

People v. Warren W. Schaeffer. 20PDJo40. June 24, 2020.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Warren W. Schaeffer (attorney registration number 28488) for six months, with two months to be served and four months to be stayed upon the successful completion of a two-year period of probation. The suspension takes effect July 29, 2020.

In January 2017 Schaeffer pleaded guilty to driving while ability impaired. He was sentenced to two days in jail (all suspended), with fifteen months of supervised probation; alcohol evaluation, classes, and treatment as recommended; and monitored sobriety. Schaeffer has complied with all terms and completed his criminal probation.

Schaeffer closed his trust account in 2014. During 2018, Schaeffer represented one client in several discrete matters. In two matters, Schaeffer failed to place the client's unearned fees in a trust account, and he kept no record of the client's payments. In one litigation case, Schaeffer failed to communicate with the client about the terms of and fees for the representation. On the day of trial in that case, Schaeffer appeared without the client's exhibits, which he had stored in a car that had "exploded" the day before. Because Schaeffer did not bring the exhibits, the client felt he had no choice but to settle with and pay the opposing party.

In another matter, Schaeffer did not place unearned funds in a trust account. He completed only some of the requested work, but he refused to provide a refund when the client later terminated the representation. In November 2018, the client requested an accounting of all work performed and all payments for each case; Schaeffer did not respond.

In a matter for a new client, Schaeffer failed to keep track of a client payment and never provided a written statement explaining the basis or rate of his fee.

Through this conduct, Schaeffer violated Colo. RPC 1.1 (a lawyer shall competently represent a client); Colo. RPC 1.4(a)(4) (a lawyer shall promptly comply with reasonable requests for information); Colo. RPC 1.4(b) (a lawyer shall explain a matter so as to permit the client to make informed decisions about the representation); 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); Colo. RPC 1.5(f) (a lawyer does not earn fees until a benefit is conferred on the client or the lawyer performs a legal service); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15D (a lawyer shall maintain trust account records); Colo. RPC 8.4(b) (providing that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's fitness); C.R.C.P. 251.5(b) (any criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer amounts to grounds for discipline); and C.R.C.P. 251.20(b) (requiring lawyers to report convictions to disciplinary authorities).

The case file is public per C.R.C.P. 251.31.