



PMBR Working Group #3: CONFIDENTIALITY

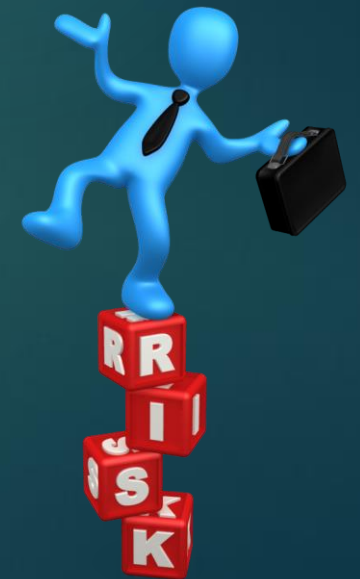
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Our process

- ▶ Identify goals of PMBR
- ▶ Review resources:
 - ▶ Canadian Bar Association Self-Evaluation Tool
 - ▶ New South Wales, Australia Self-Assessment Form
 - ▶ Nova Scotia Self-Assessment Tool
 - ▶ Colorado Self-Audit Checklist
 - ▶ Anthony Davis book
- ▶ Develop self-assessment form with an eye towards an interactive form



Goal of Proactive Management Based Regulation

- ▶ Help lawyers manage risk by incorporating ethical principles into their business structure to better serve their clients and grow their business



Factors we considered...

- ▶ Developed primarily for:
 - ▶ Sole practitioners
 - ▶ Small firms
- ▶ Duration of time to complete:
 - ▶ Estimate 15-20 minutes to complete Confidentiality portion of the self-assessment form
 - ▶ **Longer time investment to implement systems suggested by form**
- ▶ Issues we're still contemplating:
 - ▶ How do we incentivize lawyers to: invest the time to complete the self-assessment and implement the suggested policies?
 - ▶ Many of the suggestions include developing written policies; how do we incentivize a sole practitioner this is worth his/her time?



Risk Management Tools: Self-Assessment Form

- ▶ We envision an **interactive** self-assessment form which includes:
 - ▶ Suggested practices/policies
 - ▶ Rule summaries and references
 - ▶ Description of common ethical issues
 - ▶ Interactive resources including links to written materials, websites, videos
 - ▶ **Maybe even feedback to the practitioner**
 - ▶ Risk “gauge” (Bayesian analysis)
 - ▶ Certification for completing process
 - ▶ Review by PMBR facilitator
 - ▶ Report card



Format of Self-Assessment Form (hand-out)

Questionnaire	Yes	No	N/A	Common Ethical Issues Involving Confidentiality	Other Resources

Discussion and feedback

- ▶ Goals
- ▶ Process
- ▶ Content

