Molly Falk Jansen v. People. 24PDJ025. December 18, 2024.

Following a reinstatement hearing, a hearing board denied Molly Jansen O'Brien (formerly Molly Falk Jansen) (attorney registration number 34528) reinstatement to the practice of law in Colorado under C.R.C.P. 242.39. Jansen may not again petition for reinstatement for at least two years after the date the opinion issued.

In 2023, O'Brien was suspended for one year and one day for her misconduct while representing an incarcerated client in 2021. O'Brien conferred with her client only once during the representation, and she did not provide him with a writing that described the basis or rate of her fee. During the representation, O'Brien stipulated to a six-month suspension of her law license. But she did not promptly notify her client or the court presiding over his case that her law license had been suspended until two days before the suspension took effect. In her motion to withdraw from the case, O'Brien did not disclose her upcoming suspension; instead, she made an inaccurate statement about why she sought to withdraw. Also during the representation, O'Brien resolved a traffic case that she believed involved her client but that actually concerned an individual with the client's first and last name. O'Brien never independently verified that the case involved her client and never communicated with him about resolving the matter.

Following a hearing, the hearing board concluded that O'Brien failed to show by clear and convincing evidence that she is rehabilitated from her misconduct and that she is fit to practice law.

The case file is public per C.R.C.P. 242.41(a). Please see the full opinion below.

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	
Petitioner: MOLLY FALK JANSEN, #34528 **Respondent:** THE PEOPLE OF THE STATE OF COLORADO	Case Number: **24PDJ025**
OPINION DENYING REINSTATEMENT UNDER C.R.C.P. 242.39	

Molly Jansen O'Brien ("Petitioner")[1] was suspended for one year and one day in 2023premised on her misconduct while representing an incarcerated client in 2021. In that matter, Petitioner did not provide her client with a writing that described the basis or rate of her fee. She conferred with her client just once during the representation, and she did not promptly notify her client and the court presiding over his case that her law license had been suspended until two days before the suspension took effect. In her motion to withdraw from the case, Petitioner did not disclose her upcoming suspension, and she made an inaccurate statement about why she sought to withdraw. During the representation, Petitioner resolved a traffic case that she believed involved her client but that actually concerned an individual with the client's first and last name. Petitioner never independently verified that the case involved her client and never communicated with him about resolving the matter.

In this reinstatement proceeding, Petitioner failed to demonstrate by clear and convincing evidence that she is rehabilitated from her misconduct and is fit to practice law. She is thus not entitled to be reinstated to the practice of law in Colorado at this time, and she may not petition for reinstatement for another two years.

I. PROCEDURAL HISTORY

On April 12, 2024, Petitioner, through her counsel Jane B. Cox, filed "Petitioner's Verified Petition for Reinstatement" with Presiding Disciplinary Judge Bryon M. Large ("the PDJ").[2] On

[1] Petitioner recently married and changed her legal name but has not updated her name with the Office of Attorney Registration at the Colorado Supreme Court.

[2] As required under C.R.C.P. 242.39(b)(1), Petitioner submitted her petition within ninety-one days of the expiration of her suspension of one year and one day in case number 22PDJ054. In addition,

behalf of the Office of Attorney Regulation Counsel ("the People"), Justin P. Moore answered on April 24, 2024, opposing the petition. The PDJ held a scheduling conference on April 30, 2024, and set this matter for a two-day reinstatement hearing to take place on October 24 and 25, 2024. On May 14, 2024, Petitioner moved to disqualify the PDJ under C.R.C.P. 242.6(d) and C.R.C.P. 97. The PDJ denied that motion on June 24, 2024.

On October 24 and 25, 2024, a Hearing Board comprising the PDJ, Avi B. Loewenstein, a member of the bar, and Wendell Pryor, a nonlawyer member of the public, held a reinstatement hearing under C.R.C.P. 242.39.[3] Petitioner appeared with Cox, and Moore attended for the People. The Hearing Board received testimony from Petitioner, David Arnett, Lisa Frigo, Christopher Rossi, and Lee A. Berish. The PDJ admitted stipulated exhibits S1-S11 and accepted the parties' stipulated facts.

II. FINDINGS OF FACT[4]

Petitioner was admitted to practice law in Colorado on May 19, 2003, under attorney registration number 34528.[5] She is thus subject to the jurisdiction of the Colorado Supreme Court and the Hearing Board in this reinstatement proceeding.

Petitioner's Professional Background and Disciplinary History

Petitioner is a native of Denver. She attended college at Colorado State University and obtained her law degree from the University of Denver in 2002. A trial advocacy course in law school and an internship with a Denver metro area district attorney's office sparked her interest in criminal defense, which became her focus after she was admitted to practice law.

Petitioner has been disciplined three times. In October 2019, she stipulated to a fully stayed suspension of one year and one day, which carried a two-year period of probation, for misconduct in five client matters in 2017 and 2018. In three of those cases, Petitioner treated portions of clients' flat fees as earned before meeting the benchmarks described in the clients' fee agreements. In two cases, she failed to properly execute fee agreements. Petitioner also failed to comply with her clients' requests for an accounting of their funds. She also declined to return or delayed returning unearned funds when clients terminated representation. Further, Petitioner failed to keep appointments with an incarcerated client and did not respond to his letters requesting information about his case. Without notice to or consent from her client, she sent

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Petitioner submitted with her petition the required cost deposit of $500.00. She has not filed any other petitions for reinstatement. Stip. Facts ¶¶ 3-4, 9.

[3] The Colorado Supreme Court appointed Hearing Board members Lowenstein and Pryor as members of the hearing board pool under C.R.C.P. 242.7(b)(1).

[4] Factual findings are drawn from testimony offered at the hearing where not otherwise indicated.

[5] Ex. S1 at Ex. A ¶ 1.

substitute counsel to appear for her at multiple court appearances. Substitute counsel was unfamiliar with the case and was unable to provide the client legal advice.

On July 2, 2021, Petitioner stipulated to a six-month suspension, which took effect on September 1, 2021, for misconduct in two client matters. In one matter, she treated a client's fee as fully earned before she met the benchmarks set forth in the client's fee agreement. In another matter, she publicly responded to a negative online review posted by a client's family member by discussing confidential communications with her client, information learned from the representation, and details about her client.

Finally, Petitioner was suspended for one year and one day, effective May 1, 2023,[6] for misconduct in representing a client, Kevin Pompa, in a felony case in Colorado. She orally agreed with the Pompa's spouse[7] in March 2021 to represent the Pompa, who was incarcerated in California at the time. Pompa's spouse paid Petitioner $6,000.00 around mid-May 2021 and $1,500.00 on July 15, 2021. Meanwhile, on July 1, 2021, Petitioner's firm attempted to mail her fee agreement to Pompa, but the penitentiary refused the correspondence and returned it to Petitioner. She never gave Pompa or his spouse a writing describing the basis or rate of her fee.

