



October 15, 2020

Employee ID # [REDACTED]

Emily Reisdorph
[REDACTED]

RE: Notification of 15-Day Suspension Disciplinary Action

Dear Emily:

This is official notification that you are being suspended without pay for 15 business days from your position with the City & County of Denver for engaging in misconduct in violation of the following Career Service Rules. Your suspension will begin on October 20, 2020 and will run until November 9, 2020. Your return to work date is November 10, 2020.

Rule 16-28 Grounds for Discipline

- D. Any act of dishonesty, which may include, but is not limited to, lying, or improperly altering or falsifying records, examination answers, or work hours.
- I. Failure to maintain satisfactory working relationships with co-workers and other individuals the employee interacts with as part of his or her job.
- N. Unauthorized deviation from scheduled shift including reporting to work after the scheduled start time of the shift, leaving work before the end time of the shift, or working unauthorized overtime.
- R. Conduct which violates the Career Service Rules, the City Charter, the Denver Revised Municipal Code, Executive Orders, written departmental or agency regulations, policies or rules, or any other applicable legal authority. When Citing this subsection, a department or agency must cite the specific regulation, policy or rule the employee has violated.

Performance Expectations for Attorneys January 2019

All PACE attorneys are expected to do the following

- 17. Practice ethical communication by working to resolve problems directly, sticking to facts, not telling stories, and not gossiping.
- 28. Represent the CAO in a respectful and professional manner at all times.

Attorneys working in courtrooms are expected to

3. Be respectful of the court, defendants, victims, witnesses and coworkers.

Telecommuting Guidelines and Expectations

3. You must complete at home the same work you would complete here.

Colorado Rule of Professional Conduct 8.3(a)

A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as lawyer in other respects, shall inform the appropriate professional authority.

T. Conduct which is or could foreseeably:

1. Be prejudicial to the good order and effectiveness of the department or agency;
2. Bring disrepute on or compromises the integrity of the City; or
3. Be unbecoming of a City employee.

You are employed by the City Attorney's Office ("CAO"), Prosecution and Code Enforcement Section ("PACE") as a Senior Assistant City Attorney. Your original hire date with CAO was August 16, 2010. You have been employed in the Senior Assistant City Attorney position since December 2017. According to the Career Service Job Specification, your position duties include, but are not limited to, providing full performance legal counsel to city officials and employees and legal representation in the prosecution of legal cases before administrative agencies, and trial and appellate courts. Your duties also include preparing cases for trial, developing motions and discovery documents and representing the City in those proceedings, as well as corresponding appellate briefing and argument.

The following is a summary, but not an exhaustive description, of the misconduct for which you are being disciplined:

Disrespect for PACE Leadership, PACE Attorneys & Colleagues

You have made comments that are disrespectful to CAO leadership. You have disparaged and unduly criticized the PACE Leadership Team ("PLT"), including myself, to colleagues in Microsoft Teams chats. You engaged in this behavior despite knowing it was unprofessional and inappropriate, writing to Senior Attorney [REDACTED] and Entry Attorney [REDACTED] on April 1, 2020 that you were scared the PLT might discover them. You wrote: "Is there any way that the City can get a copy of these chats?"; "If they keep these logs, wouldn't they be subject to CORA?"; "Can we set the chat history to purge?"; and "Not worried about you two (obviously), but suddenly feeling a little exposed."

On August 19, 2020 at 7:22 p.m., you wrote to [REDACTED], "I was just saying to [REDACTED] that we should delete all our chats to be on the safe side," "in case there is an investigation or law suit (sic) 😊."

Once it became clear that the PLT was pursuing potential discipline, you deleted comments to [REDACTED] and [REDACTED] in your Microsoft TEAMS chat history. Despite your attempt to hide or mitigate your conduct, many instances of your unprofessional and disparaging comments were preserved.

For example:

On January 12, 2020 at 9:43 p.m., you wrote to [REDACTED] about [REDACTED], a member of the PLT, saying, "If it makes you feel better, I got to correct [REDACTED] again today. She closed an additional discovery task without doing the discovery!!!"

On April 1, 2020 at 12:04 p.m., you wrote to [REDACTED], "This is a sensitive topic for me - [REDACTED] kept asking why we were drowning if [REDACTED] could make it work. We have 70 more trials/month and we get all the shit cases that [REDACTED] doesn't want."

On April 1, 2020 at 12:04 p.m., you complained that the PLT assigned a third attorney to Courtroom [REDACTED], not your courtroom, writing to [REDACTED], "So angry right now. [REDACTED] just told me that [REDACTED] is staying in [REDACTED]," "so pissed," and "And still no fucking paralegal." At 12:05 p.m., you wrote, "So the courtroom with the smallest docket gets 3 attorneys?" and "fuck them." At 12:06 p.m., you wrote, "fuck them," "I'm so done," and, "And I'm mourning the loss of my work/life balance."

On April 2, 2020 at 8:27 a.m., you wrote to [REDACTED] that you no longer cared about your work product, writing you were "deciding if I'm going to care going forward."

On April 2, 2020 at 9:36 a.m., you wrote to [REDACTED], "We've been shit on in 4A for months now."

On April 2, 2020 at 10:16 a.m., you wrote to [REDACTED], "I liked [REDACTED]. I've heard stuff from [REDACTED] (likely via [REDACTED]) about why she was let go," gossiping about Assistant Director [REDACTED]. At 10:19 a.m., you then wrote, "Then [REDACTED] hired someone that will likely be on her side - for everything."

On April 3, 2020 at 10:14 a.m., you complained to [REDACTED] and [REDACTED] that the PLT would not be willing to reduce the attorneys assigned to Excise and Licensing, writing, "[REDACTED] has to answer to the E&L client, so there's no way she's going to reduce them" and "She doesn't seem to care how we feel about it."

On April 7, 2020 at 11:29 a.m., you wrote to [REDACTED] and [REDACTED], "So in other fun news, they disabled [REDACTED]'s box and apparently assigned a paralegal without telling us ... a paralegal that started TODAY and it (is) totally up to speed, I'm sure."

On April 8, 2020 at 4:53 p.m., you advised [REDACTED] to annoy [REDACTED]. You wrote, "Just have lots of totally valid meeting with the door open. Be loud so [REDACTED] has to ask you to shut the door."

On April 13, 2020 at 11:28 a.m., you wrote to [REDACTED], "I'm torn on the frustration thing. I think we have more frustration (crap increases over time), but they interpret leadership as not having feelings."

On April 13, 2020 at 11:32 a.m., you wrote to [REDACTED], "As in: 'We let the office crap on you and your level of frustration was too high/too visible' ???"

On April 13, 2020 at 11:48 a.m., regarding PLT member [REDACTED], you wrote to [REDACTED], "Also, I think it is hilarious that [REDACTED] couldn't follow directions."

On April 15, 2020, I asked Assistant Director [REDACTED] and Assistant Director [REDACTED] to add the PLT to the "Attorney Chat" in Microsoft Teams to improve our responsiveness and effectiveness as a team. [REDACTED] added the PLT to the chat. At 11:15 a.m., you wrote to [REDACTED] and [REDACTED], "Why did [REDACTED] add supervisors to the Attorney chat?" At 11:18 a.m., you wrote to [REDACTED] and [REDACTED], "I sent him a separate message to ask if he really meant to do that." You then wrote, "I don't really want them in it" and "I told [REDACTED] that I think that will deter some of the discussion." When [REDACTED] responded, explaining the reasons we added the PLT to the group chat, you shared [REDACTED]'s response with [REDACTED] and [REDACTED] and, at 11:28 a.m., you wrote, "Now I'm not writing in it." At 11:32 a.m., [REDACTED] further wrote to you, "I hear you. The goal is really only to break down silos and encourage sharing as a team. If it ends up having the opposite effect, we can definitely discuss and reassess." After receiving this response, you wrote to [REDACTED] and [REDACTED], at 11:34 a.m., "I wish I could point out that his obnoxious posts have already been a deterrent and then he added the supervisors." At 11:36 a.m., you wrote to [REDACTED] and [REDACTED], "Let's all do our very best to not write in there. Let's see how long we can leave that as the last message. 😊."

On April 15, 2020, at 2:44 p.m., you wrote to [REDACTED] and [REDACTED], "Is that a new [REDACTED]-ism? Building a plane in-flight."

On April 15, 2020 at 11:24 a.m., you voiced concern about PLT being added to the attorney chat, saying, "I took them out – it now says their names in the removal," "it warned me that they could still have access to the history, and "So, depending on how [REDACTED] added the supervisors, they will have access to the history."

