

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLORADO**

LOCAL RULES OF PRACTICE

PROPOSED REVISIONS FOR THE 2020-2021 COMBINED LOCAL RULES CYCLE

This compilation presents the proposed rule changes in the following order:

- Existing rule number, name and applicable section
- Proposed revision with redline/strikeout marks
- Proposed revision without editing marks = “clean” version

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SECTION I - CIVIL RULES

I. D.C.COLO.LCivR 3.1 - CIVIL COVER SHEET

-Existing rule:

D.C.COLO.LCivR 3.1 CIVIL COVER SHEET

A properly completed Civil Cover Sheet [HERE](#) shall be filed at the commencement of each civil action. If the filing party is represented by counsel, the Civil Cover Sheet shall be completed and signed by an attorney of record in the case. In actions governed by Section IV - AP Rules, the filing party shall check the box titled "AP Docket" to the Brief Description field in Section VI of the Civil Cover Sheet. Disputes as to the AP Docket designation shall be addressed by motion filed before an answer or other response is due.

-Proposed Revision:

D.C.COLO.LCivR 3.1 ~~CIVIL COVER SHEET~~ **COMMENCING AN ACTION**

- (a) **Civil Cover Sheet.** A properly completed Civil Cover Sheet [HERE](#) shall be filed at the commencement of each civil action. If the filing party is represented by counsel, the Civil Cover Sheet shall be completed and signed by an attorney of record in the case. ~~In actions governed by Section IV - AP Rules, the filing party shall check the box titled "AP Docket" to the Brief Description field in Section VI of the Civil Cover Sheet.~~ **A** ~~D~~disputes **about** as to the AP Docket designation shall be addressed by motion filed before an answer or other response is due.
- (b) **Report on Filing a Patent, Trademark, or Copyright Action.** A properly completed Report on the Filing of an Action Regarding a Patent or Trademark or Report on the Filing or Determination of an Action or Appeal Regarding a Copyright available [HERE](#) ^[A1] shall be filed at the commencement of an action and with any amendment which adds a claim involving a patent, trademark, or copyright. If the filing party is represented by counsel, the report shall be completed and submitted by an attorney of record.

-Clean version:

**D.C.COLO.LCivR 3.1
COMMENCING AN ACTION**

- (a) **Civil Cover Sheet.** A properly completed Civil Cover Sheet [HERE](#) shall be filed at the commencement of each civil action. If the filing party is represented by counsel, the Civil Cover Sheet shall be completed and signed by an attorney of record in the case. A dispute about the AP Docket designation shall be addressed by motion filed before an answer or other response is due.
 - (b) **Report on Filing a Patent, Trademark, or Copyright Action.** A properly completed Report on the Filing of an Action Regarding a Patent or Trademark or Report on the Filing or Determination of an Action Or Appeal Regarding a Copyright available [HERE](#) shall be filed at the commencement of an action and with any amendment which adds a claim involving a patent, trademark, or copyright. If the filing party is represented by counsel, the report shall be completed and submitted by an attorney of record.
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**II. D.C.COLO.LCivR 5.1
FORMATTING, SIGNATURES, FILING, AND SERVING PLEADINGS AND
DOCUMENTS - (b) Exceptions to Electronic Formatting and Filing.**

-Existing rule:

**D.C.COLO.LCivR 5.1
FORMATTING, SIGNATURES, FILING, AND SERVING PLEADINGS AND
DOCUMENTS**

- (b) **Exceptions to Electronic Formatting and Filing.**
 - (1) **Materials that Cannot Be Converted to Electronic Form.** An item such as a videotape, audiotape, etc., shall be filed by delivery to the clerk's office.
 - (2) **Pleadings and Documents by Unrepresented Prisoners.** These shall be filed in paper.
 - (3) **Pleadings and Documents by Other Unrepresented Parties.** These shall be filed in paper unless the filing party obtains authorization to use electronic filing under the Electronic Case Filing Procedures [HERE](#).

- (4) **E-mailed Documents.** The Electronic Case Filing Procedures specify the documents that shall be e-mailed to the court to open a case [HERE](#).

-Proposed Revision:

(b) Exceptions to Electronic Formatting and Filing.

- (1) **Materials that Cannot Be Converted to Electronic Form.** An item such as a videotape, audiotape, etc., shall be filed by delivery to the clerk's office.
- (2) **Pleadings and Documents by Unrepresented Prisoners.** These shall be filed in paper.
- (3) **Pleadings and Documents by Other Unrepresented Parties.** These shall be filed in paper unless the filing party obtains authorization to use electronic filing under the Electronic Case Filing Procedures [HERE](#) or the filing party e-mails documents to the clerk for filing under the procedures available [HERE](#).
- (4) **E-mailed Documents.** The Electronic Case Filing Procedures specify the documents that shall be e-mailed to the court to open a case [HERE](#).

-Clean version:

(b) Exceptions to Electronic Formatting and Filing.

- (1) **Materials that Cannot Be Converted to Electronic Form.** An item such as a videotape, audiotape, etc., shall be filed by delivery to the clerk's office.
- (2) **Pleadings and Documents by Unrepresented Prisoners.** These shall be filed in paper.
- (3) **Pleadings and Documents by Other Unrepresented Parties.** These shall be filed in paper unless the filing party obtains authorization to use electronic filing under the Electronic Case Filing Procedures [HERE](#) or the filing party e-mails documents to the clerk for filing under the procedures available [HERE](#).
- (4) **E-mailed Documents.** The Electronic Case Filing Procedures specify the documents that shall be e-mailed to the court to open a case [HERE](#).

III. D.C.COLO.LCivR 7.1 – MOTIONS – (b) Exceptions to the Duty to Confer

[Also included are several “housekeeping” stylistic revisions made in LCivR 3.2 and LCivR 7.1(f)-(h)]

-Existing rule:

(b) Exceptions to the Duty to Confer:

- (1) a motion filed in a case involving an unrepresented prisoner;
- (2) a motion under Fed. R. Civ. P. 12;
- (3) a motion under Fed. R. Civ. P. 56; or
- (4) a motion under D.C.COLO.LAttyR 5(a) and (b).

-Proposed Revision:

(b) Exceptions to the Duty to Confer:

- (1) a motion filed in a case involving an unrepresented prisoner **or detainee**;
- (2) a motion under Fed. R. Civ. P. 12;
- (3) a motion under Fed. R. Civ. P. 56; or
- (4) a motion under D.C.COLO.LAttyR 5(a) and (b).

-Clean version:

(b) Exceptions to the Duty to Confer:

- (1) a motion filed in a case involving an unrepresented prisoner or detainee;

- (2) a motion under Fed. R. Civ. P. 12;
- (3) a motion under Fed. R. Civ. P. 56; or
- (4) a motion under D.C.COLO.LAttyR 5(a) and (b).

[Style convention revisions]:

- (f) **Supplemental Authority.** If the matter is set for hearing, any supplemental authority shall be filed ~~at least~~ **no later than** seven days before the hearing.
- (g) **Proposed Order.** A moving party may submit a proposed order with an unopposed motion or nondispositive motion. A general order attached to a motion (such as “it is ordered” or “so ordered”) is not permitted. A proposed order shall be a separate document, bear a separate caption, and set out clearly ~~the order’s~~ **its** basis and terms.
- (h) **Hearing.** A motion may be decided without oral argument, ~~at the court’s~~ discretion **of the court.**

and

**D.C.COLO.LCivR 3.2
NOTICE OF RELATED CASES**

- (a) **Notice.** A party to a case shall file a notice identifying all cases pending in this or any other federal, state, or foreign jurisdiction that are related to the case. Under this rule, no party may seek special assignment, **or** reassignment, ~~or transfer~~ of a related case from one judicial officer to another.

IV. D.C.COLO.LCivR 30.2 - FILING MOTION FOR PROTECTIVE ORDER, MOTION TO LIMIT EXAMINATION, OR OBJECTION TO DISCOVERY ORDER

-Existing rule:

**D.C.COLO.LCivR 30.2
FILING MOTION FOR PROTECTIVE ORDER, MOTION TO LIMIT EXAMINATION, OR OBJECTION TO DISCOVERY ORDER**

- (a) **Motion for Protective Order or to Limit Examination.** Pending resolution of a motion or request for relief under Fed. R. Civ. P. 26(c) or 30(d), the discovery to which the motion or request is directed shall be stayed unless otherwise ordered.

A non-prevailing party may be subject to an award of expenses, fees, and costs under Fed. R. Civ. P. 37(a)(5).

