

**STATE OF COLORADO
SUPREME COURT
BOARD OF CONTINUING LEGAL AND JUDICIAL EDUCATION
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**RULES AND REGULATIONS GOVERNING
MANDATORY CONTINUING LEGAL AND JUDICIAL EDUCATION
FOR THE STATE OF COLORADO**

(As adopted by the Colorado Supreme Court, August 14, 1978
and amended through January 1, 2012)

RULE 260: MANDATORY CONTINUING LEGAL AND JUDICIAL EDUCATION

PREAMBLE: STATEMENT OF PURPOSE

As society becomes more complex, the delivery of legal services likewise becomes more complex. The public rightly expects that practicing attorneys, in their practice of law, and judges, in the performance of their duties, will continue their legal and judicial education throughout the period of their service to society. It is the purpose of these rules to make mandatory a minimum amount of continuing legal education for practicing attorneys and judges in order to foster and promote competence and professionalism in the practice of law and the administration of justice.

RULE 260.1: DEFINITIONS

- (1) The "Board" is the Board of Continuing Legal and Judicial Education.
- (2) "Continuing legal education" is any legal, judicial or other educational activity accredited by the Board.
- (3) An attorney in "inactive status" is one who has elected such status pursuant to Rule 227A.
- (4) "Registered attorney" is an attorney who has paid the registration fee required by Rule 227A for the current year and who is not on inactive status or suspended by the Supreme Court from the practice of law.
- (5) "Judge" is a judge who is subject to the jurisdiction of the Commission on Judicial Qualifications or the Denver County Court Judicial Qualifications Commission.
- (6) "These rules" refer to rules numbered 260.1 through 260.7 of the Rules of Civil Procedure.
- (7) A "unit" of continuing legal education is a measurement factor combining time and quality assigned by the Board to all or part of a particular continuing legal educational activity.

RULE 260.2: MINIMUM EDUCATIONAL REQUIREMENTS

- (1) Every registered attorney and every judge shall complete 45 units of continuing legal education during each applicable three-year compliance period as provided in these rules.
- (2) At least seven of the 45 units will be devoted to continuing legal education specifically addressed to legal or judicial ethics.
- (3) All registered attorneys admitted after January 1, 1979 shall become subject to the minimal educational requirements set forth in these rules on the date of their initial admission to the bar of the State of Colorado. Their first compliance period shall begin on that date and end on December 31 of the third full calendar year following the year of admission.
- (4) This subsection 4 is repealed and replaced by 201.14(3).
- (5) Upon being reinstated pursuant to Paragraphs (3) or (8) of Rule 227A, any registered attorney who has been suspended under Paragraph (2) of Rule 227A, shall become subject to the minimal educational requirements set forth in these rules on the date of reinstatement. The first compliance period shall begin on that date and end on December 31 of the third full calendar year following the year of reinstatement, provided the date of reinstatement is more than one year after the date of suspension or transfer to inactive status. Otherwise, the compliance period shall be the same as it would have been absent the suspension or transfer.
- (6) Units of continuing legal education completed after the adoption of this rule by the Supreme Court and prior to January 1, 1979 may be used to meet the minimum educational requirement for the first applicable compliance period. Units of continuing legal education completed in excess of the required units of continuing legal education in any applicable compliance period may not be used to meet the minimum educational requirements in any succeeding compliance period.

RULE 260.3: BOARD OF CONTINUING LEGAL AND JUDICIAL EDUCATION

- (1) There is established a Board of Continuing Legal and Judicial Education which shall consist of nine members appointed by the Supreme Court. Six of the members shall be registered attorneys, at least one of whom shall also be a judge, and three of the members shall be non-attorneys. At least one of the registered attorneys shall be under the age of 35 when he or she is appointed. Members shall serve three-year terms; except that of the members initially appointed, three shall serve for one year, three shall serve for two years, and three shall serve for three years. The Supreme Court shall appoint one of the members to serve as chairperson at its pleasure. In the event of a vacancy, a successor shall be appointed for the unexpired term of the member whose office is vacated. Membership on the Board may be terminated as to any member by the Supreme Court at its pleasure. The members shall be entitled to reimbursement for reasonable travel, lodging and other expenses incurred in the performance of official duties.
- (2) The Board shall employ an Executive Director and such other staff as may be necessary to assist it in performing its functions and shall pay all expenses reasonably and necessarily incurred by it under a budget approved by the Supreme Court.
- (3) The Board shall administer the program of mandatory continuing legal education established by these rules. It may formulate rules and regulations and prepare forms not inconsistent with these rules pertaining to its functions and modify or amend the same from time to time. All such rules, regulations and forms and any modifications or amendments thereto shall be submitted to the Supreme Court and shall be made known to all registered attorneys and judges. Those rules, regulations and forms shall automatically become effective on the 28th day following submission unless they shall be suspended by the Supreme Court prior to that date.

