

People v. Elizabeth S. Kreis. 17PDJ036. November 27, 2017.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Elizabeth S. Kreis (attorney registration number 23999) for six months, with ninety days to be served and the remainder to be stayed on the successful completion of an eighteen-month period of probation, with conditions. The suspension takes effect January 2, 2018.

Kreis was retained in a divorce matter. Though Kreis and the client agreed that her hourly rate was \$250.00, she did not provide the client a written fee agreement, nor did she issue an accounting of her fees for a full year after she was retained. During the representation, proceeds from the sale of the client's house and two vehicles were escrowed to Kreis's COLTAF account.

The client's divorce case was assigned to a judge whom Kreis believed was biased against her. Based on this perceived conflict, she advised her client that she would need to withdraw before the permanent orders hearing. Kreis filed a substitution of counsel but stayed on to help prepare the case. After the permanent orders hearing, Kreis issued her first attorney's fee invoice, which spanned 43 pages and charged her client a total of \$131,461.33. Kreis created this invoice based largely on her review of emails, case filings, and her calendar, and in the absence of contemporaneous time records. The invoice did not provide sufficient detail. Kreis later prepared a more detailed invoice, which revealed that she was charging unreasonable fees for tasks that did not take nearly as much time to complete as her billing entries stated.

Later, when permanent orders were handed down, the court directed Kreis to distribute the remaining escrowed funds in her COLTAF account. Kreis filed a charging lien against her client and then released all non-disputed funds; although the charging lien did not state that Kreis refused to distribute the proceeds, her client was aware that she was retaining his funds. Kreis then assigned the matter to collections.

Around the same time frame, Kreis engaged in a pattern of conduct in three client matters in which she failed to reasonably communicate with clients about her fees and charged unreasonable fees.

Through this misconduct, Kreis violated Colo. RPC 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the status of the matter); Colo. RPC 1.4(b) (a lawyer shall explain a matter so as to permit the client to make informed decisions regarding the representation); Colo. RPC 1.5(a) (a lawyer shall not charge an unreasonable fee or an unreasonable amount for expenses); Colo. RPC 1.5(b) (a lawyer shall inform a client in writing about the lawyer's fees and expenses within a reasonable time after being retained, if the lawyer has not regularly represented the client); and Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal).