

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 25-184
District Docket No. XIV-2023-0203E

In the Matter of Angelique Layton Anderson
An Attorney at Law

Argued
October 23, 2025

Decided
January 30, 2026

Brian P. Keenan appeared on behalf of the
Office of Attorney Ethics.

Respondent appeared pro se.

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Introduction

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

This matter was before us on a motion for reciprocal discipline filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-14(a), following the issuance of a May 24, 2023 order by the Colorado Supreme Court, Office of the Presiding Disciplinary Judge (the OPDJ), disbaring respondent from the practice of law in that jurisdiction.

The OAE asserted that, in the Colorado matter, respondent violated the equivalents of New Jersey RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), RPC 5.5(a)(1) (knowingly practicing law while suspended), and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

For the reasons set forth below, we determine to grant the motion for reciprocal discipline and conclude that a three-year suspension is the appropriate quantum of discipline for respondent's misconduct.

Ethics History

Respondent earned admission to the New Jersey bar in 1989, to the District of Columbia bar in 1990, and to the Colorado bar in 2004. During the relevant timeframe, she maintained a practice of law in Louisville, Colorado.

She has prior discipline in Colorado and a history of reciprocal discipline in New Jersey and the District of Columbia.

Colorado I

Effective October 30, 2013, the OPDJ suspended respondent for six months for her violations of Colo. RPC 1.5(b) (failing to set forth, in writing, the basis or rate of the legal fee), Colo. RPC 1.7 (engaging in a concurrent conflict of interest), and Colo. RPC 1.8(e) (providing prohibited financial assistance to a client). People v. Layton, 2013 Colo. Discipl. LEXIS 112 (Co. 2013) (Colorado I). The OPDJ, however, stayed respondent's suspension in favor of a three-year probationary period, with unspecified conditions.

In that matter, respondent represented a client in connection with several legal matters. During the representation, she hired the client to clean her house and to work on her political campaign. Although respondent planned to offset the money she owed to the client for that work against her unpaid legal fees, she failed to specify the hourly rate the client would be credited for her work.

Respondent also failed to set forth, in writing, the basis or rate of her legal fee. Additionally, respondent posted a bond for the client and paid the client's rent and vehicle impound fees, which were not legitimate litigation expenses. Finally, respondent filed the client's income tax returns with the expectation of using the client's tax refund to reimburse the costs of posting the client's bond. Respondent's personal interest in obtaining the client's tax refund, however, created a significant risk of materially limiting the representation.

The OAE did not file a motion for reciprocal discipline in connection with respondent's misconduct in Colorado I.

Colorado II

Effective June 18, 2021, the OPDJ suspended respondent for three years in connection with her misconduct underlying multiple client matters and the prosecution of that Colorado disciplinary matter. People v. Layton, 494 P.3d 693 (Co. 2021) (Colorado II).

In the first matter comprising Colorado II, respondent repeatedly threatened her adversary with baseless disciplinary charges to intimidate her adversary into compelling her client to sign a custody agreement.

In the second matter comprising Colorado II, respondent failed to communicate with a client regarding the litigation connected to his automotive

business. She also made almost every significant litigation decision after consulting with a non-client, who appeared to have had a financial stake in the business. Following the issuance of an unfavorable \$5,905.45 judgment against the business, which the client would have satisfied immediately, respondent appealed the judgment, at the insistence of the non-client, and filed a frivolous lawsuit against a third party for \$50,000. Meanwhile, she repeatedly evaded the adversary's creditor interrogatories to avoid having the client satisfy the adverse judgment. Further, in connection with her request for an extension to answer the interrogatories, she misrepresented to a court that she had learned of the interrogatories only a few days before.

In the third matter comprising Colorado II, respondent baselessly refused to comply with her court-ordered discovery obligations in connection with her client's custody litigation. She also baselessly claimed, in a court filing, that her adversary's counsel lacked standing to defend his client.

Finally, during the disciplinary investigation underlying Colorado II, respondent submitted a falsified expert report to Colorado disciplinary authorities, in an attempt to demonstrate that she had acted competently throughout the underlying client matters. Specifically, she defied her expert's instructions by submitting the report in the expert's name, even though the expert had informed her that she could not sign a document that she did not draft.

Thereafter, rather than withdraw the report, as the expert had pleaded, respondent continued to mislead Colorado disciplinary authorities regarding the authenticity of the report. Colorado disciplinary authorities discovered respondent's ruse only after contacting the expert.

Reciprocal Disciplinary Proceedings in New Jersey

Effective October 19, 2023, our Court imposed reciprocal discipline, in the form of a one-year suspension, in connection with respondent's misconduct underlying Colorado II. In re Anderson, 255 N.J. 396 (2023). In determining that a one-year suspension was the appropriate quantum of discipline, we emphasized respondent's egregious dishonesty toward Colorado disciplinary authorities, her inability to comport herself professionally throughout multiple client matters, and her steadfast refusal to engage in the litigation process in good faith. In the Matter of Angelique Layton Anderson, DRB 22-227 (May 16, 2023) at 70.

Respondent has not applied for reinstatement and, thus, remains suspended in New Jersey.

Reciprocal Disciplinary Proceedings in the District of Columbia

Effective June 12, 2014, the District of Columbia Court of Appeals

imposed reciprocal discipline, in the form a six-month suspension, based on respondent's misconduct in Colorado I. In re Layton, 92 A.3d 1141 (D.C. 2014).

Nearly ten years later, on February 1, 2024, the District of Columbia Court of Appeals imposed reciprocal discipline, in the form of disbarment, based on the totality of respondent's misconduct underlying both Colorado II and the instant reciprocal discipline matter. In re Layton, 308 A.3d 1203 (D.C. 2024).

We now turn to the facts of this matter.

Facts

Respondent's misconduct arises out of her representation of Sara Toole in connection with multiple legal matters before Colorado tribunals.

The Dissolution Matter and the Partition of the Boulder Property

Toole and her romantic partner, Chris Mattair, owned multiple properties, including a house in Boulder, Colorado (the Boulder Property). In September 2019, following the end of their relationship, Mattair filed a partition application with a Colorado state court, seeking to sever his interest in the Boulder Property from Toole's interest.

In or around October 2019, respondent filed a petition, in the District Court of Boulder County (the District Court), requesting the dissolution of Toole

and Mattair's purported common law marriage.¹ Respondent's dissolution petition resulted in a stay of Mattair's partition action.

During the Colorado ethics proceedings, respondent claimed that the partition and dissolution matters were "highly contentious," requiring her to spend more than 250 hours on legal work. Respondent also maintained that her workload, compounded by her anxiety regarding the emerging COVID-19 pandemic, "exhausted" her.

In 2020, the District Court dismissed Toole's dissolution petition, with prejudice, and required that the parties attend mediation, on July 21, 2020, regarding the counsel fees owed to Mattair's attorney. Respondent and Toole, however, failed to appear for the scheduled mediation.

During the evening of July 21, 2020, respondent filed a submission with the District Court, claiming that she had "missed" the e-mail scheduling the mediation session. Further, she represented to the District Court that Toole was financially destitute and "currently homeless." Respondent asserted that:

[she] has been working pro bono on this case since October [2019]. She has worked many hours on this case without payment which is not an excuse but is an explanation for the fact that it has been difficult to keep up with the multiple angles of litigation and attorneys

¹ Unlike in New Jersey, Colorado recognizes common law marriages, which, in that jurisdiction, occur when the parties never formally marry but, rather, demonstrate an intent "to enter a marital relationship" by "shar[ing] a life together as spouses in a committed, intimate relationship of mutual support and obligation." Hogsett v. Neale, 478 P.3d 713, 715 (Co. 2021).

involved in this case and meet her own financial needs.

[OAE335.]²

Respondent, however, was not representing Toole on a pro bono basis. Rather, she had been charging Toole legal fees, at a \$350 hourly rate, billing nearly 100 hours by July 2020.³

During the Colorado ethics hearing, respondent claimed that she had utilized the term “pro bono” in her submission to the District Court to convey that she had not been paid for her work on Toole’s matter. Respondent testified that, although it was a “mistake” to assert that she was “working pro bono,” she was “exhausted, overwhelmed, and ill” when she drafted that submission. She also expressed her view that the District Court appeared to have “understood” that she was not “working on the case for free.” In support of her position, she noted that, on July 22, 2020, the District Court issued an order stating that she was “working pro bono, or at least unpaid at this juncture,” and that “counsel could assert a lien on the properties at issue . . . to secure payment of their fees.”

