

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

DRAFT  
10.27.16

DRAFT

LLS NO. 17-0234.02 Michael Dohr x4347

COMMITTEE BILL

Committee on Legal Services

**BILL TOPIC: "Relocate Title 12 Attorneys-at-law"**

**A BILL FOR AN ACT**

101 **CONCERNING THE NONSUBSTANTIVE RELOCATION OF LAWS RELATED**  
102 **TO ATTORNEYS-AT-LAW FROM TITLE 12, COLORADO REVISED**  
103 **STATUTES, AS PART OF THE ORGANIZATIONAL RECODIFICATION**  
104 **OF TITLE 12.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)*

**Committee on Legal Services.** Current law directs the office of legislative legal services to study the organizational recodification of title 12, Colorado Revised Statutes, which relates to professions and

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

occupations. To implement the initial recommendations of the study, **section 1** of the bill relocates article 5 of title 12, attorneys-at-law, to a new article 93 in title 13, Colorado Revised Statutes. **Sections 2 to 9** of the bill make conforming amendments and **section 10** repeals the article where the law was previously codified.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, **add with amended**  
3 **and relocated provisions** article 93 to title 13 as follows:

4                           **ARTICLE 93**

5                           **Attorneys-at-law**

6                           PART 1

7                           GENERAL PROVISIONS

8           **13-93-101. [Formerly 12-5-101] License to practice necessary.**

9           (1) No person shall be permitted to practice as an attorney- or  
10 counselor-at-law or to commence, conduct, or defend any action, suit, or  
11 plaint in which he or she is not a party concerned in any court of record  
12 within this state, either by using or subscribing his or her own name or the  
13 name of any other person, without having previously obtained a license  
14 or other authorization to practice law pursuant to the supreme court's rules  
15 governing admission to the practice of law in Colorado.

16           (2) Upon request of the supreme court or its office of attorney  
17 regulation counsel, the Colorado bureau of investigation shall conduct a  
18 state and national fingerprint-based criminal history record check,  
19 utilizing records of the Colorado bureau of investigation and the federal  
20 bureau of investigation. Upon completion of the criminal history record  
21 check, the bureau shall provide the results to the requesting agency.

22           (3) Upon request of the supreme court or a representative of its  
23 office of attorney regulation counsel, the Colorado bureau of

1 investigation shall also provide a name-based criminal history record  
2 check for any applicant whose fingerprints are unclassifiable.

3 (4) Local law enforcement agencies shall cooperate with any  
4 supreme court request for records related to criminal history.

5 **13-93-102. [Formerly 12-5-102] No discrimination - issuance**  
6 **of license.** No person shall be denied a license to practice on account of  
7 race, creed, color, religion, disability, age, sex, sexual orientation, marital  
8 status, national origin, or ancestry.

9 **13-93-103. [Formerly 12-5-103] License fee.** The license fee for  
10 admission to practice law in this state shall be as prescribed by the  
11 supreme court under rules for admission to the bar.

12 **13-9-104. [Formerly 12-5-107] Clerk of supreme court keeps**  
13 **roll of attorneys.** It is the duty of the clerk of the supreme court to make  
14 and keep a roll or record of the persons who have been regularly licensed  
15 and admitted to practice as attorneys- and counselors-at-law within this  
16 state and who have taken the prescribed oath.

17 **13-93-105. [Formerly 12-5-108] Supreme court may strike**  
18 **name.** No person whose name is not subscribed to or written on the said  
19 roll, with the day and year when the same was subscribed thereto or  
20 written thereon, shall be admitted to practice as an attorney- or  
21 counselor-at-law within this state under the penalty mentioned in ~~section~~  
22 ~~12-5-112~~ SECTION 13-93-108, anything in this ~~article~~ ARTICLE 93 to the  
23 contrary notwithstanding; and the justices of the supreme court in open  
24 court, at their discretion, shall have power to strike the name of any  
25 attorney- or counselor-at-law from the roll for misconduct in his OR HER  
26 office.

