

2017

# ANNUAL REPORT



Office of Attorney  
Regulation Counsel

Protecting the Public. Promoting Professionalism.

*“A license to practice law  
is a proclamation by this Court ...*

*... that its holder is a person to whom  
members of the public may entrust their  
legal affairs with confidence; that the  
attorney will be true to that trust; that the  
attorney will hold inviolate the  
confidences of clients; and that the  
attorney will competently fulfill the  
responsibilities owed to clients and to the  
courts.”*

— Colorado Rule of Civil Procedure 251.1(a)

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## WHO WE ARE

Attorney Regulation Counsel serves at the pleasure of the Colorado Supreme Court. The Supreme Court Advisory Committee assists the Court by reviewing the productivity, effectiveness and efficiency of the attorney regulation system, including Attorney Regulation Counsel.

The Office of Attorney Regulation Counsel works with seven other permanent Supreme Court committees in regulating the practice of law in Colorado. Attorney Regulation Counsel oversees attorney admissions, registration, mandatory continuing legal and judicial education, diversion and discipline, regulation of unauthorized practice of law, and administrative support for the Client Protection Fund. Sixty-four full-time employees work in this Office.

## JUSTICES OF THE COLORADO SUPREME COURT



Top from left: **Justice Richard L. Gabriel**, **Justice Brian D. Boatright**, **Justice William W. Hood, III**, **Justice Melissa Hart**<sup>1</sup>.  
Bottom from left<sup>2</sup>: **Justice Nathan B. Coats**, **Chief Justice Nancy E. Rice**, **Justice Monica M. Márquez**.  
*Photo courtesy of Bryan Lopez, Colorado Judicial Branch.*

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<sup>1</sup> Appointed to serve on the Colorado Supreme Court in 2017.

<sup>2</sup> Not pictured, former Colorado Supreme Court Justice Allison H. Eid, who filled United States Circuit Judge vacancy for the United States Court of Appeals for the Tenth Circuit in 2017.

## SUPREME COURT ADVISORY COMMITTEE

The Supreme Court Advisory Committee is a volunteer committee that assists the Court with administrative oversight of the entire attorney regulation system. The Committee's responsibilities are to review the productivity, effectiveness and efficiency of the Court's attorney regulation system including that of the Attorney Regulation Counsel, the Office of the Presiding Disciplinary Judge, the Colorado Lawyer Assistance Program (COLAP) and the Colorado Attorney Mentoring Program (CAMP).

David W. Stark, Chair  
Steven K. Jacobson, Vice-Chair  
Nancy L. Cohen  
Cynthia F. Covell  
Mac V. Danford  
Cheryl Martinez-Gloria  
David C. Little  
Barbara A. Miller

Richard A. Nielson  
Henry R. Reeve  
Alexander R. Rothrock  
Daniel A. Vigil  
Brian Zall  
Justice Nathan B. Coats  
Justice Monica M. Márquez



## OFFICE OF ATTORNEY REGULATION COUNSEL



From left: **Margaret Funk, Chief Deputy Regulation Counsel; Greg Sapakoff, Deputy Regulation Counsel, Trial Division; Jim Coyle, Attorney Regulation Counsel; Dawn McKnight, Deputy Regulation Counsel, Attorney Admissions, Attorney Registration and Continuing Legal and Judicial Education; and April McMurrey, Deputy Regulation Counsel, Intake Division.**



## **James C. Coyle**

### **Attorney Regulation Counsel**

Jim Coyle is Attorney Regulation Counsel for the Colorado Supreme Court. Mr. Coyle oversees attorney admissions, attorney registration, mandatory continuing legal and judicial education, attorney discipline and diversion, regulation of the unauthorized practice of law and inventory counsel matters. Mr. Coyle has been a trial attorney with the Office of Disciplinary Counsel or successor Office of Attorney Regulation Counsel since 1990. Prior to that, he was in private practice. He earned his law degree from the University of Colorado School of Law in 1985.

Mr. Coyle is actively involved on a national level with the National Client Protection Organization (NCPO), the National Conference of Bar Examiners (NCBE), National Organization of Bar Counsel (NOBC), and the International Conference of Legal Regulators (ICLR). He served on the NOBC board of directors from 2014 – 2016, and has served as NOBC liaison to the Association of Professional Responsibility Lawyers (APRL) Committee on ABA Model Rules on Advertising. He is co-chair of the CoLAP/NOBC/APRL National Task Force on Lawyer Well-being, and co-author and co-editor of the Task Force’s August 2017 report entitled “The Path to Lawyer Well-Being, Practical Recommendations for Positive Change.

Recent committee work includes programming work on and hosting the first ABA Center for Professional Responsibility (CPR)/NOBC/Canadian Bar Association Regulators Workshops on proactive, risk-based regulatory programs, in Denver in May 2015, and in planning workshops in Philadelphia in June 2016, Washington, D.C. in September 2016, and St. Louis in June 2017; acting as co-chair and organizer of the First ABA Standing Committee on Client Protection UPL School in Denver in August 2013, member of the planning team for Chicago in April 2015 and October 2017; participating in the NOBC Program Committee and International Committee, including as Chair of the Entity Regulation Subcommittee, now known as the Proactive Practice Management Programs Committee; and NOBC Aging Lawyers and Permanent Retirement subcommittees. Mr. Coyle is also an active member of the Colorado Chief Justice Commission on Professional Development, the CBA/DBA Professionalism Coordinating Council and its subcommittee on a professionalism rule, the Supreme Court Standing Committee on the Colorado Rules of Professional Conduct, the University of Colorado Law Alumni Board’s Diversity Committee, and all Colorado Supreme Court Advisory Subcommittees on Proactive Management-Based Regulation, Providers of Alternative Legal Services, and Rule-rewrites.

### **Executive Assistant**

Cheryl Lilburn



## **Margaret Brown Funk<sup>3</sup>**

### *Chief Deputy Regulation Counsel*

Margaret Brown Funk is Chief Deputy Regulation Counsel of the Office of Attorney Regulation Counsel. Her responsibilities include operations oversight for the Office of Attorney Regulation Counsel, which includes the Office of Attorney Admissions, Office of Attorney Registration, Office of Continuing Legal and Judicial Education, and the intake and trial divisions in the Office of Attorney Regulation Counsel. Ms. Funk graduated from the University of Denver College of Law in 1994 and was in private practice for 12 years before joining the Office of Attorney Regulation Counsel in 2006 as a trial attorney.

In private practice, Ms. Funk represented individuals in civil rights matters, primarily in the area of employment law. Between 1995 and 1998, she served as President and Vice President of the Colorado Plaintiffs Employment Lawyers Association (PELA). Between 1998 and 2005, she served as a member of the PELA board of directors and was assigned the duties of chair of the legislative committee and liaison to the Colorado Bar Association. She has published several articles in the Colorado Trial Lawyers Association's monthly magazine, *Trial Talk*, and has lectured extensively on civil rights, litigation, and legal ethics. She administers the Office of Attorney Regulation Counsel Trust Account School.

She is a faculty member for the Colorado Supreme Court Office of Attorney Regulation Counsel Ethics School program and Professionalism School program, and has been a panelist and presenter at ABA conferences, NOBC conferences and numerous CLE programs in Colorado. Recent committee work includes the National Organization of Bar Counsel (NOBC) Program Committee; the Colorado Supreme Court Advisory subcommittee on Proactive, Management-Based Regulation; the Colorado Supreme Court Advisory subcommittee on C.R.C.P. 251 rule revision; the Colorado Supreme Court Committee on the Colorado Rules of Professional Conduct; the Colorado Board of Continuing Legal and Judicial Education rule revision subcommittee; the Colorado Chief Justice Commission on Professionalism Development, New Lawyer Working Group and Leadership Working Group; and the Colorado Bar Association's Peer Professionalism Assistance Group.

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<sup>3</sup> Matthew A. Samuelson, Chief Deputy Regulation Counsel, left the Office in September 2017. Ms. Funk, formerly Senior Deputy Regulation Counsel, was promoted to Chief Deputy Regulation Counsel in September 2017.

## **Greg Sapakoff<sup>4</sup>**

### *Deputy Regulation Counsel, Trial Division*

Greg Sapakoff is Deputy Regulation Counsel in the trial division of the Office. Mr. Sapakoff grew up in Denver and graduated from North High School before attending and graduating from Colorado State University. He received his law degree from the University of Denver College of Law in 1986, and was admitted to the practice of law in Colorado that same year. He is also admitted to practice in the United States District Court for the District of Colorado, the 10th Circuit Court of Appeals, and the United States Court of Federal Claims.

In more than 20 years in private practice, Mr. Sapakoff represented clients in a variety of civil and commercial litigation matters; and represented and counseled lawyers and law firms in connection with legal ethics issues, attorney regulation proceedings, and civil matters arising from the practice of law. He worked for the Office of Attorney Regulation Counsel previously, from 1994-2005, as Assistant Regulation Counsel in the trial division.

Mr. Sapakoff is a member of the Denver and Colorado Bar Associations, and serves on the CBA's Ethics Committee, National Organization of Bar Counsel, and the American Bar Association Center for Professional Responsibility. He also served on the Committee on Conduct of the United States District Court for the District of Colorado from 2006-2012, and is a frequent speaker and lecturer on topics relating to legal ethics.

## **April M. McMurrey**

### *Deputy Regulation Counsel, Intake Division*

April M. McMurrey is Deputy Regulation Counsel in the intake division. Ms. McMurrey also assists in the supervision of the trial division.

Ms. McMurrey received her undergraduate degree from Colorado State University and her law degree from the University of Colorado School of Law. Ms. McMurrey joined the Office of Attorney Regulation in 2001 as a law clerk. She was later promoted to the trial division, where she worked for seven years as an Assistant Regulation Counsel. Ms. McMurrey then worked in the intake division as an Assistant Regulation Counsel.

Ms. McMurrey is a member of the Colorado Bar Association, the Colorado Women's Bar Association, the Douglas-Elbert County Bar Association, the Colorado Bar Association Ethics Committee, the National Organization of Bar Counsel, and the Supreme Court Advisory Committee's Proactive Management-Based Program Subcommittee.

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<sup>4</sup> Joined the Office in 2017.

## **Dawn M. McKnight**

*Deputy Regulation Counsel, Attorney Admissions, Attorney Registration and Continuing Legal and Judicial Education*

Dawn M. McKnight received her undergraduate degree from San Francisco State University and her law degree from the University of Denver Sturm College of Law. After graduating from law school, Ms. McKnight practiced environmental law for a nonprofit, then became a civil litigation associate for a private firm. Prior to joining the Office of Attorney Regulation Counsel, Ms. McKnight was Assistant Executive Director and Publications Director of Colorado Bar Association CLE for 14 years.

Ms. McKnight is a member of the National Organization of Bar Counsel; the Denver, Colorado and American Bar Associations; the Colorado Women's Bar Association; the National Conference of Bar Examiners; and, the National Continuing Legal Education Regulators Association. She is also a Fellow of the Colorado Bar Foundation and a Circle of Minerva member of the Women's Bar Foundation. She is the current Chair of the Board of Directors of the Legal Community Credit Union (d/b/a Options Credit Union). Ms. McKnight currently participates in the Supreme Court Advisory Committee's Proactive Management-Based Program Subcommittee and the New Lawyer Working Group Subcommittee of the Colorado Chief Justice Commission on Professional Development.



## Intake Division

### Assistant Regulation Counsel

Jill Perry Fernandez  
 Timothy J. O'Neill<sup>5</sup>  
 Lisa E. Pearce  
 Matt Ratterman<sup>6</sup>

Catherine Shea  
 Rhonda White-Mitchell  
 E. James Wilder

### Intake Division Investigators

Rosemary Gosda

Carla McCoy

### Intake Assistants

Anita Juarez  
 Robin Lehmann

Margarita Lopez

## Trial Division

### Assistant Regulation Counsel

Kim E. Ikeler  
 Erin Robson Kristofco  
 Bryon M. Large  
 J.P. Moore<sup>7</sup>

Geanne R. Moroye  
 Alan Obye  
 Sara Van Deusen  
 Jacob Vos

### Trial Division Investigators

Karen Bershenyi  
 Mary Lynne Elliott  
 Janet Layne

Donna Scherer  
 Laurie Ann Seab

### Trial Assistants

K. Renee Anderson  
 Rachel Ingle

Sarah Walsh

## Staff Attorney

Jonathan P. White

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<sup>5</sup> Left the Office in 2017.

<sup>6</sup> Joined the Office in 2017.

<sup>7</sup> Moved to the trial division from the intake division in 2017.

## Inventory Counsel

Carola Rhodes, *Inventory Counsel  
Coordinator*

Adrian Radase, *Assistant  
Inventory Counsel Coordinator*

## Case Monitor

Nicolette (Nicole) Chavez

## Attorney Admissions

Susan Gleeson, *Director of  
Examinations*

Melissa Oakes, *Director of  
Character and Fitness*

## Character & Fitness Investigators

Michelle Meyer<sup>8</sup>  
Jessica Crawley<sup>9</sup>

Deb Ortiz

## Administrative Assistant

Sharon Orlowski

## Licensure Analysts

Julie Aguirre  
JoAnne Dionesse  
Gloria Lucero

Lauren Paez  
Ashley Johnson, *Staff  
Assistant*

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<sup>8</sup> Left the Office in 2017.

<sup>9</sup> Joined the Office in 2017.

## Attorney Registration and Continuing Legal and Judicial Education

Elvia Mondragon, *Clerk of Attorney Registration and Director of Continuing Legal and Judicial Education*

### **Deputy Clerks**

Jessica DePari  
Valencia Hill-Wilson  
Alice Lucero

Andrew Strelau  
Danielle Trujillo

## Operations

Nadine Cignoni<sup>10</sup>, *Office Manager*  
Brett Corporon, *Director of Technology*  
Karen Fritsche, *Operations Manager*  
Kevin Hanks<sup>11</sup>, *Office Manager*  
Erica Leon, *Receptionist*

David Murrell, *IT Support Technician*  
Steve Russell, *Data Base Developer*  
Christina Solano, *Receptionist*  
Trish Swanson, *Accounting/Payroll*

## Education and Outreach Coordinator

Zak Bratton<sup>12</sup>

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<sup>10</sup> Left the Office in 2017.

<sup>11</sup> Promoted to Office Manager in 2017.

<sup>12</sup> Joined the Office in 2017.



## PERMANENT COMMITTEES

### Attorney Regulation Committee

The Attorney Regulation Committee is composed of nine volunteer members: six attorneys and three public members. The Committee, known as ARC, is the gatekeeper for all official disciplinary proceedings against respondent-attorneys. It considers reports prepared by Office of Attorney Regulation Counsel attorneys and determines whether reasonable cause exists to seek discipline. The Committee also considers, and enters into, investigation-level diversion agreements.

Steven K. Jacobson, *Chair*

Mac V. Danford, *Vice-Chair*

Diana David Brown

David M. Johnson

Barbara J. Kelley

Carey Markel

Charles Shuman, M.D.

Luis M. Terrazas

Alison Zinn

### Board of Trustees, Attorneys' Fund for Client Protection

The Board of Trustees is composed of five attorneys and two non-attorney public members. The trustees evaluate, determine and pay claims made on the Attorneys' Fund for Client Protection based on reports submitted by the Office of Attorney Regulation Counsel. The Board of Trustees issues a separate report, found at <http://www.coloradosupremecourt.com/AboutUs/AttorneysFundforClientProtection.asp>.

Charles Goldberg, *Chair*

Charles Turner, *Vice-Chair*

Katayoun A. Donnelly

Yolanda M. Fennick

Melinda M. Harper

Michael B. Lupton

David A. Mestas

## Board of Law Examiners

### Law Committee

The Law Committee is composed of 11 volunteer attorney members. It reviews and approves the standards that must be met to pass the written examination and participates in the calibration of graders after each administration of the bar exam.

Richard Nielson, <i>Chair</i>	Melinda S. Moses
Laura M. Maresca, <i>Vice-Chair</i>	David D. Powell, Jr.
Jennifer Cadena Fortier	Hon. Barry Schwartz
John Greer	Sunita Sharma
Eric Liebman <sup>13</sup>	Holly Strablizky
Vincent Morscher <sup>14</sup>	Justice Nathan B. Coats (Liaison)
Anna M. Martinez	Justice Monica Márquez (Liaison)

### Character and Fitness Committee

The Character and Fitness Committee is composed of 11 volunteer members: seven attorneys and four non-attorneys. The Committee is charged with investigating applicants' character and fitness to practice law in Colorado.

Brian Zall, <i>Chair</i>	Linda Midcap
Lorraine E. Parker, <i>Vice-Chair</i>	Kelly Murphy <sup>16</sup>
David Beller <sup>15</sup>	Kimberly Nordstrom, M.D.
Doris C. Gundersen, M.D.	Henry R. Reeve
Franz Hardy	Corelle M. Spettigue
Carolyn D. Love, Ph.D.	Justice Nathan B. Coats (Liaison)
Porya Mansorian	Justice Monica Márquez (Liaison)

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<sup>13</sup> Term expired 12/31/17.

<sup>14</sup> Appointed 1/1/18.

<sup>15</sup> Appointed 1/1/18.

<sup>16</sup> Term expired 12/31/17.

## Board of Continuing Legal and Judicial Education

The Board of Continuing Legal and Judicial Education consists of nine members: six attorneys, one judge and two non-attorneys. The Board administers the program requiring attorneys and judges to take continuing education courses.

David C. Little, <i>Chair</i>	Susan S. Riehl
Hon. Andrew P. McCallin, <i>Vice-Chair</i>	Martha Rubi-Byers
Amanda Hopkins	Sam Starritt
Genet Johnson	Justice Nathan B. Coats (Liaison)
Nathifa M. Miller	Justice Monica Márquez (Liaison)
Rachel Sheikh	

## Colorado Commission on Judicial Discipline

The Colorado Commission on Judicial Discipline is composed of 10 members of the public. Members are appointed by the Supreme Court, the Governor, and the Legislature. The Commission is charged with monitoring the conduct of the judiciary, including judges of county and district courts, the Court of Appeals, and the Supreme Court.

Hon. Martha Minot, <i>Chair</i> <sup>17</sup>	Hon. Leroy Kirby
Hon. Ted C. Tow III, <i>Chair</i> <sup>18</sup>	Yolanda Lyons
Richard O. Campbell, Esq. <sup>19</sup>	Elizabeth Espinosa Krupa
Bruce A. Casias	Drucilla Pugh
Hon. Rachel Fresquez <sup>20</sup>	Hon. William D. Robbins
Christopher Gregory, Esq. <sup>21</sup>	Valerie Schmalz <sup>23</sup>
Kathleen Kelley <sup>22</sup>	William J. Campbell, <i>Executive Director</i>

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<sup>17</sup> Retired from Commission in 2017.

<sup>18</sup> Succeeded Judge Minot as Chair in 2017.

<sup>19</sup> Retired from Commission in 2017.

<sup>20</sup> Appointed to Commission in 2017.

<sup>21</sup> Appointed to Commission in 2017.

<sup>22</sup> Retired from Commission in 2017.

<sup>23</sup> Appointed to Commission in 2017.



## Unauthorized Practice of Law Committee

The Unauthorized Practice of Law Committee is composed of nine members: six attorneys and three non-attorneys. The Committee has jurisdiction over allegations involving the unauthorized practice of law.

Cheryl Martinez-Gloria, <i>Chair</i>	Patsy Leon
Elizabeth A. Bryant, <i>Vice-Chair</i>	Anthony J. Perea
Elsa Djab Burchinow	John K. Priddy
Judy L. Graff	Charles Spence
Samantha Pryor	

## Committee on the Colorado Rules of Professional Conduct

The Office of Attorney Regulation Counsel also works with the Colorado Supreme Court Rules of Professional Conduct Standing Committee, which is charged with the responsibility of periodic review, correcting, updating and improvement of the Colorado Rules of Professional Conduct.

The Committee on the Colorado Rules of Professional Conduct is composed of attorneys and judges from varying backgrounds. Prior to the Committee's formation, numerous interest groups individually recommended rule changes to the Supreme Court. Those parties continue to request changes, but the Supreme Court expects the Committee to consider these recommendations in the first instance.

Marcy G. Glenn, <i>Chair</i>	Hon. Ruthanne Polidori
Federico C. Alvarez	Henry R. Reeve
Hon. Michael H. Berger	Alexander R. Rothrock
Gary B. Blum	Marcus L. Squarrell
Nancy L. Cohen	Boston H. Stanton, Jr.
Cynthia F. Covell	David W. Stark
James C. Coyle	James S. Sudler
Thomas E. Downey, Jr.	Anthony van Westrum
Margaret B. Funk	Eli Wald
John M. Haried	Lisa M. Wayne
David C. Little	Hon. John R. Webb
Hon. William R. Lucero	Fred Yarger
Jacki Cooper Melmed	E. Tuck Young
Cecil E. Morris, Jr.	

## SUBCOMMITTEES

The Supreme Court Advisory Committee has formed subcommittees to study innovative solutions to issues facing the legal profession.

### Conditional Admission Subcommittee

On Sept. 11, 2015, the Supreme Court Advisory Committee formed a subcommittee to study whether Colorado should adopt a new conditional admission rule.

Such a rule would, in limited circumstances, allow applicants who may have otherwise been denied a license due to mental health or substance abuse issues to be admitted on the condition that they agree to continue a monitoring program.

Brian Zall, *Chair*

Nancy L. Cohen

Jim Coyle

Barbara Ezyk

Margaret Funk

Richard A. Nielson

Melissa Oakes

Henry R. Reeve

Alexa Salg

Matthew A. Samuelson

Daniel A. Vigil

The subcommittee completed its work in 2017 and forwarded the draft rule to the Advisory Committee on March 10, 2017. The Advisory Committee approved the proposed rule and forwarded that rule to the Court. The Court held a public hearing on the proposed rule on January 10, 2018. That rule remains pending with the Court.

## Provider of Alternative Legal Services Subcommittee

On March 6, 2015, the Supreme Court Advisory Committee formed a subcommittee to study whether Colorado should implement a Limited License Legal Technician (LLLT) program to address access-to-justice issues.

The Provider of Alternative Legal Services Subcommittee (PALS), formerly known as the Limited Legal License Technicians Subcommittee, is charged with studying the Washington state LLLT program, the New York Court Navigators program, the Law Society of Upper Canada's paralegal program, the Utah Task Force on Limited Legal Licensing, and any other program designed to regulate non-lawyer legal professionals.

Alec Rothrock, *Chair*

Jonathan Asher

Loren Brown

Kristen Burke

Barbara Butler

Cynthia Covell

Jim Coyle

Hon. Adam Espinosa

Patrick Flaherty

Allison Gerkman

Susan Gleeson

Judy Graff

Hon. Suzanne Grant

Kevin Hanks

Velvet Johnson

Steven Lass

Margarita Lopez

Kara Martin

Melissa Oakes

Andrew Oh-Willeke

Janet Price

Andrew Rottman

Christopher Ryan

Helen Shreves

Joe Slonka

David Stark

Hon. Elizabeth Starrs

Michelle Sylvain

Hon. Daniel Taubman

Jose Trujillo

Kathleen Schoen

Todd Stahly

Charles Turner

Steven Vasconcellos

Daniel Vigil

Lynne Weitzel

Jonathan White

## Proactive Management-Based Program Subcommittee

In June 2015, the Supreme Court Advisory Committee formed a subcommittee to review the attorney regulation system and create appropriate regulatory objectives for the Court's consideration. The subcommittee first drafted regulatory objectives, which the Colorado Supreme Court adopted in April 2016.<sup>24</sup> The subcommittee created a lawyer self-assessment tool, which went online on October 23, 2017. The subcommittee also drafted a rule privilege for lawyer self-assessments undertaken through PMBP. The subcommittee will work on a law practice peer review program in partnership with CAMP in 2018.

David Stark, *Chair*

Suzann Bacon

Zak Bratton

Barbara Brown

Brett Corporon

Jim Coyle

Katy Donnelly

Barbara Ezyk

Jay Fernandez

Jill Fernandez

Mark Fogg

Heather Folker

Marci Fulton

Margaret Funk

Charles Garcia

Marcy Glenn

Karen Hammer

Jack Hanley

Melinda Harper

Karen Hester

Kim Ikeler

Steve Jacobson

Patricia Jarzowski

Genet T. Johnson

Josh Junevics

Mark Lyda

Greg Martin

Dawn McKnight

April McMurrey

Scott Meiklejohn

Michael Mihm

Justin Moore

Geanne Moroye

Cecil Morris

Chris Murray

Reba Nance

Chris Newbold

William Ojile

Tim O'Neill

Margrit Parker

Cori Peterson

Ryann Peyton

Leni Plimpton

Katrin Rothgery

Matthew Samuelson

Catherine Shea

Jamie Sudler

Sara Van Deusen

Tom Werge

Jonathan White

James Wilder

David H. Wollins

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<sup>24</sup> See page 44 for more information about Colorado's Proactive Management-Based Program Initiative.

“I do solemnly swear ...

... that I will support the Constitution of the United States and the Constitution of the State of Colorado; I will maintain the respect due to Courts and judicial officers; I will employ only such means as are consistent with truth and honor; I will treat all persons whom I encounter through my practice of law with fairness, courtesy, respect and honesty; I will use my knowledge of the law for the betterment of society and the improvement of the legal system; I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed; I will at all times faithfully and diligently adhere to the Colorado Rules of Professional Conduct.”

— Colorado Attorney Oath of Admission



## WHY WE REGULATE

The Colorado Supreme Court's regulatory offices and proactive programs strive to protect and promote the public's interest. To frame the objectives of this goal, in April of 2016 the Colorado Supreme Court adopted a preamble to the regulatory rules involving the practice of law:

The Colorado Supreme Court has exclusive jurisdiction to regulate the practice of law in Colorado. The Court appoints an Advisory Committee, Attorney Regulation Counsel, the Presiding Disciplinary Judge, the Executive Director of the Colorado Lawyers Assistance Program (COLAP), and the Director of the Colorado Attorney Mentoring Program (CAMP) to assist the Court. The Court also appoints numerous volunteer citizens to permanent regulatory committees and boards to assist in regulating the practice of law.

The legal profession serves clients, courts and the public, and has special responsibilities for the quality of justice administered in our legal system. The Court has established essential eligibility requirements, rules of professional conduct and other rules for the legal profession. Legal service providers must be regulated in the public interest. In regulating the practice of law in Colorado in the public interest, the Court's objectives include:

1. Increasing public understanding of and confidence in the rule of law, the administration of justice and each individual's legal rights and duties;
2. Ensuring compliance with essential eligibility requirements, rules of professional conduct and other rules in a manner that is fair, efficient, effective, targeted and proportionate;
3. Enhancing client protection and promoting consumer confidence through the Office of Attorney Regulation Counsel, the Attorneys Fund for Client Protection, inventory counsel services, the regulation of non-lawyers engaged in providing legal services, and other proactive programs;
4. Assisting providers of legal services in maintaining professional competence and professionalism through continuing legal education; Attorney Regulation Counsel professionalism, ethics and trust account schools and other proactive programs;
5. Helping lawyers throughout the stages of their careers successfully navigate the practice of law and thus better serve their clients, through COLAP, CAMP and other proactive programs;
6. Promoting access to justice and consumer choice in the availability and affordability of competent legal services;
7. Safeguarding the rule of law and ensuring judicial and legal service providers' independence sufficient to allow for a robust system of justice;
8. Promoting diversity, inclusion, equality and freedom from discrimination in the delivery of legal services and the administration of justice; and
9. Protecting confidential client information.

