

Understanding Unauthorized Practice of Law (“UPL”) Issues

This document provides an overview of issues – including prohibitions and exceptions – concerning the practice of law in Colorado by individuals or entities not authorized by the Colorado Supreme Court to practice law. It does not address questions about whether out-of-state attorneys may practice law in Colorado, or how out-of-state attorneys may receive limited authority to practice law in Colorado. For the latter issues, please visit <https://www.coloradolegaladmissions.com/information-and-applications>.

Overview:

Q: What is the “practice of law” in Colorado?

A. The Colorado Supreme Court has defined the “practice of law” as “act[ing] in a representative capacity in protecting, enforcing, or defending the legal rights and duties of another and in counseling, advising and assisting [another] in connection with these rights and duties.”¹ The Court’s words make clear that providing legal advice to another person constitutes the practice of law, as does the selection and drafting of legal documents for use by another person.² A non-lawyer’s exercise of legal discretion on behalf of another’s legal interest is prohibited because of potential harm to the public.³

Thus, a non-lawyer generally cannot:

- 1) Provide legal advice to another person;
- 2) Select legal documents on behalf of another person;
- 3) Draft legal documents on behalf of another person;
- 4) Interpret the law as it may apply to another person’s situation;
- 5) Represent another person in any legal transaction or matter; and
- 6) Prepare another person’s case for trial.

Q. Who may practice law in the state of Colorado?

A. Generally speaking, only licensed attorneys in good standing with the Colorado Supreme Court are allowed to practice law in Colorado.⁴ Qualifications for a Colorado law license include graduation from an accredited law school, passage of an extensive bar examination, and determinations of character and fitness by the Colorado State Board of Law Examiners.⁵

¹ *People v. Shell*, 148 P.3d 162, 167 (Colo. 2006); *Denver Bar Ass’n v. Pub. Util. Comm’n*, 391 P.2d 467, 471 (Colo. 1964).

² See C.R.C.P. 232.2(b)-(c); See also *Shell*, 148 P.3d at 167; *Denver Bar Ass’n*, 391 P.2d at 471 (holding that “there is no wholly satisfactory definition as to what constitutes the practice of law; it is not easy to give an all-inclusive definition.”).

³ *People v. Adams*, 243 P.3d 256, 265 (Colo. 2010) (citing *Perkins v. CTX Mortgage Co.*, 969 P.2d 93, 102 (Wash. 1999)).

⁴ *Shell*, 148 P.3d 162 at 70.

⁵ See C.R.C.P. 203.4

The Colorado Supreme Court also licenses legal paraprofessionals (“LLPs”) for a limited scope practice of law in designated types of family law matters.⁶ LLPs also must meet educational and/or experience requirements to sit for and pass an exam covering substantive law and ethical rules.⁷

However, when it can be sufficiently established that Colorado consumers are protected, other individuals (even non-attorneys, in some cases) may be authorized under certain limited circumstances to perform services that otherwise would constitute the practice of law.

Q. What is the purpose of having rules that regulate the unauthorized practice of law?

A. The primary purpose for regulating the practice of law is to protect the public from harm that may result from the activities of dishonest, unethical and incompetent providers of legal services,⁸ and to ensure that certain ethical duties to the client, the courts and the public are adhered to (these duties include loyalty, competence, diligence and candor). The Colorado Supreme Court does not permit an unlicensed person to engage in the practice of law, especially where such acts may harm a legal client or prejudice the administration of justice.⁹

Q. How do I find out if a person already has been enjoined by the Colorado Supreme Court from engaging in the unauthorized practice of law in Colorado due to their past conduct?

A. A list of those individuals who have been enjoined from the unauthorized practice of law in Colorado is posted at our website:

https://www.coloradolegalregulation.com/complaints/upl_injoined.

Q. Can I use online tools and services to help me with my legal needs? Can I rely on “artificial intelligence” platforms to help me?

A. There are many online resources available to help individuals who want to handle their legal needs without hiring a lawyer or licensed legal paraprofessional, though some legal matters are too complex or consequential to effectively handle yourself. Legal information provided by trusted or well-known institutions or organizations can be very helpful, though consumers should confirm it is accurate and up-to-date. For free information, forms and directions from the Colorado Courts, go to <https://www.coloradojudicial.gov/> - and select “Self Help and Forms” from the options.

