

**Comparison of Newly Adopted Colorado Rules of Professional Conduct  
with ABA Model Rules**

	<b>COLORADO</b>
	New rules as adopted by Colorado Supreme Court to be effective 1/1/08. Variations from the Model Rules are noted. Rules only; comment comparison not included.
Preamble	[9] Replaces language after “the bounds of the law” with: “Zealousness does not, under any circumstances, justify conduct that is unprofessional, discourteous or uncivil toward any person involved in the legal system.”
Scope	Same as MR
Rule 1.0	Same as MR
Rule 1.1	Same as MR
Rule 1.2	(c) Adds “or objectives, or both” after “limit the scope;” Adds to end of paragraph: “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 1.3	Same as MR
Rule 1.4	Same as MR
Rule 1.5	Replaces (b) with: <p style="margin-left: 40px;"><i>(b) When the lawyer has not regularly represented the client, the basis or rate of the fee and expenses shall be communicated to the client, in writing, before or within a reasonable time after commencing the representation. Except as provided in a written fee agreement, any material changes to the basis or rate of the fee or expenses are subject to the provisions of Rule 1.8(a).</i></p> (c) Replaces “prohibited...law” with “otherwise prohibited;” Replaces everything after “A contingent fee agreement shall” with: “ <i>meet all of the requirements of Chapter 23.3 of the Colorado Rules of Civil Procedure, “Rules Governing Contingent Fees;”</i> ” Replaces MR (d) and (e) with: <p style="margin-left: 40px;"><i>(d) Other than in connection with the sale of a law practice pursuant to Rule 1.17, a division of a fee between lawyers who are not in the same firm may be made only if:</i></p> <p style="margin-left: 80px;"><i>(1) the division is in proportion to the services performed by each lawyer or each lawyer assumes joint responsibility for the representation;</i></p> <p style="margin-left: 80px;"><i>(2) the client agrees to the arrangement, including the basis upon which the division of fees shall be made, and the client’s agreement is confirmed in writing; and</i></p> <p style="margin-left: 80px;"><i>(3) the total fee is reasonable.</i></p> <p style="margin-left: 40px;"><i>(e) Referral fees are prohibited.</i></p> <p style="margin-left: 40px;"><i>(f) Fees are not earned until the lawyer confers a benefit on the client or performs a legal service for the client. Advances of unearned fees are the property of the client and shall be deposited in the lawyer’s trust account pursuant to Rule 1.15(f)(1) until earned. If advances of</i></p>

	<p><i>unearned fees are in the form of property other than funds, then the lawyer shall hold such property separate from the lawyer's own property pursuant to Rule 1.15(a).</i></p> <p><i>(g) Nonrefundable fees and nonrefundable retainers are prohibited. Any agreement that purports to restrict a client's right to terminate the representation, or that unreasonably restricts a client's right to obtain a refund of unearned or unreasonable fees, is prohibited.</i></p>
Rule 1.6	<p>(b)(2) to reveal the client's intention to commit a crime and the information necessary to prevent the crime;</p> <p>(b)(3): same as MR (b)(2) but deletes "crime or"</p> <p>(b)(4): same as MR (b)(3)</p> <p>(b)(5): same as MR (b)(4) but adds "other law or a court order" to end</p> <p>(b)(6) and (7): same as MR (b)(5) and (6)</p> <p><b>Adopts modified 2003 Task Force changes</b></p>
Rule 1.7	Same as MR
Rule 1.8	(k) Changes "(a) through (i)" to "(b) through (i)."
Rule 1.9	Same as MR
Rule 1.10	<p>Combines (a) and (a)(1), and deletes (a)(2), and paragraphs (i), (ii), and (iii). Adds:(e) When a lawyer becomes associated with a firm, no lawyer associated in the firm shall knowingly represent a person in a matter in which that lawyer is disqualified under Rule 1.9 unless:</p> <p>(1) the matter is not one in which the personally disqualified lawyer substantially participated;</p> <p>(2) the personally disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom;</p> <p>(3) the personally disqualified lawyer gives prompt written notice (which shall contain a general description of the personally disqualified lawyer's prior representation and the screening procedures to be employed) to the affected former clients and the former clients' current lawyers, if known to the personally disqualified lawyer, to enable the former clients to ascertain compliance with the provisions of this Rule; and</p> <p>(4) the personally disqualified lawyer and the partners of the firm with which the personally disqualified lawyer is now associated reasonably believe that the steps taken to accomplish the screening of material information are likely to be effective in preventing material information from being disclosed to the firm and its client.</p> <p>Comments: Adopts [1] through [6], as well as [11] (Comment [7] in State Rules) and [12] (Comment [8] in State Rules).</p>
Rule 1.11	<p>(b)(2) is equivalent to MR but changes wording to:</p> <p><i>(2) the personally disqualified lawyer gives prompt written notice (which shall contain a general description of the personally disqualified lawyer's prior participation in the matter and the screening procedures to be employed), to the government agency to enable the government agency to ascertain compliance with the</i></p>

