

People v. Robert Wiegand II. 21PDJ081. November 10, 2021.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and publicly censured Robert Wiegand II (attorney registration number 07463) with the condition that he complete seven hours of continuing legal education related to estate planning. The public censure takes effect December 15, 2021.

Between January and April 2019, Wiegand prepared an amendment to his client's living trust to add Wiegand as a co-trustee. But Wiegand did not fully advise his client about the conflict of interest that would arise from his different duties as her lawyer and as a trustee, nor did he explain to her how the conflict would create a significant risk of materially limiting his representation of her. He did not obtain her informed written consent waiving the conflict. Wiegand also did not inform his client that she would not be able remove him as trustee under the amendment, or that he would remain a trustee and continue to charge fees for his trustee services if she terminated his representation as her lawyer. The parties to the trust executed the amendment in April 2019. In November 2019, Wiegand's client terminated his representation and asked him to resign as a trustee. The terms of the trust, however, required that beneficiaries unanimously consent to the removal of a trustee, and Wiegand did not resign. The next year, Wiegand and another co-trustee filed an action in Arapahoe County District Court for a declaration on the validity of the amended trust and other testamentary documents related to the trust, and for an evidentiary hearing to determine whether a guardian ad litem should be appointed for his former client as to matters involving the trust.

Through this conduct, Wiegand violated Colo. RPC 1.4(b) (a lawyer shall explain a matter so as to permit the client to make informed decisions regarding the representation) and Colo. RPC 1.7(a)(2) (a lawyer shall not represent a client if the representation involves a concurrent conflict of interest).

The case file is public per C.R.C.P. 242.41(a)(2).