RULE 260.4: ACCREDITATION

- (1) Continuing legal education must be educational activity which has as its primary objective the increase of professional competence of registered attorneys and judges. The activity must be an organized activity dealing with subject matter directly related to the practice of law or the performance of judicial duties. The Board shall accredit a broad variety of educational activities which meet these requirements.
- (2) Formal classroom instruction or educational seminars which meet the requirements of Paragraph (1) above lend themselves very well to the fulfillment of the educational requirement imposed by these rules and will be readily accredited by the Board. However, it is not intended that compliance with these rules will impose any undue hardship upon any registered attorney or judge by virtue of the fact that he or she may find it difficult because of age or other reasons to attend such activities. Consequently, in addition to accrediting classroom activities and seminars at centralized locations, the Board shall attempt to promote and accredit such educational activities as video tape and audio tape presentations; preparation of articles, papers, books, and other such written materials; self-administered courses and testing; and other meritorious learning experiences. The Board shall to the extent possible make all educational activities reasonably available throughout Colorado. In cases of incapacity because of poor health, the Board may defer the requirements set forth in these rules for individual attorneys. Deferral does not constitute a waiver.
- (3) The educational activity required by these rules will be in addition to teaching on a regular basis in which particular registered attorneys or judges may engage. Pursuant to Paragraph (6) below, the Board will determine whether a registered attorney's or judge's teaching qualifies for accreditation.
- (4) The Board shall assign an appropriate number of units of credit to each educational activity it shall accredit. Generally, a unit of credit shall be the equivalent to attending 50 minutes of a formal classroom lecture with accompanying textual material.
- (5) The Board may accredit as a sponsoring agency any organization which offers continuing legal education activities. All of the activities sponsored by such agency which conform to the requirements of these rules and such additional rules and regulations as the Board may adopt from time to time shall be accredited. Accreditation extended by the Board to any sponsoring agency shall be reviewed by the Board at least annually.

- (6) The Board shall develop criteria for the accreditation of individual educational activities and shall in appropriate cases accredit qualifying activities of such nature. Although such accreditation will generally be given before the occurrence of the educational activity, the Board may in appropriate cases extend accreditation to qualified activities which have already occurred.
- (7) The Board shall make available a list of all educational activities accredited by it, together with the units of credit assigned to each activity, which may be undertaken by registered attorneys or judges.
- (8) In furtherance of the purposes and objectives of this Rule to promote competence and professionalism in the practice of law and the administration of justice, the Board shall consider, in accrediting programs and educational activities, the contribution the program will make to the competent and professional practice of law by lawyers in this state or to the competent and professional administration of justice. To this end, the Board may review course content, presentation, advertising, and promotion to ascertain that the highest standards of competence and professionalism are being promoted. The Board may withhold accreditation for any program that does not meet these standards, or the contents or promotion of which would be scandalous or unprofessional.

RULE 260.5: EXEMPTIONS

Any registered attorney shall be exempt from the minimum educational requirements set forth in these rules for the years following the year of the attorney's 65th birthday.

