

208.4 Inquiry Panel Review

(6) **Determination by Inquiry Panel.** The inquiry panel shall make a finding whether the applicant has established that he or she possesses the character and fitness necessary to practice law in Colorado. The inquiry panel may decide that the applicant ~~may be admitted, admitted with conditions, denied admission~~ established or did not establish the necessary character and fitness, or the inquiry panel, ~~may~~ in its discretion, may postpone a determination to allow the applicant an opportunity to submit further documentation or undergo an independent medical examination. Such postponement does not toll the expiration of the bar exam scores pursuant to C.R.C.P. 211.3(2).

208.5 Inquiry Panel's Findings

(1) If the inquiry panel determines that the applicant has not established that he or she possesses the character and fitness necessary to practice law in Colorado:

(a) The panel shall set forth its findings in writing within thirty-five days after the meeting at which such determination is made;

(b) The findings shall state with particularity the specific reason the applicant has failed to establish that he or she possesses the character and fitness necessary to practice law in Colorado;

(c) The Office of Attorney Admissions shall serve a copy of the inquiry panel's findings on the applicant by mail or through the Office of Attorney Admissions' web-based application management system, accompanied by a notice that the finding shall become the Character and Fitness Committee's recommendation to be filed with the Supreme Court, unless the applicant files with the Office of Attorney Admissions and the Office of the Presiding Disciplinary Judge a written request for a hearing pursuant to C.R.C.P. 209.1.

(2) **Clearance for Admission.** If the inquiry panel determines that the applicant ~~should not be denied admission~~ established the necessary character and fitness, the applicant shall be cleared for admission.

208.4 Inquiry Panel Review

(6) Determination by Inquiry Panel. The inquiry panel shall make a finding whether the applicant has established that he or she possesses the character and fitness necessary to practice law in Colorado. The inquiry panel may decide that the applicant established or did not establish the necessary character and fitness, or the inquiry panel, in its discretion, may postpone a determination to allow the applicant an opportunity to submit further documentation or undergo an independent medical examination. Such postponement does not toll the expiration of the bar exam scores pursuant to C.R.C.P. 211.3(2).

208.5 Inquiry Panel's Findings

(1) If the inquiry panel determines that the applicant has not established that he or she possesses the character and fitness necessary to practice law in Colorado:

(a) The panel shall set forth its findings in writing within thirty-five days after the meeting at which such determination is made;

(b) The findings shall state with particularity the specific reason the applicant has failed to establish that he or she possesses the character and fitness necessary to practice law in Colorado;

(c) The Office of Attorney Admissions shall serve a copy of the inquiry panel's findings on the applicant by mail or through the Office of Attorney Admissions' web-based application management system, accompanied by a notice that the finding shall become the Character and Fitness Committee's recommendation to be filed with the Supreme Court, unless the applicant files with the Office of Attorney Admissions and the Office of the Presiding Disciplinary Judge a written request for a hearing pursuant to C.R.C.P. 209.1.

(2) Clearance for Admission. If the inquiry panel determines that the applicant established the necessary character and fitness, the applicant shall be cleared for admission.

Rule 209. Formal Hearing

Rule 209.1. Request for Hearing

(1) If the applicant chooses to contest the inquiry panel's finding that the applicant does not possess the character and fitness necessary to practice law in Colorado, the applicant must file a written request for a hearing. ~~The inquiry panel findings shall be defended by the Office of Attorney Regulation Counsel, acting on behalf of the People of the State of Colorado.~~ All cases shall be styled: In the Matter of _____, Applicant.

a. Contents. The written request for a hearing must set forth the applicant's response to each of the specified matters in the inquiry panel finding, and set forth the factual basis for the applicant's position that he or she possesses the character and fitness necessary to practice law in Colorado. The inquiry panel findings must be attached as an appendix to the request.

b. Deadline. The written request for a hearing must be filed with the Office of Attorney Admissions and the Office of the Presiding Disciplinary Judge within twenty-eight days after service of the notice pursuant to C.R.C.P. 208.5(1)(c). Failure to file a timely request shall constitute an acceptance of the inquiry panel's findings.

c. **Withdrawal of Request.** If an applicant files a written request for a hearing but voluntarily withdraws the request before the hearing, the inquiry panel's findings shall be the Character and Fitness Committee's final recommendation and shall be filed with the Supreme Court.

(2) The inquiry panel's findings shall be defended by the Office of Attorney Regulation Counsel, acting on behalf of the People of the State of Colorado. The Office of Attorney Regulation Counsel may recommend approval of a stipulation by the Presiding Disciplinary Judge pursuant to C.R.C.P. 209.4.5. At a hearing pursuant to C.R.C.P. 209.4, the Office of Attorney Regulation

Counsel may adopt a position different from the inquiry panel's findings based on changed circumstances.

