

**RULE CHANGE 2024(16)**

**COLORADO RULES OF PROFESSIONAL CONDUCT**

**Rules 5.4, 6.1, and 8.4**

#### **Rule 5.4. Professional Independence of a Lawyer**

(a) - (e) [NO CHANGE]

(f) For purposes of this Rule, a “nonlawyer other than an LLP” includes (1) a lawyer or LLP who has been disbarred, (2) a lawyer or LLP who has been suspended and who must petition for reinstatement, (3) a lawyer or LLP who is subject to an interim suspension pursuant to C.R.C.P. 242.22, (4) a lawyer or LLP who is on inactive status pursuant to C.R.C.P. 227(A)(6), (5) a lawyer or LLP who has been permitted to resign under C.R.C.P. 227(A)(8), or (6) a lawyer or LLP who, for a period of six months or more, has been (i) on disability inactive status pursuant to C.R.C.P. 243.6 or (ii) suspended pursuant to C.R.C.P. 227(A)(4), 242.23, 242.24, or [250.7260.6](#).

COMMENT [NO CHANGE]

## **Rule 6.1. Voluntary Pro Bono Publico Service**

[NO CHANGE]

COMMENT

[1] - [11] [NO CHANGE]

Recommended Model Pro Bono Policy for Colorado Licensed Attorneys and Law Firms

Preface. [NO CHANGE]

Table of Contents

I. Introduction

II. Firm Pro Bono Committee/Coordinator

III. Pro Bono Services Defined

IV. Firm Recognition of Pro Bono Service

A. Performance Review and Evaluation

B. Credit For Pro Bono Matter

V. Administration of Pro Bono Service

A. Approval of Pro Bono Matters

B. Opening a Pro Bono Matter

C. Pro Bono Engagement Letter

D. Staffing of Pro Bono Matters

E. Supervision of Pro Bono Matters

F. Professional Liability Insurance

G. Paralegal Pro Bono Opportunities

H. Disbursements in Pro Bono Matter

I. Attorneys Fees in Pro Bono Matters

J. Departing Attorneys

VI. CLE Credit for Pro Bono Work

A. Amount of CLE Credit

B. How to Obtain CLE Credit

References

A. Preamble to the Colorado Rules of Professional Conduct

B. Colorado Rule of Professional Conduct 6.1

C. Chief Justice Directive 98-01, Costs for Indigent Persons Civil Matters

D. Colorado Rule of Civil Procedure ~~250.9260.8~~

E. Colorado Rule of Civil Procedure ~~250.9260.8~~, Form 8

I. Introduction [NO CHANGE]

II. Firm Pro Bono Committee/Coordinator (see suggested change for small firms below) [NO CHANGE]

III. Pro Bono Services Defined

The foremost objective of the firm pro bono policy is to provide legal services to persons of limited means and the nonprofit organizations that assist them, in accordance with Rule 6.1. The firm recognizes there are a variety of ways in which the firm's attorneys and paralegals can provide pro bono legal services in the community. The following, while not intended to be an exhaustive list, reflects the types of pro bono legal services the firm credits in adopting this policy:

A. - F. [NO CHANGE]

G. Mentoring of Law Students and Lawyers on Pro Bono Matters. Colorado Supreme Court Rule ~~250.9260.8~~ provides that an attorney who acts as a mentor may earn two (2) units of general credit per completed matter in which the attorney mentors a law student. An attorney who acts as a mentor may earn one (1) unit of general credit per completed matter in which the attorney mentors another lawyer. However, mentors shall not be members of the same firm or in association with the lawyer providing representation to the client of limited means.

Because the following activities, while meritorious, do not involve direct provision of legal services to the poor, the firm will not count them toward fulfillment of any attorney's, or the firm's, goal to provide pro bono legal services to persons of limited means or to nonprofits that serve such persons' needs: participation in a non-legal capacity in a community or volunteer organization; services to non-profit organizations with sufficient funds to pay for legal services as part of their normal expenses; client development work; non-legal service on the board of directors of a community or volunteer organization; bar association activities; and non-billable legal work for family members, friends, or members or staff of the firm who are not eligible to be pro bono clients under the above criteria.

IV. Firm Recognition of Pro Bono Service (see suggested change for small firms below). [NO CHANGE]

V. Administration of Pro Bono Service (see suggested change for small firms below). [NO CHANGE]

## VI. CLE Credit for Pro Bono Work

C.R.C.P. [250.9](#) ~~260.8~~ provides that attorneys may be awarded up to nine (9) hours of CLE credit per three-year reporting period for: (1) performing uncompensated pro bono legal representation on behalf of clients of limited means in a civil legal matter, or (2) mentoring another lawyer or law student providing such representation.

A. [NO CHANGE]

B. How to Obtain CLE Credit. An attorney who seeks CLE credit under C.R.C.P. [250.9](#) ~~260.8~~ for work on an eligible matter must submit the completed Form 8 to the assigning court, program or law school. The assigning entity must then report to the Colorado Board of Continuing Legal and Judicial Education its recommendation as to the number of general CLE credits the reporting pro bono attorney should receive.

