

2020

ANNUAL REPORT



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



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

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

— Colorado Rule of Civil Procedure 251.1(a)

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"I do solemnly swear (or affirm) that:

I will support the Constitution of the United States and the
Constitution of the State of Colorado;

I will maintain the respect due to courts and judicial officers;

I will employ such means as are consistent with truth and honor;

I will treat all persons whom I encounter through my practice of law
with fairness, courtesy, respect, and honesty;

I will use my knowledge of the law for the betterment of society and
the improvement of the legal system;

I will never reject, from any consideration personal to myself, the
cause of the defenseless or oppressed;

I will at all times faithfully and diligently adhere to the Colorado Rules
of Professional Conduct.

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

WHO WE ARE: UNDERSTANDING COLORADO LAWYERS

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

For the third year in a row, OARC 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. The goal is to collect such information on an annual basis and to identify important trends. 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.

What We Can Learn About Diversity

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.

For 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.

This year we observe demographic trends based on the population density of various areas in Colorado.

Who Are Our Active Practitioners in Colorado – And Is There a Big Difference Between Metro Area Lawyers and Other Lawyers?

Of the 28,014 attorneys registering as active, 6,479 completed the voluntary survey. Approximately 70% (4,511 attorneys) of those answered that they lived in a Colorado metro area with a population of 150,000 or more. About 10% (634 attorneys) stated that they lived in a Colorado city of 30,000-149,000. 7.6% (491 attorneys) reported they live elsewhere in Colorado – in the mountain, plains or simply another non-city area. A

sizeable portion – 13.3% – are registered as active but do not live in Colorado. This analysis looks at actively-licensed Colorado-based lawyers only.

While non-city areas certainly have fewer lawyers, those lawyers are more likely to have significant experience in the practice of law. This demographic observation also suggests that there may be opportunities for less experienced lawyers to enter those markets or engage in succession planning with more experienced lawyers.

Percentage of Active Lawyers Living in Each Type of Area by Years of Experience

	CO Larger City	CO Smaller City	CO Non-City¹
10 or fewer years	35.4%	34.9%	27.5%
11-20 years	24.6%	17.5%	19.8%
21-30 years	16.5%	19.4%	20.4%
More than 30 years	23.1%	27.1%	31.6%

Likewise, given that a greater portion of lawyers in smaller markets are closer to retirement age, they may be ready to start transitioning their practice to younger lawyers.

Percentage of Active Lawyers Living in Each Type of Area by Age

	CO Larger City	CO Smaller City	CO Non-City
29 or younger	7.2%	6.9%	4.7%
30-39	27.4%	21.3%	19.8%
40-49	22.7%	17.2%	20.2%
50-59	18.7%	24.9%	20.2%
60-69	16.5%	17.8%	21.4%
70 or older	7.3%	11.2%	13.7%

While less populated geographic areas on the whole have a smaller portion of diverse lawyers, there still are many lawyers who identify as diverse in a number of ways.

¹ This column includes mountain communities, plains communities, and other areas in Colorado with a population of less than 30,000.

Percentage of Active Lawyers Living in Each Type of Area Who Identify As Diverse

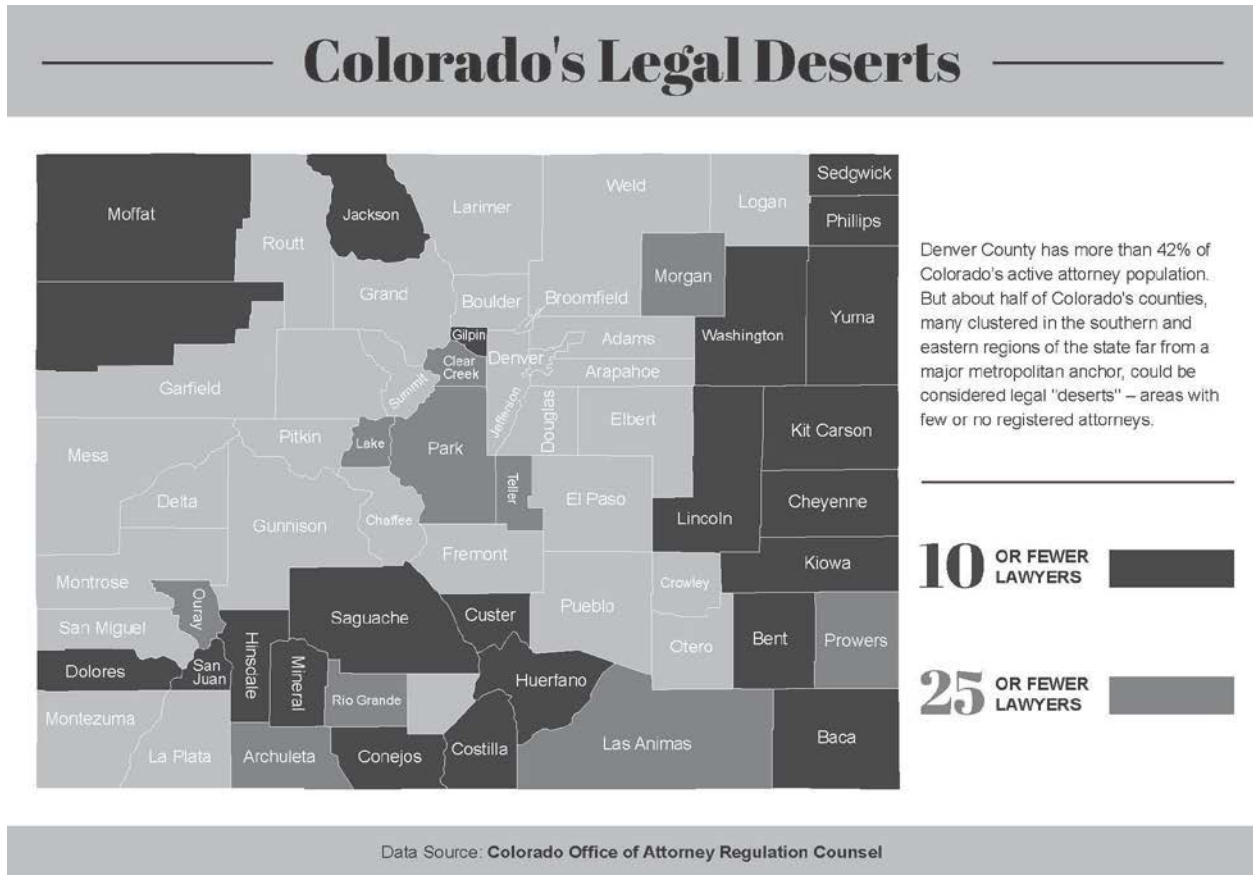
	CO Larger City	CO Smaller City	CO Non-City
Racially/ethnically diverse	15.5%	14.7%	9.8%
Veteran	6.0%	8.8%	8.8%
Non-binary or transgender	0.7%	0.2%	0.6%
Gay, lesbian, bi-sexual	8.5%	7.6%	6.6%

Understanding communities of lawyers by their geographic areas of practice helps us plan and target educational efforts. It also sheds additional light on the analyses of others on the availability of legal services. “Legal desert” is a term often used to describe a geographic area with low or no numbers of practicing attorneys. The American Bar Association has analyzed this issue nationwide and in Colorado, using this Office’s attorney registration data by zip code.² The ABA reports that 28 counties in Colorado have 10 or fewer attorneys. Colorado Law Week also has analyzed such data based on a zip code analysis of attorney registration data.³

² American Bar Association Profile of the Legal Profession 2020, available at <https://www.americanbar.org/content/dam/aba/administrative/news/2020/07/potlp2020.pdf> (last accessed April 19, 2021). Chapter 1 is devoted to legal deserts, and page 11 details the location of active attorneys in Colorado by county.

³ “Anatomy of Colorado’s Legal Deserts,” by Julia Cardi, Law Week Colorado (June 22, 2020), available at <https://lawweekcolorado.com/article/anatomy-of-colorados-legal-deserts> (last accessed April 19, 2021).

This is the chart Colorado Law Week created based on such data:



For a summary of demographic data collected in this year's voluntary survey, please see Appendix A of this report. For gender and age data based on the mandatory registration process, please see Appendix C of this report.

HOW OARC RESPONDED TO THE COVID-19 PANDEMIC

The 2020 Annual Report would not be complete without acknowledging the challenges of continuing to operate as “normal” during the global pandemic that pervaded our professional and personal lives during most of 2020. The Office of Attorney Regulation Counsel made a number of changes to accommodate lawyers, judges, applicants, complainants, CLE providers, OARC employees, and others in 2020. Among those changes:

- OARC led the effort to move committee and board meetings to an on-line platform so their business could be conducted.
- OARC’s education moved into a virtual, on-line environment, including Professionalism School, Ethics School, and Trust Account School, as well as OARC presentations to other organizations.
- OARC launched an on-line complaint form to facilitate the process of requesting investigations of attorneys.
- OARC created numerous on-line forms to assist CLE providers and attorneys and judges subject to CLE requirements.
- OARC relaxed a number of application requirements, such as notarizations, that could present difficulties given state and local public health orders.
- With Supreme Court leadership and support, OARC moved its fall swearing-in ceremony on-line to a series of smaller virtual ceremonies led by individual justices, and administered the Oath of Admission remotely after the pandemic started through the rest of the year.
- OARC, pursuant to Supreme Court authority, administered a July bar exam through dispersed locations, using established precautions for safety.
- OARC investigators and attorneys participated in remote disciplinary hearings and conducted witness interviews remotely.
- OARC character and fitness staff held remote inquiry panels for admission.

OARC anticipates that many of these changes, including a greater ability to do business with the Office on-line, will continue as positive “lessons learned.”

Expectations of a Lawyer's Responsibilities...

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

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

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

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

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

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

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

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

— C.R.C.P. 208.1(3)

JUSTICES OF THE COLORADO SUPREME COURT

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



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

Bottom from left: **Justice Monica M. Márquez, Chief Justice Nathan B. Coats⁴, and Chief Justice Brian D. Boatright⁵.**



Justice Maria E. Berkenkotter⁶

Photo courtesy of the Colorado Judicial Branch.

⁴ Retired January 2021

⁵ Chief Justice effective 1/1/2021, following retirement of Chief Justice Nathan B. Coats

⁶ Appointed 11/20/2020, assumed Office 1/1/2021

SUPREME COURT ADVISORY COMMITTEE

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

David W. Stark, *Chair*

Steven K. Jacobson, *Vice-Chair*

Elizabeth A. Bryant⁷

Nancy L. Cohen

Cynthia F. Covell

The Honorable Andrew P. McCallin

Barbara A. Miller

Henry R. Reeve

Alexander R. Rothrock

Sunita Sharma

Daniel A. Vigil

Brian Zall

Alison Zinn⁸

Justice William W. Hood, III (Liaison)⁹

Justice Monica M. Márquez (Liaison)

Justice Maria E. Berkenkotter (Liaison)¹⁰

⁷ Resigned effective 6/30/2020

⁸ Appointed effective 7/1/2020

⁹ 2020 Liaison

¹⁰ 2021 Liaison

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.

Prior to her appointment by the Colorado Supreme Court, Ms. Yates was in private practice as a partner at Snell & Wilmer LLP, focusing on appeals and litigation. She clerked for the Honorable David M. Ebel of the U.S. Court of Appeals for the Tenth Circuit. She earned her J.D. from the University of Virginia School of Law in 2006.

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

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

Executive Assistant

Kim Pask

Margaret B. Funk

Chief Deputy Regulation Counsel

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

In private practice, Ms. Funk represented individuals in civil rights matters, primarily in the area of employment law. Between 1995 and 1998, she served as President and Vice President of the Colorado Plaintiffs Employment Lawyers Association (PELA). Between 1998 and 2005, she served as a member of the PELA board of directors and was assigned the duties of chair of the legislative committee and liaison to the Colorado Bar Association. She has published several articles in the Colorado Trial Lawyers Association's monthly magazine, *Trial Talk*, and has lectured extensively on civil rights, litigation, and legal ethics. She administers the Office of Attorney Regulation Counsel Trust Account School. She is a faculty member for the Colorado Supreme Court Office of Attorney Regulation Counsel Ethics School program and Professionalism School program, and has been a panelist and presenter at ABA conferences, NOBC conferences and numerous CLE programs in Colorado. Recent committee work includes the National Organization of Bar Counsel (NOBC) Program Committee; the Colorado Supreme Court Advisory subcommittee on Proactive, Management-Based Regulation; the Colorado Supreme Court Advisory subcommittee on C.R.C.P. 251 rule revision; the Colorado Supreme Court Standing Committee on the Colorado Rules of Professional Conduct; the Colorado Board of Continuing Legal and Judicial Education rule revision subcommittee; the Colorado Chief Justice's Commission on Professional Development, New Lawyer Working Group and Leadership Working Group; and the Colorado Bar Association's Peer Professionalism Assistance Group.

April M. McMurrey

Deputy Regulation Counsel, Intake Division

April McMurrey is Deputy Regulation Counsel in the intake division of the Office. Ms. McMurrey received her undergraduate degree from Colorado State University and her law degree from the University of Colorado School of Law. Ms. McMurrey joined the Office of Attorney Regulation in 2001 as a law clerk. She was later promoted to the trial division, where she worked for seven years as an Assistant Regulation Counsel. Ms. McMurrey then worked in the intake division as an Assistant Regulation Counsel before being promoted to Deputy. Ms. McMurrey is a member of the Colorado Bar Association, the Colorado Women's Bar Association, the Douglas-Elbert County Bar Association, the Colorado Bar Association Ethics Committee, and the National Organization of Bar Counsel.

Gregory G. Sapakoff

Deputy Regulation Counsel, Trial Division

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

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

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

Dawn M. McKnight

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

Dawn McKnight is Deputy Regulation Counsel overseeing admissions, registration, and mandatory continuing legal and judicial education. Ms. McKnight received her undergraduate degree from San Francisco State University and her law degree from the University of Denver Sturm College of Law. After graduating from law school, Ms. McKnight practiced environmental law for a nonprofit, then became a civil litigation associate for a private firm. Prior to joining the Office of Attorney Regulation Counsel in 2016, Ms. McKnight was Assistant Executive Director and Publications Director of Colorado Bar Association CLE.

Ms. McKnight is a member of the National Organization of Bar Counsel; the American Bar Associations; the Colorado Women's Bar Association; the National Conference of Bar Examiners/Council of Bar Admission Administrators; and, the National Continuing Legal Education Regulators Association. She is also a Fellow of the Colorado Bar Foundation and a Circle of Minerva member of the Women's Bar Foundation. She is the current Chair of the Board of Directors of Options Credit Union and Secretary 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

Assistant Regulation Counsel

Jill Perry Fernandez
Lisa E. Pearce
Matt Ratterman

Catherine Shea
Rhonda White-Mitchell
E. James Wilder

Intake Division Investigators

Rosemary Gosda

Carla McCoy

Intake Assistants

Anita Juarez
Robin Lehmann

Margarita Lopez

From a Respondent:

"I am also grateful to have these deficiencies in my office policies brought to my attention on a small matter, so I have the chance to remedy them quickly before something larger occurs. Thanks again for your graciousness in working with me on this."

