

**COLORADO SUPREME COURT STANDING COMMITTEE ON THE COLORADO  
RULES OF PROFESSIONAL CONDUCT**

**AGENDA**

**May 3, 2013, 8:45 a.m.**

Colorado Supreme Court Conference Room 4244  
Ralph Carr Colorado Judicial Center, 4th Floor  
2 East 14th Avenue, Denver  
Call-in number: 720-625-5050 - Access Code 33432352#

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**PLEASE NOTE EARLY START TIME AND ALLOW EXTRA TIME TO CLEAR  
SECURITY, POTENTIALLY AT TWO CHECK-POINTS**

1. Approval of minutes – February 1, 2013 meeting [To be distributed separately]
2. Report (brief) from Subcommittee on August 2012 Amendments to ABA Model Rules [Michael Berger]
3. Report from Subcommittee on CRPC 5.5(a)(3), Assisting in the Unauthorized Practice of Law [Tony Van Westrum]
4. Report from Subcommittee on OARC- and COLTAF-proposed amendments to C.R.P.C. 1.15 [Jamie Sudler]
5. Report from Subcommittee on Marijuana [Judge Webb, pages 1-142]
6. New business: Potential amendment to CRPC 1.2(c), concerning unbundled legal services [David Little, pages 45-48 of February 1, 2013 meeting materials]
7. Administrative matters: Select next meeting date
8. Adjournment (before 11:45)

Chair  
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1                   **REPORT OF AMENDMENT 64 SUBCOMMITTEE**

2           The Amendment 64 Subcommittee<sup>1</sup> respectfully submits the  
3 following report.

4                                   Executive Summary

5           Possessing, cultivating, and selling marijuana remain illegal  
6 under federal law but are, under some circumstances, no longer  
7 criminal under state law because of two amendments to the  
8 Colorado Constitution. This discrepancy creates uncertainty  
9 whether lawyers could face disciplinary action based on either their  
10 personal conduct or their advice to clients under these  
11 amendments. A majority of the subcommittee<sup>2</sup> recommends that  
12 this uncertainty be removed by two changes to the Rules of  
13 Professional Conduct:

- 14           • A new comment to Rule 8.4 clarifying that a lawyer will not be  
15           deemed dishonest, untrustworthy, or unfit as a lawyer solely  
16           because the lawyer engages in personal conduct that may

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<sup>1</sup> F. Alvarez, M. Berger, G. Blum, R. Nemirow, A. Rothrock, M. Squarrell, J. Sudler, E. Wald, and J. Webb.

<sup>2</sup> In lieu of a minority report, The Office of Attorney Regulation Counsel (OARC) has chosen to prepare a memorandum opposing both proposed changes. A draft of that memorandum had been circulated before this report was released.