

People v. Heather Marx Tice, 24PDJ060. August 6, 2024.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Heather Marx Tice (attorney registration number 38688) for one year and one day, with three months served and the remainder stayed upon Tice's successful completion of a two-year period of probation, with conditions. Tice's suspension took effect on August 6, 2024.

Following a remedial contempt hearing held in February 2021 in her client's domestic relations case, Tice did not timely file a proposed order or affidavit for attorney's fees with the court presiding over the matter. In September 2021, the court entered the order Tice had proposed, directing Tice to file her affidavit for attorney's fees within ten days of the order's date. Tice did not do so, nor did she send a copy of the order to her client until December 1, 2021, when her client inquired about the matter. That same day, Tice's client also asked about the affidavit for attorney's fees and requested a copy of what Tice filed. Tice's client again inquired about the affidavit five days later, having received no response from Tice. Tice eventually filed an affidavit for attorney's fees in the amount of \$51,566.00 on December 10, 2021. When her client expressed concern over the affidavit's timeliness, Tice assured her client there was no deadline for an affidavit for attorney's fees. Tice did not discuss her mistake with her client or how it might affect the client's ability to collect fees from the opposing party.

In January 2022, the court issued an order noting that Tice filed the affidavit eleven weeks late without any requests for extensions. Tice did not discuss the order's significance with her client but moved to reconsider the order with the district court. The district court denied the motion to reconsider. Again, Tice did not discuss the significance of that order with her client. In May 2022, the client learned through communications with the opposing party that the orders from January 2022 and February 2022 amounted to denials of her request for attorney's fees. When the client confronted Tice with this information, Tice misrepresented that she had requested an extension to file the affidavit with the court. Tice's client requested communications related to that issue, but Tice did not provide all the communications.

Through this conduct, Tice violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4 (a lawyer must reasonably communicate with the client and must explain a matter so as to permit the client to make informed decisions regarding the representation); Colo. RPC 1.16A (a lawyer in private practice must retain a client's file unless the lawyer gives the file to the client, the client authorizes the destruction, or the lawyer has notified the client in writing of the intention to destroy the file); 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).