

# LAW WEEK COLORADO



*Into The*

# SHADOWS

BY JAMES CARLSON

TWO COLORADO ATTORNEYS TRAVELED TO ARIZONA TO PROSECUTE ONE OF THE BIGGEST ATTORNEY ETHICS CASES IN AMERICAN HISTORY AND FOUND THE PRESSURE OF THE LEGAL BATTLE WASN'T THE ONLY THING FOLLOWING THEM.

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*Into The*

# SHADOWS

STORY BY JAMES CARLSON  
PHOTOS BY SARAH OVERBECK

JOHN GLEASON SPIED THE TWO MEN  
BEHIND HIM AS HE MARCHED ACROSS A  
MARBLE FLOOR TOWARD THE FRONT DESK  
OF THE ARIZONA BILTMORE.

*Cops, Gleason thought.*

He picked them out with ease. Probably sheriff's deputies. Cropped hair, blandly dressed, the pair sat in chairs against the hotel's back wall near the door — the perfect vantage from which to observe. And besides, cops know cops.

... CONTINUED ON PAGE 12

Editor's note: Reporter James Carlson began reporting on this story in February. The final article relays the experience of John Gleason and Jamie Sudler as they investigated and prosecuted the Andrew Thomas ethics case in Arizona. To reconstruct scenes, Carlson relied on tens of hours of interviews with Gleason, Sudler and other attorneys in the attorney regulation office. Where possible, Carlson confirmed the recollection of one source with at least one other.

# GLEASON'S

warm eyes and boyish face belied his past as a homicide detective. It'd been years since he was on the street, but he retained the keen perception and penchant for F-bombs to qualify as an alum. It was for his toughness and intelligence that the Arizona Supreme Court had hand-picked him for this case.

He'd traveled to sweltering Phoenix in May 2010 with fellow Colorado regulation attorney Jamie Sudler, a slight man with an eye for detail. The two were in town to investigate Maricopa County Attorney Andrew Thomas and two of his lieutenants. Political infighting had gripped the area for years, and Thomas and the county's prominent sheriff, Joe Arpaio, were at the center.



JOHN GLEASON

The two had been accused of harassing just about anyone who opposed them.

Walking across the lobby that day, Gleason could see that at least *someone* was

interested in him. He'd suspected for weeks that Arpaio's men would do anything to impede the investigation of Thomas. Possibly arrested them. Or worse.

He and Sudler would take no chances. Sudler stepped up to the registration desk and gave a name. "David Bourne," he said, an alias from his favorite spy movies.

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# COVER STORY



JAMIE SUDLER

Gleason stepped to the left. "Tom Wolfe," he said. His favorite author, for sure, but Wolfe was also a character from the movie classic "Pulp Fiction," who has one job — to clean up messes.

Gleason was signing papers at the desk when he glanced past the clerk to the brass plate on the wall. In the reflection he saw movement behind him. He watched as one of the cops stood, aimed a camera and snapped a couple photos before sitting and assuming an inconspicuous look. Gleason didn't react.

needed an independent investigator. She wanted Gleason.

The details of the charges were steeped in local politics. But the stakes burst across county lines to the broader tenets of democracy. At issue were the politics of prosecution, the rule of law and the independence of the judiciary.

"They sat in that office and thought about how to punish people that disagree with them," Gleason said. "They filed charges against them, put them in jail, embarrassed them publicly. They destroyed

**OUTSIDE, THE MERCURY WAS STRETCHING TOWARD 100 DEGREES. GLEASON BEGAN TO SWEAT. HE WAS ALREADY DEALING WITH THE POLITICAL TINDERBOX HE WAS INVESTIGATING. NOW HE'D HAVE SHADOWS MENACING HIM. IT MADE HIS BLOOD SIMMER. BUT WHAT COULD HE DO? PUT HIS HEAD DOWN AND MOVE FORWARD.**

The two attorneys finished at the counter and turned back toward the front door. Gleason strode with a small hitch. His hip had been aching for a while now. As they neared the door, he glanced at the two cops. They stared right back.

Outside, the mercury was stretching toward 100 degrees. Gleason began to sweat. He was already dealing with the political tinderbox he was investigating. Now he'd have shadows menacing him. It made his blood simmer. But what could he do? Put his head down and move forward.

He walked ahead into the searing sun. *God, it was hot.*

## ANSWERING THE CALL

In March 2010, Gleason picked up his office phone and heard the voice of Rebecca White Birch. It wasn't unusual to hear from the chief justice of the Arizona Supreme Court. Gleason had been helping to reform that state's attorney ethics system over the past few years.

But that wasn't the reason for this call. It was about Andrew Thomas.

The elected attorney for the nation's fourth-largest county and home of Phoenix was accused of harnessing power to retaliate against political enemies. The state

lives."

For years, Thomas had grappled with the Maricopa County Board of Supervisors, his client, over the authority and funding of his office. He and Supervisor Don Stapley first disagreed over Thomas' use of taxpayer dollars to hire outside attorneys who were his friends. In late 2008, Thomas charged Stapley with 118 counts related to omissions on his public financial disclosure statements. Some of the counts were dismissed on technicalities. The rest were dropped.

A year later, in December 2009, Thomas cast a wider net. He and one of his attorneys, Lisa Aubuchon, re-indicted Stapley on new charges; indicted Supervisor Mary Rose Wilcox on campaign finance charges; and filed a federal racketeering suit against the entire board, a host of superior court judges and other county officials, claiming a conspiracy against Thomas and Sheriff Arpaio. Among the allegations was that judges had conspired to block prosecution of county supervisors in exchange for the supervisors' approval of a new courthouse.

A week after those filings, Thomas called a press conference where he stood beside Arpaio and announced criminal charges against Superior Court Judge Gary Donahoe. The judge had excluded Thomas

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from investigating alleged improprieties by supervisors surrounding the new courthouse construction, saying that Thomas was conflicted from looking into alleged crimes by his own client, the board. In response, Thomas charged Donahoe with bribery and hindering prosecution.

The legal community exploded. An area law professor told a newspaper he'd never seen a county attorney file charges against a sitting judge for actions taken during open court. Another attorney specializing in ethics cases told the same newspaper Thomas' move was "an abuse of power." Within weeks, more than 300 lawyers rallied at the county courthouse where one conservative Republican attorney told the crowd that Thomas was "a bully and a coward."

