is fit to practice law.

The case file is public per C.R.C.P. 251.31. 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	
Petitioner: DAVID L. OLSON II, #37228 **Respondent:** THE PEOPLE OF THE STATE OF COLORADO	Case Number: **19PDJ016**
OPINION AND DECISION GRANTING REINSTATEMENT UNDER C.R.C.P. 251.29(e)	

David L. Olson II ("Petitioner") seeks reinstatement of his law license after a thirty-month suspension from the practice of law. The suspension was premised on two types of misconduct: Petitioner's guilty plea to a petty offense of disorderly conduct in a case involving domestic violence, and his efforts in the ensuing disciplinary proceeding to persuade his then-wife to ignore a subpoena and to testify falsely about the domestic violence incident. Petitioner has now proved by clear and convincing evidence that he is rehabilitated and has experienced a change in his character since his misconduct that makes him worthy of reinstatement to the practice of law.

I. PROCEDURAL HISTORY

On May 17 and 18, 2016, Petitioner's disciplinary hearing under C.R.C.P. 251.18 was held before a hearing board. On July 25, 2016, that hearing board issued an "Opinion and Decision Imposing Sanctions Under C.R.C.P. 251.19(b)," suspending Petitioner's law license for thirty months. The sanction carried the requirement that he petition for reinstatement under C.R.C.P. 251.29(c).

On February 26, 2019, Petitioner filed with the Presiding Disciplinary Judge ("the PDJ") a "Verified Petition for Reinstatement Pursuant to C.R.C.P. 251.29(e)." Jacob M. Vos, on behalf of the Office of Attorney Regulation Counsel ("the People"), filed an answer on March 19, 2019.

At the reinstatement hearing held on June 20, 2019, the PDJ presided; he was joined by lawyer Hearing Board members Andrew A. Saliman and Paul J. Willumstad. Petitioner appeared with his counsel, Kathleen A. Sullivan,[1] and Vos represented the People. The Hearing Board considered testimony from Susan Payne, Dr. Randy Braley, Nathan Rand, and

[1] Sullivan testified as a character witness for Petitioner at his disciplinary hearing.

Petitioner.[2] The PDJ admitted stipulated exhibits S1-S6, to which the parties stipulated before the hearing, as well as stipulated exhibits S7 and S8, which the parties agreed to introduce as exhibits during the hearing.

II. FINDINGS OF FACT

The findings of fact here—aside from the sections describing Petitioner's background and his prior discipline—are drawn from testimony offered at the reinstatement hearing, where not otherwise noted. The Hearing Board found the testimony offered at the reinstatement hearing to be uncontroverted and generally credible. The Hearing Board also found the quality of advocacy at the hearing to be commendable: the lawyers for both parties conducted themselves competently and with professionalism.

Petitioner was admitted to practice law in Colorado on May 15, 2006, under attorney registration number 37228. He is thus subject to the jurisdiction of the Colorado Supreme Court and the Hearing Board in this reinstatement proceeding.[3]

The Basis for Petitioner's Discipline

As set forth in the July 2016 disciplinary opinion, Petitioner's suspension was premised in part on his conviction of disorderly conduct stemming from a domestic dispute with his then-wife. But the suspension was premised to a larger measure on Petitioner's attempts to persuade her not to testify truthfully and to avoid service of a subpoena in the ensuing disciplinary proceeding.

As described in that opinion, late on the night of June 18, 2014, Petitioner and his ex-wife, Jamie Olson, argued in their bedroom following her discovery of Petitioner's infidelity. Though the accounts of what transpired differ depending on the narrator, Petitioner conceded that he engaged in a shoving match with Ms. Olson, pushed her with enough force to knock her off the bed, picked her up off the floor from her fetal position, and tried to physically remove her from their bedroom by dragging or carrying her toward the door, despite her resistance and pleas to stop. After Petitioner let her go, she called the police, who soon arrived at their house.

