

People v. Joseph Scheideler. 15PDJo64, 15PDJo81. March 2, 2016.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Joseph Scheideler (attorney registration number 21602) for one year and one day. Scheideler's suspension takes effect on April 7, 2016. To be reinstated, Scheideler will bear the burden of proving by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law.

In 2010, Scheideler hired Robert C. Cain as his paralegal. Cain had been suspended from the practice of law for two years. In 2012, Cain was disbarred. Scheideler was aware of Cain's disbarment but allowed Cain to continue working for him as a paralegal. Scheideler did not notify his clients in writing of Cain's suspension or disbarment. In 2013, Cain sent a letter to opposing counsel, which was written on Scheideler's firm letterhead and contained Cain's signature block. His signature block did not list Cain's position with the firm, but his letter requested that opposing counsel contact him to discuss settlement. In this matter, Scheideler's conduct violated Colo. RPC 5.5(b)(4) (a lawyer shall not allow the name of a disbarred lawyer to remain in the firm name), Colo. RPC 5.5(b)(5) (a lawyer shall not allow a disbarred lawyer to engage in the unauthorized practice of law), and Colo. RPC 5.5(d) (a lawyer shall not allow a disbarred lawyer to have any professional contact with clients without written notification).

In a second matter, Scheideler represented a client in a personal injury case. In 2014, Cain sent a demand letter to an insurance company on the client's behalf. This letter appeared on Scheideler's firm letterhead and did not describe Cain's position with the firm. The letter contained legal analysis. Thereafter, Scheideler filed a motion for entry of default against one of the defendants in his client's case, indicating that the defendant had failed to answer or otherwise respond. Prior to filing this motion, however, Scheideler had spoken with the defendant about alleged deficiencies with the service of process. The court entered default against the defendant. Thereafter, the defendant moved to set aside the default; the court held a hearing on the issue and sanctioned Scheideler and his client \$600.00. Scheideler never informed his client about the court's ruling. Scheideler's conduct here violated Colo. RPC 1.4(a)(3) (a lawyer shall promptly comply with reasonable requests for information), Colo. RPC 5.5(b)(4), and Colo. RPC 5.5(b)(5).

Scheideler represented a creditor of a former corporation in a third matter. The corporation filed for bankruptcy, and Scheideler filed objections on behalf of his client. The bankruptcy court held a telephonic hearing on Scheideler's objections. While waiting for the case to be called, Scheideler left his office to use the restroom. In his absence, Cain argued their client's objections on the record. Scheideler then returned to the office and opposing counsel asked who was speaking. Scheideler replied that he was speaking. Opposing counsel moved to disqualify him, and Scheideler admitted this misrepresentation. The bankruptcy court disqualified him from representation and sanctioned him \$2,500.00, and opposing counsel was awarded \$11,556.50 in attorney's fees and costs. Scheideler's conduct violated Colo. RPC 3.3(a) (a lawyer shall not knowingly make a false statement of material fact or law to a tribunal), Colo. RPC 5.5(b)(2) (a lawyer shall not allow a disbarred lawyer to appear on behalf

of a client in any proceeding before a court), and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).