### 'REIGN OF TERROR'

Thomas isn't a household name in America. But Arpaio is. He's most well-known for his controversial stance against illegal immigration that has drawn the ire of the ACLU, newspaper editorial boards and the federal government. A 2011 report by the U.S. Department of Justice said Arpaio's office had instituted a culture of discriminatory bias against Latinos that "reached the highest levels of the agency."

A federal grand jury has been investigating Arpaio for other reasons — among them, his role in helping Thomas investigate the alleged crimes by judges and county supervisors. Of one of those investigations, then-U.S. Attorney Dennis

Burke said, "The evidence was so lacking as to make the theory of liability nearly incomprehensible."

Thomas and Arpaio, for their parts, said they were attempting to root out widespread corruption. The resistance, they contended, was but a sign of the broader conspiracy.

In December 2010, one year after filing charges against Donahoe, Thomas' efforts crumbled. An independent judge in the case against Supervisor Wilcox concluded that Thomas' prosecution was an effort "to retaliate against members of the (board of supervisors)" and that Thomas was aligned with Arpaio, who had "misused the power of his office" to target enemies.

Following that ruling, Thomas quickly dismissed the racketeering suit, dismissed the criminal charges against Stapley, and dropped the criminal charges against Do-

nahoe. None of the original charges ever stood.

The Arizona Bar Association, which licenses and regulates attorneys, took notice. It asked the Supreme Court to appoint an independent investigator to look into possible ethical violations by Thomas and two subordinates — Lisa Aubuchon and Rachel

Alexander. The court reached out to a trusted name, the person who'd just helped revamp the state's attorney ethics system. Regulation counsel Gleason and his team would be paid by Arizona, set up shop in that state's Supreme Court building and somehow still manage the Colorado office.

When the chief justice first called, Gleason was far from certain of a positive outcome.

Either way, he and Sudler knew from the beginning this was a career case. As Thomas' own attorney put it in the weeks leading up to the decision, "This was the largest and most significant attorney discipline case to ever go to hearing."

It would also be the toughest. In a sense, Gleason and Sudler carried on their backs the hopes of a legal community long frustrated with what Phoenix's mayor termed a "reign of terror." Numerous ethics

complaints had been filed against Thomas in the past, but none came to fruition.

The case was a piñata waiting to burst open. And when it did, the two attorneys had to deal with more than the legal soap opera. They became targets themselves. As Sudler would later say, "I never thought we'd get through it."

### AN UNLIKELY PAIR

Gleason's plane had barely landed in March 2010, when his cell phone rang. It was the Arizona Supreme Court. Gleason hadn't even begun his investigation, and already Thomas' attorneys had filed a restraining order against him.

*They're not going to make this easy.*

He called back to Jamie Sudler's office. "Get down here," Gleason told him. "Now."

Gleason had picked Sudler as his partner because they were opposite personalities. He wanted a complement. Gleason's father was "poor Irish trash" from Southside Chicago, and Gleason was a trouble-making kid who grew up to be a get-things-done street cop. Sudler attended a private East Coast high school and spent years in prosecutors' offices piecing together complicated cases. As one attorney in the regulation office put it, "John relies on his gut instinct, while Jamie will look at the issue, think about it, research it."

After successfully arguing against the restraining order, the two began reaching out to sources. One of the first was Mark Stribling in the county attorney's office. Stribling, a former homicide cop himself, knew people in the sheriff's office who'd worked on the bogus investigations. He handed over contact information for numerous deputies but seemed to emphasize one name.

*You've got to talk to Sgt. Luth. Brandon Luth.*

But Luth didn't respond.

Judges, on the other hand, seemed

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## COVER STORY



ALAN OBYE

eager to talk. In early May, Gleason and Sudler spoke with Judge Donahoe, who had stepped down from his post just months earlier.

The charges against him were bad enough, Donahoe said, but the method of delivering the charging papers really got to him. Of the more than 1,000 process servers in the state, the one who served the legal papers to Donahoe was a man who'd previously said his life's goal was to ruin the judge. Claims of coincidence strained credulity. For Donahoe, it was meant to intimidate.

Donahoe's story was not alone. Other judges had sheriff's cruisers pass by their houses routinely. Even court workers peripherally related to targeted judges had SWAT teams show up at their houses.

If these acts weren't meant to intimidate, as Thomas and Arpaio would claim, it had that effect nonetheless. Gleason and Sudler saw that while talking to Donahoe. Tears dripped down the seasoned judge's face. His voice quivered. At the sadness of his soiled reputation. And from the fear that this might not be over.

It was a refrain heard over and over.



MARIE NAKAGAWA

The Colorado lawyers zigzagged across Phoenix meeting five or six people a day, talking with each for hours. People still squirmed as they recounted tales of harassment, recoiling in their seats as if to duck the heavy hand of Arpaio and Thomas.

What they heard from judges and county supervisors was damning, but it was also convoluted. Every witness wove scattered stories of numerous run-ins with Arpaio and Thomas. The case seemed an unruly mass of information. Every night, the two sat in the office trying to funnel the fire hydrant of information into a

manageable narrative.

Sometimes they just leaned back in their chairs in silence. *How could this happen in America?*

## MOVING TARGETS

Sudler steered the rental car out of the Biltmore toward the FedEx. It was spring 2010, and they were shipping documents back to the Colorado office. They may have been immersed in one of the biggest attorney ethics cases in the country's history, but they still had a job to do back in Denver.

