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May 12, 2006

Steve Gartin
P.O. Box 70185
Albuquerque, NM 87197

Re: Request for investigation of Thomas C. Miller, #2006-2125

Dear Mr. Gartin:

Your letter dated April 25, 2006 and addressed to the Honorable William Lucero was forwarded to this office for review. We reviewed your letter as well as the supporting documents attached to that letter.

Your letter alleges that Mr. Miller engaged in an assortment of ethical violations. The primary thrust of your request for investigation relates to an allegation that Mr. Miller acted in concert with others to deprive you of your right to file a lawsuit against governmental employees for malicious prosecution and possibly other civil claims, and your concern that he violated Colorado Rule of Professional Conduct 1.6 by his action and participation as a witness in Jefferson County District Court case number 2004CR2541.

For this office to discipline an attorney, we must prove the attorney's misconduct by clear and convincing evidence. The information you provided does not demonstrate evidence that Mr. Miller acted unethically.

Although your letter contains numerous accusations about Mr. Miller's conduct, only one of those allegations implicates the Colorado Rules of Professional Conduct. Specifically, you allege that Mr. Miller violated Colorado Rule of Professional Conduct 1.6 by providing testimony adverse to your interests in Jefferson County District Court case number 2004CR2541, including privileged and confidential information he learned from you in the course of an earlier attorney-client relationship. The Register of Actions from that case shows that Mr. Miller (through counsel) contested the subpoenas he received in that case. However, Judge Enquist denied his motions to quash and ordered him to give testimony as a witness and to produce documents from his files. Under these circumstances, there is no violation of Colorado Rule of Professional Conduct 1.6.

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The documentation provided supports the fact that you have numerous disagreements or disputes with Mr. Miller. This office cannot resolve any of those disagreements or disputes. You may choose to seek legal advice from a qualified attorney who can provide objective feedback regarding any possible recourse that may be available to you.

I note that on June 21, 2004, I wrote to you in response to an earlier request for investigation you filed against Mr. Miller. In that matter, you asserted that Mr. Miller had an improper fee splitting arrangement with you. My letter to you in June 2004 explained that the evidence did not support your allegation, and that any civil dispute over whether Mr. Miller owed you money had to be resolved in the appropriate forum and could not be resolved by this office. That request for investigation was dismissed.

For the above reasons, this office has determined that the information you provided does not set forth facts, which if proven, would constitute grounds for the imposition of discipline by the offices of the Supreme Court of Colorado. Therefore, we are closing this matter and will take no further action on your request.

Sincerely,



Matthew A. Samuelson
Assistant Regulation Counsel

MAS/rsl

cc: Thomas C. Miller, Esq.