

People v. Adam M. Tucker. 25PDJ24. April 11, 2025.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended Adam M. Tucker (attorney registration number 34631) from the practice of law for three years, effective June 13, 2025. To be reinstated to the practice of law, Tucker must prove by clear and convincing evidence that he has been rehabilitated, has complied with all disciplinary orders and rules, and is fit to practice law.

Tucker operates a small criminal defense firm. Tucker is the only person in the firm with authority to approve transfers out of the firm's trust account.

On December 27, 2023, a \$2,500.00 transfer from the firm's trust account to the firm's operating account overdrew the firm's trust account by \$373.52. Then, on January 2, 2024, another \$2,500.00 transfer from the trust account to the operating account overdrew the trust account by \$1,473.52. The two transfers were the result of a bank error and were not tied to any client matters. The bank rectified the error once Tucker brought it to the bank's attention. Nevertheless, Tucker's accounting for his trust account was inadequate. He used practice management software, but the software only tracked deposits into, not withdrawals from, the trust account. Tucker did not reconcile his internal accounting records and his trust statements quarterly, as required.

Tucker tracked new matters opened in December 2023 and January 2024 as well as payments the firm received on open accounts in those months. Tucker's December 2023 report reflects that his firm was paid \$69,000.00 for new matters that month and earned \$32,375.00 on those same matters, leaving a balance of at least \$36,625.00 in unearned funds that should have been in trust at the end of December 2023. Instead, the account balance was \$1,026.00.

In January 2024 the firm was paid \$73,450.00 for new matters opened in that month, but it earned only \$27,700.00. From those matters alone, the firm should have held \$47,750.00 in trust. Instead, the closing balance for January 2024 was \$26,476.00.

Tucker knowingly took unearned funds out of the firm's trust account to satisfy law firm and personal expenses. His withdrawals were based upon his and the firm's financial needs, rather than based on whether funds were earned. Tucker has since begun tracking all funds received and transferred, and he now tracks earned fees, withdrawals, and fee benchmarks. Tucker has worked to replenish the firm's trust account since January 2024; the account was fully replenished on January 30, 2025.

Through this conduct, Tucker violated Colo. RPC 1.15A(a) (a lawyer must hold client property separate from the lawyer's own property); Colo. RPC 1.15C(c) (requiring quarterly reconciliation of trust account records); Colo. RPC 1.15D(a) (a lawyer must maintain an appropriate record-keeping system to track funds or other property held for others); and Colo. RPC 8.4(c) (it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

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