

**People v. Kallman S. Elinoff. 19PDJ004. August 6, 2019.**

A presiding officer appointed to serve in the Presiding Disciplinary Judge's stead approved the parties' conditional admission of misconduct and suspended Kallman S. Elinoff (attorney registration number 18677) for 180 days, with 120 days of the suspension to be stayed upon successful completion of a one-year period of probation, to include practice monitoring. The suspension takes effect September 1, 2019.

Elinoff represented a client pro bono in a lawyer disciplinary case from 2013 through 2017. Though the client's answer was due on May 7, 2014, Elinoff did not file it until May 20, 2014. Elinoff did not submit initial disclosures by the court-ordered deadline. The court granted a motion for sanctions on this basis. Elinoff also did not submit by the due date any documents in response to the disciplinary authorities' requests for discovery and admissions. When the disciplinary authorities moved again for sanctions, Elinoff filed an untimely and noncompliant request for extension of time to respond. The court later entered default against the client.

Due to the client's health issues, the court continued or held in abeyance the case more than once. The client was treated for cardiac congestive heart failure combined with ischemic stroke suffered in March 2014. The court ordered Elinoff to file status reports on his client's health. One such report was due on May 20, 2015, but was not filed until June 9, 2015. The court then informed Elinoff that further failures to meet court-ordered deadlines could result in the issuance of a contempt citation. In a subsequent filing, Elinoff told the court that he had very limited communication with his client, who had conveyed to him that he was neither physically nor mentally able to fully comply with the court's orders. A status report was due on October 15, 2015, but Elinoff did not file it until October 20, 2015. Another status report was due in June 2016 but was filed a day late. A status report due on June 1, 2017, was not filed until June 19, 2017, after the court issued a reminder.

The court ultimately lifted the stay in the case and set a sanctions hearing for November 15, 2017. Elinoff filed no prehearing materials. On October 20, 2017, the client died. The sanctions hearing went forward without Elinoff's knowledge that his client had died. A hearing board issued an opinion disbaring the client. The next day, the disciplinary authorities informed the court of the death.

Through his conduct, Elinoff violated Colo. RPC 1.1 (a lawyer shall competently represent a client) and Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal). The case file is public per C.R.C.P. 251.31.