

RULE CHANGE 2018(16)

**COLORADO RULES OF PROCEDURE REGARDING ATTORNEY DISCIPLINE AND
DISABILITY PROCEEDINGS, COLORADO ATTORNEYS' FUND FOR CLIENT
PROTECTION, AND MANDATORY CONTINUING LEGAL EDUCATION AND
JUDICIAL EDUCATION**

Rule 252.10. Eligible Claims

(a) The loss must be caused by the dishonest conduct of the attorney or, in such circumstance as described below in the death or disability of the attorney, and shall have arisen out of and by reason of an attorney-client relationship or a court-appointed fiduciary relationship between the attorney and the claimant.

(b) through (d) [NO CHANGE]

(e) In cases of extreme hardship or special and unusual circumstances, the Board may, in its discretion, recognize a claim which would otherwise be excluded under these rules. The Board may also pay a claim when client funds are no longer in the attorney's trust account and, due to the attorney's death or court ordered transfer to disability inactive status, the Board is unable to determine whether the attorney earned the funds or engaged in dishonesty.

(f) In cases ~~where~~ in which it appears that there will be unjust enrichment or multiple recovery or the claimant unreasonably or knowingly contributed to the loss, the Board may, in its discretion, deny the claim.

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Amended and Adopted by the Court, En Banc, October 4, 2018, effective immediately.

By the Court:

Monica M. Márquez
Justice, Colorado Supreme Court