

District Court, City and County of Denver, Colorado Court Address: 1437 Bannock St., Denver, CO 80202		<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
Plaintiff(s): JUDICIAL WATCH, a District of Columbia Not-for-Profit Corporation v. Defendant(s): OFFICE OF ATTORNEY REGULATION COUNSEL, a Colorado State Agency, and JOHN S. GLEASON, in his capacity as the State of Colorado Regulation Counsel		
Attorney or Party Without Attorney (Name and Address): James P. Rouse Rouse Law Offices 8400 East Prentice Ave., Suite 1040 Greenwood Village, CO 80111 Phone Number: 303-694-0694 E-mail: jrouse@rouseandassoc.com FAX Number: 303-793-3678 Atty. Reg. #: 10675	Case Number: Division Courtroom	
DISTRICT COURT CIVIL (CV) CASE COVER SHEET FOR INITIAL PLEADING OF COMPLAINT, COUNTERCLAIM, CROSS-CLAIM OR THIRD PARTY COMPLAINT		

- This cover sheet shall be filed with the initial pleading of a complaint, counterclaim, cross-claim or third party complaint in every district court civil (CV) case. It shall not be filed in Domestic Relations (DR), Probate (PR), Water (CW), Juvenile (JA, JR, JD, JV), or Mental Health (MH) cases.
- Check the boxes applicable to this case.

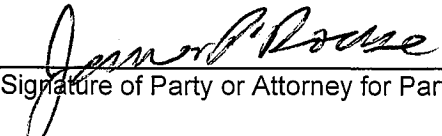
☒ Simplified Procedure under C.R.C.P. 16.1 **applies** to this case because this party does not seek a monetary judgment in excess of \$100,000.00 against another party, including any attorney fees, penalties or punitive damages but excluding interest and costs and because this case is not a class action or forcible entry and detainer, Rule 106, Rule 120, or other expedited proceeding.

☐ Simplified Procedure under C.R.C.P. 16.1, **does not apply** to this case because (check one box below identifying why 16.1 does not apply):

- ☐ This is a class action or forcible entry and detainer, Rule 106, Rule 120, or other similar expedited proceeding,
or
☐ This party is seeking a monetary judgment for more than \$100,000.00 against another party, including any attorney fees, penalties or punitive damages, but excluding interest and costs (see C.R.C.P. 16.1(c)),
or
☐ Another party has previously stated in its cover sheet that C.R.C.P. 16.1 does not apply to this case.

- ☐ This party makes a **Jury Demand** at this time and pays the requisite fee. See C.R.C.P. 38. (Checking this box is optional.)

Date: Nov 19, 2011


 Signature of Party or Attorney for Party

NOTICE	
✓	This cover sheet must be filed in all District Court Civil (CV) Cases. Failure to file this cover sheet is not a jurisdictional defect in the pleading but may result in a clerk's show cause order requiring its filing.
✓	This cover sheet must be served on all other parties along with the initial pleading of a complaint, counterclaim, cross-claim, or third party complaint.
✓	This cover sheet shall not be considered a pleading for purposes of C.R.C.P. 11.

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO Court Address: 1437 Bannock Street Denver, CO 80202	<div style="text-align: center;"> ▲ COURT USE ONLY ▲ </div> <hr/> Case Number: <div> Div.: Ctrm.: </div>
<hr/> Plaintiff: JUDICIAL WATCH, INC., a District of Columbia not-for-profit corporation vs. Defendants: OFFICE of ATTORNEY REGULATION COUNSEL, a Colorado state agency, and JOHN S. GLEASON, in his capacity as the State of Colorado Regulation Counsel <hr/> Attorney or Party Without Attorney: Name: James P. Rouse Address: Rouse Law Office 8400 E. Prentice Ave., Suite 1040 Greenwood Village, CO 80111-2922 Phone Number: 303-694-0694 FAX Number: 303-793-3678 E-mail: jrouse@rouseandassoc.com Atty.Reg.#: 10675	
COMPLAINT AND APPLICATION FOR ORDER TO SHOW CAUSE	

COMES NOW the Plaintiff, by and through its undersigned counsel, and for its Complaint and Application for Order to Show Cause, states as follows:

INTRODUCTION

Plaintiff brings this action under the Colorado Open Records Act (“CORA”), §§ 24-72-201, *et seq.*, C.R.S., to compel access to public records in the custody of the Colorado Supreme Court, Office of Attorney Regulation Counsel (“OARC”) and the Colorado Attorney Regulation Counsel (“ARC”).