On April 16, 2020, at 3:25 p.m., you denigrated [REDACTED]'s attempt to incorporate evidentiary exercises into the trial-attorney meetings. The goal of these exercises was to strengthen our trial attorney's substantive knowledge of the rules of evidence – a topic of import in the courtrooms. Despite the fact that you are a senior attorney in a prosecutor's office, you yourself have admitted deficiency in this topic; for example, on February 28, 2020 at 2:10 p.m., you wrote to [REDACTED] (an entry attorney), "How do I lay foundation for the public record." In response to [REDACTED]'s exercise, you wrote [REDACTED] and [REDACTED] at 3:25 p.m., "Someone should tell him that as a supervisor, his 'optional' exercises are not optional," and at 3:26 p.m., you wrote, "And just because he geeks out on this stuff, doesn't mean that others do." You also wrote, "If he wants to be a professor, then he should go do that." You did not participate in the exercise and later wrote to [REDACTED] and [REDACTED] on April 24, 2020 at 12:56 p.m., "haha I told [REDACTED] that I had real work to do ...(I was cranky) and that they said it was optional, so I didn't do it."

On April 21, 2020 at 3:35 p.m., you complained to [REDACTED] and [REDACTED] about [REDACTED]. You wrote, "the first thing [REDACTED] said was that they want the seniors to step up in these hypes (sic)," "I said I understand, but that it was presented as optional and I still have plenty of other work to focus on," "She said she understood, but that we want the new people to feel welcome," "I basically admitted that I hadn't read the hypos," and "I'm getting more annoyed about my [REDACTED] call. She was really just calling to make sure I play nice on [REDACTED]'s pet project, then said it was for the new attorneys." At 4:14 p.m., you disparaged [REDACTED], writing to [REDACTED], "I get why it might be different for you, but if he didn't earn my respect as a colleague, why do I have to help him now?"

On April 29, 2020 at 3:14 p.m., you wrote to [REDACTED] and [REDACTED], "At the risk of being the Eeyore, did [REDACTED] say 'for all you planners' like it is a bad thing."

On May 5, 2020 at 8:42 a.m., you wrote to [REDACTED], "Sorry. [REDACTED] doesn't know what she's talking about, so she can't do it," regarding [REDACTED]'s ability to help with an appeal.

On May 5, 2020 at 2:14 p.m., regarding [REDACTED] asking about your computer information, you wrote to [REDACTED] and [REDACTED], "Fucking [REDACTED]." At 2:16 p.m., you further wrote, "She's sending passive aggressive emails that I have to send her info about my computer now. I told her I'd send it when the training was over," "she said now," "so I'm not." At 2:22 p.m., you wrote, "[REDACTED] is now texting me that I need to do it." Although you told [REDACTED] you could not respond because you were in training, you clearly had time to do so. You simply chose to chat and gossip with [REDACTED] and [REDACTED] instead.

On May 19, 2020, [REDACTED] and [REDACTED] asked the trial attorneys to call defendants in an effort to resolve cases and reduce the number of in-person court appearances in the face of a global pandemic. At 9:08 a.m., you wrote to [REDACTED] and [REDACTED], "this is a waste of time." At 9:13 a.m., you further wrote, "The more I look at these cases, the more angry I get" and "what a waste." At 9:19 a.m., you continued to complain about the PLT's direction, writing, "I am not finding any silver lining to this project."

On June 1, 2020 at 2:21 p.m., you wrote to [REDACTED] about PLT member [REDACTED], "I would let the [REDACTED] thing go. She covers herself (at all costs I think) and there's no reason to stir the pot with her and [REDACTED]."

On June 18, 2020 at 12:33 p.m., you engaged in a conversation with [REDACTED] and [REDACTED] making light of and encouraging a lawsuit against the City. You admitted, however, "I don't have any basis to sue the city yet." (emphasis added).

On June 19, 2020 at 10:37 a.m., you complained to [REDACTED] about [REDACTED]'s supervision of [REDACTED], saying, "It really annoys me that the (sic) let [REDACTED] skip out on her arraignment docket – They should have us cover on T, W, or R when we have more bodies so she can cover the whole docket."

On June 19, 2020 at 2:36 p.m., you discussed with [REDACTED] and [REDACTED] about sending [REDACTED] an article about zoom fatigue. You wrote, "ok, I'm going to send it as close to 3 as possible, so that I don't have to answer if he calls me 😊."

On June 22, 2020 at 7:36 a.m., in reference to [REDACTED] and [REDACTED] telling the attorneys to keep their cameras on during attorney meetings, you wrote to [REDACTED] and [REDACTED], "So, was someone sleeping during a call?! Or do they just not trust us? Either way I'm still annoyed." and "Haha. I'm honestly not offended by [REDACTED] falling asleep - it happens even when we are in the office. It should be on [REDACTED] to find out what he missed. 😊"

On June 24, 2020 at 10:20 a.m., you disparaged Assistant Director [REDACTED] when you wrote to [REDACTED] and [REDACTED], "I blame [REDACTED] for all the [REDACTED] promotions. (I am not saying they are her favorites 😊) She seems to go to bat for them – almost like she only respects CA that have been DAs." Associate Attorney [REDACTED], Associate Attorney [REDACTED], and Associate Attorney [REDACTED] were previous deputy district attorneys from [REDACTED].

On July 2, 2020 at 5:03 p.m., you wrote to [REDACTED], "Venting again – I was also annoyed at [REDACTED]'s accusatory tone when she said how many jury trial are set the first week in August," "we had 2 cases that could be dismissed, and they are now dismissed," and "What else does she expect?"

On July 2, 2020 at 2:34 p.m., you wrote to [REDACTED] and [REDACTED], "Listening to the PACE meeting makes me angry, maybe just the [REDACTED]-isms" and "And the Kudos."

On July 21, 2020 at 4:12 p.m., in reference to [REDACTED] and her excise and licensing team, you wrote to [REDACTED], "I'm super annoyed by that response from [REDACTED] on the [REDACTED] cases," "I feel like we only prosecute these to support EXL. If they don't give a shit, then I don't either," and "Ugh, I'm over it. This is a perfect example of how the "other side of the house" doesn't know shit about what we are doing..."

On July 14, 2020 at 10:53 a.m., in reference to an upcoming rotation, you wrote to [REDACTED], "I put E&L as my top, but I'm nervous about working that closely with [REDACTED]."

On July 20, 2020 at 7:09 p.m., you wrote to [REDACTED] and [REDACTED], "[REDACTED]... right? 🙄."

On August 26, 2020 at 3:21 p.m., you sent a gif of an eye roll to [REDACTED] and [REDACTED] to show your feelings about our attorney meetings:



On August 27, 2020 at 9:49 a.m., when [REDACTED] told you that he has a check in with [REDACTED], [REDACTED], and [REDACTED], you wrote, "A new check-in with [REDACTED]? That's BS."

You have repeatedly messaged other PACE attorneys disparaging [REDACTED], an Assistant Director and current supervisor of the trial courtrooms. In the spring of 2020, [REDACTED] was new to his supervisory position. [REDACTED] was not your direct supervisor and, yet, you repeatedly disparaged and gossiped about him to other attorneys. You voiced your negative opinions about [REDACTED], undermining him as a manager to other attorneys and setting a poor example to [REDACTED], an entry attorney, and, by your conduct, encouraged her to engage in similar negative and disparaging conduct.

For example:

On March 4, 2020 at 9:26 a.m., you wrote to [REDACTED] and [REDACTED], "[REDACTED] is nauseating. [REDACTED] – we need you to come back to work. I don't know how much I can take"

On March 19, 2020, when discussing the office's budget, you expressed hope that [REDACTED] would be removed from his position as [REDACTED] or even terminated. At 5:03 p.m., you wrote to [REDACTED], "They could choose to cut [REDACTED] from each section ... 😊." You also wrote, "For a lot of my years, we only had 2 [REDACTED]s or even 1," and, "It would be [REDACTED], as the last in ..."

On March 31, 2020 at 8:35 a.m., you wrote to [REDACTED], "[REDACTED] said that we have to turn our video on." You then wrote, "no."

On April 2, 2020 at 9:36 a.m., you wrote to [REDACTED], "[REDACTED] was an AD for about 3 minutes and was proposing we drop to 2 attorneys per courtroom because that's what he knows."

