

*People v. Joseph W. Musselman. 23PDJ025. May 19, 2023.*

The Presiding Disciplinary Judge approved the parties' stipulation and suspended Joseph W. Musselman (attorney registration number 48340) from the practice of law for one year and one day, all to be stayed upon Musselman's successful completion of a three-year period of probation, with conditions. The suspension, which takes into account significant mitigating factors, takes effect May 19, 2023.

Beginning in August 2020, Musselman represented a client in a parenting time dispute, during which Musselman repeatedly failed to respond to inquiries from his client and from opposing counsel about mediation and his client's financial disclosures. Musselman also failed to follow court orders regarding discovery, mediation, and disclosures. The court ultimately held Musselman and his client jointly and severally liable for opposing counsel's fees and costs in seeking the disclosures and mediation, totaling \$5,771.50. When Musselman did not request a hearing on the reasonableness of the fees, the court ordered Musselman and his client to pay the amount in sixty days. Neither Musselman nor his client did so. The client fired Musselman in July 2021. In February 2022, Musselman paid the full \$5,771.50 to opposing counsel.

In another matter, a client paid Musselman a \$1,500.00 retainer for help with a property title issue. Musselman deposited the retainer in his trust account. Musselman eventually earned \$1,620.00 in the matter, but he removed \$225.00 of the retainer from his trust account before he earned it. The client later resolved the matter on her own, and in May 2021 she asked Musselman to return her retainer. Musselman told his client that he would send her an invoice, but he never did. The client contacted Musselman often over the following seven months, and in December 2021 she sent him a letter demanding an accounting and her retainer. Musselman did not respond but eventually refunded the full retainer in May 2022 after speaking with disciplinary authorities.

In a third matter, Musselman represented a client who was dissatisfied with the outcome of a court's permanent dissolution orders. Musselman told her that he would move to reconsider, but he never did. Musselman then failed to comply with the court's order to file a proposed order outlining the retirement account division between the parties, though he initially told his client that he would file it. He eventually instructed his client to find someone else to file the proposed order. He then stopped communicating with his client and, without explanation, emailed the client's file to her parents, who were paying for the representation. Opposing counsel moved for an order to compel Musselman to submit the proposed order, but Musselman, who had stopped checking his e-filing account, did not see the motion or the court's order granting the motion, and he did not inform his client about the motion. Nor did he notify his client that the opposing party had moved for \$1,076.00 in attorney's fees and costs for pursuing his compliance regarding the proposed order or advise his client that the court granted that motion. In July 2022, the court on its own motion removed Musselman from the case. In October 2022, Musselman paid the former opposing counsel \$1,076.00.

Through this conduct, Musselman violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(3) (a lawyer must keep a client reasonably informed about the status of the matter); Colo. RPC 1.4(b) (a lawyer must explain a matter so as to permit the client to make informed decisions regarding the representation); Colo. RPC 1.15A(a) (a lawyer must hold client property separate from the lawyer's own property); Colo. RPC 1.15A(b) (on receiving funds of a client or third person, a lawyer must promptly deliver to the client or third person any funds or property that person is entitled to receive); Colo. RPC 3.2 (a lawyer must make reasonable efforts to expedite litigation consistent with the client's interests); Colo. RPC 3.4(c) (a lawyer must not knowingly disobey an obligation under the rules of a tribunal); and Colo. RPC 8.4(d) (it is professional misconduct for a lawyer to engage in conduct prejudicing the administration of justice).

The case file is public per C.R.C.P. 242.41(a).