

Disciplinary Case Summaries

No. 19PDJ010. People v. Balman. 02/12/2019. The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Lee Travis Balman (attorney registration number 41279) for one year and one day, all stayed upon successful completion of a one-year period of probation, effective February 12, 2019. The probationary requirements include completing an ethics course and complying

with all terms of his criminal deferred judgment and sentence.

In October 2018, Balman pleaded guilty to two drug charges in Denver District Court. The first count was felony possession with intent to manufacture or distribute marijuana or marijuana concentrate, CRS § 18-18-406(2)(B)(I),(III)(B). The second count was misdemeanor possession with intent to manufacture or dis-

tribute marijuana or marijuana concentrate, CRS § 18-18-406(2)(B)(i),(III)(E). He received a two-year deferred judgment and sentence, with payment of fines and costs, which took effect October 1, 2018. He was never confined or imprisoned. According to the parties' stipulation, the evidence indicates that Balman was growing marijuana for his personal medical use and there is no evidence he sold, distributed, or attempted to distribute marijuana. The numerous mitigating factors present in this case include that Balman was immediately suspended from the practice of law in December 2018 based on his felony conviction.

Through his conduct, Balman violated Colo. RPC 8.4(b) (a lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects). The case file is public per C.R.C.P. 251.31.

No. 18PDJ019, consolidated with No. 18PDJ070. People v. Evans. 2/15/2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Michael Donivan Evans (attorney registration number 39407) for two years. The sanction took into account significant mitigating factors, including Evans's personal and emotional problems. The suspension took effect February 15, 2019. To be reinstated, Evans will bear the burden of proving by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law.

In one matter, Evans offered to settle a client's matter without the client's knowledge or consent. He then failed to advise the client that the offer had been accepted, that he had

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received a settlement check, and that the check had been deposited into his operating account. Later, he did not respond to the client's inquiry as to the status of the case and did not advise her that he had settled her claim or collected funds on her behalf. The client first learned that Evans had settled her case and accepted payment during the disciplinary investigation of the matter. During the representation, Evans offered to pay the client money to post a positive online review; later, when she removed her post and wrote a negative review, Evans responded, disclosing confidential client information.

In 14 cases, Evans treated unearned fees as earned, failed to hold unearned fees in a trust account, and did not keep his own property separate from his clients' property, thereby failing to safeguard client funds. In some of these cases, Evans failed to keep clients reasonably informed about the status of their matters,

failed to surrender unearned legal fees upon termination, and failed to promptly comply with reasonable requests for information. Since 2016, Evans has failed to reconcile his trust account and to send regular communications to his clients regarding billing and charges related to his representation.

Through this conduct, Evans violated Colo. RPC 1.2(a) (a lawyer must abide by the client's decisions concerning the objectives of a case and consult with the client regarding the means to achieve the objectives); Colo. RPC 1.4(a) and (b) (a lawyer shall reasonably communicate with the client and shall explain a matter so as to permit the client to make informed decisions regarding the representation); Colo. RPC 1.5(f) (a lawyer shall not earn fees until a benefit is conferred on the client or the lawyer performs a legal service); Colo. RPC 1.6(a) (a lawyer shall not reveal information relating to the

representation of a client unless the client gives informed consent); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15C(c) (a lawyer shall reconcile the lawyer's trust account at least quarterly); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation). The case file is public per C.R.C.P. 251.31.

No. 18PDJ013. People v. Reyes. 02/12/2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Veronica Reyes (attorney registration number 41963) for one year and one day, with six months to be served and the remainder to be stayed upon successful completion of a

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two-year period of probation. The suspension was effective March 19, 2019. The probationary requirements include a practice monitor and a trust account course.

Reyes was hired to help a family with their immigration needs. At one point during the representation, Reyes failed to properly communicate how the family's daughter could adjust her immigration status. Although the daughter had become eligible to file for adjustment, Reyes instead suggested that the daughter apply for advance parole. When the family consulted another lawyer, that lawyer informed them that the daughter was eligible to adjust status but that the family would need to act very quickly to do so before the daughter turned 21 and lost eligibility. The family sought to obtain the case file from Reyes, but Reyes did not timely turn over the complete file. Ultimately, the family's new lawyer was able to convince an immigration official to expedite the daughter's application to adjust status, which was granted just before her 21st birthday.

During the representation, Reyes consistently failed to place client funds in a trust account and to keep records of the funds she received from the family, including when she earned legal fees. Reyes mistakenly let her sister, who worked from time to time in Reyes's law firm, use the firm's trust account instead of the operating account to pay personal bills. Reyes failed to properly supervise her sister in accordance with a lawyer's duties regarding nonlawyer assistants. Further, because Reyes failed to keep an appropriate recordkeeping system and failed to reconcile her trust account records, she did not recognize that her sister had used client funds to pay personal bills.

Through this conduct, Reyes violated Colo. RPC 1.4(a) and (b) (a lawyer shall reasonably communicate with the client and shall explain a matter so as to permit the client to make informed decisions regarding the representation); Colo. RPC 1.5(f) (a lawyer does not earn fees until a benefit is conferred on the client or the lawyer performs a legal service); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15D (a lawyer shall maintain trust account records); Colo. RPC 1.15(a) (in effect prior to

June 17, 2014) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15(j) (in effect prior to June 17, 2014) (a lawyer shall maintain certain records related to trust accounts and client billing); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation); and Colo. RPC 5.3(a) and (b) (setting forth a lawyer's responsibilities to ensure that nonlawyer assistants act in a manner consistent with the lawyer's professional obligations). The case file is public per C.R.C.P. 251.31. 

These summaries of disciplinary case opinions and conditional admissions of misconduct are prepared by the Office of the Presiding Disciplinary Judge and are provided as a service by the CBA; the CBA cannot guarantee their accuracy or completeness. Full opinions are available on the Office of the Presiding Disciplinary Judge website at www.coloradosupremecourt.com/PDJ/PDJ_Decisions.asp.