² “OAE1” through “OAE387” refers to the Bates-stamped exhibits appended to the OAE’s brief in support of its motion for reciprocal discipline.

³ In July 2020, respondent and Toole agreed that respondent’s fees would be paid from the future sale proceeds of the Boulder Property.

The Bankruptcy Matter

On July 24, 2020, following the conclusion of the dissolution matter, Toole filed a Chapter 7 bankruptcy petition in the United States Bankruptcy Court for the District of Colorado (the Bankruptcy Court). At the time she filed her petition, Toole testified that she was going through a “dark period,” stressing that she had limited financial means and was recovering from the end of her long-term relationship with Mattair. Toole further emphasized that she was unemployed and homeless. Although respondent did not file Toole’s bankruptcy petition, between June and December 2020, she billed Toole for (1) providing legal advice connected to the bankruptcy matter, (2) reviewing court notices, and (3) preparing an affidavit for the Bankruptcy Court.

Respondent’s Claims Against Toole’s Bankruptcy Estate

In late August 2020, respondent confronted Toole regarding her unpaid legal fees associated with the prior partition and dissolution matters. In reply, Toole offered to list respondent as a creditor in her bankruptcy action.

On January 11, 2021, respondent filed a claim seeking \$90,493.35 in unpaid legal, filing, and mediation fees from Toole’s bankruptcy estate. More than a month later, on February 17, 2021, respondent filed two additional claims,

each seeking \$91,000 from the bankruptcy estate.⁴

On July 5, 2022, Mattair, through counsel, objected to respondent's three claims, arguing that she was attempting to collect legal fees for work that she previously claimed she had performed pro bono. Mattair further argued that respondent's claims were duplicative and exceeded the reasonable value of her legal services.

On August 8, 2022, respondent replied to Mattair's objection, conceding that her two February 17, 2021 claims were duplicative and arguing that she "had intended the 'pro bono' statement" in her July 21, 2020 submission to the District Court "to be interpreted as she ha[d] been working 'without payment' from" Toole.

Mattair's Claims Against Toole's Bankruptcy Estate

Sometime in 2021, Mattair filed a claim against Toole's bankruptcy estate, seeking a sixty-six percent interest in the Boulder Property, as a joint tenant. The bankruptcy trustee, however, challenged Mattair's claim, citing records indicating that Mattair held a fifty percent interest in the Boulder Property as a tenant in common. Respondent and Toole agreed with the trustee's position and

⁴ During the Colorado ethics hearing, respondent maintained that she did not intend to file duplicate \$91,000 claims, which she believed the bankruptcy court had docketed in error.

“were concerned” that Mattair had asserted a different position in Toole’s bankruptcy matter than he had advanced in the partition matter involving the Boulder Property.

On November 4, 2021, more than four months after the effective date of her June 18, 2021 three-year suspension in Colorado, respondent sent both Toole and the bankruptcy trustee an e-mail, arguing that Mattair and his brother, David, “clearly broke the joint tenancy” by “redeed[ing] the [Boulder] [P]roperty to themselves when they filed the [partition] lawsuit” against Toole. Respondent maintained that she could support her position by submitting Mattair’s attorney’s e-mail communications sent during the partition matter. She claimed that those e-mails could be used for “impeachment if [Mattair’s counsel] claims something different than the assertions he made in the [partition] complaint.”

The next day, on November 5, respondent and Toole filed, with the Bankruptcy Court, a joint submission entitled “rebuttal claims and joint reply to movant’s supplemental reply.” The joint submission contained “a trove of information” connected to the prior partition and dissolution matters. In their joint submission, respondent and Toole urged the Bankruptcy Court to preclude Mattair from asserting a greater claim against the Boulder Property than he had asserted in the partition matter. They further contended that Mattair could not

claim status as a creditor in Toole's bankruptcy matter. Rather, they argued that, once the bankruptcy trustee distributed the appropriate sale proceeds to Mattair, his claim against the bankruptcy estate should be dismissed. They further represented that Toole and Mattair had made equal payments to a home equity line of credit connected to the Boulder Property. Finally, they argued that Mattair's attorney had informed respondent, in 2019, that Mattair had no intention of creating a joint tenancy with Toole in connection with the Boulder Property.

During the Colorado ethics hearing, respondent claimed that she could not recall "which parts [of the joint reply] I wrote and which parts [Toole] wrote. I did a whole bunch of this, [Toole] did some of it." Toole, in turn, testified that she had agreed to file the joint submission with respondent because, in her view, "the only way to get evidence before the Bankruptcy Court" was through respondent, who had "standing" as a claimant in her case.

Several months later, on August 19, 2022, respondent filed two submissions with the Bankruptcy Court, contesting Mattair's claims against Toole's bankruptcy estate.

In her first submission, respondent contested Mattair's claim seeking counsel fees owed to his lawyer in connection with the prior dissolution matter.

In her second submission, respondent again objected to Mattair's claim

against the Boulder Property, arguing that the Bankruptcy Court should disqualify Mattair and David's attorney based on her view that Mattair and David had competing interests.

In both submissions, respondent asserted that her status as a purported "unsecured claimant" allowed her to object to Mattair's claims, which she maintained "reduced the bankruptcy estate for the other claimants and parties in interest, including [respondent]."

The Lyons Property

In June 2018, prior to the deterioration of Toole and Mattair's relationship, they purchased property located in Lyons, Colorado (the Lyons Property). To finance their purchase, Toole incurred a debt, owed to Matthew Sutton, which was secured by a deed of trust on the Lyons Property (the Sutton DOT). At the time of their purchase, Toole and Mattair assumed a separate debt, owed to Sanford and Marsha Williams, which also was secured by a deed of trust on the Lyons Property (the Williams DOT).

On January 31, 2020, after Toole and Mattair defaulted on the note connected to the Williams DOT, the Williamses sought to foreclose upon their deed of trust. Several months later, on July 16, 2020, RBL Financial, LLC, (RBL), purchased the debt secured by the Williams DOT. Following Toole's

July 24, 2020 bankruptcy petition, her fifty-percent interest in the Lyons Property became part of her bankruptcy estate.

In October 2020, RBL attempted to collect upon the debt connected to the Williams DOT from Mattair, who was not protected by the automatic stay in Toole's bankruptcy matter. Thereafter, Mattair executed a quitclaim deed, which transferred his fifty-percent interest in the Lyons Property to Main 434, LLC, (Main 434), a company controlled by RBL.

Respondent and Toole Form SA Lyons, LLC

On April 19, 2021, the Bankruptcy Court issued an order allowing Toole to repurchase her fifty-percent interest in the Lyons Property, at a bankruptcy auction, for \$8,000. The Bankruptcy Court's order, however, stated that the "sale of the [Lyons] Property **IS NOT** and **SHALL NOT** be considered a sale free and clear of any and all liens, claims, and encumbrances on the [Lyons] Property." In that vein, the Bankruptcy Court's Order provided that "[n]o creditors' interest in the [Lyons] Property shall be effected by the sale and shall not be effected by this order."

Toole did not have the funds to cover the \$8,000 bid at the bankruptcy auction. Consequently, she asked her realtor, Sarah Larrabee, and respondent to support her bid. Thereafter, respondent, Toole, and Larrabee discussed a

business venture to develop the Lyons Property into a restaurant.

On April 29, 2021, respondent sent Toole and Larrabee a proposed operating agreement connected to their venture and advised them to consult with independent counsel.

Weeks later, on May 19, 2021, respondent and Toole executed the operating agreement, which formed SA Lyons, LLC (SA Lyons) – the business entity that would own and operate the Lyons Property as a restaurant. The operating agreement provided that respondent and Larabee would each contribute \$4,000 to “capitalize” SA Lyons, and that a member’s interest in SA Lyons would “increase[] depending on any monetary contributions made by each member.” Larabee then decided not to join the venture and, consequently, respondent contributed the full \$8,000 to SA Lyons.

