Licensed Legal Paraprofessionals Implementation Report and Plan

On June 3, 2021, the Colorado Supreme Court ordered the Advisory Committee on the Practice of Law to develop a plan to implement the licensure of legal paraprofessionals, such as paralegals, to provide certain types of legal services in certain types of family law matters. The following proposed plan was developed by the Advisory Committee’s “PALS II” Subcommittee and its various working groups, which include volunteer judges, attorneys, paralegals, family court facilitators, and other court staff.

Executive Summary

This plan provides for the licensure of qualified legal paraprofessionals to provide limited legal services in less complicated, lower-asset domestic relations cases, including marital dissolutions and allocations of parental responsibility, so that legal services may become more widely available and more affordable to many of the 73% of domestic relations litigants who otherwise would appear in family court without a lawyer.

Licensed legal paraprofessionals—referred to as LLPs—would be allowed to represent a party in a marital dissolution where net marital assets are below $200,000. They also would be allowed to represent a party in an allocation of parental responsibility matter outside a dissolution proceeding if their client’s income falls below a certain amount. LLPs could complete and file standard pleadings, and represent their clients in mediation. They would be allowed to

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accompany their clients to court, and to answer a court’s factual questions. However, they would not be allowed to orally advocate, present oral argument, or examine witnesses in a hearing.

LLPs would have to meet certain educational requirements. They would need 1,500 hours of experience in a professional law setting, such as a law firm or court, in the past three years, with at least 500 hours of family law experience. They would have to take and pass a licensure exam and an ethics exam specific to LLPs. They would have to pay an annual registration fee, complete continuing legal education requirements, and could be grieved like an attorney. They could be subject to public discipline against their licenses, and even suspended or disbarred for serious misconduct.

Fortunately, the drafters of this plan – which includes core competencies for licensure and various rule and statutory changes – did not have to reinvent the wheel. Washington and Utah already have rolled out programs to license legal paraprofessionals, and Arizona and Minnesota are well on their way. Based on the still-accumulating lessons learned, Colorado LLPs would be allowed to have their own practices and firms, though the drafters expect that most will choose to practice in law firms with lawyers.

Finally, while outreach already has started, the plan drafters know education and training directed to courts, lawyers and the public about LLPs will be critical to the success of the program. With the submission of this plan, the work has just begun.
Outline of Implementation Plan

The Implementation Plan covers the following:

1. What LLPs\(^2\) Would Be Allowed to Do (and Not Do)? As noted above, LLPs
   would be authorized to engage in a limited scope of practice of law in certain types
   of matters. The restrictions are designed to allow effective representation in many
   less complex family law matters, while preventing LLP representation in more
   complex matters and higher-asset matters (which tend to involve more litigation), as
   well as matters with contested or novel questions of law.

2. How Would LLPs Be Deemed Qualified to Provide Legal Services? A
   qualifying applicant would need to meet certain educational requirements and
   complete 1,500 hours of substantive law-related experience within the three years
   prior to the application, including 500 hours of substantive law-related experience
   in Colorado family law. All LLP applicants would be required to take and pass a
   substantive exam on family law demonstrating sufficient knowledge in the core
   competencies of this area of practice, as well as an exam on professional
   responsibilities.

3. What Registration and CLE Requirements Would Apply to LLPs? LLPs
   would be required to register annually as attorneys do. LLPs would need to take
   CLEs as follows: at least 30 credit hours every three years, of which at least 5 hours
   would be devoted to professional responsibility comprised of at least four credit
   hours in the areas of legal ethics or legal professionalism, and one credit hour in the
   area of equity, diversity, and inclusivity.

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\(^2\) This plan uses the name Licensed Legal Paraprofessionals (LLP), recognizing that the acronym
LLP could be confusing and another name could be selected. Other states have used the
following: Legal Paraprofessionals (LPs) (Arizona); Licensed Paralegal Practitioners (LPPs)
(Utah); and Limited License Legal Technicians (LLLTs) (Washington). Minnesota uses the term
Legal Paraprofessional, but these individuals are not licensed for independent practice.
4. **How Would LLPs’ Compliance with Ethics Rules Be Enforced?** LLPs would be required to comply with rules of professional conduct specific to LLPs. The proposed LLP rules of professional conduct very closely parallel the Colorado Rules of Professional Conduct that apply to lawyers. LLPs would be subject to the regulatory jurisdiction of the Court through the Office of Attorney Regulation Counsel and the Office of the Presiding Disciplinary Judge.

5. **Who Has Been Involved in This Plan? And Who Would Implement It?** This plan reflects the contributions of the many working group members involved in this plan, whose efforts are detailed below and include outreach to family law attorneys and judges. This plan also proposes that many of these contributors would be part of the implementation process, including a governance process, IT systems changes, and dedicated training and outreach efforts.

6. **Why Go Through The Effort of Licensing Non-Lawyers in a Limited Field of Practice?** The lack of representation in family law matters is well documented, with 73% of litigants in domestic relations matters appearing pro se.\(^3\) Even basic legal advice and completion and filing of standard pleadings could be significantly helpful to litigants, court staff, judges, and even opposing counsel. Assistance in mediation also could help parties save time and legal costs. Other types of non-lawyer professionals – such as real estate agents – effectively engage in a limited scope practice of law through a non-lawyer license, and the medical profession has long provided for different professional scopes of practice. While the initial set-up of an LLP program may seem like a significant lift, the long-term impact is not complex: more people will get legal services during a critical time for them.

\(^3\) See footnote 1, *supra.*
The resource implications, if any, of each question posed and answered are discussed within that topic. Washington State and Utah, the two states that have at least several years of experience with licensing legal paraprofessionals have reported that the number of licensed individuals remain low enough to not require substantial increases in staff.4

1. What LLPs Would Be Allowed to Do (and Not Do)?

A [new rule would be created to expressly authorize LLPs to engage in] [the practice of law], but only in certain areas of family law and only with respect to certain types of legal services/tasks. Specifically, LLPs would not be allowed to orally advocate in court, but LLPs could prepare filings and supporting documentation, accompany a client to court and sit at counsel table, and represent a client in mediated proceedings. LLPs could practice independently, without supervision by attorneys, and therefore handle client property and funds. LLPs also could practice with attorneys, but would not be allowed to supervise attorneys, nor could they have a majority interest in an attorney law firm.

The rule also would create jurisdictional limitations on the client matters an LLP could accept, though a court could allow the representation for good cause. These limitations are aimed at ensuring that LLPs do not accept client matters that would require resolution of complex issues of law or fact. A [client intake form] would be developed to assist LLPs in the process of evaluating whether they could take on client matters.

4 As of early May 2022, Utah has licensed 23 paralegals over 2 years. Washington has licensed 66 legal technicians over 6 years, and currently is not accepting new applications. Arizona held its first licensure exam in June 2021 and now has 17 licensed legal paraprofessionals.
LLPs could represent a client in a dissolution of marriage or civil union only if the LLP’s initial determination of net marital assets shows they are less than $200,000. Net marital assets are defined as marital property (C.R.S. §14-10-113(2)) minus marital debts (*In re Marriage of Krejci*, 2013 COA 6, 297 P.3d 1035). Because an LLP could learn information later in a representation that would push net marital assets over the cap, a court would be authorized to allow a representation to continue for good cause.

Within this type of case, LLPs could assist in proceedings requesting dissolution, legal separation, allocation of parental responsibility (APR), invalidity of marriage, parentage (in the context of dissolution or APR) petition, and/or protection orders, motions for remedial contempt citations, and/or post-decree modifications of APR, child support and/or maintenance.

LLPs also would be allowed to prepare and file the following:5

- Stipulated Case Management Plan (C.R.C.P. 16.2);
- Verified Pleading Affidavit for Grandparent or Great-Grandparent Visitation (C.R.S. § 19-1-117);
- Motion to Intervene (C.R.C.P. 24);
- Name change for minor child (C.R.S. §13-15-101 et. seq.);
- Garnishment for Support (C.R.S. §13-54-101 et. seq.);
- Income Assignments (C.R.S. §14-14-111.5); and
- Domestication (C.R.S. §14-14-111.5).

An LLP would be authorized by rule to provide the following services:

5 These suggested additions were not included in the PALS preliminary report in 2021, but since that time, various working group participants have proposed these additions, and they have been widely vetted across working groups.
• informing, counseling, advising, and assisting the client in determining which form (among those approved by the Judicial Department or the Supreme Court) to use as the basis for a document in a matter, and advising the client on how to complete a form or provide information for a document;

• preparing and completing documents using forms approved by the Judicial Department or the Supreme Court, including proposed parenting plans, separation agreements, motions or stipulations for child support modification, child support worksheets, proposed orders, non-appearance affidavits, discovery requests and answers to discovery requests, trial management certificates, pretrial submissions, and exhibit and witness lists; obtaining, explaining, and filing any document or necessary information in support of a form or other document, including sworn financial statements and certificates of compliance;

• signing, filing, and completing service of documents;

• reviewing documents of another party and explaining them to the client;

• informing, counseling, assisting and advocating for a client in negotiations with another party or that party’s representative and in mediations;

• filling in, signing, filing, and completing service of a written settlement agreement in conformity with the negotiated agreement;

• communicating with another party or the party’s representative regarding documents prepared for or filed in a case and matters reasonably related thereto;

• explaining a court order to a client that affects the client’s rights and obligations;

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6 Court-approved forms are intended to be used by either attorneys or pro se parties. Many of them may need to be modified to refer to LLPs.
• standing or sitting at counsel table with the client during a court proceeding to provide emotional support, communicating with the client during the proceeding, answering factual questions if the court addresses the LLP, taking notes, and assisting the client in understanding the proceeding and relevant orders;
• providing clients with information about additional resources or requirements, such as parenting education classes, and filing certificates of completion with the court; and
• advising clients regarding the need for a lawyer to review complex issues that may arise in a matter.

Similarly, LLPs could represent a client in an APR matter that is not part of a marital dissolution only if the client’s income and/or combined parental income is less than a certain threshold. This implementation plan does not propose either a specific income threshold or method of determining that threshold, because the drafters concluded that the Court’s perspective and public comments may be helpful in determining the threshold. The proposed approaches to determining such an income threshold include: a reference to a client’s taxable income as determined by the prior year’s tax filing; a client’s self-reported gross income; and a client’s good-faith estimate of the other parent’s gross income as well as a

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7 Discussions by various working group members included a suggestion of a “cap” of $100,000 in income for a client who is not married to the child/ren’s other parent. This amount is roughly half the proposed net marital asset “cap” for LLP representation in dissolution of marriage actions, and slightly above 400% of the current Federal poverty guidelines for a family of three people ($92,120 as of February 2022). Others suggested that the amount be tied to 400% of the Federal Poverty Guidelines as updated, but there was concern that it would be difficult for LLPs to annually monitor this number. Other comments included that some of these individuals could pay for services from a domestic relations attorney. The group decided to request that the Colorado Supreme Court determine the appropriate APR “cap” for LLPs, considering all these concerns, and solicit public comment on the issue.
client’s own income. State median incomes, child support tables, and federal poverty tables were discussed as possible analytical tools. An LLP would need to be able to readily ascertain this information at the time of client intake. Again, a “good cause” exception would allow a court to authorize a representation if the qualifying threshold is not met.

LLPs could provide legal services in these APR cases with essentially the same scope of authority and similar services as marital dissolution cases.

In contrast, LLPs would not be allowed to represent any clients, regardless of assets or income, in certain types of matters that are inherently more complicated. These include: registration of foreign orders; motions for or orders regarding punitive contempt citations; matters involving an allegation of common law marriage; preparation or enforcement of pre-nuptial or post-nuptial agreements, matters in which a party is a beneficiary of a trust, and information about the trust will be relevant to resolution of the matter; and matters involving contested jurisdiction of the court. An LLP would be required to advise a client that only a licensed attorney can represent the client in such matters. Likewise, ethics rules would require an LLP to decline a representation when it is apparent that it would raise issues of significant complexity.

An LLP also would be required to advise a client that the LLP cannot provide certain types of services, and for such services, the client would need to retain a lawyer if the client desires representation. For example, because LLPs would not be allowed to examine witnesses, they also could not take or defend depositions. If expert opinion will be needed in a court proceeding, an LLP also would need to advise the client that the LLP cannot assist in eliciting that expert testimony, so assistance from a licensed attorney would be recommended.8

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8 The preliminary report had recommended that the LLP be restricted to pattern discovery. This report does not include that recommendation.
Plan drafters anticipate—based on discussions with Utah and Washington representatives familiar with similar programs— that LLPs will develop working relationships with certain attorneys familiar to them (indeed, with whom they may be working in a law firm) to whom they can refer matters when such situations arise.

Extending to LLPs the authority to practice law would require changes to a variety of statutes and rules, so that it is clear what LLPs are allowed to do (and not do), and also to protect client communications with LLPs as privileged. Most such changes would simply add a reference to LLPs where there already is a reference to lawyers. Other changes would be specific to LLPs given their more limited authority to practice law.9

LLPs could practice in firms with attorneys, and indeed, experience from Washington State and Utah indicates that many if not most LLPs choose to do so. When LLPs practice with lawyers, they would be allowed to have a minority ownership interest in the firm, but could not supervise lawyers. LLPs also could practice independent of attorneys, so the ethical rules concerning funds-handling and trust accounts would apply when LLPs are practicing by themselves or in an LLP firm (a firm without lawyers).

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9 This implementation plan includes draft amendments to C.R.C.P. 11, 16.2, 26, 33, 36, 37, 45, 53, and 121 to provide for LLP practice are attached and linked here; the Court’s Civil Rules Committee will need to be engaged to develop a proposal. The plan also includes proposed changes to Title 13, Courts and Court Procedure, of the Colorado Revised Statutes – Article 17 (Attorney Fees), Article 90 (Witnesses), and Article 93 (Attorneys-at-Law), as well as Title 14, Domestic Matters, Article 10 (Uniform Dissolution of Marriage), and Title 19, Children’s Code, Article 4 (Uniform Parentage Act).
2. How Would LLPs Be Deemed Qualified to Provide Legal Services?

LLPs would need to satisfy certain educational and experiential requirements in order to sit for licensure examinations. They would need to pass those exams, and meet character and fitness requirements.

Educational Requirements:

After a three-year transition period from the time the LLP program is launched, individuals applying to become LLPs would need to demonstrate at least one of the following educational qualifications:

- A juris doctorate degree in law from an accredited law school;
- An associate’s degree in paralegal studies from an accredited school;
- A bachelor's degree in paralegal studies from an accredited school;
- A bachelor's degree in any subject from an accredited school, plus a paralegal certificate, or 15 hours of paralegal studies from an accredited school; or
- A master’s degree in legal studies\(^{10}\) from an accredited school.

Utah’s definition of the term “accredited” may provide guidance and could be used in Colorado’s admissions rules.\(^{11}\)

\(^{10}\) This option was not included in the PALS preliminary report submitted in 2021, but as a result of wider consultation in the past year, it is being included now.

\(^{11}\) The Utah Code of Judicial Administration, Rule 15-701, provides definitions of accreditation, paralegal certificate and paralegal studies that rely on approval by the U.S. Department of Education, and/or the ABA Standing Committee on Paralegals.
Experiential Requirement

To apply for LLP licensure, an individual must demonstrate that they have 1,500 hours of substantive law-related experience within the three years prior to the application, including 500 hours of substantive law-related experience in Colorado family law.

Family Law and Ethics Licensure Exams

The family law exam would be developed based on the “Core Competencies” developed through an extensive working group process. The Core Competencies document sets forth a comprehensive list of tasks and legal concepts that an LLP must master to obtain licensure. Some of these core competencies will be obtained through education, and some will be learned during the prerequisite hours of qualifying LLP experience. The exam would cover both substantive law as well as procedural competence in ascertaining what filings are needed in a case, and practical skills in completing court-approved forms. A separate exam would cover LLPs’ knowledge of the rules of professional conduct specific to LLPs.

An exam creation firm would be used to develop exam questions. Such firms often employ a psychometrician to ensure exam content is of comparable difficulty from one exam administration to another, and to identify an appropriate passing score. The initial cost of exam development likely will range from $50,000-$60,000. A process for grading the exams also will be needed, though the initial exam pools are likely to be small. Currently OAA pays graders for the attorney bar exam to help create long-term stability in the grading process.

No “on motion” admissions process is being proposed that would permit waiver of the exam requirements by legal paraprofessionals licensed in other jurisdictions.
Given the highly specific nature of this licensure exam (as opposed to a general licensure exam for attorneys), most if not all applicants will need to take a family law class to prepare for licensure. Plan drafters anticipate that community colleges and possibly the graduate programs at the University of Colorado and the University of Denver will develop programs to cover the Core Competencies, and will offer classes through in-person and on-line continuing education at a community college(s) throughout Colorado. Applicants seeking LLP licensure also could seek a waiver from the Supreme Court to be relieved of the requirement to complete additional coursework, but still would be required to pass the licensure exams and otherwise meet character and fitness requirements.

Admissions Process for LLPs

Interested individuals would apply to become an LLP through an online application. OARC’s Office of Attorney Admissions (“OAA”) could work with its existing vendor, CiviCore, to add an application specific to LLPs. It likely would parallel the application for attorney admission in many ways. Application deadlines would be published by the OAA through its website. LLP applications would then be reviewed by designated OAA staff for compliance with eligibility rules as well as character and fitness.

LLP applicants requesting waiver of an eligibility rule could petition the Supreme Court through a rule similar to the C.R.C.P. 206 process available to attorney applicants. The cost of developing a unique LLP application has not been estimated at this time.

Character and fitness review would take place in the same manner as it current does for attorney applicants. The Court’s Character and Fitness Committee of the Board of Law Examiners would have authority to convene inquiry panels.
and hold character and fitness hearings in order to make a recommendation to the Supreme Court regarding admission.

3. What Registration and CLE Requirements Would Apply to LLPs?

LLPs will be required to register annually as attorneys do using a very similar on-line form. However, this implementation plan proposes an **LLP-specific registration rule** that would set a fee lower than that of attorneys in recognition that LLPs have a more limited authority to practice law and will primarily work with modest means clients. The current active attorney registration fee is $325, with $25 of that designated for the Client Protection Fund; attorneys in their first three years of practice pay $190 a year. Inactive attorneys pay $130 a year up until age 65.

This plan proposes that active LLPs pay $90 their first three years of practice, $160 per year after that. Inactive LLPs would pay $60 a year until age 65. $15 of each active registration would be applied to the Attorneys’ Fund for Client Protection, with claims against LLPs for their dishonest conduct being eligible for payment from the Fund.

LLPs would have a unique identifier similar to the attorney registration number. The details of this issue will require resolution with systems administrators at the State Court Administrator’s Office (SCAO). Although the Office of Attorney Registration Counsel’s Clerk of Registration has the ability to give LLPs a unique identifier that is different from that of attorneys – such as starting the identifier with a letter combined with a number rather than just a number – the letters will not batch with Colorado Courts E-filing (CCE) and JPOD (Colorado courts’ internal judicial operating system)’s fields that are numeric only. Resources would be needed to make these system changes by SCAO, as LLPs need to be able to file into cases and access case documents. SCAO also would
need to add a field to the drop-down menu for case roles to include LLPs, which appears to be an easier change to implement.

LLPs also would be required to comply with continuing legal education provisions specific to LLPs. In doing so, LLPs would need to meet a lower number of CLE credit hours compared to the 45-hours every-three-years that attorneys must meet, given that LLPs would have a much more limited authority to practice. LLPs instead would need to take CLEs as follows: at least 30 credit hours every three years, of which at least 5 hours would be devoted to professional responsibility comprised of two categories (four credit hours in the areas of legal ethics or legal professionalism, and one credit hour in the area of equity, diversity, and inclusivity).

As with attorneys, LLPs would be subject to administrative suspension if they fail to complete annual registration or required CLEs.

4. How Would LLPs’ Compliance with Ethics Rules Be Enforced?

LLPs would be required to comply with rules of professional conduct specific to LLPs. This implementation plan includes a draft set of rules, though for the most part, the comments to each rule have not been drafted yet. The LLP rules of professional conduct very closely parallel the Colorado Rules of Professional Conduct that apply to lawyers.

While individual courts would have jurisdiction over whether an LLP can enter an appearance in a particular case, LLPs will have an independent ethical obligation to not practice law outside their authorized scope, and to advise clients that they cannot handle complex matters and should consider engaging attorneys for such matters. However, LLPs would not necessarily need to withdraw from a matter if a client chooses to also engage an attorney, for example, to handle a
particular hearing. Attorneys already can take on limited scope representations under Colo. RPC 1.2(c).

The Supreme Court’s rules concerning attorney discipline and disability would be amended to **apply the attorney discipline and disability rules to LLPs.** Complaints about LLPs would be directed to OARC’s intake process, and investigated by OARC staff. Any alternatives to discipline available to attorneys also would be available to LLPs. The Legal Regulation Committee would have jurisdiction to authorize formal proceedings, which would occur before the Presiding Disciplinary Judge.

Other states with licensed paraprofessional programs have observed that few complaints are filed against their licensed paraprofessionals, and OARC assumes it could absorb these additional responsibilities without any immediate need for more resources dedicated to LLP regulation.

**5. Who Has Been Involved in This Plan? And Who Would Implement It?**

The Coordinators of and Contributors to the Plan

Under the auspices of the Advisory Committee on the Practice of Law, the PALS II\(^{12}\) Executive/Coordination Working Group and four implementation Working Groups\(^{13}\) which have met frequently over the past year. Descriptions of the Groups and their functions are as follows:

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\(^{12}\) A group developed a white paper for “PALS I” – Providers of Alternative Legal Services – and submitted it to the Advisory Committee and the Court in 2019. It focused on landlord-tenant cases, and the paralegals would have been allowed to provide pro bono services to tenants. The Supreme Court requested that a second effort be commenced to focus on paid, licensed paraprofessionals and domestic relations matters.

\(^{13}\) Working group participants are identified below.
Executive/Coordinating Working Group:
- Monitor and coordinate tasks of working groups.
- Propose permanent structures to:
  - Fund implementation and ongoing LLP program oversight;
  - Propose licensure/regulation entity and staffing for implementation and ongoing work of LLP program;
  - Create one or more standing committees to exercise oversight in a manner consistent with attorney regulation and/or propose folding paraprofessionals into existing standing committees.
- Address any residual decisional issues not finalized in May 2022 report.
- Develop an evaluation plan, vet evaluation experts, and propose funding sources.¹⁴

Qualifications for Licensure Working Group:
- Educational and experiential qualifications: Refine and provide any additional specifications.
- Work with community colleges, institutions of higher educations and law schools re: statewide course availability, coverage, and accessibility.
- Testing/exam qualifications: Specify parameters of exams, identify competencies to be tested, receive briefings and information from psychometricians.

Systems and Judicial Coordination Working Group:
- Evaluate whether buildouts/changes of existing systems are needed, and identify estimated costs.

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¹⁴ An evaluation plan is not being submitted with the implementation plan at this time, as evaluation will depend on final details of the LLP program.
- Evaluate training needed for judicial officers, clerks and judicial assistants, family court facilitators, self-help litigant assistants, and other Judicial Branch staff necessary for implementation.
- Evaluate what court-approved forms need to be edited.
- Evaluate which administrative district orders, chief justice directives, and other court issuances may need to be revised.

**Rules Working Group:**

- Identify and evaluate the universe of statutes and rules required to be amended to implement the LLP program.
- Draft statutory and rule amendments and coordinate as needed with other Supreme Court committees.

**Education and Outreach Working Group:**

- Identify informational gaps/misunderstandings regarding the use of licensed paraprofessionals to provide legal services.
- Develop and deliver public and lawyer education campaign proposals and presentations.

**Individual Working Group Participants from June 4, 2021- April 24, 2022**

**Executive/Coordinating Working Group:**

- David Stark, Chair of Advisory Committee on the Practice of Law
- Jessica Yates, Attorney Regulation Counsel
- Hon. Adam Espinosa, District Court Judge
- Hon. Angie Arkin, Retired District Court Judge
- Hon. Jennifer Torrington, District Court Judge
- Maha Kamal, Family Law Attorney
- Amy Goscha, Family Law Attorney
Licensure and Qualifications

- Co-chairs: Hon. Angie Arkin (Ret.), Hon. Jennifer Torrington
- Tanya Bartholomew, University of Denver Sturm College of Law
- Joel Borgman, Child Support Services Coordinator, Judicial
- Hon. Catherine Cheroutes, District Court Judge
- Erin Clark, Family Court Facilitator
- Richard Corbetta, Arapahoe Community College
- Tina Diaz, Community College of Denver
- Jennifer Feingold, Family Law Attorney
- Hon. Michelle Haynes, Magistrate Judge
- Karey James, Community College of Denver
- Hon. Frances Johnson, District Court Judge
- Laura Landon, Family Law Paralegal
- Dawn McKnight, Deputy Regulation Counsel for Admissions, Registration and CLE
- Colleen McManamon, Family Law Paralegal and Mediator
- Rebekah Pfahler, Family Law Attorney
- Gina Weitzenkorn, Family Law Attorney
- Jessica Yates

Rules

- Chair: Hon. Adam Espinosa
- Nancy Cohen, Attorney, Member of Advisory Committee and Committee on Rules of Professional Conduct
- Cindy Covell, Attorney, Member of Advisory Committee and Committee on Rules of Professional Conduct
- Dave Johnson, Family Law Attorney, Member of Legal Regulation Committee
- Hon. Michal Lord-Blegen, Magistrate Judge
- Katharine Lum, Family Law Attorney
- David Stark
- Hon. Dan Taubman, Retired Court of Appeals Judge
- Jessica Yates

Outreach and Communications

- Co-chairs: Maha Kamal and Amy Goscha
- Hon. Angie Arkin (Ret.)
• Celeste Carpenter, Arapahoe Community College
• Kaylene Guymon, Self-Represented Litigant Coordinator, Judicial
• Brittany Kauffman, Institute for the Advancement of the American Legal System
• Wes Hassler, Attorney, Access-to-Justice Commission
• Hon. Bryon Large, Magistrate Judge
• Laurie Mactavish, Family Court Facilitator, Judicial
• Toni-Anne Nuñez, Colorado Bar Association Director of Pro Bono Programming
• Hon. Marianne Marshall Tims, Magistrate Judge
• Stefanie Trujillo, Paralegal
• Penny Wagner, Self-Represented Litigant Program Coordinator, Judicial
• Danaé Woody, Family Law Attorney

Judicial Systems Coordination

• Chair: Jessica Yates
• Dawn Handeland, Business Analyst, Judicial
• Heather Lang, Family Court Facilitator
• Jacqueline Marro, Access to Justice Coordinator, Judicial
• Hon. Angie Arkin (Ret.)

The Outreach and Education Efforts To-Date

In 2021-2022, members of the outreach working group as well as members of other LLP working groups have presented or are scheduled to present to the following:

• Colorado Bar Association Family Law Executive Council
• Colorado Supreme Court Standing Committee on Family Law Issues
• Colorado Bar Association Executive Council
• Arapahoe Bar Association
• Denver Bar Association
• Douglas Elbert Bar Association
• Pueblo County Bar Association
• Larimer County Bar Association/Ethics Day
• First Judicial District Bar Association
• Continental Divide Bar Association
• Modern Law Practice Initiative
• Fifth Judicial District Access to Justice Committee
• Access to Justice Commission
• Rocky Mountain Paralegal Association
• University of Denver Sturm College of Law (Justice Hart’s Access to Justice class)
• University of Colorado School of Law (Professor Kay’s ethics classes)
• Domestic Relations Judicial Conference
• Family Law Institute
• OARC’s Professionalism Classes

Who Would Implement the Plan

Many of the same individuals would be involved in working groups to implement the plan for a new LLP program; additional individuals would be recruited as appropriate.

• As noted above, many statutory and rule changes would be required, and further review by the above individuals and other Supreme Court committees likely is necessary. They would be able to respond to feedback from the Court or from public comment by refining the attached proposals as necessary.

• Once the core competencies and funding are approved, a new Exam Development Working Group likely will be created to work with the psychometrician to develop the examinations, and to publish guidelines for
the Colorado LLP Examinations. The exam development process is expected to take about 12 months.

- An outreach working group would continue to explain the details of the LLP program to the legal community and the public. Eventually a public information campaign would be needed.
- Judicial officers, clerks, family court facilitators, and self-represented litigant coordinators will need to be trained in what LLPs can and cannot do. (This plan has not evaluated what additional resources will be needed for this training, or whether existing SCAO staff can organize the training.)
- Knowledgeable working group members also will be needed to provide the business requirements for IT systems changes.

