



**COLORADO SUPREME COURT
ADVISORY COMMITTEE ON THE PRACTICE OF LAW**

MEETING MINUTES

June 6, 2025, 12:05 p.m. – 2:21 p.m.

Hybrid meeting conducted in person and via Zoom at the Colorado Bar Association offices

Members present in person: Chair David W. Stark, Hon. Angela Arkin (Ret.), Cynthia Covell, Hon. Andrew McCallin, Henry (Dick) Reeve, nominated member Diana David Brown

Members present via Zoom: Nancy Cohen, Hon. Adam Espinosa, Steve Jacobson, Dr. Carolyn Love, Sunita Sharma, Brian Zall

Liaison Justices in attendance: Justices Maria Berkenkotter (via Zoom), and William Hood (in person)

Office of the Presiding Disciplinary Judge: Presiding Disciplinary Judge Bryon Large (in person); Cori Peterson, Senior Staff Attorney (via Zoom), Isidro Luna, Court Administrator (in person)

Staff in attendance (attending in person unless noted): Jessica Yates, Attorney Regulation Counsel; Margaret Funk, Chief Deputy Regulation Counsel; Ryann Peyton, Executive Director, Colorado Attorney Mentoring Program (CAMP); Liz Lembo, Executive Director, Colorado Lawyer Assistance Program (COLAP); Amy Phillips (COLAP) (via Zoom); Jonathan White, Assistant Regulation Counsel; Kim Pask, Executive Assistant, Office of Attorney Regulation Counsel (“OARC”)

1. Approval of the March 7, 2025, Meeting Minutes

The Chair welcomed members. He asked if there were any proposed changes to the draft of the March 7, 2025, meeting minutes distributed in the packet of materials for the meeting. Ms. Covell asked that the minutes be amended to reflect she attended the meeting. Judge Large requested the minutes be amended to include the name of the volunteers on the subcommittee charged with evaluating his office. Those volunteers include Judge Arkin, Ms. Covell, Judge Espinosa, Mr. Reeve, and former Attorney Regulation Counsel James C. Coyle. Members approved the draft of the minutes with these revisions.

2. Consideration of Proposed Changes to C.R.C.P. 242

Ms. Yates provided a copy of the proposed changes to C.R.C.P. 242 in the packet of materials sent before the meeting. The redline changes sent to members are similar to those presented at the March meeting, though Ms. Yates and Ms. Peterson discussed additional amendments proposed by the subcommittee.

First, the subcommittee looked at the rule of limitation, C.R.C.P. 242.12, and made suggested changes. The new rule contains three categories for which no rule of limitation applies. Those are serious crimes, as well as fraud and conversion, and situations where a lawyer conceals the misconduct. The amendments propose a five-year rule of limitation from when Attorney Regulation Counsel learns of an attorney's conviction for crimes other than serious crimes. Otherwise, the proposed, revised rule carries a five-year limitation period from when the person or entity making the request for investigation discovers, or reasonably should have discovered, the misconduct. Ms. Yates explained the amendments to the general limitations rule would add an "actor" in the form of a person or entity discovering the misconduct.

Second, the subcommittee recommended changes to C.R.C.P. 242.30 pertaining to the presentation of evidence in disciplinary hearings and orders entered by other tribunals. Third, the proposed revisions require that suspended lawyers maintain current contact information with the Office of Attorney Registration. Other changes proposed include increasing by two people the total number of members that may serve on this committee. The subcommittee did not make any changes to C.R.C.P. 242.21(a) regarding judges' reporting duties. The current rule refers judges to the applicable provision of the Colorado Code of Judicial Conduct.

Judge Arkin moved to approve the proposed revisions to C.R.C.P. 242 and recommend them to the Colorado Supreme Court. Mr. Reeve seconded. The motion carried unanimously.

