

Disciplinary Case Summaries

No. 17PDJ049. People v. Bath. 1/16/2018. Following a sanctions hearing, the Presiding Disciplinary Judge suspended David Eugene Bath (attorney registration number 05679) for two years, effective February 20, 2018.

While representing a client in a personal injury matter, Bath was made aware that his client had a medical lien for the treatment of her injuries and that the lien was to be paid from the settlement funds. When he received the settlement funds, however, Bath paid his attorney fees, reimbursed himself \$19,000—an amount that he had advanced his client for her living expenses—and distributed the remainder to his client. Bath then offered to settle the medical lien with his client’s medical provider, indicating that if the provider accepted his offer he would forward the check on to his bookkeeper for processing. But he did not do so and never paid the medical lien.

Through his conduct, Bath violated Colo. RPC 1.8(e) (a lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation); Colo. RPC 1.15A(c) (a lawyer shall keep separate any property in which two or more persons claim an interest until there is a resolution of the claims); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

No. 17PDJ048. People v. Bishop. 1/9/2018. Following a sanctions hearing, the Presiding Disciplinary Judge disbarred Leah Rae Bishop (attorney registration number 31377), effective February 13, 2018.

While assisting clients in two domestic relations cases, Bishop failed to diligently represent her clients, ignored court orders, refused to timely return files and funds owed to her

clients, and knowingly converted client funds. She later disregarded requests for information from disciplinary authorities. She thus abdicated her duties to her clients, the courts, and the legal profession.

Through her conduct, Bishop violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the status of the matter); Colo. RPC 1.4(a)(4) (a lawyer shall promptly comply with reasonable requests for information); Colo. RPC 1.16(d) (a lawyer shall protect a client’s interests upon termination of the representation, including by returning unearned fees and any papers and property to which the client is entitled); Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); Colo. RPC 8.1(b) (a lawyer shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority); Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); and Colo. RPC 8.4(d) (a lawyer shall not engage in conduct prejudicial to the administration of justice).

No. 17PDJ044. People v. Gilbert. 1/8/2018. Following a sanctions hearing, the Presiding Disciplinary Judge disbarred Jerold R. Gilbert (attorney registration number 20301), effective February 12, 2018.

In June 2013, Gilbert agreed to assist clients in an immigration matter for a capped fee; the clients paid Gilbert the vast majority of the fee in the first four months of the representation. But Gilbert did not hold the money in trust, instead retaining all the funds for himself, even though he did not complete the promised work. In May 2014, Gilbert was administratively suspended

from the practice of law. He did not inform his clients of the suspension, however, nor did he cease practicing law. Instead, on at least one occasion following his suspension, he provided his clients with legal advice in derogation of his suspension order. Later, Gilbert stopped communicating with his clients. He did not respond to their inquiries or to their requests for a copy of the fee agreement and receipts.

Through this conduct, Gilbert violated Colo. RPC 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the status of a matter); Colo. RPC 1.4(a)(4) (a lawyer shall promptly comply with reasonable requests for information); Colo. RPC 1.5(f) (a lawyer does not earn fees until the lawyer confers a benefit on the client or performs a legal service for the client); Colo. RPC 1.15A(a) (a lawyer must hold client property separate from the lawyer’s own property); Colo. RPC 1.16(d) (a lawyer shall protect a client’s interests upon termination of the representation, including by returning unearned fees and any papers and property to which the client is entitled); Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); Colo. RPC 5.5(a)(1) (a lawyer shall not practice law in this jurisdiction without a valid license); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

No. 18PDJ002. People v. Hicks. 2/8/2018. The Presiding Disciplinary Judge approved the parties’ conditional admission of misconduct and publicly censured Ian Trevor Hicks (attorney registration number 39332), effective February 8, 2018.

Hicks was hired in a defective flooring case. He and his client signed a contingency fee agreement on June 16, 2016. Ten days later, Hicks and the client kissed. They first had sex on July 4, 2016. Their intimate relationship continued until April 2017.

Hicks sent a demand letter in the flooring case in August 2016, and the case settled later that month for \$15,000. The client was satisfied with Hicks’s representation.

During Hicks’s relationship with this client, he disclosed to her confidential client informa-

tion regarding a number of his other clients. He occasionally forwarded to her emails from clients or opposing counsel, and he also sent her draft settlement demands and other draft documents. There is no evidence that the client disseminated or acted on any of this information.

Through this conduct, Hicks violated Colo. RPC 1.6(a) (a lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent) and Colo. RPC 1.8(j) (a lawyer shall not have sexual relations with a client unless a consensual sexual relationship existed between them when the client-lawyer relationship began).

