

People v. Robert Brent Wareham. 17PDJ021. September 13, 2017.

The Presiding Disciplinary Judge approved the parties' conditional admission of misconduct and publicly censured Robert Brent Wareham (attorney registration number 27887), effective September 13, 2017. As a condition of the public censure, Wareham must attend ethics school.

In 2015, Wareham represented a woman with two children in a dissolution matter in Douglas County. The court held a hearing in July 2015, during which appointment of a child and family investigator was discussed. As part of that discussion, the judge made a passing and oblique reference to the possible involvement of the Colorado Department of Human Services.

Later that day, Wareham's client called him about her fifteen-year-old son, who she said was "being really unruly." She asked Wareham to talk to the son, who she said was listening to the conversation via speaker phone. Wareham responded that during the hearing earlier that day, the judge had said she "will call in the Department of Human Services and she will place [the son] under the custody of the state" if he "doesn't get himself under control." Wareham continued, "If he doesn't want to be placed in foster care, he better start behaving." Later in the conversation, Wareham told the son: "You will obey your mother You go to [] a Christian high school. You're behaving like some kid out of the ghetto." There is no indication that the son had ever been involved in any delinquency action.

Through his comments, Wareham violated Colo. RPC 4.4(a) (in representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person). In addition, by making comments exhibiting a bias against the client's son on account of his race, Wareham violated Colo. RPC 8.4(g) (in representing a client, a lawyer shall not engage in conduct that exhibits bias against a person based on the person's race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, when such conduct is directed to anyone involved in the legal process).