

People v. John Philip McDonnell, Jr. 14PDJo87. May 8, 2015.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and disbarred John Phillip McDonnell Jr. (Attorney Registration Number 35330). The disbarment takes effect July 15, 2015. McDonnell had previously been disbarred in 1995 for taking a settlement check issued to a client and an insurer and converting it to his own use.

McDonnell represented a client in a personal injury case. The case settled for \$22,000.00. The proceeds were to be split into thirds between McDonnell, his client, and the client's worker's compensation carrier. Respondent deposited the full settlement amount into his trust account and paid his client and himself. He did not pay the worker's compensation carrier, however. Instead, he transferred funds from his trust account, ultimately leaving a balance of \$75.00 in his trust account. McDonnell consumed those funds for his own use, even though he knew that he should have paid the worker's compensation carrier. Although McDonnell later sent the carrier a check for \$4,000.00, it was returned for non-sufficient funds. Only after the People filed a request for investigation did McDonnell tender the carrier a check for its portion of the settlement proceeds.

Through this misconduct, McDonnell violated Colo. RPC 1.15(a) (2008) (a lawyer shall hold property of clients or third persons separate from the lawyer's own property); Colo. RPC 1.15(b) (2008) (a lawyer shall promptly deliver to a client any funds the client is entitled to receive); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).