

2022

ANNUAL REPORT



The Office of Attorney Regulation Counsel
Protecting the Public. Promoting Professionalism.



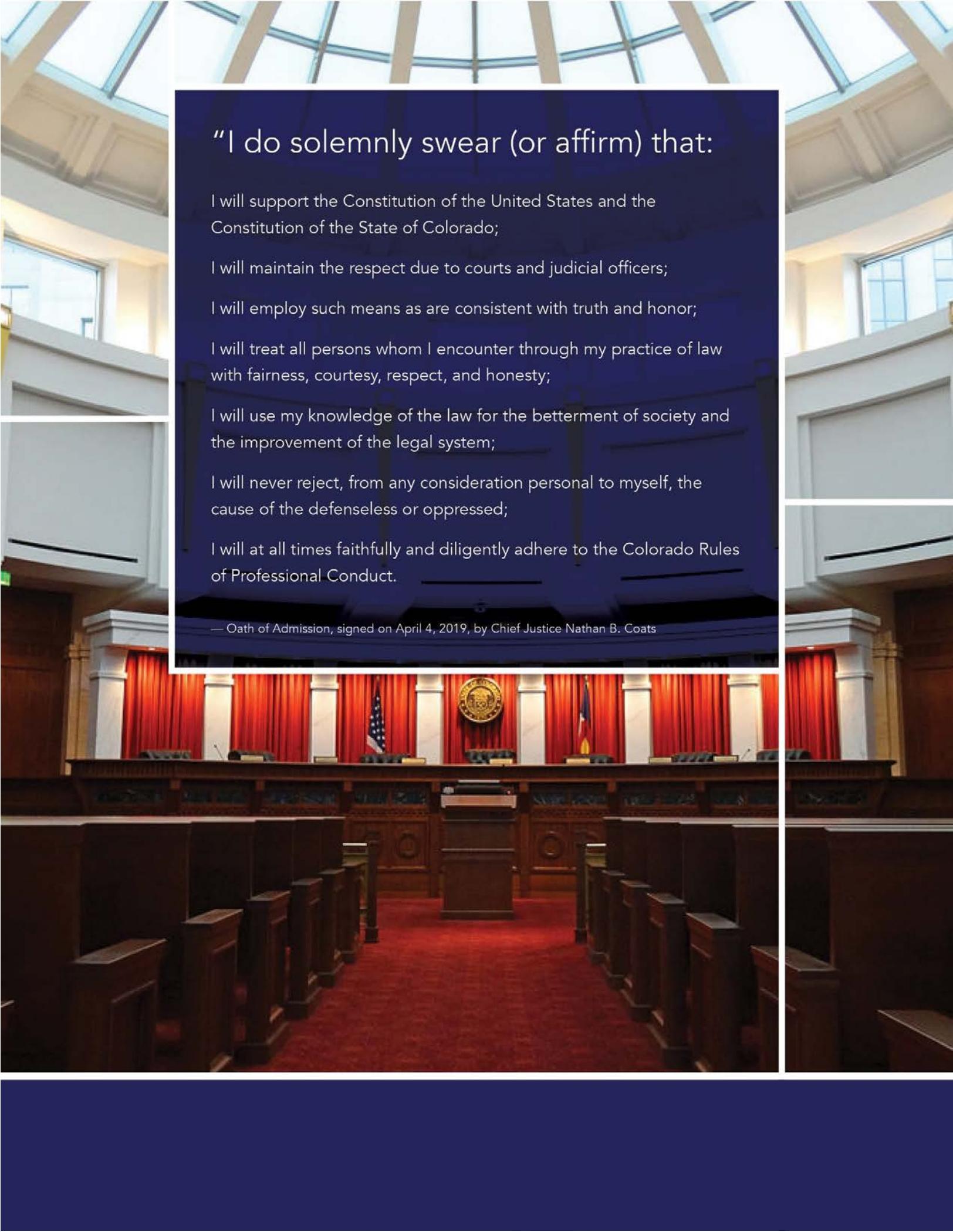
"A license to practice law is a proclamation to the public ...

... that the holder thereof is one to whom a member of the public may, with confidence, entrust his professional matters, with the assurance that in the performance of legal services the lawyer will perform the basic legal tasks undertaken, competently, ethically, and in accordance with the highest standards of professional conduct."

— People ex rel. Goldberg v. Gordon, 607 P.2d 995, 998 (Colo. 1980)

TABLE OF CONTENTS

| | |
|--|----|
| Who We Are | 1 |
| Understanding Colorado Lawyers | 1 |
| Justices of the Colorado Supreme Court | 6 |
| Supreme Court Advisory Committee..... | 7 |
| Office of Attorney Regulation Counsel | 8 |
| Permanent Committees..... | 16 |
| Our Important Partners | 19 |
| Why We Regulate | 21 |
| What We Do | 22 |
| Admissions | 22 |
| Registration/CLJE | 28 |
| Regulation | 31 |
| Inventory Counsel | 40 |
| Case Monitor | 42 |
| Education/Outreach | 43 |
| Appendices | 46 |
| A: Results of Demographic Survey | 46 |
| B: Bar Exam Statistics | 49 |
| C: Attorney Registration Demographics | 53 |
| D: Intake and Investigation Statistics | 64 |
| E: Central Intake Inquiries | 68 |
| F: Trial Division Statistics | 69 |
| G: Appeals | 77 |
| H: Final Dispositions | 78 |
| I: Other Actions | 79 |
| J: Unauthorized Practice of Law | 85 |
| K: Inventory Counsel | 88 |



"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

Who Is a “Colorado Lawyer”?

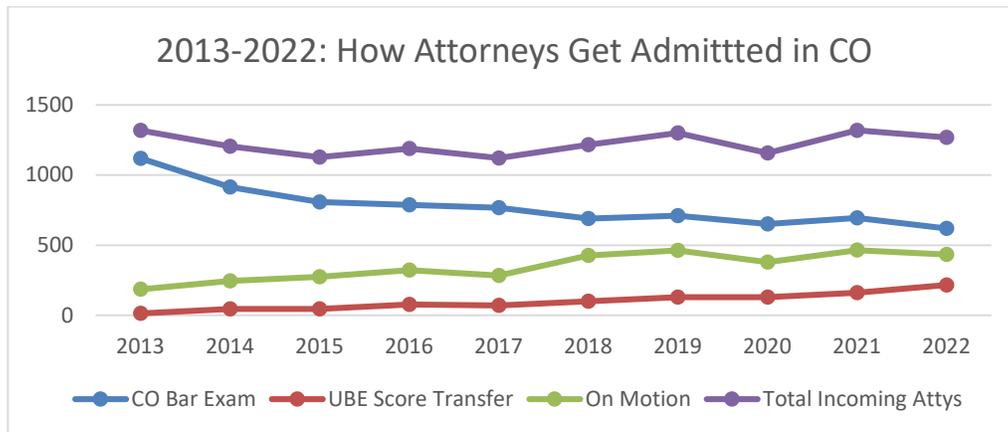
According to attorney registration data, 18.6% of active Colorado attorney registrations do not list Colorado as the attorney’s preferred address. Likewise, nearly 16% of those responding to the voluntary demographic area indicated that their primary work location was not in Colorado. These attorneys apparently are primarily practicing somewhere else. Attorney mobility is a reality of modern law practice, but that mobility makes it harder to analyze the characteristics of “Colorado Lawyers” when they may not have a strong professional connection to Colorado.

A number of policy changes in the past 10 years have made it much easier for individuals who passed a bar exam elsewhere or have practiced law elsewhere to get admitted here in Colorado, and similar changes in other states have increased professional mobility. Those policy changes include:

- The Colorado Supreme Court adopted the Uniform Bar Exam (“UBE”) in 2012, and since then, more states have followed, so that more than 40 jurisdictions now give the same exam, allowing for score portability among those jurisdictions.
- The Colorado Supreme Court reduced the time requirement for on-motion eligibility in 2014. Prior to that change, a licensed attorney in another state had to have been primarily engaged in the active practice of law for five of the past seven years. The rule change reduced this time to three of the past five years.
- The Colorado Supreme Court then eliminated the requirement of reciprocity in 2021 for on-motion applicants. As a result, licensed attorneys in states that do not allow Colorado-licensed attorneys to be admitted on-motion can nonetheless apply for on-motion admission in Colorado. Prior to that rule change, on-motion applicants from non-reciprocal states often petitioned the Supreme Court for a waiver of the reciprocity restriction.

Accordingly, while the total number of newly-admitted attorneys has changed within a relatively narrow range the past 10 years – from a low of 1121 in 2017 to a high of 1319 in 2021, with increases and decreases in that span of time – the paths to admission have shifted more noticeably. Fewer admissions come through the traditional mode of taking the bar exam in Colorado, and more involve applying on-motion from another jurisdiction of licensure without having to take the Colorado bar exam or transferring a UBE score into Colorado from another jurisdiction. In 2022, less

than half (48.8%) of newly-admitted attorneys in Colorado took the bar exam in Colorado.



Even for admission through the Colorado administration of the bar exam, those applicants do not necessarily have strong Colorado ties. In most July exams, nearly half of exam admittees are not graduates of one of the two Colorado law schools. For example, in July 2022, graduates of the University of Colorado Law School comprised only 25.8% of those who passed, and graduates of the University of Denver Sturm College of Law comprised 29.5% of those who passed. The other 44.7% were graduates of non-Colorado schools.

These trends suggest future challenges in building connections and fostering a sense of belonging within the state’s attorney population. At the same time, perspectives from attorneys who grew up in, went to school in, or became licensed in other jurisdictions will enrich the “thought pool” about the future of the practice of law in Colorado as well as the tapestry of identity within the Colorado bar.

What We Can Learn About Diversity

As part of the 2023 registration cycle, the Office of Attorney Regulation Counsel (OARC) again offered a voluntary, anonymous demographic survey as part of the annual registration process, announcing the survey through its own communications and those of voluntary bar organizations. This one-minute survey asked 10 quick questions, and 7,089 of 28,292 Colorado attorneys with active licenses participated – a response rate for active attorneys of 25%.

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. While voluntarily reported data is not as statistically reliable as mandatory registration reporting data, it can be helpful to understanding diversity within our lawyer 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.” Diversity within the attorney population also helps increase the public’s confidence that clients can find attorneys who they relate to and who will represent their interests.

In the 2018 and 2019 annual reports, we highlighted trends in gender retention in the active practice of law, as well as percentages of underrepresented groups, including lawyers identifying as Hispanic, Latino or of Spanish origin, and/or as Black or African American. We also reported statistics about aging lawyers who are sole practitioners, and the need for solos to engage in succession planning. In the 2020 annual report, we observed demographic trends based on the population density of various areas in Colorado, and reflected on geographically under-served areas. In the 2021 annual report, we reflected on the differences between “Millennials” – defined as attorneys under age 40 – and older attorneys.

This 2022 annual report includes updated statistics in this preview, Appendix A (the voluntary survey), and Appendix C (registration statistics).

Here, we take a closer look at the characteristics of some of the groups of attorneys who self-identified as racially or ethnically diverse in the voluntary demographic survey.

Hispanic, Latino or Spanish Origin (7.6% of active attorney survey respondents identify)

- 16% practice primarily outside of Colorado
- 68% practice in a large Colorado metro area
- 10% practice in a small Colorado metro area
- 6.4% practice in a small Colorado community
- 49% are under age 40
- 40% are ages 40-59
- 11% are age 60 or older
- 10% also identify as racially or ethnically diverse through another background

Black or African American (3.37% of active attorney survey respondents identify)

- 19% practice primarily outside of Colorado
- 75% practice in a large Colorado metro area
- 4% practice in a small Colorado metro area

- 1.7% practice in a small Colorado community
- 37% are under age 40
- 48% are ages 40-59
- 15% are age 60 or older
- 11% also identify as racially or ethnically diverse through another background

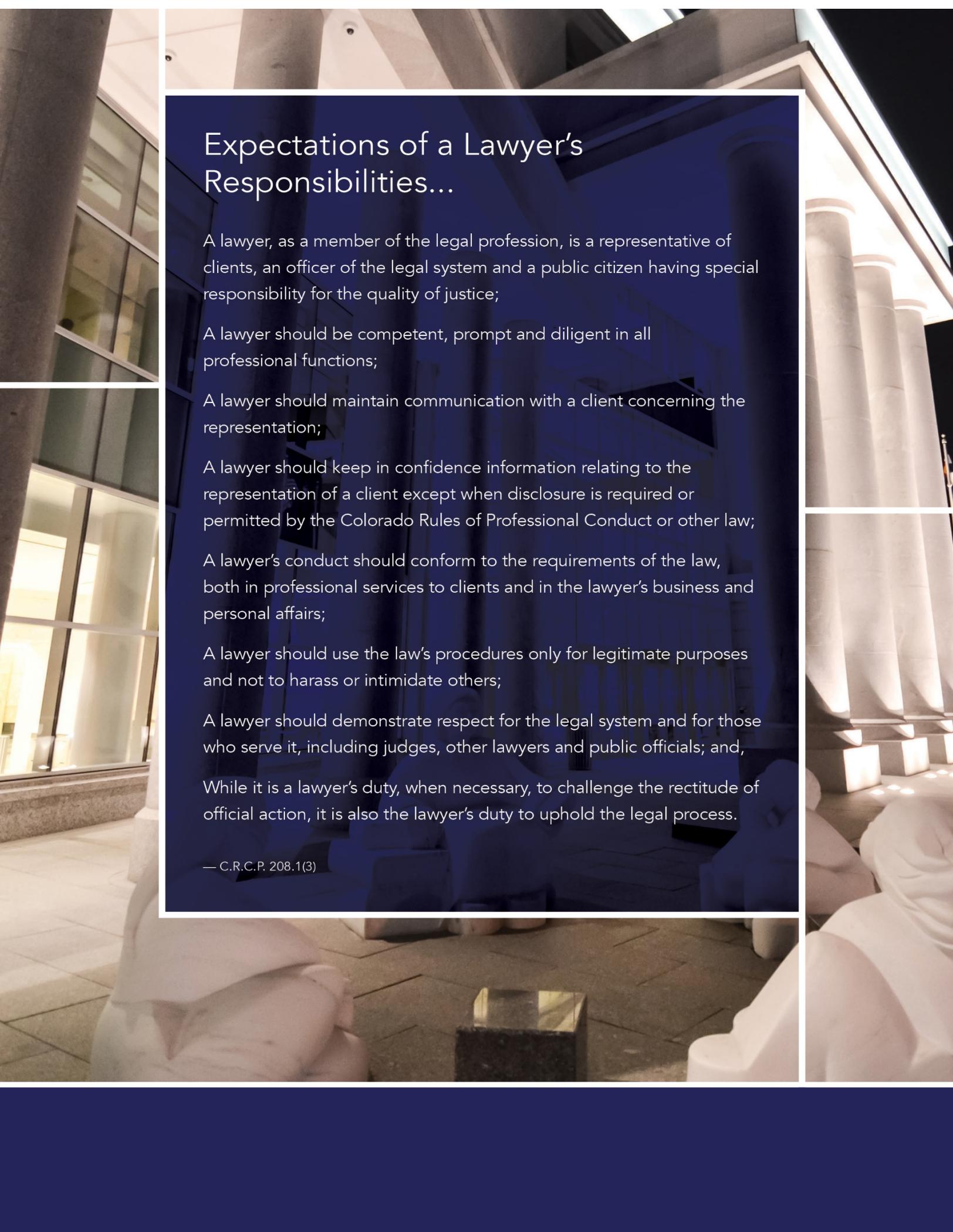
Asian or Asian American (3.72% of active attorney survey respondents identify)

- 18% practice primarily outside of Colorado
- 71% practice in a large Colorado metro area
- 6% practice in a small Colorado metro area
- 4.6% practice in a small Colorado community
- 48% are under age 40
- 39% are ages 40-59
- 13% are age 60 or older
- 5% also identify as racially or ethnically diverse through another background

While voluntary surveys have inherent statistical short-comings, the mandatory nature of attorney registration provides a more reliable snapshot of recent trends, particularly as to the gradual increase in the number of women attorneys. At the end of 2021, as to actively-licensed attorneys in Colorado, women under age 40 outnumbered men under age 40 – for the first time since OARC started reporting this data. This number grew in 2022, as reflected in the early-2023 registration data:

| | Number of women attorneys in their 20s and 30s | % of 20s-30s attorneys who are women |
|------|--|--------------------------------------|
| 2014 | 3617 | 47.84% |
| 2015 | 3874 | 47.55% |
| 2016 | 3941 | 47.53% |
| 2017 | 4032 | 47.77% |
| 2018 | 4077 | 47.80% |
| 2019 | 4146 | 48.61% |
| 2020 | 4290 | 49.70% |
| 2021 | 4377 | 50.47% |
| 2022 | 4405 | 51.42% |

While studies have underscored how diverse attorneys may leave the profession over time if they experience lack of support, bias, discrimination, and other negativity, data showing a net increase year-after-year of women attorneys in the profession through their 30s may bode well for long-term diversity.



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 Carlos A. Samour, Jr., Justice Richard L. Gabriel, Justice Melissa Hart, Justice Maria E. Berkenkotter

Bottom from left: Justice Monica M. Márquez, Chief Justice Brian D. Boatright, Justice William W. Hood, III

SUPREME COURT ADVISORY COMMITTEE ON THE PRACTICE OF LAW

The Supreme Court Advisory Committee on the Practice of Law (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*

David Beller¹

Nancy L. Cohen

Cynthia F. Covell

The Honorable Adam J. Espinosa

Carolyn D. Love, Ph.D.

The Honorable Andrew P. McCallin

Barbara A. Miller²

Henry R. Reeve

Alexander R. Rothrock³

Sunita Sharma

Brian Zall

Alison Zinn

Justice Monica M. Márquez (Liaison)

Justice Maria E. Berkenkotter (Liaison)

¹ Appointed effective 10/1/2022

² Resigned 7/26/2022

³ Resigned 5/31/2022

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 the Advisory Committee and five 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 Yates, 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.



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. She also actively partners with the Colorado Bar Association and other bar associations in Colorado for events, presentations and initiatives, serves on the Supreme Court's Standing Committee on the Rules of Professional Conduct, and actively participates in the National Organization of Bar Counsel and the ABA's Center for Professional Responsibility. She received a "Raising the Bar" award from the Colorado Women's Bar Association Foundation in 2021.

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 American Bar Association, the Colorado Bar Association Ethics Committee, and the American Bar Association Center for Professional Responsibility's Continuing Legal Education Committee.

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 American Bar Association; 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 and President for the National Continuing Legal Education Regulators Association.

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.

Intake Division

Senior Assistant Regulation Counsel

Lisa E. Pearce

Assistant Regulation Counsel

Jill Perry Fernandez
Matt Ratterman
Catherine Shea

Rhonda White-Mitchell
E. James Wilder

Intake Division Investigators

Melyssa Boyce
Rosemary Gosda

Carla McCoy

Intake Assistants

Robin Lehmann
Margarita Lopez

Complainant call:

"I spoke with a complainant today and he mentioned how nice and helpful [an intake assistant] was. He even remembered her name."

