

People v. James Stanton Margulis. 21PDJ029, consolidated with 21PDJ056. January 11, 2022.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and disbarred James Stanton Margulis (attorney registration number 40750). The disbarment took effect on January 11, 2022.

In five cases, Margulis did not diligently handle his clients' matters when he failed to attend court hearings or appearances, failed to file motions, and failed to communicate with the tribunals about the status of the cases. His conduct resulted in significant delays to the proceedings. In one of those cases, Margulis disobeyed a court order that he appear in person, resulting in the initiation of a separate contempt case. Through this conduct, Margulis violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 3.4(c) (a lawyer shall not knowingly disobey an obligation under the rules of a tribunal); and Colo. RPC 8.4(d) (providing that it is professional misconduct for a lawyer to engage in conduct prejudicial to the administration of justice).

In three other cases, Margulis did not complete the work for which he was hired, yet he failed to place the clients' retainers in his trust account. Instead, he treated the clients' retainers as his property even though he knew he had not earned the funds. Further, he failed to promptly return the retainer funds to his clients. In one of these cases, Margulis failed to appear for meetings with the client and did not reasonably communicate with the client, precluding the client from making informed decisions about the representation. Through this conduct, Margulis violated Colo. RPC 1.3; Colo. RPC 1.4(b) (a lawyer shall explain a matter so as to permit the client to make informed decisions regarding the representation); 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); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation, including by returning unearned fees); and Colo. RPC 8.4(c) (providing that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

In one other client matter, Margulis accepted a check on his client's behalf, yet his client never received the check, which has not cleared on the account from which it was drawn. By failing to diligently handle the check, Margulis violated Colo. RPC 1.3.

In his own criminal case, Margulis pleaded guilty in July 2020 to driving under the influence, leaving the scene of an accident, and possession of a scheduled substance, a class-one drug misdemeanor charge. Margulis agreed to a sentence of eighteen months of supervised probation, with conditions. Margulis thereby violated Colo. RPC 8.4(b) (a lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects).

The case file is public per C.R.C.P. 242.41(a)(2).