



**COLORADO SUPREME COURT
ATTORNEY REGULATION ADVISORY COMMITTEE**

**MEETING MINUTES
May 10, 2013, 12:15 – 2:00 p.m.
Large Conference Room
Office of Attorney Regulation Counsel
1300 Broadway, Suite 500
Denver, CO 80203**

Members present: Chair David W. Stark, Daniel Vigil, Rich Nielson, Dick Reeve, David Little, and Alexander (Alec) Rothrock. Brian Zall and Nancy L. Cohen arrived at 12:30.

Members absent: Cheryl Martinez-Gloria, Cynthia F. Covell, Steven Jacobson, and Barbara Miller, each of whom had an excused absence. John Mosby did not attend.

Liaison Justice present: Honorable Nathan (Ben) Coats.

Office of the Presiding Disciplinary Judge: Presiding Disciplinary Judge William Lucero.

Staff present: James C. Coyle, Regulation Counsel; James S. Sudler, Chief Deputy Regulation Counsel; John Baker, Director of Colorado Attorney Mentoring Program; Barb Ezyk, Executive Director of Colorado Lawyer Assistance Program (CoLAP); and Sarah Myers, CoLAP Clinical Case Manager.

1. Introductions

The Chair introduced new committee members David Little, Dick Reeve, and Rich Nielson. The Chair also discussed appointment of Nancy L. Cohen, Brian Zall and Cheryl Martinez-Gloria. The Chair allowed all present to introduce themselves.

2. Approval of minutes of February 22, 2013 meeting

Mr. Vigil moved to approve the minutes from the February 22, 2013 meeting. Mr. Rothrock seconded, and the minutes were so approved.

3. Review, discussion, and vote on new C.R.C.P. 255 – Colorado Attorney Mentoring Program Rule

The Chair introduced Mr. Baker, director of the Colorado Attorney Mentoring Program (“CAMP”). Mr. Baker discussed the nature of mentorship and what he has found mentors and mentees want. Mr. Baker has created a mentoring model for Colorado based on those in Illinois and Ohio. Mr. Baker described the Ohio system, which is run by the state supreme court and includes a “match.com-style” website. Illinois relies on bar associations and other associations around the state to run its mentoring program. Mr. Baker would like Colorado bar associations and other organizations to run their own mentoring programs, under his supervision. The programs would involve CLE credit for the mentors. Mr. Baker would also like to establish a mentoring “resource center” in Colorado.

Mr. Baker introduced Rule 255, initially drafted by Mr. Coyle in November 2012. Mr. Baker explained the first paragraph leaves the definitions of “mentee” and “mentor” intentionally vague, defined as “lawyers new to the practice of law” and “lawyers experienced in the practice of law,” respectively.

Mr. Baker noted 255(5)(o), concerning committees that may assign “other duties” to the CAMP Director, may give him too many bosses. Mr. Coyle suggested changing the rule to include only the Supreme Court and the Advisory Committee. The Chair agreed.

Mr. Little asked whether the “short-term” mentoring course was like the “hang your shingle” CLE program. Mr. Baker said the curriculum would be similar to the CLE but would last about six months, and mentees would probably attend that CLE. Mr. Little and Mr. Baker agreed there should be coordination between the two programs. Mr. Coyle noted that transitioning lawyers may now get an email about the “hanging your shingle” CLE based on changing their information with Attorney Registration.

Judge Lucero asked whether there was an ethics component to the mentoring program and noted the Presiding Disciplinary Judge sees a lot of trust account cases. Mr. Baker responded that ethics is at the core of the program.

Mr. Baker suggested moving the word “assist” from after the colon to before the colon in Rule 255(1).

Daniel Vigil moved to recommend the above changes to Rule 255(1) and (5)(o) to the Court. Judge Lucero seconded the motion. The motion passed unanimously.

4. Colorado Lawyer Assistance Program report

The Chair introduced Barbara Ezyk. Ms. Ezyk said the program is going well and she is “swamped.” She reported the law schools are welcoming the program. She thanked the Committee for its support and introduced new clinician Sarah Myers.

Ms. Myers described her background in education and counseling. She is also completing her first year at DU law school.

Ms. Ezyk explained the general services she provides to lawyers, law students, and bar applicants.

A question was asked about services to first-year law students. Ms. Ezyk talks to students at orientation at DU and is hoping to do the same at CU. She has tables at orientation at both schools. Ms. Ezyk believes students should hear from COLAP three times: at orientation, during school, and before the bar application.

After Mr. Coyle questioned whether University of Wyoming law students should be included in COLAP orientation, Ms. Ezyk stated she plans to talk to incoming University of Wyoming law students. The Chair and Mr. Coyle referred her to an upcoming September 21 “For This We Stand” joint orientation program with Colorado law schools.

Judge Lucero asked if there is an ethics component to COLAP programs. Ms. Ezyk would like to see 2 of the required 7 ethics CLE credits be in mental health and substance abuse.

Mr. Vigil reported DU is extremely pleased to be working with Ms. Ezyk.

