

People v. Veronica Reyes. 18PDJ013. February 12, 2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Veronica Reyes (attorney registration number 41963) for one year and one day, with six months to be served and the remainder to be stayed upon successful completion of a two-year period of probation. The suspension takes effect March 19, 2019. The probationary requirements include a practice monitor and a trust account course.

Reyes was hired to help a family with their immigration needs. At one point during the representation, Reyes failed to properly communicate how the family's daughter could adjust her immigration status. Although the daughter had become eligible to file for adjustment, Reyes instead suggested that the daughter apply for advance parole. When the family consulted another lawyer, that lawyer informed them that the daughter was eligible to adjust status but that the family would need to act very quickly to do so before the daughter turned twenty-one and lost eligibility. The family sought to obtain the case file from Reyes, but Reyes did not timely turn over the complete file. Ultimately, the family's new lawyer was able to convince an immigration official to expedite the daughter's application to adjust status, which was granted just before her twenty-first birthday.

During the representation, Reyes consistently failed to place client funds in a trust account and to keep records of the funds she received from the family, including when she earned legal fees. Reyes mistakenly let her sister, who worked from time to time in Reyes's law firm, use the firm's trust account instead of the operating account to pay personal bills. Reyes failed to properly supervise her sister in accordance with a lawyer's duties regarding nonlawyer assistants. Further, because Reyes failed to keep an appropriate recordkeeping system and failed to reconcile her trust account records, she did not recognize that her sister had used client funds to pay personal bills.

Through this conduct, Reyes violated Colo. RPC 1.4(a) and (b) (a lawyer shall reasonably communicate with the client and shall explain a matter so as to permit the client to make informed decisions regarding the representation); Colo. RPC 1.5(f) (a lawyer does not earn fees until a benefit is conferred on the client or the lawyer performs a legal service); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15D (a lawyer shall maintain trust account records); Colo. RPC 1.15(a) (in effect prior to June 17, 2014) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15(j) (in effect prior to June 17, 2014) (a lawyer shall maintain certain records related to trust accounts and client billing); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation); and Colo. RPC 5.3(a) and (b) (setting forth a lawyer's responsibilities to ensure that nonlawyer assistants act in a manner consistent with the lawyer's professional obligations). The case file is public per C.R.C.P. 251.31.