BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS

IN THE MATTER OF	§	
ASHLEY MARIE NICHOLS	§	**CAUSE NO.** 73798
STATE BAR CARD NO. 24044720	§	

PETITION FOR RECIPROCAL DISCIPLINE

TO THE BOARD OF DISCIPLINARY APPEALS:

The Commission for Lawyer Discipline (hereinafter referred to as the "Commission"), brings this action against Respondent, Ashley Marie Nichols, and would show the following:

1. This action is commenced by the Commission pursuant to Part IX of the Texas Rules of Disciplinary Procedure (the "TRDPs"). The Commission is also providing Respondent with a copy of Section 7 of this Board's Internal Procedural Rules, relating to Reciprocal Discipline Matters.

2. Respondent is a member of the State Bar of Texas and is licensed and authorized to practice law in Texas. Respondent may be served with a true and correct copy of this Petition for Reciprocal Discipline at Ashley Marie Nichols, 8365 Windway Drive, Windcrest, Texas 78239-2438.

3. On or about January 26, 2026, a Stipulation to Discipline Pursuant to C.R.C.P. 242.19 (Exhibit 1) was entered in Case Number 26PDJ5, an Original Proceeding in Discipline before the Presiding Disciplinary Judge, styled: *The People of the State of Colorado, Respondent v Ashley M. Nichols, (A.K.A. Ashley Geyer) #39120;* in Supreme Court, State of Colorado, which states in pertinent part as follows:

> On this 26th day of January, 2026, Jacob M. Vos, First Assistant Regulation Counsel and attorney for the complainant, and Ashley M. Nichols, the Respondent in these proceedings, enter into the following Stipulation to Discipline pursuant to C.R.C.P. 242.19 ("Stipulation") and submit the same to the Presiding Disciplinary

Judge for his consideration.

RECOMMENDATION: a 30-month served suspension.

1. The Respondent has taken and subscribed to the oath of admission, was admitted to the bar of this Court on October 22, 2007, and is registered as an attorney upon the official records of this Court, registration no. 39120. Respondent is subject to the jurisdiction of this Court and the Presiding Disciplinary Judge in these proceedings.

2. Respondent enters into this Stipulation freely and voluntarily. It is Respondent's personal decision, and Respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

3. This matter has not become public under the operation of C.R.C.P. 242.41 as amended. However, Respondent specifically acknowledges that, if the Presiding Disciplinary Judge should decide to accept this Stipulation, and impose the agreed-to discipline contained herein, then this Stipulation and the discipline imposed will be matters of public record. *See* C.R.C.P. 242.41(a)(2).

4. Respondent is familiar with the rules of the Colorado Supreme Court regarding the procedure for discipline of attorneys and with the rights provided by those rules. Respondent acknowledges the right to a full and complete evidentiary hearing on the above-referenced complaint. At any such hearing, Respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by Complainant. At any such formal hearing, Complainant would have the burden of proof and would be required to prove the charges contained in the complaint with clear and convincing evidence. Nonetheless, having full knowledge of the right to such a formal hearing, Respondent waives that right.

5. Respondent and Complainant specifically waive the right to a hearing pursuant to C.R.C.P. 242.30.

6. Respondent and Complainant stipulate to the following facts and conclusions:

   a. Debra Oppenheimer is a partner in the litigation practice of Altitude Community Law ("Altitude"), a law firm that specializes in representing community associations such as Homeowners' Associations. She learned of Respondent's potential misconduct below after some Associations contacted her about their matters.

b. On August 14, 2024, Respondent filed a Complaint on behalf of Plaintiff, in case number 24C42601: SPRING LANE OWNERS ASSOCIATION, INC., Plaintiff v. KEVIN TYLER RAMAGLI AND ANNA NICOLE RAMAGLI, Defendants, in El Paso County, State of Colorado. This was a complaint for the recovery of monthly assessments as well as added attorney's fees and court costs for a total recovery of $3,184.96. No further action was taken, and the file was closed by the court on October 16, 2024.

c. Mr. Ramagli, the defendant in that matter, called Respondent numerous times with no return call. He was attempting to find the amount to pay. He has since paid the account in full.

d. On July 15, 2024, Respondent filed a "Complaint for Foreclosure Pursuant to C.R.C.P. 105," in case number 24CV31302: SPRING LANE OWNERS ASSOCIATION, INC., Plaintiff v. NATHAN L. SIMMONS-TIFFANY, JR.; COLORADO HOUSING AND FINANCE AUTHORITY; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; MV REALTY OF COLORADO, LLC; SECRETARY OF HOUSING AND URBAN DEVELOPMENT; AND CHUCK BROERMAN, AS PUBLIC TRUSTEE OF EL PASO COUNTY, COLORADO, Defendants, in El Paso County, State of Colorado.

e. On September 18, 2024, the court entered default against Defendant Nathan L. Simmons-Tiffany, Jr.

f. On October 31, 2024, the court ordered the parties to file a status report:

> The parties are to file a status report in this case within 35 days of the date of this Order. Plaintiff's status report is to address a plan of proceeding in the case. The parties are also to address whether the Clerk's Default entered in this case was properly entered. A review of

the file suggests that a response to the Complaint by Defendant Simmons-Tiffany may have been filed prior to the Motion's assertion that none had been filed. Failure to comply with this Order may result in dismissal of the action or other analogous ruling against the party that fails to comply.

g. On December 16, 2024, the Court entered a Minute Order:

> 12/02/24 E-MAIL SENT TO PTF COUNSEL RE; SETTING A STATUS CONF 12/16/24 - CLERK CALLS AND LEAVES VOICE MAIL RE STATUS CONF /DDZ

h. On December 19, 2024, the court entered the following "Order Setting Initial Case Management Conference:"

> Plaintiff has sought entry of a clerk's default against Defendant Simmons-Tiffany. However, Defendant Simmons-Tiffany has filed appearances in the case and expressed difficulty communicating with Plaintiff's counsel. As a result, the division clerk attempted to contact the parties to schedule a status conference. The division clerk has not received responses. This matter is set for initial case management conference on January 27, 2025, at 10:00 a.m. in Division 2. The conference will require in-person appearances. Failure to attend may result in the case being dismissed for failure to pursue with due diligence or entry of a finding of default. Defendant CHFA is excused from attendance in light of the stipulation entered.

i. On January 27, 2025, the court entered the following "Order of Dismissal:"

This matter came before the Court for case management conference today pursuant to an Order issued on December 19, 2024. This case has experienced difficulties in communicating with

Plaintiff as noted in that Order. For this reason, the Court set the date of the conference and directed in person attendance of parties (or their counsel), warning that a failure to appear may result in judgment entering against the non-attending party. Plaintiff failed to appear and had failed to appear by the time the Court recessed 40 minutes after the scheduled conference. Defendant Simmons appeared and asked the Court to dismiss the case with prejudice. The Court found the arguments made by Defendant Simmons on the record to be persuasive and grants his request that the case be dismissed and that the dismissal be with prejudice as to the claims for relief asserted by Plaintiff.

j. Altitude entered an appearance in case number 24CV31302 on Spring Lane's behalf and filed a motion to set aside the dismissal. Emails sent to Respondent about the case bounced back as undeliverable. When reviewing the court file, Altitude attorneys noted Respondent failed to open notifications from the court dated August 27, 2024, September 18, 2024, October 31, 2024, and December 19, 2024. Respondent failed to appear at the Case Management Conference on January 27, 2025. The client advised Altitude that telephone calls to Respondent were not accepted at her office number and there was no voicemail option for leaving a message. Ultimately, the court denied Altitude's motion to set aside the dismissal and dismissed the case with prejudice. The defendant is now on a payment plan, but in the event she stops paying on the payment plan, Spring Lane is precluded from filing another action in light of the dismissal with prejudice.

k. On September 22, 2022, Respondent filed a Complaint on behalf of Plaintiff in case number 22C41096: THE BLUFFS AT RED DEER TOWNHOMES ASSOCIATION, INC., Plaintiff v. EDWARD ALLAN ACREE AND RYAN LEIGH FORTUNE, Defendants, in El Paso County, State of Colorado. This was a complaint for the recovery of monthly assessments as well as added attorney's fees and court costs for a total recovery of $2,471.50.

l. On October 20, 2022, Respondent filed a "Stipulation for Entry of Judgment Upon Default." The Defendants agreed to a payment plan regarding the amounts due. The payments were to be made through Cornerstone, Respondent's firm.

m. On October 26, 2022, the Stipulation was made an order of the court.

n. The Defendants advised the Association they made every payment, but a number of payments were not forwarded to the Association. Out of 12 checks paid from the Defendants to the Association, five were received by the Association and seven were never received by the Association despite being negotiated through the homeowner's bank account. Respondent processed checks through her COLTAF account and remitted payments to the Association from February 13, 2023, through February 5, 2024. But then, from March 1, 2024, through August 30, 2024, the checks from the homeowner were processed into Respondent's COLTAF account but they were not remitted to the Association, nor were they credited to the homeowner's account. In total, the homeowners paid Respondent $3,509.30, but Respondent only remitted $1,617.20 to the HOA, leaving a balance due of $1,892.10.

o. Respondent's bank records reflect that the Acree funds were deposited into her COLTAF account. She transferred the first set of payments to the Association, but retained the checks from March 2024 to September 2024. Respondent's COLTAF account statements reflect money moving through the account on a monthly basis through September 2024, but after November 25, 2024, her COLTAF account no longer contained a high enough balance to cover the $1,892.10 she owed the HOA.

p. Respondent ultimately liquidated her COLTAF account and did not maintain sufficient funds in her personal account to cover the missing funds. However, in early December, 2025, Respondent remitted the missing $1,892.10 to Red Deer.

q. Respondent reports that during most of the events at issue, she was involved in an abusive relationship. She ultimately lost access to her email account and was concerned about unauthorized access to her trust account. She is remorseful for her actions and takes responsibility for her misconduct.

r. Through Respondent's conduct described above, Respondent has engaged in conduct constituting grounds for the imposition of discipline pursuant to C.R.C.P. 242.9. Respondent has also violated Colo. RPC 1.3 (diligence); 1.4(b) (communication); 1.16(a) (withdrawal); 1. l 5A(a) (failure to safeguard client funds); 8.4(c) (knowing conversion); and 8.4(d) (conduct prejudicial to the administration of justice).

7. Pursuant to C.R.C.P. 242.19(b)(4), Respondent agrees to pay costs in the amount of $224.00 (a copy of the statement of costs is attached as Exhibit 1) incurred in conjunction with this matter within thirty-five (35) days after acceptance of the Stipulation by the Presiding Disciplinary Judge, made payable to Colorado Supreme Court Attorney Regulation Offices. Respondent agrees that statutory interest shall accrue from thirty-five (35) days after the Presiding Disciplinary Judge accepts this Stipulation. Should Respondent fail to make payment of the aforementioned costs within thirty-five (35) days, Respondent specifically agrees to be responsible for all additional costs and expenses, such as reasonable attorney fees and costs of collection incurred by Complainant in collecting the above stated amount. Complainant may amend the amount of the judgment for the additional costs and expenses by providing a motion and bill of costs to the Presiding Disciplinary Judge, which identifies this paragraph of the Stipulation and Respondent's default on the payment.

8. This Stipulation represents a settlement and compromise of the specific claims and defenses pled by the parties, and it shall have no meaning or effect in any other lawyer regulation case involving another respondent attorney.

9. This Stipulation is premised and conditioned upon acceptance of the same by the Presiding Disciplinary Judge. If for any reason the Stipulation is not accepted without changes or modification, then the admissions, confessions, and Stipulations made by Respondent will be of no effect. Either party will have the opportunity to accept or reject any modification. If either party

rejects the modification, then the parties shall be entitled to a full evidentiary hearing; and no confession, Stipulation, or other statement made by Respondent in conjunction with this offer to accept discipline of a 30-month suspension may be subsequently used. If the Stipulation is rejected, then the matter will be heard and considered pursuant to C.R.C.P. 242.30.

10. The Office of Attorney Regulation Counsel will notify the complaining witness in the matter of the disposition after the Court approves this agreement.

11. The parties have agreed that Respondent does not owe any restitution as a component of this stipulated resolution in light of her prior payment to Red Deer.

. . .

RECOMMENDATION FOR AND CONSENT TO DISCIPLINE

Based on the foregoing, the parties hereto recommend that a 30-month suspension be imposed upon Respondent. Respondent consents to the imposition of discipline of a 30-month suspension. Respondent's Colorado law license is currently administratively suspended, and she is not currently engaged in the practice of law. The parties therefore request that the Presiding Disciplinary Judge order that the effective date of such discipline be immediate.

Ashley M. Nichols, Respondent, and Jacob M. Vos, attorney for the Complainant, acknowledge by signing this document that they have read and reviewed the above and request the Presiding Disciplinary Judge to accept the Stipulation as set forth above. Respondent swears or affirms that the statements contained in this Stipulation pre true and correct to the best of her knowledge, information, and belief.

4. On or about January 27, 2026, an Order Approving Stipulation to Discipline Under C.R.C.P. 242.19(c) (Exhibit 2) was entered in Case Number 26PDJ5, an Original Proceeding in Discipline before the Presiding Disciplinary Judge, styled: *The People of the State of Colorado, Respondent v: Ashley M. Nichols, (A.K.A. Ashley Geyer) #39120,* in Supreme Court, State of Colorado, which states in pertinent part as follows:

Before the Presiding Disciplinary Judge ("the Court") is a "Stipulation to Discipline Pursuant to C.R.C.P. 242.19" filed on January 26, 2026, by Jacob M. Vos, Office of Attorney Regulation Counsel ("the People"), and Ashley M. Nichols, a/k/a Ashley Geyer ("Respondent"). In the stipulation, the parties waive their right to a hearing.

Under C.R.C.P. 242.19(c), the Court may either approve or reject the parties' stipulation, using discretion and in accordance with the considerations governing imposition of disciplinary sanctions. The Court has reviewed the case file and the stipulation in this case and finds that the parties' agreement as to the facts, rule violations, applicable mitigating and aggravating factors, and sanction is consistent with the American Bar Association *Standards for Imposing Lawyer Sanctions*. The Court therefore **APPROVES** the stipulation and **ORDERS**:

1. **ASHLEY M. NICHOLS, a/k/a ASHLEY GEYER**, whose registered business address is in Denver, Colorado, and whose attorney registration number is **39120**, is **SUSPENDED** from the practice of law for a period of **THIRTY MONTHS**.

2. Respondent violated Colo. RPC 1.3; RPC 1.4(b); Colo. RPC 1.16(a); Colo RPC 1.15A(a); Colo. RPC 8.4(c); and Colo. RPC 8.4(d).

3. Respondent **MUST NOT** practice law or aid others to practice law in violation of Colo. RPC 5.5.

4. Respondent **MUST** timely comply with C.R.C.P. 242.32(b)-(e), concerning winding up of affairs, notice to current clients, duties owed in litigation matters, and notice to other jurisdictions where she is licensed or otherwise authorized to practice law.

5. Within fourteen days after the effective date of the suspension, Respondent MUST file an affidavit with the Court under C.R.C.P. 242.32(f), attesting to her compliance with C.R.C.P. 242.32.

6. If Respondent wishes to seek reinstatement to the practice of law after her suspension, she must file a petition for reinstatement under C.R.C.P. 242.39(b).

> 7. Within thirty-five days of the date of this order, Respondent **MUST** pay the administrative fee of $224.00. Statutory interest will begin to accrue thirty-five days from the date of this order. The administrative fee is payable to the Office of Attorney Regulation Counsel.
>
> **THIS ORDER IS ENTERED THE 27th DAY OF JANUARY, 2026. THE EFFECTIVE DATE OF THE SUSPENSION IS THE 27th DAY OF JANUARY, 2026.**

5. A true and correct copy of the Stipulation to Discipline Pursuant to C.R.C.P. 242.19 and the Order Approving Stipulation to Discipline Under C.R.C.P. 242.19(c) are attached hereto as the Commission's Exhibits 1 and 2. The Commission expects to introduce certified copies of Exhibits 1 and 2 at the time of hearing of this cause.

6. The Commission received a letter from the Colorado Supreme Court, Attorney Regulation Counsel dated February 12, 2026, giving notice that Respondent recently stipulated to a 30 month disciplinary suspension in Colorado (Exhibit 3).

7. The Commission brings this disciplinary action in accordance with the Chief Disciplinary Counsel's mandatory administrative obligations, as set forth in TRDP 9.01.

8. Respondent was disciplined in another jurisdiction within the meaning of TRDP 9.01. The Supreme Court of the State of Colorado, Office of the Presiding Disciplinary Judge, found that Respondent violated the following Rules of the Colorado Rules of Professional Conduct: 1.3 (diligence); 1.4(b) (communication); 1.15A(a) (failure to safeguard client funds); 1.16(a) (withdrawal); 8.4(c) (dishonesty, fraud, and deceit); and 8.4(d) (conduct prejudicial to the administration of justice).

