



make someone's
history

A Colorado *pro bono* campaign.

Pro Bono Opportunities and Guide

make history
Only you can.



www.MakeHistoryColorado.org

CBA 
COLORADO BAR ASSOCIATION
Established in 1897

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Make History Colorado is a *pro bono* campaign led by the Colorado Bar Association and the Colorado Access to Justice Commission. Make History Colorado works to educate and link attorneys to resources and opportunities to provide *pro bono* legal services.

DENVER BAR CLINICS

Denver Bar Association Clinics

For more information,
contact cgravit@cobar.org.

Legal Night at Mi Casa

(303) 573-1302

www.micasadenver.org

360 Acoma

Third Tuesday

5:30–7 p.m.

Attorneys needed to provide information, and make referrals to appropriate agencies, in areas of immigration, credit, housing, landlord/tenant issues, employment and family law. Spanish interpreters are available.

El Centro de San Juan Diego

(303) 295-9470

2830 Lawrence St.

First Wednesday

5:30–7 p.m.

Volunteer attorneys provide information and advice in credit, housing, landlord tenant, employment and family law. Attorneys provide referrals to appropriate agencies.

Bankruptcy Clinic

(303) 860-1115

U.S. Bankruptcy Court

721 19th St., Rm. 125

Second Tuesday and Fourth Wednesday

1:30–3 p.m.

Attorneys review bankruptcy process and forms, including how bankruptcy can eliminate debts, difference between Chapter 7 and Chapter 13, effect on credit ratings, and forms required for filing; also address issues relating to creditor harassment and contacts by collection agents.

Small Claims Clinic

(303) 860-1115

City and County Building

1437 Bannock St., Room 117

Third Tuesday

11 a.m. –1 p.m.

Informational clinics on filing small claims cases and collecting on judgments.

Collections Clinic

(303) 860-1115

City and County Building

1437 Bannock St., Room 117

Third Thursday

11 a.m.–1 p.m.

Informational clinics on filing small claims cases and collecting on judgments.

Doing Your Own Divorce Clinics

(303) 860-1115

City and County Building

1437 Bannock St.

Third Wednesday

Noon–1:30 p.m.

Family Law Legal Clinic

(303) 860-1115

Division of Workforce Development

1200 Federal Blvd, Rm. 1018

Third Tuesday

5:30–7 p.m.

Informational clinics providing overview of divorce process, including procedures and forms, child custody, child support, maintenance and property division.

OTHER METRO

AREA OPPORTUNITIES

Lawline 9 at KUSA-TV Channel 9

(303) 860-1115

500 Speer Blvd.

Wednesdays

4–5:15 p.m. and 5:15–6:30 p.m.

Call-in program. Answer general legal questions and provide legal information and referrals to other community legal resources. Weekly Topics vary and legal resource information provided.

Colorado Lawyers for Colorado Veterans

Matthews Center

3030 Downing St.

2nd Tuesday of each month

Noon–2 p.m.

Attorneys provide information on topics such as veterans' resources, benefits, taxes, housing, and family law. The clinics assist in understanding the legal processes and forms. They do not provide direct legal

advice or directly assist in completing forms. For more information visit cobar.org/COLawyers4COVeterans.

Court Mediation Services

(303) 824-5377

Provides mediation services in Denver Courts.

El Centro Humanitario

ECH seeks attorneys for its wage claim program, Denver's first day laborer organization that protects the rights of vulnerable day laborer populations through an employment program, a legal program, and other educational programs. For more information call (303) 292-4115.

Family Tree Women in Crisis

Family Tree serves victims of domestic violence, sexual assault, and stalking. This organization needs attorneys for its free legal clinic in Wheat Ridge, which is held the first and third Wednesday of every month at 7p.m. for about 2.5 hours. The clinic deals with do-it-yourself divorce as well as custody issues. Family Tree is also looking for volunteer attorneys to take individual cases often involving post-decree issues. Call (303) 420-0412 or visit www.thefamilytree.org.

Jefferson County Mediation Services

Jefferson County Mediation Services mediates small claims, domestic, protecting order, zoning violations, etc. Mediators required to have taken 40 hours mediation courses. For more information call (303) 271-5060.

Metro Volunteer Lawyers

MVL needs attorneys to assist low income residents in a seven county metropolitan Denver area. Cases include domestic relations, divorce, parental rights, bankruptcy, landlord-tenant. MVL also conducts family law and pro se divorce workshops. For more information call (303) 866-9378 or visit www.metrovolunteerlawyers.org.

Project Safeguard

Project Safeguard needs family law attorneys for domestic violence victims seeking permanent civil protection orders and disso-

lution of marriage or allocation of parental responsibilities. Project Safeguard provides all the appropriate forms. For more information call (303) 863-7416, or email clientservices@projectsafeguard.org, or visit psafeguard.qwestoffice.net.

COLORADO OUTSIDE DENVER METRO AREA

Alpine Legal Services, Inc. *Pro Bono* Program

ALS is a full service legal aid office providing information and referrals, *pro bono* attorneys, legal information rights, do-it-yourself divorce class, landlord-tenant, elder law, and emergency assistance for victims of domestic violence. ALS serves Garfield, Pitkin and Eagle counties. Call (970) 945-8858, (970) 920-2828, or visit www.alpinelegalservices.com.

Alternative Horizons

Alternative Horizons needs attorneys in the Durango area to provide legal representation to people experiencing domestic violence in divorce, child custody, and post decree cases. We offer a 24 hour hotline to support domestic violence survivors, protection orders, pro se divorce clinics, court advocacy for victims involved in criminal cases, support groups in English and Spanish. Visit www.alternative-horizons.org or call (970) 247-4374.

Catholic Charities

Catholic Charities is in need of volunteer attorneys to represent indigent clients on immigration matters in Eagle, Vail, Garfield and Pitkin counties. For more information, call (970) 384-2060.

Delta County Bar Association *Pro Bono* Clinic

The Delta County Bar Association *Pro Bono* clinic assists indigent applicants with civil legal needs through referral to volunteer attorneys. For more information or to volunteer, call (970) 874-9777.

El Paso County *Pro Bono* Project

The *pro bono* project is a nonprofit organization that assists indigent applicants with civil legal needs through referral to volunteer attorneys. Volunteer attorneys provide access to justice by advising or representing qualified residents in civil cases, and assisting with clinics and workshops. Call (719) 471-0380, ext 121.

Larimer County Bar Association *Pro Bono* Program

The *Pro Bono* program needs attorneys to assist low income individuals who are financially over-qualified for Colorado Legal Aid, but who are still within the federal poverty guidelines and unable to afford legal representation. For more information call (970) 402-2075 or visit www.cobar.org/index.cfm/ID/1596/larime/Pro-Bono-Program.

Longmont Ending Domestic Violence Initiative

LEVI is a coalition of 23 agencies in the Longmont and Boulder area that deals with domestic violence issues. LEVI puts volunteer attorneys in touch with indigent clients who need legal representation. For more information call (303) 774-4534 or visit www.longmontdomesticviolence.org.

Mesa County *Pro Bono* Project

The Mesa County *Pro Bono* Project is a non-profit organization that assists indigent applicants with civil legal needs through referral to volunteer attorneys. Volunteer attorneys provide equal access to justice by advising or representing qualified residents in civil cases, and assisting with clinics and workshops. For more information call (970) 243-7940, ext. 108.

Pueblo County Bar *Pro Bono* Project

Volunteer attorneys participate in Lawyer Night, Ask-A-Lawyer, Clinics, and Radio-TV presentations on legal issues. Actual cases are referred to Colorado Legal Services. For more information call (719) 545-6708 Ext. 303.

San Luis Valley *Pro Bono* Project

The *Pro Bono* project assists indigent applicants with civil legal needs through referral to volunteer attorneys. The *pro bono* project serves Alamosa, Conejos, Costilla, Mineral, Rio Grande, and Saguache counties. Volunteer attorneys provide equal access to justice by advising or representing qualified residents in civil cases. For more information, call (719) 589-6534.

Southwest Bar Volunteer Legal Aid, Inc.

SWBVLA is located in the Durango office of Colorado Legal Services (CLS). There is an ongoing need for attorneys to provide advisory and direct client services in the areas of family, employment, consumer, housing, elder, public benefits and probate law. SWBVLA serves La Plata, San Juan, and Archuleta

counties as well as Southern Ute, and Ute Mountain Ute reservations. Call (970) 385-7378, www.swbarvolunteerlegalaid.com

Uncompahgre Volunteer Legal Aid

UVLA refers *pro bono* cases in Montrose, Ouray, and San Miguel counties, as well as referring *pro bono* for senior citizens in Delta, Gunnison and Hinsdale counties. It needs attorneys to provide ongoing consultations, representations, and mediations in civil matters for low income eligible individuals. UVLA also conducts a free legal advice night the second Thursday of each month at the Montrose County Justice Center. Call (970) 249-7202.

Weld County Legal Services

Volunteer attorneys provide equal access to justice by representing qualified residents in civil cases at no charge, teaching monthly do-it-yourself divorce clinics, and staffing the Call-A-Lawyer hotline. 915 10th Street, Greeley. For more information, call (970) 310-8367.

STATEWIDE PROGRAMS

Appellate Program

The Appellate Program of the Colorado bar Association provides pro bono attorney to represent indigent poor litigants in civil cases pending before the Colorado Court of Appeals to Colorado Supreme Court. For more information call (303) 860-1115.

Asian Pacific Development Center

The Asian Pacific Development Center provides a variety of human services to the Asian Pacific population in Colorado. They need volunteer attorneys who can assist clients with the following types of legal matters: Domestic Violence, Divorce, Child Custody, Immigration Issues (visas, removal issues, etc.), Civil Disputes (traffic accidents, violations, etc.), Work Injury and Worker's Compensation Benefits, Social Security Benefits (SSI or SSDI related issues), Housing Discrimination, and Criminal Defense. For more information, call (303) 365-2959.

Colorado Lawyers Committee

CLC is a nonprofit, nonpartisan consortium of 50 Denver-area law firms that do high impact *pro bono* work. The Committee needs attorneys to advocate, negotiate and litigate for children, indigent, and other disadvantaged communities. To volunteer, visit www.coloradolawyerscommittee.org or e-mail info@coloradolawyerscommittee.org.

Colorado Lawyers for the Arts

CoLA's mission is to help artists and arts organizations succeed on their own creative abilities so that success or failure does not hinge on legal pitfalls. For more information email info@coloradolawyersforthearts.org or visit www.coloradolawyersforthearts.org.

Colorado Legal Services

CLS provides legal advice and representation to low income eligible persons and seniors in civil matters throughout the state. Visit www.ColoradoLegalServices.org or call one of the satellite offices.

- Alamosa (Alamosa, Conejos, Costilla, Mineral, Rio Grande, Saguache) (719) 589-4993
- Boulder (303) 449-7575
- Colorado Springs (719) 471-0380
- Denver (Adams, Arapahoe, Broomfield, Denver, Douglas, Elbert, Jefferson, Clear Creek, Gilpin) (303) 866-9306
- Durango (Archuleta, Dolores, Hinsdale, La Plata, Montezuma, Ouray, San Juan, San Miguel) (888) 298-8483
- Fort Collins (Larimer, Logan, Phillips, Sedgwick) (970) 493-2891

- Frisco (Clear Creek, Gunnison, Pitkin, Summit) (970) 668-9612
- Grand Junction (Delta, Garfield, Mesa, Montrose) (970) 243-7940
- Greeley (Morgan, Washington, Weld, Yuma) (970) 353-7554
- Hayden (Grand, Jackson, Moffat, Rio Blanco, Routt) (800) 521-6968
- La Junta (Baca, Bent, Cheyenne, Crowley, Huerfano, Kiowa, Kit Carson, Las Animas, Otero, Prowers) (888) 805-5152
- Leadville (Eagle, Lake) (970) 486-3238
- Pueblo (Pueblo, Custer, Fremont) (719) 545-6708
- Salida (Chafee, Custer, Fremont, Park) (719) 539-4251
- Migrant Farm Worker Division (all counties) (800) 864-4330

Colorado Nonprofit Pro Bono Legal Group

The Legal Group hopes to create a mechanism for lawyers (primarily transactional lawyers) to provide *pro bono* assistance to Colorado nonprofits which require *pro bono* legal assistance. For more information email the Chair of the Planning Committee, Peter Schwartz at [DavisGraham & Stubbs, peter.schwartz@dgslaw.com](mailto:DavisGraham&Stubbs,peter.schwartz@dgslaw.com), or call (303) 892-7381.

Colorado Organization for Victims' Assistance

COVA has a new legal program that will offer *pro bono* assistance to enforce victims' rights. COVA will train attorneys who want to be involved in this type of work. The cases will provide opportunities to litigate new legal questions because there is not much case law in Colorado pertaining to victim's rights. For more information call (303) 861-1160. www.coloradocrimevictims.org.

The Legal Center for People with Disabilities and Older People

The Legal Center's primary goal is to open up the legal system to those who would otherwise be unable to voice their needs because of the complexity of the service bureaucracy, their disability or because they are unable to act on their own behalf. Call (303) 722-0300 or www.thelegalcenter.org.

Local Access to Justice Committees

Judicial Districts have formed Local Access to Justice Committees to provide targeted legal assistance to its residents. To view *pro bono* opportunities coordinated by these local committees, see www.coloradojustice.org, then click on Local ATJ Committees.

Rocky Mountain Immigrant

Advocacy Network

RMIAN is a nonprofit organization dedicated to providing legal information and representation to non-citizens detained by the Department of Homeland Security and lacking access to legal counsel. RMIAN seeks volunteer attorneys to represent non-citizen men, women, and children in immigration removal proceedings. Each volunteer attorney will be provided with an experienced immigration practitioner to serve as a mentor for the case. For more information please call (303) 433-2812 or visit www.rmian.org.

Seniors Inc.

This group is looking for attorneys to serve as volunteer coaches. A Coach is an expert in an area of interest to seniors, such as reverse mortgages, financial planning, estate planning, long-term care, etc. Seniors Inc. has a particular need for volunteer attorneys who could advise clients, 95% of whom are low income, with estate planning issues such as writing wills, POAs, or other legal issues such as tenant rights, property rights and fraud. Call (303) 300-6900 or visit www.seniorsinc.org.

Rule 6.1. Voluntary Pro Bono Publico Service.

Colorado Court Rules

COLORADO RULES OF CIVIL PROCEDURE

Appendix TO CHAPTERS 18 TO 20. THE COLORADO RULES OF PROFESSIONAL CONDUCT

PUBLIC SERVICE

Includes all rule changes through 2012(12)

Rule 6.1. Voluntary Pro Bono Publico Service

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least fifty hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

- (a) provide a substantial majority of the fifty hours of legal services without fee or expectation of fee to:
 - (1) persons of limited means or
 - (2) charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means; and
- (b) provide any additional legal or public services through:
 - (1) delivery of legal services at no fee or a substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;
 - (2) delivery of legal services at a substantially reduced fee to persons of limited means; or
 - (3) participation in activities for improving the law, the legal system or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide

legal services to persons of limited means.

Where constitutional, statutory or regulatory restrictions prohibit government and public sector lawyers or judges from performing the pro bono services outlined in paragraphs (a)(1) and (2), those individuals should fulfill their pro bono publico responsibility by performing services or participating in activities outlined in paragraph (b).

History. Entire rule repealed and readopted November 2, 1999, effective January 1, 2000; Comment amended and effective November 23, 2005; entire Appendix repealed and readopted April 12, 2007, effective January 1, 2008.

Case Notes:

ANNOTATION

Law reviews. For article, "Like It or Not, Colorado Already Has 'Mandatory' Pro Bono", see 29 Colo. Law. 35 (April 2000).

Chief Justice's Invitation to Participate in Pro Bono Commitment and Annual Recognition of the Commitment's Achievement

I invite your firm or in-house practice group to participate in the Colorado Supreme Court's pro bono legal services recognition program. Participation in this program includes the following two-part commitment.

Pro Bono Commitment, Colorado Rule of Professional Conduct 6.1

1. We commit to an annual goal of performing 50 hours of pro bono legal service by each Colorado licensed attorney of our firm, pro-rated for part-time attorneys, primarily for indigent persons and/or organizations serving indigent persons.
2. We commit to valuing at least 50 hours of such pro bono service per year by each Colorado licensed attorney of our firm per year for all purposes of attorney evaluation, advancement, and compensation in our firm as the firm would value compensated client representation.

I also invite you to inform the court whether your firm or in-house counsel group would like to be recognized as having fulfilled this commitment during the previous calendar year.

The court will recognize on an annual basis beginning in 2007 those law firms and solo practitioners who voluntarily advise the court by February 15th each year that their Colorado licensed attorneys, on average, during the previous calendar year, performed 50 hours of pro bono legal service, primarily for indigent persons or organizations serving indigent persons.

Please inform me by letter, or Justice Hobbs by e-mail, that your firm would like to make the pro bono commitment and/or be recognized for achieving the goal of the commitment on average for the previous year. We will hold a reception at the court and a press release to recognize those firms who achieved the goal of the commitment on average during the preceding calendar year.

gregory.hobbs@judicial.state.co.us.

