

**RULE CHANGE 2023(12)**

**RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW IN COLORADO**

## Rule 205.7. Law Student Practice

**(1) Legal Aid Clinics.** Students of any law school that maintains a legal aid clinic where poor or legally underserved persons receive legal advice and services shall, when representing the clinic and its clients, be authorized to advise clients on legal matters and appear in any court or before any administrative tribunals or arbitration panels in Colorado as if licensed to practice law.

**(2) Law Student or Recent Graduate Externs.**

**(a) Practice by Law Student Eligible Extern.** ~~(formerly section 12-5-116.1)~~

(i) An eligible law student or recent graduate extern, as specified in subsection (2)(b), may appear and participate: ~~any civil proceeding in any municipal, county, or district court (including domestic relations proceedings) or before any administrative tribunal in Colorado, or in any county or municipal court criminal proceedings, except when the defendant has been charged with a felony, or in any juvenile proceeding in any municipal, county or district court, or before any magistrate in any juvenile or other proceeding or any parole revocation as if licensed to practice law under the following circumstances:~~

(A) In any of the following proceedings in Colorado as if licensed to practice law under circumstances specified in subsections (2)(a)(i)(B)-(E):

(I) civil proceedings (including domestic relations proceedings) in any municipal, county, district court, or Court of Appeals; or

(II) proceedings before any administrative tribunal; or

(III) criminal proceedings in any county or municipal court, except when an adult defendant has been charged with a felony; or

(IV) juvenile proceedings in any municipal, county, district court, or Court of Appeals; or

(V) any juvenile or other proceedings before any magistrate; or

(VI) any parole revocation.

~~(A)-(B)~~ If the person on whose behalf the extern is appearing has provided written consent to that appearance and the ~~law student~~ extern is under the supervision of a supervising lawyer, as specified in subsection (2)(d).

~~(B)~~(C) When representing the office of the state public defender and its clients, if the person on whose behalf the extern is appearing has provided written consent to that appearance and the ~~law student~~ extern is under the supervision of the public defender or one of ~~his or her~~ their deputies. In such case, the record ~~shall~~ must reflect the name of a supervising lawyer, and a supervising lawyer must be available, but not necessarily physically present in the courtroom, if the person wants to consult with a supervising lawyer. ~~him or her~~. However, a supervising lawyer must be physically present in the courtroom if the proceeding is a testimonial motions hearing or trial.

~~(C)~~ (D) On behalf of the state or any of its departments, agencies, or institutions, a county, a city, or a municipality, with the written approval and under the supervision of the attorney general, attorney for the state, county attorney, district attorney, city attorney, or municipal attorney. A general approval for the ~~law student~~ extern to appear, executed by the appropriate supervising attorney pursuant to this paragraph (DC), ~~shall~~ must be filed with the clerk of the applicable court/administrative tribunal and brought to the attention of the judge/presiding officer thereof.

~~(D)~~ (E) On behalf of a nonprofit legal services organization where poor or legally underserved persons receive legal advice and services if the person on whose behalf the ~~student~~ extern is appearing has provided written consent to that appearance and the ~~law student~~ extern is under the supervision of a supervising lawyer, as specified in subsection (2)(d).

(ii) The consent or approval referred to in subsection (2)(a)(i)(AB), except a general approval, ~~shall~~ must be made in the record of the case and ~~shall~~ must be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal.

(iii) Additional authorized activities. In addition to the activities authorized in subsection (2)(a)(i), an eligible ~~law student~~ extern may: ~~engage in other activities under the supervision of a supervising lawyer, including but not limited to the preparation of pleadings, briefs, and other legal documents, which must be approved and signed by the supervising lawyer. However, acknowledgments and advisements relating to pleas in criminal cases may be signed by the extern alone. Additionally, the eligible law student may, under the supervision of a supervising lawyer, assist indigent inmates of correctional institutions who have no attorney of record and who request such assistance in preparing applications and supporting documents for post-conviction relief.~~

(A) Engage in other activities under the supervision of a supervising lawyer, including but not limited to the preparation of pleadings, briefs, and other legal documents, which must be approved and signed by the supervising lawyer. However, acknowledgments and advisements relating to pleas in criminal cases may be signed by the extern alone.

