

**COLORADO SUPREME COURT
CONTINUING LEGAL AND JUDICIAL EDUCATION COMMITTEE
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**RULE 250
MANDATORY CONTINUING LEGAL AND JUDICIAL EDUCATION
(Replaces Rule 260)**

Adopted by the Court, En Banc, March 15, 2018, effective July 1, 2018

RULE 250. MANDATORY CONTINUING LEGAL AND JUDICIAL EDUCATION

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PREAMBLE: Statement of Purpose

As society becomes more complex, the delivery of legal services likewise becomes more complex. The public rightly expects that lawyers, in their practice of law, and judges, in the performance of their duties, will continue their professional development throughout their legal careers. The purpose of mandatory continuing legal and judicial education requirements is to promote and sustain competence and professionalism and to ensure that lawyers and judges remain current on the law, law practice management and technology in our rapidly changing society.

Rule 250.1. Definitions

(1) An “accredited” CLE activity is an educational endeavor that meets the criteria in these Rules and the CLJE Committee’s Regulations Governing Mandatory Continuing Legal and Judicial Education and satisfies the requirements of C.R.C.P. 250.5.

(2) “CLE” stands for “Continuing Legal Education,” which is any legal, judicial or other educational activity that meets the criteria in these Rules and the CLJE Committee’s Regulations Governing Mandatory Continuing Legal and Judicial Education and, therefore, satisfies the requirements of C.R.C.P. 250.2.

(3) A “CLE credit” or a “CLE credit hour” is a measurement unit combining time and quality assigned by the CLJE Office to all or part of a particular continuing legal educational activity. A CLE credit hour will be the equivalent of attending 50 minutes of an accredited program with accompanying textual material unless otherwise specified in these rules.

(4) “CLE transcript” means the official record maintained by the CLJE Office of a registered lawyer’s or judge’s CLE credit hours earned during a CLE compliance period and will be used to verify a registered lawyer’s or judge’s compliance with the CLE requirements.

(5) The “CLJE Committee” is the Colorado Supreme Court’s Continuing Legal and Judicial Education Committee.

(6) “Compliance period” means the three years during which a registered lawyer or judge is required to earn the minimum number of CLE credits.

- (7) “Court” means the Colorado Supreme Court.
- (8) “Judge” is a judicial officer who is subject to the jurisdiction of the Commission on Judicial Discipline or the Denver County Court Judicial Discipline Commission.
- (9) “Office of Continuing Legal and Judicial Education” (CLJE Office) is the central office of the Office of Attorney Regulation Counsel that administers and implements these rules and the CLJE Committee’s Regulations Governing Mandatory Continuing Legal and Judicial Education.
- (10) “Provider” means any individual or organization that offers continuing legal education activities.
- (11) “Registered lawyer” is a lawyer who has paid the registration fee required by C.R.C.P. 227 for the current year and who is not on inactive status, or suspended, disbarred, or placed on disability inactive status by the Court.
- (12) “Teaching” means participating as a speaker, lecturer, presenter, or moderator in any accredited CLE activity.
- (13) “These rules” refer to rules 250.1 through 250.9 of the Colorado Rules of Civil Procedure.

Rule 250.2. CLE Requirements

- (1) **CLE Credit Requirement.** Every registered lawyer and every judge must complete 45 credit hours of continuing legal education during each applicable CLE compliance period as provided in these rules. The 45 credit hours must include at least seven credit hours devoted to ethics. Failure to comply with these requirements in a timely manner as set forth in these rules may subject the registered lawyer or judge to a fee, a penalty, and/or administrative suspension.
- (2) **Compliance Period.** All registered lawyers and judges become subject to these rules on the date of their admission or certification to the bar of the State of Colorado. The first compliance period begins on the date of admission or certification and ends on the 31st of December of the third full calendar year following the year of admission or certification to practice law in Colorado. For non-lawyer judges, the first CLE compliance period begins on the date of appointment as a judge and ends on the 31st of December of the third full calendar year following the year of appointment as a judge. Subsequent CLE compliance periods begin on the 1st of January immediately following a previous compliance period and end on the 31st of December of the third full calendar year thereafter. Compliance periods that commenced under the previous C.R.C.P. 260 will continue without interruption under these rules.
- (3) **Reporting.** All registered lawyers and judges must report compliance as set forth in C.R.C.P. 250.6.
- (4) **Lawyer Status and Compliance.** Any registered lawyer who has been suspended under C.R.C.P. 227A(4), or who has elected to transfer to inactive status under C.R.C.P. 227A(6)(a), will, upon being reinstated pursuant to C.R.C.P. 227A(5) or (7), become subject to the minimum

continuing legal educational requirements set forth in these rules on the date of reinstatement, pursuant to C.R.C.P. 250.2 and as set forth in paragraph (5) of this rule.

