

*People v. Lance Phillip Timbreza. 23PDJ028. June 7, 2023.*

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and publicly censured Lance Phillip Timbreza (attorney registration number 38229), effective June 7, 2023. Timbreza must also complete a sexual harassment awareness and prevention program within one year's time.

Timbreza was serving as a judicial officer in June 2022, when he attended a Colorado Bar Association conference at a mountain hotel complex. On the conference's first night, eight of the attendees, including Timbreza and a younger lawyer, gathered in the hotel lobby for an informal social gathering. Most members of the group were drinking alcohol. Several witnesses reported that Timbreza became visibly intoxicated around midnight. During the gathering, Timbreza privately made repeated sexual propositions to the lawyer, including requests that they leave the gathering together to go to the lawyer's hotel room by themselves. Timbreza used his cell phone to show the lawyer at least one pornographic image. Timbreza believed he had the lawyer's permission to show the picture, but the lawyer disagrees. Several witnesses reported that the lawyer appeared comfortable with Timbreza initially but that, as Timbreza became more intoxicated, the lawyer appeared uncomfortable and tense when talking to Timbreza. Some witnesses also reported that both looked at a cell phone for a couple of minutes and appeared to be sitting very close together.

The lawyer reported being nervous about Timbreza's overtures and attempted to politely decline, rather than forcefully reject, them. Ultimately, at the end of the evening, Timbreza and the lawyer went to the lawyer's hotel room. On the way, Timbreza kissed the lawyer, who did not want the kiss but did not physically stop Timbreza or tell him no. Timbreza entered the lawyer's hotel room. The lawyer did not try to stop Timbreza from entering his room or tell him no. What happened next is unclear, as Timbreza and disciplinary authorities have agreed not to detail those disputed facts. Timbreza acknowledges that his alcohol consumption that night compromised his judgment and his ability to objectively perceive events, and he recognizes his conduct was inappropriate.

Through this reckless conduct, Timbreza violated Colo. RPC 8.4(i) (providing that it is professional misconduct for a lawyer to engage in conduct the lawyer knows or reasonably should know constitutes sexual harassment where the conduct occurs in connection with the lawyer's professional activities).

The case file is public per C.R.C.P. 242.41(a).