



**COLORADO SUPREME COURT
ATTORNEY REGULATION ADVISORY COMMITTEE**

MEETING MINUTES

March 6, 2015, 12:00 p.m. – 1:10 p.m.
Extra Large Conference Room
Office of Attorney Regulation Counsel
1300 Broadway, Suite 500
Denver, CO 80203

Members present: Chair David W. Stark, Daniel Vigil, Rich Nielson, Dick Reeve, David Little, Steven Jacobson, Brian Zall (by telephone), Cheryl Martinez-Gloria, Cynthia F. Covell, Melissa Meirink.

Members absent: Mac Danford, Alexander (Alec) Rothrock, Nancy L. Cohen, Barbara Miller, Chris Markman.

Liaison Justices present: Justice Nathan (Ben) Coats, Justice Monica Márquez.

Office of the Presiding Disciplinary Judge: Presiding Disciplinary Judge William Lucero.

Staff present: James C. Coyle, Regulation Counsel; James S. Sudler, Chief Deputy Regulation Counsel; Matthew A. Samuelson, Chief Deputy Regulation Counsel; John Baker, Director of Colorado Attorney Mentoring Program (CAMP); Barbara Ezyk, Director of Colorado Lawyer Assistance Program (COLAP); Marie Nakagawa, Staff Attorney; Alan Obye, Staff Attorney.

1. Approval of December 12, 2014 meeting minutes

The Chair asked if everyone had reviewed the minutes from the December 12, 2014 meeting. Mr. Samuelson said he had two minor edits to the minutes, that on page five the reference to COLAP should have been to CAMP, and on page six, the reference to “CLE applications” should be changed to “CLE affidavits.” The Chair asked if anyone else had any other changes, then asked for a motion to approve the minutes with the two minor changes. Mr. Nielson so moved, Ms. Martinez-Gloria seconded, and the minutes were unanimously approved.

2. Regulation Counsel Request to form an Advisory Committee subcommittee to study the Washington LLLT program and make recommendations on whether Colorado should adopt a similar program; appointment of a subcommittee Chair.

The Chair asked Mr. Coyle to talk about his request that a subcommittee be formed by the Advisory Committee. Mr. Coyle introduced the discussion by referring the committee to the materials that were emailed before the meeting, which include the Washington Supreme Court's order adopting the Limited License Legal Technician ("LLLT") rule, an executive summary on Washington's LLLT program, and a short report on what other states are doing in regard to considering the LLLT program. Mr. Coyle explained that other states, and the American Bar Association, are looking at Washington's LLLT program and whether it would help improve the access to justice problem in the United States. Mr. Coyle noted that many states are considering the LLLT idea because it was adopted by another state Supreme Court, and requests that the Advisory Committee consider the idea as well by forming a subcommittee and making recommendations on whether Colorado should adopt a similar program.

The Chair asked if there were any questions for Mr. Coyle. Mr. Jacobson noted that there seemed to be a philosophical justification for creating this LLLT program in Washington so that those technicians could work at nonprofits, but there were also concerns about creating business competition for lawyers in the private sector. Mr. Jacobson wondered if any states were considering limiting the LLLT idea to be available only at nonprofit entities. Mr. Coyle said Washington took a more expansive approach than just limiting the LLLTs to nonprofit settings, but that does not mean Colorado has to follow in the same direction. Ms. Covell asked where Washington is in the timeline of getting the LLLTs licensed and representing clients in the community. Mr. Coyle replied that Washington's LLLT rule was adopted in 2012, the first group of applicants just took the exam, and all of the applicants were from law firms. He pointed out that this indicates it is a good incentive for law firms to have LLLTs in their firm to provide legal services at a lower rate.

Ms. Martinez-Gloria suggested that the subcommittee look at the BIA accreditation process in the immigration law practice, which has worked well for many years. The BIA accredited representatives provide representation to those who do not have access to private immigration lawyers, and these BIA accredited representatives are under a good structure that requires supervision, training, and has not created the competition concerns that have already been raised in regard to the LLLT program.

Mr. Nielson asked about the subcommittee's scope; would the subcommittee be considering whether there is a need for the LLLT program, or would the subcommittee be working to implement the program? Mr. Coyle responded that the subcommittee should start at the beginning and consider whether it is a good idea in Colorado. He said the argument for trying to meet unmet legal needs is strong. Colorado's population is similar to Washington, with similar numbers for the population of lawyers and those who currently do not have access to justice. Mr. Coyle explained the Judicial Advisory Council ("JAC") subcommittee was looking at the LLLT idea, but now that the JAC is folding, the Advisory Committee should form a

subcommittee to address the LLLT issue. The JAC subcommittee talked to family law lawyers about the LLLT idea, and not everyone is convinced that it is a good thing for Colorado. Ms. Covell asked if the new subcommittee's goal was to consider the Washington program or whether Colorado should have a method of licensing legal technicians. Mr. Coyle said both, that the Colorado Bar Association leadership is concerned about having non-lawyers certified to give legal advice. However, the subcommittee can look at programs in other states, like the New York Navigators program, and others that promote access to justice.

Mr. Reeve asked how many applicants sat for the first LLLT exam in Washington, and if there were ABA-accredited programs available for the applicants. Mr. Coyle said 15 people sat for the exam, and that Washington has 3 law schools and 9 community colleges that have made ABA-accredited programs available for those pursuing the LLLT license. Mr. Reeve wondered whether the program was worthwhile if only 15 people took the first exam.

Mr. Coyle said that on May 22, 2015, Paula Littlewood (Executive Director of the Washington State Bar) and Steve Crossland (former president of the Washington Bar and current Chair of the LLLT Board) from Washington will give a presentation on the LLLT program in Colorado. Mr. Coyle said everyone on the Advisory Committee is invited.

The Chair asked if there were any more questions, and hearing none, asked for a motion to appoint a subcommittee. Ms. Covell so moved, Mr. Reeve seconded that motion, and all were in favor to appoint a subcommittee. The Chair nominated Alec Rothrock as chair of the subcommittee, as he would provide a good balance of perspectives on behalf of the Advisory Committee. Mr. Coyle agreed and asked if anyone else would like to be on the subcommittee. Ms. Covell volunteered, as did Mr. Vigil later in the meeting.

Mr. Baker asked what role the Access to Justice Commission would have on this new subcommittee. Mr. Coyle said the goal was to have someone from the Access to Justice Commission and someone from the family law section on the subcommittee. The Chair added that it would also be important to have someone from the Modest Means Task Force on the subcommittee, and perhaps someone from the Self-Represented Litigant Coordinators program. Mr. Vigil added that there was a lot of interest from the law students when they heard about the LLLT program, and asked if there would be any law students on the subcommittee. Mr. Coyle said yes. The Chair concluded the discussion by asking anyone else who was interested in joining the subcommittee to contact Mr. Coyle.

3. CLJE Rules and Regulations Update

The Chair asked Mr. Samuelson to give an update on the CLJE Rules Subcommittee. Mr. Samuelson said the CLJE Rules Subcommittee continues to work on Rule 260 and its regulations. The subcommittee met earlier this week and is currently working on Regulation 108, which is the review of adverse determinations, and Regulation 111, which is the fees. The subcommittee will finish reviewing the appendix to the regulations, then go back through the rules to finish the definitions and then check for consistency. Mr. Samuelson said he hopes to

have the rules and regulations proposed to the CLJE Board by mid-April of this year, then have it ready for the Advisory Committee's review, and then for the Court's review by the summer.

4. Approvals of nominations and reappointments of other Committees (Board of Trustees for Client Protection, Law, Character and Fitness)

The Chair asked Mr. Coyle to discuss the nominations and reappointments for approval. Mr. Coyle said for the Board of Trustees for Client Protection, there are three people nominated for reappointment: Michael Lupton, David Mestas, and Charles Turner. For the Law Committee, Laura Maresca is being nominated as Vice-Chair. For the Character and Fitness Committee, Lorraine Parker is being nominated as Vice-Chair. The Chair asked if there were any questions regarding these nominations. Hearing none, the Chair asked for a motion to approve these nominations. Mr. Reeve so moved, Mr. Little seconded, and all of the nominations were approved by the Advisory Committee.

