



## Colo. Lic. Paraprof. R. Profe. Cond. 3.6

### Rule 3.6 - Trial Publicity

- (a) A LLP who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the LLP knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.
- (b) Notwithstanding paragraph (a), an LLP may state:
- (1) the claim, offense or defense involved and, except when prohibited by law, the identity of the persons involved;
  - (2) information contained in a public record;
  - (3) that an investigation of a matter is in progress;
  - (4) the scheduling or result of any step in litigation;
  - (5) a request for assistance in obtaining evidence and information necessary thereto;
  - (6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and
  - (7) in a criminal case, in addition to subparagraphs (1) through (6):
    - (i) the identity, residence, occupation and family status of the accused;
    - (ii) if the accused has not been apprehended, information necessary to aid in apprehension of that person;
    - (iii) the fact, time and place of arrest; and
    - (iv) the identity of investigating and arresting officers or agencies and the length of the investigation.
- (c) Notwithstanding paragraph (a), an LLP may make a statement that a reasonable LLP would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the LLP or the LLP's client. A statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity.
- (d) No LLP associated in a firm or government agency with a lawyer or LLP subject to paragraph (a) shall make a statement prohibited by paragraph (a).

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

