

2019

ANNUAL REPORT



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



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

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

— Colorado Rule of Civil Procedure 251.1(a)

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"I do solemnly swear (or affirm) that:

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

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

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

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

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

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

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

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

WHO WE ARE: UNDERSTANDING COLORADO LAWYERS

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

For the second 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.

What We Can Learn About Diversity

In last year's annual report, we focused on trends in gender retention in the active practice of law. Even though law schools have been graduating classes at roughly a 50/50 female-to-male rate for approximately two decades, OARC data show that women do not stay in the active practice of law at the same rate, and instead many leave active practice in their 30s and later. They are further under-represented in private and in-house practice. These trends, along with other relevant research, were documented in a *Colorado Lawyer* article published April 2020, co-authored by Maya Kane and Jessica E. Yates. This year's gender data are summarized in Appendix C.

Last year we also reported that other diverse groups, including practitioners identifying as Hispanic, Latino or of Spanish origin as well as those identifying as Black or African American, also are under-represented in active practice compared to population-wide demographics. Those data for this year are summarized in Appendix A.

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.

This year we have attempted to glean some additional information about practitioners responding to the voluntary survey, which is not as statistically reliable as mandatory registration reporting data:

Younger Colorado attorneys appear more likely to identify as being diverse.¹

In our voluntary survey, attorneys could select more than one racial and/or ethnic background. We also asked attorneys to identify their age bracket. Attorneys in their 20s were more likely to identify as Hispanic, Latino or of Spanish origin than attorneys in other age brackets, and likewise gave slightly more other racially diverse responses than most other age brackets.

	American Indian/ AK native	Asian/ Asian American	Black/ African American	Hispanic/ Latino/ Spanish Orig.	Middle Eastern/ North African	Native Hawaiian/ Pacific Isl.	White/ Caucasian
< 29	1.8%	4.8%	3.6%	11.8%	2.2%	.2%	87%
30-39	1.6%	4.4%	2.7%	7.9%	1.0%	.2%	87%
40-49	2.0%	3.6%	3.8%	6.9%	.9%	.3%	85%
50-59	1.1%	2.1%	2.2%	5.1%	.5%	.1%	87%
60-69	1.1%	1.1%	1.9%	4.6%	.3%	.2%	87%
> 70	1.6%	.3%	1.0%	1.9%	.3%	.1%	91%

Comparatively, the State of Colorado's Department of Local Affairs estimates racial and ethnic general population percentages as follows:

CO Race:

American Indian	Asian/ Pacific Islander	Black	White
1.9%	4.1%	5.3%	89%

CO Ethnicity:

Hispanic Origin	Not of Hispanic Origin
22%	78%

Attorneys in their 20s also were more likely to answer with a sexual orientation other than heterosexual, and appeared to be more comfortable answering that type of question in a demographic survey.

	Heterosexual	Lesbian	Gay	Bisexual	Other	Chose not to answer
< 29	81%	2.0%	2.4%	8.6%	1.8%	2.8%
30-39	87%	1.2%	2.5%	4.2%	.6%	3.2%
40-49	88%	1.4%	2.2%	2.6%	.5%	4.9%
50-59	86%	1.9%	2.0%	1.7%	.1%	6.9%
60-69	86%	1.1%	1.8%	2.0%	.1%	8.2%
> 70	88%	1.0%	.6%	3.4%	.4%	5.2%

¹ The demographic survey also asked about veteran status, gender identity, licensure status, geographic area, age, and years of practice. More details regarding the results of the demographic survey can be found in Appendix A.

What We Can Understand About Attorneys Who Need Succession Plans

OARC’s mandatory registration process also collects data about the type of practice for active attorneys. Through this process, we know that 5,588 —or 23%—of active attorneys state that they are solo practitioners. These numbers are provided in Appendix C.

Age Range	Female Active	Male Active
29 or younger	15	18
30-39	276	382
40-49	436	604
50-59	478	861
60-69	441	1144
70-79	95	742
80-89	4	85
90 or older	1	6
Totals	1746	3842

Because solo practitioners are not practicing in a firm environment, they are encouraged to develop a “succession plan” that would designate another attorney to help wind-down (or take over) a practice if a solo practitioner unexpectedly dies or is unable to continue practicing. While OARC may be appointed inventory counsel in such situations, OARC’s role is limited to distributing client funds and files and destroying other confidential information. In a succession plan, a successor attorney may have much broader reign to represent clients or help them transition to other counsel. Accordingly, succession plans are strongly recommended for solo practitioners. OARC’s website has resources to help practitioners develop such plans.

Although overall solo practitioners are 23% of our active attorney population, they are a significantly higher percentage of our older active attorneys:

- 37% of active attorneys ages 60-69 are solo practitioners
- 48% of active attorneys ages 70-79 are solo practitioners

Appendix C has charts of practice areas in these age brackets.

While any solo practitioner could face an unexpected practice interruption or end of practice, some sort of planning is particularly important as attorneys get older. Successful planning can help ensure an attorney’s clients are protected and reduce burdens on an attorney’s family members.

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. Coats, and Justice Brian D. Boatright.**

Photo courtesy of the Colorado Judicial Branch.

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. Bryant

Nancy L. Cohen

Cynthia F. Covell

Mac V. Danford²

The Honorable Andrew P. McCallin

Barbara A. Miller

Richard A. Nielson³

Henry R. Reeve

Alexander R. Rothrock

Sunita Sharma⁴

Daniel A. Vigil

Brian Zall

Justice William W. Hood, III (Liaison)

Justice Monica M. Márquez (Liaison)

² Resigned 1/13/2020

³ Resigned 4/15/2019

⁴ Appointed 4/15/2019

OFFICE OF ATTORNEY REGULATION COUNSEL

Attorney Regulation Counsel serves at the pleasure of the Colorado Supreme Court. The Office of Attorney Regulation Counsel (OARC) works with seven other permanent Supreme Court committees in regulating the practice of law in Colorado. Attorney Regulation Counsel oversees attorney admissions, registration, mandatory continuing legal and judicial education, diversion and discipline, inventory matters, regulation of unauthorized practice of law, and administrative support for the Client Protection Fund.



From left: **April McMurrey, Deputy Regulation Counsel, Intake Division; Gregory Sapakoff, Deputy Regulation Counsel, Trial Division; Jessica 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. Prior to her appointment by the Colorado Supreme Court, Ms. Yates was in private practice as a partner at Snell & Wilmer LLP, focusing on appeals and litigation. She clerked for the Honorable David M. Ebel of the U.S. Court of Appeals for the Tenth Circuit. She earned her J.D. from the University of Virginia School of Law in 2006.

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

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

Executive Assistant

Kim Pask

Margaret B. Funk

Chief Deputy Regulation Counsel

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

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

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

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

Gregory G. Sapakoff*Deputy Regulation Counsel, Trial Division*

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

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

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

Dawn M. McKnight

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

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

Ms. McKnight is a member of the National Organization of Bar Counsel; the Denver, Colorado and American Bar Associations; the Colorado Women's Bar Association; the National Conference of Bar Examiners/Council of Bar Admission Administrators; and, the National Continuing Legal Education Regulators Association. She is also a Fellow of the Colorado Bar Foundation and a Circle of Minerva member of the Women's Bar Foundation. She is the current Chair of the Board of Directors of Options Credit Union. Ms. McKnight currently participates in the Colorado Supreme Court's Task Force on Lawyer Well-Being.

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

Intake Division

Assistant Regulation Counsel

Jill Perry Fernandez
Lisa E. Pearce
Matt Ratterman

Catherine Shea
Rhonda White-Mitchell
E. James Wilder

Intake Division Investigators

Rosemary Gosda

Carla McCoy

Intake Assistants

Anita Juarez
Robin Lehmann

Margarita Lopez

From a complaining witness to the Intake Division:

“I hope that I will never have to contact your office again, but if I do, I know that I will receive well-informed, attentive, and gracious public service there. Thank you again for your high quality assistance.”

Trial Division

Assistant Regulation Counsel

Jane B. Cox
Erin Robson Kristofco
Bryon M. Large
Michelle 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
Rebecca Glenn
Valencia Hill-Wilson

Rachel Ingle
Sarah Walsh

From a complaining witness to the Trial Division:

“THANK YOU for helping us. You have restored our trust in the legal system....we will never forget what you have done for us.”

Professional Development/Inventory Counsel

Jonathan P. White

From a widow of a deceased attorney:

Inventory Counsel Coordinators

Susie Lang,
*Inventory Counsel
Coordinator*

Danielle Trujillo,
*Assistant
Inventory Counsel
Coordinator*

“I can’t begin to express my deep appreciation for the work the [inventory counsel] team has done on behalf of my husband’s clients. The service your office offers...has been life saving for me.”

Case Monitor

Nicolette (Nicole) Chavez

Attorney Admissions

Sue Gleeson,
*Interim Exam
Administrator*

JoAnne Dionese,
*Assistant Exam
Administrator*

From an applicant getting his clearance letter:

“You really have been amazing through this process, thank you for all the hard work you do!”

Character & Fitness Investigators

Jessica Crawley
Matthew McIntyre

Jessica Faricy, *Staff
Assistant*

Licensure Analysts

Melyssa Boyce
Gloria Lucero
Lauren Paez

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

Attorney Registration and Continuing Legal and Judicial Education

Jaqueline Patterson, *Clerk of Attorney Registration and Director of Continuing Legal and Judicial Education*

Deputy Clerks

Jasmin Castillo
Jessica DePari

Sherry Fair
Alice Lucero

“Thanks for alerting me that you needed more information...You’re the best!”

- CLE Sponsor submitting request for ethics CLE credit

“I was very excited to receive my Notice of Accreditation and wanted to thank you for assisting me with that process...”

- CLE Sponsor seeking accreditation

Operations

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

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

WHO WE ARE: PERMANENT COMMITTEES

Attorney Regulation Committee⁵

The Attorney Regulation Committee is composed of nine volunteer members: six attorneys and three public members. The Committee, known as ARC, is the gatekeeper for all official disciplinary proceedings against respondent-attorneys. It considers reports prepared by Office of Attorney Regulation Counsel attorneys and determines whether reasonable cause exists to seek discipline. The Committee also considers, and enters into, investigation-level diversion agreements.

Steven K. Jacobson, *Chair*

Mac V. Danford, former *Vice-Chair*⁶

Alison Zinn, *Vice-Chair*⁷

Diana David Brown

Elsa Djab Burchinow⁸

Hetal J. Doshi

David M. Johnson

Martha Kent

Charles Shuman, M.D.

Luis M. Terrazas

⁵ The Attorney Regulation Committee will become the Legal Regulation Committee effective July 1, 2020.

⁶ Resigned 1/13/2020

⁷ Appointed Vice-Chair 3/26/2020

⁸ Appointed 3/26/2020

Board of Law Examiners

Law Committee

The Law Committee is composed of 11 volunteer attorney members. It reviews and approves the standards that must be met to pass the written examination and participates in the calibration of graders after each administration of the bar exam.

Sunita Sharma, *Chair*

Anna N. Martinez, *Vice-Chair*

John Greer

Heather K. Kelly

Michael A. Kirtland⁹

Vincent Morscher

Melinda S. Moses

Julia Havens-Murrow¹⁰

Charles Norton

David D. Powell, Jr. ¹¹

The Honorable Barry Schwartz

The Honorable Holly Strablizky

Justice William W. Hood, III (Liaison)

Justice Monica Márquez (Liaison)

⁹ Appointed 1/1/2020

¹⁰ Appointed 1/1/2020

¹¹ Term expired 12/31/2019

Board of Law Examiners

Character and Fitness Committee

The Character and Fitness Committee is composed of at least 17 volunteer members, with at least 12 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*

Lorraine E. Parker, former *Vice-Chair*¹²

Porya Mansorian, *Vice-Chair*¹³

Robert L. Atwell, Ph.D.¹⁴

David Beller

Philip A. Cherner¹⁵

The Honorable Tammy M. Eret¹⁶

The Honorable Terry Fox¹⁷

Doris C. Gundersen, M.D.

Melinda M. Harper¹⁸

Franz Hardy¹⁹

Velveta Golightly-Howell²⁰

John A. Jostad²¹

Barbara Kelley²²

Carolyn D. Love, Ph.D.

Kelly A. McKown²³

Linda Midcap

Kimberly Nordstrom, M.D.

Henry R. Reeve²⁴

Corelle M. Spettigue

Craig A. Stoner²⁵

Elizabeth Strobel²⁶

Sandra M. Thebaud, Ph.D.²⁷

Gwyneth Whalen ²⁸

Justice William W. Hood, III (Liaison)

Justice Monica Márquez (Liaison)

¹² Resigned 5/31/2019

¹³ Appointed Vice-Chair 6/1/2019

¹⁴ Appointed 5/24/2019

¹⁵ Appointed 1/1/2020

¹⁶ Appointed 5/24/2019

¹⁷ Appointed 5/24/2019

¹⁸ Appointed 1/1/2020

¹⁹ Resigned 12/31/2019

²⁰ Appointed 1/1/2020

²¹ Appointed 1/1/2020

²² Appointed 5/24/2019

²³ Appointed 1/1/2020

²⁴ Term expired 12/31/2019

²⁵ Appointed 1/1/2020

²⁶ Appointed 1/1/2020

²⁷ Appointed 5/24/2019

²⁸ Appointed 5/24/2019

Continuing Legal and Judicial Education Committee

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

The Honorable Andrew P. McCallin,
Chair

Nathifa M. Miller, *Vice-Chair*

Karen Hester

Amanda Hopkins

Genet Johnson

Maha Kamal

Martha Rubi-Byers

Rachel B. Sheikh

Sam D. Starritt

Justice William W. Hood, III (Liaison)

Justice Monica Márquez (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*

John Bunting²⁹

Susan J. Coykendall, Ph.D.

Lisa M. Dailey

Katayoun A. Donnelly

Allison L. Gambill

Melinda M. Harper³⁰

Unauthorized Practice of Law Committee³¹

The Unauthorized Practice of Law Committee is composed of nine members: six attorneys and three non-attorneys. The Committee has jurisdiction over allegations involving the unauthorized practice of law.

