

People v. Thomas C. Doc Miller. 17PDJ011. February 27, 2017.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Thomas C. Doc Miller (attorney registration number 22652) from the practice of law for ninety days, all stayed upon the successful completion of a two-year period of probation with conditions, including fee arbitration with an aggrieved client and financial monitoring. The probation took effect February 27, 2017.

Miller represented a certain client in three matters. Miller's fee agreement provided for a flat fee of \$5,000.00 and noted that in addition to his legal fees, the client would be expected to pay for Miller's expenses and costs and for the time of other professionals, including lawyers. The client complained to disciplinary authorities after Miller issued him an invoice in the amount of more than \$18,000.00.

After a disciplinary investigation began, Miller issued his client a revised invoice for just over \$2,000.00, which reflected charges for a contract attorney, costs, and paralegal services. By the time Miller issued this invoice, the client had already paid him \$11,575.30, including the \$5,000.00 flat fee. In a letter to the disciplinary investigator, Miller indicated that he questioned the legitimacy of all charges recorded by a certain paralegal who had worked on the client's case and that Miller thus had deducted all of those charges from the client's invoice. The disciplinary investigation was closed soon thereafter.

Then, after the client failed to pay the new invoice and failed to fully participate in fee arbitration, Miller issued him yet another invoice, this time for over \$23,000.00. This invoice included charges for paralegal services, including those performed by the paralegal whose charges Miller had previously questioned, as well as late fees calculated at 1.5% compounded monthly. Miller's fee agreement, however, did not provide for the accrual of interest on unpaid charges. In addition, Miller charged his client for paralegal time at a significant mark-up.

Through his conduct in this matter, Miller violated Colo. RPC 1.4(b) (a lawyer shall explain a matter so as to permit the client to make informed decisions regarding the representation) and Colo. RPC 1.5(a) (prohibiting a lawyer from charging an unreasonable fee or an unreasonable amount for expenses).