People v. J. Brent Garfield. **17PDJ047. June 23, 2017.**

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended J. Brent Garfield (attorney registration number 22382) for thirty days, all stayed subject to a three-year period of probation with conditions, effective June 23, 2017.

In 2016, Garfield was winding down his solo practice but agreed to represent a family friend in a divorce case. The client paid him a $2,000.00 flat fee.

On July 28, 2016, Garfield learned that he was being called away for an eighteen-month mission to Peru. Garfield informed his client of the trip, but he did not withdraw from her case. His client was reluctant to hire new counsel. For six weeks after arriving in Peru, Garfield was unable to establish an internet connection or to attend to his client's case. Garfield was out of touch with his client from October 15 to November 18, 2016.

On November 3, 2016, Garfield's client hired new counsel, who discovered that a permanent orders hearing was set for November 17 and that Garfield had not participated in some prehearing matters, including disclosing witnesses. The client's new counsel was able to reset the hearing. Garfield sent his client a letter of apology on November 18, 2016, and refunded to her $921.00, which the client believed to be fair in light of the work he completed. Garfield did not hold any of his client's flat fee in trust during the representation.

In this matter, Garfield violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(b) (a lawyer shall explain a matter so as to permit the client to make informed decisions regarding the representation); Colo. RPC 1.15A (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.16(a)(1) (a lawyer shall withdraw from representation if the representation will result in ethical violations); and Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation).