

*People v. Smith*, 04PDJ095. April 19, 2005. Attorney Regulation.

The Presiding Disciplinary Judge approved the parties' Conditional Admission of Misconduct and suspended Respondent Donald Keith Smith (Registration No. 2542) from the practice of law for a period of ninety days, effective May 20, 2005. The entire suspension is stayed pending successful completion of a two-year period of probation. This proceeding arises out of four client matters. In the first, Respondent improperly entered into a business transaction with his clients. In the second, Respondent neglected a criminal client's case by failing to communicate, failing to appear, and failing to keep the client reasonably informed. In the third, Respondent was hired by an employer to handle a criminal citation issued to an employee, and Respondent completely failed to communicate with the client throughout the representation. In the fourth, Respondent did not comply with the requirements for obtaining relief for a civil client and failed to properly supervise his staff, which resulted in dismissal of the case and the appeal. Respondent violated Colo. RPC 1.3 (neglect of an entrusted legal matter), 1.4 (failure to keep client reasonably informed/provide explanations for informed decisions), 1.1 (incompetent representation), 5.3(b) (failure to make reasonable efforts to ensure that subordinate nonlawyer's conduct is compatible with the professional obligations of a lawyer). Conditions of probation include payment of restitution and law practice audits. Respondent was also ordered to pay the costs incurred in conjunction with this proceeding.