

Colorado Sole Practitioner 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 obligations. 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 staff performance reviews. 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.

| Does your staff handbook cover: | Ethical considerations and resources |
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| Use of social media by staff (to avoid breaches of confidentiality)? | <ul style="list-style-type: none"> • Staff should be warned against discussing client confidences on the internet. • Colo. RPC 1.6 • See Assessment #3, Ensuring That Confidentiality Requirements Are Met |
| Responding to negative social media posts? | <ul style="list-style-type: none"> • Avoid responding with disclosures of confidential information. • Colo. RPC 1.6 • See Assessment #2, Communicating in An Effective, Timely, Professional Manner and Maintaining Professional Relations |
| Internet and e-mail usage? | <ul style="list-style-type: none"> • Careful use of "reply all" and "forward" helps avoid inadvertent disclosure • Colo. RPC 1.4; 1.6 |
| Are employees told not to use the firm's e-mail for personal matters? | <ul style="list-style-type: none"> • Sample Email Policy, ABA Business Law Section |
| Loss of portable devices which contain confidential information? | <ul style="list-style-type: none"> • Password, voice recognition and face recognition can help keep electronic data confidential. • Colo. RPC 1.6 • See Assessment #3, Ensuring That Confidentiality Requirements Are Met |
| Harassment? | |
| Confidentiality agreement signed by employees? | <ul style="list-style-type: none"> • Reinforces the duty to keep client information confidential • Colo. RPC 1.6 |
| Reimbursement policies that make it clear to staff what can be appropriately charged to clients? | <ul style="list-style-type: none"> • A fixed list of costs for copying, postage, faxing, etc. will encourage uniformity and fairness to clients. • Colo. RPC 1.5(a) |
| Hiring (checking references, etc.)? | |
| Training of non-lawyer staff? | <ul style="list-style-type: none"> • Staff must meet ethical standards • Colo. RPC 5.3 |
| Employee reviews? | |
| Mentoring, including both scheduled and on-the-spot teaching? | <ul style="list-style-type: none"> • Teaching improves the quality of the firm's end product. |

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| <p>Addressing alcohol, drug, or similar employee problems?</p> | <ul style="list-style-type: none"> • If not addressed, such problems worsen • C.R.C.P. 251.23 • See Assessment #10, Creating a Culture of Wellness and Inclusivity • Colorado Lawyers' Assistance Program • C.R.C.P. 254 • Colorado Lawyers Helping Lawyers |
| <p>Timely performance of tasks including</p> <ul style="list-style-type: none"> • Timely filing of pleadings? • Responses to client inquiries? • Deposit of funds into your trust account? • Calendaring of deadlines? | <ul style="list-style-type: none"> • Colo. RPC 1.3, 1.4, 1.15A, 1.15B |
| <p>Is the handbook given to all employees?</p> | |
| <p>Are workshops held at least annually to educate and remind all staff of the policies in the handbook?</p> | |