



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

MEETING MINUTES
May 20, 2022, 12:05 p.m. – 1:27 p.m.
Conducted via Zoom

Members present: Chair David W. Stark, Nancy Cohen, Cynthia Covell, Hon. Adam Espinosa, Steve Jacobson, Dr. Carolyn Love, Henry (Dick) Reeve, Alexander (Alec) Rothrock, Sunita Sharma, Brian Zall, Alison Zinn

Members absent: Hon. Andrew McCallin

Liaison Justices present: Justice Monica Márquez, Justice Maria Berkenkotter

Office of the Presiding Disciplinary Judge: Presiding Disciplinary Judge William R. Lucero; Bryon Large (Presiding Disciplinary Judge effective June 1, 2022)

Staff present: Jessica Yates, Attorney Regulation Counsel; Margaret Funk, Chief Deputy Regulation Counsel; Ryann Peyton, Executive Director, Colorado Attorney Mentoring Program (CAMP); Sarah Myers, Executive Director, Colorado Lawyer Assistance Program (COLAP); Amy Kingery, Assistant Director, COLAP; Jonathan White, Assistant Regulation Counsel, Office of Attorney Regulation Counsel

Guests: Ret. Hon. Angela Arkin

The Chair welcomed members to the meeting. He announced that Mr. Rothrock is resigning from the committee, and he praised Mr. Rothrock's contributions to the committee over many years. The Chair also welcomed Magistrate Bryon Large, who will become the Presiding Disciplinary Judge June 1, 2022, following the retirement of Presiding Disciplinary Judge William R. Lucero on May 31, 2022. The Chair thanked Judge Lucero for his dedicated service since 2004.

1. Approval of the March 18, 2022 Meeting Minutes

The Chair asked if members had reviewed the minutes of the committee's March meeting and whether there were any proposed revisions. Hearing none, the Chair asked if there was a motion to approve the minutes. Dr. Love so moved, seconded by Judge Espinosa. Members unanimously approved the March 18, 2022, meeting minutes.

2. Consideration of the Proposed FY2023 Budget

Ms. Yates presented the proposed fiscal year 2023 budget for the Office of Attorney Regulation Counsel (OARC). She distributed spreadsheets associated with the proposed budget in

advance of the meeting, coupled with a memo discussing revenues and expenditures, as well as an overall budget narrative for offices and units supported by those revenues.

Ms. Yates informed members that OARC has good spending control. The office is operating under budget. Looking ahead to the fiscal year beginning July 1, certain expenditures are challenging to anticipate. These include the expectation that there will be in-person bar exams in July 2022 and February 2023. All offices supported by the attorney registration system look forward to getting back into the community after two years of the pandemic, which will require travel costs.

A change in the proposed budget involves salaries for the Commission on Judicial Discipline. These will no longer be funded through attorney registration fees and other revenues from OARC. This follows the state legislature approving independent funding for the commission under SB22-201. OARC will continue to pay rent for the commission's office space in the Ralph Carr building on a temporary basis since OARC currently holds the lease for that space. OARC will also provide certain information technology services on a transition basis.

The increase in the proposed fiscal year 2023 budget over the fiscal year 2022 budget largely relates to personnel costs including salary increases, adding full-time employee positions, and filling vacancies. Certain proposed salary increases parallel those authorized in the Judicial Department. Other pay re-alignments reflect those authorized for members of the Office of the Colorado Attorney General in the Long Bill. Ms. Yates emphasized these increases and re-alignments are essential in light of inflation and the need to retain talent.

Ms. Yates discussed future funding for the attorney regulation system. Over the long term, an increase in the annual attorney registration fee may be necessary. The fee has not increased since 2014, and when that 2014 increase was approved, the expectation was that another increase likely would be needed in five or six years. Prudent budget management has postponed the need for an increase. The current budget proposal continues to delay an increase in the fee, though this issue may need to be revisited soon. There are various ways to increase revenues without raising the registration fee. They include use of reserves and perhaps a reduction in the amount of the fee allocated to the Attorneys' Fund for Client Protection. Ms. Yates informed members she did not seek a vote on these issues at this time and shared the information so members can consider trends for future budget cycles.

Ms. Yates noted in response to member questions that the number of lawyers admitted in Colorado through the bar examination is slowly declining whereas on-motion and Uniform Bar Exam score transfer applications continue to rise. She said it is hard to predict if or when there will be an uptick in attorney retirements, though the number of inactive lawyers in Colorado is increasing.

