

RULE CHANGE 2023(16)

COLORADO LICENSED LEGAL PARAPROFESSIONAL RULES OF PROFESSIONAL CONDUCT

Rules 3.1, 3.3, 3.7, and 3.9

Colorado Licensed Legal Paraprofessionals Colorado Rules of Professional Conduct

Rule 3.1. Meritorious Claims and Contentions

An LLP shall not bring or defend a proceeding, or assert or controvert an issue ~~in a~~ negotiation therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law.

Rule 3.3. Candor Toward the Tribunal

(a) An LLP shall not knowingly:

(1) [NO CHANGE]

(2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the LLP to be directly adverse to the position of the client and not disclosed by the opposing party, LLP or counsel; or

(3) offer evidence that the LLP knows to be false. If an LLP or the LLP's client has offered material evidence and the LLP comes to know of its falsity, the LLP shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. An LLP may refuse to offer evidence that the LLP reasonably believes is false.

~~(b) Reserved.~~ An LLP who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(c) The duties stated in paragraph (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.

~~(d) Reserved.~~ In an ex parte proceeding, an LLP shall inform the tribunal of all material facts known to the LLP that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

Rule 3.7. LLP as Witness

(a) An LLP shall not engage in conduct authorized by C.R.C.P. 207.1 ~~stand or sit at counsel table with a client during a court proceeding, communicate with a client during a court proceeding, or~~

~~answer questions from the Court during in~~ a court proceeding in which the LLP is likely to be a necessary witness unless:

(1) – (3) [NO CHANGES]

(b) An LLP may engage in conduct authorized by C.R.C.P. 207.1 in a court proceeding in which another LLP or lawyer in the firm is likely to be called as a witness unless precluded from doing so by Rule 1.7 or Rule 1.9.

Rule 3.9. Advocate in Nonadjudicative Proceedings

An LLP representing a client before a legislative body or administrative agency in a nonadjudicative proceeding shall disclose that the appearance is in a representative capacity. Further, in such a representation, the LLP:

(a) shall conform to the provisions of Rules 3.3(a)(1), 3.3(a)(3), 3.3(b), 3.3(c), and 3.4(a) and (b);

(b) shall not engage in conduct intended to disrupt such proceeding unless such conduct is protected by law; and

(c) may engage in ex parte communications, except as prohibited by law.

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(2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the LLP to be directly adverse to the position of the client and not disclosed by the opposing party, LLP or counsel; or

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(b) An LLP who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(c) The duties stated in paragraph (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.

(d) In an ex parte proceeding, an LLP shall inform the tribunal of all material facts known to the LLP that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

Rule 3.7. LLP as Witness

(a) An LLP shall not engage in conduct authorized by C.R.C.P. 207.1 in a court proceeding in which the LLP is likely to be a necessary witness unless:

(1) – (3) [NO CHANGES]

(b) An LLP may engage in conduct authorized by C.R.C.P. 207.1 in a court proceeding in which another LLP or lawyer in the firm is likely to be called as a witness unless precluded from doing so by Rule 1.7 or Rule 1.9.

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- (b) shall not engage in conduct intended to disrupt such proceeding unless such conduct is protected by law; and
- (c) may engage in ex parte communications, except as prohibited by law.

Amended and Adopted by the Court, En Banc, November 16, 2023, effective immediately.

By the Court:

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