People v. Dillings. 09PDJ102. February 9, 2011. Attorney Regulation.
Following a sanctions hearing, a Hearing Board suspended Alvin Dillings (Attorney Registration No. 13198) for two years, effective March 12, 2011. Dillings failed to comply with a court order to pay "retroactive child support" and post-majority support to his son over a period of approximately eighteen years. As a result, a court in South Carolina held him in contempt of court twice and issued a warrant for his arrest. Further, Dillings falsely represented on his attorney registration statements eight times that he was not under a court order to pay child support. His misconduct constituted grounds for the imposition of discipline pursuant to C.R.C.P. 251.5 and violated Colo. RPC 3.4(c), 8.4(c), and 8.4(d).

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1560 BROADWAY, SUITE 675 DENVER, CO 80202	
Complainant: THE PEOPLE OF THE STATE OF COLORADO **Respondent:** ALVIN DILLINGS	Case Number: **09PDJ102**
DECISION AND ORDER IMPOSING SANCTIONS PURSUANT TO C.R.C.P. 251.19(b)	

On December 15, 2010, a Hearing Board composed of Sheila K. Hyatt and Sherry A. Caloia, members of the Bar, and William R. Lucero, the Presiding Disciplinary Judge ("the PDJ"), held a sanctions hearing pursuant to C.R.C.P. 251.18. Katrin Miller Rothgery appeared on behalf of the Office of Attorney Regulation Counsel ("the People") and Alvin Dillings ("Respondent") appeared pro se. The Hearing Board now issues the following "Decision and Order Imposing Sanctions Pursuant to C.R.C.P. 251.19(b)."

I. SUMMARY

Respondent failed to comply with a court order to pay "retroactive child support" and post-majority support to his son over a period of approximately eighteen years. As a result, a court in South Carolina held him in contempt of court twice and issued a warrant for his arrest. Further, Respondent falsely represented on his attorney registration statements eight times that he was not under a court order to pay child support. After considering the nature of Respondent's misconduct and its consequences, the aggravating factors, and the scarcity of countervailing mitigating factors, the Hearing Board finds the appropriate sanction for Respondent's misconduct is suspension for two years.

II. PROCEDURAL HISTORY

The People filed a complaint in this matter on November 23, 2009. The complaint sets forth three claims for relief: violation of Colo. RPC 3.4(c), 8.4(c), and 8.4(d). Respondent filed an answer on March 4, 2010, and an amended answer on March 26, 2010. An at-issue conference was held on March 19,

2010. James C. Coyle appeared on behalf of the People and Respondent appeared pro se by telephone. On May 19, 2010, upon receiving Respondent's notice of a medical condition affecting his ability to defend himself, the PDJ postponed the hearing in this matter.

On October 4, 2010, the People filed a motion for summary judgment. Respondent did not respond. The PDJ granted the People's motion in full on November 15, 2010, vacated the scheduled trial, and set the matter for a sanctions hearing. At the sanctions hearing on December 15, 2010, the Hearing Board heard testimony and considered the People's stipulated exhibits 1-16.

III. ESTABLISHED FACTS AND RULE VIOLATIONS

Respondent has taken and subscribed to the oath of admission, was admitted to the Bar of the Colorado Supreme Court on October 31, 1983, and is registered upon the official records, Attorney Registration No. 13198. He is therefore subject to the jurisdiction of the Hearing Board in these proceedings.[1]

This case arises out of the efforts of Dion Davis ("Davis") to seek retroactive child support and post-majority support from Respondent.[2] On August 9, 1992, a family court in South Carolina entered an order determining that Respondent is the natural father of Davis, based upon a court-ordered paternity test. The court ordered Respondent to directly pay Davis—who by then had reached the age of majority—"retroactive child support" in the amount of $3,000.00.[3] In addition, the court ordered Respondent to pay post-majority support for Davis's college education in the form of eight payments of $1,300.00 each, provided Davis maintained a "C" average.[4] Finally, the court awarded Davis $5,068.00 in attorney's fees and costs.