Trial Division

Assistant Regulation Counsel

Jane B. Cox
Erin Robson Kristofco
Michele Melnick
J.P. Moore

Alan Obye
David Shaw
Jacob Vos

Trial Division Investigators

Matt Gill
Janet Layne
Sierra Puccio

Donna Scherer
Laurie Seab

Trial Assistants

Renee Anderson
Valencia Hill-Wilson

Rachel Ingle
Sarah Walsh

From a Complainant:

"I have been totally impressed with the serious consideration given to all matters every time I have had the privilege to work with you."

Professional Development/Inventory Counsel

Jonathan P. White

From a caseworker:

“Thank you for your conscientious approach to all of this – I know that is the purpose of your agency, of course, but the compassion element is not required, so I appreciate and respect that it seems to come naturally to you both.”

Inventory Counsel Coordinator

Susie Lang

Case Monitor

Nicolette (Nicole) Chavez

Attorney Admissions

Jessica Crawley, *Admissions Administrator*

JoAnne Dionesse, *Assistant Exam Administrator*

“I truly appreciate the Grace that has been shown to me by you and your staff.”

- Received by an applicant

Character & Fitness

Susie Tehlirian,
Staff Attorney

Jessica Faricy,
Staff Assistant

Matthew McIntyre,
Investigator

“You have always been a joy to work with and I can’t thank you enough.”

- Received by an applicant

Licensure Analysts

Melyssa Boyce
Gloria Lucero
Lauren Paez
Adrian Radase

Ashley McCarthy, *Staff Assistant*
Christina Solano, *Staff Assistant*

Attorney Registration and Continuing Legal and Judicial Education

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

Jeff Montoya, *Assistant Administrator*

Deputy Clerks

Jasmin Castillo
Jessica DePari

Sherry Fair
Alice Lucero

"I was absolutely delighted to find that I can now submit requests for accreditation of teaching activity online... Thank you so very much! It's the little things that make one happy!"

- Colorado Judge

"I wanted to give some accolades to... for their exceptional help and reassurances when I needed them. The world is a better place with people like them."

-A Legal Assistant's experience with Attorney Registration staff

Operations

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

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

WHO WE ARE: PERMANENT COMMITTEES

Legal Regulation Committee¹¹

Effective July 1, 2020, 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 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

John K. Priddy

Anthony J. Perea

Charles Spence

Luis M. Terrazas

Prior to July 1, 2020, the following people served as 2020 committee members on the Attorney Regulation Committee or the Unauthorized Practice of Law Committee.

Attorney Regulation Committee

Charles Shuman, M.D.

Unauthorized Practice of Law Committee

Elizabeth A. Bryant, *Chair*

Judy L. Graff, *Vice-Chair*

Samantha Pryor

Patsy Leon

¹¹ LRC effective 7/1/2020, combining the Attorney Regulation Committee (ARC) and the Unauthorized Practice of Law (UPL) Committee. Member appointments effective 7/1/2020.

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*

John Greer

Heather K. Kelly

Michael A. Kirtland

Vincent Morscher

Melinda S. Moses

Julia Havens-Murrow

Charles Norton

The Honorable Barry Schwartz

The Honorable Holly Strablizky

Justice William W. Hood, III (Liaison)¹²

Justice Monica Márquez (Liaison)

Justice Maria E. Berkenkotter (Liaison)¹³

¹² 2020 Liaison

¹³ 2021 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.

David Beller

Philip A. Cherner

The Honorable Tammy M. Eret

The Honorable Terry Fox

Doris C. Gundersen, M.D.

Melinda M. Harper

Velveta Golightly-Howell

John A. Jostad

Barbara Kelley

Carolyn D. Love, Ph.D.

Kelly A. Manchester

Linda Midcap

Kimberly Nordstrom, M.D.

Corelle M. Spettigue

Craig A. Stoner

Elizabeth Strobel

Sandra M. Thebaud, Ph.D.

Gwyneth Whalen

Justice William W. Hood, III (Liaison)¹⁴

Justice Monica Márquez (Liaison)

Justice Maria E. Berkenkotter (Liaison)¹⁵

¹⁴ 2020 Liaison

¹⁵ 2021 Liaison

Continuing Legal and Judicial Education Committee

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

The Honorable Andrew P. McCallin, <i>Chair</i>	Maha Kamal
Nathifa M. Miller, <i>Vice-Chair</i>	Martha Rubi-Byers
Christine M. Hernandez ¹⁶	Rachel B. Sheikh
Karen Hester ¹⁷	Sam D. Starritt
Amanda Hopkins	Justice William W. Hood, III (Liaison) ¹⁸
Genet Johnson	Justice Monica Márquez (Liaison)
	Justice Maria E. Berkenkotter (Liaison) ¹⁹

¹⁶ Appointed effective 1/1/2021

¹⁷ Resigned effective 12/31/2020

¹⁸ 2020 Liaison

¹⁹ 2021 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>.

Charles Goldberg, *Chair*
Charles Turner, *Vice-Chair*²⁰
The Honorable Adam J. Espinosa, *Vice-Chair*²¹
John Bunting

Susan J. Coykendall, Ph.D.
Lisa M. Dailey
Katayoun A. Donnelly
Allison L. Gambill

²⁰ Retired effective 12/31/2020

²¹ Appointed as Vice-Chair effective 1/1/2021

WHO WE ARE: OUR IMPORTANT PARTNERS

[Colorado Lawyer Assistance Program \(COLAP\)](#)

The Colorado Lawyer Assistance Program is the free, confidential, and independent well-being 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, structured mentoring programs across Colorado. They also offer informal mentoring opportunities, group mentoring, and practical skills based coaching programs.

J. Ryann Peyton, *Executive Director*

The Colorado Supreme Court Task Force on Lawyer Well-Being

The Colorado Supreme Court Task Force on Lawyer Well-Being, chaired by Justice Monica Márquez, began meeting in September 2018. Its final regular meeting occurred in February 2020, which followed each of the working groups of the Task Force finalizing recommendations on specific issues or areas of interest. Those five working groups are (1) the Business Case for Lawyer Well-Being, (2) Lawyer Well-Being Resources, (3) Law Student Well-Being, (4) Judicial Officer Well-Being, and (5) Data Gathering Concerning Lawyer Well-Being. At the request of Justice Márquez, the working groups reconvened in the summer of 2020 to review their recommendations in light of the Covid-19 pandemic and increased national attention on racial inequities in American society. The report of the Task Force will be released in 2021.

Two significant developments from the Task Force's efforts launched in 2020. The first was the Colorado Supreme Court Well-Being Recognition Program for Legal Employers Pilot Project. The Pilot Project held its first meeting on July 20, 2020. The Pilot Project will evaluate ways to promote well-being in workspaces in the legal profession. It will release a report to the Colorado Supreme Court in 2021 with recommendations for a court-supported recognition program for legal employers who take steps towards enhancing well-being. More information on the program may be found at: <http://coloradolawyerwellbeing.org/>. Ryann Peyton, Executive Director of the Colorado Attorney Mentoring Program, has organized and overseen meetings of the Pilot Project.

Also in 2020, the Judicial Officer Well-Being working group launched a website with resources designed to enhance well-being among judges in Colorado. The website offers information on issues ranging from ways to renew and recharge, to dealing with difficult personalities, to safety and security, to Covid-19. The site also promotes connection among members of the bench by highlighting initiatives like the Diversity Dinner and Judges Fighting Hunger. The website may be found at: <https://judicialwellbeing.colorado.gov/>. This website's resources, while tailored towards members of the bench, are available to all in the legal profession.

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 1,047 people applied to take the bar exam in 2020, of which 909 people sat for the bar exam²². A total of 649 people passed the exam in 2020:

- 326 applied for the February bar exam, of which 267 took the bar exam:
 - 150 Passed Overall (56% pass rate)
 - 95 First Time Passers (64% pass rate)
 - 55 Repeat Passers (46% pass rate)
- 721 applied for the July bar exam, of which 642 took the bar exam:
 - 499 Passed Overall (78% pass rate)
 - 484 First Time Passers (83% pass rate)
 - 15 Repeat Passers (25% pass rate)

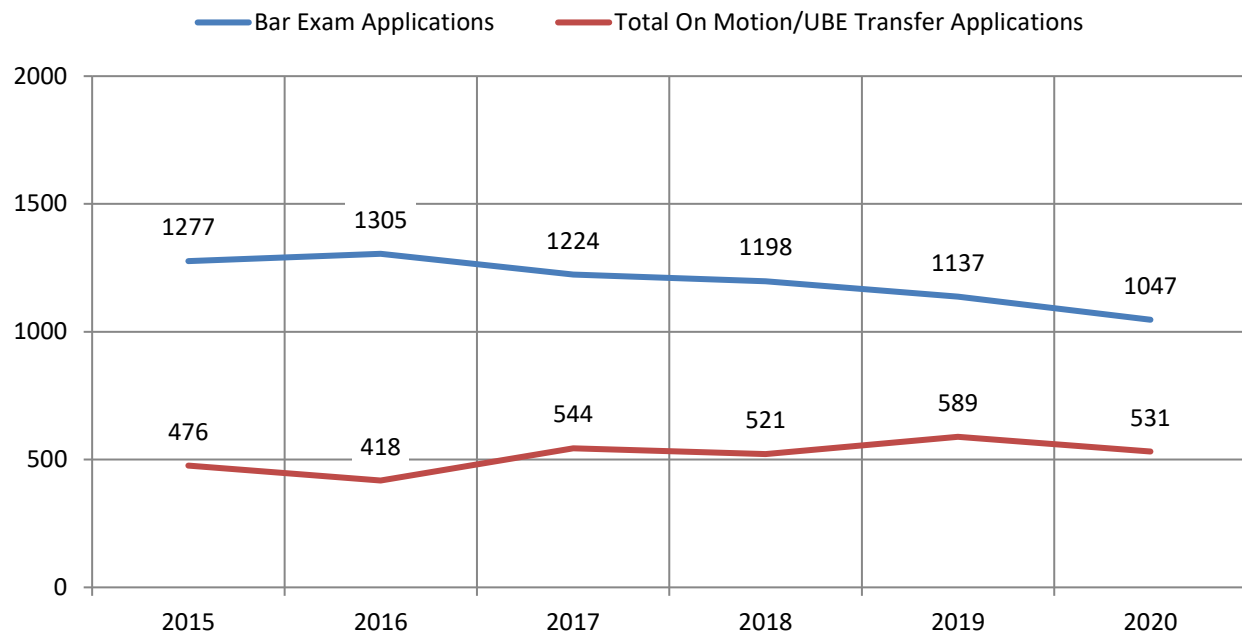
²² For detailed statistics on bar exam passage rates, see Appendix B. Of the 721 applicants for the July 2020 exam, 61 opted to transfer to the February 2021 exam and 9 withdrew.

UBE and On Motion

In 2020, there were 126 UBE Score Transfer Applications and 405 On Motion Applications filed with the Office. The Office processed 123 UBE Score Transfer Applications and 373 On Motion Applications in 2020 – meaning those applicants were cleared for eligibility and met character and fitness requirements.

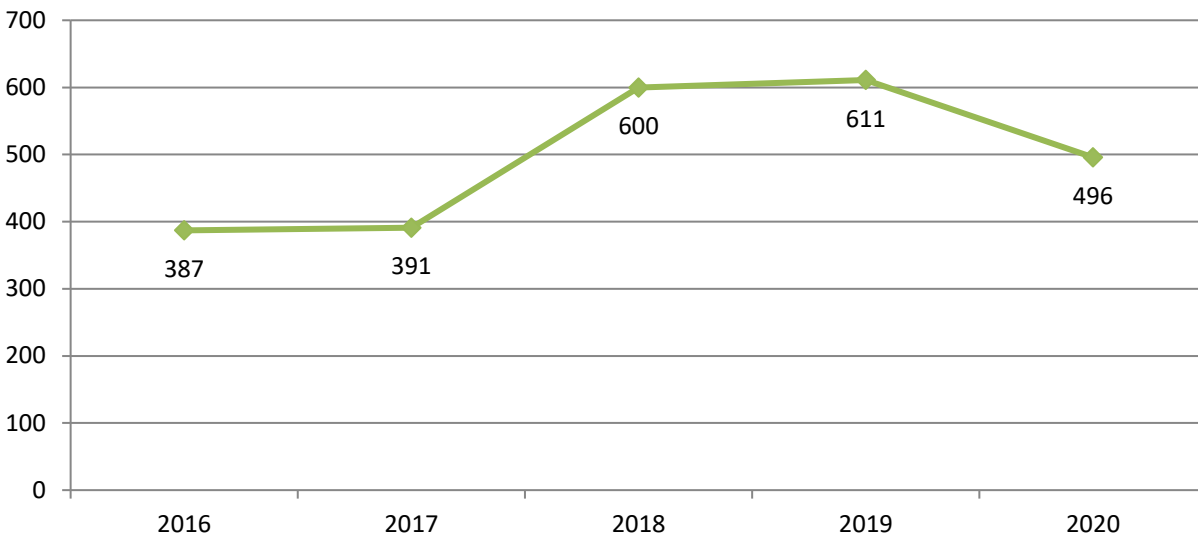
The UBE, coordinated by the National Conference of Bar Examiners, is designed to test knowledge and skills that every lawyer should be able to demonstrate prior to becoming licensed to practice law. It results in a portable score that can be used to apply for admission in other UBE jurisdictions. The intent and design of the UBE is to ease the barriers to a multi-jurisdictional law practice. Colorado and 39 other jurisdictions currently comprise the UBE compact.²³ With an increasing number of jurisdictions adopting the UBE, it is foreseeable that Colorado will continue to see an increase in score transfer applications.

Applications Submitted to the Office of Attorney Admissions



²³ This number includes jurisdictions that joined the Compact, but have not yet administered their first UBE Exam in 2020: Texas (2/21); Indiana (7/21); Oklahoma (7/21), and Pennsylvania (7/22).

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.

From an applicant's counsel:

"I am more firmly convinced than ever that OARC and its staff perform their duties to the Court, the profession, and the public to a higher standard than any other bar regulatory organization in the country, of which I am very proud."

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

In 2020, Attorney Admissions reviewed 1,543 applications to determine the character and fitness qualifications of applicants:

- 24 Inquiry Panel interviews were scheduled:
 - 2 were cancelled by OAA²⁴
 - 1 deferred by OAA²⁵
 - 3 initial interviews were deferred on request by Applicant or counsel²⁶
 - 3 interviews were rescheduled due to COVID-19
- 22 Applicants were asked to appear for an interview before an Inquiry Panel
 - 13 Exam, 7 On-Motion, and 4 UBE score transfer
- 16 Applicants were admitted after an Inquiry Panel interview after it was determined they met their character and fitness burden
- 2 Applicants were deferred by the Inquiry Panel after they elected to postpone their determination²⁷
- 6 Applicants received a recommendation for denial
 - 1 Applicant withdrew their application upon receipt of denial recommendation
 - 1 Applicant filed a Request for Formal Hearing but withdrew the Request before appearing for a Formal Hearing
 - 1 Applicant elected not to file a Request for Formal Hearing
- 0 Applicant appeared at a Formal Hearing
 - 3 Applicants that received a recommendation of denial are scheduled to appear for a Formal Hearing in 2021.
- 2 Applicants were denied admission by the Colorado Supreme Court.

²⁴ One Applicant asked to defer their interview to provide additional materials. Upon review of those materials, OAA cleared the Applicant for admission and cancelled the interview. The other was later rescheduled in 2020.

²⁵ The Applicant later appeared in 2020.

²⁶ 2 later appeared in 2020. One Applicant still pending rescheduling in 2021 per counsel's request.

²⁷ One Applicant reappeared later in 2020. The other Applicant is reappearing for a continuation of their interview in 2021.

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

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

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

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

If appropriate, the Office of Attorney Admissions may send a letter to an applicant informing them of the Colorado Lawyer Assistance Program (COLAP) and its services. 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.

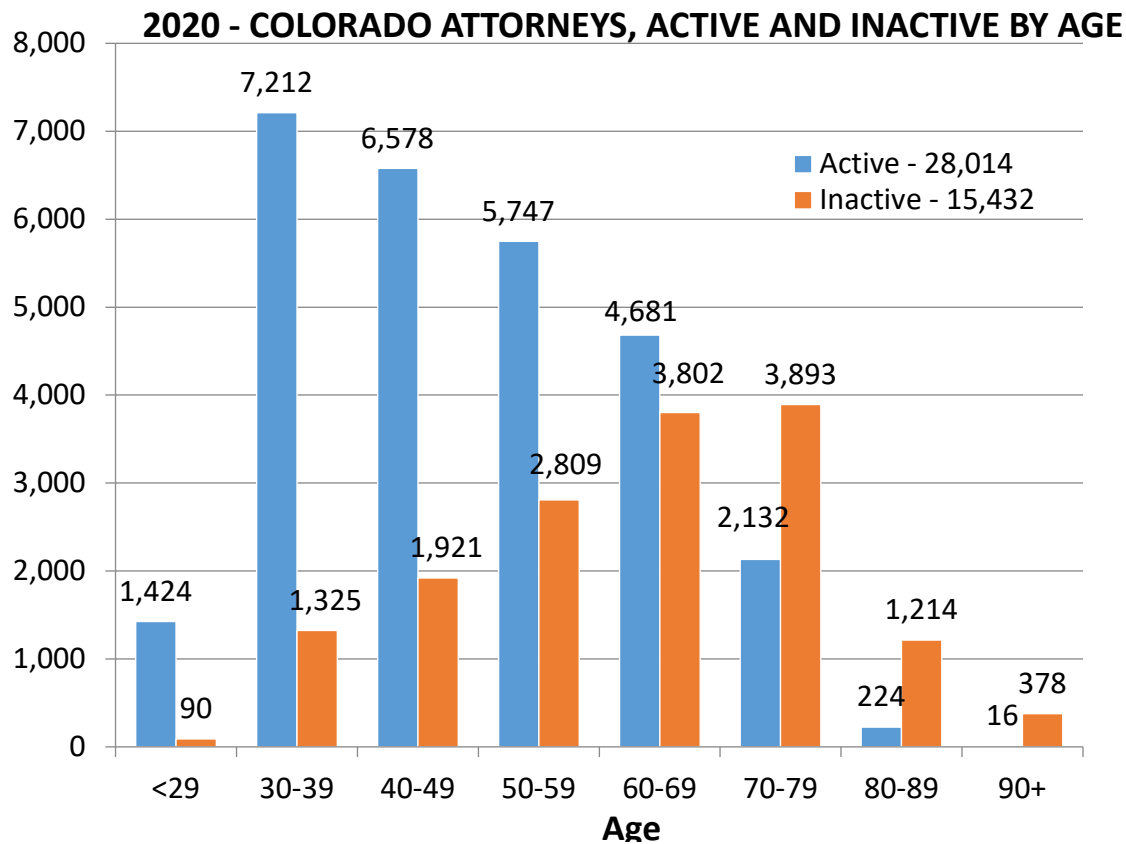
"I am a UBE Transfer Admission... Your team helped me when they did not have to, and when my money was already paid. They were instrumental in what I hope is a successful transfer of my license ahead of an uncompromising deadline."

-- An applicant's email to the admissions office.

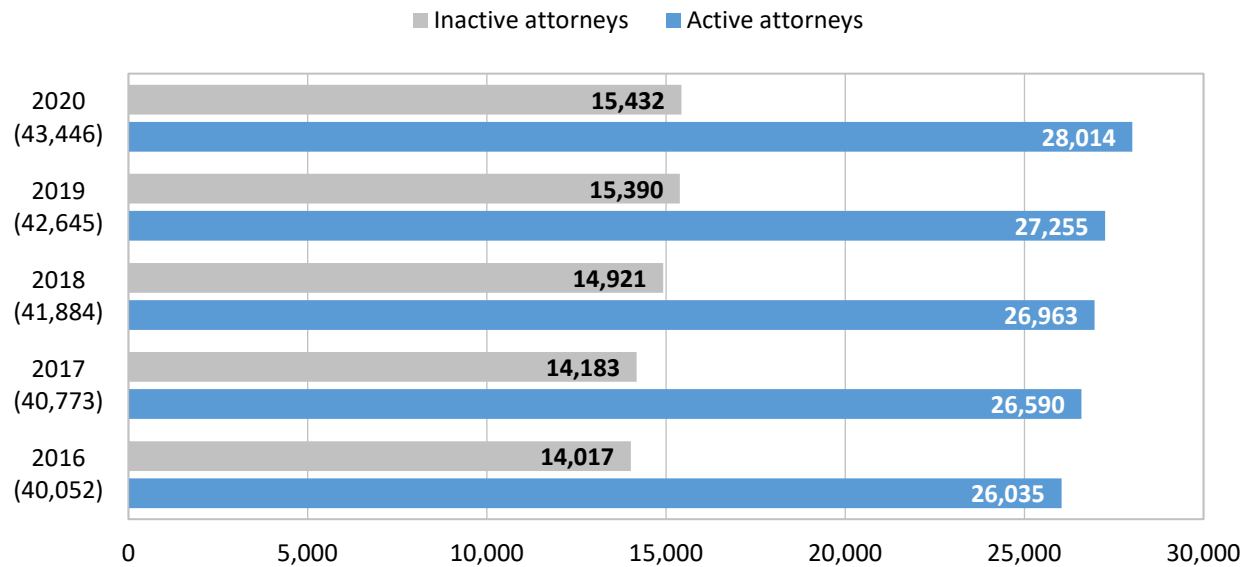
WHAT WE DO: ATTORNEY REGISTRATION AND CLJE

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

Colorado ended 2020 with 43,446 registered attorneys, up 1.8 percent over the previous year. Of those registered attorneys, 28,014 were active and 15,432 were inactive. While inactive registrations only grew by .3 percent, active registrations grew by 2.8 percent in 2020.



Registered Attorneys, last 5 years



Attorney Registration

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

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 who carry professional liability insurance to disclose the name of their insurance carrier.

From new attorneys regarding admission and swearing-in requests:

"Thanks for all your help, patience, and kindness shown to me during this process-truly, I am grateful as this was remarkable. I immediately registered for the swearing in..."

In 2020, Attorney Registration enrolled 1,250 attorneys for admission:

- Bar Exam: 650
- Uniform Bar Exam Transfers: 128
- On Motion from Reciprocal Admissions State: 379
- Single-Client Certification: 81
- Law Professor Certification: 4
- Military Spouse Certification: 5
- Judge Advocate Certification: 1
- Foreign Legal Consultant: 2

In 2020, Attorney Registration also processed and approved applications for:

- Pro Hac Vice: 539
- Practice Pending Admission: 124
- Pro Bono Certification: 9

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.²⁸

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: six attorneys, one judge and two non-attorneys who assist in administration of the mandatory continuing legal and judicial education system.

²⁸ For detailed statistics on attorney demographics collected through registration in Colorado, see Appendix C.

In 2020, the Office of Continuing Legal and Judicial Education:

- Processed 123,102 CLE affidavits;
- Processed 976 Non-Accredited Out of State Seminar affidavits;
- Processed 891 Teaching Affidavits;
- Processed 73 Research/Writing Affidavits;
- Processed 18 additional CLE affidavits for mentoring;
- Processed 45 additional CLE affidavits for pro bono work; and
- Accredited 13,304 CLE courses and home studies.

WHAT WE DO: ATTORNEY REGULATION

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

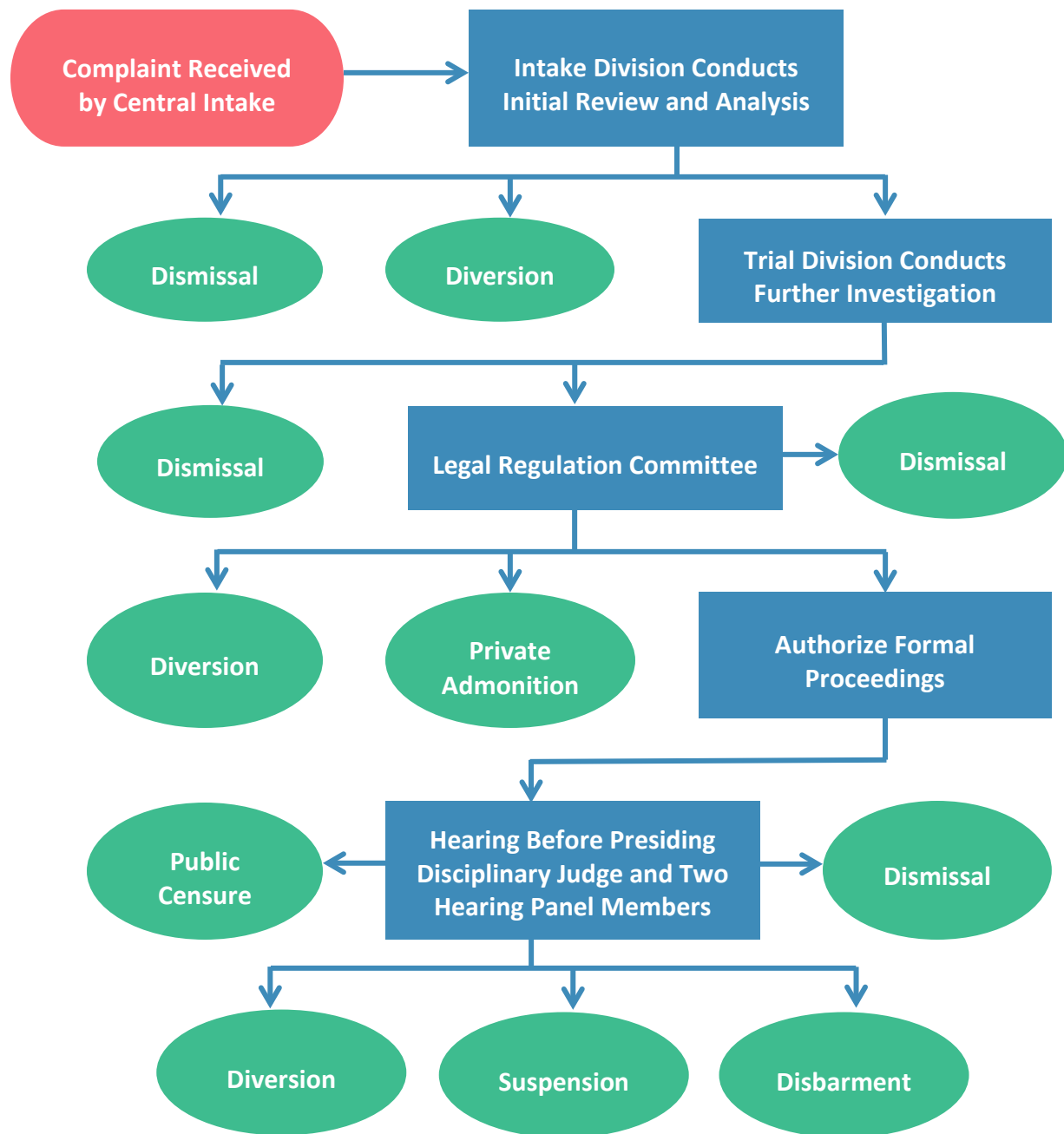
The Colorado model of attorney regulation is designed to move cases of minor ethical misconduct toward a quick resolution and devote its resources to cases that involve more serious attorney misconduct. The goal is to protect the public while educating attorneys to prevent any future misconduct.

In 2020, Attorney Regulation Counsel received 13,441 calls. Of those, 3,424 were calls filing a request for investigation against a lawyer. The Office's intake division reviewed all of those cases and processed 239 matters for further investigation by the trial division. In addition, the intake division continued to work on 331 cases carried over from 2019.

In total, the Office of Attorney Regulation Counsel's work in 2020 resulted in:

- 137 dismissals with educational language;
- 57 diversion agreements;
- 9 public censures;
- 35 suspensions;
- 20 probations ordered;
- 15 private admonitions; and
- 8 disbarments.

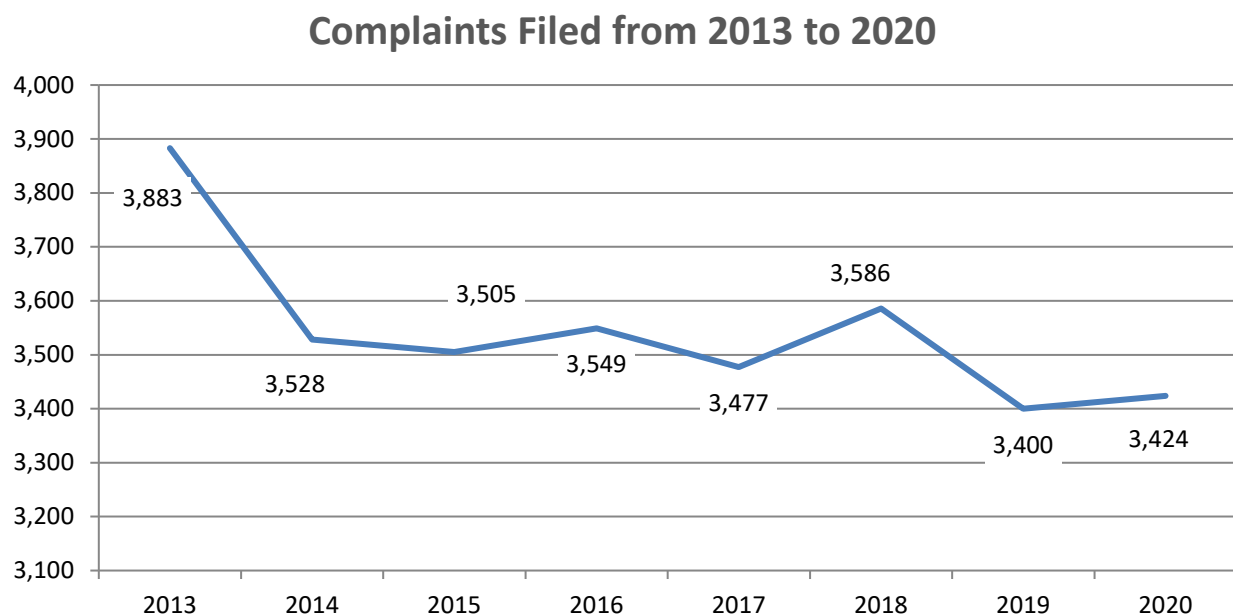
The Attorney Regulation Process



Intake Division

The intake division acts as the Office's triage unit, where the 3,424 requests for investigation that the Office received in 2020 were analyzed.²⁹ Complaints are made by clients, opposing counsel, judges, and in some cases, concerned citizens.

