

People v. Brian Russell Boney. 17PDJ090. January 2, 2018.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Brian Russell Boney (attorney registration number 35667) for six months, all stayed upon the successful completion of a two-year period of probation, to take effect February 6, 2018.

Boney was hired in February 2016 to assist a client with a child support matter. He received a retainer of \$1,500.00. Boney worked a few hours on the case, earning nearly \$700.00. He later negligently converted a portion of the remaining client funds, which he should have maintained in his trust account. The case was placed on hold while the client's ex-husband was deployed on military duty, but in late November 2016, the client informed Boney that her ex-husband had returned. In response, Boney left a message for the client, saying that he would restart the case and that he had joined a new firm. He took no further action on the case. From December 20, 2016, through March 2017, Boney was extremely ill. During that period, he failed to respond to a pleading filed by his client's ex-husband. After his health improved, he refunded the client's entire retainer and withdrew from the case. Boney also commingled personal funds and client funds in his trust account and failed to keep required records of his trust account.

Through his negligent conduct, Boney violated Colo. RPC 1.3 (a lawyer shall act with reasonable diligence and promptness when representing a client); Colo. RPC 1.4(a) (a lawyer shall reasonably communicate with the client); Colo. RPC 1.15A(a) (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15C (establishing standards governing lawyers' use of trust accounts); and Colo. RPC 1.15D (a lawyer shall maintain trust account records). The stipulated discipline in this case took into consideration numerous mitigating factors.