

*People v. Brenner*. 13PDJ033. August 30, 2013. Attorney Regulation. The Presiding Disciplinary Judge approved a conditional admission of misconduct submitted by the parties and suspended Donald Arthur Brenner (Attorney Registration Number 05692) from the practice of law for one year and one day, effective October 4, 2013. Brenner represented two separate clients: one charged with unlawful sexual contact with an at-risk adult and a second charged with first-degree murder. In both matters, Brenner failed to adequately prepare for trial or diligently prepare his clients' cases. In the sexual assault case, he did not interview the victim or other witnesses, failed to object to a special-verdict form, did not obtain a psychosexual evaluation of his client, failed to cross-examine the victim on pivotal testimony, and filed not a single motion. He also improperly revealed to the court information relating to the representation of his client. In the murder case, Brenner met with his client for just two hours in preparing for trial and he filed just one motion, which the court lacked authority to grant. Moreover, he performed inadequate investigation, interviewed just two or three witnesses before trial, failed to interview expert witnesses or hire his own expert on the issue of whether the shooting was accidental, did not file appropriate motions in limine, neglected to request a hearing regarding a conflict of interest issue, and failed to consult with his client before he waived his client's right to a jury trial on his possession of a firearm. Courts later ruled that Brenner had provided ineffective assistance of counsel in both matters. Brenner's misconduct constitutes grounds for the imposition of discipline pursuant to C.R.C.P. 251.5 and violated Colo. RPC 1.1, 1.3, 1.4, and 1.6.