

People v. Peter D. Menges. 21PDJ008. September 14, 2021.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Peter D. Menges (attorney registration number 28750) for ninety days, all to be stayed upon the successful completion of a three-year period of probation, with extensive monitoring conditions. If Menges violates his probationary conditions and serves the ninety-day suspension, he will be required to petition for reinstatement under C.R.C.P. 251.29(c). The probation took effect February 23, 2021. By stipulation of the parties, the probationary period restarted on September 14, 2021, after Respondent self-reported two instances of noncompliance with his probationary conditions.

Menges has an alcohol use disorder. From 2012, he maintained sobriety for periods of time but then would drink again. In October 2016, while acting as alternative defense counsel for a client facing criminal charges, Menges appeared at a proffer meeting exhibiting indicia of intoxication. He also may have exhibited similar indicia at various court proceedings predating the proffer meeting. Menges was admitted to an inpatient alcohol treatment center for five weeks in autumn 2016 and thereafter was monitored. He sent his monitoring reports to disciplinary authorities. He remained sober until August 2017, when he relapsed.

In October 2017, a deputy district attorney reported that Menges appeared for a criminal hearing exhibiting a strong odor of alcohol, bloodshot watery eyes, and a shaky and disheveled appearance. The following week, a similar incident occurred. In November 2017, Menges appeared in court as alternative defense counsel smelling like alcohol, sweating, and looking disheveled. The judge asked him to submit to a portable breath test, but Menges refused and got angry. His client's matter was continued.

Menges began a second round of inpatient treatment in late November 2017. When released, he attended AA meetings, took Antabuse, and tested on a Soberlink device several times per day. He sent the test results to disciplinary authorities for an eighteen-month period. During that time, he largely maintained his sobriety, with some isolated relapses. He experienced a more significant relapse in spring 2020 and began a third inpatient alcohol treatment program in April 2020, followed by an intensive outpatient program.

In December 2020, Menges appeared in federal district court via videoconference for a client's sentencing hearing. Menges seemed to be under the influence of alcohol during that hearing. Then, in January 2021, disciplinary authorities received a report that Menges was apparently impaired during another remote sentencing hearing in state court. The prosecutor noted her concerns with proceeding to sentencing, and the court continued the hearing. Menges failed to respond for several days to requests from disciplinary authorities to perform an alcohol test.

Through this conduct, Menges violated Colo. RPC 8.4(d) (it is professional misconduct for a lawyer to engage in conduct prejudicing the administration of justice).

The case file is public per C.R.C.P. 251.31.