

Disciplinary Case Summaries

No. 19PDJ079. People v. Fielder. 12/12/2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Gary D. Fielder (attorney registration number 19757) for one year and one day, all to be stayed upon successful completion of a two-year period of probation, effective December 12, 2019. The probationary requirements include completing an ethics

course, trust account school, and a financial audit, and adhering to practice monitoring conditions.

In December 2017, Fielder was paid a flat fee of \$30,000 to represent a client in two pending legal matters. Fielder did not execute a fee agreement with the client, nor did he communicate the basis or rate for the fee in writing until just before the client terminated

the representation. Although Fielder originally deposited the full fee into his trust account, he made multiple transfers from his trust account into his operating account without any specific benchmarks and in an arbitrary manner. After termination of representation, Fielder attended fee arbitration and ultimately agreed to repay the client \$15,000 in unearned fees and costs of \$4,250.13.

Through this conduct, Fielder violated Colo. RPC 1.5(b) (a lawyer shall inform a client in writing about the lawyer's fees and expenses within a reasonable time after being retained, if the lawyer has not regularly represented the client); 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 1.15A(b) (on 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 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation, including by giving reasonable notice to the client and returning unearned fees).

The case file is public per CRCP 251.31.

No. 19PDJ054. People v. Fillerup. 12/17/2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and publicly censured Selvoy Peterson Fillerup (attorney registration number 43282), effective December 17, 2019.

In one matter, Fillerup delayed returning a client's original documents for eight months after representation ended because he misplaced the documents. In a second client matter, Fillerup did not return a client's original wedding photographs after termination of the representation, and to date still has not returned the photographs. Fillerup also failed to respond to the People's many attempts to contact him during their investigation of the second client matter.

Through this conduct, Fillerup violated Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation,

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including returning any papers and property to which the client is entitled) and Colo. RPC 8.1(b) (a lawyer shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority).

The case file is public per CRCP 251.31.

No. 19PDJ077. People v. Uhlenhopp. 12/5/2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Travis Shane Uhlenhopp (attorney registration number 39280) for six months, all to be served and followed by of a one-year period of probation, effective January 9, 2020. The probationary requirements include completing an ethics course and complying with all terms of his deferred judgment and probation.

In February 2019, Uhlenhopp pleaded guilty to a misdemeanor third-degree assault charge in Denver County Court stemming from a May 2018 altercation with his then-girlfriend. Uhlenhopp struck her multiple times in the face, causing her several facial contusions, including a black eye and a swollen cheek. Uhlenhopp received a 12-month deferred judgment and sentence with probationary conditions, including a domestic violence evaluation, domestic violence treatment sessions, and random urine analyses.

Uhlenhopp also failed to report to Colorado disciplinary authorities a driving under the influence conviction that occurred in California in March 2017.

Through this conduct, Uhlenhopp 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) and Colo. RPC 251.20(b) (requiring lawyers to report convictions to disciplinary authorities).

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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