

People v. Leta R. Holden. 15PDJ073. August 24, 2015.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Leta R. Holden (Attorney Registration Number 27118) from the practice of law for a period of one year and one day, all stayed upon the completion of a two-year period of probation, including the condition of undergoing practice monitoring. The probation took effect August 24, 2015.

Holden's misconduct arose out of two separate client matters. In the first, she represented a father who sought custody of his children. Holden failed to contact a designated mediator or schedule mediation as ordered by the court. Later, she failed to cooperate with opposing counsel in preparing a joint trial management certificate. Holden appeared ninety minutes late for the resultant show cause hearing, claiming that she had been stuck in traffic. She also failed over several months to open her notices from the ICCES e-filing system. In this matter, Holden violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a 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(d) (a lawyer shall not engage in conduct prejudicial to the administration of justice).

In a second matter, Holden was hired to represent a client in a dispute with an automotive repair shop. Holden neglected the case and failed to respond to multiple inquiries made by the client and his daughter. Holden did not file an answer to the repair shop's counterclaims, nor did she respond to a motion for default judgment on those claims. As a result, the court granted the motion. Holden did not tell the client about the motion or the order. Later, the repair shop moved to dismiss the complaint and to execute on the judgment. Holden neither responded nor notified her client. The court granted the motions and entered judgment for the repair shop in the amount of more than \$9,000.00, yet Holden still did not tell her client.

In this case, as in the custody matter addressed above, Holden violated Colo. RPC 1.3 and Colo. RPC 8.4(d). In addition, she violated Colo. RPC 1.1 (a lawyer shall provide competent representation to a client); Colo. RPC 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the status of the matter); Colo. RPC 1.4(a)(4) (a lawyer shall promptly comply with reasonable requests for information); Colo. RPC 1.5(b) (a lawyer shall communicate, in writing, the rate or basis of the fee and expenses within a reasonable time after commencing representation); and Colo. RPC 1.15(j) (2008) (a lawyer shall maintain certain records related to trust accounts and client billing).

During this period, Holden was experiencing mental and emotional stresses due to family problems, and her ability to represent clients was compromised, yet she did not withdraw. She thus violated Colo. RPC 1.16(a)(2) (a lawyer shall withdraw from representation if the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client).