

People v. Arron Burt Nesbitt. 17PDJo68. March 9, 2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Arron Burt Nesbitt (attorney registration number 40610) for one year and one day, with nine months to be served and the remainder to be stayed upon successful completion of a two-year period of probation, effective April 13, 2018.

In winter and spring 2016, Nesbitt, a law firm partner, was planning to join another firm. During the time leading up to his departure, he billed various clients for work that he did not perform. For example, he billed several hours for editing a report that he received from another attorney; that edited report was then sent to the client with few, if any, edits inputted. He billed time for reviewing deposition transcripts and medical records that his firm did not receive until after Nesbitt began working elsewhere. On a few occasions, Nesbitt billed clients for attending depositions, though the deposition transcripts do not reflect his presence at the depositions, nor do call logs show that he monitored the depositions by telephone. Nesbitt recklessly overbilled; he had no incentive or motive to improperly bill for tasks that he did not complete or perform.

Through this conduct, Nesbitt violated Colo. RPC 1.5(a) (a lawyer shall not charge or collect an unreasonable fee) and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).