

People v. Douglas L. Thomas Mock. 14PDJ034. April 29, 2014.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and suspended Douglas L. Thomas Mock (Attorney Registration Number 40879) for two years. The suspension took effect April 29, 2014.

In 2013, Mock received a \$1,000.00 retainer, which he deposited into his COLTAF account. He then mailed his client an accounting on March 6, 2013, along with a \$700.00 check for the balance of the retainer. On April 3, 2013, Mock called his bank and requested a stop payment on the check; he was concerned that his client, who had yet to cash the check, had misplaced it. Mock attempted to contact his client to express his concerns but was unable to reach him.

On April 3, 2013, Mock withdrew the client's \$700.00 from his COLTAF account and deposited it into his personal checking account, after which his client attempted unsuccessfully to cash the check. Mock's bank initially paid the check, causing the COLTAF account to be overdrawn, but then reversed payment. Mock's client agreed to accept another check from Mock. Mock deposited \$700.00 into his COLTAF account to cover this second check.

Mock also wrote checks payable to "Bank-cash" from his COLTAF account, retained earned fees in his COLTAF account to cover client-related expenses, and made multiple cash deposits into his COLTAF account without indicating from which client those funds were received.

Through this conduct, Mock violated Colo. RPC 1.5(f), which provides that advances of unearned fees must be deposited in an attorney's trust account until earned; Colo. RPC 1.15(a), which requires attorneys to hold the property of their client separate from the property of the lawyer; Colo. RPC 1.15(i), which prohibits writing checks from trust accounts payable to "cash"; and Colo. RPC 1.15(j), which requires lawyers to retain an accounting for seven years.