

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

NOV 03 2015

JEFFREY P. COLWELL
CLERK

Disciplinary Action No. 14-CC-8

COMMITTEE ON CONDUCT

Complainant

DOUGLAS L. ROMERO

Respondent

PUBLIC CENSURE AND DISCIPLINE OF ATTORNEY DOUGLAS ROMERO

This disciplinary matter arises out of "Contingency Retainer" agreements executed between Wyatt T. Handy and Attorney Douglas L. Romero, regarding Mr. Romero's representation of Mr. Handy in two civil rights cases filed with the District Court for the District of Colorado. Formal charges were brought against Mr. Romero by the Committee on Conduct and filed with the court pursuant to D.C.COLO.LAttyR 7(e)(3). After private consultations with the Committee on Conduct and review of the formal charges, Mr. Romero submitted an agreed-upon conditional admission to the charges pursuant to D.C.COLO.LAttyR 7(g). The Committee on Conduct has recommended that the Disciplinary Panel accept the Conditional Admission in exchange for the discipline stated in this order.

It is ORDERED that the Disciplinary Panel adopts the Committee's recommendation, accepts Mr. Romero's conditional admission, and hereby imposes the following discipline.¹

A. Public Censure.

Mr. Romero is publicly censured for the conduct outlined in the formal charges. Specifically, the Disciplinary Panel finds that in Mr. Romero's contingent fee civil rights practice, Mr. Romero engaged in the following conduct in violation of the provisions of Colo. RPC 1.5:

¹ Given the Panel's acceptance of Mr. Romero's conditional admission under D.C.COLO.LAttyR 7(g), compliance with all other provisions of D.C.COLO.LAttyR 7(e)(3) are rendered superfluous, and are hereby waived.

1. The contingent fee agreements allowed Mr. Romero to charge or collect an unreasonable fee or an unreasonable amount of expenses, in violation of Colo. RPC 1.5(a). Depending on the circumstances, the contingent fee agreement allowed Mr. Romero to charge more than 70% of the potential recovery as a fee. Although Mr. Romero asserted as justification for the contingent fee agreement the complex nature of civil rights litigation, the legal complexity of a case cannot justify an unreasonable fee or an unreasonable amount of expenses in violation of Colo. RPC 1.5(a).

2. The contingent fee agreements did not comply with the requirements of Chapter 23.3 of the Colorado Rules of Civil Procedure.

3. The contingent fee agreements were unreasonable and unfair in that they included an improper conversion clause which was likely to restrict the client's ability to terminate the representation. In Mr. Handy's case, when Mr. Handy did terminate the representation, without there ever being any recovery or settlement Mr. Romero purported to convert the contingency fee to an hourly basis and presented Mr. Handy with the bill for the outstanding balance. This violated Colo. RPC 1.5(c) and 1.5(g).

4. Taken as a whole, Mr. Romero, through his conduct with respect to the fees charged (or attempted to be charged) for his client's civil rights cases, took unfair advantage of the client, and was unreasonable and unfair.

Accordingly, Mr. Romero is PUBLICLY CENSURED FOR THIS CONDUCT and it is further ORDERED that

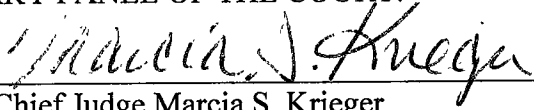
- B. Douglas Romero shall not represent any clients in any federal civil rights cases in any United States district court for a period of one year from the date of this Order.
- C. Within 30 days from the date of this Order, Douglas Romero shall submit a certification by an attorney experienced in the Colorado Rules of Professional Conduct that he or she has personally reviewed all form retainer agreements currently being used by Douglas Romero's law firm and that they are consistent with the Colorado Rules of Professional Conduct. Mr. Romero shall thereafter only use retainer agreements that comply with said rules.
- D. Douglas Romero shall agree to employ (at his own expense) a practice monitor for a period of not less than one (1) year to confirm Mr. Romero's ongoing

compliance with the Rules of Professional Conduct. The practice monitor shall submit to the Committee on Conduct on a bi-monthly basis a written report of the monitoring done in the prior two months, certifying Mr. Romero's compliance with the Colorado Rules of Professional Conduct.

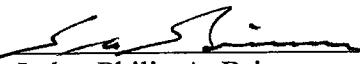
- E. Douglas Romero shall provide restitution to Mr. Handy in the amount of \$4,900 to be paid within two weeks from the date of this Order.
- F. One year from the date of this Order, Mr. Romero may reapply to the Disciplinary Panel (through the Committee on Conduct) for the privilege of representing civil rights clients in federal court. In connection with any reapplication, Mr. Romero must establish by clear and convincing evidence that he has been rehabilitated and that sufficient procedures are in place to ensure that Mr. Romero and any lawyers under his supervision will comply with the Colorado Rules of Professional Conduct with respect to any case where the fee is based in whole or in part on a contingency fee.

Dated at Denver, Colorado, this 30 day of October, 2015.

BY THE DISCIPLINARY PANEL OF THE COURT:



Chief Judge Marcia S. Krieger



Judge Philip A. Brimmer



Judge Christine M. Arguello