Explanation of Pro Bono Recognition Program

Commitment

The Colorado Supreme Court recognizes on its web page and through *The Colorado Lawyer* those law firms, solo practitioners, and in house counsel groups who inform the court of their voluntary commitment to achieving the goal of 50 hours of pro bono legal services per year by Colorado licensed attorneys primarily for indigent persons and/or organizations that serve indigent persons, pro-rated for part time attorneys. This commitment includes valuing at least 50 pro bono hours per year per attorney for all purposes of attorney evaluation, advancement, and compensation as the firm would value compensated client representation. This does not mean that a pro bono hour must necessarily be counted as a billable hour; rather,

that the firm embraces performance of pro bono legal services as a core value and provides for a realistic billable hour expectation that encourages the performance of pro bono legal services as well. The recommended Model Pro Bono Policy the court has included in the R.P.C. 6.1 Comment is intended to serve as a guide for consideration by the firm in formulating its policies.

Annual Achievement of Commitment

The Colorado Supreme Court also recognizes annually those law firms, solo practitioners, and in house counsel groups who inform the court by February 15 that they achieved the Commitment's goal during the previous calendar year averaged among the Colorado licensed attorneys within the organization, prorated for part time attorneys.

What "Primarily" and "Indigent Persons" Mean

For purposes of the recognition program, "primarily" is the equivalent of a "substantial majority" under R.P.C. 6.1(a) of 50 hours of legal services per year, without fee or expectation of fee, benefiting persons of limited means or organizations that serve persons of limited means. "Persons of limited means" are those persons who would qualify for waiver of court filing fees under Chief Justice Directive 98-01, as amended, were the matter a court case. This is only a reference means for identifying the persons to be benefited by the pro bono services. Transactional and/or court matters for such persons and/or organizations serving such persons are fully within the court's recognition program.

"Primarily" does not mean "exclusively." The 50 hours of pro bono service per Colorado licensed attorney per year can also include pro bono legal services described under R.P.C. 6.1(b), so long as a substantial majority of the 50 hours of services performed benefits persons of limited means or organizations that serve persons of limited means.

What Qualifies as Pro Bono Legal Services For Purposes of Commitment and Annual Achievement of Commitment

Pro Bono Services for purposes of the Commitment and Annual Recognition is defined in the R.P.C. 6.1 Comment, Recommended Pro Bono Policy for Colorado Licensed Attorneys and Law Firms, Section III, which addresses: A. Representation of Low Income Persons; B. Civil Rights and Public Rights Law; C. Representation of Charitable Organizations; D. Community Economic Development; E. Administration of Justice in the Court; F. Law- Related Education; and G. Mentoring of Law Students and Lawyers on Pro Bono Matters.

Who Determines

Each law firm, solo practitioner, or in house counsel exclusively determines whether it has made the Commitment and has performed the Annual Achievement warranting the Supreme Court's recognition.

The Colorado Supreme Court recognizes those law firms, solo practitioners, and in-house counsel groups that have committed to the annual goal of 50 hours of pro bono legal services by their Colorado-licensed attorneys, averaged across the firm and pro-rated for part-time attorneys, primarily for the indigent and/or organizations serving the indigent, and valuing such hours for all purposes of attorney evaluation, advancement, and compensation in the firm as the firm values compensated client representation; and recognizing for calendar year 2011 those firms that achieved the goal (*) (listing as of February 27, 2012)

Follow this link for a current list of participants:

http://www.courts.state.co.us/Courts/Supreme_Court/Pro_Bono.cfm

Note: Qualifying hours of legal services for the Supreme Court program under R.P.C. 6.1 would consist of 35 hours per attorney (averaged) for persons of limited means and/or organizations that serve persons of limited means. The balance of the 15 hours (averaged) can include other types of legal services addressed by R.P.C. 6.1.

Rule 223. Pro Bono/Emeritus Attorney.

Colorado Court Rules

COLORADO RULES OF CIVIL PROCEDURE

Chapter 18. Rules Governing Admission to the Bar

Includes all rule changes through 2012(12)

Rule 223. Pro Bono/Emeritus Attorney

Statement of Purpose. To provide a licensing status to allow retired or inactive attorneys to provide pro bono legal services to the indigent through nonprofit entities as defined in part 1, below.

- (1) A pro bono/emmeritus attorney may, under the auspices of a Colorado nonprofit entity whose purpose is or includes the provision of pro bono legal representation to indigent or near-indigent persons, act as legal counsel on behalf of a person seeking representation through such entity.
- (2) To act in such a capacity the pro bono/emmeritus attorney must be either:
 - (a) An attorney admitted to practice law in Colorado who:
 - (i) is now on inactive status;
 - (ii) is in good standing;
 - (iii) has no pending disciplinary proceeding; and
 - (iv) will not receive or expect compensation or other direct or indirect pecuniary gain for the legal services rendered; or
 - (b) An attorney not admitted to practice in Colorado who meets the following conditions:
 - (i) is licensed to practice law and is on active, inactive, or equivalent status in another jurisdiction in the United States;
 - (ii) is in good standing in all courts and jurisdictions in which he or she is admitted to practice;
 - (iii) has no pending disciplinary proceeding;
 - (iv) agrees to be subject to the Colorado Rules of Professional Conduct, the rules of procedure regarding attorney discipline and disability proceedings, and the remedies set forth in C.R.C.P. 234(a);
 - (v) limits his or her practice to acting as pro bono counsel as set forth in this rule and

will not receive or expect compensation or other direct or indirect pecuniary gain for the legal services rendered hereunder; and

- (vi) completes the application described herein and pays a one-time administrative fee of \$50.00, payable to The Clerk of the Colorado Supreme Court and collected by the Attorney Registration Office. The application shall contain:
 - (A) A certification that the attorney agrees to the provisions of paragraphs (2)(b)(iv) & (v), above; and
 - (B) A certification that the attorney is in good standing in all courts and jurisdictions in which he or she is admitted to practice, and has no pending disciplinary proceeding in any jurisdiction.
- (c) An attorney approved under this rule shall be assigned a certification number, which shall be used to identify the attorney's status as a pro bono/emeritus attorney.
- (3) All fees collected by the Attorney Registration Office under this rule shall be used to fund the Attorney Regulation System.
- (4) Pro bono/emeritus attorneys shall not be required to pay annual registration fees.
- (5) All pro bono/emeritus attorneys shall annually file a registration statement on or before February 28 of each year identifying the organized nonprofit entity or entities, as described in section (1) of this rule, for which the attorney is currently volunteering at the time of filing the registration statement or volunteered in the prior calendar year. In lieu of filing such a registration statement, the attorney may pay the registration fee that was applicable in the prior calendar year for registered inactive attorneys pursuant to C.R.C.P. 227(A) and, thereby, avoid termination of her or his pro/bono emeritus status. Failure of a pro bono/emeritus attorney to file a registration statement or pay the applicable prior year's inactive attorney registration fee by February 28 of each year shall result in automatic termination of pro bono/emeritus status.
- (6) This Rule shall not preclude a nonprofit entity from receiving court-awarded attorney fees for representation provided by a pro bono/emeritus attorney and shall not preclude a pro bono/emeritus attorney from receiving reimbursement for otherwise recoverable costs incurred in representing a pro bono client.

History. Entire rule added and adopted June 28, 2007, effective July 1, 2007.

Case Notes:

ANNOTATION

Law reviews. For article, "New Rule Allows Retired and Inactive Lawyers to Provide Pro Bono Legal Services", see 36 Colo. Law. 75 (September 2007).

Follow These Steps to Waive LexisNexis e-filing and e-service fees:

1. Volunteer attorneys doing pro bono cases for a qualified legal services provider receive [ICCES e-filing](#) and e-service for free in cases where the qualified legal services provider or the court has approved the client's waiver of filing fees. See CRCP 260.8 for the definition of "qualified legal service provider."
2. Clients must request a waiver of filing fees and other court costs. Use [JDF 205](#) and [JDF 203](#) (Motion to File without Payment of Filing Fee and Certification of Determination of Indigency) to request waiver of both the statutory fees and any ICCES fees.
3. Your qualified legal services provider will certify indigency for those who qualify. Prepare the caption for the JDF 203 and have your client fill out JDF 205 completely. Send the completed copies to your qualified legal services provider for review and certification. (Your qualified legal services provider must review the client's [JDF 205](#) in order to determine and certify indigency.)
4. Volunteer attorneys file the signed JDF 203 Certification of Determination of Indigency from your qualified legal services provider with the Court with your initial filing. DO NOT FILE THE JDF 205. The qualified legal services provider keeps a copy of the JDF 205 in our records.
5. When each document is filed through e-filing, be sure to include a Note to the Clerk on the review and submit tab, indicating that statutory fees should be waived since this client has been approved for waiver of fees (if they have). Also, be sure to check the "Filing as Court Appointed Counsel" box in ICCES when filing pleadings. By doing so, the ICCES transaction fees are waived automatically. If the ICCES e-filing transaction fees are not waived properly, then the attorney can contact ICCES and ask for a credit of the fees. Be sure to let ICCES know you are asking for a credit of the fees because your client is indigent.
6. If you (the attorney) have to search the case records, be sure to select "my transactions" or "transactions in my firm's cases" and NOT "all transactions". You will still be charged for searches of cases which are not found at "my transactions" or at "transactions in my firm's cases".

SUPREME COURT OF COLORADO

OFFICE OF THE CHIEF JUSTICE

Costs for Indigent Persons in Civil Matters

I. Statutory Authority

Section 13-16-103 C.R.S. provides for an indigent person to prosecute or to defend in a court proceeding without the payment of costs, at the discretion of the judge. In the event that the indigent person successfully prosecutes or defends an action or proceeding, a judgment shall be entered in favor of the indigent person for court costs. If these costs are collected by the indigent person, that person shall pay the court in the amount of court costs which were waived.

II. Indigency Determination

A petitioner or plaintiff or a respondent or defendant in a civil case must be indigent to proceed in a court action without the payment of costs. Indigency should be determined by using the attached procedures.

III. Costs That May Not Be Waived

Any obligation for payment to a person or entity other than the State of Colorado, which arises in the course of prosecuting or defending a civil action or special proceeding is not one which can be waived on the basis of a party's indigency. Waiver of costs is limited to those fees and expenses owed to the state and does not apply to fees and expenses owed to other persons or entities. Therefore, transcript fees, witness fees, and process server fees cannot be waived by the court. As set forth in Section 13-16-124 C.R.S., if the party delivers the documents for service of process to the sheriff, the court cannot waive the sheriff's fee. The sheriff must make that determination.

IV. Costs That May Be Waived

If the court determines the person to be indigent, any costs owed to the state may be waived. Such costs would include filing fees, reasonable copy fees, jury fees, E-file and E-service fees, and research fees. If the court delivers the documents for service of process to the sheriff, the court can waive the sheriff's fee and pay such fees from mandated costs.

V. Installment Payment Procedure

A petitioner or plaintiff or a respondent or defendant in a civil case determined not to be indigent may proceed to pay the filing fee in installments, in accordance with the attached procedures.

VI. Dispute Resolution Fees

Fees owed in relation to dispute resolution services are an obligation to another person or entity and so cannot be waived; however if the party is found to be indigent and there are available funds to pay the fees, fees may be reduced. If the Office of Dispute Resolution (ODR) funds are available, the funds may be used to assist with payment for ODR services in accordance with the attached procedures.

Amended as to the installment payments and dispute resolution fees, August, 2011.

Done at Denver, Colorado, this 19th day of August, 2011.

/s/
Michael L. Bender, Chief Justice

**PROCEDURES FOR THE WAIVER OF COURT COSTS IN CIVIL CASES ON THE
BASIS OF INDIGENCY**

As set forth in CJD 98-01, Section II., all persons requesting waiver of court costs in civil actions or proceedings on the basis of indigency must follow the following procedures:

1. Procedures for the Determination of Indigency by Court Staff or Legal Service Provider

a. Process for Evaluating Indigency

The following procedures are used for applicants in cases addressed in CJD 98-01 where the applicant is not represented by an attorney or the applicant is represented by an attorney of or obtained through a legal service provider qualified to certify CLE hours for pro bono representation pursuant to C.R.C.P. 260.8 (Legal Service Provider).

i. Completion of JDF 205 form by Applicant: Filing Fee

Persons requesting waiver of court costs must complete, or have completed on their behalf, the Motion to File Without Payment and Supporting Financial Affidavit, form JDF 205, and submit it to the court or to the Legal Service Provider.

ii. Completion of JDF 211 form by Applicant: ODR fees

Persons requesting reduction of fees for ODR services must complete, or have completed on their behalf, the Request to Reduce Payment for Office of Dispute Resolution Services, form JDF 211, and submit it to the court, or ODR staff as directed; except that if an indigency Order has been made using JDF 206 within six (6) months of the ODR scheduled service, then such order shall determine indigency for ODR services and JDF 211 does not need to be completed.

iii. Review of Financial Information by Court Staff or Legal Service Provider

Court staff or Legal Service Provider reviews the applicant's information on form JDF 205 and supporting documentation if requested to determine whether the applicant is indigent on the basis of three factors:

- Income*
- Liquid assets**
- Expenses***

iv. Filing of Order for Indigent Persons Not Represented through a Legal Service Provider

Once indigency status is determined for a person not represented through a Legal Service Provider, court staff completes Finding and Order Concerning Payment of Costs, form JDF 206.

v. Filing of Notice for Indigent Persons Represented by an Attorney of or Obtained Through a Legal Service Provider

Once indigency status is determined by the Legal Service Provider, the Provider completes JDF Form 203, which the attorney representing the indigent person files in the case with the court by e-filing or other authorized filing method. Upon filing of form JDF 203, the waivable costs are waived. The Legal Service Provider shall maintain the completed JDF 205 form for a period of three years following conclusion of the case or representation of the client, whichever is the later date. The State Court Administrator's Office may request to view any such records, and such request may not be refused.

b. Criteria for Indigency

An applicant qualifies for waiver of court costs in civil cases if his or her financial circumstances meet either set of criteria described below.

i. Income is at or below guidelines / Liquid assets equal \$0 to \$1,500

If the applicant's income is at or below the income eligibility guidelines (see the "Monthly Income Guideline" and "Yearly Income Guideline" columns in the chart on the following page) and he or she has liquid assets of \$1,500 or less, as determined on form JDF 205, the applicant is indigent and eligible for waiver of court costs in civil cases.

ii. Income is up to 25% above guidelines / Liquid assets equal \$0 to \$1,500 / Monthly expenses equal or exceed monthly income

If the applicant's income is up to 25% above the income eligibility guidelines (see the "Monthly Income Guideline plus 25%" and "Yearly Income Guideline plus 25%" columns in the chart on the following page); the applicant has assets of \$1,500 or less; and the applicant's monthly expenses equal or exceed monthly income, as determined on form JDF 205, the applicant is indigent and eligible for waiver of court costs.

2. Procedures for the Determination of Indigency When Applicant is Represented by an Attorney of an agency funded by the Legal Services Corporation pursuant to 45 C.F.R., Chapter XVI.

Process for Evaluating Indigency

Legal Services Corporation is a federally funded program for representation of indigent persons. The Code of Federal Regulations determines how applications for representation by attorneys employed by the agencies funded by the Legal Services Corporation shall be filed, reviewed, maintained, and when an applicant is deemed indigent for the purposes of representation. Because that review already takes place in order to determine eligibility for representation, and because the Legal Services Corporation may not represent someone in court who has not been deemed indigent under the Code of Federal Regulations, a further application for indigency for the purpose of waiving the filing fee under §13-16-103, C.R.S. is not necessary.

An attorney employed by an agency funded by the Legal Services Corporation or obtained through such an agency may file form JDF 203 certified by that agency. That agency shall maintain its completed determination of indigency documentation for a period of three years following conclusion of the case or representation of the client, whichever is the later date, for which waiver of court costs is obtained under these provisions. The State Court Administrator's Office may request to view any such records, and such request may not be refused.

3. Court procedures upon receipt of JDF 206 or JDF 203

a. When the court receives a JDF 206 form completed by court staff, the court enters an order concerning the applicant's payment of fees.

- i. In cases in which the criteria in 1.b. are not met but the court finds the applicant can pay in installments, the court may order a payment plan.**
- ii. In cases in which the criteria in 1.b. are not met and extraordinary circumstances exist, the court may find the applicant indigent and waive the payment of fees. In such cases, the court shall enter a written order setting forth the reasons for the finding of indigency.**

b. Upon filing by an attorney for an indigent person of a JDF 203 form certified by a Legal Service Provider or an agency funded by the Legal Services Corporation, the clerk of the court in which the case is filed is authorized and directed to allow the applicant to proceed in forma pauperis in court proceedings without any additional court order. **The clerk of the court may refer any notice filed by an attorney appointed by a Legal Service Provider or an agency funded by the Legal Services Corporation to a judge of the court in which the matter is pending if there is a question about the eligibility of the applicant.**

4. Processing of JDF 211

a. Requests for reduced dispute resolution fees through the Office of Dispute Resolution shall be made in accordance with the instructions set forth at the website: www.coloradoODR.org

b. Requests for reduced dispute resolution fees processed through the local courts shall be made in accordance with that court's procedures.

5. Appeals from Civil Cases

A standard application and motion to proceed in forma pauperis with verification of eligibility will be required to waive costs to file an appeal of a civil case.

* *Income* is gross income from all members of the household who contribute monetarily to the common support of the household. Income categories include wages, salary, commissions, profits, interest/investment earnings, social security benefits (including disability), Supplemental Security Income (SSI), maintenance (alimony), pension, workers' compensation, and unemployment benefits. NOTE: Income from roommates should not be considered if such income is not commingled in accounts or otherwise combined with the applicant's income in a fashion which would allow the applicant proprietary rights to the roommate's income.

Gross income does not include TANF payments, food stamps, subsidized housing assistance, veteran's benefits or child support.

***Liquid assets* include cash on hand or in accounts, stocks, bonds, certificates of deposit, equity, and personal property or investments which could readily be converted into cash without jeopardizing the applicant's ability to maintain home and employment.

****Expenses* for nonessential items such as cable television, club memberships, entertainment, dining out, alcohol, cigarettes, etc., shall not be included. Allowable expense categories are listed on form JDF 205.

INCOME ELIGIBILITY GUIDELINES (amended January 2012)				
Family Size	Monthly Income*	Monthly Income plus 25%	Yearly Income*	Yearly Income plus 25%
1	\$1,164	\$1,454	\$13,963	\$17,453
2	\$1,576	\$1,970	\$18,913	\$23,641
3	\$1,989	\$2,486	\$23,863	\$29,828
4	\$2,401	\$3,001	\$28,813	\$36,016
5	\$2,814	\$3,517	\$33,763	\$42,203
6	\$3,226	\$4,033	\$38,713	\$48,391
7	\$3,639	\$4,548	\$43,663	\$54,578
8	\$4,051	\$5,064	\$48,613	\$60,766
* 125% of poverty level as determined by the Department of Health and Human Services				
For family units with more than eight members, add \$330 per month to "monthly income" or \$3,960 per year to "yearly income" for each additional family member.				
Source: FEDERAL REGISTER (77FR4035, 01/26/2012)				

**2013 POVERTY GUIDELINES FOR THE 48
CONTIGUOUS STATES
AND THE DISTRICT OF COLUMBIA**

Persons in family/household	Poverty guideline
For families/households with more than 8 persons, add \$4,020 for each additional person.	
1	\$11,490
2	15,510
3	19,530
4	23,550
5	27,570
6	31,590
7	35,610
8	39,630

**2013 POVERTY GUIDELINES FOR
ALASKA**

Persons in family/household	Poverty guideline
For families/households with more than 8 persons, add \$5,030 for each additional person.	
1	\$14,350
2	19,380
3	24,410
4	29,440
5	34,470
6	39,500
7	44,530
8	49,560

**2013 POVERTY GUIDELINES FOR
HAWAII**

Persons in family/household	Poverty guideline
For families/households with more than 8 persons, add \$4,620 for each additional person.	
1	\$13,230
2	17,850
3	22,470
4	27,090
5	31,710
6	36,330
7	40,950
8	45,570

SOURCE: *Federal Register*, Vol. 78, No. 16, January 24, 2013, pp. 5182-5183

<input type="checkbox"/> Supreme Court <input type="checkbox"/> Court of Appeals <input type="checkbox"/> Denver Juvenile Court <input type="checkbox"/> Denver Probate Court <input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: _____ Plaintiff/Petitioner: _____ v. Defendant/Respondent: _____	<div style="text-align: center; font-weight: bold;">▲ COURT USE ONLY ▲</div> Case Number: _____ Courtroom: _____
MOTION TO: <input type="checkbox"/> FILE WITHOUT PAYMENT OF FILING FEE <input type="checkbox"/> WAIVE OTHER COSTS OWED TO THE STATE AND SUPPORTING FINANCIAL AFFIDAVIT	

I, _____, respectfully move the Court for an order to waive the following filing fee(s): ☐ complaint ☐ petition ☐ answer ☐ response ☐ motion to modify ☐ other: _____ and as grounds state that I am without funds, have no adequate funds available, and have a meritorious claim.

All items must be fully completed. Print or type neatly. If an item does not apply, please write "N/A"

Name of Applicant		
Last Name	First Name	MI
Street Address (Include Apt. # if applicable) _____		
City _____	State _____	Zip Code _____
<input type="checkbox"/> Own <input type="checkbox"/> Rent Home Phone #: _____		
Social Security # _____	Driver's Lic. # & State _____	Date of Birth _____
Most Recent Employer: _____		
Work Address: _____		
Work Phone #: () _____		
Dates Employed: _____		
Hours/Week: _____ Pay Rate: \$ _____ <input type="checkbox"/> Monthly <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Annual <input type="checkbox"/> other: _____		

Name of Other Responsible Party (Spouse, Parent, Other Persons in Household)		
Last Name	First Name	MI
Street Address (Include Apt. # if applicable) _____		
City _____	State _____	Zip Code _____
<input type="checkbox"/> Own <input type="checkbox"/> Rent Home Phone #: _____		
Social Security # _____	Driver's Lic. # & State _____	Date of Birth _____
Most Recent Employer: _____		
Work Address: _____		
Work Phone #: () _____		
Dates Employed: _____		
Hours/Week: _____ Pay Rate: \$ _____ <input type="checkbox"/> Monthly <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Annual <input type="checkbox"/> other: _____		
Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Separated <input type="checkbox"/> Widowed Number in Household: (including yourself) ____ Identify Name, Age, and Relationship: _____		

Gross Monthly Income (See Information on page 2)		Monthly Expenses (See Information on Page 2)	
Self (wages, salary, commission)	\$	Rent or Mortgage	\$
Spouse/Other Household Members	\$	Groceries	\$
Parents (if same household)	\$	Utilities	\$
Unemployment Benefits	\$	Clothing	\$
Social Security/Retirement Funds	\$	Maintenance/Alimony and/or Child Support	\$
Maintenance/Alimony	\$	Medical/Dental	\$
Other Income (identify)	\$	Other Expenses (identify)	\$
Other Income (identify)	\$	Other Expenses (identify)	\$
Total Income	\$	Total Expenses	\$
Cash on Hand (Cash you are carrying or which is stored at home, etc.)	\$	Credit Cards: (Show type and balance owed)	
Checking Account Balance	\$	Name/Address of Bank:	
Savings Account Balance	\$	Name/Address of Bank:	
Stocks, Bonds, or other Investments Held Balance	\$	Type of Investment, Name/Location of Company/Corporation	
Vehicles Owned (Autos, boats, recreational vehicles, etc.) - Estimate Value	\$	Identify Year _____ Model _____ License Plate _____ Identify Year _____ Model _____ License Plate _____	
House(s) or other Property - Estimate Value	\$	Amount owed, Year Purchased	
<p align="center"><i>IF ADDITIONAL SPACE IS NEEDED TO PROVIDE COMPLETE INFORMATION, ATTACH A SEPARATE PAGE.</i></p>			

I swear under penalty of perjury that all information provided is true and complete. In addition, if requested I will provide three (3) months of bank statements and pay stubs or other comparable proof of income status. I authorize the Court to make any necessary contacts to verify the information.

Signature: _____ Date: _____

MOTION TO FILE WITHOUT PAYMENT SUPPORTING FINANCIAL AFFIDAVIT, AND SUPPORTING DOCUMENTATION IF REQUESTED

General Information

It is important that you accurately complete all sections of this form as appropriate based on your personal circumstances. If a section does not apply, please write N/A.

A. Gross Monthly Income. Includes income from all members of the household who contribute monetarily to the common support of the household.

♦ **Income categories to include:**

Wages, including tips, salaries, commissions, payments received as an independent contractor for labor or services, bonuses, dividends, severance pay, pensions, retirement benefits, royalties, interest/investment earnings, trust income, annuities, capital gains, unemployment benefits, Social Security Disability (SSD), Social Security Supplemental Income (SSI), Workman's Compensation Benefits, and alimony.

Note: Income from roommates should not be considered if such income is not commingled in accounts or otherwise combined with the applicant's income in a fashion which would allow the applicant proprietary rights to the roommate's income.

♦ **Income categories do not include:**

TANF payments, food stamps, subsidized housing assistance, veteran's benefits earned from a disability, child support payments, or other public assistance programs.

B. Liquid Assets. Includes cash on hand or in accounts, stocks bonds, certificates of deposit, equity, and personal property or investments which could readily be converted into cash without jeopardizing the applicant's ability to maintain home and employment.

C. Expenses. Nonessential items such as cable television, club memberships, entertainment, dining out, alcohol, cigarettes, etc., **shall not** be included. Allowable expense categories are listed on JDF 205.

<input type="checkbox"/> Supreme Court <input type="checkbox"/> Court of Appeals <input type="checkbox"/> Denver Juvenile Court <input type="checkbox"/> Denver Probate Court <input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: _____ Plaintiff/Petitioner: _____ v. Defendant/Respondent: _____	<div style="text-align: center; font-weight: bold;">▲ COURT USE ONLY ▲</div> Case Number: _____ Courtroom: _____
REQUEST TO: REDUCE PAYMENT FOR ODR SERVICES AND SUPPORTING FINANCIAL AFFIDAVIT	

I, _____ respectfully Request to Reduce my payment for Office of Dispute Resolution Services and as grounds, state that I am without funds and have no adequate funds available.

All items must be fully completed. Print or type neatly. If an item does not apply, please write "N/A"

Name of Applicant		
Last Name	First Name	MI
Street Address (Include Apt. # if applicable) _____		
City	State	Zip Code
<input type="checkbox"/> Own <input type="checkbox"/> Rent Home Phone #: _____		
Social Security #	Driver's Lic. # & State	Date of Birth
Most Recent Employer: _____		
Work Address: _____		
Work Phone #: () _____		
Dates Employed: _____		
Hours/Week: _____ Pay Rate: \$ _____ <input type="checkbox"/> Monthly <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Annual <input type="checkbox"/> other: _____		

Name of Other Responsible Party (Spouse, Parent, Other Persons in Household)		
Last Name	First Name	MI
Street Address (Include Apt. # if applicable) _____		
City	State	Zip Code
<input type="checkbox"/> Own <input type="checkbox"/> Rent Home Phone #: _____		
Social Security #	Driver's Lic. # & State	Date of Birth
Most Recent Employer: _____		
Work Address: _____		
Work Phone #: () _____		
Dates Employed: _____		
Hours/Week: _____ Pay Rate: \$ _____ <input type="checkbox"/> Monthly <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Annual <input type="checkbox"/> other: _____		
Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Separated <input type="checkbox"/> Widowed Number in Household: (including yourself) _____		
Identify Name, Age, and Relationship: _____		

Gross Monthly Income (See Information on page 2)		Monthly Expenses (See Information on Page 2)	
Self (wages, salary, commission)	\$	Rent or Mortgage	\$
Spouse/Other Household Members	\$	Groceries	\$
Parents (if same household)	\$	Utilities	\$
Unemployment Benefits	\$	Clothing	\$
Social Security/Retirement Funds	\$	Maintenance/Alimony	\$
Maintenance/Alimony	\$	Child Support	\$
Other Income (identify)	\$	Medical/Dental	\$
Other Income (identify)	\$	Other Expenses (identify)	\$
Other Income (identify)	\$	Other Expenses (identify)	\$
Total Income	\$	Total Expenses	\$
Cash on Hand (Cash you are carrying or which is stored at home, etc.)	\$	Credit Cards: (Show type and balance owed)	
Checking Account Balance	\$	Name/Address of Bank:	
Savings Account Balance	\$	Name/Address of Bank:	
Stocks, Bonds, or other Investments Held Balance	\$	Type of Investment, Name/Location of Company/Corporation	
Vehicles Owned (Autos, boats, recreational vehicles, etc.) - Estimate Value	\$	Identify Year _____ Model _____ License Plate _____ Identify Year _____ Model _____ License Plate _____	
House(s) or other Property - Estimate Value	\$	Amount owed, Year Purchased	
<p><i>IF ADDITIONAL SPACE IS NEEDED TO PROVIDE COMPLETE INFORMATION, ATTACH A SEPARATE PAGE.</i></p>			

I swear under penalty of perjury that all information provided is true and complete. In addition, if requested I will provide three (3) months of bank statements and pay stubs or other comparable proof of income status. I authorize the Court or ODR to make any necessary contacts to verify the information that I provide.

Signature: _____
Date: _____

County Court <input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court <input type="checkbox"/> Denver Probate Court <input type="checkbox"/> _____ County, Colorado Court Address: _____ _____ Plaintiff/Petitioner: _____ v. Defendant/Respondent/Co-Petitioner: _____	<div style="display: flex; justify-content: space-between; align-items: center;"> ▲ ▲ </div> <hr/> COURT USE ONLY <hr/> Case Number: _____ <div style="display: flex; justify-content: space-between;"> Division _____ Courtroom _____ </div>
FINDING AND ORDER CONCERNING PAYMENT OF FILING FEES	

Name of Party filing Motion: _____ on _____ (Date).

Upon review of the attached Motion, the above party is:

- ☐ Eligible to proceed without payment of the following filing fee(s):
- ☐ complaint
☐ petition
☐ answer
- ☐ response
☐ motion to modify
☐ other: _____
- ☐ Eligible to have the filing fee of \$_____ paid in ☐ two ☐ three payments, with the first payment due by _____ (date) and the final payment due by _____ (date).
- ☐ Not Eligible to proceed. Party is responsible for payment of the filing fees.

Date: _____

Signature of Eligibility Investigator, Clerk of Court, Judge/Magistrate

ORDER

The Court has reviewed the Motion (JDF 205) and so orders:

- ☐ As indicated above.
- ☐ The specified party is ordered to pay \$_____ by _____ (Date) to cover filing fees.
- ☐ Other _____

The Court finds that by allowing a party to proceed with a payment plan, the party has agreed to pay the fee as listed above. Failure to pay will result in collection against the party. Costs associated with collection will be assessed.

This Order remains in effect until the case is closed.

Pursuant to §13-16-103, C.R.S., in the event the party who receives a waiver of costs prosecutes or defends an action or proceeding successfully, there shall be a judgment entered in his/her favor in the amount of the court costs and the party shall, upon collecting such court costs, remit them to the Court.

Date: _____

☐ Judge ☐ Magistrate

<input type="checkbox"/> County Court <input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address: _____ _____		<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
Plaintiff/Petitioner: v. Defendant/Respondent/Co-Petitioner:		
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		
		Case Number: Division _____ Courtroom _____
CERTIFICATION OF DETERMINATION OF INDIGENCY		

I, _____, (name of authorized person to sign for Legal Service Provider) have determined under the provision of CJD 98-01, as amended August 2008 that _____ (name of client to be represented) is indigent based on:

☐ a review of his/her application under the Legal Services Corporation Act of 1974.

or

☐ a review of the client's Motion to File without Payment and Supporting Financial Affidavit (JDF 205). I understand that JDF 205 shall be maintained for three years following conclusion of the case or representation of the client, which ever is the later date, for which waiver of courts costs is obtained under CJD 98-01. The State Court Administrator's Office may request to view any such records, and such request may not be refused.

Based on that determination, the above-name party is eligible to have the filing fee, jury fee, if applicable, reasonable copy fees, E-file and E-service fees, and research fees waived as they relate to this case, pursuant to CJD 98-01, as amended August 2008, without additional findings or orders of the Court. If the Court delivers the documents for service of process to the Sheriff, the Court can waive the sheriff's fee and pay such fees from mandated costs.

Date: _____

Signature of Attorney filing this form with the Court

Signature and Name of Legal Services Provider
Certifying Indigency Determination

<input type="checkbox"/> County Court <input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address: _____ _____ Plaintiff/Petitioner: v. Defendant/Respondent/Co-Petitioner:		▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		
		Case Number: _____ Division _____ Courtroom _____
CERTIFICATION OF DETERMINATION OF INDIGENCY		

I, _____, (name of authorized person to sign for Legal Service Provider) have determined under the provision of CJD 98-01, as amended August 2008 that _____ (name of client to be represented) is indigent based on:

☐ a review of his/her application under the Legal Services Corporation Act of 1974.

or

☐ a review of the client's Motion to File without Payment and Supporting Financial Affidavit (JDF 205). I understand that JDF 205 shall be maintained for three years following conclusion of the case or representation of the client, which ever is the later date, for which waiver of courts costs is obtained under CJD 98-01. The State Court Administrator's Office may request to view any such records, and such request may not be refused.

Based on that determination, the above-name party is eligible to have the filing fee, jury fee, if applicable, reasonable copy fees, E-file and E-service fees, and research fees waived as they relate to this case, pursuant to CJD 98-01, as amended August 2008, without additional findings or orders of the Court. If the Court delivers the documents for service of process to the Sheriff, the Court can waive the sheriff's fee and pay such fees from mandated costs.

Date: _____

Signature of Attorney filing this form with the Court

Signature and Name of Legal Services Provider
Certifying Indigency Determination

<input type="checkbox"/> Supreme Court <input type="checkbox"/> Court of Appeals <input type="checkbox"/> Denver Juvenile Court <input type="checkbox"/> Denver Probate Court <input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: _____ <hr/> Plaintiff/Petitioner: _____ v. Defendant/Respondent: _____ <hr/> Attorney or Party Without Attorney: (Name & Address) _____ <hr/> Phone Number: _____ Atty. Reg. #: _____	<div style="border-top: 1px solid black; height: 10px; width: 100%; margin-bottom: 10px;"></div> <div style="font-weight: bold; font-size: 1.2em;">▲ COURT USE ONLY ▲</div> <div style="border-top: 1px solid black; height: 10px; width: 100%; margin-bottom: 10px;"></div> Case Number: _____ Courtroom: _____
MOTION TO: <input type="checkbox"/> FILE WITHOUT PAYMENT OF FILING FEE <input type="checkbox"/> WAIVE OTHER COSTS OWED TO THE STATE AND SUPPORTING FINANCIAL AFFIDAVIT	

I, _____ respectfully move the Court for an order to waive the following filing fee(s):
☐ complaint ☐ petition ☐ answer ☐ response ☐ motion to modify ☐ other: _____ and as grounds state that I am without funds, have no adequate funds available, and have a meritorious claim.