9. One or more of Respondent's violations of the Colorado Rules of Professional Conduct ("C.R.C.P") correspond to similar obligations in the Texas Disciplinary Rules of Professional Conduct ("TDRPC").

a. TDRCP 1.01(b)(2) (Diligence – A lawyer shall not frequently fail to carry out completely the obligations that the lawyer owes to a client or clients.) *See* TEX. DISCIPLINARY R. PROF'L CONDUCT 1.01(b)(2).

b. TDRCP 1.03(b) (Communication – A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decision regarding the representation.) *See* TEX. DISCIPLINARY R. PROF'L CONDUCT 1.03(b).

c. TDRCP 1.15(a) (Safekeeping Property – A lawyer shall hold funds belonging to a client that are in a lawyer's possession in trust or escrow account.) *See* TEX. DISCIPLINARY R. PROF'L CONDUCT 1.15(a).

d. TDRCP 1.16(a)(2) (Withdrawal). *See* TEX. DISCIPLINARY R. PROF'L CONDUCT 1.16(a)(2).

e. TDRCP 8.04(a)(3) (Misconduct – A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.) *See* TEX. DISCIPLINARY R. PROF'L CONDUCT 8.04(a)(3).

f. TDRCP 8.04(a)(4) (Misconduct – A lawyer shall not engage in conduct constituting obstruction of justice.) *See* TEX. DISCIPLINARY R. PROF'L CONDUCT 8.04(a)(4).

10. The Commission prays that, pursuant to Rule 9.02, Texas Rules of Disciplinary Procedure, that this Board issue notice to Respondent, containing a copy of this Petition with exhibits, and an order directing Respondent to show cause within thirty (30) days from the date of the mailing of the notice, why the imposition of the identical discipline in this state would be unwarranted. The Commission further prays that upon trial of this matter this Board enters a judgment imposing discipline identical, to the extent practicable, with that imposed by the State of Colorado, Office of the Presiding Disciplinary Judge, and that the Commission have such other and further relief to which it may be entitled.

Respectfully submitted,

Seana Willing
Chief Disciplinary Counsel

Ramiro Canales
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas
P.O. Box 12487
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Ramiro Canales

Ramiro Canales
Bar Card No. 24012377

ATTORNEYS FOR THE COMMISSION

CERTIFICATE OF SERVICE

I certify that upon receipt of the Order to Show Cause from the Board of Disciplinary Appeals, I will serve a copy of this Petition for Reciprocal Discipline and the Order to Show Cause on Ashley Marie Nichols by personal service.

Ashley Marie Nichols
8365 Windway Drive
Windcrest, Texas 78239-2438

Ramiro Canales

Ramiro Canales

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE PRESIDING DISCIPLINARY JUDGE 1300 Broadway, Suite 250 Denver, Colorado 80203	FILED Office of the Presiding Disciplinary Judge January 26, 2026 Presiding Disciplinary Judge Colorado Supreme Court ▲COURT USE ONLY▲
Complainant: THE PEOPLE OF THE STATE OF COLORADO Respondent: ASHLEY M. NICHOLS, (A.K.A. ASHLEY GEYER) # 39120	
Jacob M. Vos, #41562 First Assistant Regulation Counsel Attorney for Complainant 1300 Broadway, Suite 500 Denver, Colorado 80203 Telephone: (303) 928-7907 Email: j.vos@csc.state.co.us Ashley M. Nichols, # 39120 Respondent 8365 Windway Drive Windcrest, TX 78239 Telephone: (303) 432-9999 blawgirl@gmail.com	Case Number: 26PDJ5

STIPULATION TO DISCIPLINE PURSUANT TO C.R.C.P. 242.19

On this 26 day of January, 2026, Jacob M. Vos, First Assistant Regulation Counsel and attorney for the complainant, and Ashley M. Nichols, the Respondent in these proceedings, enter into the following Stipulation to Discipline pursuant to C.R.C.P. 242.19 ("Stipulation") and submit the same to the Presiding Disciplinary Judge for his consideration.

RECOMMENDATION: a 30-month served suspension.

1. The Respondent has taken and subscribed to the oath of admission, was admitted to the bar of this Court on October 22, 2007, and is registered as an attorney upon the official records of this Court, registration no. 39120. Respondent is subject to the jurisdiction of this Court and the Presiding Disciplinary Judge in these proceedings.

2. Respondent enters into this Stipulation freely and voluntarily. It is Respondent's personal decision, and Respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

EXHIBIT
1

3. This matter has not become public under the operation of C.R.C.P. 242.41 as amended. However, Respondent specifically acknowledges that, if the Presiding Disciplinary Judge should decide to accept this Stipulation, and impose the agreed-to discipline contained herein, then this Stipulation and the discipline imposed will be matters of public record. *See* C.R.C.P. 242.41(a)(2).

4. Respondent is familiar with the rules of the Colorado Supreme Court regarding the procedure for discipline of attorneys and with the rights provided by those rules. Respondent acknowledges the right to a full and complete evidentiary hearing on the above-referenced complaint. At any such hearing, Respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by Complainant. At any such formal hearing, Complainant would have the burden of proof and would be required to prove the charges contained in the complaint with clear and convincing evidence. Nonetheless, having full knowledge of the right to such a formal hearing, Respondent waives that right.

5. Respondent and Complainant specifically waive the right to a hearing pursuant to C.R.C.P. 242.30.

6. Respondent and Complainant stipulate to the following facts and conclusions:

a. Debra Oppenheimer is a partner in the litigation practice of Altitude Community Law ("Altitude"), a law firm that specializes in representing community associations such as Homeowners' Associations. She learned of Respondent's potential misconduct below after some Associations contacted her about their matters.

b. On August 14, 2024, Respondent filed a Complaint on behalf of Plaintiff, in case number 24C42601: SPRING LANE OWNERS ASSOCIATION, INC., Plaintiff v. KEVIN TYLER RAMAGLI AND ANNA NICOLE RAMAGLI, Defendants, in El Paso County, State of Colorado. This was a complaint for the recovery of monthly assessments as well as added attorney's fees and court costs for a total recovery of $3,184.96. No further action was taken, and the file was closed by the court on October 16, 2024.

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> The parties are to file a status report in this case within 35 days of the date of this Order. Plaintiff's status report is to address a plan of proceeding in the case. The parties are also to address whether the Clerk's Default entered in this case was properly entered. A review of the file suggests that a response to the Complaint by Defendant Simmons-Tiffany may have been filed prior to the Motion's assertion that none had been filed. Failure to comply with this Order may result in dismissal of the action or other analogous ruling against the party that fails to comply.

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i. On January 27, 2025, the court entered the following "Order of Dismissal:"

> This matter came before the Court for case management conference today pursuant to an Order issued on December 19, 2024. This case has experienced difficulties in communicating with Plaintiff as noted in that Order. For this reason, the Court set the date of the conference and directed in person attendance of parties (or their counsel), warning that a failure to appear may result in judgment entering against the non-attending party. Plaintiff failed to appear and had failed to appear by the time the Court recessed 40 minutes after the scheduled conference. Defendant Simmons appeared and asked the Court to dismiss the case with prejudice. The Court found the arguments made by Defendant Simmons on the record to be persuasive and grants his request that the case be dismissed and that the dismissal be with prejudice as to the claims for relief asserted by Plaintiff.

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q. Respondent reports that during most of the events at issue, she was involved in an abusive relationship. She ultimately lost access to her email account and was concerned about unauthorized access to her trust account. She is remorseful for her actions and takes responsibility for her misconduct.

r. Through Respondent's conduct described above, Respondent has engaged in conduct constituting grounds for the imposition of discipline pursuant to C.R.C.P. 242.9. Respondent has also violated Colo. RPC 1.3 (diligence); 1.4(b) (communication); 1.16(a) (withdrawal); 1.15A(a) (failure to safeguard client funds); 8.4(c) (knowing conversion); and 8.4(d) (conduct prejudicial to the administration of justice).

7. Pursuant to C.R.C.P. 242.19(b)(4), Respondent agrees to pay costs in the amount of $224.00 (a copy of the statement of costs is attached as Exhibit 1) incurred in conjunction with this matter within thirty-five (35) days after acceptance of the Stipulation by the Presiding Disciplinary Judge, made payable to Colorado Supreme Court Attorney Regulation Offices. Respondent agrees that statutory interest shall accrue from thirty-five (35) days after the Presiding Disciplinary Judge accepts this Stipulation. Should Respondent fail to make payment of the aforementioned costs within thirty-five (35) days, Respondent specifically agrees to be responsible for all additional costs and expenses, such as reasonable attorney fees and costs of collection incurred by Complainant in collecting the above stated amount. Complainant may amend the amount of the judgment for the additional costs and expenses by providing a motion and bill of costs to the Presiding Disciplinary Judge, which identifies this paragraph of the Stipulation and Respondent's default on the payment.

8. This Stipulation represents a settlement and compromise of the specific claims and defenses pled by the parties, and it shall have no meaning or effect in any other lawyer regulation case involving another respondent attorney.

9. This Stipulation is premised and conditioned upon acceptance of the same by the Presiding Disciplinary Judge. If for any reason the Stipulation is not accepted without changes or modification, then the admissions, confessions, and Stipulations made by Respondent will be of no effect. Either party will have the opportunity to accept or reject any modification. If either party rejects the modification, then the parties shall be entitled to a full evidentiary hearing; and no confession, Stipulation, or other statement made by Respondent in conjunction with this offer to accept discipline of a 30-month suspension may be subsequently used. If the Stipulation is rejected, then the matter will be heard and considered pursuant to C.R.C.P. 242.30.

10. The Office of Attorney Regulation Counsel will notify the complaining witness in the matter of the disposition after the Court approves this agreement.

11. The parties have agreed that Respondent does not owe any restitution as a component of this stipulated resolution in light of her prior payment to Red Deer.

PRIOR DISCIPLINE

12. In *People v. Ashley M. Nichols*, 16PDJ046, Respondent received a public censure effective June 8, 2016. In August 2014, Nichols filed a complaint on behalf of her client, a homeowner's association, in a foreclosure lien action. On September 26, 2014, the district court issued a notice of failure to prosecute and indicated that the case would be dismissed on October 15, 2014. On October 1, 2014, Nichols moved for default judgment against the homeowner defendant; the defendant then filed an answer. Default judgment was entered against the bank that held the mortgage. The remaining parties were ordered to set the case for trial. Despite her efforts to do so, Nichols was unable set the case for trial and the case was dismissed for failure to prosecute. She did not tell her client that the case had been dismissed because she believed that she would successfully reopen the case. In January 2015, Nichols drafted a motion to reopen the case. She never filed the motion with the court, however. She twice updated her client about the status of the case but failed to inform the client of the dismissal. After not hearing from Nichols for several months, her client hired successor counsel, who discovered that the case had been dismissed. Nichols's firm paid the client $15,000.00 to compensate for the client's losses. Nichols self-reported her conduct to the Office of Attorney Regulation Counsel in August 2015. Nichols's conduct violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the status of the matter); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation). Exhibit 2.

ANALYSIS OF DISCIPLINE

13. The American Bar Association *Standards for Imposing Lawyer Sanctions* (1991 and Supp. 1992) (" ABA *Standards*") are recognized by the Colorado Supreme Court as the guiding authority for selecting the appropriate sanction to impose for lawyer misconduct. *See In re Roose*, 69 P.3d 43, 46-47 (Colo. 2003) (citing *In re Attorney D*, 57 P.3d 395, 399 (Colo. 2002)). As the Colorado Supreme Court has stated,

> The ABA Standards were created as a model system of sanctions, designed to achieve greater consistency in the sanctioning of attorney misconduct while at the same time leaving room for 'flexibility and creativity in assigning sanctions in particular cases of lawyer misconduct.' (citing ABA Standards, Preface (2005)). Flexibility and discretion are built into the ABA Standards' two-step framework for determining the appropriate sanction. See ABA Standards, Theoretical Framework; ABA Standard 3.0 & cmt... [T]his framework is 'not designed to propose a specific sanction for each of the myriad of fact patterns in cases of lawyer misconduct,' but rather is designed to 'give courts the flexibility to select the appropriate sanction in each particular case.' (citing ABA Standards, Theoretical Framework).

Matter of Attorney F, 285 P.3d 322, 326 (Colo. 2012); *see also* ABA *Standard* 1.3 cmt. ("While these standards set forth a comprehensive model to be used in imposing sanctions, they also recognize that sanctions imposed must reflect the circumstances of each individual lawyer, and therefore provide for consideration of aggravating and mitigating circumstances in each case.").

14. The Court has also stated, "individual circumstances make extremely problematic any meaningful comparison of discipline ultimately imposed in different cases." *In re Rosen,* 198 P.3d 116, 121 (Colo. 2008).

15. Pursuant to ABA *Standards* §3.0, the Court should consider the following factors generally:

a. The duty violated: the duties of diligence, communication, and candor.

b. The lawyer's mental state: knowing.

c. The actual or potential injury caused by the lawyer's misconduct: Respondent's misconduct caused significant actual harm to her clients.

Pursuant to ABA *Standard* § 4.11, disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client. Likewise, pursuant to ABA *Standard* § 4.41(a), disbarment is generally appropriate when a lawyer abandons the practice and causes serious or potentially serious injury to a client.

16. This matter also presents the following aggravating and mitigating factors:

Aggravating factors pursuant to ABA *Standards* § 9.22 include:

(a) prior disciplinary offenses: this factor should be afforded significant weight in light of some parallels between the prior misconduct and the misconduct at issue here.

(c) a pattern of misconduct: this factor should be afforded moderate weight in light of the multiple cases dismissed for lack of prosecution.

(d) multiple offenses: this factor should be afforded moderate weight due to the variety of misconduct at issue.

(i) substantial experience in the practice of law: Respondent was licensed in 2007. This factor should be afforded moderate weight.

Mitigating factors pursuant to ABA *Standards* § 9.32 include:

(c) personal or emotional problems: Respondent's personal and emotional problems had a strong causal connection to the misconduct at issue. This factor should therefore be afforded significant weight.

(d) timely good faith effort to make restitution or to rectify consequences of misconduct: while Respondent's restitution payment was not particularly timely, it should still be afforded considerable weight since she took initiative to make up for the harm caused by her misconduct.

(e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings: while Respondent was slow to respond to OARC investigators, once she participated in the investigation she was candid and forthright. This factor should be afforded average weight.

(l) remorse: Respondent was remorseful and contrite in her OARC interview. This factor should be afforded average weight.

17. Respondent's misconduct at issue here is serious, but the matter also presents personal and emotional problems that had a causal connection to the misconduct. While the mitigation is not as strong as that in *People v. Lujan*, 890 P.2d 109, 110 (Colo. 1995), that case is still informative. Moreover, Respondent reports the issues causing the misconduct have resolved.

18. In addition to *Lujan*, the court issued a three-year suspension in *People v. Cochrane*, 296 P.3d 1051, 1060 (Colo. O.P.D.J. 2013), where Cochrane's misconduct was more egregious – more money knowingly converted and more intentional dishonesty – but she presented substantial mitigating evidence. *In re Corbin*, 973 P.2d 1273, 1276 (Colo. 1999), involved a three-year suspension for similar abandonment issues, combined with similar minor conversion and personal and emotional issues. *See also People v. D'Acquisto*, 146 P.3d 1041, 1048 (Colo. O.P.D.J. 2006) (same).

19. Considering all of the factors described above, as applied to this case, a 30-month suspension is an appropriate sanction.

RECOMMENDATION FOR AND CONSENT TO DISCIPLINE

Based on the foregoing, the parties hereto recommend that a 30-month suspension be imposed upon Respondent. Respondent consents to the imposition of discipline of a 30-month suspension. Respondent's Colorado law license is currently administratively suspended, and she is not currently engaged in the practice of law. The parties therefore request that the Presiding Disciplinary Judge order that the effective date of such discipline be immediate.

Ashley M. Nichols, Respondent, and Jacob M. Vos, attorney for the Complainant, acknowledge by signing this document that they have read and reviewed the above and request the Presiding Disciplinary Judge to accept the Stipulation as set forth above. Respondent swears or affirms that the statements contained in this Stipulation are true and correct to the best of her knowledge, information, and belief.