Petitioner conferred with Pompa only once, during a fifteen-minute telephone call on June 2, 2021. After Petitioner stipulated to her six-month suspension on July 2, 2021, she did not discuss her suspension with Pompa or his spouse until just two days before the suspension took effect on September 1, 2021, and she never notified Pompa of her suspension in writing.

On August 20, 2021, Petitioner moved to withdraw from Pompa's case. In her motion to withdraw, Petitioner did not mention the suspension that was set to take effect just twelve days later. Instead, she stated that Pompa wished to apply for a public defender because he was not able to pay her full fee. This statement was not accurate, however; before she filed the motion, Petitioner acknowledged that she had received a letter from Pompa dated August 10, 2021, in which he wrote, "[w]e are set on having you fight for me and we are confident in your ability to win."[8] Petitioner waited until August 30, 2021, to notify the court of her upcoming suspension.

In addition, during the representation, Petitioner resolved a traffic case that she believed involved Pompa but in fact concerned a different individual with Pompa's same first and last name. Petitioner never independently verified that the traffic matter involved Pompa and never communicated with him about resolving that case.

Petitioner's Reflections on Her Misconduct

At the reinstatement hearing, Petitioner called her conduct in the Pompa case "the epic failure of [her] career." Her first mistake, she said, was agreeing to represent a client who was

[6] *See also* Stip. Facts ¶¶ 1-2.

[7] Pompa and his spouse divorced sometime after Petitioner's representation.

[8] Ex. S1 at 13-14 ¶¶ qq, bbb.

incarcerated in a federal penitentiary in California. She said she had never represented clients detained in federal prison, and she should have realized that she could not complete the case before her suspension took effect. Taking Pompa's case "was a bad business decision and it was a bad lawyer decision," she stated.

Her next mistake, Petitioner said, was staying on the case when she learned that Pompa had not received the fee agreement. By that point, she was no longer able to reach Pompa directly. But she remained on the case, believing that she was ethically prohibited from withdrawing because she had no way to notify Pompa about or seek his consent to her withdrawal. Petitioner testified that she also stayed on the case because she had already earned, but had not been paid, her full fee in the matter.

Petitioner said her third misstep was speaking with Pompa's spouse about the case and relying on his spouse to relay communications with him. Even so, she justified her communications decisions by noting that Pompa had verbally authorized her to discuss the matter with his spouse during her only conferral with him, after which she was completely unable to communicate with him.

Next, Petitioner conceded that she violated Colo. RPC 8.4(c) in August 2021 "by not coming clean" with the court when she failed to include her upcoming suspension as a basis for her motion to withdraw. But she did not acknowledge that her representation in the motion that her client wanted to apply for a public defender was misleading. Instead, Petitioner stated that she made the representation in good faith based on Pompa's spouse's statements to her. On that same basis, Petitioner downplayed that Pompa had expressed a desire to keep her as his counsel in his letter of August 10, 2021.

Petitioner described her misconduct related to Pompa's fee agreement as a failure to supervise her staff. She testified that her employee drafted a noncompliant fee agreement based on an incorrect template, and that she failed to review the agreement to catch the mistake. When she learned of the error, Petitioner averred, she sent a compliant fee agreement to Pompa's spouse. Petitioner added that she plans to avoid flat fee agreements if she is reinstated.

Petitioner also attributed her misguided involvement in the Boulder County traffic case to a staff error that she failed to catch. When she took the Pompa case, Petitioner said, her practice management had become "sloppy and reckless" because she did not keep her law firm adequately staffed to handle her large caseload. She explained that her search for top associates led to staffing changes. At the same time, she began to take more cases and became "busy without staff." Petitioner said that she lacked the humility to see the problem. Rather, she believed that she could manage her caseload, and she assured herself, "I can do it better. I'm the best."

Reflecting back on the Pompa matter, Petitioner lamented that her decisions in the case reflected poorly on her professional judgment. Her misconduct in the case was "beyond serious" and "extremely egregious," she said, because she felt as though she abandoned her client and caused him to appear in court unrepresented and uninformed as to why he no longer had counsel.

Petitioner felt "truly ashamed" that she left Pompa without representation. "The consequences speak for themselves [because] I'm here," she said.

In the first months of her suspension, Petitioner said, she was angry and resentful about her discipline. She directed her anger at disciplinary authorities, Pompa, and Pompa's spouse. She also felt victimized by Pompa's spouse, who filed a complaint against her even though she had "done her job" in the case. Eventually, though, she came to accept that her mistakes in the case warranted discipline: "I'm not in this place because I'm a victim," she said, "I'm in this place because I got myself here." She also recognized that her spate of disciplinary cases evinced a larger problem.

Petitioner testified that she now realizes that her misconduct was rooted in professional burnout occasioned by a continual barrage of late-night telephone calls, dating requests, verbal abuse, and threats of physical violence from her criminal defense clients. That these clients were recidivists further demoralized her. By 2019, she recounted, she had become cynical about criminal defense work. Around the time of the Pompa case, she attempted to stand up for herself and impose boundaries, but her clients resisted. "That did not fare well for me," she said. Petitioner testified that her burnout affected her ability to make good decisions, leading to her three disciplinary cases.

Petitioner reflected that she should have paused her legal practice and taken personal time when she felt overwhelmed by her clients. She did not seek outside support to help her cope with her burnout. "I needed some intervention to help me deal with the burnout that I had," she acknowledged, but her ego stopped her from getting help. And though she knew of Colorado's lawyer assistance program, she mistakenly believed it only assisted lawyers seeking help with drug or alcohol disorders.

Petitioner's Arrangements to Hire New Counsel for Her Clients

At the reinstatement hearing, Petitioner explained that during the wind-down period before her suspension, she offered to each of her open-case clients to pay for new counsel of their choice. "I needed my clients to have competent counsel," she said. She recommended to each client that they engage lawyer Lee Berish as successor counsel, and nearly all of them hired him.[9] To compensate Berish on the clients' behalf, Petitioner agreed to work for him as a paralegal for twenty-five hours a week without pay.[10] From May until late July, 2023, Petitioner worked the

[9] Berish was Petitioner's first choice for successor counsel because he helped her cover cases in 2022 when her law partner at the time abruptly quit her practice. In addition, Petitioner said, Berish knew about her disciplinary history, so she was comfortable being candid with him about her suspension.

[10] *See also* Stip. Fact ¶ 25.

equivalent of $22,500.00, or 300 hours at a rate of $75.00 per hour.[11] That amount compensated Berish for his work on those clients' matters. Berish then began paying Petitioner $75.00 per hour for her paralegal work; she received her first paycheck on July 26, 2023.

