

People v. Eric Victor Field, 19PDJ032. May 8, 2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Eric Victor Field (attorney registration number 14075) for one year and one day. The suspension takes effect June 12, 2019. To be reinstated, Field 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 July 2017, Field was retained by a client in a post-decree divorce matter. Field agreed to assist the client for a flat fee. He treated the flat fee as earned on receipt but never completed any work in the client's case. Field did not provide the client with a billing statement or a refund after the client terminated his representation in October 2017. In April 2018, Field issued his client a full refund after she filed a request for investigation with disciplinary authorities.

Field regularly used a debit card to pay personal and business expenses from his trust account. Between August 2017 and April 2018, Field regularly spent all the funds in his trust account. He would also deposit his own funds into trust so that he could spend those funds using his debit card. He did not keep trust account records to track the money he deposited into trust. Nor did he record whether he earned such funds.

Through this conduct, Field violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); 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 not use a debit card to withdraw cash from a trust account); Colo. RPC 1.15D(a) (a lawyer shall maintain trust account records); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation, including by returning unearned fees and any papers and property to which the client is entitled); 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.