On April 2, 2020 at 10:03 a.m., you wrote to [REDACTED], "I think he will do what [REDACTED] wants - and I don't think that aligns with what I would like to see."

On April 3, 2020 at 8:52 a.m., you advised [REDACTED] to file a complaint against [REDACTED], saying, "I was thinking about your situation some more. I think you should open a case. You are protected and could get some \$\$\$ 😊." You then posted this image:



You continued, at 9:06 a.m., to suggest that [REDACTED] schedule a meeting with human resources, putting "HT Mtg – Confidential 8 hrs" into his schedule. You then wrote, "[REDACTED] would freak out."

On April 3, 2020 at 8:55 a.m., regarding [REDACTED] asking [REDACTED] about his mandatory work from home logs, you wrote to [REDACTED], "Sounds like he's obsessing. I don't even put mine in every day – or put it in late at night."

On April 3, 2020 at 9:07 a.m., you wrote to [REDACTED], "[REDACTED] is a micro manager. I think he is doing that for everyone on his team, not just you."

On April 8, 2020, [REDACTED] shared with you correspondence from [REDACTED], where [REDACTED] wrote to [REDACTED]:

Thank you, [REDACTED]. I appreciate your work on this. [REDACTED] will take it from here and will continue working with DDPHE.

Going forward, let's let [REDACTED] and [REDACTED] take lead on issues like this. This will be a project for them, not necessarily our team.

Thanks for your cooperation in advance,

At 1:01 p.m., you wrote to [REDACTED], "It is hard not to take that personally, but I think everything is like that now. I had to have my 'no objection to PR' response cleared by [REDACTED] this morning," [t]he only thing that annoys me about that is the "thanks for cooperation in advance," "And that is ALL [REDACTED]," and "He speaks like business schools." At 1:03 p.m., you wrote, "And it also strikes me as he's afraid of stepping on [REDACTED]'s turf." At 1:05 p.m., you wrote to [REDACTED], "I told [REDACTED] yesterday that [REDACTED] seems so unsure of himself," "like during the meeting," "and he defaults to business/jargon – he doesn't seem to understand the personal connection matters." At 1:06 p.m., you wrote, "Oh, he's proud of himself – but still seems pretty scared."

On April 8, 2020 at 1:17 p.m., regarding your opinion that [REDACTED] looked stressed, you wrote to [REDACTED], "and I wouldn't be surprised if [REDACTED] is pushing stuff on her because he's new."

On April 8, 2020 at 1:30 p.m., you wrote to [REDACTED], "Not to back-track, but I think you may want to include [REDACTED]'s comment to you about a reference in any complaint/filing you might do. I think that is in OK thing for a friend to say, but not a supervisor."

On April 9, 2020 at 4:54 p.m., you wrote to [REDACTED], "I kind of want to message [REDACTED] and ask her if [REDACTED] is actively trying to get [REDACTED] to leave."

On April 9, 2020 at 4:55 p.m., in response to [REDACTED] telling you [REDACTED] offered to write a letter of recommendation for [REDACTED], you wrote to [REDACTED], "I know that – but I think that [REDACTED] is an idiot and doesn't realize what it means for him as a supervisor to say that."

On April 9, 2020 at 5:04 p.m., you also wrote to [REDACTED], "[REDACTED] has a lot to prove. I don't think many people on the management team like him." You later wrote, "excuse me, leadership team" and "bahahah."

On April 13, 2020 at 9:42 a.m., you wrote to [REDACTED] and [REDACTED], "You guys psyched for [REDACTED]'s evidence refreshers?!" You then sent an image of an eye roll:



On April 13, 2020 at 10:11 a.m., you wrote to [REDACTED] and [REDACTED], "Trying to think of something nice to say to [REDACTED] if it comes up during our call in 5 mins, but having trouble."

On April 13, 2020 at 11:10 a.m., you wrote to [REDACTED], "Why does [REDACTED] need to be on all our meetings?", "I was relieved at first that he wasn't there 😊", and "but then he came ..."

On April 13, 2020 at 4:13 p.m., you wrote to [REDACTED] and [REDACTED], "No (sic) that [REDACTED] is in the chat, everyone is social distancing from the attorney tema (sic) chat."

On April 14, 2020 at 11:21 a.m., you wrote to [REDACTED] and [REDACTED], "I'm so over today. [REDACTED] killed all my motivation," "I don't respect [REDACTED], and I'm really struggling with this transition." You added, at 11:40 a.m., "I feel extra sorry for [REDACTED] because he is his supervisor."

On April 28, 2020 at 9:35 a.m., you wrote to [REDACTED] and [REDACTED], "Why is [REDACTED] still talking?" and "Because he needs to prove he knows what she's talking about."

On April 28, 2020 at 10:30 a.m., in response to [REDACTED] saying that [REDACTED] "will not confront me in person, but if he thinks he can get away with it, he will go to [REDACTED] behind my back and say I have an attitude," you responded by saying, "[REDACTED] will definitely rely on that friendship."

On April 28, 2020 at 10:44 a.m., you wrote to [REDACTED], "On another note, [REDACTED] took a little too much credit for [REDACTED]'s hand-out and research. She put a ton of time in on that and he jumped right in."

On May 1, 2020 at 3:13 p.m., you wrote to [REDACTED], "Ugh. He is such a micromanager, sorry."

On May 1, 2020 at 7:02 p.m., you wrote to [REDACTED], "[REDACTED] had another theory – he got in trouble for having a meeting without management ([REDACTED]) present." At 6:59 p.m., you wrote, "[REDACTED] sent an invite for first think (sic) Monday morning."

On May 1, 2020 at 7:03 p.m., you wrote to [REDACTED], "I hope it isn't an announcement that [REDACTED] is our interim supervisor or some BS like that."

On May 6, 2020 at 9:19 a.m., you wrote to [REDACTED] and [REDACTED], "of course [REDACTED] already thought of that."

On May 12, 2020 at 2:59 p.m., you wrote, "Although I did it today so that [REDACTED] wouldn't ask me anymore questions 😊."

On May 19, 2020 at 1:52 p.m., you wrote to [REDACTED] and [REDACTED], "[REDACTED] doesn't know the difference."

On May 28, 2020 at 3:00 p.m., you wrote to [REDACTED], "apparently [REDACTED] and [REDACTED] were at the same meeting this week."

On June 4, 2020 at 12:38 p.m., you wrote to [REDACTED] and [REDACTED], "[REDACTED] forwarded our team meeting to [REDACTED] 🤔."

On June 12, 2020 at 8:49 a.m., you wrote to [REDACTED] and [REDACTED], "I'm pissed at [REDACTED] for not letting me file that motion in advance."

On June 16, 2020 at 2:44 p.m., you wrote to [REDACTED] and [REDACTED], "Every conversation with [REDACTED] on teams: "[REDACTED] it typing..." for 3 minutes."

On June 18, 2020 at 10:34 a.m., you wrote to [REDACTED], "We don't even have to use the crap [REDACTED] sent."

On June 18, 2020, you notified [REDACTED] that you, [REDACTED], and Associate Attorney [REDACTED] received multiple motions from the municipal public defender's office and needed to respond within a week. [REDACTED] then emailed you, [REDACTED], and [REDACTED] the following email:

Thank you for the update and for triaging the motions. We identified the problem and have fixed it, so it shouldn't happen again.

From what I've seen, it's the same motion from the PD, so, hopefully, you'll be able to file the same response in those 20ish cases. Regardless, I pulled from the other courtrooms for coverage this morning, so you should have the day to focus on the motions. If you need any assistance, please let me know.

At 9:10 a.m., you wrote to [REDACTED], "Oh well. He always thinks he's being generous for some reason."

On June 24, 2020 at 10:03 a.m., when [REDACTED] asked you about the reasons for [REDACTED]'s meeting about the e-docket, you responded to [REDACTED] and [REDACTED] with: "Because he doesn't understand it." You also wrote to [REDACTED] and [REDACTED], "I cannot understand how he got his MBA and is afraid of Excel."

On July 20, 2020 at 12:14 p.m., you wrote to [REDACTED] and [REDACTED], "I have my mid-year review at 1. Think [REDACTED] will be there?" and "So, I can still see all the detail on [REDACTED]'s calendar from NPT days. He doesn't have these reviews on his calendar 😊."

On July 20, 2020 at 1:37 p.m., you wrote to [REDACTED] and [REDACTED], "During my review, [REDACTED] asked for feedback about her work/style. I told her that it was hard to think of things for her, but that [REDACTED]'s mansplaining is a bit too much."