Neither Berish nor Petitioner informed Petitioner's former clients about the barter arrangement. One of the clients, David Arnett, testified at the reinstatement hearing that Petitioner only told him that she would "take care of [Berish's fee]." Arnett made no further inquiries into the details of the arrangement.

Petitioner also paid Berish and another lawyer, Christopher Rossi, to take over representation of some of her former clients. Berish accepted $2,500.00 from a client who owed Petitioner that sum for work she had already completed before her suspension. In addition, Petitioner paid Rossi $10,000.00 to represent one of her former clients after Berish referred the client to Rossi. Petitioner paid Rossi $2,500.00 via a Venmo transfer and two cash payments. Petitioner also paid Rossi $375.00 to cover a hearing that Berish could not attend for another of Petitioner's former clients. In all, Petitioner paid other lawyers a total of $12,875.00, comprising her own money and money owed to her, to represent her former clients.[12]

Petitioner's Law-Related Work and Activities Since Her Suspension

As discussed above, since her suspension took effect in May 2023, Petitioner has worked in the legal community as a paralegal at Berish's law firm.[13] Petitioner works primarily on Berish's family law matters and personal injury cases.[14] She also performed work for Berish on some of her previous matters with former clients who had hired Berish as successor counsel.[15] During her time at Berish's firm, Petitioner's duties have included drafting the kinds of documents and communications that paralegals typically handle. At the reinstatement hearing, Berish said that he oversees Petitioner's work, which includes drafting various pleadings, to "make sure she [does] it exactly like I [do]." Berish praised Petitioner's work product.

Though Petitioner interacts with Berish's clients, she testified that she informs every client that she is a suspended lawyer and that she cannot give legal advice. Berish added that Petitioner only has direct contact on substantive legal issues with clients when Berish is present.

Petitioner stays current with trending legal topics by reading articles in *The Colorado Lawyer* and in online legal news sources such as *The Flyover* and *Colorado Law360*, which provide

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[11] *See also* Stip. Fact ¶ 25. Berish testified that he placed a premium on Petitioner's work in recognition of her legal experience and the commensurate quality of her work. Petitioner testified that she received a 1099 form from Berish and that she is paying applicable taxes on the $22,500.00 that Berish assigned to the value of her work.

[12] *See* Stip. Fact ¶ 25.

[13] Stip. Fact ¶ 10.

[14] Stip. Fact ¶ 10.

[15] *See* Stip. Fact ¶ 25.

regular updates on changes in the law and the rules of procedure.[16] She has also completed forty-five hours of continuing legal education courses.[17]

In addition to her paralegal duties, Petitioner said, she helped Berish revamp his law firm management practices to ensure that his firm comports with professional responsibility rules. The changes, she explained, were based on recommendations she set forth in a business plan for Berish. Petitioner worked with Berish to transition his law firm to a paperless office, to adopt a digital case management system, to implement rigorous account reconciliation procedures, and to phase out flat fee arrangements. "I've had him create a law firm that I think is the most successful ethical firm," she stated.

Encouraged by these results, Petitioner developed a consulting business and incorporated it in summer 2024. Through that business, Petitioner offers to advise lawyers how to establish ethically compliant legal practices. Petitioner testified that her work as a consultant draws on her knowledge of the Colorado Rules of Professional Conduct and her business acumen—she is two quarters shy of earning a Master of Business Administration ("MBA") degree. She testified that "[the] MBA program has been invaluable to . . . understanding what I did wrong as a business owner that I now know how to avoid in the future." Petitioner reported that she has already consulted with some lawyers, though to a lesser extent than she has with Berish.

If she is reinstated, Petitioner plans to keep burnout at bay and maintain boundaries with her clients by routing electronic communications through a case management system and by accepting non-emergency telephone calls only during work hours. Further, she intends to use the lawyer assistance program to help her cope with feelings of burnout and other stressors in her legal practice. And to reduce her exposure to those stressors, she plans to restrict her caseload, better manage the cases she takes, and limit her practice to family law and personal injury law. Despite Berish's testimony that family law clients and cases are emotionally challenging and can lead to burnout, Petitioner downplayed that risk, stating that the stresses of practicing family law and criminal defense law are "like apples and oranges." She perceives that the stakes and clientele are much different in criminal law cases, and she finds family law rewarding in a way she no longer finds criminal defense practice. She conceded, however, that her views are based on her experience working as a paralegal on Berish's family law cases.

Overall, Petitioner is confident that she has learned from her discipline: "I destroyed my own career and passion all by myself. And to figure out why I did that, that's hard work. But I'm ready to get back out there and do what I do best. It's my life. This license is my life."

Testimony from Petitioner's Witnesses

At the reinstatement hearing, four witnesses testified about Petitioner's work, experience, and character.

[16] Stip. Fact ¶ 11.

[17] Stip. Fact ¶ 11; *see also* Ex. S2.

First, Petitioner's colleague and employer, Lee Berish, testified. Berish has been a Colorado-licensed lawyer since 2002 and practices in the areas of family law, personal injury, and criminal defense. He has employed Petitioner as a paralegal since May 2023. Berish testified that Petitioner is "competent, zealous, and diligent," and he said that he would consider practicing with her if she is reinstated, though they have made no formal plans. He said that he does not harbor any concerns about Petitioner's reinstatement.

Berish testified that he believes Petitioner is fit to practice law in Colorado. Daily he has observed Petitioner exercise honesty and candor in her interactions with him and his clients, he said, including by telling every client that she is a suspended lawyer. He also expressed confidence in Petitioner's ability to use good judgment, to comply with professional rules and laws, and to exercise honesty and good judgment in her personal finances.[18]

Berish believes that Petitioner has been rehabilitated from her misconduct and has accepted responsibility for her actions. He recalled that she quickly "let go of her anger" about her suspension and that she told him that she was solely to blame for her discipline. Berish believes that it is painful for Petitioner to disclose her suspension to his clients, and he observed that her transition from lawyer to paralegal has "smashed down" her confidence.

Lisa Frigo, a Colorado-licensed lawyer practicing since 2007, also testified. Frigo, a former prosecutor with the Denver District Attorney's Office who now practices family law, said that she does not formally work with Petitioner but nonetheless views herself as Petitioner's family law mentor. She stated that Petitioner often reaches out to her with substantive and procedural questions about family law.

Frigo believes that Petitioner has been rehabilitated from her misconduct. According to Frigo, Petitioner has been "very cautious" since she was suspended and now wants to ensure that she is practicing ethically. Frigo perceives that Petitioner has accepted responsibility for her misconduct and said that Petitioner expressed regret over her discipline. Frigo conceded, however, that she never heard Petitioner apologize for the misconduct.

