

People v. Ryan Charles Gilman. 19PDJ072. March 11, 2020.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Ryan Charles Gilman (attorney registration number 44179) for three years, effective April 15, 2020. To be reinstated, Gilman must formally petition for reinstatement; he will be required to prove 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, Gilman was hired by a husband and wife to prepare estate planning documents. The couple paid Gilman a flat fee of \$4,500.00 when he was retained; Gilman did not retain a copy of the fee agreement. He deposited the flat fee into his personal checking account the next day. He consumed the entire fee five months before he stopped working on the matter. Although Gilman met with the clients in July 2017 to execute the documents, his clients were unable to sign the documents then because sufficient witnesses were not present. Gilman then kept the documents; he did not give the clients the originals or copies. The clients were unable to reach Gilman until spring 2019. Gilman ultimately refunded \$1,000.00 to the clients in February 2020.

Gilman represented another client in a criminal appeal matter. Gilman failed to update his registration records with the Office of Attorney Registration after that representation had ended. Because Gilman's contact information was not current, the client's subsequent counsel was unable to reach Gilman for five months, causing significant delay in obtaining the client's file.

Through this conduct, Gilman 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 attorney shall reasonably consult with a client about the means by which the client's objectives are to be accomplished); Colo. RPC 1.5(a) (a lawyer shall not charge an unreasonable fee or an unreasonable amount for expenses); 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 1.15B(a)(2) (a lawyer in private practice shall maintain a business account into which the lawyer shall deposit funds received for legal services); Colo. RPC 1.15D(a)(3) (a lawyer shall maintain copies of all written communications setting forth the basis or rate for the lawyer's fees); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation, including 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); and Colo. RPC 8.4(c) (providing that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

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