

People v. Richard Samuel Gross. 15PDJo75. August 26, 2015.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Richard Samuel Gross (Attorney Registration Number 16008) from the practice of law for a period of ninety days, all stayed upon the completion of a one-year period of probation, with conditions. The probation took effect August 26, 2015.

Gross settled a personal injury action for a client and helped her to negotiate satisfaction of a lien held by her chiropractor. Before depositing the insurer's settlement check into his operating account, Gross made distributions directly out of that account to his client, Medicaid, and the chiropractor. Gross later deposited the entire settlement check into his operating account to reimburse his advances. This course of conduct, which took place both before and after the Colorado Supreme Court amended Colo. RPC 1.15 in 2014, violated Colo. RPC 1.15(c) (2008) and Colo. RPC 1.15A(c) (a lawyer shall keep separate any property in which two or more persons claim interests until there is an accounting and severance of those interests).

In addition, Gross's operating account was held personally in his own name and that of his wife. Gross therefore violated Colo. RPC 1.15(B)(a) (a lawyer in private practice shall maintain a trust account and business account in the lawyer's own name or in the name of the lawyer's law firm).