Websites and online platforms using artificial intelligence often provide additional services, such as drafting assistance for letters and court filings, and might even offer legal options to someone posing a legal question. Artificial intelligence-generated content often contains errors, such as citing the wrong cases. It is important not to rely exclusively on these on-line services for your legal needs.

⁶ See C.R.C.P. 207.1 *et seq.*

⁷ See C.R.C.P. 207.8.

⁸ See *People v. Grimes*, 654 P.2d 822, 826 (Colo. 1988); Colorado Rules of Professional Conduct, Preamble and Scope (Colo. RPC 242.1-.12); MODEL RULES OF PRO. CONDUCT r. 1.1 (A.B.A. 1991).

⁹ *Conway-Bogue v. Denver Bar Ass'n*, 312 P.2d 998, 1002-03 (Colo. 1957).

The entities providing such services could be engaged in the unauthorized practice of law. However, the Office of Attorney Regulation Counsel considers a number of factors, including harm or potential harm to consumers, in exercising its prosecutorial discretion. The non-prosecution policy is posted on our website: <https://www.coloradolegalregulation.com/wp-content/uploads/PDF/UPL/UPL%20Non-Prosecution%20Policy.pdf>.

Q. Can a paralegal handle my legal matters for me? (i.e., are paralegals authorized to practice law in Colorado?)

A. Most paralegals have no authority to practice law. Some paralegals have become licensed legal paraprofessionals (“LLPs”), who do have authority to practice law in family law matters. It is important to know the difference between these groups.

Generally speaking, regular paralegals and legal assistants cannot practice law in Colorado. Thus, a paralegal cannot provide legal advice or related services to a consumer. When a paralegal acts under the direction and supervision of a licensed attorney, the paralegal can provide certain types of assistance to the attorney’s client, but that attorney is ultimately responsible to the client. While law firms often hire paralegals as employees, a paralegal can also work for an attorney on a contract basis.

Starting in 2024, the Colorado Supreme Court began licensing qualified paralegals and related legal professionals in a limited scope practice in family law matters. These LLPs are authorized to practice law and can provide a range of services directly to clients in marital dissolutions, child support, and parenting time (also known as “child custody”) matters. With a handful of exceptions set forth in court rules, LLPs generally can handle such matters without being supervised by an attorney. See **C.R.C.P. 207.1**.

LLPs have a six-digit registration number, and their licensure and registration status can be confirmed on our website at: <https://www.coloradolegalregulation.com/attorney-search/>.

Q. Can a law student represent me in court?

A. Law students working under the auspices of designated governmental entities or legal services entities can provide in-court representation, but only as provided under **C.R.C.P. 205.7**. Law student externs, as specified in **C.R.C.P. 205.7(2)(b)**, may appear and participate in certain civil and criminal proceedings. See **C.R.C.P. 205.7**.

Q. Can a suspended or disbarred attorney represent me in a legal matter?

A. No. Suspended and disbarred attorneys cannot practice law in Colorado under any circumstance. Even though a statute, rule or agreement may authorize a non-lawyer to engage in the practice of law under a particular circumstance, a suspended or disbarred attorney is not entitled to “practice law” in any manner due to the specific order of discipline that applies to that disciplined attorney. Suspended or disbarred attorneys who engage in any act that constitutes the practice of law while under an order of discipline shall be subject to further discipline or contempt proceedings for violation of the order of discipline. Such contempt

proceedings may result in additional discipline, fines and/or imprisonment.

With the above understanding, Colorado Rule of Professional Conduct 5.5 (2023) allows a licensed Colorado attorney to hire a suspended / disbarred attorney to work for the licensed attorney in the capacity of a paralegal or law clerk, but only under carefully monitored conditions.¹⁰ See **Colo. RPC 5.5**.