(5) Modification of Compliance Period. A registered lawyer's obligation to comply with these rules during a compliance period will be deferred if the lawyer has been suspended for any reason other than noncompliance with these rules, has elected to transfer to inactive status, or has been placed on disability inactive status by Court order. However, upon reinstatement or return to active status, the compliance period will be calculated as follows:

(a) If the registered lawyer remains on suspension, inactive status or disability inactive status for one year or longer, the start of the compliance period will begin on the date of reinstatement from suspension or disability inactive status, or date of transfer to active status, and will end on the 31st of December of the third full calendar year following the start of the compliance period.

(b) If the registered lawyer is suspended, on inactive status or on disability inactive status for less than one year, the compliance period will not be recalculated. However, upon reinstatement or return to active status, the lawyer will have 91 days from the date of reinstatement or return to active status, or the remainder of the original compliance period, whichever is longer, to complete and report all deferred CLE requirements as otherwise set forth under C.R.C.P. 250.6, and to pay any penalties or fees that accrued before the suspension or transfer to inactive status. Failure to complete deferred CLE requirements or to pay related penalties or fees during this 91 day period will subject the lawyer to suspension pursuant to C.R.C.P. 250.6(8).

(c) No registered lawyer will be permitted to change status to circumvent these rules.

(6) **No Roll-Over Credits.** CLE credit hours completed in excess of the required 45 credit hours in any applicable compliance period may not be used to meet the minimum educational requirements in any subsequent compliance period.

(7) **Exemptions.**

(a) **Inactive or Suspended Status.** A lawyer who is on inactive status, disability inactive status, or under suspension during his or her entire CLE compliance period is excused from the CLE requirements for that compliance period.

(b) **Age.** A registered lawyer or judge will be exempt from the CLE requirements of these rules for the years following the year of the registered lawyer's or judge's 72nd birthday. On the effective date of these rules, all registered lawyers and judges who were exempt from the educational requirements under the previous C.R.C.P. 260.5 (Exemptions), will again become subject to the requirements in these rules. For all previously exempt registered lawyers and judges, the compliance period will begin on the effective date of these rules and end on December 31, 2021 (the end of the third full calendar year following the start of the compliance period). For all registered lawyers and judges who would have become exempt starting in 2019, and whose compliance period otherwise would have ended in 2019, the compliance period will be extended through December 31, 2021. Subsequent compliance periods will begin on the 1st of January of the year immediately following the end of the previous compliance period.

(8) **Deferral.**

(a) **Inability to Comply.** In cases of inability to comply with these rules for good cause shown, the CLJE Office may, in its discretion, defer individual compliance with the CLE

requirements set forth in these rules. Good cause may include, for example, a registered lawyer or judge serving on full-time active duty in the armed forces of the United States who is deployed to a location outside the United States, and who provides to the CLJE Office a copy of military orders or other official paperwork listing the date, location and duration of the deployment.

(b) **No Waiver.** Deferral does not constitute a waiver of the CLE requirements.

Rule 250.3. Advisory Committee and the Continuing Legal and Judicial Education Committee

(1) **Advisory Committee.** The Supreme Court Advisory Committee (Advisory Committee) is a permanent committee of the Court. *See* C.R.C.P. 251.34. The Advisory Committee oversees the coordination of administrative matters for all programs of the lawyer regulation process, including the continuing legal and judicial education program set forth in these rules. The Advisory Committee reviews the productivity, effectiveness and efficiency of the continuing legal and judicial education program, and recommends to the Court proposed changes or additions to these rules and the CLJE Committee's Regulations Governing Mandatory Continuing Legal and Judicial Education.

(2) **The Continuing Legal and Judicial Education Committee.** The Continuing Legal and Judicial Education Committee (CLJE Committee) serves as a permanent committee of the Supreme Court.

