

People v. Robert E. Abrams. 20PDJ004. April 30, 2020.

The Presiding Disciplinary Judge approved the parties' amended conditional admission of misconduct and suspended Robert E. Abrams (attorney registration number 37950) for one year, 90 days to be served and nine months to be stayed upon the successful completion of a two-year period of probation. The suspension took effect May 14, 2020.

Abrams committed several discrete types of misconduct in connection with his corporate representation and defense in litigation of three individuals and a corporate entity. Abrams's continued representation of his clients, the defendants, after he was personally named as a co-defendant in the same action created a conflict of interest. He did not secure informed written consent from his clients authorizing him to continue with the representation despite the conflict.

In the same case, Abrams filed written discovery responses that violated a trial court order specifically prohibiting the parties from using ad hominem attacks, sarcastic or bombastic rhetoric, or any language that did not conform to the norms of civil discourse. Further, Abrams repeatedly disrupted his own deposition and prematurely ended the session after less than thirty minutes; the court-appointed special master then had to review the transcript, issue an order sanctioning Abrams, and personally preside over Abrams's second deposition.

During lunch break on the second day of trial, Abrams went to opposing counsel's office building with no legitimate reason for being in the building at that time. He rode the elevator with opposing counsel and his client (the plaintiff in the case), over objections from opposing counsel and a security guard. Abrams was disruptive to and confrontational with people in opposing counsel's office. Based on this conduct, the trial court entered a restraining order against Abrams, listing opposing counsel as the protected party.

Finally, Abrams recklessly and falsely submitted to the court an affidavit that contained inaccurate information.

Through this conduct, Abrams violated Colo. RPC 1.7(a)(2) (a lawyer shall not represent a client if the representation will be materially limited by the lawyer's responsibilities to another client or by the lawyer's personal interests); Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); Colo. RPC 8.4(c) (providing that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); 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.