

## **RULE CHANGE 2014(09)**

### **CHAPTER 18 RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW IN COLORADO**

#### **RULE 201.1 through 201.14 REPEALED**

#### **RULE 202**

##### **202.1. 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 in Colorado.

##### **202.2. 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. 251.34. The Advisory Committee oversees the coordination of administrative matters for all programs of the attorney regulation process.

(2) The Advisory Committee shall have oversight over the attorney 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.

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

##### **202.3. Board of Law Examiners**

(1) **Colorado State Board of Law Examiners.** The Colorado State Board of Law Examiners (Board) shall consist of two committees: the Law Committee and the Character and Fitness Committee.

(2) **Law Committee.** The Law Committee shall serve as a permanent committee of the Supreme Court.

a) **Members.** The Law Committee shall consist of eleven volunteer attorneys appointed by the Supreme Court. With the exception of the chair and vice-chair, members shall be appointed for one term of seven years. Diversity shall be a consideration in making the appointments. The terms of the members of the Law 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 Law Committee may resign at any time.

**(b) Chair and Vice-Chair.** The Supreme Court shall designate the two members of the Law 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 and serve as the chair of the Board.

**(c) Powers and Duties.** The Law Committee shall:

(i) Oversee the administration of two written examinations each year in the metropolitan Denver area, one in February and one in July, or at such other times and places as may be designated by the Supreme Court;

(ii) Make recommendations to the Supreme Court regarding passing scores for the written examination, Uniform Bar Exam (UBE) and Multi-State Professional Responsibility Examination (MPRE);

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

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

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

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

**(3) Character and Fitness Committee.** The Character and Fitness Committee shall serve as a permanent committee of the Supreme Court.

**(a) Members.** The Character and Fitness Committee shall consist of eleven volunteer members appointed by the Supreme Court. With the exception of the chair and vice-chair, members shall be appointed for one term of seven years. Diversity shall be a consideration in making the appointments. The terms of the members of the Character and Fitness Committee shall be staggered to provide, so far as possible, for the expiration each year of the term of one member. Seven of the members of the Character and Fitness Committee shall be attorneys, and four shall be non-attorneys (citizen members). Two of the citizen members shall be mental health professionals. The other two citizen members shall represent other aspects of the Colorado community. 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 Character and Fitness Committee may resign at any time.

**(b) Chair and Vice-Chair.** The Supreme Court shall designate two attorney members of the Character and Fitness Committee to serve as its chair and vice-chair for unspecified terms. The chair shall also be a member of the Advisory Committee.

**(c) Committee Members Emeritus.** A former member of the Character and Fitness Committee (f/k/a Bar Committee) may participate as a member of an inquiry panel or hearing board as provided in C.R.C.P. 208.4 and 209.2, when needed.

**(d) Powers and Duties.** The Character and Fitness Committee shall:

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

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

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

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

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

#### **Rule 202.4. Attorney Regulation Counsel**

The Attorney Regulation Counsel shall maintain and supervise a permanent office, hereinafter referred to as the Office of Attorney 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; (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 202.5. 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 Board of Law Examiners 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 attorney admission communicated by any person or entity to the Advisory Committee or its members, the Board of Law Examiners or 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 203. Colorado License to Practice Law**

### **203.1. General Provisions**

(1) **Application Forms.** All applications for a license to practice law in Colorado shall be made on forms furnished by the Office of Attorney 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 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 to the practice of law in Colorado, discipline or revocation of the person's license to practice law.

(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 to the Bar.** An applicant who qualifies for admission 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 in Colorado in the manner prescribed by these rules.

(6) **Disbarred Out-of-State Attorneys.** A person who has been disbarred from the practice of law in another jurisdiction, or who has resigned pending disciplinary proceedings in another jurisdiction, other than reciprocal action based upon a Colorado disbarment, is not eligible to apply for admission to the practice of law in Colorado until the person has been readmitted in the jurisdiction in which the person was disbarred or resigned.

(7) **Suspended Out-of-State Attorneys.** A person who has been suspended for disciplinary purposes from the practice of law in another jurisdiction, other than reciprocal discipline based upon Colorado discipline, is not eligible to apply for admission to the practice of law 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.

**Rule 203.2. Applications for Admission on Motion  
by Qualified Out-of-State Attorneys**

(1) An applicant who meets the following requirements may, upon motion, be admitted by the Supreme Court to the practice of law in Colorado. An applicant under this rule shall:

(a) Have been admitted to practice law in another jurisdiction of the United States<sup>1</sup> that allows admission to licensed Colorado attorneys on motion without the requirement of taking that jurisdiction's bar examination;

(b) Hold 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 at the time the applicant matriculated or graduated;

(c) Have been primarily engaged in the active practice of law in one or more other jurisdictions in the United States for three of the five years immediately preceding the date upon which the application is filed;

(d) Establish that the applicant is currently a member in good standing in all jurisdictions where admitted;

(e) Establish that the applicant is not currently subject to attorney discipline or the subject of a pending disciplinary matter in any jurisdiction, and is current with all continuing legal education requirements;

(f) Establish that the applicant possesses the character and fitness required of all applicants for admission to the practice of law in Colorado as set forth in C.R.C.P. 208; and

(g) Pay the required application fee.

(2) For purposes of this rule, the "active practice of law" shall include the following activities, if performed in a jurisdiction in which the applicant is admitted and authorized to practice law, or if performed in a jurisdiction that affirmatively permits such activity by a lawyer not admitted in that jurisdiction; however, in no event shall any activities performed pursuant to any rule regarding the practice of law pending admission or in advance of bar admission in another jurisdiction be accepted toward the durational requirement:

(a) Representation of one or more clients in the private practice of law;

(b) Service as a lawyer with a local, state, territorial or federal agency, or governmental branch, including military service;

(c) Teaching law at a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;

(d) Service as a judicial officer in a federal, state, territorial or local court of record;

(e) Service as a judicial law clerk; or

(f) Service as legal counsel to the lawyer's employer or its organizational affiliates.

---

<sup>1</sup> For purposes of these rules, a "jurisdiction of the United States" is defined as another state or territory of the United States, or the District of Columbia.

(3) For purposes of this rule, the active practice of law shall not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

(4) Reserved – There is no subsection (4) .

(5) For purposes of this rule, all applicants must pass the Multi-State Professional Responsibility Examination (MPRE) prior to admission. A passing score will be valid if it was achieved at an examination taken not more than two years before acceptance of the application for admission in Colorado. The Supreme Court shall review and determine the passing score for the MPRE.

(6) **Professionalism Course.** All applicants under this rule shall complete the required course on professionalism presented by the Office of Attorney Regulation Counsel in cooperation with the Colorado Bar Association. The course shall satisfy six units of the forty-five unit general continuing legal education requirement during the attorneys first compliance period pursuant to C.R.C.P. 260.2(1). Any fees received for the course shall be divided equally between the Colorado Bar Association CLE in Colorado, Inc., and the Office of Attorney Regulation Counsel to pay for administering the course and to fund the attorney regulation system. Credit for completion of the professionalism course shall be valid for one full calendar year following completion of the course. On-motion applicants for admission under this rule shall have six months following admission to take the required course on professionalism.

### **Rule 203.3 Applications for Admission on Motion Based upon UBE Score Transfer**

(1) **Score Transfer, Generally.** An applicant who has taken the Uniform Bar Examination (UBE) in a jurisdiction other than Colorado, and who meets the following requirements may, upon motion, be admitted to the practice of law in Colorado based upon UBE score transfer. The applicant under this rule shall:

(a) Have earned a UBE score that is passing, based upon the general standards of performance set by the Supreme Court, in an administration of the UBE taken within the three years immediately preceding the date upon which the motion is filed;

(b) Hold 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;

(c) Establish that the applicant is currently a member in good standing in all jurisdictions where admitted, if any;

(d) Establish that the applicant is not currently subject to attorney discipline or the subject of a pending disciplinary matter in any jurisdiction;

(e) Establish that the applicant possesses the character and fitness required of all applicants for admission to the practice of law in Colorado as set forth in C.R.C.P. 208; and

(f) Pay the required application fee.

(2) **Score Transfer, Three to Five Years.** If the transferred UBE score was earned more than three years but less than five years before the date upon which the motion was filed, the applicant may qualify for admission under this rule if the applicant

also establishes that the applicant has been primarily engaged in the active practice of law, as defined in C.R.C.P. 203.2(2), for at least two years immediately preceding the date of the application in another jurisdiction of the United States wherein the applicant is a member in good standing and authorized to practice law throughout the aforesaid two-year period.

(3) All Colorado UBE score transfer applicants must pass the Multi-State Professional Responsibility Examination (MPRE), as described in C.R.C.P. 203.2(5), prior to admission.

(4) All Colorado UBE score transfer applicants must complete the course on professionalism as described in C.R.C.P. 203.2(6), within six months following admission.

#### **Rule 203.4 Applications for Admission by Colorado Bar Examination**

(1) All applicants who are ineligible for admission on motion as a qualified out-of-state attorney as set forth in C.R.C.P. 203.2, or by UBE score transfer as set forth in C.R.C.P. 203.3, must, as a condition of admission, take and pass the Colorado bar examination.

(2) Colorado bar examination applications for the February 2015 Bar Examination must be received or postmarked on or before the first day of December, 2014. After December 1, 2014, Colorado bar examination applications must be received on or before the first day of November preceding the February bar examination; or on or before the first day of April preceding the July bar examination; or at such other times as may be designated by the Supreme Court.

(3) By the time of the examination, Colorado bar 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;

(b) a J.D. or LL.B. degree from a state-accredited law school, provided that such applicant shall have been admitted in another jurisdiction of the United States and shall have been primarily engaged in the active practice of law, as defined by C.R.C.P. 203.2, for three of the five years immediately preceding application for bar examination admission in Colorado; or

(c) a first professional law degree from a law school in a common law, English-speaking nation other than the United States provided that such applicant shall:

i) have been admitted to the bar of the nation where the applicant received the first professional law degree or in another foreign or United States jurisdiction;

ii) establish that the applicant is currently a member in good standing in all jurisdictions where admitted; and

iii) have been primarily engaged in the active practice of law, as defined by C.R.C.P. 203.2, for three of the five years immediately preceding application for admission to the practice of law in Colorado.

(4) All Colorado bar examination applicants must pay the required application fee.

(5) All successful Colorado bar examination applicants must pass the Multi-State Professional Responsibility Examination (MPRE), as described in C.R.C.P. 203.2(5), prior to admission.

(6) All successful Colorado bar examination applicants must complete the course on professionalism, as described in C.R.C.P. 203.2(6), prior to and as a condition of admission. Credit for completion of the professionalism course shall be valid for one full calendar year following completion of the course.

(7) 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 204. Certifications/Limited Admissions to Practice Law**

### **Rule 204.1. Single-Client Counsel Certification**

**(1) General Statement and Eligibility.** In its discretion, the Supreme Court may certify an attorney who is not licensed to practice law in Colorado, but who declares domicile in Colorado, to act as counsel for a single client if all of the following conditions are met:

(a) The attorney is licensed to practice law and is on active status in another jurisdiction in the United States;

(b) The attorney is a member in good standing of the bar of all courts and jurisdictions in which he or she is admitted to practice;

(c) The attorney is not currently subject to an order of attorney discipline or the subject of a pending formal disciplinary or disability matter in any jurisdiction;

(d) The attorney possesses the character and fitness required of all applicants for admission to the practice of law in Colorado as set forth in C.R.C.P. 208; and

(e) The attorney's practice of law is limited to acting as counsel for such single client (which may include a business entity or an organization and its organizational affiliates).

The attorney shall notify the Clerk of the Supreme Court Office of Attorney Registration within twenty-eight days of any changed circumstance, including those listed in section (6) of this rule, that result in any of the conditions listed in this section no longer being met. An attorney who acts as a public employee or public official shall not be eligible for certification under this rule.

**(2) Filing Requirements.** An applicant under this rule shall file an application for single-client counsel certification. The applicant shall pay a fee in an amount fixed by the Supreme Court. The fee must be paid when the application is submitted. The application and fee shall be collected by the Office of Attorney Registration. The fee shall be made payable to the Clerk of the Supreme Court. The application shall include all of the following:

(a) A certification that the attorney's practice is limited to representation of the single client;

(b) A certification that the attorney has advised the single client that the attorney is not a licensed Colorado attorney;

(c) A certification by the client that the client is aware the attorney is not a licensed Colorado attorney and that the attorney will be exclusively employed by that client; and

(d) A certificate of good standing from all courts and jurisdictions in which the attorney is admitted to practice.

