

*People v. Titus Dutton Peterson. 24PDJ043. May 22, 2024.*

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Titus Dutton Peterson (attorney registration number 19926) for six months, with the added requirement that Peterson petition for reinstatement and 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. Peterson's suspension takes effect June 26, 2024.

Peterson represented a pregnant client in a personal injury suit arising from the client's fall in a local store. They signed a contingency fee agreement, and the client agreed to settle the case. Peterson and the client also discussed the possibility of representing the client's newborn son; Peterson eventually sent the defendant's insurer a demand letter on the son's behalf, even though Peterson never entered into a separate fee agreement to represent the son. During the representation, Peterson sent the client settlement correspondence from an entirely unrelated matter. Later, Peterson sent the client a letter encouraging her to seek opinions from other counsel. While the letter did not explicitly terminate the attorney-client relationship, both Peterson and the client understood the letter to do so. But Peterson did not notify the defendant's insurance agent about the termination, and the agent refused to speak to the client. When Peterson sent disciplinary authorities information about his trust account during the investigation of the matter, he failed to redact checks and information regarding other clients.

In another client matter, Peterson represented a landlord in an eviction matter, but he did not give the client a fee agreement. Peterson has not been able to produce an accounting of the client's payments or any trust account reconciliation records from the period of the representation. The client ultimately terminated the attorney-client relationship.

Disciplinary authorities also received an insufficient funds notice in November 2023 regarding Peterson's trust account. Peterson blamed his bank for inaccurately reporting to him how much money he held in his trust account. Disciplinary authorities asked Peterson for his internal accounting records, checks, and reconciliations from the relevant timeframe, but Peterson refused to provide them, invoking the Fifth Amendment.

Finally, during the disciplinary investigation of these matters, Peterson copied a lawyer for disciplinary authorities on an email chain with a client; the emails were entirely unrelated to the matters under investigation and revealed information related to the representation of that client.

Through this conduct, Peterson violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.5(b) (a lawyer must inform a client in writing about the lawyer's fees and expenses within a reasonable time after being retained, if the lawyer has not regularly represented 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 1.15C(c) (a lawyer must reconcile trust account records on at least a quarterly basis); and Colo. RPC 1.15D (a lawyer must maintain trust account records). The case file is public per C.R.C.P. 242.41(a).