Rule 209.2. Hearing Board

(1) **Presiding Disciplinary Judge.** The Presiding Disciplinary Judge, appointed by the Supreme Court pursuant to C.R.C.P. 251.16, shall have the duties and powers, in addition to those set forth in C.R.C.P. 251.16, to preside over hearings conducted pursuant to C.R.C.P. 209.

(2) **Hearing Board Members.** Except as otherwise provided in these rules, All hearings conducted pursuant to C.R.C.P. 209 shall be conducted by a hearing board consisting of the Presiding Disciplinary Judge and two members of the Character and Fitness committee who did not participate in the inquiry panel interview of the applicant. The two Character and Fitness committee members, at least one of whom shall be an attorney, are to be selected at random by the clerk for the Presiding Disciplinary Judge. If the Presiding Disciplinary Judge has been disqualified, then a presiding officer shall be selected by the clerk from among the attorneys on the Character and Fitness Committee who did not participate in the inquiry panel interview.

(3) **Legal Rulings.** The Presiding Disciplinary Judge or the presiding officer shall rule on all motions, objections and other matters of law presented after a request for a hearing is filed and during the course of the proceedings conducted pursuant to C.R.C.P. 209.2 through 209.4.

(4) **Applicable Rules.** The Colorado Rules of Civil Procedure shall apply when not inconsistent with these rules.

Rule 209.4.5 Stipulation to Conditional Admission

At any time prior to a hearing pursuant to C.R.C.P. 209.4, within a time period allowed by the Presiding Disciplinary Judge, the Office of Attorney Regulation Counsel and an applicant to practice law in Colorado who has requested a hearing pursuant to C.R.C.P. 209.1 may tender to

the Presiding Disciplinary Judge a stipulation to the applicant's conditional admission to practice law in Colorado in accordance with the provisions of C.R.C.P. 209.6. The Presiding Disciplinary Judge shall either prepare a report to the Supreme Court recommending approval of the stipulation or reject the stipulation. If the Presiding Disciplinary Judge recommends approval, the hearing board proceeding will be stayed pending the Supreme Court's decision. The Presiding Disciplinary Judge shall serve a copy of the report on the applicant, the Office of Attorney Admissions, and the Office of Attorney Regulation Counsel. If the Presiding Disciplinary Judge rejects the stipulation, the hearing board proceeding will continue in accordance with C.R.C.P. 209. The procedures in C.R.C.P. 209.4.5 do not toll the expiration of bar examination scores pursuant to C.R.C.P. 211.3(2).

Rule 209.5. Post-Hearing Procedures.

(1) Hearing Board Report. Within twenty-eight days after the conclusion of the hearing, the hearing board shall prepare and file with the Supreme Court its report, including findings of fact, conclusions of law and recommendations as to admission. The hearing board may recommend admission, admission with conditions pursuant to C.R.C.P. 209.6, or denial of admission. If the hearing board recommends admission with conditions pursuant to C.R.C.P. 209.6, all conditions of admission shall be set forth in the hearing board's report. The hearing board shall serve a copy of its report on 1) the applicant 2) the Office of Attorney Admissions, and 3) the Office of Attorney Regulation Counsel.

Rule 209.6 Conditional Admission to Practice Law

(1) Eligibility for Consideration of Conditional Admission. An applicant who has engaged in conduct that would otherwise demonstrate that he or she lacks the character and fitness necessary to practice law in Colorado may be conditionally admitted if the applicant provides evidence that:

(a) The conduct was caused by or related to a diagnosed mental health condition or disorder, which might include substance use disorders or substance-related and addictive disorders;

(b) The applicant has been engaged in an effective and ongoing course of treatment for the condition or disorder for a duration sufficient to demonstrate commitment and progress toward managing the condition or disorder;

(c) Recurrence of the conduct is unlikely if such treatment continues for a sustained period of time; and,

(d) The applicant otherwise satisfies the eligibility requirements for admission.

(2) Conditions of Admission. The conditions of admission should be tailored to deter and detect the recurrence of any conduct that could endanger the public. Conditions shall be established at least in part on the basis of clinical evaluations or other recommendations of qualified professionals. Conditions may include the applicant's continued abstinence; specified alcohol or drug treatment; mental health treatment; participation in group therapy or support; random chemical screening; supervision, monitoring, or mentoring; the duty to report any violations of the terms of the conditional admission to the Office of Attorney Regulation Counsel; or any other appropriate conditions.

(3) Length of Conditional Period. The period of conditional admission shall not exceed thirty-six (36) months, unless (i) the Supreme Court orders otherwise; (ii) the Supreme Court has

extended the period; or (iii) a motion to modify, extend, or revoke a conditional admission pursuant to C.R.C.P. 209.6(5) is pending before the Presiding Disciplinary Judge or the Supreme Court.

