

*People v. Eliana Chavez*. 23PDJ060. January 10, 2024.

The Presiding Officer approved the parties' amended stipulation to discipline and publicly censured Eliana Chavez (attorney registration number 48546), effective January 10, 2024. The public censure takes into account factors that mitigate Chavez's negligent conduct as well as a contemporaneous order approving the parties' stipulation to extend by one year Chavez's period of probation in case number 21PDJ070, during which time Chavez must comply with certain conditions, including practice monitoring, imposed in that case.

In January 2022, while representing a client in a domestic relations matter, Chavez agreed to the opposing counsel's request to continue the permanent orders hearing so that the client's spouse could travel to Mexico. About one week later, Chavez's client withdrew his agreement to continue the hearing. During the next eight days, the client texted and emailed Chavez multiple times for a status update on his case. Chavez neither timely responded to the communications nor informed her client that the presiding court had granted the request to continue the matter. When Chavez finally contacted her client, she told him that she would request an emergency hearing. But Chavez confused her client's matter with another case and never requested the hearing. Over the next month, the client sought to discuss his case with Chavez, who repeatedly rescheduled the client's telephone calls. The client eventually contacted the court and learned that the court had authorized his spouse to travel to Mexico based on an unopposed motion.

In another client's dissolution case, Chavez and her client twice failed to appear at an initial status conference ("ISC"), leading the presiding court to dismiss the client's case. At both conferences, the court had arranged for a certified Spanish language interpreter to be present. The court reopened the case on Chavez's motion and eventually entered a decree of dissolution.

In a third dissolution matter, Chavez did not appear at her client's ISC in May 2023 after the client told Chavez that she wanted the case to close without incurring additional fees. Chavez did not reset the ISC, and the presiding court dismissed the case. Eight days later, Chavez moved to reopen the case. At the ISC in July 2023, Chavez represented that she would file her client's sworn financial statements that week. But she did not file the documents until almost two months later, after the presiding court issued an order to show cause requiring the parties to file their respective sworn financial statements and certificates.

Through this conduct, Chavez violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a) (a lawyer must reasonably communicate with the client); and Colo. RPC 8.4(d) (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. 242.41(a).