

People v. Michael Tadaharu Uwate. 15PDJ035. May 14, 2015.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and publicly censured Michael Tadaharu Uwate (Attorney Registration Number 32910), with additional conditions imposed, including trust account school. The public censure took effect May 14, 2015.

In two client matters, Uwate accepted flat fees from clients but neglected to put the payments in his trust account. He later earned the fees after performing legal services for those clients. By neglecting to put the funds in his trust account, Uwate violated Colo. RPC 1.15(a) (2008) (a lawyer shall hold client property separate from the lawyer's own property).

In one of those matters, Uwate was retained to defend an undocumented immigrant against charges for second-degree assault, menacing, and child abuse. The matter proceeded to trial. After all evidence was given to the jury, the jury came back with a question for the judge. The jury's question made it clear that the jury was about to find the client guilty of at least second-degree assault. In the hallway, Uwate told his client about the jury's question and reminded him that if he were convicted he would receive at least five years in jail and then be deported. The client was upset. Uwate said to his client, "If you were ever thinking of running, now would be the time to do it." Uwate's client did not run, and the client was convicted of second-degree assault. Uwate's comment contravened Colo. RPC 1.2(d) (a lawyer shall not counsel a client to engage in conduct that the lawyer knows is criminal or fraudulent).