-Proposed Revision:

- (a) **Motion for Protective Order or to Limit Examination.** Pending resolution of a motion or request for relief under Fed. R. Civ. P. 26(c) or 30(d), the discovery to which the motion or request is directed shall be stayed unless otherwise ordered. A non-prevailing party may be subject to an award of expenses, fees, and costs under Fed. R. Civ. P. 37(a)(5). **However, the filing of a motion to stay all discovery shall not effectuate a stay unless the motion is granted.**

-Clean version:

- (a) **Motion for Protective Order or to Limit Examination.** Pending resolution of a motion or request for relief under Fed. R. Civ. P. 26(c) or 30(d), the discovery to which the motion or request is directed shall be stayed unless otherwise ordered. A non-prevailing party may be subject to an award of expenses, fees, and costs under Fed. R. Civ. P. 37(a)(5). However, the filing of a motion to stay all discovery shall not effectuate a stay unless the motion is granted.

SECTION II - CRIMINAL RULES

I. D.C.COLO.LCrR 47.1

PUBLIC ACCESS TO CASES, DOCUMENTS, AND PROCEEDINGS –

(f) Documents Subject to Presumptive Restriction

-Existing rule:

D.C.COLO.LCrR 47.1

PUBLIC ACCESS TO CASES, DOCUMENTS, AND PROCEEDINGS

- (f) **Documents Subject to Presumptive Restriction.** The following documents shall be filed subject to the specified presumptive restriction levels without the order of a judicial officer:

- (1) **Documents that shall be filed with Level 2 restriction (access limited to the filing party, the affected defendant(s), the government, and the court):**
- (A) Presentence reports and addenda and related documents, including correspondence or other documents related to sentencing, including letters, reports, certificates, awards, photographs, or other documents pertaining to the defendant.
 - (B) Probation or supervised release violation reports.
 - (C) Statements of reasons in judgments in criminal cases.
 - (D) Information provided by a person or entity posting bond.
- (2) **Documents that shall be filed with Level 3 restriction (access limited to the filing party and the court):**
- (A) Unexecuted bond revocation orders and supporting documents. Unless otherwise ordered, this restriction shall expire on the execution of the order.
 - (B) Documents and orders under the Criminal Justice Act. Unless otherwise ordered, this restriction shall expire on the entry of final judgment.
 - (C) Indictments. Unless otherwise ordered, this restriction shall expire on the earlier of the arrest or initial appearance of the first or only defendant.
- (3) **Documents that shall be filed with Level 4 restriction (access limited to the court):**
- (A) Pretrial services reports (bail reports).
 - (B) Petitions for summonses or arrest warrants based upon petitions for revocation of probation or supervised release. Unless otherwise ordered, this restriction shall expire on the service of the summons or execution of the warrant.

-Proposed Revision:

- (f) **Documents Subject to Presumptive Restriction.** The following documents shall be filed subject to the specified presumptive restriction levels without the order of a judicial officer:

(1) Documents that shall be filed with Level 2 restriction (access limited to the filing party, the affected defendant(s), the government, and the court):

(A) Pretrial Services reports (bail reports).

~~(A)~~**(B)** Presentence reports, **sentencing recommendations**, and addenda and related documents, including correspondence or other documents related to sentencing, including letters, reports, certificates, awards, photographs, or other documents pertaining to the defendant.

~~(B)~~**(C)** Probation or supervised release violation reports.

~~(C)~~**(D)** Statements of reasons in judgments in criminal cases.

~~(D)~~**(E)** Information provided by a person or entity posting bond.

(2) Documents that shall be filed with Level 3 restriction (access limited to the filing party and the court):

(A) Unexecuted bond revocation orders and supporting documents. Unless otherwise ordered, this restriction shall expire on the execution of the order.

(B) Documents and orders under the Criminal Justice Act. Unless otherwise ordered, this restriction shall expire on the entry of final judgment.

(C) Indictments. Unless otherwise ordered, this restriction shall expire on the earlier of the arrest or initial appearance of the first or only defendant.

(3) Documents that shall be filed with Level 4 restriction (access limited to the court):

~~(A)~~—~~Pretrial Services reports (bail reports).~~

~~(B)~~—Petitions for summonses or arrest warrants based upon petitions for revocation of probation or supervised release. Unless otherwise ordered, this restriction shall expire on the service of the summons or execution of the warrant.

