

**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
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Section I – Civil Rules

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

Section V – Attorney Rules

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

Submitted by district judge. One of a series of suggestions regarding professional responsibility and discipline for attorneys.

Existing rule	Proposed revision	Final w/ revision
<p>(a) Standards of Professional Conduct. Except as provided by Subdivision (b) or order or rule of the United States Bankruptcy Court for the District of Colorado, the Colorado Rules of Professional Conduct (Colo. RPC) are adopted as standards of professional responsibility for the United States District Court and the United States Bankruptcy Court for the District of Colorado.</p>	<p>(a) Standards of Professional Conduct. Except as provided by Subdivision (b) or order or rule of the United States Bankruptcy Court for the District of Colorado, the <u>Colorado Rules of Professional Conduct</u> (Colo. RPC) are adopted as standards of professional responsibility for the United States District Court and the United States Bankruptcy Court for the District of Colorado. A judicial officer may impose additional 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).</p>	<p>(a) Standards of Professional Conduct. Except as provided by Subdivision (b) or order or rule of the United States Bankruptcy Court for the District of Colorado, the <u>Colorado Rules of Professional Conduct</u> (Colo. RPC) are adopted as standards of professional responsibility for the United States District Court and the United States Bankruptcy Court for the District of Colorado. A judicial officer may impose additional 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).</p>

Section V – Attorney Rules

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

Submitted by district judge. One of a series of suggestions regarding professional responsibility and discipline for attorneys.

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

Section V – Attorney Rules

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

Submitted by district judge. One of a series of suggestions regarding professional responsibility and discipline for attorneys.

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

Section V – Attorney Rules

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

Submitted by district judge. One of a series of suggestions regarding professional responsibility and discipline for attorneys.

Existing rule	Proposed revision	Final w/ revision
<p>(b) Grounds for Discipline. Grounds for discipline include: (1) a violation or attempted violation of the Standards of Professional responsibility.</p>	<p>(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.</p>	<p>(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.</p>

Section V – Attorney Rules

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

Submitted by district judge. One of a series of suggestions regarding professional responsibility and discipline for attorneys.

Existing rule	Proposed revision	Final w/ revision
<p>(e) Resolution of the Complaint by the Committee on Conduct.</p> <p>(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.</p>	<p>(e) Resolution of the Complaint by the Committee on Conduct.</p> <p>(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 a preponderance of the 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.</p>	<p>(e) Resolution of the Complaint by the Committee on Conduct.</p> <p>(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 a preponderance of the 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.</p>

Section V – Attorney Rules

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

Submitted by district judge. One of a series of suggestions regarding professional responsibility and discipline for attorneys.

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

Section V – Attorney Rules

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

Submitted by district judge. One of a series of suggestions regarding professional responsibility and discipline for attorneys.

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

Section V – Attorney Rules

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

Submitted by district judge. One of a series of suggestions regarding professional responsibility and discipline for attorneys.

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.