

People v. John William Tinder II. 15PDJo82. January 26, 2016.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended John William Tinder II (Attorney Registration Number 39915) from the practice of law for one year and one day. Tinder's suspension took effect on January 26, 2016. To be reinstated, Tinder 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.

Tinder committed misconduct while representing a plaintiff in a civil suit. The defendant in the case asserted counterclaims against Tinder's client, who was served with discovery requests. She promptly answered the requests and gave them to Tinder. Yet he did not file the responses. Opposing counsel moved to deem the requests admitted, and in response, Tinder faulted his client for the late filing. Tinder did not tell his client that he filed her responses twenty days late. After his client reviewed the discovery responses Tinder had filed, she told him that they were inaccurate.

Tinder's client suggested a handwriting expert for trial. Tinder told his client that he had subpoenaed the expert for trial, when in fact he had not. Tinder then missed the deadline to disclose an expert for trial. Opposing counsel filed a series of motions in limine to exclude Tinder's client's expert witnesses and exhibits, as they were not timely disclosed. Tinder did not respond to these motions. He then arrived several hours late for the trial management hearing, so the court awarded attorney's fees to opposing counsel. Tinder eventually told his client that the court had granted opposing counsel's motions in limine and excluded all of his client's experts and evidence. He also told his client that he had missed the trial management hearing and that they had to pay attorney's fees. Tinder's client asked him to appeal the rulings, and Tinder agreed to do so but only for an additional fee.

Just prior to trial, Tinder gave his client's file to an associate and told her that he might be late for the trial due to a scheduling conflict. He never showed up. Tinder's client proceeded pro se, and the defendants won the case. Tinder's client Then terminated his services and asked him to return her file. He did not do so and threatened to file a lien against it.

Through this conduct, Tinder violated Colo. RPC 1.1 (a lawyer shall competently represent a client); Colo. RPC 1.2(a) (a lawyer shall abide by the client's decisions concerning the objectives of a case); Colo. RPC 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the status of the matter); Colo. RPC 1.4(a)(4) (a lawyer shall promptly comply with reasonable requests for information); 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 3.4(d) (a lawyer shall not, in pretrial procedure, fail to make a reasonably diligent effort to comply with an opposing party's legally proper discovery request); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).