Petitioner was taken into custody, where he was held for domestic violence and harassment. The harassment charge was dismissed, and on July 30, 2014, Petitioner pleaded guilty to the petty offense of disorderly conduct (unreasonable noise) under C.R.S. section 18-9-106(1)(c).[4] The charging document for this offense stated "Domestic Violence Status" and "Proven."[5] Petitioner reported his conviction to the People, and he fulfilled all of the probationary conditions attached to his conviction. His conduct violated Colo. RPC 8.4(b), which provides that it is professional misconduct for a lawyer to commit a

[2] Dr. Braley and Rand testified for Petitioner at his disciplinary hearing.
[3] *See* C.R.C.P. 251.1(b).
[4] Ex. S1 at 6.
[5] Ex. S1 at 6.

criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.[6] The People filed a disciplinary complaint against Petitioner based on the conviction, and a hearing initially was set for December 2015.

In autumn 2015, Petitioner began repeatedly calling Ms. Olson, inquiring about the People's investigation and urging her to "work with [him]" by downplaying the events leading to his conviction or even to ignore the People's subpoena when it issued.[7]

Ultimately, the disciplinary hearing board found that Petitioner had intentionally engaged in two separate instances of in-person witness tampering in September 2015. In the first instance, Petitioner approached Ms. Olson after their daughter's cross-country meet and stressed the importance of his upcoming disciplinary hearing. He told her the People might subpoena her but that she could be "out of town" or "forget" she had been subpoenaed.[8] In the second instance, which took place around ten days after the first, Petitioner dropped off his two daughters with Ms. Olson and asked to speak with her. During their discussion, Petitioner told Ms. Olson to "soften" her testimony by saying that the events of June 18, 2014, were not as bad as were reflected in the police report.[9] He also remarked that she could say that it was "a one-time moment" or she could go out of town, ignore the subpoena, or forget about the subpoena.[10] The disciplinary opinion concluded that Petitioner intentionally attempted to induce Ms. Olson to ignore the People's subpoena and to testify falsely by softening her description of the events leading to his conviction. The hearing board found that he did so because he was worried about the possible disciplinary sanction and his ability to continue to financially support their children.

The opinion concluded that Petitioner's conduct both satisfied the elements of C.R.S. sections 18-8-707(1)(a) and (1)(c) and adversely reflected on his fitness as a lawyer, thus contravening Colo. RPC 8.4(b). It also found that Petitioner violated Colo. RPC 3.4(a), which, as relevant to the case, precludes a lawyer from unlawfully obstructing another party's access to evidence; Colo. RPC 3.4(f), which prohibits a lawyer from requesting a person other than a client to refrain from voluntarily giving relevant information to another party; and Colo. RPC 8.4(d), which provides that it is professional misconduct for a lawyer to engage in conduct that prejudices the administration of justice.

During the disciplinary hearing, Petitioner argued that he should be privately admonished. He admitted only his act of domestic violence and contended that Ms. Olson fabricated her allegations of witness tampering. The People, on the other hand, sought Petitioner's disbarment. The disciplinary hearing board found that Petitioner's criminal conduct inflicted just a "moderate level of violence"; it emphasized, in contrast, that his acts

---

[6] Petitioner's conduct was also grounds for discipline under C.R.C.P. 251.5(b), which states that any criminal act reflecting adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects is grounds for discipline.

[7] Ex. S1 at 8.

[8] Ex. S1 at 9.

[9] Ex. S1 at 11.

[10] Ex. S1 at 11.

of witness tampering struck "at the very core of the legal profession and impugn[ed] the integrity of the legal system as a whole."[11] But the opinion also took into consideration that Petitioner "fell victim to the circumstances of his personal life, acting in furtherance of his own interests during the dissolution of his marriage, rather than while representing a client," and that he was "well-respected within the education law community and maintain[ed] an ethical reputation."[12] Ultimately, the opinion concluded, Petitioner's behavior appeared "atypical when viewed in the context of his character witnesses' testimony and his lack of prior discipline."[13] The hearing board thus deemed "the chances . . . slim that he will engage in future interference with the legal system while serving clients."[14]