(a) **Members.** The CLJE Committee consists of nine members appointed by the Court, and is subject to oversight by the Advisory Committee. With the exceptions of the chair and the vice chair, members will be appointed for one term of seven years. Diversity will be a consideration in making the appointments. The terms of the members will be staggered to provide, so far as possible, for the expiration each year of the term of one member. Six of the members must be volunteer lawyers, at least one of whom must also be a judge, and three of the members must be volunteer non-lawyers (citizen members). All members serve at the pleasure of and may be dismissed at any time by the Court. A member of the CLJE Committee may resign at any time. In the event of a vacancy, a successor will be appointed by the Court for the remainder of the unexpired term of the member whose office is vacated.

(b) **Chair and Vice Chair.** The Court will designate two members of the CLJE Committee to serve as its chair and vice-chair for unspecified terms. The chair will also be a member of the Advisory Committee. The chair and vice-chair serve at the pleasure of and may be dismissed at any time by the Court.

(c) **Powers and Duties.** The CLJE Committee will formulate regulations consistent with these rules, modify or amend the same from time to time, and perform CLJE Committee duties established by these rules. The CLJE Committee's Regulations Governing Mandatory Continuing Legal and Judicial Education will be submitted to the Advisory Committee for review and approval by the Court and will be published on the website of the Office of Attorney Regulation Counsel.

(3) **Reimbursement.** The CLJE Committee members are entitled to reimbursement for reasonable travel, lodging and other expenses incurred in the performance of official duties.

Rule 250.4 Attorney Regulation Counsel

The Attorney Regulation Counsel will maintain and supervise a permanent office, the CLJE Office, and will administer all mandatory CLE functions as part of a budget approved by the Court.

Rule 250.5 Accreditation

(1) **Objective.** CLE must be educational activity which has as its primary objective the promotion of professional competence of registered lawyers and judges, and must deal with subject matter directly related to the practice of law or the performance of judicial duties. The CLJE Committee will develop criteria for the accreditation of CLE activities as set forth in the Regulations Governing Mandatory Continuing Legal and Judicial Education, and the CLJE Office will accredit a broad variety of educational activities that meet these requirements.

(2) **Criteria.** For an activity to be accredited, the following criteria must be met: 1) the subject matter must directly relate to legal subjects and the performance of judicial duties or the practice of law, including professionalism, leadership, diversity, wellness, ethics, and law practice management, and 2) the activity must be directed to lawyers and judges. The CLJE

Office will consider, in accrediting educational activities, the contribution the activity will make to the competent and professional practice of law or administration of justice.

(3) **Ethics.** For an activity or portion within an activity to be accredited as “ethics” it must deal with the Colorado Rules of Professional Conduct, the Colorado Code of Judicial Conduct, similar rules of other jurisdictions, the ABA Model Rules of Professional Conduct, the ABA Model Rules of Judicial Conduct, or legal authority related to any of the above-specified rules.

(4) **Non-accredited Activities.** The CLJE Office will not accredit activities completed in the ordinary course of the practice of law, in the performance of regular employment, or in a lawyer’s or judge’s service on a committee, section or division of any bar-related organization except as provided in these rules.

(5) **Assignment of Credit.** The CLJE Office will assign an appropriate number of CLE credit hours to each educational activity it accredits.

(6) **Provider Eligibility.** The CLJE Committee may establish provider eligibility requirements consistent with these rules, as set forth in the Regulations Governing Mandatory Continuing Legal and Judicial Education.

(7) **Published List.** The CLJE Office will publish a list of all accredited programs, together with the approved CLE credit hours for each program on the website of the Office of the Attorney Regulation Counsel.

Rule 250.6. Compliance

(1) **Reporting Requirement.** Each registered lawyer and judge must report compliance with these rules. CLE credit hours must be reported by the online affidavit on the CLJE Office's website or other form approved by the CLJE Committee within a reasonable amount of time after the credit hours are earned. A registered lawyer or judge who is exempt from compliance under 250.2(7)(b) may nevertheless report CLE credit hours on a voluntary basis.

(2) **Verification Requirement.** It is the responsibility of each registered lawyer and judge to verify CLE credit hours completed during a compliance period, and to confirm that his or her CLE transcript is accurate and complete by no later than the 31st of January following that compliance period. Failure to comply with these requirements in a timely manner as set forth in these rules may subject the registered lawyer or judge to a fee, a penalty, and/or administrative suspension.

