



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

MEETING MINUTES

September 6, 2024, 12:18 p.m. – 1:48 p.m.

Hybrid meeting conducted in person and via Zoom at the Colorado Supreme Court 4th Floor Meeting Room.

Members present in person: Chair David W. Stark, Hon. Andrew McCallin, Henry (Dick) Reeve

Members present via Zoom: Hon. Angela Arkin (Ret.), Nancy Cohen, Cynthia Covell, Dr. Carolyn Love, Sunita Sharma, Brian Zall, Alison Zinn

Liaison Justice in attendance: Justice William Hood (in person)

Office of the Presiding Disciplinary Judge: Presiding Disciplinary Judge Bryon Large (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) (via Zoom); Sarah Myers, Executive Director, Colorado Lawyer Assistance Program (COLAP) (via Zoom); Amy Phillips, Assistant Director, COLAP (via Zoom); Jonathan White, Assistant Regulation Counsel, Office of Attorney Regulation Counsel (OARC) (via Zoom)

1. Approval of the May 3, 2024, Meeting Minutes

The Chair welcomed members. He asked members if there were any proposed changes to the draft of the May 3, 2024, meeting minutes provided in the packet of materials distributed in advance of the meeting. There were no suggested changes. Members unanimously approved the May 3 meeting minutes.

2. Approval of the June 7, 2024, Meeting Minutes

The Chair asked if there were any proposed changes to the draft of the June 7, 2024, meeting minutes. There were no suggested changes. Members unanimously approved the June 7 meeting minutes.

3. Consideration of Proposed New Rule C.R.C.P. 203.5 to Address Accommodations for Licensure Examinations

The state legislature passed a bill in its last session requiring disability accommodations for all professional licensure examinations. Ms. Yates discussed the need for a rule to implement this requirement for the bar examination and licensed legal paraprofessional (LLP) examination. To this end, members received a copy of a proposed new rule, C.R.C.P. 203.5, titled “Disability Accommodations for the Colorado Bar Examination and the Licensed Legal Paraprofessional Examination” with the materials distributed prior to the meeting. This proposed rule would apply both to applicants who have not had accommodation on certain prior examinations, and to applicants who have had disability accommodation for certain examinations and who can provide a recommendation from a treating professional. The rule details how applicants can apply for accommodations and considerations that may be taken into account in providing an accommodation, including exam security. In association with submitting this proposed rule, the Office of Attorney Admissions updated its web-based guidance on disability accommodations and requesting accommodation. Members discussed the rule proposal. Following discussion, Judge Arkin moved to recommend the proposed rule’s referral to the Colorado Supreme Court for its consideration. Mr. Reeve seconded. Members unanimously voted to refer the rule to the court.

4. Discussion of Potential Amendment to C.R.C.P. 242.5 to Address Duties of Regulation Counsel

Ms. Yates discussed potential amendment to C.R.C.P. 242.5 to codify Regulation Counsel’s full scope of responsibilities. The current rule outlines Regulation Counsel’s powers and duties as regards attorney regulation and discipline, but it does not address other responsibilities such as unauthorized practice of law matters, attorney admissions, or continuing legal education. In addition, Regulation Counsel has fiscal responsibilities as the administrative head over collected fees used for a variety of purposes and as part of that can authorize expenditures and must ensure there are no deficiencies or fraud. These duties are not codified. Ms. Yates recommended a subcommittee form to explore amendments and conforming changes to other related rules. Several members volunteered to participate, and a staff member of the Office of the Presiding Disciplinary Judge will participate as well.

5. Discussion of Future Updates to the LLP Colorado Rules of Professional Conduct

The Chair explained to members that whenever the Rules of Professional Conduct Standing Committee approves rule changes to recommend to the court, those changes impact the LLP Colorado Rules of Professional Conduct. There is a need to conform changes to the Colorado Rules of Professional Conduct to the rules that apply to LLPs. He asked members how to best monitor for changes. The committee determined that at present, the best way to proceed is to form a subcommittee to monitor changes to the Colorado Rules of Professional Conduct adopted by the supreme court and to then make any recommendations to this committee regarding amendment of the LLP Colorado Rules of Professional Conduct. Several members volunteered to participate.

6. Consideration of Recommendations and Approval of New Hearing Board Members

With the packet of materials distributed prior to the meeting, members received cover letters and resumes for potential new members of the pool of Hearing Board volunteers. Judge

Large discussed that there were 18 applicants this year. He seeks approval for appointment of the 18 individuals whose cover letters and resumes he included in the packet. He is working to increase non-lawyer membership in the pool of volunteers. Mr. Reeve moved to approve the slate of names Judge Large put forward. Judge Arkin seconded. The committee approved the appointment of the applicants to the pool of Hearing Board volunteer members.

