

People v. Christopher Michael Rose. 18PDJ059. September 28, 2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and disbarred Christopher Michael Rose (attorney registration number 33181). The disbarment took effect on September 28, 2018.

In February 2018, Rose was suspended from the practice of law for three years, effective March 19, 2018. At the time, Rose was representing approximately eleven clients in a Denver district court case. Though Rose tried to find substitute counsel as early as February, he was unsuccessful in doing so until April.

On April 3, 2018, opposing counsel told Rose that he would seek a status conference about Rose's suspension. Rose acknowledged that he had been suspended and remarked that he was looking for substitute counsel. About a week later, Rose emailed his clients, reporting on the status of the case following a deposition the day prior. In that email, Rose noted that the clients would need to hire a new attorney if they did not settle the case, but he did not discuss his suspension or his consequent inability to continue the representation. Between April 16-18, 2018, Rose made three separate offers to settle his clients' case.

On April 18, 2018, Rose appeared by telephone at the status conference and entered his appearance on his clients' behalf. Opposing counsel notified the court of Rose's suspension, and the court disqualified Rose from the representation. On April 20, 2018, the parties exchanged emails with Rose; a party later relied on those exchanges as a settlement agreement and attempted to enforce that agreement in court filings.

Rose did not comply with the wind-up requirements of C.R.C.P. 251.28 following his suspension when he failed to notify his clients of his suspension by certified mail, failed to notify his opposing counsel of his suspension, and failed to file an affidavit under that rule.

Through this conduct, Rose violated C.R.C.P. 251.5(a) and (c) (grounds for discipline include any act or omission that violates the Rules of Professional Conduct or an order of discipline); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation); Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); Colo. RPC 5.5(a)(1) (a lawyer shall not practice law without a law license or other specific authorization); and Colo. RPC 8.4(d) (a lawyer shall not engage in conduct prejudicial to the administration of justice).