

*People v. Daily*. 11PDJ053. September 29, 2011. Attorney Regulation. The Presiding Disciplinary Judge approved a Conditional Admission of Misconduct submitted by the parties and suspended Richard Wescott Daily (Attorney Registration Number 02938) for one year, all but thirty days stayed upon the successful completion of a two-year period of probation, with conditions, effective September 29, 2011. Daily failed to inform his client about his receipt of interim estate distributions, failed to comply with his client's request for an accounting of such distributions, and never provided written disclosure of the basis for his fees. Daily used the funds, in which both he and his client claimed an interest, without providing an accounting or waiting for a severance of their interests. In a second client matter, Daily neglected to inform his client about a trial date and failed to appear at a pre-trial conference, causing default judgment to be entered against his client. Daily did not move to set aside the default or reimburse his client for wages garnished as a result of the default. Daily also refused to respond to his client's numerous communication attempts. His misconduct constitutes grounds for the imposition of discipline pursuant to C.R.C.P. 251.5 and violated Colo. RPC 1.3, 1.4(a)(3) and (4), 1.5(b), 1.7(a), 1.15(a) and (c), and 8.4(c).