

**People v. Ashley M. Nichols. 16PDJo46. June 8, 2016.**

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and publicly censured Ashley M. Nichols (attorney registration number 39120), effective June 8, 2016.

In August 2014, Nichols filed a complaint on behalf of her client, a homeowner's association, in a foreclosure lien action. On September 26, 2014, the district court issued a notice of failure to prosecute and indicated that the case would be dismissed on October 15, 2014. On October 1, 2014, Nichols moved for default judgment against the homeowner defendant; the defendant then filed an answer. Default judgment was entered against the bank that held the mortgage. The remaining parties were ordered to set the case for trial. Despite her efforts to do so, Nichols was unable set the case for trial and the case was dismissed for failure to prosecute. She did not tell her client that the case had been dismissed because she believed that she would successfully reopen the case.

In January 2015, Nichols drafted a motion to reopen the case. She never filed the motion with the court, however. She twice updated her client about the status of the case but failed to inform the client of the dismissal. After not hearing from Nichols for several months, her client hired successor counsel, who discovered that the case had been dismissed. Nichols's firm paid the client \$15,000.00 to compensate for the client's losses. She self-reported her conduct to the Office of Attorney Regulation Counsel in August 2015.

Nichols's conduct violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the status of the matter); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).