Sometime between May and July 2021, Toole repurchased her fifty-percent interest in the Lyons Property, at the bankruptcy auction, utilizing the \$8,000 in funds that respondent had contributed toward the venture. However, pursuant to the Bankruptcy Court’s April 19, 2021 order, the Lyons Property remained encumbered by both the Williams DOT (acquired by RBL) and the Sutton DOT. Moreover, RBL, through Main 434, held a fifty-percent ownership interest in the Lyons Property.

Respondent Satisfies the Williams DOT and Encourages Toole to Convey and Encumber Her Interest in the Lyons Property

Following Toole's successful bid to repurchase her interest in the Lyons Property, RBL initiated a foreclosure proceeding, pursuant to the Williams DOT. However, prior to the foreclosure sale, respondent utilized \$125,837.91 of her personal funds to satisfy Toole's monetary default connected to the Williams DOT. Nevertheless, because Toole had filed for bankruptcy, in violation of the terms of the note underlying the Williams DOT, RBL initiated a second foreclosure action. In September 2021, to avoid the foreclosure, respondent paid RBL \$265,000, thereby fully satisfying the debt owed to RBL in connection with the Williams DOT.

On September 14, 2021, following the satisfaction of the Williams DOT, respondent informed Toole as follows:

What I am going to do is file a mortgage for the total amount that I have put out which is 129000 plus the 271 as a lean⁵ on the [Lyons] [P]roperty as if we did an actual mortgage loan to me which would then allow us to be a second party redeemer if the property ever went to foreclosure. I also reached out to Matthew [Sutton's] lawyer to see if Matthew would be willing to sell his interest or transfer it somehow.

[OAE352.]

⁵ Throughout our decision, all typographical errors contained in the quoted correspondence by respondent are contained in her original correspondence.

In reply, Toole questioned whether either RBL or Sutton and his attorney “ha[d] to agree to let you pay the mortgage, since you aren’t the mortgage holder? Do you think they will cash the check?” Respondent answered:

[t]hey can’t refuse the check. I’m going to file like a regular mortgage and do mechanics liens for all the work. If we cloud the title enough[,] I’m hoping they will just walk away. . . . [M]y check to them is no different than a check from a mortgage company. . . . [T]hey will be in big trouble if they refuse to release the lien.

[OAE352.]

On September 15, 2021, respondent encouraged Toole to transfer her interest in the Lyons Property to SA Lyons, via a quitclaim deed, advising Toole that such a procedure would prevent RBL from “personally harass[ing] you anymore.”

The next day, on September 16, respondent advised Toole to execute a deed of trust on the Lyons Property, securing respondent’s prior payments to RBL. Specifically, respondent offered the following advice to Toole:

To make sure that RBL doesn’t try to do some chicanery and take over the restaurant after I’ve paid all this money, I think we should do a deed of trust that is recorded for the total amount paid and so it prevents Matthew [Sutton] from foreclosing and shutting us out as well. It would be a second priority lien but it would still give us rights to be notified if there is anything done with foreclosures or title problems. . . . If you are ok with that I’ll send you a deed of trust that reflects my investment and we can get it filed. . . . I’ll do it for

the full 271,000 plus the foreclosure amount which was 129 something. That way we can be assured no one can walk away. Especially RBL with their bullsh** title from [Mattair] without paying me back. In addition, [Mattair] still has his lis pendens filed against [the Lyons] [P]roperty which also clouds the title although the case that clouds the title is dismissed so we could get rid of it easily I think.

[OAE342.]

On September 17, 2021, respondent sent Toole the proposed deed of trust, advising her that the deed “reflect[s] my investment[,], which is [\$271,000,] plus the foreclosure[,], which was \$130,000. We need to record this so that RBL can’t just walk away with [Mattair’s] interests and pretend that they own the property.” The next day, on September 18, respondent further informed Toole that:

[t]his would be consistent with our agreement that has my investment repaid and then profits shared. . . . I have reached out to [Matthew Sutton’s] attorney about doing a deal but haven’t heard from him No matter what since the entire amount of the lien was my money and the foreclosure interest was mine the entire amount is a 3rd lien on the property. The agreement was interest in proportion to investment.

[OAE343.]

On September 30, 2021, respondent sent RBL an e-mail requesting that it contribute to the maintenance costs of the Lyons Property. In her e-mail, respondent told RBL:

You can send your check for your share of the expenses and your share of the payoff of the mortgage to me Until then, my position is that you have no ownership interest in this building at all. Your interest was subject to foreclosure and the redemption was solely in [Toole's] name without your assistance and therefore your interest is non-existent.

[OAE343.]

During the Colorado ethics hearing, respondent expressed her view that she had acquired legal ownership of the Lyons Property as a tenant in common with Toole and RBL, citing “the fact that I paid \$400,000 to redeem the foreclosure.” Respondent also claimed that, prior to September 2021, Toole had “signed a quitclaim deed . . . but had not been able to notarize it.” She further maintained that she and Toole “had an ownership agreement that said we were owning [the Lyons Property] together[,] and I had contributed the amount to secure the foreclosure.”

On October 1, 2021, respondent sent Toole an online article discussing “cotenants” in Colorado. In her e-mail enclosing the article, respondent advised Toole that:

this is pretty clear that if [RBL] refuse[s] to share in the outrageous sums they were charging, they can't demand ownership and there is no profit until expenses are paid. Taxes, mortgages and insurance are all requirements and we can demand and should continue to demand that they pay what they consider their share of the ownership or demand that they abandon their claim and walk away.

[OAE343.]

Thereafter, on November 2, 2021, respondent again encouraged Toole to record a deed of trust on the Lyons Property, in order to “foreclose” upon that instrument.

Toole testified that she sought the advice of another Colorado attorney after respondent pressed her to execute the new deed of trust.⁶ Based on that attorney’s advice, Toole declined to record any deed of trust in favor of respondent, testifying that, as the titled owner, she had “the strongest claim” to the Lyons Property.

Toole also “vaguely recalled” signing, though not recording, a “deed” for the Lyons Property, in February 2022. Toole, however, did not know the location of that purported deed nor whether that instrument was a quitclaim deed or a deed of trust.

Moreover, Toole emphasized that the circumstances underlying the Lyons Property had become “so convoluted with all the shell companies and the foreclosures and the liens and the . . . threats to the tenants that drove them away.” Similarly, Toole stressed that she did not “know what the best course of action was. And I didn’t trust that [respondent] knew at that point because she was . . . a biased party in terms of being panicked and having so much money

⁶ Toole testified that respondent paid her attorney’s legal fees.

invested.”

RBL Seeks Judicial Foreclosure on the Sutton DOT

After respondent satisfied Toole’s debt connected to the Williams DOT, the Sutton DOT became the priority lien encumbering the Lyons Property. In 2021, RBL purchased the debt secured by the Sutton DOT. Thereafter, on October 15, 2021, RBL filed, in the District Court, a complaint for judicial foreclosure on the Lyons Property, citing Toole’s default pursuant to the Sutton DOT.

Five days later, on October 20, 2021, more than four months after the effective date of respondent’s June 18, 2021 three-year suspension in Colorado, she sent RBL a letter, “demand[ing]” that RBL contribute \$400,000 toward “the interest payments, mortgage payments, and foreclosure redemption immediately.” Respondent told RBL that:

if you assert that you have an ownership interest in [the Lyons] [P]roperty, then you have absolutely no basis to refuse the rightful request from the other tenant in common, [Toole,] for reimbursement for your share. If you refuse to contribute your share, then a quiet title action will be instituted and a request to negate your claim on this property will be presented to the [c]ourt.

In addition, it is my understanding that [a prior] note that was in foreclosure was entitled to collection of rent from the tenant that remained in possession of the property during the period of time that the property was

in the possession of the receiver and bankruptcy. We would like to have an accounting of the rental payments by you as the note entitled you to payment of those rental payments by right, or why those payments were not collected and credited to . . . Toole's account and deducted from the overall demand that was made.

Additionally, it appears that [RBL] has filed a foreclosure based on a purchase of Matthew Sutton's lien. I have contacted an attorney and I believe that you have violated the automatic bankruptcy stay as Mr. Sutton's claim remains actively part of the bankruptcy case with relation to . . . Toole and you are a successor in interest to his claim in bankruptcy. I confirmed his continued active claim in the bankruptcy with Mr. Sutton's bankruptcy attorney today. The automatic stay would forbid any attempt to foreclose on a debt while Mr. Sutton's claim remains actively part of the bankruptcy case. Attorney's fees and damages will be requested. An injunction against proceeding with the foreclosure will be sought immediately.