Ashley M. Nichols
P.O. Box 7458
Denver, CO 80207
Telephone: (303) 432-9999
Respondent

Jacob M. Vos, #41562
First Assistant Regulation Counsel
1300 Broadway, Suite 500
Denver, CO 80203
Telephone: (303) 928-7811
Attorney for the Complainant

EXHIBIT 1 TO STIPULATION

Statement of Costs

Ashley M. Nichols
25-412

9/9/2025	BOKF, NA - Record request	$	22.00
12/23/2025	Administrative Fee	$	224.00
	AMOUNT DUE	$	246.00

EXHIBIT 1 TO STIPULATION

SUBPOENA INVOICE

SEND PAYMENT TO:
BOKF, NA (FEIN 73-0780382)
Attn: ECS-Subpoenas
PO Box 2300
Tulsa, Oklahoma 74102

Date: September 9, 2025

Invoice Number: 2025-1396

Bill to:

Gregory G. Sapakoff, Deputy Regulation Counsel
COLORADO SUPREME COURT
Office of Attorney Regulation Counsel
1300 Broadway, Suite 500
Denver, CO 80203

Re: Subpoena to BOK Financial for Records Relating to Ashley M. Nichols and Cornerstone Law

Description	Quantity	Unit Cost	Total
Research/Processing	1	$22.00	$22.00
USB	0	$2.00	$.00
FedEx	0	$20.00	$.00
		(Prepayment):	-$00.00
		Total:	**$22.00**

Approved: Greg Sapakoff, Deputy Reg. Counsel

Rev. 2022-07-21

Re: Ashley Nichols, 25-412
REGU-TRLS-2820

EXHIBIT 2 TO STIPULATION

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE PRESIDING DISCIPLINARY JUDGE 1300 Broadway, Suite 250 Denver, Colorado 80203	**FILED** JUN 07 2016 PRESIDING DISCIPLINARY JUDGE SUPREME COURT OF COLORADO
Complainant: THE PEOPLE OF THE STATE OF COLORADO Respondent: ASHLEY M. NICHOLS, #39120	▲COURT USE ONLY▲
Catherine S. Shea, #36658 Assistant Regulation Counsel Attorney for Complainant 1300 Broadway, Suite 500 Denver, Colorado 80203 Telephone: (303) 457-5800 x7913 Fax No.: (303) 501-1141 Email: c.shea@csc.state.co.us Ronald H. Nemirow, #15178 Respondent's Counsel Nemirow Perez P.C. 445 Union Blvd., Suite 209 Lakewood, CO 80228 Telephone: (720) 638-1234 x107 Email: rnemirow@nemirowperez.com	Case Number: 16 PDJ 046

STIPULATION, AGREEMENT, AND AFFIDAVIT CONTAINING RESPONDENT'S CONDITIONAL ADMISSION OF MISCONDUCT

On this 6th day of June, 2016, Catherine S. Shea, Assistant Regulation Counsel and attorney for Complainant, and Ashley M. Nichols, Respondent, who is represented by Ronald H. Nemirow in these proceedings, enter into the following Stipulation, Agreement, and Affidavit Containing Respondent's Conditional Admission of Misconduct ("Stipulation") and submit the same to the Presiding Disciplinary Judge for his consideration.

RECOMMENDATION: Public censure.

1. Respondent has taken and subscribed to the oath of admission, was admitted to the bar of this Court on October 22, 2007, and is registered as an

attorney upon the official records of this Court, registration no. 39120. Respondent is subject to the jurisdiction of this Court and the Presiding Disciplinary Judge in these proceedings.

2. Respondent enters into this Stipulation freely and voluntarily. No promises have been made concerning future consideration, punishment, or lenience in the above-referenced matter. It is Respondent's personal decision, and Respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

3. This matter has not become public under the operation of C.R.C.P. 251.31(c) as amended. However, Respondent specifically acknowledges that, if the Presiding Disciplinary Judge should decide to accept this Stipulation, and impose the agreed-to discipline contained herein, then this Stipulation and the discipline imposed will be matters of public record.

4. Respondent is familiar with the rules of the Colorado Supreme Court regarding the procedure for discipline of attorneys and with the rights provided by those rules. Respondent acknowledges the right to a full and complete evidentiary hearing on the above-referenced complaint. At any such hearing, Respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by Complainant. At any such formal hearing, Complainant would have the burden of proof and would be required to prove the charges contained in the complaint with clear and convincing evidence. Nonetheless, having full knowledge of the right to such a formal hearing, Respondent waives that right.

5. Respondent and Complainant specifically waive the right to a hearing pursuant to C.R.C.P. 251.22(c)(1).

6. Respondent and Complainant stipulate to the following facts and conclusions:

a. In August 2014, Respondent filed a complaint on behalf of her client, the Townhomes at Carriage Village Owners Association ("HOA"), to pursue judicial foreclosure of its lien on real property owned by Lilia Morales. Chase Bank held the first mortgage on the property.

b. On September 26, 2014, the court issued a Notice of Dismissal for Failure to Prosecute, noting that neither answers nor motions for default or default judgment had been timely filed. The Notice stated that the case would be dismissed on October 15, 2014 and that the parties "will not receive a copy of the dismissal order."

c. On October 1, 2014, Respondent filed a Verified Motion for Default Judgment and Order and Decree for Judicial Foreclosure, including exhibits and affidavits, with the court. Ms. Morales's attorney filed an answer to the complaint on her behalf on October 16, 2014.

d. On November 2, 2014, Ms. Nichols separated from her husband of over 13 years and, on November 4, 2014, petitioned for the dissolution of her marriage. See 2014DR2941, District Court, City and County of Denver, State of Colorado.

e. On November 6, 2014, default judgment was granted against defendant Chase Bank. The court ordered the remaining parties to set the case for trial within 14 days. The trial court's order said nothing about dismissing the case if trial was not set.

f. Respondent states that she attempted to confer with Ms. Morales's attorney regarding potential trial dates but was unsuccessful. On November 26, 2014, her paralegal contacted the court regarding available trial dates; however the court was closed until December 1, 2014. The paralegal left a voicemail message for the clerk requesting a return call.

g. On November 27, 2014, the case was dismissed without prejudice for failure to prosecute. Respondent was not notified of the dismissal, in accordance with the statement made in the September 26, 2014 Notice of Dismissal for Failure to Prosecute.

h. On December 2, 2014, the division clerk returned the paralegal's phone call and left a voicemail message indicating that she was attempting to set the matter for trial. The paralegal returned the call but was unable to reach the clerk, so she left her email address for the clerk to send her possible trial dates. Eventually, the clerk did email Respondent's paralegal with available dates.

i. In mid-January 2015, Respondent discovered that the HOA's case had been dismissed. She drafted a motion to reopen the case with the court in order to set the matter for trial. Respondent did not advise the client of the dismissal, because she believed she had taken steps to reopen the matter and "was optimistic" that she would be successful.

j. After transmitting the motion to her paralegal for filing, Respondent failed to ensure the motion was filed. It was not.

k. On February 3, 2015, in response to a request for a status update, Respondent emailed the HOA's representative Eric Veinberg a copy of the Complaint and Answer. She told him that a trial date had not yet been set; it would likely be scheduled for April or May. Respondent did not advise Mr. Veinberg of the case's dismissal. Because the clients of the firm where Respondent works are routinely encouraged to keep abreast of case developments via the firm's website, and because the status reports are available through client logins, Respondent assumed that the HOA had access to the information contained in her status reports, and would see that, as of mid-January 2015, her firm was working on a notice to reopen the case, thereby implying that the case had somehow been closed.

l. Although Respondent informed the HOA and Mr. Veinberg by email in January 2011 about the ability to access collection status reports online, the firm's records show that no one from the HOA ever electronically accessed the file.

m. In March 2015, when Mr. Veinberg again requested an update on the case, Respondent advised him that a trial date had not yet been set and that she was attempting to communicate with the homeowner's attorney to resolve the matter short of trial. Again, Respondent did not advise Mr. Veinberg of the case's dismissal.

n. In early April 2015, Respondent received notice from Chase Bank that it was initiating foreclosure proceedings against the homeowner. Because Respondent assumed that Mr. Veinberg was monitoring the case through her firm's portal, Respondent failed to affirmatively inform Mr. Veinberg that she placed the judicial foreclosure case on hold, pending Chase Bank's foreclosure, which would extinguish the HOA's lien.

o. In June 2015, after not hearing anything from Respondent for three months, the HOA retained counsel, Kristin Schelwat, to review its case. Ms. Schelwat discovered that the case had been dismissed. In response to an email from Mr. Veinberg on June 19, 2015, Respondent apologizing for dropping the ball and letting Ms. Morales's case slip through the cracks. She advised him that the case was dismissed without prejudice and closed in November 2014, after which she drafted a Motion to Reopen in January 2015 but failed to verify that the Motion was filed. Respondent also explained the pending mortgage foreclosure and her firm's practice with respect to placing the HOA's case on hold.

p. According to Ms. Schelwat, the HOA lost a portion of its lien rights, approximately $15,000, due to the dismissal of the case and subsequent first mortgage foreclosure. Respondent's firm made a $15,000 payment to the HOA address a portion of the loss, as well as the attorney's fees the HOA accrued.

q. On August 11, 2015, Respondent self-reported her conduct to the Office of Attorney Regulation Counsel.

r. Through Respondent's conduct described above, Respondent has engaged in conduct constituting grounds for the imposition of discipline pursuant to C.R.C.P. 251.5. Respondent has also violated Colo. RPC 1.3, 1.4(a)(3), and 8.4(c).

7. Pursuant to C.R.C.P. 251.32, Respondent agrees to pay costs in the amount of $224.00 (a copy of the statement of costs is attached hereto as **Exhibit 1**) incurred in conjunction with this matter within thirty-five (35) days after acceptance of the Stipulation by the Presiding Disciplinary Judge, made payable to Colorado Supreme Court Attorney Regulation Offices. Respondent agrees that statutory interest shall accrue from thirty-five (35) days after the Presiding Disciplinary Judge accepts this Stipulation. Should Respondent fail to make payment of the aforementioned costs and interest within thirty-five (35) days, Respondent specifically agrees to be responsible for all additional costs and expenses, such as reasonable attorney fees and costs of collection incurred by Complainant in collecting the above stated amount. Complainant may amend the amount of the judgment for the additional costs and expenses by providing a motion and bill of costs to the Presiding Disciplinary Judge, which identifies this paragraph of the Stipulation and Respondent's default on the payment.

8. This Stipulation represents a settlement and compromise of the specific claims and defenses pled by the parties, and it shall have no meaning or effect in any other lawyer regulation case involving another respondent attorney.

9. This Stipulation is premised and conditioned upon acceptance of the same by the Presiding Disciplinary Judge. If for any reason the Stipulation is not accepted without changes or modification, then the admissions, confessions, and Stipulations made by Respondent will be of no effect. Either party will have the opportunity to accept or reject any modification. If either party rejects the modification, then the parties shall be entitled to a full evidentiary hearing; and no confession, Stipulation, or other statement made by Respondent in conjunction with this offer to accept discipline of a public censure may be subsequently used. If the Stipulation is rejected, then the matter will be heard and considered pursuant to C.R.C.P. 251.18.

PRIOR DISCIPLINE

10. None.

ANALYSIS OF DISCIPLINE

11. Pursuant to American Bar Association *Standards for Imposing Lawyer Sanctions* 1991 and Supp. 1992 ("ABA *Standards*"), § 3.0, the Court should consider the following factors generally:

a. The duty violated: Respondent violated her duties of diligence and candor to her client by failing to disclose the dismissal of its case and by failing to ensure that the motion to reopen the case was filed with the court.

b. The lawyer's mental state: With respect to the Colo. RPC 1.3 violation, Respondent's mental state was negligent. Her mental state as to the other two rule violations was knowing.

c. The actual or potential injury caused by the lawyer's misconduct: Respondent's conduct caused actual injury to the HOA; it was unable to foreclose on its lien prior to Chase Bank foreclosing on Ms. Morales's mortgage and incurred additional attorney's fees in retaining Ms. Schelwat. However, the HOA has been compensated for its injury.

d. The existence of aggravating or mitigating factors: Factors in aggravation which are present include: multiple offenses, ABA *Standards* § 9.22(d). Factors in mitigation include: absence of a prior disciplinary record, absence of a dishonest or selfish motive, personal or emotional problems, timely good faith effort to make restitution or to rectify consequences of misconduct, full and free disclosure to disciplinary board, and remorse, ABA *Standards* § 9.32(a), (b), (c), (d), (e), and (l).

12. Pursuant to ABA Standard 4.43, reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client. ABA Standard 4.62 states that suspension is generally appropriate when a lawyer knowingly deceives a client, and causes injury or potential injury to the client.

13. In *People v. Johnston*, 955 P.2d 1051, 1053 (Colo. 1998), the attorney was publicly censured for misrepresenting the status of a case in a memorandum to the client by failing to inform the client that the case had been dismissed. As in this case, the client incurred additional attorney's fees in hiring subsequent counsel. Respondent's firm has reimbursed the client for those expenses. And like the attorney *Johnston*, Respondent did not have a dishonest or selfish motive for her conduct.

14. Considering all of the factors described above, as applied to this case, public censure is an appropriate sanction.

RECOMMENDATION FOR AND CONSENT TO DISCIPLINE

Based on the foregoing, the parties hereto recommend that a public censure be imposed upon Respondent. Respondent consents to the imposition of discipline of a public censure. The parties request that the Presiding Disciplinary Judge order that the effective date of such discipline be immediate.

Ashley M. Nichols, Respondent, and Catherine S. Shea, attorney for Complainant, acknowledge by signing this document that they have read and reviewed the above and request the Presiding Disciplinary Judge to accept the Stipulation as set forth above.

Ashley M. Nichols
555 Zang Street, Ste. 100
Lakewood, CO 80228
Telephone: (303) 432-9999
Respondent

STATE OF COLORADO)
)ss:
COUNTY OF Jefferson)

Subscribed and sworn to before me this 6th day of June, 2016, by Ashley M. Nichols, Respondent.

Witness my hand and official seal.

My commission expires: 9/3/2019

Notary Public

ORYAN JACKSON
NOTARY PUBLIC - STATE OF COLORADO
My Identification # 20154035058
Expires September 3, 2019

Catherine S. Shea, #36658
Assistant Regulation Counsel
1300 Broadway, Suite 500
Denver, CO 80203
Telephone: (303) 457-5800 x7913
Attorney for Complainant

Ronald H. Nemirow, #15178
Nemirow Perez P.C.
445 Union Blvd., Suite 209
Lakewood, CO 80228
Telephone: (720) 638-1234 x107
Attorney for Respondent

Statement of Costs

Ashley M. Nichols

15-2488

6/6/2016	Administrative Fee	$ 224.00
	AMOUNT DUE	$ 224.00

EXHIBIT 1

EXHIBIT 2 TO STIPULATION

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	
Complainant: THE PEOPLE OF THE STATE OF COLORADO **Respondent:** ASHLEY M. NICHOLS	Case Number: **16PDJ046**

ORDER APPROVING CONDITIONAL ADMISSION OF MISCONDUCT AND IMPOSING SANCTIONS UNDER C.R.C.P. 251.22

Before the Presiding Disciplinary Judge ("the Court") is a "Stipulation, Agreement, and Affidavit Containing Respondent's Conditional Admission of Misconduct" filed by Catherine S. Shea, Office of Attorney Regulation Counsel ("the People"), and Ronald H. Nemirow, counsel for Ashley M. Nichols ("Respondent"), on June 7, 2016. In their stipulation, the parties waive their right to a hearing under C.R.C.P. 251.22(c).

Upon review of the stipulation, the Court **ORDERS**:

1. The stipulation is **APPROVED.**

2. **Ashley M. Nichols**, attorney registration number 39120, is **PUBLICLY CENSURED**.

3. Respondent violated Colo. RPC 1.3, Colo. RPC 1.4(a)(3), and Colo. RPC 8.4(c).

4. Pursuant to C.R.C.P. 251.32, Respondent shall pay costs incurred in conjunction with this matter in the amount of $224.00 within thirty-five days of the date of this order. Costs are payable to the Colorado Supreme Court Attorney Regulation Offices. Statutory interest shall accrue from the date of this order. Should Respondent fail to pay the aforementioned costs and interest within thirty-five days, she shall be responsible for all additional costs and expenses, including reasonable attorney's fees, incurred by the People in collecting the above-stated amount. The People may seek to amend the amount of the judgment for additional costs and expenses by providing a motion and bill of costs to the Court.

EXHIBIT 2 TO STIPULATION

THIS ORDER IS ENTERED THE 8th DAY OF JUNE, 2016. THE EFFECTIVE DATE OF THE PUBLIC CENSURE IS THE 8th DAY OF JUNE, 2016.

WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

SUPREME COURT STATE OF COLORADO

EXHIBIT 2 TO STIPULATION

Respondent's Counsel
Ronald H. Nemirow
445 Union Blvd., Suite 209
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rnemirow@nemirowperez.com **Via Email**

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SUPREME COURT, STATE OF COLORADO
ORIGINAL PROCEEDING IN DISCIPLINE BEFORE
THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
1300 BROADWAY, SUITE 250
DENVER, CO 80203

Complainant:
THE PEOPLE OF THE STATE OF COLORADO

Respondent:
ASHLEY M. NICHOLS, a/k/a ASHLEY GEYER, #39120

Case Number:
26PDJ5

ORDER APPROVING STIPULATION TO DISCIPLINE UNDER C.R.C.P. 242.19(c)

Before the Presiding Disciplinary Judge ("the Court") is a "Stipulation to Discipline Pursuant to C.R.C.P. 242.19" filed on January 26, 2026, by Jacob M. Vos, Office of Attorney Regulation Counsel ("the People"), and Ashley M. Nichols, a/k/a Ashley Geyer ("Respondent"). In the stipulation, the parties waive their right to a hearing.

