



**COLORADO SUPREME COURT
ADVISORY COMMITTEE ON THE PRACTICE OF LAW**

MEETING MINUTES

December 8, 2023, 12:08 p.m. – approximately 2:15 p.m.
Hybrid meeting conducted in person and via Zoom

Members present in person: Chair David W. Stark, Ret. Hon. Angela Arkin, David Beller, Dr. Carolyn Love, Hon. Andrew McCallin, Henry (Dick) Reeve

Members present via Zoom: Nancy Cohen, Cynthia Covell, Hon. Adam Espinosa, Steve Jacobson, Sunita Sharma, Alison Zinn

Liaison Justices in attendance: Justice Maria Berkenkotter (via Zoom), Justice Monica Márquez (via Zoom)

Office of the Presiding Disciplinary Judge: Presiding Disciplinary Judge Bryon Large

Staff in attendance: Jessica Yates, Attorney Regulation Counsel; Margaret Funk, Chief Deputy Regulation Counsel; Dawn McKnight, Assistant Regulation Counsel; Ryann Peyton, Executive Director, Colorado Attorney Mentoring Program (CAMP); Sarah Myers, Executive Director, Colorado Lawyer Assistance Program (COLAP) (via Zoom); Amy Phillips, Assistant Director, COLAP (via Zoom); Jonathan White, Assistant Regulation Counsel, Office of Attorney Regulation Counsel

The Chair welcomed members. He noted the passing of former United States Supreme Court Justice Sandra Day O'Connor, the first woman justice of the Court, who died December 1, 2023.

1. Approval of the September 22, 2023 Meeting Minutes

The Chair asked if members had suggested revisions to the draft minutes of the committee's September 2023 meeting. Dr. Love suggested a revision related to a set of dates in the minutes. Judge McCallin moved to approve the minutes subject to the revisions proposed by Dr. Love. Mr. Beller seconded. The minutes were approved subject to the revision proposed by Dr. Love. Upon further review, the revision proposed by Dr. Love was not needed.

2. Discussion of Potential Rule Changes Pertaining to UBE Score Transfers and Other Recent Graduates

The Colorado Supreme Court recently amended C.R.C.P. 205.7 on July 1, 2023. Ms. Yates discussed with members forming a subcommittee to address the situation where an applicant for admission in Colorado based on a passing Uniform Bar Exam (UBE) score takes on a temporary law-related position contemplated by C.R.C.P. 205.7(a) while their application is pending. There

is a need to revisit how to handle applications regarding this discrete group of individuals because the timing under the rule as amended does not work well. The group that proposed the revisions to C.R.C.P. 205.7 to cover recent law graduates will reconvene to address the issue.

3. Subcommittee to Explore Revisions to the Single Client Certification Rule, C.R.C.P. 204.1

C.R.C.P. 204.1 has not been amended since 2014. Over the years, there have been occasions where it is not clear who qualifies for certification under the rule, for example, individuals hired by government offices or a district attorneys' office who are licensed elsewhere. Another group of lawyers for whom the rule lacks clarity are counsel employed by a law firm but with only one client. The rule currently has a domicile requirement that may need to be revisited. Ms. Yates recommended the committee establish a subcommittee to review the rule and address ambiguities. The committee unanimously approved the creation of a subcommittee to study the rule.

4. Discussion of Alternatives to the Bar Exam

Ms. Sharma, Chair of the Law Committee, shared with members information she learned attending a recent conference on alternatives to the bar exam convened by the Institute for the Advancement of the American Legal System (IAALS). Among the issues addressed were concerns that there are individuals who are competent to practice but cannot get licensed because they cannot pass the bar exam. Additionally, a persistent concern is that what qualifies as a passing score varies by jurisdiction. IAALS reported that there may be disparate outcomes as to who passes the bar exam that correlate with an applicant's social or economic background. There are also concerns about the impact of the exam on individuals' mental health.

Several jurisdictions are looking at, or are starting to make available, alternatives to the bar exam as a requirement for admission. Ms. Sharma shared with members some of the alternatives being explored or offered, including curricular pathways to licensure. Generally these alternatives involve periods of supervised practice with objective evaluation of work product. She reminded members that members of the Law Committee and Court have engaged in a series of conversations with students from the University of Denver Sturm College of Law who did not pass the exam.