Finally, you were on notice of the necessary repairs and work done on the property and invoices were sent care of your attorney. These repairs were absolutely necessary to preserve the status of the property. This responsibility remains the obligation of the mortgagee and continues by virtue of your claim to ownership in the property. The deed of trust requires that the mortgagee maintain the property in good repair. These invoices remain unpaid. A mechanic's lien will be filed against this property by the construction company if you continue to refuse to pay your share of the necessary repairs made to this property.

[OAE344-345.]

During the Colorado ethics hearing, counsel for RBL testified that, when he received respondent's October 20, 2021 letter, he "believe[d] that she was

acting as . . . Toole’s” counsel, citing his view that respondent was “advocating” on Toole’s behalf by “making legal demands.” Additionally, counsel for RBL emphasized that respondent had acted as counsel for Toole “in a whole host of prior litigation.”

On November 2, 2021, respondent sent Toole an e-mail, offering strategic advice regarding securing compensation from RBL toward the upkeep of the Lyons Property. In her e-mail, respondent informed Toole that:

[a]nything that [I’ve] sent you now let’s forward to [an RBL representative] at his e-mail as I want to make sure he receives the invoices and then doesn’t protest when we ask him to pay. He can’t protest if he refuses to answer you and doesn’t object to [the] work you are authorizing.

I worked on the contractor agreement and should have sent it in yesterday as we need to have that documented in order to file the mechanics lien.

[OAE345.]

Meanwhile, on November 2, 2021, in an attempt to make RBL’s judicial foreclosure action an “issue” in Toole’s ongoing bankruptcy matter, respondent sent Toole, the bankruptcy trustee, and counsel to the trustee the following e-mail:

[i]t is my understanding that efforts to enforce a debt against a debtor while the bankruptcy is proceeding [sic] are violations of the automatic stay. Suh v. Anderson (In re Jeong), 2020 WL 1277575 (B.A.P. 9th Cir. Mar. 16, 2020)[.]

RBL who have identified as successors in interest to Matthew Sutton have filed a nonjudicial foreclosure action in Boulder County.

RBL's attorney has filed a notice of transfer, but I believe that the foreclosure filed by RBL should be judged a violation of the automatic stay until Matthew Sutton/RBL's claim is resolved in bankruptcy.

Can you please let me know what your position is with relation to this foreclosure?

[OAE346.]

More than two weeks after respondent's e-mail to the trustee and his counsel characterizing RBL's foreclosure action as a violation of the automatic stay, she sent Toole and counsel to the trustee another submission, claiming that RBL "is attempting to collect on the entire debt which is currently the subject of the unsecured claim against [Toole]. How can [RBL] collect on the entire debt on the [Lyons] [P]roperty and remain as an unsecured debtor in bankruptcy?" In reply, counsel to the trustee cautioned respondent that her "inquiry comes very close to the line of representation."

On November 5, 2021, the same date that respondent filed the joint submission with the Bankruptcy Court, challenging Mattair's claim against Toole's bankruptcy estate, respondent sent Toole an online article describing tenants in common in Colorado. In her e-mail enclosing the article, she informed Toole that "RBL and you and me are now tenants in common so each of us has

the right to possession.”

Attempt to Intervene in the Sutton DOT Foreclosure Action

Following the filing of RBL’s October 15, 2021 judicial foreclosure action, respondent and Toole denied RBL access to the Lyons Property. Counsel for RBL testified that, because RBL became “concerned that things were happening at” the Lyons Property, RBL requested that the District Court appoint a judicial receiver.

On November 12, 2021, respondent, while suspended in Colorado, filed a motion to intervene in RBL’s judicial foreclosure matter pending in the District Court. Her application also sought “an emergency hearing to enjoin the appointment of a judicial receiver.”

In her motion, respondent argued that the appointment of a receiver would “cause irreparable harm to [Toole] and to [respondent’s] security interest in the building. It will prevent the ability of . . . Toole to obtain financing to pay the foreclosing lien.” She also contended that RBL had failed to both serve Toole with its judicial foreclosure complaint and to maintain the Lyons Property. Respondent further represented that it was “impossible” for Toole to satisfy the Sutton DOT, citing RBL’s status as “an active claimant” in Toole’s bankruptcy matter.

Additionally, respondent urged the District Court to find that (1) RBL’s judicial foreclosure action violated the automatic stay in Toole’s bankruptcy matter; (2) Toole had a substantial likelihood of prevailing on her claims of unjust enrichment against RBL; (3) Toole had acted reasonably in attempting to protect the Lyons Property and should be allowed to remain as “debtor in possession;” and (4) RBL had failed to preserve the Lyons Property by failing to pay for necessary repairs, which could result in “irreparable harm to the building and to . . . Toole’s financial interest.”

In her motion to intervene, respondent maintained that she sought to “represent her own interest as a deed of trust holder on the [Lyons] [P]roperty.” In support of her position, she emphasized that she had contributed \$400,000 to allow Toole to satisfy the Williams DOT that had encumbered the Lyons Property.

In late November or early December 2021, the District Court granted RBL’s application for a judicial receiver, who posted a “stop work notice” on the door to the Lyons Property, changed the locks on the doors, and barred all access to the property.

On December 7, 2021, while respondent’s motion to intervene remained pending, she filed an application in the District Court for an “emergency hearing” to compel the judicial receiver to permit work on the Lyons Property

to continue.⁷

Additionally, on December 7, respondent filed a reply to RBL's opposition to her intervention motion, arguing that she had "a potential financial interest to be claimed," and alleging that RBL and the bankruptcy trustee "appear to have been alerted to . . . Toole's ownership of this restaurant property and financial distress by" Mattair and his attorney. Further, she urged the District Court to disqualify RBL and Main 434's attorney, who, in respondent's view, "represented parties on both sides of the foreclosure action."

On December 9, 2021, the District Court denied respondent's intervention motion, determining that she failed "to assert any cognizable legal claim." The District Court found that, even if RBL's judicial foreclosure action "may impair or impede [respondent's] 'interest' (whatever interest that may be), [she] has not demonstrated that . . . Toole cannot adequately represent [respondent's] interest." The District Court concluded that respondent's "attempt to intervene in this case as a 'pro se' litigant in which her 'former' client . . . Toole is a defendant appears nothing more than subterfuge to traverse her recent suspension from practicing law."

⁷ The outcome of that application is unclear based on the record before us.

Respondent Satisfies the Sutton DOT

On February 7, 2022, respondent remitted \$371,433.55 to the Boulder County Public Trustee, thereby fully satisfying Toole's debt connected to the Sutton DOT and, thus, leaving Toole and Main 434 (an entity controlled by RBL) as the only two record owners of the Lyons Property.

Two weeks later, on February 23, 2022, respondent sent e-mails to municipal officials in Lyons, Colorado, regarding a permit for the Lyons Property. In her e-mails to the officials, she argued that Main 434 was no longer authorized "to say anything to you about this property," citing her view that Main 434 had disclaimed its interest in the Lyons Property. Rather, respondent asserted to the officials that she was the owner of the Lyons Property, "[p]ursuant to the [SA Lyons] operating agreement." She also threatened that, "[i]f you arbitrarily [pull our] permit[,] then I believe we will have to take legal action against the town."

Moreover, on February 23, 2022, respondent sent Toole a proposed e-mail, intended for the municipal officials, describing the "arbitrary and capricious" legal standard of review in Colorado for the actions of a municipality. Respondent's proposed e-mail stated, in part:

I believe your actions in refusing to allow us to resume work on [the Lyons] [P]roperty is arbitrary and capricious. We provided you proof of ownership and have a lawfully issued permit obtained by a

construction professional and have paid all necessary fees.

I will be consulting with my attorney and we will probably deliver a notice of intent to sue.

[OAE349.]

In reply, Toole told respondent not to send the proposed e-mail, stating “[i]f we are going to sue, we should just file.”

Main 434’s Motion to Partition the Lyons Property

In or around May 2022, following respondent’s satisfaction of the Sutton DOT, Main 434 filed with the District Court an application to partition the Lyons Property. On May 31, 2022, the District Court appointed retired Colorado Supreme Court Chief Justice Nancy Rice to determine the ownership interests of the Lyons Property.

