

People v. Don R. Pope. 18PDJ004. July 19, 2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Don R. Pope (attorney registration number 19442) for six months, all stayed upon successful completion of a two-year period of probation, effective July 19, 2018. The probationary requirements include practice monitoring, completing continuing legal education credits, completing ethics school, and formally consulting with another lawyer before filing any motions for recusal under C.R.C.P. 97.

Beginning in 2013, Pope represented a family partnership in a civil suit. One of the partners retained separate counsel. In early 2014, Pope filed a request for stay, arguing that litigation could not proceed because his clients had dissolved the partnership. The motion was not well grounded in law, so the request was denied. Several weeks later, Pope moved for recusal of the judge, but the motion failed to cite case law, as required by the applicable rules.

That fall, the court ruled that the partner who had retained separate counsel was the sole general partner, ordered Pope to withdraw, and awarded fees against him and his clients. Pope appealed the order, incorrectly believing that it was a final appealable order under C.R.C.P. 54(b), when in fact he needed—and had failed—to request certification of the order as a final order. The appeal therefore was dismissed.

In 2016, Pope represented one of the former partners of the family partnership in a contempt action. Two days before the evidentiary hearing, the court denied Pope's request to allow his client to appear by telephone. The morning of the hearing, Pope moved for recusal to prevent the hearing from going forward. The motion was denied. The hearing went forward without Pope's or his client's participation, and the client was found in contempt. Pope failed to take adequate steps to ensure that his client's interests were represented at this hearing.

Through his conduct, Pope violated Colo. RPC 1.1 (a lawyer shall competently represent a client) and Colo. RPC 3.1 (a lawyer shall not assert frivolous claims).