

# Post Independent

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## Supreme Court says attorneys must be honest

By Chad Abraham  
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District Attorney Colleen Truden may have violated state rules governing lawyers' conduct when she spoke to the commissioners from two counties about the dismissals of employees and the hiring of her husband.

At an April 26 meeting, Truden told Pitkin County officials that not a single deputy district attorney or administrative staffer was escorted out before his or her scheduled last day. Multiple former employees of the 9th Judicial District have said that Truden's statements to local leaders were not truthful.

Last week, she told Garfield County Commissioners that her husband was hired as a stopgap to work on computers in the district's office in Glenwood Springs. Truden said she contracted him because the county's computer systems manager didn't have time to work on the district's software and that a private company's fee was too expensive.

But according to records Glenwood Springs attorney Sherry Caloia obtained, Truden was paying a private firm.

The records show the office paid Mediate It Inc. \$6,032.50 for six weeks of work. Frederick Truden is the registered agent of that firm, according to the Colorado Secretary of State's office. At the same time payments were being made to Mediate It Inc., the office paid another computer company nearly \$9,000 for some services similar or identical to what Frederick Truden performed.

"She's lied," Caloia said Monday.

Truden did not answer a message left at her home yesterday seeking comment.

Lawyers in Colorado must abide by the honesty requirements of the state Supreme Court's rules of professional conduct. District attorneys must meet the same standards.

"They're not any different than any other lawyer," said John Gleason, the Supreme Court's regulation counsel. The court's Offices of Attorney Regulation governs the state's judges and district attorneys, along with other lawyers.

The section on the rules of misconduct lists multiple ways an attorney can violate the code.

"It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation," rule 8.4 states.

At the meeting with the Pitkin County Commissioners, Truden also denied that the assistant district attorney she hired was the subject of an investigation into his alleged harassment of co-workers at a previous job. Asked at the meeting whether her husband worked in the office in Glenwood Springs, she said, "My husband is not an employee on the payroll of the office of the district attorney." She added that "he does provide some services (in the office) and does some volunteer work."

Gleason said nepotism-related cases could be the subject of an investigation by his office. Hiring a spouse does not violate the conduct standards, but allegations of dishonesty are always taken seriously, he noted.

"There are rules regarding honesty and the way you deal with the public or anyone. Lawyers have to be honest 100 percent of the time," Gleason said. "If there are issues of honesty, we investigate those."

When told about Truden's payments to both her husband and the other computer company, DeskTop Consulting Inc., Gleason said he could not comment on specific cases.

But he did say "if you have a case like that, that involves a lawyer's duty of honesty, those are all the kinds of cases that we investigate."

Caloia said she had thought long and hard about filing a formal complaint with the Offices of Attorney Regulation, but has not done so. No one else to her knowledge has, either, she said.

"If someone has a concern about any lawyer, all they have to do is call this office and we'd be delighted to conduct an investigation," Gleason said. He would not reveal whether his office has received any complaints about Truden, saying that preliminary investigations are confidential.

"It's very, very serious when you're going after somebody's license," Caloia said.

Pitkin County Commissioner Mick Ireland was at that April 26 meeting. He said he has not filed a complaint with the Supreme Court.

"I don't anticipate doing so, but I anticipate that might be happening regardless of my participation," Ireland said.

Asked whether Truden's comments to him and the other commissioners warranted a Supreme Court investigation, Ireland said, "I haven't made an assessment of that. I was disappointed that those comments appeared to deviate from the facts as she knew them.

"You have to understand, I'm not used to having to deal with that sort of issue," he said. "Most people who come before us, even the ones we don't agree with, are generally honest. And when they're not, of course, we're always very unhappy."

Both Caloia and Gleason said anyone can file a complaint with the state Supreme Court against a judge, lawyer or district attorney.

If an investigation is launched, the attorney by law must cooperate with inquiry-related requests, Gleason said.

"This is an office of the Supreme Court. We do anything we need to do," he said. "If we need to

subpoena records, we subpoena records, and if we need to depose people, we depose people."

Those found to have violated the conduct rules are sanctioned. The penalty depends on the severity of the offense and could range from going through a diversion program to disbarment.

"(Penalties are) very specific with regard to the nature of misconduct, the nature of the harm and whether the lawyer has any prior discipline history," Gleason said.

After an investigation, the Offices of Attorney Regulation will make public any violations of rules.

Rule 8.4 on misconduct also includes a commentary section by the ethics committee of the Colorado Bar Association.

"Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate a lack of those characteristics relevant to law practice," the rule says. "Offenses involving violence, dishonesty, breach of trust or serious interference with the administration of justice are in that category.

"A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation."

The closing paragraph of the commentary says, "Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of attorney."

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