On November 8, 2022, following a hearing, Chief Justice Rice determined that Toole and Main 434 were the only record owners of the Lyons Property and that “[n]o evidence was ever presented by any party that [respondent] ha[d] any form of interest in the [Lyons] Property.” Chief Justice Rice found that the “undisputed evidence revealed that [respondent’s] payments of the debt owed to RBL . . . and supplying the \$8,000 for . . . Toole to repurchase her 50% interest in the [Lyons] Property from her bankruptcy estate were all capital contributions

by [respondent] into SA Lyons.” On November 14, 2022, the District Court issued an order adopting Chief Justice Rice’s determination.

The Colorado Disciplinary Proceedings

On August 24, 2022, the Colorado Office of Attorney Regulation (the OARC) filed an amended disciplinary complaint against respondent, alleging that she violated Colo. RPC 8.4(c) by lying to the District Court, in her July 21, 2020 submission, that she had been representing Toole, “pro bono.” The OARC further alleged that respondent violated Colo. RPC 3.4(c) and Colo. RPC 5.5(a) by practicing law while suspended in that jurisdiction. Specifically, the OARC maintained that respondent acted in a “representative capacity” in connection with her submissions to RBL and to the District and Bankruptcy Courts concerning Toole’s properties and debts.

In her September 12, 2022 answer to the disciplinary complaint, respondent denied the charges of unethical conduct, arguing that she never had intended to convey to the District Court, in her July 21, 2020 submission, that she had agreed to work “for free forever.” Respondent also denied having practiced law while suspended in Colorado, claiming that she was protecting her “rights,” both as an “investor and co-owner” of the Lyons Property, in connection with her submissions to RBL and to the District and Bankruptcy

Courts.

During the Colorado ethics hearing, respondent testified that, on February 20, 2023, just one day before the ethics hearing, she had located Toole's purported quitclaim deed to the Lyons Property naming her as the "grantee." Although respondent claimed that she had intended to have Toole "authenticate" that deed, she never provided that document to Colorado disciplinary authorities.

Additionally, respondent testified that Toole "possesse[d]" a deed of trust to the Lyons Property in favor of respondent, based on the funds she had contributed to satisfy Toole's debt connected to the Williams DOT. Respondent, however, conceded that she had "not seen a signed deed of trust. I gave [Toole] a deed of trust and she told me that she signed it." By contrast, on February 8, 2023, just two weeks before the Colorado ethics hearing, respondent filed a District Court complaint against Toole, RBL, and Main 434, alleging that Toole had failed "to execute a deed and a deed of trust in return for [respondent's] payment on the first and second and third foreclosure amounts."

Moreover, respondent testified that she disagreed with Chief Justice Rice's conclusion that she did not hold an equitable interest in the Lyons Property.

Toole, in turn, testified that, following the imposition of respondent's

three-year suspension in Colorado, she viewed respondent as a “business partner” who “had legal strategies” regarding the obstacles they faced in connection with their business venture. Toole noted that, although respondent provided her with case law, she considered respondent’s advice as “input from a business partner,” and not legal advice. Nevertheless, shortly before the effective date of respondent’s June 18, 2021 suspension, Toole sent respondent an e-mail questioning the scope of their relationship, stating:

the last time you reached out to [counsel for the bankruptcy trustee] on the restaurant he replied and said he needed to know if you were my attorney as I had said you were not my active attorney . . . as he wanted permission to talk to you. He will probably reply the same thing and I was wondering what I should say.

[OAE352.]⁸

The Office of the Presiding Disciplinary Judge’s Findings

On April 19, 2023, following the ethics hearing, a three-member panel of the OPDJ issued a detailed written opinion finding, by clear and convincing evidence, that respondent violated all the charged Colorado Rules of Professional Conduct.

⁸ The record before us is unclear whether respondent replied to Toole’s inquiry.

Specifically, the OPDJ determined that respondent violated Colo. RPC 3.4(c) and Colo. RPC 5.5(a) by practicing law while suspended in connection with her attempts to advance Toole’s interests in a “representative capacity.”

In reaching that conclusion, the OPDJ determined, as a threshold matter, that respondent knew that she had not acquired a legal interest in the Lyons Property. Specifically, the OPDJ found “wholly incredible” respondent’s “self-serving testimony that she found a quitclaim deed to the [Lyons] Property signed by Toole the day before the [ethics] hearing began.” The OPDJ also remarked that Toole’s testimony regarding her purportedly executed deed “was murky,” given that she struggled to describe the deed or its whereabouts. Moreover, the OPDJ echoed Chief Justice Rice’s determination that respondent’s payments on Toole’s behalf were merely “capital contributions into SA Lyons.”

The OPDJ stressed that, between 2021 and 2022, respondent “inconsistently asserted different interests” in the Lyons Property. Specifically, respondent informed the District Court that she had a “security interest” in the Lyons Property and, on a separate occasion, told the Bankruptcy Court that she had an “ownership” interest in that property. The OPDJ determined that respondent failed to clearly and convincingly establish that she held either interest in the Lyons Property, or that a quitclaim deed or a deed of trust to the property in her favor “ever existed.”

Additionally, the OPDJ cited multiple examples in which respondent, while suspended, attempted to enforce Toole's interest in the Lyons Property in a "representative capacity."

First, in connection with respondent's October 20, 2021 letter to RBL, the OPDJ found that she (1) threatened legal action against RBL, (2) demanded an accounting of all rental payments, and (3) accused RBL of violating the automatic stay in Toole's bankruptcy matter. In the OPDJ's view, respondent made those demands, on Toole's behalf, to "enforce a right that she characterized as belonging to Toole."

Second, in connection with respondent's November 12, 2021 motion to intervene in the judicial foreclosure matter, the OPDJ underscored how she (1) argued that RBL had not properly served Toole with its foreclosure complaint; (2) alleged that RBL had not maintained the Lyons Property; (3) urged the District Court to find that RBL's foreclosure complaint violated the automatic bankruptcy stay; and (4) requested an emergency hearing regarding the appointment of a judicial receiver based, in part, on her view that Toole had the right to develop the property, without interference.

The OPDJ determined that, when "read together," respondent's submissions "support the conclusion that [she] sought to intervene as an alternate means of protecting Toole's interest in the Lyons [P]roperty, given

[her] inability to take action under the aegis of her law license.” The OPDJ, however, acknowledged that “[r]espondent’s and Toole’s financial interests became enmeshed, and [it] credit[ed] Toole’s testimony that [r]espondent was ‘panicked’ about losing the money she invested as capital contributions to SA Lyons.”

Additionally, although the OPDJ was “unable to conclude that any single filing in [Toole’s] bankruptcy case individually demonstrate[d] that [r]espondent advocated for Toole’s interest alone and not for her own claim in the matter,” the OPDJ was “comfortable finding that” she practiced law while suspended by “guiding Toole throughout the bankruptcy proceeding.” Specifically, the OPDJ found that respondent “advised Toole on matters of property law” by sending her articles discussing tenancies in the weeks preceding the filing of their November 5, 2021 joint submission, which challenged Mattair’s bankruptcy claim against the Boulder Property as a joint tenant.

In further support of its determination that respondent was “plying Toole with advice,” the OPDJ cited her November 4, 2021 e-mail to Toole and the bankruptcy trustee in which she argued that Mattair had “broken the joint tenancy” of the Boulder Property. The OPDJ also cited respondent’s November 2, 2021 e-mail to the bankruptcy trustee in which she contended that RBL’s

judicial foreclosure action violated the automatic stay, referencing case law to support her position. The OPDJ observed that respondent's communications with the trustee "advocate[d] for the positions Toole would take during the bankruptcy case."

The OPDJ determined that respondent's "pretext that she merely pursued her own interest in her unsecured [bankruptcy] claim is of no help here, as Toole utilized [r]espondent's advice, experience, and knowledge in the bankruptcy case." In sum, the OPDJ found that:

[r]espondent fed Toole assistance and advice that affected Toole's overall case strategy, and Toole's positions in the case were the manifestation of the input and direction that [r]espondent provided in disregard of the order suspending her.

On the whole, [r]espondent's conduct and her interactions with Toole following [her] suspension show that [she] was determined to dodge her suspension order by cloaking her behavior as advocacy for her own financial interests. While such an approach on one or two occasions might be deemed reckless, we conclude that [her] repeated use of this strategy was a knowing effort to advance Toole's litigation despite her suspension order.

