

People v. Randall Robert Steichen. 20PDJ058. January 22, 2021.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Randall Robert Steichen (attorney registration number 12535) for six months, with ninety days to be served and the remainder to be stayed upon the successful completion of a one-year period of probation, with conditions. The suspension takes effect February 26, 2021.

Steichen brought a civil action on his client's behalf. During the litigation, he filed a motion to substitute a defendant who had died with the defendant's Florida estate. Opposing counsel and the personal representative of the estate consented to the substitution. Steichen filed the motion as unopposed, and he included a proposed order directing the personal representative of the estate to acknowledge that the substitution satisfied Florida law for asserting a claim against the estate. But the directive was never discussed during conferral, and Steichen did not circulate the motion and proposed order to opposing counsel before he filed them. The presiding court granted the motion, believing it was unopposed. In a series of emails that followed the court's order, opposing counsel and the personal representative told Steichen that they had not agreed to the directive in the proposed order. Opposing counsel asked Steichen to draft and submit to the court a new order without the contested language. Steichen agreed but did not draft or submit a new proposed order, nor did he otherwise act to correct the court record. Later, opposing counsel filed a motion to dismiss all claims against the defendant estate. In his response to the motion, Steichen quoted the contested language in the order to substitute parties. He did not mention to the court or include the email traffic demonstrating the personal representative's or opposing counsel's opposition to the proposed order.

Through this conduct, Steichen violated Colo. RPC 3.3(a)(1) (a lawyer shall not knowingly make a false statement of material fact or law to a tribunal) and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

The case file is public per C.R.C.P. 251.31.