

*Thomas Joseph Burke. 22PDJ031. June 6, 2022.*

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Thomas Joseph Burke (attorney registration number 33090) for six months, during which he must attend ethics school. If Burke wishes to be reinstated to the practice of law, he must petition for reinstatement under C.R.C.P. 242.39. The suspension took effect on June 6, 2022.

In September 2019, a client hired Burke to help him remove an IRS tax lien levied for the 2013 and 2014 tax years. Burke sent the client personal and business financial information questionnaires but told the client there was no specific deadline to complete them. From mid-October 2019 through mid-January 2020, Burke did not communicate with the client. In January 2020, the client attempted to contact Burke three times before he responded. Burke then told the client that the IRS had not assigned the case to an appeals office or set a collection due process hearing. At Burke's request, the client promptly forwarded to him all requested financial information. Around that time, Burke charged the client's credit card an additional sum without the client's authorization. The client never heard from Burke again. In March 2020, the IRS sent Burke a letter offering a hearing, but Burke did not respond or request another date. In December 2020, the client emailed Burke to ask about his tax liability. Burke did not respond. In February 2021, Burke was suspended from the practice of law, but he did not notify the client of the suspension. Nor did he inform the client that he intended to withdraw as counsel.

The client told Burke in March 2021 that he obtained replacement counsel. He then twice requested from Burke an accounting and refund of all unearned money. Burke did not respond. The client received no benefit from the representation, as his tax liens continued to increase during the representation. Burke eventually refunded the client's money.

Through this conduct, Burke violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(3) (a lawyer must keep a client reasonably informed about the status of the matter); Colo. RPC 1.4(a)(4) (a lawyer must promptly comply with reasonable requests for information); Colo. RPC 1.5(a) (a lawyer must not charge an unreasonable fee or an unreasonable amount for expenses); and Colo. RPC 1.16(d) (a lawyer must protect a client's interests upon termination of the representation, including by giving reasonable notice to the client and returning unearned fees and any papers and property to which the client is entitled).

The case file is public per C.R.C.P. 242.41(a).