

People v. Dallon James Dirkmaat. 15PDJ097. November 6, 2015.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Dallon James Dirkmaat (Attorney Registration Number 42620) for one year and one day, all but ninety days stayed pending successful completion of a two-year period of probation, with conditions to include practice mentoring. The sanction takes effect on December 11, 2015.

After graduating from law school, Dirkmaat represented multiple parties, including one of his childhood friends, Conley Hoskins, in various medical marijuana business transactions, which raised the potential for conflicts of interest. In all but one transaction, Dirkmaat failed to obtain proper written informed consent from the parties, and the one written waiver he did draft was insufficient to address all potential conflict issues. Through this conduct, Dirkmaat violated Colo. RPC 1.7(a) (a lawyer shall not, without adequate safeguards, represent a client involving a concurrent conflict of interest).

In 2011, one of Dirkmaat's clients decided to purchase a medical marijuana dispensary with Hoskins. Dirkmaat's client gave him a check for partnership funds to place in his trust account, and Hoskins gave him a check that he held instead of depositing. Besides the partnership funds, there were no other client funds in his trust account at that time. Dirkmaat understood that the funds belonged to the partnership and could be used by either partner. Dirkmaat soon left on vacation and set aside three signed blank checks drawn on his trust account for Hoskins's use. Dirkmaat thereby violated Colo. 1.15(i)(2) (2008) (all trust account withdrawals and transfers shall be made only by a Colorado lawyer or a person supervised by such a lawyer).

By January 2012, Hoskins—with his partner's knowledge—had withdrawn all the funds from Dirkmaat's trust account. Soon thereafter, Hoskins's partner decided not to go forward with the purchase and emailed Dirkmaat asking when his funds would be returned. The partner copied his mother, his father, and a third person on the email. Dirkmaat replied by email to all parties, assuring that the partner's funds were still in his trust account, which was a misrepresentation. Less than thirty minutes later, Dirkmaat sent another email to the partner only, correcting the misrepresentation. He did not correct the misrepresentation with the other parties. The following day, Dirkmaat provided the partner with a check from his trust account, which Hoskins had replenished via wire transfer. Dirkmaat's misrepresentation violated Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).