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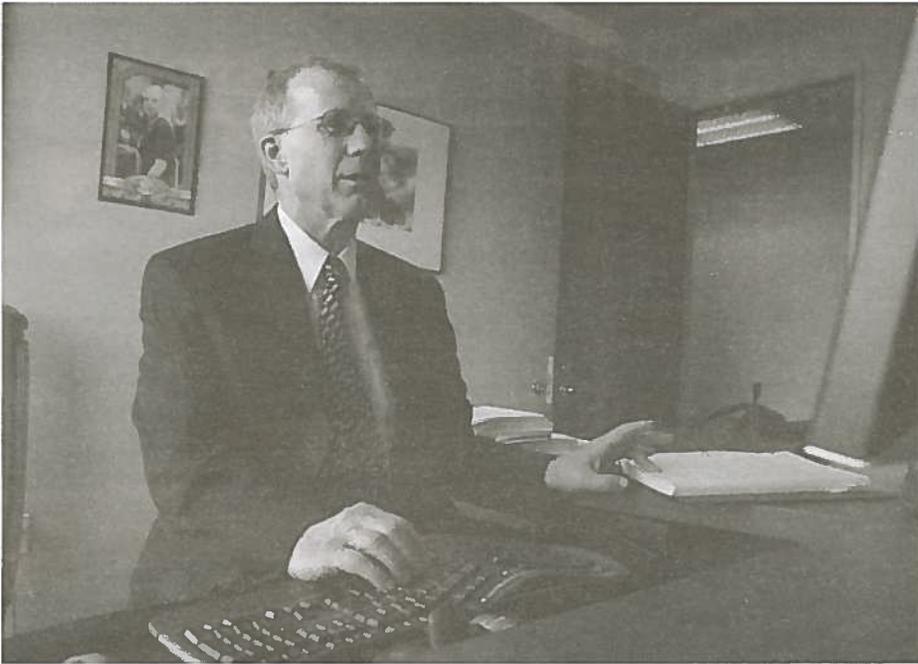


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KIM IKELER

Thomas had resigned in April to run for attorney general and was ahead in polls. The prospect of Thomas in higher office scared Gleason.

Almost immediately after exiting the hotel's parking lot, they drove past a car with its door open and a purse lying on the seat. "Domestic," Gleason said from the passenger seat. He meant domestic situation, a term from his police days and told Sudler to circle around the block. As Sudler turned and then turned again, he noticed in the rear-view mirror that the gold car behind made the same moves.

When Sudler came around to the same spot, the opened car was gone, but the gold vehicle was still behind. "We're being followed," he said. He stopped at the next light. The gold car pulled up beside them in the left turn lane. Sudler and Gleason looked over. Two men with short hair turned their heads, and the four stared at each other, close enough that they could have had an easy conversation.

Ever since the pair first visited Phoenix in March, Gleason had noticed cars tailing them. When he saw the guys shooting photos at the Biltmore, his suspicions were

confirmed. Then he got a call from the FBI, which was also investigating Thomas and Arpaio. The agent told Gleason that he and Sudler were being followed by private investigators and deputies from the sheriff's department. Suspecting it might freak out Sudler, Gleason kept this information to himself. He was right.

"I was scared shitless," Sudler said of seeing the two guys following them.

The incident was just one move in what appeared to be a playbook of intimidation.

Gleason and Sudler routinely left their hotel or their office and saw a car with two men pull out behind them. At first, Gleason thought the cops were just poorly trained at the art of following. But then it occurred to him. *These guys want us to see them.*

Back in Denver, Gleason received anonymous calls saying he was being followed in Colorado. He got many more less-friendly voicemails. Most were pro-Arpaio, anti-government rants. Others threatened Gleason's life.

Arpaio voiced his displeasure. In a May 5, 2010, letter to Gleason, the sheriff demanded an attorney from his office accompany Gleason on any interviews. He then instructed Gleason about the illegality of county attorneys disclosing certain information. But Gleason felt in his gut that Arpaio was writing about him when the sheriff said, "I will not hesitate to bring charges against anyone who violates these laws by jeopardizing criminal investigations and/or prosecutions."

With threats circling around, Gleason and Sudler began using disposable cell phones bought at a local Walgreens. They never boxed themselves in while parking. They rotated rental cars and altered their routes. Every time Sudler entered his hotel room, he peeked behind the curtains to make sure no one was there.

If they ever thought they were being paranoid, that changed with a phone call a week later.

set-up, a spokeswoman for the department said the office "has no information to support or even suggest that this allegation has any merit whatsoever."

At the Biltmore, the FBI moved the pair into new rooms while agents bugged the old rooms with pen-sized video cameras to watch for any activity. For a week, Gleason lived in a room circulating with federal agents and a chest-sized box of electronic equipment. If the FBI ever witnessed anything, Gleason and Sudler were never privy to it.

*God, why are we doing this?*

On rare occasions, this entered Gleason's mind. For starters, the Phoenix weather was unbearable, and their office's thermostat never seemed to cooperate. Meanwhile, the heat was blasting at them from every angle and all for a fight not their own.

But Gleason and Sudler understood something else, too. If they didn't do it, who would? Not California. It has a completely different system. Not New Mexico or Utah, either. They're both too small to spare attorneys. Past attempts by the state bar association to slap Thomas with ethics violations had failed. And the feds were entering their third year of investigating Arpaio and Thomas, and who knew if anything would ever come out of that.

No, they had to finish the job. Head down, move forward.

Besides, Gleason had never been one to back away from a fight.

**A MIND FOR THE GAME**

*Boom!*

Gleason ducked as a blasting cap zipped by his head. It was the late 1970s, and he'd just blown up a pipe bomb at Denver South High School.

Gleason was a bomb tech before the age of robots. To defuse a bomb, you had to get close. Most calls were pranks, but not the one at South High School. He kneeled down, attached a pipe wrench to the end cap, strung a rope around the wrench and walked it out about 40 yards. He yanked hard, and the pipe blew.

"Stark terror," is how he described working with bombs.

Gleason grew up in a "hard-scrabble" way, his dad a native of the tough side of Chicago and never one to pamper his kids. The young Gleason wasn't exactly a good student. He got in fights and once let loose a live turkey inside a schoolmate's car, destroying the interior. "The kid was a bully," he said by way of explanation. "I don't like bullies."

He became a street cop, then a homicide detective. Running from call to call, he developed a "let's get this done" mentality. Fear was no excuse. Gleason eventually tired of finding himself in harm's way and turned to law school. But his core never changed.

"I think some people run away from trouble," he said. "And some run towards it. The jobs I had, I could never run away. The meaner the job, the madder I got."

For Gleason, the shenanigans in Phoenix just served to steel his resolve. Later during the trial, an opposing counsel would say of John, "He's the kind of man you want to take with you to war."

