

People v. R. Alex Raines. 20PDJ025. May 11, 2020.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended R. Alex Raines (attorney registration number 36610) for six months, all stayed upon the successful completion of a two-year period of probation. The probation takes effect June 15, 2020.

Raines was retained to defend a client against claims made by the client's business partners, who also sought injunctive relief against the client. Raines received copy of the complaint in December 2017 and appeared for a hearing on the injunction. He also advised his client that they needed to answer the complaint.

Thereafter, Raines says, his client did not return his fee agreement or a form authorizing Raines to speak with the client's sister. As a result, Raines did not answer the complaint. Opposing counsel informed Raines that the court would hold a hearing on a motion for default. But Raines did not appear, even though he was obligated to do so.

Raines states that he consulted with his client. Though Raines believes that he thereafter acted consistent with his client's wishes, he recognizes that his actions were not in his client's best interests. Raines did not respond to a proposed order for entry of default, did not move to set aside the default judgment, and took no action to address the entry of default. Nor did he discuss with his client proposed interrogatories in an action to collect on the judgment. He did not respond to the interrogatories. Raines acknowledges that opposing counsel filed several pleadings and that he did not fully advise his client about the pleadings.

In July 2018, Raines's client passed away, but Raines did not file a suggestion of death or take any other action to have the court name a personal representative or a substitute party. In an August 2018 hearing to show cause why the client had not responded to the interrogatories, the court was made aware of the client's death, and Raines moved to withdraw.

Later, another lawyer entered an appearance on behalf of the client. That lawyer moved to vacate the default judgment and opposed efforts to collect on the judgment. The client's sister was appointed as personal representative of the client's estate. The court then set aside the default judgment, deeming Raines's conduct "clearly reckless and "gross negligence." In a later malpractice action against Raines, summary judgment was entered against him.

Through this conduct, Raines violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client) 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. 251.31.