

# *Attorney Regulation Committee Retreat*

## *The Attorney Regulation Intake Process*

*Presented by:*

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*Colorado Supreme Court*

*Office of Attorney Regulation Counsel*

*Devil's Thumb Ranch*

*Tabernash, Colorado*

*June 27, 2014*

# Colorado Supreme Court Office of Attorney Regulation Counsel



Attorney Regulation

Magistrate Regulation

Unauthorized Practice of Law

Board of Law Examiners

Board of Continuing Legal Education

Attorneys' Fund for Client Protection

Special Counsel for: Commission on Judicial Discipline



# ATTORNEY REGULATION

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**Intake Division**  
**(No ARC Involvement)**

**~4,000** Requests for Investigation Annually

**15-20 RFI's PER DAY**



**Triage Approach  
on Serious Allegations**

# **WHAT HAPPENS AT INTAKE?**

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- **Every RFI Assigned to Intake Attorney**
- **Initial Decision Within Ten Days**
- **Approximately 90% of RFI's Resolved in Intake Division**

# RFI

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graph TD; RFI[RFI] --- Dismissal[Dismissal]; RFI --- Discipline[Alternative to Discipline]; RFI --- Trial[Process to Trial Division];
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**Dismissal**

**Alternative to  
Discipline**

**Process to  
Trial  
Division**

# **DISMISSAL BY INTAKE ATTORNEY**

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graph TD; A[DISMISSAL BY INTAKE ATTORNEY] --> B[Appeal to Regulation Counsel]; B --> C[3 - 4 Appeals a Week]; C --> D[Decision of Regulation Counsel Final - No Appeal];
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**Appeal to  
Regulation  
Counsel**

**3 - 4**

**Appeals a  
Week**

**Decision of Regulation Counsel Final  
– No Appeal**



# **DIVERSION OFFERED AT INTAKE**



**Review By Regulation Counsel**



**Conditions of Diversion Monitored by  
Diversion Monitor**



**No ARC Involvement**

# DIVERSION MONITORING

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- **Full-time Diversion Monitor**
- **~500 Active Cases**
- **You name it, we monitor it**

# 2013 NUMBERS

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- In 2013, central intake handled 27,873 telephone calls. The intake division:
  - Reviewed 3,883 requests for investigation;
  - Entered into 42 diversion agreements;
  - Dismissed 113 cases with educational language; and,
  - Processed 366 cases for further investigation by the trial division.

# **RFI “PROCESSED” TO TRIAL DIVISION**

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**About 10% of Total RFI's  
(350-400 per year)**

# **DISMISSAL RECOMMENDATION TO REGULATION COUNSEL**

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**Approximately 150 dismissals  
annually or about 30% of cases  
processed to Trial Division**