7. Update from the LLP Oversight Committee on Implementation

The LLP Oversight Committee on Implementation has been working on the content of both the ethics and family law examinations required for LLP licensure. The oversight committee also plans further outreach efforts. Judge Arkin discussed that there is a need for longer-term outreach planning to continue to inform the public about this new licensure. Members discussed audiences and organizations for outreach.

8. Update from the Rule 242 Subcommittee

This subcommittee continues its work on proposed revisions to the rules related to disciplinary procedures. It hopes to have recommendations for the committee to consider at an upcoming meeting, potentially by the December meeting.

9. Approval of Committee Appointments

Legal Regulation Committee

Members received a nomination letter and resume for Dr. Johnnie R. Bejarano in the packet of materials distributed in advance of the meeting. Mr. Jacobson, Chair of the Legal Regulation Committee, asks for Dr. Bejarano to be appointed to fill an opening created by the term completion of Diana David Brown effective December 31, 2024.

LLP Committee

Members received a resume for Zachary J. Foxx with the packet of materials distributed in advance of the meeting. Judge Arkin, Chair of the LLP Committee, asks that Mr. Foxx be appointed to serve a two year-term effective September 6, 2024, expiring September 5, 2026. Mr. Foxx will fill an opening on the LLP Committee created by Penny Wagner's retirement.

In addition, members received a resume for Laura Landon, who is being nominated to fill an opening on the LLP Committee. Under C.R.C.P. 207.4, the LLP Committee will consist of eleven volunteer members. Ms. Landon would be the eleventh member. Judge Arkin asks for Ms. Landon to be appointed to serve a four-year term effective September 6, 2024, and expiring on September 5, 2028.

Ms. Cohen moved to approve all three nominations. Mr. Reeve seconded. The committee unanimously approved these three nominations.

10. Other Updates

a. Office of the Presiding Disciplinary Judge

Judge Large provided members with a proposal for evaluating the productivity, effectiveness, efficiency, and resources of his office. The proposal recommends evaluation of the office as a whole as well as the Presiding Disciplinary Judge individually. The proposal addresses the frequency of evaluations and recommends a subcommittee perform the review, which would include attending hearings. Members praised the proposal.

b. CAMP

Ms. Peyton provided members with a report in the packet of materials distributed in advance of the meeting. She explained CAMP has had an active summer leading into a busy fall. The Family Law Section of the Colorado Bar Association intends to vote later this month on whether to adopt CAMP as a mentoring partner. Meanwhile, CAMP plans to host focus groups with LLPs to understand their needs. Newly-licensed LLPs have approached CAMP about mentoring opportunities.

CAMP is recruiting for the next Legal Entrepreneurs for Justice (LEJ) cohort scheduled to start in January 2025. CAMP looks forward to continuing its collaboration with the Office of Alternate Defense Counsel and will have three diversity fellows from that office in the 2025 LEJ cohort. Further, CAMP and the Above the Line Network are collaborating to create “LEJ Lite,” which is a learning platform based on LEJ’s curriculum that will give participants tools to expand legal services to low and middle-income clients.

CAMP continues to host the Colorado Well-Being Recognition Program for Legal Employers. As part of this program, there is an upcoming Colorado Symposium on Lawyer Well-Being taking place September 12. Other states are studying this program, including California, Texas, and Utah.

c. COLAP

Ms. Myers reported that summer went well for COLAP, and she highlighted her team’s cohesion. COLAP’s newest clinicians are in training.

The Chair provided members with a brief update on the search committee for a new Executive Director of COLAP. That search is ongoing.

d. Office of Attorney Regulation Counsel (OARC)

Ms. Yates thanked members who attended OARC’s volunteer celebration yesterday, September 5. She expressed gratitude for the many volunteers willing to spend their time contributing to the various functions OARC performs, recognizing that volunteers have very busy professional lives.

Ms. Yates also mentioned that the Chair will receive the Colorado Bar Association’s Award of Merit this year. He will be honored at the Colorado Bar Association’s Fellows Dinner on October 26. She praised the Chair’s dedication to building a functional and highly-respected attorney regulatory system in Colorado.

Ms. Yates reported that the July bar examination went well. There was a 40 percent increase in the number of applicants requesting accommodation. This has an impact on resources, creating additional costs. She noted that the number of requests for accommodation for the Law School Admissions Test (LSAT) have also grown substantially, mirroring the trend that the Office of Attorney Admissions has seen for bar examination accommodation.

OARC anticipates it will likely be another year, approximately, before it can re-occupy its space in the Ralph Carr building.

11. Upcoming Meeting Dates

2024: December 6

2025 proposed dates: March 7, June 6, September 19, December 12

12. Executive Session

The meeting concluded at 1:48 p.m. after which members met in Executive Session.

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