



# Office of Attorney Regulation Counsel

Protecting the Public. Promoting Professionalism.

# 2016

ANNUAL REPORT

*“A license to practice law  
is a proclamation by this Court ...*

*... that its holder is a person to  
whom members of the public may  
entrust their legal affairs with  
confidence; that the attorney will  
be true to that trust; that the  
attorney will hold inviolate the  
confidences of clients; and that the  
attorney will competently fulfill the  
responsibilities owed to clients and  
to the courts.”*

— Colorado Rule of Civil Procedure 251.1(a)



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## WHO WE ARE

Attorney Regulation Counsel serves at the pleasure of the Colorado Supreme Court. The Supreme Court Advisory Committee assists the Court by reviewing the productivity, effectiveness and efficiency of the attorney regulation system, including Attorney Regulation Counsel.

The Office of Attorney Regulation Counsel works with seven other permanent Supreme Court committees in regulating the practice of law in Colorado. Attorney Regulation Counsel oversees attorney admissions, registration, mandatory continuing legal and judicial education, diversion and discipline, regulation of unauthorized practice of law, and administrative support for the Client Protection Fund. Sixty-four full-time employees work in this Office.

### JUSTICES OF THE COLORADO SUPREME COURT

Chief Justice Nancy E. Rice

Justice Nathan B. Coats

Justice Allison H. Eid

Justice Monica M. Márquez

Justice Brian D. Boatright

Justice William W. Hood, III

Justice Richard L. Gabriel

### SUPREME COURT ADVISORY COMMITTEE

The Supreme Court Advisory Committee is a volunteer committee that assists the Court with administrative oversight of the entire attorney regulation system. The Committee's responsibilities are to review the productivity, effectiveness and efficiency of the Court's attorney regulation system including that of the Attorney Regulation Counsel, the Office of the Presiding Disciplinary Judge, the Colorado Lawyer Assistance Program (COLAP) and the Colorado Attorney Mentoring Program (CAMP).

David W. Stark, Chair

Steven K. Jacobson, Vice-Chair

Nancy L. Cohen

Cynthia F. Covell

Mac V. Danford

Cheryl Martinez-Gloria

David C. Little

Barbara A. Miller

Richard A. Nielson

Henry R. Reeve

Alexander R. Rothrock

Daniel A. Vigil

Brian Zall

Justice Nathan B. Coats

Justice Monica M. Márquez

## OFFICE OF ATTORNEY REGULATION COUNSEL



### **James C. Coyle**

#### **Attorney Regulation Counsel**

Jim Coyle is Attorney Regulation Counsel for the Colorado Supreme Court. Mr. Coyle oversees attorney admissions, attorney registration, mandatory continuing legal and judicial education, attorney discipline and diversion, regulation of the unauthorized practice of law and inventory counsel matters. Mr. Coyle has been a trial attorney with the Office of Disciplinary Counsel or successor Office of Attorney Regulation Counsel since 1990. Prior to that, he was in private practice. He earned his law degree from the University of Colorado School of Law in 1985.

Mr. Coyle is actively involved on a national level with the National Client Protection Organization (NCPO), the National Conference of Bar Examiners (NCBE), National Organization of Bar Counsel (NOBC), and the International Conference of Legal Regulators (ICLR). He served on the NOBC board of directors from 2014 – 2016, and currently serves as NOBC liaison to the Association of Professional Responsibility Lawyers (APRL) Committee on ABA Model Rules on Advertising and as a member and co-chair of the CoLAP/NOBC/APRL National Task Force on Lawyer Well-being.

Recent committee work includes programming work on and hosting the first ABA Center for Professional Responsibility (CPR)/NOBC/Canadian Bar Association Regulators Workshops on proactive, risk-based regulatory programs, in Denver in May 2015, in Philadelphia in June 2016, Washington, D.C. in September 2016, and St. Louis in June 2017; acting as co-chair and organizer of the First ABA Standing Committee on Client Protection UPL School in Denver in August 2013, member of the planning team for Chicago in April 2015 and October 2017; participating in the NOBC Program Committee and International Committee, including as Chair of the Entity Regulation Subcommittee, now known as the Proactive Practice Management Programs Committee; and NOBC Aging Lawyers and Permanent Retirement subcommittees. Mr. Coyle is also an active member of the Colorado Chief Justice Commission on Professional Development and its mid-career working group, the CBA/DBA Professionalism Coordinating Council and its subcommittee on a professionalism rule, the Supreme Court Standing Committee on the Colorado Rules of Professional Conduct, and the University of Colorado Law Alumni Board's Diversity Committee.

### **Executive Assistant**

Cheryl Lilburn

## **Matthew A. Samuelson**

### *Chief Deputy Regulation Counsel*

Matthew Samuelson is Chief Deputy Regulation Counsel overseeing the intake division, attorney admissions, attorney registration and mandatory continuing legal and judicial education. Mr. Samuelson received his undergraduate degree from St. John's University in Minnesota and his law degree from the DePaul University College of Law. He is a former judge advocate in the United States Air Force. After leaving active duty, Mr. Samuelson practiced as a deputy public defender in Minnesota and was in private practice in Denver focusing in the area of civil rights litigation.

He has worked for the Office of Attorney Regulation Counsel since September 2000, and is a member of the Colorado Bar Association, the American Bar Association, and the National Organization of Bar Counsel and is actively involved with the National Conference of Bar Examiners ("NCBE"). Mr. Samuelson is currently a member of NCBE's Special Committee on the Uniform Bar Exam.

## **Margaret Brown Funk**

### *Senior Deputy Regulation Counsel, Trial Division*

Ms. Funk oversees the trial division and human resources. Ms. Funk graduated from the University of Denver College of Law in 1994 and was in private practice for 12 years before joining the Office of Attorney Regulation Counsel in 2006 as a trial attorney.

In private practice, Ms. Funk represented individuals in civil rights matters, primarily in the area of employment law. Between 1995 and 1998, she served as President and Vice President of the Colorado Plaintiffs Employment Lawyers Association (PELA). Between 1998 and 2005, she served as a member of the PELA board of directors and was assigned the duties of chair of the legislative committee and liaison to the Colorado Bar Association.

She has published several articles in the Colorado Trial Lawyers Association's monthly magazine, *Trial Talk*, and has lectured extensively on civil rights, litigation, and legal ethics. Recent committee work includes the National Organization of Bar Counsel (NOBC) Program Committee; the Colorado Supreme Court Advisory subcommittee on Proactive, Management-Based Regulation; the Colorado Board of Continuing Legal and Judicial Education rule revision subcommittee; and the Colorado Chief Justice Commission on Professional Development, Leadership Development Working Group, and previously, the Commission's New Lawyer Working Group.

**April M. McMurrey***Deputy Regulation Counsel, Intake Division*

April M. McMurrey is Deputy Regulation Counsel in the intake division. Ms. McMurrey also assists in the supervision of the trial division.

Ms. McMurrey received her undergraduate degree from Colorado State University and her law degree from the University of Colorado School of Law. Ms. McMurrey joined the Office of Attorney Regulation in 2001 as a law clerk. She was later promoted to the trial division, where she worked for seven years as an Assistant Regulation Counsel. Ms. McMurrey then worked in the intake division as an Assistant Regulation Counsel.

Ms. McMurrey is a member of the Colorado Bar Association, the Colorado Women's Bar Association, the Douglas-Elbert County Bar Association, the Colorado Bar Association Ethics Committee, the National Organization of Bar Counsel, and the Supreme Court Advisory Committee's Proactive Management-Based Program Subcommittee.

**Dawn M. McKnight<sup>1</sup>***Deputy Regulation Counsel, Attorney Admissions, Attorney Registration and Continuing Legal and Judicial Education*

Ms. McKnight received her undergraduate degree from San Francisco State University and her law degree from the University of Denver Sturm College of Law. After graduating from law school, Ms. McKnight practiced environmental law for a nonprofit, then became a civil litigation associate for a private firm. Prior to joining the Office of Attorney Regulation Counsel, Ms. McKnight was Assistant Executive Director and Publications Director of Colorado Bar Association CLE for 14 years.

Ms. McKnight is a member of the National Organization of Bar Counsel; the Denver, Colorado and American Bar Associations; the Colorado Women's Bar Association; the National Conference of Bar Examiners; and, the National Continuing Legal Education Regulators Association. She is also a Fellow of the Colorado Bar Foundation and a Circle of Minerva member of the Women's Bar Foundation. She is the current Chair of the Board of Directors of the Legal Community Credit Union (d/b/a Options Credit Union). Ms. McKnight currently participates in the Supreme Court Advisory Committee's Proactive Management-Based Program Subcommittee and the New Lawyer Working Group Subcommittee of the Colorado Chief Justice Commission on Professional Development.

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<sup>1</sup> Ms. McKnight joined the Office in October 2016. James S. Sudler, Chief Deputy Regulation Counsel, retired from the Office in July 2016. Charles E. Mortimer, Jr., Deputy Regulation Counsel, retired from the Office in August 2016.

## **Intake Division**

### **Assistant Regulation Counsel**

Jill Perry Fernandez  
Lisa E. Pearce  
Timothy J. O'Neill

Catherine Shea  
E. James Wilder  
J.P. Moore<sup>2</sup>

### **Intake Division Investigators**

Rosemary Gosda

Carla McCoy

### **Intake Assistants**

Anita Juarez  
Robin Lehmann

Margarita Lopez  
Jesse Nava

## **Trial Division**

### **Assistant Regulation Counsel**

Kim E. Ikeler  
Erin Robson Kristofco  
Bryon M. Large<sup>3</sup>  
Geanne R. Moroye

Alan Obye  
Katrin Miller Rothgery<sup>4</sup>  
Sara Van Deusen<sup>5</sup>  
Jacob Vos

### **Trial Division Investigators**

Karen Bershenyi  
Mary Lynne Elliott  
Janet Layne

Donna Scherer  
Laurie Ann Seab

### **Trial Assistants**

K. Renee Anderson  
Kevin Hanks

Rachel Ingle  
Sarah Walsh

## **Staff Attorney**

Jonathan P. White<sup>6</sup>

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<sup>2</sup> Joined the Office in 2016.

<sup>3</sup> Joined the Office in 2016.

<sup>4</sup> Retired from the Office in 2016.

<sup>5</sup> Joined the Office in 2016.

<sup>6</sup> Joined the Office in 2016



**Inventory Counsel**

Carola Rhodes, *Inventory Counsel  
Coordinator*

Adrian Radase, *Assistant  
Inventory Counsel Coordinator*

**Case Monitor**

Nicolette (Nicole) Chavez

**Attorney Admissions**

Susan Gleeson, *Director of  
Examinations*

Melissa Oakes, *Director of  
Character and Fitness*

**Character & Fitness Investigators**

Michelle Meyer

Deb Ortiz

**Administrative Assistant**

Sharon Orlowski

**Admissions Assistants**

Julie Aguirre  
JoAnne Dionesse  
Gloria Lucero

Lauren Paez  
Ashely Johnson, *Receptionist*

**Attorney Registration and Continuing Legal and Judicial Education**

Elvia Mondragon, *Clerk of Attorney Registration and Director of Continuing  
Legal and Judicial Education*

**Deputy Clerks**

Jessica DePari  
Valencia Hill-Wilson  
Alice Lucero

Andrew Strelau  
Danielle Trujillo

**Operations**

Nadine Cignoni, *Office Manager*  
Brett Corporon, *Director of Technology*  
Karen Fritsche, *Operations Manager*  
Erica Leon, *Receptionist*

David Murrell, *IT Support Technician*  
Steve Russell, *Data Base Developer*  
Christina Solano, *Receptionist*  
Trish Swanson, *Accounting/Payroll*

**Information Resources Coordinator**

James Carlson

## PERMANENT COMMITTEES

### **Attorney Regulation Committee**

The Attorney Regulation Committee is composed of nine volunteer members: six attorneys and three public members. The Committee, known as ARC, is the gatekeeper for all official disciplinary proceedings against respondent-attorneys. It considers reports prepared by Office of Attorney Regulation Counsel attorneys and determines whether reasonable cause exists to seek discipline. The Committee also considers, and enters into, investigation-level diversion agreements.

Steven K. Jacobson, *Chair*  
Mac V. Danford, *Vice-Chair*  
Diana David Brown  
David M. Johnson  
Barbara J. Kelley

Carey Markel  
Charles Shuman, M.D.  
Luis M. Terrazas  
Hon. Lance Timbreza<sup>7</sup>  
Alison Zinn<sup>8</sup>

### **Board of Trustees, Attorneys' Fund for Client Protection**

The Board of Trustees is composed of five attorneys and two non-attorney public members. The trustees evaluate, determine and pay claims made on the Attorneys' Fund for Client Protection based on reports submitted by the Office of Attorney Regulation Counsel. The Board of Trustees issues a separate report, found at [www.coloradosupremecourt.com](http://www.coloradosupremecourt.com).

Charles Goldberg, *Chair*  
Charles Turner, *Vice-Chair*  
Katayoun A. Donnelly  
Yolanda M. Fennick

Melinda M. Harper  
Michael B. Lupton  
David A. Mestas

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<sup>7</sup> Resigned 8/31/16 to become a District Court Judge.

<sup>8</sup> New member 9/22/16.

## **Board of Law Examiners**

### **Law Committee**

The Law Committee is composed of 11 volunteer attorney members. It reviews and approves the standards that must be met to pass the written examination and participates in the calibration of graders after each administration of the bar exam.

Richard Nielson, <i>Chair</i>	Melinda S. Moses <sup>10</sup>
Laura M. Maresca, <i>Vice-Chair</i>	David D. Powell, Jr.
Jennifer Cadena Fortier	Hon. Barry Schwartz
Hon. Terry Fox <sup>9</sup>	Sunita Sharma
John Greer	Holly Strablizky
Eric Liebman	Justice Nathan B. Coats (Liaison)
Anna M. Martinez	Justice Monica Márquez (Liaison)

### **Character and Fitness Committee**

The Character and Fitness Committee is composed of 11 volunteer members: seven attorneys and four non-attorneys. The Committee is charged with investigating applicants' character and fitness to practice law in Colorado.

Brian Zall, <i>Chair</i>	Kelly Murphy
Lorraine E. Parker, <i>Vice-Chair</i>	Kimberly Nordstrom, M.D. <sup>11</sup>
Doris C. Gundersen, M.D.	Charles Park, M.D. <sup>12</sup>
Franz Hardy	Henry R. Reeve
Carolyn D. Love, Ph.D	Corelle M. Spettigue
Porya Mansorian	Justice Nathan B. Coats (Liaison)
Linda Midcap	Justice Monica Márquez (Liaison)

## **Board of Continuing Legal and Judicial Education**

The Board of Continuing Legal and Judicial Education consists of nine members: six attorneys, one judge and two non-attorneys. The Board administers the

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<sup>9</sup> Term expired 12/31/16.

<sup>10</sup> New member 1/1/17.

<sup>11</sup> 12/13/16 through 12/31/17.

<sup>12</sup> Resigned 12/12/16.

program requiring attorneys and judges to take continuing education courses.

David C. Little, *Chair*

Amanda Hopkins

Genet Johnson

Hon. Andrew P. McCallin

Dawn M. McKnight<sup>13</sup>

Nathifa M. Miller

Susan S. Riehl

Martha Rubi-Byers

Rachel Sheikh

Sam Starritt<sup>14</sup>

Justice Nathan B. Coats (Liaison)

Justice Monica Márquez (Liaison)

### **Colorado Commission on Judicial Discipline**

The Colorado Commission on Judicial Discipline is composed of 10 members of the public. Members are appointed by the Supreme Court, the Governor, and the Legislature. The Commission is charged with monitoring the conduct of the judiciary, including judges of county and district courts, the Court of Appeals, and the Supreme Court.

Hon. Martha Minot, *Chair*

Richard O. Campbell

Bruce A. Casias

Kathleen Kelley

Yolanda Lyons

Elizabeth Espinosa Krupa

Hon. Leroy Kirby

Drucilla Pugh

Hon. William D. Robbins

Hon. Ted C. Tow III

William J. Campbell, *Executive Director*

### **Unauthorized Practice of Law Committee**

The Unauthorized Practice of Law Committee is composed of nine members: six attorneys and three non-attorneys. The Committee has jurisdiction over allegations involving the unauthorized practice of law.

Cheryl Martinez-Gloria, *Chair*

Elizabeth A. Bryant, *Vice-Chair*

Elsa Djab Burchinow

Judy L. Graff

Samantha Halliburton

Patsy Leon

Anthony J. Perea

John K. Priddy

Charles Spence

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<sup>13</sup> Resigned 9/6/16 to become Deputy Regulation Counsel.

<sup>14</sup> New Member 9/22/16.

## **Committee on the Colorado Rules of Professional Conduct**

The Office of Attorney Regulation Counsel also works with the Colorado Supreme Court Rules of Professional Conduct Standing Committee, which is charged with the responsibility of periodic review, correcting, updating and improvement of the Colorado Rules of Professional Conduct.

The Committee on the Colorado Rules of Professional Conduct is composed of attorneys and judges from varying backgrounds. Prior to the Committee's formation, numerous interest groups individually recommended rule changes to the Supreme Court. Those parties continue to request changes, but the Supreme Court expects the Committee to consider these recommendations in the first instance.

## **SUBCOMMITTEES**

The Supreme Court Advisory Committee has formed subcommittees to study innovative solutions to issues facing the legal profession.

### **Conditional Admission Subcommittee**

On Sept. 11, 2015, the Supreme Court Advisory Committee formed a subcommittee to study whether Colorado should adopt a new conditional admission rule.

Such a rule would, in limited circumstances, allow applicants who may have otherwise been denied a license due to mental health or substance abuse issues to be admitted on the condition that they agree to continue a monitoring program.

Brian Zall, *Chair*

Nancy L. Cohen

Jim Coyle

Barbara Ezyk

Margaret Funk

Richard A. Nielson

Melissa Oakes

Henry R. Reeve

Alexa Salg

Matthew Samuelson

Daniel A. Vigil



## **Proactive Management-Based Program Subcommittee**

In June 2015, the Supreme Court Advisory Committee formed a subcommittee to review the attorney regulation system and create appropriate regulatory objectives for the Court's consideration. The subcommittee first drafted regulatory objectives, which the Colorado Supreme Court adopted in April 2016.<sup>15</sup> The subcommittee has ten working groups focusing on ten core practice principles. The eleventh working group is focusing on drafting a statutory or rule privilege for lawyer self-assessments undertaken through PMBP.

David Stark, *Chair*

Jim Coyle, *Attorney Regulation Counsel*

Jonathan White, *Staff Attorney*

### **Working Group 1: Developing competent practices**

David Wollins

Karen Hammer

Charles E. Mortimer, Jr.

Cori Peterson

### **Working Group 2: Communicating in an effective, timely professional manner and maintaining professional relations**

William Ojile

Catherine Shea

Suzann Bacon

James Carlson

Mark Lyda

### **Working Group 3: Ensuring confidentiality requirements are met**

April McMurrey

Henry R. Reeve

### **Working Group 4: Avoiding conflicts of interest**

Marcy Glenn

Sara Van Deusen

Katrin Miller Rothgery

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<sup>15</sup> See page 14; these are principles for the Preamble to the Rules Governing the Practice of Law. See page 33 for more information about Colorado's Proactive Management-Based Program Initiative.

**Working Group 5: Maintaining appropriate file and records management systems**

Jay Fernandez  
Brett Corporon

Timothy O'Neill

**Working Group 6: Managing the law firm/legal entity and staff appropriately**

Michael Mihm  
Jack Hanley  
Reba Nance

James Wilder  
Kim Ikeler

**Working Group 7: Charging appropriate fees and making appropriate disbursements**

James Sudler  
Steven Jacobson

Cecil Morris

**Working Group 8: Ensuring that reliable trust account practices are in use**

Margaret Funk  
Melinda Harper

Genet Johnson

**Working Group 9: Working to improve the administration of justice and access to legal services**

Charles Garcia  
Katayoun Donnelly  
J.P. Moore

Leni Plimpton  
Matthew Samuelson

**Working Group 10: Wellness and inclusivity**

Patricia Jarzowski  
Barbara Ezyk  
Scott Meiklejohn

Karen Hester  
Geanne Moroye

**Working Group 11: Statutory or Rule Privilege**

David Stark	Michael Mihm
Mark Fogg	Margrit Parker
Katayoun Donnelly	Marcy Glenn

**At-Large Committee Members**

Christopher Murray	Josh Junevics
Dawn McKnight	Ryann Peyton
Genet Johnson	Thomas Werge
Jill Fernandez	

**Provider of Alternative Legal Services Subcommittee**

On March 6, 2015, the Supreme Court Advisory Committee formed a subcommittee to study whether Colorado should implement a Limited License Legal Technician (LLLT) program to address access-to-justice issues.

The Provider of Alternative Legal Services Subcommittee (PALS), formerly known as the Limited Legal License Technicians Subcommittee, is charged with studying the Washington state LLLT program, the New York Court Navigators program, the Law Society of Upper Canada's paralegal program and any other program designed to regulate non-lawyer legal professionals.

Alec Rothrock, <i>Chair</i>	Margarita Lopez
Jonathan Asher	Kara Martin
Loren Brown	Melissa Oakes
Barbara Butler	Alan Obye
Cynthia Covell	Christopher Ryan
Jim Coyle	Helen Shreves
Hon. Adam Espinosa	David Stark
Patrick Flaherty	Hon. Elizabeth Starrs
Allison Gerkman	Michelle Sylvain
Susan Gleeson	Hon. Daniel Taubman
Judy Graff	Charles Turner
Hon. Suzanne Grant	Steven Vasconcellos
Kevin Hanks	Daniel Vigil
Velvet Johnson	Lynne Weitzel
Steven Lass	

## WHY WE REGULATE

The Colorado Supreme Court's regulatory offices and proactive programs strive to protect and promote the public's interest. To frame the objectives of this goal, in April of 2016 the Colorado Supreme Court adopted a preamble to the regulatory rules involving the practice of law:

The Colorado Supreme Court has exclusive jurisdiction to regulate the practice of law in Colorado. The Court appoints an Advisory Committee, Attorney Regulation Counsel, the Presiding Disciplinary Judge, the Executive Director of the Colorado Lawyers Assistance Program (COLAP), and the Director of the Colorado Attorney Mentoring Program (CAMP) to assist the Court. The Court also appoints numerous volunteer citizens to permanent regulatory committees and boards to assist in regulating the practice of law.