On July 30, 2020 at 10:34 a.m., in reference to a meeting that you were invited to, you wrote, "[REDACTED] invited [REDACTED] to our meeting 😡." After the meeting, you wrote, "[REDACTED] didn't talk 😊."

On August 10, 2020 at 11:54, in reference to a rotation, you wrote to [REDACTED] and [REDACTED], "They called me about 5 mins before the email came out. [REDACTED] called first, so I talked to her. [REDACTED] left me a voice mail that I needed to call her. Looking forward to EXL but not working for [REDACTED]"

On August 10, 2020 at 12:09, in reference to [REDACTED] not being rotated into another courtroom, you wrote to [REDACTED], "I just don't understand why the attitude (real or not) would factor in to (sic) the rotation."

On August 13, 2020 at 5:35 p.m., you discussed with [REDACTED] his discontent with covering one of [REDACTED]'s trials during [REDACTED]'s coverage day. You wrote, "I would Teams or email (or both) [REDACTED]. [REDACTED] - My trial tomorrow resolved. The only trial left is yours. Since you are more familiar with the case and you will already be at court, are you good to handle your trial?" and in reference to [REDACTED], you wrote, "He can't make you take [REDACTED]'s case" and "[REDACTED] shouldn't be a part of the discussion."

On August 13, 2020 at 3:25 p.m., in reference to [REDACTED]'s conversation with [REDACTED] about unilaterally changing another attorney's assignments without notifying [REDACTED] or the PLT, you wrote to [REDACTED] and [REDACTED], "That's BS. You can't decide to prep cases that you will ultimately handle?!" and "They will be your cases in 2 f-ing weeks."

On August 14, 2020 at 12:25 p.m., in reference to [REDACTED], you wrote to [REDACTED] and [REDACTED], "Wow, he can't answer emails but he's up in your cases..."

On August 18, 2020 at 11:44 a.m., in reference to █████ asking you to cover a traffic courtroom, you wrote to █████ and █████, "really, I'm just annoyed that working ahead to get our docket in a good place always results in more coverage" and "2 days in a row is annoying." You then wrote to █████, "I shouldn't have bitched so much in front of █████, but I'm super annoyed."

On August 18, 2020 at 1:35 p.m., in reference to █████, you wrote to █████ and █████, "Like how micro-managed? Like task types? or cases?" and "and if he's that far up in your shit, can't he help out?! 😊"

On August 19, 2020 at 4:55 p.m., you wrote to █████, "You are right that the office is not going to change, and I can only imagine how awful it is to work for █████."

On August 19, 2020 at 4:57 p.m., in reference to █████'s position as an Assistant Director, you wrote to █████, "(I mean I said my happy thought was that his position might be eliminated)."

On August 27, 2020 at 5:13 p.m., during a retirement party for members of PACE, you wrote to █████, "I had to leave when █████ started telling stories."

You have been disrespectful to other PACE attorneys, especially your colleagues in the courtrooms. You have been particularly critical and cruel in Microsoft Teams messages to other PACE attorneys, criticizing and mocking your colleagues. While a senior attorney is expected to mentor and help other attorneys, your inclination appears to be gossiping and bad-mouthing their performance, rather than approaching them directly. For example:

On March 20, 2020, you ran April trial totals for █████. You then forwarded those numbers to █████, saying, "Yep, that's why I was happy to run the numbers" and "sure, I can show you how great █████ has it."

On March 23, 2020 at 4:48 pm, you wrote to █████, "This is totally not PC, but █████ is either lazy as all hell or dumb as a brick."

On March 23, 2020 at 5:12 p.m., you wrote to █████, "What is █████'s return date? Approximately?" At 5:13 p.m., you sarcastically wrote, "I'm sure she will rock the technology."

On March 25, 2020 at 8:38 a.m., you wrote to █████ and █████, "█████" and "She's more helpful than █████ (sic), but she has her own medical issues"

On March 25, 2020 at 12:33 p.m., you wrote to █████, "Sorry - I'll try to keep my rants to a minimum - █████ DOES send useless tasks: █████, the W (█████) is the same as the D in █████. Also, the V in this case is a W in the █████ case. JS."

On March 31, 2020 at 3:04 p.m., in reference to █████ and the █████, "they are both idiots ..."

On April 1, 2020 at 11:48 a.m., you wrote to █████, "Screw █████ and his emails."

On April 2, 2020 at 8:26 a.m., you wrote to █████, "And that █████ apparently had days where she only worked 3 or 4 hours," referring to Senior Attorney █████'s work from home log.

On April 3, 2020 at 11:50 a.m., you commented on Senior Assistant Attorney ██████'s offer on a case, writing to ██████ and ██████, "I proposed dismiss in the interest of justice. ██████: ██████ pay \$50 fine." "Seriously, Let this shit go"

On April 3, 2020 at 1:37 p.m., you also disparaged ██████ when he was alone in ██████. You wrote, "I would REALLY like to have someone point out that he wasn't "making it work on his own" while we were 'struggling."

On April 7, 2020, you speculated Entry Attorney ██████ or Associate Attorney ██████ would join your courtroom. At 9:12 a.m., you wrote to ██████ and ██████, "Never thought I'd be hoping for ██████." When ██████ wrote, "But if they give us ██████, I'm rioting." At 9:14 a.m., you wrote, "haha, I'd rather ██████ over ██████."

On April 7, 2020, you disparaged ██████ ██████, whom you speculated would retire. Regarding the office's response to her retirement, you wrote, at 11:31 a.m., "no way ██████ is getting anything more than an email."

On April 8, 2020 at 12:59 p.m., you advised ██████ to not help ██████, saying, "Let ██████ earn his new promotion 😊."

On April 8, 2020 at 1:37 p.m., you disparaged Entry Attorney ██████, saying, "Speaking of negative, has anyone talked to ██████?"

On April 16, 2020 at 3:20 p.m., you wrote to ██████ and ██████, "So, I just talked to ██████ for 40 mins." At 3:21 p.m., you wrote, "She called because she saw the follow-up work I did in the ██████ trial for today and she was worried that I thought she did a bad job." At 3:22 p.m., you wrote, "The things she was most worried about were not things she messed up. 🙄"

On April 20, 2020 at 10:51 p.m., you wrote to ██████, "██████ hasn't put a single note in the case with the motion to dismiss and has not loaded the mtn into the case." You further wrote, "She said in the chat that she revoked all offers, but didn't write anything."

On April 21, 2020 at 9:36 a.m., you wrote, "***Annoyed that I offered to do our courtroom reviews so that ██████ could write this brief and then she got assigned the section that can be copied and pasted from the AGs."

On April 21, 2020 at 11:07 a.m., you wrote to ██████ and ██████, "This writ issued on the ██████ case is totally ██████'s fault." At 11:13, you wrote, "It is really ██████'s fault. He should've either asked or tasked us for the writ."

On April 23, 2020 at 1:22 p.m., you disparaged ██████ for being assigned to train Entry Attorney ██████. You wrote, "Let him 'train' her – then any issues fall on him."

On April 27 at 11:30 a.m., you disparaged ██████ ██████, with whom you are expected to maintain a professional relationship, by messaging ██████ and ██████ the following: "Working ██████ duty. I emailed a case at 7:30, said PR. When I finished the docket, I sent a summary email with every case saying PRs on everything." At 11:31 a.m., you wrote, "██████ replied and asked if I'd be willing to do a PR on one the cases." You then posted this image:



On April 28, 2020, you disparaged Associate Attorney ██████████ based on his living accommodations. At 8:51 a.m., you wrote, “He lives in ██████████ ...he need 😊mall

wins .” At 10:16, you wrote to ██████████, “He’s a follow – I don’t think he’ll challenge you in person.”

On April 29, 2020, Senior Attorney ██████████ and Senior Attorney ██████████ presented to the office on property nuisance. At 3:16 p.m., you wrote, “I’m also chuckling at the average of the team converting nuisance to an electronic process.”

On May 4, 2020 at 9:21 a.m., you wrote to ██████████, “Also ██████████ is not putting in attributes and not putting in speedy dates in her cases ...”