**SUSPICIONS CONFIRMED**

Gleason was sitting in the Phoenix office in the evening, synthesizing the

**"YOU'VE GOT TO GET THE HELL OUT OF THERE," THE VOICE SAID. "YOU'RE GOING TO BE SET UP."**

day's interviews when his cell phone rang. It was a trusted source.

"You've got to get the hell out of there," the voice said. "You're going to be set up."

Gleason hung up. A short time later, his phone rang again. This time, it was the FBI. They had good information confirming what Gleason had just heard. The attorneys were going to be set up in their hotel. With hookers, drugs or child porn. It was happening that weekend. "It's a done deal," the agent said.

Most shocking was who the feds said was conducting the operation. Either a hired hand. Or sheriff's deputies, themselves.

About the sheriff's office following Gleason and Sudler or being part of a

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# COVER STORY

## THE LINCHPIN

Late on a July 2010 evening, Gleason's cell phone rang. He looked at the number. Blocked. He answered and heard a man's voice on the other end.

"Hi, it's Sgt. Luth."

It had been two months since they first reached out to Sgt. Brandon Luth, the man whom Mark Stribling in the county attorney's office had made clear was an important person. Luth wanted to meet. But not in public and definitely not at the sheriff's office. They decided on Gleason and Sudler's office.

When the three sat down in the late afternoon of July 13, Luth eyed the attorneys. What was the focus of their investigation? What was Gleason's background? As a former detective, Gleason understood the wariness. Cops are notoriously fraternal. To reveal the secrets of the brotherhood is considered a betrayal of the highest order. Luth was committing professional suicide and was nervous about placing his career in the hands of strangers.

Eased slightly by the words of a fellow cop, Luth eventually opened up as if he'd waited years to do so. He poured out story after story, skipping from one to another with little transition. His eyes darted around the room, and his shoulders shifted. He thumbed chaotically through a stack of papers for no apparent reason.

In the flood of information, a few things stood out. The investigative flow ran upstream in Maricopa County. Luth was being brought cases by the county attorney's office and told to find evidence to back up what they wanted to charge. Luth had also stored in his gun locker at home a notebook with evidence indicating Thomas' team had knowingly filed charges against county supervisor Don Stapley after the statute of limitations had run out. He also said there had been no investigative involvement by the sheriff's office in the filing of the federal racketeering suit.

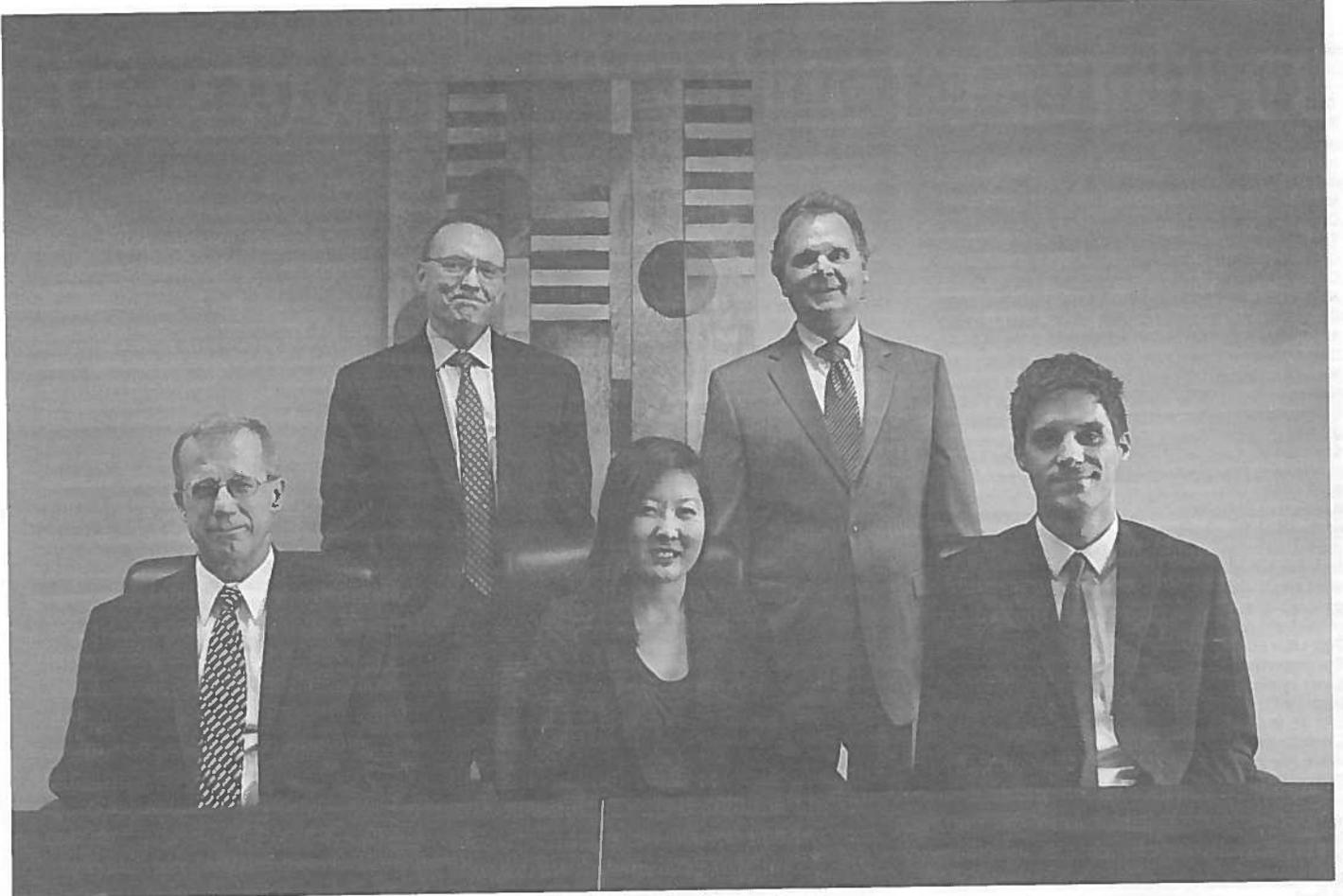
Gleason and Sudler scribbled furiously. Gleason's 11 pages of notes from that first interview included a question about the felony charges filed against Judge Donahoe. Luth had a simple opinion on the matter. "Total bullshit."