The legal profession serves clients, courts and the public, and has special responsibilities for the quality of justice administered in our legal system. The Court has established essential eligibility requirements, rules of professional conduct and other rules for the legal profession. Legal service providers must be regulated in the public interest. In regulating the practice of law in Colorado in the public interest, the Court's objectives include:

1. Increasing public understanding of and confidence in the rule of law, the administration of justice and each individual's legal rights and duties;
2. Ensuring compliance with essential eligibility requirements, rules of professional conduct and other rules in a manner that is fair, efficient, effective, targeted and proportionate;
3. Enhancing client protection and promoting consumer confidence through the Office of Attorney Regulation Counsel, the Attorneys Fund for Client Protection, inventory counsel services, the regulation of non-lawyers engaged in providing legal services, and other proactive programs;
4. Assisting providers of legal services in maintaining professional competence and professionalism through continuing legal education; Attorney Regulation Counsel professionalism, ethics and trust account schools and other proactive programs;
5. Helping lawyers throughout the stages of their careers successfully navigate the practice of law and thus better serve their clients, through COLAP, CAMP and other proactive programs;
6. Promoting access to justice and consumer choice in the availability and affordability of competent legal services;
7. Safeguarding the rule of law and ensuring judicial and legal service providers' independence sufficient to allow for a robust system of justice;
8. Promoting diversity, inclusion, equality and freedom from discrimination in the delivery of legal services and the administration of justice; and
9. Protecting confidential client information.

"I do solemnly swear ...

... that I will support the Constitution of the United States and the Constitution of the State of Colorado; I will maintain the respect due to Courts and judicial officers; I will employ only such means as are consistent with truth and honor; I will treat all persons whom I encounter through my practice of law with fairness, courtesy, respect and honesty; I will use my knowledge of the law for the betterment of society and the improvement of the legal system; I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed; I will at all times faithfully and diligently adhere to the Colorado Rules of Professional Conduct."

●●● — Colorado Attorney Oath of Admission



## WHAT WE DO

The Office of Attorney Regulation Counsel's duties involve all phases of the practice of law in Colorado. The primary purpose behind each of these duties is promoting the interests of the public, ensuring that Colorado providers of legal services are competent, diligent, communicative, honest and in compliance with the Colorado Rules of Professional Conduct.

The Office of Attorney Regulation Counsel administers the bar examination, screens each applicant's character and fitness to practice law in Colorado, and enforces all other attorney admission and annual registration functions. The Office educates the general public and the legal profession on the underlying duties and requirements contained in the Colorado Rules of Professional Conduct. The Office enforces the Colorado rules regarding attorney discipline and disability proceedings and mandatory continuing legal and judicial education. When necessary, the Office oversees the handling of client files for attorneys who can no longer practice law.

The Office of Attorney Regulation Counsel also investigates and prosecutes individuals who cause harm to consumers when engaging in the unauthorized practice of law in Colorado. The Office assists the Board of Trustees in administering the Attorneys' Fund for Client Protection, and the Commission on Judicial Discipline when requested. A more complete listing of Office duties can be found in Appendix A.

## ATTORNEY ADMISSIONS

Attorney Admissions is the first stop within the regulatory system for individuals wanting to practice law in the state of Colorado. Attorney Regulation Counsel is charged with administering the bar exam and conducting character and fitness reviews of exam, On-Motion, and Uniform Bar Exam (UBE) score transfer applicants.<sup>16</sup>

The Director of Examinations and the Director of Character & Fitness, one administrative assistant, one full-time investigator, one part-time investigator, and four staff assistants review applications for eligibility and character and fitness qualifications. By addressing concerns with applicants before they become practicing attorneys, the character and fitness process takes a proactive role in protecting the public.

The number of people who sat for the Colorado Bar Exams held steady in 2016. The total number of applications handled by Attorney Admissions dipped slightly in 2016, however, UBE score transfer applications continue to increase.

### UBE and On Motion Applications Processed by the Office of Admissions

	2016	2015	2014
<b>UBE</b>	84	81	57
<b>On Motion</b>	334	395	238
<b>Total</b>	418	476	295

### **New Orientation Seeks to Calm Fears of the Process**

Sometimes knowing what to expect can alleviate the stress of a high-stakes test.

That's certainly true for the Colorado Bar Exam. In the months leading up to the exam, our Office fields all manner of questions about the application process and the logistics of the test itself. Am I approved to sit for the exam? Where do I park? How do I register my laptop? What's the temperature at the site? Can I wear my lucky hoodie? (The answer is "no" to the last question, by the way.)

To address these concerns, the admissions office in 2016 developed a series of short videos answering some of the most common questions. The videos offer bite-sized information such as: using a laptop during the exam, pre-arrival planning, the venue layout, what is considered cheating, the exam room and test schedule, and the process for getting cleared for the exam.

<sup>16</sup> Colorado and 27 other jurisdictions currently comprise the Uniform Bar Exam (UBE) compact: Alabama, Alaska, Arizona, Connecticut (2/17)\*, District of Columbia, Idaho, Iowa, Kansas, Maine (7/17)\*, Massachusetts (7/18)\*, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey (2/17)\*, New Mexico, New York, North Dakota, Oregon(7/17)\*, South Carolina (2/17)\*, Utah, Vermont, Virgin Islands (7/17)\*, Washington, West Virginia (7/17)\* and Wyoming. \*The date in parentheses indicates the state's first administration of the UBE.

## **Bar Exam**

Attorney Admissions works with the Colorado Supreme Court's Board of Law Examiners, whose volunteer members provide citizens' advice and direction on the execution of the Office's duties. The Board consists of two committees — the Law Committee and the Character & Fitness Committee.

The Office and the Director of Examinations works with the Law Committee to administer two bar examinations each year, one in February and one in July. The Law Committee is composed of 11 volunteer members appointed by the Supreme Court. It reviews and approves the standards that must be met to pass the written examination.

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**"Thank you for the accommodations during the bar exam. You made me feel very comfortable, and were professional and helpful."**

*-- A law school graduate taking the July 2016 Bar Exam.*

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In 2016, a total of 1,171 people sat for the bar exam<sup>17</sup>:

- 370 took the February bar exam:
  - 162 First Time (71% pass rate)
  - 65 Repeat (46% pass rate)
  - 227 Passed Overall (61 percent pass rate)
- 801 took the July bar exam:
  - 564 First Time (78% pass rate)
  - 19 Repeat (25% pass rate)
  - 583 passed (73 percent pass rate)

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<sup>17</sup> For detailed statistics on bar exam passage rates, see Appendix B.

## **Character and Fitness**

The Colorado Supreme Court has established high standards of ethics for attorneys which involve much more than measuring mere competence. A Colorado lawyer must have a record of conduct that justifies the trust of clients, adversaries, courts, and others with respect to the professional responsibilities owed to them.



Many of the 583 people who passed the July 2016 Bar Exam attended the Admissions Ceremony on October 31, 2016 with family and friends. Each Admissions Ceremony is a special session of the Colorado Supreme Court.

Therefore, applicants must demonstrate that they currently meet the standards and requirements established by the Colorado Supreme Court in order to be admitted to practice law. As such, all applications are the subject of a thorough Character and Fitness Investigation, the purpose of which is to protect the public and safeguard the system of justice.

The Character and Fitness Committee, which is part of the Board of Law Examiners, is comprised of 11 volunteer members appointed by the Colorado Supreme Court. The Committee enforces the Character and Fitness standards, and participates in Inquiry Panel interviews and Formal Hearings.

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*"Thank you again for taking the time to talk with me last week. I can't imagine how busy you are right now but I also can't tell you how comforting it was to have your guidance."*

*-- A bar applicant's email to a staff member in the admissions office.*

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On behalf of the Committee, the Office of Attorney Admissions reviews all applicants seeking full licensure to practice law in Colorado. Every Bar Examination, UBE Score Transfer and On Motion application must undergo a thorough Character and Fitness Investigation.

C.R.C.P. 208.1 provides a list of traits, responsibilities, requirements and relevant conduct considered by the Committee to determine if the applicant meets his or her burden of proving the requisite character and fitness to practice law in

Colorado. The Rule directs the Committee to determine relevant considerations and rehabilitation in deciding whether the applicant has met their burden.

Every applicant is considered individually based upon their personal history and record. A thoughtful and complete Character and Fitness Investigation takes a significant amount of time and involves a multi-step process. The Character and Fitness Investigation can take anywhere from several weeks to more than a year depending on the nature of the investigation, the issues involved, the applicant's response to requests for additional information, and cooperation from outside sources (i.e., references, other government agencies, etc.).

Applicants must disclose information about past criminal convictions or civil violations, academic or employment misconduct, compliance with court orders, financial irregularities, mental health or substance abuse issues, and disciplinary actions in other professional contexts.

This is designed to give the Office of Attorney Admissions the ability to examine all aspects of an applicant's life where ability, diligence, ethics and conduct may be observed and judged. A record manifesting a significant deficiency in honesty, trustworthiness, diligence or reliability of an applicant may constitute a basis for denial of an applicant.

If information provided by an applicant or obtained during the Character and Fitness Investigation raises a concern about the applicant's ability to meet the standards and requirements for licensure, the applicant may be requested to appear before an Inquiry Panel comprised of five members of the Committee. An Inquiry Panel can approve the applicant for admission, defer making a final determination and allow the applicant an opportunity to present additional information or materials in support of the application, or recommend denial of admission. Should an Inquiry Panel recommend denial, the

applicant may request a Formal Hearing before the Presiding Disciplinary Judge

In 2016, Attorney Admissions reviewed 1,589 applications to determine the character and fitness qualifications of applicants:

17 applicants were forwarded to an inquiry panel:

- 9 applicants were admitted;
- 5 cases were deferred by an inquiry panel; and
- 3 applicants were found to have probable cause to deny.
  - 1 applicant appeared at a formal hearing and was subsequently denied by the Colorado Supreme Court.
  - 1 applicant appeared at a formal hearing and was subsequently admitted by the Colorado Supreme Court.



and two other Committee members. The Supreme Court retains ultimate decision-making authority over whether an applicant is admitted or denied.

If appropriate, the Office of Attorney Admissions may send a letter to an applicant informing them of the Colorado Lawyer Assistance Program (COLAP) and its services. In 2016, the Office of Attorney Admissions sent COLAP letters to more than 35 applicants. COLAP is a confidential resource available to recent law school students, graduates, and licensed attorneys. COLAP may be able to assist an applicant regarding potential character and fitness issues to help determine what steps can be taken to address a current condition or impairment and, if needed, identify appropriate resources for the applicant prior to being admitted to the practice of law.

C.R.C.P. 208.1(5) provides that all applicants must meet all of the following essential eligibility requirements to qualify for admission to the practice of law in Colorado:

- (a) The ability to be honest and candid with clients, lawyers, courts, regulatory authorities and others;
- (b) The ability to reason logically, recall complex factual information and accurately analyze legal problems;
- (c) The ability to communicate with clients, lawyers, courts and others with a high degree of organization and clarity;
- (d) The ability to use good judgment on behalf of clients and in conducting one's professional business;
- (e) The ability to conduct oneself with respect for and in accordance with the law;
- (f) The ability to avoid acts which exhibit disregard for the rights or welfare of others;
- (g) The ability to comply with the requirements of the Rules of Professional Conduct, applicable state, local, and federal laws, regulations, statutes and any applicable order of a court or tribunal;
- (h) The ability to act diligently and reliably in fulfilling one's obligations to clients, lawyers, courts and others;
- (i) The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients and others; and

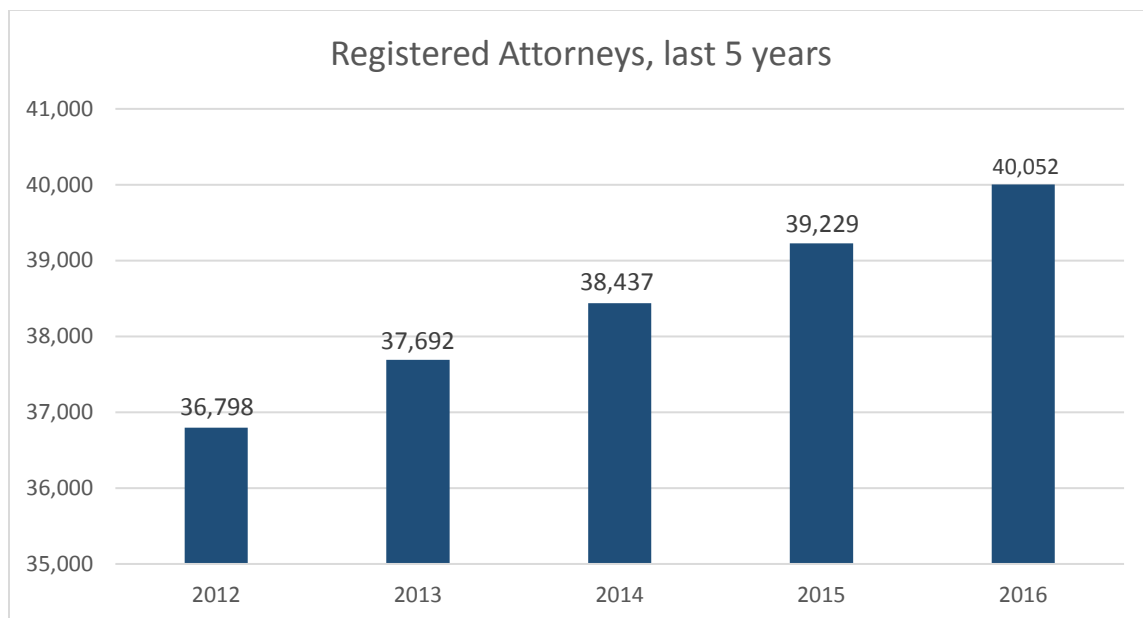
## ATTORNEY REGISTRATION AND CLJE

Once an applicant meets admission requirements, Attorney Registration completes the process by ensuring the proper administration of the oath. Attorneys then register annually with the Office and pay annual license fees. The Office also maintains lawyers' and judges' compliance with their continuing legal and judicial education requirements, as well as accreditation of continuing legal education activities. The Office is run by the Clerk of Attorney Registration and Director of CLJE Regulation and is aided by five full-time staff members.

# 40,052

The number of registered attorneys at the end of 2016.

Colorado ended 2016 with 40,052 registered attorneys, up 9 percent over the last five years. Of those registered attorneys, 26,035 were active and 14,017 were inactive.



## **Attorney Registration**

Attorney Registration maintains the roll of licensed attorneys in the state of Colorado. The annual license fees fund the Attorneys' Fund for Client Protection and defray the costs of attorney regulation (including the Office of the Presiding Disciplinary Judge), attorney registration, continuing legal and judicial education, enforcement of the unauthorized-practice-of-law rules, the Colorado Lawyer Assistance Program, the Colorado Attorney Mentoring Program, the Commission on Judicial Discipline, and some of the Supreme Court's law library services.

*I truly wish other states ran as smoothly as yours. You guys are awesome. It is a pleasure to be a member of the Colorado legal community.*

*— A lawyer on his experience with Attorney Registration*

Over the last few years, the Office changed its registration form to collect better demographic statistics on the state's lawyer profession, including the collection of demographics on how many lawyers are practicing in-house, in government, and in a private law firm. In 2016, for the 2017 registration process, the Office required lawyers in private practice who carry professional liability insurance to disclose the name of their insurance carrier.

Maintaining an accurate picture of our lawyer population allows us to better serve the public and the profession by providing tailored resources to specific groups of attorneys in the future.<sup>18</sup>

### **In 2016, Attorney Registration approved for admission 1,783 new attorneys:**

- |                                                   |                                    |
|---------------------------------------------------|------------------------------------|
| • Bar Exam: 787                                   | • Law Professor Certification: 2   |
| • Uniform Bar Exam: 78                            | • Military Spouse Certification: 6 |
| • On-Motion from Reciprocal Admissions State: 323 | • Judge Advocate Certification: 0  |
| • Single-Client Certification: 72                 | • Pro Bono Certification: 18       |
| • Pro Hac Vice: 485                               | • Practice Pending Admission: 12   |

<sup>18</sup> For detailed statistics on attorney demographics in Colorado, see Appendix C.

## **Continuing Legal and Judicial Education**

Attorneys have to meet continuing legal education requirements on a three-year cycle. Attorney Regulation Counsel works with the Board of Continuing Legal and Judicial Education to accredit CLE courses and activities, monitor CLE compliance, and interpret the rules and regulations regarding the court's mandatory continuing education requirement for lawyers and judges. accreditation standards for courses and CLE activities.

The Board consists of nine members: six attorneys, one judge and two non-attorneys who provide citizen voices in administration of the mandatory continuing legal and judicial education system.

### **New CLE Rule Nears Completion**

As society becomes more complex, the delivery of legal services likewise becomes more complex. The public expects that lawyers, in their practice of law, and judges, in the performance of their duties, will continue their professional development through their legal careers. The purpose of mandatory continuing legal and judicial education requirements is to promote and sustain competence and professionalism, and to ensure that lawyers remain current on the law, law practice management and technology in our rapidly changing society.

It is within this context that in May 2013, the Board of Continuing Legal & Judicial Education formed a subcommittee to review and consider revisions to the current Rules and Regulations pertaining to Mandatory Continuing Legal and Judicial Education. The CLJE Board approved the proposed changes and submitted the proposed revisions to the Court's Advisory Committee for consideration in the fall of 2016. The Advisory Committee submitted the proposed revised rules for consideration to the Supreme Court in May 2017.

The proposed rule changes aim to create a CLE system more relevant and valuable to a lawyer's every day practice and to help ensure lawyers continue to be students of the law throughout their career.

In 2016, the Board of Continuing Legal and Judicial Education:

- Processed 97,227 CLE affidavits;
- Processed 193 additional CLE affidavits for mentoring;
- Processed 3,958 additional CLE affidavits for pro bono work; and
- Accredited 4,832 CLE courses.

## ATTORNEY REGULATION

Attorney Regulation Counsel's traditional role is to investigate, regulate and, when necessary, prosecute attorneys accused of more serious violations of the Colorado Rules of Professional Conduct.

The Colorado model of attorney regulation is designed to move cases of minor ethical misconduct toward a quick resolution and devote its resources to cases that involve more serious attorney misconduct. The goal is to protect the public while educating attorneys to prevent any future misconduct.

In 2016, Attorney Regulation Counsel received 20,797 calls. Of those, 3,549 were calls filing a request for investigation against a lawyer. The Office's intake division reviewed all of those cases and processed 331 matters for full investigation by the trial division. In addition, the Office continued to work on 201 cases carried over from 2015.

In total, the Office of Attorney Regulation Counsel's work in 2016 resulted in:

- 148 dismissals with educational language;
- 88 diversion agreements;
- 11 public censures;
- 29 suspensions;
- 14 probations ordered; and
- 18 disbarments.

### Office of Attorney Regulation Counsel Unveils New Website

In Spring of 2016, the Office unveiled a new website that includes numerous resources intended to help lawyers improve their practice and help members of the public better understand how to navigate the legal community. The website is a reflection of the Office's continued efforts to promote professionalism and protect the public.

The Office developed a guide to "Hiring and Working with Your Attorney" that educates people on what to expect when engaging a lawyer. Another page consolidates links to services that may help those who cannot afford traditional legal representation. There is an entire section with practice management resources for lawyers, including tools such as the Self-Audit Checklist, a link to ethics opinions, and downloadable forms for the Office's Trust Account School.

The easy-to-navigate interface aims to help our 30,000 – 50,000 monthly visitors find their way to their intended site location quickly.



## Colorado Helps Lead National Wellness Task Force

To be a good lawyer, you've got to be a healthy lawyer.

That's one impetus behind the National Task Force on Lawyer Well-Being. Colorado Attorney Regulation Counsel Jim Coyle is co-chairing the group that seeks to address what most lawyers and judges already know: Too many lawyers struggle with mental health and substance abuse issues, and too many of these lawyers do not get the help they need.

Two major studies recently confirmed this anecdotal evidence and revealed a mental health and substance abuse crisis. "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys," published by the American Bar Association's Commission on Lawyer's Assistance Programs found that between 21 and 36 percent of currently practicing attorneys qualify as problem drinkers. Meanwhile, "Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Students to Seek Help for Substance Use and Mental Health Concerns," published in the Journal of Legal Education, found that 43 percent of law students reported binge drinking in the previous two weeks and 37 percent screened positive for anxiety.

The numbers are too high and the impact on the public too great for the profession to ignore.

The National Task Force on Lawyer Well-Being seeks to reduce the pervasive toxicity found in these studies. The task force looks to create a culture shift in the profession towards greater health and well-being and towards a legal community where those facing mental health and substance abuse issues do not feel stigmatized seeking help.

The task force consists of a coalition composed of representatives from the following organizations:

- The ABA Commission on Lawyer Assistance Programs (COLAP);
- The National Organization of Bar Counsel (NOBC);
- The Association of Professional Responsibility Lawyers (APRL);
- The ABA Center for Professional Responsibility;
- The ABA Young Lawyers Division (YLD);
- The ABA Law Practice Division;
- The Conference of Chief Justices (CCJ);
- The National Conference of Bar Examiners (NCBE);
- The authors of "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys;" and
- The authors of "Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns."

The task force intends to release an initial report in August 2017 as a call to action to address these problems. The report will highlight the findings of the two 2016 studies, and address the need for immediate action from a humanitarian, public trust, and regulatory standpoint. The report will also feature broad recommendations for systemic change and education within the profession. Once the task force releases the report, its members will begin a dialogue with the many stakeholders regarding the report and its recommendations.

## **Intake Division**

The intake division acts as the Office's triage unit. Its six attorneys, two investigators and three legal assistants are the front line for all complaints, deciding how a case is handled and whether it moves forward.<sup>19</sup>

Trained specialists take all calls to the Office and, if necessary, assign the case to an intake attorney. That attorney reviews the facts, then decides whether the Colorado Rules of Professional Conduct are implicated and whether further investigation is warranted.

Intake attorneys have numerous options. They can dismiss cases outright; issue letters with educational language to the respondent-attorney; refer the matter for resolution by fee arbitration; agree to an alternative to discipline involving education or monitoring in cases of minor misconduct; or forward matters of more serious misconduct to the trial division.

In 2016, central intake handled 20,797 telephone calls. The intake division:

- Reviewed 3,549 requests for investigation;<sup>1</sup>
- Entered into 42 diversion agreements;
- Dismissed 133 cases with educational language;
- Processed 331 cases for further investigation by the trial division.

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*"Citizens complain daily about all levels of governmental indifference and uncaring. I'm happy to report that those descriptors are eons from the truth about your office and the conduct of personnel therein."*

— A complaining witness  
on his experience with the  
Intake Division

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<sup>19</sup> For detailed statistics on the intake division, see Appendix D.