Trained investigators take all calls and review written requests for investigation to the Office. Thereafter, they assign the case to an intake attorney. Each intake attorney handles between 500-600 cases per year. That attorney reviews the facts to determine whether the Colorado Rules of Professional Conduct are implicated and whether further investigation is warranted. In most cases, the intake attorney speaks with the complaining witness by telephone to gather information regarding the complaint. The average processing time in intake in 2020 was 5.73 weeks, a decrease of 9.5 percent from the average time in 2019.



²⁹ 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 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 2020, there were 75 requests for investigation filed against magistrates. 74 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 2020, the Office of Attorney Regulation Counsel received 91 trust account notices.

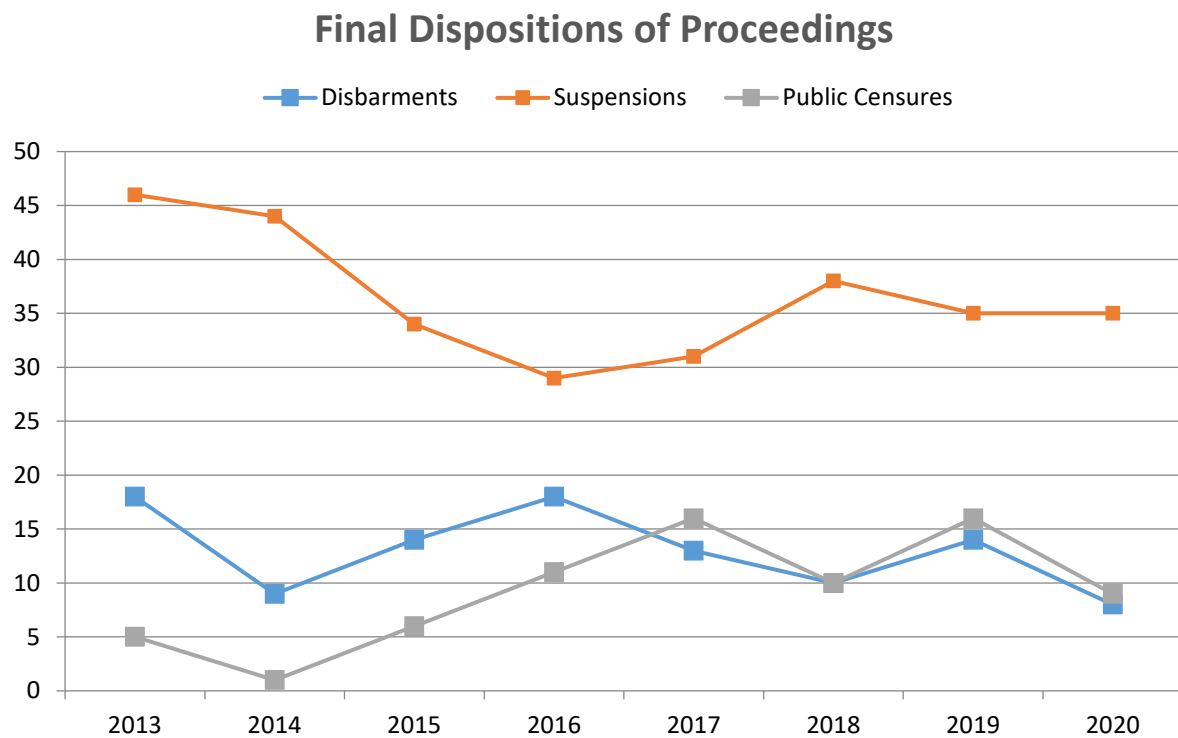
"I don't know if anyone tells your office, but these are really helpful and I appreciate that they're sent out. The one on potential clients was helpful and I gave my colleagues a heads up to read it. Thanks for all you and your staff do."

— An attorney on receiving the OARC newsletter.

Trial Division

The next step for a case that involves a complex fact pattern or allegations of serious misconduct is the trial division. In 2020, the trial division handled 239 cases processed by the intake division as well as 170 cases carried over from 2019.³⁰

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 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.



³⁰ For detailed statistics on the trial division process, see Appendices F through J.

In 2020, during the investigation phase, the trial division:

- Recommended the dismissal of 106 cases, 25 of them with educational language; and
- Entered into 22 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 2020, the trial division presented 140 matters to the Legal Regulation Committee. The Committee approved:

- 40 formal proceedings concerning 77 matters;
- 31 diversion agreements concerning 47 matters; and
- 15 private admonitions.

Several of the 140 matters³¹ in which the Office was authorized to file a formal complaint were consolidated.³² 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.

³¹ For detailed statistics on the dispositions by Legal Regulation Committee, see Table 17, Appendix F.

³² 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 2020, after receiving authorization to file a formal complaint, the Attorney Regulation Counsel:

- Filed 23 formal complaints;
- Resolved by stipulation 8 matters prior to filing a formal complaint; and
- Entered into 19 agreements for conditional admission of misconduct.

The 23 formal complaints filed in 2020, and those pending from 2019, resulted in 7 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.

"I want to commend... on her excellent customer service skills. Yesterday, she went above and beyond, in order to try and help me resolve a situation."

— A Practice Assistant's statement on her experience with a staff member

In 2020, the Office of Attorney Regulation Counsel filed 7 petitions for immediate suspension:

- 2 involved failure to cooperate with Attorney Regulation Counsel's investigations;
- 3 involved felony convictions;
- 1 involved conversion of funds;
- 1 involved an immediate threat to the effective administration of justice; and
- No petitions were filed that involved failure to pay child support.

Of the 7 petitions filed, in one matter, the Colorado Supreme Court discharged the Order to Show Cause. In the other six matters, the attorney was immediately suspended.

Disability Matters

When an attorney is unable to fulfill professional responsibilities due to physical, mental, or behavioral illness, the Office of Attorney Regulation Counsel may file a petition to transfer an attorney to disability status. This is not a form of discipline. The Office filed 9 disability matters in 2020.

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 2020, one applicant was reinstated (the process used for suspended attorneys). No applications were denied in 2020.

"I want to thank you for everything you and the Attorney Regulation Counsel has done to resolve my complaint... Again I thank you for all your help and hopefully won't need your services in the future!"

— A Respondent on the experience with the Trial Division

Attorneys' Fund for Client Protection

Attorney Regulation Counsel assists the Board of Trustees for the Attorneys' Fund for Client Protection by investigating claims made on the fund alleging client loss due to the dishonest conduct of an attorney or for the loss of client funds due to an attorney's death. The statistics for this work are shown in a separate annual report, posted on our website at www.coloradosupremecourt.com, "Attorneys' Fund for Client Protection Annual Report 2020."

"Please accept my thanks... for your kind letter and for the payment. I also wanted to thank you for the kindness and professionalism we received from your staff."

— A letter on a CPF experience.

Legal Regulation Committee (LRC)³³

Prior to July 1, 2020, the unauthorized practice of law matters were heard by the Unauthorized Practice of Law (UPL) Committee. The UPL Committee was merged into the Legal Regulation Committee (LRC) effective July 1, 2020.

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

In 2020, the Office of Attorney Regulation Counsel received 63 requests for investigation alleging the unauthorized practice of law. Some requests did not proceed past the intake division, while others were processed to the trial division for further investigation. The additional work on UPL matters in 2020 included the following³⁴:

- 7 were dismissed by Attorney Regulation Counsel after investigation;
- 13 matters were considered by the Legal Regulation Committee;
- 6 written agreements were reached with respondents to refrain from UPL conduct;
- 7 injunctive or contempt proceedings were commenced; and
- no 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.

Commission on Judicial Discipline

Attorney Regulation Counsel acts as Special Counsel for the Colorado Commission on Judicial Discipline on request of the Executive Director. Upon request, an investigator may assist the Commission as well. In 2020, the Office of Attorney Regulation Counsel assisted in one investigation.

³³ For detailed statistics on the Unauthorized Practice of Law, see Appendix J.

³⁴ The matters resolved included 2018 and 2019 matters.

WHAT WE DO: INVENTORY COUNSEL

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

Inventory Counsel reviews the client files and trust account records of the deceased or disabled attorney and takes steps to protect the interests of the attorney and the attorney's clients. This typically involves returning client files and disbursing funds from trust. The file inventory and return process may take months or years depending on the number of files, the area of practice, the difficulty in locating the previous clients, and the availability of records related to the trust account.³⁵

Inventory Counsel returned \$4,980.64 to clients from lawyers' trust accounts in 2020. Meanwhile, Inventory Counsel remitted \$16,342.93 to the Colorado Lawyer Trust Account Foundation in 2020 as unclaimed funds. Pursuant to Colo. RPC 1.15B(k), funds remitted 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.

Most often attorneys from the Office of Attorney Regulation Counsel handle Inventory Counsel matters, however, the Office of Attorney Regulation Counsel is very grateful for the assistance of lawyers who volunteer to take Inventory Counsel matters on a pro bono basis. Four Colorado lawyers not employed by the Office of Attorney Regulation Counsel were appointed Inventory Counsel in 2020. The appointments of volunteer Inventory Counsel allow the program to reach all corners of the state, especially communities outside the Front Range, and advance client protection.

³⁵ For additional statistics about Inventory Counsel, see Appendix K.

In 2020, Inventory Counsel:

- Filed 19 new petitions for appointment of inventory counsel;
- Closed 11 inventory matters;
- Contacted 1,467 clients whose files contained original documents, involved a felony criminal matter, or were considered current;
- Returned \$4,980.64 in trust account funds to clients;
- Inventoried 3,750 client files; and
- Returned 755 files to clients or attorneys of record.

WHAT WE DO: CASE MONITOR

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

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

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

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

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

In 2020, the case monitor:

- Ended the year with 757 cases being monitored for diversion agreement or other compliance requirements;
- Organized 5 Ethics Schools (2 in person/3 virtual), attended by 109 attendees; and
- Organized 4 Trust Account Schools (1 in person/3 virtual), attended by 63 attendees.

WHAT WE DO: EDUCATION/OUTREACH

Presentations/Talks

The Office of Attorney Regulation Counsel presented 118 total public speeches in 2020.

Presentations/Talks Delivered	
2020	118
2019	197
2018	211
2017	200
2016	143
2015	145
2014	159

Ethics School

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

Year	Classes Presented	Attendance
2020	5	109
2019	5	129
2018	5	97
2017	5	123
2016	5	121
2015	5	124
2014	5	132

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.

“I really appreciate your help and I found ethics school to be a great experience. I learned a great deal and have implemented changes already.”

— From a lawyer attending ethics school

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
2020	4	63
2019	5	56
2018	5	55
2017	6	77
2016	4	51
2015	5	58
2014	7	92

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

PROFESSIONALISM SCHOOL

At the direction of the Supreme Court and in cooperation with the Colorado Bar Association, the Office of Attorney Regulation Counsel designed a professionalism school for newly admitted Colorado attorneys. The Office of Attorney Regulation Counsel designed the curriculum and teaches the course in such a fashion as to address the most common ethical dilemmas confronted by newly admitted attorneys. Attendance at the course is a condition of admission to the Colorado Bar. On an annual basis, nearly 1,000

admittees attend and participate in the training. Lawyers from the Office of Attorney Regulation Counsel committed hundreds of hours to the planning, administration, and presentation of the professionalism course. This course is separate and distinct from the ethics school and trust accounting school presented by the Office of Attorney Regulation Counsel. In 2020, the office participated in 14 separate presentations of the course.

“I am very grateful the course was able to be offered online during this pandemic.”

“Even though it was online and previously recorded, I appreciated that the speakers were interacting in the chat and answering our questions. This made it feel much more personal!”

— New lawyers commenting on OARC Professionalism course

APPENDIX A:

RESULTS OF VOLUNTARY, ANONYMOUS DEMOGRAPHIC SURVEY

Attorney Responses (**Active and Inactive**): 8,287³⁶

TABLE 1: Gender Identity³⁷

Response	Percentage
Female	46.62%
Male	50.83%
Transgender/Gender Nonconforming	0.16%
Non-binary	0.30%

TABLE 2: Sexual Orientation

Response	Percentage
Bisexual	3.69%
Heterosexual	85.83%
Gay	1.95%
Lesbian	1.56%
Other	0.56%

TABLE 3: Veteran Status

Response	Percentage
Veteran	8.56%
Not a veteran	90.01%

³⁶ Attorneys could choose not to answer any of the following questions, so percentages may not total 100%.

³⁷ The attorney registration process also collects gender data and is more reliable than this voluntary survey.

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

Response	Percentage
American Indian or Alaska Native	1.80%
Asian or Asian American	3.05%
Black or African American	2.98%
Hispanic, Latino or Spanish Origin	6.42%
Middle Eastern or North African	0.89%
Native Hawaiian or other Pacific Islander	0.24%
White or Caucasian	85.99%

TABLE 5: Where do you primarily work?

Response	Percentage
Colorado metropolitan area, population 150,000+	59.29%
Other city in Colorado, population 30,000-149,000	7.65%
Smaller mountain community in Colorado	5.12%
Smaller plains community in Colorado	.93%
Not in Colorado	23.52%

TABLE 6: Years of practice

Response	Percentage
5 or fewer	19.60%
6-10	14.63%
11-15	12.50%
16-20	9.39%
21-25	9.18%
26-30	8.46%
31-35	8.19%
More than 35	16.70%

APPENDIX B:

BAR EXAM STATISTICS

EXAM STATISTICS

February 2020 Bar Exam

	<u>Attorney</u>	<u>Non-attorney</u>	<u>Total</u>
# of applicants	82	244	326
# of withdrawals	17	37	54
# of no shows	0	5	5
# who took exam	65	202	267
# who passed	41	109	150 (56%)
# who failed	24	93	117 (44%)

PASS/FAIL RATES
By Law School

 February 2020 Bar Exam

Examinees	Law School	Passed		Failed		Total
First Time	University of Colorado	4	(80%)	1	(20%)	5
	University of Denver	25	(78%)	7	(22%)	32
	National*	9	(90%)	1	(10%)	10
	Other	57	(56%)	44	(44%)	101
		95	(64%)	53	(36%)	148
Repeat	University of Colorado	7	(58%)	5	(42%)	12
	University of Denver	17	(65%)	9	(35%)	26
	National*	3	(60%)	2	(40%)	5
	Other	28	(37%)	48	(63%)	76
		55	(46%)	64	(54%)	119
All	University of Colorado	11	(65%)	6	(35%)	17
	University of Denver	42	(72%)	16	(28%)	58
	National*	12	(80%)	3	(20%)	15
	Other	85	(48%)	92	(52%)	177
		150	(56%)	117	(44%)	267

* Schools categorized as "National" are:

Columbia
 Harvard
 Stanford
 Yale
 Duke
 Michigan
 Chicago
 California Berkeley
 Virginia
 Texas

EXAM STATISTICS
July 2020 Bar Exam

	<u>Attorney</u>	<u>Non-attorney</u>	<u>Total</u>
# of applicants	46	605	651
# of withdrawals	1	8	9
# of no shows	0	0	0
# who took exam	45	597	642
# who passed	24	475	499 (78%)
# who failed	21	122	143 (22%)

