



2018

ANNUAL REPORT

THE 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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“I do solemnly swear (or affirm) 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 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.*

**— Oath of Admission, signed on April 4, 2019,
by Chief Justice Nathan B. Coats**

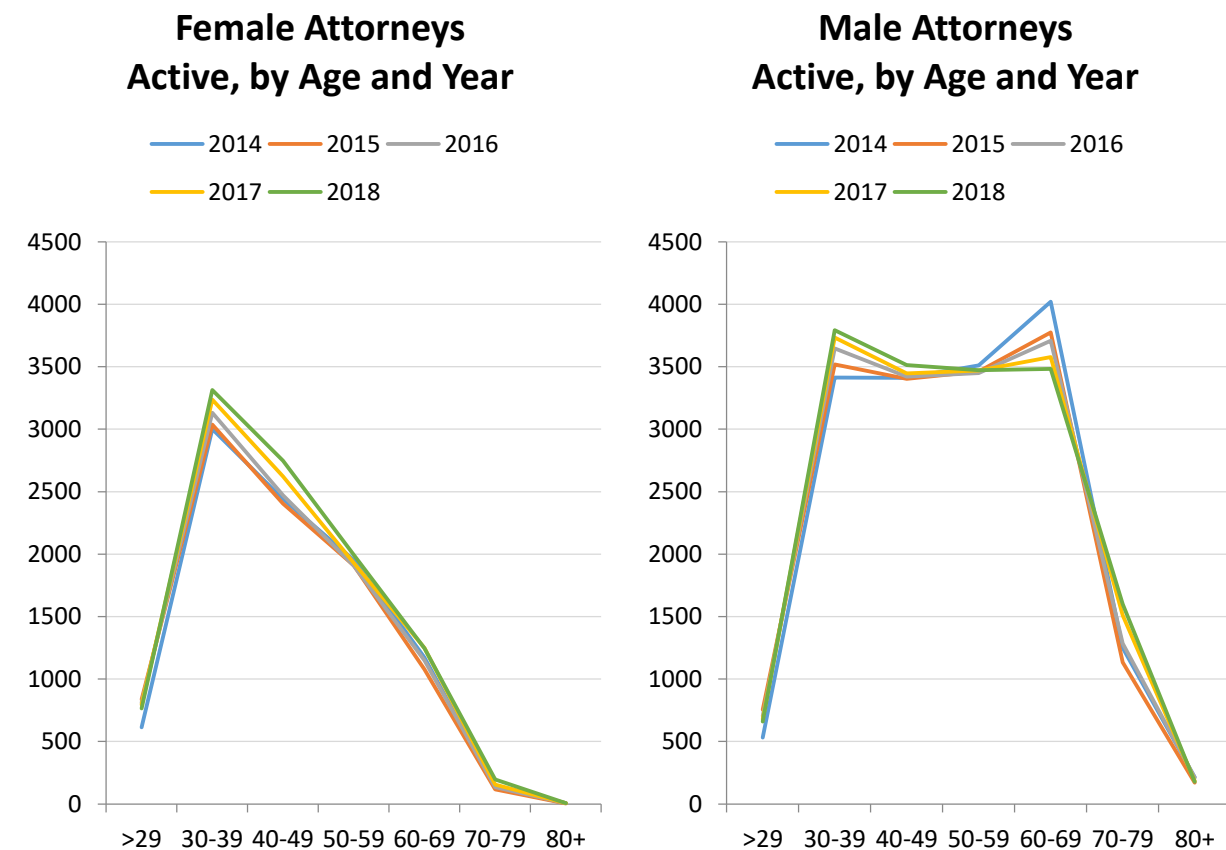
WHO WE ARE: UNDERSTANDING COLORADO LAWYERS

Because registering with OARC is mandatory for Colorado-licensed attorneys, OARC is uniquely positioned to learn more about the demographic composition of the Colorado bar. OARC has traditionally collected gender information and attorney birth dates, the latter of which generates age data. However, OARC has not been regularly collecting other types of demographic data.

This year, OARC implemented a voluntary, anonymous demographic survey as part of the 2019 registration process, announcing the survey through its own communications and those of voluntary bar organizations. The goal is to collect such information on an annual basis and to identify important trends.

What We Can Learn About Diversity

Many law firms and legal employers already view diversity, equity and inclusion as important goals in their hiring and advancement practices. But what do we know about active Colorado-licensed practitioners?



Women are under-represented in the private and in-house practice of law.

Although most law school classes are roughly 50-50 in terms of a female-male composition, only 37.6% of private practitioners are women, and only 38.3% of in-house practitioners are women. In contrast, 47.6% of government practitioners are women.

A significant number of women leave the active practice of law after less than 10 years of practice. OARC has tracked gender in attorney registration for many years. As the graphs above show, men overwhelmingly remain in the active practice of law for decades, while women's active registration sharply declines starting with only a few years of practice.

For the 2019 attorney registration cycle, we started a voluntary demographic survey collecting additional data anonymously from attorneys. Approximately 32% of active Colorado-licensed lawyers responded.

The data showed that other diverse groups are under-represented in active practice compared to Colorado demographics.

For example:

- Only 6.2% of active practitioners identified as Hispanic, Latino or of Spanish origin. Comparatively, 21.5% of Colorado residents are Hispanic or Latino, according to the U.S. Census Bureau.
- Only 2.6% of active practitioners identified as Black or African American. Comparatively, 4.5% of Colorado residents are Black or African American, according to the U.S. Census Bureau.

Active practitioners are concentrated in major metropolitan areas, leaving smaller communities potentially under-served.¹

- 68.5% of active lawyers are in a Colorado metropolitan area with a population greater than 150,000. 9.1% are in a smaller city (population 30,000-149,000). Comparatively, only about 9% of Colorado's active attorneys work in more rural communities.

¹ The demographic survey also asked about veteran status, gender identity, and sexual orientation. More details regarding the results of the demographic survey can be found in Appendix A.

Why Diversity Is Important to a State’s Attorney Population

The Supreme Court has set nine objectives regarding regulation of the practice of law in the preamble to Chapters 18 through 20 of the Colorado Rules of Civil Procedure. Objectives 6 and 8 are, respectively, to promote “access to justice and consumer choice in the availability and affordability of competent legal services,” and to promote “diversity, inclusion, equality and freedom from discrimination in the delivery of legal services and the administration of justice.”

There is evidence from other industries—namely health care—that diversity in the work force of providers makes a difference in meaningful access to services. For example, in one study, African-American men communicated better with African-American doctors about their health, and were more likely to obtain preventive tests and health screenings.² Trust and cultural responsiveness are common themes in such research.³ It is important for patients to feel comfortable with their health care providers to share critical information and follow medical advice, and at least some patients respond well to being able to choose providers with whom they can identify.

Consumers of legal services likewise struggle to relate to lawyers who have very different backgrounds than them. Potential clients in underserved communities may be unwilling to reach out to lawyers or trust lawyers with their legal problems. While impacts of the lack of attorney diversity on consumers of legal services have not been as extensively studied, there is no reason to think that client concerns of culture relatedness and trustworthiness are much different when clients or potential clients are seeking legal advice compared to health care advice.

² See Alsan, Garrick and Graziana, *Does Diversity Matter for Health? Experimental Evidence from Oakland*, National Bureau of Economic Research Working Paper Series, June 2018.

³ See Lisa Esposito, *Diversity in Health Care Providers Helps Patients Feel More Included*, U.S. News & World Report, Oct. 12, 2016.

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.

— C.R.C.P. 208.1(3)

JUSTICES OF THE COLORADO SUPREME COURT

Through the Colorado Constitution and the Court's rules, the Colorado Supreme Court has plenary authority over the practice of law in Colorado. That includes attorney admission, registration, continuing legal education, discipline, and related programs, as well as the unauthorized practice of law.



Top from left: **Justice Melissa Hart, Justice William W. Hood, III, Justice Richard L. Gabriel, Justice Carlos A. Samour, Jr.**⁴

Bottom from left: **Justice Monica M. Márquez, Chief Justice Nathan B. Coats**⁵, **Justice Brian D. Boatright.**
Photo courtesy of the Colorado Judicial Branch.

⁴ Colorado Supreme Court Justice effective 7/2/2018.

⁵ Colorado Supreme Court Chief Justice effective 7/1/2018, following the retirement of Nancy Rice on 6/30/2018.

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
Elizabeth A. Bryant⁶
Nancy L. Cohen
Cynthia F. Covell
Mac V. Danford
Cheryl Martinez-Gloria⁷
David C. Little⁸
Hon. Andrew P. McCallin⁹

Barbara A. Miller
Richard A. Nielson
Henry R. Reeve
Alexander R. Rothrock
Daniel A. Vigil
Brian Zall
Justice William W. Hood, III (Liaison)
Justice Monica M. Márquez (Liaison)

⁶ Appointed 1/1/2019

⁷ Resigned 12/31/2018

⁸ Term expired 12/31/2018

⁹ Appointed 1/1/2019

OFFICE OF ATTORNEY REGULATION COUNSEL

Attorney Regulation Counsel serves at the pleasure of the Colorado Supreme Court. The Office of Attorney Regulation Counsel (OARC) 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, inventory matters, regulation of unauthorized practice of law, and administrative support for the Client Protection Fund.



From left: **April McMurrey, Deputy Regulation Counsel, Intake Division; Gregory Sapakoff, Deputy Regulation Counsel, Trial Division; Jessica Yates¹⁰, Attorney Regulation Counsel; Dawn McKnight, Deputy Regulation Counsel, Attorney Admissions, Attorney Registration and Continuing Legal and Judicial Education; and, Margaret Funk, Chief Deputy Regulation Counsel.**

¹⁰ Attorney Regulation Counsel effective 7/1/2018, following the retirement of Jim Coyle on 6/30/2018.



Jessica E. Yates

Attorney Regulation Counsel

Jessica Yates is Attorney Regulation Counsel for the Colorado Supreme Court. Ms. Yates oversees attorney admissions, attorney registration, mandatory continuing legal and judicial education, attorney discipline and diversion, regulation against the unauthorized practice of law, and inventory counsel matters. Prior to her appointment by the Colorado Supreme Court, Ms. Yates was in private practice as a partner at Snell & Wilmer LLP, focusing on appeals and litigation. She clerked for the Honorable David M. Ebel of the U.S. Court of Appeals for the Tenth Circuit. She earned her J.D. from the University of Virginia School of Law in 2006.

While in private practice, Ms. Yates was the Denver lead for her firm's ethics committee, and served as the firm's co-chair for its pro bono committee. In these capacities, she helped set and implement policies and procedures for compliance with the Rules of Professional Conduct, promoted the 50-hour pro bono goal within the firm, and encouraged associates to get involved in both pro bono work and community service. She was active in the Colorado Bar Association's appellate group, helping organize its annual appellate CLE for several years, and served on the CBA's amicus curiae committee. She also served on the Standing Committee on Pro Se Litigation for the U.S. District Court for the District of Colorado. She participated on the Criminal Justice Act appellate panel for the Tenth Circuit. Ms. Yates also has served on boards of directors for numerous non-profit and civic organizations, including The Colorado Health Foundation and the Access Fund.

Ms. Yates transitioned into law from a career in public policy and public administration, which focused on management, regulatory and funding issues for health and human services programs. She received her M.A. in Public Administration and Public Policy from the University of York, England, and her B.A. in Journalism and Mass Communication from the University of North Carolina-Chapel Hill. Outside of work, Ms. Yates enjoys trail running, yoga, and rock-climbing.

Executive Assistant

Kim Pask

Margaret B. Funk

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 Standing Committee on the Colorado Rules of Professional Conduct; the Colorado Board of Continuing Legal and Judicial Education rule revision subcommittee; the Colorado Chief Justice's Commission on Professional Development, New Lawyer Working Group and Leadership Working Group; and the Colorado Bar Association's Peer Professionalism Assistance Group.

April M. McMurrey*Deputy Regulation Counsel, Intake Division*

April McMurrey is Deputy Regulation Counsel in the intake division of the Office. 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 before being promoted to Deputy. 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, and the National Organization of Bar Counsel.

Gregory G. Sapakoff*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. He also is a member of the American Bar Association and the ABA Center for Professional Responsibility, the National Organization of Bar Counsel, and the Association of Judicial Disciplinary Counsel. Mr. Sapakoff 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 on topics relating to legal ethics.

Dawn M. McKnight

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

Dawn McKnight is Deputy Regulation Counsel overseeing admissions, registration, and mandatory continuing legal and judicial education. Ms. 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 in 2016, Ms. McKnight was Assistant Executive Director and Publications Director of Colorado Bar Association CLE.

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/Council of Bar Admission Administrators; 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 Options Credit Union. Ms. McKnight currently participates in the Colorado Supreme Court's Task Force on Lawyer Well-Being.

Previously, she has served on the Board of Directors of the Colorado Women's Bar Association, the Denver Bar Association Board of Trustees, the Colorado Bar Association Board of Governors, the Board of Directors of the Association for Continuing Legal Education Administrators, the Board of Directors of Community Shares of Colorado, and the Board of Directors of the Denver Women's Hockey League. Recent Committee work includes the Colorado Supreme Court Advisory Subcommittee on Proactive, Management-Based Regulation, the Colorado Board of Continuing Legal and Judicial Education rule revision subcommittee; and, the New Lawyer Working Group of the Colorado Chief Justice's Commission on Professional Development. Ms. McKnight has lectured extensively about continuing legal education, legal publishing, law practice management, human resources management, and lawyer licensure admissions issues.

Intake Division

Assistant Regulation Counsel

Jill Perry Fernandez
Lisa E. Pearce
Matt Ratterman

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

Jane B. Cox
Kim E. Ikeler
Erin Robson Kristofco
Bryon M. Large

J.P. Moore
Geanne R. Moroye
Alan Obye
Jacob Vos

Trial Division Investigators

Karen Bershenyi
Matt Gill
Janet Layne

Donna Scherer
Laurie Seab

Trial Assistants

Renee Anderson
Rebecca Glenn
Valencia Hill-Wilson

Rachel Ingle
Sarah Walsh

Professional Development Counsel

Jonathan P. White

Inventory Counsel

Susie Lang, *Inventory Counsel
Coordinator*

Danielle Trujillo, *Assistant
Inventory Counsel Coordinator*

Case Monitor

Nicolette (Nicole) Chavez

Attorney Admissions

Sharon Orłowski, *Exam
Administrator*

JoAnne Dionesese, *Assistant
Exam Administrator*

Character & Fitness Investigators

Jessica Crawley
Sierra Puccio

Jessica Faricy, *Administrative
Assistant*

Licensure Analysts

Julie Aguirre
Gloria Lucero
Matthew McIntyre
Lauren Paez

Adrian Radase
Ashley Johnson, *Staff Assistant*
Christina Solano, *Receptionist*

Attorney Registration and Continuing Legal and Judicial Education

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

Deputy Clerks

Jasmin Castillo
Jessica DePari
Sherry Fair

Alice Lucero
Andrew Strelau

Operations

Brenda Gonzales, *Receptionist*
Brett Corporon, *Director of
Technology*
Karen Fritsche, *Operations
Manager*
Kevin Hanks, *Office Manager*

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

Education and Outreach Coordinator

Zak Bratton

WHO WE ARE: 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
Hetal J. Doshi¹¹
David M. Johnson
Barbara J. Kelley¹²

Martha Kent¹³
Carey Markel¹⁴
Charles Shuman, M.D.
Luis M. Terrazas
Alison Zinn

¹¹ Appointed 3/1/2019

¹² Term expired 2/28/2019

¹³ Appointed 10/4/2018

¹⁴ Resigned 5/2/2018

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.

Sunita Sharma, <i>Chair</i> ¹⁵	Vincent Morscher
Richard Nielson, former <i>Chair</i>	Melinda S. Moses
Anna N. Martinez, <i>Vice-Chair</i> ¹⁶	Charles Norton ²⁰
Laura M. Maresca, former <i>Vice-Chair</i> ¹⁷	David D. Powell, Jr.
Jennifer Cadena Fortier ¹⁸	Hon. Barry Schwartz
John Greer	Hon. Holly Strablizky
Heather K. Kelly ¹⁹	Justice William W. Hood, III (Liaison)
	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>	Kimberly Nordstrom, M.D.
David Beller	Henry R. Reeve
Doris C. Gundersen, M.D.	Corelle M. Spettigue
Franz Hardy	Justice William W. Hood, III (Liaison)
Carolyn D. Love, Ph.D.	Justice Monica Márquez (Liaison)
Porya Mansorian	

¹⁵ Appointed Chair on 4/15/2019

¹⁶ Appointed Vice-Chair on 9/12/2018

¹⁷ Resigned 5/15/2018

¹⁸ Resigned 5/31/2018

¹⁹ Appointed 5/11/2018

²⁰ Appointed 1/1/2019

Continuing Legal and Judicial Education Committee

The Continuing Legal and Judicial Education Committee 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.

Hon. Andrew P. McCallin, *Chair*²¹

David C. Little, former *Chair*²²

Nathifa M. Miller, *Vice-Chair*²³

Karen Hester²⁴

Amanda Hopkins

Genet Johnson

Maha Kamal²⁵

Martha Rubi-Byers

Rachel Sheikh

Susan S. Riehl²⁶

Sam Starritt

Justice William W. Hood, III (Liaison)

Justice Monica Márquez (Liaison)

²¹ Appointed Chair on 1/1/2019

²² Term expired 12/31/2018

²³ Appointed Vice-Chair on 1/1/2019

²⁴ Appointed 1/1/2019

²⁵ Appointed 10/4/2018

²⁶ Resigned 4/23/2018

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:

<http://www.coloradosupremecourt.com/AboutUs/AttorneysFundforClientProtection.asp>.

Charles Goldberg, *Chair*

Charles Turner, *Vice-Chair*

Susan J. Coykendall, Ph.D.²⁷

Lisa M. Dailey²⁸

Katayoun A. Donnelly

Yolanda M. Fennick²⁹

Allison L. Gambill³⁰

Melinda M. Harper

Michael B. Lupton³¹

David A. Mestas³²

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.

Elizabeth A. Bryant, *Chair*³³

Cheryl Martinez-Gloria, former
*Chair*³⁴

Judy L. Graff, *Vice-Chair*³⁵

Elsa Djab Burchinow

Samantha Pryor

Patsy Leon

Anthony J. Perea

John K. Priddy

Charles Spence

²⁷ Appointed 1/1/2019

²⁸ Appointed 1/1/2019

²⁹ Term expired 12/31/2018

³⁰ Appointed 1/1/2019

³¹ Term expired 12/31/2018

³² Term expired 12/31/2018

³³ Appointed Chair on 1/1/2019

³⁴ Resigned 12/31/2018

³⁵ Appointed Vice-Chair on 1/1/2019

WHO WE ARE: OUR IMPORTANT PARTNERS

Colorado Lawyer Assistance Program (COLAP)

The Colorado Lawyer Assistance Program provides confidential assistance to judges, lawyers, and law students for a wide variety of issues, including but not limited to: Practice management, work/life balance, stress management, anger management, anxiety, depression, substance use, and relationship issues.

Established by Colorado Supreme Court Rule 254, COLAP will not release any information without a signed release.

Sarah Myers, *Executive Director*³⁶

Chip Glaze, *Deputy Director*³⁷

Colorado Attorney Mentoring Program (CAMP)

The Colorado Attorney Mentoring Program (CAMP) is a program of the Colorado Supreme Court dedicated to providing mentors and coaches for new and transitioning lawyers in all of Colorado's 22 Judicial Districts.

CAMP matches mentors with mentees in individualized, structured mentoring programs across Colorado. They also offer informal mentoring opportunities, group mentoring, and practical skills based coaching programs.

J. Ryann Peyton, *Executive Director*

Kelly Rosenberg, *Deputy Director*³⁸

³⁶ Executive Director effective July 1, 2018, following the retirement of Barbara A. Ezyk on 6/30/2018.

³⁷ Hired as Deputy Director in 2018.

³⁸ Hired as Deputy Director in 2018.

The Colorado Supreme Court Task Force on Lawyer Well-Being

The Colorado Supreme Court Task Force on Lawyer Well-Being is exploring ways to improve the well-being of the Colorado legal community including judges, lawyers, and law students. Justice Monica Márquez chairs the nearly 60-member Task Force. The Task Force responds to the National Task Force on Lawyer Well-Being's 2017 call-to-action that encouraged individual states to form task forces dedicated to promoting greater lawyer well-being. The National Task Force formed in response to two studies released in 2016 showing elevated rates of substance use and mental health disorders among lawyers. In exploring ways to advance this topic in the state, the Task Force builds upon already excellent resources available through Court-supported programs such as the Colorado Attorney Mentoring Program and the confidential support offered through the Colorado Lawyer Assistance Program (COLAP).

The Task Force first met September 12, 2018. Prior to the September meeting, members of the Task Force responded to an online survey asking them to identify goals for the Task Force, what the legal profession is doing well when it comes to supporting lawyer well-being, barriers to well-being, and how to define lawyer well-being. In their responses, members identified a need to advance well-being in order to maintain public confidence in the profession. Among the concerns they had were a culture of being consistently overworked, constantly competing, an ongoing decline in professionalism, and an implicit bias resulting from few individuals from diverse backgrounds in leadership positions.

Based on this feedback, and through discussions and further surveys among members, a series of Task Force working groups formed to concentrate on specific issues. Those working groups include making a business case for lawyer well-being, gathering data on the well-being of the Colorado legal community, connecting more lawyers to well-being resources, creating a pledge to well-being for legal employers in Colorado, promoting well-being among law students in order to build a foundation for a sustainable practice, and enhancing the well-being of judicial officers.

The Task Force will continue to meet through the spring of 2020 and focus on concrete actions that move the needle on a topic vital to a self-regulating profession. More information on the Task Force may be found at www.coloradosupremecourt.com by clicking on the icon for the Task Force at the bottom of the page.

Colorado Supreme Court Task Force on Lawyer Well-Being Membership Roster

Justice Monica Márquez, <i>Chair</i>	Rodrigo Lugo
Klinton Alexander	Ruth Mackey
James Anaya	Patrick McCarville
Hon. Emily Anderson	Dawn McKnight
Debra Austin	Scott Meiklejohn
Hon. Matthew Azer	Emily Mendoza
Karen Bershenyi	Jennifer Mendoza
Jessica Boynton	Sarah Myers
Rachel Catt	Misae Nishikura
Sarah Coleman	Lucia Padilla
Michael Dougherty	Ryann Peyton
Tina Fang	Carolyn Powell
Patrick Flaherty	Patty Powell
Mark Fogg	Hon. Gilbert Román
Margaret Funk	Lys Runnerstrom
Leanna Gavin	Jessica Russell
Mark Gifford	Hon. Jonathan Shamis
Chip Glaze	Bruce Smith
Peter Goldstein	Hon. Theresa Spahn
Hon. Elizabeth Harris	Jack Speight
Christine Hernández	David Stark
David Hersh	Amy Symons
Karen Hester	Amanda Upson
Courtney Holm	Dianne Van Voorhees
Hon. Amanda Hopkins	Hon. Nina Wang
Gideon Irving	Jonathan White
Patricia Jarzobski	Sharon Wilkinson
Erin Kristofco	Eve Wood, M.D.
Joi Kush	Jessica Yates
Hon. William Lucero	

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 Lawyer 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: 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. 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 and Fitness Committee.

Bar Exam

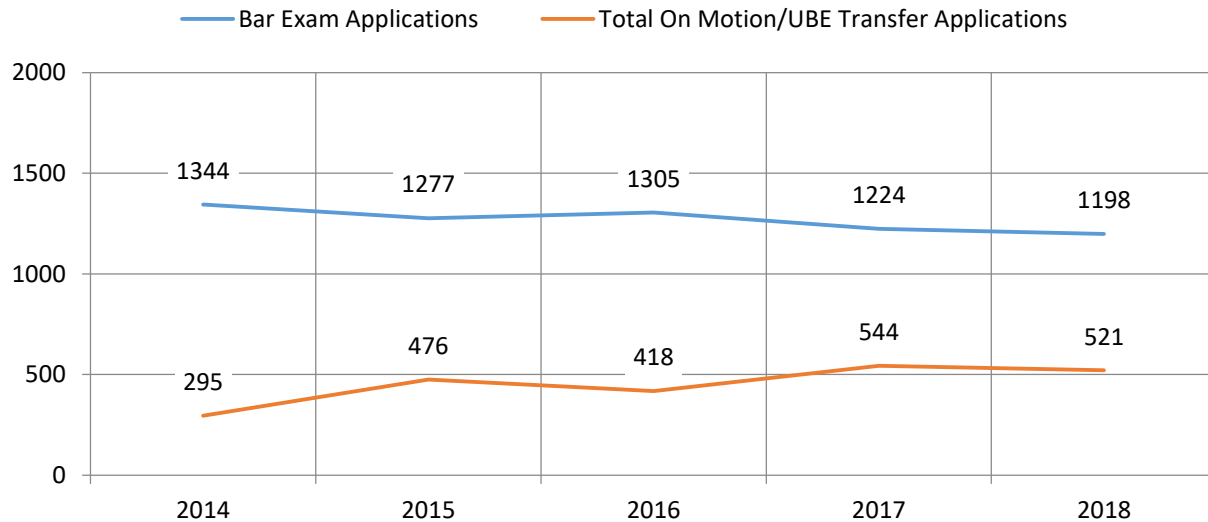
Two bar examinations are administered each year, one in February and one in July. The Law Committee, composed of 11 volunteer members appointed by the Supreme Court, reviews and approves the standards that must be met to pass the written examination. Additionally, the Office works with the Law Committee 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 1,198 people applied to take the bar exam in 2018, of which 1,081 people sat for the bar exam³⁹. A total of 696 people passed the exam in 2018:

- 374 applied for the February bar exam, of which 328 took the bar exam:
 - 167 Passed Overall (51% pass rate)
 - 121 First Time Passers (63% pass rate)
 - 46 Repeat Passers (34% pass rate)
- 824 applied for the July bar exam, of which 753 took the bar exam:
 - 529 Passed Overall (70% pass rate)
 - 505 First Time Passers (76% pass rate)
 - 24 Repeat Passers (28% pass rate)

³⁹ For detailed statistics on bar exam passage rates, see Appendix B.

Applications Submitted to the Office of Attorney Admissions



The number of people who sat for the Colorado Bar Exam held steady in 2018, 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 Uniform Bar Exam may slightly increase starting in 2020. Many law schools reported an increase in applications for 2018, and those numbers held steady in 2019. The increase in applications is likely to continue since the Law School Admission Counsel (LSAC), which administers the Law School Admission Test (LSAT) that individuals take in applying for law schools, reported an 18.1% rise in the number of test-takers for the 2017-2018 Testing Year. LSAC rule changes may also affect the volume of law school applications: 1) LSAC is now allowing applicants to take the LSAT more times within a two-year period; and 2) LSAC increased the number of test dates from six to ten times a year and will move to a computerized version of the exam in spring 2019. In addition, there are currently 38 law schools accepting the GRE in lieu of the LSAT. These changes may increase the number of law school applications, and likewise may lead to more law school graduates sitting for the bar exam in the future.

“Yesterday I called with several questions about submitting my bar application. Your staff was so incredibly patient and helpful that I wanted to send a thank you. You really helped me out and I greatly appreciate you.”

— A prospective lawyer’s email to a staff member in the admissions office.

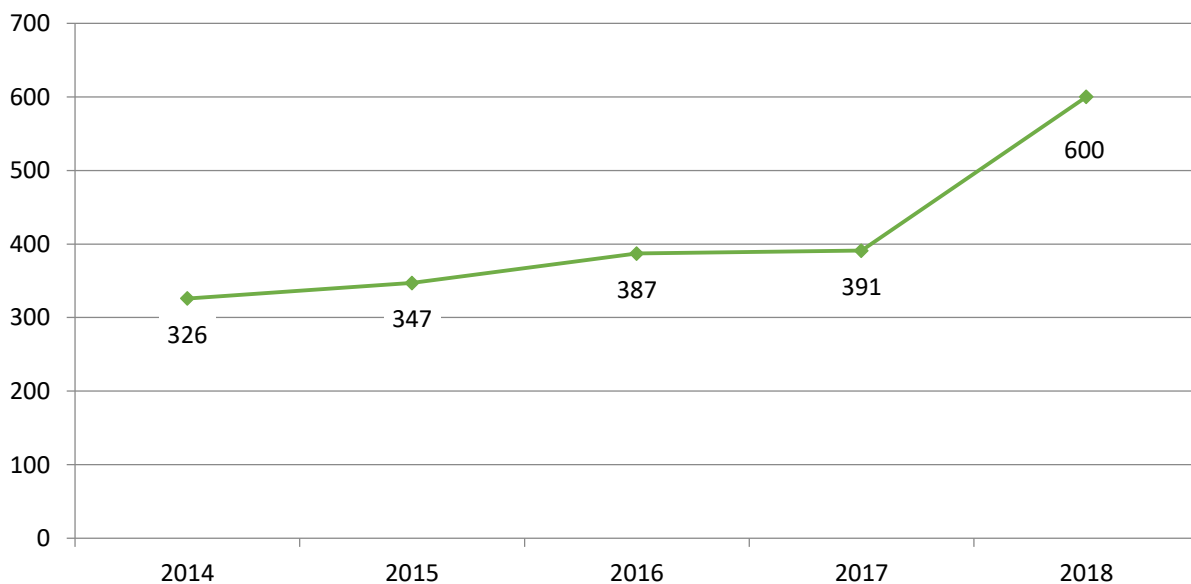
UBE and On Motion

While new submissions dipped slightly, the total number of applications handled by Attorney Admissions increased by 53% in 2018. This accomplishment was significant in light of the fact that there were nearly 77% more On Motion and UBE Applications submitted in 2018 compared to 2014 – demonstrating that attorneys licensed in other jurisdictions continue to be drawn to Colorado.

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 34 other jurisdictions currently comprise the UBE compact. With an increasing number of jurisdictions adopting the UBE, it is foreseeable that Colorado will continue to see an increase in score transfer applications.

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). This less-restrictive eligibility requirement has reduced the burden on many applicants wishing to move to Colorado.

On Motion/UBE Applications Processed by the Office of Attorney Admissions



Character and Fitness

Every Bar Examination, UBE Score Transfer and On Motion applicant 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 2018, Attorney Admissions reviewed 1,719⁴⁰ applications to determine the character and fitness qualifications of applicants:

- 13 applicants were forwarded to an inquiry panel:
 - 2 On Motion applicants⁴¹
 - 11 Exam applicants⁴²
- 11 applicants were admitted after inquiry panel⁴³;
- 2 applicants appeared at a formal hearing⁴⁴:
 - 1 applicant appeared at a formal hearing and was subsequently denied by the Colorado Supreme Court.
 - 1 applicant appeared at a formal hearing and was subsequently admitted by the Colorado Supreme Court.

⁴⁰ 1,719 includes applications that were subsequently withdrawn, but initial review was already completed.

⁴¹ This number includes one applicant who withdrew after receiving formal notice.

⁴² This number includes one applicant who was re-interviewed after receiving a deferral.

⁴³ One applicant referred to inquiry panel in 2018 elected to defer the interview.

⁴⁴ These hearings were conducted in 2018 for applicants for whom inquiry panels recommended denial in a prior year.

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.

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 2018, the Office of Attorney Admissions sent COLAP letters to more than 38 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.

“It was reassuring to know there are people in your office who appreciate that attached to each of these applications, is a real person with real issues whose livelihood depends upon the work of your office.”

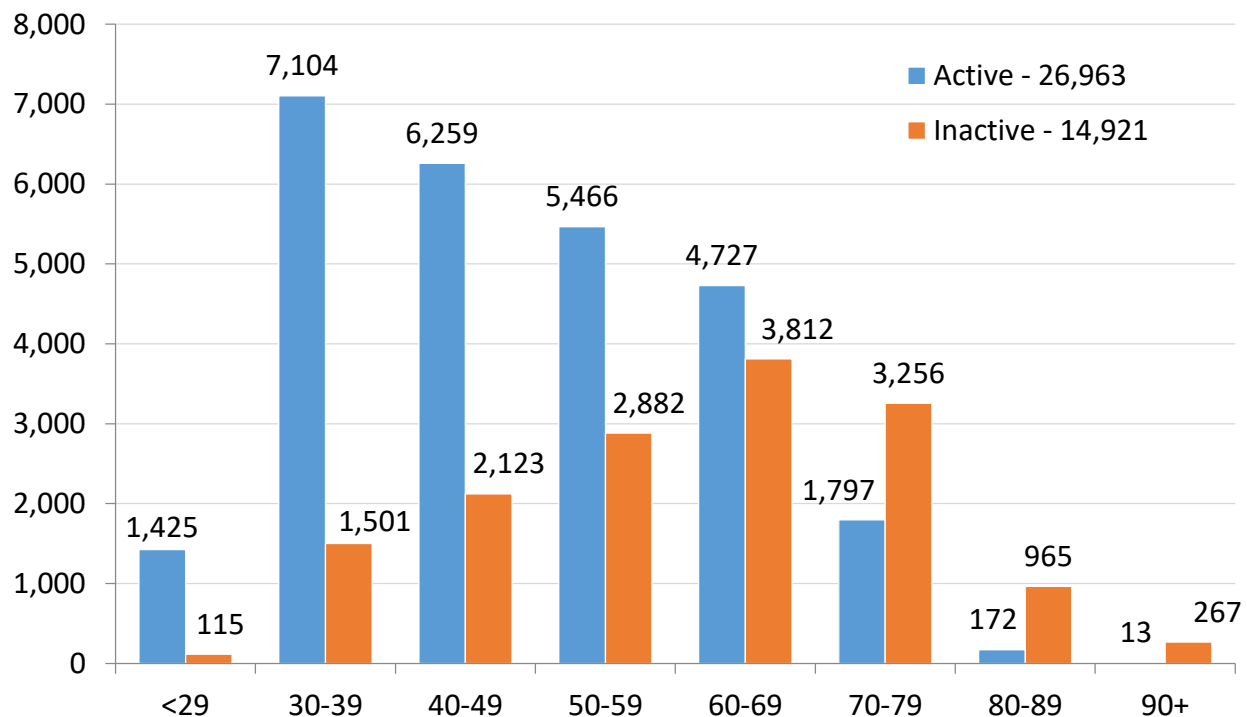
-- An On Motion applicant's email to a staff member in the Admissions office.

WHAT WE DO: ATTORNEY REGISTRATION AND CLJE

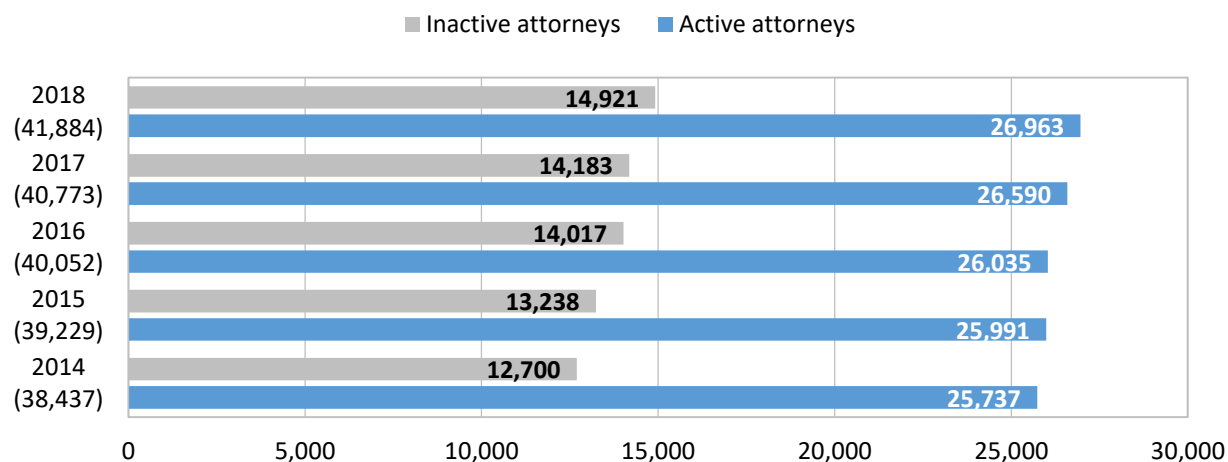
Once an applicant meets admission requirements, Attorney Registration completes the process by ensuring the proper administration of the oath. Attorneys then register annually with the Office and pay annual license fees. The Office also maintains a record of lawyers' and judges' compliance with their continuing legal and judicial education requirements, as well as accreditation of continuing legal education activities.

Colorado ended 2018 with 41,884 registered attorneys, up 2.7 percent over the last year. Of those registered attorneys, 26,963 were active and 14,921 were inactive. While inactive registrations grew by 5.2 percent, active registrations grew by only 1.4 percent in 2018.

**2018 - Colorado Attorneys,
Active and Inactive By Age**



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.

Over the last few years, the Office changed its registration form to collect better statistics on the state's lawyer profession, including 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.

"Thank you for sending me information so quickly and for all that you do as the initial face many people see when they visit OARC."

— A lawyer on her experience with Attorney Registration.

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.⁴⁵

⁴⁵ For detailed statistics on attorney demographics in Colorado, see Appendix C.

In 2018, Attorney Registration enrolled 1,310 new attorneys for admission:

- Bar Exam: 690
- Uniform Bar Exam Transfers: 99
- On Motion from Reciprocal Admissions State: 427
- Single-Client Certification: 87
- Law Professor Certification: 4
- Military Spouse Certification: 3
- Judge Advocate Certification: 0

In 2018, Attorney Registration also processed and approved applications for:

- Pro Hac Vice: 515
- Practice Pending Admission: 125
- Pro Bono Certification: 24

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 assist in administration of the mandatory continuing legal and judicial education system.

In 2018, the Office of Continuing Legal and Judicial Education:

- Processed 107,868 CLE affidavits;
- Processed 964 Teaching Affidavits;
- Processed 136 Research/Writing Affidavits;
- Processed 60 additional CLE affidavits for mentoring;
- Processed 49 additional CLE affidavits for pro bono work; and
- Accredited 5,510 CLE courses and home studies.

WHAT WE DO: 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.

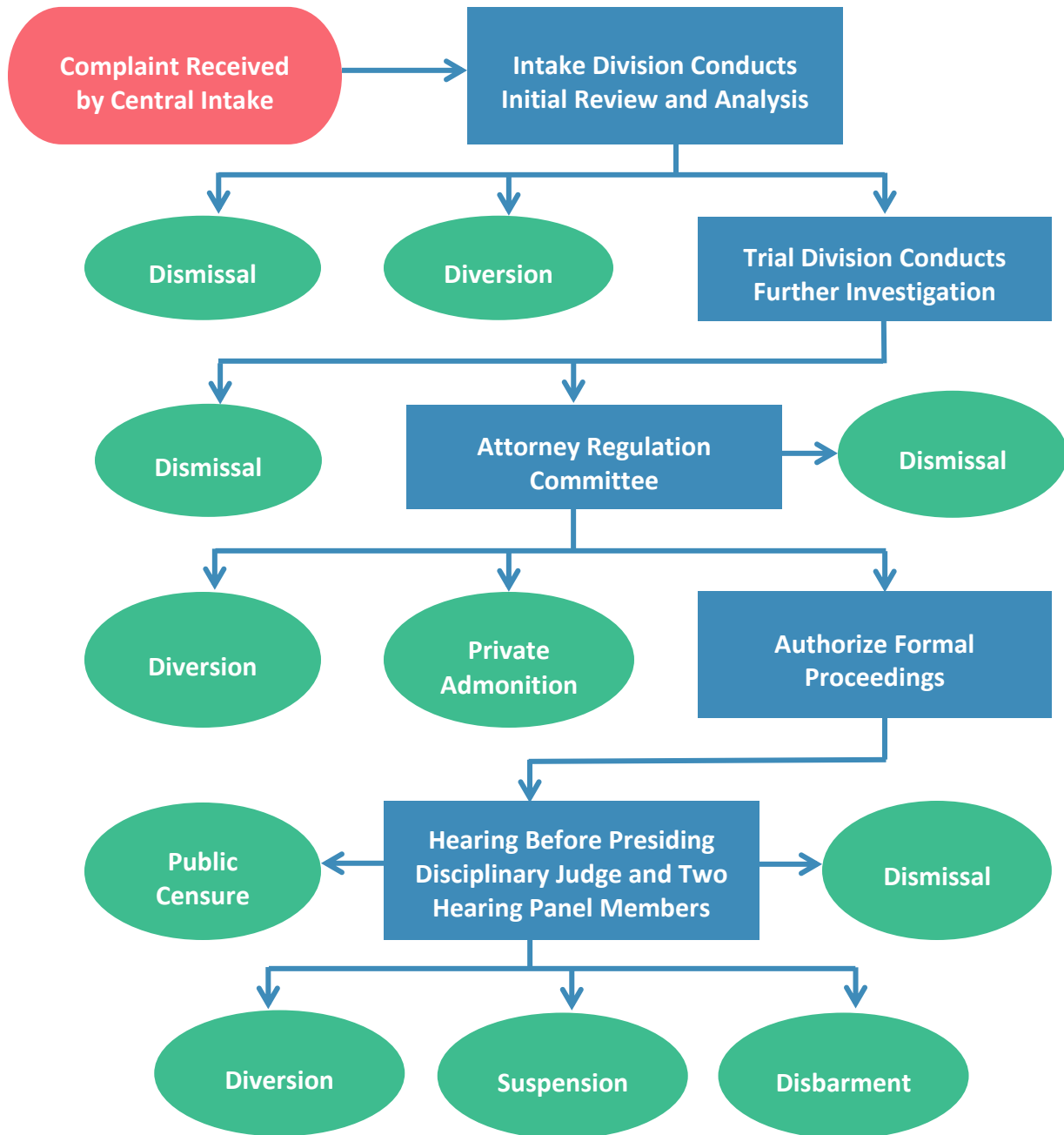
The Colorado model of attorney regulation is designed to move cases of minor ethical misconduct toward a quick resolution and devote its resources to cases that involve more serious attorney misconduct. The goal is to protect the public while educating attorneys to prevent any future misconduct.

In 2018, Attorney Regulation Counsel received 17,015 calls. Of those, 3,586 were calls filing a request for investigation against a lawyer. The Office's intake division reviewed all of those cases and processed 265 matters for further investigation by the trial division. In addition, the Office continued to work on 151 cases carried over from 2017.

In total, the Office of Attorney Regulation Counsel's work in 2018 resulted in:

- 170 dismissals with educational language;
- 74 diversion agreements;
- 10 public censures;
- 38 suspensions;
- 23 probations ordered;
- 7 private admonitions; and
- 10 disbarments.

The Attorney Regulation Process

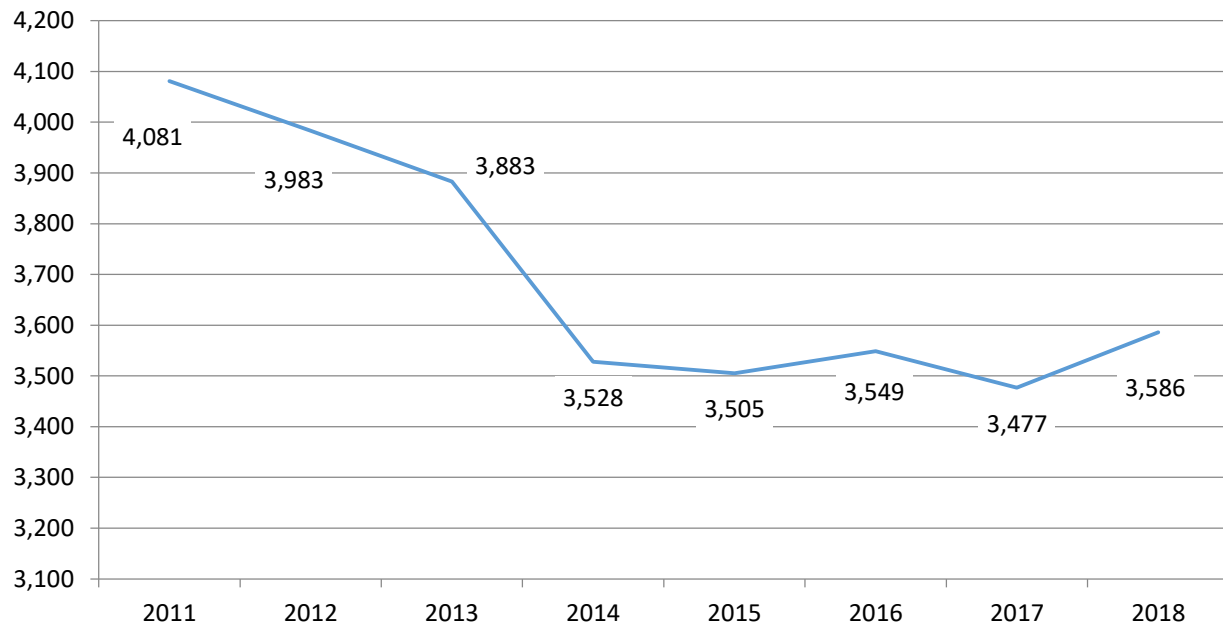


Intake Division

The intake division acts as the Office's triage unit, where the 3,586 requests for investigation that the Office received in 2018 were analyzed.⁴⁶ Complaints are made by clients, opposing counsel, judges, and in some cases, concerned citizens.

Trained investigators 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. The average processing time in intake in 2018 was 6.55 weeks, a decrease of 13.4 percent.

Complaints Filed from 2011 through 2018



⁴⁶ For detailed statistics on the intake division, see Appendices D through E.

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.

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 2018, there were 58 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. In 2018, the Office of Attorney Regulation Counsel received 173 trust account notices.

"It is a huge relief to hear that this matter has been concluded. I have profited from this lesson and will be extra-cautious in connection with any advertising or website I may promulgate in the future, if any. And I appreciate your having handled this matter expeditiously so that it is no longer a 'Sword of Damocles' hanging over my head."

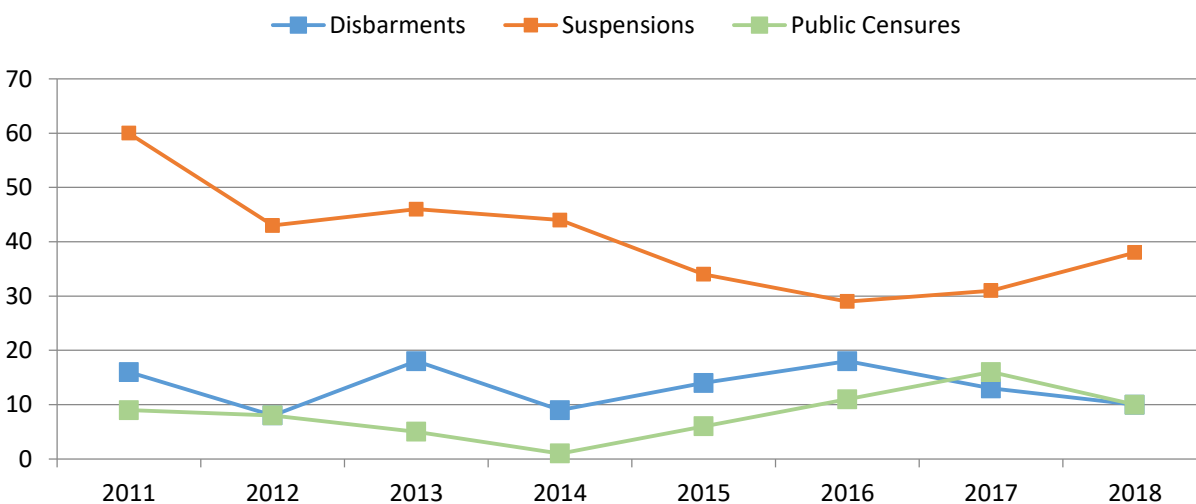
— A respondent on his experience with the intake division.

Trial Division

The next step for a case that involves a complex fact pattern or allegations of serious misconduct is the trial division. In 2018, the trial division handled 265 cases processed by the intake division as well as 151 cases carried over from 2017.⁴⁷

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, a resolution other than dismissal is reached, assistant regulation counsel may recommend a formal proceeding, diversion agreement, or private admonition. These recommendations are presented to the Attorney Regulation Committee, which is comprised of nine members: six attorneys and three non-attorneys. The Committee considers the recommendations prepared by Office of Attorney Regulation Counsel attorneys and determines whether reasonable cause exists to pursue discipline through a formal proceeding or private admonition, or whether to approve proposed agreements between Attorney Regulation Counsel and a respondent.

Final Dispositions of Proceedings



⁴⁷ For detailed statistics on the trial division process, see Appendices F through J.

In 2018, during the investigation phase, the trial division:

- Recommended the dismissal of 109 cases, 19 of them with educational language; and
- Entered into 14 agreements for conditional admission of misconduct.

Several of the 128 matters⁴⁸ in which the Office was authorized to file a formal complaint were consolidated.⁴⁹ 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 misconduct prior to filing of a formal complaint.

The 36 formal complaints filed in 2018, and those pending from 2017, resulted in 5 discipline trials before the Presiding Disciplinary Judge.

In 2018, the trial division presented 128 matters to the Attorney Regulation Committee. The Committee approved:

- 74 formal proceedings;
- 47 diversion agreements; and
- 7 private admonitions.

⁴⁸ For detailed statistics on the dispositions by Attorney Regulation Committee, see Table 14, Appendix F.

⁴⁹ 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.

In 2018, after receiving authorization to file a formal complaint, the Attorney Regulation Counsel:

- Filed 36 formal complaints; resolved 8 matters prior to filing a formal complaint; and
- Entered into 20 agreements for conditional admission of misconduct.

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.

“Thank you for going out of your way to be nice and more than helpful. I appreciate you and am grateful for your kind assistance.”

— A respondent's statement on his experience with the trial division

In 2018, the Office of Attorney Regulation Counsel filed 11 petitions for immediate suspension:

- 2 petitions involved failure to cooperate with Attorney Regulation Counsel's investigations;
- 5 involved felony convictions;
- 4 involved conversion of funds; and
- No petitions were filed that involved failure to pay child support.

Of the 11 petitions filed, in three matters, Attorney Regulation Counsel withdrew the petitions; in one matter, the Colorado Supreme Court discharged the Order to Show Cause. In the other seven matters, the attorney was immediately suspended.

Disability Matters

When an attorney is unable to fulfill professional responsibilities due to physical, mental, or behavioral 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. The Office filed 12 disability matters in 2018.

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. In 2018, four applicants were reinstated⁵⁰ (the process used for suspended attorneys). No applications were denied in 2018.

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 or for the loss of client funds due to an attorney's death. The statistics for this work are shown in a separate annual report, posted on our website at www.coloradosupremecourt.com, "[Attorneys' Fund for Client Protection Annual Report 2018](#)."

“Regardless of the outcome one way or another, I want to let you know I find him [the trial division attorney] very knowledgeable, extremely professional and courteous in his handling of matters assigned to him and available to spend the time and give the respondent his attention, independent of the proposed discipline in the matter. Needless to say, I’m impressed.”

— A respondent on his experience with the trial division.

⁵⁰ For detailed statistics on reinstatement and readmission matters, see Table 23, Appendix I.

Unauthorized Practice of Law⁵¹

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. That committee authorizes proceedings against individuals who are not licensed to practice law but are believed to be engaged in the practice of law.

In 2018, the Office of Attorney Regulation Counsel received 61 requests for investigation alleging the unauthorized practice of law. Of those, 22 were processed for further investigation. A total of 31 matters⁵² were resolved following an investigation in the trial division.

Of those 31 matters:

- 19 were dismissed by Attorney Regulation Counsel;
- 5 resulted in written agreements to refrain from the conduct in question; and
- 7 resulted in an injunctive or contempt proceeding, including 3 hearings before the Presiding Disciplinary Judge.

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.

Commission on Judicial Discipline

Attorney Regulation Counsel acts as Special Counsel for the Colorado Commission on Judicial Discipline on request of the Executive Director. Upon request, an investigator may assist the Commission as well. In 2018, the Office of Attorney Regulation Counsel assisted in three investigations, one of which resulted in a formal judicial disciplinary proceeding.

⁵¹ For detailed statistics on the Unauthorized Practice of Law, see Appendix J.

⁵² The matters resolved included 2017 and 2018 matters.

WHAT WE DO: 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.

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.⁵³

In 2018, Inventory Counsel:

- Filed 12 new petitions for appointment of inventory counsel;
- Closed 6 inventory matters;
- Contacted 388 clients whose files contained original documents, involved a felony criminal matter, or were considered current;
- Returned \$57,216.05 in trust account funds to clients;
- Inventoried 5,890 client files; and
- Returned 299 files to clients or attorneys of record.

"I've had the pleasure of working with The Office of Attorney Regulation over the last 16 months ... Their steady hand and clear communication in handling the nuts and bolts of clearing the COLTAF account along with returning client files offered the feeling of seeing a lighthouse in the midst of a storm. I am forever appreciative that this office exists and is staffed by wonderful professionals that are as competent as they are caring."

-A private citizen on her experience with Inventory Counsel handling a family member's inventory.

⁵³ For additional statistics about Inventory Counsel, see Appendix K.

WHAT WE DO: 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.

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 2018, the case monitor:

- Organized 5 Ethics Schools, attended by 97 attendees; and
- Organized 5 Trust Account Schools, attended by 55 attendees.

WHAT WE DO: 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.

- The Office of Attorney Regulation Counsel conducts much 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; and
 - Professionalism School, a six-hour course that addresses the most common ethical dilemmas faced by newly admitted attorneys.

“This is just another reason I have so much more respect for the legal profession in Colorado than the state where I practiced 34 years before retirement. Keep up the good work.”

— A lawyer commenting on the Office's revamped newsletter.

“This was a very well done and comprehensive report. I am a member of the bar in several other states, each of which no doubt have this information, but do not provide it to the members. Thanks for doing this.”

— A lawyer commenting on the Office’s 2017 Annual Report.

- 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.

In 2018, the Office of Attorney Regulation Counsel:

- Delivered 227 speeches and presentations;
- Presented 13 Practicing with Professionalism courses, attended by a total of 1,308 attorneys;
- Disseminated four newsletters, each of which was opened by an average of 13,923 attorneys; and
- Sent 486 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.

In 2018, the Office continued four specific outreach initiatives:

1. The Office sent the *OARC Update*, an 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.
3. October 2018 marked the one-year anniversary of the launch of the Colorado Lawyer Self-Assessment Program. During 2018, attorneys from the Office of Attorney Regulation Counsel gave numerous presentations to promote the use of this confidential, voluntary, CLE-accredited program developed by lawyers for lawyers. The Office of Attorney Regulation Counsel is grateful to the support for this initiative from the Colorado Bar Association (CBA). The CBA's support led to invitations to present on the program to groups ranging from the El Paso County Bar Association's Solo/Small Firm Section to the Modern Law Practice Initiative's Modern Representation 101 CLE seminar, to the Denver Women-Owned Law Firms Section ("W.O.L.F. Pack"). Meanwhile, regulators and academics from other jurisdictions have contacted the Office of Attorney Regulation Counsel with an interest in developing a similar tool. Those jurisdictions include North Carolina, Puerto Rico, Saskatchewan, and Tennessee. Further demonstrating Colorado's leadership in proactive regulation through this program, Office of Attorney Regulation Counsel staff presented on the program in 2018 to the National Organization of Bar Counsel and the National Conference of Bar Presidents.
4. 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 recommend the practitioner 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.

APPENDIX

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APPENDIX A:

RESULTS OF VOLUNTARY, ANONYMOUS DEMOGRAPHIC SURVEY

Active Attorney Responses: 8,734

- Approximately 32% of active registered attorneys

TABLE 1: Gender Identity

Response	Percentage
Female	44.30%
Male	53.56%
Transgender/Gender Variant	0.21%
Non-binary	0.25%
Choose not to answer	1.68%

TABLE 2: Sexual Orientation

Response	Percentage
Bisexual	2.77%
Heterosexual	88.58%
Gay	1.89%
Lesbian	1.40%
Other	0.78%
Choose not to answer	4.58%

TABLE 3: Veteran Status

Response	Percentage
I am a veteran	8.58%
I am not a veteran	90.33%
Choose not to answer	1.10%

TABLE 4: Race/Ethnicity/National Origin (can choose more than one)

Response	Percentage
American Indian or Alaska Native	1.31%
Asian or Asian American	2.63%
Black or African American	2.61%
Hispanic, Latino or Spanish Origin	6.19%
Middle Eastern or North African	0.65%
Native Hawaiian or other Pacific Islander	0.26%
White or Caucasian	87.67%
Other	1.31%
Choose not to answer	2.83%

TABLE 5: Where do you primarily work?

Response	Percentage
Colorado metropolitan area, population 150,000+	68.53%
Other city in Colorado, population 30,000-149,000	9.10%
Smaller mountain community in Colorado	7.06%
Smaller plains community in Colorado	1.25%
Other community in Colorado	0.66%
Not in Colorado	12.64%
Choose not to answer	0.76%

APPENDIX B:

BAR EXAM STATISTICS

EXAM STATISTICS

February 2018 Bar Exam

	<u>Attorney</u>	<u>Non-attorney</u>	<u>Total</u>
# of applicants	111	263	374
# of withdrawals	13	22	35
# of no shows	3	8	11
# who took exam	95	233	328
# who passed	68 (72%)	99 (42%)	167 (51%)
# who failed	27 (28%)	134 (58%)	161 (49%)

PASS/FAIL RATES
By Law School
February 2018 Bar Exam

Examinees	Law School	Passed	Failed	Total
First Time in Colorado	University of Colorado	1 (20%)	4 (80%)	5
	University of Denver	24 (60%)	16 (40%)	40
	National*	7 (88%)	1 (12%)	8
	Other	89 (64%)	51 (36%)	140
		121 (63%)	72 (37%)	193
Repeat	University of Colorado	8 (50%)	8 (50%)	16
	University of Denver	18 (46%)	21 (54%)	39
	National*	2 (67%)	1 (33%)	3
	Other	18 (23%)	59 (77%)	77
		46 (34%)	89 (66%)	135
All	University of Colorado	9 (43%)	12 (57%)	21
	University of Denver	42 (53%)	37 (47%)	79
	National*	9 (82%)	2 (18%)	11
	Other	107 (49%)	110 (51%)	217
		167 (51%)	161 (49%)	328

* Schools categorized as "National" are:

Columbia
Harvard
Stanford
Yale
Duke
Michigan
Chicago
California Berkeley
Virginia
Texas

EXAM STATISTICS
July 2018 Bar Exam

	<u>Attorney</u>	<u>Non-attorney</u>	<u>Total</u>
# of applicants	94	730	824
# of withdrawals	11	45	56
# of no shows	2	13	15
# who took exam	81	672	753
# who passed	48 (59%)	481 (72%)	529 (70%)
# who failed	33 (41%)	191 (28%)	224 (30%)

PASS/FAIL RATES
By Law School
 July 2018 Bar Exam

Examinees	Law School	Passed	Failed	Total
First Time in Colorado	University of Colorado	139 (85%)	24 (15%)	163
	University of Denver	147 (81%)	34 (19%)	181
	National*	47 (94%)	3 (6%)	50
	Other	172 (63%)	100 (37%)	272
		505 (76%)	161 (24%)	666
Repeat	University of Colorado	2 (50%)	2 (50%)	4
	University of Denver	6 (25%)	18 (75%)	24
	National*	0 (0%)	1 (100%)	1
	Other	16 (28%)	42 (72%)	58
		24 (28%)	63 (72%)	87
All	University of Colorado	141 (84%)	26 (16%)	167
	University of Denver	153 (75%)	52 (25%)	205
	National*	47 (92%)	4 (8%)	51
	Other	188 (57%)	142 (43%)	330
		529 (70%)	224 (30%)	753

* Schools categorized as "National" are:

Columbia
 Harvard
 Stanford
 Yale
 Duke
 Michigan
 Chicago
 California Berkeley
 Virginia
 Texas

APPENDIX C:

COLORADO ATTORNEY DEMOGRAPHICS

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 Female Attorneys, Active and Inactive By Age
- C-2: Colorado Male Attorneys, Active and Inactive By Age
- C-3: Active Attorneys By Area of Practice
- C-4: Active Attorneys in Government Practice, By Type
- C-5: Active Private Attorneys With Malpractice Insurance
- C-6: Active Private Attorneys Without Malpractice Insurance
- C-7: Active Private Attorneys Large Firm With/Without Malpractice Insurance
- C-8: Active Private Attorneys Medium Firm With/Without Malpractice Insurance
- C-9: Active Private Attorneys Small Firm With/Without Malpractice Insurance
- C-10: Active Private Attorneys Solo Practitioner Firm With/Without Malpractice Insurance

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

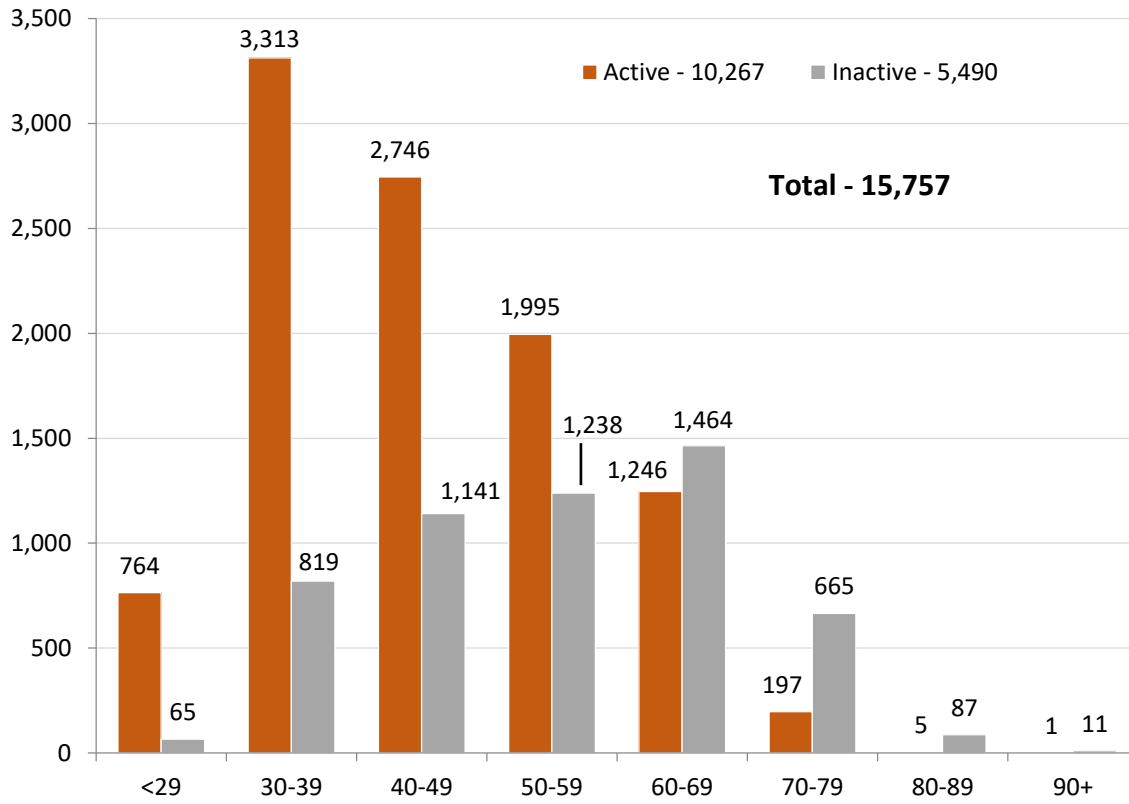


CHART C-2: COLORADO MALE ATTORNEYS, ACTIVE AND INACTIVE BY AGE

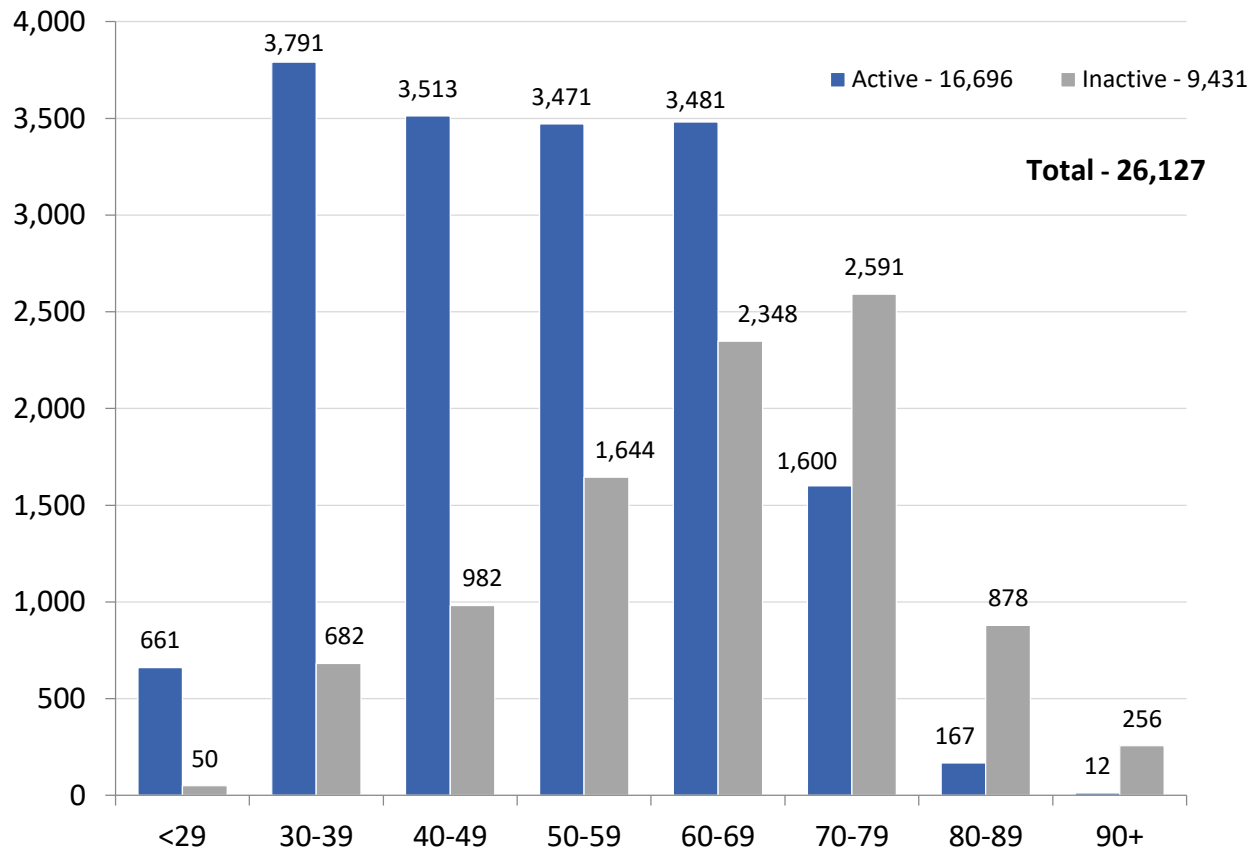


CHART C-3: ACTIVE ATTORNEYS BY AREA OF PRACTICE

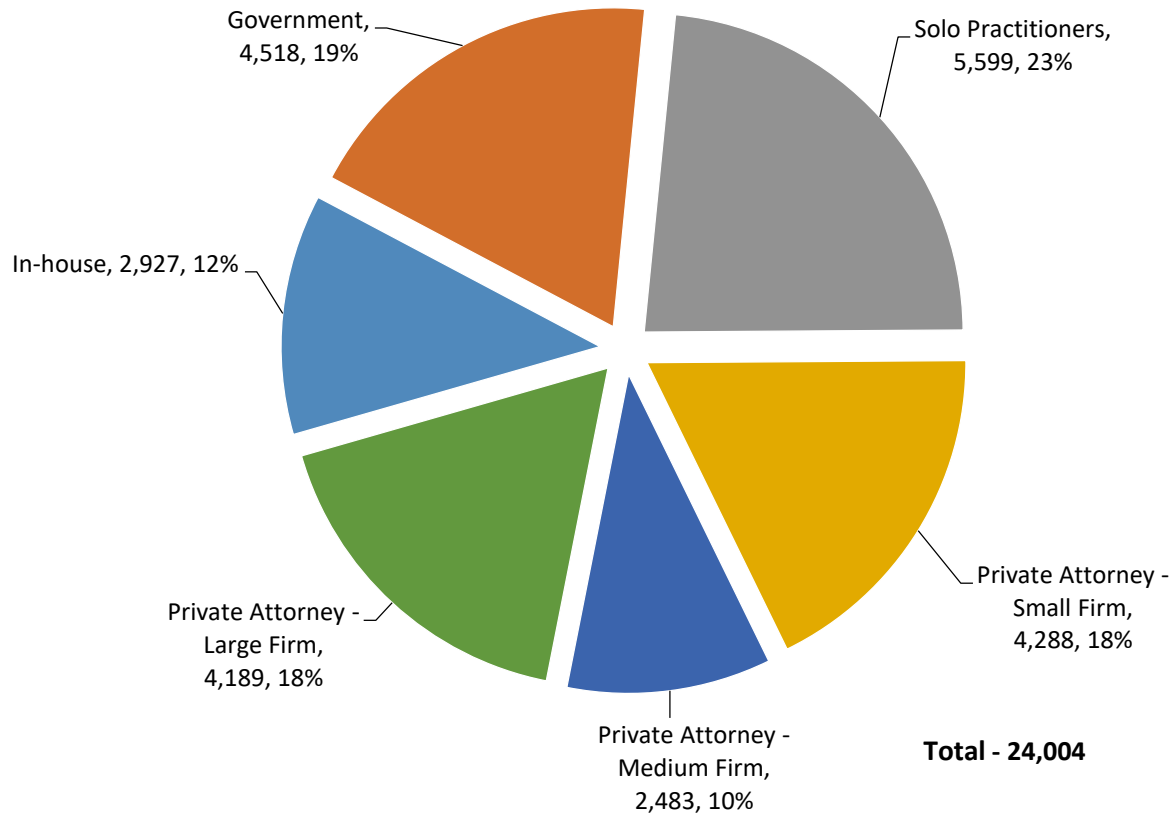


CHART C-4: ACTIVE ATTORNEYS IN GOVERNMENT PRACTICE, BY TYPE

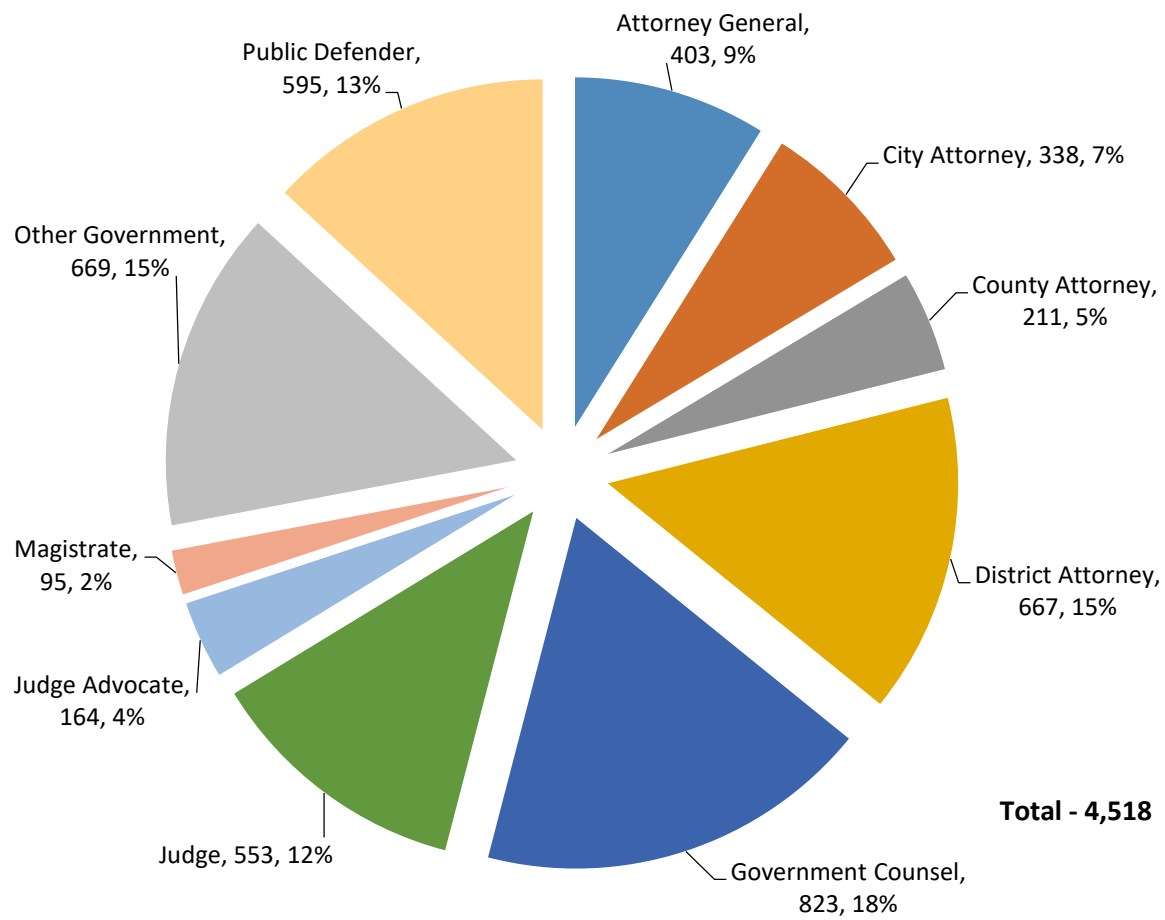
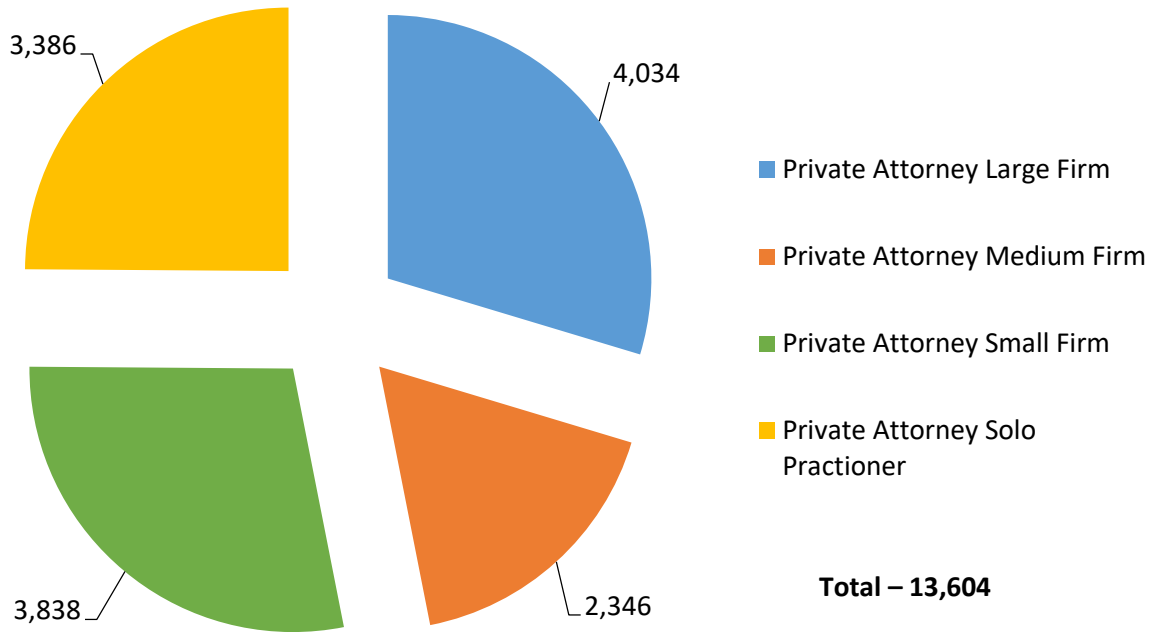


CHART C-5: ACTIVE PRIVATE ATTORNEYS WITH MALPRACTICE INSURANCE IN 2018⁵⁴



⁵⁴ Attorney practice type range was increased in November 2018: Small firm, 2-10 attorneys; medium firm, 11-50 attorneys; and large firm, 51-plus attorneys.

