

Statement of the Legal Regulation Committee, Dated 1/20/2023.

RE: Request for Investigation of Nathan B. Coats

This matter was originally opened as an investigation relating to former Chief Justice Coats' involvement in the awarding of a contract to a former executive in the Judicial Department. Outside Counsel, experienced in all areas of attorney discipline and unassociated with the Office of Attorney Regulation Counsel, were appointed by the Committee to perform an investigation. After completing the lengthy investigation, including the pursuit and receipt of thousands of documents, many interviews of relevant persons, and establishing a clear timeline to inform the inquiry, Outside Counsel made factual findings and formed recommendations. Just recently, these findings and recommendations were reported to the Committee for its consideration.

Upon the original referral of this matter to the Office of Attorney Regulation, it was determined that information about the status and the disposition of this matter could be publicly disclosed in accordance with the Colorado Rules of Civil Procedure. The rules allow for such disclosure because "[t]he proceeding (was) based on allegations that have become generally known to the public" and because "(t)he disclosure is necessary to protect the public, the administration of justice, or the legal profession."

Based on the investigation, the Committee determined that it cannot be proved by clear and convincing evidence that former Chief Justice Coats engaged in any behavior that would constitute a violation of the Colorado Rules of Professional Conduct as it concerns the awarding of the contract. However, the Committee did conclude that, during his tenure as chief justice, Justice Coats did not provide appropriate supervision of staff, and in doing so, failed to adhere to minimal standards of good governance. He displayed a lack of attention to the dysfunctional and toxic operations of the State Court Administrator's Office and made no effort to intervene. Nevertheless, the failure to supervise here does not constitute a violation of the Colorado Rules of Professional Conduct.

Based on the evidence provided by outside counsel, the Committee believes that there is clear and convincing evidence that the former Chief Justice violated the rules with respect to his duty to report what appeared to be improper conduct of other lawyers which contributed to the ongoing consideration of awarding the contract. However, he was not made aware of such conduct until after the contract was awarded. When he was made aware of the conduct, he took action to cancel the contract.

Accordingly, the Committee does not believe that his conduct justifies the imposition of discipline or an alternative and the matter as to former Chief Justice Coats has been dismissed.