

People v. Douglas Anthony Gradisar. 23PDJ027. May 24, 2023.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and disbarred Douglas Anthony Gradisar (attorney registration number 34326), effective July 10, 2023. Gradisar must pay \$22,500.00 as restitution to his clients or reimburse the Attorneys' Fund for Client Protection for any payments made to his clients.

In December 2020, two clients paid Gradisar \$12,500.00 as a retainer. Gradisar took the funds for his own use even though he knew that he did not perform legal services to earn the funds and knew that his clients had not authorized him to take the money. Gradisar closed his office in July 2021 but did not notify his clients or inform them that he was no longer practicing law.

In another matter, two clients paid Gradisar \$10,000.00 in May 2021 as an advance retainer for his representation in a trial set for June 2021. On Gradisar's motion, the court continued the trial until January 2022 and scheduled a status conference for September 2021. On July 1, 2021, Gradisar was administratively suspended from the practice of law. He did not notify the court or his clients of his suspension or move to withdraw from the case. Gradisar failed to appear at the status conference. Gradisar informed his clients of his suspension more than five months after it took effect, telling them that he had prepared for their trial and would petition to reinstate before the trial date. The week before trial, the clients moved to continue the hearing, stating that Gradisar did not notify them of his suspension until late December 2021. On the hearing date, the court denied the motion and dismissed the clients' case with prejudice. Gradisar knew that he did not earn the \$10,000.00 trial fee and that his clients had not authorized him to take their funds for his own use. Even so, he used the funds for his own purposes.

During his suspension, Gradisar performed legal work by sending a letter written on his office stationary to a collection company on behalf of another; attending court appearances; exchanging paperwork to finalize a client matter; preparing for a trial and paying himself for the work from the client's retainer; and discussing potential legal work with clients.

Finally, Gradisar was arrested in April 2022 for felony criminal mischief related to domestic violence. In June 2022, he was charged with criminal mischief, a class-five felony, in Pueblo County Court. Gradisar did not notify disciplinary authorities of the case, which remains pending. In November 2022, Gradisar's significant other sought a temporary restraining order against him related to a domestic violence complaint. The court granted a temporary civil protection order and continued the order in January 2023. A permanent protection order hearing was set for April 2023.

Through this conduct, Gradisar violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a) (a lawyer must reasonably communicate with the client); Colo. RPC 1.15A(a) (a lawyer must hold client property separate from the lawyer's own property); Colo. RPC 1.16(a)(1) (a lawyer must withdraw from representation if it will result in ethical violations); Colo. RPC 3.4(c) (a lawyer must not knowingly disobey an obligation under the rules of a tribunal); Colo. RPC 5.5(a) (a lawyer must not practice law without a law license or other specific authorization or practice law where doing so violates

legal profession regulations); Colo. RPC 8.4(b) (it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects); Colo. RPC 8.4(c) (it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); and Colo. RPC 8.4(d) (it is professional misconduct for a lawyer to engage in conduct prejudicial to the administration of justice). Gradisar's conduct also constitute grounds for the imposition of discipline under C.R.C.P. 242.11(c)(1) and C.R.C.P. 242.32(a)(1)(C).

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