

People v. David Chadwick Calvert. 17PDJ070. October 12, 2017.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and publicly censured David Chadwick Calvert (attorney registration number 16799), effective October 12, 2017. As part of his sanction, Calvert must attend and pass ethics school.

Under a contingent fee arrangement, Calvert agreed to serve as co-counsel with another lawyer to handle two intertwined personal injury matters for a single client. The other lawyer agreed to serve as lead counsel, and Calvert agreed to assist him as necessary. Calvert entered his appearance as attorney of record in just one of the cases.

The other lawyer failed to prepare the client's cases; to interview witnesses, doctors, or other experts; to retain or disclose experts; to obtain or disclose medical records and bills to support his client's damage claims; and to interview or disclose a custodian of records so records could be admitted into evidence. Calvert incorrectly assumed that the other lawyer was handling these matters. Because he failed to stay informed as to the status of the case, he was unaware that the other lawyer had not prepared for trial. Both lawyers' incompetence and lack of diligence destroyed the client's chances of prevailing at trial.

Ultimately, the other lawyer settled the case without the client's knowledge or permission. Later, Calvert told the client that going to trial would be "financial suicide" and informed her that if she decided to go to trial he would no longer represent her. The client signed the settlement documents. Calvert received half of the contingency fee and costs.

Through this negligent misconduct, Calvert violated Colo. RPC 1.1 (a lawyer shall competently represent a client); Colo. RPC 1.2(a) (a lawyer must abide by the client's decisions concerning the objectives of a case and consult with the client regarding the means to achieve the objectives); Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(1) (a lawyer shall promptly inform the client of any decision or circumstance as to which the client's informed consent is required); and Colo. RPC 1.7 (restricting the circumstances in which a lawyer may represent a client if the representation involves a concurrent conflict of interest).