Elizabeth A. Bryant, *Chair*

Judy L. Graff, *Vice-Chair*

Elsa Djab Burchinow

Samantha Pryor

Patsy Leon

Anthony J. Perea

John K. Priddy

Charles Spence

²⁹ Appointed 1/1/2020

³⁰ Term expired 12/31/2019

³¹ The Unauthorized Practice of Law Committee will be merged into the new Legal Regulation Committee effective July 1, 2020.

WHO WE ARE: OUR IMPORTANT PARTNERS

Colorado Lawyer Assistance Program (COLAP)

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

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

Sarah Myers, *Executive Director*

Amy Kingery, *Outreach & Volunteer
Manager³²*

Colorado Attorney Mentoring Program (CAMP)

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

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

J. Ryann Peyton, *Executive Director*

³² Hired as Outreach & Volunteer Manager 8/19/2019

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, met five times in 2019 after beginning its work in September 2018. Throughout 2019, the Task Force continued to evaluate ways to improve the well-being of members of the Colorado legal community including judges, lawyers, and law students.

The Task Force heard from Colorado-based physicians, researchers, and a public health expert at its meetings in 2019 to help inform development of discrete recommendations.

Five individual working groups of the Task Force concentrated on specific issues or areas of interest. Those working groups include (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. The recommendations of these working groups will be presented to the Colorado legal community in 2020 with the release of the Task Force's final report.

One recommendation formulated by the Business Case for Lawyer Well-Being working group is to establish a recognition program for legal employers that take steps to enhance the well-being of lawyers and staff. As a result, the Colorado Supreme Court Lawyer Well-Being Recognition Pilot Program will begin meeting in 2020. A theme that Task Force members have found compelling is the idea that well-being matters to each person in the legal profession in order to maximize one's performance as a lawyer, judge, or law student. More information on the Task Force may be found at www.coloradosupremecourt.com by clicking on the link in the box on the right side of the screen.

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

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

WHY WE REGULATE

The Colorado Supreme Court's regulatory offices and proactive programs strive to protect and promote the public's interest. To frame the objectives of this goal, in April of 2016 the Colorado Supreme Court adopted a preamble to the regulatory rules involving the practice of law:

The Colorado Supreme Court has exclusive jurisdiction to regulate the practice of law in Colorado. The Court appoints an Advisory Committee, Attorney Regulation Counsel, the Presiding Disciplinary Judge, the Executive Director of the Colorado Lawyer Assistance Program (COLAP), and the Director of the Colorado Attorney Mentoring Program (CAMP) to assist the Court. The Court also appoints numerous volunteer citizens to permanent regulatory committees and boards to assist in regulating the practice of law.

The legal profession serves clients, courts and the public, and has special responsibilities for the quality of justice administered in our legal system. The Court has established essential eligibility requirements, rules of professional conduct and other rules for the legal profession. Legal service providers must be regulated in the public interest. In regulating the practice of law in Colorado in the public interest, the Court's objectives include:

1. Increasing public understanding of and confidence in the rule of law, the administration of justice and each individual's legal rights and duties;
2. Ensuring compliance with essential eligibility requirements, rules of professional conduct and other rules in a manner that is fair, efficient, effective, targeted and proportionate;
3. Enhancing client protection and promoting consumer confidence through the Office of Attorney Regulation Counsel, the Attorneys Fund for Client Protection, inventory counsel services, the regulation of non-lawyers engaged in providing legal services, and other proactive programs;
4. Assisting providers of legal services in maintaining professional competence and professionalism through continuing legal education; Attorney Regulation Counsel professionalism, ethics and trust account schools and other proactive programs;
5. Helping lawyers throughout the stages of their careers successfully navigate the practice of law and thus better serve their clients, through COLAP, CAMP and other proactive programs;
6. Promoting access to justice and consumer choice in the availability and affordability of competent legal services;
7. Safeguarding the rule of law and ensuring judicial and legal service providers' independence sufficient to allow for a robust system of justice;
8. Promoting diversity, inclusion, equality and freedom from discrimination in the delivery of legal services and the administration of justice; and
9. Protecting confidential client information.

WHAT WE DO: ATTORNEY ADMISSIONS

Attorney Admissions is the first stop within the regulatory system for individuals wanting to practice law in Colorado. Attorney Regulation Counsel is charged with administering the bar exam and conducting character and fitness reviews of exam, On Motion, and Uniform Bar Exam (UBE) score transfer applicants. By addressing concerns with applicants before they become practicing attorneys, the character and fitness process takes a proactive role in protecting the public.

The Office works with the Colorado Supreme Court's Board of Law Examiners, whose volunteer members provide advice and direction on the execution of the Office's duties. The Board consists of two committees – the Law Committee and the Character and Fitness Committee.

Bar Exam

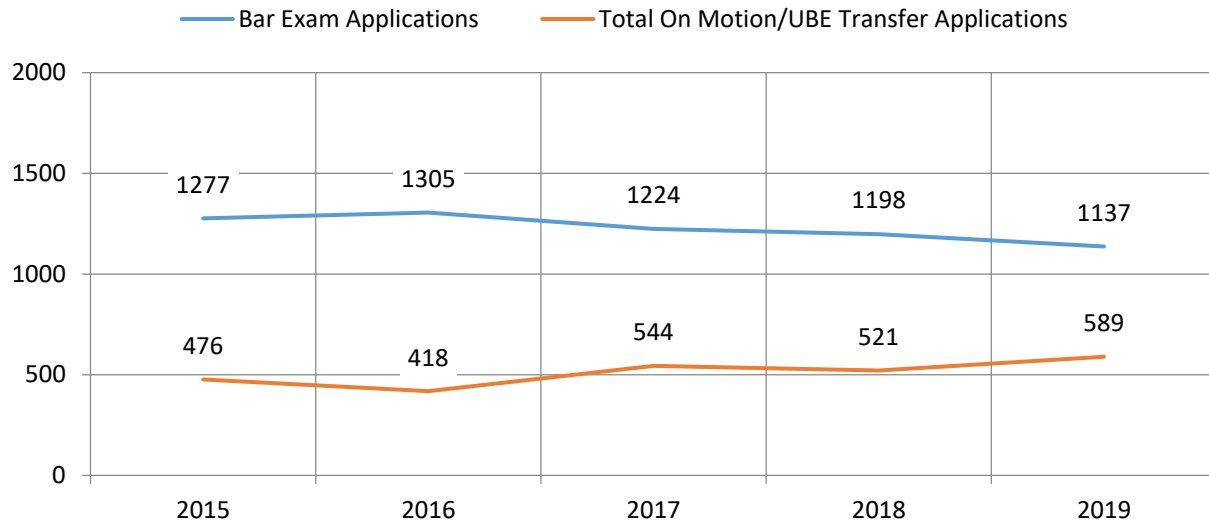
Two bar examinations are administered each year, one in February and one in July. The Law Committee, composed of 11 volunteer members appointed by the Supreme Court, reviews and approves the standards that must be met to pass the written examination and the eligibility requirements for attorney admissions. 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 1,137 people applied to take the bar exam in 2019, of which 1,030 people sat for the bar exam³³. A total of 707 people passed the exam in 2019:

- 349 applied for the February bar exam, of which 299 took the bar exam:
 - 182 Passed Overall (61% pass rate)
 - 117 First Time Passers (72% pass rate)
 - 65 Repeat Passers (47% pass rate)
- 788 applied for the July bar exam, of which 731 took the bar exam:
 - 525 Passed Overall (72% pass rate)
 - 504 First Time Passers (78% pass rate)
 - 21 Repeat Passers (26% pass rate)

³³ For detailed statistics on bar exam passage rates, see Appendix B.

Applications Submitted to the Office of Attorney Admissions



The total number of applicants for admission to the Colorado bar held steady in 2019. While there was a slight decline in the number of exam applicants, there was a comparable increase in the number of applicants wanting to transfer a UBE score from another jurisdiction or be admitted on a reciprocal, on motion basis, as explained in the next section.

“I wanted to thank you for expediting my application and giving me the best Christmas present this year. I appreciate all your encouragement, guidance, and kindness this past year as I went through the process of becoming a Colorado lawyer. You have been amazing and so accessible to me ... I hope I get a chance to meet you one day and personally say thank you.”

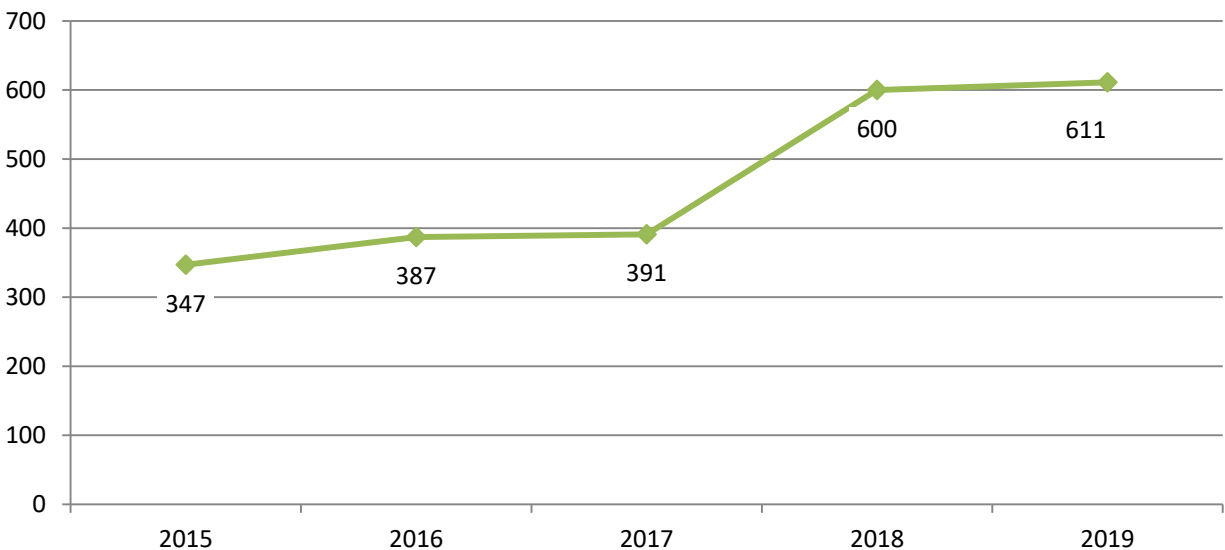
-- An applicant's email to a staff member in the admissions office in 2019.

UBE and On Motion

In 2019, there were 136 UBE Score Transfer Applications and 453 On Motion Applications filed with the Office. The Office processed 139 UBE Score Transfer Applications and 472 On Motion Applications in 2019 – 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 35 other jurisdictions currently comprise the UBE compact.³⁴ With an increasing number of jurisdictions adopting the UBE, it is foreseeable that Colorado will continue to see an increase in score transfer applications.

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



³⁴ This number includes jurisdictions that joined the Compact, but have not yet administered their first UBE Exam: Arkansas (2/20), Ohio (7/20), and Texas (2/21).

Character and Fitness

Every Bar Examination, UBE Score Transfer and On Motion applicant undergoes a thorough Character and Fitness Investigation, the purpose of which is to protect the public and safeguard the system of justice. The Character and Fitness Committee, which is part of the Board of Law Examiners, is comprised of volunteer members appointed by the Colorado Supreme Court. The Committee enforces the Character and Fitness standards, and participates in inquiry panel interviews and formal hearings.

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

In 2019, Attorney Admissions reviewed 1,748³⁵ applications to determine the character and fitness qualifications of applicants:

- 22 applicants were forwarded to an inquiry panel³⁶:
 - 3 On Motion applicants
 - 4 UBE Score Transfer applicants
 - 15 Exam applicants
- 17 applicants were admitted after inquiry panel;
- 2 applicants were recommended for denial by an inquiry panel³⁷;
- 1 applicant appeared at a formal hearing³⁸:
 - 0 applicants appeared at a formal hearing and was subsequently denied by the Colorado Supreme Court.
 - 1 applicant appeared at a formal hearing and was subsequently admitted by the Colorado Supreme Court.

³⁵ 1,748 includes applications that were subsequently withdrawn, but initial review was already completed.

³⁶ 24 interviews were scheduled. One was cancelled by OAA. Two applicants were scheduled to appear two times in 2019. Three applicants asked to defer their interview (all three requests were granted). One applicant elected not to appear.

³⁷ One applicant elected not to appear for their scheduled interview.

³⁸ This hearing was conducted in 2019 for an applicant for whom an inquiry panel recommended denial in a prior year.

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

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

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

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

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

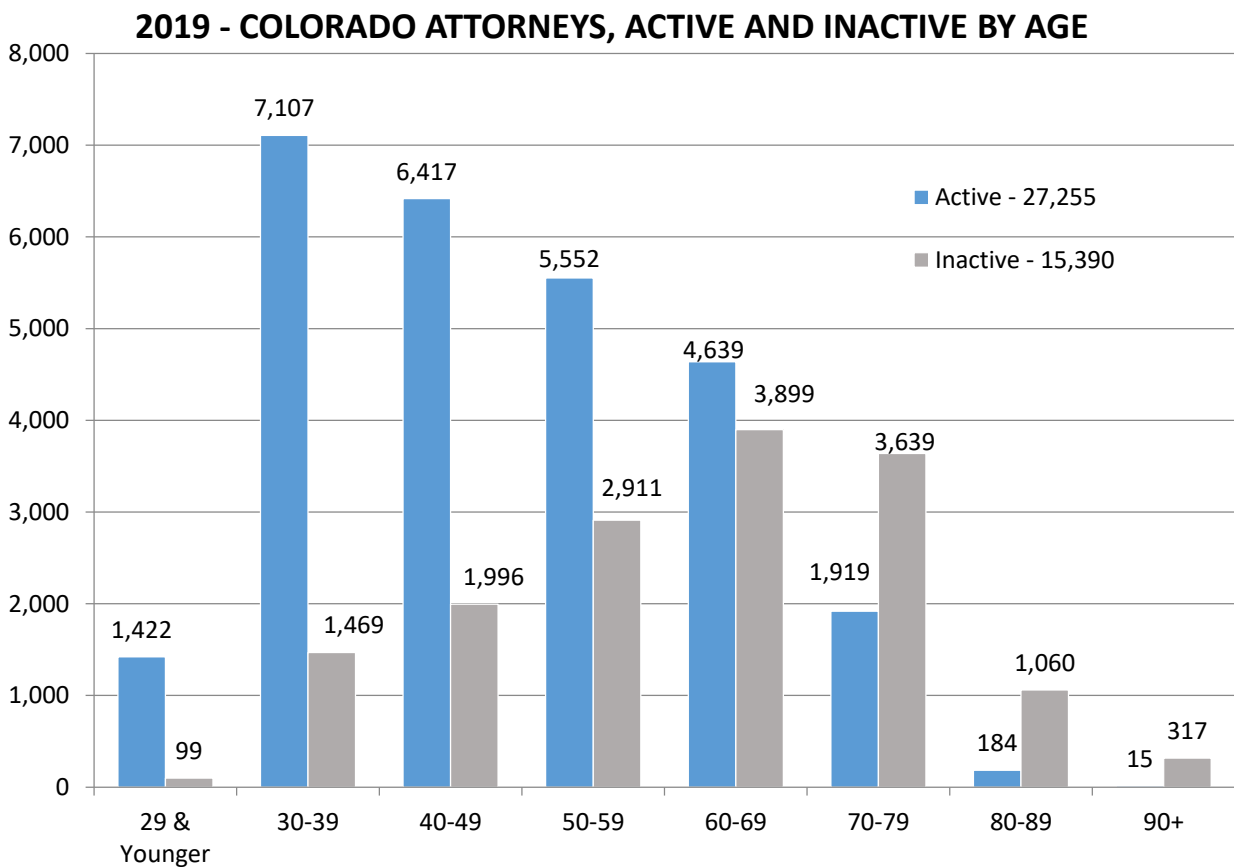
“Thanks again for all your help through this process – it was invaluable.”

-- An applicant's email to a staff member in the admissions office in 2019.

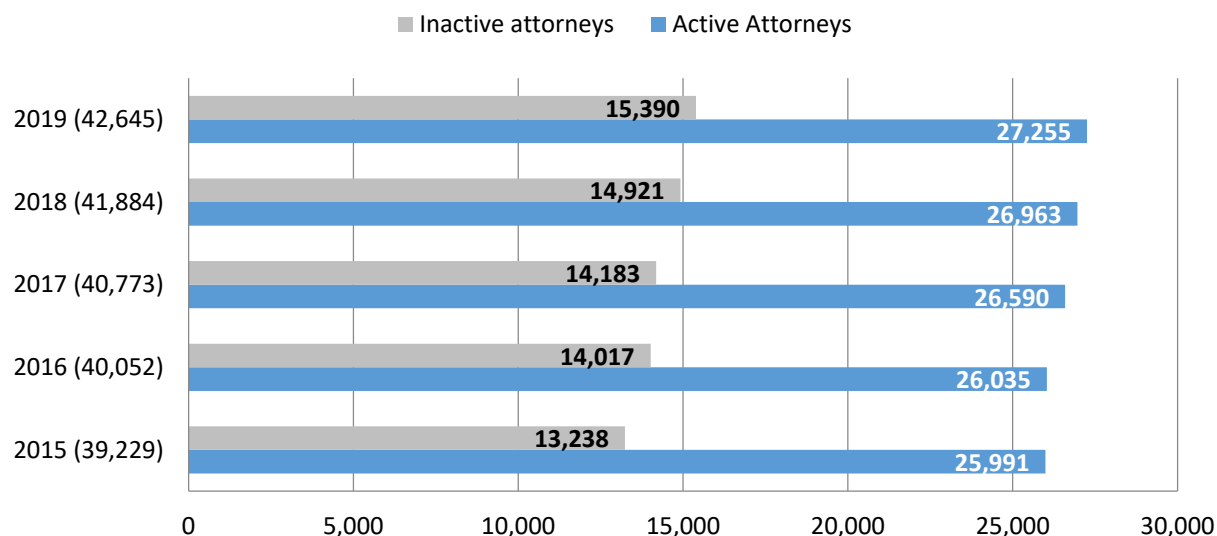
WHAT WE DO: ATTORNEY REGISTRATION AND CLJE

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 2019 with 42,645 registered attorneys, up 1.8 percent over the previous year. Of those registered attorneys, 27,255 were active and 15,390 were inactive. While inactive registrations grew by 3.1 percent, active registrations grew by only 1.1 percent in 2019.



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.

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.³⁹

From new attorneys regarding bar card and swearing-in requests:

"Thank you so much...I hope to shake your hand one day in person and thank you for your excellent service!"

"Thank you for getting this back to me on such an extremely expedited basis."

³⁹ For detailed statistics on attorney demographics collected through registration in Colorado, see Appendix C.

In 2019, Attorney Registration enrolled 1,403 new attorneys for admission:

- Bar Exam: 709
- Uniform Bar Exam Transfers: 128
- On Motion from Reciprocal Admissions State: 462
- Single-Client Certification: 91
- Law Professor Certification: 1
- Military Spouse Certification: 9
- Judge Advocate Certification: 1
- Foreign Legal Consultant: 2

In 2019, Attorney Registration also processed and approved applications for:

- Pro Hac Vice: 537
- Pro Bono Certification: 20

Continuing Legal and Judicial Education

Attorneys have to meet continuing legal education requirements on a three-year cycle. Attorney Regulation Counsel works with the Board of Continuing Legal and Judicial Education to accredit CLE courses and activities, monitor CLE compliance, and interpret the rules and regulations regarding the Court's mandatory continuing education requirement for lawyers and judges.

The 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.

In 2019, the Office of Continuing Legal and Judicial Education:

- Processed 102,410 CLE affidavits;
- Processed 2,040 Non-Accredited Out of State Seminar affidavits;
- Processed 1,004 Teaching Affidavits;
- Processed 85 Research/Writing Affidavits;
- Processed 63 additional CLE affidavits for mentoring;
- Processed 52 additional CLE affidavits for pro bono work; and
- Accredited 13,007 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.

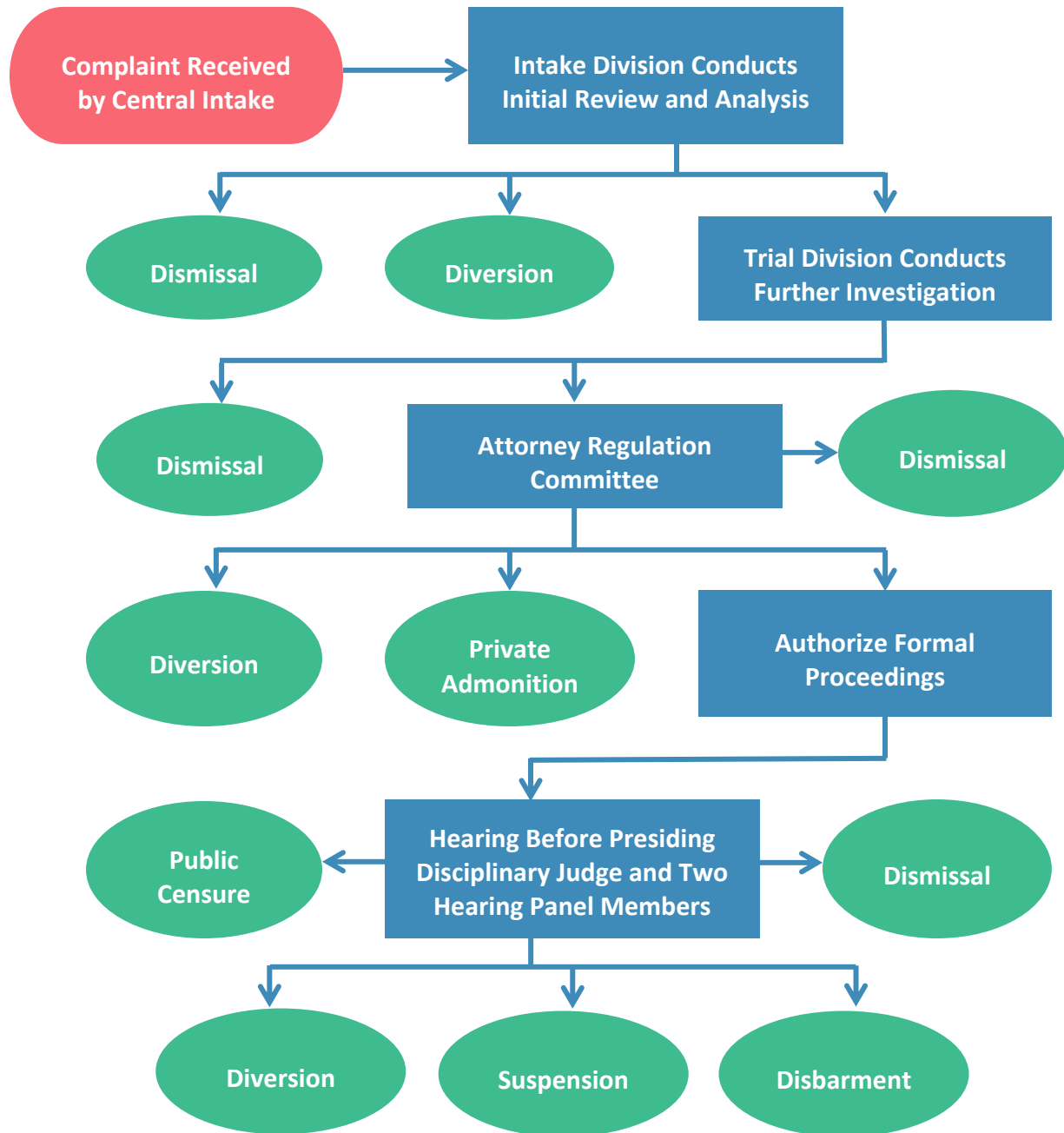
The Colorado model of attorney regulation is designed to move cases of minor ethical misconduct toward a quick resolution and devote its resources to cases that involve more serious attorney misconduct. The goal is to protect the public while educating attorneys to prevent any future misconduct.

In 2019, Attorney Regulation Counsel received 16,320 calls. Of those, 3,400 were calls filing a request for investigation against a lawyer. The Office's intake division reviewed all of those cases and processed 276 matters for further investigation by the trial division. In addition, the Office continued to work on 158 cases carried over from 2018.

In total, the Office of Attorney Regulation Counsel's work in 2019 resulted in:

- 157 dismissals with educational language;
- 74 diversion agreements;
- 16 public censures;
- 35 suspensions;
- 18 probations ordered;
- 8 private admonitions; and
- 14 disbarments.

The Attorney Regulation Process

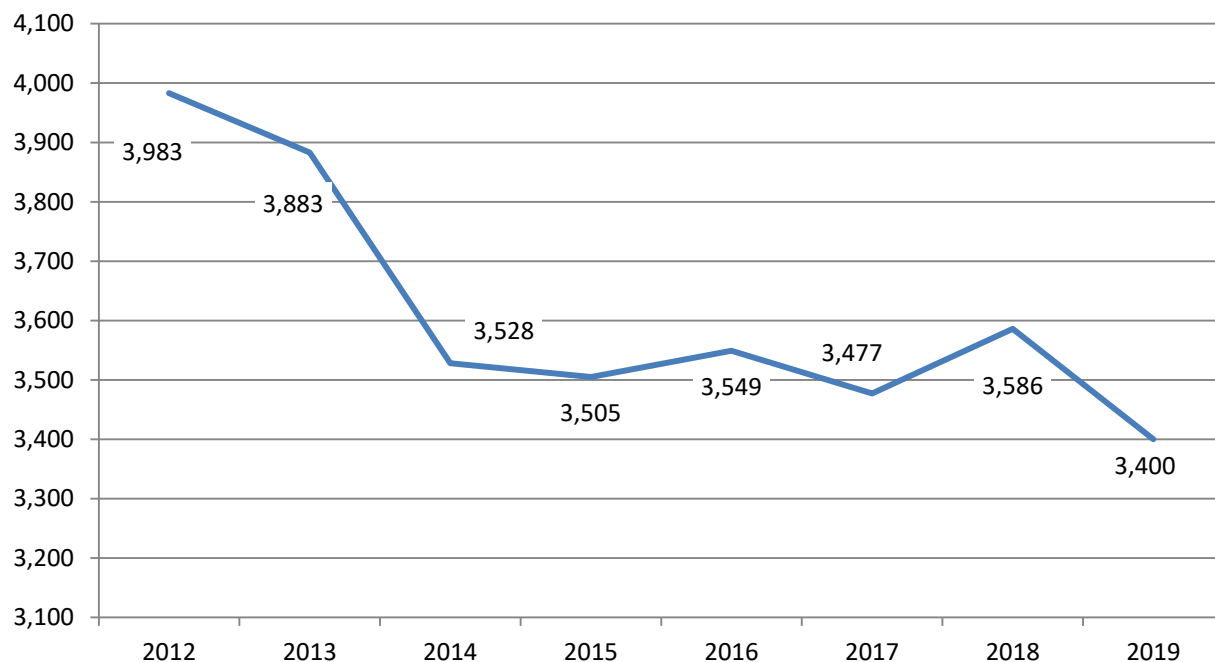


Intake Division

The intake division acts as the Office’s triage unit, where the 3,400 requests for investigation that the Office received in 2019 were analyzed.⁴⁰ 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 2019 was 6.33 weeks, a decrease of 3.4 percent.

Complaints Filed from 2012 to 2019



⁴⁰ 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 2019, there were 54 requests for investigation filed against magistrates. 52 requests were dismissed at the intake stage, and two matters were 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 2019, the Office of Attorney Regulation Counsel received 86 trust account notices.

