

People v. Nitche S. Ward. 13PDJ088. January 30, 2015.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Nitche S. Ward (Attorney Registration Number 41073) for two years, effective March 6, 2015. Ward may be reinstated to the practice of law only if she proves by clear and convincing evidence her rehabilitation, compliance with disciplinary orders, and fitness to practice. She must pay restitution to eight clients as a condition of reinstatement.

In the 2010-2013 timeframe, Ward committed misconduct in a variety of client matters, including bankruptcy, civil, criminal, and dissolution of marriage cases. In several of those cases, Ward violated fee-related rules. She deposited client funds directly into her own operating account without having earned the funds, even though she should have known she was not entitled to do so, thereby violating Colo. RPC 1.15(a) and (c). She charged two clients a nonrefundable engagement retainer in violation of Colo. RPC 1.5(g). In several matters, Ward failed to give clients a full accounting promptly upon request as mandated by Colo. RPC 1.15(b) and failed to refund unearned fees after termination of the representation as required by Colo. RPC 1.16(d). Finally, Ward charged two clients an unreasonable fee in violation of Colo. RPC 1.5(a).

Ward failed to competently and diligently represent many of her clients as required by Colo. RPC 1.1 and 1.3, respectively. For instance, she failed to file a dissolution petition, submitted deficient or defective filings, disregarded judicial notice requirements, filed a bankruptcy petition for a client despite knowing that the client was ineligible to file the petition, neglected to appear at scheduled meetings, failed to pursue and review discovery, and provided ineffective assistance to a criminal client. In some cases, this conduct and related conduct in contravention of court orders and rules prejudiced the administration of justice in violation of Colo. RPC 8.4(d). Ward's neglect of her duties caused her clients prejudice and delay and led to the unnecessary expenditure of judicial resources.

In a half-dozen matters, Ward's incompetence was compounded by her failure to adequately communicate with clients, including disregarding requests for information, neglecting to tell clients about her work, and neglecting to describe how she was earning fees. She thereby violated Colo. RPC 1.4(a), which requires a lawyer to keep clients reasonably informed, and Colo. RPC 1.4(b), which requires a lawyer to explain matters so as to permit the client to make informed decisions about the representation. Finally, Ward failed to supervise an associate attorney and a paralegal in contravention of Colo. RPC 5.1(b) and 5.3.

Although Ward engaged in extensive misconduct, the parties stipulated that mitigating factors, including her inexperience in the practice of law, significantly outweighed aggravating factors. In addition, the parties stipulated to dismissal of thirty separate claims of misconduct, including alleged violations of Colo. RPC 1.5(a) (prohibiting a lawyer from charging an unreasonable fee or an unreasonable amount for expenses); Colo. RPC 1.5(f) (providing that fees are not earned until a lawyer confers a benefit on the client or performs a legal service); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).