Under C.R.C.P. 242.19(c), the Court may either approve or reject the parties' stipulation, using discretion and in accordance with the considerations governing imposition of disciplinary sanctions. The Court has reviewed the stipulation in this case and finds that the parties' agreement as to the facts, rule violations, applicable mitigating and aggravating factors, and sanction is consistent with the American Bar Association *Standards for Imposing Lawyer Sanctions*. The Court therefore **APPROVES** the stipulation and **ORDERS**:

1. **ASHLEY M. NICHOLS, a/k/a ASHLEY GEYER**, whose registered business address is in Denver, Colorado, and whose attorney registration number is **39120**, is **SUSPENDED** from the practice of law for a period of **THIRTY MONTHS**.

2. Respondent violated Colo. RPC 1.3; Colo. RPC 1.4(b); Colo. RPC 1.16(a); Colo. RPC 1.15A(a); Colo. RPC 8.4(c); and Colo. RPC 8.4(d).

3. Respondent **MUST NOT** practice law or aid others to practice law in violation of Colo. RPC 5.5.

4. Respondent **MUST** timely comply with C.R.C.P. 242.32(b)-(e), concerning winding up of affairs, notice to current clients, duties owed in litigation matters, and notice to other jurisdictions where she is licensed or otherwise authorized to practice law.

EXHIBIT
2

5. Within fourteen days after the effective date of the suspension, Respondent **MUST** file an affidavit with the Court under C.R.C.P. 242.32(f), attesting to her compliance with C.R.C.P. 242.32.

6. If Respondent wishes to seek reinstatement to the practice of law after her suspension, she must file a petition for reinstatement under C.R.C.P. 242.39(b).

7. Within thirty-five days of the date of this order, Respondent **MUST** pay the administrative fee of $224.00. Statutory interest will begin to accrue thirty-five days from the date of this order. The administrative fee is payable to the Office of Attorney Regulation Counsel.

THIS ORDER IS ENTERED THE 27th DAY OF JANUARY, 2026. THE EFFECTIVE DATE OF THE SUSPENSION IS THE 27th DAY OF JANUARY, 2026.

DATED THIS 27th DAY OF JANUARY, 2026.

____

BRYON M. LARGE
PRESIDING DISCIPLINARY JUDGE

Respondent
Ashley M. Nichols
blawgirl@gmail.com **Via Email**

Office of Attorney Regulation Counsel
Jacob M. Vos
j.vos@csc.state.co.us **Via Email**

American Bar Association
c/o Kevin Hanks
Office of Attorney Regulation Counsel
k.hanks@csc.state.co.us **Via Email**

Board of Continuing Legal Education and Colorado Attorney Registration
Elvia Mondragon
Office of Attorney Registration
e.mondragon@csc.state.co.us **Via Email**

Colorado Bar Association
Nicoal Sperrazza, Executive Director
Marissa Lobato, Membership Manager
nsperrazza@cobar.org
mlobato@cobar.org **Via Email**

Colorado Supreme Court
Cheryl Stevens
cheryl.stevens@judicial.state.co.us **Via Email**

Martindale-Hubbell
Attn: Editorial Dept.
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Supreme Court of the United States
Perry Thompson, Admissions Office
pthompson@supremecourt.gov
ptadmit@supremecourt.gov **Via Email**

IRS, Office of Professional Responsibility
Kathy Gibbs
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United States Bankruptcy Court
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United States Court of Appeals for the Tenth Circuit
Byron White United States Courthouse
disciplinaryorders@ca10.uscourts.gov **Via Email**

United States District Court, District of Colorado
Alfred A. Arraj U.S. Courthouse
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zoe_cothran@cod.uscourts.gov
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ashley_sheehan@cod.uscourts.gov **Via Email**

United States Department of Justice, Executive Office for Immigration Review
Office of the General Counsel
Allison Minor, Disciplinary Counsel
lea.minor@usdoj.gov **Via Email**

United States Department of Justice, Trustee's Office
Gregory Garvin, Assistant U.S. Trustee
gregory.garvin@usdoj.gov **Via Email**

Attorney Regulation Counsel
Jessica E. Yates

Chief Deputy Regulation Counsel
Margaret B. Funk

Deputy Regulation Counsel
Dawn M. McKnight
April M. McMurrey
Gregory G. Sapakoff

Assistant Deputy Regulation Counsel
Erin Robson Kristofco
Lisa E. Pearce

COLORADO SUPREME COURT
ATTORNEY REGULATION COUNSEL

Attorneys' Fund for Client Protection
Unauthorized Practice of Law

First Assistant Regulation Counsel
Justin P. Moore
Catherine S. Shea
Jacob M. Vos
E. James Wilder
Senior Assistant Regulation Counsel
Jill Perry Fernandez
Rhonda White-Mitchell
Assistant Regulation Counsel
Jonathan Blasewitz
Ryann A. Love
Jody McGuirk
Michele Melnick
Zoey Tanner
Jonathan P. White
Inventory Counsel
Jay Fernandez

February 12, 2026

State Bar of Texas
Chief Disciplinary Counsel's Office
P.O. Box 13287
Austin, Texas 78711

Re: People v. Ashley M. Nichols 26PDJ5

To whom it may concern,

Please be advised that Ms. Nichols, who is licensed in Texas and Colorado, has recently stipulated to a three-year disciplinary suspension in Colorado. See attached.

Sincerely,

/s/ Jacob M. Vos
Jacob M. Vos
First Assistant Regulation Counsel

JMV/vh
Enclosures

EXHIBIT
3

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE PRESIDING DISCIPLINARY JUDGE 1300 Broadway, Suite 250 Denver, Colorado 80203	**FILED** January 26, 2026 **Presiding Disciplinary Judge** **Colorado Supreme Court**
Complainant: THE PEOPLE OF THE STATE OF COLORADO Respondent: ASHLEY M. NICHOLS, (A.K.A. ASHLEY GEYER) # 39120	▲COURT USE ONLY▲ Case Number: 26PDJ5
Jacob M. Vos, #41562 First Assistant Regulation Counsel Attorney for Complainant 1300 Broadway, Suite 500 Denver, Colorado 80203 Telephone: (303) 928-7907 Email: j.vos@csc.state.co.us Ashley M. Nichols, # 39120 Respondent 8365 Windway Drive Windcrest, TX 78239 Telephone: (303) 432-9999 blawgirl@gmail.com	

STIPULATION TO DISCIPLINE PURSUANT TO C.R.C.P. 242.19

On this 26 day of January, 2026, Jacob M. Vos, First Assistant Regulation Counsel and attorney for the complainant, and Ashley M. Nichols, the Respondent in these proceedings, enter into the following Stipulation to Discipline pursuant to C.R.C.P. 242.19 ("Stipulation") and submit the same to the Presiding Disciplinary Judge for his consideration.

RECOMMENDATION: a 30-month served suspension.

1. The Respondent has taken and subscribed to the oath of admission, was admitted to the bar of this Court on October 22, 2007, and is registered as an attorney upon the official records of this Court, registration no. 39120. Respondent is subject to the jurisdiction of this Court and the Presiding Disciplinary Judge in these proceedings.

2. Respondent enters into this Stipulation freely and voluntarily. It is Respondent's personal decision, and Respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

3. This matter has not become public under the operation of C.R.C.P. 242.41 as amended. However, Respondent specifically acknowledges that, if the Presiding Disciplinary Judge should decide to accept this Stipulation, and impose the agreed-to discipline contained herein, then this Stipulation and the discipline imposed will be matters of public record. *See* C.R.C.P. 242.41(a)(2).

4. Respondent is familiar with the rules of the Colorado Supreme Court regarding the procedure for discipline of attorneys and with the rights provided by those rules. Respondent acknowledges the right to a full and complete evidentiary hearing on the above-referenced complaint. At any such hearing, Respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by Complainant. At any such formal hearing, Complainant would have the burden of proof and would be required to prove the charges contained in the complaint with clear and convincing evidence. Nonetheless, having full knowledge of the right to such a formal hearing, Respondent waives that right.

5. Respondent and Complainant specifically waive the right to a hearing pursuant to C.R.C.P. 242.30.

6. Respondent and Complainant stipulate to the following facts and conclusions:

a. Debra Oppenheimer is a partner in the litigation practice of Altitude Community Law ("Altitude"), a law firm that specializes in representing community associations such as Homeowners' Associations. She learned of Respondent's potential misconduct below after some Associations contacted her about their matters.

b. On August 14, 2024, Respondent filed a Complaint on behalf of Plaintiff, in case number 24C42601: SPRING LANE OWNERS ASSOCIATION, INC., Plaintiff v. KEVIN TYLER RAMAGLI AND ANNA NICOLE RAMAGLI, Defendants, in El Paso County, State of Colorado. This was a complaint for the recovery of monthly assessments as well as added attorney's fees and court costs for a total recovery of $3,184.96. No further action was taken, and the file was closed by the court on October 16, 2024.

c. Mr. Ramagli, the defendant in that matter, called Respondent numerous times with no return call. He was attempting to find the amount to pay. He has since paid the account in full.

d. On July 15, 2024, Respondent filed a "Complaint for Foreclosure Pursuant to C.R.C.P. 105," in case number 24CV31302: SPRING LANE OWNERS ASSOCIATION, INC., Plaintiff v. NATHAN L. SIMMONS-TIFFANY, JR.; COLORADO HOUSING AND FINANCE AUTHORITY; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; MV REALTY OF COLORADO, LLC; SECRETARY OF HOUSING AND URBAN DEVELOPMENT; AND CHUCK BROERMAN, AS PUBLIC TRUSTEE OF EL PASO COUNTY, COLORADO, Defendants, in El Paso County, State of Colorado.

e. On September 18, 2024, the court entered default against Defendant Nathan L. Simmons-Tiffany, Jr.

f. On October 31, 2024, the court ordered the parties to file a status report:

> The parties are to file a status report in this case within 35 days of the date of this Order. Plaintiff's status report is to address a plan of proceeding in the case. The parties are also to address whether the Clerk's Default entered in this case was properly entered. A review of the file suggests that a response to the Complaint by Defendant Simmons-Tiffany may have been filed prior to the Motion's assertion that none had been filed. Failure to comply with this Order may result in dismissal of the action or other analogous ruling against the party that fails to comply.

g. On December 16, 2024, the Court entered a Minute Order:

> 12/02/24 E-MAIL SENT TO PTF COUNSEL RE; SETTING A STATUS CONF 12/16/24 - CLERK CALLS AND LEAVES VOICE MAIL RE STATUS CONF /DDZ

h. On December 19, 2024, the court entered the following "Order Setting Initial Case Management Conference:"

> Plaintiff has sought entry of a clerk's default against Defendant Simmons-Tiffany. However, Defendant Simmons-Tiffany has filed appearances in the case and expressed difficulty communicating with Plaintiff's counsel. As a result, the division clerk attempted to contact the parties to schedule a status conference. The division clerk has not received responses. This matter is set for initial case management conference on January 27, 2025, at 10:00 a.m. in Division 2. The conference will require in-person appearances. Failure to attend may result in the case being dismissed for failure to pursue with due diligence or entry of a finding of default. Defendant CHFA is excused from attendance in light of the stipulation entered.

i. On January 27, 2025, the court entered the following "Order of Dismissal:"

> This matter came before the Court for case management conference today pursuant to an Order issued on December 19, 2024. This case has experienced difficulties in communicating with Plaintiff as noted in that Order. For this reason, the Court set the date of the conference and directed in person attendance of parties (or their counsel), warning that a failure to appear may result in judgment entering against the non-attending party. Plaintiff failed to appear and had failed to appear by the time the Court recessed 40 minutes after the scheduled conference. Defendant Simmons appeared and asked the Court to dismiss the case with prejudice. The Court found the arguments made by Defendant Simmons on the record to be persuasive and grants his request that the case be dismissed and that the dismissal be with prejudice as to the claims for relief asserted by Plaintiff.

j. Altitude entered an appearance in case number 24CV31302 on Spring Lane's behalf and filed a motion to set aside the dismissal. Emails sent to Respondent about the case bounced back as undeliverable. When reviewing the court file, Altitude attorneys noted Respondent failed to open notifications from the court dated August 27, 2024, September 18, 2024, October 31, 2024, and December 19, 2024. Respondent failed to appear at the Case Management Conference on January 27, 2025. The client advised Altitude that telephone calls to Respondent were not accepted at her office number and there was no voicemail option for leaving a message. Ultimately, the court denied Altitude's motion to set aside the dismissal and dismissed the case with prejudice. The defendant is now on a payment plan, but in the event she stops paying on the payment plan, Spring Lane is precluded from filing another action in light of the dismissal with prejudice.

k. On September 22, 2022, Respondent filed a Complaint on behalf of Plaintiff in case number 22C41096: THE BLUFFS AT RED DEER TOWNHOMES ASSOCIATION, INC., Plaintiff v. EDWARD ALLAN ACREE AND RYAN LEIGH FORTUNE, Defendants, in El Paso County, State of Colorado. This was a complaint for the recovery of monthly assessments as well as added attorney's fees and court costs for a total recovery of $2,471.50.

l. On October 20, 2022, Respondent filed a "Stipulation for Entry of Judgment Upon Default." The Defendants agreed to a payment plan regarding the amounts due. The payments were to be made through Cornerstone, Respondent's firm.

m. On October 26, 2022, the Stipulation was made an order of the court.

n. The Defendants advised the Association they made every payment, but a number of payments were not forwarded to the Association. Out of 12 checks paid from the Defendants to the Association, five were received by the Association and seven were never received by the Association despite being negotiated through the homeowner's bank account. Respondent processed checks through her COLTAF account and remitted payments to the Association from February 13, 2023, through February 5, 2024. But then, from March 1, 2024, through August 30, 2024, the checks from the homeowner were processed into Respondent's COLTAF account but they were not remitted to the Association, nor were they credited to the homeowner's account. In total, the homeowners paid Respondent $3,509.30, but Respondent only remitted $1,617.20 to the HOA, leaving a balance due of $1,892.10.

o. Respondent's bank records reflect that the Acree funds were deposited into her COLTAF account. She transferred the first set of payments to the Association, but retained the checks from March 2024 to September 2024. Respondent's COLTAF account statements reflect money moving through the account on a monthly basis through September 2024, but after November 25, 2024, her COLTAF account no longer contained a high enough balance to cover the $1,892.10 she owed the HOA.

p. Respondent ultimately liquidated her COLTAF account and did not maintain sufficient funds in her personal account to cover the missing funds. However, in early December, 2025, Respondent remitted the missing $1,892.10 to Red Deer.

q. Respondent reports that during most of the events at issue, she was involved in an abusive relationship. She ultimately lost access to her email account and was concerned about unauthorized access to her trust account. She is remorseful for her actions and takes responsibility for her misconduct.

r. Through Respondent's conduct described above, Respondent has engaged in conduct constituting grounds for the imposition of discipline pursuant to C.R.C.P. 242.9. Respondent has also violated Colo. RPC 1.3 (diligence); 1.4(b) (communication); 1.16(a) (withdrawal); 1.15A(a) (failure to safeguard client funds); 8.4(c) (knowing conversion); and 8.4(d) (conduct prejudicial to the administration of justice).

7. Pursuant to C.R.C.P. 242.19(b)(4), Respondent agrees to pay costs in the amount of $224.00 (a copy of the statement of costs is attached as Exhibit 1) incurred in conjunction with this matter within thirty-five (35) days after acceptance of the Stipulation by the Presiding Disciplinary Judge, made payable to Colorado Supreme Court Attorney Regulation Offices. Respondent agrees that statutory interest shall accrue from thirty-five (35) days after the Presiding Disciplinary Judge accepts this Stipulation. Should Respondent fail to make payment of the aforementioned costs within thirty-five (35) days, Respondent specifically agrees to be responsible for all additional costs and expenses, such as reasonable attorney fees and costs of collection incurred by Complainant in collecting the above stated amount. Complainant may amend the amount of the judgment for the additional costs and expenses by providing a motion and bill of costs to the Presiding Disciplinary Judge, which identifies this paragraph of the Stipulation and Respondent's default on the payment.

8. This Stipulation represents a settlement and compromise of the specific claims and defenses pled by the parties, and it shall have no meaning or effect in any other lawyer regulation case involving another respondent attorney.

9. This Stipulation is premised and conditioned upon acceptance of the same by the Presiding Disciplinary Judge. If for any reason the Stipulation is not accepted without changes or modification, then the admissions, confessions, and Stipulations made by Respondent will be of no effect. Either party will have the opportunity to accept or reject any modification. If either party rejects the modification, then the parties shall be entitled to a full evidentiary hearing; and no confession, Stipulation, or other statement made by Respondent in conjunction with this offer to accept discipline of a 30-month suspension may be subsequently used. If the Stipulation is rejected, then the matter will be heard and considered pursuant to C.R.C.P. 242.30.

10. The Office of Attorney Regulation Counsel will notify the complaining witness in the matter of the disposition after the Court approves this agreement.

11. The parties have agreed that Respondent does not owe any restitution as a component of this stipulated resolution in light of her prior payment to Red Deer.

