

People v. Scott Joseph Long. 16PDJ069. September 14, 2016.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Scott Joseph Long (attorney registration number 45618) for sixty days, all stayed upon the completion of a two-year period of probation, with the condition that he must commit no further violation of the Rules of Professional Conduct. His probation takes effect on October 19, 2016.

Long is a tax attorney who was employed by Clear Creek Consulting. He managed tax liability cases for Clear Creek clients seeking resolution of their tax debts. Clear Creek did not place client funds into a trust account. Rather, Clear Creek deposited those funds into its corporate account. In March 2015, Long agreed to assist a Texas client with a garnishment proceeding initiated against her by the Internal Revenue Service ("IRS"). He needed a power of attorney ("POA") to look into the matter. His client agreed to allow him to file the POA to obtain her transcripts from the IRS. Long did not provide his client or her husband the POA forms to sign before filing them. Long admits to forging their signatures but asserts that he had been given permission to file the POAs and was concerned that he needed to act fast given her circumstances. Clear Creek agreed to accept \$6,000.00 from the client for Long's assistance, which she paid in installments. Each payment was deposited into Clear Creek's corporate account.

Long successfully negotiated a settlement with the IRS for his client. She did not comply with the requirements of the settlement, however. Long informed his client that the IRS required an updated breakdown of her expenses and an analysis, and he told her that he would need an additional \$1,040.00 to complete this task, which she agreed to pay. When she did not pay Clear Creek, Long wrote her a letter terminating his representation and attaching all of her documents.

In August 2015, Long's client filed a complaint with the Office of Attorney Regulation Counsel ("OARC"). In October 2015, the client contacted Long and again asked for his assistance with her IRS debt. He agreed to help her so long as she paid "as we go" and so long as she retracted her disciplinary complaint. His client agreed and sent a letter to OARC asking that her complaint be withdrawn.

Long's conduct violated Colo. RPC 1.5 (a lawyer shall not charge an unreasonable fee or an unreasonable amount for expenses); Colo. RPC 1.15A (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 5.4(a) (a lawyer shall not share legal fees with a nonlawyer); Colo. RPC 5.4(c) (a lawyer shall not permit a person who employs the lawyer to render legal services for another to direct or regulate the lawyer's professional judgment in rendering such legal services); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).