

People v. Samuel Reyes Escamilla. 20PDJ021. August 26, 2020.

The Presiding Disciplinary Judge approved the parties' stipulation concerning sanctions and disbarred Samuel Reyes Escamilla (attorney registration number 10905). The disbarment took effect August 26, 2020.

In 2013, Escamilla orally agreed to represent a client in removal proceedings for a \$3,500.00 flat fee. The fee was for all services, including a personal appearance hearing. Escamilla did not give his client a written fee agreement with milestones. Between June 2013 and July 2014, Escamilla received a total of \$3,520.00, paid in chunks. From January 2012 to September 2013, however, Escamilla's COLTAF account contained a zero balance. He closed that account in September 2013.

Thereafter, Escamilla performed some work on his client's case. In October 2014, Escamilla was suspended from the practice of law in Colorado. In January 2015, he was reciprocally suspended by the Board of Immigration Appeals. He was never reinstated from either suspension. Escamilla never informed his client of his suspension or took the actions required of suspended attorneys under the Colorado Rules of Professional Conduct.

Between October 2014 and February 2018, the client's case was continued multiple times. Escamilla received notices of the continuances, but his client did not. His client believed that Escamilla was still his lawyer during that time. In December 2017, Escamilla gave his client notice of an upcoming personal appearance hearing and stated that he would attend the hearing. Escamilla did not respond to his client's communications or did he show up for the hearing. Escamilla consumed the entire \$3,520.00. He did not refund any of his fee for work that he did not complete.

Through this conduct, Escamilla violated 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); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation, including by giving reasonable notice to the client and returning unearned fees and any papers and property to which the client is entitled); Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); Colo. RPC 5.5(a)(2) (a lawyer shall not practice law where doing so violates regulations of the legal profession); and Colo. RPC 8.4(c) (providing that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

The case file is public per C.R.C.P. 251.31.