

People v. Stanley Toshi Matsunaka. 24PDJ006. January 18, 2024.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Stanley Toshi Matsunaka (attorney registration number 09843) for six months, all to be stayed pending Matsunaka's successful completion of a two-year period of probation, with conditions. The probation takes effect February 22, 2024.

Around summer 2020, Matsunaka agreed to help a client file a claim for approximately \$41,000.00 against an estate. Matsunaka did not enter a written fee agreement with the client. In July 2020, Matsunaka informed his client that they could proceed with the claim. Four days later his client emailed him a notice from the estate announcing that any claim must be submitted to the estate's personal representative or filed with the presiding court by November 24, 2020. But Matsunaka neither filed his client's claim by that date nor confirmed with his paralegal whether the claim had been submitted. Even so, in June 2022 he sent a letter to the personal representative, stating that a notice of his client's claim had been filed.

In August 2022, Matsunaka's client requested an update on the matter. Though Matsunaka confirmed with his paralegal that a notice of claim was never submitted, he failed to alert his client that her claim had not been filed. Nor did he advise her that he attempted to file an untimely notice of the claim in late August 2022 or that the claim was later denied as untimely.

In October 2022, Matsunaka's client sent him an email, notifying him that his assistant had provided the client with a copy of the letter Matsunaka sent to the personal representative in June 2022. The client also had obtained a copy of the claim that should have been filed in 2020. Matsunaka did not respond until January 2023, acknowledging that the claim had not been timely filed, that the estate denied the claim as untimely, and that the estate was administratively closed. The client sought reimbursement from Matsunaka, who paid his client \$15,000.00 and entered an agreement to pay her an additional \$30,193.92.

Through this conduct, Matsunaka violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(3)-(4) (a lawyer must keep a client reasonably informed about the status of the matter and must promptly comply with reasonable requests for information); Colo. RPC 1.4(b) (a lawyer must explain a matter so as to permit the client to make informed decisions regarding the representation); 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); 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).