

SUPREME COURT, STATE OF COLORADO

ORIGINAL PROCEEDING IN DISCIPLINE
BEFORE THE PRESIDING DISCIPLINARY JUDGE
1560 Broadway, Suite 675
Denver, Colorado 80202

Complainant:
THE PEOPLE OF THE STATE OF COLORADO

Respondent:
ROBERT T. MCALLISTER

Katrin Miller Rothgery, #35717
Assistant Regulation Counsel
Attorney for Complainant
1560 Broadway, Suite 1800
Denver, Colorado 80202
Telephone: (303) 866-6577
Fax No.: (303) 893-5302

Robert T. McAllister, #10350
Respondent
5845 W. Mansfield Ave.
Unit 259
Denver, CO 80235
Telephone: (303) 478-3287

FILED

JUN 06 2011

PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF COLORADO

▲ COURT USE ONLY ▲

Case Number:

11 PDJ 048

**STIPULATION, AGREEMENT AND AFFIDAVIT CONTAINING THE
RESPONDENT'S CONDITIONAL ADMISSION OF MISCONDUCT**

On this 6th day of June, 2011, Katrin Miller Rothgery, Assistant Regulation Counsel and attorney for Complainant, and Robert T. McAllister, Respondent, enter into the following Stipulation, Agreement, and Affidavit Containing Respondent's Conditional Admission of Misconduct ("Stipulation") and submit the same to the Presiding Disciplinary Judge for his consideration.

RECOMMENDATION: Disbarment.

1. Respondent has taken and subscribed the oath of admission, was admitted to the bar of this Court on May 30, 1980, and is registered as an attorney upon the official records of this Court, registration no. 10350. Respondent is subject to the jurisdiction of this Court and the Presiding Disciplinary Judge in these proceedings.

2. Respondent enters into this Stipulation freely and voluntarily. No promises have been made concerning future consideration, punishment, or lenience in the above-referenced matter. It is Respondent's personal decision, and Respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

3. This matter has not become public under the operation of C.R.C.P. 251.31(c) as amended. However, Respondent specifically acknowledges that, if the Presiding Disciplinary Judge should decide to accept this Stipulation, and impose the agreed-to discipline contained herein, then this Stipulation and the discipline imposed will be matters of public record.

4. Respondent is familiar with the rules of the Colorado Supreme Court regarding the procedure for discipline of attorneys and with the rights provided by those rules. Respondent acknowledges the right to a full and complete evidentiary hearing on the above-referenced complaint. At any such hearing, Respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by Complainant. At any such formal hearing, Complainant would have the burden of proof and would be required to prove the charges contained in the complaint with clear and convincing evidence. Nonetheless, having full knowledge of the right to such a formal hearing, Respondent waives that right.

5. Respondent and Complainant specifically waive the right to a hearing pursuant to C.R.C.P. 251.22(c)(1).

6. Respondent and Complainant stipulate to the following facts and conclusions:

The MNT Matter

a. Respondent represented MNT Enterprises, LLC ("MNT"), in litigation against MNT's insurer.

b. During the course of the litigation, the insurer issued a check to MNT Enterprises, which was characterized by the insurer as a "premium refund." The check was payable to "MNT Enterprises" in the amount of \$5,255.43.

c. The principals of MNT were hesitant to cash the premium refund check, fearing that acceptance of the payment could be viewed as a waiver of their claims against the insurance company. Respondent disagreed that acceptance of the refund could operate as a waiver of any claims. Respondent told MNT he wanted to cash the check to use part of the funds for payment of costs related to the litigation and indicated part of the funds would

also be provided to MNT.

d. After conferring with Respondent, MNT decided not to cash the premium refund check.

e. Thereafter, without discussing the matter further with MNT, Respondent contacted the insurer and asked the insurer to re-issue the check. The second check was payable to "Robert T. McAllister, P.C. and MNT Enterprises" in the amount of \$5,255.43.

f. Respondent endorsed the check "For Deposit Only Robert McAllister" and deposited it into his operating account.

g. Respondent then used the \$5,255.43 for miscellaneous operating expenses.