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff Judicial Watch, Inc. is a not-for-profit, educational foundation that seeks to promote integrity, transparency, and accountability in government and fidelity to the rule of law. In furtherance of its public interest mission, Plaintiff regularly requests access to the public records of federal, state, and local government agencies and officials and disseminates its findings to the public. Plaintiff is a “person” as that term is defined by § 24-72-202(3), C.R.S., and as such it has standing to bring a claim for access to public records under the CORA and for an award of reasonable attorneys’ fees.

2. Defendant John S. Gleason is the State of Colorado’s ARC, a public official appointed by the Supreme Court of Colorado to investigate allegations of professional misconduct by attorneys admitted to practice before the courts of the State of Colorado and to prepare and prosecute disciplinary and disability actions against Colorado attorneys, among other duties and responsibilities. As ARC, Defendant Gleason also maintains and supervises a permanent office, the OARC, which serves as a central office for the filing of requests for investigations and the coordination of such investigations, as well as for the administration of all disciplinary and disability enforcement proceedings against Colorado attorneys, among other purposes. Defendant Gleason is being sued in his capacity as custodian of the public records to which Plaintiff seeks access.

3. Defendant OARC is an agency and/or institution of the State of Colorado and also is the custodian of the public records to which Plaintiff seeks access.

4. This Court has jurisdiction over Defendants and the subject matter of this action pursuant to § 24-72-204(5), C.R.S.

5. Venue is proper in the City and County of Denver pursuant to C.R.C.P. 98(b)(2).

GENERAL ALLEGATIONS

6. On or about March 23, 2010, Chief Justice Rebecca White Berch of the Arizona Supreme Court issued an administrative order appointing “The Colorado Supreme Court, Office of Attorney Regulation under the direction of Regulation Counsel, John Gleason” as Independent Bar Counsel to the State Bar of Arizona for purposes of investigating allegations of professional misconduct by Andrew Thomas, the former County Attorney of Maricopa County, Arizona, and other lawyers formerly employed in the Maricopa County Attorney’s Office. Chief Justice Berch’s Administrative Order of March 23, 2010 also directed that the “State Bar of Arizona shall pay reasonable fees, costs for services provided, and expenses incurred by Independent Bar Counsel Gleason as necessary to carry out the duties required by this Order.”

7. Thereafter, Defendants commenced an investigation of Thomas and at least two other attorneys formerly employed in the Maricopa County Attorney’s Office. On information and belief, Defendants’ investigation is continuing.

8. On September 2, 2010, Plaintiff sent a CORA request to Defendants seeking access to the following public records:

(1) Any and all records of communications between OARC/ARC, the Arizona Supreme Court, and/or the Arizona State Bar concerning or relating to the March 23, 2010 appointment of OARC/ARC by Arizona Supreme Court Chief Justice Rebecca White Berch to serve as Independent Bar Counsel for purposes of investigating and/or prosecuting allegations of misconduct against former Maricopa County Attorney Andrew Thomas and/or lawyers formerly in his employ (hereinafter “the Thomas Charges”);

(2) Any and all records of communications between OARC/ARC, the Colorado Supreme Court, and/or the Attorney Regulation Committee of the Supreme Court of Colorado concerning or relating to the March 23, 2010 appointment of OARC/ARC by Arizona Supreme Court Chief Justice Rebecca White Berch to serve as Independent Bar Counsel for the Thomas Charges;

(3) Any and all records concerning or relating to the authority of OARC/ARC, under Colorado law, to accept the appointment of Arizona Supreme Court Chief Justice Rebecca White Berch to serve as Independent Bar Counsel for the Thomas Charges;

(4) Any and all records concerning or relating to the authority of OARC/ARC, under Colorado law, to investigate or prosecute allegations of attorney misconduct for a entity other than the Supreme Court of Colorado;

(5) Any and all records concerning or relating to the authority of OARC/ARC, under Colorado law, to investigate or prosecute allegations of attorney misconduct against non-Colorado attorneys or attorneys who are not alleged to have engaged in misconduct in the State of Colorado;

(6) Any and all bills, invoices, or statements for services rendered or expenses incurred by OARC/ARC in serving as Independent Bar Counsel for the Thomas Charges; and

(7) Any and all records of payments received by OARC/ARC, the Colorado Supreme Court, or the State of Colorado for services rendered or expenses incurred by OARC/ARC in serving as Independent Bar Counsel for the Thomas Charges.

