

Rule Change #2001(24)

THE COLORADO RULES OF CIVIL PROCEDURE
CHAPTER 20. COLORADO RULES OF PROCEDURE REGARDING ATTORNEY
DISCIPLINE AND DISABILITY PROCEEDINGS, COLORADO ATTORNEYS' FUND
FOR CLIENT PROTECTION, AND MANDATORY CONTINUING LEGAL EDUCATION
AND JUDICIAL EDUCATION

Rule 251.10. Investigation of Allegations

(a) [NO CHANGE]

(b) **Procedures for Investigation.**

(1) [NO CHANGE]

(2) Procurement of Evidence During Investigation. In the course of an investigation conducted pursuant to these Rules, the Investigator, acting pursuant to and in conformity with these Rules, shall have the power to administer oaths and affirmations.

In connection with an investigation of allegations made against an attorney, the Chair of the committee or the Regulation Counsel may issue subpoenas to compel the attendance of witnesses, including the attorney in question, and the production of pertinent books, papers, documents, or other evidence in proceedings before the Investigator. All such subpoenas shall be subject to the provisions of C.R.C.P. 45. Any challenge to the power to subpoena as exercised pursuant to this Rule shall be directed to the Presiding Disciplinary Judge.

Any person who fails or refuses to comply with a subpoena issued pursuant to this Rule may be cited for contempt of the Supreme Court.

Any person who **intentionally** knowingly obstructs the Regulation Counsel or the committee or any part thereof in the performance of their duties may be cited for contempt of the Supreme Court.

Any person having been duly sworn to testify who refuses to answer any proper question may be cited for contempt of the Supreme Court.

A contempt citation may be issued by the Supreme Court upon recommendation of the Presiding Disciplinary Judge. A copy of the recommendation, together with the findings of fact made by the Presiding Disciplinary Judge surrounding the contemptuous conduct, shall be filed with the Supreme Court. The Supreme Court shall then determine whether to impose contempt.

(3)-(4) [NO CHANGE]

Rule 251.16. Presiding Disciplinary Judge

(a) [NO CHANGE]

(b) [NO CHANGE]

(c) **Powers and Duties of the Presiding Disciplinary Judge.**

The Presiding Disciplinary Judge shall be authorized and empowered to act in accordance with these Rules and to:

(1)-(7) [NO CHANGE]

(8) Preside over contempt proceedings initiated under these Rules and C.R.C.P. 107 when appropriate.

(d)-(e) [NO CHANGE]

Rule 251.19. Findings of Fact and Decision

(a) [NO CHANGE]

(b) **Decisions of the Hearing Board.** When it renders its decision, the Hearing Board shall:

(1)-(5) [NO CHANGE]

(6) Unless stayed, vacated, reversed, or otherwise modified by order of the Supreme Court, a final decision of the Hearing Board under paragraph (b)(5) of this Rule shall be considered for all purposes an order of the Supreme Court.

Amended and adopted by the Court, En Banc, December 13, 2001, effective January 1, 2002.

BY THE COURT:

Rebecca Love Kourlis
Justice, Colorado Supreme Court

Michael L. Bender
Justice, Colorado Supreme Court