

COLORADO SUPREME COURT
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Unauthorized Practice of Law

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November 14, 2007

Don and Susie Kirlin
3065 Galena Way
Boulder, CO 80305

Re: Request for Investigation of Edith M. Stevens, 07-03587

Dear Mr. and Ms. Kirlin:

The purpose of this letter is to inform you about my office's decision on your complaint against Ms. Stevens.

The function of Attorney Regulation Counsel is to ensure that lawyers practicing in this state comply with the Colorado Rules of Professional Conduct. The Rules are extensive, but they are not always the best way of dealing with a complaint about a lawyer. Sometimes a person's complaint with a lawyer may be better addressed through court proceedings. Your situation is one of those cases.

You report that Ms. Stevens and her husband filed an adverse possession claim against you. A civil court heard the claim and ruled in favor of Ms. Stevens and her husband. You believe that such conduct violates the Rules of Professional Conduct, specifically Rule 8.4.

I discussed your complaint separately with six different lawyers in my office. One of those is the head of this office, Regulation Counsel John Gleason. We all agree that a successful adverse possession claim does not constitute a violation of the Rules of Professional Conduct, including Rule 8.4.

Colorado law specifically allows adverse possession. A court of competent jurisdiction examined Ms. Stevens' claim and ruled in her favor. Pursuing a civil action that is permitted by state statute and upheld by a court of law is not misconduct. If you wish to challenge Ms. Stevens' claim or the civil court's decision, your recourse is through an appellate court, not this office.

Don and Susie Kirlin

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For the above reasons, my office is declining your request for investigation. We are closing our file on this matter and will take no further action on your complaint.

Thank you for taking time to report your concerns to the Office of Attorney Regulation. I wish you the best in any appeal you choose to pursue.

Sincerely,



Louise Culberson-Smith
Assistant Regulation Counsel

LCS/rsl

cc: Edith M. Stevens, Esq.