## **Trial Division**

The next stop for a case that involves a complex fact pattern or allegations of serious misconduct is the trial division. In 2016, the trial division handled many of the 331 cases processed by the intake division as well as 201 cases carried over from 2015.<sup>20</sup>

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*I want to express  
my deepest  
gratitude to you  
and your team ...  
Representatives  
from your office  
have been  
efficient and  
professional.*

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-- A complaining witness  
on his experience with  
the Trial Division

The trial division's attorneys, non-attorney investigators and legal assistants investigate the cases. At the end of the investigation, there are numerous outcomes, many intended to quickly resolve less serious matters.

If, at the end of the investigation phase, one of the above resolutions is not reached, assistant regulation counsel prepares a report recommending formal proceedings. That report is presented to the Attorney Regulation Committee, which is comprised of nine members: six attorneys and three public members who act as an outside perspective and gatekeeper for all official disciplinary proceedings against respondent-attorneys. One

of the members is a licensed Colorado psychiatrist. The Committee considers reports prepared by Office of Attorney Regulation Counsel attorneys and determines whether reasonable cause exists to pursue discipline.

In 2016, during the investigation phase, the trial division:

- Recommended the dismissal of 109 cases, 15 of them with educational language; and
- Entered into 12 conditional admission agreements.

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<sup>20</sup> For detailed statistics on the trial division process, see Appendices F through K.

In 2016, the trial division presented 180 matters to the Attorney Regulation Committee. The Committee approved:

- 115 formal proceedings;
- 46 diversion agreements; and
- 9 private admonitions.

Several of the 115 matters in which the Office was authorized to file a formal complaint were consolidated.<sup>21</sup> In certain cases, after authority to file a formal complaint was obtained, Attorney Regulation Counsel and the respondent-attorney entered into a conditional admission prior to filing of a formal complaint.

In 2016, after receiving authorization to file a formal complaint, the Attorney Regulation Counsel:

- Filed 43 formal complaints; resolved 10 matters prior to filing a formal complaint; and
- Entered into 22 conditional admissions agreements.

The 43 formal complaints filed in 2016, and those pending from 2015, resulted in 13 discipline trials before the Presiding Disciplinary Judge.

### **Immediate Suspensions**

On rare occasions, the Office of Attorney Regulation Counsel may seek the immediate suspension of an attorney's license to practice law in order to protect the public. An immediate suspension may be appropriate when there is reasonable cause to believe that an attorney is causing immediate and substantial public or private harm. Additionally, the Office can seek such action if an attorney is in

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<sup>21</sup> Because some matters are carried over from one calendar year to the next, the number of matters reviewed by the Attorney Regulation Committee will not reconcile with the number docketed or completed in the investigative area.

arrears on a child-support order or is not cooperating with Attorney Regulation Counsel as required by the Colorado Rules of Professional Conduct.

In 2016, the Office of Attorney Regulation Counsel filed 12 petitions for immediate suspension.

- 5 involved attorneys causing immediate and substantial harm;
- 0 involved failure to pay child support;
- 5 involved failure to cooperate with Attorney Regulation Counsel;
- 2 involved a felony conviction; and
- 2 were pending as of the drafting of this report.

### **Disability Matters**

When an attorney is unable to fulfill professional responsibilities due to physical, mental, or emotional illness, the Office of Attorney Regulation Counsel may file a petition to transfer an attorney to disability status. This is not a form of discipline.

### **Contempt Proceedings**

The Office of Attorney Regulation Counsel may file a motion with the Supreme Court recommending contempt for an attorney practicing law while under suspension or disbarment.

In 2016, the Office of Attorney Regulation Counsel filed 2 motions for contempt against Colorado attorneys. Both motions were granted.

### **Magistrates**

Attorney Regulation Counsel is responsible for handling complaints against state court magistrates.

In 2016, 54 complaints were filed against magistrates:

- 50 were dismissed
- 1 was processed, and
- 3 remained pending.

### **Reinstatement and Readmission Matters**

Attorneys who have been disbarred or suspended for at least one year and one day must apply for readmission or reinstatement. The reinstatement and readmission processes are similar to an attorney discipline case and are intended to assess the attorney's fitness to return to the practice of law. In readmission and reinstatement matters, the applicant attorney must prove rehabilitation and other elements by clear and convincing evidence.<sup>22</sup>

In 2016, 9 attorneys applied for reinstatement or readmission:

- 0 applicants were readmitted (the process used for disbarred attorneys);
- 3 applicants were reinstated (the process used for suspended attorneys);
- 1 application was dismissed;
- 2 applications were withdrawn;
- 6 applications were denied; and
- 4 applications were pending at the close of 2016.

### **Trust Account**

Attorneys in private practice are required to maintain a trust account in an approved Colorado financial institution. Those financial institutions agree to report any overdraft on the trust accounts to Attorney Regulation Counsel. The reporting requirement is designed as an early warning that an attorney is engaging in conduct that may harm clients. Reports of overdrafts receive immediate attention.

In 2016, the Office of Attorney Regulation Counsel received 163 notices from financial institutions of trust account checks drawn on insufficient funds.

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<sup>22</sup> Because some matters are carried over from one calendar year to the next, the number of matters processed by Regulation Counsel generally will not conform to the number of cases docketed or completed.



### **Unauthorized Practice of Law<sup>23</sup>**

The Office of Attorney Regulation Counsel, in coordination with the Unauthorized Practice of Law Committee (UPL), investigates and prosecutes allegations of the unauthorized practice of law. The UPL Committee is composed of nine members: six attorneys and three non-attorneys who provide a community perspective on UPL regulation and who retain jurisdiction over complaints of unauthorized practice of law.

In 2016, the Office of Attorney Regulation Counsel received 64 requests for investigation alleging the unauthorized practice of law. Of those 64 matters, 46 were completed in 2016:

20 were dismissed by Attorney Regulation Counsel;

1 was dismissed by the UPL Committee; and

10 resulted in written agreements to refrain from the conduct in question;

15 resulted in an injunctive or contempt proceeding.

### **Attorneys' Fund for Client Protection**

Attorney Regulation Counsel assists the Board of Trustees for the Attorneys' Fund for Client Protection by investigating claims made on the fund alleging client loss due to the dishonest conduct of an attorney. The statistics for this work are shown in a separate annual report, posted at [www.coloradosupremecourt.com](http://www.coloradosupremecourt.com), "Attorneys' Fund for Client Protection Annual Report 2016."

### **Commission on Judicial Discipline**

Attorney Regulation Counsel acts as Special Counsel for the Colorado Commission on Judicial Discipline on request of the Executive Director.

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<sup>23</sup> For detailed statistics on the Unauthorized Practice of Law, see Appendix L.

### **Colorado's Proactive Management-Based Program Initiative**

In an effort to help Colorado lawyers improve their practice and enhance the delivery of legal services, the Colorado Supreme Court's Advisory Committee formed the Proactive Management Based Regulation (PMBR) subcommittee in June 2015. The subcommittee first drafted regulatory objectives, which the Colorado Supreme Court adopted in April 2016, that define the mission of regulators in overseeing the practice of law. These high-level principles form the Preamble to the Rules Governing the Practice of Law of the Colorado Rules of Civil Procedure. They include helping lawyers better serve their clients through proactive programs.

To further this specific proactive objective and others, the subcommittee identified practice risks and created ten areas of self-assessment that allow lawyers to consider those risks in the context of their practice. The self-assessments ask lawyers whether they have the ethical infrastructure to address these risks. If the lawyers do not, the self-assessments identify certain Colorado Rules of Professional Conduct and educational resources in the form of formal ethics opinions, bar journal articles, and manuals published by the Office of Attorney Regulation Counsel, to give specific guidance on these risks.

The ten self-assessments focus on the following ten core practice principles:

- (1) Developing a competent practice;
- (2) Communicating in an effective, timely, professional manner and maintaining professional relations;
- (3) Ensuring that confidentiality requirements are met;
- (4) Avoiding conflicts of interest;
- (5) Maintaining appropriate file and records management systems;
- (6) Managing the law firm/legal entity and staff appropriately;
- (7) Charging appropriate fees and making appropriate disbursements;
- (8) Ensuring that reliable trust account practices are in use;
- (9) Working to improve the administration of justice and access to legal services;
- (10) Wellness and inclusivity.

Ultimately, these self-assessments should help attorneys avoid grievances and alleviate some of the stress associated with practice, especially for solo and small firm practitioners and those new to practice.

The subcommittee has chosen to make the self-assessments voluntary in an effort to create buy-in and voluntary compliance by the legal community. The subcommittee and the Office of Attorney Regulation Counsel believe that this proactive management-based program is a win-win for clients and lawyers alike. Guiding the subcommittee is the concept that instilling best practices through self-evaluation promotes client service and satisfaction, which in turn helps lawyers build and maintain a thriving law practice. The Office of Attorney Regulation Counsel is currently working with a platform developer to transform the assessments into an online, interactive, consolidated tutorial. This platform will launch in the fall of 2017. The subcommittee is also exploring development of a rule that would protect the assessments from discovery.

## CASE MONITOR

The cornerstones of Colorado's attorney regulation system are the diversion (alternative-to-discipline) agreement and probation conditions in discipline matters. Diversion agreements and probation conditions protect the public while allowing an otherwise competent attorney to continue practicing.

Central to these agreements is monitoring. An attorney-respondent must adhere to conditions agreed to by the Office and the attorney. Those conditions can include attendance at the Office's trust account school or ethics school, submitting to drug or alcohol monitoring, financial monitoring, practice audits and/or monitoring, or receiving medical or mental health treatment.

To ensure compliance, the Office employs a full-time case monitor. The case monitor's relationship with respondent-attorneys begins when the monitor sends a calendar detailing important compliance deadlines. Throughout the diversion or probation process, the monitor follows up with email reminders and phone calls if an attorney has missed a deadline.

The goal of the monitor is to help attorneys comply with their diversion or probation conditions to facilitate a successful transition back to normal law practice.

The case monitor also helps run the various schools for attorneys intended to improve the provision of legal services to consumers.

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*"You have gone above and beyond. You really worked with me ... I want you to know that during such a difficult time in one's life, it truly helps to have someone kind."*

- A respondent-attorney on her experience with the Office of Attorney Regulation Counsel's case monitor

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In 2016, the case monitor:

- Organized 5 Ethics Schools, attended by 121 attorneys; and
- Organized 4 Trust Account Schools, attended by 51 people.

## INVENTORY COUNSEL

Attorney Regulation Counsel's umbrella also covers the end of an attorney's career and sometimes the end of his or her life. When an attorney is no longer able to perform his or her duties to clients, either due to disability or death, and there is no other party responsible for the attorney's affairs, the Office of Attorney Regulation Counsel steps in to file a petition for appointment of inventory counsel.

With the assistance of volunteer Colorado attorneys, and investigators and attorneys from the Office, the Inventory Counsel Coordinator and her assistant review all of the files and take steps to protect the interests of the attorney and the attorney's clients. The file inventory and file return process may take months or years depending on the number of files, the area of practice, and the difficulty in locating the previous clients.<sup>24</sup>

In 2016, the Office of Attorney Regulation Counsel:

- Filed 13 new petitions for appointment of inventory counsel;
- Worked 12 active inventory matters;
- Closed 9 inventory matters;
- Contacted 330 clients whose files contained original documents, involved a felony criminal matter, or were considered current;
- Returned \$45,377.77 in trust account funds to clients;
- Inventoried 3,005 client files; and
- Returned 103 files to clients or attorneys of record.

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<sup>24</sup> For additional statistics about Inventory Counsel, see Appendix M.

## Inventory Counsel Turns In Treasure

Protecting and promoting the public interest takes many forms in the Office of Attorney Regulation Counsel. Sometimes, it involves envelopes stuffed with cash.

When an attorney is suspended, disbarred, goes on disability or inactive status, or passes away, the Office's inventory counsel often steps in to safeguard the attorney's client files.

That's what inventory counsel was doing in late 2016 when they collected files from an attorney who had passed away. Back in the Office, staff was sorting through the attorney's boxes when they noticed a lump under the flap. Pulling out a manila envelope, they discovered a wad of bills.

Thinking it might not be the only one, staff checked the remaining boxes. More envelopes were discovered. In total, inventory counsel found \$18,927. It was eventually included in the attorney's probate case.

All in a day's work.

If the Office of Attorney Regulation Counsel helps lawyers from cradle to grave, inventory counsel is on the far end of that spectrum. They are often called out to retrieve files from those who have passed away and help return those files to clients or destroy them if the client has no need for them.

In 2016, the Office inventoried 3,005 client files. It's all part of the Office's effort to protect and promote the public interest.

## EDUCATION/OUTREACH

The Office recognizes that one of the best ways to protect and promote the public interest is to prevent misconduct before it occurs.

In pursuit of that goal, the Office of Attorney Regulation Counsel seeks to promote an understanding of the legal field and offer attorneys educational opportunities that aid them in their practice of law.

That pursuit takes many forms.<sup>25</sup>

- The Office of Attorney Regulation Counsel conducts a majority of its outreach through talks and presentations. The Office seeks to reach lawyers early and so its members often speak to students at the state's two law schools. Members of the Office also talk at bar association gatherings and CLE courses on various attorney ethics topics. And the Office often delivers presentations at conferences for other bar counsel admissions and CLE professionals.
- The Office created and teaches schools for attorneys intended to improve the provision of legal services to consumers. These schools are:
  - Ethics School, a seven-hour course focusing on everyday ethical dilemmas that confront attorneys;
  - Trust Account School, a four-hour course that addresses the correct method for maintaining and administering a trust account;
  - Professionalism School, a six-hour course that addresses the most common ethical dilemmas faced by newly admitted attorneys; and
  - Practice Monitor Class, a half-day course instructing attorneys on how to be practice monitors for other attorneys required to have supervision as part of an alternative-to-discipline program.
- The Office's attorneys and investigators serve on numerous local and statewide boards and committees, and are active in national and international legal organizations.

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<sup>25</sup> For further details on the Office's Education and Outreach activities, see Appendix N.



- Members of the Office regularly make presentations on a national level, including presentations for the National Organization of Bar Counsel, the ABA Standing Committee on Client Protection, the National Conference of Bar Examiners, the National Client Protection Organization, the ABA Immigration Section, and the Commission on Lawyer Assistance Programs.

In 2016, the Office also continued two outreach initiatives:

1. The Office sent the *OARC Update*, a quarterly email newsletter to the state's 40,000-plus attorneys. The newsletters contain deadline reminders and links to articles written by the Office's attorneys on best practices and ethical hot topics.
2. The Office also sent letters to attorneys who changed their practice area from public service or large firm practice to solo or small-firm practice. These attorneys face challenges in managing a private practice they likely didn't face while working as a government or large-firm attorney. The letters ask the practitioner to fill out a self-audit checklist and discuss the results with a seasoned solo or small firm practitioner. The letters also make these attorneys aware of resources that may help them during their transition.

In 2016, the Office of Attorney Regulation Counsel:

- Delivered 143 speeches and presentations;
- Disseminated four newsletters, each of which was opened by an average of 15,803 attorneys; and
- Sent 464 letters to attorneys changing from public service or large-firm practice to solo or small-firm practice informing them of resources that may be helpful in their transition.

## APPENDIX A:

### OFFICE OF ATTORNEY REGULATION COUNSEL DUTIES

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The Colorado Rules of Civil Procedure lay out Attorney Regulation Counsel's multiple regulatory and administrative duties. These duties include:

1. Field and investigate complaints filed with the central intake division of the Office of Attorney Regulation Counsel;
2. Investigate and prosecute violations of the Colorado Rules of Professional Conduct under the direction of the Attorney Regulation Committee, C.R.C.P. 251.3;
3. Investigate and prosecute violations of the Colorado Rules of Professional Conduct relating to trust account overdraft notifications;
4. Investigate and prosecute attorney disability actions;
5. Investigate and prosecute petitions for immediate suspension, C.R.C.P. 251.8, C.R.C.P. 251.8.5, and C.R.C.P. 251.8.6;
6. Investigate and prosecute contempt proceedings for violations of the Colorado Rules of Procedure Regarding Attorney Discipline and Disability, C.R.C.P. 251.3(c)(7);
7. Investigate and prosecute violations of the Code of Judicial Conduct by attorneys serving as magistrates under the Colorado Rules for Magistrates;
8. Investigate and prosecute complaints alleging the unauthorized practice of law upon the request and direction of the Unauthorized Practice of Law Committee, C.R.C.P. 228, *et seq.*;
9. Coordinate and investigate the filing of claims with the Colorado Attorneys' Fund for Client Protection under the direction of the Colorado Attorneys' Fund for Client Protection Board of Trustees, C.R.C.P. 251.3, *et seq.*, C.R.C.P. 252, *et seq.*;

10. Perform attorney admission duties, including the administration of the Colorado Bar Examination and all character and fitness determinations; and assist the Character and Fitness Committee in inquiry panels and formal hearings as required by the Rules Governing Admission to the Practice of Law in Colorado;
  11. As requested, represent and serve as special counsel to the Commission on Judicial Discipline in matters related to the removal, retirement, suspension, censure, reprimand, or other discipline of judges, Colorado Rules of Judicial Discipline, Chapter 24;
  12. Obtain appointment of inventory counsel in cases where an attorney has become disabled, disappeared, or died, and assist inventory counsel with the client files and funds;
  13. Provide extensive educational opportunities to the practicing bar and the public on topics related to attorney ethics; and
  14. Perform duties on behalf of the Board of Continuing Legal and Judicial Education.
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## APPENDIX B:

### BAR EXAM STATISTICS

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#### EXAM STATISTICS

February 2016 Bar Exam

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	<u>Attorney</u>	<u>Non-attorney</u>	<u>Total</u>
# of applicants	123	305	428
# of withdrawals	14	37	51
# of no shows	1	6	7
# who took exam	108	262	370
# of new applicants	84	125	209
# of updates	24	137	161*
# who passed	87	140	227 (61%)
# who failed	21	122	143 (39%)

\* 20 who have never sat for an exam in Colorado and 141 who previously failed.

**PASS/FAIL RATES****By Law School**

February 2016 Bar Exam

Examinees	Law School	Passed		Failed		Total
<b>First Time</b>	University of Colorado	10	(91%)	1	(9%)	11
	University of Denver	31	(79%)	8	(21%)	39
	National*	13	(100%)	0	(0%)	13
	Other	108	(65%)	58	(35%)	166
		162	(71%)	67	(29%)	229
<b>Repeat</b>	University of Colorado	6	(46%)	7	(54%)	13
	University of Denver	22	(71%)	9	(29%)	31
	National*	1	(100%)	0	(0%)	1
	Other	36	(38%)	60	(62%)	96
		65	(46%)	76	(54%)	141
<b>All</b>	University of Colorado	16	(67%)	8	(33%)	24
	University of Denver	53	(76%)	17	(24%)	70
	National*	14	(100%)	0	(0%)	14
	Other	144	(55%)	118	(45%)	262
		227	(61%)	143	(39%)	370

\* Schools categorized as "National" are:

Columbia  
 Harvard  
 Stanford  
 Yale  
 Duke  
 Michigan  
 Chicago  
 California Berkeley  
 Virginia  
 Texas

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**EXAM STATISTICS**  
July 2016 Bar Exam

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	<u>Attorney</u>	<u>Non-attorney</u>	<u>Total</u>
# of applicants	108	769	877
# of withdrawals	14	46	60
# of no shows	5	11	16
# who took exam	89	712	801
# of new applicants	69	631	700
# of updates	20	81	101*
# who passed	63	520	583 (73%)
# who failed	26	192	218 (27%)

\* 24 who have never sat for an exam in Colorado and 77 who previously failed.

**PASS/FAIL RATES**  
**By Law School**  
 July 2016 Bar Exam

Examinees	Law School	Passed		Failed		Total
<b>First Time</b>	University of Colorado	122	(82%)	26	(18%)	148
	University of Denver	179	(85%)	31	(15%)	210
	National*	49	(96%)	2	(4%)	51
	Other	214	(68%)	101	(32%)	315
		564	(78%)	160	(22%)	724
<b>Repeat</b>	University of Colorado	3	(60%)	2	(40%)	5
	University of Denver	3	(17%)	15	(83%)	18
	National*	1	(33%)	2	(67%)	3
	Other	12	(24%)	39	(76%)	51
		19	(25%)	58	(75%)	77
<b>All</b>	University of Colorado	125	(82%)	28	(18%)	153
	University of Denver	182	(80%)	46	(20%)	228
	National*	50	(93%)	4	(7%)	54
	Other	226	(62%)	140	(38%)	366
		583	(73%)	218	(27%)	801

\* Schools categorized as "National" are:

Columbia  
 Harvard  
 Stanford  
 Yale  
 Duke  
 Michigan  
 Chicago  
 California Berkeley  
 Virginia  
 Texas



## APPENDIX C:

### COLORADO ATTORNEY DEMOGRAPHICS

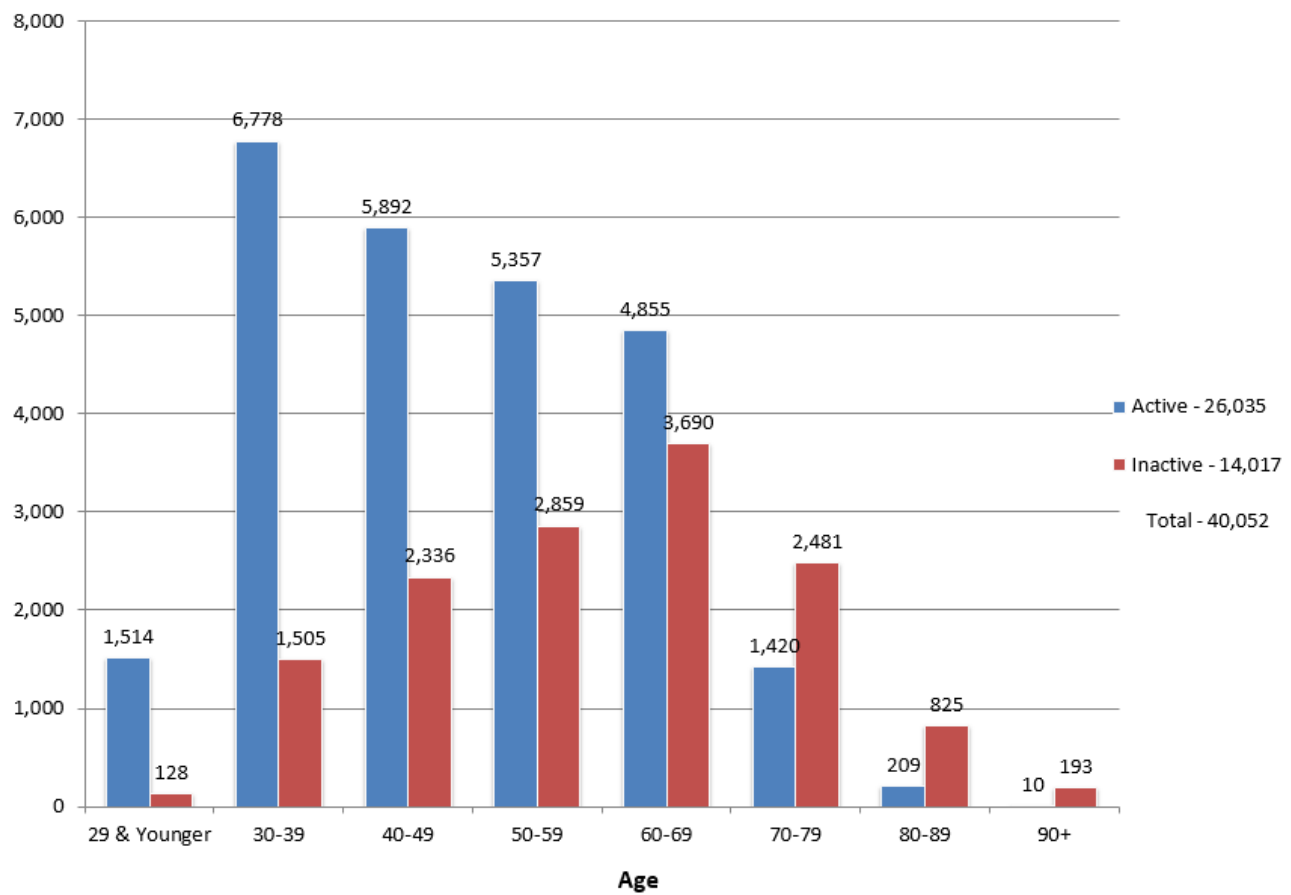
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The Office of Attorney Regulation Counsel collects data from lawyer registration forms to better analyze demographic information on the state's lawyer profession. With an accurate picture of Colorado's lawyer population, the Office hopes to provide better resources to specific groups of attorneys in the future.

