

*People v. William Thomas O'Connell Hart III. 23PDJ034. October 10, 2023.*

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended William Thomas O'Connell Hart III (attorney registration number 41289) for nine months, with the requirement that he petition for reinstatement, if at all, under C.R.C.P. 242.39(b), under which he must prove by clear and convincing evidence that he has been rehabilitated, has complied with all disciplinary orders and rules, and is fit to practice law. The suspension takes effect November 14, 2023.

In February 2023, Loveland police officers were dispatched to investigate a physical disturbance involving Hart. When the officers arrived, they contacted the victim, J.B., whose nose appeared crooked. J.B. was also bleeding from his mouth. Hart and J.B. were neighbors but had never met before this incident. J.B. explained that he was inside his apartment with his wife, their son, B.B., and J.B.'s three-year-old grandson. Hart came to their apartment uninvited because he said "he heard something wrong" coming from their apartment. Hart told law enforcement that he went to "investigate" loud noises and yelling. J.B. and his family asked Hart to leave, which he initially did. But Hart returned a short time later, refused to leave, and "stepped up" at B.B., who was standing near his three-year-old son. J.B. and his family felt threatened; they told Hart that they would defend their family and call the police. Hart then struck J.B. in the face. J.B. used various techniques to restrain Hart until he calmed down. Hart continued to act aggressively and to make threatening statements, including that he was going to take J.B. out and that J.B. would feel the pain. According to J.B., his wife was very shaken by this incident.

Hart was not cooperative with law enforcement officers, who reported that they smelled a strong odor of alcohol on Hart's breath and that they observed indicia of intoxication. Officers also saw an open can of beer in Hart's apartment. Hart denies that he was drinking.

Hart pleaded to one count of second-degree assault as part of an eighteen-month deferred judgment and sentence. He was ordered to complete a mental health evaluation. Under Hart's probationary terms in his criminal case, Hart must refrain from consuming any alcohol during his probation and is subject to testing for substances.

Through this conduct, Hart violated 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).

The case file is public per C.R.C.P. 242.41(a).