PRIOR DISCIPLINE

12. In *People v. Ashley M. Nichols*, 16PDJ046, Respondent received a public censure effective June 8, 2016. In August 2014, Nichols filed a complaint on behalf of her client, a homeowner's association, in a foreclosure lien action. On September 26, 2014, the district court issued a notice of failure to prosecute and indicated that the case would be dismissed on October 15, 2014. On October 1, 2014, Nichols moved for default judgment against the homeowner defendant; the defendant then filed an answer. Default judgment was entered against the bank that held the mortgage. The remaining parties were ordered to set the case for trial. Despite her efforts to do so, Nichols was unable set the case for trial and the case was dismissed for failure to prosecute. She did not tell her client that the case had been dismissed because she believed that she would successfully reopen the case. In January 2015, Nichols drafted a motion to reopen the case. She never filed the motion with the court, however. She twice updated her client about the status of the case but failed to inform the client of the dismissal. After not hearing from Nichols for several months, her client hired successor counsel, who discovered that the case had been dismissed. Nichols's firm paid the client $15,000.00 to compensate for the client's losses. Nichols self-reported her conduct to the Office of Attorney Regulation Counsel in August 2015. Nichols's conduct violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the status of the matter); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation). Exhibit 2.

ANALYSIS OF DISCIPLINE

13. The American Bar Association *Standards for Imposing Lawyer Sanctions* (1991 and Supp. 1992) (" ABA *Standards*") are recognized by the Colorado Supreme Court as the guiding authority for selecting the appropriate sanction to impose for lawyer misconduct. *See In re Roose*, 69 P.3d 43, 46-47 (Colo. 2003) (citing *In re Attorney D*, 57 P.3d 395, 399 (Colo. 2002)). As the Colorado Supreme Court has stated,

> The ABA Standards were created as a model system of sanctions, designed to achieve greater consistency in the sanctioning of attorney misconduct while at the same time leaving room for 'flexibility and creativity in assigning sanctions in particular cases of lawyer misconduct.' (citing ABA Standards, Preface (2005)). Flexibility and discretion are built into the ABA Standards' two-step framework for determining the appropriate sanction. See ABA Standards, Theoretical Framework; ABA Standard 3.0 & cmt... [T]his framework is 'not designed to propose a specific sanction for each of the myriad of fact patterns in cases of lawyer misconduct,' but rather is designed to 'give courts the flexibility to select the appropriate sanction in each particular case.' (citing ABA Standards, Theoretical Framework).

Matter of Attorney F, 285 P.3d 322, 326 (Colo. 2012); *see also* ABA *Standard* 1.3 cmt. ("While these standards set forth a comprehensive model to be used in imposing sanctions, they also recognize that sanctions imposed must reflect the circumstances of each individual lawyer, and therefore provide for consideration of aggravating and mitigating circumstances in each case.").

14. The Court has also stated, "individual circumstances make extremely problematic any meaningful comparison of discipline ultimately imposed in different cases." *In re Rosen,* 198 P.3d 116, 121 (Colo. 2008).

15. Pursuant to ABA *Standards* §3.0, the Court should consider the following factors generally:

a. The duty violated: the duties of diligence, communication, and candor.

b. The lawyer's mental state: knowing.

c. The actual or potential injury caused by the lawyer's misconduct: Respondent's misconduct caused significant actual harm to her clients.

Pursuant to ABA *Standard* § 4.11, disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client. Likewise, pursuant to ABA *Standard* § 4.41(a), disbarment is generally appropriate when a lawyer abandons the practice and causes serious or potentially serious injury to a client.

16. This matter also presents the following aggravating and mitigating factors:

Aggravating factors pursuant to ABA *Standards* § 9.22 include:

(a) prior disciplinary offenses: this factor should be afforded significant weight in light of some parallels between the prior misconduct and the misconduct at issue here.

(c) a pattern of misconduct: this factor should be afforded moderate weight in light of the multiple cases dismissed for lack of prosecution.

(d) multiple offenses: this factor should be afforded moderate weight due to the variety of misconduct at issue.

(i) substantial experience in the practice of law: Respondent was licensed in 2007. This factor should be afforded moderate weight.

Mitigating factors pursuant to ABA *Standards* § 9.32 include:

(c) personal or emotional problems: Respondent's personal and emotional problems had a strong causal connection to the misconduct at issue. This factor should therefore be afforded significant weight.

(d) timely good faith effort to make restitution or to rectify consequences of misconduct: while Respondent's restitution payment was not particularly timely, it should still be afforded considerable weight since she took initiative to make up for the harm caused by her misconduct.

(e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings: while Respondent was slow to respond to OARC investigators, once she participated in the investigation she was candid and forthright. This factor should be afforded average weight.

(l) remorse: Respondent was remorseful and contrite in her OARC interview. This factor should be afforded average weight.

17. Respondent's misconduct at issue here is serious, but the matter also presents personal and emotional problems that had a causal connection to the misconduct. While the mitigation is not as strong as that in *People v. Lujan*, 890 P.2d 109, 110 (Colo. 1995), that case is still informative. Moreover, Respondent reports the issues causing the misconduct have resolved.

18. In addition to *Lujan*, the court issued a three-year suspension in *People v. Cochrane*, 296 P.3d 1051, 1060 (Colo. O.P.D.J. 2013), where Cochrane's misconduct was more egregious – more money knowingly converted and more intentional dishonesty – but she presented substantial mitigating evidence. *In re Corbin*, 973 P.2d 1273, 1276 (Colo. 1999), involved a three-year suspension for similar abandonment issues, combined with similar minor conversion and personal and emotional issues. *See also People v. D'Acquisto*, 146 P.3d 1041, 1048 (Colo. O.P.D.J. 2006) (same).

19. Considering all of the factors described above, as applied to this case, a 30-month suspension is an appropriate sanction.

RECOMMENDATION FOR AND CONSENT TO DISCIPLINE

Based on the foregoing, the parties hereto recommend that a 30-month suspension be imposed upon Respondent. Respondent consents to the imposition of discipline of a 30-month suspension. Respondent's Colorado law license is currently administratively suspended, and she is not currently engaged in the practice of law. The parties therefore request that the Presiding Disciplinary Judge order that the effective date of such discipline be immediate.

Ashley M. Nichols, Respondent, and Jacob M. Vos, attorney for the Complainant, acknowledge by signing this document that they have read and reviewed the above and request the Presiding Disciplinary Judge to accept the Stipulation as set forth above. Respondent swears or affirms that the statements contained in this Stipulation are true and correct to the best of her knowledge, information, and belief.

Ashley M. Nichols
P.O. Box 7458
Denver, CO 80207
Telephone: (303) 432-9999
Respondent

Jacob M. Vos, #41562
First Assistant Regulation Counsel
1300 Broadway, Suite 500
Denver, CO 80203
Telephone: (303) 928-7811
Attorney for the Complainant

EXHIBIT 1 TO STIPULATION

Statement of Costs

Ashley M. Nichols
25-412

9/9/2025	BOKF, NA - Record request	$	22.00
12/23/2025	Administrative Fee	$	224.00
	AMOUNT DUE	$	246.00

EXHIBIT 1 TO STIPULATION

SUBPOENA INVOICE

SEND PAYMENT TO:
BOKF, NA (FEIN 73-0780382)
Attn: ECS-Subpoenas
PO Box 2300
Tulsa, Oklahoma 74102

Date: September 9, 2025

Invoice Number: 2025-1396

Bill to:

Gregory G. Sapakoff, Deputy Regulation Counsel
COLORADO SUPREME COURT
Office of Attorney Regulation Counsel
1300 Broadway, Suite 500
Denver, CO 80203

Re: Subpoena to BOK Financial for Records Relating to Ashley M. Nichols and Cornerstone Law

Description	Quantity	Unit Cost	Total
Research/Processing	1	$22.00	$22.00
USB	0	$2.00	$.00
FedEx	0	$20.00	$.00
		(Prepayment):	-$00.00
		Total:	**$22.00**

Approved: [signature], Deputy Reg. Counsel

Rev. 2022-07-21

Re: Ashley Nichols, 25-412
REGU-TRLS-2820

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE PRESIDING DISCIPLINARY JUDGE 1300 Broadway, Suite 250 Denver, Colorado 80203	**FILED** JUN 07 2016 PRESIDING DISCIPLINARY JUDGE SUPREME COURT OF COLORADO
Complainant: THE PEOPLE OF THE STATE OF COLORADO Respondent: ASHLEY M. NICHOLS, #39120	▲COURT USE ONLY▲ Case Number: 16 PDJ 046
Catherine S. Shea, #36658 Assistant Regulation Counsel Attorney for Complainant 1300 Broadway, Suite 500 Denver, Colorado 80203 Telephone: (303) 457-5800 x7913 Fax No.: (303) 501-1141 Email: c.shea@csc.state.co.us Ronald H. Nemirow, #15178 Respondent's Counsel Nemirow Perez P.C. 445 Union Blvd., Suite 209 Lakewood, CO 80228 Telephone: (720) 638-1234 x107 Email: rnemirow@nemirowperez.com	

STIPULATION, AGREEMENT, AND AFFIDAVIT CONTAINING RESPONDENT'S CONDITIONAL ADMISSION OF MISCONDUCT

On this 6th day of June, 2016, Catherine S. Shea, Assistant Regulation Counsel and attorney for Complainant, and Ashley M. Nichols, Respondent, who is represented by Ronald H. Nemirow in these proceedings, enter into the following Stipulation, Agreement, and Affidavit Containing Respondent's Conditional Admission of Misconduct ("Stipulation") and submit the same to the Presiding Disciplinary Judge for his consideration.

RECOMMENDATION: Public censure.

1. Respondent has taken and subscribed to the oath of admission, was admitted to the bar of this Court on October 22, 2007, and is registered as an

attorney upon the official records of this Court, registration no. 39120. Respondent is subject to the jurisdiction of this Court and the Presiding Disciplinary Judge in these proceedings.

2. Respondent enters into this Stipulation freely and voluntarily. No promises have been made concerning future consideration, punishment, or lenience in the above-referenced matter. It is Respondent's personal decision, and Respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

3. This matter has not become public under the operation of C.R.C.P. 251.31(c) as amended. However, Respondent specifically acknowledges that, if the Presiding Disciplinary Judge should decide to accept this Stipulation, and impose the agreed-to discipline contained herein, then this Stipulation and the discipline imposed will be matters of public record.

4. Respondent is familiar with the rules of the Colorado Supreme Court regarding the procedure for discipline of attorneys and with the rights provided by those rules. Respondent acknowledges the right to a full and complete evidentiary hearing on the above-referenced complaint. At any such hearing, Respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by Complainant. At any such formal hearing, Complainant would have the burden of proof and would be required to prove the charges contained in the complaint with clear and convincing evidence. Nonetheless, having full knowledge of the right to such a formal hearing, Respondent waives that right.

5. Respondent and Complainant specifically waive the right to a hearing pursuant to C.R.C.P. 251.22(c)(1).

6. Respondent and Complainant stipulate to the following facts and conclusions:

a. In August 2014, Respondent filed a complaint on behalf of her client, the Townhomes at Carriage Village Owners Association ("HOA"), to pursue judicial foreclosure of its lien on real property owned by Lilia Morales. Chase Bank held the first mortgage on the property.

b. On September 26, 2014, the court issued a Notice of Dismissal for Failure to Prosecute, noting that neither answers nor motions for default or default judgment had been timely filed. The Notice stated that the case would be dismissed on October 15, 2014 and that the parties "will not receive a copy of the dismissal order."

c. On October 1, 2014, Respondent filed a Verified Motion for Default Judgment and Order and Decree for Judicial Foreclosure, including exhibits and affidavits, with the court. Ms. Morales's attorney filed an answer to the complaint on her behalf on October 16, 2014.

d. On November 2, 2014, Ms. Nichols separated from her husband of over 13 years and, on November 4, 2014, petitioned for the dissolution of her marriage. See 2014DR2941, District Court, City and County of Denver, State of Colorado.

e. On November 6, 2014, default judgment was granted against defendant Chase Bank. The court ordered the remaining parties to set the case for trial within 14 days. The trial court's order said nothing about dismissing the case if trial was not set.

f. Respondent states that she attempted to confer with Ms. Morales's attorney regarding potential trial dates but was unsuccessful. On November 26, 2014, her paralegal contacted the court regarding available trial dates; however the court was closed until December 1, 2014. The paralegal left a voicemail message for the clerk requesting a return call.

g. On November 27, 2014, the case was dismissed without prejudice for failure to prosecute. Respondent was not notified of the dismissal, in accordance with the statement made in the September 26, 2014 Notice of Dismissal for Failure to Prosecute.

h. On December 2, 2014, the division clerk returned the paralegal's phone call and left a voicemail message indicating that she was attempting to set the matter for trial. The paralegal returned the call but was unable to reach the clerk, so she left her email address for the clerk to send her possible trial dates. Eventually, the clerk did email Respondent's paralegal with available dates.

i. In mid-January 2015, Respondent discovered that the HOA's case had been dismissed. She drafted a motion to reopen the case with the court in order to set the matter for trial. Respondent did not advise the client of the dismissal, because she believed she had taken steps to reopen the matter and "was optimistic" that she would be successful.

j. After transmitting the motion to her paralegal for filing, Respondent failed to ensure the motion was filed. It was not.

k. On February 3, 2015, in response to a request for a status update, Respondent emailed the HOA's representative Eric Veinberg a copy of the Complaint and Answer. She told him that a trial date had not yet been set; it would likely be scheduled for April or May. Respondent did not advise Mr. Veinberg of the case's dismissal. Because the clients of the firm where Respondent works are routinely encouraged to keep abreast of case developments via the firm's website, and because the status reports are available through client logins, Respondent assumed that the HOA had access to the information contained in her status reports, and would see that, as of mid-January 2015, her firm was working on a notice to reopen the case, thereby implying that the case had somehow been closed.

l. Although Respondent informed the HOA and Mr. Veinberg by email in January 2011 about the ability to access collection status reports online, the firm's records show that no one from the HOA ever electronically accessed the file.

m. In March 2015, when Mr. Veinberg again requested an update on the case, Respondent advised him that a trial date had not yet been set and that she was attempting to communicate with the homeowner's attorney to resolve the matter short of trial. Again, Respondent did not advise Mr. Veinberg of the case's dismissal.

n. In early April 2015, Respondent received notice from Chase Bank that it was initiating foreclosure proceedings against the homeowner. Because Respondent assumed that Mr. Veinberg was monitoring the case through her firm's portal, Respondent failed to affirmatively inform Mr. Veinberg that she placed the judicial foreclosure case on hold, pending Chase Bank's foreclosure, which would extinguish the HOA's lien.

o. In June 2015, after not hearing anything from Respondent for three months, the HOA retained counsel, Kristin Schelwat, to review its case. Ms. Schelwat discovered that the case had been dismissed. In response to an email from Mr. Veinberg on June 19, 2015, Respondent apologizing for dropping the ball and letting Ms. Morales's case slip through the cracks. She advised him that the case was dismissed without prejudice and closed in November 2014, after which she drafted a Motion to Reopen in January 2015 but failed to verify that the Motion was filed. Respondent also explained the pending mortgage foreclosure and her firm's practice with respect to placing the HOA's case on hold.

p. According to Ms. Schelwat, the HOA lost a portion of its lien rights, approximately $15,000, due to the dismissal of the case and subsequent first mortgage foreclosure. Respondent's firm made a $15,000 payment to the HOA address a portion of the loss, as well as the attorney's fees the HOA accrued.

q. On August 11, 2015, Respondent self-reported her conduct to the Office of Attorney Regulation Counsel.

r. Through Respondent's conduct described above, Respondent has engaged in conduct constituting grounds for the imposition of discipline pursuant to C.R.C.P. 251.5. Respondent has also violated Colo. RPC 1.3, 1.4(a)(3), and 8.4(c).

7. Pursuant to C.R.C.P. 251.32, Respondent agrees to pay costs in the amount of $224.00 (a copy of the statement of costs is attached hereto as **Exhibit 1**) incurred in conjunction with this matter within thirty-five (35) days after acceptance of the Stipulation by the Presiding Disciplinary Judge, made payable to Colorado Supreme Court Attorney Regulation Offices. Respondent agrees that statutory interest shall accrue from thirty-five (35) days after the Presiding Disciplinary Judge accepts this Stipulation. Should Respondent fail to make payment of the aforementioned costs and interest within thirty-five (35) days, Respondent specifically agrees to be responsible for all additional costs and expenses, such as reasonable attorney fees and costs of collection incurred by Complainant in collecting the above stated amount. Complainant may amend the amount of the judgment for the additional costs and expenses by providing a motion and bill of costs to the Presiding Disciplinary Judge, which identifies this paragraph of the Stipulation and Respondent's default on the payment.

8. This Stipulation represents a settlement and compromise of the specific claims and defenses pled by the parties, and it shall have no meaning or effect in any other lawyer regulation case involving another respondent attorney.

