

**COLORADO RULES OF PROFESSIONAL CONDUCT**

**Rules 1.3, 1.15D, 1.15E, 5.4, and 5.5**

### **Rule 1.3. Diligence**

A lawyer shall act with reasonable diligence and promptness in representing a client.

COMMENT [1] – [4] [NO CHANGE]

[5] To prevent neglect of client matters in the event of a sole practitioner's death or disability, the duty of diligence may require that each sole practitioner prepare a plan, in conformity with applicable rules, that designates another competent lawyer to review client files, notify each client of the lawyer's death or disability, and determine whether there is a need for immediate protective action. Cf. Rule 28 of the American Bar Association Model Rules for Lawyer Disciplinary Enforcement (providing for court appointment of a lawyer to inventory files and take other protective action in absence of a plan providing for another lawyer to protect the interests of the clients of a deceased or disabled lawyer); C.R.C.P. ~~244~~[51.32\(h\)](#).

### **Rule 1.15D. Required Records**

(a) – (c) [NO CHANGE]

(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. ~~242~~[51](#) or [C.R.C.P. 243](#). 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 the attorney-client privilege of the lawyer's client.

### **Rule 1.15E. Approved Institutions**

(a) – (b) [NO CHANGE]

(c)(1) – (c)(3)(ii) [NO CHANGE]

(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. [242](#) or [C.R.C.P. 243\[51\]\(#\). Nothing herein shall preclude a financial institution from charging a lawyer or law 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.](#)

(c)(5) – (c)(13) [NO CHANGE]

### **Rule 5.4. Professional Independence of a Lawyer**

(a) – (e) [NO CHANGE]

(f) For purposes of this Rule, a “nonlawyer” includes (1) a lawyer who has been disbarred, (2) a lawyer who has been suspended and who must petition for reinstatement, (3) a lawyer who is subject to an interim suspension ~~has been immediately suspended~~ pursuant to C.R.C.P. ~~24251.228 or 251.20(d)~~, (4) a lawyer who is on inactive status pursuant to C.R.C.P. 227(A)(6), ~~or~~ (5) a lawyer who has been permitted to resign under C.R.C.P. 227(A)(8), or (6) a lawyer who, for a period of six months or more, has been (i) on disability inactive status pursuant to C.R.C.P. ~~24351.623~~ or (ii) suspended pursuant to C.R.C.P. 227(A)(4), 24251.238.5, 242.24, 227(A)(4) or 260.6, ~~or 251.8.6.~~

COMMENTS [1] – [3] [NO CHANGE]

### **Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law**

(a) – (d) [NO CHANGE]

(e) Once notice is given pursuant to C.R.C.P. ~~24251.3228~~ or this Rule, then no additional notice is required.

COMMENTS [1] – [6] [NO CHANGE]

### **Rule 1.3. Diligence**

A lawyer shall act with reasonable diligence and promptness in representing a client.

COMMENT [1] – [4] [NO CHANGE]

[5] To prevent neglect of client matters in the event of a sole practitioner's death or disability, the duty of diligence may require that each sole practitioner prepare a plan, in conformity with applicable rules, that designates another competent lawyer to review client files, notify each client of the lawyer's death or disability, and determine whether there is a need for immediate protective action. Cf. Rule 28 of the American Bar Association Model Rules for Lawyer Disciplinary Enforcement (providing for court appointment of a lawyer to inventory files and take other protective action in absence of a plan providing for another lawyer to protect the interests of the clients of a deceased or disabled lawyer); C.R.C.P. 244.

### **Rule 1.15D. Required Records**

(a) – (c) [NO CHANGE]

(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. 242 or C.R.C.P. 243. 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 the attorney-client privilege of the lawyer's client.

### **Rule 1.15E. Approved Institutions**

(a) – (b) [NO CHANGE]

(c)(1) – (c)(3)(ii) [NO CHANGE]

(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. 242 or C.R.C.P. 243. Nothing herein shall preclude a financial institution from charging a lawyer or law 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.

(c)(5) – (c)(13) [NO CHANGE]

#### **Rule 5.4. Professional Independence of a Lawyer**

(a) – (e) [NO CHANGE]

(f) For purposes of this Rule, a “nonlawyer” includes (1) a lawyer who has been disbarred, (2) a lawyer who has been suspended and who must petition for reinstatement, (3) a lawyer who is subject to an interim suspension pursuant to C.R.C.P. 242.22, (4) a lawyer who is on inactive status pursuant to C.R.C.P. 227(A)(6), (5) a lawyer who has been permitted to resign under C.R.C.P. 227(A)(8), or (6) a lawyer 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.

COMMENTS [1] – [3] [NO CHANGE]

#### **Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law**

(a) – (d) [NO CHANGE]

(e) Once notice is given pursuant to C.R.C.P. 242.32 or this Rule, then no additional notice is required.

COMMENTS [1] – [6] [NO CHANGE]