[OAE356-357.]

Next, the OPDJ determined that respondent violated Colo. RPC 8.4(c) by "reckless[ly]" misrepresenting, in her July 21, 2020 submission to the District Court, that she had been working "pro bono" on Toole's dissolution matter since

October 2019. The OPDJ expressed skepticism at respondent’s “attempt to cast her misrepresentation merely as [an] inaccurate use of a Latin term,” citing the “ubiquitous use of the term and her decades of experience in the legal profession.” In the OPDJ’s view, respondent’s conduct was not merely a “mistake” but, rather, a justification for “her failure to appear at the mediation.”

The OPDJ determined to disbar respondent, pursuant to Colorado Rule of Civil Procedure (C.R.C.P.) 242.31(a)(2)(B) and (a)(6),⁹ citing Colorado disciplinary precedent establishing disbarment as the presumptive sanction for practicing law while suspended. In support of its determination, the OPDJ emphasized that respondent’s conduct (1) “needlessly expended judicial resources,” (2) forced RBL to incur at least \$85,000 in “unnecessary” fees to resolve the litigation connected to the Lyons Property,¹⁰ and (3) “seriously harmed Toole, who ha[d] been entangled in litigation prolonged by respondent’s actions and is now a named defendant in [a lawsuit] that respondent recently filed in [the] District Court.”

The OPDJ weighed, in aggravation, respondent’s prior six-month

⁹ C.R.C.P. 242.31(a)(2)(B) allows the OPDJ to impose disbarment. C.R.C.P. 242.31(a)(6), in turn, provides that all disciplinary sanctions will become effective upon the entry of a conforming order, issued by the OPDJ, within thirty-five days of the issuance of the OPDJ’s underlying disciplinary opinion.

¹⁰ Counsel for RBL testified that his client had incurred those fees in connection with the Lyons Property partition matter, which resulted in the hearing before Chief Justice Rice, and “all of the machination . . . with respect to the [judicial] receiver.”

suspension in Colorado I and, more egregiously, her recent three-year suspension in Colorado II, which partly involved her dishonest conduct. Additionally, the OPDJ found that respondent acted with a “dishonest or selfish motive,” considering that she sought to “‘buy in’ on a business venture with Toole[,] involving property related to [her] prior representation of Toole, at a time when [she] knew that she would not be able to practice law for at least three years and knew that Toole was in a precarious financial state.” The OPDJ further considered that respondent’s misconduct spanned more than one year, across multiple Colorado tribunals. Finally, the OPDJ determined that respondent refused to express any remorse for her misconduct, finding that, although she claimed to have taken responsibility for her actions, “her professions ring hollow.”

On May 24, 2023, the OPDJ issued an order, consistent with its April 19, 2023 opinion, disbarring respondent from the practice of law in Colorado. One week later, on May 31, 2023, respondent notified the OAE of her Colorado discipline, as R. 1:20-14(a)(1) requires.

Respondent’s Appeal of the OPDJ’s Opinion

Meanwhile, on May 10, 2023, respondent filed an appeal of the OPDJ’s determination with the Supreme Court of Colorado. In her appeal, she argued

that the OPDJ improperly concluded that she had no legal or equitable interest in the Lyons Property. In support of her position, respondent alleged that Toole had “agreed to sign a deed granting” her “ownership” of the Lyons Property, and respondent had gained such an interest “by virtue of her payment of the cure funds.” Similarly, she maintained that, because her actions were motivated by her attempt to protect both her claim in Toole’s bankruptcy matter and her interest in the Lyons Property, she did not engage in the unauthorized practice of law.

Additionally, respondent argued that she had a constitutional right, as “a pro se individual,” “to discuss business interests and strategy with business partners and must be allowed . . . to represent her own interests in business.” Based on respondent’s claim that her interests in the Lyons Property “were so aligned and enmeshed” with Toole’s interests, she contended that “there was no reasonable way to separate the interests for purposes of ensuring [she] asserted only her own interests without also affecting [Toole’s] interests.” In that vein, she argued that she “must be allowed to freely express her opinion when acting with business partners to protect her own interests.”

Finally, respondent noted that her “misuse of the term ‘pro bono’” occurred while she was experiencing serious mental health issues.

On January 4, 2024, the Supreme Court of Colorado issued an order

affirming the OPDJ's determination.

The Parties' Submissions to the Board

The OAE asserted that respondent's unethical conduct in Colorado constituted violations of RPC 3.4(c), RPC 5.5(a)(1), and RPC 8.4(c).

First, the OAE alleged that respondent violated RPC 3.4(c) and RPC 5.5(a)(1) by practicing law while suspended in Colorado. Specifically, the OAE observed that respondent both advocated for Toole's interests in connection with the Lyons Property and provided legal advice to Toole concerning her bankruptcy, despite her suspension in that jurisdiction.

Next, the OAE alleged that respondent violated RPC 8.4(c) by misrepresenting to the District Court that she had represented Toole, "pro bono," when, in fact, she expected to be paid for her work.

In recommending the imposition of a two-year suspension, the OAE analyzed respondent's conduct against that of the attorney in In re Gonzalez, ___ N.J. ___ (2022), 2022 N.J. LEXIS 996, who, as detailed below, received a one-year suspension for practicing law while suspended and for engaging in dishonesty toward a tribunal. The OAE argued that, unlike Gonzalez, whose practice of law while suspended was limited, respondent repeatedly offered prohibited legal advice to Toole and advocated for Toole's interests in "multiple

venues.” The OAE also emphasized that respondent’s misconduct spanned more than a year, during which she “perpetrated a fraud upon the courts by practicing law while suspended under the guise of representing her own interest.”

The OAE urged, in aggravation, respondent’s disciplinary history in Colorado, and corresponding history of reciprocal discipline in New Jersey, for, among other misconduct, engaging in dishonesty toward tribunals.

In turn, respondent urged us to deny the motion for reciprocal discipline, arguing that, although her conduct was “imperfect,” she acted to protect her own interests. Specifically, she requested that we determine, contrary to the conclusions of the OPDJ and the District Court, that she reasonably believed that she had a legally cognizable interest in the Lyons Property. In support of her position, she emphasized that she had “contributed capital” to SA Lyons in order to satisfy the various liens connected to the Lyons Property. She also represented that Toole purportedly had agreed to sign “a deed and a deed of trust” to the Lyons Property.

Additionally, respondent maintained that she was “in actual possession” of the Lyons Property, was “working at the property almost every day, and . . . was the only person with a key after” Toole repurchased her interest in the property at the bankruptcy auction. Further, although respondent conceded that her November 12, 2021 motion to intervene in RBL’s judicial foreclosure matter

“included information that could have made it difficult to separate [her] claims from . . . Toole’s, [respondent’s] investment in the restaurant was inexorably bound to . . . Toole’s assistance in opening the restaurant.”

Moreover, respondent expressed her disagreement with the OPDJ’s determination that RBL had incurred significant fees to resolve the litigation regarding the Lyons Property.

Further, respondent alleged that she did not act as Toole’s attorney in connection with her bankruptcy matter, claiming she had urged Toole, who was aware of her suspended status, to consult with an independent bankruptcy attorney. Respondent also contended that she had a legal right, as a “claimant” in the bankruptcy matter, to object to the claims made by other creditors.

Additionally, respondent reiterated her position that she had utilized the term “pro bono,” in her July 21, 2020 submission to the District Court, to convey that she was working “without payment.” Although respondent conceded that, “[u]pon reflection,” she should not have used the term “pro bono,” she maintained that she never intended to “purposely mislead” the District Court.

In respondent’s view, the OPDJ, in disbaring her, and the District Court, in denying her request to intervene in RBL’s judicial foreclosure action, failed to adhere to “well-established legal principles” in that jurisdiction concerning her asserted claims to the Lyons Property. Finally, she expressed her view that

she was disbarred in Colorado for making “statements” to a “business partner in furtherance of opening [a] restaurant and protecting her own personal financial interests,” in violation of her constitutional rights.