## WHAT WE DO

The Office of Attorney Regulation Counsel's activities touch all phases of the practice of law in Colorado. From presentations to incoming law school students during orientation week about professionalism and admissions standards, to providing resources to lawyers that aid in end-of-career succession planning, the Office of Attorney Regulation Counsel's involvement with Colorado lawyers extends to all stages of practice. Through this involvement, the Office seeks to promote the interests of the public. It strives to give lawyers the tools to deliver competent legal services that prioritize communication and honesty. A significant goal is to build public confidence in the legal profession and in the administration of justice by helping lawyers reflect on and improve their practice.

The Office of Attorney Regulation Counsel handles attorney admissions in Colorado. It administers the bar exam. It screens each applicant's character and fitness to practice law. For licensed Colorado lawyers, the Office oversees annual attorney registration as well as mandatory continuing legal and judicial education. The Office, meanwhile, protects the public through lawyer discipline. Where appropriate, it pairs lawyers who engage in minor misconduct with practice resources and monitoring through diversion programs so that they may continue to practice. The Office also regulates administrative law judges, magistrates, and municipal court judges.



Jim Coyle, Attorney Regulation Counsel, April McMurrey, Deputy Regulation Counsel, Alan Obye, Assistant Regulation Counsel, and Jon White, Staff Attorney, give a presentation at the University of Colorado alumni reunion, October 2017.

The Office aids the Board of Trustees for the Attorneys' Fund for Client Protection in administering its duties. It supports the Commission on Judicial Discipline with investigation and the handling of formal matters when requested. If necessary following a lawyer's death or disability, the Office secures and safeguards client files and funds through inventory counsel. Further, the Office investigates and prosecutes individuals who cause harm to consumers by engaging in the unauthorized practice of law in Colorado.

The Office of Attorney Regulation Counsel plays a vital role in assisting the Colorado Supreme Court with meeting its objectives for regulating the practice of law in the state. These objectives go beyond solely discipline, admissions, and registration. The Office strives to improve the legal profession through administration of Professionalism School, Ethics School, and Trust Account School. It disseminates a quarterly newsletter and utilizes social media to elevate ethics, professionalism, and professional development issues that impact Colorado lawyers. Its website offers educational resources for lawyers and the public. These include a manual on how to properly operate a client trust account, a guide to succession planning, a guide to hiring and working with a lawyer, and English, Spanish, Russian, and Vietnamese language materials that educate the public about lawyer regulation and the unauthorized practice of law. The Office launched the online Colorado Lawyer Self-Assessment Program in 2017 to give lawyers a tool to voluntarily evaluate practice strengths and weaknesses and connect them to resources. These resources will hopefully help them better serve clients and meet professional obligations.

The Office engages in education and outreach to Colorado lawyers through numerous presentations each year. In 2017, lawyers from the Office presented to groups across the state in locations ranging from Durango to Denver to

The Office's lawyers and staff also participate in committee work to better the profession.

In 2017, the Office worked closely with the Colorado Bar Association Professionalism Coordinating Council (CBA PCC), the CBA Peer Professionalism Assistance Group (PPAG), the Advisory Committee's Subcommittee on Providers of Alternative Legal Services (PALS Subcommittee), and the Chief Justice Commission on Professional Development and its subcommittee on leadership.

The Office also partnered with the Center for Legal Inclusiveness (CLI) to formulate a demographic survey, and advance diversity in the legal profession.

La Junta. The Office engages law students with presentations to professional responsibility courses and other classes. The Office supports initiatives in Colorado that seek to address long-standing challenges in the legal profession. These include access to justice and the affordability of legal services, diversity and inclusion, and lawyer professionalism.

The Office of Attorney Regulation Counsel leads regulators on a national level. Its lawyers participate in programs for the National Organization of Bar Counsel (NOBC), the ABA Center for Professional Responsibility, the International Conference of Legal Regulators (ICLR), and the National Client Protection Organization (NCPO). Office management fields calls from other jurisdictions for advice on improving the regulation of lawyers. Through the efforts of Attorney Regulation Counsel, the Office has been at the forefront of a national movement to promote lawyer competence, diligence, and health through the National Task Force on Lawyer Well-Being, as well as a national movement to promote proactive, management-based programs that improve the ethical infrastructure of law practices.

A common thread of the Office's many initiatives is educating lawyers about procedures that help manage risk. Creating a practice infrastructure that avoids problems protects clients. It promotes consumer confidence, and it maintains public confidence in the legal profession. It helps lawyers successfully navigate the practice of law. Accordingly, developing proactive programs that help lawyers manage risk are critical to the Office's regulatory activities on behalf of the Court.

Appendix A of this report offers a more complete list of Regulation Counsel duties.

## ATTORNEY ADMISSIONS

Attorney Admissions is the first stop within the regulatory system for individuals wanting to practice law in Colorado. Attorney Regulation Counsel is charged with administering the bar exam and conducting character and fitness reviews of exam, On Motion, and Uniform Bar Exam (UBE) score transfer applicants.

“Thank you for all of your guidance and help through this process. I really appreciate all of the help you provided.

*-- An out-of-state lawyer's email to a staff member in the admissions office.*

Attorney Admissions is managed by a Deputy who oversees all aspects of the admissions process, and reports to Regulation Counsel and the Chief Deputy Regulation Counsel. The Chief Deputy, the Deputy, Director of Examinations, Director of Character & Fitness, one administrative assistant, one full-time investigator, one part-time investigator, four licensure analysts, and one staff assistant work as a team in reviewing applications for eligibility, and character and fitness qualifications. By addressing concerns with applicants before they become practicing attorneys, the character and fitness process takes a proactive role in protecting the public.

The Office works with the Colorado Supreme Court's Board of Law Examiners, whose volunteer members provide advice and direction on the execution of the Office's duties. The Board consists of two committees — the Law Committee and the Character & Fitness Committee.



## Bar Exam

The Director of Examinations, the Deputy, and other members of the Office work with the Law Committee to administer two bar examinations each year, one in February and one in July. The Law Committee is composed of 11 volunteer members appointed by the Supreme Court. It reviews and approves the standards that must be met to pass the written examination. Additionally, the Office works with the Law Committee in coordinating two grading conferences each year following the administration of the exam, where experienced graders score the written portion of the bar examinations.

A total of 1,224 people applied to take the bar exam in 2017, of which 1,103 people sat for the bar exam<sup>25</sup>:

- 430 applied for the February bar exam, of which 366 took the bar exam:
  - 158 First Time (70% pass rate)
  - 69 Repeat (49% pass rate)
  - 227 Passed Overall (62% pass rate)
  - 64 Absentee/Withdrawal
- 794 applied for the July bar exam, of which 737 took the bar exam:
  - 503 First Time (77% pass rate)
  - 33 Repeat (40% pass rate)
  - 536 Passed Overall (73% pass rate)
  - 57 Absentee/Withdrawal

## *Who We Are*

### Susan Gleeson

Susan Gleeson is the **Director of Examinations** at the Office of Attorney Regulation Counsel.

She oversees the admissions process to include applicant eligibility determinations, preparation and administration **of the State bar exam**, grading the exam, and maintaining public information concerning rules, policies and general information about the application and admissions process.

Sue **started with CLE in 1979** working only six hours a week. She subsequently went full-time with the Board of Law Examiners in 1981.

She has **administered the state's bar exam since 1982**. Sue will be retiring this year, with roughly **more than 72 examinations** administered over her career.

**Quick bar exam fun fact?** "At least as far back as 1970 and probably earlier, the Colorado Bar Exam was administered in the basement of the Capitol Building—unfinished concrete and no windows. We've come a long way since then."

<sup>25</sup> For detailed statistics on bar exam passage rates, see [Appendix B](#).

The number of people who sat for the Colorado Bar Exam held steady in 2017, and we predict this number will remain fairly consistent over the next two years. However, we forecast that the number of applicants sitting for the Colorado exam may increase starting in 2020. Many law schools are reporting an increase in applications for 2018. The increase in applications is likely to continue since the Law School Admission Counsel (LSAC) reported that there was a 19.8 percent rise in the number of test-takers for the June 2017 LSAT. In February 2018, there was an increase of 11 percent over last year's exam. LSAC rule changes may also affect the volume of law school applications: 1) LSAC changed the rule that limited the number of times applicants could take the LSAT (in the past, applicants could only take the LSAT three times within a two-year period); and 2) LSAC increased the number of test dates from four to six times a year. In addition, there are currently 15 law schools accepting the GRE in lieu of the LSAT; the effects of this change remain to be realized, but predictions are this may also increase the number of law school applications.

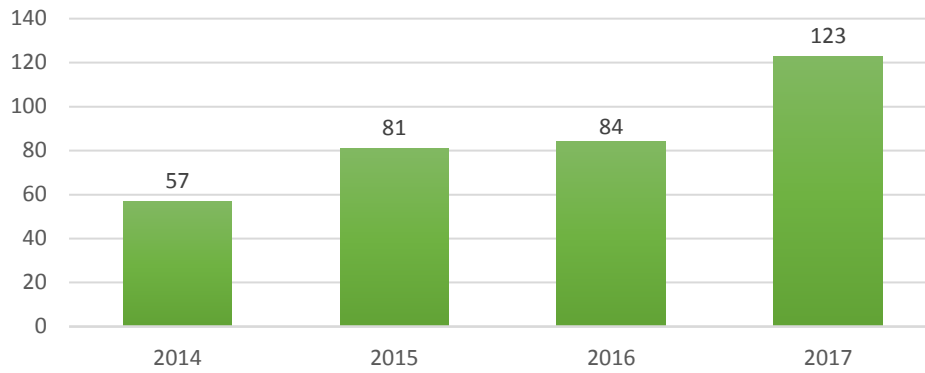
### **UBE and On Motion**

The total number of applications handled by Attorney Admissions increased slightly in 2017 due to the increase in UBE Score Transfer and On Motion applications. On Motion and UBE score transfer applications had a 30% increase in 2017. This trend is likely to continue in the future for a number of reasons.

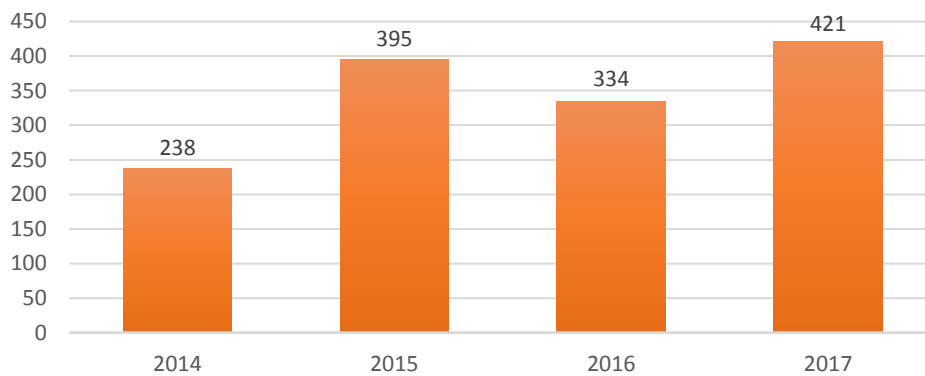
The UBE, coordinated by the National Conference of Bar Examiners, is designed to test knowledge and skills that every lawyer should be able to demonstrate prior to becoming licensed to practice law. It results in a portable score that can be used to apply for admission in other UBE jurisdictions. The intent and design of the UBE is to ease the barriers to a multi-jurisdictional law practice. Colorado and 29 other jurisdictions currently comprise the UBE compact: Alabama, Alaska, Arizona, Connecticut, District of Columbia, Idaho, Iowa, Kansas, Maine, Maryland (TBD), Massachusetts (7/18), Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina (2/19), North Dakota, Oregon, South Carolina, Utah, Vermont, Virgin Islands, Washington, West Virginia, and Wyoming. Tennessee Board of Law Examiners has filed a petition with the Supreme Court of Tennessee to adopt the Uniform Bar Examination effective with the February 2019 examination; the Court took written comments until January 31, 2018. With an increasing number of jurisdictions adopting the UBE, it is foreseeable that Colorado will continue to see an increase in score transfer applications.

## UBE and On Motion Applications Processed by the Office of Attorney Admissions

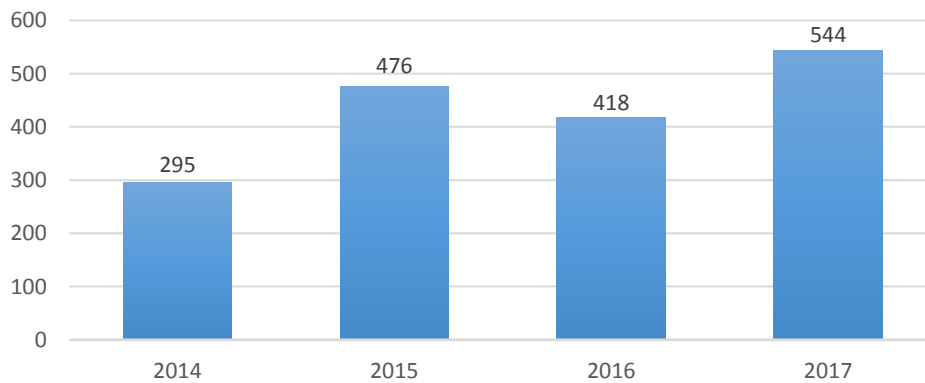
### 2017 UBE Applications



### 2017 On Motion Applications



### 2017 UBE and On Motion Totals



Changes to Colorado's On Motion rule have also provided a more accessible path to law practice in Colorado. Colorado's On Motion rule changed in 2014, lowering the practice time requirement for eligibility to three of the last five years (as opposed to five of the last seven), and alleviating the restriction that the authorized practice take place in the reciprocal jurisdiction – that as long as the applicant is actively engaged in the authorized practice of law, that practice does not need to take place within the reciprocal jurisdiction but in any jurisdiction in which the practice is authorized. This less-restrictive eligibility requirement has reduced the burden on many applicants wishing to move to Colorado.

Lastly, continued population and economic growth in Colorado is providing opportunities in the professional services sector. The annual forecast in the Colorado Business Economic Outlook from the University of Colorado Boulder, Leeds School of Business stated that “[a]lthough Colorado's [population] growth is forecast to slow, it is forecast to continue to outpace the nation growing at roughly twice the [national] rate. Colorado is forecast to increase from 1.7 percent of the U.S. population currently, to 2.1 percent by 2050.” The report further stated that the Professional, Scientific, and Technical Services Sector, which is comprised of firms providing services that require high levels of expertise and training - of which legal services is included - is expected to increase employment by 3%, or 6,400 jobs, in 2018. Further, Colorado is expected to be among the top 10 states with the fastest growing economies in 2018. All these factors combined indicate that the Office will continue to see an increase in the volume of UBE and On Motion applications.

## Character and Fitness

The Director of Character and Fitness, the Chief Deputy, the Deputy, and other members of the Office work with the Character and Fitness Committee in evaluating all applicants seeking full licensure to practice law in Colorado. Every Bar Examination, UBE Score Transfer and On Motion application undergoes a thorough Character and Fitness Investigation, the purpose of which is to protect the public and safeguard the system of justice. The Character and Fitness Committee, which is part of the Board of Law Examiners, is comprised of 11 volunteer members appointed by the Colorado Supreme Court. The Committee enforces the Character and Fitness standards, and participates in Inquiry Panel interviews and Formal Hearings.

The Colorado Supreme Court has established high standards of ethics for attorneys which involve much more than measuring competence. A Colorado lawyer must have a record of conduct that justifies the trust of clients, adversaries, courts, and others with respect to the professional responsibilities owed to them. Therefore, applicants must demonstrate that they currently meet the standards and requirements established by the Colorado Supreme Court in order to be admitted to practice law.

In 2017, Attorney Admissions reviewed 1,768<sup>26</sup> applications to determine the character and fitness qualifications of applicants:

10 applicants were forwarded to an inquiry panel:

- 8 applicants were admitted;
- 2 cases were deferred by an inquiry panel but subsequently admitted; and
- 2 applicants were found to have probable cause to deny.
  - 0 applicants appeared at a formal hearing and were subsequently denied by the Colorado Supreme Court.
  - 0 applicants appeared at a formal hearing and were subsequently admitted by the Colorado Supreme Court.
  - 2 applicants requested a formal hearing.

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<sup>26</sup> 1,768 includes the 121 examination applications which were submitted by applicants who subsequently either withdrew prior to taking the examinations in 2017 or did not show up on examination day.



C.R.C.P. 208.1 provides a list of traits, responsibilities, requirements and relevant conduct considered by the Committee to determine if the applicant meets his or her burden of proving the requisite character and fitness to practice law in Colorado. The Rule directs the Committee to determine relevant considerations and rehabilitation in deciding whether the applicant has met their burden.

C.R.C.P. 208.1(5) provides that all applicants must meet all of the following essential eligibility requirements to qualify for admission to the practice of law in Colorado:

- (a) The ability to be honest and candid with clients, lawyers, courts, regulatory authorities and others;
- (b) The ability to reason logically, recall complex factual information and accurately analyze legal problems;
- (c) The ability to communicate with clients, lawyers, courts and others with a high degree of organization and clarity;
- (d) The ability to use good judgment on behalf of clients and in conducting one's professional business;
- (e) The ability to conduct oneself with respect for and in accordance with the law;
- (f) The ability to avoid acts which exhibit disregard for the rights or welfare of others;
- (g) The ability to comply with the requirements of the Rules of Professional Conduct, applicable state, local, and federal laws, regulations, statutes and any applicable order of a court or tribunal;
- (h) The ability to act diligently and reliably in fulfilling one's obligations to clients, lawyers, courts and others;
- (i) The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients and others; and
- (j) The ability to comply with deadlines and time constraints.

Every applicant is considered individually based upon their personal history and record. A thoughtful and complete Character and Fitness Investigation takes a significant amount of time and involves a multi-step process. The Character and Fitness Investigation takes between six to 12 months, depending on the nature of the investigation, the issues involved, the applicant's response to requests for additional information, cooperation from outside sources, and volume of pending applications.

"I very much appreciate all the Office of Attorney Regulation Counsel has done for me throughout my career.

*-- A lawyer's email to a staff member in the admissions office.*

Applicants must disclose information about past criminal convictions or civil violations, academic or employment misconduct, compliance with court orders, financial irregularities, mental health or substance abuse issues, and disciplinary actions in other professional contexts. This is designed to give the Office of Attorney Admissions the ability to examine all aspects of an applicant's life where ability, diligence, ethics and conduct may be observed and judged. A record manifesting a significant deficiency in honesty, trustworthiness, diligence, or reliability of an applicant may constitute a basis for denial of an applicant.

If information provided by an applicant or obtained during the Character and Fitness Investigation raises a concern about the applicant's ability to meet the standards and requirements for licensure, the applicant may be requested to appear before an Inquiry Panel comprised of five members of the Committee. An Inquiry Panel can approve the applicant for admission, defer making a final determination and allow the applicant an opportunity to present additional information or materials in support of the application, or recommend denial of admission. Should an Inquiry Panel recommend denial, the applicant may request a Formal Hearing before the Presiding Disciplinary Judge and two other Committee members. The Supreme Court retains ultimate decision-making authority over whether an applicant is admitted or denied.

If appropriate, the Office of Attorney Admissions may send a letter to an applicant informing them of the Colorado Lawyer Assistance Program (COLAP) and its services. In 2017, the Office of Attorney Admissions sent COLAP letters to more than 20 applicants. COLAP is a confidential resource available to recent law school students, graduates, and licensed attorneys. COLAP may be able to assist an applicant regarding potential character and fitness issues to help determine what steps can be taken to address a current condition or impairment and, if needed, identify appropriate resources for the applicant prior to being admitted to the practice of law.

## ATTORNEY REGISTRATION AND CLJE

Once an applicant meets admission requirements, Attorney Registration completes the process by ensuring the proper administration of the oath. Attorneys then register annually with the Office and pay annual license fees. The Office also maintains lawyers' and judges' compliance with their continuing legal and judicial education requirements, as well as accreditation of continuing legal education activities. The Office is run by the Clerk of Attorney Registration and Director of CLJE Regulation and is aided by five full-time staff members.

# 40,773

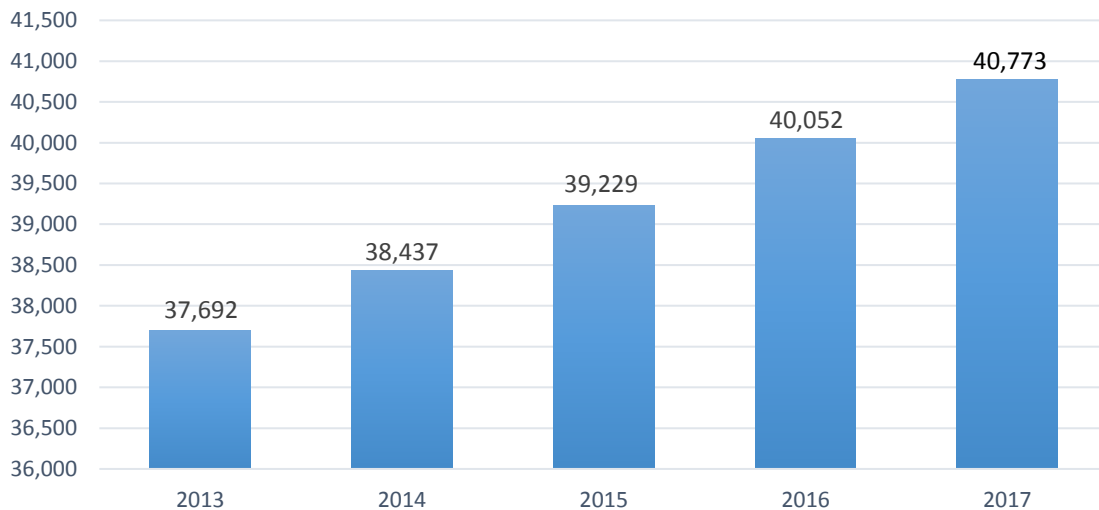
The number of registered attorneys at the end of 2017.

*The people at the Colorado Office of Attorney Registration are always so prompt, helpful, and pleasant to work with. You do a truly wonderful job.*

*– A lawyer on his experience with Attorney Registration*

Colorado ended 2017 with 40,773 registered attorneys, up 10 percent over the last five years. Of those registered attorneys, 26,590 were active and 14,183 were inactive.

### Registered Attorneys, last 5 years



## **Attorney Registration**

Attorney Registration maintains the roll of licensed attorneys in the state of Colorado. The annual license fees fund the Attorneys' Fund for Client Protection and fund the attorney regulation system (including the Office of the Presiding Disciplinary Judge), attorney registration, continuing legal and judicial education, enforcement of the unauthorized-practice-of-law rules, the Colorado Lawyer Assistance Program, the Colorado Attorney Mentoring Program, the Commission on Judicial Discipline, and some of the Supreme Court's law library services.

*I am impressed with both the extensive number of resources as well as the speed with which you contacted me. Other states could take a few lessons.*

*— A lawyer on his experience with Attorney Registration*

Over the last few years, the Office changed its registration form to collect better demographic statistics on the state's lawyer profession, including the collection of demographics on how many lawyers are practicing in-house, in government, and in a private law firm. In 2016, for the 2017 and all future registration processes, the Office required lawyers in private practice who carry professional liability insurance to disclose the name of their insurance carrier.

Maintaining an accurate picture of our lawyer population allows us to better serve the public and the profession by providing tailored resources to specific groups of attorneys in the future.<sup>27</sup>

### **In 2017, Attorney Registration approved 1,203 new attorneys for admission:**

- Bar Exam: 767
- Uniform Bar Exam: 70
- On Motion from Reciprocal Admissions State: 284
- Single-Client Certification: 70
- Pro Hac Vice: 536
- Law Professor Certification: 3
- Military Spouse Certification: 6
- Judge Advocate Certification: 2
- Pro Bono Certification: 22
- Practice Pending Admission: 128

<sup>27</sup> For detailed statistics on attorney demographics in Colorado, see [Appendix C](#).

## Continuing Legal and Judicial Education

Attorneys have to meet continuing legal education requirements on a three-year cycle. Attorney Regulation Counsel works with the Board of Continuing Legal and Judicial Education to accredit CLE courses and activities, monitor CLE compliance, and interpret the rules and regulations regarding the Court's mandatory continuing education requirement for lawyers and judges.

The Board consists of nine members: six attorneys, one judge and two non-attorneys who provide voices in administration of the mandatory continuing legal and judicial education system.

In 2017, the Office of Continuing Legal and Judicial Education:

- Processed 102,437 CLE affidavits;
- Processed 900 Teaching Affidavits;
- Processed 116 Research/Writing Affidavits
- Processed 46 additional CLE affidavits for mentoring<sup>28</sup>;
- Processed 54 additional CLE affidavits for pro bono work<sup>29</sup>; and
- Accredited 4,958 CLE courses and Home studies.

### *Who We Are*

#### **Elvia Mondragon**

Elvia Mondragon is the **Clerk of Attorney Registration and Director of Continuing Legal and Judicial Education**. She is responsible for the attorney registration and licensure of all Colorado attorneys, and oversees the CLJE requirements of attorneys admitted to practice law in the State of Colorado as well as the accreditation by the Colorado Supreme Court of CLJE programs.

**Elvia has been with the Office since 2000**, working as a legal assistant, trial assistant, and office manager prior to her current position.

**What has been your key to success?** "For the past 17 years I have had the best teachers, trainers and coworkers at the Offices of Attorney Regulation. These individuals have made it easy come to work every day and thrive."

<sup>28</sup> Processed 39 additional CLE affidavits for mentoring in 2016; previous reported number in 2016 Annual Report entered in error.

<sup>29</sup> Processed 56 additional CLE affidavits for pro bono work in 2016; previous reported number in 2016 Annual Report entered in error.

## National Well-Being Task Force Report Released in 2017

“To be a good lawyer, one has to be a healthy lawyer” wrote Attorney Regulation Counsel Jim Coyle and Bree Buchanan, Director of the Texas Lawyers Assistance Program, in August 2017 in their cover letter to *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*. Mr. Coyle and Ms. Buchanan have co-chaired the National Task Force on Lawyer Well-Being since 2016. Representatives from organizations including the American Bar Association’s Commission on Lawyer Assistance Programs (ABA CoLAP), the National Organization of Bar Counsel, the Association of Professional Responsibility Lawyers, and the Conference of Chief Justices comprise the Task Force. The Task Force formed after two studies released in 2016 revealed unsettling rates of substance use and mental health disorders among lawyers and law students. Those studies were “The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys,” conducted by ABA CoLAP and the Hazelden Betty Ford Foundation, and “Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Students to Seek Help for Substance Use and Mental Health Concerns,” published in the *Journal of Legal Education*.

The report of the Task Force introduces 44 recommendations to improve lawyer well-being. In making these recommendations, the report emphasizes that the term “well-being” applies to more than physical health. The Task Force consulted the World Health Organization’s multi-faceted definition which includes occupational satisfaction, intellectual and spiritual engagement, social support, the ability to manage one’s emotions, as well as physical health. The report encourages lawyers to strive to thrive in each dimension. Broadly speaking, the report states that lawyer well-being makes good business sense. It boosts productivity and diminishes turn-over. The report reminds lawyers that well-being is critical to a thriving practice and linked to duties of competence and diligence. The report calls on all sectors of the legal profession to prioritize well-being and work to alleviate the stigma associated with seeking help. Doing so is the right thing to do.



