

People v. Beverly W. Oserow Rhodes, 24PDJ035, December 12, 2024.

The Presiding Disciplinary Judge approved the parties' amended stipulation to discipline and suspended Beverly W. Oserow Rhodes (attorney registration number 10330) for one year and one day. To be reinstated, Oserow Rhodes 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. The suspension takes effect January 16, 2025.

In September 2020, Oserow Rhodes agreed to help a client file change of status forms in the client's immigration case. She charged \$3,200.00 as a flat fee, including \$1,170.00 for filing fees, and she placed the funds in her trust account. But her fee agreement did not contain benchmarks indicating whether she would earn fees before completing the representation. Beginning September 14, 2020, she began treating the money as earned after sending one of the forms for her client's review. Though Oserow Rhodes believed she filed the forms with the U.S. Citizenship and Immigration Services ("USCIS") late that September, USCIS had no record of the filing, and she had no proof of mailing the forms. By the end of 2020, she learned that USCIS had not received her client's forms. She did not alert her client, however, and in fact had not responded to his communications since September 2020. In April 2021, Oserow Rhodes finally contacted her client and asked whether he wanted her to refile the forms. He agreed. But she never submitted the paperwork or told him that she did not do so, and she stopped responding to his communications after late May 2021. By that time, her trust account was overdrawn. When the client obtained new counsel, Oserow Rhodes did not comply with his request for his file. She refunded his filing fees after the disciplinary complaint against her was filed.

In another immigration matter, two clients hired Oserow Rhodes to renew their work permits. In October 2021, the clients gave her the required documents to file the forms and \$1,790.00, which covered her legal services and filing fees. Oserow Rhodes deposited the funds into her trust account. By February 2022, her trust account balance had dropped to \$263.39. But she had not filed the forms nor responded to her clients' communications over the previous two months. Early that February, the clients completed the forms without Oserow Rhodes's help and filed them with USCIS. But around that time, Oserow Rhodes also submitted the same forms to USCIS on her clients' behalf. She notified her clients, who requested a refund. She also told them she would withdraw the paperwork she had filed. But she never did so, and in June 2023, she informed her clients that she had received their new work cards. The clients again requested a refund. Though Oserow Rhodes agreed to return their full fee, she refunded only \$500.00.

Through this conduct, Oserow Rhodes violated Colo. RPC 1.3 (a lawyer must act with reasonable diligence and promptness when representing a client); 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)(4) (a lawyer must promptly comply with reasonable requests for information); Colo. RPC 1.15A(a) (a lawyer must hold client property separate from the lawyer's own property); and Colo. RPC 1.16(d) (a lawyer must protect a client's interests upon termination of the representation, including by returning and any papers and property to which the client is entitled). The case file is public per C.R.C.P. 242.41(a).