

*People v. Howe*, No.02PDJ095. 12.04.02. Attorney Regulation.

The Presiding Disciplinary Judge approved the parties' Amended Conditional Admission of Misconduct and suspended Edwin A. Howe, II, attorney registration number 09774 from the practice of law in the State of Colorado for a period of three years with the requirement of restitution and subject to conditions. Respondent was a sole practitioner and handled cases primarily on a contingency fee basis. From January 1999 through at least March 2000, respondent routinely deposited client cost retainers into his law office business accounts. On several occasions the balance in the accounts dropped below the amount belonging to clients or owed to third parties. Respondent failed to timely pay service providers from the funds held for that purpose. In one matter, respondent deposited checks paid to him on behalf of his client into his trust account, wrote checks to himself and another attorney for attorneys' fees thereby negligently utilizing a portion of the funds which belonged to the client. He also commingled personal funds with client funds in the trust account. From 1999 through early 2002, respondent failed to maintain adequate records of his law office accounts. In 2000 and 2001 respondent wrote insufficient fund checks on his trust account and business account. Respondent's personal and emotional problems were considered as a mitigating factor. Respondent violated Colo. RPC 1.15(a), Colo. RPC 1.15(b), Colo. RPC 1.15(g), Colo. RPC 8.4(c) and Colo. RPC 8.4(h). Respondent was ordered to pay restitution and the costs of the proceeding.