(3) **Make-up Plan.** If a registered lawyer or judge fails to complete the required CLE credit hours by the end of the CLE compliance period, the registered lawyer or judge must do the following: 1) by the 31st of January following the end of the CLE compliance period, file a specific plan to make up the deficiency; and 2) complete the planned CLE credit hours no later than the 31st of May following the end of the CLE compliance period. The plan must be accompanied by a filing fee determined by the CLJE Committee. Such plan will be deemed accepted by the CLJE Office unless within 28 days after the receipt of the make-up plan the CLJE Office notifies the registered lawyer or judge to the contrary. Completion of the make-up plan must be reported by affidavit to the CLJE Office no later than the 14th of June following the

end of the CLE compliance period. Failure of the registered lawyer or judge to complete the plan by the 31st of May or to file an affidavit demonstrating compliance constitutes grounds for imposing administrative remedies set forth in paragraph (8) of this rule.

(4) Statement of Noncompliance. If any registered lawyer or judge fails to comply with these rules, or C.R.C.P. 203.2(6) or 203.3(4) in any respect, the CLJE Office will promptly provide a statement of noncompliance to the registered lawyer or judge. The statement will advise the registered lawyer or judge that within 14 days of the date of the statement, either the noncompliance must be corrected, or the registered lawyer or judge must request a hearing before the CLJE Committee. Upon failure to do either, the CLJE Office will file the statement of noncompliance with the Court, which may impose the administrative remedies set forth in paragraph (8) of this rule.

(5) Failure to Correct Noncompliance. If the noncompliance is not corrected within 14 days, or if a hearing is not requested within 14 days, the CLJE Office will promptly forward the statement of noncompliance to the Court, which may impose the sanctions set forth in paragraph (8) of this rule.

(6) Hearing Before the CLJE Committee. If a hearing before the CLJE Committee is requested, the following apply:

- (a) Notice of the time and place of the hearing will be given to the registered lawyer or judge by the CLJE Office at least 14 days prior thereto;
- (b) The registered lawyer or judge may be represented by counsel;

- (c) The hearing will be conducted in conformity with the Colorado Rules of Civil Procedure and the Colorado Rules of Evidence;
 - (d) The Office of Attorney Regulation Counsel will prosecute the matter and bear the burden of proof by a preponderance of the evidence;
 - (e) The chair will preside at the hearing, or will appoint another lawyer member of the CLJE Committee to act as presiding officer, and will appoint at least two other CLJE Committee members to the hearing panel;
 - (f) Upon the request of any party to the hearing, the chair or vice chair may issue subpoenas for the use of a party to compel attendance of witnesses and production of pertinent books, papers, documents, or other evidence, and any such subpoenas will be subject to the provisions of C.R.C.P. 45;
 - (g) The presiding officer will rule on all motions, objections, and other matters presented in connection with the hearing; and,
 - (h) The hearing will be recorded and a transcript may be provided to the registered lawyer or judge upon request and payment of the cost of the transcript.
- (7) Determination by the CLJE Committee.** Within 28 days after the conclusion of the hearing, the Panel will issue a written decision on behalf of the CLJE Committee setting forth findings of fact and the determination as to whether the registered lawyer or judge has complied with the requirements of these rules. A copy of such findings and determination will be sent to the registered lawyer or judge involved.

(a) If the Panel determines that the registered lawyer or judge complied, the registered lawyer's or judge's record will reflect compliance and any previously assessed fees may be rescinded.

(b) If the Panel determines the registered lawyer or judge was not in compliance, the written decision issued by the Panel will be promptly filed with the Court.

(8) Supreme Court Review. When the Court receives either a statement of noncompliance or the written decision of a CLJE Committee hearing, the Court will enter such order as it deems appropriate, which may include an order of administrative suspension from the practice of law in the case of registered lawyers or referral of the matter to the Colorado Commission on Judicial Discipline or the Denver County Court Judicial Discipline Commission in the case of judges.

(9) Notice. All notices given pursuant to these rules may be sent to any address provided by the registered lawyer or judge provided pursuant to C.R.C.P. 227.