A true and correct copy of Plaintiff’s CORA request is attached as Exhibit 1

9. By letter dated September 20, 2010, Defendants denied Plaintiff access to all records responsive to Item Nos. 1-2 and 6-7. Although Plaintiff plainly had not sought access to any of Defendants' work product, working files, deliberations, or internal communications, Defendants nonetheless asserted that records responsive to Item Nos. 1-2 and 6-7 were protected from disclosure because they allegedly "constitute work product, working files and records of attorneys employed by the Arizona judiciary in general and for purposes of prosecuting disciplinary cases in general."

10. With respect to Item Nos. 3-5, Defendants failed to state whether Plaintiff would be allowed access to responsive records, claim that responsive records were protected from disclosure, or deny that responsive records existed. A true and correct copy of Defendants' September 20, 2010 letter is attached as Exhibit 2.

11. By letter dated September 23, 2010, Plaintiff expressly informed Defendants that Item Nos. 1-2 and 6-7 did not seek production of any of Defendants' work product, working files, deliberations, or internal communications:

The facts and circumstances surrounding this appointment obviously are materially different from the actual work undertaken by the OARC as Independent Bar Counsel on those matters, and it is records about this appointment, not any records of the OARC's work product, working files, deliberations, or internal communications that our request seeks.

Similarly, bills, invoices, or statements sent to the State Bar of Arizona for services rendered or expenses incurred by the OARC in serving as Independent Bar Counsel on this matter, and records of payments received from the State Bar of Arizona for such services or expenses, obviously are materially different from the OARC's work product, working files, deliberations, or internal communications.

12. In addition, Plaintiff also informed Defendants that Defendants' September 20, 2010 letter was not responsive to Item Nos. 3-5. A true and correct copy of Plaintiff's September 23, 2010 letter is attached as Exhibit 3.

13. By letter dated September 28, 2010, Defendants again denied Plaintiff access to records responsive to Item Nos. 1, 6, and 7.

14. With respect to Item No. 2, Defendants contradicted their prior assertion that all responsive records were protected from disclosure, claiming instead that they were not in possession of any responsive records. On information and belief, however, Defendants misconstrued the request as seeking communications between the Chief Justice of the Colorado Supreme Court and the Arizona Supreme Court rather than communications between Defendants and the Colorado Supreme Court. Consequently, Defendants failed to respond to Item No. 2.

15. With respect to Item Nos. 3-5, Defendants again failed to state whether Plaintiff would be allowed access to responsive records, claim that responsive records were protected from disclosure, or deny that responsive records existed. Consequently, Defendants again failed to respond to Item Nos. 3-5. A true and correct copy of Defendants' September 28, 2010 letter is attached as Exhibit 4.

16. On information and belief, Defendants have made, maintained, and kept and/or are making, maintaining, and keeping public records responsive to Plaintiff's September 2, 2010 CORA request.

17. On information and belief, Defendants have used and/or are using the resources and staff of OARC in investigating Thomas and other attorneys formerly employed in the Maricopa County Attorney's Office.

18. On November 15, 2010, Plaintiff notified Defendants that it intended to apply to the Court for an order compelling them to produce all public records responsive to Plaintiff's September 2, 2010 CORA request. A true and copy of Plaintiff's November 15, 2010 letter is attached as Exhibit 5.

19. As of the date of this complaint and application, Defendants continue to deny Plaintiff access to the requested public records.

APPLICABLE STATUTORY PROVISIONS

20. Under CORA, any person may request access to inspect and obtain copies of any public record. *See* § 24-72-203(1)(a), C.R.S.

