

*People v. Donaldson*, 05PDJ009. January 25, 2005. Attorney Regulation. The Presiding Disciplinary Judge approved the parties' Conditional Admission of Misconduct and suspended Respondent James F. Donaldson (Registration #8951) from the practice of law for a period of 30 days. The suspension is stayed pending successful completion of a one-year period of probation, effective February 25, 2005. This proceeding arises out of two separate matters, one involving the representation of a client and the other involving Respondent's client trust account. In his representation of a landlord in an eviction action, Respondent did not obtain and file proof of proper service upon the tenants. He did not reschedule a return date or arrange for substituted service, allowing the case to languish. The client had to obtain new counsel. Thus, Respondent violated Colo. RPC 1.3 (neglect of an entrusted legal matter) and 1.4 (failure to keep client reasonably informed). Respondent's trust account became overdrawn when a client check was returned for insufficient funds. Also, Respondent made cash withdrawals and paid certain minor operating/personal expenses out of the trust account, while failing to keep adequate records. Therefore, Respondent failed to comply with the trust account requirements contained in Colo. RPC 1.15(f) and (g). Conditions of probation include trust account training and payment of restitution. In addition, Respondent was ordered to pay the costs incurred in this proceeding. Respondent has prior disciplinary offenses.