(B) Assist indigent inmates of correctional institutions who have no attorney of record and who request such assistance in preparing applications and supporting documents for post-conviction relief, under the supervision of a supervising lawyer.

(C) Present an oral argument in the Court of Appeals under the following circumstances:

(I) A request for the extern to present an oral argument must be submitted by motion to the Division that will hear the case within the time permitted under the Colorado Appellate Rules. The motion must be served on all counsel of record in the case. No response to the motion will be permitted.

(II) The extern may not appear in a case in the Court of Appeals without the approval of a majority of the judges assigned to hear the case. The Division assigned to hear the case may grant or deny the request in its sole discretion or establish restrictions or other parameters for the representation on a case-by-case basis.

(III) Representation by an extern in the Court of Appeals must include direct supervision by a licensed lawyer. The supervising lawyer must examine and sign all pleadings filed in the Court of Appeals and attend oral argument.

**(b) Eligibility Requirements for Law Student or Recent Graduate Extern Practice.**

~~(formerly section 12-5-116.2)~~

(i) In order to be eligible to make an appearance and participate pursuant to subsection (2)(a), an extern-law student must:

(A) Be duly enrolled in an ABA accredited law school, or a recent graduate of such a law school who ~~has applied for admission to the Colorado Bar~~ certifies that they have applied or intend to apply for admission to the Colorado Bar by taking the Colorado bar examination or that they intend to apply to the Colorado Bar once they achieve a Uniform Bar Examination score that qualifies for admission in Colorado. For purposes of this rule, the ~~“extern-law student”~~’s<sup>2</sup> eligibility continues after graduation from law school and until the announcement of the results of the first qualifying bar examination following the extern’s student’s graduation, or the results of the second qualifying bar examination following the extern’s graduation if the extern does not pass or does not sit for the first exam, provided that for anyone who passes ~~that~~the examination, eligibility shall continue in effect through the date of the first swearing-in ceremony following the examination;

(B) Have completed a minimum of two years of legal studies;

(C) Have the certification of the dean of such law school that the dean has no personal knowledge of and knows of nothing of record indicating that the law student or recent graduate is not of good moral character; ~~and, in addition, that and that~~ the law student has completed the requirements specified in subsection (2)(b)(i)(B) and is a student in good standing, or recently graduated. The dean of such law school has no continuing duty to certify the student’s good moral character after the student has graduated from law school, at which point the recent graduate-law student/applicant to the Colorado Bar has obligations to maintain the integrity of the profession pursuant to Colo. RPC 8.1;

(D) Be introduced to the court or administrative tribunal in which the extern is appearing as an an law student-extern by an attorney authorized to practice law in Colorado;

(E) Neither ask for nor receive any compensation or remuneration of any kind for the extern’s services from the person on whose behalf the extern renders services; but such limitation shall not prevent the law student-extern from receiving credit for participation in the law school externship program upon prior approval of the law school, nor shall it prevent the law school, a nonprofit organization, the state, a county, a city, a municipality, or the office of the district attorney or the public defender from paying compensation to the ~~law school~~-extern nor shall it prevent any agency from making such charges for its services as it may otherwise properly require; and

(F) State that the extern has read, is familiar with, and will be governed in the conduct of the extern’s activities under subsection (2)(a) by the Colorado Rules of Professional Conduct.

**(c) Certification of Law Student or Recent Graduate Extern by Law School Dean; Filing; Effective Period; of Withdrawal by Dean or Termination.** ~~(formerly section 12-5-116.3)~~

(i) The certification by the law school dean, pursuant to subsection (2)(b)(i)(C), required in order for an ~~law student~~ extern to appear and participate in proceedings:

(A) ~~Shall~~ Must be filed with the Clerk of the Supreme Court Office of Attorney Registration, and unless it is sooner withdrawn, shall remain in effect until the eligibility period as defined in (2)(b)(i)(A); ~~student's graduation~~.