(4) Conversion to Regular Admission. No more than 56 days and no fewer than 42 days before the expiration of the conditional admission, the conditional admittee shall file an affidavit with the Office of Attorney Regulation Counsel stating whether the conditional admittee has complied with all terms of the conditional admission. Within fourteen days of receiving an affidavit, the Office of Attorney Regulation Counsel shall notify the Presiding Disciplinary Judge whether the Office of Attorney Regulation Counsel agrees that the conditional admittee has complied with all terms of the conditional admission and should be granted regular admission. The Presiding Disciplinary Judge shall issue a report to the Supreme Court recommending that the conditional admittee be granted regular admission or that the Supreme Court take other appropriate action. If the affidavit or notice indicate that the conditional admittee may not have complied with all terms of the conditional admission, the Presiding Disciplinary Judge may convene a hearing pursuant to C.R.C.P. 209.6(5) before issuing the report. A conditional admittee who fails to file an affidavit will remain conditionally admitted until the procedures of this subsection are satisfied.

(5) Changed Circumstances or Noncompliance with Conditional Admission.

(a) If, during the period of a conditional admission, the Office of Attorney Regulation Counsel receives information of a change in circumstances that affects the terms of the conditional admission or information that the conditional admittee may have violated any terms of the conditional admission, the Office of Attorney Regulation Counsel may request that the Presiding Disciplinary Judge issue an order requiring the conditional admittee to show cause why the conditional admission should not be modified, extended, or revoked. A conditional admittee may

also seek an extension or a modification of the terms of the conditional admission under this rule, or the parties may file a stipulation with the Presiding Disciplinary Judge.

(b) A hearing before the Presiding Disciplinary Judge shall be held upon the motion of either party or on the Presiding Disciplinary Judge's own initiative. The Office of Attorney Regulation Counsel has the burden of establishing by a preponderance of the evidence the conditional admittee's violation of the terms of the conditional admission or the basis for modification or extension. The hearing shall be subject to the provisions of C.R.C.P. 209.4(3), (4), and (5).

(c) The Presiding Disciplinary Judge has discretion, upon finding a violation of the terms of the conditional admission, to determine whether the violation warrants modification, extension, or revocation of the conditional admission. In making that determination, the Presiding Disciplinary Judge shall assess whether the violation indicates that the applicant is no longer fit to practice law in a manner that will protect the public. The Presiding Disciplinary Judge shall prepare a report to the Supreme Court setting forth findings of fact and a recommendation as to whether the conditional admission should be modified, extended, or revoked.

(d) Post-hearing procedures under this subsection are governed by C.R.C.P. 209.5.

(e) If a conditional admission is revoked, the conditional admittee must comply with the requirements of C.R.C.P. 251.28.

(6) **Costs.** The conditional admittee shall be responsible for all costs incurred as a part of a conditional admission, such as costs associated with evaluation, treatment, and supervision.

(7) **Disability and Disciplinary Rules.** Except where inconsistent with C.R.C.P. 209.6, a conditional admittee is subject to all rules governing licensed attorneys in Colorado, including Rule 251 and the Rules of Professional Conduct. Nothing in this rule shall restrict any authority to

proceed in discipline or disability pursuant to C.R.C.P. 251. A conditional admittee remains subject to the terms of the conditional admission, notwithstanding any orders issued in a disciplinary or disability case.

(8) **Monitoring.** If an applicant is conditionally admitted, the Office of Attorney Regulation Counsel shall monitor the conditional admittee's compliance with the conditions of the conditional admission.

Rule 209. Formal Hearing

Rule 209.1. Request for Hearing

(1) If the applicant chooses to contest the inquiry panel's finding that the applicant does not possess the character and fitness necessary to practice law in Colorado, the applicant must file a written request for a hearing. All cases shall be styled: In the Matter of _____, Applicant.

a. **Contents.** The written request for a hearing must set forth the applicant's response to each of the specified matters in the inquiry panel finding, and set forth the factual basis for the applicant's position that he or she possesses the character and fitness necessary to practice law in Colorado. The inquiry panel findings must be attached as an appendix to the request.

b. **Deadline.** The written request for a hearing must be filed with the Office of Attorney Admissions and the Office of the Presiding Disciplinary Judge within twenty-eight days after service of the notice pursuant to C.R.C.P. 208.5(1)(c). Failure to file a timely request shall constitute an acceptance of the inquiry panel's findings.

c. **Withdrawal of Request.** If an applicant files a written request for a hearing but voluntarily withdraws the request before the hearing, the inquiry panel's findings shall be the Character and Fitness Committee's final recommendation and shall be filed with the Supreme Court.

(2) The inquiry panel's findings shall be defended by the Office of Attorney Regulation Counsel, acting on behalf of the People of the State of Colorado. The Office of Attorney Regulation Counsel may recommend approval of a stipulation by the Presiding Disciplinary Judge pursuant to C.R.C.P. 209.4.5. At a hearing pursuant to C.R.C.P. 209.4, the Office of Attorney Regulation Counsel may adopt a position different from the inquiry panel's findings based on changed circumstances.

Rule 209.2. Hearing Board

(1) **Presiding Disciplinary Judge.** The Presiding Disciplinary Judge, appointed by the Supreme Court pursuant to C.R.C.P. 251.16, shall have the duties and powers, in addition to those set forth in C.R.C.P. 251.16, to preside over hearings conducted pursuant to C.R.C.P. 209.

