

People v. Mark Gregory Lukehart. 18PDJ016. April 10, 2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Mark Gregory Lukehart (attorney registration number 27387) for three years, effective May 15, 2018. The parties agreed that Lukehart's misconduct was mitigated by serious personal and emotional problems. To be reinstated, Lukehart will bear the burden of proving by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law.

In 2016, Lukehart left his solo law practice and joined a law firm ("the Firm"). He was expected to transfer many of his prior cases to the Firm. He was eligible for an annual bonus if he billed more than 140 hours per month. Lukehart acknowledged in writing receipt of the Firm's employee handbook, which permitted him to hold an outside job in a *non-related* business or profession and which barred him from using the Firm's office space, equipment, or materials for any outside employment.

Lukehart did not wind down his solo practice or stop representing certain prior clients. He stated that he was frustrated that the Firm required a higher retainer than many clients could afford. Lukehart struggled to meet Firm's billable hour target.

In 2017, the Firm's operations manager learned that Lukehart was running his own concurrent law firm while working at the Firm. She believed he had processed approximately \$40,000.00 in credit card transactions through his own firm between April 2016 and March 2017. Lukehart states that \$25,000.00 of that money was attributable to new work during that period.

The Firm launched an internal investigation and discovered that during the relevant timeframe, Lukehart issued seven client engagement letters on his own firm's letterhead. Four of those clients were generated through the Firm, however, as a result of the Firm's web-based marketing efforts.

Through this conduct, Lukehart violated Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).