21. Under CORA, if a record constitutes a "public record," the custodian may deny access only if there is a specific exception that requires or permits the withholding of that record. *See* 24-72-203(1)(a), C.R.S.

22. Under CORA, "any person denied the right to inspect any record . . . may apply to the district court of the district wherein the record is found for an order directing the custodian of such record to show cause why the custodian should not permit the inspection of such record." § 24-72-204(5), C.R.S.

23. Under CORA, "[u]nless the court finds that the denial of the right of inspection was proper, it shall order the custodian to permit such inspection and shall award court costs and reasonable attorney fees to the prevailing applicant in an amount to be determined by the court." § 24-72-204(5), C.R.S.

CLAIM FOR RELIEF
(Violation of CORA; § 24-72-204(5), C.R.S.)

24. Plaintiff re-alleges paragraphs 1-23 as if fully stated herein.

25. The records requested by Plaintiff in its September 2, 2010 CORA request are “public records” within the meaning of § 24-72-202(6)(a)(I), C.R.S.

26. Defendants have failed to respond to Plaintiff’s September 2, 2010 CORA request with respect to Item Nos. 3-5. Consequently, Defendants have unlawfully denied Plaintiff access to the requested public records.

27. With respect to Items No. 1-2, 6-7 of Plaintiff’s September 2, 2010 CORA request, no specific exceptions requires or permits Defendants to withhold responsive public records. Consequently, Defendants have unlawfully denied Plaintiff access to the requested records.

28. Because Defendants have unlawfully denied Plaintiff access to the requested public records, Plaintiff is entitled to an order compelling Defendants to allow Plaintiff access to all responsive public records in Defendants’ possession, custody, or control.

29. Plaintiff also is entitled to an award of its reasonable attorney’s fees and costs in enforcing its right of public access to these public records, pursuant to § 24-72-204(5), C.R.S.

APPLICATION FOR ORDER TO SHOW CAUSE

A. Pursuant to § 24-72-204(5), C.R.S., Plaintiff is entitled to, and hereby applies for, an Order to Show Cause directing Defendants to show cause why Plaintiff should not be allowed access to the requested public records. As required by CORA, the Court should set a date for a show cause hearing at “the earliest time practicable.”

B. A proposed Order to this effect is attached for the Court’s convenience.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court:

A. enter forthwith an Order directing Defendants to show cause why Plaintiff should not be allowed access to the public records described in Plaintiff’s September 2, 2010 CORA request;

B. conduct a hearing pursuant to such Order “at the earliest practicable time,” at which time the Court may make the Order to Show Cause absolute;

C. enter an Order requiring Defendants to allow Plaintiff access to any and all responsive public records in Defendants' possession, custody, or control;

D. award Plaintiff its reasonable attorneys' fees and costs associated with the preparation, initiation, and prosecution of this action, as mandated by § 24-72-204(5); and

E. grant such other and further relief as the Court deems proper and just.

DATED: November 19, 2010

ROUSE LAW OFFICE

(Original signature on file)

Of Counsel:

Paul J. Orfanedes (D.C. Bar No. 429716)
Michael Bekesha (D.C. Bar. No. 995749)
JUDICIAL WATCH, INC.
425 Third St., S.W., Suite 800
Washington, DC 20024
Telephone: (202) 646-5172
Fax: (202) 646-5199
E-mail: porfanedes@judicialwatch.org
mbekesha@judicialwatch.org



**Judicial
Watch®**
*Because no one
is above the law!*

**VIA CERTIFIED U.S. MAIL (RECEIPT NO.
7009 1680 0000 3346 4739)**

September 2, 2010

Office of Attorney Regulation Counsel
Supreme Court of Colorado
1560 Broadway, Suite 1800
Denver, CO 80202

Re: Colorado Open Records Act Request

Dear Sir/Madam:

Judicial Watch, Inc. requests that the Office of Attorney Regulation Counsel and/or the Attorney Regulation Counsel of the Supreme Court of Colorado (hereinafter collectively referred to as "OARC/ARC") produce copies of the following public records pursuant to the Colorado Open Records Act, C.R.S. § 24-72-201, *et seq.*:

