

People v. Jack H. McQuitty Jr. 18PDJ029. May 25, 2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and publicly censured Jack H. McQuitty Jr. (attorney registration number 29452), effective May 25, 2018.

McQuitty was retained by a client to assist in the closing of a sale of assets from ABC corporation to XYZ corporation. McQuitty's client owned shares in both companies, each of which were represented in the transaction by counsel. When closing documents were ready for signature, McQuitty sent an email to two corporate officers of ABC, asking one officer (who also held shares in XYZ) to sign the closing documents. McQuitty did not include in the email the address of the lawyer who was representing ABC in the sale. The officer signed the documents on ABC's behalf.

McQuitty then sent an email about an outstanding issue to his client, certain shareholders of ABC, and counsel for XYZ. He did not copy counsel for ABC, even though McQuitty knew that counsel represented ABC concerning that issue.

Through this conduct, McQuitty violated Colo. RPC 4.2, which provides that while representing a client a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.