Respondent did not make any of the court-ordered payments. As a result, the South Carolina family court entered an order on October 28, 1994,

---

[1] *See* C.R.C.P. 251.1(b).

[2] The facts underlying this matter are more fully detailed in the PDJ's order granting summary judgment.

[3] The family court found that Respondent knew of the birth of his son but never contributed to his support. Davis testified that he learned of his father's identity at age fourteen and that his mother's initial efforts to obtain child support from Respondent were unsuccessful because the state department of social services could not locate Respondent. Davis himself filed for child support after he reached the age of eighteen, and the court awarded payments directly to Davis. The award of "retroactive child support" to Davis therefore was not child support in the traditional sense of the term.

[4] The evidence does not make clear whether Davis maintained a "C" average throughout college or whether he completed college. But the family court's order required Respondent to make two initial payments for Davis's college education, regardless of Davis's subsequent academic progress. In addition, a family court order dated October 28, 1994, determined that Respondent had failed to make five required payments to Davis's college.

finding Respondent's failure to comply with the court's previous order to have been "intentional, willful and with direct knowledge that his actions [were] contemptuous." The court sentenced Respondent to six months in jail, ordered his arrest, and ordered him to pay Davis's attorney $19,631.00, which represented the initial judgment plus additional attorney's fees, costs, and interest.

Davis, who still had not received any payments from Respondent, then attempted to garnish Respondent's wages in Colorado, where Respondent had moved. On May 10, 1996, the Denver County District Court issued a writ of continuing garnishment against Respondent. Respondent filed for bankruptcy in Colorado on several occasions, including in December 1996. The Chapter 13 plan Respondent submitted to the bankruptcy court provided for regular payments to be made to Davis, but Respondent never made such payments. In 1997, Davis began to act pro se in pursuing this matter.

Respondent subsequently moved to Virginia and began employment in his current position with the U.S. Department of the Interior in Washington, D.C. Davis successfully garnished Respondent's wages beginning in August 2008, thereby receiving court-ordered payments for the first time.

On July 31, 2008, the family court in South Carolina ordered Respondent to appear for a hearing to show cause why he should not be held in contempt for his continued failure to pay the judgment against him. Respondent did not appear for the hearing, although counsel appeared on his behalf. The court found Respondent in contempt, ordered him jailed, and ordered a bench warrant for his arrest.

During the time of these events, Respondent made several false representations regarding the judgment against him on Colorado attorney registration statements. On his 1999 registration statement, he answered "no" in response to the question: "Are you under a current order to pay child support?"[5] On his registration statements filed from 2002 to 2007, Respondent checked the box next to the statement, "I hereby certify that I am NOT UNDER ANY COURT ORDER to pay child support." On the 2008 registration statement, Respondent again certified he was not under a current order to pay child support, even though the statement specified that retroactive support is considered to be a form of child support for purposes of the reporting requirement. Respondent admitted on his 2009 and 2010 statements that he was not in compliance with a child support order.

[5] While the judgment against Respondent may not have been for "child support" payable to a child's parent in the traditional sense of the term, the South Carolina family court specifically stated that Respondent's obligation included the payment of "retroactive child support." Accordingly, Respondent should have known that he was required to disclose his non-payment of the judgment on his attorney registration statements.

Davis and Respondent testified at the sanctions hearing that they entered settlement negotiations in June 2010, after the People filed their complaint against Respondent. They reached a settlement in November 2010, under which Respondent agreed to pay Davis approximately $17,000.00. By that time, Davis also had received $42,500.00 through garnishment of Respondent's wages. According to Respondent, the settlement resulted in the rescission of his contempt citation and arrest warrant.

At the sanctions hearing, Respondent stated he should have "taken care" of this matter years ago. He noted that he paid his mother's cancer treatment bills for some years while he was making an annual salary of just $40,000.00 as an attorney in Colorado. With respect to his attorney registration statements, he testified that he thought the judgment against him was not a current child support order that he was required to report and he did not take the time to fully consider whether he should report the judgment.

