

Colo. Lic. Paraprofe. R. Profe. Cond. 1.18

Rule 1.18 - Duties to Prospective Client

- (a) A person who consults with an LLP about the possibility of forming a client-LLP relationship with respect to a matter is a prospective client.
- (b) Even when no client-LLP relationship ensues, an LLP who has learned information from a prospective client shall not use or reveal that information, except as Rule 1.9 would permit with respect to information of a former client.
- (c) An LLP subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the LLP received information from the prospective client that could be significantly harmful to the prospective client, except as provided in paragraph (d). If an LLP is disqualified from representation under this paragraph, no LLP or lawyer in a firm with which that LLP is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d).
- (d) When the LLP has received disqualifying information as defined in paragraph (c), representation is permissible if:
- (1) both the affected client and the prospective client have given informed consent, confirmed in writing; or
 - (2) the LLP who received the information took reasonable measures to avoid exposure to more disqualifying information than was reasonably necessary to determine whether to represent the prospective client; and
 - (i) the disqualified LLP is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and
 - (ii) written notice is promptly given to the prospective client.

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Amended and Adopted by the Court, En Banc, April 13, 2023, effective 7/1/2023.
