

People v. Rebecca Ann King. 21PDJo23. April 22, 2021.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Rebecca Ann King (attorney registration number 08353) for three months. The suspension took effect on April 22, 2021.

In May 2019, a client paid King \$3,000.00 to represent him in a dissolution of marriage case. King deposited the money into a checking account that she shared with her husband. King had not maintained a trust account since 2010, nor did she use an account designated as an operating or business account. Due to poor recordkeeping, King unwittingly consumed \$750.00 of her client's retainer before earning the fees.

The trial court entered permanent orders in the client's case in December 2019. King did not file a motion to withdraw, believing that the entry of permanent orders ended her representation under her fee agreement. King later fell seriously ill and stopped responding to her client's communications. During that time, she did not respond to a motion from her client's former spouse asking the court to force a sale of the marital home. King withdrew from the matter in April 2020. Her client requested an accounting at that time, but she did not send him the final statement until disciplinary proceedings against her had begun.

Through this conduct, King violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the status of the matter); Colo. RPC 1.4(a)(4) (a lawyer shall promptly comply with reasonable requests for information); Colo. RPC 1.4(b) (a lawyer shall explain a matter so as to permit the client to make informed decisions regarding the representation); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15B(a)(1) (a lawyer in private practice shall maintain a trust account into which the lawyer shall deposit funds entrusted to the lawyer's care and advance fees); Colo. RPC 1.15B(a)(2) (a lawyer in private practice shall maintain an operating account into which the lawyer shall deposit funds received for legal services); Colo. RPC 1.15D(a) (a lawyer shall maintain an appropriate record-keeping system to track funds or other property held for others and maintain records of all deposits and withdrawals of all accounts used in connection with the lawyer's legal services); Colo. RPC 1.16(a)(2) (a lawyer shall withdraw from representation if the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client); 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.