Trial Division

Senior Assistant Regulation Counsel

Erin Robson Kristofco
Alan Obye

Assistant Regulation Counsel

Jonathan Blasewitz
Jody McGuirk
Michele Melnick

J.P. Moore
Jacob Vos
Jonathan P. White

Trial Division Investigators

Laurie Seab,
Chief Investigator

Juliet Berzsenyi Byerly
Sierra Puccio

Donna Scherer

Trial Assistants

Renee Anderson
Valencia Hill-Wilson

Rachel Ingle
Sarah Walsh

Bench Bar Presentation Attendee:

"I wanted to send you a quick note to compliment [an OARC Attorney] for his assistance, preparation, and delivery of a great presentation today to the [County] Bench Bar. I was impressed with his knowledge, professionalism, and candid presentation to the group."

Inventory Counsel

Jay Fernandez

Inventory Counsel Staff

Laura Teaff,
Inventory Counsel Coordinator

Brenda Gonzales,
Inventory Counsel Assistant

Case Monitor

Nicolette (Nicole) Chavez

Attorney Admissions

Jessica Crawley,
Admissions Administrator

JoAnne Dionese,
Assistant Exam Administrator

Character & Fitness

Susie Tehlirian,
Staff Attorney

Amanda Brooks,
Investigator

Matthew McIntyre,
Investigator

Licensure Analysts

Jessica Faricy
Gloria Lucero
Lauren Paez
Adrian Radase

Staff Assistants

Sean Conlin
Bridget Kos
Christina Solano

Inventory Counsel Client:

“I would like to thank everyone involved in [name of estate] estate matters. I appreciate the time and work that has been necessary to resolve the outstanding issues for the inventory and destruction of his practice files and the closing of the COLTAF account. I know this has not been an easy task but I commend everyone for your caring and professionalism involved for the closure of this case.”

Attorney Registration and Continuing Legal and Judicial Education

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

Jessica DePari, *Assistant Administrator*

Alice Lucero, *Assistant Administrator*

Deputy Clerks

Sherry Fair

Jennifer Kendall

Myra Sanchez

Attorney on CLE Affidavit:

“You all are amazing. Thank you!!!! Please pass those sentiments on to everyone who helped on this.”

Attorney on CLE Compliance:

“Thank you so much for all of your help today with this CLE compliance. You have been so patient with me and provided thoughtful guidance to me. It is noticed and very appreciated. I feel that we are quite lucky to have you in your role. “

Operations

Brett Corporon, *Director of Technology*

Karen Fritsche, *Operations Manager*

Kevin Hanks, *Office Manager*

Marci Hunter, *Accounting/Payroll*

Kerry Miller, *Controller*

Kristie Miller, *Staff Assistant*

David Murrell, *IT Support Technician*

Steve Russell, *Data Base Developer*

WHO WE ARE: PERMANENT COMMITTEES

Legal Regulation Committee

The Legal Regulation Committee was created as a permanent committee, which combined the functions of the Attorney Regulation Committee (“ARC”) and the Unauthorized Practice of Law (“UPL”) Committee. By rule, the Legal Regulation Committee (“LRC”) comprises of at least nine volunteer members, including a Chair and Vice-Chair. At least six of the members must be attorneys admitted to practice in Colorado and at least two of the members must be non-attorneys. The LRC 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 LRC also considers, and enters into, investigation-level diversion agreements. The LRC also has jurisdiction over allegations concerning the unauthorized practice of law, and considers reports prepared by the Office of Attorney Regulation Counsel to determine whether formal proceedings should be initiated based on such allegations.

Steven K. Jacobson, *Chair*

Alison Zinn, *Vice-Chair*

Diana David Brown

Elsa Djab Burchinow

Hetal J. Doshi

David M. Johnson

Martha Kent

Anthony J. Perea

John K. Priddy

Kristin Shapiro

Charles Spence

Board of Law Examiners

Law Committee

The Law Committee is composed of eleven 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, *Chair*

Anna N. Martinez, *Vice-Chair*

Keith Bradley

The Honorable Linda Connors

Heather K. Kelly

Vincent Morscher

Melinda S. Moses

Julia Havens-Murrow

Charles Norton

Robert G. Spagnola

Djenita Svinjar

Justice Monica M. Márquez (Liaison)

Justice Maria E. Berkenkotter (Liaison)

Board of Law Examiners

Character and Fitness Committee

By rule, the Character and Fitness Committee is composed of at least seventeen volunteer members, with at least twelve members being attorneys and at least five being non-attorneys. The Committee is charged with investigating applicants' character and fitness to practice law in Colorado.

Brian Zall, *Chair*

Porya Mansorian, *Vice-Chair*

Robert L. Atwell, Ph.D.

Nicole Bartos

David Beller

Philip A. Cherner

Lilith Zoe Cole

Tammy Eret Lynch

The Honorable Terry Fox

Daniel Graham

Doris C. Gundersen, M.D.⁴

Melinda M. Harper

Velveta Golightly-Howell

John A. Jostad

Barbara Kelley

Jordan Laroe, M.D.

Kelly A. Manchester

Habib Nasrullah

Kimberly Nordstrom, M.D.⁵

Craig A. Stoner⁶

Elizabeth Strobel

Sandra M. Thebaud, Ph.D.

Patricia Westmoreland, M.D.⁷

Gwyneth Whalen

Justice Monica M. Márquez (Liaison)

Justice Maria E. Berkenkotter (Liaison)

⁴ Term expired 12/31/2022

⁵ Term expired 12/31/2022

⁶ Resigned 1/26/2023

⁷ Appointed effective 1/1/2023

Continuing Legal and Judicial Education Committee

The Continuing Legal and Judicial Education Committee consists of nine members: at least six attorneys, at least one of whom is a judge, and at least two non-attorneys (citizen members). The Committee administers the program requiring attorneys and judges to take mandatory continuing legal and judicial education courses.

| | |
|--|---|
| The Honorable Andrew P. McCallin, <i>Chair</i> | Martha Rubi-Byers |
| Nathifa M. Miller, <i>Vice-Chair</i> | Rachel B. Sheikh |
| Christine M. Hernandez | Appalenia Udell ⁸ |
| The Honorable Amanda Hopkins | Sam D. Starritt ⁹ |
| Maha Kamal | Justice Monica M. Márquez (Liaison) |
| Colleen McManamon | Justice Maria E. Berkenkotter (Liaison) |

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>

| | |
|--|------------------------------------|
| The Honorable Adam J. Espinosa, <i>Chair</i> | Lisa M. Dailey ¹¹ |
| Allison L. Gambill, <i>Vice-Chair</i> | Katayoun A. Donnelly ¹² |
| John Bunting | Corelle M. Spettigue |
| Susan J. Coykendall, Ph.D. | Kimberly Van Dyke ¹³ |
| Wesly D. Hassler ¹⁰ | |

⁸ Appointed effective 1/1/2023

⁹ Resigned 9/15/2022

¹⁰ Appointed effective 1/1/2023

¹¹ Resigned 1/5/2023

¹² Term expired 12/31/2022

¹³ Appointed effective 3/18/2023

WHO WE ARE: OUR IMPORTANT PARTNERS

Colorado Lawyer Assistance Program (COLAP)

The Colorado Lawyer Assistance Program is the free, confidential, and independent behavioral health program for our legal community. COLAP operates independently from other agencies and entities, including the OARC and the CBA. COLAP provides assistance for a wide variety of issues, including but not limited to: stress and burnout, secondary trauma and compassion fatigue, relationship issues, anxiety, depression, substance use or addiction concerns, improving well-being in the workplace, professional and career-related issues, and concern for colleagues or family members.

Established by Colorado Supreme Court Rule 254, COLAP's mission is to promote well-being, resiliency, and competency throughout Colorado's legal community. All communications with COLAP are confidential and privileged.

Sarah Myers, *Executive Director*

Amy Kingery, *Assistant Director*

Colorado Attorney Mentoring Program (CAMP)

CAMP is a program of the Colorado Supreme Court designed to provide mentors, peer support, and professional development resources to new and transitioning lawyers throughout the state. CAMP matches mentors with mentees in individualized, group, and practical skills based mentoring programs across Colorado. CAMP also provides legal organizations and bar associations with the structure, resources, and administrative support necessary to create lasting and meaningful organizational mentoring programs.

CAMP is also the home to mission related programs including:

Legal Entrepreneurs for Justice (LEJ), Colorado's only legal incubator which provides the training, mentoring, resources, and support for lawyers to establish, maintain and grow firms addressing the needs of low and middle-income legal consumers. LEJ lawyers are committed to offering predictable pricing, flexible representation options, and leveraging technology and innovation from other industries to increase client engagement and provide services efficiently and effectively.

Colorado Well-being Recognition Program for Legal Employers, a first-of-its-kind Program to recognize solo-practitioners and legal employers for implementing within their organizations well-being strategies and recommendations encompassing six specific goal areas of lawyer well-being.

Succession to Service, a statewide, online platform for Colorado's lawyers and law students to partner with nonprofit organizations, courts, and other legal service entities to influence the continuing need for pro bono service and access to justice.

J. Ryann Peyton, *Executive Director* Kristen Belolan, *Director of Mentoring and
Community Engagement*
Lauren Solomon, *Program Manager*

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 Executive 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 step 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 and the eligibility requirements for attorney admissions. 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 1,054 people applied to take the bar exam in 2022, of which 960 people sat for the bar exam¹⁴. A total of 620 people passed the exam in 2022:

- 295 applied for the February bar exam, of which 251 took the bar exam:
 - 127 Passed Overall (51% pass rate)
 - 90 First Time Passers (66% pass rate)
 - 37 Repeat Passers (32% pass rate)
- 759 applied for the July bar exam, of which 709 took the bar exam:
 - 493 Passed Overall (70% pass rate)
 - 471 First Time Passers (75% pass rate)
 - 22 Repeat Passers (28% pass rate)

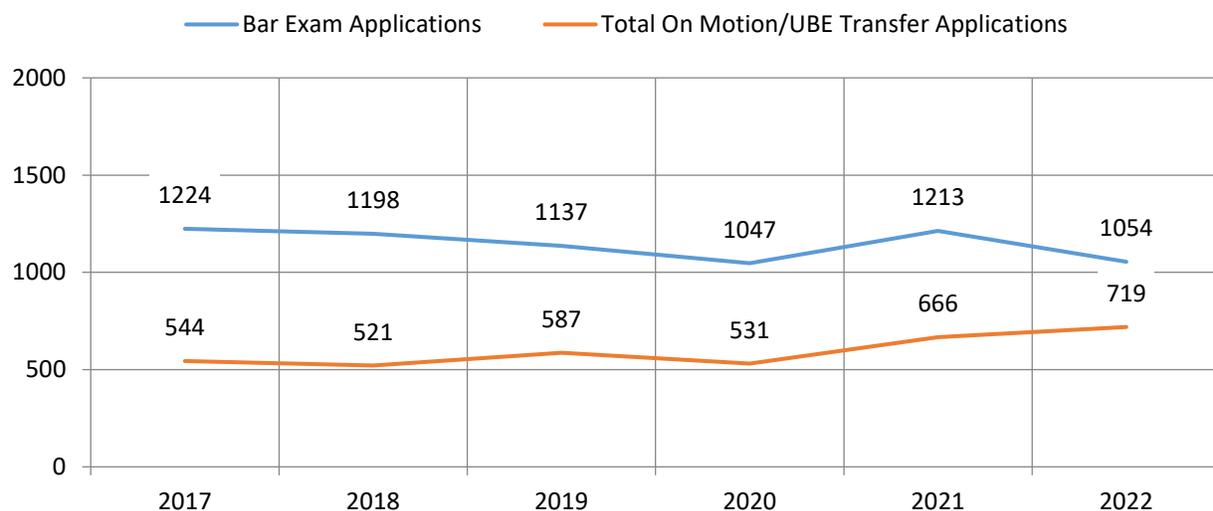
¹⁴ For detailed statistics on bar exam passage rates, see Appendix B.

UBE and On Motion

In 2022, there were 228 UBE Score Transfer Applications and 491 On Motion Applications filed with the Office. The Office processed 214 UBE Score Transfer Applications and 491 On Motion Applications in 2022 – meaning those applicants were cleared for eligibility and met character and fitness requirements.

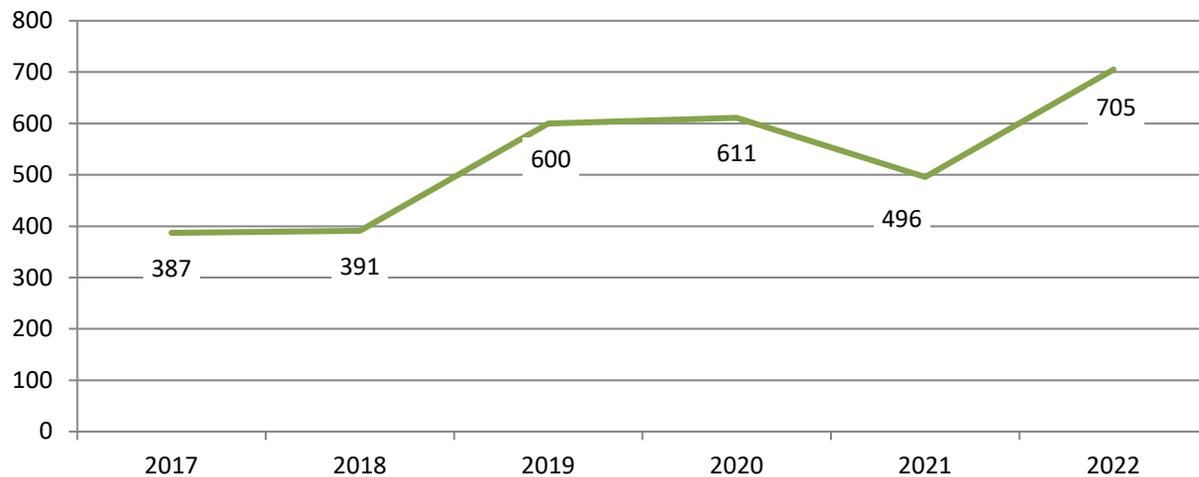
The UBE, coordinated by the National Conference of Bar Examiners, is designed to test knowledge and skills that every lawyer should be able to demonstrate prior to becoming licensed to practice law. It results in a portable score that can be used to apply for admission in other UBE jurisdictions. The intent and design of the UBE is to ease the barriers to a multi-jurisdictional law practice. Colorado and 41 other jurisdictions currently comprise the UBE compact.¹⁵ With an increasing number of jurisdictions adopting the UBE, it is foreseeable that Colorado will continue to see an increase in score transfer applications. Likewise the number of repeat bar exam applicants is likely to decrease as more states will accept UBE scores achieved in Colorado.

Applications Submitted to the Office of Attorney Admissions



¹⁵ This number includes jurisdictions that joined the Compact, but have not yet administered their first UBE Exam in 2022: Michigan (2/23).

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 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.

On Motion / Rule 206 applicant:

"I just wanted to say thank you so much for working with me through this process. I truly appreciate it and cannot thank you enough."

In 2022, Attorney Admissions reviewed 1,759 applications to determine the character and fitness qualifications of applicants:

- 22 Inquiry Panel Interviews were scheduled ¹⁶
 - 3 were continued upon the request of the Applicant
- 1 Applicant who received a deferred determination in 2021 did not appear for an interview in 2022. The Applicant filed a petition to the Colorado Supreme Court for an extension of time, which was granted.
- 1 Applicant's interview that was continued from 2021 has not yet been rescheduled upon the request of the Applicant.
- 19 Applicants were asked to appear for an interview before an Inquiry Panel
 - 11 Exam
 - 4 On-Motion
 - 4 UBE Score Transfer
- 17 Applicants were cleared for admission after appearing before an Inquiry Panel
 - 1 Inquiry Panel determination was deferred
 - 1 Applicant received a recommendation of denial by the Inquiry Panel. The Applicant elected not to file a Request for Formal Hearing and was subsequently denied admission by the Colorado Supreme Court.
 - Of those 17, 0 applicants were scheduled to appear at a Formal Hearing
- 1 Applicant from 2020 appeared at a Formal Hearing in 2022 and was subsequently denied admission by the Colorado Supreme Court.

¹⁶ The number of interviews scheduled may include returning Applicants from a prior year, as well as Applicants appearing twice for an interview.

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. A Character and Fitness Investigation takes between six to twelve 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. 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.

Bar Exam Applicant:

"... thank you for all your efforts in making the bar exam run so smoothly over the past couple of days."

Newly sworn in attorney:

"Thanks for putting on such an informative, upbeat, short and sweet ceremony! I also really appreciate the responsiveness and efficiency of your office! Nice job!"

Recent Bar Admission:

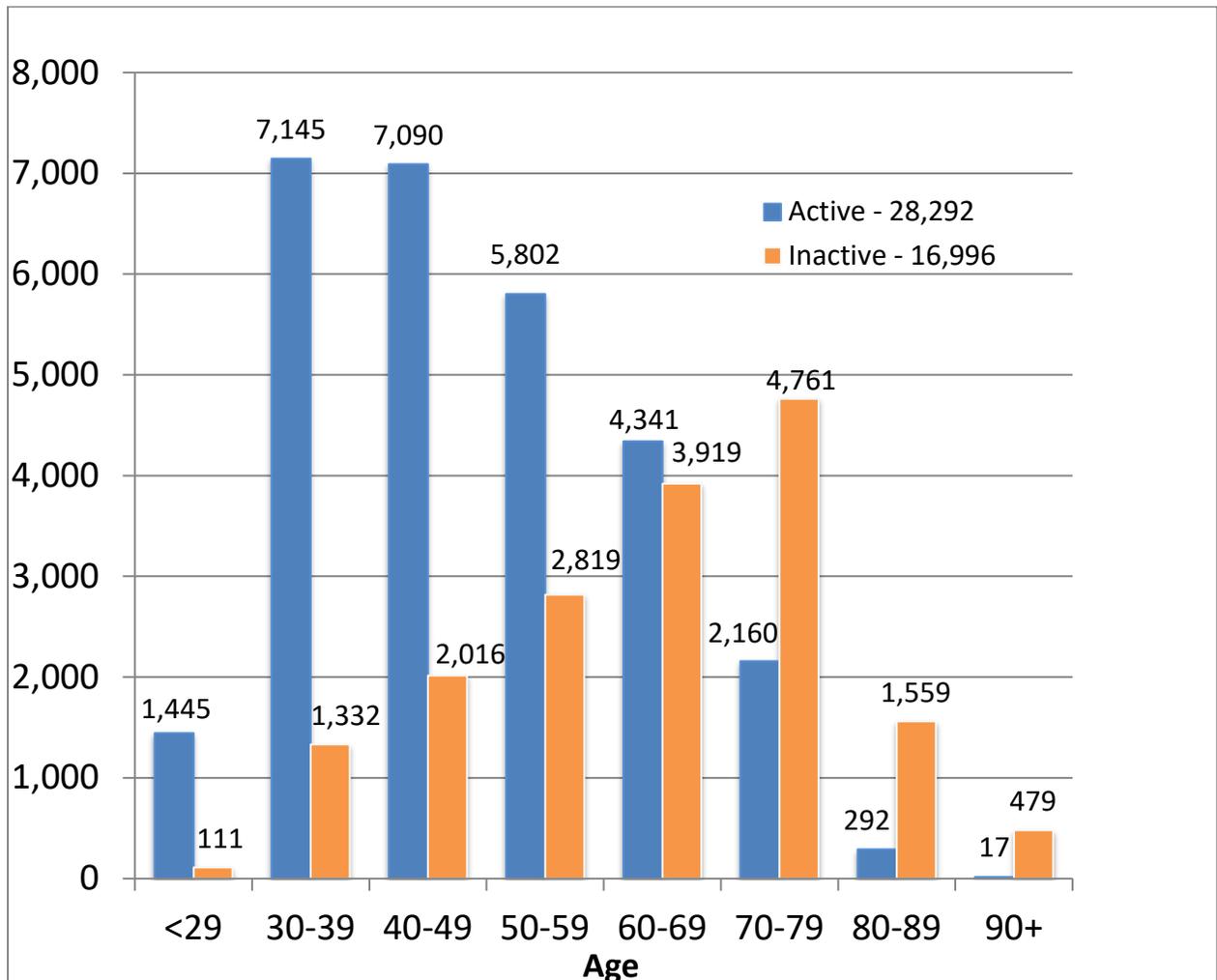
"Just a quick note to thank you so much for helping me figure out all of the steps for my recent bar admission. I delayed this for years thinking how arduous it would be but your professionalism, patience and responsiveness saved me at every step. I am super excited to embark on this next venture but might have thrown in the towel but for your kind help!"

