

People v. Darlene Mann. 21PDJ024. October 6, 2021.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Darlene Mann (attorney registration number 36328) for one year and one day, with six months to be served and six months and one day to be stayed upon the successful completion of a two-year period of probation, with conditions. The suspension takes effect on November 10, 2021.

Spanning a year and a half, Mann recklessly converted client funds by failing to keep sufficient funds in her trust account for several clients. In March 2019, Mann overdrew her trust account after a charge debited from the trust account instead of her operating account. Mann had failed to provide her bookkeeper with necessary information to reconcile the trust account, which contained incorrect debits and credits, and from which Mann withdrew earned funds without identifying a related deposit.

Around the time Mann overdrew her trust account, a client paid Mann \$6,000.00 under a flat fee agreement for Mann's representation in a dissolution of marriage case and two protection order matters. Mann was to provide limited representation through mediation, which the agreement listed as the final milestone. The client paid Mann \$1,100.00 as a deposit in April 2019 and made additional payments totaling \$3,052.00 through mid-October 2019. The mediation was cancelled, and Mann scheduled a permanent orders hearing in the case. Mann did not provide her client with a new fee agreement but instead began charging her client at her hourly rate. The case settled on the day of the hearing, and Mann received her client's settlement check in November 2019. Mann did not communicate with her client after early November 2019 and did not discuss her invoice or the settlement with her client. Mann placed the settlement check in her client's file and did not deposit the funds into her trust account until more than a month later, at which point she withdrew \$7,757.00 from the trust account for her fees. In August 2020, Mann gave her client a cashier's check for approximately half of the settlement funds, after which her client asked her to withdraw from her case. Mann refunded \$4,809.00 to her former client the next summer.

Through this conduct, Mann violated Colo. RPC 1.4(a)(3) (a lawyer shall keep a client reasonably informed about the status of the matter); Colo. RPC 1.5(a) (a lawyer shall not charge an unreasonable fee or an unreasonable amount for expenses); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15A(b) (a lawyer shall promptly deliver to a client or third person any funds or property in the lawyer's position that the person is entitled to receive); Colo. RPC 1.15C(c) (a lawyer shall reconcile trust account records quarterly); and Colo. RPC 1.15D(a)(1)(A) (a lawyer shall maintain an appropriate record-keeping system to track funds or other property held for others).

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