Q. If I am not an attorney, may I represent myself in a court proceeding?

A. In most situations, yes. Individuals can represent themselves, as individuals, without the aid of an attorney in court proceedings. When an individual chooses self-representation, it is known as proceeding *pro se*. It is important to note, however, that although *pro se* representation does not violate the rules concerning unauthorized practice of law, the *pro se* litigant may not at any time undertake the representation of another person, organization, or entity. The right to file a lawsuit and represent oneself does not extend to filing a lawsuit on behalf of another,¹¹ including family members. For more information on representing yourself in a court matter, go to the Colorado Supreme Court's Self-Help Center website, which can be found at <https://www.coloradojudicial.gov/self-help-resources>.

Q. Can a non-lawyer represent a corporation or other legal entity?

A. Generally, corporations and other legal entities must appear in court proceedings only through a licensed attorney, and any proceedings that are commenced or prosecuted or pleadings filed by a corporation without a licensed attorney are a nullity and will be stricken.¹² There are two statutorily created exceptions to this rule. The first allows a corporate officer to represent a closely held corporation in actions where the amount in controversy is less than \$15,000.¹³ The second exception applies only to actions brought in small claims court, and only when the person meets the statutorily-defined relationship to the legal entity.¹⁴

Q. When may other licensed professionals, such as real estate agents, practice law in Colorado?

A. Other professionals who are licensed by the State of Colorado may be given leeway to “practice law” in limited situations due to their specialized training and licensing requirements. For example, real estate brokers are licensed in accordance with a Colorado statute.¹⁵ Brokers

¹⁰ See Colo. RPC 5.5 (effective January 1, 2023), which provides that a lawyer is permitted to employ, associate professionally with, allow or aid a disbarred or suspended attorney [whose suspension is partially or fully served], or an attorney on disability inactive status to perform research, drafting or clerical activities, subject to certain limitations described in the Rule.

¹¹ See *People v. Shell*, 148 P.3d 162 (Colo. 2006); *People v. Adams*, 243 P.3d 256 (Colo. 2010).

¹² See *Bennie v. Triangle Ranch Co.*, 73 Colo. 586 (1923); See also COLO. REV. STAT. § 13-93-101 (2022); *People v. Adams*, 243 P.3d 256 (Colo. 2010).

¹³ See C.R.S. § 13-1-127(2)(a) (2022).

¹⁴ See C.R.S. § 13-6-407 (2017).

¹⁵ See C.R.S. § 12-10-201 et seq.; § 12-10-403 (2026).

must pass an examination that demonstrates their competency and must satisfy Colorado Real Estate Commission fitness and character requirements. Brokers must also comply with rules established by the Real Estate Commission or be subject to discipline. The Colorado Supreme Court ruled that although the selection and preparation of legal documents in the real estate context¹⁶ is the practice of law, licensed Colorado real estate brokers may select and complete forms that are 1) pre- approved by the Colorado Real Estate Commission¹⁷ if used in the regular course of business, 2) at the request of their customers, and 3) only in connection with transactions involving sales of real estate, loans on real estate or the leasing of real estate, which transactions are being handled by them.¹⁸ All the above requirements must be met for the real estate broker to be authorized to select or prepare real estate legal forms.

Q. Are there other instances where a state or federal statute permits a non-lawyer to represent me in certain proceedings?

A. Yes. While the Colorado Supreme Court maintains exclusive jurisdiction to regulate the practice of law in Colorado,¹⁹ there are scenarios in which the allowance of a non-lawyer to represent an individual has been deemed not inconsistent with the Court’s authority. For example:

Unemployment compensation hearings. The Colorado Supreme Court held constitutional a statute that permits the practice of law by a layperson (including a labor union) representing an employer or employee before the Department of Labor and Employment.²⁰

In addition, businesses and labor unions may represent employers or employees in employment matters before the state civil rights division.

Public Utilities Commission matters. A separate Colorado case established that the Public Utilities Commission may be authorized by statute to allow a layman to engage in certain activities that would otherwise constitute the practice of law.²¹

Closely held entities in small claims matters. Additionally, as discussed in a separate Q/A, there are statutory exceptions that allow an officer of a closely held entity, empowered by a resolution from that entity, to represent the entity’s interests in certain matters.

Indian Child Welfare Act – statutory interventions. State law, **C.R.S. § 19-1.2-113**, allows Indian tribes to designate a non-lawyer to represent their interests in certain child custody proceedings.

