

People v. Zachary J. Cook. 20PDJ050. January 21, 2021.

The Presiding Disciplinary Judge approved the parties' stipulation as to sanctions and disbarred Zachary J. Cook (attorney registration number 31021). The disbarment took effect February 25, 2021.

In a domestic relations case in 2018, a court assessed \$7,712.49 in attorney's fees against Cook and his client due to Cook's delay in providing his client's financial disclosures to opposing counsel. Cook took responsibility for the delay and agreed to pay the attorney's fees award, but he never paid the award.

In a second matter, another client paid Cook a \$7,500.00 retainer before a hearing on a motion to restrict parenting time. Contrary to their fee agreement, Cook never gave his client a bill or an invoice. After the hearing, Cook did not file a proposed order as the court directed. In the six months that followed, Cook abandoned his client; he did not respond to her calls and emails, including her requests for an accounting and the return of the unearned portion of her retainer. During that time, and without her authority, Cook transferred her unearned funds out of his COLTAF account. After she retained new counsel, Cook did not provide her files to her lawyer. She then filed a request for investigation with disciplinary authorities, who were unable to obtain any information from Cook.

In a third matter, a client paid Cook \$9,500.00 to represent him in an ongoing parenting time dispute. Within a month of receiving the retainer, Cook moved the money out of his COLTAF account without his client's authorization, even though he knew that he had not earned any portion of the retainer. Cook abandoned his client and did not respond to the client's requests for an accounting and for information about the case. The client asked Cook to withdraw from the case, but Cook neither responded nor withdrew. When disciplinary authorities investigated the matter, Cook refused to respond to the investigators' requests for information, leading to his immediate suspension in June 2020 for failure to cooperate with disciplinary authorities.

Through this conduct, Cook 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 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15A(b) (upon receiving funds or other property of a client or third person, a lawyer shall promptly deliver to the client or third person any funds or property that person is entitled to receive); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation, including by giving reasonable notice to the client and returning any papers and property to which the client is entitled); Colo. RPC 8.1(b) (a lawyer shall not knowingly fail to respond to a lawful demand for information from a disciplinary authority); Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); and C.R.C.P. 251.5(d) (a lawyer shall respond to a request by the regulation counsel for information). The case file is public per C.R.C.P. 251.31.