

RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW IN COLORADO

Rules 207.1 and 207.8

Rule 207.1. Licensed Legal Paraprofessionals' Scope of Authority to Practice

(1) [NO CHANGE]

(2) An LLP's scope of licensure is limited as follows:

(a) An LLP may represent a client to perform tasks and services identified under section (2)(g) of this rule in a legal separation, declaration of invalidity of marriage, or dissolution of a marriage, ~~or~~ and dissolution of a civil union, whether pre-decree or post-decree.

(b) An LLP may represent a client to perform tasks and services identified under section (2)(g) of this rule in an initial allocation or ~~a modification of an allocation of parental responsibility ("APR") matter, including parentage determinations~~ parental responsibilities or parentage cases, including representing parties in a parentage matter that initially had disputes in which more than two parents or alleged parents asserted or denied legal parentage once parentage has been determined by the court.

(c) - (e) [NO CHANGE]

(f) Even if an LLP is authorized to represent a client pursuant to sections (2)(a), (2)(b), (2)(c), (2)(d) and (2)(e), an LLP is not authorized to represent a client in resolving any of the following discrete issues that arise in an otherwise authorized representation:

(i) - (ii) [NO CHANGE]

(iii) ~~matters involving~~ an allegation of common law marriage ~~matters involving an allegation of common law marriage~~ in which either party disputes the existence of a common law marriage or the date when the common law marriage formed;

(iv) ~~matters involving~~ disputed parentage where there are more than two parents or alleged parents asserting or denying legal parentage;

(v) ~~matters in which~~ a non-parent's request for ~~APR decision-making authority or parenting time~~ is contested by at least one parent and the court has determined that the Indian Child Welfare Act applies to the proceeding, except as otherwise provided by law;

(vi) [NO CHANGE]

(vii) ~~matters in which a party is a beneficiary of a trust and information~~ a dispute about the value of or income associated with a trust in which a party is a beneficiary ~~will be relevant to resolution of the matter;~~

(viii) ~~matters in which a~~ dispute about ~~party intends to contest a jurisdictional issue~~ jurisdiction of the court over any issue in the matter;

(ix) [Reserved] ~~the preparation by the LLP of a qualified domestic relations order (“QDRO”) or other document allocating retirement assets that are not liquid at the time of the matter;~~

(x) the preparation by the LLP of documents, other than an agreement addressing underlying property division, needed to effectuate the sale or distribution of assets of a business entity or commercial property;

(xi) [Reserved] ~~matters in which an expert report or testimony is required to value an asset or determine income due to the inherent complexity of the asset or income at issue; or~~

(xii) issues collateral to, but directly affecting, a matter which falls within the LLP's scope of practice when such issues require analysis and advice outside that scope of practice, such as immigration, criminal, and bankruptcy issues or the preparation of a qualified domestic relations order (“QDRO”) or other similar document implementing the division of retirement assets that could directly affect the resolution of the matter.

(g) Within the types of matters and authorizations to practice law identified in section (2)(a), (2)(b), (2)(c), (2)(d) and (2)(e) of this rule, an LLP who is in good standing may represent the interests of a client by:

(i) - (ii) [NO CHANGE]

(iii) informing, counseling, advising, and assisting the client in determining which form or template (among those approved by the Judicial Department or the Supreme Court, or generally accepted by Colorado courts having jurisdiction over the matter) to use as the basis for a document in a matter, and advising the client on how to complete a form or provide information for a document;

(iv) preparing and completing documents using forms or templates approved by the Judicial Department or the Supreme Court or generally accepted by Colorado courts having jurisdiction over the matter, including proposed parenting plans, separation agreements, motions or stipulations for establishing or modifying child support, child support worksheets, proposed orders, nonappearance affidavits, discovery requests and answers to discovery requests, trial management certificates, pretrial submissions, and exhibit and witness lists;

(v) - (viii) [NO CHANGE]

(ix) ~~filing in, preparation of signing, filing,~~ and completing filing and service of a written settlement agreement in conformity with the negotiated agreement;

(x) [NO CHANGE]

(xi) communicating with the client regarding the matter and related issues, including retaining experts and fully preparing the client for a testimonial hearing or deposition;

(xii) [NO CHANGE]

(xiii) standing or sitting at counsel table with the client during a court proceeding ~~to provide emotional support,~~ communicating with the client during the proceeding, making statements, making offers of proof, examining any witness, and making arguments and objections in court ~~other than examining a witness,~~ answering questions posed by the court, addressing the court ~~upon the court's request,~~ taking notes, and assisting the client in understanding the proceeding and relevant orders;

(xiv) [NO CHANGE]

(xv) advising clients regarding the need for a lawyer to review complex issues that may arise in a matter, consistent with the LLP's duty set forth in Colo. LLP RPC 1.1.