Frigo endorsed Petitioner's fitness to practice and said that she wants to refer clients and others to Petitioner. She agreed that Petitioner is honest and candid, noting that Petitioner has been an "open book" when it comes to disclosing the suspension. Frigo said that Petitioner uses good judgment as well: "The questions [Petitioner] asks are questions that need to be asked and that not all family law lawyers ask." In addition, Frigo expressed no concern about Petitioner's ability to act lawfully and to comply with professional rules and laws. Though Frigo could not speak to Petitioner's personal financial judgment, she said that she is not worried about Petitioner's ability to exercise good judgment with client funds.

[18] As discussed below, Petitioner is in the midst of a bankruptcy proceeding. Berish testified that he is aware of the bankruptcy but is not familiar with its details.

Lawyer Christopher Rossi, who began practicing law in Colorado in 2003, testified about Petitioner's post-suspension interactions with him. Rossi confirmed that Petitioner paid him $10,000.00 to take a former client's case and $375.00 to cover a matter on Berish's behalf. He testified that Petitioner's efforts to protect her former clients impressed him but that he otherwise has no personal knowledge about her fitness to practice or her rehabilitation efforts.

Finally, David Arnett, one of Petitioner's former domestic relations clients, testified that Petitioner represented him until her suspension began. Arnett praised Petitioner's work on his case. He was particularly grateful for her guidance and candor about the emotional toll the case would take. Arnett said he considers Petitioner a friend.

Arnett was among Petitioner's former clients who hired Berish. After Berish took the case, Arnett said, Petitioner continued to work on his matter as a paralegal. He added that Petitioner performed "administrative stuff," including submitting filings, and that she did not speak with him about the case unless Berish was present.

Petitioner's Statements to the People During the Reinstatement Proceeding

In Petitioner's reinstatement petition filed April 12, 2024, she described her efforts to obtain successor counsel for her former clients:

> [Petitioner] not only refunded any unearned fees to her clients, she paid additional fees to obtain successor counsel from her own funds. To be clear, to ensure that all of her clients could continue to be defended by new counsel, [Petitioner] paid tens of thousands of dollars out of pocket as flat fees to her clients' new counsel.[19]

On August 2, 2024, Petitioner responded to the People's interrogatories. One of the interrogatories asked her to supplement the statement in her petition describing the steps she took to obtain successor counsel for her former clients. She responded:

> [Petitioner] paid thousands of dollars from fees she had already earned to successor counsel for all of her clients who had active cases that could not be resolved prior to May 1, 2023. The client chose his or her new attorney, and [Petitioner] paid the legal fees. She ensured every single client had counsel at her own expense, which cost tens of thousands of dollars out of pocket as flat fees to her clients' new counsel.[20]

Petitioner stood behind both statements at the reinstatement hearing. The descriptions were "kind of" accurate, she said, because the value of her bartered work for Berish equaled $22,500.00 and, in any event, "tens of thousands of dollars" implied, to her, any sum over $10,000.00. "In my mind," she stated, "I paid tens of thousands of dollars for this." She added that

[19] Ex. S1 at 3 ¶ 14.
[20] Ex. S9 at 7 ¶ 18.

she made the statements knowing that she would have further opportunities to provide additional information.

Petitioner did not mention her barter arrangement with Berish in her petition or her interrogatory response, however, and she "worried" that those statements could be "misinterpreted." "A lot of that was a barter system," she testified, "so not technically paid . . . I'm paying back my debt, I'm paying with time. But I was concerned . . . that I don't want this to be construed like I actually paid it out of pocket, which could be misleading." As such, Petitioner supplemented her interrogatory response on September 17, 2024:

> In addition to the responses in Petitioner's August 2, 2024, Discovery Responses, [Petitioner] also states that she paid $10,000 to attorney Christopher Rossi as the fee to substitute counsel for client J.O. [Petitioner] paid $375 to Christopher Rossi as an appearance coverage fee for client A.B. when Lee Berish could not appear for the court date. Client E.P. paid $2,500 to Lee Berish instead of to [Petitioner], even though [Petitioner] had earned the fee before Lee Berish substituted as counsel.[21]

At the reinstatement hearing, Petitioner explained that she supplemented the interrogatory response "so it was made perfectly clear where my definition of paid tens of thousands of dollars came from."

Petitioner's Outstanding Tax Liabilities and Bankruptcy

At the reinstatement hearing, Petitioner described her outstanding state and federal tax liabilities. As of September 4, 2024, that amount is $50,230.58 in state taxes and approximately $190,000.00 in federal taxes.[22] Petitioner testified that in addition to these debts she carries a federal tax liability of approximately $30,000.00 and a state tax liability of approximately $9,000.00 for 2023.

Petitioner testified that she fell behind in meeting her tax obligations after her 2011 divorce. At that time, she said, she became the primary caregiver for her three children but received no financial assistance from her former spouse. Further, she was responsible for her law firm's expenses. Also around this time her career began to accelerate, and she earned more taxable income. Due to significant expenses and the irregularity of her income as a criminal defense lawyer, however, she had trouble paying her taxes, and she accrued a significant federal tax arrearage. She also incurred a civil penalty in 2016.

[21] Ex. S11 at 3 ¶ 18.

[22] Stip. Fact ¶ 12. Petitioner asserts that none of the entities that she has owned or associated, including Molly Falk Jansen Law LLC, Venus Odyssey PC, or Jansen Rogers LLC, owe any of these tax liabilities. Stip. Fact ¶ 24.

Petitioner intermittently made payments toward her tax obligations from 2016 to 2019.[23] In 2018, she entered into installment agreements for the remaining state and federal tax obligations, which allowed her to purchase a house in September 2019 via a payment plan with her lender.[24] Petitioner made installment payments toward her tax arrearage until the COVID-19 pandemic affected her business.[25] Her six-month suspension in 2021 further reduced her income and limited her ability to pay the installments.[26] Even so, in summer 2021, Petitioner managed to pay approximately $30,000.00 toward her state tax arrearage.[27]

Petitioner testified that she sought legal counsel in September 2022 about restructuring her federal payment plan after she fell behind on her installment agreement. Her lawyer advised her to discharge the debt through bankruptcy. Based on this advice, and mindful that she was facing another suspension in the disciplinary matter then pending against her, she concluded that pursuing bankruptcy was the most fiscally responsible option available to her. Thus, on February 1, 2023, Petitioner filed for bankruptcy, which discharged her state tax debts before tax year 2016 and her delinquent federal tax debt except for tax years 2016, 2020, and 2021.[28]

As part of her bankruptcy proceeding, Petitioner must pay the bankruptcy trustee $17,825.00 for recovery of non-exempt assets.[29] In September 2023, she agreed to pay the trustee $742.71 per month for twenty-four months to recover those non-exempt assets.[30] Since October 2023 through at least September 2024, Petitioner has made full monthly payments—and sometimes more—toward this obligation.[31] In September 2024, she owed the trustee $8,268.98.[32] Petitioner testified that she made an additional payment of $742.71 in October 2024, thus reducing the amount she owed the trustee to $7,526.27. Her bankruptcy matter will not be closed until the trustee is paid in full, she said.

