

People v. Molly Falk Jansen. 22PDJ054. March 15, 2023.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Molly Falk Jansen (attorney registration number 34528) for one year and one day, with \$4,000.00 due in restitution. The suspension takes effect May 1, 2023. To be reinstated to the practice of law after her suspension, Jansen must prove by clear and convincing evidence that she has been rehabilitated, has complied with all disciplinary orders and rules, and is fit to practice law.

Around March 2021, Jansen orally agreed to represent a client in a felony case in Arapahoe County. Because the client was incarcerated in California at the time, Jansen made the oral agreement with the client's wife, who paid \$6,000.00 toward Jansen's \$20,000.00 fee around May 12, 2021, and \$1,500.00 in mid-July 2021. Neither the client nor the client's wife ever received a writing that described the basis or rate of Jansen's fee. Jansen entered her appearance in the case on May 19, 2021. She conferred with her client just once, during a fifteen-minute telephone call on June 2, 2021. On July 1, 2021, Jansen told the client's wife that she was negotiating with the district attorney, who was working to obtain a writ for the client's appearance at a status conference in mid-August.

Meanwhile, on July 2, 2021, Jansen's stipulation to discipline was approved in a separate discipline case; in that matter, Jansen agreed to a six-month suspension of her law license, which was to take effect September 1, 2021. Jansen did not discuss her suspension with the client or the client's wife. On August 20, 2021, Jansen moved to withdraw from her client's case, inaccurately stating in her motion that her client wished to apply for a public defender because he was not able to pay Jansen her full fee. On August 30, 2021, Jansen notified the court of the impending suspension and stated that she informed her client of her suspension via certified mail. But Jansen did not notify her client or his wife of the suspension until that day, and she never provided her client with a written notice of her suspension.

During the representation, Jansen resolved a traffic case in Boulder County Court that she believed involved her client but that actually involved an individual with the same first and last name as her client. Jansen never independently verified that the Boulder County case involved her client and never communicated with her client about resolving the Boulder County case.

Through this conduct, Jansen violated Colo. RPC 1.4(a)(3) (a lawyer must keep a client reasonably informed about the status of the matter); Colo. RPC 1.4(a)(5) (a lawyer must consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the rules); Colo. RPC 1.4(b) (a lawyer must explain a matter so as to permit the client to make informed decisions regarding the representation); Colo. RPC 1.5(h)(1) (a lawyer must communicate the terms of a flat fee in writing before or within a reasonable time after commencing the representation, including specific benchmarks for earning a portion of a flat fee, if any portion is to be earned before conclusion of the representation); and Colo. RPC 8.4(c) (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. 242.41(a).