

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

IN THE MATTER OF §
GWENDOLYN JEAN SHOTWELL § **CAUSE NO.** 64557
STATE BAR CARD NO. 18304210 §

AGREED JUDGMENT OF PROBATED SUSPENSION

On this day, the above-styled and numbered reciprocal disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and Respondent appeared in person as indicated by their respective signatures below and announced that they agree to the findings of fact, conclusions of law and orders set forth below solely for the purposes of this proceeding which has not been fully adjudicated. The Board of Disciplinary Appeals, having reviewed the file and in consideration of the agreement of the parties, is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Gwendolyn Jean Shotwell, Bar Card No. is 18304210, is an attorney who is licensed but not currently authorized to practice law in the State of Texas.
- (2) A Stipulation, Agreement and Affidavit Containing the Respondent's Conditional Admission of Misconduct was entered in the Supreme Court, State of Colorado, Before the Presiding Disciplinary Judge, in a matter styled: *Complainant: The People of the State of Colorado, Respondent: Gwendolyn Jean Shotwell, #32238.*
- (3) On or about November 8, 2019, an Order Approving Conditional Admission of Misconduct and Imposing Sanctions Under C.R.C.P. 251.22 was entered in the Supreme Court, State of Colorado, Before the Office of the Presiding Disciplinary Judge, in a matter styled: *Complainant: The People of the State of Colorado, Respondent: Gwendolyn Jean Shotwell, #32238, Case No. 19PDJ075, that states in pertinent part as follows:*

. . . Upon review of the stipulation, the Court ORDERS:

1. The stipulation is APPROVED.
 2. GWENDOLYN JEAN SHOTWELL, attorney registration number 32238, is SUSPENDED from the practice of law for a period of ONE YEAR AND ONE DAY, ALL TO BE STAYED upon the successful completion of a ONE-YEAR period of PROBATION, subject to the conditions set forth in paragraphs 17 and 18 of the stipulation.
 3. Respondent violated Colo. 8,4(b) . . .
- (4) In the Stipulation, Agreement and Affidavit Containing the Respondent's Conditional Admission of Misconduct, Shotwell admitted that in April 2019, she pleaded guilty to two charges in Denver District Court. The first count was a fourth-degree felony charge of driving under the influence with three priors. The second count was a misdemeanor count of driving under the influence per se. Shotwell received a three-year deferred judgment and sentence with probationary conditions and community service. She also served ninety days in the Denver County jail RISE program and paid court costs and fees, and she is completing 160 hours of counseling. The numerous mitigating factors present in this case include that Shotwell was immediately suspended from the practice of law in June 2019 based on her felony conviction. Through her conduct, Shotwell violated Colo. RPC 8.4(b) (a lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects). The case file is public per C.R.C.P. 251.31.
- (5) Respondent, Gwendolyn Jean Shotwell, is the same person as the Gwendolyn Jean Shotwell, who is the subject of Order Approving Conditional Admission of Misconduct and Imposing Sanctions Under C.R.C.P. 251.22 filed with the Supreme Court of Colorado; and
- (6) The Order Approving Conditional Admission of Misconduct and Imposing Sanctions Under C.R.C.P. 251.22 Discipline filed with the Supreme Court of Colorado is final.

Conclusions of Law. Based upon the foregoing findings of facts the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Tex. R. Disciplinary P. 7.08(H) ("TRDP"):
- (2) Reciprocal discipline identical, to the extent practicable, to that imposed by the Supreme Court of Colorado is warranted in this case. TRDP 9.03.

- (3) Respondent should be suspended for one year and one day, all stayed, upon the successful completion of a one-year period of probation.
- (4) This Board retains jurisdiction during the full term of probation imposed by this judgment to hear a motion to revoke probation.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Gwendolyn Jean Shotwell, State Bar Card No. 18304210, is hereby suspended from the practice of law for a period of one year and one day with the suspension being fully probated for one year beginning August 17, 2020, and ending August 17, 2021, under the following terms and conditions:

- (1) Respondent shall not violate any of the provisions of the Texas Disciplinary Rules of Professional Conduct or any provision of the State Bar Rules.
- (2) Respondent shall not be found guilty of, or plead no contest to, any felony involving moral turpitude or any misdemeanor involving theft, embezzlement, or fraudulent misappropriation of money or other property.
- (3) Respondent must notify both the Office of Chief Disciplinary Counsel and the Membership Department of the State Bar of Texas of any change in Respondent's address within thirty (30) days of the change of address.
- (4) Respondent shall not violate any of the terms or conditions of probation imposed by the Supreme Court of Colorado on November 8, 2019, in the matter styled: *Complainant: The People of the State of Colorado, Respondent: Gwendolyn Jean Shotwell, #32238, Case No. 19PDJ075.*
- (5) Respondent shall timely comply with all requirements of the Order Approving Conditional Admission of Misconduct and Imposing Sanctions Under C.R.C.P. 251.22 entered in the Supreme Court of the State of Colorado, in a matter styled *Complainant: The People of the State of Colorado, Respondent: Gwendolyn Jean Shotwell, #32238, Case No. 19PDJ075.*

Probation Revocation

Upon determination that Respondent has violated any term or condition of this judgment or of the disciplinary order or judgment entered in Colorado, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to

TRDP 2.22 with this Board and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

This Board will conduct an evidentiary hearing to determine by a preponderance of the evidence whether Respondent has materially violated any term, or condition, or requirement of any applicable disciplinary judgment. If this Board finds grounds for revocation, it will enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order without credit for any term of probation served prior to revocation.

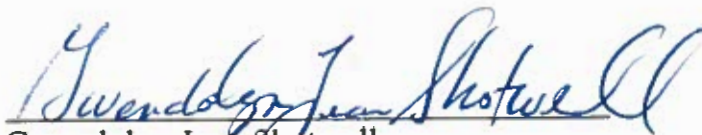
It is further **ORDERED** that any conduct on the part of Respondent, which serves as the basis for a motion to revoke probation, may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure.

Signed this 17th day of August _____ 2020.



Chair Presiding
Board of Disciplinary Appeals

APPROVED AS TO FORM AND CONTENT:



Gwendolyn Jean Shotwell
State Bar Card No. 18304210
Attorney for Respondent



Amanda M. Kates
Assistant Disciplinary Counsel
State Bar Card No. 24075987
Attorney for Petitioner