

Rule 205.8. Emergency Rule Concerning Certification for Limited Practice as a Graduate Before Admission By Examination

(a) Effective Dates.

(1) This Rule shall take effect August 1, 2020 for applicants for admission who meet all eligibility requirements under this Rule and who notify the Office of Attorney Admissions in writing by July 20, 2020 that they are transferring their July 2020 Colorado bar examination registration to the February 2021 Colorado bar examination. Applicants who notify the Office of Attorney Admissions in writing after July 20, 2020 but no later than July 31, 2020 that they are disqualified from sitting for the July 2020 Colorado bar examination under the Office's examination protocols and medical screening questionnaire will be deemed to have met the notification deadline in this subsection. For applicants under this paragraph (a)(1), this Rule expires seven days after the last scheduled swearing-in ceremony corresponding with the Colorado bar examination held in February 2021.

(2) All other applicants who registered for the July 2020 Colorado bar examination are ineligible for certification under this Rule unless the July 2020 examination is postponed. If the July 2020 examination is postponed, this Rule shall take effect on August 1, 2020 and, for applicants registered for the July 2020 examination, expires seven days after the last scheduled swearing-in ceremony corresponding with the first Colorado bar examination that is held after the effective date of this Rule.

(3) In its discretion, the Supreme Court may extend the time limits set forth in this Rule.

(b) General Statement. In its discretion, the Supreme Court may certify an applicant for admission by the Colorado bar examination to be a certified limited practice graduate under the conditions and requirements of this Rule.

(c) Eligibility. An applicant for admission by the Colorado bar examination under C.R.C.P. 203.4 may apply to become a certified limited practice graduate under the procedures set forth in this Rule. Applicants who are eligible for temporary practice under C.R.C.P. 205.7(2)(b)(i)(A) may, but are not required to, be certified as a limited practice graduate under this Rule. To be eligible as a certified limited practice graduate, an applicant must demonstrate through a form, affidavit and any other evidence required by this Rule that the applicant:

(1) has submitted an application to the Office of Attorney Admissions pursuant to C.R.C.P. 203.4;

(2) has never been licensed to practice law in another state in the United States, the District of Columbia, or U.S. Territories;

(3) has graduated with a J.D. or LL.B. from a law school accredited by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;

(4) affirms an intent to practice law in Colorado under the supervision of a licensed attorney who meets the requirements of this Rule;

(5) has not yet taken the Colorado bar examination; and,

(6) has satisfied all other requirements for admission as a Colorado-licensed attorney, or the Office of Attorney Admissions has determined that the applicant may reasonably be expected to satisfy all such requirements prior to admission, except for obtaining a passing score of the Colorado bar examination.

(d) Filing Requirements and Effect of Registration.

(1) In order to perform the services set forth in this Rule, the applicant must request certification as a limited practice graduate through a form provided by the Clerk of the Supreme Court Office of Attorney Registration, with all the information requested on the form, together with a fee of \$50. The Clerk of the Supreme Court Office of Attorney Registration shall send a copy of all applications for graduate limited practice certification to the Office of Attorney Admissions to determine eligibility to provide services under this Rule.

(2) Upon being notified that the Office of Attorney Admissions has determined the applicant is eligible to be certified as a limited practice graduate, the applicant may register with the Clerk of the Supreme Court Office of Attorney Registration for supervised practice.

(A) The applicant shall affirm that the applicant has read, is familiar with, and will be governed by the Colorado Rules of Professional Conduct.

(B) The applicant must include with the registration the identity of the applicant's supervising attorney and an affidavit from the supervising attorney sufficient to establish that the attorney agrees to undertake the supervision of the applicant in accordance with this Rule.

(C) The applicant must include with the registration an attestation from the dean of the law school where the applicant was enrolled on graduation that the applicant meets the graduation requirements of this Rule, and, to the best of the dean's knowledge, is qualified by ability, training, and character to provide the services permitted by this Rule.

(3) The applicant must advise the Clerk of the Supreme Court Office of Attorney Registration immediately of any change in circumstances that renders the applicant ineligible for certification as a limited practice graduate.