No. 17PDJ063. People v. Jilot. 2/8/2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and publicly censured LuAnn Ott Jilot (attorney registration number 15629), effective February 8, 2018.

Jilot was retained by the personal representative of an estate in a probate case. The primary asset of the estate was the decedent's house. The house, however, was subject to a reverse mortgage totaling about \$30,000; the decedent's death triggered the reverse mortgage's default. Jilot asked whether any of the estate's beneficiaries could pay off the reverse mortgage and redeem the property so that it would not be subject to foreclosure. When one beneficiary expressed interest in doing so, Jilot drafted a note and deed of trust for a \$30,000 loan at 4% interest for a six-month term. The beneficiary decided not to extend the loan after all, so Jilot proposed to the personal representative that she advance the \$30,000 to the estate.

Three days before the foreclosure sale, Jilot executed the \$30,000 note and deed of trust and sent the \$30,000 to the lender. She did not advise the personal representative in writing of the desirability of seeking the advice of independent legal counsel on the transaction. Nor did the personal representative give informed consent in a signed writing to Jilot's role in the transaction. When the house ultimately sold, Jilot's \$30,000 note was satisfied from the sale proceeds, and she released her deed of trust. Her conduct caused the client no actual injury.

Through this conduct, Jilot violated Colo.

RPC 1.8(a) (a lawyer shall not enter into a business transaction with a client unless the client is advised to seek independent legal counsel and the client gives written informed consent to the transaction); Colo. RPC 1.8(e) (a lawyer shall not provide financial assistance to a client in connection with a pending or contemplated litigation); and Colo. RPC 1.8(i) (a lawyer generally shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client). The stipulated discipline in this case took into consideration numerous mitigating factors.

No. 18PDJ006. People v. Rose. 2/12/2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Christopher Michael Rose (attorney registration number 33181) for three years, effective February 12, 2018.

Rose's misconduct stems from his representation in three matters. In the first matter, Rose was hired to remove a contractor's lien placed on his client's property. Rose received a \$2,000 retainer but did not give his client a written fee agreement. Rose deposited the retainer directly into his operating account. Over the next 11 months, Rose led his client to believe that he had filed a case against the contractor, including by sending his client several text messages describing in detail the status of the case. In August 2016, when trying to file an affidavit in his case, the client learned that no case in fact existed. The client requested a refund, but Rose continued to insist for several months that he had filed suit. Rose never filed a lawsuit or refunded his client's retainer.

In the second matter, a client hired Rose in a dispute over construction services. Rose's client prevailed on his claim but lost a counterclaim.

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Rose appealed the counterclaim yet failed to give his client a new fee agreement. Rose asked the Court of Appeals for an extension of time to file the record on appeal, citing health issues, including fatigue, exhaustion, and thyroid issues. He also stated that he had begun treatment for papillary thyroid cancer. But Rose had not been diagnosed with thyroid cancer. Rose made similar misrepresentations about his health to the Court of Appeals in a response to show cause. The Court of Appeals eventually dismissed the case for Rose's failure to respond to a second show cause order. Rose never notified his client that the appeal had been dismissed.

In a third case, Rose's client had contracted to sell certain property; at the closing it was discovered that a lien was still attached to the property because Rose failed to file a lien release. Rose's client and the buyer each paid Rose \$500

to file the lien release. Rose represented his client and the buyer in the closing transaction. Rose's client terminated the representation and requested his file. Rose repeatedly stalled in email exchanges with his client. He also alleged that he sent his client the file by certified mail but was unable to produce a receipt. Rose never provided his client with an accounting of his attorney fees.

Through this conduct, Rose violated Colo. RPC 1.1 (a lawyer shall competently represent a client); Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the status of the matter); Colo. RPC 1.7(a) (a lawyer shall not represent a client if the representation involves a concurrent conflict of interest); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination

of the representation); Colo. RPC 3.3(a)(1) (a lawyer shall not knowingly make a false statement of material fact or law to a tribunal); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

No. 17PDJ046. People v. Schroeder. 1/9/2018. Following a sanctions hearing, the Presiding Disciplinary Judge disbarred Richard O. Schroeder (attorney registration number 27616), effective February 13, 2018.

Schroeder was hired to pursue collection matters for another lawyer. Schroeder failed to timely deliver funds that the other lawyer was owed in three separate collection matters. In one of those matters, Schroeder also made a misrepresentation on his disbursement statement and knowingly converted funds.

This conduct violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the status of the matter); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15A(b) (upon receiving funds or other property of a client or third person, a lawyer shall promptly deliver to the client or third person any funds or property that person is entitled to receive); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation). ^{CL}



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