STATE OF COLORADO
SUPREME COURT
BOARD OF LAW EXAMINERS

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RULES GOVERNING ADMISSION

TO THE BAR

OF THE STATE OF COLORADO

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Rule 201.1 Supreme Court Jurisdiction

The Supreme Court exercises jurisdiction over all matters involving the licensing of persons to practice law in the State of Colorado. Accordingly, the Supreme Court has adopted the following rules governing admission to the practice of law.

Rule 201.2 Board of Law Examiners

(1) The "Colorado State Board of Law Examiners" (Board) shall consist of two committees, "the Law Committee" and "the Bar Committee."

(a) The Law Committee shall consist of eleven members of the Bar appointed by the Supreme Court for terms of five years. They serve at the pleasure of and may be dismissed at any time by the Supreme Court. A member of the Law Committee may resign at any time. The Supreme Court shall designate one of the members of the Law Committee to serve as its chair and also chair of the Board. The Law Committee shall conduct two written examinations each year, one in February and one in July, in the metropolitan Denver, Colorado area or at such other times and places as may be designated by the Court. The Supreme Court shall review and approve in advance the general standards of performance that must be met in order to pass the written examination.

(b) The Bar Committee shall consist of eleven members appointed by the Supreme Court for terms of five years. Nine of the members of shall be registered attorneys and two shall be non-attorneys. They serve at the pleasure of and may be dismissed at any time by the Supreme Court. A member of the Bar Committee may resign at any time. The Supreme Court shall designate one of the members of the Bar Committee to serve as its chair. It shall be the duty of the Bar Committee to investigate applicants' mental stability, education, professional experience, and ethical and moral qualifications for admission to the Bar.

(2) The Board shall employ an executive director, subject to the approval of the Supreme Court, and such other staff as may be necessary to assist in performing its functions. The Board shall pay all expenses reasonably and necessarily incurred by it under an annual budget recommended by the Board and approved by the Supreme Court.

(3) The Board shall recommend to the Supreme Court proposed changes or additions to the rules of procedure governing admission to the practice of law. The Board may adopt guidelines to govern its internal operation and to provide guidance to the executive director.

(4) All fees required by Rule 201.4(3) shall be paid by the executive director into a fund kept in a depository designated by the Supreme Court and used to pay expenses incurred incident to the admission of attorneys. A portion of the fund, while held for future expenses, may be invested as the Supreme Court shall direct. The fund shall be audited annually.

(5) The Board of Law Examiners, and its members, employees and agents are immune from all civil liability for damages for conduct and communications occurring in the performance of and within the scope of their official duties relating to the examination, character and fitness qualification, and licensing of persons seeking to be admitted to the practice of law. Records, statements of opinion and other information regarding an applicant for admission to the bar communicated by any entity, including any person, firm or institution, without malice, to the Board

of Law Examiners, or to its members, employees or agents, are privileged, and civil suits for damages predicated thereon may not be instituted.

Rule 201.3 Classification of Applicants

(1) Class A applicants are those applicants as determined by the Bar Committee:

(a) who have been admitted to the Bar of another state, territory, or district of the United States which allows admission to members of the Colorado Bar on motion without the requirement of taking that jurisdiction's bar examination,

(b) who have actively and substantially maintained a practice of law for five of the seven years immediately preceding application for admission to the Bar of Colorado in that state, territory or district of the United States which allows admission to members of the Colorado Bar on motion without the requirement of taking that jurisdiction's bar examination.

(2) For purposes of this rule, "practice of law" means:

(a) the private practice of law as a sole practitioner or as a lawyer employee of or partner or shareholder in a law firm, professional corporation, legal clinic, legal services office, or similar entity; or

(b) employment as a lawyer for a corporation, partnership, trust, individual, or other entity with the primary duties of:

(i) furnishing legal counsel, drafting documents and pleadings, and interpreting and giving advice with respect to the law, and/or

(ii) preparing, trying or presenting cases before courts, executive departments, administrative bureaus or agencies; or

(c) employment as a lawyer in the law offices of the executive, legislative, or judicial departments of the United States, including the independent agencies thereof, or of any state, political subdivision of a state, territory, special district, or municipality of the United States, with the primary duties of

(i) furnishing legal counsel, drafting documents and pleadings, and interpreting and giving advice with respect to the law, and/or

(ii) preparing, trying or presenting cases before courts, executive departments, administrative bureaus or agencies; or

(d) employment as a judge, magistrate, hearing examiner, administrative law judge, law clerk, or similar official of the United States, including the independent agencies thereof, or of any state, territory or municipality of the United States with the duties of hearing and deciding cases and controversies in judicial or administrative proceedings, provided such employment is available only to a lawyer; or

(e) employment as a teacher of law at a law school approved by the American Bar Association throughout the applicant's employment; or

(f) any combination of subparagraphs (a)-(e) above.

(3) A full-time commissioned officer and judge advocate of the military services of the United States stationed in this state may be temporarily admitted to the Bar of Colorado, upon request of his or her commanding officer. Such admission shall be solely for the purpose of practice and court appearance in his or her capacity as a judge advocate and shall continue only as long as he or she is serving as a judge advocate in Colorado.

(4) A law professor who, as determined by the Bar Committee, has been admitted to the bar of another state, territory, or district of the United States, may be temporarily admitted to the bar of Colorado upon application supported by the certification of employment by his or her dean. Such admission shall be solely for so long as the professor shall serve as a full-time member of the faculty of such Colorado law school. As used here, "Law Professor" means a law school graduate who, as determined by the bar committee, is employed full-time as a tenured or tenure track teacher at a law school approved by the American Bar Association located within the state of Colorado. Such admission shall automatically terminate when the person no longer holds the full-time status at the law school, and the person admitted pursuant to this rule shall notify the bar committee of his or her change of status in this regard, including leaves of absence, as soon as practicable.

(5) All other applicants are Class B applicants, who shall take a written examination.

Rule 201.4 Applications

(1) All applications shall be made on forms furnished by the Board, requiring such information as is necessary to determine whether the applicant meets the requirements of these rules, together with such additional information as is necessary for the efficient administration of these rules. This information shall be deemed confidential and may be released only under the conditions set forth for release of confidential information under Rule 201.11.

(2) All Class B applications shall be received or postmarked on or before the first day of December preceding the February Bar Examination or on or before the first day of May preceding the July Bar Examination or at such other times as may be designated by the court.

(3) Fees shall be required of all applicants in an amount fixed by the Court. Fees may be refunded in accordance with guidelines adopted by the Board. An application which is not accompanied by the applicable fee will not be accepted.

Rule 201.5 Educational Qualifications

(1) Every Class A applicant shall have obtained a first professional law degree from a law school accredited by the American Bar Association.

(2) Class B applicants shall meet the following educational requirements:

(a) Every Class B applicant shall have received at the time of the examination (i) a first professional law degree from a law school approved by the American Bar Association; or (ii) a first professional law degree from a state accredited law school, provided that such applicant shall have been admitted to the bar of another state, territory, or district of the United States and shall have been actively and substantially engaged in the practice of law, as defined by Rule 201.3(2), for five of the seven years immediately preceding application for admission to the Bar of Colorado; or (iii) a first professional law degree from a law school in a common law, English-speaking nation other

than the United States provided that such applicant shall have been admitted to the bar of the nation where he/she received his/her first professional law degree and shall have been actively and substantially engaged in the practice of law, as defined by Rule 201.3(2), for five of the seven years immediately preceding application for admission to the bar of Colorado.

(3) Effective July 1, 1992, both Class A and Class B applicants shall be required to pass the Multi-State Professional Responsibility Examination (MPRE). A passing score will be valid if it was achieved at an examination taken not more than two years prior to acceptance of application for admission in Colorado. The Supreme Court shall review and approve, in advance, the general standards of performance that must be met in order to pass the MPRE.

Rule 201.6 Moral and Ethical Qualifications

(1) Applicants must demonstrate that they are mentally stable and morally and ethically qualified for admission. Fingerprints may be required of all applicants.

(2) The Bar Committee may require further evidence of an applicant's mental stability and moral and ethical qualifications reasonably related to the standards for admission as it deems appropriate, including a current mental status examination. Costs for any mental status examination or for obtaining any additional information required by the Bar Committee shall be borne by the applicant.

(3) Applicants must certify that they are in compliance with any child support order as defined by §26-13-123(a), C.R.S.

Rule 201.7 Review of Applications

The executive director, pursuant to guidelines developed by the Bar Committee, shall review all applications for information about the mental stability and ethical or moral qualifications of each applicant. The executive director shall certify to the Bar Committee the names of those applicants who, without further investigation, appear to be qualified for admission. After review and approval by the Bar Committee, the executive director shall certify to the Supreme Court the names of all qualified applicants. Those applicants not certified shall be referred for review by an inquiry panel of the Bar Committee.

Rule 201.8 Inquiry and Hearing Panels of the Bar Committee

The chair of the Bar Committee shall assign at least three members of the Bar Committee to one or more inquiry panels and at least three members of the Bar Committee to one or more hearing panels. Members of the Bar Committee may be assigned by the chair from one panel to another, but in no event shall a member who has conducted a preliminary screening or inquiry of an applicant take any part in the consideration of a formal hearing involving the same applicant. In the discharge of its duties, the Bar Committee may enlist the assistance of other persons admitted to practice law in Colorado. A quorum of either a hearing panel or an inquiry panel is three persons.

Rule 201.9 Review by Inquiry Panel

(1) If, after investigation conducted pursuant to guidelines developed by the Bar Committee, the executive director recommends that an inquiry panel be convened to determine whether there is probable cause to believe that an applicant is not mentally stable or ethically or morally qualified, the chair of the Bar Committee shall designate a member of the Bar Committee to review the

director's recommendation. If the reviewing member concurs with the executive director's recommendation, the chair of the Bar Committee shall convene an inquiry panel which includes the reviewing member and designate one of the inquiry panel members as chair.

(2) The director shall notify the applicant in writing of the general matters in question and invite the applicant to appear for an interview with the inquiry panel. The applicant may be accompanied by counsel, and the notice shall so advise. The notice shall be sent by certified mail, at least fifteen days before the interview is scheduled, to the address listed on the application or the address subsequently provided in writing to the Board by the applicant.

(3) If not satisfactorily explained, an applicant's failure to appear for an interview may be grounds to recommend denial of the application.

(4) Probable cause for denial exists under the following circumstances:

(a) The applicant has been convicted of a felony or a crime of moral turpitude, or any crime involving a breach of fiduciary duty, or accepted a deferred judgment which is pending as to such a charge in any jurisdiction;

(b) The applicant has been publicly disciplined in any jurisdiction for a violation of a code of professional responsibility or a comparable code of ethics;

(c) The applicant has been declared mentally ill or incompetent by a court having jurisdiction and the declaration has not been dissolved or rescinded;

(d) The applicant has been found not guilty of any crime by reason of insanity;

(e) The applicant is in arrears under a child support order as defined by §26-13-123(a), C.R.S.

(5) In addition, probable cause for denial of an application may be established by any evidence which, in the judgment of the majority of the inquiry panel members, tends to show that the applicant is not mentally stable or morally or ethically fit to practice law. In making its probable cause determination, the inquiry panel is not bound by formal rules of evidence and may consider all documents, statements or other matters brought to its attention.

(6) If the inquiry panel determines that there is probable cause to believe that the applicant is unqualified:

(a) The panel shall set forth its findings in writing within thirty days after the panel meeting at which such determination is made;

(b) The findings shall state with particularity the specific matters indicating that the applicant is not qualified; and

(c) The executive director shall send a copy of the inquiry panel's findings to the applicant with a notice that these findings shall become the Bar Committee's recommendation to be filed with the Supreme Court, unless within thirty days after the notice is mailed, the applicant files with the Board a written request for a hearing. The request shall include the applicant's response to each of the specific matters in the inquiry panel findings.

(d) If an applicant files a written request for a hearing, but voluntarily withdraws that request before the hearing is held, the inquiry panel's findings shall become the Bar Committee's recommendation to be filed with the Supreme Court.

(7) If the reviewing member ascertains that an inquiry panel proceeding is not justified or the inquiry panel determines that there is not probable cause to believe that the applicant is unqualified, the executive director shall certify to the Supreme Court that the Bar Committee recommends the applicant's admission.

Rule 201.10 Formal Hearings

(1) If, under Rule 201.9, an inquiry panel finds probable cause to believe that an applicant is mentally unstable or ethically or morally unfit for admission to the Bar, a formal hearing shall be conducted by a hearing panel if the applicant makes a written request as specified in Rule 201.9(6)(c). The issues at the formal hearing shall be limited to those in the inquiry panel findings and challenged in the applicant's request for a hearing unless, prior to the hearing, the attorney regulation counsel requests the inquiry panel to reopen the probable cause determination to consider additional information. The chair of the Bar Committee shall designate one member of the hearing panel as its chair who shall rule on all motions, objections and other matters presented in connection with a formal hearing.

(2) If the applicant files a written request for a formal hearing, the hearing shall be conducted under the following rules of procedure.

