

*People v. Robert Alan Weiner. 24PDJ013. September 30, 2024.*

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and publicly censured Robert Alan Weiner (attorney registration number 21572). The public censure is effective as of September 30, 2024.

Weiner, a former prosecutor who is in private practice, agreed to work as a special deputy district attorney on a high-profile first-degree murder case that had already been pending for several months. After Weiner was sworn in to work on the case, the presiding judge issued a series of unfavorable rulings for the prosecution. Soon after, the elected district attorney circulated to the prosecution team a link to an online petition. The petition called for an investigation and the possible removal of the judge due to an alleged conflict of interest centering on the judge's former spouse. Concerned that these allegations could, if true, amount to the judge's undisclosed conflicts of interest, Weiner suggested that the judge's former spouse be interviewed regarding the allegations. This suggestion amounted to a reckless attempt to uncover a conflict or other information that might be cause for the judge's recusal. Weiner effectively advocated for investigating the judge's state of mind informing the judge's prosecution-adverse rulings. Later, when Weiner learned that the elected district attorney intended to have her office's investigator, rather than an independent entity, conduct the interview, Weiner failed to take affirmative steps to deter or prevent the elected district attorney from going forward with the interview.

Though this reckless conduct, Weiner violated Colo. RPC 8.4(a) (it is professional misconduct for a lawyer to attempt to violate the Rules of Professional Conduct) and Colo. RPC 8.4(d) (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).