The Vickery Matter

h. Respondent represented Terry Vickery in various litigation matters between approximately 2000 and 2011, including litigation pending in Jefferson County District Court ("the Jeff Co litigation").

i. In October 2010, Mr. Vickery transferred \$100,000 to Respondent's COLTAF account. These funds were subject to an Order freezing all assets of the Vickerys that was issued by the Jefferson County District Court in September 2010. Respondent represented Mr. Vickery in the Jeff Co litigation and was aware of the September 2010 order.

j. Within a matter of days, Respondent transferred approximately \$80,000 of Mr. Vickery's funds to his operating account and then used the funds to pay a personal creditor.

k. At the same time, Respondent transferred approximately \$20,000 of Mr. Vickery's funds to an account owned by Steamboat Skyglass Lodge, LLC, an entity controlled by Respondent.

l. Respondent did not have authorization from Mr. Vickery to take possession of the \$100,000 and use it for personal expenses.

m. Respondent did not obtain relief from the September 2010 order freezing the Vickerys' assets prior to taking possession of and using the \$100,000.

7. Through Respondent's conduct described above, Respondent has engaged in conduct constituting grounds for the imposition of discipline pursuant to C.R.C.P. 251.5. Respondent has also violated Colo. RPC 3.4(c)

and 8.4(c).

8. Pursuant to C.R.C.P. 251.32, Respondent agrees to pay costs in the amount of \$104.34 (a copy of the statement of costs is attached hereto as **Exhibit A**) incurred in conjunction with this matter within thirty (30) days after acceptance of the Stipulation by the Presiding Disciplinary Judge, made payable to Colorado Supreme Court Attorney Regulation Offices. Respondent agrees that statutory interest shall accrue from the date that the Presiding Disciplinary Judge accepts this Stipulation. Should Respondent fail to make payment of the aforementioned costs and interest within (30) days, Respondent specifically agrees to be responsible for all additional costs and expenses, such as reasonable attorney fees and costs of collection incurred by Complainant in collecting the above stated amount. Complainant may amend the amount of the judgment for the additional costs and expenses by providing a motion and bill of costs to the Presiding Disciplinary Judge, which identifies this paragraph of the Stipulation and Respondent's default on the payment.

9. This Stipulation is premised and conditioned upon acceptance of the same by the Presiding Disciplinary Judge. If for any reason the Stipulation is not accepted without changes or modification, then the admissions, confessions, and Stipulations made by Respondent will be of no effect. Either party will have the opportunity to accept or reject any modification. If either party rejects the modification, then the parties shall be entitled to a full evidentiary hearing; and no confession, Stipulation, or other statement made by Respondent in conjunction with this offer to accept discipline of disbarment may be subsequently used. If the Stipulation is rejected, then the matter will be heard and considered pursuant to C.R.C.P. 251.18.

10. The Office of Attorney Regulation Counsel has notified or will notify shortly after the parties sign this agreement, the complaining witnesses in the matters of the proposed disposition.

PRIOR DISCIPLINE

11. On November 29, 2004, Respondent received an order of public censure, pursuant to stipulation. A copy of the order and stipulation are attached hereto as **Exhibit B**.

ANALYSIS OF DISCIPLINE

12. Pursuant to American Bar Association *Standards for Imposing Lawyer Sanctions* 1991 and Supp. 1992 ("ABA Standards"), §3.0, the Court should consider the following factors generally:

a. The duty violated: Respondent violated his duty of honesty to his clients and his duty to preserve his clients' property when he converted his

clients' funds. Respondent also violated his duty to obey the obligations and rules of a tribunal.

b. The lawyer's mental state: knowing.

c. The actual or potential injury caused by the lawyer's misconduct: Respondent's clients were actually injured in that they were deprived of funds that rightfully belonged to them.

d. The existence of aggravating or mitigating factors: Factors in aggravation which are present include: prior disciplinary offenses; dishonest or selfish motive; a pattern of misconduct; multiple offenses; and substantial experience in the practice of law, ABA *Standards* §9.22(a), (b), (c), (d), and (i). Factors in mitigation include: full and free disclosure to the disciplinary board/cooperative attitude toward proceedings and remorse, ABA *Standards* §9.32(e) and (l).

