

*People v. R. Alex Raines*, 22PDJ021. May 3, 2022.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and suspended R. Alex Raines (attorney registration number 36610) for six months with the requirement of reinstatement under C.R.C.P. 242.39, all to be stayed upon successful completion of a two-year probationary period with conditions. This period of probation will run consecutive to Raines's six-month suspension imposed in case number 20PDJ025.

For about a year, Raines served as the Assistant District Attorney for the 12th Judicial District. On several occasions, Raines abused his power by engaging in a pattern of threatening behavior that prejudiced the proceedings and the administration of justice.

In March 2021, during a hearing to address a criminal defendant's violation of probation, Raines repeatedly interrupted a probation officer while she provided her opinion, at the presiding judge's behest, about the parties' proposed disposition. Raines contended that the probation officer was not entitled to object or make recommendations that differed from the lawyers' agreement. Later, the chief probation officer for the 12th judicial district called Raines to discuss the matter. During that call, Raines insisted that probation officers do not represent the state or the people of Colorado. He also suggested that he might investigate the chief probation officer and explicitly said, "I would hate to have to go back to my office and open an investigation." This threat served no purpose other than to burden the probation officer.

In a hearing on a separate case, Raines objected to a negotiated plea to which one of his colleagues and a defense lawyer agreed. The case was continued for a month. During that time, the defense lawyer met with the elected district attorney, who signed the petition for entry of the same plea agreement. At the next hearing, Raines again objected to the plea and stated that the defense lawyer was "ignoring the fact that he's going to have other clients that he needs offers from, and he's not behaving in a way that's very conducive to -- to getting things done. And I'm going to be factoring in his behavior here in every subsequent case." This threat served no substantial purpose other than to burden the defense lawyer.

In a third case, Raines yelled and shouted at opposing counsel and his office manager after the lawyer and his client, a criminal defendant, failed to appear for a hearing based on miscommunications between the lawyer's staff and court staff. At a hearing later that day, Raines asked the court to issue a warrant for the defendant's arrest, even though he knew opposing counsel had filed a motion to continue the original hearing, he knew of the miscommunication, and he knew that the defense lawyer's staff had told the defendant that he need not appear at the original hearing.

Through this conduct, Raines violated Colo. RPC 4.4(a) (in representing a client, a lawyer must not use means that have no substantial purpose other than to embarrass, delay, or burden a third person) and Colo. RPC 8.4(d) (providing that it is professional misconduct for a lawyer to engage in conduct prejudicial to the administration of justice).

The case file is public per C.R.C.P. 242.41(a)(2).