

*People v. Eliana Chavez*. 21PDJ070. January 10, 2024.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Eliana Chavez (attorney registration number 48546) for six months, all to be stayed upon the successful completion of a two-year period of probation, with conditions. The sanction took into account a significant number of mitigating factors. The probation took effect October 7, 2021. By stipulation of the parties, the probationary period was extended an additional year, effective January 10, 2024, after Chavez was publicly censured in case number 23PDJ060. During the extended period of probation, Chavez must continue to adhere to certain probationary conditions, including engaging in practice monitoring.

Beginning in November 2018, Chavez represented a client in a dissolution of marriage case. In February 2019, Chavez agreed to settle the case during mediation with the other party, who was unrepresented. Chavez filed a status report informing the court of the separation agreement, but she never submitted the agreement or other documents that the court had ordered the parties to file. In March 2019, the court dismissed the case due to noncompliance with its orders. Chavez did not check on the status of the case, however, and she believed that her assistant had sought additional time to submit the filings. As a result, she did not learn of the dismissal until later that year. Meanwhile, Chavez began drafting the separation agreement and preparing other paperwork for her client's signature. In August 2019, Chavez obtained the other party's signature on the separation agreement and instructed her assistant to file the agreement. She did not verify that her assistant filed the agreement, nor did she otherwise investigate the status of the case. Around autumn 2019, Chavez learned that the case had been dismissed and that the separation agreement had not been filed. She did not notify her client or the other party of the status of the matter. Without consulting with her client, she devised a strategy to re-open the case and file the agreement. Before she did so, however, her client consulted with another lawyer, who checked the status of the case and informed the client that the matter had been dismissed and that the separation agreement was never filed. The client fired Chavez that month.

Through this conduct, Chavez violated Colo. RPC 1.2 (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) (a lawyer shall reasonably communicate with the client); Colo. RPC 1.4(b) (a lawyer shall explain a matter so as to permit the client to make informed decisions regarding the representation); Colo. RPC 5.3 (a lawyer shall ensure that nonlawyer assistants act in a manner consistent with the lawyer's professional obligations); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

The case file is public per C.R.C.P. 242.41(a)(2).