

**People v. Nathan Bret Kennedy. 23PDJ061. December 22, 2023.**

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Nathan Bret Kennedy (attorney registration number 45061) for one year and one day. To be reinstated to the practice of law, Kennedy must prove by clear and convincing evidence that he has been rehabilitated, has complied with all disciplinary orders and rules, and is fit to practice law. The suspension took effect December 22, 2023.

In January 2020, Kennedy agreed to represent a client on a contingent-fee basis in a civil matter against the City of Aurora. Kennedy thereafter did little to no work until July 2022, when he told the client his law license had been suspended and he could no longer work on the case. During the representation, Kennedy did not make a settlement offer, as he told his client he would, and did not file a complaint for the client. Kennedy had minimal contact with the client, with whom he failed to consult about the pending case, despite the client and the client's mother's many efforts to communicate with him. Through this conduct, Kennedy violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client) and Colo. RPC 1.4(a)(2) (a lawyer must reasonably consult with the client about the means by which the client's objectives are to be accomplished).

Kennedy represented a client on a contingent-fee basis in a civil action against several medical providers based on the client's alleged injuries and complications from a total knee replacement. Kennedy filed a complaint without taking steps to obtain all necessary medical records or confer with experts in all relevant specialties. In a later amended complaint, Kennedy submitted a certificate of review stating that he consulted with experts who had concluded the complaint's claims did not lack substantial justification; Kennedy filed this certificate even though he did not speak with any of the client's treating doctors or experts before filing the amended complaint. During the representation, Kennedy did not tell the client that he amended the complaint twice; that the opposing parties moved to dismiss the complaint; that he stipulated to dismiss all claims against certain doctors; or that the defendants sought substantial attorney's fees. Further, Kennedy did not provide the client any of the filings. After the client asked questions and requested documents, Kennedy moved to withdraw. The presiding court later dismissed the case in its entirety because Kennedy had failed to obtain legitimate certificates of review by experts before filing the case. It awarded attorney's fees and costs to the defendants. Through this conduct, Kennedy violated Colo. RPC 1.4(a)(3) (a lawyer must keep the client reasonably informed about the status of a matter) and Colo. RPC 3.3(a)(1) (a lawyer must not knowingly make a false statement of material fact to a tribunal).

In another case, Kennedy agreed to defend a company in a breach of contract action. Kennedy filed the answer without consulting with the company's owner, asserting mandatory counterclaims, or advising the owner about possible insurance coverage. Kennedy failed to prepare the owner for mediation; did not submit an initial disclosure statement; never consulted with the owner about disclosures; and never asked him to produce relevant documents. Later, Respondent and the owner talked about the owner retaining different counsel. But Kennedy did not inform the owner of time-sensitive deadlines, including the expert disclosure deadline. Nor did Kennedy consult with or inform the owner about the plaintiff's expert report or discuss a

strategy or plan to defend against the claims. Kennedy then moved to withdraw without informing the owner of the withdrawal. Kennedy's failure to assert mandatory counterclaims resulted in waiver of those claims. Through this conduct, Kennedy violated Colo. RPC 1.3 and Colo. RPC 1.4(a)(2).

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