	<p><i>provisions of this Rule; and</i></p> <p>Adds (b)(3):</p> <p><i>(3) the personally disqualified lawyer and the partners of the firm with which the personally disqualified lawyer is now associated, reasonably believe that the steps taken to accomplish the screening of material information are likely to be effective in preventing material information from being disclosed to the firm and its client.</i></p>
Rule 1.12	<p>Does not adopt (c)(2) but adds (2) and (3):</p> <p><i>(2) the personally disqualified lawyer gives prompt written notice (which shall contain a general description of the personally disqualified lawyer’s prior participation in the matter and the screening procedures to be employed), to the parties and any appropriate tribunal, to enable the parties and the tribunal to ascertain compliance with the provisions of this Rule; and</i></p> <p><i>(3) the personally disqualified lawyer and the partners of the firm with which the personally disqualified lawyer is now associated, reasonably believe that the steps taken to accomplish the screening of material information are likely to be effective in preventing material information from being disclosed to the firm and its client.</i></p>
Rule 1.13	<p>Same as MR</p> <p><b>Adopts 2003 Task Force changes</b></p>
Rule 1.14	<p>Same as MR</p>
Rule 1.15	<p>(a) Timeframe is seven years, instead of five;</p> <p>Does not adopt MR (b) or (c);</p> <p>(b) is similar to MR (d) but deletes “notify...promptly;” adds “promptly” before “upon request;” deletes “shall promptly” before “render a full accounting;”</p> <p>(c) is similar to MR (e) but replaces “in the course of representation” with “in connection with a representation;” replaces language after “until” with “there is accounting and severance of their interests;” Adds as second-to-last sentence, “If a dispute arises concerning their respective interests, the portion in dispute shall be kept separate by the lawyer until the dispute is resolved;”</p> <p>Adds:</p> <p><i>Required Bank Accounts</i></p> <p><i>(d) Every lawyer in private practice in this state shall maintain in a financial institution doing business in Colorado, in the lawyer’s own name, or in the name of a partnership of lawyers, or in the name of an entity authorized pursuant to C.R.C.P. 265 of which the lawyer is a member, or in the name of the lawyer or entity by whom the lawyer is employed or with whom the lawyer is associated:</i></p> <p><i>(1) A trust account or accounts, separate from any business and personal accounts and from any fiduciary accounts that the lawyer may maintain as executor, guardian, trustee, or receiver, or in any other fiduciary capacity, into which the lawyer shall deposit funds entrusted to the lawyer’s care and any advance payment of fees that has not been earned or advance payment of expenses that have not been incurred. A</i></p>

*lawyer shall not be required to maintain a trust account if the lawyer never receives such funds or payments; and,*

*(2) A business account or accounts into which all funds received for professional services shall be deposited. All business accounts, as well as all deposit slips and all checks drawn thereon, shall be prominently designated as a “professional account” or an “office account”.*

*(e) With respect to trust accounts established pursuant to this Rule:*

*(1) One or more of the trust accounts may be a Colorado Lawyer Trust Account Foundation (“COLTAF”) account or accounts, as described in Rule 1.15(h)(2). All COLTAF accounts shall be designated “COLTAF Trust Account.”*

*(2) All such trust accounts, whether general or specific, as well as all deposits slips and checks drawn thereon, shall be prominently designated as a “trust account.” Nothing herein shall prohibit any additional descriptive designation for a specific trust account.*