Governance of LLP Program

The Supreme Court has exclusive authority over the practice of law through Colorado’s constitutional separation of powers. See Colo. Const. art. III and Unauthorized Prac. of L. Comm. of Supreme Ct. of Colorado v. Emps. Unity, Inc., 716 P.2d 460, 463 (Colo. 1986). The Supreme Court Advisory Committee on the Practice of Law, through various subcommittees and working groups, has been working on the proposals to allow the practice of law by non-lawyers in certain circumstances, and this proposal to license paraprofessionals to perform certain types of legal services in designated family law matters is a result of that Committee’s efforts.

It would be appropriate for the Advisory Committee to continue to have jurisdiction over the LLP program given both the institutional knowledge of that Committee as well as its existing oversight over attorney admissions, registration, continuing legal education, discipline, and disability functions. This
implementation plan anticipates that the Office of Attorney Regulation Counsel (“OARC”) would be the administrator of all of these functions as to LLPs.

This plan proposes that the establishment of a new permanent committee to specifically oversee the LLP program, including licensure and admissions requirements. The chair of that committee would also be a member of the Advisory Committee. However, other existing committees – namely the CLJE Committee, the Character and Fitness Committee, and the Legal Regulation Committee – would have jurisdiction over LLP matters falling within the subject matter jurisdiction of those Committees.

The new permanent committee may be encouraged to form subcommittees that would continue to assist in developing the LLP program, tapping on the shoulders of those who have been invested their time and energy in the program’s development and have institutional knowledge of decisions that were made in the earlier stages of that development.

6. **Why Go Through The Effort of Licensing Non-Lawyers in a Limited Field of Practice?**

For many years, participants in Colorado divorce and child custody proceedings have faced challenges in accessing our courts. In 2020, a staggering 64% of Colorado domestic relations parties had no legal representation for the entirety of their case. In fact, out of the more than 30,000 domestic relations cases filed, only one in four had lawyers on both sides. A substantial unmet need remains for these litigants, despite the contributions of non-profits such as Colorado Legal

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Services, Metro Volunteer Lawyers, and lawyers providing unbundled and/or other volunteer services.

In 2015, to address widespread access to justice concerns in Colorado, the Advisory Committee of the Supreme Court (Court) established the first Providers of Alternative Legal Services (PALS) subcommittee. By 2019, the PALS subcommittee had developed a pilot program for non-lawyer advocates in county court. The Court determined that paraprofessional resources could have the most impact if they were trained to address the immediate needs of litigants in family law cases.

In 2020, the Court requested this change of direction and asked that a new subcommittee of the Advisory Committee (PALS II) be constituted to address the use of licensed paraprofessionals in domestic relations matters. Unlike family court facilitators and self-represented litigant coordinators, these non-lawyers would be allowed to represent clients and provide direct legal advice to their clients. The PALS II subcommittee, with the input of judges, family court facilitators, mediators, paralegals, self-represented litigant coordinators, and family lawyers, submitted a recommendation to the Court in June 2021 to create the LLP program. Upon the recommendation of the Advisory Committee on the Practice of Law to move forward with a plan for licensed paraprofessionals, the Court accepted the recommendation and requested the development of an implementation plan.

Over the past year, PALS II has developed a detailed strategy for the implementation of the LLP program, in coordination with important stakeholders, including the Colorado Bar Association’s Family Law Section, the Rocky Mountain Paralegal Association, family court facilitators, Office of Attorney Regulation Counsel, and family court judges and magistrates. While different stakeholders offer varying perspectives on the scope or nature of the problem, no one has disputed that
a significant number of pro se family court litigants would benefit from receiving legal advice and assistance that they currently do not receive.

**Conclusion**

This implementation plan builds on the blueprint submitted to the Supreme Court in May 2021, not just by supplying more details to the general framework, but also through extensive involvement of more stakeholders, who helped shed light on specifics that had not been addressed previously and who provided valuable, informed perspectives on the challenging policy questions involved in deciding to license a new type of legal services professional.

At this point, broader public input would be helpful, as well as continued outreach to ensure stakeholders have the opportunity to ask questions and engage in the evolution of the LLP program. Further review and refinement, as necessary of statutory and rule changes also would be appropriate. And systems changes needed for implementation should be prioritized now so resources can be dedicated to those changes. The LLP program proposal is ready for these next steps.
SUPREME COURT, STATE OF COLORADO

IN RE: ADVISORY COMMITTEE’S RECOMMENDATION CONCERNING PARAPROFESSIONALS AND LEGAL SERVICES

ORDER OF THE COURT

On February 27, 2020, this Court ordered that a new subcommittee of the Supreme Court Advisory Committee be created to explore the possible creation of a regulatory regime for licensing qualified paraprofessionals to engage in the practice of law in defined contexts, including authorized scopes of work in certain types of domestic relations matters. Pursuant to that Order, the Advisory Committee’s Paraprofessionals and Legal Services (PALS) Subcommittee has proposed a new program that would authorize Licensed Legal Paraprofessionals (LLPs) to offer and provide limited representation to parties in certain domestic relations matters. On May 21, 2021, the Advisory Committee approved the proposal and its recommendations, and subsequently transmitted the report and recommendations to this Court.

Upon consideration of the Advisory Committee’s report and recommendations to this Court, IT IS HEREBY ORDERED that the Advisory Committee shall create a subcommittee or subcommittees, as the Committee deems appropriate and necessary, to develop more detailed requirements for licensure of and practice by LLPs, to create a plan to launch and operationalize the LLP program, and to draft appropriate Supreme Court rules to govern such a program. The subcommittee(s) shall submit a complete proposal covering these areas to the Advisory Committee for its review and any recommendation to the Supreme Court.

BY THE COURT, EN BANC, this 3rd day of June, 2021.

Brian D. Boatright
Chief Justice Colorado Supreme Court

cc: Jessica E. Yates, Attorney Regulation Counsel via email
Rule ___. Licensed Legal Paraprofessionals

(1) Licensed Legal Paraprofessionals (“LLPs”) are individuals licensed by the Supreme Court pursuant to this rule to perform certain types of legal services only under the conditions set forth by the Court. They do not include individuals with a general license to practice law in Colorado.

(2) An LLP’s scope of licensure is limited as follows:

(a) An LLP may represent a client to perform tasks and services identified under subsection (2)(f) of this rule in a legal separation, declaration of invalidity of marriage, or dissolution of a marriage or civil union only if the parties have combined net marital assets of $200,000 or less, unless a court with jurisdiction over the action determines good cause exists to allow the representation.

(b) An LLP may represent a client to perform tasks and services identified under subsection (2)(f) of this rule in an initial allocation of parental responsibility (“APR”) matter that is not part of a dissolution of a marriage or civil union (including parentage determinations) only if the client’s annual pre-tax income is $______ or less, unless a court with jurisdiction over the action determines good cause exists to allow the representation.

(c) An LLP may represent a client to perform tasks and services identified under subsection (2)(f) of this rule in a matter involving modification of APR regardless of whether the initial APR was part of a dissolution of a marriage or civil union, or modification of child support and/or maintenance only if the client’s annual pre-tax income is $______ or less, unless a court with jurisdiction over the action determines good cause exists to allow the representation.

(d) An LLP may represent a client to perform tasks and services identified under subsection (2)(f) of this rule in any of the following matters: protection orders, name changes, and adult gender designation changes. An LLP’s authority to practice law under any section of this
rule includes filing and responding to motions for remedial contempt citations under C.R.C.P. 107.

(e) Even if an LLP is authorized to represent a client pursuant to subsections (2)(a), (2)(b), (2)(c) and (2)(d), an LLP is not authorized to represent a client in any of the following matters: registration of foreign orders; motions for or orders regarding punitive contempt citations under C.R.C.P. 107; matters involving an allegation of common law marriage; matters of disputed parentage where there are more than two persons asserting or denying legal parentage; matters in which a non-parent’s request for APR is contested by at least one parent; preparation of or litigation regarding pre- or post-nuptial agreements; matters in which a party is a beneficiary of a trust and information about the trust will be relevant to resolution of the matter; and matters in which a party intends to contest jurisdiction of the court over the matter.

(f) Within the types of matters and authorizations to practice law identified in subsections (2)(a), (2)(b), (2)(c) and (2)(d) of this rule, an LLP who is in good standing may represent the interests of a client by:

(i) establishing a contractual relationship with the client;

(ii) interviewing the client to understand the client’s objectives and obtaining information relevant to achieving that objective;

(iii) informing, counseling, advising, and assisting the client in determining which form (among those approved by the Judicial Department or the Supreme Court) to use as the basis for a document in a matter, and advising the client on how to complete a form or provide information for a document;

(iv) preparing and completing documents using forms approved by the Judicial Department or the Supreme Court, including proposed parenting plans, separation agreements, motions or stipulations for child support modification, child support worksheets, proposed orders, non-appearance affidavits, discovery requests and answers to discovery requests, trial management certificates, pretrial submissions, and exhibit and witness lists;
(v) obtaining, explaining, and filing any document or necessary information in support of a form or other document, including sworn financial statements and certificates of compliance;

(vi) signing, filing, and completing service of documents;

(vii) reviewing documents of another party and explaining them to the client;

(viii) informing, counseling, assisting and advocating for a client in negotiations with another party or that party’s representative and in mediations;

(ix) filling in, signing, filing, and completing service of a written settlement agreement in conformity with the negotiated agreement;

(x) communicating with another party or the party’s representative regarding documents prepared for or filed in a case and matters reasonably related thereto;

(xi) communicating with the client regarding the matter and related issues;

(xii) explaining a court order that affects the client’s rights and obligations;

(xiii) standing or sitting at counsel table with the client during a court proceeding to provide emotional support, communicating with the client during the proceeding, answering factual questions if the court addresses the LLP, taking notes, and assisting the client in understanding the proceeding and relevant orders;

(xiv) providing clients with information about additional resources or requirements, such as parenting education classes, and filing certificates of completion with the court; and

(xv) advising clients regarding the need for a lawyer to review complex issues that may arise in a matter.
(g) An LLP is not authorized to conduct an examination of a witness or make oral arguments. The LLP may only address the court pursuant to section (2)(f)(xiii) of this rule.

(h) Limits on the activities that can be performed or matters that can be undertaken by an LLP under this rule do not, by themselves, require the LLP to withdraw from the representation of a client if the LLP can provide authorized services to that client.
LLP Intake Checklist

PROPERTY

1. REAL ESTATE:
   - What real estate do you own?
   - What percentage ownership do you have?
   - Is there debt on the real estate? How much.
   - What is your estimate of the fair market value of the real estate?
   - FMV less debt = equity. What is your share of the equity.
   - Did you acquire the ownership interest in any parcel before the marriage. What was the value of the premarital property when you acquired ownership. What was the debt on the property.
   - Did you inherit any ownership interest in any parcel during the marriage. What was the value of the inherited interest when you acquired it. What debt was on the property.

2. BANK ACCOUNTS (NOT RETIREMENT)
   - What bank accounts do you have in your own name.
   - What bank accounts do you have with some one else named on the account with you.
   - What is the current balance in each account
   - Are any of the accounts in your name from before the marriage? What was the value at the time of the marriage.
   - Are any accounts in your name inherited funds or funds gifted to you? What was the value of the inherited/gifted funds.

3. VEHICLES (Autos, trucks, motorcycles, RVs, boats, trailers, aircraft, etc.)
   - What motor vehicles to you own in your name only. Make, model and year.
   - What motor vehicles do you own with someone else named on the title with you.
   - What debt is on each vehicle.
   - What is the current Blue Book value of each vehicle.
   - Are any vehicles in your name from before the marriage. What was the value at the time of the marriage.
   - Are any vehicles in your name inherited or gifted to you? What was the value a the time of the inheritance/gift. What was the debt at the time of the inheritance or gift.

4. INVESTMENTS (NON RETIREMENT)
   - What investment accounts do you have in your own name, i.e., stocks, bonds, mutual funds, annuities, etc)
   - What investment accounts do you have with some one else named on the account with you.
   - What is the current value in each account
   - Are any of the accounts in your name from before the marriage? What was the value at the time of the marriage.
• Are any accounts in your name inherited funds or funds gifted to you? What was the value of the inherited/gifted funds.

5. RETIREMENT (IRA, 401K, military, FERS, PERA, pensions, etc)
• What retirement accounts do you have in your own name.
• What is the current balance in each account
• Are any of the accounts in your name from before the marriage? What was the value at the time of the marriage.
• Are any accounts in your name inherited funds or funds gifted to you? What was the value of the inherited/gifted funds.
• Are you in the military now. What date did you join the military.
• If your have military retirement that is in pay status provide details.
• Are you a member of PERA? When did you join PERA?
• If you are receiving PERA or other retirement benefits from any source provide details.
• Are you a US, state, county or city government employee. What date were you first employed by the govt.

6. BUSINESS INTERESTS
• Do you have any ownership interest in a business entity such as a Sub S corporation, a C corporation, a partnership, an LLC, LLP, etc. If so, please describe that interest. (Do not include stocks, bonds, etc. listed under investment accounts above.)
• Do you own any businesses as a sole proprietor. Describe the interest.
• What is your percentage share of ownership.
• When was the business interest acquired.
• How was it acquired.
• Was any of the interest acquired before the marriage. If so, what was the value of the interest when acquired.
• Was any of the interest inherited or gifted to you. If so, what was the value of the interest when acquired.

7. INSURANCE
• Do you have any life insurance policies in your name with cash value
• What is the cash value
• When did you acquire the policy
• Who is the beneficiary upon your death
• Do you have any outstanding insurance claims pending for damage to your property or for personal injury. Provide details.

8. TRUSTS (WILLS NOT INCLUDED)
• Have you created any trusts (you are the “grantor” or “settlor”). If so provide a copy.
• What assets are in the trust and what is their value
• Are you the trustee of any trusts. If so provide a copy.
• Are you the beneficiary of any trusts. If so provide a copy.

9. MISCELLANEOUS

• What is your estimate of the value of your furniture and other personal property
• Do you own any personal property that should be appraised, i.e., art, collectables, coins, stamps, antiques, guns, special tools, jewelry, gold, silver, rugs, etc.
• Does your employer provide you with stock options or restricted stock units
• Do you have any deferred compensation
• Do you have accrued paid time off. If so what is the dollar value.
• Other property of value

10. DEBT

• How much credit card debt do you currently have
• How much mortgage debt do you have
• How much debt on motor vehicles do you have
• Do you owe money for unpaid taxes. If yes, how much.
• Have you filed bankruptcy in the last 7 years.
• Do you owe money to a third party on a promissory note
• Do you have any lawsuits pending against you for unpaid debt. Provide details.
• Other debt

INCOME (all intended to be answered for both yourself and the other party (if known)).

• What is your income before taxes are deducted?
• What are the components of your income? (Check all that apply):
  o Wages/salary
  o Tips
  o Bonus (Is your bonus variable from year to year? Y/N)
  o Commissions
  o Self-employment income (payments from your own business/freelance work/independent contractor positions)
  o Severance pay
  o Pension/retirement benefits
  o Restricted stock, stock options, or similar
  o Royalties
  o Rents
  o Interest/dividends
  o Trust income
  o Annuities
  o Capital Gains
  o Social Security Benefits
  o Workers’ compensation
  o Unemployment insurance benefits
• Disability insurance benefits
• Expense reimbursements or in-kind payments
• Alimony or maintenance received
• Monetary gifts

• If you are self-employed, what are the monthly expenses that are necessary to run your business?
• If you are self-employed, do you deduct the cost of any meals, travel, entertainment, clothing, cell phone, or utilities at your primary residence from your business income for tax purposes?
• Do you voluntarily deduct money from your paycheck to pay your health insurance premium, fund your HSA, fund your retirement account, or for any other purpose?
  o If so, how much?
• Do you have more than one job? If so, does your second job result in you working more than full-time?
• Do you work overtime at your job? If so, is that overtime mandatory or voluntary?
• If you are not employed, when were you last employed and what was your income at that time?
• Are you enrolled in an educational program full or part time?
• Are you responsible for the care of a child under two years old?
• Do you have any disabilities (physical or mental) that prevent you from being employed full time?
• Do you have any other children other than the children at issue in this case?
  o If so, do you pay support for those children? How much?
  o Are those children living with you?

PARENTAL RESPONSIBILITIES

1. CHILDREN:

<table>
<thead>
<tr>
<th>Name</th>
<th>Date of Birth</th>
<th>How long have they lived in Colorado</th>
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2. PARENTING TIME

• Are you currently residing with the other parent?
  o If Yes -
    ▪ How do you share caring for children (taking them to school, appointments, activities, daily routines)?
• Has this changed as your children have grown older?
• Is there a day care provider?
  o If No –
    • How far apart do you currently live from the other parent?
    • What agreements have you made about parenting time?
    • What is the schedule?
    • How long has this been the schedule?
    • How are you exchanging the children?
    • Is there a day care provider?
• What is your work schedule? The other parent?
• How far do you live from where the children attend school? The other parent?
• What schedule are you requesting?
• Would this be the same in summer as well as school year?
• What holidays need to be included?
• Do you want vacation travel time in the schedule?
• Do you have concerns about drug or alcohol abuse by the other parent?
• Do you have concerns about physical abuse of the children?
• Have there been incidents of domestic violence between you and the other party?
• Do you intend to move with the children to a location such that the distance between homes makes frequent parenting time less possible?

3. DECISION-MAKING (education, medical, dental, mental health, activities, religion, passports/travel.)

• Have you and the other party generally been able to agree about decision’s relating to the child(ren)’s medical treatments and care, education, religious education or exposure?
• Education
  o Where do the children go to school?
  o How long have they attended these schools?
  o Is the school associated with a parent’s address? Private? Choice? Charter?
  o Does your child have any special needs?
  o Who attends parent conferences?
  o How do you communicate with teachers and staff?
• Medical
  o Who are your child(ren)’s doctors?
  o How long have they been treated by these professionals?
  o How were these doctors chosen?
  o Who takes the children to appointments?
  o Who communicates with the doctors?
• Dental
  o Who is your child(ren)’s dentist/orthodontist?
  o How long have they been treated by these professionals?
  o How were the dentist/orthodontist chosen?
Who takes the children to appointments?
Who communicates with the dentist/orthodontist?

- Activities
  - What activities are your child(ren) involved in?
  - What are the costs associated with these activities?
  - How have you handled the costs in the past?
  - Who arranges transportation to the activities?
  - How do you communicate with the coach/teacher/professional?

- Religion
  - What religious education is your child involved in/will they be involved in?
  - Is this associated with your faith? The other parent’s? Both?
  - How was this selected?
  - Who provides transportation?
  - Who communicates with the instructors?
  - Does your child regularly attend youth group?
  - Is this associated with your faith? The other parent’s? Both?
  - How was this selected?
  - Who provides transportation?
  - Who communicates with the instructors?

- Travel/Passports
  - Do you regularly travel out of state/internationally with the child(ren)? Does the other parent?
  - Where to you travel? For fun? Family? Related to activities? Other?.
  - Does your child(ren) have a passport?
  - Who is responsible for safekeeping passports?

6. MISCELLANEOUS

- Do the children regularly spend time with your extended family? The other parent’s?
- How would you describe the relationship between your children and your family? The other parents?
- Do the children have siblings outside of this relationship?
- Do you (or the other parent) have a new significant other? What is the children’s relationship with this person?
List of Conforming Statutory and Rule Changes to Effectuate Licensed Legal Paraprofessional Program

Statutes
C.R.S. § 13-14-104.5 – Procedure for temporary civil protection order
C.R.S. § 13-14-108 – Modification and termination of civil protection orders
C.R.S. §§ 13-17-101 through -106. – Attorney Fees – Frivolous, Groundless, or Vexatious Actions
C.R.S. § 13-90-107 - Who may not testify without consent – definitions
C.R.S. § 14-10-108 – Temporary orders in a dissolution case
C.R.S. § 14-10-114 – Spousal maintenance – advisory guidelines – legislative declaration
C.R.S. § 14-10-116 – Appointment in domestic relations cases – representation of the best interests of the child – disclosure – short title
C.R.S. § 14-10-116.5 – Appointment in domestic relations cases – child and family investigator – disclosure – background check
C.R.S. § 14-10-119 – Attorneys fees
C.R.S. § 14-10-120.3 – Dissolution of marriage or legal separation upon affidavit – requirements
C.R.S. § 14-10-122 – Modification and termination of provisions for maintenance and property disposition
C.R.S. § 14-10-126 – Interview
C.R.S. § 14-10-127 – Evaluation and reports – training and qualification of evaluators – disclosure
C.R.S. § 14-10-128.1 – Appointment of parenting coordinator – disclosure
C.R.S. § 14-10-128.3 – Appointment of decision-maker - disclosure
C.R.S. § 14-10-129 – Modification of parenting time
C.R.S. § 14-10-129.5 – Disputes concerning parenting time
C.R.S. § 19-4-120 – Representation by counsel

Civil Rules
C.R.C.P. 11 – Signing of Pleadings
C.R.C.P. 16.2 – Court Facilitated Management of Domestic Relations Cases and General Provisions Governing Duty of Disclosure
C.R.C.P. 26 – General Provisions Governing Discovery; Duty of Disclosure
C.R.C.P. 33 – Interrogatories to Parties
C.R.C.P. 36 – Requests for Admission
C.R.C.P. 37 – Failure to Make Disclosure or Cooperate in Discovery; Sanctions
C.R.C.P. 45 – Subpoena
C.R.C.P. 53 – Masters
C.R.C.P. 121 – Local Rules – Statewide Practice Standards

Lawyer Rules of Professional Conduct
Preamble and Scope [5]
Colo. RPC 1.0 – Terminology
Colo. RPC 3.4 – Fairness to Opposing Party and Counsel
Colo. RPC 3.7 – Lawyer as Witness
Colo. RPC 4.2 – Communication with Person Represented by Counsel
Colo. RPC 4.3 – Dealing with Unrepresented Person
Colo. RPC 4.4 – Respect for Rights of Third Persons
Colo. RPC 5.1 – Responsibilities of a Partner or Supervisory Lawyer
Colo. RPC 5.2 – Responsibilities of a Subordinate Lawyer
Colo. RPC 5.3 – Responsibilities Regarding Nonlawyer Assistants
Colo. RPC 5.4 – Professional Independence of a Lawyer
Colo. RPC 5.5 – Unauthorized Practice of Law; Multijurisdictional Practice of Law
Colo. RPC 5.6 – Restrictions on Right to Practice
Colo. RPC 7.3 – Solicitation of Clients
Colo. RPC 8.3 – Reporting Professional Misconduct
Colo. RPC 8.4 – Misconduct
Preamble: Licensed Legal Paraprofessionals (LLPs) must understand Equity Diversity and Inclusion (EDI) issues in the context of communicating with the Court, the client, the opposing party(s), counsel, other LLPs, ADR professionals, experts and third parties. The LLP should be mindful of the diverse nature of families and respect cultural, individual, and role differences, including those based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, education, and socioeconomic status.

The LLP cannot advise clients on the specific exercise of rights and/or responsibilities in areas of the law that fall outside of the approved areas of practice. However, we recognize that clients will look to them as a source of information about all aspects of Family Law.

A. GENERAL LEARNING AND COMPETENCY OUTCOMES

For all of the designated practice areas, Colorado Licensed Legal Paraprofessionals must have knowledge and understanding of the following:

(1) Substantive Law:
   a. The LLP must have sufficient knowledge and experience with family law to advise the client regarding the client’s rights and/or responsibilities;
   b. The LLP must recognize that a client may have additional rights and/or responsibilities that lie outside the purview of the LLP’s practice; and
   c. The LLP must understand their responsibility to encourage clients in such cases to consult with a licensed attorney.

(2) Legal ethics: The LLP must have sufficient knowledge of the rules and principles of ethical conduct governing the legal profession and the specific rules of practice and principles of professional and ethical conduct governing LLPs.
(3) Rules governing the unauthorized practice of law: The LLP must understand the limitations of their authority to practice law. Specifically, the LLP must understand that there is a distinction between the general practice of law which may only be practiced by licensed attorneys, and the limited practice of law that LLPs are authorized to engage in under their limited license. The LLP must be aware of the rules concerning the unauthorized practice of law. When there is any doubt about the distinction, the LLP must refrain from providing that service, must counsel the client accordingly, and offer to refer the client to one or more licensed attorneys.

(4) Client intake and interviewing. The LLP must have sufficient knowledge of the principles and skills necessary for client intake and interviewing, and direct experience to include:
   a. The type of information that is necessary, where and why it is needed, and where it must be provided in court forms;
   b. How to obtain that information from the client, including how to articulate clear, precise, and relevant questions;
   c. The ability to re-formulate questions that have not been answered (or not answered fully);
   d. The ability to analyze and formulate appropriate follow-up questions;
   e. The ability to evaluate the scope of the case to ensure the case is within the licensure of the LLP; and
   f. The knowledge and skills necessary to analyze and identify what additional documents and other information are necessary to serve the client, and where to obtain it.

(5) Effective and ethical client communication. The LLP must possess the skills to both communicate information to the client and obtain information from the client:
   a. Communication to the client must be clear, relevant, and understandable using language the client can understand;
   b. All developments in the case must be conveyed to the client in a timely manner, including but not limited to the tender of all filings, related deadlines, and notification of all substantive communications, written or verbal:
i. The LLP must possess listening and comprehension skills to obtain relevant facts, goals and concerns from the client; and
ii. The LLP must be able to ask pertinent questions and direct the conversation in a manner that is both efficient and respectful to the client.

(6) Reading, Comprehension, and Analysis.
   a. Law: The LLP must have the ability to read and interpret documents including court records, court orders, Colorado statutes, court rules, Chief Justice Directives (“CJD”), and case law;
   b. Written and oral comprehension: The LLP must have the ability to comprehend all written and oral information related to the client’s case; and
   c. Analysis: The LLP must have the ability to understand and apply the applicable legal standards and identify other issues related to the client’s case.

(7) Communication Skills.
   a. Written: The LLP must have the ability to complete forms and prepare other permitted documents in language that is accurate, clear, precise, and responsive to the documents and issues facing the client; and
   b. Oral: The LLP must have the ability to communicate with the Court, the client, the opposing party(s), counsel, other LLPs, ADR professionals, experts and third parties in a manner that is accurate, clear, precise, and responsive to the issues facing the client.

(8) Research skills. The LLP must have the knowledge and skills to obtain any information necessary to fulfill the LLP’s obligations to the client, including the ability to:
   a. Meaningfully access information using library (or legal) research;
   b. Conduct computer and internet-based searches for legal content;
   c. Investigate and problem solve; and
   d. Navigate court records and other government databases.
(9) Negotiation and Mediation Skills. LLPs must demonstrate sufficient knowledge of the negotiation and mediation processes, negotiation and mediation theories, and best practices to allow the LLP to assist clients in negotiated and mediated agreements.

(10) General knowledge of the legal system and legal terminology. LLPs must have sufficient understanding of the legal system, including common legal terminology to:

a. Understand the context in which the LLP serves clients and to serve them competently and professionally;

b. Understand what matters are beyond the competence and licensure of the LLP; and

c. Refer clients to appropriate sources of help (including referrals to attorneys, appropriate public officials, or to other sources of information and assistance) for those matters beyond the licensure and competence of the LLP.

(11) Knowledge of the court system, court rules, Chief Justice Directives (CJDs) and relevant procedures.

Sufficient knowledge of the judicial system and the rules of procedure in that system to provide competent assistance within the LLP’s scope of practice, and to provide information and legal advice to clients, including:

1) Jurisdiction;

2) Rules and procedures regarding proper service of process and other legal documents;

3) Pleading procedures and deadlines regarding Petitions and Summons, Motions, and Responses or other filings,

4) This should include, at a minimum, a basic familiarity with:
   a. The Colorado Rules of Civil Procedure;
   b. Chief Justice Directives;
   c. Magistrate Rules;
   d. Appellate Procedure; and
   e. The Colorado Rules of Evidence.
B. LEARNING AND COMPETENCY OUTCOMES - SUBSTANCE-SPECIFIC LEARNING AND COMPETENCY OUTCOMES.

Generally. In each designated practice area, Colorado Licensed Legal Professionals must understand and demonstrate competence in the following:

1. Knowledge of the general principles of law, including terminology, sources of law (i.e. relevant statutes, rules, significant cases, and Chief Justice Directives), legal proceedings and remedies to understand fully the context and implications of those services the LLP is permitted to provide, and to understand the limits of those services.