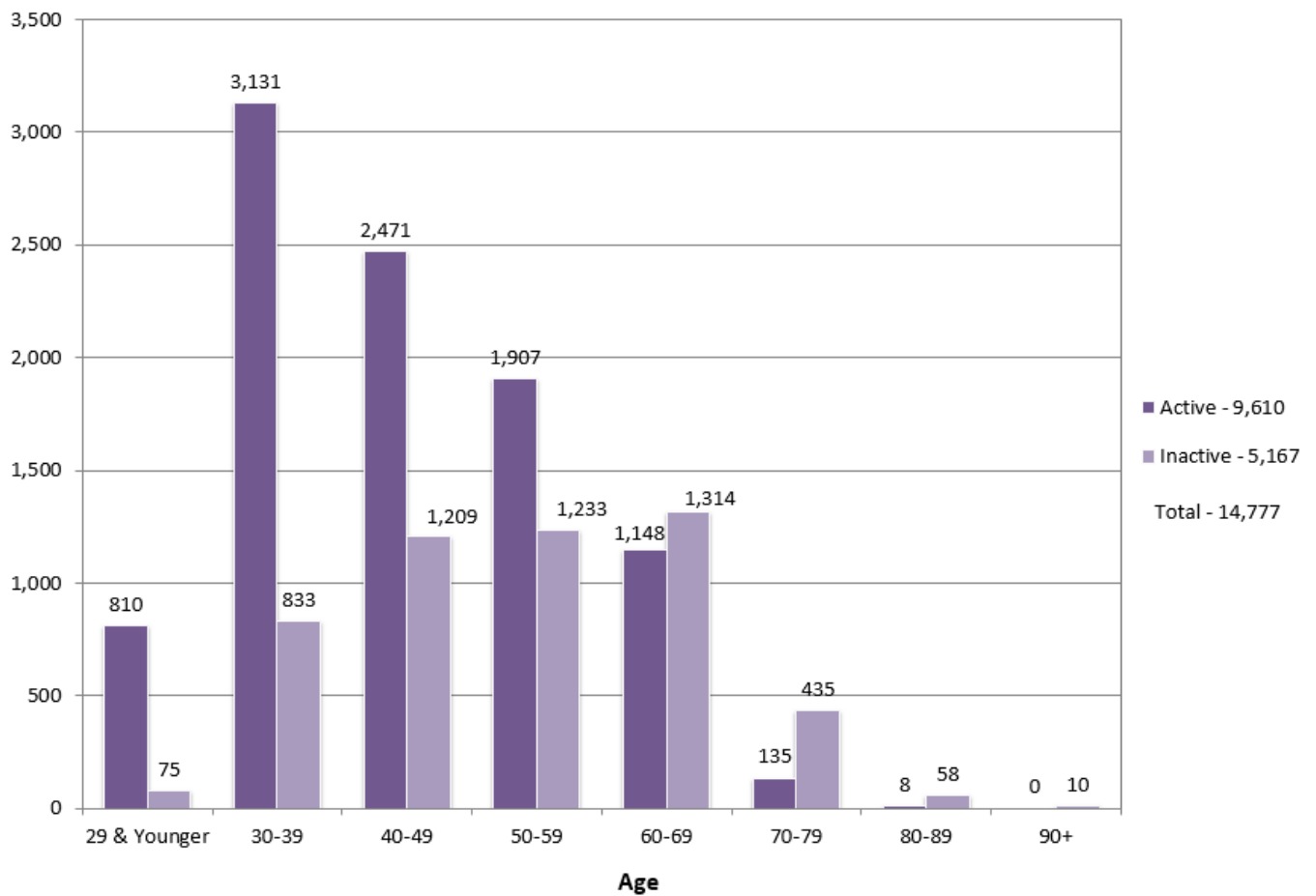
#### Charts:

- C-1: Colorado Attorneys, Active and Inactive By Age
- C-2: Colorado Female Attorneys, Active and Inactive By Age
- C-3: Colorado Male Attorneys, Active and Inactive By Age
- C-4: Active Attorneys By Area of Practice
- C-5: Active Attorneys in Private Practice, By Firm Size
- C-6: Active Attorneys in Government Practice, By Type
- C-7: Active Attorneys, Practicing 0-5 Years
- C-8: Active Female Attorneys, Practicing 0-5 Years
- C-9: Active Male Attorneys, Practicing 0-5 Years
- C-10: Active Attorneys, Practicing 6-15 Years
- C-11: Active Female Attorneys, Practicing 6-15 Years
- C-12: Active Male Attorneys, Practicing 6-15 Years
- C-13: Active Attorneys, Practicing 16-15 Years
- C-14: Active Female Attorneys, Practicing 16-25 Years
- C-15: Active Male Attorneys, Practicing 16-25 Years
- C-16: Active Attorneys, Practicing 26+ Years
- C-17: Active Female Attorneys, Practicing 26+ Years
- C-18: Active Male Attorneys, Practicing 26+ Years

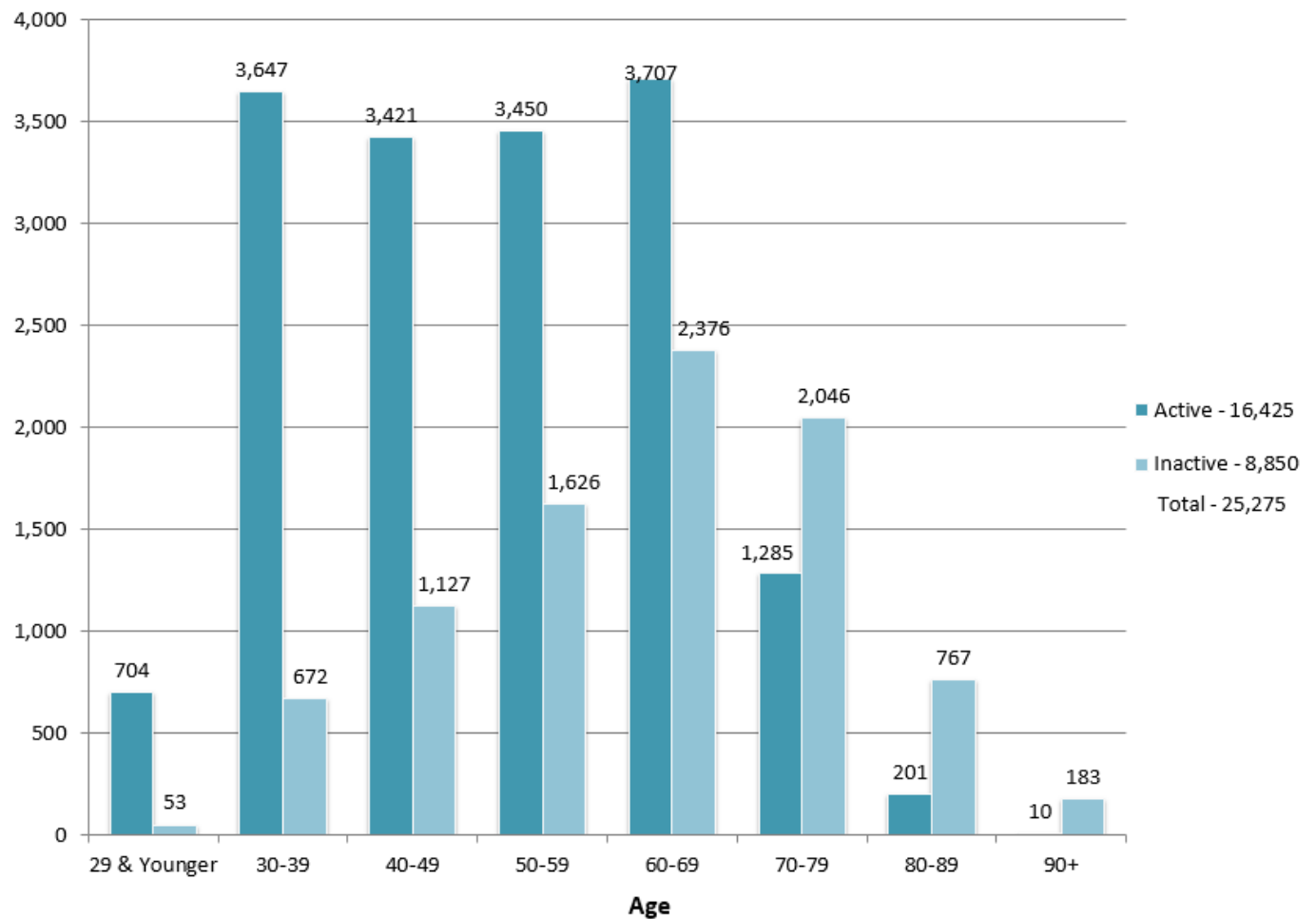
**CHART C-1: COLORADO ATTORNEYS, ACTIVE AND INACTIVE BY AGE**

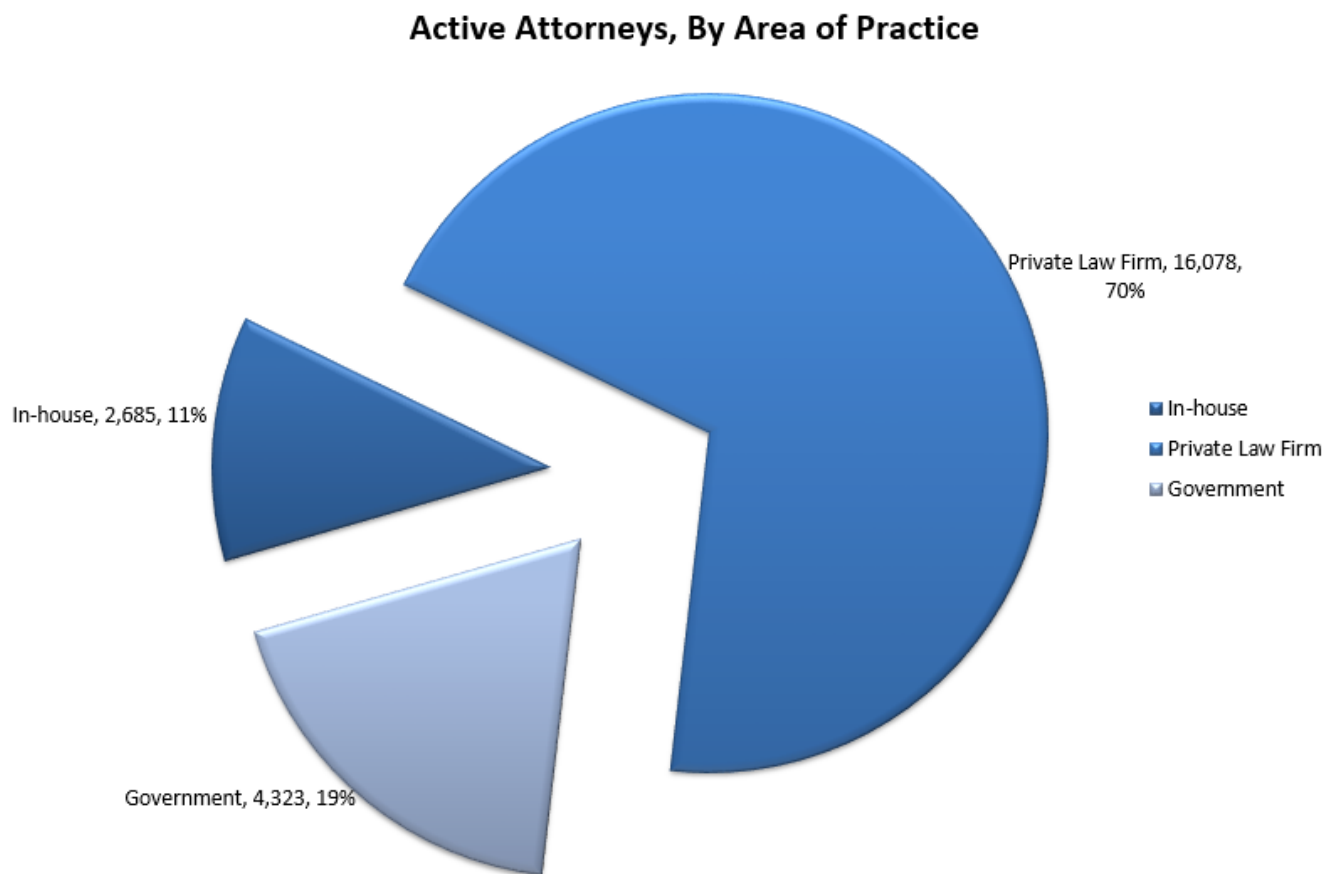


**CHART C-2: COLORADO FEMALE ATTORNEYS, ACTIVE AND INACTIVE BY AGE**

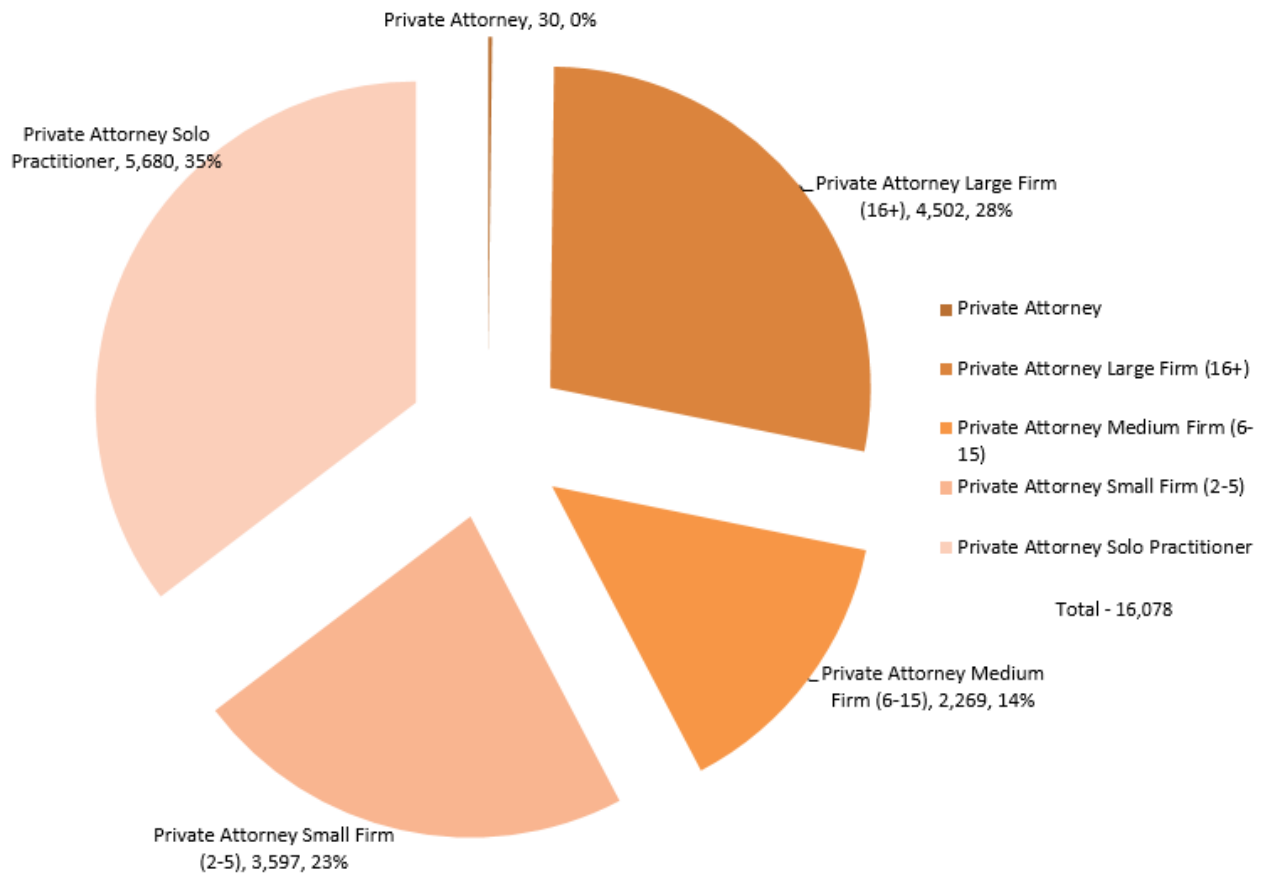


**CHART C-3: COLORADO MALE ATTORNEYS, ACTIVE AND INACTIVE BY AGE**

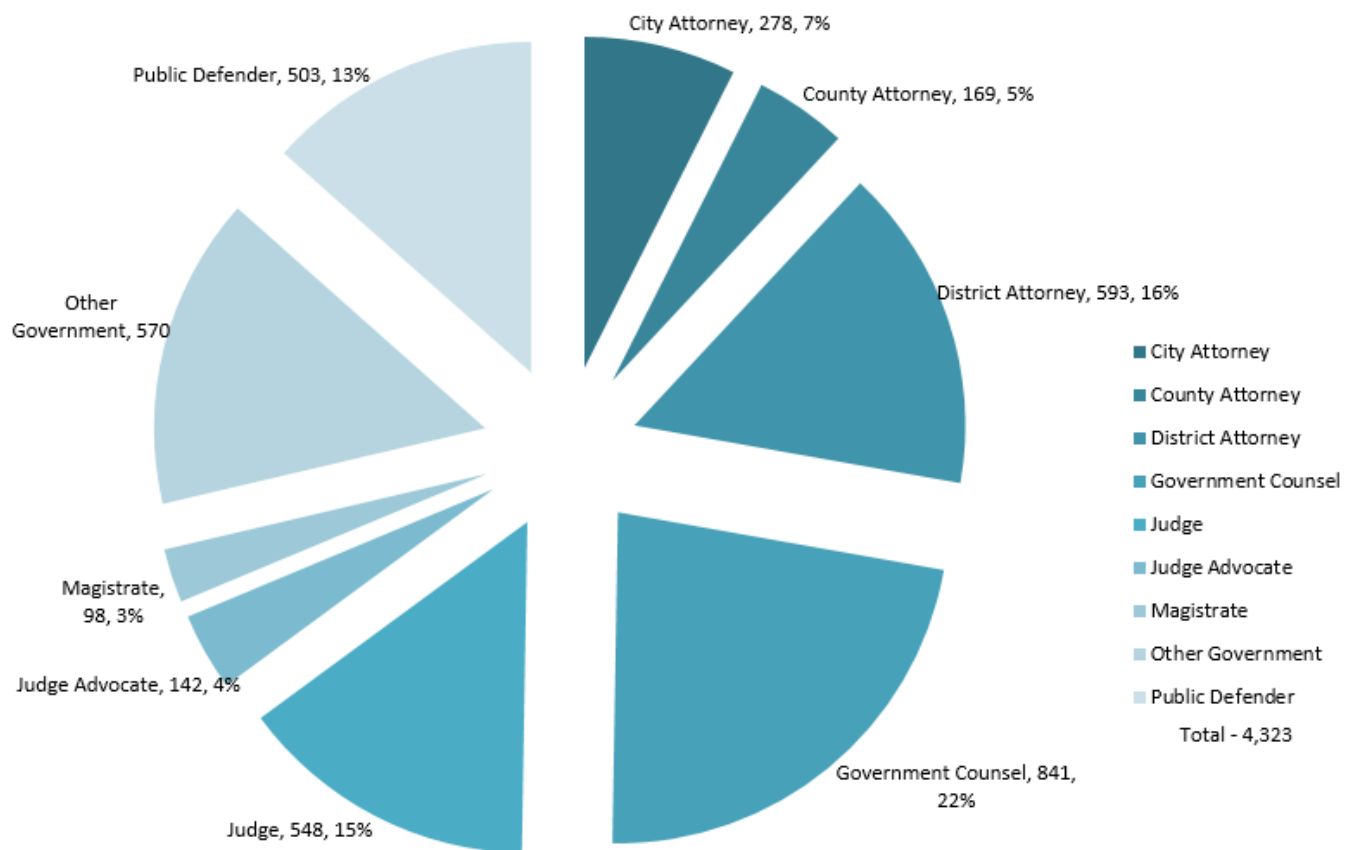


**CHART C-4: ACTIVE ATTORNEYS BY AREA OF PRACTICE**

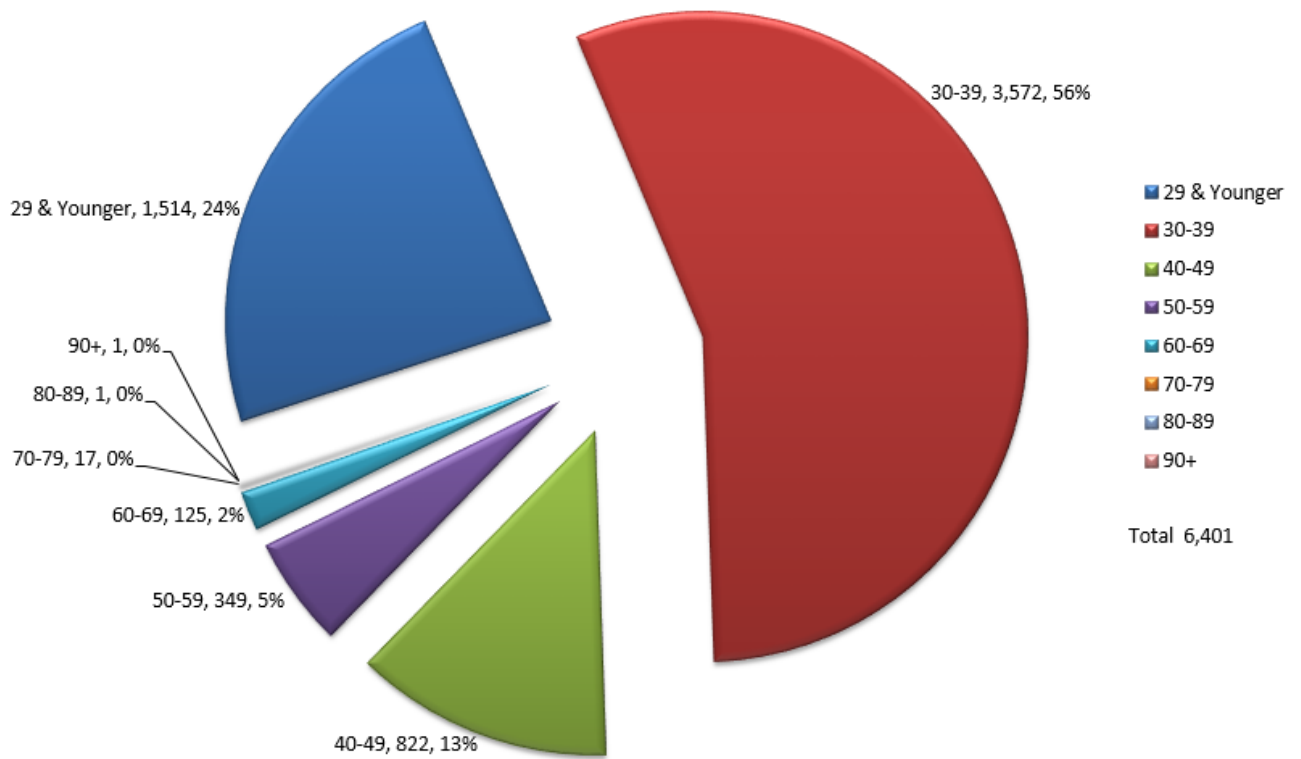
**CHART C-5: ACTIVE ATTORNEYS IN PRIVATE PRACTICE,  
BY FIRM SIZE**



