

Rule Change 2008 (13)

COLORADO RULES OF CIVIL PROCEDURE

CHAPTER 18

RULES GOVERNING ADMISSION TO THE BAR

Rule 227. Registration Fee

A. Registration Fee of Attorneys and Attorney Judges

(1) General Provisions.

(a) **Fees.** On or before February 28 of each year, every attorney admitted to practice in Colorado (including judges, those admitted on a provisional or temporary basis and those admitted as judge advocate) shall annually file a registration statement and pay a fee as set by the Colorado Supreme Court. ~~of \$225.00;~~ As of 2008, the fees set by the court are as follows: the fee for active attorneys is \$225.00; provided that the fee of any attorney whose first admission to practice is within the preceding three years is shall be \$180.00; . ~~The annual fee for an attorneys on inactive status shall be is~~ \$95.00. All persons first becoming subject to this rule shall file a statement required by this rule at the time of admission, but no annual fee shall be payable until the first day of January following such admission. As necessary to defray the costs of disciplinary administration and enforcement, the costs incurred with respect to unauthorized practice of law matters, and expenses incurred in the administration of this rule, the Supreme Court will authorize periodic increases to the annual fee for every Colorado attorney.

(b) **Collection of Fee. [No Change]**

(c) **Application of Fees.** The fee shall be divided. Nine dollars shall be used to pay the costs of establishing and administering the mandatory continuing legal education requirement. A portion of the fee, to be determined and adjusted periodically by the Supreme Court, shall be used to support designated providers that have been selected by the Advisory Committee to provide assistance to attorneys needing help in dealing with physical, emotional, or psychological problems which may be detrimental to their ability to practice law. Forty dollars shall be used to maintain an Attorneys' Fund for Client Protection. The remaining portion of the fee, and the entire fee of those on inactive status, shall be used only to ~~establish and maintain an attorneys' fund for client protection and to~~ defray the costs of disciplinary administration and enforcement, the

costs incurred with respect to unauthorized practice matters, and the expenses incurred in the administration of this rule.

(d) Initial Registration of Non-Registered Attorneys. Every attorney admitted to practice in Colorado before January 1, 1974 who has not previously complied with the provisions of C.R.C.P. 227 may apply for registration with the eClerk of the Supreme Court of Colorado by filing a registration statement and paying a fee of \$100.00.

(2) Statement.

(a) Contents. The annual registration statement shall be on a form prescribed by the Clerk, setting forth:

(1) date of admission to the Bar of the Colorado Supreme Court⁷ⁱ

(2) registration number⁷ⁱ;

(3) current residence and office addresses⁷, and, if applicable, a preferred mailing address for the Colorado Courts;

(4) certification as to (a) whether the attorney has been ordered to pay child support and, if so, whether the attorney is in compliance with any child support order, (b) whether the attorney or the attorney's law firm has established one or more interest-bearing accounts for client funds as provided in Colo. RPC 1.15, and if so, the name of the financial institution, account number and location of the financial institution, or, if not, the reason for the exemption, and (c) with respect to attorneys engaged in the private practice of law, whether the attorney is currently covered by professional liability insurance and, if so, whether the attorney intends to maintain insurance during the time the attorney is engaged in the private practice of law; and

(5) such other information as the Clerk may from time to time direct.

(b) Notification of Change. Every attorney shall file a supplemental statement of change in the information previously submitted, including home and business addresses, within 30 days of such change. Such change shall include, without limitation, the lapse or termination of professional liability insurance without continuous coverage.

(c) Availability of Information. The information provided by the lawyer regarding professional liability insurance shall be available to the public through the Supreme Court Office of Attorney Registration and on the Supreme Court Office of Attorney Registration website.

(3) Compliance.

(a) Late Fee. [No Change]

(b) Receipt - Demonstration of Compliance. Within ~~20~~ 30 days of the receipt of each fee and of each statement filed by an attorney in accordance with the provisions of this rule, receipt

thereof shall be acknowledged on a form prescribed by the Clerk in order to enable the attorney on request to demonstrate compliance with the requirement of registration pursuant to this rule.

(c) Initial Pleading Must Contain Registration Number. [No Change]

(4) Suspension.

(a) Failure to Pay Fee or File Statement - Notice of Delinquency. ~~Any attorney who fails to timely pay the fee or~~ An attorney shall be summarily suspended if the attorney either fails to pay the fee or fails to file~~the a complete~~ statement of or supplement thereto as required by this rule prior to May 1 ~~shall be summarily suspended~~, provided a notice of delinquency has been issued by the eClerk and mailed to the attorney ~~by certified mail~~ addressed to the attorney's last known mailing address at least 30 days prior to such suspension, unless an excuse has been granted on grounds of financial hardship.

(b) Failure of Judge to Pay Fee or File Statement. Any judge subject to the jurisdiction of the Commission on Judicial Qualifications or the Denver County Court Judicial Qualifications Commission who fails to timely pay the fee or file ~~the a complete~~ statement or supplement thereto as required by this rule shall be reported to the appropriate commission, provided a notice of delinquency has been issued by the Clerk and mailed to the judge ~~by certified mail~~ addressed to the judge's last known business address at least 30 days prior to such reporting, unless an excuse has been granted on grounds of financial hardship.

(5) Reinstatement.

(a) Application - Reinstatement Fee. Any attorney suspended under the provisions of Section (4)(a) above shall not be reinstated until application for reinstatement is made in writing and the Clerk acts favorably on the application. Each application for reinstatement shall be accompanied by a reinstatement fee of \$100.00 and payment of all arrearages and late fees to the date of the request for reinstatement.

(b) Report Judge's Payment. [No Change]

(6) Inactive Status.

(a) Notice. [No Change]

(b) Payment of Fee - Filing of Statement. [No Change]

(c) Exemption - Age 65. [No Change]

(7) Transfer to Active Status. [No Change]

(8) Resignation. [No Change]

B. Registration Fee of Nonattorney Judges

(1) through (5) **[No Change]**

COMMENT

The Supreme Court sets the annual attorney registration fee. The annual attorney registration fee includes both attorneys on active status and attorneys on inactive status. Attorneys admitted under C.R.C.P. 222 (Single-Client Certification) annually pay the active attorney fee. The Supreme Court apportions the active attorney fee to the various attorney regulation and registration offices; the continuing legal education office; the Attorneys' Fund for Client Protection; and the Colorado Attorney Assistance Program.

To cover the operating costs of the various programs the court increased the annual attorney registration fee every six to eight years. In 2006, the court increased the active attorney registration fee fifteen percent. In 1998, to fund major changes to the attorney regulation system the court increased the fee seventy percent. The infrequent increases resulted in a surplus in the attorney registration/regulation fund for a period of years. In an effort to reduce the impact of a substantial fee increase every six to eight years the court adopted a more modest and consistent way of determining attorney registration fees. The court will authorize smaller but more frequent fee increases as necessary to cover operating expenses related to the costs of the Attorneys' Fund for Client Protection, attorney regulation, unauthorized practice of law matters, and administration of this rule.

Amended and Adopted by the Court, En Banc, September 10, 2008, effective January 1, 2009.

By the Court:

**Michael L. Bender
Justice, Colorado Supreme Court**

**Nathan B. Coats
Justice, Colorado Supreme Court**