

People v. Daniel N. Noffsinger. 20PDJ059. December 3, 2020.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Daniel N. Noffsinger (attorney registration number 42703) for twenty-five months. The suspension took effect December 3, 2020. To be reinstated, Noffsinger must prove by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law.

In June 2020, Noffsinger, who had worked as a prosecutor until 2016, was sentenced to two years of criminal probation, with conditions, for an act of domestic violence. A jury found him guilty of extortion, a class-four felony, and harassment, a class-three misdemeanor. Noffsinger's conviction arose from a March 2019 Facebook messaging conversation that he initiated with a former romantic partner, who was subject to a criminal protection order barring her from contact with him. Noffsinger messaged the victim to express his love for her in anticipation of his undergoing surgery the following day. She inquired whether he was trying to use something against her in court, and he replied, "Not if you can be kind." When she asked him to stop contacting her, Noffsinger wrote, "Then we will do it that way. Enjoy your weekend in jail and your additional charge unless you say otherwise in the next 10 minutes." He also wrote, "2 minutes then I have no choice but to send your criminal ass to jail again," and "Oh babe . . . please don't make me send you to jail again." Noffsinger then called the police and tried to persuade them to arrest the victim.

In a separate incident, Noffsinger traveled to Tennessee with a different romantic partner. Bystanders summoned the police after they heard a woman screaming "get off me" and "someone help me!" Noffsinger was not cooperative with the officers and stepped between the officers and the victim, who declined to answer the officers' questions. The victim seemed frightened, was crying, and appeared to have bruising on her arms and shoulders and a swollen, bleeding bottom lip. There was also blood on the bed sheets. Though Noffsinger was arrested, the victim did not wish to prosecute and charges were dismissed.

Finally, in a domestic relations client matter, Noffsinger did not reasonably communicate with his client about a case management order setting forth upcoming dates, and he did not provide the client a later court order clarifying an earlier ruling. Nor did he take reasonable steps to safeguard the client's interests pertaining to those orders. Noffsinger was immediately suspended in July 2020. Though he sent the client a letter terminating the relationship, he did not withdraw as counsel of record.

Through this conduct, Noffsinger violated Colo. RPC 1.4(a) (a lawyer shall reasonably communicate with the client); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation, including by giving reasonable notice to the client); Colo. RPC 8.4(b) (a lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects); and Colo. RPC 8.4(h) (a lawyer shall not engage in any conduct that directly, intentionally, and wrongfully harms others and that adversely reflects on the lawyer's fitness to practice law). The case file is public per C.R.C.P. 251.31.