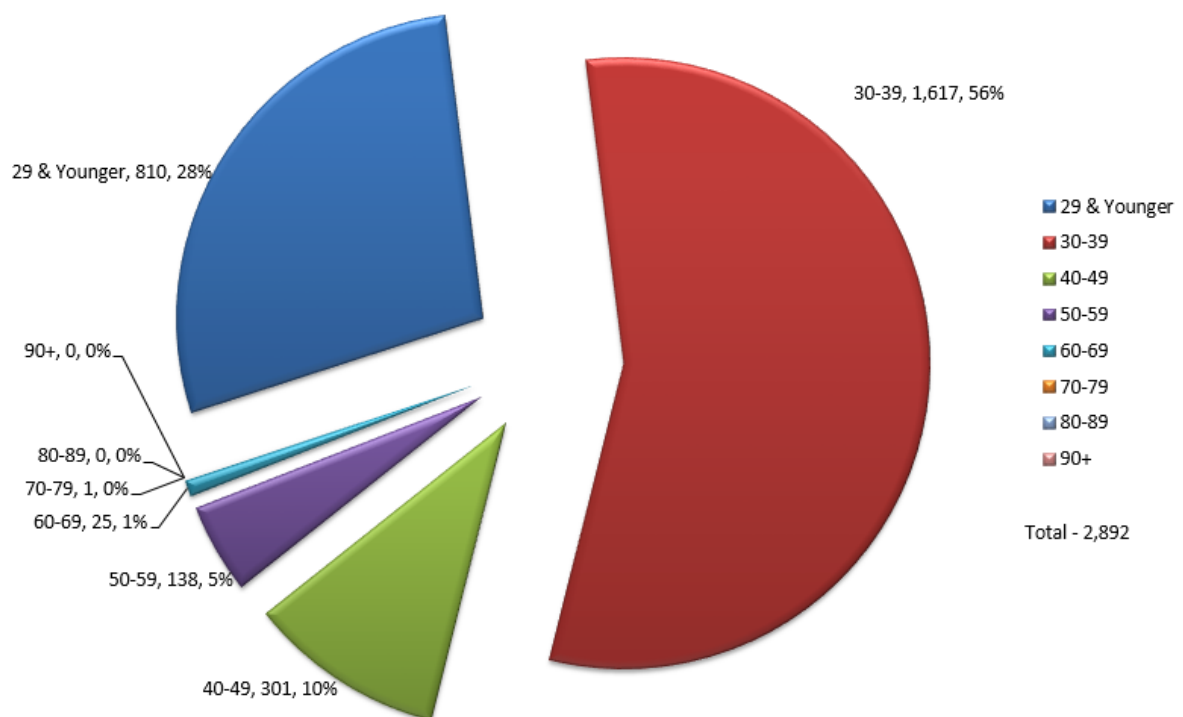
**CHART C-6: ACTIVE ATTORNEYS IN GOVERNMENT PRACTICE, BY TYPE**



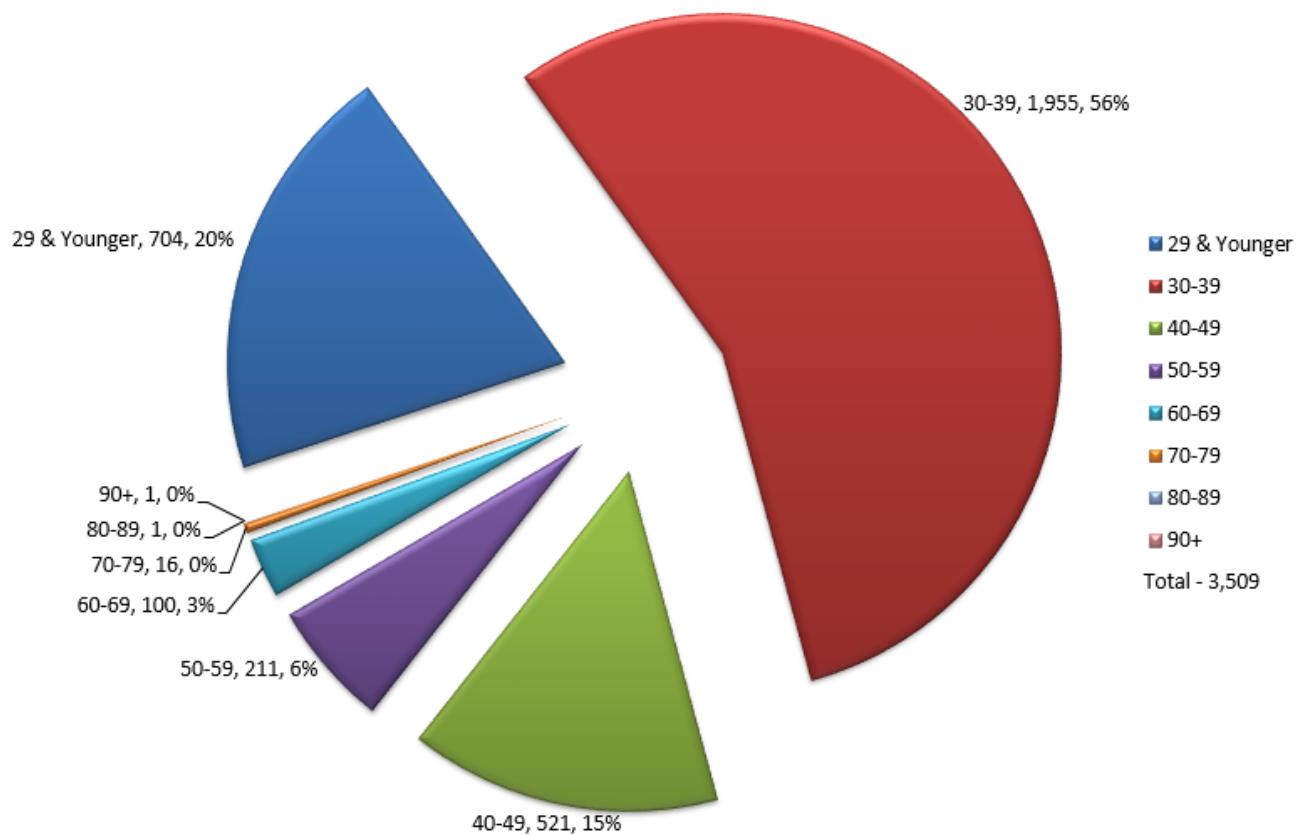


**CHART C-7: ACTIVE ATTORNEYS, PRACTICING 0-5 YEARS**

**CHART C-8: ACTIVE FEMALE ATTORNEYS, PRACTICING 0-5 YEARS**

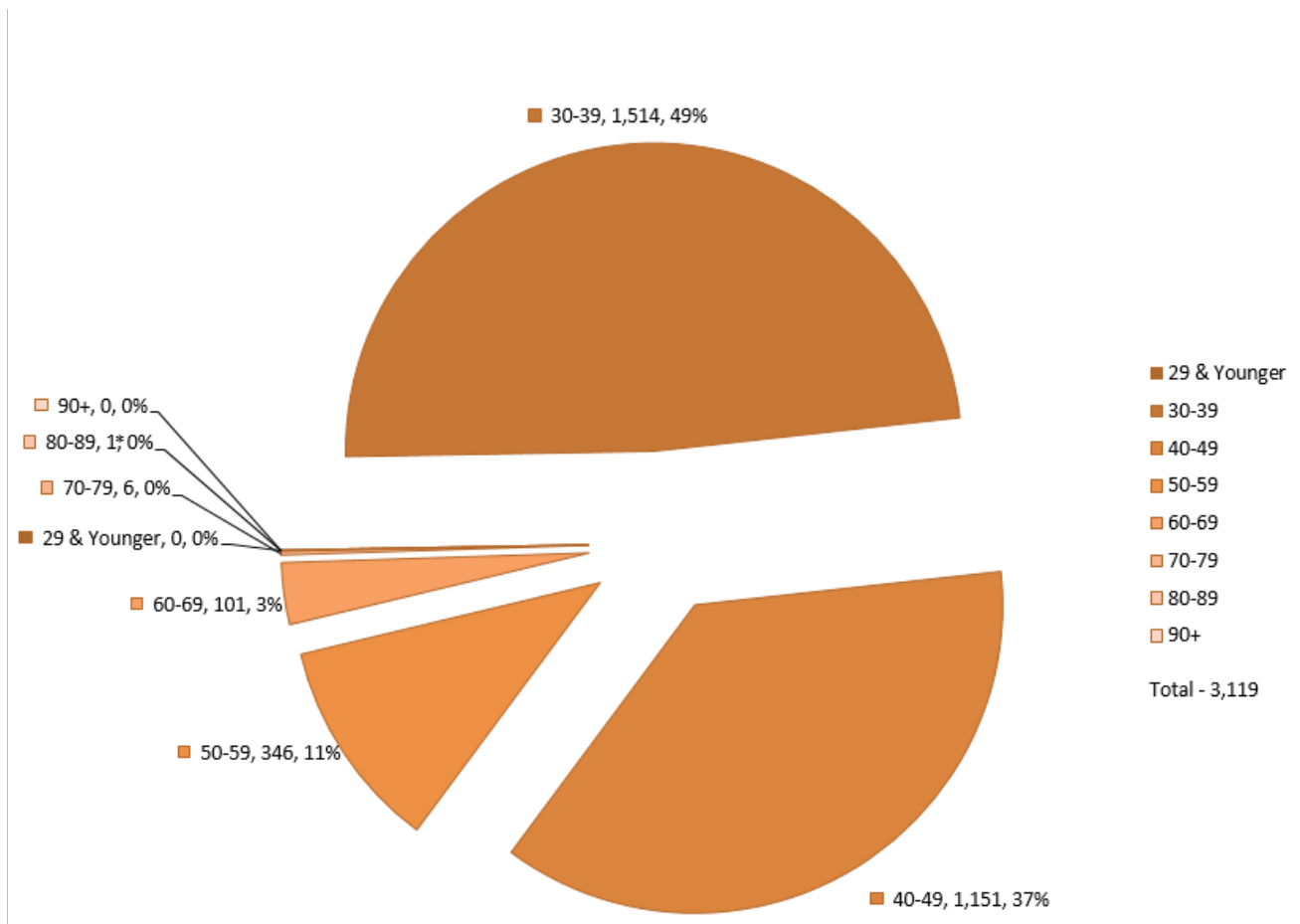


**CHART C-9: ACTIVE MALE ATTORNEYS, PRACTICING 0-5 YEARS**





**CHART C-11: ACTIVE FEMALE ATTORNEYS, PRACTICING 6-15 YEARS**



**CHART C-12: ACTIVE MALE ATTORNEYS, PRACTICING 6-15 YEARS**

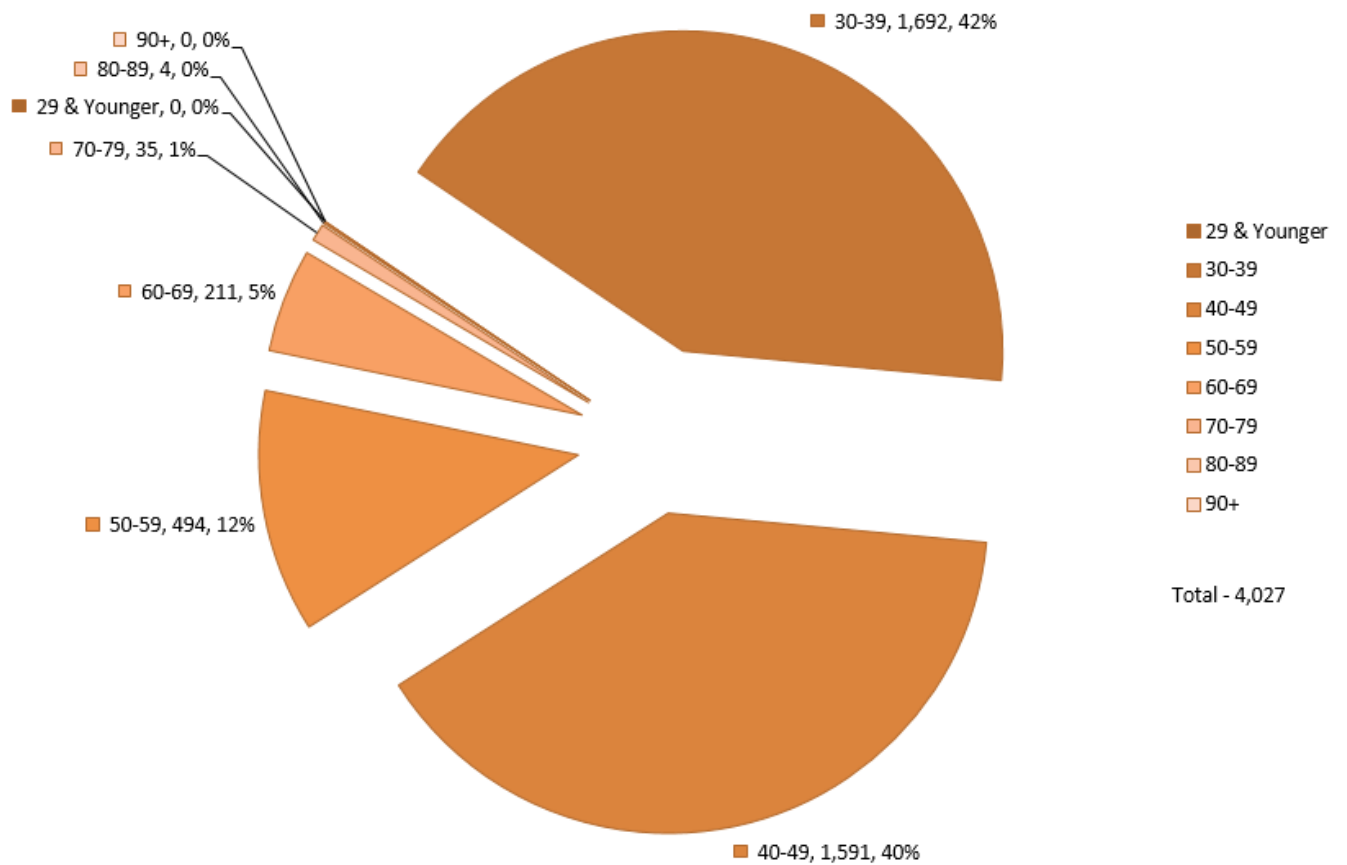
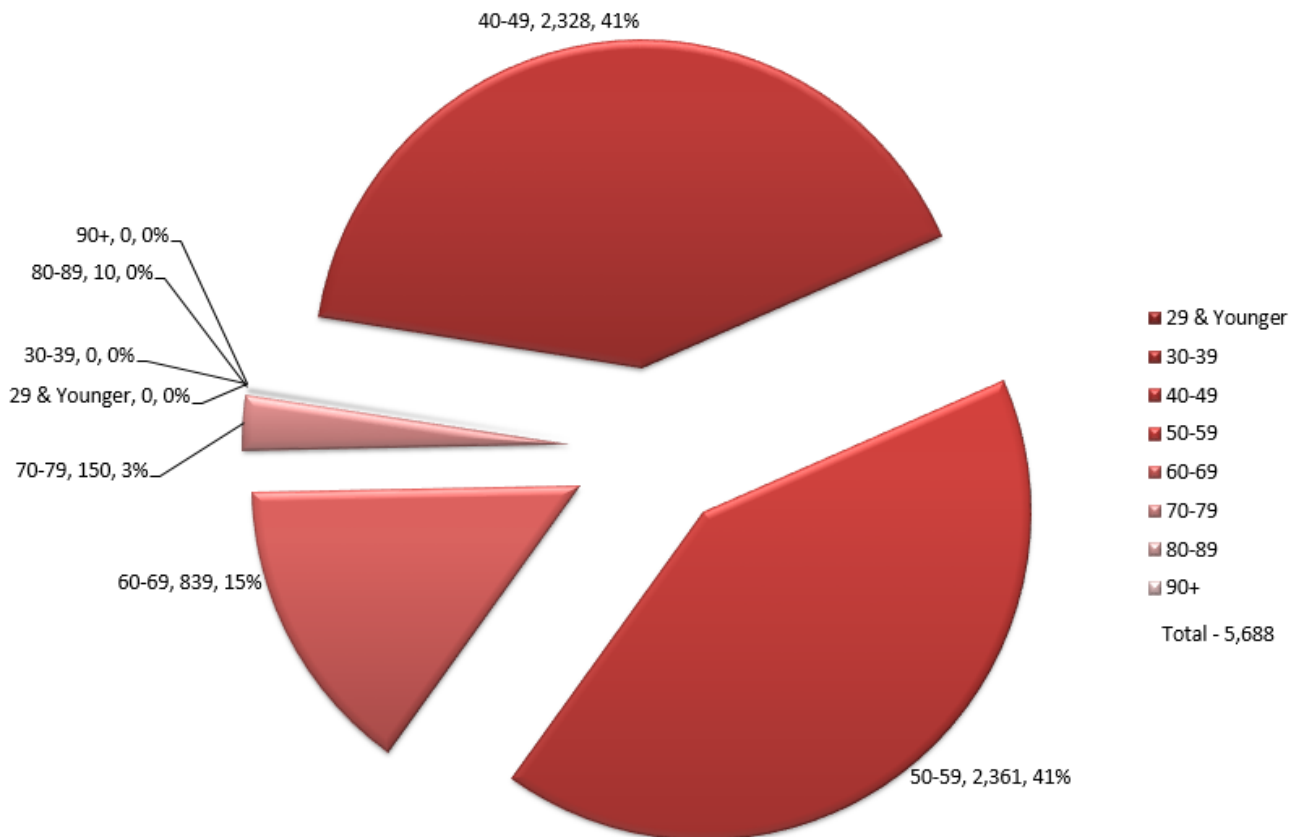