PASS/FAIL RATES
By Law School
 July 2020 Bar Exam

Examinees	Law School	Passed	Failed	Total
First Time	University of Colorado	114 (91%)	11 (9%)	125
	University of Denver	119 (80%)	30 (20%)	149
	National*	50 (98%)	1 (2%)	51
	Other	201 (78%)	56 (22%)	257
		484 (83%)	98 (17%)	582
Repeat	University of Colorado	3 (43%)	4 (57%)	7
	University of Denver	2 (29%)	5 (71%)	7
	National*	0 (0%)	0 (0%)	0
	Other	10 (22%)	36 (78%)	46
		15 (25%)	45 (75%)	60
All	University of Colorado	117 (89%)	15 (11%)	132
	University of Denver	121 (78%)	35 (22%)	156
	National*	50 (98%)	1 (2%)	51
	Other	211 (70%)	92 (30%)	303
		499 (78%)	143 (22%)	642

* Schools categorized as "National" are:

Columbia
 Harvard
 Stanford
 Yale
 Duke
 Michigan
 Chicago
 California Berkeley
 Virginia
 Texas

APPENDIX C:

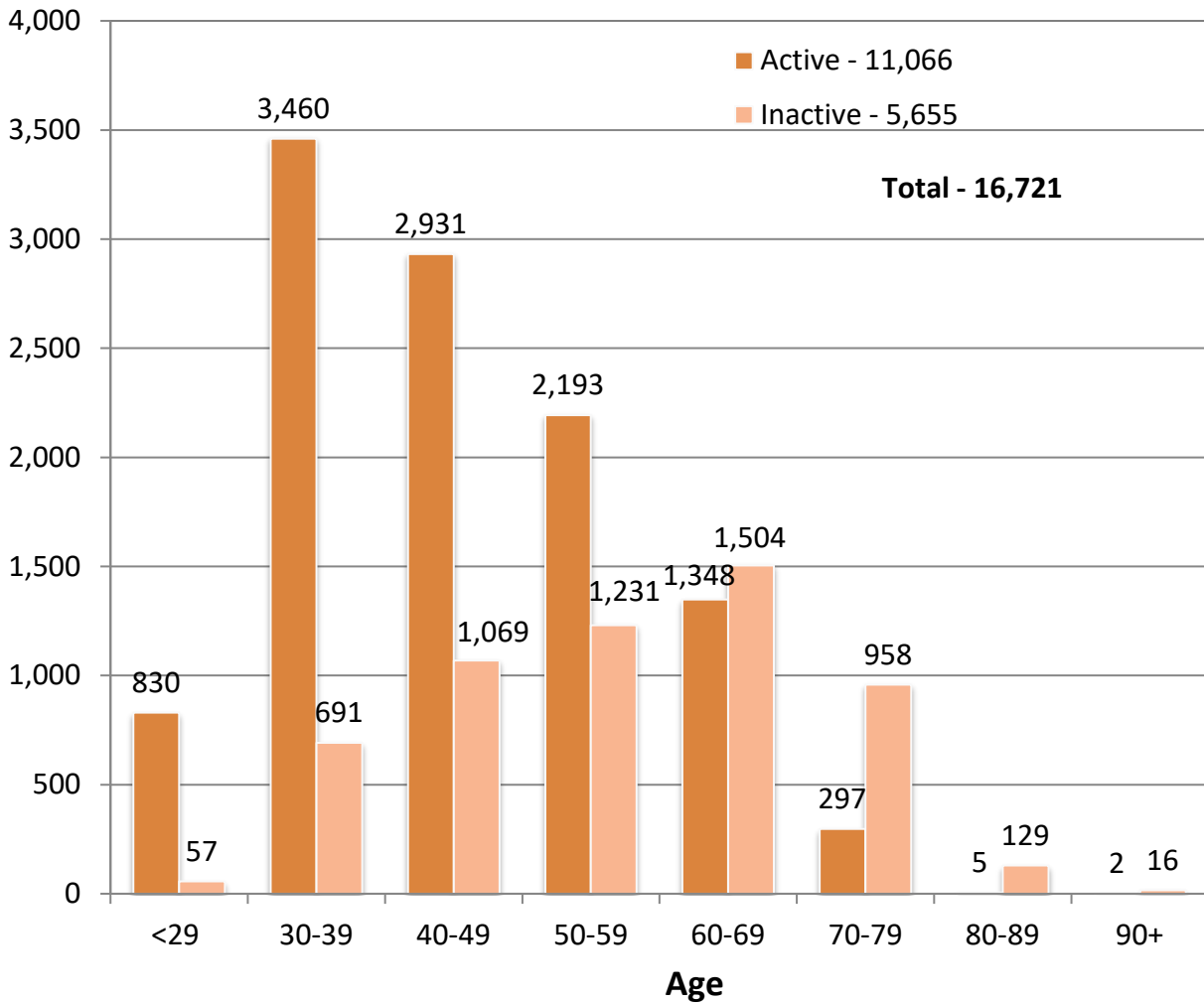
COLORADO ATTORNEY DEMOGRAPHICS

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

Charts:

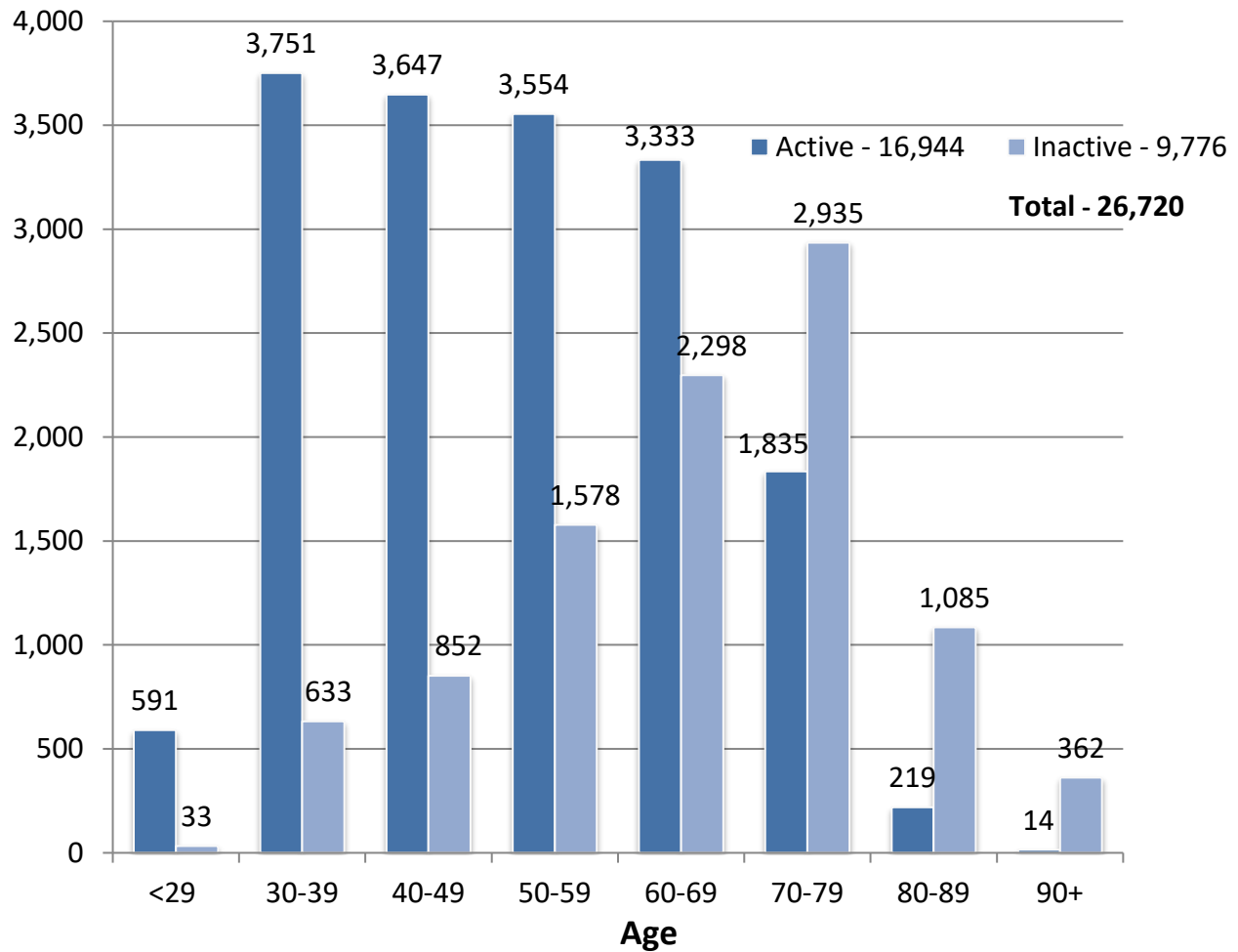
- C-1: Colorado Female Attorneys, Active and Inactive By Age
- C-2: Colorado Male Attorneys, Active and Inactive By Age
- C-3: Active Attorneys By Type of Practice
- C-4: Active Attorneys Ages 60-69, By Type of Practice
- C-5: Active Attorneys Ages 70-79, By Type of Practice
- C-6: Active Attorneys in Government Practice, By Type
- 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



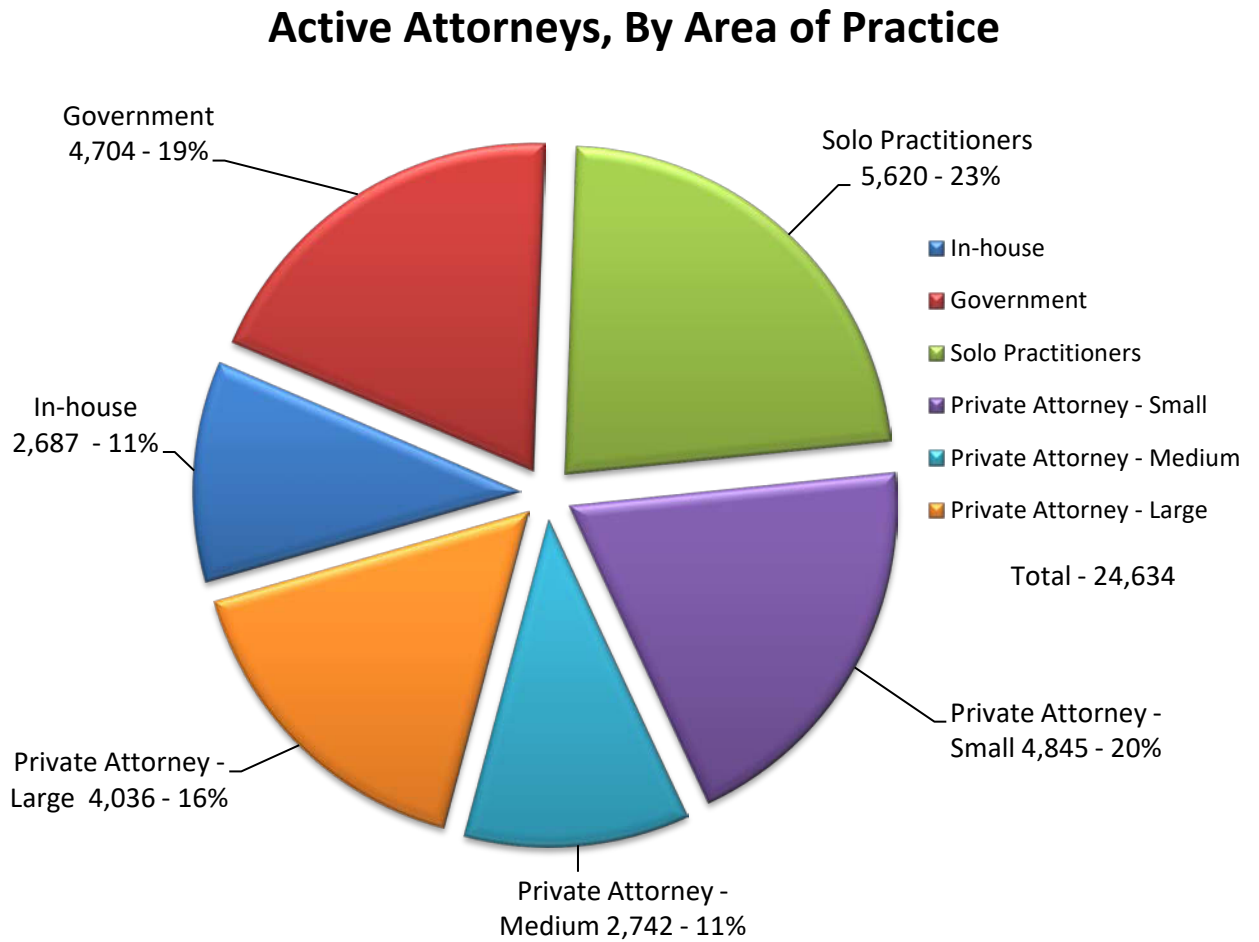
* 5 newly registered attorneys elected not to list a gender on their registration

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



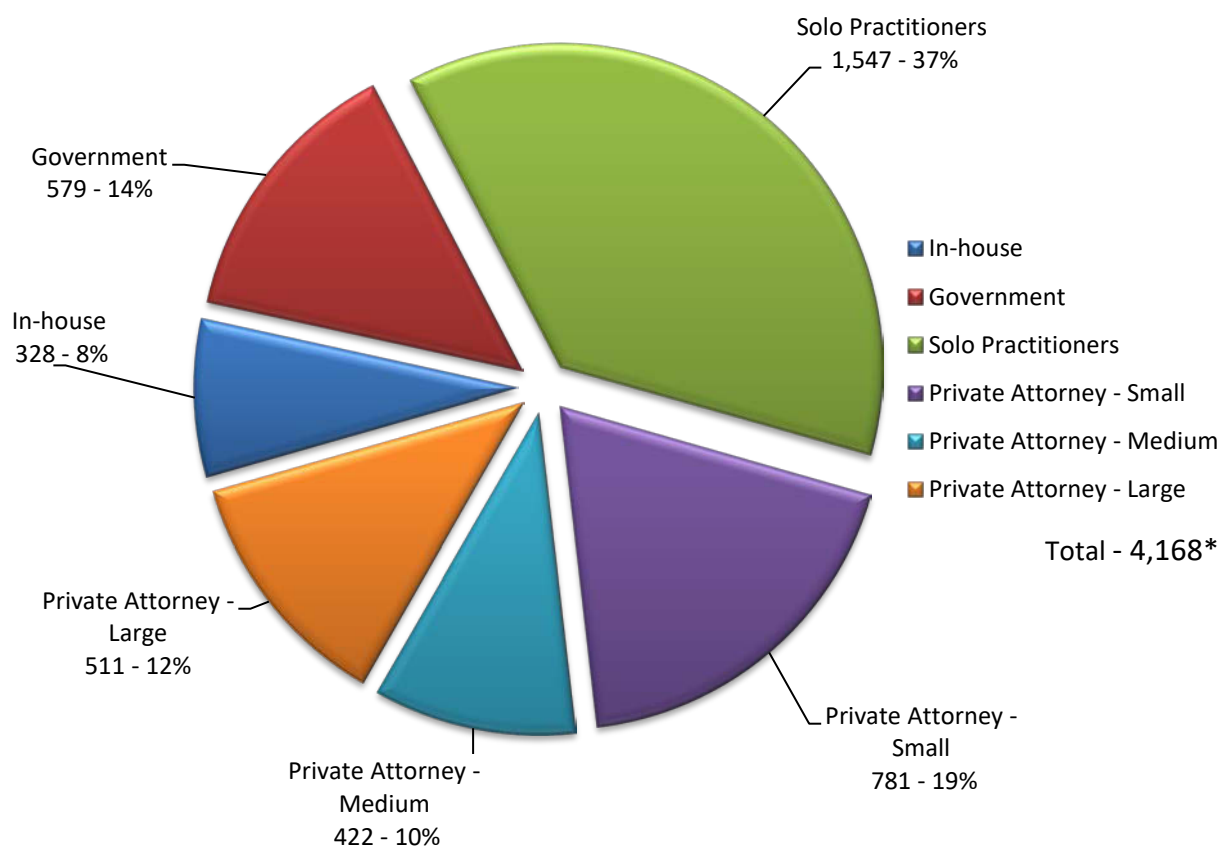
* 5 newly registered attorneys elected not to list a gender on their registration