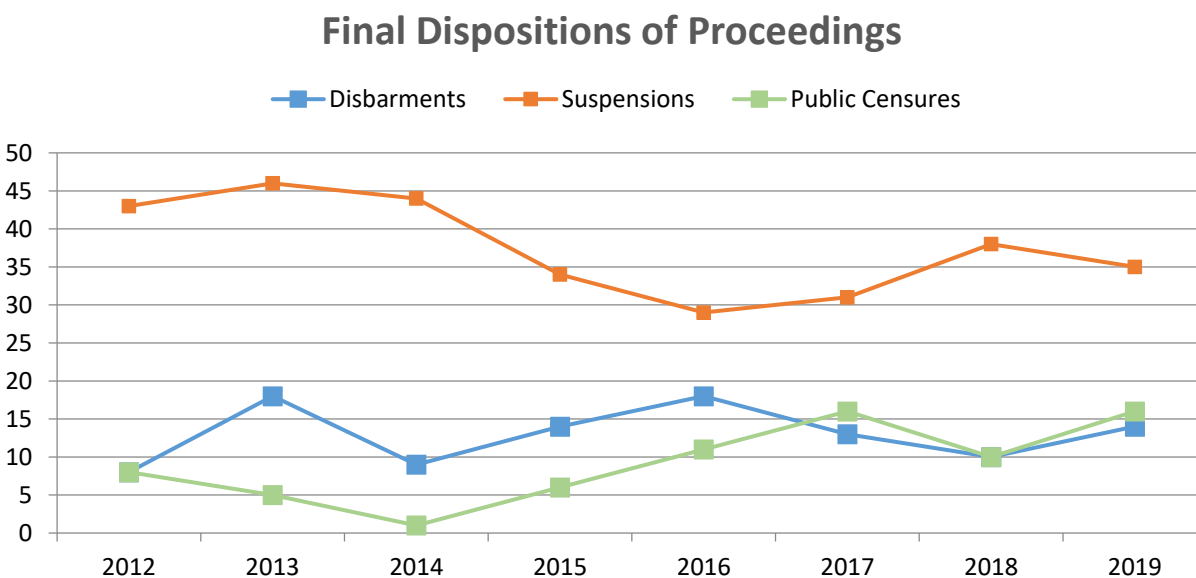
“You told me that you wanted to make sure I was handling the stresses of the practice in a healthy manner, and that in addition to protecting the public, OARC wanted to help protect me from the prevalent alcohol issues facing many attorneys. That was comforting for me to hear.”

— A respondent on his experience reporting an alcohol-related driving conviction to the intake division.

Trial Division

The next step for a case that involves a complex fact pattern or allegations of serious misconduct is the trial division. In 2019, the trial division handled 276 cases processed by the intake division as well as 158 cases carried over from 2018.⁴¹

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 Attorney Regulation Committee, which is comprised of nine members: six attorneys and three non-attorneys. The Committee considers the recommendations prepared by Office of Attorney Regulation Counsel attorneys and determines whether reasonable cause exists to pursue discipline through a formal proceeding or private admonition, or whether to approve proposed agreements between Attorney Regulation Counsel and a respondent.



⁴¹ For detailed statistics on the trial division process, see Appendices F through J.

In 2019, during the investigation phase, the trial division:

- Recommended the dismissal of 125 cases, 19 of them with educational language; and
- Entered into 12 agreements for conditional admission of misconduct.

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

In 2019, the trial division presented 144 matters to the Attorney Regulation Committee. The Committee approved:

- 79 formal proceedings;
- 57 diversion matters; and
- 8 private admonitions.

Several of the 144 matters⁴² in which the Office was authorized to file a formal complaint were consolidated.⁴³ 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.

⁴² For detailed statistics on the dispositions by Attorney Regulation Committee, see Table 14, Appendix F.

⁴³ Because some matters are carried over from one calendar year to the next, the number of matters reviewed by the Attorney Regulation Committee will not reconcile with the number docketed or completed in the investigative area.

In 2019, 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 15 agreements for conditional admission of misconduct.

The 23 formal complaints filed in 2019, and those pending from 2018, 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 really do appreciate your professionalism and willingness to try and seek a just outcome.”

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

In 2019, the Office of Attorney Regulation Counsel filed 8 petitions for immediate suspension:

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

Of the 8 petitions filed, in one matter, the Colorado Supreme Court discharged the Order to Show Cause. In the other seven matters, the attorney was immediately suspended.

Disability Matters

When an attorney is unable to fulfill professional responsibilities due to physical, mental, or behavioral illness, the Office of Attorney Regulation Counsel may file a petition to transfer an attorney to disability status. This is not a form of discipline. The Office filed 11 disability matters in 2019.

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 2019, two applicants were reinstated⁴⁴ (the process used for suspended attorneys). No applications were denied in 2019.

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 2019."

"I personally appreciate the professionalism, courtesy, and thoughtfulness that [the OARC lawyer] continues to extend during this process."

— A respondent on her experience with the trial division

"Thank you for everything you did to bring this case to fruition. I want to add that I was very impressed with your professionalism. It's wonderful to know someone is listening and taking action to correct the misdeeds of others."

— A complainant on her experience with the trial division

⁴⁴ For detailed statistics on reinstatement and readmission matters, see Table 23, Appendix I.

Unauthorized Practice of Law⁴⁵

The Office of Attorney Regulation Counsel, in coordination with the Unauthorized Practice of Law Committee (UPL), investigates and prosecutes allegations of the unauthorized practice of law. The UPL Committee is composed of nine members: six attorneys and three non-attorneys. That committee authorizes proceedings against individuals who are not licensed to practice law but are believed to be engaged in the practice of law.

In 2019, the Office of Attorney Regulation Counsel received 70 requests for investigation alleging the unauthorized practice of law. Of those, 35 were processed for further investigation. A total of 29 matters⁴⁶ were resolved following an investigation in the trial division.

Of those 29 matters:

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

The Unauthorized Practice of Law Committee may direct trial counsel to seek a civil injunction by filing a petition with the Supreme Court or, in the alternative, offer the respondent an opportunity to enter into a written agreement to refrain from the conduct in question, to refund any fees collected, and to make restitution. Additionally, trial counsel may institute contempt proceedings against a respondent that is engaged in the unauthorized practice of law. *See* C.R.C.P. 238.

Commission on Judicial Discipline

Attorney Regulation Counsel acts as Special Counsel for the Colorado Commission on Judicial Discipline on request of the Executive Director. Upon request, an investigator may assist the Commission as well. In 2019, the Office of Attorney Regulation Counsel assisted in 3 investigations, and also concluded formal judicial discipline proceedings in another matter through briefing in the Colorado Supreme Court, leading to a published opinion by the Supreme Court in March 2019.

⁴⁵ For detailed statistics on the Unauthorized Practice of Law, see Appendix J.

⁴⁶ 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.

The file inventory and file return process may take months or years depending on the number of files, the area of practice, and the difficulty in locating the previous clients.⁴⁷

In 2019, Inventory Counsel:

- Filed 8 new petitions for appointment of inventory counsel;
- Closed 10 inventory matters;
- Contacted 2,009 clients whose files contained original documents, involved a felony criminal matter, or were considered current;
- Returned \$28,140.93 in trust account funds to clients;
- Inventoried 5,117 client files; and
- Returned 695 files to clients or attorneys of record.

"You have helped me out immensely...my attorney passed away and I didn't know what phase we were in with my social security disability application. I received all my information. I was able to go and apply on my own. Thanks so much for all your help."

-A former client on her experience with Inventory Counsel providing her with her lawyer's file on her matter.

⁴⁷ For additional statistics about Inventory Counsel, see Appendix K.

WHAT WE DO: CASE MONITOR

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

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

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

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

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

In 2019, the case monitor:

- Ended the year with 749 cases being monitored for diversion agreement or other compliance requirements;
- Organized 5 Ethics Schools, attended by 129 attendees; and
- Organized 5 Trust Account Schools, attended by 56 attendees.

WHAT WE DO: EDUCATION/OUTREACH

The Office recognizes that one of the best ways to protect and promote the public interest is to prevent misconduct before it occurs.

In pursuit of that goal, the Office of Attorney Regulation Counsel seeks to promote an understanding of the legal field and offer attorneys educational opportunities that aid them in their practice of law.

That pursuit takes many forms.

- The Office of Attorney Regulation Counsel conducts much of its outreach through talks and presentations. The Office seeks to reach lawyers early and so its members often speak to students at the state's two law schools. Members of the Office also talk at bar association gatherings and CLE courses on various attorney ethics topics, and make special efforts at outreach for solo practitioners and attorneys at small firms. And the Office often delivers presentations at conferences for other bar counsel, admissions and CLE professionals.
- The Office has continued to sponsor a free on-line self-assessment that is eligible for CLE credit to provide a tool for attorneys to evaluate their own practices, while keeping the results confidential.
- The Office created and teaches schools for attorneys intended to improve the provision of legal services to consumers. These schools are:
 - Ethics School, a seven-hour course focusing on everyday ethical dilemmas that confront attorneys;
 - Trust Account School, a four-hour course that addresses the correct method for maintaining and administering a trust account; and
 - Professionalism School, a six-hour course that addresses the most common ethical dilemmas faced by newly admitted attorneys.

"I attended the trust account school and found it to be extremely well done and helpful."

— A lawyer commenting on the Office's half-day program devoted to trust accounts and the financial aspects of private practice.

“Excellent topics by enthusiastic speakers.”

“Thank you for making this so painless.”

“The speakers were of good caliber, kept on track, and didn’t fall into ‘war stories.’”

— New lawyers commenting on OARC Professionalism course

- The Office’s attorneys and investigators serve on numerous local and statewide boards and committees, and are active in national and international legal organizations.

- Members of the Office regularly make presentations on a national level, including presentations for the National Organization of Bar Counsel, the ABA Standing Committee on Client Protection, the National Conference of Bar Examiners, the National Client Protection Organization, the ABA Immigration Section, and the Commission on Lawyer Assistance Programs.

In 2019, the Office of Attorney Regulation Counsel:

- Delivered 197 speeches and presentations;
- Presented 13 Practicing with Professionalism courses, attended by a total of 1,398 new attorneys;
- Disseminated five newsletters by email, each of which was opened by an average of 13,068 attorneys; and
- Sent 314 letters to attorneys changing from public service or large-firm practice to solo or small-firm practice informing them of resources that may be helpful in their transition.

APPENDIX

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APPENDIX A:

RESULTS OF VOLUNTARY, ANONYMOUS DEMOGRAPHIC SURVEY

Attorney Responses (Active and Inactive): 7,835

TABLE 1: Gender Identity⁴⁸

Response	Percentage
Female	47.24%
Male	52.26%
Transgender/Gender Variant	0.38%
Non-binary	0.12%

TABLE 2: Sexual Orientation

Response	Percentage
Bisexual	3.42%
Heterosexual	92.45%
Gay	2.16%
Lesbian	1.47%
Other	0.49%

TABLE 3: Veteran Status

Response	Percentage
Veteran	8.92%
Not a veteran	91.08%

⁴⁸ 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	1.49%
Asian or Asian American	2.82%
Black or African American	2.55%
Hispanic, Latino or Spanish Origin	6.21%
Middle Eastern or North African	0.77%
Native Hawaiian or other Pacific Islander	0.19%
White or Caucasian	85.96%

TABLE 5: Where do you primarily work?

Response	Percentage
Colorado metropolitan area, population 150,000+	61.93%
Other city in Colorado, population 30,000-149,000	9.47%
Smaller mountain community in Colorado	5.75%
Smaller plains community in Colorado	1.11%
Not in Colorado	21.74%

APPENDIX B:

BAR EXAM STATISTICS

EXAM STATISTICS

February 2019 Bar Exam

	<u>Attorney</u>	<u>Non-attorney</u>	<u>Total</u>
# of applicants	103	246	349
# of withdrawals	17	24	41
# of no shows	2	7	9
# who took exam	84	215	299
# who passed	66	116	182 (61%)
# who failed	18	99	117 (39%)

PASS/FAIL RATES
By Law School
February 2019 Bar Exam

Examinees	Law School	Passed		Failed		Total
First Time	University of Colorado	7	(64%)	4	(36%)	11
	University of Denver	25	(81%)	6	(19%)	31
	National*	7	(88%)	1	(12%)	8
	Other	78	(70%)	34	(30%)	112
		117	(72%)	45	(28%)	162
Repeat	University of Colorado	13	(68%)	6	(32%)	19
	University of Denver	19	(50%)	19	(50%)	38
	National*	2	(100%)	0	(0%)	2
	Other	31	(40%)	47	(60%)	78
		65	(47%)	72	(53%)	137
All	University of Colorado	20	(67%)	10	(33%)	30
	University of Denver	44	(64%)	25	(36%)	69
	National*	9	(90%)	1	(10%)	10
	Other	109	(57%)	81	(43%)	190
		182	(61%)	117	(39%)	299

* Schools categorized as "National" are:

Columbia
Harvard
Stanford
Yale
Duke
Michigan
Chicago
California Berkeley
Virginia
Texas

EXAM STATISTICS
July 2019 Bar Exam

	<u>Attorney</u>	<u>Non-attorney</u>	<u>Total</u>
# of applicants	84	704	788
# of withdrawals	14	31	45
# of no shows	3	9	12
# who took exam	67	664	731
# who passed	40	485	525 (72%)
# who failed	27	179	206 (28%)

PASS/FAIL RATES
By Law School
 July 2019 Bar Exam

Examinees	Law School	Passed	Failed	Total
First Time	University of Colorado	113 (89%)	14 (11%)	127
	University of Denver	157 (83%)	33 (17%)	190
	National*	28 (85%)	5 (15%)	33
	Other	206 (69%)	93 (31%)	299
		504 (78%)	145 (22%)	649
Repeat	University of Colorado	3 (60%)	2 (40%)	5
	University of Denver	5 (33%)	10 (67%)	15
	National*	0 (0%)	0 (0%)	0
	Other	13 (21%)	49 (79%)	62
		21 (26%)	61 (74%)	82
All	University of Colorado	116 (88%)	16 (12%)	132
	University of Denver	162 (79%)	43 (21%)	205
	National*	28 (85%)	5 (15%)	33
	Other	219 (61%)	142 (39%)	361
		525 (72%)	206 (28%)	731

