

**COLORADO SUPREME COURT
ATTORNEY REGULATION COUNSEL**

Assistant
Regulation Counsel

Regulation Counsel
John S. Gleason

Chief Deputy Regulation Counsel
Nancy L. Cohen

Deputy Regulation Counsel
James C. Coyle



Attorneys' Fund for Client Protection
Unauthorized Practice of Law

Stephen R. Fatzinger
Lisa E. Frankel
Margaret B. Funk
Luain T. Hensel
Kim E. Ikeler
Cynthia D. Mares
April M. McMurrey
Charles E. Mortimer, Jr.
Matthew A. Samuelson
Louise Culberson-Smith
James S. Sudler

January 20, 2009

Andy McElhany
2830 Orion Drive
Colorado Springs, CO 80906-1063

Re: Request for Investigation of Chantell L.M. Taylor, Esq., 09-03883

Dear Mr. McElhany:

I have completed my review of your request for investigation of Chantell Taylor. For this office to discipline a lawyer, we must be able to prove by clear and convincing evidence that the lawyer violated any of the Colorado Rules of Professional Conduct. You assert that Ms. Taylor violated Colo. RPC 3.6(a) by the actions she took when she found out you solicited and received funding from a private political group to pay for a web site used by your office staff to release public statements and information. Specifically, you state that she investigated your office, assembled a complaint and forwarded that complaint to the Denver District Attorney.

You assert that she put pressure on the Denver District Attorney to press charges through direct communications with their office and also through public statements designed to pressure the District Attorney. When that did not succeed, you state that Ms. Taylor filed suit in Denver District Court to force the District Attorney to prosecute you or to appoint a special prosecutor. You further assert that during this time, Ms. Taylor repeatedly made statements to the press and did radio interviews stating that you violated criminal laws and should be prosecuted.

I reviewed the Colorado Rules of Professional Conduct and discussed your assertions with three lawyers assigned to our Central Intake Division of this office, including Chief Deputy Regulation Counsel, Nancy Cohen. Ms. Taylor did not violate any of the Colorado Rules of Professional Conduct. Any citizen can ask a District Attorney's office to file charges against someone. If the prosecutor refuses to file charges, any citizen can file a lawsuit under C.R.S. 16-5-209 asking the court to order the District Attorney to prosecute a case or to appoint a special prosecutor.

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Rule 3.6 does not apply to the facts you described. Rule 3.6 applies to a lawyer who is actually participating in an investigation or litigation of a matter and who would be a lawyer on either side of the case, not someone who is asking the District Attorney's office to prosecute a matter.

You also assert that Ms. Taylor's statements are defamatory and that Colorado law holds that accusations of criminal conduct are libel. This office has no jurisdiction to address issues of defamation, libel or slander as they are all civil issues that must be raised in a civil court of law, not this office. Regarding your request that we consider a violation of Rule 3.8(f), that rule does not apply to Ms. Taylor based on the fact that she is not a prosecutor. That rule only applies to actual prosecutors, not someone whom you believe has assumed the role of a prosecutor.

For the above reasons, we are closing this matter and will take no further action. Thank you for bringing this matter to our attention.

Sincerely,



Cynthia D. Mares
Assistant Regulation Counsel

CDM/ml

cc: *Chantell L.M. Taylor, Esq.*