

Rule Change #2001(12)

The Colorado Rules of Civil Procedure
Chapter 18. Rules Governing Admission to the Bar
Chapter 20. Colorado Rules of Procedure Regarding
Attorney Discipline and Disability Proceedings,
Colorado Attorneys' Fund for Client Protection,
and Mandatory Continuing Legal Education and Judicial Education

Rule 227. Registration Fee

A. Registration Fee of Attorneys and Attorney Judges (1)
General Provisions

(a) - (b) Collection of Fee [***NO CHANGE]

(c) Application of Fees. The fee shall be divided. Ten dollars shall be used to pay the costs of establishing and administering the mandatory continuing legal education requirement. A portion of the fee, to be determined and adjusted periodically by the Supreme Court, ~~shall be transferred to the Administering Entity chosen by the Advisory Committee as provided in C.R.C.P. 251.34(b)(8), which amount~~ shall be used to support designated providers that have been selected by the Advisory Committee to provide assistance to attorneys needing help in dealing with physical, emotional, or psychological problems which may be detrimental to their ability to practice law. The remaining portion of the fee, and the entire fee of those on inactive status, shall be used only to establish and maintain an attorneys' fund for client protection, and to defray the costs of disciplinary administration and enforcement, the costs incurred with respect to unauthorized practice matters, and the expenses incurred in the administration of this rule.

[***NO CHANGE TO REMAINDER OF RULE 227]

Rule 251.34. Advisory Committee

(a) Advisory Committee. [***NO CHANGE]

(b) Powers and Duties of the Advisory Committee. [***NO CHANGES TO (b)(1)-(7)]

~~(8) Select an administering entity;~~ Repealed.

(9) Select one or more peer health assistance programs as designated providers.

~~The administering entity referred to herein shall be a qualified non profit entity that is qualified under Section 501(c) of the federal "Internal Revenue Code of 1986," as amended. The administering entity shall distribute the funds collected, less expenses, to the approved designated provider, as directed by the Advisory Committee; and provide an annual accounting to the Advisory Committee of all amounts collected, expenses incurred, and amounts disbursed. The administering entity may recover the actual administrative costs incurred in performing its duties under this rule in an amount not to exceed two percent of the total amount collected.~~

To be eligible for designation by the Advisory Committee, an attorney's peer health assistance program shall provide for the education of attorneys with respect to the recognition and prevention of physical, emotional, and psychological problems; offer assistance to an attorney in identifying physical, emotional, or psychological problems; refer the attorney for appropriate treatment; provide counseling and support for the attorney and for the family of any attorney referred for treatment; and agree to make their services available to all licensed Colorado attorneys.

Nothing in this rule shall be construed to create any liability on the Advisory Committee, ~~the administering entity,~~ or the Supreme Court for the actions of the Advisory Committee in funding peer assistance programs, and no civil action may be brought or maintained against the committee, ~~the administering entity, the committee selected peer assistance program,~~ or the Supreme Court for an injury alleged to have been the result of the activities of any committee-selected peer assistance program or the result of an act or omission of an attorney participating in or referred by a committee-selected peer assistance et program.

(10) [***NO CHANGE]

Amended and Adopted by the Court, En Banc, June 7, 2001, effective July 1, 2001.

BY THE COURT:

Rebecca Love Kourlis
Justice, Colorado Supreme Court