

People v. Timothy James Priebe. 15PDJ077. August 31, 2015.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Timothy James Priebe (Attorney Registration Number 35548) from the practice of law for a period of six months, all stayed upon the completion of a two-year period of probation, with conditions, including undergoing a law office audit. The probation took effect August 31, 2015.

Priebe represented a client who had lost investment funds due to securities fraud. As part of a plea agreement in the securities fraud case, the defendant had been ordered to pay \$100,000.00 in restitution to Priebe's client, plus interest, and the defendant's wife had executed a promissory note to the client. The defendant's wife defaulted in 2005, and the client hired Priebe in 2009.

The six-year statute of limitations on the client's claim to collect on the promissory note expired in December 2011. Priebe incorrectly believed, however, that the statute of limitations period was three years and that the statute of limitations had expired before the client hired him. He incorrectly advised the client as to this point of law. Moreover, while Priebe believed that certain language in the promissory note might allow his client to defeat the statute of limitations defense, he never researched this issue.

Although Priebe suggested that the client initiate litigation against the wife, he never filed an action on the client's behalf. In addition to neglecting the client's case, Priebe failed to adequately communicate with her on multiple occasions during the representation.

In this matter, Priebe violated Colo. RPC 1.1 (a lawyer shall provide competent representation to a client); Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a) (a lawyer shall reasonably communicate with the client); and Colo. RPC 1.4(b) (a lawyer shall explain a matter so as to permit the client to make informed decisions regarding the representation).