

People v. Leta R. Holden. 19PDJ049. July 11, 2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and publicly censured Leta R. Holden (attorney registration number 27118), effective July 11, 2019.

Beginning in 2015, Holden represented in Denver District Court two legal entities that were controlled by the owner of several condominiums in a certain complex. The complex had sued the owner for unpaid dues. The owner generally represented himself personally in the case. The case went to a bench trial in March 2017, though the judge did not rule until January 2018.

Before the bench trial, the owner separately sued the complex on behalf of one of his entities. The complex counterclaimed, alleging claims mirroring those in the first case. In May 2017, a conference was held in the second case, during which the parties discussed the interplay of the two cases. Holden began representing the owner's entity in the second case as of this point. The parties agreed during the conference that the claims in the two cases were overlapping and that once the first case was resolved, the counterclaims in the second case would be dismissed. The parties also agreed to mediate the original claim in the second case. That mediation soon took place. In accordance with the resulting settlement stipulation, the judge dismissed with prejudice the claims and counterclaims in the second case.

The very next day, the owner moved for a directed verdict in the first case, arguing that the dismissal in the second case effectively barred the identical claims in the first case under the doctrine of res judicata. The owner affixed Holden's electronic signature to the motion. The complex moved to reopen the second case to reform the settlement agreement. The judge granted the motion, ruling that the owner's entity had acted in bad faith and abused the legal process. The judge subsequently found that Holden used the mediation agreement improperly as part of a "scheme perpetrated by an attorney and her client in an attempt to avoid a potential adverse decision in another case."

In January 2018, the court issued its decision in the first case, generally finding against the owner. In May 2018, Holden and the owner appealed on grounds that the dismissal of the counterclaims in the second case effectively resolved the claims in the first case.

Also in January 2018, the federal district court rejected Holden and her client's collateral attack on the state court decisions, warning that Holden might face sanctions and discipline if she joined in any future frivolous filings. Yet Holden filed another complaint in federal court in February 2019 attacking the validity of the state court judgments. A magistrate recommended dismissal of the action as well as imposition of filing restrictions on Holden. That recommendation was still pending at the time the parties submitted the conditional admission. Through this misconduct, Holden violated Colo. RPC 8.4(d) (a lawyer shall not engage in conduct prejudicial to the administration of justice). The case file is public per C.R.C.P. 251.31.