

## 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.

<b>Does your staff handbook cover:</b>	<b>Ethical considerations and resources</b>
Use of social media by staff (to avoid breaches of confidentiality)?	<ul style="list-style-type: none"> <li>• Staff should be warned against discussing 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>• Avoid responding with disclosures of confidential information.</li> <li>• <a href="#">Colo. RPC 1.6</a></li> <li>• See Assessment #2, <a href="#">Communicating in An Effective, Timely, Professional Manner and Maintaining Professional Relations</a></li> </ul>
Internet and e-mail usage?	<ul style="list-style-type: none"> <li>• Careful use of “reply all” and “forward” helps avoid inadvertent disclosure</li> <li>• <a href="#">Colo. RPC 1.4; 1.6</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 recognition and face recognition can help keep electronic data confidential.</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>
Harassment?	
Confidentiality agreement signed by employees?	<ul style="list-style-type: none"> <li>• Reinforces the duty to keep client information confidential</li> <li>• <a href="#">Colo. RPC 1.6</a></li> </ul>
Reimbursement policies that make it clear to staff what can be appropriately charged to clients?	<ul style="list-style-type: none"> <li>• A fixed list of costs for copying, postage, faxing, etc. will encourage uniformity and fairness to clients.</li> <li>• <a href="#">Colo. RPC 1.5(a)</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?	
Mentoring, including both scheduled and on-the-spot teaching?	<ul style="list-style-type: none"> <li>• Teaching improves the quality of the firm’s end product.</li> </ul>

<p>Addressing alcohol, drug, or similar employee problems?</p>	<ul style="list-style-type: none"> <li>• If not addressed, such problems worsen</li> <li>• C.R.C.P. 251.23</li> <li>• See Assessment #10, <a href="#">Creating a Culture of Wellness and Inclusivity</a></li> <li>• <a href="#">Colorado Lawyers' Assistance Program</a></li> <li>• C.R.C.P. 254</li> <li>• <a href="#">Colorado Lawyers Helping Lawyers</a></li> </ul>
<p>Timely performance of tasks including</p> <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>
<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>	