2. Familiarity with court-approved forms, and the ability to access all court approved forms:
   a. An understanding of which forms are appropriate to the circumstances and requested relief;
   b. The ability to evaluate a client’s situation and determine the correct form to use to achieve the client’s objective;
   c. The ability to determine which types of relief or other services are not properly addressed by an approved form thereby falling outside the LLP’s competence and licensure.

3. Experience and proficiency in completing each of the relevant family law forms.

4. Experience in applying Family Law knowledge to a client’s circumstances through simulation courses, clinical internships, or similar training.

C. LEARNING AND COMPETENCY OUTCOMES - Knowledge of Family Law.

In addition to the general requirements above, prospective LLPs desiring to work in Family Law should understand and be competent in the following:

   1. Jurisdiction and Venue (determining the correct State/Judicial District/County) C.R.S. §14-10-106, C.R.C.P. Rule 98, including the Uniform Interstate Family Support Act (UIFSA), the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) and the Indian Child Welfare Act (ICWA).
2. Initial Paperwork for filing – Case Information Sheet, Petition, Summons and Waiver of Service.

3. Allocation of Parental Responsibilities.
   i. Standing (Colorado Revised Statutes §14-10-123);
   ii. Best Interests of the Children: Understanding the Best Interests factors regarding parenting time (Colorado Revised Statutes §14-10-124(1.5)(a):

      (I) The wishes of the child’s parents as to parenting time;
      (II) The wishes of the child if he or she is sufficiently mature to express reasoned and independent preferences as to the parenting time schedule;
      (III) The interaction and interrelationship of the child with his or her parents, his or her siblings, and any other person who may significantly affect the child’s best interests;
      (III.5) Any report related to domestic violence that is submitted to the court by a child and family investigator, if one is appointed pursuant to section 14-10-116.5; a professional parental responsibilities evaluator, if one is appointed pursuant to section 14-10-127; or a legal representative of the child, if one is appointed pursuant to section 14-10-116. The court may consider other testimony regarding domestic violence from the parties, experts, therapists for any parent or child, the department of human services, parenting time supervisors, school personnel, or other lay witnesses.
      (IV) The child’s adjustment to his or her home, school, and community;
      (V) The mental and physical health of all individuals involved, except that a disability alone shall not be a basis to deny or restrict parenting time;
      (VI) The ability of the parties to encourage the sharing of love, affection, and contact between the child and the other party; except that, if the court determines that a party is acting to protect the child from witnessing domestic violence or from being a victim of
child abuse or neglect or domestic violence, the party’s protective actions shall not be considered with respect to this factor;

(VII) Whether the past pattern of involvement of the parties with the child reflects a system of values, time commitment, and mutual support;

(VIII) The physical proximity of the parties to each other as this relates to the practical considerations of parenting time;

(IX) and (X) Repealed.

(XI). The ability of each party to place the needs of the child ahead of his or her own needs.

iii. Understanding the Best Interests factors regarding decision making

(Colorado Revised Statutes §14-10-124(1.5)(b):

(I) Credible evidence of the ability of the parties to cooperate and to make decisions jointly;

(II) Whether the past pattern of involvement of the parties with the child reflects a system of values, time commitment, and mutual support that would indicate an ability as mutual decision makers to provide a positive and nourishing relationship with the child;

(III) Whether an allocation of mutual decision-making responsibility on any one or a number of issues will promote more frequent or continuing contact between the child and each of the parties.

iv. Parenting time schedules for minor child(ren) considering their ages and particular needs; (footnote)

v. Endangerment concerns (Colorado Revised Statutes §§14-10-124(2), 124.3, 129(4)):

a. Supervised parenting time (when appropriate);

b. Domestic violence and the impact on child(ren)/parenting;

c. Unaddressed mental health conditions that impact parenting;

d. Unaddressed mental health conditions of the child(ren);

e. Substance abuse and addiction challenges of parent(s) and/or child(ren);

f. Convictions of crimes impacting parenting;
g. Involvement of Child Protective Services;

h. Other restrictions on contact (TPOs, PPOs, MPOs).

vi. Parenting classes (when minor child(ren) are involved), Colorado Revised Statutes §14-10-123.7.

vii. Sole vs. Joint Decision Making in the context of the full range of family dynamics.

viii. Child and Family Investigations, Child Legal Representatives and Parental Responsibility Evaluations, Decision Making (when needed, how to select a CFI /CLR /PRE/PC/DM/arbitrator, role/scope of evaluation) and when the involvement of a licensed attorney is necessary. C.R.S. §14-10-116, C.R.S. §14-10-116.5, C.R.S. §14-10-127, CJDs 04-08.¹

ix. Enforcement of Parenting Time. C.R.S. §14-10-129.5.

x. Modification of Parenting Time. C.R.S. §14-10-129.

xi. Relocation. C.R.S. §14-10-129(2).


4. Child Support C.R.S. §14-10-115.²

a. Determining Incomes:
   
   a. Full-time v. part-time employment;
   
   b. Mandatory v. voluntary overtime;
   
   c. Imputation of income;
   
   d. Low income issues;
   
   e. Other forms of income;
   
   f. Determining incomes when a party is not forthcoming with financial information;
   
   g. Disclosure/Discovery Issues.


   c. Navigating Child Support Worksheets:

¹ The Core Competencies Working Sub-Group recommends that there be limitations for an LLP to represent a party in an allocation of parental responsibilities (APR) matter, where never-married parties have significant financial resources that require complex discovery and analysis.

² Certainly, if the parties have disparate financial resources, the Court should complete an analysis pursuant to C.R.S. §14-10-119 and IRM Rose.
a. Maintenance payments;
b. Non-joint child(ren);
c. Joint child(ren) with different overnight schedules;
d. Number of overnights;
e. Childcare costs;
f. Benefits/health insurance;
g. Extraordinary medical expenses;
h. Determining shared school costs;
i. Other extraordinary expenses;
j. Child(ren)’s income.
d. Burden of proof regarding worksheet numbers.
e. Transportation costs.
f. Deviation requirements.

iii. Criteria for modifying /terminating child support.
   a. Change of circumstances;
   b. Annual exchange of information.

iv. Emancipation.
v. Allocation of dependency exemptions (taxes);

i. Calculation of maintenance:
   a. Factors;
   b. Burden of proof regarding factors;

ii. Amount and duration of award, if any:
   a. Temporary;
   b. Permanent;
   c. Retroactivity.

iii. Tax issues;
iv. Waiver of maintenance;
v. Contractual, non-modifiable maintenance.
vi. Modification of maintenance:
   a. Under C.R.S. §14-10-122 (unfair);
b. Under C.R.S. §14-10-122 (1)(a) (*IRM Caufman*);

vii. Termination of maintenance.

viii. Life insurance to secure maintenance and/or child support award.

D. **LEARNING AND COMPETENCY OUTCOMES - Division of Assets and Debts.**

1. **Assets.**
   
a. **Types of Assets:**
   
a. Real Property;
   
b. Titled Vehicles;
   
c. Cash on Hand, Bank, Checking, Savings, or Health Accounts;
   
d. Other Personal Property (Furniture, Household Goods, and Other Personal Property, i.e. Jewelry, Antiques, Collectibles, Artwork, Power Tools, etc.);
   
e. Stocks, Bonds, Mutual Funds, Securities & Investment Accounts;
   
f. Pension, Profit Sharing, or Retirement Funds;
   
g. Miscellaneous Assets:
   
   a. Business Interests;
   
   b. Stock Options and Restricted Stock Units (RSUs);
   
   c. Money/Loans owed to party(s);
   
   d. IRS Refunds due to party(s);
   
   e. Country Club & Other Memberships;
   
   f. Livestock, Crops, Farm Equipment;
   
   g. Pending lawsuit or claim;
   
   h. Accrued Paid Leave (sick, vacation, personal);
   
   i. Oil and Gas Rights;
   
   j. Vacation Club Points;
   
   k. Safety Deposit Box/Vault;
   
   l. Trust Beneficiary;

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3 When complex assets are at issue, the involvement of a licensed attorney may be necessary.

4 This list is not all-inclusive.
m. Cryptocurrency;

n. Health Savings Accounts;

o. Mineral and Water Rights;

p. Frequent Flyer Miles;

q. Education Accounts.

ii. Disposition of Assets:

a. Determining what is marital property and what is separate property;

b. Burden of proof and documentation for separate property;

c. Interspousal gifts;

d. Gifts from others;

e. Inheritance;

f. Increase in value during marriage.

iii. Valuation.

iv. Allocation:

a. Title/status of ownership (with documentation);

b. Title/status of encumbrance(s) (with documentation);

v. Transferring and/or dividing property:

a. How to transfer title;

   a. C.R.C.P. 70 for Clerk of Court to transfer title of property;

   b. Quitclaim deed or Special Warranty Deed.

b. Refinancing or selling;

c. Division of retirement and QDROs (Qualified Domestic Relations Order);

d. Indemnification language;

  e. Enforcement language.

vi. Dissipation issues:

a. Marital waste;

b. Lis Pendens;

c. Substitute title.

2. Division of Debts:

i. Knowledge of: - Title/status of debts (with documentation);

  a. Current balance;
b. Payment terms;
c. Credit reports;
d. Release of information;
e. Secured v. unsecured.\\(^5\\)

ii. Allocation:
   a. Determining what is marital debt and what is separate debt;
      i. Burden of proof and documentation for separate debt;
      ii. Interspousal debts;
      iii. Promissory notes;
      iv. Tax debt;
      v. Debts owed to family;
      vi. Increase or decrease in balance during marriage.

iii. Division of debt(s):
   a. Refinancing,\\(^6\\)
   b. Indemnification language;
   c. Enforcement language.

iv. Miscellaneous:
   a. How to create spreadsheet required by many jurisdictions for property division;\\(^7\\)
   b. Understanding equitable division (equitable is not necessarily equal).

E. LEARNING AND COMPETENCY OUTCOMES

In addition to the general requirements above, LLPs practicing Family Law (Domestic Relations or DR) must demonstrate sufficient competency to provide legal advice and assist parties in accurately completing all relevant forms in the following areas:

1. Law applicable to all Family Law cases:
   i. Domicile (C.R.S. § 14-10-106);

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\(^5\) When parties are simultaneously involved in Bankruptcy and Domestic Relations proceedings, involvement of a licensed attorney may be necessary.
\(^6\) If the marital estate may be insolvent, the LLP should direct the parties to consult with a bankruptcy attorney.
\(^7\) Look at tools online at the Colorado Judicial website (currently Family Law Software).
ii. Venue (C.R.C.P. Rule 98(c));

iii. Service of Process (C.R.S. § 14-10-107 AND C.R.C.P. Rule 4);

iv. Automatic Injunction (C.R.S. § 14-10-107);


2. For cases involving minor child(ren):
   i. Inclusion or Exclusion of Child(ren) in Dissolution Action (C.R.S. § 14-10-107);
   ii. Filing a Separate Petition for the Allocation of Parental Responsibilities (C.R.S. § 14-10-123);
   iii. Parentage Determination (C.R.S. § 14-10-123(1.8));
   iv. Automatic Injunction Regarding Child(ren) (C.R.S. § 14-10-123);
   v. Best Interest Factors Related to the Allocation of Parenting Time (C.R.S. § 14-10-124);
   vi. Allocation of Decision-Making (C.R.S. § 14-10-124);
   vii. Child And Family Investigator (C.R.S. § 14-10-116.5);
   viii. Parental Responsibilities Evaluator (C.R.S. § 14-10-127);
   ix. Parenting Coordinator (C.R.S. § 14-10-128.1);
   x. Decision-Maker (C.R.S. § 14-10-128.3);
   xi. Child Legal Representative (C.R.S. § 14-10-116);
   xii. Determination of Income (C.R.S. § 14-10-115);
      a. Allowable Adjustments;
      b. Allowable Expenses;
      c. Deviation Standards.

3. Documents necessary for the filing of dissolution of marriage or civil union, legal separation, declaration of invalidity of marriage and/or allocation of parental responsibility:
   i. Petition for Dissolution of Marriage (C.R.S. § 14-10-107);
   ii. Petition for Dissolution of Civil Union (C.R.S. § 14-10-106.5);
   iii. Petition for Dissolution of Marriage Upon Affidavit (C.R.S. § 14-10-120.3);
   iv. Petition for Invalidity of Marriage (C.R.S. § 14-10-111);
   v. Petition for Legal Separation (C.R.S. § 14-10-107);
   vi. Petition for the Allocation of Parental Responsibilities (C.R.S. § 14-10-123);
vii. Case Information Sheet;
viii. Summons (C.R.S. § 14-10-107);
ix. Sworn Financial Statement (C.R.C.P. Rule 16.2) and Certificate of Compliance;
x. Proposed Allocation of Marital Estate;
xi. Proposed Spousal Maintenance Award;
 xii. Proposed Parenting Time Plan;
xiii. Proposed Child Support Worksheet;

4. Disclosures/Discovery.
i. Knowledge of the rules regarding initial disclosures (C.R.C.P. Rule 16.2) and pattern discovery (C.R.C.P Rules 26 – 37, C.R.C.P. Rule 121, Appendix to C.R.C.P 121 – Forms 20 - 38); and
ii. Knowledge of the discovery process, the rules governing the discovery process, and drafting and responding to pattern and non-pattern discovery requests, as allowed by the Court.

5. Modification of Orders:
 i. Modification of Spousal Maintenance (C.R.S. § 14-10-122) (C.R.S. § 14-10-112);
 ii. Modification of Parenting Time (C.R.S. § 14-10-129);
 iii. Modification of Decision-Making (C.R.S. § 14-10-131);

6. Enforcement of Orders:
i. Parenting Time and Decision-Making (C.R.S. § 14-10-129.5);
ii. Contempt (C.R.C.P. Rule 107); *

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*The Core Competencies Working Sub-Group recommends that there be limits for an LLP to represent a party in a C.R.C.P. Rule 60 (b) or C.R.C.P. Rule 16(2)(e)(10) matter where parties have significant financial resources that require complex discovery and analysis.

9 The LLP can assist with paperwork and filing of a punitive contempt but must advise the client to seek the assistance of an attorney for the punitive contempt advisement and hearing.
iii. Verified Entry of Judgment for Spousal Maintenance and Child Support (C.R.S. § 14-10-122; C.R.C.P. Rule 69); and
iv. Conveyance of Deeds or Documents (C.R.C.P. Rule 70).

7. Emergency Motions:
   i. Restriction of Parenting Time (C.R.S. § 14-10-129(4));
   ii. Uniform Child Abduction Prevention Act (C.R.S. § 14-13.5-101 et. seq.); and
   iii. Protection Orders (C.R.S. § 13-14-101 et. seq.).

8. Suggested Additions to LLP practice (not included in the PALS Preliminary Report):
   i. Stipulated Case Management Plan (C.R.C.P. Rule 16.2);
   ii. Verified Pleading Affidavit for Grandparent or Great-Grandparent Visitation (C.R.S. § 19-1-117);
   iii. Motion to Intervene (C.R.C.P. Rule 24);
   v. Garnishment for Support (C.R.S. §13-54-101 et. seq.);
   vi. Income Assignments (C.R.S. §14-14-111.5); and
   vii. Domestication (C.R.S. §14-14-111.5).

F. LEARNING AND COMPETENCY OUTCOMES - Rules and Laws Governing Alternative Dispute Resolution. In addition to the general requirements above, LLPs practicing Family Law (Domestic Relations or DR) must be prepared to assist parties in Alternative Dispute Resolution (mediation and arbitration) with knowledge of:
   i. The Colorado Dispute Resolution Act (“CDRA”) C.R.S. § 13-22-301 et. seq.;
      a. CDRA’s strict confidentiality provisions and exceptions (C.R.S. § 13-22-302 (2.5));
   ii. Case law (Yaekle v. Andrews, 195 P.3d 1101, 1110 (Colo. 2008));

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iii. Colorado Rule of Evidence 408 (compromise and offers to compromise);
iv. Court ordered v. voluntary mediation;
v. Bases for opting-out of mediation:
   a. Domestic Violence;
   b. Inappropriate for mediation;
vi. Sanctions for failure to comply.

G. Rules Governing Licensed Legal Paraprofessionals.

The LLPs must understand the rules governing LLPs (Licensed Legal Paraprofessional Rules of Professional Conduct, currently being drafted by the Rules Working Group of the PALS Sub-Committee of the Supreme Court Advisory Committee):

1. Principles of LLP ethics, professionalism, and civility. Although LLPs should be familiar with all aspects of the above rules, training programs should ensure that LLPs understand the following major concepts regarding the ethical aspects of practice and client representation:
   a. The standards of care and other duties LLPs must exercise on behalf of their clients;
   b. The difference between mandatory and advisory standards in the rules of ethics governing LLPs;
   c. The nature of the LLP-client relationship:
      i. The LLP’s obligation when a client needs or requests representation;
      ii. When the LLP-client relationship is created;
      iii. The manner in which it may be declined or terminated;
      iv. The limits of the LLP licensure and role;
      v. The duty to inform the client that the LLP is not an attorney;
      vi. The LLP’s duty of reasonable consultation and communication with clients;
      vii. The concept of and importance of informed consent;
      viii. The concept and importance of client confidentiality and privilege, and when confidentiality can or should be breached;
      ix. The permissible and appropriate fee arrangements LLPs can enter with clients; and
x. LLP duties regarding client funds and other property held by the LLP on behalf of the client. The nature of business relationships within which LLPs may practice, and the constraints associated with those relationships.

d. Other ethical considerations:
   i. The meaning and implications of various disciplinary sanctions and how they affect the ability to practice as an LLP, including de-licensure, suspension, interim suspension, reprimand, admonition, and restitution;
   ii. The concept of conflict of interest, what constitutes an inappropriate conflict, and the appropriate steps to prevent or mitigate any conflicts;
   iii. The principle that LLPs are officers of the legal system and have duties and responsibilities to the system of justice as well as their clients, including the duty of candor to courts, honesty and fairness, and the duty to avoid frivolous or otherwise non-meritorious claims or arguments;
   iv. The concept and limits of “zealous” advocacy on behalf of clients, and the responsibility to balance that role against principles of justice, professionalism, and civility to opposing parties and counsel;
      a. In a matter involving or expected to involve litigation, an LLP should advise the client of alternative forms of dispute resolution that might reasonably be pursued to attempt to resolve the legal dispute or to reach the legal objective sought; and
      b. In a matter involving the allocation of parental rights and responsibilities, an LLP should consider advising the client that parental conflict can have a significant adverse effect on minor child(ren).

e. The principles governing and limiting communications with other represented and unrepresented individuals.
   i. The importance of pro-bono representation and the LLP’s participation in other measures to improve access to justice for under-represented parties;
   ii. The principles and rules governing and limiting advertising and other measures to obtain clients, including appropriate information about the nature, scope, and limitations of the LLP’s practice, including the approved areas of practice;
iii. The importance of negotiating settlement agreements fairly and representing the agreement fairly and accurately in reducing settlement negotiations to writing;
iv. The ethical obligations of the LLP when a client wants the LLP to do something unethical or illegal; and
v. The nature of the LLP’s duties to former clients.

H. LEARNING AND COMPETENCY OUTCOMES – Associated Concepts of Law.
To the extent they have not learned them in connection with the substantive areas of knowledge identified above, LLPs must understand the meaning and significance of the following general legal principles, as necessary to understand and apply the relevant rules governing LLP practice:

1. Appropriate and inappropriate communications and means of communicating with or influencing judicial officers and court personnel, including ex parte communications;
2. Default judgments;
3. The implications of related civil and criminal proceedings, i.e., burdens of proof, Fifth Amendment rights, adverse inferences, etc.;
4. Deadlines for exercising legal rights, whether by statute or rule, including:
   i. Procedures for and standards of appellate review;
   ii. Procedures for and standards of magistrate review;
   iii. Procedures for enforcement of judgments.
5. Principles of equity, including laches, estoppel, and irreparable harm;
6. Definition and recognition of trusts sufficient to exclude from LLP practice;
7. The concept and elements of fraud, conversion, and embezzlement;
8. The recognition and importance of bonds, sureties, insurance and subrogation provisions or agreements;
9. Liens;
10. The difference between objective and subjective knowledge or beliefs;

11 When parties are simultaneously involved in criminal and Domestic Relations proceedings, involvement of a licensed attorney should be strongly considered.
11. The difference between fact and inference;
12. The concepts of relevance and materiality;
13. Contingency fees and the difference between them and hourly fees, fixed fees, or other kinds of fee arrangements; and
14. The rules of evidence that apply in hearings.
I. Types of exams:
   a. Ethics
      i. Multiple choice portion.
      ii. Essay.
      iii. Practical.
   b. Family Law/Domestic Relations
      i. Multiple choice.
      ii. Essay.
      iii. Practical.

II. Multiple choice:
   a. Item database shared between Washington, Arizona, and Utah:
      i. Allows for a bank of items.
      ii. Questions are added and taken off as needed.
   b. Development of Multiple Choice:
      i. Step 1 – Identify learning and competency outcomes:
         1. Outline specific topics LLP’s should be proficient in;
         2. Create/review syllabus for training course.
      ii. Step 2 – Exam Plan.
         1. Guideline for item topics, references, and topic weight
            based on LLP learning competency outcomes as well as
            subject matter expert input.
         2. Expert company provides overview of the exam.
         3. Source weights:
a. Expert company provide weight of importance.
b. Number of questions depends on weight.

iii. Step 3 – Provide source:
   2. Ethics.
   4. Forms.
   5. Case law.

iv. Step 4 – Item requirements:
   1. All items must have four answers, 1 correct, 3 wrong.
   2. All items must fallow grammatically from the stem.
   3. Ensure items are valid to LLP rules and Core Competencies.
   4. Use source wording as much as possible.
   5. Test job-related knowledge.

v. Step 5 – Defensible items:
   1. Focus on information that is important.
   2. Write definitive items with one correct answer.
   3. Use language close to the source material.

vi. Step 6 – Subject Matter Expert review.¹
   1. Will take place over a series of focus groups.
   2. Review each question for accuracy and approval in the database.
   3. Cross check against what exists in the database.

III. Essay.

¹ Questions change test-to-test to preserve test integrity, but test the same topic areas.
a. Development of Essay:
   i. Prompts.
      1. Topics based on exam blueprint.
         a. Parenting, divorce, APR, etc.\(^2\)
      2. Application of knowledge, skills and abilities (KSAs) to fact pattern.
      3. Candidate presented with a fact pattern and asked a series of questions.
         a. Asked to evaluate the strength and weakness of each party’s case.
         b. Asked to evaluate the factors that the court will consider.
      4. Scoring rubric.
      5. Development has draft reviewed and edited by subject matter experts.

IV. Practical:
   a. Candidates are tested on the use of court forms.
   b. Application of KSAs to fact pattern:
      i. Tests ability to quickly review key materials and information;
      ii. Develop desired work product; and
      iii. Draft by applying fact pattern.
   c. Example: Child support worksheet.
      i. Supporting material – child support guidelines table.

\(^2\) Best practices are not usually tested because they’re subjective.
   a. No source material or case law.
   b. Test in classes rather than licensing exam.
d. Develop scoring rubric.
e. Reviewed and edited by subject matter experts.

V. Open vs. Closed-book exams?
   a. Closed book is common for paralegal.
      i. Requires candidates to fully understand foundational principles.
      ii. Some courses teach material that needs to be memorized.
      iii. Designed to determine candidates’ ability to identify and solve basic issues and apply common rules without looking it up.
   b. Group decided in an earlier meeting that open-book is more fitting.

VI. Next Steps:
   a. Establish learning and competency outcomes for domestic relations and ethics.
   b. Create exam plan:
      i. Usually 50 questions.
      ii. Determine weight of each.
   c. Define number of questions on multiple choice section.
   d. Gather references and source material.
   e. Schedule further meetings.\(^3\)

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\(^3\) The exam creation process in Utah, Arizona, and Washington was approximately 12 months in duration.
Education Subgroup Next Steps

At this point in the planning, the community colleges and Master of Legal Studies programs are looking at creating a one semester course of study:

After completing an Associate’s degree, which is 4 semesters full time, or other qualified prerequisite degree, plus the 1500 required hours of qualified experience, there would be an additional semester at each institution that would cover:

- Family law 3 credits
- Advanced Family law 3 credits
- Ethics 3 credits
- Mediation/negotiation 3 credits

The institutions would agree to standardize outcomes.

If this is a sound plan, then our next step is to create a curriculum map for each class that would map to the outcomes, starting with a 15-week semester as a base line.

This means we would break out the outcomes and create a week-by-week map of what would be taught. It would not include the exact lessons, as the lessons would be left up to the individual instructors regarding how they want to teach to reach the required outcomes.

Once this is approved then each program would need to go through each institution’s academic standards committee(s) to get the program and new courses approved.

Once approved, each program would go through the State System to get it approved across the state.
Rule ______. Supreme Court Jurisdiction

The Supreme Court exercises jurisdiction over all matters involving the licensing and regulation of those persons who practice law in Colorado. Accordingly, the Supreme Court has adopted the following rules governing admission to the practice of law by licensed legal paraprofessionals (LLPs) in Colorado.

Rule ______. Supreme Court Advisory Committee

(1) The Supreme Court Advisory Committee (Advisory Committee) is a permanent committee of the Supreme Court. See C.R.C.P. 242.3. The Advisory Committee oversees the coordination of administrative matters for all programs of the LLP regulation process.

(2) The Advisory Committee shall have oversight over the LLP admissions process.

(3) The Advisory Committee shall recommend to the Supreme Court proposed changes or additions to the rules of procedure governing admission to the practice of law by LLPs.

(4) The Advisory Committee shall review the productivity, effectiveness and efficiency of all matters involving the admission of LLPs to practice law in the state of Colorado.

Rule ______. Licensed Legal Paraprofessionals Committee

(1) **Licensed Legal Paraprofessionals (LLP) Committee.** The LLP Committee shall serve as a permanent committee of the Supreme Court.

(a) **Members.** The LLP Committee shall consist of eleven volunteers appointed by the Supreme Court. For at least the first four years from the date of adoption of this rule, at least six members must be Colorado licensed attorneys, and at least two members must be non-attorneys. With the exception of the chair and vice-chair, members shall be appointed for an initial term of two, three or four years, and may serve up to
two terms. Diversity shall be a consideration in making the appointments. The terms of the members of the LLP Committee shall be staggered to provide, so far as possible, for the expiration each year of the term of one member. All members, including the chair and vice-chair, serve at the pleasure of and may be dismissed at any time by the Supreme Court. A member of the LLP Committee may resign at any time.

(b) Chair and Vice-Chair. The Supreme Court shall designate two members of the LLP Committee to serve as its chair and vice-chair for unspecified terms. The chair shall exercise overall supervisory control of the Committee. The chair shall also be a member of the Advisory Committee.

(c) Powers and Duties. The LLP Committee shall:

(i) Oversee the administration of written examinations concerning substantive and procedural law and ethical responsibilities each year, at such times and places as may be designated by the Supreme Court;

(ii) Make recommendations to the Supreme Court regarding passing scores for the written examinations;

(iii) Oversee the process of grading the written examinations to ensure uniformity and quality of grading;

(iv) Oversee other regulatory functions specific to LLP applications and the practice of law by LLPs as provided in Rules ______ and _______.

(iv) Periodically report to the Advisory Committee on the operations of the LLP Committee;

(v) Make recommendations to the Advisory Committee regarding proposed changes or additions to rules that concern the functions of the LLP Committee; and

(vi) Adopt such practices as may from time to time become necessary to govern the internal operation of the LLP Committee.

(2) Character and Fitness Committee. The Character and Fitness Committee established by C.R.C.P.
202.3, which serves as a permanent committee of the Supreme Court with the powers and duties set forth by that rule, shall exercise the same powers and perform the same duties relative to the admission of LLPs:

(i) To enforce the character and fitness standards set forth in C.R.C.P. 208 in the review of all LLP applications for admission to the practice of law in Colorado;

(ii) To participate in inquiry panels as set forth in C.R.C.P. 208.4;

(iii) To participate on hearing boards empaneled by the Office of the Presiding Disciplinary Judge pursuant to C.R.C.P. 209.2;

(iv) To periodically report to the Advisory Committee on the operations of the Character and Fitness Committee;

(v) To make recommendations to the Advisory Committee regarding proposed changes or additions to rules that concern the functions of the Character and Fitness Committee; and

(vi) To adopt such practices as may from time to time become necessary to govern the internal operations of the Character and Fitness Committee.