* 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

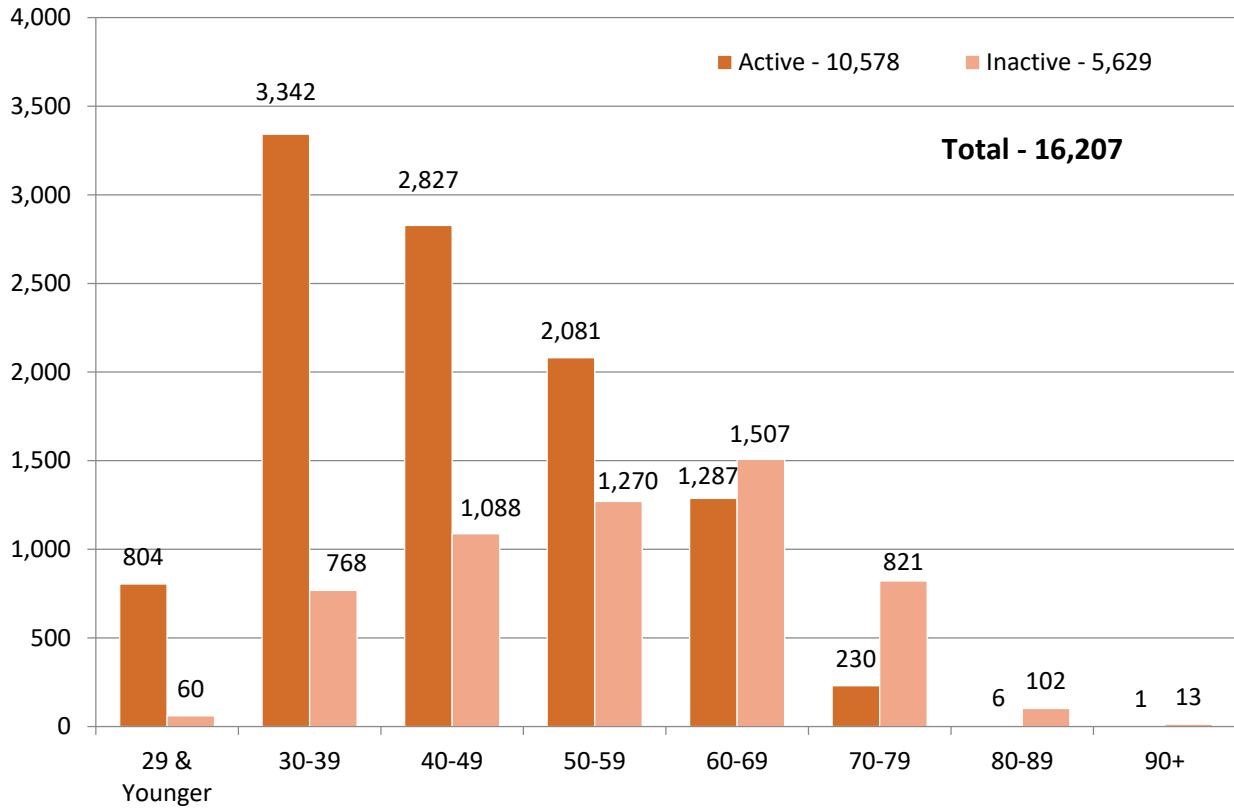


CHART C-2: COLORADO MALE ATTORNEYS, ACTIVE AND INACTIVE BY AGE

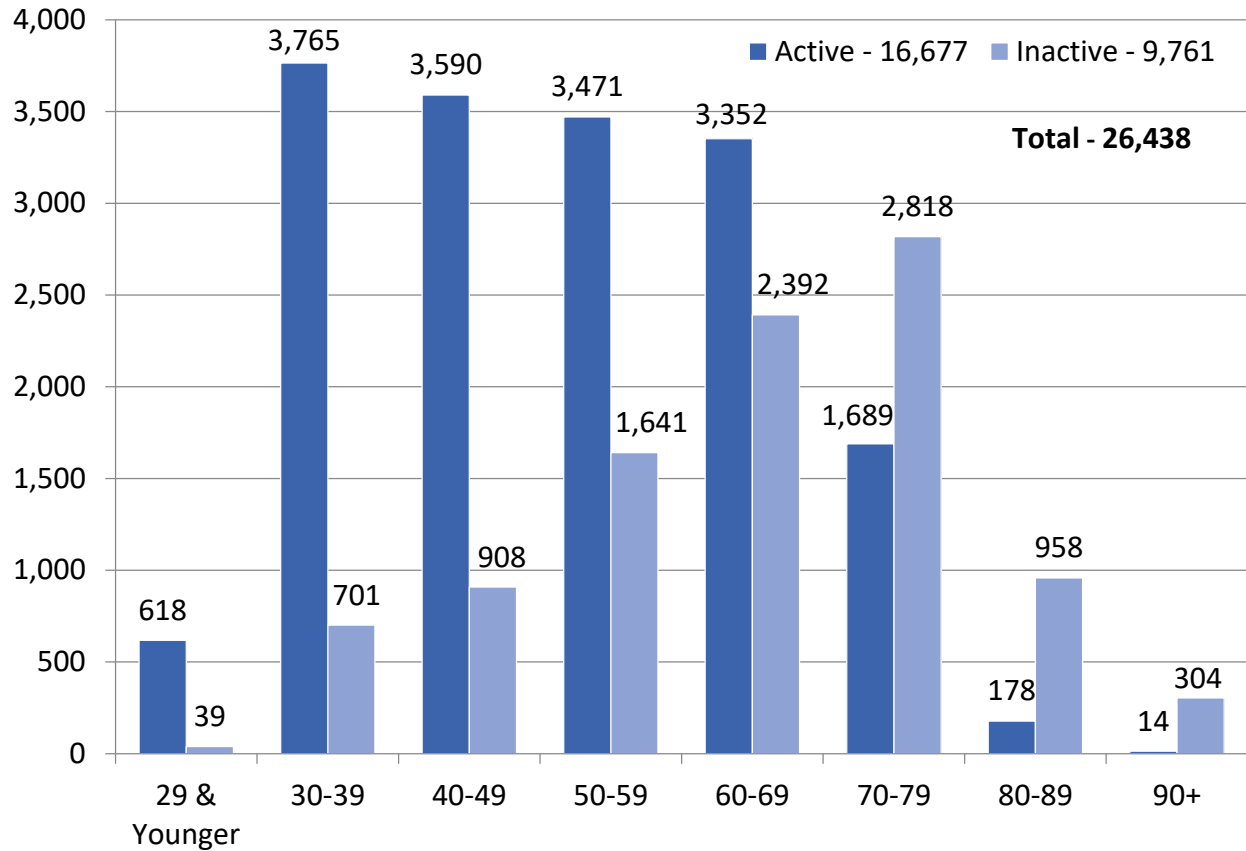
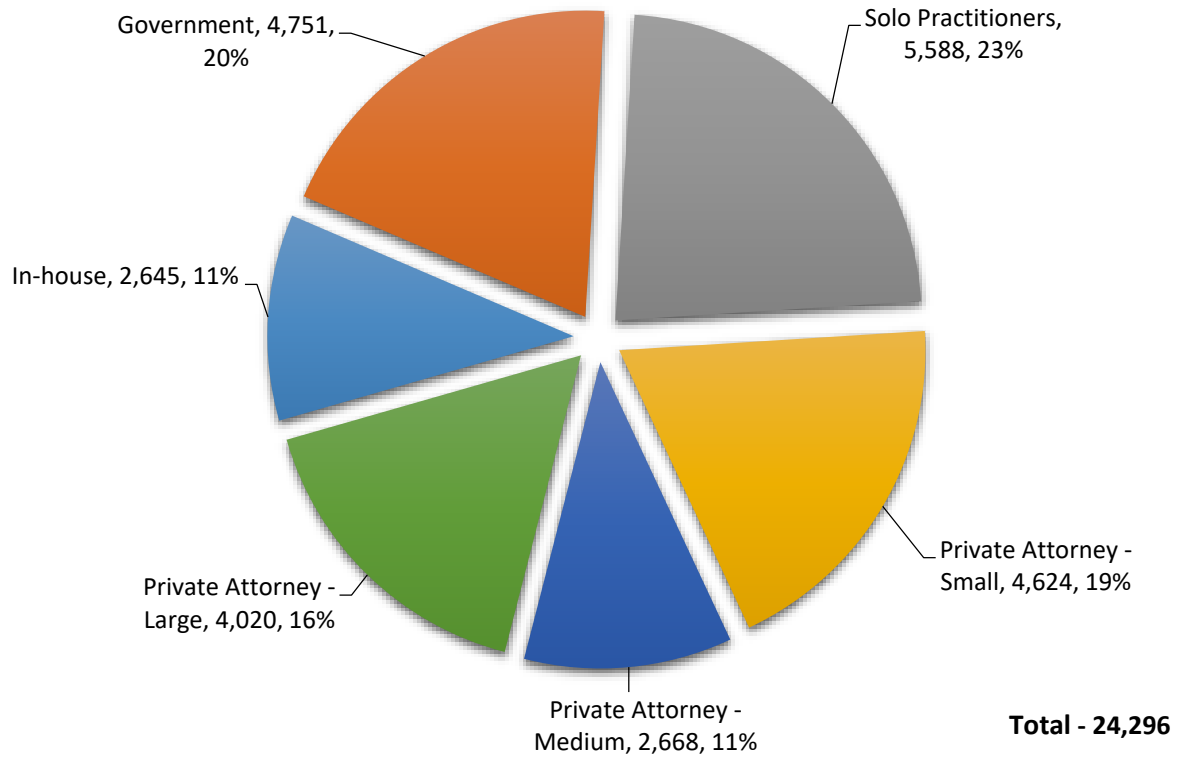


CHART C-3: ACTIVE ATTORNEYS BY TYPE OF PRACTICE⁴⁹

⁴⁹ Small firms are defined as 2-10 attorneys; medium firms are 11-50 attorneys; and large firms are 51 or more attorneys. Also, the remaining 2,959 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

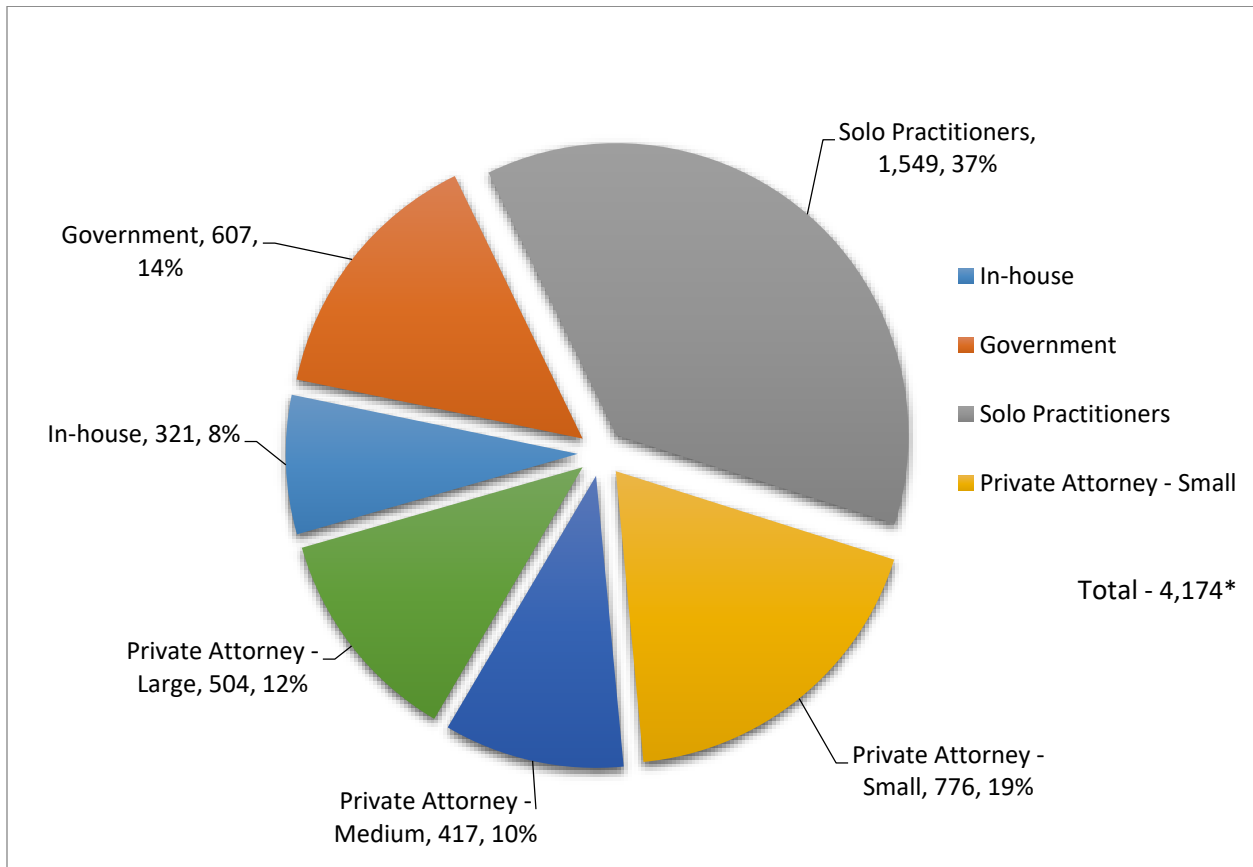


CHART C-5: ACTIVE ATTORNEYS AGES 70-79, BY TYPE OF PRACTICE

*The remaining 185 active attorneys not listed in the chart below are comprised of individuals holding a limited license or those that classified their type of practice as one of the following categories *other*, *retired*, or *teaching*.