(a) The applicant shall be notified in writing of:

(i) The date, time and place of the hearing;

(ii) The names and addresses of persons on whom the inquiry panel relied to establish adverse matters concerning the applicant's fitness; and

(iii) The right of the applicant to be represented by counsel at such hearing, to examine and to cross-examine witnesses, to adduce evidence bearing upon the applicant's moral character and general fitness to practice law, and to make reasonable use of the subpoena powers of the Bar Committee.

(b) (i) The chair of the Bar Committee or the chair of the hearing panel may issue subpoenas to compel the attendance of witnesses and the production of pertinent books, papers, documents, or other evidence. Witnesses shall be entitled to receive fees for mileage as provided by law for witnesses in civil actions.

(ii) A subpoena shall indicate that it is issued in connection with a confidential proceeding and that it may be deemed contempt of the Supreme Court to breach the confidentiality of the proceeding in any way. It shall not be deemed a breach of confidentiality for a person subpoenaed to consult with a lawyer.

(iii) Any challenge to the power to subpoena as exercised under this rule shall be directed to the chair of the Bar Committee or the chair of the hearing panel.

(iv) Any person who fails or refuses to comply with a subpoena issued by the chair of the Bar Committee or the chair of the hearing panel may be cited for contempt of the Supreme Court upon recommendation of the chair of the Bar Committee.

(v) Depositions may be taken by any party to a proceeding conducted under this rule and used in the same manner and to the same extent as in any civil action except all depositions shall be sealed and filed with the Supreme Court unless otherwise ordered. Subpoenas for attendance at depositions may be issued by the chair of the Bar Committee or the chair of the hearing panel on behalf of any party.

(c) A hearing before a hearing panel shall be confidential unless the applicant shall request that the hearing be public. An applicant may not be required to testify or produce records over his objection if to do so would be in violation of his constitutional privilege against self-incrimination. The hearing panel shall not be bound by the formal rules of evidence. The hearing panel in its discretion may take evidence other than in testimonial form, having the right to rely upon records and other material furnished to it in response to its request for assistance in its inquiries or in response to its subpoena powers. The hearing panel in its discretion may determine whether evidence to be taken in testimonial form shall be taken in person or upon deposition, but in either event all testimonial evidence shall be taken under oath. A complete stenographic record of the hearing shall be kept, and a transcript thereof may be ordered by the applicant at the applicant's expense.

(d) Within thirty days after the conclusion of the hearing, the hearing panel shall prepare and file with the Supreme Court its report including findings of fact, conclusions of law and recommendations as to admission. Copies of the hearing panel's report shall be supplied to the attorney regulation counsel and the applicant. Within fifteen days after service of the hearing panel's report, both the applicant and the attorney regulation counsel shall have the right to file with the Supreme Court and serve on the opposing party written exceptions to the report.

(e) The Supreme Court, after reviewing the report of the hearing panel and any exceptions filed thereto, may admit or decline to admit the applicant to the Bar. The Supreme Court reserves the authority to review any determination made in the course of an admission proceeding and to enter any order with respect thereto, including an order that the Bar Committee conduct further proceedings.

(3) The burden of proof shall be on the applicant to show by a preponderance of the evidence that the applicant is mentally stable and ethically and morally fit for admission to the Bar.

(4) At the formal hearing, the office of the attorney regulation counsel shall represent the inquiry panel and shall present evidence in support of the inquiry panel's findings. The hearing panel shall take evidence and make findings of fact and conclusions of law. With the permission of the chair of the panel and upon sufficient notice to the applicant, the attorney regulation counsel may file amendments made by the inquiry panel to its findings. The burden of going forward initially shall be on the attorney regulation counsel. On motion of the attorney regulation counsel, and upon a showing of good cause, the hearing panel may require the applicant to submit to a mental status examination conducted by a psychiatrist or psychologist, or to submit to a substance abuse evaluation conducted by a qualified professional of the attorney regulation counsel's choosing, the cost of which shall be borne by the applicant.

(5) A prima facie case of unfitness shall be deemed established, and the burden of going forward shall shift to the applicant, upon a showing of any of the following facts:

(a) The applicant has been convicted of a felony or a crime of moral turpitude, or any crime involving a breach of fiduciary duty, or accepted a deferred judgment which is pending as to such a charge in any jurisdiction.

(b) The applicant has been publicly disciplined in any jurisdiction for a violation of a code of professional responsibility or a comparable code of ethics.

(c) The applicant has participated personally, as an attorney or a party, in manifestly excessive and frivolous litigation or has been convicted of contempt of court.

(d) The applicant has been declared mentally ill or incompetent by a court having jurisdiction, and the declaration has not been dissolved or rescinded.