Rule _____ Attorney Regulation Counsel

The Attorney Regulation Counsel shall maintain and supervise a permanent office, hereinafter referred to as the Office of Attorney and LLP Admissions, to serve as a central office for (a) the filing and processing of all applications for admission, certification, and other authorization to practice law in Colorado; (b) the administration of the Colorado bar examination and LLP examinations; (c) the investigation of all applicants’ character and fitness; and d) the certification to the Supreme Court of applicants’ qualifications to practice law in Colorado. The Attorney Regulation Counsel shall administer all attorney admission functions as part of a budget approved by the Supreme Court.

Rule _____ Immunity
(1) Committees, Staff, and Volunteers. Persons performing official duties under the provisions of this chapter, including but not limited to the Advisory Committee and its members, the LLP Committee and its members, the Character and Fitness Committee and its members, the Attorney Regulation Counsel and staff, the Presiding Disciplinary Judge and staff, members of hearing boards, and other enlisted volunteers are immune from suit for all conduct performed in the course of their official duties.

(2) Other Participants in Admission Proceedings. Testimony, records, statements of opinion and other information regarding an applicant for LLP admission communicated by any person or entity to the Advisory Committee or its members, the LLP Committee or its members, the Character and Fitness Committee and its members, the Attorney Regulation Counsel or staff, the Presiding Disciplinary Judge or staff, members of hearing boards, the Colorado Lawyer Assistance Program or staff, or other volunteers shall be absolutely privileged, and no lawsuit shall be predicated thereon. If the matter is confidential as provided in these rules, and if the person or entity who testified or otherwise communicated does not maintain confidentiality, then the testimony or communications shall be qualifiedly privileged, such that an action may lie against a person or entity who provided the testimony or communications in bad faith or with reckless disregard of its truth or falsity.

Rule ______. General Provisions

(1) Application Forms. All applications for a license to practice law as an LLP in Colorado shall be made on forms furnished by the Office of Attorney and LLP Admissions. The application forms shall require such information as is necessary to determine whether the applicant meets the requirements of these rules, together with such additional information as is necessary for the efficient administration of these rules. Applicants must answer all questions completely, and must provide all required documentation. The Office of Attorney Admissions may, in its discretion, reject an incomplete application or place an incomplete application on hold until all required information is produced.

(2) Confidentiality. Information contained on applications for a license to practice law as an LLP in Colorado shall be deemed confidential and may be released only under the conditions for release of confidential information established by C.R.C.P. 211.1.

(3) Duty to Supplement.

(a) Applicants must immediately update the application with respect to all matters inquired of. This duty to supplement continues in effect up to the time an applicant takes the oath of admission. Updates must be reported in a manner consistent with the Office of Attorney Admissions’ requirements.

(b) Failure to timely supplement a pending application may result in the denial of the application, a review of such failure as a character and fitness issue, or if the person has already been admitted as an LLP in Colorado, discipline or revocation of the person’s LLP license.
(4) **Fees.** All applicants must pay a fee in an amount fixed by the Supreme Court. The fee must be paid when the application is submitted.

(5) **Admission as an LLP.** An applicant who qualifies for admission as an LLP under this rule, and who meets the character and fitness requirements set forth in C.R.C.P. 208, shall be admitted to the practice of law as an LLP in Colorado in the manner prescribed by these rules.

(6) **Disbarred Attorneys or Legal Paraprofessionals.** A person who has been disbarred from the practice of law in any jurisdiction, or who has resigned pending disciplinary proceedings in any jurisdiction, is not eligible to apply for admission to the practice of law as an LLP in Colorado until the person has been readmitted in the jurisdiction in which the person was disbarred or resigned.

(7) **Suspended Attorneys or Legal Paraprofessionals.** A person who has been suspended for disciplinary purposes from the practice of law in any jurisdiction is not eligible to apply for admission to the practice of law as an LLP in Colorado until the period of suspension has expired and the person has been reinstated to the practice of law in the jurisdiction in which the person was suspended.

(8) **Mandatory LLP Professionalism Course.** All applicants under these rules, unless otherwise exempted, must complete a required course on professionalism specific to LLPs presented by the Office of Attorney Regulation Counsel. Continuing legal education credit will be applied to the LLP’s first compliance period pursuant to C.R.C.P. 250.2(1). Credit for completion of the professionalism course will be valid for eighteen months following completion of the course.
Rule ______. Applications for Colorado LLP Admission

(1) All LLP applicants must, as a condition of admission, take and pass the Colorado LLP examinations, which includes testing on family law and professional conduct rules, and any other topics designated by the Supreme Court.

(2) Colorado LLP applications for the LLP Examination must be received or postmarked on or before the deadlines designated by the Supreme Court and published by the Office of Attorney Admissions.

(3) By the time of taking the family law examination, Colorado LLP examination applicants must have received:

(a) a J.D. or LL.B. degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association or a state-accredited law school;

(b) an associate’s degree in paralegal studies from an accredited school;

(c) a bachelor’s degree in paralegal studies from an accredited school;

(d) a bachelor’s degree in any subject from an accredited school that includes:
   (i) a paralegal certificate; or
   (ii) 15 hours of paralegal studies from an accredited school; or

(e) a first professional law degree from a law school in a country other than the United States with an LL.M. qualifying such applicant to sit for the Colorado bar examination under C.R.C.P. 204.3.

(4) By the time of taking the professional conduct examination, all Colorado LLP applicants must have successfully completed an ethics class specific to LLPs.

(5) By the time of taking the family law examination, all Colorado LLP applicants must have successfully completed a family law class.

(6) All Colorado LLP applicants must also pass an LLP professional conduct exam prior to admission.

(7) All Colorado LLP applicants must also demonstrate completion of 1,500 hours of substantive law-related experience, including 500 hours of substantive law-related experience in Colorado family law,
within the three years immediately preceding the date of submitting the LLP application.

(8) LLP applicants filing an application by ____, 20__ [3 years from the effective date of the Court’s rules providing for the LLP program] are exempt from the educational requirements of subsection (3) of this rule if they demonstrate completion of three years of full-time substantive law-related experience, including 500 hours of substantive law-related in Colorado family law, within the five years immediately preceding the date of submitting the LLP application.

(9) All Colorado LLP applicants bear the burden of proving they have the character and fitness to practice law as an LLP, and must comply with all character and fitness requirements established by the Supreme Court through C.R.C.P. 208.1. All Colorado LLP applicants are subject to the procedures set forth in C.R.C.P. 208.1 through C.R.C.P. 210.2 concerning review of character and fitness.

(10) All Colorado LLP applicants must pay the required application fee.

(11) **Professionalism Course.** All successful Colorado LLP examination applicants must complete the course on professionalism, as described in C.R.C.P. ____, prior to and as a condition of admission. Credit for completion of the professionalism course will be valid for eighteen months following completion of the course.

(12) Any unsuccessful applicant may, upon request, obtain a copy of the applicant’s answers to the essay portions of the examination. Such request shall be made on a form furnished by the Office of Attorney Admissions. This rule does not permit applicants to obtain any materials other than the applicant’s written essay answers.

**RULE ______. PETITIONS TO THE SUPREME COURT FOR WAIVER OF ADMISSIONS REQUIREMENTS**

(1) **Availability.** C.R.C.P. 206 applies to petitions for waiver of specific LLP admissions eligibility requirements. Nothing herein is deemed a limitation on the Supreme Court’s plenary jurisdiction set forth in C.R.C.P. ____ and C.R.C.P. 212.
Rule _____ Access to Information Concerning Admission of LLPs

(1) Except as otherwise authorized by C.R.C.P. 209.4(2) or order of the Supreme Court, all other information contained in the application, and all admissions proceedings conducted pursuant to C.R.C.P. 208 through 209 prior to the filing of any written exceptions with the clerk of the Supreme Court, shall be confidential and requests for such information shall be denied by the Office of the Presiding Disciplinary Judge and the Office of Attorney Regulation Counsel, hearing boards, inquiry panels, and committees, unless the request is made by:

(a) An agency authorized to investigate the qualifications of persons for admission to practice law, including admission to limited-scope practice as a licensed legal paraprofessional or licensed paralegal;

(b) An agency authorized to investigate the qualifications of persons for government employment;

(c) A regulation or discipline enforcement agency with jurisdiction over attorneys or licensed legal paraprofessionals or licensed paralegals;

(d) A law enforcement agency;

(e) An agency authorized to investigate the qualifications of judicial candidates; or

(f) The Colorado Lawyer Assistance Program, or another jurisdiction’s similar program.

Upon a showing of good cause, the Supreme Court may enter an order that seals all or part of the record of proceedings at the Supreme Court level.

(2) Public Proceedings. Except as otherwise provided by the Supreme Court, the record, pleadings and all proceedings before the Supreme Court shall become public upon the filing of written exceptions.

Rule ____ Reapplication for Admission

(1) Unless otherwise ordered by the Supreme Court, an applicant who has been rejected by the Supreme Court as not possessing the character and fitness necessary to practice law in Colorado, or whose license to practice law has been revoked pursuant to proceedings under C.R.C.P. 210, may not reapply for admission as an LLP in Colorado for five years after the date of the Supreme Court’s ruling.
(1) **Oath of Admission.** No applicant shall be admitted as an LLP in Colorado until such time as he or she has taken the oath of admission prescribed by the Supreme Court.

(2) **Length of Time to Take Oath.** No LLP applicant shall be permitted to take the oath more than eighteen months after the date of the announcement by the Supreme Court that he or she has passed the examination. Nothing herein shall preclude reapplication for admission.

(3) **Certificates of Admission.** Admission of all LLP applicants shall be by order of the Supreme Court, en banc, and certificates of admission issued to applicants shall be signed by the Clerk of the Supreme Court. An applicant shall not receive a certificate of admission until after the applicant has signed an oath before the Clerk of the Supreme Court or other designated offices and has paid a license fee in an amount set by the Supreme Court. The portion of the license fee necessary to cover the cost of the license shall be remitted to the Clerk of the Supreme Court.

Rule ______. Plenary Power of the Supreme Court

The Supreme Court reserves the authority to review any determination made in the course of the admissions process or in the operation of these rules and to enter any order with respect thereto, including an order directing that further proceedings be conducted as provided by these rules.
A. REGISTRATION FEE OF LICENSED LEGAL PARAPROFESSIONALS

(1) General Provisions.

(a) Fees. On or before February 28 of each year, every licensed legal paraprofessional (LLP) admitted to practice in Colorado shall annually file a registration statement and pay a fee as set by the Colorado Supreme Court. As of 20__, the fees set by the court are as follows: the fee for active LLPs is $325.00; the fee of any LLP whose first admission to practice is within the preceding three years is $190.00; the fee for LLPs on inactive status is $130.00. 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. The Supreme Court will authorize periodic increases to the annual fee for every Colorado LLP as necessary.

(b) Collection of Fee. The annual fee shall be collected by the Clerk of the Supreme Court of Colorado, who shall send and receive the notices and statements provided for hereafter.

(c) Application of Fees. The fee shall be divided. Twenty-five 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 defray the costs of licensing and regulating LLPs within the Office of Attorney Regulation Counsel, as well as other functions within the Office of Attorney Regulation Counsel (admissions, registration, mandatory continuing legal and judicial education, attorney diversion and discipline, counsel to Commission on Judicial Discipline, unauthorized practice of law and inventory counsel functions), the Office of the Presiding Disciplinary Judge, the Commission on Judicial Discipline, the Colorado Lawyers Assistance Program, the Colorado Attorney Mentoring Program, the Advisory and other regulatory committees and any other practice of law function deemed appropriate by the Supreme Court.

(2) Statement.

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

(1) date of admission as an LLP by the Colorado Supreme Court;

(2) registration number;

(3) current residence and office addresses and, if applicable, a preferred mailing address for the Colorado Courts, along with current telephone numbers and email addresses;

(4) certification as to (a) whether the LLP has been ordered to pay child support and, if so, whether the LLP is in compliance with any child support order, (b) whether the LLP or the LLP’s law firm has established one or more interest-bearing accounts for client funds as provided in Colo. RPC 1.15B or Colo. LLP RPC 1.15B 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) whether the LLP is currently covered by professional liability insurance and, if so, whether the LLP intends to maintain insurance during the time the LLP is engaged in the private practice of law; and

(5) certification that the LLP agrees to confine the LLP’s practice of law to all limitations set forth in applicable rules, statutes, and other law.

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

(b) Notification of Change. Every LLP shall file a supplemental statement of change in the information previously submitted, including home and business addresses, within 28 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 LLP 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. Any LLP who pays the annual fee or files the annual registration statement after February 28 but on or before March 31 shall pay a late fee of $50.00 in addition to the registration fee. Any LLP who pays the annual fee or files the annual registration statement after March 31 shall pay a late fee of $150.00 for each such year, in addition to the registration fee.

(b) Initial Pleading Must Contain Registration Number. Whenever an initial pleading is signed by an LLP, it shall also include thereon the LLP’s registration number. Whenever an initial appearance is made in court without a written pleading, the LLP shall advise the court of the registration number. The number need not be on any subsequent pleadings.

(4) Suspension.

(a) Failure to Pay Fee or File Statement--Notice of Delinquency. An LLP shall be summarily suspended if the LLP either fails to pay the fee or fails to file a complete statement or supplement thereto as required by this rule prior to May 1, provided a notice of delinquency has been issued by the Clerk and mailed to the LLP addressed to the LLP's last known mailing address at least 28 days prior to such suspension, unless an excuse has been granted on grounds of financial hardship. Orders suspending an LLP for failure to comply with rules governing LLP registration take effect on entry of the order, unless otherwise ordered.

(b) Duties to Notify Clients and Duties in Litigation Matters. An LLP who has been suspended under the rules governing LLP registration need not comply with the requirements of C.R.C.P. 242.32(c) or C.R.C.P. 242.32(d) if the LLP has sought reinstatement under the rules governing LLP registration and reasonably believes that reinstatement will occur within 14 days of the date of the order of suspension. If the LLP is not reinstated within those 14 days, then the LLP must comply with the requirements of C.R.C.P. 242.32(c) and C.R.C.P. 242.32(d).

(5) Reinstatement.
(a) Application--Reinstatement Fee. Any LLP 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.

(6) Inactive Status.

(a) Notice. An LLP who has retired or is not engaged in practice shall file a notice in writing with the Clerk that he or she desires to transfer to inactive status and discontinue the practice of law.

(b) Payment of Fee--Filing of Statement. Upon the filing of the notice to transfer to inactive status, the LLP shall no longer be eligible to practice law but shall continue to pay the fee required under section (1)(a) above and file the statements and supplements thereto required by this rule on an annual basis.

(c) Exemption--Age 65. Any registered inactive LLP over the age of 65 is exempt from payment of the annual fee.

(7) Transfer to Active Status. Upon the filing of a notice to transfer to inactive status and payment of the fee required under section (1)(a) above and any arrearages, if owed, an LLP shall be removed from the roll of those classified as active until and unless a request for transfer to active status is made and granted. Transfer to active status shall be granted, unless the LLP is subject to an outstanding order of suspension or disbarment, upon the payment of any assessment in effect for the year the request is made and any accumulated arrearages for non-payment of inactive fees.

(8) Resignation.

(a) Criteria. The supreme court may permit an LLP to resign from the practice of law in Colorado. The Regulation Counsel must inform the supreme court whether any disciplinary or disability matter involving the LLP should preclude the LLP’s resignation and whether any pre-complaint proceeding pending against the LLP under C.R.C.P. 242 should be dismissed. An LLP may not resign if a complaint under C.R.C.P. 242.25 is pending against the LLP.

(b) Procedure. An LLP who wishes to resign must request permission of the supreme court under this section by submitting a request to the Office of Attorney Registration, and must tender the LLP’s certificate of admission along with a certification as to whether the LLP is subject to disciplinary proceedings in any other jurisdiction. A request to resign and an order of resignation are public information.

(c) Effect. An LLP who has been permitted to resign:

(1) Must comply with the duties listed in C.R.C.P. 242.32;

(2) Is excused from paying the annual registration fee;
(3) Is not eligible for reinstatement or transfer to active or inactive status and may be admitted to the practice of law in Colorado only by complying with the rules governing admission to the practice of law;

(4) May not hold herself or himself out as a Colorado LLP; and

(5) Remains subject to the supreme court's jurisdiction as set forth in C.R.C.P. 242.1(a) as to the LLP’s prior practice of law in Colorado.

COMMENT

The Supreme Court sets the annual registration fee for LLPs to be used for the purposes set forth in the rule. Those fees, together with other fees collected through the Office of Attorney Regulation Counsel, will help defray the cost of admitting, registering and regulating LLPs.
As society becomes more complex, the delivery of legal services likewise becomes more complex. The public rightly expects that lawyers and licensed legal paraprofessionals ("LLPs"), in their practice of law, and judges, in the performance of their duties, will continue their professional development throughout their legal careers. The purpose of mandatory continuing legal and judicial education requirements is to promote and sustain competence and professionalism and to ensure that lawyers, LLPs and judges remain current on the law, law practice management, and technology in our rapidly changing society.

Rule 250.1. Definitions

(1) An “accredited” CLE activity is an educational endeavor that meets the criteria in these Rules and the CLJE Committee’s Regulations Governing Mandatory Continuing Legal and Judicial Education and satisfies the requirements of C.R.C.P. 250.6.

(2) “CLE” stands for “Continuing Legal Education,” which is any legal, judicial, or other educational activity that meets the criteria in these Rules and the Continuing Legal and Judicial Education (CLJE) Committee’s Regulations Governing Mandatory Continuing Legal and Judicial Education and, therefore, satisfies the requirements of C.R.C.P. 250.2.

(3) A “CLE credit” or a “CLE credit hour” is a measurement unit combining time and quality assigned by the CLJE Office to all or part of a particular continuing legal educational activity. A CLE credit hour will be the equivalent of attending 50 minutes of an accredited program with accompanying textual material unless otherwise specified in these rules.

(4) “CLE transcript” means the official record maintained by the CLJE Office of a registered lawyer’s, LLP’s or judge’s CLE credit hours earned during a CLE compliance period and will be used to verify a registered lawyer’s, LLP’s or judge’s compliance with the CLE requirements.

(5) The “CLJE Committee” is the Colorado Supreme Court’s Continuing Legal and Judicial Education Committee.
(6) “Compliance period” means the three years during which a registered lawyer, LLP or judge is required to earn the minimum number of CLE credits.

(7) “Court” means the Colorado Supreme Court.

(8) “Judge” is a judicial officer who is subject to the jurisdiction of the Commission on Judicial Discipline or the Denver County Court Judicial Discipline Commission.

(9) “LLP” is a licensed legal professional who has been admitted by and is registered with the Colorado Supreme Court through payment of the registration fee required by C.R.C.P. for the current year, and is not on inactive status, or suspended, disbarred, or placed on disability inactive status by the Court.

(10) “Office of Continuing Legal and Judicial Education” (CLJE Office) is the central office of the Office of Attorney Regulation Counsel that administers and implements these rules and the CLJE Committee’s Regulations Governing Mandatory Continuing Legal and Judicial Education.

(11) “Provider” means any individual or organization that offers continuing legal education activities.

(12) “Registered lawyer” is a lawyer who has paid the registration fee required by C.R.C.P. 227 for the current year and who is not on inactive status, or suspended, disbarred, or placed on disability inactive status by the Court.

(13) “Teaching” means participating as a speaker, lecturer, presenter, or moderator in any accredited CLE activity.

(14) “These rules” refer to rules 250.1 through 250.10 of the Colorado Rules of Civil Procedure.

(15) “CLJE Regulations” refer to the Continuing Legal and Judicial Education Committee’s Regulations Governing Mandatory Continuing Legal and Judicial Education.
Rule 250.2. CLE Requirements

(1) CLE Credit Requirement for Registered Lawyers and Judges. Every registered lawyer and every judge must complete 45 credit hours of continuing legal education during each applicable CLE compliance period as provided in these rules. The 45 credit hours must include at least seven credit hours devoted to professional responsibility.

(a) Beginning January 1, 2023, the seven credit hours devoted to professional responsibility must include the following:

i. At least two credit hours in the area of equity, diversity, and inclusivity, and

ii. At least five credit hours in the areas of legal ethics or legal professionalism.

(b) Failure to comply with these requirements in a timely manner as set forth in these rules may subject the registered lawyer or judge to a fee, a penalty, and/or administrative suspension.

(2) CLE Credit Requirement for LLPs. Every LLP must complete 30 credit hours of continuing legal education during each applicable CLE compliance period as provided in these rules. The 30 credit hours must include at least five credit hours devoted to professional responsibility.

(a) Beginning January 1, 2023, the five credit hours devoted to professional responsibility must include the following:

i. At least one credit hours in the area of equity, diversity, and inclusivity, and

ii. At least four credit hours in the areas of legal ethics or legal professionalism.

(b) Failure to comply with these requirements in a timely manner as set forth in these rules may subject the LLP to a fee, a penalty, and/or administrative suspension.
(32) Compliance Period. All registered lawyers, LLPs and judges become subject to these rules on the date of their admission or certification to the bar or LLP rolls of the State of Colorado. The first compliance period begins on the date of admission or certification and ends on the 31st of December of the third full calendar year following the year of admission or certification to practice law in Colorado. For non-lawyer judges, the first CLE compliance period begins on the date of appointment as a judge and ends on the 31st of December of the third full calendar year following the year of appointment as a judge. Subsequent CLE compliance periods begin on the 1st of January immediately following a previous compliance period and end on the 31st of December of the third full calendar year thereafter. Compliance periods that commenced under the previous C.R.C.P. 260 will continue without interruption under these rules.

(43) Reporting. All registered lawyers, LLPs and judges must report compliance as set forth in C.R.C.P. 250.7.

(54) Lawyer Status and Compliance. Any registered lawyer who has been suspended under C.R.C.P. 227A(4), or who has elected to transfer to inactive status under C.R.C.P. 227A(6)(a), will, upon being reinstated pursuant to C.R.C.P. 227A(5) or (7), become subject to the minimum continuing legal educational requirements set forth in these rules on the date of reinstatement, pursuant to C.R.C.P. 250.2 and as set forth in paragraph (75) of this rule.

(6) LLP Status and Compliance. Any LLP who has been suspended under [LLP registration rule] or who has elected to transfer to inactive status under C.R.C.P. [LLP registration rule], will, upon being reinstated pursuant to C.R.C.P. [LLP registration rule], become subject to the minimum continuing legal educational requirements set forth in these rules on the date of reinstatement, pursuant to C.R.C.P. 250.2 and as set forth in paragraph (7) of this rule. Any coursework or CLE activities undertaken by the LLP to prepare for reinstatement do not count toward the continuing legal educational requirements for active-status LLPs pursuant to this rule.

(75) Modification of Compliance Period. A registered lawyer’s or LLP’s obligation to comply with these rules during a compliance period will be deferred if the lawyer or LLP has been suspended for any reason other than noncompliance with these rules, has elected to transfer to inactive status, or has been placed on disability inactive status by Court order. However, upon reinstatement or return to active status, the compliance period will be calculated as follows:

(a) If the registered lawyer or LLP remains on suspension, inactive status, or disability inactive
status for one year or longer, the start of the compliance period will begin on the date of reinstatement from suspension or disability inactive status, or date of transfer to active status, and will end on the 31st of December of the third full calendar year following the start of the compliance period.

(b) If the registered lawyer or LLP is suspended, on inactive status, or on disability inactive status for less than one year, the compliance period will not be recalculated. However, upon reinstatement or return to active status, the lawyer will have 91 days from the date of reinstatement or return to active status, or the remainder of the original compliance period, whichever is longer, to complete and report all deferred CLE requirements as otherwise set forth under C.R.C.P. 250.7, and to pay any penalties or fees that accrued before the suspension or transfer to inactive status. Failure to complete deferred CLE requirements or to pay related penalties or fees during this 91 day period will subject the lawyer to suspension pursuant to C.R.C.P. 250.7(8).

(c) No registered lawyer or LLP will be permitted to change status to circumvent these rules.

(86) No Roll-Over Credits. CLE credit hours completed in excess of the required 45 credit hours for registered lawyers and judges or the required 30 credit hours for LLPs in any applicable compliance period may not be used to meet the minimum educational requirements in any subsequent compliance period.

(97) Exemptions.

(a) Inactive or Suspended Status. A lawyer or LLP who is on inactive status, disability inactive status, or under suspension during his or her entire CLE compliance period is excused from the CLE requirements for that compliance period.

(b) Age. A registered lawyer, LLP or judge will be exempt from the CLE requirements of these rules starting on the registered lawyer’s, LLP’s or judge’s 72nd birthday. On the effective date of these rules, all registered lawyers and judges who were exempt from the educational requirements under the previous C.R.C.P. 260.5 (Exemptions), will again become subject to the requirements in these rules. For all previously exempt registered lawyers and judges, the compliance period will begin on the effective date of these rules and end on December 31, 2021 (the end of the third full calendar year following the start of the compliance period). For all
registered lawyers and judges who reach their 65th birthday in 2018, the compliance period will be extended through December 31, 2021. For all registered lawyers and judges who reach their 65th birthday in 2019, and whose compliance period otherwise would have ended in 2019 or 2020, the compliance period will be extended through December 31, 2021. Subsequent compliance periods will begin on the 1st of January of the year immediately following the end of the previous compliance period.

(810) Deferral.

(a) Inability to Comply. In cases of inability to comply with these rules for good cause shown, the CLJE Office may, in its discretion, defer individual compliance with the CLE requirements set forth in these rules. Good cause may include, for example, a registered lawyer, LLP or judge serving on full-time active duty in the armed forces of the United States who is deployed to a location outside the United States, and who provides to the CLJE Office a copy of military orders or other official paperwork listing the date, location, and duration of the deployment.

(b) No Waiver. Deferral does not constitute a waiver of the CLE requirements.

Rule 250.3. The Supreme Court Advisory Committee and the Continuing Legal and Judicial Education Committee

(1) Advisory Committee. The Supreme Court Advisory Committee (Advisory Committee) is a permanent committee of the Court. See C.R.C.P. 242.3. The Advisory Committee oversees the coordination of administrative matters for all programs of the lawyer and LLP regulation process, including the continuing legal and judicial education program set forth in these rules. The Advisory Committee reviews the productivity, effectiveness, and efficiency of the continuing legal and judicial education program, and recommends to the Court proposed changes or additions to these rules and the CLJE Committee’s Regulations Governing Mandatory Continuing Legal and Judicial Education.

(2) The Continuing Legal and Judicial Education Committee. The Continuing Legal and Judicial Education Committee (CLJE Committee) serves as a permanent committee of the Supreme Court.
(a) **Members.** The CLJE Committee consists of nine members appointed by the Court, and is subject to oversight by the Advisory Committee. With the exceptions of the chair and the vice chair, members will be appointed for one term of seven years. Diversity will be a consideration in making the appointments. The terms of the members will be staggered to provide, so far as possible, for the expiration each year of the term of one member. At least six of the members must be volunteer lawyers or LLPs, at least one of whom must also be a judge, and at least two of the members must be volunteer citizen members who are not non-lawyers or LLPs (citizen members). All members serve at the pleasure of and may be dismissed at any time by the Court. A member of the CLJE Committee may resign at any time. In the event of a vacancy, a successor will be appointed by the Court for the remainder of the unexpired term of the member whose office is vacated.

(b) **Chair and Vice Chair.** The Court will designate two members of the CLJE Committee to serve as its chair and vice-chair for unspecified terms. The chair will also be a member of the Advisory Committee. The chair and vice-chair serve at the pleasure of and may be dismissed at any time by the Court.

(c) **Powers and Duties.** The CLJE Committee will formulate regulations consistent with these rules, modify or amend the same from time to time, and perform CLJE Committee duties established by these rules. The CLJE Committee’s Regulations Governing Mandatory Continuing Legal and Judicial Education will be submitted to the Advisory Committee for review and approval by the Court and will be published on the website of the Office of Attorney Regulation Counsel.

(3) **Reimbursement.** The CLJE Committee members are entitled to reimbursement for reasonable travel, lodging and other expenses incurred in the performance of official duties.
Rule 250.4. Attorney Regulation Counsel

The Attorney Regulation Counsel will maintain and supervise a permanent office, the CLJE Office, and will administer all mandatory CLE functions as part of a budget approved by the Court.

Rule 250.5. Immunity

All persons performing official duties under the provisions of these rules, including but not limited to the Advisory Committee and its members, the CLJE Committee and its members, the Attorney Regulation Counsel and staff, and other enlisted volunteers are immune from suit for all conduct performed in the course of their official duties.
Rule 250.6. Accreditation

(1) Objective. CLE must be an educational activity which has as its primary objective the promotion of professional competence of registered lawyers, LLPs, and judges, and must deal with subject matter directly related to the practice of law or the performance of judicial duties. The CLJE Committee will develop criteria for the accreditation of CLE activities as set forth in the Regulations Governing Mandatory Continuing Legal and Judicial Education, and the CLJE Office will accredit a broad variety of educational activities that meet these requirements.

