

People v. Jacob S. Rupp-Zimmerman. 15PDJ070. January 8, 2016.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and disbarred Jacob S. Rupp-Zimmerman (Attorney Registration Number 41576) on January 8, 2016, effective the same day.

Rupp-Zimmerman was hired to represent a client in a contested probate hearing, and the client gave him \$20,000.00 up front. The matter was settled in mediation. Rupp-Zimmerman earned all but approximately \$4,600.00 of the retainer. The mediator sent the parties a bill, which failed to set forth clearly what each party owed. Rupp-Zimmerman initially decided not to refund the money so that he could cover the mediator's costs, but he continued to keep the client's money in his trust account even after the bill was clarified. Several times the client tried to contact Rupp-Zimmerman. At first he did not respond; later he falsely represented that he had been attempting to negotiate the mediator's bill and that he had paid the bill. The client learned of this misrepresentation and then repeatedly tried to contact Rupp-Zimmerman over the course of several months. The client also demanded an accounting, but Rupp-Zimmerman never provided an accounting or a refund. Instead, he moved almost \$3,300.00 of the client's money into his operating account, eventually using those funds to cover his own expenses. Only many months later did Rupp-Zimmerman refund to the client the unearned retainer. Most egregious, when asked to respond to an investigation by the Office of Attorney Regulation Counsel, Rupp-Zimmerman falsified several bank account statements in an attempt to avoid discipline.

In a second matter, Rupp-Zimmerman was contacted by the personal representative ("PR") for a client of Rupp-Zimmerman who had recently died. Rupp-Zimmerman stated that he was holding several hundred dollars in his trust account for the deceased client. The PR asked Rupp-Zimmerman to send him a check so that he could place it in the estate's account. Rupp-Zimmerman said he would do so, but the PR did not receive the promised check. The PR wrote three letters to Rupp-Zimmerman without response. After several months passed, Rupp-Zimmerman emailed the PR, promising to send a check within the week. Still the PR did not receive a check. From February to September 2015, Rupp-Zimmerman's trust account balance was \$0.00, and he admits that he converted the decedent's money for his own personal use. Rupp-Zimmerman also admits that in an immediate suspension proceeding concerning these facts, he made false statements in his pleadings to the Presiding Disciplinary Judge.

In these matters, Rupp-Zimmerman violated Colo. RPC 1.15(a)-(b) (2008) (a lawyer shall hold client property separate from the lawyer's own property, deliver all funds to which the client is entitled, and provide a full accounting); Colo. RPC 1.5(f) (a lawyer does not earn fees until a benefit is conferred on the client); 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 refunding unearned fees); Colo. RPC 3.3 (a lawyer shall not knowingly make a false statement of material fact or law to a tribunal and shall not knowingly offer false evidence); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).