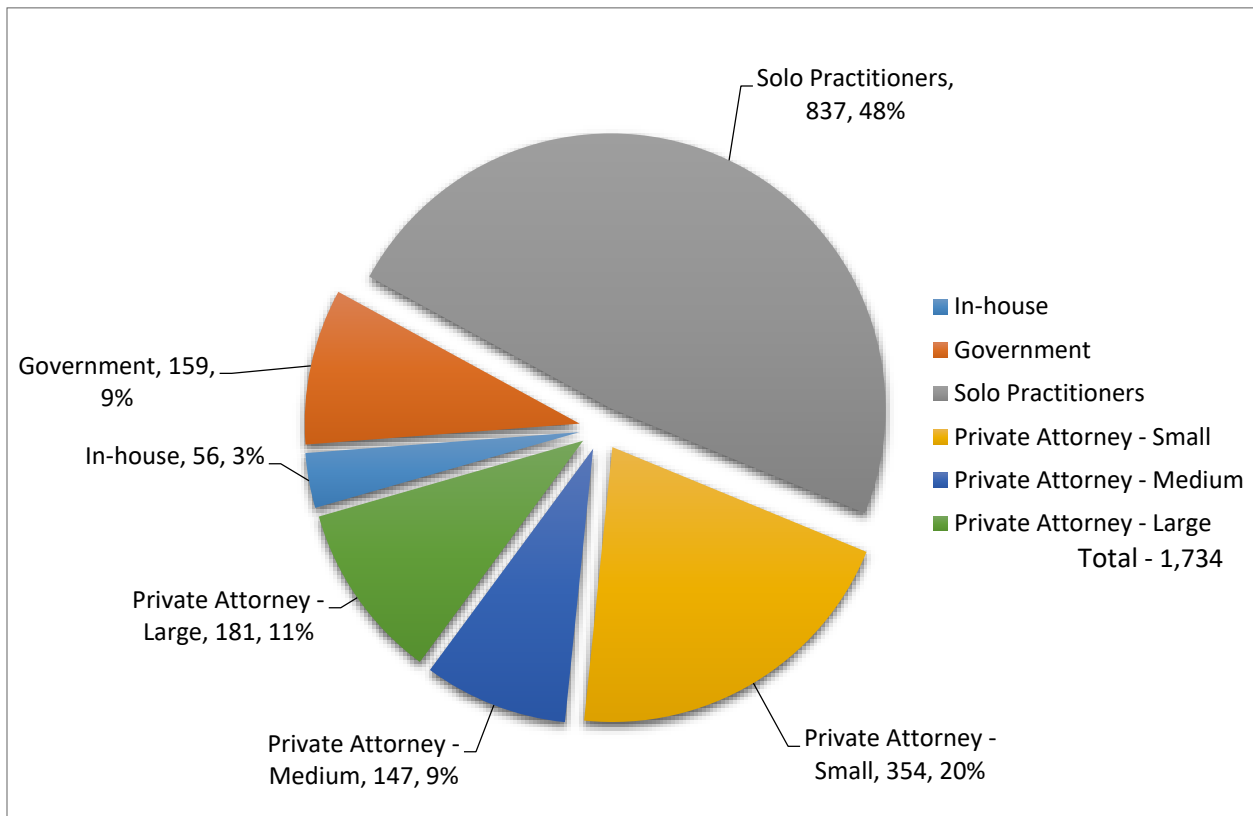


CHART C-6: ACTIVE ATTORNEYS IN GOVERNMENT PRACTICE, BY TYPE

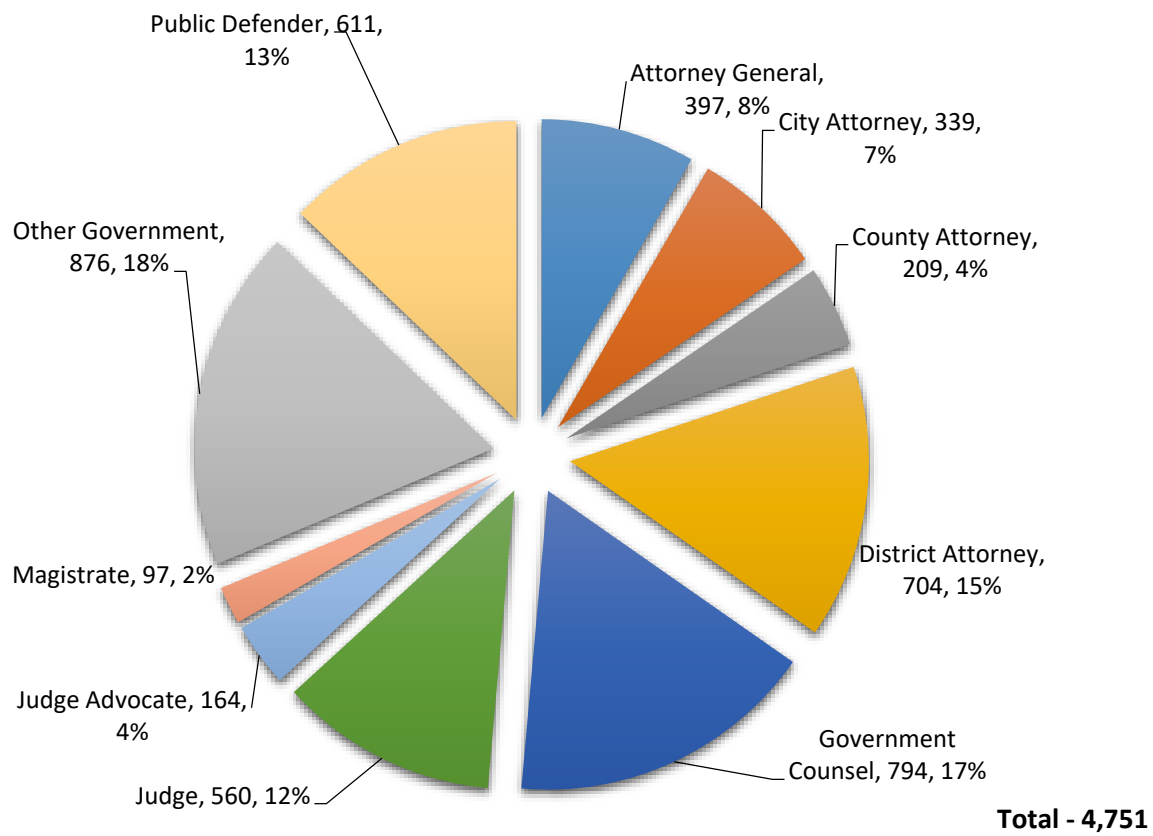
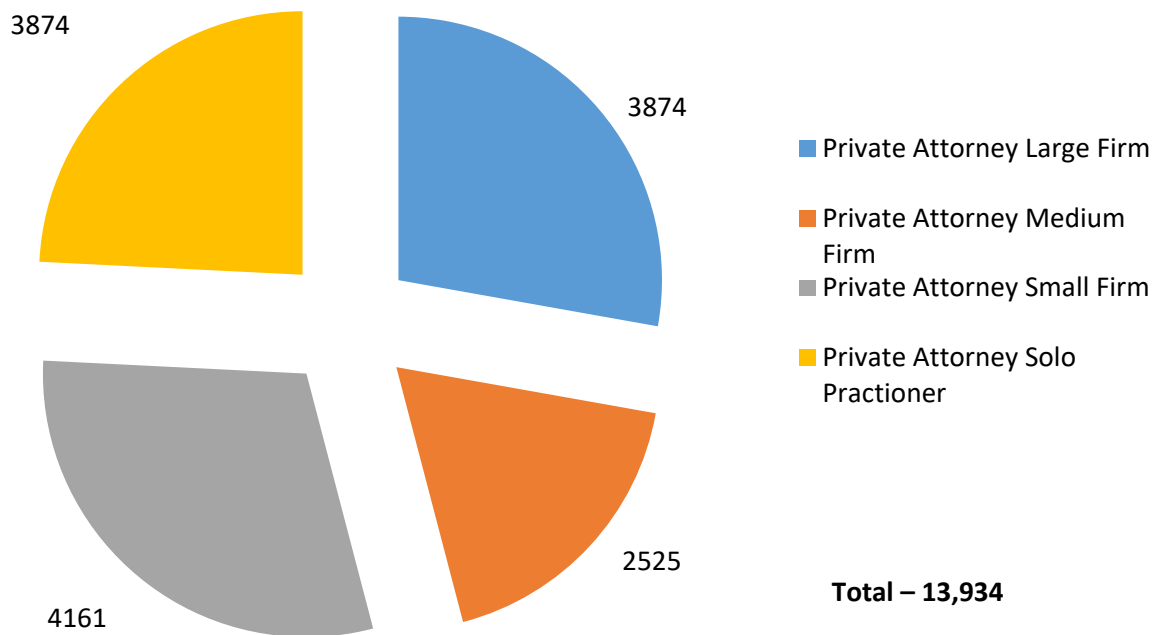


