

People v. Sherman P. Romney. 20PDJ013. March 10, 2020.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Sherman P. Romney (attorney registration number 22670) for three years, effective April 14, 2020. To be reinstated, Romney must formally petition for reinstatement; he will be required to prove by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law. The parties also stipulate that if Romney is reinstated, he will not object to certain conditions, including two years of financial monitoring and attendance at ethics school and trust school. The sanction took into account compelling mitigating circumstances.

Over a period of several months, Romney repeatedly directly deposited unearned funds into his operating account and transferred unearned funds from his trust account into his operating account. Romney also consistently failed to use written fee agreements with clients and failed to set forth sufficient benchmarks for flat fee agreements.

Through this conduct, Romney violated Colo. RPC 1.5(h)(1) (a lawyer shall 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 shall hold client property separate from the lawyer's own property); Colo. RPC 1.15D(a) (a lawyer shall maintain trust account records); and Colo. RPC 8.4(c) (providing that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

The case file is public per C.R.C.P. 251.31.