IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

IN THE MATTER OF
DAVID J. SALMON

Disciplinary Action No. 24-DP-6

ORDER

Before the Disciplinary Panel is the letter dated July 29, 2024 from David J. Salmon seeking relief from the rule of good standing. D.C.COLO.LAttyR 3(d)(1) allows an attorney who seeks admission to the bar of this Court to seek relief from the Rule of Good Standing.

Mr. Salmon asks the Court for relief from the rule of good standing so that he might be admitted to the bar of the Court. Under D.C.COLO.LAttyR 3(a), an applicant for admission to the bar must be "in good standing in all courts and jurisdictions where the applicant has been admitted." Mr. Salmon states that he is not in good standing in the State of Missouri. Mr. Salmon has not been disbarred in Missouri, as shown by a January 8, 2021 letter from the Office of Chief Disciplinary Counsel for the Supreme Court of Missouri. That letter, however, indicates that Mr. Salmon is not in good standing in Missouri due to his "failure to pay the annual enrollment fees and late penalties for multiple years." Margie Hartman, the Deputy Clerk for Attorney Enrollment of the Supreme Court of Missouri, indicated in an email dated January 10, 2025 that "[o]ur records show that Mr. David J. Salmon, #42068, is currently stricken from the rolls for nonpayment of the annual enrollment fee, pursuant to Rule 6.02. The order was issued in May, 1996." Pursuant to Rule 6.01(f) of the Missouri Supreme Court Rules, subtitled "Automatic Suspension," "no lawyer shall be permitted to practice law or undertake or attempt to do a law business after the time the lawyer's name is stricken from the roll of attorneys pursuant to Rule 6.02." The State Bar of Missouri lists Mr. Salmon's bar status as "suspended" for nonpayment of fees. Given Mr. Salmon's failure to pay Missouri Bar dues, the Panel finds

that his name was stricken from the roll of attorneys and Mr. Salmon was therefore suspended by the Missouri Bar.

The next question is what effect Mr. Salmon's suspension in Missouri has under the District of Colorado's Local Attorney Rules. The requirements for membership to the bar of the Court are set forth in Rule 3. Subparagraph (a) of Rule 3 states that, among other things, an applicant must be a "member of the bar in good standing in all courts and jurisdictions where the applicant has been admitted." Subparagraph (c) of Rule 3 explains that "[i]n good standing means not suspended or disbarred by any court for any reason." Mr. Salmon was previously admitted, is not in good standing, and has been suspended by the bar of Missouri. Thus, under Rule 3(a), Mr. Salmon is not eligible for admission to the bar of this Court.

However, as noted earlier, Mr. Salmon has requested relief under Rule 3(d), entitled "Relief from Rule of Good Standing." Subparagraph (c) creates an exception to the requirement that an applicant be in good standing in each court where he or she had been admitted. Given that it is "presumed that discipline imposed by another court against a member of the bar of this court is appropriate," D.C.COLO.LAttyR 3(d)(2), in order to obtain relief from the rule of good standing, the attorney "has the burden to establish by clear and convincing evidence that: (A) the procedure resulting in discipline by the court was so lacking in notice or opportunity to be heard as to deny due process; (B) the application of the rule of good standing in Subdivision (c) would result in grave injustice; or (C) the kind of misconduct warrants substantially less severe discipline." *Id.*

Despite Mr. Salmon applying for relief from the rule of good standing, he does not discuss any of the factors listed in Rule 3(d)(2), much less cite clear and convincing evidence in support of any one of those factors. For example, the first factor is that the "discipline by the court was so lacking in notice or opportunity to be heard as to deny due process."

D.C.COLO.LAttyR 3(d)(2)(A). Missouri Supreme Court Rule 6.02, Notice to Delinquents, requires that the clerk of the supreme court "give notice on or before March 31st by first class mail to all lawyers shown by the records of the office to be delinquent in the payment of annual enrollment fees. . . . The notice shall also advise the lawyer that, unless the delinquency is remedied within 30 days following the date of mailing, the lawyer's name will be stricken from the roll of attorneys maintained by the clerk, subject to reinstatement pursuant to Rule 6.01(f)." Mr. Salmon's letter indicates that he was admitted to the Missouri Bar after he graduated from Washington University Law School in 1991. He moved to Florida in March 1995. Mr. Salmon states that his new employer in Florida "was unwilling to continue to pay my annual Bar dues" for Missouri and Massachusetts and Mr. Salmon "did not have the resources at the time to continue to pay annual Bar dues to the two states where I did not have any intention of practicing law." Exhibit B to Mr. Salmon's letter shows that the Missouri Bar noted a failure to pay bar dues beginning in 1996. Mr. Salmon does not address the first factor of Rule 3(d)(2) and for that reason there is no reason to believe that he failed to receive notice of his delinquencies or did not have an opportunity to protest the imposition of late fees.

The second factor noted in Rule 3(d)(2) is that "application of the rule of good standing in Subdivision (c) would result in grave injustice." Mr. Salmon does not address the issue of grave injustice. He does refer to Missouri requiring a payment of unpaid dues in the amount of $5,461.00 and penalties of $26,056.00 in order for him to be reinstated to the Missouri Bar. While the penalty amount is high and is perhaps unusual when compared to other states, Mr. Salmon does not explain what, if anything, he did to avoid such penalties, such as protesting their imposition or withdrawing from the Missouri Bar, especially if, as he said, he had no intention of practicing law in Missouri once he moved to Florida. Mr. Salmon does not explain why an attorney, who ignores notices regarding his or her bar delinquency for over twenty years

and therefore would have to pay a large arrearage in order to reinstate, thereby suffers a "grave injustice" under Rule 3(d)(2)(B).

Finally, Rule 3(d)(2)(C) creates an exception to the rule of good standing if "the kind of misconduct warrants substantially less severe discipline." In his letter, Mr. Salmon does not suggest that there should be no consequence for failing to pay bar dues. In order to get reinstated in Illinois, he paid past dues and a moderate penalty. The bar of this Court requires that members "pay all fees established by the court." D.C.COLO.LAttyR 3(a). Not paying the fees in the District of Colorado results in being removed from the rolls of admitted attorneys. *See* General Order 2022-7. Given the consequences that typically obtain for failure to pay bar dues, Mr. Salmon does not address why failure to pay dues and penalties in Missouri warrants substantially less severe discipline.

Rule 3(d)(2) requires that Mr. Salmon, in order to obtain relief from the rule of good standing, establish by clear and convincing evidence grounds supporting an exception. He has not done so. Thus, the Panel will deny his request without prejudice.

Dated at Denver, Colorado this 26th day of November, 2025.

BY THE DISCIPLINARY PANEL OF THE COURT:

Chief Judge Philip A. Brimmer

Judge Regina M. Rodriguez

Judge Charlotte N. Sweeney