(10) Reinstatement. Any lawyer who has been suspended for noncompliance pursuant to C.R.C.P. 250.6(8) may be reinstated by order of the Court upon a showing that the lawyer's CLE deficiency has been corrected. The lawyer must file with the CLJE Office a petition seeking reinstatement by the Court. The petition must state with particularity the CLE activities that the lawyer has completed, including dates of completion, which correct the deficiency that caused the lawyer's suspension. The petition must be accompanied by a reinstatement filing fee as determined by the CLJE Committee. The CLJE Office will file a properly completed petition with its recommendation with the Clerk of the Court within 14 days after receipt. However, a lawyer suspended for noncompliance pursuant to C.R.C.P. 250.6(8) for five continuous years or

longer must apply for and successfully complete the Colorado bar examination pursuant to C.R.C.P. 203.4, in addition to satisfying the other requirements of this rule, to be eligible for reinstatement.

(11) Jurisdiction. All suspended and inactive lawyers remain subject to the jurisdiction of the Court as set forth in C.R.C.P. 251.1(b).

Rule 250.7. Access to Information

(1) Compliance Information.

(a) CLE Transcript Maintenance. For each registered lawyer or judge, the CLJE Office will maintain CLE transcripts for the current and immediately preceding compliance periods as reported pursuant to C.R.C.P. 250.6(1).

(b) Compliance Records - Confidential. Records maintained by the CLJE Office pertaining to a registered lawyer's or judge's compliance are confidential and will not be disclosed except upon written request or consent of the registered lawyer or judge affected or as directed by the Court.

(2) Accreditation Information – Public. All records submitted by a Provider to obtain accreditation pursuant to C.R.C.P. 250.5 will be available to the public.

(3) Expunction of Records.

(a) Expunction – Self-Executing. All records maintained by the CLJE Office pursuant to these rules, in paper or electronic form, will be expunged from the files of the CLJE Office as follows:

- (i) All records pertaining to accreditation of CLE activities by approved Providers pursuant to C.R.C.P. 250.5 will be expunged one year after the end of the year in which the activity request was processed by the CLJE office;
- (ii) All records pertaining to requests for accreditation of activities submitted by a registered lawyer or judge will be expunged three months following the date the submission was processed by the CLJE Office, including but not limited to activities under C.R.C.P. 250.8 and 250.9, self-study, graduate study, and teaching or writing accreditation requests;
- (iii) Affidavits submitted in paper form to the CLJE Office by registered lawyers or judges relating to completion of an approved CLE activity will be expunged seven days after the claimed credits have been entered on the CLE Transcript by the CLJE Office;
- (iv) All records pertaining to proceedings under C.R.C.P. 250.6(3) – (10) will be expunged three years after the expiration of the registered attorney’s or judge’s current compliance period or after reinstatement, whichever time period is longer; and,
- (v) All records pertaining to requests for deferrals pursuant to C.R.C.P. 250.2(8) will be expunged three years after the expiration of the registered attorney’s or judge’s current compliance period.

Rule 250.8 Representation in Pro Bono Legal Matters

(1) **Maximum Credits.** A registered lawyer may earn a maximum of nine CLE credit hours during each three-year compliance period for providing uncompensated pro bono legal representation to indigent or near-indigent persons, or supervising a law student providing such representation. Ethics credit may not be earned under this rule.

(2) **Eligibility.** To be eligible for CLE credit hours, the pro bono legal matter in which a registered lawyer provides representation must have been assigned to the registered lawyer by: a court; a bar association or Access to Justice Committee-sponsored program; a law school; or an organized, non-profit entity, such as Legal Services Corporation, Metro Volunteer Lawyers, or Colorado Lawyers Committee, whose purpose is or includes the provision of pro bono representation to indigent or near-indigent persons. Prior to assigning the matter, the assigning court, program, law school or entity will determine that the client is financially eligible for pro bono legal representation because (a) the client qualifies for participation in programs funded by the Legal Services Corporation, or (b) the client's income and financial resources are slightly above the guidelines utilized by such programs, but the client nevertheless cannot afford counsel.

(3) **Computation of Credits.** Subject to the reporting and review requirements specified herein, (a) a registered lawyer providing uncompensated, pro bono legal representation may receive one unit of credit for every five billable-equivalent hours of representation provided to the indigent client; and (b) a registered lawyer who acts as a supervisor to a law student may be awarded three CLE credit hours per completed matter.