5. Office of Attorney Regulation Counsel report

The Chair introduced Mr. Coyle. Mr. Coyle reviewed the statistics from Attorney Registration. There are 36,500 licensed Colorado attorneys.

A discussion ensued about the number of aging lawyers. Mr. Coyle said NOBC has created guidelines for a permanent retirement rule (retirement in lieu of discipline for aging lawyers). Mr. Coyle and Ms. Ezyk are considering how OARC and COLAP can work together to address the aging lawyer issue.

Mr. Coyle reviewed statistics on administrative suspensions for failure to register. The office is making a bigger effort to notify lawyers of the registration requirements by email. This improves relations between the office and Colorado lawyers. Mr. Vigil asked why lawyers were not paying registration fees. Mr. Coyle said many are simply overlooked, but there is an increasing number of financial hardship cases. Mr. Coyle’s inbox is “filled” with waiver requests for financial hardship or medical situations.

In response to Mr. Rothrock’s question, Mr. Coyle explained the difficulty of prosecuting unauthorized practice of law cases against administratively suspended lawyers because the lawyer must have had notice of the suspension. This will be easier with better tracking of emails in the future.

Mr. Coyle explained that Mr. Little has appointed a subcommittee to conduct a comprehensive review of the CLE rules. The rules have not been revised for some time of certain arcane

language. The rules can hopefully be designed to improve the practice of law by, for example, requiring certain specific courses for lawyers in years 6-15, where most discipline occurs.

There is a new web-based bar application management system, with online payments. There will be “dashboards” for communication, rather than mail. There will eventually be online exam grading as well.

The office has instituted holistic grading and the Uniform Bar Examination (“UBE”). Holistic grading assigns a score of 1-6 to an answer based on a global impression of the answer’s quality. Thirteen jurisdictions now participate in the UBE compact. Mr. Nielson explained that graders are now “locked away” in a grading seminar, communicating with each other to make sure they are grading the same way and staying calibrated.

Mr. Coyle explained that there has been a significant drop in applications to the Colorado bar examination for July 2013. The deadline for mailing was May 1. Discussion ensued as to why this might be. Mr. Coyle expressed hope that mail issues associated with the office move and off-site mail processing for all Carr office tower tenants may have had an effect on the number of applications received to date, rather than a significant drop in the number of applications that may eventually be received for such bar examination.

The office is developing a new website to increase user-friendliness, update technology, and be more informative. It may include streaming trust account and ethics schools.

Mr. Coyle is co-chairing an ABA UPL school in Denver on August 16-17, 2013.

Mr. Coyle thanked Ms. Ezyk and Mr. Baker for their assistance to the office. Mr. Coyle thanked Ms. Ezyk for her help counseling those close to a Colorado lawyer who was murdered recently.

6. Report on medical and recreational marijuana issues discussed at Standing Committee on the Rules of Professional Conduct

The Chair introduced Mr. Sudler. Mr. Sudler explained that the Standing Rules Committee is considering changes to the rules of professional conduct as they relate to marijuana use. Mr. Rothrock explained that the committee is considering whether to amend the rules to authorize acts that are authorized by the Colorado constitution but illegal under federal law. Discussion ensued about the propriety of the rule change, and whether the issue is better addressed by an OARC policy or otherwise.

Mr. Sudler noted that OARC is working on a complete revision of Colo. RPC 1.15. It will be a revision of organization, not substance.

7. Congratulations to Chief Justice on building dedication ceremony

The Chair congratulated the Court and the Chief Justice on the dedication and Justice Sotomayor’s appearance. Justice Coats said he would pass the message to Chief Justice Bender.

8. Preview of draft Rules Governing Admissions to the Practice of Law – Table of Contents, C.R.C.P. 202-203, 208-212, 251.3, 251.16, 251.34, and 251.35

Mr. Coyle distributed copies of the draft rules and requested comment by Friday, May 17.

9. Next meeting

Mr. Rothrock asked that meetings be held at 9:00 a.m. in the future because the meetings are outgrowing the length of the lunch hour.

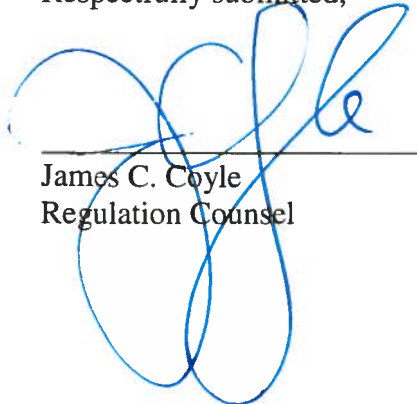
A meeting was scheduled for June 14, 2013 at 11:30 a.m. The meeting will be limited to discussion and voting on the proposed draft admission rules, Rules 202-203 and 208-212, along with 251.3, 251.16, 251.34, and 251.35. Ms. Ezyk will be unable to attend.

10. Adjournment

The Chair asked for a motion to adjourn. Mr. Rothrock moved, and Mr. Vigil seconded, that the meeting be adjourned.

Meeting adjourned at 2:00 p.m.

Respectfully submitted,



James C. Coyle
Regulation Counsel