

*People v. Thaler*, No. 02PDJ110, 8.26.03. Attorney Regulation.

The Presiding Disciplinary Judge approved the Conditional Admission of Misconduct submitted by the parties and suspended Respondent Manley H. Thaler, attorney registration number 17200, from the practice of law for a period of ninety days, all stayed upon successful completion of a two-year period of probation subject to conditions. Respondent represented a client who was beneficiary of an estate, and eventually represented the conservator of the same estate when his representation of both the client beneficiary and the client conservator may have been materially limited by the respondent's responsibilities to another client or to a third person or by respondent's own interests. Neither the client beneficiary nor the client conservator consented to respondent's representation after consultation. Respondent's conduct violated Colo. RPC 1.7(b)(2). At the time respondent represented the clients and filed pleadings on their behalf in Colorado, he was on inactive status in Colorado and thus practiced law without a license in violation of C.R.C.P. 227(A)(6)(b), constituting a violation of Colo. RPC 5.5(a). After respondent's withdrawal from representation of the client beneficiary and the client conservator, replacement counsel requested the complete file from respondent. Respondent refused to produce the file absent a release. Replacement counsel was constrained to seek court intervention in obtaining the file. Respondent's conduct violated Colo. RPC 1.16(d). Respondent was ordered to pay the costs of the disciplinary proceeding.