

People v. Gwendolyn F. Stokes. 13PDJ078. August 26, 2014.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Gwendolyn F. Stokes (Attorney Registration Number 20506) for three years, effective August 26, 2014. Stokes may only be reinstated to the practice of law if she proves by clear and convincing evidence her rehabilitation, compliance with disciplinary orders, and fitness to practice.

Stokes committed misconduct in three client matters. In the first, a small claims case, Stokes did not act to collect a judgment awarded in her client's favor, nor did she adequately communicate with her client about that issue. The client terminated Stokes's services and collected the judgment by working directly with the defendant's counsel, yet Stokes did not refund the client's legal fee or account for her fees. The second client matter involved modification of custody and a protection order. Although Stokes's efforts on the protection order were successful, she ceased communicating with her client about the custody matter, leading the client to settle that matter on his own. When the client terminated Stokes's representation, she agreed to refund unearned fees, yet she never did so, amounting to conversion of the client's funds.

In the third matter, an inmate retained Stokes to file a writ of mandamus. But Stokes never contacted the client in person or by phone, and she sent him just one email. Although she acknowledged she had not worked on the case, she did not return any unearned fees after the inmate terminated her services. She thereby converted her client's funds. The inmate sued Stokes to recover his fees. On appeal from the small claims court, the El Paso County District Court found that Stokes lacked understanding of the client's case and had attempted to mislead the lower court about the client's fees. The district court awarded judgment in the client's favor, but Stokes has not paid that judgment. Finally, Stokes failed to cooperate in the disciplinary investigations regarding these matters. During the relevant time periods, Stokes was caring for her ill mother and was herself suffering from depression and chronic pain.

Through this misconduct, Stokes violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the status of the matter); Colo. RPC 1.4(a)(4) (a lawyer shall promptly comply with reasonable requests for information); Colo. RPC 1.5(b) (a lawyer shall communicate, in writing, the rate or basis of the fee and expenses within a reasonable time after commencing representation); Colo. RPC 1.15(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15(c) (a lawyer shall keep separate any property in which two or more persons claim interests until there is an accounting and severance of those interests); Colo. RPC 3.3(a)(3) (a lawyer shall not knowingly offer false evidence, and a lawyer shall take reasonable remedial measures if the lawyer comes to know that false material evidence has been offered); 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).