

People v. Aaron Leigh Evans. 15PDJ065. July 30, 2015.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Aaron Leigh Evans (Attorney Registration Number 27270) from the practice of law for a period of four months, all stayed upon the completion of an eighteen-month period of probation, including the condition of undergoing a conflicts system audit. The probation took effect July 30, 2015.

In an estate matter, Evans's firm represented three children of the decedent. During the representation, Evans learned of disputes between these siblings. A separate attorney, who was later retained by one of the siblings, raised the conflict of interest issue to Evans, but Evans denied that a conflict existed. Evans and his firm continued to represent the other two siblings in the estate matter for the better part of a year. In this matter, Evans violated Colo. RPC 1.7(a) (restricting the circumstances in which a lawyer may represent a client if the representation involves a concurrent conflict of interest); Colo. RPC 1.9(a) (a lawyer who has formerly represented a client in a matter shall not later represent another person in the same or a substantially related matter in which that person's interests are materially adverse to those of the former client unless the former client gives written informed consent); and Colo. RPC 1.16(a)(1) (a lawyer shall withdraw from representation if the representation will result in ethical violations).

In a second estate matter, Evans was retained by a decedent's daughter, son, and grandson. A concurrent conflict of interest existed among these clients. Yet he did not obtain their written informed consent with respect to the conflict of interest at the outset of the representation. He thereby violated Colo. RPC 1.7(b) (in relevant part, requiring a lawyer to obtain a client's written informed consent to a representation that involves a concurrent conflict of interest) and Colo. RPC 1.4(a)(1) (a lawyer shall promptly inform the client of any decision or circumstance as to which the client's informed consent is required). Also during the course of this representation, Evans failed to observe recent rule changes governing *subpoenas duces tecum*, leading to his firm's confession of a motion to quash. He thus violated Colo. RPC 1.1 (a lawyer shall provide competent representation to a client).