

People v. Patrick Wake. 20PDJ038. December 30, 2020.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Patrick Wake (Wyoming attorney number 7-5421) from the practice of law in Colorado for one year and one day, effective February 3, 2021. To be eligible to practice law in Colorado, Wake must prove by clear and convincing evidence that he has been rehabilitated, has complied with disciplinary orders and rules, and is fit to practice law.

Though Wake is not licensed to practice in Colorado, he maintains an immigration law practice in Aurora. In February 2018, a married couple hired Wake to petition for the husband's residency in the United States. Wake did not obtain informed, written consent for the dual representation. Wake never filed the petition, despite advising the husband that he would do so. The husband later demanded the return of his advance payments. Wake refused, claiming that he had earned the fees. Only in December 2020 did Wake refund the attorney's fees and cost retainer in full.

In a separate matter, Wake was retained to seek an immigrant visa for a Mexican citizen. The client signed a fee agreement in June 2018. The next month, Wake's office advised the client that the petition for the visa had been sent to the U.S. Citizenship and Immigration Services ("USCIS") office in Mexico, when in fact it had not. Wake eventually sent the petition in September 2018, but USCIS rejected the filing. Wake told the client that he would "immediately" deliver the petition by courier, but he did not do so. The client also authorized Wake to seek assistance from Senator Michael Bennet, but Respondent did not do so when directed. In autumn 2018, the client requested updates from Wake's office but received no information. USCIS did not get the petition until January 2019.

In both representations, Wake's fee agreements contained no milestones or benchmarks directing how Wake would earn the fees. On multiple occasions during the representations, Wake's COLTAF account was overdrawn; however, Wake's sloppy bookkeeping and money-handling practices fogged any details about account transfers.

Through this conduct, Wake violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(4) (a lawyer shall promptly comply with reasonable requests for information); 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 1.7(a)(2) (a lawyer shall not represent a client if the representation involves a concurrent conflict of interest); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation, including by giving reasonable notice to the client and returning any papers and property to which the client is entitled).

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