

People v. Goff, No. 00PDJ087, 12/14/00. Attorney Regulation.

The Presiding Disciplinary Judge accepted the parties' Conditional Admission of Misconduct and suspended Respondent, Richard James Goff, from the practice of law for a period of approximately twenty months, until July 3, 2002. Respondent was appointed to represent a client on a charge of child abuse resulting in death. He had no prior experience in criminal defense involving a charge of this gravity. Respondent failed to interview the prosecution's experts, and failed to interview other witnesses who could have been potentially helpful to his client. Respondent arranged to have the client take a polygraph test at the district attorney's office but failed to advise the client that she could be examined by an independent polygraph examiner, failed to prepare her for the examination, failed to explain the risks of her failing the polygraph examination, and failed to inform her that any statements she made before the test began could be used against her. Respondent filed numerous motions to continue the trial date. Some of the facts upon which Respondent based his motions to continue were not true.

Respondent waived a jury trial on behalf of the client without advising her of the consequences regarding appellate issues if she lost the trial. Respondent's client was convicted of child abuse knowingly causing death and sentenced to forty-two years in prison. Respondent violated Colo. RPC 1.1 by failing to provide competent representation to the client, Colo. RPC 1.3 by failing to diligently represent the client, Colo. RPC 1.4(a) and (b) by failing to explain the consequences of certain actions that were taken on the client's behalf, and Colo. RPC 8.4(c) by misrepresenting to the court some of the reasons for the motion for continuance of the trial. Respondent was ordered to pay the costs of the proceedings.