

Disciplinary Case Summaries

No. 19PDJ032. *People v. Field*. 5/8/2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Eric Victor Field (attorney registration number 14075) for one year and one day. The suspension was effective June 12, 2019. To be reinstated, Field 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 July 2017, Field was retained by a client in a post-decree divorce matter. Field agreed to assist the client for a flat fee. He treated the flat fee as earned on receipt but never completed any work in the client's case. Field did not provide the client with a billing statement or a refund after the client terminated his representation

in October 2017. In April 2018, Field issued his client a full refund after she filed a request for investigation with disciplinary authorities.

Field regularly used a debit card to pay personal and business expenses from his trust account. Between August 2017 and April 2018, Field regularly spent all the funds in his trust account. He would also deposit his own funds into trust so that he could spend those funds using his debit card. He did not keep trust account records to track the money he deposited into trust. Nor did he record whether he earned such funds.

Through this conduct, Field violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15C(c) (a lawyer shall not use a debit card to withdraw cash from a trust account); Colo. RPC 1.15D(a) (a lawyer shall maintain trust account records); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation, including by returning unearned fees and any papers and property to which the client is entitled); 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 CRCP 251.31.

No. 18PDJ055. *People v. Halling*. 3/20/2019.

Following a sanctions hearing, the Presiding Disciplinary Judge disbarred Dale B. Halling (attorney registration number 25320). The disbarment took effect April 24, 2019.

Halling was retained by three separate clients to apply for certain intellectual property patents. Despite his many assurances that the clients' applications and patents were in good standing and no action needed to be taken, Halling had, in fact, knowingly neglected the work he had contracted to do and had abandoned two clients' matters entirely. Further, in two client matters he converted funds that had been earmarked for filing fees. Halling caused all three clients' patents to be deemed abandoned. He neglected to hold client funds in trust and failed to communicate to each client the status of their patent applications. Though disciplinary

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authorities asked Halling to respond to requests for investigation, he did not do so.

Through his conduct, Halling violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the status of the matter); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation, including returning unearned fees to which the client is entitled); Colo. RPC 8.1(b) (a lawyer shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority); 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 CRCP 251.31.

No. 19PDJ031. People v. Hildebrandt. 5/8/2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and disbarred Todd D. Hildebrandt (attorney registration number 38701). The disbarment was effective June 12, 2019.

In January 2018, Hildebrandt was hired to represent a client in two criminal matters. Hildebrandt charged the client a \$2,000 flat fee but provided no written fee agreement. Hildebrandt deposited the flat fee in his operating account before the fee was earned. Hildebrandt then failed to send his client a copy of his discovery. After April 13, 2018, Hildebrandt failed to perform work on his client's case and to communicate with the client. In May 2018, Hildebrandt's client left him multiple phone messages and sent him a letter, but Hildebrandt failed to respond. His client was forced to hire a new attorney, and Hildebrandt never refunded the flat fee.

In February 2018, Hildebrandt agreed to represent another client in a criminal matter. He did not perform any work on the case after August 2018, and he failed to appear for court dates in October and November 2018 because he forgot about the case. He then failed to appear at a show cause hearing concerning his failures to appear for the earlier court dates. Court staff tried unsuccessfully to reach Hildebrandt by

phone and through the electronic filing system. Hildebrandt closed his practice in October 2018 but did not withdraw from the case.

In April 2018, Hildebrandt agreed to assist another client with a traffic ticket for a flat fee of \$500. Hildebrandt did not provide a written fee agreement. He deposited the flat fee in his operating account before it was earned. Hildebrandt and the client then failed to appear for the court date, and the client was found guilty. Hildebrandt failed to communicate with his client and did very little work on the case. He did not refund any of the client's funds.

Hildebrandt states that in 2018 he suffered from depression. He has agreed to pay restitution in full to his clients.

Through his conduct, Hildebrandt violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4 (setting forth a lawyer's

duties to communicate with the client); Colo. RPC 1.5(b) (a lawyer shall inform a client in writing about the lawyer's fees and expenses within a reasonable time after being retained, if the lawyer has not regularly represented the client); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation, including by returning unearned fees and any papers and property to which the client is entitled); Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); and Colo. RPC 8.4(d) (a lawyer shall not engage in conduct prejudicial to the administration of justice).

The case file is public per CRCP 251.31.

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No. 19PDJ028. People v. Korneffel Jr. 5/2/2019. The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Peter John Korneffel Jr. (attorney registration number 19836) for three years, effective May 2, 2019. To be reinstated, Korneffel 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.

From September 2015 until January 2018, Korneffel misled a client into believing that he had initiated an arbitration proceeding on behalf of the client concerning a \$12 million claim. At the beginning of the representation, Korneffel's law firm advised him that a conflict existed between the client and the other party, who was also an existing client of Korneffel's firm. The existing client refused to waive the conflict. Korneffel told the firm that he would not take

any action adverse to the existing client, yet he told his client in the arbitration matter that he would initiate the arbitration proceeding. Korneffel prepared and sent his client a demand for arbitration, but he never sent the demand to the other party. He also drafted an opening brief and told his client that he had submitted the brief when he had not done so. The client paid for this work. Korneffel further described to his client a conference with the arbitrator that never occurred. In January 2018, Korneffel's firm learned of his deception. Thereafter, his firm entered into a settlement agreement with the client and compensated the client for the harm that Korneffel had caused.

