

People v. Gabriel Nathan Schwartz, 23PDJ075, January 2, 2024.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Gabriel Nathan Schwartz (attorney registration number 35915) for six months. The suspension took effect January 2, 2024.

Schwartz served a disciplinary suspension from June 2019 to March 2020. During his suspension, Schwartz remained involved with his law firm to some extent: he did no work on cases but managed administrative and recordkeeping issues. In November 2019, during the suspension, Schwartz received a call from a potential client, who wished to pursue remedies for an automobile accident in Texas that she was involved in. After that telephone discussion, the client received a packet of intake paperwork from a paralegal at Schwartz's law firm; none of the intake documents mentioned Schwartz. The client signed and returned the paperwork to the firm.

Over the following months, the client exchanged emails with paralegals but not with Schwartz or his law partner. Only in April 2020 did the client receive correspondence from Schwartz, who reported that he and his law partner decided to divide their law practice. In that letter, Schwartz stated, "Your case will continue to be handled by myself as it has since you came to our office," but that statement was not factually accurate, as Schwartz did no work on the matter during his suspension. The email also failed to inform the client that she had her choice of counsel and could work with any lawyer of her choosing. Though the client continued to correspond with the law firm's paralegals, Schwartz's next contact with the client was in March 2022, when he called her to tell her that the Texas statute of limitations that applied to her claim had passed.

Schwartz offered to pay the client \$5,000.00 to release any malpractice claims, and he sent her a draft release, which included a provision noting that each party had been encouraged to seek independent legal advice. The client did not sign the release and instead settled with Schwartz's malpractice carrier.

Through this conduct, Schwartz violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client) and Colo. RPC 1.4(b) (a lawyer must explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation).

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