

People v. Theodore Edward Malpass II. 18PDJo47. July 27, 2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct in this reciprocal discipline matter and suspended Theodore Edward Malpass II (attorney registration number 08570) for two periods, to run concurrently: (1) for two years, all but ninety days stayed, upon successful completion of a three-year period of probation; and (2) for one year, all stayed, upon successful completion of a one-year period of probation. Malpass's suspension takes effect August 31, 2018. Malpass is required to comply with all terms and conditions of probation in these cases and all orders related to restitution.

On September 1, 2015, the State Bar Court of California suspended Malpass from the practice of law in California for two years, all but ninety days stayed, upon successful completion of a three-year period of probation. Malpass was hired by a couple to file a bankruptcy petition, and he was required to—but but did not—seek approval from the bankruptcy court before collecting \$42,000.00 in attorney's fees from his clients. He failed to file a bankruptcy petition for his clients, who terminated his representation. The bankruptcy court ordered Malpass to disgorge the \$42,000.00 in fees that he had collected. But he did not repay any portion of the \$42,000.00 before he was suspended from the practice of law in California. During his probationary term in California, Malpass must pay his clients restitution.

On April 29, 2016, the State Bar Court of California suspended Malpass from the practice of law in California for one year, all stayed, upon successful completion of a one-year period of probation. This suspension was premised on Malpass's conviction of a criminal misdemeanor for attempting to grab a telephone from an acquaintance and striking her in the face. He did not report this conviction to the California state bar.

Malpass did not report either suspension to the Colorado Office of Attorney Regulation Counsel. Nor did he report his criminal misdemeanor conviction.

Through his conduct, Malpass engaged in conduct constituting grounds for discipline under C.R.C.P. 251.21 and violated Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal).