



**COLORADO SUPREME COURT
ATTORNEY REGULATION ADVISORY COMMITTEE**

MEETING MINUTES

September 9, 2016, 12:00 p.m. – 1:40 p.m.
Extra Large Conference Room
Office of Attorney Regulation Counsel
1300 Broadway, Suite 500
Denver, CO 80203

Members present: Chair David W. Stark, Nancy L. Cohen, Cynthia F. Covell, Steven Jacobson, Barbara Miller, Melissa Meirink, Rich Nielson, Dick Reeve, Alexander (Alec) Rothrock, Daniel Vigil, David Little, and Brian Zall.

Members absent: Mac Danford and Cheryl Martinez-Gloria

Liaison Justices present: Justice Monica Márquez and Justice Nathan Coats.

Office of the Presiding Disciplinary Judge: No one present.

Staff present: James C. Coyle, Attorney Regulation Counsel; Matthew A. Samuelson, Chief Deputy Regulation Counsel; Ryann Peyton, Director of Colorado Attorney Mentoring Program (CAMP); and Barbara Ezyk, Director of Colorado Lawyer Assistance Program (COLAP).

1. Approval of May 13, 2016, meeting minutes.

The Chair asked if everyone had read the minutes, and the minutes were approved.

2. Approval of June 8, 2016, budget request meeting minutes.

The Chair asked if everyone had read the budget meeting minutes, which were approved.

3. CBA's Request for Approval of CBA Ethics Committee as a Peer Assistance Program per C.R.C.P. 251.34.

Mr. Reeve gave an update on the committee and program. Mr. Reeve motioned to approve the request, Ms. Cohen seconded the motion, and the request was approved. Mr. Coyle noted that he would submit it to the court.

4. CLHL's Request for Continued Designation as a Peer Assistance Organization per C.R.C.P. 251.34.

Mr. Rothrock asked what the law suit contained in the packet was about and whether there was a pending action against CLHL. The Committee concluded that there was no pending action, it was just a formality. Mr. Rothrock moved to approve the request. Mr. Neilson seconded the motion, and the request was approved.

5. Approval of nominations and reappointments for other permanent committees as follows:

a. Attorney Regulation Committee:

Attorney Regulation Committee Chair Steve Jacobson asks that the following individual be recommended for appointment by the Court:

Alison Zinn Sheahen – Ms. Sheahen will fill the lawyer position (see attached resume, Attachment 3) vacated by the resignation of Lance Timbreza (see attached letter of resignation, Attachment 4). The Honorable Judge Timbreza was recently appointed to the 21st Judicial District Court bench, effective August 12, 2016. Ms. Sheahen's appointment would be effective immediately upon appointment by the Court.

Mr. Jacobson talked about Ms. Sheahen's merits and why she was a good choice to replace Judge Timbreza. Ms. Cohen also endorsed her appointment.

b. Board of Continuing Legal and Judicial Education:

Continuing Legal and Judicial Education Board Chair David Little asks that the following individuals be recommended for appointment and re-appointment by the Court:

Sam D. Starritt - Mr. Starritt will fill the lawyer position (see attached resume, Attachment 5) created by the resignation of Dawn McKnight (see attached letter of resignation, Attachment 6). Ms. McKnight was recently hired as new Deputy Attorney Regulation Counsel, effective October 17, 2016. Mr. Starritt's appointment would be effective immediately upon appointment by the Court.

Mr. Little noted that Mr. Starritt has a generalized practice of law and would be able to fill Ms. McKnight's post. Mr. Coyle noted that Mr. Starritt is an excellent choice because he brings geographical and other diversity.

Nathifa Miller - to another three-year term on the Board.

Mr. Little recommended her reappointment indicating that she has been very helpful in subcommittee work.

c. Board of Law Examiners – Law Committee:

Law Committee Chair Richard Nielsen asks that the following individual be recommended for appointment by the Court:

Melinda (Mindy) S. Moses – Ms. Moses will fill one of the positions on this committee, effective January 1, 2017 (see attached resume, Attachment 7).

