

## Colorado Small Firm Staff Procedures Checklist

Colo. RPC 5.3(a) explains that a lawyer who possesses managerial authority must make reasonable efforts to ensure that non-lawyers conduct themselves in accordance with the lawyer’s professional responsibilities. Developing a staff procedures handbook will promote compliance among staff with a lawyer’s professional responsibilities. It will also encourage professionalism in interactions with clients and within the office. Further, looking beyond Colo. RPC 5.3, such a handbook can establish protocols for continuing legal education and performance reviews of staff. In the absence of a handbook, lawyers should still assess the following topics as a means of making sure staff conform to lawyers’ professional obligations.

<b>If so, does the handbook cover?</b>	<b>Ethical considerations and resources</b>
Use of social media by lawyers and staff (to avoid breaches of confidentiality)?	<ul style="list-style-type: none"> <li>• Lawyers and staff must be cautioned against disclosing client confidences on the internet</li> <li>• <a href="#">Colo. RPC 1.6</a></li> <li>• See Assessment #3, <a href="#">Ensuring That Confidentiality Requirements Are Met</a></li> </ul>
Responding to negative social media posts?	<ul style="list-style-type: none"> <li>• Lawyers and staff should be cautioned against responding with confidential information or unprofessional tone</li> <li>• <a href="#">Colo. RPC 1.6</a></li> </ul>
Internet and e-mail usage?	<ul style="list-style-type: none"> <li>• Lawyers and staff should be cautioned about inadvertently hitting “reply all.” A delay in sending (e.g., 30 seconds) can help avoid misaddressed mail.</li> <li>• <a href="#">Colo. RPC 1.4</a>; <a href="#">1.6</a></li> <li>• See Assessment 3, <a href="#">Ensuring That Confidentiality Requirements Are Met</a></li> </ul>
Are employees told not to use the firm’s e-mail for personal matters?	<ul style="list-style-type: none"> <li>• <a href="#">Sample Email Policy</a>, ABA Business Law Section</li> </ul>
Loss of portable devices which contain confidential information?	<ul style="list-style-type: none"> <li>• Password, voice, or facial recognition protect confidential information in the event of loss.</li> <li>• <a href="#">Colo. RPC 1.6</a></li> </ul>
Harassment?	
Confidentiality agreement signed by employees?	<ul style="list-style-type: none"> <li>• Staff should agree in writing to abide by confidentiality</li> <li>• <a href="#">Colo. RPC 1.6</a></li> <li>• See Assessment #3, <a href="#">Ensuring That Confidentiality Requirements Are Met</a></li> </ul>
Reimbursement policies that make it clear to attorneys and staff what can be appropriately charged to clients?	<ul style="list-style-type: none"> <li>• A uniform policy of fair charges for costs builds client satisfaction</li> <li>• <a href="#">Colo. RPC 1.5(a)</a></li> </ul>
Continuing legal education?	<ul style="list-style-type: none"> <li>• Continuing legal education is mandatory</li> <li>• <a href="#">Colo. RPC 1.1</a></li> <li>• C.R.C.P. 260</li> <li>• See Assessment #1, <a href="#">Developing Competent Practices</a></li> </ul>

Hiring (checking references, etc.)?	
Training of non-lawyer staff?	<ul style="list-style-type: none"> <li>• Staff must meet ethical standards</li> <li>• <a href="#">Colo. RPC 5.3</a></li> </ul>
Employee reviews?	<ul style="list-style-type: none"> <li>• <a href="#">Colo. RPC 5.3</a>; <a href="#">5.1</a></li> </ul>
Mentoring, including both scheduled and on-the-spot teaching?	<ul style="list-style-type: none"> <li>• Teaching and mentoring ultimately result in better quality</li> <li>• <a href="#">Colo. RPC 5.3</a>; <a href="#">5.1</a></li> </ul>
Addressing alcohol, drug or similar employee problems?	<ul style="list-style-type: none"> <li>• Timely action can lessen harm</li> <li>• C.R.C.P. 251.23</li> <li>• Colorado Lawyers' Assistance Program</li> <li>• C.R.C.P. 254</li> <li>• Colorado Lawyers Helping Lawyers (<a href="http://www.clhl.org">www.clhl.org</a>)</li> </ul>
Timely performance of tasks including <ul style="list-style-type: none"> <li>• Timely filing of pleadings?</li> <li>• Responses to client inquiries?</li> <li>• Deposit of funds into your trust account?</li> <li>• Calendaring of deadlines?</li> </ul>	<ul style="list-style-type: none"> <li>• Colo. RPC <a href="#">1.3</a>, <a href="#">1.4</a>, <a href="#">1.15A</a>, <a href="#">1.15B</a></li> </ul>
Is the handbook given to all lawyers and staff?	<ul style="list-style-type: none"> <li>• The handbook should be a ready reference tool</li> </ul>
Are workshops held at least annually to educate and remind all lawyers and staff of the policies in the handbook?	<ul style="list-style-type: none"> <li>• Renewing lawyer and staff familiarity with the handbook helps make the policies part of firm culture</li> </ul>