

People v. Bradley Charles Hibberd. 23PDJ013. March 30, 2023.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Bradley Charles Hibberd (attorney registration number 31308) for three years. The suspension took effect March 30, 2023. To be reinstated to the practice of law after his suspension, Hibberd must prove by clear and convincing evidence that he has been rehabilitated, has complied with all disciplinary orders and rules, and is fit to practice law.

In January 2020, a client paid Hibberd \$3,000.00 as a retainer for work on post-decree matters in the client's domestic relations case. Hibberd did not place the retainer into a trust account. The next month, Hibberd provided his client with an invoice that included two motions, amended certificates of mailings, and filing fees. The invoice reflected that a balance of \$2,524.56 remained from the client's retainer. Hibberd performed some work on the client's case until April 2020 but did not send any additional invoices to his client.

In September 2021, the client attempted to contact Hibberd in person and by phone, but Hibberd had vacated his office space and did not return her calls. The client was able to reach Hibberd by email and asked him to perform work on her case, including writing a letter to her ex-husband. Hibberd confirmed that he would write the letter even though he had quit practicing law in June 2021. Hibberd never provided the letter to his client.

In November 2021, the client contacted Hibberd by email and requested that he refund the balance on her retainer as soon as possible. The client sent Hibberd another email again eight days later, stating that she had not heard from him and renewing her request for her money. One week later, the client contacted Hibberd a third time and asked about the refund. In February 2022, the client pro se moved to remove Hibberd as the attorney of record on her case. In May 2022, Hibberd finally refunded his client \$2,379.48. Before he did so, the balance on his bank account dipped below the amount that he should have been holding in trust for his client.

Through this conduct, Hibberd violated Colo. RPC 1.4(a) (a lawyer must reasonably communicate with the client); Colo. RPC 1.15A(a) (a lawyer must hold client property separate from the lawyer's own property); Colo. RPC 1.16(d) (a lawyer must protect a client's interests upon termination of the representation, including by giving reasonable notice to the client and returning unearned fees); 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).