

**Colorado Supreme Court
Notice of Proposed Rule and Request for Public Written Comment**

The Colorado Supreme Court proposes to amend Colorado Rule of Civil Procedure 121, Section 1-1 by adding a new paragraph 5 to read as follows:

5. Notice of Limited Representation Appearance and Withdrawal as Attorney for Pro Se Party.

In accordance with CRCP 11(b), an attorney may undertake to provide limited representation to a pro se party involved in a court proceeding. Upon the request of and with the consent of a pro se party, an attorney may make a limited appearance for the pro se party in one or more specified proceedings, if the attorney files and serves with the court and the other parties and attorneys (if any) a notice of the limited appearance prior to or simultaneous with the proceeding(s) for which the attorney appears. At the conclusion of such proceeding(s) the attorney's role terminates without the necessity of leave of court, upon the attorney filing a notice of completion of limited appearance. Service on an attorney who makes a limited appearance for a party shall be valid only in connection with the specific proceeding(s) for which the attorney appears.

Rationale for proposed rule change

This proposed rule change, if adopted, would provide assurance that attorneys who make limited appearances for pro se parties in court proceedings are allowed to withdraw when that limited representation ceases. This rule change is patterned on Rules 4.2 and 4.3 adopted by the Montana Supreme Court on March 15, 2011. It would implement Colorado's existing C.R.C.P. 11(b), which authorizes limited representation of a pro se party either on a pro bono or fee basis, in accordance with Colo. RPC 1.2. Under the current provisions of CRCP 121, Section 1-1, the court generally has discretion to grant or deny an attorney's motion to withdraw from a case that is still pending before the court. Uncertainty about whether the court will allow the attorney to withdraw may chill the willingness of attorneys to undertake limited representation of a pro se party, therefore frustrating the purposes of CRCP 11(b).

Deadline for filing written comment

Any person desiring to file a written comment on this proposed rule may do so by filing the original and seven copies of the

comment no later than Friday, September 30, 2011 at 5:00 p.m.
addressed to:

Clerk of the Colorado Supreme Court
Christopher T. Ryan
101 West Colfax Avenue, 8th Floor
Denver, Colorado 80202