Recommended Model Pro Bono Policy for Colorado In-House Legal Departments [NO CHANGE]

## Rule 8.4. Misconduct

It is professional misconduct for a lawyer to:

(a-1) - (f) [NO CHANGE]

(g) engage in conduct, in the representation of a client, that exhibits or is intended to appeal to or engender bias against a person on account of that person's race, sex, gender identity or expression, sexual orientation, religion, national origin, ethnicity, disability, age, ~~sexual orientation~~, or socioeconomic status, whether that conduct is directed to other counsel, court personnel, witnesses, parties, judges, judicial officers, or any persons involved in the legal process;

(h) - (i) [NO CHANGE]

COMMENT [NO CHANGE]

#### **Rule 5.4. Professional Independence of a Lawyer**

(a) - (e) [NO CHANGE]

(f) For purposes of this Rule, a “nonlawyer other than an LLP” includes (1) a lawyer or LLP who has been disbarred, (2) a lawyer or LLP who has been suspended and who must petition for reinstatement, (3) a lawyer or LLP who is subject to an interim suspension pursuant to C.R.C.P. 242.22, (4) a lawyer or LLP who is on inactive status pursuant to C.R.C.P. 227(A)(6), (5) a lawyer or LLP who has been permitted to resign under C.R.C.P. 227(A)(8), or (6) a lawyer or LLP who, for a period of six months or more, has been (i) on disability inactive status pursuant to C.R.C.P. 243.6 or (ii) suspended pursuant to C.R.C.P. 227(A)(4), 242.23, 242.24, or 250.7.

COMMENT [NO CHANGE]

## **Rule 6.1. Voluntary Pro Bono Publico Service**

[NO CHANGE]

COMMENT

[1] - [11] [NO CHANGE]

Recommended Model Pro Bono Policy for Colorado Licensed Attorneys and Law Firms

Preface. [NO CHANGE]

Table of Contents

I. Introduction

II. Firm Pro Bono Committee/Coordinator

III. Pro Bono Services Defined

IV. Firm Recognition of Pro Bono Service

A. Performance Review and Evaluation

B. Credit For Pro Bono Matter

V. Administration of Pro Bono Service

A. Approval of Pro Bono Matters

B. Opening a Pro Bono Matter

C. Pro Bono Engagement Letter

D. Staffing of Pro Bono Matters

E. Supervision of Pro Bono Matters

F. Professional Liability Insurance

G. Paralegal Pro Bono Opportunities

H. Disbursements in Pro Bono Matter

I. Attorneys Fees in Pro Bono Matters

J. Departing Attorneys

VI. CLE Credit for Pro Bono Work

A. Amount of CLE Credit

B. How to Obtain CLE Credit

References

A. Preamble to the Colorado Rules of Professional Conduct

B. Colorado Rule of Professional Conduct 6.1

C. Chief Justice Directive 98-01, Costs for Indigent Persons Civil Matters

D. Colorado Rule of Civil Procedure 250.9

E. Colorado Rule of Civil Procedure 250.9, Form 8

I. Introduction [NO CHANGE]

II. Firm Pro Bono Committee/Coordinator (see suggested change for small firms below) [NO CHANGE]

III. Pro Bono Services Defined

The foremost objective of the firm pro bono policy is to provide legal services to persons of limited means and the nonprofit organizations that assist them, in accordance with Rule 6.1. The firm recognizes there are a variety of ways in which the firm's attorneys and paralegals can provide pro bono legal services in the community. The following, while not intended to be an exhaustive list, reflects the types of pro bono legal services the firm credits in adopting this policy:

A. - F. [NO CHANGE]

G. Mentoring of Law Students and Lawyers on Pro Bono Matters. Colorado Supreme Court Rule 250.9 provides that an attorney who acts as a mentor may earn two (2) units of general credit per completed matter in which the attorney mentors a law student. An attorney who acts as a mentor may earn one (1) unit of general credit per completed matter in which the attorney mentors another lawyer. However, mentors shall not be members of the same firm or in association with the lawyer providing representation to the client of limited means.

Because the following activities, while meritorious, do not involve direct provision of legal services to the poor, the firm will not count them toward fulfillment of any attorney's, or the firm's, goal to provide pro bono legal services to persons of limited means or to nonprofits that serve such persons' needs: participation in a non-legal capacity in a community or volunteer organization; services to non-profit organizations with sufficient funds to pay for legal services as part of their normal expenses; client development work; non-legal service on the board of directors of a community or volunteer organization; bar association activities; and non-billable legal work for family members, friends, or members or staff of the firm who are not eligible to be pro bono clients under the above criteria.

IV. Firm Recognition of Pro Bono Service (see suggested change for small firms below). [NO CHANGE]

V. Administration of Pro Bono Service (see suggested change for small firms below). [NO CHANGE]

## VI. CLE Credit for Pro Bono Work

C.R.C.P. 250.9 provides that attorneys may be awarded up to nine (9) hours of CLE credit per three-year reporting period for: (1) performing uncompensated pro bono legal representation on behalf of clients of limited means in a civil legal matter, or (2) mentoring another lawyer or law student providing such representation.

A. [NO CHANGE]

B. How to Obtain CLE Credit. An attorney who seeks CLE credit under C.R.C.P. 250.9 for work on an eligible matter must submit the completed Form 8 to the assigning court, program or law school. The assigning entity must then report to the Colorado Board of Continuing Legal and Judicial Education its recommendation as to the number of general CLE credits the reporting pro bono attorney should receive.

Recommended Model Pro Bono Policy for Colorado In-House Legal Departments [NO CHANGE]

## **Rule 8.4. Misconduct**

It is professional misconduct for a lawyer to:

(a-1) - (f) [NO CHANGE]

(g) engage in conduct, in the representation of a client, that exhibits or is intended to appeal to or engender bias against a person on account of that person's race, sex, gender identity or expression, sexual orientation, religion, national origin, ethnicity, disability, age, or socioeconomic status, whether that conduct is directed to other counsel, court personnel, witnesses, parties, judges, judicial officers, or any persons involved in the legal process;

(h) - (i) [NO CHANGE]

COMMENT [NO CHANGE]

**Amended and Adopted by the Court, En Banc, September 12, 2024, effective immediately.**

**By the Court:**

**William W. Hood, III  
Justice, Colorado Supreme Court**