

*People v. Robert Paul Houton. 25PDJ35. May 16, 2025.*

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Robert Paul Houton (attorney registration number 43510) for six months, all to be stayed upon Houton's successful completion of a two-year period of probation, with conditions. Houton's probation took effect on May 16, 2025.

In September 2017, Houton was a contractor for the Colorado Office of Alternative Defense Counsel ("ADC"). He was appointed to represent the client in relation to the client's pro se petition for postconviction relief in the client's criminal matter. Early in the representation, Houton met with his client to discuss the petition. Houton advised the client that investigating the client's claims could take a long time and asked the client not to call him. Houton obtained a copy of the client's file and, in April 2018, he filed a status report with the court, requesting 180 days to complete his investigation and to submit any supplemental motions on his client's behalf. But Houton never filed anything else with the court.

In 2021, having received no updates on his case, the client attempted to contact Houton. Houton did not respond to the client's attempts to communicate with him. In January 2023, an advocate wrote to Houton on the client's behalf and reported the matter to ADC. Houton contacted the client that month. During a video visit in May 2023, Houton told the client that because he had nothing to add to the petition, he would not file a supplemental petition. Houton did not file a status report updating the court about the case, however. Around that same time, Houton accepted a position with a public defender's office that did not allow him to continue the representation. But he did not notify the court or his client about the new position and did not withdraw from the case.

In August 2023, Houton's laptop containing the client's file and all information pertaining to the client's case was stolen during a home burglary. Houton did not maintain a backup of the client's file and lost all information related to the case, including his work on the matter.

Through this misconduct, Houton violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(2)-(4) (a lawyer must reasonably consult with a client about the means by which the client's objectives are to be accomplished; must keep a client reasonably informed about the status of the matter; and must promptly comply with reasonable requests for information); Colo. RPC 1.16(a) and (d) (a lawyer who cannot continue a representation must withdraw from a matter and must protect a client's interests upon termination of the representation, including by giving reasonable notice to the client and returning any papers and property to which the client is entitled); and Colo. RPC 1.16A(c)(1) (providing that a lawyer in a criminal matter must retain a client's file for time periods ranging from five years from the date of sentencing to the life of the client, depending on the client's conviction and sentence).

The case file is public under C.R.C.P. 242.41(a).