13. Pursuant to ABA *Standard* §4.1, disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client. Consistent with the ABA *Standard*, the Colorado Supreme Court has held that in the absence of significant mitigating factors, disbarment is the appropriate sanction for knowing conversion of client funds in violation of Colo. RPC 8.4(c). *In re Haines*, 177 P.3d 1239, 1250 (Colo. 2008). *See also People v. Varallo*, 913 P.2d 1, 10-11 (Colo.1996) (the presumed sanction for knowing conversion of client funds is disbarment, regardless of whether the lawyer intended to permanently deprive the client of those funds); *People v. Lefty*, 902 P.2d 361, 364 (Colo. 1995) (characterizing the imposition of disbarment as "virtually automatic" where an attorney has knowingly converted client funds).

14. Considering all of the factors described above, as applied to this case, disbarment is the appropriate sanction for Respondent's misconduct.

RECOMMENDATION FOR AND CONSENT TO DISCIPLINE

Based on the foregoing, the parties hereto recommend that Respondent be disbarred. Respondent consents to the imposition of disbarment. The parties request that the Presiding Disciplinary Judge order that the effective date of such discipline be 31 days after the date of entry of the order.

Robert T. McAllister, Respondent; and Katrin Miller Rothgery, attorney for Complainant, acknowledge by signing this document that they have read and reviewed the above and request the Presiding Disciplinary Judge to accept the Stipulation as set forth above.

Robert T. McAllister

Robert T. McAllister
5845 W. Mansfield Ave.
Unit 259
Denver, CO 80235
Telephone: (303) 478-3287

STATE OF COLORADO)
) ss.
COUNTY OF)

Subscribed and sworn to before me this 6th day of June, 2011, by Robert T. McAllister, respondent.

Witness my hand and official seal.

My commission expires: 7/26/11



My Commission Expires 07/26/2011

Kevin Hanks

Notary Public

Margaret B. Funk for Ms. Rothgery
Katrin Miller Rothgery
Assistant Regulation Counsel
1560 Broadway, Suite 1800
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(303) 866-6577

Katrin Miller Rothgery
Assistant Regulation Counsel
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Attorney for Complainant

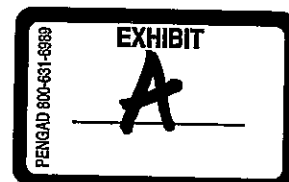
Statement of Costs

Robert T. McAllister


11-00128/11-00147

11-00137/11-00951

4/15/2011	Contempt Hearing Mileage/DS	13.34
6/1/2011	Adminstrative Fee	<u>91.00</u>
	Total Due	\$ 104.34



**Colorado Supreme Court Attorney Regulation
TRAVEL REIMBURSEMENT REQUEST FORM**


Payee:  Please Print

Attach receipts for expenditures over \$25

Date MM/DD/YY	Case No.	Purpose (E.g. deposition, training, meeting)	Mileage		Transp. (E.g. payments for airfare, car rental, cab, bus)	Lodging/ parking/ tolls	Meals			Grand Totals	
			#	Rate			Breakfast	Lunch	Dinner		Total
04/15/11	11-00128	Attend contempt hearing <i>McQuinn</i>	29	0.46	\$ 13.34					\$ -	\$ 13.34
			-	0.46	\$ -					\$ -	\$ -
				0.46	\$ -					\$ -	\$ -
				0.46	\$ -					\$ -	\$ -
				0.46	\$ -					\$ -	\$ -
Totals			29	0.46	\$ 13.34	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 13.34

Purpose of Trip(s):	Amount
Attend Respondent's contempt hearing	
Other Expenditures:	
Total Reimbursement	\$ 13.34

I certify that the statements in the above schedule are true and just in all respects; that payment of the amounts claimed herein has not and will not be reimbursed to me from any other sources; that travel performed for which reimbursement is claimed was performed by me on State business and that no claims are included for expenses of a personal or political nature or for any other expenses not authorized by fiscal rules; and that I actually incurred or paid the operating expenses of the motor vehicle for which reimbursement is claimed on a mileage basis.