Chief Justice Maureen O’Connor (Ohio) introduces Chief Justice Matthew Durrant (Utah), moderator, and National Task Force Chairs Jim Coyle and Bree Buchanan, at the start of their 90-minute plenary presentation to the Conference of Chief Justices regarding the August 2017 National Task Force Report on Lawyer Well-Being. The next day, Mr. Coyle gave another presentation to the Conference of Chief Justices Professionalism Committee on the topics of regulatory objectives and proactive, management-based programs.



*In 2017, the Office of Attorney Regulation Counsel developed its own office-wide well-being initiative. The initiative looks to increase interaction, engagement, and well-being among lawyers and staff. Fifteen committees formed reflecting the diverse interests within the Office.*

The authors state: “[t]hrough our profession prioritizes individual and self-sufficiency, we all contribute to, and are affected by, the collective legal culture. Whether that culture is toxic or sustaining is up to us.”

Here in Colorado, the work of the Task Force will carry forward in 2018 through the Colorado Supreme Court Task Force on Lawyer Well-Being, chaired by Justice Monica Márquez. The national Task Force and its report benefited from the contributions of many members of the Colorado legal community and other local professionals. In addition to Mr. Coyle’s co-chairmanship, co-authorship, and co-editing, Colorado Lawyer Assistance Program Clinical Director Sarah Myers is a Task Force member and one of several report authors. Jonathan White, staff attorney at the Office of Attorney Regulation Counsel, is the staff attorney for the Task Force and also authored portions of the report. Debra Austin, Ph.D., professor at the University of Denver Sturm College of Law, was a contributing author.

Barbara Ezyk, Executive Director of the Colorado Lawyer Assistance Program, Patrick Flaherty, Executive Director of the Colorado Bar Association, Doris Gundersen, M.D., Medical Director of the Colorado Physician Health Program, Vincent O’Brien, Executive Director, CBA-CLE, and David Stark, Retired Partner, Faegre Baker Daniels, served as report peer reviewers.

The Task Force’s work has received significant endorsements. The Conference of Chief Justices (CCJ) passed Resolution 6 in August 2017 titled “Recommending Consideration of the Report of the National Task Force on Lawyer Well-Being” that recognized that “lawyer well-being contributes to organizational success . . . and enhances lawyer ethics and professionalism . . . .” The momentum from the report’s publication led to the establishment by ABA President Hilarie Bass of the ABA’s Working Group to Advance Well-Being in the Legal Profession. The Working Group promulgated Resolution 105, which was adopted by the ABA in February 2018 and affirmed the need to reduce mental health and substance use disorders among lawyers, judges, and law students. David Stark is a member of this working group, which will also evaluate model well-being policies for law firms in the United States. A sign of growing interest in the issues raised by the national Task Force includes the number of jurisdictions that have formed commissions akin to the Colorado Supreme Court Task Force on Lawyer Well-Being. Florida, Georgia, Illinois, Massachusetts, Texas, Vermont, and Virginia have similar task forces or commissions in place.

Follow this link to read *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*: <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportFINAL.pdf>

The following link contains the text of Resolution 6 of the CCJ: <http://ccj.ncsc.org/~media/Microsites/Files/CCJ/Resolutions/20170809-Recommending-Consideration-Report-National-Task-Force-Lawyer-Well-Being.ashx>

To review ABA Resolution 105, follow this link: <https://www.americanbar.org/content/dam/aba/images/abanews/mym2018res/105.pdf>

## ATTORNEY REGULATION

Attorney Regulation Counsel's traditional role is to investigate, regulate and, when necessary, prosecute attorneys accused of more serious violations of the Colorado Rules of Professional Conduct.

The Colorado model of attorney regulation is designed to move cases of minor ethical misconduct toward a quick resolution and devote its resources to cases that involve more serious attorney misconduct. The goal is to protect the public while educating attorneys to prevent any future misconduct.

In 2017, Attorney Regulation Counsel received 20,327 calls. Of those, 3,477 were calls filing a request for investigation against a lawyer. The Office's intake division reviewed all of those cases and processed 254 matters for full investigation by the trial division. In addition, the Office continued to work on 187 cases carried over from 2016.

In total, the Office of Attorney Regulation Counsel's work in 2017 resulted in:

- 168 dismissals with educational language;
- 74 diversion agreements;
- 16 public censures;
- 31 suspensions;
- 10 probations ordered; and
- 13 disbarments.

*"I want to thank you for clarifying the issues and my chores in meeting them. I must say, an interview such as ours only reinforces the advice of the poet Robert Burns: 'that we see ourselves as others see us.' The insights I gained there are all to the good, even if not necessarily flattering.*

— A respondent showing appreciation from his experience with the trial division

## Intake Division

The intake division is managed by one Deputy who oversees the division and reports directly to Regulation Counsel. The division acts as the Office's triage unit, where the 3,477 requests for investigation that the Office received in 2017 were analyzed. Its six attorneys, two investigators and three legal assistants are the front line for all complaints, deciding how a case is handled and whether the matter should be processed for further investigation.<sup>30</sup> Complaints are made by clients, opposing counsel, judges, and in some cases, concerned citizens.

Trained specialists take all calls and review written requests for investigation to the Office. Thereafter, they assign the case to an intake attorney. Each intake attorney handles between 500-600 cases per year. That attorney reviews the facts to determine whether the Colorado Rules of Professional Conduct are implicated and whether further investigation is warranted. In most cases, the intake attorney speaks with the complaining witness by telephone to gather information regarding the complaint.

If further investigation is warranted, that attorney requests the complaint in writing and corresponds with the respondent-attorney to determine whether the matter can be resolved at the intake stage, or whether the matter needs to be processed to the trial division for further investigation. Intake attorneys have numerous options for resolving a matter. They can dismiss cases outright; issue letters with educational language to the respondent-attorney; refer the matter for resolution by fee arbitration; or agree to an alternative to discipline involving education or monitoring in cases of minor misconduct. For those matters that warrant further investigation or involve allegations of more serious misconduct, the matter will be assigned to an attorney in the trial division for further investigation.

*"I was very impressed with how diligent and quick you were with a response. The information received was very clear and informative. How wonderful to deal with such an efficient department. Thank you very much.*

— A complaining witness on her experience with the intake division.

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<sup>30</sup> For detailed statistics on the intake division, see [Appendix D](#).

In 2017, central intake handled 20,327 telephone calls. The intake division:

- Reviewed 3,477 requests for investigation;
- Entered into 42 diversion agreements;
- Dismissed 168 cases with educational language; and
- Processed 254 cases for further investigation by the trial division.

### **Magistrates**

Attorney Regulation Counsel is responsible for handling complaints against state court magistrates. These matters are reviewed pursuant to the Rules of Professional Conduct as well as the Canons of Judicial Conduct. In 2017, there were 53 requests for investigation filed against magistrates, all of which were dismissed at the intake stage.

### **Trust Account**

Attorneys in private practice are required to maintain a trust account in an approved Colorado financial institution. Those financial institutions agree to report any overdraft on the trust accounts to Attorney Regulation Counsel. Reports of overdrafts receive immediate attention. One of the Office's investigators is assigned to investigate all trust account notifications. That investigator meets weekly with the Deputy in intake to review the investigation and determine whether further investigation is warranted through the trial division.

## *Who We Are*

### **James Wilder**

James Wilder is a **lawyer in the intake division**. James has been with the Office **since 2014**. In addition to his intake caseload, he also handles the intake for allegations of unauthorized practice of law. James was **instrumental in the development** of the Office's first online complaint form for allegations of unauthorized practice of law.

He is fluent in Spanish and appears on local Spanish television and radio programs or in webinars on these issues. Additionally, he has **established relationships with consulates from other countries** to help provide information about fraud and the unauthorized practice of law.

James has participated in and was a co-organizer for the **national ABA UPL School in 2017** and was a speaker at that event as well. He has been nominated for the **ABA's Client Protection Fund Committee**.

**James is a part of the Office's Well-Being initiative**, as well as the Office's "Lonche Lingüístico" for the Office's Spanish-speakers.

**Most fulfilling moment as part of OARC?** "It was great to see the Online Bilingual UPL Form go live. Watching how our office continues to work to serve the public and become even more user-friendly is inspiring."



### **Jim Coyle honored with President's Award at NOBC Annual Meeting**

Attorney Regulation Counsel Jim Coyle received a distinguished honor from the National Organization of Bar Counsel (NOBC), at their 2017 Annual Meeting held in New York on August 8, 2017.

The President's Award, inaugurated in 2001, is bestowed once a year to individuals who demonstrate exemplary service in the field of lawyer regulation, professionalism and ethics.

William D. Slease (pictured above with Coyle), former 2016-17 NOBC president, touted Coyle as a visionary, leader and mentor for the legal community.

"Jim epitomizes all that is best about NOBC," Slease said, "He conducts himself at all times with his mantra of 'promoting the public interest' as his guiding principle, thereby improving the profession while protecting the public that all attorneys serve."

The NOBC is a 950 member non-profit organization of lawyers. Its members enforce regulating the professional conduct of lawyers who practice law in the United States, Canada and Australia.

*“I sure am grateful for you and your department, as well as the level of communication I have received from you. If it weren’t for you, and knowing that there is a system in place that makes attorneys accountable, I don’t think I would ever trust the legal system again.*”

— A complaining witness on her experience with the trial division

## Trial Division

The next stop for a case that involves a complex fact pattern or allegations of serious misconduct is the trial division. In 2017, the trial division handled 254 cases processed by the intake division as well as 187 cases carried over from 2016.<sup>31</sup>

The trial division is managed by one Deputy who oversees the division and reports directly to Regulation Counsel. The trial division’s eight attorneys, five investigators and five legal assistants investigate the cases. At the end of the investigation, there are numerous outcomes, many intended to quickly resolve less serious matters.

If, at the end of the investigation phase, a resolution other than dismissal is reached, assistant regulation counsel prepares a report recommending formal proceedings. That report is presented to the Attorney Regulation Committee, which is comprised of nine members: six attorneys and three public members who act as an outside perspective and gatekeeper for all official disciplinary proceedings against respondent-attorneys. One of the members is a licensed Colorado psychiatrist. The Committee considers reports prepared by Office of Attorney Regulation Counsel attorneys and determines whether reasonable cause exists to pursue discipline.

In 2017, during the investigation phase, the trial division:

- Recommended the dismissal of 145 cases, 29 of them with educational language; and
- Entered into 20 conditional admission of discipline agreements.

<sup>31</sup> For detailed statistics on the trial division process, see [Appendices F through K](#).



In 2017, the trial division presented 148 matters to the Attorney Regulation Committee. The Committee approved:

- 115 formal proceedings;
- 30 diversion agreements; and
- 15 private admonitions.

Several of the 115 matters in which the Office was authorized to file a formal complaint were consolidated.<sup>32</sup> In certain cases, after authority to file a formal complaint was obtained, Attorney Regulation Counsel and the respondent-attorney entered into a conditional admission of discipline prior to filing of a formal complaint.

The 39 formal complaints filed in 2017, and those pending from 2016, resulted in 10 discipline trials before the Presiding Disciplinary Judge.

In 2017, after receiving authorization to file a formal complaint, the Attorney Regulation Counsel:

- Filed 39 formal complaints; resolved 16 matters prior to filing a formal complaint; and
- Entered into 22 conditional admissions agreements.

## Who We Are

### Greg Sapakoff

Greg Sapakoff **oversees the Office's trial division**. He supervises the lawyers, investigators, and trial assistants who investigate matters assigned for investigation; and who also prosecute violations of the Colorado Rules of Professional Conduct in formal disciplinary proceedings before the Presiding Disciplinary Judge.

Greg **worked for the Office previously**, from September 1994 through April 2005, as Assistant Regulation Counsel, before returning to private practice with his previous law firm, Podoll & Podoll. **In his more than 20 years in private practice**, he has represented and advised clients in legal ethics matters, attorney discipline proceedings, admissions cases, and a wide variety of civil and commercial litigation.

#### **What changes have occurred in the years you were away?**

"Many things are quite familiar, including many faces, but the office now has far greater responsibilities and serves a broader mission than it did 12 years ago."

<sup>32</sup> Because some matters are carried over from one calendar year to the next, the number of matters reviewed by the Attorney Regulation Committee will not reconcile with the number docketed or completed in the investigative area.

### **Immediate Suspensions**

On rare occasions, the Office of Attorney Regulation Counsel may seek the immediate suspension of an attorney's license to practice law in order to protect the public. An immediate suspension may be appropriate when there is reasonable cause to believe that an attorney is causing immediate and substantial public or private harm. Additionally, the Office can seek such action if an attorney is in arrears on a child-support order or is not cooperating with Attorney Regulation Counsel as required by the Colorado Rules of Professional Conduct.

In 2017, the Office of Attorney Regulation Counsel filed 8 petitions for immediate suspension.

- 0 involved failure to pay child support;
- 4 involved failure to cooperate with Attorney Regulation Counsel; and
- 4 involved a felony conviction

### **Disability Matters**

When an attorney is unable to fulfill professional responsibilities due to physical, mental, or emotional illness, the Office of Attorney Regulation Counsel may file a petition to transfer an attorney to disability status. This is not a form of discipline.

### **License and Registration, Please**

Only people licensed or authorized by the Colorado Supreme Court can practice law in Colorado. In addition to regulating the practice of law in Colorado, the Office of Attorney Regulation Counsel also investigates allegations of unauthorized practice of law, with the purpose of protecting the public.

In November 2017, the Office piloted an online complaint form to make it easier to report concerns regarding UPL. The online complaint form is live, takes between five to ten minutes to complete, and is available in both English and Spanish. For more information regarding what constitutes the practice of law and the unauthorized practice, see our website:

<http://www.coloradosupremecourt.com/Complaints/UPL.asp>

### **Contempt Proceedings**

The Office of Attorney Regulation Counsel may file a motion with the Supreme Court recommending contempt for an attorney practicing law while under suspension or disbarment.

In 2017, the Office of Attorney Regulation Counsel did not file any motions for contempt against Colorado attorneys.

### **Reinstatement and Readmission Matters**

Attorneys who have been disbarred or suspended for at least one year and one day must apply for readmission or reinstatement. The reinstatement and readmission processes are similar to an attorney discipline case and are intended to assess the attorney's fitness to return to the practice of law. In readmission and reinstatement matters, the applicant attorney must prove rehabilitation and other elements by clear and convincing evidence.<sup>33</sup>

In 2017, 3 attorneys applied for reinstatement or readmission:

- 0 applicants were readmitted (the process used for disbarred attorneys);
- 1 applicant was reinstated (the process used for suspended attorneys);
- 1 application was dismissed;
- 0 applications were withdrawn;
- 0 applications were denied; and
- 2 applications were pending at the close of 2017.

*"I want to thank you so much for all that you do! Your help, diligence, and guidance meant so much. Your guidance during my time of feeling helpless will forever be remembered and appreciated. Please know that your service to our community is invaluable!"*

— A complaining witness on her experience with the trial division

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<sup>33</sup> Because some matters are carried over from one calendar year to the next, the number of matters processed by Regulation Counsel generally will not conform to the number of cases docketed or completed.

### **Unauthorized Practice of Law**<sup>34</sup>

The Office of Attorney Regulation Counsel, in coordination with the Unauthorized Practice of Law Committee (UPL), investigates and prosecutes allegations of the unauthorized practice of law. The UPL Committee is composed of nine members: six attorneys and three non-attorneys who provide a community perspective on UPL regulation and who retain jurisdiction over complaints of unauthorized practice of law.

In 2017, the Office of Attorney Regulation Counsel received 71 requests for investigation alleging the unauthorized practice of law. Of those 71 matters, 52 were completed in 2017:

- 34 were dismissed by Attorney Regulation Counsel;
- 0 were dismissed by the UPL Committee;
- 9 resulted in written agreements to refrain from the conduct in question; and
- 9 resulted in an injunctive or contempt proceeding.

### **Attorneys' Fund for Client Protection**

Attorney Regulation Counsel assists the Board of Trustees for the Attorneys' Fund for Client Protection by investigating claims made on the fund alleging client loss due to the dishonest conduct of an attorney. The statistics for this work are shown in a separate annual report, posted at [www.coloradosupremecourt.com](http://www.coloradosupremecourt.com), "Attorneys' Fund for Client Protection Annual Report 2017."

*"Thank you for ARC to being proactive to help lawyers instead of just punishing us!"*

— A Colorado lawyer on his experience with the Proactive Management-Based Program

### **Commission on Judicial Discipline**

Attorney Regulation Counsel acts as Special Counsel for the Colorado Commission on Judicial Discipline on request of the Executive Director.

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<sup>34</sup> For detailed statistics on the Unauthorized Practice of Law, see [Appendix L](#).

## Colorado Launches First Ever Lawyer Self-Assessment Program

In 2016, the Colorado Supreme Court established objectives to guide the work of the Office of Attorney Regulation Counsel. These objectives appear in the Preamble to the Rules Governing the Practice of Law, Chapters 18 – 20, C.R.C.P. A significant objective is helping lawyers “throughout the stages of their careers successfully navigate the practice of law,” emphasizing that the Office’s role in the Colorado legal community is more than discipline. Towards that end, the Office enthusiastically unveiled a new online platform in 2017 designed to help lawyers gauge practice strengths. It is also designed to help lawyers proactively look at areas for improvement in their practice. The program is known as the Colorado Lawyer Self-Assessment Program. It consists of the ten following areas of self-assessment:

- (1) Developing a competent practice;
- (2) Communicating in an effective, timely, professional manner and maintaining professional relations;
- (3) Ensuring that confidentiality requirements are met;
- (4) Avoiding conflicts of interest;
- (5) Maintaining appropriate file and records management systems;
- (6) Managing the law firm/legal entity and staff appropriately;
- (7) Charging appropriate fees and making appropriate disbursements;
- (8) Ensuring that reliable trust account practices are in use;
- (9) Working to improve the administration of justice and access to legal services;
- (10) Wellness and inclusivity.

Lawyers can find the self-assessments on the Office of Attorney Regulation Counsel’s website, [www.coloradosupremecourt.com](http://www.coloradosupremecourt.com). They are confidential; the Office of Attorney Regulation Counsel does not receive individual user answers or personally-attributable answer data. In addition, each assessment has an anonymous comment section where lawyers can recommend ways to improve the content.

A key aspect of the program is the interwoven placement of links to the Colorado Rules of Professional Conduct for review, as well as links to publicly-available educational resources. These resources range from a round-up of state ethics opinions on technology issues like metadata discovery, to law journal articles, to links to portions of the Office of Attorney Regulation Counsel’s Trust Account Manual. A 50-plus member subcommittee of the Colorado Supreme Court Advisory Committee designed the content. These members drew from their professional experience, including their many years in the practice of law, to identify practices and issues to help lawyers succeed. Lawyers who complete the self-assessment program can apply for three general and three ethics continuing legal education credits.

Colorado’s program is the first of its kind in the nation. It has been mentioned in articles in *Bloomberg BNA* and *Colorado Lawyer*. It is designed to grow and expand based on lawyer feedback and as new professionalism issues arise. The online survey tool is easy to use – it can even be completed on a mobile phone in addition to a laptop computer or iPad. Lawyers who do not want to take the online survey can also find a print version of the survey at:

[www.coloradosupremecourt.com](http://www.coloradosupremecourt.com).

To view the BNA Bloomberg article on the program, click here:

<https://www.bna.com/colorado-goes-live-n73014472091/>

To view the *Colorado Lawyer* article on the program, click here:

<https://www.coloradosupremecourt.com/PDF/AboutUs/PMBR/Law%20Practice%20Management%20-%20CO%20Lawyer%20Self%20Assessment%20Program.pdf>

## CASE MONITOR

The cornerstones of Colorado's attorney regulation system are the diversion (alternative-to-discipline) agreement and probation conditions in discipline matters. Diversion agreements and probation conditions protect the public while allowing an otherwise competent attorney to continue practicing.

Central to these agreements is monitoring. An attorney-respondent must adhere to conditions agreed to by the Office and the attorney. Those conditions can include attendance at the Office's trust account school or ethics school, submitting to drug or alcohol monitoring, financial monitoring, practice audits and/or monitoring, or receiving medical or mental health treatment.

To ensure compliance, the Office employs a full-time case monitor. The case monitor's relationship with respondent-attorneys begins when the monitor sends a calendar detailing important compliance deadlines. Throughout the diversion or probation process, the monitor follows up with email reminders and phone calls if an attorney has missed a deadline.

*"Thank you so much for being responsive, professional, and kind over these past three years. I appreciate everything you have done to help me and keep track of everything!"*

-A respondent-attorney on her experience with the Office of Attorney Regulation Counsel's case monitor

The goal of the monitor is to help attorneys comply with their diversion or probation conditions to facilitate a successful transition back to normal law practice.

The case monitor also helps run the various schools for attorneys intended to improve the provision of legal services to consumers.

In 2017, the case monitor:

- Organized 5 Ethics Schools, attended by 123 attorneys; and
- Organized 6 Trust Account Schools, attended by 77 people.



## INVENTORY COUNSEL

Attorney Regulation Counsel's umbrella also covers the end of an attorney's career and sometimes the end of his or her life. When an attorney is no longer able to perform his or her duties to clients, either due to disability or death, and there is no other party responsible for the attorney's affairs, the Office of Attorney Regulation Counsel steps in to file a petition for appointment of inventory counsel.

With the assistance of volunteer Colorado attorneys, and investigators and attorneys from the Office, the Inventory Counsel Coordinator and her assistant review all of the files and take steps to protect the interests of the attorney and the attorney's clients. The file inventory and file return process may take months or years depending on the number of files, the area of practice, and the difficulty in locating the previous clients.<sup>35</sup>

In 2017, the Office of Attorney Regulation Counsel:

- Filed 22 new petitions for appointment of inventory counsel;
- Worked 8 active inventory matters;
- Closed 10 inventory matters;
- Contacted 763 clients whose files contained original documents, involved a felony criminal matter, or were considered current;
- Returned \$177,792.23 in trust account funds to clients;
- Inventoried 3,590 client files; and
- Returned 376 files to clients or attorneys of record.

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<sup>35</sup> For additional statistics about Inventory Counsel, see [Appendix M](#).

## EDUCATION/OUTREACH

The Office recognizes that one of the best ways to protect and promote the public interest is to prevent misconduct before it occurs.

In pursuit of that goal, the Office of Attorney Regulation Counsel seeks to promote an understanding of the legal field and offer attorneys educational opportunities that aid them in their practice of law.

That pursuit takes many forms.<sup>36</sup>

- The Office of Attorney Regulation Counsel conducts a majority of its outreach through talks and presentations. The Office seeks to reach lawyers early and so its members often speak to students at the state's two law schools. Members of the Office also talk at bar association gatherings and CLE courses on various attorney ethics topics. And the Office often delivers presentations at conferences for other bar counsel admissions and CLE professionals.
- The Office created and teaches schools for attorneys intended to improve the provision of legal services to consumers. These schools are:
  - Ethics School, a seven-hour course focusing on everyday ethical dilemmas that confront attorneys;
  - Trust Account School, a four-hour course that addresses the correct method for maintaining and administering a trust account;
  - Professionalism School, a six-hour course that addresses the most common ethical dilemmas faced by newly admitted attorneys; and
  - Practice Monitor Class, a half-day course instructing attorneys on how to be practice monitors for other attorneys required to have supervision as part of an alternative-to-discipline program.

*“If people knew how enjoyable this class is, more would take it. Everyone needs to do this class. The teacher was informative, enjoyable, and humorous! Going to send all my staff and colleagues. Was painless and beneficial. She is a talented teacher.*

— A lawyer commenting on his experience taking Trust Account School.

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<sup>36</sup> For further details on the Office's Education and Outreach activities, see [Appendix N](#).

- The Office's attorneys and investigators serve on numerous local and statewide boards and committees, and are active in national and international legal organizations.
- Members of the Office regularly make presentations on a national level, including presentations for the National Organization of Bar Counsel, the ABA Standing Committee on Client Protection, the National Conference of Bar Examiners, the National Client Protection Organization, the ABA Immigration Section, and the Commission on Lawyer Assistance Programs.

## We Are Better Together

### **Colorado Attorney Mentoring Program**

In 2017, the Office joined with CAMP to develop a law practice review mentoring track for the Office's lawyer self-assessment program. This track will enable a lawyer who completes the self-assessment to participate in a law practice review dialogue with a volunteer mentor lawyer who is also familiar with the self-assessment topics. The goal of this new mentoring track is to help lawyer mentees refine processes that promote excellent client service, efficient law office management, and compliance with obligations in the Colorado Rules of Professional Conduct. The peer-review program will be available later in 2018.

### **Colorado Lawyer Assistance Program**

While separate from COLAP, the Office routinely refers respondent lawyers to COLAP to utilize COLAP's vast array of resources that address issues such as mental health, substance abuse, career change, and stress management. The Office also utilizes COLAP as a resource for the Office's staff regarding such issues as de-escalation techniques and understanding addiction and relapse prevention. Further, the Office's lawyers participate in outreach programs with COLAP. For example, members of both offices have been integral to the Proactive Management-Based Program (PMBP) Subcommittee that developed the Colorado Lawyer Self-Assessment Program, as well as to the National Task Force on Lawyer Well-Being (Task Force). This Office collaborated with COLAP in 2017 on published articles and presentations related to the Task Force and the Colorado Lawyer Self-Assessment Program. These efforts highlight the connection between lawyer well-being and a successful, ethical law practice.

In 2017, the Office also continued three outreach initiatives:

1. The Office sent the *OARC Update*, a quarterly email newsletter to the state's 40,000-plus attorneys. The newsletters contain deadline reminders and links to articles written by the Office's attorneys on best practices and ethical hot topics.
2. The Office continued to bolster its social media presence through the use of Facebook, Twitter, and YouTube. The Office also played a key role in the launch of the Chief Justice's Commission on Professional Development Twitter initiative in 2017.
3. The Office also sent letters to attorneys who changed their practice area from public service or large firm practice to solo or small-firm practice. These attorneys face challenges in managing a private practice they likely didn't face while working as a government or large-firm attorney. The letters ask the practitioner to complete the Lawyer Self-Assessment Program and discuss the results with a seasoned solo or small firm practitioner. The letters also make these attorneys aware of resources that may help them during their transition.

In 2017, the Office of Attorney Regulation Counsel,:

- Delivered 200 speeches and presentations;
- Bolstered social media presence: Twitter following increased 680% from August 2017 to the end of 2017; Tweet impressions increased from 712 per month to 14,300 per month from August 2017 to the end of 2017.
- Disseminated two newsletters<sup>37</sup>, each of which was opened by an average of 12,952 attorneys; and
- Sent 433 letters to attorneys changing from public service or large-firm practice to solo or small-firm practice informing them of resources that may be helpful in their transition.

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<sup>37</sup> The Office did not publish a spring or summer issue for 2017 due to Information Resources Coordinator, James Carlson, leaving the Office in March 2017. Education and Outreach Coordinator, Zak Bratton, joined the Office in August 2017 and started his tenure with the fall newsletter.



From left: Marian De Souza, Executive Director, Alberta Lawyer Assistance Society; Tracy L. Kepler, Executive Director of the ABA Center for Professional Responsibility; Jim Coyle, Colorado Attorney Regulation Counsel; Kuah Boon Theng, Medical Law and Ethics Lawyer in Singapore; Dr. Winslow R. Munidasa, Chief of Addiction Medicine Department, Singapore Novena Medical Center; and Nicholas Chan, Partner at Squire Patton Boggs and President of the Hong Kong Law Society, after their October 2017 panel presentation on Overcoming the Stigma Associated with Mental Health Issues in the Legal Community, and Lawyer Well-Being Initiatives.

