

*People v. Mintz*, 05PDJ051. June 16, 2005. Attorney Regulation.

The Presiding Disciplinary Judge approved the parties' Conditional Admission of Misconduct and suspended Respondent David J. Mintz (Registration No. 10618) from the practice of law for a period of 90 days, effective July 17, 2005. The entire suspension is stayed pending successful completion of a one-year period of probation. This proceeding arises out of Respondent's misconduct with respect to four separate clients. First, Respondent charged an unreasonable fee by collecting a 40% contingency fee and retaining a fee received from Medicaid, while failing to communicate this arrangement to the client. Second, Respondent did not inform a client of delay in paying a provider. Third, Respondent improperly transferred money from his trust account to his office account. Fourth, Respondent improperly loaned money to a client, who was also his bookkeeper. Respondent also charged his clients a flat fee for copies and postage, rather than actual costs incurred. Thus, Respondent violated Colo. RPC 1.5(a) (unreasonable fee), 1.4(a) (failure to keep client reasonably informed), 1.15(a) (failure to hold client property separate from the attorney's own property), and 1.8(a) (entering into a business transaction with a client or knowingly acquiring a pecuniary interest adverse to a client). Conditions of probation include successful completion of an ethics school and payment of restitution. Respondent was also ordered to pay the costs incurred in conjunction with this proceeding.