RULE 260.6: COMPLIANCE

- (1) The mandatory continuing legal education requirement imposed by these rules shall take effect January 1, 1979. To aid administrative implementation of the requirement, the Board shall divide all registered attorneys into three groups of approximately equal numbers. The first group shall be required to complete 15 units of continuing legal education during the first year, and thereafter all registered attorneys in the first group shall complete 45 units of continuing legal education during each subsequent three-year compliance period. The second group shall be required to complete 30 units of continuing legal education during the first two years, and thereafter all registered attorneys in the second group shall complete 45 units of continuing legal education during each subsequent three-year compliance period. The third group shall be required to complete 45 units of continuing legal education during the first three years, and thereafter all registered attorneys and judges in the third group shall complete 45 units of continuing legal education during each subsequent three-year compliance period. All registered attorneys admitted to the bar within the two calendar years preceding January 1, 1979 and all judges shall be placed in the third group.
- (2) Commencing with the date set forth in Paragraph (1) above, the Board shall send to each registered attorney and judge an Affidavit for the reporting of compliance with these rules. It shall be in such form as will allow the reporting of progress towards fulfilling the units required during each applicable compliance period, as such units are earned.
- (3) At the time of payment of the registration fee required by Rule 227A or Rule 227B, each registered attorney and each judge shall submit an Affidavit showing the units of continuing legal education completed since the date such registered attorney or judge became subject to these rules or the date an Affidavit was last filed, whichever shall be later.
- (4) No later than January 31st following the end of each applicable compliance period, each registered attorney and each judge shall submit a final Affidavit showing the total units of continuing legal education completed during such period, if the Board's records do not show that the attorney or judge has completed the requirements for that compliance period.
- (5) In the event a registered attorney or judge shall fail to complete the required units at the end of each applicable compliance period, the final Affidavit may be accompanied by a specific plan for making up the deficiency of units necessary within 119 days (17 weeks) after the date of the final affidavit. **WHEN FILED, THE PLAN SHALL BE ACCOMPANIED BY A MAKE-UP PLAN FILING FEE, THE AMOUNT OF WHICH SHALL BE DETERMINED BY THE BOARD ANNUALLY AND WHICH SHALL BE USED TO COVER THE COSTS OF PROCESSING THE PLAN.** Such plan shall be deemed accepted by the Board unless within 14 days after the receipt of such final affidavit the Board notifies the affiant to the contrary. Full completion of the affiant's plan shall be reported by affidavit to the Board not later than 14 days following such 119-day period. Failure of the affiant to complete the plan within such 119-day period shall invoke the sanctions set forth in Paragraph (6).

- (6) In the event that any registered attorney or judge shall fail to comply with these rules in any respect, the Board shall promptly notify such registered attorney or judge of the nature of the noncompliance by a statement of noncompliance. The statement shall advise the registered attorney or judge that within 14 days either the noncompliance must be corrected or a request for a hearing before the Board must be made, and that upon failure to do either, the statement of noncompliance shall be filed with the Supreme Court.
- (7) If the noncompliance is not corrected within 14 days, or if a hearing is not requested within 14 days, the Board shall promptly forward the statement of noncompliance to the Supreme Court which may impose the sanctions set forth in Paragraph (10).
- (8) If a hearing before the Board is requested, such hearing shall be held within 28 days after the request by the full Board or one or more of the members of the Board as it shall designate, provided that the presiding member at the hearing must be a registered attorney or judge. Notice of the time and place of the hearing shall be given to the registered attorney or judge at least 14 days prior thereto. The registered attorney or judge may be represented by counsel. Witnesses shall be sworn; and, if requested by the registered attorney or judge, a complete electronic record shall be made of all proceedings had and testimony taken. The presiding member shall have authority to rule on all motions, objections and other matters presented in connection with the hearing. The hearing shall be conducted in conformity with the Colorado Rules of Civil Procedure, and the practice in the trial of civil cases, except the registered attorney or judge involved may not be required to testify over his or her objection. The chairman of the Board shall have the power to compel, by subpoena issued out of the Supreme Court, the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records deemed necessary as evidence in the hearing.
- (9) At the conclusion of the hearing, the member or members of the Board who conducted the hearing shall make findings of fact and shall determine whether the registered attorney or judge involved has complied with the requirements of these rules and, if it determines there was noncompliance, whether there was reasonable cause for noncompliance. A copy of such findings and determination shall be sent to the registered attorney or judge, involved. If it is determined that compliance has occurred, the matter shall be dismissed; and the Board's records shall be made to reflect such compliance. If it is determined that compliance has not occurred, the Board shall proceed as follows:
 - (a) If the Board determines that there was reasonable cause for noncompliance, the registered attorney or judge shall be allowed 14 days within which to file with the Board a specific plan for correcting the noncompliance within 119 days (17 weeks). Such plan shall be deemed accepted by the Board unless within 14 days after its receipt the Board notifies the registered attorney or judge to the contrary. Full completion of the plan shall be reported by Affidavit to the Board not later than 14 days following such 119-day (17 weeks) period. If the registered attorney or judge shall fail to file an acceptable plan, or shall fail to complete and certify completion of the plan within such 119-day period, the Board shall proceed as set forth in paragraph (b) as though it had determined that there was not reasonable cause for noncompliance.
 - (b) If the Board determines that there was not reasonable cause for noncompliance, a record of the matter, which must include a copy of the findings and determination, shall be promptly filed with the Supreme Court. If requested by the Board, registered attorney or judge, the record shall include a transcript of the hearing prepared at the expense of the requesting party.
- (10) Upon receipt of a statement of noncompliance upon which a hearing was not requested or upon receipt of the record of a Board hearing, the Supreme Court shall enter such order as it shall deem appropriate, which may include an order of summary suspension from the practice of law until the further order of the Court in the case of registered attorneys or referral of the matter to the Commission on Judicial Qualifications or the Denver County Court Judicial Qualifications Commission in the case of judges.
- (11) Any registered attorney who has been suspended pursuant to Paragraph (2) of Rule 227A, or who has elected to transfer to inactive status pursuant to Paragraph (7) of Rule 227A, shall be relieved thereby from the requirements of these rules. Upon being reinstated pursuant to Paragraphs (3) or (7) of Rule 227A, the compliance period for such registered attorney shall commence on the date of reinstatement and end on December 31 of the third full calendar year following the year of reinstatement, provided the date of reinstatement is more than one year after the date of suspension or transfer to inactive status, or such lesser period as the Board may determine. Otherwise, the compliance period shall be the same as it would have been absent the suspension or transfer. No registered attorney or judge shall be permitted to transfer from active status to inactive status and vice versa or to become suspended and then reinstated to circumvent the requirements of these rules.

