

People v. Robert Phillip Odle. 21PDJ007. February 16, 2021.

The Presiding Disciplinary Judge approved the parties' amended conditional admission of misconduct and suspended Robert Phillip Odle (attorney registration number 18091) for six months, all stayed upon the successful completion of a three-year period of probation, with conditions, to run concurrent to Odle's discipline in case number 19PDJ062. The suspension took effect on September 1, 2019.

In August 2016, a client hired Odle to represent her in an ongoing civil contract dispute. Odle's fee agreement called for a \$2,500.00 retainer earned at \$200.00 an hour. The fee agreement also promised periodic statements, but Odle issued his client only two invoices. Odle's trust account statements do not correspond to the invoices. For instance, Odle's trust account had a \$0.00 balance in September 1, 2016, but his invoice dated a few days later showed that he should have been holding \$1,327.00 of his client's retainer in trust.

After unsuccessful settlement negotiations, the parties agreed to engage in binding arbitration. The client fired Odle for the purposes of the arbitration but agreed that he should stay on in order to transform the future arbitration award to a judgment, essentially 'unbundling' his services. Odle did not clearly communicate to his client whether he would charge her beyond what he had already invoiced. He intended not to charge her anything beyond the \$2,500.00 retainer, whereas she believed he would not charge her anything in addition to what he had already invoiced. Odle states that he told his client in phone calls that she had exhausted the \$2,500.00 retainer. He maintains that he worked at his hourly rate of \$200.00 to earn the money remaining on the retainer, although he kept poor records and did not track his time or issue additional invoices. His client, however, disputes knowing that the retainer was exhausted.

The matter never went to arbitration, and the client effectively dropped the matter. Much later, however, the opposing party moved to reopen the case. Because Odle was still his client's counsel of record, he received the motion, but he took no action. The court eventually ruled on the motion. Odle's client was not aware of the motion or the order until she learned about them through the disciplinary process. In May 2018, Odle moved to withdraw. He sent his client a copy of his withdrawal motion but did not confer with her before he filed it.

Through this conduct, Odle violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a 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 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); and Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation).

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