WHAT WE DO: ATTORNEY REGISTRATION AND CLJE

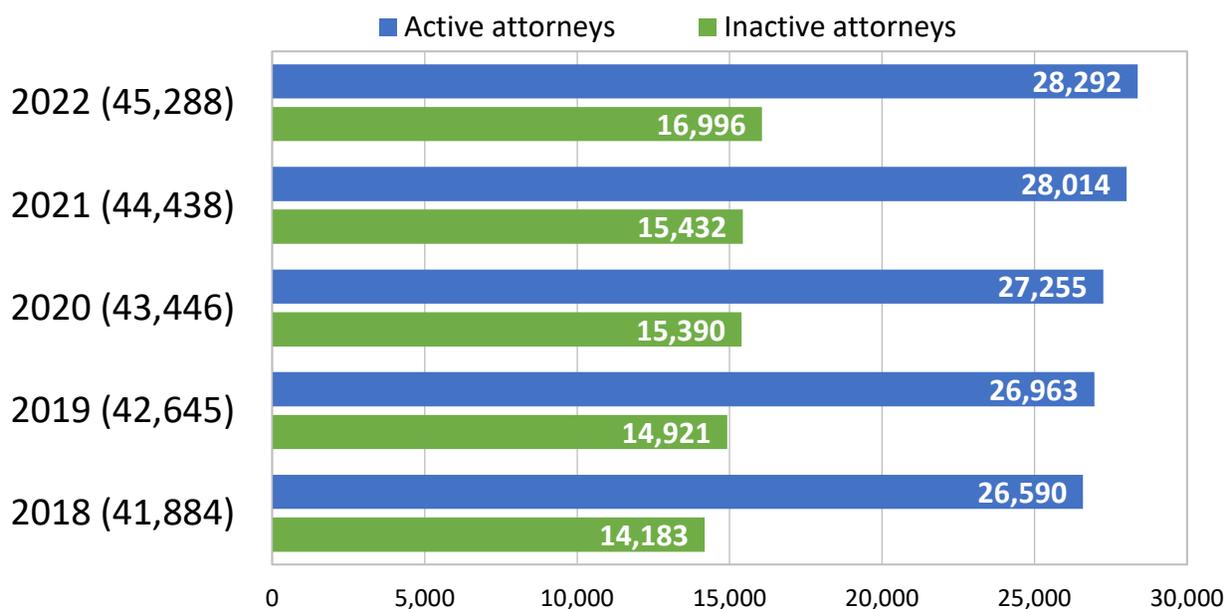
Once an applicant meets admission requirements, Attorney Registration completes the process by ensuring the proper administration of the oath. Attorneys then register annually with the Office and pay annual license fees. The Office also maintains a record of lawyers' and judges' compliance with their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

Colorado ended 2022 with 45,288 registered attorneys, up 4.2 percent over the previous year. Of those registered attorneys, 28,292 were active and 16,996 were inactive. While inactive registrations grew by 10.1 percent, active registrations increased by 1 percent in 2022.

2022 - 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, and the Colorado Attorney Mentoring Program.

The Colorado attorney registration form collects statistics on the lawyer's profession, including how many lawyers are practicing in-house, in government, and in a private law firm. For the 2017 and all future registration processes, the Office has required lawyers in private practice to disclose whether they carry professional liability insurance and, if so, to disclose the name of their insurance carrier.

Cleared Attorney:

"With 40 years of experience, my bar application was, to say the least, complicated. I wanted the team to know how appreciative I am for the reviewers being so patient and professional with me!"

Foreign-Educated Applicant:

"This is really great news. Thank you for taking the time and effort to review my request. It's made my day!"

In 2022, Attorney Registration enrolled 1,403 attorneys for admission:

- Bar Exam: 618
- Uniform Bar Exam Transfers: 216
- On Motion: 434
- Single-Client Certification: 123
- Law Professor Certification: 2
- Military Spouse Certification: 7
- Judge Advocate Certification: 1
- Foreign Legal Consultant: 2

In 2022, Attorney Registration also processed and approved applications for:

- Pro Hac Vice: 543
- Practice Pending Admission: 182
- Pro Bono Certification: 18

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.¹⁷

Continuing Legal and Judicial Education

Attorneys have to meet continuing legal education requirements on a three-year cycle. Attorney Regulation Counsel works with the Committee 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 Committee consists of nine members: at least six attorneys, at least one of whom is a judge and at least two non-attorneys (citizen members) who assist in administration of the mandatory continuing legal and judicial education system.

In 2022, the Office of Continuing Legal and Judicial Education:

- Processed 137,884 CLE affidavits
- Processed 1,514 Non-Accredited Out of State Seminar affidavits;
- Processed 1,403 Teaching Affidavits;
- Processed 116 Research/Writing Affidavits;
- Processed 29 additional CLE affidavits for mentoring;
- Processed 63 additional CLE affidavits for pro bono work; and
- Accredited 13,377 CLE courses and home studies, including 596 courses qualifying for equity, diversity and inclusivity (EDI) credit.

¹⁷ For detailed statistics on attorney demographics collected through registration in Colorado, see Appendix C.

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.

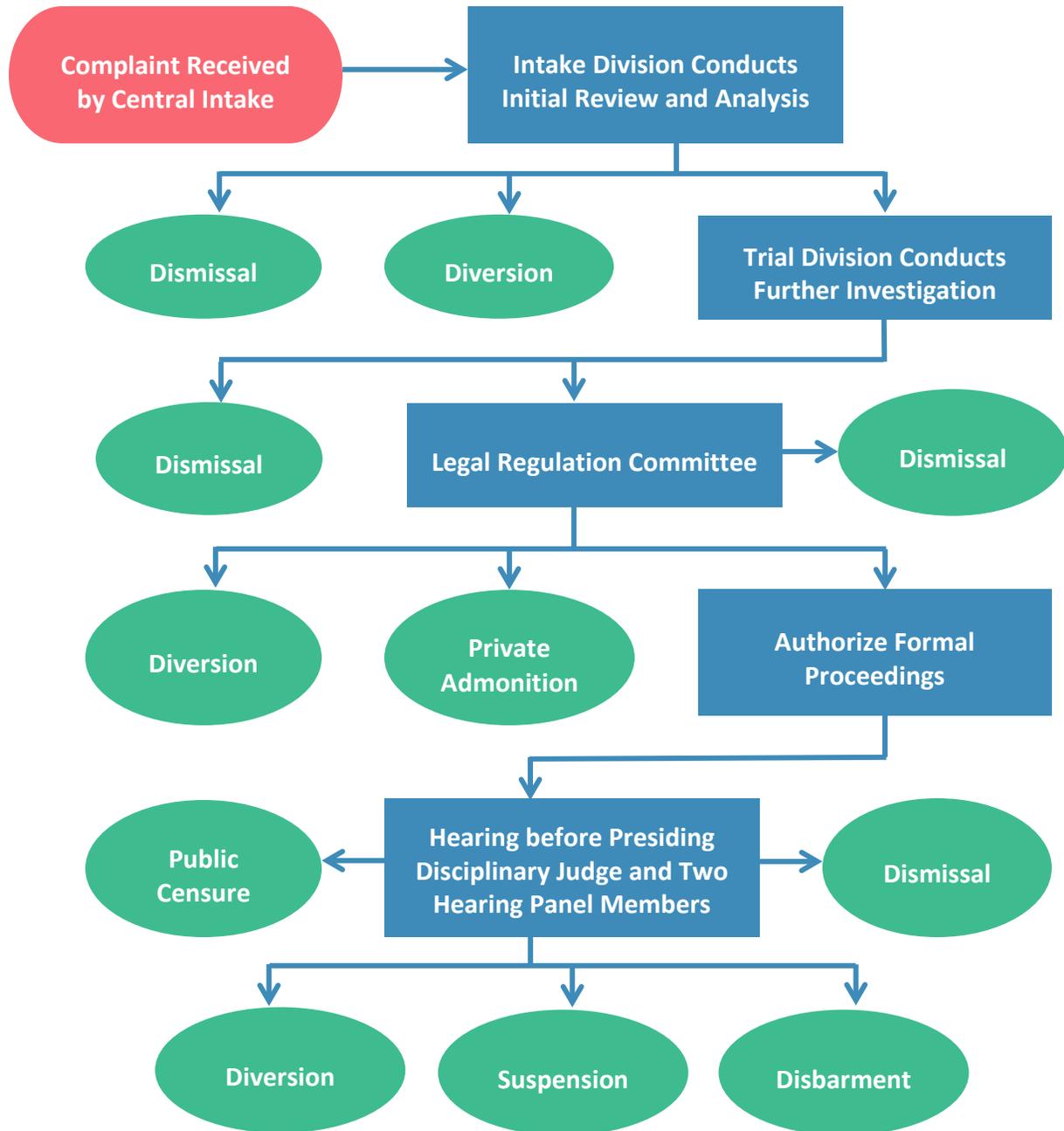
The Colorado model of attorney regulation is designed to move cases of minor ethical misconduct toward a quick resolution and devote its resources to cases that involve more serious attorney misconduct. The goal is to protect the public while educating attorneys to prevent any future misconduct.

In 2022, the office received 3,740 calls or written requests for investigation against a lawyer, down 2 percent from the prior year. The Office's intake division reviewed those cases and processed 250 matters for further investigation by the trial division. In addition, the intake division continued to work on 355 cases carried over from 2021.

In total, the Office of Attorney Regulation Counsel's work in 2022 resulted in:

- 141 dismissals with educational language;
- 77 diversion agreements;
- 9 private admonitions;
- 6 public censures;
- 31 suspensions;
- 13 probations ordered; and
- 5 disbarments.

The Attorney Regulation Process

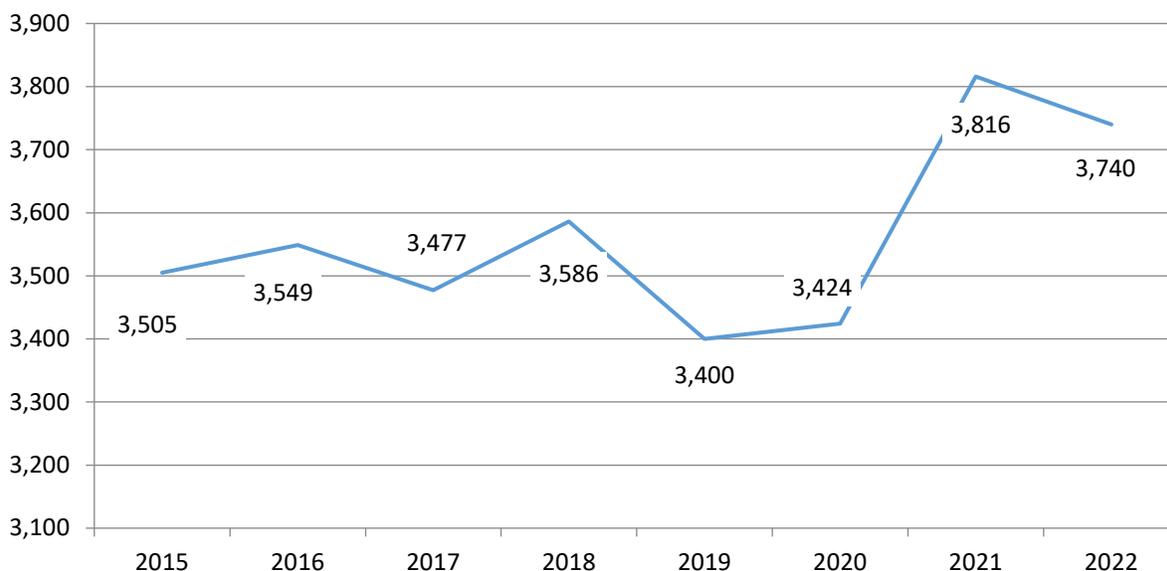


Intake Division

The intake division acts as the Office's triage unit, where the 3,740 requests for investigation that the Office received in 2022 were analyzed.¹⁸ 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 submitted 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 intake processing time in 2022 was 4.73 weeks.

Complaints Filed from 2015 to 2022



¹⁸ For detailed statistics on the intake division, see Appendices D through E.

If further investigation is warranted, that intake 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 and investigator 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 2022, there were 128 requests for investigation filed against magistrates. One hundred twenty-seven requests were dismissed at the intake stage, and one matter was pending at year-end.

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 2022, the Office of Attorney Regulation Counsel received 85 trust account notices.

Respondent-Attorney:

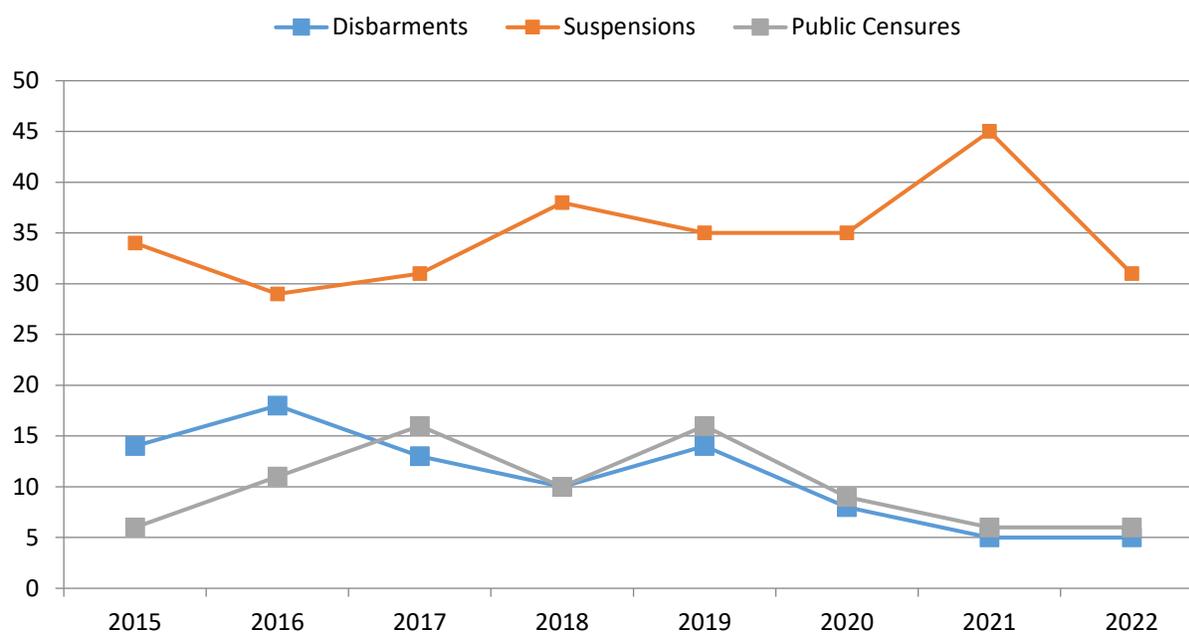
"It was a real pleasure working with you. I appreciate the diversion disposition and the way the diversion agreement was drafted. I thought you characterized my actions in an accurate manner, without any unnecessary disparagement. Thanks."

Trial Division

The next step for a case that involves a complex fact pattern or allegations of serious misconduct is the trial division. In 2022, the trial division was assigned 250 cases processed by the intake division and also handled 141 cases carried over from 2021.¹⁹

At the end of the investigation, there are numerous potential 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 Legal Regulation Committee (“LRC”). The LRC 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



¹⁹ For detailed statistics on the trial division process, see Appendices F through J.

In 2022, during the investigation phase, the trial division:

- Recommended the dismissal of 71 cases, 16 of them with educational language; and
- Entered into 14 agreements for conditional admission of misconduct.

If a matter is not suitable for dismissal and a stipulation cannot be reached with the respondent, the matter proceeds to the Legal Regulation Committee.

In 2022, the trial division presented 110 matters to the Legal Regulation Committee. The Committee approved:

- 40 formal proceedings concerning 77 matters;
- 21 diversion agreements concerning 24 matters; and
- 9 private admonitions.

Several of the 77 matters²⁰ in which the Office was authorized to file a formal complaint were consolidated.²¹ In many 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.

²⁰ For detailed statistics on the dispositions by Legal Regulation Committee, see Table F-5, Appendix F.

²¹ Because some matters are carried over from one calendar year to the next, the number of matters reviewed by the Legal Regulation Committee will not reconcile with the number docketed or completed in the investigative area.

In 2022, after receiving authorization to file a formal complaint, the Attorney Regulation Counsel:

- Filed 29 formal complaints;
- Resolved by stipulation 12 matters prior to filing a formal complaint; and
- After a formal complaint is filed, entered into 18 agreements for conditional admission of misconduct.

The 29 formal complaints filed in 2022, and those pending from 2021, resulted in five attorney discipline trials before the Presiding Disciplinary Judge.

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.

Attorney request for Certificate Good Standing:

"Thank you very, very much for your prompt response to my request. People who complain about government do not receive the level of service my request did."

The 5 petitions for immediate suspension sought by The Office of Attorney Regulation Counsel involved:

- 1 failure to cooperate with Attorney Regulation Counsel's investigations; and
- 4 felony convictions.

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 seven disability matters in 2022, one was dismissed.

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 2022, four reinstatement or readmission matters were filed with the Office of Presiding Disciplinary Judge in 2022. Five were reinstated, and one was dismissed. Three applications were denied in 2022.

Email on Admission Ceremony:

"Thank you for a beautiful oath ceremony! I was sworn in virtually to the [named state] State Bar earlier this year and that experience was so much less personal and warm than today's ceremony. Thank you for taking the time to read our names, congratulate and commend us - what a lovely welcome to Colorado!"

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

Unauthorized Practice of Law

The Office of Attorney Regulation Counsel, in coordination with the Legal Regulation Committee, investigates and prosecutes allegations of the unauthorized practice of law. The Legal Regulation Committee authorizes proceedings against individuals who are not licensed to practice law but are believed to be engaged in the practice of law.

In 2022, the Office of Attorney Regulation Counsel received 76 requests for investigation alleging the unauthorized practice of law by a non-attorney. Some requests did not proceed past the intake division, while others were processed to the trial division for further investigation. The additional work on the unauthorized practice of law matters in 2022 included the following:

- 1 was dismissed by Attorney Regulation Counsel after investigation;
- 7 matters were considered by the Legal Regulation Committee;
- 2 written agreements were reached with respondents to refrain from UPL conduct;
- 5 injunctive or contempt proceedings were commenced;
- 0 held in abeyance; and
- 1 UPL hearings were held before the Presiding Disciplinary Judge.