**Right to appeal to ARC  
(Abuse of Discretion By Regulation Counsel)**

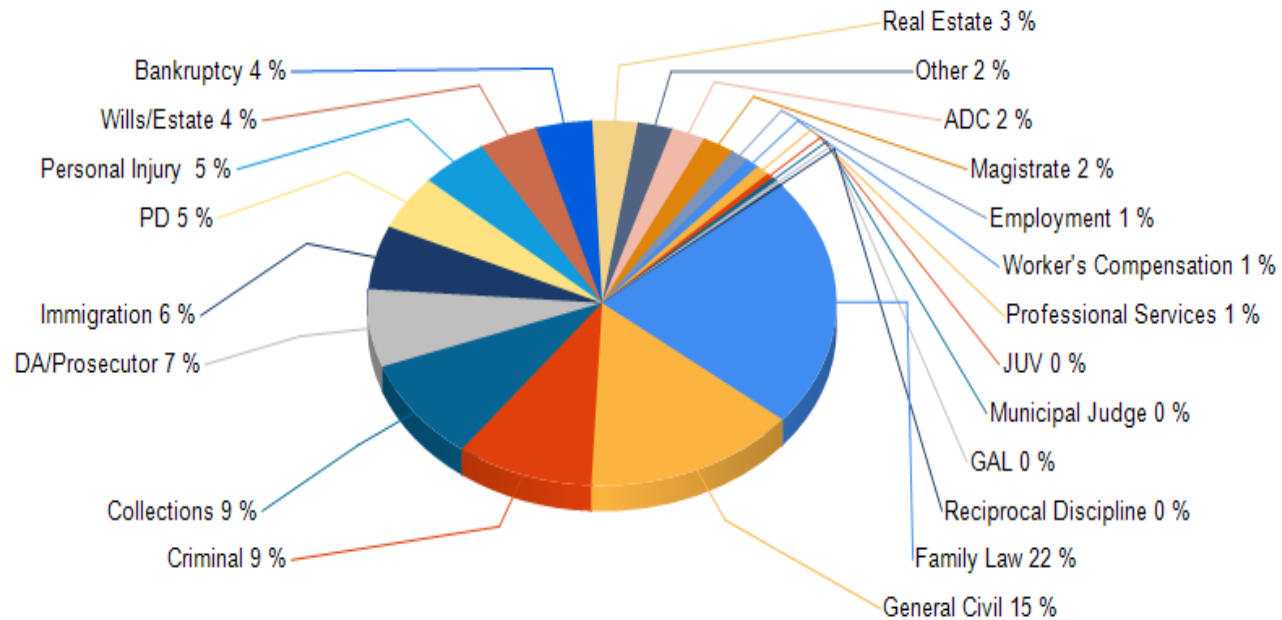
# **COLORADO SUPREME COURT ATTORNEY'S FUND FOR CLIENT PROTECTION**

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- **Funded Entirely by Attorney  
Registration Fees – No Tax Dollars**
- **Total Paid to Claimants--\$5,000,000+**
- **Dishonest Conduct Required –  
Not a Malpractice Alternative**

