

People v. Kelli R. Riley. 23PDJ055. October 13, 2023.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and publicly censured Kelli R. Riley (attorney registration number 44828), effective October 13, 2023.

In March 2020, Riley entered a contingency fee agreement to represent a client in an employment law matter. The fee agreement entitled Riley to thirty-five percent of her client's gross recovery from the case. Under the fee agreement's termination clause, the client would pay Riley her fees incurred in the case, including reimbursement of costs and expenses, if Riley or the client terminated the representation before the case resolved. The termination clause provided that the fees would be payable only from the client's gross recovery from the case and limited the total fee to the amount Riley would have earned on contingency. The fee agreement did not contain a provision addressing late payments or the accrual of interest if a payment was late.

In July 2021, approximately four months before the parties were scheduled to mediate, Riley withdrew from the case. In August 2021, while the case was ongoing, she attempted to obtain payment from her former client for \$28,747.65, the total amount Riley had invoiced in the matter. The client made a payment that month and Riley sent the client a new invoice for \$25,678.00 in September 2021. Later that month, Riley sent her former client two invoices showing late payment fees at an eighteen percent interest rate.

Meanwhile, the former client obtained new counsel and settled the case for \$25,000.00 in November 2021. The following January, Riley unsuccessfully moved for entry of judgment for an attorney's lien in the amount of \$28,747.65 plus interest at an eighteen percent annual rate.

Through this conduct, Riley violated Colo. RPC 1.5(a) (a lawyer must not charge an unreasonable fee or an unreasonable amount for expenses).

The case file is public per C.R.C.P. 242.41(a).