At the reinstatement hearing, Petitioner stated that she was prohibited from discharging certain federal tax debts through bankruptcy.[33] To pay off her remaining federal arrears, Petitioner said, she is working with a tax specialist, Todd Horak, EA to present an offer and compromise to

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[23] *See also* Stip. Fact ¶ 21.
[24] Stip. Fact ¶ 21.
[25] Stip. Fact ¶ 22.
[26] Stip. Fact ¶ 22.
[27] Stip. Fact ¶ 23.
[28] Stip. Fact ¶ 16.
[29] Stip. Fact ¶ 18; *see also* Ex. S7.
[30] Stip. Fact ¶ 19; *see also* Ex. S6.
[31] Stip. Facts ¶¶ 19-20; *see also* Ex. S6. At the reinstatement hearing, the parties clarified that the reference to $742.41 in stipulated fact 19 is a typo.
[32] *See* Ex. S7 at 5.
[33] Petitioner's federal tax debt for tax year 2016 could not be discharged because it was a priority debt resulting from a civil penalty. Nor could she resolve her federal tax debt for tax years 2020 and 2021, which were statutorily precluded from discharge because she incurred those debts within three years of her bankruptcy filing. Nor could Petitioner include her federal tax liability for tax year 2022 in the bankruptcy. Stip. Fact ¶ 16.

the IRS.[34] Petitioner stated that she has arranged with her mortgage lender to tap into her home equity so that, with Horak's help, she can offer $115,000.00 to the IRS to settle her current and outstanding federal tax liabilities.[35] But to access the equity in her home, she must first close her bankruptcy by fully paying the $7,526.27 she owes the bankruptcy trustee. Petitioner summarized her plan at the hearing: "When I pay the trustee, I will be able to refinance my home [to pay the federal tax debt], and I will no longer owe the IRS a single dime." If she is unable to pursue the offer and compromise, she said, her backup plan is to enter a ten-year repayment plan with the IRS for the $190,000.00 debt.

In addition to her current federal tax liabilities, Petitioner carries state tax liabilities for tax years 2016, 2017, 2019, 2020, and 2022.[36] To resolve those debts, Petitioner entered into two payment authorization agreements with BC Services, a debt collector, in December 2023 and September 2024.[37] Under the December 2023 agreement, Petitioner made monthly payments of $500.00 to BC Services. Beginning in September 2024, the monthly payments increased to $550.00 to account for Petitioner's 2022 state tax obligation.[38] A statement from BC Services dated September 6, 2024, reflects that Petitioner made payments between December 2023 and September 2024 totaling $4,050.00.[39] Petitioner testified that to date she has made full payments under her agreement with BC Services. She said that she plans to fully repay her state tax liability with her home equity, including the $9,000.00 she must pay for 2023.

Even though Petitioner is current on her payment plans with the bankruptcy trustee and BC Services, and even though she plans to make an offer and compromise to the IRS, she remarked at the reinstatement hearing that her suspension has made her "unhireable" for high-paying jobs that would finance her efforts to wrangle her tax debt. Visibly frustrated, Petitioner said she was "horribly ashamed" that her earning power was limited to the wage Berish paid her despite her two decades of experience as a licensed professional. She also expressed concern about her current finances, candidly stating that her suspension was the "first time [she's] been broke since [she] was fifteen." Indeed, she said she would not have been able to maintain her current finances if not for her spouse's support.

At the reinstatement hearing, Petitioner testified that her tax debts should not create doubt about her fitness to practice law. She observed she never failed to file her tax returns at the times they were due.[40] Petitioner also distanced her accrual of tax liabilities from the burnout that she says underlay her misconduct; she insisted that the debts did not influence her decisions

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[34] *See* Stip. Fact ¶ 17. Horak has advised Petitioner that under an offer and compromise, the IRS will consider accepting an amount less than the full amount Petitioner owes in federal back taxes. If the IRS consents to her offer, Petitioner must pay the amount she offers and timely file and pay her taxes for five years, or the IRS will reinstate her full liability. *See* Ex. S8.

[35] *See* Stip. Fact ¶ 17.

[36] Stip. Fact ¶ 13. Petitioner did not explain why she could not discharge these state tax liabilities.

[37] Stip. Fact ¶ 15; *see also* Exs. S3-S4.

[38] Stip. Fact ¶ 15; *see also* Ex. S4.

[39] Stip. Fact ¶ 15; *see also* Ex. S5.

[40] *See* Stip. Fact ¶ 14.

regarding her caseload or the fees she charged clients. She bristled at the suggestion that her tax debts might motivate her to mishandle client funds. "I'm offended by the insinuation that I would do such a thing because that's not my practice and that's not why I'm here," she stated. To the contrary, she anticipates that any financial pressures attendant to practicing law would be offset by the financial stability in her marriage, giving her the chance to slowly grow her practice and maintain a healthy work-life balance.

III. LEGAL ANALYSIS

To be reinstated to the practice of law in Colorado under C.R.C.P. 242.39, a lawyer must prove by clear and convincing evidence that the lawyer has been rehabilitated, has complied with applicable disciplinary orders and rules, and is fit to practice law. Proof by clear and convincing evidence is stronger than a preponderance of the evidence.[41] It is proof that persuades the Hearing Board that the truth of the contention is highly probable.[42] A lawyer's reinstatement signifies that the lawyer possesses all the qualifications required of applicants admitted to practice law in Colorado.

Rehabilitation

We first consider whether Petitioner has been rehabilitated from her misconduct. In assessing Petitioner's rehabilitation, we must consider the circumstances and seriousness of her original misconduct, her conduct since being suspended, her remorse and acceptance of responsibility, how much time has elapsed, restitution for any financial injury, and evidence that she has changed in ways that reduce the likelihood of future misconduct.[43] These criteria provide a framework to assess the likelihood that Petitioner will again commit misconduct.

Petitioner contends that the evidence admitted at the reinstatement hearing and the undisputed facts clearly and convincingly demonstrate her rehabilitation. Specifically, she says, her recognition of the seriousness of her misconduct in Pompa's case, her remorse for her mistakes, and her efforts to identify and address her shortcomings that led to her misconduct demonstrate that she is rehabilitated. The People disagree. They observe that Petitioner has undertaken admirable efforts during her suspension to address some of her misconduct but argue that she has not convincingly demonstrated that she has changed in ways that reduce the likelihood of future misconduct.

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[41] *People v. Distel*, 759 P.2d 654, 661 (Colo. 1988).

[42] *See id.*

[43] C.R.C.P. 242.39(d)(2)(A).