## A METHODOICAL APPROACH

When Gleason's alarm buzzed at 3:30 a.m., he rolled over and stiffly walked out of bed toward the shower. His hip was hurting more and more. No matter, the day had begun.

After months of traveling between Denver and Phoenix for weeks at a time, Gleason and Sudler had moved to Arizona in June 2011. It was a year after first talking to Luth and 16 months after being brought in on the case. Kim Ikeler, who'd been helping the twosome with reading documents and logistics, moved to Phoenix to assist along with Marie Nakagawa and Alan Obye, young attorneys from the regulation office.

Whoever had followed the two prosecutors earlier seemed to have given up. But their job was far from easy. Gleason normally arrived at the office at 5 a.m. Sudler wasn't far behind. They had to cull tens of thousands of discovery pages, interviews from more than 100 sources and



TOP ROW: SUDLER, GLEASON. BOTTOM ROW: IKELER, NAKAGAWA, OBYE.

five years of alleged abuses of power into a cohesive story.

The offices themselves illustrated the chaos. In one room, Obye sat in the middle of a semi-circle of motions that needed responses. Nakagawa organized witnesses and created a wall-length timeline of events plastered with yellow sticky notes. In the other room, Gleason and Sudler waded through a pit of papers. Shelves were lined with 4-inch binders of discovery documents. The walls were covered with giant lists of witnesses and poster-sized calendars ticking down the days to trial.

The pair could have made it easier on themselves. Earlier, they faced a choice: File only the charges that could lead to disbarment or file on every violation they'd uncovered?

**THE TEAM LIVED TOGETHER AND WORKED TOGETHER. GLEASON AND SUDLER BEGAN MOST DAYS AROUND 5 A.M. AND DIDN'T STOP TILL 7 P.M. THEN GLEASON RETURNED TO HIS ROOM AND ANSWERED EMAILS FROM THE COLORADO OFFICE FOR ANOTHER FEW HOURS BEFORE GOING TO BED AND BEGINNING THE PROCESS ALL OVER AGAIN.**

The decision turned out to be an easy one. They filed on all violations, 32 in all. The probable cause panelist approved those and added a 33<sup>rd</sup> charge of obstruction related to the voluminous motions filed early on against Gleason and Sudler. Presiding Disciplinary Judge O'Neill would later take the unprecedented step of filing — and approving — his own motion to designate the case "historically significant."

In the minds of Gleason and Sudler, the whole system of justice teetered on the brink under Thomas's reign. The enormity of that situation demanded a prosecution of equal magnitude. For all the people hurt, the people who'd lived

in fear for years, maybe charging everything could prove cathartic.

For six months, the case consumed them. Sunk together in the hot trenches of the office, the two prosecutors' polarities emerged. Gleason adopted an easy-going disposition and assumed the details mattered less than the bigger picture of the case. He poked fun at Sudler's attention to detail, telling his worried partner that everything would work out.

Sudler was indeed stressed. He pored over the minutia and played out various hypotheticals to their end. *What will I say if a witness says this? How will we introduce this exhibit?* He still wasn't sure if this ball of string could be unwound. Despite his concerns, Sudler continued on. Head down, move forward.

Sudler's worrying was fodder for in-

The team lived together and worked together. Gleason and Sudler began most days around 5 a.m. and didn't stop till 7 p.m. Then Gleason returned to his room and answered emails from the Colorado office for another few hours before going to bed and beginning the process all over again.

In his room, Sudler would lay down at night thinking only of the case.

Eventually, the amorphous mass of information took shape. Witnesses were in line. Exhibits were prepared. Strategy had been formed and rehearsed. They might actually pull this whole thing off.

## LIVE AND ONLINE

On Sept. 12, 2011, 18 months after the Arizona Supreme Court first called Gleason,

son, he and Sudler entered the packed courtroom and took their seats. From behind the banister separating counsel from the public, Nakagawa slipped Gleason two ibuprofen. His hip screamed in pain, and he would have it replaced just days after the trial ended.

Although Thomas wasn't in the courtroom, his specter was. Tens of thousands of people tuned into a live online broadcast to watch the 26 days of trial. Hundreds more watched the proceeding from the courtroom, including some of the FBI agents investigating Thomas and Arpaio.

Judge O'Neil took his place on the

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**SHADOWS**

CONTINUED FROM PAGE 17...

bench next to the other two panelists and delivered remarks ostensibly about the 10-year anniversary of 9/11. He could have been talking about the case at hand.

"This nation was founded on a principle of justice, not merely law," he said. "Justice is not merely some dot-to-dot child's puzzle with preordained numbers to follow. The founders of this country wanted a society built on justice."

It was time. As Gleason readied to deliver the opening statement, Sudler leaned over.

"Whatever happens, this has been great," he whispered.

Gleason smiled a knowing smile and

It was judgment day.

During the trial, the two lawyers had called 58 witnesses, questioning some for an entire day, highlighting the cracks in the respondents' stories. At one point, David Hendershott, Arpaio's right-hand man in the sheriff's department, told Sudler the department had sought an indictment against a county supervisor with the goal of putting the board under a receivership.

"In a sense," said Sudler, "what he was saying was, 'We wanted to subvert the political process in Maricopa County. We wanted to destroy it.'"

Inside the courtroom last week, journalists and lawyers squeezed into the benches to watch what they thought could be history. Neither Thomas nor his subordinates were inside.

Audience members gasped as O'Neil repeated the phrase for 25 of the 30 charges against Thomas. Then he delivered the panel's conclusion on the former county attorney — "Andrew Thomas is hereby disbarred."

The crowd applauded until well after the judge had dismissed the hearing and left the bench. Gleason and Sudler shook hands. They turned and hugged many of the people targeted by Thomas.

Outside, Thomas labeled the hearing a travesty. "I brought corruption cases in good faith involving powerful people, and the political and legal establishment blatantly covered up and retaliated by targeting my law license."

Elsewhere, Gleason told reporters, "It's about the victims. We gave them the opportunity to tell their story, and they won."

The sense of finality may prove elusive. Appeals are expected. And outside the legal ramifications, the case lingers bittersweet on the tongues of Gleason and Sudler. The pair spent months away from family, breathing in the investigation under the veiled threat of their opponents.