- (12) All notices given pursuant to these rules shall be sent by certified mail, return receipt requested, to the registered address of the registered attorney or judge maintained by the Clerk of the Supreme Court pursuant to Rule 227A or Rule 227B.
- (13) Any attorney who has been suspended for noncompliance pursuant to Rule 260.6(10) may be reinstated by order of the Court upon a showing that the attorney's current continuing legal education deficiency has been made up. The attorney shall file with the Board three (3) copies of a petition seeking reinstatement, addressed to the Supreme Court. The petition shall state with particularity the accredited programs of continuing legal education which the attorney has already completed, including dates of their completion, by which activity the attorney earned sufficient units of credit to make up the deficiency which was the cause of the attorney's suspension. The petition shall be accompanied by a reinstatement filing fee, the amount of which shall be determined by the Board annually and which shall be used to cover the costs associated with noncompliance. The Board shall file a properly completed petition, accompanied by the Board's recommendation, with the Clerk of the Supreme Court within 14 days after receipt.

RULE 260.7: CONFIDENTIALITY

The files, records and proceedings of the Board, as they relate to the compliance or noncompliance of any registered attorney or judge with the requirements of these rules, shall be confidential and shall not be disclosed except upon written request or consent of the registered attorney or judge affected or as directed by the Supreme Court.

RULE 260.8: DIRECT REPRESENTATION AND MENTORING IN PRO BONO CIVIL LEGAL MATTERS

- (1) A lawyer may be awarded a maximum of nine (9) units of general credit during each three-year compliance period for providing uncompensated pro bono legal representation to an indigent or near-indigent client or clients in a civil legal matter, or mentoring another lawyer or a law student providing such representation.
- (2) To be eligible for units of general credit, the civil pro bono legal matter in which a lawyer provides representation must have been assigned to the lawyer by: a court; a bar association or Access to Justice Committee-sponsored program; an organized non-profit entity, such as Colorado Legal Services, Metro Volunteer Lawyers, or Colorado Lawyers Committee whose purpose is or includes the provision of pro bono representation to indigent or near-indigent persons in civil legal matters; or a law school. Prior to assigning the matter, the assigning court, program, entity, or law school shall determine that the client is financially eligible for pro bono legal representation because (a) the client qualifies for participation in programs funded by the Legal Services Corporation, or (b) the client's income and financial resources are slightly above the guidelines utilized by such programs, but the client nevertheless cannot afford counsel.
- (3) Subject to the reporting and review requirements specified herein, (a) a lawyer providing uncompensated, pro bono legal representation shall receive one (1) unit of general credit for every five (5) billable-equivalent hours of representation provided to the indigent client; (b) a lawyer who acts as a mentor to another lawyer as specified in this Rule shall be awarded one (1) unit of general credit per completed matter; and (c) a lawyer who acts as a mentor to a law student shall be awarded two (2) units of general credit per completed matter. A lawyer will not be eligible to receive more than nine (9) units of general credit during any three-year compliance period via any combination of pro bono representation and mentoring.
- (4) A lawyer wishing to receive general credit units under this Rule shall submit to the assigning court, program, or law school a completed Form 8. As to mentoring, the lawyer shall submit Form 8 only once, when the matter is fully completed. As to pro bono representation, if the representation will be concluded during a single three-year compliance period, then the lawyer shall complete and submit Form 8 only once, when the representation is fully completed. If the representation will continue into another three-year compliance period, then the applying lawyer may submit an interim Form 8 seeking such credit as the lawyer may be eligible to receive during the three-year compliance period that is coming to an end. Upon receipt of an interim or final Form 8, the assigning court, program, entity, or law school shall in turn report to the Board the number of general CLE units that it recommends be awarded to the reporting lawyer under the provisions of this Rule. It shall recommend an award of the full number of units for which the lawyer is eligible under the provisions of this Rule, unless it determines after review that such an award is not appropriate due to the lawyer's lack of diligence or competence, in which case it shall recommend awarding less than the full number of units or no units. An outcome in the matter adverse to the client's objectives or interests shall not result in any presumption that the lawyer's representation or mentoring was not diligent or competent. The Board shall have final authority to issue or decline to issue units of credit to the lawyer providing representation or mentoring, subject to the other provisions of these Rules and Regulations, including without limitation the hearing provisions of Regulation 108.