All items must be fully completed. Print or type neatly. If an item does not apply, please write "N/A"

Name of Applicant		
Last Name	First Name	MI
Street Address (Include Apt. # if applicable) _____		
City _____ State _____ Zip Code _____		
<input type="checkbox"/> Own <input type="checkbox"/> Rent Home Phone #: _____		
Social Security #	Driver's Lic. # & State	Date of Birth
Most Recent Employer: _____		
Work Address: _____		
Work Phone #: () _____		
Dates Employed: _____		
Hours/Week: _____ Pay Rate: \$ _____ <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annual <input type="checkbox"/> Other: _____		
Name of Other Responsible Party(Spouse, Parent, Other Persons in Household)		
Last Name	First Name	MI
Street Address (Include Apt. # if applicable) _____		
City _____ State _____ Zip Code _____		
<input type="checkbox"/> Own <input type="checkbox"/> Rent Home Phone #: _____		
Social Security #	Driver's Lic. # & State	Date of Birth
Most Recent Employer: _____		
Work Address: _____		
Work Phone #: () _____		
Dates Employed: _____		
Hours/Week: _____ Pay Rate: \$ _____ <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Annual <input type="checkbox"/> Other: _____		

Marital Status: ☐ Single ☐ Married ☐ Divorced ☐ Separated ☐ Widowed

Number in Household: (including yourself) _____

Identify Members:

Name	Age	Relationship
_____	_____	_____
_____	_____	_____

Gross Monthly Income (See Information on page 3)		Monthly Expenses (See Information on Page 3)	
Self (wages, salary, commission)	\$ _____	Rent or Mortgage	\$ _____
Spouse/Other Household Members	\$ _____	Groceries	\$ _____
Parents (if same household)	\$ _____	Utilities	\$ _____
Unemployment Benefits	\$ _____	Clothing	\$ _____
Social Security/Retirement Funds	\$ _____	Maintenance/Alimony and/or Child Support	\$ _____
Maintenance/Alimony	\$ _____	Medical/Dental	\$ _____
Other Income (identify)	\$ _____	Other Expenses (identify)	\$ _____
Other Income (identify)	\$ _____	Other Expenses (identify)	\$ _____
Total Income	\$ _____	Total Expenses	\$ _____
Cash on Hand (Cash you are carrying or which is stored at home, etc.)	\$ _____	Credit Cards: (Show type and balance owed)	
		Type: _____ Balance \$ _____	
		Type: _____ Balance \$ _____	
		Type: _____ Balance \$ _____	
Checking Account Balance	\$ _____	Name/Address of Bank: _____	
Savings Account Balance	\$ _____	Name/Address of Bank: _____	
Stocks, Bonds, or other Investments Held Balance	\$ _____	_____ Type of Investment Name/Location of Company/Corporation _____ Type of Investment Name/Location of Company/Corporation	
Vehicles Owned (Autos, boats, recreational vehicles, etc.) - Estimate Value	\$ _____	Year _____ Model _____ License Plate _____ Year _____ Model _____ License Plate _____	
House(s) or other Property Estimate Value	\$ _____	Amount owed \$ _____ Year Purchased _____ Amount owed \$ _____ Year Purchased _____	

IF ADDITIONAL SPACE IS NEEDED TO PROVIDE COMPLETE INFORMATION, ATTACH A SEPARATE PAGE.

I swear under penalty of perjury that all information provided is true and complete. In addition, if requested I will provide three (3) months of bank statements and pay stubs or other comparable proof of income status. I authorize the Court to make any necessary contacts to verify the information.

Signature: _____ Date: _____

MOTION TO FILE WITHOUT PAYMENT SUPPORTING FINANCIAL AFFIDAVIT, AND SUPPORTING DOCUMENTATION REQUESTED

General Information

It is important that you accurately complete all sections of this form as appropriate based on your personal circumstances. If a section does not apply, please write N/A.

A. Gross Monthly Income. Includes income from all members of the household who contribute monetarily to the common support of the household.

♦ **Income categories to include:**

Wages, including tips, salaries, commissions, payments received as an independent contractor for labor or services, bonuses, dividends, severance pay, pensions, retirement benefits, royalties, interest/investment earnings, trust income, annuities, capital gains, unemployment benefits, Social Security Disability (SSD), Social Security Supplemental Income (SSI), Workman's Compensation Benefits, and alimony.

Note: Income from roommates should not be considered if such income is not commingled in accounts or otherwise combined with the applicant's income in a fashion which would allow the applicant proprietary rights to the roommate's income.

♦ **Income categories do not include:**

TANF payments, food stamps, subsidized housing assistance, veteran's benefits earned from a disability, child support payments, or other public assistance programs.

B. Liquid Assets. Includes cash on hand or in accounts, stocks bonds, certificates of deposit, equity, and personal property or investments which could readily be converted into cash without jeopardizing the applicant's ability to maintain home and employment.

C. Expenses. Nonessential items such as cable television, club memberships, entertainment, dining out, alcohol, cigarettes, etc., **shall not** be included. Allowable expense categories are listed on JDF 205.

Ethical Considerations When Providing Unbundled Legal Services

by Adam J. Espinosa

More than ten years ago, the Colorado Supreme Court recognized the need for limited representation of clients in Colorado courts. In an effort to address this need, the Colorado Supreme Court amended C.R.C.P. 11 and C.R.C.P. 311.¹ Despite the amendment, many attorneys have been reluctant to engage in limited representation.² This article addresses the need for limited representation of clients and the ethical considerations for attorneys providing unbundled legal services to clients in Colorado courts.

Unbundled Legal Services

When an attorney is said to be providing unbundled legal services, it means that he or she is providing the client only certain components of the full bundle of legal services during the course of the representation. Attorneys often refer to unbundled legal services as limited representation or discrete task representation, and use these terms interchangeably.

To understand the concept of unbundled legal services, it is important to know what typically is included in the full bundle of legal services. The full bundle of legal services generally includes: (1) gathering facts; (2) advising the client; (3) discovering facts of the opposing party; (4) researching the law; (5) drafting correspondence and documents; (6) negotiating; and (7) representing the client in court.³

In most traditional attorney-client relationships, the attorney and the client contract for the full bundle of services. Unbundled legal services afford the attorney and the client the flexibility of addressing their legal needs and financial limitations by contracting for something less than the full bundle of services.

Pro Se Representation Delays Access to Justice

The depressed economy that has plagued the United States over the last several years has resulted in less business growth, higher unemployment,⁴ and more foreclosures. In Colorado, for example, despite their financial problems—or perhaps because of them—more and more citizens are seeking relief in the courts. In fact, district court filings in Colorado courts have increased 25.53% from 2009 to 2010 and 52% from 2001 to 2010.⁵

Many Colorado citizens seeking relief in our courts are financially unable to hire a lawyer to represent them with their legal dispute. As a result, many citizens choose to represent themselves *pro se* in the Colorado courts. In 2010, 52% of all cases filed in Colorado courts involved *pro se* parties.⁶ Those percentages are even greater in district court civil cases (56%), domestic relations cases (60%), misdemeanor criminal cases (64%), juvenile relinquishment cases (65%), and adoptions (73%).⁷ Many individual jurisdictions reported even greater numbers of *pro se* parties navigating their court system.

The growing numbers of *pro se* parties in Colorado courts has caused practical problems for the judicial system and has delayed the resolution of cases. This is because *pro se* parties often have little or no experience in the law and are ill-equipped to navigate the complexities of our judicial system.

Creating Access to Justice Through Unbundled Legal Services

Pro se parties, courts, and attorneys all benefit when attorneys provide unbundled legal services. The *pro se* parties benefit by gaining more informed access to the justice system and by getting some legal assistance with their disputes. The courts benefit from *pro se* parties who are better prepared to represent themselves in court. Attorneys benefit by establishing relationships with clients who otherwise would forego hiring an attorney.

Access to justice is the cornerstone of the legal profession and our justice system. Citizens must have access to our courts and to our system of justice to resolve disputes. Unbundled legal services provide another avenue, distinct from traditional representation, for citizens to gain access to justice and to resolve their disputes.

The Rules of Limited Representation

An attorney considering providing unbundled legal services to a *pro se* party must be familiar with C.R.C.P. 11(b)⁸ and Colo. RPC 1.2(c). These rules operate in tandem to lay the foundation for limited representation of a client, because the Rules of Professional Conduct apply even in situations where the attorney provides limited representation.



About the Author

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C.R.C.P. 11(b)

C.R.C.P. 11(b) states that:

[a]n attorney may undertake to provide limited representation in accordance with Colo. RPC 1.2(c) to a *pro se* party involved in a court proceeding.

Rule 11(b) also sets forth the parameters and requirements for the limited representation of a client by an attorney. Specifically, it allows attorneys to draft or prepare pleadings on behalf of *pro se* parties for filing with the court. This form of limited representation often is called “ghostwriting” and is permitted in Colorado state courts but not in Colorado federal courts.⁹

Ghostwriting pleadings in Colorado state courts on behalf of a *pro se* party does not constitute an entry of appearance by the attorney.¹⁰ However, Rule 11(b) requires the *pro se* party to identify the attorney who assisted the *pro se* party with preparing or drafting the pleading by including the attorney’s name, address, telephone number, and registration number on the pleading. This is not a requirement if the attorney is assisting the *pro se* party in filling out preprinted and electronically published forms issued by the Judicial Branch. In either instance described above, appearing on behalf of a *pro se* party at any proceeding before the court constitutes a general entry of appearance by the attorney on behalf of the *pro se* party.

Colo. RPC 1.2(c)

According to Colo. RPC 1.2(c):

A lawyer may limit the scope or objectives, or both, of the representation if the limitation is reasonable under the circumstances

and the client gives informed consent. A lawyer may provide limited representation to *pro se* parties as permitted by C.R.C.P. 11(b) and C.R.C.P. 311(b).

Rule 1.2(c) allows an attorney to provide limited representation or unbundled legal services on behalf of a client if (1) the limitation is reasonable, and (2) the client gives informed consent.

There is no hard-and-fast definition of what is “reasonable” when providing limited representation. A lawyer cannot limit the scope of his or her representation to avoid the obligation of providing competent representation¹¹ or circumvent the consequences of his or her negligent action. The reasonableness of the limited representation involves a case-by-case analysis and requires a close look at the facts. However, it’s possible to imagine an instance where it would be unreasonable to assist a *pro se* party in a limited capacity. For example, an attorney could not limit the scope of representation in a criminal matter by defending only one of several charges for a client.¹²

According to Colo. RPC 1.0(e), “informed consent”:

denotes the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of, and reasonably available alternatives to, the proposed course of conduct.¹³

Rule 1.0(e) does not require the informed consent to be in writing; however, best practice dictates that it be in writing, with a copy of the consent form/agreement given to the client. This protects the client and the attorney from any future misunderstanding regarding the scope of the representation.

In addition to defining the limited scope of the representation to the client, the attorney should explain the services he or she will not be providing, the inherent risks of not providing those services, and the inherent risks the *pro se* party faces by proceeding in a legal matter without legal representation. For example, if an attorney is simply ghostwriting a motion on behalf of a *pro se* party, the attorney should explain to the *pro se* party that there is a risk that the *pro se* party may not be able to introduce facts or evidence due to a lack of understanding of the Colorado Rules of Evidence. This type of discussion enables the client to weigh the risks associated with a limited representation.

Conclusion

Attorneys should not be reluctant to engage in the practice of providing unbundled legal services to *pro se* parties. Unbundling legal services is permissible—even encouraged—and benefits the client, the attorney, and the courts. In today's economy, this may be the only avenue for some parties to get the legal assistance they need, as well as the access to justice they deserve.

Notes

1. The Colorado Supreme Court amended and adopted C.R.C.P. 11 and C.R.C.P. 311 on June 17, 1999, effective July 1, 1999.

2. In response, the Colorado Supreme Court has proposed a change to C.R.C.P. 121, § 1-1. This proposed change will be discussed in a future article in the *The Colorado Lawyer*.

3. Mosten, "Unbundling of Legal Services and the Family Lawyer," 28 *Fam. L.Q.* 421, 423 (1994).

4. The Colorado Department of Labor and Employment reported in February 2011 that unemployment in Colorado was at a record high of 9.3%. See www.colorado.gov/cdle.

5. Colorado State Court Administrator's Office (SCAO), Colorado Judicial Branch Annual Statistical Report—Fiscal Year 2010, available at www.courts.state.co.us/Administration. The report showed an increase in district court case filings from 188,537 in 2009 to 236,671 in 2010, and from 155,220 in 2001 to 236,671 in 2010.

6. See the SCAO's report for calendar year 2010 (on file with author). In calendar year 2010, there were 784,125 cases filed in all of Colorado's courts. In 405,228 of those cases, no attorney had entered his or her appearance for either party.

7. See *id.* regarding cases where no attorney entered his or her appearance.

8. In addition to C.R.C.P. 11(b) and Colo. RPC 1.2(c), attorneys also should familiarize themselves with C.R.C.P. 311(b), which is the county court rule of civil procedure that mirrors C.R.C.P. 11(b).

9. In *Johnson v. Board of County Commissioners for the County of Fremont*, 868 F.Supp. 1226, 1232 (D.Colo. 1993), in an opinion written by Senior District Judge John Kane, the court disapproved of ghostwriting and put attorneys on notice that engaging in ghostwriting in federal court can subject the attorney to contempt of court.

10. C.R.C.P. 11(b) ("Limited representation of a *pro se* party under this Rule 11(b) shall not constitute an entry of appearance by the attorney for purposes of C.R.C.P. 121, section 1-1 or C.R.C.P. 5(b), and does not authorize or require the service of papers upon the attorney.").

11. Colo. RPC 1.1 ("Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."). See also Colo. RPC 1.1, cmt. [5].

12. See Colo. RPC 1.2, cmt. [7], for an example of an unreasonable limited representation. See also *People v. Jerry Lee Stevens*, O.P.D.J. (No. 10PDJ002, Oct. 7, 2010), where the respondent alleged he agreed to provide the defendant a "preliminary defense" against a sexual assault charge and then withdraw, leaving the defendant facing several other serious criminal charges, including habitual criminal charges. The respondent was suspended from the practice of law for this and other conduct for one year and one day.

13. Colo. RPC 1.0(e). ■

Limited Scope Representation Under the Proposed Amendment to C.R.C.P. 121, § 1-1

by Adam J. Espinosa and Daniel M. Taubman

An article in the September 2011 issue of *The Colorado Lawyer*¹ addressed the need for limited representation of clients in Colorado courts and the ethical considerations when providing “unbundled legal services.” Unbundled legal services, a term increasingly known as limited scope representation, means an attorney is providing less than the full scope of legal services to a client during the course of the representation. C.R.C.P. 11(b) and Colo. RPC 1.2(c) expressly permit limited scope representation. This article addresses practical considerations for attorneys providing limited scope representation related to the Colorado Supreme Court’s proposed amendment to C.R.C.P. 121, § 1-1.

Proposed Amendment *

This summer, the Colorado Supreme Court proposed an amendment to C.R.C.P. 121, § 1-1, that would allow for automatic withdrawal for attorneys providing limited scope representation to clients.² The proposed amendment would add a new paragraph five to C.R.C.P. 121, § 1-1, and would read as follows:

5. Notice of Limited Representation Appearance and Withdrawal as Attorney for Pro Se Party.

In accordance with C.R.C.P. 11(b), an attorney may undertake to provide limited representation to a pro se party involved in a court proceeding. Upon the request of and with the consent of a pro se party, an attorney may make a limited appearance for the pro se party in one or more specified proceedings, if the attorney files and serves with the court and the other parties and attorneys (if any) a notice of the limited appearance prior to or simultaneous with the proceeding(s) for which the attorney appears. At the conclusion of such proceeding(s) the attorney’s role terminates without the necessity of leave of court, upon the attorney filing a notice of completion of limited appearance. Service on an attorney who makes a limited appearance for a party shall be valid only in connection with the specific proceeding(s) for which the attorney appears.

* On October 20, 2011, effective immediately, the Colorado Supreme Court adopted the proposed rule with only minor changes. The Supreme Court also adopted a Committee Comment explaining that the purpose of the new rule is to provide

assurance to attorneys in both *pro bono* and fee cases that they can make a limited appearance in a case at the request of and with the consent of a pro se party, and then withdraw from the case on filing a notice of completion of the limited appearance, without leave of court.

Purpose of Amendment

The proposed amendment addresses concerns and perceptions that have limited some attorneys’ willingness to assist in *pro bono* or *pro se* matters. The primary concern is whether the court would allow them to withdraw from a case at the completion of the limited representation. This perception has restricted the effectiveness of the limited representation rules and has undermined the policy concerns addressed by those rules, as well as access to our courts and to our system of justice.

If adopted, the proposed amendment would ensure that attorneys would be permitted to withdraw from a case when they were engaged in limited scope representation. This would quell the concern attorneys may have about limited scope representation and would encourage more attorneys to assist in *pro bono* and *pro se* matters. Consequently, this would increase access to justice for Colorado citizens and improve the efficiency of our courts.

Current Rules

Although C.R.C.P. 11(b) and Colo. RPC 1.2(c) permit limited representation, neither addresses the ability of the attorney to withdraw when the limited representation is complete. Under the current rules, when an attorney files an entry of appearance, signs a pleading,³ or appears before a court on a matter,⁴ the attorney has entered a general appearance. The rules currently do not provide for a limited representation entry of appearance or withdrawal. If an attorney wishes to withdraw from an active case where there is no co-counsel or substitution of counsel, the attorney must file a motion to withdraw and serve it on the attorney’s client and the opposing party or his or her attorney.⁵ The client and the opposing party or his or her attorney have fifteen days to object to the attorney’s motion to withdraw.⁶ After the expiration of the fifteen-



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day objection period, the court has discretion to grant the attorney's motion to withdraw.⁷

Under the proposed amendment to C.R.C.P. 121, § 1-1, an attorney may enter his or her appearance for a specific proceeding and then be permitted to withdraw without leave of the court after that specific proceeding is complete. For example, an attorney could represent a client on an emergency motion related to the children in a domestic relations case. If the attorney complied with the proposed amendment to the rule, he or she could appear at the hearing and withdraw automatically after the hearing was complete.

Comparable Mandatory Withdrawal Rules in Other States

The Colorado Supreme Court's proposed amendment is modeled on the rules of eleven states and a Massachusetts' Supreme Judicial Court order, which permit lawyers to terminate their limited scope representation without leave of court.⁸ Some of these rules require that the notice of completion of limited services filed with the court include the name and address of the person who has been provided limited representation. The proposed Colorado rule does not require the provision of such information, presumably because it already will have been provided to the court.

In contrast, some states provide that an attorney's limited appearance ends when the lawyer files a substitution of attorney notice (substituting the client) or a withdrawal of appearance notice. For example, Nevada requires that a copy of the limited service retainer agreement be attached to the notice and that copies of the notice be served on the client and on all parties or their lawyers.⁹ California requires that a lawyer move to withdraw from limited representation; in some cases, a hearing is required.¹⁰

Possible Issues and Proposed Solutions

If approved, the Colorado Supreme Court's proposed rule will present three important considerations for practitioners. These issues are discussed below.

Service of Process

In the event of limited scope representation, opposing attorneys in litigation must determine on whom to serve process or other court papers. If an attorney has entered an appearance at the beginning of a case for a limited purpose—such as representing a client in a motion for temporary orders in a dissolution of marriage case, or representing a client in connection with a motion to dismiss—the opposing party must serve papers on the attorney providing limited representation with respect to that specific proceeding. However, if unrelated proceedings occur simultaneously, the opposing attorney must send pleadings related to those issues directly to the *pro se* litigant. In the event that the opposing party's attorney is unsure whom to serve, he or she should contact the limited scope representation attorney for clarification.

Communication With Attorney or Pro Se Party

The opposing attorney may face a similar question as to whom to contact regarding communications, such as scheduling court hearings or settlement negotiations, because Colo. RPC 4.2 prohibits a lawyer from communicating with a person the lawyer knows to be represented by another lawyer.¹¹ As is the case with

respect to service of process or other court papers, the opposing attorney should communicate directly with the limited representation attorney with respect to the specific limited representation; however, the opposing attorney should communicate with the *pro se* party with respect to other proceedings or issues. When unsure how to proceed, the opposing attorney should contact the limited representation attorney for clarification or confirmation.

Retainer Agreement

Under Colo. RPC 1.5(b), when a lawyer has not regularly represented a client, the basis or rate of fee and expenses must be communicated to the client in writing before or within a reasonable time after representation begins. This provision applies to a limited-services agreement. Thus, a retainer agreement should include the basis and rate of the attorney fee, as well as describe the services for which the fee is being charged.

Although not required by Colo. RPC 1.5, the lawyer providing limited services should define the scope of limited representation in the retainer agreement.¹² As noted, a lawyer may provide limited scope representation pursuant to Colo. RPC 1.2(c), as permitted by C.R.C.P. 11(b) and C.R.C.P. 311(b). Additionally, the lawyer may wish to include in the retainer agreement a discussion of services not provided pursuant to a limited representation agreement, as well as address the inherent risks and benefits of limited representation.

Conclusion

The proposed changes to C.R.C.P. 121, § 1-1(5), are intended to make attorneys more comfortable providing limited scope representation to clients. Attorneys engaged in limited representation will have an unqualified right to withdraw from the representation at the completion of a limited proceeding. If the rule modification increases the number of attorneys providing limited representation, then *pro se* litigants, including many low-income litigants, will obtain greater access to justice. At the same time, courts will benefit from more efficient litigation.

Notes

1. Espinosa, "Ethical Considerations When Providing Unbundled Legal Services," 40 *The Colorado Lawyer* 75 (Sept. 2011), available at www.cobar.org/tcl/tcl_articles.cfm?articleid=7208.

2. On June 29, 2011, the Colorado Supreme Court issued a Notice of Proposed Rule and Request for Public Written Comment. A copy of the proposed rule can be found at www.courts.state.co.us/Courts/Supreme_Court/Rule_Changes.cfm.

3. See C.R.C.P. 121, § 1-1(1), Entry of Appearance.

4. Limited representation under C.R.C.P. 11(b) shall not constitute an entry of appearance by an attorney; however, if the attorney appears with the *pro se* party at any proceeding before the court, it will constitute an entry of appearance pursuant to C.R.C.P. 121, § 1-1.

5. See C.R.C.P. 121, § 1-1(2)(b), Withdrawal From an Active Case.

6. See C.R.C.P. 121, § 1-1(2)(b)(IV), Withdrawal From an Active Case.

7. See *supra* note 5.

8. Alaska R.C.P. 81(e)(1)(D); Fla. Family Law Rules of Procedure 12.040(e); Iowa R.C.P. 1.404(4); Mass. Sup.Jud.Ct. Order in re: Limited Assistance Rep. ¶ 2 (eff. May 1, 2009); Mo. R.C.P. 55.03(b), Mo. Rule 4-1.16(c); Mont. R.C.P. 4.3 (eff. Oct. 1, 2011); Neb. RPC 3-501.2(e); N.H. R.C.P. 17(f); N.M. R.C.P. 1.089.C; N.M. Magis.Ct.R. 2-108 and N.M. Met.Ct.R. 3-108; Utah R.C.P. 74(b); Wash. Rules CR 70.1(b) Family Law, and CRLJ 70.1(b); Wyo. Unif. Dist.Ct.R. 102(c).

9. See Nev. Rule of Practice, 8th Jud. Dist. 5.28(b).

10. *See* Cal. Rules of Court 5.71 and 3.36.

11. Colo. RPC 4.2 cmt. [9] provides that a *pro se* litigant receiving limited representation is considered to be unrepresented for purposes of this rule unless the lawyer has knowledge to the contrary.

12. Mo. RPC 1.2, cmt., contains a model retainer agreement entitled Notice and Consent to Limited Representation, to be signed by the limited representation attorney and the client. *See also* N.H. RPC 1.2(g) (same); Wyo. RPC 1.2 App. 1 (same). ■

Rule 11. Signing of Pleadings.

Colorado Court Rules

COLORADO RULES OF CIVIL PROCEDURE

Chapter 2. Pleadings and Motions

Includes all rule changes through 2012(12)

Rule 11. Signing of Pleadings

- (a) **Obligations of Parties and Attorneys.** Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name. The initial pleading shall state the current number of his registration issued to him by the Supreme Court. The attorney's address and that of the party shall also be stated. A party who is not represented by an attorney shall sign his pleadings and state his address. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him that he has read the pleading; that to the best of his knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading is not signed it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader. If the current registration number of the attorney is not included with his signature, the clerk of the court shall request from the attorney the registration number. If the attorney is unable to furnish the court with a registration number, that fact shall be reported to the clerk of the Supreme Court, but the clerk shall nevertheless accept the filing. If a pleading is signed in violation of this Rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, including a reasonable attorney's fee, provided, however, that failing to be registered shall be governed by Rule 227.

Reasonable expenses, including a reasonable attorney's fee, shall not be assessed if, after filing, a voluntary dismissal or withdrawal is filed as to any claim, action or defense, within a reasonable time after the attorney or party filing the pleading knew, or reasonably should have known, that he would not prevail on said claim, action, or defense.

- (b) **Limited Representation.** An attorney may undertake to provide limited

representation in accordance with Colo.RPC 1.2 to a pro se party involved in a court proceeding. Pleadings or papers filed by the pro se party that were prepared with the drafting assistance of the attorney shall include the attorney's name, address, telephone number and registration number. The attorney shall advise the pro se party that such pleading or other paper must contain this statement. In helping to draft the pleading or paper filed by the pro se party, the attorney certifies that, to the best of the attorney's knowledge, information and belief, this pleading or paper is (1) well-grounded in fact based upon a reasonable inquiry of the pro se party by the attorney, (2) is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and (3) is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. The attorney in providing such drafting assistance may rely on the pro se party's representation of facts, unless the attorney has reason to believe that such representations are false or materially insufficient, in which instance the attorney shall make an independent reasonable inquiry into the facts. Assistance by an attorney to a pro se party in filling out pre-printed and electronically published forms that are issued through the judicial branch for use in court are not subject to the certification and attorney name disclosure requirements of this Rule 11(b).

Limited representation of a pro se party under this Rule 11(b) shall not constitute an entry of appearance by the attorney for purposes of C.R.C.P. 121, section 1-1 or C.R.C.P. 5(b), and does not authorize or require the service of papers upon the attorney. Representation of the pro se party by the attorney at any proceeding before a judge, magistrate, or other judicial officer on behalf of the pro se party constitutes an entry of an appearance pursuant to C.R.C.P. 121, section 1-1. The attorney's violation of this Rule 11(b) may subject the attorney to the sanctions provided in C.R.C.P. 11(a).

History. Entire rule amended and adopted June 17, 1999, effective July 1, 1999.

Case Notes:

ANNOTATION

Am. Jur.2d. See 61B Am. Jur.2d, Pleading, §§ 881-887.

C.J.S. See 35A C.J.S., Federal Civil Procedure, § 299; 71 C.J.S., Pleading, §§ 478-485.

Law reviews. For article, "Pleadings, Rules 7 to 25", see 28 Dicta 368 (1951). For article, "Pleadings and Motions: Rules 7-16", see 23 Rocky Mt. L. Rev. 542 (1951). For article, "Standard Pleading Samples to Be Used in Quiet Title Litigation", see 30 Dicta 39 (1953). For article "Van Cise on Rule Eleven", see 31 Dicta 14 (1954). For note, "One Year Review of Colorado Law - 1964", see 42 Den. L. Ctr. J. 140 (1965). For article, "Rule 11 as a Litigation Tool", see 12

Colo. Law. 1242 (1983). For article, "Lawyers' Liability for Attorney's Fees Awarded Against Clients", see 12 Colo. Law. 1638 (1983). For article, "The Expanding Liability of Colorado Lawyers for Sanctions and Malpractice Claims", see 22 Colo. Law. 1701 (1993). For article, "Recovery of Attorney Fees and Costs in Colorado", see 23 Colo. Law. 2041 (1994). For article, "Discrete Task Representation a/k/a Unbundled Legal Services", see 29 Colo. Law. 5 (January 2000). For article, "Combating Bad-Faith Litigation Tactics With Claims for Abuse of Process", see 38 Colo. Law. 31 (December 2009).

Annotator's note. For cases construing verification of pleadings as required by § 67 of the former Code of Civil Procedure, which was supplanted by this rule in 1941, see *Martin v. Hazzard Powder Co.*, 2 Colo. 596 (1875); *Nichols v. Jones*, 14 Colo. 61, 23 P. 89 (1890); *Speer v. Craig*, 16 Colo. 478, 27 P. 891 (1891); *Tulloch v. Belleville Pump & Skein Works*, 17 Colo. 579, 31 P. 229 (1892); *Perras v. Denver & R. G. R. R.*, 5 Colo. App. 21, 36 P. 637 (1894); *Hill Brick & Tile Co. v. Gibson*, 43 Colo. 104, 95 P. 293 (1908); *Rice v. Van Why*, 49 Colo. 7, 111 P. 599 (1910); *Johnson v. Johnson*, 78 Colo. 187, 240 P. 944 (1925); *Prince Hall Grand Lodge v. Hiram Grand Lodge*, 86 Colo. 330, 282 P. 193 (1929). For cases construing § 66 of the former Code of Civil Procedure, which was supplanted in part by this rule in 1941, concerning sham answers, see *Glenn v. Brush*, 3 Colo. 26 (1876); *Rhodes v. Hutchins*, 10 Colo. 258, 15 P. 329 (1887); *Patrick v. McManus*, 14 Colo. 65, 23 P. 90 (1890); *Johnson v. Tabor*, 4 Colo. App. 183, 35 P. 199 (1893); *Cochrane v. Parker*, 5 Colo. App. 527, 39 P. 361 (1895); *Sylvester v. Case Threshing Mach. Co.*, 21 Colo. App. 464, 122 P. 62 (1912); *Eastenes v. Adams*, 93 Colo. 258, 25 P.2d 741 (1933); *Hertz Drive-Ur-Self Sys. v. Doak*, 94 Colo. 200, 29 P.2d 625 (1934); *Greagor v. Wilson*, 103 Colo. 329, 86 P.2d 265 (1938).

The rule imposes the following independent duties on an attorney or litigant who signs a pleading: (1) Before a pleading is filed, there must be a reasonable inquiry into the facts and the law; (2) based on this investigation, the signer must reasonably believe that the pleading is well grounded in fact; (3) the legal theory asserted in the pleading must be based on existing legal principles or a good faith argument for the modification of existing law; and (4) the pleading must not be filed for the purpose of causing delay, harassment, or an increase in the cost of litigation. *Maul v. Shaw*, 843 P.2d 139 (Colo. App. 1992).

The standard established by this rule focuses on what should have been done before a pleading was filed, and trial court's award of attorney fees to person wrongfully sued, even though the case was dismissed, was not abuse of discretion where the plaintiffs were not prevented from conducting additional investigation to establish whether they were suing the correct party. *Switzer v. Giron*, 852 P.2d 1320 (Colo. App. 1993).

Inquiry under section (a) of this rule does not turn on the outcome of the case; instead, it turns on whether attorney met the reasonable inquiry and proper purpose threshold in preparing and signing the pleading. The rule's explicit application to the signing attorney or pro se party signing the pleading is clear and unambiguous. While pleadings may identify other attorneys who may have had some role in the case, the signature requirement is designed to hold only the signing attorney responsible for the required certification. If more than one attorney signs a pleading, each one who has signed the pleading is responsible for the certification. *People v. Trupp*, 51 P.3d 985 (Colo. 2002).

Section (a) requires a signature and holds the signing attorney responsible for the certificate. Certification by signature requirement vindicates rule's purpose: To deter the filing of frivolous actions and pleadings. It personalizes

the responsibility of the person who has undertaken to certify the pleading. Here, only the attorney who signed complaint and amended complaint at issue is answerable to the motion for sanctions. Presiding disciplinary judge erred by ordering attorney whose name appeared in the signature block on both pleadings, but who did not sign either of the pleadings, to respond to motion for sanctions. *People v. Trupp*, 51 P.3d 985 (Colo. 2002).

Abuse of discretion for presiding disciplinary judge to hold that assistant attorney regulation counsel violated rule when she advanced claim that attorney had violated C.R.P.C. 8.4(c). No evidence that assistant attorney regulation counsel failed to investigate either the facts or the law and she did not misrepresent them in the complaint. *People v. Trupp*, 92 P.3d 923 (Colo. 2004).

Compliance with this rule should be had in all pleadings. *Lewis v. Buckskin Joe's, Inc.*, 156 Colo. 46, 396 P.2d 933 (1964).

Even though C.R.P.C. 1.2(c) allows unbundling of legal services, an attorney remains obligated to comply with section (b) of this rule. *In re Merriam*, 250 Bankr. 724 (Bankr. D. Colo. 2000).

This rule is applicable to motions and other papers pursuant to C.R.C.P. 7(b)(2), and sanctions may be imposed for violation. An attorney or litigant who signs a motion or other paper has the same obligation as the signer of a pleading to ensure that the document is factually and legally justified. *Jensen v. Matthews-Price*, 845 P.2d 542 (Colo. App. 1992).

Sanctions are improper where allegations set forth in response brief were based on statements made during witness' deposition. *Jensen v. Matthews-Price*, 845 P.2d 542 (Colo. App. 1992).

Trial court abused its discretion when, as a sanction for filing a disclosure certificate signed by plaintiff's former attorney's paralegal rather than the plaintiff herself, the court limited the witnesses the plaintiff could call to the defendant and herself. Defendants did not suffer any prejudice as a result of the improper signing of the certificate since the filing served its purpose of timely informing them of the evidence plaintiff intended to present at trial. *Keith v. Valdez*, 934 P.2d 897 (Colo. App. 1997).

This rule contemplates an answer that speaks the truth. *Lewis v. Buckskin Joe's, Inc.*, 156 Colo. 46, 396 P.2d 933 (1964).

Where none of the specific denials has any foundation in fact, a general denial should not be filed. *Lewis v. Buckskin Joe's, Inc.*, 156 Colo. 46, 396 P.2d 933 (1964).

This rule grants authority for subjecting an attorney to appropriate disciplinary action. *Nelson v. District Court*, 136 Colo. 467, 320 P.2d 959 (1957).

Court may impose appropriate sanctions for violation of rule, including reasonable expenses incurred because of the filing of the pleadings. *Schmidt Const. Co. v. Becker-Johnson Corp.*, 817 P.2d 625 (Colo. App. 1991).

Assessment of costs should await final judgment and become a part thereof, thus subject to review. *Nelson v.*

District Court, 136 Colo. 467, 320 P.2d 959 (1957).

To warrant the trial court's exercise of discretion in ordering sanctions against a client under the rule, the trial court must find and the record must confirm some nexus between the proscribed conduct and a specific undertaking by or knowledge of the client that the rule is being violated. *Maul v. Shaw*, 843 P.2d 139 (Colo. App. 1992); *Domenico v. Southwestern Props. Venture*, 914 P.2d 390 (Colo. App. 1995).

Trial court's discretion. Whether attorney fees are awarded under this rule is within the trial court's discretion and will not be disturbed unless the discretion is abused. Findings of the trial court that the plaintiff bank's claims of fraud were not groundless or frivolous were supported by the record, and the trial court did not abuse its discretion in denying the motion for sanctions. *First Interstate Bank v. Berenbaum*, 872 P.2d 1297 (Colo. App. 1993).

A state court cannot impose sanctions under this rule for the conduct of an attorney during a federal court proceeding even if the proceeding is part of a single litigation that also includes state law claims heard by the state court, because the decision to impose such sanctions is necessarily a matter within the jurisdiction of the court in which the conduct occurred. *Boulder County Bd. of County Comm'rs v. Kraft Bldg. Contractors*, 122 P.3d 1019 (Colo. App. 2005).

Award of attorney fees against plaintiff's attorney appropriate use of trial court's discretion given attorney's allegations as to the personal conduct of individuals who had not been joined in the action, insistence on relitigating issues when the court had made it clear that those issues were moot, reckless allegations of wrongdoing by individuals and attorneys without a showing of competent investigation or facts to support the allegations, and a request for fines or imprisonment without any showing to support such a request. *Carder, Inc. v. Cash*, 97 P.3d 174 (Colo. App. 2003).

Trial court was not obligated to assess attorney fees as a sanction for a violation of this rule when the attorney presented a rational argument, based on documentary evidence and established principles of contract interpretation, in support of his position. *E-470 Pub. Hwy. Auth. v. Jagow*, 30 P.3d 798 (Colo. App. 2001), *aff'd* on other grounds, 49 P.3d 1151 (Colo. 2002).

Sanctions are for the benefit of a party and not a nonparty. *Roberts-Henry v. Richter*, 802 P.2d 1159 (Colo. App. 1990).

Victim of a frivolous lawsuit has a duty to mitigate attorney fees incurred in defending the lawsuit by taking reasonable measures to extricate himself or herself from the frivolous lawsuit at the earliest possible time. Consequently, trial court should not have awarded attorney fees incurred in pursuing defendant's counterclaims after plaintiff dismissed its original complaint against defendants. *Boulder County Bd. of County Comm'rs v. Kraft Bldg. Contractors*, 122 P.3d 1019 (Colo. App. 2005).

This rule imposes sanctions upon those who violate its provisions, it does not preclude relief under C.R.C.P. 60(b)(1). *Domenico v. Southwest Props. Venture*, 914 P.2d 390 (Colo. App. 1995).

The failure to sign a complaint is not jurisdictional, but is subject to correction upon being called to the attention of the court. *Harris v. Mun. Court*, 123 Colo. 539, 234 P.2d 1055 (1951).

Failure of attorney representing county department of social services to sign verified dependency petition held to be harmless. *People in Interest of A.M.*, 786 P.2d 476 (Colo. App. 1989).

County attorney not immune from award of fees under this rule when filing petition for temporary guardianship under § 26-3.1-104. *Stepanek v. Delta County*, 940 P.2d 364 (Colo. 1997).

Omission of party's address does not warrant dismissal. The original failure to comply with this rule by omitting the address of the party does not warrant dismissal of an action. *Glickman v. Mesigh*, 200 Colo. 320, 615 P.2d 23 (1980).

An independent claim based upon an alleged violation of this rule may not be asserted in a proceeding separate from the underlying cause of action. *Henry v. Kemp*, 829 P.2d 505 (Colo. App. 1992).

Defendant in legal malpractice action entitled to hearing on his or her claim for sanctions under this rule and § 13-17-102. When a party requests a hearing regarding the award of attorney fees and costs under § 13-17-102, the trial court must conduct an evidentiary hearing. Because the trial court denied the motion without conducting a hearing on defendant's motion for sanctions, remand is required for a hearing. *Brown v. Silvern*, 141 P.3d 871 (Colo. App. 2005).

Applied in *People v. Breazeale*, 190 Colo. 17, 544 P.2d 970 (1975); *Caldwell v. District Court*, 644 P.2d 26 (Colo. 1982); *Pietrafesa v. D.P.I., Inc.*, 757 P.2d 1113 (Colo. App. 1988).

Cross References:

For stating defenses and form of denials, particularly general denials, see C.R.C.P. 8(b); for requirement of verification or affidavit in depositions to perpetuate testimony, see C.R.C.P. 27(a)(1), in injunctions, see C.R.C.P. 65, in certiorari, see C.R.C.P. 106(a)(4), in civil contempt, see C.R.C.P. 107(c), in motion for service by mail or publication, see C.R.C.P. 4(g), and, in motion for an order authorizing sale under power or in response thereto, see C.R.C.P. 120.

§ 1-1. ENTRY OF APPEARANCE AND WITHDRAWAL.

Colorado Court Rules

COLORADO RULES OF CIVIL PROCEDURE

Chapter 17A. Practice Standards and Local Court Rules

Rule 121. Local Rules - Statewide Practice Standards

Local Rules - Statewide Practice Standards

Includes all rule changes through 2012(12)

§ 1-1. ENTRY OF APPEARANCE AND WITHDRAWAL

1. Entry of Appearance.

No attorney shall appear in any matter before the court unless that attorney has entered an appearance by filing an Entry of Appearance or signing a pleading. An entry of appearance shall state (a) the identity of the party for whom the appearance is made; (b) the attorney's office address; (c) the attorney's telephone number; (d) the attorney's E-Mail address; and (e) the attorney's registration number.

2. Withdrawal From an Active Case.

- (a) An attorney may withdraw from a case, without leave of court where the withdrawing attorney has complied with all outstanding orders of the court and either files a notice of withdrawal where there is active co-counsel for the party represented by the withdrawing attorney, or files a substitution of counsel, signed by both the withdrawing and replacement attorney, containing the information required for an Entry of Appearance under subsection 1 of this Practice Standard as to the replacement attorney.
- (b) Otherwise an attorney may withdraw from a case only upon approval of the court. Such approval shall rest in the discretion of the court, but shall not be granted until a motion to withdraw has been filed and served on the client and the other parties of record or their attorneys and either both the client and all counsel for the other parties consent in writing at or after the time of the service of said motion, or at least 14 days have expired after service of said motion. Every motion to withdraw shall contain the following advisements:
 - (l) the client has the burden of keeping the court and the other parties informed where notices, pleadings or other papers may be served;

- (II) if the client fails or refuses to comply with all court rules and orders, the client may suffer possible dismissal, default or other sanctions;
 - (III) the dates of any proceedings, including trial, which dates will not be delayed nor proceedings affected by the withdrawal of counsel;
 - (IV) the client's and the other parties' right to object to the motion to withdraw within 14 days after service of the motion;
 - (V) if the client is not a natural person, that it must be represented by counsel in any court proceedings unless it is a closely held entity and first complies with section 13-1-127, C.R.S.; and
 - (VI) the client's last known address and telephone number.
- (c) The client and the opposing parties shall have 14 days after service of a motion to withdraw within which to file objections to the withdrawal.
 - (d) If the motion to withdraw is granted, the withdrawing attorney shall promptly notify the client and the other parties of the effective date of the withdrawal.

3. Withdrawal From Completed Cases.

In any civil case which is concluded and in which all related orders have been submitted and entered by the court and complied with by the withdrawing attorney, an attorney may withdraw from the case without leave of court by filing a notice in the form and content of Appendix to Chapters 1 to 17A, Form 36, C.R.C.P. [JDF Form 83], which shall be served upon the client and all other parties of record or their attorneys, pursuant to C.R.C.P. 5. The withdrawal shall automatically become effective 14 days after service upon the client and all other parties of record or their attorneys unless there is an objection filed, in which event the matter shall be assigned to an appropriate judicial officer for determination.

4. Entries of Appearance and Withdrawals by Members or Employees of Law Firms, Professional Corporations or Clinics.

The entry of an appearance or withdrawal by an attorney who is a member or an employee of a law firm, professional corporation or clinic shall relieve other members or employees of the same law firm, professional corporation or clinic from the necessity of filing additional entries of appearance or withdrawal in the same litigation unless otherwise indicated.

5. Notice of Limited Representation Entry of Appearance and Withdrawal.

In accordance with C.R.C.P. 11(b) and C.R.C.P. Rule 311(b), an attorney may undertake to provide limited representation to a pro se party involved in a court proceeding. Upon the request

and with the consent of a pro se party, an attorney may make a limited appearance for the pro se party in one or more specified proceedings, if the attorney files and serves with the court and the other parties and attorneys (if any) a notice of the limited appearance prior to or simultaneous with the proceeding(s) for which the attorney appears. At the conclusion of such proceeding(s), the attorney's appearance terminates without the necessity of leave of court, upon the attorney filing a notice of completion of limited appearance. Service on an attorney who makes a limited appearance for a party shall be valid only in connection with the specific proceeding(s) for which the attorney appears.

History. Committee comment amended and adopted June 17, 1999, effective July 1, 1999; entire section and committee comment repealed and readopted October 20, 2005, effective January 1, 2006; 2.(b) amended and effective January 7, 2010; (5) and committee comment added, adopted by the Court en banc October 20, 2011, effective immediately; 2.(b) and (c) and 3. amended December 14, 2011, effective January 1, 2012.

Note:

COMMITTEE COMMENT

An "active case" is any case other than a "completed case" as described in subsection 3 of the Practice Standard.

The purpose of section 1-1(5) is to implement Colorado Rules of Civil Procedure 11(b) and 311(b), which authorize limited representation of a pro se party either on a pro bono or fee basis, in accordance with Colorado Rule of Professional Conduct 1.2. This provision provides assurance that an attorney who makes a limited appearance for a pro se party in a specified case proceeding(s), at the request of and with the consent of the pro se party, can withdraw from the case upon filing a notice of completion of the limited appearance, without leave of court.

<input type="checkbox"/> District Court <input type="checkbox"/> County Court _____ County, Colorado Court Address: _____ Plaintiff: _____ and Defendant: _____		▲ COURT USE ONLY ▲
Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		
		Case Number: _____ Division _____ Courtroom _____
NOTICE OF LIMITED APPEARANCE BY ATTORNEY WITH CONSENT OF PRO SE PARTY UNDER C.R.C.P. 11(b) AND 121, SECTION 1-1(5) IN A CIVIL MATTER		

COMES NOW _____ (name of attorney), and enters a limited appearance as counsel for _____ (the pro se party in interest to this notice) and as grounds therefore, counsel states:

1. The pro se party in interest to this notice has requested and consented to this limited appearance for the following proceeding(s): _____.

2. I have advised the pro se party in interest that the Court retains jurisdiction over the pro se party in interest to this case. That at the conclusion of this limited appearance he/she has the burden of keeping the Court and the other parties informed where later notices, pleadings, and other papers may be served; that he/she has the obligation to prepare for trial or have other counsel prepare for trial; and that failure or refusal to meet these burdens may subject him/her to a possible default and that the dates of any proceedings including trial and holding of such proceedings will not be affected by the completion of the limited appearance of counsel.

Service of process may be served upon the pro se party in interest to this case at the last known address which is: _____, Phone: _____

The following hearings or other Court settings have been scheduled in this case: _____.

DATE: _____, 20__

Attorney Signature: _____
 Name: _____
 Registration No: _____
 Address: _____
 Phone: _____

<input type="checkbox"/> District Court <input type="checkbox"/> County Court _____ County, Colorado Court Address: _____ Plaintiff: and Defendant:		▲ COURT USE ONLY ▲
Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		
		Case Number: _____ Division _____ Courtroom _____
CERTIFICATE OF SERVICE OF NOTICE OF LIMITED APPEARANCE BY ATTORNEY WITH CONSENT OF PRO SE PARTY UNDER C.R.C.P. 11(b) AND 121, SECTION 1-1(5) IN A CIVIL MATTER		

I certify that on _____ (date) a true and accurate copy of the *Notice of Limited Appearance by Attorney with Consent of Pro Se Party Under C.R.C.P. 11(b) and 121, Section 1-1(5) in a Civil Matter* was served on the client and all other counsel or parties of record by:

- ☐ Hand Delivery,
☐ E-filed,
☐ Faxed to this number _____, or
☐ Placing it in the United States mail, postage pre-paid, and addressed to the following:

To: _____

Date: _____

 Print Name

 Signature

<input type="checkbox"/> District Court <input type="checkbox"/> County Court _____ County, Colorado Court Address: _____ Plaintiff: and Defendant:		COURT USE ONLY
Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		
		Case Number: _____ Division _____ Courtroom _____
CONSENT TO LIMITED APPEARANCE BY AN ATTORNEY UNDER C.R.C.P. 11(b) AND 121, SECTION 1-1(5) IN A CIVIL MATTER		

I, _____, (Pro se party name) do hereby consent to granting a limited entry of appearance to (name of counsel) _____ for permission to represent me for the following proceeding(s):

_____.

I understand that the Court retains jurisdiction over me as the pro se party in interest to this case. That at the conclusion of this limited appearance I have the burden of keeping the Court and the other parties informed where later notices, pleadings, and other papers may be served; that I have the obligation to prepare for trial or have other counsel prepare for trial; and that failure or refusal to meet these burdens may subject me to a possible default and that the dates of any proceedings including trial and holding of such proceedings will not be affected by the completion of the limited appearance of counsel.

Service of process may be served upon me as the pro se party in interest to this case at my address which is _____

_____.

DATE: _____

Signature

Name: _____
 Address: _____
 Telephone: _____

<input type="checkbox"/> District Court <input type="checkbox"/> County Court _____ County, Colorado Court Address: _____ Plaintiff: _____ and Defendant: _____		▲ COURT USE ONLY ▲
Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		
		Case Number: _____ Division _____ Courtroom _____
<p align="center">NOTICE OF COMPLETION OF LIMITED APPEARANCE UNDER C.R.C.P. 11(b) AND 121, SECTION 1-1(5) IN A CIVIL MATTER</p>		

COMES NOW _____ (name of attorney), and enters a notice of completion of limited appearance as counsel for _____ (the pro se party in interest to the Notice of Limited Appearance dated: _____), as grounds therefore, counsel states:

I have advised the pro se party in interest that the Court retains jurisdiction over the pro se party in interest to this notice. That he/she has the burden of keeping the Court and the other parties informed where later notices, pleadings, and other papers may be served; that he/she has the obligation to prepare for trial or have other counsel prepare for trial; and that failure or refusal to meet these burdens may subject him/her to a possible default and that the dates of any proceedings including trial and holding of such proceedings will not be affected by this completion of the limited appearance of counsel.

Service of process may be served upon the pro se party in interest to this notice at the last known address which is: _____,
 Phone: _____.

The following hearings or other Court settings have been scheduled in this case:
 _____.

DATE: _____, 20__

Attorney Signature: _____
 Name: _____
 Registration No: _____
 Address: _____
 Phone: _____

<input type="checkbox"/> District Court <input type="checkbox"/> County Court _____ County, Colorado Court Address: _____ Plaintiff: _____ and Defendant: _____	<div style="text-align: center; padding-top: 100px;"> ▲ COURT USE ONLY ▲ </div>
Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
CERTIFICATE OF SERVICE OF NOTICE OF COMPLETION OF LIMITED APPEARANCE UNDER C.R.C.P. 11(b) AND 121, SECTION 1-1(5) IN A CIVIL MATTER	

I certify that on _____ (date) a true and accurate copy of the *Notice of Completion of Limited Appearance Under C.R.C.P. 11(b) and 121, Section 1-1(5) in a Civil Matter* was served on the client and all other counsel or parties of record by:

- ☐ Hand Delivery,
- ☐ E-filed,
- ☐ Faxed to this number _____, or
- ☐ Placing it in the United States mail, postage pre-paid, and addressed to the following:

To: _____

Date: _____

 Print Name

 Signature

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: _____ and Co-Petitioner/Respondent: _____		▲ COURT USE ONLY ▲
Attorney (Name and Address): _____ <hr/> Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		
		Case Number: _____ <hr/> Division _____ Courtroom _____
NOTICE OF LIMITED APPEARANCE BY AN ATTORNEY WITH CONSENT OF PRO SE PARTY UNDER C.R.C.P. 11(b) AND 121, SECTION 1-1(5) IN A FAMILY LAW MATTER		

COMES NOW _____ (name of attorney), and enters a limited appearance as counsel for _____ (the pro se party in interest to this notice) for the following proceeding(s):

_____.

As grounds therefore, counsel states:

1. The pro se party in interest to this notice has requested and consented to this limited appearance.

2. I have advised the pro se party in interest that the Court retains jurisdiction over the pro se party in interest to this notice. That at the conclusion of this limited appearance he/she has the burden of keeping the Court informed where later notices, pleadings, and other papers may be served; that he/she has the obligation to prepare for trial or have other counsel prepare for trial; and that failure or refusal to meet these burdens may subject him/her to a possible default and that the dates of any proceedings including trial and holding of such proceedings will not be affected by the completion of the limited appearance of counsel.

Service of process may be served upon the pro se party in interest to this notice at the last known address which is:

_____, Phone: _____.

The following hearings or other Court settings have been scheduled in this case:

_____.

DATE: _____, 20__

Attorney Signature: _____
 Name: _____
 Registration No.: _____
 Address: _____
 Phone: _____
 Telephone: _____

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent: _____	▲ COURT USE ONLY ▲
Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
CERTIFICATE OF SERVICE OF NOTICE OF LIMITED APPEARANCE BY AN ATTORNEY WITH CONSENT OF PRO SE PARTY UNDER C.R.C.P. 11(b) AND 121, SECTION 1-1(5) IN A FAMILY LAW MATTER	

I certify that on _____ (date) a true and accurate copy of the *Notice of Limited Appearance by an Attorney with Consent of Pro Se Party Under C.R.C.P. 11(b) and 121, Section 1-1(5) in a Family Law Matter* was served on the client and all other counsel or parties of record by:

- ☐ Hand Delivery,
- ☐ E-filed,
- ☐ Faxed to this number _____, or
- ☐ Placing it in the United States mail, postage pre-paid, and addressed to the following:

To: _____

Date: _____

 Print Name

 Signature

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ <hr/> In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent: Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	<div style="text-align: center; padding: 20px 0;"> ▲ COURT USE ONLY ▲ </div> <hr/> Case Number: _____ Division _____ Courtroom _____
CONSENT TO LIMITED APPEARANCE BY AN ATTORNEY UNDER C.R.C.P. 11(b) AND 121, SECTION 1-1(5) IN A FAMILY LAW MATTER	

I, _____, (Pro se party in interest to the case) do hereby consent to a limited entry of appearance for (name of counsel) _____ to represent me for the following proceeding(s): _____.

I understand that the Court retains jurisdiction over me as the pro se party in interest to this case. That at the conclusion of this limited appearance I have the burden of keeping the Court and the other parties informed where later notices, pleadings, and other papers may be served; that I have the obligation to prepare for trial or have other counsel prepare for trial; and that failure or refusal to meet these burdens may subject me to a possible default and that the dates of any proceedings including trial and holding of such proceedings will not be affected by the completion of the limited appearance of counsel.

Service of process may be served upon me at my address which is:

 _____.

DATE: _____

 Signature

Name: _____

Address: _____

Telephone: _____

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____		▲ COURT USE ONLY ▲
In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: and Co-Petitioner/Respondent:		
Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		
Case Number: _____ Division _____ Courtroom _____		
NOTICE OF COMPLETION OF LIMITED APPEARANCE BY ATTORNEY UNDER C.R.C.P. 11(b) AND 121, SECTION 1-1(5) IN A FAMILY LAW MATTER		

COMES NOW _____ (name of attorney), and enters a notice of completion of limited appearance as counsel for _____ (the pro se party in interest to the notice of limited appearance dated: _____), as grounds therefore, counsel states:

I have advised the pro se party in interest that the Court retains jurisdiction over the pro se party in interest to this notice. That he/she has the burden of keeping the Court and the other parties informed where later notices, pleadings, and other papers may be served; that he/she has the obligation to prepare for trial or have other counsel prepare for trial; and that failure or refusal to meet these burdens may subject him/her to a possible default and that the dates of any proceedings including trial and holding of such proceedings will not be affected by this completion of limited appearance of counsel.

Service of process may be served upon the pro se party in interest to this notice at the last known address which is:

_____, Phone: _____

The following hearings or other Court settings have been scheduled in this case:

_____.

DATE: _____, 20__

Attorney Signature: _____

Name: _____

Registration No.: _____

Address: _____

Phone: _____

Telephone: _____

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address: _____ In re: <input type="checkbox"/> The Marriage of: <input type="checkbox"/> Parental Responsibilities concerning: _____ Petitioner: _____ and Co-Petitioner/Respondent: _____	▲ COURT USE ONLY ▲
Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
CERTIFICATE OF SERVICE OF NOTICE OF COMPLETION OF LIMITED APPEARANCE BY ATTORNEY UNDER C.R.C.P. 11(b) AND 121, SECTION 1-1(5) IN A FAMILY LAW MATTER	

I certify that on _____ (date) a true and accurate copy of the *Notice of Completion of Limited Appearance by Attorney Under C.R.C.P. 11(b) and 121, Section 1-1(5) in a Family Law Matter* was served on the client and all other counsel or parties of record by:

- ☐ Hand Delivery,
☐ E-filed,
☐ Faxed to this number _____, or
☐ Placing it in the United States mail, postage pre-paid, and addressed to the following:

To: _____

Date: _____

 Print Name

 Signature

COLORADO RULES OF PROFESSIONAL CONDUCT

**As adopted by the Colorado Supreme Court on April 12, 2007,
Effective Jan. 1, 2008**



RULE 6.5. NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICES PROGRAMS

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:

(1) is subject to Rules 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and

(2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.

COMMENT

[1] Legal services organizations, courts and various nonprofit organizations have established programs through which lawyers provide short-term limited legal services – such as advice or the completion of legal forms – that will assist persons to address their legal problems without further representation by a lawyer. In these programs, such as legal-advice hotlines, advice-only clinics or pro se counseling programs, a client-lawyer relationship is established, but there is no expectation that the lawyer's representation of the client will continue beyond the limited consultation. Such programs are normally operated under circumstances in which it is not feasible for a lawyer to systematically screen for conflicts of interest as is generally required before undertaking a representation. See, e.g., Rules 1.7, 1.9 and 1.10.

[2] A lawyer who provides short-term limited legal services pursuant to this Rule must secure the client's informed consent to the limited scope of the representation. See Rule 1.2(c). If a short-term limited representation would not be reasonable under the circumstances, the lawyer may offer advice to the client but must also advise the client of the need for further assistance of counsel. Except as provided in this Rule, the Rules of Professional Conduct, including Rules 1.6 and 1.9(c), are applicable to the limited representation.

[3] Because a lawyer who is representing a client in the circumstances addressed by this Rule ordinarily is not able to check systematically for conflicts of interest, paragraph (a) requires compliance with Rules 1.7 or 1.9(a) only if the lawyer knows that the representation presents a conflict of interest for the lawyer, and with Rule 1.10 only if the lawyer knows that another lawyer in the lawyer's firm is disqualified by Rules 1.7 or 1.9(a) in the matter.

[4] Because the limited nature of the services significantly reduces the risk of conflicts of interest with other matters being handled by the lawyer's firm, paragraph (b) provides that Rule 1.10 is inapplicable to a representation governed by this Rule except as provided by paragraph (a)(2). Paragraph (a)(2) requires the participating lawyer to comply with Rule 1.10 when the lawyer knows that the lawyer's firm is disqualified by Rules 1.7 or 1.9(a). By virtue of paragraph (b), however, a lawyer's participation in a short-term limited legal services program will not preclude the lawyer's firm from undertaking or continuing the representation of a client with interests adverse to a client being represented under the program's auspices. Nor will the personal disqualification of a lawyer participating in the program be imputed to other lawyers participating in the program.

[5] If, after commencing a short-term limited representation in accordance with this Rule, a lawyer undertakes to represent the client in the matter on an ongoing basis, Rules 1.7, 1.9(a) and 1.10 become applicable.

Appellate Pro Bono Program

The Appellate Pro Bono Program of the Colorado Bar Association (CBA) is a pilot program that provides pro bono attorneys to represent indigent pro se litigants in civil cases pending before the Colorado Court of Appeals and the Colorado Supreme Court. The program was approved by the CBA's Executive Council, the CBA's Litigation Council, the Appellate Practice Subcommittee, the Governing Board of Metro Volunteer Lawyers (MVL), the Colorado Court of Appeals, and the Colorado Supreme Court.

A five-person task force consisting of Judge Daniel Taubman and Judge David Richman of the Colorado Court of Appeals, and attorneys Christina Gomez, Jane Ebisch, and Tony Viorst developed the program. Judge Gale Miller of the Court of Appeals also assisted in developing the program. When creating the program, the task force gathered information from similar pro bono programs in Austin and Houston, Texas, and worked in close cooperation with the Appellate Practice Subcommittee and the MVL. This document discusses the contours of the program.

I. Substantive Criteria for Case Selection

Pro se litigants with civil cases pending in the Colorado Court of Appeals are eligible for representation through the program; however, unemployment compensation and prison inmate disciplinary appeals are excluded.

At the supreme court level, pro bono representation is available in civil matters for the filing of petitions for certiorari and responses to petitions for certiorari, and if a certiorari petition is granted, for review on the merits. With regard to a matter before the Colorado Supreme Court, a civil matter for the purposes of this program does not include criminal cases or cases involving post criminal conviction relief, prison discipline, habeas corpus appeals, ballot title appeals or election appeals.

Pro se litigants are encouraged to submit applications for representation, which are reviewed by the screening committee. When reviewing applications, the screening committee considers the following substantive criteria to determine whether a particular case is appropriate for inclusion within the Appellate Pro Bono Program:

- A. Indigency (125% of the federal poverty guidelines, the same criterion used by the MVL);
- B. Issues of first impression;
- C. Complex issues;
- D. Potentially meritorious claims;
- E. Recurring issues that may otherwise evade review;
- F. Issues that have already been briefed pro se and for which the court requests briefing by a pro bono attorney;
- G. Cases concerning the vindication of significant constitutional or statutory rights;
- H. The number of appeals currently in the program; and
- I. The number of available volunteer lawyers.

Although the factor of indigency is a requirement, the remaining factors are discretionary. Also, the program will not accept fee-generating cases, unless the applicant has unsuccessfully made reasonable good faith efforts to obtain contingent fee counsel; but this rule does not preclude acceptance of a case where an attorney fee may be available pursuant to statute, rule, or contract.

II. Initial Procedures

To inform pro se litigants of the opportunity for pro bono representation, the program employs a variety of approaches. The Court of Appeals now includes a paragraph in the notice sent to litigants after a notice of appeal has been filed, informing them of the program. The Supreme Court will send a similar notice to potentially eligible pro se litigants after they file petitions for certiorari.

This information will advise pro se litigants that they can access the application form via a link on the CBA website. The notice will advise pro se litigants that they may obtain a copy of the application at the clerk's office of either court.

Additionally, these notices caution pro se litigants that if they apply for pro bono representation, they must still adhere to all applicable deadlines for pursuing their appeal, including the filing of appellate briefs.

Finally, the notices strongly recommend that pro se litigants request a pro bono attorney within fourteen days of receiving the notice from the court.

Currently, the Appellate Practice Subcommittee is also exploring other methods to advise pro se litigants of the program before they file a notice of appeal. The Subcommittee believes that the earlier pro se litigants learn of the possibility of obtaining a pro bono attorney, the more time the attorney will have to prepare the opening brief or answer brief, and perhaps be involved with the filing of the notice of appeal or petition for writ of certiorari.

The program will also disseminate information at the district court level. District court chief judges have agreed to post information about the program on judicial district websites. In addition, judges may verbally advise pro se litigants about the program following a trial and attach written information about the program to the final judgment sent to pro se litigants. Finally, in some districts, clerks may distribute a handout about the program to pro se litigants.

In addition, the Court of Appeals provides notice of the program to all pro se litigants to advise them that they may seek to obtain a pro bono lawyer for assistance in filing or responding to a petition for certiorari.

Finally, the program allows judges and justices to refer cases to the program which they feel would benefit from pro bono representation. Chief Judge Davidson of the Court of Appeals has already referred a Court of Appeals case to the program.

III. Review by the Screening Committee

When a litigant decides to apply for representation, he or she submits an application and affidavit of financial need to the program's screening committee. (See exhibit A.) Once an application is submitted, the five-person pro bono screening committee will review it. Any litigant who seeks a pro bono attorney to help with filing a petition for certiorari in the Colorado Supreme Court must file a Motion for Continuance (see Exhibit B) to obtain automatically an extra 60 days to file the petition.

The screening committee members are elected annually by a meeting of the Subcommittee and may serve multiple terms. Each year, one member of the committee serves as chair, and is responsible for performing the administrative functions of the committee including maintaining a list of volunteers and assigning initial review of applications to individual committee members.

Additionally, the committee chair is responsible for ensuring the recusal of any committee members in the event of a conflict of interest.

The committee member assigned to an initial review of an application shall review the application form, the court docket, any briefs or motions filed to date, and selected pleadings from the trial court or the Court of Appeals. The committee member may call the applicant and, if applicable, the applicant's prior counsel, to obtain additional information about the potential representation. Based upon this initial review, the assigned committee member will recommend whether to accept or reject a case, or seek further information relating to the application.

When an application is accepted, the committee then reviews the list of volunteer attorneys and selects potential volunteers for the case based upon attorneys' stated areas of expertise, prior selection for other pro bono cases, and conflicts of interest.

Volunteer attorneys may be members of the Appellate Practice Subcommittee, other attorneys with significant appellate experience, or attorneys without significant appellate experience

who work with an experienced mentor. The Volunteer Attorney Sign-up Form is attached as Exhibit C.

Once a volunteer attorney agrees to accept the representation, the committee sends a Notice of Acceptance informing the applicant about his or her selection for participation in the program. The applicant then has fourteen days to accept or decline the representation. For additional information regarding the screening committee, see Exhibit D.

In addition, a voluntary program administrator will be responsible for processing cases and transmitting the information to the screening committee for review. The administrator will manage finances related to the preparation of transcripts, attorney fees, and other financial matters. Finally, the administrator will maintain statistics about the pro bono cases, including hours spent on the cases, the types of cases, results in the cases, and feedback from attorneys.

IV. Alliance with MVL

The appellate pro bono program will maintain a strong alliance with MVL. This alliance results in several advantages, particularly

the availability of malpractice insurance for participating attorneys. In addition, because MVL is a recognized pro bono program, participating attorneys may have their time spent on appellate pro bono cases counted toward satisfaction of the Colorado Supreme Court's Pro Bono Recognition Program and considered for continuing legal education credit pursuant to C.R.C.P. 260.8.

V. Collaboration with Trial Lawyers and Law Students

Lawyers with little or no appellate experience, as well as law students at the University of Colorado and the University of Denver Sturm College of Law, may participate in the program. In particular, the University of Colorado has indicated that students can participate through the school's externship and public service programs, and the Sturm College of Law allows students to participate through its required Useful Public Service program.

In such circumstances, lawyers and law students will work under the mentorship of an experienced appellate practitioner, thereby gaining valuable practical experience. Mentors may be Subcommittee members or other experienced appellate attorneys who wish to participate in a mentor capacity. The Subcommittee

believes that such collaboration will provide valuable practical experience to trial lawyers and law students while facilitating the availability of pro bono appellate representation. Experienced appellate practitioners may participate in the program directly or as mentors even if they do not belong to the Subcommittee.

VI. Funding and Attorney Fees

Participating attorneys may seek reimbursement for costs incurred during their participation. Funding for reimbursement is derived from funding provided by the Litigation Council, as well as from other funds received by the program.

While C.A.R. 10 provides a mechanism for pursuing appeals in civil cases without trial transcripts, the Subcommittee believes that preparation of appellate briefs may be easier when trial transcripts are obtained. This is particularly so because appellate pro bono lawyers often will not be familiar with the trial proceedings. Regardless, costs incurred by participating attorneys are often minimal, since litigants will be able to proceed *in forma pauperis* in the Court of Appeals and the Supreme Court, and thus, do not have to pay filing fees.

Finally, the Subcommittee recommends that, where available, appellate program attorneys seek and obtain attorney fees, and that attorneys receiving such fees donate them to the Appellate Pro Bono Program.¹ Any attorney fees obtained by the program will be used to defray costs incurred by participating attorneys, including costs for preparation of transcripts, which are not provided free to indigent litigants in civil cases. Similarly, when costs are advanced by the program, a successful applicant should seek costs on appeal and then reimburse the program.

¹ It is permissible for a pro bono attorney to receive an award of attorney fees. *See In re Marriage of Swink*, 807 P.2d 1245 (Colo. App. 1991).

**CBA APPELLATE PRO BONO PROGRAM
ATTORNEY SIGN-UP FORM**

If you are an attorney licensed in the State of Colorado and are interested in signing up to participate as a pro bono attorney in the CBA Appellate Pro Bono Program, please complete this form and submit it to:

Colorado Bar Association
Appellate Pro Bono Program
1900 Grant Street, 9th Floor
Denver, CO 80203

You can learn more about the Pro Bono Program by reviewing the program information on the CBA website at www.cobar.org.

Name: _____

Attorney Registration No. _____

Firm/Employer: _____

Address: _____

Phone: _____

Fax: _____

E-mail: _____

List any areas of practice in which you would be willing to take a pro bono case:

Approximate number of appeals you would be willing to accept per year: _____

The Pro Bono Committee may in some cases pair inexperienced attorneys with experienced appellate practitioners to serve as mentors on a pro bono appeal. To help facilitate this mentoring program, please check the appropriate box.

- ☐ I am interested in being paired with a mentor on a pro bono appeal.
- ☐ I have a mentor who can assist me within my own firm.
- ☐ I am interested in serving as a mentor to less experienced attorneys at other firms in handling pro bono appeals.
- ☐ I am not interested in participating in the mentoring program. I would prefer to handle pro bono appeals on my own or to mentor attorneys within my own firm.

Briefly describe your previous experience in handling appeals, within Colorado and in any other jurisdictions.

Please provide any additional information you believe may be helpful to the Pro Bono Committee in matching you with a pro bono appeal and/or mentor.

**APPELLATE PRO BONO PROGRAM
INFORMATION AND APPLICATION FORM
AND AFFIDAVIT OF FINANCIAL NEED**

The Colorado Bar Association's (CBA) Appellate Pro Bono Program may help you obtain a lawyer to assist with your appeal in the Colorado Court of Appeals and the Colorado Supreme Court. If you cannot afford a lawyer you may qualify for this program.

The program applies only to civil cases. In the Court of Appeals, it does **not** apply to unemployment, prison discipline, or criminal cases. In the Colorado Supreme Court, a civil matter for the purposes of this program does not include criminal cases or cases involving post criminal conviction relief, prison discipline, habeas corpus appeals, ballot title appeals or election appeals.

Please complete this application as soon as possible. If you are in the Court of Appeals, you must submit this application no later than 14 days after the appeal information sheet is sent to you by the Court of Appeals (sent after you or the other side has filed a Notice of Appeal). If you are in the Supreme Court, you must submit this application no later than 14 days after the date the Court of Appeals renders its decision. You must also complete and file with the Supreme Court a Motion for Extension of Time using the attached form, which will automatically give you an additional 60 days to file a petition for certiorari. Return the completed application to:

Colorado Bar Association
Appellate Pro Bono Program
1900 Grant Street, 9th Floor
Denver, CO 80203

The program committee may contact you, and any lawyers who may have worked on your case. These conversations are confidential and will be used only for the selection process. The committee may also discuss your case with its volunteer lawyers.

The committee chooses cases based on your income and the importance of your legal issues. To qualify for the program, your income must be below 125% of federal poverty guidelines.

If the program accepts your case, we will contact you within 45 days. We will then provide you with the name and telephone number of the lawyer who is willing to take your case.

For more information about the program, please visit the CBA website: www.cobar.org.

NOTE: Your case may not be accepted by the Committee. All court deadlines still apply and must be followed. This includes the deadlines for filing a Notice of Appeal and submitting briefs. If your case involves a petition to the Supreme Court for writ of certiorari, you must file a motion for an extension of time with the Supreme Court using the attached form.

APPELLATE PRO BONO PROGRAM APPLICATION

Applicant information

Name _____

Address _____

Phone _____

Fax _____

E-mail _____

Are you listed as an individual in the case? If not, name the business or organization that is listed in the case and briefly describe your relationship with that business or organization.

Did a lawyer represent you in the trial court? If so, provide the lawyer's name and contact information.

Case information

Case number

Name of trial court

Trial court case number

Are you the party who filed the appeal?

What party or parties are adverse to you (on the other side) in the case? Are those parties represented by an attorney? If so, who is their attorney?

Type of case (domestic matter, employment discrimination, personal injury, etc.)

Briefly describe your case.

Briefly describe the issues you want to raise in your appeal. Did you raise these issues in the trial court or in the administrative agency?

Please attach a copy of the decision in your case from the district court, the Court of Appeals, or from an administrative agency.

Financial information

Were you granted *in forma pauperis* status or had your filing fees waived in the trial court?

Please submit this form, along with a completed copy of the attached Affidavit of Financial Need and copies of the Notice of Appeal (if available) and the district court's final judgment, to:

Colorado Bar Association
Appellate Pro Bono Program
1900 Grant Street, 9th Floor
Denver, CO 80203

<input type="checkbox"/> Supreme Court <input type="checkbox"/> Court of Appeals <input type="checkbox"/> Denver Juvenile Court <input type="checkbox"/> Denver Probate Court <input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: _____ Plaintiff/Petitioner: _____ v. Defendant/Respondent: _____	▲ COURT USE ONLY ▲ Case Number: _____ Courtroom: _____
MOTION TO: <input type="checkbox"/> FILE WITHOUT PAYMENT OF FILING FEE <input type="checkbox"/> APPOINT AND PAY INTERPRETER COSTS AND SUPPORTING FINANCIAL AFFIDAVIT	

I, _____ respectfully move the Court for an order to waive the following filing fee(s):
☐ complaint ☐ petition ☐ answer ☐ response ☐ motion to modify ☐ other: _____ and/or ☐ to appoint and pay for an interpreter for the following language _____ pursuant to CJD 06-03 and as grounds state that I am without funds, have no adequate funds available, and have a meritorious claim.

All items must be fully completed. Print or type neatly. If an item does not apply, please write "N/A"

Name of Applicant			Other Responsible Party (Spouse, Parent, Other Persons in Household)		
Last Name	First Name	MI	Last Name	First Name	MI
Street Address (Include Apt. # if applicable) _____			Street Address (Include Apt. # if applicable) _____		
City _____ State _____ Zip Code _____			City _____ State _____ Zip Code _____		
<input type="checkbox"/> Own <input type="checkbox"/> Rent Home Phone #: _____			<input type="checkbox"/> Own <input type="checkbox"/> Rent Home Phone #: _____		
Social Security #	Driver's Lic. # & State	Date of Birth	Social Security #	Driver's Lic. # & State	Date of Birth
Most Recent Employer: _____			Most Recent Employer: _____		
Work Address: _____			Work Address: _____		
Work Phone #: () _____			Work Phone #: () _____		
Dates Employed: _____			Dates Employed: _____		
Hours/Week: _____ Pay Rate: \$ _____			Hours/Week: _____ Pay Rate: \$ _____		
<input type="checkbox"/> Monthly <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> other: _____			<input type="checkbox"/> Monthly <input type="checkbox"/> Weekly <input type="checkbox"/> Bi-weekly <input type="checkbox"/> other: _____		

Marital Status: ☐ Single ☐ Married ☐ Divorced ☐ Separated ☐ Widowed **Number in Household:** (including yourself) _____
 _____ Identify Name, Age, and Relationship:

Gross Monthly Income (See Information on page 2)		Monthly Expenses (See Information on Page 2)	
Self (wages, salary, commission)	\$	Rent or Mortgage	\$
Spouse/Other Household Members	\$	Groceries	\$
Parents (if same household)	\$	Utilities	\$
Unemployment Benefits	\$	Clothing	\$
Social Security/Retirement Funds	\$	Maintenance/Alimony and/or Child Support	\$
Maintenance/Alimony	\$	Medical/Dental	\$
Other Income (identify)	\$	Other Expenses (identify)	\$
Other Income (identify)	\$	Other Expenses (identify)	\$
Total Income	\$	Total Expenses	\$
Cash on Hand (Cash you are carrying or which is stored at home, etc.)	\$	Credit Cards: (Show type and balance owed)	
Checking Account Balance	\$	Name/Address of Bank	
Savings Account Balance	\$	Name/Address of Bank:	
Stocks, Bonds, or other Investments Held Balance	\$	Type of Investment, Name/Location of Company/Corporation	
Vehicles Owned (Autos, boats, recreational vehicles, etc.) - Estimate Value	\$	Identify Year _____ Model _____ License Plate _____ Identify Year _____ Model _____ License Plate _____	
House(s) or other Property - Estimate Value	\$	Amount owed, Year Purchased	

IF ADDITIONAL SPACE IS NEEDED TO PROVIDE COMPLETE INFORMATION, ATTACH A SEPARATE PAGE.

I swear under penalty of perjury that all information provided is true and complete. In addition, I authorize the Court to make any necessary contacts to verify the information.

Signature: _____ Date: _____

MOTION TO FILE WITHOUT PAYMENT AND SUPPORTING FINANCIAL AFFIDAVIT

General Information

It is important that you accurately complete all sections of this form as appropriate based on your personal circumstances. If a section does not apply, please write N/A.

A. Gross Monthly Income. Includes income from all members of the household who contribute monetarily to the common support of the household.

♦ **Income categories to include:**

Wages, including tips, salaries, commissions, payments received as an independent contractor for labor or services, bonuses, dividends, severance pay, pensions, retirement benefits, royalties, interest/investment earnings, trust income, annuities, capital gains, unemployment benefits, Social Security Disability (SSD), Social Security Supplemental Income (SSI), Workman's Compensation Benefits, and alimony.

Note: Income from roommates should not be considered if such income is not commingled in accounts or otherwise combined with the applicant's income in a fashion which would allow the applicant proprietary rights to the roommate's income.

♦ **Income categories do not include:**

TANF payments, food stamps, subsidized housing assistance, veteran's benefits earned from a disability, child support payments, or other public assistance programs.

B. Liquid Assets. Includes cash on hand or in accounts, stocks bonds, certificates of deposit, equity, and personal property or investments which could readily be converted into cash without jeopardizing the applicant's ability to maintain home and employment.

C. Expenses. Nonessential items such as cable television, club memberships, entertainment, dining out, alcohol, cigarettes, etc., **shall not** be included. Allowable expense categories are listed on JDF 205.

Supreme Court 101 West Colfax Avenue, Suite 800 Denver, Colorado 80202	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
Colorado Court of Appeals Opinion by Judges: _____ Case No: _____	
or District Court for _____ County Judge: _____ Case No: _____	
Petitioner(s): v. (Substitute appropriate party designations and names) Respondent(s):	
Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____	Supreme Court Case Number:
MOTION FOR EXTENSION OF TIME	

_____, the Petitioner herein, respectfully requests this Court to grant an extension of time from _____ (due date of Petition for Writ of Certiorari) to _____ (date that is 60 days from the due date of the Petition for Writ of Certiorari) to file the Petition for Writ of Certiorari.

As grounds for this Motion, the Petitioner states as follows:

1. A complete application with the Colorado Appellate Pro Bono Program has been filed requesting a free attorney to represent me in my case to the Colorado Supreme Court.
2. The decision of the Colorado Bar Association (CBA) to obtain a lawyer to assist with my case may not be available by the date that the Petition for Writ of Certiorari is otherwise due.
3. No previous extensions of time for filing the Petition for Writ of Certiorari have been requested.

WHEREFORE, I respectfully request this Court to grant an extension of time to _____ (date) within which to file the Petition for Writ of Certiorari).

Date: _____

 Signature

 of Petitioner

 Address

 City, State, Zip Code

(Area

Code) Telephone Number (home)

(Area

Code) Telephone Number (work)

CERTIFICATE OF MAILING

(You must complete this Certificate of Mailing as proof that you have mailed a copy of this document to counsel for the opposing party or pro se opposing party in the case.)

I certify that on _____(date) a true and accurate copy of this ***Motion for Extension of Time*** was served on the other party(ies) by placing it in the United States mail, postage pre-paid and properly addressed to the following:

To:

Signature

of Petitioner

RULE CHANGE 2012 (15)

COLORADO APPELLATE RULES

Rule 5. ENTRY OF APPEARANCE AND WITHDRAWAL

(a) through (d). [NO CHANGE]

(e) Notice of Limited Representation Entry of Appearance and Withdrawal. An attorney may undertake to provide limited representation to a pro se party involved in a civil appellate proceeding. Upon the request and with the consent of a pro se party, an attorney may make a limited appearance for the pro se party to file a notice of appeal and designation of record in the court of appeals or the supreme court, to file or oppose a petition or cross-petition for a writ of certiorari in the supreme court, to respond to an order to show cause issued by the supreme court or the court of appeals, or to participate in one or more specified motion proceedings in either court, if the attorney files and serves with the court and the other parties and attorneys (if any) a notice of the limited appearance prior to or simultaneous with the proceeding(s) for which the attorney appears. At the conclusion of such proceeding(s), the attorney's appearance terminates without the necessity of leave of court, upon the attorney filing a notice of completion of limited appearance in the appellate court in which the attorney appeared, a copy of which may be filed in any other court, except that an attorney filing a notice of appeal or petition or cross-petition for writ of certiorari is obligated, absent leave of court, to respond to any issues regarding the appellate court's jurisdiction. Service on an attorney who makes a limited appearance for a party shall be valid only in connection with the specific proceedings(s) for which the attorney appears. The provisions of this C.A.R. 5(e) shall not apply to an attorney who has filed an opening or answer brief pursuant to C.A.R. 31.

(f) Termination of Representation. When an attorney has entered an appearance, other than a limited appearance pursuant to C.A.R. 5(e), on behalf of a party in an appellate court without having previously represented that party in the matter in any other court, the attorney's representation of the party shall terminate at the conclusion of the proceedings in the appellate court in which the attorney has appeared, unless otherwise directed by the appellate court or agreed to by the attorney and the party represented. Counsel may file a notice of such termination of representation in any other court.

COMMENT

The purpose of C.A.R. 5(e) is to establish a procedure similar to that set forth in Colorado Rule of Civil Procedure 121 Section 1-1(5). This procedure provides assurance that an attorney who makes a limited appearance for a pro se party in a specified appellate case proceeding(s), at the request of and with the consent of the pro se party, can withdraw from the case upon filing a notice of completion of the limited appearance, without leave of court. The purpose of C.A.R. 5(f) is to make clear that when an attorney appears for a party, whom he or she has not previously represented, in an appellate court and the proceedings in that court have concluded, the attorney is not obligated to represent the party in any other proceeding on remand or in any review of the appellate court's decision by any other court. Nothing in this provision would

prevent the attorney from entering a limited or general appearance on behalf of the party in another court (for example, on a writ of certiorari to the supreme court), if agreed to by the attorney and the party.

Adopted by the Court, En Banc, October 11, 2012, effective immediately.

By the Court:

Gregory J. Hobbs, Jr.
Justice, Colorado Supreme Court

Rule 260.8. Direct Representation and Mentoring in Pro Bono Civil Legal Matters.

Colorado Court Rules

COLORADO RULES OF CIVIL PROCEDURE

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

Includes all rule changes through 2012(12)

Rule 260.8. Direct Representation and Mentoring in Pro Bono Civil Legal Matters

- (1) A lawyer may be awarded a maximum of nine (9) units of general credit during each three-year compliance period for providing uncompensated pro bono legal representation to an indigent or near-indigent client or clients in a civil legal matter, or mentoring another lawyer or a law student providing such representation.
- (2) To be eligible for units of general credit, the civil pro bono legal matter in which a lawyer provides representation must have been assigned to the lawyer by: a court; a bar association or Access to Justice Committee-sponsored program; an organized non-profit entity, such as Colorado Legal Services, Metro Volunteer Lawyers, or Colorado Lawyers Committee whose purpose is or includes the provision of pro bono representation to indigent or near-indigent persons in civil legal matters; or a law school. Prior to assigning the matter, the assigning court, program, entity, or law school shall determine that the client is financially eligible for pro bono legal representation because (a) the client qualifies for participation in programs funded by the Legal Services Corporation, or (b) the client's income and financial resources are slightly above the guidelines utilized by such programs, but the client nevertheless cannot afford counsel.
- (3) Subject to the reporting and review requirements specified herein, (a) a lawyer providing uncompensated, pro bono legal representation shall receive one (1) unit of general credit for every five (5) billable-equivalent hours of representation provided to the indigent client; (b) a lawyer who acts as a mentor to another lawyer as specified in this Rule shall be awarded one (1) unit of general credit per completed matter; and (c) a lawyer who acts as a mentor to a law student shall be awarded two (2) units of general credit per completed matter. A lawyer will not be eligible to receive more than nine (9) units of general credit during any three-year compliance period via any combination of pro bono representation and mentoring.
- (4) A lawyer wishing to receive general credit units under this Rule shall submit to the assigning court, program, or law school a completed Form 8. As to mentoring, the

lawyer shall submit Form 8 only once, when the matter is fully completed. As to pro bono representation, if the representation will be concluded during a single three-year compliance period, then the lawyer shall complete and submit Form 8 only once, when the representation is fully completed. If the representation will continue into another three-year compliance period, then the applying lawyer may submit an interim Form 8 seeking such credit as the lawyer may be eligible to receive during the three-year compliance period that is coming to an end. Upon receipt of an interim or final Form 8, the assigning court, program, entity, or law school shall in turn report to the Board the number of general CLE units that it recommends be awarded to the reporting lawyer under the provisions of this Rule. It shall recommend an award of the full number of units for which the lawyer is eligible under the provisions of this Rule, unless it determines after review that such an award is not appropriate due to the lawyer's lack of diligence or competence, in which case it shall recommend awarding less than the full number of units or no units. An outcome in the matter adverse to the client's objectives or interests shall not result in any presumption that the lawyer's representation or mentoring was not diligent or competent. The Board shall have final authority to issue or decline to issue units of credit to the lawyer providing representation or mentoring, subject to the other provisions of these Rules and Regulations, including without limitation the hearing provisions of Regulation 108.

- (5) A lawyer who acts as a mentor to another lawyer providing representation shall be available to the lawyer providing representation for information and advice on all aspects of the legal matter, but will not be required to file or otherwise enter an appearance on behalf of the indigent client in any court. Mentors shall not be members of the same firm or in association with the lawyer providing representation to the indigent client.
- (6) A lawyer who acts as a mentor to a law student who is eligible to practice law under C.R.S. §§ 12-5-116 to -116.5 shall be assigned to the law student at the time of the assignment of the legal matter with the consent of the mentor, the law student, and the law school. The matter shall be assigned to the law student by a court, a program or entity as described in Rule 260.8(2), or an organized student law office program administered by his or her law school, after such court, program, entity, or student law office determines that the client is eligible for pro bono representation in accordance Rule 260.8(2). The mentor shall be available to the law student for information and advice on all aspects of the matter, and shall directly and actively supervise the law student while allowing the law student to provide representation to the client. The mentor shall file or enter an appearance along with the law student in any legal matter pursued or defended for the client in any court. Mentors may be acting as full-time or adjunct professors at the law student's law school at the same time they serve as mentors, so long as it is not a primary, paid responsibility of that professor to administer the student law office and supervise its law-student

participants.

History. Entire rule added and adopted November 10, 2004, effective January 1, 2005.

CLE Credit for Pro Bono Work

Follow this link to the CLE credit form:

<http://www.cobar.org/index.cfm/ID/3235/subID/10848/DPWAJ/Continuing-Legal-Education-Credit-for-Pro-Bono-Service/>