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October 17, 2006

Ms. Beverly Mann
P.O. Box 20
Whitmore Lake, MI 48189

Re: Request for Investigation of David R. Gloss, 06-03809

Dear Ms. Mann:

I write in response to your October 13, 2006 telephone call regarding your latest complaint about Mr. Gloss. I write rather than call because past experience has shown that verbal communication with you sometimes results in misunderstandings between you and members of this office. Please note that my office has opened a new file and assigned a new case number to this most recent complaint: 2006-3809.

As you know from previous contacts with my office, our scope is limited to prosecuting provable violations of the Colorado Rules of Professional Conduct. To commence an action against Mr. Gloss based on your complaint, we must be able to prove he violated one of those rules by clear and convincing evidence. I reviewed the information you provided when you spoke with my legal assistant, Rosemary Gosda, on October 13th, but find it is not sufficient for us to determine whether we can prove Mr. Gloss violated one of the rules governing attorney conduct.

You told Ms. Gosda you believe that: 1) Mr. Gloss filed a motion on or about September 25, 2006, in which Mr. Gloss asked the court to issue an order enforcing an earlier order against you for reimbursement of attorney fees; and 2) the court granted Mr. Gloss' motion. You also told Ms. Gosda that you received a letter from a collection agency seeking to collect on this order for fees.

You further told Ms. Gosda that you felt Mr. Gloss has no authority to file any motions on behalf of your father's estate. Whether Mr. Gloss has authority to file motions in your father's matter is an issue for the court to decide. If you have not already done so, you may pursue this aspect of your complaint with the court in charge of your father's case.

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You claim Mr. Gloss failed to send you a copy of the motion. When Ms. Gosda first asked if you had informed the court about your claim, you said you thought you did. However, when Ms. Gosda asked you again about whether you informed the court of this, you said no, you had not done so. You told Ms. Gosda that you do not currently have a copy of the motion at issue and the source of your information is someone from the collection agency. Apparently, you have not confirmed or verified any of this with the court handling your father's case.

At this point, the information you have supplied so far is uncorroborated, second or third-hand hearsay from your telephone call to some unnamed person at a collection agency. If you want my office to investigate your complaint, then you should provide more definite information and some supporting documentation. To ensure that my office has an accurate understanding of the exact nature of your complaint, I am requesting that you send us a brief written statement of complaint. Your statement should summarize what you believe Mr. Gloss has done that violates the Rules of Professional Conduct, along with copies of documents needed to assist our review and to prove your claims by clear and convincing evidence.

Specifically, I am asking you to mail us your written complaint and copies of the: **1) motion you believe Mr. Gloss filed, including the certificate of service (which will show to whom he purports to have sent a copy of the motion); 2) court's initial order against you for reimbursement of Mr. Gloss' attorney fees; 3) court order granting Mr. Gloss' motion; and 4) letter you received from the collection agency.**

This request is not an invitation to revisit your prior complaints about Mr. Gloss. As my office and I have already informed you verbally and in writing, we consider your previous complaints closed. I respectfully ask that you limit your response in this new matter to information and documentation that is different from what you alleged in your prior complaints. Information and documents that do not comport with this limited request will delay my office's review.

Please be advised that if my office does not receive the requested written information and documents by 5:00 pm on Tuesday, November 7, 2006, we will close this matter and take no further action on your complaint. If you need more time in order to obtain some of the necessary documentation

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from the court, please let my office know as soon as possible. Otherwise, we will expect to receive a response from you by November 7th.

Thank you in advance for your cooperation and assistance in this matter. I look forward to your response.

Sincerely,

Handwritten signature of Louise Culberson-Smith in cursive, with the initials 'LCS' and a date 'm, < , TQ' written below it.

Louise Culberson-Smith
Assistant Regulation Counsel

LCS/rs1 .