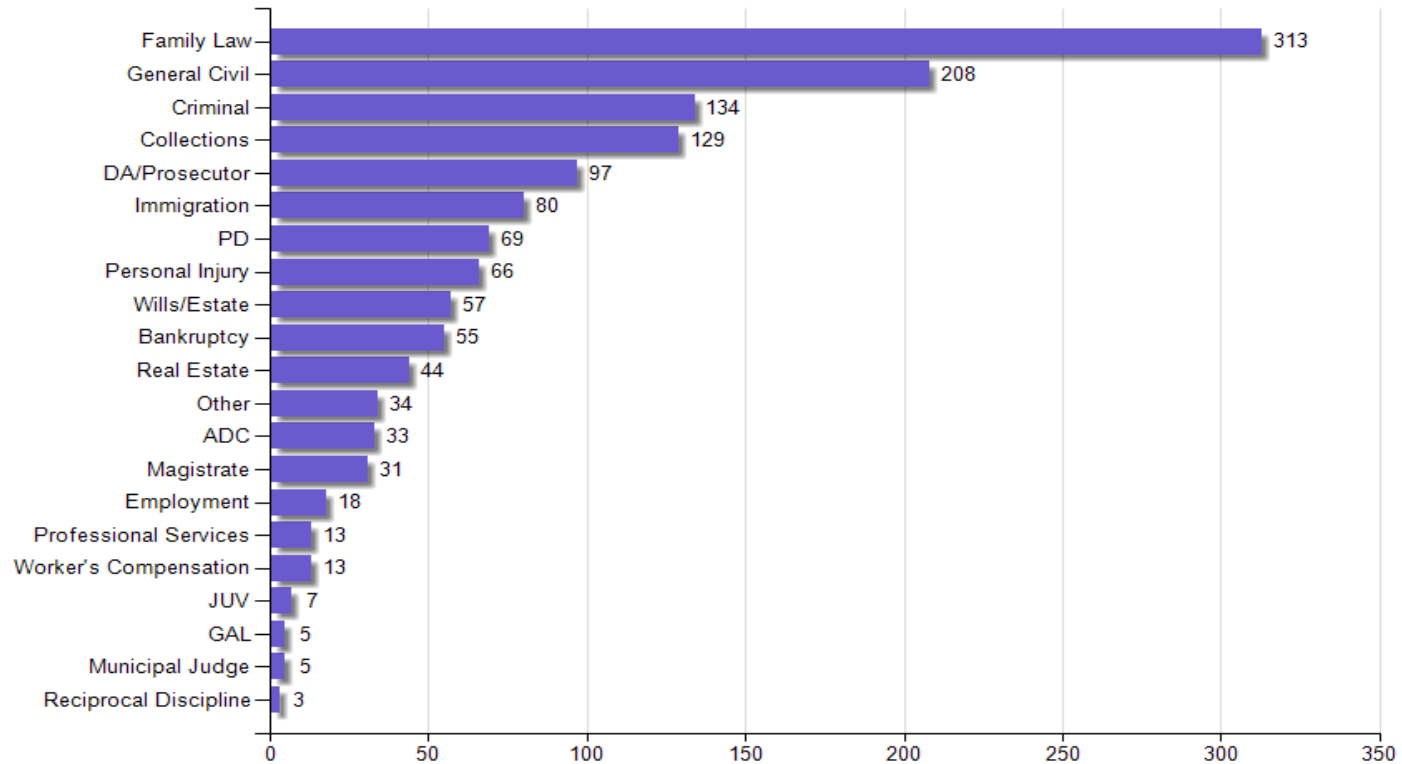


**Colorado Supreme Court  
Attorney Regulation Counsel  
Central Intake - Types of Inquiries  
January 01, 2014 - June 23, 2014**