(h) [Reserved] ~~An LLP is not authorized to conduct an examination of a witness. The LLP may only address the court pursuant to section (2)(g)(xiii) of this rule.~~

(i) [NO CHANGE]

COMMENT

An LLP's activities in the representation of a client that exceed the scope of this rule could violate the Colorado LLP Rules of Professional Conduct, such as Colo. LLP RPC 1.2(c) or Colo. LLP RPC 5.5(a)(1.5). They also could be considered by a trial court in resolving a request to disqualify LLP as counsel for a client. The resolution of a complaint for violation of the Colo. LLP Rules of Professional Conduct or a motion to disqualify is governed by established procedural rules and applicable case law.

Rule 207.8. Applications for Colorado LLP Admission

(1) ~~All~~ Each LLP applicant must, as a condition of admission, take and pass a comprehensive the Colorado LLP eExaminations, which includes testing on family law and professional conduct rules, and any other topics designated by the Supreme Court.

(2) By the time of taking the LLP Examination, each Colorado LLP applications for the LLP Examination must be received or postmarked on or before the deadlines designated by the Supreme Court and published by the Office of Attorney Admissions. applicant must satisfy all requirements for an education plus experience path described in Section (3), or all requirements for an experience-only path described in Section (4).

(3) **Education Plus Experience Path.** ~~By the time of taking the family law examination,~~ Colorado LLP ~~examination~~ applicants applying under this path must:
~~either meet the experience requirements set forth in section (4) or must have received:~~
(i) demonstrate that the applicant has worked 1,500 hours in employment constituting substantive law-related practical experience, which must include 500 hours of experience in Colorado family law, within the three years immediately preceding the date of filing the LLP application; and (ii) have received one of the following academic degrees or certificates:

(a) a J.D. ~~or LL.B.~~ degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association or a state-accredited law school;

(b) an associate's degree in legal or paralegal studies, including at least 30 credit hours in law, including legal research and writing, from an accredited school;

(c) a bachelor's degree in legal or paralegal studies, including at least 30 credit hours in law, including legal research and writing, from an accredited school;

(d) a bachelor's degree in any subject from an accredited school ~~that includes:~~ plus a paralegal certificate, which may be obtained from the same or different accredited school, which includes at least 30 credit hours in law, including legal research and writing;

~~(i) a paralegal certificate; or~~

~~(ii) 15 hours of paralegal studies from an accredited school or~~

(e) a first professional law degree from a law school in a country other than the United States with an LL.M. qualifying such applicant to sit for the Colorado bar examination under C.R.C.P. 204.3; or;

(f) a master's degree in legal studies from an accredited school.

(4) ~~An applicant is not required to meet the educational qualifications set forth in section (3) if the applicant demonstrates that the applicant has worked the equivalent of three full-time years in employment constituting substantive law-related practical experience, which must include the~~

~~equivalent of one full-time year focused on Colorado family law, during the five years immediately preceding the date of filing the application.~~ **Experience-Only Path.** A Colorado LLP applicant applying under the experience-only path must demonstrate that the applicant:

(a) has worked 4,500 hours in employment constituting substantive law-related practical experience within the five years immediately preceding the date of filing the LLP application; and

(b) within the hours described in paragraph (a), has worked 1,500 hours of experience in Colorado family law the three years immediately preceding the date of filing the LLP application.

~~(5) By the time of taking the professional conduct examination~~ LLP Examination, each all Colorado LLP applicants must have successfully completed, from an accredited school, an ethics class/course (also known as a professional responsibility course) specific to LLPs or lawyers from an accredited school. that teaches the rules of professional conduct applicable to LLPs or lawyers and addresses compliance as a condition of licensure.

~~(6) All Colorado LLP applicants must also pass an LLP professional conduct exam prior to admission.~~ bear the burden of proving they have the character and fitness to practice law as an LLP, and must comply with all character and fitness requirements established by the Supreme Court through C.R.C.P. 208.1. All Colorado LLP applicants are subject to the procedures set forth in C.R.C.P. 208.1 through C.R.C.P. 210.2 concerning review of character and fitness.

~~(7) All Colorado LLP applicants must also demonstrate completion of 1,500 hours of substantive law-related practical experience, including 500 hours of experience in Colorado family law; within the three years immediately preceding the date of submitting the LLP application. This requirement may be met by demonstrating eligibility under section (4) of this rule.~~ applications for the LLP Examination must be received or postmarked on or before the deadlines designated by the Supreme Court and published by the Office of LLP Admissions. Each Colorado LLP applicant must pay the required application fee and any applicable late fee.