3. Consideration of Proposed Changes to Licensed Legal Paraprofessionals ("LLP") Rules: C.R.C.P. 207.1, Scope of Authority to Practice, C.R.C.P. 207.8, Applications for Admission, and C.R.C.P. 207.14, Registration Fee

Members received a copy of the proposed changes to C.R.C.P. 207.1, C.R.C.P. 207.8, and C.R.C.P. 207.14 in the packet of materials distributed prior to the meeting. Judge Arkin and Ms. Yates reviewed the recommended changes, beginning with changes to the scope of practice rule, C.R.C.P. 207.1. These changes reflect feedback from LLPs and judges. These changes would allow LLPs to examine witnesses and make offers of proof in court, changes that should, among other things, reduce the interruption of court proceedings so that an LLP can handle portions of the hearing that currently the LLP's client is attempting to handle by conferring with the LLP. Elsewhere, the scope of practice changes would clarify that LLPs are permitted to prepare and file most routine documents in a covered domestic relations case. The changes should allow LLPs to provide better, more effective representation.

Ms. Cohen moved to approve the proposed changes to C.R.C.P. 207.1 and recommend the changes to the court. Judge Espinosa seconded. Members unanimously approved the proposed changes to C.R.C.P. 207.1 for their recommendation to the Colorado Supreme Court.

Members next considered proposed changes to C.R.C.P. 207.8, which address application procedures for LLPs. One path takes into account an applicant's experience and education, as reflected in changes to C.R.C.P. 207.8(3), and the other path takes into account experience only, as reflected in revised C.R.C.P. 207.8(4). The changes clarify requirements under each pathway. The proposed changes to C.R.C.P. 207.8 also place all character and fitness rule references in one paragraph, C.R.C.P. 207.8(6).

Mr. Reeve moved to approve the proposed changes to C.R.C.P. 207.8 and recommend them to the Colorado Supreme Court. Judge McCallin seconded. Members unanimously approved the proposed changes to C.R.C.P. 207.8, and they will be sent to the court.

Members then considered changes to C.R.C.P. 207.14, which establishes the LLP registration fee and addresses late fees and reinstatement fees. The changes will bring fees under the rule into alignment with lawyer registration fees. Judge Arkin moved to approve the changes to C.R.C.P. 207.14 and recommend them to the Colorado Supreme Court. Mr. Reeve seconded. The motion passed unanimously.

4. Proposed Changes to Mandatory Continuing Legal and Judicial Education Regulations and Continuing Legal and Judicial Education to Incorporate LLPs in Regulations and to Revise Fees

Members received a copy of proposed changes to the Regulations Governing Mandatory Continuing Legal and Judicial Education in the packet of materials distributed before the meeting. These changes incorporate LLPs into continuing legal education regulations, reflecting that continuing legal education is part of the regulation of LLPs. Meanwhile, the changes to the Regulations Governing Mandatory Continuing Legal and Judicial Education revise certain fees, such as fees imposed following a lawyer's failure to comply with education requirements. The fee increases reflect the additional work required by the staff at the Office of Attorney Registration in these situations, as well as significant inflationary pressures since the last fee increase.

5. Proposed FY2026 Budget Request – All Offices

All court-supported offices overseen by this committee will finish the current 2025 fiscal year without exceeding allocated budgets.

OARC

OARC continues to incur expenses related to the January 2024 security incident at the Ralph Carr building and the associated office space rebuild. The rebuilt space may come online in early 2026. Most expenses related to the incident have been covered by insurance. OARC's budget proposes a 2.5 percent salary increase for most employees, which accords with increases for state judicial department employees. OARC will continue with the "step" program implemented in 2024, allowing certain employees slightly larger salary increases. Most employees are not eligible this year for increases under the "step" program. Ms. Yates explained that costs associated with administration of the bar exam are difficult to predict and depend on the number of people who apply and accommodation requirements. The proposed budget includes a contingency of \$20,000 reflecting general economic uncertainty. Ms. Yates said that while law school applications have increased, bar exam passage rates have not increased. As such, there has not been a meaningful impact on revenue from the increased number of law students.

OARC's budget increases expenditures for the technology unit reflecting the end of life of certain hardware and corresponding replacement needs, as well as expenditures related to cyber insurance coverage and an associated annual audit.

Ms. Yates said that OARC's intake department continues to see a high volume of calls and requests for investigation compared to historic averages. The office does not seek an additional full-time employee at this time and plans to make workflow changes to promote efficiency.

Additionally, for attorney registration purposes, OARC will make an initial investment of \$40,000 for "Accept Blue," a credit card processing platform. An advantage of moving to this platform is that the office will recoup that up-front cost and enjoy lower expenditures related to credit card processing fees.

COLAP

COLAP's 2026 fiscal year budget requests a 10.46 percent increase over the 2025 budget, 7.8 percent of which would fund an increase in total payroll expenditures using the proposed 2.5 percent per-employee salary increase, along with any "step" program increases. Additionally, COLAP requests that a current part-time position becomes a full-time position, which adds to payroll expenses but will positively impact operations.

Office of the Presiding Disciplinary Judge

Judge Large requests \$50,000 less for the upcoming fiscal year budget, assuming that construction in the court's office space that is underway concludes on schedule. Separately, the court's budget contemplates a reception for renaming the courtroom in November, along with certain education-related travel costs, as well as IT expenses.

CAMP

Ms. Peyton discussed that CAMP has a 16 percent increase in its 2026 fiscal year budget request due to construction costs to relocate CAMP's offices to a different floor in the Ralph Carr building. This represents a one-time cost and aligns with planned construction in the OARC space, minimizes disruption to the CAMP and OARC teams, and supports the broader needs of the Ralph Carr Judicial Center community. Otherwise, CAMP's proposed 2026 budget is two percent less than its current fiscal year budget.

Following discussion, Mr. Reeve moved to approve the budget proposals submitted by all four offices. Judge Arkin seconded. Members unanimously approved the four court-supported office budget proposals for fiscal year 2026 and they will be recommended to the Colorado Supreme Court.

6. Consideration of Proposed Changes to C.R.C.P. 255

The committee approved rebranding of CAMP to the Office of Attorney Professional Excellence ("APEX") at its March meeting. To implement this rebranding, the charging rule for CAMP needs to be revised. Ms. Peyton provided members with a red-line document showing the proposed changes C.R.C.P. 255 in the packet of materials distributed before the meeting. She also discussed the changes generally, noting that they include changing references from CAMP to APEX and including LLPs as an additional community served by the office.

Following discussion, which included how language in subsection 6(b) needs a conforming change from CAMP to APEX, Judge McCallin moved to approve the changes and recommend them to the court. Mr. Reeve seconded the motion. The motion passed unanimously.

7. Consideration of Proposal to Evaluate COLAP

Dr. Lembo discussed the proposed evaluation plan for COLAP prepared in response to the court's request that each office create, with this committee's approval and guidance, a plan for regular review. COLAP's plan includes compiling, every three years, an extensive report that demonstrates delivery of the services outlined in C.R.C.P. 254. This comprehensive review would also include anonymized survey data from team members, as well as presentation observations. COLAP's evaluation plan envisions an annual report to supplement this robust, comprehensive triennial review. Following discussion, the committee unanimously approved the plan.

8. Office of the Presiding Disciplinary Judge 2024 Annual Report

Judge Large included a copy of his office's 2024 Report on Operations in the packet of materials distributed in advance of the meeting. He reviewed report highlights. 2024 was a busy year for the court with 17 trials and many trial days, which the court balanced along with locating outside courtroom space in light of the security incident at the Ralph Carr Judicial Center and damage, which prevented use of the Presiding Disciplinary Judge's courtroom for several months.

9. OARC 2024 Annual Report

Ms. Yates included a copy of OARC's 2024 Annual Report in the packet of materials distributed prior to the meeting. She mentioned that the office is working to develop ways to track data related to LLPs as part of its annual report. Judge Arkin thanked Ms. Yates and OARC staff for their support in launching and maintaining the LLP licensure.

10. Committee Nominations

Advisory Committee

The Chair nominated Diana David Brown to serve as a new non-lawyer member of the committee. He included a copy of Ms. Brown's resume in the packet of materials distributed in advance. She would serve a seven-year term through June 6, 2032. She is based in Estes Park and has professional experience as a Victim Assistance Coordinator for the City of Greeley and as municipal court clerk, also for Greeley. She has previously served and volunteered on the Legal Regulation Committee. Mr. Jacobson moved to appoint Ms. Brown to the committee. Mr. Reeve seconded. The motion passed unanimously.

