

People v. Molly F. Jansen. 19PDJ074. October 25, 2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Molly F. Jansen (attorney registration number 34528) for a period of one year and one day, all to be stayed upon completion of two years of probation, effective October 25, 2019.

Jansen used in her practice flat fee agreements, which set forth the following benchmarks: 25% of the fee would be deemed earned upon filing an entry of appearance; 25% would be earned by starting negotiations with the prosecution; 25% would be earned on receiving and reviewing discovery; and 25% would be earned after appearing in court.

In multiple client matters, Jansen treated portions of clients' flat fees as earned before meeting the benchmarks described in the clients' fee agreements. Jansen also failed to provide an accounting of client funds, despite client requests her to do so, and she failed to return or delayed returning unused portions of the fees when clients terminated representation.

Jansen failed to properly execute fee agreements in two cases. In one case, Jansen failed to keep appointments with an incarcerated client and never responded to his letters requesting information about his case. Jansen also sent substitute counsel (without providing notice to her client or securing her client's consent for the substitution) to appear on her behalf at multiple court appearances. Substitute counsel was unfamiliar with the case and was unable to provide the client legal advice.

Through this conduct, Jansen violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(2) (an lawyer shall reasonably consult with a client about the means by which the client's objectives are to be accomplished); 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 1.5(a) (a lawyer shall not make an agreement for, charge, or collect an unreasonable fee); Colo. RPC 1.5(b) (a lawyer shall inform a client in writing about the lawyer's fees and expenses 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 1.5(g) (a lawyer shall not charge nonrefundable fees or retainers); Colo. RPC 1.7(a)(2) (restricting the circumstances in which a lawyer may represent a client if the representation involves a concurrent conflict of interest); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); and 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).

The case file is public per C.R.C.P. 251.31.