~~(8) All successful Colorado LLP applicants bear the burden of proving they have the character and fitness to practice law as an LLP, and must comply with all character and fitness requirements established by the Supreme Court through C.R.C.P. 208.1. All Colorado LLP applicants are subject to the procedures set forth in C.R.C.P. 208.1 through C.R.C.P. 210.2 concerning review of character and fitness.~~ examination applicants must complete the course on professionalism, as described in C.R.C.P. 203.1(8), prior to and as a condition of admission. Credit for completion of the professionalism course will be valid for eighteen months following completion of the course.

~~(9) All Colorado LLP applicants must pay the required application fee.~~ Any unsuccessful applicant may, upon request, obtain a copy of the applicant's answers to the essay portions of the examination. Such request shall be made on a form furnished by the Office of LLP Admissions.

This rule does not permit applicants to obtain any materials other than the applicant's written essay answers.

~~(10) **Professionalism Course.** All successful Colorado LLP examination applicants must complete the course on professionalism, as described in C.R.C.P. 203.1(8), prior to and as a condition of admission. Credit for completion of the professionalism course will be valid for eighteen months following completion of the course.~~

~~(11) Any unsuccessful applicant may, upon request, obtain a copy of the applicant's answers to the essay portions of the examination. Such request shall be made on a form furnished by the Office of Attorney Admissions. This rule does not permit applicants to obtain any materials other than the applicant's written essay answers.~~

Rule 207.1. Licensed Legal Paraprofessionals' Scope of Authority to Practice

(1) [NO CHANGE]

(2) An LLP's scope of licensure is limited as follows:

(a) An LLP may represent a client to perform tasks and services identified under section (2)(g) of this rule in a legal separation, declaration of invalidity of marriage, or dissolution of a marriage, and dissolution of a civil union, whether pre-decree or post-decree.

(b) An LLP may represent a client to perform tasks and services identified under section (2)(g) of this rule in an initial allocation or modification of parental responsibilities or parentage cases, including representing parties in a parentage matter that initially had disputes in which more than two parents or alleged parents asserted or denied legal parentage once parentage has been determined by the court.

(c) - (e) [NO CHANGE]

(f) Even if an LLP is authorized to represent a client pursuant to sections (2)(a), (2)(b), (2)(c), (2)(d) and (2)(e), an LLP is not authorized to represent a client in resolving any of the following discrete issues that arise in an otherwise authorized representation:

(i) - (ii) [NO CHANGE]

(iii) an allegation of common law marriage in which either party disputes the existence of a common law marriage or the date when the common law marriage formed;

(iv) disputed parentage where there are more than two parents or alleged parents asserting or denying legal parentage;

(v) a non-parent's request for decision-making authority or parenting time is contested by at least one parent and the court has determined that the Indian Child Welfare Act applies to the proceeding, except as otherwise provided by law;

(vi) [NO CHANGE]

(vii) a dispute about the value of or income associated with a trust in which a party is a beneficiary;

(viii) a dispute about a jurisdictional issue;

(ix) [Reserved];

(x) the preparation by the LLP of documents, other than an agreement addressing underlying property division, needed to effectuate the sale or distribution of assets of a business entity or commercial property;

(xi) [Reserved]; or

(xii) issues collateral to, but directly affecting, a matter which falls within the LLP's scope of practice when such issues require analysis and advice outside that scope of practice, such as immigration, criminal, and bankruptcy issues or the preparation of a qualified domestic relations order ("QDRO") or other similar document implementing the division of retirement assets that could directly affect the resolution of the matter.

(g) Within the types of matters and authorizations to practice law identified in section (2)(a), (2)(b), (2)(c), (2)(d) and (2)(e) of this rule, an LLP who is in good standing may represent the interests of a client by:

(i) - (ii) [NO CHANGE]

(iii) informing, counseling, advising, and assisting the client in determining which form or template (among those approved by the Judicial Department or the Supreme Court, or generally accepted by Colorado courts having jurisdiction over the matter) to use as the basis for a document in a matter, and advising the client on how to complete a form or provide information for a document;

(iv) preparing and completing documents using forms or templates approved by the Judicial Department or the Supreme Court or generally accepted by Colorado courts having jurisdiction over the matter, including proposed parenting plans, separation agreements, motions or stipulations for establishing or modifying child support, child support worksheets, proposed orders, nonappearance affidavits, discovery requests and answers to discovery requests, trial management certificates, pretrial submissions, and exhibit and witness lists;