(2) Criteria. For an activity to be accredited, the following criteria must be met: (1) the subject matter must directly relate to legal subjects and the performance of judicial duties or the practice of law, including professionalism, leadership, equity, diversity, inclusivity, wellness, ethics, and law practice management, and (2) the activity must be directed to lawyers, LLPs, and judges. The CLJE Office will consider, in accrediting educational activities, the contribution the activity will make to the competent and professional practice of law or administration of justice.

(3) Professional Responsibility. For an activity or portion of an activity to be accredited as professional responsibility it must address legal ethics, legal professionalism, or equity, diversity, and inclusivity as these terms are defined in CLJE Regulation 103.1.

(4) Non-accredited Activities. The CLJE Office will not accredit activities completed in the ordinary course of the practice of law, in the performance of regular employment, or in a lawyer’s, LLP’s, or judge’s service on a committee, section, or division of any bar-related organization except as provided in these rules.

(5) Assignment of Credit. The CLJE Office will assign an appropriate number of CLE credit hours to each educational activity it accredits.

(6) Provider Eligibility. The CLJE Committee may establish provider eligibility requirements consistent with these rules, as set forth in the Regulations Governing Mandatory Continuing Legal and Judicial Education.

(7) Published List. The CLJE Office will publish a list of all accredited programs, together with the approved CLE credit hours for each program on the website of the Office of the Attorney
Rule 250.7. Compliance

(1) Reporting Requirement. Each registered lawyer, LLP and judge must report compliance with these rules. CLE credit hours must be reported by the online affidavit on the CLJE Office's website or other form approved by the CLJE Committee within a reasonable amount of time after the credit hours are earned. A registered lawyer, LLP or judge who is exempt from compliance under C.R.C.P. 250.2(97)(b) may nevertheless report CLE credit hours on a voluntary basis.

(2) Verification Requirement. It is the responsibility of each registered lawyer, LLP and judge to verify CLE credit hours completed during a compliance period, and to confirm that his or her CLE transcript is accurate and complete by no later than the 31st of January following that compliance period. Failure to comply with these requirements in a timely manner as set forth in these rules may subject the registered lawyer, LLP or judge to a fee, a penalty, and/or administrative suspension.

(3) Make-up Plan. If a registered lawyer, LLP or judge fails to complete the required CLE credit hours by the end of the CLE compliance period, the registered lawyer, LLP or judge must do the following: (1) by the 31st of January following the end of the CLE compliance period, file a specific plan to make up the deficiency; and (2) complete the planned CLE credit hours no later than the 31st of May following the end of the CLE compliance period. The plan must be accompanied by a filing fee determined by the CLJE Committee. Such plan will be deemed accepted by the CLJE Office unless within 28 days after the receipt of the make-up plan the CLJE Office notifies the registered lawyer, LLP or judge to the contrary. Completion of the make-up plan must be reported by affidavit to the CLJE Office no later than the 14th of June following the end of the CLE compliance period. Failure of the registered lawyer, LLP or judge to complete the plan by the 31st of May or to file an affidavit demonstrating compliance constitutes grounds for imposing administrative remedies set forth in paragraph (8) of this rule.

(4) Statement of Noncompliance. If any registered lawyer, LLP or judge fails to comply with these rules, or C.R.C.P. 203.1(8) or C.R.C.P. _______, the CLJE Office will promptly provide a statement of noncompliance to the registered lawyer, LLP or judge. The statement will advise the registered lawyer, LLP or judge that within 14 days of the date of the statement, either the noncompliance must be corrected, or the registered lawyer, LLP or judge must request a hearing before the CLJE Committee. Upon failure to do either, the CLJE Office will file the statement of noncompliance with the Court, which may impose the administrative remedies set forth in paragraph (8) of this rule.
(5) **Failure to Correct Noncompliance.** If the noncompliance is not corrected within 14 days, or if a hearing is not requested within 14 days, the CLJE Office will promptly forward the statement of noncompliance to the Court, which may impose the sanctions set forth in paragraph (8) of this rule.

(6) **Hearing Before the CLJE Committee.** If a hearing before the CLJE Committee is requested, the following apply:

(a) Notice of the time and place of the hearing will be given to the registered lawyer, LLP or judge by the CLJE Office at least 14 days prior thereto;

(b) The registered lawyer, LLP or judge may be represented by counsel;

(c) The hearing will be conducted in conformity with the Colorado Rules of Civil Procedure and the Colorado Rules of Evidence;

(d) The Office of Attorney Regulation Counsel will prosecute the matter and bear the burden of proof by a preponderance of the evidence;

(e) The chair will preside at the hearing, or will appoint another lawyer member of the CLJE Committee to act as presiding officer, and will appoint at least two other CLJE Committee members to the hearing panel;

(f) Upon the request of any party to the hearing, the chair or vice chair may issue subpoenas for the use of a party to compel attendance of witnesses and production of pertinent books, papers, documents, or other evidence, and any such subpoenas will be subject to the provisions of C.R.C.P. 45;

(g) The presiding officer will rule on all motions, objections, and other matters presented in
connection with the hearing; and,

(h) The hearing will be recorded and a transcript may be provided to the registered lawyer, LLP or judge upon request and payment of the cost of the transcript.

(7) Determination by the CLJE Committee. Within 28 days after the conclusion of the hearing, the Panel will issue a written decision on behalf of the CLJE Committee setting forth findings of fact and the determination as to whether the registered lawyer, LLP or judge has complied with the requirements of these rules. A copy of such findings and determination will be sent to the registered lawyer, LLP or judge involved.

(a) If the Panel determines that the registered lawyer, LLP or judge complied, the registered lawyer’s, LLP’s or judge’s record will reflect compliance and any previously assessed fees may be rescinded.

(b) If the Panel determines the registered lawyer, LLP or judge was not in compliance, the written decision issued by the Panel will be promptly filed with the Court.

(8) Supreme Court Review.

(a) When the Court receives either a statement of noncompliance or the written decision of a CLJE Committee hearing, the Court will enter such order as it deems appropriate, which may include an order of administrative suspension from the practice of law in the case of registered lawyers and LLPs or referral of the matter to the Colorado Commission on Judicial Discipline or the Denver County Court Judicial Discipline Commission in the case of judges.

(b) Orders suspending a lawyer for failure to comply with rules governing continuing legal education take effect on entry of the order, unless otherwise ordered.

(c) A lawyer or LLP who has been suspended under the rules governing continuing legal education need not comply with the requirements of C.R.C.P. 242.32(c) or C.R.C.P. 242.32(d) if the lawyer or LLP has sought reinstatement under the rules governing continuing legal education
and reasonably believes that reinstatement will occur 14 days of the date of the order of suspension. If the lawyer or LLP is not reinstated within those 14 days, then the lawyer or LLP must comply with the requirements of C.R.C.P. 242.32(c) and C.R.C.P. 242.32(d).

(9) Notice. All notices given pursuant to these rules may be sent to any address provided by the registered lawyer, LLP or judge pursuant to C.R.C.P. 227 and C.R.C.P._____.

(10) Reinstatement. Any lawyer or LLP who has been suspended for noncompliance pursuant to C.R.C.P. 250.7(8) may be reinstated by order of the Court upon a showing that the lawyer’s or LLP’s CLE deficiency has been corrected. The lawyer must file with the CLJE Office a petition seeking reinstatement by the Court. The petition must state with particularity the CLE activities that the lawyer has completed, including dates of completion, which correct the deficiency that caused the lawyer’s suspension. The petition must be accompanied by a reinstatement filing fee as determined by the CLJE Committee. The CLJE Office will file a properly completed petition with its recommendation with the Clerk of the Court within 14 days after receipt.

(11) Jurisdiction. All suspended and inactive lawyers and LLPs remain subject to the jurisdiction of the Court as set forth in C.R.C.P. 242.1(a) and C.R.C.P. 243.1.
Rule 250.8. Access to Information

(1) Compliance Information.

(a) CLE Transcript Maintenance. For each registered lawyer, LLP or judge, the CLJE Office will maintain CLE transcripts for the current and immediately preceding compliance periods as reported pursuant to C.R.C.P. 250.7(1).

(b) Compliance Records--Confidential. Records maintained by the CLJE Office pertaining to a registered lawyer’s, LLP’s or judge’s compliance are confidential and will not be disclosed except upon written request or consent of the registered lawyer, LLP or judge affected or as directed by the Court.

(2) Accreditation Information--Public. All records submitted by a Provider to obtain accreditation pursuant to C.R.C.P. 250.6 will be available to the public.

(3) Expunction of Records.

(a) Expunction--Self-Executing. All records maintained by the CLJE Office pursuant to these rules, in paper or electronic form, will be expunged from the files of the CLJE Office as follows:

(i) All records pertaining to accreditation of CLE activities by approved Providers pursuant to C.R.C.P. 250.6 will be expunged one year after the end of the year in which the activity request was processed by the CLJE office;

(ii) All records pertaining to requests for accreditation of activities submitted by a registered lawyer, LLP or judge will be expunged three months following the date the submission was processed by the CLJE Office, including but not limited to activities under C.R.C.P. 250.9 and 250.10, self-study, graduate study, and teaching or writing accreditation requests;
(iii) Affidavits submitted in paper form to the CLJE Office by registered lawyers, LLP or judges relating to completion of an approved CLE activity will be expunged seven days after the claimed credits have been entered on the CLE Transcript by the CLJE Office;

(iv) All records pertaining to proceedings under C.R.C.P. 250.7(3)--(10) will be expunged three years after the expiration of the registered attorney's or judge’s current compliance period or after reinstatement, whichever time period is longer; and,

(v) All records pertaining to requests for deferrals pursuant to C.R.C.P. 250.2(8) will be expunged three years after the expiration of the registered attorney's or judge’s current compliance period.

**Rule 250.9. Representation in Pro Bono Legal Matters**

(1) **Maximum Credits.** A registered lawyer may earn a maximum of nine CLE credit hours and an LLP may earn a maximum seven CLE credit hours during each three-year compliance period for providing uncompensated pro bono legal representation to indigent or near-indigent persons, or, for a registered lawyer--supervising a law student providing such representation. Professional responsibility credit may not be earned under this rule.

(2) **Eligibility.** To be eligible for CLE credit hours, the pro bono legal matter in which a registered lawyer or LLP provides representation must have been assigned to the registered lawyer or LLP by: a court; a bar association or Access to Justice Committee-sponsored program; a law school; or an organized, non-profit entity, such as Legal Services Corporation, Metro Volunteer Lawyers, or Colorado Lawyers Committee, whose purpose is or includes the provision of pro bono representation to indigent or near-indigent persons. Prior to assigning the matter, the assigning court, program, law school, or entity will determine that the client is financially eligible for pro bono legal representation because (a) the client qualifies for participation in programs funded by the Legal Services Corporation, or (b) the client’s income and financial resources are slightly above the guidelines utilized by such programs, but the client nevertheless cannot afford counsel.
(3) Computation of Credits. Subject to the reporting and review requirements specified herein, (a) a registered lawyer or LLP providing uncompensated, pro bono legal representation may receive one unit of credit for every five billable-equivalent hours of representation provided to the indigent client; and (b) a registered lawyer who acts as a supervisor to a law student may be awarded three CLE credit hours per completed matter.

(4) Claiming Credits. A registered lawyer, LLP wishing to receive CLE credit hours under this rule must submit to the assigning court, program, law school, or entity a completed form as designated by the CLJE Committee. As to supervising a law student, the registered lawyer will submit the form when the matter is fully completed. As to pro bono representation, if the representation will be concluded during a single three-year compliance period, then the registered lawyer or LLP will complete and submit the form when the representation is fully completed. If the representation will continue into another three-year compliance period, then the applying registered lawyer or LLP may submit an interim form seeking such credit as the lawyer may be eligible to receive during the three-year compliance period that is coming to an end. Upon receipt of an interim or final form, the assigning court, program, law school, or entity must in turn report to the CLJE Office the number of CLE credit hours that it recommends be awarded to the reporting registered lawyer or LLP under the provisions of this rule. The CLJE Committee has final authority to issue or decline to issue CLE credit hours to the registered lawyer or LLP providing representation or mentoring, subject to the other provisions of these rules.

(5) Law Student Supervision. A registered lawyer who acts as a supervisor to a law student who is eligible to practice law under C.R.C.P. 205.7(2) may claim CLE credits consistent with (1) and (3) above. The matter must be assigned to the law student by a court, program, law school, or entity as described in C.R.C.P. 250.9(2), or an organized student law office program administered by his or her law school, after such court, program, entity, or student law office determines that the client is eligible for pro bono representation in accordance with C.R.C.P. 250.9(2). The registered lawyer must be available to the law student for information and advice on all aspects of the matter and must directly and actively supervise the law student while allowing the law student to provide representation to the client. The registered lawyer must file or enter an appearance along with the law student in any legal matter pursued or defended for the client in any court. Lawyers may be acting as full-time or adjunct professors at the law student’s law school at the same time they serve as supervising lawyers so long as it is not a primary, paid responsibility of that professor to administer the student law office and supervise its law-student participants.
Rule 250.10. Participation in the Colorado Attorney Mentoring Program (CAMP)

(1) One-Year CAMP Program. A registered lawyer or judge may earn a maximum of nine CLE credit hours, two hours of which will count toward the legal ethics portion of the professional responsibility requirement of C.R.C.P. 250.2(1), for successful completion of the one-year CAMP program curriculum (pursuant to C.R.C.P. 255) as either a mentor or as a mentee.

(2) Six-Month CAMP Program. A registered lawyer or judge may earn a maximum of four CLE credit hours, one hour of which will count toward the legal ethics portion of the professional responsibility requirement of C.R.C.P. 250.2(1), for successful completion of the six-month CAMP program curriculum (pursuant to C.R.C.P. 255) as either a mentor or a mentee.

(3) CLE Credit Participation Criteria. To receive CLE credit hours as a mentor or mentee:

(a) The mentor must be a Colorado lawyer or judge in good standing with an active license or a Colorado lawyer or judge who retired from the practice of law in good standing. The mentor must be licensed for five years and must not be currently subject to lawyer discipline or the subject of a pending disciplinary matter in any jurisdiction, and must be current with all CLE requirements. The mentor must be approved by the CAMP Director.

(b) The mentee must be a licensed, active Colorado lawyer, who is either practicing or is intending to practice law in Colorado. The CAMP Director may accept and approve petitions to participate from new lawyers not otherwise eligible to participate in CAMP programs. The mentee must be registered in a CAMP program.

(c) Mentors may participate in a CAMP program, one mentor relationship at a time, as often as they wish, but may receive a maximum of nine total CLE credit hours, including a maximum of two legal ethics credit hours of the professional responsibility requirement of C.R.C.P. 250.2(1), per compliance period.
(d) Mentees may receive CLE credits as a mentee only once in a CAMP program.

(e) The award of CLE credits will apply to the compliance period in which the CAMP program is completed.

(f) Any mentee or mentor who fails to complete the CAMP program will not receive CLE credit, partial or otherwise.

(g) Mentors and mentees who participate together in pro bono representation during or as a part of this program may not also receive CLE credit under C.R.C.P. 250.9 for the same representation.

(4) Verification by Director. All certificates and affidavits of completion of a CAMP program must be submitted to the CAMP Director for verification pursuant to C.R.C.P. 255. Following verification of substantial completion, the CAMP Director will recommend to the CLJE Office that the CLE hours be recorded as earned.
Preamble: A Licensed Legal Paraprofessional’s Responsibilities

[1] A Licensed Legal Paraprofessional (LLP), as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.

[2] As a representative of clients within a limited scope, an LLP performs various functions. As advisor, an LLP provides a client with an informed understanding of the client’s legal rights and obligations and explains their practical implications. As advocate, an LLP zealously asserts the client’s position under the rules of the adversary system. As negotiator, an LLP seeks a result advantageous to the client but consistent with requirements of honest dealings with others. As an evaluator, an LLP acts by examining a client’s legal affairs and reporting about them to the client or to others.

[3] In addition to these representational functions, an LLP may serve as a third-party neutral, a nonrepresentational role helping the parties to resolve a dispute or other matter. Some of these Rules apply directly to LLPs who are or have served as third-party neutrals. See, e.g., Rules 1.12 and 2.4 of these Rules. In addition, there are Rules that apply to LLPs who are not active in the practice of law or to practicing LLPs even when they are acting in a nonprofessional capacity. For example, an LLP who commits fraud in the conduct of a business is subject to discipline for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation. See Rule 8.4 of these Rules.

[4] In all professional functions an LLP should be competent, prompt and diligent. An LLP should maintain communication with a client concerning the representation. An LLP should keep in confidence information relating to representation of a client except so far as disclosure is required or permitted by these Rules or other law.

[5] An LLP’s conduct should conform to the requirements of the law, both in professional service to clients and in the LLP’s business and personal affairs. An LLP should use the law’s procedures only for legitimate purposes and not to harass or intimidate others. An LLP should demonstrate respect for the legal system and for those who serve it, including judges, lawyers, other LLPs, and public officials. While it is an LLP’s duty, when necessary, to challenge the rectitude of official action, it is also an LLP’s duty to uphold legal process.

[6] As a public citizen, an LLP should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, an LLP should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, an LLP should further the public’s understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority. An LLP should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all LLPs should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. An LLP should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.

[7] Many of an LLP’s professional responsibilities are prescribed in these Rules, as well as substantive and procedural law and the laws and rules governing LLPs. However, an LLP is also guided by personal conscience and the approbation of professional peers. An LLP should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession’s ideals of public service.
[8] An LLP’s responsibilities as a representative of clients, an officer of the legal system and a public citizen are usually harmonious. Thus, when an opposing party is well represented, an LLP can be a zealous advocate on behalf of a client and at the same time assume that justice is being done. So also, an LLP can be sure that preserving client confidences ordinarily serves the public interest because people are more likely to seek legal advice, and thereby heed their legal obligations, when they know their communications will be private.

[9] Notwithstanding the scope of authority of an LLP, however, conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict between an LLP’s or a lawyer’s responsibilities to clients, to the legal system and to the LLP’s or lawyer’s own interest in remaining an ethical person while earning a satisfactory living. These Rules and the lawyer Rules of Professional Conduct often prescribe terms for resolving such conflicts. Within the framework of these Rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules. These principles include the LLP’s obligation zealously to protect and pursue a client’s legitimate interests, within the bounds of the law. Zealousness does not, under any circumstances, justify conduct that is unprofessional, discourteous or uncivil toward any person involved in the legal system.

[10] The legal profession is largely self-governing. Although other professions also have been granted powers of self-government, the legal profession is unique in this respect because of the close relationship between the profession and the processes of government and law enforcement. This connection is manifested in the fact that ultimate authority over the legal profession is vested largely in the courts.

[11] To the extent that LLPs meet the obligations of their professional calling, the occasion for government regulation is obviated. Self-regulation also helps maintain the legal profession’s independence from government domination. An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice.

[12] The legal profession’s relative autonomy carries with it special responsibilities of self-government. The profession has a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the legal profession. Every LLP is responsible for observance of these Rules. An LLP should also aid in securing their observance by other LLPs. Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves.

[13] LLPs, as well as lawyers, play a vital role in the preservation of society. The fulfillment of this role requires an understanding by LLPs of their relationship to our legal system. These Rules, when properly applied, serve to define that relationship.
These Rules apply to Licensed Legal Paraprofessionals (LLPs) as defined in C.R.C.P.____. They are intended to govern the conduct of LLPs when serving in that capacity.

These Rules are rules of reason. They should be interpreted with reference to the purposes of legal representation and of the law itself. Some of these Rules are imperatives, cast in the terms “shall” or “shall not.” These define proper conduct for purposes of professional discipline. Others, generally cast in the term “may,” are permissive and define areas under the Rules in which the LLP has discretion to exercise professional judgment. No disciplinary action should be taken when the LLP chooses not to act or acts within the bounds of such discretion. Other Rules define the nature of relationships between the LLP and others. These Rules are thus partly obligatory and disciplinary and partly constructive and descriptive in that they define a lawyer’s professional role. Many of the Comments to the lawyer Rules of Professional Conduct use the term “should.” To the extent such Comments may provide guidance to LLPs as explained in paragraph [21] below, such Comments do not add obligations but provide guidance for practicing in compliance with these Rules.

These Rules presuppose a larger legal context shaping the LLP’s role. That context includes court rules and statutes relating to matters of licensure, laws defining specific obligations of LLPs and substantive and procedural law in general. The Comments in the lawyer Rules of Professional Conduct may alert LLPs to their responsibilities under such other law.

Compliance with these Rules, as with all law in an open society, depends primarily upon understanding and voluntary compliance, secondarily upon reinforcement by peer and public opinion and finally, when necessary, upon enforcement through disciplinary proceedings. These Rules do not, however, exhaust the moral and ethical considerations that should inform an LLP, for no worthwhile human activity can be completely defined by legal rules. These Rules simply provide a framework for the ethical practice of law.

Furthermore, for purposes of determining the LLP’s authority and responsibility, principles of substantive law external to these Rules determine whether a client-LLP relationship exists. Most of the duties flowing from the client-LLP relationship attach only after the client has requested the LLP to render legal services and the LLP has agreed to do so. But there are some duties, such as that of confidentiality under Rule 1.6 of these Rules, that attach when the LLP agrees to consider whether a client-LLP relationship shall be established. See Rule 1.18 of these Rules. Whether a client-LLP relationship exists for any specific purpose can depend on the circumstances and may be a question of fact.

Failure to comply with an obligation or prohibition imposed by these Rules is a basis for invoking the disciplinary process. These Rules presuppose that disciplinary assessment of an LLP’s conduct will be made on the basis of the facts and circumstances as they existed at the time of the conduct in question and in recognition of the fact that an LLP often has to act upon uncertain or incomplete evidence of the situation. Moreover, these Rules presuppose that whether or not discipline should be imposed for a violation, and the severity of a sanction, depend on all the circumstances, such as the willfulness and seriousness of the violation, extenuating factors and whether there have been previous violations.

Violation of these Rules should not itself give rise to a cause of action against an LLP nor should it create any presumption in such a case that a legal duty has been breached. In addition, violation of these Rules does not necessarily warrant any other nondisciplinary remedy, such as disqualification of an LLP in pending litigation. These Rules are designed to provide guidance to LLPs and to provide a structure for regulating conduct through disciplinary agencies. They are not designed to be a basis for civil liability. Furthermore, the purpose of these Rules can be subverted when they are invoked by opposing parties as procedural weapons. The fact that these Rules are a just basis for an LLP’s self-assessment, or for sanctioning an LLP under
the administration of a disciplinary authority, does not imply that an antagonist in a collateral proceeding or transaction has standing to seek enforcement of these Rules. Nevertheless, since these Rules do establish standards of conduct by LLPs, in appropriate cases, an LLP’s violation of a Rule may be evidence of breach of the applicable standard of conduct.

[21] The Comment accompanying each rule in the lawyer Rules of Professional Conduct explains and illustrates the meaning and purpose of the rule. Those comments may provide guidance to LLPs when the LLP rule is analogous to the rule applicable to lawyers. Similarly, the Formal Opinions of the Colorado Bar Association’s Ethics Committee may provide guidance to LLPs when they interpret rules analogous to the rules applicable to LLPs. The Preamble and this note on Scope provide general orientation. The Comments to the lawyer Rules of Professional Conduct are intended as guides to interpretation, but the text of each of these Rules is authoritative.
Rule 1.0. Terminology

(a) “Belief” or “believes” denotes that the person involved actually supposed the fact in question to be true. A person’s belief may be inferred from circumstances.

(b) “Confirmed in writing,” when used in reference to the informed consent of a person, denotes informed consent that is given in writing by the person or a writing that an LLP promptly transmits to the person confirming an oral informed consent. See paragraph (e) for the definition of “informed consent.” If it is not feasible to obtain or transmit the writing at the time the person gives informed consent, then the LLP must obtain or transmit it within a reasonable time thereafter.

(b-1) “Document” includes e-mail or other electronic modes of communication subject to being read or put into readable form.

(c) “Firm” denotes a partnership, professional company, or other entity or a sole proprietorship through which a lawyer or lawyers, an LLP or LLPs, or a combination of lawyers and LLPs render legal services.

(c-1) “Firm without lawyers” denotes a firm that renders legal services provided only by LLPs.

(d) “Fraud” or “fraudulent” denotes conduct that is fraudulent under the substantive or procedural law of the applicable jurisdiction and has a purpose to deceive.

(e) “Informed consent” denotes the agreement by a person to a proposed course of conduct after the LLP has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct.

(f) “Knowingly,” “known,” or “knows” denotes actual knowledge of the fact in question. A person’s knowledge may be inferred from circumstances.

(f-1) “Licensed Legal Paraprofessional” (LLP) denotes an individual authorized to practice law to the extent authorized by C.R.C.P. __.

(f-2) “Licensed Legal Paraprofessional Rules of Professional Conduct” (LLP RPCs or “these Rules”) denotes these ethical rules applicable to LLPs, in contrast to the Colorado Rules of Professional Conduct applicable to lawyers.

(g) “Partner” denotes a member of a partnership, an owner of a professional company, or a member of an association authorized to practice law, including practice as an LLP.

(1) “Professional company” has the meaning ascribed to the term in C.R.C.P. 265.
(h) “Reasonable” or “reasonably” when used in relation to conduct by an LLP denotes the conduct of a reasonably prudent and competent LLP.

(i) “Reasonable belief” or “reasonably believes” when used in reference to an LLP denotes that the LLP believes the matter in question and that the circumstances are such that the belief is reasonable.

(j) “Reasonably should know” when used in reference to an LLP denotes that an LLP of reasonable prudence and competence would ascertain the matter in question.

(k) “Screened” denotes the isolation of an LLP from any participation in a matter through the timely imposition of procedures within a firm that are reasonably adequate under the circumstances to protect information that the isolated LLP is obligated to protect under these Rules or other law.

(l) “Substantial” when used in reference to degree or extent denotes a material matter of clear and weighty importance.

(m) “Tribunal” denotes a court, an arbitrator in a binding arbitration proceeding or a legislative body, administrative agency or other body acting in an adjudicative capacity. A legislative body, administrative agency or other body acts in an adjudicative capacity when a neutral official, after the presentation of evidence or legal argument by a party or parties, will render a binding legal judgment directly affecting a party’s interests in a particular matter.

(n) “Writing” or “written” denotes a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photostating, photography, audio or videorecording, and electronic communications. A “signed” writing includes an electronic sound, symbol, or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.
LLP Rules of Prof.Cond., Rule 1.1

Rule 1.1. Competence

An LLP shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary to: a) perform the contracted services; and b) determine when the matter should be referred to a lawyer.

COMMENT

[1] An LLP is authorized to practice law only to the extent permitted by C.R.C.P._____. An LLP also has an independent ethical obligation to provide competent representation to a client as to matters within an LLP’s scope of authority to practice. In determining whether an LLP employs the requisite knowledge and skill in a particular matter, relevant factors include the relative complexity and specialized nature of the matter, the LLP’s general experience, the LLP’s training and experience, and the preparation and study the LLP is able to give the matter.
LLP Rules of Prof.Cond., Rule 1.2

Rule 1.2. Scope of Representation and Allocation of Authority Between Client and LLP

(a) Subject to paragraphs (c) and (d), an LLP shall abide by a client’s decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. An LLP may take such action on behalf of the client as is impliedly authorized to carry out the representation. An LLP shall abide by a client’s decision whether to settle a matter.

(b) An LLP’s representation of a client does not constitute an endorsement of the client’s political, economic, social or moral views or activities.

(c) LLPs must confine their services to those allowed in C.R.C.P ______ and must provide a written disclosure of the limits of the LLPs authority. An LLP may limit the scope or objectives, or both, of the representation if the limitation is reasonable under the circumstances and the client gives informed consent. An LLP may provide limited representation to pro se parties as permitted by C.R.C.P. 11(b) and C.R.C.P. 311(b).

(d) An LLP shall not counsel a client to engage, or assist a client, in conduct that the LLP knows is criminal or fraudulent, but an LLP may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

(e) An LLP shall not act beyond an LLP’s authorized scope of practice, unless the LLP is authorized to do so by law or court order.
An LLP shall act with reasonable diligence and promptness in representing a client.
LLP Rules of Prof.Cond., Rule 1.4

Rule 1.4. Communication

(a) An LLP shall:

(1) promptly inform the client of any decision or circumstance with respect to which the client’s informed consent, as defined in Rule 1.0(e), is required by these Rules;

(2) reasonably consult with the client about the means by which the client’s objectives are to be accomplished;

(3) keep the client reasonably informed about the status of the matter;

(4) promptly comply with reasonable requests for information; and

(5) consult with the client about any relevant limitation on the lawyer’s conduct when the lawyer knows that the client expects assistance not permitted by the LLP Rules of Professional Conduct or other law.