## Lawyer Regulation in a Shrinking World

Colorado is one of a growing number of U.S. jurisdictions participating in global discussions on the rapidly shifting legal services market. The office has participated in International Conference of Legal Regulators (ICLR) programs in San Francisco (2013), London (2014), Toronto (2015), Washington, D.C. (2016), and Singapore (2017). The ICLR now brings together approximately 250 legal regulators from around the globe, to share knowledge and best practices, and find effective solutions to common challenges.

Past programs have addressed lawyer mobility and cross-border practice issues; building and maintaining public and consumer credibility through the use of proactive programs; the regulators' role in access to justice issues; the increasing impact of technology and data on the practice of law; international cooperation and information sharing; and best practices and comparative analyses in lawyer admissions and regulation proceedings.

## APPENDIX A:

### OFFICE OF ATTORNEY REGULATION COUNSEL DUTIES

The Colorado Rules of Civil Procedure lay out Attorney Regulation Counsel's multiple regulatory and administrative duties. These duties include:

1. Field and investigate complaints filed with the central intake division of the Office of Attorney Regulation Counsel;
2. Investigate and prosecute violations of the Colorado Rules of Professional Conduct under the direction of the Attorney Regulation Committee, C.R.C.P. 251.3;
3. Investigate and prosecute violations of the Colorado Rules of Professional Conduct relating to trust account overdraft notifications;
4. Investigate and prosecute attorney disability actions;
5. Investigate and prosecute petitions for immediate suspension, C.R.C.P. 251.8, C.R.C.P. 251.8.5, and C.R.C.P. 251.8.6;
6. Investigate and prosecute contempt proceedings for violations of the Colorado Rules of Procedure Regarding Attorney Discipline and Disability, C.R.C.P. 251.3(c)(7);
7. Investigate and prosecute violations of the Code of Judicial Conduct by attorneys serving as magistrates under the Colorado Rules for Magistrates;
8. Investigate and prosecute complaints alleging the unauthorized practice of law upon the request and direction of the Unauthorized Practice of Law Committee, C.R.C.P. 228, *et seq.*;
9. Coordinate and investigate the filing of claims with the Colorado Attorneys' Fund for Client Protection under the direction of the Colorado Attorneys' Fund for Client Protection Board of Trustees, C.R.C.P. 251.3, *et seq.*, C.R.C.P. 252, *et seq.*;



10. Perform attorney admission duties, including the administration of the Colorado Bar Examination and all character and fitness determinations; and assist the Character and Fitness Committee in inquiry panels and formal hearings as required by the Rules Governing Admission to the Practice of Law in Colorado;
  11. As requested, represent and serve as special counsel to the Commission on Judicial Discipline in matters related to the removal, retirement, suspension, censure, reprimand, or other discipline of judges, Colorado Rules of Judicial Discipline, Chapter 24;
  12. Obtain appointment of inventory counsel in cases where an attorney has become disabled, disappeared, or died, and assist inventory counsel with the client files and funds;
  13. Provide extensive educational opportunities to the practicing bar and the public on topics related to attorney ethics; and
  14. Perform duties on behalf of the Board of Continuing Legal and Judicial Education.
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# APPENDIX B:

## BAR EXAM STATISTICS

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### EXAM STATISTICS

February 2017 Bar Exam

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	<u>Attorney</u>	<u>Non-attorney</u>	<u>Total</u>
# of applicants	140	290	430
# of withdrawals	17	35	52
# of no shows	3	9	12
# who took exam	120	246	366
# of new applicants	100	110	210
# of updates	20	136	156*
# who passed	88	139	227 (62%)
# who failed	32	107	139 (38%)

\* 16 who have never sat for an exam in Colorado and 140 who previously failed.

**PASS/FAIL RATES**  
**By Law School**  
February 2017 Bar Exam

Examinees	Law School	Passed	Failed	Total
<b>First Time</b>	University of Colorado	8 (89%)	1 (11%)	9
	University of Denver	30 (68%)	14 (32%)	44
	National*	19 (95%)	1 (5%)	20
	Other	101 (66%)	52 (34%)	153
		158 (70%)	68 (30%)	226
<b>Repeat</b>	University of Colorado	11 (55%)	9 (45%)	20
	University of Denver	19 (76%)	6 (24%)	25
	National*	0 (0%)	1 (100%)	1
	Other	39 (41%)	55 (59%)	94
		69 (49%)	71 (51%)	140
<b>All</b>	University of Colorado	19 (66%)	10 (34%)	29
	University of Denver	49 (71%)	20 (29%)	69
	National*	19 (90%)	2 (10%)	21
	Other	140 (57%)	107 (43%)	247
		227 (62%)	139 (38%)	366

\* Schools categorized as "National" are:

Columbia  
Harvard  
Stanford  
Yale  
Duke  
Michigan  
Chicago  
California Berkeley  
Virginia  
Texas

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**EXAM STATISTICS**  
July 2017 Bar Exam

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	<u>Attorney</u>	<u>Non-attorney</u>	<u>Total</u>
# of applicants	129	665	794
# of withdrawals	19	27	46
# of no shows	2	9	11
# who took exam	108	629	737
# of new applicants	81	548	629
# of updates	27	81	108*
# who passed	83	453	536 (73%)
# who failed	25	176	201 (27%)

\* 25 who have never sat for an exam in Colorado and 83 who previously failed.

**PASS/FAIL RATES**  
**By Law School**  
July 2017 Bar Exam

Examinees	Law School	Passed	Failed	Total
<b>First Time</b>	University of Colorado	124 (87%)	18 (13%)	142
	University of Denver	144 (78%)	41 (22%)	185
	National*	31 (97%)	1 (3%)	32
	Other	204 (69%)	91 (31%)	295
		503 (77%)	151 (23%)	654
<b>Repeat</b>	University of Colorado	4 (67%)	2 (33%)	6
	University of Denver	9 (56%)	7 (44%)	16
	National*	0 (0%)	0 (0%)	0
	Other	20 (33%)	41 (67%)	61
		33 (40%)	50 (60%)	83
<b>All</b>	University of Colorado	128 (86%)	20 (14%)	148
	University of Denver	153 (76%)	48 (24%)	201
	National*	31 (97%)	1 (3%)	32
	Other	224 (63%)	132 (37%)	356
		536 (73%)	201 (27%)	737

\* Schools categorized as "National" are:

Columbia  
Harvard  
Stanford  
Yale  
Duke  
Michigan  
Chicago  
California Berkeley  
Virginia  
Texas

# APPENDIX C:

## COLORADO ATTORNEY DEMOGRAPHICS

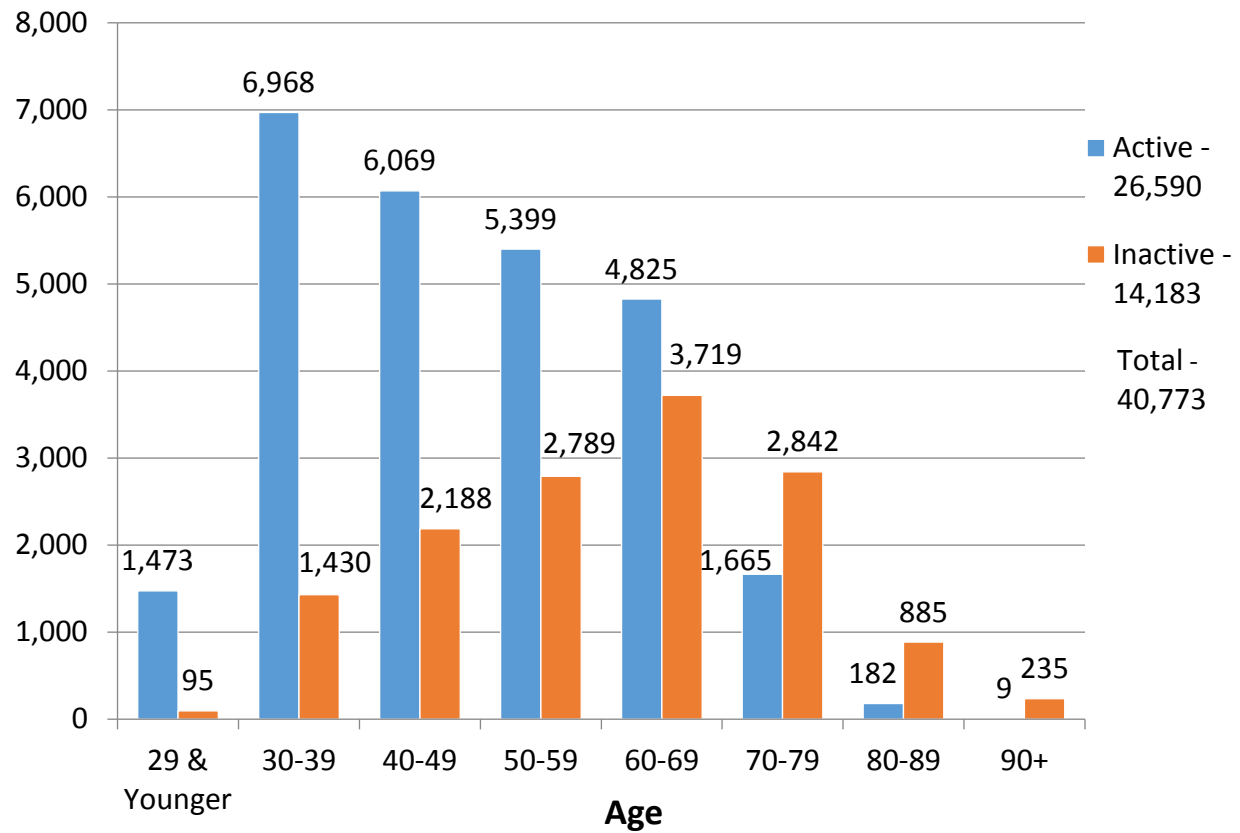
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The Office of Attorney Regulation Counsel collects data from lawyer registration forms to better analyze demographic information on the state's lawyer profession. With an accurate picture of Colorado's lawyer population, the Office hopes to provide better resources to specific groups of attorneys in the future.

### Charts:

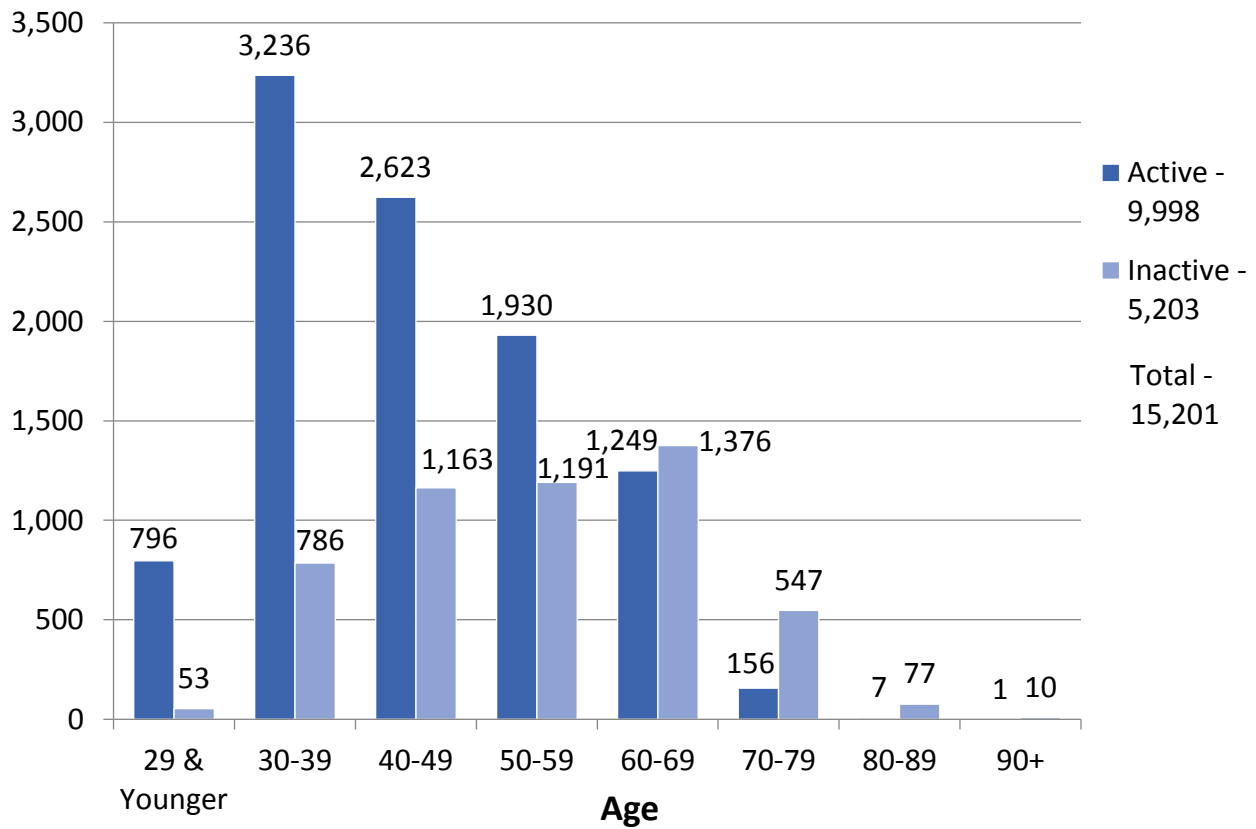
- C-1: Colorado Attorneys, Active and Inactive By Age
- C-2: Colorado Female Attorneys, Active and Inactive By Age
- C-3: Colorado Male Attorneys, Active and Inactive By Age
- C-4: Active Attorneys By Area of Practice
- C-5: Active Attorneys in Private Practice, By Firm Size
- C-6: Active Attorneys in Government Practice, By Type
- C-7: Active Attorneys, Practicing 0-5 Years
- C-8: Active Female Attorneys, Practicing 0-5 Years
- C-9: Active Male Attorneys, Practicing 0-5 Years
- C-10: Active Attorneys, Practicing 6-15 Years
- C-11: Active Female Attorneys, Practicing 6-15 Years
- C-12: Active Male Attorneys, Practicing 6-15 Years
- C-13: Active Attorneys, Practicing 16-25 Years
- C-14: Active Female Attorneys, Practicing 16-25 Years
- C-15: Active Male Attorneys, Practicing 16-25 Years
- C-16: Active Attorneys, Practicing 26+ Years
- C-17: Active Female Attorneys, Practicing 26+ Years
- C-18: Active Male Attorneys, Practicing 26+ Years
- C-19: Malpractice Insurance Coverage of Attorneys in Private Practice
- C-20: Top 10 2017 Professional Liability Insurance Carriers
- C-21: Private Attorneys With Malpractice Insurance
- C-22: Private Attorneys Without Malpractice Insurance
- C-23: Private Attorneys Large Firm/Medium Firm Without Malpractice Insurance
- C-24: Private Attorneys Small Firm/Solo Practitioner Without Malpractice Insurance

## CHART C-1: COLORADO ATTORNEYS, ACTIVE AND INACTIVE BY AGE

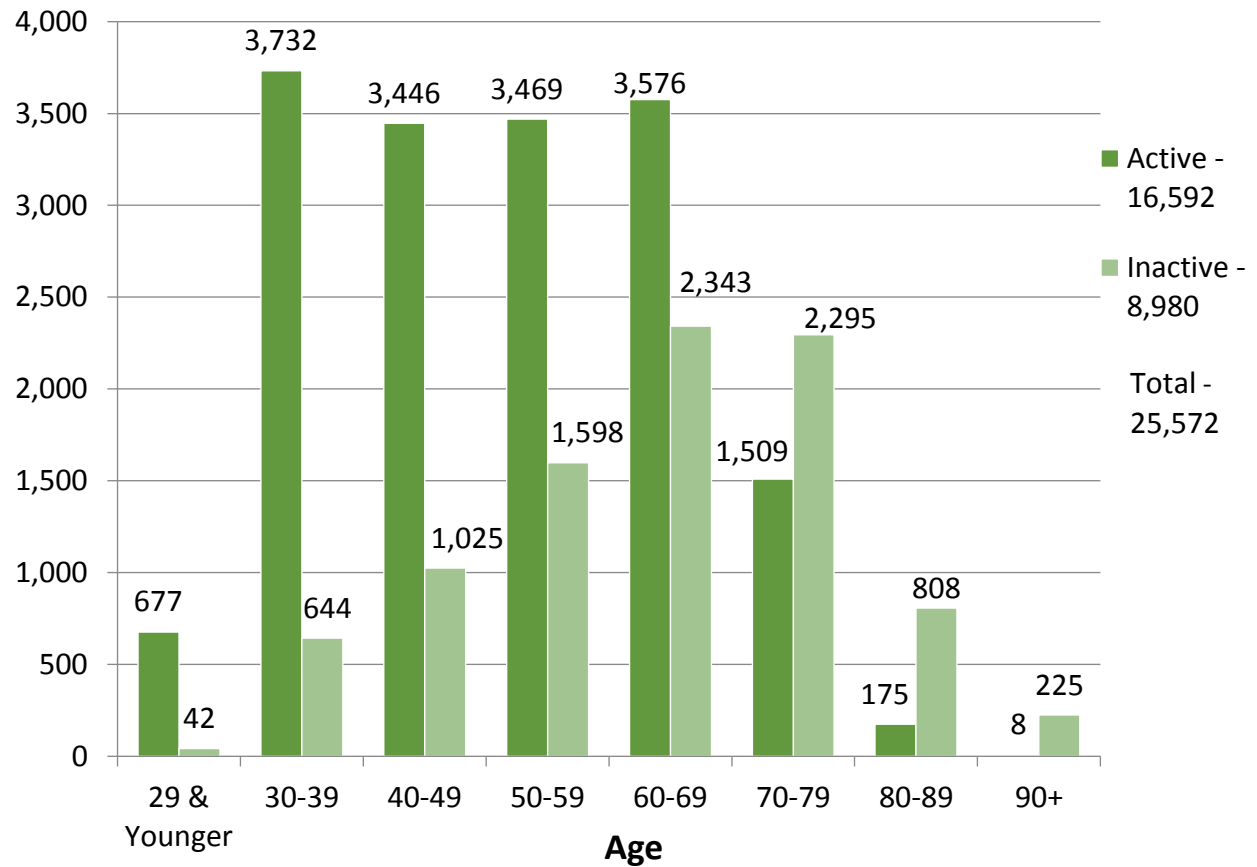




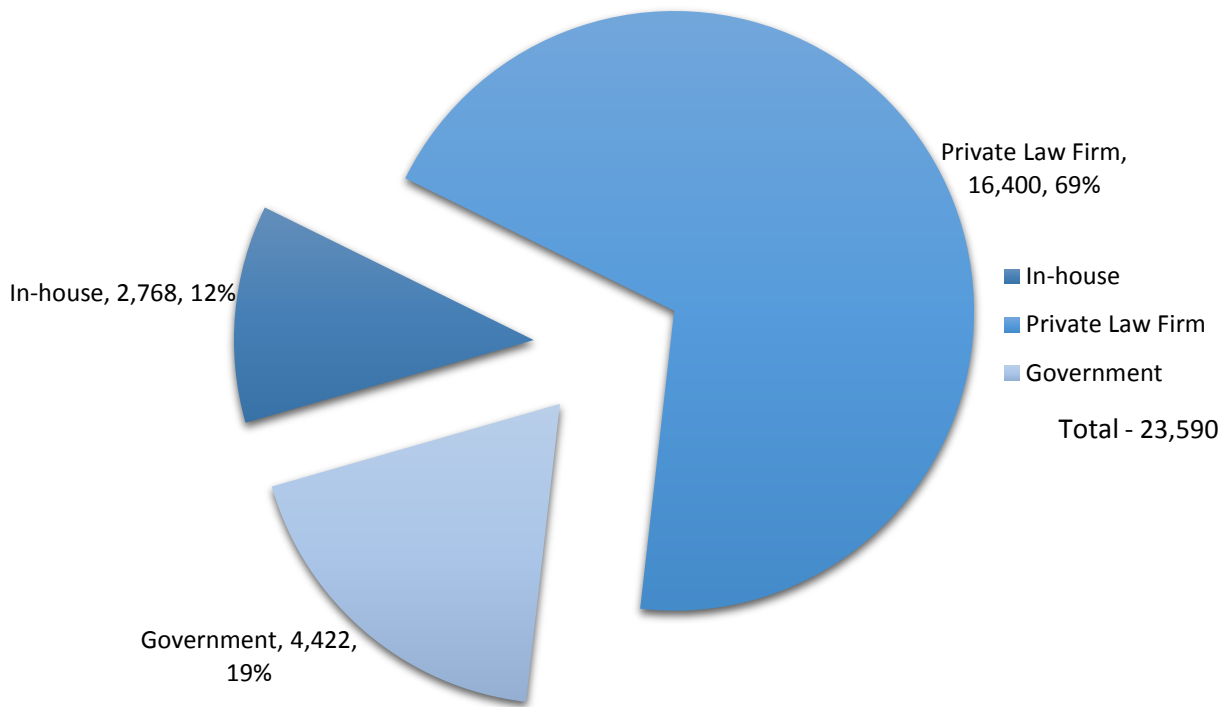
**CHART C-2: COLORADO FEMALE ATTORNEYS, ACTIVE AND INACTIVE BY AGE**



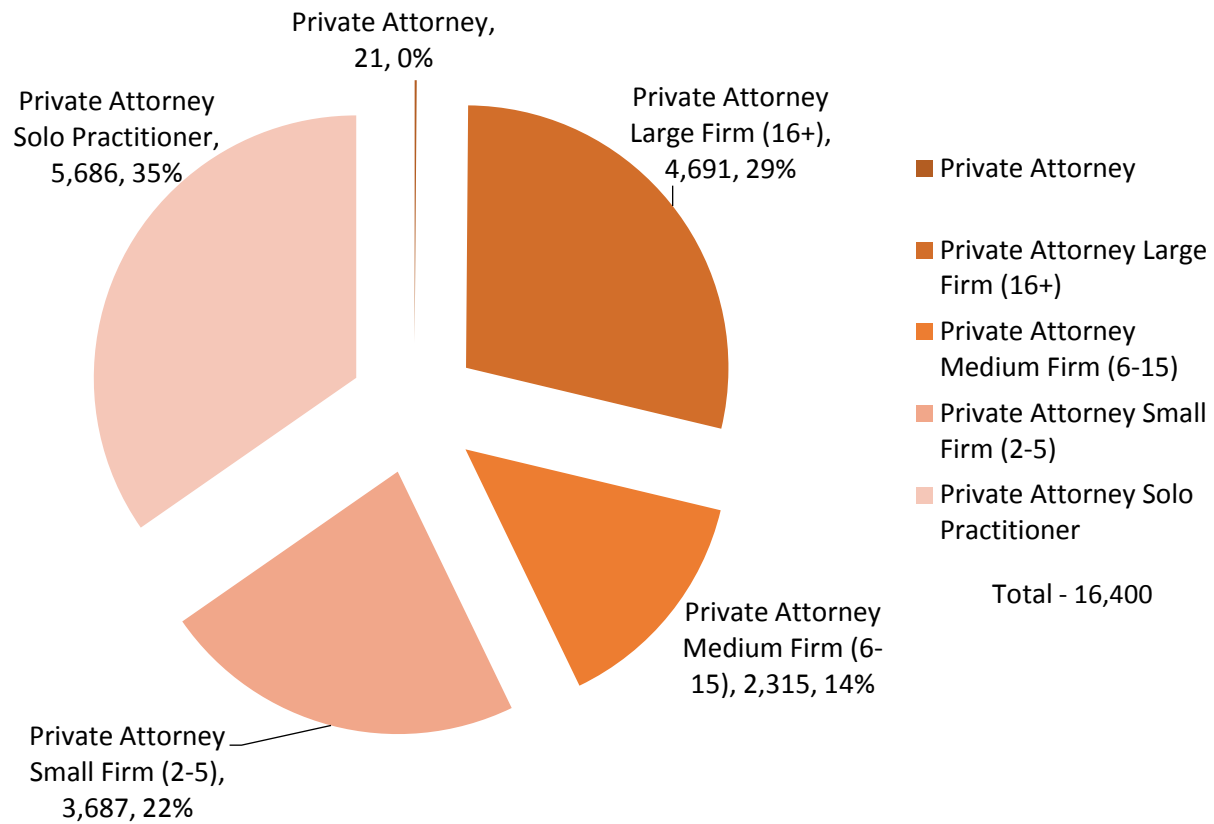
**CHART C-3: COLORADO MALE ATTORNEYS, ACTIVE AND INACTIVE BY AGE**



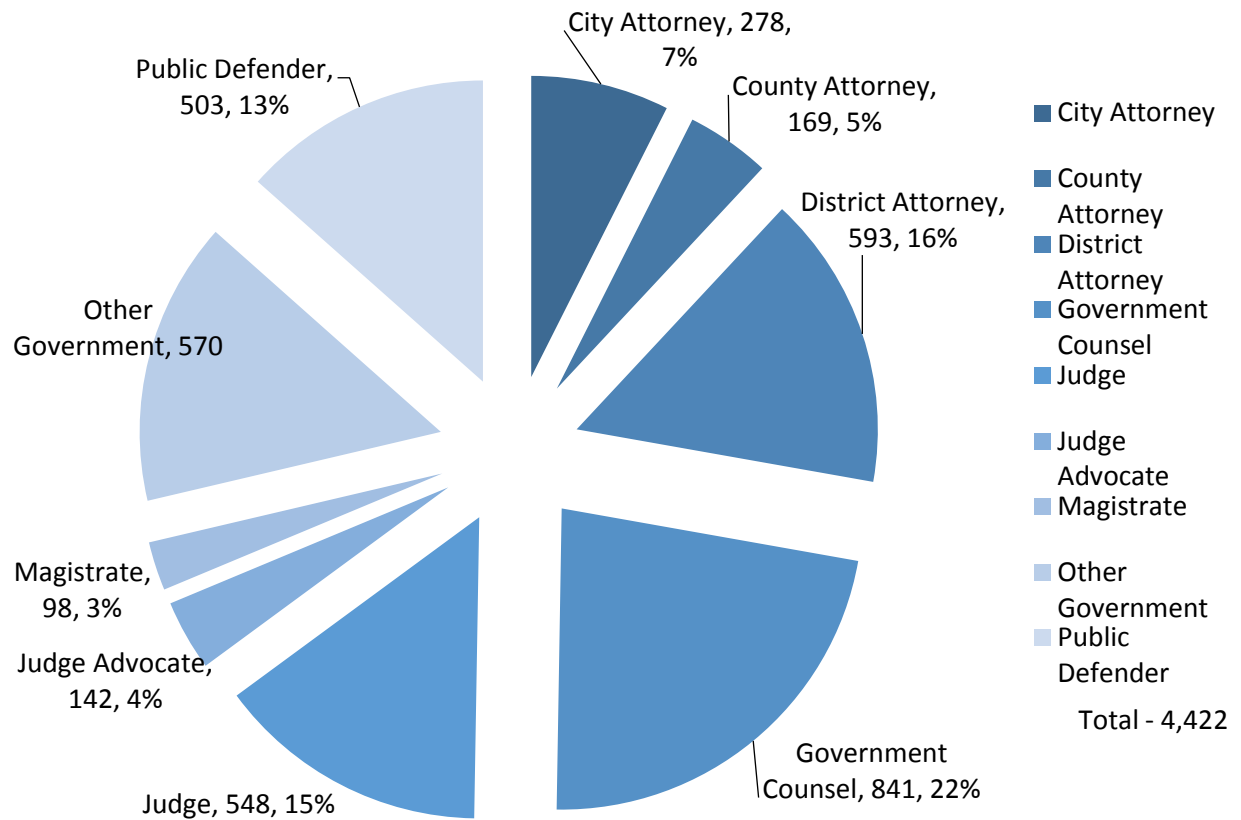
### CHART C-4: ACTIVE ATTORNEYS BY AREA OF PRACTICE



