

Colo. R. Prof'l. Cond. 5.3A

Rule 5.3A - Responsibilities Regarding LLPs

(a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all LLPs in the firm conform to the LLP Rules of Professional Conduct and that each LLP's conduct is compatible with the professional obligations of the lawyer.

(b) A lawyer having direct supervisory authority over an LLP shall make reasonable efforts to ensure that the LLP conforms to the LLP Rules of Professional Conduct and that LLP's conduct is compatible with the professional obligations of the lawyer.

(c) A lawyer shall be responsible for an LLP's violation of the LLP Rules of Professional Conduct if:

(1) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or

(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the LLP practices, or has direct supervisory authority over the LLP, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

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Adopted by the Court, En Banc, effective 11/16/2023.

COMMENT

[1] This Rule applies when a lawyer is working with an LLP in the lawyer's firm who is performing services within the scope of the LLP's licensure. See also Rule 5.3 (responsibilities regarding nonlawyer assistance).