

People v. Douglas Leo Romero. 16PDJ057. December 9, 2016.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Douglas Leo Romero (attorney registration number 35464) for one year, with five months served and seven months stayed upon successful completion of a three-year period of probation with conditions. The suspension takes effect February 1, 2017.

Romero's misconduct stems from four separate matters. In the first, Romero agreed to represent a client in his immigration and criminal matters. Romero collected \$5,666.00, even though his representation for both matters at was "capped" at \$3,000.00. On Romero's advice, his client pleaded guilty to felony sexual assault. The client later regretted his decision to plead guilty, hired other counsel, successfully withdrew his plea, went to trial, and was acquitted. When Romero's client asked him to handle the immigration matter, Romero refused unless the client paid more money.

In the second case, Romero represented a client in a personal injury matter. The client died shortly after Romero filed suit. Romero did not promptly advise the court that his client died; instead, Romero falsely advised the court that the client's case was in probate. Nearly six months later, Romero falsely told the court that a personal representative had been appointed by the probate court. The court then allowed Romero to withdraw after he falsely claimed that he had advised the personal representative of his intention to withdraw and that he could not prove his client's claims.

The third matter involved a couple who hired Romero to obtain permanent resident status for the husband. Various immigration forms that Romero's staff filed on the couple's behalf contained errors, even though the wife had previously noted those errors. Romero assigned a lawyer with little experience to the couple's case, and Romero did not review the lawyer's work or provide him training. The husband's petition was denied due to errors in the forms. Romero assured his clients that he would file corrected forms but instead submitted incorrect forms without updated signatures. Romero then appealed, which was denied because he failed to appeal on behalf of the wife, the affected party.

Though this misconduct, Romero violated Colo. RPC 1.1 (a lawyer shall competently represent a client); Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.5(a) (a lawyer shall not charge an unreasonable fee or an unreasonable amount for expenses); Colo. RPC 1.6 (a lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent); Colo. RPC 3.3(a)(1) (a lawyer shall not knowingly make a false statement of material fact or law to a tribunal); Colo. RPC 5.1(a) (a partner should ensure that the firm implements measures giving reasonable assurance that all lawyers in the firm comply with the Rules of Professional Conduct); Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); and Colo. RPC 8.4(d) (a lawyer shall not engage in conduct prejudicial to the administration of justice).

The fourth matter is a reciprocal discipline matter. On October 30, 2015, the United States District Court of Colorado publicly censured Romero for entering into a contingency fee agreement with his clients that did not comply with the rules governing such agreements. His fee agreement allowed him to charge his clients an unreasonable fee and included an improper conversion clause that restricted his client's ability to terminate the representation. The court found that Romero's conduct violated Colo. RPC 1.5(a), Colo. RPC 1.5(c) (a lawyer shall enter into contingent fee agreements that conform to the requirements of Chapter 23.3 of the Colorado Rules of Civil Procedure), and Colo. RPC 1.5(g) (a lawyer shall not charge nonrefundable fees or retainers). Romero's conduct constitutes grounds for reciprocal discipline under C.R.C.P. 251.5 and 251.21.