To this day, Sudler avoids parking where he might be boxed in. Gleason still receives threatening voicemails. And not unlike the sources he relied upon, Gleason worries at night that the long arm of Maricopa County could reach him in Denver.

"Not for a second do I believe they've forgotten about us." •

— James Carlson, JCarlson@CircuitMedia.com

**HAITI**

CONTINUED FROM PAGE 10...

The Mercy & Sharing organization recently started a vocational program for its children, offering training in auto mechanics, computers and hospitality. Foreign travel, particularly in the sphere of humanitarian work, is a large part of Haiti's industry.

"There's a big demand for people to work in the hotels, and most are hired from the Dominican Republic (on Haiti's eastern border) because many of the Haitians don't have the

“

There's a big demand for people to work in the hotels, and most are hired from the Dominican Republic because many of the Haitians don't have the training or skills to become a busboy or bell captain or maid."

— Joe Krabacher

training or skills to become a busboy or bell captain or maid," Krabacher said.

Both Harris and Krabacher understand the need to provide sustainable solutions, but that's tough in a country where the law is like a vestigial organ.

"There needs to be an underlying change in the laws and courts system so they're more reliable," Krabacher said. •

— Ali McNally, AMcNally@CircuitMedia.com

**SEVEN MONTHS PASSED FROM THAT DAY WHEN ON APRIL 10, GLEASON, SUDLER AND THE REST OF THE TEAM RE-ENTERED THE COURTROOM. IT WAS JUDGMENT DAY.**

reached out his hand. "It's been a pleasure."

With that, Gleason stood and began the trial.

**'CONVINCING EVIDENCE'**

Seven months passed from that day when on April 10, Gleason, Sudler and the rest of the team re-entered the courtroom.

Judge O'Neil entered and didn't waste

time ticking off the charges. Making false statements to the court. "There is clear and convincing evidence," the judge said. Filing a frivolous lawsuit. "There is clear and convincing evidence." Using his office's power to embarrass or burden public officials. "There is clear and convincing evidence."

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## MEMORANDUM

To: Working Group A  
From: Working Group A - Curriculum Subcommittee  
Date: May 2, 2012  
Re: May 1, 2012 Subcommittee Meeting

---

We had a very productive subcommittee meeting yesterday. We began by going over the lists of lawyers and judges we have already invited to participate in the September 22 event and brainstorming about others we might include. We decided that aiming for two lawyers in each courtroom would help ensure diversity and would also give us some breathing room in case of cancellations. We also discussed how important it for the lawyers who participate to keep their comments focused and helpful.

We discussed finding clients and agreed that we would aim to have 25 clients lined up by July 15. We will meet again in August to put the various volunteers together into teams and to finalize the talking points for the clients, the lawyers, and the judges.

We then turned to the curriculum for the hour-long in-courtroom sessions. The judge/lawyer/client groups will meet in their courtrooms between 10:00 and 10:15 to give them time to get to know each other and establish their own connections before students come into the room.

Once the students have settled in the courtrooms, each group will start with five minutes of introduction. The judge will then speak for about ten minutes, orienting the group to the courtroom and discussing the importance of reputation and relationships both in court and in every part of the legal practice.

The client's story and conversation will be center-piece of the curriculum. We anticipate that it will be about thirty minutes. The client will tell her or his story—guided by questions distributed to the judge beforehand and by “planted” questions the lawyers will ask. The focus of the questions and the presentation will be on the importance of legal expertise in solving real problems for real people.

The lawyers will transition into talking about where they are now and where they thought they would be—or how much they didn't know about where they would be—when they were 1Ls. We will give the lawyers a list of talking points with a focus on how to develop relationships, where to find mentors, and the moments in their lives when they realized they needed to be able to ask questions or get advice from others.

In a five minute closing, the judge and each of the lawyers will bring the discussion back to the importance of the legal profession in public life. We will ask them to discuss their roles as public citizens, the ways they use their influence to make the legal profession and civic society better.



SENATE JOINT RESOLUTION 12-040

BY SENATOR(S) Lambert and Shaffer B., Harvey, Mitchell, Renfroe, Scheffel, Williams S., Morse, Boyd, Aguilar, Schwartz, Giron, Jahn, Steadman, Guzman, Hodge, Tochtrop, Bacon, Brophy, Cadman, Grantham, Heath, Johnston, King K., King S., Lundberg, Neville, Roberts, Spence, White, Carroll, Foster, Hudak, Newell, Nicholson; also REPRESENTATIVE(S) Soper and Waller, Acree, Balmer, Becker, Beezley, Bradford, Brown, Casso, Conti, Coram, Court, DelGrosso, Duran, Ferrandino, Fields, Fischer, Gardner B., Gerou, Hamner, Holbert, Hullinghorst, Jones, Joshi, Kagan, Kefalas, Kerr A., Kerr J., Labuda, Lee, Levy, Liston, Looper, Massey, McCann, McKinley, Miklosi, Murray, Nikkel, Pabon, Pace, Peniston, Priola, Ramirez, Ryden, Schafer S., Scott, Singer, Solano, Stephens, Summers, Swalm, Swerdfeger, Szabo, Todd, Tyler, Vaad, Vigil, Williams A., Wilson, Young, McNulty.

CONCERNING SERVICE TO VETERANS BY THE COLORADO BAR ASSOCIATION AND THE VETERAN TRAUMA COURT.

