

People v. Chan Michael Sunoo. 15PDJo66. November 25, 2015.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Chan Michael Sunoo (Attorney Registration Number 38595) for nine months, effective November 25, 2015. To be reinstated, Sunoo will be required to file a petition under C.R.C.P. 251.29(c) and prove by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law.

In 2012, a married couple hired Sunoo to sue a real estate agent and a loan officer in connection with a real estate sale. That fall, Sunoo filed a complaint alleging that the real estate agent and a bank, through the actions of the loan officer, had defrauded his clients. Sunoo did not inform his clients of counterclaims filed in November 2012.

In early 2013, Sunoo's mother, who resided with him, suffered a catastrophic brain injury. Sunoo remained at home with his mother and did not go to his office for several months. During this period, his paralegal filed a series of legally insufficient pleadings and motions in the fraud case without Sunoo's or his clients' knowledge or authorization. Sunoo thus violated Colo. RPC 5.3 (a lawyer shall ensure that nonlawyer assistants act in a manner consistent with the lawyer's professional obligations) and Colo. RPC 5.5(a)(3) (a lawyer shall not assist a person in the performance of the unauthorized practice of law).

In January 2013, the defendants moved to dismiss the complaint for failure to state a claim. Sunoo did not respond, and the court dismissed the case with prejudice. In May 2013, the court entered judgment, making its dismissal order final. That summer, the court ruled that Sunoo had failed to timely respond to a motion for sanctions and had consistently disregarded procedural rules. The court later granted the defendants' motions for attorney's fees and sanctions, awarding defense counsel about \$95,000.00 in fees. Nearly \$80,000.00 was awarded specifically against Sunoo, while the remainder was assessed against his clients, who later paid the sum. Sunoo did not inform his clients of the judgment until about a month after the judgment was entered, by which time they had learned elsewhere of the judgment.

Through this conduct, Sunoo violated Colo. RPC 1.1 (a lawyer shall provide competent representation to a client); Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(1), (2), and (3) (a lawyer shall reasonably communicate with the client); and Colo. RPC 8.4(d) (a lawyer shall not engage in conduct prejudicial to the administration of justice).