(2) **Hearing Board Members.** Except as otherwise provided in these rules, all hearings conducted pursuant to C.R.C.P. 209 shall be conducted by a hearing board consisting of the Presiding Disciplinary Judge and two members of the Character and Fitness committee who did not participate in the inquiry panel interview of the applicant. The two Character and Fitness committee members, at least one of whom shall be an attorney, are to be selected at random by the clerk for the Presiding Disciplinary Judge. If the Presiding Disciplinary Judge has been disqualified, then a presiding officer shall be selected by the clerk from among the attorneys on the Character and Fitness Committee who did not participate in the inquiry panel interview.

(3) **Legal Rulings.** The Presiding Disciplinary Judge or the presiding officer shall rule on all motions, objections and other matters of law presented after a request for a hearing is filed and during the course of the proceedings conducted pursuant to C.R.C.P. 209.2 through 209.4.

(4) **Applicable Rules.** The Colorado Rules of Civil Procedure shall apply when not inconsistent with these rules.

Rule 209.4.5 Stipulation to Conditional Admission

At any time prior to a hearing pursuant to C.R.C.P. 209.4, within a time period allowed by the Presiding Disciplinary Judge, the Office of Attorney Regulation Counsel and an applicant to practice law in Colorado who has requested a hearing pursuant to C.R.C.P. 209.1 may tender to the Presiding Disciplinary Judge a stipulation to the applicant's conditional admission to practice law in Colorado in accordance with the provisions of C.R.C.P. 209.6. The Presiding Disciplinary Judge shall either prepare a report to the Supreme Court recommending approval of the stipulation

or reject the stipulation. If the Presiding Disciplinary Judge recommends approval, the hearing board proceeding will be stayed pending the Supreme Court's decision. The Presiding Disciplinary Judge shall serve a copy of the report on the applicant, the Office of Attorney Admissions, and the Office of Attorney Regulation Counsel. If the Presiding Disciplinary Judge rejects the stipulation, the hearing board proceeding will continue in accordance with C.R.C.P. 209. The procedures in C.R.C.P. 209.4.5 do not toll the expiration of bar examination scores pursuant to C.R.C.P. 211.3(2).

Rule 209.5. Post-Hearing Procedures.

(1) Hearing Board Report. Within twenty-eight days after the conclusion of the hearing, the hearing board shall prepare and file with the Supreme Court its report, including findings of fact, conclusions of law and recommendations as to admission. The hearing board may recommend admission, admission with conditions pursuant to C.R.C.P. 209.6, or denial of admission. If the hearing board recommends admission with conditions pursuant to C.R.C.P. 209.6, all conditions of admission shall be set forth in the hearing board's report. The hearing board shall serve a copy of its report on 1) the applicant 2) the Office of Attorney Admissions, and 3) the Office of Attorney Regulation Counsel.

Rule 209.6 Conditional Admission to Practice Law

(1) Eligibility for Consideration of Conditional Admission. An applicant who has engaged in conduct that would otherwise demonstrate that he or she lacks the character and fitness necessary to practice law in Colorado may be conditionally admitted if the applicant provides evidence that:

(a) The conduct was caused by or related to a diagnosed mental health condition or disorder, which might include substance use disorders or substance-related and addictive disorders;

(b) The applicant has been engaged in an effective and ongoing course of treatment for the condition or disorder for a duration sufficient to demonstrate commitment and progress toward managing the condition or disorder;

(c) Recurrence of the conduct is unlikely if such treatment continues for a sustained period of time; and,

(d) The applicant otherwise satisfies the eligibility requirements for admission.

(2) Conditions of Admission. The conditions of admission should be tailored to deter and detect the recurrence of any conduct that could endanger the public. Conditions shall be established at least in part on the basis of clinical evaluations or other recommendations of qualified professionals. Conditions may include the applicant's continued abstinence; specified alcohol or drug treatment; mental health treatment; participation in group therapy or support; random chemical screening; supervision, monitoring, or mentoring; the duty to report any violations of the terms of the conditional admission to the Office of Attorney Regulation Counsel; or any other appropriate conditions.

(3) Length of Conditional Period. The period of conditional admission shall not exceed thirty-six (36) months, unless (i) the Supreme Court orders otherwise; (ii) the Supreme Court has extended the period; or (iii) a motion to modify, extend, or revoke a conditional admission pursuant to C.R.C.P. 209.6(5) is pending before the Presiding Disciplinary Judge or the Supreme Court.