¹⁶ Such documents include receipts and options, deeds, promissory notes, deeds of trust, mortgages, releases of encumbrances, leases, notice terminating tenancies, and demands to pay rent or vacate.

¹⁷ See <https://dre.colorado.gov/real-estate-broker-contracts-and-forms>.

¹⁸ *Id.*

¹⁹ Colo. Const. art. III.

²⁰ *Unauthorized Practice of Law Comm. v. Employers Unity, Inc.*, 716 P.2d 460 (Colo. 1986) (holding that C.R.S. 8-74-106(1)(e) is constitutional).

²¹ *Denver Bar Ass’n v. Pub. Util. Comm’n*, 391 P.2d 467, 472 (Colo. 1964). These activities include: “the completion of forms which do not require any knowledge and skill beyond that possessed by the ordinarily experienced and intelligent layman.” See *id.*

Immigration matters. Accredited representatives working for recognized agencies, and certain law students, law graduates and “reputable individuals” (*i.e.*, someone the affected person knows, like a friend, family member, or clergyman, and not someone who routinely assists other persons in this area of law) may be authorized to represent persons in certain aspects of immigration law matters.²²

Federal tax matters. In addition, federal statutes may authorize accreditation of certain non-lawyers for tax matters.

Some local government issues. Local government authorities may also allow engineers or development planners to participate and represent others in county commissioner and land use planning matters.

Some alternative dispute resolution matters. Similarly, the parties may agree to an alternative dispute resolution process that involves the use of non-lawyers. Assuming adequate protections are in place and that such procedure does not run afoul of public policy and due process protections, such participation that would otherwise be considered the practice of law may be allowed.

In addition, the following is a non-exhaustive list of Federal Agencies and authorities that may permit non-lawyer representation under certain circumstances:

- Board of Immigration Appeals
 - Immigration and Naturalization Service (8 C.F.R. § 292.1-3)
- Bureau of Indian Affairs
 - Financial Assistance and Services Program (25 CFR § 20.100)
- Comptroller of the Currency (12 C.F.R. § 19.3(d))
- Consumer Product Safety Commission (16 C.F.R. § 1025.61)
- Department of Agriculture
 - Food Stamps (7 C.F.R. § 273)
 - Marketing Service (7 C.F.R. § 50.27)
- Department of Commerce
 - Patent & Trademark Office (37 C.F.R. § 11.1)²³
- U.S. Merit Systems Protection Board (5 C.F.R. § 1201.31)
- Department of Health and Human Services
 - Public Health [Medicare, Part B] (42 C.F.R. § 405.910)
 - Welfare [Medicare, Aid to Families w/ Dependent Children] (45 C.F.R. § 205.10(a)(3)(iii))
- Department of Justice
 - Drug Enforcement Administration (21 C.F.R. § 1316.50)
- Department of Labor

²² See 8 C.F.R. § 292.1 (2011).

²³ Only registered practitioners are permitted to practice. Non-lawyers become registered by passing a character and fitness review and an examination. Non-lawyers who have served four years in the examining corps of the Patent and Trademark Office may waive the exam. See 37 C.F.R. § 11.7.

- Benefits Review Board (20 C.F.R. §§ 802.201(b), 802.202)
- Employees Compensation Appeals Board (20 C.F.R. § 501.9)
- National Railroad Adjustment Board (45 U.S.C. § 153)²⁴
- Wage and Appeals Board (20 C.F.R. §§ 725.362(a), 725.365, 725.366(b))
- Department of Transportation
 - Maritime Administration (46 C.F.R. § 201.15)²⁵
- Department of Veterans Affairs
 - Veterans Administration (38 C.F.R. §§ 14.627, 14.629)
- Federal Deposit Insurance Corporation (12 C.F.R. § 308.04)²⁶
- Federal Energy Regulatory Commission (18 C.F.R. § 385.2101)
- Federal Maritime Administration (46 C.F.R. § 502.27)²⁷
- Federal Mine Safety & Health Review Commission (29 C.F.R. § 2700.3(b))²⁸
- General Accounting Office (4 C.F.R. §§ 11.1-11.4)
- Internal Revenue Service (31 U.S.C. § 330) – also see IRS Publication 947 (<https://www.irs.gov/publications/p947>)²⁹
- Interstate Commerce Commission (49 C.F.R. § 1103.3)³⁰
- National Mediation Board (agency governed by 29 C.F.R. § 1200)
- National Transportation Safety Board (49 C.F.R. §§ 821, 831, 845)³¹
- Occupational Safety and Health Review Commission (29 C.F.R. § 2200.22)
- Small Business Administration (13 C.F.R. § 134.208; 13 C.F.R. § 134.640)
- Social Security Administration (42 U.S.C. § 406(a))
- Supplemental Security Income [SSI] (20 C.F.R. §§ 416.1500-1599)
- U.S. Customs Service
- U.S. Equal Employment Opportunity Commission (29 C.F.R. § 1614.605)
- U.S. Environmental Protection Agency (40 C.F.R. § § 124, 164.30, 22.10)