**(3) Scope of Authority.** An attorney certified under this rule has the authority to act on behalf of the single client for all purposes as if licensed in Colorado. The attorney may not act as counsel for the client until certified under this rule. Certification under this rule shall be solely for so long as the attorney engages in such limited practice on behalf of such single client.

**(4) Pro Bono Practice.** Notwithstanding the provisions of subsection (1)(e) above, an attorney certified under this rule may provide pro bono legal services under the auspices of an entity described in C.R.C.P. 260.8(2), in accordance with Colo. RPC 6.1.

**(5) Discipline and Disability Jurisdiction.** An attorney certified under this rule is subject to the Colorado Rules of Professional Conduct and C.R.C.P. 251.1 et seq. (Rules of Procedure Regarding Attorney Discipline and Disability Proceedings). In addition to the forms of discipline contained in C.R.C.P. 251.6, the attorney may also be enjoined from further practice of law in Colorado.

**(6) Termination of Certification.** Certification under this rule shall automatically terminate when the attorney:

- (a) Ceases to be engaged in such limited practice on behalf of such client;
- (b) Is disciplinarily suspended or disbarred or placed on disability inactive status in any jurisdiction, court, or agency before which the attorney is admitted;
- (c) Is suspended in any jurisdiction for failure to pay child support or failure to cooperate in a disciplinary matter; or
- (d) Fails to maintain active status in at least one jurisdiction where fully licensed.

The attorney shall notify in writing the Clerk of the Supreme Court Office of Attorney Registration of any change of status described in this section (6) within twenty-eight days of such change.

**(7) Registration, Fees, and Continuing Legal Education.** An attorney certified under this rule must pay annual registration fees and comply with all other provisions of C.R.C.P. 227, as well as the mandatory legal education requirements of C.R.C.P. 260.

**(8) Registration Number.** An attorney certified under this rule shall be assigned a registration number, which shall be used to identify that attorney's certification status in Colorado in accordance with applicable rules of procedure.

**(9) Subsequent Attorney Admission.** If an attorney certified under this rule is subsequently admitted to the practice of law in Colorado, that attorney's single-client certification shall be superseded by the Colorado license to practice law.

## **Rule 204.2 Foreign Legal Consultant Certification**

**(1) General Statement and Eligibility.** In its discretion, the Supreme Court may certify foreign legal consultants to practice law in Colorado if all of the following conditions are met:

- (a) The applicant is, and for at least the past five years has been, a member in good standing of a recognized legal profession in a foreign country, the members of

which are admitted to practice as attorneys or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority;

(b) The applicant has been, for at least three of the five years immediately preceding his or her application, lawfully engaged in the active practice of law in the foreign country or another jurisdiction substantially involving or relating to the rendering of advice or the provision of legal services concerning the law of the foreign country;

(c) The applicant is not currently subject to an order of attorney discipline or the subject of a pending formal disciplinary or disability matter in any jurisdiction;

(d) The applicant possesses the character and fitness required of all applicants for admission to the practice of law in Colorado as set forth in C.R.C.P. 208; and

(e) The applicant intends to practice as a foreign legal consultant in Colorado and to maintain an office in Colorado for that purpose or to be employed as a foreign legal consultant by an organization, the business of which is lawful and consists of activities other than the practice of law or the provision of legal services.

**(2) Filing Requirements.** An applicant under this rule shall file an application for foreign legal consultant certification. The applicant shall pay a fee in an amount fixed by the Supreme Court. The fee must be paid when the application is submitted. The application and fee shall be collected by the Office of Attorney Registration. The application fee shall be made payable to the Clerk of the Supreme Court. The application shall include all of the following:

(a) A certificate from the professional body or public authority having ultimate jurisdiction over professional discipline in each foreign country in which the applicant is admitted, certifying the applicant's admission to practice, date of admission, and good standing as an attorney or counselor at law or the equivalent;

(b) A letter of recommendation from one of the members of the executive body of each such professional body or public authority or from one of the judges of the highest law court or court of original jurisdiction in each foreign country in which the applicant is admitted;

(c) Duly authenticated English translations of the certificate required by subsection (2)(a) of this rule and the letter required by subsection (2)(b) of this rule if they are not in English;

(d) If the applicant is employed by or intends to be employed by an organization, the business of which is lawful and consists of activities other than the practice of law or the provision of legal services:

(i) A certification that the applicant has advised the organization that the applicant is not a licensed Colorado attorney; and

(ii) A certification by an officer, director, or general counsel of the organization that the organization is aware the applicant is not a licensed Colorado attorney;

(e) A certification that the applicant has advised or will advise all clients that the applicant is not a licensed Colorado attorney;

(f) A commitment that the applicant will abide by the Colorado Rules of Professional Conduct to the extent applicable to the provision of the legal services authorized under section (3) of this rule;

(g) Unless the foreign legal consultant is employed exclusively by an organization as defined in subsection (1)(e) of this rule, an undertaking or appropriate

evidence of professional liability insurance, under terms acceptable to the Supreme Court Office of Attorney Registration, covering all legal services to be provided to Colorado clients;

(h) A duly acknowledged instrument in writing, providing the applicant's address in Colorado, and in any other U.S. jurisdiction or foreign country, and designating the Clerk of the Supreme Court Office of Attorney Registration as his or her agent for service of process; and

(i) Other evidence as the Supreme Court Office of Attorney Registration may require regarding the applicant's educational and professional qualifications, character and fitness, and satisfaction of the conditions of section (1) of this rule.

**(3) Scope of Authority.**

(a) A person certified to practice as a foreign legal consultant under this rule may render legal services in Colorado only with regard to matters authorized by the law of the foreign jurisdiction(s) in which the person is admitted to practice. Notwithstanding the foregoing, such person shall not be considered admitted to practice law in Colorado, or in any way hold himself or herself out as a Colorado attorney, or do any of the following:

(i) Appear as an attorney in Colorado on behalf of another person in any court, or before any magistrate or other judicial officer (except when admitted as a foreign attorney pro hac vice pursuant to C.R.C.P. 205.5);

(ii) Prepare:

(A) Any instrument effecting the transfer or registration of title to real estate located in the United States;

(B) Any will or trust instrument effecting the disposition on death of any property located and owned by a resident of the United States;

(C) Any instrument relating to the administration of a decedent's estate in the United States; or

(D) Any instrument in respect of the marital or parental relations, rights, or duties of a resident of the United States, or the custody or care of the children of such a resident; or

(iii) Render legal advice on the law of Colorado or of the United States (whether rendered incident to the preparation of legal instruments or otherwise).

(b) A person certified under this rule, other than one employed exclusively by an organization as described in subsection (1)(e), shall carry on a practice under, or utilize in connection with such practice, the following identifying information:

(i) The foreign legal consultant's own name;

(ii) The name of the law firm with which the foreign legal consultant is associated; and

(iii) The title "foreign legal consultant," which shall be used in conjunction with the words "admitted to the practice of law in [name of the foreign country of his or her admission to practice]."

**(4) Rights and Obligations.**

(a) Subject to the limitations listed in section (3) of this rule, a person certified under this rule shall be considered a Colorado certified foreign legal consultant and shall be entitled and subject to the rights and obligations of a Colorado attorney with respect to:

(i) Affiliation in the same law firm with one or more Colorado attorneys, including by:

(A) Employing one or more Colorado attorneys;

(B) Being employed by one or more Colorado attorneys or by any partnership, professional corporation, or other legal entity that includes Colorado attorneys or that maintains an office in Colorado; and

(C) Being a partner in any partnership, or member in any professional entity, that includes Colorado attorneys or that maintains an office in Colorado; and

(ii) Attorney-client privilege and work-product privilege.

(b) A person certified under this rule shall report to the Clerk of the Supreme Court Office of Attorney Registration within twenty-eight days any of the following events:

(i) Whether or not public, any change in the foreign legal consultant's license status in another jurisdiction, including the foreign legal consultant's resignation;

(ii) Whether or not public, any disciplinary charge, finding, or sanction concerning the foreign legal consultant by any disciplinary authority, court, or other tribunal in any jurisdiction;

(iii) Any change in the foreign legal consultant's good standing in another jurisdiction; and

(iv) Any changes to the professional liability insurance required under subsection (2)(g) of this rule.

(c) A person certified under this rule shall:

(i) Before providing any legal services, advise each prospective client that he or she is not licensed in Colorado and may not provide advice on the law of Colorado or the United States;

(ii) Before providing any legal services, provide each prospective client a letter disclosing the extent of the professional liability insurance required by subsection (2)(g) of this rule; and

(iii) Notify each existing client in writing of any change to the professional liability insurance required under subsection (2)(g) within twenty-eight days of such change.

**(5) Practice by a Foreign Legal Consultant in Another United States Jurisdiction.** A person licensed, certified, or otherwise authorized as a foreign legal consultant in another jurisdiction in the United States may provide foreign legal consulting services in Colorado on a temporary basis pursuant to the rule for temporary practice by foreign attorneys. A person licensed as a foreign legal consultant in another jurisdiction in the United States shall not establish an office or other place for the regular practice of law in Colorado or hold out to the public or otherwise represent that the foreign legal consultant is certified as a foreign legal consultant in Colorado.

**(6) Discipline and Disability Jurisdiction.** A person certified to practice law as a foreign legal consultant under this rule is subject to the Colorado Rules of Professional Conduct and C.R.C.P. 251.1 et seq. (Rules of Procedure Regarding Attorney Discipline and Disability Proceedings). In addition to the forms of discipline contained in C.R.C.P. 251.6, the attorney may also be enjoined from further practice of law in Colorado.

**(7) Service of Process.**

(a) In any action or proceeding brought against the foreign legal consultant and arising out of or based upon any legal services rendered or offered to be rendered by the foreign legal consultant while present in Colorado or to residents of Colorado, service shall first be attempted upon the foreign legal consultant at the most recent Colorado address filed with the Clerk of the Office of Attorney Registration. Whenever after due diligence service cannot be made upon the foreign legal consultant at that address, service may be made upon the Clerk of the Office of Attorney Registration. Service in accordance with this provision is effective as if service had been made personally upon the foreign legal consultant.

(b) Service of process on the Clerk under subsection (7)(a) of this rule shall be made by personally delivering to the Clerk's office, and leaving with the Clerk, or with a deputy or assistant authorized by the Clerk to receive service, duplicate copies of the process together with a fee as set by the Supreme Court. The Clerk shall promptly send one copy of the process to the foreign legal consultant to whom the process is directed, by certified mail, return receipt requested, addressed to the foreign legal consultant at the most recent Colorado and other address provided in accordance with subsection (2)(h) of this rule.

(c) The foreign legal consultant shall keep the Clerk advised in writing of any changes of address within the time period required by C.R.C.P. 227.

**(8) Termination of Certification.** If the Supreme Court determines that a person certified as a foreign legal consultant under this rule no longer meets the conditions for certification, it may summarily terminate the foreign legal consultant's certification.

**(9) Registration and Fees.** A person licensed as a foreign legal consultant shall pay annual attorney registration fees and comply with all other provisions of C.R.C.P. 227.

**(10) Certification Number.** A person certified under this rule shall be assigned a certification number, which shall be used to identify that person's certification status in Colorado. Whenever an initial pleading is signed by a person authorized under this rule, it shall also include thereon the person's certification number. Whenever an initial appearance is made in court without a written pleading, the person shall advise the court of the person's certification number. The number need not be on any subsequent pleadings unless required by rule of court or practice.

**(11) Sanctions.** A foreign legal consultant who fails to register under this rule shall be:

- (a) Subject to professional discipline in Colorado;
- (b) Ineligible for admission on motion in Colorado;
- (c) Referred by the Office of Attorney Registration to the Office of Admissions;

and

(d) Referred by the Office of Attorney Registration to the disciplinary authority of the jurisdictions of licensure, U.S. and/or foreign.

**(12) Subsequent Attorney Admission.** If a person certified as a foreign legal consultant under this rule is subsequently admitted to the practice of law in Colorado, that person's foreign legal consultant certification shall be superseded by the Colorado license to practice law.

### **Rule 204.3. Judge Advocate Certification**

**(1) General Statement and Eligibility.** In its discretion, the Supreme Court may certify a full-time commissioned officer and judge advocate of the United States Uniformed Services stationed in Colorado to be temporarily admitted to the practice of law in Colorado if all of the following conditions are met:

(a) The attorney is a member in good standing of the bar of all courts and jurisdictions in which he or she is admitted to practice;

(b) The attorney is not currently subject to an order of attorney discipline or the subject of a pending formal disciplinary or disability matter in any jurisdiction; and

(c) The attorney possesses the character and fitness required of all applicants for admission to the practice of law in Colorado as set forth in C.R.C.P. 208.

**(2) Filing Requirements.** An applicant under this rule shall file an application for judge advocate certification. The applicant shall pay a fee in an amount fixed by the Supreme Court. The fee must be paid when the application is submitted. The application and fee shall be collected by the Office of Attorney Registration. The fee shall be made payable to the Clerk of the Supreme Court. The application shall include all of the following:

(a) A copy of the applicant's military orders reflecting a permanent change of station to a military installation in Colorado;

(b) A certification that the applicant has read and is familiar with the Colorado Rules of Professional Conduct; and

(c) A certificate of good standing from all courts and jurisdictions in which the applicant is admitted to practice.

**(3) Scope of Authority.** An attorney certified under this rule shall be entitled to all rights and privileges and subject to all duties, obligations, and responsibilities otherwise applicable to licensed Colorado lawyers for the limited period of authorized practice under this rule. The attorney may not act as counsel for a client until certified under this rule.

**(4) Discipline and Disability Jurisdiction.** An attorney certified under this rule is subject to the Colorado Rules of Professional Conduct and C.R.C.P. 251.1 et seq. (Rules of Procedure Regarding Attorney Discipline and Disability Proceedings). In addition to the forms of discipline contained in C.R.C.P. 251.6, the attorney may also be enjoined from further practice of law in Colorado.

**(5) Termination of Certification.** Certification under this rule shall automatically terminate when the attorney:

(a) Ceases to serve as a judge advocate in Colorado;

(b) Is disciplinarily suspended or disbarred or placed on disability inactive status in any jurisdiction, court, or agency before which the attorney is admitted;

(c) Is suspended in any jurisdiction for failure to pay child support or failure to cooperate in a disciplinary matter; or

(d) Fails to maintain active status in at least one jurisdiction.

The attorney shall notify the Clerk of the Supreme Court Office of Attorney Registration of any change of status described in this section (5) within twenty-eight days of such change.

**(6) Required Action After Termination of Certification.** Upon the termination of certification pursuant to section (5) of this rule, the attorney, within twenty-eight days, shall:

(a) Notify in writing all clients in pending matters, and co-counsel and opposing counsel in pending litigation, of the termination of the attorney's authority to practice law pursuant to this rule;

(b) Decline any new representation that would require the attorney to be admitted to practice law in Colorado; and

(c) Take all other necessary steps to protect the interests of the attorney's clients.

**(7) Registration, Fees, and Continuing Legal Education.** An attorney certified under this rule shall be required to pay annual registration fees and comply with all other provisions of C.R.C.P. 227, as well as the mandatory legal education requirements of C.R.C.P. 260.

**(8) Registration Number.** An attorney certified under this rule shall be assigned a registration number, which shall be used to identify that attorney's status in Colorado in accordance with applicable rules of procedure.

**(9) Subsequent Attorney Admission.** If an attorney certified under this rule is subsequently admitted to the practice of law in Colorado, that attorney's judge advocate certification shall be superseded by the Colorado license to practice law.

#### **Rule 204.4. Military Spouse Certification**

**(1) General Statement and Eligibility.** Due to the unique mobility requirements of military families who support the defense of our nation, the Supreme Court in its discretion may certify an attorney who is a spouse, including a legally recognized domestic partner, ("spouse") of a member of the United States Uniformed Services ("service member"), stationed within Colorado, to practice law pursuant to the terms of this rule if all of the following conditions are met:

(a) The attorney has been admitted to practice law and is on active status in another jurisdiction in the United States;

(b) The attorney holds 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 at the time the applicant matriculated or graduated;

(c) The attorney is currently a member in good standing of the bar of all courts and jurisdictions in which he or she is admitted to practice;

(d) The attorney is not currently subject to an order of attorney discipline or the subject of a pending formal disciplinary or disability matter in any jurisdiction; and

(e) The attorney possesses the character and fitness required of all applicants for admission to the practice of law in Colorado as set forth in C.R.C.P. 208.

**(2) Filing Requirements.** An applicant under this rule shall file an application for military spouse certification. The applicant shall pay a fee in an amount fixed by the Supreme Court. The fee must be paid when the application is submitted. The application and fee shall be collected by the Office of Attorney Registration. The fee shall be made payable to the Clerk of the Supreme Court. An applicant under this rule shall:

(a) Demonstrate presence in Colorado as a spouse of a service member by filing a copy of the certification of legal relationship, such as a marriage or civil union license,

and a copy of the service member's military orders reflecting a permanent change of station to a military installation in Colorado;

(b) Certify that the applicant has read and is familiar with the Colorado Rules of Professional Conduct;

(c) Provide the Office of Attorney Registration with a certificate of good standing from all courts and jurisdictions in which the attorney is admitted to practice; and

(d) Within twenty-six weeks of being certified under this rule, complete the required course on professionalism described in C.R.C.P. 203.2.

**(3) Scope of Authority.** Except as provided in this rule, an attorney admitted under this rule shall be entitled to all rights and privileges and subject to all duties, obligations, and responsibilities otherwise applicable to licensed Colorado lawyers for the period of authorized practice under this rule. The attorney may not act as counsel for a client until certified under this rule.

**(4) Discipline and Disability Jurisdiction.** An attorney certified under this rule is subject to the Colorado Rules of Professional Conduct; C.R.C.P. 251.1 et seq. (Rules of Procedure Regarding Attorney Discipline and Disability Proceedings); and C.R.C.P. 210 (Revocation of License). In addition to the forms of discipline contained in C.R.C.P. 251.6, the attorney may also be enjoined from further practice of law in Colorado.

**(5) Termination of Certification.**

(a) Certification under this rule shall terminate when:

(i) The service member is no longer a member of the United States Uniformed Services;

(ii) The military spouse attorney is no longer a spouse of the service member;

(iii) The service member receives a permanent transfer outside Colorado, except that if the service member has been assigned to an unaccompanied or remote assignment with no dependents authorized, the military spouse attorney may continue to practice law pursuant to the provisions of this rule until the service member is assigned to a location with dependents authorized;

(iv) The military spouse is disciplinarily suspended or disbarred or placed on disability inactive status in any jurisdiction, court, or agency before which the attorney is admitted; or

(v) The military spouse is suspended in any jurisdiction for failure to pay child support or failure to cooperate in a disciplinary matter.

(b) If any of the events listed in subsection (5)(a) occur, the attorney certified under this rule shall notify the Clerk of the Supreme Court Office of Attorney Registration, as well as the Attorney Regulation Counsel, Office of Admissions, of the event in writing within fourteen days of the date upon which the event occurs. Termination shall occur twenty-eight days thereafter, allowing for a twenty-eight-day winding down period. If the event occurs because the service member is deceased or disabled, the attorney shall notify the above offices within twenty-six weeks of the date upon which the event occurs, and termination shall occur within twenty-eight days thereafter, allowing for a twenty-eight-day winding down period.

**(6) Required Action After Termination of Certification.** Upon the termination of certification pursuant to section (5) of this rule, the lawyer, within twenty-eight days, shall:

(a) Cease to occupy an office or other place for the regular practice of law in Colorado, unless authorized to do so pursuant to another rule;

(b) Notify in writing all clients in pending matters, and co-counsel and opposing counsel in pending litigation, of the termination of the attorney's authority to practice law pursuant to this rule;

(c) Decline any new representation that would require the attorney to be admitted to practice law in Colorado; and

(d) Take all other necessary steps to protect the interests of the attorney's clients.

**(7) Registration, Fees, and Continuing Legal Education.** An attorney certified under this rule shall be required to pay annual registration fees and comply with all other provisions of C.R.C.P. 227, as well as the mandatory legal education requirements of C.R.C.P. 260.

**(8) Registration Number.** An attorney certified under this rule shall be assigned a registration number, which shall be used to identify that attorney's registration status in Colorado in accordance with applicable rules of procedure.

**(9) Subsequent Attorney Admission.** If an attorney certified under this rule is subsequently admitted to the practice of law in Colorado, that attorney's military spouse certification shall be superseded by the Colorado license to practice law.

#### **Rule 204.5. Law Professor Certification**

**(1) General Statement and Eligibility.** In its discretion, the Supreme Court may certify a law professor who has been admitted to practice law in another jurisdiction in the United States to practice law in Colorado if all of the following conditions are met:

(a) The attorney is a law school graduate who, as determined by the Attorney Regulation Counsel, Office of Admissions, is employed full-time as a dean or teacher of law at a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association located in Colorado;

(b) The attorney is a member in good standing of the bar of all courts and jurisdictions in which he or she is admitted to practice;

(c) The attorney is not currently subject to an order of attorney discipline or the subject of a pending formal disciplinary or disability matter in any jurisdiction; and

(d) The attorney possesses the character and fitness required of all applicants for admission to the practice of law in Colorado as set forth in C.R.C.P. 208.

**(2) Filing Requirements.** An applicant under this rule shall submit an application for law professor certification. The applicant shall pay a fee in an amount fixed by the Supreme Court. The fee must be paid when the application is submitted. The application and fee shall be collected by the Office of Attorney Registration. The required application fee shall be made payable to the Clerk of the Supreme Court. The application shall include the following:

(a) A certification of employment by the law school; and

(b) A certificate of good standing from all courts and jurisdictions in which the attorney is admitted to practice.

**(3) Scope of Authority.** Except as provided in this rule, an attorney certified under this rule shall be entitled to all rights and privileges and subject to all duties, obligations, and responsibilities otherwise applicable to licensed Colorado lawyers for the

period of authorized practice under this rule. The attorney may not act as counsel for a client until certified under this rule.

**(4) Discipline and Disability Jurisdiction.** An attorney certified under this rule is subject to the Colorado Rules of Professional Conduct; C.R.C.P. 251.1 et seq. (Rules of Procedure Regarding Attorney Discipline and Disability Proceedings); and C.R.C.P. 210 (Revocation of License). In addition to the forms of discipline contained in C.R.C.P. 251.6, the attorney may also be enjoined from further practice of law in Colorado.

**(5) Termination of Certification.** Certification under this rule shall automatically terminate when:

(a) The attorney no longer holds full-time status as a dean or teacher of law at the Colorado law school;

(b) The attorney is disciplinarily suspended or disbarred or placed on disability inactive status in any jurisdiction, court, or agency before which the attorney is admitted; or

(c) The attorney is suspended in any jurisdiction for failure to pay child support or failure to cooperate in a disciplinary matter.

The attorney admitted pursuant to this rule shall notify the Colorado Supreme Court Office of Attorney Registration of any change of status described in this section (5) within twenty-eight days of such change.

**(6) Required Action After Termination of Certification.** Upon the termination of certification pursuant to section (5) of this rule, the attorney, within twenty-eight days, shall:

(a) Notify in writing all clients in pending matters, and co-counsel and opposing counsel in pending litigation, of the termination of the attorney's authority to practice law pursuant to this rule;

(b) Decline any new representation that would require the attorney to be admitted to practice law in Colorado; and

(c) Take all other necessary steps to protect the interests of the attorney's clients.

**(7) Registration, Fees, and Continuing Legal Education.** An attorney certified under this rule shall be required to pay annual registration fees and comply with all other provisions of C.R.C.P. 227, as well as the mandatory legal education requirements of C.R.C.P. 260.

**(8) Registration Number.** An attorney certified under this rule shall be assigned a registration number, which shall be used to identify that attorney's registration status in Colorado in accordance with applicable rules of procedure.

**(9) Subsequent Attorney Admission.** If an attorney certified under this rule is subsequently admitted to the practice of law in Colorado, that attorney's law professor certification shall be superseded by the Colorado license to practice law.

#### **Rule 204.6. Pro Bono Counsel Certification**

**(1) General Statement and Eligibility.** In its discretion, the Supreme Court may certify attorneys not otherwise authorized to practice law in Colorado to provide pro bono legal services under the auspices of an entity described in C.R.C.P. 260.8(2), in accordance with Colo. RPC 6.1.

(a) To act in such a capacity, the applicant for pro bono counsel certification must be either:

(i) An attorney, including a retired attorney, admitted to practice law in Colorado who:

(A) Is now on inactive status;

(B) Is a member in good standing of the bar of all courts and jurisdictions in which he or she has been admitted to practice;

(C) Has no pending formal disciplinary or disability proceeding; and

(D) Limits his or her practice to acting as pro bono counsel as set forth in this rule and, notwithstanding the reduced fee provisions of Colo. RPC 6.1(b), will not receive or expect compensation or other direct or indirect pecuniary gain for the legal services rendered; or

(ii) An out-of-state attorney domiciled in Colorado but not admitted to practice law in Colorado who:

(A) Is licensed to practice law and is on active, inactive, or equivalent status in another jurisdiction in the United States;

(B) Is a member in good standing of the bar of all courts and jurisdictions in which he or she is admitted to practice;

(C) Has no pending formal disciplinary or disability proceeding;

(D) Agrees to be subject to the Colorado Rules of Professional Conduct and the Rules of Procedure Regarding Attorney Discipline and Disability Proceedings; and

(E) Limits his or her practice to acting as pro bono counsel as set forth in this rule and, notwithstanding the reduced fee provisions of Colo. RPC 6.1(b), will not receive or expect compensation or other direct or indirect pecuniary gain for the legal services rendered.

(b) This rule shall not preclude a nonprofit entity from receiving court-awarded attorney fees for representation provided by a certified pro bono counsel and shall not preclude a certified pro bono counsel from receiving reimbursement for otherwise recoverable costs, but not including fees, incurred in representing a pro bono client.

**(2) Filing Requirements.** An applicant under this rule shall file an application for pro bono counsel certification. The applicant shall pay a fee in an amount fixed by the Supreme Court. The fee must be paid when the application is submitted. The fee shall be made payable to the Clerk of the Supreme Court. The application shall include a certification that the applicant agrees to the provisions of subsection (1)(a) above.

**(3) Scope of Authority.** An attorney certified under this rule has the authority to act as pro bono counsel for clients as defined in section (1) of this rule. The attorney may not act as counsel for a client until certified under this rule.

**(4) Discipline and Disability Jurisdiction.** An attorney certified under this rule is subject to the Colorado Rules of Professional Conduct; C.R.C.P. 251.1 et seq. (Rules of Procedure Regarding Attorney Discipline and Disability Proceedings); and C.R.C.P. 210 (Revocation of License). In addition to the forms of discipline contained in C.R.C.P. 251.6, the attorney may also be enjoined from further practice of law in Colorado.

**(5) Termination of Certification.** Certification under this rule shall automatically terminate when:

(a) The attorney fails to file the registration statement or pay the registration fee described in section (6) of this rule;

(b) The attorney is disciplinarily suspended or disbarred or placed on disability inactive status in any jurisdiction, court, or agency before which the attorney is admitted; or

(c) The attorney is suspended in any jurisdiction for failure to pay child support or failure to cooperate in a disciplinary matter.

The attorney shall notify in writing the Clerk of the Supreme Court Office of Attorney Registration of any change of status described in this section (5) within twenty-eight days of such change.

**(6) Registration and Fees.**

(a) An attorney certified under this rule shall not be required to pay an annual registration fee if the attorney has provided pro bono legal services under this rule within the prior twelve-month period. In order to be exempt from paying an annual registration fee, the attorney shall file a registration statement on or before February 28, identifying the entity or entities, as described in section (1) of this rule, for which the attorney has volunteered in the prior twelve-month period.

(b) An attorney certified under this rule who has not provided pro bono legal services under this rule within the prior twelve-month period is not required to file the registration statement described in subsection (a) above, but the attorney must pay the registration fee that was applicable in the prior calendar year for registered inactive attorneys pursuant to C.R.C.P. 227(A). By paying that fee, the attorney may remain a certified pro bono counsel under this rule.

(c) Failure of an attorney certified under this rule to file a registration statement or pay the prior year's inactive attorney registration fee by February 28 of each year shall result in automatic termination of status as certified pro bono counsel and may result in suspension of the attorney's Colorado license, if applicable.

(d) All fees collected by the Office of Attorney Registration under this rule shall be used to fund the Attorney Regulation system.

**(7) Certification Number.** An attorney certified under this rule shall be assigned a certification number, which shall be used to identify that attorney's certification status in Colorado. Whenever an initial pleading is signed by an attorney authorized under this rule, it shall also include the attorney's certification number. Whenever an initial appearance is made in court without a written pleading, the attorney shall advise the court of the attorney's certification number. The number need not be on any subsequent pleadings unless otherwise required by rule of court or practice.

**(8) Change of Attorney Status.** If a Colorado attorney certified under this rule subsequently changes his or her status to active, that attorney's pro bono counsel certification shall be terminated. If an out-of-state attorney certified under this rule is subsequently admitted to the practice of law in Colorado, that attorney's pro bono counsel certification shall be superseded by the Colorado license to practice law.

**Rule 205. Other Authorizations to Practice Law**

**Rule 205.1. Temporary Practice by Out-of-State Attorney  
– Conditions of Practice**

**(1) Eligibility.** An attorney who meets the following conditions is an out-of-state attorney for the purpose of this rule:

(a) The attorney is licensed to practice law and is on active status in another jurisdiction in the United States;

(b) The attorney is a member in good standing of the bar of all courts and jurisdictions in which he or she is admitted to practice;

(c) The attorney has not established domicile in Colorado; and

(d) The attorney has not established a place for the regular practice of law in Colorado from which the attorney holds himself or herself out to the public as practicing Colorado law or solicits or accepts Colorado clients.

**(2) Scope of Authority.** An out-of-state attorney may practice law in Colorado except that an out-of-state attorney who wishes to appear in any state court of record must comply with C.R.C.P. 205.3 concerning pro hac vice admission and an out-of-state attorney who wishes to appear before any administrative tribunal must comply with C.R.C.P. 205.4 concerning pro hac vice admission before state agencies. An out-of-state attorney who engages in the practice of law in Colorado pursuant to this rule shall be deemed to have obtained a license for the limited scope of practice specified in this rule.

**(3) Discipline and Disability Jurisdiction.** An out-of-state attorney practicing law under this rule is subject to the Colorado Rules of Professional Conduct; C.R.C.P. 251.1 et seq. (Rules of Procedure Regarding Attorney Discipline and Disability Proceedings); and C.R.C.P. 210 (Revocation of License). In addition to the forms of discipline contained in C.R.C.P. 251.6, the attorney may also be enjoined from further practice of law in Colorado.

#### **Rule 205.2 Temporary Practice by Foreign Attorney – Conditions of Practice**

**(1) Eligibility.** An attorney who meets the following conditions may practice as a temporary practice foreign attorney for the purpose of this rule:

(a) The attorney is admitted to practice law in a non-U.S. jurisdiction only;

(b) The attorney is a member of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as attorneys or counselors of law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority;

(c) The attorney is a member in good standing to practice law in all courts and jurisdictions in which he or she is admitted to practice law;

(d) The attorney is not currently subject to an order of attorney discipline or the subject of a pending formal disciplinary or disability matter or the equivalent thereof in any jurisdiction;

(e) The attorney has not established domicile in Colorado; and

(f) The attorney has not established a place for the regular practice of law in Colorado from which such attorney holds himself or herself out to the public as practicing law.

**(2) Scope of Authority.** A foreign attorney who engages in the practice of law in Colorado pursuant to this rule shall be deemed to have obtained a license for the limited scope of practice specified in this rule. The privileges of a Colorado admitted attorney with respect to attorney-client privilege and work-product privilege shall apply to temporary practice foreign attorneys. A foreign attorney may provide legal services in Colorado on a temporary basis under this rule that:

(a) Are undertaken in association with an attorney who is admitted to practice law in Colorado and who actively participates in the matter; or

(b) Are in or are reasonably related to a pending or potential proceeding before any Colorado state court of record or before the court of another jurisdiction, if the foreign attorney, or a person the foreign attorney is assisting, is authorized by law, order or rule to appear in such proceeding or reasonably expects to be so authorized; or

(c) Are in or are reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in Colorado, if the services arise out of or are reasonably related to the attorney's practice of law in a jurisdiction in which the attorney is admitted to practice law; or

(d) Are not within subsections (2)(b) or (2)(c) of this rule and

(i) Are performed for a client who resides or has an office in a jurisdiction in which the attorney is authorized to practice law, to the extent of that authorization; or

(ii) Arise out of or are reasonably related to a matter that has a substantial connection to a jurisdiction in which the attorney is authorized to practice law, to the extent of that authorization; or

(e) Are governed primarily by international law or the law of a non-U.S. jurisdiction.

**(3) Foreign Legal Consultants.** A temporary practice foreign attorney who wishes to provide legal services within the scope of C.R.C.P. 204.2 shall comply with the provisions of that rule.

**(4) Pro Hac Vice Admission for Foreign Attorneys.** A temporary practice foreign attorney who wishes to appear in any state court of record or administrative tribunal shall comply with C.R.C.P. 205.5 concerning pro hac vice admission.

**(5) Discipline and Disability Jurisdiction.** A foreign attorney providing legal services under this rule is subject to the Colorado Rules of Professional Conduct; C.R.C.P. 251 (Rules of Procedure Regarding Attorney Discipline and Disability Proceedings); and C.R.C.P. 210 (Revocation of License). In addition to the forms of discipline contained in C.R.C.P. 251.6, the attorney may also be enjoined from further practice of law in Colorado.

### **Rule 205.3. Pro Hac Vice Authority Before State Courts – Out-of-State Attorney**

**(1) General Statement.** An out-of-state attorney (as defined in Rule 205.1) may be permitted to appear in a particular matter in any state court of record under the conditions listed in this rule.

**(2) Filing Requirements.**

(a) In order to be permitted to appear as counsel in a Colorado trial court, the attorney must first:

(i) File a verified motion with the trial court requesting permission to appear;

(ii) Designate an associate attorney who is admitted and licensed to practice law in Colorado;

(iii) File a copy of the verified motion with the Clerk of the Supreme Court Office of Attorney Registration at the same time the verified motion is filed with the trial court;

- (iv) Pay the required fee to the Clerk of the Supreme Court collected by the Office of Attorney Registration; and
- (v) Obtain permission from the trial court for such appearance.
- (b) In the verified motion requesting permission to appear, the attorney must include:
  - (i) A statement identifying all jurisdictions in which the attorney has been licensed;
  - (ii) A statement identifying by date, case name, and case number all other matters in Colorado in which the attorney has sought pro hac vice admission in the preceding five years, and whether such admission was granted or denied;
  - (iii) A statement identifying all jurisdictions in which the attorney has been publicly disciplined or placed on disability inactive status, in which pro hac vice admission was denied or revoked, or in which the attorney has any pending formal disciplinary or disability proceeding, including in any of the three instances described above the date of the action, the nature of the violation, and the penalty imposed;
  - (iv) A statement identifying the party or parties represented, and verifying that the attorney has notified the party or parties represented of the verified motion requesting permission to appear;
  - (v) A statement that the attorney acknowledges he or she is subject to the Colorado Rules of Professional Conduct, the Colorado Rules of Civil Procedure, and other court rules, that the attorney will follow those rules throughout the pro hac vice admission, and that the verified motion complies with those rules;
  - (vi) The name, address, and membership status of the licensed Colorado attorney associated for purposes of the representation;
  - (vii) A certificate indicating service of the verified motion upon all counsel of record and the attorney's client(s) in the matter in which leave to appear pro hac vice is sought;
  - (viii) The signature of the licensed Colorado associate attorney, verifying that attorney's association on the matter; and
  - (ix) Such other information as the Attorney Regulation Counsel may from time to time request.

**(3) Names and Appearances.** The name and address of the licensed Colorado associate attorney must be shown on all papers served and filed by the out-of-state attorney in a pro hac vice representation. The Colorado associate attorney shall appear personally and, unless excused, remain in attendance with the out-of-state attorney in all pro hac vice appearances.

**(4) Frequency of Appearances.** A separate petition, fee, and order granting permission are required for each action in which the attorney appears as pro hac vice counsel in Colorado.

