

**OFFICE OF ATTORNEY REGULATION COUNSEL
JOB DESCRIPTION**

Job Title: Assistant Regulation Counsel – Intake Attorney
Status: At-will employee
Exempt
This position is not covered by the Colorado Judicial Department Personnel Rules.

General Statement of Duties

Primary duties include investigating and analyzing complaints alleging unethical conduct filed against attorneys, Colorado magistrates, municipal judges, and administrative law judges, and interact with the legal community, law students and the general public on practice of law issues. Promptly identify complaints involving allegations of serious misconduct. Other duties include developing and presenting CLEs and other outreach programs regarding the functions of the office and the ethical issues lawyers and judges confront. Assist in special projects assigned by Regulation Counsel.

Essential Functions of the Position

Review and analyze the initial complaint in order to identify any possible violations of the Colorado Rules of Professional Conduct.

Make initial determination on how to proceed with the request for investigation.

Interview the complaining witness about concerns raised by the complainant and explain the procedures in handling the particular matter. Explain, if appropriate, why the conduct described is not misconduct or a violation of the rules. Request additional information and, if appropriate to do so, request that the request for investigation be put in written form. Request any documents necessary to provide an understanding of the underlying circumstances and allegations of misconduct. Oversee the collection of client documents, such as correspondence with the attorney, fee agreements, receipts, and documents provided to attorney.

Interview the attorney. In the first contact, explain the nature of the complaint and the procedures to be followed in the matter. If appropriate, seek a written response from the attorney concerning the allegations, and/or request additional documentation. Oversee the collection of relevant documents, including, but not limited to, documents from 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 and review the collection of documents from other sources, such as court records, registers of action, and subsequent counsel.

Review and analyze information and documents gathered to determine whether there is clear and convincing evidence of any violation of the Colorado Rules of Professional Conduct.

Although most interviews take place via telephone, some interviews of attorneys, and their counsel, take place in the office. On a limited basis complainants may be interviewed in person.

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

Dismiss the request for investigation and inform the complainant and attorney of decision and basis for same. If necessary, draft letters to complainant and/or the attorney informing them of the dismissal decision.

Resolve the request for investigation through alternatives to discipline, including an intake diversion agreement (“IDA”), referrals to mediation, fee arbitration, cautionary dismissal, dismissal with educational language, or dismissal with ethics school or trust account school or other programs.

If resolved by an IDA, determine appropriate terms and conditions of the IDA, draft the IDA, and monitor compliance with the IDA.

In some limited circumstances, intake counsel will mediate disputes between the attorney and the complainant in order to resolve situations in which there is minor or questionable misconduct.

Where appropriate, process the request for investigation for further investigation and meet with the trial attorney to either obtain additional information on pending investigations, or to update the trial attorney on the current case.

Keep accurate and updated notes in JustWare database management system.

Prepare and attend weekly inter-office meetings regarding the status of cases, including terms for the IDAs, other alternatives to discipline, and appropriate levels of discipline. Confer with trial 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 central intake decisions.

Train and supervise investigators and support staff.

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

Represent the Colorado Supreme Court and 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, ICCES and JustWare.

Ability to multitask and prioritize.

Ability to efficiently and accurately analyze legal issues.

Competency in written and oral communication.

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

This position includes limited supervisory responsibilities, including assigning tasks and providing instruction to intake support staff, intake secretaries, other support staff, and investigators.

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, and stoop, kneel, crouch, or crawl. 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

Occasionally handles 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.

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. 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.