

RULE CHANGE 2025(09)

RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW IN COLORADO

**Rule 203.5. Disability Accommodations for the Colorado Bar Examination
and the Licensed Legal Paraprofessional Examination**

(1) To protect the public and ensure minimum competence of all members of the licensed legal profession, the Colorado Supreme Court has authorized the Office of Attorney Admissions (“OAA”), which includes the Office of LLP Admissions, to ensure that Colorado-licensed attorneys and Colorado-licensed legal paraprofessional (“LLPs”) have demonstrated minimum competence to practice law. In accordance with this authority, the OAA administers, on a schedule provided by court rule or otherwise announced by the OAA:

(a) a Colorado Bar Examination based on a national, uniform exam created by the National Conference of Bar Examiners (“NCBE”), requiring adherence to NCBE examination administration policies for exam security and portability of uniform bar examination scores, and

(b) a Colorado Examination.

(2) Any applicant who is eligible to take the Colorado Bar Examination under C.R.C.P. 203.4 or the LLP Examination under C.R.C.P. 207.8 and who has a disability at the time of the administration of the examination as defined by the federal “Americans with Disabilities Act of 1990”, 42 U.S.C. sec. 12101 et seq., as amended, and applicable U.S. Department of Justice regulations, may request an accommodation from the OAA. A disability accommodation may include one or more changes to the administration of the examination, including but not limited to those identified in C.R.S. 24-34-806(2)(b) (effective January 1, 2025).

(3) The OAA will review all requests for a disability accommodation using 28 C.F.R. § 36.309 and any other applicable law and guidance to render its decisions. An applicant does not need to have evidence of a prior accommodation to be eligible for a disability accommodation under this Rule.

(4) **Certain Prior Accommodations Granted by Other Entities.** When an applicant provides verifiable documentation that the applicant previously received a requested disability accommodation that had been approved due to a disability

that was not a temporary condition, the OAA will grant the accommodation under the following circumstances:

(a) The applicant previously received the requested accommodation to take one or more of the following examinations:

(i) the Multistate Professional Responsibility Exam;

(ii) a bar examination administered in any United States jurisdiction;

(iii) a licensure examination administered in any United States jurisdiction in which: in a given test administration, all test-takers must answer the same questions, in the same way, under the same testing conditions; the examination is scored in a standard or consistent manner; and the examination is required for a professional or trade certification or licensure; or

(iv) a standardized exam that is administered by a national or state-level entity that requires all test-takers in a given administration to answer the same questions, or a selection of questions from a common bank of questions, under the same time restraints, and that is scored in a consistent manner across all test-takers for which an established score is used for admission to an institution of higher education or licensure for a profession; and

(b) The applicant provides documentation from the applicant's treating medical professional that identifies the applicant's current disability, explains why an accommodation must be offered to provide the applicant with the same level of access to the examination as other test-takers, recommends the accommodation requested by the applicant, provides sufficient information for the OAA to understand the basis for the treating medical professional's recommendation, and is signed and dated by the treating medical professional.

(5) If the OAA denies in whole or in material part an applicant's requested accommodation, an applicant may request reconsideration by the OAA through the process set forth on the OAA's website providing guidance for accommodations requests. In reconsidering such a decision, the OAA must consider:

(a) additional documentation provided by the applicant of the applicant's current disability; and

(b) additional documentation provided by the applicant of how the applicant's current disability directly affects the ability of the applicant to access the Colorado Bar Examination or LLP Examination to demonstrate the applicant's true measure of competency to practice law.

(6) The OAA is not required to provide a requested accommodation to an applicant with a disability if the accommodation would constitute a fundamental alteration of the examination or impose an undue burden on the OAA, as defined in the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., as amended, and applicable U.S. Department of Justice regulations.

(7) Unless inconsistent with applicable law, the OAA, in the exercise of its discretion, may review, investigate, or obtain an independent evaluation of any information provided by the applicant. The OAA is not required to provide a requested accommodation where the information forming the basis of the requested accommodation is found to be incomplete, materially inaccurate or incapable of verification, or the circumstances surrounding the applicant's request, including the applicant's conduct, evidences a fraud or attempted fraud upon the OAA.

(8) The OAA will maintain a website providing current guidance for disability accommodations requests, including forms and instructions to implement this section.

COMMENT

Among the sources of law applicable to the OAA's consideration of requests under this Rule are U.S. Department of Justice regulations that implement the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., as amended. Title 28, Part 36 of the Code of Federal Regulations, "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities," includes the definitions of disability and impairment and

explanations of the related concept of individualized assessment at 28 C.F.R. § 36.105 as well as provisions specific to examinations for professional licensure set forth at 28 C.F.R. § 36.309. The provisions of this Rule and the OAA's process for collecting and reviewing information for requested accommodation ensure compliance with these federal regulations.