Attorneys' Fund for Client Protection

Judge Espinosa, Chair of the Attorneys' Fund for Client Protection, asked the committee to nominate Elizabeth VanBroekhoven to fill an opening on the board of trustees following John Bunting's passing. Judge Espinosa included a copy of Ms. VanBroekhoven's resume in the packet of materials distributed in advance of the meeting. If appointed, Ms. VanBroekhoven would serve a seven-year term through June 6, 2032. Members unanimously approved Ms. VanBroekhoven's nomination to the board of trustees of the Fund.

LLP Committee

Mr. Stark's first term on the LLP Committee ended May 23, 2025. C.R.C.P. 207.4(1)(a) allows for him to be reappointed to a second term. Judge Arkin, Chair of the LLP Committee, asked members to reappoint Mr. Stark for a second two-year through June 2027, and she emphasized his instrumental role in the program's success. Mr. Jacobson and Judge Espinosa both moved to reappoint Mr. Stark to a second term on the LLP Committee, nunc pro tunc to May 23, 2025. Judge Arkin seconded. The motion passed unanimously.

Judge Arkin also requested members approve appointment of Melissa Johnson to fill an opening on the LLP Committee following member Zachary Foxx's resignation on April 22, 2025. Mr. Foxx had scheduling conflicts based on a new position overseeing self-represented litigant coordinators. Judge Arkin included a copy of Ms. Johnson's resume in the packet of materials distributed in advance. Ms. Johnson would serve a two-year term that would expire June 6, 2027. Judge Arkin discussed Ms. Johnson's experience, including her current work as a self-represented litigant coordinator with the Denver courts. Ms. Johnson would be a non-lawyer member of the LLP Committee. Judge Arkin moved to approve the nomination. Mr. Reeve seconded. The motion passed unanimously.

Legal Regulation Committee ("LRC")

Steve Jacobson, Chair of LRC, asked the committee to nominate Katherine L. ("Katie") Hays to fill an opening on LRC created by the resignation of Hetal Doshi. Mr. Jacobson included a copy of Ms. Hays' resume in the packet distributed in advance of the meeting. If appointed, Ms. Hays would serve a seven-year term through June 6, 2032. Members unanimously approved Ms. Hays' nomination to the LRC.

11. Other Updates

Office of the Presiding Disciplinary Judge

Judge Large said the court has several trials scheduled in the summer and anticipates a busy fall trial schedule.

CAMP

Ms. Peyton included a report in the packet of materials distributed before the meeting that details 2025 metrics through May 27, 2025, as well as CAMP's outreach in 2025 and highlights from the program's 2024 Annual Report. She mentioned that CAMP is transitioning its mentoring software currently. She drew members' attention to the data regarding the high utilization of the well-being recognition program, underscoring the demand for this certification and related programming.

COLAP

COLAP has a new clinical coordinator, Ben Gaibel. Dr. Lembo informed members that the program has also seen a steady increase in presentation and publication requests. Its staff continues to attend to a steady volume of calls, including high-acuity needs. Colorado is participating in a national survey on lawyer well-being taking place after the 2016 survey published in the *Journal*

of Addiction Medicine titled “The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys.” Results should be released in early to mid-2026.

OARC

Ms. Yates reported that the office is currently fully-staffed and has seen tremendous talent in applications for recent openings. The office intends to announce a non-prosecution policy for the unauthorized practice of law that would help incentivize the development of artificial intelligence (AI) platforms that would be low-risk to consumers of legal services, have certain consumer protection features, and promote access to justice.

At the conclusion of the discussion of agenda items, committee members briefly took up the timing of evaluations for individual court-supported offices. For the Office of the Presiding Disciplinary Judge, performance surveys will be distributed in the coming weeks. For COLAP’s evaluation, the committee will identify two volunteer evaluators. Ms. Yates requested that OARC’s evaluation pause until the office’s staff return to the Ralph Carr Judicial Center office building.

Judge Arkin reminded members that the swearing-in ceremony for new LLPs is June 16 in the Colorado Supreme Court’s Courtroom.

12. 2025 Meeting Dates: September 19, December 12. Volunteer Celebration: September 11.

13. Executive Session

The meeting concluded at 2:21 p.m. after which members met in Executive Session.

/s/ Jessica E. Yates
Jessica E. Yates
Attorney Regulation Counsel