9. This Stipulation is premised and conditioned upon acceptance of the same by the Presiding Disciplinary Judge. If for any reason the Stipulation is not accepted without changes or modification, then the admissions, confessions, and Stipulations made by Respondent will be of no effect. Either party will have the opportunity to accept or reject any modification. If either party rejects the modification, then the parties shall be entitled to a full evidentiary hearing; and no confession, Stipulation, or other statement made by Respondent in conjunction with this offer to accept discipline of a public censure may be subsequently used. If the Stipulation is rejected, then the matter will be heard and considered pursuant to C.R.C.P. 251.18.

PRIOR DISCIPLINE

10. None.

ANALYSIS OF DISCIPLINE

11. Pursuant to American Bar Association *Standards for Imposing Lawyer Sanctions* 1991 and Supp. 1992 ("ABA *Standards*"), § 3.0, the Court should consider the following factors generally:

a. The duty violated: Respondent violated her duties of diligence and candor to her client by failing to disclose the dismissal of its case and by failing to ensure that the motion to reopen the case was filed with the court.

b. The lawyer's mental state: With respect to the Colo. RPC 1.3 violation, Respondent's mental state was negligent. Her mental state as to the other two rule violations was knowing.

c. The actual or potential injury caused by the lawyer's misconduct: Respondent's conduct caused actual injury to the HOA; it was unable to foreclose on its lien prior to Chase Bank foreclosing on Ms. Morales's mortgage and incurred additional attorney's fees in retaining Ms. Schelwat. However, the HOA has been compensated for its injury.

d. The existence of aggravating or mitigating factors: Factors in aggravation which are present include: multiple offenses, ABA *Standards* § 9.22(d). Factors in mitigation include: absence of a prior disciplinary record, absence of a dishonest or selfish motive, personal or emotional problems, timely good faith effort to make restitution or to rectify consequences of misconduct, full and free disclosure to disciplinary board, and remorse, ABA *Standards* § 9.32(a), (b), (c), (d), (e), and (l).

12. Pursuant to ABA Standard 4.43, reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client. ABA Standard 4.62 states that suspension is generally appropriate when a lawyer knowingly deceives a client, and causes injury or potential injury to the client.

13. In *People v. Johnston*, 955 P.2d 1051, 1053 (Colo. 1998), the attorney was publicly censured for misrepresenting the status of a case in a memorandum to the client by failing to inform the client that the case had been dismissed. As in this case, the client incurred additional attorney's fees in hiring subsequent counsel. Respondent's firm has reimbursed the client for those expenses. And like the attorney *Johnston*, Respondent did not have a dishonest or selfish motive for her conduct.

14. Considering all of the factors described above, as applied to this case, public censure is an appropriate sanction.

RECOMMENDATION FOR AND CONSENT TO DISCIPLINE

Based on the foregoing, the parties hereto recommend that a public censure be imposed upon Respondent. Respondent consents to the imposition of discipline of a public censure. The parties request that the Presiding Disciplinary Judge order that the effective date of such discipline be immediate.

Ashley M. Nichols, Respondent, and Catherine S. Shea, attorney for Complainant, acknowledge by signing this document that they have read and reviewed the above and request the Presiding Disciplinary Judge to accept the Stipulation as set forth above.

Ashley M. Nichols
555 Zang Street, Ste. 100
Lakewood, CO 80228
Telephone: (303) 432-9999
Respondent

STATE OF COLORADO)
)ss:
COUNTY OF Jefferson)

Subscribed and sworn to before me this 6th day of June, 2016, by Ashley M. Nichols, Respondent.

Witness my hand and official seal.

My commission expires: 9/3/2019

Notary Public

ORVAN JACKSON
NOTARY PUBLIC - STATE OF COLORADO
My Identification # 20154035058
Expires September 3, 2019

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Attorney for Respondent

Statement of Costs

Ashley M. Nichols

15-2488

6/6/2016	Administrative Fee		$ 224.00
		AMOUNT DUE	$ 224.00

EXHIBIT 1

EXHIBIT 2 TO STIPULATION

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	
Complainant: THE PEOPLE OF THE STATE OF COLORADO **Respondent:** ASHLEY M. NICHOLS	Case Number: **16PDJ046**

ORDER APPROVING CONDITIONAL ADMISSION OF MISCONDUCT AND IMPOSING SANCTIONS UNDER C.R.C.P. 251.22

Before the Presiding Disciplinary Judge ("the Court") is a "Stipulation, Agreement, and Affidavit Containing Respondent's Conditional Admission of Misconduct" filed by Catherine S. Shea, Office of Attorney Regulation Counsel ("the People"), and Ronald H. Nemirow, counsel for Ashley M. Nichols ("Respondent"), on June 7, 2016. In their stipulation, the parties waive their right to a hearing under C.R.C.P. 251.22(c).

Upon review of the stipulation, the Court **ORDERS**:

1. The stipulation is **APPROVED.**

2. **Ashley M. Nichols,** attorney registration number 39120, is **PUBLICLY CENSURED**.

3. Respondent violated Colo. RPC 1.3, Colo. RPC 1.4(a)(3), and Colo. RPC 8.4(c).

4. Pursuant to C.R.C.P. 251.32, Respondent shall pay costs incurred in conjunction with this matter in the amount of $224.00 within thirty-five days of the date of this order. Costs are payable to the Colorado Supreme Court Attorney Regulation Offices. Statutory interest shall accrue from the date of this order. Should Respondent fail to pay the aforementioned costs and interest within thirty-five days, she shall be responsible for all additional costs and expenses, including reasonable attorney's fees, incurred by the People in collecting the above-stated amount. The People may seek to amend the amount of the judgment for additional costs and expenses by providing a motion and bill of costs to the Court.

THIS ORDER IS ENTERED THE 8th DAY OF JUNE, 2016. THE EFFECTIVE DATE OF THE PUBLIC CENSURE IS THE 8th DAY OF JUNE, 2016.

WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

SUPREME COURT STATE OF COLORADO

EXHIBIT 2 TO STIPULATION

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SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	
Complainant: THE PEOPLE OF THE STATE OF COLORADO **Respondent:** ASHLEY M. NICHOLS, a/k/a ASHLEY GEYER, #39120	Case Number: **26PDJ5**

ORDER APPROVING STIPULATION TO DISCIPLINE UNDER C.R.C.P. 242.19(c)

Before the Presiding Disciplinary Judge ("the Court") is a "Stipulation to Discipline Pursuant to C.R.C.P. 242.19" filed on January 26, 2026, by Jacob M. Vos, Office of Attorney Regulation Counsel ("the People"), and Ashley M. Nichols, a/k/a Ashley Geyer ("Respondent"). In the stipulation, the parties waive their right to a hearing.

Under C.R.C.P. 242.19(c), the Court may either approve or reject the parties' stipulation, using discretion and in accordance with the considerations governing imposition of disciplinary sanctions. The Court has reviewed the stipulation in this case and finds that the parties' agreement as to the facts, rule violations, applicable mitigating and aggravating factors, and sanction is consistent with the American Bar Association *Standards for Imposing Lawyer Sanctions*. The Court therefore **APPROVES** the stipulation and **ORDERS**:

1. **ASHLEY M. NICHOLS, a/k/a ASHLEY GEYER**, whose registered business address is in Denver, Colorado, and whose attorney registration number is **39120**, is **SUSPENDED** from the practice of law for a period of **THIRTY MONTHS**.

2. Respondent violated Colo. RPC 1.3; Colo. RPC 1.4(b); Colo. RPC 1.16(a); Colo. RPC 1.15A(a); Colo. RPC 8.4(c); and Colo. RPC 8.4(d).

3. Respondent **MUST NOT** practice law or aid others to practice law in violation of Colo. RPC 5.5.

4. Respondent **MUST** timely comply with C.R.C.P. 242.32(b)-(e), concerning winding up of affairs, notice to current clients, duties owed in litigation matters, and notice to other jurisdictions where she is licensed or otherwise authorized to practice law.

5. Within fourteen days after the effective date of the suspension, Respondent **MUST** file an affidavit with the Court under C.R.C.P. 242.32(f), attesting to her compliance with C.R.C.P. 242.32.

6. If Respondent wishes to seek reinstatement to the practice of law after her suspension, she must file a petition for reinstatement under C.R.C.P. 242.39(b).

7. Within thirty-five days of the date of this order, Respondent **MUST** pay the administrative fee of $224.00. Statutory interest will begin to accrue thirty-five days from the date of this order. The administrative fee is payable to the Office of Attorney Regulation Counsel.

THIS ORDER IS ENTERED THE 27th DAY OF JANUARY, 2026. THE EFFECTIVE DATE OF THE SUSPENSION IS THE 27th DAY OF JANUARY, 2026.

DATED THIS 27th DAY OF JANUARY, 2026.

BRYON M. LARGE
PRESIDING DISCIPLINARY JUDGE

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State Bar of Texas
Chief Disciplinary Counsel's Office
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Austin, Texas 78711

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FEB 26 2026

CHIEF Disciplinary Counsel
State Bar of Texas

By: ______________________

PERSONAL

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The Board of Disciplinary Appeals

Appointed by the Supreme Court of Texas

Internal Procedural Rules

(effective September 24, 2024)

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1414 Colorado, Suite 610
Austin TX 78701

Tel: 512 427-1578
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website: txboda.org

INTERNAL PROCEDURAL RULES

BOARD OF DISCIPLINARY APPEALS

Current through September 24, 2024

Contents

INTERNAL PROCEDURAL RULES

Board of Disciplinary Appeals

Current through September 24, 2024

I. GENERAL PROVISIONS

Rule 1.01. Definitions

(a) "BODA" is the Board of Disciplinary Appeals.

(b) "Chair" is the member elected by BODA to serve as chair or, in the Chair's absence, the member elected by BODA to serve as vice-chair.

(c) "Classification" is the determination by the CDC under TRDP 2.10 or by BODA under TRDP 7.08(C) whether a grievance constitutes a "complaint" or an "inquiry."

(d) "BODA Clerk" is the executive director of BODA or other person appointed by BODA to assume all duties normally performed by the clerk of a court.

(e) "CDC" is the Chief Disciplinary Counsel for the State Bar of Texas and his or her assistants.

(f) "Commission" is the Commission for Lawyer Discipline, a permanent committee of the State Bar of Texas.

(g) "Executive Director" is the executive director of BODA.

(h) "Panel" is any three-member grouping of BODA under TRDP 7.05.

(i) "Party" is a Complainant, a Respondent, or the Commission.

(j) "TDRPC" is the Texas Disciplinary Rules of Professional Conduct.

(k) "TRAP" is the Texas Rules of Appellate Procedure.

(l) "TRCP" is the Texas Rules of Civil Procedure.

(m) "TRDP" is the Texas Rules of Disciplinary Procedure.

(n) "TRE" is the Texas Rules of Evidence.

Rule 1.02. General Powers

Under TRDP 7.08, BODA has and may exercise all the powers of either a trial court or an appellate court, as the case may be, in hearing and determining disciplinary proceedings. But TRDP 15.01 [17.01] applies to the enforcement of a judgment of BODA.

Rule 1.03. Additional Rules in Disciplinary Matters

Except as varied by these rules and to the extent applicable, the TRCP, TRAP, and TRE apply to all disciplinary matters before BODA, except for appeals from classification decisions, which are governed by TRDP 2.10 and by Section 3 of these rules.

Rule 1.04. Appointment of Panels

(a) BODA may consider any matter or motion by panel, except as specified in (b). The Chair may delegate to the Executive Director the duty to appoint a panel for any BODA action. Decisions are made by a majority vote of the panel; however, any panel member may refer a matter for consideration by BODA sitting en banc. Nothing in these rules gives a party the right to be heard by BODA sitting en banc.

(b) Any disciplinary matter naming a BODA member as Respondent must be considered by BODA sitting en banc. A disciplinary matter naming a BODA staff member as Respondent need not be heard en banc.

(c) BODA may, upon decision of the Chair, conduct any business or proceedings—including any hearing, pretrial conference, or consideration of any matter or motion—remotely.

Rule 1.05. Filing of Pleadings, Motions, and Other Papers

(a) **Electronic Filing.** All documents must be filed electronically. Unrepresented persons or those without the means to file electronically may electronically file documents, but it is not required.

(1) Email Address. The email address of an attorney or an unrepresented party who electronically files a document must be included on the document.

(2) Timely Filing. Documents are filed electronically by emailing the document to the BODA Clerk at the email address designated by BODA for that purpose. A document filed by email will be considered filed the day that the email is sent. The date sent is the date shown for the message in the inbox of the email account designated for receiving filings. If a document is sent after 5:00 p.m. or on a weekend or holiday officially observed by the State of Texas, it is considered filed the next business day.

(3) It is the responsibility of the party filing a document by email to obtain the correct email address for BODA and to confirm that the document was received by BODA in legible form. Any document that is illegible or that cannot be opened as part of an email attachment will not be considered filed. If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from BODA.

(4) Exceptions.

(i) An appeal to BODA of a decision by the CDC to classify a grievance as an inquiry or a complaint is not required to be filed electronically.

(ii) The following documents must not be filed electronically:

a) documents that are filed under seal or subject to a pending motion to seal; and

b) documents to which access is otherwise restricted by court order.

(iii) For good cause, BODA may permit a party to file other documents in paper form in a particular case.

(5) Format. An electronically filed document must:

(i) be in text-searchable portable document format (PDF);

(ii) be directly converted to PDF rather than scanned, if possible; and

(iii) not be locked.

(b) A paper will not be deemed filed if it is sent to an individual BODA member or to another address other than the address designated by BODA under Rule 1.05(a)(2).

(c) **Signing.** Each brief, motion, or other paper filed must be signed by at least one attorney for the party or by the party pro se and must give the State Bar of Texas card number, mailing address, telephone number, email address, and fax number, if any, of each attorney whose name is signed or of the party (if applicable). A document is considered signed if the document includes:

(1) an "/s/" and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or

(2) an electronic image or scanned image of the signature.

(d) **Paper Copies.** Unless required by BODA, a party need not file a paper copy of an electronically filed document.

(e) **Service.** Copies of all documents filed by any party other than the record filed by the evidentiary panel clerk or the court reporter must, at or before the time of filing, be served on all other parties as required and authorized by the TRAP.

Rule 1.06. Service of Petition

In any disciplinary proceeding before BODA initiated by service of a petition on the Respondent, the petition must be served by personal service; by certified mail with return receipt requested; or, if permitted by BODA, in any other manner that is authorized by the TRCP and reasonably calculated under all the circumstances to apprise the Respondent of the proceeding and to give him or her reasonable time to appear and answer. To establish service by certified mail, the return receipt must contain the Respondent's signature.

Rule 1.07. Hearing Setting and Notice

(a) **Original Petitions.** In any kind of case initiated by the CDC's filing a petition or motion with BODA, the CDC may contact the BODA Clerk for the next regularly available hearing date before filing the original petition. If a hearing is set before the petition is filed, the petition must state the date, time, and place of the hearing. Except in the case of a petition to revoke probation under TRDP 2.23 [2.22], the hearing date must be at least 30 days from the date that the petition is served on the Respondent.

(b) **Expedited Settings.** If a party desires a hearing on a matter on a date earlier than the next regularly available BODA hearing date, the party may request an expedited setting in a written motion setting out the reasons for the request. Unless the parties agree otherwise, and except in the case of a petition to revoke probation under TRDP 2.23 [2.22], the expedited hearing setting must be at least 30 days from the date of service of the petition, motion, or other pleading. BODA has the sole discretion to grant or deny a request for an expedited hearing date.

(c) **Setting Notices.** BODA must notify the parties of any hearing date that is not noticed in an original petition or motion.

(d) **Announcement Docket.** Attorneys and parties appearing before BODA must confirm their presence and present any questions regarding procedure to the BODA Clerk in the courtroom immediately prior to the time docket call is scheduled to begin. Each party with a matter on the docket must appear at the docket call to give an announcement of readiness, to give a time estimate for the hearing, and to present any preliminary motions or matters. Immediately following the docket call, the Chair will set and announce the order of cases to be heard.

Rule 1.08. Time to Answer

The Respondent may file an answer at any time, except where expressly provided otherwise by these rules or the TRDP, or when an answer date has been set by prior order of BODA. BODA may, but is not required to, consider an answer filed the day of the hearing.

Rule 1.09. Pretrial Procedure

(a) **Motions.**

(1) Generally. To request an order or other relief, a party must file a motion supported by sufficient cause with proof of service on all other parties. The motion must state with particularity the grounds on which it is based and set forth the relief sought. All supporting briefs, affidavits, or other documents must be served and filed with the motion. A party may file a response to a motion at any time before BODA rules on the motion or by any deadline set by BODA. Unless otherwise required by these rules or the TRDP, the form of a motion must comply with the TRCP or the TRAP.

(2) For Extension of Time. All motions for extension of time in any matter before BODA must be in writing, comply with (a)(1), and specify the following:

(i) if applicable, the date of notice of decision of the evidentiary panel, together with the number and style of the case;

(ii) if an appeal has been perfected, the date when the appeal was perfected;

(iii) the original deadline for filing the item in question;

(iv) the length of time requested for the extension;

(v) the number of extensions of time that have been granted previously regarding the item in question; and

(vi) the facts relied on to reasonably explain the need for an extension.