Payee Signature:  Date: 4/26/11
 Approval Signature: _____ Attorney Regulation Counsel Date _____

For Accounting Use:				
General	Trans.	Meals	Mileage	Other
52510	52511	52512	52513	Total
7/6 \$ -	\$ -	\$ -	\$ 13.34	\$ -
				\$ 13.34

00-9001

<p style="text-align: center;">SUPREME COURT, STATE OF COLORADO</p> <p style="text-align: center;">ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 600 17TH STREET, SUITE 510-S DENVER, CO 80202</p>	<p style="text-align: center;">RECEIVED</p> <p style="text-align: center;">NOV 29 2004</p> <p style="text-align: center;">ATTORNEY REGULATION</p>
<p>Complainant: THE PEOPLE OF THE STATE OF COLORADO,</p> <p>Respondent: ROBERT T. McALLISTER.</p>	<p>Case Number: 04PDJ103</p>
<p style="text-align: center;">ORDER APPROVING CONDITIONAL ADMISSION AND IMPOSING SANCTIONS</p>	

On November 15, 2004, James S. Sudler, counsel for the People, Joseph M. Elio, Respondent's counsel and Robert T. McAllister, Respondent, have submitted a Stipulation, Agreement and Affidavit Containing the Respondent's Conditional Admission of Misconduct ("Conditional Admission") for consideration by the Presiding Disciplinary Judge ("PDJ") under C.R.C.P. 251.22. In this Conditional Admission, the Parties waive their right to a hearing under C.R.C.P. 251.22(c).

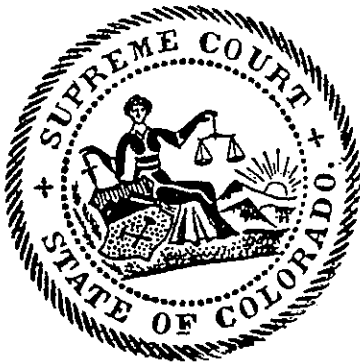
The PDJ, having reviewed the case file and the Conditional Admission and being fully advised of the issues presented, enters the following Order:


1. The Conditional Admission is accepted and approved.
2. **Robert T. McAllister, Attorney Registration No 10350 is publicly censured** with the following condition:
 - A. The Respondent shall attend and successfully pass the one-day Ethics School sponsored by the Office of Attorney Regulation Counsel within one year of the date of this Order and pay all costs associated therewith. The Respondent shall register and pay the costs of Ethics School within thirty (30) days of the date of this Order.
3. Pursuant to C.R.C.P. 251.32, the Respondent shall pay costs in the amount of \$91.00 incurred in conjunction with this matter within thirty (30) days of the date of this Order, made payable to Colorado Supreme Court Attorney Regulation Offices. Statutory interest shall accrue from the date of this Order. Should Respondent fail to make payment of the



aforementioned costs and interest within thirty (30) days, Respondent shall be responsible for all additional costs and expenses, such as reasonable attorney fees and costs of collection incurred by the Complainant in collecting the above stated amount. Complainant may amend the amount of the judgment for the additional costs and expenses by providing a motion and bill of costs to the Presiding Disciplinary Judge.

THIS ORDER IS ENTERED THE 29TH DAY OF NOVEMBER, 2004.





WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

Respondent's Counsel

Joseph M. Elio
675 Kalamath Street
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Via First Class Mail

IRS, Office of Professional Responsibility

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SE: OPR, 1111, Constitutional Ave., N.W.
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c/o Susan Berry
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Board of Continuing Legal Education

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Denver, CO 80202

Via Hand Delivery

Supreme Court of the United States

Perry Thompson
Admissions Office
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Washington, D.C. 20543

Via First Class Mail

Colorado Attorney Registration

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Denver, CO 80202

Via Hand Delivery

United States Bankruptcy Court

Brad Bolton
721 19th Street, Room 117
Denver, CO 80202-2508

Via First Class Mail

Colorado Bar Association

Charles Turner
Executive Director
1900 Grant Street, Suite 950
Denver, CO 80203-4309

