

**People v. Thomas Blumenthal. 22PDJ062. September 28, 2023.**

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Thomas Blumenthal (attorney registration number 15549) for one year and one day. The suspension takes effect November 2, 2023. To be reinstated to the practice of law in Colorado after his suspension, Blumenthal must prove by clear and convincing evidence that he has been rehabilitated, has complied with all disciplinary orders and rules, and is fit to practice law.

Blumenthal represented a client in a criminal matter that was set for trial on December 1, 2021, the same day that Blumenthal's suspension from another disciplinary case was scheduled to take effect. As the trial date approached, Blumenthal did not inform the presiding court or the deputy district attorney ("DDA") in the case that he would be unable to appear for the trial. At the pretrial readiness conference on November 22, 2021, when the judge asked about the priority level of the case, Blumenthal deferred to the DDA, who announced ready for trial. Though Blumenthal had known the effective date of his suspension for seventy-five days, he did not directly notify the court or the DDA of his suspension until 4:32 p.m. on the eve of trial, when he moved to withdraw from the case and filed a notice of withdrawal due to his suspension. On December 1, 2021, no lawyer appeared on behalf of Blumenthal's client, who told the court that he did not have any discovery and that he wanted to find another lawyer. The court continued the case.

In a different matter, Blumenthal represented a client in two criminal cases. In October 2021, at a pretrial readiness conference for both cases, Blumenthal aggressively leaned over the prosecution's table, accused the DDA in the cases of lying to him or to the court about service on the victim, and stated that the DDA did not know what she was doing. The DDA feared that Blumenthal was going to physically harm her. The presiding judge, who felt that Blumenthal was completely out of control and "scary," also feared that Blumenthal might strike the DDA and perceived that his was using his physical stature to intimidate the DDA. As Blumenthal left the table, he muttered under his breath "bitch" and said, "I thought you were a lawyer." Later that day, when another case was on the record, Blumenthal returned to the courtroom and interrupted the same DDA to ask for her name. The cases were then transferred to another division under a different DDA.

Through this conduct, Blumenthal violated Colo. RPC 4.4(a) (in representing a client, a lawyer must not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person); Colo. RPC 8.4(d) (it is professional misconduct for a lawyer to engage in conduct prejudicial to the administration of justice); Colo. RPC 8.4(g) (in representing a client, a lawyer must not engage in conduct that exhibits bias against a person based on the person's race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, when such conduct is directed to anyone involved in the legal process); and Colo. RPC 8.4(h) (it is professional misconduct for a lawyer to engage in any conduct that directly, intentionally, and wrongfully harms others and that adversely reflects on the lawyer's fitness to practice law).

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