

People v. Charles John Vanstrom. 24PDJ032. May 7, 2024.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Charles John Vanstrom (attorney registration number 20479) for ten months, effective June 11, 2024. The suspension carries the requirement that Vanstrom petition to reinstate to the practice in law in Colorado and 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.

Beginning in April 2020, Vanstrom represented multiple defendants in a civil case. Vanstrom later agreed to represent another client who was served with a documents subpoena. But Vanstrom failed to timely obtain responsive documents from the client.

In February 2021, the plaintiffs were permitted to amend the complaint by adding Vanstrom's client as a defendant. That month, the client gave Vanstrom relevant documents, but Vanstrom never provided the opposing party that information. In June 2021, the opposing party sought sanctions for the client's failure to provide initial disclosures. The court ordered Vanstrom to file a privilege log and provide the client's disclosures by July 19, 2021. Vanstrom did not advise his client of the order, however, and he failed to timely produce any information. In July 2021, the opposing party again moved for sanctions, and Vanstrom again failed to advise the client about the motion. The court ultimately found that Vanstrom's client flagrantly disregarded his discovery obligations, deemed the client to have defaulted, and awarded reasonable fees and costs to the opposing party. Vanstrom never gave the court's order to his client or advised his client about the order. Likewise, Vanstrom did not advise his client that the court held a hearing as to the opposing party's fees and costs. In December 2021, the court entered judgment against the client and against the client and the other defendants, jointly and severally.

Meanwhile, Vanstrom did not make expert disclosures, and the opposing party moved to preclude the defendants from presenting expert testimony. Vanstrom did not respond, and Vanstrom's client was precluded from introducing expert testimony as to damages. In February 2022, the opposing party moved for contempt against the client for failing to satisfy the judgments and for failing to provide a privilege log. The court granted the motion and set a hearing. There, the client learned of the default and that he was precluded from offering expert testimony. With new counsel, and facing treble damages, the client settled the case against him for \$500,000.00 in addition to the judgment amounts for fees and costs.

In December 2022, the client filed a malpractice complaint against Vanstrom and obtained a default judgment against Vanstrom and his firm, jointly and severally, in the amount of \$571,721.08. To date, Vanstrom has not satisfied any portion of the judgment.

In another matter, a husband and wife hired Vanstrom in September 2022. They paid Vanstrom a retainer of \$2,500.00, which he deposited into his trust account. After he failed to respond to the clients' request for an update, the clients requested an accounting of their funds. But Vanstrom neither communicated with them nor provided the accounting. The clients ended the representation in November 2022. Vanstrom did not refund their money, but they received their money back through a credit card charge reversal in December 2022.

Through this conduct, Vanstrom violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4 (a lawyer must reasonably communicate with the client); Colo. RPC 1.15A(b) (on receiving funds or other property of a client or third person, a lawyer must promptly deliver to the client or third person any funds or property that person is entitled to receive); Colo. RPC 1.16(d) (a lawyer must protect a client's interests upon termination of the representation, including by returning unearned fees); and Colo. RPC 8.4(d) (it is professional misconduct for a lawyer to engage in conduct prejudicial to the administration of justice).

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