*(3) Trust accounts shall be maintained only in financial institutions doing business in Colorado that are approved by the Regulation Counsel based upon policy guidelines adopted by the Board of Trustees of the Colorado Attorneys’ Fund for Client Protection. Regulation Counsel shall annually publish a list of such approved institutions. A financial institution shall be approved if it shall file with the Regulation Counsel an agreement, in a form provided, to report to the Regulation Counsel in the event any properly payable trust account instrument is presented against insufficient funds, irrespective of whether the instrument is honored; any such agreement shall apply to all branches of the financial institution and shall not be canceled except on thirty-days notice in writing to the Regulation Counsel. The agreement shall further provide that all reports made by the financial institution shall be in the following format: (1) in the case of a dishonored instrument, the report shall be identical to the overdraft notice customarily forwarded to the depositor; (2) in the case of an instrument that is presented against insufficient funds but which instrument is honored, the report shall identify the financial institution, the lawyer or law firm, the account number, the date of presentation for payment, and the date paid, as well as the amount of the overdraft created thereby. Such reports shall be made simultaneously with, and within the time provided by law for, notice of dishonor, if any; if an instrument presented against insufficient funds is honored, then the report shall be made within five banking days of the date of presentation for payment against insufficient funds. In addition, each financial institution approved by the Regulation Counsel must cooperate with the COLTAF program and must offer a COLTAF account to any lawyer who wishes to open one. In addition to the reports specified above, approved financial institutions shall agree to cooperate fully with the Regulation Counsel and to produce any trust account or business account records on receipt of a subpoena therefore in connection with any proceeding*

*pursuant to C.R.C.P. 251. Nothing herein shall preclude a financial institution from charging a lawyer or law firm for the reasonable cost of producing the reports and records required by this Rule, but such charges shall not be a transaction cost to be charged against funds payable to the COLTAF program. Every lawyer or law firm maintaining a trust account in this state shall, as a condition thereof, be conclusively deemed to have consented to the reporting and production requirements by financial institutions mandated by this Rule and shall indemnify and hold harmless the financial institution for its compliance with such reporting and production requirement. A financial institution shall be immune from suit arising out of its actions or omissions in reporting overdrafts or insufficient funds or producing documents under this Rule. The agreement entered into by a financial institution with the Regulation Counsel shall not be deemed to create a duty to exercise a standard of care and shall not constitute a contract for the benefit of any third parties that may sustain a loss as a result of lawyers overdrawing lawyer trust accounts.*

*(4) The name of institutions in which such accounts are maintained and identification numbers of each account shall be recorded on a statement filed with the annual attorney registration payment pursuant to C.R.C.P. 227(2). Such information shall be available for use in accordance with paragraph (j) of this Rule. For each COLTAF account, the statement shall indicate the account number, the name the account is under, and the depository institution.*

*Trust Account Requirements and Management; COLTAF Accounts*

*(f) All trust accounts shall be maintained in interest-bearing, insured depository accounts; provided, that with the consent of the client or third person whose funds are in the account, an account in which interest is paid to the client or third person need not be an insured depository account. All COLTAF accounts shall be insured depository accounts. For the purpose of this Rule, "insured depository accounts" shall mean government insured accounts at a regulated financial institution, on which withdrawals or transfers can be made on demand, subject only to any notice period which the institution is required to reserve by law or regulation.*

*(g) A lawyer may deposit funds reasonably sufficient to pay anticipated service charges or other fees for maintenance or operation of such account into trust accounts. Such funds shall be clearly identified in the lawyer's records of the account.*

*(h) COLTAF Accounts:*

*(1) Except as may be prescribed by subparagraph (2) below, interest earned on accounts in which the funds are deposited (less any deduction for service charges or fees of the depository institution) shall belong to the clients or third persons whose funds have been so deposited; and the lawyer or law firm shall have no right or claim to such interest.*

