

People v. William H. Louis. 17PDJ003. February 1, 2017.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended William H. Louis (attorney registration number 21113) from the practice of law for ninety days, with sixty days to be served and thirty days to be stayed upon the successful completion of a two-year period of probation with conditions. The suspension took effect February 1, 2017.

Louis served as El Paso County Attorney from December 2003 through January 2007, and again from September 2007 through June 2012. When he later worked in private practice, he committed misconduct in two cases.

First, while Louis served as County Attorney, he worked on legal issues involving third parties' management of dirt track racing at El Paso County's fairgrounds. He was involved with drafting a memorandum of understanding between the County and one of those third parties to address issues that exposed the County to liability. After Louis left the employ of El Paso County, the County faced ongoing legal issues with that same third party. In 2013, Louis began representing that party against El Paso County. He threatened litigation against the County, made accusations about the County, and made legal assertions regarding the memorandum of understanding then in place between the County and the third party.

Second, in early 2015, Louis was hired to represent a long-time County employee who had been terminated for improper use of funds. Louis submitted an affidavit in support of his motion to recuse the hearing officer slated to preside at the employee's termination hearing. The affidavit contained confidential information that Louis obtained while he was County Attorney, some of which was attorney-client privileged or constituted attorney work product. Louis never received permission to disclose such information.

Later, at the employee's hearing, the County refused to waive the conflict of interest so as to allow Louis to represent the employee. Nevertheless, Louis questioned the director of human resources about discipline that employees had received while he was County Attorney, he asked witnesses about confidential personnel matters and a prior complaint that he knew of because of his role as County Attorney, and he asked county commissioners about a project in which he had been directly involved as County Attorney.

Louis violated Colo. RPC 1.6(a) (a lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent); Colo. RPC 1.9(a) (a lawyer who has formerly represented a client in a matter shall not later represent another person in the same or a substantially related matter in which that person's interests are materially adverse to those of the former client unless the former client gives written informed consent); Colo. RPC 1.9(c) (a lawyer who has formerly represented a client in a matter shall not use information relating to the representation to the disadvantage of the former client); and Colo. RPC 1.11 (establishing special conflict-of-interest rules for lawyers who formerly served as a public officer or employee of the government).