

*People v. Gilberto Eduardo Espinoza. 25PDJ34. December 23, 2025.*

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and publicly censure Gilberto Eduardo Espinoza (attorney registration number 09319). The public censure, which takes into account several mitigating factors, including Espinoza's medical condition at the time of his misconduct, took effect December 23, 2025.

In 2023, a client hired Espinoza to represent her against a class-two misdemeanor charge. In May 2023, the prosecutor in the case referred Espinoza's client to a diversion counseling program, which is an alternative to prosecution that affords a criminal defendant the opportunity to earn a dismissal of charges after completing certain requirements. While the client's referral was pending, Espinoza failed to appear with his client at a scheduled status conference in late October 2023, even though he knew about the conference and knew he was required to appear. The court rescheduled the conference after failing to reach Espinoza at his registered telephone number or the telephone number listed on his entry of appearance. At the rescheduled conference in November 2023, Espinoza again failed to appear. During that conference, Espinoza's client told the court that she had not been able to contact Espinoza. In addition, the prosecutor stated that Espinoza's client had not been accepted into the diversion program. The court rescheduled the matter for January 2024. But Espinoza again failed to appear, and Espinoza's client decided to proceed pro se and to plead guilty to the charge pending against her.

Espinoza was aware that he could determine the dates of the conferences in November 2023 and January 2024 by checking his email account, contacting the court, or checking the electronic filing system, but he did not do so. Between late October 2023 and January 2024, he did not have any contact with his client. Espinoza never filed a motion to withdraw from his client's matter.

Through the conduct described above, Espinoza violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(3) (a lawyer must keep a client reasonably informed about the status of the matter); Colo. RPC 1.4(b) (a lawyer must explain a matter so as to permit the client to make informed decisions regarding the representation); Colo. RPC 1.16(d) (a lawyer must protect a client's interests upon termination of the representation, including by giving reasonable notice to the client); and Colo. RPC 8.4(d) (it is professional misconduct for a lawyer to engage in conduct prejudicial to the administration of justice).

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