Via First Class Mail

**United States Court of Appeals
for the Tenth Circuit**

Byron White United States Courthouse
1823 Stout Street
Denver, CO 80257

Via First Class Mail

Colorado Supreme Court

Susan Festag
2 East 14th Ave., 4th Floor
Denver, CO 80203

Via Hand Delivery

**United States District Court,
District of Colorado**

Alfred A. Arraj U.S. Courthouse
Sabrina Qureshi
901 19th Street, Room A-105
Denver, CO 80294-3589

Via First Class Mail

NOV 10 2004

SUPREME COURT, STATE OF COLORADO

ORIGINAL PROCEEDING IN DISCIPLINE
BEFORE THE PRESIDING DISCIPLINARY JUDGE
600 17th Street, Suite 510-South
Denver, Colorado 80202

Complainant:
THE PEOPLE OF THE STATE OF COLORADO

Respondent:
ROBERT T. McALLISTER.

JAMES S. SUDLER, #08019
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Attorney for Complainant
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FILED

NOV 15 2004

PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF COLORADO

▲ COURT USE ONLY ▲

Case Number:

04PDJ 103

**STIPULATION, AGREEMENT AND AFFIDAVIT CONTAINING THE
RESPONDENT'S CONDITIONAL ADMISSION OF MISCONDUCT**

On this 15th day of Nov., 2004, James S. Sudler, Assistant Regulation Counsel and attorney for the complainant, Joseph M. Elio, attorney for respondent, and Robert T. McAllister, the respondent enter into the following stipulation, agreement, and affidavit containing the respondent's conditional admission of misconduct ("stipulation") and submit the same to the Presiding Disciplinary Judge for his consideration.

RECOMMENDATION: Public Censure with agreement to attend Ethics School.

1. The respondent has taken and subscribed the oath of admission, was admitted to the bar of this court on May 10, 1980, and is registered as an attorney upon the official records of this court, registration number 10350. The

respondent is subject to the jurisdiction of this court and the Presiding Disciplinary Judge in these proceedings.

2. The respondent enters into this stipulation freely and voluntarily. No promises have been made concerning future consideration, punishment, or lenience in the above-referenced matter. It is the respondent's personal decision, and the respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

3. This matter has not become public under the operation of C.R.C.P. 251.31 as amended; however, respondent acknowledges that, if the Presiding Disciplinary Judge should decide to impose public discipline upon respondent, this stipulation would thereby become public.

4. The respondent is familiar with the rules of the Colorado Supreme Court regarding the procedure for discipline of attorneys and with the rights provided by those rules. The respondent acknowledges the right to a full and complete evidentiary hearing on the above-referenced complaint. At any such hearing, the respondent would have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by the complainant. At any such formal hearing, the complainant would have the burden of proof and would be required to prove the charges contained in the complaint with clear and convincing evidence. Nonetheless, having full knowledge of the right to such a formal hearing, the respondent waives that right.

5. The respondent and the complainant stipulate to the following facts and conclusions:

a. Linda Baker sued respondent McAllister in U.S. District Court in Denver.

b. Ms. Baker alleged that in 1996 respondent McAllister hired her as a consultant in a case he was going to file against three companies. Those companies had allegedly polluted the ground water in Casper, Wyoming.

c. In March 1996 respondent McAllister sent a letter to Ms. Baker about hiring her as a consultant. Respondent McAllister stated in his letter that he would compensate Ms. Baker for her past work as well as future work.

d. Ms. Baker had educated herself about ground water pollution in the Casper area. She and respondent McAllister had met during

an earlier case. She was well known in the area. She is not professionally trained.

e. In 1996, respondent McAllister on behalf of clients sued three companies. Eventually after much work and litigation, the case settled and respondent McAllister received his attorney fees.

f. After some correspondence, respondent McAllister received a bill from Ms. Baker for her services on April 15, 1997. Her total bill was about \$158,000 that included primarily time and work she had done before respondent McAllister hired her. According to respondent McAllister, she was asked to document her work, but she never did so. During the time she was working on the case in 1996, she communicated more with a partner of respondent, Brad Holmes rather than with respondent McAllister. During 1996, Ms. Baker sent letters to the firm on about a monthly basis stating what her total hours had been and what her costs were. The firm did reimburse her monthly for her costs.

