

People v. Chuck Odifu Egbune. 15PDJ025. October 5, 2015.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and publicly censured Chuck Odifu Egbune (Attorney Registration Number 26022). The sanction took effect on October 5, 2015.

In one matter, Egbune was retained to file a bankruptcy petition. He placed the client's funds into his operating account, rather than his trust account, before earning them. Egbune left the country for six weeks, before the timeframe when he and the client had planned to file the bankruptcy petition. The client tried unsuccessfully to contact Egbune to ask about her case during this period, and her questions went unanswered. In this case, Egbune violated Colo. RPC 1.4(a)(4) (a lawyer shall promptly comply with reasonable requests for information); Colo. RPC 1.5(f) (a lawyer does not earn fees until a benefit is conferred on the client or the lawyer performs a legal service); and Colo. RPC 1.15(a) (2008) (a lawyer shall hold client property separate from the lawyer's own property).

In a second matter, Egbune represented a woman and her three children in a wrongful death case. In 2011, he filed a complaint in Adams County District Court. In 2012, ICCES, the Colorado Judicial Branch's e-filing website, became the exclusive vendor for e-filing in Adams County civil cases. Egbune was notified about this change, but he did not obtain an ICCES account. As a result, he did not timely receive a motion to dismiss his clients' claims, nor did he timely receive the court's order to show cause why the case should not be dismissed. He therefore did not respond to the order, and the court dismissed the case with prejudice. The case was reinstated after he filed a motion for reconsideration. His clients then hired other lawyers. Egbune asserted a retaining lien on the clients' file even though they could not pay his outstanding attorney's fees. In this case, Egbune violated Colo. RPC 1.1 (a lawyer shall provide competent representation to a client) and Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation, including by refunding unearned fees and any papers and property to which the client is entitled).