

People v. Douglas L. Romero. 18PDJ063 (consolidated with 19PDJ042). September 3, 2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Douglas L. Romero (attorney registration number 35464) for a period of three years, effective September 3, 2019. The suspension is to be served concurrently with a seven-month suspension that Romero is currently serving. To be reinstated, Romero will bear the burden of proving by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law.

Romero was suspended from law practice in Colorado from February to October 2017. During that time, Romero engaged in dishonest conduct by concealing from sheriff's deputies at a jail the fact that he was suspended; through this deception he gained access to the jail that otherwise would have been denied. In a separate matter, Romero continued to engage in settlement negotiations with opposing counsel in a personal injury matter during his suspension. Romero did not advise opposing counsel of his suspension. Also while suspended, Romero drafted for another client a "disengagement letter," which included legal opinions about the client's appellate remedies but did not notify the client of his suspension.

Romero failed to maintain proper financial records and thus kept clients' earned fees in his firm's trust account, commingling his firm's earned money with client money. Romero wrote four checks to "Cash" from his firm's trust account between 2015 and 2017. He also wrote and signed dozens of checks from his firm's operating and trust accounts during his suspension without supervision by a Colorado lawyer in good standing.

In another client matter, Romero disobeyed a court order directing him to participate in the drafting of a proposed case management order and misrepresented to the court why he had not participated in the drafting.

In several client matters, Romero did not act with diligence, thereby prejudicing the administration of justice, and failed to keep his clients informed about his billing practices. He also charged two clients an unreasonable fee. Further, he transferred unearned fees in one client matter from the firm's trust account to the firm's operating account, and he failed to return to the client unearned fees.

Through this conduct, Romero 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 1.5(a) (a lawyer shall not make an agreement for, charge, or collect an unreasonable fee); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15C(a) (a lawyer shall not withdraw cash from a trust account); Colo. RPC 1.15C(b) (setting forth requirements governing trust account withdrawals and transfers); Colo. RPC 1.15D(a)(1)(A) (a lawyer shall maintain trust account records); Colo. RPC 1.16(d) (upon termination a lawyer must take steps to protect a client's interests, including by giving reasonable notice to the client); 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 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); Colo. RPC 5.5(a)(2) (a lawyer shall not practice law in a jurisdiction where doing so violates the regulations of the legal profession in that jurisdiction); 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 case file is public per C.R.C.P. 251.31.