**(5) Trial Court's Ruling on Motion to Appear.** The Attorney Regulation Counsel may provide information to the trial court that it believes relevant for the trial court's ruling on the pending motion to appear. Notwithstanding any other provision of this rule, the trial court retains full authority to approve or deny the motion or revoke the pro hac vice status as it deems appropriate.

**(6) Appellate Matters and Other Forms of Review.**

(a) If an attorney wants to appear in a proceeding before a Colorado appellate court, and the attorney obtained permission to appear in a proceeding involving the same action in a Colorado state trial court, the attorney only needs to file an updated affidavit with the Clerk of the Office of Attorney Registration. No additional filing fee is required.

(b) If an attorney wants to appear in a proceeding before a Colorado appellate court and the attorney did not obtain permission to appear in a proceeding involving the same action in a Colorado state trial court or administrative agency, the attorney shall file a motion and affidavit with the clerk of the Colorado appellate court, with a copy sent to the Clerk of the Office of Attorney Registration, requesting permission to appear. The motion, affidavit, and filing fee must be submitted as otherwise provided in section (2) of this rule.

**(7) Discipline and Disability Jurisdiction.** Any attorney authorized to appear under this rule shall be subject to all applicable provisions of the Colorado Rules of Professional Conduct, except for the provisions of Colo. RPC 1.15 that require an attorney to have a business account and a trust account in a financial institution doing business in Colorado; and the Colorado Rules of Civil Procedure, except C.R.C.P. 227 (general registration fees) and C.R.C.P. 260 (mandatory continuing legal education).

#### **Rule 205.4. Pro Hac Vice Authority Before State Agencies – Out-of State Attorney**

An out-of-state attorney (as defined in Rule 205.1) may, in the discretion of an administrative hearing officer in Colorado, be permitted to appear on a particular matter before any state agency in the hearings or arguments of any particular cause in which, for the time being, he or she is employed, under the same filing requirements as set forth in C.R.C.P. 205.3.

#### **Rule 205.5. Pro Hac Vice Authority – Foreign Attorney**

**(1) General Statement and Eligibility.** A foreign attorney, defined as a person admitted in a non-U.S. jurisdiction and who is a member of a recognized legal profession in that jurisdiction, the members of which are admitted to practice as attorneys or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority, and who is not disbarred, suspended, or on disability inactive status or the equivalent thereof in any jurisdiction, may be permitted to appear on a particular matter in any state court of record or state agency under the conditions listed in this rule.

**(2) Filing Requirements.**

(a) The requirements of C.R.C.P. 205.3 and 205.4 applicable to out-of-state attorneys shall apply to a foreign attorney. The foreign attorney shall file a verified motion with the trial court and the Clerk of the Supreme Court Office of Attorney Registration as described in C.R.C.P. 205.3(1). All documents submitted to a court or agency of this state, if not in English, shall be submitted with an English translation and satisfactory proof of the accuracy of the translation.

(b) In addition to the requirements of C.R.C.P. 205.3(1), the foreign attorney's verified application for admission pro hac vice shall include:

(i) The applicant's residence and business address, telephone number(s), and e-mail address(es);

(ii) The name, address, telephone number(s), and e-mail address(es) of each client sought to be represented;

(iii) The U.S. and foreign jurisdictions, agencies, and courts before which the applicant has been admitted to practice law, the contact information for each, and the respective period(s) of admission;

(iv) The name and address of each court or agency and a full identification of each proceeding in which the applicant has filed an application to appear pro hac vice in Colorado within the preceding five years and the date of each application;

(v) A statement as to whether the applicant:

(A) Has been denied admission pro hac vice in any jurisdiction, U.S. or foreign, including Colorado;

(B) Has ever had admission pro hac vice revoked in any jurisdiction, U.S. or foreign, including Colorado;

(C) Has ever been disciplined or sanctioned by any court or agency in any jurisdiction, U.S. or foreign, including Colorado. If so, the applicant shall specify the nature of the allegations, the authority bringing such proceedings, the caption of the proceedings, the date filed, and what findings were made and what action was taken in connection with those proceedings. A certified copy of the written findings or order shall be attached to the application. If the written findings or order is not in English, the applicant shall submit an English translation and satisfactory proof of the accuracy of the translation;

(D) Has ever been the subject of any formal disciplinary or disability proceeding brought against the applicant by a disciplinary counsel or analogous foreign regulatory authority in any jurisdiction within the last five years and, as to each such proceeding: the nature of the allegations; the date the proceedings were initiated; which, if any, of the proceedings are still pending, and for those proceedings that are not still pending, the dates upon which the proceedings were concluded; the caption of the proceedings; and the findings made and actions taken in connection with those proceedings, including exoneration from any charges. A certified copy of any written finding or order shall be attached to the application. If the written order or findings is not in English, the applicant shall submit an English translation and satisfactory proof of the accuracy of the translation;

(E) Has been held in contempt by any court in a written order in the last five years, and, if so: the nature of the allegations, the name of the court before which such proceedings were conducted, the date of the contempt order, the caption of the proceedings, and the substance of the court's rulings. A copy of the written order or transcript of the oral rulings shall be attached to the application. If the written order is not in English, the applicant shall submit an English translation and satisfactory proof of the accuracy of the translation;

(vi) A statement that the attorney acknowledges he or she is subject to the Colorado Rules of Professional Conduct, the Colorado Rules of Civil Procedure, and other court rules, that the attorney will follow those rules throughout the pro hac vice admission, and that the verified motion complies with those rules;

(vii) The name, address, telephone number(s), e-mail address(es), and bar number of the active member in good standing of the Colorado bar who supports the applicant's pro hac vice request, who shall appear of record together with the foreign attorney, and who shall remain ultimately responsible to the client as set forth in section (2)(a) of this rule;

(viii) An averment by the in-state attorney referred to in section (2)(a) and by the applicant that, if the application for pro hac vice admission is granted, service of any documents by a party, court, agency, or Regulation Counsel upon the applicant may be accomplished by service upon the in-state attorney or that in-state attorney's agent;

(ix) The applicant's prior or continuing representation in other matters of one or more of the clients the applicant proposes to represent and any relationship between such other matter(s) and the proceeding for which applicant seeks admission;

(x) Any special experience, expertise, or other factor deemed to make it particularly desirable that the applicant be permitted to represent the client(s) the applicant proposes to represent in the particular cause; and

(xi) Such other information as the Attorney Regulation Counsel Office of Admissions may from time to time request.

**(3) Trial Court's Ruling on Motion to Appear.**

(a) A Colorado court or agency may, in its discretion, admit a foreign attorney in a particular proceeding pending before such court or agency to appear pro hac vice in a defined role as an attorney, advisor, or consultant in that proceeding with an in-state attorney, provided that the in-state attorney is responsible to the client, responsible for the conduct of the proceeding, responsible for independently advising the client on the substantive law of a U.S. jurisdiction and procedural issues in the proceeding, and for advising the client whether the in-state attorney's judgment differs from that of the foreign attorney.

(b) The Attorney Regulation Counsel may provide information to the trial court that he or she believes relevant for the trial court's ruling on the pending motion to appear. Notwithstanding any other provision of this rule, the trial court retains full authority to approve or deny the motion or revoke the pro hac vice status as it deems appropriate.

(c) In addition to the requirements and factors listed above, a court or agency in ruling on an application to admit a foreign attorney pro hac vice shall weigh other relevant factors, including:

(i) The legal training and experience of the foreign attorney including in matters similar to the matter before the court or agency;

(ii) The extent to which the matter will include the application of:

(A) The law of the jurisdiction in which the foreign attorney is admitted or

(B) International law or other law in which the foreign attorney has a demonstrated expertise;

(iii) The foreign attorney's familiarity with the law of a U.S. jurisdiction applicable to the matter before the court or agency;

(iv) The extent to which the foreign attorney's relationship and familiarity with the client or with the facts and circumstances of the matter will facilitate the fair and efficient resolution of the matter;

(v) The foreign attorney's English language ability; and

(vi) The extent to which it is possible to define the scope of the foreign attorney's authority in the matter as described in section (3)(a) so as to facilitate the fair and efficient resolution of the matter, including by a limitation on the foreign attorney's authority to advise the client on the law of a U.S. jurisdiction except in consultation with the in-state attorney.

**(4) Names and Appearances.** The name and address of the licensed Colorado associate attorney must be shown on all papers served and filed. The Colorado associate attorney shall appear personally and, unless excused, remain in attendance with the foreign attorney in all appearances.

**(5) Frequency of Appearances.** A separate petition, fee, and order granting permission are required for each action in which the foreign attorney appears in Colorado.

**(6) Appellate Matters and Other Forms of Review.**

(a) If a foreign attorney wishes to appear in a proceeding before a Colorado appellate court, and the foreign attorney obtained permission to appear in a proceeding involving the same action in a Colorado state trial court, the foreign attorney only needs to file an updated affidavit with the Clerk of the Office of Attorney Registration. No additional filing fee is required.

(b) If a foreign attorney wants to appear in a proceeding before a Colorado appellate court and the foreign attorney did not obtain permission to appear in a proceeding involving the same action in a Colorado state trial court or administrative agency, the foreign attorney shall file a motion and affidavit with the clerk of the Colorado appellate court, with a copy sent to the Clerk of the Office of Attorney Registration, requesting permission to appear. The motion, affidavit, and filing fee must be submitted as otherwise provided in section (1) of this rule.

**(7) Discipline and Disability Jurisdiction.** Any foreign attorney authorized to appear under this rule shall be subject to all applicable provisions of the Colorado Rules of Professional Conduct, except for the provisions of Colo. RPC 1.15 that require an attorney to have a business account and a trust account in a financial institution doing business in Colorado; and the Colorado Rules of Civil Procedure, except C.R.C.P. 227 (general registration fees) and C.R.C.P. 260 (mandatory continuing legal education).

### **Rule 205.6. Practice Pending Admission**

**(1) General Statement and Eligibility.** An attorney who currently holds an active license to practice law in another jurisdiction in the United States, and who has been engaged in the active practice of law for three of the last five years, may provide legal services in Colorado through an office or other place for the regular practice of law in Colorado for no more than 365 days, provided that the attorney:

(a) Is a licensed attorney in good standing in all courts and jurisdictions in which he or she is admitted to practice;

(b) Is not currently subject to an order of attorney discipline or the subject of a pending formal disciplinary or disability investigation in any jurisdiction;

(c) Has not previously been denied admission to practice law in Colorado, has not failed the Colorado bar examination within the last three years, and has never been denied admission on character and fitness grounds in any jurisdiction;

(d) Has first submitted a complete application for admission on motion by qualified out-of-state attorney (C.R.C.P. 203.2), on motion based upon UBE score transfer (C.R.C.P. 203.3), or by examination (C.R.C.P. 203.4);

(e) Reasonably expects to fulfill all of Colorado's requirements for that form of admission;

(f) Associates with and is supervised by an attorney who is admitted to practice law in Colorado, and discloses the name, address, and membership status of that attorney;

(g) Provides a signed verification form from the Colorado attorney certifying the applicant's association with and supervision by that attorney;

(h) Affirmatively states in all written communications with the public and clients the following language: "Practice temporarily authorized pending admission under C.R.C.P. 205.6"; and

(i) Pays the required fee.

**(2) Foreign Legal Consultants.** An attorney currently authorized as a foreign legal consultant in another jurisdiction in the United States may provide legal services in Colorado through an office or other place for the regular practice of law in Colorado for no more than 365 days, provided that the attorney:

(a) Provides services that are limited to those that may be provided in Colorado by foreign legal consultants;

(b) Is a member in good standing of a recognized legal profession in the foreign jurisdiction, the members of which are admitted to practice as attorneys or counselors at law or the equivalent, and are subject to effective regulation and discipline by a duly constituted professional body or a public authority;

(c) Is not currently subject to an order of attorney discipline or the subject of a pending formal disciplinary or disability matter in any jurisdiction;

(d) Has first submitted an application for Foreign Legal Consultant certification pursuant to C.R.C.P. 204.2;

(e) Reasonably expects to fulfill all of Colorado's requirements for admission as a foreign legal consultant; and

(f) Meets the requirements of subsections 1(c) and (f) - (h) of this rule.