WHEREAS, The Colorado Bar Association and the 4th Judicial District Veteran Trauma Court have worked to serve the military veteran population of this state and their families; and

WHEREAS, The Colorado Bar Association realized there was a gap in access to justice among veterans and their families and worked to close that gap by creating the Colorado Lawyers for Colorado Veterans program and providing veterans and their families the opportunity to meet with an attorney at no charge at legal clinics across the state; and

WHEREAS, Since November 2011, these attorneys have provided pro bono legal services in several cities, ensuring that veterans and their families can resolve legal issues relating to their benefits, taxes, housing, or family; and

WHEREAS, The Colorado Lawyers for Colorado Veterans committee and its volunteers have served more than 150 veterans and have shown their commitment to veterans and their families by expanding services and continuing these clinics monthly; and

WHEREAS, The Veteran Trauma Court since 2009 has provided jail diversion services to military veterans with trauma spectrum disorders, helping veterans engage in treatment and counseling programs instead of serving jail time; and

WHEREAS, A majority of participants in the Veteran Trauma Court report improvements in traumatic stress symptoms, overall health, employment and housing situations, and connection to the community and a social support system; and

WHEREAS, The success of the Veteran Trauma Court in Colorado's 4th Judicial District has led to its expansion into El Paso County Court; and

WHEREAS, Nearly 80% of Veteran Trauma Court participants have been veterans of Operation Iraqi Freedom and Operation Enduring Freedom, a demographic group that is expected to grow as veterans return home from overseas; now, therefore,

*Be It Resolved by the Senate of the Sixty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein:*

That the Colorado General Assembly recognizes and commends the Colorado Bar Association and the Veteran Trauma Court for their work providing assistance to our veterans and calls for a renewed commitment to supporting the growth of these important endeavors.

---

Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

---

Frank McNulty  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

---

Cindi Markwell  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

# Proclamation



Michael L. Bender  
Chief Justice  
Colorado Supreme Court



Colorado Bar Association

David L. Masters  
President  
Colorado Bar Association

## Declaring October 2012 Legal Professionalism Month In the State of Colorado

*WHEREAS, the Supreme Court of Colorado is vested with the authority and responsibility to determine who is possessed of the moral and ethical character, knowledge, and skill to represent clients and serve as an officer of the court; and*

*WHEREAS, members of the legal profession are public citizens having special responsibility for the quality of justice, the improvement of the law, the access to the legal system, the administration of justice, and the quality of service rendered by the legal profession; and*

*WHEREAS, members of the legal profession in Colorado have established the Colorado Bar Association; and*

*WHEREAS, the objectives of the Colorado Bar Association include advancing the science of jurisprudence, securing more efficient administration of justice, advocating thorough and continuing legal education, upholding the honor and integrity of the bar, cultivating cordial relations among the lawyers of Colorado, and perpetuating the history of the profession and the memory of its members; and*

*WHEREAS, the Chief Justice of the Supreme Court of Colorado has established the Commission on the Legal Profession to foster among members of the legal profession a commitment to service, excellence, respect, ethics, and trustworthiness, as well as commitment to the preservation of the rule of law;*

*NOW THEREFORE, the Chief Justice of the Supreme Court of Colorado, the President of the Colorado Bar Association, and the Chief Justice's Commission on the Legal Profession do hereby declare and proclaim October 2012 to be Legal Professionalism Month in the State of Colorado;*

*AND IN FURTHERANCE THEREOF, encourage*

- Members of the Legal Profession to rededicate themselves to demonstrating the highest standards of professionalism and integrity, and promoting public trust in the rule of law;*
- Professional Entities, including law firms, corporate and public law offices, bar organizations, and Inns of Court, to promote legal professionalism and public confidence in the profession; and*
- Judicial Officers and Court Staff to promote public confidence in the courts, our system of justice, and the professionalism of the bench and bar;*

*AND IN COMMEMORATION THEREOF, invite all judicial officers and members of the legal profession to attend*

- the Assembly of Lawyers at the Boettcher Concert Hall on October 29, 2012 at a time to be announced, and immediately thereafter to attend*
- a Special Session of the Supreme Court of Colorado to welcome to the legal profession those who will then be admitted to the practice of law.*

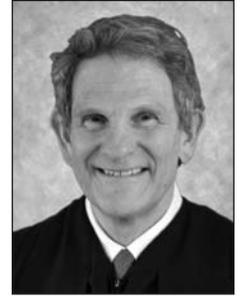
*Declared and Proclaimed this 1st day of May 2012.*

Michael L. Bender  
Chief Justice  
Supreme Court of Colorado

David L. Masters  
President  
Colorado Bar Association

# Introducing the New Commission and Proclaiming October 2012 Legal Professionalism Month

by Michael L. Bender



When I became Chief Justice in December 2010, I wanted to bring together the three major groups of the legal profession—the bar, the judiciary, and the legal academy—to better address the needs of the community in which we all serve. In the hopes of achieving this vision, in February 2011, I formed the Chief Justice's Commission on the Legal Profession (Commission) to focus on four primary goals:

- 1) improving the training of law students to help them better appreciate the vital role that attorneys play in our society;
- 2) increasing the training of and providing more support for new lawyers;
- 3) facilitating communication and cooperation between and among judges and attorneys; and
- 4) encouraging the entire bar to recognize the broad legal needs of our community and improving public attitudes toward the profession through a renewed dedication to *pro bono* service.

Ultimately, I hope the Commission will serve as a forum for judges, attorneys, and legal educators to develop ideas that might eventually lead to legislation, rules, or substantive changes in law school curricula to better address the needs of the legal profession and our community as a whole.

The Commission, which meets quarterly, is comprised of practicing lawyers from various specialties, the deans of the University of Denver Sturm College of Law (DU) and University of Colorado Law School (CU), and appellate and trial judges from across the state. From this group, we formed four working groups to focus on each of the goals set forth above.

## Working Group A: Legal Education

For the past year, Working Group A has sought to address the development of professional identity, social responsibility, and practice skills in law students and to increase the involvement of judges and bar leadership within our two law schools. To this end, it has worked closely with CU and DU to develop an annual event that will introduce law students to the concepts of professionalism and social responsibility.

We are excited to announce that the inaugural event—entitled “For This We Stand”—will take place on September 22, 2012. This two-part event will bring first-year law students together in Denver from both Colorado law schools. The students will congregate in the Denver Athletic Club's Grand Ballroom for remarks about the profession of law and the importance of practicing with professionalism. Sharing with me the honor of addressing the students will be U.S. District Court Judge Marcia Krieger, Colorado Court of Appeals Judge Russell Carparelli, and CBA 2012–13 President Mark Fogg.

Following the presentations, the students will break into smaller groups and go to the Denver City and County Building, where they will meet in a courtroom with a judge, a lawyer, and a former client. There, they will hear stories about the positive impact the profession can have on the lives of clients and society.

The conclusion of the event will be interactive. The students will participate in discussions about the vital role that reputation and relationships play in achieving a successful and fulfilling career.

