

People v. John V. Egan III. 15PDJ036. June 15, 2015.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended John V. Egan III (Attorney Registration Number 19339) from the practice of law for one year and one day. Egan's suspension takes effect July 20, 2015. To be reinstated, Egan will bear the burden of proving by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law.

Egan learned that a neighbor, who was also a friend of the family, had fallen victim to financial scams and solicitations. Egan drafted a power of attorney that the neighbor signed, and he became her attorney-in-fact. He did not enter into a fee agreement with the neighbor, but he charged her \$200.00 per month to serve as her attorney-in fact.

The neighbor began requiring home health care, and Egan arranged for that care. A registered nurse developed plans for the care and trained the caregivers. Egan brought on eleven caregivers, including his own adult daughters and son-in-law. Some of the caregivers had little or no home-health-care training, though others had prior experience and training. Although Egan did not intend to provide other than above-standard care, the effect of Egan's hiring decisions was to increase the value of the neighbor's estate, of which he was a beneficiary.

Egan prepared the neighbor's last will, which provided that he was to serve as personal representative for the estate. Under the will, Egan was to receive the neighbor's residence outright as well as a one-quarter share of her residual estate. The will was witnessed by Egan's wife and notarized by his daughter.

Before the request for disciplinary investigation was filed, Egan disclaimed his interest in the neighbor's residence. After the disciplinary investigation began, he disclaimed his interest in the residual estate.

In this matter, Egan violated Colo. RPC 1.5(b) (a lawyer shall communicate, in writing, the rate or basis of the fee and expenses within a reasonable time after commencing representation); Colo. RPC 1.7 (restricting the circumstances in which a lawyer may represent a client if the representation involves a concurrent conflict of interest); and Colo. RPC 1.8(c) (a lawyer shall not solicit any substantial gift from a client or prepare on behalf of a client an instrument giving the lawyer any substantial gift unless the lawyer is related to the client).