

Colorado Rule of Civil Procedure 254

(1) Colorado Lawyer Assistance Program. The Colorado Supreme Court hereby establishes an independent Colorado Lawyer Assistance Program (“COLAP”). The goal of such program is:

(a) To protect the interests of clients, litigants and the public from harm by judges and lawyers experiencing cognitive, emotional, mental health, substance use, or addiction issues (behavioral health issues);

(b) To assist members of the legal profession with behavioral health issues that negatively impact their career, ability to practice, and/or well-being; and

(c) To educate the bench, bar and law schools about behavioral health issues impacting members of the legal profession.

Such program and its Executive Director (Director) shall be under the supervision of the Supreme Court Advisory Committee (Advisory Committee) as set forth in C.R.C.P. 242.3(c)(2). The Advisory Committee is a permanent committee of the Colorado Supreme Court. See C.R.C.P. 242.3.

(2) COLAP Services. COLAP may provide the following services:

(a) Consultation with members of the legal profession experiencing issues that negatively impact their career, ability to practice, or well-being;

(b) Providing tailored clinical, therapeutic, recovery support, or other resource referrals to members of the legal profession based on information shared with COLAP;

(c) Educational programming and outreach to increase awareness and reduce stigma about behavioral health issues impacting the legal profession, including information about signs and symptoms; the impact these issues have on members of the legal profession; methods of prevention, mitigation and treatment; and the assistance available through COLAP;

(d) Assisting family, friends, staff, colleagues, or other members of the legal profession to communicate with a judge, lawyer, or law student they believe is experiencing a behavioral health issue or could benefit from COLAP services; and

(e) Voluntary monitoring for members of the legal profession residing in Colorado to assist ongoing recovery of behavioral health issues. Monitoring supports continuity of care following treatment, a clinical assessment, or an aftercare service plan and may include tracking attendance at counseling, therapy, and support group meetings and reviewing drug and alcohol test results.

(3) Director. The Advisory Committee shall appoint a COLAP Director who serves at the pleasure of the Advisory Committee. The Director shall coordinate the annual budget of COLAP with the Advisory Committee. A portion of the annual attorney registration fee shall be used to establish and administer COLAP.

(4) Qualifications. The Director shall have sufficient experience and training to enable the Director to assist members of the legal profession experiencing behavioral health issues.

(5) Powers and Duties. The Director is authorized and empowered to act in accordance with this rule, under a budget approved by the supreme court, by:

(a) Maintaining and supervising a permanent, central office;

(b) Hiring and supervising a staff to carry out the duties of the Director;

(c) Adopting practices needed to govern the internal operation of COLAP;

(d) Providing initial responses to requests for assistance and educational programming;

(e) Maintaining regular contact with entities and individuals that work with or for the legal community, including treatment providers, bar associations, agencies, organizations, and committees;

(f) Recruiting and training COLAP volunteers;

(g) Maintaining information on referrals resources;

(h) Establishing and administering voluntary monitoring of behavioral health issues for whom monitoring is appropriate;

(i) Reviewing and amending COLAP programming, support services, and educational outreach when necessary to further the goals of COLAP, maintain best practices, and provide updated behavioral health information; and

(j) Perform such other duties as the Colorado Supreme Court or Advisory Committee may direct.

(6) Confidentiality.

(a) Information and actions taken by COLAP shall be privileged and held in strictest confidence and shall not be disclosed or required to be disclosed to any person or entity outside of COLAP, unless such disclosure is authorized by the member of the legal profession to whom it relates. Such information and actions shall be excluded as evidence in any complaint, investigation or proceeding before the Supreme Court Attorney Regulation Committee, the Presiding Disciplinary Judge of the Supreme Court, or the Colorado Supreme Court.

(b) COLAP employees, and volunteers recruited under this rule shall be deemed to be participating in a lawyer's peer assistance program approved by the Colorado Supreme Court as provided in Colo. RPC 8.3(c).

(c) The Director, pursuant to a valid subpoena, is prohibited from disclosing information, files, records or documents that are confidential as provided by this rule unless the Colorado Supreme Court orders otherwise.

(7) Immunity.

(a) Any person reporting information to COLAP employees or agents including volunteers recruited under C.R.C.P. 254 shall be entitled to the immunities and presumptions under C.R.C.P. 242.8.

(b) COLAP members, employees and agents including volunteers recruited under C.R.C.P. 254 shall be entitled to the immunities and presumptions under C.R.C.P. 242.8.

(c) COLAP members, employees and agents including volunteers recruited under rule are relieved of the duty of disclosure of information to authorities as imposed by Rule 8.3(a).

Editors' Notes

COMMENTS

The confidentiality provision under 254(6) does not supersede state laws that impose a duty upon behavioral health and medical professionals to warn and protect should threats of imminent harm to self, others, or locations be communicated to them, or state laws requiring mandatory reporting of child and elder abuse or neglect.