CHART C-7: ACTIVE PRIVATE ATTORNEYS WITH MALPRACTICE INSURANCE IN 2019⁵⁰



⁵⁰ 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 2019

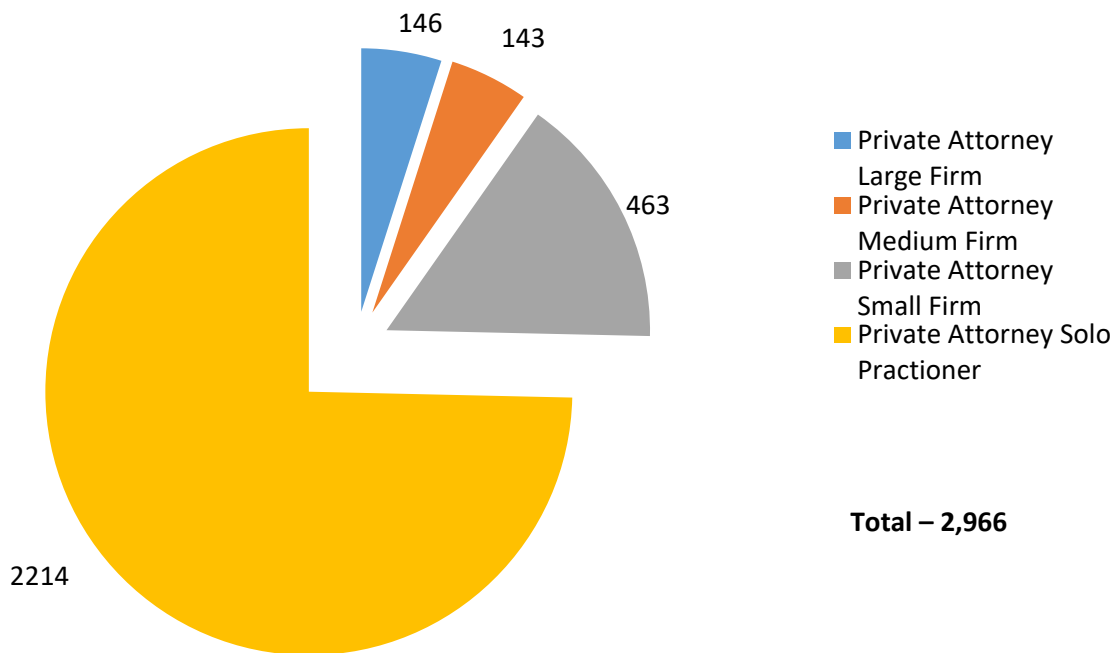


CHART C-9: ACTIVE PRIVATE ATTORNEYS LARGE FIRM WITH/WITHOUT MALPRACTICE INSURANCE IN 2019

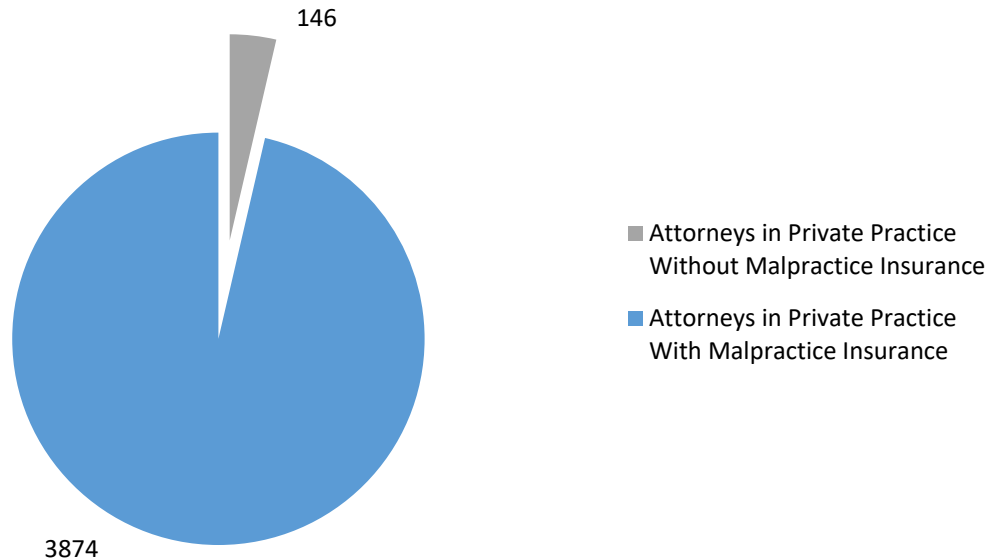


CHART C-10: ACTIVE PRIVATE ATTORNEYS MEDIUM FIRM WITH/WITHOUT MALPRACTICE INSURANCE IN 2019

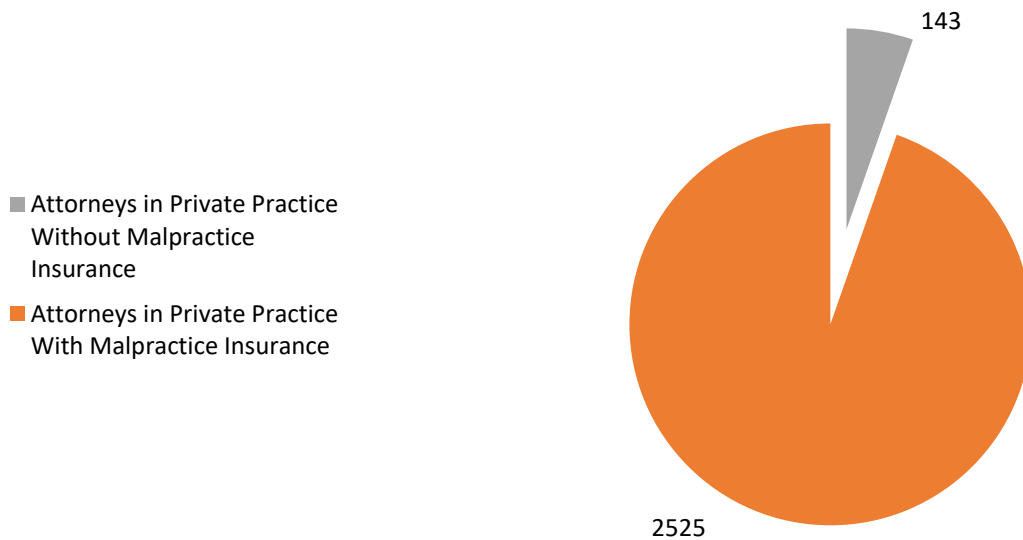


CHART C-11: ACTIVE PRIVATE ATTORNEYS
SMALL FIRM WITH/WITHOUT
MALPRACTICE INSURANCE IN 2019

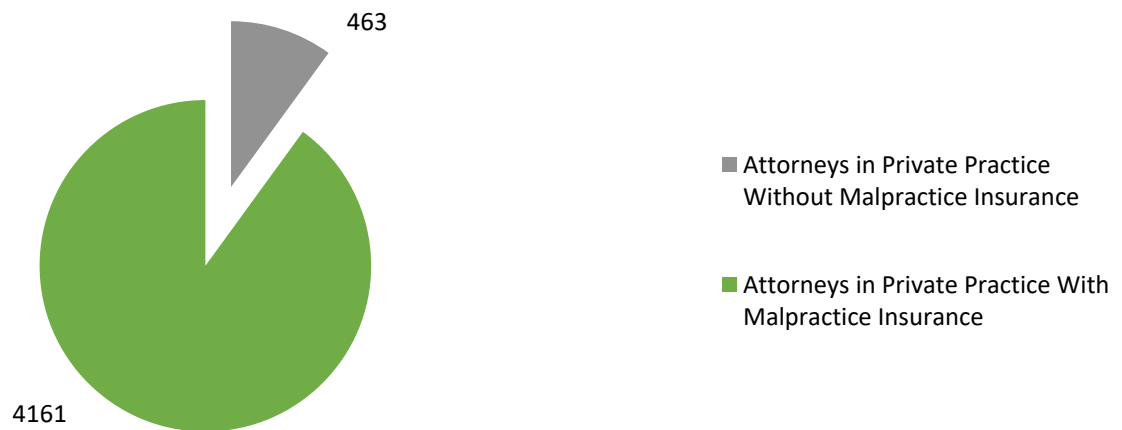
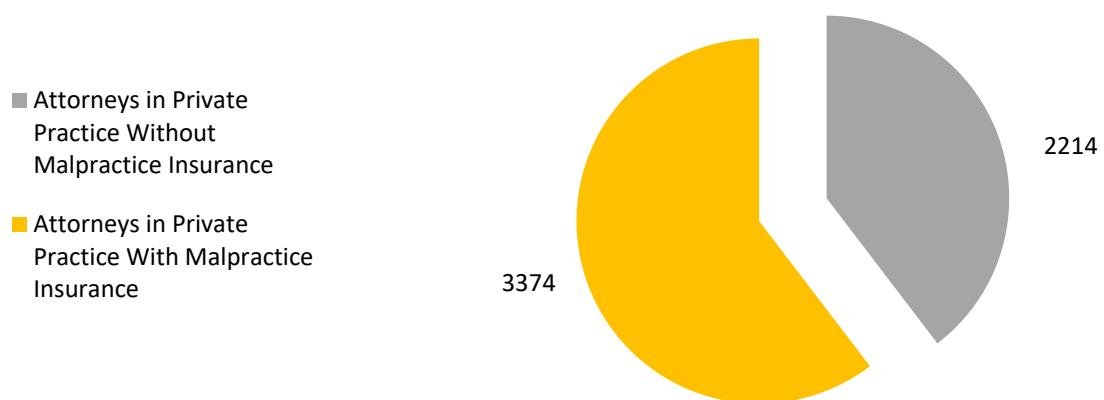


CHART C-12: ACTIVE PRIVATE ATTORNEYS
SOLO PRACTITIONER WITH/WITHOUT
MALPRACTICE INSURANCE IN 2019



APPENDIX D:

INTAKE AND INVESTIGATION STATISTICS

TABLE 6: Complaints Filed

Year	Complaints Filed	Percent Change From Prior Year
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%)
2012	3,983	(2%)

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 2019, the average time matters spent at the intake stage was 6.33 weeks.

TABLE 7: Average Processing Time in Intake

Average Time (weeks)	
2019	6.33
2018	6.55
2017	7.43
2016	8.1
2015	7.4
2014	7.7

TABLE 8: Number of Cases Processed for Further Investigation

Year	Investigations Initiated	% Change From Prior Year
2019	276	4.2%
2018	265	4.3%
2017	254	(23%)
2016	331	(4.8%)
2015	348	.5%
2014	346	(5%)
2013	366	(1%)
2012	368	(2%)

In conjunction with central intake, cases that are determined to warrant a public censure or less in discipline are eligible for a diversion program. See C.R.C.P. 251.13. Participation in diversion is always voluntary and may involve informal resolution of minor misconduct by referral to Ethics School and/or Trust School, fee arbitration, an educational program, or an attorney-assistance program. If the attorney successfully completes the diversion agreement, the file in the Office of Attorney Regulation Counsel is closed and treated as a dismissal. In 2019 at the central intake stage, 31 matters were resolved by diversion agreements.

TABLE 9: Number of Intake Diversion Agreements

Year	Central Intake Diversion Agreements
2019	31
2018	40
2017	42
2016	42
2015	35
2014	45
2013	42
2012	32

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 2019, 157 matters were dismissed with educational language. Some of the matters involve *de minimis* violations that would have been eligible for diversion. Some of the dismissals require attendance at Ethics School or Trust Account School.

TABLE 10: Intake/Investigation: Dismissals With Educational Language

Year	Intake Stage	Investigative	Total
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
2012	132	4	136

APPENDIX E:

CENTRAL INTAKE INQUIRIES

Chart E-1: Nature of Complaint

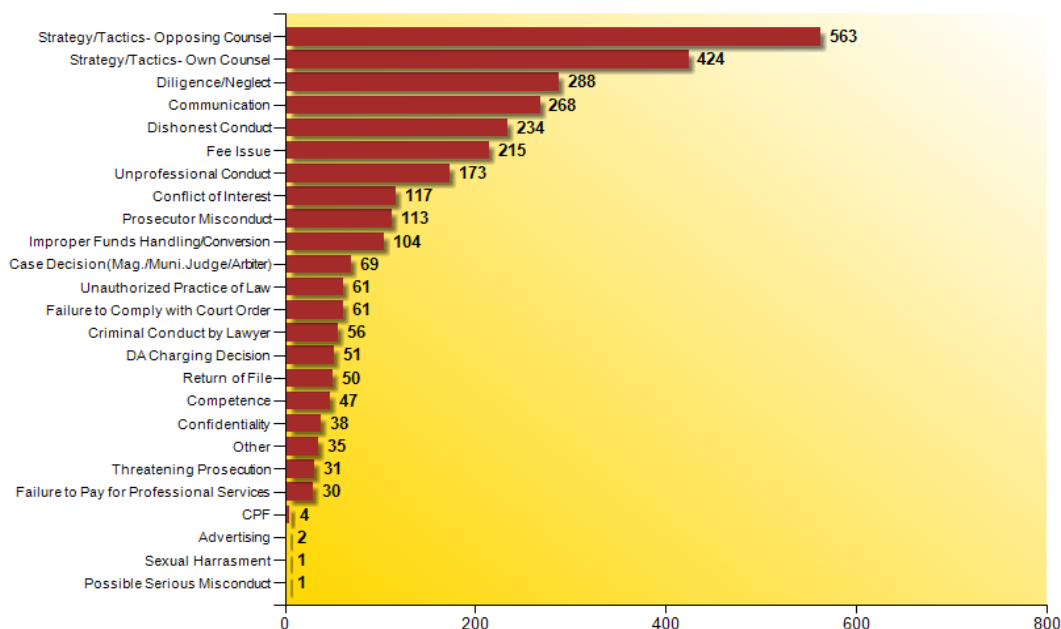
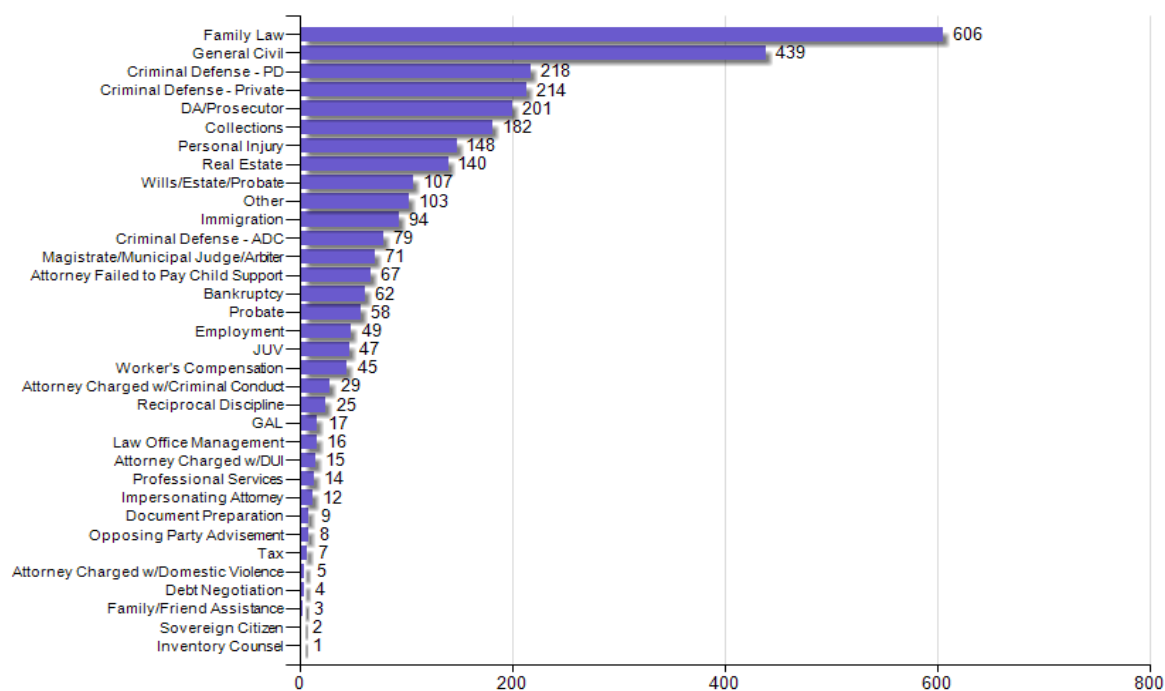


Chart E-2: Complaints by Practice Area



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.

Review of Regulation Counsel Dismissals

A complainant may appeal Regulation Counsel's determination to dismiss the matter to the full Attorney Regulation Committee. If review is requested, the Attorney Regulation Committee must review the matter and make a determination as to whether Regulation Counsel's determination was an abuse of discretion. See C.R.C.P. 251.11.

TABLE 11: Requests for Review

Year	Number of Review Requests	Regulation Counsel Sustained	Regulation Counsel Reversed
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
2012	1	1	0

If the matter is not resolved through dismissal, it either is referred to the Attorney Regulation Committee, described further below, or it may be resolved through a stipulation to public discipline, which would be referred to the Presiding Disciplinary Judge for approval.

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

Year	Average Number of Weeks
2019	26.9
2018	27.5
2017	31.8
2016	32.3
2015	30.5
2014	25.9

Table 13A shows the total number of diversion agreements with attorneys approved by the Attorney Regulation Committee and the Presiding Disciplinary Judge. Table 14 includes the total number of matters covered by diversion agreements approved by the Attorney Regulation Committee. 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.

Table 13B shows the number of attorneys entering into stipulations for public 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 13A: Diversion Agreements at Investigative/Trial Stages

Diversion Agreements at Investigative and Trial Stages	
2019	43
2018	34
2017	32
2016	47
2015	48
2014	38
2013	36
2012	33

Table 13B: Conditional Admissions at Investigative Stage

Conditional Admissions at Investigative Stage Approved by the Presiding Disciplinary Judge	
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.

Attorney Regulation Committee (ARC)

The Attorney Regulation Committee is composed of nine members, six attorneys and three non-attorney members appointed by the Supreme Court with assistance from the Court's Advisory Committee. One of the Attorney Regulation Committee's primary functions is to review investigations conducted by Regulation Counsel and determine whether there is reasonable cause to believe grounds for discipline exist. See C.R.C.P. 251.12. Following review of the investigation conducted by Regulation Counsel, the Attorney Regulation Committee may dismiss the allegations, divert the matter to the alternatives to discipline program, order a private admonition be imposed, or authorize Regulation Counsel to file a formal complaint against the respondent-attorney.

In 2019 the Attorney Regulation Committee reviewed 144 matters, many of which were consolidated when multiple matters involved the same attorney. The Attorney Regulation Committee's disposition of the 144 matters presented to the Committee is detailed in Table 14.⁵¹

⁵¹ Because some matters are carried over from one calendar year to the next, the number of matters reviewed by the Attorney Regulation Committee and the number of matters dismissed by Regulation Counsel generally will not conform to the number of cases docketed or completed in the investigation area.

TABLE 14: Dispositions by the Attorney Regulation Committee⁵²

Year	Formal Proceedings	Diversion Matters	Private Admonition	Conditional Admissions	Dismissals	Total Cases Acted Upon By ARC
2019	79	57	8	0	0	144
2018	74	47	7	0	0	128
2017	66	37	26	0	2	131
2016	115	56	9	0	0	180
2015	97	54	14	0	1	166
2014	102	45	4	0	0	151

Formal Complaints

In 79 separate matters, the Attorney Regulation Committee found reasonable cause and authorized the Office of Attorney Regulation Counsel to file a formal complaint. See C.R.C.P. 251.12(e). Several matters were consolidated, and the number of formal complaints filed in 2019 was 23. Twenty-two matters were resolved through 8 conditional admissions filed with the Presiding Disciplinary Judge after the Attorney Regulation Committee authorized formal proceedings in those matters, but before a complaint was filed.

TABLE 15: Formal Proceedings

Year	Formal Complaints Filed	Stipulations Prior to Complaint Filed
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)*
2014	41(56)*	7(8)*

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

⁵² Some of these cases involved multiple reports of investigation of one attorney.

The formal complaints filed, and those pending from 2018, in the attorney discipline area resulted in 7 disciplinary trials, 8 sanctions hearings, and 1 reinstatement hearing. The trial division also participated in additional matters before the Presiding Disciplinary Judge (substantive motion practice, as well as at issue conferences, status conferences, and pretrial conferences). Disposition of the matters is detailed in Table 16.

