



**COLORADO SUPREME COURT
ATTORNEY REGULATION ADVISORY COMMITTEE**

MEETING MINUTES

March 11, 2016, 12:00 p.m. – 1:15 p.m.
Extra Large Conference Room
Office of Attorney Regulation Counsel
1300 Broadway, Suite 500
Denver, CO 80203

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

Members absent: Mac Danford

Liaison Justices present: Justices Nathan Coats and Monica Márquez.

Office of the Presiding Disciplinary Judge: No one present.

Staff present: James C. Coyle, Regulation Counsel; James S. Sudler, Chief Deputy Regulation Counsel; Matthew A. Samuelson, Chief Deputy Regulation Counsel; John Baker, Director of Colorado Attorney Mentoring Program (CAMP); Barbara Ezyk, Director of Colorado Lawyer Assistance Program (COLAP), Melissa Meirink, Supreme Court Staff Attorney, and James Carlson, Information Resources Coordinator.

1. Approval of December 11, 2015 meeting minutes

The Chair asked if everyone had read the minutes and asked if there was a motion to approve. Mr. Reeve so moved. Ms. Covell seconded. All were in favor, and the minutes were approved.

2. Report on new CAMP Director, Ryann Peyton

The Chair reported that CAMP selected Ryann Peyton as its new Director. Ms. Peyton was selected from a pool of 77 applicants and is well qualified to serve as the new Director, based on her prior experience as a domestic relations attorney at the Harris Law Firm and as the Legal & Training Program Director of the LGBT Community Center. She will assume the position in June 2016.

3. Regulatory Objectives Update (Stark, Coyle)

The Chair asked Mr. Coyle to give an update on the status of the Regulatory Objectives. Mr. Coyle indicated that Rule 200, which outlines the regulatory objectives, is currently being considered by the Supreme Court.

After an initial review, the Court has determined that the submission should be a preamble to Chapters 18-20 of the Colorado Rules of Civil Procedure and not a rule. The title “Regulatory Objectives” will also be removed. Mr. Coyle is working with Justice Márquez to finalize the language of the preamble.

4. New Website

Mr. Coyle provided an update on the status of the Attorney Regulation Counsel’s new website. The new website was intended to be launched the week of March 7, 2016, but because of technical issues, Attorney Regulation Counsel hopes to launch the week of March 14, 2016. Mr. Coyle noted that the office delayed the launch because it wanted to ensure that the complete catalogue of attorney disciplinary histories was available and accurate.

The new website will contain educational resources to help the public understand why attorneys are regulated and will be a helpful tool for practitioners as well.

A member asked whether the new website would use the title “Office of Attorney Regulation Counsel,” “Attorney Regulation Counsel Office,” or some other name or acronym? Mr. Coyle said that it would likely be “Office of Attorney Regulation Counsel” and that he disfavored acronyms such as OARC because it made the Office sound less approachable. As an aside, Mr. Coyle noted that the Court was also concerned about the use of the title, “Regulatory Objectives.”

5. CAMP Report (Baker)

The Chair asked Mr. Baker to provide a report on CAMP. Mr. Baker circulated map of Colorado Judicial Districts and noted that one was added. He also circulated a list of contacts for the CAMP program by district.

Mr. Baker noted that he is receiving calls from lawyers who have been practicing for longer than a year, which deviates from the demographic of attorneys who commonly call him inquiring about CAMP. Mr. Baker indicated that he and Ms. Ezyk started a group-mentoring concept, which can splinter into one-on-one mentoring.

Mr. Baker noted that some specialty law groups, like immigration lawyers, and female attorneys have developed their own mentoring programs. For instance, Denver Mommas, is a group that offers in-house support to help mothers with transitional issues, including reentering practice after maternity leave and finding work-life balance.

Mr. Baker reported that he and Ms. Peyton, the incoming CAMP Director, are in the process of creating a set of rules to help ease the transition when he retires. Mr. Baker feels confident that Ms. Peyton will bring fresh ideas to CAMP, as she has a good combination of vision and attention to detail.

Prior to the meeting, Mr. Baker sent the Committee an invitation to the National Legal Mentoring Consortium's annual conference in May 2016. He discussed who would be speaking at the conference and topics, including how to structure successful mentoring programs.

Mr. Baker indicated that CAMP is trying to get mentors in certain areas of law, including marijuana law.

6. COLAP Report

The Chair asked Ms. Ezyk to report on COLAP. Ms. Ezyk reported that the January Call to Action Event on suicide prevention was very successful. James Carlson wrote an article on the event, which included many judges, attorneys, and others.

