People v. Lamberson, 99PDJ083 and 99PDJ004, 3/22/00 As Amended. Attorney Regulation. The Presiding Disciplinary Judge accepted the parties' Conditional Admission of Misconduct and disbarred respondent, James W. Lamberson from the practice of law. Respondent's client was directed by the U.S. Bankruptcy Court to turn over certain non-exempt funds and items of personal property to the bankruptcy trustee. Shortly thereafter, respondent received the funds and property from his clients. Respondent failed to turn the funds or items of personal property over to the bankruptcy trustee until some ten months later, despite several letters from the bankruptcy trustee requiring him to do so. Respondent, through his conduct, prevented his clients from complying with the bankruptcy court's order, and caused delay in the proceedings. When the bankruptcy trustee presented respondent's trust account check for payment, it was returned twice for insufficient funds. The respondent failed to keep the clients' funds separate from his own property, he engaged in distinct unauthorized acts of dominion or ownership over the funds entrusted to him by his clients, aware that he was using the funds for his own purposes. In two separate matters, respondent deposited client funds into his trust account representing proceeds of a settlement and funds intended to pay the client's creditors and knowingly converted the funds for his own purposes, commingled the client's funds with his own, and failed to maintain the funds in his trust account. Respondent did not have the clients' authority to use the funds in this manner. Additionally, over a twelve month period, respondent knowingly wrote checks from his trust account when he knew or should have known that he did not have sufficient funds on deposit to cover the checks. Respondent failed to provide documents requested by the Office of Attorney Regulation Counsel. In a separate matter, the respondent handled the sale of a business for his client. The purchasers were to make payments to the respondent's clients pursuant to a promissory note which was secured by certain restaurant equipment. Respondent prepared the security agreement but neglected to prepare or file a financing statement with respect to the security interest with the Colorado Secretary of State. The purchasers defaulted on the promissory note. Respondent led his client to believe that he had taken steps to obtain a judgment against the purchasers, when in fact he contacted the attorney for the purchasers and convinced the purchasers to cure the default. The purchasers later defaulted again. Respondent again assured the client that he was taking steps to protect her interests. Thereafter, respondent failed to take any further steps to assist his client in enforcing the security interest or in collecting the balance due on the promissory note. Both the client and subsequent counsel were unable to contact respondent because his law office phone had been disconnected. The client expended additional attorney fees attempting to discover the status of the matter previously handled by respondent. Respondent has not communicated with the client since approximately February of 1999. In a separate matter, respondent engaged in the practice of law while under suspension by engaging in communications with opposing counsel in a representative capacity, appearing in court and entering his appearance on behalf of his client, and attempting to obtain a continuance of the trial. In a separate investigation, respondent opened a trust account, commingled funds belonging to himself with proceeds from a client's settlement, and wrote checks to clients and non-clients on the account. The checks were returned for insufficient funds. The respondent's conduct set forth above constituted violations of Colo. RPC 1.3; Colo. RPC 1.4(a); Colo. RPC 1.15(a); Colo. RPC 3.4(c); C.R.C.P. 251.28; Colo. RPC 5.5(a); Colo. RPC 8.1(b); Colo. RPC 8.4(c); Colo. RPC 8.4(d) and Colo. RPC 8.4(h). The respondent was ordered to pay the costs of these proceedings.