- (5) A lawyer who acts as a mentor to another lawyer providing representation shall be available to the lawyer providing representation for information and advice on all aspects of the legal matter, but will not be required to file or otherwise enter an appearance on behalf of the indigent client in any court. Mentors shall not be members of the same firm or in association with the lawyer providing representation to the indigent client.
- (6) A lawyer who acts as a mentor to a law student who is eligible to practice law under C.R.S. §§ 12-5-116 to -116.5 shall be assigned to the law student at the time of the assignment of the legal matter with the consent of the mentor, the law student, and the law school. The matter shall be assigned to the law student by a court, a program or entity as described in Rule 260.8(2), or an organized student law office program administered by his or her law school, after such court, program, entity, or student law office determines that the client is eligible for pro bono representation in accordance with Rule 260.8(2). The mentor shall be available to the law student for information and advice on all aspects of the matter, and shall directly and actively supervise the law student while allowing the law student to provide representation to the client. The mentor shall file or enter an appearance along with the law student in any legal matter pursued or defended for the client in any court. Mentors may be acting as full-time or adjunct professors at the law student's law school at the same time they serve as mentors, so long as it is not a primary, paid responsibility of that professor to administer the student law office and supervise its law-student participants.

REGULATIONS OF THE COLORADO BOARD OF CONTINUING LEGAL AND JUDICIAL EDUCATION

REGULATION 101. PREAMBLE

These regulations are adopted pursuant to Rule 260 of the Colorado Rules of Civil Procedure. They provide a framework for accrediting a wide variety of continuing legal education activities. It is the intent of these regulations that each Colorado attorney and judge has ample opportunity to participate in educational activities that fit individual professional needs.

REGULATION 102. CONTINUING LEGAL EDUCATION REQUIREMENT

- (a) For registered attorneys in groups 1 and 2 (see Rule 260.6), units of continuing legal education in excess of the required 15 units for 1979 or 30 for 1979-80, respectively, may not be used to satisfy the requirements of the first full three-year compliance period. Similarly for registered attorneys in groups 1 and 2, units of continuing legal education completed between August 14, 1978, when Rule 260 was adopted by the Supreme Court, and January 1, 1979, when the Rule is effective, may be used to satisfy only the requirements for 1979 or 1979-80, respectively.
- (b) For registered attorneys in groups 1 and 2, the requirement regarding continuing legal education specifically addressed to legal or judicial ethics will not be effective until the start of the first full three-year compliance period.
- (c) The requirements of Rule 260 and these Regulations will not be applied to lawyers from other jurisdictions who are admitted for a case or proceeding.

REGULATION 103. STANDARDS FOR ACCREDITATION

Continuing legal education must be educational activity which has as its primary objective the increase of professional competence of registered attorneys and judges. The activity must be an organized activity dealing with subject matter directly related to the practice of law or the performance of judicial duties.

- (a) The Board shall accredit formal and individualized course work and teaching and research activity applying the standards set forth below. Individual attorneys, judges or sponsors seeking accreditation of other types of educational activity should apply, in writing, to the Board, for accreditation, before undertaking such activities. Before making a final determination concerning the accreditation of activity other than those enumerated above, the Board shall formulate standards and promulgate rules in a manner consistent with the provisions of Rule 260.3(3).