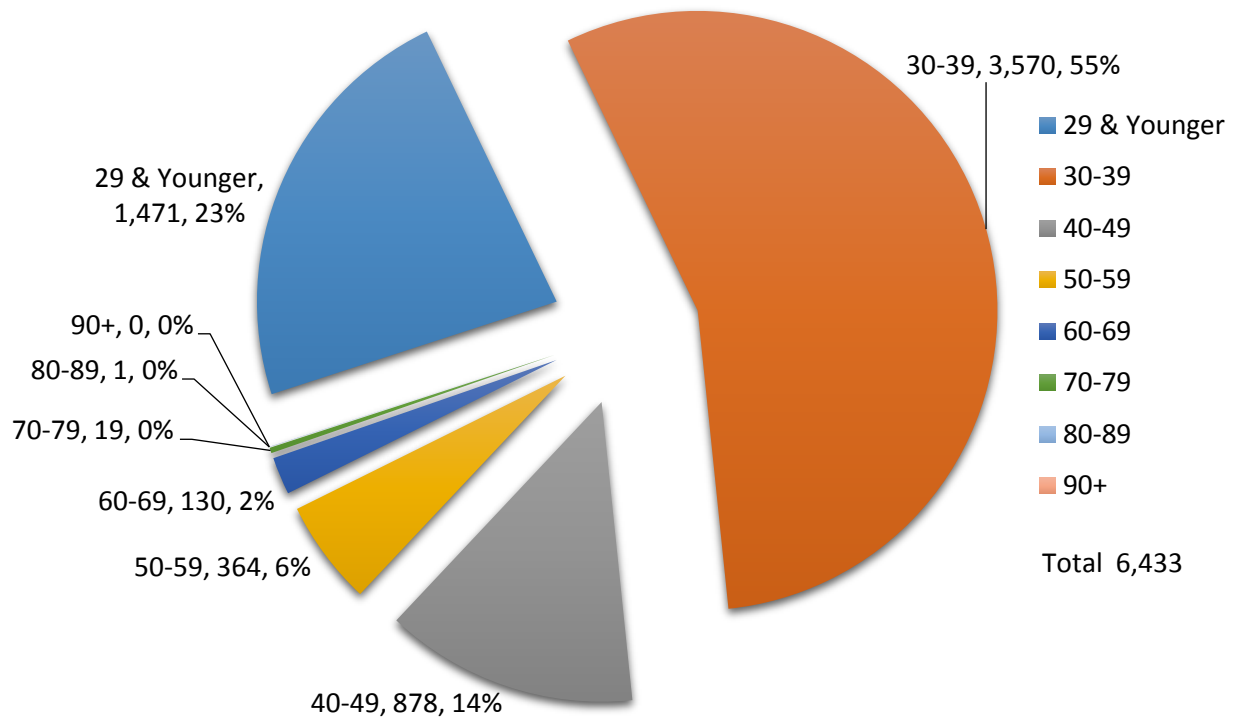
**CHART C-5: ACTIVE ATTORNEYS IN PRIVATE PRACTICE, BY FIRM SIZE**



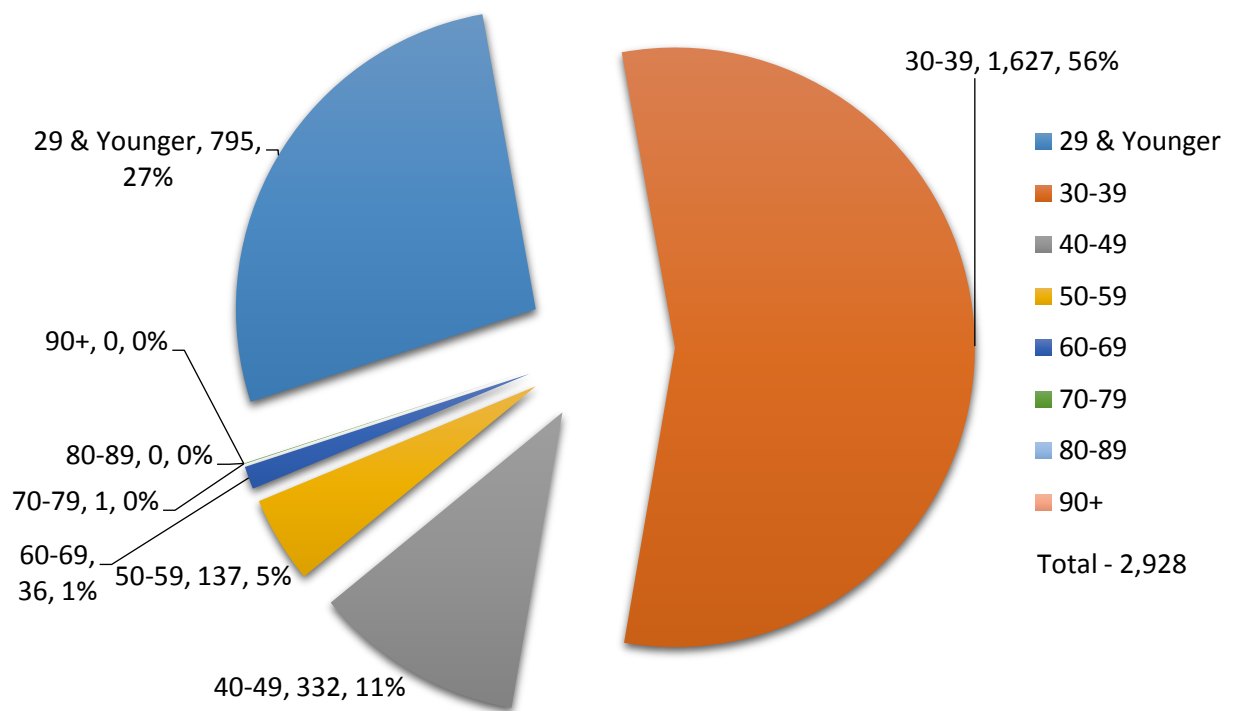
## CHART C-6: ACTIVE ATTORNEYS IN GOVERNMENT PRACTICE, BY TYPE



**CHART C-7: ACTIVE ATTORNEYS, PRACTICING 0-5 YEARS**

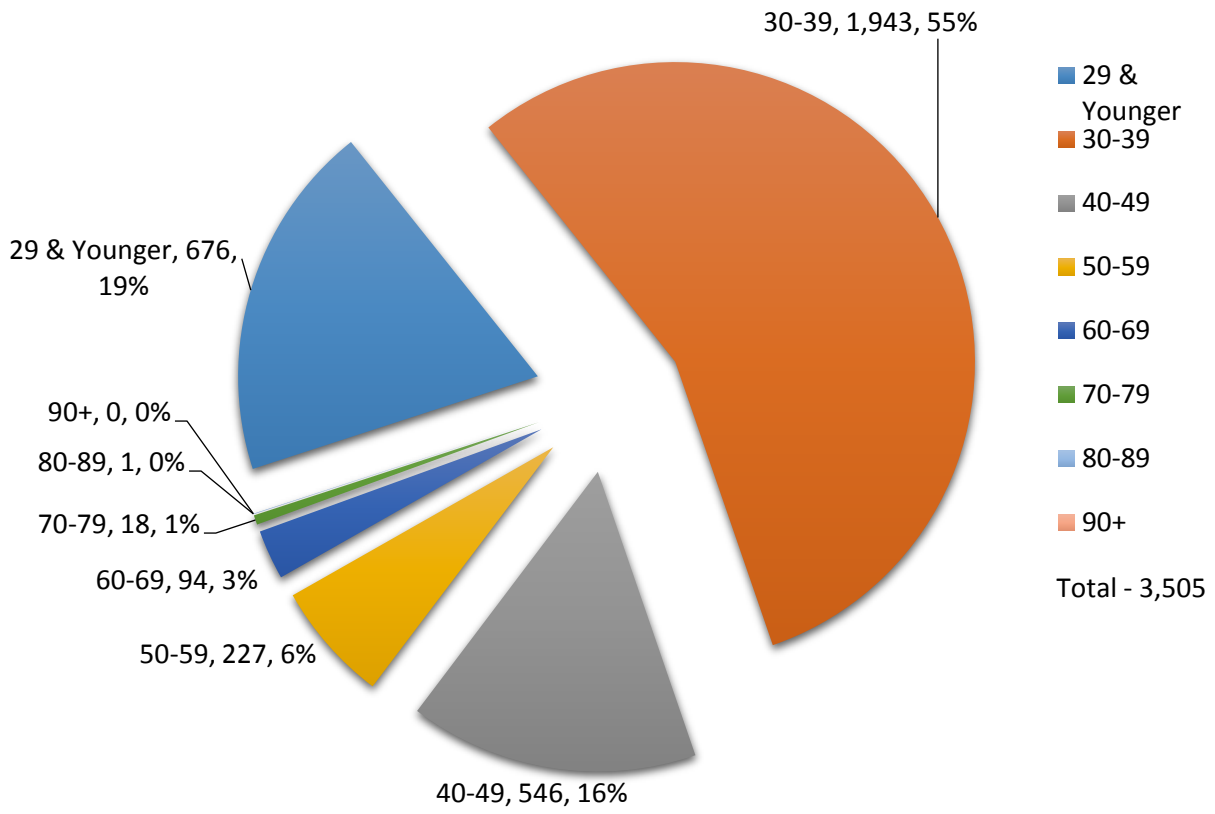


## CHART C-8: ACTIVE FEMALE ATTORNEYS, PRACTICING 0-5 YEARS

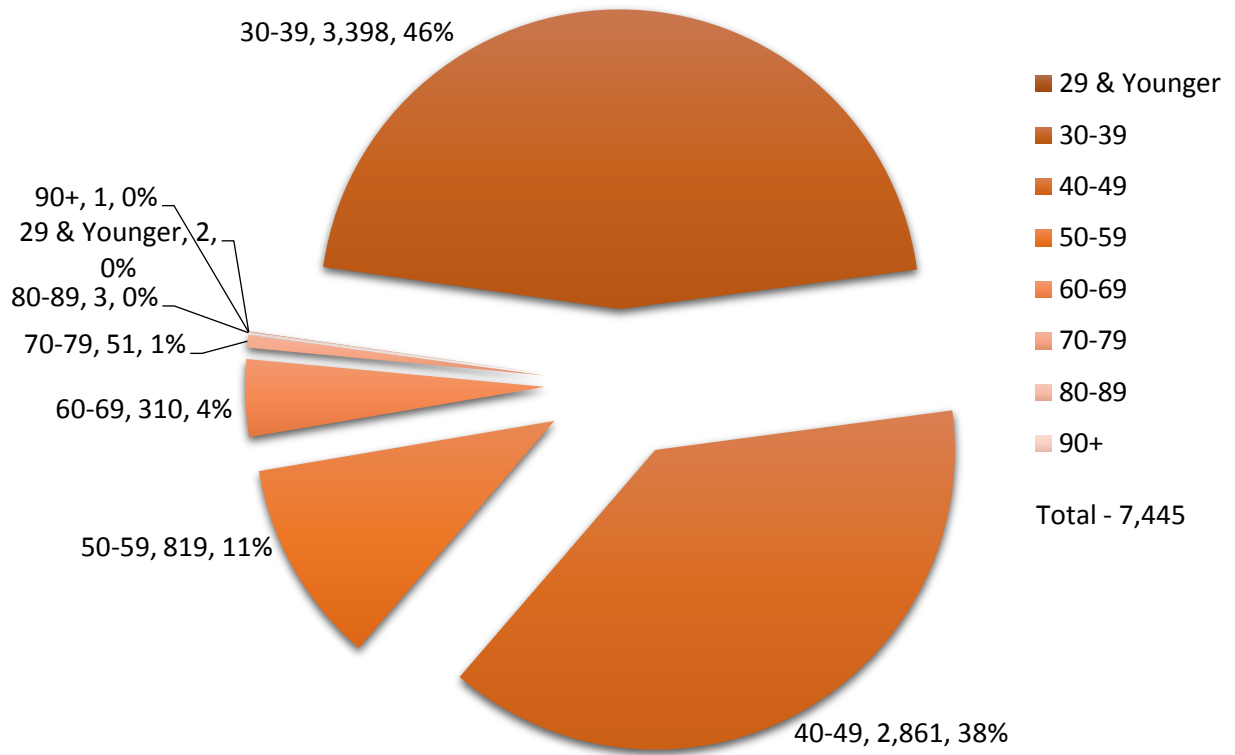




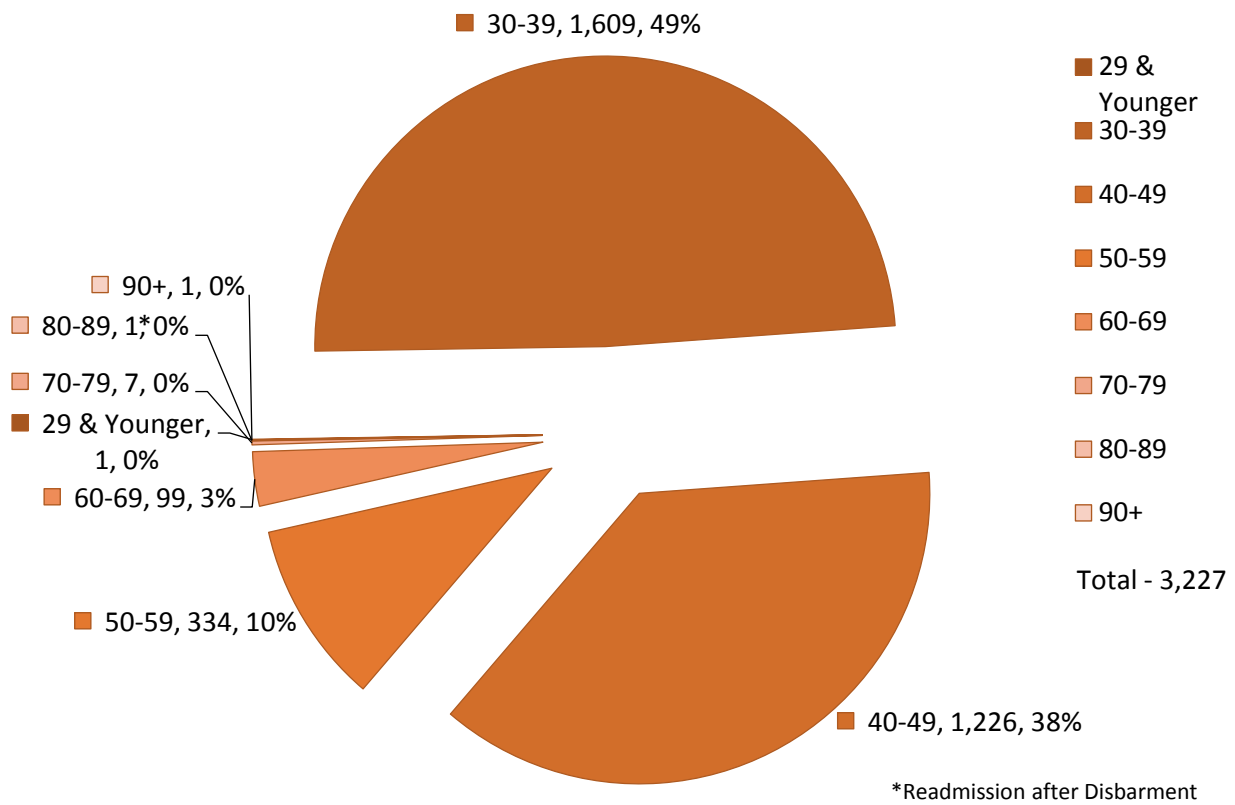
# CHART C-9: ACTIVE MALE ATTORNEYS, PRACTICING 0-5 YEARS



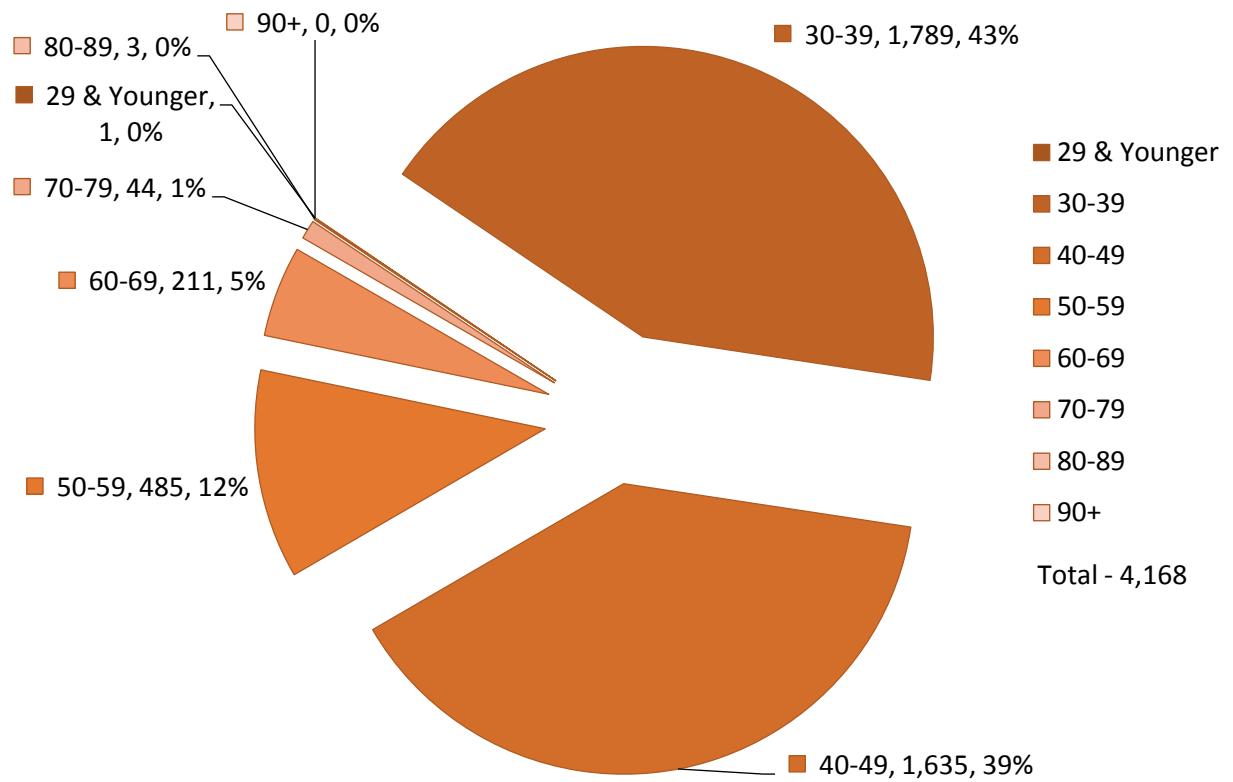
**CHART C-10: ACTIVE ATTORNEYS, PRACTICING 6-15 YEARS**



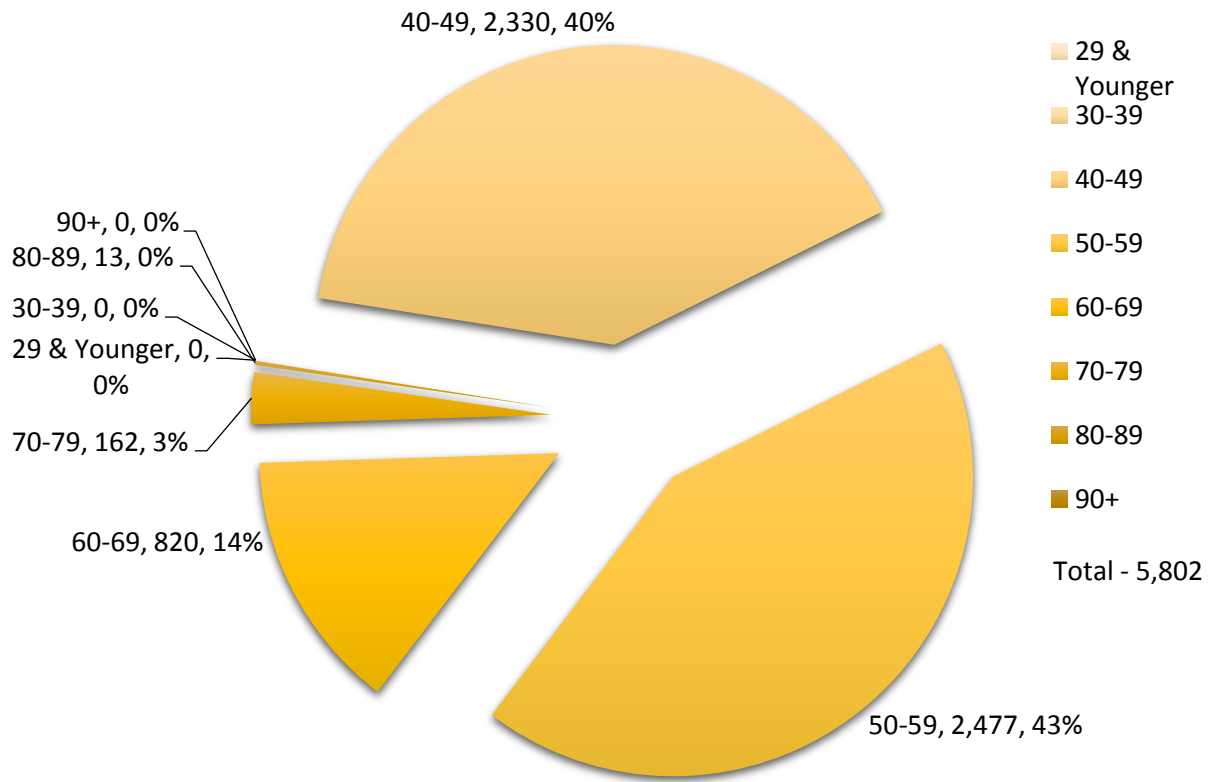
# CHART C-11: ACTIVE FEMALE ATTORNEYS, PRACTICING 6-15 YEARS



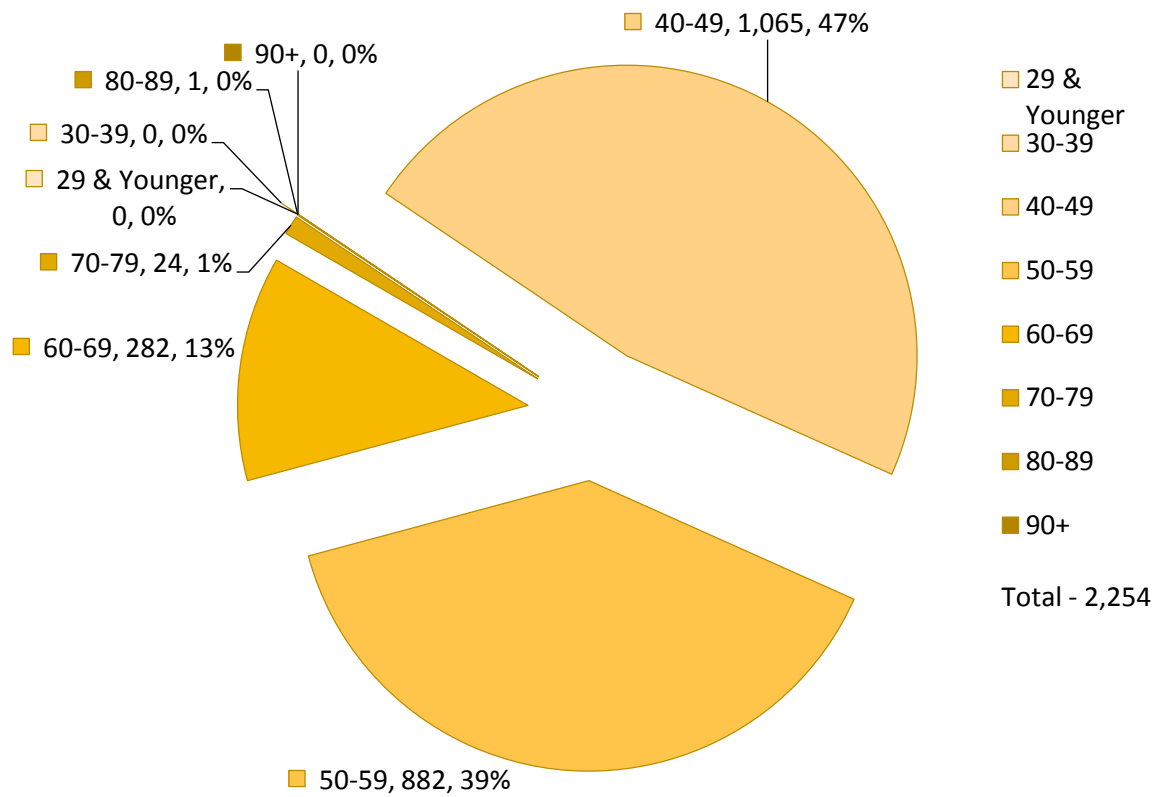
## CHART C-12: ACTIVE MALE ATTORNEYS, PRACTICING 6-15 YEARS



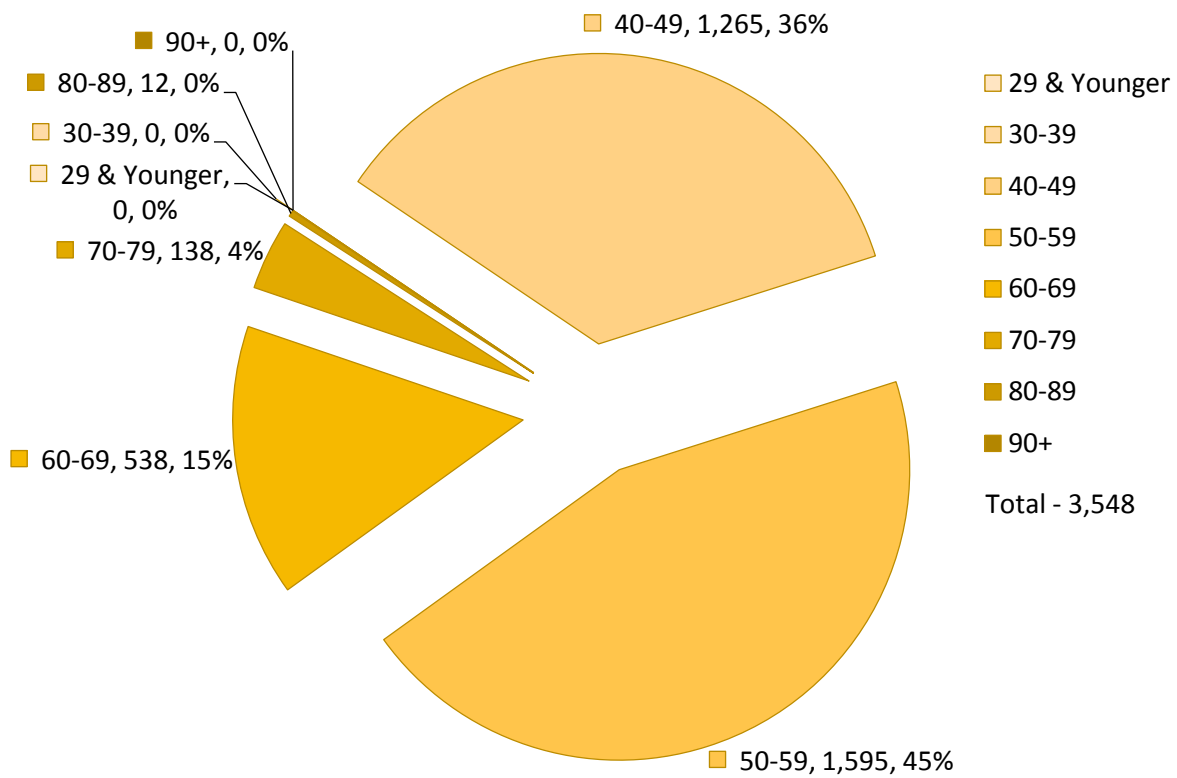
# CHART C-13: ACTIVE ATTORNEYS, PRACTICING 16-25 YEARS