CHART C-13: ACTIVE ATTORNEYS, PRACTICING  
16-25 YEARS



**CHART C-14: ACTIVE FEMALE ATTORNEYS, PRACTICING 16-25 YEARS**

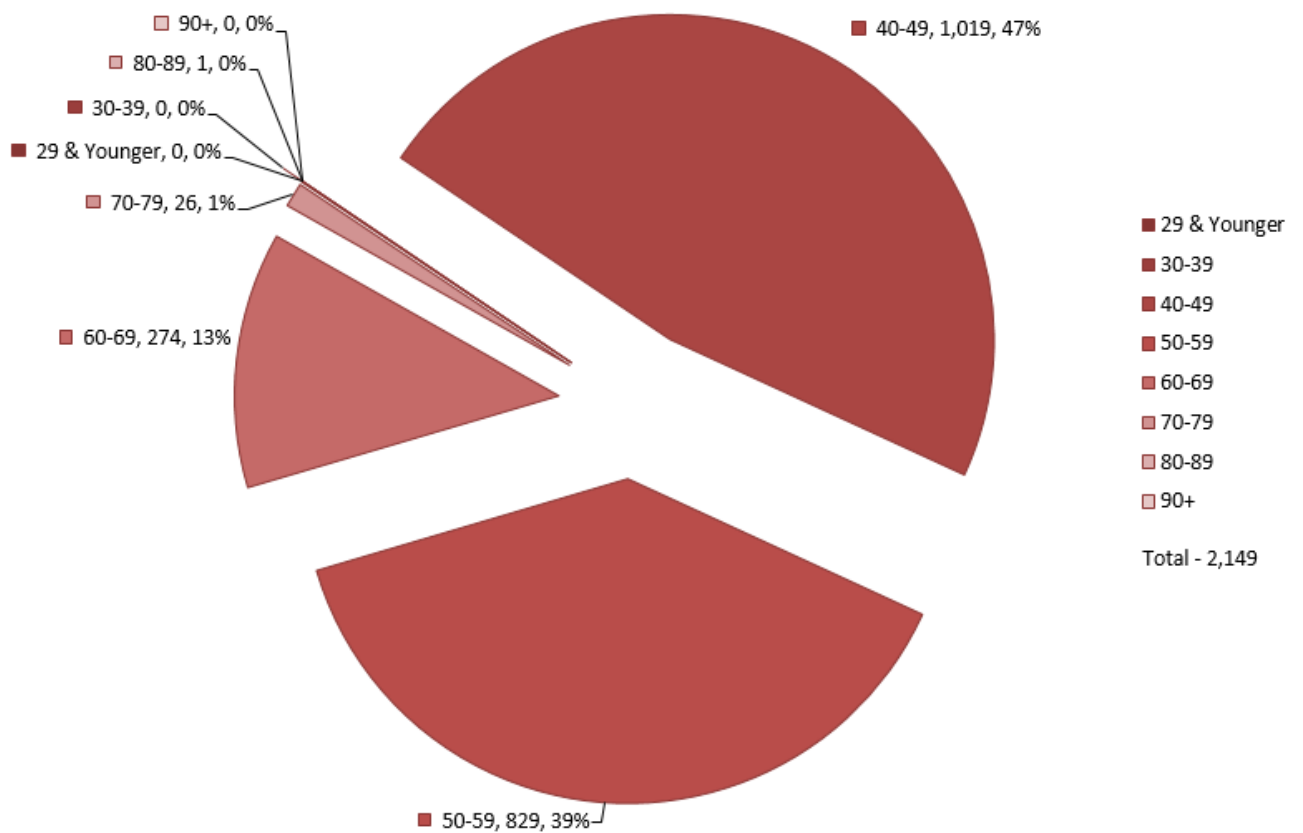
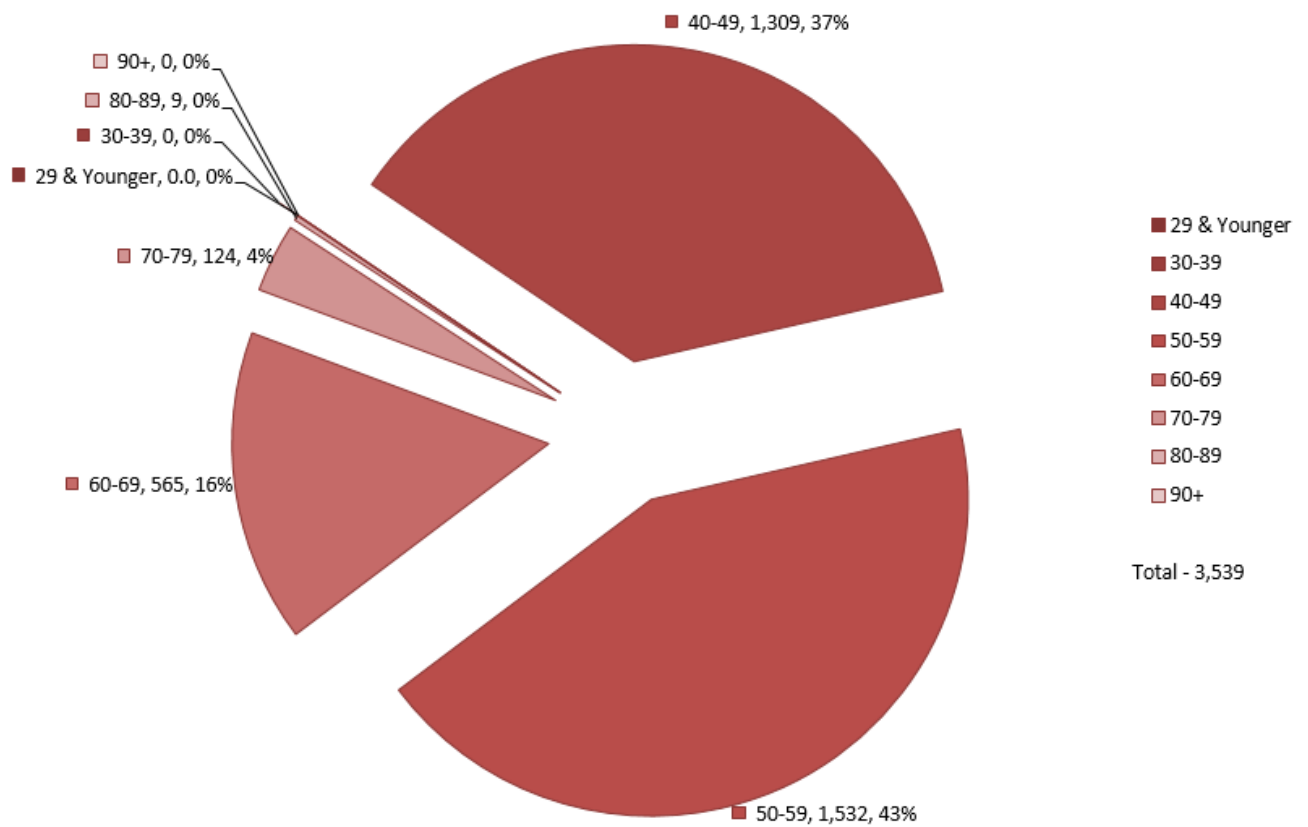
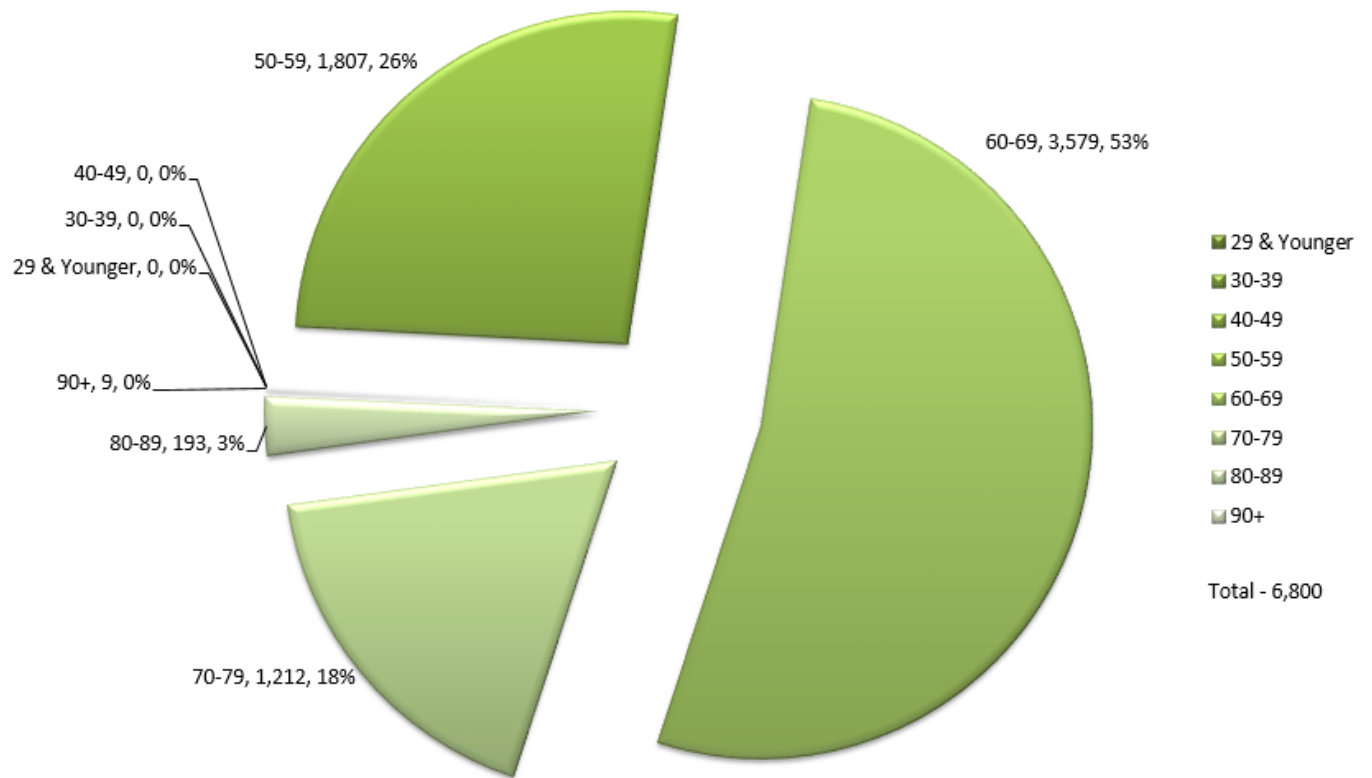


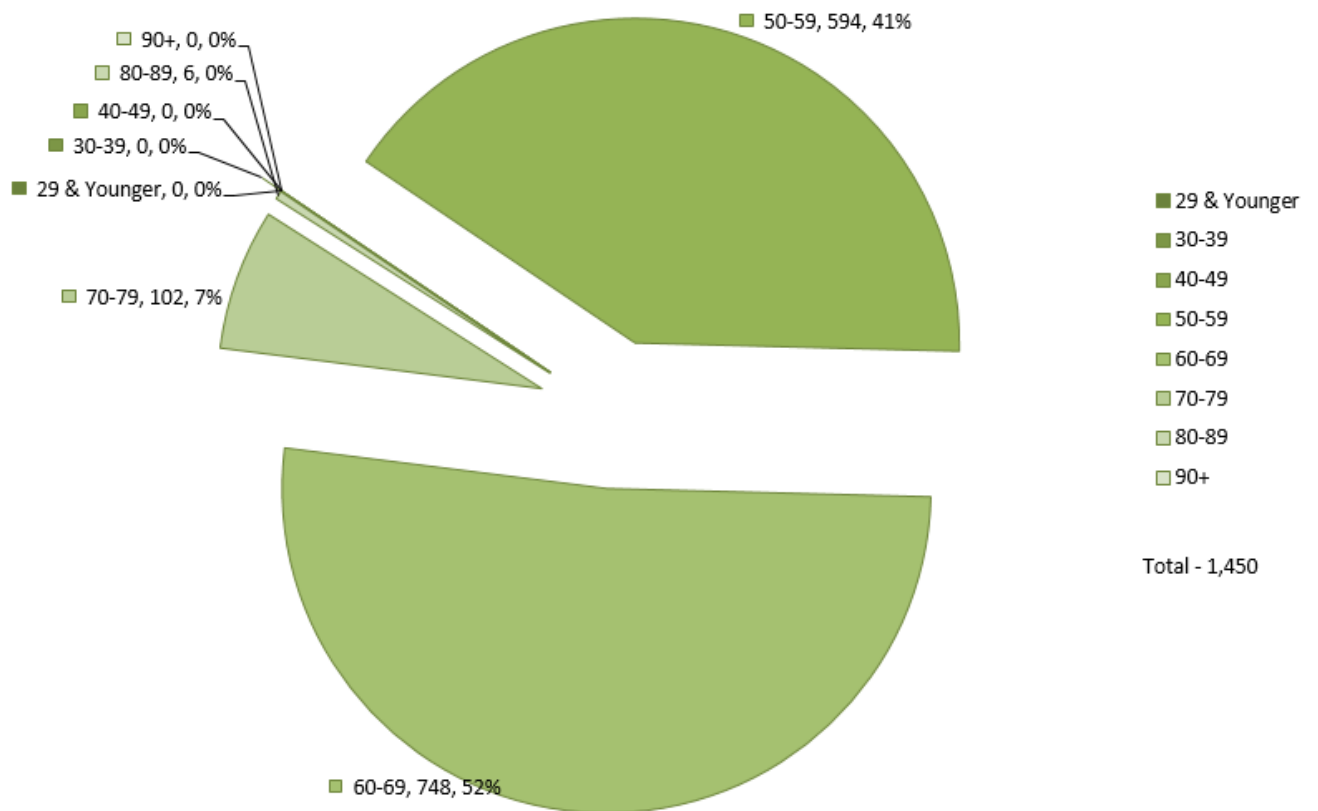


CHART C-15: ACTIVE MALE ATTORNEYS, PRACTICING 16-25 YEARS

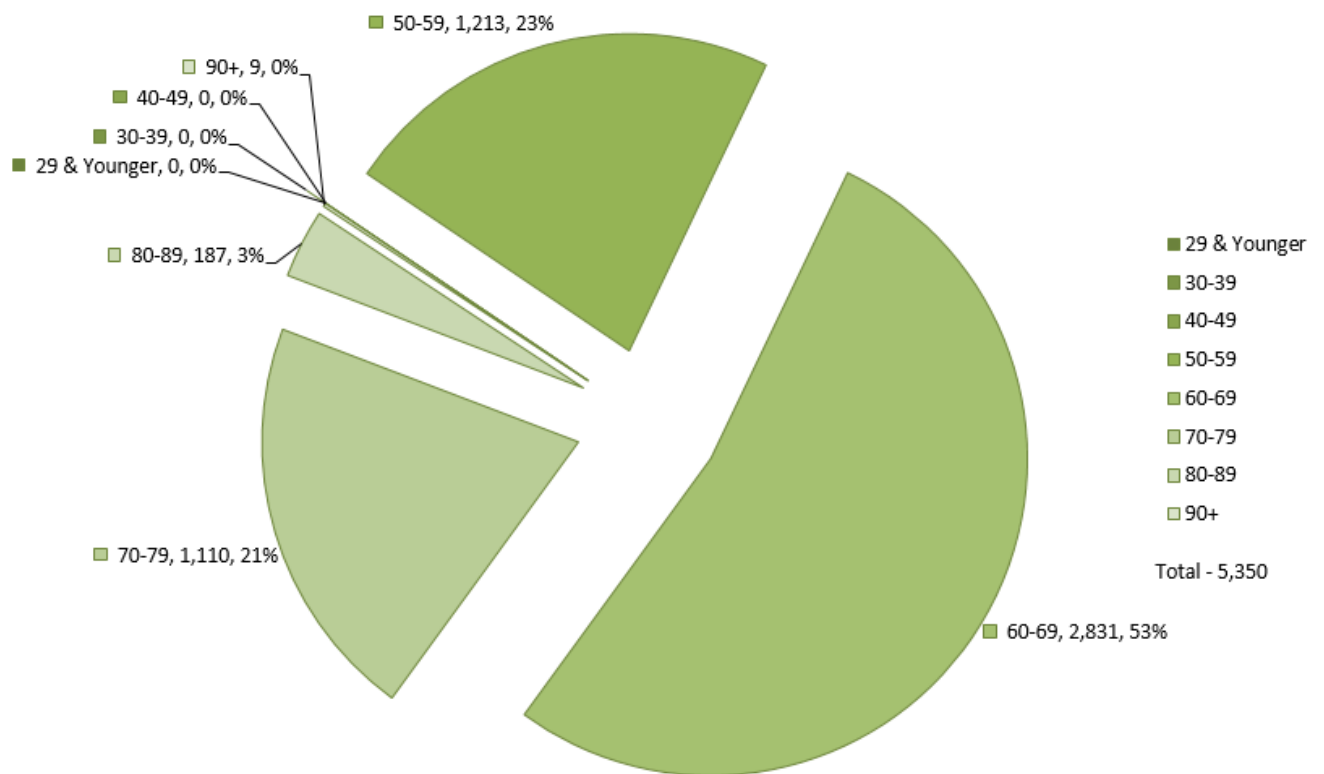


**CHART C-16: ACTIVE ATTORNEYS, PRACTICING 26+ YEARS**

**CHART C-17: ACTIVE FEMALE ATTORNEYS, PRACTICING 26+ YEARS**



**CHART C-18: ACTIVE MALE ATTORNEYS, PRACTICING 26+ YEARS**



## APPENDIX D:

### INTAKE STATISTICS

**TABLE 1: Complaints Filed**

Year	Complaints Filed	Percent Change From Prior Year
2016	3,549	.0125%
2015	3,505	(.006%)
2014	3,528	(9%)
2013	3,883	(3%)
2012	3,983	(2%)
2011	4,081	(0%)
2010	4,089	(2%)
2009	4,169	1%

**TABLE 2: Intake Calls Received**

Year	Intake Complaint Calls	Additional Intake Calls	Additional Miscellaneous Calls
2016	3,549	5,746	11,502
2015	3,505	5,859	10,097
2014	3,528	5,263	11,318
2013	3,883	4,641	19,349
2012	3,983	4,489	16,093
2011	4,081	4,473	15,241
2010	4,089	4,906	16,026
2009	4,169	4,720	17,014

Regulation Counsel (or Chief Deputy Regulation Counsel) reviews all offers of diversion made by the central intake attorneys. Additionally, at the request of either the complainant or the respondent-attorney, Regulation Counsel reviews any determination made by a central intake attorney.

One of the goals of central intake is to handle complaints as quickly and efficiently as possible. In 1998, prior to central intake, the average time matters spent at the intake stage was 13 weeks.

**TABLE 3: Average Processing Time in Intake**

Average Time (weeks)	
2016	8.1
2015	7.4
2014	7.7
2013	8.2
2012	1.8
2011	1.6
2010	1.7
2009	1.5

Critical to the evaluation of central intake is the number of matters processed for further investigation versus the number of cases processed for investigation prior to implementation of central intake. In 1998, prior to the implementation of central intake, 279 cases were processed for further investigation. In 2016, central intake handled 3,549 complaints; 331 of those cases were processed for further investigation.

**TABLE 4: Number of Cases Processed for Further Investigation**

Year	Investigations Initiated	% Change From Prior Year
2016	331	(.048%)
2015	348	.005%
2014	346	(5%)
2013	366	(1%)
2012	368	(2%)
2011	377	(7%)
2010	407	1%
2009	401	11%

In conjunction with central intake, cases that are determined to warrant a public censure or less in discipline are eligible for a diversion program. *See C.R.C.P. 251.13.* Participation in diversion is always voluntary and may involve informal resolution of minor misconduct

by referral to Ethics School and/or Trust School,<sup>26</sup> fee arbitration, an educational program, or an attorney-assistance program. If the attorney successfully completes the diversion agreement, the file in the Office of Attorney Regulation Counsel is closed and treated as a dismissal. In 2016 at the central intake stage, 42 matters were resolved by diversion agreements. A representative summary of diversion agreements is published quarterly in *The Colorado Lawyer*.

**TABLE 5: Number of Intake Diversion Agreements**

Year	Central Intake Diversion Agreements
2016	42
2015	35
2014	45
2013	42
2012	32
2011	42
2010	51(52)*
2009	45(53)*

\*The first number is actual diversion agreements. The second number in parentheses represents the number of separate requests for investigation involved in the files.

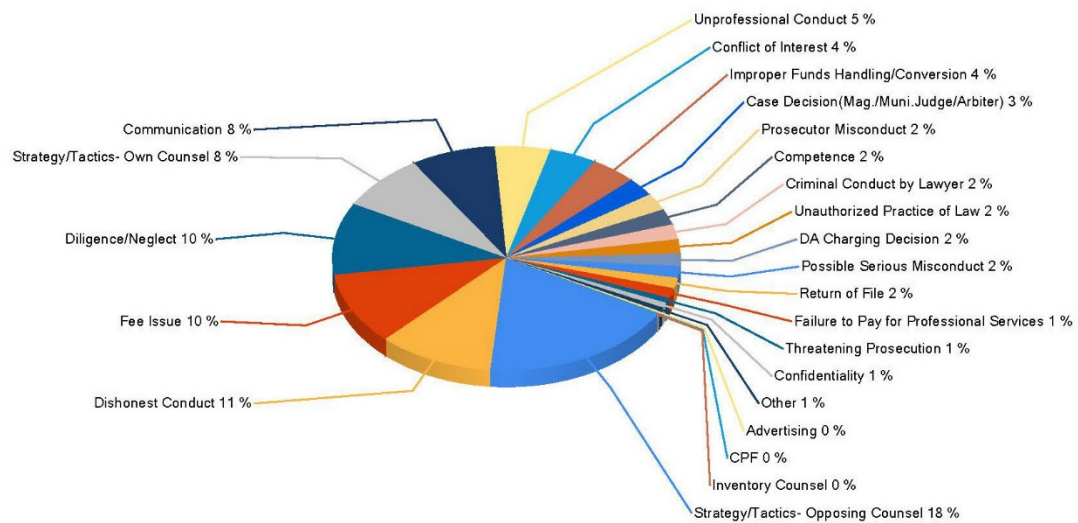
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<sup>26</sup> Ethics School is a one-day program designed and presented by the Office of Attorney Regulation Counsel. The program is a comprehensive review of an attorney's duty to his/her clients, courts, opposing parties and counsel, and the legal profession. The class also covers conflicts, fee issues, law office management, and trust accounts. Attendance is limited to attorneys participating in diversion agreements or otherwise ordered to attend. Trust School is a half-day program presented by the Office of Attorney Regulation Counsel. The school is available to attorneys and their staff. The class covers all aspects of an attorney's fiduciary responsibility regarding the administration of a trust account. The class also offers instruction on accounting programs available for trust and operating accounts.

