

**OFFICE OF ATTORNEY REGULATION COUNSEL
JOB DESCRIPTION**

Job Title: Assistant Regulation Counsel Trial
Status: At-will employee
Exempt
Full-Time
This position is not covered by the Colorado Judicial Department Personnel Rules.
Salary: \$99,000

General Statement of Duties

Investigate complaints alleging unethical conduct filed against Colorado attorneys and Colorado Magistrates, and represent the People of the State of Colorado in formal attorney discipline proceedings, disability proceedings, reinstatement and readmission proceedings, immediate suspension proceedings, contempt proceedings, and appellate proceedings. Investigate Client Protection Fund claims and report investigative findings to the Board of Trustees of the Colorado Attorneys' Fund for Client Protection. Represent the People of the State of Colorado in unauthorized practice of law investigations and proceedings. Represent the Colorado State Board of Law Examiners in contested applications for the Colorado Bar. Represent the Colorado Commission on Judicial Discipline in investigations and proceedings. Develop and present educational programs for lawyers and the public regarding the office and the ethical issues that confront lawyers and judges.

Essential Functions of the Position

Investigate complaints against attorneys by gathering, organizing, and analyzing facts, exhibits, legal precedent and standards. Identify any possible violations of the Colorado Rules of Professional Conduct.

Interview the complaining witness about concerns raised by the complainant and explain the procedures in handling the particular matter. Request any documents necessary to provide an understanding of the underlying circumstances and allegations of misconduct. Oversee the collection of evidence such as relevant pleadings and court records; client documents, including correspondence with the attorney, fee agreements, receipts, and documents provided to attorney; and financial records.

Interview the attorney. If appropriate, request additional documentation. Oversee the collection of relevant documents, the attorney-client file, billing statements, bank records and other materials. Conduct follow-up interviews. Interview third parties necessary to understand the underlying circumstances, the allegations of misconduct and the attorney's response. These may include actual witnesses to a particular event, previous counsel, opposing counsel, subsequent counsel or experts. Oversee the collection of documents from other sources, such as court records, registers of action and subsequent counsel. Issue subpoenas as necessary.

Make determinations on how to proceed with the request for investigation.

Make appropriate recommendations regarding disposition of initial allegations of unethical conduct, based on sound judgment, legal experience, standards and guidelines.

Resolve the request for investigation through dismissal and alternatives to discipline, including a trial diversion agreement, referrals to mediation, fee arbitration, cautionary dismissal, dismissal with educational language, or dismissal with ethics school or trust account school or other programs.

Prepare memoranda of dismissal to Regulation Counsel and letters of dismissal.

If resolved by a trial diversion, determine appropriate terms and conditions of the diversion agreement, draft the diversion agreement, and monitor compliance with the diversion agreement.

Prepare and submit trial diversion agreements for approval by the Legal Regulation Committee of the Supreme Court of Colorado (LRC).

Resolve the request for investigation by preparing and submitting written reports of investigation to the Legal Regulation Committee requesting the issuance of a private admonition or authority to initiate formal proceedings.

Initiate and prosecute formal disciplinary proceedings. Prepare formal complaints, immediate suspension and disability petitions, and all other required pleadings.

Conduct civil discovery including, but not limited to, the preparation of interrogatories, requests for admissions, requests for production of documents, and depositions.

Engage in motions practice under the Colorado Rules of Civil Procedure.

Conduct contested disciplinary hearings before the Presiding Disciplinary Judge and disciplinary hearing panels.

Prepare briefs and make oral arguments in appellate cases.

Keep accurate and updated notes in JustWare. Prepare and attend weekly inter-office meetings regarding the status of cases, including terms for diversions, other alternatives to discipline, and appropriate levels of discipline. Confer with other trial attorneys and intake attorneys. Meet with and direct investigators on various assignments. Meet with Attorney Regulation Counsel, Chief Deputy Regulation Counsel and Deputy Regulation Counsel on the status of cases, and provide necessary information concerning appeals of dismissal by Regulation Counsel.