In his order granting summary judgment, the PDJ determined that Respondent violated Colo. RPC 3.4(c), 8.4(c), and 8.4(d). Colo. RPC 3.4(c) provides that it is professional misconduct for a lawyer to knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists. Respondent violated this rule by disregarding a court order to pay a judgment and by failing to appear in court as directed. Under Colo. RPC 8.4(c), it is professional misconduct for an attorney to engage in conduct that involves dishonesty, fraud, deceit, or misrepresentation. Respondent falsely represented on eight attorney registration statements that he was not subject to any child support orders.

Colo. RPC 8.4(d) provides that it is professional misconduct for an attorney to engage in conduct prejudicial to the administration of justice. By not appearing in court on December 17, 2008, for the South Carolina family court's hearing concerning its rule to show cause, Respondent caused the court to issue a bench warrant for Respondent's arrest. Respondent was held in contempt of court twice for failure to abide by court orders regarding payments to Davis. In addition, earlier in Davis's proceeding against Respondent, the court held Respondent in contempt for failing to file a required financial declaration.

IV. SANCTIONS

The ABA Standards for Imposing Lawyer Sanctions ("ABA *Standards*") and Colorado Supreme Court case law are the guiding authorities for selecting and imposing sanctions for lawyer misconduct.[6] In selecting a sanction after a finding of lawyer misconduct, the Hearing Board must consider the duty

[6] *See In re Roose,* 69 P.3d 43, 46-47 (Colo. 2003).

violated; the lawyer's mental state; the actual or potential injury caused by the lawyer's misconduct; and the existence of aggravating and mitigating evidence pursuant to ABA *Standard* 3.0.

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

Duty: Respondent breached his duty to the legal system by violating court orders and making false representations on his attorney registration statements. Further, by making false representations, he failed to maintain his personal integrity and thus violated his duty to the public. As his false representations were directed toward the Colorado Supreme Court's Attorney Registration Office, he also violated a duty he owed to the legal profession.

Mental State: The PDJ previously determined as a matter of law that Respondent violated Colo. RPC 3.4(c), an element of which is a knowing mental state. With respect to Colo. RPC 8.4(c), the PDJ's order granting summary judgment determined that Respondent acted recklessly, at a minimum, in repeatedly making incorrect certifications on his attorney registration statements. Finally, as Respondent does not dispute he was aware of the family court's orders, the Hearing Board finds that Respondent knowingly engaged in conduct prejudicial to the administration of justice.

Injury: Respondent's conduct harmed both the legal system and the public. He harmed the legal system by forcing the South Carolina family court to keep his case open for eighteen years. The court consumed resources by issuing a warrant for his arrest. Respondent harmed the public by acting in a manner that undermines public confidence in the honesty of lawyers. Further, he harmed his son both emotionally and financially. Davis testified that he has sought counseling to help him deal with his father's ongoing refusal to support or acknowledge him. Davis also testified that he has incurred approximately $20,000.00 in legal bills in pursuing this matter and filed for bankruptcy in 2005. He has devoted much time to acting pro se in this matter since 1997.

ABA *Standard* 3.0 – Aggravating & Mitigating Factors

Aggravating circumstances include any considerations or factors that may justify an increase in the degree of discipline to be imposed.[7] Mitigating circumstances include any considerations or factors that may justify a reduction in the degree of discipline to be imposed.[8] The Hearing Board considered evidence of the following aggravating and mitigating circumstances in deciding the appropriate sanction.

[7] *See* ABA *Standard* 9.21.
[8] *See* ABA *Standard* 9.31.

Prior Disciplinary Offenses – 9.22(a): Respondent was privately censured in 1988 for misconduct unrelated to the gravamen of this proceeding. Respondent was publicly censured in 1994 for negligently submitting false statements of fact during discovery in personal injury cases in which he was a party. The Hearing Board notes that the dishonest nature of the conduct underlying Respondent's public censure is similar to his false representations on his attorney registration statements in the present matter.