g. Respondent McAllister thought that Ms. Baker's bill was a joke because of the size of the bill and the lack of documentation. He did not think that Ms. Baker had added anything to the case. He discussed with co-counsel whether they should pay Ms. Baker. Respondent McAllister decided not to pay her.

h. Ms. Baker sued respondent McAllister and his firm McAllister and Murphy, P.C. The jury answered specific interrogatories. The jury found that Ms. Baker had performed work under the March 6, 1996, contract; that the firm had failed to compensate her; that by clear and convincing evidence respondent McAllister had knowingly made a false representation of material fact to Ms. Baker to induce her to take action; and that Ms. Baker had believed the misrepresentation. The jury awarded damages against the firm of \$158,720. The jury awarded \$100,000 against respondent McAllister but the judge later reduced that to about \$32,000.

i. The respondent stated that he objected to paying Ms. Baker because she never provided detail as to what she did for the case.

j. There are two judgments in this case, one against the respondent personally for about \$35,000 and the other against his firm for about ~~\$138~~¹³⁸,000. Respondent McAllister has paid the judgment against him. Respondent McAllister's firm, of which there are two shareholders, has paid ~~\$130,000~~ to settle the judgment against the firm.

JSS
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k. Through the respondent's conduct described above, the respondent has engaged in conduct constituting grounds for the imposition of discipline pursuant to C.R.C.P. 251.5. The respondent has also violated Colo. RPC 8.4(c).

7. Pursuant to C.R.C.P. 251.32, the respondent agrees to pay costs in the amount of \$91 incurred in conjunction with this matter within thirty (30) days after acceptance of the stipulation by the Presiding Disciplinary Judge, made payable to Colorado Supreme Court Attorney Regulation Offices. The respondent agrees that statutory interest shall accrue from the date that the Presiding Disciplinary Judge accepts this stipulation. Should the respondent fail to make payment of the aforementioned costs and interest within (30) days, the respondent specifically agrees to be responsible for all additional costs and expenses, such as reasonable attorney fees and costs of collection incurred by the complainant in collecting the above stated amount. The complainant may amend the amount of the judgment for the additional costs and expenses by providing a motion and bill of costs to the Presiding Disciplinary Judge, which identifies this paragraph of the stipulation and the respondent's default on the payment.

8. This stipulation is premised and conditioned that it will be accepted by the Presiding Disciplinary Judge. If for any reason the stipulation is not accepted without changes or modification, then the admissions, confessions, and stipulations made by the respondent will be of no effect. Either party will have the opportunity to accept or reject any modification. If either party rejects the modification, then the parties shall be entitled to a full evidentiary hearing; and no confession, stipulation, or other statement made by the respondent in conjunction with this offer to accept discipline of a public censure may be subsequently used. If the stipulation is rejected, then the matter will be heard and considered pursuant to C.R.C.P. 251.18.

PRIOR DISCIPLINE

None.

ANALYSIS OF DISCIPLINE

Pursuant to American Bar Association *Standards for Imposing Lawyer Sanctions* 1991 and Supp. 1992 ("ABA Standards"), §3.0, the Court should consider the following factors generally:

- a. The duty violated: Colo. RPC 8.4(c).
- b. The lawyer's mental state: knowing.

c. The actual or potential injury caused by the lawyer's misconduct: Ms. Baker had to sue respondent in court to be made whole.

d. The existence of aggravating or mitigating factors: Factors in aggravation which are present include: substantial experience in the practice of law, ABA Standards §9.22(i). Factors in mitigation include: absence of prior discipline; cooperative attitude; reputation; imposition of other penalties; and remorse. ABA Standards §9.32(a), (e), (g), (k) and (l).

Pursuant to ABA Standard §7.2, suspension could be considered to be appropriate in this case. That standard states: suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed to the profession and causes injury or potential injury to a client the public or the legal system. In this case however, the respondent has never been disciplined and has rectified the consequences of his misconduct. Therefore, the complainant believes that public censure rather than a stayed suspension is appropriate. Additionally, in contrast to some other cases, there is no need for monitoring of the respondent requiring a period of probation.