## Working Group B: Newly Admitted Attorneys

When the Commission first met, it identified the mentoring of new lawyers as the most pressing need in the legal community. Working Group B, in partnership with the CBA and Denver Bar Association (DBA), have been addressing the development of professional identity and social responsibility for newly admitted attorneys through mentoring programs.

### *Statewide Mentoring Program*

A pilot study was initiated and a model for a prospective statewide program was developed by the CBA to assist several local bar associations, the law schools, the Yasui Inn of Court, the Colorado Hispanic Bar Association, and the Adams County District Attorney's Office. Mentors and mentees earn fifteen CLE credits, including two ethics credits, for participating in the one-year program. The CBA has provided necessary staffing for the program.

The DBA's mentoring program, which began more than two years ago and has more than seventy mentor and mentee pairings, has provided valuable background information for the pilot study. CU has a unique program that matches a mentor attorney, a mentee attorney, and a law student to jointly handle a *pro bono* case.

Working Group B and the mentor program standing committee will make recommendations to the Commission about funding and the hiring of an executive director. It is looking into expanding the program statewide.

### *Colorado Lawyers for Colorado Veterans*

Working Group B, again in partnership with the CBA and local bar associations, also has worked to increase community outreach and opportunities for new and seasoned attorneys to engage in community service. The creation of Colorado Lawyers for Colorado Veterans, which the CBA has been instrumental in coordinating, is an outcome of this effort.

Colorado Lawyers for Colorado Veterans kicked off its efforts on Veterans Day 2011 with *pro bono* clinics in Denver, Colorado Springs, and Fort Collins. At its Veterans Day event, the Denver clinic accepted fifty-five cases. It has taken nearly 100 additional

cases since then. As a result of the success of the first event and the continued demand within the community, the Denver clinic has begun to hold an event on the second Tuesday of each month and plans to continue the tradition of holding a larger annual event on Veterans Day. Colorado Lawyers for Colorado Veterans also is planning to conduct clinics in Pueblo, Alamosa, Colorado Springs, and Fort Collins, and at CU's Boulder campus.

Finally, the group hopes to expand its efforts so it can provide monthly clinics at DU, as well as in Grand Junction and Durango. I am especially excited about this program, which provides our veteran heroes vital *pro bono* services while also increasing the opportunities for attorneys to engage with our community. If you are interested in supporting or participating in Colorado Lawyers for Colorado Veterans, please contact John Vaught at vaught@wto.com or Ben Currier at benc@m-s-lawyers.com.

### Working Group C: Bench and Bar Cooperation

The goal of Working Group C is to identify and implement strategies to facilitate communication and professionalism between and among judges and lawyers. Working Group C members have met with leaders of our many bar organizations and Inns of Court to explore ways to foster professional relationships and promote a collaborative culture of civility and respect.

As a result of this input, Working Group C has determined that one way to bring increased awareness to these vital issues is to establish an annual Legal Professionalism Month. Accordingly, CBA President David Masters, the Chief Justice's Commission on the Legal Profession, and I proclaim the month of October 2012 to be Legal Professionalism Month.

As explained in the Proclamation (which appears opposite the first page of this article), October 2012 will be a month for attorneys and judges to rededicate themselves to the importance of public service and community outreach. There will be professionalism events and *pro bono* activities throughout the month.

Legal Professionalism Month will culminate in "The Assembly of Lawyers" on the afternoon of October 29, 2012, at the Boettcher Concert Hall. This event, which will immediately precede the swearing-in ceremony for new attorneys, is intended to bring together lawyers from across the state to reflect on the importance of service in our profession. Although this event is still in the planning stages, we intend to grant CLE credit for attendance and expect to include an influential speaker on the subject of legal professionalism. Afterward, the assembled attorneys in Boettcher Hall will be joined by the newly admitted attorneys for a special session of the Colorado Supreme Court to administer the Attorney's Oath. By their presence, the assembled lawyers will make visible the fact that we welcome the new attorneys into our great profession.

### Working Group D: Outreach to the Community

Working Group D has focused its efforts on supporting the profession's culture of service and increasing access to justice. To this end, Working Group D has reached out to and begun to collaborate with organizations such as the Colorado Access to Justice Commission, Colorado Legal Services, and Make History Colorado. This group has recognized that *pro bono* opportunities serve to benefit the community at large and provide fertile training ground for new lawyers to obtain trial experience. Collaboration in *pro bono* activities also could serve as a way to bond mentors and mentees through joint participation and representation.

Consistent with the recommendations of the Colorado Access to Justice Commission, Working Group D has focused on encouraging members of the private bar, government attorneys, in-house counsel, and newly licensed lawyers to increase their participation in *pro bono* representation. The members of this group plan to meet with the managing partners of metro area law firms to discuss how to remove existing barriers to *pro bono* service and to explore the viability of collecting *pro bono* data as an incentive to increase participation. Additionally, Working Group D will continue to publicize and advance the efforts of Make History Colorado and to collaborate with the CBA on its work with *pro bono* and unbundled legal services. Finally, following the successful model of the Adams County *pro se* Self-Help Center,<sup>1</sup> Working Group D plans to identify additional sources of funding to establish self-help centers across the state.

### Galvanizing Professionalism

After a productive and inspiring inaugural year, several prominent themes have emerged from the Commission's work. I believe our profession has been and continues to be a positive force for society. However, at times—in the face of economic and professional pressures, for example—we have lost our way.

Accordingly, I believe that now is the time for each of us to renew our efforts to the legal profession through increased civility toward one another and by instilling these values in law students and new lawyers. Finally, we must rededicate ourselves to the service of society, including the most vulnerable among us. To galvanize and focus these efforts, CBA President David Masters, the Chief Justice's Commission on the Legal Profession, and I proclaim the month of October 2012 to be Legal Professionalism Month.

#### Note

1. The Self Help Resource Center at the Adams County Justice Center is available at [www.courts.state.co.us/Courts/District/Custom.cfm?District\\_ID=17&Page\\_ID=335](http://www.courts.state.co.us/Courts/District/Custom.cfm?District_ID=17&Page_ID=335). See also "Online Pro Se Resources" at [www.courts.state.co.us/Self\\_Help/proSeResources.cfm](http://www.courts.state.co.us/Self_Help/proSeResources.cfm). ■