

People v. Michael Donovan Evans. 18PDJ019, consolidated with 18PDJ070. February 15, 2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Michael Donovan Evans (attorney registration number 39407) for two years. The sanction took into account significant mitigating factors, including Evans's personal and emotional problems. The suspension took effect February 15, 2019. To be reinstated, Evans 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.

In one matter, Evans offered to settle a client's matter without the client's knowledge or consent. He then failed to advise the client that the offer had been accepted, that he had received a settlement check, and that the check had been deposited into his operating account. Later, he did not respond to the client's inquiry as to the status of the case and did not advise her that he had settled her claim or collected funds on her behalf. The client first learned that Evans had settled her case and accepted payment during the disciplinary investigation of the matter. During the representation, Evans offered to pay the client money to post a positive online review; later, when she removed her post and wrote a negative review, Evans responded, disclosing confidential client information.

In fourteen cases, Evans treated unearned fees as earned, failed to hold unearned fees in a trust account, and did not keep his own property separate from his clients' property, thereby failing to safeguard client funds. In some of these cases, Evans failed to keep clients reasonably informed about the status of their matters, failed to surrender unearned legal fees upon termination, and failed to promptly comply with reasonable requests for information. Since 2016, Evans has failed to reconcile his trust account and to send regular communications to his clients regarding billing and charges related to his representation.

Through this conduct, Evans violated Colo. RPC 1.2(a) (a lawyer must abide by the client's decisions concerning the objectives of a case and consult with the client regarding the means to achieve the objectives); Colo. RPC 1.4(a) and (b) (a lawyer shall reasonably communicate with the client and shall explain a matter so as to permit the client to make informed decisions regarding the representation); Colo. RPC 1.5(f) (a lawyer shall not earn fees until a benefit is conferred on the client or the lawyer performs a legal service); Colo. RPC 1.6(a) (a lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15C(c) (a lawyer shall reconcile the lawyer's trust account at least quarterly); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation). The case file is public per C.R.C.P. 251.31.