The disciplinary hearing board declined to adopt the People's recommendation of disbarment and instead suspended Petitioner for thirty months. His suspension took effect on August 29, 2016.[15] He complied with the winding up provisions of C.R.C.P. 251.28,[16] and he timely paid all costs of his disciplinary proceeding.[17]

Petitioner's Background

At his reinstatement hearing, Petitioner first limned his background. He graduated from the University of Nebraska in 1997 with a degree in marketing and finance. While there, he was nationally ranked as a long-distance runner. He spent five years as an adjuster in the insurance industry before returning to the University of Nebraska to pursue a law degree. In 2006, he moved to Colorado, where he was licensed to practice law and began a career in education law. After several years in private practice, he became general counsel for the Colorado School Districts Self Insurance Pool ("CSDSIP"),[18] the position he held at the time his law license was suspended.

Petitioner and Ms. Olson were married in 1997. The marriage dissolved in 2015. They have three children; Petitioner reported that their son is now nineteen years old, and their two daughters are sixteen and eleven.

Events Since Petitioner's Suspension

Petitioner testified that he was "shell shocked" when he received the disciplinary opinion suspending him; his emotions swirled, and he was "brought to his knees." Though he rejected colleagues' advice to appeal, he said, he was nevertheless "in denial" that he had committed serious misconduct during the first couple of months after the opinion's

[11] Ex. S1 at 25.
[12] Ex. S1 at 25.
[13] Ex. S1 at 25.
[14] Ex. S1 at 25.
[15] *See* Ex. S2.
[16] Ex. S3.
[17] Ex. S4.
[18] *See* Ex. S1 at 3 ("CSDSIP offers insurance products and risk management solutions for its school-district members.").

issuance. After some time, he realized he would need to "climb out of that space," "persevere," and "proceed."

Petitioner began new work, first as an independent education consultant for Denver Public Schools, then as a law clerk to in-house counsel for the Colorado Association of School Boards ("CASB"). In 2017, facing some notoriety from the public availability of the disciplinary opinion, Petitioner headed to Florida to freelance as an insurance claims adjuster in the wake of Hurricane Irma. He spent quite a bit of time doing commercial catastrophe work there and later was offered a "very lucrative opportunity" to stay on in Florida's insurance industry. But Petitioner wanted to return to Colorado to be near his kids. Besides, he testified, he had "unfinished business" in Colorado: he wanted to reinstate his law license and pursue his passion for education law here.

When Petitioner arrived back in the state in 2018, he said, doors seemed to open. CASB "picked [him] back up again," and he did some work at CSDSIP, too. Nathan Rand, a friend and then-general counsel for P2 Energy Solutions, hired him to perform part-time administrative, clerical, and legal support work at the company. Rand described Petitioner as a trustworthy, diligent, and reliable employee who exhibited excellent judgment and turned out high-quality work.

After the 2018 Parkland shooting in Florida, Petitioner was approached by Susan Payne, founder of the Safe2Tell Colorado prevention initiative and Director of Safe Communities at the Colorado Attorney General's Office.[19] Payne asked him to work on the Colorado School Safety Guide published under the authority of the Colorado Attorney General's Office. Payne praised Petitioner as a passionate subject matter expert in school safety who offers a "pragmatic perspective" on the issue. Between his volunteer work on the Guide and some pro bono political advocacy work he performed for CASB, Petitioner estimated that he has logged over 250 hours of unpaid volunteer service during his suspension.[20]

Petitioner also made efforts to maintain his competency in education law—his area of expertise—and to bolster his knowledge of Colorado ethical precepts. From January 2016 through December 2018, he recorded 47.2 continuing legal education ("CLE") credits, 10.1 of which qualified as ethics credits.[21] He testified that he also stayed abreast of legal developments in the education law sphere by tracking the listservs of CASB and the National School Board Association.