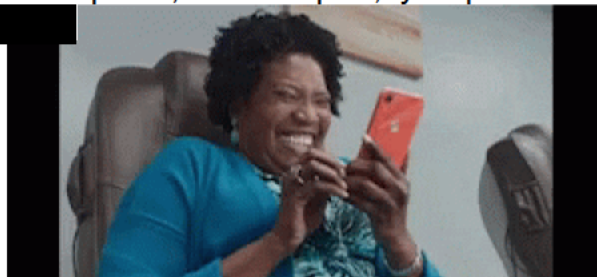
On May 4, 2020 at 11:38 a.m., you compared ██████████ to a previous PACE attorney whom you did not respect and believed was lazy, ██████████. You wrote, “Just don’t get too worked up comparing to ██████████ - it is similar to comparing to ██████████. Plus, 3H has fewer cases.”

On May 4, 2020 at 4:24 p.m., you wrote ██████████ and ██████████, “█████████’s (sic) was a loser.”

On May 4, 2020 at 4:38 p.m., you wrote to ██████████ and ██████████, “Is ██████████ so busy he can’t do this?”

On May 7, 2020 at 8:41 a.m., you wrote to ██████████ about ██████████, “You have to shift your attitude about him. He lives in ██████████, and he’s fragile (█████████). I felt like his mom” and “You probably intimidate that crap out of him.”

On May 12, 2020 at 2:56 p.m., ██████████ wrote to you, “on a separate note, ██████████ ask (sic) how to do a writ from DOC,” “so then I responded I haven’t done one for years I do plea by mail, ██████████ said it was a ton of work and would not be honored, I said denver doesn’t do any writs right now, and then ██████████ said that we don’t have to do one so don’t bother,” and “then ██████████ said we were all right.” In response, at 2:58 p.m., you posted the following image with the comment “to the ██████████



On May 18, 2020 at 2:33 p.m., you commented on Senior Attorney ██████ to ██████ and ██████: "█████ has to be nice to you- you saw him get in trouble. 😊" and, regarding ██████, "She scolded ██████ (politely) when I was covering."

On May 20, 2020, you commented on Entry Attorney ██████. At 2:32 p.m., you wrote to ██████ and ██████, "They could get ██████ going by the end of July" and then "gag me."

On May 26, 2020 at 9:39 a.m., you wrote to ██████ and ██████, "Jumping topics again: I told ██████ about the password issue for Web Versadex, and she just said you can call the help desk to reset. (Seriously?)." At 9:41 a.m., you wrote, "I pushed back – waiting to hear."

On May 28, 2020 at 2:54 p.m., you wrote to ██████, "It has been a long time since I was this mad about work. ██████ and ██████ are both useless."

On June 4, 2020 at 1:11 p.m., you wrote to ██████ and ██████, "█████ jumped in to 'help' this morning, but all he did was call on 2 D's that had not checked in" and "He wrote 'Called D, no answer' in the check-in column." This comment was in reference to Senior Attorney ██████, who helped you with your docket that day. At 1:13 p.m., you wrote, "Luckily they were FIAs, but come on."

That same day, at 7:34 a.m., you disparaged a Denver Sherriff Deputy after informing him you intended to dismiss a case involving interference with police:

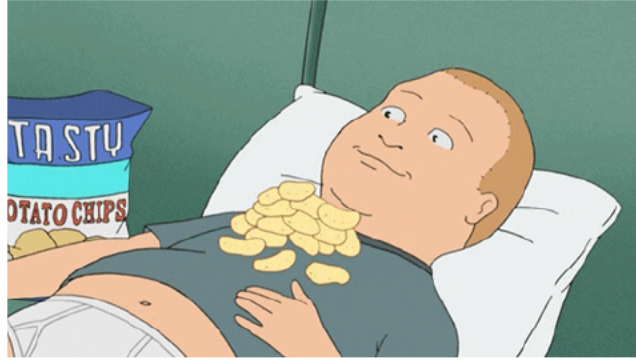
I finally talked to the sheriff on the protester case that I asked you both to watch the video on. He is PISSED. And an idiot. He kept saying "I was remanding someone!" ...Um, you were carrying property down the hallway. So, he did mean to write in his statement that he was remanding someone... but that is a big stretch. He also kept attributing ██████'s and ██████'s behavior to this D - he believes that anything an occupier has ever done against him can be attributed to EVERY member of the group. He's mostly pissed bc he thinks that IAB will come after him in the case if dismissed. Ugh. Not that I had a high opinion of DSD, but it definitely went down last night.

This comment is particularly concerning given your position as a prosecutor because our office must maintain work relationships with law enforcement in order to successfully prosecute crimes.

On June 5, 2020 at 11:43 a.m., you wrote, "Traffic is a shit show, BTW" and "Not ██████'s, but 105A."

On June 9, 2020, you commented on ██████. At 11:13 a.m., you wrote, "Really? I think of him as a wet noodle."

On June 12, 2020 at 11:50 a.m., you wrote to ██████, "█████ asked for help calling pro se defendants.... There were only 2 cases left to call on. 😊." At 2:58 p.m., you posted the following image to ██████ and ██████, explaining that you searched the term "lazy:"

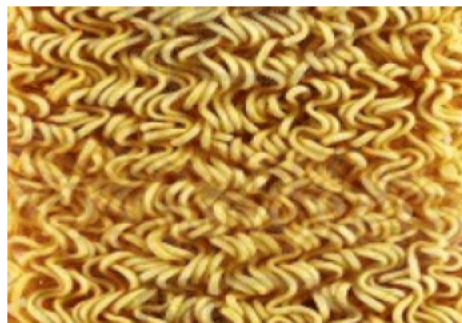


On June 17, 2020 at 5:08 p.m., you wrote to [REDACTED] and [REDACTED], "It sounds like you will get [REDACTED] ... not sure that is much help."

On June 18, 2020 at 9:40 a.m., you wrote to [REDACTED] and [REDACTED] about Entry Attorney [REDACTED] and Associate Attorney [REDACTED], saying, "Are [REDACTED] and [REDACTED] so close that he is speaking for her now? 😏"

On June 19, 2020, you complained about [REDACTED] [REDACTED] rather than approaching her directly. At 1:11 p.m., you wrote, "Need to bitch for a minute. I tasked [REDACTED] on 6/8 to say I don't think we'll win this old man neighbor dispute at trial. Please reach out to the V again to ask about mediation - that is the best we can do for them." At 1:11 p.m., you wrote, "Nothing," and, at 1:13 p.m., you wrote, "There's no way she's really working."

On June 22, 2020 at 10:23 a.m., you disparaged [REDACTED] by posting the image below, describing him as a wet noodle.



On June 24, 2020 at 10:04 a.m., you helped [REDACTED] with her docket in Courtroom 4F, then disparaged her to [REDACTED] and [REDACTED]. You wrote, "No JW notes 🗨️, [REDACTED]? Want to train her on that too?" and posted an image of a dumpster fire.

On June 24, 2020, you also discussed "recruiting" [REDACTED]. When [REDACTED] commented that [REDACTED], [REDACTED], or [REDACTED] could train them, you wrote, at 10:13 a.m., "We've lost that battle – those people are not going to care the way we want, and management doesn't seem to mind." At 10:14 a.m., you also wrote, "So, I think of this as recruiting. We need more members to over power them."

On June 25, 2020 at 7:36 a.m., you commented on Courtroom [REDACTED], writing, "I was convinced that [REDACTED]'s job sucks, even before [REDACTED] explained all the extra crap."

On June 29, 2020 at 7:55 a.m., you wrote to [REDACTED] and [REDACTED], "The kiss-ass going on is too much for me."

On July 1, 2020 at 8:35 a.m., you wrote to [REDACTED] and [REDACTED], "Call a few people because no atty in this office is required to change, and speaking up will not change anything."

On July 1, 2020 at 11:14 a.m., you wrote to [REDACTED] and [REDACTED], "*So [REDACTED]'s note that the paperwork was all ready to go wasn't entirely accurate?"

At 6:44 p.m., you added, "Which CA was in 2100 on June 7th? There is a case from arraignment that day that NEVER LOADED. 🤬" and, at 6:45 p.m., "[REDACTED] with [REDACTED]!?!?!?"

On July 2, 2020 at 11:06 a.m., you wrote to [REDACTED] and [REDACTED], "[REDACTED] just go (sic) confirmation that she was accepted into the retirement program." At 11:07 a.m., you wrote, "Hopefully [REDACTED] did too 😊."

That same day, between 4:47 and 4:48 p.m., you wrote to [REDACTED], "Totally jumping topics: I wish they would make [REDACTED] a lead so that she has to do some work" and "She's so behind and always rushing off for something else - this weekend she had to leave early for camping. [REDACTED] has Fridays off, so she tries to have as many Fridays off as possible."

