

People v. Robert Willis Ingram. 21PDJ034. August 23, 2021.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Robert Willis Ingram (attorney registration number 46776) for six months with the requirement of reinstatement under C.R.C.P. 251.29(c), all stayed upon the successful completion of a two-year period of probation. The probation took effect on August 23, 2021.

A client retained Ingram in May 2017 because she was considering filing for legal separation from her husband. Ingram did not provide the client a fee agreement, but the client paid him a \$3,000.00 retainer in two payments in mid-May 2017. Ingram did not deposit any portion of these funds into his trust account. According to his invoices, Ingram did not bill for any work until August 15, 2017, and at his hourly rate he would not have earned the retainer until the end of March 2018.

In July 2017, the client brought to Ingram's office her friend, who was considering filing for divorce from her husband. The client paid Ingram \$3,500.00 by check on her friend's behalf on August 16, 2017, with a memo line that stated it was for her friend. Ingram did not deposit the check into his trust account. The friend never proceeded with her divorce, and at some point Ingram and the client agreed that he would apply the check of August 16, 2017, to the client's case. By October 2017, the client still had not decided whether to file for legal separation. The client's husband died at some point thereafter. After her husband's death, the client had difficulty contacting Ingram for several months.

In February 2018, the client contacted Ingram for help with a small claims court case that a former employee had filed against her. Ingram represented the client in the small claims case through approximately September 2018. At the earliest, he earned by August 2, 2018, the client's \$3,000.00 retainer and the additional \$3,500.00 she had paid. The balance of Ingram's trust account from May 2017 through September 2018 was \$1.06.

Through this conduct, Ingram violated Colo. RPC 1.5(f) (a lawyer does not earn fees until a benefit is conferred on the client or the lawyer performs a legal service) and Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property).

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