

People v. Richard James Goff. 20PDJ032. May 29, 2020.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Richard James Goff (attorney registration number 19348) for eleven months, with the requirement that Goff petition for reinstatement, if at all, under C.R.C.P. 251.29(c). The suspension takes effect July 6, 2020.

Goff committed multiple instances of misconduct while representing a client in dissolution of marriage post-decree disputes. The client had two children, one a minor and one who required ongoing child support due to a disability. Goff failed to read or respond to the opposing party's motion for post-trial relief. After the court granted the motion Goff filed three post-trial motions of his own, one of which the court deemed meritless. On another occasion, the opposing party filed a proposed amended support order with which Goff did not disagree. But when the court approved the order, Goff promptly filed a motion to reduce child support. Also during the representation, Goff moved to withdraw and asked to continue a conference to allow the client to prepare to represent himself. The same day the court granted the motion to withdraw, Goff re-entered his appearance and filed another motion to continue the conference so the client could prepare to represent himself.

Goff failed to advise his client about legal requirements for relocating out of state with the minor child; the client later chose to relocate without the minor child due to complications occasioned by Goff's delays. Goff moved to appoint a guardian ad litem for the client's older child, even though no statutory authority permitted such an appointment. Later, in a dispute about payment of medical expenses, the court instructed Goff to submit a proposed order, but Goff never did so. Without researching the issue, Goff moved that Child Support Services collect payment for unpaid medical expenses, which that agency cannot do.

Goff failed to timely complete the client's sworn financial statement. Later, the court ordered the parties to update their financial disclosures two weeks prior to the hearing date. Goff filed six substantially similar sworn financial statements in a three-month period, without explanation for why he filed multiple affidavits or how they differed. To prepare one of these sworn financial statements, Goff emailed the client what he thought was a blank template; the attachment was actually a statement completed by another of his clients that contained confidential information.

The court set a hearing on support modification and on a contempt motion against Goff's client. At the hearing, Goff failed to make many arguments the client wanted him to make about support. After the hearing, Goff filed a motion for sanctions against the opposing party against his client's wishes. The client asked Goff to withdraw the motion. Goff refused. Later, Goff filed a second motion for sanctions, also against the client's wishes.

The client erroneously believed that he had to support his eldest child because the child was protected by a guardianship. Goff did not correct this misapprehension. Instead, he moved to end the guardianship in the post-decree case, not in the guardianship case. The motion was denied because it was filed in the wrong case. Goff did not refile in the correct case.

Through this conduct, Goff violated Colo. RPC 1.1 (a lawyer shall competently represent a client); Colo. RPC 1.2(a) (a lawyer must abide by the client's decisions concerning the objectives of a case and consult with the client regarding the means to achieve the objectives); Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a) (a lawyer shall reasonably communicate with the client); Colo. RPC 1.4(b) (a lawyer shall explain a matter so as to permit the client to make informed decisions regarding the representation); Colo. RPC 3.1 (a lawyer shall not assert frivolous claims); and Colo. RPC 8.4(d) (providing that 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. 251.31.