

Rule Change #2002(13)

THE COLORADO RULES OF CIVIL PROCEDURE
CHAPTER 18. RULES GOVERNING ADMISSION TO THE BAR
Rules 220, 221, 221.1, and 222

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 251.1

RULE 220. OUT-OF-STATE ATTORNEY - CONDITIONS OF PRACTICE

(1) 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 such attorney holds himself or herself out to the public as practicing Colorado law or solicits or accepts Colorado clients.

(2) An out-of-state attorney may practice law in the state of 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. 221 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. 221.1 concerning *pro hac vice* admission before state agencies.

(3) An out-of-state attorney practicing law under this rule is subject to the Colorado Rules of Professional Conduct and rules of procedure regarding attorney discipline and disability proceedings and those remedies set forth in C.R.C.P. 234(a).

(4) An out-of-state attorney who engages in the practice of law in Colorado pursuant to Rule 220 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.

RULE 221. SPECIAL OUT-OF-STATE ATTORNEY - PRO HAC VICE
ADMISSION

~~Any attorney and counselor at law in good standing from any other jurisdiction in the United States, may in the discretion of any court of record in this State, be permitted to participate before such Court in the trial or argument of any particular cause in which, for the time being, he is employed; provided, that a member in good standing of the Bar of this Court is associated in such cause at all stages thereof.~~

An out-of-state attorney (as defined in Rule 220) may be permitted to appear on a particular matter in any state court of record under the following circumstances:

(1) Filing Requirements.

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

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

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

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

(iv) Pay a \$250 fee to the Clerk of the Colorado Supreme Court collected by the Attorney Registration Office; 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 *pro hac vice* admission has been sought 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 in which the attorney has any pending disciplinary proceeding, including the date of the disciplinary action, the nature of the violation, and the penalty imposed;

(iv) A statement identifying the party or parties represented, and 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 all applicable provisions of the Colorado Rules of Professional Conduct and the Colorado Rules of Civil Procedure, and that such rules have been read and will be followed 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 in the matter in which leave to appear *pro hac vice* is sought; and

(viii) The signature of the licensed Colorado associate attorney, verifying that attorney's association on the matter.

(2) 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 attorney in all appearances.

(3) Use of Fees. All fees collected by the Clerk of the Colorado Supreme Court under this rule shall be used to fund the attorney regulation system.

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

(5) Permission to Provide Information to Trial Court. The Colorado Supreme Court offices may provide information to the trial court that it believes relevant for the trial court's ruling on the pending motion to appear. The trial court nevertheless retains all authority to rule on the motion 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 Supreme Court at the Attorney Registration Office. 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 Supreme Court at the Attorney Registration Office requesting permission to appear. The motion, affidavit, and filing fee must be submitted as otherwise provided in subsection (1) of this rule.

(7) Discipline and Disability Jurisdiction.

Any attorney who has received *pro hac vice* admission 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 221.1. ~~SPECIAL ADMISSION BEFORE STATE AGENCIES~~ OUT-OF-STATE ATTORNEY - *PRO HAC VICE* - ADMISSION BEFORE STATE AGENCIES

~~Any lawyer and counselor of law in good standing from any other jurisdiction in the United States may, in the discretion of an administrative hearing officer in this State, be admitted to practice before such state agency in the hearings or arguments of any particular cause in which for the time being he is employed.~~

An out-of-state attorney (as defined in Rule 220) may, in the discretion of an administrative hearing officer in this state, 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 is set forth in C.R.C.P. 221(1), except for (a)(ii); (b)(vi) and (b)(viii).

RULE 222. SINGLE-CLIENT COUNSEL CERTIFICATION

(1) **Single-Client Representation.** An attorney who is not licensed to practice law in the state of Colorado may be

certified to act as counsel for a single-client upon application to and approval by the Colorado Supreme Court if the following conditions are met:

(a) The attorney has established domicile in Colorado;

(b) The attorney is licensed to practice law and is in active status in another state in the United States;

(c) 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; and

(d) 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 affiliate.)

(2) **Application.** The application and payment of the \$725 certification fee must be made payable to the Clerk of the Colorado Supreme Court and collected by the Attorney Registration Office. The application shall contain:

(a) a certification of the limited nature of such practice;

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

(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 he or she is admitted to practice.

(3) **Limitations.** Approval under this rule shall be solely for so long as such attorney shall engage in such limited practice. The attorney may not act as counsel for the client until the application is accepted and approved. Such approval shall automatically terminate when the attorney ceases to be engaged in such limited practice. The attorney approved pursuant to this section shall notify the Clerk of the Colorado Supreme Court at the Attorney Registration Office of any change of status in this regard as soon as practicable, and shall not be authorized to represent any other client.

(4) Authority. An attorney approved under this rule has the authority to act on behalf of the single-client for all purposes as if licensed in Colorado. An attorney approved under this rule 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.

(5) Discipline and Disability Jurisdiction. An attorney approved under this rule is subject to the Colorado Rules of Professional Conduct and the Rules of Procedure Regarding Attorney Discipline and Disability Proceedings.

(6) Fees. An attorney approved under this rule shall also be required to pay annual registration fees and comply with all other provisions of C.R.C.P. 227, as well as comply with the mandatory legal education requirements of C.R.C.P. 260. All fees collected by the Clerk of the Colorado Supreme Court at the Attorney Registration Office under this rule shall be used to fund the attorney regulation system.

(7) Certification Number. An attorney approved 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 thereon 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.

**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 ~~admitted to practice law in this state pursuant to C.R.C.P. 221 or C.R.C.P. 221.1~~ practicing law in this state pursuant to 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 ~~for the conduct related to that proceeding.~~ 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) No Change.

(d) No Change.

Amended and Adopted by the Court, En Banc, December 4, 2002, effective January 1, 2003.

BY THE COURT:

Michael L. Bender
Justice, Colorado Supreme Court

Nathan B. Coats
Justice, Colorado Supreme Court