

*People v. Gaass*, No. 01PDJ041, 7/16/01. Attorney Regulation.

The Presiding Disciplinary Judge accepted the parties' Conditional Admission of Misconduct and suspended Respondent, David P. Gaass, from the practice of law for a period of six months, with five months stayed during a two-year period of probation subject to conditions. Respondent represented a client in a matter involving an automobile collision. He initially filed a complaint on the client's behalf, and thereafter failed to file C.R.C.P. 26 disclosures, failed to prepare a case management order, and failed to set the matter for trial.

Defendant filed a motion to dismiss for failure to prosecute and respondent did not file a response. The matter was dismissed. Respondent failed to advise the client that the motion to dismiss had been filed, that he had failed to respond, and that the court granted defendant's motion. Respondent filed the same complaint again, but did not provide the client with a copy of the complaint, and did not notify the client that he had done so. Respondent failed to serve one of the defendants. When defendant filed a motion for sanctions for failure to prosecute in the prior case, respondent initially did not respond, the court granted the motion, respondent subsequently filed a response, but did not advise the client of the motion or the court's order entering costs against the client. Respondent failed to provide complete disclosures when requested by defendant's counsel. Respondent failed to respond to communication from defense counsel, did not timely pay the costs assessed against the client, failed to provide adequate disclosures, and failed to obtain adequate medical records and other documents from the client. Defendant filed a motion to dismiss with prejudice for failure to prosecute and the court granted the motion.

Respondent advised the client neither that the matter had initially been dismissed nor that it was dismissed a second time. Respondent's knowing failure to adequately and accurately inform the client of the ongoing status of the matter constituted a violation of Colo. RPC 8.4(c). Respondent's conduct constitutes numerous violations of Colo. RPC 3.2, Colo. RPC 1.3, and Colo. RPC 1.4(a). Respondent was ordered to pay the costs of the proceeding.