

*People v. Jeffrey Aaron Wells. 24PDJ028. June 5, 2024.*

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Jeffrey Aaron Wells (attorney registration number 34132) for eighteen months, with three months served and the remainder to be stayed upon Wells's successful completion of a two-year period of probation, with conditions. The suspension, which considers significant mitigating factors, takes effect on June 27, 2024.

Beginning in 2022, Wells assisted a client to amend the client's trust. The amendment named the client as primary trustee, Wells's brother as successor trustee and power of attorney, and Wells's brother's employer, a bank, as secondary trustee. In February 2023, Wells drafted a restated trust for the client. The restated trust included Wells's niece as a beneficiary and named an organization co-founded by Wells's other brother as a potential beneficiary. Around this time, the relationship between the client and the trustee bank soured, and Wells drafted an amendment to the restated trust, removing the bank as a trustee.

Throughout the representation, Wells never advised his client in writing of the conflicts created by including his family members in the trust instruments. Nor did he obtain the client's written informed consent to the conflicts. In addition, the client resided in Kansas, but Wells, who is not licensed to practice law in that state, took only preliminary steps to associate with a Kansas lawyer. Though the trust documents stated that the Kansas lawyer reviewed them, the lawyer in fact did not review the documents, and Wells did not consult with the lawyer about the matter. Even so, Wells wrote a letter to his client, misrepresenting that he performed work on her matter through an association with the Kansas lawyer. Around this time, Wells withdrew from the matter, assisted the client in finding new counsel, and refunded the client's fee.

Through this conduct, Wells violated Kan. RPC 1.7(a)(2) (a lawyer must not represent a client if the representation involves a concurrent conflict of interest); Kan. RPC 4.1(a) (a lawyer must not, in the course of representing a client, knowingly make a false statement of material law or fact to a third person); Kan. RPC 5.5(a) (a lawyer must not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction); and Kan. RPC 8.4(c) (it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation). The Kansas Rules of Professional Conduct apply to Wells's conduct under the choice of law provision contained in Colo. RPC 8.5(b), which calls for applying the rules of professional conduct of the jurisdiction in which the misconduct occurred.

The case file is public per C.R.C.P. 242.41(a).