(4) Conversion to Regular Admission. No more than 56 days and no fewer than 42 days before the expiration of the conditional admission, the conditional admittee shall file an affidavit

with the Office of Attorney Regulation Counsel stating whether the conditional admittee has complied with all terms of the conditional admission. Within fourteen days of receiving an affidavit, the Office of Attorney Regulation Counsel shall notify the Presiding Disciplinary Judge whether the Office of Attorney Regulation Counsel agrees that the conditional admittee has complied with all terms of the conditional admission and should be granted regular admission. The Presiding Disciplinary Judge shall issue a report to the Supreme Court recommending that the conditional admittee be granted regular admission or that the Supreme Court take other appropriate action. If the affidavit or notice indicate that the conditional admittee may not have complied with all terms of the conditional admission, the Presiding Disciplinary Judge may convene a hearing pursuant to C.R.C.P. 209.6(5) before issuing the report. A conditional admittee who fails to file an affidavit will remain conditionally admitted until the procedures of this subsection are satisfied.

(5) Changed Circumstances or Noncompliance with Conditional Admission.

(a) If, during the period of a conditional admission, the Office of Attorney Regulation Counsel receives information of a change in circumstances that affects the terms of the conditional admission or information that the conditional admittee may have violated any terms of the conditional admission, the Office of Attorney Regulation Counsel may request that the Presiding Disciplinary Judge issue an order requiring the conditional admittee to show cause why the conditional admission should not be modified, extended, or revoked. A conditional admittee may also seek an extension or a modification of the terms of the conditional admission under this rule, or the parties may file a stipulation with the Presiding Disciplinary Judge.

(b) A hearing before the Presiding Disciplinary Judge shall be held upon the motion of either party or on the Presiding Disciplinary Judge's own initiative. The Office of Attorney Regulation Counsel has the burden of establishing by a preponderance of the evidence the conditional

admittee's violation of the terms of the conditional admission or the basis for modification or extension. The hearing shall be subject to the provisions of C.R.C.P. 209.4(3), (4), and (5).

(c) The Presiding Disciplinary Judge has discretion, upon finding a violation of the terms of the conditional admission, to determine whether the violation warrants modification, extension, or revocation of the conditional admission. In making that determination, the Presiding Disciplinary Judge shall assess whether the violation indicates that the applicant is no longer fit to practice law in a manner that will protect the public. The Presiding Disciplinary Judge shall prepare a report to the Supreme Court setting forth findings of fact and a recommendation as to whether the conditional admission should be modified, extended, or revoked.

(d) Post-hearing procedures under this subsection are governed by C.R.C.P. 209.5.

(e) If a conditional admission is revoked, the conditional admittee must comply with the requirements of C.R.C.P. 251.28.

(6) Costs. The conditional admittee shall be responsible for all costs incurred as a part of a conditional admission, such as costs associated with evaluation, treatment, and supervision.

(7) Disability and Disciplinary Rules. Except where inconsistent with C.R.C.P. 209.6, a conditional admittee is subject to all rules governing licensed attorneys in Colorado, including Rule 251 and the Rules of Professional Conduct. Nothing in this rule shall restrict any authority to proceed in discipline or disability pursuant to C.R.C.P. 251. A conditional admittee remains subject to the terms of the conditional admission, notwithstanding any orders issued in a disciplinary or disability case.

(8) Monitoring. If an applicant is conditionally admitted, the Office of Attorney Regulation Counsel shall monitor the conditional admittee's compliance with the conditions of the conditional admission.

Rule 211. Other Provisions.

Rule 211.1 Access to Information Concerning Proceedings Under Chapter 18.

(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;
- (b) An agency authorized to investigate the qualifications of persons for government employment;
- (c) An attorney regulation or discipline enforcement agency;
- (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.

(3) Conditional Admission to Practice Law. Notwithstanding any contrary provisions in subsections (1) and (2) above, information concerning a conditional admission, including the fact and terms thereof, is confidential. However, information concerning a conditional admission may

be disclosed under the circumstances set forth in subsections (1)(a)-(f) above. In addition, the following rules govern disclosure of information concerning a conditional admission:

(a) An order revoking a conditional admission is public;

(b) A conditional admittee may disclose information concerning his or her conditional admission to third parties;

(c) During the term of a conditional admission, the conditional admittee must disclose the fact and terms of the conditional admission to the admissions authority in any jurisdiction where the conditional admittee has applied or is applying for admission to practice law;

(d) Information concerning a conditional admission may be disclosed when required to fulfill the monitoring requirements of the conditional admission;

(e) Information concerning a conditional admission may be disclosed if the conditional admittee expressly consents to the disclosure;

(f) The Supreme Court may order that information concerning a conditional admission be public; and

(g) If a C.R.C.P. 251 proceeding is commenced at any time against a conditional admittee or an individual who has completed a conditional admission, information concerning the conditional admission may be disclosed in the proceeding.

Rule 211.2. 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 five years after the date of the Supreme Court's ruling.

(2) An applicant for readmission to the practice of law in Colorado after disbarment, administrative or disciplinary suspension for five years or longer, or placement on disability inactive status for five years or longer, must apply for an successfully complete the Colorado bar examination pursuant to C.R.C.P. 203.4, and then satisfy all applicable requirements of C.R.C.P. 251.29 or 251.30.

