

RULE CHANGE 2024(19)

**COLORADO LICENSED LEGAL PARAPROFESSIONAL RULES OF PROFESSIONAL
CONDUCT**

Rules 1.15B, 5.4, and 8.4

Rule 1.15B. Account Requirements for LLPs Practicing in Firms Without Lawyers

(a) - (j) [NO CHANGE]

(k) If an LLP discovers that the LLP does not know the identity or the location of the owner of funds held in the LLP's COLTAF account, or the LLP discovers that the owner of the funds is deceased, the LLP must make reasonable efforts to identify and locate the owner or the owner's heirs or personal representative. If, after making such efforts, the LLP cannot determine the identity or the location of the owner, or the owner's heirs or personal representative, the LLP must either (1) continue to hold the unclaimed funds in a COLTAF account ~~or other trust account~~ or (2) remit the unclaimed funds to COLTAF in accordance with written procedures published by COLTAF and available through its website or upon request. An LLP remitting unclaimed funds to COLTAF must keep a record of the remittance pursuant to Rule 1.15D(a)(1)(C). If, after remitting unclaimed funds to COLTAF, the LLP determines both the identity and the location of the owner or the owner's heirs or personal representative, the LLP shall request a refund for the benefit of the owner or the owner's estate, in accordance with written procedures that COLTAF shall publish and make available through its website and shall provide upon request.

(1) If an LLP holds funds in a COLTAF account but the owner of the funds refuses to accept the funds, or will not communicate with the LLP about them after the LLP has made reasonable efforts to contact the owner, then the LLP must either (1) continue to hold the funds in a COLTAF account or (2) remit the funds to COLTAF in accordance with written procedures published by COLTAF and available through its website or upon request. If the LLP chooses to remit the funds to COLTAF, the LLP must first provide written notice to the owner informing them of the intent to remit. The LLP must keep a record of the remittance pursuant to Rule 1.15D(a)(1)(C). If, after remitting the funds, the owner of the funds informs the LLP that they will accept the funds, then the LLP shall request a refund for the owner, in accordance with written procedures that COLTAF shall publish and make available through its website and shall provide upon request.

Note: [NO CHANGE]

Rule 5.4. Professional Independence of an LLP

(a) - (e) [NO CHANGE]

(f) For purposes of this Rule, an individual who is not a lawyer or 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. 207(A)(6) or 227(A)(6), (5) a lawyer or LLP who has been permitted to resign under C.R.C.P. 207(A)(8) or 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. 207(A)(4), 227(A)(4), 242.23, 242.24, or ~~250.7260.6~~.

COMMENT [NO CHANGE]

Rule 8.4. Misconduct

It is professional misconduct for an LLP to:

(a) – (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 LLPs, counsel, court personnel, witnesses, parties, judges, judicial officers, or any persons involved in the legal process;

(h) - (i) [NO CHANGE]

COMMENT [NO CHANGE]

Rule 1.15B. Account Requirements for LLPs Practicing in Firms Without Lawyers

(a) - (j) [NO CHANGE]

(k) If an LLP discovers that the LLP does not know the identity or the location of the owner of funds held in the LLP's COLTAF account, or the LLP discovers that the owner of the funds is deceased, the LLP must make reasonable efforts to identify and locate the owner or the owner's heirs or personal representative. If, after making such efforts, the LLP cannot determine the identity or the location of the owner, or the owner's heirs or personal representative, the LLP must either (1) continue to hold the unclaimed funds in a COLTAF account or (2) remit the unclaimed funds to COLTAF in accordance with written procedures published by COLTAF and available through its website or upon request. An LLP remitting unclaimed funds to COLTAF must keep a record of the remittance pursuant to Rule 1.15D(a)(1)(C). If, after remitting unclaimed funds to COLTAF, the LLP determines both the identity and the location of the owner or the owner's heirs or personal representative, the LLP shall request a refund for the benefit of the owner or the owner's estate, in accordance with written procedures that COLTAF shall publish and make available through its website and shall provide upon request.

(l) If an LLP holds funds in a COLTAF account but the owner of the funds refuses to accept the funds, or will not communicate with the LLP about them after the LLP has made reasonable efforts to contact the owner, then the LLP must either (1) continue to hold the funds in a COLTAF account or (2) remit the funds to COLTAF in accordance with written procedures published by COLTAF and available through its website or upon request. If the LLP chooses to remit the funds to COLTAF, the LLP must first provide written notice to the owner informing them of the intent to remit. The LLP must keep a record of the remittance pursuant to Rule 1.15D(a)(1)(C). If, after remitting the funds, the owner of the funds informs the LLP that they will accept the funds, then the LLP shall request a refund for the owner, in accordance with written procedures that COLTAF shall publish and make available through its website and shall provide upon request.

Note: [NO CHANGE]

Rule 5.4. Professional Independence of an LLP

(a) - (e) [NO CHANGE]

(f) For purposes of this Rule, an individual who is not a lawyer or 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. 207(A)(6) or 227(A)(6), (5) a lawyer or LLP who has been permitted to resign under C.R.C.P. 207(A)(8) or 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. 207(A)(4), 227(A)(4), 242.23, 242.24, or 250.7.

COMMENT [NO CHANGE]

Rule 8.4. Misconduct

It is professional misconduct for an LLP to:

(a) – (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 LLPs, 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, December 12, 2024, effective immediately.

By the Court:

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