

What Happens If I Do Not Know English?



The Office of Attorney Regulation Counsel will assist by providing translation services to any non-english speaking person.

¿Que Pasa Si Yo No Hablo Ingles?



La Oficina Regulamentaria de Abogados asistirá en proporcionar servicios de traducción a cualquier persona que tenga queja y no habla ingles.

Attorneys Must Meet High Professional Standards



Becoming a licensed attorney requires many years of difficult studies and successful completion of a grueling state-administered bar exam. The Colorado Supreme Court has established high standards of ethics for attorneys. The standards are contained in the Court rules and the Colorado Rules of Professional Conduct (Volume 12 Colorado Revised Statutes Chapter 20 and the Appendix to Chapters 18-20).

The Court has also established procedures regarding the investigation of alleged unethical conduct. The procedures are designed to provide a thorough and objective review of the attorney's conduct, and to resolve the matter in a way that is fair to the complainant and to the attorney.

To administer the procedures, the Colorado Supreme Court has appointed an Office of Attorney Regulation Counsel; a nine-member Attorney Regulation Committee, composed of both attorneys and lay persons; and an Office of the Presiding Disciplinary Judge. No tax dollars are used to fund the attorney regulation process.

Ethics and Discipline



When attorneys enter the practice of law, they take an oath to uphold the law and to follow the standards of ethics established by the Colorado Supreme Court. An attorney who violates the law and/or those standards is subject to discipline. In cases involving minor misconduct, an attorney may be admonished, censured, or placed in a diversion program. In serious matters, attorneys face suspension of their license to practice law or disbarment.

The Office of Attorney Regulation Counsel receives many requests for investigation regarding conduct that does not constitute a violation of the standards of ethics. For example, attorneys who have honest disagreements with their clients about how a case should be handled – or should have been handled – have not engaged in ethical misconduct. Similarly, an error in judgment is not necessarily unethical conduct. Attorneys, like everyone else, make mistakes. Only if the mistake constitutes gross negligence will it be a cause for discipline.

Except for unusual circumstances, a disagreement over legal fees is not evidence of misconduct. Persons having fee disputes will usually be referred to a voluntary bar committee that arbitrates fee disputes. The bar committee will attempt to help the parties reach a fair settlement of the problem.

Finally, there are situations which a client may find most annoying, but which do not constitute unethical conduct. An example would be the attorney's failure to explain fully what is going to happen in the client's case, or the attorney's failure to respond to each of the client's telephone calls. Nonetheless, the Office of Attorney Regulation Counsel is anxious to see that attorneys avoid these situations. The office will suggest steps that attorneys can take to prevent the recurrence of communication problems. The Office of Attorney Regulation Counsel may also place the attorney into a diversion program for educational purposes.

The Purpose of a Disciplinary System



Disciplinary proceedings are quite different from civil or criminal proceedings. The purpose of the disciplinary process is to administer discipline to an attorney if it is deserved and, in doing so, to help maintain the high standards established to protect the public's interest and confidence in an effective legal system.

The Office of Attorney Regulation Counsel cannot provide legal services or give advice to any person making a request for investigation. Additionally, the attorney regulation system does not replace the civil justice system in cases of malpractice.

Filing a Complaint



If you believe that an attorney has acted unethically and your efforts to resolve the matter with the attorney have not been successful, you should not hesitate to request an investigation. There is no charge for filing a complaint.

In an effort to better serve the public and the practicing bar, the Office of Attorney Regulation Counsel has implemented a central intake program. Any individual that believes that an attorney has acted unethically may simply call the local or toll free telephone number for the Office of Attorney Regulation Counsel. The caller will initially speak with a trained support staff person in the central intake division. The support staff person will ask for information regarding the caller and the attorney, as well as facts related to the complaint. The support staff person will then forward the matter to one of the attorneys assigned to the intake division. The intake attorneys are all experienced litigation attorneys with mediation and arbitration training. The intake attorney may not provide legal advice to the caller, but will review the facts and law related to the complaint. If the intake attorney concludes that there is not reasonable cause to believe that the attorney

review the facts and law related to the complaint. If the intake attorney concludes that there is not reasonable cause to believe that the attorney engaged in misconduct, they will advise the caller of this determination. If, however, the intake attorney believes that there was misconduct, the matter will be either handled at intake or processed for further investigation.

If the matter is designated for further investigation, it will be assigned to an attorney within the trial division of the Office of Attorney Regulation Counsel. At this level, a complete and objective investigation will take place. If, at the conclusion of the investigation, the trial attorney does not believe that misconduct occurred, the matter will be dismissed. On the other hand, if the trial attorney believes that there is a violation of the Rules of Professional Conduct, the matter will be forwarded to the Attorney Regulation Committee.

The Attorney Regulation Committee is comprised of both lawyers and non-lawyers, selected by the Colorado Supreme Court to serve in a review capacity. The Committee will review the trial attorney's report and determine if there is reasonable cause to file a formal complaint. The Attorney Regulation Committee may also recommend dismissal, a lesser form of discipline, or diversion.

If the Committee determines that there is reasonable cause to file a formal complaint, the trial attorney then files a complaint with the Office of the Presiding Disciplinary Judge. The matter is then pursued very much like a district court civil proceeding. The trial counsel will call witnesses, and the respondent-attorney will also have an opportunity to call witnesses and present a defense. If after the trial the Presiding Disciplinary Judge and Hearing Board believe that the attorney engaged in misconduct, they will recommend sanctions. On the other hand, if the Presiding Disciplinary Judge and the Hearing Board believe that no misconduct occurred, the matter will be dismissed.

The Colorado Supreme Court retains jurisdiction over all attorneys licensed to practice in Colorado.

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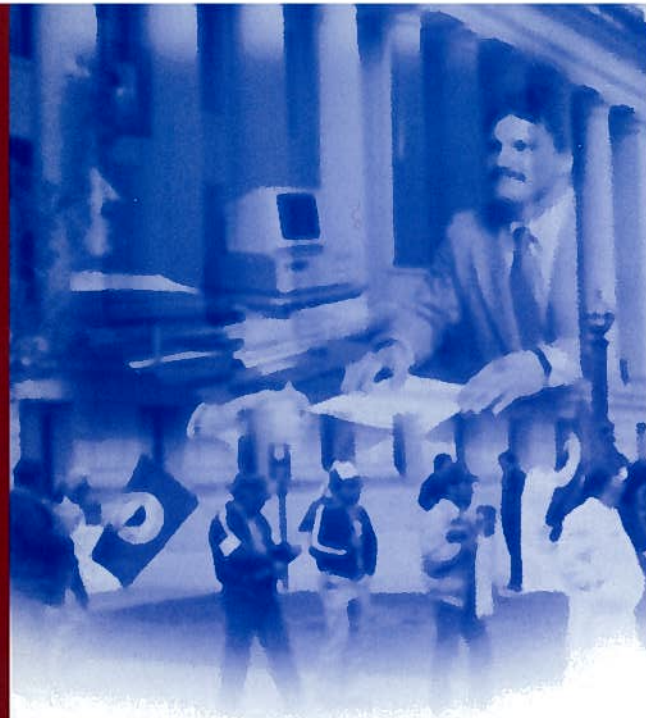
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Colorado Supreme Court Office of Attorney Regulation Counsel



Regulation of Colorado Attorneys

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