(3) Unless otherwise ordered by the Supreme Court, an individual whose previous conditional admission to practice law in Colorado was revoked pursuant to C.R.C.P. 209.6 may not reapply for admission to practice law in Colorado until two years have passed from the effective date of the revocation. Such an applicant must comply with all requirements of C.R.C.P. 203, including applying for and successfully completing the Colorado bar examination pursuant to C.R.C.P. 203.4.

Rule 211. Other Provisions.

Rule 211.1 Access to Information Concerning Proceedings Under Chapter 18.

(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;
- (b) An agency authorized to investigate the qualifications of persons for government employment;
- (c) An attorney regulation or discipline enforcement agency;
- (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.

(3) **Conditional Admission to Practice Law.** Notwithstanding any contrary provisions in subsections (1) and (2) above, information concerning a conditional admission, including the fact and terms thereof, is confidential. However, information concerning a conditional admission may

be disclosed under the circumstances set forth in subsections (1)(a)-(f) above. In addition, the following rules govern disclosure of information concerning a conditional admission:

(a) An order revoking a conditional admission is public;

(b) A conditional admittee may disclose information concerning his or her conditional admission to third parties;

(c) During the term of a conditional admission, the conditional admittee must disclose the fact and terms of the conditional admission to the admissions authority in any jurisdiction where the conditional admittee has applied or is applying for admission to practice law;

(d) Information concerning a conditional admission may be disclosed when required to fulfill the monitoring requirements of the conditional admission;

(e) Information concerning a conditional admission may be disclosed if the conditional admittee expressly consents to the disclosure;

(f) The Supreme Court may order that information concerning a conditional admission be public; and

(g) If a C.R.C.P. 251 proceeding is commenced at any time against a conditional admittee or an individual who has completed a conditional admission, information concerning the conditional admission may be disclosed in the proceeding.

Rule 211.2. 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 five years after the date of the Supreme Court's ruling.

(2) An applicant for readmission to the practice of law in Colorado after disbarment, administrative or disciplinary suspension for five years or longer, or placement on disability inactive status for five years or longer, must apply for and successfully complete the Colorado bar examination pursuant to C.R.C.P. 203.4, and then satisfy all applicable requirements of C.R.C.P. 251.29 or 251.30.

(3) Unless otherwise ordered by the Supreme Court, an individual whose previous conditional admission to practice law in Colorado was revoked pursuant to C.R.C.P. 209.6 may not reapply for admission to practice law in Colorado until two years have passed from the effective date of the revocation. Such an applicant must comply with all requirements of C.R.C.P. 203, including applying for and successfully completing the Colorado bar examination pursuant to C.R.C.P. 203.4.

**RULE 251.28. REQUIRED ACTION AFTER DISBARMENT, SUSPENSION,
TRANSFER TO DISABILITY, OR REVOCATION OF LICENSE TO PRACTICE**

(a) Effective Date of Order--Winding Up Affairs. Orders imposing disbarment or a definite suspension and orders revoking a license pursuant to C.R.C.P. 210 or 209.6 shall become effective 35 days after the date of entry of the decision or order, or at such other time as the Supreme Court, a Hearing Board, or the Presiding Disciplinary Judge may order. Orders imposing immediate suspension, transferring an attorney to disability inactive status, for failure to comply with rules governing attorney registration or continuing legal education, shall become effective immediately upon the date of entry of the order, unless otherwise ordered by the Supreme Court, a Hearing Board, or the Presiding Disciplinary Judge. After the entry of an order of disbarment, suspension unless fully stayed (see C.R.C.P. 251.7(a)(3)), final revocation of a license by the Supreme Court pursuant to C.R.C.P. 210 or 209.6, or transfer to disability inactive status, the attorney may not accept any new retainer or employment as an attorney in any new case or legal matter; provided, however, that during any period between the date of entry of an order and its effective date the attorney may, with the consent of the client after full disclosure, wind up or complete any matters pending on the date of entry of the order.

(b) Notice to Clients in Pending Matters. An attorney against whom an order of disbarment, suspension unless fully stayed, ~~or~~ transfer to disability inactive status, or revocation of a license pursuant to C.R.C.P. 210 or 209.6 has been entered shall promptly notify in writing by certified mail each client whom the attorney represents in a matter still pending of the order entered against the attorney and of the attorney's consequent inability to act as an attorney after the effective date of such order, and advising such clients to seek legal services elsewhere. In addition, the attorney shall deliver to each client all papers and property to which the client is entitled. An attorney who

has been suspended as provided in the rules governing attorney registration or continuing legal education need not comply with the requirements of this subsection if the attorney has sought reinstatement as provided by the rules governing attorney registration or continuing legal education and reasonably believes that reinstatement will occur within 14 days of the date of the order of suspension. If the attorney is not reinstated within those 14 days, then the attorney must comply with this subsection.