(B) May be withdrawn by the dean at any time by mailing a notice to that effect to the Clerk of the Supreme Court Office of Attorney Registration, and such withdrawal may be without notice or hearing and without any showing of cause; and

(C) May be terminated by the Supreme Court at any time without notice or hearing and without any showing of cause.

**(d) Qualifications and Requirements of Supervising Lawyer.** ~~(formerly section 12-5-116.4)~~

(i) A supervising lawyer, under whose supervision an eligible ~~law student~~ extern appears and participates pursuant to subsection (2)(a), ~~shall~~ must be authorized to practice law in the state and:

(A) ~~Shall~~ Must be a lawyer working for or on behalf of an organization identified in subsection (2)(a)(i)(~~CB~~)-(ED);

(B) ~~Shall~~ Must assume personal professional responsibility for the conduct of the ~~law student~~ extern; ~~and~~

(C) ~~Shall~~ Must assist the ~~law student~~ extern in the extern's preparation to the extent the supervising lawyer considers it necessary; and

(D) Must directly supervise an extern permitted to appear in the Court of Appeals, examine and sign all pleadings filed in the Court of Appeals, and attend oral argument.

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### **(2) Law Student or Recent Graduate Externs.**

#### **(a) Practice by Eligible Extern.**

(i) An eligible law student or recent graduate extern, as specified in subsection (2)(b), may appear and participate:

(A) In any of the following proceedings in Colorado as if licensed to practice law under circumstances specified in subsections (2)(a)(i)(B)-(E):

(I) civil proceedings (including domestic relations proceedings) in any municipal, county, district court, or Court of Appeals; or

(II) proceedings before any administrative tribunal; or

(III) criminal proceedings in any county or municipal court, except when an adult defendant has been charged with a felony; or

(IV) juvenile proceedings in any municipal, county, district court, or Court of Appeals; or

(V) any juvenile or other proceedings before any magistrate; or

(VI) any parole revocation.

(B) If the person on whose behalf the extern is appearing has provided written consent to that appearance and the extern is under the supervision of a supervising lawyer, as specified in subsection (2)(d).

(C) When representing the office of the state public defender and its clients, if the person on whose behalf the extern is appearing has provided written consent to that appearance and the extern is under the supervision of the public defender or one of their deputies. In such case, the record must reflect the name of a supervising lawyer, and a supervising lawyer must be available, but not necessarily physically present in the courtroom, if the person wants to consult with a supervising lawyer. However, a supervising lawyer must be physically present in the courtroom if the proceeding is a testimonial motions hearing or trial.

(D) On behalf of the state or any of its departments, agencies, or institutions, a county, a city, or a municipality, with the written approval and under the supervision of the attorney general, attorney for the state, county attorney, district attorney, city attorney, or municipal attorney. A general approval for the extern to appear, executed by the appropriate supervising attorney pursuant to this

paragraph (D), must be filed with the clerk of the applicable court/administrative tribunal and brought to the attention of the judge/presiding officer thereof.

(E) On behalf of a nonprofit legal services organization where poor or legally underserved persons receive legal advice and services if the person on whose behalf the extern is appearing has provided written consent to that appearance and the extern is under the supervision of a supervising lawyer, as specified in subsection (2)(d).

(ii) The consent or approval referred to in subsection (2)(a)(i)(B), except a general approval, must be made in the record of the case and must be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal.

(iii) **Additional authorized activities.** In addition to the activities authorized in subsection (2)(a)(i), an eligible extern may:

(A) Engage in other activities under the supervision of a supervising lawyer, including but not limited to the preparation of pleadings, briefs, and other legal documents, which must be approved and signed by the supervising lawyer. However, acknowledgments and advisements relating to pleas in criminal cases may be signed by the extern alone.

(B) Assist indigent inmates of correctional institutions who have no attorney of record and who request such assistance in preparing applications and supporting documents for post-conviction relief, under the supervision of a supervising lawyer.

(C) Present an oral argument in the Court of Appeals under the following circumstances:

(I) A request for the extern to present an oral argument must be submitted by motion to the Division that will hear the case within the time permitted under the Colorado Appellate Rules. The motion must be served on all counsel of record in the case. No response to the motion will be permitted.