CHART C-6: ACTIVE PRIVATE ATTORNEYS WITHOUT MALPRACTICE INSURANCE IN 2018

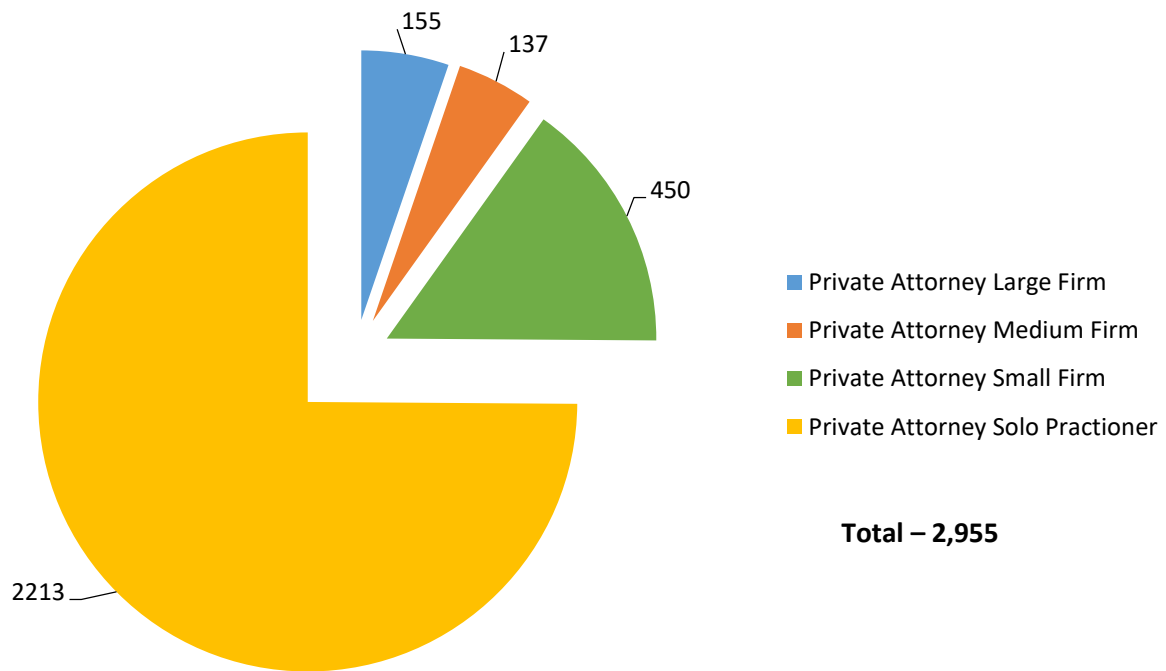


CHART C-7: ACTIVE PRIVATE ATTORNEYS LARGE FIRM WITH/WITHOUT MALPRACTICE INSURANCE IN 2018

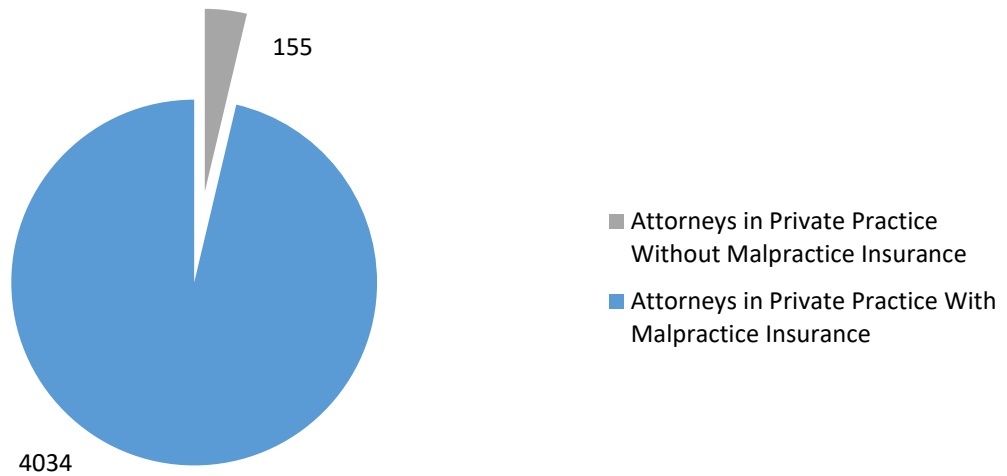


CHART C-8: ACTIVE PRIVATE ATTORNEYS MEDIUM FIRM WITH/WITHOUT MALPRACTICE INSURANCE IN 2018

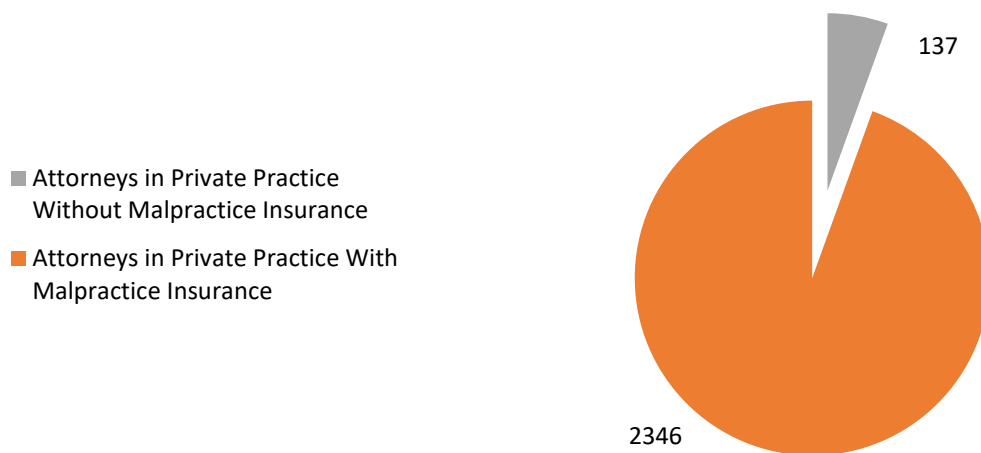


CHART C-9: ACTIVE PRIVATE ATTORNEYS
SMALL FIRM WITH/WITHOUT
MALPRACTICE INSURANCE IN 2018

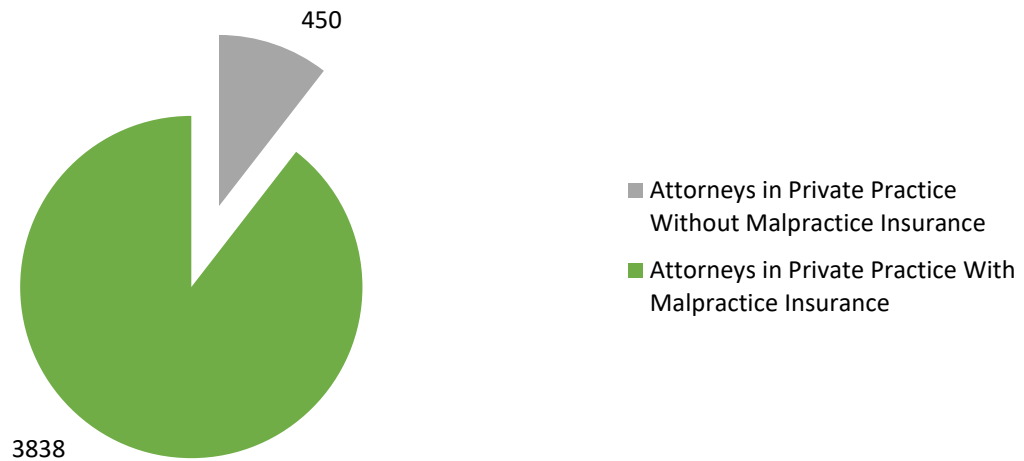
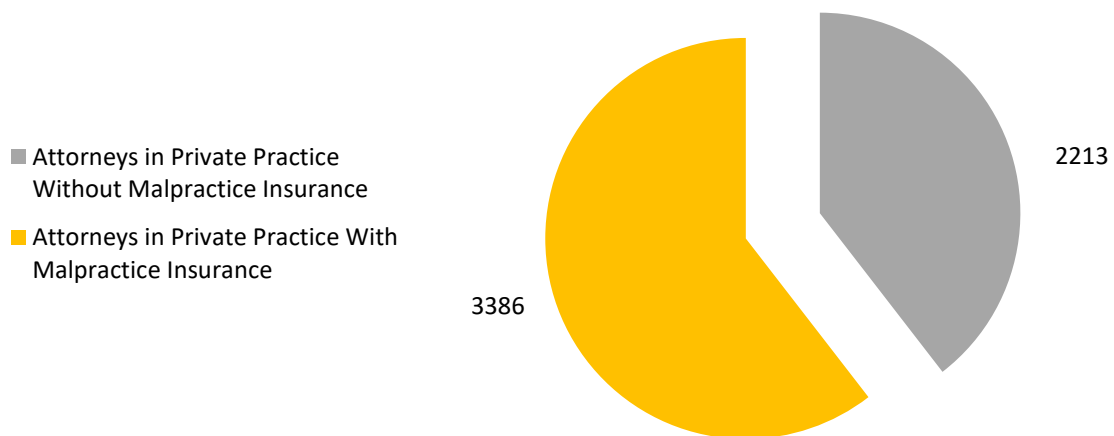


CHART C-10: ACTIVE PRIVATE ATTORNEYS
SOLO PRACTITIONER WITH/WITHOUT
MALPRACTICE INSURANCE IN 2018



APPENDIX D:

INTAKE AND INVESTIGATION STATISTICS

TABLE 6: Complaints Filed

Year	Complaints Filed	Percent Change From Prior Year
2018	3,586	3.1%
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%)

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 preliminary investigation stage was 13 weeks. In 2018, the average time matters spent at the intake stage was 6.55 weeks.

TABLE 7: Average Processing Time in Intake

Average Time (weeks)	
2018	6.55
2017	7.43
2016	8.1
2015	7.4
2014	7.7
2013	8.2

TABLE 8: Number of Cases Processed for Further Investigation

Year	Investigations Initiated	% Change From Prior Year
2018	265	4.3%
2017	254	(23%)
2016	331	(4.8%)
2015	348	.5%
2014	346	(5%)
2013	366	(1%)
2012	368	(2%)
2011	377	(7%)

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, 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 2018 at the central intake stage, 40 matters were resolved by diversion agreements.

TABLE 9: Number of Intake Diversion Agreements

Year	Central Intake Diversion Agreements
2018	40
2017	42
2016	42
2015	35
2014	45
2013	42
2012	32
2011	42

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 2018, 170 matters were dismissed with educational language both at the intake stage and the investigative stage. Some of the matters involve *de minimis* violations that would have been eligible for diversion. Some of the dismissals require attendance at Ethics School or Trust Account School.

TABLE 10: Intake/Investigation: Dismissals With Education Language

Year	Intake Stage	Investigative	Total
2018	151	19	170
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

APPENDIX E:

CENTRAL INTAKE INQUIRIES

Chart E-1: Nature of Complaint

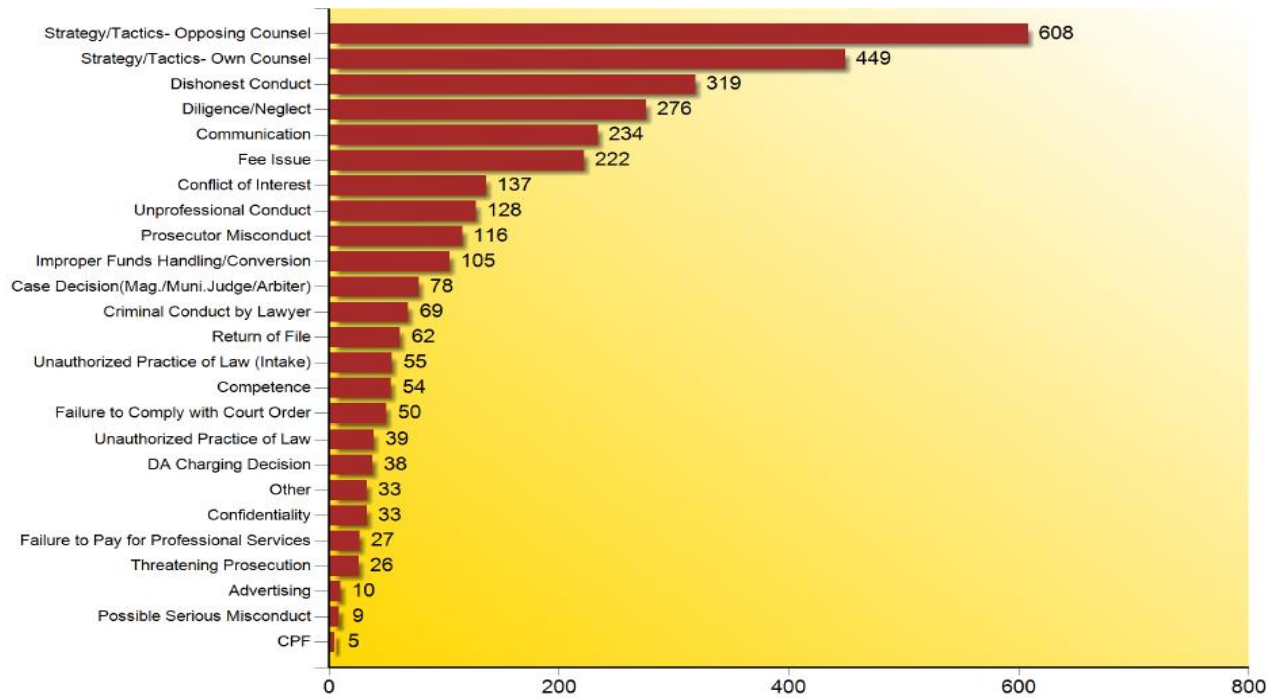
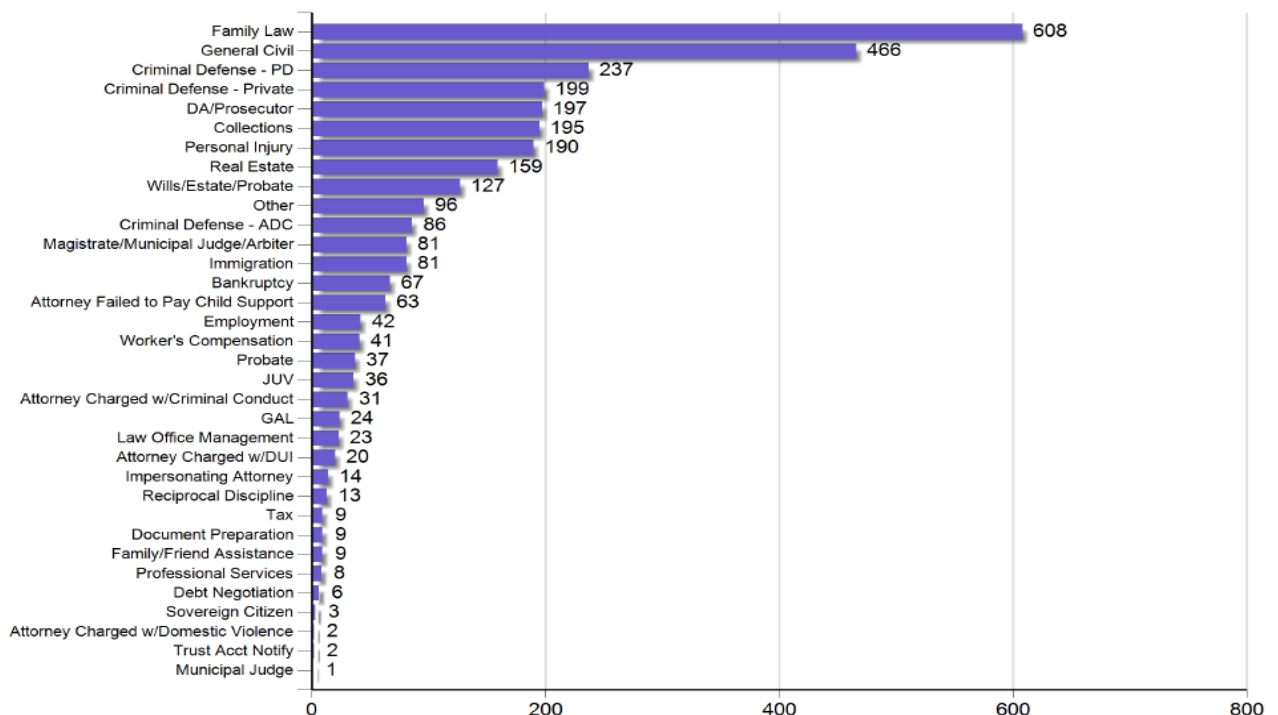


Chart E-2: Complaints by Practice Area



APPENDIX F:

TRIAL DIVISION 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.

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.

TABLE 11: Requests for Review

Year	Number of Review Requests	Regulation Counsel Sustained	Regulation Counsel Reversed
2018	1	1	0
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

Attorney Regulation Committee (ARC)

The Attorney Regulation Committee is composed of nine members, six attorneys and three non-attorney 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 2018 the Attorney Regulation Committee reviewed 128 matters.

TABLE 12: Average Number of Weeks from Case Assigned to Trial Division to Completion of Report, Diversion, Stipulation or Dismissal

Year	Average Number of Weeks
2018	27.5
2017	31.8
2016	32.3
2015	30.5
2014	25.9
2013	26.3

The Attorney Regulation Committee's disposition of the 128 matters presented to the Committee is detailed in Table 14.⁵⁵

⁵⁵ 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.

Table 13A: Diversion Agreements at Investigative/Trial Stages

Diversion Agreements at Investigative and Trial Stages	
2018	34
2017	32
2016	47
2015	48
2014	38
2013	36
2012	33
2011	38

Table 13B: Conditional Admissions at Investigative Stage

Conditional Admissions at Investigative Stage Approved by the Presiding Disciplinary Judge	
2018	14(17)*
2017	20(23)*
2016	12(22)*
2015	11(14)*
2014	20(24)*
2013	16(25)*
2012	17(25)*
2011	35(44)*

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

TABLE 14: Dispositions by the Attorney Regulation Committee⁵⁶

Year	Formal Proceedings	Diversion Agreements	Private Admonition	Conditional Admissions	Dismissals	Total Cases Acted Upon By ARC
2018	74	47	7	0	0	128
2017	66	37	26	0	2	131
2016	115	56	9	0	0	180
2015	97	54	14	0	1	166
2014	102	45	4	0	0	151
2013	101	44	8	0	0	153

Formal Complaints

In 64 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 2018 was 36. 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.

