

People v. Paul Thomas Amundson. 22PDJ028. October 4, 2022.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Paul Thomas Amundson (attorney registration number 27126) for three years. The suspension, which takes effect on October 4, 2022, takes into account significant mitigating factors, including Amundson's timely good faith to make restitution by taking out a loan against his home in order to pay back his client. To be reinstated to the practice of law in Colorado, Amundson must prove by clear and convincing evidence that he has been rehabilitated, has complied with all disciplinary orders and rules, and is fit to practice law.

In April 2020, Amundson deposited the proceeds from the sale of his client's marital residence into his trust account. Amundson withdrew the sale proceeds from his trust account between May and September 2020. But this disbursement was not authorized by a written agreement of the parties or by a court order. In September 2020, Amundson wrote the opposing party a check for the party's share of the sale proceeds. The check did not clear, so Amundson obtained and deposited a loan to supplement the funds in his trust account. By November 2020, Amundson's trust account held a negative balance, even though Amundson had not yet disbursed to his client any of the sale proceeds. In July 2022, Amundson finished paying his client the share of the proceeds that he should have disbursed in September 2020.

In a different matter, in 2021 a client paid Amundson a \$1,000.00 advance for an anticipated bankruptcy filing. In early 2022, the client advanced Amundson another \$3,000.00 for help in a family law matter. Amundson did not deposit the client's funds in a trust account or hold the funds separate from his own property. In March 2022, the client loaned Amundson around \$5,000.00. Amundson did not obtain the client's written agreement to the terms of the loan, however. Nor did Amundson advise his client to obtain independent counsel about the loan.

From April through at least December 2020, Amundson neither kept a ledger for nor reconciled his trust account. Amundson used his trust account as an operating account from at least April 2020 through July 2022. During that time, Amundson wrote himself trust account checks, which he cashed, and made cash withdrawals from the account. From at least March 2022 through July 2022, Amundson did not maintain an operating account.

Through this conduct, Amundson violated Colo. RPC 1.8(a) (a lawyer must not enter into a business transaction with a client unless the client is advised to seek independent legal counsel and the client gives written informed consent to the transaction); Colo. RPC 1.15A(a) (a lawyer must hold client property separate from the lawyer's own property); Colo. RPC 1.15A(b) (on receiving funds of a client or third person, a lawyer must promptly deliver to the client or third person any funds that person is entitled to receive); Colo. RPC 1.15A(c) (a lawyer must keep separate any property in which two or more persons claim an interest until there is a resolution of the claims); Colo. RPC 1.15B(a)(2) (a lawyer in private practice must maintain a business account into which the lawyer must deposit funds the lawyer receives for legal services); Colo. RPC 1.15C(a) (a lawyer must not withdraw cash from a trust account); Colo. RPC 1.15C(c) (requiring a lawyer to reconcile trust account records on at least a quarterly basis); Colo. RPC 1.15D (a lawyer must maintain trust account records); Colo. RPC 3.4(c) (a lawyer must not

knowingly disobey an obligation under the rules of a tribunal); and Colo. RPC 8.4(c) (it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

The case file is public per C.R.C.P. 242.41(a).