

Disciplinary Case Summaries

No. 18PDJ030. People v. Hyde. 11/27/2018. A hearing board suspended Patrick C. Hyde (attorney registration number 14633) for six months, with the requirement that he seek reinstatement, if at all, under CRCP 251.29(c). To be reinstated, Hyde 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. The suspension took effect on January 18,

2019. Hyde has appealed the hearing board's decision to the Supreme Court.

In 2011, Hyde was entrusted with \$1,000 for legal work in an immigration case. He kept inadequate records regarding that payment. Even though he never performed legal services in the matter, he erroneously assumed two years later that he had somehow earned the funds. As a result, he transferred the \$1,000 from his trust account into his operating account,

commingling the funds with his own. Hyde breached Colo. RPC 1.15(a) (2013) (a lawyer shall hold client property separate from the lawyer's own property) and Colo. RPC 1.15(j) (2013) (a lawyer shall maintain certain records related to trust accounts and client billing). In imposing the sanction, the hearing board was influenced by Hyde's repeated commission of misconduct despite his substantial experience as a lawyer and by his refusal to acknowledge his wrongdoing.

The case file is public per CRCP 251.31.

No. 19PDJ003. People v. Koenig. 1/10/2019. The Presiding Disciplinary Judge approved the parties' stipulation to reciprocal discipline and publicly censured Robert Allen Koenig (attorney registration number 23815), effective January 10, 2019.

This reciprocal discipline case arose out of discipline imposed in Nevada. On November 28, 2017, a formal hearing panel for the Southern Nevada Disciplinary Board issued to Koenig a formal letter of reprimand, which is considered public discipline in Nevada. Koenig's discipline was premised on his failure, as a managing partner of a Nevada-based multijurisdictional law practice, to monitor and to supervise lawyers in the Las Vegas office. At the time he failed to adequately monitor the law office, the office submitted an untruthful multijurisdictional law practice application; allowed non-licensed Nevada attorneys, including a suspended California attorney, to monitor the office's trust account, including the untimely distribution of funds; and employed associate attorneys who failed to comply with court orders in a litigation matter.

Koenig's misconduct constituted grounds for reciprocal discipline under CRCP 251.5 and 251.21. The case file is public per CRCP 251.31.

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No. 18PDJ037. People v. Morales. 1/16/2019. The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Roger Daniel Morales (attorney registration number 28767) for one year and one day, with six months to be served and six months and one day to be stayed upon successful completion of a two-year period of probation. The suspension was effective on February 20, 2019. The probationary requirements include mental health and alcohol addiction counseling, a practice monitor, ethics school, and payment of costs.

Morales engaged in misconduct in two client matters. In the first matter, Morales was hired in 2015 to file a petition for allocation of parental responsibilities as to a minor whose birth mother was willing to relinquish custody to a couple. Morales charged \$2,500 for the representation, but he failed to keep adequate financial records showing when his clients' funds were placed in trust.

During the representation, the court issued several show cause orders for Morales's failure to comply with the case management order and for his failure to serve the biological parents. In February 2016, the court dismissed the case based on Morales's failure to comply with a show cause order. Morales never told the couple that their case had been dismissed. Instead, he made several misrepresentations to the couple and their daughters over the next eight months when they inquired about the status of their case, including that the case was moving forward, that the court had accepted an affidavit he filed concerning his attempts to locate the birth mother, and that a status conference had been set but rescheduled by the court. In February 2017, the couple terminated Morales's representation. By fall 2017, the minor needed to be enrolled in school, but the couple could not do so because they had no proof of a legal relationship with the child. In January 2019, Morales attempted to refund \$2,500 to the couple but was unable to locate them.

In the second matter, Morales was hired in 2016 to file an I-130 petition on behalf of a client to obtain legal permanent residence for the client's mother. After paying Morales a deposit, the client did not hear from him

for many months. The client unsuccessfully attempted to reach Morales several times by telephone and continued to pay him monthly attorney fees. In September 2017, the client learned that Morales had never filed a petition. In January 2019, Morales refunded the client \$1,000 in attorney fees.

Through this conduct, Morales violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a) (a lawyer shall reasonably communicate with the client); Colo. RPC 1.4(b) (a lawyer 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 1.16(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); 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 CRCP 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.

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