In 2015, Korneffel's anxiety and depression became overwhelming, but he never sought treatment. Korneffel suffered a heart attack in 2017, likely due to his anxiety, stress, and depression, but he still did not seek mental

health treatment. In January 2018, after his firm learned of his deception, Korneffel was arrested for driving under the influence. He later pleaded guilty to driving while ability impaired and to driving too fast for the conditions, both misdemeanors.

The parties agree that Korneffel's anxiety and depression were so substantial that they interfered with his ability to practice law.

Through his conduct, Korneffel violated Colo. RPC 1.4(a)(1) (a lawyer shall promptly inform the client of any decision or circumstance as to which the client's informed consent is required); Colo. RPC 1.4(a)(5) (a lawyer shall consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the rules); Colo. RPC 1.7 (restricting the circumstances in which a lawyer may represent a client if the representation involves a concurrent conflict of interest); Colo. RPC 8.4(b) (a lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects); 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 CRCP 251.31.

No. 18PDJ050. People v. Smith. 3/9/2019.

Following a sanctions hearing, the Presiding Disciplinary Judge suspended Matthew Samuel Smith (attorney registration number 22681) for three years. The suspension took effect May 14, 2019. To be reinstated, Smith 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 September 2016, Smith failed to yield while making a left-hand turn in his minivan and struck a motorcycle carrying two people. Both people died. A jury convicted Smith of vehicular homicide and reckless manslaughter. He was sentenced to 12 years in the custody of the Department of Corrections and five years of mandatory parole.

Through this criminal conduct, Smith violated Colo. RPC 8.4(b) (a lawyer shall not commit a criminal act that reflects adversely



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on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects).

The case file is public per CRCP 251.31.

People v. Snyder. No. 18PDJ042. 3/30/2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Albert R. Snyder (attorney registration number 41912) for three years. The suspension took effect April 30, 2019. To be reinstated, Snyder 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. The parties agree that significant mitigating factors warrant a departure from the presumptive sanction of disbarment.

In January 2017, Snyder agreed to represent a couple in their immigration matter and accepted a \$1,000 retainer. Snyder initially helped his clients fill out some forms, but those forms contained several errors. After June 2017, Snyder ceased communicating with his clients despite their numerous attempts to contact him. Snyder never filed any documents for his clients nor has he refunded their retainer. Snyder also failed to respond to the Office of Attorney Regulation Counsel's communications regarding this matter.

Through his conduct, Snyder violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); 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, including by returning any papers and property to which the client is entitled); Colo. RPC 8.1(b) (a lawyer shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority); 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 CRCP 251.31.

No. 18PDJ058. People v. Stanley. 5/16/2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and publicly censured Linda Stanley (attorney

registration number 45298), effective May 16, 2019.

In February 2017, Stanley agreed to represent a client in a civil case. Eight days after she executed the engagement letter, Stanley accepted employment as a hearing officer for the Colorado Department of Revenue. She began working for the state 10 days thereafter. But Stanley did not advise the client that she left private practice. Instead, Stanley sent the client a past-due invoice, assessing late fees. When the client learned of Stanley's new position in April 2017 from a third-party, the client asked Stanley about her new employ. Stanley merely replied that the client owed fees and stated that she would find substitute counsel. When the client had not paid the invoice by April 30, Stanley threatened to send his account to collections and told the client that she could not in good faith refer his case to another lawyer.

In June 2017, Stanley's client expressed concerns to the court about Stanley's representation. By this time, a three-day jury trial had been set in the case. The next month, Stanley attempted to withdraw from the client's case but her filing was rejected due to errors in the caption and an improper form. She tried that same month to file another motion to withdraw, but that motion too was rejected, this time because she had filed it in the wrong court. She did not successfully file a motion to withdraw until August 2017.

As of August 2017, Stanley had not given the client actual notice of her intent to withdraw. The client filed a pro se motion to terminate her representation, and the court set a hearing on the motion for October 2, 2017. Stanley failed to appear, however, so the court ordered her to personally appear at a hearing set for late October 2017. Before that hearing, Stanley filed a response to the court's order, in which she revealed numerous client confidences. Three days before the hearing, the court considered Stanley's response and granted her motion to withdraw.

Through her conduct, Stanley violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the

status of the matter); Colo. RPC 1.6(a) (a lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent); and Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation, including by giving reasonable notice to the client).

The case file is public per CRCP 251.31.

No. 19PDJ027. People v. Van Dyke. 5/8/2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct in this reciprocal discipline matter and suspended Jason Lee Van Dyke (attorney registration number 47445) for one year, all but three months to be stayed subject to Van Dyke's compliance with the probationary conditions in his Texas disciplinary case. The suspension was effective June 12, 2019.

On February 21, 2019, the State Bar of Texas accepted an agreed judgment of a partially probated case and suspended Van Dyke from the practice of law for one year, all but three months stayed, subject to conditions. Van Dyke made threats of physical violence to a complainant, thereby committing a criminal act that reflects adversely on Van Dyke's honesty, trustworthiness, or fitness as a lawyer.

Through this conduct, Van Dyke engaged in conduct constituting grounds for discipline under CRCP 251.21.

The case file is public per CRCP 251.31. 

These summaries of disciplinary case opinions and conditional admissions of misconduct are prepared by the Office of the Presiding Disciplinary Judge and are provided as a service by the CBA; the CBA cannot guarantee their accuracy or completeness. Full opinions are available on the Office of the Presiding Disciplinary Judge website at www.coloradosupremecourt.com/PDJ/PDJ_Decisions.asp.