

Colorado Sole Practitioner Client Engagement Checklist

There are various professionalism issues to consider before agreeing to represent a new client, or when expanding the scope of representation with a current client. Those issues include your competency, but also the risk of taking on the client and whether you and the client can handle the representation financially. Below are number of questions to think about as you evaluate 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
Is the new client matter is one that you can handle with competence and reasonable likelihood of success?	<ul style="list-style-type: none"> • Colo. RPC 1.1 • See Assessment #1, Developing Competent Practices
Do you have the financial resources to take the case to trial and lose?	<ul style="list-style-type: none"> • See Assessment #1, Developing Competent Practices
If you do not have the financial resources to take the case to trial and lose, is there another firm with which to partner?	<ul style="list-style-type: none"> • See Assessment #1, Developing Competent Practices
If the area of law is not one with which you have experience, can you 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 asses 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 judges 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 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
<ul style="list-style-type: none"> • Has been represented by other attorneys in the same matter? 	<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"> • Where the client is current on payment? 	
<ul style="list-style-type: none"> • Whether the client has the means to pay additional fees? 	

<ul style="list-style-type: none"> • Whether a new matter is one that you 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
Are conflicts checks handled efficiently and accurately?	
<ul style="list-style-type: none"> • Are conflicts checks handled efficiently and accurately? 	<ul style="list-style-type: none"> • Colo. RPC 1.7 • See Assessment #4, Avoiding Conflicts of Interest
<ul style="list-style-type: none"> • Does the conflicts checklist include maiden names and former names? 	<ul style="list-style-type: none"> • See Assessment #4, Avoiding Conflicts of Interest
<ul style="list-style-type: none"> • Does the conflicts checklist include the names of opposing parties? 	<ul style="list-style-type: none"> • See Assessment #4, Avoiding Conflicts of Interest
<ul style="list-style-type: none"> • Is the conflict memo circulated to everyone in the firm? 	
Do you have form engagement letters?	
If so, do your letters clearly set out:	<ul style="list-style-type: none"> • See Assessment #7, Charging Appropriate Fees And Making Appropriate Disbursements
<ul style="list-style-type: none"> • Scope of engagement? 	<ul style="list-style-type: none"> • Colo. RPC 1.2(c)
<ul style="list-style-type: none"> • Milestones for payment or the hourly rate of fees? 	<ul style="list-style-type: none"> • Colo. RPC 1.5(b) • Lawyers' Professional Liability in Colorado, 2016 Ed. (Michael T. Mihm, ed., CLE in Colo., Inc.), § 3.2 and Exhibit 3A
<ul style="list-style-type: none"> • Payment and renewal of a retainer? 	<ul style="list-style-type: none"> • If a contingency matter, C.R.C.P. Chapter 23.3
<ul style="list-style-type: none"> • Requirement of client cooperation and disclosure? 	<ul style="list-style-type: none"> • Hiring and Working with an Attorney
<ul style="list-style-type: none"> • Termination by counsel and client? 	
<ul style="list-style-type: none"> • Payment upon termination? 	
<ul style="list-style-type: none"> • Return of files? 	