After a lengthy discussion, the Advisory Committee decided to revisit the issue at a later time when jurisdictions exploring these alternatives have more experience with their choices.

5. Discussion of Bar Exam Reapplication Fees for 2024

The bar exam application fee is \$710 for those who timely apply. This has not changed in at least 10 years, and generally does not cover the costs of reviewing the applications and administering the exam. Deputy Dawn McKnight briefed the committee on a plan to reduce bar exam reapplication fees for unsuccessful applicants when an applicant reapplies to take the next bar exam. The fee would decrease from \$710 to \$410. This reduction would cause lost revenue but would be responsive to concerns recently raised by law school graduates about the cost of preparing to take the bar exam.

At the same time, the Office of Attorney Admissions (OAA) wishes to increase the current reapplication fee applicable to applicants who timely withdraw from the bar exam. The current reapplication fee is \$400 to take the next bar exam. The OAA wishes to increase this fee to \$510 to better capture the costs incurred by the OAA and reduce incentives to withdraw at the last minute. It might be better for some of these applicants to take the exam and get exposed to the process even if they do not succeed the first time.

Ms. McKnight and Ms. Yates reminded the committee that the NextGen bar exam would have new fees associated with that exam, and the committee may need to revisit the entire fee schedule within a year or two.

The committee approved the fee adjustments.

6. Update from the LLP Oversight Committee on Implementation

Judge Arkin reported that applications are coming in for the first group of individuals to become Licensed Legal Paraprofessionals. Applications will be accepted through January 5, 2024 (to avoid the late fee), for individuals planning to sit for the first exam related to the licensure process. That first exam will be administered in April 2024 and will assess family law competency.

7. Update from the Advisory Subcommittee on Attorney Regulation System – Evaluation of System

The Chair reported this subcommittee continues to work on a proposal for evaluating the court-supported offices. He believes there will be more information to report in the new year.

8. Board of Law Examiners - Law Committee Appointment

Ms. Sharma requested members approve the appointment of Jess D. Mekeel to the Law Committee, filling a vacancy that will arise when current member Melinda Moses's term expires on December 31, 2023. Ms. Sharma provided a copy of Mr. Mekeel's resume to members in the packet of materials distributed prior to the meeting. He is an appellate attorney with the U.S. Attorney's Office and used to be an administrative law judge. Mr. Mekeel would serve a seven-year term effective January 1, 2024, and expiring December 31, 2030. Members unanimously approved Mr. Mekeel's appointment to the Law Committee to fill the vacancy.

9. Other Updates

a. Office of the Presiding Disciplinary Judge

Presiding Disciplinary Judge Bryon Large provided an update about his successful recovery following a hit-and-run accident in October. He discussed his plan to return to full-time in-office work in the coming weeks. Committee members expressed their support and gratitude for his recovery.

b. Colorado Attorney Mentoring Program

Ms. Peyton provided members with an update in the packet of materials distributed prior to the meeting. At the meeting, she commented that Legal Entrepreneurs for Justice will welcome

its largest cohort yet in January 2024 with seven members, five of whom are women and four of whom are people of color. She also noted the strong and positive reception for the first year of the Colorado Well-Being Program for Legal Employers, underscored by the strong attendance at events related to the program.

c. Colorado Lawyer Assistance Program

COLAP continues to receive increasing requests for assistance and critical incident response. The December presentation calendar is full and COLAP is currently booking presentations into late 2024.

d. Office of Attorney Regulation Counsel

Ms. Yates reported that the Office has a new Director of Technology, Anna George. Attorney registration for 2024 is also now live.

10. Discussion of the Volunteer Celebration Scheduled September 2024

Ms. Yates sought member input on dates for the volunteer celebration in 2024 to be held at the Denver Athletic Club. She will circulate an email to members after the meeting informing them of the dates currently available for the event in September.

11. 2024 Meeting Dates

- March 1, 2024
- May 3, 2024
- September 6, 2024
- December 6, 2024

12. Executive Session

At the conclusion of the meeting, committee members met in Executive Session pursuant to supreme court rules to discuss a confidential matter.

/s/ Jessica E. Yates
Jessica E. Yates
Attorney Regulation Counsel