The Legal Regulation 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.

WHAT WE DO: INVENTORY COUNSEL

When a Colorado attorney dies, becomes disabled, is suspended or disbarred, or is otherwise unable to protect the interests of their clients, Inventory Counsel is appointed to return client files and money held in trust, and at times, money held in business accounts. The file inventory and return process may take months or years depending on the number of files, areas of practice, level of organization of files, adequacy and availability of trust account records, and difficulty in locating clients. ^[1]

In 2022, Inventory Counsel returned \$793,098.55 to clients from lawyers' trust and business accounts. Inventory Counsel additionally disbursed \$13,114.94 in unclaimed funds to the Colorado Lawyer Trust Account Foundation. Pursuant to Colo. RPC 1.15B(k), funds disbursed to the Colorado Lawyer Trust Account Foundation may be returned to their owners, including clients, if in the future the owners can be determined and located.

Inventory Counsel also collected \$131,199.59 from the estates of attorneys to return trust account funds that were improperly handled. \$676.71 was also paid to the Colorado Attorneys' Fund for Client Protection to help cover claims where there were insufficient funds in the trust account to make disbursements to clients.

The Office of Attorney Regulation Counsel employs an attorney to handle Inventory Counsel matters. However, the Office of Attorney Regulation Counsel is very grateful for the assistance of lawyers who volunteer to be appointed as Outside Inventory Counsel on a pro bono basis with the assistance of the in-house Inventory Counsel. In 2022, five Colorado lawyers acted as Outside Inventory Counsel. The appointments of volunteer Outside Inventory Counsel allow the program to advance client protection and reach all corners of the state, especially communities outside the Front Range.

Inventory Counsel Client:

"Thank you for the update and your continuing efforts."

^[1] For additional statistics about Inventory Counsel, see Appendix K.

In 2022, Inventory Counsel:

- Filed 3 external and 12 internal petitions for appointment of inventory counsel;
- Closed 15 inventory matters;
- Contacted 1,774 clients whose files contained original documents, involved a felony criminal matter, or were considered current clients;
- Disbursed \$793,098.55 in trust and business accounts to clients;
- Collected \$131,199.59 from Attorneys';
- Inventoried 4,919 client files;
- Inventoried 1,458 electronic files;
- Returned 517 files to clients or attorneys of record; and
- Filed 151 original wills with a district court(s).

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.

Attorney attendance of Ethics School:

"The Staff's attitude was more team assisting in our practice. Not we are regulators to avoid. So the school was a quality enrichment. Worth the time and attention, thank you."

In 2022, the case monitor:

- Ended the year with 831 cases being monitored for diversion agreement or other compliance requirements;
- Organized 5 Ethics Schools (3 virtual & 2 in-person), attended by 96 virtual attendees & 36 in-person attendees; and
- Organized 4 Trust Account Schools (2 virtual & 2 in-person), attended by 46 virtual attendees & 39 in-person attendees.

WHAT WE DO: EDUCATION/OUTREACH

Presentations/Talks

The Office of Attorney Regulation Counsel presented 59 total public speeches in 2022.

| Presentations/Talks Delivered | |
|-------------------------------|-----|
| 2022 | 59 |
| 2021 | 84 |
| 2020 | 118 |
| 2019 | 197 |
| 2018 | 211 |
| 2017 | 200 |
| 2016 | 143 |

Ethics School

The Office of Attorney Regulation Counsel created, designed, and staffs an Ethics School.

| Year | Classes Presented | Attendance |
|------|-------------------|------------|
| 2022 | 5 | 132 |
| 2021 | 5 | 113 |
| 2020 | 5 | 109 |
| 2019 | 5 | 129 |
| 2018 | 5 | 97 |
| 2017 | 5 | 123 |
| 2016 | 5 | 121 |

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.

Attorney attendance of Ethics School:

"I found the ethics staff to be professional, clear, and insightful in their presentation."

The Ethics School is not open to all attorneys. Rather, the attorneys attending are doing so as a condition of a diversion agreement or dismissal, or pursuant to an order from the Presiding Disciplinary Judge or Supreme Court. The attorneys attending Ethics School are provided with suggested forms and case law.

Trust Account School

In 2003, the Office of Attorney Regulation Counsel created a four-hour school that addresses the correct method for maintaining a trust account. The course is designed for either attorneys or legal support staff. The course instructors are attorneys from the Office of Attorney Regulation Counsel.

| Year | Classes Presented | Attendance |
|------|-------------------|------------|
| 2022 | 4 | 85 |
| 2021 | 4 | 82 |
| 2020 | 4 | 63 |
| 2019 | 5 | 56 |
| 2018 | 5 | 55 |
| 2017 | 6 | 77 |
| 2016 | 4 | 51 |

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 to encourage widespread attendance.

Attorney attendance of Trust Account School:

"I've been practicing 28 years. This seminar should be a required for all attorneys in their 3 year cycle. Not just reminders but new information. I do not write glowing review unless mean it."

Attorney attendance of Trust Account School:

"- It's fantastic! Entertaining, interesting, educational, practical, and helpful."

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 have 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 2022, the office participated in 22 separate presentations of the course.

Attorney attendance of Professionalism School:

“Thank you to those who put together this course. I’ve been practicing law 32+ years and I learned A LOT! Thanks again and it’s an honor to be part of the Colorado Bar.”

APPENDIX A:

RESULTS OF VOLUNTARY, ANONYMOUS DEMOGRAPHIC SURVEY

Attorney Responses (**Active Status Only**): 7,089

TABLE A-1: Age as of January 1, 2023

| Response | Percentage |
|---------------|------------|
| 29 or younger | 6.24% |
| 30-39 | 23.36% |
| 40-49 | 23.48% |
| 50-59 | 19.40% |
| 60-69 | 15.42% |
| 70-79 | 8.31% |
| 80-89 | 0.74% |
| 90 or older | 0.04% |

TABLE A-2: Race/Ethnicity/National Origin (can choose more than one)

| Response | Percentage |
|---|------------|
| American Indian or Alaska Native | 1.81% |
| Asian or Asian American | 3.72% |
| Black or African American | 3.37% |
| Hispanic, Latino or Spanish Origin | 7.59% |
| Middle Eastern or North African | 0.96% |
| Native Hawaiian or other Pacific Islander | 0.18% |
| White or Caucasian | 84.68% |

TABLE A-3: Physical or Mental Impairment Limiting Major Life Activities

| Response | Percentage |
|----------|------------|
| Yes | 4.33% |
| No | 95.67% |

TABLE A-4: Veteran Status

| Response | Percentage |
|---------------|------------|
| Veteran | 7.28% |
| Not a veteran | 92.72% |

TABLE A-5: Gender Identity²²

| Response | Percentage |
|------------|------------|
| Female | 48.95% |
| Male | 50.30% |
| Non-binary | 0.75% |

TABLE A-6: Identify as Transgender

| Response | Percentage |
|----------|------------|
| Yes | 0.45% |
| No | 99.55% |

²² The attorney registration process also collects gender data and is more reliable than this voluntary survey.

TABLE A-7: Sexual Orientation

| Response | Percentage |
|--------------|------------|
| Bisexual | 4.37% |
| Heterosexual | 90.28% |
| Gay | 2.53% |
| Lesbian | 1.97% |
| Other | 0.85% |

TABLE A-8: Years of Practice

| Response | Percentage |
|--------------|------------|
| 5 or fewer | 18.15% |
| 6-10 | 15.51% |
| 11-15 | 14.02% |
| 16-20 | 11.32% |
| 21-25 | 10.30% |
| 26-30 | 7.91% |
| 31-35 | 6.96% |
| More than 35 | 15.52% |

TABLE A-9: Primary Work Location

| Response | Percentage |
|---|------------|
| Colorado metropolitan area, population 150,000+ | 67.33% |
| Other city in Colorado, population 30,000-149,000 | 8.88% |
| Smaller mountain community in Colorado | 6.36% |
| Smaller plains community in Colorado | 1.11% |
| Other community in Colorado | 0.55% |
| Not in Colorado | 15.77% |

APPENDIX B:

BAR EXAM STATISTICS

TABLE B-1: February 2022 Bar Exam - Examination Statistics and Pass/Fail Rates

FEBRUARY 2022 EXAMINATION STATISTICS

Total Who Took Exam: 251
Total Who Passed: 127 (51%)
Total Who Failed: 124 (49%)

Total Applicants: 295
Total Withdrawals: 34
Total of No Shows: 10

| CO MBE Avg | CO MBE Median | CO MBE Range | Nat. MBE Avg | CO Std. Dev. MBE |
|------------|---------------|----------------|--------------|------------------|
| 138.2 | 139.60 | 99.80 - 173.40 | 132.6 | 13.3836 |

| Avg Essay/PT | Essay/PT Range |
|--------------|----------------|
| 137.7 | 98.70 - 168.80 |

| CO UBE Avg | CO UBE Score Range | CO Std. Dev. UBE |
|------------|--------------------|------------------|
| 275.95 | 202 - 334 | 24.49 |

Averages Scores

| | Univ. of Denver | Univ. of Colorado | Other ABA* | Non-ABA/ Foreign Ed.** |
|---------------------|-----------------|-------------------|------------|---------------------------|
| MBE: | 140.42 | 143.02 | 137.24 | 127.91 |
| Essay/PT: | 140.73 | 144.74 | 136.54 | 120.19 |
| Total Score: | 281 | 288 | 274 | 248 |

Range of Scores

| | Univ. of Denver | Univ. of Colorado | Other ABA* | Non-ABA/ Foreign Ed.** |
|---------------------|-----------------|-------------------|-----------------|---------------------------|
| MBE: | 119.60 - 166.70 | 122.20 - 168.50 | 99.80 - 173.40 | 102.90 - 157.30 |
| Essay/PT: | 111.30 - 163.10 | 121.10 - 160.40 | 104.30 - 168.80 | 98.70 - 142.10 |
| Total Score: | 235 - 323 | 244 - 329 | 210 - 334 | 202 - 290 |

*Does not include Univ. of Denver and Univ. of Colorado. **Includes U.S. state-accredited and foreign law school graduates.

PASS/FAIL RATES
By Law School
February 2022 Bar Exam

| Examinees | Law School | Passed | | Failed | | Total |
|-------------------|------------------------|---------------|-------|---------------|--------|--------------|
| First Time | University of Colorado | 10 | (91%) | 1 | (9%) | 11 |
| | University of Denver | 22 | (76%) | 7 | (24%) | 29 |
| | National* | 2 | (67%) | 1 | (33%) | 3 |
| | Other | 56 | (60%) | 38 | (40%) | 94 |
| | | 90 | (66%) | 47 | (34%) | 137 |
| Repeat | University of Colorado | 3 | (38%) | 5 | (62%) | 8 |
| | University of Denver | 17 | (44%) | 22 | (56%) | 39 |
| | National* | 0 | (0%) | 2 | (100%) | 2 |
| | Other | 17 | (26%) | 48 | (74%) | 65 |
| | | 37 | (32%) | 77 | (68%) | 114 |
| All | University of Colorado | 13 | (68%) | 6 | (32%) | 19 |
| | University of Denver | 39 | (57%) | 29 | (43%) | 68 |
| | National* | 2 | (40%) | 3 | (60%) | 5 |
| | Other | 73 | (46%) | 86 | (54%) | 159 |
| | | 127 | (51%) | 124 | (49%) | 251 |

* Schools categorized as "National" are:

Columbia, Harvard, Stanford, Yale, Duke, Michigan, Chicago, California Berkeley, Virginia, Texas

TABLE B-2: July 2022 Bar Exam – Examination Statistics and Pass/Fail Rates

JULY 2022 EXAMINATION STATISTICS

Total Who Took Exam: 709
Total Who Passed: 493 (70%)
Total Who Failed: 216 (30%)

Total Applicants: 759
Total Withdrawals: 47
Total of No Shows: 3

| CO MBE Avg | CO MBE Median | CO MBE Range | Nat. MBE Avg | CO Std. Dev. MBE |
|------------|---------------|----------------|--------------|------------------|
| 144.5 | 144.9 | 94.50 – 179.20 | 140.3 | 14.8203 |

| Avg Essay/PT | Essay/PT Range |
|--------------|----------------|
| 144.4 | 105 – 178.6 |

| CO UBE Avg | CO UBE Score Range | CO Std. Dev. UBE |
|------------|--------------------|------------------|
| 288.89 | 204 - 354 | 27.31 |

Averages Scores

| | Univ. of Denver | Univ. of Colorado | Other ABA* | Non-ABA/ Foreign Ed.** |
|---------------------|-----------------|-------------------|------------|---------------------------|
| MBE: | 145.27 | 146.79 | 143.36 | 131.66 |
| Essay/PT: | 146.40 | 146.95 | 142.68 | 122.85 |
| Total Score: | 292 | 294 | 286 | 255 |

Range of Scores

| | Univ. of Denver | Univ. of Colorado | Other ABA* | Non-ABA/ Foreign Ed.** |
|---------------------|-----------------|-------------------|---------------|---------------------------|
| MBE: | 112.7 – 179.2 | 98.8 – 176.9 | 94.5 – 178.1 | 103.3 – 167.6 |
| Essay/PT: | 112.4 – 177.1 | 105 – 178.6 | 109.5 – 178.6 | 111 - 144 |
| Total Score: | 226 - 353 | 204 - 354 | 210 - 348 | 216 - 312 |

*Does not include Univ. of Denver and Univ. of Colorado.

**Includes U.S. state-accredited and foreign law school graduates.

PASS/FAIL RATES

By Law School July 2022 Bar Exam

| Examinees | Law School | Passed | | Failed | | Total |
|-------------------|------------------------|--------|--------|--------|-------|-------|
| First Time | University of Colorado | 118 | (83%) | 24 | (17%) | 142 |
| | University of Denver | 141 | (76%) | 44 | (24%) | 185 |
| | National* | 35 | (95%) | 2 | (5%) | 37 |
| | Other | 177 | (67%) | 88 | (33%) | 265 |
| | | | 471 | (75%) | 158 | (25%) |
| Repeat | University of Colorado | 2 | (20%) | 8 | (80%) | 10 |
| | University of Denver | 7 | (39%) | 11 | (61%) | 18 |
| | National* | 1 | (100%) | 0 | (0%) | 1 |
| | Other | 12 | (24%) | 39 | (76%) | 51 |
| | | | 22 | (28%) | 58 | (72%) |
| All | University of Colorado | 120 | (79%) | 32 | (21%) | 152 |
| | University of Denver | 148 | (73%) | 55 | (27%) | 203 |
| | National* | 36 | (95%) | 2 | (5%) | 38 |
| | Other | 189 | (60%) | 127 | (40%) | 316 |
| | | | 493 | (70%) | 216 | (30%) |

* Schools categorized as "National" are:

Columbia, Harvard, Stanford, Yale, Duke, Michigan, Chicago, California Berkeley, Virginia, Texas

Appendix C:

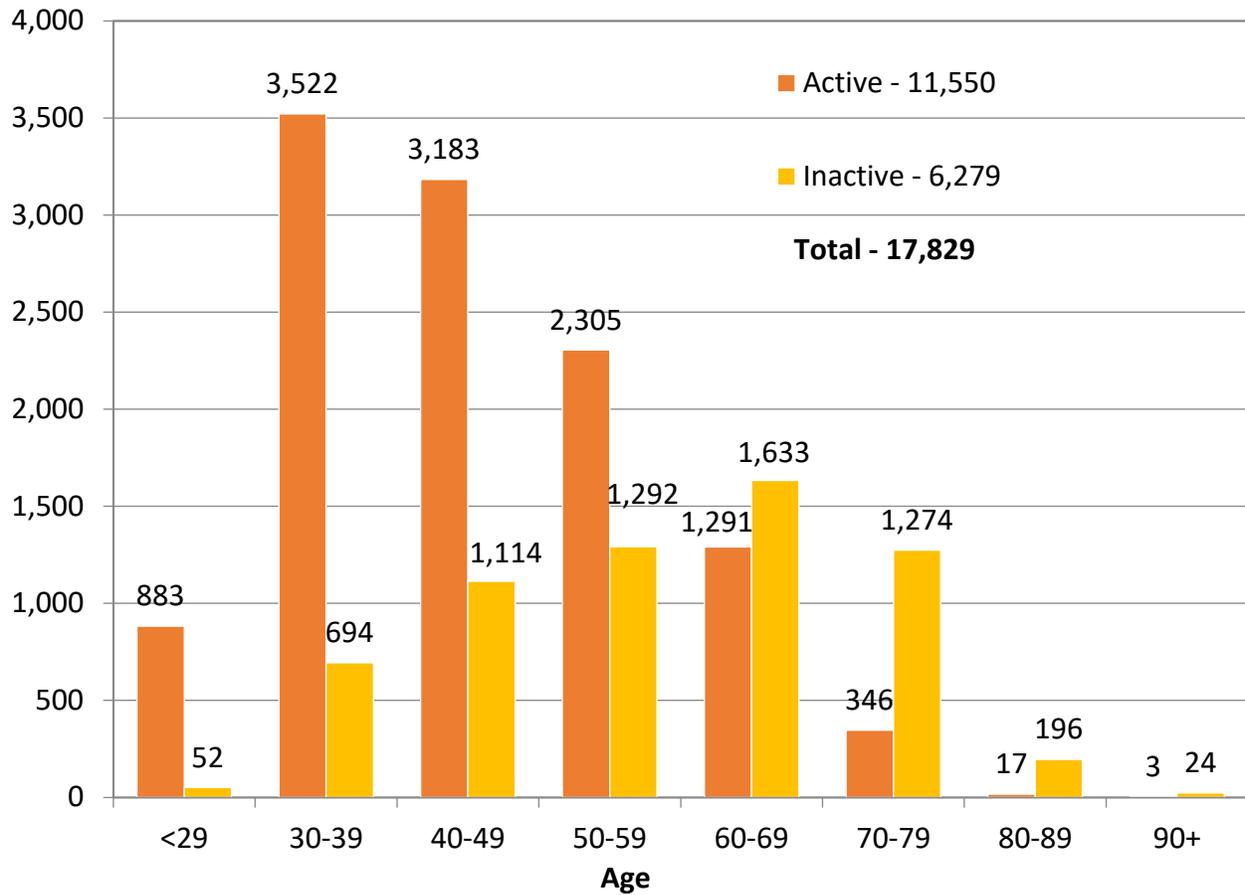
ATTORNEY REGISTRATION DEMOGRAPHICS

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:

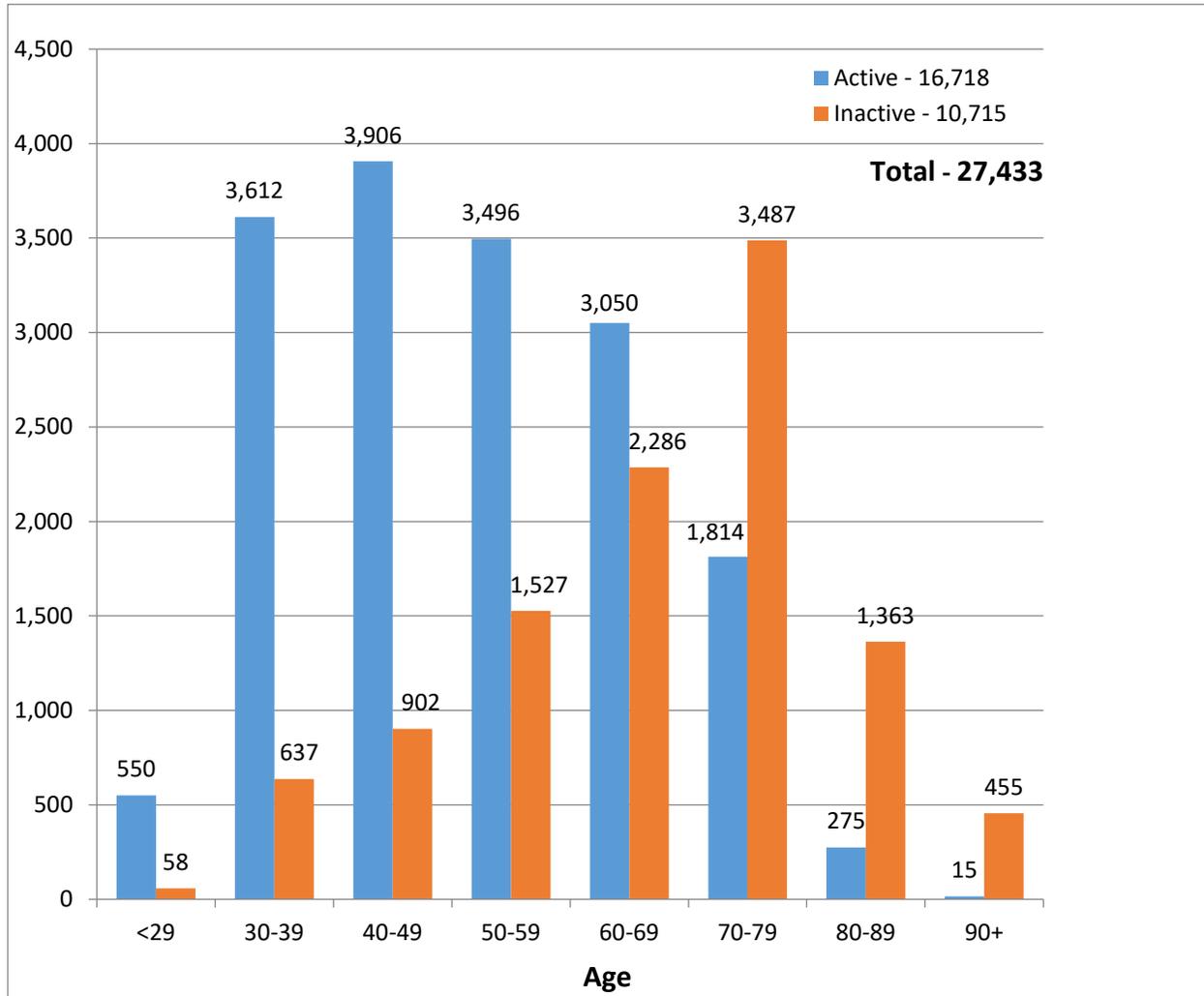
- C-1: Colorado Female Attorneys, Active and Inactive By Age
- C-2: Colorado Male Attorneys, Active and Inactive By Age
- C-3: Active Attorneys By Type of Practice
- C-4: Active Attorneys Ages 60-69, By Type of Practice
- C-5: Active Attorneys Ages 70-79, By Type of Practice
- C-6: Active Attorneys in Government Practice, By Type of Practice
- C-7: Active Private Attorneys With Malpractice Insurance
- C-8: Active Private Attorneys Without Malpractice Insurance
- C-9: Active Private Attorneys Large Firm With/Without Malpractice Insurance
- C-10: Active Private Attorneys Medium Firm With/Without Malpractice Insurance
- C-11: Active Private Attorneys Small Firm With/Without Malpractice Insurance
- C-12: Active Private Attorneys Solo Practitioner Firm With/Without Malpractice Insurance

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



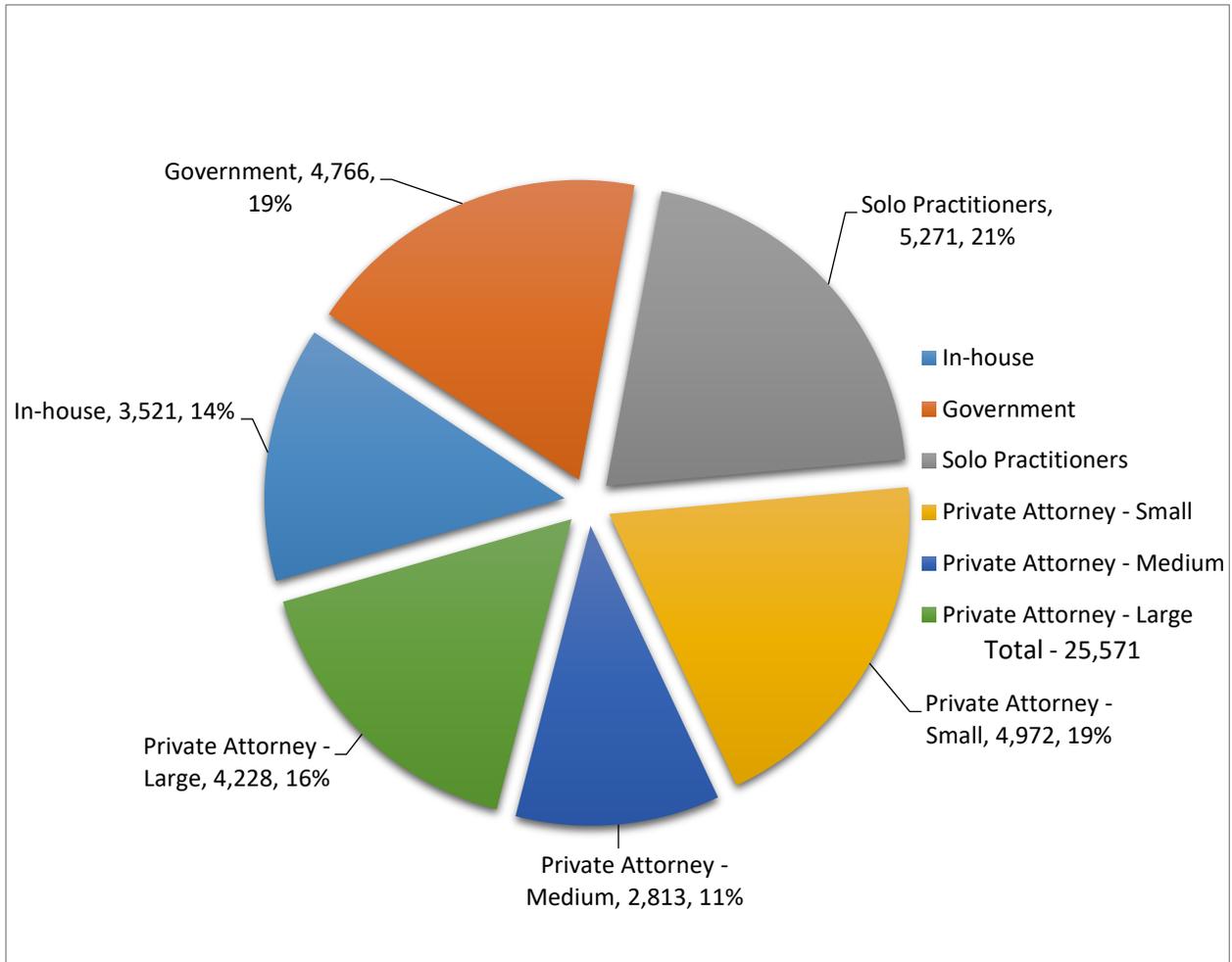
*26 registered attorneys elected not to list a gender on their registration

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



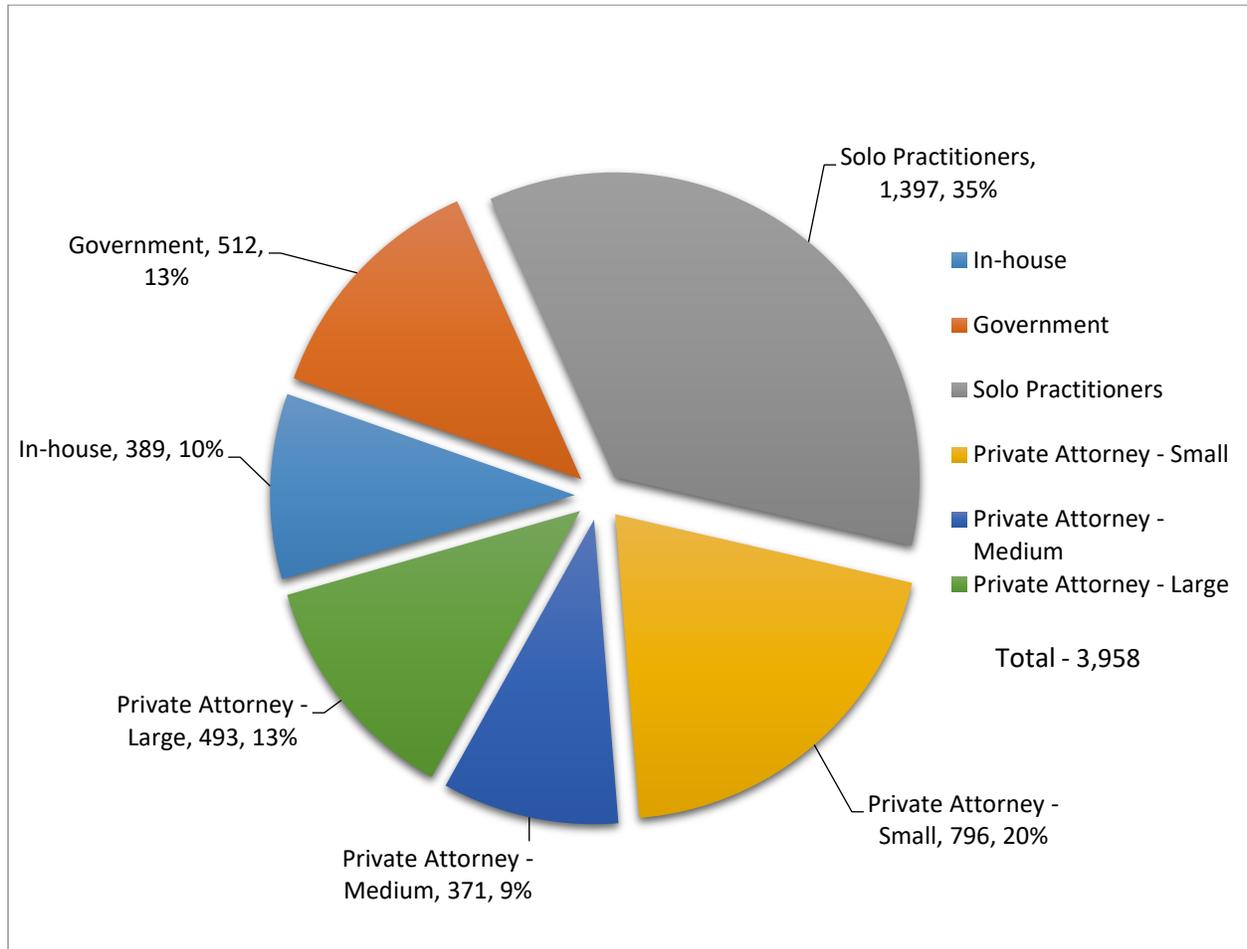
* 26 registered attorneys elected not to list a gender on their registration

CHART C-3: ACTIVE ATTORNEYS BY TYPE OF PRACTICE²³



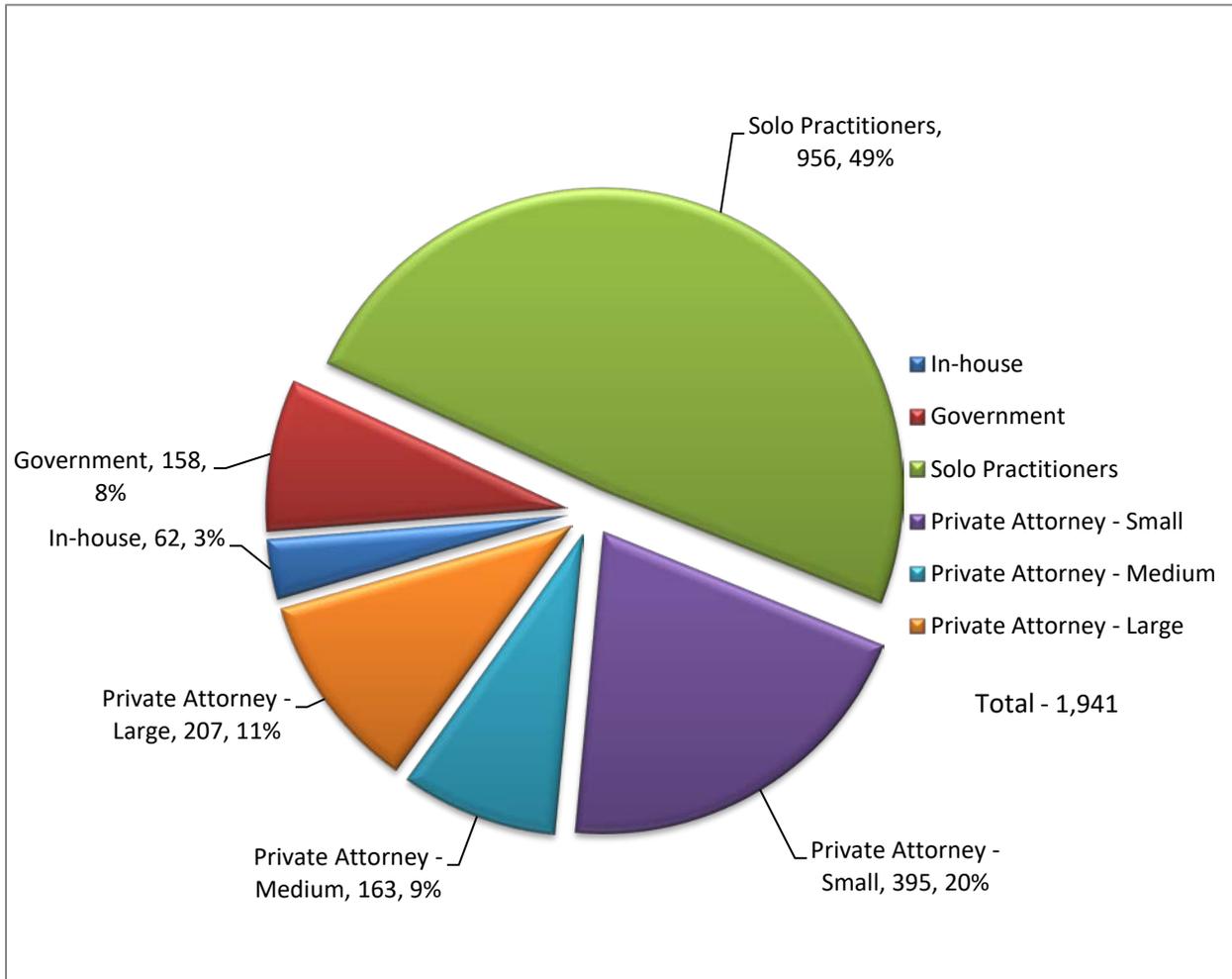
²³ Small firms are defined as 2-10 attorneys; medium firms are 11-50 attorneys; and large firms are 51 or more attorneys. Also, the remaining 2,899 active attorneys not listed in the chart above are comprised of individuals holding a limited license or those that classified their type of practice as one of the following categories *other*, *retired*, or *teaching*.

CHART C-4: ACTIVE ATTORNEYS AGES 60-69, BY TYPE OF PRACTICE



*The remaining 383 active attorneys not listed in the chart below are comprised of individuals holding a limited license or those that classified their type of practice as one of the following categories *other*, *retired*, or *teaching*.

CHART C-5: ACTIVE ATTORNEYS AGES 70-79, BY TYPE OF PRACTICE



*The remaining 219 active attorneys not listed in the chart below are comprised of individuals holding a limited license or those that classified their type of practice as one of the following categories *other*, *retired*, or *teaching*.