²⁴ Only entities identified in 45 U.S.C. § 151 are allowed to practice. Almost 100% of non-lawyer representation is by industry employees.

²⁵ Only registered non-lawyers are permitted to practice.

²⁶ Only qualified non-lawyers are permitted to represent.

²⁷ Only registered non-lawyers are permitted to appear. Certificates of registration are issued on payment of processing fee and completion of application form indicating sufficient educational qualifications and recommendations. There is no testing or formal licensing.

²⁸ Appearances are made at hearings before administrative law judges and at appellate reviews before commissioners. A non-lawyer may practice only if the non-lawyer is a party, a representative of miners as described commissioners. A non-lawyer may practice only if the non-lawyer is a party, a representative of miners as described in 30 C.F.R. § 10.1(b), or the owner, partner, full time officer or employee of the party-business entity; otherwise a non-lawyer is permitted to appear for limited purpose in special proceedings.

²⁹ Non-lawyers must become enrolled agents by passing a character and fitness review and successfully completing a special enrollment examination testing on federal taxation and related matters. A non-lawyer may also qualify based on former employment with the IRS, provided such duties qualify the individual.

³⁰ Only registered non-lawyers are permitted to practice. To register, applicant must: 1) meet educational and experience requirements, 2) undergo character and fitness review, 3) pass exam administered by the agency testing knowledge in the field of transportation, and 4) take an oath. See 49 C.F.R. § 1103.3.

³¹ Non-lawyer appearances are infrequent except at investigatory levels. Non-lawyer participation is discouraged because technical expertise is required.

Please note that the above list is not necessarily up-to-date and is not meant to be all-inclusive. There may be other circumstances in which a local, state or federal authority allows an individual to represent another's interests in a particular proceeding. Common to these court, statutory or administrative authorizations are minimum qualification requirements, competence, accountability and access of participants to justice. Before appearing in a proceeding, always check with the applicable local, state or federal governmental authority to determine whether such form of representation is allowed.

Q. Are immigration consultants or “notarios” authorized to provide legal advice in immigration matters?

A. No. Only attorneys, and properly accredited representatives who have been granted official recognition by the U.S. Board of Immigration Appeals are authorized to provide legal advice in immigration matters.

People who hold themselves out to the public as “immigration consultants” or “notarios” are not attorneys or accredited representatives, and thus cannot provide legal advice and cannot select or prepare immigration forms for others. If you have paid money to a “notario” or “immigration consultant” for immigration services, you may be entitled to a refund of that money. Go to: https://www.coloradolegalregulation.com/wp-content/uploads/PDF/UPL/Notary%20or%20notario%20whats%20the%20difference_English.pdf for more information.

To find an immigration attorney who is a member of the Colorado Bar Association, you can go to <https://www.cobar.org/Licensed-Lawyer>. To find an immigration attorney who is a member of the American Immigration Lawyers Association (“AILA”), go to <https://www.ailalawyer.com>. For a current list of Board of Immigration Appeals accredited agencies, go to <https://www.uscis.gov/scams-fraud-and-misconduct/avoid-scams/find-legal-services>.

Q. What kind of financial advice from a non-lawyer, including my accountant or a “certified senior advisor,” constitutes the unauthorized practice of law?