**(3) Appearances.** Prior to admission on motion as a qualified out-of-state attorney (C.R.C.P. 203.2), on motion based upon UBE transfer score (C.R.C.P. 203.3), by examination (C.R.C.P. 203.4), or as a foreign legal consultant (C.R.C.P. 204.2), the attorney may not appear before a court of record or tribunal in Colorado that requires pro hac vice admission unless the attorney is granted such admission pursuant to C.R.C.P. 205.3, 205.4, or 205.5.

**(4) Notice of Disciplinary Investigation.** The attorney must immediately notify the Office of Attorney Registration if the attorney becomes subject to a disciplinary or disability investigation, complaint, or sanctions in any other jurisdiction at any time during the 365 days of practice authorized by this rule. The Attorney Regulation Counsel, Office of Admissions, shall take into account such information in determining whether to grant the attorney's application for admission to practice law in Colorado.

**(5) Discipline and Disability Jurisdiction.** Any attorney practicing under this rule shall be subject to all applicable provisions of the Colorado Rules of Professional Conduct, except for the provisions of Colo. RPC 1.15 that require an attorney to have a business account and a trust account in a financial institution doing business in Colorado;

and the Colorado Rules of Civil Procedure, except C.R.C.P. 227 (general registration fees) and C.R.C.P. 260 (mandatory continuing legal education).

**(6) Automatic Termination.** The authority in this rule shall terminate immediately if the attorney:

- (a) Withdraws the application for admission to practice law in Colorado;
- (b) Fails to remain in compliance with section (1) of this rule;
- (c) Is disbarred, suspended, or placed on disability inactive status in any other jurisdiction in which the attorney is licensed to practice law; or
- (d) Fails to comply with the notification requirements of section (4) of this rule.

**(7) Required Action After Termination of Authority.** Upon termination of authority to practice law pursuant to this rule, the attorney must notify in writing all clients in pending matters, and opposing counsel and co-counsel in pending litigation, of the termination of authority, and immediately cease practicing law in Colorado.

**(8) Plenary Authority.** The Supreme Court, in its discretion, may extend the time limits set forth in this rule for good cause shown.

### **Rule 205.7. Law Student Practice**

**(1) Legal Aid Clinics.** Students of any law school that maintains a legal aid clinic where poor or legally underserved persons receive legal advice and services shall, when representing the clinic and its clients, be authorized to advise clients on legal matters and appear in any court or before any administrative tribunals or arbitration panels in Colorado as if licensed to practice law.

**(2) Law Student Externs.**

**(a) Practice by Law Student Extern.** (formerly section 12-5-116.1)

(i) An eligible law student extern, as specified in subsection (2)(b), may appear and participate in any civil proceeding in any municipal, county, or district court (including domestic relations proceedings) or before any administrative tribunal in Colorado, or in any county or municipal court criminal proceedings, except when the defendant has been charged with a felony, or in any juvenile proceeding in any municipal, county, or district court, or before any magistrate in any juvenile or other proceeding or any parole revocation under the following circumstances:

(A) If the person on whose behalf the extern is appearing has provided written consent to that appearance and the law student extern is under the supervision of a supervising lawyer, as specified in section (2)(d).

(B) When representing the office of the state public defender and its clients, if the person on whose behalf the extern is appearing has provided written consent to that appearance and the law student extern is under the supervision of the public defender or one of his or her deputies.

(C) On behalf of the state or any of its departments, agencies, or institutions, a county, a city, or a municipality, with the written approval and under the supervision of the attorney general, attorney for the state, county attorney, district attorney, city attorney, or municipal attorney. A general approval for the law student extern to appear, executed by the appropriate supervising attorney pursuant to this paragraph (C), shall be filed with the clerk of the applicable court/administrative tribunal and brought to the attention of the judge/presiding officer thereof.

(D) On behalf of a nonprofit legal services organization where poor or legally underserved persons receive legal advice and services if the person on whose behalf the student is appearing has provided written consent to that appearance and the law student extern is under the supervision of a supervising lawyer, as specified in section (2)(d).

(ii) The consent or approval referred to in subsection (2)(a)(i)(A), except a general approval, shall be made in the record of the case and shall be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal.

(iii) In addition to the activities authorized in subsection (2)(a), an eligible law student extern may engage in other activities under the supervision of a supervising lawyer, including but not limited to the preparation of pleadings, briefs, and other legal documents, which must be approved and signed by the supervising lawyer. Additionally, the eligible law student may, under the supervision of a supervising lawyer, assist indigent inmates of correctional institutions who have no attorney of record and who request such assistance in preparing applications and supporting documents for post-conviction relief.

**(b) Eligibility requirements for law student extern practice.** (formerly section 12-5-116.2)

(i) In order to be eligible to make an appearance and participate pursuant to section (2)(a), a law student must:

(A) Be duly enrolled in an ABA accredited law school, or a recent graduate of such a law school who has applied for admission to the Colorado Bar. For purposes of this rule, the “law student’s” eligibility continues after graduation from law school and until the announcement of the results of the first bar examination following the student’s graduation, provided that for anyone who passes that examination, eligibility shall continue in effect through the date of the first swearing-in ceremony following the examination.

(B) Have completed a minimum of two years of legal studies;

(C) Have the certification of the dean of such law school that the dean has no personal knowledge of and knows of nothing of record indicating that the student is not of good moral character and, in addition, that the law student has completed the requirements specified in subsection (2)(b)(i)(B) and is a student in good standing, or recently graduated. The dean of such law school has no continuing duty to certify the student’s good moral character after the student has graduated from law school, at which point the law student/applicant to the Colorado Bar has obligations to maintain the integrity of the profession pursuant to Colo. RPC 8.1.

(D) Be introduced to the court or administrative tribunal in which the extern is appearing as a law student extern by an attorney authorized to practice law in Colorado;

(E) Neither ask for nor receive any compensation or remuneration of any kind for the extern’s services from the person on whose behalf the extern renders services; but such limitation shall not prevent the law student extern from receiving credit for participation in the law school externship program upon prior approval of the law school, nor shall it prevent the law school, the state, a county, a city, a municipality, or the office of the district attorney or the public defender from paying compensation to the law school extern nor shall it prevent any agency from making such charges for its services as it may otherwise properly require; and

(F) State that the extern has read, is familiar with, and will be governed in the conduct of the extern's activities under subsection (2)(a) by the Colorado Rules of Professional Conduct.

**(c) Certification of Law Student Extern by Law School Dean Filing Effective Period of Withdrawal by Dean or Termination.** (formerly section 12-5-116.3)

(i) The certification by the law school dean, pursuant to subsection (2)(b)(i)(C), required in order for a law student extern to appear and participate in proceedings:

(A) Shall be filed with the Clerk of the Supreme Court Office of Attorney Registration, and unless it is sooner withdrawn, shall remain in effect until the student's graduation.

(B) May be withdrawn by the dean at any time by mailing a notice to that effect to the Clerk of the Supreme Court Office of Attorney Registration, and such withdrawal may be without notice or hearing and without any showing of cause; and

(C) May be terminated by the Supreme Court at any time without notice or hearing and without any showing of cause.

**(d) Qualifications and Requirements of Supervising Lawyer.** (formerly section 12-5-116.4)

(i) A supervising lawyer, under whose supervision an eligible law student extern appears and participates pursuant to section (2)(a), shall be authorized to practice law in the state and:

(A) Shall be a lawyer working for or on behalf of an organization identified in subsection (2)(a)(i)(B) – (D);

(B) Shall assume personal professional responsibility for the conduct of the law student extern; and

(C) Shall assist the law student extern in the extern's preparation to the extent the supervising lawyer considers it necessary.

**Rule 206 - Reserved**  
**[There is no Rule 206]**

**Rule 207 - Reserved**  
**[There is no Rule 207]**

## **Rule 208. Character and Fitness Determination**

### **Rule 208.1. Character and Fitness Investigation**

(1) **Purpose.** The purpose of a character and fitness investigation conducted before an individual is admitted to practice law in Colorado is to protect the public and safeguard the system of justice.

(2) **Burden of Proof.** The applicant shall bear the burden of proving the character and fitness necessary to practice law in Colorado.

(3) **Expectations of A Lawyer's Responsibilities.** Applicants should understand that a lawyer's professional responsibilities include the following minimum expectations set forth in the Preamble to the Colorado Rules of Professional Conduct:

(a) A lawyer, 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;

(b) A lawyer should be competent, prompt and diligent in all professional functions;

(c) A lawyer should maintain communication with a client concerning the representation;

(d) A lawyer should keep in confidence information relating to the representation of a client except when disclosure is required or permitted by the Colorado Rules of Professional Conduct or other law;

(e) A lawyer's conduct should conform to the requirements of the law, both in professional services to clients and in the lawyer's business and personal affairs;

(f) A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others;

(g) A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials; and

(h) While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also the lawyer's duty to uphold the legal process.

(4) **Standard of Character and Fitness.** A Colorado lawyer should possess record of conduct that justifies the trust of clients, adversaries, courts and others with respect to the professional responsibilities owed to them. A basis for denial of an application arising from lack of character may exist when the applicant's record tends to show a deficiency in honesty, integrity, judgment, trustworthiness, diligence, reliability or capacity to practice law. A basis for denial of an application may exist where the applicant's record reveals a history of deceptiveness, criminality, fraud, negligence, irrational behavior, drug or alcohol dependence or abuse, emotional or mental instability, financial irresponsibility or violence.

(5) **Essential Eligibility Requirements.** Applicants must meet all of the following essential eligibility requirements for the practice of law:

(a) Honesty and candor with clients, lawyers, courts, regulatory authorities and others;

(b) The ability to reason logically, recall complex factual information, and accurately analyze legal problems;

(c) The ability to use a high degree of organization and clarity in communicating with clients, lawyers, judicial officers, and others;

(d) The ability to use good judgment on behalf of clients and in conducting one's professional business;

(e) The ability to conduct oneself with respect for and in accordance with the law;

(f) The ability to exhibit regard for the rights and welfare of others;

(g) The ability to comply with the Colorado Rules of Professional Conduct; state, local, and federal laws, regulations, statutes, and rules; and orders of a court or tribunal;

(h) The ability to act diligently and reliably in fulfilling obligations to clients, lawyers, courts, and others;

(i) The ability to be honest and use good judgment in financial dealings on behalf of oneself, clients, and others; and

(j) The ability to comply with deadlines and time constraints.

**(6) Relevant Conduct.** The following shall be treated as cause for scrutiny of whether the applicant possesses the character and fitness necessary to practice law in Colorado:

(a) Unlawful conduct;

(b) Academic misconduct;

(c) Misconduct in employment;

(d) Acts involving dishonesty, fraud, deceit, or misrepresentation;

(e) Acts that demonstrate disregard for the rights or welfare of others;

(f) Abuse of legal process, including the filing of vexatious or frivolous lawsuits or the raising of vexatious or frivolous defenses;

(g) Neglect of financial responsibilities;

(h) Neglect of professional obligations;

(i) Violation of a court order, including a child support order;

(j) Conduct evidencing current mental or emotional instability that may interfere with the ability to practice law;

(k) Conduct evidencing current drug or alcohol dependence or abuse that may interfere with the ability to practice law;

(l) Denial of admission to the bar in another jurisdiction on character and fitness grounds;

(m) Disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction;

(n) Making false statements, including material omissions, on law school admission applications; or

(o) Making false statements, including material omissions, on bar applications in this state or any other jurisdiction.

The above is not an exhaustive list, but is instead illustrative of common causes for scrutiny of whether an applicant possesses the character and fitness necessary to practice law in Colorado.

**(7) Considerations.** The Character and Fitness Committee shall determine whether the applicant possesses the character and fitness necessary to practice law in

Colorado. The factors the Committee may consider in assigning weight and significance to the applicant's prior conduct include, but are not limited to:

- (a) The applicant's age at the time of the conduct;
- (b) The recency of the conduct;
- (c) The reliability of the information concerning the conduct;
- (d) The seriousness of the conduct;
- (e) The underlying circumstances of the conduct;
- (f) The cumulative effect of the conduct, including its impact on others;
- (g) Evidence of rehabilitation documented pursuant to subsection (8);
- (h) Any positive social contributions the applicant has made after the conduct occurred;
- (i) The applicant's candor in the admissions process;
- (j) The materiality of any omissions or misrepresentations; and
- (k) Evidence of mental or emotional instability.