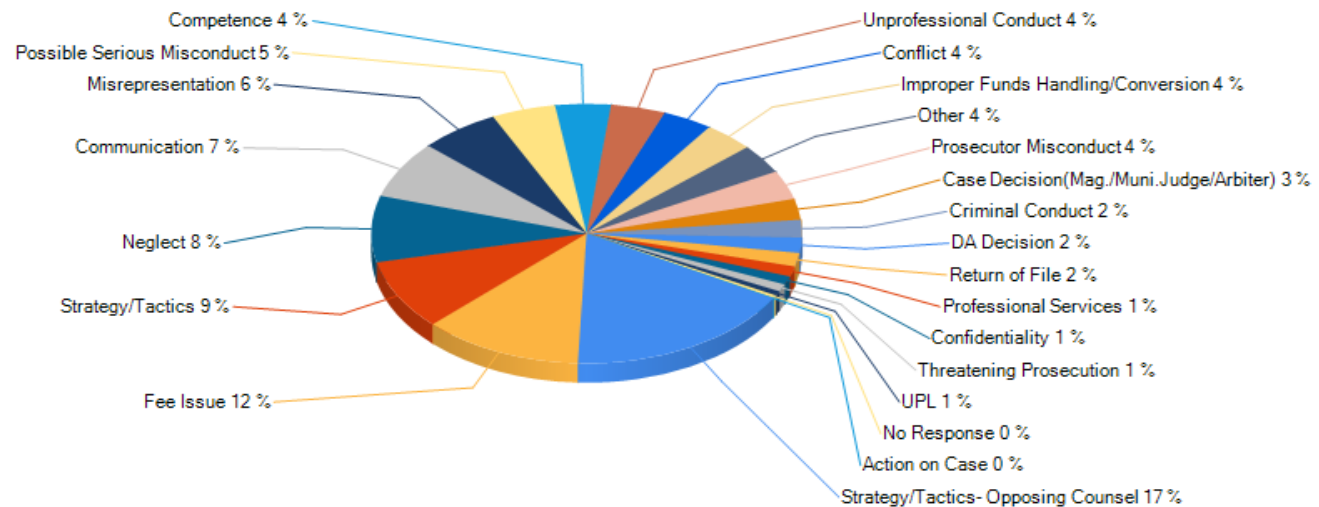




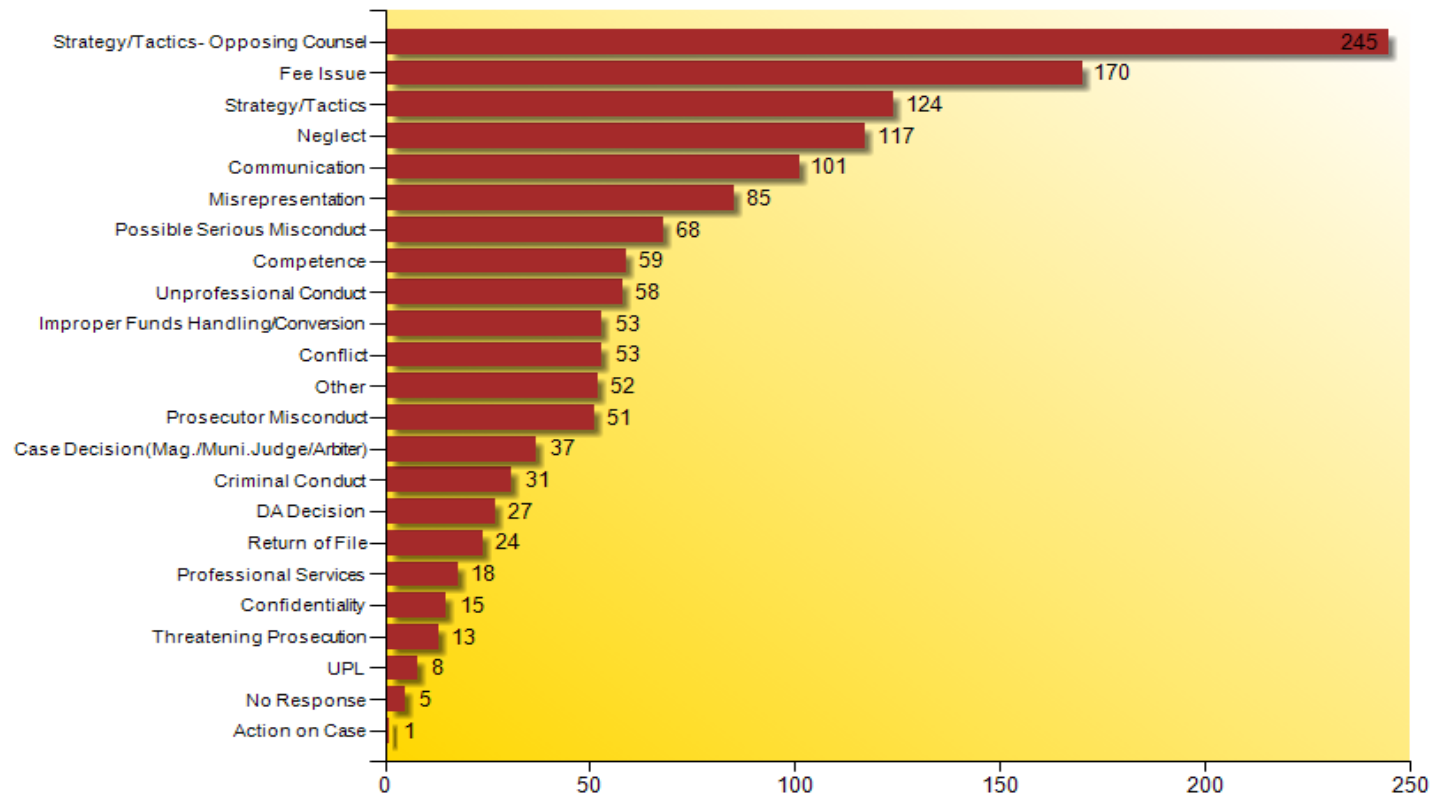
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*In the future, please say "I object"  
rather than "that's total bullshit."*

## **Hot Topic**

### **Professionalism**

**Principles of professionalism generally require attorneys to:**

- **act with integrity, honesty, candor, fairness, respect, dignity, and courtesy;**
- **toward clients, other attorneys, and society as a whole.**

# **What is Professionalism?**

**Professionalism encompasses:**

- Manners**
- Respect**
- Tolerance**
- Concern for the public good**

**Statements & Conduct**

## **Educational Component**

*Intake Attorneys spend a considerable amount of time doing the following:*

- Issue Spotting
- Developing facts to determine whether further investigation or action is warranted.
- Explaining procedural, and occasionally substantive, issues so complainants and respondents understand whether RPC's are implicated and/or violated.





# QUESTIONS