Analysis and Discipline

Following a review of the record, we determine to grant the OAE’s motion for reciprocal discipline. Pursuant to R. 1:20-14(a)(5), “a final adjudication in another court, agency or tribunal, that an attorney admitted to practice in this state . . . is guilty of unethical conduct in another jurisdiction . . . shall establish conclusively the facts on which it rests for purposes of a disciplinary proceeding in this state.” Thus, with respect to reciprocal attorney discipline, as in reciprocal judicial discipline, “[t]he sole issue to be determined . . . shall be the extent of final discipline to be imposed.” R. 1:20-14(b)(3).

In Colorado, as in New Jersey, the standard of proof in attorney disciplinary proceedings is clear and convincing evidence. People v. Distel, 759 P.2d 654, 661 (Colo. 1988).

Reciprocal discipline proceedings in New Jersey are governed by R. 1:20-14(a)(4), which provides in pertinent part:

The Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Board finds on the face of the

record on which the discipline in another jurisdiction was predicated that it clearly appears that:

(A) the disciplinary or disability order of the foreign jurisdiction was not entered;

(B) the disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;

(C) the disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;

(D) the procedure followed in the foreign disciplinary matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(E) the unethical conduct established warrants substantially different discipline.

We conclude that subsection (E) applies in this matter because the unethical conduct established by the record warrants substantially different discipline. In our view, based on New Jersey's disciplinary precedent, respondent's practice of law while suspended, as exacerbated by the aggravating factors detailed below, warrants a three-year suspension.

Violations of the Rules of Professional Conduct

Turning to the charged violations, we determine that the record contains clear and convincing evidence that respondent violated RPC 3.4(c) and RPC 5.5(a)(1) by practicing law while suspended in Colorado. As the OPDJ observed,

following the effective date of her June 18, 2021 three-year term of suspension in that jurisdiction, respondent provided prohibited legal advice to Toole – her former client – and impermissibly attempted to advocate for Toole’s interests, in a “representative capacity,” in connection with both the Lyons Property and Toole’s bankruptcy matter.

Specifically, on October 20, 2021, following the filing of RBL’s judicial foreclosure complaint, respondent sent RBL a letter threatening legal action unless it contributed \$400,000 toward the debts connected to the Lyons Property, emphasizing that RBL had “no basis to refuse the rightful request from the other tenant in common, [Toole], for reimbursement of your share.” Additionally, respondent demanded that RBL provide an accounting of all rental payments and an explanation for “why those payments were not collected and credited to . . . Toole’s account.” Moreover, although Toole previously had repurchased her interest in the Lyons Property at the bankruptcy auction, respondent accused RBL of violating the automatic bankruptcy stay by seeking judicial foreclosure, threatening that “[a]ttorney’s fees and damages [would] be requested [and] [a]n injunction against proceeding with the foreclosure [would] be sought immediately.”

Several weeks later, on November 12, 2021, respondent filed a District Court motion to intervene in RBL’s judicial foreclosure matter and for an

“emergency hearing” to enjoin the appointment of a judicial receiver for the Lyons Property. In her submission, she argued that Toole had the right to develop the property, without interference, and that a judicial receiver would prevent Toole from obtaining “financing to pay the foreclosing lien.” She also contended that RBL violated the automatic stay and refused to pay for repairs to the Lyons Property, actions which she claimed irreparably harmed Toole’s financial interest. Respondent further argued that Toole was likely to prevail on her unjust enrichment claims against RBL, and she urged the District Court to allow Toole to remain as “debtor in possession” of the Lyons Property.

As the OPDJ observed, respondent’s demand letter and intervention motion demonstrated that, while suspended, she attempted to enforce legal rights that she claimed belonged to Toole. Moreover, respondent, knowing that she could not formally claim status as Toole’s attorney, leveraged her motion to intervene to circumvent her suspension, in an attempt to thwart RBL’s judicial foreclosure action on Toole’s behalf. Indeed, as described by the District Court judge who denied respondent’s motion to intervene, her tactic appeared to be “nothing more than subterfuge to traverse her recent suspension from practicing law.”

Additionally, between October and November 2021, respondent repeatedly provided prohibited legal advice to Toole and advanced Toole’s

positions before the bankruptcy trustee.

Specifically, on October 1, 2021, respondent sent Toole an online article describing tenancies in Colorado while simultaneously advising her that RBL could not legally refuse to financially contribute to the Lyons Property. Subsequently, on November 2, 2021, respondent again advised Toole that an RBL representative could not “protest” paying various invoices if the representative “refuse[d] to answer you and doesn’t object to [the] work you are authorizing.” Similarly, on November 5, 2021, respondent sent Toole another article describing Colorado tenancies and advising her that “RBL and you and me are now tenants in common so each of us has right to possession.”

Meanwhile, on November 2, 2021, respondent sent an e-mail to Toole, the bankruptcy trustee, and counsel to the trustee, citing case law to support her position that RBL’s judicial foreclosure action violated the automatic stay. Two days later, on November 4, respondent sent Toole and the trustee another e-mail, arguing that Mattair had broken the purported Boulder Property “joint tenancy” and claiming that e-mail records from the Boulder Property partition matter could be used to “impeach” Mattair’s attorney.

The next day, on November 5, respondent and Toole filed their “joint submission” with the Bankruptcy Court, arguing, among other positions, that Mattair had asserted an improper claim against the Boulder Property. Finally, in

mid-November 2021, respondent sent Toole and counsel to the trustee an additional e-mail, arguing that RBL's collection efforts were unlawful. In reply, counsel to the trustee warned respondent that her inquiry came "very close to the line of representation."

Viewing respondent's communications in their totality, we determine that she offered prohibited legal advice to Toole and impermissibly advocated for Toole's positions to the bankruptcy trustee. Although respondent claimed that she merely acted to preserve her claim for unpaid legal fees against Toole's bankruptcy estate, the OPDJ concluded that respondent was not simply advocating for herself, as an unsecured creditor. Rather, Toole utilized respondent's illicit legal advice to advance the same arguments, in her bankruptcy matter, that respondent had asserted to the trustee.

Additionally, despite respondent's contention that she did not engage in the unauthorized practice of law, by virtue of her claimed legal or equitable interests in the Lyons Property, we decline to disturb the OPDJ's determination, applying Colorado law, that she held no such interest in that property. See In re Barrett, 238 N.J. 517, 522 (2019) (noting that, in the context of a motion for reciprocal discipline, the Court's review "involves 'a limited inquiry, substantially derived from and reliant on the foreign jurisdiction's disciplinary proceedings'") (quoting In re Sigman, 220 N.J. 141, 153 (2014)). See also R.

1:20-14(a)(5) (noting that a final adjudication, in a foreign jurisdiction, imposing discipline on a New Jersey attorney “shall establish conclusively the facts on which it rests for purposes of a disciplinary proceeding in this state”). Rather, both the OPDJ and the District Court determined that respondent had made substantial capital contributions into SA Lyons, an entity which had no ownership interest in the Lyons Property.

However, we determine to dismiss the allegation that respondent violated RPC 8.4(c) by misrepresenting, in her July 21, 2020 submission to the District Court, her status as “pro bono” counsel for Toole.

Unlike in Colorado, in New Jersey, a violation of RPC 8.4(c) requires proof of intent. Compare In re Fisher, 202 P.3d 1186, 1203 (Colo. 2009) (observing that “a mental state of at least recklessness is required for [a Colo. RPC] 8.4(c) violation”), with In re Hyderally, 208 N.J. 453, 461 (2011) (noting that, “[a]bsent evidence supporting a finding of intentional conduct, [the] Court has declined to impose discipline pursuant to RPC 8.4(c)”).

In our view, we are unable to clearly and convincingly conclude that respondent knowingly misrepresented to the District Court that she never intended to collect legal fees from Toole in connection with the dissolution matter. Specifically, the record before us does not appear to contain the entirety of respondent’s July 21, 2020 submission. By contrast, the District Court, which

had the benefit of reviewing respondent's entire submission, issued a July 22, 2020 order interpreting respondent's statement to mean either that she was "working pro bono, or at least unpaid at this juncture." Considering the lack of clear and convincing evidence that respondent knowingly, rather than mistakenly, misrepresented her status as a pro bono attorney to a Colorado state court, coupled with the OPDJ's determination that she acted recklessly, we determine to dismiss the allegation that she violated RPC 8.4(c).

Finally, to the extent that respondent raised constitutional challenges to the imposition of her discipline in Colorado, those objections are reserved for the Court. See R. 1:20-15(h).

