

*People v. Blumenthal*, No.03PDJ007. 01.29.03. Attorney Regulation. The Presiding Disciplinary Judge approved the parties' Conditional Admission of Misconduct and suspended Respondent Thomas Blumenthal, attorney registration number 15549, from the practice of law in the State of Colorado for a period of one year and one day, all stayed during a two-year period of probation subject to conditions. Respondent was retained by the client in an ongoing dissolution of marriage matter. Respondent did not enter into a written fee agreement with the client; rather, he verbally quoted the client an hourly rate. Respondent received an advance payment from the client for his services and deposited the funds into his trust account. At the time, all of the money in the account other than the client's retainer was the respondent's own property. Respondent routinely deposited payments from clients toward flat fees into his trust account and later withdrew the funds after he estimated he had earned the fee. Respondent's failure to keep this client's and other clients' funds separate from his own constituted a violation of Colo. RPC 1.15(a), his failure to communicate the basis or rate of the fee to the client in writing within a reasonable time after commencing representation violated Colo. RPC 1.5(b), his disbursal to himself of the client's entire advance retainer without any accounting to the client violated Colo. RPC 1.15(c), his utilizing trust accounts to hold his own funds and generally use such accounts in a manner contrary to the purposes for which such accounts are to be established violated Colo. RPC 1.15(f), his failure to maintain appropriate receipt and disbursement records of all trust accounts violated Colo. RPC 1.15(g). Respondent's writing checks drawn on insufficient funds, and failing to attend to financial and account matters relating to his practice of law violated Colo. RPC 8.4(h). Respondent was ordered to pay the costs of the disciplinary proceeding.