- (b) Courses will be accredited only if they are offered by a sponsor recognized as eligible. In order to be recognized, a sponsor must have either (1) substantial, recent experience in offering continuing legal education, or (2) demonstrated ability to organize and present effectively continuing legal education. Demonstrated ability arises partly from the extent to which individuals with legal training or educational experience are involved in the planning, instruction, or supervision of continuing legal education activities.
- (c) Courses and other activities will not be accredited if attendance is limited to the members of a particular law firm, corporation or other business entity. This requirement will not apply, however, to professional associations, or activities sponsored by an agency for the benefit of registered attorneys or judges who are employees of a local, state or federal governmental unit.
- (d) Each faculty member must be qualified by practical or academic experience to teach the subject he or she covers.
- (e) Thorough, high quality written materials must be distributed to all attendees at or before the time the course is presented. A mere agenda will not be sufficient.
- (f) Formal courses must be conducted in a setting physically suitable to the educational activity of the program. A suitable writing surface should be provided where feasible.
- (g) The Board shall accredit teaching activities of registered attorneys and judges, upon written application by individuals engaged in such activities, provided the activity contributes to the continuing legal education of the applicant and other attorneys or judges. In addition, the Board may accredit educational activity of attorneys and judges who present programs to a public audience, provided the program's primary purpose is to inform the individuals in that audience about the workings of the Colorado judiciary and the functions of judges and courts.
- (h) The Board shall accredit research activities of registered attorneys and judges, upon written application by individuals engaged in such activities, provided the activity (1) has produced published findings in the form of articles, chapters, monographs or books, personally authored, in whole or part, by the applicant; (2) contributes substantially to the continuing legal education of the applicant and other attorneys or judges; and (3) is not done in the ordinary course of the practice of law, the performance of judicial duties, or other regular employment.
- (i) The Board shall accredit committee research activities of registered attorneys and judges, upon written application by individuals engaged in such activities, provided the activity (1) has produced written materials, personally authored, in whole or part, by the applicant on behalf of a committee, qualified under this regulation; (2) contributes substantially to the continuing legal education of the applicant and other attorneys and judges; and (3) is not done in the ordinary course of the practice of law, the performance of judicial duties, or other regular employment. In order to be qualified under this regulation, a committee must be recognized as such by the Board and have as its primary purpose and effect activity which has substantial educational value to attorneys and judges outside the committee.
- (j) In addition to formal courses, conducted in a class or seminar setting, the Board shall accredit individualized continuing legal education activity, provided the activity (1) is a structured course of study, (2) is organized by a sponsor recognized as eligible, (3) includes the use of thorough, high-quality written materials, available to any registered attorney or judge completing the course, and (4) incorporates some other educational medium, such as video or audio tapes, correspondence work, testing, or individual conferences, as deemed appropriate by the Board, (in order to receive accreditation for its individualized educational programs, a sponsor shall agree to maintain and supply the Board with a record of persons obtaining such programs from the sponsor) or (5) is a self-administered course of study. Anyone requesting credit for this type of activity shall submit a written proposal on the Board's Form 7 detailing the nature of the activity at least forty-five days before commencing such activity. The course of study must involve substantial active participation in an educational endeavor which is beneficial to the applicant's practice and is not part of the applicant's ordinary practice of law. A written work product evidencing the learning experience will ordinarily be required from the person seeking credit. The maximum credit available for this type of activity is nine hours during any one compliance period.

- (k) Formal, classroom type programs will be accredited only if a completed application for accreditation is filed with the Board at least fifteen days before the program's starting date. A non-refundable fee of ten dollars shall accompany each application sent by a sponsoring agency. This fee need only be submitted once, though the same program may be presented multiple times during the calendar year. Upon a showing of good cause, the Board may extend accreditation even if the timely filing requirement is not met, but up to a twenty five dollar fee may be charged to sponsors who fail to comply with this requirement.
- (l) The Sponsor of a formal, classroom type program, offered in Colorado and accredited by the Board, shall distribute at the program, to each Colorado attorney and judge in attendance, a copy of the Board's official Notice of Accreditation of the program. In cases where the Notice includes provisions for Colorado attorneys and judges to report their CLE credits earned at the program to the Board, the sponsor shall
 - (1) provide a means at the program for individuals to submit a completed Notice and Report to the sponsor,
 - (2) transmit, by a secure means, all completed Notices and Reports to the Board, within (10) ten days after the program.

