

People v. Victoria Bevin Bantz. 14PDJ037. April 25, 2014.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Victoria Bevin Bantz (Attorney Registration Number 35788) for eighteen months, all stayed pending completion of a three-year period of probation, with conditions. The probation took effect April 25, 2014.

Bantz, who was admitted to the bar in 2004, was asked in 2006 by attorney James W. Faber, for whom she had been working as an associate, to become a partner in a new firm. She agreed, and Faber Bantz P.C. was formed. Faber directed Bantz to form several business entities for estate planning clients. Faber and Bantz acquired ownership or management roles in several of these entities.

In 2006, Faber Bantz assisted a certain client with tax and investment issues. At Faber's direction, Bantz drafted documents for a loan from the client to one of the entities mentioned above in which Faber and Bantz held interests, but Bantz did not advise the client in writing of those interests. When the client's funds were not invested according to the original plan but were instead placed in an investment company operated in part by Faber, the client also did not receive written disclosure or give her written consent. Faber Bantz had difficulty paying its expenses in 2007 or 2008, and Bantz transferred funds on Faber's instructions between the investment company and the law firm's accounts. When the client's loan came due in 2009, she did not receive the promised payment because Faber had converted those funds.

In 2007, in a separate representation, Faber Bantz failed to advise a client to seek independent legal counsel regarding the client's transaction with a business entity in which Bantz and Faber held interests. The client transferred \$500,000.00 into the entity and then lost those funds when they were consumed by Faber Bantz's legal fees. Bantz accepted Faber's representation that the \$500,000.00 could be recorded as a tax-deductible donation for the client without researching whether this advice was proper.

Bantz failed to make appropriate inquiries about these transactions, to question Faber or his instructions, and to independently assess her duties to her clients. In so doing, she violated Colo. RPC 1.7 (restricting the circumstances in which a lawyer may represent a client if the representation involves a concurrent conflict of interest), 1.8(a) (a lawyer shall 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), 1.15(a) and (c) (safekeeping of client property), and 5.1(a) (a partner should ensure her firm implements measures giving reasonable assurance that all lawyers in the firm comply with the Rules of Professional Conduct). After Bantz resigned from Faber Bantz in 2008, she became aware that Faber might have engaged in misconduct with respect to client funds, and she contacted the Denver District Attorney's office. In 2013, Faber pleaded guilty to a class-two felony, received a correctional sentence of up to ten years, and was disbarred. Bantz was not criminally charged.