

**Colorado Court Rules**

**COLORADO RULES OF CIVIL PROCEDURE**

**Chapter 20. Colorado Rules of Procedure Regarding Attorney Discipline and Disability Proceedings, Colorado Attorneys' Fund for Client Protection, and Mandatory Continuing Legal Education and Judicial Education**

*Includes all changes through 2013(12)*

**Rule 251.34. Advisory Committee**

(a)

**Advisory Committee.** The Supreme Court Advisory Committee is hereby established. The Advisory Committee shall serve as a permanent committee of the Supreme Court.

(1)

Members. The Advisory Committee shall be composed of the Chair and Vice-Chair of the Attorney Regulation Committee. Two Supreme Court justices who serve as liaison to the attorney regulation system, eight members of the Bar, and a member of the public shall also serve as members of the Advisory Committee. The membership shall include one member from the Colorado Bar Association's Ethics Committee, one Respondent Bar member of the Colorado Bar Association's Attorney Regulation Policy Committee, and one member of the Hearing Board pool. Diversity shall be a consideration in making the appointments.

The members of the Advisory Committee shall serve at the pleasure of the Supreme Court and may be dismissed from the Advisory Committee at any time by order of the Supreme Court. A member of the Advisory Committee may resign at any time.

(2)

Vacancy. In the event of a vacancy on the Advisory Committee, the Supreme Court shall fill the vacancy to serve at the pleasure of the Supreme Court.

(3)

Chair. The court shall appoint a member of the Advisory Committee to serve as its chair. The chair shall exercise overall supervisory control of the Advisory Committee.

(4)

Reimbursement of Advisory Committee Members. The members of the Advisory Committee shall be entitled to reimbursement for reasonable travel, lodging, and other expenses incurred in the performance of their official

duties.

(b)

**Powers and Duties of the Advisory Committee.** The Advisory Committee shall be authorized and empowered to act in accordance with these Rules and to:

(1)

Assist the Supreme Court in making appointments as described in these Rules;

(2)

Oversee the management committee in the coordination of administrative matters within all programs of the attorney regulation system. The management committee shall be composed of the Clerk of the Supreme Court, who shall serve as its chair, the Regulation Counsel, and the Presiding Disciplinary Judge. The management committee's functions are limited to considering administrative matters;

(3)

Review the productivity, effectiveness, and efficiency of the Supreme Court's attorney regulation system including that of the Presiding Disciplinary Judge and peer assistance programs and report its findings to the Supreme Court;

(4)

Review the resources of the system for the purpose of making recommendations to the Supreme Court;

(5)

Periodically report to the Supreme Court on the operation of the Advisory Committee;

(6)

Recommend to the Supreme Court proposed changes or additions to the rules of procedure for attorney discipline and disability proceedings;

(7)

Assist the Supreme Court in such matters as the court may direct; and

(8)

Repealed.

(9)

Select one or more health assistance programs as

designated providers.

To be eligible for designation by the Advisory Committee, an attorney's health assistance program shall provide for the education of attorneys with respect to the recognition and prevention of physical, emotional, and psychological problems and provide for intervention when necessary; offer assistance to an attorney in identifying physical, emotional, or psychological problems; evaluate the extent of physical, emotional, or psychological problems and refer the attorney for appropriate treatment; monitor the status of an attorney who has been referred for treatment; provide counseling and support for the attorney referred for treatment; agree to receive referrals from the Advisory Committee or the Regulation Counsel; and agree to make their services available to all active licensed Colorado attorneys.

Nothing in this section or section 9.5 shall be construed to create any liability on the Advisory Committee or the Supreme Court for the actions of the Advisory Committee in funding assistance programs, and no civil action may be brought or maintained against the committee or the Supreme Court for an injury alleged to have been the result of the activities of any committee-selected assistance program or court approved lawyers' peer assistance program, or the result of an act or omission of an attorney participating in or referred by a committee-selected assistance program.

(9.5) Make recommendations concerning approval of lawyers' peer assistance program.

A. Any lawyers' peer assistance program that wishes to provide services to Colorado lawyers and have protection from the reporting requirements of Colo. RPC 8.3, must be approved by the Colorado Supreme Court. To request such approval, a description of the program must be submitted to the Advisory Committee who shall then review the program and make a recommendation to the Colorado Supreme Court as to approval.

B. The description shall contain the following information:

i. The type of organization, e.g. corporation, limited liability company, etc.;

ii. The mission statement for the program;

iii. The funding for the program;

iv. A list of the volunteers and/or paid employees, together with their qualifications and backgrounds, working for or together with the program; and,

v. An explanation of the type and frequency of training for the volunteers and/or paid employees.

C. Approval of a lawyer peer assistance program is for a period of two years subject to revocation at any time by

the Colorado Supreme Court. In order to be reapproved, the program must file a request for renewal with the Clerk of the Colorado Supreme Court, containing the information listed in subparagraph B, and explain any changes that occurred in the program since its initial approval by the Colorado Supreme Court. The Clerk shall then forward the request for renewal to the Advisory Committee for recommendations to the Colorado Supreme Court. Unless renewed by the Colorado Supreme Court at the conclusion of the two years, the program shall lose its approved status.

(10)

Adopt such practices as may from time to time become necessary to govern the internal operation of the Advisory Committee as approved by the Supreme Court.

**History.** Amended and adopted June 25, 1998, effective July 1, 1998; (b)(7)-(b)(9) amended and adopted May 13, 1999, effective July 1, 1999; entire rule amended and effective September 1, 2000; (b)(9) corrected January 8, 2001, effective September 12, 2000; entire rule amended and adopted November 22, 2000, effective January 1, 2001; (b)(8) repealed and adopted and (b)(9) amended and adopted June 7, 2001, effective July 1, 2001; (b)(9) amended and adopted and (b)(9.5) added and adopted June 19, 2003, effective July 1, 2003; (a)(1) amended and adopted September 30, 2004, effective January 1, 2005.