

People v. Linda Marie Lee. 12PDJo84, consolidated with 13PDJo39. October 31, 2013.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Linda Marie Lee (Attorney Registration Number 39528) for one year and one day, with six months to be served and the remainder stayed pending successful completion of a two-year period of probation, with conditions. Those conditions include attending ethics and trust school, submitting to financial monitoring, and working with an attorney mentor. The suspension takes effect December 5, 2013.

In a juvenile theft case, Lee believed her client, the defendant, had been misidentified by the victim. At trial, she arranged for her client to sit in the back of the courtroom and for a friend of her client to sit at counsel table. During her opening statement, Lee pointed to the client's friend, saying "my client is innocent." This stratagem worked to her client's detriment, since the victim accurately identified the defendant in the gallery. The judge found Lee in contempt and granted the defendant a new trial based upon Lee's fraud upon the court. Lee violated Colo. RPC 1.2(d) (counseling a client to engage in fraudulent conduct), 3.3(a)(1) (knowingly making a false statement of material law or fact to a tribunal), 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation), and 8.4(d) (conduct prejudicial to the administration of justice).

In a second criminal defense case, Lee accepted two payments of \$5,000.00 in legal fees. In both instances, she initially put the fees in her trust account and then transferred them the following day into her operating account without having fully earned the fees. She therefore violated Colo. RPC 1.5(f) (fees are not earned until a lawyer confers a benefit on the client or performs legal services), 1.15(a) (failing to keep client funds separate from a lawyer's own property and negligently converting client funds), and 1.15(c) (neglecting to keep disputed property separate until there is an accounting and severance). After Lee was removed from the case due to a conflict, she never provided an accounting. She refunded the full retainer eight months after the representation terminated, after the filing of a petition for immediate suspension of her law license. Lee thereby breached Colo. RPC 1.15(b) (failing to provide a full accounting upon request) and 1.16(d) (upon termination, a lawyer shall surrender papers and property to which a client is entitled).