5. Other Updates (CAMP, COLAP, OARC)

The Chair asked Mr. Baker to give an update on the Colorado Attorney Mentoring Program ("CAMP"). Mr. Baker referred the committee to the two-page report he distributed at the meeting. He also wanted to add that he is engaged in a constant effort to recruit mentors for CAMP, and recently has been looking to diversify the pool of mentors for generational diversity. Mr. Baker explained that many mentees are new graduates who are looking for advice on how to navigate the new legal profession, which has changed from the legal profession that many older lawyers started with forty years ago. Mr. Baker is now looking to recruit what he has called the "next generation of mentors", lawyers who are in their fifth to tenth year of practice. Although some five-year lawyers may feel unready to mentor, Mr. Baker has started pairing them up with more senior years, and the two can then be teamed up to mentor a new graduate to form a triad mentoring relationship. Mr. Baker encouraged feedback from the committee on how to make the mentoring program more relatable to new young lawyers.

The Chair then asked Ms. Ezyk to give an update on COLAP. Ms. Ezyk said COLAP had 51 calls in February, which was a great success and accomplishment by her staff. In January, COLAP began recording the videos that will ultimately be put up on the COLAP website. So far they have recorded videos with Chief Justice Rice, the Chair David Stark, and Mr. Coyle.

The Chair asked Ms. Ezyk to speak about using lawyers with disciplinary history as COLAP volunteers. Ms. Ezyk explained that some of her best volunteers are those with recent disciplinary history who have learned a lot from their mistakes and want to help other lawyers. Ms. Covell asked whether Ms. Ezyk had any idea how many lawyers COLAP has helped from ending up in disciplinary proceedings. Ms. Ezyk said she cannot put a number on how many people COLAP has helped in that regard, but COLAP works hard to help lawyers while not acting as an alternative to OARC. Mr. Coyle added that OARC refers lawyers to COLAP and it has been a great resource. The Chair asked if there was any possibility to match the names of

those who contact COLAP with those that end up with discipline at OARC. Ms. Ezyk, Mr. Coyle, Mr. Sudler, and Mr. Samuelson all agreed that such information would not be a good idea. Ms. Ezyk said COLAP is trying to keep track of the callers' ages when possible.

Mr. Little asked Ms. Ezyk if COLAP has access to the Presiding Disciplinary Judge's list of pro bono attorneys that assist lawyers in disciplinary matters. Ms. Ezyk and Judge Lucero agreed to share that list. Judge Lucero also added that it is important for attorneys and applicants to get representation when there are criminal matters involved, as that often complicates admissions and disciplinary cases.

The Chair asked Mr. Coyle for an update on OARC. Mr. Coyle explained that the annual report will be coming out soon. Mr. Coyle said OARC tried to be more proactive in analyzing data so that the court, the profession, and the public may use data from OARC. Examples are data on women and men in the legal profession, the statistics on men and women during certain practice years, and various diversity categories. Mr. Coyle said the new website is on track to be finished by August of this year. The 2015 attorney registration cycle went smoothly and the numbers remained approximately the same as last year. The admissions staff have been working hard to implement the new admissions rules. Mr. Samuelson said the February 2015 exam was administered ten days ago, with 354 applicants sitting for the exam at the National Western Stock Show location, which worked well. The exam scores will be sent to the national conference for scaling in mid-May. There was explanation on how the scores are determined. Last year there was a national trend in lower exam passage rates, which was determined to be due to the applicant pool. Mr. Vigil added that nationally, law schools have been lowering their admission standards in order to maintain the number of new admitted students every year.

Mr. Coyle concluded by announcing that this year the ABA Conference on Professional Responsibility, the National Client Protection Organization Conference, as well as the annual conference of Organization of Bar Investigators, will be in Denver.

6. Other business

Ms. Ezyk said the annual national Lawyers Assistance Program conference will be in Albuquerque this year with Ms. Doris Gunderson and Mr. Coyle on the panel, and that Ms. Gunderson, Mr. Coyle, and Ms. Ezyk have been invited to speak on a panel in Virginia.

The Chair announced that the joint subcommittee that was studying the model policy for pro bono representation by government lawyers has been working on a comment to Colo. RPC 6.1, which will be sent to the standing committee for review. The comment to the rule would encourage government agencies to allow pro bono service by their lawyers, and that each agency should be responsible for implementing their own pro bono policy.


7. Dates for remaining 2015 meetings

The dates for the remaining 2015 meetings are:

- May 15, 2015
- September 11, 2015
- December 11, 2015

The meeting was adjourned at 1:10 p.m.

Respectfully submitted,



James C. Coyle
Attorney Regulation Counsel