(b) **Pretrial Scheduling Conference.** Any party may request a pretrial scheduling conference, or BODA on its own motion may require a pretrial scheduling conference.

(c) **Trial Briefs.** In any disciplinary proceeding before BODA, except with leave, all trial briefs and memoranda must be filed with the BODA Clerk no later than ten days before the day of the hearing.

(d) **Hearing Exhibits, Witness Lists, and Exhibits Tendered for Argument.** A party may file a witness list, exhibit, or any other document to be used at a hearing or oral argument before the hearing or argument. A party must bring to the hearing an original and 12 copies of any document that was not filed at least one business day before the hearing. The original and copies must be:

(1) marked;

(2) indexed with the title or description of the item offered as an exhibit; and

(3) if voluminous, bound to lie flat when open and tabbed in accordance with the index.

All documents must be marked and provided to the opposing party before the hearing or argument begins.

Rule 1.10. Decisions

(a) **Notice of Decisions.** The BODA Clerk must give notice of all decisions and opinions to the parties or their attorneys of record.

(b) **Publication of Decisions.** BODA must report judgments or orders of public discipline:

(1) as required by the TRDP; and

(2) on its website for a period of at least ten years following the date of the disciplinary judgment or order.

(c) **Abstracts of Classification Appeals.** BODA may, in its discretion, prepare an abstract of a classification appeal for a public reporting service.

Rule 1.11. Board of Disciplinary Appeals Opinions

(a) BODA may render judgment in any disciplinary matter with or without written opinion. In accordance with TRDP 6.06, all written opinions of BODA are open to the public and must be made available to the public reporting services, print or electronic, for publishing. A majority of the members who participate in considering the disciplinary matter must determine if an opinion will be written. The names of the participating members must be noted on all written opinions of BODA.

(b) Only a BODA member who participated in the decision of a disciplinary matter may file or join in a written opinion concurring in or dissenting from the judgment of BODA. For purposes of this rule, in hearings in which evidence is taken, no member may participate in the decision unless that member was present at the hearing. In all other proceedings, no member may participate unless that member has reviewed the record. Any member of BODA may file a written opinion in connection with the denial of a hearing or rehearing en banc.

(c) A BODA determination in an appeal from a grievance classification decision under TRDP 2.10 is not a judgment for purposes of this rule and may be issued without a written opinion.

Rule 1.12. BODA Work Product and Drafts

A document or record of any nature—regardless of its form, characteristics, or means of transmission—that is created or produced in connection with or related to BODA's adjudicative decision-making process is not subject to disclosure or discovery. This includes documents prepared by any BODA member, BODA staff, or any other person acting on behalf of or at the direction of BODA.

Rule 1.13. Record Retention

Records of appeals from classification decisions must be retained by the BODA Clerk for a period of at least three years from the date of disposition. Records of other disciplinary matters must be retained for a period of at least five years from the date of final judgment, or for at least one year after the date a suspension or disbarment ends, whichever is later. For purposes of this rule, a record is any document, paper, letter, map, book, tape, photograph, film, recording, or other material filed with BODA, regardless of its form, characteristics, or means of transmission.

Rule 1.14. Costs of Reproduction of Records

The BODA Clerk may charge a reasonable amount for the reproduction of nonconfidential records filed with BODA. The fee must be paid in advance to the BODA Clerk.

Rule 1.15. Publication of These Rules

These rules will be published as part of the TDRPC and TRDP.

II. ETHICAL CONSIDERATIONS

Rule 2.01. Representing or Counseling Parties in Disciplinary Matters and Legal Malpractice Cases

(a) A current member of BODA must not represent a party or testify voluntarily in a disciplinary action or proceeding. Any BODA member who is subpoenaed or otherwise compelled to appear at a disciplinary action or proceeding, including at a deposition, must promptly notify the BODA Chair.

(b) A current BODA member must not serve as an expert witness on the TDRPC.

(c) A BODA member may represent a party in a legal malpractice case, provided that he or she is later recused in accordance with these rules from any proceeding before BODA arising out of the same facts.

Rule 2.02. Confidentiality

(a) BODA deliberations are confidential, must not be disclosed by BODA members or staff, and are not subject to disclosure or discovery.

(b) Classification appeals, appeals from evidentiary judgments of private reprimand, appeals from an evidentiary judgment dismissing a case, interlocutory appeals or any interim proceedings from an ongoing evidentiary case, and disability cases are confidential under the TRDP. BODA must maintain all records associated with these cases as confidential, subject to disclosure only as provided in the TRDP and these rules.

(c) If a member of BODA is subpoenaed or otherwise compelled by law to testify in any proceeding, the member must not disclose a matter that was discussed in conference in connection with a disciplinary case unless the member is required to do so by a court of competent jurisdiction

Rule 2.03. Disqualification and Recusal of BODA Members

(a) BODA members are subject to disqualification and recusal as provided in TRCP 18b.

(b) BODA members may, in addition to recusals under (a), voluntarily recuse themselves from any discussion and voting for any reason. The reasons that a BODA member is recused from a case are not subject to discovery.

(c) These rules do not disqualify a lawyer who is a member of, or associated with, the law firm of a BODA member from serving on a grievance committee or representing a party in a disciplinary proceeding or legal malpractice case. But a BODA member must recuse him or herself from any matter in which a lawyer who is a member of, or associated with, the BODA member's firm is a party or represents a party.

III. CLASSIFICATION APPEALS

Rule 3.01. Notice of Right to Appeal

(a) If a grievance filed by the Complainant under TRDP 2.10 is classified as an inquiry, the CDC must notify the Complainant of his or her right to appeal as set out in TRDP 2.10 or another applicable rule. If a grievance is classified as a complaint, the CDC must notify both the Complainant and the Respondent of the Respondent's right to appeal as set out in TRDP 2.10 or another applicable rule.

(b) To facilitate the potential filing of an appeal of a grievance classified as an inquiry, the CDC must send the Complainant an appeal notice form, approved by BODA, with the classification disposition. For a grievance classified as a complaint, the CDC must send the Respondent an appeal notice form, approved by BODA, with notice of the classification disposition. The form must include the docket number of the matter; the deadline for appealing; and information for mailing, faxing, or emailing the appeal notice form to BODA. The appeal notice form must be available in English and Spanish.

Rule 3.02. Record on Appeal

BODA must not consider documents or other submissions that the Complainant or Respondent filed with the CDC or BODA after the CDC's classification. When a notice of appeal from a classification decision has been filed, the CDC must forward to BODA a copy of the grievance and all supporting documentation. If the appeal challenges the classification of an amended grievance, the CDC must also send BODA a copy of the initial grievance, unless it has been destroyed.

Rule 3.03. Disposition of Classification Appeal

(a) BODA may decide a classification appeal by doing any of the following:

(1) affirm the CDC's classification of the grievance as an inquiry and the dismissal of the grievance;

(2) reverse the CDC's classification of the grievance as an inquiry, reclassify the grievance as a complaint, and return the matter to the CDC for investigation, just cause determination, and further proceedings in accordance with the TRDP;

(3) affirm the CDC's classification of the grievance as a complaint and return the matter to the CDC to proceed with investigation, just cause determination, and further proceedings in accordance with the TRDP; or

(4) reverse the CDC's classification of the grievance as a complaint, reclassify the grievance as an inquiry, and dismiss the grievance.

(b) When BODA reverses the CDC's inquiry classification and reclassifies a grievance as a complaint, BODA must reference any provisions of the TDRPC under which BODA concludes professional misconduct is alleged. When BODA affirms the CDC's complaint classification, BODA may reference any provisions of the TDRPC under which BODA concludes professional misconduct is alleged. The scope of investigation will be determined by the CDC in accordance with TRDP 2.12.

(c) BODA's decision in a classification appeal is final and conclusive, and such decision is not subject to appeal or reconsideration.

(d) A classification appeal decision under (a)(1) or (4), which results in dismissal, has no bearing on whether the Complainant may amend the grievance and resubmit it to the CDC under TRDP 2.10.

IV. APPEALS FROM EVIDENTIARY PANEL HEARINGS

Rule 4.01. Perfecting Appeal

(a) **Appellate Timetable.** The date that the evidentiary judgment is signed starts the appellate timetable under this section. To make TRDP 2.21 [2.20] consistent with this requirement, the date that the judgment is signed is the "date of notice" under Rule [TRDP] 2.21 [2.20].

(b) **Notification of the Evidentiary Judgment.** The clerk of the evidentiary panel must notify the parties of the judgment as set out in TRDP 2.21 [2.20].

(1) The evidentiary panel clerk must notify the Commission and the Respondent in writing of the judgment. The notice must contain a clear statement that any appeal of the judgment must be filed with BODA within 30 days of the date that the judgment was signed. The notice must include a copy of the judgment rendered.

(2) The evidentiary panel clerk must notify the Complainant that a judgment has been rendered and provide a copy of the judgment, unless the evidentiary panel dismissed the case or imposed a private reprimand. In the case of a dismissal or private reprimand, the evidentiary panel clerk must notify the Complainant of the decision and that the contents of the judgment are confidential. Under TRDP 2.16, no additional information regarding the contents of a judgment of dismissal or private reprimand may be disclosed to the Complainant.

(c) **Filing Notice of Appeal.** An appeal is perfected when a written notice of appeal is filed with BODA. If a notice of appeal and any other accompanying documents are mistakenly filed with the evidentiary panel clerk, the notice is deemed to have been filed the same day with BODA, and the evidentiary panel clerk must immediately send the BODA Clerk a copy of the notice and any accompanying documents.

(d) **Time to File.** In accordance with TRDP 2.24 [2.23], the notice of appeal must be filed within 30 days after the date the judgment is signed. In the event a motion for new trial or motion to modify the judgment is timely filed with the evidentiary panel, the notice of appeal must be filed with BODA within 90 days from the date the judgment is signed.

(e) **Extension of Time.** A motion for an extension of time to file the notice of appeal must be filed no later than 15 days after the last day allowed for filing the notice of appeal. The motion must comply with Rule 1.09.

Rule 4.02. Record on Appeal

(a) **Contents.** The record on appeal consists of the evidentiary panel clerk's record and, where necessary to the appeal, a reporter's record of the evidentiary panel hearing.

(b) **Stipulation as to Record.** The parties may designate parts of the clerk's record and the reporter's record to be included in the record on appeal by written stipulation filed with the clerk of the evidentiary panel.

(c) **Responsibility for Filing Record.**

(1) Clerk's Record.

(i) After receiving notice that an appeal has been filed, the clerk of the evidentiary panel is responsible for preparing, certifying, and timely filing the clerk's record.

(ii) Unless the parties stipulate otherwise, the clerk's record on appeal must contain the items listed in TRAP 34.5(a) and any other paper on file with the evidentiary panel, including the election letter, all pleadings on which the hearing was held, the docket sheet, the evidentiary panel's charge, any findings of fact and conclusions of law, all other pleadings, the judgment or other orders appealed from, the notice of decision sent to each party, any postsubmission pleadings and briefs, and the notice of appeal.

(iii) If the clerk of the evidentiary panel is unable for any reason to prepare and transmit the clerk's record by the due date, he or she must promptly notify BODA and the parties, explain why the clerk's record cannot be timely filed, and give the date by which he or she expects the clerk's record to be filed.

(2) Reporter's Record.

(i) The court reporter for the evidentiary panel is responsible for timely filing the reporter's record if:

a) a notice of appeal has been filed;

b) a party has requested that all or part of the reporter's record be prepared; and

c) the party requesting all or part of the reporter's record has paid the reporter's fee or has made satisfactory arrangements with the reporter.

(ii) If the court reporter is unable for any reason to prepare and transmit the reporter's record by the due date, he or she must promptly notify BODA and the parties, explain the reasons why the reporter's record cannot be timely filed, and give the date by which he or she expects the reporter's record to be filed.

(d) **Preparation of Clerk's Record.**

(1) To prepare the clerk's record, the evidentiary panel clerk must:

(i) gather the documents designated by the parties' written stipulation or, if no stipulation was filed, the documents required under (c)(1)(ii);

(ii) start each document on a new page;

(iii) include the date of filing on each document;

(iv) arrange the documents in chronological order, either by the date of filing or the date of occurrence;

(v) number the pages of the clerk's record in the manner required by (d)(2);

(vi) prepare and include, after the front cover of the clerk's record, a detailed table of contents that complies with (d)(3); and

(vii) certify the clerk's record.

(2) The clerk must start the page numbering on the front cover of the first volume of the clerk's record and continue to number all pages consecutively—including the front and back covers, tables of contents, certification page, and separator pages, if any—until the final page of the clerk's record, without regard for the number of volumes in the clerk's record, and place each page number at the bottom of each page.

(3) The table of contents must:

(i) identify each document in the entire record (including sealed documents); the date each document was filed; and, except for sealed documents, the page on which each document begins;

(ii) be double-spaced;

(iii) conform to the order in which documents appear in the clerk's record, rather than in alphabetical order;

(iv) contain bookmarks linking each description in the table of contents (except for descriptions of sealed documents) to the page on which the document begins; and

(v) if the record consists of multiple volumes, indicate the page on which each volume begins.

(e) **Electronic Filing of the Clerk's Record.** The evidentiary panel clerk must file the record electronically. When filing a clerk's record in electronic form, the evidentiary panel clerk must:

(1) file each computer file in text-searchable Portable Document Format (PDF);

(2) create electronic bookmarks to mark the first page of each document in the clerk's record;

(3) limit the size of each computer file to 100 MB or less, if possible; and

(4) directly convert, rather than scan, the record to PDF, if possible.

(f) **Preparation of the Reporter's Record.**

(1) The appellant, at or before the time prescribed for perfecting the appeal, must make a written request for the reporter's record to the court reporter for the evidentiary panel. The request must designate the portion of the evidence and other proceedings to be included. A copy of the request must be filed with the evidentiary panel and BODA and must be served on the appellee. The reporter's record must be certified by the court reporter for the evidentiary panel.

(2) The court reporter or recorder must prepare and file the reporter's record in accordance with TRAP 34.6 and 35 and the Uniform Format Manual for Texas Reporters' Records.

(3) The court reporter or recorder must file the reporter's record in an electronic format by emailing the document to the email address designated by BODA for that purpose.

(4) The court reporter or recorder must include either a scanned image of any required signature or "/s/" and name typed in the space where the signature would otherwise

(6[1]) In exhibit volumes, the court reporter or recorder must create bookmarks to mark the first page of each exhibit document.

(g) **Other Requests.** At any time before the clerk's record is prepared, or within ten days after service of a copy of appellant's request for the reporter's record, any party may file a written designation requesting that additional exhibits and portions of testimony be included in the record. The request must be filed with the evidentiary panel and BODA and must be served on the other party.

(h) **Inaccuracies or Defects.** If the clerk's record is found to be defective or inaccurate, the BODA Clerk must inform the clerk of the evidentiary panel of the defect or inaccuracy and instruct the clerk to make the correction. Any inaccuracies in the reporter's record may be corrected by agreement of the parties without the court reporter's recertification. Any dispute regarding the reporter's record that the parties are unable to resolve by agreement must be resolved by the evidentiary panel.

(i) **Appeal from Private Reprimand.** Under TRDP 2.16, in an appeal from a judgment of private reprimand, BODA must mark the record as confidential, remove the attorney's name from the case style, and take any other steps necessary to preserve the confidentiality of the private reprimand.

[1] So in original.

Rule 4.03. Time to File Record

(a) **Timetable.** The clerk's record and reporter's record must be filed within 60 days after the date the judgment is signed. If a motion for new trial or motion to modify the judgment is filed with the evidentiary panel, the clerk's record and the reporter's record must be filed within 120 days from the date the original judgment is signed, unless a modified judgment is signed, in which case the clerk's record and the reporter's record must be filed within 60 days of the signing of the modified judgment. Failure to file either the clerk's record or the reporter's record on time does not affect BODA's jurisdiction, but may result in BODA's exercising its discretion to dismiss the appeal, affirm the judgment appealed from, disregard materials filed late, or apply presumptions against the appellant.

(b) **If No Record Filed.**

(1) If the clerk's record or reporter's record has not been

timely filed, the BODA Clerk must send notice to the party responsible for filing it, stating that the record is late and requesting that the record be filed within 30 days. The BODA Clerk must send a copy of this notice to all the parties and the clerk of the evidentiary panel.

(2) If no reporter's record is filed due to appellant's fault, and if the clerk's record has been filed, BODA may, after first giving the appellant notice and a reasonable opportunity to cure, consider and decide those issues or points that do not require a reporter's record for a decision. BODA may do this if no reporter's record has been filed because:

(i) the appellant failed to request a reporter's record; or

(ii) the appellant failed to pay or make arrangements to pay the reporter's fee to prepare the reporter's record, and the appellant is not entitled to proceed without payment of costs.

