

People v. LuAnn Ott Jilot. 17PDJ063. February 8, 2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and publicly censured LuAnn Ott Jilot (attorney registration number 15629), effective February 8, 2018.

Jilot was retained by the personal representative of an estate in a probate case. The primary asset of the estate was the decedent's house. The house, however, was subject to a reverse mortgage totaling about \$30,000.00; the decedent's death triggered the reverse mortgage's default. Jilot asked whether any of the estate's beneficiaries could pay off the reverse mortgage and redeem the property so that it would not be subject to foreclosure. When one beneficiary expressed interest in doing so, Jilot drafted a note and deed of trust for a \$30,000.00 loan at 4% interest for a six-month term. The beneficiary decided not to extend the loan after all, so Jilot proposed to the personal representative that she advance the \$30,000.00 to the estate.

Three days before the foreclosure sale, Jilot executed the \$30,000.00 note and deed of trust and sent the \$30,000.00 to the lender. She did not advise the personal representative in writing of the desirability of seeking the advice of independent legal counsel on the transaction. Nor did the personal representative give informed consent in a signed writing to Jilot's role in the transaction. When the house ultimately sold, Jilot's \$30,000.00 note was satisfied from the sale proceeds, and she released her deed of trust. Her conduct caused the client no actual injury.

Through this conduct, Jilot violated Colo. RPC 1.8(a) (a lawyer shall not enter into a business transaction with a client unless the client is advised to seek independent legal counsel and the client gives written informed consent to the transaction); Colo. RPC 1.8(e) (a lawyer shall not provide financial assistance to a client in connection with a pending or contemplated litigation); and Colo. RPC 1.8(i) (a lawyer generally shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client). The stipulated discipline in this case took into consideration numerous mitigating factors.