	<p><i>(2) If the funds are not held in accounts with the interest paid to clients or third persons as provided in subsection (h)(1) of this Rule, a lawyer or law firm shall establish a COLTAF account, which is a pooled interest-bearing insured depository account for funds of clients or third persons that are nominal in amount or are expected to be held for a short period of time in compliance with the following provisions:</i></p> <p><i>(a) No interest from such an account shall be payable to a lawyer or law firm.</i></p> <p><i>(b) The account shall include funds of clients or third persons that are nominal in amount or are expected to be held for a short period of time with the intent that such funds not earn interest in excess of the reasonably estimated cost of establishing, maintaining and accounting for trust accounts for the benefit of such clients or third parties.</i></p> <p><i>(c) A lawyer or law firm depositing funds in a COLTAF account shall direct the depository institution:</i></p> <p><i>(i) To remit interest, net of service charges or fees, if any are charged, computed in accordance with the institution's standard accounting practice, at least quarterly, to COLTAF; and</i></p> <p><i>(ii) To transmit with each remittance to COLTAF a statement showing the name of the lawyer or law firm on whose account the remittance is sent and the rate of interest applied.</i></p> <p><i>(d) The provisions of this subparagraph (h)(2) shall not apply in those instances where it is not feasible to establish a trust account for the benefit of COLTAF for reasons beyond the control of the lawyer or law firm, such as the unavailability of a financial institution in the community that offers such an account.</i></p> <p><i>(3) If a lawyer or law firm discovers that funds of any client or third person have mistakenly been held in a trust account for the benefit of COLTAF in a sufficient amount or for a sufficiently long time so that interest on the funds being held in such account exceeds the reasonably estimated cost of establishing, maintaining and accounting for a trust account for the benefit of such client or third person (including without limitation administrative costs of the lawyer or law firm, bank service charges, and costs of preparing tax reports of such income to the client or third person) the lawyer or law firm shall request COLTAF to calculate and remit trust account interest already received by it to the lawyer or law firm for the benefit of such client or third person in accordance with written procedures that COLTAF shall publish and make available through its website and shall provide to any lawyer or law firm upon request.</i></p> <p><i>(4) Information necessary to determine compliance or justifiable reasons for noncompliance with subparagraph (h)(2) shall be included in the annual attorney registration statement. COLTAF shall assist the Colorado Supreme Court in determining whether lawyers or law firms have complied in establishing the trust account required under subparagraph (h)(2). If it appears that a lawyer or law firm has not</i></p>
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*complied where it is feasible to do so, the matter may be referred to the Regulation Counsel for investigation and proceedings in accordance with C.R.C.P. 251.*

*(i) Management of Trust Accounts.*

*(1) ATM or Debit Cards. A lawyer shall not use any debit card or automated teller machine card to withdraw funds from a trust account.*

*(2) All trust account withdrawals and transfers shall be made only by a lawyer admitted to practice law in this state or by a person supervised by such lawyer and may be made only by authorized bank or wire transfer or by check payable to a named payee.*

*(3) Cash withdrawals and checks made payable to "Cash" are prohibited.*

*(4) Cancelled Checks. A lawyer shall request that the lawyer's trust account bank return to the lawyer, photo static or electronic images of cancelled checks written on the trust account. If the bank provides electronic images, the lawyer shall either maintain paper copies of the electronic images or maintain the electronic images in readily obtainable format.*

*(5) Persons Authorized to Sign. Only a lawyer admitted to practice law in this state or a person supervised by such lawyer shall be an authorized signatory on a trust account;*

*(6) Reconciliation of Trust Accounts. No less than quarterly, a lawyer shall reconcile the trust account records both as to individual clients and in the aggregate with the lawyer's trust account bank statement(s). Required Accounting Records; Retention of Records;*

*Availability of Records*

*(j) A lawyer, whether practicing as a sole practitioner, in a partnership, or through an entity authorized pursuant to C.R.C.P. 265, shall maintain in a current status and retain for a period of seven years after the event that they record:*

*(1) Appropriate receipt and disbursement records of all deposits in and withdrawals from all trust accounts and any other bank account that concerns the lawyer's practice of law, specifically identifying the date, payor and description of each item deposited as well as the date, payee, and purpose of each disbursement. All trust account monies intended for deposit shall be deposited intact without deductions or "cash out" from the deposit and the duplicate deposit slip that evidences the deposit must be sufficiently detailed to identify each item deposited;*

*(2) An appropriate record-keeping system identifying each separate person or entity for whom the lawyer holds money or property in trust, for all trust accounts, showing the payor of all funds deposited in such accounts, the names and addresses of all persons for whom the funds are or were held, the amount of such funds, the description and amounts of charges or withdrawals from such accounts, and the names of all persons to whom any such funds were disbursed;*

	<p>(3) Copies of all retainer and compensation agreements with clients (including written communications setting forth the basis or rate for the fees charged by the lawyer as required by Rule 1.5(b);</p> <p>(4) Copies of all statements to clients showing the disbursement of funds to them or on their behalf;</p> <p>(5) Copies of all bills issued to clients;</p> <p>(6) Copies of all records showing payments to any persons, not in the lawyer's regular employ, for services rendered or performed;</p> <p>(7) All bank statements and photo static copies or electronic copies of all canceled checks; and,</p> <p>(8) Copies of those portions of each client's case file reasonably necessary for a complete understanding of the financial transactions pertaining thereto.</p> <p>(k) The financial books and other records required by this Rule shall be maintained in accordance with one or more of the following recognized accounting methods: the accrual method, the cash basis method, and the income tax method. All such accounting methods shall be consistently applied. Bookkeeping records may be maintained by computer provided they otherwise comply with this Rule and provided further that printed copies can be made on demand in accordance with this Rule. They shall be located at the principal Colorado office of each lawyer, partnership, professional corporation, or limited liability corporation.</p> <p>(l) Dissolutions. Upon the dissolution of any partnership of lawyers or of any professional corporation or limited liability corporation, the former partners or shareholders shall make appropriate arrangements for the maintenance by one of them or by a successor firm of the records specified in subsection (j) of this Rule.</p> <p>(m) Availability Of Records. Any of the records required to be kept by this Rule shall be produced in response to a subpoena duces tecum issued by the Regulation Counsel in connection with proceedings pursuant to C.R.C.P. 251. When so produced, all such records shall remain confidential except for the purposes of the particular proceeding and their contents shall not be disclosed by anyone in such a way as to violate the attorney-client privilege of the lawyer's client.</p>
Rule 1.16	Same as MR
Rule 1.17	<p>(a) Similar to MR (a) but adds "in Colorado" after "practice of law" and after "area of practice;"</p> <p>(c)(3) Length of time in Colorado is sixty days, instead of ninety; replaces language following "sixty days" with: "of mailing of the notice to the client at the client's last known address; and;"</p> <p>(c) Deletes text from "If a client" to "transfer of a file."</p>
Rule 1.18	(c) Replaces "that person in the matter" with "the prospective client."
Rule 2.1	Adds to end of paragraph: "In a matter involving or expected to involve litigation, a lawyer should advise the client of alternative forms of dispute

	<i>resolution that might reasonably be pursued to attempt to resolve the legal dispute or to reach the legal objective sought.”</i>
Rule 2.3	Same as MR
Rule 2.4	Same as MR
Rule 3.1	Same as MR
Rule 3.2	Same as MR
Rule 3.3	Same as MR
Rule 3.4	(f)(1) Adds to end: “and the lawyer is not prohibited by other law from making such a request; and.”
Rule 3.5	Adds (4): <i>the communication is intended to or is reasonably likely to demean, embarrass, or criticize the jurors or their verdicts; or</i>
Rule 3.6	Same as MR
Rule 3.7	Same as MR
Rule 3.8	Does not adopt (g) or (h)
Rule 3.9	Replaces language after “capacity” with: <p style="text-align: center;"><i>Further, in such a representation, the lawyer:</i></p> <p style="text-align: center;"><i>(a) shall conform to the provisions of Rules 3.3(a)(1), 3.3(a)(3), 3.3(b), 3.3(c), and 3.4(a) and (b);</i></p> <p style="text-align: center;"><i>(b) shall not engage in conduct intended to disrupt such proceeding unless such conduct is protected by law; and</i></p> <p style="text-align: center;"><i>(c) may engage in ex parte communications, except as prohibited by law.</i></p>
Rule 4.1	Same as MR
Rule 4.2	Same as MR Changed “party” to “person” effective 1/1/08
Rule 4.3	Same as MR
Rule 4.4	Adds : <p style="text-align: center;"><i>(c) Unless otherwise permitted by court order, a lawyer who receives a document relating to the representation of the lawyer’s client and who, before reviewing the document, receives notice from the sender that the document was inadvertently sent, shall not examine the document and shall abide by the sender’s instructions as to its disposition.</i></p>
Rule 5.1	Same as MR
Rule 5.2	Same as MR
Rule 5.3	Same as MR
Rule 5.4	Adds (a)(2) : <p style="text-align: center;"><i>(2) a lawyer who undertakes to complete unfinished legal business of a deceased lawyer may pay to the estate of the deceased lawyer that proportion of the total compensation which fairly represents the services rendered by the deceased lawyer;</i></p> <p>(a)(3) is the same as MR (a)(2) ;  (a)(4) is the same as MR (a)(3) ;  (a)(5) is the same as MR (a)(4) ;</p>

	<p>(d) Adds “or limited liability company” after “association;” Does not adopt (d)(1), (d)(2), or (d)(3).</p>
Rule 5.5	<p>Rule is equivalent to MR Rule 5.5, but reorganizes and changes language:</p> <p>(a) <i>A lawyer shall not:</i></p> <ul style="list-style-type: none"><li>(1) <i>practice law in this jurisdiction without a license to practice law issued by the Colorado Supreme Court unless specifically authorized by C.R.C.P. 220, C.R.C.P. 221, C.R.C.P. 221.1, C.R.C.P. 222 or federal or tribal law;</i></li><li>(2) <i>practice law in a jurisdiction where doing so violates the regulations of the legal profession in that jurisdiction;</i></li><li>(3) <i>assist a person who is not authorized to practice law pursuant to subpart (a) of this Rule in the performance of any activity that constitutes the unauthorized practice of law; or</i></li><li>(4) <i>allow the name of a disbarred lawyer or a suspended lawyer who must petition for reinstatement to remain in the firm name.</i></li></ul> <p>(b) <i>A lawyer shall not employ, associate professionally with, allow or aid a person the lawyer knows or reasonably should know is a disbarred, suspended, or on disability inactive status to perform the following on behalf of the lawyer’s client:</i></p> <ul style="list-style-type: none"><li>(1) <i>render legal consultation or advice to the client;</i></li><li>(2) <i>appear on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, or hearing officer;</i></li><li>(3) <i>appear on behalf of a client at a deposition or other discovery matter;</i></li><li>(4) <i>negotiate or transact any matter for or on behalf of the client with third parties;</i></li><li>(5) <i>otherwise engage in activities that constitute the practice of law; or</i></li><li>(6) <i>receive, disburse or otherwise handle client funds.</i></li></ul> <p>(c) <i>Subject to the limitation set forth below in paragraph (d), a lawyer may employ, associate professionally with, allow or aid a lawyer who is disbarred, suspended (whose suspension is partially or fully served), or on disability inactive status to perform research, drafting or clerical activities, including but not limited to:</i></p> <ul style="list-style-type: none"><li>(1) <i>legal work of a preparatory nature, such as legal research, the assemblage of data and other necessary information, drafting of pleadings, briefs, and other similar documents;</i></li><li>(2) <i>direct communication with the client or third parties regarding matters such as scheduling, billing, updates, confirmation of receipt or sending of correspondence and messages; and</i></li><li>(3) <i>accompanying an active member in attending a deposition or other discovery matter for the limited purpose of providing assistance to the lawyer who will appear as the representative of the client.</i></li></ul>

	<p><i>(d) A lawyer shall not allow a person the lawyer knows or reasonably should know is disbarred, suspended, or on disability inactive status to have any professional contact with clients of the lawyer or of the lawyer's firm unless the lawyer:</i></p> <p><i>(1) prior to the commencement of the work, gives written notice to the client for whom the work will be performed that the disbarred or suspended lawyer, or the lawyer on disability inactive status, may not practice law; and</i></p> <p><i>(2) retains written notification for no less than two years following completion of the work.</i></p> <p><i>(e) Once notice is given pursuant to C.R.C.P. 251.28 or this Rule, then no additional notice is required.</i></p>
Rule 5.6	Same as MR
Rule 5.7	Same as MR
Rule 6.1	<p><i>(b) Adds "legal or public" before "services;"</i></p> <p><i>Adds to end: "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)."</i></p>
Rule 6.2	<i>(b) Adds "or otherwise oppressive" before "burden."</i>
Rule 6.3	Same as MR
Rule 6.4	Adds "to the organization" after "that fact."
Rule 6.5	Same as MR
Rule 7.1	<p><i>(a) and (a)(1) combined are the same as MR;</i></p> <p><i>Adds:</i></p> <p><i>(a)(2) compares the lawyer's services with other lawyers' services, unless the comparison can be factually substantiated;</i></p> <p><i>or</i></p> <p><i>(a)(3) is likely to create an unjustified expectation about results the lawyer can achieve;</i></p> <p><i>(b) No lawyer shall, directly or indirectly, pay all or a part of the cost of communications concerning a lawyer's services by a lawyer not in the same firm unless the communication discloses the name and address of the non-advertising lawyer, the relationship between the advertising lawyer and the non-advertising lawyer, and whether the advertising lawyer may refer any case received through the advertisement to the non-advertising lawyer.</i></p> <p><i>(c) Unsolicited communications concerning a lawyer's services mailed to prospective clients shall be sent only by regular U.S. mail, not by registered mail or other forms of restricted delivery, and shall not resemble legal pleadings or other legal documents.</i></p> <p><i>(d) Any communication that states or implies the client does not have to pay a fee if there is no recovery shall also disclose that the client</i></p>

	<p><i>may be liable for costs. This provision does not apply to communications that only state that contingent or percentage fee arrangements are available, or that only state the initial consultation is free.</i></p> <p><i>(e) A lawyer shall not knowingly permit, encourage or assist in any way employees, agents or other persons to make communications on behalf of the lawyer or the law firm in violation of this Rule or Rules 7.2 through 7.4.</i></p> <p><i>(f) In connection with the sale of a private law practice under Rule 1.17, an opinion of the purchasing lawyer's suitability and competence to represent existing clients shall not violate this Rule if the lawyer complies with Rule 1.17(d).</i></p>
Rule 7.2	<p>(b)(2) Replaces with:</p> <p><i>(2) pay the usual charges of a not-for-profit lawyer referral service or legal service organization.</i></p>
Rule 7.3	<p>Does not adopt MR (c);</p> <p>Adds:</p> <p><i>(c) A lawyer shall not solicit professional employment from a prospective client believed to be in need of legal services which arise out of the personal injury or death of any person by written, recorded, or electronic communication. This Rule 7.3(c) shall not apply if the lawyer has a family or prior professional relationship with the prospective client or if the communication is issued more than 30 days after the occurrence of the event for which the legal representation is being solicited. Any such communication must comply with the following:</i></p> <p><i>(1) no such communication may be made if the lawyer knows or reasonably should know that the person to whom the communication is directed is represented resented by a lawyer in the matter; and</i></p> <p><i>(2) if a lawyer other than the lawyer whose name or signature is contained in the communication will actually handle the case or matter, or if the case or matter will be referred to another lawyer or law firm, any such communication shall include a statement so advising the prospective client.</i></p> <p><i>(d) Every written, recorded or electronic communication from a lawyer soliciting professional employment from a prospective client known to be in need of legal services in a particular matter shall:</i></p> <p><i>(1) include the words "Advertising Material" on the outside envelope, if any, and at the beginning and ending of any recorded or electronic communication, unless the recipient of the communication is a person specified in paragraphs (a)(1) or (a)(2);</i></p> <p><i>(2) not reveal on the envelope or on the outside of a self-mailing brochure or pamphlet the nature of the prospective client's legal problem.</i></p>

	<p><i>A copy of or recording of each such communication and a sample of the envelopes, if any, in which the communications are enclosed shall be kept for a period of four years from the date of dissemination of the communication.</i></p> <p>(e) is the same as MR (d).</p>
Rule 7.4	<p>Deletes “and Specialization” from title;</p> <p>(a) Adds: “or that the lawyer is a specialist in particular fields of law. Such communication shall be in accordance with Rule 7.1;”</p> <p>Adds:</p> <p><i>(e) In any advertisement in which a lawyer affirmatively claims to be certified in any area of the law, such advertisement shall contain the following disclosure: "Colorado does not certify lawyers as specialists in any field." This disclaimer is not required where the information concerning the lawyer's services is contained in a law list, law directory or a publication intended primarily for use of the legal profession.</i></p>
Rule 7.5	Same as MR
Rule 7.6	Same as MR
Rule 8.1	Replaces “admission to the bar” with “admission, readmission, or reinstatement to the bar” throughout.
Rule 8.2	(a) Adds “or retention in” before “judicial or legal office.”
Rule 8.3	(c) Replaces language after “or judge while” with: “serving as a member of a lawyers’ peer assistance program that has been approved by the Colorado Supreme Court initially or upon renewal, to the extent that such information would be confidential if it were communicated subject to the attorney-client privilege.”
Rule 8.4	<p>Adds:</p> <p><i>(g) engage in conduct, in the representation of a client, that exhibits or is intended to appeal to or engender bias against a person on account of that person’s race, gender, religion, national origin, disability, age, sexual orientation, or socioeconomic status, whether that conduct is directed to other counsel, court personnel, witnesses, parties, judges, judicial officers, or any persons involved in the legal process; or</i></p> <p><i>(h) engage in any conduct that directly, intentionally, and wrongfully harms others and that adversely reflects on a lawyer’s fitness to practice law.</i></p>
Rule 8.5	(a) and (b) delete subtitle.

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As of February 11, 2010

**corrections or additions and the source of that information to John Holtaway, (312) 988-5298, [jholtaway@staff.abanet.org](mailto:jholtaway@staff.abanet.org).**