CHART C-3: ACTIVE ATTORNEYS BY TYPE OF PRACTICE³⁸



³⁸ 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 3,380 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 212 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

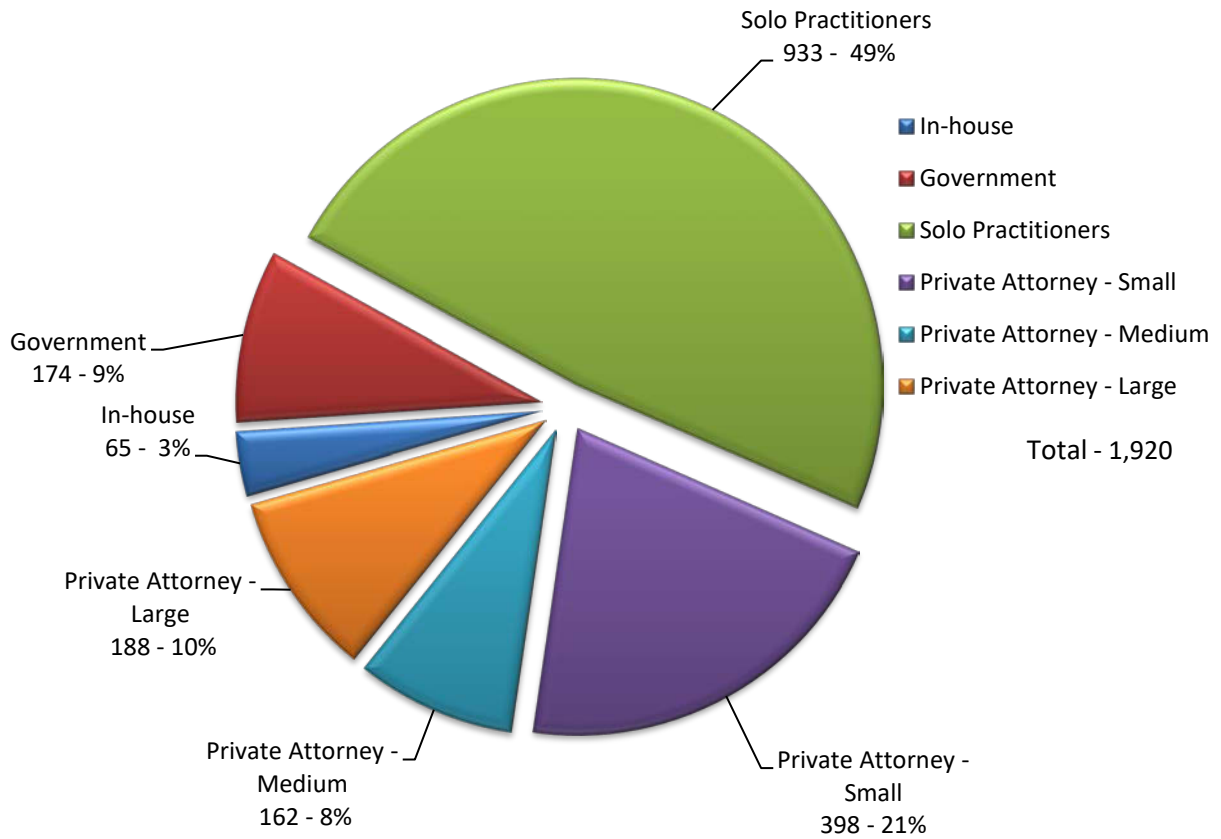


CHART C-6: ACTIVE ATTORNEYS IN GOVERNMENT PRACTICE, BY TYPE

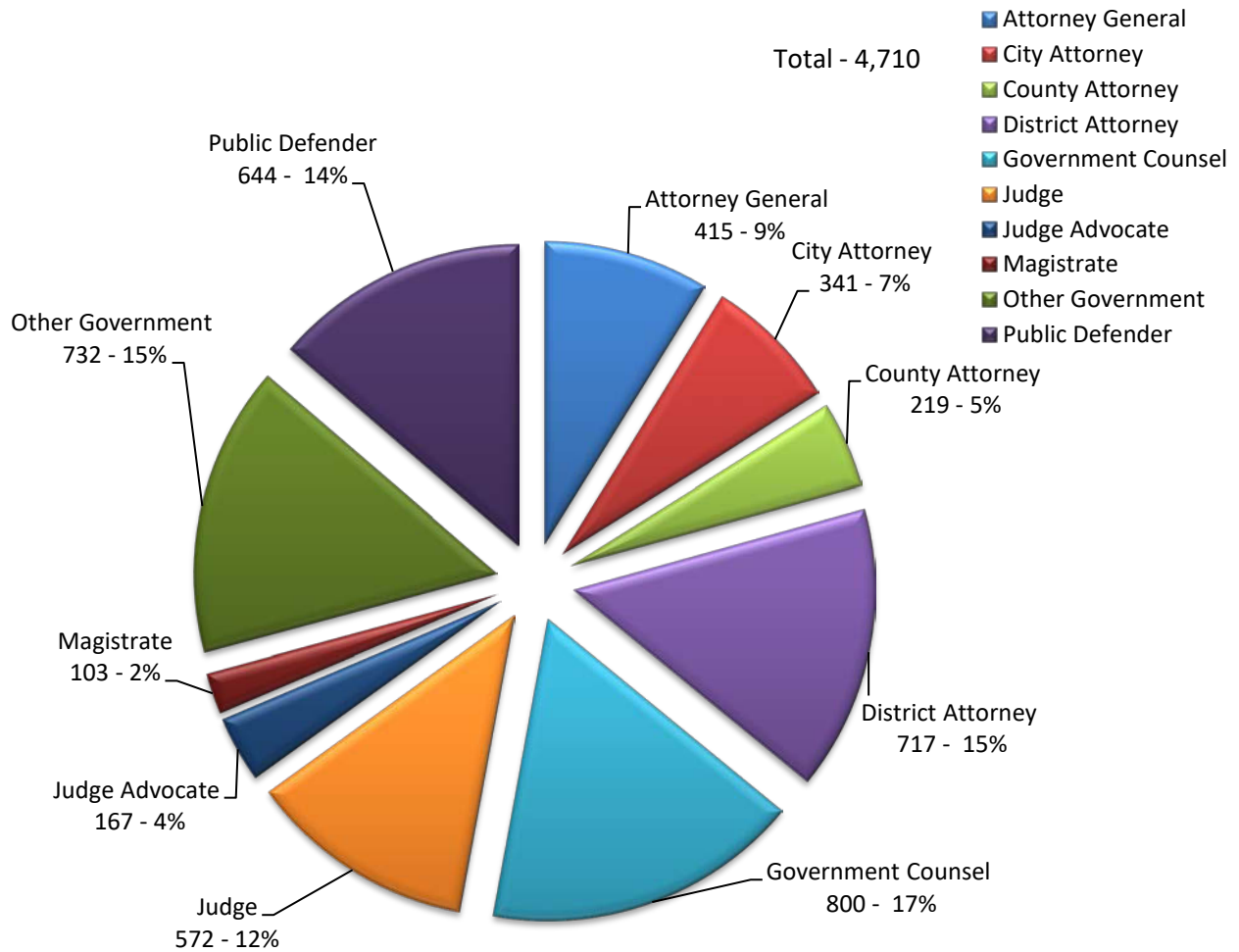
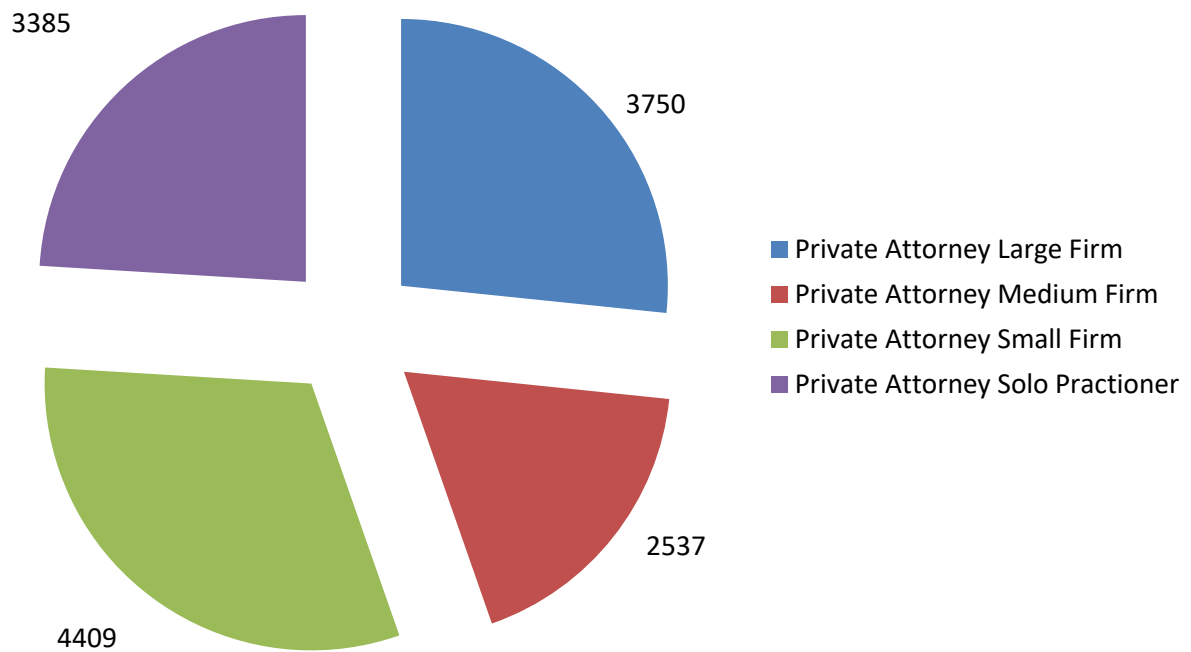


