UNITED STATES DISTRICT COURT DISTRICT OF COLORADO

PROPOSED REVISIONS FOR THE 2024 LOCAL RULES CYCLE

The Advisory Committee on the Local Rules of Practice and Procedure considered two proposed amendments to the Local Rules of Practice. There were **2** comments submitted for the 2024 local rules cycle, both of which were revised and approved by the Committee. One of the approved comments was an amendment that clarified a pre-existing rule and the other was a proposal for reform of the court's local attorney rules regarding professional responsibility and discipline.

The following compilation presents the proposed rule changes formatted to reflect the existing rule in its current state, the proposed revision featuring redlined edits, and the final version of the rule with incorporated edits.

Rules with proposed revisions

Section I – Civil Rules

D.C.COLO.LCivR 8.1 - In Forma Pauperis Party and Prisoner Pleadings

(a) Review of In Forma Pauperis Party Pleadings

Section V – Attorney Rules

- D.C.COLO.LAttyR 2 Standards of Professional Conduct
 - (a) Standards of Professional Conduct
- D.C.COLO.LAttyR 4 Attorney Self-Reporting Requirements
 - (a) When Self-Reporting is Required
- D.C.COLO.LAttyR 6 Disciplinary Panel and Committee on Conduct
 - (b) Committee on Conduct
- D.C.COLO.LAttyR 7 Complaints and Grounds for Discipline
 - (b) Ground for Discipline
 - (e) Resolution of the Complaint by the Committee on Conduct
 - (f) Disciplinary Panel Hearings and Orders

D.C.COLO.LAttyR 12 - Confidential and Public Matters

- (b) Public Matters
- (d) Annual Report

Comment 2024-1 D.C.COLO.LCivR 8.1 In Forma Pauperis Party and Prisoner Pleadings

Submitted by magistrate judge. Suggestion to extend initial review to cases wherein a pro se party pays a filing fee.

Existing rule	Proposed revision	Final w/ revision
(a) Review of In Forma Pauperis Party	(a) Review of Pro Se and In Forma	(a) Review of Pro Se and In Forma
Pleadings. A judicial officer designated	Pauperis Party Pleadings. A judicial	Pauperis Party Pleadings. A judicial
by the Chief Judge shall review the	officer designated by the Chief Judge	officer designated by the Chief Judge
pleadings of a party who is allowed to	shall review the pleadings of a pro se	shall review the pleadings of a pro se
proceed without prepayment of filing	party or a party who is allowed to	party or a party who is allowed to
fees to determine whether the pleadings	proceed without prepayment of filing	proceed without prepayment of filing
should be dismissed summarily. A	fees to determine whether the pleadings	fees to determine whether the pleadings
judicial officer may request additional	should be dismissed summarily. The	should be dismissed summarily. The
facts or documentary evidence necessary	designated judicial officer may use the	designated judicial officer may use the
to make this determination. A party who	assistance of the Pro Se Division in	assistance of the Pro Se Division in
seeks leave to proceed without	making the determination. A judicial	making the determination. A judicial
prepayment of filing fees shall use the	officer may request additional facts or	officer may request additional facts or
procedures, forms, and instructions	documentary evidence necessary to	documentary evidence necessary to make
available on the court's website or from	make this determination. The time for	this determination. The time for filing an
the office of the clerk.	filing an answer or response shall be	answer or response shall be tolled until
	tolled until the designated judicial officer	the designated judicial officer determines
	determines that the pleadings should not	that the pleadings should not be
	be dismissed summarily at which time	dismissed summarily at which time the
	the judicial officer shall issue an order	judicial officer shall issue an order
	directing service of the order and the	directing service of the order and the
	pleadings on the defendant(s) or	pleadings on the defendant(s) or
	respondent(s). A party who seeks leave to	respondent(s). A party who seeks leave to
	proceed without prepayment of filing	proceed without prepayment of filing
	fees shall use the procedures, forms, and	fees shall use the procedures, forms, and
	instructions available on the court's	instructions available on the court's
	website or from the office of the clerk.	website or from the office of the clerk.

Comment 2024-2 D.C.COLO.LAttyR 2 Standards of Professional Conduct

Existing rule	Proposed revision	Final w/ revision
(a) Standards of Professional	(a) Standards of Professional Conduct.	(a) Standards of Professional Conduct.
Conduct. Except as provided by	Except as provided by Subdivision (b) or	Except as provided by Subdivision (b) or order
Subdivision (b) or order or rule of the	order or rule of the United States Bankruptcy	or rule of the United States Bankruptcy Court
United States Bankruptcy Court for	Court for the District of Colorado, the	for the District of Colorado, the Colorado
the District of Colorado, the Colorado	Colorado Rules of Professional Conduct	Rules of Professional Conduct (Colo. RPC) are
Rules of Professional Conduct (Colo.	(Colo. RPC) are adopted as standards of	adopted as standards of professional
RPC) are adopted as standards of	professional responsibility for the United	responsibility for the United States District
professional responsibility for the	States District Court and the United States	Court and the United States Bankruptcy Court
United States District Court and the	Bankruptcy Court for the District of Colorado.	for the District of Colorado. A judicial officer
United States Bankruptcy Court for	A judicial officer may impose additional	may impose additional standards of
the District of Colorado.	standards of professional conduct by practice standard or order, the violation of which constitutes grounds for discipline under D.C.COLO.LAttyR 7(b)(1).	professional conduct by practice standard or order, the violation of which constitutes grounds for discipline under D.C.COLO.LAttyR 7(b)(1).

Comment 2024-2 D.C.COLO.LAttyR 4 Attorney Self-Reporting Requirements

Existing rule	Proposed revision	Final w/ revision
(a)(2) Suspension or Disbarment	(a)(2) Suspension, or Disbarment, or	(a)(2) Suspension, Disbarment, or
by Another Court. If the attorney is	Revocation of Pro Hac Vice Status by	Revocation of Pro Hac Vice Status by
suspended or disbarred for any	Another Court. If the attorney is	Another Court. If the attorney is
reason by any court, the attorney	suspended or disbarred for any reason by	suspended or disbarred for any reason by
shall give, no later than 14 days	any court, the attorney shall give, no later	any court, the attorney shall give, no later
after the date the disciplinary	than 14 days after the date the	than 14 days after the date the
order enters, written notice to the	disciplinary order enters, written notice to	disciplinary order enters, written notice to
clerk of this court of the terms of	the clerk of this court of the terms of	the clerk of this court of the terms of
discipline, the name and address	discipline, the name and address of the	discipline, the name and address of the
of the court imposing the	court imposing the discipline, and the	court imposing the discipline, and the
discipline, and the effective date of	effective date of the disciplinary action.	effective date of the disciplinary action. An
the disciplinary action. An order of	An order of suspension or disbarment	order of suspension or disbarment that is
suspension or disbarment that is	that is stayed or appealed must be	stayed or appealed must be reported. An
stayed or appealed must be	reported. An order revoking pro hac vice	order revoking pro hac vice status shall be
reported.	status shall be reported by the affected	reported by the affected attorney within
	attorney within 14 days of the entry of	14 days of the entry of the order.
	the order.	

Comment 2024-2 D.C.COLO.LAttyR 6 Disciplinary Panel and Committee on Conduct

Existing rule	Proposed revision	Final w/ revision
(b) Committee on Conduct. The court has	(b) Committee on Conduct. The court	(b) Committee on Conduct . The court
established a standing Committee on	has established a standing Committee	has established a standing Committee on
Conduct (the Committee) consisting of 12	on Conduct (the Committee) consisting	Conduct (the Committee) consisting of 12
members of the bar of this court To be	of 12 members of the bar of this	members of the bar of this court To be
eligible for appointment to the Committee,	court To be eligible for appointment	eligible for appointment to the
an attorney shall certify that the attorney	to the Committee, an attorney shall	Committee, an attorney shall certify that
satisfies the following:	certify that the attorney satisfies the	the attorney satisfies the following:
(1) has been practicing law for at least 10	following:	(1) has been practicing law for at least 10
years, with no discipline imposed;	(1) has been practicing law for at least	years, with no discipline imposed;
(2) is licensed to practice by the Colorado	10 years, with no discipline imposed;	(2) has been a member of and in good
Supreme Court;	(2) is licensed to practice by the	standing with the bar of this court for at
(3) has been a member of and in good	Colorado Supreme Court;	least 5 years, with no discipline imposed;
standing with the bar of this court for at	(3) (2) has been a member of and in	(3) has experience that makes the
least 5 years, with no discipline imposed;	good standing with the bar of this	applicant especially qualified to
(4) has experience that makes the applicant	court for at least 5 years, with no	investigate matters governed by the
especially qualified to investigate matters	discipline imposed;	disciplinary rules of the court and the
governed by the disciplinary rules of the court	(4)(3) has experience that makes the	Colorado Rules of Professional Conduct.
and the Colorado Rules of Professional	applicant especially qualified to	
Conduct.	investigate matters governed by the	
	disciplinary rules of the court and the	
	Colorado Rules of Professional	
	Conduct.	

Comment 2024-2 D.C.COLO.LAttyR 7 Complaints and Grounds for Discipline

Existing rule	Proposed revision	Final w/ revision
(b) Grounds for Discipline. Grounds for discipline include: (1) a violation or attempted violation of the Standards of Professional responsibility.	 (b) Grounds for Discipline. Grounds for discipline include: (1) a violation or attempted violation of the Standards of Professional responsibility or of a practice standard or order imposing additional standards of professional conduct. 	 (b) Grounds for Discipline. Grounds for discipline include: (1) a violation or attempted violation of the Standards of Professional responsibility or of a practice standard or order imposing additional standards of professional conduct.

Comment 2024-2 D.C.COLO.LAttyR 7 Complaints and Grounds for Discipline

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

Comment 2024-2 D.C.COLO.LAttyR 7 Complaints and Grounds for Discipline

Existing rule	Proposed revision	Final w/ revision
(f) Disciplinary Panel Hearings and	(f) Disciplinary Panel Hearings and	(f) Disciplinary Panel Hearings and Orders.
Orders. After the respondent has filed	Orders. After the respondent has filed an	After the respondent has filed an answer, an
an answer, an evidentiary hearing may be	answer, an evidentiary hearing may be	evidentiary hearing may be scheduled by the
scheduled by the Panel. The Panel or a	scheduled by the Panel. The Panel or a	Panel. The Panel or a judicial officer appointed
judicial officer appointed by the Panel	judicial officer appointed by the Panel may	by the Panel may issue orders regarding
may issue orders regarding discovery and	issue orders regarding discovery and other	discovery and other pre-hearing matters. A
other pre-hearing matters. A	pre-hearing matters. A respondent against	respondent against whom charges have been
respondent against whom charges have	whom charges have been filed shall be	filed shall be entitled to representation by
been filed shall be entitled to	entitled to representation by counsel at the	counsel at the expense of the respondent. The
representation by counsel at the expense	expense of the respondent. The chairperson	chairperson of the Committee shall appoint one
of the respondent. The chairperson of	of the Committee shall appoint one or more	or more of its members to prosecute the
the Committee shall appoint one or more	of its members to prosecute the charges. If	charges. If the charges are sustained by a
of its members to prosecute the charges.	the charges are sustained by clear and	preponderance of the evidence, the Panel may
If the charges are sustained by clear and	convincing evidence a preponderance of the	censure, suspend, disbar, or otherwise discipline
convincing evidence, the Panel may	evidence, the Panel may censure, suspend,	the respondent. A respondent who is
censure, suspend, disbar, or otherwise	disbar, or otherwise discipline the	suspended or disbarred shall be enjoined from
discipline the respondent. A respondent	respondent. A respondent who is	practicing law before this court, and the
who is suspended or disbarred shall be	suspended or disbarred shall be enjoined	judgment shall so recite. Any violation of the
enjoined from practicing law before this	from practicing law before this court, and the	judgment shall be deemed a content of court.
court, and the judgment shall so recite.	judgment shall so recite. Any violation of the	
Any violation of the judgment shall be	judgment shall be deemed a content of	
deemed a content of court.	court.	

Comment 2024-2 D.C.COLO.LAttyR 12 Confidential and Public Matters

Existing rule	Proposed revision	Final w/ revision
(b) Public Matters. The public shall	(b) Public Matters. The public shall have	(b) Public Matters. The public shall have
have access to the following:	access on the Court's website HERE to the	access on the Court's website <u>HERE</u> to the
(1) orders for admission,	following:	following:
reinstatement, readmission, relief	(1) orders for admission, reinstatement,	(1) orders for admission, reinstatement,
from the rule of good standing,	readmission, relief from the rule of good	readmission, relief from the rule of good
disability inactive status, censure,	standing, disability inactive status, censure,	standing, disability inactive status, censure,
suspension, disbarment, and dismissal	suspension, disbarment, and dismissal after a	suspension, disbarment, and dismissal after a
after a response has been filed; and	response has been filed; and	response has been filed; and
(2) charges submitted to the	(2) charges submitted to the Panel, the	(2) charges submitted to the Panel, the
Panel, the answer of the respondent	answer of the respondent to the charges, and	answer of the respondent to the charges, and the
to the charges, and the hearings of	the hearings of the Panel on the charges.	hearings of the Panel on the charges.
the Panel on the charges.		

Comment 2024-2 D.C.COLO.LAttyR 12 Confidential and Public Matters

Existing rule	Proposed revision	Final w/ revision
[no existing rule]	(d) Annual Report. The Committee shall submit to the court by January 10 of each year a report detailing the number of complaints and charges filed in the previous year, the violations charged and disposition of each complaint or charge considered, and an accounting of the receipt of funds by and expenses of the Committee along with any additional comments, requests, or suggestions the Committee deems appropriate.	(d) Annual Report. The Committee shall submit to the court by January 10 of each year a report detailing the number of complaints and charges filed in the previous year, the violations charged and disposition of each complaint or charge considered, and an accounting of the receipt of funds by and expenses of the Committee along with any additional comments, requests, or suggestions the Committee deems appropriate.