

People v. Roger Daniel Morales. 22PDJ066. April 20, 2023.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Roger Daniel Morales (attorney registration number 28767) for two years. Morales's suspension in case number 22PDJ066 takes effect on May 25, 2023, though Morales has been suspended since February 2019 in case number 18PDJ037. Before Morales can seek reinstatement to the practice of law after his suspension in case number 22PDJ066, he must prove by clear and convincing evidence that he has been rehabilitated, has complied with all disciplinary orders and rules, and is fit to practice law. Morales must also pay \$410.00 in restitution to his former client.

In November 2018, a client paid Morales \$410.00 to apply for a work permit in the client's immigration case. Morales deposited the funds in his trust account but has no records showing what happened to the money afterwards. Nor does he recall what he did with the funds. Morales failed to obtain the documents required for the client's work permit application, and he never submitted the application to immigration authorities, though he claims that he prepared the application. Even so, he informed his client that he sent the application.

On February 20, 2019, Morales's suspension in case number 18PDJ037 took effect, and Morales began working as a paralegal at another lawyer's office. Morales did not notify the client in writing about his suspension. In September 2019, the client appeared for a cancellation of removal hearing, during which Morales told the client that he was suspended and thus could not represent the client at the hearing. Morales informed the client that the lawyer for whom Morales worked would appear for the client. But Morales never obtained the client's permission to share the client's confidential information with the lawyer, even though he provided the lawyer with the client's file without the client's authorization. Given the impending hearing, the client felt he had no choice but to accept the lawyer's representation. Morales then led his former client to believe that his suspension would be over soon and that he would be able to resume the representation in the near future. Throughout Morales's suspension, he continued receiving payments from his former client for work performed by the other lawyer. Morales claimed that he cashed those payments and paid the lawyer in cash, but Morales did not keep records of the alleged payments to the lawyer for the work.

Through this conduct, Morales violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a) (a lawyer must reasonably communicate with the client); Colo. RPC 1.6(a) (a lawyer must not reveal information relating to the representation of a client unless the client gives informed consent); Colo. RPC 1.15D (a lawyer must maintain trust account records); Colo. RPC 3.4(c) (a lawyer must not knowingly disobey an obligation under the rules of a tribunal); and Colo. RPC 8.4(c) (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. 242.41(a).