In sum, we find that respondent violated RPC 3.4(c) and RPC 5.5(a)(1). We dismiss, for lack of clear and convincing evidence, the allegation that she violated RPC 8.4(c). The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

Quantum of Discipline

Attorneys who practice law while suspended have received discipline ranging from a lengthy term of suspension to disbarment, depending on the presence of other misconduct, the attorney's disciplinary history, and aggravating or mitigating factors. See, e.g., Gonzalez, __ N.J. __, 2022 N.J.

LEXIS 996 (one-year suspension for an attorney who, during a three-month term of suspension, called the Motor Vehicle Commission (the MVC) on behalf of a friend whose driver's license had been suspended, identified himself as an attorney, and requested information on how to adjourn the friend's MVC hearing; thereafter, the attorney accompanied his friend, in a representative capacity, to the hearing, where the attorney presented an MVC employee with a business card of another lawyer with an active law license; following the attorney's failure to confirm his identity, the attorney left the MVC; prior 1995 reprimand, 2012 admonition, and 2017 three-month suspension); In re Choi, 249 N.J. 18 (2021) (on a motion for reciprocal discipline, two-year suspension for an attorney who, following his indefinite suspension in New York for federal criminal convictions for money laundering and submitting false statements to federal authorities, represented a client, in New York state court, where he falsely certified that he was admitted to practice in that state; the attorney also maintained a law firm website that improperly claimed that he was admitted to practice in New York; finally, the attorney failed to comply with New York's affidavit of compliance rule for suspended or disbarred attorneys); In re Kim, 241 N.J. 350 (2020) (Kim I) (three-year suspension for an attorney who, following his temporary suspension for refusing to cooperate with the OAE's financial audit, continued to practice law by representing one client in

connection with his purchase of a liquor license and a second client in connection with a real estate transaction; the attorney also failed to comply with R. 1:20-20 following his temporary suspension and refused to comply with a separate Court Order requiring that he disclose his financial records to the OAE; prior 2015 censure); In re Kim, __ N.J. __ (2022), 2022 N.J. LEXIS 1068 (Kim II) (attorney disbarred, in a default matter, for practicing while suspended for almost three-and-a-half years following his temporary suspension, in connection with sixteen small business loan closings before the United States Small Business Administration; during each loan closing, the attorney falsely certified that he maintained an active New Jersey law license; the attorney also ignored the OAE's communications, spanning several months, which required him to reply to the ethics grievance; prior 2015 censure and 2020 three-year suspension underlying the Kim I matter).

In our view, respondent's misconduct is more severe than that of the attorneys in Gonzalez and Choi, who received one- and two-year suspensions, respectively, for minimally practicing law while suspended. By contrast, respondent repeatedly advocated for Toole's positions, while suspended, before multiple tribunals and in correspondence to RBL.

Based upon the foregoing disciplinary precedent, respondent's misconduct could be met with a term of suspension of two or three years. To

craft the appropriate discipline in this case, however, we also consider mitigating and aggravating factors.

There is no mitigation to consider.

In aggravation, unlike in Gonzalez and Choi, wherein we did not expressly determine that the attorneys' conduct resulted in any ultimate harm to their respective clients, respondent appeared to have engaged in a serious conflict of interest that resulted in significant harm to Toole. Although the OAE did not charge respondent with having violated RPC 1.7(a)(2) (engaging in a concurrent conflict of interest) and RPC 1.8(a) (engaging in an improper business transaction with a client),¹¹ we find that respondent's significant financial contributions into SA Lyons – her joint business venture with Toole – coupled with her status as an unsecured claimant in Toole's bankruptcy matter, materially limited her ability to advocate for Toole's interests, including while suspended, in connection with those matters. See In re Steiert, 220 N.J. 103 (2014) (evidence of unethical conduct contained in the record can be considered in aggravation, even though such unethical conduct was not charged in the formal ethics complaint).

¹¹ Colo. RPC 1.7(a)(2) and Colo. RPC 1.8(a) are substantially identical to New Jersey RPC 1.7(a)(2) and RPC 1.8(a).

Specifically, between January and February 2021, respondent filed at least two claims against Toole’s bankruptcy estate, totaling more than \$180,000, for unpaid legal fees. Previously, however, between June and December 2020, respondent had billed Toole for providing legal services connected to her bankruptcy matter. Subsequently, between October and at least November 2021, respondent – who remained a bankruptcy claimant – provided legal and strategic advice to Toole and advocated for her positions before the bankruptcy trustee and in the related judicial foreclosure matter.

Meanwhile, in September 2021, respondent advised Toole to execute a quitclaim deed, transferring her interest in the Lyons Property to SA Lyons, an entity which, pursuant to the operating agreement, increased a member’s ownership interest in that business based on the member’s “monetary contributions.” Thereafter, in September and November 2021, respondent repeatedly encouraged Toole to execute a deed of trust, in order to create a lien on the Lyons Property, in favor of respondent, reflecting the nearly \$400,000 in respondent’s personal funds that she had used to satisfy the Williams DOT and to fund Toole’s bid to repurchase her interest in the property at the bankruptcy auction.

In our view, respondent was in no position to provide unconflicted legal services or advice to Toole – her financially destitute former client – after she

had (1) entangled herself in Toole’s financial liabilities, (2) encouraged Toole to encumber and divest her interest in the Lyons Property for respondent’s benefit, and (3) become a creditor in Toole’s bankruptcy matter.

As Toole’s testimony during the Colorado ethics hearing reflects, she appeared to recognize the existence of the conflict, stressing that she did not “know what the best course of action was. And I didn’t trust that [respondent] knew at that point because she was . . . a biased party in terms of being panicked and having so much money invested.” Indeed, Toole emphasized that she sought the advice of an independent Colorado attorney after respondent had encouraged her to execute the deed of trust.

As the OPDJ determined, respondent’s misconduct resulted in serious harm to Toole, whom respondent not only embroiled in prolonged litigation but also named as a defendant in a February 2023 District Court lawsuit, accusing her of failing to “execute a deed and a deed of trust.” Similarly, her conduct forced RBL to incur at least \$85,000 in unnecessary legal fees to resolve the litigation connected to the Lyons Property. Had respondent declined to leverage her suspended Colorado law license to engage in a conflicted business venture with a vulnerable, financially destitute client, the harm to Toole and the needless expense to RBL could have been avoided.

In further aggravation, this matter marks respondent's second New Jersey reciprocal discipline matter, in just two years, in which she has engaged in misconduct toward Colorado tribunals. Indeed, her unauthorized practice of law in this matter occurred on the heels of her June 2021, three-year suspension in that jurisdiction. Despite her heightened awareness of her ethical obligations, respondent refused to adhere to the restrictions placed upon her law license. Her continued inability to participate in the litigation process in good faith, thus, establishes that she clearly has failed to utilize her experiences with the disciplinary system as a foundation for reform. See In re Zeitler, 182 N.J. 389, 398 (2005) (“[d]espite having received numerous opportunities to reform himself, [the attorney had] continued to display his disregard, indeed contempt, for our disciplinary rules and our ethics system”).

Finally, respondent altogether failed to express any remorse for her misconduct, either during the Colorado ethics proceedings or in the instant New Jersey reciprocal discipline matter. Rather, she has continued to collaterally attack both her disbarment in Colorado and the District Court's determination that she had no enforceable interest in the Lyons Property.

Conclusion

On balance, weighing the substantial aggravating factors against the lack of any mitigation, we determine, consistent with disciplinary precedent for practicing law while suspended, that a three-year suspension is the appropriate quantum of discipline necessary to protect the public and preserve confidence in the bar.

Vice-Chair Boyer and Member Campelo were absent.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board
Hon. Mary Catherine Cuff, P.J.A.D. (Ret.),
Chair

By: /s/ Timothy M. Ellis
Timothy M. Ellis
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Angelique Layton Anderson
Docket No. DRB 25-184

Argued: October 23, 2025

Decided: January 30, 2026

Disposition: Three-Year Suspension

<i>Members</i>	Three-Year Suspension	Absent
Cuff	X	
Boyer		X
Campelo		X
Hoberman	X	
Menaker	X	
Modu	X	
Petrou	X	
Rodriguez	X	
Spencer	X	
Total:	7	2

/s/ Timothy M. Ellis
Timothy M. Ellis
Chief Counsel