(4) Nothing herein shall relieve an applicant of the continuing duty to inform the Office of Attorney Admissions of supplementary information and developments, including those relating to character and fitness, affecting the applicant's pending application for admission as a licensed attorney.

(5) Certification as a limited practice graduate confers no rights or presumptions bearing on the applicant's pending application for admission as a licensed attorney, and in no way restricts the Supreme Court's authority to determine an applicant's admission to the practice of law in Colorado.

(e) Supervision.

(1) An applicant may be certified as a limited practice graduate only if a supervising attorney who meets the requirements of this Rule, as determined by the Clerk of the Supreme Court Office of Attorney Registration and Attorney Regulation Counsel, has agreed to supervise the applicant. Under no circumstances may a certified limited practice graduate engage in the practice of law as a sole practitioner.

(2) The supervising attorney must through affidavit show that he or she:

(A) is admitted and in good standing in Colorado;

(B) has been engaged in the active practice of law for at least three of the past five years;

(C) is not the subject of any pending formal disciplinary or disability matters in any jurisdiction at the time of the applicant's registration under this Rule;

(D) expressly agrees to: assume all professional responsibility for the direct supervision for the professional work of the applicant, including the applicant's compliance with the Colorado Rules of Professional Conduct; provide any necessary assistance to the applicant to ensure the protection of the clients for whom the applicant provides services; either directly or through the services of another Colorado-licensed attorney associated with the supervising attorney's firm or organization, review, sign and file pleadings, briefs, and other legal documents that the applicant has prepared; and either directly or through the services of another Colorado-licensed attorney associated with the supervising attorney's firm or organization, be present for designated court appearances as required by this Rule or by order of any court or tribunal; and

(E) expressly agrees to notify the Clerk of the Supreme Court Office of Attorney Registration within seven days if the supervising attorney has terminated supervision of the applicant or if the supervising attorney becomes aware that the applicant no longer meets the requirements of a certified limited practice graduate.

(f) Termination of Certification. The privilege to engage in supervised practice through certification as a limited practice graduate under this Rule may be terminated by the Supreme Court at any time without notice or hearing and without any showing of cause, and also expires without action by the Court upon any of the following circumstances:

(1) the applicant's withdrawal of the application for admission under C.R.C.P. 203.4;

(2) the supervising attorney's withdrawal of an agreement to supervise the applicant, unless a substitute supervising attorney meeting the requirements of this Rule has filed an affidavit reflecting an agreement to supervise the applicant;

(3) the applicant's admission to practice law in any state, the District of Columbia, or U.S. Territory; or

(4) seven days after the Office of Attorney Admissions notifies, through publication or otherwise, the applicant that he or she did not achieve a passing score on the Colorado bar examination.

(g) **Services Permitted.** Under the supervision of and with the approval of the supervising attorney, and with the written consent of the person or entity on whose behalf the certified limited practice graduate is acting, a certified limited practice graduate may render the following services:

(1) A certified limited practice graduate may counsel and advise clients, negotiate in the settlement of claims and charges, represent clients in mediation and other non-litigation matters, and engage in the preparation and drafting of pleadings, briefs, memoranda, instruments, and other legal documents. Any communication, other than internal communications signed by the applicant, must include the designation "Certified Limited Practice Graduate" and also must be signed by the supervising attorney or another Colorado-licensed attorney associated with the same firm or organization as the supervising attorney.

(2) A certified limited practice graduate may provide short-term limited legal services to a client as contemplated by Colo. RPC 6.5 by disclosing to both the legal services program and any individual participating in the program with whom the graduate makes contact that the graduate is a "Certified Limited Practice Graduate" and not a licensed attorney. A Colorado-licensed attorney must be available to assist the certified limited practice graduate in the provision of such services.