A. Although this list is not exhaustive, the creation and sale of trust documents by non-lawyers, including accountants and certified senior advisors, constitutes the unauthorized practice of law.³² Similarly, preparing a will for another person constitutes the unauthorized practice of law.³³

Q. Can a non-lawyer or non-LLP help me select or prepare pleadings in my divorce case or in any other state court matter?

A. No. Only licensed lawyers or licensed legal paraprofessionals can perform this work. Inherent in

³² See *People v. Volk*, 805 P.2d 1116, 1118 (Colo.1991). See also *People ex rel. Dunbar v. Schmitt*, 251 P.2d 915, 920 (Colo. 1952) (the creation and sale of trust documents by non-lawyers constitutes the unauthorized practice of law).

³³ *People ex rel. Atty. Gen. v. Newer*, 242 P.2d 615 (Colo. 1952).

the selection and preparation of court pleadings is the provision of legal advice, and non-lawyers cannot provide legal advice to others. Many district courts in Colorado now offer self-help programs that help members of the public navigate their own family law proceedings. Some programs have volunteer lawyers available to assist you with your pleadings. In addition, the Colorado Supreme Court makes available to the public a set of forms and instructions for most actions and filings related to the dissolution of marriage, post-dissolution matters and other court proceedings. These forms, related checklists and instructions are available for free at:

<https://www.coloradojudicial.gov/self-help-resources>.

Q. Can a bankruptcy petition preparer prepare forms for my bankruptcy proceedings?

A. Yes, but the petition preparer cannot give legal advice.³⁴ A bankruptcy petition preparer is a person, other than an attorney for the debtor, who prepares for compensation a document for filing. Legal advice that the preparer cannot provide includes advising whether the debtor should file a bankruptcy petition, whether the debtor's debts will be discharged in a bankruptcy case, and how to characterize the nature of the debtor's interests in property or the debtor's debts. See: https://www.justice.gov/ust/ust-regions-r09/file/petition_prep.pdf/dl. If you hire a bankruptcy petition preparer, he or she must sign and comply with notification requirements set forth under the bankruptcy statute 11 U.S.C. § 110(b)(2)(A). The U.S. Bankruptcy Court for Colorado has published a list of individuals who are banned from performing bankruptcy preparer services: <https://www.cob.uscourts.gov/bankruptcy-petition-preparers>.

Q. What if I can't afford a lawyer to represent me?

A. The Colorado Rules of Civil Procedure and the Rules of Professional Conduct allow an attorney to provide limited and discrete legal services to a party who cannot afford full representation and will otherwise be representing him/herself *pro se*.³⁵ Known as the "unbundling of legal services," an individual can ask a licensed attorney for help on specific legal questions without asking the attorney for representation on all issues that may arise in the course of the proceedings.³⁶ Furthermore, Colo. RPC 6.1 (2008) provides that "every lawyer, regardless of professional prominence or professional work load, has a responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least fifty hours of pro bono public legal services per year."³⁷ Colo. LLP RPC 6.1 has a similar rule applicable to licensed legal paraprofessionals ("LLPs").

Although providing pro bono legal services is not mandatory for Colorado lawyers and LLPs, you may be able to find an attorney who is willing to take your case for no fee or for a substantially reduced one. The Colorado Supreme Court's Pro Bono Services Recognition Program website, which can be found at <https://www.coloradojudicial.gov/recognition-pro-bono-services>, has more information.

³⁴ See 11 U.S.C. § 110.

³⁵ See C.R.C.P. 11; C.R.C.P. 311; Colo. RPC 1.2(c).

³⁶ Marcus J. Lock, *Increasing Access to Justice: Expanding the Role of Non-Lawyers in the Delivery of Legal Services to Low-Income Coloradans*, 72 U. COLO. L. REV. 459 (2001).

³⁷ Colo. RPC 6.1.