1. Any and all records of communications between OARC/ARC, the Arizona Supreme Court, and/or the Arizona State Bar concerning or relating to the March 23, 2010 appointment of OARC/ARC by Arizona Supreme Court Chief Justice Rebecca White Berch to serve as Independent Bar Counsel for purposes of investigating and/or prosecuting allegations of misconduct against former Maricopa County Attorney Andrew Thomas and/or lawyers formerly in his employ (hereinafter "the Thomas Charges");
2. Any and all records of communications between OARC/ARC, the Colorado Supreme Court, and/or the Attorney Regulation Committee of the Supreme Court of Colorado concerning or relating to the March 23, 2010 appointment of OARC/ARC by Arizona Supreme Court Chief Justice Rebecca White Berch to serve as Independent Bar Counsel for the Thomas Charges;
3. Any and all records concerning or relating to the authority of OARC/ARC, under Colorado law, to accept the appointment of Arizona Supreme Court Chief Justice Rebecca White Berch to serve as Independent Bar Counsel for the Thomas Charges;

EXHIBIT

4. Any and all records concerning or relating to the authority of OARC/ARC, under Colorado law, to investigate or prosecute allegations of attorney misconduct for a entity other than the Supreme Court of Colorado;

5. Any and all records concerning or relating to the authority of OARC/ARC, under Colorado law, to investigate or prosecute allegations of attorney misconduct against non-Colorado attorneys or attorneys who are not alleged to have engaged in misconduct in the State of Colorado;

6. Any and all bills, invoices, or statements for services rendered or expenses incurred by OARC/ARC in serving as Independent Bar Counsel for the Thomas Charges; and

7. Any and all records of payments received by OARC/ARC, the Colorado Supreme Court, or the State of Colorado for services rendered or expenses incurred by OARC/ARC in serving as Independent Bar Counsel for the Thomas Charges.

A copy of Arizona Supreme Court Chief Justice Berch's Administrative Order appointing OARC/ARC as Independent Counsel for the Thomas Charges is enclosed.

For purposes of this request, the term "record" shall be given its broadest possible meaning and shall include, but not be limited to, any and all materials coming within the definition of the term "public records" set forth in C.R.S. § 24-72-202(6)(a). It also shall include any and all electronically, magnetically, or mechanically stored material of any kind, any and all electronic mail or e-mail, meaning any electronically transmitted text or graphic communication created upon and transmitted or received by any computer or other electronic device, and any and all material stored on compact disc, computer disk, diskette, hard drive, flash drive, or other electronic storage device. The term "record" also shall mean any drafts, alterations, amendments, changes, or modifications of or to any of the foregoing.

Judicial Watch, Inc. requests that copies of the above-referenced public records be mailed to it promptly, pursuant to C.R.S. § 24-72-205.

In addition, although a presumption of disclosure guides the application of Colorado's public records laws, if access to any requested record or portion thereof is denied, please provide a written statement of the grounds for the denial, including a citation to the law or regulation relied upon as the basis for the denial, as required by C.R.S. § 24-72-204(4).

Judicial Watch, Inc. agrees to pay reasonable fees associated with the production and mailing of the requested records. If any fee is to be charged, please notify Judicial Watch, Inc. in advance if the expected fee is likely to exceed \$150.00.

Office of Attorney Regulation Counsel
September 2, 2010
Page 3

If you do not understand this request or any portion thereof, or if you feel you require additional information or clarification in order to respond to this request or any portion thereof, please contact us immediately at (202) 646-5172.

Sincerely,

JUDICIAL WATCH, INC.,

A handwritten signature in black ink, appearing to read 'John Althen', written over the company name.

