

People v. Roger Daniel Morales. 18PDJ037. January 16, 2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Roger Daniel Morales (attorney registration number 28767) for one year and one day, with six months to be served and six months and one day to be stayed upon successful completion of a two-year period of probation. The suspension takes effect February 20, 2019. The probationary requirements include mental health and alcohol addiction counseling, a practice monitor, ethics school, and payment of costs.

Morales engaged in misconduct in two client matters. In the first matter, Morales was hired in 2015 to file a petition for allocation of parental responsibilities as to a minor whose birth mother was willing to relinquish custody to a couple. Morales charged \$2,500.00 for the representation, but he failed to keep adequate financial records showing when his clients' funds were placed in trust.

During the representation, the court issued several show cause orders for Morales's failure to comply with the case management order and for his failure to serve the biological parents. In February 2016, the court dismissed the case based on Morales's failure to comply with a show cause order. Morales never told the couple that their case had been dismissed. Instead, he made several misrepresentations to the couple and their daughters over the next eight months when they inquired about the status of their case, including that the case was moving forward, that the court had accepted an affidavit he filed concerning his attempts to locate the birth mother, and that a status conference had been set but rescheduled by the court. In February 2017, the couple terminated Morales's representation. By fall 2017, the minor needed to be enrolled in school, but the couple could not do so because they had no proof of a legal relationship with the child. In January 2019, Morales attempted to refund \$2,500.00 to the couple but was unable to locate them.

In the second matter, Morales was hired in 2016 to file an I-130 petition on behalf of a client to obtain legal permanent residence for the client's mother. After paying Morales a deposit, the client did not hear from him for many months. The client unsuccessfully attempted to reach Morales several times by telephone and continued to pay him monthly attorney's fees. In September 2017, the client learned that Morales had never filed a petition. In January 2019, Morales refunded the client \$1,000.00 in attorney's fees.

Through this conduct, Morales violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a) (a lawyer shall reasonably communicate with the 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 1.5(f) (a lawyer does not earn fees until a benefit is conferred on the client or the lawyer performs a legal service); Colo. RPC 1.16(d) (a lawyer shall 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); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation). The case file is public per C.R.C.P. 251.31.