

SUPREME COURT, STATE OF COLORADO

IN RE: Protocol for Complaints Filed with the Supreme Court Advisory Committee on the Practice of Law (“Advisory Committee”)

ORDER OF THE COURT

IT IS ORDERED AS FOLLOWS:

The Advisory Committee on the Practice of Law Protocols (Advisory Committee) would read as follows:

Protocol for Complaints Filed with the Supreme Court Advisory Committee on the Practice of Law (“Advisory Committee”).

The Supreme Court Advisory Committee on the Practice of Law (“Advisory Committee”) hereby adopts the following protocol to address complaints raised by any person about employees of the Office of Attorney Regulation Counsel (“OARC”), the Office of the Presiding Disciplinary Judge (“OPDJ”), the Colorado Lawyer Assistance Program (“COLAP”) or the Colorado Attorney Mentoring Program (“CAMP”) (each referred to as a “unit” herein) when such person wishes to raise such complaint with the Advisory Committee.

Nothing herein shall preclude a person from raising any such complaint with the head of each of the above-referenced units so that the head can take appropriate measures under the unit’s personnel rules.

a. All complaints directed to the Advisory Committee must be raised in writing by filing a memorandum with the Chair of the Advisory Committee.

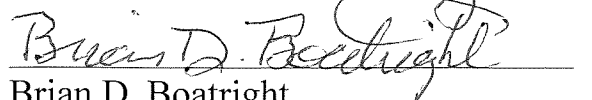
b. The Chair of the Advisory Committee will deal with all such memoranda in the following fashion:

1. Complaints alleging a violation of the Rules of Professional Conduct: Matters relating to conduct of the Presiding Disciplinary Judge, the Attorney Regulation Counsel, or any attorneys employed by those offices, alleging a violation of the Rules of Professional Conduct will be forwarded to the Chair of the Legal Regulation Committee for review and action according to that Committee’s protocols and applicable rules. Matters relating to conduct of the Executive

Director of COLAP or the Executive Director of CAMP, or any attorneys employed by those offices, alleging a violation of the Rules of Professional Conduct will be referred to the Office of Attorney Regulation Counsel.

2. Other complaints: Other matters relating to conduct of the Presiding Disciplinary Judge, the Attorney Regulation Counsel, the Executive Director of COLAP, or the Executive Director of CAMP will be forwarded for review by a personnel subcommittee appointed by the Chair of the Advisory Committee. The personnel subcommittee is comprised of the Chair and four members of the Advisory Committee who are appointed by the Chair. The personnel subcommittee will review the matter raised and may conduct an investigation. The matter will be deemed confidential while pending with the personnel subcommittee, unless disclosure is required by court order, court rule, or other law. That personnel subcommittee will make a recommendation to the Advisory Committee as a whole.
3. The Chair of the Advisory Committee also will refer complaints that concern an employee of OARC, OPDJ, COLAP, or CAMP to the head of the appropriate unit for possible personnel investigation and action.
4. The Advisory Committee and any personnel subcommittee are authorized to meet in executive session to discuss and resolve any complaint under these protocols, and to communicate the matter to and consult with the Supreme Court as appropriate. All statutory and rule-based protections apply to such deliberations, including PAIRR 2. The Advisory Committee as a whole will maintain confidentiality with respect to any matter addressed in executive session to the degree reasonably possible given the nature of the matter being considered, unless otherwise required or permitted by law.
5. These protocols cannot be used to circumvent the Supreme Court's rules set forth in Chapters 18 to 20 of the Colorado Rules of Civil Procedure, nor do they curtail the Court's plenary authority over such system.

BY THE COURT, EN BANC, this 15th day of June, 2023.



Brian D. Boatright
Chief Justice Colorado Supreme Court

cc: Jessica E. Yates, Attorney Regulation Counsel, via email
David W. Stark, Chair of the Advisory Committee, via email