From a personal standpoint, Petitioner has worked during his suspension on building self-moderation, emotional intelligence, and mindfulness. He prioritizes time for outlets outside of the law to deal with his stress: he rides his bicycle 10-15 hours a week, backcountry

[19] *See* Ex. S7 (Payne's biography).
[20] The Hearing Board also accepts as credible Petitioner's report that he spent some weekend time in 2017 assisting victims of Hurricane Irma.
[21] Ex. S6.

skis, runs, and practices yoga. He also has continued his therapeutic relationship with Dr. Randy Braley, whom he has regularly seen since June 2014.[22] At Dr. Braley's urging, Petitioner cut off contact with Ms. Olson two years ago, reasoning that removing himself from that "toxic" relational dynamic was best for everyone in the family. His was a "conscious" choice not to engage with Ms. Olson, Petitioner testified; he has gone so far as to absent himself from his daughter's fifth-grade graduation in the hopes of avoiding contact with his ex-wife. He is now working to spend time and to foster good relationships with each of his three children, despite challenges he has faced in coordinating schedules with Ms. Olson. Time with his nineteen-year-old son is no longer governed by custody orders, while he makes arrangements with his two daughters in line with the parenting time he has been allotted. Of note, Payne testified that Petitioner has sought her advice about how better to support his children, to deal with family trauma in a healthy way, and to be a leader for his kids.

Petitioner's Reflections on His Misconduct

Throughout Petitioner's testimony, he emphasized the strong sense of purpose and identity he felt as a lawyer, and the "crippling, humbling" loss of that identity when he was suspended. Imposition of that professional discipline has weighed on him each day, he said: "with a few keystrokes, anyone I meet pulls that opinion up, and it's not like it's a scarlet letter, but it does hang over me, and it does bring a new sense of humility in how I approach situations."

About his act of domestic violence, Petitioner testified that at the time of that incident he viewed his behavior as bearing only on the sanctum of his marriage, so he did not see the "confluence of the personal and professional." He has come to realize that lawyers are held to ethical standards "twenty-four hours a day," including in their personal lives, and that "more is expected" of them. He has apologized to Ms. Olson for his act of violence and has conveyed to her his "great sorrow and sadness with the loss of that relationship."

As to his acts of witness tampering, Petitioner was more equivocal. With carefully parsed words, he recognized that witness tampering strikes at the very core of the profession, and he accepted the findings of the disciplinary opinion. He even agreed that "to have any kind of contact with a witness, with respect to my ex-wife, with respect to my in-laws,[23] was inappropriate," but he continued to maintain that his ex-wife had fabricated the specific allegations of witness tampering described above. He also explained that any "inappropriate" contact he did have was so "intertwined with a divisive divorce" that he failed to recognize at the time that it had any relevance to his obligations as a lawyer.

[22] *See* Ex. S8 (Dr. Braley's resume).

[23] The disciplinary opinion determined that in autumn 2015 Petitioner "engaged in additional troubling dialogue with Ms. Olson's father and stepmother on two occasions." Ex. S1 at 12. Ms. Olson's father testified at the disciplinary hearing that in one of those instances Petitioner told him to "knock some sense into [his] daughter's head" so that she would not testify at the disciplinary hearing. Ex. S1 at 13.

Petitioner repeatedly mentioned the shame his misconduct brought on himself and all lawyers, and he voiced a desire to become a model for the profession. He has a "newfound" resolve to never again cross—or even get remotely close to—the "bright line" ethics rules. Though he "wouldn't wish a thirty-month suspension on anyone," he said, his sanction has prompted him to recognize "what it is [he] lost and how hard [he] worked to get it to begin with." The suspension acted as a catalyst for his growth and change, he said, leading to a more mature ability to self-moderate and to identify unhealthy relationships. He attributes much of this transformation to his work with Dr. Braley, which he intends to continue.