(4) **Claiming Credits.** A registered lawyer wishing to receive CLE credit hours under this rule must submit to the assigning court, program, or law school a completed form as designated by the CLJE Committee. As to supervising a law student, the registered lawyer will submit the form when the matter is fully completed. As to pro bono representation, if the representation will be concluded during a single three-year compliance period, then the registered lawyer will complete and submit the form when the representation is fully completed. If the representation will continue into another three-year compliance period, then the applying registered lawyer may submit an interim form seeking such credit as the lawyer may be eligible to receive during the three-year compliance period that is coming to an end. Upon receipt of an interim or final form, the assigning court, program, law school or entity must in turn report to the CLJE Office the number of CLE credit hours that it recommends be awarded to the reporting registered lawyer under the provisions of this rule. The CLJE Committee has final authority to issue or decline to issue CLE credit hours to the registered lawyer providing representation or mentoring, subject to the other provisions of these rules.

(5) **Law Student Supervision.** A registered lawyer who acts as a supervisor to a law student who is eligible to practice law under C.R.C.P. 205.7(2) may claim CLE credits consistent with (1) and (3) above. The matter must be assigned to the law student by a court, a program or entity as described in C.R.C.P. 250.8(2), or an organized student law office program administered by his or her law school, after such court, program, entity, or student law office determines that the client is eligible for pro bono representation in accordance with C.R.C.P. 250.8(2). The registered lawyer must be available to the law student for information and advice on all aspects of the matter and must directly and actively supervise the law student while allowing the law

student to provide representation to the client. The registered lawyer must file or enter an appearance along with the law student in any legal matter pursued or defended for the client in any court. Lawyers may be acting as full-time or adjunct professors at the law student's law school at the same time they serve as supervising lawyers so long as it is not a primary, paid responsibility of that professor to administer the student law office and supervise its law-student participants.

Rule 250.9. Participation in the Colorado Attorney Mentoring Program (CAMP)

(1) **One-Year CAMP Program.** A registered lawyer or judge may earn a maximum of nine CLE credit hours, two hours of which will count toward the ethics requirement of C.R.C.P. 250.2(1), for successful completion of the one-year CAMP program curriculum (pursuant to C.R.C.P. 255) as either a mentor or as a mentee. Credits earned through participation in the mentoring program as described in this rule are live credits.

(2) **Six-Month CAMP Program.** A registered lawyer or judge may earn a maximum of four CLE credit hours, one hour of which will count toward the ethics requirement of C.R.C.P. 250.2(1), for successful completion of the six-month CAMP program curriculum (pursuant to C.R.C.P. 255) as either a mentor or a mentee. Credits earned through participation in the mentoring program as described in this rule are live credits.

(3) **CLE Credit Participation Criteria.** To receive CLE credit hours as a mentor or mentee:

(a) The mentor must be a Colorado lawyer or judge in good standing with an active license or a Colorado lawyer or judge who retired from the practice of law in good standing. The mentor

must be licensed for five years and must not be currently subject to lawyer discipline or the subject of a pending disciplinary matter in any jurisdiction, and must be current with all CLE requirements. The mentor must be approved by the CAMP Director.

(b) The mentee must be a licensed, active Colorado lawyer, who is either practicing or is intending to practice law in Colorado. The CAMP Director may accept and approve petitions to participate from new lawyers not otherwise eligible to participate in CAMP programs. The mentee must be registered in a CAMP program.

(c) Mentors may participate in a CAMP program, one mentor relationship at a time, as often as they wish, but may receive a maximum of nine total CLE credit hours, including a maximum of two ethics credit hours, per compliance period.

(d) Mentees may receive CLE credits as a mentee only once in a CAMP program.

(e) The award of CLE credits will apply to the compliance period in which the CAMP program is completed.

(f) Any mentee or mentor who fails to complete the CAMP program will not receive CLE credit, partial or otherwise.

(g) Mentors and mentees who participate together in pro bono representation during or as a part of this program may not also receive CLE credit under C.R.C.P. 250.8 for the same representation.

(4) Verification by Director. All certificates and affidavits of completion of a CAMP program must be submitted to the CAMP Director for verification pursuant to C.R.C.P. 255.

Following verification of substantial completion, the CAMP Director will recommend to the CLJE Office that the CLE hours be recorded as earned.