Dishonest or Selfish Motive – 9.22(b): Respondent intended to benefit himself by not making court-ordered payments.

Pattern of Misconduct – 9.22(c): Respondent's misconduct occurred over a period of nearly twenty years. Taken together, his numerous misrepresentations and the misconduct for which he was previously disciplined demonstrate a pattern of dishonesty.

Multiple Offenses – 9.22(d): Respondent not only failed to comply with a court order but also made eight separate misrepresentations on his attorney registration statements.

Substantial Experience in the Practice of Law – 9.22(i): Respondent was admitted to practice law in Colorado in 1983. His misconduct ill-befits such a long-standing practitioner.

Timely Good Faith Effort to Make Restitution or to Rectify Consequences of Misconduct – 9.32(d): Respondent commenced settlement negotiations with Davis in June 2010, and they reached a settlement in November 2010. The Colorado Supreme Court has noted that treating efforts to make restitution in mitigation can "encourage lawyers to reduce the injuries they have caused and help insure recognition of the wrongfulness of their conduct."[9] But Respondent's settlement with Davis occurred eighteen years after he was first ordered to pay Davis[10] and Respondent only initiated negotiations after the People filed their complaint in this disciplinary matter. As a result, we do not find Respondent's efforts to be particularly "timely," and we accord this mitigating factor little weight.[11]

Remoteness of Prior Offenses – 9.32(m): Respondent's prior discipline took place in 1994 and 1988. We assign minimal weight to the discipline imposed

---

[9] *In re Fischer*, 89 P.3d 817, 821 (Colo. 2004).

[10] We do not consider the wage garnishment that began in 2008 in mitigation. *See* ABA *Standard* 9.4(a) (providing that forced or compelled restitution is neither an aggravating factor nor a mitigating factor).

[11] See ABA *Standard* 9.32 [cmt] (noting that "lawyers who make restitution prior to the initiation of disciplinary proceedings present the best case for mitigation, while lawyers who make restitution later in the proceedings present a weaker case").

in 1988. But we do consider the discipline imposed in 1994 as a meaningful aggravating factor because dishonesty was at the core of that misconduct.[12]

Analysis Under ABA *Standards* and Colorado Case Law

The Hearing Board finds that the ABA *Standards* most applicable to this matter are ABA *Standards* 6.22 and 7.2.[13] ABA *Standard* 6.22 establishes suspension as the appropriate sanction when a lawyer knowingly violates a court order, thereby injuring a party. Similarly, ABA *Standard* 7.2 provides that suspension is the proper sanction when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional, causing injury or potential injury to a client, the public, or the legal system. In cases of multiple instances of misconduct, the ABA *Standards* provide that the sanction imposed "should at least be consistent with the sanction for the most serious instance of misconduct . . .; it might well be and generally should be greater than the sanction for the most serious misconduct."[14]

Although the People strenuously argue that Respondent should be disbarred, our reading of case law indicates that disbarment would be a disproportionately severe sanction. Cases in which attorneys have been disbarred for failing to abide by a support order have involved other egregious conduct, such as misappropriation of client funds. For example, in *People v. Kolenc*, a lawyer was disbarred not only for failing to pay child support to two ex-wives but also for driving while impaired and without a valid license, failing to report his conviction to disciplinary counsel, providing incorrect information on a court filing, failing to segregate client funds from business and personal funds, issuing checks against insufficient funds, committing two counts of third-degree assault against his third ex-wife, and violating both conditions of bond and a restraining order.[15]

Public censure, meanwhile, would be an inappropriately lenient sanction for the misconduct at issue here. The Colorado Supreme Court has imposed a public censure in two cases in which attorneys failed to pay child support, but

---

[12] *See People v. Pittam*, 889 P.2d 678, 680 (Colo. 1995) (taking into account discipline imposed seventeen years earlier because both instances of misconduct involved dishonesty).

