

People v. Peter A. Ricciardelli, 22PDJ017, April 22, 2022.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and publicly censured Peter A. Ricciardelli (attorney registration number 07442), with conditions. The public censure took effect April 22, 2022.

In 2012, a client hired Ricciardelli to defend against federal tax fraud allegations. In 2015, Ricciardelli negotiated a plea agreement to dismiss all but one of the charges. His client was also required to pay the federal government \$161,000.00 in restitution. A sentencing hearing was set for October of that year. Before the sentencing hearing took place, however, the client fled the country, forfeiting a \$10,000.00 non-appearance bond.

Ricciardelli held \$14,000.00 of the client's funds in trust. Thrice during the five years after fleeing, the client requested that Ricciardelli return those funds. But Ricciardelli refused his demands, as the liens and claims against the client—including a state tax distraint, a federal lien for the restitution amount, attorney's fees in the federal case, and a bank claim for loan defaults—exceeded the amount of the client's funds he held in trust. In August 2020, Ricciardelli told his client he needed to research whether he could release the funds. Ricciardelli billed his client for the time he spent researching the issue. Eighteen months later, he moved the federal court for an order directing the funds' distribution.

In October 2020, the client asked Ricciardelli about discrepancies in his account. Ricciardelli's financial records and invoices for the account were internally inconsistent, due in part to a fire that destroyed many of the client's records. Ricciardelli's staff created a composite accounting that revealed a shortfall in the funds that should have been held in trust as of March 2021. Ricciardelli never provided his client with a comprehensive billing report.

Through this conduct, Ricciardelli violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(b) (a lawyer must explain a matter so as to permit the client to make informed decisions regarding the representation); Colo. RPC 1.5(a) (a lawyer must not charge an unreasonable fee or an unreasonable amount for expenses); Colo. RPC 1.15A(a) (a lawyer must hold client property separate from the lawyer's own property); and Colo. RPC 1.15D(a) (a lawyer must maintain an appropriate record-keeping system to track funds or other property held for others).

The case file is public per C.R.C.P. 242.41(a)(2).