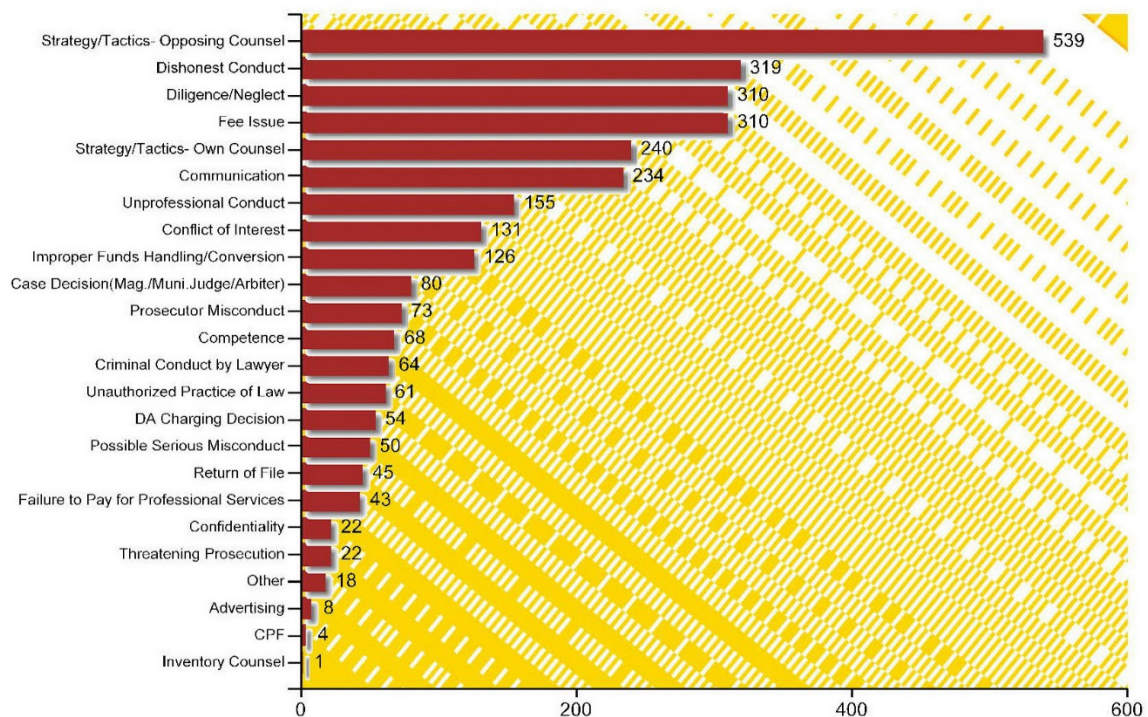
## APPENDIX E:

### CENTRAL INTAKE INQUIRIES BY NATURE OF COMPLAINT

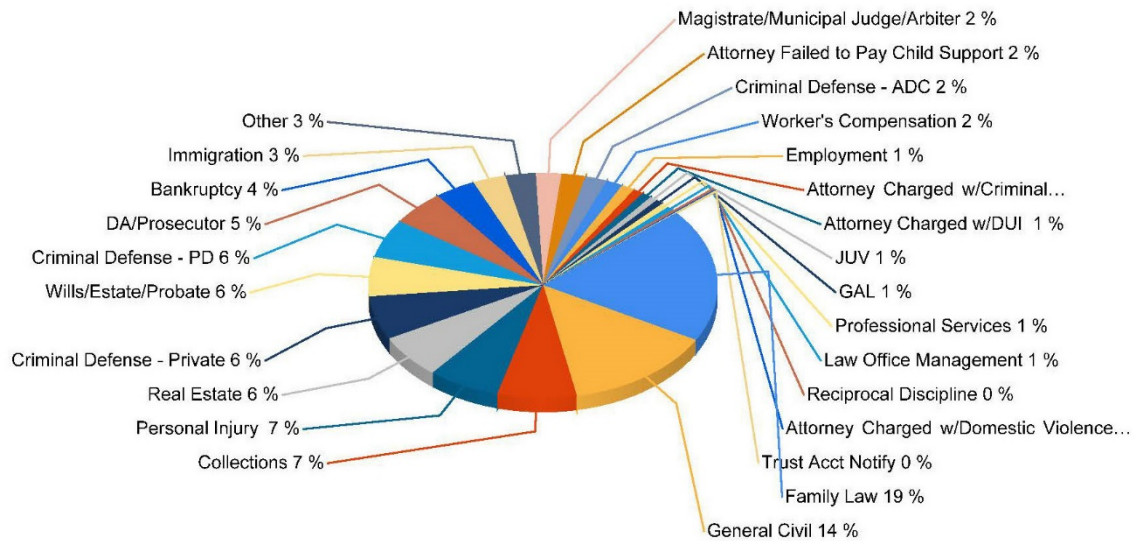
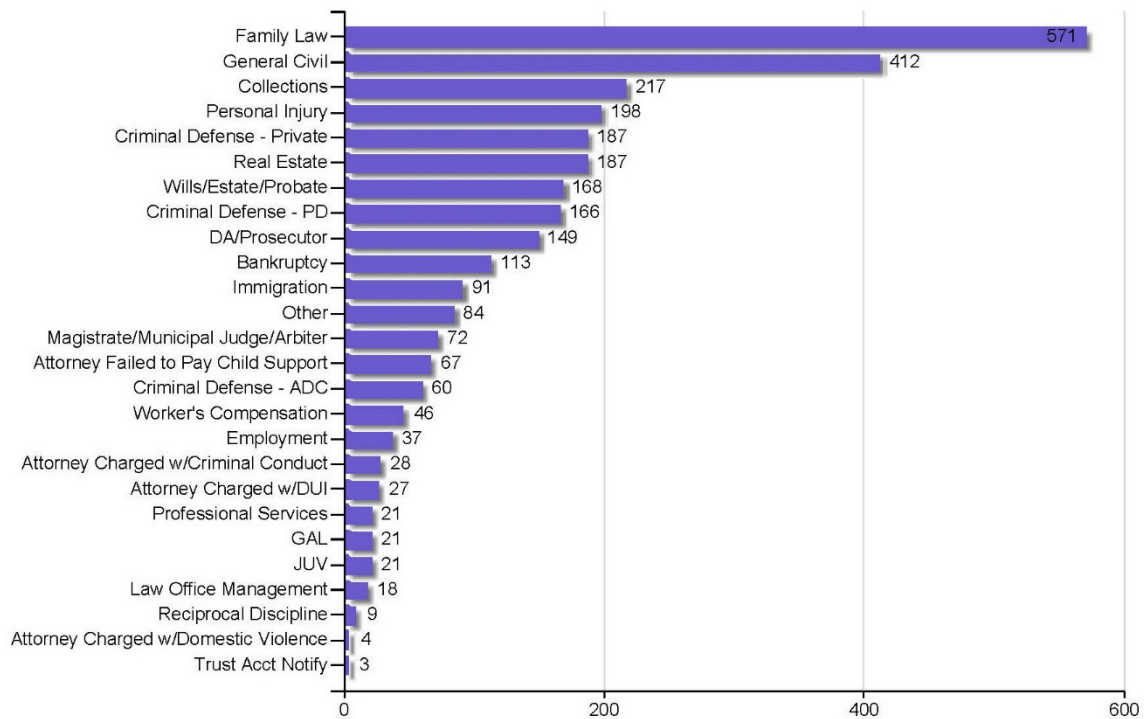
**Chart E-1: Nature of Conduct – Percent of Complaints**



**Chart E-2: Nature of Conduct – Number of Complaints**





**Chart E-3: Nature of Conduct – Percent by Practice Area****Chart E-4: Nature of Conduct – Complaints by Practice of Area**

## APPENDIX F:

### INVESTIGATION STATISTICS

Matters docketed for further investigation are assigned to trial counsel within the Office of Attorney Regulation Counsel.

Trial counsel also investigates Unauthorized Practice of Law matters and Attorneys' Fund for Client Protection matters. Statistics relating to the unauthorized practice of law are covered under a separate heading in this report. The Attorneys' Fund for Client Protection report is filed separately.

**TABLE 6: Investigation Dispositions**

Year	Investigations Initiated	Dismissed by Regulation Counsel	To Presiding Disciplinary Judge	To Attorney Regulation Committee	Directly to Presiding Disciplinary Judge	Placed in Abeyance	Other	Pending
2016	331	109	28(41)*	170(180)	11	27(65)*	0	187
2015	348	120	23(38)*	146(164)*	10(13)*	21(62)****	0	201
2014	346	76	20(24)*	143(151)*	14(16)	60***	0	250
2013	366	100	16(25)*	143(153)*	11(14)*	27	0	231
2012	368	92	17(25)*	165(171)*	11(17)*	13(32)*	0	184
2011	377	204	35(44)*	143(154)*	11	18(20)*	0	153
2010	407	128	25(39)*	217(223)*	14(29)*	30**	0	187
2009	401	140	25(33)*	115(122)*	8	7(12)*	0	229

\* The first number is actual files. The second number in parentheses represents the number of separate requests for investigation involved in the files.

\*\* Twenty of the thirty matters placed in abeyance concerned one respondent-attorney.

\*\*\* Forty of the sixty matters placed in abeyance concerned one respondent-attorney.

\*\*\*\* The first number is the number of individual respondent-attorneys. The second number in parentheses represents the number of separate requests for investigation.

### **Dismissals With Educational Language**

In October 2004, the Office of Attorney Regulation Counsel began tracking matters that are dismissed with educational language. The dismissals occur both at the intake stage and the investigative stage. In 2016, 148 matters were dismissed with educational language both at the intake stage and the investigative stage. Some of the matters involved *de minimis* violations that would have been eligible for diversion. Some of the dismissals required attendance at Ethics School or Trust Account School.

**TABLE 7: Intake/Investigation: Dismissals With Education Language**

Year	Intake Stage	Investigative	Total
2016	133	15	148
2015	142	31	173
2014	181	9	190
2013	113	20	133
2012	132	4	136
2011	199	25	224
2010	223	29	252
2009	159	27	186

### **Review of Regulation Counsel Dismissals**

A complainant may appeal Regulation Counsel's determination to dismiss the matter to the full Attorney Regulation Committee. If review is requested, the Attorney Regulation Committee must review the matter and make a determination as to whether Regulation Counsel's determination was an abuse of discretion. See C.R.C.P. 251.11.

**TABLE 8: Requests for Review**

Year	Number of Review Requests	Regulation Counsel Sustained	Regulation Counsel Reversed
2016	0	0	0
2015	5	5	0
2014	0	0	0
2013	1	1	0
2012	1	1	0
2011	2	2	0
2010	0	0	0
2009	4	4	0

## APPENDIX G:

### ATTORNEY REGULATION COMMITTEE (ARC)

The Attorney Regulation Committee (ARC) is composed of nine members, six attorneys and three public members appointed by the Supreme Court with assistance from the Court's Advisory Committee. One of the Attorney Regulation Committee's primary functions is to review investigations conducted by Regulation Counsel and determine whether there is reasonable cause to believe grounds for discipline exist. *See C.R.C.P. 251.12.* Following review of the investigation conducted by Regulation Counsel, the Attorney Regulation Committee may dismiss the allegations, divert the matter to the alternatives to discipline program, order a private admonition be imposed, or authorize Regulation Counsel to file a formal complaint against the respondent-attorney. In 2016 the Attorney Regulation Committee reviewed 180 matters.

**TABLE 9: Number of Cases Reviewed by ARC**

Cases Reviewed by ARC	
2016	180
2015	166
2014	151
2013	153
2012	171
2011	154
2010	225
2009	122

**TABLE 10: Requests for Investigation Dismissed After ARC Review**

Number of Requests for Investigation Dismissed After Investigation by the Attorney Regulation Committee	
2016	0
2015	0
2014	0
2013	0
2012	0
2011	0
2010	2
2009	0

**TABLE 11: Weeks to Dismissal by Regulation Counsel/ARC**

Number of Weeks from Case Assigned to Dismissal by Regulation Counsel/ARC	
2016	34.2
2015	33.3
2014	27.1
2013	26.9
2012	25.4
2011	30.3
2010	24.2
2009	22.2

The Attorney Regulation Committee's disposition of the 180 matters presented to the Committee is detailed in Table 12.<sup>27</sup>

**TABLE 12: Dispositions by the Attorney Regulation Committee**

Year	Formal Proceedings	Diversion Agreements	Private Admonition	Conditional Admissions	Dismissals	Total Cases Acted Upon By ARC
2016	115	46(56)	9	0	0	170(180)
2015	97	47(54)*	9(14)*	0	1	154(166)*
2014	102	37(45)*	4	0	0	143(151)*
2013	101	36(44)*	6(8)*	0	0	143(153)*
2012	123	33(39)*	9	0	0	165(171)*
2011	95	36(46)*	12(13)*	0	0	143(154)*
2010	175	37(42)*	5(6)*	0	2	219(225)*
2009	87	20(25)*	2(10)*	0	0	109(122)*

\*The first number is actual files. The second number in parentheses represents the number of separate requests for investigation involved in the files.

<sup>27</sup> Because some matters are carried over from one calendar year to the next, the number of matters reviewed by the Attorney Regulation Committee and the number of matters dismissed by Regulation Counsel generally will not conform to the number of cases docketed or completed in the investigation area. See Tables 4, 6, and 9.

**Table 13: Weeks from Case Assignment to Completion**

Number of Weeks from Case Assigned to Completion of Report/Diversion/Stipulation	
2016	30.4
2015	27.6
2014	24.7
2013	25.7
2012	24.8
2011	25.4
2010	23.2
2009	22.7

## APPENDIX H:

### FORMAL COMPLAINTS

In 115 separate matters, the Attorney Regulation Committee found reasonable cause and authorized the Office of Attorney Regulation Counsel to file a formal complaint. See C.R.C.P. 251.12(e). Several matters were consolidated, and the number of formal complaints filed in 2016 was 43. In certain cases, after authority to file a formal complaint is obtained, Attorney Regulation Counsel and the respondent-attorney enter into a Conditional Admission to be filed with the Presiding Disciplinary Judge without the filing of a formal complaint.

**TABLE 14: Formal Proceedings**

Year	Formal Complaints Filed	Resolved Prior to Complaint Filed
2016	43(96)*	10(15)*
2015	44(95)*	11(17)*
2014	41(56)*	7(8)*
2013	48(73)*	8(12)*
2012	47(92)*	2(5)*
2011	35(90)*	9(19)*
2010	85(184)*	10(20)*
2009	44(68)*	13(15)*

\*The first number is actual files. The second number in parentheses represents the number of separate requests for investigation involved in the files.

The formal complaints filed in 2016 along with those pending from 2015 resulted in 13 disciplinary trials; 8 sanctions hearings, and 5 reinstatement hearings. The trial division also handled 1 character and fitness hearing and 3 Unauthorized Practice of Law hearings. Trial attorneys participated in additional matters before the Presiding Disciplinary Judge (at-issue conferences, status conferences, and pre-trial conferences). Disposition of the matters is detailed in Table 15.

**TABLE 15: Disposition of Matters at Trial Stage**

Year	Attorney Discipline Trials	Reinstatement Hearings	Conditional Admissions	Diversion Agreements	Dismissals	Abeyance
2016	13	5	22(40)*	1(3)*	1	0
2015	12	4	26(50)*	1(3)*	1	0
2014	16	1	27(46)*	1	1	0
2013	10	2	17(25)*	0	0	0
2012	11	3	24(53)*	0	3	0
2011	22	3	43(91)*	2	7	1
2010	22(29)*	2	40(94)*	2	2	2
2009	16(32)*	1	42(65)*	0	3	4

\*The first number represents actual files; the second number in parentheses represents the number of separate requests for investigation involved in the files.

A diversion agreement is an alternative to discipline. Diversion agreements are useful in less serious matters in which an attorney must comply with certain conditions, which may include mediation, fee arbitration, law office management assistance, evaluation and treatment through the attorneys' peer assistance program, evaluation and treatment for substance abuse, psychological evaluation and treatment, medical evaluation and treatment, monitoring of the attorney's practice or accounting procedures, continuing legal education, ethics school, the multistate professional responsibility examination, or any other program authorized by the Court.

**Table 16A: Diversion Agreements at Intake Stage**

Diversion Agreements at Intake Stage	
2016	42
2015	35
2014	45
2013	42
2012	32
2011	42
2010	51(52)*
2009	45(53)*



**Table 16B: Diversion Agreements at Investigative Stage**

Diversion Agreements at Investigative Stage Approved by the Attorney Regulation Committee	
2016	46(56)*
2015	47(54)*
2014	37(45)*
2013	36(44)*
2012	33(39)*
2011	36(46)*
2010	37(42)*
2009	20(25)*

**Table 16C: Diversion Agreements at Trial Stage**

Diversion Agreements at Trial Stage Approved by the Presiding Disciplinary Judge	
2016	1(3)*
2015	1(3)*
2014	1
2013	0
2012	0
2011	2
2010	2
2009	0

**Table 16D: Conditional Admissions at Investigative State**

Conditional Admissions at Investigative Stage Approved by the Presiding Disciplinary Judge	
2016	12(22)*
2015	11(14)*
2014	20(24)*
2013	16(25)*
2012	17(25)*
2011	35(44)*
2010	25(39)*
2009	25(33)*

**Table 16F: Conditional Admissions at Trial Stage**

Conditional Admissions at Trial Stage Approved by the Presiding Disciplinary Judge	
2016	22(40)
2015	26(50)*
2014	27(46)*
2013	17(25)*
2012	24(53)*
2011	43(91)*
2010	40(94)*
2009	42(65)*

\*The first number represents actual files; the second number in parentheses represents the number of separate requests for investigation involved in the files.

After a formal complaint is filed with the Presiding Disciplinary Judge, the matter may be resolved by dismissal, diversion, conditional admission of misconduct,<sup>28</sup> or by trial. The following tables compare the length of time formal complaints are pending before Presiding Disciplinary Judge. Additionally, a comparison of the time period from the filing of the formal complaint until a conditional admission of misconduct is filed, and a comparison of the time period from the filing of the formal complaint to trial, is provided.

**TABLE 17A: Average Time – Formal Complaint to Conditional Admission/Diversion**

Year	Average Weeks From Filing of Formal Complaint to Conditional Admission/Diversion Filed	
2016	Presiding Disciplinary Judge	17.6 weeks
2015	Presiding Disciplinary Judge	18.2 weeks
2014	Presiding Disciplinary Judge	26.1 weeks
2013	Presiding Disciplinary Judge	23.0 weeks
2012	Presiding Disciplinary Judge	27.3 weeks
2011	Presiding Disciplinary Judge	31.9 weeks
2010	Presiding Disciplinary Judge	25.2 weeks
2009	Presiding Disciplinary Judge	19.6 weeks

**TABLE 17B: Average Time – Formal Complaint to Trial**

Year	Average Weeks From Filing of Formal Complaint to Trial	
2016	Presiding Disciplinary Judge	31.5 weeks
2015	Presiding Disciplinary Judge	34.3 weeks
2014	Presiding Disciplinary Judge	27.6 weeks
2013	Presiding Disciplinary Judge	33.5 weeks
2012	Presiding Disciplinary Judge	25.9 weeks
2011	Presiding Disciplinary Judge	39.7 weeks
2010	Presiding Disciplinary Judge	32.3 weeks
2009	Presiding Disciplinary Judge	41.6 weeks

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<sup>28</sup> Pursuant to C.R.C.P. 251.22, at any point in the proceedings prior to final action by a Hearing Board, an attorney against whom proceedings are pending may tender a conditional admission of misconduct. The conditional admission constitutes grounds for discipline in exchange for a stipulated form of discipline. The conditional admission must be approved by the Regulation Counsel prior to its submission.

Another comparison is the average time it takes from the filing of the formal complaint with the Presiding Disciplinary Judge until the Presiding Disciplinary Judge issues a final order.

**TABLE 18: Average Weeks from the Filing of the Formal Complaint Until the Final Order is Issued by the Presiding Disciplinary Judge**

	Conditional Admission or Diversion Filed	Trial Held
2016	22.9 weeks	44.8 weeks
2015	24.3 weeks	56.3 weeks
2014	28.8 weeks	42.7 weeks
2013	22.3 weeks	36.4 weeks
2012	32.9 weeks	62.3 weeks
2011	30.6 weeks	41.8 weeks
2010	26.4 weeks	49.7 weeks
2009	20.3 weeks	61.1 weeks

## APPENDIX I:

### APPEALS

In 2016, four attorney discipline appeals were filed with the Court.

**TABLE 19A: Appeals Filed with the Colorado Supreme Court**

Year	Appeal Filed With:	Number of Appeals
2016	Colorado Supreme Court	4
2015	Colorado Supreme Court	5
2014	Colorado Supreme Court	5
2013	Colorado Supreme Court	4
2012	Colorado Supreme Court	8
2011	Colorado Supreme Court	14
2010	Colorado Supreme Court	6
2009	Colorado Supreme Court	4

**TABLE 19B: Disposition of Appeals**

Year	Appeals Filed	Appeals Dismissed	Appeals Affirmed	Appeals Reversed	Appeals Pending
2016	4	1	2	0	4
2015	5	1	3	0	3
2014	5	1	1	1	3
2013	4	0	4	0	4
2012	8	2	4	0	3
2011	14	3	5	1	9
2010	6	1	1	0	4
2009	4	0	4	0	3

## APPENDIX J:

### FINAL DISPOSITIONS

**TABLE 20: Final Dispositions of Proceedings**

Year	Abeyance	Dismissals	Diversions	Public Censures	Suspensions	Probations	Disbarments
2016	0	1	1(3)*	11(13)*	29(60)*	14(30)*	18(39)*
2015	0	1	1(3)*	6(11)*	34(60)*	19(29)*	14(36)*
2014	0	1	1	1	44(73)*	27(40)*	9(32)*
2013	0	0	0	5	46(61)*	25(43)*	18(27)*
2012	0	3	0	8	43	21	8
2011	2	7	2	9	60(61)*	40	16
2010	2	2	2	15	56(59)*	29	9
2009	4	3	0	9	52(54)*	28(29)*	8(11)*

\*The first number represents actual files; the second number in parentheses represents the number of separate requests for investigation involved in the files.

## APPENDIX K:

### OTHER ACTIONS

#### **Immediate Suspensions**

In 2016, the Office of Attorney Regulation Counsel filed 12 petitions for immediate suspension.<sup>29</sup> The petitions are filed directly with the Presiding Disciplinary Judge or the Colorado Supreme Court. The Presiding Disciplinary Judge or a Justice of the Supreme Court may issue an order to show cause why the respondent-attorney should not be immediately suspended. The respondent-attorney may request a prompt hearing if the Supreme Court enters an order to show cause.

**TABLE 21: Dispositions of Immediate Suspension Petitions**

Year	Filed	Suspended	Suspended (Child Support)	Suspended (Failure to Cooperate)	Felony Conviction	Reinstated	Withdrawn	Discharged /Denied	Pending
2016	12	5	0	5	2	0	0	0	2
2015	11	3	1	2	3	0	0	0	2
2014	19	5	0	5	3	0	5	0	1
2013	14	8	1	3	1	0	1	0	0
2012	16	3	0	6	0	2	0	3	1
2011	14	3	2	3	3	0	0	2	1
2010	19*	12	0	4	1	0	0	2	0
2009	17	7	0	6	1	0	0	4	1

(Matters filed in the previous calendar year may be carried over to the next calendar year.)

\*One matter resulted in the attorney being disbarred.

<sup>29</sup> Immediate suspension is the temporary suspension by the Supreme Court of an attorney's license to practice law. Ordinarily, an attorney's license is not suspended during the pendency of disciplinary proceedings, but when there is reasonable cause to believe that an attorney is causing or has caused immediate and substantial public or private harm, immediate suspension may be appropriate. Petitions are typically filed when an attorney has converted property or funds, the attorney has engaged in conduct that poses an immediate threat to the administration of justice, or the attorney has been convicted of a serious crime. See C.R.C.P. 251.8. Additionally, under C.R.C.P. 251.8.5, a petition for immediate suspension may be filed if an attorney is in arrears on a child-support order. Note: On October 29, 2001, the Supreme Court adopted a rule change authorizing suspension of an attorney for failure to cooperate with Regulation Counsel. See C.R.C.P. 251.8.6. The rule change authorizes Regulation Counsel to file a petition directly with the Supreme Court alleging that an attorney is failing to cooperate in an investigation alleging serious misconduct. Proceedings under the rule are not disciplinary proceedings. See Comment to Rule 251.8.6.

