

People v. Timothy J. Drisko. 16PDJ016. July 26, 2016.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Timothy J. Drisko (attorney registration number 22594) for six months, with the requirement that he file a petition for reinstatement under C.R.C.P. 251.29(c). In addition to proving that he has complied with all disciplinary orders and that he is fit to practice law, Drisko's reinstatement is subject to the requirement that he prove his rehabilitation from any alcohol issues that contributed to his misconduct. Drisko's suspension took effect July 26, 2016.

On April 29, 2013, Drisko pleaded guilty to driving while ability impaired, a misdemeanor. He was sentenced to seven days in jail, with one year of supervised probation to include an alcohol evaluation. Drisko attended a plea hearing on April 29, 2013, where the court ordered him to provide proof that he had notified the Colorado bar of his conviction within the next week. Drisko did not self-report his conviction during that time period.

On July 23, 2014, a revocation of probation hearing in Drisko's criminal matter was held because he had not attended the required alcohol evaluation. At the hearing, Drisko informed the court that he had attended an alcohol evaluation. He also stated that he had spoken with the Colorado bar but was told his conviction was not an issue. Further, he said he would contact the Colorado bar and get something in writing. The court continued the matter until August 13, 2014, so that Drisko could provide proof of the alcohol evaluation.

Drisko did not self-report his conviction until August 8, 2014. In the meantime, the court's clerk had contacted the Office of Attorney Regulation Counsel and learned that Drisko had not self-reported. At the hearing on August 13, 2014, Drisko admitted to the court that he had lied at the earlier hearing. He was also unable to provide proof that he had taken the alcohol classes recommended by the evaluation. Drisko's probation was revoked and he was sentenced to seven days in jail.

Drisko's conduct violated Colo. RPC 3.3(a)(1) (a lawyer shall not knowingly make a false statement of material fact or law to a tribunal); Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); Colo. RPC 8.4(b) (a lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).