(c) **Extension of Time to File the Reporter's Record.** When an extension of time is requested for filing the reporter's record, the facts relied on to reasonably explain the need for an extension must be supported by an affidavit of the court reporter. The affidavit must include the court reporter's estimate of the earliest date when the reporter's record will be available for filing.

(d) **Supplemental Record.** If anything material to either party is omitted from the clerk's record or reporter's record, BODA may, on written motion of a party or on its own motion, direct a supplemental record to be certified and transmitted by the clerk for the evidentiary panel or the court reporter for the evidentiary panel.

Rule 4.04. Copies of the Record

The record may not be withdrawn from the custody of the BODA Clerk. Any party may obtain a copy of the record or any designated part thereof by making a written request to the BODA Clerk and paying any charges for reproduction in advance.

Rule 4.05. Requisites of Briefs

(a) **Appellant's Filing Date.** Appellant's brief must be filed within 30 days after the clerk's record or the reporter's record is filed, whichever is later.

(b) **Appellee's Filing Date.** Appellee's brief must be filed within 30 days after the appellant's brief is filed.

(c) **Contents.** Briefs must contain:

(1) a complete list of the names and addresses of all parties to the final decision and their counsel;

(2) a table of contents indicating the subject matter of each issue or point, or group of issues or points, with page references where the discussion of each point relied on may be found;

(3) an index of authorities arranged alphabetically and indicating the pages where the authorities are cited;

(4) a statement of the case containing a brief general statement of the nature of the cause or offense and the result;

(5) a statement, without argument, of the basis of BODA's jurisdiction;

(6) a statement of the issues presented for review or points of error on which the appeal is predicated;

(7) a statement of facts that is without argument, is supported by record references, and details the facts relating to the issues or points relied on in the appeal;

(8) the argument and authorities;

(9) conclusion and prayer for relief;

(10) a certificate of service; and

(11) an appendix of record excerpts pertinent to the issues presented for review.

(d) **Length of Briefs; Contents Included and Excluded.** In calculating the length of a document, every word and every part of the document, including headings, footnotes, and quotations, must be counted except the following: caption, identity of the parties and counsel, statement regarding oral argument, table of contents, index of authorities, statement of the case, statement of issues presented, statement of the jurisdiction, signature, proof of service, certificate of compliance, and appendix. Briefs must not exceed 15,000 words if computer-generated, and 50 pages if not, except on leave of BODA. A reply brief must not exceed 7,500 words if computer-generated, and 25 pages if not, except on leave of BODA. A computer generated document must include a certificate by counsel or the unrepresented party stating the number of words in the document. The person who signs the certification may rely on the word count of the computer program used to prepare the document.

(e) **Amendment or Supplementation.** BODA has discretion to grant leave to amend or supplement briefs.

(f) **Failure of the Appellant to File a Brief.** If the appellant fails to timely file a brief, BODA may:

(1) dismiss the appeal for want of prosecution, unless the appellant reasonably explains the failure, and the appellee is not significantly injured by the appellant's failure to timely file a brief;

(2) decline to dismiss the appeal and make further orders within its discretion as it considers proper; or

(3) if an appellee's brief is filed, regard that brief as correctly presenting the case and affirm the evidentiary panel's judgment on that brief without examining the record.

Rule 4.06. Oral Argument

(a) **Request.** A party desiring oral argument must note the request on the front cover of the party's brief. A party's failure to timely request oral argument waives the party's right to argue. A party who has requested argument may later withdraw the request. But even if a party has waived oral argument, BODA may direct the party to appear and argue. If oral argument is granted, the clerk will notify the parties of the time and place for submission.

(b) **Right to Oral Argument.** A party who has filed a brief and who has timely requested oral argument may argue the case to BODA unless BODA, after examining the briefs, decides that oral argument is unnecessary for any of the following reasons:

(1) the appeal is frivolous;

(2) the dispositive issue or issues have been authoritatively decided;

(3) the facts and legal arguments are adequately presented in the briefs and record; or

(4) the decisional process would not be significantly aided by oral argument.

(c) **Time Allowed.** Each party will have 20 minutes to argue. BODA may, on the request of a party or on its own, extend or shorten the time allowed for oral argument. The appellant may reserve a portion of his or her allotted time for rebuttal.

Rule 4.07. Decision and Judgment

(a) **Decision.** BODA may do any of the following:

(1) affirm in whole or in part the decision of the evidentiary panel;

(2) modify the panel's findings and affirm the findings as modified;

(3) reverse in whole or in part the panel's findings and render the decision that the panel should have rendered; or

(4) reverse the panel's findings and remand the cause for further proceedings to be conducted by:

(i) the panel that entered the findings; or

(ii) a statewide grievance committee panel appointed by BODA and composed of members selected from the state bar districts other than the district from which the appeal was taken.

(b) Mandate. In every appeal, the BODA Clerk must issue a mandate in accordance with BODA's judgment and send it to the evidentiary panel and to all the parties.

Rule 4.08. Appointment of Statewide Grievance Committee

If BODA remands a cause for further proceedings before a statewide grievance committee, the BODA Chair will appoint the statewide grievance committee in accordance with TRDP 2.27 [2.26]. The committee must consist of six members: four attorney members and two public members randomly selected from the current pool of grievance committee members. Two alternates, consisting of one attorney and one public member, must also be selected. BODA will appoint the initial chair who will serve until the members of the statewide grievance committee elect a chair of the committee at the first meeting. The BODA Clerk will notify the Respondent and the CDC that a committee has been appointed.

Rule 4.09. Involuntary Dismissal

Under the following circumstances and on any party's motion or on its own initiative after giving at least ten days' notice to all parties, BODA may dismiss the appeal or affirm the appealed judgment or order. Dismissal or affirmance may occur if the appeal is subject to dismissal:

(a) for want of jurisdiction;

(b) for want of prosecution; or

(c) because the appellant has failed to comply with a requirement of these rules, a court order, or a notice from the clerk requiring a response or other action within a specified time.

V. PETITIONS TO REVOKE PROBATION

Rule 5.01. Initiation and Service

(a) Before filing a motion to revoke the probation of an attorney who has been sanctioned, the CDC must contact the BODA Clerk to confirm whether the next regularly available hearing date will comply with the 30-day requirement of TRDP. The Chair may designate a three-member panel to hear the motion, if necessary, to meet the 30-day requirement of TRDP 2.23 [2.22].

(b) Upon filing the motion, the CDC must serve the Respondent with the motion and any supporting documents in accordance with TRDP 2.23 [2.22], the TRCP, and these rules. The CDC must notify BODA of the date that service is obtained on the Respondent.

Rule 5.02. Hearing

Within 30 days of service of the motion on the Respondent, BODA must docket and set the matter for a hearing and notify the parties of the time and place of the hearing. On a showing of good cause by a party or on its own motion, BODA may continue the case to a future hearing date as circumstances require.

VI. COMPULSORY DISCIPLINE

Rule 6.01. Initiation of Proceeding

Under TRDP 8.03, the CDC must file a petition for compulsory discipline with BODA and serve the Respondent in accordance with the TRDP and Rule 1.06 of these rules.

Rule 6.02. Interlocutory Suspension

(a) **Interlocutory Suspension.** In any compulsory proceeding under TRDP Part VIII in which BODA determines that the Respondent has been convicted of an Intentional Crime and that the criminal conviction is on direct appeal, BODA must suspend the Respondent's license to practice law by interlocutory order. In any compulsory case in which BODA has imposed an interlocutory order of suspension, BODA retains jurisdiction to render final judgment after the direct appeal of the criminal conviction is final. For purposes of rendering final judgment in a compulsory discipline case, the direct appeal of the criminal conviction is final when the appellate court issues its mandate.

(b) **Criminal Conviction Affirmed.** If the criminal conviction made the basis of a compulsory interlocutory suspension is affirmed and becomes final, the CDC must file a motion for final judgment that complies with TRDP 8.05.

(1) If the criminal sentence is fully probated or is an order of deferred adjudication, the motion for final judgment must contain notice of a hearing date. The motion will be set on BODA's next available hearing date.

(2) If the criminal sentence is not fully probated:

(i) BODA may proceed to decide the motion without a hearing if the attorney does not file a verified denial within ten days of service of the motion; or

(ii) BODA may set the motion for a hearing on the next available hearing date if the attorney timely files a verified denial.

(c) **Criminal Conviction Reversed.** If an appellate court issues a mandate reversing the criminal conviction while a Respondent is subject to an interlocutory suspension, the Respondent may file a motion to terminate the interlocutory suspension. The motion to terminate the interlocutory suspension must have certified copies of the decision and mandate of the reversing court attached. If the CDC does not file an opposition to the termination within ten days of being served with the motion, BODA may proceed to decide the motion without a hearing or set the matter for a hearing on its own motion. If the CDC timely opposes the motion, BODA must set the motion for a hearing on its next available hearing date. An order terminating an interlocutory order of suspension does not automatically reinstate a Respondent's license.

VII. RECIPROCAL DISCIPLINE

Rule 7.01. Initiation of Proceeding

To initiate an action for reciprocal discipline under TRDP Part IX, the CDC must file a petition with BODA and request an Order to Show Cause. The petition must request that the Respondent be disciplined in Texas and have attached to it any information concerning the disciplinary matter from the other jurisdiction, including a certified copy of the order or judgment rendered against the Respondent.

Rule 7.02. Order to Show Cause

When a petition is filed, the Chair immediately issues a show cause order and a hearing notice and forwards them to the CDC, who must serve the order and notice on the Respondent. The CDC must notify BODA of the date that service is obtained.

Rule 7.03. Attorney's Response

If the Respondent does not file an answer within 30 days of being served with the order and notice but thereafter appears at the hearing, BODA may, at the discretion of the Chair, receive testimony from the Respondent relating to the merits of the petition.

VIII. DISTRICT DISABILITY COMMITTEE HEARINGS

Rule 8.01. Appointment of District Disability Committee

(a) If the evidentiary panel of the grievance committee finds under TRDP 2.17(P)(2), or the CDC reasonably believes under TRDP 2.14(C), that a Respondent is suffering from a disability, the rules in this section will apply to the de novo proceeding before the District Disability Committee held under TRDP Part XII.

(b) Upon receiving an evidentiary panel's finding or the CDC's referral that an attorney is believed to be suffering from a disability, the BODA Chair must appoint a District Disability Committee in compliance with TRDP 12.02 and designate a chair. BODA will reimburse District Disability Committee members for reasonable expenses directly related to service on the District Disability Committee. The BODA Clerk must notify the CDC and the Respondent that a committee has been appointed and notify the Respondent where to locate the procedural rules governing disability proceedings.

(c) A Respondent who has been notified that a disability referral will be or has been made to BODA may, at any time, waive in writing the appointment of the District Disability Committee or the hearing before the District Disability Committee and enter into an agreed judgment of indefinite disability suspension, provided that the Respondent is competent to waive the hearing. If the Respondent is not represented, the waiver must include a statement affirming that the Respondent has been advised of the right to appointed counsel and waives that right as well.

(d) All pleadings, motions, briefs, or other matters to be filed with the District Disability Committee must be filed with the BODA Clerk.

(e) Should any member of the District Disability Committee become unable to serve, the BODA Chair must appoint a substitute member.

Rule 8.02. Petition and Answer

(a) **Petition.** Upon being notified that the District Disability Committee has been appointed by BODA, the

CDC must, within 20 days, file with the BODA Clerk and serve on the Respondent a copy of a petition for indefinite disability suspension. Service must comply with Rule 1.06.

(b) **Answer.** The Respondent must, within 30 days after service of the petition for indefinite disability suspension, file an answer with the BODA Clerk and serve a copy of the answer on the CDC.

(c) **Hearing Setting.** The BODA Clerk must set the final hearing as instructed by the chair of the District Disability Committee and send notice of the hearing to the parties.

Rule 8.03. Discovery

(a) **Limited Discovery.** The District Disability Committee may permit limited discovery. The party seeking discovery must file with the BODA Clerk a written request that makes a clear showing of good cause and substantial need and a proposed order. If the District Disability Committee authorizes discovery in a case, it must issue a written order. The order may impose limitations or deadlines on the discovery.

(b) **Physical or Mental Examinations.** On written motion by the Commission or on its own motion, the District Disability Committee may order the Respondent to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. Nothing in this rule limits the Respondent's right to an examination by a professional of his or her choice in addition to any exam ordered by the District Disability Committee.

(1) Motion. The Respondent must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(2) Report. The examining professional must file with the BODA Clerk a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the CDC and the Respondent.

(c) **Objections.** A party must make any objection to a request for discovery within 15 days of receiving the motion by filing a written objection with the BODA Clerk. BODA may decide any objection or contest to a discovery motion.

Rule 8.04. Ability to Compel Attendance

The Respondent and the CDC may confront and cross-examine witnesses at the hearing. Compulsory process to compel the attendance of witnesses by subpoena, enforceable by an order of a district court of proper jurisdiction, is available to the Respondent and the CDC as provided in TRCP 176.

Rule 8.05. Respondent's Right to Counsel

(a) The notice to the Respondent that a District Disability Committee has been appointed and the petition for indefinite disability suspension must state that the Respondent may request appointment of counsel by BODA to represent him or her at the disability hearing. BODA will reimburse appointed counsel for reasonable expenses directly related to representation of the Respondent.

(b) To receive appointed counsel under TRDP 12.02, the Respondent must file a written request with the BODA Clerk within 30 days of the date that Respondent is served with the petition for indefinite disability suspension. A late request must demonstrate good cause for the Respondent's failure to file a timely request.

Rule 8.06. Hearing

The party seeking to establish the disability must prove by a preponderance of the evidence that the Respondent is suffering from a disability as defined in the TRDP. The chair of the District Disability Committee must admit all relevant evidence that is necessary for a fair and complete hearing. The TRE are advisory but not binding on the chair.

Rule 8.07. Notice of Decision

The District Disability Committee must certify its finding regarding disability to BODA, which will issue the final judgment in the matter.

Rule 8.08. Confidentiality

All proceedings before the District Disability Committee and BODA, if necessary, are closed to the public. All matters before the District Disability Committee are confidential and are not subject to disclosure or discovery, except as allowed by the TRDP or as may be required in the event of an appeal to the Supreme Court of Texas.

IX. DISABILITY REINSTATEMENTS

Rule 9.01. Petition for Reinstatement

(a) An attorney under an indefinite disability suspension may, at any time after he or she has been suspended, file a verified petition with BODA to have the suspension terminated and to be reinstated to the practice of law. The petitioner must serve a copy of the petition on the CDC in the manner required by TRDP 12.06. The TRCP apply to a reinstatement proceeding unless they conflict with these rules.

(b) The petition must include the information required by TRDP 12.06. If the judgment of disability suspension contained terms or conditions relating to misconduct by the petitioner prior to the suspension, the petition must affirmatively demonstrate that those terms have been complied with or explain why they have not been satisfied. The petitioner has a duty to amend and keep current all information in the petition until the final hearing on the merits. Failure to do so may result in dismissal without notice.

(c) Disability reinstatement proceedings before BODA are not confidential; however, BODA may make all or any part of the record of the proceeding confidential.

Rule 9.02. Discovery

The discovery period is 60 days from the date that the petition for reinstatement is filed. The BODA Clerk will set the petition for a hearing on the first date available after the close of the discovery period and must notify the parties of the time and place of the hearing. BODA may continue the hearing for good cause shown.

Rule 9.03. Physical or Mental Examinations

(a) On written motion by the Commission or on its own, BODA may order the petitioner seeking reinstatement to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. The petitioner must be served with a copy of the motion and given at least seven days to respond. BODA may hold a hearing before ruling on the motion but is not required to do so.

(b) The petitioner must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(c) The examining professional must file a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the parties.

(d) If the petitioner fails to submit to an examination as ordered, BODA may dismiss the petition without notice.

(e) Nothing in this rule limits the petitioner's right to an examination by a professional of his or her choice in addition to any exam ordered by BODA.

Rule 9.04. Judgment

If, after hearing all the evidence, BODA determines that the petitioner is not eligible for reinstatement, BODA may, in its discretion, either enter an order denying the petition or direct that the petition be held in abeyance for a reasonable period of time until the petitioner provides additional proof as directed by BODA. The judgment may include other orders necessary to protect the public and the petitioner's potential clients.

X. APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS

Rule 10.01. Appeals to the Supreme Court

(a) A final decision by BODA, except a determination that a statement constitutes an inquiry or a complaint under TRDP 2.10, may be appealed to the Supreme Court of Texas. The clerk of the Supreme Court of Texas must docket an appeal from a decision by BODA in the same manner as a petition for review without fee.

(b) The appealing party must file the notice of appeal directly with the clerk of the Supreme Court of Texas within 14 days of receiving notice of a final determination by BODA. The record must be filed within 60 days after BODA's determination. The appealing party's brief is due 30 days after the record is filed, and the responding party's brief is due 30 days thereafter. The BODA Clerk must send the parties a notice of BODA's final decision that includes the information in this paragraph.

(c) An appeal to the Supreme Court is governed by TRDP 7.11 and the TRAP.