

**RULE CHANGE 2015(02)**

**COLORADO RULES OF CIVIL PROCEDURE**

**CHAPTER 18**

**Rules 205.3, 205.5, 205.6, 224, and 227.**

**CHAPTER 20**

**Rules 251.1, 260.2, and 260.6.**

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

**(1) through (6) [NO CHANGE]**

**(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 [A through 1.15E](#) 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 205.5. Pro Hac Vice Authority - Foreign Attorney**

**(1) through (6) [NO CHANGE]**

**(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 [A through 1.15E](#) 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) through (4) [NO CHANGE]**

**(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 [A through 1.15E](#) 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) through (8) [NO CHANGE]**

## Rule 224. Provision of Legal Services Following Determination of a Major Disaster

(1) [NO CHANGE]

(2) **Temporary Practice in Colorado Following a Major Disaster in Colorado.** Following the determination of an emergency in Colorado pursuant to paragraph (1) of this rule, an out-of-state attorney who meets the conditions of [C.R.C.P. 205.1\(a\) and \(b\)](#) ~~C.R.C.P. 220(1)(a) and (b)~~ may be allowed to establish a place for the temporary practice of law from which the attorney may provide legal services not otherwise authorized by [Rule 205.1](#) ~~Rule 220~~. The terms and conditions of such temporary practice will be set forth in the Supreme Court's emergency order, and will depend upon the nature and extent of the emergency affecting the justice system, and the needs for legal services resulting from such emergency.

(3) **Temporary Practice in Colorado Following a Major Disaster in Another Jurisdiction.** Following the determination of a major disaster in another jurisdiction in the United States, pursuant to paragraph (1) of this rule, an out-of-state attorney who meets the conditions of [C.R.C.P. 205.1\(a\) and \(b\)](#) ~~C.R.C.P. 220(1)(a) and (b)~~ may establish a place for the temporary practice of law in Colorado not otherwise authorized by [C.R.C.P. 205.1](#) ~~C.R.C.P. 220~~, from which such attorney may provide legal services related to that attorney's practice of law in the licensing jurisdiction or the area of such licensing jurisdiction where the major disaster occurred.

(4) [NO CHANGE]

(5) **Court Appearances.** The authority granted by this rule does not include appearances in Colorado state courts of record or administrative tribunals, except:

(a) When the out-of-state attorney files a motion for *pro hac vice* admission pursuant to [C.R.C.P. 205.3 and 205.4](#) ~~C.R.C.P. 221 and 221.1~~, and obtains permission from the trial court for such appearance (the Supreme Court may waive *pro hac vice* admission fees at the time of the determination of the major disaster as described in paragraph (1) or at any time thereafter while the determination remains in effect); or

(b) When the Supreme Court, in any determination made under paragraph (1), grants blanket permission to attorneys providing legal services pursuant to paragraph (2) to appear in all or designated Colorado courts or administrative tribunals, thereby suspending the *pro hac vice* application and fee requirements set forth in [C.R.C.P. 221 and 221.1](#) ~~C.R.C.P. 205.3 and 205.4~~.

**(6) Disciplinary Authority and Registration Requirement.** Out-of-state attorneys who establish a place for the temporary practice of law in Colorado pursuant to paragraphs (2) or (3) are subject to this Supreme Court's disciplinary authority and the Colorado Rules of Professional Conduct as provided in [C.R.C.P. 205.1\(3\)](#) ~~C.R.C.P. 220(3)~~ and [Colo. RPC 8.5](#). Prior to opening such place for the temporary practice of law in Colorado, these out-of-state attorneys shall file a registration statement with the Colorado Supreme Court Office of Attorney Registration. The registration statement shall be in a form prescribed by the Supreme Court. Any out-of-state attorney who provides legal services pursuant to this rule shall not be considered to be engaged in the unauthorized practice of law in Colorado, and shall be deemed, for the purposes of Colorado Revised Statutes, Title 12, Article 5, Sections 101, 112 and 115, to have obtained a license for the limited scope of practice specified in this rule.

**(7) [NO CHANGE]**

## **Rule 227. Registration Fee**

### **A. Registration Fee of Attorneys and Attorney Judges**

**(1) [NO CHANGE]**

**(2) Statement.**

**(a) Contents.** The annual registration statement shall be on a form prescribed by the Clerk, setting forth:

(1) date of admission to the Bar of the Colorado Supreme Court;

(2) registration number;

(3) current residence and office addresses and, if applicable, a preferred mailing address for the Colorado Courts, along with current telephone numbers and email addresses;

(4) certification as to (a) whether the attorney has been ordered to pay child support and, if so, whether the attorney is in compliance with any child support order, (b) whether the attorney or the attorney's law firm has established one or more interest-bearing accounts for client funds as provided in [Colo. RPC 1.15B](#) and if so, the name of the financial institution, account number and location of the financial institution, or, if not, the reason for the exemption, and (c) with respect to attorneys engaged in the private practice of law, whether the attorney is currently covered by professional liability insurance and, if so, whether the attorney intends to maintain insurance during the time the attorney is engaged in the private practice of law; and

(5) such other information as the Clerk may from time to time direct.

**(b) Notification of Change.** Every attorney shall file a supplemental statement of change in the information previously submitted, including home and business addresses, within 28 days of such change. Such change shall include, without limitation, the lapse or termination of professional liability insurance without continuous coverage.

**(c) Availability of Information.** The information provided by the lawyer regarding professional liability insurance shall be available to the public through the Supreme Court Office of Attorney Registration and on the Supreme Court Office of Attorney Registration website.

**(3) through (8) [NO CHANGE]**

### **B. Registration Fee of Non-Attorney Judges**

[NO CHANGE]

#### **COMMENT**

The Supreme Court sets the annual attorney registration fee. The annual attorney registration fee includes both attorneys on active status and attorneys on inactive status. Attorneys admitted under [C.R.C.P. 204](#) ~~C.R.C.P. 222 (Single-Client Certification)~~ annually pay the active attorney fee [as required by C.R.C.P. 204.1 through 204.6](#). The Supreme Court apportions the active attorney fee to the various attorney regulation and registration offices; the continuing legal education office; the Attorneys' Fund for Client Protection; and the Colorado Attorney Assistance Program.

To cover the operating costs of the various programs the court increased the annual attorney registration fee every six to eight years. In 2006, the court increased the active attorney registration fee fifteen percent. In 1998, to fund major changes to the attorney regulation system the court increased the fee seventy percent. The infrequent increases resulted in a surplus in the attorney registration/regulation fund for a period of years. In an effort to reduce the impact of a substantial fee increase every six to eight years the court adopted a more modest and consistent way of determining attorney registration fees. The court will authorize smaller but more frequent fee increases as necessary to cover operating expenses related to the costs of the Attorneys' Fund for Client Protection, attorney regulation, unauthorized practice of law matters, and administration of this rule.

## Rule 251.1. Discipline and Disability; Policy — Jurisdiction

(a) [NO CHANGE]

(b) **Jurisdiction.** Every attorney licensed to practice law in the State of Colorado is subject to the disciplinary and disability jurisdiction of the Supreme Court in all matters relating to the practice of law. Every attorney practicing law in this state pursuant to [C.R.C.P. 204 or 205](#) ~~C.R.C.P. 220, or admitted *pro hac vice* pursuant to C.R.C.P. 221 or 221.1, or certified to represent a single-client pursuant to C.R.C.P. 222~~ is subject to the disciplinary and disability jurisdiction of the Supreme Court when practicing law pursuant to such rules. Every attorney serving as a magistrate pursuant to Colorado Rules for Magistrates, Chapter 35, vol. 12, C.R.S., is subject to the disciplinary and disability jurisdiction of the Supreme Court for conduct performed as a magistrate as provided by C.R.M. 5(h).

(c) through (d) [NO CHANGE]

## Rule 260.2. CLE Requirements

(1) through (3) [NO CHANGE]

(4) This subsection 4 is repealed and replaced by [C.R.C.P. 203.2\(6\), 203.3\(4\), and 203.4\(6\)](#) ~~201.14(3)~~.

(5) to (6) [NO CHANGE]

## Rule 260.6. Compliance

(1) through (4) [NO CHANGE]

(5) In the event a registered attorney or judge shall fail to complete the required units at the end of each applicable compliance period, the final Affidavit may be accompanied by a specific plan for making up the deficiency of units necessary within 119 days (17 weeks) after the date of final Affidavit. When filed, the plan shall be accompanied by a make-up plan filing fee, the amount of which shall be determined by the Board annually and which shall be used to cover the costs of processing the plan. Such plan shall be deemed accepted by the Board unless within 14 days after the receipt of such final affidavit the Board notifies the affiant to the contrary. Full completion of the affiant's plan shall be reported by Affidavit to the Board not later than 14 days following such 119-day period. Failure of the affiant to complete the plan within such 119-day period shall invoke the sanctions set forth in Paragraph (6).

(a) Section 5 does not apply to the required course on professionalism mandated by C.R.C.P. 203.2(6), 203.3(4), and 203.4(6) ~~C.R.C.P. 201.14~~.

(6) In the event that any registered attorney or judge shall fail to comply with these rules or Rules 203.2(6), 203.3(4), or 203.4(6) ~~Rule 201.14~~ in any respect, the Board shall promptly notify such registered attorney or judge of the nature of the noncompliance by a statement of noncompliance. The statement shall advise the registered attorney or judge that within 14 days either the noncompliance must be corrected or a request for a hearing before the Board must be made, and that upon failure to do either, the statement of noncompliance shall be filed with the Supreme Court.

**Sections (7) through (13) [NO CHANGE]**

Amended and Adopted by the Court, En Banc, January 14, 2015, effective immediately.

By the Court:

Nathan B. Coats  
Justice, Colorado Supreme Court