On July 9, 2020 at 11:54, you wrote to [REDACTED] and [REDACTED], "I tasked [REDACTED] on 6/8 to pitch mediation to the V as a last-ditch effort to salvage a neighbor case. I told her if they don't do mediation, I will dismiss. She closed the task on 6/23 and wrote: Spoke with [REDACTED] and he is concerned for his safety. I gave him the new trial date. You followed up with this gif with the description "Current Mood":



On July 9, 2020 at 11:56 a.m., you wrote to [REDACTED] and [REDACTED], "WTF" and "That is on top of [REDACTED] digging in our cases right now."

On July 9, 2020 at 4:27 p.m., you wrote to [REDACTED] and [REDACTED], "Does [REDACTED] have a [REDACTED] [REDACTED]?"

On July 13, 2020 at 10:24 a.m., you disparaged [REDACTED]'s coverage of a shoplifting case, writing to [REDACTED] and [REDACTED], "And now a shoplifting where he wrote cannot prove. The items were returned. So he could've dismissed for either, but he didn't file the damn motion."

On July 13, 2020 at 11:42 a.m., despite the fact that you are not a supervisor and other employee's logs are not your concern, you complained to [REDACTED] and [REDACTED] that [REDACTED] was not filing her work from home logs, saying, "[REDACTED]'s last time card in the WFH drive: 6/8." You also wrote, "And she's behind ..." and "So, I'm hoping that she is going to have to start answering for what she's doing and why she's behind." This required you to go out of your way to snoop into other people's logs, so that you could disparage a colleague to you friends.

On July 13, 2020 at 1:18, you again complained about [REDACTED], writing to [REDACTED] and [REDACTED]: "I'm now 94% certain that she doesn't do her job 94% of the time"

On July 14, 2020 at 9:50 a.m., "I am so bitter about [REDACTED]'s trials. I do not want to review them all for dismissal" and "[REDACTED] didn't enter a single time today."

On July 15, 2020 at 9:50 p.m., you wrote to [REDACTED] and [REDACTED], disparaging a Denver police officer: "[REDACTED] was assigned to traffic when I was there. You can tell be (sic) bitched out this guy and had no intent to issue a ticket, but Aurora "made" him. People would always come to court with stories, so I always wondered..." and "This is Ofc [REDACTED]" with a picture of the officer." Like your comment about the Denver Sheriff above, this comment is concerning given your position as a prosecutor because our office must maintain working and professional relationships with the police in order to successfully prosecute crimes.

On July 20, 2020 at 7:41 a.m., you wrote to [REDACTED], "I always thought [REDACTED]'s ton (sic) was snotty to us – but she talks like that ALL THE TIME."

On July 21, 2020 at 9:58 a.m., you posted several gifs to portray [REDACTED]. One was a gif of a cartoon with a [REDACTED]. You followed up with:



and



You then wrote, "I just couldn't decide... all those things."

On July 22, 2020 at 11:29 a.m., you wrote to [REDACTED], "I bet she talked to EXL detectives because she knows them" and "obviously not [REDACTED] and [REDACTED] because they didn't know shit."

On August 10, 2020 at 12:24, you wrote to [REDACTED], "I have to be polite to [REDACTED] because he's connected, but I don't ever want to help him out."

You followed up with, "I definitely don't trust him."

On July 28, 2020 at 2:23 p.m, in reference to victim advocate [REDACTED], you wrote to [REDACTED] and [REDACTED], "I know you like [REDACTED], but I swear she picks and chooses who she will put in the effort for."

On July 31, 2020 at 10:44 a.m., you wrote to Victim Advocate [REDACTED] about the "Extra Care" chat, which was created to help facilitate communication with [REDACTED] about her cases, "I was a jerk and posted this in the Extra Care chat:

[10:42 AM] Reisdorph, Emily C. - CAO Senior Assistant City Attorney
[REDACTED] [REDACTED] - I don't see that you've called on this since March. Are you still handling this case?

At 10:44 a.m., you then wrote. "But really. The trial is Tuesday. How can it be that she hasn't called on it since MARCH!?!?" At 10:45 a.m., "March 10 (PRECOVID!!!)."

On July 31, 2020 at 10:49 a.m., you wrote to [REDACTED] and [REDACTED], "I know you are both off, but I need to bitch. I have a case set Tuesday. I've talked to Wits in court so I wasn't stressed about cooperation. So I went to VA notes and guess the last time [REDACTED] talked to them or even called on the case: MARCH 10."

On July 31, 2020 at 10:50 a.m., you wrote to [REDACTED] and [REDACTED], "pre-fucking-covid. Are you kidding me?" and "I don't understand how she hasn't called on it."

On August 11, 2020 at 3:38 p.m., you wrote to [REDACTED], "I sort of wanted her to see that more people talk over [REDACTED] (other than [REDACTED] 😊)."

On August 13, 2020 at 11:41 a.m., in reference to [REDACTED], you wrote to [REDACTED] and [REDACTED], "haha [REDACTED] is vain."

On August 18, 2020 at 1:47 p.m., you wrote to [REDACTED] and [REDACTED], "Well, [REDACTED] was wrong," and followed up with the below gif:



And, "That's all I can picture now..."

On August 18, 2020 at 6:02 p.m., in reference to an email sent by [REDACTED], you wrote to [REDACTED], "to that email" followed by a gif that shows an eyeroll.

On August 19, 2020 at 10:00 a.m., in reference to the [REDACTED], you wrote to [REDACTED], "What is it that they do?" and "Doesn't seem like much to me anymore."

On August 21, 2020 at 8:25 a.m., you wrote to [REDACTED], "[REDACTED] is an idiot."

On August 25, 2020 at 10:05 a.m., in reference to [REDACTED], you wrote, "OMFG," "He's trying to back out of the [REDACTED] case" and "He's totally afraid of [REDACTED]."

You followed up with, "I messaged [REDACTED] to tell her that I want to talk about it," "Because I have the messages from [REDACTED] yesterday in which he was clearly trying to get out of trial" and, in reference to the PLT, "I'm sick of them thinking he's great and not knowing this."

On August 27, 2020 at 9:01 p.m., in reference to [REDACTED] asking for docket coverage in order to finish an appeal, you wrote to [REDACTED], "I'm so annoyed that she's asking for docket time instead of working on it right now."

On August 28, 2020 at 12:48 p.m., in reference to [REDACTED], you wrote to [REDACTED] and [REDACTED], "He will not say not (sic) to a supervisor, but he is a bad teammate" and "He's lazy."

On September 11, 2020, you met with [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. During that meeting, [REDACTED] brought up your message discussion with [REDACTED] about [REDACTED] avoiding trial. In particular, she advised you that this is disparaging to your colleague and is damaging to a team environment. After the meeting, you sent [REDACTED] the following email apologizing for your behavior:

From: Reisdorph, Emily C. - CAO Senior Assistant City Attorney

Sent: Saturday, August 29, 2020 5:27 PM

To: [REDACTED]

Subject: Apology

[REDACTED],

Now that I've taken some time to process and reflect, I want you to know that I am ashamed of my behavior and I'm sorry. I thought I was handling the stress of work and life in the pandemic better than this. I was wrong. I respect you and, on a personal level, I want you to know that I will learn from this and work hard to be better.

Emily

Notably, you attempted to report [REDACTED] to [REDACTED], but you never attempted to report [REDACTED] for his concerning admission that he was "stoned" during the docket. On May 28, 2020 at 9:31 a.m., [REDACTED] admitted to you:

I can't wake up today. So I could barely stay awake. The pain pills I'm on can make you drowsy – some people say it is like a good pot stoned feeling, for me they just make me ditzzy. To counteract that I take a big dose at night. But some days – if I drink alcohol the night before, take the pills too late at night, or just randomly – I wake up stoned. Kind of fun, but doesn't help the productivity.

On May 28, 2020 at 2:08 p.m., [REDACTED] wrote to you, "I haven't looked at my cases yet. I guess I should do that."

At 2:08 p.m., you responded with the following image:



At 2:27 p.m., [REDACTED] admitted, "I was stoned, I didn't take attendance this morning."

You did not report this to your supervisor [REDACTED], [REDACTED], or any other member of the PLT despite knowing the significant ethical, professional, and legal concerns associated with a "stoned" colleague in court. You had an obligation to immediately report this information to the PLT, not joke about the situation and keep it private. By being under the influence while making decisions that may impact a victim's rights or a defendant's liberty, this colleague could have exposed our office to liability.