The Circumstances and Seriousness of Petitioner's Original Misconduct

Turning to the contested rehabilitative factors, we first consider the circumstances and seriousness of Petitioner's misconduct. Petitioner violated four rules of professional conduct in the Pompa matter. Her reckless conduct was aggravated by her prior disciplinary history, her dishonest or selfish motive, her pattern of misconduct, and her substantial experience in the practice of law, which was offset somewhat by her personal and emotional problems and her cooperative attitude during the disciplinary proceeding. We find that her misconduct, which violated her fundamental duties of client communication and of honesty and candor to the court, was serious and evinced a repeated pattern of sloppiness borne in large part from her own arrogance.

Petitioner's Conduct Since Being Suspended

We next consider Petitioner's conduct during her suspension. We commend her efforts at the time of her suspension to secure substitute counsel for her former clients at her own expense. We also commend her desire to learn the areas of family law and personal injury through her work with Berish and mentorship with Frigo. Even so, we cannot find that Petitioner demonstrated she has taken steps to address the issues that underlay her misconduct. For instance, we would like to have seen evidence that she was employed or mentored by an experienced lawyer from whom she could learn ethical practice management skills. That Petitioner sought to advise Berish and others on how to manage their legal practices without first addressing her own deficiencies in that area reflects a naivete and gives us little confidence that she has taken to heart the root causes of her misconduct.

Similarly, we acknowledge Petitioner's pursuit of an MBA degree but struggle to understand how that effort demonstrates rehabilitation from her misconduct. Her participation in an MBA program also raises questions about whether enrolling in a graduate-level program is a sound financial decision given her tax debt, though we saw no evidence as to the program's cost.

We also would have favorably viewed evidence that Petitioner engaged in counseling or participated in support groups to explore the issues that contributed to her misconduct, such as her failure to maintain appropriate client boundaries, to maintain a manageable caseload, and to exercise candor when doing so might redound to her detriment. Petitioner's lack of evidence on this score is particularly troubling because she acknowledged that a lawyer assistance program or a similar service would have benefited her when she was experiencing burnout. To be sure, we commend Petitioner's work to identify ways to manage her legal practice to mitigate against burnout if she is reinstated. But we have no evidence showing that she has sought help to understand her own role in creating the conditions that overwhelmed her in her legal practice. Nor did we see evidence that she is developing the personal tools to identify, prevent, or cope with a future instance of burnout. And while we credit Petitioner for her willingness to seek help if her legal practice overwhelms her in the future, we would prefer that she develop coping strategies now rather than wait until trouble arrives.

In sum, Petitioner's conduct since her suspension includes laudable work but insufficient efforts to address the issues that underlay her misconduct. We thus find that her conduct does not clearly and convincingly demonstrate her rehabilitation. Moreover, her evidence of rehabilitation on this factor is undercut by her discomfiting decision to give, rather than seek, guidance about proper law firm management practices during her suspension.

Petitioner's Remorse and Acceptance of Responsibility

We next turn to whether Petitioner showed clear and convincing evidence that she is remorseful and accepts responsibility for her misconduct. We find that Petitioner offered only qualified expressions of remorse and acceptance of blame at the reinstatement hearing and that she largely failed to account for her misconduct. She earnestly accepted responsibility for "destroy[ing her] career and passion," and she expressed genuine remorse and shame that her decision to take Pompa's case ultimately left him without representation in the matter. But she did not accept responsibility—or even address—her failure to timely notify Pompa and the court about her suspension or her failure to raise the Boulder County traffic matter with Pompa. Nor did she wholly account for her failure to provide her fee agreement to Pompa or his spouse. To the contrary, she contradicted her disciplinary stipulation by testifying that she mailed a fee agreement to Pompa's spouse. Her elaborate explanation for her dishonest statement in the August 20 motion to withdraw struck us as similarly evasive in that she sought to justify her conduct rather than account for it.

Overall, Petitioner's statements at the reinstatement hearing gave us the impression that she genuinely regrets that matters turned out as they did but is only in the nascent stages of coming to terms with her misconduct. That impression is consonant with the testimony we heard from Berish and Frigo, who observed that Petitioner regretted her misconduct but did not apologize for it. Thus, while we believe that Petitioner is on the road to acceptance, she has not shown that she has arrived at that destination. We find that the evidence of her remorse and acceptance of responsibility does not clearly and convincingly demonstrate her rehabilitation.

Time Elapsed Since Petitioner's Misconduct and Restitution for Financial Injury

Petitioner's period of suspension terminated on May 2, 2024. We find that the time that has elapsed in this proceeding does not measurably sway our analysis for or against her reinstatement.[44] On the matter of restitution, the parties agree that Petitioner paid restitution to

[44] In her closing argument, Petitioner asked for the first time in the proceeding that we consider in mitigation the time this proceeding has added to the length of her suspension. We decline to do so. Petitioner points to no legal authority to support her request, and she does not allege any factual grounds for possible relief, such as a delay in this proceeding. Moreover, under C.R.C.P. 242.29(b)(1), Petitioner could have filed her petition earlier than her filing date of April 12, 2024. In addition, the time from filing to the start of this hearing was just under six-and-one-half months, which we do not deem to be unreasonable.

Pompa's now-former spouse in the amount of $4,000.00,[45] and we consider that factor favorably when considering whether she has demonstrated rehabilitation.

Evidence that Petitioner has Changed in Ways that Reduce the Likelihood of Future Misconduct

Turning to the final rehabilitative factor, we consider whether Petitioner has demonstrated that she has changed in ways that reduce the likelihood of future misconduct. We find that she has not marshaled clear and convincing evidence under this factor in three respects.

First, Petitioner has not demonstrated that she meaningfully explored or addressed the personal factors that contributed to her misconduct. Her examination and reflection appear to have been entirely self-directed, and we saw no evidence that she sought outside guidance or counseling to help her understand the reasons for her misconduct. Thus, we have no objective basis to assess whether the boundary issues that contributed to her burnout will recur. Nor can we find that she has sufficiently checked her overconfidence so that she does not again take on more cases than she can handle or eschew needed assistance. Ironically, Petitioner's self-reliant approach to her rehabilitation evinces the same "I can do it better" mentality that she said contributed to her misconduct. We perceive a similar lack of humility in her decision to advise Berish and others about how to manage their law firms. In short, Petitioner has not yet taken the steps necessary to reduce the likelihood of her future misconduct.

Second, at the reinstatement hearing, Petitioner described the extreme and prolonged financial stress she has experienced stemming from her tax debt. This burden increased year after year until 2023, when she discharged portions of the arrears through bankruptcy. Yet even now, she owes almost one-quarter of a million dollars in federal and state back taxes. We thus struggle to credit her testimony that the financial distress from her tax liability played no role in her misconduct. From our vantage, we see a correlation between Petitioner's mounting debt burden and her misconduct, which she testified arose from an excessive caseload and burnout. That Petitioner could insulate her decision-making from her own immense financial burden stretches credulity; surely, stress over the tax debt deepened her feelings of overwhelm and aggravated her burnout. Equally likely, we believe her financial pressures contributed to her case management practices by weighing on her decisions related to case selection, caseload, or even staffing. In short, we are convinced that Petitioner's tax liability factored at least somewhat into her misconduct; her failure to acknowledge that connection undercuts her rehabilitation because it suggests to us that she does not fully grasp the reasons for her misconduct.

