

People v. Raphael A. Flores. 16PDJ020. March 3, 2016.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Raphael A. Flores (attorney registration number 35468) for ninety days, all stayed upon successful completion of a two-year period of probation with conditions. Flores's probation took effect on March 3, 2016.

A third party hired Flores to represent his roommate with respect to the roommate's violation of a protective order. Flores charged his client a flat fee of \$5,000.00 to represent the roommate. The fee agreement contained no milestones indicating when portions of the fee would be earned. Flores was paid the flat fee in four installments, but he did not keep bookkeeping records indicating when the installments were paid. Flores completed his representation of the roommate in 2012, fully earning the flat fee. Flores's conduct violated Colo. RPC 1.15(j) (a lawyer shall maintain certain records related to trust accounts and client billing).

In a second matter, Flores was hired to represent his client in a child custody matter for a flat fee of \$5,000.00. The agreement did not contain benchmarks indicating when portions of the flat fees would be earned. Flores received \$2,908.10 towards the flat fee in May 2013 but had not earned the payment at the time it was made. Flores did not deposit this payment into his COLTAF account. Flores never entered an appearance on his client's behalf in the child custody case but did engage in settlement negotiations for his client. Flores eventually terminated his representation. Flores's conduct violated 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) and Colo. RPC 1.15(a) (a lawyer shall hold client property separate from the lawyer's own property).