

*People v. David I. Levy*, 21PDJ050. December 22, 2021.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended David I. Levy (attorney registration number 14182) for one year and one day. To be reinstated to the practice of law in Colorado, Levy 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. The suspension took effect December 22, 2021.

In July 2018, a client retained Levy to represent her in claims arising from two separate motor vehicle accidents. Levy did not seek authorization from the client to make settlement demands, nor did he pursue demands against any of the potentially liable insurers. Only in December 2020 did he file a complaint concerning the accidents. He did not allow his client the opportunity to review the complaint before or after he filed it, and the two defendants he named in the complaint did not include the individual whom his client had asserted was responsible for the first accident. Levy did not arrange for service of the summons or the complaint on the defendants in the case. In January and March 2021, the court issued two orders, but Levy did not tell his client about the orders or respond to them, and the court dismissed the case without prejudice for failure to prosecute. Meanwhile, in March 2021, Levy stipulated with disciplinary authorities to his immediate transfer to disability inactive status. The order transferring Levy to disability inactive status directed him to file an affidavit verifying that he notified his clients and the courts in which he had pending matters that he had been placed on disability inactive status and that he could no longer represent clients. Though Levy knew of the order, he did not inform his client or the court about the matter, and he did not timely file the required affidavit. In late April 2021, Levy's client learned that her case had been dismissed after she retained new counsel, who successfully moved the court to set aside the order dismissing her case.

In a separate matter, Levy violated a permanent protection order when he emailed two parties protected by the order. Levy again violated the protection order when he later texted one of the parties. At a contempt hearing in February 2021, a court found Levy in indirect contempt for disobeying the protection order; Levy was later sentenced and served three days in jail. On the day following the contempt hearing, Levy again disobeyed the protection order when he emailed the two protected parties. Two days later, he sent another email to one of the parties, who reported the matter to law enforcement. In April 2021, law enforcement arrested Levy; he was charged with violating a protection order, a class-two misdemeanor.

Through this conduct, Levy violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a) (a lawyer shall reasonably communicate with the client); Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); and Colo. RPC 8.4(b) (a lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects).

The case file is public per C.R.C.P. 242.41(a)(2).