"[REDACTED] Killers"

You were asked to train and mentor Entry Attorney [REDACTED] during her probationary period. [REDACTED] trained [REDACTED] before you. You were critical of [REDACTED] and her ability to perform her job to [REDACTED]. During [REDACTED]'s probationary period, she went on leave and later resigned.

On March 11, 2020 at 10:17 a.m., you posted the image below – indicating it looked like [REDACTED] – with the caption, "[REDACTED]'s nemeses... (as depicted in PAW Patrol Live)":



█████'s nemeses... (as depicted in PAW Patrol Live)”

On April 1, 2020 at 10:30 a.m., you engaged in an inappropriate conversation about the supposed reasons for ██████'s leave from work. When ██████ told you that ██████ suffered a ██████ ██████ you wrote to ██████, at 10:32 a.m., “We pushed her too far 😊.” ██████ responded that she felt “satisfied,” was “humming all morning,” and “█████ makes people cry, ██████ makes people quit, we sent her into a ██████.” At 10:34 a.m., you wrote to ██████ “yeah, you can’t take credit for that all on your own.”

That day, at 10:41 a.m., you wrote to ██████ “Started to say I wish she would be fired, but that sounds too harsh when it is in writing.”

On April 14, 2020 at 5:15 p.m., in a poor display of leadership, you wrote to ██████ and ██████, “Lesson learned from ██████: We have to let people fail on their own sometimes. We will kill ourselves doing their work for them (trying to prevent mistakes). Yes, that can make a mess, but if we cover for them upfront, then they are not held accountable in a timely fashion.”

After this celebration of your involvement in ██████'s supposed ██████ you and two other PACE attorneys also participated in a Microsoft Teams chat entitled “█████ Killers.”

On July 10, 2020 at 12:29 p.m., you continued to disparage ██████ even after she departed PACE. You wrote to ██████ and ██████, “█████ just sent: Guess who has been MIA from the ██████ DA's office for three weeks and has left a disaster of a docket?” When ██████ and ██████ guessed ██████, you wrote, “█████: Yep. I thought that the whole COVID working from home and trials would be helpful for her... but she's still calling out/on secret leave.”

At 12:38 p.m., you wrote to ██████ and ██████, “She”ll never get a prosecutor job in Colorado” and, at 12:40 p.m, you posted an image that said, “You’re OUT.”



Failure to Report Unauthorized Use of Criminal Justice Records

On May 9, 2020 at 8:45 a.m., in response to [REDACTED] admitting he is “misusing the criminal history search” by having [REDACTED] look up [REDACTED]’s criminal history, you stated, “haha.” You neither reported this incident to a member of the PLT nor to the bar.

You are aware that our criminal database is for limited purposes authorized by law to conduct business pertaining to work, and that our attorneys are not authorized to use the database for personal use. Each time you access the Colorado State Courts – Data Access Website (CoCourts), for example, you read and acknowledged by clicking on the “I Accept” button the following:

NOW THEREFORE, the undersigned hereby understands and agrees to the following terms of use in exchange for being allowed access to electronic read-only court data from the Colorado Judicial Department:

1. I am accessing a database that contains confidential court records and these records are not for public use.
2. I am responsible for complying with federal and state statutes and court rules regarding the confidentiality and use of court records.
3. I understand and agree that the information and court records that I obtain are to be used only for the limited purposes authorized by law to conduct business pertaining to my work as one of the following, as applicable: a Guardian ad Litem (“GAL”) under contract with the Office of the Child’s Representative (“OCR”) pursuant to §13-91-104, C.R.S.; a GAL authorized by OCR to act as a GAL; an attorney under contract with the Office of the Alternative Defense Counsel (“OADC”) pursuant to §21-2-101, C.R.S.; an attorney under contract with the Office of Respondent Parents’ Counsel (“ORPC”) pursuant to §13-92-101 to C.R.S.; or an authorized government user.
4. I understand use of this database is strictly limited to case(s) obtained under the contracts described in section 3, above, by statute. Any personal use of the database or use that is not authorized by the law is prohibited.
5. I further understand and agree that any violation regarding the use of the court records and information obtained under this Agreement may result in loss of access to electronic court records, reporting to the Office of Attorney Regulation, other professional discipline, loss of employment, and/or loss of contract work, as applicable.
6. Pursuant to §13-1-119.5, C.R.S., I acknowledge that use of this database may be monitored by the Office of the State Court Administrator through audits or review of ad hoc queries or reports. This monitoring is not prohibited by attorney-client privilege.
7. I understand that access to records at the courthouse is governed by other statutes.
8. I must change my password every 90 days and understand that I am responsible for keeping track of my password. I will not share my password or User ID with others.
9. INDEMNIFICATION: To the maximum extent allowable by law, I agree to indemnify and hold harmless the Judicial Department, OCR, OADC, ORPC, or the authorizing government agency, their employees and agents, against any and all claims, damages, liability and court awards including costs, expenses and attorney fees, incurred as a result of any act or omission by me, or my employees, agents, subcontractors, or assignees, related to accessing the database pursuant to this Agreement.
10. By clicking on the “I Accept” button, I am agreeing to be legally bound by all of the terms and conditions of this Agreement. NOTE: If you are acting as an employee, you agree that this Agreement will bind your employer and that you are authorized to do so. As used in this Agreement, “you” or “your” includes you and your employer. If you would like to print this Agreement, please click the print button on your browser toolbar.

Colorado Rule of Professional Conduct 8.4 (c) states it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. When [REDACTED] accepted

the terms of the above agreement and then conducted searches for personal use, he engaged in conduct involving dishonesty and misrepresentation.

Colorado Rule of Professional Conduct 8.3(a) states:

A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.

You were aware or should have been aware of the CoCourts access policy when [REDACTED] reported to you his "misuse" of the criminal history search. You knew he must have engaged in dishonesty by using the database for his personal use. You failed to report that act of dishonesty to the PACE leadership team or the Colorado bar.

Failure to Complete Tasks and Not Working from Home

In addition to spending an excessive amount of time chatting on Microsoft Team during work hours, you messaged colleagues via Microsoft Teams about not working at all. For example:

On March 18, 2020 at 10:28 a.m., you wrote to [REDACTED], "Emily's timecard: .5 hrs looking for the best GIFs," and, at 10:31 a.m., you also wrote, "This is my first day working entirely from home and I'm having trouble getting motivated." At 10:52 a.m., in reference to spending time on Microsoft Teams Chats instead of working, you wrote to [REDACTED], "Think we can say we had a 4A team meeting via Teams?! 😊" and ".5 hrs?" You also wrote, at 1:31 p.m., "haha. Can we put in our federally mandated 15 mins (x2) breaks?"

On March 19, 2020 at 8:33 a.m., you wrote to [REDACTED], "I don't want to prep cases until we know more" At 8:37 a.m., you wrote, "I still have a motion to respond to" and "How long can I make that research last." At 2:46 p.m., you wrote, "Well now I have no excuse, but to work 😊."

On March 20, 2020, at 1:50 p.m., you wrote to [REDACTED], ".5 pity party."

On April 2, 2020 at 1:55 p.m., you wrote, "No, not mandatory, but an easy way to guarantee time in your daily log 😊" in regard to the City's town hall and, "I love video meetings that take up time 😊."

On April 3, 2020 at 9:08 a.m., you wrote to [REDACTED], "I wrote in my time card yesterday 'Talking and catching up with others in the office – this doesn't necessarily count, but it was very valuable to me today.'"

On April 13, 2020 at 11:36 a.m., you wrote to [REDACTED] and [REDACTED], "If I take a photo in my Iowa shirt, does that count on my time sheet?" and ".5 shower for photo." At 2:55 p.m., you also wrote to [REDACTED] and [REDACTED], "I get it now. I can't focus, so I'm just eating gross jelly beans and putting the Covid attribute in cases."

On April 17, 2020 at 2:14 p.m., you wrote to [REDACTED], "Now I have debriefed you = .5 hrs."

On May 12, 2020 at 12:25 p.m., you wrote to [REDACTED] and [REDACTED], "Can't focus at all today. Can I count the happy hour in my time?!" Two minutes later, you posted the following image:



On May 12, 2020 at 12:28 p.m., you also wrote, "Actually, I helped my kids to (sic) all of their work. But nothing for work. 😊" At 12:46 p.m., you wrote, "watched crime show to assess the credibility of the self-D claim - 4 hrs." At 1:01 p.m., you wrote, "Practiced my courtroom skills by presenting a closing argument to my kids. Topic: school work must be done before play time. - 2 hrs."