(e) The applicant has been found not guilty of any crime by reason of insanity.

(6) None of the facts sufficient to establish a prima facie case of unfitness, as set forth in sub-section (5), shall constitute an absolute prohibition to admission, and a prima facie showing of unfitness on any ground, whether or not specified in sub-section (5), may be rebutted by sufficient proof, by a preponderance of the evidence, that the applicant is mentally stable and ethically and morally fit for admission.

Rule 201.11 Request for Disclosure of Confidential Information

(1) Except as otherwise authorized by order of the Supreme Court, all proceedings conducted pursuant to these rules shall be confidential and the Bar Committee shall deny requests for confidential information unless the request is made by:

(a) An agency authorized to investigate the qualifications of persons for admission to practice law;

(b) An agency authorized to investigate the qualifications of persons for government employment;

(c) A lawyer discipline enforcement agency; or

(d) An agency authorized to investigate the qualifications of judicial candidates.

If the request is granted, information shall be released only upon certification by the requesting agency that the confidential information shall be used for authorized purposes only.

(2) If one of the above enumerated agencies requests confidential information, the Bar Committee shall give written notice to the applicant that the confidential information will be disclosed within ten days unless the applicant obtains an order from the Supreme Court restraining such disclosure.

Rule 201.12 Reapplication for Admission

(1) An applicant who has been rejected by the Supreme Court as mentally unstable or ethically or morally unfit may reapply for admission five years after the date of the Supreme Court's ruling unless otherwise ordered by the Supreme Court. Upon reapplication, the applicant shall have the burden of showing to the Bar Committee by a preponderance of the evidence the applicant's fitness

to practice as prescribed by these rules. Upon reapplication, the applicant also shall complete successfully the written examination for admission to practice, even though the applicant has previously passed such an examination in Colorado.

(2) An applicant for readmission to the Bar after disbarment will be considered a Class B applicant under Rule 201.3(5) and shall satisfy all requirements of Rule 251.29(a).

Rule 201.13 Inspection of Essay Examination Answers

Beginning twenty days after the date the results from an examination are mailed and ending on the sixtieth day after such date, any unsuccessful applicant shall be entitled to a reasonable inspection of the applicant's answers to the essay portion of the examination. After that time, the decision that an applicant has passed or failed the examination shall be final. This rule does not permit applicants to inspect the Multi-State Bar Examination.

Rule 201.14 Oath of Admission

(1) No applicant shall be admitted to the Bar of this State until such time as he or she has taken the oath of admission prescribed by the Supreme Court. No Class A applicant shall be permitted to take such oath later than eighteen months subsequent to the date upon which his or her application has been approved. No Class B applicant shall be permitted to take such oath later than eighteen months subsequent to the date of the announcement by the Supreme Court that he or she has passed the examination. Nothing herein shall preclude reapplication for admission.

(2) Admission of all applicants shall be by order of the Supreme Court, en banc, and certificates of admission issued to applicants shall be signed by the Clerk of the Supreme Court. Every applicant, before receiving a certificate of admission, shall pay a license fee to be set by the Supreme Court and sign an oath before the Clerk of the Supreme Court or other designated officer. The portion of the license fee necessary to cover the cost of the license shall be remitted to the Clerk of the Supreme Court.

(3) Every applicant, before taking the oath of admission, shall complete the required course on professionalism presented by the Office of Attorney Regulation Counsel in cooperation with the Colorado Bar Association. For applicants eligible for admission after July 1, 2003, the course shall satisfy 6 units of the 45 unit general requirement during each attorney's continuing legal education first compliance period pursuant to C.R.C.P. 260.2(1). Attorneys admitted after July 1, 2000, but prior to July 1, 2003, who have not taken the 4 unit professionalism course by July 1, 2003, shall take the 6 unit professionalism course, and shall receive 4 units of the 7 unit ethics requirement and 2 of the general requirement, in that attorney's first continuing legal education compliance period, pursuant to C.R.C.P. 260.2(2). In the event that an applicant is unsuccessful on the Colorado bar examination, the professionalism course shall be valid for one full calendar year following completion of the course. Proceeds from the fee charged for the course shall be divided equally between the Colorado Bar Association, CLE in Colorado, Inc., and the Office of Attorney Regulation Counsel to pay for administering the course and to fund the attorney regulation system.

(4) Class A applicants who are admitted on motion pursuant to Rule 201.3 and single-client applicants who are admitted pursuant to Rule 222 shall have six months following admission to take the required course on professionalism required by Rule 201.14(3).