Because we perceive a connection between Petitioner's financial stress and her misconduct, we also consider whether she has rehabilitated from the conduct that created her tax debt. Petitioner offered little evidence on this point. She described the reasons she failed to pay her taxes in the broadest strokes, leaving us with minimal understanding of why she accumulated the immense debt in the first instance. Nor did she squarely address why she failed to resolve the

[45] Stip. Fact ¶ 27 (misnumbered as stipulated fact ¶ 28).

debt when she enjoyed full earning power. Indeed, even if Petitioner taps into her home equity and settles her tax burden as she plans, we have no reason to conclude that she is unlikely to accumulate another tax debt that will stress her law practice in the future. For instance, it would have been helpful to see how Petitioner has adjusted her personal spending and budgeting practices to reduce the risk of insufficient cash flow for meeting her debt obligations. In short, we cannot find that Petitioner proved she has changed in ways that will guard against her again accruing additional tax debt, and thus creating the financial stressors, that proved fertile ground for misconduct.

Third, we consider Petitioner's frank testimony at the reinstatement hearing about her financial distress. She lamented that she was "broke" for the first time in her adult life and entirely reliant on her spouse's financial support. She also expressed frustration that she could not presently earn more money to resolve her tax debt. She was "horribly ashamed" about her reduced earning capacity despite holding a law license, which she called her "life." Mindful of our finding that Petitioner has yet to fully accept responsibility for her misconduct, her earnest testimony raises concerns that her bid for reinstatement may be motivated more by financial duress than true rehabilitation. Taking these factors together, we cannot conclude that Petitioner has shown rehabilitation from her misconduct.

Compliance with Disciplinary Orders and Rules

We next turn to whether Petitioner has complied with all disciplinary orders and rules, including compliance with the Rules of Professional Conduct as required under C.R.C.P. 2242.39(d)(2)(B). The People do not dispute that Petitioner has complied with disciplinary orders and rules since her suspension. Specifically, the parties agree that Petitioner complied with all aspects of the order in case number 22PDJ054 suspending her from the practice of law, including abiding by the wind-up and notice requirements set forth in C.R.C.P. 242.32(b)-(f); timely paying the administrative fee of $224.00; and timely paying $1,308.30 in costs incurred in conjunction with the disciplinary matter.[46] The parties agree that all of Petitioner's clients with pending matters received notice of her suspension more than thirty days before it took effect.[47] Given these agreements, we find by clear and convincing evidence that Petitioner has complied with all disciplinary orders and rules.

Fitness to Practice Law

Finally, we examine whether Petitioner is fit to practice law, as measured by whether she satisfies the relevant eligibility requirements for the practice of law set forth in C.R.C.P. 242.39(d)(2)(C).

[46] Stip. Facts ¶¶ 5-8.
[47] Stip. Fact ¶ 8.

The parties agree that Petitioner maintained her competence during her suspension through her work as Berish's paralegal, her review of legal news sources, and her participation in continuing legal education.[48] They thus stipulate to five eligibility requirements.[49] Petitioner argues that the evidence admitted at the reinstatement hearing also shows she has met her burden to clearly and convincingly show that she is fit to practice law in Colorado. For their part, the People argue that Petitioner's inconsistent accounts of her efforts to obtain substitute counsel for her clients cast doubt on her honesty and candor. They also contend that her outstanding tax obligations raise questions about her fitness in other respects.

We conclude that Petitioner has not met her burden to show that she is fit to practice law. Our conclusion is grounded in our findings that she has not worked to overcome the personal shortcomings that led to her misconduct, that she has not yet accepted responsibility for her misconduct, and that she continues to accrue significant tax debt but fails to acknowledge its deleterious downstream effects. Those findings undercut her contention that she can comply with the Colorado Rules of Professional Conduct and other rules and laws, that she can use good judgment on behalf of clients and in conducting professional business, and that she can use good judgment in personal financial dealings and on behalf of clients and others. We address each factor in turn.

First, we are not convinced that Petitioner will comply with professional rules and with other rules and laws if she is reinstated because she has not shown that she is able to overcome the personal shortcomings that led to her misconduct. For example, at the reinstatement hearing, she attributed her repeated misconduct to her professional burnout, which she claimed impaired her judgment. Resolving the issues that led to her burnout is thus key to diminishing the likelihood that she will again violate professional rules. But she has not shown efforts to address the underlying causes of her burnout, including by seeking counseling to explore how her burnout undermined her judgment, to understand why she failed to maintain appropriate boundaries with her clients, to develop strategies to cope with feelings of burnout, or to set up a practice with structural safeguards in place to prevent burnout. Nor are we convinced that Petitioner would avoid the pressures that contributed to her burnout if she limits her practice to family law and personal injury matters. We cannot agree with Petitioner's assessments that practicing in these areas is invariably any less stressful than working as a criminal defense lawyer or that the clients served in these practice areas are less demanding than those in criminal law. Family law in particular is often highly emotionally charged and stressful and, like criminal law, often involves high stakes. But perhaps more importantly, Colorado lawyers' licenses cannot be restricted to select areas of law. Thus, although Petitioner now pledges to limit her practice to family law and

[48] Stip. Fact ¶ 11.

[49] *See* Stip. Fact ¶ 26 (stipulating that Petitioner meets the eligibility requirements set forth in C.R.C.P. 242.39(d)(2)(C)(ii)-(iii), (vi), (viii), and (x), which address, respectively, the ability to reason logically, recall complex factual information, and accurately analyze legal problems; the ability to use a high degree of organization and clarity in communicating with clients, lawyers, judicial officers, and others; the ability to exhibit regard for the rights and welfare of others; the ability to act diligently and reliably in fulfilling obligations to clients, lawyers, courts, and others; and the ability to comply with deadlines and time constraints).

personal injury, she will be allowed to practice in any area of law if she is reinstated, including criminal law. But Petitioner did not convince us by clear and convincing evidence that she will have the tools and skills to avoid burnout if she restarts a criminal law practice.

