

People v. Christopher Michael Rose. 18PDJ006. February 12, 2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Christopher Michael Rose (attorney registration number 33181) for three years, effective February 12, 2018.

Rose's misconduct stems from his representation in three matters. In the first matter, Rose was hired to remove a contractor's lien placed on his client's property. Rose received a \$2,000.00 retainer but did not give his client a written fee agreement. Rose deposited the retainer directly into his operating account. Over the next eleven months, Rose led his client to believe that he had filed a case against the contractor, including by sending his client several text messages describing in detail the status of the case. In August 2016, when trying to file an affidavit in his case, the client learned that no case in fact existed. The client requested a refund, but Rose continued to insist for several months that he had filed suit. Rose never filed a lawsuit or refunded his client's retainer.

In the second matter, a client hired Rose in a dispute over construction services. Rose's client prevailed on his claim but lost a counterclaim. Rose appealed the counterclaim yet failed to give his client a new fee agreement. Rose asked the court of appeals for an extension of time to file the record on appeal, citing health issues, including fatigue, exhaustion, and thyroid issues. He also stated that he had begun treatment for papillary thyroid cancer. But Rose had not been diagnosed with thyroid cancer. Rose made similar misrepresentations about his health to the court of appeals in a response to show cause. The court of appeals eventually dismissed the case for Rose's failure to respond to a second show cause order. Rose never notified his client that the appeal had been dismissed.

In a third case, Rose's client had contracted to sell certain property; at the closing it was discovered that a lien was still attached to the property because Rose failed to file a lien release. Rose's client and the buyer each paid Rose \$500.00 to file the lien release. Rose represented his client and the buyer in the closing transaction. Rose's client terminated the representation and requested his file. Rose repeatedly stalled in email exchanges with his client. He also alleged that he sent his client the file by certified mail but was unable to produce a receipt. Rose never provided his client with an accounting of his attorney's fees.

Through this conduct, Rose violated Colo. RPC 1.1 (a lawyer shall competently represent a client); 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 1.7(a) (a lawyer shall not represent a client if the representation involves a concurrent conflict of interest); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation); Colo. RPC 3.3(a)(1) (a lawyer shall not knowingly make a false statement of material fact or law to a tribunal); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).