

People v. Christopher Michael Rose. 17PDJ008. February 17, 2017.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Christopher Michael Rose (attorney registration number 33181) from the practice of law for thirty days, all stayed upon the successful completion of a two-year period of probation with conditions. The probation took effect February 17, 2017.

Rose was retained by a client to give her advice about real estate investments. Rose borrowed \$20,000.00 from the client without affirmatively advising her in writing of the desirability of seeking independent legal counsel, and without obtaining her informed written consent to the terms of the transaction. He then failed to timely record a deed of trust to protect his client. Rose set up a mutually owned limited liability company, intended to further protect his client, but he failed to deed the property into that company and to record the transaction until more than a month later. Rose has fully repaid the loan with interest.

In a property dispute matter, Rose filed a complaint on his client's behalf, though he had never filed a similar action in the past. He failed to ensure that the documents were properly recorded, even though his client repeatedly questioned whether he had done so, and even though he had actual knowledge that the recording had not appeared publicly. Rose later admitted that the complaint should not have been filed in the first instance. In a separate real property transaction, Rose again failed to ensure that necessary documents were recorded, though he was questioned by his client and he had actual knowledge that the recording had not appeared publicly. Rose also failed to accurately communicate the status of certain assignments when the client requested information.

Frustrated, the client asked Rose to produce documents but do nothing else until further instructed. Instead, Rose recorded certain documents on the client's behalf.

Through this misconduct, Rose violated Colo. RPC 1.1 (a lawyer shall competently represent a client); Colo. RPC 1.2(a) (a lawyer must abide by the client's decisions concerning the objectives of a case and consult with the client regarding the means to achieve the objectives); Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a) (a lawyer shall reasonably communicate with the client); Colo. RPC 1.8(a) (a lawyer shall not enter into a business transaction with a client unless the client is advised to seek independent legal counsel and the client gives written informed consent to the transaction); and Colo. RPC 1.16(a)(3) (a lawyer shall withdraw if the lawyer is discharged).