

*People v. Jennifer K. Mrachek*, 23PDJ065, December 4, 2023.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and publicly censured Jennifer K. Mrachek (attorney registration number 39993). The public censure, which carries the requirement that Mrachek attend disciplinary authorities' ethics course, took effect December 4, 2023.

In 2012, the Office of the Alternate Defense Counsel ("OADC") appointed Mrachek to represent an incarcerated client in the client's resentencing matter. From 2012 until 2019, Mrachek investigated her client's case by conducting multiple interviews, obtaining expert reports, communicating regularly with the client, and coordinating work on a mitigation video. Though Mrachek's OADC timekeeping records show that she drafted a motion for a resentencing order in 2019, she never filed the motion with the presiding court.

In July 2020, Mrachek learned that she lost her client's file after her computer and external hard drive were damaged. When OADC notified Mrachek in late 2020 that it reassigned the case to substitute counsel, she still had not told her client that his file was lost. In fact, Mrachek never communicated with her client at all after the first week of July 2020, including about assisting him to apply for an early release program available to individuals at high risk for contracting COVID-19.

Through this conduct, Mrachek violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(3) (a lawyer must keep a client reasonably informed about the status of the matter); and Colo. RPC 1.16A(a) (a lawyer must retain a client's file unless the lawyer gives the file to the client, the client authorizes the destruction, or the lawyer has notified the client in writing of the intention to destroy the file).

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