

*People v. Donaldson*, 04PDJ104. November 29, 2004. Attorney Regulation. The Presiding Disciplinary Judge approved the parties' Conditional Admission of Misconduct and suspended Respondent James F. Donaldson (Registration #8951) from the practice of law for a period of one year and one day. The suspension is stayed pending successful completion of a three-year period of probation, effective December 30, 2004. This proceeding arises out of Respondent's representation of a corporate defendant in a civil matter. In that case, Respondent's misconduct included: failure to assert appropriate affirmative defenses and counterclaims; failure to provide disclosures; failure to notify the client of and respond to discovery requests; failure to timely notify the client of a scheduled settlement conference and a deposition; making false statement(s) at the deposition; failure to respond to motions for summary judgment and sanctions; failure to prepare and submit trial materials; and failure to attend the trial call. At the time, Respondent suffered from health problems, but did not acknowledge the effect on his work. The client ultimately paid \$22,641.01 for attorney fees incurred by the opposing party as a result of Respondent's inaction. Respondent violated Colo. RPC 1.3 (neglect of a legal matter entrusted to the lawyer), 1.4 (failure to keep client reasonably informed or comply with reasonable requests for information), and 1.16(a)(2) (failure to withdraw from representation when physical or mental condition materially impairs the lawyer's ability to represent client). Conditions of probation include payment of restitution and a practice audit/monitor. In addition, Respondent was ordered to pay costs incurred in conjunction with this proceeding.