

**COLORADO SUPREME COURT
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April 14, 2004

Kay Sieverding
641 Basswood Avenue
Verona, WI 53593

Re: Request for investigation of James B. Oliphant, #2004-1292

Dear Ms. Sieverding:

We have completed our review of your request for investigation on the above-referenced attorney, dated March 23, 2004. Your request for investigation centers on a "letter motion," dated November 5, 2003, that Mr. Oliphant filed in United States District Court for the District of Colorado case number 02-M-1950. You allege that this "letter motion" amounted to an improper communication with the court, and that it did not conform to the procedural rules.

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. Oliphant acted unethically by sending the letter motion to the court. A copy of the "letter motion" was sent to you, as well as other parties and lawyers involved in that case. As such, it does not appear that the "letter motion" amounted to an improper communication with the court. Judge Nottingham, Magistrate Judge Schlatter, or some other judicial officer must resolve your concerns regarding whether the "letter motion" conformed to the procedural rules.

Your letter also raises legal issues regarding the propriety of a motion for partial summary judgment that was filed in the case. This office has no jurisdiction to address legal issues, and cannot act in any quasi-judicial capacity. As such, we do not express any opinion regarding those issues.

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/rl

cc: James B. Oliphant, Esq.