CHART C-7: ACTIVE PRIVATE ATTORNEYS WITH MALPRACTICE INSURANCE IN 2020³⁹



³⁹ 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 IN 2020

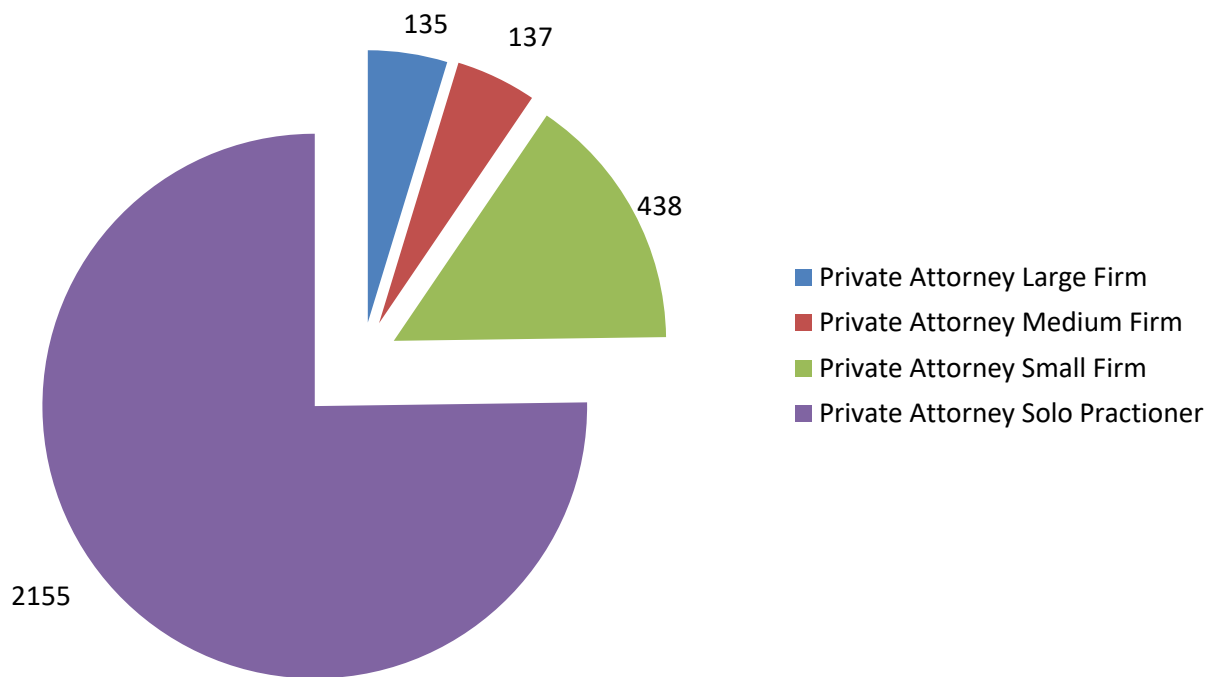


CHART C-9: ACTIVE PRIVATE ATTORNEYS LARGE FIRM WITH/WITHOUT MALPRACTICE INSURANCE IN 2020

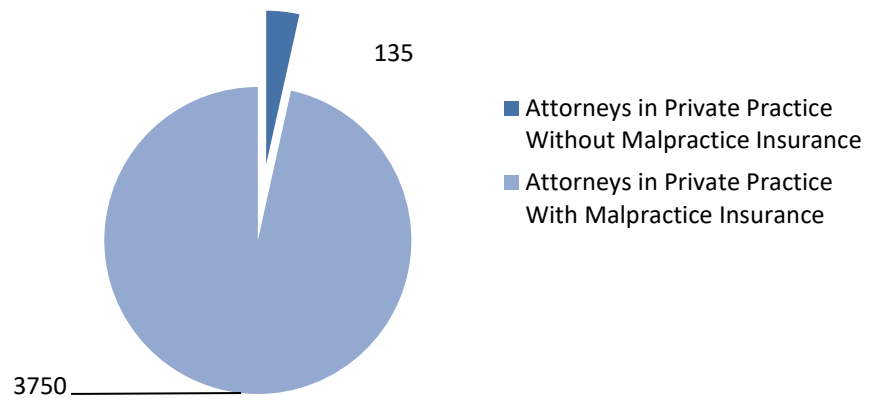


CHART C-10: ACTIVE PRIVATE ATTORNEYS MEDIUM FIRM WITH/WITHOUT MALPRACTICE INSURANCE IN 2020

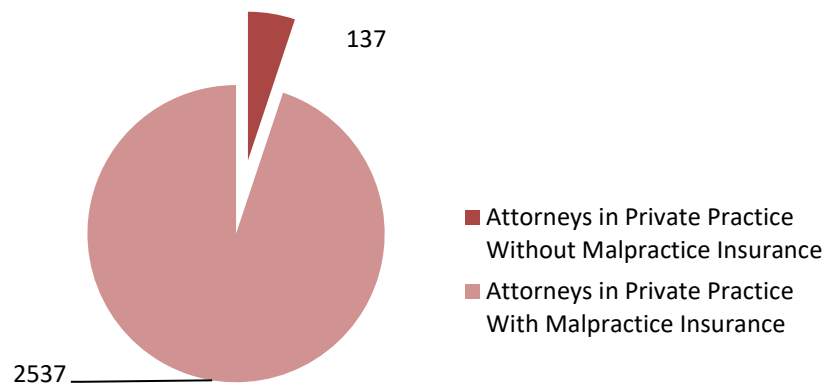


CHART C-11: ACTIVE PRIVATE ATTORNEYS SMALL FIRM WITH/WITHOUT MALPRACTICE INSURANCE IN 2020

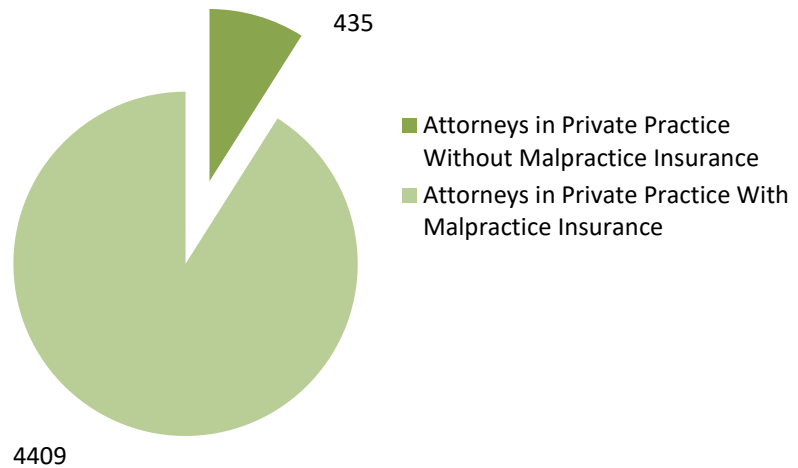
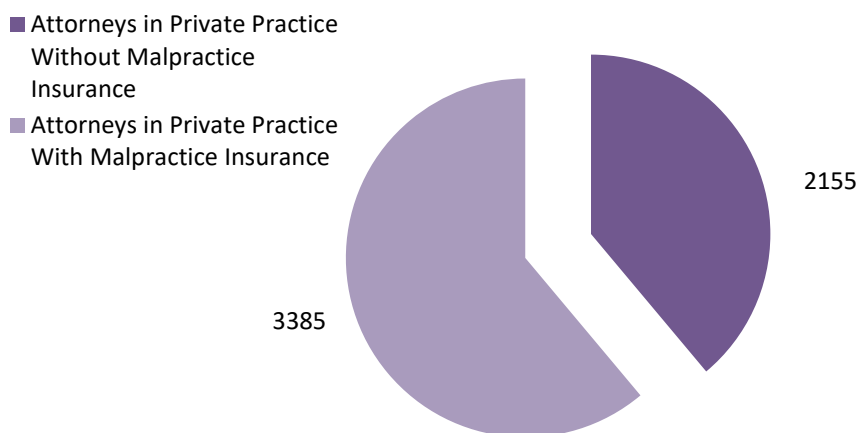


CHART C-12: ACTIVE PRIVATE ATTORNEYS SOLO PRACTITIONER WITH/WITHOUT MALPRACTICE INSURANCE IN 2020



APPENDIX D:

INTAKE AND INVESTIGATION STATISTICS

TABLE 7: Complaints Filed

Year	Complaints Filed	Percent Change From Prior Year
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%)
2014	3,528	(9%)
2013	3,883	(3%)

TABLE 8: Complaint Calls Received

Year	Intake Complaint Calls	Additional Intake Calls	Additional Miscellaneous Calls
2020	3,424	4,395	5,622
2019	3,400	5,177	7,743
2018	3,586	5,017	8,412
2017	3,477	5,455	11,395
2016	3,549	5,746	11,502
2015	3,505	5,859	10,097
2014	3,528	5,263	11,318
2013	3,883	4,641	19,349

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

One of the goals of central intake is to handle complaints as quickly and efficiently as possible. In 1998, prior to central intake, the average time matters spent at the preliminary investigation stage was 13 weeks. In 2020, the average time matters spent at the intake stage was 5.73 weeks.

TABLE 9: Average Processing Time in Intake

Average Time (weeks)	
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 2020, central intake handled 3,424 complaints; 239 of those cases were processed for further investigation. *See* Table 10.

TABLE 10: Number of Cases Processed for Further Investigation

Year	Investigations Initiated	% Change From Prior Year
2020	239	(13%)
2019	276	4.2%
2018	265	4.3%
2017	254	(23%)
2016	331	(4.8%)
2015	348	.5%
2014	346	(5%)
2013	366	(1%)

In conjunction with central intake, cases that are determined to warrant a public censure or less in discipline are eligible for a diversion program. *See* C.R.C.P. 251.13. 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 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 2020 at the central intake stage, 26 matters were resolved by diversion agreements. *See* Table 11. (A representative summary of diversion agreements is published quarterly in *The Colorado Lawyer*.)

TABLE 11: Number of Intake Diversion Agreements

Year	Central Intake Diversion Agreements
2020	26
2019	31
2018	40
2017	42
2016	42
2015	35
2014	45
2013	42

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 language. The dismissals occur both at the intake stage and the investigative stage. In 2020, 137 matters were dismissed with educational language both at the intake stage and the investigative stage. Some of the matters involve *de minimis* violations that would have been eligible for diversion. Some of the dismissals require attendance at Ethics School or Trust Account School. *See* Table 12.

TABLE 12: Intake/Investigation: Dismissals With Educational Language

Year	Intake Stage	Investigative	Total
2020	112	25	137
2019	128	19	157
2018	151	19	170
2017	139	29	168
2016	133	15	148
2015	142	31	173
2014	181	9	190
2013	113	20	133

APPENDIX E:

CENTRAL INTAKE INQUIRIES

Chart E-1: Nature of Complaint

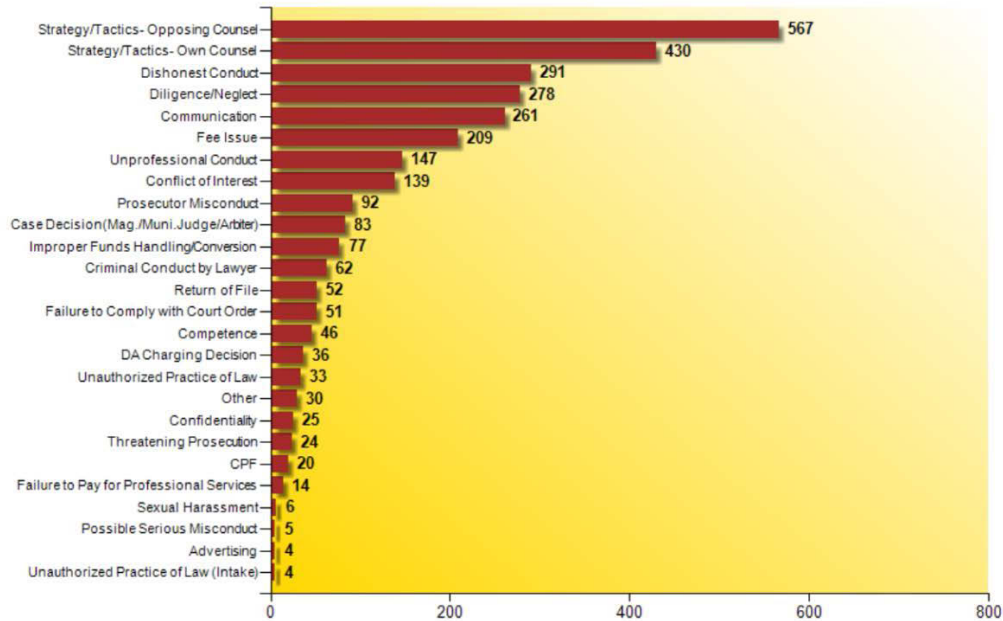
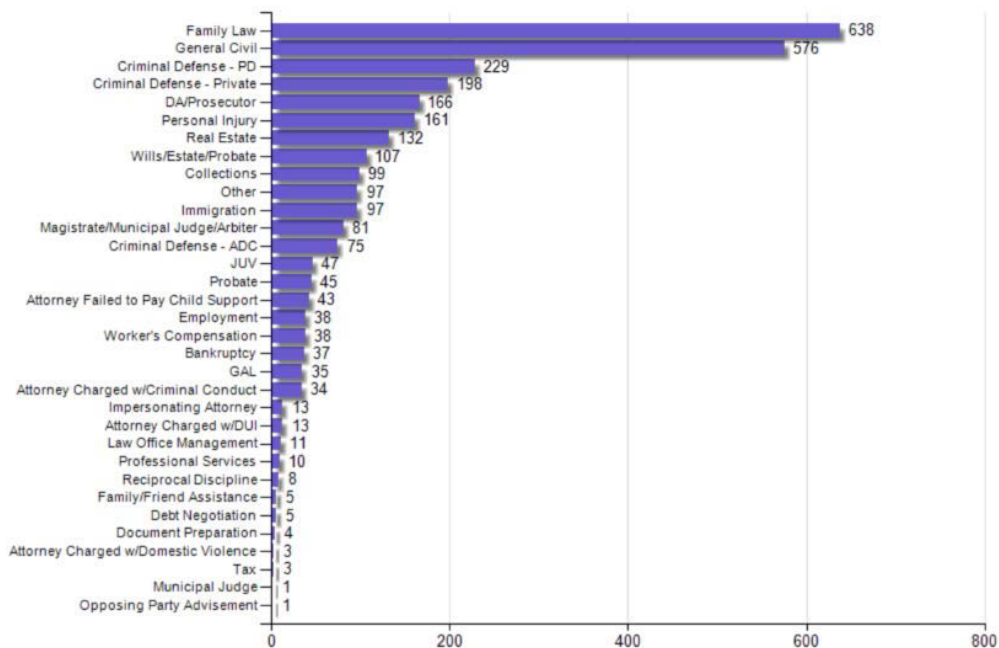


Chart E-2: Complaints by Practice Area



APPENDIX F:

TRIAL DIVISION STATISTICS

Matters docketed for further investigation are assigned to trial counsel within the Office of Attorney Regulation Counsel. 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 13: Investigation Statistics

Year	Investigations Initiated	Dismissed by Regulation Counsel	To Presiding Disciplinary Judge	To Legal Regulation Committee	Directly to Presiding Disciplinary Judge	Placed in Abeyance	Other	Pending
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
2014	346	76	20(24)	143(151)	14(16)	60**	0	250
2013	366	100	16(25)	143(153)	11(14)	27	0	231

*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.

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

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 14: Number of Weeks to Dismissal

Number of Weeks from Case Assigned to Dismissal by Regulation Counsel/LRC	
2020	24.8
2019	27.1
2018	25.9
2017	33.6
2016	34.2
2015	33.3
2014	27.1
2013	26.9

Table 15: Number of Weeks to Other Interim or Final Resolution

Number of Weeks from Case Assigned to Completion of Report/Diversion/Stipulation	
2020	26.7
2019	26.6
2018	29
2017	30
2016	30.4
2015	27.6
2014	24.7
2013	25.7

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 16 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 16: Conditional Admissions at Investigative Stage

Conditional Admissions at Investigative Stage Approved by the Presiding Disciplinary Judge	
2020	22(31)*
2019	12(16)*
2018	14(17)*
2017	20(23)*
2016	12(22)*
2015	11(14)*
2014	20(24)*
2013	16(25)*
2012	17(25)*

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

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 2020 with eleven members, eight attorneys and three 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. 251.12. 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 2020 the Legal Regulation Committee reviewed 140 matters, some of which were asserted against the same respondent-attorney.⁴⁰ The LRC approved 31 diversion 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 15 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.

⁴⁰ 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.

TABLE 17: Dispositions by the Legal Regulation Committee⁴¹

Year	Formal Proceedings	Diversion Matters	Private Admonition	Conditional Admissions	Dismissals	Total Cases Acted Upon By LRC
2020	40(77)	31(47)	15(16)	0	0	86(140)
2019	37(79)	42(57)	8	0	0	87(144)
2018	39(74)	31(47)	6(7)	0	0	76(128)
2017	41(66)	29(37)	15(26)	0	2	87(131)
2016	115	46(56)	9	0	0	170(180)
2015	97	47(54)	9(14)	0	1	154(166)
2014	102	45	4	0	0	151
2013	101	44	8	0	0	153

*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.

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. 251.11; *see* Table 18.

TABLE 18: Requests for Review

Year	Number of Review Requests	Regulation Counsel Sustained	Regulation Counsel Reversed
2020	3	3	0
2019	0	0	0
2018	1	1	0
2017	3	3	0
2016	0	0	0
2015	5	5	0
2014	0	0	0
2013	1	1	0

⁴¹ Some of these cases involved multiple reports of investigation of one attorney.

Formal Complaints

In 2020, 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. 251.12(e). Several matters were consolidated, and including some matters authorized to go formal in 2019, the number of formal complaints filed in 2020 was 23. 6 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 19.

TABLE 19: Formal Proceedings

Year	Formal Complaints Filed	Stipulations Prior to Complaint Filed
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 2019, in the attorney discipline area resulted in 7 disciplinary trials and 1 sanctions hearing. 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 is detailed in the following table.

TABLE 20: Procedural Results of Matters at Trial Stage

Year	Attorney Discipline Trials	Conditional Admissions	Dismissals	Abeance
2020	7	19(52)	0	0
2019	7	15(28)	1	3
2018	5	20(42)	3	3
2017	10	22(51)	2(3)	1(3)
2016	13	22(40)	1(3)	1
2015	12	26(50)	1(3)	1
2014	16	27(46)	1	1
2013	10	17(25)	0	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.

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 21: Average Time – Formal Complaint to Conditional Admission

Year	Average Weeks From Filing of Formal Complaint to Conditional Admission
2020	Presiding Disciplinary Judge 14.3 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
2014	Presiding Disciplinary Judge 26.1 weeks
2013	Presiding Disciplinary Judge 23.0 weeks

TABLE 22: Average Time – Formal Complaint to Trial

Year	Average Weeks From Filing of Formal Complaint to Trial	
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
2014	Presiding Disciplinary Judge	27.6 weeks
2013	Presiding Disciplinary Judge	33.5 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 23: 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
2020	15.2 weeks	53 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
2014	28.8 weeks	42.7 weeks
2013	22.3 weeks	36.4 weeks

APPENDIX G:

APPEALS

In 2020, 5 attorney discipline appeals were filed with the Court.