Ms. Ezyk notes that Colorado was one of 19 states that participated in research study on substance abuse and mental health issues. The report was released in January and confirms that there is a high need for COLAP. The study revealed that one in three young lawyers admitted to having substance issues or depression. The research study also showed that a high number of lawyers in general admitted to having substance abuse or mental health issues.

Ms. Ezyk notes that she was interviewed by Law Week to discuss the ABA research study.

COLAP's yearly report is almost complete. Ms. Ezyk notes that the office has expanded and that more support groups are now available. As the office expands, a volunteer has been answering the telephone.

Ms. Ezyk reports that COLAP has been trying to become more involved with the DA's Office and that COLAP's Clinical Director will do a presentation. COLAP hopes that more DA Offices will reach out to COLAP following the presentation.

The ABA Center for Professional Responsibility will host a webinar on suicide prevention on March 22, 2016. Afterward, COLAP will give a presentation for Attorney Regulation Counsel staff members.

7. Office of Attorney Regulation Counsel Report (Coyle)

Mr. Coyle noted that a joint taskforce is being created to address the concerns raised in the ABA/Hazelden Betty Ford Study.

Mr. Coyle reported that the annual registration cycle is over and that there are 39,317 (both active and inactive) attorneys registered in 2016. Active attorneys now number 25,706, which increased from 25,312 last year. This growth, however, is slower than in years past.

The office circulated its quarterly newsletter last week.

Mr. Coyle reported that his office made several new hires, including a new receptionist for Attorney Registration. The regulatory offices' controller resigned in December, and he considered whether to hire a replacement. He is working with SCAO to consider having a combined controller. The regulatory office's bookkeeper is retiring, and a new one will soon start.

Mr. Coyle reported that 371 law school graduates sat for the February bar, which is an increase from the prior year, but he did not know how many of those were taking it for a second (or more) time. The exams will be graded March 17-19, and the statistics for the exam will be released in May.

Mr. Coyle notes that the "on motion" applications continue to increase, despite an increase in the application fee. There were 395 applicants in 2015, compared to 238 the previous year.

Mr. Coyle notes that his office will give numerous presentations throughout the spring, including presentations in Washington, D.C., and at the National Conference of Professional Responsibility in Philadelphia.

Mr. Samuelson indicated that the CLE Rules subcommittee intends to present the Board with a draft of the revised CLE Rules in May.

Mr. Coyle stated that his office is working with the CBA/DBA Professionalism Coordinating Council on a professionalism rule that will be included in C.R.C.P. 121. This professionalism rule is based on a similar rule that has been successful in Wyoming.

Mr. Sudler reported that there was a subcommittee currently in the process of determining whether a flat-fee rule was appropriate.

8. LLLT Subcommittee Report (Rothrock)

The Chair asked Mr. Rothrock to provide a status report on the LLLT Subcommittee. Mr. Rothrock noted that the subcommittee was formed to analyze whether Washington's LLLT program could be adopted in Colorado. Mr. Rothrock explained the difference between "navigators" and LLLTs. A navigator would work in the court room to help pro se litigants with court room protocol,

etiquette, etc. Judge Fisher, from New York, has been invited to talk about navigators, which their court supports. The LLLT subcommittee is split on whether Colorado should adopt LLLTs.

Mr. Coyle noted that the Access to Justice Commission was also investigating whether navigators could help assist pro se litigators in the courthouse. A pilot project is being developed in Mesa County.

Someone asked whether navigators would be supervised by an attorney. The response was that Navigators would be supervised by the courts.

The Colorado Bar Association has filed a letter opposing the LLLT system.

9. PMBR Subcommittee Report

The Chair reported that the PMBR subcommittee will meet on March 16, 2016. The subcommittee will hear a presentation from Professor Susan Fortney of Texas A&M. Professor Fortney's talk will focus on how to improve client satisfaction and professional communication, avoid conflicts of interest, charging appropriate fees, and maintain trust accounts. The idea is to help create principles to be used by lawyers to implement an ethical infrastructure.

10. Conditional Admission Report

The Chair asked Mr. Zall to report on the status of conditional admission. Mr. Zall notes that a conditional rule for admission is being developed. The subcommittee is addressing the issue of when conditional admission may be available and is now in the process of determining how the rule will be drafted.

11. Other Business

Dates for the next meetings:

May 13, 2016

Sept. 9, 2016

Dec. 9, 2016

Someone asked when the Office of the Presiding Disciplinary Judge will be on ICCES. Mr. Coyle responded that because other parts of state judicial have priority, he anticipated it would be at least a year.

12. Meeting Adjourned

The meeting was adjourned at 1:15 p.m.

Respectfully submitted,

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