

**People v. Derry Dale Sadler. 15PDJ087. March 22, 2016.**

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Derry Dale Sadler (Attorney Registration Number 07778) for one year and one day, with ninety days to be served and the remainder stayed upon a three-year period of probation. The conditions of probation include submitting to financial monitoring and practice monitoring. The ninety-day suspension takes effect April 26, 2016.

Sadler represented a client who had been terminated from her Ph.D. program. Sadler and the client entered into a fee agreement that promised monthly billing invoices, required a \$10,000.00 retainer, recited a fixed hourly fee, and estimated the total cost of the case to be \$35,500.00. Sadler filed a complaint for the client in 2011. In 2012, the defendants filed a motion for summary judgment. Sadler's response, not including exhibits, was more than one hundred pages long. It was poorly organized and contained numerous spelling, syntax, and grammatical errors, in large part due to Sadler's use of dictation software. In its order granting the defendants' motion, the court criticized Sadler's response in several regards. In March 2013, the court awarded final judgment for the defendants. Then, three weeks after filing a notice of appeal, Sadler successfully moved to withdraw based on serious medical conditions.

Sadler mismanaged his trust account during the representation. The account was overdrawn as to this client's funds at two different times when fees were mistakenly withdrawn from the account to pay a court reporter and to pay Sadler himself. These same withdrawals were made with other clients' funds, amounting to a reckless conversion of client funds.

Sadler did not give his client monthly invoices, as promised. He ultimately charged her \$134,815.20 for the representation, of which she paid \$62,460.00. Sadler's billing invoices include charges for work he completed on other clients' cases. When his client pointed this out, he removed the charges. Sadler's invoices also included large blocks of time spent on various tasks. For instance, he charged for 176 hours of his time to review the defendants' motion for summary judgment. He also double-billed for certain tasks and billed his attorney rate for administrative tasks, such as downloading filings. Sadler and the client attended fee arbitration in 2013. The client was awarded \$58,938.00 of the \$62,460.00 she had paid. Sadler has paid approximately \$14,900.00 toward satisfaction of the award.

In this matter, Sadler violated Colo. RPC 1.1 (a lawyer shall competently represent a client); Colo. RPC 1.4(a)(4) (a lawyer shall promptly comply with reasonable requests for information); 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(a) (prohibiting a lawyer from charging an unreasonable fee or an unreasonable amount for expenses); Colo. RPC 1.15(a) (2008) (a lawyer shall hold client property separate from the lawyer's own property); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).