

*People v. Smith*, No. 01PDJ084 (Cons. 01PDJ104) 2.28.02. Attorney Regulation. The Presiding Disciplinary Judge approved the parties' Conditional Admission of Misconduct and suspended Respondent, Jerry A. Smith, from the practice of law for a period of three years. Respondent was retained by a client and was paid an advance retainer by the client. Respondent was terminated from representation by the client and the client demanded return of the funds. Respondent failed to return the funds, failed to maintain the funds in a trust account and commingled the funds with his own funds. Respondent's retention of the funds was determined to be reckless conversion. Respondent's conduct violated Colo. RPC 1.16(d), Colo. RPC 1.15(a) and Colo. RPC 8.4(c). Respondent was ordered to pay the costs of the disciplinary proceeding.