Dr. Braley echoed this assessment. He testified that Petitioner has assumed "personal and individual responsibility" for his conduct without reference to Ms. Olson's behavior. In Dr. Braley's estimation, Petitioner is willing to be transparent and vulnerable about his culpability, and he has worked on avoiding escalation, exercising patience, tempering his own emotional reactivity, and building his capacity for introspection. Further, Petitioner has changed in his approach to the legal profession, Dr. Braley observed, noting that his "desire is deeper, and . . . more fortified and purified by the experience." "Adversity introduces a man to himself," Dr. Braley ruminated, "and [Petitioner] has embraced that as a challenge." Dr. Braley opined that Petitioner is "in an improved capacity" and so has been "unequivocally" rehabilitated and "beyond."

But it was Rand who offered the most incisive testimony about Petitioner's rehabilitation, likening his evolution to that of a software app. Rand said that Petitioner "version 1.0" attended his disciplinary hearing. That person suffered from myriad personal deficits and challenges: he had no work-life balance, faced "environmental toxicity," and lacked self-control and patience. Rand recalled that during a lengthy liminal period after Petitioner's suspension took effect, Petitioner acquired tools to better weather life's challenges—including separating himself from toxicity, regularly taking walks to find clarity, journaling, and prioritizing his health and wellbeing. Now, Rand explained, Petitioner has rebooted to "version 3.2": he is more stable and robust, yet also more conscious, raw, and vulnerable. Save for his kids, Rand remarked, Petitioner prizes his law license above all else, and his disciplinary sanction has underscored how much he values his role as a lawyer. Rand said that he has "no concerns" about welcoming Petitioner back to the fold of Colorado lawyers in good standing.

III. LEGAL ANALYSIS

To be reinstated to practice law in Colorado under C.R.C.P. 251.29(c), a lawyer must prove by clear and convincing evidence that the lawyer has complied with applicable disciplinary orders and rules, is fit to practice law, and has been rehabilitated.[24] Reinstatement signifies that the lawyer possesses all of the qualifications required of

[24] C.R.C.P. 251.29(b).

applicants admitted to practice law in Colorado.[25] The People agree that Petitioner has complied with all orders and rules and is fit to practice law; they leave to the Hearing Board, however, the question whether Petitioner has been rehabilitated, emphasizing only that because his misconduct was particularly egregious he bears a heavy burden to prove his rehabilitation.[26]

Compliance with Disciplinary Orders and Rules

Under C.R.C.P. 251.29(c)(4), an attorney petitioning for reinstatement must show compliance with all disciplinary orders and rules. Petitioner stated that he has complied with all provisions of the July 2016 disciplinary opinion, his August 2016 order of suspension, and the rules governing suspended lawyers. The People do not object to Petitioner's reinstatement on these grounds, and the Hearing Board finds clear and convincing evidence that Petitioner complied with all obligations attendant to his suspension.

Fitness to Practice Law

We next examine whether Petitioner is fit to practice law, as measured by whether he has maintained professional competence during his suspension. The People do not dispute that Petitioner is fit to return to legal practice. He completed 47.2 hours of continuing legal education credits, including 10.1 ethics credits. Further, he worked hundreds of hours, both paid and unpaid, as a law clerk for CASB under the direct supervision of licensed lawyers.[27] At P2 Energy Solutions, he assisted Rand and the legal department to perform law-related tasks. And Petitioner kept abreast of current developments in the education law sector. The Hearing Board finds clear and convincing evidence that Petitioner is fit to practice law.

Rehabilitation

Finally, the Hearing Board must consider whether Petitioner has been rehabilitated from his misconduct. We cannot grant reinstatement simply upon a showing that Petitioner has engaged in proper conduct or refrained from further misconduct during his suspension.[28] In assessing Petitioner's rehabilitation, we consider the seriousness of his original discipline[29] and whether he has experienced a change in his state of mind.[30] In this analysis we are guided by the leading case of *People v. Klein*, which enumerates several criteria for evaluating rehabilitation: character; recognition of the seriousness of the misconduct; conduct since the imposition of the original discipline; candor and sincerity;