REGULATION 104. CREDITS; COMPUTATION

- (a) Credit will be given only for completion of continuing legal education activities that have (1) been previously accredited by the Board, or (2) been afforded retroactive credit by the Board.
- (b) Generally, credit for formal course work shall be awarded on the basis of one (1) unit for each fifty (50) minutes actually spent in attendance at an accredited activity after August 14, 1978. Credit will not be allowed for any program which in its entirety lasts less than 50 minutes exclusive of question and answer periods.
- (c) The units of credit assigned to a course merely reflect the maximum that may be earned through attendance. Only actual attendance by the registered attorney or judge earns credit.
- (d) Credit will not be given for time spent for introductory remarks, coffee and luncheon breaks, keynote speeches, business meetings, or question and answer periods following a presentation.
- (e) Credit will not be given for any course attended in preparation for admission to practice law in any jurisdiction.
- (f) In awarding credit for teaching, the Board shall take into account the following factors: (1) teaching content and level; (2) teaching methodology; (3) personal preparation by the individual applicant, including time spent; (4) originality of preparation with the individual applicant; and (5) supplemental course materials personally prepared by the individual applicant.
- (g) In awarding credit for research activity, under Regulations 103(h) and 103(i), the Board shall consider the following factors: (1) the content, level and length of the published findings or committee papers; (2) the originality of the published findings or committee papers with the individual applicant; and (3) the nature of the publication in which they appear, if any.
- (h) In awarding credit for individualized educational activities, under Regulation 103(j), the Board shall consider the following factors: (1) the nature of the structured, individualized activities comprising the course of study; (2) the time normally required to complete those activities; and (3) the extent to which the individual educational activity of a registered attorney or judge, completing the program, is evaluated by the sponsor. Generally, if the structured activity consists of listening to or watching the electronic replay of a lecture, the Board shall award credit in the same manner as for attendance at a live lecture. In order to claim credit for individualized educational activity, an attorney shall engage in such activity in a physical setting conducive to intellectual concentration and effective study.

REGULATION 105. Deleted by court action - year 1984.

REGULATION 106. PROCEDURE FOR ACCREDITATION

- (a) In order to apply for accreditation of a continuing legal education activity, a registered attorney, judge or sponsoring agency shall submit to the Board all information called for by the appropriate form (See Appendix).
 - (1) Application for accreditation of a formal course shall be made on Form 1.
 - (2) Application for recognition of a sponsor as eligible shall be made on Form 2.
 - (3) Application for accreditation of a filmed or electronic replay of a formal course that has already been accredited shall be made on Form 3.
 - (4) Application for accreditation of an individualized continuing legal educational activity shall be made on Form 4.
 - (5) Application for accreditation of teaching activity shall be made on Form 5.
 - (6) Application for accreditation of research activity shall be made on Form 6.
- (b) Accreditation shall be granted or denied in accordance with the provisions of Regulation 108 herein.
- (c) As to a course that has been accredited, the sponsoring agency may announce in informational brochures or registration materials: "This course has been accredited by the Colorado Board of Continuing Legal and Judicial Education for a maximum of ___ units of credit".

REGULATION 107. DELEGATION

- (a) To facilitate the orderly and prompt administration of Rule 260 and these Regulations, and to expedite the processes of course approval and the interpretation of these Regulations, the Executive Director may act on behalf of the Board under Rule 260 and these Regulations.
- (b) The Chairman of the Board may act on behalf of the Board under Rule 260 and these Regulations.

REGULATION 108. EXECUTIVE DIRECTOR'S DETERMINATIONS AND REVIEW

- (a) Pursuant to guidelines established by the Board, the Executive Director shall, in response to written requests for accreditation of courses or interpretations of these Regulations, make a written response describing the action taken. The Executive Director may seek a determination of the Board before making such response.
- (b) Any adverse determination and all questions of interpretation of these Regulations or Rule 260 by the Executive Director shall be subject to review by the Board upon written application by the person adversely affected. The registered attorney, judge or sponsoring agency affected may present information to the Board in writing or in person or both. If the Board finds that the Executive Director has incorrectly interpreted the facts, the provisions of Rule 260, or the provisions of these Regulations, it may take such action as may be appropriate. The Board shall advise the registered attorney, judge or sponsoring agency affected of its findings and any action taken.

REGULATION 109. MAKE-UP PLANS

- (a) Any plan for making up a deficiency filed after December 31, pursuant to Rule 260.6(5), shall include only activities which have already been accredited by the Board at the time such plan is filed.
- (b) The plan shall be specific and include the names and locations of such accredited activities, the number and type of credits that will be earned, and the dates on which such credits will be earned.
- (c) The number and type of credits to be earned shall be sufficient to make-up the deficiency,
- (d) The credits shall be earned not later than May 31 of the year following the end of the compliance period.

- (e) The plan shall be accompanied, at the time of filing, by a check or money order, payable to the Supreme Court CLE Board, in the amount of fifty (\$50) dollars, pursuant to Rule 260.6(5).
- (f) Any make-up plan filed in accordance with these criteria shall be deemed accepted by the Board.

