

People v. Brett Anthony Buchheit. 13PDJ094. June 23, 2014.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Brett Anthony Buchheit (Attorney Registration Number 39755) for six months, all stayed upon a two-year period of probation, with conditions. The probation took effect June 23, 2014.

Buchheit was disciplined for his misconduct in five matters. In one matter, he failed to ensure that settlement funds were retained by his law firm to satisfy a lien for chiropractic services rendered for his client, in violation of Colo. RPC 1.15(c) (requiring lawyers to keep separate any property in which two or more persons claim interests until there is an accounting and severance of those interests).

After departing that law firm, Buchheit asked an employee to solicit work from a client of that firm, even though he did not have a prior professional relationship with the client. This conduct contravened Colo. RPC 7.1(e) (forbidding lawyers from encouraging employees to make communications on the lawyer's behalf in violation of Colo. RPC 7.1 through 7.4) and 8.4(a) (proscribing attempts to violate the Rules of Professional Conduct or knowingly inducing others to do so).

In a third matter, Buchheit failed to confirm the limits of a client's auto insurance policy, despite the client's repeated requests to do so, in violation of Colo. RPC 1.3 (mandating diligence and promptness) and Colo. RPC 1.4(a) (mandating explanation of a matter reasonably necessary to allow a client to make an informed decision regarding the representation).

In a fourth matter, Buchheit was a party to an arbitration proceeding with his former law firm involving a separation and fee-sharing agreement. In violation of the arbitrator's orders, Buchheit disbursed certain settlement funds, thereby contravening Colo. RPC 1.15(c) and Colo. RPC 3.4(c) (forbidding knowing disobedience of an obligation under the rules of a tribunal).

In a final matter, Buchheit placed several phone calls and sent numerous text messages to an individual who had filed a request for investigation against Buchheit with the Office of Attorney Regulation; Buchheit threatened that individual with a lawsuit unless he spoke with Buchheit. Through this conduct, Buchheit violated C.R.C.P. 251.32(e) (prohibiting lawsuits based on testimony given in disciplinary proceedings or communications relating to attorney misconduct) and Colo. RPC 8.4(d) (proscribing conduct prejudicial to the administration of justice).