



Frequently Asked Questions About Licensed Legal Paraprofessionals

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Licensed legal paraprofessionals (LLPs) do not yet exist in Colorado—but that will change sometime in 2024. Under court rules approved by the Colorado Supreme Court in March 2023, paralegals and other legal paraprofessionals can apply for licensure to provide certain legal services in certain types of family law matters. Below are some helpful FAQs about the new LLP program.

What will LLPs be allowed to do?

CRCP 207.1 governs the scope of an LLP's practice of law in Colorado. LLPs can represent clients in marital/civil union dissolutions and legal separations; allocations of parental responsibility; establishing, enforcing, and modifying child support; name changes; protective orders; adult gender designation changes; and remedial contempt associated with that scope of practice. LLPs will be able to advise those clients, prepare and file papers in court, assist clients in mediation, and with some important limitations, appear at hearings. A longer description of what LLPs can do is set forth at CRCP 207.1(g). Civil and ethical rules requiring lawyers to have a good-faith basis for their filings and statements would apply to LLPs as well.

What will LLPs be prohibited from doing?

CRCP 207.1 lists the types of matters and services that an LLP cannot handle by themselves, and for those situations, a client must obtain the services of a licensed attorney or handle the matter themselves. An LLP still can assist in such situations under the supervision of a licensed attorney.

The matters and issues outside the authorized scope of an LLP's practice of law are:

- the registration of foreign orders;
- motions for or orders regarding punitive contempt citations under CRCP 107;
- matters involving an allegation of common law marriage;
- matters involving disputed parentage where there are more than two persons asserting or denying legal parentage;
- matters in which a non-parent's request for allocation of parental responsibility is contested by at least one parent;

- the preparation of or litigation regarding pre- or post-nuptial agreements;
- matters in which a party is a beneficiary of a trust and information about the trust will be relevant to resolution of the matter;
- matters in which a party intends to contest jurisdiction of the court over the matter;
- the preparation by the LLP of a qualified domestic relations order or other document allocating retirement assets that are not liquid at the time of the matter;
- the preparation by the LLP of documents needed to effectuate the sale or distribution of assets of a business entity or commercial property;
- matters in which an expert report or testimony is required to value an asset or determine income due to the inherent complexity of the asset or income at issue; and
- issues collateral to, but directly affecting, a matter that falls within the LLP's scope of practice when such issues require analysis and advice outside that scope of practice, such as immigration, criminal, and bankruptcy issues that could directly affect the resolution of the matter.

What will LLPs be able to do in court?

In addition to entering an appearance and filing pleadings and other documents in a court proceeding, LLPs will be allowed to represent their clients in court hearings. However, LLPs will not be allowed to examine or cross-examine witnesses. LLPs likewise cannot handle hearings when a court has determined that an expert report or testimony is required to value an asset or determine income due to the inherent complexity of the asset or income at issue.

Under the LLP ethics rules,¹ LLPs would be required to advise their clients about the limitations on their scope of practice.

How would members of the public know whether the legal professional is an LLP or a lawyer?

Under the LLP ethics rules, LLPs would be required to identify themselves as such, in-

cluding that they have only a limited license, in all advertising. LLPs would also need to use the LLP designation in all court filings.

LLPs will need to complete annual registration and comply with applicable continuing legal education requirements.² Failure to do so will result in an administrative suspension of their licenses.

Would LLPs be judicial employees?

No, they will be private individuals who qualify for licensure.

How would someone qualify for licensure to become an LLP?

CRCP 207.8 sets forth the requirements for licensure. All applicants must pass a family law exam and a legal ethics exam administered by the Office of LLP Admissions of the Colorado Supreme Court after having taken a legal ethics class. The legal ethics class may be taken within a degree program or as a stand-alone class. Applicants also must satisfy character and fitness requirements and take the Office of Attorney Regulation Counsel professionalism course.

There is a set of educational options as well as an experience option for an interested person to become eligible to sit for the exams. There are five different types of degrees set forth at CRCP 207.8(3) that can qualify. Regardless of the type of degree, all Colorado LLP applicants must also demonstrate completion of 1,500 hours of substantive law-related practical experience, including 500 hours of experience in Colorado family law, within the three years immediately preceding the date of submitting the LLP application.

If an applicant does not have a qualifying degree, they must demonstrate that they have worked the equivalent of three full-time years in employment constituting substantive law-related practical experience, which must include the equivalent of one full-time year focused on Colorado family law, during the five years immediately preceding the date of filing the application. This period of time also must meet the timing standard of degree applicants: 1,500 hours of substantive law-related practical experience, including 500 hours of experience

in Colorado family law, within the three years immediately preceding the date of submitting the LLP application.

The Office of LLP Admissions will issue guidance as to how applicants can demonstrate that their work experience qualifies. Applicants can expect that certification from a licensed attorney as to their completion of work experience will be necessary.

What happens if an LLP violates the ethical rules applicable to LLPs?

Under the program, LLPs would be required to abide by ethics rules (also known as professional conduct rules),³ modeled after those that apply to licensed attorneys. For example, LLPs would need to comply with confidentiality rules, conflict rules, court conduct rules, and money-handling rules just like licensed attorneys do.

If anyone believes that misconduct under those rules has occurred, that person could file a complaint with the Office of Attorney Regulation Counsel,⁴ which would follow attorney discipline and disability procedural rules to review the complaint. Serious misconduct could result in suspension or disbarment just as it would for licensed attorneys.

What material will be covered on the LLP exams?

A working group developed core competencies that a competent LLP is expected to know.⁵ The exam development team will use those core competencies to develop the LLP exams with the help of a psychometrics firm. Attorney competency exams will help inform the exam development process as well, such as the exam format of the Uniform Bar Exam and the Multistate Professional Responsibility Exam.

More information about the exams will be available later in 2023.

How does someone apply to become an LLP, and what can someone be doing to prepare for the application process?

The Office of LLP Admissions, housed within the Office of Attorney Admissions, will make an application available later in 2023. Interested individuals may wish to assemble academic and

employment records so they will be available during the application process. Interested individuals may also wish to review the core competencies for LLPs.

How much will LLPs charge clients? Would LLPs be able to provide services to any client regardless of their income or assets?

There will not be any cap on the fees LLPs charge clients, or any income or asset restrictions on the type of client LLPs serve. However, limitations on an LLP’s scope of practice—such as the inability to independently handle matters requiring an expert report to value income or an asset—are likely to lead to LLPs serving mostly moderate



income rather than higher income clients. Higher income or higher asset clients generally often have more complex matters that need the assistance of an attorney. As with attorneys, market forces will be the most significant factor in the rates LLPs charge clients. In states with similar programs, LLPs typically charge hourly rates ranging from a quarter to a half that of attorneys.

What will it cost to become an LLP?

The cost to become an LLP will depend in part on an individual’s educational path and whether they can meet the eligibility requirements through experience alone. However, they will be charged an application fee to help cover the cost of the exam, an annual registration fee, and certain costs associated with continuing legal

education. The annual registration fee currently is set at \$190 a year for the first three years of practice and \$325 each year after that. Other fees have not been determined.

LLPs practicing in a law firm (with lawyers) may have some of their preparation and practice costs absorbed by the firm. An LLP practicing as a solo or without lawyers necessarily has to pay the additional overhead costs associated with running an LLP firm.


Will malpractice insurance be required for LLPs?

There is no current proposal to require LLPs to carry malpractice insurance, since Colorado licensed attorneys are currently not required to have malpractice insurance. However, LLPs will be required to publicly disclose whether they carry malpractice insurance.

How will judicial officers be trained about this program?

Judicial officers will receive training at the statewide judicial conference and the statewide domestic relations and probate judicial conference, and will receive other virtual training as needed.

Conclusion

The Colorado Supreme Court’s lengthy process for determining the scope and details of the LLP program involved years of planning, a written public comment period, and a public hearing. The details of that process can be found at <https://coloradosupremecourt.com/AboutUs/PALS.asp>. Further updates on the roll-out of this new designation will be published on the Office of Attorney Regulation Counsel website. 

NOTES

1. [https://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Rule_Changes/2023/Rule%20Change%202023\(08\).pdf](https://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Rule_Changes/2023/Rule%20Change%202023(08).pdf).
2. *Id.*
3. [https://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Rule_Changes/2023/Rule%20Change%202023\(08\).pdf](https://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Rule_Changes/2023/Rule%20Change%202023(08).pdf).
4. [https://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Rule_Changes/2023/Rule%20Change%202023\(09\).pdf](https://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Rule_Changes/2023/Rule%20Change%202023(09).pdf).
5. <https://coloradosupremecourt.com/PDF/LLP/LLP%20Core%20Competencies%20-%204-13-23.pdf>.