John Althen
Research Analyst

COLORADO SUPREME COURT
ATTORNEY REGULATION COUNSEL

Assistant
Regulation Counsel

Regulation Counsel
John S. Gleason

Chief Deputy Regulation Counsel
James C. Coyle

Chief Deputy Regulation Counsel
James S. Sudler



Attorneys' Fund for Client Protection
Unauthorized Practice of Law

Amy C. DeVan
Adam J. Espinosa
Stephen R. Fatzinger
Lisa E. Frankel
Margaret B. Funk
Kim E. Ikeler
Elizabeth Espinosa Krupa
Cynthia D. Mañes
April M. McMurrey
Charles E. Mortimer, Jr.
Katrin Miller Rothgery
Matthew A. Samuelson
Louise Culberson-Smith

September 20, 2010

John Althen
Research Analyst
Judicial Watch
425 Third Street, SW
Suite 800
Washington, DC 20024

Re: Colorado Open Records Act Request

Dear Mr. Althen:

I received your request for "public records" related to the Arizona Supreme Court Order appointing me as Independent Bar Counsel on matters related to the Maricopa County Attorney's office. Although you make your request for records pursuant to the Colorado Open Records Act, the matters are unrelated to Colorado. Rather, the investigations I am conducting are pursuant to an Order of the Arizona Supreme Court, are conducted in the State of Arizona, and involve only Arizona lawyers. Therefore, I am addressing your request pursuant to Rule 123 A.R.S. Sup. Ct. Rules (public access to the judicial records of the state of Arizona) and Rule 70, A.R.S. Sup. Ct. Rules (Public Access to Information of Disciplinary Proceedings).

Rules 123(9) and 70(a) and (b) both prohibit disclosure of work product, working files and other records of attorneys employed by the Arizona judiciary. In general, and for purposes of prosecuting disciplinary cases in particular, although administrative records are open to the public *attorney and judicial work product* are exceptions.

I will address your requests in the numerical order presented in your September 2, 2010 letter.

1. The information sought in Request No. 1 constitutes work product, working files and records of attorneys employed by the Arizona judiciary in general and for purposes of prosecuting disciplinary cases in general.

EXHIBIT


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John Althen
Judicial Watch
September 20, 2010
Page 2

2. With respect to Request No. 2, see response to Request No. 1.
3. In response to Requests Nos. 3-5, see Colo. Const. Art. VI.
4. With respect to Requests Nos. 6 and 7, see response to request No. 1.

As stated, I do not believe that the Colorado Open Records Act (CORA) applies to the Colorado Supreme Court Office of Attorney Regulation Counsel's activities in Arizona. Assuming that CORA does apply, I am not authorized to provide the records in response to Requests Nos. 1, 2, 6 and 7 because such inspection is prohibited by Rules promulgated by the Colorado Supreme Court. CORA does not apply when such inspection is prohibited by rules promulgated by the Colorado Supreme Court. Section 24-72-204(1)(c), C.R.S. (2010). C.R.C.P. 251.31 prohibits the disclosure of the information contained in those requests.

Sincerely,



John S. Gleason
Regulation Counsel

JSG/nmc



Judicial Watch®

*Because no one
is above the law!*

VIA EMAIL (john.gleason@csc.state.co.us)
AND U.S. MAIL

September 23, 2010

John S. Gleason
Regulation Counsel
Office of Attorney Regulation Counsel
Supreme Court of Colorado
1560 Broadway, Suite 1800
Denver, CO 80202

Re: Colorado Open Records Act Request

Dear Mr. Gleason:

We are in receipt of the Office of Attorney Regulation Counsel's September 20, 2010 response to our September 2, 2010 Colorado Open Records Act request. It appears that you may have misunderstood our request.

With respect to Item Nos. 1, 2, 6, and 7, we do not seek production of any of your office's work product, working files, deliberations, or internal communications. Item Nos. 1 and 2 seek external communications regarding the March 23, 2010 appointment of the Colorado Supreme Court Office of Attorney Regulation Counsel ("OARC") to serve as Independent Bar Counsel for particular matters in the State of Arizona. The facts and circumstances surrounding this appointment obviously are materially different from the actual work undertaken by the OARC as Independent Bar Counsel on those matters, and it is records about this appointment, not any records of the OARC's work product, working files, deliberations, or internal communications, that our requests seeks.

Similarly, bills, invoices, or statements sent to the State Bar of Arizona for services rendered or expenses incurred by the OARC in serving as Independent Bar Counsel on this matter, and records of payments received from the State Bar of Arizona for such services or expenses, obviously are materially different from the OARC's work product, working files, deliberations, or internal communications. See Item Nos. 6 and 7.