---

[25] C.R.C.P. 251.29(b)(3); C.R.C.P. 208.1(5)(a)-(j) (listing essential eligibility requirements for admission to practice law in Colorado).
[26] *See In re Robbins*, 836 P.2d 965, 966 (Ariz. 1992); *In re Cantrell,* 785 P.2d 312, 314 (Okla. 1989).
[27] *See* Ex. S5 (example of Petitioner's legal research and analysis for CASB).
[28] *See* C.R.C.P. 251.29(c)(3).
[29] *See Lawyers' Manual on Prof'l Conduct* (ABA/BNA) 101:3013 (2012) ("Examination of a lawyer's rehabilitation and fitness begins with a review of the seriousness of the original offense. . . .").
[30] *See Cantrell,* 785 P.2d at 313; *In re Sharpe*, 499 P.2d 406, 409 (Okla. 1972).

recommendations of other witnesses; professional competence; present business pursuits; and community service and personal aspects of Petitioner's life.[31] The *Klein* criteria provide a framework to assess the likelihood that Petitioner will again commit misconduct.

We begin by examining the seriousness of Petitioner's misconduct and whether he has addressed the shortcomings or weaknesses underlying that misconduct, since discipline is necessarily predicated upon a finding of some shortcoming, whether it be a personal or professional deficit.[32] We do so by first reviewing the misconduct that led to Petitioner's suspension.[33]

The witnesses' testimony has satisfied us that both Petitioner's act of violence against Ms. Olson and his efforts to persuade her not to participate in his disciplinary hearing represent aberrant behavior that occurred within two specific contexts. First, these acts took place during a contentious and toxic divorce in which Petitioner failed to appreciate that discreditable deportment in a lawyer's personal life carries with it professional implications. Second, these acts occurred at a time when Petitioner "version 1.0" reacted to emotional escalation in his relationship without self-understanding or self-control. During his suspension, we find, Petitioner has worked to correct these personal deficits and remove these environmental challenges. He has deliberately withdrawn from engaging with Ms. Olson and has crafted work-arounds—sometimes painless (making plans with his kids directly, rather than coordinating with Ms. Olson), sometimes painful (missing his daughter's fifth-grade graduation)—to avert contact with her. More important, we believe he has sincerely embarked on a project of personal transformation in which he has focused his attention inward to cultivate greater discernment and composure.

We are also convinced that Petitioner engaged in witness tampering because he faced a possible loss of his legal reputation or even his law practice, and he feared what that loss would mean to his identity, his financial position, and his ability to care for his family. In their closing statement, the People questioned whether this underlying motivation augured poorly if something dear to Petitioner were ever again placed at risk. We conclude that it

---

[31] 756 P.2d 1013, 1015-16 (Colo. 1988) (interpreting language of C.R.C.P. 241.22, an earlier version of the rule governing reinstatement to the bar). We note that the *Klein* decision relies upon an prior edition of the *Lawyers' Manual on Professional Conduct* (ABA/BNA) 101:3005, which listed the above factors for assessing the rehabilitation of lawyers seeking reinstatement. A newer version of the manual published in 2012 sets forth a number of other factors to consider when evaluating a lawyer's rehabilitation: the seriousness of the original offense, conduct since being disbarred or suspended, acceptance of responsibility, remorse, how much time has elapsed, restitution for any financial injury, maintenance of requisite legal abilities, and the circumstances of the original misconduct, including the same mitigating factors that were considered the first time around. *Id.* at 101:3013. While some of these newly articulated factors are encompassed in our analysis, we do not explicitly rely on them as guideposts for our decision.

[32] *See In re Johnson*, 298 P.3d 904, 906-07 (Ariz. 2013) (approving a two-step process to show rehabilitation: first, identifying the weakness that caused the misconduct, and second, demonstrating that the weakness has been overcome); *Tardiff v. State Bar*, 612 P.2d 919, 923 (Cal. 1980) (considering a petitioner's character in light of the shortcomings that resulted in the imposition of discipline).