(c) Notice to Parties in Litigation. An attorney against whom an order of disbarment, suspension unless fully stayed, ~~or~~ transfer to disability inactive status, or revocation of a license pursuant to C.R.C.P. 210 or 209.6 is entered and who represents a client in a matter involving litigation or proceedings before an administrative body shall notify that client as required by section (b) of this rule, and shall recommend that the client promptly obtain substitute counsel. In addition, the lawyer must notify in writing by certified mail the opposing counsel of the order entered against the attorney and of the attorney's consequent inability to act as an attorney after the effective date of the order. The notice to opposing counsel shall state the place of residence of the client of the attorney against whom the order was entered. An attorney who has been suspended as provided in the rules governing attorney registration or continuing legal education need not comply with the requirements of this section if the attorney has sought reinstatement as provided by the rules governing attorney registration or continuing legal education and reasonably believes that reinstatement will occur 14 days of the date of the order of suspension. If the attorney is not reinstated within those 14 days, then the attorney must comply with this section.

If the client of the attorney against whom an order was entered does not obtain substitute counsel before the effective date of such order, the attorney must appear before the court or administrative body in which the proceeding is pending and move for leave to withdraw.

(d) Affidavit Filed With Supreme Court or the Hearing Board. Within 14 days after the effective date of the order of disbarment, suspension, ~~or~~ transfer to disability inactive status, , or revocation of a license pursuant to C.R.C.P. 210 or 209.6. or within such additional time as allowed by the Supreme Court, the Hearing Board, or the Presiding Disciplinary Judge, the attorney shall file with the Supreme Court or the Hearing Board an affidavit setting forth a list of all pending matters in which the attorney served as counsel and showing:

(1) That the attorney has fully complied with the provisions of the order and of this rule;

(2) That the attorney has served on Regulation Counsel, a list of the clients notified pursuant to subsection (b) of this rule and a copy of each notice provided;

(3) That the attorney has notified every other jurisdiction before which the attorney is admitted to practice law of the order entered against attorney; and

(4) That the attorney has served a copy of such affidavit upon the Presiding Disciplinary Judge and the Regulation Counsel. The list and notices described in (d) (2) shall only be attached to the affidavit provided to Regulation Counsel.

Such affidavit shall also set forth the address of the attorney to which communications may thereafter be directed.

In addition, the attorney shall continue to file a registration statement in accordance with C.R.C.P. 227 for a period of five years following the effective date of the order listing the attorney's residence or other address where communications may thereafter be directed to the attorney; provided, however, that the annual registration fee need not be paid during such five-year period unless and until the attorney is reinstated. Upon reinstatement the attorney shall pay the annual registration fee for the year in which reinstatement occurs.

(e) **Public Notice of Order.** The clerk of the Supreme Court or the Presiding Disciplinary Judge shall release for publication orders of disbarment, suspension, ~~or~~ transfer to disability inactive status, or revocation of a license pursuant to C.R.C.P. 210 or 209.6 entered against an attorney.

(f) **Notice of Order to the Courts.** The Presiding Disciplinary Judge or the clerk of the Supreme Court shall promptly transmit notice of the final order of disbarment, suspension, ~~or~~ transfer to disability inactive status, or revocation of a license pursuant to C.R.C.P. 210 or 209.6 to all courts in this state. The chief judge of each judicial district may make such further orders pursuant to C.R.C.P. 251.32(h) or otherwise as the Chief Judge deems necessary to protect the rights of clients of the attorney.

(g) **Duty to Maintain Records.** An attorney who has been disbarred, suspended, ~~or~~ transferred to disability inactive status, or revocation of a license pursuant to C.R.C.P. 210 or 209.6 shall keep and maintain records of any steps taken by the attorney pursuant to this rule as proof of compliance with this rule and with the order entered against the attorney. Failure to comply with this section without good cause shown shall constitute contempt of the Supreme Court. Proof of compliance with this section shall be a condition precedent to any petition for reinstatement or readmission.

**RULE 251.28. REQUIRED ACTION AFTER DISBARMENT, SUSPENSION,
TRANSFER TO DISABILITY, OR REVOCATION OF LICENSE TO PRACTICE**

(a) Effective Date of Order--Winding Up Affairs. Orders imposing disbarment or a definite suspension and orders revoking a license pursuant to C.R.C.P. 210 or 209.6 shall become effective 35 days after the date of entry of the decision or order, or at such other time as the Supreme Court, a Hearing Board, or the Presiding Disciplinary Judge may order. Orders imposing immediate suspension, transferring an attorney to disability inactive status, for failure to comply with rules governing attorney registration or continuing legal education, shall become effective immediately upon the date of entry of the order, unless otherwise ordered by the Supreme Court, a Hearing Board, or the Presiding Disciplinary Judge. After the entry of an order of disbarment, suspension unless fully stayed (see C.R.C.P. 251.7(a)(3)), final revocation of a license by the Supreme Court pursuant to C.R.C.P. 210 or 209.6, or transfer to disability inactive status, the attorney may not accept any new retainer or employment as an attorney in any new case or legal matter; provided, however, that during any period between the date of entry of an order and its effective date the attorney may, with the consent of the client after full disclosure, wind up or complete any matters pending on the date of entry of the order.