TABLE 16: Disposition of Matters at Trial Stage

Year	Attorney Discipline Trials	Conditional Admissions	Diversion Agreements	Dismissals	Abeyance
2019	7	15(28)	1	3	0
2018	5	20(42)	3	3	0
2017	10	22(51)*	2(3)*	1(3)*	2
2016	13	22(40)*	1(3)*	1	0
2015	12	26(50)*	1(3)*	1	0
2014	16	27(46)*	1	1	0
2013	10	17(25)*	0	0	0
2012	11	24(53)*	0	3	0

*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 of misconduct, or by trial. The following tables compare the length of time formal complaints are pending before Presiding Disciplinary Judge. Additionally, the tables provide 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.

TABLE 17A: Average Time – Formal Complaint to Conditional Admission/Diversion

Year	Average Weeks From Filing of Formal Complaint to Conditional Admission/Diversion Filed	
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
2012	Presiding Disciplinary Judge	27.3 weeks

TABLE 17B: Average Time – Formal Complaint to Trial

Year	Average Weeks From Filing of Formal Complaint to Trial	
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
2012	Presiding Disciplinary Judge	25.9 weeks

Another comparison is the average time it takes from the filing of the formal complaint with the Presiding Disciplinary Judge until the Presiding Disciplinary Judge issues a final order.

TABLE 18: Average Weeks from the Filing of the Formal Complaint Until the Final Order is Issued by the Presiding Disciplinary Judge

Year	Matter Resolved Through Conditional Admission or Diversion	Matter Resolved Through Trial
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
2012	32.9 weeks	62.3 weeks

APPENDIX G:

APPEALS

In 2019, 6 attorney discipline appeals were filed with the Court.

TABLE 19A: Appeals Filed with the Colorado Supreme Court

Year	Appeal Filed With:	Number of Appeals
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
2012	Colorado Supreme Court	8

TABLE 19B: Disposition of Appeals as of December 31, 2019

Year	Appeals Dismissed	Appeals Affirmed	Appeals Reversed	Appeals Pending
2019	0	3	0	3
2018	1	3	0	2
2017	1	4	0	1
2016	1	2	0	4
2015	1	3	0	3
2014	1	1	1	3
2013	0	4	0	4
2012	2	4	0	3

APPENDIX H:

FINAL DISPOSITIONS

Final dispositions resulting in public discipline, including discipline stipulated to in conditional admissions, are reflected in Table 20.

TABLE 20: Final Dispositions of Proceedings

Year	Public Censures	Suspensions	Probations	Disbarments
2019	16(17)*	35(39)*	18(22)*	14(25)*
2018	10(11)*	38(74)*	23(46)*	10(23)*
2017	16(21)*	31(63)*	10(12)*	13(42)*
2016	11(13)*	29(60)*	14(30)*	18(39)*
2015	6(11)*	34(60)*	19(29)*	14(36)*
2014	1	44(73)*	27(40)*	9(32)*
2013	5	46(61)*	25(43)*	18(27)*
2012	8	43	21	8

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

APPENDIX I:

OTHER ACTIONS

TABLE 21: Disposition of Disability Matters

Year	Filed	Disability Inactive Status	Dismissed/ Discharged / Denied	Reinstated	Withdrawn	Pending
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
2012	8	9	2	0	0	0

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

Magistrates

Effective July 2000, the Office of Attorney Regulation Counsel undertook the responsibility of handling complaints against magistrates. See C.R.C.P. 251.1(b). In the year 2019, the Office of Attorney Regulation Counsel received 54 complaints against magistrates.

TABLE 22: Disposition of Complaints Concerning Magistrates

Year	Complaints	Dismissed	Diversion	Investigation Initiated
2019	54	52	0	0
2018	58	55	0	3
2017	53	53	0	0
2016	54	50	0	4
2015	46	43	0	3
2014	45	43	0	2
2013	43	43	0	0
2012	45	42	1	2

Reinstatement and Readmission Matters

In 2019, 5 reinstatement or readmission matters were filed with the Office of Attorney Regulation Counsel. When an attorney has been suspended for at least one year and one day, has been disbarred, or the court's order requires reinstatement, he/she must seek reinstatement or apply for readmission to the Bar.

TABLE 23: Disposition of Reinstatement / Readmission Matters

Year	Filed	Readmitted	Reinstated	Dismissed	Withdrawn	Denied	Pending
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
2012	8	0	4	1	0	1	6

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

APPENDIX J:

UNAUTHORIZED PRACTICE OF LAW

The Office of Attorney Regulation Counsel investigates and prosecutes allegations of the unauthorized practice of law. In 2019, the Office of Attorney Regulation Counsel received 70 complaints regarding the unauthorized practice of law.

TABLE 24: Number of UPL Complaints Received

Year	Number of Complaints
2019	70
2018	61
2017	71
2016	64
2015	70
2014	73
2013	59
2012	80

APPENDIX K:

INVENTORY COUNSEL

Chart K-1: Inventory Counsel Files Inventoried⁵³

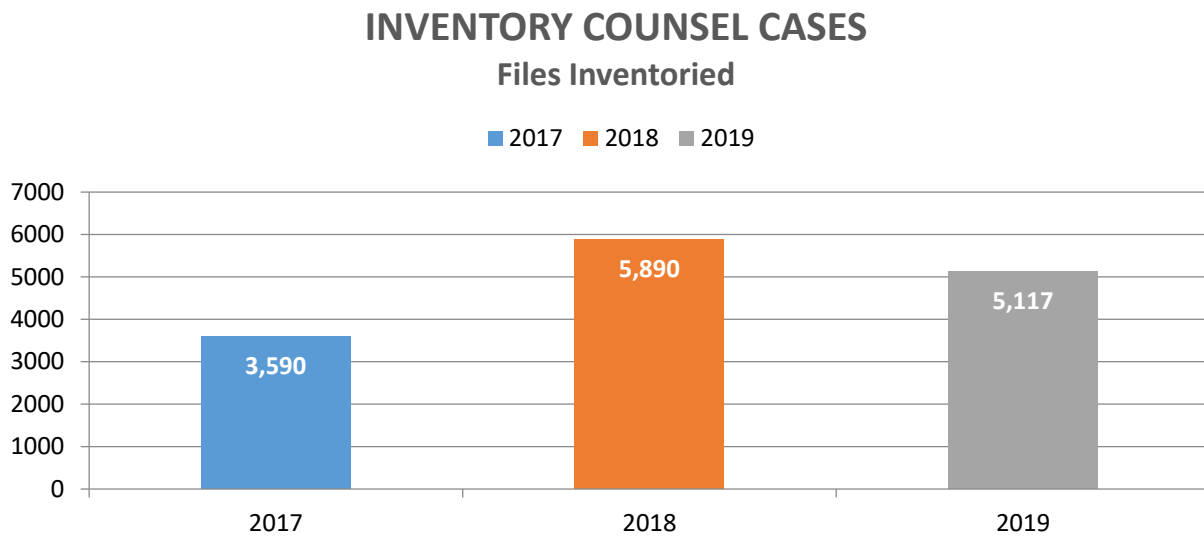
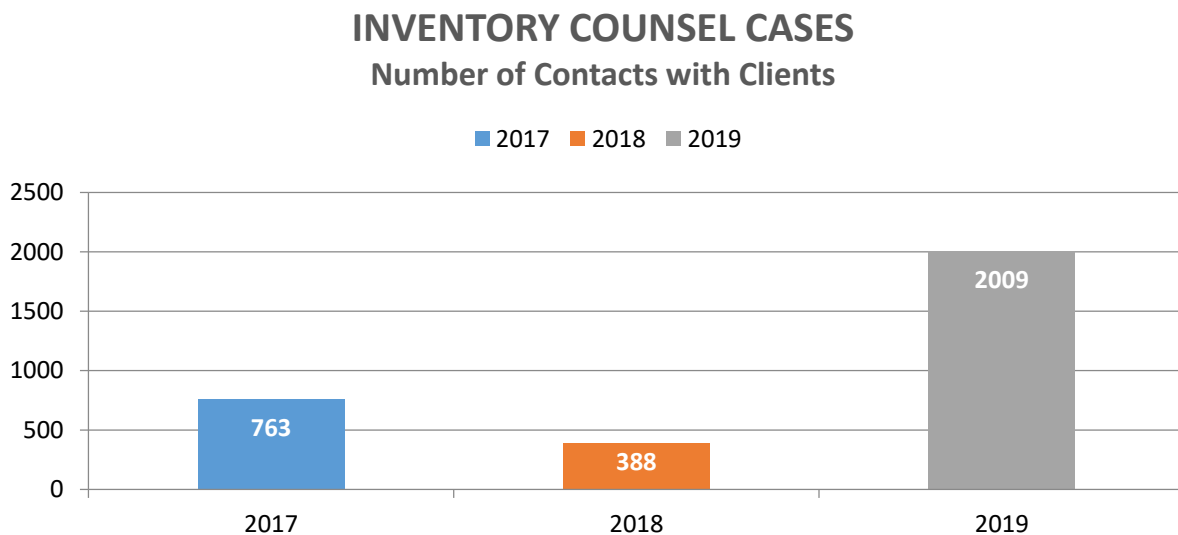


Chart K-2: Inventory Counsel Number of Letters/Calls to Clients



⁵³ Inventory Counsel was the last department of the Office of Regulation Counsel to transition to the case matter database, Justware, allowing more effective data collection for Inventory Counsel matters as of 2015.

Chart K-3: Petitions to Appoint Inventory Counsel

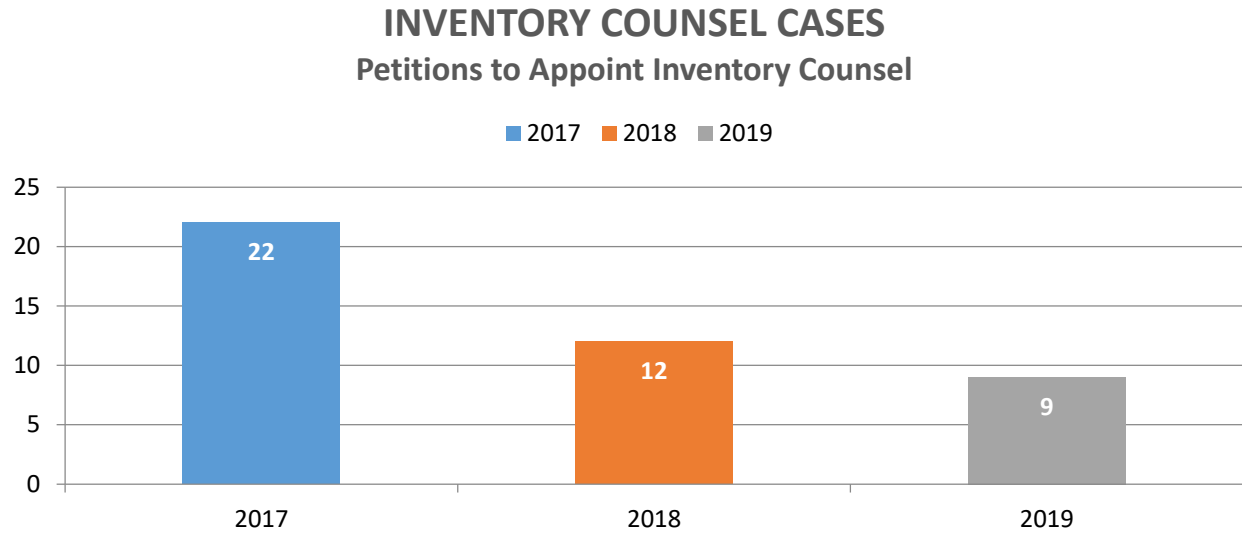
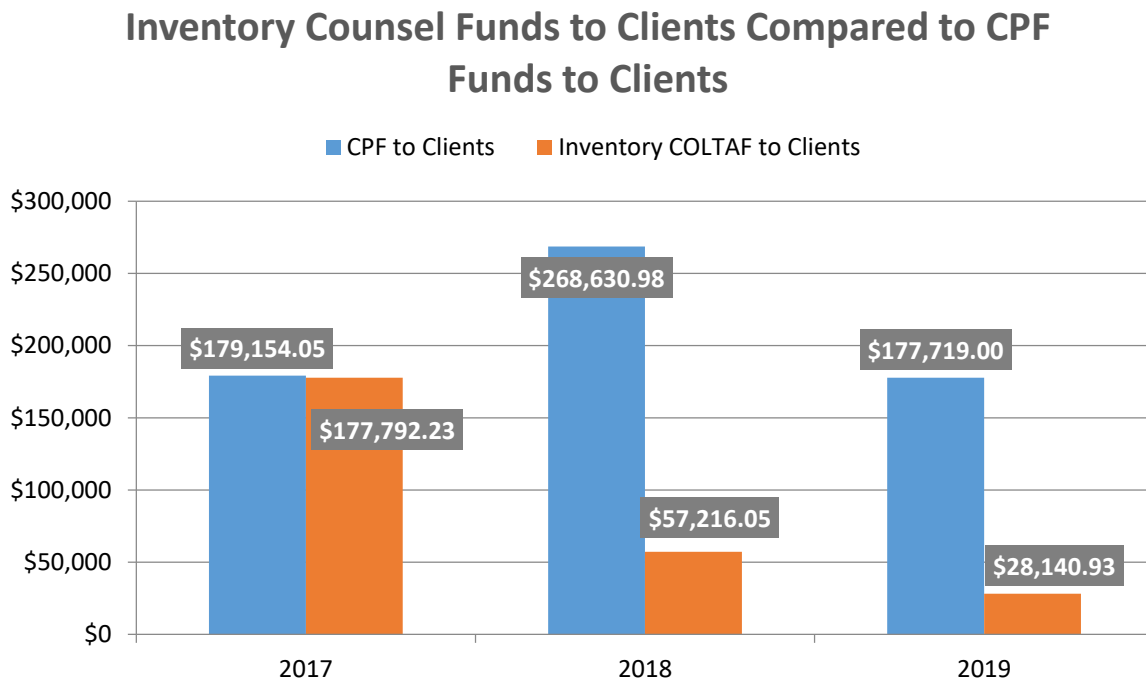


Chart K-4: Inventory Counsel Funds Returned to Clients





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

www.coloradosupremecourt.com

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