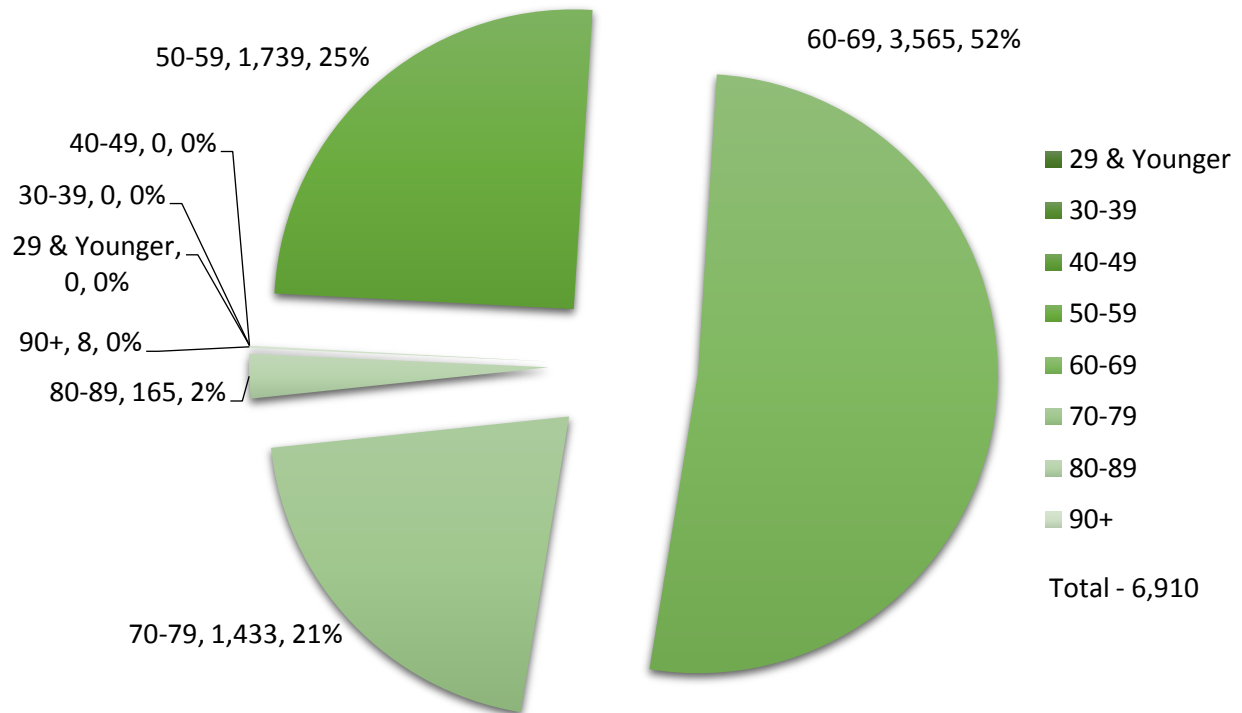
## CHART C-14: ACTIVE FEMALE ATTORNEYS, PRACTICING 16-25 YEARS



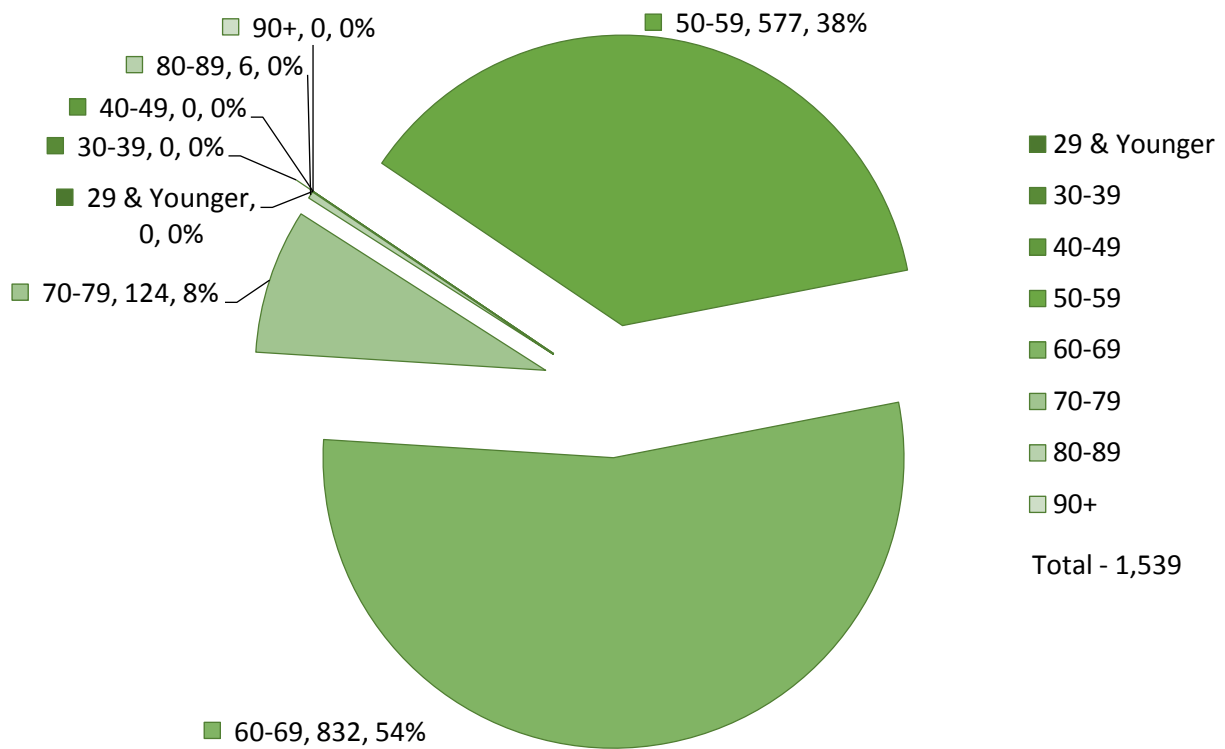
## CHART C-15: ACTIVE MALE ATTORNEYS, PRACTICING 16-25 YEARS



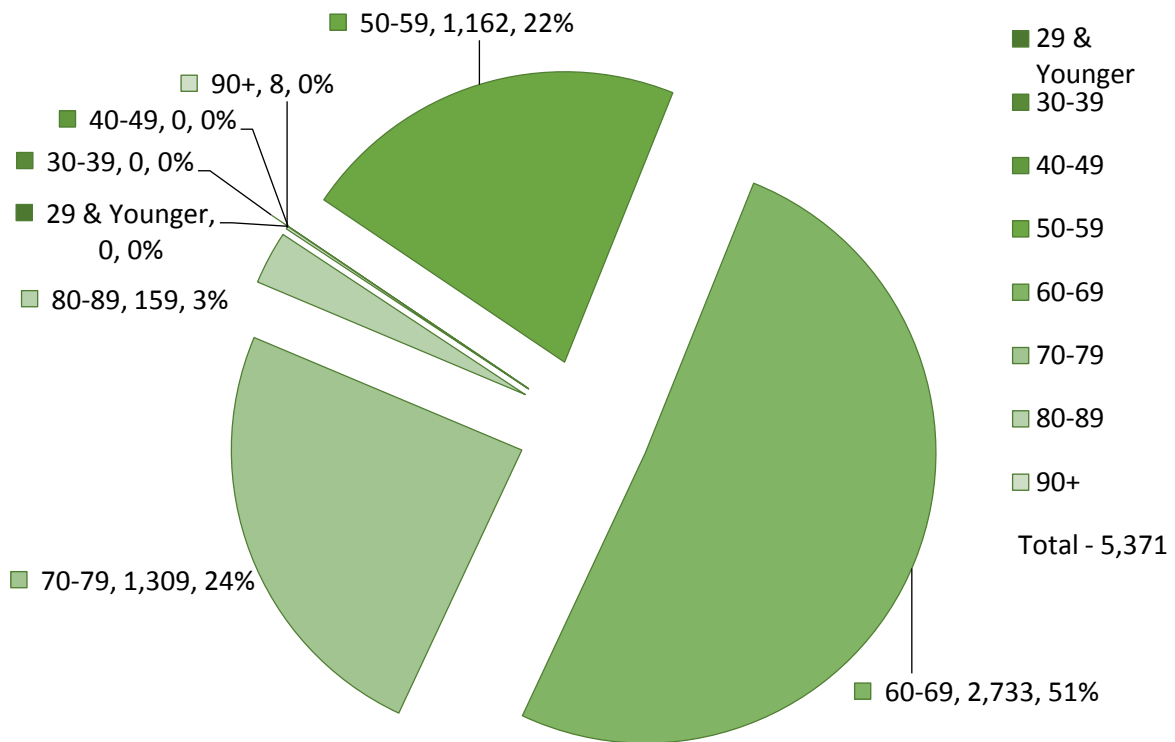


**CHART C-16: ACTIVE ATTORNEYS, PRACTICING 26+ YEARS**

# CHART C-17: ACTIVE FEMALE ATTORNEYS, PRACTICING 26+ YEARS

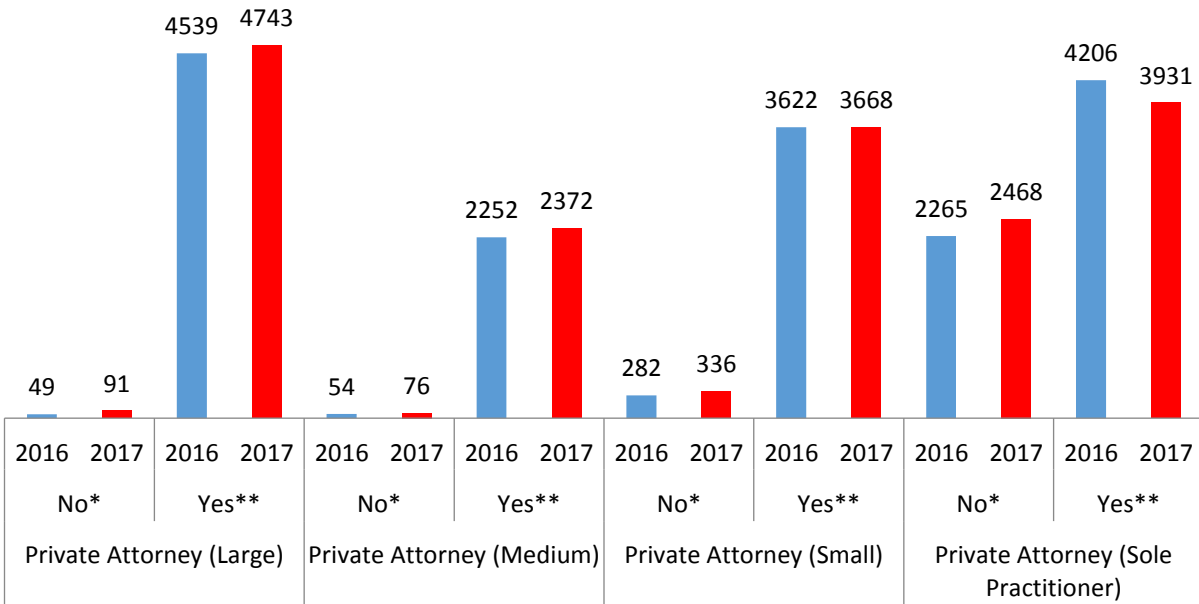


**CHART C-18: ACTIVE MALE ATTORNEYS, PRACTICING  
26+ YEARS**



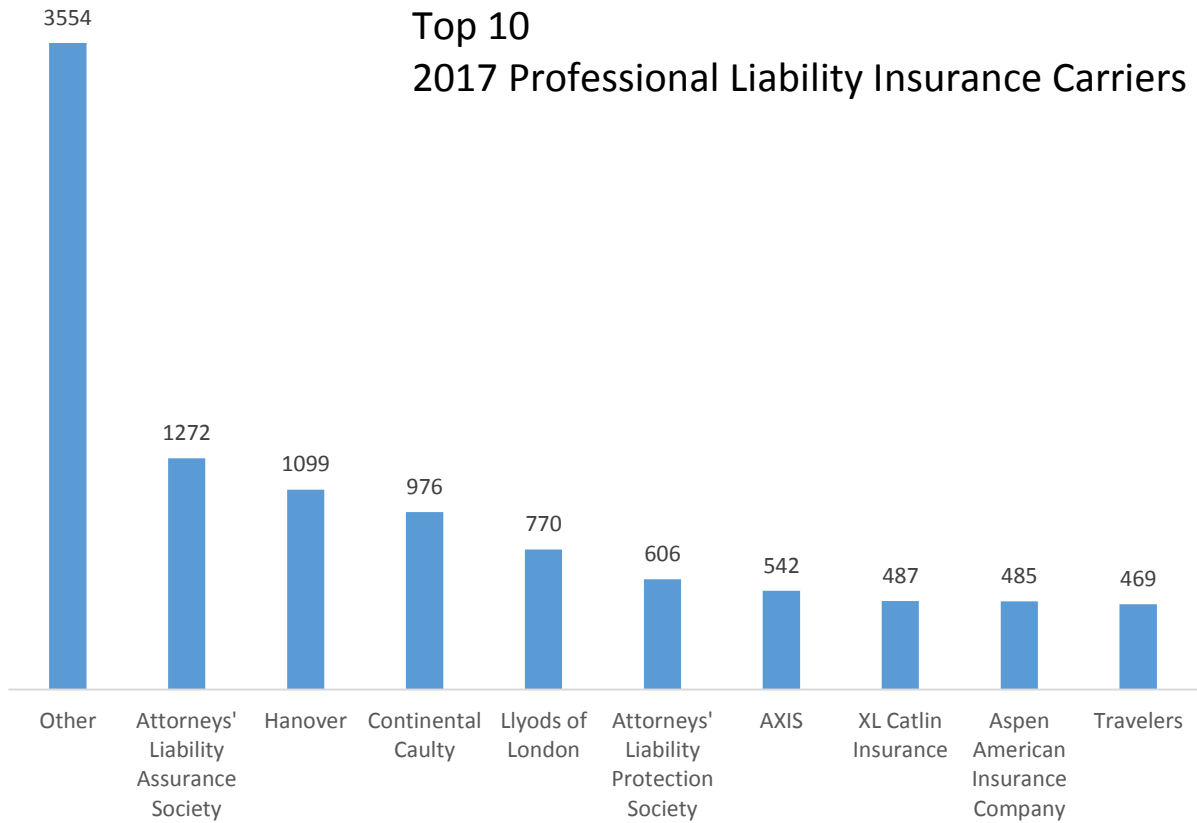
## CHART C-19: MALPRACTICE INSURANCE COVERAGE FOR ATTORNEYS IN PRIVATE PRACTICE

### Malpractice Insurance Coverage for Attorneys in Private Practice

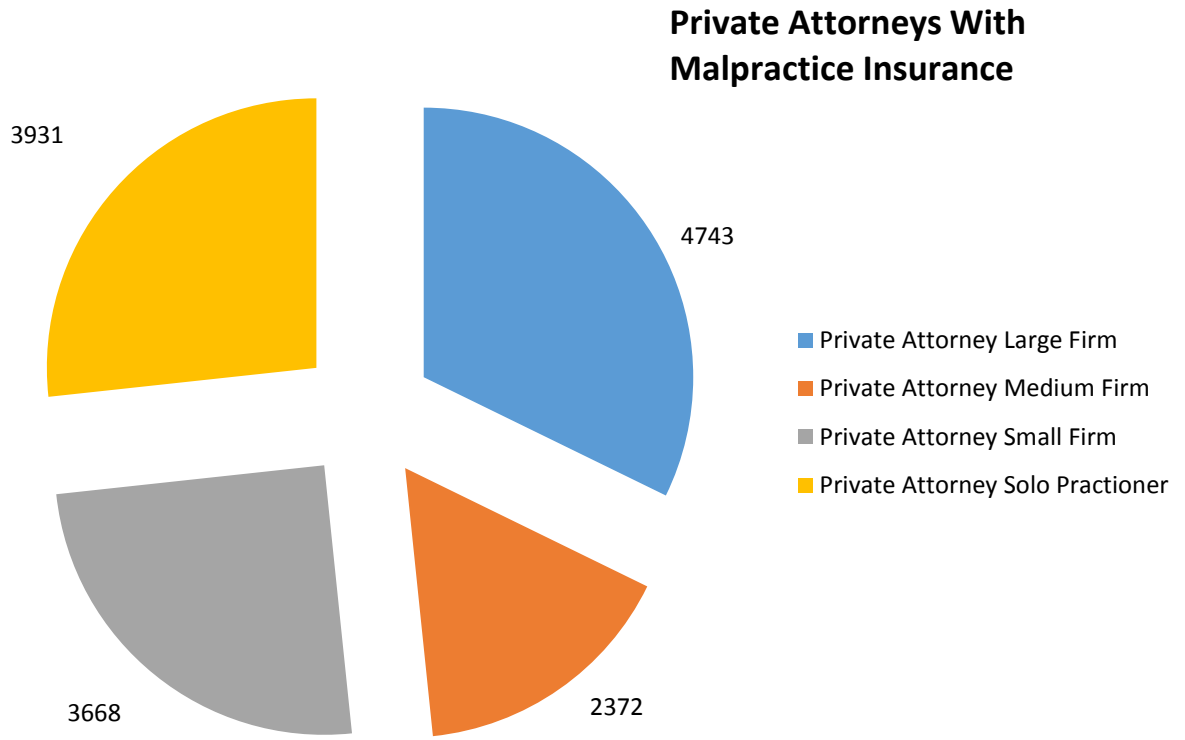


\*attorney selected "no" with regard to being covered by professional liability insurance  
 \*\*attorney selected "yes" with regard to being covered by professional liability

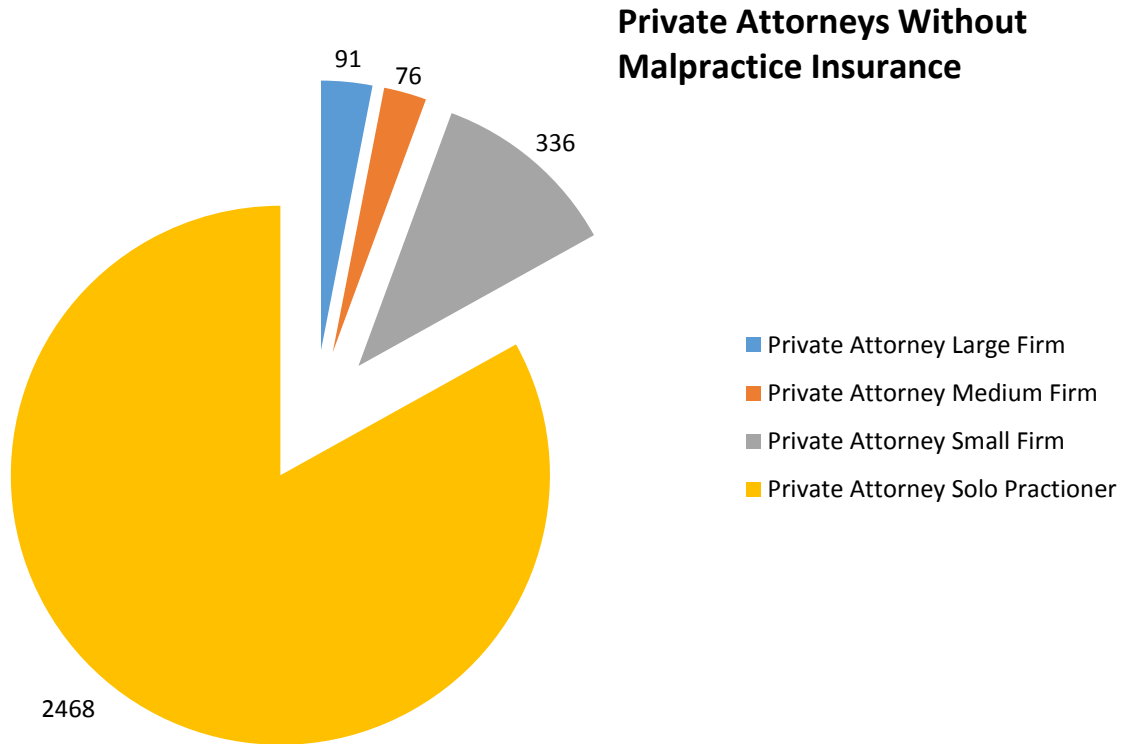
## CHART C-20: TOP 10 2017 PROFESSIONAL LIABILITY INSURANCE CARRIERS



# CHART C-21: PRIVATE ATTORNEYS WITH MALPRACTICE INSURANCE

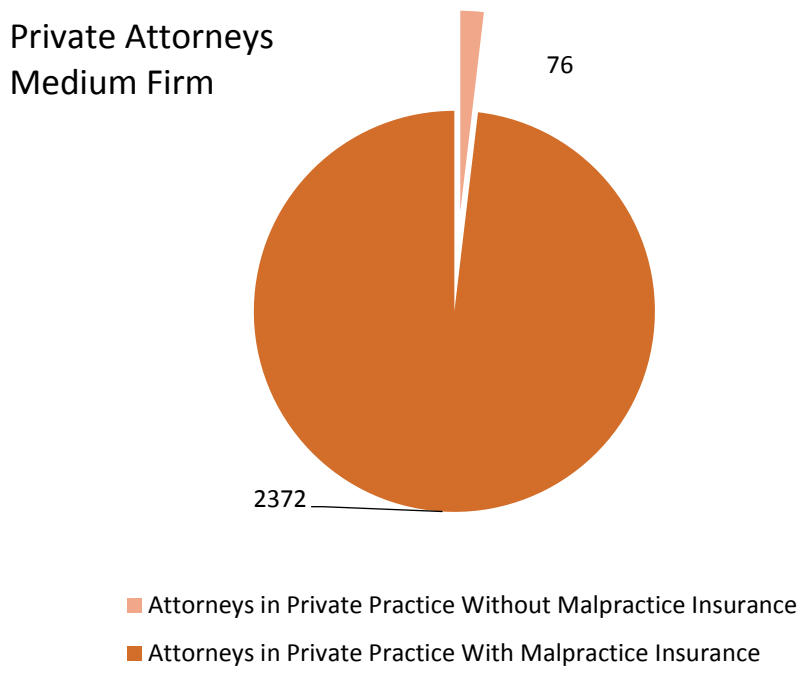
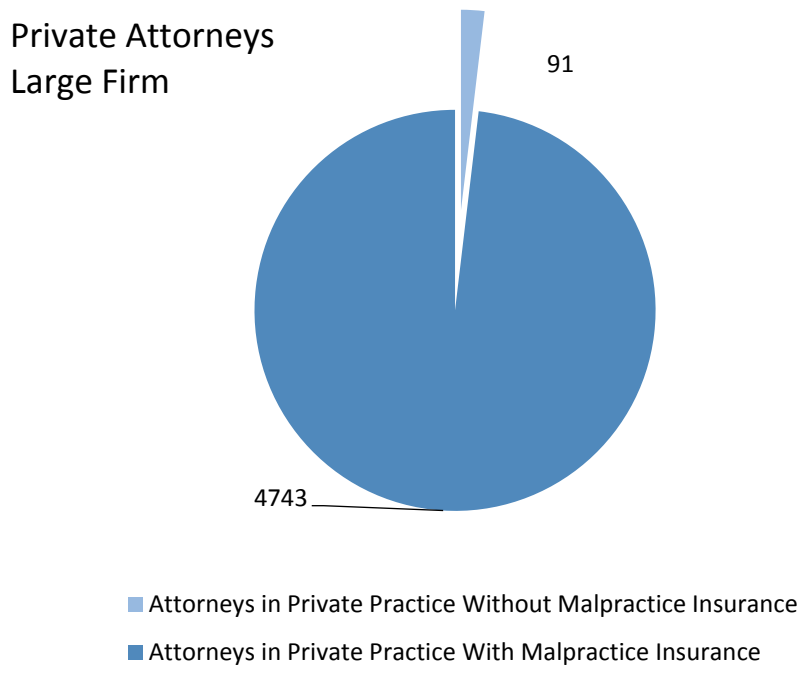


# CHART C-22: PRIVATE ATTORNEYS WITHOUT MALPRACTICE INSURANCE

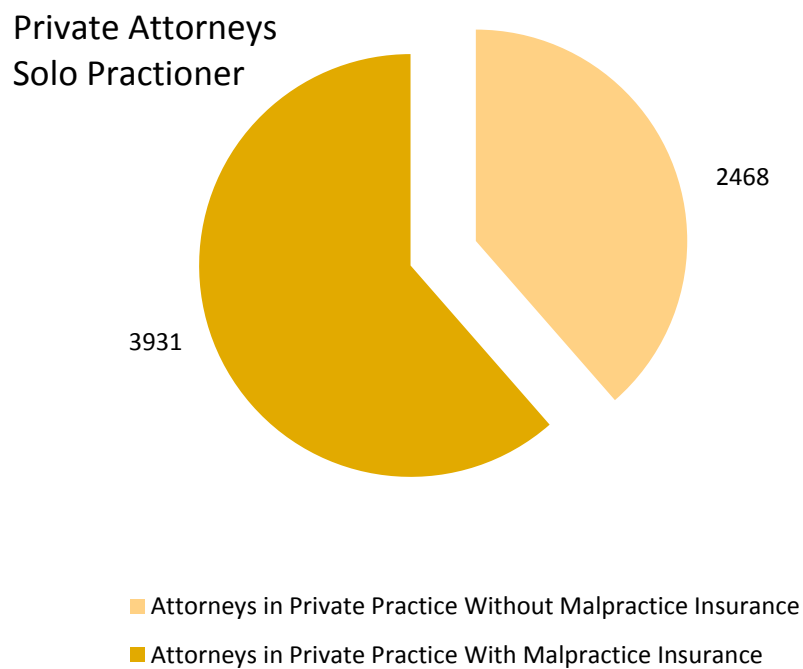
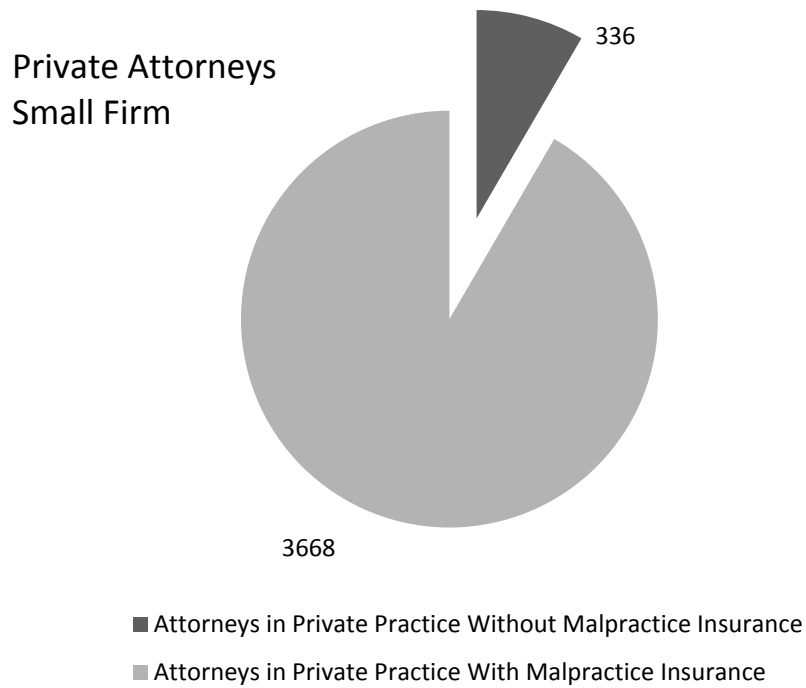




# CHART C-23: PRIVATE ATTORNEYS LARGE FIRM/ MEDIUM FIRM WITHOUT MALPRACTICE INSURANCE



## CHART C-24: PRIVATE ATTORNEYS SMALL FIRM/ SOLO PRACTITIONER WITHOUT MALPRACTICE INSURANCE



# APPENDIX D:

## INTAKE STATISTICS

**TABLE 1: Complaints Filed**

Year	Complaints Filed	Percent Change From Prior Year
2017	3,477	(2%)
2016	3,549	1.25%
2015	3,505	(.6%)
2014	3,528	(9%)
2013	3,883	(3%)
2012	3,983	(2%)
2011	4,081	(0%)
2010	4,089	(2%)

**TABLE 2: Intake Calls Received**

Year	Intake Complaint Calls	Additional Intake Calls	Additional Miscellaneous Calls
2017	3,477	5,455	11,395
2016	3,549	5,746	11,502
2015	3,505	5,859	10,097
2014	3,528	5,263	11,318
2013	3,883	4,641	19,349
2012	3,983	4,489	16,093
2011	4,081	4,473	15,241
2010	4,089	4,906	16,026

Regulation Counsel (or Chief Deputy Regulation Counsel) reviews all offers of diversion made by the central intake attorneys. Additionally, at the request of either the complainant or the respondent-attorney, Regulation Counsel reviews any determination made by a central intake attorney.

