

*People v. O'Malley*. 06PDJ053. July 21, 2006. Attorney Regulation. The Presiding Disciplinary Judge approved a Conditional Admission of Misconduct submitted by the parties and suspended Respondent Michael J. O'Malley (Attorney Registration No. 21395) from the practice of law for a period of one-year and one-day, all stayed upon the successful completion of a three-year period of probation, subject to conditions, effective August 21, 2006. Respondent and another attorney represented forty-seven plaintiffs in a mass-joinder civil action against American Furniture Warehouse Company beginning in December 2002. Respondent entered into fee agreements with only approximately twenty to twenty-five of the plaintiffs and these fee agreements did not conform to the rules of civil procedure. Respondent subsequently failed to communicate with 45 clients for six-months after a motion for attorney's fees had been filed by the opposing party and two months after judgment actually entered against the clients. This injury has been mitigated by Respondent's agreement to indemnify all plaintiffs for their loss as a part of this stipulation. Respondent's misconduct constituted grounds for the imposition of discipline pursuant to C.R.C.P. 251.5 and violated Colo. RPC 1.2(a), 1.4(a), 1.4(b), 1.5(b) and 1.5(c).