(b) An LLP shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.
Rule 1.5. Fees

(a) An LLP shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:

(1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

(2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the LLP;

(3) the fee customarily charged in the locality for similar legal services provided by an LLP;

(4) the amount involved and the results obtained;

(5) the time limitations imposed by the client or by the circumstances;

(6) the nature and length of the professional relationship with the client;

(7) the experience, reputation, and ability of the LLP or LLPs performing the services; and

(8) whether the fee is flat or hourly

(b) Before or within a reasonable time after commencing the representation, the LLP shall communicate to the client, in writing,

(1) the basis or rate of the fee and expenses for which the client will be responsible except when the LLP will continue to charge a regularly-represented client on the same basis or rate; and

(2) the scope of the representation.

The LLP shall communicate promptly to the client in writing any changes in the basis or rate of the fee or expenses.

(c) An LLP shall not enter into an arrangement for, charge, or collect any fee, the payment or amount of which is contingent upon the outcome of the case.

(d) Other than in connection with the sale of an LLP or law practice pursuant to Rule 1.17, an LLP may enter into an arrangement for the division of a fee with another LLP or lawyer who is not in the same firm as the LLP only if:
(1) the division is in proportion to the services performed by each lawyer or LLP;

(2) the client agrees to the arrangement, including the basis upon which the division of fees shall be made, and the client’s agreement is confirmed in writing; and

(3) the total fee is reasonable.

(e) Referral fees are prohibited.

(f) Fees are not earned until the LLP confers a benefit on the client or performs a legal service for the client. Advances of unearned fees are the property of the client and shall be deposited in the trust account pursuant to Rule 1.15B(a)(1) until earned. If advances of unearned fees are in the form of property other than funds, then the LLP shall hold such property separate from the LLP’s own property pursuant to Rule 1.15A(a).

(g) Nonrefundable fees and nonrefundable retainers are prohibited. Any agreement that purports to restrict a client’s right to terminate the representation, or that unreasonably restricts a client’s right to obtain a refund of unearned or unreasonable fees, is prohibited.

(h) A “flat fee” is a fee for specified legal services for which the client agrees to pay a fixed amount, regardless of the time or effort involved.

(1) The terms of a flat fee shall be communicated in writing before or within a reasonable time after commencing the representation and shall include the following information:

(i) A description of the services the LLP agrees to perform;

(ii) The amount to be paid to the LLP and the timing of payment for the services to be performed;

(iii) If any portion of the flat fee is to be earned by the LLP before conclusion of the representation, the amount to be earned upon the completion of specified tasks or the occurrence of specified events; and
(iv) The amount or the method of calculating the fees the LLP earns, if any, should the representation terminate before completion of the specified tasks or the occurrence of specified events.

(2) If all or any portion of a flat fee is paid in advance of being earned and a dispute arises about whether the LLP has earned all or part of the flat fee, the LLP shall comply with Rule 1.15A(c) with respect to any portion of the flat fee that is in dispute.

(3) The form Flat Fee Agreement following the comment to this Rule may be used for flat fee agreements and shall be sufficient. The authorization of this form shall not prevent the use of other forms consistent with this Rule.
The client ______ (“Client”) retains ______ (“LLP” [or “Firm”]) to perform the legal services specified in Section I, below, for a flat fee as described below.

I. Legal Services to Be Performed. In exchange for the fee described in this Agreement, LLP will perform the following legal services (“Services”): [Insert specific description of the scope and/or objective of the representation.]

II. Flat Fee. This is a flat fee agreement. Client will pay LLP [or Firm] $ __________ for LLP’s [or Firm’s] performance of the Services described in Section I, above, plus costs as described in Section VI, below. Client understands that Client is NOT entering into an hourly fee arrangement. This means that LLP [or Firm] will devote such time to the representation as is necessary, but the LLP’s [or Firm’s] fee will not be increased or decreased based upon the number of hours spent.

III. When Fee Is Earned. The flat fee will be earned in increments, as follows:

Description of increment: _______ Amount earned: _______
Description of increment: _______ Amount earned: _______
Description of increment: _______ Amount earned: _______
Description of increment: _______ Amount earned: _______
Description of increment: _______ Amount earned: _______

[Alternatively: The flat fee will be earned when LLP [or Firm] provides Client with [specified description of work].]

IV. When Fee Is Payable. Client shall pay LLP [or Firm] [Select one: in advance, as billed, or as the services are completed]. Fees paid in advance shall be placed in LLP’s [or Firm’s] trust account and shall remain the property of Client until they are earned. When the fee or part of the fee is earned pursuant to this Agreement, it becomes the property of LLP [or Firm].

V. Right to Terminate Representation and Fees on Termination. Client has the right to terminate the representation at any time and for any reason, and LLP [or Firm] may terminate the representation in accordance with Rule 1.16 of the Colorado Rules of Professional Conduct. In the event that Client terminates the representation without wrongful conduct by LLP [or Firm] that would cause LLP [or Firm] to forfeit any fee, or LLP [or Firm] justifiably withdraws in accordance with Rule 1.16 from representing Client, Client shall pay, and LLP [or Firm] shall be entitled to, the fee or part of the fee earned by LLP [or Firm] as described in Section I, above, up to the time of termination. In a litigation matter, Client shall pay, and LLP [or Firm]
shall be entitled to, the fee or part of the fee earned up to the time when the court grants LLP’s motion for withdrawal. If the representation is terminated between the completion of increments described in Section III above, Client shall pay a fee based on [an hourly rate of $ __________ ] [the percentage of the task completed] [other specified method]. However, such fees shall not exceed the amount that would have been earned had the representation continued until the completion of the increment, and in any event all fees shall be reasonable.

VI. Costs. Client is liable to LLP [or Firm] for reasonable expenses and disbursements. Examples of such expenses and disbursements are fees payable to the Court and expenses involved in preparing exhibits. Such expenses and disbursements are estimated to be $ __________. Client authorizes LLP [or Firm] to incur expenses and disbursements up to a maximum of $ __________, which limitation will not be exceeded without Client’s further written authorization. Client shall reimburse LLP for such expenditures [Select one: upon receipt of a billing, in specified installments, or upon completion of the Services].

Dated: .......................................................................................................................................................................................................................................

CLIENT:                                                 LLP [FIRM]:

Signature                                           Signature
LLP Rules of Prof.Cond., Rule 1.6

Rule 1.6. Confidentiality of Information

(a) An LLP shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted by paragraph (b).

(b) An LLP may reveal information relating to the representation of a client to the extent the LLP reasonably believes necessary:

(1) to prevent reasonably certain death or substantial bodily harm;

(2) to reveal the client’s intention to commit a crime and the information necessary to prevent the crime;

(3) to prevent the client from committing a fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the LLP’s services;

(4) to prevent, mitigate, or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client’s commission of a crime or fraud in furtherance of which the client has used the LLP’s services;

(5) to secure legal advice about the LLP’s compliance with these Rules, other law or a court order;

(6) to establish a claim or defense on behalf of the LLP in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the LLP based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the LLP’s representation of the client;

(7) to detect and resolve conflicts of interest arising from the LLP’s change of employment or from changes in the composition or ownership of a firm, but only if the revealed information is not protected by any LLP or attorney-client privilege and its revelation is not reasonably likely to otherwise materially prejudice the client; or

(8) to comply with other law or a court order.

(c) An LLP shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.
Rule 1.7. Conflict of Interest: Current Clients

(a) Except as provided in paragraph (b), an LLP shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) the representation of one client will be directly adverse to another client; or

(2) there is a significant risk that the representation of one or more clients will be materially limited by the LLP’s responsibilities to another client, a former client or a third person or by a personal interest of the LLP.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), an LLP may represent a client if:

(1) the LLP reasonably believes that the LLP will be able to provide competent and diligent representation to each affected client;

(2) the representation is not prohibited by law;

(3) the representation does not involve the assertion of a claim by one client against another client represented by the LLP in the same litigation or other proceeding before a tribunal; and

(4) each affected client gives informed consent, confirmed in writing.
LLP Rules of Prof.Cond., Rule 1.8

Rule 1.8. Conflict of Interest: Current Clients: Specific Rules

(a) An LLP shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:

(1) the transaction and terms on which the LLP acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;

(2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and

(3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the LLP’s role in the transaction, including whether the LLP is representing the client in the transaction.

(b) An LLP shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these Rules.

(c) An LLP shall not solicit any substantial gift from a client, including a testamentary gift, unless the LLP or other recipient of the gift is related to the client. For purposes of this paragraph, related persons include a spouse, child, grandchild, parent, grandparent or other relative or individual with whom the LLP or the client maintains a close, familial relationship.

(d) Prior to the conclusion of representation of a client, an LLP shall not make or negotiate an agreement giving the LLP literary or media rights to a portrayal or account based in substantial part on information relating to the representation.

(e) An LLP shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

(1) an LLP may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and

(2) an LLP representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

(f) An LLP shall not accept compensation for representing a client from one other than the client unless:
(1) the client gives informed consent;

(2) there is no interference with the LLP’s independence of professional judgment or with the client-LLP relationship; and

(3) information relating to representation of a client is protected as required by Rule 1.6.

(g) [Reserved.]

(h) An LLP shall not:

(1) make an agreement prospectively limiting the LLP’s liability to a client for malpractice unless the client is independently represented in making the agreement; or

(2) settle a claim or potential claim for such liability with an unrepresented client or former client unless that person is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel in connection therewith.

(i) An LLP shall not acquire a proprietary interest in the cause of action or subject matter of litigation in which the LLP is representing a client, except that the LLP may acquire a lien authorized by law to secure the lawyer’s fee or expenses.

(j) An LLP shall not have sexual relations with a client unless a consensual sexual relationship existed between them when the client-LLP relationship commenced.

(k) While LLPs are associated in an LLP firm or a law firm, a prohibition in the foregoing paragraphs (b) through (i) that applies to any one of them shall apply to all of them.
LLP Rules of Prof.Cond., Rule 1.9

Rule 1.9. Duties to Former Clients

(a) An LLP who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person’s interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.

(b) An LLP shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the LLP formerly was associated had previously represented a client:

(1) whose interests are materially adverse to that person; and

(2) about whom the LLP had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter; unless the former client gives informed consent, confirmed in writing.

(c) An LLP who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:

(1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or

(2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.

(d) An LLP shall not use or reveal information protected by Rule 1.6 and 1.9(c) acquired through that person’s employment in a firm in a non-LLP capacity except as allowed by both these rules and Colo. RPC 1.6 and Colo. RPC 1.9(c).
LLP Rules of Prof.Cond., Rule 1.10

Rule 1.10. Imputation of Conflicts of Interest: General Rule

(a) While LLPs are associated with other LLPs or lawyers in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7 or 1.9, unless the prohibition is based on a personal interest of the prohibited LLP and does not present a significant risk of materially limiting the representation of the client by the remaining LLPs and lawyers in the firm.

(b) When an LLP has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated LLP and not currently represented by the firm, unless:

(1) the matter is the same or substantially related to that in which the formerly associated LLP represented the client; and

(2) any LLP or lawyer remaining in the firm has information protected by Rules 1.6 and 1.9(c) that is material to the matter.

(c) A disqualification prescribed by this Rule may be waived by the affected client under the conditions stated in Rule 1.7.

(d) The disqualification of LLPs associated in a firm with former or current government lawyers is governed by Rule 1.11.

(e) When an LLP becomes associated with a firm, no LLP associated in the firm shall knowingly represent a person in a matter in which that LLP is disqualified under Rule 1.9 unless:

(1) the matter is not one in which the personally disqualified LLP substantially participated;

(2) the personally disqualified LLP is timely screened from any participation in the matter and is apportioned no part of the fee therefrom;

(3) the personally disqualified LLP gives prompt written notice (which shall contain a general description of the personally disqualified LLP’s prior representation and the screening procedures to be employed) to the affected former clients and the former clients’ current LLPs or lawyers, if known to the personally disqualified LLP, to enable the former clients to ascertain compliance with the provisions of this Rule; and
(4) the personally disqualified LLP and the partners of the firm with which the personally disqualified LLP is now associated reasonably believe that the steps taken to accomplish the screening of material information are likely to be effective in preventing material information from being disclosed to the firm and its client.

(f) An LLP who has personally and substantially participated in a matter in a non-LLP capacity shall be screened from any personal participation in the same or substantially related matter when participating would be materially adverse to the interests of the client of the firm where the LLP previously worked in a non-LLP capacity.
LLP Rules of Prof.Cond., Rule 1.11

Rule 1.11. Special Conflicts of Interest for Former and Current Government Officers and Employees

(a) Except as law may otherwise expressly permit, an LLP who has formerly served as a public officer or employee of the government:

(1) is subject to Rule 1.9(c); and

(2) shall not otherwise represent a client in connection with a matter in which the LLP participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation.

(b) When an LLP or lawyer is disqualified from representation under paragraph (a) of this rule or Colo. RPC 1.11, no LLP or lawyer in a firm with which that LLP or lawyer is associated may knowingly undertake or continue representation in such a matter unless:

(1) the disqualified LLP or lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) the personally disqualified LLP or lawyer gives prompt written notice (which shall contain a general description of the personally disqualified LLP’s prior participation in the matter and the screening procedures to be employed), to the government agency to enable the government agency to ascertain compliance with the provisions of this Rule; and

(3) the personally disqualified LLP or lawyer and the partners of the firm with which the personally disqualified LLP is now associated, reasonably believe that the steps taken to accomplish the screening of material information are likely to be effective in preventing material information from being disclosed to the firm and its client.

(c) Except as law may otherwise expressly permit, an LLP having information that the LLP knows is confidential government information about a person acquired when the LLP was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. As used in this Rule, the term “confidential government information” means information that has been obtained under governmental authority and which, at the time this Rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose and which is not otherwise available to the public. A firm with which that LLP is associated may undertake or continue representation in the matter only if the disqualified LLP is timely screened from any participation in the matter and is apportioned no part of the fee therefrom.

(d) Except as law may otherwise expressly permit, an LLP currently serving as a public officer or employee:
(1) is subject to Rules 1.7 and 1.9; and

(2) shall not:

(i) participate in a matter in which the LLP participated personally and substantially while in private practice or nongovernmental employment, unless the appropriate government agency gives its informed consent, confirmed in writing; or

(ii) negotiate for private employment with any person who is involved as a party or as counsel for a party in a matter in which the LLP is participating personally and substantially.

(e) As used in this Rule, the term “matter” includes:

(1) any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties, and

(2) any other matter covered by the conflict of interest rules of the appropriate government agency.
LLP Rules of Prof.Cond., Rule 1.12

Rule 1.12. Former Judge, Arbitrator, Mediator or Other Third-Party Neutral

(a) Except as stated in paragraph (d), an LLP shall not represent anyone in connection with a matter in which the LLP participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person or as an arbitrator, mediator or other third-party neutral, unless all parties to the proceeding give informed consent, confirmed in writing.

(b) An LLP shall not negotiate for employment with any person who is involved as a party or as a lawyer or LLP for a party in a matter in which the LLP is participating personally and substantially as a judge or other adjudicative officer or as an arbitrator, mediator or other third-party neutral. An LLP serving as a law clerk to a judge or other adjudicative officer may negotiate for employment with a party or lawyer involved in a matter in which the clerk is participating personally and substantially, but only after the LLP has notified the judge or other adjudicative officer.

(c) If an LLP is disqualified by paragraph (a), no LLP or lawyer in a firm with which that LLP is associated may knowingly undertake or continue representation in the matter unless:

(1) the disqualified LLP is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and

(2) the personally disqualified LLP gives prompt written notice (which shall contain a general description of the personally disqualified LLP’s prior participation in the matter and the screening procedures to be employed), to the parties and any appropriate tribunal, to enable the parties to ascertain compliance with the provisions of this Rule; and

(3) the personally disqualified LLP and the partners of the firm with which the personally disqualified LLP is now associated, reasonably believe that the steps taken to accomplish the screening of material information are likely to be effective in preventing material information from being disclosed to the firm and its client.

(d) An arbitrator selected as a partisan of a party in a multimember arbitration panel is not prohibited from subsequently representing that party.
Rule 1.13. Organization as Client

[Reserved. At present the authorized scope of LLP practice does not allow representation of an organization.]
LLP Rules of Prof.Cond., Rule 1.14

Rule 1.14. Client with Diminished Capacity

(a) When a client’s capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the LLP shall, as far as reasonably possible, maintain a normal client-LLP relationship with the client.

(b) When the LLP reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client’s own interest, the LLP may take reasonably necessary protective action within the LLP’s authorized scope of licensure, including consulting with individuals or entities that have the ability to take action to protect the client.

(c) Information relating to the representation of a client with diminished capacity is protected by Rule 1.6. When taking protective action pursuant to paragraph (b), the LLP is impliedly authorized under Rule 1.6(a) to reveal information about the client, but only to the extent reasonably necessary to protect the client’s interests.
LLP Rules of Prof.Cond., Rule 1.15

Rule 1.15. Safekeeping Property in a Firm with Lawyers

LLPs practicing independently in a firm with lawyers are subject to Colo. RPC 1.15A through Colo. RPC 1.15E.
Rule 1.15A. General Duties of LLPs Practicing in Firms Without Lawyers Regarding Property of Clients and Third Parties

(a) An LLP practicing in a firm without a lawyer shall hold property of clients or third persons that is in the LLP’s possession in connection with a representation separate from the LLP’s own property. Funds shall be kept in trust accounts maintained in compliance with Rule 1.15B. Other property shall be appropriately safeguarded. Complete records of such funds and other property of clients or third parties shall be kept by the LLP in compliance with Rule 1.15D.

(b) Upon receiving funds or other property of a client or third person, an LLP shall, promptly or otherwise as permitted by law or by agreement with the client or third person, deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, promptly upon request by the client or third person, render a full accounting regarding such property.

(c) When in connection with a representation an LLP is in possession of property in which two or more persons (one of whom may be the LLP) claim interests, the property shall be kept separate by the LLP until there is a resolution of the claims and, when necessary, a severance of their interests. If a dispute arises concerning their respective interests, the portion in dispute shall be kept separate by the LLP until the dispute is resolved. The LLP shall promptly distribute all portions of the property as to which the interests are not in dispute.

(d) The provisions of Rule 1.15B, Rule 1.15C, Rule 1.15D, and Rule 1.15E apply to funds and other property, and to accounts, held or maintained by the LLP, or caused by the LLP to be held or maintained by an LLP firm through which the LLP renders legal services, in connection with a representation.
LLP Rules of Prof.Cond., Rule 1.15B

Rule 1.15B. Account Requirements for LLPs Practicing in Firms Without Lawyers – **This section needs to be reviewed with COLTAF**

**(a)** Every LLP in private practice in a firm without lawyers in this state shall maintain in the LLP’s own name, or in the name of the LLP’s firm:

(1) A trust account or accounts, separate from any business and personal accounts and from any other fiduciary accounts that the LLP or the firm may maintain, into which the LLP shall deposit, or shall cause the firm to deposit, all funds entrusted to the LLP’s care and any advance payment of fees that have not been earned or advance payment of expenses that have not been incurred. An LLP shall not be required to maintain a trust account when the LLP is not holding such funds or payments.

(2) A business account or accounts into which the LLP shall deposit, or cause the firm to deposit, all funds received for legal services. Each business account, as well as all deposit slips and all checks drawn thereon, shall be prominently designated as a “business account,” an “office account,” an “operating account,” or a “professional account,” or with a similarly descriptive term that distinguishes the account from a trust account and a personal account.

**(b)** One or more of the trust accounts may be a Colorado Lawyer Trust Account Foundation (“COLTAF”) account. A “COLTAF account” is a pooled trust account for funds of clients or third persons that are nominal in amount or are expected to be held for a short period of time, and as such would not be expected to earn interest or pay dividends for such clients or third persons in excess of the reasonably estimated cost of establishing, maintaining, and accounting for trust accounts for the benefit of such clients or third persons. Interest or dividends paid on a COLTAF account shall be paid to COLTAF, and the LLP and the firm shall have no right or claim to such interest or dividends.

**(c)** Each trust account, as well as all deposits slips and checks drawn thereon, shall be prominently designated as a “trust account,” provided that each COLTAF account shall be designated as a “COLTAF Trust Account.” A trust account may bear any additional descriptive designation that is not misleading.

**(d)** Except as provided in this paragraph (d), each trust account, including each COLTAF account, shall be maintained in a financial institution that is approved by the Attorney Regulation Counsel pursuant to Rule 1.15E. If each client and third person whose funds are in the account is informed in writing by the LLP that Regulation Counsel will not be notified of any overdraft on the account, and with the informed consent of each such client and third person, a trust account in which interest or dividends are paid to the clients or third persons need not be in an approved institution.

**(e)** Each trust account, including each COLTAF account, shall be an interest-bearing, or dividend-paying, insured depository account; provided that, with the informed consent of each client or third person whose funds are in the account, an account in which interest or dividends are paid to clients or third persons need not be an insured depository account. For the purpose of this provision, an “insured depository account” shall mean a government insured account at a regulated financial institution, on which withdrawals or transfers can be made on demand, subject only to any notice period which the financial institution is required to reserve by law or regulation.
(f) The LLP may deposit, or may cause the firm to deposit, into a trust account funds reasonably sufficient to pay anticipated service charges or other fees for maintenance or operation of the account. Such funds shall be clearly identified in the LLP’s or firm’s records of the account.

(g) All funds entrusted to the LLP shall be deposited in a COLTAF account unless the funds are deposited in a trust account described in paragraph (h) of this Rule. The foregoing requirement that funds be deposited in a COLTAF account does not apply in those instances where it is not feasible for the LLP or the firm to establish a COLTAF account for reasons beyond the control of the LLP or firm, such as the unavailability in the community of a financial institution that offers such an account; but in such case the funds shall be deposited in a trust account described in paragraph (h) of this Rule.

(h) If funds entrusted to the LLP are not held in a COLTAF account, the LLP shall deposit, or shall cause the firm to deposit, the funds in a trust account that complies with all requirements of paragraphs (c), (d), and (e) of this Rule and for which all interest earned or dividends paid (less deductions for service charges or fees of the depository institution) shall belong to the clients or third persons whose funds have been so deposited. The LLP and the firm shall have no right or claim to such interest or dividends.

(i) If the LLP or firm discovers that funds of a client or third person have mistakenly been held in a COLTAF account in a sufficient amount or for a sufficiently long time so that interest or dividends on the funds being held in such account exceeds the reasonably estimated cost of establishing, maintaining, and accounting for a trust account for the benefit of such client or third person (including without limitation administrative costs of the LLP or firm, bank service charges, and costs of preparing tax reports of such income to the client or third person), the LLP shall request, or shall cause the firm to request, a refund from COLTAF, for the benefit of such client or third persons, of the interest or dividends in accordance with written procedures that COLTAF shall publish and make available through its website and shall provide to any LLP or firm upon request.

(j) Every LLP or firm maintaining a trust account in this state shall, as a condition thereof, be conclusively deemed to have consented to the reporting and production requirements by financial institutions mandated by Rule 1.15E and shall indemnify and hold harmless the financial institution for its compliance with such reporting and production requirement.

(k) If an LLP discovers that the LLP does not know the identity or the location of the owner of funds held in the LLP’s COLTAF account, or the LLP discovers that the owner of the funds is deceased, the LLP must make reasonable efforts to identify and locate the owner or the owner’s heirs or personal representative. If, after making such efforts, the LLP cannot determine the identity or the location of the owner, or the owner’s heirs or personal representative, the LLP must either (1) continue to hold the unclaimed funds in a COLTAF or other trust account or (2) remit the unclaimed funds to COLTAF in accordance with written procedures published by COLTAF and available through its website or upon request. An LLP remitting unclaimed funds to COLTAF must keep a record of the remittance pursuant to Rule 1.15D(a)(1)(C). If, after remitting unclaimed funds to COLTAF, the LLP determines both the identity and the location of the owner or the owner’s heirs or personal representative, the LLP shall request a refund for the benefit of the owner or the owner’s estate, in accordance with written procedures that COLTAF shall publish and make available through its website and shall provide upon request.
LLP Rules of Prof.Cond., Rule 1.15C

Rule 1.15C. Use of Trust Accounts by LLPs Practicing in Firms Without Lawyers

(a) An LLP practicing in a firm without a lawyer shall not use any debit card or automated teller machine card to withdraw funds from a trust account. Cash withdrawals from trust accounts and checks drawn on trust accounts payable to “Cash” are prohibited. All trust account funds intended for deposit shall be deposited intact without deductions or “cash out” from the deposit, and the duplicate deposit slip that evidences the deposit shall be sufficiently detailed to identify each item deposited.

(b) All trust account withdrawals and transfers shall be made only by an LLP or by a person supervised by such LLP. Such withdrawals and transfers may be made only by authorized bank or wire transfer or by check payable to a named payee. Only an LLP or a person supervised by such LLP shall be an authorized signatory on a trust account.

(c) No less than quarterly, an LLP or a person supervised by such LLP shall reconcile the trust account records both as to individual clients or other persons and in the aggregate with the bank statements issued by the bank in which the trust account is maintained.
LLP Rules of Prof. Cond., Rule 1.15D

Rule 1.15D. Required Records Maintained by LLPs Practicing in Firms Without Lawyers

(a) An LLP practicing in a firm without a lawyer shall maintain, or shall cause the LLP’s firm to maintain, in a current status and shall retain or cause the firm to retain for a period of seven years after the event that they record:

(1) An appropriate record-keeping system identifying each separate person for whom the LLP or firm holds funds or other property and adequately showing the following:

(A) For each trust account the date and amount of each deposit; the name and address of each payor of the funds deposited; the name and address of each person for whom the funds are held and the amount held for the person; a description of the reason for each deposit; the date and amount of each charge against the trust account and a description of the charge; the date and amount of each disbursement; and the name and address of each person to whom the disbursement is made and the amount disbursed to the person.

(B) For each item of property other than funds, the nature of the property; the date of receipt of the property; the name and address of each person from whom the property is received, the name and address of each person for whom the property is held and, if interests in the property are held by more than one person, a statement of the nature and extent of each person’s interest in the property, to the extent known; a description of the reason for each receipt; the date and amount of each charge against the property and a description of the charge; the date of each delivery of the property by the LLP; and the name and address of each person to whom the property is delivered by the LLP.

(C) For any unclaimed funds remitted to COLTAF pursuant to Rule 1.15B(k), the name and last known address of the owner of the funds, if the owner of the funds is known; the date of death of a deceased owner if the owner of the funds is known; the efforts made to identify or locate the owner of the funds or a deceased owner’s heirs or personal representative; the amount of the funds remitted; the period of time during which the funds were held in the LLP’s or firm’s COLTAF account; and the date the funds were remitted.

(2) Appropriate records of all deposits in and withdrawals from all other bank accounts maintained in connection with the LLP’s legal services, specifically identifying the date, payor, and description of each item deposited as well as the date, payee, and purpose of each disbursement;

(3) Copies of all written communications setting forth the basis or rate for the fees charged by the LLP as required by Rule 1.5(b), and copies of all writings, if any, stating other terms of engagement for legal services;

(4) Copies of all statements to clients and third persons showing the disbursement of funds or the delivery of property to them or on their behalves;

(5) Copies of all bills issued to clients;
(6) Records showing payments to any persons, not in the LLP’s regular employ, for services rendered or performed; and

(7) Paper copies or electronic copies of all bank statements and of all canceled checks.

(b) The records required by this Rule shall be maintained in accordance with one or more of the following recognized accounting methods: the accrual method, the cash basis method, or the income tax method. All such accounting methods shall be consistently applied. Bookkeeping records may be maintained by computer provided they otherwise comply with this Rule and provided further that printed copies can be made on demand in accordance with this Rule. They shall be located at the principal Colorado office of the LLP or of the LLP’s firm.

(c) Upon the dissolution of an LLP firm, the LLPs who rendered legal services through the firm shall make appropriate arrangements for the maintenance or disposition of records and client files in accordance with this Rule and Rule 1.16A. Upon the departure of an LLP from a firm, the departing LLP and the LLPs remaining in the firm shall make appropriate arrangements for the maintenance or disposition of records and client files in accordance with this Rule and Rule 1.16A.