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

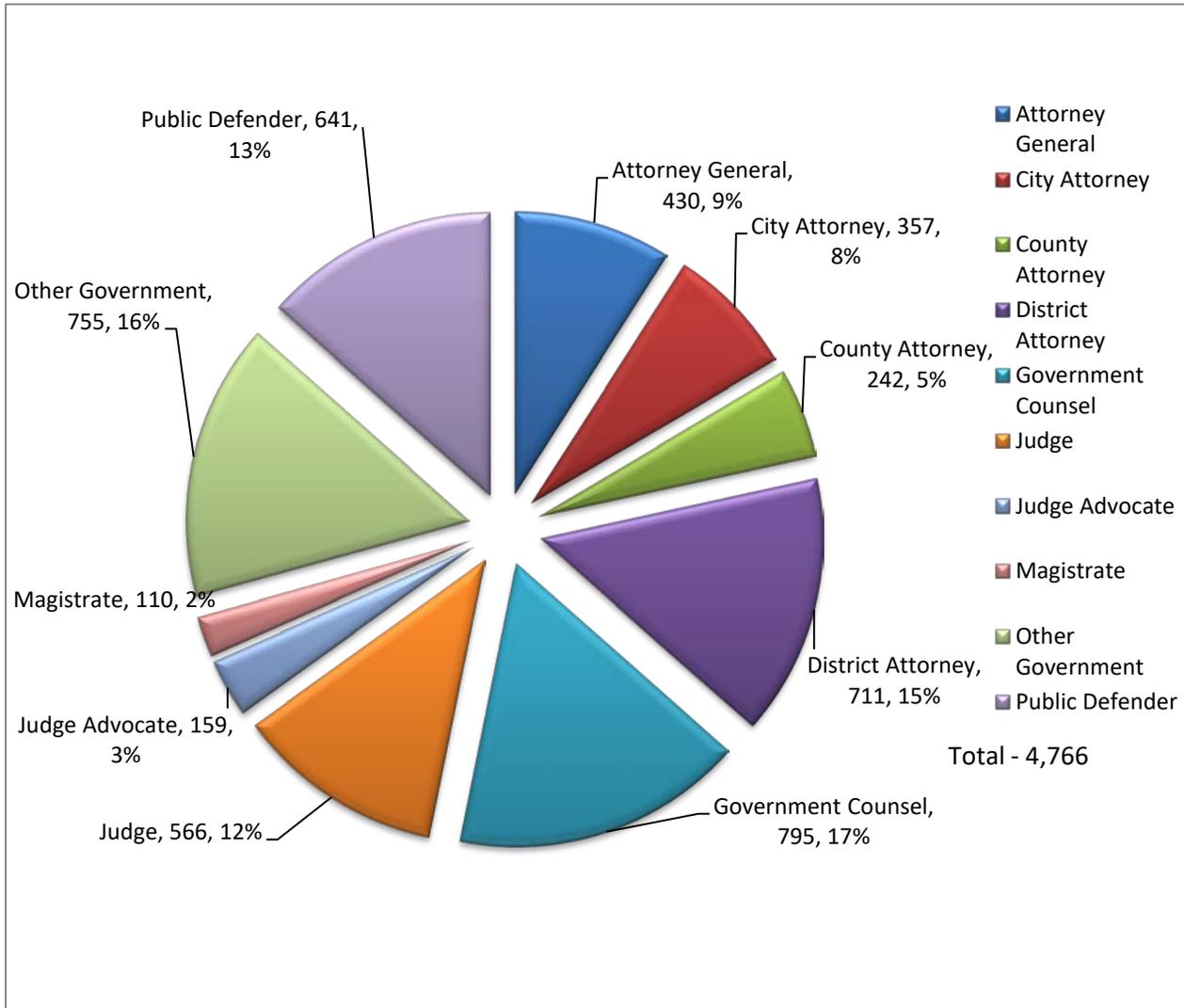
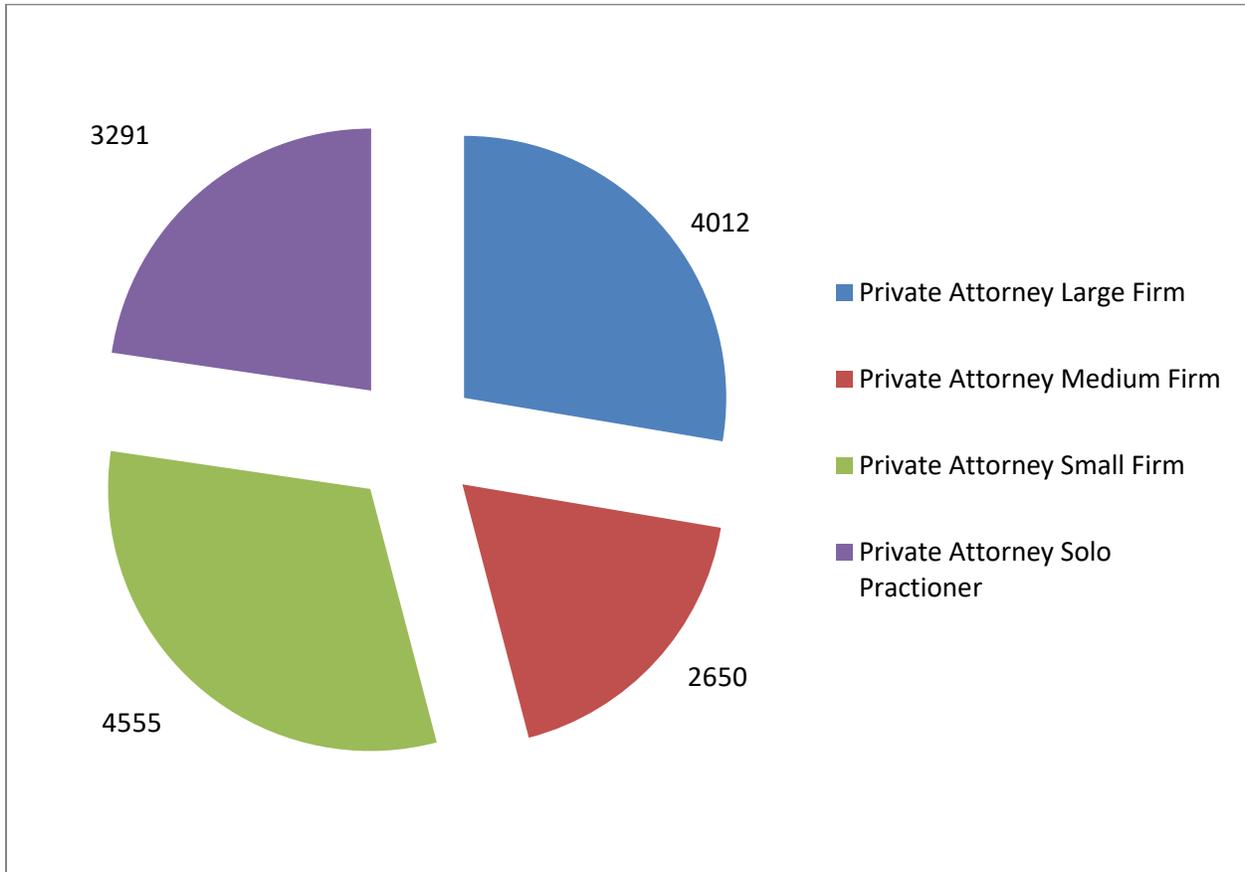


CHART C-7: ACTIVE PRIVATE ATTORNEYS WITH MALPRACTICE INSURANCE ²⁴



²⁴ 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-8: ACTIVE PRIVATE ATTORNEYS WITHOUT MALPRACTICE INSURANCE

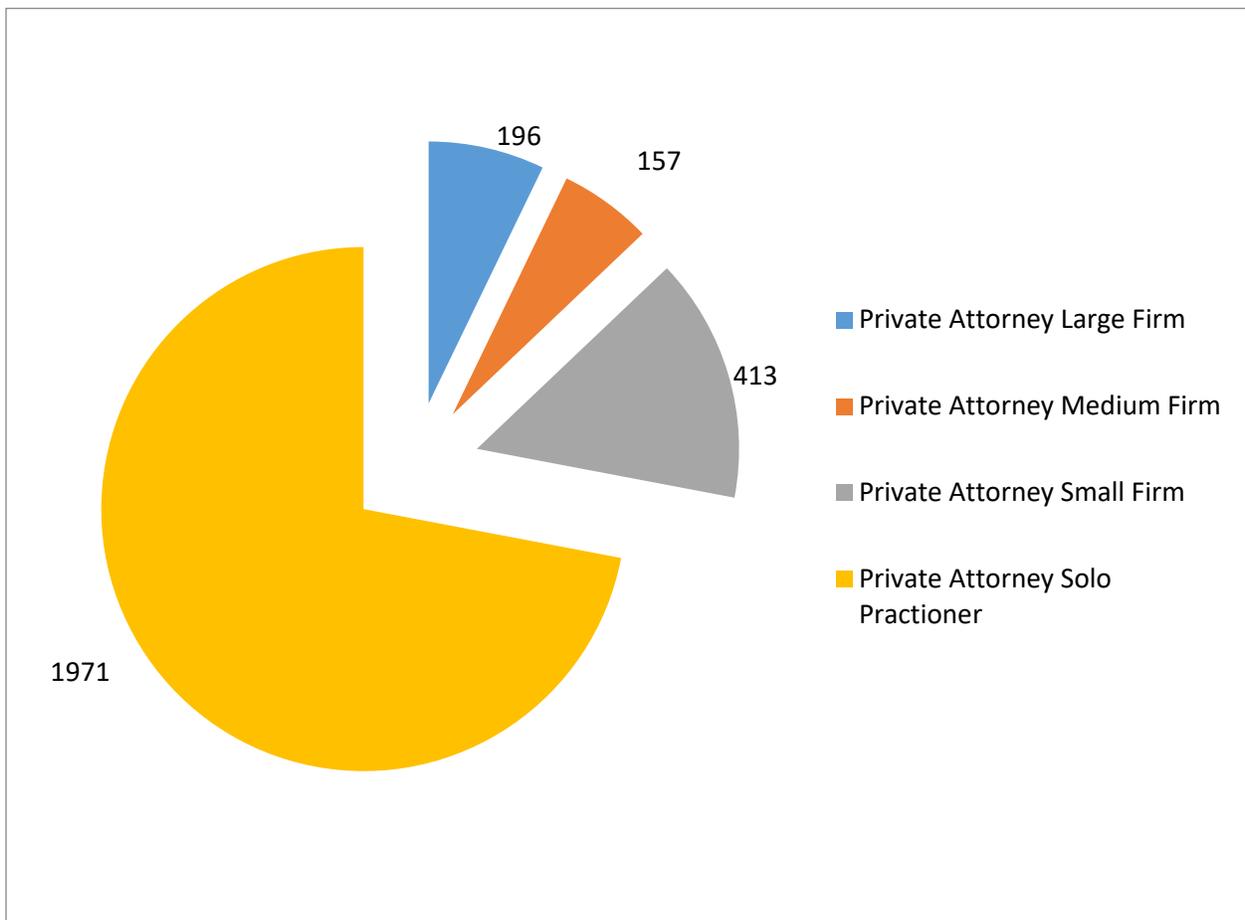


CHART C-9: ACTIVE PRIVATE ATTORNEYS LARGE FIRM WITH/WITHOUT MALPRACTICE INSURANCE

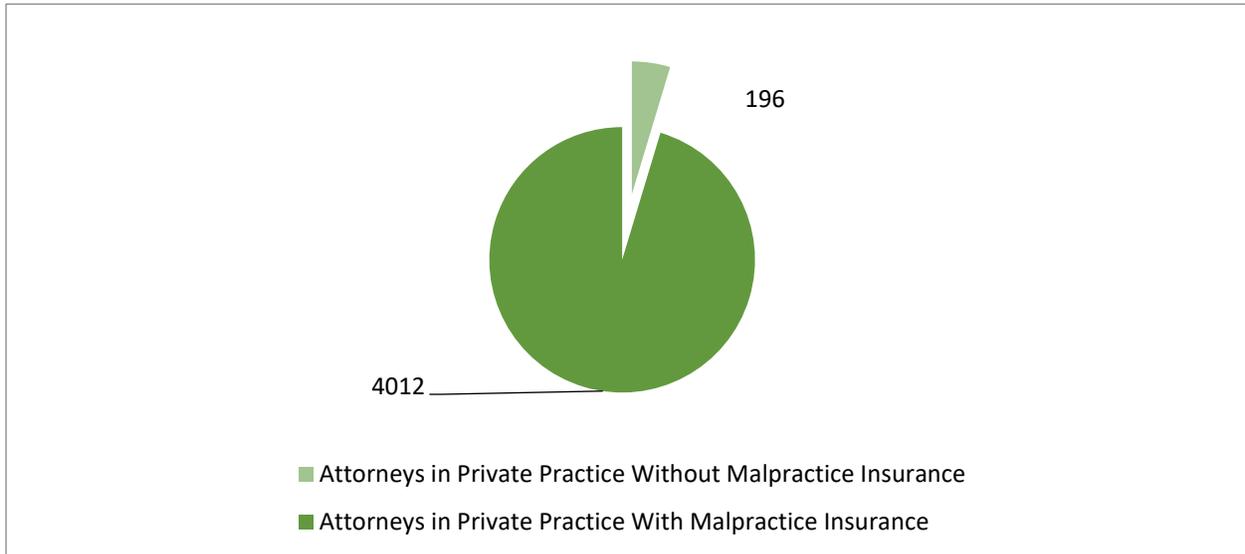


CHART C-10: ACTIVE PRIVATE ATTORNEYS MEDIUM FIRM WITH/WITHOUT MALPRACTICE INSURANCE

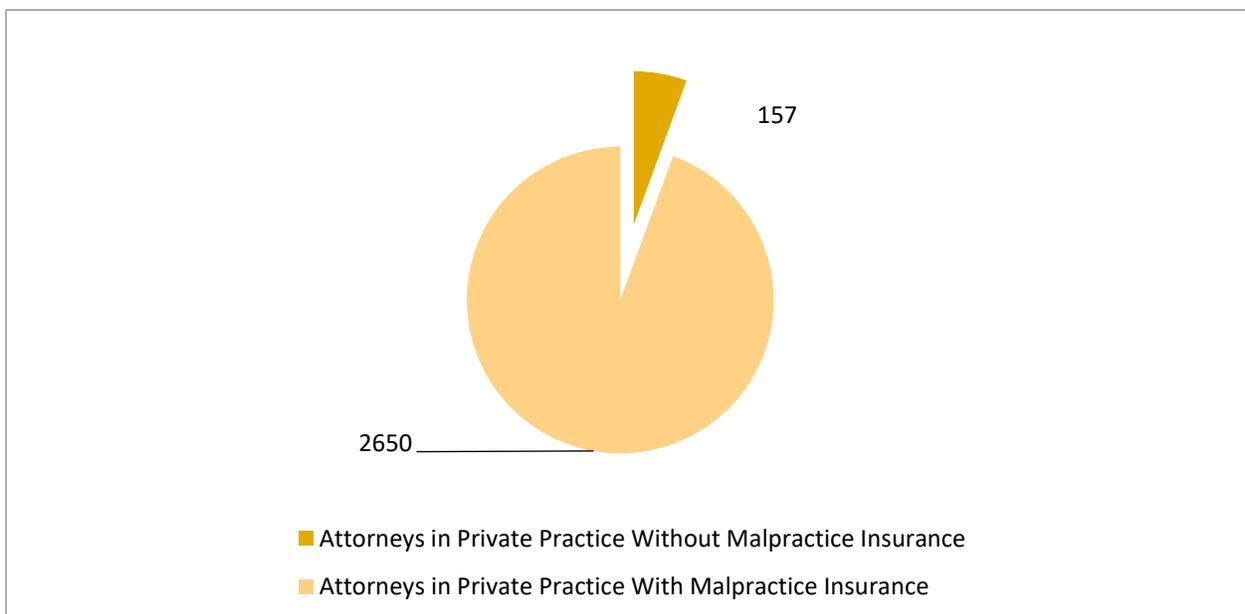


CHART C-11: ACTIVE PRIVATE ATTORNEYS SMALL FIRM WITH/WITHOUT MALPRACTICE INSURANCE

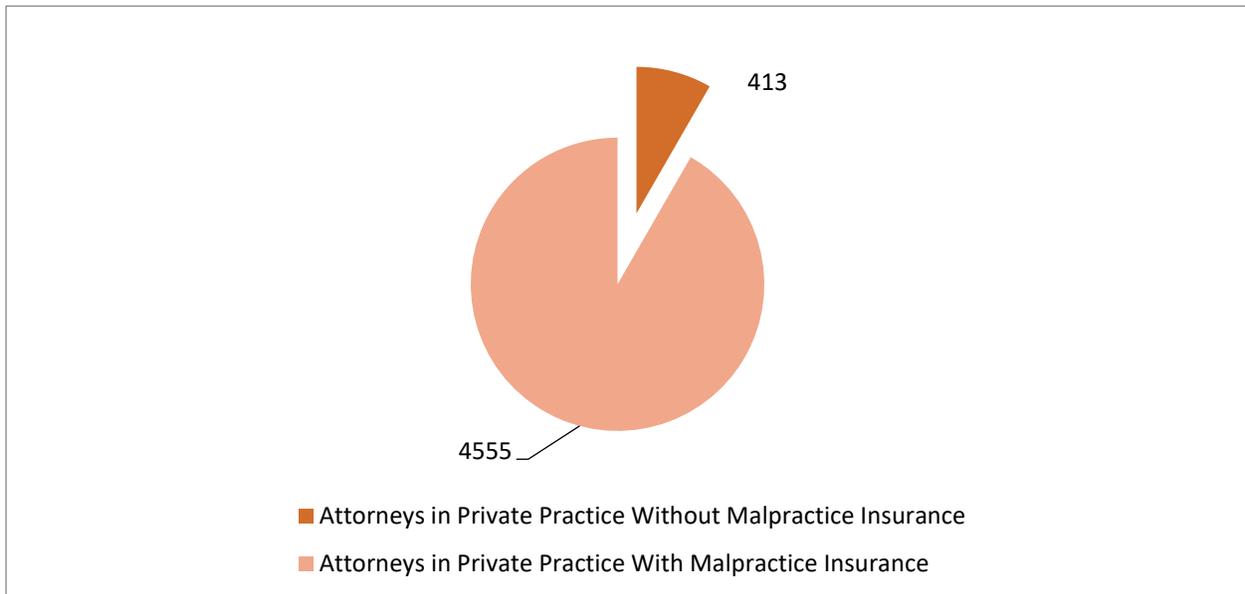
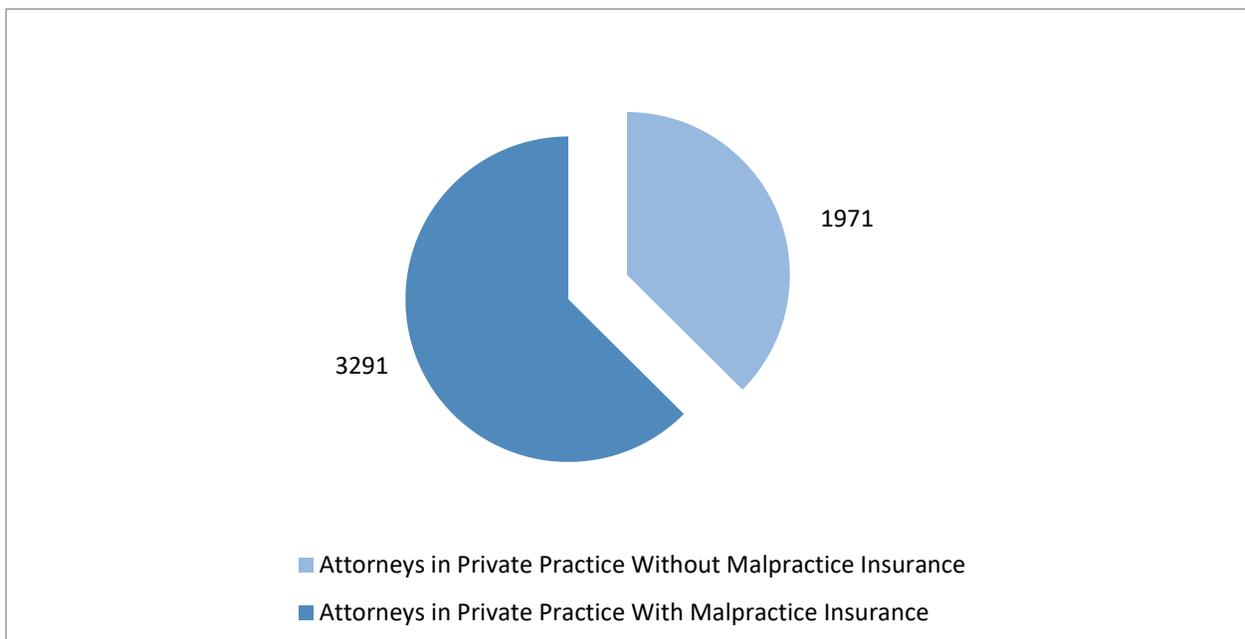


CHART C-12: ACTIVE PRIVATE ATTORNEYS SOLO PRACTITIONER WITH/WITHOUT MALPRACTICE INSURANCE



APPENDIX D:

INTAKE AND INVESTIGATION STATISTICS

TABLE D-1: Complaints Filed

| Year | Complaints Filed | Percent Change From Prior Year |
|------|------------------|--------------------------------|
| 2022 | 3,740 | (2%) |
| 2021 | 3,816 | 11.4% |
| 2020 | 3,424 | .7% |
| 2019 | 3,400 | (5.2%) |
| 2018 | 3,586 | 3.1% |
| 2017 | 3,477 | (2%) |
| 2016 | 3,549 | 1.25% |
| 2015 | 3,505 | (.6%) |

TABLE D-2: Complaint Calls Received

| Year | Intake Complaint Calls | Additional Intake Calls |
|------|------------------------|-------------------------|
| 2022 | 3,740 | 5,898 |
| 2021 | 3,816 | 6,327 |
| 2020 | 3,424 | 4,395 |
| 2019 | 3,400 | 5,177 |
| 2018 | 3,586 | 5,017 |
| 2017 | 3,477 | 5,455 |
| 2016 | 3,549 | 5,746 |
| 2015 | 3,505 | 5,859 |

Regulation Counsel (or 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, or Deputy 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 that matters spent at the preliminary investigation stage was 13 weeks. In 2022, the average time that matters spent at the intake stage was 4.73 weeks.