Considering all of the factors described above, as applied to this case, public censure is appropriate.

CONDITIONS

a. The respondent shall attend and successfully pass the one-day Ethics School sponsored by the Office of Attorney Regulation Counsel within one year of the date this stipulation is approved and pay all costs associated therewith. The respondent shall register and pay the costs of Ethics School within thirty (30) days of the date this stipulation is approved. Attendance at ethics school will count as 8 general CLE credits, including 7 ethics credits. The respondent may register for the class on-line at www.coloradosupremecourt.com, "Diversion Ethics School." Instructions for registering are on the registration form, or are available by e-mail to p.panfil@arc.state.co.us.


SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1560 BROADWAY, SUITE 675 DENVER, CO 80202	
Complainant: THE PEOPLE OF THE STATE OF COLORADO	Case Number: 11PDJ048
Respondent: ROBERT T. MCALLISTER	
ORDER APPROVING CONDITIONAL ADMISSION OF MISCONDUCT AND IMPOSING SANCTIONS PURSUANT TO C.R.C.P. 251.22	

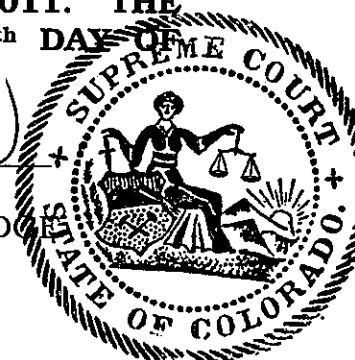
This matter is before the Presiding Disciplinary Judge ("the Court") on a "Stipulation, Agreement and Affidavit Containing the Respondent's Conditional Admission of Misconduct" filed by Katrin Miller Rothgery, Office of Attorney Regulation Counsel ("the People"), and Robert T. McAllister ("Respondent") on June 6, 2011. In this stipulation, the parties waive their right to a hearing under C.R.C.P. 251.22(c).

The Court, having reviewed the stipulation and being fully advised of the issues presented, **ORDERS** the following:

1. The stipulation is accepted and approved.
2. **ROBERT T. MCALLISTER, Attorney Registration No. 10350, is DISBARRED from the practice of law.**
3. Pursuant to C.R.C.P. 251.32, Respondent shall pay costs incurred in conjunction with this matter in the amount of \$104.34 within thirty days of the date of this order. Costs are payable to the Colorado Supreme Court Attorney Regulation Offices. Statutory interest shall accrue from the date of this order. Should Respondent fail to pay the aforementioned costs and interest within thirty days, Respondent shall be responsible for all additional costs and expenses, including reasonable attorney's fees, incurred by the People in collecting the above-stated amount. The People may amend the amount of the judgment for additional costs and expenses by providing a motion and bill of costs to the Court.

THIS ORDER IS ENTERED THE 7th DAY OF JUNE, 2011. THE EFFECTIVE DATE OF THE DISBARMENT IS THE 8th DAY OF JULY, 2011.


 WILLIAM R. LUCERO
 PRESIDING DISCIPLINARY JUDGE



Respondent

Robert T. McAllister
5845 W. Mansfield Ave., Unit 259
Denver, CO 80235

Via First Class Mail

Office of Attorney Regulation Counsel

Katrin Miller Rothgery
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Via Hand Delivery

American Bar Association

c/o Nadine Cignoni
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Colorado Supreme Court

Christopher T. Ryan
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Via Hand Delivery

IRS, Office of Professional Responsibility

Attn: Kathy Gibbs
SE: OPR, 1111, Constitutional Ave., N.W.
Washington, DC 20224

Via First Class Mail

Martindale Hubbell Law Directory

Attn: Joe Rudy, Rating Consultant
P.O. Box 31
New Providence, NJ 07974

Via First Class Mail

Metro Lawyer Referral Service

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Supreme Court of the United States

Perry Thompson
Admissions Office
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United States Bankruptcy Court

Brad Bolton
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**United States Court of Appeals
for the Tenth Circuit**

Byron White United States Courthouse
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**United States District Court,
District of Colorado**

Alfred A. Arraj U.S. Courthouse
Mark Fredrickson
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**U.S. Department of Justice,
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