That same day, you wrote to [REDACTED] and [REDACTED] the public defender filed a motion to dismiss with three arguments: "US constitutional right to speedy, CO constitutional right to speedy, and the court doesn't have the authority under 248b." You then wrote, "It shouldn't take long to respond, so I haven't started yet 😊." Although you had a motion to respond to, you celebrated the fact you had not started work, posting this image:



At 3:18 p.m., you wrote, "And I'm really struggling with caring today."

On May 27, 2020 at 10:52 a.m., [REDACTED] asked you, "also, not to be a jerk, but what are we supposed to do today?" In response, you wrote, "Nothing 😊."

10:53 a.m., you wrote to [REDACTED] and [REDACTED], "Waited to hear how to proceed next week - 8 hrs." You also wrote at 1:41 p.m., "I'm looking forward to being back in the office because then I could have bad/unproductive days and not have to answer to anyone 😊."

On June 19, 2020 at 10:43 a.m., you wrote to [REDACTED], "I only need 1 more hour to fill my time card, and then I'm sneaking away 😊."

On July 10, 2020 at 10:44 a.m., you wrote to █████, "I have a terrible headache. I'm going to disappear for a bit when docket is done." A minute later, you wrote, "ok, I'm going to sneak out then."

On August 19, 2020 at 3:15 p.m., in reference to watching █████'s trial, you wrote to █████ and █████, "just mute it and put it on your time card 😊."

Negative Attitude

In Spring 2020, PACE attorneys began appearing virtually for court hearings due to the COVID-19 pandemic. On July 29, 2020, during the PACE family gathering, after months of weekly section meetings during which I continued to provide updates with every piece of new knowledge I could glean about the court's plan to re-start judicial proceedings safely, I shared the new development that the court expected attorneys to appear in-person beginning the following week for court and jury trials. That day, you repeatedly complained in Teams chats to other PACE attorneys about the PLT's decision about staffing for these in-person appearances. For example:

At 8:14 p.m., you wrote to █████ and █████, "Literally everyone was mad."

You added, "I will be a witness even if my days aren't limited 😊" and "I'll tell them how poorly it was managed."

At 8:17 p.m., you wrote to █████ and █████, "Then it should've been a meeting in which █████ told the trial attorneys" and "Not the whole office."

At 8:18 p.m., you followed-up with, "Something like 'I'm so sorry that we misled you'" and you added, "For months"

We expect our senior attorneys to be leaders and to maintain a positive attitude, especially when they are in a lead role in a trial courtroom and when mentoring an entry attorney. You have failed to lead by example, and you appear intent on spreading negativity. You've struggled to treat teammates with respect; instead, you've shown a propensity to gossip about, disparage, insult, and belittle your co-workers. You have unfairly criticized co-workers on multiple occasions, creating a hostile work environment. You have shown disrespect toward the PLT in writing and in conversation with other attorneys in the office. You have disparaged CAO leaders repeatedly. You are unduly critical of the PLT's decision-making and timing. Your negativity and disruptive conduct have impacted morale in our section. As a senior attorney, the PLT should be able to rely on you to set a good example for younger attorneys, as was done for you; rather, you exhibited and encouraged unprofessionalism, bullying, and defiance of the PLT. You regularly disparage your colleagues for not meeting your expectations and, yet, you yourself fail to meet those standards – by not reporting the unauthorized use of criminal justice records, admitting to not working or caring about work, participating in the "█████ Killers" chat, and denigrating others.

You have no previous disciplinary action in your personnel file.

Your contemplation of discipline meeting was held on Friday, October 2, 2020. You appeared via Microsoft Teams without a representative. Also present via Microsoft Teams were Melissa Poole-Knight, Bradley Whitfield, Emela Jankovic, Allison Rocker, Ashley Kelliher and me.

You chose not to speak on your own behalf during the contemplation meeting. Instead, you submitted a 23-page response to the contemplation letter.

In your written response, you state that every story has multiple sides. While you acknowledge that many of your Teams messages were entirely inappropriate, you mainly blame [REDACTED] issues and the stress of the pandemic for your conduct. You describe the chats as “venting.” You state you were too [REDACTED] to recognize how much help you needed, and you coped by “venting” to [REDACTED] and [REDACTED]. You state your review of the chats was a wakeup call that you [REDACTED]. You claim the bad things you said reflect your [REDACTED]. You admit to deleting the things you are most embarrassed about. You state if you thought what you wrote was reviewable, you would not have continued to vent in chats. You claim you made jokes and comments that you would never dream of saying to someone in person and now wish you could take back.

You state that 2020 has presented us with unprecedented challenges, and the pandemic did not bring out the best in you. You describe having difficulty juggling different aspects of your life. You apologize on the eleventh page of your rebuttal statement. You ask for forgiveness stating, “we are all human.” You also claim many of the chat messages were taken out of context. With respect to the allegation that you have a negative attitude, you claim you are just “expressing disagreement.” You state you only said negative things to two close friends in the office, and your communications were private. You state your comments about the July 29th announcement that some attorneys would resume in-person appearances were not negative. You claim your comments about suing the City were jokes, and that you have “no intent or grounds to sue the City.” Finally, you state you could have walked away from the contemplation meeting, but that would have been a disservice to you.

We are empathetic to the fact that the pandemic has created a lot of stress in your life and impacted your [REDACTED] and wellness. However, we do not believe it excuses or justifies your behavior. It is never appropriate to disparage and ridicule people you work with, no matter how much strain or negativity you may be experiencing. Despite your written response, you have demonstrated very little accountability for your conduct. For instance, in the chart you created referencing some of your posts, you do not admit that a single post is inappropriate. Instead, you excuse your conduct and, in several instances, twist the comment to cast yourself in a positive light. The chart does not address some of your most disturbing comments. Instead, you appear to have addressed only those comments for which you could supply an explanation.

You describe your participation in the “[REDACTED] Killers” chat as “dark humor.” You claim you told [REDACTED] the name “[REDACTED] Killers” was a “terrible joke.” Yet, you continued to participate in the chat. In your response, you claim you sent a message to [REDACTED] that she could not take all the credit for [REDACTED]’s [REDACTED] “to make [REDACTED] feel better.” Your explanation is completely implausible and, in what appears to be another attempt to skirt accountability for your conduct, your explanation overlooks the fact that [REDACTED] never indicated that she felt badly about her involvement. Instead, [REDACTED] told you that she “felt so satisfied by this” and “I’ve been humming all morning.” It appears you were proud of and took credit for your own involvement in causing [REDACTED]’s [REDACTED]. This is not the type of leadership we expect from senior attorneys.

The negativity you have spread is antithetical to the type of atmosphere we want to create in our section and especially for our newer attorneys. We have worked diligently over the past several years to overcome negative culture and subcultures that have existed in the PACE section – much of this work has involved a “model the behavior you wish to see in others” mentality. However, in your role as a courtroom lead and as a mentor to our newest attorneys who are just learning how

to be professionals in their budding careers, you have modeled bullying and negative behavior, and thereby taught your proteges that such poor behavior is appropriate in the workplace. You are overly critical of other attorneys' performance. Indeed, you had something negative and personally derogatory to say about many of the attorneys and para-professionals in PACE outside of your friend-group. You also joke repeatedly about accounting for your time in work-from-home logs and not working, which indicates to the PLT that you do not take seriously your role as a prosecutor for the City.

After carefully considering the circumstances and your employment history, I have determined the appropriate level of discipline is a 15-day suspension.

You may appeal this discipline in accordance with Career Service Rule 19, Appeals. You may initiate dispute resolution in accordance with Career Service Rule 18, Dispute Resolution.

Be reminded that you are not to take retaliatory action against any person as a result of this discipline. Any such action on your part may lead to further discipline, up to and including dismissal.

Respectfully,

s/ Marley Bordovsky

Marley Bordovsky, Section Director
Prosecution and Code Enforcement
Denver City Attorney's Office

cc: Kristin Bronson, James Fisher, Brad Whitfield, Emela Jankovic, Allison Rocker, Melissa Poole-Knight

CERTIFICATE OF SERVICE

I hereby certify that I have sent via email and U.S. mail a true and correct copy of the foregoing **Notification of 15-Day Suspension Disciplinary Action** on this 15th day of October, 2020.

To: Emily Reisdorph



By: *s/ Marley Bordovsky*

Issuer Signature

Marley Bordovsky, Director PACE

Issuer Printed Name/Title