

*People v. Meiklejohn, No. 00PDJ036 9/7/2000. Attorney Regulation.*

The Presiding Disciplinary Judge accepted the parties' Conditional Admission of Misconduct and suspended Scott Alvin Meiklejohn from the practice of law for a period of eighteen months, with six months stayed subject to conditions. Respondent met with the client regarding a medical malpractice matter, and informed the client that he wished to review her medical records prior to entering into a contingent fee agreement with the client. The Respondent requested the client's medical records, stating in the letters to the health care providers that Respondent's law firm represented the client. Respondent copied the client on this correspondence. Respondent obtained the client's medical records in August of 1995, after which time, despite the client's efforts, he failed to communicate with the client for a period of three years. Respondent's failure to communicate with the client constituted a violation of Colo. RPC 1.4(a). Subsequently, the client obtained replacement counsel who informed her that the statute of limitations had run on her claims. The Respondent failed to advise the client of the statute of limitations and neglected to inform her whether or not he would file a civil action after reviewing the medical records, in violation of Colo. RPC 1.3. In another matter, Respondent entered into a contingency fee agreement with the client which provided that the client would pay Respondent twenty percent of the amount collected before any subtraction of expenses and disbursements. Respondent failed to adhere to the terms of the contingent fee agreement and applied over fifty percent in two distributions to his attorney's fees contrary to the fee agreement and without permission from the client. Respondent failed to provide an accounting on how he arrived at the gross recovery figure upon which he based his prepayment of attorney's fees. Respondent's actions constituted a violation of Colo. RPC 1.5(a) and Colo. RPC 1.15(b). In a separate matter, Respondent received a disbursement from a settlement, negligently converted funds in violation of Colo. RPC 8.4(c), failed to keep the client's property separate from other funds in violation of Colo. RPC 1.15(c) and failed to promptly deliver the funds to the client in violation of Colo. RPC 1.15(b). Respondent was ordered to pay costs of the proceeding.