

People v. Joseph W. Musselman, 24PDJ083, November 19, 2024.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and publicly censured Joseph W. Musselman (attorney registration number 48340), effective November 19, 2024.

Musselman represented a client in a parenting time dispute in which several competing motions were filed. The court combined all pending motions into a hearing set for February 2021. The parties were to file a joint trial management certificate ("JTMC"), but Musselman did not file a JTMC, and he did not file a response to any of the pending motions. At the combined hearing, the court precluded Musselman's client from submitting evidence and from offering some testimony based on that evidence, given Musselman's failure to participate in drafting the JTMC and to file responses. The court ultimately concluded that Musselman's client was not credible, found that she had violated a parenting time order, and ordered her to pay her former spouse's fees and costs, which totaled \$13,918.50. Musselman challenged the reasonableness of the fees and costs, and the court set a hearing on the motion for June 2021. But Musselman did not inform his client about the hearing and did not attend himself. The court deemed the motion abandoned and held Musselman and his client jointly and severally liable for the \$6,084.00 that the client's former spouse spent in fees and costs defending against the challenge.

Later, the client's former spouse again moved to enforce the parenting plan. Musselman again failed to file a JTMC. At the hearing on that motion, the court found the client had violated the parenting plan and ordered her to pay her former spouse's attorney's fees and costs, which totaled \$7,941.22. A year later, the client's former spouse moved for entry of judgment against the client for the three awards of attorney's fees and costs. Musselman moved to withdraw from the representation and later moved to intervene personally, seeking relief from a void judgment, challenging the \$6,084.00 award for the missed hearing, and asking the court to rule on his original objection as to the first awarded amount of \$13,918.50. Ultimately, those awards were upheld, and Musselman was ordered to pay additional attorney's fees and costs. Musselman filed a notice of suggestion of bankruptcy, which stayed issuance of an order on the request for additional attorney's fees and costs. Several months later, an order of discharge was entered in Musselman's bankruptcy case. Musselman then promptly paid the full \$6,084.00 from the missed June 2021 hearing to the client's former spouse.

Musselman's misconduct in the representation was similar to, and contemporaneous in time with, misconduct in another disciplinary case and was largely driven by the same personal circumstances that mitigated his misconduct in that matter. Musselman remains on probation in that case.

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); and Colo. RPC 8.4(d) (providing that it is professional misconduct for a lawyer to engage in conduct prejudicial to the administration of justice). The case file is public per C.R.C.P. 242.41(a).