Mr. Neilson indicated that she would be an excellent fit and could assist the committee.

d. Board of Law Examiners – Character and Fitness Committee:

Character and Fitness Committee Chair Brian Zall asks that the following individual be recommended for re-appointment by the Court:

Corelle Spettigue - to a five-year term on the committee. Mr. Zall indicated that she has been very active in the Hispanic Bar and would be an excellent candidate. Mr. Samuelson also endorsed her appointment, given her prior work on the Character and Fitness Committee.

e. Unauthorized Practice of Law Committee:

Unauthorized Practice of Law Committee Chair Cheryl Martinez-Gloria asks that the following individual be recommended for re-appointment by the Court:

Elsa Burchinow – to another three-year term. Mr. Coyle noted that Ms. Burchinow is an immigration attorney.

There was a motion made by Alec Rothrock to recommend to the court that it appoint or reappoint all of individuals mentioned above. Ms. Covell seconded the motion. Mr. Coyle will work with the court to appoint or reappoint the individuals to their respective committees.

6. **New proposed Rule 260.**

Mr. Samuelson noted that the Board of Continuing Legal and Judicial Education has worked hard the past three years on revisions to C.R.C.P. 260. He began by explaining the attachments to the agenda regarding the proposed revisions.

The changes were intended to be transparent to attorneys and CLE providers by clarifying what is necessary to be accredited. Mr. Samuelson noted that under the proposed regulations, the CLEs

should be done, in large part, in a “live” or interactive format—meaning classroom work or a webinar. The subcommittee also noted that credits could be received via pro bono work or teaching. The compliance period in the proposed rules is still three years. The subcommittee has proposed to eliminate the age exemption in Rule 260.5. Mr. Coyle noted that this change was consistent with the ABA rules, which requires compliance for any active attorney. The changes also allow deferrals for military deployment.

In Rule 260.6, the subcommittee proposes hearing mechanisms for compliance.

The proposed changes to Rule 260.7 make a lawyer’s transcripts publicly available for the lawyer’s last 2 compliance periods, but all other information, i.e., request for compliance or a request for hardship, is unavailable. Ms. Cohen asked, “What if someone goes to ethics school because of a diversion?” Mr. Samuelson noted that ethics school would not be included in the transcript—only the classes relating to compliance. Mr. Coyle noted that this was a tool to help attorneys plan and to let the public know that these attorneys complied with their requirements. Mr. Reeve asked, “What if an attorney goes on a yearly CLE program in Chamonix?” Mr. Samuelson indicated that only the title of the program and not the location would be included. Mr. Reeve asked if there would be budgetary problems, given the added entry work. Mr. Coyle said his office should just be doing this through a database. Mr. Stark asked what type of information would be disclosed. Mr. Samuelson replied that only the title, the CLE provider, and the compliance hours. Ms. Ezyk asked how the public could look up the information. Mr. Samuelson noted that the public could access using the attorney search feature on the OARC website. Mr. Little noted that “transcript” was defined in the regulations and that only this document, which is created using the information about CLE courses, would be included. Mr. Little also mentioned that the number of attorneys who were reported to the Supreme Court last year for noncompliance was minimal, given the number of active attorneys in Colorado and that there are far fewer lawyers noncomplying.

Mr. Vigil asked if an attorney currently falls under the age exemption, would he or she need to comply, or would that attorney’s exemption be grandfathered into the new rules? Mr. Little notes that those attorneys would not have to make up past credits, but that going forward, the exemption would be withdrawn and a new compliance period would begin.

Rule 260.9 is new and recognizes CAMP as a way to obtain CLE credits.

Regulation 103.1 is intended to give providers more information on what is necessary for a CLE program to receive accreditation.

The proposed changes permit up to 9 credit hours of independent study as CLE credit.

Regulation 105.1 discusses the process to become an “accredited” provider, which enables providers who present CLEs frequently in Colorado, to receive reduced rates and to have less onerous reporting requirements.

Regulation 108 sets forth the procedure for persons wanting to challenge accreditation decisions made by the Office of Continuing Legal and Judicial Education.

