

People v. Carol J. Zeisler. 18PDJ012. October 10, 2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Carol J. Zeisler (attorney registration number 35091) for six months, all to be stayed upon the successful completion of a two-year period of probation, with conditions. The probation took effect on October 10, 2018.

Zeisler committed misconduct in three separate matters. In the first, Zeisler agreed to represent a personal injury client on a contingency basis related to three automobile accidents. Zeisler settled a claim related to one accident, depositing the settlement proceeds in her trust account. Seven months later, the client terminated the representation. Zeisler volunteered to waive all fees, less costs, for work she had done. About four months later, Zeisler sent the client a check for the full settlement amount, but the client stated that she never received the check. Seven months after that, Zeisler agreed to release the funds to the client's new lawyer. Zeisler sent the lawyer a check and a disbursement statement, both of which reflected that she had claimed attorney's fees in the amount of 30 percent of the settlement. She held the disputed fees in her trust account with the intention of filing an interpleader action, and later transferred the funds to her own lawyer, who now holds the money in his trust account. Through this misconduct, Zeisler violated Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation) and Colo. RPC 1.15A(b) (upon receiving funds or other property of a client or third person, a lawyer shall promptly deliver to the client or third person any funds or property to which the person is entitled).

In the second matter, Zeisler was arrested and charged in December 2014 with driving under the influence of alcohol. Zeisler's breathalyzer test measured a blood alcohol content of 0.156. She pleaded guilty and was given a fifteen-month deferred sentence, with ten days of jail suspended. Zeisler did not report her conviction to disciplinary authorities. Through this misconduct, Zeisler violated C.R.C.P. 251.5(b) and Colo. RPC 8.4(b) (a lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects).

In the third matter, Zeisler was administratively suspended from the practice of law in May 2017 for failure to pay attorney registration fees. By late November 2017, however, she still had over \$40,000.00 in her trust account, and she had not complied with the winding up provisions of C.R.C.P. 251.28. Zeisler later transferred her trust funds to another attorney, who believes that none of the money belonged to clients. In 2018, she paid past-due registration fees, and her license was placed in active status. Through this misconduct, Zeisler violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.15A(b); Colo. RPC 1.15C(c) (a lawyer shall reconcile trust accounts no less than quarterly); Colo. RPC 1.16(d); and Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal).