

People v. Devra K. Carmichael. 16PDJo61. August 1, 2016.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and publicly censured Devra K. Carmichael (attorney registration number 21321), effective August 1, 2016. Under the terms of the stipulation, Carmichael must attend ethics school.

On September 26, 2011, Carmichael agreed to assist a client to regain possession of his vehicle from a body shop. The body shop had not repaired the vehicle yet refused to release it without further payment. In early May 2012, Carmichael suggested that her client ask an acquaintance to take pictures of the vehicle at the body shop without seeking the body shop's permission. If caught, the acquaintance should say he was lost, Carmichael suggested. Carmichael did not file the complaint in replevin on behalf of her client until May 10, 2013. She failed to include the summons with the complaint and received a notice of dismissal for failure to prosecute on May 13, 2013. Carmichael then filed the summons and the case moved forward.

Carmichael later learned that the defendants had somehow obtained title to her client's vehicle, so she moved to prevent the defendants from removing the vehicle from Colorado. Her motion was successful, and she next filed a motion for default judgment in September 2012. On January 13, 2014, the court entered default judgment against the defendants. Carmichael was ordered to file a writ of assistance forthwith. Carmichael's client called the court on January 28, 2014, and learned that the writ had not been filed. A month later, Carmichael told her client that she had filed the writ and gave him a copy. In April 2014, she contacted the court to see if the writ had been received, and she discovered that it had not. She mailed a second order to the court, which the court signed *nunc pro tunc* to January 13, 2014. Her client gained possession of his vehicle in June 2014.

Carmichael's conduct violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client) and Colo. RPC 8.4(a) (a lawyer shall not knowingly induce another to violate the Rules of Professional Conduct).