Train and supervise investigators and trial support staff.

Work cooperatively with support staff, professional staff, and a diverse range of individuals.

Investigate Client Protection Fund claims and report investigative findings to the Board of Trustees of the Colorado Attorneys' Fund for Client Protection.

Represent the Colorado State Board of Law Examiners in contested applicant proceedings. Representation includes conducting additional investigation and discovery, preparation of

appropriate briefs and other documents, and participation in contested hearings and appellate proceedings.

Investigate complaints involving non-lawyers engaged in the unauthorized practice of law. Investigation includes gathering, organizing, and analyzing facts, exhibits, and legal precedent. Prepare and submit written reports of investigation to the Legal Regulation Committee of the Supreme Court of the State of Colorado.

Represent the Colorado Supreme Court Office of Attorney Regulation Counsel by speaking at and participating in various CLE programs, law schools, bar associations, committees, programs, and other local and national professional organizations.

Knowledge, Skills, and Ability

Knowledge of state laws and rules of civil procedure pertaining to the Colorado Supreme Court's regulatory objectives and the Colorado attorney regulation system, including attorney registration, CLJE, attorney admissions, unauthorized practice of law, client protection fund and judicial discipline proceedings.

Knowledge of the Colorado Rules of Professional Conduct.

Knowledge of investigative methods and procedures.

Knowledge of standard computer applications and programs necessary to complete the functions of the job, including Microsoft Word, Microsoft Excel, Microsoft Outlook, Microsoft PowerPoint, Microsoft Access, Kronos, CO-Courts E-filing, JustWare and Zoom.

Competency in written and oral communication.

Competency in litigation skills, drafting pleadings, witness examination and oral argument.

Proficiency with the Colorado Rules of Evidence.

Proficiency with the Colorado Rules of Civil Procedure.

Competency in analysis including, but not limited to, applying disciplinary rules to facts, evaluating weight of evidence and applying disciplinary standards to recommendations for disposition of cases.

Competency in appropriately handling, patiently and courteously, sensitive or difficult issues with non-lawyers, lawyers and judges.

Competency in legal research.

Proficiency in computer and typing skills.

Input data into JustWare in a timely and accurate manner to aid the office in running reports, spreadsheets, and other materials requiring up-to-date statistical data.

Attend meetings and training as required.

Perform other duties as assigned.

Supervisor Responsibilities

No direct supervisory responsibilities are assigned to this position.

Physical Demands

While performing the duties of this job, the employee is regularly required to sit, reach with hands and arms, and talk or hear. The employee is occasionally required to walk; use hands and arms to perform repetitive motions. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, and ability to adjust focus.

Work Environment

Often handles litigation emergency or crisis situations; frequently subject to interruptions, and multiple calls and inquiries at the same time. The noise level in the work environment is usually quiet. The office policy allows for the potential of a hybrid remote/in-office schedule.

Minimum Qualifications

Law degree and admission to or eligibility for admission to the practice of law in Colorado. Five years of actual experience practicing law, and three years of actual litigation experience, including participation as lead counsel or “second-chair” in trials or contested hearings and, *e.g.*, participation in depositions, motions practice, pretrial hearings, and settlement negotiations. A familiarity with the Colorado Rules of Professional Conduct and the application of the Rules to everyday practice of law issues, including a strong understanding of law office management issues.

Send letter of intent, resume, references and writing sample to The Office of Attorney Regulation Counsel, Attn: Office Manager, 1300 Broadway, Suite 500, Denver, CO 80203, by December 29, 2021. Application materials may also be emailed to Kevin Hanks, Office Manager at k.hanks@csc.state.co.us to be received by Wednesday, December 29, 2021.

Finalists will be invited to a remote interview.

OARC is proud to be an equal opportunity employer and does not discriminate in employment on the basis of race, color, religion, sex (including pregnancy and gender identity), gender expression, national origin, political affiliation, sexual orientation, marital status, disability, genetic information, age, parental status, or military service.