For more contact information concerning pro bono or reduced fee legal services, see:

- The Denver Bar Association’s Legal Services Directory:
 - <https://www.denbar.org/Public/Pro-Bono-Legal-Assistance>
- The Colorado Legal Services website:
 - <https://www.coloradolegalservices.org/get-help/>

Regulation of UPL in Colorado

Q. Who oversees and regulates the unauthorized practice of law (UPL) in Colorado?

A. The Colorado State Constitution gives the Colorado Supreme Court exclusive jurisdiction to regulate the practice of law in Colorado. Through this constitutional grant of authority, the Colorado Supreme Court has the inherent authority to define what constitutes the practice of law; to regulate and prevent the practice of law by individuals who are not licensed to practice law in Colorado; and to determine who can practice law before administrative agencies.³⁸ Accordingly, the Colorado Supreme Court has enacted rules governing the process for investigating and prosecuting the unauthorized practice of law in Colorado.

The Office of Attorney Regulation Counsel (“OARC”) is authorized to inquire into and investigate complaints or reports alleging that a person or entity is engaged in UPL.³⁹ The OARC’s requests to initiate formal proceedings against such a person or entity or to enter into an agreement to refrain from engaging in UPL are referred to the Legal Regulation Committee (“LRC”). LRC is comprised of both lawyers and non-lawyers appointed by the Supreme Court.⁴⁰

Q. What are the potential consequences when a person violates the unauthorized practice of law rules?

A. Colorado Rule of Civil Procedure 232 sets forth the remedies available to protect against those engaging in UPL.

Written Agreements to No Longer Engage in UPL: An individual alleged to have engaged in UPL may be offered the opportunity to resolve the matter by signing an agreement to refrain from further unauthorized practice. In the written agreement, the non-lawyer typically agrees to refrain from further unauthorized practice of law, to refund any and all fees collected (regardless of whether the non-lawyer actually performed substantial work), and may include an agreement to make further restitution in exchange. If such situations, OARC will agree not to take any further

³⁸ *Unauthorized Practice of Law Comm. v. Employers Unity, Inc.*, 716 P.2d 460, 463 (Colo. 1986).

³⁹ See C.R.C.P. 232.6.

⁴⁰ See C.R.C.P. 232.5.

injunctive or other legal action on that matter.⁴¹

Injunctive Proceedings: If the OARC and LRC conclude that an informal agreement would be inappropriate or unlikely to be effective in a given matter, the LRC may authorize the OARC to initiate injunctive proceedings against that individual or entity. The proceedings are filed with the Colorado Supreme Court, which then assigns the matter to a hearing master to make findings of fact and recommendations.⁴² In addition to an injunction against the further unauthorized practice of law, the OARC may also seek other relief that includes a client refund, restitution to the client and any affected third parties for damages, a fine ranging from \$250 to \$1,500 per incident, and an assessment of costs of the proceeding.⁴³

Contempt Proceedings: Individuals and entities who violate a Colorado Supreme Court order of injunction are subject to contempt proceedings.⁴⁴ If a contempt citation is issued, a fine of between \$2,000 and \$10,000 per incident or imprisonment may be imposed to vindicate the dignity of the Supreme Court.⁴⁵

Other Sanctions (Not imposed by the Colorado Supreme Court):

- a) Other professional license sanctions, such as those contained in the notaries public statutes (C.R.S. § 24-21-523, 531), the real estate broker statutes (C.R.S. § 12-10-217), or any other certification or licensing regulation scheme, may be imposed on a non-lawyer who violates the UPL rules.
- b) A person who engages in the unauthorized practice of law may also be subject to criminal prosecution for fraud, theft, official misconduct, and/or criminal impersonation etc., as contained in C.R.S. Title 18 or the U.S. Code.
- c) A person who engages in the unauthorized practice of law may also violate the Colorado Deceptive Trade Practice Act (C.R.S. § 6-1-105) and other consumer protection laws enforced by the Colorado Attorney General.

⁴¹ See C.R.C.P. 232.12(a)(6).

⁴² C.R.C.P. 232.14-.21.

⁴³ See C.R.C.P. 232.14-232.21.

⁴⁴ C.R.C.P. 232.22-.24, and 107(c)-(d) (when not inconsistent with C.R.C.P. 232.22-.24), govern contempt proceedings concerning unauthorized practice of law.

⁴⁵ C.R.C.P. 232.22; C.R.C.P. 107; imprisonment may be appropriate in circumstances when the respondent has repeatedly violated a court order.