[13] *See In re Rosen*, 198 P.3d 116, 120 (Colo. 2008) (noting that ABA *Standard* 7.0 applies to misrepresentations directed toward the legal profession, such as false representations on applications for admission to the bar); ABA *Standard* 6.22 [cmt] (noting that knowing violations of court orders leading to suspension "can occur when a lawyer fails to comply with a court order that applies directly to him or her, as in the case of lawyers who do not comply with a divorce decree ordering spousal maintenance or child support").

[14] ABA *Standards* § II at 7.

[15] 887 P.2d 1024, 1025-27 (Colo. 1994); *see also People v. Gonzalez*, 967 P.2d 156, 157-58 (Colo. 1998) (disbarring lawyer for not only failing to pay spousal maintenance but also misappropriating several clients' funds, failing to file a client's claim within the statute of limitations period, neglecting client matters, engaging in conduct prejudicial to the administration of justice, and charging an unreasonable fee).

in both cases the court explicitly stated that suspension is typically the proper sanction when lawyers have been held in contempt for non-payment of court-ordered child support.[16] The circumstances presented here do not warrant a departure from the presumption against public censure.

Instead, Colorado case law supports the imposition of a suspension ranging from six months to three years for failure to pay child support. In *People v. Kane*, a three-year suspension was imposed upon an attorney who failed to pay several thousand dollars in child support over a two-year period and was twice held in contempt.[17] The lawyer in that matter failed to surrender to a sheriff pursuant to a court order in the child support matter and actively engaged in unspecified efforts to elude arrest for a five-month period.[18] In addition, in seeking to contest the child support orders at issue, he filed frivolous appeals that interfered with the administration of justice.[19]

In *In re Green*, a lawyer was ordered to pay $100.00 per month in child support for each of his three children, as well as spousal support and certain medical expenses.[20] Five years later, the lawyer was over $30,000.00 in arrears in child support and spousal support.[21] He also had neglected to file an attorney registration statement, thereby failing to certify whether he was in compliance with child support obligations.[22] The Colorado Supreme Court suspended the lawyer for a year and a day, in addition to the eight-month immediate suspension he had already served.[23]

The Colorado Supreme Court imposed a suspension lasting a year and a day in *People v. Hanks.*[24] In that matter, a district court ordered a lawyer to pay $1,500.00 per month in child support for his three children and entered a judgment of approximately $20,000.00 against the lawyer for past unpaid child support.[25] The lawyer made some direct payments to support his children but

---

[16] *See People v. Primavera,* 904 P.2d 883, 884-85 (Colo. 1995) (imposing public censure upon attorney who failed to make four monthly child support payments of $600.00, and emphasizing the short period of non-payment); *People v. Cantrell,* 900 P.2d 126, 127-28 (Colo. 1995) (imposing public censure upon attorney who failed to completely satisfy his child support obligations over a six-year period and who also improperly handled client funds, and emphasizing the attorney's cooperative attitude).

[17] 655 P.2d 390, 391-92 (Colo. 1982).

[18] *Id.* at 392-93.

[19] *Id.* at 393.

[20] 982 P.2d 838, 838 (Colo. 1999).

[21] *Id.*

[22] *Id.*

[23] *Id.* at 840. The court provided that the attorney could be reinstated earlier, subject to probation, upon a showing that he had paid his child support and spousal support obligations or had negotiated a judicially approved payment plan. *Id.*

[24] 967 P.2d 144, 145 (Colo. 1998). In this case, the lawyer had not been immediately suspended. *Id.*

[25] *Id.*

made few or no payments through the court registry over a three-year period.[26] He was adjudged in contempt and was $55,282.62 in arrears at the time of the hearing in the disciplinary matter.[27]