## **Disability Matters**

The Office of Attorney Regulation Counsel filed 10 petitions/stipulations to transfer attorneys to disability inactive status in 2016. When an attorney is unable to fulfill his/her professional responsibilities because of physical, mental, or emotional illness, disability proceedings are initiated. An attorney who has been transferred to disability inactive status may file a petition for reinstatement with the Presiding Disciplinary Judge.

**TABLE 22: Disposition of Disability Matters**

Year	Filed	Disability Inactive Status	Dismissed/ Discharged / Denied	Reinstated	Withdrawn	Pending
2016	10	9	1	0	0	0
2015	11	11	1	1	0	0
2014	15	13	2	0	0	1
2013	7	5	2	0	0	0
2012	8	9	2	0	0	0
2011	10	8	1	1	0	3
2010	6	4	1*	0	0	1
2009	13	14	2	2	1	2

(Matters filed in the previous calendar year may be carried over to the next calendar year.)

\*One matter was closed due to the death of the respondent-attorney during the proceedings.

## **Contempt Proceedings**

The Office of Attorney Regulation Counsel filed two motions recommending contempt with the Supreme Court in 2016. Contempt proceedings are filed when an attorney practices law while under suspension or disbarment.



**TABLE 23: Disposition of Contempt Proceedings**

Year	Motions for Contempt	Held in Contempt	Discharged\ Dismissed	Withdrawn	Pending
2016	2	2	0	0	0
2015	1	0	1	0	0
2014	3	3	0	0	1
2013	1	0	0	0	1
2012	0	0	0	0	0
2011	1	0	0	0	1
2010	1	0	0	0	1
2009	0	0	0	0	0

(Matters filed in the previous calendar year may be carried over to the next calendar year.)

## **Magistrates**

The Office of Attorney Regulation Counsel undertook the responsibility of handling complaints concerning magistrates in July 2000. *See* C.R.C.P. 251.1(b). In 2016, the Office of Attorney Regulation Counsel received 54 complaints against magistrates.

**TABLE 24: Disposition of Complaints Concerning Magistrates**

Year	Complaints	Dismissed	Diversion	Investigation Initiated
2016	54	50	0	3 pending 1 processed
2015	46	43	0	3 pending
2014	45	43	0	2 pending
2013	43	43	0	0
2012	45	42	1	2
2011	66	66	0	0
2010	55	55	0	0
2009	51	51	0	0

## **Reinstatement and Readmission Matters**

In 2016, 9 reinstatement or readmission matters were filed with the Office of Attorney Regulation Counsel. When an attorney has been suspended for at least one year and one day, has been disbarred, or the court's order requires reinstatement, he/she must seek reinstatement or apply for readmission to the Bar.<sup>30</sup>

**TABLE 25: Disposition of Reinstatement / Readmission Matters**

Year	Filed	Readmitted	Reinstated	Dismissed	Withdrawn	Denied	Pending
2016	9	0	3	1	2	6	4
2015	9	1	2	2	1	2	7
2014	8	0	4	1	0	1	4
2013	6	1	1	0	1	0	3
2012	8	0	4	1	0	1	6
2011	3	1	6	0	0	1	3
2010	12	0	5	0	2	1	6
2009	6	1	1	1	4	0	5

(Matters filed in the previous calendar year may be carried over to the next calendar year.)

## **Trust Account Notification Matters**

All Colorado attorneys in private practice must maintain a trust account in a financial institution doing business in Colorado. The financial institution must agree to report to Regulation Counsel any properly payable trust account instrument presented against insufficient funds, irrespective of whether the instrument is honored. The report by the financial institution must be made within five banking days of the date of presentation for payment against insufficient funds.

The reporting requirement is a critical aspect of the Attorneys' Fund for Client Protection. The rule is designed to operate as an "early warning" that an attorney may be engaging in conduct that might injure clients.

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<sup>30</sup> A disbarred attorney may seek readmission eight years after the effective date of the order of disbarment. The individual must retake and pass the Colorado Bar examination and demonstrate fitness to practice law. Any attorney suspended for a period of one year and one day or longer must file a petition for reinstatement with the Presiding Disciplinary Judge. In some matters, reinstatement proceedings are ordered when the suspension is less than one year and one day. See C.R.C.P. 251.29.

In 2016, the Office of Attorney Regulation Counsel received 163 notices of trust account checks drawn on insufficient funds. Because of the potentially serious nature, the reports receive immediate attention from the Office of Attorney Regulation Counsel. An investigator or attorney is required to contact the attorney account holder and the financial institution making the report. A summary of the investigator's finding is then submitted to Regulation Counsel for review. If Regulation Counsel determines that there is reasonable cause to believe that a conversion of client funds occurred, the matter is immediately assigned to trial counsel. If there is no evidence of intentional misconduct or inappropriate accounting practices, the matter is dismissed by Regulation Counsel.

**TABLE 26: Trust Account Matters**

Year	Total Reports	Bank Errors	Bookkeeping/ Deposit Errors	Checks Cashed Prior To Deposit Clearing/ Improper Endorsement ***	Conversion/ Commingling Assigned to Trial Attorney	Diversion	Other <sup>31</sup>	Pending
2016	163	5	49	29	8	1	52	19
2015	159	18	51	16	1	0	63	10
2014	269	13	60	20	7(14)	8	86	111
2013	247	25(5)**	51(19)**	30(12)**	0	0	141(29)**	33
2012	262	31(1)**	69(11)**	49(22)**	0	0	106(18)**	33
2011	256	25	111(19)**	28(15)**	23	2	60(9)**	26
2010	276	34(2)**	125(22)**	29(16)**	12	4(5)*	64(8)**	19
2009	278	34(1)**	125(22)**	23(17)**	14	5(6)*	64(10)**	11

\*The first number represents actual files; the number in parentheses represents the number of separate requests for investigation involved in the files.

\*\*The number in parentheses represents the number of cases that were dismissed with educational language.

\*\*\*In 2012, four matters involved checks that were not endorsed or endorsed improperly.

<sup>31</sup> The category Other includes errors due to unanticipated credit card fees or charges, employee theft, forgery, stolen check or other criminal activity, check written on wrong account, charge back item (a fee charged to the law for a client's NSF check) and check or wire fee not anticipated.

## APPENDIX L:

### UNAUTHORIZED PRACTICE OF LAW

#### **Unauthorized Practice of Law**

The Office of Attorney Regulation Counsel investigates and prosecutes allegations of the unauthorized practice of law. In 2016, the Office of Attorney Regulation Counsel received 64 complaints regarding the unauthorized practice of law.

**TABLE 27: Number of UPL Complaints Received**

Year	Number of Complaints
2016	64
2015	70
2014	73
2013	59
2012	80
2011	147
2010	94
2009	144

The Unauthorized Practice of Law Committee may direct trial counsel to seek a civil injunction by filing a petition with the Supreme Court or, in the alternative, offer the respondent an opportunity to enter into a written agreement to refrain from the conduct in question, to refund any fees collected, and to make restitution. Additionally, trial counsel may institute contempt proceedings against a respondent that is engaged in the unauthorized practice of law. *See* C.R.C.P. 238.

In 2016, the Unauthorized Practice of Law Committee took action on 26 unauthorized practice of law matters, and 20 complaints were dismissed by Regulation Counsel, for a total of 46 completed matters.

**TABLE 28: Unauthorized Practice of Law Dispositions**

Year	Filed	Dismissed by Regulation Counsel	Dismissed After Investigation by UPL Committee	Abeyance	Agreements	Formal (injunctive or contempt proceedings)
2016	64	20	1	0	10	15
2015	70	28	1	0	10	13
2014	73	35	0	0	14	19
2013	59	20	0	0	3	13
2012	80	64	0	0	13	29
2011	147	47	0	0	14	27
2010	94	24	0	2	4	25
2009	144	33(6) **	0	0	12	17(25)*

\*The first number represents actual files; the number in parentheses represents the number of separate requests for investigation involved in the files.

\*\*The number in parentheses are the cases dismissed with educational language.

(Matters filed in the previous year may be carried over to the next calendar year.)

The following information regarding the investigation and prosecution of unauthorized practice of law matters is provided for informational purposes:

**INTAKE:** The Office of Attorney Regulation Counsel typically receives several general inquiries on unauthorized practice of law matters each week. These calls come from lawyers, judges, clients, or non-lawyers who have questions concerning Colorado's multi-jurisdictional practice rule, C.R.C.P. 220, and also from individuals who may be interested in opening, or who have opened, a document-preparation business. Regulation Counsel uses these telephone inquiries as an opportunity to educate the lawyer, client, or non-lawyer-provider on the issues of what constitutes the unauthorized practice of law and possible harm that can result from the unauthorized practice of law. Regulation Counsel discusses the impact of C.R.C.P. 220 (Colorado's multi-jurisdictional rule), C.R.C.P. 221 and C.R.C.P. 221.1 (Colorado's *pro hac vice* rule), and C.R.C.P. 222 (Colorado's single-client certification rule). Regulation Counsel also discusses the fact that non-lawyers owe no duties of competence, diligence, loyalty, or truthfulness, and there may be fewer remedies as there is no system regulating the quality of such services, no client protection funds, and no errors and omissions insurance. Regulation Counsel discusses the potential issues involving types and levels of harm. Regulation Counsel encourages a caller to file a request for investigation if they believe the unauthorized practice of law has occurred

rather than dissuade the caller from filing an unauthorized practice of law request for investigation.

**INVESTIGATION:** The Office of Attorney Regulation Counsel uses the same investigation techniques in unauthorized practice of law matters that are used in attorney discipline matters. These techniques include interviewing the complaining witness, any third-party witnesses, and the respondent(s). Regulation Counsel orders relevant court files and other documents, and frequently uses the power of subpoenas to determine the level and extent of the unauthorized practice. If the unauthorized practice of law has occurred, Regulation Counsel attempts to identify and resolve the unauthorized practice, as well as issues involving disgorgement of fees and restitution with an informal agreement. These investigations create further public awareness of what constitutes the unauthorized practice of law and this Office's willingness to address unauthorized practice of law issues.

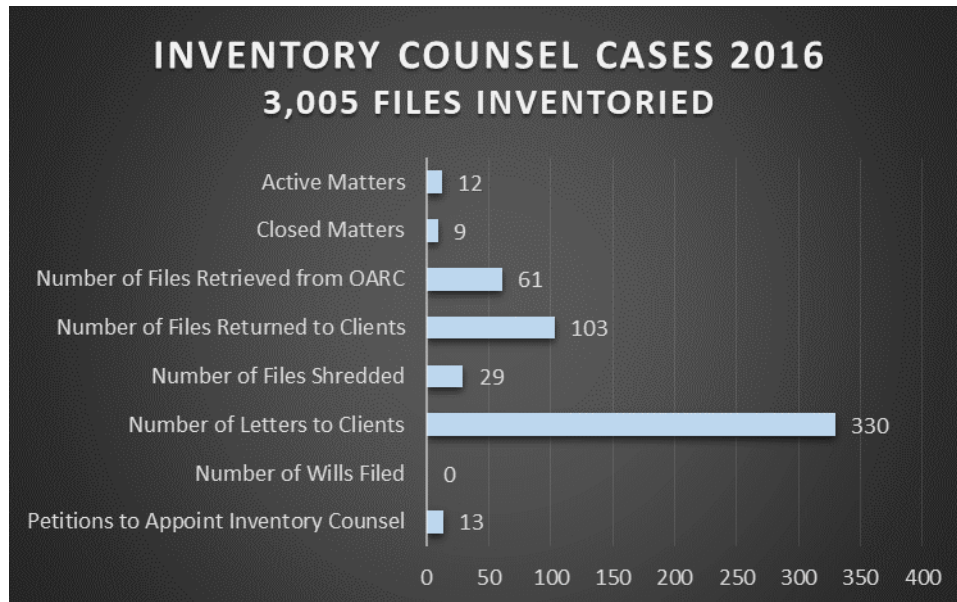
**TRIAL:** Once matters are investigated and issues involving serious client harm or harm to the legal system are identified, Regulation Counsel pursues enforcement of the rules concerning the unauthorized practice of law. Injunctive proceedings are used to ensure that future misconduct does not occur. Federal and state district court (and state county court) judges have taken note of this and submit the names of the problematic non-lawyer respondents. As a result of unauthorized practice of law proceedings, numerous immigration consulting businesses have been shut down throughout Colorado. In addition, other individuals who either posed as lawyers to unwary clients, or who otherwise provided incompetent legal advice were enjoined from such conduct. Two individuals were found in contempt of prior Colorado Supreme Court orders of injunction.

Regulation Counsel assigns trial counsel and non-attorney investigators to unauthorized practice of law matters.

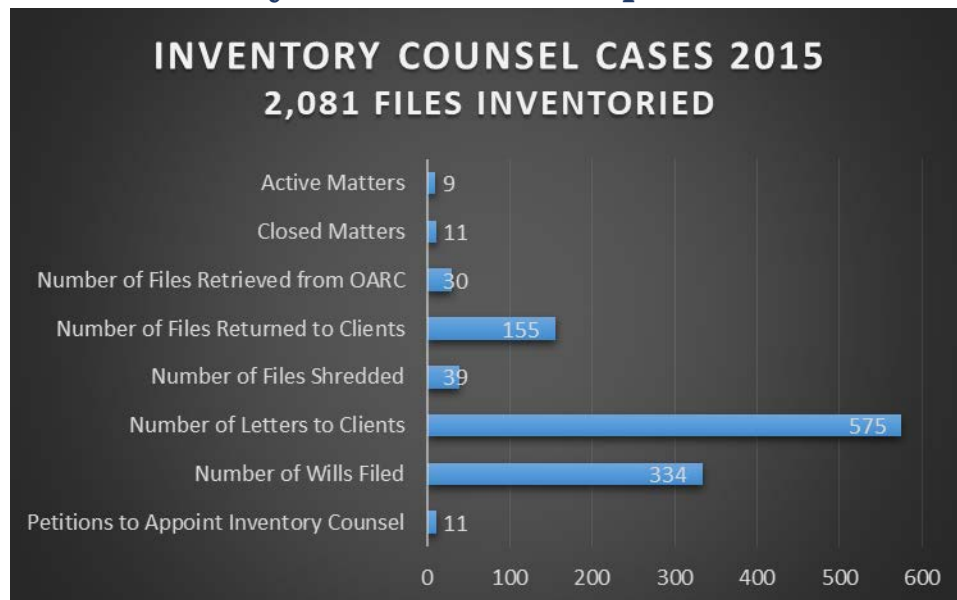
## APPENDIX M:

### INVENTORY COUNSEL

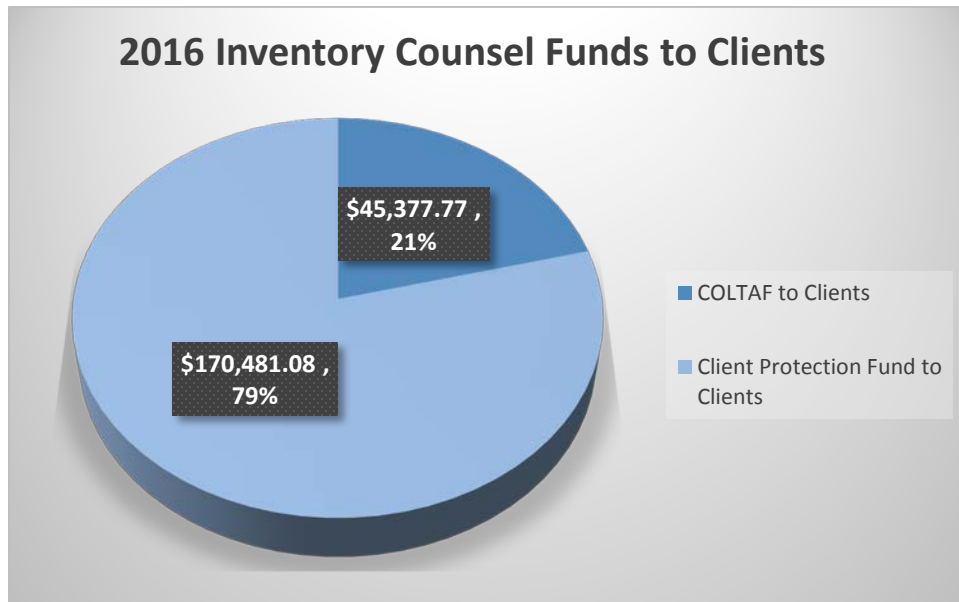
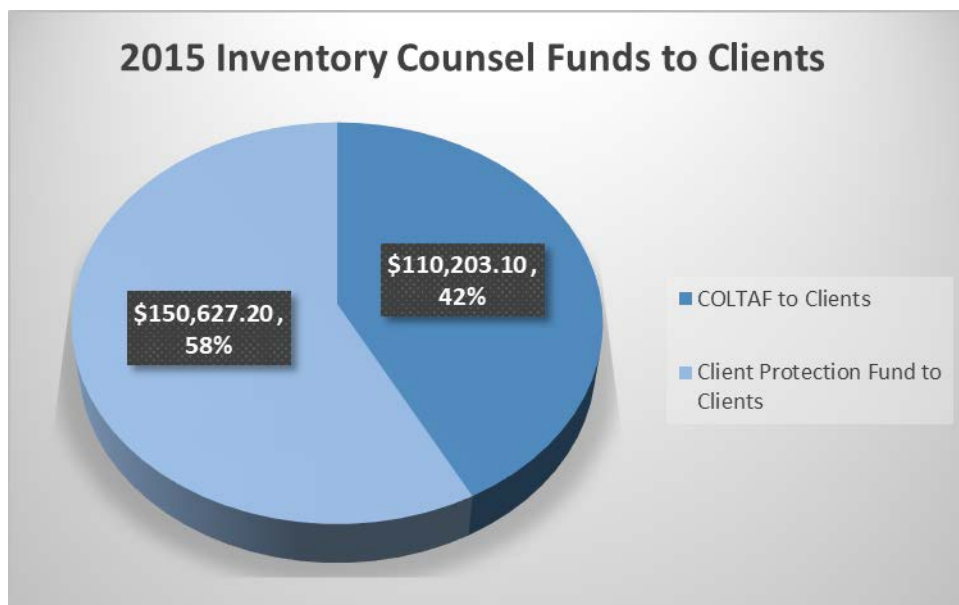
**Chart M-1: Inventory Counsel Case Disposition 2016<sup>32</sup>**



**Chart M-2: Inventory Counsel Case Disposition 2015**



<sup>32</sup> Inventory Counsel was the last department of the Office of Regulation Counsel to transition to the case matter database, Justware, allowing more effective data collection for Inventory Counsel matters as of 2015.

**Chart M-3: Inventory Counsel Funds Distribution to Clients 2016****Chart M-4: Inventory Counsel Funds Distribution to Clients 2015**



## APPENDIX N:

### EDUCATION/OUTREACH

#### **Presentations**

The Office of Attorney Regulation Counsel presented 143 total presentations in 2016. These educational and outreach activities include teaching at continuing legal education seminars for international, national, state, specialty, and local organizations for legal professionals, and presentations to civic groups, law schools, pro bono volunteer groups, and governmental agencies.

**TABLE 29: Number of Presentations**

Year	Number of Presentations
2016	143
2015	145
2014	159
2013	169
2012	149
2011	191
2010	144
2009	119

#### **Ethics School**

The Office of Attorney Regulation Counsel created, designed, and staffs an Ethics School. The school is a seven-hour course that focuses on the everyday ethical dilemmas attorneys confront. The course addresses the following issues:

- Establishing the attorney-client relationship;
- Fee agreements;
- Conflicts;
- Trust and business accounts;
- Law office management; and
- Private conduct of attorneys.

Ethics School is not open to all attorneys. Rather, the attorneys attending are doing so as a condition of a resolution with the Office or pursuant to an order from the Presiding Disciplinary Judge or Supreme Court. The attorneys attending Ethics School are provided with a detailed manual that addresses all of the topics covered in the school, along with suggested forms and case law.

**TABLE 30: Ethics School Participation**

Year	Classes Presented	Attendance
2016	5	121
2015	5	124
2014	5	132
2013	5	91
2012	5	110
2011	5	161
2010	4	123
2009	5	143

### **Trust Account School**

The Office of Attorney Regulation Counsel teaches a four-hour course that addresses the correct method for maintaining a trust account. The course is designed for attorneys and legal support staff. The course instructors are trial attorneys from the Office of Attorney Regulation Counsel.

**TABLE 31: Trust Account School Participation**

Year	Classes Presented	Attendance
2016	4	51
2015	5	58
2014	7 (2 outside the Office)	92
2013	5	76
2012	5	49
2011	5	68
2010	5	63
2009	4	47

The course is accredited for four general Continuing Legal Education credits and is open to all members of the bar. The cost of the course is minimal so as to encourage widespread attendance.

## **Professionalism School**

At the direction of the Supreme Court and in cooperation with the Colorado Bar Association-Continuing Legal Education, the Office of Attorney Regulation Counsel designed a professionalism school for newly admitted Colorado attorneys. The Office of Attorney Regulation Counsel designed the curriculum and teaches the course in such a fashion as to address the most common ethical dilemmas confronted by newly admitted attorneys. Attendance at the course is a condition of admission to the Colorado Bar. In 2016, 1,328 new lawyer admittees attended the training. Lawyers from the Office of Attorney Regulation Counsel committed hundreds of hours to the planning, administration, and presentation of the professionalism course. This course is separate and distinct from the ethics school and trust accounting school presented by the Office of Attorney Regulation Counsel. In 2016, the Office participated in 13 separate presentations of the course.

**TABLE 32: Practicing with Professionalism Participation**

Date of Class	Attendance
1/28/2016	42
2/25/2016	69
3/24/2016	82
4/27/2016	81
5/19/2016	113
5/26/2016	79
6/10/2016	78
7/28/2016	161
9/22/2016	151
10/17/2016	143
10/18/2016	139
11/9/2016	121
12/15/2016	69

# Expectations of A Lawyer's Responsibilities

A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice;

A lawyer should be competent, prompt and diligent in all professional functions;

A lawyer should maintain communication with a client concerning the representation;

A lawyer should keep in confidence information relating to the representation of a client except when disclosure is required or permitted by the Colorado Rules of Professional Conduct or other law;

A lawyer's conduct should conform to the requirements of the law, both in professional services to clients and in the lawyer's business and personal affairs;

A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others;

A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials; and,

While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also the lawyer's duty to uphold the legal process.



**Colorado Supreme Court**  
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