-Clean version:

(f) Documents Subject to Presumptive Restriction. The following documents shall be filed subject to the specified presumptive restriction levels without the order of a judicial officer:

(1) Documents that shall be filed with Level 2 restriction (access limited to the filing party, the affected defendant(s), the government, and the court):

- (A) Pretrial Services reports (bail reports).
- (B) Presentence reports, sentencing recommendations, and addenda and related documents, including correspondence or other documents related to sentencing, including letters, reports, certificates, awards, photographs, or other documents pertaining to the defendant.
- (C) Probation or supervised release violation reports.
- (D) Statements of reasons in judgments in criminal cases.
- (E) Information provided by a person or entity posting bond.

(2) Documents that shall be filed with Level 3 restriction (access limited to the filing party and the court):

- (A) Unexecuted bond revocation orders and supporting documents. Unless otherwise ordered, this restriction shall expire on the execution of the order.
- (B) Documents and orders under the Criminal Justice Act. Unless otherwise ordered, this restriction shall expire on the entry of final judgment.
- (C) Indictments. Unless otherwise ordered, this restriction shall expire on the earlier of the arrest or initial appearance of the first or only defendant.

(3) Documents that shall be filed with Level 4 restriction (access limited to the court):

Petitions for summonses or arrest warrants based upon petitions for revocation of probation or supervised release. Unless otherwise ordered, this restriction shall expire on the service of the summons or execution of the warrant.

SECTION III – LOCAL PATENT RULES [No changes]

SECTION IV - AP RULES

I. D.C.COLO.LAPR 3.1 - CIVIL COVER SHEET

-Existing rule:

D.C.COLO.LAPR 3.1 CIVIL COVER SHEET

A properly completed Civil Cover Sheet [HERE](#) shall be filed at the commencement of every AP Case. The filing party shall check the box titled “AP docket” in Section VI of the Civil Cover Sheet regarding Cause of Action. Disputes as to the AP docket designation shall be addressed by motion filed before an answer or other response is due.

-Proposed Revision:

D.C.COLO.LAPR 3.1 CIVIL COVER SHEET

A properly completed Civil Cover Sheet [HERE](#) shall be filed at the commencement of every AP ~~C~~case. ~~The filing party shall check the box titled “AP docket” in Section VI of the Civil Cover Sheet regarding Cause of Action.~~ A ~~D~~disputes as to **about** the AP docket designation shall be addressed by motion filed before an answer or other response is due.

-Clean version:

D.C.COLO.LAPR 3.1 CIVIL COVER SHEET

A properly completed Civil Cover Sheet [HERE](#) shall be filed at the commencement of every AP case. A dispute about the AP docket designation shall be addressed by motion filed before an answer or other response is due.

II. New proposed rule:

-Proposed Rule:

D.C.COLO.LAPR 5.2 PROTECTING THE IDENTITY, HISTORY, AND CHARACTERISTICS OF THE PLAINTIFF

- (a) In a social security appeal all documents, including the administrative record, pleadings, briefs, and orders, shall be filed under Level 1 restriction as defined under D.C.COLO.LCivR 7.2(b) (Level 1 limits access to the parties and the court) .
- (b) An order resolving a social security appeal on the merits shall identify the plaintiff by initials only.

-Clean version:

D.C.COLO.LAPR 5.2 PROTECTING THE IDENTITY, HISTORY, AND CHARACTERISTICS OF THE PLAINTIFF

- (a) In a social security appeal all documents, including the administrative record, pleadings, briefs, and orders, shall be filed under Level 1 restriction as defined under D.C.COLO.LCivR 7.2(b) (Level 1 limits access to the parties and the court) .
- (b) An order resolving a social security appeal on the merits shall identify the plaintiff by initials only. An order resolving a social security appeal on the merits shall identify the plaintiff by initials only.

III. D.C.COLO.LAPR 16.1 - AP CASE MANAGEMENT (b) Briefing Schedule for Social Security Appeals

-Existing rule:

**D.C.COLO.LAPR 16.1
AP CASE MANAGEMENT**

- (b) **Briefing Schedule for Social Security Appeals.** The opening brief of the plaintiff shall be filed no later than 40 days after the Commissioner files the administrative record. The response brief of the Commissioner shall be filed no later than 70 days after the filing of the administrative record. The plaintiff may file a reply brief no later than 85 days after the filing of the administrative record.

