

People v. Philip M. Bluestein. 21PDJo41. June 28, 2021.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Philip M. Bluestein (attorney registration number 31439) for sixty days, all to be stayed upon the successful completion of a two-year period of probation, with conditions. The probation took effect June 28, 2021.

Bluestein engaged in misconduct in several client matters. In one matter, the client submitted an initial retainer twice by mistake. Bluestein was not aware of the mistake due to bookkeeping deficiencies, and both retainer payments were deposited directly into his trust account. The balance in Bluestein's trust account thereafter dropped below the amount of funds he should have been safeguarding for the client. A few weeks after the client retained Bluestein, she began contacting him, concerned that her work had not been completed. She terminated the representation and requested a refund and an accounting. Bluestein was delayed in returning the remaining funds due to family health issues. When he compiled the final accounting, he discovered the client had twice paid the retainer. He returned all of the client's funds to her, even the funds he had earned.

In another matter, Bluestein provided the client general advice and completed some work on the matter, but he neither completed the work nor sent it to the client. The client eventually demanded he provide the completed work or a full refund. Bluestein did not timely respond, and the client terminated the representation.

In a third matter, a client provided Bluestein an advance retainer, which Bluestein deposited into his operating account at the outset of the representation. But Bluestein's work on the matter was delayed, and the client was unhappy about his lack of progress. Bluestein eventually completed the work to the client's satisfaction.

Through this conduct, Bluestein 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 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15D (a lawyer shall maintain trust account records); and 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 unearned property to which the client is entitled).

The case file is public per C.R.C.P. 251.31.