[33] *See* C.R.C.P. 251.29(e) ("In deciding whether to grant or deny the petition, the Hearing Board shall consider the attorney's past disciplinary record.").

does not. Rand attested that Petitioner values his law license above all else, second only to his children. But we also heard testimony that on several occasions Petitioner's time with his children had been curtailed or eliminated as a result of the dysfunctional co-parenting dynamic between him and Ms. Olson. In those instances, something very dear to Petitioner—time with his children—was compromised. Yet instead of reacting in anger he simply chose not to engage, drawing on his growing mindfulness and self-regulation skills. We thus do not have meaningful concerns on this score.

Finally, we address Petitioner's unwavering stance that his ex-wife fabricated allegations of witness tampering. Though his position that he has been rehabilitated would have been stronger had he admitted to the findings of the disciplinary opinion in a less qualified way, we cannot find that his reluctance to do so here should preclude his reinstatement. Petitioner may, for instance, have feared some legal ramification (whether in this context or another) to admitting facts he previously had vehemently denied. And the uncontroverted and credible testimony attesting to Petitioner's regeneration—coupled with the disciplinary hearing board's belief that Petitioner would not again "deviate from his professional responsibilities and dissuade a witness from testifying truthfully"—sufficiently overcomes any qualms we might otherwise harbor.[34]

In short, we conclude that Petitioner has, in the main, recognized the seriousness of his misconduct, identified the shortcomings that caused his misconduct, worked to address those shortcomings, expressed sincere and genuine remorse, and established a satisfactory character. The recommendations of his witnesses, his professional competence and other business pursuits, and his community involvement, as described above, serve as testament to his zeal for education law and the importance he accords his law license. We conclude Petitioner has proved by clear and convincing evidence that he has been rehabilitated from the causes of his misconduct.

IV. CONCLUSION

Petitioner was convicted of disorderly conduct stemming from a domestic dispute with his ex-wife, then attempted to persuade her not to testify truthfully about that incident in his disciplinary hearing. Even the disciplinary opinion deciding that hearing, though, noted the improbability that Petitioner's misconduct would reoccur. We agree, and find that Petitioner has reconstructed his life in such a way that we draw comfort from his assurances that he will never again engage in professional misconduct. He has established clearly and convincingly that he has complied with applicable court orders and rules, is fit to practice law in Colorado, and has been rehabilitated. Although the rule violations resulting in Petitioner's suspension were serious, he has sufficiently addressed the shortcomings that led to his misconduct. Accordingly, Petitioner should be reinstated to the practice of law.

[34] Ex. S1 at 25.

V. ORDER

1. The Hearing Board **GRANTS** Petitioner's "Verified Petition for Reinstatement Pursuant to C.R.C.P. 251.29(e)." Petitioner **DAVID L. OLSON II**, attorney registration number 37228, is **REINSTATED** to the practice of law, **EFFECTIVE IMMEDIATELY**.

2. Under C.R.C.P. 251.29(i), Petitioner **SHALL** pay the costs of this proceeding. The People **SHALL** submit a statement of costs **on or before Thursday, August 29, 2019**. Petitioner **MUST** file his response, if any, **within seven days**. The PDJ will then issue an order establishing the amount of costs to be paid or refunded and a deadline for the payment or refund.

3. Any posthearing motion **MUST** be filed with the Hearing Board **on or before Thursday, September 5, 2019**. Any response thereto **MUST** be filed **within seven days**.

DATED THIS 15th DAY OF AUGUST, 2019.

Original Signature on File

_____

WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

Original Signature on File

_____

ANDREW A. SALIMAN
HEARING BOARD MEMBER

Original Signature on File

_____

PAUL J. WILLUMSTAD
HEARING BOARD MEMBER

Copies to:

Jacob M. Vos Office of Attorney Regulation Counsel	Via Email j.vos@csc.state.co.us
Kathleen A. Sullivan Petitioner's Counsel	Via Email sullivanlegalservices@yahoo.com
Andrew A. Saliman Paul J. Willumstad Hearing Board Members	Via Email Via Email
Cheryl Stevens Colorado Supreme Court	Via Hand Delivery