Mr. Coyle notes that the Rule 260 subcommittee's work was very important, but it is necessary to create another subcommittee to review the changes in light of the ABA Model Rule recently released and to make recommendations.

Mr. Stark asks why a CLE program given in a law firm is not accredited. Mr. Samuelson said that it was difficult for OARC to determine whether or not a program would meet the requirements for CLE, and due to concerns that meetings/discussions/staffing of the firm's cases could possibly be submitted for CLE accreditation. If the program is open to other firms, it will be accredited. Mr. Reeve asked whether government agencies were also prohibited from the in-house CLE programming prohibition. Mr. Samuelson said that these programs would still be accredited.

Ms. Cohen asked whether a webinar was really "interactive." Mr. Little and Mr. Vigil agreed that a live presence was better.

The Chair asked whether there were volunteers for the reviewing committee. Messrs. Samuelson, Little, Coyle, Reeve, Rothrock and Vigil volunteered.

7. Other updates:

a. Colorado Attorney Mentoring Program report

Ms. Peyton handed out an update on the "100-day Plan." First initiative was to improve user engagement. CAMP selected a software provider to help it operate. Ms. Peyton has been traveling over the state to increase mentor and mentee participation. The wait time to find a mentor match has gone down substantially. The second initiative was to expand the tracks for mentorship. There are eight new tracks. For instance, a new track for solo practitioners was created. CAMP also wanted to provide lawyers with trial advocacy skills and set up this program. There is a "coffee" mentoring program, which is a smaller mentoring commitment than the traditional CAMP program. Expansion of the in-house mentoring program outreach is the third initiative. CAMP has a Facebook page and launched its newsletter. Since the launch of the newsletter, there has been an 800% increase in membership. CAMP intends to create an events calendar, and it will create an updated plan for 2017.

Ms. Cohen asked what "sponsorship" meant. Ms. Peyton said the focus will initially be diversity and then the sponsorship may develop into something else.

b. Colorado Lawyer Assistance Program report

Ms. Ezyk reports there were a record number of contacts in August, which boosts its average first contacts to 37 a month. Ms. Ezyk thanked Mr. Coyle for working with COLAP and mentioned how successful the program has been because of OARC's participation.

c. Office of Attorney Regulation Counsel report

Mr. Coyle notes that the judicial conference is Saturday through Tuesday, and he and Ms. Ezyk will attend.

Mr. Coyle also stated that since Jamie Sudler and Chip Mortimer retired, it was an opportunity to assess office work and restructure the office, if necessary. Matt Samuelson will now be the only Chief Deputy Regulation Counsel. Margaret Funk will be the Senior Deputy Regulation Counsel, and will run the trial division (and has already made significant improvements). April McMurrey will oversee the intake division and will assist Ms. Funk with the trial division. Dawn McKnight will be joining the OARC in October as the new Deputy Regulation Counsel in charge of CLE and admissions.

OARC's newsletter will be released in a few days. A survey on diversity will also be sent to attorneys to create a baseline and to help increase diversity in the legal profession.

d. PALS subcommittee report

Mr. Rothrock noted that this was the committee beginning with the licensure of non-legal services similar to Washington State's legal technicians. The committee will postpone its committee meeting until January because there are a few trial program of "navigators" in some of the judicial districts. A navigator is a non-legal technician who helps litigants understand the court process. Justice Hood will give a presentation on the navigators.

e. PMBR subcommittee report

The Chair indicated that Colorado was the leader in the nation of this type of committee and that it would present a report at a later time.

f. Conditional Admission Rule subcommittee report

Mr. Zall indicated that the committee was about 90% done drafting the rule.

8. Other business.

- December 9, 2016 would be the next meeting and that night, the annual dinner.

9. Meeting Adjourned

It was agreed that the format of the minutes would be discussed at the next meeting. The meeting was adjourned at 1:40 p.m.

Respectfully submitted,

/s/ James C. Coyle
James C. Coyle
Attorney Regulation Counsel