Rule 203.5. Disability Accommodations for the Colorado Bar Examination and the Licensed Legal Paraprofessional Examination

(1) To protect the public and ensure minimum competence of all members of the licensed legal profession, the Colorado Supreme Court has authorized the Office of Attorney Admissions (“OAA”), which includes the Office of LLP Admissions, to ensure that Colorado-licensed attorneys and Colorado-licensed legal paraprofessional (“LLPs”) have demonstrated minimum competence to practice law. In accordance with this authority, the OAA administers, on a schedule provided by court rule or otherwise announced by the OAA:

(a) a Colorado Bar Examination based on a national, uniform exam created by the National Conference of Bar Examiners (“NCBE”), requiring adherence to NCBE examination administration policies for exam security and portability of uniform bar examination scores, and

(b) a Colorado Examination.

(2) Any applicant who is eligible to take the Colorado Bar Examination under C.R.C.P. 203.4 or the LLP Examination under C.R.C.P. 207.8 and who has a disability at the time of the administration of the examination as defined by the federal “Americans with Disabilities Act of 1990”, 42 U.S.C. sec. 12101 et seq., as amended, and applicable U.S. Department of Justice regulations, may request an accommodation from the OAA. A disability accommodation may include one or more changes to the administration of the examination, including but not limited to those identified in C.R.S. 24-34-806(2)(b) (effective January 1, 2025).

(3) The OAA will review all requests for a disability accommodation using 28 C.F.R. § 36.309 and any other applicable law and guidance to render its decisions. An applicant does not need to have evidence of a prior accommodation to be eligible for a disability accommodation under this Rule.

(4) **Certain Prior Accommodations Granted by Other Entities.** When an applicant provides verifiable documentation that the applicant previously received a requested disability accommodation that had been approved due to a disability

that was not a temporary condition, the OAA will grant the accommodation under the following circumstances:

(a) The applicant previously received the requested accommodation to take one or more of the following examinations:

(i) the Multistate Professional Responsibility Exam;

(ii) a bar examination administered in any United States jurisdiction;

(iii) a licensure examination administered in any United States jurisdiction in which: in a given test administration, all test-takers must answer the same questions, in the same way, under the same testing conditions; the examination is scored in a standard or consistent manner; and the examination is required for a professional or trade certification or licensure; or

(iv) a standardized exam that is administered by a national or state-level entity that requires all test-takers in a given administration to answer the same questions, or a selection of questions from a common bank of questions, under the same time restraints, and that is scored in a consistent manner across all test-takers for which an established score is used for admission to an institution of higher education or licensure for a profession; and

(b) The applicant provides documentation from the applicant's treating medical professional that identifies the applicant's current disability, explains why an accommodation must be offered to provide the applicant with the same level of access to the examination as other test-takers, recommends the accommodation requested by the applicant, provides sufficient information for the OAA to understand the basis for the treating medical professional's recommendation, and is signed and dated by the treating medical professional.

(5) If the OAA denies in whole or in material part an applicant's requested accommodation, an applicant may request reconsideration by the OAA through the process set forth on the OAA's website providing guidance for accommodations requests. In reconsidering such a decision, the OAA must consider:

(a) additional documentation provided by the applicant of the applicant's current disability; and

(b) additional documentation provided by the applicant of how the applicant's current disability directly affects the ability of the applicant to access the Colorado Bar Examination or LLP Examination to demonstrate the applicant's true measure of competency to practice law.

(6) The OAA is not required to provide a requested accommodation to an applicant with a disability if the accommodation would constitute a fundamental alteration of the examination or impose an undue burden on the OAA, as defined in the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., as amended, and applicable U.S. Department of Justice regulations.

(7) Unless inconsistent with applicable law, the OAA, in the exercise of its discretion, may review, investigate, or obtain an independent evaluation of any information provided by the applicant. The OAA is not required to provide a requested accommodation where the information forming the basis of the requested accommodation is found to be incomplete, materially inaccurate or incapable of verification, or the circumstances surrounding the applicant's request, including the applicant's conduct, evidences a fraud or attempted fraud upon the OAA.

(8) The OAA will maintain a website providing current guidance for disability accommodations requests, including forms and instructions to implement this section.

COMMENT

Among the sources of law applicable to the OAA's consideration of requests under this Rule are U.S. Department of Justice regulations that implement the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., as amended. Title 28, Part 36 of the Code of Federal Regulations, "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities," includes the definitions of disability and impairment and

explanations of the related concept of individualized assessment at 28 C.F.R. § 36.105 as well as provisions specific to examinations for professional licensure set forth at 28 C.F.R. § 36.309. The provisions of this Rule and the OAA's process for collecting and reviewing information for requested accommodation ensure compliance with these federal regulations.

Amended and Adopted by the Court, En Banc, March 20, 2025, effective immediately.

By the Court:

**Monica M. Márquez
Chief Justice, Colorado Supreme Court**