(d) Any of the records required to be kept by this Rule shall be produced in response to a subpoena duces tecum issued by the Regulation Counsel in connection with proceedings pursuant to C.R.C.P. ___ or C.R.C.P. ___ [LLP discipline and disability rules]. When so produced, all such records shall remain confidential except for the purposes of the particular proceeding, and their contents shall not be disclosed by anyone in such a way as to violate any privilege of the LLP’s client.
LLP Rules of Prof.Cond., Rule 1.15E

Rule 1.15E. Approved Institutions Applicable to LLPs Practicing in Firms Without Lawyers

(a) This Rule applies to each trust account that is subject to Rule 1.15B, other than a trust account that is maintained in other than an approved financial institution pursuant to the second sentence of Rule 1.15B(d).

(b) Each trust account shall be maintained at a financial institution that is approved by the Regulation Counsel, pursuant to the provisions and conditions contained in this Rule. The Regulation Counsel shall maintain a list of approved financial institutions, which it shall renew not less than annually. Offering a trust account or a COLTAF account is voluntary for financial institutions.

(c) The Regulation Counsel shall approve a financial institution for use for LLPs’ trust accounts, including COLTAF accounts, if the financial institution files with the Regulation Counsel an agreement, in a form provided by the Regulation Counsel, with the following provisions and on the following conditions:

(1) The financial institution does business in Colorado;

(2) The financial institution agrees to report to the Regulation Counsel in the event a properly payable trust account instrument is presented against insufficient funds, irrespective of whether the instrument is honored. That agreement shall apply to all branches of the financial institution and shall not be canceled except on thirty-days’ notice in writing to the Regulation Counsel.

(3) The financial institution agrees that all reports made by the financial institution shall be in the following format: (i) in the case of a dishonored instrument, the report shall be identical to the overdraft notice customarily forwarded to the depositor; (ii) in the case of an instrument that is presented against insufficient funds but that is honored, the report shall identify the financial institution, the LLP or firm for whom the account is maintained, the account number, the date of presentation for payment, and the date paid, as well as the amount of the overdraft created thereby. Report of a dishonored instrument shall be made simultaneously with, and within the time provided by law for, notice of dishonor, if any. If no such time is provided by law for notice of dishonor, or if the financial institution has honored an instrument presented against insufficient funds, then the report shall be made within five banking days of the date of presentation of the instrument.

(4) The financial institution agrees to cooperate fully with the Regulation Counsel and to produce any trust account records on receipt of a subpoena for the records issued by the Regulation Counsel in connection with any proceeding pursuant to C.R.C.P. ____ or C.R.C.P. ____. Nothing herein shall preclude a financial institution from charging an LLP or firm for the reasonable cost of producing the reports and records required by this Rule, but such charges shall not be a transaction cost to be charged against funds payable to the COLTAF program.

(5) The financial institution agrees to cooperate with the COLTAF program and shall offer a COLTAF account to any LLP or firm who wishes to open one.
(6) With respect to COLTAF accounts, the financial institution agrees:

(A) To remit electronically to COLTAF monthly interest or dividends, net of allowable reasonable COLTAF fees as defined in subparagraph (c)(10) of this Rule, if any; and

(B) To transmit electronically with each remittance to COLTAF a statement showing, as to each COLTAF account, the name of the LLP or firm on whose account the remittance is sent; the account number; the remittance period; the rate or rates of interest or dividends applied; the account balance or balances on which the interest or dividends are calculated; the amount of interest or dividends paid; the amount and type of fees, if any, deducted; the amount of net earnings remitted; and such other information as is reasonably requested by COLTAF.

(7) The financial institution agrees to pay on any COLTAF account not less than (i) the highest interest or dividend rate generally available from the financial institution on non-COLTAF accounts when the COLTAF account meets the same eligibility requirements, if any, as the eligibility requirements for non-COLTAF accounts; or (ii) the rate set forth in subparagraph (c)(9) below. In determining the highest interest or dividend rate generally available from the financial institution to its non-COLTAF customers, the financial institution may consider factors customarily considered by the financial institution when setting interest or dividend rates for its non-COLTAF accounts, including account balances, provided that such factors do not discriminate between COLTAF accounts and non-COLTAF accounts. The financial institution may choose to pay on a COLTAF account the highest interest or dividend rate generally available on its comparable non-COLTAF accounts in lieu of actually establishing and maintaining the COLTAF account in the comparable highest interest or dividend rate product.

(8) A COLTAF account may be established by an LLP or firm and a financial institution as:

(A) A checking account paying preferred interest rates, such as market-based or indexed rates;

(B) A public funds interest-bearing checking account, such as an account used for other non-profit organizations or government agencies;

(C) An interest-bearing checking account, such as a negotiable order of withdrawal (NOW) account, or business checking account with interest; or

(D) A business checking account with an automated investment feature in overnight daily financial institution repurchase agreements or money market funds. A daily financial institution repurchase agreement shall be fully collateralized by U.S. Government Securities (meaning U.S. Treasury obligations and obligations issued or guaranteed as to principal and interest by the United States government) and may be established only with an approved institution that is “well-capitalized” or “adequately capitalized” as those terms are defined by applicable federal statutes and regulations. A “money market fund” is a fund maintained as a money market fund by an investment company registered under the Investment Company Act of 1940, as amended, which fund is qualified to be held out to investors as a money market fund under Rules and Regulations adopted by the Securities and Exchange Commission pursuant to said Act. A money market fund shall be invested solely in U.S. Government Securities, or repurchase agreements fully collateralized by U.S. Government Securities, and, at the time of the investment, shall have total assets of at least two hundred fifty million dollars ($250,000,000).
(9) In lieu of a rate set forth in paragraph (c)(7)(i), the financial institution may elect to pay on all deposits in its COLTAF accounts, a benchmark rate, which COLTAF is authorized to set periodically, but not more frequently than every six months, to reflect an overall comparable rate offered by financial institutions in Colorado net of allowable reasonable COLTAF fees. Election of the benchmark rate is optional, and financial institutions may choose to maintain their eligibility by paying the rate set forth in paragraph (c)(7)(i).

(10) “Allowable reasonable COLTAF fees” are per-check charges, per-deposit charges, fees in lieu of minimum balances, federal deposit insurance fees, sweep fees, and reasonable COLTAF account administrative fees. The financial institution may deduct allowable reasonable COLTAF fees from interest or dividends earned on a COLTAF account, provided that such fees (other than COLTAF account administrative fees) are calculated and imposed in accordance with the approved institution’s standard practice with respect to comparable non-COLTAF accounts. The financial institution agrees not to deduct allowable reasonable COLTAF fees accrued on one COLTAF account in excess of the earnings accrued on the COLTAF account for any period from the principal of any other COLTAF account or from interest or dividends accrued on any other COLTAF account. Any fee other than allowable reasonable COLTAF fees are the responsibility of, and the financial institution may charge them to, the LLP or firm maintaining the COLTAF account.

(11) Nothing contained in this Rule shall preclude the financial institution from paying a higher interest or dividend rate on a COLTAF account than is otherwise required by the financial institution’s agreement with the Regulation Counsel or from electing to waive any or all fees associated with COLTAF accounts.

(12) Nothing in this Rule shall be construed to require the Regulation Counsel or any LLP or firm to make independent determinations about whether a financial institution’s COLTAF account meets the comparability requirements set forth in paragraph (c)(7). COLTAF will make such determinations and at least annually will inform Regulation Counsel of the financial institutions that are in compliance with the comparability provisions of this Rule.

(13) Each approved financial institution shall be immune from suit arising out of its actions or omissions in reporting overdrafts or insufficient funds or producing documents under this Rule. The agreement entered into by a financial institution with the Regulation Counsel shall not be deemed to create a duty to exercise a standard of care and shall not constitute a contract for the benefit of any third parties that may sustain a loss as a result of LLPs overdrawing trust accounts.
LLP Rules of Prof.Cond., Rule 1.16

Rule 1.16. Declining or Terminating Representation

(a) Except as stated in paragraph (c), an LLP shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

1. the representation will result in violation of these Rules or other law;

2. the LLP’s physical or mental condition materially impairs the LLP’s ability to represent the client; or

3. the LLP is discharged.

(b) Except as stated in paragraph (c), an LLP may withdraw from representing a client if:

1. withdrawal can be accomplished without material adverse effect on the interests of the client;

2. the client persists in a course of action involving the LLP’s services that the LLP reasonably believes is criminal or fraudulent;

3. the client has used the LLP’s services to perpetrate a crime or fraud;

4. the client insists upon taking action that the LLP considers repugnant or with which the LLP has a fundamental disagreement;

5. the client fails substantially to fulfill an obligation to the LLP regarding the LLP’s services and has been given reasonable warning that the LLP will withdraw unless the obligation is fulfilled;

6. the representation will result in an unreasonable financial burden on the LLP or has been rendered unreasonably difficult by the client; or

7. other good cause for withdrawal exists.

(c) An LLP must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation.
When ordered to do so by a tribunal, an LLP shall continue representation notwithstanding good cause for terminating the representation.

(d) Upon termination of representation, an LLP shall take steps to the extent reasonably practicable to protect a client’s interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The LLP may retain papers relating to the client to the extent permitted by other law.
Rule 1.16A. Client File Retention

(a) An LLP shall retain a client’s files respecting a matter unless:

(1) the LLP delivers the file to the client or the client authorizes destruction of the file in a writing signed by the client and there are no pending or threatened legal proceedings known to the LLP that relate to the matter; or

(2) the LLP has given written notice to the client of the LLP’s intention to destroy the file on or after a date stated in the notice, which date shall not be less than thirty days after the date of the notice, and there are no pending or threatened legal proceedings known to the LLP that relate to the matter.

(b) At any time following the expiration of a period of ten years following the termination of the representation in a matter, an LLP may destroy a client’s files respecting the matter without notice to the client, provided there are no pending or threatened legal proceedings known to the LLP that relate to the matter and the LLP has not agreed to the contrary.

(c) Reserved.

(d) An LLP may satisfy the notice requirements of paragraph (a)(2) of this Rule by establishing a written file retention policy consistent with this Rule and by providing a notice of the file retention policy to the client in a fee agreement or in writing delivered to the client not later than thirty days before destruction of the client’s file or incorporated into a fee agreement.

(e) This Rule does not supersede or limit an LLP’s obligations to retain a client’s file that are imposed by law, court order, or rules of a tribunal.
Rule 1.17. Sale of LLP Practice

An LLP or firm may sell or purchase an LLP practice, or an area of practice, including good will, if the following conditions are satisfied:

(a) the seller ceases to engage in the private practice as an LLP in Colorado, or in the area of practice in Colorado that has been sold;

(b) the entire practice, or the entire area of practice, is sold to one or more LLPs, lawyers, or firms;

(c) the seller gives written notice to each of the seller’s clients regarding:

(1) the proposed sale;

(2) the client’s right to retain another LLP or lawyer or to take possession of the file; and

(3) the fact that the client’s consent to the transfer of the client’s files will be presumed if the client does not take any action or does not otherwise object within sixty (60) days of mailing of the notice to the client at the client’s last known address; and

(d) the fees charged clients shall not be increased by reason of the sale.
Rule 1.18. Duties to Prospective Client

(a) A person who consults with an LLP about the possibility of forming a client-LLP relationship with respect to a matter is a prospective client.

(b) Even when no client-LLP relationship ensues, an LLP who has learned information from a prospective client shall not use or reveal that information, except as Rule 1.9 would permit with respect to information of a former client.

(c) An LLP subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the LLP received information from the prospective client that could be significantly harmful to the prospective client, except as provided in paragraph (d). If an LLP is disqualified from representation under this paragraph, no LLP or lawyer in a firm with which that LLP is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d).

(d) When the LLP has received disqualifying information as defined in paragraph (c), representation is permissible if:

(1) both the affected client and the prospective client have given informed consent, confirmed in writing; or

(2) the LLP who received the information took reasonable measures to avoid exposure to more disqualifying information than was reasonably necessary to determine whether to represent the prospective client; and

   (i) the disqualified LLP is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and

   (ii) written notice is promptly given to the prospective client.
LLP Rules of Prof.Cond., Rule 2.1

Rule 2.1. Advisor

In representing a client, an LLP shall exercise independent professional judgment and render candid advice. In rendering advice, an LLP may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client’s situation. In a matter involving or expected to involve litigation, an LLP should advise the client of alternative forms of dispute resolution that might reasonably be pursued to attempt to resolve the legal dispute or to reach the legal objective sought.
(a) An LLP may provide an evaluation of a matter affecting a client for the use of someone other than the client if the LLP reasonably believes that making the evaluation is compatible with other aspects of the LLP’s relationship with the client.

(b) When the LLP knows or reasonably should know that the evaluation is likely to affect the client’s interests materially and adversely, the LLP shall not provide the evaluation unless the client gives informed consent.

(c) Except as disclosure is authorized in connection with a report of an evaluation, information relating to the evaluation is otherwise protected by Rule 1.6.
(a) An LLP serves as a third-party neutral when the LLP assists two or more persons who are not clients of the LLP to reach a resolution of a dispute or other matter that has arisen between them. Service as a third-party neutral may include service as an arbitrator, a mediator or in such other capacity as will enable the LLP to assist the parties to resolve the matter.

(b) An LLP serving as a third-party neutral shall inform unrepresented parties that the LLP is not representing them. When the LLP knows or reasonably should know that a party does not understand the LLP’s role in the matter, the LLP shall explain the difference between the LLP’s role as a third-party neutral and an LLP’s role as one who represents a client.
An LLP shall not assert or controvert an issue in a negotiation, unless there is a basis in law and fact for doing so that is not frivolous.
LLP Rules of Prof.Cond., Rule 3.2

Rule 3.2. Expediting Litigation

An LLP shall make reasonable efforts to expedite litigation consistent with the interests of the client.
LLP Rules of Prof.Cond., Rule 3.3

Rule 3.3. Candor Toward the Tribunal

(a) An LLP shall not knowingly:

1) make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the LLP.

(b) Reserved.

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

(d) Reserved.
LLP Rules of Prof.Cond., Rule 3.4

Rule 3.4. Fairness to Opposing Party and Counsel

An LLP shall not:

(a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. An LLP shall not counsel or assist another person to do any such act;

(b) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;

(c) knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;

(f) request a person other than a client to refrain from voluntarily giving relevant information to another party unless:

(1) the person is a relative or an employee or other agent of a client and the LLP is not prohibited by other law from making such a request; and

(2) the LLP reasonably believes that the person’s interests will not be adversely affected by refraining from giving such information.
Rule 3.5. Impartiality and Decorum of the Tribunal

An LLP shall not:

(a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;

(b) communicate ex parte with such a person during the proceeding unless authorized to do so by law or court order, or unless a judge initiates such a communication and the LLP reasonably believes that the subject matter of the communication is within the scope of the judge’s authority under a rule of judicial conduct;

(c) (reserved)

(d) engage in conduct intended to disrupt a tribunal.
(a) A LLP who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the LLP knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

(b) Notwithstanding paragraph (a) and Rule 3.8(f), an LLP may state:

(1) the claim, offense or defense involved and, except when prohibited by law, the identity of the persons involved;

(2) information contained in a public record;

(3) that an investigation of a matter is in progress;

(4) the scheduling or result of any step in litigation;

(5) a request for assistance in obtaining evidence and information necessary thereto;

(6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and

(7) in a criminal case, in addition to subparagraphs (1) through (6):
   (i) the identity, residence, occupation and family status of the accused;
   (ii) if the accused has not been apprehended, information necessary to aid in apprehension of that person;
   (iii) the fact, time and place of arrest; and
   (iv) the identity of investigating and arresting officers or agencies and the length of the investigation.

(c) Notwithstanding paragraph (a) and Rule 3.8(f), an LLP may make a statement that a reasonable LLP would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the LLP or the LLP’s client. A statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity.

(d) No LLP associated in a firm or government agency with a lawyer or LLP subject to paragraph (a) shall make a statement prohibited by paragraph (a).
(a) An LLP shall not 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 a court proceeding in which the LLP is likely to be a necessary witness unless:

(1) the testimony relates to an uncontested issue;

(2) the testimony relates to the nature and value of legal services rendered in the case; or

(3) disqualification of the LLP would work substantial hardship on the client.
LLP Rules of Prof.Cond., Rule 3.8

Rule 3.8. [Reserved]
LLP Rules of Prof.Cond., Rule 3.9

Rule 3.9. [Reserved]
LLP Rules of Prof.Cond., Rule 4.1

Rule 4.1. Truthfulness in Statements to Others

In the course of representing a client an LLP shall not knowingly:

(a) make a false statement of material fact or law to a third person; or

(b) fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.
LLP Rules of Prof.Cond., Rule 4.2

Rule 4.2. Communication with Person Represented by Counsel

In representing a client, an LLP shall not communicate about the subject of the representation with a person the LLP knows to be represented by another lawyer or LLP in the matter, unless the LLP has the consent of the other lawyer or LLP or is authorized to do so by law or a court order.
LLP Rules of Prof.Cond., Rule 4.3

Rule 4.3. Dealing with Unrepresented Person

In dealing on behalf of a client with a person who is not represented by counsel, an LLP shall not state or imply that the LLP is disinterested. When the LLP knows or reasonably should know that the unrepresented person misunderstands the LLP’s role in the matter, the LLP shall make reasonable efforts to correct the misunderstanding. The LLP shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the LLP knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.
LLP Rules of Prof.Cond., Rule 4.4

Rule 4.4. Respect for Rights of Third Persons

(a) In representing a client, an LLP shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

(b) An LLP who receives a document relating to the representation of the LLP’s client and knows or reasonably should know that the document was inadvertently sent shall promptly notify the sender.

(c) Unless otherwise permitted by court order, an LLP who receives a document relating to the representation of the LLP’s client and who, before reviewing the document, receives notice from the sender that the document was inadvertently sent, shall not examine the document and shall abide by the sender’s instructions as to its disposition.
Rule 4.5. Threatening Prosecution

(a) An LLP shall not threaten criminal, administrative or disciplinary charges to obtain an advantage in a civil matter nor shall an LLP present or participate in presenting criminal, administrative or disciplinary charges solely to obtain an advantage in a civil matter.

(b) It shall not be a violation of Rule 4.5 for an LLP to notify another person in a civil matter that the LLP reasonably believes that the other’s conduct may violate criminal, administrative or disciplinary rules or statutes.
LLP Rules of Prof.Cond., Rule 5.1

Rule 5.1. Responsibilities of a Partner or Supervisory LLP

(a) An LLP who individually or together with other LLPs possesses comparable managerial authority in a firm without lawyers shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all LLPs in the firm conform to these Rules.

(b) An LLP shall have no direct supervisory authority over a lawyer. An LLP having direct supervisory authority over another LLP, shall make reasonable efforts to ensure that the other LLP conforms to these Rules.

(c) An LLP shall be responsible for another LLP’s violation of these Rules if:

(1) the LLP orders or, with knowledge of the specific conduct, ratifies the conduct involved;

(2) the LLP is a partner or has comparable managerial authority in a firm without lawyers in which the other LLP practices, or has direct supervisory authority over the other LLP, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.
Rule 5.2. Responsibilities of an LLP in a Firm

(a) An LLP is bound by these Rules notwithstanding that the LLP acted at the direction of another person.

(b) A subordinate LLP does not violate these Rules if that LLP acts in accordance with a supervisory lawyer’s or supervisory LLP’s reasonable resolution of an arguable question of professional duty.
LLP Rules of Prof.Cond., Rule 5.3

Rule 5.3. Responsibilities Regarding Other Personnel in Firms Without Lawyers

With respect to other personnel employed or retained by or associated with an LLP:

(a) an LLP who individually or together with other LLPs possesses comparable managerial authority in a firm without lawyers shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the LLP;

(b) an LLP having direct supervisory authority over other personnel shall make reasonable efforts to ensure that their conduct is compatible with the professional obligations of the LLP;

(c) an LLP shall be responsible for conduct of such personnel that would be a violation of these Rules if engaged in by an LLP if:

(1) the LLP orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(2) the LLP is a partner or has comparable managerial authority in the firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.
LLP Rules of Prof.Cond., Rule 5.4

Rule 5.4. Professional Independence of an LLP

(a) An LLP or firm shall not share legal fees with an individual who is not a lawyer or an LLP, except that:

1. An agreement by an LLP with the LLP’s firm, partner, or associate may provide for the payment of money, over a reasonable period of time after the LLP’s death, to the LLP’s estate or to one or more specified persons;

2. An LLP who undertakes to complete unfinished legal business of a deceased LLP may pay to the estate of the deceased LLP that proportion of the total compensation which fairly represents the services rendered by the deceased LLP;

3. An LLP who purchases the practice of a deceased, disabled, or disappeared LLP may, pursuant to the provisions of Rule 1.17, pay to the estate or other representative of that LLP the agreed-upon purchase price;

4. An LLP or firm without lawyers may include employees who are not LLPs in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement, provided the plan does not otherwise violate these rules; and

5. An LLP may share court-awarded legal fees with a nonprofit organization that employed, retained or recommended employment of the LLP in the matter.

(b) An LLP shall not form a partnership with an individual who is not a lawyer or an LLP if any of the activities of the partnership consist of the practice of law.

(c) An LLP shall not permit a person who recommends, employs, or pays the LLP to render legal services for another to direct or regulate the LLP’s professional judgment in rendering such legal services.

(d) An LLP shall not practice with or in the form of a professional company that is authorized to practice law for a profit, if:

1. An individual who is not a lawyer or an LLP owns any interest therein, except that a fiduciary representative of the estate of a lawyer or an LLP may hold the stock or interest of the lawyer for a reasonable time during administration; or

2. An individual who is not a lawyer or an LLP has the right to direct or control the professional judgment of an LLP.
(e) An LLP shall not practice with or in the form of a professional company that is authorized to practice law for a profit except in compliance with C.R.C.P. 265

(f) For purposes of this Rule, an individual who is not a lawyer or an LLP includes (1) a lawyer or LLP who has been disbarred, (2) a lawyer or LLP who has been suspended and who must petition for reinstatement, (3) a lawyer or LLP who is subject to an interim suspension pursuant to C.R.C.P. 242.22, (4) a lawyer or LLP who is on inactive status pursuant to C.R.C.P. 227(A)(6), (5) a lawyer or LLP who has been permitted to resign under C.R.C.P. 227(A)(8), or (6) a lawyer or LLP who, for a period of six months or more, has been (i) on disability inactive status pursuant to C.R.C.P. 243.6 or (ii) suspended pursuant to C.R.C.P. 227(A)(4), 242.23, 242.24, or 260.6.
(a) An LLP shall not:

(1) practice law in this jurisdiction without a license to practice as an LLP issued by the Colorado Supreme Court;

(1.5) practice law beyond the authorization set forth by the Colorado Supreme Court in Rule ____, and LLPs shall not hold themselves out or otherwise represent to the public that they are permitted to practice law beyond such authorization;

(2) practice law in a jurisdiction where doing so violates the regulations of the legal profession in that jurisdiction;

(3) assist a person who is not authorized to practice law in the performance of any activity that constitutes the unauthorized practice of law; or

(4) allow the name of a disbarred LLP or lawyer or a suspended LLP or lawyer who must petition for reinstatement to remain in the LLP firm name.

(b) An LLP shall not employ, associate professionally with, allow or aid a person the LLP knows or reasonably should know is disbarred, suspended, or on disability inactive status to perform the following on behalf of the LLP’s client:

(1) render legal consultation or advice to the client;

(2) appear on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, or hearing officer;

(3) appear on behalf of a client at a deposition or other discovery matter;

(4) negotiate or transact any matter for or on behalf of the client with third parties;

(5) otherwise engage in activities that constitute the practice of law; or
(6) receive, disburse or otherwise handle client funds.

(c) Subject to the limitation set forth below in paragraph (d), an LLP may employ, associate professionally with, allow or aid an LLP or lawyer who is disbarred, suspended (whose suspension is partially or fully served), or on disability inactive status to perform research, drafting or clerical activities, including but not limited to:

(1) legal work of a preparatory nature, such as legal research, the assemblage of data and other necessary information, drafting of pleadings, briefs, and other similar documents;

(2) direct communication with the client or third parties regarding matters such as scheduling, billing, updates, confirmation of receipt or sending of correspondence and messages; and

(3) accompanying an active LLP in attending a deposition or other discovery matter for the limited purpose of providing assistance to the LLP who will appear as the representative of the client.

(d) An LLP shall not allow a person the LLP knows or reasonably should know is disbarred, suspended, or on disability inactive status to have any professional contact with clients of the LLP or of the LLP’s firm unless the LLP:

(1) prior to the commencement of the work, gives written notice to the client for whom the work will be performed that the disbarred or suspended LLP or lawyer, or the LLP or lawyer on disability inactive status, may not practice law; and

(2) retains written notification for no less than two years following completion of the work.

(e) Once notice is given pursuant to C.R.C.P. 242.32 or this Rule, then no additional notice is required.
LLP Rules of Prof.Cond., Rule 5.6

Rule 5.6. Restrictions on Right to Practice

An LLP shall not participate in offering or making:

(a) a partnership, shareholders, operating, employment, or other similar type of agreement that restricts the right of an LLP to practice after termination of the relationship, except an agreement concerning benefits upon retirement; or

(b) an agreement in which a restriction on the LLP’s right to practice is part of the settlement of a client controversy.
Rule 5.7. Responsibilities Regarding Law-Related Services

(a) An LLP shall be subject to these Rules with respect to the provision of law-related services, as defined in paragraph (b), if the law-related services are provided:

(1) by the LLP in circumstances that are not distinct from the LLP’s provision of legal services to clients; or

(2) in other circumstances by an entity controlled by the LLP individually or with others if the LLP fails to take reasonable measures to assure that a person obtaining the law-related services knows that the services are not legal services and that the protections of the client-LLP relationship do not exist.

(b) The term “law-related services” denotes services that might reasonably be performed in conjunction with and in substance are related to the provision of legal services, and that are not prohibited as unauthorized practice of law when provided by a nonlawyer.
LLP Rules of Prof.Cond., Rule 6.1

Rule 6.1. Voluntary Pro Bono Publico Service

Every LLP has a professional responsibility to provide legal services to those unable to pay. An LLP should aspire to render at least fifty hours of pro bono publico legal services per year. In fulfilling this responsibility, the LLP should:

(a) provide a substantial majority of the fifty hours of legal services without fee or expectation of fee to:

(1) persons of limited means or

(2) charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means; and

(b) provide any additional legal or public services through:

(1) delivery of legal services at no fee or a substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization’s economic resources or would be otherwise inappropriate;

(2) delivery of legal services at a substantially reduced fee to persons of limited means; or

(3) participation in activities for improving the law, the legal system or the legal profession.

In addition, an LLP should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

Where constitutional, statutory or regulatory restrictions prohibit government and public sector LLPs from performing the pro bono services outlined in paragraphs (a)(1) and (2), those individuals should fulfill their pro bono publico responsibility by performing services or participating in activities outlined in paragraph (b).
LLP Rules of Prof.Cond., Rule 6.2

Rule 6.2. Accepting Appointments

An LLP shall not seek to avoid appointment as an LLP by a tribunal to represent a person except for good cause, such as:

(a) representing the client is likely to result in violation of these Rules or other law;

(b) representing the client is likely to result in an unreasonable financial or otherwise oppressive burden on the LLP; or

(c) the client or the cause is so repugnant to the LLP as to be likely to impair the client-LLP relationship or the LLP’s ability to represent the client.
Rule 6.3. Membership in Legal Services Organization

An LLP may serve as a director, officer or member of a legal services organization, apart from the firm in which the LLP practices, notwithstanding that the organization serves persons having interests adverse to a client of the LLP. The LLP shall not knowingly participate in a decision or action of the organization:

(a) if participating in the decision or action would be incompatible with the LLP’s obligations to a client under Rule 1.7; or

(b) where the decision or action could have a material adverse effect on the representation of a client of an LLP provided by the organization whose interests are adverse to a client of the LLP.
LLP Rules of Prof.Cond., Rule 6.4

Rule 6.4. Law Reform Activities Affecting Client Interests

An LLP may serve as a director, officer or member of an organization involved in reform of the law or its administration notwithstanding that the reform may affect the interests of a client of the LLP. When the LLP knows that the interests of a client may be materially benefited by a decision in which the LLP participates, the LLP shall disclose that fact to the organization but need not identify the client.
Rule 6.5. Nonprofit and Court-Annexed Limited Legal Services Programs

(a) An LLP who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the LLP or the client that the LLP will provide continuing representation in the matter:

(1) is subject to Rules 1.7 and 1.9(a) only if the LLP knows that the representation of the client involves a conflict of interest; and

(2) is subject to Rule 1.10 only if the LLP knows that another lawyer or LLP associated with the LLP in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.
LLP Rules of Prof.Cond., Rule 7.1

Rule 7.1. Communications Concerning an LLP’s Services

(a) An LLP shall not make a false or misleading communication about the LLP or the LLP’s services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

(b) In all advertising, an LLP shall communicate the fact that the LLP has a limited license to practice in family law, and shall not state or imply that an LLP is licensed to practice in any other areas of law. An LLP in a firm without lawyers must use the words “Licensed Legal Paraprofessional(s)” in the firm name.