(v) - (viii) [NO CHANGE]

(ix) preparation of and completing filing and service of a written settlement agreement in conformity with the negotiated agreement;

(x) [NO CHANGE]

(xi) communicating with the client regarding the matter and related issues, including retaining experts and fully preparing the client for a testimonial hearing or deposition;

(xii) [NO CHANGE]

(xiii) standing or sitting at counsel table with the client during a court proceeding, communicating with the client during the proceeding, making statements, making offers of proof, examining any witness, making arguments and objections in court, answering questions posed by the court, addressing the court, taking notes, and assisting the client in understanding the proceeding and relevant orders;

(xiv) [NO CHANGE]

(xv) advising clients regarding the need for a lawyer to review complex issues that may arise in a matter, consistent with the LLP's duty set forth in Colo. LLP RPC 1.1.

(h) [Reserved]

(i) [NO CHANGE]

COMMENT

An LLP's activities in the representation of a client that exceed the scope of this rule could violate the Colorado LLP Rules of Professional Conduct, such as Colo. LLP RPC 1.2(c) or Colo. LLP RPC 5.5(a)(1.5). They also could be considered by a trial court in resolving a request to disqualify LLP as counsel for a client. The resolution of a complaint for violation of the Colo. LLP Rules of Professional Conduct or a motion to disqualify is governed by established procedural rules and applicable case law.

Rule 207.8. Applications for Colorado LLP Admission

(1) Each LLP applicant must, as a condition of admission, take and pass a comprehensive Colorado LLP Examination, which includes testing on family law and professional conduct rules, and any other topics designated by the Supreme Court.

(2) By the time of taking the LLP Examination, each Colorado LLP applicant must satisfy all requirements for an education plus experience path described in Section (3), or all requirements for an experience-only path described in Section (4).

(3) Education Plus Experience Path. Colorado LLP applicants applying under this path must:

(i) demonstrate that the applicant has worked 1,500 hours in employment constituting substantive law-related practical experience, which must include 500 hours of experience in Colorado family law, within the three years immediately preceding the date of filing the LLP application; and (ii) have received one of the following academic degrees or certificates:

(a) a J.D. degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association or a state-accredited law school;

(b) an associate's degree in legal or paralegal studies, including at least 30 credit hours in law, including legal research and writing, from an accredited school;

(c) a bachelor's degree in legal or paralegal studies, including at least 30 credit hours in law, including legal research and writing, from an accredited school;

(d) a bachelor's degree in any subject from an accredited school plus a paralegal certificate, which may be obtained from the same or different accredited school, which includes at least 30 credit hours in law, including legal research and writing;

(e) a first professional law degree from a law school in a country other than the United States with an LL.M. qualifying such applicant to sit for the Colorado bar examination under C.R.C.P. 204.3; or

(f) a master's degree in legal studies from an accredited school.

(4) Experience-Only Path. A Colorado LLP applicant applying under the experience-only path must demonstrate that the applicant:

(a) has worked 4,500 hours in employment constituting substantive law-related practical experience within the five years immediately preceding the date of filing the LLP application; and

(b) within the hours described in paragraph (a), has worked 1,500 hours of experience in Colorado family law the three years immediately preceding the date of filing the LLP application.

(5) By the time of taking the LLP Examination, each Colorado LLP applicant must have successfully completed, from an accredited school, an ethics course (also known as a

professional responsibility course) that teaches the rules of professional conduct applicable to LLPs or lawyers and addresses compliance as a condition of licensure.

(6) All Colorado LLP applicants bear the burden of proving they have the character and fitness to practice law as an LLP, and must comply with all character and fitness requirements established by the Supreme Court through C.R.C.P. 208.1. All Colorado LLP applicants are subject to the procedures set forth in C.R.C.P. 208.1 through C.R.C.P. 210.2 concerning review of character and fitness.

(7) Colorado LLP applications for the LLP Examination must be received or postmarked on or before the deadlines designated by the Supreme Court and published by the Office of LLP Admissions. Each Colorado LLP applicant must pay the required application fee and any applicable late fee.

(8) All successful Colorado LLP examination applicants must complete the course on professionalism, as described in C.R.C.P. 203.1(8), prior to and as a condition of admission. Credit for completion of the professionalism course will be valid for eighteen months following completion of the course.

(9) Any unsuccessful applicant may, upon request, obtain a copy of the applicant's answers to the essay portions of the examination. Such request shall be made on a form furnished by the Office of LLP Admissions. This rule does not permit applicants to obtain any materials other than the applicant's written essay answers.