

Disciplinary Case Summaries

No. 19PDJ011. People v. Noland. 2/22/2019. The Presiding Disciplinary Judge approved the parties' stipulation to reciprocal discipline and publicly censured Phillip Gregory Noland (attorney registration number 16662), effective February 22, 2019.

This reciprocal discipline case arose out of discipline imposed in Arizona. On November 16, 2018, the Presiding Disciplinary Judge for

the Supreme Court of Arizona reprimanded Noland and imposed a one-year period of probation with conditions, which Noland has completed. Noland was disciplined for writing a check in reliance on funds that he neglected to deposit, causing the check to be returned.

Noland failed to safeguard client funds and to keep mandatory trust account records. Because Noland is a criminal defense lawyer and only

charges a flat earned-on-receipt fee, however, he does not need a trust account.

Noland's misconduct constituted grounds for reciprocal discipline under CRCP 251.5 and 251.21. The case file is public per CRCP 251.31.

No. 19PDJ021. People v. Van Dyke. 3/4/2019. The Presiding Disciplinary Judge approved the parties' stipulation to reciprocal discipline and suspended Jason Lee Van Dyke (attorney registration number 47445) for six months, all stayed upon the successful completion of Van Dyke's six-month period of probation in his Texas disciplinary case, effective November 15, 2018.

This reciprocal discipline case arose out of discipline imposed in Texas. On December 28, 2018, Van Dyke and the Texas Commission for Lawyer Discipline entered into a stipulation to discipline. Van Dyke's discipline was premised on his threat to present criminal or disciplinary charges solely to gain an advantage in connection with a civil matter. Van Dyke also continued to represent a client after it reasonably appeared that his representation had become adversely limited by Van Dyke's own interests.

Van Dyke's misconduct constituted grounds for reciprocal discipline under CRCP 251.5 and 251.21. The case file is public per CRCP 251.31.

No. 18PDJ014. People v. Waters. 2/26/2019. A hearing board disbarred John Palmer Waters (attorney registration number 39420). The disbarment took effect February 26, 2019.

In 2017, Waters commingled a \$2,500 retainer with his own money. After completing some legal work and withdrawing from the representation, he owed a refund of \$1,579. He knowingly converted all but \$50 of that refund.



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He also failed to keep records of funds he held in trust for the representation. Further, Waters breached client confidences in his motion to withdraw because he was frustrated with his client.

Waters violated Colo. RPC 1.6(a) (a lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent); Colo. RPC 1.15A (a lawyer shall hold client property separate from the lawyer's own property); Colo. RPC 1.15D(a) (a lawyer shall maintain trust account records); and Colo. RPC 8.4(c) (a lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation). **cl**

These summaries of disciplinary case opinions and conditional admissions of misconduct are prepared by the Office of the Presiding Disciplinary Judge and are provided as a service by the CBA; the CBA cannot guarantee their accuracy or completeness. Full opinions are available on the Office of the Presiding Disciplinary Judge website at www.coloradosupremecourt.com/PDJ/PDJ_Decisions.asp.

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