TABLE 15: Formal Proceedings

Year	Formal Complaints Filed	Resolved Prior to Complaint Filed
2018	36(64)*	8(17)*
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)*

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

⁵⁶ Some of these cases involved multiple reports of investigation of one attorney.

The formal complaints filed, and those pending from 2017, in the attorney discipline area resulted in 5 disciplinary trials, 6 sanctions hearings, and 1 reinstatement hearing. 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 16.

TABLE 16: Disposition of Matters at Trial Stage

Year	Attorney Discipline Trials	Conditional Admissions	Diversion Agreements	Dismissals	Abeyance
2018	5	20(42)	3	3	0
2017	10	22(51)*	2(3)*	1(3)*	2
2016	13	22(40)*	1(3)*	1	0
2015	12	26(50)*	1(3)*	1	0
2014	16	27(46)*	1	1	0
2013	10	17(25)*	0	0	0
2012	11	24(53)*	0	3	0
2011	22	43(91)*	2	7	1

*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. As discussed elsewhere in this report, diversion agreements are useful in less serious matters in which an attorney must comply with certain conditions.

After a formal complaint is filed with the Presiding Disciplinary Judge, the matter may be resolved by dismissal, diversion, conditional admission of misconduct, 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	
2018	Presiding Disciplinary Judge	27.3 weeks
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

TABLE 17B: Average Time – Formal Complaint to Trial

Year	Average Weeks From Filing of Formal Complaint to Trial	
2018	Presiding Disciplinary Judge	27.7 weeks
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

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

Year	Conditional Admission or Diversion Filed	Trial Held
2018	33.5 weeks	35.3 weeks
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

APPENDIX G:

APPEALS

In 2018, 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
2018	Colorado Supreme Court	6
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

TABLE 19B: Disposition of Appeals

Year	Appeals Dismissed	Appeals Affirmed	Appeals Reversed	Appeals Pending
2018	1	3	0	2
2017	1	4	0	1
2016	1	2	0	4
2015	1	3	0	3
2014	1	1	1	3
2013	0	4	0	4
2012	2	4	0	3
2011	3	5	1	9

APPENDIX H:

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
2018	0	3	3	10(11)*	38(74)*	23(46)*	10(23)*
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

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

APPENDIX I:

OTHER ACTIONS

TABLE 21: Disposition of Disability Matters

Year	Filed	Disability Inactive Status	Dismissed/ Discharged / Denied	Reinstated	Withdrawn	Pending
2018	12	12	0	0	0	0
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

(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 2018, the Office of Attorney Regulation Counsel received 58 complaints against magistrates.

TABLE 22: Disposition of Complaints Concerning Magistrates

Year	Complaints	Dismissed	Diversion	Investigation Initiated
2018	58	55	0	3 pending
2017	53	53	0	0
2016	54	50	0	4
2015	46	43	0	3
2014	45	43	0	2
2013	43	43	0	0
2012	45	42	1	2
2011	66	66	0	0

Reinstatement and Readmission Matters

In 2018, 2 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.

TABLE 23: Disposition of Reinstatement / Readmission Matters

Year	Filed	Readmitted	Reinstated	Dismissed	Withdrawn	Denied	Pending
2018	2	0	4	0	0	0	0
2017	3	0	1	1	0	0	2
2016	9	0	3	1	2	6	3
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

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

APPENDIX J:

UNAUTHORIZED PRACTICE OF LAW

The Office of Attorney Regulation Counsel investigates and prosecutes allegations of the unauthorized practice of law. In 2018, the Office of Attorney Regulation Counsel received 61 complaints regarding the unauthorized practice of law.

TABLE 24: Number of UPL Complaints Received

Year	Number of Complaints
2018	61
2017	71
2016	64
2015	70
2014	73
2013	59
2012	80
2011	147

APPENDIX K:

INVENTORY COUNSEL

Chart K-1: Inventory Counsel Files Inventoried⁵⁷

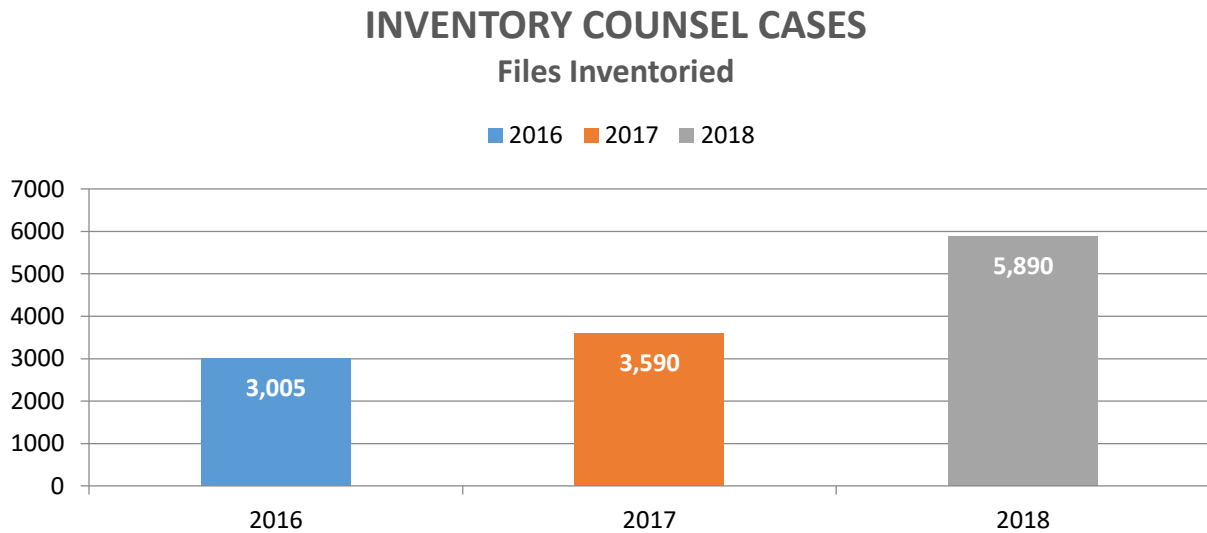
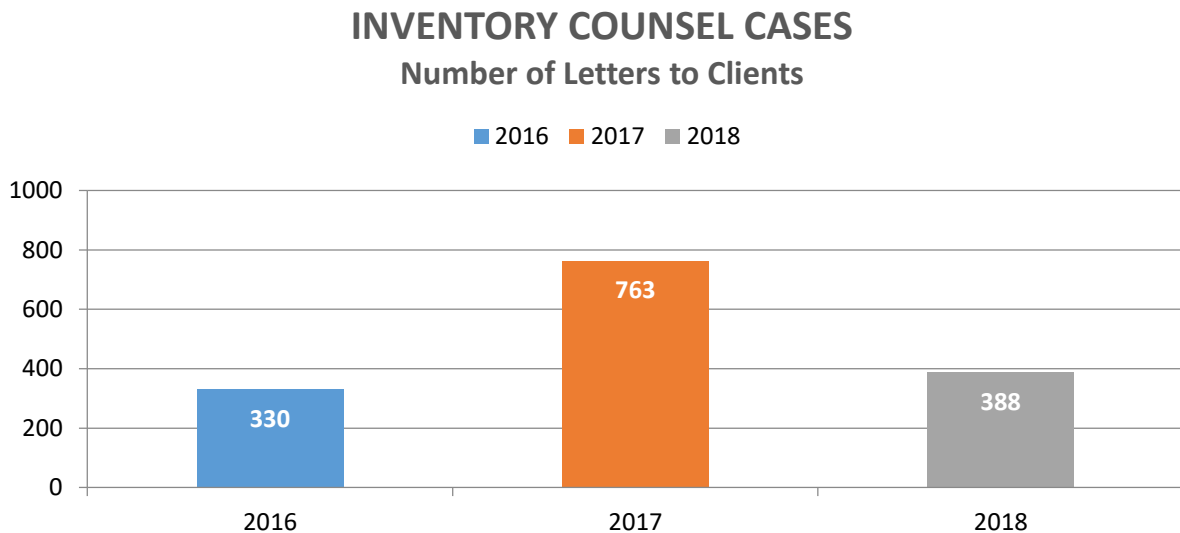


Chart K-2: Inventory Counsel Number of Letters to Clients



⁵⁷ 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 K-3: Petitions to Appoint Inventory Counsel

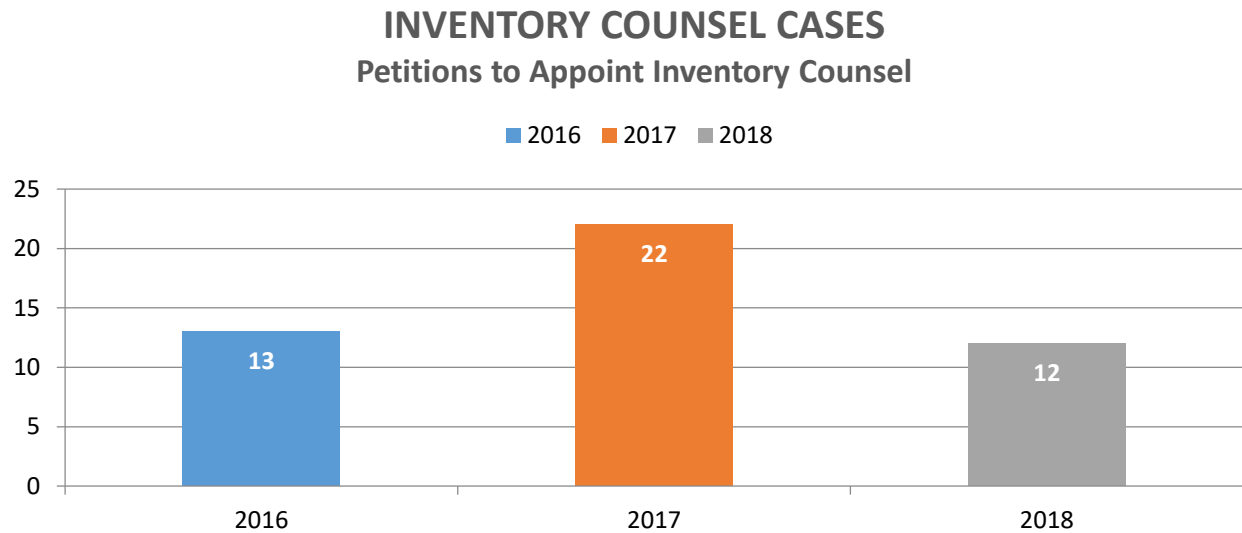
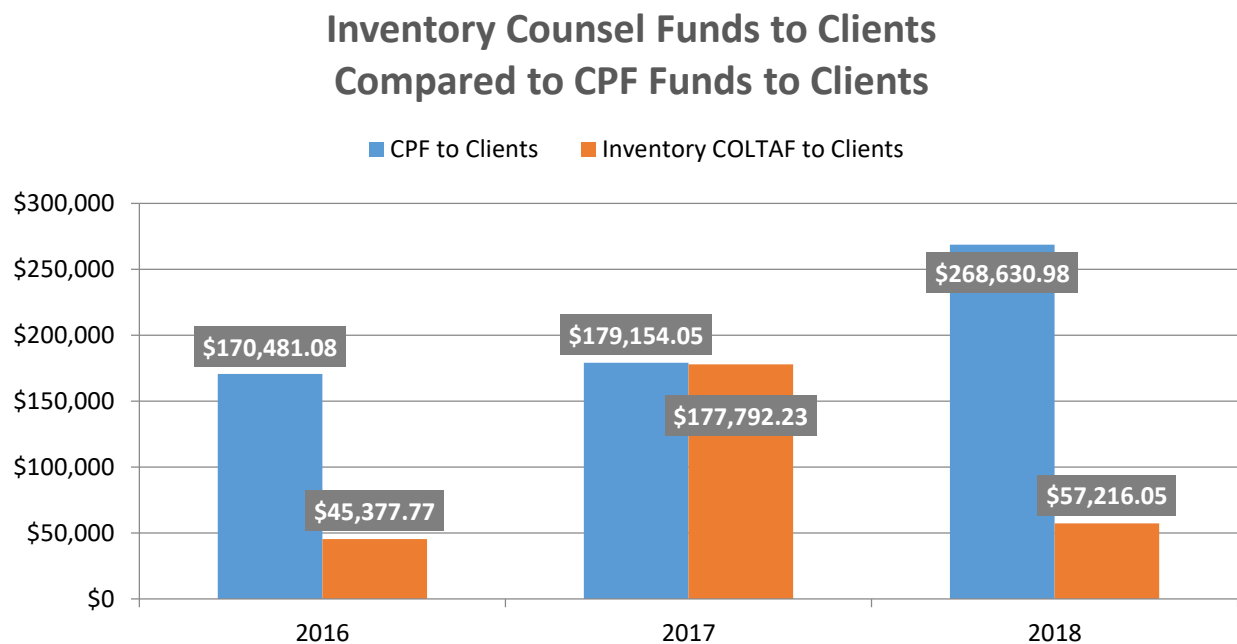


Chart K-4: Inventory Counsel Funds Returned to Clients





**Colorado Supreme Court
Office of Attorney Regulation Counsel
1300 Broadway, Suite 500
Denver, Colorado 80203**

www.coloradosupremecourt.com

Special thanks to BRYAN LOPEZ for his photography used in this report.