

**People v. Alan D. Carlson. 15PDJ078. September 4, 2015.**

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Alan D. Carlson (Attorney Registration Number 11205) from the practice of law for three years. To be reinstated, Carlson will bear the burden of proving by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law. The suspension takes effect October 9, 2015.

In one matter, Carlson agreed to represent a client in a personal injury case arising from a car accident. Carlson failed to answer written discovery, despite a court order directing him to do so. The court dismissed the case without prejudice, and the statute of limitations soon thereafter expired. Carlson did not inform his client that the case had been dismissed. Instead, he created a "distribution schedule" showing his client was entitled to fictitious settlement proceeds; in that document, he waived attorney's fees and costs and agreed to satisfy the client's medical liens. Having learned of the purported settlement, one of the medical providers contacted Carlson, seeking payment. Carlson misrepresented the status of the matter to the provider but promised to honor the lien. But after that discussion Carlson did not communicate with the provider and never paid her any money. Through this misconduct, Carlson violated Colo. RPC 1.1 (a lawyer shall provide competent representation to a client); Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the status of the matter); Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); and Colo. RPC 8.4(d) (a lawyer shall not engage in conduct prejudicial to the administration of justice).

In a second matter, Carlson was retained to represent a personal injury client who had been involved in a car accident. Carlson filed suit but failed to take any action, and the court dismissed the case. Carlson did not inform his client of the dismissal. From November 2013 through April 2015, Carlson repeatedly avoided the client's inquiries and then misled her about the status of her case; for example, he told her that he would get her money for her injuries, he represented that he had left messages with an insurance adjuster, and he asked about her availability for mediation. They set a date for a purported mediation session and agreed to drive together to the venue. On that day, however, Carlson provided the client an apology letter informing her that the case had been dismissed. The client has had no further contact with Carlson. Through this misconduct, Carlson violated Colo. RPC 1.1; Colo. RPC 1.3; Colo. RPC 1.4(a)(3); Colo. RPC 8.4(c); and Colo. RPC 8.4(d).