

*People v. Scott Paul Landry. 23PDJ007. March 2, 2023.*

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and publicly censured Scott Paul Landry (attorney registration number 21934). The public censure takes effect April 6, 2023.

Landry represented a plaintiff in a case involving a motor vehicle accident. The lawsuit was against the other driver and the driver's employer. In April 2022, Landry subpoenaed communications between the employer and employer's insurer. In response to Landry's subpoena, the insurer produced documents that unintentionally included a letter from the employer's lawyer. The letter was intended for the defendants and the insurer, and it contained an analysis of the case, including the facts of the case, potential damages, the defense strategy, and an opinion about the value of the claim. The first page of the letter contained a bolded disclaimer: "ATTORNEY CLIENT AND ATTORNEY WORK PRODUCT PRIVILEGED."

Landry saw the disclaimer but reviewed a portion of the letter to gain information about what opposing counsel knew in the case. Landry did not promptly notify opposing counsel about the letter, instead deposing a representative of the driver's employer before opposing counsel learned that Landry had received the letter. Landry was ultimately disqualified from the case based on his review of the letter.

Through this conduct, Landry violated Colo. RPC 4.4(b) (a lawyer who receives a document relating to the representation of the lawyer's client and knows or reasonably should know that the document was inadvertently sent must promptly notify the sender).

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