**(8) Rehabilitation.** An applicant who affirmatively asserts rehabilitation from past conduct may provide evidence of rehabilitation by submitting one or more of the following:

- (a) Evidence that the applicant has acknowledged the conduct was wrong and has accepted responsibility for the conduct;
- (b) Evidence of strict compliance with the conditions of any disciplinary, judicial, administrative, or other order, where applicable;
- (c) Evidence of lack of malice toward those whose duty compelled bringing disciplinary, judicial, administrative, or other proceedings against the applicant;
- (d) Evidence of cooperation with the Office of Attorney Admissions investigation;
- (e) Evidence that the applicant intends to conform future conduct to the standards of character and fitness necessary to practice law in Colorado;
- (f) Evidence of restitution of funds or property, where applicable;
- (g) Evidence of positive social contributions through employment, community service, or civic service.
- (h) Evidence that the applicant is not currently engaging in misconduct;
- (i) Evidence of a record of recent conduct that demonstrates that the applicant meets the essential eligibility requirements for the practice of law in Colorado and justifies the trust of clients, adversaries, courts and the public;
- (j) Evidence that the applicant has changed in ways that will reduce the likelihood of future misconduct; or
- (k) Other evidence that supports an assertion of rehabilitation, including medical or psychological testimony or opinion.

## **Rule 208.2. Character and Fitness General Requirements**

(1) The Office of Attorney Admissions and the Character and Fitness Committee shall have the authority to require an applicant to provide any information that in their discretion is relevant to the applicant's character and fitness. Such information may include, without limitation:

- (a) A current mental status examination;
- (b) Fingerprints;
- (c) Evidence of compliance with child support orders. Applicants must certify that they are in compliance with any child support order as defined by C.R.S. § 26-13-123(a); and
- (d) Documentation evidencing anything referenced by the applicant in any application or supplementation thereof.

(2) **Burden of Producing Required Information.** The applicant bears the burden of producing all required information in a timely manner. The costs of any mental status examination or of obtaining any additional information required by the Office of Attorney Admissions or the Character and Fitness Committee shall be borne by the applicant. The character and fitness investigation will not proceed until all required information has been received.

(3) **Continuing Obligation.** The applicant has a continuing obligation to timely update the application with respect to all matters inquired of on the application. This obligation continues during the pendency of the application and until the applicant is sworn in as an attorney, including the period when the matter is undergoing review by a hearing board or the Supreme Court.

## **208.3. Review of Applications**

(1) **Review of Applications.** In accordance with the character and fitness standards set forth in C.R.C.P. 208.1, the Office of Attorney Admissions shall review all applications for information about the character and fitness of each applicant.

(2) **Reserved.**

(3) **Further Investigation.** The Office of Attorney Admissions may conduct further investigation into the character and fitness of each applicant, based upon information that it deems relevant to the character and fitness of the applicant.

(4) **Certification.** The Office of Attorney Admissions shall certify to the Supreme Court the names of all applicants who are found to have the character and fitness necessary to practice law in Colorado.

(5) **Referral to Inquiry Panel.** Those applicants not certified shall be referred for review by an inquiry panel of the Character and Fitness Committee.

## **Rule 208.4 Inquiry Panel Review**

(1) **Review by Separate Inquiry Panels.** The chair of the Character and Fitness Committee shall assign at least three members of the Character and Fitness Committee to one or more inquiry panels.

(2) **Assignment of Inquiry Panel.** If, after investigation conducted pursuant to these rules, the Office of Attorney Admissions recommends that an inquiry panel be assigned to determine whether the applicant has met his or her burden of establishing that

the applicant possesses the character and fitness necessary for admission to the practice of law in Colorado, the chair of the Character and Fitness Committee shall assign an inquiry panel and designate one of the inquiry panel members as panel chair. In the discharge of an inquiry panel's duties, the panel chair may enlist the assistance of other persons approved by the Supreme Court, including alternative mental health professionals in the event a mental health professional committee member is unavailable for a particular inquiry panel. A quorum necessary for the panel to conduct business is three persons.

**(3) Notice of Inquiry Panel Interview.** The Office of Attorney Admissions shall notify the applicant in writing of the character and fitness matters in question and invite the applicant to appear for an interview with the inquiry panel. The notice shall advise the applicant that he or she may appear with counsel, and it shall be sent to the applicant at least fourteen days before the interview is scheduled. Notice is sufficient if sent to the most recent address on file with the Office of Attorney Admissions at the time of the notice.

**(4) Failure to Appear.** An applicant's failure to appear for an interview may be grounds to recommend denial of the application.

**(5) Formal Rules of Evidence Do Not Apply.** The inquiry panel is not bound by formal rules of evidence during the interview and may consider all documents, verified written statements or other matters brought to its attention.

**(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 applicant may be admitted, admitted with conditions, denied admission, or the inquiry panel may in its discretion 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 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 reasons 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 findings 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, 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.

### **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.** 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 209.3. Pre-Hearing Matters.**

**(1) Issues to Be Presented.** The issues at the hearing shall be limited to those in the inquiry panel findings and challenged in the applicant's request for a hearing unless, prior to the hearing, the Office of Attorney Regulation Counsel requests the inquiry panel to reopen its determination to consider additional information, and amend its findings. A request to reopen the inquiry panel's determination shall stay the proceeding before the hearing board until the inquiry panel has completed its review.

**(2) Status Conference.** The Presiding Disciplinary Judge or presiding officer shall order an initial status conference to be held within fourteen days after the filing of the request for a hearing. The purpose of the initial status conference is for the Presiding Disciplinary Judge or presiding officer and the parties to discuss any need for disclosures, discovery, or expert witnesses, and to manage all matters relating to the proceeding. After the initial status conference, the applicant shall be notified by written order of:

(a) The date, time, and place of the hearing;

(b) The right of the applicant to be represented by counsel at such hearing at the applicant's expense, to examine and cross-examine witnesses, to produce evidence bearing upon the applicant's character and fitness to practice law, and to make reasonable use of the subpoena powers of the Presiding Disciplinary Judge or the judge's clerk for the proceedings.

**(3) Discovery.**

**(a) Purpose and Scope.** C.R.C.P. 16 shall not apply to proceedings conducted pursuant to this rule except as otherwise provided in this rule. C.R.C.P. 26 shall apply to proceedings conducted pursuant to this rule except as otherwise provided in this rule.

**(b) Limitations.** Except upon order by the Presiding Disciplinary Judge or the presiding officer for good cause shown, discovery shall be limited as follows:

(i) The Office of Attorney Regulation Counsel may take the deposition of the applicant and two other persons, in addition to the depositions of experts as provided in C.R.C.P. 26. The applicant may take the deposition of three persons, in addition to the depositions of experts as provided in C.R.C.P. 26. The scope and manner of proceeding by way of deposition and the use thereof shall otherwise be governed by C.R.C.P. 26, 28 through 32, and 45.

(ii) On motion of the Office of Attorney Regulation Counsel, and upon a showing of good cause, the Presiding Disciplinary Judge or presiding officer may require the applicant to submit to a mental status examination conducted by a psychiatrist or psychologist, or to submit to a substance abuse evaluation conducted by a qualified professional. The psychiatrist, psychologist or substance abuse evaluator shall be chosen by the Office of Attorney Regulation Counsel. The applicant shall bear the cost of the required mental status examination and/or substance abuse evaluation.

**(c) Duty to Disclose Expert Testimony.** The parties must disclose expert testimony as required by C.R.C.P. 26. The timing of any expert witness disclosures and supplementation shall be as directed by the written order of the Presiding Disciplinary Judge or presiding officer.

**(4) Additional Conferences.** The parties may request additional status conferences as needed.

## Rule 209.4. Hearing

(1) **Issues.** The issues under review at the hearing shall be limited to those in the inquiry panel findings and challenged in the applicant's request for a hearing, unless the parties otherwise stipulate or the findings were amended pursuant to the procedure described in C.R.C.P. 209.3(1).

(2) **Confidential Hearing.** The hearing shall be confidential unless the applicant requests in writing that the hearing be public. If such request is made, the entire matter shall become public, including any documents filed in the matter or issued by the Presiding Disciplinary Judge, presiding officer or the hearing board.

(3) **Procurement of Evidence During Hearing.**

(a) **Subpoena.** In the course of a hearing conducted pursuant to these rules, and upon the request of any party to the hearing, the Presiding Disciplinary Judge or his or her clerk may, for the use of a party, issue subpoenas to compel the attendance of witnesses and production of pertinent books, papers, documents, or other evidence. Such subpoenas shall be subject to the provisions of C.R.C.P. 45.

Witnesses to whom subpoenas are issued pursuant to this rule shall be entitled to reimbursement for mileage as provided by law for witnesses in civil actions.

(b) **Quashing a Subpoena.** Any challenge to the subpoena as exercised pursuant to this rule shall be directed to the Presiding Disciplinary Judge or the presiding officer.

(c) **Contempt.**

(i) **Persons in Contempt.** Any person who fails or refuses to comply with a subpoena issued pursuant to this rule may be cited for contempt of the Supreme Court. Any person who obstructs the hearing board or any part thereof in the performance of its duties may be cited for contempt of the Supreme Court. Any person having been duly sworn to testify who refuses to answer any proper questions may be cited for contempt of the Supreme Court.

(ii) **Issuance of Contempt Citation.** A contempt citation may be issued by the Presiding Disciplinary Judge or the presiding officer. A copy of the contempt citation, together with the findings of fact made by the Presiding Disciplinary Judge or the presiding officer concerning the contempt, shall be filed with the Supreme Court. The Supreme Court shall then determine whether to issue a finding of contempt and impose sanctions.

(4) **Admission of Evidence.** The hearing board is not bound by formal rules of evidence. The hearing board in its discretion may consider evidence other than in testimonial form, and may rely upon records and other materials furnished by the parties. The Presiding Disciplinary Judge or presiding officer in his or her discretion may determine whether to admit evidence and whether evidence to be taken in testimonial form shall be taken in person or upon deposition, but in either event all testimonial evidence shall be taken under oath.

(5) **Privilege Against Self-Incrimination.** An applicant may not be required to testify or produce records over his or her objection if to do so would be in violation of the applicant's constitutional privilege against self-incrimination. An adverse inference may be drawn from the applicant's failure or refusal to testify or produce records.

(6) **Burden of Proof.** The applicant bears the burden of showing by clear and convincing evidence that the applicant possesses the character and fitness necessary to practice law in Colorado.

(7) **Record of Proceeding.** A certified court reporter shall make a contemporaneous record of the hearing.

### **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 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.

(2) **Written Exceptions.** Both the applicant and the Office of Attorney Regulation Counsel shall have the right to file written exceptions to the report. Except as otherwise provided by these rules, and to the extent practicable, the written exceptions shall contain a summary of all factual and legal arguments made by the party filing the written exceptions. Any written exceptions to the report must be filed with the Supreme Court within twenty-one days after issuance of the report and simultaneously served on the opposing party. An advisory copy of the written exceptions shall be served on the Office of the Presiding Disciplinary Judge or the presiding officer within the time for its filing with the Supreme Court. Written exceptions may be e-filed in accordance with C.A.R. 30.

(3) **No Exceptions Filed.** If no written exceptions are timely filed, the case shall stand submitted upon the hearing board's report.

(4) **Proceedings Before the Supreme Court.**

(a) **Docketing.** The matter shall be docketed by the Clerk of the Supreme Court as:

SUPREME COURT, STATE OF COLORADO  
Case No.  
ORIGINAL PROCEEDING IN ATTORNEY ADMISSIONS

---

IN THE MATTER OF (the name of the Applicant), APPLICANT

---

Once docketed, the matter no longer remains confidential and instead becomes a public proceeding.

(b) **Record on Appeal.**

(i) **Composition of the Record.** Unless the parties stipulate to a more limited record, the record shall consist of all pleadings, documents, and other materials filed or submitted in the proceedings before the inquiry panel and the hearing board; all written findings, orders, and judgments entered by the inquiry panel, Presiding Disciplinary Judge or presiding officer, and hearing board; all evidence presented to the hearing board, including depositions and exhibits; and a complete transcript of all hearings conducted by the hearing board.

