

People v. David Howard Krall. 20PDJ045. October 9, 2020.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended David Howard Krall (attorney registration number 06550) for six months, with the requirement that he petition for reinstatement, if at all, under C.R.C.P. 251.29(c). In such a proceeding, Krall must prove by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law. Krall's suspension takes effect November 13, 2020.

Beginning in 2004, Krall represented a client in a dispute with his client's homeowners association ("HOA"). The parties settled in 2010. The HOA did not fulfill its obligations under the agreement, and Krall told his client that he would work to obtain the HOA's compliance with the settlement terms. Instead, he stopped returning his client's phone calls. Krall did not speak with his client in person until 2018, when he again promised to get the HOA to comply with the settlement. But Krall's client was thereafter unable to contact him. His client's situation remains unresolved.

In a second client matter, Krall agreed in October 2017 to represent a client in a breach of contract case. Krall stopped communicating with his client soon after accepting the case. The client called Krall many times in December 2017 and eventually went to Krall's office in person. The receptionist informed him that Krall had undergone knee surgery but was doing fine. By January 2018, the client could no longer reach anyone at Krall's office. Meanwhile, the client's matter proceeded, and neither Krall nor his client appeared at the case management conference. In March 2018, the court issued an order to show cause why sanctions should not enter against the client for failure to appear at the conference. Krall did not send a copy of the order to his client, and he did not file a response. The plaintiff then moved for default judgment. Again, Krall did not send a copy of the motion to his client or submit a response, and the court entered default judgment against his client. His client first learned of the default judgment in 2019 after receiving a letter from the plaintiff requesting full payment of the judgment. Krall's client paid another lawyer \$15,000.00 to move to set aside the default judgment.

Through this conduct, Krall violated 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); and Colo. RPC 1.16(a)(2) (a lawyer shall withdraw from representation if the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client).

The case file is public per C.R.C.P. 251.31.