Ms. Yates said the board of trustees for the Attorneys' Fund for Client Protection has not made a decision regarding whether to recommend any change in the amount of the attorney registration fee used to support the fund. That amount is currently set by rule at \$25.00 per attorney. The board plans to discuss this matter in future meetings. Ms. Yates further noted that the fiscal year 2023 budget continues to include the Attorneys' Fund for Client Protection supporting certain positions at OARC, including inventory counsel roles. Those roles complement the client protection function of the fund and can help offset claims to the fund.

Ms. Cohen moved to approve the proposed 2023 fiscal year budget for the offices and units supported by attorney registration fees and other revenues and recommend it to the Colorado Supreme Court. Ms. Sharma seconded. The motion carried without opposition.

3. Consideration of the Implementation Plan for the Licensed Legal Paraprofessional Program

Committee members received a report and implementation plan for the licensed legal paraprofessional (LLP) program developed by the Providers of Alternative Legal Services (PALS) subcommittee. The chair invited questions about the proposed implementation plan. The plan addresses issues ranging from what specific type of legal services LLPs could provide in Colorado, to qualifications for the proposed licensure, to ethics rules that would apply to these professionals.

The Chair commented that similar programs implemented in other states have not been perceived as taking away lawyers' market share. Limited-licensed practitioners usually represent clients who would otherwise be self-represented. Judge Arkin, a co-chair of the subcommittee, said that an important objective in terms of what LLPs can and cannot do is to provide assistance to individuals in domestic relations cases with issues that are relatively straightforward. In keeping with this objective, the plan recommends LLPs be authorized to assist individuals in matters where net marital assets are less than \$200,000. The plan also proposes an income cap in matters pertaining to the allocation of parental responsibilities. The subcommittee believes these limits will distinguish lawyers and LLPs. Lawyers approached by the subcommittee explained they often do not represent individuals where net marital assets are less than this proposed marital assets cap.

The subcommittee is in a strong position to conduct outreach to diverse communities about a new form of licensure. Additionally, creating a fresh career path in the legal industry may introduce a more diverse group of practitioners to the profession. Several members noted that the success of the program will depend on creating a market where individuals who obtain this licensure can make a living.

Mr. Reeve and Justice Márquez joined the meeting at 12:49 p.m.

One member suggested studying the acronym associated with the licensure.

Following the discussion, Mr. Rothrock moved to approve the implementation plan and recommend the Colorado Supreme Court adopt the plan. Judge Espinosa seconded. The motion carried unanimously.

4. Other Updates

a. CAMP

Ms. Peyton provided a written report to members in advance of the meeting. CAMP published its annual report in April. Metrics CAMP uses to evaluate the success of its programs continue to demonstrate positive, impactful, and meaningful mentoring relationships forming

through the program. Attorneys in the Legal Entrepreneurs for Justice cohort that CAMP supports are concluding their pro bono residencies.

CAMP helped create the “Succession to Service” pro bono pipeline in 2020, relaunching the pipeline in September 2021 in partnership with Paladin. Ms. Peyton reported that listings for pro bono opportunities on the website have been viewed over 4,000 times.

CAMP recently embarked on a new partnership with the Colorado Disability Justice Coalition to create a law school mentoring program for students with disabilities that will launch in the coming academic year. It will engage law students with disabilities with mentors in the Colorado legal community to assist with matters like the bar exam and entering the profession.

b. COLAP

Ms. Myers reported COLAP continues to see a high volume of requests for assistance. She said lawyers contact COLAP across the spectrum of their careers in law. COLAP hears from new lawyers trying to cope with the demands of the profession to lawyers planning for retirement. In addition to its traditional service to the Colorado legal community, currently COLAP is working to advance certain recommendations arising from the report of the Colorado Task Force on Lawyer Well-Being.

c. OARC

Ms. Yates reported the first in-person swearing-in ceremony for newly admitted lawyers since the pandemic will take place on May 23 in Boettcher Hall. The July bar examination will be administered in-person. Meanwhile, OARC continues to respond to a proposal by the National Conference of Bar Examiners (NCBE) to centralize administration of the bar examination beginning in 2026. Ms. Yates and Ms. Sharma recently attended a NCBE conference and learned details about proposed changes to exam administration.

OARC has a new Inventory Counsel attorney starting employment on May 23, Jay Fernandez. Mr. Fernandez is an emeritus member of the Character & Fitness Committee and has also been a member of hearing boards with the Office of the Presiding Disciplinary Judge. He brings valuable and relevant professional experience to the position.

d. Well-Being Task Force and Recognition Program

Ms. Peyton said that the implementation committee for the Colorado Well-Being Recognition Program for Legal Employers continues work on an implementation plan. The plan should be finalized for the committee’s consideration at the September meeting.

5. Remaining Meeting Dates for 2022: September 16, 2022; December 9, 2022

6. Executive Session

The meeting concluded at 1:27 p.m. The committee then met in executive session to consider a confidential matter.

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