

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.

If so, does the handbook cover?	Ethical considerations and resources
Use of social media by lawyers and staff (to avoid breaches of confidentiality)?	<ul style="list-style-type: none"> • Lawyers and staff must be cautioned against disclosing 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"> • Lawyers and staff should be cautioned against responding with confidential information or unprofessional tone • Colo. RPC 1.6
Internet and e-mail usage?	<ul style="list-style-type: none"> • Lawyers and staff should be cautioned about inadvertently hitting “reply all.” A delay in sending (e.g., 30 seconds) can help avoid misaddressed mail. • Colo. RPC 1.4; 1.6 • See Assessment 3, Ensuring That Confidentiality Requirements Are Met
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, or facial recognition protect confidential information in the event of loss. • Colo. RPC 1.6
Harassment?	
Confidentiality agreement signed by employees?	<ul style="list-style-type: none"> • Staff should agree in writing to abide by confidentiality • Colo. RPC 1.6 • See Assessment #3, Ensuring That Confidentiality Requirements Are Met
Reimbursement policies that make it clear to attorneys and staff what can be appropriately charged to clients?	<ul style="list-style-type: none"> • A uniform policy of fair charges for costs builds client satisfaction • Colo. RPC 1.5(a)
Continuing legal education?	<ul style="list-style-type: none"> • Continuing legal education is mandatory • Colo. RPC 1.1 • C.R.C.P. 260 • See Assessment #1, Developing Competent Practices

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?	<ul style="list-style-type: none"> • Colo. RPC 5.3; 5.1
Mentoring, including both scheduled and on-the-spot teaching?	<ul style="list-style-type: none"> • Teaching and mentoring ultimately result in better quality • Colo. RPC 5.3; 5.1
Addressing alcohol, drug or similar employee problems?	<ul style="list-style-type: none"> • Timely action can lessen harm • C.R.C.P. 251.23 • Colorado Lawyers' Assistance Program • C.R.C.P. 254 • Colorado Lawyers Helping Lawyers (www.clhl.org)
Timely performance of tasks including <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
Is the handbook given to all lawyers and staff?	<ul style="list-style-type: none"> • The handbook should be a ready reference tool
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"> • Renewing lawyer and staff familiarity with the handbook helps make the policies part of firm culture