

People v. Susan Frank Murray k/n/a Susan Stodgell. 16PDJ078. October 26, 2016.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and disbarred Susan Frank Murray, k/n/a Susan Stodgell (attorney registration number 16517), effective October 26, 2016.

Murray's father and stepmother provided funds to her to establish several custodial accounts for the benefit of her two minor children. As the sole custodian of these accounts, Murray had a fiduciary duty to use the funds for the benefit of her children. But she violated that duty: over a period of eighteen years, Murray withdrew a substantial amount of money from the accounts and closed those accounts without providing any accounting or other explanation to her children, who are now adults. Murray spent the funds for her own personal benefit, thereby converting her children's money.

Murray's children filed suit against her, and a court found for them on their claims of breach of fiduciary duty, conversion, and civil theft. The court concluded that Murray had misappropriated \$280,173.00 from one child and \$68,941.00 from the other child. Each child was awarded three times the amount of funds that Murray had misappropriated.

Murray's conduct violated Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation) and Colo. RPC 8.4(d) (a lawyer shall not engage in conduct prejudicial to the administration of justice) and constitutes grounds for discipline under C.R.C.P. 251.5.