

People v. Joseph C. Cohen. 19PDJ060. August 13, 2019.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Joseph C. Cohen (attorney registration number 17759) for six months, all stayed upon the successful completion of a two-year period of probation. The conditions of probation include financial monitoring and attending both trust account school and ethics school. The probation took effect August 13, 2019.

In 2016, Cohen was hired in a civil matter. The client advanced Cohen \$5,000.00 to pay costs, which Cohen deposited into his trust account. When the representation ended later that year, nearly \$4,000.00 was left from that advance. In January 2017, the client requested return of those funds. Cohen sent a check to the client, but it was returned as undeliverable in March 2017. The client then made a series of requests to Cohen for the funds owed, but Cohen did not send the money. By mid-June 2017, the balance in Cohen's trust account was just under \$2,000.00, and by month's end the balance was negative. In November 2017, after the client filed a request for investigation, Cohen refunded the money, with ten percent added to compensate for the temporary loss of the client's money.

In addition to technically converting this client's funds, Cohen did not maintain individual client ledgers associated with funds he held in trust, nor did he reconcile his trust accounts on a quarterly basis.

Through this misconduct, Cohen violated Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15C(c) (requiring quarterly reconciliation of trust account records); Colo. RPC 1.15D (a lawyer shall maintain trust account records); and Colo. RPC 1.16(d) (a lawyer shall protect a client's interests upon termination of the representation, including by returning unearned fees to which the client is entitled).

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