**(ii) Designation of the Record; Costs.** Except as otherwise provided in this rule, the designation of the record on appeal shall be in accordance with C.A.R. 10. Within fourteen days after filing the written exceptions, the excepting party shall file a designation of record with the clerk of the Presiding Disciplinary Judge and the clerk of the Supreme Court. The designation of record shall either: (1) indicate that all the items enumerated in section (b)(i) are desired; or (2) contain a more limited detailed list, arrived through stipulation of the parties, describing the specific items to be included in the record. The excepting party shall serve a copy of the designation of record on the opposing party and on the court reporter who reported the proceedings before the hearing board. Service on any court reporter of the excepting party's designation of record shall constitute a request for transcription of the specified proceedings. Each such court reporter shall provide the written notifications required by C.A.R. 10(b), and the designating party shall pay for the requested transcript(s) in accordance with that rule.

**(iii) Certification of the Record.** The records and files of the hearing board shall be certified by the clerk of the Presiding Disciplinary Judge.

**(iv) Transmission of the Record.** Except as otherwise provided in this rule, the transmission of the record on appeal shall be in accordance with C.A.R. 11. The record on appeal, including the transcript and exhibits necessary for the determination of the appeal, shall be transmitted to the clerk of the Supreme Court within sixty-three days (nine weeks) after the filing of the written exceptions, unless the time is shortened or extended by an order entered under C.A.R. 11(d). The excepting party shall take any actions necessary to enable the clerk of the Presiding Disciplinary Judge to assemble and transmit the record. The clerk of the Presiding Disciplinary Judge shall assemble and transmit the record in accordance with C.A.R. 10(a)(4) and (5), and C.A.R. 11(b).

**(c) Briefs.** Except as otherwise provided in this rule, the form, filing, and service of briefs shall be in accordance with C.A.R. 28, 31, and 32.

**(i) Titles, Content, Form, and Length of Briefs. No Requests for Attorney Fees Allowed.** The brief of the excepting party shall be entitled "opening brief," the brief of the opposing party shall be entitled "answer brief," and the brief of the excepting party's reply brief, if any, shall be entitled "reply brief." The content, form, and length of the briefs shall comply with C.A.R. 28 and 32, except that neither party may seek an award of attorney fees.

**(ii) Time for Serving and Filing Briefs.** The excepting party shall serve and file the opening brief within twenty-eight days after the date on which the record is filed. The objecting party shall serve and file the answer brief within twenty-eight days after service of the opening brief. The excepting party may serve and file a reply brief within fourteen days after service of the answer brief.

**(d) Review.** The Supreme Court, after reviewing the report of the hearing board, any exceptions filed thereto, the record, and the parties' briefs, may adopt, modify, or reject the report in whole or in part, or may receive further evidence prior to its decision to admit or decline to admit the applicant. The Supreme Court reserves the authority to review any determination made in the course of an admission proceeding and to enter any order with respect thereto, including an order that the Character and Fitness Committee, inquiry panel, and/or hearing board conduct further proceedings.

## **Rule 210. Revocation of License**

### **Rule 210.1. General Provisions**

The Supreme Court may revoke a Colorado license to practice law if such license was obtained under false pretenses.

### **210.2. Revocation Proceedings**

**(1) Petition for Revocation.** If, after an applicant has been admitted to practice law in Colorado, the Office of Attorney Regulation Counsel learns that during the admissions process the applicant knowingly made a false statement of material fact, knowingly failed to disclose a fact necessary to correct a misapprehension known by the applicant to have arisen in the matter, knowingly failed to supplement the application with details of any material changes in the information provided in the application, or engaged in knowing dishonest conduct during the application process in an attempt to induce the Office of Attorney Admissions, the Board of Law Examiners and/or the Supreme Court to grant a law license, or otherwise engaged in pre-admission conduct that if disclosed could have precluded the applicant from being admitted to the practice of law in Colorado, the Office of Attorney Regulation Counsel may file a petition with the Supreme Court within three (3) years that specifies the conduct and seeks an order requiring the attorney to show cause why the Colorado license to practice law should not be revoked. Such petition and any subsequent pleadings may be e-filed in accordance with C.A.R. 30. Such revocation proceedings shall be public.

**(2) Caption.** Revocation proceedings shall be commenced in the name of The People of the State of Colorado.

**(3) Show Cause Order.** The Supreme Court, on consideration of the petition filed, may issue an order directed to the attorney respondent commanding the respondent to show cause why the respondent's law license should not be revoked, and further requiring that the respondent file with the Supreme Court, within twenty-one days after service of the petition and show cause order, a written answer admitting or denying the matters stated in the petition. The show cause order, together with a copy of the petition, shall be served on the respondent and the Office of Attorney Regulation Counsel. Service shall be sufficient when made either personally upon the respondent or by certified mail sent to the respondent's registered or last known address.

**(4) Supreme Court Order Based on Pleadings.** If a response to the show cause order is not timely filed, the Supreme Court upon its own motion or the motion of any party shall decide the case, granting such relief and issuing such other orders as may be appropriate.

**(5) Judgment on Pleadings.** If the response to the show cause order raises no genuine issue of material fact, any party by motion may request a judgment on the pleadings and the Supreme Court may decide the case as a matter of law, granting such relief and issuing such other orders as may be appropriate.

**(6) Referral to Hearing Board.** Upon the Supreme Court's order or upon motion of any party, questions of fact raised in proceedings under this rule may be referred to a hearing board consisting of the Presiding Disciplinary Judge and two

members of the Character and Fitness Committee for findings of fact, conclusions of law and recommendations for final disposition of the case. The two Character and Fitness Committee members, at least one of whom shall be an attorney, shall be randomly selected by the clerk for the Presiding Disciplinary Judge. If the Presiding Disciplinary Judge has been disqualified, an attorney on the Character and Fitness Committee shall be selected by the clerk to serve as the presiding officer.

(a) **Burden of Proof.** The Attorney Regulation Counsel has the burden of establishing by clear and convincing evidence that the respondent engaged in any of the conduct set forth in section (1) of this rule.

(b) **Procurement of Evidence.** The parties may procure the attendance of witnesses before the hearing board by issuance of subpoenas which shall be in the name of the Supreme Court and may be issued by the Presiding Disciplinary Judge or his or her clerk upon the request of a party. All such subpoenas shall be subject to the provisions of C.R.C.P. 45. Failure or refusal, without adequate excuse, to comply with any such subpoena shall constitute contempt of the Supreme Court and may be punished accordingly.

(c) **Hearing Procedures.** The Colorado Rules of Civil Procedure shall apply when not inconsistent with these rules. Subject to any limitations in the order of reference, the Presiding Disciplinary Judge or presiding officer shall have the powers generally reposed in a district court under the Colorado Rules of Civil Procedure. The Presiding Disciplinary Judge or presiding officer shall rule on all motions, objections and other matters of law presented during the course of proceedings conducted pursuant to the order of reference. At all hearings before a hearing board, witnesses shall be sworn in and a complete record made of all proceedings had and testimony taken.

(d) **Findings.** After the hearing, the hearing board shall report in writing to the Supreme Court in accordance with the order of reference, setting forth findings of fact, conclusions of law and recommendations for final disposition of the case.

(e) **Exceptions.** Exceptions to the report of the hearing board may be filed with the Supreme Court by any party within twenty-eight days after copies of the report have been mailed to the parties. If no exceptions are timely filed, the case shall stand submitted upon the hearing board's report.

(f) **Record on Appeal.**

(i) **Composition of the Record.** Unless the parties stipulate to a more limited record, the record shall consist of all pleadings, documents, and other materials filed or submitted in the proceedings before the hearing board; all written findings, orders, and judgments entered by the hearing board; all evidence presented to the hearing board, including depositions and exhibits; and a complete transcript of all hearings conducted by the hearing board.

(ii) **Designation of the Record; Costs.** Except as otherwise provided in this rule, the designation of the record on appeal shall be in accordance with C.A.R. 10. Within fourteen days after filing the written exceptions, the excepting party shall file a designation of record with the clerk of the Presiding Disciplinary Judge and the clerk of the Supreme Court. The designation of record shall either: (1) indicate that all the items enumerated in section (f)(i) are desired; or (2) contain a more limited detailed list, arrived through stipulation of the parties, describing the specific items to be included in the record. The excepting party shall serve a copy of the designation of record on the

opposing party and on the court reporter(s) who reported the proceedings before the hearing board. Service on any court reporter of the excepting party's designation of record shall constitute a request for transcription of the specified proceedings. Each such court reporter shall provide the written notifications required by C.A.R. 10(b), and the designating party shall pay for the requested transcript(s) in accordance with that rule.

**(iii) Certification of the Record.** The records and files of the hearing board shall be certified by the clerk of the Presiding Disciplinary Judge.

**(iv) Transmission of the Record.** Except as otherwise provided in this rule, the transmission of the record on appeal shall be in accordance with C.A.R. 11. The record on appeal, including the transcript and exhibits necessary for the determination of the appeal, shall be transmitted to the clerk of the Supreme Court within sixty-three days (nine weeks) after the filing of the written exceptions, unless the time is shortened or extended by an order entered under C.A.R. 11(d). The excepting party shall take any action necessary to enable the clerk of the Presiding Disciplinary Judge to assemble and transmit the record. The clerk of the Presiding Disciplinary Judge shall assemble and transmit the record in accordance with C.A.R. 10(a)(4) and (5), and C.A.R. 11(b).

**(g) Briefs.** Except as otherwise provided in this rule, the form, filing, and service of briefs shall be in accordance with C.A.R. 28, 31, and 32.

**(i) Titles, Content, Form, and Length of Briefs. No Requests for Attorney Fees Allowed.** The brief of the excepting party shall be entitled "opening brief," the brief of the opposing party shall be entitled "answer brief," and the excepting party's reply brief, if any, shall be entitled "reply brief." The content, form, and length of the briefs shall comply with C.A.R. 28 and 32, except that neither party may seek an award of attorney fees.

**(ii) Time for Serving and Filing Briefs.** The excepting party shall serve and file the opening brief within twenty-eight days after the date on which the record is filed. The objecting party shall serve and file the answer brief within twenty-eight days after service of the opening brief. The excepting party may serve and file a reply brief within fourteen days after service of the answer brief.

**(h) Order of Revocation.** After review of the report of the hearing board, together with any exceptions, briefs, and the record, the Supreme Court may adopt, modify, or reject the report in whole or in part and shall determine as a matter of law whether the respondent engaged in any of the conduct set forth in section (1) of this rule. If the Supreme Court finds that the respondent did engage in any of the conduct set forth in section (1) of this rule, the Supreme Court may enter an order revoking the respondent's license to practice law in Colorado and may issue such further orders as it deems appropriate, including orders for restitution to any affected agency or client, and the assessment of costs.

**(7) Immediate Suspension.** Nothing in this rule shall be construed to limit the power of the Supreme Court, upon proper application, to immediately suspend an attorney at any stage of the revocation proceeding in order to prevent public harm.

**(8) Not Exclusive Remedy.** In addition to or in lieu of initiating revocation proceedings, the Office of Attorney Regulation Counsel may in its discretion choose to institute disciplinary proceedings against the respondent for conduct described in subparagraph (1) of this rule, and a C.R.C.P. 251.18 hearing board may order revocation of the law license as an alternative to discipline. Nothing in this rule precludes the Office

of Attorney Regulation Counsel from pursuing disciplinary proceedings against the respondent attorney if the Supreme Court does not order revocation of the attorney's law license pursuant to this rule.

## **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.

### **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 for 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.

### **Rule 211.3. Oath of Admission**

(1) **Oath of Admission.** No applicant shall be admitted as a licensed attorney 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 on-motion applicant pursuant to C.R.C.P. 203.1 or 203.2 shall be permitted to take the oath more than eighteen months after the date on which the Supreme Court approved his or her application. No written examination applicant pursuant to C.R.C.P. 203.4 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 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 212. 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.

**Rule 220 through 223 – REPEALED**

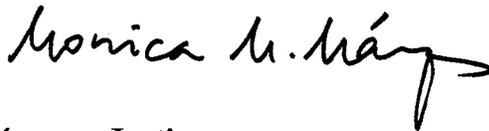
**Rule 224 through 226 – [NO CHANGE]**

**Rule 226.5 – REPEALED**

**Rule 227 - [NO CHANGE]**

**Rule 203.2 Amended and Adopted by the Court, En Banc, effective July 1, 2014.  
Remainder Amended and Adopted by the Court, En Banc, effective September 1, 2014.**

By the Court:



**Monica M. Márquez, Justice  
Colorado Supreme Court**