TABLE D-3: Average Processing Time in Intake

| Average Time (weeks) | |
|----------------------|------|
| 2022 | 4.73 |
| 2021 | 4.96 |
| 2020 | 5.73 |
| 2019 | 6.33 |
| 2018 | 6.55 |
| 2017 | 7.43 |
| 2016 | 8.1 |
| 2015 | 7.4 |

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 2022, central intake handled 3,740 complaints; 250 of those cases were processed for further investigation. *See Table D-4.*

TABLE D-4: Number of Cases Processed for Further Investigation

| Year | Investigations Initiated | % Change From Prior Year |
|------|--------------------------|--------------------------|
| 2022 | 250 | (5.7%) |
| 2021 | 265 | 10.9% |
| 2020 | 239 | (13%) |
| 2019 | 276 | 4.2% |
| 2018 | 265 | 4.3% |
| 2017 | 254 | (23%) |
| 2016 | 331 | (4.8%) |
| 2015 | 348 | .5% |

In conjunction with central intake, cases that are determined to warrant no more than a public censure in discipline may be eligible for a diversion program. See C.R.C.P. 242.17. 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.

Participation in diversion is always voluntary and may involve informal resolution of minor misconduct by referral to Ethics School and/or Trust Account 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 2022, at the central intake stage, 56 matters were resolved by diversion agreements. See Table D-5. (A representative summary of diversion agreements is published quarterly in *The Colorado Lawyer*.)

TABLE D-5: Number of Intake Diversion Agreements

| Year | Central Intake Diversion Agreements |
|------|-------------------------------------|
| 2022 | 56 |
| 2021 | 29 |
| 2020 | 26 |
| 2019 | 31 |
| 2018 | 40 |
| 2017 | 42 |
| 2016 | 42 |
| 2015 | 35 |

Matters docketed for further investigation are assigned to trial counsel within the Office of Attorney Regulation Counsel, and are summarized in Appendix F.

Dismissals with Educational Language

In October 2004, the Office of Attorney Regulation Counsel began tracking matters that are dismissed with educational and/or cautionary language. These dismissals can occur both at the intake stage and the investigative stage. In 2022, one hundred forty-one were dismissed with educational language either at the intake stage or 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. See Table D-6.

TABLE D-6: Intake & Investigation Dismissals with Educational Language

| Year | Intake Stage | Investigative | Total |
|------|--------------|---------------|-------|
| 2022 | 125 | 16 | 141 |
| 2021 | 159 | 30 | 189 |
| 2020 | 112 | 25 | 137 |
| 2019 | 128 | 19 | 157 |
| 2018 | 151 | 19 | 170 |
| 2017 | 139 | 29 | 168 |
| 2016 | 133 | 15 | 148 |
| 2015 | 142 | 31 | 173 |

APPENDIX E: CENTRAL INTAKE COMPLAINTS

Chart E-1: Nature of Complaint

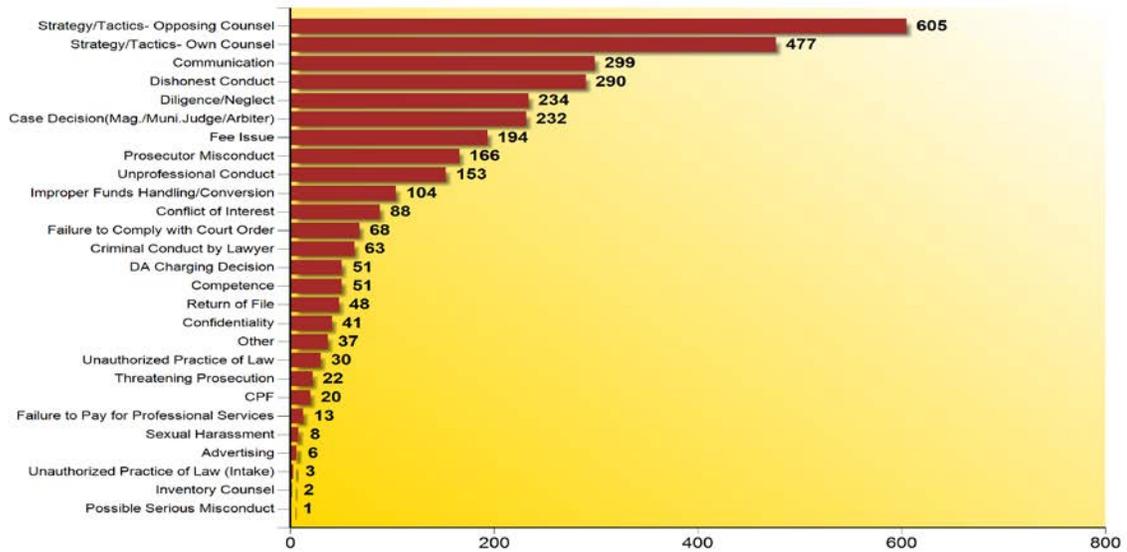
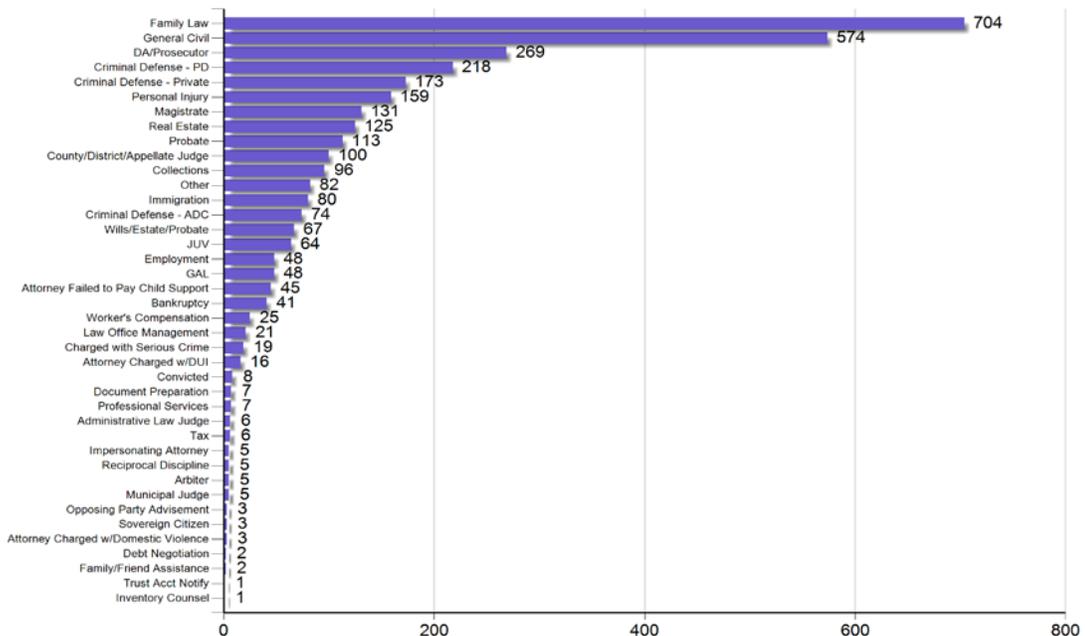


Chart E-2: Complaint by Practice Area



APPENDIX F:

TRIAL DIVISION STATISTICS

Matters docketed for further investigation are assigned to trial counsel within the Office of Attorney Regulation Counsel. Investigation may lead to dismissal of the matter, diversion, a stipulation to discipline (also known as a conditional admission), or the filing of a formal complaint.

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 F-1: Investigation Statistics

| Year | Investigations Initiated | Dismissed by Regulation Counsel | To Presiding Disciplinary Judge | To Legal Regulation Committee | Reciprocal Disciplinary to Presiding Disciplinary Judge | Placed in Abeyance | Other | Pending |
|------|--------------------------|---------------------------------|---------------------------------|-------------------------------|---|--------------------|-------|---------|
| 2022 | 250 | 71 | 14(29)* | 78(122)* | 4 | 8 | 0 | 170 |
| 2021 | 265 | 124 | 29(46)* | 72(102)* | 11 | 7 | 0 | 141 |
| 2020 | 239 | 106 | 9(12)* | 67(95)* | 11 | 8(12)* | 0 | 132 |
| 2019 | 276 | 125 | 12(16)* | 89(146)* | 14 | 14(22)* | 0 | 149 |
| 2018 | 265 | 109 | 14(19)* | 102(158)* | 14 | 23(30)* | 0 | 158 |
| 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 |

(Some matters previously placed in abeyance reached a final disposition in 2022).

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

The following tables provide the average number of weeks from the time a matter is assigned to the trial division to the time it is either dismissed or another key event occurs, namely either a report for formal proceedings or a form of other resolution.

Table F-2: Number of Weeks to Dismissal

| Number of Weeks from Case Assigned to Dismissal by Regulation Counsel/LRC | |
|---|------|
| 2022 | 24.4 |
| 2021 | 25.9 |
| 2020 | 24.8 |
| 2019 | 27.1 |
| 2018 | 25.9 |
| 2017 | 33.6 |
| 2016 | 34.2 |
| 2015 | 33.3 |

Table F-3: Number of Weeks to Other Interim or Final Resolution

| Number of Weeks from Case Assigned to Completion of Report/Diversion/Stipulation | |
|--|------|
| 2022 | 30.4 |
| 2021 | 26.4 |
| 2020 | 26.7 |
| 2019 | 26.6 |
| 2018 | 29 |
| 2017 | 30 |
| 2016 | 30.4 |
| 2015 | 27.6 |

Attorney-respondents can choose to enter into a stipulation for designated discipline; proposed stipulations must be submitted to the Presiding Disciplinary Judge for approval. Table F-4 shows the number of attorneys entering into stipulations for discipline, with the number of separate requests for investigation covered by each stipulation in parentheses, before a formal complaint is filed with the Presiding Disciplinary Judge.

Table F-4: Conditional Admissions at Investigative Stage

| Conditional Admissions at Investigative Stage Approved by the Presiding Disciplinary Judge | |
|---|---------|
| 2022 | 14(29)* |
| 2021 | 24(34)* |
| 2020 | 22(31)* |
| 2019 | 12(16)* |
| 2018 | 14(17)* |
| 2017 | 20(23)* |
| 2016 | 12(22)* |
| 2015 | 11(14)* |

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

If the matter is not resolved through dismissal or a stipulation approved by the Presiding Disciplinary Judge, it is referred to the Legal Regulation Committee.

Legal Regulation Committee (LRC)

The Legal Regulation Committee ended 2022 with eleven members, nine attorneys and two public members appointed by the Supreme Court with assistance from the Court's Advisory Committee. One of the Legal 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. 242.16. Following review of the investigation conducted by Regulation Counsel, the Legal 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 2022, the Legal Regulation Committee reviewed 110 matters, some of which were asserted against the same respondent-attorney.²⁵ The LRC approved 21 diversion

²⁵ Because some matters are carried over from one calendar year to the next, the number of matters reviewed by the Legal 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.

agreements. 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.

LRC also approved the commencement of formal proceedings in 40 cases, which result in either the filing of a formal complaint or a proposed stipulation to discipline with the Presiding Disciplinary Judge.

LRC also approved the issuance of 9 private admonitions against attorneys, which constitute discipline of record but are not known to the public.

LRC also reviews requests by complainants for review of Attorney Regulation Counsel's dismissal of matters. It also approves placing matters into abeyance when certain circumstances warrant that status of a case.

The following table summarizes the work of the LRC, which also includes the work of the Attorney Regulation Committee before that Committee was merged into the LRC.

TABLE F-5: Dispositions by the Legal Regulation Committee²⁶

| Year | Formal Proceedings | Diversion Matters | Private Admonition | Placed in Abeyance | Dismissals | Total Cases Acted Upon By LRC |
|------|--------------------|-------------------|--------------------|--------------------|------------|-------------------------------|
| 2022 | 40(77)* | 21(24)* | 9 | 8 | 0 | 74(110)* |
| 2021 | 34(56)* | 23(30)* | 12(13)* | 7 | 1 | 70(100)* |
| 2020 | 40(77)* | 31(47)* | 15(16)* | - | 0 | 86(140)* |
| 2019 | 37(79)* | 42(57)* | 8 | - | 0 | 87(144)* |
| 2018 | 39(74)* | 31(47)* | 6(7)* | - | 0 | 76(128)* |
| 2017 | 41(66)* | 29(37)* | 15(26)* | - | 2 | 87(131)* |
| 2016 | 115 | 46(56)* | 9 | - | 0 | 170(180)* |
| 2015 | 97 | 47(54)* | 9(14)* | - | 1 | 154(166)* |

*Where there are two numbers reported, the first number is actual files; the second number in parentheses represents the number of separate requests for investigation involved in the files.

²⁶ Some of these cases involved multiple reports of investigation of one attorney.

Review of Regulation Counsel Dismissals

After a matter has been referred to the Trial Division for an investigation, a complainant may appeal Regulation Counsel’s determination to dismiss the matter to the full Legal Regulation Committee. If review is requested, the Legal 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. 242.15(b); *see* Table F-6.

TABLE F-6: Requests for Review

| Year | Number of Review Requests | Regulation Counsel Sustained | Regulation Counsel Reversed |
|------|---------------------------|------------------------------|-----------------------------|
| 2022 | 3 | 3 | 0 |
| 2021 | 0 | 0 | 0 |
| 2020 | 3 | 3 | 0 |
| 2019 | 0 | 0 | 0 |
| 2018 | 1 | 1 | 0 |
| 2017 | 3 | 3 | 0 |
| 2016 | 0 | 0 | 0 |
| 2015 | 5 | 5 | 0 |

Formal Complaints

In 2022, in 77 separate matters, the Legal Regulation Committee found reasonable cause and authorized the Office of Attorney Regulation Counsel to file a formal complaint. *See* C.R.C.P. 242.16(a)(1). Several matters were consolidated, and including some matters authorized to go formal in 2021, the number of formal complaints filed in 2022 was 29. Four reciprocal disciplinary matters—which are based on another jurisdiction’s discipline of a Colorado-licensed attorney, but do not require LRC review—also were filed with the Presiding Disciplinary Judge.

In certain cases, after authority to file a formal complaint is obtained, Attorney Regulation Counsel and Respondent enter into a Conditional Admission to be filed with the Presiding Disciplinary Judge without the filing of a formal complaint. *See* Table F-7.

TABLE F-7: Formal Proceedings

| Year | Formal Complaints Filed | Stipulations Prior to Complaint Filed |
|------|-------------------------|---------------------------------------|
| 2022 | 29(64)* | 12(22)* |
| 2021 | 27(37)* | 11(12)* |
| 2020 | 23(58)* | 8(15)* |
| 2019 | 23(53)* | 8(22)* |
| 2018 | 36(64)* | 8(17)* |
| 2017 | 39(85)* | 16(19)* |
| 2016 | 43(96)* | 10(15)* |
| 2015 | 44(95)* | 11(17)* |

*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 2021, in the attorney discipline area resulted in five disciplinary trials, three sanctions hearings, four reinstatement hearings, one character and fitness hearings, and four 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). The procedural summary of the matters after presentation to the Legal Regulation Committee is detailed in the following table. See Table F-8.

TABLE F-8: Procedural Results of Matters at Trial Stage

| Year | Attorney Discipline Trials | Conditional Admissions | Dismissals** | Abeyance |
|------|----------------------------|------------------------|--------------|----------|
| 2022 | 5 | 18(32)* | 0 | 0 |
| 2021 | 4 | 20(45)* | 4(7)* | 0 |
| 2020 | 7 | 19(52)* | 0 | 0 |
| 2019 | 7 | 15(28)* | 3 | 0 |
| 2018 | 5 | 20(42)* | 3 | 0 |
| 2017 | 10 | 22(51)* | 1(3)* | 2 |
| 2016 | 13 | 22(40)* | 1 | 0 |
| 2015 | 12 | 26(50)* | 1 | 0 |

*Where there are two numbers reported, the first number represents actual files; the second number in parentheses represents the number of separate requests for investigation involved in the files.

**This column includes dismissals on the Motion of the People.

After a formal complaint is filed with the Presiding Disciplinary Judge, the matter may be resolved by dismissal, diversion, conditional admission (stipulation) 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 F-9: Average Time – Formal Complaint to Conditional Admission

| Year | Average Weeks From Filing of Formal Complaint to Conditional Admission | |
|------|--|------------|
| 2022 | Presiding Disciplinary Judge | 24.8 weeks |
| 2021 | Presiding Disciplinary Judge | 23.3 weeks |
| 2020 | Presiding Disciplinary Judge | 17 weeks |
| 2019 | Presiding Disciplinary Judge | 26.6 weeks |
| 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 |

TABLE F-10: Average Time – Formal Complaint to Trial

| Year | Average Weeks From Filing of Formal Complaint to Trial | |
|------|--|------------|
| 2022 | Presiding Disciplinary Judge | 28.5 weeks |
| 2021 | Presiding Disciplinary Judge | 31.4 weeks |
| 2020 | Presiding Disciplinary Judge | 42.4 weeks |
| 2019 | Presiding Disciplinary Judge | 34.3 weeks |
| 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 |

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 F-11: Average Weeks from the Filing of the Formal Complaint until the Final Order is issued by the Presiding Disciplinary Judge

| Year | Matter Resolved Through Conditional Admission or Diversion | Matter Resolved Through Trial |
|------|--|-------------------------------|
| 2022 | 28.1 weeks | 33.1 weeks |
| 2021 | 24.4 weeks | 40 weeks |
| 2020 | 14.2 weeks | 53.6 weeks |
| 2019 | 29.6 weeks | 34.6 weeks |
| 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 |

Appendix G:

APPEALS

In 2022, six attorney discipline appeals were filed with the Court.

TABLE G-1: Appeals Filed with the Colorado Supreme Court

| Year | Appeal Filed With: | Number of Appeals |
|------|------------------------|-------------------|
| 2022 | Colorado Supreme Court | 6 |
| 2021 | Colorado Supreme Court | 2 |
| 2020 | Colorado Supreme Court | 5 |
| 2019 | Colorado Supreme Court | 6 |
| 2018 | Colorado Supreme Court | 6 |
| 2017 | Colorado Supreme Court | 6 |
| 2016 | Colorado Supreme Court | 4 |
| 2015 | Colorado Supreme Court | 5 |

TABLE G-2: Disposition of Appeals as of December 31, 2022

| Year | Appeals Filed | Appeals Dismissed | Appeals Affirmed | Appeals Reversed | Appeals Pending |
|------|---------------|-------------------|------------------|------------------|-----------------|
| 2022 | 6 | 1 | 5 | 0 | 2 |
| 2021 | 2 | 0 | 3 | 0 | 2 |
| 2020 | 5 | 0 | 5 | 0 | 3 |
| 2019 | 6 | 0 | 3 | 0 | 3 |
| 2018 | 6 | 1 | 3 | 0 | 2 |
| 2017 | 6 | 1 | 4 | 0 | 1 |
| 2016 | 4 | 1 | 2 | 0 | 4 |
| 2015 | 5 | 1 | 3 | 0 | 3 |

APPENDIX H:

FINAL DISPOSITIONS

Final dispositions resulting in public discipline, including discipline stipulated to in conditional admissions, are reflected in Table H-1.