-Proposed Revision:

**D.C.COLO.LAPR 16.1
AP CASE MANAGEMENT**

- (b) **Briefing Schedule for Social Security Appeals.**

(1) **Briefing Schedule.** Unless otherwise ordered, the opening brief of the plaintiff shall be filed no later than 40 days after the Commissioner files the administrative record. The response brief of the Commissioner shall be filed no later than 70 days after the filing of the administrative record. The plaintiff may file a reply brief no later than 85 days after the filing of the administrative record.

(2) **Page Limitations.** Unless otherwise ordered and excluding the cover page, jurisdictional statement, table of contents, statement of facts, and procedural history, opening and response briefs shall be no more than 20 pages, and reply briefs shall be no more than 10 pages.

-Clean version:

**D.C.COLO.LAPR 16.1
AP CASE MANAGEMENT**

- (b) **Briefing Schedule for Social Security Appeals.**

(1) **Briefing Schedule.** Unless otherwise ordered, the opening brief of the plaintiff shall be filed no later than 40 days after the Commissioner files the administrative record. The response brief of the Commissioner shall be filed no later than 70 days after the filing of the administrative record. The plaintiff may file a reply brief no later than 85 days after the filing of the administrative record.

- (2) **Page Limitations.** Unless otherwise ordered and excluding the cover page, jurisdictional statement, table of contents, statement of facts, and procedural history, opening and response briefs shall be no more than 20 pages, and reply briefs shall be no more than 10 pages.

SECTION V – ATTORNEY RULES

I. D.C.COLO.LAttyR 3 REQUIREMENTS FOR BAR OF THE COURT (d) Relief from Rule of Good Standing.

-Existing rule:

D.C.COLO.LAttyR 3 REQUIREMENTS FOR BAR OF THE COURT

(d) Relief from Rule of Good Standing.

- (1) **Applications.** An attorney who seeks relief from the rule of good standing in Subdivisions (a) and (c) shall file a request for relief, which shall be referred to the Committee on Conduct.
- (2) **Standards.** It is presumed that discipline imposed by another court against a member of the bar of this court is appropriate. To obtain relief, the attorney so disciplined has the burden to establish by clear and convincing evidence that:
- (A) the procedure resulting in discipline by the court was so lacking in notice or opportunity to be heard as to deny due process;
 - (B) the application of the rule of good standing in Subdivision (c) would result in grave injustice; or
 - (C) the kind of misconduct warrants substantially less severe discipline.

-Proposed Revision:

**D.C.COLO.LAttyR 3
REQUIREMENTS FOR BAR OF THE COURT**

(d) Relief from Rule of Good Standing.

- (1) Applications.** An attorney who seeks relief from the rule of good standing in Subdivisions (a) and (c) shall file a request for relief, which shall be referred to the Committee on Conduct, **for its recommendation to the Disciplinary Panel for final determination.**
- (2) Standards.** It is presumed that discipline imposed by another court against a member of the bar of this court is appropriate. To obtain relief, the attorney so disciplined has the burden to establish by clear and convincing evidence that:
 - (A) the procedure resulting in discipline by the court was so lacking in notice or opportunity to be heard as to deny due process;
 - (B) the application of the rule of good standing in Subdivision (c) would result in grave injustice; or
 - (C) the kind of misconduct warrants substantially less severe discipline.

-Clean version:

**D.C.COLO.LAttyR 3
REQUIREMENTS FOR BAR OF THE COURT**

(d) Relief from Rule of Good Standing.

- (1) Applications.** An attorney who seeks relief from the rule of good standing in Subdivisions (a) and (c) shall file a request for relief, which shall be referred to the Committee on Conduct for its recommendation to the Disciplinary Panel for final determination.
- (2) Standards.** It is presumed that discipline imposed by another court against a member of the bar of this court is appropriate. To obtain relief, the attorney so disciplined has the burden to establish by clear and convincing evidence that:

- (A) the procedure resulting in discipline by the court was so lacking in notice or opportunity to be heard as to deny due process;
 - (B) the application of the rule of good standing in Subdivision (c) would result in grave injustice; or
 - (C) the kind of misconduct warrants substantially less severe discipline.
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**II. D.C.COLO.LAttyR 7
COMPLAINTS AND GROUNDS FOR DISCIPLINE
(b) Grounds for Discipline**

-Existing rule:

**D.C.COLO.LAttyR 7
COMPLAINTS AND GROUNDS FOR DISCIPLINE**

(b) Grounds for Discipline. Grounds for discipline include:

- (1) a violation or attempted violation of the Standards of Professional Responsibility of this court; and
- (3) a willful failure to comply with a subpoena validly issued by the Committee or the Panel, or the knowing failure to respond to a lawful demand from the Committee or the Panel, except that this rule does not require disclosure of information otherwise protected by privilege or applicable rules relating to confidentiality.

-Proposed Revision:

(b) Grounds for Discipline. Grounds for discipline include:

- (1) a violation or attempted violation of the Standards of Professional Responsibility of this court; and
- (2) a willful failure to comply with a subpoena validly issued by the Committee or the Panel, or the knowing failure to respond to a lawful demand from the Committee or the Panel, except that this rule does not require

disclosure of information otherwise protected by privilege or applicable rules relating to confidentiality; and

- (3) a conviction of a crime defined in Subdivision 8(a), in which case the Committee may consider the underlying facts to recommend to the Panel whether disciplinary proceedings are warranted.

-Clean version:

(b) Grounds for Discipline. Grounds for discipline include:

- (1) a violation or attempted violation of the Standards of Professional Responsibility of this court;
- (2) a willful failure to comply with a subpoena validly issued by the Committee or the Panel, or the knowing failure to respond to a lawful demand from the Committee or the Panel, except that this rule does not require disclosure of information otherwise protected by privilege or applicable rules relating to confidentiality; and
- (3) a conviction of a crime defined in Subdivision 8(a), in which case the Committee may consider the underlying facts to recommend to the Panel whether disciplinary proceedings are warranted.

III. D.C.COLO.LAttyR 7

COMPLAINTS AND GROUNDS FOR DISCIPLINE

(e) Resolution of the Complaint by the Committee on Conduct.

-Existing rule:

D.C.COLO.LAttyR 7

COMPLAINTS AND GROUNDS FOR DISCIPLINE

- (e) **Resolution of the Complaint by the Committee on Conduct.** On completion of its investigation, the Subcommittee shall report its recommendations to the full Committee. The Subcommittee shall not recommend a disposition other than dismissal without first notifying the respondent in writing of the substance of the matter and affording the respondent an opportunity to respond in writing. Notice at the last known address of the respondent is sufficient. The Committee may, by a majority of the Committee members in attendance, instruct the Subcommittee in any one of the following ways:

- (1) **Dismissal of the Complaint.** If the Committee concludes that the complaint is without merit or that other grounds justify its dismissal, the Committee shall send a letter signed by the chairperson or vice-chairperson of the Committee advising the complainant and the respondent.

-Proposed Revision:

**D.C.COLO.LAttyR 7
COMPLAINTS AND GROUNDS FOR DISCIPLINE**

- (e) **Resolution of the Complaint by the Committee on Conduct.** On completion of its investigation, the Subcommittee shall report its recommendations to the full Committee. The Subcommittee shall not recommend a disposition other than dismissal without first notifying the respondent in writing of the substance of the matter and affording the respondent an opportunity to respond in writing. Notice at the last known address of the respondent is sufficient. The Committee may, by a majority of the Committee members in attendance, instruct the Subcommittee in any one of the following ways:

- (1) **Dismissal of the Complaint.** If the Committee concludes that the complaint is without merit or that other grounds justify its dismissal, **including that the Committee, after investigation, cannot find by clear and convincing evidence grounds for discipline outlined in Subdivision (b) above, then** the Committee shall send a letter signed by the chairperson or vice-chairperson of the Committee advising the complainant and the respondent.

-Clean version:

**D.C.COLO.LAttyR 7
COMPLAINTS AND GROUNDS FOR DISCIPLINE**

- (e) **Resolution of the Complaint by the Committee on Conduct.** On completion of its investigation, the Subcommittee shall report its recommendations to the full Committee. The Subcommittee shall not recommend a disposition other than dismissal without first notifying the respondent in writing of the substance of the matter and affording the respondent an opportunity to respond in writing. Notice at the last known address of the respondent is sufficient. The Committee may, by a majority of the Committee members in attendance, instruct the Subcommittee in any one of the following ways:

- (1) **Dismissal of the Complaint.** If the Committee concludes that the complaint is without merit or that other grounds justify its dismissal,

including that the Committee, after investigation, cannot find by clear and convincing evidence grounds for discipline outlined in Subdivision (b) above, then the Committee shall send a letter signed by the chairperson or vice- chairperson of the Committee advising the complainant and the respondent.

IV. D.C.COLO.LAttyR 7 - COMPLAINTS AND GROUNDS FOR DISCIPLINE

(g) Conditional Admission

-Existing rule:

- (g) **Conditional Admission.** A respondent against whom formal charges have been made may tender to the Committee a conditional admission to the charges or to a particular charge in exchange for a stated form of discipline. A conditional admission shall be approved or rejected by the Panel. If the stated form of discipline is rejected by the Panel, the admission shall be withdrawn and may not be used against the respondent in any subsequent proceedings.

-Proposed Revision:

- (g) **Conditional Admission.** A respondent against whom formal charges have been **or will be filed**, made may tender to the Committee a conditional admission to the charges or to a particular charge in exchange for a stated form of discipline. A conditional admission shall be approved or rejected by the Panel. If the stated form of discipline is rejected by the Panel, the admission shall be withdrawn and may not be used against the respondent in any subsequent proceedings.

-Clean version:

- (g) **Conditional Admission.** A respondent against whom formal charges have been or will be filed may tender to the Committee a conditional admission to the charges or to a particular charge in exchange for a stated form of discipline. A conditional admission shall be approved or rejected by the Panel. If the stated form of discipline is rejected by the Panel, the admission shall be withdrawn and may not be used against the respondent in any subsequent proceedings.
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V. D.C.COLO.LAttyR 8 - CONVICTION OF CRIME

(d) Interim Suspension.

-Existing rule:

CONVICTION OF CRIME

(d) Interim Suspension.

- (1) General Procedure.** The Panel may place an attorney on interim suspension immediately on proof of a conviction of the attorney for a crime as defined in Subdivision (a), regardless of the pendency of any appeal. Alternatively, the Panel may refer the attorney to the Committee for investigation and recommendation.
- (2) Opportunity to Object.** The attorney may submit in writing any objection that establishes that the suspension may not properly be ordered, such as proof that the crime did not constitute a crime as defined in Subdivision (a) or that the attorney is not the individual convicted.

-Proposed revision

(d) Interim Suspension.

- (1) General Procedure.** The Panel may place an attorney on interim suspension immediately on proof of a conviction of the attorney for a crime as defined in Subdivision (a), regardless of the pendency of any appeal. Alternatively, the Panel may refer the attorney to the Committee for investigation and recommendation.
- (2) Opportunity to Object.** The attorney may submit in writing any objection that establishes that the **interim** suspension may not properly be ordered, such as proof that the crime did not constitute a crime as defined in Subdivision (a) or that the attorney is not the individual convicted, **or that other grounds preclude interim suspension.**

-Clean version:

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Alternatively, the Panel may refer the attorney to the Committee for investigation and recommendation.

- (2) **Opportunity to Object.** The attorney may submit in writing any objection that establishes that the interim suspension may not properly be ordered, such as proof that the crime did not constitute a crime as defined in Subdivision (a) or that the attorney is not the individual convicted, or that other grounds preclude interim suspension.

VI. D.C.COLO.LAttyR 13 - IMMUNITY
(b)Persons Performing Official Duties

-Existing Rule:

D.C.COLO.LAttyR 13
IMMUNITY

- (a) **Persons Responding to Inquiries or Giving Testimony.** A person responding to inquiries from or giving testimony to the Committee, the Panel, or agents acting at their direction, shall be absolutely immune from any civil action relating to such participation.
- (b) **Persons Performing Official Duties.** A person performing official duties under the provisions of these disciplinary rules, including but not limited to members of the Committee, the Panel and assigned court staff, monitors or other members of the bar working in connection with the Committee or the Panel, and health care professionals working in connection with disciplinary proceedings, shall be immune from suit for all conduct in the course of the discharge of their official duties.

-Proposed revision:

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the Committee, the Panel and assigned court staff, monitors or other members of the bar working in connection with the Committee or the Panel, and health care professionals working in connection with disciplinary proceedings, shall be immune from suit for all conduct in the course of the discharge of their official duties. Any person who is immune from suit as provided above, but who is sued nevertheless, may be reimbursed reasonable attorney fees and costs in the discretion of the Panel to be paid from the application fees required under D.C.COLO.LAttyR 3(a).

-Clean version:

**D.C.COLO.LAttyR 13
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