REGULATION 110. Deleted by court action - year 1986.

REGULATION 111. FEES

- (a) Any registered attorney or judge who fails to comply with Rule 260.6(4) shall be subjected to a fifty dollar (\$50) late reporting fee.
- (b) Petitions for reinstatement from suspension for failure to comply with Rule 260 shall be accompanied by a check or money order in the amount of one hundred dollars (\$100).

APPENDIX: ACCREDITATION FORMS TO BE USED IN CONJUNCTION WITH REGULATION 106(a)

FORM 1, and the supporting documents filed with it, provide basic information about formal class-room type programs. The Board needs this information to determine whether a program should be accredited and how much credit, if any, it should be awarded.

- (a) Program sponsors should file a Form 1 for each program attended by Colorado attorneys or judges. The Board encourages sponsors to do this but cannot make them. Attorneys seeking credit for attending such programs should also encourage sponsors to file. Attorneys, for whom attendance is conditioned upon program accreditation, should make their views clear to sponsors, even to the extent of telling the sponsor that they will not attend unless the sponsor obtains accreditation before the program takes place. This is especially important with regard to programs held IN Colorado (see Regulation 103(k) and 103(l)).
- (b) If the sponsor fails to file Form 1, and an individual wishes to claim credit for attendance, the only practical alternative is for the attorney or judge to file Form 1. If accreditation is critical to the individual, and if the sponsor is unlikely to file, the attorney or judge should file Form 1 at least 15 days before the program takes place (see Regulation 103(k)).
- (c) A separate Form 1 must be filed for each program seeking accreditation.
- (d) Form 1 must be accompanied by a brochure or other printed description of the program. The document must include: a statement of the faculty's qualifications; a clear outline of the program's content; and a detailed schedule of events indicating how time segments are spent and clearly distinguishing between breaks, meal times and substantive educational sessions.

FORM 2 need be filed only on behalf of sponsors who have not yet been "recognized" by Colorado as a qualified sponsor of continuing legal education. "Recognition" is a pre-requisite to accreditation of individual programs. The Board has recognized over 500 sponsors. Many are not yet recognized. To determine if a sponsor has been recognized, contact the Board. An unrecognized sponsor should file Form 2 on its own behalf. If it does not, where feasible, an individual attorney or judge should do so.

FORM 3 is used to apply for accreditation of an electronic replay of a live program, where the live program has already been accredited. Form 3 should only be used where the replay is conducted by a recognized sponsor, in a formal seminar setting, open to all attorneys or judges, where written materials are distributed. Form 3 should not be used to apply for accreditation of individualized, home study programs.

FORM 4 is used to apply for accreditation of individualized or home-study programs. Form 4 must be filed by the sponsors of the program. If a Colorado attorney or judge wishes to claim credit for a particular home-study program that has not been accredited, the individual should encourage the sponsor to apply for Colorado accreditation by providing the sponsor with a copy of Form 4.

FORM 5 must be filed by an individual attorney or judge, who wishes to claim credit for teaching activity which contributes to the continuing legal education of both the applicant and other attorneys or judges.

- (a) Upon receipt of Form 5, the Board awards credit for teaching, which meets the accreditation standards, on the basis of at least 2 units of credit for each hour of lecture time. To claim this minimal credit, completion of the front of Form 5 is all that is required.
- (b) If the teaching activity does not consist of lecturing, or if the applicant wishes to apply for additional credit beyond the minimal standard, completion of Form 5 on both sides is required.
- (c) The Board provides applicants with written notice of the disposition of teaching accreditation requests. If you as an applicant do not receive notice within 30 days after application, contact the Board.
- (d) Individuals may claim credit for teaching only to the extent that they have received notice of the Board's accreditation of their individual activity.

FORM 6 must be filed by an individual attorney or judge who wishes to claim credit for research activity that has resulted in "publication". Form 6A must be filed by an individual attorney or judge who wishes to claim credit for Committee research. The research must contribute to the continuing legal education of both the applicant and other attorneys or judges.

- (a) Form 6 or 6A must be accompanied by the written work-product of the research, i.e. a copy of either the publication or the committee paper.
- (b) Those seeking credit for committee research should first check with the Board or the committee chairperson to determine if the committee has been "qualified" by the Board.
- (c) The Board provides applicants with written notice of the disposition of research accreditation requests. If you, as an applicant, do not receive notice within 30 days after application, contact the Board.
- (d) Individuals may not claim credit for research if they have not received written notice of the Board's accreditation of their individual activity.