

People v. Carolyn Vance Pelloux. 20PDJ008. February 9, 2021.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Carolyn Vance Pelloux (attorney registration number 29448) for one year, with thirty days to be served and the remainder to be stayed upon the successful completion of a two-year period of probation, with conditions. The suspension takes effect March 2, 2021.

Pelloux contracted with the Office of Respondent Parents' Counsel ("ORPC"), an independent governmental agency of the Colorado Judicial Branch, to represent parents in three Colorado counties. Payment claims were submitted to ORPC through an online portal. Pelloux was obligated by a chief justice directive to make her time records available to ORPC within seventy-two hours of a request.

Between 2016 and 2018, Pelloux employed at various times between one and three associates. The associates felt pressure from Pelloux to increase billing, unnecessarily work on certain matters, and bill amounts that were greater than what was appropriate in ORPC matters. Pelloux did not supervise her staff or provide them proper guidance to ensure that the billing practices were consistent with her ethical obligations.

When working with ORPC's billing system, Pelloux did not download all of the information she had entered into the system. She did not maintain copies of the documentation of time that had been loaded in the ORPC billing system. After ORPC terminated Pelloux's contract in March 2018, she lost access to ORPC's billing software and records. ORPC audited Pelloux's billing information and requested her billing records in accordance with the chief justice directive. Pelloux knowingly failed to provide all of her records to ORPC, and she did not maintain all financial records as required under Colo. RPC 1.15D. ORPC disputed certain time entries that Pelloux provided and requested that she return all of her active files. Pelloux admits that some time entries contained improper or inaccurate descriptions, and she recognizes that some billing mistakes resulted in overcharges to ORPC. Pelloux has agreed to return \$20,000.00 to ORPC in settlement of the overbilling dispute.

Through this conduct, Pelloux violated Colo. RPC 1.5(a) (a lawyer shall not charge an unreasonable fee); Colo. RPC 1.15D (a lawyer shall maintain certain financial records for seven years); Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); Colo. RPC 5.1(a) (a partner shall ensure her firm implements measures giving reasonable assurance that all lawyers in the firm comply with the Rules of Professional Conduct); and Colo. RPC 5.1 (b) (a lawyer with direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct).

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