(II) The extern may not appear in a case in the Court of Appeals without the approval of a majority of the judges assigned to hear the case. The Division assigned to hear the case may grant or deny the request in its sole discretion or establish restrictions or other parameters for the representation on a case-by-case basis.

(III) Representation by an extern in the Court of Appeals must include direct supervision by a licensed lawyer. The supervising lawyer must examine and sign all pleadings filed in the Court of Appeals and attend oral argument.

**(b) Eligibility Requirements for Law Student or Recent Graduate Extern Practice.**

(i) In order to be eligible to make an appearance and participate pursuant to subsection (2)(a), an extern must:

(A) Be duly enrolled in an ABA accredited law school or a recent graduate of such a law school who certifies that they have applied or intend to apply for admission to the Colorado Bar by taking the Colorado bar examination or that they intend to apply to the Colorado Bar once they achieve a Uniform Bar Examination score that qualifies for admission in Colorado. For purposes of this rule, the extern's eligibility continues after graduation from law school and until the announcement of the results of the first qualifying bar examination following the extern's graduation, or the results of the second qualifying bar examination following the extern's graduation if the extern does not pass or does not sit for the first exam, provided that for anyone who passes the examination, eligibility shall continue in effect through the date of the first swearing-in ceremony following the examination;

(B) Have completed a minimum of two years of legal studies;

(C) Have the certification of the dean of such law school that the dean has no personal knowledge of and knows of nothing of record indicating that the law student or recent graduate is not of good moral character; and that the law student has completed the requirements specified in subsection (2)(b)(i)(B) and is a student in good standing, or recently graduated. The dean of such law school has no continuing duty to certify the student's good moral character after the student has graduated from law school, at which point the recent graduate/applicant to the Colorado Bar has obligations to maintain the integrity of the profession pursuant to Colo. RPC 8.1;

(D) Be introduced to the court or administrative tribunal in which the extern is appearing as an extern by an attorney authorized to practice law in Colorado;

(E) Neither ask for nor receive any compensation or remuneration of any kind for the extern's services from the person on whose behalf the extern renders services; but such limitation shall not prevent the extern from receiving credit for participation in the law school externship program upon prior approval of the law school, nor shall it prevent the law school, a nonprofit organization, the state, a county, a city, a municipality, or the office of the district attorney or the public defender from paying compensation to the extern nor shall it prevent any agency from making such charges for its services as it may otherwise properly require; and

(F) State that the extern has read, is familiar with, and will be governed in the conduct of the extern's activities under subsection (2)(a) by the Colorado Rules of Professional Conduct.

**(c) Certification of Law Student or Recent Graduate Extern by Law School Dean; Filing; Effective Period; Withdrawal by Dean or Termination.**

(i) The certification by the law school dean, pursuant to subsection (2)(b)(i)(C), required in order for an extern to appear and participate in proceedings:

(A) Must be filed with the Clerk of the Supreme Court Office of Attorney Registration, and unless it is sooner withdrawn, shall remain in effect until the eligibility period as defined in (2)(b)(i)(A);

(B) May be withdrawn by the dean at any time by mailing a notice to that effect to the Clerk of the Supreme Court Office of Attorney Registration, and such withdrawal may be without notice or hearing and without any showing of cause; and

(C) May be terminated by the Supreme Court at any time without notice or hearing and without



any showing of cause.

**(d) Qualifications and Requirements of Supervising Lawyer.**

(i) A supervising lawyer, under whose supervision an eligible extern appears and participates pursuant to subsection (2)(a), must be authorized to practice law in the state and:

(A) Must be a lawyer working for or on behalf of an organization identified in subsection (2)(a)(i)(C)-(E);

(B) Must assume personal professional responsibility for the conduct of the extern;

(C) Must assist the extern in the extern's preparation to the extent the supervising lawyer considers it necessary; and

(D) Must directly supervise an extern permitted to appear in the Court of Appeals, examine and sign all pleadings filed in the Court of Appeals, and attend oral argument.

**Amended and Adopted by the Court, En Banc, June 15, 2023, effective July 1, 2023.**

**By the Court:**

**Monica M. Márquez  
Justice, Colorado Supreme Court**