27 **13-93-106. [Formerly 12-5-109] Persons forbidden to practice.**

1 No coroner, sheriff, deputy sheriff, or jailer, though qualified, shall be  
2 permitted to practice as an attorney in the county in which he OR SHE is  
3 commissioned or appointed, nor shall any clerk of the supreme court or  
4 district court be permitted to practice as an attorney- or counselor-at-law  
5 in the court in which he OR SHE is clerk.

6 **13-93-107. [Formerly 12-5-110] Judge not to act as attorney.**

7 It is unlawful for judges of the district, county, and municipal courts to  
8 counsel or advise in or write any petition or answer or other pleadings in  
9 any proceeding, or to perform any service as attorney- or  
10 counselor-at-law, or to be interested in any profits or emoluments arising  
11 out of any practice in any of said courts, except costs in their own courts;  
12 except that county judges in counties of such classes as may be specified  
13 by the laws relating to county courts, if licensed attorneys, may practice  
14 in courts other than the county court and in matters which have not come  
15 before the county court; and further, municipal judges, if licensed  
16 attorneys, may practice in courts other than the municipal court and in  
17 matters ~~which~~ THAT have not come before the municipal court.

18 **13-93-108. [Formerly 12-5-112] Practicing law without license**

19 **deemed contempt.** Any person who, without having a license from the  
20 supreme court of this state so to do, advertises, represents, or holds  
21 himself OR HERSELF out in any manner as an attorney, attorney-at-law, or  
22 counselor-at-law or who appears in any court of record in this state to  
23 conduct a suit, action, proceeding, or cause for another person is guilty of  
24 contempt of the supreme court of this state and of the court in which said  
25 person appears and shall be punished therefor according to law. Nothing  
26 in this section shall prevent the special admission of counselors residing  
27 in other states, as provided in ~~section 12-5-113~~ SECTION 13-93-109.

1           **13-93-109. [Formerly 12-5-113] Special admission of**  
2 **counselors from other states.** Whenever any counselor-at-law residing  
3 in any of the adjacent states or territories has business in any of the courts  
4 of this state, he OR SHE may be admitted, on motion, for the purpose of  
5 transacting such business and none other.

6           **13-93-110. [Formerly 12-5-114] Notice of charges - time to**  
7 **show cause.** Every attorney, before his OR HER name is stricken off the  
8 roll, shall receive a written notice from the clerk of the supreme court  
9 stating distinctly the grounds of complaint or the charges exhibited  
10 against him OR HER, and after ~~such~~ THE notice he OR SHE shall be heard  
11 in his OR HER defense and allowed reasonable time to collect and prepare  
12 testimony for his OR HER justification. Any attorney whose name, at any  
13 time, is stricken from the roll by order of the court shall be considered as  
14 though his OR HER name had never been written thereon until such time  
15 as the said justices, in open court, authorize him OR HER to sign or  
16 subscribe the same.

17           **13-93-111. [Formerly 12-5-115.5] Solicitation of accident**  
18 **victims - waiting period - definition.** (1) Except as permitted by section  
19 13-21-301 (3), 10-3-1104 (1)(h), or 10-4-706, ~~C.R.S.~~, no person shall  
20 engage in solicitation for professional employment or for any release or  
21 covenant not to sue concerning personal injury or wrongful death from an  
22 individual with whom the person has no family or prior professional  
23 relationship unless the incident for which employment is sought occurred  
24 more than thirty days prior to the solicitation.

25           (2) No person shall accept a referral for professional employment  
26 concerning personal injury or wrongful death from any person who  
27 engaged in solicitation of an individual with whom the person had no

1 family or prior professional relationship unless the incident for which  
2 employment is sought occurred more than thirty days prior to the  
3 solicitation.

