

People v. Ian Trevor Hicks. 23PDJ039. February 2, 2024.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and disbarred Ian Trevor Hicks (attorney registration number 39332), effective February 2, 2024.

Hicks engaged in misconduct in six separate matters. In one client matter, Hicks knowingly missed response deadlines to key motions, failed to take timely action to protect his client from wage garnishment, and failed to inform his client about developments in the case, including that the client's case had been dismissed. Moreover, Hicks did not file a proposed trial management order and failed to set and attend a pretrial conference as ordered.

In a second client matter, Hicks failed to transmit a settlement offer to his client; knowingly missed court deadlines and failed to timely participate in the discovery process; knowingly violated discovery rules and court orders related to discovery and document production; and failed to inform his client about the need to appear for the client's deposition and about the discovery violations he had committed. Hicks issued an out-of-state subpoena that included a false material statement of law, insofar as the subpoena, which ordered the target to produce documents, was neither valid nor unenforceable. In addition, he attempted to employ the invalid subpoena against an out-of-state individual, thereby violating that individual's rights. Hicks's conduct in the matter multiplied the proceedings and led to dismissal of his client's claims.

In a third matter, Hicks repeatedly failed to meet court deadlines, knowingly violated a court's protective order, and misrepresented in a motion for an extension the motion's factual basis.

Hicks also failed to diligently adhere to court deadlines in a fourth client matter. Moreover, he voluntarily dismissed a complaint in that matter rather than respond to a motion to dismiss and twice refiled the complaint in another county, thereby compounding the amount of work required in the matter for the courts and his opponents.

In a fifth client matter, a client paid Hicks \$500.00 to file a complaint. More than a year later, Hicks had not filed the complaint. Nor did he communicate with his client about her matter or update her as to why he did not file the complaint. Despite the client's requests for a refund, Hicks never returned her money and knowingly converted her funds. Further, Hicks represented the client despite his interest in having a sexual relationship with her, which materially limited the representation or, at a minimum, created a significant risk that the representation would be materially limited.

Finally, after Hicks was suspended in March 2023, he knowingly disobeyed his order of suspension by not timely withdrawing from his cases.

Through this conduct, Hicks violated Colo. RPC 1.2(a) (a lawyer must abide by a client's decisions concerning the objectives of representation and consult with the client as to the means by which they are to be pursued, including whether to settle a matter); Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(3) (a lawyer must keep a client reasonably informed about the status of the matter); Colo. RPC 1.4(b)

(a lawyer must explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation); Colo. RPC 1.7(a)(2) (a lawyer must not represent a client if the representation involves a concurrent conflict of interest, including if there is a significant risk that the representation of a client will be materially limited by a personal interest of the lawyer); Colo. RPC 3.4(c) (a lawyer must not knowingly disobey an obligation under the rules of a tribunal); Colo. RPC 4.1(a) (a lawyer must not knowingly make false statements of material fact or law to a third person while representing a client); Colo. RPC 4.4(a) (in representing a client, a lawyer must not use methods of obtaining evidence that violate the legal rights of another); Colo. RPC 8.4(c) (it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); and Colo. RPC 8.4(d) (it is professional misconduct for a lawyer to engage in conduct prejudicial to the administration of justice).

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