One of the goals of central intake is to handle complaints as quickly and efficiently as possible. In 1998, prior to central intake, the average time matters spent at the intake stage was 13 weeks. In 2017, the average time matters spent at the intake stage was 7.43 weeks.

**TABLE 3: Average Processing Time in Intake**

Average Time (weeks)	
2017	7.43
2016	8.1
2015	7.4
2014	7.7
2013	8.2
2012	1.8
2011	1.6
2010	1.7

Critical to the evaluation of central intake is the number of matters processed for further investigation versus the number of cases processed for investigation prior to implementation of central intake. In 1998, prior to the implementation of central intake, 279 cases were processed for further investigation. In 2017, central intake handled 3,477 complaints; 254 of those cases were processed for further investigation.

**TABLE 4: Number of Cases Processed for Further Investigation**

Year	Investigations Initiated	% Change From Prior Year
2017	254	(23%)
2016	331	(4.8%)
2015	348	.5%
2014	346	(5%)
2013	366	(1%)
2012	368	(2%)
2011	377	(7%)
2010	407	1%

In conjunction with central intake, cases that are determined to warrant a public censure or less in discipline are eligible for a diversion program. See C.R.C.P. 251.13. Participation in diversion is always voluntary and may involve informal resolution of minor misconduct

by referral to Ethics School and/or Trust School<sup>38</sup>, fee arbitration, an educational program, or an attorney-assistance program. If the attorney successfully completes the diversion agreement, the file in the Office of Attorney Regulation Counsel is closed and treated as a dismissal. In 2017 at the central intake stage, 42 matters were resolved by diversion agreements. See Table 5. (A representative summary of diversion agreements is published quarterly in *The Colorado Lawyer*.)

**TABLE 5: Number of Intake Diversion Agreements**

Year	Central Intake Diversion Agreements
2017	42
2016	42
2015	35
2014	45
2013	42
2012	32
2011	42
2010	51(52)*

\*The first number is actual diversion agreements. The second number in parentheses represents the number of separate requests for investigation involved in the files.

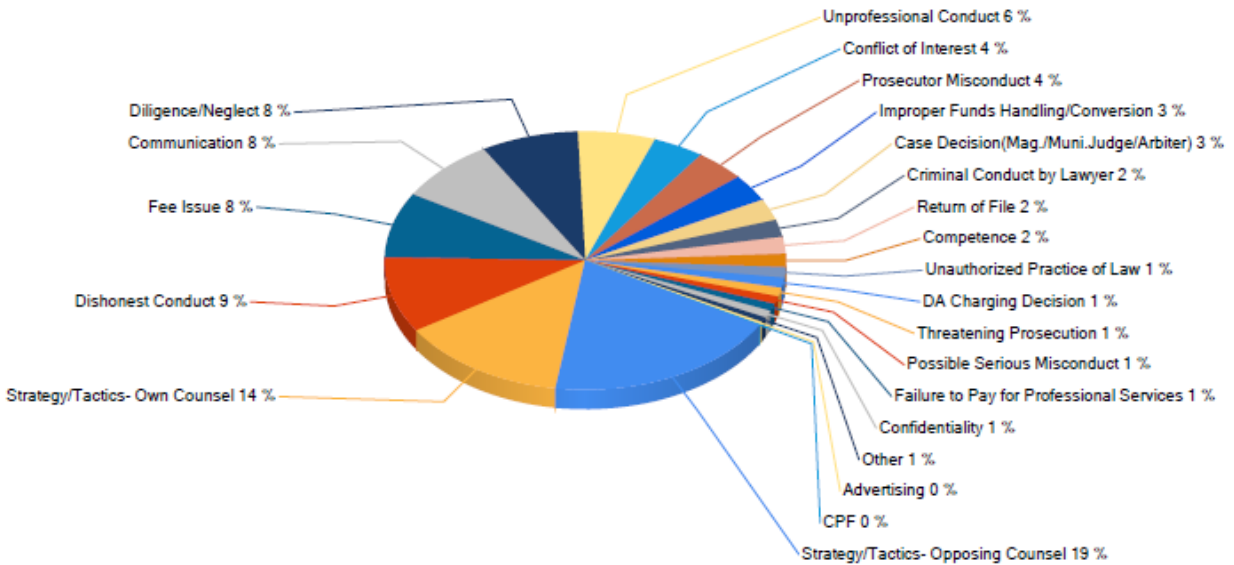
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<sup>38</sup> Ethics School is a one-day program designed and conducted by the Office of Attorney Regulation Counsel. The program is a comprehensive review of an attorney's duty to his/her clients, courts, opposing parties and counsel, and the legal profession. The class also covers conflicts, fee issues, law office management, and trust accounts. Attendance is limited to attorneys participating in diversion agreements or otherwise ordered to attend. Trust School is a half-day program presented by the Office of Attorney Regulation Counsel. The school is available to attorneys and their staff. The class covers all aspects of an attorney's fiduciary responsibility regarding the administration of a trust account. The class also offers instruction on accounting programs available for trust and operating accounts.

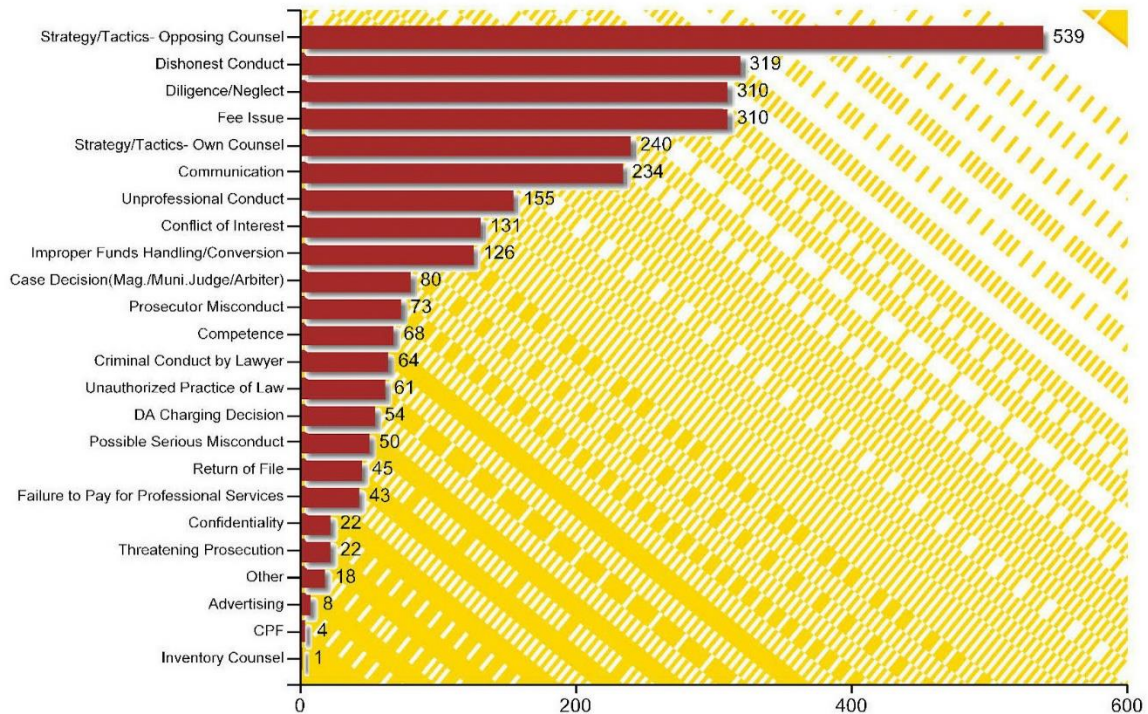
# APPENDIX E:

## CENTRAL INTAKE INQUIRIES BY NATURE OF COMPLAINT

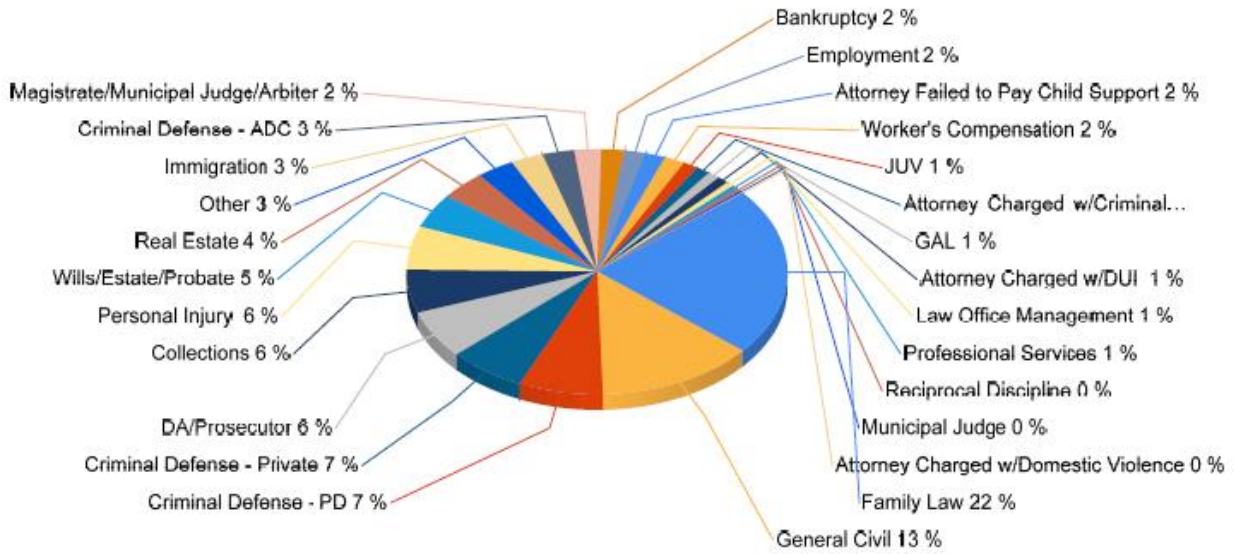
**Chart E-1: Nature of Conduct – Percent of Complaints**



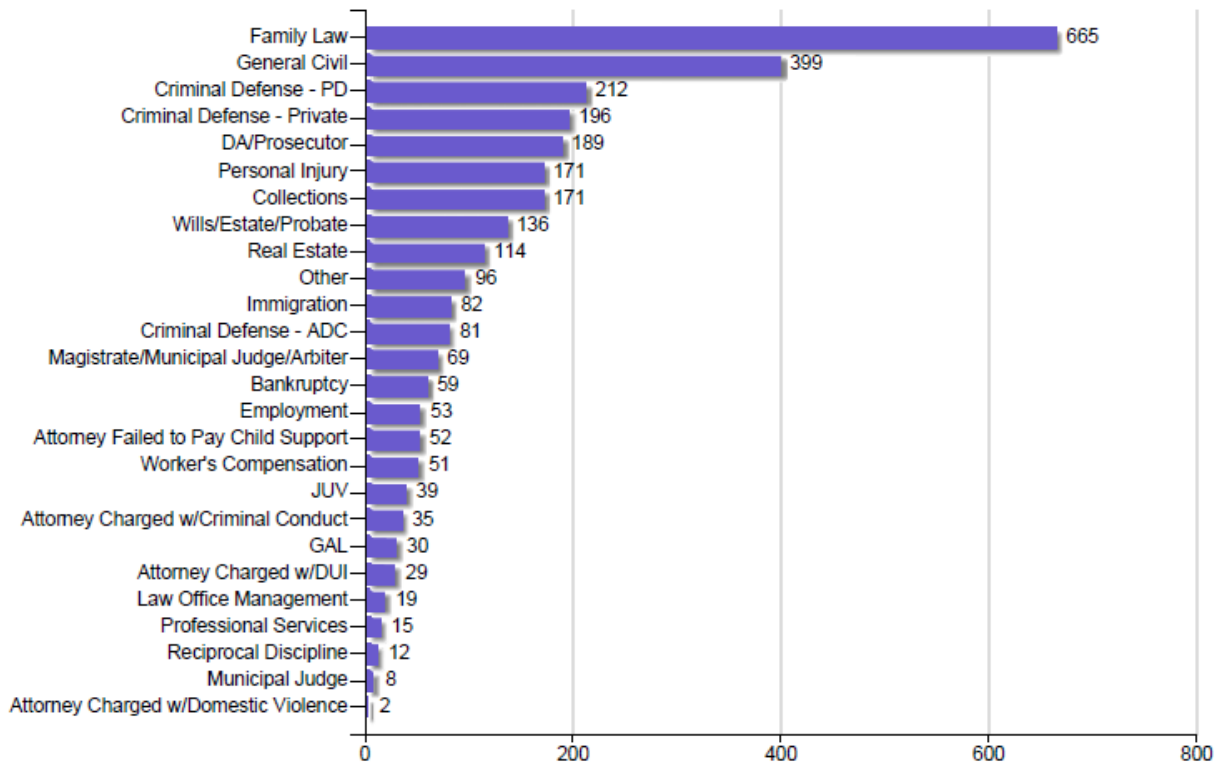
**Chart E-2: Nature of Conduct – Number of Complaints**



**Chart E-3: Nature of Conduct – Percent by Practice Area**



**Chart E-4: Nature of Conduct – Complaints by Practice of Area**





# APPENDIX F:

## INVESTIGATION STATISTICS

Matters docketed for further investigation are assigned to trial counsel within the Office of Attorney Regulation Counsel.

Trial counsel also investigates Unauthorized Practice of Law matters and Attorneys' Fund for Client Protection matters. Statistics relating to the unauthorized practice of law are covered under a separate heading in this report. The Attorneys' Fund for Client Protection report is filed separately.

**TABLE 6: Investigation Dispositions**

Year	Investigations Initiated	Dismissed by Regulation Counsel	To Presiding Disciplinary Judge	To Attorney Regulation Committee	Directly to Presiding Disciplinary Judge	Placed in Abeyance	Other	Pending
2017	254	145	14(21)	109(178)	11	37	0	151
2016	331	109	28(41)*	170(180)	11	27(65)*	0	187
2015	348	120	23(38)*	146(164)*	10(13)*	21(62)****	0	201
2014	346	76	20(24)*	143(151)*	14(16)	60***	0	250
2013	366	100	16(25)*	143(153)*	11(14)*	27	0	231
2012	368	92	17(25)*	165(171)*	11(17)*	13(32)*	0	184
2011	377	204	35(44)*	143(154)*	11	18(20)*	0	153
2010	407	128	25(39)*	217(223)*	14(29)*	30**	0	187

\* The first number is actual files. The second number in parentheses represents the number of separate requests for investigation involved in the files.

\*\* Twenty of the thirty matters placed in abeyance concerned one respondent-attorney.

\*\*\* Forty of the sixty matters placed in abeyance concerned one respondent-attorney.

\*\*\*\* The first number is the number of individual respondent-attorneys. The second number in parentheses represents the number of separate requests for investigation.

### **Dismissals With Educational Language**

In October 2004, the Office of Attorney Regulation Counsel began tracking matters that are dismissed with educational language. The dismissals occur both at the intake stage and the investigative stage. In 2017, 168 matters were dismissed with educational language both at the intake stage and the investigative stage. Some of the matters involved *de minimis* violations that would have been eligible for diversion if conditions or monitoring was needed. Some of the dismissals required attendance at Ethics School or Trust Account School. *See* Table 7.

**TABLE 7: Intake/Investigation: Dismissals With Education Language**

Year	Intake Stage	Investigative	Total
2017	139	29	168
2016	133	15	148
2015	142	31	173
2014	181	9	190
2013	113	20	133
2012	132	4	136
2011	199	25	224
2010	223	29	252

### **Review of Regulation Counsel Dismissals**

A complainant may appeal Regulation Counsel's determination to dismiss the matter to the full Attorney Regulation Committee. If review is requested, the Attorney Regulation Committee must review the matter and make a determination as to whether Regulation Counsel's determination was an abuse of discretion. *See* C.R.C.P. 251.11. *See* Table 8.

**TABLE 8: Requests for Review**

Year	Number of Review Requests	Regulation Counsel Sustained	Regulation Counsel Reversed
2017	3	3	0
2016	0	0	0
2015	5	5	0
2014	0	0	0
2013	1	1	0
2012	1	1	0
2011	2	2	0
2010	0	0	0

## APPENDIX G:

### ATTORNEY REGULATION COMMITTEE (ARC)

The Attorney Regulation Committee (ARC) is composed of nine members, six attorneys and three public members appointed by the Supreme Court with assistance from the Court's Advisory Committee. One of the Attorney Regulation Committee's primary functions is to review investigations conducted by Regulation Counsel and determine whether there is reasonable cause to believe grounds for discipline exist. *See* C.R.C.P. 251.12. Following review of the investigation conducted by Regulation Counsel, the Attorney Regulation Committee may dismiss the allegations, divert the matter to the alternatives to discipline program, order a private admonition be imposed, or authorize Regulation Counsel to file a formal complaint against the respondent-attorney.

In 2017 the Attorney Regulation Committee reviewed 148 matters. *See* Table 9.

**TABLE 9: Number of Cases Reviewed by ARC**

Cases Reviewed by ARC	
2017	148
2016	180
2015	166
2014	151
2013	153
2012	171
2011	154
2010	225

**TABLE 10: Requests for Investigation Dismissed After ARC Review**

Number of Requests for Investigation Dismissed After Investigation by the Attorney Regulation Committee	
2017	2
2016	0
2015	0
2014	0
2013	0
2012	0
2011	0
2010	2

**TABLE 11: Weeks to Dismissal by Regulation Counsel/ARC**

Number of Weeks from Case Assigned to Dismissal by Regulation Counsel/ARC	
2017	33.6
2016	34.2
2015	33.3
2014	27.1
2013	26.9
2012	25.4
2011	30.3
2010	24.2

The Attorney Regulation Committee's disposition of the 148 matters presented to the Committee is detailed in Table 12.<sup>39</sup>

**TABLE 12: Dispositions by the Attorney Regulation Committee**

Year	Formal Proceedings	Diversion Agreements	Private Admonition	Conditional Admissions	Dismissals	Total Cases Acted Upon By ARC
2017	115	29(37)	15(26)*	0	2	123(148)
2016	115	46(56)	9	0	0	170(180)
2015	97	47(54)*	9(14)*	0	1	154(166)*
2014	102	37(45)*	4	0	0	143(151)*
2013	101	36(44)*	6(8)*	0	0	143(153)*
2012	123	33(39)*	9	0	0	165(171)*
2011	95	36(46)*	12(13)*	0	0	143(154)*
2010	175	37(42)*	5(6)*	0	2	219(225)*

\*The first number is actual files. The second number in parentheses represents the number of separate requests for investigation involved in the files.

<sup>39</sup> Because some matters are carried over from one calendar year to the next, the number of matters reviewed by the Attorney Regulation Committee and the number of matters dismissed by Regulation Counsel generally will not conform to the number of cases docketed or completed in the investigation area. See Tables 4, 6, and 9.

**Table 13: Weeks from Case Assignment to Completion**

Number of Weeks from Case Assigned to Completion of Report/Diversion/Stipulation	
2017	30
2016	30.4
2015	27.6
2014	24.7
2013	25.7
2012	24.8
2011	25.4
2010	23.2

# APPENDIX H:

## FORMAL COMPLAINTS

In 115 separate matters, the Attorney Regulation Committee found reasonable cause and authorized the Office of Attorney Regulation Counsel to file a formal complaint. *See* C.R.C.P. 251.12(e). Several matters were consolidated, and the number of formal complaints filed in 2017 was 39. In certain cases, after authority to file a formal complaint is obtained, Attorney Regulation Counsel and the respondent-attorney enter into a Conditional Admission to be filed with the Presiding Disciplinary Judge without the filing of a formal complaint. *See* Table 14.

**TABLE 14: Formal Proceedings**

Year	Formal Complaints Filed	Resolved Prior to Complaint Filed
2017	39(85)*	16(19)*
2016	43(96)*	10(15)*
2015	44(95)*	11(17)*
2014	41(56)*	7(8)*
2013	48(73)*	8(12)*
2012	47(92)*	2(5)*
2011	35(90)*	9(19)*
2010	85(184)*	10(20)*

\*The first number is actual files. The second number in parentheses represents the number of separate requests for investigation involved in the files.

The formal complaints filed, and those pending from 2016, in the attorney discipline area resulted in 10 disciplinary trials; 3 sanctions hearings, and 1 reinstatement hearing, no character and fitness hearing and 2 Unauthorized Practice of Law hearings. The trial division also participated in additional matters before the Presiding Disciplinary Judge (at issue conferences, status conferences, and pretrial conferences). Disposition of the matters is detailed in Table 15.

**TABLE 15: Disposition of Matters at Trial Stage**

Year	Attorney Discipline Trials	Reinstatement Hearings	Conditional Admissions	Diversion Agreements	Dismissals	Abeyance
2017	10	1	22(51)*	2(3)*	1(3)*	2
2016	13	5	22(40)*	1(3)*	1	0
2015	12	4	26(50)*	1(3)*	1	0
2014	16	1	27(46)*	1	1	0
2013	10	2	17(25)*	0	0	0
2012	11	3	24(53)*	0	3	0
2011	22	3	43(91)*	2	7	1
2010	22(29)*	2	40(94)*	2	2	2

\*The first number represents actual files; the second number in parentheses represents the number of separate requests for investigation involved in the files.

A diversion agreement is an alternative to discipline. Diversion agreements are useful in less serious matters in which an attorney must comply with certain conditions, which may include mediation, fee arbitration, law office management assistance, evaluation and treatment through the attorneys' peer assistance program, evaluation and treatment for substance abuse, psychological evaluation and treatment, medical evaluation and treatment, monitoring of the attorney's practice or accounting procedures, continuing legal education, ethics school, the multistate professional responsibility examination, or any other program authorized by the Court. *See* Table 16A-16E.

**Table 16A: Diversion Agreements at Intake Stage**

Diversion Agreements at Intake Stage	
2017	42
2016	42
2015	35
2014	45
2013	42
2012	32
2011	42
2010	51(52)*

**Table 16B: Diversion Agreements at Investigative Stage**

Diversion Agreements at Investigative Stage Approved by the Attorney Regulation Committee	
2017	30(35)*
2016	46(56)*
2015	47(54)*
2014	37(45)*
2013	36(44)*
2012	33(39)*
2011	36(46)*
2010	37(42)*

**Table 16C: Diversion Agreements at Trial Stage**

Diversion Agreements at Trial Stage Approved by the Presiding Disciplinary Judge	
2017	2
2016	1(3)*
2015	1(3)*
2014	1
2013	0
2012	0
2011	2
2010	2

\*The first number represents actual files; the second number in parentheses represents the number of separate requests for investigation involved in the files.



**Table 16D: Conditional Admissions at Investigative Stage**

Conditional Admissions at Investigative Stage Approved by the Presiding Disciplinary Judge	
2017	20(23)*
2016	12(22)*
2015	11(14)*
2014	20(24)*
2013	16(25)*
2012	17(25)*
2011	35(44)*
2010	25(39)*

**Table 16E: Conditional Admissions at Trial Stage**

Conditional Admissions at Trial Stage Approved by the Presiding Disciplinary Judge	
2017	22(51)*
2016	22(40)
2015	26(50)*
2014	27(46)*
2013	17(25)*
2012	24(53)*
2011	43(91)*
2010	40(94)*

\*The first number represents actual files; the second number in parentheses represents the number of separate requests for investigation involved in the files.

After a formal complaint is filed with the Presiding Disciplinary Judge, the matter may be resolved by dismissal, diversion, conditional admission of misconduct,<sup>40</sup> or by trial. The following tables compare the length of time formal complaints are pending before Presiding Disciplinary Judge. Additionally, a comparison of the time period from the filing of the formal complaint until a conditional admission of misconduct is filed, and a comparison of the time period from the filing of the formal complaint to trial, is provided.

**TABLE 17A: Average Time – Formal Complaint to Conditional Admission/Diversion**

Year	Average Weeks From Filing of Formal Complaint to Conditional Admission/Diversion Filed	
2017	Presiding Disciplinary Judge	27.9 weeks
2016	Presiding Disciplinary Judge	17.6 weeks
2015	Presiding Disciplinary Judge	18.2 weeks
2014	Presiding Disciplinary Judge	26.1 weeks
2013	Presiding Disciplinary Judge	23.0 weeks
2012	Presiding Disciplinary Judge	27.3 weeks
2011	Presiding Disciplinary Judge	31.9 weeks
2010	Presiding Disciplinary Judge	25.2 weeks

**TABLE 17B: Average Time – Formal Complaint to Trial**

Year	Average Weeks From Filing of Formal Complaint to Trial	
2017	Presiding Disciplinary Judge	28.4 weeks
2016	Presiding Disciplinary Judge	31.5 weeks
2015	Presiding Disciplinary Judge	34.3 weeks
2014	Presiding Disciplinary Judge	27.6 weeks
2013	Presiding Disciplinary Judge	33.5 weeks
2012	Presiding Disciplinary Judge	25.9 weeks
2011	Presiding Disciplinary Judge	39.7 weeks
2010	Presiding Disciplinary Judge	32.3 weeks

<sup>40</sup> Pursuant to C.R.C.P. 251.22, at any point in the proceedings prior to final action by a Hearing Board, an attorney against whom proceedings are pending may tender a conditional admission of misconduct. The conditional admission constitutes grounds for discipline in exchange for a stipulated form of discipline. The conditional admission must be approved by the Regulation Counsel prior to its submission.