In contrast, the Colorado Supreme Court imposed a six-month suspension in *People v. Tucker*, where a lawyer failed to pay $6,500.00 in court-ordered child support over a twelve-month period.[28] The lawyer argued to the district court that he was unable to make the required payments, but the court found that his income was greater than he claimed and that his use of a business account for personal purposes obscured and greatly understated his actual income.[29] As a result, the court adjudged the lawyer guilty of contempt.[30] Several months later, the district court found that the lawyer continued to intentionally understate his income and that he was still in arrears on his child support obligations.[31]

Respondent's misconduct is somewhat more serious than any of the cases discussed above in that his failure to pay the judgment against him spanned approximately sixteen years—a period eleven years longer than the period of non-payment in any of the aforementioned cases. Further, Respondent's misconduct was not limited to the non-payment of the judgment but also encompassed failure to surrender himself for arrest and reckless misrepresentations on eight attorney registration statements. In that regard, his misconduct certainly was more egregious than that in *Hanks*. Moreover, Respondent made no partial interim payments to Davis, as the attorney did in *Hanks*. On balance, Respondent's conduct appears to be more serious than the conduct at issue in *Green*, *Tucker*, and *Hanks*, but somewhat less egregious than the misconduct in *Kane*.

While the Hearing Board has been unable to locate any relevant case law concerning false certifications regarding child support on attorney registration statements, we draw guidance from decisions concerning false statements made on applications for admission to the bar. The Colorado Supreme Court has determined that suspension is the proper sanction for lawyers who recklessly misrepresent facts when applying for bar admission.[32]

---

[26] *Id.*
[27] *Id.*
[28] 837 P.2d 1225, 1226 (Colo. 1992).
[29] *Id.*
[30] *Id.* at 1227.
[31] *Id.* The lawyer had completed 120 hours of community service as a result of his contempt citation before discipline was imposed. *Id.*
[32] *See, e.g., People v. North*, 964 P.2d 510, 513-14 (Colo. 1998) (imposing public censure upon lawyer who recklessly misrepresented facts on his bar application, where several factors mitigated his misconduct, and noting that a short suspension is the presumptive sanction for such misconduct); *People v. Mattox,* 862 P.2d 276, 277 (Colo. 1993) (imposing year-long suspension in reciprocal discipline proceeding where lawyer failed to disclose on petition for permission to practice in federal court that she had been previously disciplined in two other

In determining the appropriate length of suspension in this matter, we emphasize the significant extent and dishonest nature of Respondent's misconduct. The period during which Respondent evaded paying his judgment is exceptionally lengthy. Furthermore, Respondent made misrepresentations on his attorney registration statements on no less than eight occasions. Although the judgment against Respondent was not child support in the traditional sense, the South Carolina family court characterized his obligation as "retroactive child support," and Respondent should have known that he was obligated to report the judgment. Respondent even denied owing child support on the 2008 statement, which specified that retroactive support is subject to the reporting requirement. In his pleadings, Respondent provided no justification for making incorrect certifications or for failing to inquire as to the scope of the reporting requirement. We find Respondent's misrepresentations to be particularly troubling because they were directed toward an office of the Colorado Supreme Court.

Our concerns about Respondent's credibility and honesty are heightened by Respondent's lack of candor in the course of these proceedings. Most notably, in the amended answer the PDJ required him to file, Respondent admitted paragraph one of the People's complaint as to jurisdiction but denied all of the other factual allegations in the complaint, including those clearly established by the evidence.[33] Respondent's prior discipline for negligently submitting false statements of fact during discovery also suggests that Respondent's misrepresentations on his attorney registration statements are part of a pattern of dishonesty. We take these concerns very seriously. As the Colorado Supreme Court has commented,

> the public perception that lawyers twist words to meet their own goals and pay little attention to the truth[ ] strikes at the very heart of the profession-as well as at the heart of the system of justice. Lawyers serve our system of justice, and if lawyers are dishonest, then there is a perception that the system, too, must be dishonest.