TABLE 24: Appeals Filed with the Colorado Supreme Court

Year	Appeal Filed With:	Number of Appeals
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
2014	Colorado Supreme Court	5
2013	Colorado Supreme Court	4

TABLE 25: Disposition of Appeals as of December 31, 2020

Year	Appeals Filed	Appeals Dismissed	Appeals Affirmed	Appeals Reversed	Appeals Pending
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
2014	5	1	1	1	3
2013	4	0	4	0	4

APPENDIX H:

FINAL DISPOSITIONS

Final dispositions resulting in public discipline, including discipline stipulated to in conditional admissions, are reflected in Table 26.

TABLE 26: Final Dispositions of Formal Proceedings

Year	Abeyance	Dismissals	Diversions	Public Censures	Suspensions	Probations	Disbarments
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)
2014	0	1	1	1	44(73)	27(40)	9(32)
2013	0	0	0	5	46(61)	25(43)	18(27)

*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.

APPENDIX I:

OTHER ACTIONS

Immediate Suspensions

In 2020, the Office of Attorney Regulation Counsel filed 7 petitions for immediate suspension.⁴² These were based on 3 felony convictions, 1 case involving conversion of client funds, 1 respondent posing an immediate threat to the effective administration of justice, and two failures 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 27.

TABLE 27: Dispositions of Immediate Suspensions

Year	Filed	Suspended	Suspended (Child Support)	Suspended (Failure to Cooperate)	Felony Conviction /Conversion	Reinstated	Withdrawn	Discharged/Denied	Pending
2020	7	6	0	2	4*	0	0	1	0
2019	8	6	0	1	7	0	0	1	1
2018	11	7	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
2014	19	5	0	5	3	0	5	0	1
2013	14	8	1	3	1	0	1	0	0

*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.)

⁴² 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. 251.8. Additionally, under C.R.C.P. 251.8.5, a petition for immediate suspension may be filed if an attorney is in arrears on a child-support order. C.R.C.P. 251.8.6 also authorizes suspension of an attorney for failure to cooperate with Regulation Counsel.

Disability Matters

The Office of Attorney Regulation Counsel filed 9 petitions/stipulations to transfer attorneys to disability inactive status in 2020. 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 28.

TABLE 28: Disposition of Disability Matters

Year	Filed	Disability Inactive Status	Dismissed/ Discharged / Denied	Reinstated	Withdrawn	Pending
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
2014	15	13	2	0	0	1
2013	7	5	2	0	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 1 motion recommending contempt with the Supreme Court in 2020. Contempt proceedings are filed when an attorney practices law while under suspension or disbarment. *See* Table 25.

TABLE 29: Disposition of Contempt Matters

Year	Motions for Contempt	Held in Contempt	Discharged \ Dismissed	Withdrawn	Pending
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
2014	3	3	0	0	1
2013	1	0	0	0	1

(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* C.R.C.P. 251.1(b). In the year 2020, the Office of Attorney Regulation Counsel received 75 complaints against magistrates. *See* Table 30. One matter was pending at the end of the year

TABLE 30: Disposition of Complaints Concerning Magistrates

Year	Complaints	Dismissed	Diversion
2020	75	74	0
2019	56	54	0
2018	58	55	0
2017	53	53	0
2016	54	50	0
2015	46	43	0
2014	45	43	0
2013	43	43	0

Reinstatement and Readmission Matters

In 2020, 1 reinstatement or readmission matter was filed with the Office of Attorney Regulation Counsel. When an attorney has been suspended for at least one year and one day, has been disbarred, or the court's order requires reinstatement, they must seek reinstatement or apply for readmission to the Bar.⁴³

TABLE 31: Disposition of Reinstatement / Readmission Matters

Year	Filed	Readmitted	Reinstated	Dismissed	Withdrawn	Denied	Pending
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
2014	8	0	4	1	0	1	4
2013	6	1	1	0	1	0	3

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

Trust Account Notification Matters

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

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

⁴³ A disbarred attorney may seek readmission eight years after the effective date of the order of disbarment. The individual must retake and pass the Colorado Bar examination and demonstrate fitness to practice law. Any attorney suspended for a period of one year and one day or longer must file a petition for reinstatement with the Presiding Disciplinary Judge. In some matters, reinstatement proceedings are ordered when the suspension is less than one year and one day. *See* C.R.C.P. 251.29.

In 2020, the Office of Attorney Regulation Counsel received 91 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 32:

Year	Total Reports	Bank Errors	Bookkeeping/ Deposit Errors	Checks Cashed Prior To Deposit Clearing/ Improper Endorsement **	Conversion/ Commingling Assigned to Trial Attorney	Diversion	Other ⁴⁴	Pending
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
2014	269	13	60	20	7(14)	8	86	111
2013	247	25(5)*	51(19)*	30(12)*	0	0	141(29)*	33

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

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

⁴⁴ 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 2020, the Office of Attorney Regulation Counsel received 63 complaints regarding the unauthorized practice of law. *See* Table 33. While some complaints did not proceed past the intake division’s review, others were processed to the trial division for investigation.

TABLE 33: Number of UPL Complaints Received

Year	Number of Complaints
2020	63
2019	70
2018	61
2017	71
2016	64
2015	70
2014	73
2013	59

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. 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 2020, the Legal Regulation Committee took action on 13 unauthorized practice of law matters, and 7 complaints were dismissed by Regulation Counsel. *See* Table 34.

TABLE 34: 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)
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
2014	73	35	0	0	14	19
2013	59	20	0	0	3	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. These calls come from lawyers, judges, clients, or non-lawyers who have questions concerning Colorado's multi-jurisdictional practice rule, C.R.C.P. 220, and also from individuals who may be interested in opening, or who have opened, a document-preparation business. Regulation Counsel uses these telephone inquiries as an opportunity to educate the lawyer, client, or non-lawyer-provider on the issues of what constitutes the unauthorized practice of law and possible harm that can result from the unauthorized practice of law. Regulation Counsel discusses the impact of C.R.C.P. 220 (Colorado's multi-jurisdictional rule, C.R.C.P. 221 and C.R.C.P. 221.1 (Colorado's *pro hac vice* rule), and C.R.C.P. 222 (Colorado's single-client certification rule). Regulation Counsel also discusses the fact that non-lawyers owe no duties of competence, diligence, loyalty, or truthfulness, and there may be fewer remedies as there is no system regulating the quality of such services, no client protection funds, and no errors and omissions insurance. Regulation Counsel discusses the potential issues involving types and levels of harm. Regulation Counsel encourages a caller to file a request for investigation if they believe the

unauthorized practice of law has occurred rather than dissuade the caller from filing an unauthorized practice of law request for investigation.

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

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

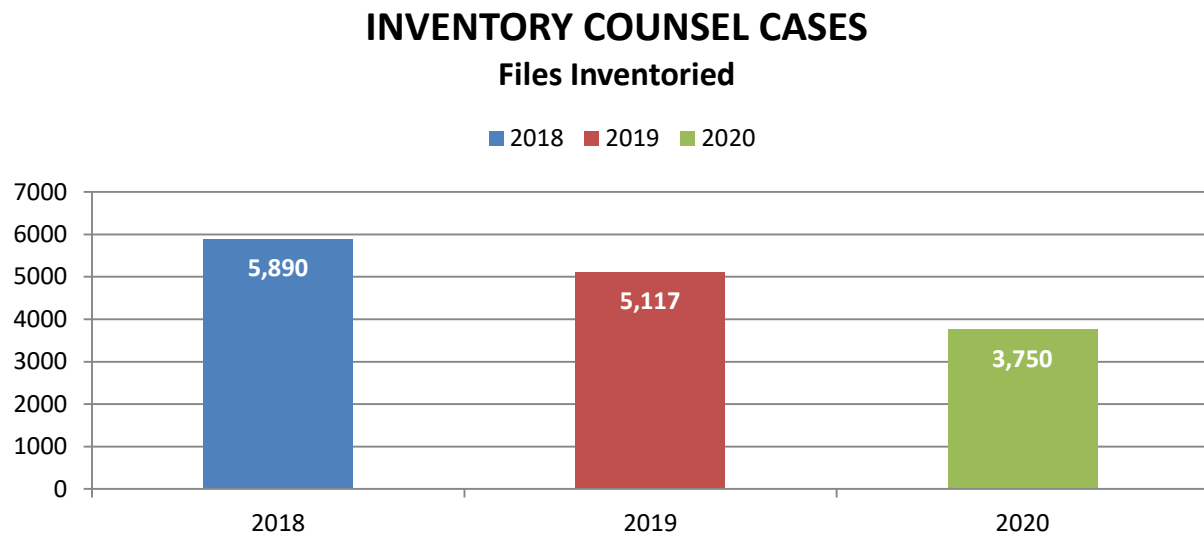


Chart K-2: Inventory Counsel Number of Letters/Calls to Clients

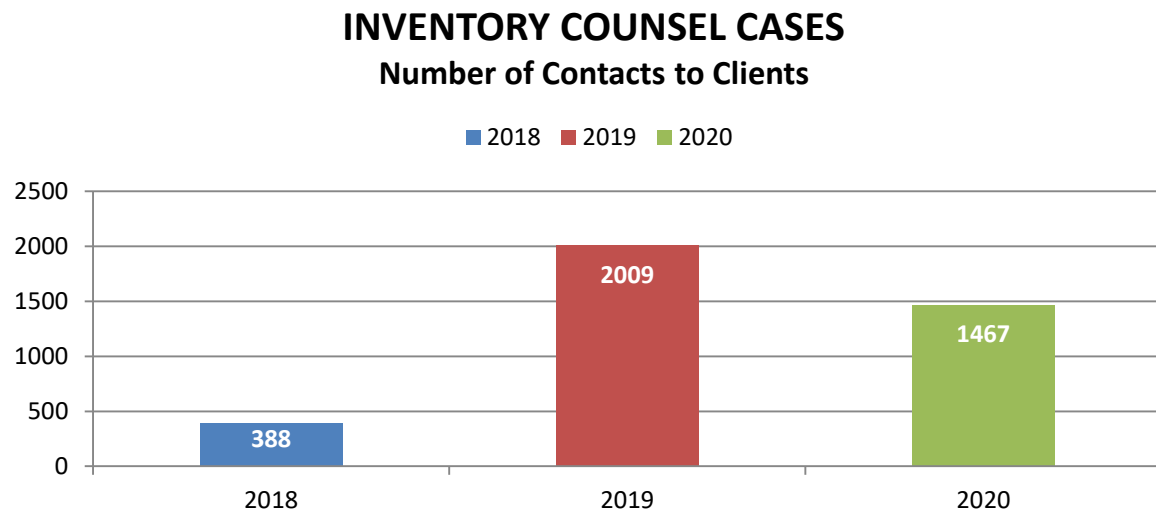


Chart K-3: Petitions to Appoint Inventory Counsel

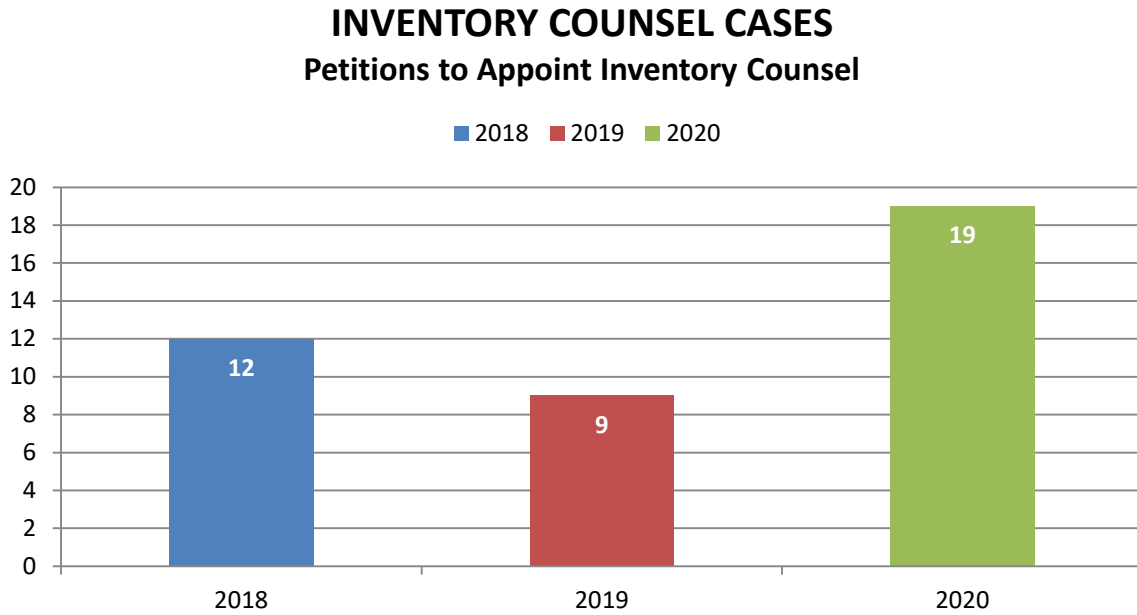
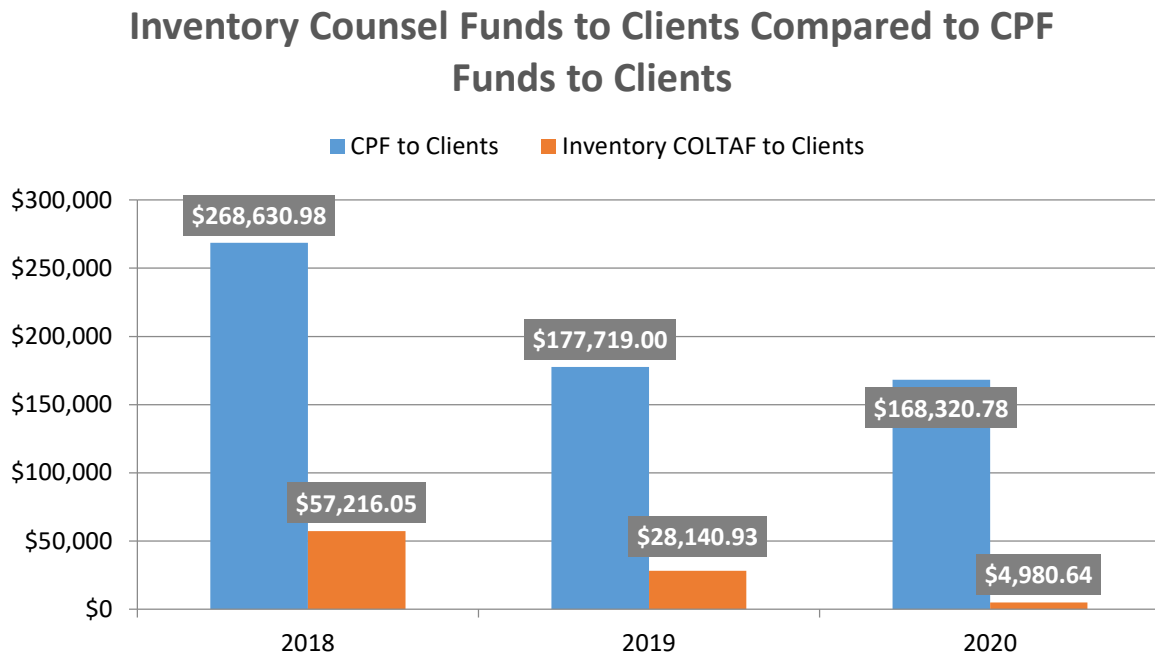


Chart K-4: Inventory Counsel Funds Returned to Clients





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