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.

<table>
<thead>
<tr>
<th>If so, does the handbook cover?</th>
<th>Ethical considerations and resources</th>
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| Use of social media by lawyers and staff (to avoid breaches of confidentiality)? | • 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? | • Lawyers and staff should be cautioned against responding with confidential information or unprofessional tone  
• [*Colo. RPC 1.6*](#) |
| Internet and e-mail usage? | • 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? | • [*Sample Email Policy*, ABA Business Law Section](#) |
| Loss of portable devices which contain confidential information? | • Password, voice, or facial recognition protect confidential information in the event of loss.  
• [*Colo. RPC 1.6*](#) |
| Harassment? | • Staff should agree in writing to abide by confidentiality  
• [*Colo. RPC 1.6*](#)  
• *See Assessment #3, Ensuring That Confidentiality Requirements Are Met* |
| Confidentiality agreement signed by employees? | • A uniform policy of fair charges for costs builds client satisfaction  
• [*Colo. RPC 1.5(a)*](#) |
| Reimbursement policies that make it clear to attorneys and staff what can be appropriately charged to clients? | • Continuing legal education is mandatory  
• [*Colo. RPC 1.1*](#)  
• C.R.C.P. 260  
• *See Assessment #1, Developing Competent Practices* |
| Continuing legal education? | • Continuing legal education is mandatory  
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<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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<tbody>
<tr>
<td>Hiring (checking references, etc.)?</td>
<td></td>
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<tr>
<td>Training of non-lawyer staff?</td>
<td>- Staff must meet ethical standards</td>
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<td></td>
<td><a href="#">Colo. RPC 5.3</a></td>
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<tr>
<td>Employee reviews?</td>
<td><a href="#">Colo. RPC 5.3; 5.1</a></td>
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</tbody>
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| Mentoring, including both scheduled and on-the-spot teaching?          | - Teaching and mentoring ultimately result in better quality  
  - [Colo. RPC 5.3; 5.1](#)                                                                                                                                                                     |
| Addressing alcohol, drug or similar employee problems?                | - 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  
  - Timely filing of pleadings?  
  - Responses to client inquiries?  
  - Deposit of funds into your trust account?  
  - Calendaring of deadlines? | - [Colo. RPC 1.3, 1.4, 1.15A, 1.15B](#)                                                                                                                                                        |
| Is the handbook given to all lawyers and staff?                       | - 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? | - Renewing lawyer and staff familiarity with the handbook helps make the policies part of firm culture                                                                                             |