Another comparison is the average time it takes from the filing of the formal complaint with the Presiding Disciplinary Judge until the Presiding Disciplinary Judge issues a final order.

**TABLE 18: Average Weeks from the Filing of the Formal Complaint Until the Final Order is Issued by the Presiding Disciplinary Judge**

	Conditional Admission or Diversion Filed	Trial Held
2017	30.1 weeks	46 weeks
2016	22.9 weeks	44.8 weeks
2015	24.3 weeks	56.3 weeks
2014	28.8 weeks	42.7 weeks
2013	22.3 weeks	36.4 weeks
2012	32.9 weeks	62.3 weeks
2011	30.6 weeks	41.8 weeks
2010	26.4 weeks	49.7 weeks

# APPENDIX I:

## APPEALS

In 2017, 6 attorney discipline appeals were filed with the Court.

**TABLE 19A: Appeals Filed with the Colorado Supreme Court**

Year	Appeal Filed With:	Number of Appeals
2017	Colorado Supreme Court	6
2016	Colorado Supreme Court	4
2015	Colorado Supreme Court	5
2014	Colorado Supreme Court	5
2013	Colorado Supreme Court	4
2012	Colorado Supreme Court	8
2011	Colorado Supreme Court	14
2010	Colorado Supreme Court	6

**TABLE 19B: Disposition of Appeals**

Year	Appeals Filed	Appeals Dismissed	Appeals Affirmed	Appeals Reversed	Appeals Pending
2017	6	1	4	0	1
2016	4	1	2	0	4
2015	5	1	3	0	3
2014	5	1	1	1	3
2013	4	0	4	0	4
2012	8	2	4	0	3
2011	14	3	5	1	9
2010	6	1	1	0	4

# APPENDIX J:

## FINAL DISPOSITIONS

Final dispositions of proceedings are reflected in Table 20.

**TABLE 20: Final Dispositions of Proceedings**

Year	Abeyance	Dismissals	Diversions	Public Censures	Suspensions	Probations	Disbarments
2017	2	1(3)*	2	16(21)*	31(63)*	10(12)*	13(42)*
2016	0	1	1(3)*	11(13)*	29(60)*	14(30)*	18(39)*
2015	0	1	1(3)*	6(11)*	34(60)*	19(29)*	14(36)*
2014	0	1	1	1	44(73)*	27(40)*	9(32)*
2013	0	0	0	5	46(61)*	25(43)*	18(27)*
2012	0	3	0	8	43	21	8
2011	2	7	2	9	60(61)*	40	16
2010	2	2	2	15	56(59)*	29	9

\*The first number represents actual files; the second number in parentheses represents the number of separate requests for investigation involved in the files.

# APPENDIX K:

## OTHER ACTIONS

### Immediate Suspensions

In 2017, the Office of Attorney Regulation Counsel filed 8 petitions for immediate suspension.<sup>41</sup> The petitions are filed directly with the Presiding Disciplinary Judge or the Colorado Supreme Court. The Presiding Disciplinary Judge or a Justice of the Supreme Court may issue an order to show cause why the respondent-attorney should not be immediately suspended. The respondent-attorney may request a prompt hearing if the Supreme Court enters an order to show cause. *See* Table 21.

**TABLE 21: Dispositions of Immediate Suspension Petitions**

Year	Filed	Suspended	Suspended (Child Support)	Suspended (Failure to Cooperate)	Felony Conviction	Reinstated	Withdrawn	Discharged /Denied	Pending
2017	8	8	0	4	4	0	0	0	0
2016	12	5	0	5	2	0	0	0	2
2015	11	3	1	2	3	0	0	0	2
2014	19	5	0	5	3	0	5	0	1
2013	14	8	1	3	1	0	1	0	0
2012	16	3	0	6	0	2	0	3	1
2011	14	3	2	3	3	0	0	2	1
2010	19*	12	0	4	1	0	0	2	0

(Matters filed in the previous calendar year may be carried over to the next calendar year.)

\*One matter resulted in the attorney being disbarred.

<sup>41</sup> Immediate suspension is the temporary suspension by the Supreme Court of an attorney's license to practice law. Ordinarily, an attorney's license is not suspended during the pendency of disciplinary proceedings, but when there is reasonable cause to believe that an attorney is causing or has caused immediate and substantial public or private harm, immediate suspension may be appropriate. Petitions are typically filed when an attorney has converted property or funds, the attorney has engaged in conduct that poses an immediate threat to the administration of justice, or the attorney has been convicted of a serious crime. *See* C.R.C.P. 251.8. Additionally, under C.R.C.P. 251.8.5, a petition for immediate suspension may be filed if an attorney is in arrears on a child-support order. **Note:** On October 29, 2001, the Supreme Court adopted a rule change authorizing suspension of an attorney for failure to cooperate with Regulation Counsel. *See* C.R.C.P. 251.8.6. The rule change authorizes Regulation Counsel to file a petition directly with the Supreme Court alleging that an attorney is failing to cooperate in an investigation alleging serious misconduct. Proceedings under the rule are not disciplinary proceedings. *See* Comment to Rule 251.8.6.

## Disability Matters

The Office of Attorney Regulation Counsel filed 7 petitions/stipulations to transfer attorneys to disability inactive status in 2017. When an attorney is unable to fulfill his/her professional responsibilities because of physical, mental, or emotional illness, disability proceedings are initiated. An attorney who has been transferred to disability inactive status may file a petition for reinstatement with the Presiding Disciplinary Judge. *See* Table 22.

**TABLE 22: Disposition of Disability Matters**

Year	Filed	Disability Inactive Status	Dismissed/ Discharged / Denied	Reinstated	Withdrawn	Pending
2017	7	6	1	0	0	0
2016	10	9	1	0	0	0
2015	11	11	1	1	0	0
2014	15	13	2	0	0	1
2013	7	5	2	0	0	0
2012	8	9	2	0	0	0
2011	10	8	1	1	0	3
2010	6	4	1*	0	0	1

(Matters filed in the previous calendar year may be carried over to the next calendar year.)

\*One matter was closed due to the death of the respondent-attorney during the proceedings.

## Contempt Proceedings

The Office of Attorney Regulation Counsel did not file any motions recommending contempt with the Supreme Court in 2017. Contempt proceedings are filed when an attorney practices law while under suspension or disbarment. *See* Table 23.

**TABLE 23: Disposition of Contempt Proceedings**

Year	Motions for Contempt	Held in Contempt	Discharged\ Dismissed	Withdrawn	Pending
2017	0	0	0	0	0
2016	2	2	0	0	0
2015	1	0	1	0	0
2014	3	3	0	0	1
2013	1	0	0	0	1
2012	0	0	0	0	0
2011	1	0	0	0	1
2010	1	0	0	0	1

(Matters filed in the previous calendar year may be carried over to the next calendar year.)

### Magistrates

Effective July 2000, the Office of Attorney Regulation Counsel undertook the responsibility of handling complaints against magistrates. *See* C.R.C.P. 251.1(b). In the year 2017, the Office of Attorney Regulation Counsel received 53 complaints against magistrates. *See* Table 24.

**TABLE 24: Disposition of Complaints Concerning Magistrates**

Year	Complaints	Dismissed	Diversion	Investigation Initiated
2017	53	53	0	0
2016	54	50	0	3 pending 1 processed
2015	46	43	0	3 pending
2014	45	43	0	2 pending
2013	43	43	0	0
2012	45	42	1	2
2011	66	66	0	0
2010	55	55	0	0



## Reinstatement and Readmission Matters

In 2017, 3 reinstatement or readmission matters were filed with the Office of Attorney Regulation Counsel. When an attorney has been suspended for at least one year and one day, has been disbarred, or the Court's order requires reinstatement, he/she must seek reinstatement or apply for readmission to the Bar.<sup>42</sup>

**TABLE 25: Disposition of Reinstatement / Readmission Matters**

Year	Filed	Readmitted	Reinstated	Dismissed	Withdrawn	Denied	Pending
2017	3	0	1	1	0	0	2
2016	9	0	3	1	2	6	4
2015	9	1	2	2	1	2	7
2014	8	0	4	1	0	1	4
2013	6	1	1	0	1	0	3
2012	8	0	4	1	0	1	6
2011	3	1	6	0	0	1	3
2010	12	0	5	0	2	1	6

(Matters filed in the previous calendar year may be carried over to the next calendar year.)

## Trust Account Notification Matters

All Colorado attorneys in private practice must maintain a trust account in a financial institution doing business in Colorado. The financial institution must agree to report to Regulation Counsel any properly payable trust account instrument presented against insufficient funds, irrespective of whether the instrument is honored. The report by the financial institution must be made within five banking days of the date of presentation for payment against insufficient funds.

The reporting requirement is a critical aspect of the Attorneys' Fund for Client Protection. The rule is designed to operate as an "early warning" that an attorney may be engaging in conduct that might injure clients.

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<sup>42</sup> A disbarred attorney may seek readmission eight years after the effective date of the order of disbarment. The individual must retake and pass the Colorado Bar examination and demonstrate fitness to practice law. Any attorney suspended for a period of one year and one day or longer must file a petition for reinstatement with the Presiding Disciplinary Judge. In some matters, reinstatement proceedings are ordered when the suspension is less than one year and one day. See C.R.C.P. 251.29.

In 2017, the Office of Attorney Regulation Counsel received 141 notices of trust account checks drawn on insufficient funds. Because of the potentially serious nature, the reports receive immediate attention from the Office of Attorney Regulation Counsel. An investigator or attorney is required to contact the attorney account holder and the financial institution making the report. A summary of the investigator's finding is then submitted to Regulation Counsel for review. If Regulation Counsel determines that there is reasonable cause to believe that a conversion of client funds occurred, the matter is immediately assigned to trial counsel. If there is no evidence of intentional misconduct or inappropriate accounting practices, the matter is dismissed by Regulation Counsel.

**TABLE 26: Trust Account Matters**

Year	Total Reports	Bank Errors	Bookkeeping/Deposit Errors	Checks Cashed Prior To Deposit Clearing/Improper Endorsement ***	Conversion/Commingling Assigned to Trial Attorney	Diversion	Other <sup>43</sup>	Pending
2017	141	10	14	12	7	2	72	4
2016	163	5	49	29	8	1	52	19
2015	159	18	51	16	1	0	63	10
2014	269	13	60	20	7(14)	8	86	111
2013	247	25(5)**	51(19)**	30(12)**	0	0	141(29)**	33
2012	262	31(1)**	69(11)**	49(22)**	0	0	106(18)**	33
2011	256	25	111(19)**	28(15)**	23	2	60(9)**	26
2010	276	34(2)**	125(22)**	29(16)**	12	4(5)*	64(8)**	19

\*The first number represents actual files; the number in parentheses represents the number of separate requests for investigation involved in the files.

\*\*The number in parentheses represents the number of cases that were dismissed with educational language.

\*\*\*In 2012, four matters involved checks that were not endorsed or endorsed improperly.

<sup>43</sup> The category Other includes errors due to unanticipated credit card fees or charges, employee theft, forgery, stolen check or other criminal activity, check written on wrong account, charge back item (a fee charged to the law for a client's NSF check) and check or wire fee not anticipated.

# APPENDIX L:

## UNAUTHORIZED PRACTICE OF LAW

### Unauthorized Practice of Law

The Office of Attorney Regulation Counsel investigates and prosecutes allegations of the unauthorized practice of law. In 2017, the Office of Attorney Regulation Counsel received 71 complaints regarding the unauthorized practice of law. *See* Table 27.

**TABLE 27: Number of UPL Complaints Received**

Year	Number of Complaints
2017	71
2016	64
2015	70
2014	73
2013	59
2012	80
2011	147
2010	94

The Unauthorized Practice of Law Committee may direct trial counsel to seek a civil injunction by filing a petition with the Supreme Court or, in the alternative, offer the respondent an opportunity to enter into a written agreement to refrain from the conduct in question, to refund any fees collected, and to make restitution. Additionally, trial counsel may institute contempt proceedings against a respondent that is engaged in the unauthorized practice of law. *See* C.R.C.P. 238.

In 2017, the Unauthorized Practice of Law Committee took action on 18 unauthorized practice of law matters, and 34 complaints were dismissed by Regulation Counsel, for a total of 52 completed matters. *See* Table 28.

**TABLE 28: Unauthorized Practice of Law Dispositions**

Year	Filed	Dismissed by Regulation Counsel	Dismissed After Investigation by UPL Committee	Abeyance	Agreements	Formal (injunctive or contempt proceedings)
2017	71	34	0	0	9	9
2016	64	20	1	0	10	15
2015	70	28	1	0	10	13
2014	73	35	0	0	14	19
2013	59	20	0	0	3	13
2012	80	64	0	0	13	29
2011	147	47	0	0	14	27
2010	94	24	0	2	4	25

(Matters filed in the previous year may be carried over to the next calendar year.)

The following information regarding the investigation and prosecution of unauthorized practice of law matters is provided for informational purposes:

**INTAKE:** The Office of Attorney Regulation Counsel typically receives several general inquiries on unauthorized practice of law matters each week. These calls come from lawyers, judges, clients, or non-lawyers who have questions concerning Colorado's multi-jurisdictional practice rule, C.R.C.P. 220, and also from individuals who may be interested in opening, or who have opened, a document-preparation business. Regulation Counsel uses these telephone inquiries as an opportunity to educate the lawyer, client, or non-lawyer-provider on the issues of what constitutes the unauthorized practice of law and possible harm that can result from the unauthorized practice of law. Regulation Counsel discusses the impact of C.R.C.P. 220 (Colorado's multi-jurisdictional rule, C.R.C.P. 221 and C.R.C.P. 221.1 (Colorado's pro hac vice rule), and C.R.C.P. 222 (Colorado's single-client certification rule). Regulation Counsel also discusses the fact that non-lawyers owe no duties of competence, diligence, loyalty, or truthfulness, and there may be fewer remedies as there is no system regulating the quality of such services, no client protection funds, and no errors and omissions insurance. Regulation Counsel discusses the potential issues involving types and levels of harm. Regulation Counsel encourages a caller to file a request for investigation if they believe the unauthorized practice of law has occurred rather than dissuade the caller from filing an unauthorized practice of law request for investigation.

**INVESTIGATION:** The Office of Attorney Regulation Counsel uses the same investigation techniques in unauthorized practice of law matters that are used in attorney discipline matters. These techniques include interviewing the complaining witness, any third-party witnesses, and the respondent(s). Regulation Counsel orders relevant court files and other documents, and frequently uses the power of subpoenas to determine the level and extent of the unauthorized practice. If the unauthorized practice of law has occurred, Regulation Counsel attempts to identify and resolve the unauthorized practice, as well as issues involving disgorgement of fees and restitution with an informal agreement. These investigations create further public awareness of what constitutes the unauthorized practice of law and this office's willingness to address unauthorized practice of law issues.

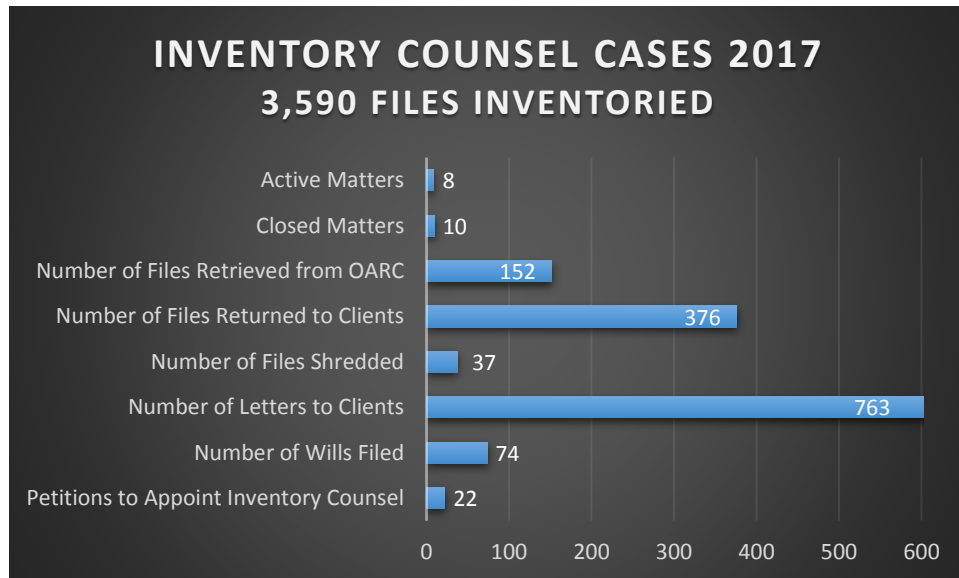
**TRIAL:** Once matters are investigated and issues involving serious client harm or harm to the legal system are identified, Regulation Counsel pursues enforcement of the rules concerning the unauthorized practice of law. Injunctive proceedings are used to ensure that future misconduct does not occur. Federal and state district court (and state county court) judges have taken note of this and submit the names of the problematic non-lawyer respondents. As a result of unauthorized practice of law proceedings, numerous immigration consulting businesses have been shut down throughout Colorado. In addition, other individuals who either posed as lawyers to unwary clients, or who otherwise provided incompetent legal advice were enjoined from such conduct. Two individuals were found in contempt of prior Colorado Supreme Court orders of injunction.

Regulation Counsel assigns trial counsel and non-attorney investigators to unauthorized practice of law matters.

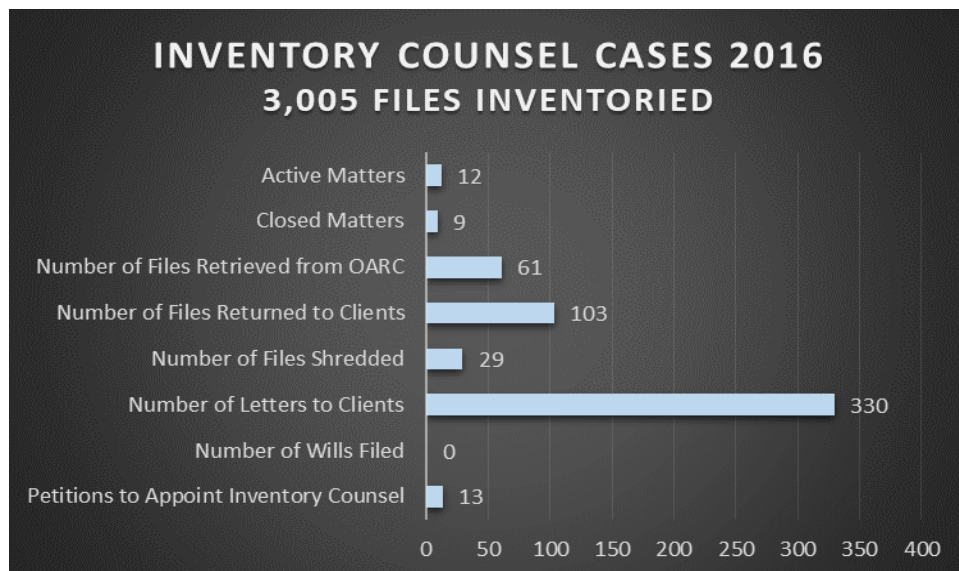
# APPENDIX M:

## INVENTORY COUNSEL

**Chart M-1: Inventory Counsel Case Disposition 2017<sup>44</sup>**

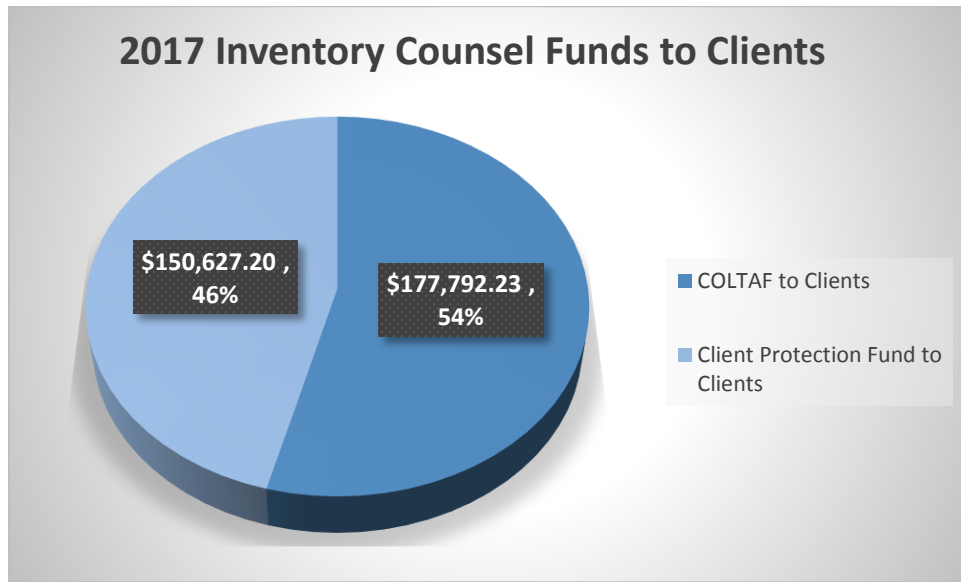


**Chart M-2: Inventory Counsel Case Disposition 2016**

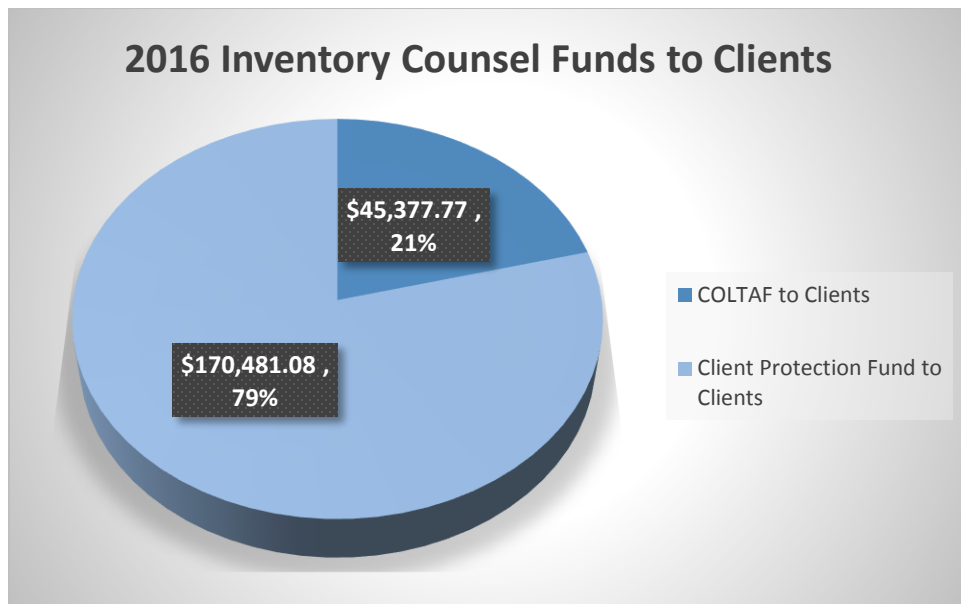


<sup>44</sup> Inventory Counsel was the last department of the Office of Regulation Counsel to transition to the case matter database, Justware, allowing more effective data collection for Inventory Counsel matters as of 2015.

**Chart M-3: Inventory Counsel Funds Distribution to Clients 2017**



**Chart M-4: Inventory Counsel Funds Distribution to Clients 2016**



# APPENDIX N:

## EDUCATION/OUTREACH

### Presentations/Talks

The Office of Attorney Regulation Counsel presented 200 total presentations in 2017. Activities include teaching at continuing legal education seminars for international, national, state, specialty, and local organizations for legal professionals, and law schools, pro bono volunteer groups, and governmental agencies. *See Table 29.*

**TABLE 29: Number of Presentations**

Year	Number of Presentations
2017	200
2016	143
2015	145
2014	159
2013	169
2012	149
2011	191
2010	144

### Ethics School

The Office of Attorney Regulation Counsel created, designed, and staffs an Ethics School. *See Table 30.*

**TABLE 30: Ethics School Participation**

Year	Classes Presented	Attendance
2017	5	123
2016	5	121
2015	5	124
2014	5	132
2013	5	91
2012	5	110
2011	5	161
2010	4	123



The school is a seven-hour course that focuses on the everyday ethical dilemmas attorneys confront. The course addresses the following issues:

- Establishing the attorney-client relationship;
- Fee agreements;
- Conflicts;
- Trust and business accounts;
- Law office management; and
- Private conduct of attorneys.

Ethics School is not open to all attorneys. Rather, the attorneys attending are doing so as a condition of a resolution with the Office or pursuant to an order from the Presiding Disciplinary Judge or Supreme Court. The attorneys attending Ethics School are provided with a detailed manual that addresses all of the topics covered in the school, along with suggested forms and case law.

The Ethics School manual is available for purchase for \$150. The purchase price includes manual updates for one year. A manual may be purchased by contacting the Office of Attorney Regulation Counsel.

### Trust Account School

The Office of Attorney Regulation Counsel teaches a four-hour course that addresses the correct method for maintaining a trust account. The course is designed for attorneys and legal support staff. The course instructors are trial attorneys from the Office of Attorney Regulation Counsel. *See Table 31.*

**TABLE 31: Trust Account School Participation**

Year	Classes Presented	Attendance
2017	6	77
2016	4	51
2015	5	58
2014	7 (2 outside the Office)	92
2013	5	76
2012	5	49
2011	5	68
2010	5	63

The course is accredited for four general Continuing Legal Education credits and is open to all members of the bar. The cost of the course is minimal so as to encourage widespread attendance.

### Professionalism School

At the direction of the Supreme Court and in cooperation with the Colorado Bar Association, the Office of Attorney Regulation Counsel designed a professionalism school for newly admitted Colorado attorneys. The Office of Attorney Regulation Counsel designed the curriculum and teaches the course in such a fashion as to address the most common ethical dilemmas confronted by newly admitted attorneys. Attendance at the course is a condition of admission to the Colorado Bar. On an annual basis, nearly 1,000 admittees attend and participate in the training. Lawyers from the Office of Attorney Regulation Counsel committed hundreds of hours to the planning, administration, and presentation of the professionalism course. This course is separate and distinct from the ethics school and trust accounting school presented by the Office of Attorney Regulation Counsel. In 2017, the Office participated in 13 separate presentations of the course.

**TABLE 32: Practicing with Professionalism Participation**

Date of Class	Attendance
1/17/2017	46
2/23/2017	114
3/29/2017	115
4/27/2017	107
5/10/2017	90
5/17/2017	119
6/22/2017	111
7/27/2017	148
8/22/2017	130
9/6/2017	88
10/16/2017	105
10/17/2017	55
11/6/2017	73
12/13/2017	76

Total for 2017: 1,377

# *Expectations of a Lawyer's Responsibilities...*

*A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice;*

*A lawyer should be competent, prompt and diligent in all professional functions;*

*A lawyer should maintain communication with a client concerning the representation;*

*A lawyer should keep in confidence information relating to the representation of a client except when disclosure is required or permitted by the Colorado Rules of Professional Conduct or other law;*

*A lawyer's conduct should conform to the requirements of the law, both in professional services to clients and in the lawyer's business and personal affairs;*

*A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others;*

*A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials; and,*

*while it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also the lawyer's duty to uphold the legal process.*





**Colorado Supreme Court**  
**Office of Attorney Regulation Counsel**  
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