---

jurisdictions); *People v. Mattox,* 639 P.2d 397, 398-99 (Colo. 1982) (imposing year-long suspension upon attorney who failed to disclose misdemeanor conviction in another state and subsequent disbarment from that state before taking oath of admission to Colorado bar); *People v. Gifford*, 610 P.2d 485, 486 (Colo. 1980) (imposing three-year suspension upon attorney who knowingly made false statement on application to bar of another jurisdiction, made false representations to a federal tax official, and was convicted of a federal tax misdemeanor); *cf. People v. Culpepper*, 645 P.2d 5, 6-7 (Colo. 1982) (voiding bar admission of applicant who filed false academic credentials in bar application).

[33] As just one example, Respondent denied the People's factual allegations that he had appealed the family court's order of August 9, 1992, and that the court of appeals had affirmed the family court's order. The record unequivocally demonstrates those factual allegations to be true.

> Certainly, the reality of such behavior must be abjured so that the perception of it may diminish.[34]

We also note that although Respondent expressed some remorse for his actions at the sanctions hearing, the record is devoid of any prior evidence of his remorse or assumption of responsibility. In fact, the last statement Respondent made at the sanctions hearing was "the fact that we've gone this route was because that's how Mr. Davis chose to do it," which suggests to us that Respondent has not acknowledged that it was his own failure to pay a binding judgment that led to this disciplinary proceeding.

In sum, the ABA *Standards* and Colorado case law establish that a lengthy suspension is warranted here. Relevant case law indicates that a suspension of at least a year and a day is warranted for Respondent's failure to comply with orders issued by the South Carolina family court, and a similar length of suspension is appropriate for Respondent's misrepresentations on his attorney registration statements. Heeding the ABA *Standards* directive that the sanction imposed in cases of multiple instances of misconduct "might well be and generally should be greater than the sanction for the most serious misconduct,"[35] and also taking into account the duration of Respondent's misconduct, the dishonest nature of that misconduct, and the weight of aggravating factors, we find that the proper length of suspension is two years.

V. CONCLUSION

When he took the oath of admission to the Colorado bar in 1983, Respondent affirmed he would maintain the respect due to courts, maintain only legal defenses he believed to be honestly debatable, and act with truthfulness and honor, among other pledges. By shirking his obligation to pay a judgment for eighteen years, flouting the court's valid directives, and making false certifications on his attorney registration statements over a span of eight years, Respondent repudiated his oath of admission and violated Colorado's Rules of Professional Conduct. Respondent's misconduct warrants a suspension of two years, after which time Respondent must demonstrate he is prepared to faithfully uphold his duties as a member of the legal profession before his reinstatement to the Colorado bar.

VI. ORDER

The Court therefore **ORDERS**:

1. Alvin Dillings, Attorney Registration No. 13198, is hereby **SUSPENDED FOR TWO YEARS**. The suspension **SHALL** become

[34] *In re Pautler*, 47 P.3d 1175, 1179 (Colo. 2002).
[35] ABA *Standards* § II at 7.

effective thirty-one days from the date of this order upon the issuance of an "Order and Notice of Suspension" by the PDJ and in the absence of a stay pending appeal pursuant to C.R.C.P. 251.27(h).

2. Respondent **SHALL** file any post-hearing motion or application for stay pending appeal with the PDJ **on or before March 1, 2011.** No extensions of time will be granted.

3. Respondent **SHALL** pay the costs of these proceedings. The People shall submit a "Statement of Costs" within fifteen (15) days of the date of this order. Respondent shall have ten (10) days within which to respond.

DATED THIS 9TH DAY OF FEBRUARY, 2011.

_____
WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

_____
SHERRY A. CALOIA
HEARING BOARD MEMBER

_____
SHEILA K. HYATT
HEARING BOARD MEMBER

Copies to:

Katrin Miller Rothgery Office of Attorney Regulation Counsel	Via Hand Delivery
Alvin Dillings Respondent	Via First Class Mail
Sherry A. Caloia	Via First Class Mail
Sheila K. Hyatt Hearing Board Members	Via First Class Mail
Susan Festag Colorado Supreme Court	Via Hand Delivery