TABLE H-1: Final Dispositions of Formal Proceedings

| Year | Abeyance | Dismissals ²⁷ | Diversions | Public Censures | Suspensions | Probations | Disbarments |
|------|----------|--------------------------|------------|-----------------|-------------|------------|-------------|
| 2022 | 0 | 1 | 1(2)* | 6 | 31(58)* | 13(28)* | 5(15)* |
| 2021 | 0 | 4(7)* | 1 | 6(8)* | 45(75)* | 21(36)* | 5(9)* |
| 2020 | 0 | 0 | 0 | 9(11)* | 35(79)* | 20(33)* | 8(19)* |
| 2019 | 0 | 3 | 1 | 16(17)* | 35(39)* | 18(22)* | 14(25)* |
| 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)* |

*When there are two numbers reported, the first number represents actual files; the second number in parentheses represents the number of separate requests for investigation involved in the files.

²⁷ This column includes dismissals on the Motion of the People.

APPENDIX I:

OTHER ACTIONS

Immediate Suspensions

In 2022, the Office of Attorney Regulation Counsel filed five petitions for immediate suspension.²⁸ These were based on four felony convictions and one for failure to cooperate in the disciplinary process.

The petitions are filed directly with the Presiding Disciplinary Judge or the Colorado Supreme Court. The respondent-attorney may request a prompt hearing if the Supreme Court enters an order to show cause. Dispositions of the immediate suspension petitions are reflected in Table I-1.

TABLE I-1: Dispositions of Immediate Suspensions

| Year | Filed | Suspended | Suspended (Child Support) | Suspended (Failure to Cooperate) | Felony Conviction (Conversion) | Reinstated | Withdrawn | Discharged/Denied | Pending |
|------|-------|-----------|---------------------------|----------------------------------|--------------------------------|------------|-----------|-------------------|---------|
| 2022 | 5 | 5 | 0 | 1 | 4 | 0 | 0 | 0 | 0 |
| 2021 | 7 | 7 | 1 | 1 | 5* | 0 | 0 | 0 | 0 |
| 2020 | 7 | 6 | 0 | 2 | 4* | 0 | 0 | 1 | 0 |
| 2019 | 8 | 6 | 0 | 1 | 7 | 0 | 0 | 1 | 1 |
| 2018 | 11 | 9 | 0 | 1 | 6 | 0 | 3 | 1 | 0 |
| 2017 | 10 | 9 | 0 | 4 | 5 | 1 | 0 | 1 | 0 |
| 2016 | 12 | 5 | 0 | 5 | 2 | 0 | 0 | 0 | 2 |
| 2015 | 11 | 3 | 1 | 2 | 3 | 0 | 0 | 0 | 2 |

*This includes an immediate suspension for an immediate threat to the effective administration of justice. (Matters filed in the previous calendar year may be carried over to the next calendar year.)

²⁸ Immediate suspension is the temporary suspension by the Supreme Court of an attorney's license to practice law, and can be sought 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. 242.22. Additionally, under C.R.C.P. 242.23, a petition for nondisciplinary suspension for noncompliance in child support and paternity proceedings may be filed if an attorney is not in noncompliance with a child support order or a paternity/child support proceeding. C.R.C.P. 242.24 also authorizes suspension of an attorney for failure to cooperate with Regulation Counsel.

Disability Matters

The Office of Attorney Regulation Counsel filed seven petitions/stipulations to transfer attorneys to disability inactive status in 2022, one was dismissed. 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 I-2.

TABLE I-2: Disposition of Disability Matters

| Year | Filed | Disability Inactive Status | Dismissed/ Discharged / Denied | Reinstated | Withdrawn | Pending |
|------|-------|----------------------------|--------------------------------|------------|-----------|---------|
| 2022 | 7 | 6 | 1 | 0 | 0 | 0 |
| 2021 | 11 | 11 | 0 | 0 | 0 | 0 |
| 2020 | 9 | 8 | 1 | 0 | 0 | 0 |
| 2019 | 11 | 9 | 2 | 0 | 0 | 0 |
| 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 |

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

Contempt Proceedings

The Office of Attorney Regulation Counsel filed no motion recommending contempt with the Supreme Court in 2022. Contempt proceedings are filed when an attorney practices law while under suspension or disbarment. See Table I-3.

TABLE I-3: Disposition of Contempt Matters

| Year | Motions for Contempt | Held in Contempt | Discharged\ Dismissed | Withdrawn | Pending |
|------|----------------------|------------------|-----------------------|-----------|---------|
| 2022 | 0 | 0 | 0 | 0 | 0 |
| 2021 | 1 | 2 | 0 | 0 | 0 |
| 2020 | 1 | 0 | 0 | 0 | 1 |
| 2019 | 1 | 1 | 0 | 0 | 0 |
| 2018 | 0 | 0 | 0 | 0 | 0 |
| 2017 | 0 | 0 | 0 | 0 | 0 |
| 2016 | 2 | 2 | 0 | 0 | 0 |
| 2015 | 1 | 0 | 1 | 0 | 0 |

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

Magistrates

Although the Commission on Judicial Discipline has jurisdiction over many state judges for judicial misconduct, the Office of Attorney Regulation Counsel is responsible for handling complaints against magistrates for judicial misconduct. *See the Colorado Rules for Magistrates, Rule 5(h)*. In the year 2022, the Office of Attorney Regulation Counsel received 128 complaints against magistrates. *See Table I-4*. One matter was pending at the end of the year of 2022.

TABLE I-4: Disposition of Complaints Concerning Magistrates

| Year | Complaints | Dismissed | Diversion |
|------|------------|-----------|-----------|
| 2022 | 128 | 127 | 0 |
| 2021 | 90 | 89 | 0 |
| 2020 | 75 | 74 | 0 |
| 2019 | 56 | 54 | 0 |
| 2018 | 58 | 55 | 0 |
| 2017 | 53 | 53 | 0 |
| 2016 | 54 | 50 | 0 |
| 2015 | 46 | 43 | 0 |

Reinstatement and Readmission Matters

In 2022, four reinstatement or readmission matters were filed with the Office of Presiding Disciplinary Judge. The attorney seeking reinstatement or readmission is to provide a copy of the verified petition to 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, they must seek reinstatement or apply for readmission to the Bar.²⁹

TABLE I-5: Disposition of Reinstatement / Readmission Matters

| Year | Filed | Readmitted | Reinstated | Dismissed | Withdrawn | Denied | Pending |
|------|-------|------------|------------|-----------|-----------|--------|---------|
| 2022 | 4 | 0 | 5 | 1 | 0 | 3 | 0 |
| 2021 | 9 | 0 | 2 | 1 | 1 | 0 | 5 |
| 2020 | 1 | 0 | 1 | 0 | 0 | 0 | 0 |
| 2019 | 5 | 0 | 2 | 1 | 1 | 0 | 1 |
| 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 |

(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.

²⁹ 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. 242.39.

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.

In 2022, the Office of Attorney Regulation Counsel received 85 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 I-6: Trust Account Notifications

| Year | Total Reports | Bank Errors | Bookkeeping/ Deposit Errors | Checks Cashed Prior To Deposit Clearing/ Improper Endorsement | Conversion/ Commingling Assigned to Trial Attorney | Diversion | Other ³⁰ | Pending |
|------|---------------|-------------|--------------------------------|--|--|-----------|---------------------|---------|
| 2022 | 85 | 1 | 18 | 7 | 2 | 1 | 57 | 2 |
| 2021 | 134 | 1 | 41 | 9 | 4 | 0 | 79 | 5 |
| 2020 | 91 | 1 | 18 | 7 | 14 | 0 | 47 | 4 |
| 2019 | 86 | 1 | 34 | 11 | 8 | 1 | 52 | 2 |
| 2018 | 173 | 4 | 46 | 26 | 13 | 2 | 73 | 9 |
| 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 |

³⁰ 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 J:

UNAUTHORIZED PRACTICE OF LAW

The Office of Attorney Regulation Counsel investigates and prosecutes allegations of the unauthorized practice of law. In 2022, the Office of Attorney Regulation Counsel received 76 complaints regarding the unauthorized practice of law. See Table J-1. While some complaints did not proceed past the intake division's review, others were processed to the trial division for investigation.

TABLE J-1: Number of UPL Complaints Received

| Year | Number of Complaints |
|------|----------------------|
| 2022 | 76 |
| 2021 | 75 |
| 2020 | 63 |
| 2019 | 70 |
| 2018 | 61 |
| 2017 | 71 |
| 2016 | 64 |
| 2015 | 70 |

After an investigation, the Legal Regulation 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. The Legal Regulation Committee considered 7 unauthorized practice of law matters in 2022. 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 2022, the Legal Regulation Committee took action on seven unauthorized practice of law matters, and one complaint was dismissed by Regulation Counsel, for a total of eight matters. See Table J-2.

TABLE J-2: UPL Practice of Law Dispositions

| Unauthorized Practice of Law Dispositions | | | | | | |
|---|-------|---------------------------------|--------------------------------------|----------|------------|---|
| Year | Filed | Dismissed by Regulation Counsel | Dismissed After Investigation by LRC | Abeyance | Agreements | Formal (injunctive or contempt proceedings) |
| 2022 | 76 | 1 | 0 | 0 | 2 | 5 |
| 2021 | 75 | 7 | 0 | 1 | 4 | 3 |
| 2020 | 63 | 7 | 0 | 1 | 6 | 7 |
| 2019 | 70 | 14 | 0 | 0 | 5 | 10 |
| 2018 | 61 | 19 | 0 | 0 | 5 | 7 |
| 2017 | 71 | 34 | 0 | 0 | 9 | 9 |
| 2016 | 64 | 20 | 1 | 0 | 10 | 15 |
| 2015 | 70 | 28 | 1 | 0 | 10 | 13 |

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. 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 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 have been enjoined from such conduct. Some individuals have been 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 K:

INVENTORY COUNSEL

Chart K-1: Inventory Counsel Files Inventoried

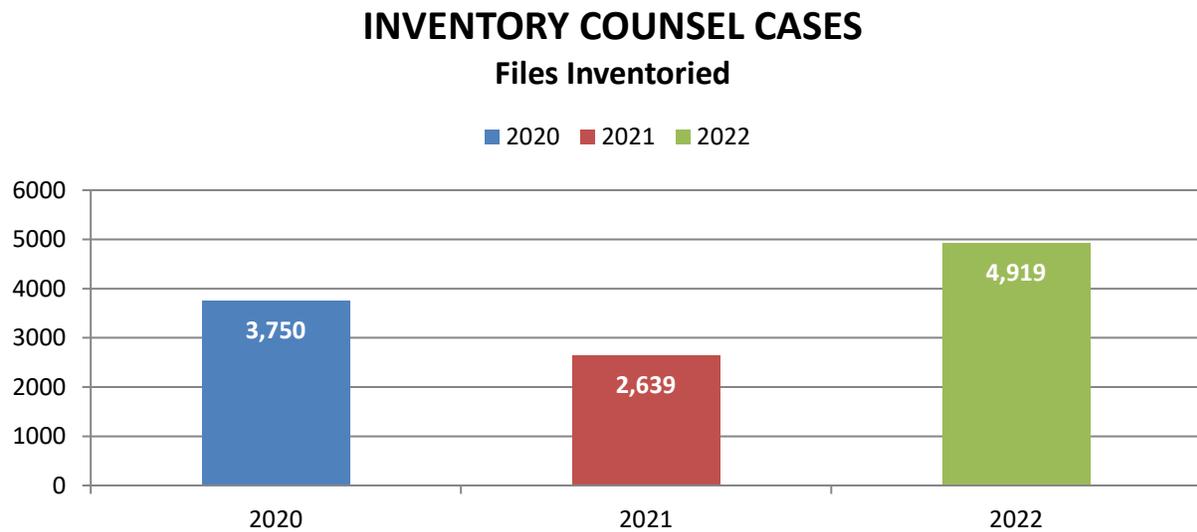


Chart K-2: Inventory Counsel Number of Letters/Calls to Clients

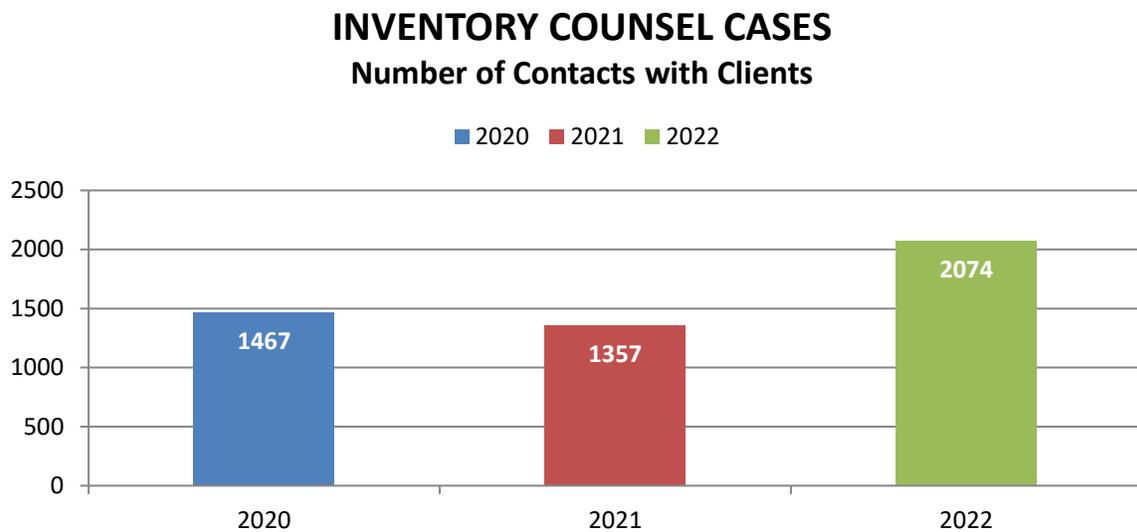


Chart K-3: Petitions to Appoint Inventory Counsel

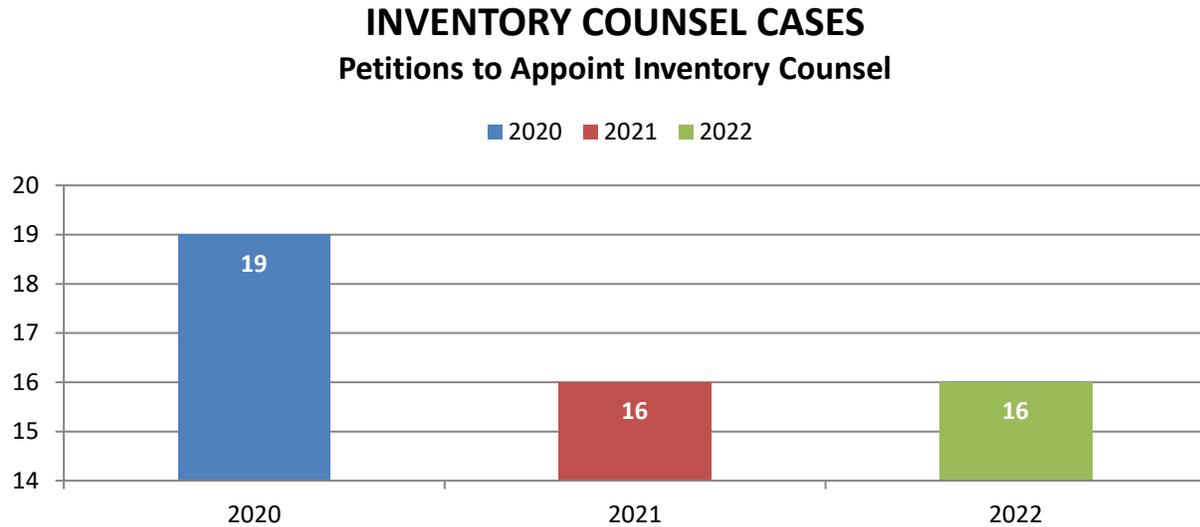
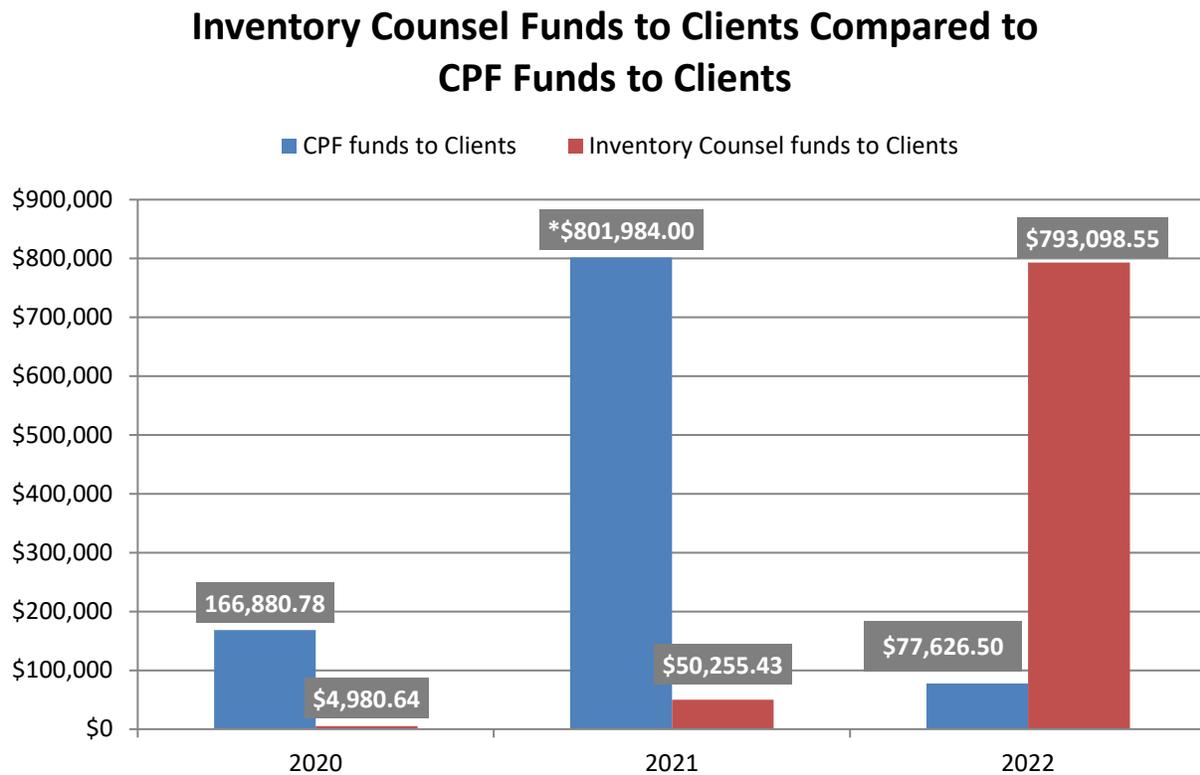


Chart K-4: Inventory Counsel Funds Returned to Clients



*2021 payments by the Fund included a one-time payment into a court registry of \$801,984 related to a single claim approved in 2020. This payment caused total Fund payments to exceed \$300,000, as shown on this chart.



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

www.coloradosupremecourt.com

Special thanks to JENNIFER VALENTINE AND BRYAN LOPEZ for their photography used in this report.