(3) A certified limited practice graduate may appear in the courts and administrative tribunals of this state, including court-sponsored mediation, subject to the following qualifications and limitations:

(A) All required consents to the certified limited practice graduate's appearance in a matter shall be brought to the attention of the judge or presiding officer;

(B) Appearances, pleadings, motions, briefs and other documents to be filed with a court prepared by the applicant must include the designation "Certified Limited Practice Graduate," and also must be signed and filed by the supervising attorney or another Colorado-licensed attorney associated with the same firm or organization as the supervising attorney;

(C) In criminal cases in which the defendant has not been charged with a felony, and in civil or criminal contempt proceedings, all prior to appeal: the certified limited practice graduate may participate as long as the supervising attorney or another Colorado-licensed attorney associated with the same firm or organization as the supervising attorney is available, but not necessarily physically present in the courtroom, in the event that the client in question wants to consult with a licensed attorney. However, a supervising attorney or other Colorado-licensed attorney associated with the same firm or organization as the supervising attorney must be physically present in the courtroom if the proceeding is a testimonial motions hearing or trial;

(D) In all other civil cases, the certified limited practice graduate may conduct all pretrial, trial, and post-trial proceedings, other than appellate proceedings, with the supervising attorney or other Colorado-licensed attorney associated with the same firm or organization as the supervising attorney physically present, unless the judge or presiding officer orders that the certified limited practice graduate may participate without the presence of a licensed attorney and the client consents to the absence of a licensed attorney;

(E) In matters before appellate courts, the certified limited practice graduate may prepare briefs and other appellate filings, subject to the signature and filing requirements of this section. Upon motion by the supervising attorney or other attorney associated with the same firm or organization as the supervising attorney, the certified limited practice graduate may request authorization to argue the matter before the appellate court but, in all cases, the moving attorney must be present at the argument.

(F) A court or presiding officer may at any time and in any proceeding require the supervising attorney or other Colorado-licensed attorney associated with the same firm or organization as the supervising attorney to be physically present in a proceeding with a certified limited practice graduate.

(h) Compensation. A certified limited practice graduate rendering services authorized by this Rule shall not request or accept any compensation from the person for whom the certified limited practice graduate renders the services. The certified limited practice graduate may be compensated as an employee of a firm or other organization, and may request such compensation consistent with other law.

(i) Disciplinary Complaints.

(1) Any disciplinary complaint or request for investigation concerning a certified limited practice graduate should be directed to the Attorney Regulation Counsel. The Attorney Regulation Counsel may pursue immediate suspension of the certification of the limited practice graduate on a discipline or disability basis through petition to the Supreme Court, in exercise of its plenary authority. The Court in its discretion may request that the Presiding Disciplinary Judge serve as a special master for purposes of conducting any evidentiary hearing that the Court deems

necessary. Nothing herein shall limit the authority of the Supreme Court to suspend or revoke certification of the limited practice graduate pursuant to subsection (f) of this Rule.

(2) The Attorney Regulation Counsel shall have jurisdiction over any requests for investigation against both the certified limited practice graduate and the supervising attorney, and may also refer all information pertaining to the certified limited practice graduate to the Office of Attorney Admissions and the Character and Fitness Committee. The Attorney Regulation Counsel may disclose to the supervising attorney any requests for investigation pertaining to the certified limited practice graduate.

(j) Public Information. The Clerk of the Supreme Court Office of Attorney Registration may disclose the identity and registered business contact information of both a certified limited practice graduate and that person's supervising attorney, and disclose the dates such certification was effective and is terminated.

(k) Use of the title "Certified Limited Practice Graduate."

(1) A certified limited practice graduate may use the title "Certified Limited Practice Graduate" only in connection with services performed pursuant to this Rule.

(2) A certified limited practice graduate shall not hold himself or herself out to anyone as a licensed attorney.

(3) Nothing in this Rule prohibits a certified limited practice graduate from describing his or her participation in this program on a resume, biographical summary, or application seeking employment as long as the description is not false, deceptive, or misleading.

Amended and Adopted by the Court, En Banc, this 9th day of July, 2020, effective immediately.

By the Court:

**Monica M. Márquez
Justice, Colorado Supreme Court**