

People v. Josue David Hernandez. 17PDJ079. November 6, 2018.

The Presiding Disciplinary Judge publicly censured Josue David Hernandez (attorney registration number 44509) on November 6, 2018.

In May 2017, the United States Court of Appeals for the Tenth Circuit issued an order directing Hernandez to show cause why he should not be sanctioned under the Tenth Circuit's attorneys disciplinary rules. In that order, the Tenth Circuit panel described Hernandez's pattern of "unreasonably" increasing "the cost of litigation" in an appeal by filing "prolix, redundant, meandering pleadings" and ignoring "the repeated suggestion that briefs . . . be kept to a reasonable length." The panel observed that, among other things, Hernandez had filed "an unauthorized 72-page brief to the notice of appeal" and that Hernandez had unreasonably increased the cost of litigation on three occasions.

After Hernandez responded to the show cause order, the Tenth Circuit panel entered a sanctions order in July 2017, publicly admonishing him for violating the Tenth Circuit's attorney disciplinary rules.

The Office of Attorney Regulation Counsel sought the same discipline in Colorado as that imposed by the Tenth Circuit, and Hernandez challenged the request for reciprocal discipline. The Presiding Disciplinary Judge concluded in an order granting summary judgment that Hernandez's misconduct constitutes grounds for the imposition of reciprocal discipline in Colorado under C.R.C.P. 251.21(e). The Colorado Supreme Court affirmed on October 26, 2018.