



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

MEETING MINUTES

September 22, 2023, 12:10 p.m. – 1:38 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, Brian Zall

Members absent: Allison Zinn

Liaison Justices in attendance: Justice Maria Berkenkotter (in person), 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; Ryann Peyton, Executive Director, Colorado Attorney Mentoring Program (CAMP); Sarah Myers, Executive Director, Colorado Lawyer Assistance Program (COLAP); Amy Phillips, Assistant Director, COLAP (via Zoom); Jonathan White, Assistant Regulation Counsel, Office of Attorney Regulation Counsel

Guests: Lynette Puga-Oliver

1. Approval of the May 19, 2023 Meeting Minutes

The Chair asked if members had suggested revisions to the draft minutes of the committee's May 2023 meeting. Hearing none, he requested a motion to approve the minutes. Mr. Beller so moved, and Judge Arkin seconded. The committee unanimously approved the minutes.

2. Discussion of Artificial Intelligence

Ms. Yates raised the issue of what attorney regulation's role, if any, should be in light of the growing use of artificial intelligence (AI). She showed members a sample of the type of information that a person seeking legal advice can obtain on ChatGPT, including language to use in potential legal briefs or motions that comes complete with citations to codes and statutes. Ms. Yates and the Chair said that the Colorado Supreme Court's Standing Committee on the Rules of Professional Conduct is looking at the issue. A member mentioned that AI may positively influence great access to justice for individuals who cannot afford legal representation. Other

members mentioned AI-enabled chat features raise confidentiality concerns. Following the discussion, the committee determined not to take further action at this time.

3. Update from Subcommittee Developing a Proposal to Evaluate the Attorney Regulation System

The court-supported offices have submitted suggested evaluation topics to the subcommittee. The Chair said the subcommittee will be reviewing those as it continues its work on a proposal.

4. Update from the LLP Committee on Implementation

Judge Arkin reported that two exam components are under development for LLP (Licensed Legal Paraprofessional) applicants. One is an ethics examination, the other focuses on family law topics. The Community College of Denver is creating courses related to the educational requirements for LLP licensure. Individuals wishing to take those classes will not need to be students at the college in order to enroll. The implementation committee has several subcommittees addressing matters such as training for judges and court staff on the new LLP program, as well as outreach to other stakeholders. An application has been prepared for this licensure through the efforts of Ms. Yates and Deputy Regulation Counsel Dawn McKnight. The application includes a character and fitness component. The application deadline for the first cohort of LLP licensure applicants will be after the first of the year. The goal is to have the first licensees receive their licenses by July 1, 2024.

Judge Arkin commented that there should not be issues with LLPs obtaining professional liability coverage. That has not been a problem in other jurisdictions that have established similar programs.

5. Approval of Committee Appointments

Legal Regulation Committee

Mr. Jacobson requested approval for two nominees to serve on the Legal Regulation Committee. The Legal Regulation Committee needs a new member to replace Anthony Perea, whose term expires December 31, 2023. In addition, under C.R.C.P. 251.2(1), the size of the Legal Regulation Committee can expand to at least nine members. Adding an additional member at this time will be helpful for quorum requirements. Mr. Jacobson nominated Matthew Haltzman and Jessica Schmidt. He provided members with a copy of both nominees' resumes and their nomination letters in the packet of materials distributed prior to the meeting.

Judge Arkin moved to approve the nomination of both Mr. Haltzman and Ms. Schmidt to serve on the Legal Regulation Committee. Mr. Beller seconded. The motion carried unanimously.

Character & Fitness Committee – Board of Law Examiners

Mr. Zall, Chair of the Character & Fitness Committee, noted that this committee has a minimum number of members that must be met but that there is otherwise no maximum number

of members. Two individuals who have served the committee well have recently resigned. Mr. Zall said that as chair, he seeks to expand the number of members on the Character & Fitness Committee through the recommendation of four individuals to serve as inquiry panel members. Mr. Zall commented that all four add geographic and cultural diversity. They have varied life and professional experiences that will enrich the member pool. Mr. Zall provided copies of all four nominees' resumes with the packet of materials distributed to members prior to the meeting. The four nominees are: Lyudmyla "Milla" Lishchuk, Angela D. White, Dana R. Spade, and Kevin P. Kimery. If appointed, each will serve a term of seven years.

Dr. Love moved to appoint all four nominees to the Character & Fitness Committee. Mr. Beller seconded. The motion carried unanimously.

6. Update of the September 21, 2023 Volunteer Celebration

Ms. Yates thanked everyone for coming to the volunteer celebration yesterday evening.

7. Other Updates

Office of the Presiding Disciplinary Judge

Judge Large held a bench-bar meeting on September 15, 2023. His office will hold a training for Hearing Board members on October 20.

Judge Large provided members with a handout in advance of the meeting with suggested revisions and updates to C.R.C.P. 242 based on his experience. He said that the Office of Attorney Regulation Counsel and attorneys who serve as Respondent's counsel may have additional suggestions. In response, the committee formed a subcommittee to study revisions to C.R.C.P. 242 broadly. Several members volunteered to participate.

Judge Large informed members that one member of the current pool of Hearing Board members has been disbarred. That is attorney Douglas Gradisar. Mr. Beller moved to strike Mr. Gradisar from the pool of Hearing Board members and recommend the court remove Mr. Gradisar from the pool of members. Judge Arkin seconded. The motion carried unanimously.

Judge Large also recommended the appointment of 22 individuals to the pool of Hearing Board members. He provided committee members with these individuals' letters of interest and resumes in the packet of materials distributed before the meeting. He has sought panel members who bring diversity in all ways to the pool of members, including through nominating several younger lawyers. Several nominees are non-lawyers. Mr. Reeve moved to approve the 22 names put forward by Judge Large and recommend their appointment to the court. Judge McCallin seconded. The Advisory Committee agreed to recommend the appointments.

Colorado Attorney Mentoring Program (CAMP)

Ms. Peyton provided a written update to members in the packet of materials distributed prior to the meeting. She highlighted CAMP's upcoming as well as recent activities. CAMP has delivered a large number of presentations on diversity, equity, and inclusivity in the legal profession.

Ms. Peyton reported Legal Entrepreneurs for Justice (LEJ) has a new class that will begin January 8, 2024. Recruitment for this class is underway. LEJ has partnered with the Office of Alternate Defense Counsel (OADC) and will take two of OADC's diversity fellows in its 2024 class.

Ms. Peyton also informed members of the positive reception and significant interest in the Colorado Well-Being Recognition Program for Legal Employers. She stated that 50 organizations have signed the well-being pledge, and "lunch & learn" events have been very well-attended, with the June 2023 program operating at full attendance capacity. She also mentioned other states have noticed Colorado's program. Massachusetts is building a well-being recognition program modeled after Colorado's.

Colorado Lawyer Assistance Program (COLAP)

Ms. Myers reported COLAP continues to see a high number of contacts for a variety of issues, including situations involving significant trauma. She thanked the Advisory Committee members for their continuing support of COLAP.

Office of Attorney Regulation Counsel (OARC)

OARC hopes to have a new Director of Technology selected by the end of September. Meanwhile, the Office of Attorney Admissions' needs related to accommodation requests for the bar exam have changed over time. The complexity of the task has necessitated looking at filling a non-attorney staff position that was recently vacated with an attorney. Meanwhile, OARC will be hiring a new Character and Fitness Staff Assistant.

8. Upcoming Meeting Dates:

- December 8, 2023

Proposed 2024 meeting dates:

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

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