

People v. Heather S. Hodgson. 20PDJ024. September 28, 2020.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Heather S. Hodgson (attorney registration number 33183) for thirty days, all stayed on successful completion of a two-year period of probation, with conditions, including compliance with the terms of her criminal probation. Hodgson's disciplinary probation took effect on September 28, 2020. The sanction took into account substantial mitigation for personal and emotional problems.

Hodgson represented a client in a federal civil suit against the client's insurance company. During the lawsuit, Hodgson requested multiple extensions of time, including one out of time, to respond to a summary judgment motion. She did not tell her client of the summary judgment motion. Nor did she mention the order granting summary judgment; she was unaware of this order because her PACER account earlier had been suspended for failure to pay a fee. On several occasions her client requested information about the settlement negotiations and the upcoming trial, but Hodgson never responded. The court later assessed costs against Hodgson's client, after Hodgson failed to submit a response to a proposed bill of costs that the opposing party filed. The client independently learned of the order granting summary judgment and the order assessing costs against him, and he sent Hodgson a text with this information. Hodgson thereafter failed to communicate with him. She gave him no notice that the representation ended or that she would not complete any additional work on the matter. She also failed for more than four months to turn over his file to his new counsel, even though she initially acknowledged his request for the file.

In a separate matter, Hodgson pleaded guilty to driving under the influence, with one prior alcohol offense. She was sentenced in October 2019 to fifteen days in jail, followed by twenty-four months of supervised probation and another twenty-four months of unsupervised probation. She was also ordered to do 75 hours of community service, submit to an alcohol evaluation, complete education and therapy, attend a 12-step program, and do random sobriety testing. Hodgson was given a week to report for her jail sentence either in Jefferson County or Eagle County; due to misunderstandings, she reported to neither. An arrest warrant was issued, but the warrant has since been vacated and her probation has been reinstated. Hodgson did not report her conviction to disciplinary authorities within fourteen days of the date of her conviction, as required under C.R.C.P. 251.20(b).

Through this conduct, Hodgson 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); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation, including by returning any papers to which the client is entitled); Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); and Colo. RPC 8.4(b) (providing that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects). The case file is public per C.R.C.P. 251.31.