(c) An LLP shall provide a written disclosure of the limitations of the LLP’s authority in initial communications with a prospective client.
Rule 7.2. Communications Concerning a Licensed Legal Paraprofessional’s Services: Specific Rules

(a) An LLP may communicate information regarding the LLP’s services through any media.

(b) An LLP shall not compensate, give or promise anything of value to a person for recommending the LLP’s services except that a lawyer may:

(1) pay the reasonable costs of advertisements or communications permitted by this rule;

(2) pay the usual charges of a legal service plan or a not-for-profit or qualified LLP referral service;

(3) pay for an LLP law practice in accordance with Rule 1.17;

(4) refer clients to another LLP, lawyer, or a nonlawyer professional pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the LLP, if:

(c) the reciprocal referral agreement is not exclusive; and

(ii) the client is informed of the existence and nature of the agreement; and

(5) give nominal gifts as an expression of appreciation that are neither intended nor reasonably expected to be a form of compensation for recommending an LLP’s services.

(c) An LLP shall not state or imply that an LLP is certified as a specialist in a particular field of law, unless:

(1) the LLP has been certified as a specialist by an organization that has been approved by an appropriate authority of the state or the District of Columbia or a U.S. Territory or that has been accredited by the American Bar Association; and

(2) the name of the certifying organization is clearly identified in the communication.

(d) Any communication made under this Rule must include the name and contact information of at least one LLP, lawyer, or firm responsible for its content.
Rule 7.3. Solicitation of Clients

(a) “Solicitation” or “solicit” denotes a communication initiated by or on behalf of an LLP or firm that is directed to a specific person the LLP knows or reasonably should know needs legal services in a particular matter and that offers to provide, or reasonably can be understood as offering to provide, legal services for that matter.

(b) An LLP shall not solicit professional employment by live person-to-person contact when a significant motive for the LLP’s doing so is the LLP’s or firm’s pecuniary gain, unless the contact is with a:

(1) lawyer or an LLP;

(2) person who has a family, close personal, or prior business or professional relationship with the LLP or firm; or

(3) person who routinely uses for business purposes the type of legal services offered by the LLP.

(c) An LLP shall not solicit professional employment even when not otherwise prohibited by paragraph (b), if:

(1) the target of the solicitation has made known to the LLP a desire not to be solicited by the LLP; or

(2) the solicitation involves coercion, duress or harassment.

(d) Reserved.

(e) This Rule does not prohibit communications authorized by law or ordered by a court or other tribunal.

(f) Every communication from an LLP soliciting professional employment shall:

(1) include the words “Advertising Material” on the outside envelope, if any, and at the beginning and ending of any recorded or electronic communication, unless the recipient of the communication is a person specified in paragraphs (b)(1), (b)(2) or (b)(3);
(2) not reveal on the envelope or on the outside of a self-mailing brochure or pamphlet the nature of the person’s legal problem;

(2.5) include the disclosures required by Rule 7.1(b); and

(3) be maintained for a period of five years from the date of dissemination of the communication, and include a copy or recording of each such communication and a sample of the envelope, if any, in which the communication is enclosed, unless the recipient of the communication is a person specified in paragraphs (b)(1), (b)(2) or (b)(3).

(g) Notwithstanding the prohibitions in this Rule, an LLP may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the LLP that uses live person-to-person contact to enroll members or sell subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.
LLP Rules of Prof.Cond., Rule 7.4

Rule 7.4. [Reserved]
LLP Rules of Prof.Cond., Rule 7.5

Rule 7.5. [Reserved]
LLP Rules of Prof.Cond., Rule 7.6

Rule 7.6. Political Contributions to Obtain Legal Engagements or Appointments by Judges

An LLP or firm without lawyers shall not accept a government legal engagement or an appointment by a judge if the LLP or firm makes a political contribution or solicits political contributions for the purpose of obtaining or being considered for that type of legal engagement or appointment.
LLP Rules of Prof.Cond., Rule 8.1

Rule 8.1. Admission and Disciplinary Matters

An applicant for admission, readmission, or reinstatement to practice law as an LLP, or an LLP in connection with an application for admission, readmission, or reinstatement, or in connection with a disciplinary matter, shall not:

(a) knowingly make a false statement of material fact; or

(b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6.
Rule 8.2. Judicial and Legal Officials

(a) An LLP shall not make a statement that the LLP knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer or of a candidate for election, or appointment to, or retention in, judicial or legal office.

(b) An LLP who is a candidate for retention in judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.
(a) An LLP who knows that another LLP has committed a violation of these Rules that raises a substantial question as to that LLP’s honesty, trustworthiness or fitness as an LLP in other respects, shall inform the appropriate professional authority.

(a.5) An LLP who knows that a lawyer has committed a violation of the lawyer Rules of Professional Conduct that raises a substantial question as to that lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.

(b) An LLP who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge’s fitness for office shall inform the appropriate authority.

(c) This Rule does not require disclosure of information otherwise protected by Rule 1.6 or information gained by an LLP or judge while serving as a member of a peer assistance program that has been approved by the Colorado Supreme Court initially or upon renewal, to the extent that such information would be confidential if it were communicated subject to the LLP-client privilege.
LLP Rules of Prof.Cond., Rule 8.4

Rule 8.4. Misconduct

It is professional misconduct for an LLP to:

(a) violate or attempt to violate these Rules, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal act that reflects adversely on the LLP’s honesty, trustworthiness or fitness as an LLP in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation, except that an LLP may advise, direct, or supervise others, including clients, law enforcement officers, and investigators, who participate in lawful investigative activities;

(d) engage in conduct that is prejudicial to the administration of justice;

(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate these Rules or other law;

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;

(f.5) knowingly assist a lawyer in conduct that is a violation of the applicable lawyer Rules of Professional Conduct or other law;

(g) engage in conduct, in the representation of a client, that exhibits or is intended to appeal to or engender bias against a person on account of that person’s race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, whether that conduct is directed to other LLPs, counsel, court personnel, witnesses, parties, judges, judicial officers, or any persons involved in the legal process;

(h) engage in any conduct that directly, intentionally, and wrongfully harms others and that adversely reflects on an LLP’s fitness to practice law; or

(i) engage in conduct the LLP knows or reasonably should know constitutes sexual harassment where the conduct occurs in connection with the LLP’s professional activities.
(a) An LLP admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the LLP’s conduct occurs. An LLP may be subject to the disciplinary authority of both this jurisdiction and another jurisdiction for the same conduct.

(b) In any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be as follows:

(1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and

(2) for any other conduct, the rules of the jurisdiction in which the LLP’s conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. An LLP shall not be subject to discipline if the LLP’s conduct conforms to the rules of a jurisdiction in which the LLP reasonably believes the predominant effect of the LLP’s conduct will occur.
LLP Rules of Prof. Cond., Rule 9

Rule 9. Title--How Known and Cited

These rules shall be known and cited as the Colorado Licensed Legal Paraprofessional Rules of Professional Conduct or Colo. LLP RPC.
Proposed Amendment to C.R.C.P. 241, “Terminology”

Add – in the alphabetically correct location:

Licensed legal paraprofessionals (“LLPs”) are individuals licensed by the Supreme Court pursuant to C.R.C.P. _____ to perform certain types of legal services only under the conditions set forth by the Court. They do not include individuals with a general license to practice law in Colorado.

Add – as 241.1

Rule 241.1  Applicability of C.R.C.P. 241 through C.R.C.P. 244 to LLPs

The terminology rule at C.R.C.P. 241 and the rules governing lawyer disciplinary proceedings (C.R.C.P. 242 et seq.), lawyer disability proceedings (C.R.C.P. 243 et seq.), and protective appointment of counsel (C.R.C.P. 244 et seq.) apply to the regulation of LLPs. LLPs have all the obligations and rights of lawyers under those rules. When those rules are applied to LLPs, a reference to a Colorado Rule of Professional Conduct is construed as a reference to the parallel provision in the Colorado Rules of Professional Conduct for LLPs.
<table>
<thead>
<tr>
<th>Date</th>
<th>Group</th>
<th>Presenters</th>
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<tbody>
<tr>
<td>October 2021</td>
<td></td>
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<tr>
<td>10/21/2021</td>
<td>Douglas/Elbert Bar Association</td>
<td>Maha Kamal</td>
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<tr>
<td>November 2021</td>
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<tr>
<td>December 2021</td>
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<tr>
<td>12/8/2021</td>
<td>Statewide ATJ</td>
<td>Maha Kamal</td>
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<tr>
<td>January 2022</td>
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<tr>
<td>1/21/2022</td>
<td>Family Law Executive Council</td>
<td>Maha Kamal/Amy Goscha</td>
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<tr>
<td>1/21/2022</td>
<td>Standing Committee on Family Issues</td>
<td>Amy Goscha</td>
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<tr>
<td>February 2022</td>
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<td>2/15/2022</td>
<td>Jefferson County Bar Association</td>
<td>Amy Goscha</td>
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<tr>
<td>2/18/2022</td>
<td>Rocky Mountain Paralegal Association</td>
<td>Maha Kamal/Amy Goscha/Stefanie Trujillo</td>
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<td>March 2022</td>
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<tr>
<td>3/3/2022</td>
<td>Arapahoe Bar Association</td>
<td>Amy Goscha/Maha Kamal</td>
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<tr>
<td>3/8/2022</td>
<td>Modern Family Law Presentation</td>
<td>Maha Kamal/Amy Goscha/David Stark</td>
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<td>3/14/2022</td>
<td>DU ATJ class (Justice Hart)</td>
<td>Judge Arkin/Amy Goscha</td>
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<td>3/30/2022</td>
<td>Continental Divide Bar Association</td>
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<td>April 2022</td>
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<tr>
<td>4/12/2022</td>
<td>CBA Executive Council Meeting</td>
<td>Maha Kamal/Amy Goscha</td>
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<td>4/12/2022</td>
<td>Douglas/Elbert Bar Association</td>
<td>Judge Arkin/Amy Goscha</td>
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<td>4/14/2022</td>
<td>DBA Board of Trustees</td>
<td>Amy Goscha/Maha Kamal</td>
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<td>May 2022</td>
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<td>5/17/2022</td>
<td>5th JD Access to Justice Committee</td>
<td>Amy Goscha</td>
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<tr>
<td>June 2022</td>
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<tr>
<td>6/10/2022</td>
<td>DR/PR Judicial Conference</td>
<td>Judge Arkin/Amy Goscha</td>
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The Colorado Supreme Court created the Paraprofessionals and Legal Services Subcommittee (PALS) of its Advisory Committee to study whether licensed paralegals specializing in domestic relations matters could provide limited legal services to the 75% of family law litigants who now appear in court without lawyers.¹ Several other states have implemented or are considering similar proposals.² The Court has asked the PALS Subcommittee to develop a proposal for consideration by the Advisory Committee and the Colorado Supreme Court.³

- The subcommittee is comprised of current and former trial and appellate judges, family law lawyers, an experienced family law paralegal/mediator, a

¹ According to the Colorado Judicial Branch’s “Cases and Parties without Attorney Representation in Civil Cases FY2018,” the number of domestic relations cases across all judicial districts totaled 34,364. Of that number, 23,810 cases had no attorney, and the case level pro se rate was set at 67%. The number of parties totaled 69,021, of which 51,646 parties were without attorneys. The party level pro se rate was at 75%. The updated numbers for 2020 show that this challenge for unrepresented litigants is continuing.

² Utah and Washington State are the primary models for this program, offering different options and opportunities for licensure. Other states considering or moving forward with similar proposals include Arizona, Illinois, Minnesota, and California. In mid-2020, the State of Washington decided to “sunset” its LLLT program, but there are still LLLTs practicing in Washington State.

³ The Supreme Court entered an order creating this second PALS Subcommittee on February 27, 2020. The Court did so after considering the recommendations of the first PALS subcommittee in 2019 for a pilot program for nonlawyer advocates in landlord-tenant cases. The Supreme Court agreed that assistance the unrepresented litigants would be helpful, but it decided to prioritize such assistance in domestic relations cases.
family court facilitator, Attorney Regulation Counsel, and the Chair of the Supreme Court Advisory Committee.  

- The subcommittee’s purpose is to substantially decrease the number of self-represented litigants in domestic relations cases as part of an effort to address what is commonly referred to by the bar as “the justice gap.” According to a 2017 study by the Legal Services Corporation, in 2016, low income Americans received inadequate or no legal help for 86 percent of their civil legal problems. These individuals are unable to obtain representation from Colorado Legal Services or similar programs that provide free legal assistance to low-income individuals. Pro bono representation has been unable to meet the legal needs of self-represented litigants, especially in family law cases, where pro bono lawyers are often reluctant to represent clients outside of their usual practice areas.

- Most of these folks would not qualify for Colorado Legal Services, but still cannot afford a lawyer at regular market rates. We hope to give them another choice. They should not have to choose between a lawyer and no lawyer. They should be able to choose between representing themselves and getting help from a licensed legal paraprofessional.

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4 Colorado Supreme Court Justice Melissa Hart (Liaison Justice), Judge Daniel Taubman (COA, Retired), Judge Angela Arkin (18th JD, Retired; Co-Chair), Judge Adam Espinosa (Denver County Court), Maha Kamal, Esq. (Co-Chair), Rebekah Pfahler, Esq., Colleen McManamon, (Paralegal/ Mediator), Heather Lang (Family Court Facilitator), Jessica Yates, Esq., and David Stark, Esq.


6 Colorado Legal Services does not represent all indigent family law litigants. It only represents indigent family litigants in certain categories of cases.
• We have been and are continuing to solicit input from family law practitioners, judicial officers, family court facilitators (FCFs), self-represented litigant coordinators (Sherlocks), experienced and new paralegals, community college and legal educators, and the public to develop this proposal. Feedback is welcome on all aspects of the proposed program components set forth in this preliminary report.

Proposed Program Components:

1. **Title:** These professionals will be titled “Licensed Legal Paraprofessionals (LLPs).

2. **Licensure:** LLPs would be licensed by the Colorado Supreme Court to engage in the limited practice of domestic relations law.

3. **Independence:** LLPs could engage in this limited practice either with a law firm or with their own legal paraprofessional firm (see the ethics rules, below).

4. **Scope:** The scope of practice of LLPs would be limited to uncomplicated domestic relations matters.

5. **A. Task limits of an unsupervised LLP:**

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7 An “unsupervised” LLP is an LLP acting independently of attorney supervision. We are not suggesting any change to the current role of a paralegal under attorney supervision.
<table>
<thead>
<tr>
<th>Task</th>
<th>Description of LLP Role</th>
</tr>
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</table>
| Client Interview                          | *Interview client to determine needs & goals of client & whether LLP services are appropriate or if matter should be referred to a lawyer. Determine appropriate motion or petition to file with the court: dissolution of marriage or civil union, legal separation, allocation of parental responsibility (APR), invalidity of marriage, parentage (in context of dissolution or APR) petition, and/or protection orders, modification of APR, child support and/or maintenance, & motions for contempt citations under C.R.C.P. 107.*  

*Cases involving alleged contemnors charged with punitive contempt, trusts, common law marriage, marital agreements, and contested jurisdiction must be referred to a lawyer.*  

*All non-pattern discovery, including drafting or review of questions or responses, must be referred to a lawyer Depositions also must be handled by a lawyer. However, LLPs can issue and respond to pattern discovery, and assist in non-pattern discovery authorized by the Court, or under a lawyer’s supervision. A lawyer’s representation of the LLP’s client may be on an unbundled basis. The PALS subcommittee urges the Civil Rules Committee to consider studying an amendment to C.R.C.P. 16.2 that would require leave of court to issue discovery.*

<p>| Determine jurisdiction and venue, complete petition, summons, and case information sheet or post-decree motion or complaint for temporary protection order (TPO) &amp; supplementing documents | <em>Assist client in gathering information &amp; completing state approved forms. May need to add additional simple state forms.</em>                                                                                                                                                                                                                                            |
| File documents with the court             | <em>File forms in person or electronically on behalf of the client.</em>                                                                                                                                                                                                                                                                                         |
| Case management order                     | <em>Assist client in understanding and complying with case management order.</em>                                                                                                                                                                                                                                                                           |
| Obtain service of process                 | <em>Arrange for service of documents (may complete and file a motion for publication or substituted service if needed).</em>                                                                                                                                                                                                                            |
| Complete sworn financial statement (SFS), disclosures &amp; pattern discovery | <em>Assist client with gathering disclosure information, completing SFS &amp; Certificate of Compliance with Mandatory Disclosures.</em>                                                                                                                                                                                                                      |
| Direct client to parenting class &amp; other resources as necessary | <em>Provide client with co-parenting education class info &amp; file certificate of completion with court; help clients process what they learned in class.</em>                                                                                                                                                                                                                       |
| Review of documents of other party (OP)   | <em>Review documents of OP and explain documents to client. Refer to lawyer for complex issues.</em>                                                                                                                                                                                                                                                        |</p>
<table>
<thead>
<tr>
<th>Task</th>
<th>Description of LLP Role</th>
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</thead>
<tbody>
<tr>
<td>Speak with OP or opposing counsel (OC)</td>
<td>Communicate with OP or OC regarding case status, potential agreements, and relevant forms. Refer to a lawyer for complex issues.</td>
</tr>
<tr>
<td>Accompany client to initial status conference (ISC)</td>
<td>Accompany client to ISC, provide emotional support, answer factual questions to LLP by judge, court facilitator, or opposing counsel, take notes, help client understand proceeding.</td>
</tr>
<tr>
<td>Assist client in reaching agreements; prepare documents</td>
<td>Assist client with forming parenting plan, separation agreement, stipulation for modification, support worksheets, uncontested proposed orders, non-appearance affidavit, etc.</td>
</tr>
<tr>
<td>Assist with the selection of a mediator &amp; scheduling</td>
<td>Work with OP or OC to identify and schedule mediation.</td>
</tr>
</tbody>
</table>
| Accompany client to mediation                                        | Inform, counsel, assist, and advocate for a client in mediation.  
| Pretrial work, including pretrial conferences                        | Draft or review joint trial or trial management certificate, proposed parenting plan, C.R.C.P. 16.2 pretrial submissions, exhibit lists, witness lists. |
| Accompany client to temporary orders hearing                         | Stand or sit with client, provide emotional support, answer factual questions as needed that are addressed to client by Court or OC, take notes, help client understand proceeding and orders. |
| Accompany client to permanent orders hearing                         | Stand or sit with client, provide emotional support, answer factual questions as needed that are addressed to client by Court or OC, take notes, help client understand proceeding and orders. |

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10. In Utah, only lawyers can prepare documents that are not court-approved forms. Drafting documents without court-approved forms is outside the scope of an LLP’s authority.

11. Only lawyers can advocate for clients in court.

12. An LLP can negotiate on a client’s behalf at mediation, but not in court. LLPs are allowed to review settlement agreements or MOUs drafted by an attorney or mediator, and explain them to their client before the client enters into the agreement.

13. Only lawyers can represent clients in court.
B. Financial Limits:

For an LLP to represent a party in a domestic relations matter, the parties must have no more than $200,000 combined net marital assets.\textsuperscript{14}

1. If the case has net marital assets in excess of $200,000, the LLP could not handle the case without a licensed lawyer, absent good cause shown.

2. “Good cause shown” would be a finding by the district court, with specific factors to be considered (factors would be generally related to the simplicity and uncontested nature of the case, and whether the financial limits were only nominally exceeded).

The district court may also consider the extent to which the party seeking to employ an LLP does not have direct access to the equity in a marital asset, such as equity in a home or in a pension, even though that party has an ownership interest in such assets.

6. Qualifications, Education and Training:

a. General Degree Requirement. A Colorado LLP applicant must have one of the following degrees:

i. A degree in law from an accredited law school;

ii. An associate’s degree in paralegal studies from an accredited school;

\textsuperscript{14} Net marital assets are cash assets, net marital equity in a marital residence (whether the home is separate or marital); and/or net marital retirement assets in a defined contribution plan (401(k), IRA, 457, etc.)
iii. A bachelor's degree in paralegal studies from an accredited school; or

iv. A bachelor's degree in any subject from an accredited school, plus a paralegal certificate, or 15 hours of paralegal studies from an accredited school.

b. Training and Experience. In addition to those degree requirements, an applicant is required to:

i. Complete 1,500 hours of substantive law-related experience within the three years prior to the application, including 500 hours of substantive law-related experience in Colorado family law;¹⁵

ii. Complete required classes¹⁶:

1. ETHICS CLASS – All applicants, including those with a law degree, will be required to take this class.

2. FAMILY LAW CLASS – Required for all applicants applying to become licensed LLPs (law degree exempt); and

iii. Pass Licensing Examinations:

¹⁵ The subcommittee strongly recommends that new LLPs be engaged with individual mentors and a mentoring group, to support and enhance their practice in this new profession. The subcommittee recommends that a mentoring relationship, whether required or simply encouraged, continue through at least the LLP’s first full year of practice. The implementation phase of this proposal, if approved by the Court, could include discussions with community colleges about mentorship programs, as well as exploring whether the Colorado Attorney Mentoring Program could provide a platform for LLP mentoring.

¹⁶ We anticipate all classes will be offered through continuing education at a community college(s) (and we hope to offer all classes online).
1. the Colorado LLP Professional Ethics Examination.

2. the Colorado LLP Family Law Examination.

c. **Transition Period** *(for waiver of educational requirements only):*

   i. The Colorado Supreme Court may grant waiver of minimum educational requirements for three years from the date the Court begins to accept LLP applications for licensure. Applicants must show, within two years from the waiver request, that they:

   1. have filed the application for a limited time waiver and paid prescribed fees.
   2. are at least 21 years old.
   3. have completed three years of full-time substantive law-related experience within the five years preceding the application, including 500 hours of substantive law-related experience in Colorado family law.

d. **Character and Fitness.** All applicants must undergo a character and fitness review and bear the burden of proving that the applicant is of good moral character and has a proven record of ethical and professional behavior.

e. **“Safety Valve” rule similar to C.R.C.P. 206:** a similar rule would need to be drafted to allow individual petitions to the Colorado
Supreme Court by aspiring LLPs, for waiver of individual eligibility requirements, while still ensuring their basic competence by requiring them to pass the licensure examinations.\footnote{Unlike the standardization of law school education, there currently are not standardized educational programs for preparing individuals for licensure as LLPs, and there may be individuals who are very well-qualified due to their professional experience. By waiving educational eligibility requirements in such cases, these individuals would be encouraged to apply for licensure, but they still would be required to pass a competence exam and ethical exam.}

7. **Annual Registration**: LLPs would pay an annual registration fee.

8. **CLE**. The LLPs must meet CLE requirements of 30 hours in each three-year compliance period (including five credit hours devoted to professional responsibility as provided in Rule 205.2 C.R.C.P.).

9. **Malpractice insurance**. Malpractice insurance is another area being researched, and it is possible some kind of malpractice coverage will be required.\footnote{Currently, there is no requirement that attorneys in Colorado have malpractice insurance coverage. The subcommittee recommends that LLPs be required to have malpractice insurance if attorneys are required to have malpractice insurance.}

10. **Ethics Rules**. The Colorado Rules of Professional Conduct for lawyers would be generally applicable to LLPs as recommended here, with modifications depending on the scope of activities ultimately approved by the Colorado Supreme Court for LLPs. Those Rules will be titled The Colorado Rules of Professional Conduct for LLPs:

   a. We recommend two general principles: (1) ethics rules for LLPs should specify that they parallel the Colorado Rules of Professional Conduct for lawyers and that case law and ethics opinions interpreting those
rules would provide guidance for LLPs; and (2) a link to the Colorado Rules of Professional Conduct for LLPs be provided to the client at the outset of the representation. This second principle could facilitate a discussion about the difference between representation by an LLP and a lawyer.

b. **The One Series – We recommend:**

   i. changes that reflect the limited scope of the LLP’s authority to practice law.

   ii. the requirement of a written agreement at the outset of representation and a prohibition on contingency fees.

   iii. that LLPs may not represent organizations.

   iv. that LLPs be precluded from filing guardianship and conservatorship actions.

   v. that LLPs only be allowed to purchase the practice of another LLP.

   vi. using Colorado’s Rule 1.18 with the modification that any disqualification will apply to any other lawyer or LLP in the firm, unless the affected clients give informed consent or the lawyer or LLP is screened as provided by Colorado Rule 1.18 (d).

c. **The 2 series – We recommend that Colorado adopt rules that allow LLPs to provide information to third parties and to serve as mediators.**
LLPs would have limited opportunities to function in those categories, but they should be authorized to do so.

d. We recommend adapting the 3 Series and the 4 Series to LLPs.

e. The 5 Series -- The Rule 5 series of the Colorado ethics rules covers a variety of issues relating to eligibility to practice law in Colorado: supervisory responsibilities, ownership and fee-sharing restrictions, responsibilities around professional independence, and right to practice. We recommend:

i. LLPs should have no direct supervisory authority over any lawyer. Similarly, LLPs should support the efforts of lawyers with managerial authority to ensure firm-wide compliance with the rules of professional conduct.

ii. LLPs, as nonlawyers, should have the authority to own minority interests in law firms as well as establish their own LLP firms.

iii. Prohibiting the temporary practice by out-of-state LLPs in Colorado.

iv. Colo. RPC 5.7 concerning law-related services be adopted for Colorado LLPs. Examples of “law-related services,” include the provision of “financial planning, accounting, trust services, real estate counseling, legislative lobbying, economic analysis, social work, psychological counseling, tax preparation, and patent, medical or environmental consulting.” LLPs will have a limited
scope of practice, and it is anticipated that they likely will not be involved in providing law-related services. However, to the extent they are, LLPs should be held to the same ethical standards as lawyers in providing such services.

f. **The 6 Series** – We recommend that LLPs provide pro bono legal services.

g. **The 7 Series** – We recommend that:

i. LLPs have an affirmative obligation to state that they have only a limited license and only for family law, and to avoid implying that the LLP has a broader license.

ii. An LLP in private practice and not part of a law firm must use the words "Licensed Legal Paraprofessional" in the firm name.

h. **The 8 Series** – We recommend similar requirements for LLPs as there are for lawyers regarding misconduct and disciplinary action.

11. **Program Evaluation.** The subcommittee recommends that an evaluation plan be adopted as part of a broader implementation plan, so that relevant data could be collected and tracked starting at the time the initial LLPs are licensed and commence their work. Key measures could include: the number (or percentage) of litigants receiving LLP services in domestic relations matters; the satisfaction of judges presiding over such matters about the performance of LLPs and the efficiency of the matters with LLPs; surveys of LLP clients; and surveys of attorneys working with LLPs.
ORDER OF THE COURT

On February 27, 2020, this Court ordered that a new subcommittee of the Supreme Court Advisory Committee be created to explore the possible creation of a regulatory regime for licensing qualified paraprofessionals to engage in the practice of law in defined contexts, including authorized scopes of work in certain types of domestic relations matters. Pursuant to that Order, the Advisory Committee’s Paraprofessionals and Legal Services (PALS) Subcommittee has proposed a new program that would authorize Licensed Legal Paraprofessionals (LLPs) to offer and provide limited representation to parties in certain domestic relations matters. On May 21, 2021, the Advisory Committee approved the proposal and its recommendations, and subsequently transmitted the report and recommendations to this Court.

Upon consideration of the Advisory Committee’s report and recommendations to this Court, IT IS HEREBY ORDERED that the Advisory Committee shall create a subcommittee or subcommittees, as the Committee deems appropriate and necessary, to develop more detailed requirements for licensure of and practice by LLPs, to create a plan to launch and operationalize the LLP program, and to draft appropriate Supreme Court rules to govern such a program. The subcommittee(s) shall submit a complete proposal covering these areas to the Advisory Committee for its review and any recommendation to the Supreme Court.

BY THE COURT, EN BANC, this 3rd day of June, 2021.

Brian D. Boatright
Chief Justice Colorado Supreme Court

cc: Jessica E. Yates, Attorney Regulation Counsel via email