

RULE CHANGE 2018(10)
COLORADO RULES OF CIVIL PROCEDURE

Rule 256. The Colorado Lawyer Self-Assessment Program

(1) The Colorado Supreme Court Lawyer Self-Assessment Program. The Colorado Supreme Court hereby establishes the Colorado Lawyer Self-Assessment Program. The Colorado Lawyer Self-Assessment Program allows lawyers and law firms to evaluate confidentially and voluntarily the systems and procedures they have in place to promote compliance with professional obligations. The program gives lawyers and law firms the opportunity to improve the quality of legal services offered and to build greater client satisfaction through proactive practice review. This program also promotes access to justice, as well as inclusivity and well-being among lawyers and their staff.

Lawyer participation in this program furthers the objectives in the Preamble to Chapters 18-20 of the Colorado Rules of Civil Procedure.

The Colorado Supreme Court additionally finds that maintaining the confidentiality of information prepared, created, or communicated by a lawyer or by a law firm administrator, employee, or consultant acting under the direction of a lawyer, in connection with a lawyer self-assessment will enhance participation in the Colorado Lawyer Self-Assessment Program, which will further the objectives referenced above.

(2) Definitions. As used in this rule:

(a) “Confidential information” means any information, including, but not limited to, documents, notations, notes, records, writings, and responses prepared or created by a lawyer or by a law firm administrator, law firm employee, or consultant under the direction of a lawyer, in connection with a lawyer self-assessment. Confidential information includes any conclusions or evaluations made by a lawyer or by a law firm administrator, law firm employee, or consultant acting under the direction of a lawyer, in connection with a lawyer self-assessment. Confidential information also includes any oral, written, or electronic communication by or to a lawyer or law firm administrator, law firm employee, or consultant acting under the direction of a lawyer, in connection with a lawyer self-assessment. Confidential information further includes any information generated or communicated as part of a law practice review.

(b) “Lawyer self-assessment” means any lawyer self-assessment tool approved by the Colorado Supreme Court Advisory Committee. This includes both the online survey self-assessment tool and the downloadable and printable survey tool available at www.coloradosupremecourt.com.

(c) “Law practice review” means any oral, written, or electronic communications between a lawyer who has completed a lawyer self-assessment and one or more law practice reviewers for purposes of obtaining feedback and guidance on that lawyer’s practice.

(d) “Law practice reviewer” means a lawyer, and any consultant acting under the direction of a lawyer, who agrees to provide practice feedback and guidance to a lawyer following completion of a lawyer self-assessment.

(3) Program Administration. The Office of Attorney Regulation Counsel shall be responsible for the administration of the Colorado Lawyer Self-Assessment Program.

(4) Confidentiality.

(a) Confidential information shall not be utilized in any disciplinary or disability complaint or investigation, and shall be excluded as evidence in any disciplinary or disability proceeding before

the Supreme Court Attorney Regulation Committee, the Presiding Disciplinary Judge of the Supreme Court, or the Colorado Supreme Court.

(b) Confidential information that lawyers or staff within a law firm communicate with other lawyers or staff in the same law firm and concerning a lawyer self-assessment shall be kept strictly confidential, shall not be utilized in any disciplinary or disability complaint or investigation, and shall be excluded as evidence in any disciplinary or disability proceeding before the Supreme Court Attorney Regulation Committee, the Presiding Disciplinary Judge of the Supreme Court, or the Colorado Supreme Court.

(c) The Office of Attorney Regulation Counsel shall not collect any personally-attributable answer data from lawyers who participate in the Colorado Lawyer Self-Assessment Program, nor shall any confidential information be used in any investigation or any disciplinary or disability proceeding initiated by the Office of Attorney Regulation Counsel.

(5) Immunity. Any law practice reviewer is immune from suit and liability for damages in any legal proceeding related to participation in law practice review, provided the law practice reviewer acted in good faith. Law practice reviewers shall be relieved of the duty of disclosure of information to authorities imposed by Colo. RPC 8.3(a).

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Amended and Adopted by the Court, En Banc, June 28, 2018, effective immediately.

By the Court:

Monica M. Márquez
Justice, Colorado Supreme Court