4 (3) As used in this section, "solicitation" means an initial contact  
5 initiated in person, through any form of written communication, or by  
6 telephone, telegraph, or facsimile, any of which is directed to a specific  
7 individual, unless requested by the individual, a member of the  
8 individual's family, or the authorized representative of the individual.  
9 "Solicitation" shall not include radio, television, newspaper, or yellow  
10 pages advertisements.

11 (4) Any agreement made in violation of this section is voidable at  
12 the option of the individual suffering the personal injury or death or ~~such~~  
13 THE individual's personal or other authorized representative.

14 **13-93-112. [Formerly 12-5-117] Attorney not to be surety.** No  
15 attorney- or counselor-at-law shall become surety in any bond or  
16 recognizance of any sheriff or coroner, in any bond or recognizance for  
17 the appearance of any person charged with any public offense, or upon  
18 any bond or recognizance authorized by any statute to be taken for the  
19 payment of any sum of money into court in default of the principal,  
20 without the consent of a judge of the district court first had approving said  
21 surety.

22 **13-93-113. [Formerly 12-5-118] Judge not to have law partner.**  
23 A judge shall not have a partner acting as attorney or counsel in any court  
24 in his OR HER judicial district, county, or precinct.

25 **13-93-114. [Formerly 12-5-119] Attorney's lien - notice of claim**  
26 **filed.** All attorneys- and counselors-at-law shall have a lien on any  
27 money, property, choses in action, or claims and demands in their hands,

1 on any judgment they may have obtained or assisted in obtaining, in  
2 whole or in part, and on any and all claims and demands in suit for any  
3 fees or balance of fees due or to become due from any client. In the case  
4 of demands in suit and in the case of judgments obtained in whole or in  
5 part by any attorney, such attorney may file, with the clerk of the court  
6 wherein such cause is pending, notice of his OR HER claim as lienor,  
7 setting forth specifically the agreement of compensation between such  
8 attorney and his OR HER client, which notice, duly entered of record, shall  
9 be notice to all persons and to all parties, including the judgment creditor,  
10 to all persons in the case against whom a demand exists, and to all  
11 persons claiming by, through, or under any person having a demand in  
12 suit or having obtained a judgment that the attorney whose appearance is  
13 thus entered has a first lien on such demand in suit or on such judgment  
14 for the amount of his OR HER fees. Such notice of lien shall not be  
15 presented in any manner to the jury in the case in which the same is filed.  
16 Such lien may be enforced by the proper civil action.

17 **13-93-115. [Formerly 12-5-120] Other property to which lien**  
18 **attaches.** An attorney has a lien for a general balance of compensation  
19 upon any papers of his OR HER client ~~which~~ THAT have come into his OR  
20 HER possession in the course of his OR HER professional employment and  
21 upon money due to his OR HER client in the hands of the adverse party in  
22 an action or proceeding in which the attorney was employed from the  
23 time of giving notice of the lien to that party.

24 PART 2

25 LAW STUDENT PRACTICE

26 **13-93-201. [Formerly 12-5-116] Legal aid dispensaries - law**  
27 **students practice.** Students of any law school that maintains a legal-aid

1 dispensary where poor or legally underserved persons receive legal advice  
2 and services shall, when representing the dispensary and its clients, be  
3 authorized to advise clients on legal matters and appear in court or before  
4 any arbitration panel as if licensed to practice law.

5 **13-93-202. [Formerly 12-5-116.1] Practice by law student**  
6 **intern.** (1) An eligible law student intern, as specified in ~~section~~  
7 ~~12-5-116.2~~ SECTION 13-93-203, may appear and participate in any civil  
8 proceeding in any municipal, county, or district court or before any  
9 administrative agency in this state or in any county or municipal court  
10 criminal proceeding, except when the defendant has been charged with  
11 a felony, or in any juvenile proceeding in any municipal or county court  
12 or before any magistrate in any juvenile or other proceeding or any parole  
13 revocation under the following circumstances:

14 (a) If the person on whose behalf he OR SHE is appearing has  
15 indicated his OR HER consent to that appearance and the law student intern  
16 is under the supervision of a supervising lawyer, as specified in ~~section~~  
17 ~~12-5-116.4~~ SECTION 13-93-205;

18 (b) When representing the office of the state public defender and  
19 its clients, if the person on whose behalf he OR SHE is appearing has  
20 indicated his OR HER consent to that appearance and the law student intern  
21 is under the supervision of the public defender or one of his OR HER  
22 deputies; and

23 (c) On behalf of the state or any of its departments, agencies, or  
24 institutions, a county, a city, or a town, with the written approval and  
25 under the supervision of the attorney general, attorney for the state,  
26 county attorney, district attorney, city attorney, town attorney, or  
27 authorized legal services organization. A general approval for the law

1 student intern to appear, executed by the appropriate supervising attorney  
2 pursuant to this ~~paragraph~~ SUBSECTION (1)(c), shall be filed with the clerk  
3 of the applicable court and brought to the attention of the judge thereof.

4 (2) The consent or approval referred to in subsection (1) of this  
5 section, except a general approval, shall be made in the record of the case  
6 and shall be brought to the attention of the judge of the court or the  
7 presiding officer of the administrative tribunal.

8 (3) In addition to the activities authorized in subsection (1) of this  
9 section, an eligible law student intern may engage in other activities under  
10 the general supervision of a supervising lawyer, including but not limited  
11 to the preparation of pleadings, briefs, and other legal documents ~~which~~  
12 THAT must be approved and signed by the supervising lawyer and  
13 assistance to indigent inmates of correctional institutions who have no  
14 attorney of record and who request such assistance in preparing  
15 applications and supporting documents for postconviction relief.

16 **13-93-203. [Formerly 12-5-116.2] Eligibility requirements for**  
17 **law student intern practice.** (1) In order to be eligible to make an  
18 appearance and participate pursuant to ~~section 12-5-116.1~~ SECTION  
19 13-93-202, a law student must:

20 (a) Be duly enrolled in or a graduate of any accredited law school;

21 (b) Have completed a minimum of two years of legal studies;

22 (c) Have the certification of the dean of such law school that he

23 OR SHE has no personal knowledge of or knows of nothing of record that

24 indicates that the student is not of good moral character and, in addition,

25 that the law student has completed the requirements specified in

26 ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION

27 and is a student in good standing;

1 (d) Be introduced to the court or administrative tribunal in which  
2 he OR SHE is appearing as a law student intern by a lawyer authorized to  
3 practice law in this state;

4 (e) Neither ask nor receive any compensation or remuneration of  
5 any kind for his OR HER services from the person on whose behalf he OR  
6 SHE renders services; but such limitation shall not prevent the law student  
7 intern from receiving credit for participation in the program upon prior  
8 approval of the law school, nor shall it prevent the law school, the state,  
9 a county, a city, a town, or the office of the district attorney or the public  
10 defender from paying compensation to the law school intern, nor shall it  
11 prevent any agency from making such charges for its services as it may  
12 otherwise properly require; and

13 (f) State that he OR SHE has read, is familiar with, and will be  
14 governed in the conduct of his OR HER activities under ~~section 12-5-116.1~~  
15 SECTION 13-93-202 by the code of professional responsibility adopted by  
16 the supreme court.

17 **13-93-204. [Formerly 12-5-116.3] Certification of law student**  
18 **intern by law school dean - filing - effective period - withdrawal by**  
19 **dean or termination.** (1) The certification by the law school dean,  
20 pursuant to ~~section 12-5-116.2~~ SECTION 13-93-203 (1)(c), required in  
21 order for a law student intern to appear and participate in proceedings:

22 (a) Shall be filed with the clerk of the supreme court and, unless  
23 it is sooner withdrawn, shall remain in effect until the announcement of  
24 the results of the first bar examination following the student's graduation.  
25 For any student who passes said bar examination, the certification shall  
26 continue in effect until the date he OR SHE is admitted to the bar.

27 (b) May be withdrawn by the dean at any time by mailing a notice

1 to that effect to the clerk of the supreme court, and such withdrawal may  
2 be without notice or hearing and without any showing of cause; and

3 (c) May be terminated by the supreme court at any time without  
4 notice or hearing and without any showing of cause.

5 **13-93-205. [Formerly 12-5-116.4] Qualifications of supervising**  
6 **lawyer.** (1) A supervising lawyer, under whose supervision an eligible  
7 law student intern appears and participates pursuant to ~~section 12-5-116.1~~  
8 SECTION 13-93-202, shall be authorized to practice law in this state and:

9 (a) Shall be a lawyer in the public sector as provided in ~~section~~  
10 ~~12-5-116.1~~ SECTION 13-93-202 (1)(b) and (1)(c);

11 (b) Shall assume personal professional responsibility for the  
12 conduct of the law student intern; and

13 (c) Shall assist the law student intern in his OR HER preparation to  
14 the extent the supervising lawyer considers it necessary.

15 **13-93-206. [Formerly 12-5-116.5] Other rights not affected by**  
16 **provisions for practice by law student intern.** Nothing contained in  
17 ~~sections 12-5-116 to 12-5-116.4~~ SECTIONS 13-93-201 TO 13-93-205 shall  
18 affect the right of any person who is not admitted to practice law to do  
19 anything that he OR SHE might lawfully do prior to the adoption of these  
20 sections.

21 **SECTION 2.** In Colorado Revised Statutes, 5-9.5-103, **amend**  
22 the introductory portion and (6)(b)(III) as follows:

23 **5-9.5-103. Definitions.** As used in this ~~article~~ ARTICLE 9.5, unless  
24 the context otherwise requires:

25 (6) (b) "Refund anticipation loan facilitator" does not include a  
26 person validly:

27 (III) Licensed as an attorney by the Colorado supreme court in

1 accordance with ~~section 12-5-101, C.R.S.~~ SECTION 13-93-101.

2 **SECTION 3.** In Colorado Revised Statutes, 13-1-127, **amend**  
3 (7)(c) as follows:

4 **13-1-127. Entities - school districts - legislative declaration -**  
5 **representation.** (7) (c) An authorized employee who represents a school  
6 district in truancy proceedings pursuant to the provisions of this  
7 subsection (7) shall not be subject to the provisions of ~~section 12-5-112~~  
8 ~~C.R.S.~~ SECTION 13-93-108.

9 **SECTION 4.** In Colorado Revised Statutes, 38-27-101, **amend**  
10 (8) as follows:

11 **38-27-101. Lien for hospital care - definition.** (8) The lien of  
12 ~~attorneys and counselors at law~~ ATTORNEYS- AND COUNSELORS-AT-LAW  
13 created by ~~section 12-5-119 C.R.S.~~, SECTION 13-93-114 has precedence  
14 over and is senior to the lien created under this section. This ~~article~~  
15 ARTICLE 27 does not apply to any hospital charges incurred after the date  
16 of any such judgment, settlement, or compromise.

17 **SECTION 5.** In Colorado Revised Statutes, 6-1-727, **amend**  
18 (3)(a)(I), (3)(d) introductory portion, and (3)(d)(I) as follows:

19 **6-1-727. Immigration-related services provided by**  
20 **nonattorneys - deceptive trade practice. (3) Prohibited practices -**  
21 **assistance with immigration matters - permitted practices.** (a) A  
22 person shall not engage in the practice of law in an immigration matter  
23 for compensation unless the person is:

24 (I) Licensed or otherwise authorized to practice law in this state  
25 pursuant to Colorado supreme court rules and ~~article 5 of title 12, C.R.S.~~  
26 ARTICLE 93 OF TITLE 13; or

27 (d) The prohibitions of ~~paragraphs (a) to (c) of this subsection (3)~~

1 SUBSECTION (3)(a) TO (3)(c) OF THIS SECTION do not apply to the activities  
2 of a nonattorney assistant acting under the supervision of a person who  
3 is:

4 (I) Licensed or otherwise authorized to practice law in this state  
5 pursuant to Colorado supreme court rules and ~~article 5 of title 12, C.R.S.~~  
6 ARTICLE 93 OF TITLE 13; or

7 **SECTION 6.** In Colorado Revised Statutes, 13-6-407, **amend**  
8 (2)(a)(I) as follows:

9 **13-6-407. Parties - representation.** (2) (a) (I) Notwithstanding  
10 the provisions of ~~article 5 of title 12, C.R.S.~~ ARTICLE 93 OF TITLE 13, in  
11 the small claims court, an individual shall represent himself or herself; a  
12 partnership shall be represented by an active general partner or an  
13 authorized full-time employee; a union shall be represented by an  
14 authorized active union member or full-time employee; a for-profit  
15 corporation shall be represented by one of its full-time officers or  
16 full-time employees; an association shall be represented by one of its  
17 active members or by a full-time employee of the association; and any  
18 other kind of organization or entity shall be represented by one of its  
19 active members or full-time employees or, in the case of a nonprofit  
20 corporation, a duly elected nonattorney officer or an employee.

21 **SECTION 7.** In Colorado Revised Statutes, 42-4-505, **amend**  
22 (1)(c) as follows:

23 **42-4-505. Longer vehicle combinations - rules.** (1) (c) The  
24 department shall provide the option to a company filing for a permit  
25 under this section to file an express consent waiver that enables the  
26 company to designate a company representative to be a party of interest  
27 for a violation of this section. The appearance of the company

1 representative in a court hearing without the operator when the operator  
2 has signed such waiver shall not be deemed the practice of law in  
3 violation of ~~article 5 of title 12, C.R.S.~~ ARTICLE 93 OF TITLE 13.

4 **SECTION 8.** In Colorado Revised Statutes, 42-4-510, **amend**  
5 (1.5)(c) as follows:

6 **42-4-510. Permits for excess size and weight and for**  
7 **manufactured homes - rules.** (1.5) (c) The department shall provide the  
8 option to a company filing for a permit under this subsection (1.5) to file  
9 an express consent waiver that enables the company to designate a  
10 company representative to be a party of interest for a violation of this  
11 section. The appearance of the company representative in a court hearing  
12 without the operator when the operator has signed such waiver shall not  
13 be deemed the practice of law in violation of ~~article 5 of title 12, C.R.S.~~  
14 ARTICLE 93 OF TITLE 13.

15 **SECTION 9.** In Colorado Revised Statutes, 42-20-202, **amend**  
16 (1)(d) as follows:

17 **42-20-202. Transportation permit - application fee.** (1)(d) The  
18 public utilities commission shall provide the option to a company filing  
19 for a permit under this subsection (1) to file an express consent waiver  
20 that enables the company to designate a company representative to be a  
21 party of interest for a violation of this section. The appearance of the  
22 company representative in a court hearing without the operator when the  
23 operator has signed such waiver shall not be deemed the practice of law  
24 in violation of ~~article 5 of title 12, C.R.S.~~ ARTICLE 93 OF TITLE 13.

25 **SECTION 10. Repeal of relocated provisions in this act.** In  
26 Colorado Revised Statutes, **repeal** article 5 of title 12.

27 **SECTION 11. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the  
2 ninety-day period after final adjournment of the general assembly (August  
3 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a  
4 referendum petition is filed pursuant to section 1 (3) of article V of the  
5 state constitution against this act or an item, section, or part of this act  
6 within such period, then the act, item, section, or part will not take effect  
7 unless approved by the people at the general election to be held in  
8 November 2018 and, in such case, will take effect on the date of the  
9 official declaration of the vote thereon by the governor.