(b) Notice to Clients in Pending Matters. An attorney against whom an order of disbarment, suspension unless fully stayed, transfer to disability inactive status, or revocation of a license pursuant to C.R.C.P. 210 or 209.6 has been entered shall promptly notify in writing by certified mail each client whom the attorney represents in a matter still pending of the order entered against the attorney and of the attorney's consequent inability to act as an attorney after the effective date of such order, and advising such clients to seek legal services elsewhere. In addition, the attorney shall deliver to each client all papers and property to which the client is entitled. An attorney who

has been suspended as provided in the rules governing attorney registration or continuing legal education need not comply with the requirements of this subsection if the attorney has sought reinstatement as provided by the rules governing attorney registration or continuing legal education and reasonably believes that reinstatement will occur within 14 days of the date of the order of suspension. If the attorney is not reinstated within those 14 days, then the attorney must comply with this subsection.

(c) Notice to Parties in Litigation. An attorney against whom an order of disbarment, suspension unless fully stayed, transfer to disability inactive status, or revocation of a license pursuant to C.R.C.P. 210 or 209.6 is entered and who represents a client in a matter involving litigation or proceedings before an administrative body shall notify that client as required by section (b) of this rule, and shall recommend that the client promptly obtain substitute counsel. In addition, the lawyer must notify in writing by certified mail the opposing counsel of the order entered against the attorney and of the attorney's consequent inability to act as an attorney after the effective date of the order. The notice to opposing counsel shall state the place of residence of the client of the attorney against whom the order was entered. An attorney who has been suspended as provided in the rules governing attorney registration or continuing legal education need not comply with the requirements of this section if the attorney has sought reinstatement as provided by the rules governing attorney registration or continuing legal education and reasonably believes that reinstatement will occur 14 days of the date of the order of suspension. If the attorney is not reinstated within those 14 days, then the attorney must comply with this section.

If the client of the attorney against whom an order was entered does not obtain substitute counsel before the effective date of such order, the attorney must appear before the court or administrative body in which the proceeding is pending and move for leave to withdraw.

(d) Affidavit Filed With Supreme Court or the Hearing Board. Within 14 days after the effective date of the order of disbarment, suspension, transfer to disability inactive status, , or revocation of a license pursuant to C.R.C.P. 210 or 209.6, or within such additional time as allowed by the Supreme Court, the Hearing Board, or the Presiding Disciplinary Judge, the attorney shall file with the Supreme Court or the Hearing Board an affidavit setting forth a list of all pending matters in which the attorney served as counsel and showing:

(1) That the attorney has fully complied with the provisions of the order and of this rule;

(2) That the attorney has served on Regulation Counsel, a list of the clients notified pursuant to subsection (b) of this rule and a copy of each notice provided;

(3) That the attorney has notified every other jurisdiction before which the attorney is admitted to practice law of the order entered against attorney; and

(4) That the attorney has served a copy of such affidavit upon the Presiding Disciplinary Judge and the Regulation Counsel. The list and notices described in (d) (2) shall only be attached to the affidavit provided to Regulation Counsel.

Such affidavit shall also set forth the address of the attorney to which communications may thereafter be directed.

In addition, the attorney shall continue to file a registration statement in accordance with C.R.C.P. 227 for a period of five years following the effective date of the order listing the attorney's residence or other address where communications may thereafter be directed to the attorney; provided, however, that the annual registration fee need not be paid during such five-year period unless and until the attorney is reinstated. Upon reinstatement the attorney shall pay the annual registration fee for the year in which reinstatement occurs.

(e) Public Notice of Order. The clerk of the Supreme Court or the Presiding Disciplinary Judge shall release for publication orders of disbarment, suspension, transfer to disability inactive status, or revocation of a license pursuant to C.R.C.P. 210 or 209.6 entered against an attorney.

(f) Notice of Order to the Courts. The Presiding Disciplinary Judge or the clerk of the Supreme Court shall promptly transmit notice of the final order of disbarment, suspension, transfer to disability inactive status, or revocation of a license pursuant to C.R.C.P. 210 or 209.6 to all courts in this state. The chief judge of each judicial district may make such further orders pursuant to C.R.C.P. 251.32(h) or otherwise as the Chief Judge deems necessary to protect the rights of clients of the attorney.

(g) Duty to Maintain Records. An attorney who has been disbarred, suspended, transferred to disability inactive status, or revocation of a license pursuant to C.R.C.P. 210 or 209.6 shall keep and maintain records of any steps taken by the attorney pursuant to this rule as proof of compliance with this rule and with the order entered against the attorney. Failure to comply with this section without good cause shown shall constitute contempt of the Supreme Court. Proof of compliance with this section shall be a condition precedent to any petition for reinstatement or readmission.