

People v. Leonard Anthony Martinez. 13PDJ086. November 14, 2013.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Leonard Anthony Martinez (Attorney Registration Number 26160) for six months, all stayed pending the successful completion of a two-year period of probation with conditions, including ethics school, a financial audit, financial monitoring, and costs. The suspension took effect November 14, 2013.

Martinez represented a client in a personal injury suit. He settled the matter and deposited the settlement proceeds in his trust account, disbursing a portion to his client but holding back some funds to pay his client's medical liens and other bills. Although Martinez believed that he had sent checks to satisfy certain liens in early 2011, no payments were made at that time. As a result, the client faced a collection action, and one doctor refused to provide him further medical treatment. The client contacted Martinez throughout late 2011 and early 2012 to ask for proof of payment, but Martinez did not do so in violation of Colo. RPC 1.2(a) (a lawyer shall abide by a client's decisions concerning the objectives of the representation), 1.3 (a lawyer shall act with reasonable diligence and promptness), and 1.4(a)(2)-(4) (a lawyer shall communicate with the client and comply with reasonable requests for information).

In June 2012, Martinez settled the collection action but did not pay any other liens or bills until learning of the client's request for investigation. During the summer of 2012, Martinez had no more than \$9,000.00 in his trust account, even though he was holding more than \$17,000.00 of the client's funds, thereby contravening Colo. RPC 1.15(a) & (c) (a lawyer shall hold client property separate from the lawyer's own property until there is an accounting and severance of interests). After receiving the client's request for investigation, Martinez reviewed his accounting records and learned that the client's ledger incorrectly had been closed. He thereafter terminated the employment of the staff member responsible, completed payment of the client's liens, and disbursed to the client his remaining funds.