

People v. Ross Paul Goldsmith. 18PDJ009. March 6, 2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Ross Paul Goldsmith (attorney registration number 12289) for one year and one day, all stayed upon successful completion of a three-year period of probation, effective March 6, 2018. The conditions of Goldsmith's probation include practice monitoring, individual therapy, monitored sobriety, and participation in a sobriety support group. The parties agreed that Goldsmith suffered from alcohol dependency during the timeframe in which his misconduct occurred.

Goldsmith's misconduct spanned four separate client matters. In July 2016, a client asked him to help her respond to her ex-husband's motion to modify child support. Goldsmith received a \$1,000.00 retainer from the client. Goldsmith's client had trouble communicating with him. The next month, the husband withdrew his motion to modify. During the investigation of his misconduct, Goldsmith procured an invoice showing that his firm incurred \$872.50 in fees. Goldsmith refunded his client the remaining unearned funds.

In September 2016, Goldsmith received a \$1,000.00 retainer from a client in a civil matter. Goldsmith's client unsuccessfully tried to communicate with him in October and November 2016, but Goldsmith's voicemail was full, and he did not respond to her emails. She requested a return of her documents and a refund. Goldsmith did not return his client's file until July 2017. In November 2017, he sent his client an invoice indicating that she was not owed a balance.

Goldsmith attended a hearing for his client in a worker's compensation matter in August 2016. In October 2016, the ALJ sanctioned Goldsmith and his client for her failure to attend three separate psychological examinations. This order was emailed to Goldsmith. He did not receive the order because his email service had been shut off after he failed to pay the bill. Goldsmith did not send the order to his client. His client also missed an important evaluation because she did not receive notice. Goldsmith later failed to receive notice of an additional court hearing. In January 2017, his client informed the ALJ that she had heard nothing from Goldsmith since August 2016. The ALJ tried to contact Goldsmith but was unsuccessful.

In January 2017, Goldsmith failed to appear before the ALJ in a separate worker's compensation case. The ALJ called Goldsmith but his number was disconnected. Goldsmith failed to appear at another conference because he did not receive notice, and the ALJ removed him as counsel of record.

Through this conduct, Goldsmith violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the status of the matter); Colo. RPC 1.4(a)(4) (a lawyer shall promptly comply with reasonable requests for information); and Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation).