

Colorado Small Firm Client Engagement Checklist

There are various ethical issues to consider before your firm agrees to represent a new client. Those issues include your firm's competency, but also the risk of taking on the client and whether the firm and the client can handle the representation from a financial perspective. Below you will find a number of questions to think about as your firm evaluates whether to take on a new client or agree to expand the scope of representation for an existing client.

Before agreeing to take on a matter or when expanding the scope of representation, do you consider the following:	Ethical considerations and resources
Does the firm analyze whether a new matter is one that the firm can handle with competence and a reasonable likelihood of success?	<ul style="list-style-type: none"> • Colo. RPC 1.1 • See Assessment #1, Developing Competent Practices
Is Compliance Counsel asked to review the new client or matter?	
Alternatively, is the billing manager given sole discretion on whether to take on the representation?	
Does the firm analyze whether it has the financial resources to take the case to trial and lose?	
If the firm does not have the financial resources to take the case to trial and lose, is there another firm with which to partner?	
If the area of law is not one with which the firm has experience, can the firm associate with experienced counsel?	<ul style="list-style-type: none"> • Colo. RPC 1.1, cmts. 2, 6
Does the firm attempt to detect and reject high-risk clients?	
Do you assess if a potential client:	
<ul style="list-style-type: none"> • Exaggerates the merits of his or her case? 	<ul style="list-style-type: none"> • Lawyers' Professional Liability in Colorado, 2016 Ed. (Michael T. Mihm, ed., CLE in Colo., Inc.), §22.2.2
<ul style="list-style-type: none"> • Blames the judge or accuses the judge of corruption? 	
<ul style="list-style-type: none"> • Wants revenge? 	<ul style="list-style-type: none"> • Lawyers' Professional Liability in Colorado, 2016 Ed. (Michael T. Mihm, ed., CLE in Colo., Inc.), §22.2.2
<ul style="list-style-type: none"> • Visited with other attorneys before coming to the firm? 	<ul style="list-style-type: none"> • Lawyers' Professional Liability in Colorado, 2016 Ed. (Michael T. Mihm, ed., CLE in Colo., Inc.), §22.2.2
If the client is existing do you check:	
<ul style="list-style-type: none"> • If the client is current on payment? 	

<ul style="list-style-type: none"> • If the client has the means to pay additional fees? 	
Are conflicts checks handled efficiently and accurately?	
<ul style="list-style-type: none"> • Does the conflicts checklist include maiden names and former names? 	<ul style="list-style-type: none"> • Colo. RPC 1.7 • Link to Working Group 4 Assessment
<ul style="list-style-type: none"> • Does the conflicts checklist include the names of opposing parties? 	<ul style="list-style-type: none"> • Colo. RPC 1.7 • Link to Working Group 4 Assessment
<ul style="list-style-type: none"> • Are new entities formed by the firm added to the conflicts checklist? 	
<ul style="list-style-type: none"> • Is the conflicts memo circulated to everyone in the firm, including staff? 	
Fee Agreements	
Is there a signed fee agreement?	<ul style="list-style-type: none"> • Colo. RPC 1.5 • <i>Lawyers' Professional Liability in Colorado</i>, second edition, § 3.2 and Exhibit 3A
If it is a contingency matter, is the appropriate language included?	<ul style="list-style-type: none"> • C.R.C.P. Chapter 23.3