

People v. Daniel C. McAuliffe. 20PDJ016. March 19, 2020.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and publicly censured Daniel C. McAuliffe (attorney registration number 28067), effective March 19, 2020.

McAuliffe represented a party in a civil dispute. Soon after he withdrew from the representation, the opposing party sought an award of attorney's fees jointly and severally against him and his former clients. Although McAuliffe was not properly served with the motion, he did receive actual notice that the matter was pending when opposing counsel mailed him a copy of the motion. McAuliffe did not respond. Later, after the court entered an award for damages against him, he filed a motion to set aside the order in which he misrepresented that he had no notice of the opposing party's motion. The trial court denied his motion. On appeal, McAuliffe did not clarify whether he had received actual notice or legal notice of the motion, even though opposing counsel specifically discussed this distinction with him.

Through this conduct, McAuliffe violated Colo. RPC 8.4(c) (providing that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

The case file is public per C.R.C.P. 251.31.