

People v. Armin Sharifi. 24PDJ024. April 11, 2024.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Armin Sharifi (attorney registration number 50161) for one year and one day, with six months to be served and six months and one day to be stayed on the successful completion of a two-year period of probation, with conditions. The suspension took effect April 11, 2024.

In August 2021, a client retained Sharifi to represent her in a domestic relations case. Nevertheless, the engagement agreement did not memorialize that matter in the scope of representation; it lists only related legal work. The agreement specified that the client would receive a monthly invoice summarizing work performed and fees charged against the client's \$12,500.00 retainer, which Sharifi placed in his firm's trust account.

Sharifi never entered an appearance in his client's domestic relations case, and the client hired other lawyers to assist her in that matter. But she did not terminate Sharifi, who performed other work for her. As he did so, he moved earned portions of the retainer into his operating account. But he did not send the client an invoice or inform her that her funds were being applied toward his fees.

An unissued invoice Sharifi produced to disciplinary authorities in June 2023 shows that he last did work for the client in November 2021. Even so, in January 2022, Sharifi moved what he believed was the unearned balance of the client's funds from his trust account to his operating account. On February 3, 2022, the client's assistant requested an accounting. The next day, Sharifi issued from his operating account a check to his accountant for \$2,900.00; that check was made out to the accountant's business with a memo line that read, "Pay check." Sharifi's accountant did not refund the client \$2,900.00. Sometime soon thereafter, Sharifi stopped communicating with his accountant. On February 21, 2022, the client reiterated her request for an accounting. Sharifi replied, vowing to speak with his accountant, but he did not produce an accounting. On four more occasions in March and April 2022, the client emailed Sharifi, terminating his services and requesting billing statements and a refund. On April 30, 2022, Sharifi emailed the client. He told her he had issued an invoice and reimbursement check and sent both by courier the day before. This was not true. The client did not receive a refund check or invoice until October 18, 2023. The client disputes the amount Sharifi earned based on the invoice he submitted to disciplinary authorities, but Sharifi is unable to produce a general ledger or individual client ledger reflecting his handling of the client's funds.

Through this conduct, Sharifi violated 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); Colo. RPC 1.15(D)(a)(1)(A) (a lawyer must maintain an appropriate record-keeping system to track funds or other property held for others); Colo. RPC 1.16(d) (a lawyer must protect a client's interests on termination of the representation, including by returning unearned fees); and Colo. RPC 8.4(c) (providing that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation). The case file is public per C.R.C.P. 242.41(a).