Petitioner's self-reliance in diagnosing and remedying her practice management deficiencies is a particularly salient example of her failure to address a personal shortcoming that could result in a violation of professional standards, rules, and laws. Petitioner has shown no awareness of the possibility that her self-reliance is born of the same hubris that drove her to take on more cases than she could handle. While her mentorship with Frigo is admirable, that mentorship focused on the technical and strategic aspects of family law; Petitioner presented no testimony that she received mentorship or coaching from anyone to address the burnout issues which led to her misconduct. In our view, her overconfidence makes her especially vulnerable to future breaches of professional rules because it can blind her to problems she ought to see, such as her "sloppy and reckless" case management practices. Although we acknowledge Petitioner's care not to engage in the unauthorized practice of law while working as Berish's paralegal, we are not convinced that, on balance, she has resolved her personal shortcomings such that she can comply with her professional obligations and with all relevant rules and laws when not supervised by another lawyer.

In sum, we are unconvinced that Petitioner can comply with the applicable rules and law if she returns to practice now.

We next consider Petitioner's ability to use good judgment on behalf of her clients and in conducting her professional business. Here, we find that she has not met her burden. We are in fact persuaded that she is exercising questionable judgment by advising other lawyers about appropriate law firm management practices rather than addressing her own deficiencies in that area, and we fear that her hubris in holding herself out as an authority on best practices may yet again blind her to her own problematic conduct. Petitioner's decision to counsel others about ethical legal management practices while suspended suggests to us that her overconfidence clouds her ability to use good judgment. Indeed, that her rehabilitation efforts appear to have been largely, if not wholly, self-directed further calls into question her good judgment, given her frank admission that her ego blinded her to past problems in her legal practice.

Petitioner's financial situation causes us the greatest concern. Her immense tax arrearages cast doubt on her judgment: even after securing bankruptcy discharges of some debt, she still owes approximately $190,000.00 in federal tax debt for the years 2016, 2020, and 2021 and around $50,000.00 in state tax debt for the years 2016-17, 2019-20, and 2022. She also testified that she owes approximately $39,000.00 in unpaid federal and state taxes for 2023. Yet Petitioner never reasonably explained why she allowed her tax burden to balloon in such an alarming fashion without taking prompt action. Thus, while Petitioner eventually used good judgment by seeking legal advice and working with professionals to develop a plan to resolve the debt, those actions, without more, are insufficient to assuage our concerns about her chronic failure to pay taxes. Indeed, her plan to pay off the bankruptcy estate, refinance her home, and *seek* a reduction in her tax federal obligations remains just that—a plan. In considering Petitioner's reinstatement bid, we would have liked to have seen this problem solidly in Petitioner's rear view before petitioning. But

Petitioner has shown only initial progress toward meeting her goal of being freed of these obligations.

To be clear, we are not saying that a lawyer's substantial debt, whether tax or otherwise, in and of itself will inevitably lead to an inability to practice law in accordance with the rules of professional conduct standing alone creates an insurmountable doubt as to the lawyer's fitness to practice; rather, it is Petitioner's uncertain and precarious financial situation, and the stress undisputably arising therefrom, that causes us concern. We worry that with such a substantial debt burden, combined with the uncertainty of a not-yet-actualized payment plan, Petitioner remains vulnerable to the financial pressures that we are convinced factored into her burnout. We thus conclude that her reinstatement at this juncture would pose a risk to her clients and the public.

We agree, however, that Petitioner has shown that she possesses the honesty and candor expected of lawyers in Colorado. Berish and Frigo unreservedly endorsed Petitioner's honesty toward them and others, particularly as regards her suspension. Indeed, during Petitioner's testimony, we observed in her earnest and conversational responses the same "open book" quality that Frigo described.

Petitioner's statements to the People regarding her payment for substitute counsel strike us as ambiguous rather than dishonest, and she eventually furnished a clear response to the People. Petitioner undisputedly paid or caused to be paid $12,875.00 on behalf of her former clients, and she undisputedly performed $22,500.00 worth of nonremunerated work for Berish to secure representation for those clients. Reasonable minds can disagree whether Petitioner thus paid "tens of thousands of dollars, out of pocket," but we find the distinction inconsequential here—she took responsibility for her clients' consequences resulting from her misconduct. Thus, while we are mindful that Petitioner was disciplined for her reckless dishonesty, and that her failure to provide a clear account about her arrangement with Berish in her initial statements causes some disquiet as to whether she learned from her misconduct, we deem the evidence of her honesty and candor to be just convincing enough to find that she met her burden on this factor.

Finally, we conclude that Petitioner has shown she can act with respect for and in accordance with the law. We credit Petitioner's testimony attesting to her unblemished record of timely meeting all deadlines or deadline extensions when filing her tax returns. We also credit her testimony that she filed a tax return to pay the appropriate taxes on the value of her bartered work with Berish. In addition, we are swayed by Petitioner's testimony that she has doggedly attempted to resolve her tax debt through bankruptcy and repayment plans. We therefore find that Petitioner has met her burden on this factor, subject to our lingering concerns described above about her prolonged pattern of failing to pay taxes.

V. CONCLUSION

During her suspension, Petitioner charted her own course. Rather than seek counsel regarding her professional burnout or guidance from others in remedying her problematic case management practices, she launched a business advising lawyers about how to operate their legal

practices in conformity with the Colorado Rules of Professional Conduct. In so doing, she failed to address the underlying causes of her misconduct while evincing the overconfidence that contributed to some of her misconduct. In addition, Petitioner did not demonstrate that she unreservedly accepts responsibility for her ethical missteps, and she incredibly denied that her six-figure tax debt factored into her misconduct. She thus has failed to meet her burden to demonstrate rehabilitation from her misconduct and her current fitness to practice law in Colorado. We therefore deny Petitioner's petition for reinstatement.

VI. ORDER

The Hearing Board therefore **ORDERS**:

1. The Hearing Board **DENIES** "Petitioner's Verified Petition for Reinstatement." Petitioner **MOLLY FALK JANSEN**, attorney registration number **34528**, is **NOT REINSTATED** to the practice of law in Colorado.

2. Under C.R.C.P. 242.39(g)(1), Petitioner **MUST** pay the costs of this proceeding. The People **MUST** submit a statement of costs on or before **December 26, 2024**. Any response challenging the reasonableness of those costs **MUST** be filed within seven days. The PDJ will then issue an order establishing the amount of costs to be paid or refunded and a deadline for the payment or refund.

3. Any posthearing motion **MUST** be filed with the Hearing Board on or before **January 2, 2025**. Any response thereto **MUST** be filed within seven days.

4. Petitioner has the right to appeal the Hearing Board's decision to deny her petition for reinstatement under C.R.C.P. 242.39(e)(6) and C.R.C.P. 242.34.

5. Under C.R.C.P. 242.39(f), Petitioner **MAY NOT** petition for reinstatement within two years of the date of this order.

6. The Court **VACATES** the hearing scheduled for December 20, 2024.

DATED THIS 18th DAY OF DECEMBER, 2024.

BRYON M. LARGE
PRESIDING DISCIPLINARY JUDGE

AVI B. LOEWENSTEIN
HEARING BOARD MEMBER

WENDELL PRYOR
HEARING BOARD MEMBER