

People v. Samuel Reyes Escamilla. 14PDJ047. October 28, 2014.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Samuel Reyes Escamilla (Attorney Registration Number 10905) for one year and one day, all but three months stayed upon successful completion of a three-year period of probation, with conditions including ethics school, practice monitoring, and an independent medical examination and any monitoring recommended as a result of that evaluation. The suspension takes effect December 11, 2014.

In one matter, a client hired Escamilla to represent her in obtaining legal status in the United States. In August 2012, the client paid Escamilla \$1,000.00, gave him copies of personal papers, and provided him with a money order for filing fees. But Escamilla never filed the client's application for legal status. In spring 2013, Escamilla stopped answering the client's phone calls and text messages. In mid-2013, the client hired new counsel who attempted to contact Escamilla several times. He did not respond. Only after the Office of Attorney Regulation Counsel initiated an investigation did Escamilla provide the client a full refund and return her file.

In a second matter, another client hired Escamilla to assist him with a legal dispute involving a car loan and a bankruptcy proceeding. Escamilla told the client that he would charge \$1,000.00 to represent him. The client then paid Escamilla \$500.00. The same month, Escamilla sent the client a document titled "Motion to Re-open Case," leading the client to believe that this document had been filed with the bankruptcy court, even though it had not. The client never heard from Escamilla again, although the client attempted to obtain updates on the case. Escamilla did not fully refund the client's money until the Office of Attorney Regulation Counsel initiated an investigation.

In a third matter, Escamilla requested discovery from the Jefferson County District Attorney's Office in a criminal matter. Escamilla agreed to pay \$1,568.00 for the materials. Escamilla picked up the discovery materials and tendered a check written from his COLTAF account for the full amount. Escamilla's check was returned for insufficient funds. Although a member of the district attorney's office wrote three letters and made multiple calls to Escamilla requesting payment, he did not respond. Escamilla paid for the discovery materials only after the Office of Attorney Regulation Counsel began its investigation.

Through this knowing misconduct, Escamilla violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the status of the matter); Colo. RPC 1.16(d) (a lawyer shall take steps to protect a client's interest and surrender property to the client upon termination); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).