

People v. Ian Trevor Hicks. 22PDJ038. January 27, 2023.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Ian Trevor Hicks (attorney registration number 39332) for thirty months. To be reinstated to the practice of law in Colorado following his period of suspension, Hicks must prove by clear and convincing evidence that he has been rehabilitated, has complied with all disciplinary orders and rules, and is fit to practice law. The suspension takes effect March 2, 2023.

In February 2020, Hicks settled a lawsuit on behalf of his clients. The settlement involved three defendants, and each agreed to pay Hicks's clients \$10,000.00, for a total of \$30,000.00. In March 2020, Hicks paid his fee from the first \$10,000.00 payment even though he had not yet received the full settlement amount, violating the terms of his fee agreement. By late June 2020, Hicks had received the entire \$30,000.00. Due to his insufficient recordkeeping, he believed that only \$20,000.00 had been paid. When his clients pressed Hicks for the remaining money, he falsely told them that he was waiting on a final payment from one of the defendants. In March 2021, Hicks moved to enforce the settlement even though the defendants had already paid the settlement in full. Opposing counsel notified Hicks that the settlement was paid but Hicks continued telling his clients that he was waiting on the full settlement to pay them.

Hicks had not reconciled his trust account from June 2020 to November 2021. Had he done so, he would have discovered the "missing" \$10,000.00. During that time, the balance in his trust account dipped below what he should have held for his clients.

In another matter, Hicks began representing a client in October 2021 in a civil case against the client's ex-boyfriend. After the representation began, Hicks and his client developed a sexual relationship. During that time, Hicks and his client exchanged texts in which Hicks called the ex-boyfriend a "literal faggot." In a subsequent lawsuit, Hicks asserted defamation claims against the ex-boyfriend's parents based on statements they made to disciplinary authorities.

Through this conduct, Hicks violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.7(a)(2) (a lawyer must not represent a client if the representation involves a concurrent conflict of interest); Colo. RPC 1.8(j) (a lawyer must not have sexual relations with a client unless a consensual sexual relationship existed between them when the client-lawyer relationship began); Colo. RPC 1.15A(a) (a lawyer must hold client property separate from the lawyer's own property); Colo. RPC 1.15C(c) (requiring quarterly reconciliation of trust account records); Colo. RPC 1.15D (a lawyer must maintain trust account records); Colo. RPC 3.1 (a lawyer must not assert frivolous claims); Colo. RPC 8.4(c) (it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); Colo. RPC 8.4(d) (it is professional misconduct for a lawyer to engage in conduct prejudicial to the administration of justice); and Colo. RPC 8.4(g) (in representing a client, a lawyer must not engage in conduct that exhibits bias against a person based on the person's race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, when such conduct is directed to anyone involved in the legal process).

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