

People v. Lucette Brenna Laffoon. 23PDJ026. June 23, 2023.

The Presiding Disciplinary Judge approved the parties' amended stipulation to discipline and suspended Lucette Brenna Laffoon (attorney registration number 46261) for one year and one day, all to be stayed upon Laffoon's successful completion of a two-year period of probation, which took effect June 23, 2023. The sanction takes into account restitution and significant mitigating factors—including personal problems Laffoon experienced due to the deaths of her husband and two other people she was close with in her personal life, a personal health issue that required major surgery, and the loss of access to her home due to the Grizzly Creek Fire—and acknowledges Laffoon's efforts to address her misconduct by participating in therapy and an assistance program, and by engaging a mentor and a practice monitor.

In August 2019, a husband and wife hired Laffoon to assist with the husband's immigration matter. The husband signed a flat fee agreement that identified the scope of representation as "FOIA [Freedom of Information Act] and Adjustment of Status." Though the clients' matter was not unusually complex, the total fee was set at \$10,000.00 comprising a retainer of \$2,500.00 and monthly payments of \$600.00. The fee agreement did not contain benchmarks specifying how Laffoon would earn fees before the representation ended, nor did it set forth a method of calculating Laffoon's earned fees if the representation ended before meeting the clients' goal.

Around December 2019 or January 2020, Laffoon began working on an I-130 petition and an I-130A supplement for the matter. Concurrent with that work, Laffoon partially completed an I-601A waiver for the husband. She also filed a FOIA request with immigration authorities in September 2020. Meanwhile, the clients had paid Laffoon a total of \$9,100.00 towards her fee between August 2019 and November 2020, at which time they stopped making payments and Laffoon began moving their funds to her operating account. But Laffoon's staff did not successfully file the I-130 petition and the I-130A supplement until January 2022. The documents contained several errors, omissions, or inconsistent information, but the petition was ultimately approved.

Laffoon's office filed the petition and supplement one day after receiving notice from another lawyer that the clients had hired the lawyer to take over their case. Laffoon provided the clients' file to the lawyer but did not include copies of the petition, the supplement, the filing receipt from immigration authorities, or the incomplete I-601A waiver. After the lawyer informed Laffoon that the clients believed a refund was owed, Laffoon transferred the clients' remaining funds—\$3,000.00—to her operating account.

Through this conduct, Laffoon violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.5(a) (a lawyer must not charge an unreasonable fee or an unreasonable amount for expenses); Colo. RPC 1.5(h) (a lawyer must include specific benchmarks for earning a portion of a flat fee, if any portion is to be earned before conclusion of the representation); Colo. RPC 1.15A(a) (a lawyer must hold client property separate from the lawyer's own property); Colo. RPC 1.15A(c) (a lawyer must keep separate any property in which two or more persons claim an interest until there is a resolution of the claims); Colo. RPC 1.16(d) (a lawyer must protect a client's interests upon termination of

the representation, including by returning unearned fees and any papers and property to which the client is entitled).

The case file is public per C.R.C.P. 242.41(a).