

*People v. Kusick, No. 01PDJ021, 6/6/01.* Attorney Regulation. The Presiding Disciplinary Judge accepted the parties' Conditional Admission of Misconduct and suspended Respondent, Edward C. "Bo" Kusick, Jr., from the practice of law for a period of three years, subject to conditions. In one matter, respondent violated Colo. RPC 1.3 by neglecting a client's personal injury matter for over two years, by failing to communicate with insurance representatives, by failing to engage in settlement discussions, by failing to gather adequate medical information on the client, and by failing to file and proceed on the client's lawsuit. Respondent violated Colo. RPC 1.4(a) by failing to keep the client reasonable informed as to whether he would be appearing on her behalf and clarifying their fee agreement. Respondent violated Colo. RPC 1.5(a) by failing to honor the fee agreement with the client, and violated Colo. RPC 5.1(b) by failing to make reasonable efforts to ensure that his associate attorneys conformed to The Colorado Rules of Professional Conduct with regard to adequate preparation, diligence and reasonable communication with a client. On two occasions, respondent undertook representation of two clients seeking reinstatement of their driver's licenses, accepted payment for the matters and subsequently did nothing on their matters in violation of Colo. RPC 1.3, respondent failed to keep the clients reasonably informed in violation of Colo. RPC 1.4(a), he charged an unreasonable fee by accepting payment from the clients and failing to render any services in the matters in violation of Colo. RPC 1.5(a). In one of the two matters, respondent failed to surrender the client's advance payment fee upon termination when requested by the client and failed to provide an accounting in violation of Colo. RPC 1.16(d). In a separate matter, respondent undertook representation of a client with several charges involving driving while under the influence of alcohol. Respondent failed to timely file an entry of appearance and waiver of arraignment and failed to take further action after filing an entry of appearance in violation of Colo. RPC 1.3, and failed to communicate with the client in violation of Colo. RPC 1.4(a). Respondent charged an unreasonable fee in violation of Colo. RPC 1.5(a) by accepting an advance fee and taking no action in the matter. In another matter, respondent accepted a retainer in a matter involving a client with multiple driving offenses, but failed to enter his appearance in either case pending against him, failed to notify the jails where his client was incarcerated of his representation, failed to obtain release information, failed to take action on the client's motion for reconsideration of the sentence until over three months after he was hired, and failed to confer any benefit on the client. In another matter, respondent accepted a retainer for representation of the client, failed to communicate with the client in violation of Colo. RPC 1.4(a) and failed to refund the retainer when requested in violation of Colo. RPC 1.16(d). Respondent was ordered to pay restitution and the costs of the proceeding.