EXHIBIT

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Office of Attorney Regulation Counsel
September 23, 2010
Page 2

With respect to Item Nos. 3-5, we have reviewed Article VI of the Colorado Constitution, to which you referred us, and it is not responsive to our request. Nothing in Article VI of the Colorado Constitution even mentions the OARC, much less the OARC's authority under Colorado law to investigate or prosecute allegations of attorney misconduct outside the State of Colorado by attorneys not practicing in the State of Colorado or admitted to the Colorado Bar.

Accordingly, please produce all records responsive to Item Nos. 1-7 to us without further delay. Thank you for your attention to this matter.

Sincerely,

JUDICIAL WATCH, INC.,

A handwritten signature in black ink, appearing to read 'John Althen', written over the printed name.

John Althen
Research Analyst

COLORADO SUPREME COURT
ATTORNEY REGULATION COUNSEL



Attorneys' Fund for Client Protection
Unauthorized Practice of Law

Assistant
Regulation Counsel
Amy C. DeVan
Adam J. Espinosa
Stephen R. Fatzinger
Lisa E. Frankel
Margaret B. Funk
Kim E. Ikeler
Elizabeth Espinosa Krupa
Cynthia D. Mares
April M. McMurrey
Katrin Miller Rothgery
Matthew A. Samuelson
Louise Culberson-Smith

Regulation Counsel
John S. Gleason

Chief Deputy Regulation Counsel
James C. Coyle

Chief Deputy Regulation Counsel
James S. Sudler

First Assistant Regulation Counsel
Charles E. Mortimer, Jr.

September 28, 2010

John Althen
Research Analyst
Judicial Watch
425 Third Street SW
Suite 800
Washington, DC 20024

Re: Colorado Open Records Act Request

Dear Mr. Althen:

Thank you for your September 23, 2010 letter. With respect to requests numbered 1, 6 and 7, they are best addressed by the Arizona Supreme Court. With respect to request number 2, this office is not in possession of any documents. The communications, if any occurred, were between the Chief Justice of the Colorado Supreme Court and the Arizona Supreme Court. Judicial investigations fall within the jurisdiction of the Supreme Court and are not subject to the Colorado Open Records Law.

I also refer you to the language of Arizona Rule 123 below:

Rule 123. Public access to the judicial records of the state of Arizona.

(e) *Access to administrative records.* All administrative records are open to the public except as provided herein:

(9) *Attorney and judicial work product.*

(B) All notes, memoranda or drafts thereof prepared by a judge or other court personnel at the direction of a judge and used in the course of deliberations on rule or administrative matters are closed.

Additionally, I refer you to the language of Arizona Rule 70 below:

Rule 70. Public access to information.

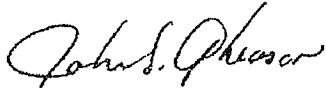
(b) *Exceptions to availability of information.* Notwithstanding other provisions of these rules, the following do not become public:



1. work product and working files of state bar staff, bar counsel, the panelist, court staff, hearing officers, the commission, or this court;

With respect to requests numbered 3, 4 and 5, I responded. The Chief Justice has the inherent authority to cooperate with other states.

Sincerely yours,

A handwritten signature in cursive script, reading "John S. Gleason".

John S. Gleason
Independent Bar Counsel

JSG/nmc



**Judicial
Watch®**
*Because no one
is above the law!*

VIA EMAIL (john.gleason@csc.state.co.us) & FACSIMILE (303-893-5302)

November 15, 2010

John S. Gleason
Regulation Counsel
Office of Attorney Regulation Counsel
Supreme Court of Colorado
1560 Broadway, Suite 1800
Denver, CO 80202

Re: Colorado Open Records Act Request

Dear Mr. Gleason:

Pursuant to C.R.S. § 24-72-204(5), this constitutes Judicial Watch, Inc.'s notice of intent to apply to the district court for an order compelling the Regulation Counsel and the Office of Attorney Regulation Counsel to respond fully and without objection to Judicial Watch, Inc.'s September 1, 2010 Colorado Open Records Act request. Judicial Watch will seek this order unless all documents responsive to the request are made available for inspection and copying within three business days

Sincerely,

Michael Bekesha
Staff Attorney

EXHIBIT

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